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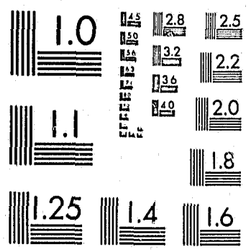

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RETHINKING IMPRISONMENT IN WASHINGTON STATE: CRITICAL PUBLIC POLICY CHOICES

MAY 1983

WC C&D

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RETHINKING IMPRISONMENT IN WASHINGTON STATE: CRITICAL PUBLIC POLICY CHOICES

U.S. Department of Justice
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TABLE OF CONTENTS

		Page
I.	INTRODUCTION	1
II.	WASHINGTON STATE CORRECTIONS	3
	A. Department of Corrections Structure	3
	B. Current Correctional Capacity & Population	6
III.	PROJECTING PRISON POPULATION & CURRENT CONSTRUCTION PLANS	19
	A. Prison Population Forecast	19
	B. Construction Plans	25
IV.	QUESTIONING THE INCARCERATIVE PRESUMPTION	27
	A. Presumptive Sentencing	28
	B. Alternatives to Incarceration	37
V.	CONCLUSION	42
VI.	APPENDICES	44
VII.	FOOTNOTES	48

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RETHINKING IMPRISONMENT IN WASHINGTON STATE: CRITICAL PUBLIC POLICY CHOICES

I. Introduction

> ...penal practices, rather than being governed by mysterious and mechanical forces, can be affected by doctrine and conscious policy. That this should require emphasis is itself remarkable.[1]
>
> Michael Sherman and Gordon Hawkins
> Imprisonment in America, 1981

The purpose of this report is to examine the public policies being pursued in Washington State in regard to the confinement of adult felons. Specifically the objectives of the report are threefold: (1) to assess the status of corrections in this state, particularly in light of current capacity and offender population characteristics, (2) to examine prison population projection data and proposed construction projects,[2] and (3) to challenge what might be termed "the incarcerative presumption," by considering various public policy alternatives, especially sentencing reform.

This report is not an investigation of prison conditions in this state nor a review of managerial issues within institutions. Likewise, county and city jails are outside the immediate scope of the paper as is an extensive delineation of the purposes---often of a contradictory nature---of criminal sanctions. Finally, this report will not attempt to comprehensively review the myriad of issues inherent in the Sentencing Guidelines Commissions's recommendations which have been adopted by the 1983 Legislature, for implementation in 1984.

What prompted this report was the adoption of a draft "Policy Statement Concerning Prison Construction," by the Board of Directors of the Washington Council on Crime and Delinquency (WCCD) on December 1, 1982. The policy statement appears on the next page:

WASHINGTON COUNCIL ON CRIME AND DELINQUENCY

Policy Statement
CONCERNING PRISON CONSTRUCTION

Adopted December 1982

In November 1982, Washington prisons and other state correctional facilities held over 6,400 adult convicted felons. Space at new and expanded facilities will enable the Department of Corrections to house 7,027 persons by April 1985 without building additional prisons. In light of the Sentencing Guidelines Commission's projections of 6,521 total inmates in FY 1985 and 6,219 in FY 1995, this is enough.

Planning for the prisons proposed in Clallam County and Grandview should be stopped by the Governor and Legislature now.

The public can be protected adequately from violent criminal offenders without building an additional 500-bed prison, at a cost of $43 million, or $86,000 per bed, not including interest. Current operating costs exceed $17,000 per year per inmate.

The guidelines to be submitted by the Sentencing Guidelines Commission should reflect the direction of the Legislature to utilize alternatives to prison to the maximum extent feasible for those offenders who do not present a threat to the public safety. Sentencing guidelines can and should recognize the limits of existing prison capacity, rather than lead us along an endless path which will require an additional 500-bed prison in the State of Washington every biennium.

Restitution, financial penalties, community service work, community supervision and restrictions on liberties which do not require total confinement, can be used as effective penalties. We cannot afford the attitude that the only real penalty is a lengthy term spent in a secure prison or jail. We need also recognize that the true cost of that approach includes the reinforcement anti-social attitudes that more often than not result in additional criminal activity. Shorter sentences, with increased utilization of alternative punishments and remedial services, should especially be pursued for less serious offenders.

The WCCD supports the philosophy that persons who have demonstrated, by the commission of crimes of violence, that they present a danger to society, should be incarcerated. This includes persons armed with a deadly weapon in the commission of any crime. We should not allow persons who present risks of that nature to remain at large. But the need to segregate dangerous criminals from society is not a rational reason to similarly segregate those persons who commit criminal acts but do not present a physical danger to others. We must apply effective penalties for all criminal behavior, but time in prison does not have to be our exclusive penal recourse.

This report considers and expands upon a number of issues summarized in the WCCD policy statement. As Sherman and Hawkins rightfully observe, a great deal of correctional policy is currently determined by a "misguided reliance in forecasting the demand of an inexorable prison population and meeting it with a supply of cells"[3] Rather than being held captive by the future, the citizens and policy decision-makers in Washington State must help to shape it.

II. Washington State Corrections

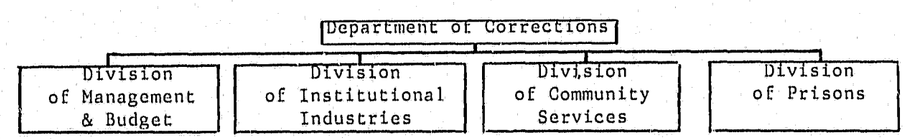
> The general public, here and elsewhere, want to send more people to prison for longer periods. I say that those who go to prison should be more carefully selected, and should stay for generally shorter terms.[4]
>
> Amos Reed, Secretary of Corrections, quoted in "Washington State Seeks a Return to Normalcy," Corrections Magazine, June 1981

A. Department of Corrections' Structure[5]

The Washington State Department of Corrections (DOC) was created on July 1, 1981, through legislative approval of Second Substitute House Bill No. 235 (SSHB 235), also called the "Correction Reform Act of 1981," which removed the responsibility for adult offenders from the Department of Social and Health Services.

SSHB 235 was the major product of a two-year study by the House Institutions Committee. The committee's corrections study project also led to legislative adoption of major revisions in the sentencing system for adult felons, House Bill No. 440 (see section IV of report).

STRUCTURE OF THE DEPARTMENT OF CORRECTIONS



Reporting directly to Secretary Amos Reed (appointed January 1981 by Governor Spellman) are a Deputy Secretary, an Assistant Secretary, the directors of the four major divisions, and four office chiefs. The **Division of Management and Budget** provides the support functions for the rest of the department. Its major components are information systems; management services; budget and accounting; and contracts and regulations.

The **Division of Institutional Industries** has a long history in the state's correctional institutions, but the "Corrections Reform Act of 1981" made numerous major changes in the roles of Institutional Industries. By that legislation, Institutional Industries was elevated to full divisional status in DOC and was charged with the responsibility of providing work opportunities to every offender under the department's jurisdiction. In addition to providing work opportunities, the division is to provide training and experience for marketable job skills for its employees. The offender employees are to participate in the cost of corrections and make restitution from their wages.

The **Division of Community Services** includes both Probation and Parole and Community Residential (Work/Training Release) Programs. Probation and Parole is divided into six geographical regions, each with a regional administrator who reports directly to an assistant director. There are 51 probation and parole offices and about 220 probation and parole officers. They are responsible for the supervision of all adult felony offenders placed on probation by the superior courts, or released on parole from state institutions. The division also oversees 18 work/-training release facilities. Fifteen of the facilities are operated under contract by private, nonprofit organizations or government agencies and the rest are state operated.

The **Division of Prisons** is responsible for the operation of the state's six major institutions and seven minimum custody facilities. The Division's "classification-treatment" functions include classification, liaison with the Parole Board, furloughs and disciplinary hearings, inmate movement between institutions and out of state, custody reductions, and segregation reviews. On March 1, 1981, the division began using a "structured classification system."

The admission process begins at the Washington Corrections Center in Shelton where all convicted male felons are received at the Reception Center. The admission process is designed to provide inmates an opportunity for testing, medical examinations, psychological examination, evaluation, and an assessment of their needs. Ultimately, this process leads to the determination of the appropriate custody level that is required for the individual and an assignment to a facility.

Once the initial institutional assignment is determined, reclassification is the primary vehicle by which an inmate receives consideration for program changes, custody reduction and alternate facility placement. A recently revised inmate classification manual provides a procedural framework for inmate classification and further defines guidelines for custody reduction. The inmate is routinely reviewed through a classification process at a minimum of twice a year.

B. Current Correctional Capacity and Population[6]

According to the federal Bureau of Justice Statistics (BJS) the prison population across the country experienced the largest single-year increase in the nation's history when the population increased 12.5% during 1981. In Washington State, the number of adults imprisoned jumped 21.8% during the same period of time, more than doubling, the number of

inmates held at the end of 1973. Based on mid-year BJS totals, Washington continued the same level of growth in 1982 with the prison population increasing 10.5% from the beginning of the year to June 30, 1982. The national average for the six-month period was 6.9%.[7] (See Appendix 1 for the most recent nationwide comparison.)

The results of this "growth industry" in Washington State can be summed up on one word: overcrowding---the deleterious effects of which are widely observed.[7] By March 30, 1983, Washington State adult institutions were 131% of DOC-rated capacity. Table 1 summarizes the situation showing a total rated capacity in institutions of 4,446 and total in residence population of 5,732.

TABLE 1

DEPARTMENT OF CORRECTIONS INSTITUTIONAL DAILY POPULATION REPORT

DATE: March 30, 1983

INSTITUTION	Rated Capacity	Emergency Capacity	In Residence (Count)	Furlough	Escorted Leave	Court Order	Special* Detention	Total Population	% Rated Capacity
MCNEIL ISLAND CORRECTIONS CENTER	600	900**	890		1	8		899	150
WASHINGTON STATE PENITENTIARY	922	1300	1402***			12	29	1443***	157
WASHINGTON STATE PENITENTIARY MEDIUM SECURITY BUILDING	284	284	278			2		280	99
WASHINGTON STATE PENITENTIARY MINIMUM SECURITY UNIT	106	106	104			3		107	101
WASHINGTON STATE REFORMATORY	656	850	847			4	2	853	130
WASHINGTON STATE REFORMATORY HONOR FARM	80	80	73					73	91
SPECIAL OFFENDER CENTER	144	144	138					138	95
WASHINGTON CORRECTIONS CENTER B UNITS	220	360	358			11		369	168
WASHINGTON CORRECTIONS CENTER TRAINING	654	714	734					734	112
PURDY TREATMENT CENTER	148	202	207			7	2	216	145
LARCH CORRECTIONS CENTER	100	130	133					133	133
INDIAN RIDGE TREATMENT CENTER	83	110	98				2	100	120
FIRLAND CORRECTIONS CENTER	49	49	48	1				49	100
CLEARWATER CORRECTIONS CENTER	100	125	95				1	96	96
CLALLAM COUNTY UNIT	30	30	20					20	67
OLYMPIC CORRECTIONS CENTER	100	125	115			1		116	116
PINE LODGE CORRECTIONS CENTER	80	80	72				2	74	93
CEDAR CREEK CORRECTIONS CENTER	90	125	120					120	133
TOTALS	4446**	5714**	5732***	1	1	48	38	5820	131

* Inmates housed in county jails or out-of-state facilities who remain our responsibility.

** DOC is currently renovating the McNeil Island Minimum Custody Annex; up to 100 inmates may be temporarily housed in this facility during the remainder of this fiscal year.

*** Includes Death Row County: 2.

It is worth noting that a variety of contending capacity figures exist. Table 1 outlines both the DOC-rated capacity and the DOC emergency capacity numbers. Table 2 includes four other types of capacity figures as of 4/12/82 when the comparison was made in conjunction with Sentencing Guidelines Commission activities. The four include design capacity, strict American Correctional Association (ACA) standards capacity, substantial ACA compliance capacity, and operational capacity.

