



Work Release and Partial Confinement Options

2013 Report to the Legislature

As required by Third Engrossed Substitute Senate Bill 5034

December 1, 2013

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Foreword

The (work release) Program achieved its primary goal of preparing inmates for final release and facilitating their adjustment to the community...We can conclude from the results...that vocational training and/or work release programs are effective in reducing recidivism as well as improving job readiness skills for ex-offenders.

Kadela Seiter, Prisoner ReEntry: Crime and Delinquency, July 2003

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Executive Summary

The Washington State Department of Corrections (DOC) is responsible for the confinement of approximately 18,000 offenders convicted by Superior Courts throughout the state.

The 2013 Legislature, through Third Engrossed Senate Bill 5034, directed DOC to evaluate the department's use of partial confinement and work release programs and make recommendations for improving public safety and decreasing recidivism through increasing participation in partial confinement re-entry and work release programs.

A prior report *Cost-Effective Incarceration of Washington State Adult Prison Offenders*, October, 2012 also recommended DOC consider expansion of work release as part of the solution regarding overcrowding in Washington State Prisons.

Utilizing available information from the Washington State Institute for Public Policy, looking at what other governmental agencies are doing in their jurisdictions for programs that would be similar to Washington State's work release program, and reviewing best practices, a thoughtful list of possible options have been identified. Each single option provides a potential incremental reduction in the prison population. Although the listed potential savings may not equal that of closing a housing unit, there are additional savings experienced by DOC that are not calculated such as the reduction in medical costs and the movement of offenders with a lower prison custody level to move to a less expensive bed at a lower prison custody level.

Option 1: Increase Capacity by Graduated Re-Entry Incentives

This option allows offenders that are successfully participating in work release to be transferred to the community on electronic monitoring (home detention) with increased supervision in the community for up to the last 60 days of their sentence.

Option 2: Establish Community-Based Placements for Offenders with No Supervision Upon Release.

This option considers two populations. The first would be those offenders who are eligible for work release, but do not get placed due to current lack of capacity. The second potential population would be the Community-Based Placement for those offenders who do not obtain their prison custody level to make them eligible for work release due to medical, mental health, or dental issues; current crime; various programming holds; etc. These offenders would be transferred to the Community-Based

Placement from a DOC prison facility for the last 90 days of their sentence. These offenders would be on electronic home monitoring with increased supervision in the community.

Option 3: Expansion of Existing Work Release Contracts.

For the 2013-15 Biennium, DOC has made a budget request for work release funding beyond the current base funding to expand by a total of 86 beds at nine of the current work release locations, resulting in an increased capacity of 65 male and 21 female beds.

Option 4: Expansion of Work Release through New Building/Contracting for Work Release Capacity

Previous reports and studies have supported the expansion of work release through increasing the number of work release facilities. This option requires legislative funding for the formal siting process to begin for consideration to build or contract new work release facilities.

Report Overview

This 2013 Legislature directed the Department of Corrections (DOC) to submit a report to the Office of Financial Management and the appropriate fiscal and policy committees of the legislature to evaluate partial confinement and work release programs and make recommendations for improvement. DOC was specifically required to address the following in making its recommendations:

- ✓ Options for increasing the capacity of work release beds to meet the number of eligible offenders
- ✓ Potential cost savings to the state through contracting for or building new work release capacity
- ✓ Options for expanding eligibility for partial confinement, including creation of a structured re-entry program that includes stable housing, mandatory participation in evidence-based programs, and intensive supervision; and
- ✓ Potential cost savings to the state from creation of a structured re-entry program.

Work Release Program Background

Washington Work Release program was created by the legislature in 1967. Work release facilities are community based half-way houses that serve as a bridge between life in prison and life in the community. Washington currently has 16 facilities serving approximately 670 offenders daily. Work release is considered partial confinement and is authorized in statute for eligible DOC-approved offenders for up to the last six months of the offender's term of prison confinement.

