



Half-Truths: The Complicated Story of D.C.'s Halfway House "Escapees"¹

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"McDaniel and Blanchard are two of hundreds of sentenced D.C. felons, misdemeanants and pre-trial inmates accused of crimes including murder, and armed robbery who have been sent to halfway houses only to later escape."

-The Washington Post, January 24, 1999.

"Unbelievable.....I don't think anybody argues that [halfway houses are] a wreck and have been a wreck for a long, long time."

-D.C. Councilmember Jack Evans, in the Washington Post, February 8, 1999.

Introduction

The front page of The Washington Post on Sunday, January 4, 1999 featured an article on escapes from D.C. halfway houses. The Post reported that during a three month period, "1,125 inmates were sent to halfway houses in the District, and 376, about one in three, escaped." Such a figure, if true, would be extraordinary. It would suggest serious mismanagement in D.C. halfway houses. If it were further true, as The Post stated, that many of these people committed serious crimes such as murder and robbery, the mismanagement would be putting District citizens at risk. These claims were so alarming, we decided to do our own analysis of the problems facing District halfway houses.

While the District imposes long sentences for violent crimes and has the highest incarceration rate in the country, anyone who breaks the conditions of their sentence or the conditions of their release, whether they be pre-trial or on parole, must be reigned in. The courts, the police and the corrections system must work to ensure

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that the real threats to public safety are kept behind bars both to protect the public, and to punish and rehabilitate felons. We did discover a mixture of legitimate concerns, crossed lines of authority, and scanty data. However, we also found errors that undermine the picture painted of what is happening in our halfway houses.

For the justice system to successfully balance the needs to discipline and rehabilitate offenders, it needs places between total confinement and unfettered release to allow former offenders to successfully re-enter society. That was the original intent of the halfway house system: a place for former felons to begin the difficult transition to life on the outside. Since then, as the District became more concerned that people charged with significant criminal acts might reoffend or flee, it began to use halfway houses as a more restrictive alternative to releasing defendants outright before trial.

Halfway houses also serve another purpose. We have all seen examples of how people can be arrested for crimes they did not commit. The D.C. Council, in recognizing the dual need to protect society and protect potentially innocent people, wrote the Bail Reform Act. Under the Act, while there is a presumption of release, there is also a presumption that some individuals charged with crimes will require greater supervision. Courts sometimes order such individuals to halfway houses and we are fortunate to have this intermediate solution.

The Bail Reform Act also contains provisions that allow judges to jail individuals charged with serious and violent crimes as long as the government does not keep them languishing in jail for long periods of time while waiting for trial. However, sometimes the government fails to bring these people to trial in a timely manner. Judges in these instances are placed in a very difficult position. While they do not want to release people outright, the law requires that if the government fails to bring an individual to trial in 100 days, he or she must be released. On occasion, judges have responsibly placed such individuals in halfway houses where they can be more closely supervised than if they are simply released to the street. This is a very small percentage of those currently in halfway houses. Unfortunately, it is their stories that have captivated the media, and given the erroneous impression that such offenders dominate the halfway house population. They do not.

HALF TRUTHS

When we read, in bold brash headlines, that “hundreds” of people are escaping from halfway houses in the District, and read editorials which lament how many of the escapees, “went on to rape, kidnap and murder some more,” we were right to fear for our safety. But in order to properly reform our halfway house system, we need to proceed from a place of calm rational policy making, grounded in sound data. Policy generated by headlines based on faulty or misunderstood data sets only serve to make a highly punitive and relatively inefficient criminal justice system even more draconian and less effective.

This brief will provide a context to unravel the complicated issues that will be involved in reforming the city’s halfway house system. The authors, staff from the Justice Policy Institute, D.C. Prisoners’ Legal Services, and American University’s criminal justice program have analyzed the articles on recent “escapes,” and studied data to help paint a more accurate picture of who is and is not in the District’s six institutions, and what threat they pose to society.² We have done special investigations into the stories of high profile “escapees” to try to explain how a handful of people awaiting trial for serious violent crimes ended up in halfway houses. Rather than apologize for inexcusable record-keeping glitches, and stop-gap solutions, our role here is merely to remind city leaders and have the media acknowledge that the immediate threat to public safety may have been overstated, and that the process of reform should proceed in a manner that is both cautious and accurately informed.

