

First-Year Returns to Prison and Warrant Issuance in the Proclamation 20-50 Population



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Key Findings

- Reentry under Proclamation 20-50 affected a 4-point increase in the probability of returning to prison, and a 19-point increase in the probability of an active warrant within one year of exiting prison.
- Key differences with a comparison group were drug possession while in partial confinement, and absconding and failing to complete substance abuse treatment while under community supervision.
- There was no indication that Proclamation 20-50 affected the likelihood of returning to prison with a new RCW violation within one year of exiting prison.

Background

In response to the COVID-19 pandemic, the Department of Corrections was directed by Governor Jay Inslee on April 15, 2020 to identify “incarcerated individuals for potential release through Rapid Reentry, furlough, commutation, or emergency medical release, as eligible and needed” (Proclamation 20-50¹). Subsequently, 950 individuals were released or transferred to partial confinement under the Governor’s proclamation, and 66 under the Secretary’s furlough authority (1,016 in total), between April 17 and May 15, 2020. This brief report examines the frequency of returns to prison and warrant issuance in the population releasing or transferring to the community under the Governor’s proclamation compared with those exiting prison in previous years.

Methods

Data Source(s). OMNI as of October 6, 2021.

Population. A preliminary dataset included 950 individuals released or transferred to partial confinement under Proclamation 20-50, and all individuals releasing from prison ($n = 9,572$) or transferring to work release ($n = 1,450$) in the two years prior (i.e., releasing or transferring between April 2018 and April 2020). With conditions for transfer largely based on individual medical need, furloughs ($n = 66$) were excluded from analysis. Additionally, criteria that individuals have a completed Offender Needs Evaluation (ONE) risk assessment prior to exiting prison, and that releases and partial confinement groups be mutually exclusive produced a data set including 932 individuals exiting under Proclamation 20-50 and 9,833 individuals exiting in the two years prior.

Analytic Approach. Given multiple factors affecting returns to prison and warrant issuance (e.g., DOC contacts standards, and individual and community contexts), all impacted by statewide efforts to mitigate COVID 19 spread,² as well as limitations in comparing the Proclamation 20-50 population with

¹ <https://www.governor.wa.gov/office-governor/official-actions/proclamations>

² Hirsch, M. (2021). COVID-19 and adult criminal justice: A quantitative look at affected systems (Document Number 21-07-1901). Olympia: Washington State Institute for Public Policy.

individuals also releasing under pandemic conditions, data are presently insufficient for measuring the specific impact of the proclamation on reentry outcomes. However, analysis of Proclamation 20-50 outcomes can highlight the operational demands of reentry under the unprecedented conditions of the pandemic. For this report, first-year returns to prison and warrant issuance were modeled as dependent on selection into either the Proclamation 20-50 population or a comparison group of individuals exiting prison in the two years prior, matched on the following characteristics: age at exit, race or ethnicity, gender, assessed risk at time of exit, time in confinement, time under jurisdiction after exit, and the number of serious infractions in the year prior to exit.

Results

Table 1 shows characteristics of 1:1 propensity score matched populations. Although the Proclamation 20-50 population had a higher probability of serious misconduct in the six months prior to exit, all variables were adequately balanced with the comparison group as indicated by standardized mean differences of less than 0.1.

Table 1. Population characteristics by exit condition.

	Proclamation 20-50 (n = 932)	Comparison Group (n = 932)
<i>Age at exit</i>		
Less than 25	9.3%	9.6%
25 to 39	57.8%	58.2%
40 and older	32.8%	32.3%
<i>Race/ethnicity</i>		
White	64.2%	64.2%
Hispanic	12.2%	12.2%
Black	11.9%	11.9%
American Indian	8.4%	8.4%
Asian	2.1%	2.1%
Pacific Islander	1.2%	1.2%
<i>Gender</i>		
Male	83.2%	83.2%
Female	16.8%	16.8%
<i>Prison exit type</i>		
Release	45.1%	45.1%
Transfer to partial confinement	54.9%	54.9%
<i>Assessed risk at exit</i>		
Low	6.0%	6.0%
Moderate	3.5%	3.5%
High Drug	12.3%	12.3%
High Property	36.8%	36.8%
High Violent	9.3%	9.3%
High Diverse	32.0%	32.0%