The following services are provided at work release facilities:

- Residential services that include sleeping quarters, activity areas, food services and arrangements for medical and health care
- Security services that include on-site staff 24-hours per day, seven days per week to assure security at the facility and for the offenders
- Employment assistance to enhance offenders' skills in employment-seeking, job development, and employment retention
- Comprehensive case management reviewing risk-need-responsivity principles which can include assisting the offender with transportation, reviewing offender job search efforts, making referrals to community services and treatment, assisting with post-release planning, and working with the family of the offender

Offenders apply for work release while in prison, and if referred by the offender's classification counselor, the application is forwarded to the work release facility for screening. Offenders who transfer to a work release facility agree to:

- Find and maintain employment and or schooling
- Financially contribute to their cost of incarceration (daily room and board fees)
- Remain at the work release facility except for work, treatment, or are on a supervised outing to visit family members
- Undergo frequent tests for substance abuse
- Be monitored on their trips back and forth to work to ensure their movements allow enough time to get to work yet prohibit making any unauthorized stops

- Continue therapy, parenting classes, stress and anger management training, and substance abuse group participation
- Be monitored for behavior appropriateness in the work release facility, work place and other locations
- DOC work release has a three phase, step program for providing and monitoring graduated community access for work release offenders. This access is based on time in the facility, progress in meeting individual plan objectives including following all rules, and risk to the public.

In 2007, the Washington State Institute for Public Policy conducted a review of the Washington State Work Release program and outcomes. In summation of the findings, the report found that the reduction in recidivism for those offenders who participated in work release generated \$3.82 of benefits per dollar of cost. The current legislative request for an evaluation of the DOC's work release program follows the recommendations contained in a report submitted to the Legislature by the Office of Financial Management titled "*Cost-Effective Incarceration of Washington State Adult Prison Offenders*". Focusing on overall prison capacity, the report identifies work release expansion as part of an overall strategy in increasing prison bed capacity. The report also notes that their recommendations would require legislative change to be implemented.

Current Work Release Program

The structure of work release supports the comprehensive continuum of care for offender re-entry through monitored access into the community while providing the programming and support to address offender needs and maintain the offender's accountability of his or her time outside the work release facility. Since offenders are in the community for up to 16 hours per day, DOC carefully screens offenders prior to work release placement for victim and public safety issues.

DOC continues to focus on evidence-based, re-entry principles through a continuum of case management care which is initiated at prison reception and continues through release from confinement and into the community. Based on the risk-needs-responsivity principles, processes are being put in place to better incorporate the necessary hand-offs as the offender transitions through his or her levels of incarceration into the community.

Eligibility and Screening

Offenders must meet the following eligibility criteria to be considered for transfer to work release:

- Has earned or will have earned the appropriate prison custody classification level within six months of his or her Earned Release Date (ERD)
- Have no active felony detainers or warrants or deportation holds
- Have no open Immigration and Customs Enforcement (ICE) detainer
- Plans to release within the State of Washington
- Does not have a current or previous End of Sentence Review recommending civil commitment per RCW 71.09
- Is physically and mentally able to participate in the work release program and secure and maintain employment and/or education/training
- Intends to become gainfully employed or participate in education or employment training
- If the offender's risk level is High Violent, there are no local victim safety concerns

- If a sex offender, must be amenable to crime-related treatment and not pose a risk to public safety
- Has completed a drug assessment and successfully participated in treatment during his/her incarceration, if treatment is indicated
- Release plan or crime of conviction meets local facility siting/community board agreements

Offenders convicted of Murder 1st Degree are not eligible for work release unless it is part of the Department's structured re-entry planning process.

As part of the screening criteria, work release supervisors review each offender referral individually. The following information is reviewed:

- General Status
 - What is the offender's county of first conviction and where does he or she plan to release
 - Has the required DNA sample been completed
 - Check for documented victim or community safety concerns
- Verification the offender has a valid social security number
- Review current offense, conditions, and supervision requirements upon release from prison or work release
 - Offenses for which the offender is required to register with law enforcement
- Known open misdemeanor warrants over \$5000 bail
- Prison discipline history
- Known gang activity, prohibited or restricted placement, victim notifications that need to take place
- Review of the chronological records

If the work release supervisor determines that an offender does not meet one of the eligibility criteria or if they find public safety concerns while screening, there is an internal departmental process to review those denials. That review process results in either overturning or concurring with the denial, or may suggest an alternative re-entry plan strategy.

