

July 20, 2021

Reentry Division
Attn: Julie Martin, Deputy Secretary
Washington State Department of Corrections
PO BOX 41100, Mail Stop 41100
Olympia, WA 98504-1100

Dear Deputy Secretary Martin,

The undersigned cities of Burien, Des Moines, Normandy Park, and SeaTac (collective 'we') support the Washington State Department of Corrections (DOC) goal of siting a work release facility in King County and recognize the benefits these facilities provide for inmates to transition from life in prison to life in the community (i.e. reduce recidivism and increase public safety) while remaining under DOC supervision.

We have prepared this joint letter to express our concerns over the approach and process used by the DOC that focuses on South King County Cities and the proposed location in SeaTac (Sea-Tac Crest Motor Inn located at 18845 International Boulevard).

Concerns

The undersigned cities share the following concerns with the approach and process used by the Washington Department of Corrections (DOC):

- Public participation. State law establishes a high standard for early and continuous public participation; to date this standard has not been met.
- Candidate site selection. The process to identify candidate sites is flawed; only sites in South King County have been evaluated. The criteria are unclear and appear to heavily weight the cost of site acquisition to the detriment of South King County.
- Geographic and social equity. Our communities already support a significant number of essential public facilities (EPFs) and represent BIPOC and low-income populations. The further concentration of EPFs in these communities will exacerbate existing inequities.

The undersigned cities request that the Department of Corrections take immediate action to address the above concerns as further elaborated in Attachment 1 – Basis for Concerns.

Recommended Actions

To remedy these concerns, we request the following actions by DOC:

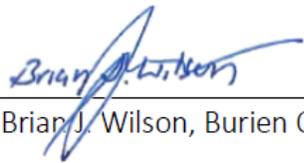
- A. Improve public outreach and engagement.
 1. Publish clear criteria for identifying / selecting candidate sites in advance of identifying specific sites.
 2. Immediately following identification of a candidate site by the search committee, provide public notice as required by RCW 72.65.220.

3. Ensure that communities surrounding possible candidate sites have representatives on the Local Advisory Committee (LAC) as required by WAC 137-57-050.
- B. Improve methodology and criteria for identifying candidate sites.
1. Clearly document methodology and approach to identifying candidate sites.
 2. Establish clear criteria for identifying and selecting candidate sites, including criteria used by third-party operator(s).
 3. Establish criteria related to social equity and the impacts of concentrating EPFs.
 4. Establish criteria to avoid the geographic concentration of EPFs.
 5. Actively identify candidate sites for review by the selection committee (i.e. do not rely on self-identification).
 6. Add candidate sites in north and east King County.

In Closing

We support DOC’s goal of siting a work release facility and recognize that the work release program benefits King County by decreasing recidivism and increasing public safety. The preceding recommended actions are intended to ensure that a work release facility is built in King County, while also ensuring meaningful public participation and avoiding unintended impacts related to the concentration of EPFs in BIPOC communities.

Regards,



 Brian J. Wilson, Burien City Manager

July 20, 2021

 Date



 Michael Matthias, Des Moines City Manager

7/15/2021

 Date



 Amy Arrington, Normandy Park City Manager

7/15/21

 Date



 Carl Cole, SeaTac City Manager

7/20/2021

 Date

Attachment 1 – Basis for Concern¹

Public Participation

In 2019, DOC formally initiated the work release expansion site selection process in King County. The Washington State legislature has provided clear statutory direction in that DOC develop a siting process that encourages “*early and continuous public participation*” to establish a work release facility. Public notification must include, at a minimum, public notice in the local newspaper, notice to school districts, the local government, representatives of the business community, and to all residents and property owners within a one-half mile radius of the proposed site (RCW 72.65.220).

This statutory direction is further reflected in DOC’s administrative rules, that requires the formation of an advisory committee when DOC intends to locate work release facility. The advisory committee must be comprised of local elected or public officials, local law enforcement personnel, interested citizens, and department staff. No SeaTac officials were engaged by DOC to participate in the advisory committee, until April 2021.

