



OVERCHARGED: **Coerced labor, low pay, and high** **costs in Washington's prisons**



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A person with dark skin and short hair is shown in profile, looking down at a document. The image is overlaid with a semi-transparent blue filter. The person's hand is visible at the bottom, holding the document.

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EXECUTIVE SUMMARY

Washington's prisons are public institutions run by the state Department of Corrections (DOC). The purpose of state correctional institutions is ostensibly to rehabilitate individuals, and to do so without a profit motive or by facilitating profit-seeking behavior. However, the state realizes enormous cost-savings from underpaying its captive labor force as little as \$1.00 per hour. People incarcerated perform essential operations jobs like cleaning units and bathrooms or working in food service, all for meager pay far below Washington's statewide minimum wage. People in prison also often perform unpaid labor as DOC fails to approve all jobs as paid positions.

Washington State has recognized in other settings that underpaying detained workers is wrong. In 2017, Washington State sued the GEO Group—a for-profit corporation running the private immigration detention center in Tacoma—for failure to pay its workers (people in custody in the detention center) in accordance with Washington's minimum wage law.¹ At the time, the GEO Group was paying workers in custody \$1.00 per day. The State brought this lawsuit – and has so far prevailed – on the basis that private prisons must comply with Washington State wage laws.² And yet, the State has not taken similar steps to protect people in state, local, or municipal prisons and jails. Instead, state law currently exempts people housed in public carceral facilities from the definition of “employees” for the purposes of Washington's minimum wage and labor standards laws.³

Further, people in Washington state prisons face severe consequences if they refuse to work, including lengthier prison sentences. This system of coerced and underpaid labor within DOC is nothing short of modern-day slavery. And, in keeping with this sordid legacy, people in prison face ongoing discrimination on the basis of race, ethnicity, gender, sexual orientation, ability, and immigration status—all of which are barriers to gaining and maintaining the employment people need to avoid punishment and to earn enough to pay for basic necessities.

Correctional Industries (CI) is the division within DOC that operates businesses and employs people in custody in Washington prisons. CI reported over \$133 million in revenue and over \$38 million in assets in fiscal year 2023.⁴ The majority of CI workers fall into one of two classes of employment: Class II and Class III.⁵ Class II jobs are generally referred to as “CI jobs,” and entail working outside the prison unit, either in an operations role (e.g., food production, laundry, etc.), or producing other goods and services (e.g., furniture manufacturing) that CI then sells to various government agencies and nonprofit organizations. Class II workers usually earn between \$0.80 and \$2.85 per hour and are eligible for overtime pay.⁶ Class III jobs are generally considered “unit jobs,” and include porters, facility maintenance, and other essential tasks around the prison units. Despite the wide range of prison jobs, DOC fails to provide people in prison with sufficient opportunities for real-world job training or skill acquisition, leaving people in custody unprepared to gain employment after release.

In response to growing awareness and concern over labor exploitation in prisons, in 2023, the state legislature allocated funds to increase the wage floor for Class III jobs from \$0.42 to \$1.00 per hour. However, DOC then capped worker earnings at \$40 per week.⁷ Even with this raise, people in DOC custody are paid far below the 2024 state mandated minimum wage of \$16.28 per hour, and meanwhile the cost of living in prison is rising.

Many people do not realize how much it costs to be incarcerated. At the same time people are paid extremely low wages, price-gouging occurs on basic necessities like commissary store food, hygiene items, and communication with the outside world. Added to this, high deductions from pay leave people with hardly any money left to meet their basic needs, let alone save for the costs related to a successful reentry.

Inflation and the rising cost of food goods are hitting people in prison especially hard. The prison commissary store charges increasingly high prices for food items that people in custody desperately need to supplement their diet due to the nutritional inadequacy of DOC-provided meals. People in prison have no ability to shop around for better prices on essentials—they are beholden to the prison commissary store and DOC's decisions on which goods to stock and how much to charge for those goods. This leaves people in prison without any increase in real purchasing power or savings in preparation for release.

People in prison also struggle with the exorbitant costs of communicating with family and friends, even though maintaining strong connections outside of prison is known to positively impact reentry and reduce recidivism. The state-contracted private telecom vendor, Securus Technologies, rakes in profits from overcharging people who are incarcerated to make phone calls, send electronic messages to friends and family, and to purchase music, movies, and other media on the Securus-provided tablets.



With extremely low wages, high deductions, and the increasingly high cost of basic goods, addressing the economic injustice embedded in Washington prisons will require the significant reforms laid out in this report. Requiring DOC to pay the state minimum wage is an essential step. However, it is not sufficient without other corresponding policy reforms to control commissary prices, eliminate deductions, and reduce other costs associated with living in prison.