While in work release, the offender is expected to:

- Abide by the rules and regulations of the program
- Work on job development, search, placement, and retainment of employment
- Submit to frequent tests for substance abuse
- Allowed out of the facility for employment purposes or on a supervised outing to visit family members
- Continue therapy or treatment as identified in the individualized case management plan

Work Release Data

To be eligible for work release, offenders need to be classified at the lowest prison security custody classification level, known as MI1. However, per current policy, not all MI1 custody offenders are eligible for work release. On July 29, 2013, there were over 800 DOC offenders at MI1 custody, which is the first

screen for work release eligibility. However, there are other screening criteria prior to an offender's transition to work release. After removing those offenders who are not available for work release based on crime type, more than six months or less than 90 days left to their ERD, not medically cleared, not able to secure a valid social security number, or had other prison institutional holds, only 290 of the 800 offenders (approximately 36%) were immediately eligible for work release if a bed was available in a facility that coincided with their county of first conviction or approved release plan. DOC will be reviewing its custody system to more accurately identify offenders eligible for and ready to be placed at work release.

According to the DOC Planning and Research, 2,492 offenders were admitted to work release during Fiscal Year 2013 with an average length of stay of 96 days, which equals an average daily population of approximately 655.

Other Existing Partial Confinement Programs in DOC

For comparison purposes, another form of partial confinement is the Community Parenting Alternative (CPA) program. This authorizes the Department to screen offenders currently in prison who meet eligibility criteria for transfer to the community on electronic monitoring for up to the last 12 months of their incarceration, when it is in the best interest of the child. Offenders in this program are subject to increased supervision by a DOC Community Corrections Officer. Although the goals of this program are different, it does provide case management activities that could be potentially built upon for later options in this report. CPA offenders participate in intensive case management which includes a phase program. The phases start with frequent in person and phone DOC and offender contact, weekly UA testing, limited access to the community (which includes limited employment), and program participation based on the offender's risk and needs, and compliance with conditions of the program. As the offender progresses through the phases, he or she is allowed more time in the community (for such things as employment) and DOC contact decreases.

Stakeholder Collaboration

The options in this report were discussed with interested work release and housing vendor stakeholders. They are passionate about their programs and the importance of stable housing being part of successful re-entry. They did note that housing is only part of an offender's pathway to successful reentry. An individualized, comprehensive case plan begins at reception and continues through release and community supervision. It involves the engagement of the offender with corrections staff and community professional resources. Securing stable funding can be a challenge for these stakeholders. Work continues in several pilot projects across the state to better collaborate in the utilization of local and state resources, maximizing re-entry efforts.

Options for Increasing Work Release Capacity

The legislative direction to DOC was to make recommendations for options for increasing the capacity of work release beds to meet the number of eligible offenders, potential cost savings to the state through contracting for or building new work release capacity, options for expanding eligibility for partial confinement, including creation of a structured re-entry program that includes stable housing, mandatory participation in evidence-based programs, and a high level of community supervision; and potential cost savings to the state from creation of a structured re-entry program. Below are options

that may be considered as ways to increase work release and/or partial confinement programs. While some may just be a change in policy, other options would require legislative change.

Option 1 – Increase Capacity by Graduated Re-Entry Incentives

This option would expand DOC's policy of graduated community access by allowing offenders a graduated re-entry program to include meeting set individualized expectations and goals as established in an individualized re-entry plan at work release. Eligible offenders while still on inmate status would transfer to the community onto an increased level of community supervision. It would include Electronic Home Monitoring (EHM), increased offender contact, and programming requirements. Qualifications would likely include no misconduct in work release, steady employment and financial stability, and compliance with treatment if ordered. This would result in emptying work release beds at a faster pace and provide cost avoidance to DOC in both capital and operating costs.

The Federal Bureau of Prisons has this program in place. In 2010, nearly 40% of federal inmates who transferred to community corrections locations completed their sentences under a combination of half-way houses and home detention. It is assumed that not all offenders would be transferred under this option for the following reasons:

- (a) It is unlikely all offenders classified MI1 and eligible for work release will be accepted at a work release facility;
- (b) Some of the offenders who go work release may be terminated from the program for disciplinary or behavioral reasons, and
- (c) Not all offenders who go to work release find employment within proposed timeframes, which would make them ineligible for this release option.