TABLE 2: Washington State Department of Corrections Prison Capacity and April 12, 1982 Population

	Design Capacity[1]	Strict ACA Standards[12]	Substantial ACA Compliance[2]	DOC Rated[3]	Operational Capacity[4]	Population
McNeil Island Correctional Center	714	737	610	600[5]	570	554
Washington State Penitentiary	918[11]	866[13]	893[10]	922	876	1145
WSP - Medium Security	293	293	294	250	270	287
WSP - Minimum Security	112	112	112	106	101	99
Washington State Reformatory	688	625	688	656	623	861
WSR - Honor Farm	76	76	78	80	76	78
Special Offender Center	144	144	144	144	137	137
WCC - Reception	240	234	240	220	209	339
WCC - Training	600	600	654	654	621	695
Purdy Treatment Center for Women	191[6]	191	193	148	141	175
Larch Corrections Center	100	100	90	100	95	105
Indian Ridge Treatment Center	84	84	56	83	79	52
Clearwater Corrections Center	92	92	76	100	95	102
Olympic Corrections Center	100	100	100	100	95	100
Pine Lodge Correctional Center	100[7]	100	100	100	95	86
Cedar Creek Corrections Center	76	76	77	90	86	96
Firland Correctional Center	56	56	56	49	47	44
Clallam County Jail	*	*	*	30[8]	29	20
SUBTOTAL	(4584)	(4486)[14]	(4913)	(4466)	(4245)	(5017)
McNeil Farm[9]	217	217	217			
TOTAL	(4801)	(4703)[15]	(4630)	(4466)	(4245)	(5017)

*Not Reported

1. HDR Report - Dormitory beds based on 75 square feet per bed.
2. Taken from Washington Department of Corrections, 10-Year Facility Plan, December, 1981. Does not include segregation cells. Based on 60 square feet (80 square feet for certain situations) per person.
3. Established by staff of the Division of Prisons, Department of Corrections, as of January 1, 1982.
4. Ninety-five percent of DOC rated capacity.
5. Does not include 30-50 beds for federal detainees.
6. Includes pre-release apartments.
7. Includes Lakeview Apartments.
8. Contracted beds.
9. Not presently in use.
10. Includes 100-bed unit under construction to be completed October, 1982.
11. Does not include 100-bed unit under construction.
12. Estimate of bed count if all cell blocks with cells under 60 square feet could be converted to 60 square feet cells.
13. Would be 890 if wings 4 and 5 are converted as planned and when new unit is completed.
14. Would be 4510 if WSP is converted as planned.
15. Would be 4727 if WSP is converted as planned.

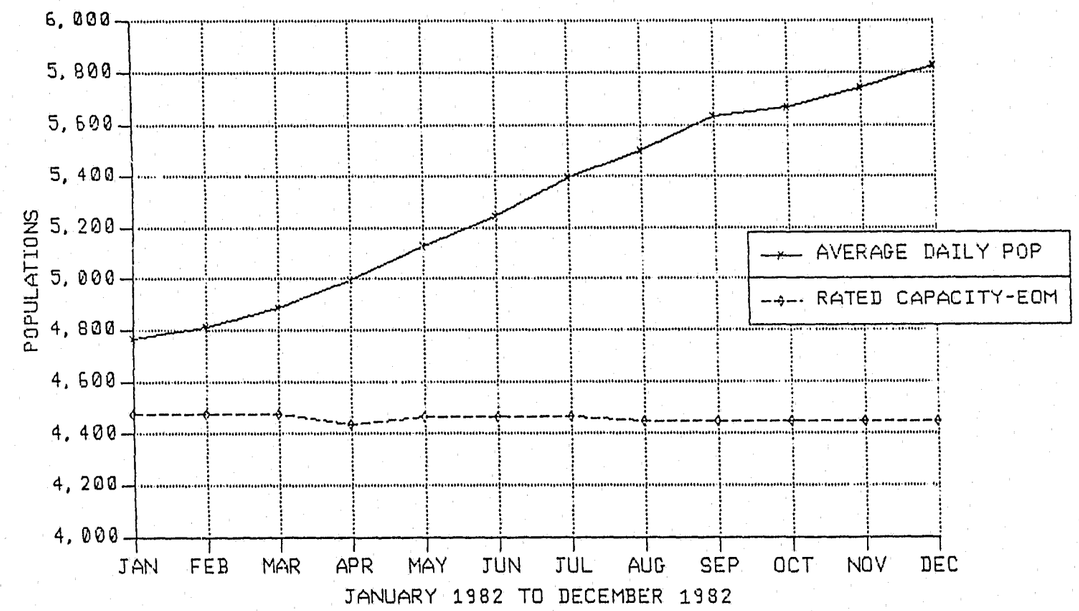
The primary distinction between the contending figures is square footage differences. There are sixteen adult correctional facilities in Washington: fourteen for men, one for women and one for both men and women. Purdy Treatment Center for Women at Purdy houses the women. Men are incarcerated at: Washington State Penitentiary at Walla Walla; Washington State Reformatory at Monroe; Washington State Corrections Center at Shelton has two facilities: the Reception Center and the Institution or Training Center; Larch Correctional Center at Yacolt; Indian Ridge Treatment Center in Arlington; Firland Correctional Center in Seattle; Clearwater Correctional Center at Forks and Olympic Corrections Center near Forks; Pine Lodge Correctional Center at Medical Lake; Cedar Creek Correctional Center near Littlerock; McNeil Island Corrections Center near S'eilacoom; and the Special Offender Center at Monroe provides services to men with emotional and behavioral disorders.

The Community Residential Programs include eighteen work/training release located in three different regions of the state. The average daily population during December 1982 was 614 in work/training release facilities, which was 72 percent of the capacity of the facilities. Of the 614, 186 (30%) were probationers and parolees.

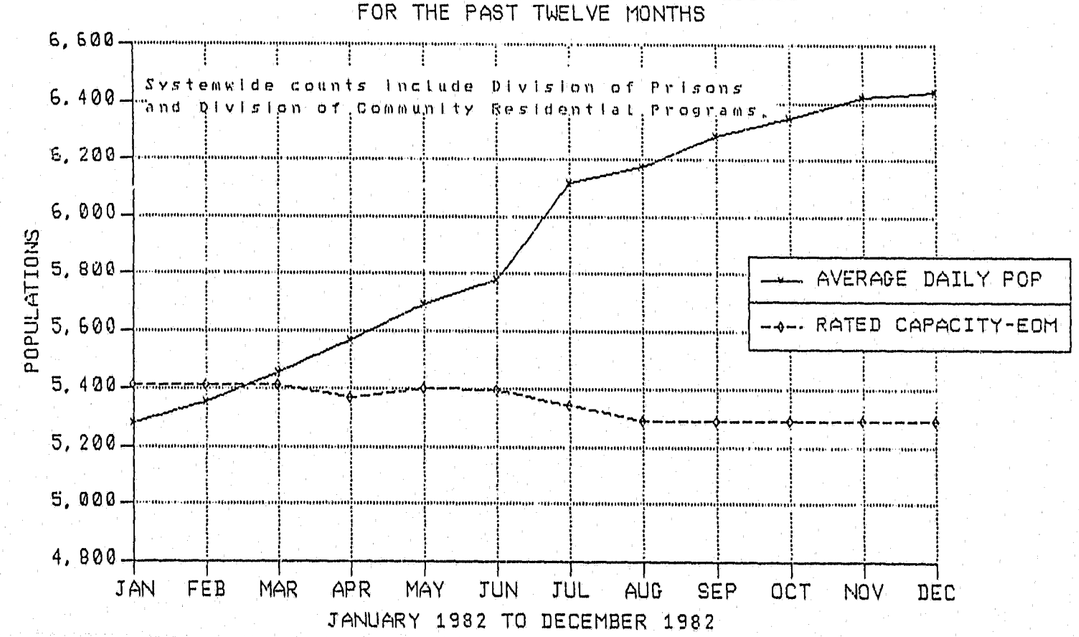
Graph 1 depicts the growth in the average daily population (ADP) of all major and minimum security institutions in Washington State in contrast to the rated capacity for a twelve month period of time. Graph 1A illustrates the systemwide ADP by including community residential pro-

(See next page for Graphs 1 and 1A.)

GRAPH 1
DIVISION OF PRISONS ADP COUNTS VERSUS
END OF MONTH (EOM) RATED CAPACITY FIGURES
FOR THE PAST TWELVE MONTHS.

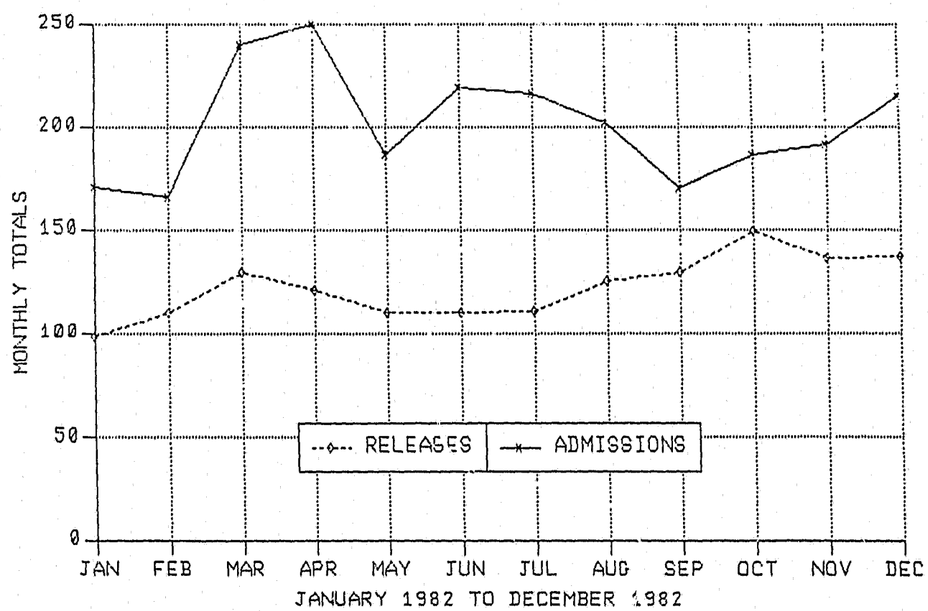


GRAPH 1A
GRAND TOTAL SYSTEMWIDE ADP COUNTS VERSUS
END OF MONTH (EOM) RATED CAPACITY FIGURES
FOR THE PAST TWELVE MONTHS



grams along with prison counts. Both graphs suggest a widening difference between capacity and population in this state. Finally, Graph 2 compares admissions to and releases from adult correctional facilities for the past twelve months. As one might expect, releases demonstrate less variation over time than admissions.

GRAPH 2
COMPARISON OF ADMISSIONS TO AND RELEASES FROM
ADULT CORRECTIONAL FACILITIES FOR THE PAST TWELVE MONTHS



Considerable concern has been expressed regarding the disproportionate representation of racial minorities in this state's correctional system. In July 1982, the Washington Council on Crime and Delinquency released a report containing incontrovertible evidence of racial disparities in imprisonment in this state and cited two independent national

TABLE 3

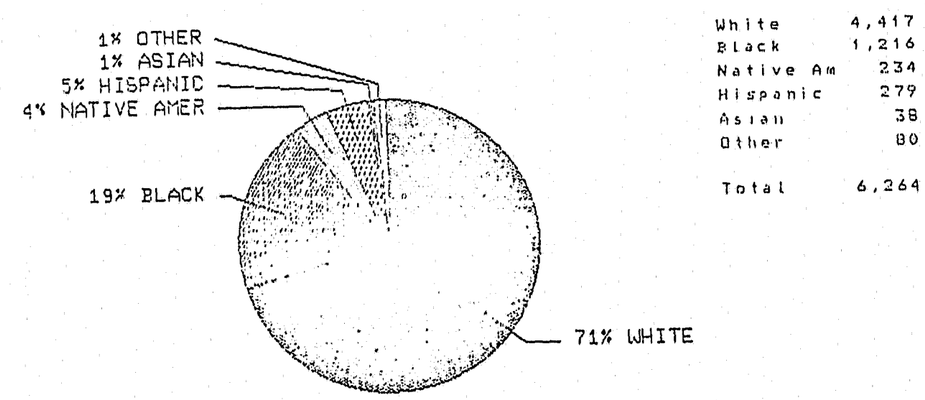
DEPARTMENT OF CORRECTIONS

RESIDENT AND WORK RELEASE POPULATIONS OF ADULT CORRECTIONS FACILITIES BY INSTITUTION AND BY ETHNIC GROUP AND SEX FOR FISCAL YEAR 1983, AS OF DECEMBER 31, 1982

		FACILITY																
ETHNIC GROUP	SEX	WCC REC	WCC INST	PURDY T.C.	STATE PEN	STATE REF	LARCH CC	IND RID TR	FIR-LAND CC	CED CRK CC	CLEAR WAT/ OLYMP	PINE LODGE CC	SPEC OFF CTR	MC-NEIL ISL	WORK REL	TOTAL	PER-CENT
WHITE	F			129											18	147	
	M	302	550		1226	585	128	83	40	82	205	61	113	594	299	4270	
SUBTOTAL		302	550	129	1226	585	128	83	40	82	205	61	113	594	317	4417	70.5
BLACK	F			56											11	67	
	M	69	93		409	237	6	18	6	12	47	9	22	156	55	1149	
SUBTOTAL		69	93	56	409	237	6	18	6	12	47	9	22	156	66	1216	19.4
NATIVE AMER	F			13												13	
	M	20	27		84	35	6	2	1	1	6	2	1	26	10	221	
SUBTOTAL		20	27	13	84	35	6	2	1	1	6	2	1	26	10	234	3.7
MEXICAN AMER	F			3											1	4	
	M	15	33		86	52	8	5	1	4	8	13	3	40	7	275	
SUBTOTAL		15	33	3	86	52	8	5	1	4	8	13	3	40	8	279	4.5
ASIAN	F															36	
	M	3	3		12	12	1				1		1	5			
SUBTOTAL		3	3		12	12	1				1		1	5		38	0.6
OTHER	F			12											1	13	
	M	5	15		15	11	1	1	1	2	3	1		11	1	67	
SUBTOTAL		5	15	12	15	11	1	1	1	2	3	1		11	2	80	1.3
TOTAL		414	721	213	1832	932	150	109	49	101	270	86	140	844	403	6264	100.0

studies which found Washington State to have the highest incarceration rate of blacks in the nation.[9] As of December 31, 1982, the racial/ethnic breakdown of the Washington State Correctional population is summarized in Table 3 and graphically depicted in Chart 1.