Halfway Houses: Diverse goals for a mixed population

As the name suggests, halfway houses are halfway between prison and freedom. Often they are used as transitional stages for people who have been confined for long periods before they are released. Most offenders who live in halfway houses work and pay rent. They are allowed to leave only to report to their jobs, and they must return promptly at the end of the workday. Thus, halfway house residents have greater freedom and responsibility than people in prison, but less freedom than ordinary citizens. Most halfway houses match residents with necessary treatment and educational services.

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There are three broad categories of people currently being held in District halfway houses: pretrial, pre-parole and sentenced misdemeanants:

- **Pre-parole felons:** (Population: 130) These are people who have been approved for parole by the DC parole board, or the United States Parole Commission. They are assigned to halfway houses to provide them with a habituation stage between prison and parole and to increase the chance of success after a prison term;
- **Sentenced misdemeanants:** (Population: 45) These are people convicted of low-level crimes who are sentenced to a halfway house instead of jail. The courts have decided that these offenders pose so little threat to society that there is no need to jail them, and that there is a compelling reason they have access to the community, a job, and/or their family to facilitate their successful rehabilitation;
- **Pre-trial work release/intensive supervision:** (Population: 300) These are people charged with crimes who are awaiting trial. They are legally innocent. On the motion of prosecutors, the courts have decided that instead of releasing this group to their own recognizance before trial or preventatively detaining (jailing) them, they will take a middle course by requiring them to reside at a halfway house. If they break the conditions of their release, they can be jailed or held in contempt. Of the 300 pre-trial slots, a small portion, about 25, are intensive supervision placements.

While any “missing” halfway house assignee represents a problem, it is important to remember that the pre-parole group constitutes a population that is on their way out of prison, anyway. Any reforms seeking to remove this group of offenders from the halfway house population would mean that prisoners would lose an important step between prison and freedom. Furthermore, the sentenced misdemeanants, a small group, were judged to represent little threat to society.

One trend we are certain is having a major effect on the halfway house system is the way they are being used for pretrial inmates in lieu of outright release or jail. In order to “preventatively detain” a defendant (i.e. hold him or her in jail pretrial without bail), a “speedy trial” provision kicks in, ensuring that the case is brought to court within 100 days. Some prosecutors, who fear that they do not have the evidence to bring the case to

HALF TRUTHS

trial in 100 days are urging the courts to use halfway houses as a condition of release for a group they would otherwise have to set free. While the perception might be that people facing serious charges are avoiding detention in jail, most are actually experiencing a more restrictive placement than they would, absent the halfway house option. The only alternative other than pretrial work release for this group would be some form of release to the community (see the Lamont McDaniel case, below).

The public would be right to be alarmed if large numbers of pretrial placements, charged with violent offenses, were escaping to “rape, kidnap and murder some more” as The Washington Post recently suggested. Fortunately, that is rarely the case.

Halfway House Placements: Violent/Non-violent Dichotomy

“At least 50% of those in halfway houses are pretrial violent offenders.”

-The Washington Post, January 28, 1999

The previous statement, which came from the fourth article on halfway houses appearing in The Washington Post in recent months, is erroneous. Based on data from the DCDC, we found the following:³

WHAT THEY CALLED AN “ESCAPE”:

Recent reports alleging that 376 people escaped during a three month period use a very broad definition, including anyone assigned to a halfway house who was missing for any period of time—from one month, to one minute. The list includes at least 77 people who were returned to custody within 24 hours. It includes people who are in custody in other jurisdictions. It includes people who were late for their evening curfew because they were in court on the charges that led them to be assigned to the halfway house in the first place.

Technically, none of the 236 halfway house residents awaiting trial can be termed “escapees.” They have not been convicted or committed to DCDC, but released before trial on the condition that they return to the halfway house during a specified time. The Special Counsel for DC Trustee for Offender Supervision writes: “A more accurate description of their status would be conditional release violator. The way that 278 pretrial work releases made their way onto the list of “escapees” from halfway houses....is that they failed to return at the prescribed hour, or failed to return at all.”