Although the Fiscal Year 2011 operating cost per offender at minimum security prisons and work release were nearly the same (because work release facilities are small and cannot achieve equal economy of scale of a prison facility), under this option operational savings begin when successful work release offenders transition to EHM. The vacated work release bed, earlier than currently allowed, allows other MI1 offenders incarcerated in higher custody beds in prison facilities to move to the vacated minimum security beds or work release bed, no longer taking up a higher custody bed at a higher cost. It is estimated that these offenders would transfer out of work release about two months after securing employment or training. Additional benefits include the offender's graduated re-entry into the community. The offender can be constructively employed and continue identified treatment or other appropriate interventions per the case management plan continuum.

Under this option, DOC would need to transfer offenders closer to the six-month prior to ERD time. During Fiscal Year 2013 the average stay for an offender at work release is 96 days. If this option were to be considered, offenders would need to be transferred to work release, on average, five months prior to their ERD. It is assumed that three months would be a long enough period of time for the offender to secure employment and provide another 60 days to determine if an offender has complied with work release expectations and would be a good candidate for transfer to a high level of community supervision with EHM and intensive case management.

DOC is exploring ways to transfer offenders to work release closer to the 6-month prior to ERD time period allowed by law. This includes:

- Amending internal processes to more quickly assess and address medical/mental health issues sooner in an offender’s incarceration or develop alternative medical delivery methods to still allow an offender to work but easily obtain medical attention in the community.
- Review the agreement with the Social Security Administration to determine the possibility of initiating verification and resolution of social security cards at 12 months, instead of six months, prior to an offender’s earned release date.
- Utilizing information regarding the offender’s risk and needs and using an individualized offender case management plan, begin sequencing of interventions which most impact the offender’s criminal thinking and behavior earlier in incarceration when the offender has more available time so when the offender comes to work release he or she can focus on employment, housing, aftercare and reintegration with family/community.
- Review the county of first conviction standards for release planning under current DOC policy, to see if the existing statute on county of first conviction requirements allow for greater discretion when transitioning to work release.
- Work with counties to resolve outstanding warrants while the offender is incarcerated in a prison facility early in the offender’s incarceration.

In the last 12 months, 1,442 offenders successfully released from work release. Of those, 1,336 had a length of stay of 60 days or more. It is unknown exactly how many of those offenders may be eligible for this option. Costs assumptions for this population are based on a percentage of offenders who may be eligible for this option.

Percent of Offender’s Eligible for This Option	ADP	Annual On-Going Cost	Cost Per Offender Per Day
75%	165	\$2,382,301	\$39.56
50%	110	\$1,742,833	\$43.41

This is the option suggested in the October 2012 report to DOC, *Cost-Effective Incarceration of Washington State Adult Prison Offenders* to expand work release.

Risks

- Any placement of offenders in the community (even at work release) has its risks because the period of criminal incapacitation through full confinement has ended.
- Statutory approval for required legislative changes will delay implementation and presents a risk of not receiving legislative approval.

Advantages

- By placing offenders on EHM and increased community supervision, provides a different level of accountability in the community than those at work release. Although staff do not respond on a 24/7 basis, EHM does provide staff 24/7 location data.

- In addition to the capital and operating cost savings, work release is one of the few interventions that is cost beneficial. Based on the study by the Washington State Institute for Public Policy on work release, it is estimated that the lower recidivism of offenders that participate in work release generates \$3.82 per dollar of cost in future benefits to tax payers and crime victims. This is about \$2,300 per work release participant. Thus, any increase in work release participation is a good investment.
- Making room for up to 300 more offenders in work release on an average day means more offenders are employed and contributing to the tax base rather than only consuming tax dollars when occupying a prison bed.
- Assigning offenders to the least restrictive custody designation for which they qualify is consistent with DOC policy and with research. This classification system provides for graduated release through a systematic decrease in supervision and corresponding increase in offender responsibility and re-entry into the community.