This report is centered around the lived experiences of people incarcerated in Washington state prisons. Through survey responses and individual interviews, 66 individuals in DOC custody shared their perspectives on the economic realities of incarceration.¹² From those experiences, we have compiled a list of 16 policy recommendations, including:

1. Ending coerced labor in prisons, a vestige of slavery and exemption from the Thirteenth Amendment;
2. Ending the exemption of people in custody from statewide wage and labor protections, ensuring all workers are entitled to the state minimum wage;
3. Creating caps on the prices of food and other commissary goods available to people in custody; and
4. Eliminating deductions from wages earned by people in custody.

These policy recommendations are aimed at severing the legacy of enslavement that continues in our prisons today, removing profiteering from our prison economic system, and setting people up for greater success upon release.



Photo: Micheal Jefferson (SCCC)

"They're pricing us into prison just like they're pricing people out of homes on the outside. We get a raise but then the prices for food and other basic goods also get raised, so what is the point of the raise? The things for sale where they bring the price down are the things that don't go off the shelf. When they see incarcerated people ordering a certain thing, the prices go up."

– MICHEAL JEFFERSON (SCCC)



PRISONS CONTINUE A LONG LEGACY OF EXPLOITATION AND DISCRIMINATION

From the colonization and genocide perpetrated against Indigenous people in North America, to the enslavement of Black people for generations, the United States has a history defined by racism and exploitation. The enslavement of Black people in what would become the United States dates back to the 17th century.¹³ By the 1800s, the labor of enslaved Black people became the basis for massive accumulations of wealth and economic success for white landowners, business owners, and their families throughout the country, a legacy that continues to the present day.¹⁴ In Southern states, enslaved peoples grew the raw materials that supplied Northern factories. The world-wide trade of American goods—created on the backs of Black labor—generated vast wealth. While the practice of enslaving (most) people was legally abolished with the enactment of the Thirteenth Amendment in December 1865,¹⁵ the economic exploitation and oppression of Black people has continued.

The Thirteenth Amendment contains a significant exception—it permits enslavement as punishment after being convicted of a crime: “Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”¹⁶ This loophole encouraged states to pass laws known as Black Codes to criminalize activities like “loitering” or “vagrancy”—which were then enforced for activities such as a group of Black people standing and talking near the street, or Black people being unemployed.¹⁷ Once sentenced, individuals were often forced into servitude as part of their punishment.¹⁸

The Codes also restricted Black workers’ economic mobility by barring prospective employers from paying Black workers higher wages than their current employers paid them, and by requiring Black people to sign annual labor contracts that ensured they received the lowest pay possible for their work.¹⁹ Failure to sign these contracts could result in being sentenced to unpaid labor or a fine.²⁰ People who could not afford to pay a fine were often sentenced to agricultural labor,²¹ continuing the inescapable cycle back into enslavement.

“Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”

– THIRTEENTH AMENDMENT,
U.S. CONSTITUTION

By the late 19th century, labor unions had successfully pressured state governments to scale back prison labor programs to reduce competition in the labor market; states responded by implementing the “state-use system” where the state became the only lawful purchaser of goods or services performed by people in prison.²² State-run chain gangs then developed, in which people in custody were shackled together with chains and forced to labor in industries such as road construction, highway maintenance, and farming.²³ In this way, Black people in prison continued to serve as a cheap and readily available labor force for the state government and its contractors following the formal abolition of slavery—a free labor force that continued to power the American economy.²⁴ To this day, the Department of Corrections contracts with state and local agencies or non-profit entities to provide discounted labor by off-site work crews.²⁵ Meanwhile, state agencies and universities are able to buy discounted office furniture and other items manufactured by incarcerated workers because the state is not required to pay these workers a fair wage.

The benefits that incarcerated labor provided to state governments supported the ongoing exploitation—and prerequisite criminalization—of Black and Brown people that continued well past post-Civil War reconstruction and into the 20th Century. Jim Crow laws in the South (and other more covert laws throughout the United States) prevented Black residents from having equal access to jobs, education, housing, accommodations, and other public facilities.²⁶ At the same time that the Civil Rights movement of the 1960s aimed to end racial discrimination, other political responses such as the Southern Strategy or “Operation Dixie”—aimed specifically at appealing to Southern white voters by opposing the Civil Rights Act of 1964—ushered in a new phase of anti-Black fear-mongering and criminalization.²⁷