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- Only about one out of ten (12%) of all the people held in halfway houses in 1998 were either awaiting trial on FBI index defined violent felonies, or convicted of violent felonies (312 of 2567);
- Eight out of ten pretrial placements (1435 out of 1726 = 83%) held in D.C. halfway houses were charged with nonviolent crimes or misdemeanors. Even counting misdemeanants charged with assault (a crime for which the maximum sentence would be 180 days in jail), 81% of all pretrial placements (1397 of 1726) were held for crimes involving no violence;
- More than three out of four (77%) of all pre-parole felons or sentenced misdemeanants (644 of 841) held in D.C. halfway houses were charged with nonviolent crimes. Only 16% of DCDC felony placements (134 of 841) were charged with a violent felony. Including misdemeanants charged with assaults, only 19% of DCDC misdemeanor placements (63 of 326) were charged with acts involving violence.

It is important to keep in mind, again, that the 16% of DCDC halfway house placements who were convicted of a violent felony are on pre-parole status (meaning they have already served their time behind bars, and are on their way out of the system, through parole). These are people who are in the final stages of their sentence, for whom the only alternative absent a halfway house program is to release them directly to the community.

Pretrial Abscondences: A snapshot

“About 250 are still on the loose - 60 of whom are charged with violent crimes.”

-The Washington Post, editorial, January 26, 1999.

The closest thing that exists to a snapshot of who is really leaving the District’s halfway houses was recently prepared by the Office of the D.C. Trustee for Offender Supervision.⁴ Their list attempted to reconcile the numbers originally presented to The Washington Post by the DCDC in January with what were the actual breaches of court-ordered pretrial work release. The Trustee’s data, while admittedly in rough form, provides a more contextually valid picture of the threat to public safety than the images of the “revolving door for criminals” recently depicted in the press.

HALF TRUTHS

The Trustees' most recent count, dated February 25, 1999, found that there were 236 pretrial abscondences among those The Washington Post counted as "escapes." Of these 236 people, we found:

- Nearly nine out of ten (87%) were awaiting trial on either a non-violent felony or a misdemeanor. Of the remaining 13%, or 30 absconders awaiting trial on violent felonies, 10 returned the next day or the same day, 4 returned within three days or less, and 16 returned before the February 25 report was prepared. Only two from this group – less than one percent of the original group of 236 – are persons convicted of violent felonies who remain at large;
- Only 8% (20 out of 236) of the pretrial detainees who absconded between October 21 and January 19, were arrested on a new charge unrelated to their abscondence. Only one (less than one half of one percent) was arrested for a violent felony (an armed robbery). The rest were charged with crimes ranging from possession of cocaine, to unauthorized use of an automobile, to shoplifting;
- Of the 20 people absconders who were charged with new crimes unrelated to their escape, only 5 were originally awaiting trial for a violent crime. The rest were being held for nonviolent acts, including destruction of property, shoplifting and prostitution.

More than one-third of pretrial absconders reported to be on escape status by The Washington Post returned to some form of custody within one week.

To be clear, the public has a right to be concerned when people charged with murder, armed robbery, rape and aggravated assault end up leaving the District's halfway houses. In particular, the very fact that DCDC cannot arrive at an accurate number of how many post-parole inmates actually left halfway house custody is worrisome. But contrary to the perception given off by recent reports, the vast majority of people currently held in halfway houses are in for non-violent offenses.

A more typical survey of the reported abscondences include:

- A pretrial placement charged with panhandling, who left a halfway house on December 12, 1998, and returned to custody on January 4, 1999;

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- A pretrial placement charged with possession of marijuana, who left a halfway house on December 16, 1998, and returned to custody the same day. The absconder was released after a trial disposed of his case on January 12, 1999;
- A pretrial placement charged with sex solicitation, left a halfway house on September 21, 1998 to visit her child. She returned late that evening. She left again on November 12, and returned the next day. She was held until trial, was convicted, and paid \$500 fine;
- A pretrial placement charged with distribution of cocaine, left a halfway house on December 7, 1998, and returned to custody on December 8, 1998. On December 23, the absconder was sent to the DC jail to await trial, scheduled for April 13, 1999.