The April 9, 2021 DOC letter indicates that the siting process is ongoing, and therefore there is no need to restart the process. There are several concerning aspects of DOC’s approach:

- It appears that the intent of DOC is to only engage in the mandated “*early and continuous public participation*” only after 3 or fewer sites have been identified.
- To date, there has been no public notification related to the sole candidate site, located at 18845 International Boulevard.
- No SeaTac, Burien, Des Moines, or Normandy Park elected officials have been engaged by DOC to participate in the advisory committee, until April 2021.
- At the May 18, 2021 public meeting, DOC indicated that if additional candidate sites were not identified in June, DOC would proceed with review of the 18845 International Boulevard site.

Taken together, the result is that DOC’s approach will not allow public comment that would meaningfully inform the site selection because the public will be relegated to simply commenting on a fait accompli.

Based upon the above, we believe that the DOC’s approach to public participation is significantly flawed. This flawed approach will prevent the already disadvantaged communities of SeaTac, Burien, Des Moines, and Normandy Park from meaningfully informing the site selection process as required by state law.

Candidate Site Selection

The approach used by DOC to identify candidate sites has two flaws: A) unclear, and potentially conflicting, site selection criteria; and B) a deficient process to identify candidate sites.

¹ Many of the concerns expressed by the undersigned cities were raised in a March 26, 2021 letter, from SeaTac. DOC provided a response to the City of SeaTac on April 9, 2021. This letter is partially informed by that response.

Site selection criteria.

DOC is required to comply with applicable statutes in siting a work release facility. RCW 72.65.080 and WAC 137-57-050, require that the DOC consider zoning, the acquisition cost, community impacts, access to public transportation, and the suitability of the site for program activities. Further, DOC has indicated that the proposed work release facility is an EPF, subject to the siting provisions of RCW 36.70A.200. In consultation with the LAC committee, DOC has also identified additional siting “considerations” that are similar, but not the same as, the regulatory criteria.

One criterion of particular concern has no basis in applicable statutes or guidance from the local advisory committee (LAC). DOC has indicated that it is DOC’s policy² to locate the work release facility in those communities from which the incarcerated individuals participating in the work release program originated. According to DOC data, most incarcerated individuals originate in South King County³. The consequence of this DOC policy as siting criterion is that the work release facility will have to be sited in South King County.

Another criterion of concerns is the cost of site acquisition (WAC 137-57-050(2)(a)). This criterion has not been clearly articulated to the LAC. DOC has indicated that this criterion is less relevant: “...*the department will be leasing any property associated with the project and not purchasing, it is impossible to know acquisition costs until and unless a lease agreement is reached with a property owner.* (DOC letter to SeaTac, dated April 9, 2021).” This statement ignores basic realities in real estate. As a general principle, acquisition costs are higher where land values are higher. Similarly lease rates are higher where there is more competition for leasing. Land values and lease rates are lower in South King County than in Seattle or East King County.

Finally, DOC intends to partner with a third-party operator; the third-party operator will operate the work release facility under contract with DOC. However, there is no clarity around what criteria the third-party operator will have, and how that may affect the siting considerations.

A complete list of all applicable criteria and siting “considerations” is not available on the DOC website or in the material available to the public. This lack of clarity adversely affects affected communities.

The effect of this approach is clear. Potentially affected communities cannot meaningfully comment on the siting criteria because the criteria are not clearly provided. The criteria are biased to ensure that the work release facility will be in South King County.

Deficient process.

² DOC has not provided a clear basis for this policy, which prevents debate of the validity of the policy. Applicable statutes only require placement of the work release facility in the county served by the facility.

³ The cities of Burien, Renton, Des Moines, Kent, and Auburn are prominently displayed on the mapping data. SeaTac is notably absent from the mapping.

DOC has indicated that the proposed work release facility is an EPF, subject to the siting process in RCW 36.70A. The EPF statute requires that every city and King County (for unincorporated areas) have a process for siting an EPF. The effect is that every city could accommodate a work release facility.