Subsequent anti-Black policies, ideologies, and state-sponsored phenomena such as deindustrialization and suburbanization led to a drastic increase in the demand for carceral facilities.²⁸ In particular, President Nixon’s launch of the “War on Drugs” served as the catalyst for unprecedented rates of prosecution and incarceration of Black people.²⁹ As a result, between 1984 and 2005, a new prison or jail was built every 8.5 days in the US.³⁰ In 1994, the Omnibus Crime Bill offered states federal subsidies, totaling \$9 billion, to enact harsh sentencing laws such as mandatory minimums.³¹ These federal incentives contributed to Washington’s own mandatory minimum sentencing laws, including the “Hard Time for Armed Crime Act,” which established mandatory sentencing enhancements for certain weapons-related offenses.³²



**Between 1984-2005,
a new prison or jail
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days in the U.S.**

These laws are now seen by many as major drivers of mass incarceration.³³ The increasing number of people incarcerated in state prisons resulted in an expanding supply of forced labor that Washington State has utilized to reduce the financial costs of mass incarceration to taxpayers and the state government.

Washington’s criminal legal system has been infected by this history, the legacy of slavery, and structural and institutional racism. In fact, a 1980 study noted that Washington led the nation in the disproportionate imprisonment of Black people:

While every state disproportionately imprisoned Blacks, the over-representation of Blacks relative to the size of the Black population was greatest in Washington.... [W]hile Blacks constituted approximately 28% of the prison population, they constituted approximately 3% of the general population. The Black share of the prison population was more than nine times greater than the Black share of the general population. Nationally, the Black share of the prison population was four times greater than the Black share of the general population.³⁴

Current research proves that these serious racial disparities in incarceration rates and sentences continue and “when it comes to Washington State’s criminal justice system; race matters.”³⁵

Coercion and Exploitation in Modern Prisons

Within Washington state prisons today, people who are incarcerated can essentially be forced to work, or else face negative consequences, including longer time behind bars and loss of certain privileges.³⁶ For example, **“failing to seek/maintain employment or training or maintain oneself financially, or being terminated from work, training, education, or other programming assignment for negative or substandard performance” can result in having to serve an additional 60 days in prison.**³⁷ While being forced to work, people in custody are also denied basic rights and protections other workers are guaranteed. They are excluded from the definition of “employee” under Washington State’s minimum wage law.³⁸ Courts routinely uphold similar exclusions from other federal and state wage and labor protections because of the Thirteenth Amendment’s loophole.³⁹

Unpaid labor is also an issue within the prisons. DOC fails to approve certain work as paid, even though the work is essential to prison operations. Candis Rush (WCCW) stated, “We need more paid jobs for things that people currently do that DOC will not approve as paid positions, such as tier representatives, tutors, recyclers, and gardeners.”

“It’s all tied to the Thirteenth Amendment — no one wants to stand up and say, ‘Let’s make slavery legal again,’ but if you get a felony, then slavery is forced upon you. Prison is not meant to enslave people, but in here it’s exactly what they’re doing. If you don’t work, you will get a writeup that jeopardizes your release date, so you’re forced to work.”

– TROY WILLIAMS (WCC)

All the while, Correctional Industries continues to profit on the backs of its captive workforce. **In its 2023 annual report, CI touted its total sales revenue of over \$133 million, which was an increase of \$34.6 million over fiscal year 2022.**⁴⁰ In fiscal year 2023, its furniture sales alone topped \$26 million—more than double its sales in 2022.⁴¹ By statute, the state legislature and state agencies are required to purchase goods and services—such as furniture—produced by DOC’s Class II work programs, with certain exceptions.⁴²

The Annual Report includes several eye-opening facts, including that as of June 30, 2023, there were 1,745 people in Class II employment, and that a total of \$296,394 went to incarcerated individuals' savings accounts from CI earnings.⁴³ **This equates to an average of just \$169.85 per person for a year's worth of work.** Furthermore, \$1,078,034 in CI earnings was deducted for legal financial obligations (LFOs), an average of \$617.78 per person, more than 3.5 times the amount that went towards individuals' savings.⁴⁴ Meanwhile, in its annual report, CI published a net profit of \$1,141,830 (which added to its retained assets of \$37,605,695, totaling \$38,747,525 in assets).⁴⁵

"I wanted to focus on my education. I was reprimanded and infraacted for not working."

– CANDIS RUSH (WCCW)

"You can lose good time and get infractions for refusing to work. They don't ask you if you'd like to work somewhere, they will just tell you to. Once I was told to go work in the kitchen and was threatened with a serious infraction if I did not comply."

– X.W. (SCCC)

"CI is ethically wrong. They use inmates to do copious amounts of work, pay them very little, and make good money off of the products."