High profile “escapees” in context

Lamont McDaniel

“Lamont McDaniel was assigned to a District-run halfway house awaiting trial on murder charges when he walked away on November 9. He hasn’t returned.”

-The Washington Post, January 24, 1999.

The recent press coverage has focused on a small number of individuals, charged with serious crimes, who have been placed in pretrial release because under our law, they could no longer be incarcerated. Lamont McDaniel is a case in point. McDaniel was placed in pretrial detention under the Bail Reform Act on August 18, 1997 after his arrest for murder. He remained in jail until February 17, 1998, almost six months, without a trial. This was well past the 100 days required by the law. At that point, the government was not close to indicting him, and did not ask for further detention. The judge – responsibly, we believe – did not release him to the street, but placed him in pretrial detention, where arguably he was more closely supervised than would have been the case had he been outright released. In fact, he came before the judge at least a half dozen times for required court appearances before he walked away in November 1998, fully 15 months after he was arrested. A bench warrant was issued, although he was not found until he was picked up as a passenger in a car stopped for a traffic violation. He then picked up a new charge and has been incarcerated ever since.

HALF TRUTHS

We agree with the D.C. Council that, in general, the court and the U.S. Attorney's office have the responsibility to assure that D.C. citizens accused of crimes be brought to trial in a timely manner. In that context, the court acted responsibly in McDaniel's case, since the only alternative to outright release was a halfway house. This was the most restrictive option available to the courts after the long delay.

Lamont McDaniel was one of several people charged with serious crimes reported to be on "escape" by The Washington Post whose breaches of custody were more complicated than reported.

Oscar Garcia

"Oscar Garcia, 23, signed out of the District-run Community Correctional Center No. 4 halfway house in Northeast Washington shortly after 8 a.m. Dec. 8 to attend school at the Latin American Youth Center in Northwest. He was to return to the center no later than 9:30 p.m., records show. He did not come back. Garcia, who was charged with first-degree murder, was gone for 51 days before D.C. police picked him up...correction officials said that the records provided to the Washington Post were incorrect. Garcia was actually captured in three days...."

-The Washington Post, February 8, 1999.

When Mr. Garcia was arrested for murder, he had a minimal record, with no violent offenses. He was immediately indicted and the case was assigned to Judge Frederick Weisberg, who ordered him into intensive supervision, including drug treatment. While he was not arrested for any new offenses, his drug problem continued, and he was sanctioned on at least one occasion by the program. It appears that the judge decided to give him one more chance in drug treatment, but clearly Mr. Garcia was in danger of having his release revoked. When Mr. Garcia did not return to the halfway house on the evening of December 8, notification was issued immediately and Judge Weisberg issued a bench warrant on December 10. Garcia turned himself in on December 11 and Judge Weisberg ordered him to jail, where he remains today

Robert Lee Kendrick

“In another case, Robert Lee Kendrick walked away from halfway house No. 4 on Nov. 29, telling officials he was going to work. He failed to return. The next day, he was arrested by Arlington County sheriff’s deputies on charges of robbery and malicious wounding.”

-The Washington Post, February 8, 1999.

It appears from Mr. Kendrick’s court records that he never escaped from the halfway house, but rather crossed the Potomac River during approved release hours, and turned himself in to Arlington County on charges which were outstanding. He was then detained in Arlington County. The D.C. Superior Court was notified and the judge issued a bench warrant so that when his Arlington case was completed, he would be immediately returned to the District of Columbia Department of Corrections without being released.

Re-entry: The Important Role Halfway Houses Play

It is all too easy to forget that every year, hundreds of men and women successfully complete their halfway house placement.

Hosea Watson

“They’re just trying to help you make it in life.” Hosea Watson ought to know. Prior to being placed in a District halfway house in 1997, Hosea bounced in and out of the criminal justice system for crimes ranging from burglary, to robbery, to forgery.

But his last trip there on a forgery charge ended more than two years ago. And Hosea has not been back since.