DOC's approach to identifying possible sites appears to be ad hoc; DOC has sent two letters to jurisdictions, and otherwise appears to be partnering with their realtor and possible third-party partners. The letter to jurisdictions reads in part: *"DOC is reaching out and seeking assistance from your department to identify allowable zones and likely land-use requirements for siting a WR facility within your City. This information would allow us to focus our search for suitable sites.* (DOC Letter to Jurisdictions, dated May 10, 2021)." DOC has indicated that few jurisdictions have responded with zones, indicating that this approach has not been successful.

Site selection appears to have been based primarily upon the anticipated release location of participants in the work release program instead of the considerations and regulatory criteria. Only after identifying a potential site, has DOC engaged in a review of whether the site meets the regulatory criteria and identified considerations.

DOC has not identified sites based upon the site selection criteria established by statute and the LAC. Instead, DOC has waited for potential third-party partners or DOC's realtor to identify possible sites and then applied the criteria. This means that the currently unknown criteria of third-party partners will substantially narrow the identification of candidate sites.

As noted in the March 2021 letter from SeaTac, the DOC should have used the regulatory criteria and considerations, at a minimum, to first identify geographic areas within King County that met the criteria and considerations, then possible zoning designations within those areas for a possible work release facility, and then, as a last step, search for specific sites within the identified geographic areas.

Geographic and Social Equity

Geographic Equity.

The proposed DOC work release facility is classified as a "halfway house"; DOC has asserted that the work release facility meets the definition of an "Essential Public Facility" subject to the provisions of RCW 36.70A.200.

The proposed DOC work release facility is located at 18845 International Boulevard, essentially in the middle of the City of SeaTac. The City of SeaTac is approximately 10 square miles; the Seattle-Tacoma International Airport (SEA) occupies approximately 4 square miles within the City of SeaTac. Including SEA, the community of SeaTac currently has an estimated sixteen EPFs within the city limits. Four of the EPFs in SeaTac meet the definition of a "halfway house", like the proposed DOC work release facility. Within five miles of the 18845 International Boulevard

site, there are at least six regional correctional facilities ⁴; a density comparable to Seattle and much higher than East or North King County.

EPFs are awarded special status under state law because they are hard to site. EPFs, while necessary, typically result in significant direct impacts to the communities surrounding the EPF. Direct impacts resulting from EPFs include, but are not limited to, an increase in traffic, air pollution, noise, demand for supportive services, and crime. These direct impacts from EPFs, especially when concentrated into a small geographic area negatively affect land values and decrease private investment.

Cities housing an EPF take measures to reduce, or mitigate, negative impacts resulting from an EPF. Please note that these measures reduce but do not eliminate the impact of EPFs. The continued concentration of EPFs within the communities represented by the undersigned cities, will result in increased impacts, exacerbating existing inequities.

Social Equity.

The City of SeaTac is a diverse community with a Black, Indigenous, and People of Color (BIPOC) population proportion (68%) that is significantly greater than that of King County (40%). Approximately 41% of the households in SeaTac are in either the very low, or extremely low, income brackets. The current BIPOC population and economic status of the SeaTac community has been heavily impacted by past actions by Federal, State, and regional governments, which have contributed to the current social inequities faced by the SeaTac community. The SeaTac community strongly opposes any actions by DOC that will compound these inequities further.

The undersigned cities note that all of the sites in King County evaluated by Washington to date are located in historically disadvantaged communities in South King County. As noted above, EPFs generally result in substantial impacts to the surrounding community. By further concentrating EPFs, the undersigned cities find that property values are decreased, which in turn makes funding mitigation harder, and reduces the ability of the BIPOC community to accumulate wealth in the form of property.

⁴ Federal Detention Center, RRM Seattle, SCORE Jail, Washington Corrections Department (Renton), King County Adult Detention, and Kent City Corrections Facility.