CHART 1
ETHNIC BREAKDOWN OF RESIDENT AND WORK RELEASE
POPULATIONS AS OF DECEMBER 31, 1982



ETHNIC BREAKDOWN

The mean average age of the adult correctional population, as shown in Table 4, is 29.9 years of age. As one might expect, the State Peniten-

TABLE 4

DEPARTMENT OF CORRECTIONS

RESIDENT AND WORK RELEASE POPULATIONS OF ADULT CORRECTIONS FACILITIES BY CURRENT AGE AND BY FACILITY FOR FISCAL YEAR 1983, AS OF DECEMBER 31, 1982

FACILITY

AGE	WCC REC	WCC INST	PURDY T.C.	STATE PEN	STATE REF	LARCH CC	IND RID TR	FIR-LAND CC	CED CRK CC	CLEAR WAT/ OLYMP	PINE LODGE CC	SPEC OFF CTR	MC-NEIL ISL	WORK REL	TOTAL
<18	2	10	1		3	1									17
18-20	65	249	16	12	59	14	18	20	17	27	10	17	69	31	625
21-23	66	234	28	96	209	27	22	14	18	58	23	31	191	78	1095
24-26	65	113	30	154	206	30	13	9	19	52	18	26	177	69	981
27-29	50	45	29	255	171	27	19	1	21	41	9	19	114	46	847
30-32	42	18	29	298	101	25	17	3	7	20	4	9	76	60	709
33-35	32	16	24	244	74	6	8	1	6	26	5	16	72	41	571
36-38	32	14	22	197	50	5	5		4	19	5	11	35	26	426
39-41	18	6	11	149	21	4	4	1	1	13		8	37	20	293
42-44	6	4	6	111	10	2			4	2	5	2	26	12	190
45-47	11	3	7	86	14	2				4	1		18	5	151
48-50	5	1	2	75	5	2	1		1	3	1	1	14	6	117
51-53	3	4	4	50	5	1	1		1	1	3		6	5	84
54-56	9		4	32	1		1		1	3	1		2	2	56
57-59	2	2		32	1	3				1			2	1	44
60-62	3			22	1						1		2		29
63-64	1	1		6									1		9
>64	1	1		13	1				1				2	1	20
TOTAL	414	721	213	1832	932	150	109	49	101	270	86	140	844	403	6264
MEAN AGE	29.2	23.3	30.8	35.7	27.8	28.4	27.4	22.5	27.5	28.2	28.2	27.9	28.7	29.6	29.9

tiary housed the oldest average population (35.7 years) while a minimum security facility (Firlands) housed the youngest (22.5 years).

Table 5 displays the state's adult offender population by type of offense and by facility as of 12/31/82. Person offenses totalled 58.9%,

(See Table 5 next page.)

TABLE 5

DEPARTMENT OF CORRECTIONS

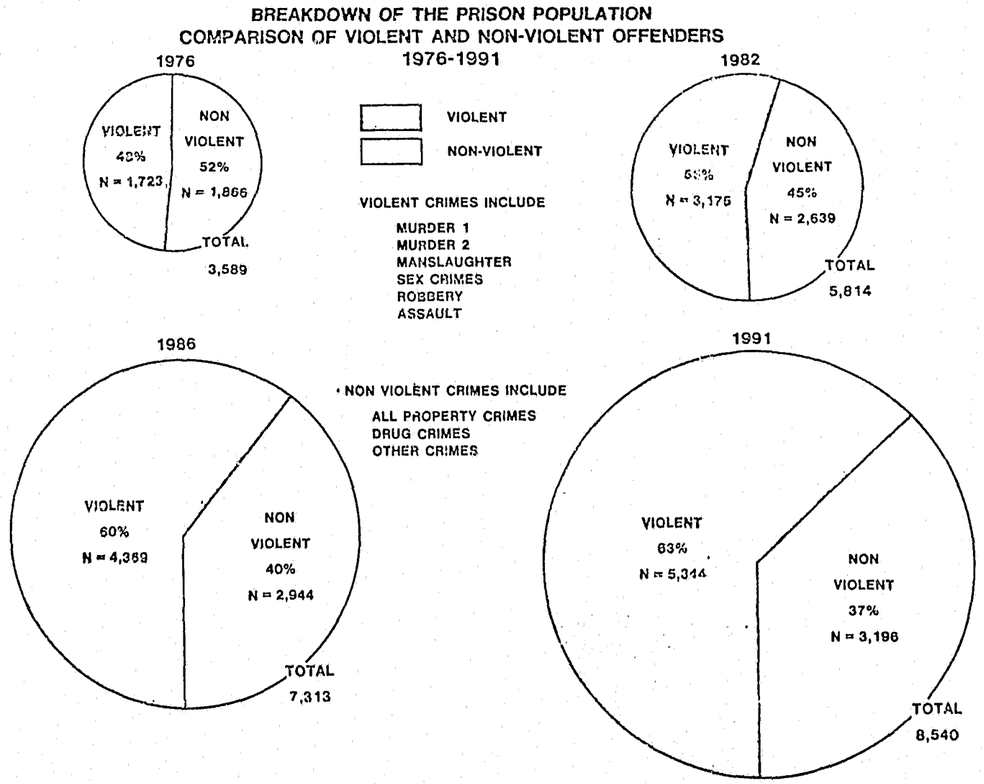
RESIDENT & WORK RELEASE POPULATIONS OF ADULT CORRECTIONS FACILITIES BY TYPE OF OFFENSE & BY FACILITY FOR FISCAL YEAR 1983, AS OF DECEMBER 31, 1982

OFFENSE TYPE	WCC REC	WCC INST	PURDY T.C.	STATE PEN	STATE REF	LARCH CC	IND RID TR	FIR-LAND CC	CED CRK CC	CLEAR WAT/ OLYMP	PINE LODGE CC	SPEC OFF CTR	MC-NEIL ISL	WORK REL	TOTAL	PER-CENT
MURDER, FIRST	4	18	10	177	44							6	12	4	275	
MURDER, SECOND	1	30	10	108	50		2			3	4	6	20	2	236	
MANSLAUGHTER, VEH.		8	2	9	4	1	2		3	1		1	7	6	44	
MANSLAUGHTER, OTHER	1	13	8	40	16		2		2	2	2		8	7	101	
ROBBERY	24	118	26	265	188	12	19		8	34	6	23	156	36	915	
ASSAULT, FIRST	6	12	2	75	33		2		1	1	1		9	3	145	
ASSAULT, SECOND	12	45	18	207	122	7	9		6	15	5	23	80	23	572	
ASSAULT, OTHER	1	5	1	19	11	4			1	5	1	1	11	7	67	
RAPE	5	49	1	134	88	5	2			7	1	14	44	8	356	
STATUTORY RAPE	2	10	4	68	26	1	2		1	4	4	1	19	8	150	
INDECENT LIBERTIES	6	49	1	103	27	7	2		6	6	2	6	32	11	258	
SEX CRIMES, OTHER		1		11	3	2				2	1		4		24	
OTHER PERSON	1	10	6	59	34	2	3		1	4		7	12	5	144	
TOTAL PERSON OFFENSES	63	360	89	1275	646	41	45		29	84	27	88	414	120	3289	58.9
BURGLARY, FIRST	2	8	2	16	18				3	2		2	12	8	73	
BURGLARY, SECOND	42	146	7	159	124	46	40	24	21	70	21	28	173	118	1019	
THEFT	22	24	21	93	30	15	5	4	12	26	7	3	51	55	368	
AUTO THEFT	14	24	3	36	24	5	3	5	2	9	2	5	29	20	181	
FORGERY	8	9	20	31	11	4	2		3	8	5	2	11	18	132	
WELFARE FRAUD			2												2	
OTHER PROPERTY	7	31	9	58	34	11	4	1	3	20	3	5	39	29	254	
TOTAL PROPERTY OFFENSES	95	242	64	393	241	81	54	34	44	135	38	45	315	248	2029	36.3
DRUG VIOLATION	13	5	21	49	13	12	6		6	12	2	3	20	33	195	
OTHER	6	14	3	24	11	1	1			1	1	1	8		71	4.8
NOT REPORTED	237	92	36	91	21	15	3	15	22	38	18	3	87	2	680	
TOTAL	414	721	213	1832	932	150	109	49	101	270	86	140	844	403	6264	100.0

property offenses were at 36.3%, drug violations accounted for 4.8%, and others contributed 1.3%. Chart 2 graphically describes the offender population by offense type, including changes over time (1976 actual - 1991 projected).

(See Chart 2 next page.)

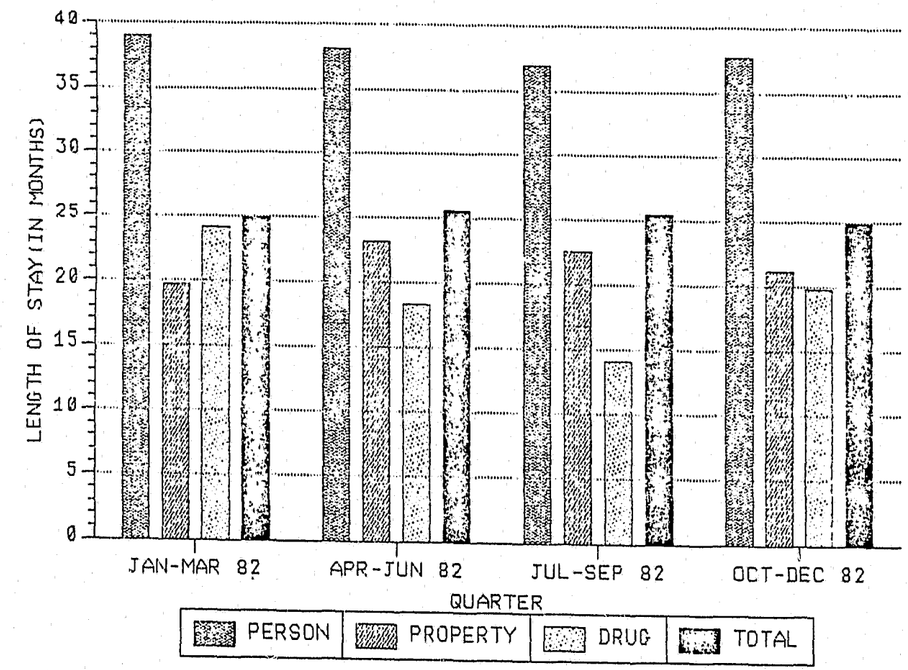
CHART 2



Release and average length of stay data are depicted on Chart 3 and

CHART 3

RELEASES FROM ADULT CORRECTIONAL FACILITIES BY OFFENSE TYPE AND MEAN LENGTH OF STAY (IN MONTHS) FOR THE PAST TWELVE MONTHS



broken down by specific offense type in Table 6. During the final quarter of 1982, the median length of stay for all offenders was 22 months, with person offenders averaging 35 months and property offenders averaging 19 months.

(See Table 6 next page.)