Barriers

- A legislative rework/redefine of electronic supervision is needed to allow it as a partial confinement option in lieu of being in custody in a work release facility.
- A legislative change is needed as work release offenders are to be confined in a supervised facility during the hours not in the community participating in work, training, treatment, or family re-integration.

Option 2 – Establish Community-Based Placements

There are certain incarcerated offenders who, if upon meeting further eligibility criteria, could be given a community-based release. This option could be broken into two separate offender populations. One would be to target those offenders who do not have supervision on their current cause of conviction upon their release from a DOC facility. The second would be to target those offenders who, due to medical/mental health or dental holds, crime of conviction, current prison programming, offenders, will not be seeking employment upon release as they plan to collect entitlements, etc.

The community-based release, coupled with a high level of community supervision, EHM, and intensive case management would minimize community risk. Community supervision would continue up to the offender's ERD. For these offenders, this option would allow for a graduated re-entry into the community rather than a direct release from a prison facility. Offenders would meet agency guidelines and in the community-based placement participate in evidence based, offender-driven, individualized case management goals and expectations based on the risk and criminogenic needs identified in the case management continuum.

For the offenders who have earned the prison custody status of MI1, but are unable to go to work release due to insufficient bed capacity and have no supervision upon release. The ADP calculations are based on a 90 day average for the community-based placement.

Targeted Offender Population	Potential Criteria	Advantages
Offenders with MI1 prison custody and no supervision after release	<ul style="list-style-type: none"> No work release facility in their county of planned release 	<ul style="list-style-type: none"> Offender has period of transition to community Offender accountability

During the past 12 months, there were 822 offenders with the prison custody status of MI1 that released from a DOC prison facility and had no supervision upon release.

Percent of Offender's Eligible for This Option	ADP	Annual On-Going Cost	Cost Per Offender Per Day
75%	152	\$2,259,899	\$40.73
50%	101	\$1,640,247	\$44.49

In the review of overall prison capacity and options to increase successfully transition into the community, there is the second population that could be considered for a community-based transition release. These are offenders who do not have their prison custody level as MI1 due to medical/mental health or dental holds, crime of conviction, current prison programming, offenders who will not be seeking employment upon release as they plan to collect entitlements, etc. These offenders have a prison custody classification of MI3. Many of these offenders could be released to the structured community-based work release placement where necessary medical, dental, and mental health services could be secured in the community. Using community resources not only reduces the costs to DOC, but also assists the offender's re-entry into the community as those significant community resources are being established and progress monitored before the offender is released from prison.

Targeted Offender Population	Potential Criteria	Advantages
MI3 Offenders	<ul style="list-style-type: none"> Unable to move to work release due to medical or mental health issues Will receive social security or other benefits/entitlements in lieu of employment Unable to secure employment due to disability 	<ul style="list-style-type: none"> Offender has period of transition to community Offender accountability

During the past 12 months, 749 offenders with the prison custody level of MI3 released from a DOC prison facility.

Percent of Offender's Eligible for This Option	ADP	Annual On-Going Cost	Cost Per Offender Per Day
75%	139	\$2,063,950	\$40.68
50%	92	\$1,545,908	\$44.04

Risks

- Any placement of offenders in the community has its risks because the period of criminal incapacitation through full confinement has ended.

Advantages

- Offenders pursue pro-social and stable lives in the community where they are returning.
- Offenders are supervised during the offender's structured transition back into the community.
- Offenders are still being held accountable to laws and conditions of supervision.
- Offenders with no supervision are not released directly to the community from prison with no transition.

Barriers

- A legislative rework/redefine of electronic supervision is needed to allow it as a partial confinement option in lieu of being in custody in a work release facility.
- A legislative change is needed as work release offenders are to be confined in a supervised facility during the hours not in the community participating in work, training, treatment, or family re-integration.
- Statutory approval for required legislative changes will delay implementation and presents a risk of not receiving legislative approval.

Option 3 – Expansion of Existing Work Release Contracts

Under this option, DOC would pursue expansion of work release through the additional beds at existing work release facilities at no more than the current daily rate per offender.