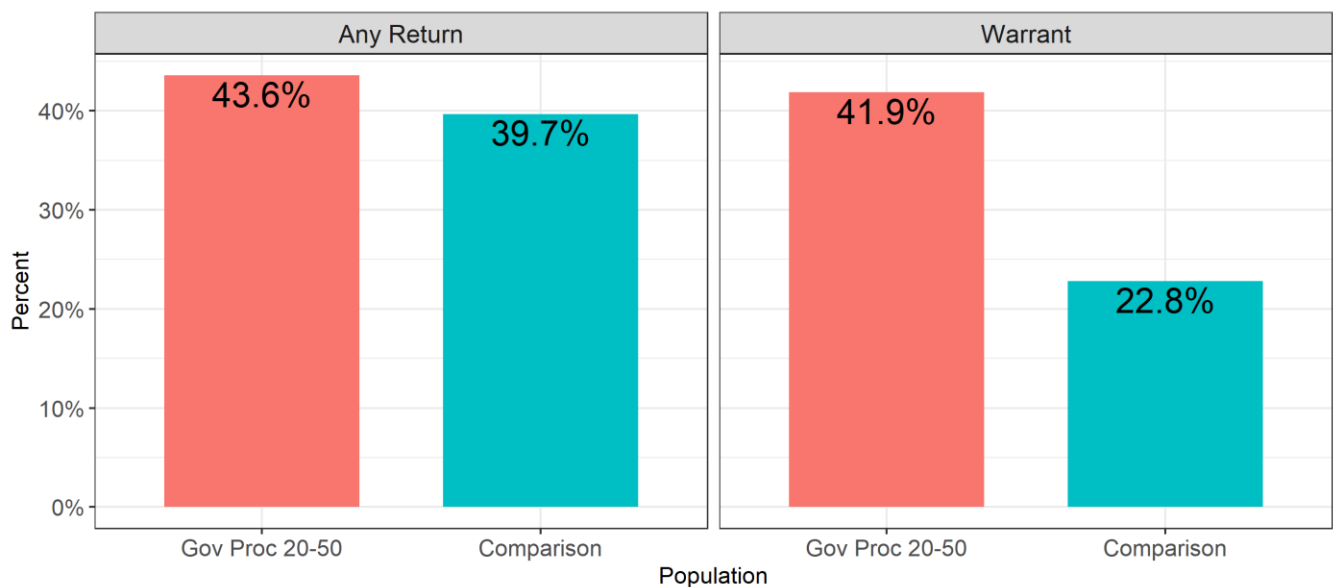
Table 1. Population characteristics by exit condition (continued).

	Proclamation 20-50 (n = 932)	Comparison Group (n = 932)
Any serious misconduct in 6 months to exit	31.1%	25.4%
Average days in confinement	462	447
Average days under jurisdiction after exit	360	360

NOTE: Age matched by nearest neighbor on continuous scale. Proclamation 20-50 days in confinement adjusted to reflect earned release date. All standardized mean differences < 0.1.

Returns to prison. The likelihood of returning to prison for any reason (e.g., violation, custody demotion, new conviction) in the first year after either being released or transferred to partial confinement was greater under Proclamation 20-50 compared to exit conditions in previous years. As shown in Figure 1, exiting prison under the proclamation affected a 4-point increase in the probability of return within the first year (90% credible interval between 1.7% and 8.6%). Of the 950 individuals exiting prison under Proclamation 20-50, an estimated 50 more individuals returned to prison in the first year than would have been expected under conditions of the comparison group.

Figure 1. First-year adjusted rates of return to prison and warrant issuance by exit condition.



NOTE: Rates are posterior medians of probability of returning to prison or warrant issuance with population characteristics under two conditions of exit.

Reason for return to prison. Table 2 shows the most frequent community supervision, prison, or other RCW violations affecting a first-year return to prison in the Proclamation 20-50 and comparison populations.

Table 2. Most frequent community supervision, prison, and RCW violation by exit condition.