TABLE 6

DEPARTMENT OF CORRECTIONS

RELEASES FROM ADULT CORRECTIONS FACILITIES BY TYPE OF OFFENSE AND LENGTH OF STAY
DURING THE CURRENT QUARTER OF OCTOBER THROUGH DECEMBER 1982

OFFENSE TYPE	LENGTH OF STAY (IN MONTHS) 0-5	6-11	12-17	18-23	24-35	36-47	48-59	60-71	72-83	84-95	96-107	108 OR MORE	OFFENSE TOTALS	MEDIAN LOS IN MONTHS*	MEAN LOS IN MONTHS
MURDER, SECOND	1	1			1	1		1					5	30.00	31.47
MANSLAUGHTER, VEH.	1	1	1		4								7	25.50	20.73
MANSLAUGHTER, OTHER					4	1							5	31.50	29.69
ROBBERY		2	2	4	4	10	7	2					31	39.33	37.14
ASSAULT, FIRST					1	2	1		1				5	45.00	50.90
ASSAULT, SECOND		1		4	11	1	2	4					23	30.60	34.41
ASSAULT, OTHER					1								1		29.57
RAPE		1			2	1		1					5	33.00	37.67
STATUTORY RAPE						3							3		37.17
INDECENT LIBERTIES					1	3	2						6	44.00	45.03
SEX CRIMES, OTHER						1							1		47.61
OTHER PERSON				1						2		1	4		78.38
TOTAL PERSON OFFENSES	2	6	3	9	29	23	12	8	1	2		1	96	35.14	37.67
BURGLARY, FIRST											1		1		102.44
BURGLARY, SECOND	10	12	21	22	12	2	4		1				84	17.84	19.67
THEFT	3	1	9	8	11	2	2		1				37	22.29	24.20
AUTO THEFT		2	2	3	3	3							13	23.00	23.71
FORGERY		4	1		2								7	11.25	16.95
WELFARE FRAUD	1												1		5.24
OTHER PROPERTY	5	4	5	4	7			1					26	16.20	18.84
TOTAL PROPERTY OFFENSES	19	23	38	37	35	7	6	1	2		1		169	18.71	21.18
DRUG VIOLATION		3	14	7	4		1	1					30	17.08	19.77
OTHER		1	1	1									3		14.87
NOT REPORTED	6												6	3.00	2.61
PAROLE VIOLATORS	10	23	11	21	28	14	2	2	5	1		1	118	22.11	26.99
TOTAL	37	56	67	75	96	44	21	12	8	3	1	2	422	22.09	26.26

* MEDIAN LENGTH OF STAY WAS NOT CALCULATED FOR OFFENSE CATEGORIES CONTAINING FEWER THAN 5 RELEASEES DURING THE QUARTER

In addition to the residential population discussed in the preceeding pages, the DOC Division of Community Services supervises all adult felons placed on probation by the Superior Courts or released on parole from state institutions. The intensive probation and parole officer supervises no more than 25 individuals. The average caseload for regular officers is about 93. The following breakdown summarizes supervised populations:

PROBATIONERS AND PAROLEES SUPERVISED

IN THE COMMUNITY AS OF OCTOBER 1, 1982

Probationers	14,776
Parolees	3,760
Intensive Supervision	530
Persons From Other States	1,116
Persons Supervised in Other State	839
Total	20,994

Source: DOC

The percentage of convicted felons presently granted probation has increased to 80 percent. Statewide, the probation and parole caseload has been increasing 100 per month in calendar year 1982.

The average daily per capita (offender) cost of regular probation and parole is estimated to be $1.43 for the current fiscal year. The Intensive Supervision Program daily per capita cost is estimated to be $5.57 for the current fiscal year. The estimated daily per capita cost of the state's work/training release facilities is $27.64. The daily per capita cost of institutions, according to the DOC, was $41.62 during FY82.

Men and women in work/training release facilities are required to pay $8 a day room and board and may also pay family support out of their earnings. Residents in work/training release earned $2,588,692 during the year ending June 30, 1982. From those earnings, they paid nearly $1.3 million in room and board, $159,843 in family support and $41,316 in court-ordered restitution to victims of their crimes. The average stay on work release is approximately five months. Work release facilities have approximately 50 probation and parole officers, and about the same number of correctional officers, assigned to them.

The following listing summarizes the names and capacities of existing work/training release facilities in Washington:

(See Table 7 next page.)

TABLE 7

Work/Training Release Facilities:

Name	Capacity
Kitsap	30
Lincoln Park (Tacoma)	30
Longview	25
Olympia	25
Port Angeles	15
Progress House (Tacoma)	50
RAP House (Tacoma)	20
Tacoma	140
Bellingham	25
Bishop Lewis House (Seattle)	24
Everett	20
Madison Inn (Seattle)	28
Pioneer House (Seattle)	60
Reynolds (Seattle)	100
Ahtanum View (Yakima)	20
Geiger Field (Spokane)	200
Tri-Cities (Pasco)	15
Yakima	20
TOTAL	847

Finally, the Department of Corrections has recently responded to a request by the Legislative Budget Committee to provide the average cost per year per inmate per institution. The DOC divided the average annual inmates into total annual expenditures to derive the following estimates:

TABLE 8

AVERAGE COST PER INMATE PER YEAR
July 1, 1981 - June 30, 1982

Washington Correction Center	$ 11,626
Washington State Penitentiary	14,769
Washington State Reformatory	12,688
Purdy Treatment Center for Women	23,415
Larch Correction Center	11,723
Indian Ridge Correction Center	12,390
Firland Correction Center	17,134
Clearwater/Olympic Correction Center	12,579
Pine Lodge Correction Center	15,984
Special Offenders Center	34,250
Cedar Creek Correction Center	18,815
McNeil Island Correction Center	22,553
	$207,926
	+ 12
Average Cost/Inmate/Year =	$ 17,327

III. Projecting Prison Population and Current Construction Plans

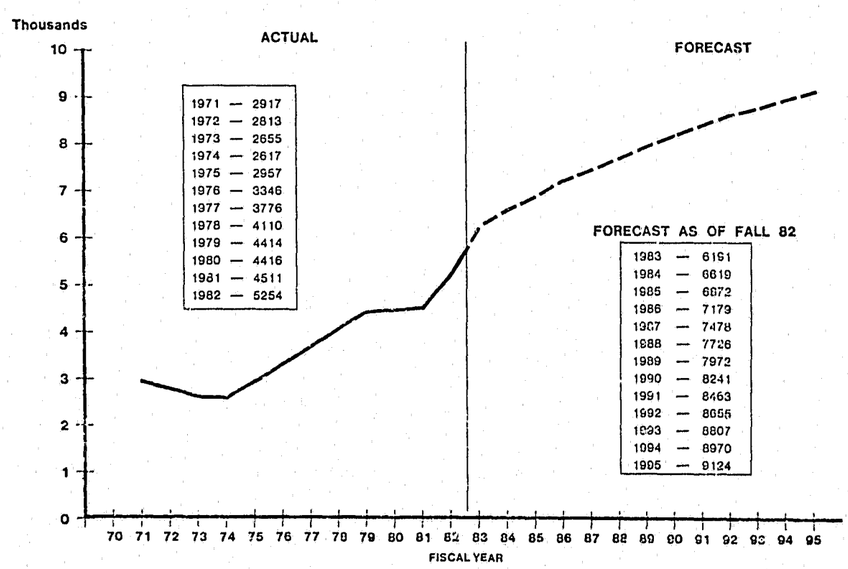
> Projecting and controlling institutional populations are not mechanical tasks. Even as we conclude this study, the central question of why prison populations fluctuated as they did in the 1970s is largely unexplained. It is clear, however, that more sustained attention must be paid to incarceration as a policy process.[10]
>
> Abt Associates/National Institute of Justice
> American Prisons and Jails (October 1980)

A. Prison Population Forecast

The state's prisons experienced a net population increase of 97 persons per month during the fiscal year ending June 30, 1982. The prison population forecast for the Governor's Interagency Criminal Justice Work Group projects nearly a doubling of the total prison population (including work/training release) of 9,124 by the end of fiscal year 1995. Graph 3 charts the projected population from 1971-1995.

GRAPH 3

TOTAL ANNUAL AVERAGE PRISON POPULATION: 1970 TO 1995

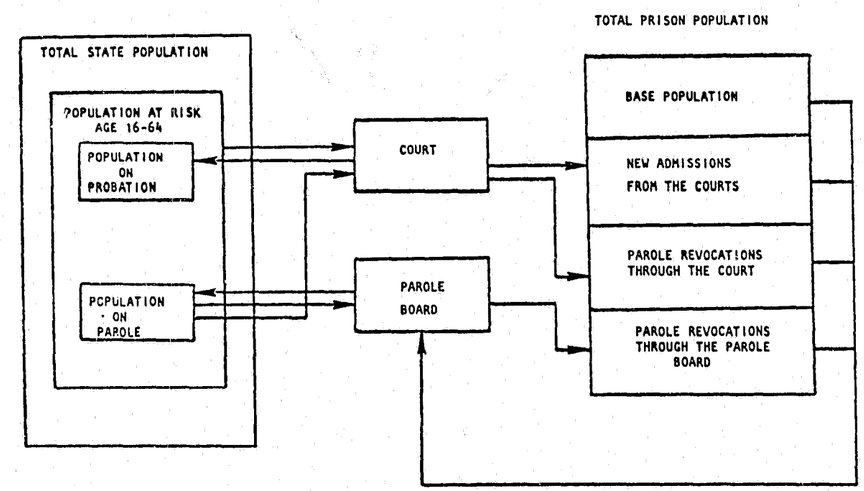


* PRISON POPULATION INCLUDES ALL STATE INMATES, BOTH IN PRISON AND ON WORK RELEASE.

One of the most important questions concerning the expected increase in the prison population is, "Why is it projected to increase at the rate indicated on Graph 3?" The answer from the Work Group is provided by reviewing the methodology employed and the influence of various forecast factors on the rate of increase.

Chart 4 sketches the conceptual structure of the forecast model. The tech

CHART 4
The Conceptual Structure of the Prison Population Forecast Model (OFM)



nical programming documentation which contributes to the forecast is too detailed for exposition here;[13] suffice it to say that the forecast operates on this simplified formula:

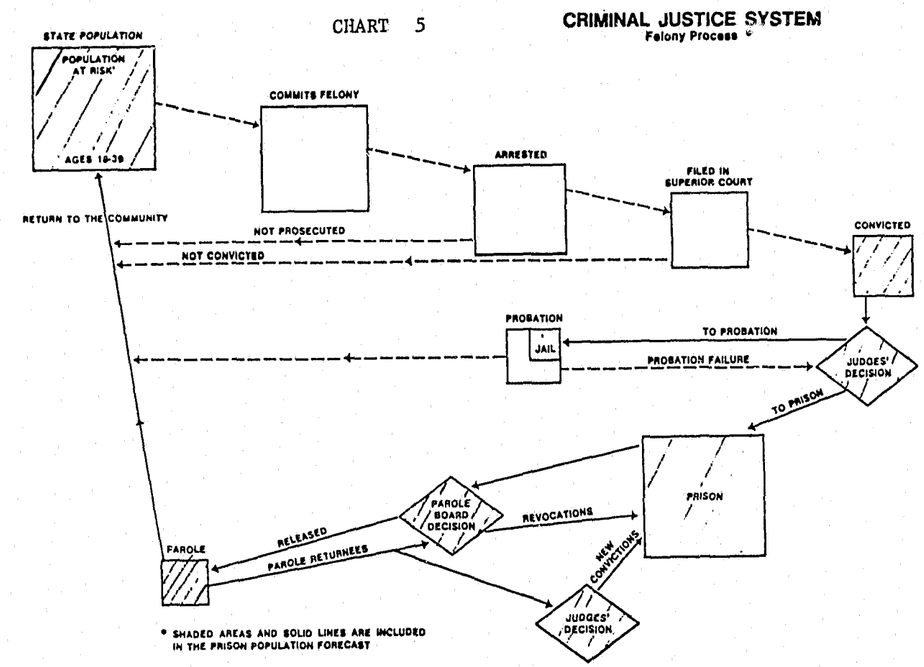
Future Prison Population	=	Present Prison Population	+	New Prison Admissions	+	Parole Failures	-	Prison Releases

The process by which the forecast was developed was somewhat unique. For the first time in this state, key criminal justice decision-makers[14] actively participated in the entire development process. Authorized by Executive Order No. 81-15 (Appendix 2), the Governor's Interagency Criminal Justice Work Group was established to provide a coordinated effort to project future correctional needs.

A general flowchart of the system examined by the Work Group is presented in Chart 5. As the chart suggests, the forecast does not include all of the possible contributing factors (mainly due to data limitations)

(See Chart 5 next Page.)

CHART 5



that may explain changes in the prison population. The key determinants included in the forecast were: demographic changes, Superior Court felony convictions, the judicial decision to imprison, length of stay in prison, and the readmission of persons who fail once paroled. Part of the purpose of involving the members of the Work Group was to provide perspective on historical patterns and give input into establishing the working assumptions inherent in the model. Table 9 provides an updated summary of the historical (since 1969) criminal justice indicators examined. It is very interesting to note that in 1981, for example, although reported property

(See Table 9 next page.)