“They opened their hearts and minds,” Hosea said of the halfway house staff. After learning some hard lessons in the halfway house, Hosea reports that he started to examine his life and ask himself *“is this what you want to do all your life?”*

Hosea, who now works for Turner Construction as an assistant laborer foreman, reports that years after he left the supervision of the halfway house, they still have an open door

HALF TRUTHS

policy for him to return to talk through his troubles. On several occasions, he has spent hours talking with the program's assistant director, Reginald Robinson, about difficulties he was having adjusting to life in the community.

Hosea and his wife hope to buy a home this summer. Hosea also wants to continue to speak to current halfway house residents about how he has been successful at thriving in the community and keeping himself out of trouble. "I'm going to make it," Hosea says with obvious pride. Hosea says with equal certainty that without the help of the halfway house and their caring staff, his life would have a very different look than it does today.

Conclusion: Proceed with caution in reforming the system

We wish to stress again that any breach of conditional release to a halfway house should be dealt with swiftly and certainly. Any abscondence, whether it be 376 that were reported in January, must be accounted for. We are particularly concerned that in the month since the first reports of abscondences occurred, the authorities responsible for halfway houses still cannot give us an iron clad report of how many people have eluded the control of our criminal justice system.

But rather than overreported, or misreported, the analysis of District's criminal justice system is an area of our civic life that remains under reported: The snapshot we provide here is a mere addendum to the picture provided by The Washington Post last month—with the benefit of hindsight. Despite four years of declining crime rates, there are still common misperceptions about the real nature of the threat people face of criminal violence, the District's massive incarceration rate, the profound impact that imprisonment has on communities of color, and workable solutions to divert and rehabilitate many offenders who simply do not belong behind bars. With the highest incarceration rate in the country and over half of the District's young, African American men under some form of criminal justice control—there continues to be a perception that this city is somehow "soft on crime." While we acknowledge the need to hold the corrections officials accountable for abscondences, we are concerned that images of

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violent criminals escaping from halfway houses will continue to dominate discourse about the District’s criminal justice system in an unproductive way.

Halfway houses provide an important place for former offenders to reacclimate themselves to society and, though they were not originally designed to do so, serve as an alternative form of detention for those people who cannot be jailed before for very legitimate reasons.

The challenge now before the District is how to improve services and oversight at its halfway houses, and how to incorporate halfway houses into a continuum of punishment and treatment that best addresses issues of rehabilitation, supervision, and public safety.

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“Half-Truths: The Complicated Story of D.C.’s Halfway House Escapes,” was co-authored by Katherine Kravetz, Assistant Professor at American University; Theresa Rowland, Vincent Schiraldi, and Jason Ziedenberg of the Justice Policy Institute; and Eric Lotke and Marissa Ballinger of D.C. Prisoners’ Legal Services. The Justice Policy Institute is a research and public policy organization based in Washington, D.C. Prisoners’ Legal Services is a legal service organization that defends the civil rights of D.C. prisoners.

Endnotes

- 1 Authors of this report include Theresa Rowland, Vincent Schiraldi and Jason Ziedenberg of The Justice Policy Institute, Katharine Kravetz of American University, and Marissa Ballinger and Eric Lotke of D.C. Prisoners’ Legal Services.
- 2 Data source and quotations: The authors acknowledge and thank the Special Counsel for the D.C. Trustee for Offender Supervision, Mr. William Erhardt, for substantial assistance in gathering the data in this report. Data on offense categories for pretrial and post-conviction halfway house residents was provided by DCDC. Information on the cases of Lamont McDaniel, Robert Lee Kendrick and Oscar Garcia was generated from an analysis of their official court files. Quotations have either been obtained from interviews with staff, clients or former clients from District halfway houses, and articles from The Washington Post (January 24, January 26, January 29, and February 8, 1999).
- 3 Data analyzed in this section was prepared by the DCDC. Pretrial total does not include 167 missing cases, and DOC figures do not include 11 missing cases.
- 4 As such, this section only analyzes pretrial work release and intensive supervision placements, and does not analyze what has happened to pre-parole felons or sentenced misdemeanants.



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