	Proclamation 20-50 (n = 932)	Comparison Group (n = 932)
<i>Community supervision (n)</i>	185	201
Absconding from supervision	60.0%*	33.8%
Using controlled substance	39.5%	47.8%
Abide urinalysis/blood alcohol testing	31.9%*	21.9%
Unapproved change of work or residence	28.1%	21.9%
Failure to complete substance abuse Tx	20.5%*	9.0%
<i>Prison (n)</i>	178	114
752 Drug possession or positive test	70.8%*	28.1%
813 Unauthorized time in community	23.0%*	16.7%
550 Escape	11.2%*	3.5%
814 Violating special conditions	7.3%	21.1%*
603 Unauthorized drug or paraphernalia	2.1%	5.3%
<i>RCW (n)</i>	20	20
69.50.4013 Drug possession	5	6
9A.52.030 Burglary	3	3
9A.76.110 Escape	3	1
9.41.040 Unlawful possession of firearm	2	1
9A.36.031 Assault 3	2	0
9A.56.068 Possession of stolen vehicle	2	1

*Log-ratio tests indicate significantly higher probability of violation relative to other group.

NOTE: Percentages are probability of violation conditional on having returned to prison. Individuals may have multiple violation types within a category. Community supervision and prison violations reflect first return to prison. RCW violations may include individuals with an earlier community supervision or prison violation. Total people with RCW violations is greater than sum of most frequent violations shown.

Community supervision. The overall probability of being subject to a field hearing within one year of exiting prison was effectively the same in the Proclamation 20-50 and comparison populations (19.8% and 21.6% respectively); however, violation types differed significantly. Individuals exiting prison under Proclamation 20-50, for instance, were roughly two times more likely to be violated for absconding and failing to complete substance abuse treatment.

Prison. Individuals transferring to partial confinement had a significantly higher probability of returning to prison under Proclamation 20-50 (19.1% versus 12.2% in comparison group, Bayes factor > 3). Population differences were driven primarily by the 2.5 times increase in the likelihood of being found guilty of possessing or testing positive for substances (WAC violation 752).

RCW. There was no indication that Proclamation 20-50 affected the likelihood of returning to prison with a new RCW violation within a year of exiting prison (2.1% in both populations).

Returns to prison were, by and large, not conditioned on warrants. Of 410 Proclamation 20-50 individuals returning to prison within one year of exit, 54 (13.2%) returned after being placed on active warrant status. Alternatively, of the 390 individuals with an active warrant within one year of exit, 250 (63%) had already returned to prison prior to any warrants.

Warrants. Individuals exiting prison under Proclamation 20-50 were nearly two times more likely than a comparison group to have an active warrant within the first year of releasing or transferring to partial confinement. As shown in Figure 1, a 19-point increase in the probability of having a warrant (90% credible interval between 15.8% and 22.1%) meant that there were an estimated 180 more individuals with an active warrant after one year under Proclamation 20-50 than would have been expected under conditions of the comparison group.

Of the nearly 400 individuals with an active warrant within one year of reentry under Proclamation 20-50, 98 (24.7%) are unresolved as of October 6, 2021.

Limitations

Analyses describe differences in the probability of returning to prison and having an active warrant affected by reentry under Proclamation 20-50, and, more broadly, the conditions of COVID-19 pandemic. Detailed processes or causal mechanisms, however, were unspecified. The report does not account for other pandemic conditions affecting outcomes, including changes in community supervision contact standards, the availability of community resources, or individuals' degree of preparedness or orientation to partial confinement and supervision. Future analysis will benefit from reentry expansion (SB5121) initiatives to improve measurement of individual characteristics and community contexts affecting reentry.

Summary

In response to the COVID-19 pandemic State of Emergency, 1,016 incarcerated individuals were released or transferred to partial confinement in the community under Governor's Proclamation 20-50. Reentry under the proclamation was associated with an estimated 4-point increase in the probability of returning to prison, and a 19-point increase in the probability of being under active warrant status within one year of exit.

Violations driving the increased probability of returning to prison included drug possession while in partial confinement (WAC violation 752) and absconding and failing to complete substance abuse treatment while under community supervision. There was no indication that Proclamation 20-50 affected the likelihood of returning to prison with a new RCW violation.