TABLE 9

HISTORICAL VIEW OF KEY CRIMINAL JUSTICE INDICATORS

Calendar Year	Fiscal Year	(C) Reported Property Crimes	% Change	(C) Reported Violent Crimes	% Change	(C) Felony Filings	% Change	(F) Number of Convictions	% Change	(F) Number Imprisoned	% Change
1969	1970	141,274[1]		8,243		5,933[2]		3,503		1,527	
1970	1971	151,102[1]	+7.0	7,546	-8.5	6,813[2]	+14.8	3,770	+7.6	1,512	-7.1
1971	1972	152,314[1]	+0.8	8,155	+8.1	7,990[2]	+17.3	4,913	+30.3	1,581	+4.6
1972	1973	154,824[1]	+1.7	8,627	+5.8	8,727[2]	+9.2	5,264	+7.1	1,604	+1.5
1973	1974	165,228	+6.7	9,309	+7.9	9,147[2]	+4.8	5,476	+4.0	1,553	+3.1
1974	1975	196,839	+19.1	12,036	+29.3	10,706	+17.0	6,929	+26.5	1,794	+8.5
1975	1976	203,783	+3.5	13,851	+15.1	11,003	+2.8	6,692	-3.4	2,004	+11.7
1976	1977	195,244	-4.2	14,036	+1.3	11,204	+1.8	6,882	+2.3	2,077	+3.6
1977	1978	195,807	+0.3	13,714	-2.3	10,738	-4.2	6,585	-4.3	2,157	+3.9
1978	1979	215,506	+10.1	15,296	+11.5	11,168	+4.0	6,916	+5.0	2,236	+3.7
1979	1980	239,258	+11.0	17,054	+11.6	12,171	+9.0	7,509	+8.6	2,000	-10.6
1980	1981	265,338	+10.8	19,028	+11.9	14,743	+21.1	8,396	+11.7	2,207	+10.4
1981	1982	265,135	-0.1	18,839	-1.4	15,442	+4.7	8,714	+3.9	2,425	+10.4
1982	1983	239,416[3]	-9.7	17,681[3]	-6.1	15,982[3]	+3.5				

[1]Estimates based on the inclusion of larcenies less than $50.
[2]Estimates based on the first six months of calendar year 1982.
[3]Estimates excluding appeals from lower courts.

NOTE: (C) means calendar year; (F) means fiscal year

OPM/F&E/P-469
10/82

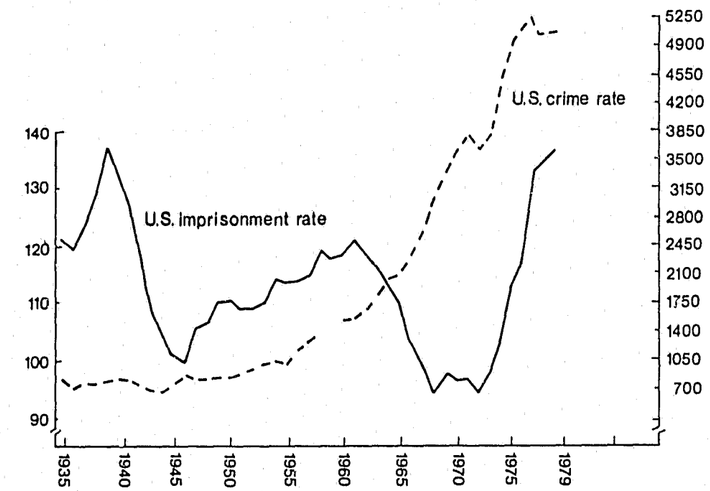
and violent crimes showed modest decreases, felony filings increased by 4.7%, convictions grew by 3.9%, ultimately resulting in an increase of 10.4% in the number imprisoned.

This simple comparison generally supports national findings that a causal correction between the crime rate and the incarceration rate is questionable at best. In Michael Sherman's words: "the crime rate goes its merry way and the imprisonment rate goes it merry way, and have nothing to do with one another."[15] Graph 4 displays the U.S. crime rate compared to imprisonment rate. William Nagel has documented that one of the strongest predictors of a state's imprisonment rate is its racial composition.[16] More recently, others have argued that "underlying circumstances," such

(See Graph 4 next page.)

GRAPH 4

U.S. Imprisonment Rate and Crime Rate



Sources: FBI, Uniform Crime Reports and
U.S. Department of Justice, Prisoners in State and Federal Institutions.

as economics and demographics are better predictors than others which reflect a state's supposed correctional philosophy.[17] The major factor, however, for determining prison population across the nation has been found to be cell capacity. Empirical support for this position, which had earlier been postulated by prison construction critics, was found in the Abt Associates' five-volume study for the National Institute of Justice, entitled American Prisons and Jails.[18] Although the release of the study has not been devoid of controversy[19]---as one might expect---the pertinent results of the study which was requested by Congress and took four years to complete, include:

- Capacities do not appear to be changed more often given crowded conditions than at other times.
- Additions are filled to rated capacity by the second year after opening additional space.[20] (Later revised to five years when computer error was corrected.)

Clearly, there are parallels between the national situation and Washington State. The prison population projection developed by the interagency work group has been the subject of some questioning. One well known criminal justice researcher in the state noted she was "vociferiously critical" of the projection because the assumptions used in the projections "went high."[21] In the final analysis, however, the Abt report is probably right in concluding that: "ultimately, it is [changes in the prosecutorial, judicial, legislative, and parole] policies of the criminal justice system which determines future populations, and not any set of mathematical numerical trends."[22]

B. Construction Plans

The implications of the prison population projection in Washington is, indeed, significant, especially from a financial perspective. The 10 Year Facility Plan is the basic document which will be used to accommodate the "need for state correctional beds over the next ten years."[23] After analyzing forty-one available options, the authors of the plan argue that while it is possible to reallocate and transfer some beds, beyond that: "Construction of new institutions is necessary."[24] They suggest the following numbers by type of security are needed by 1990:

TABLE 10
DOC Ten Year Plan Recommendation of Institutional Beds

	Non-Major Construction	Additional Beds Needed by 1990	Total
Max./Close	186	(10)	176
Medium	564	2,247	2,811
Minimum	470	447	917
TOTAL	1,220	2,684	3,904

The DOC has a current capital projects budget of $64,176,297. Major renovation projects are planned or underway at the Washington State Penitentiary, Washington State Reformatory, Washington State Corrections Center and Purdy Treatment Center for Women. Construction is underway on a $33.8 million 500-bed medium security prison at Monroe, which is scheduled for completion in January, 1984. The department has also budgeted $2,640,000 for renovation of the McNeil Island facility. In response to higher construction costs in Washington compared to some other states, the DOC prepared a special report to the Washington Senate explaining Washington's relatively high costs.[25]

The department has recently completed the environmental impact process for a second 500-bed medium security institution. The preferred site is at Clallam Bay in Clallam County at a projected cost of $43 million ($86,000/inmate space). The EIS process for a third 500-bed prison, the preferred site of which is in Grandview in Eastern Washington, has just begun.

The DOC capacity plans have very recently been revised. Table 11 provides a scheduling of proposed capacity additions through November 1985. It is interesting to note that the "Grandview prison" has not been included within these "new DOC capacity plans." The 96-bed Intensive Management Units scheduled in 1984 and 1985 are for protective custody inmates, acting-out inmates and other offenders requiring segregation. Although the DOC does not include them within their rated capacity figures, they are accounted for in Table 11. (See Table 11 next page.)

The Department of Correction's budget request included in the Governor's budget for 1983-85 totals $116,582,352.

TABLE 11

DOC CAPACITY PLANS[26]

CAPACITY ADDITIONS	TOTAL CURRENT LEVEL	Oct 1983	Jan 1984	Feb 1984	May 1984	July 1984	Aug. 1984	Oct 1984	April 1985	Nov 1985
Monroe-500-Bed*						500				
MICC-Farm*						200**				
WCC-Double-Ceiling		150	150				150	150		
Clallam Bay-500-Bed*										500***
WSR-Intensive Management Unit									96	
PTCW-Maximum Custody Unit									96	
WSP-Intensive Management Unit					96					
WCC-Intensive Management Unit									96	
Community Residential (Work/Training Release)			50							
TOTAL	5293	5443	5493	5643	5739	6439	6589	6739	7027	7527

* The dates lag at the end of construction by six (6) months, allowing both staff and inmates to be phased in.

** Building renovation funds have been included in the DOC 83-85 Biennium Capital Budget Request.

*** $9,750,000 was appropriated for design, site preparation, and land acquisition of Clallam Bay. Construction funds have been requested in the DOC 83-85 Biennium Capital Budget Request

IV. Questioning the Incarcerative Presumption

> Corrections is burdened with a myth, a myth perpetuated by politicians, uninformed media, and honest citizens who believe that crime is somehow caused by the success or failure of the correctional system. The fact is that correctional agencies have virtually no impact on crime rates because the majority of criminals are not arrested, prosecuted or convicted...The question then is, 'Do we want to spend exorbitant amounts of tax dollars holding the few losers who find their way into corrections in degrees of custody that far exceed the needs for safety and public protection?' We think not. We cannot afford the luxury of waste because some think excess custody reduces crime. We just cannot afford to waste expensive resources - prisons - on those who do not need this level of control or punishment. We have alternatives that reasonable persons must be willing to consider and it is our job to inform reasonable persons about these alternatives.[27]
>
> Allen Breed and Robert Smith,
> "...Of Compelling National Interest,"
> Corrections Today, August 1982

When the Director and Assistant Director of the National Institute of Corrections write in the "official publication of the American Correctional Association," that our current correctional policy, which clearly emphasizes incarceration, is encumbered by popular but unfounded myths, perhaps policy decision-makers, practitioners and citizens will begin to take notice. The purpose of this section of the report is to consider the opportunities for reducing our over-reliance upon "excess custody," primarily through the implementation of the presumptive sentencing reforms in this state, and to describe "alternatives that reasonable persons must be willing to consider."

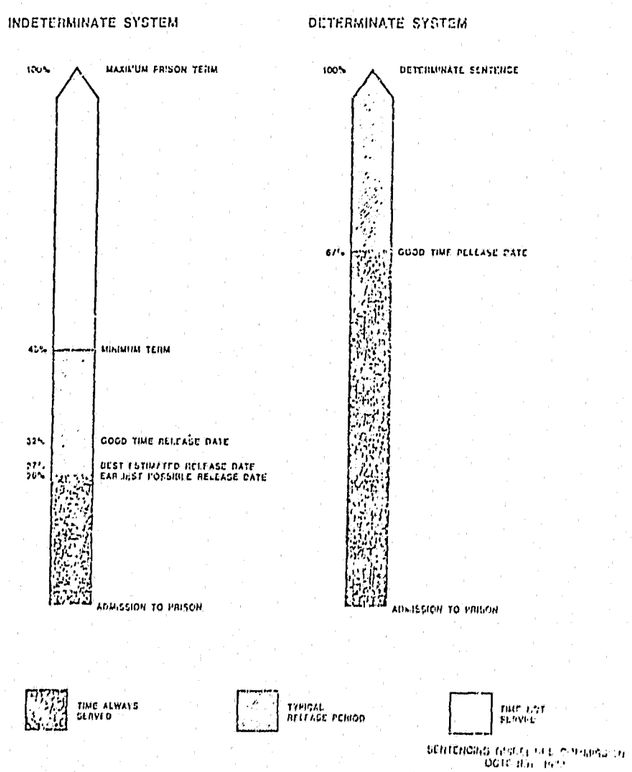
A. Presumptive Sentencing[28]

In 1981, the Washington State Legislature enacted a bill which substantially alters the state's adult sentencing system." The Sentencing Reform Act" (House Bill 440) established a "presumptive" sentencing system to take effect July 1, 1984. Under this new system, the legislature will adopt standard sentence ranges for felonies, based upon recommendations provided to them in January 1983 from the Sentencing Guidelines Commission, consisting of fifteen voting members appointed by the Governor. These ranges will reflect the severity of crime and the offender's criminal history. Sentencing guidelines will determine the appropriate punishment-jail, prison, work release, community supervision, restitution, etc.-as well as the length of confinement and/or amount of the fine. Deferred or suspended sentences will be abolished, as will extensive parole supervision.

Like most other states, Washington has until now used a modified indeterminate sentencing scheme whereby the judge may sentence a felony offender to a given time in a state institution. However, the actual length of time served by the offender is determined not by the judge, but

by the Board of Prison Terms and Paroles. Discretion for sentence length is vested in this Board on the presumption that an inmate's rehabilitation can be evaluated and that such assessments are appropriate to consider in setting a release date. The new Washington law is part of a national trend away from indeterminate sentencing, toward punishment that is just, equal, and certain.[29] Chart 6 compares indeterminate and determinate sentencing in terms of sentence given and served.

CHART 6
RATIO OF SENTENCE GIVEN TO
SENTENCE SERVED
UNDER CURRENT INDETERMINATE
SYSTEM AND DETERMINATE SYSTEM



The primary purpose of the "Sentencing Reform Act" is to structure but not eliminate, the discretion of participants in the criminal justice system. The presumptive sentences will apply to felony offenders in all parts of the state, without regard to race, sex, economic status, education or family history. Sentencing decisions are intended to be more predictable and result in less disparity among like offenders.

Trial court judges will utilize these guidelines in sentencing decisions concerning adult felons. Offenders imprisoned under the guidelines will serve the sentence imposed by the judge, reduced by "good time." Where special circumstances exist, judges will be able to sentence above or below the guidelines. A written explanation for such exceptions will be required and the defendant and the prosecutor will have the right to appeal exceptional sentences.

Prosecutorial discretion is also supposed to be affected by the law. Standards for charging and plea bargaining practices will be developed and future plea agreements will be reviewed and evaluated by the trial judge. The judge will have the authority to reject plea agreements if they violate the prosecutor standards or "the interest of justice."