For the 2013-15 Biennium, DOC has made a budget request for work release funding beyond the current base funding to expand by a total of 86 beds at nine of the current work release locations, resulting in an increase in capacity of 65 male and 21 female beds. By expanding to the additional 86 beds, DOC could transfer approximately 170-250 additional offenders during Fiscal Year 15 depending upon the average length of stay at work release.

While there are no significant operating savings because the cost of minimum security incarceration is almost identical to that of the current work release costs, this request would help with the prison capacity deficits experienced now and in the future. In addition, debt service is avoided because there is no capital construction required.

One option is for DOC to partner with counties to operate work release from jails or other existing programs. Where possible, this approach may mitigate the NIMBY (not in my backyard) problem of the past and counties are in need of revenue due to the economic downturn.

A work release expansion in existing work release programs not only addresses capacity concerns in Prisons, but also supports successful reentry into the community by focusing on offender transition and graduated re-entry. Work release facilities serve as a bridge between life in prison and life in the community. Offenders at work release focus on transition, to include finding and retaining employment, continued participation in programming to reduce identified risks, re-connecting and re-establishing relationships with family members, and becoming productive members of the community. Work release is an opportunity for self-improvement, while assisting offenders in creating a safe and productive lifestyle that can be sustained upon release.

Expansion of existing work release facilities will reduce the number of offenders pending placement into work release, which in turn will reduce the number of camp beds being used by offenders currently classified as M11 – work release designation. The increase in beds will also increase capacity at the prison/camp level and positively impact prison overcrowding. In addition, the cost of housing offenders in work release at an average cost per day of \$76.39 per offender is less than the cost at major institutions which is \$91.97 per day per offender.

Risks

- Any placement of offenders in the community has its risks because the period of criminal incapacitation through full confinement has ended.

Advantages

- Work release as the program has been identified by Washington State Institute for Public Policy (WSIPP) as one of the few interventions that is cost beneficial. The 2007 study by WSIPP indicates lower recidivism which generates \$3.82 per dollar of cost in future benefits to tax payers and crime victims. This is about \$2,300 per work release participant. Thus, any increase in work release participation is a good investment.

Option 4 – Expansion of Work Release Through New Building/Contracting For Work Release Capacity

Previous reports and studies have supported the expansion of work release through increasing the number of work release facilities with particular attention to siting in underserved counties based on the equitable distribution of offenders based on their county of first conviction per statute (RCW 72.09.070). A comprehensive siting report was completed in 2008 as part of Engrossed Substitute Senate Bill 6157. That report identified the number of additional work

release beds needed at that time. As would be expected, the most need was in the most populated counties.

There is a savings between the bed cost of a bed at a major institution and a work release bed. The daily costs of a work release bed and minimum facility prison facility bed are similar. However, there are additional benefits for work release beds that should be considered. Work Release offenders are employed. While employed they are paying taxes, paying toward their court imposed legal financial obligations, and paying back part of their incarceration costs through their room and board fee. They are participating in pro-social activities. They remain in a structure living environment which utilizes incentive-based transition back to the community.

Risks

- Siting a correctional facility of any type is a multi-year project which requires legislative appropriations.
- The legislature is the ultimate control of work release capacity through the appropriation process.

Advantages

- New construction would allow for facilities designed to meet the custody and security needs of a work release facility and provide adequate programming space.
- New construction is more energy efficient and there is frequently better utilization of space.
- New facility siting can be initiated in those counties underrepresented by offenders' county of first conviction.

Barriers

- The expansion of work release through the building/contracting of more work release facilities is a multi-year project. Work release siting is a multistep process outlined by statute and rule.

Option Considered, But rejected, for increasing Work Release Capacity

DOC explored the option of increasing the time that offenders could serve at a work release from six months to up to 12 months for a longer stay in work release. Based on the time needed to complete programming, consideration of the number of offenders with relatively short lengths of stay at DOC, and a review of other state's programs, this option would not increase the number of offenders served in nor increase the number of offenders served in work release.

Appendix A –

Statutory Definitions, RCW 9.94A.030

(28) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(35) "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 government, or, if home detention or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

(55) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(57) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.