Following nearly two years of work by the Commission, including a series of public hearings across the state, the tentative recommendations have been prepared. Included in the law was a legislative mandate that total confinement be emphasized for the violent offenders and alternatives to total confinement be emphasized for the non-violent and first-time offender. (For the legislative identification of violent crimes, see Appendix 3.)

The Commission is recommending a sentencing system which weighs several factors to calculate the presumptive sentence range for any offender.[30] These factors include:

- The seriousness of the crime;
- Whether the crime is violent or non-violent;
- For certain crimes, whether a deadly weapon was used;
- Whether the offender is a first-time offender or has a prior record;
- The number of prior adult felony convictions;
- In certain cases, the number of prior juvenile felony convictions; and
- For the crime of Negligent Homicide only, the number of prior DWI's, Reckless Driving and Hit and Run convictions.

The Commission is proposing a sentencing grid system to weigh these factors. The offenses will be divided into fourteen severity levels and the vertical scale will measure the seriousness of the crime. The horizontal scale will measure the offender's criminal history score. The presumptive sentencing range will be determined by reading across the severity level to the correct offender score column. The allowable sentence range is included for each sentence as well as the midpoint.

For the Commission's proposed sentencing grid, as presented to the legislature, see Table 12. The crimes proposed for the seriousness levels are listed in Table 13. For a rough comparison with current practices, Table 14 shows recent expected lengths of prison stays. Finally, Table 15 outlines the recommended "Offender Score Matrix," which will be used to calculate an offender's criminal history given prior adult and juvenile convictions, which are weighted differently depending upon the type of crime for which the offender was convicted.

(For Tables 12 Through 15 see next pages.)

TABLE 12

Sentencing Grid

1/3/83

OFFENDER SCORE

SERIOUSNESS SCORE	0	1	2	3	4	5	6	7	8	9 or more
XIV	Life Sentence without Parole/Death Penalty									
XIII	23y 4m 240 - 320	24y 4m 250 - 333	25y 4m 261 - 347	26y 4m 271 - 361	27y 4m 281 - 374	28y 4m 291 - 388	30y 4m 312 - 416	32y 10m 338 - 450	36y 370 - 493	40y 411 - 548
XII	12y 123 - 164	13y 134 - 178	14y 144 - 192	15y 154 - 205	16y 165 - 219	17y 175 - 233	19y 195 - 260	21y 216 - 288	25y 257 - 342	29y 298 - 397
XI	6y 62 - 82	6y 9m 69 - 92	7y 6m 77 - 102	8y 3m 85 - 113	9y 93 - 123	9y 9m 100 - 133	12y 6m 129 - 171	13y 6m 139 - 185	15y 6m 159 - 212	17y 6m 184 - 240
X	5y 51 - 68	5y 6m 57 - 75	6y 62 - 82	6y 6m 67 - 89	7y 72 - 96	7y 6m 77 - 102	9y 6m 98 - 130	10y 6m 108 - 144	12y 6m 129 - 171	14y 6m 149 - 198
IX	3y 31 - 41	3y 6m 36 - 48	4y 41 - 54	4y 6m 46 - 61	5y 51 - 68	5y 6m 57 - 75	7y 6m 77 - 102	8y 6m 87 - 116	10y 6m 108 - 144	12y 6m 129 - 171
VIII	2y 21 - 27	2y 6m 26 - 34	3y 31 - 41	3y 6m 36 - 48	4y 41 - 54	4y 6m 46 - 61	6y 6m 67 - 89	7y 6m 77 - 102	8y 6m 87 - 116	10y 6m 108 - 144
VII	18m 15 - 20	2y 21 - 27	2y 6m 26 - 34	3y 31 - 41	3y 6m 36 - 48	4y 41 - 54	5y 6m 57 - 75	6y 6m 67 - 89	7y 6m 77 - 102	8y 6m 87 - 116
VI	13m 12+ - 14	18m 15 - 20	2y 21 - 27	2y 6m 26 - 34	3y 31 - 41	3y 6m 36 - 48	4y 6m 46 - 61	5y 6m 57 - 75	6y 6m 67 - 89	7y 6m 77 - 102
V	9m 6 - 12	13m 12+ - 14	15m 13 - 17	18m 15 - 20	2y 2m 22 - 29	3y 2m 33 - 43	4y 41 - 54	5y 51 - 68	6y 62 - 82	7y 72 - 96
IV	6m 3 - 9	9m 6 - 12	13m 12+ - 14	15m 13 - 17	18m 15 - 20	2y 2m 22 - 29	3y 2m 33 - 43	4y 2m 43 - 57	5y 2m 53 - 70	6y 2m 63 - 84
III	2m 1 - 3	5m 3 - 8	8m 4 - 12	11m 9 - 12	14m 12+ - 16	20m 17 - 22	2y 2m 22 - 29	3y 2m 33 - 43	4y 2m 43 - 57	5y 51 - 68
II	0 - 90 Days	4m 2 - 6	6m 3 - 9	8m 4 - 12	13m 12+ - 14	16m 14 - 18	20m 17 - 22	2y 2m 22 - 29	3y 2m 33 - 43	4y 2m 43 - 57
I	0 - 60 Days	0 - 90 Days	3m 2 - 5	4m 2 - 6	5m 3 - 8	8m 4 - 12	13m 12+ - 14	16m 14 - 18	20m 17 - 22	2y 2m 22 - 29

NOTE: Numbers represent presumptive sentence ranges in months. Midpoints are in bold type (y = years, m = months). 12+ equals one year and one day. For a few crimes, the presumptive sentences in the high offender score columns exceed the statutory maximums. In these cases, the statutory maximum applies.

Additional time added to the presumptive sentence if the offender was armed with a deadly weapon:

24 months (Rape 1, Robbery 1, Kidnapping 1)
18 months (Burglary 1)
12 months (Assault 2, Escape 1, Kidnapping 2, Commercial Burglary 2)

TABLE 13

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XIV Aggravated Murder 1

XIII Murder 1 (v)

XII Murder 2 (v)

XI Assault 1 (v)

X Kidnapping 1 (v)
Rape 1 (v)

IX Robbery 1 (v)
Manslaughter 1 (v)
Statutory Rape 1 (v)

VIII Arson 1 (v)
Rape 2 (v)
Promoting Prostitution 1

VII Burglary 1 (v)
Negligent Homicide
Introducing Contraband 1

VI Bribery
Manslaughter 2 (v)
Intimidating a Juror/Witness

V Statutory Rape 2
Kidnapping 2 (v)
Extortion 1 (v)
Indecent Liberties (v)

IV Robbery 2 (v)
Assault 2 (v)
Escape 1
Arson 2 (v)
Bribing a Witness/Bribe Received by Witness
Malicious Harassment
Willful Failure to Return from Furlough
Incest 1

III Rape 3
Statutory Rape 3
Incest 2
Extortion 2
Unlawful Imprisonment
Assault 3
Promoting Prostitution 2
Introducing Contraband 2
Communicating with a Minor for Immoral Purposes
Escape 2
Perjury 2
Intimidating a Public Servant
Tampering with a Witness

II Malicious Mischief 1
Possession of Stolen Property 1
Theft 1
Welfare Fraud
Burglary 2

I Theft 2
Possession of Stolen Property 2
Forgery
Auto Theft (Taking and Riding)
Vehicle Prowl 1
Eluding a Police Vehicle
Malicious Mischief 2
Reckless Burning
Unlawful Issuance of Bank Checks

v = violent offense (as defined by RCW 9.94A)

NOTE: Drug crimes are not ranked at this time because they are still under consideration by the Commission.

Sentencing Guidelines Commission 1/83

TABLE 14

CURRENT SENTENCING PRACTICE DATA[31]

Expected Length of Prison Stay - Calendar Years 1979 and 1980. Minimum term less good time less average public safety score reduction. Excludes parole violators, Murder 1, and repealed codes.

*Length of stays based on fewer than 20 cases.
**Judicial Decision to Incarcerate (likelihood)

	First Offender	Repeat Offender	Total	1981 JDI**	Average Based on Convictions	% Convictions
Murder 2	72	115	94	1.000	94	0.3
Rape 1	54	99	83	.805	67	0.5
Assault 1	48	79	67	.788	53	0.4
Robbery 1	32	54	46	.573	26	3.0
Burglary 1	32*	39	38	.452	17	0.7
Other A	48*	100	87	.597	52	2.0
Subtotal A	44	70	61	.617	38	7.0
Person B	34	45	40	.339	14	15.1
Property B	15	23	21	.214	4	30.5
Drug B	15*	25	22	.205	5	2.0
Other B	--	38	38	.084	3	1.3
Subtotal B	25	32	29	.249	7	48.8
Person C	27	39	34	.208	7	4.3
Property C	12	18	16	.198	3	22.6
Drug C	14	19	17	.043	7	11.0
Other C	18*	21	21	.078	2	6.1
Subtotal C	15	21	19	.141	3	44.1
Grand Total	27	35	33	.227	7	99.9

TABLE 15

OFFENDER SCORE MATRIX

Sentencing Guidelines Commission
January, 1983

CURRENT OFFENSE	Prior Adult Convictions*									Prior Juvenile Convictions**								
	Serious Violent	Burglary 1	Other Violent	Negligent Homicide	Escape	Burglary 2	Felony Hit-and-Run	Non-Felonies	Other Non-Violent	Serious Violent	Burglary 1	Other Violent	Negligent Homicide	Escape	Burglary 2	Felony Hit-and-Run	Non-Felonies	Other Non-Violent
Serious Violent	3	2	2	1	1	1	1	0	1	3	2	2	½	½	½	½	0	½
Burglary 1	2	2	2	1	1	2	1	0	1	2	2	2	½	½	1	½	0	½
Other Violent	2	2	2	1	1	1	1	0	1	2	2	2	½	½	½	½	0	½
Negligent Homicide	0	0	0	1	0	0	1	1	0	0	0	0	½	0	0	½	½	0
Escape	0	0	0	0	1	0	0	0	0	0	0	0	0	½	0	0	0	0
Burglary 2	1	2	1	1	1	2	1	0	1	1	2	1	½	½	1	½	0	½
Other Non-Violent	1	1	1	1	1	1	1	0	1	1	1	1	½	½	½	½	0	½

Definitions: Serious Violents: Murder 1, Murder 2, Assault 1, Kidnapping 1, Rape 1
Escapes: Escape 1, Escape 2, Willful Failure to Return From Work Release or Furlough
Non-Felonies: DWI, Reckless Driving, Hit and Run

*Prior B level felonies are not counted if 10 years (crime free) have elapsed in the community before the current offense was committed.
Prior C level felonies are not counted after 5 years (crime free).

**Prior juvenile adjudications are counted only if the current offense was committed on or before the offender's 23rd birthday and the juvenile offense was committed on or after the defendant's 15th birthday.

Note: In the case of multiple prior offenses, all adult offenses served concurrently count as one offense, and all juvenile adjudications imposed on the same date count as one offense for the purposes of computing the offender score.

As part of its report to the legislature, the Commission estimated the impact of its guidelines on existing and planned capacity for the state's correctional system. If capacity would be exceeded under its "ideal" set of guidelines, the Commission was to devise an alternate set which would not result in over-crowding. The alternate set was not required, however, since the Commission's "ideal" guidelines were simulated to fall within planned capacity. As represented in Table 16, the

TABLE 16
Comparison of Guidelines' Forecast with 1982 Prison Population Forecast

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
Sentencing Guidelines Commission 1/3/83 Assessment												
Total	6,521	5,888	5,542	5,547	5,608	5,724	5,835	5,932	6,026	6,142	6,219	6,328
Fall 1982 Prison Population Forecast												
Total	7,007	7,313	7,576	7,819	8,088	8,333	8,540	8,713	8,862	9,025	9,171	9,337
Difference: 1/3 Assessment Minus the Fall 1982 Forecast												
Total	-486	-1,425	-2,034	-2,272	-2,480	-2,609	-2,705	-2,781	-2,836	-2,883	-2,952	-3,009

findings were dramatic, indeed. The difference between the Sentencing Guidelines Commission's forecast of prison population and the Work Group's projection, discussed earlier in this paper and referred to as the "Fall 1982 Prison Population Forecast" in the table, is striking. Within the second year of operation a difference of 1,425 is noted, within a decade

the discrepancy grows to 2,952, with the Commission's forecast indicating a population of 6,219 and the Work Group's forecast projecting a population of 9,171.

The policy implications of this divergence are significant. In fact, it precipitated a reconsideration of the assumptions inherent in the simulation research. Nevertheless, the essential fact remains that the capacity available for Washington's prison system by April 1985 will reach 7,027, without constructing new 500-bed prisons at Clallam Bay or Grandview. That should provide enough space to incarcerate the chronic and violent offender population in this state in 1985 and 1995, given the impact of the new sentencing standards.

Finally, this report would not be complete without a consideration of recent recidivism data. This state defines a recidivist as an offender who is returned to a Washington State adult correctional facility within five years of being paroled or discharged from such a facility, the return resulting from conviction of a new felony or a violation of a condition of parole. Table 17 displays cumulative recidivism rates in Washington State. The total recidivism rate after a fiveyear period of time was found to be 36.1%.[32]

(For Table 17 see next page.)

TABLE 17

Cumulative Recidivism Rates, by Time at Risk, by Offense Category, for Persons Released[1/] during FY 60-81[2/]

OFFENSE CATEGORY	MAXIMUM TIME AT RISK				
	1 Year	2 Years	3 Years	4 Years	5 Years
Total	15.6	26.0	31.4	34.3	36.1
Person Offenses	11.7	20.3	25.2	27.9	29.4
Murder 1	7.4	10.9	15.9	22.2	26.7
Murder 2	9.2	11.4	13.5	15.6	19.0
Manslaughter	9.7	16.5	18.4	21.5	21.7
Sex Crimes	10.9	18.4	22.8	25.6	27.8
Robbery	12.9	22.6	28.6	31.4	33.0
Assault	11.7	21.6	27.1	29.5	30.6
Non-Person Offenses	16.8	27.6	33.1	36.1	37.8
Property	17.6	28.7	34.3	37.3	39.1
Drug	9.1	17.8	23.5	26.9	28.8
Other Felonies	14.9	25.8	29.9	30.6	31.7
Not Reported	18.7	27.8	32.2	33.5	33.9

1/ Paroled or Discharged.

2/ FY 60-81 for the 1-Year Cohort; FY 60-80 for the 2-Year Cohort; FY 60-79 for the 3-Year Cohort; FY 60-78 for the 4-Year Cohort; and FY 60-77 for the 5-Year Cohort.

Source: Department of Corrections

B. Alternatives to Incarceration[33]

> Imprisonment has proved the most expensive and least effective of the various correctional responses. The irony of it all is that there will be insufficient funds for more productive alternatives so long as the bulk of correction's resources goes for prisons and jails.[34]
>
> William G. Nagel,
> The New Red Barn: A Critical Look at the Modern American Prison, 1973

As stated previously, the "Sentencing Reform Act" directs the Sentencing Guidelines Commission to "emphasize confinement for the violent offender and alternatives to total confinement for the non-violent offender." The sanctions which the Commission can include in its recommended sentence ranges are total confinement, partial confinement, community supervision, community service, restitution, and fines.

Total confinement means "confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of local government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060" (these laws allow honor camps and labor camps). The law also stipulates that terms of confinement totaling more than a year need to be served in a facility or institution operated or utilized under contract by the state, whereas terms under a year shall be served in a facility operated, or utilized under contract, by the county. The state's prisons, work camps, and honor farms qualify as total confinement, along with local jails (the current capacity of city and county jails is approximately 3,500 to be increased to 4,500 by 1986). Certain "treatment" programs also appear to meet the definition, including the programs for sexual offenders at Western State and Eastern State Hospitals, one long term, minimum security alcoholism treatment program (Pioneer Center North), and portions of time spent in some residential drug treatment programs.

Partial confinement means "confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of local government, for substantial portion of each day with the balance in the community." Both state and county work release facilities would qualify as partial confinement. Some portions of time spent in residential drug and alcohol treatment programs would also appear to qualify.

Community supervision means "a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to this chapter by the court." Under the presumptive system, community supervision could be carried out by the state's probation and parole officers. The conditions for the sentence would be individually imposed and could vary from intensive supervision to a requirement for periodic reporting. Community supervision could be the only sanction imposed or it could be imposed for a specific period following an offender's release from confinement. The only restriction on the length of community supervision is that the sentence cannot exceed the crime's statutory maximum.

Rehabilitative-oriented sentences are reserved solely for the first-time, non-violent offender. Under this section of the law, the court may impose up to two years of community supervision which may include, in addition to crime-related prohibitions, requirements that the offender devote time to a specific employment or occupation, undergo available outpatient treatment or inpatient treatment not to exceed the standard range of confinement for that offense, or pursue a prescribed, secular course of study or vocational training.

Community service is defined as "compulsory service, without compensation, performed for the benefit of the community by the offender." Community service sentences are frequently given under current practice, often as an additional sanction rather than the sole sanction. The available resources for administering such sentences vary greatly from one county to another. Some programs are available only at the district or municipal court level, whereas others respond to superior court referrals.

Fines means "the requirement that the offender pay a specific sum of money over a specific period of time to the court." Fines are levied on an individual basis under current sentencing practices.

Restitution is defined as "the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs." The Commission did not include restitution in the standard sentence ranges since it is presumed for all applicable cases.

Table 18 outlines the various alternatives to incarceration which will be available under the new sentencing scheme. As presented to the legislature, the sentencing recommendations include a series of "alternative conversions" judges will refer to in making dispositions. Given the variability of resources to operate alternative programs at both the state level (e.g., community supervision) and the county level (e.g., community service), it is critical that this state's policy makers, criminal justice agency professionals, and informed citizens recognize the need to provide viable, cost-effective alternatives when appropriate.

(For Table 18 see next page.)

TABLE 18
ALTERNATIVES TO IMPRISONMENT

Type of Sanction	Current Capacity	Location	Typical Sentence Length
TOTAL CONFINEMENT			
• Sex Offender Program	193	Western State Hospital	24-30 months
• Sex Offender Program	43	Eastern State Hospital	20-36 months
• Residential Drug Treatment Programs	350	6 counties; 50% of beds in King County	Total confinement usually 30-90 days
• Pioneer Center North	55	Sedro Woolley	Involuntary commitments (30 days, 90 days)
PARTIAL CONFINEMENT			
• State Work Release	847	Primarily urban areas	4.2 months
• County Work Release	521*	**	Varies ***
• Residential Drug Treatment Programs	350	6 counties; 50% of beds in King County	6-18 months
• Residential Alcohol Treatment Programs	1,186	Majority in Western Washington	20-25 days
COMMUNITY SUPERVISION			
• Supervision by state probation and parole officer	230 officers	Every county	Varies
COMMUNITY SERVICE			
• Can be arranged with supervision by court, probation and parole officer, or community program	Unlimited	Every county	Varies
FINES			
• Can be imposed as part of any sentence	Unlimited	Every county	Varies
RESTITUTION			
• Can be imposed as part of any sentence	Unlimited	Every county	Varies

Source: Sentencing Guidelines Commission

*Does not include projected capacity increase due to jail construction projects.

**Facilities are located in the following counties: Benton, Clallam, Clark, Cowlitz, Franklin, Grays Harbor, Jefferson, King, Kitsap, Kittitas, Lewis, Okanogan, Pend Oreille, Pierce, Skamania, Snohomish, Thurston, Whitman, Yakima and Spokane. Facilities are also located in Auburn and Richland.

***For Thurston County average LOS is 6 months; King County average LOS is 3 months; Spokane County average LOS is 1½ - 2 months.

Perhaps we in Washington State should consider the recent findings of North Carolina's Citizens Commission on Alternatives to Incarceration which concluded that "alternatives to incarceration are viable solutions to the cost and crowding problems and are consonant with the public security."[35]

A final word of caution must be added, however, regarding increased alternatives which have, at least until recently, been considered an article of faith among criminal justice reform groups. Findings that "there is little evidence that sentencing alternatives have substantially displaced incarceration,"[36] appear with increasing frequency in the literature. As Eugene Doleschal, the Director of the NCCD's Information Center, recently lamented: "In effect, community programs have not been alternatives to incarceration but alternatives to release. Social control, once concentrated in the institutions, is now being dispersed into the community."[37]

The Legislature in Washington State has provided an explicit delineation of alternatives. Dale Parent, the former Director of the Minnesota Sentencing Guidelines Commission, has noted: "The Washington statute is the only one I know of which sets forth a broad legal basis for establishing non-confinement sanctions as sanctions unto themselves."[38] What is critical to pursue at this point is: (1) a marshalling of greater resources within the state and its counties to ensure the availability of the alternatives provided for in the legislation, and (2) an awareness among a variety of public and private sectors that the clanging of a cell door provides merely a false sense of security. The importance of

political symbolism must be recognized,[39] and the naive equivalency of incarceration and punishment must be challenged. As the authors of a recent article on the "Unmet Promise of Alternatives to Incarceration," conclude: "A radical shift in correctional policy toward the presumptive use of nonprison sanctions, together with fixing (or reducing) custodial capacity, deserves serious debate."[40] They correctly observe that a new political consensus must be forged in which the values of punishment and public safety are rationally balanced with fiscal limits and competing claims for public revenue.

V. Conclusion

> ...we seriously question the value of adding correctional capacity--whether in the form of new construction or the development of alternatives--as a means of redressing the problems of prison and jail crowding. While there are substantial needs to renovate or replace existing facilities, our historical analysis of the relationship between population and capacity suggests that the construction of supplemental prison and jail capacity may, at best, provide short-lived reductions in crowding and, at worst, may result in absolute increases in the number of prisoners held in substandard conditions. Similarly, while the need for more alternatives to incarceration is indisputable, it is important that such programs be structured explicitly to avoid their use as supplemental sanctions. Since any increase in the range of criminal sanctions may simply increase the number of people who fall under correctional supervision, we caution that these programs may never fully achieve the status of "alternatives" unless the prison capacity they are designed to replace is actually closed.[41]
>
> Abt Associates/National Institute of Justice
> American Prisons and Jails, 1980

The goals of this report have been wide-ranging; they have included a consideration of: (1) current correctional structure, capacity, and population in Washington State, (2) prison population projections and construction plans in the state, and (3) the apparent impact of presumptive sentencing, especially in light of the alternatives to imprisonment delineated by the legislature and consistent with their admonition to the Sentencing Guidelines Commission that it incorporate "frugal use of state resources" into their recommendations.

The information contained in this report, from both state and national perspectives, reinforces the position adopted by the Board of Directors of the Washington Council on Crime and Delinquency in their "Policy Statement Concerning Prison Construction." The incarcerative presumption, which is certainly implicit if not explicit in our correctional policy, must be challenged on the bases of effectiveness, efficiency, economy and, ultimately, humaneness.

Under the Sentencing Guidelines Commission's recommendations, violent offenders will more likely be incarcerated than is currently the case, and serve comparatively longer sentences. Less serious offenders should receive sanctions which de-emphasize total confinement. The state's planned capacity--excluding new 500-bed prisons at Clallam Bay and Grandview---should be sufficient to meet future demands. Regardless of the effect of the sentencing reform, national research has demonstrated that overcrowding cannot be solved through additional construction.

Finally, as even the President's Task Force on Violent Crime concedes, ultimately, violent crime "reflects a breakdown of the social order, not of the legal order."[42] Although outside the immediate scope of this report, a rational correctional policy agenda must include a recognition of the significance of basic social services, employment, educational, preventive programs, and early-intervention strategies[43] in reducing our reliance upon correctional resources.

APPENDIX 1

Table 1. Prisoners under jurisdiction of State and Federal correctional authorities, by region and State, yearend 1981 and first and second quarter, 1982

Region and State	Total prisoner population 12/31/81	3/31/82	6/30/82	Percent change from: 12/31/81 to 6/30/82	3/31/82 to 6/30/82	Number of sentenced prisoners per 100,000 population 6/30/82[a]
United States	368,772	381,881	394,380	6.9	3.3	163
Male	353,335	365,344	377,238	6.8	3.3	321
Female	15,437	16,537	17,142	11.0	3.7	13
Federal institutions[b]	28,133	28,429	29,033	3.2	2.1	10
State institutions	340,639	353,452	365,347	7.3	3.4	153
Northeast	53,397	55,219	57,465	7.6	4.1	110
Maine	992	922	941	-5.1	2.1	72
New Hampshire	398	426	418	5.0	-1.9	44
Vermont[c]	534	590	631	18.2	6.9	88
Massachusetts	3,889	3,986	4,164	7.1	4.5	72[d]
Rhode Island[c]	962	1,034	1,034	7.5	0.0	79
Connecticut[c]	4,647	5,015	5,351[e]	15.1	6.7	104
New York	25,599	26,372	27,117	5.9	2.8	154
New Jersey[f]	7,011	7,158	7,698	9.8	7.5	100
Pennsylvania	9,365	9,716	10,111	8.0	4.1	85
North Central	72,348	74,185	74,891	3.5	1.0	124
Ohio	14,968	15,600	16,319	9.0	4.6	151
Indiana	8,022	8,346	8,464	5.5	1.4	147
Illinois	13,206	13,533	13,361	1.2	-1.3	106
Michigan[g]	15,157	15,336	14,935	-1.5	-2.6	163
Wisconsin[g]	4,416	4,466	4,544	2.9	1.7	96
Minnesota	2,024	2,003	2,031	0.3	1.4	50
Iowa[h]	2,670	2,769	2,774	3.9	0.2	91
Missouri	6,489	6,502	6,639	2.3	2.1	134
North Dakota[i]	280	351	370	32.1	5.4	44
South Dakota	693	737	742	7.1	0.7	105
Nebraska	1,653	1,665	1,707	3.3	2.5	96
Kansas	2,770	2,877	3,005	8.5	4.4	126
South	159,712	166,296	172,025	7.7	3.4	215
Delaware[c]	1,712	1,826	1,937	13.1	6.1	229
Maryland	9,335	9,831	10,377	11.2	5.6	229
District of Columbia[c]	3,479	3,610	3,790	8.9	5.0	496
Virginia	9,388	9,515	9,648	2.8	1.4	171
West Virginia	1,565	1,570	1,433	-8.4	-8.7	71
North Carolina[i]	15,791	16,625	16,562	4.9	-0.4	258
South Carolina	8,538	8,747	9,011	5.5	3.0	266
Georgia[f]	12,444	12,761	14,053	12.9	10.1	245
Florida	23,589	24,578	26,466	12.2	7.7	248
Kentucky	4,167	4,151	4,358	4.6	5.0	119
Tennessee	7,897	8,187	8,156	3.3	-0.4	176
Alabama	7,657	7,802	8,168	6.7	4.7	203
Mississippi	4,624	4,975	5,158	11.5	3.7	198
Arkansas[j]	3,328	3,483	3,607	8.4	3.6	156
Louisiana	9,415	9,798	10,084	7.1	2.9	232
Oklahoma[i]	5,281	5,540	5,924	12.2	6.9	189
Texas[h]	31,502	33,297	33,293	5.7	-0.0	222
West	55,182	57,752	60,966	10.5	5.6	132
Montana	831	859	875	5.3	1.9	110
Idaho	957	1,002	1,026	7.2	2.4	106
Wyoming	587	619	654	11.4	5.7	131
Colorado[i]	2,772	2,847	3,026	9.2	6.3	101
New Mexico	1,497	1,615	1,717	14.7	6.3	121
Arizona	5,223	5,451	5,641	8.0	3.5	199
Utah	1,140	1,179	1,189	4.3	0.8	76
Nevada	2,116	2,324	2,552	20.6	9.8	295
Washington	5,336	5,569	5,896	10.5	5.9	139
Oregon	3,295	3,476	3,593	9.0	3.4	135
California	29,202	30,402	32,182	10.2	5.9	126
Alaska[c,j]	1,019	1,142	1,297	27.3	13.6	200
Hawaii[c,k]	1,207	1,267	1,318	9.2	4.0	86

NOTE: Prisoner counts may differ from those reported in previous publications and are subject to revision as updated figures become available.

[a]Unpublished Bureau of the Census estimates for the resident population on December 31, 1981, were used to calculate rates of incarceration. Sentenced prisoners are defined as those serving sentences of more than one year.

[b]Federal Bureau of Prisons data include the following number of persons held under jurisdiction of the Immigration and Naturalization Service: 1,921 on 12/31/81; 2,062 on 3/31/82; and 1,925 on 6/30/82. First quarter 1982 figure is actually for 2/28/82.

[c]Figures include both jail and prison inmates; jails and prisons are combined into one system.

[d]Massachusetts cannot distinguish inmates by sentence length; therefore, the incarceration rate is based on the total prisoner population.

[e]Connecticut's midyear figure includes State prison inmates in hospitals; such inmates were excluded from earlier counts.

[f]Figures for Georgia and New Jersey exclude State prisoners held in local jails.

[g]Michigan's and Wisconsin's latest population counts are dated 2/28/82 and 5/31/82.

[h]Iowa's and Texas' population counts are for prisoners in custody only.

[i]The following population counts are estimates: North Dakota, 3/31; Colorado, 6/30; and North Carolina and Oklahoma, both 3/31 and 6/30.

[j]Population counts for 6/30 for Arkansas and Alaska are estimates.

[k]Population count for 3/31 for Hawaii is an estimate.

Appendix 2

State of Washington

JOHN SPELLMAN, Governor

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER

EO 81-15

ESTABLISHMENT OF AN INTERAGENCY CRIMINAL JUSTICE WORK GROUP

WHEREAS, the prison system in the state of Washington is experiencing severe overcrowding; and

WHEREAS, in order for the correctional system to plan adequately for current and future facilities, it is necessary to project and forecast prison populations; and

WHEREAS, the area of criminal justice needs the immediate attention of state government; and

WHEREAS, no single state agency can address the totality of criminal justice issues facing the state;

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, hereby resolve that an interagency criminal justice work group be established to:

(1) provide a coordinated interagency system for prison population forecasting and projection;

(2) bring numerous state agency resources to bear on the management of criminal justice issues;

(3) review and make recommendations on operational strategies and approaches to address problems facing the system;

(4) provide for the sharing of information on which operational decisions can be made; and

(5) complement the work of the Sentencing Guidelines Commission.

The Interagency Criminal Justice Work Shop consists of the following individuals:

Amos Reed, Secretary, Department of Corrections (Chairman)
Joe Taller, Director, Office of Financial Management

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Alan Gibbs, Secretary, Department of Social and Health Services

William Henry, Chairman, Board of Prison Terms and Paroles

Charles Robinson, Chairman, Jail Commission

A Representative from the Judicial System

A Representative from the Washington Association of Prosecuting Attorneys

The Work Group may also request support from other individuals or groups as it deems appropriate.

The Office of Financial Management will serve as lead for the projection/forecasting task, including the development of recommendations concerning data system improvements.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 14th day of August, A.D., Nineteen hundred and eighty-one.

Governor of Washington

BY THE GOVERNOR:

Assistant Secretary of State

APPENDIX 3

VIOLENT CRIMES *

1ST DEGREE MURDER
2ND DEGREE MURDER
1ST DEGREE KIDNAPPING
2ND DEGREE KIDNAPPING
1ST DEGREE ASSAULT
2ND DEGREE ASSAULT
1ST DEGREE RAPE
2ND DEGREE RAPE
1ST DEGREE ROBBERY
2ND DEGREE ROBBERY
1ST DEGREE STATUTORY RAPE
1ST DEGREE BURGLARY
1ST DEGREE MANSLAUGHTER
2ND DEGREE MANSLAUGHTER
1ST DEGREE ARSON
1ST DEGREE EXTORTION
INDECENT LIBERTIES (WITH FORCIBLE COMPULSION)
CLASS A DRUG
2ND DEGREE ARSON

*AS DEFINED IN CHAPTER 9.94A RCW

FOOTNOTES

[1]Michael Sherman and Gordon Hawkins, Imprisonment in America (Chicago: The University of Chicago Press, 1981), p.48.

[2]Washington Department of Corrections, 10 Year Facility Plan, HDR/PRIMA Consultants, December 1981.

[3]Sherman and Hawkins, op. cit., p.ix.

[4]Amos Reed quoted in Bruce Ramsey and Stephen Gettinger, "Washington State Seeks a Return to Normalcy," Corrections Magazine, V. VII, #3 (June 1981), p.37.

[5]For a more detailed description see, "A Guide to the Washington State Department of Corrections," Olympia, Department of Corrections, November 1982.

[6]Unless otherwise indicated, the data on inmates and capacity derive from the Department of Corrections, Division of Management and Budget, "Client Characteristics and Population Movement Report, For the Quarter of July-September 1982," Olympia, Washington.

[7]"Prisoners at Midyear 1982," Bureau of Justice Statistics Bulletin, Department of Justice, October/November 1982.

[8]See, for example, Carolyn Johnson and Marjorie Kravitz, Overcrowding in Correctional Institutions (Rockville, MD: National Criminal Justice Reference Service, February 1979); Garvin McCain, Verne C. Cox, and Paul B. Paulus, The Effect of Prison Crowding on Inmate Behavior (Arlington: University of Texas, February 20, 1980).

[9]Larry M. Fehr, The Disproportionate Representation of Racial Minorities in the Criminal Justice System of Washington State, (Seattle: Washington Council on Crime and Delinquency, July 1982).

[10]Abt Associates, American Prisons and Jails, Volume 1, (Washington, D.C.: National Institute of Justice/Department of Justice, October 1980), p.135.

[11]Department of Corrections, November 1982, op. cit., p. 6.

[12]Office of Financial Management (prepared for the Governor's Interagency Criminal Justice Work Group), Prison Population Forecast For Washington State - FY 1982-1995, Olympia, WA, March 1982, p.34.

[13]The Washington State prison population forecast computer model is a multi-phased system of initial data inputs, numerous programs, and intermediate outputs--which later serve as inputs, and a final prison population forecast report. There are five major programs, one minor program, eight data input files, four subpopulation forecast files, and two output reports. Technical programming documentation can be found in the office of Financial Management's, Prison Population Forecast for Washington State: Technical Programming Documentation, Olympia, WA, July 1982.

[14]Members include the Secretary of Corrections (Chairman), Director of the Office of Financial Management, Secretary of the Department of Social and Health Services, Chairman of the Board of Prison Terms and Paroles, Chairman of the State Jail Commission, judicial system representatives, and a prosecuting attorney representative.

Footnotes Continued

[15] Michael Sherman, quoted in, "Prison Population Jumps to 369,725," Corrections Magazine, v. VIII, #3, (June 1982), p. 8.

[16] William G. Nagel, "On Behalf of a Moratorium on Prison Construction," Crime and Delinquency, V. 23, n.2 (April 1977), pp. 154-72.

[17] Warren Benton and Judith Silberstein, Explanatory Models of State Prison Expansion (New York: John Joy College of Criminal Justice, 1981).

[18] Abt Associates, op. cit., Volumes I-V.

[19] See, Does Capacity Drive Prison Population? Abt's Famous Conclusion Challenged," Criminal Justice Newsletter, v. 13, n. 8, (April 26, 1982), p. 3.

[20] Abt Associates, op. cit., V. II. p. 56.

[21] Donna Schram quoted in, Crime and Delinquency News, May 1982, p. 1.

[22] Quoted in, "Abt Study Challenged," Jericho, n. 29, (Summer/Fall 1982), p. 9.

[23] Washington Department of Corrections, (Dec. 1982), op. cit., p. 1.

[24] Ibid., p. 2.

[25] Department of Corrections, Division of Prisons, Prison Construction Costs and Square Footage Analysis, Olympia, WA, February 24, 1982.

[26] Data presented in this table was provided to the author on December 6, 1982, by Amos Reed, Secretary of Corrections. The revised capacity plans were referred to during a meeting of the Sentencing Guidelines Commission by Jack O'Connell of the Office of Financial Management.

[27] Allen Breed and Robert Smith, "...Of Compelling National Interest," Corrections Today, v. 44, #4, (August 1982), p. 66.

[28] For more detailed information regarding Washington's sentencing reform legislation and the work of the commission created to make recommendations to the legislature, contact: Sentencing Guidelines Commission, 3400 Capitol Blvd., QE-13, Olympia, WA 98504.

[29] For an exposition of the intellictual underpinnings of the shift toward determinancy, see, e.g., Andrew Von Hirsch, Doing Justice: The Choice of Punishments (New York: Hill and Wang, 1976); for a national review of sentencing changes, see, National Center for State Courts, Sentencing Reform: A Review and Annotated Bibliography (Williamsburg, VA, 1981).

[30] Sentencing Guidelines Commission, "Recommendations for Public Hearing Review," October 8, 1982, p. 1.

Footnotes Continued

[31] Sentencing Guidelines Commission, "Current Sentencing Practices: How Much Time Per Crime?" Working Paper #8, August 25, 1982.

[32] Department of Corrections, "Recidivism Rates at One Through Five Years at Risk for Offenders Released During Fiscal Years 1960-81," February 1, 1983.

[33] Much of the information contained in this section of the report is derived from a memorandum from Roxanne Park, Executive Officer of the Sentencing Guidelines Commission, to the Commission Members and Interested Individuals, dated September 16, 1982, concerning "Alternatives to Incarceration."

[34] William G. Nagel, The New Red Barn: A Critical Look at the Modern American Prison (Philadelphia: The American Foundation, 1973).

[35] Citizens Commission on Alternatives to Incarceration, Report, Fall 1982, p. 3.

[36] James Austin and Barry Krisberg, "The Unmet Promise of Alternatives to Incarceration," Crime and Delinquency, v. 28, #3 (July 1982), p. 406.

[37] Eugene Doleschal, "The Dangers of Criminal Justice Reform," Criminal Justice Abstracts, v. 14, #1, (March 1982), p. 135.

[38] Dale Parent, correspondence to the Sentencing Guidelines Commission, dated September 1, 1982.

[39] For an excellent disposition on the salience of political symbolism to public policy on imprisonment, see Michael Sherman and Gordon Hawkins, op. cit., especially Chapter 4, "Theories and Symbols."

[40] Austin and Krisberg, op. cit., p. 409.

[41] Abt Associates, op. cit., p. 27.

[42] Attorney General's Task Force on Violent Crime, quoted in Criminal Justice Newsletter, v. 12, #18, (September 14, 1982), p. 4.

[43] The Board of Directors of the Washington Council on Crime and Delinquency has recently endorsed the proposed "Comprehensive Family and Children's Services Act of 1983," which would enhance a wide variety of preventive and early-intervention services to youth.

END