– SABRINA KENDALL (WCCW)

"The purpose of Correctional Industries is to maximize profit through incarcerated employees' labor at essentially no cost. DOC endorses that purpose as cost of living is partially supported by and through CI. CI is a for-profit model that exploits the incarcerated population. They pay "slave" wages for high-expertise or high-skill jobs, then take a percentage of that money via cost of incarceration deductions. We need minimum wage and a stop to mandatory deductions."

– M.B. (WCCW)

"CI took over commissary, took over the kitchen; once they take over something they raise the price. A regular broom can cost \$40 but they'll charge DOC \$100. Without CI, there's no DOC."

– TROY WILLIAMS (WCC)

"I view CI as part of the prison industrial complex with the number one purpose of making money. How would you like to start a business knowing: you can pay your employees from \$1 to a few dollars per hour, and you have a customer base required by contract to purchase your product. Who wouldn't sign up for that?"

– G.P. (SCCC)

Racial Discrimination

Black, Latinx, and Indigenous communities are all overrepresented in Washington's prison population.⁴⁶ Racism continues to impact who is sent to prison and the conditions they encounter when they get there.

Many of our survey respondents shared their experiences with racist policies and practices within DOC, citing poor treatment, lack of access to training and jobs, limited personal care items available in commissary, and other issues involving bias against people of color in custody. Racial discrimination within DOC isn't limited only to people in custody. Survey respondents also shared that there is a pervasive issue of racial discrimination amongst staff within DOC, and that it contributes to a culture of negative treatment of Black and Brown individuals. X.W. (SCCC) pointed out, "Black staff members in DOC sued DOC in 1998 because of the biases, disrespect, and racism they were experiencing.⁴⁷ **If DOC does that to their own staff members, they'll do it to prisoners too.** Black staff members are mistreated in their DOC jobs; a lot of Black and Latino prisoners don't get treated any better in their jobs, or in the institutions in general."

"I know from personal experience as a Black man working in CI that there are some supervisors who have biases toward people of color. Some supervisors have a propensity toward bias because of their environment and the location of many prisons in majority-white areas that are not inclusive to minorities and people of color. Some supervisors talk differently to Black people and Latinos than to white people. Even when I've done the exact same thing as my white counterparts at work, I've been unfairly disciplined and infringed."

– X.W. (SCCC)

"Black people don't have the same availability to get jobs as other ethnicities do."

– TROY WILLIAMS (WCC)

Sex, Gender, and Sexual Orientation Discrimination

Survey respondents also shared their experiences of discrimination on the basis of sex, gender, and sexual orientation. A culture of sexism, homophobia, and transphobia in Washington State prisons creates additional barriers for individuals seeking to access or maintain employment or other resources to aid in reentry.

Multiple survey respondents at WCCW raised concerns that DOC issues clothing designed for the bodies of cisgender men that does not accommodate a range of different body types, which is especially problematic for work that is outdoors, physical, or requires movement. For instance, clothing that does not accommodate wider hips or pants that are too long or too wide in the waist hinder individuals' movement and ability to work and perform basic tasks comfortably.

"Currently there are things that are offered here that aren't beneficial to the community at WCCW. Like the clothes for instance. They are not designed for women of all shapes and sizes."

– BONNIE TEAFATILLER (WCCW)

"We need clothing in proper sizes, including better coats and hats for winter that fit better. There also needs to be support for trans people such as issuing us binders and boxer briefs instead of boxers."

– AHRYSE LOVE (WCCW)

Far beyond economic exploitation, harassment and bullying create a threatening environment for queer, nonbinary, and transgender individuals in DOC custody. For example, transgender people in custody are particularly at risk, as DOC routinely places people in facilities based on their sex assigned at birth, rather than their gender identity.⁴⁸ Bodhi (CRCC) shared another example of withholding valuable resources, where issues of *Black & Pink*—a newsletter and pen-pal program for LGBTQ people in custody—are frequently confiscated by facility staff in the mailroom and not distributed to participants. DOC's systemic discrimination against queer, nonbinary, and transgender individuals takes various forms, and can be extremely isolating for impacted people in custody.

"There are also unique issues that LGBTQ people face. There are three trans women in my unit and five other people who are queer. Some LGBTQ members are secretive and fear bullying. For me, working in the CI kitchen was highly stressful and political because I'm a trans woman and I would get picked on by DOC staff and other incarcerated people. DOC staff do not do much to help with bullying. I came close to being reprimanded for not wanting to work in the kitchen due to the political and stressful environment; it was not worth staying there. But for me, it is important to advocate for LGBTQ people."

– NATASHA PENDRAGON (SCCC)

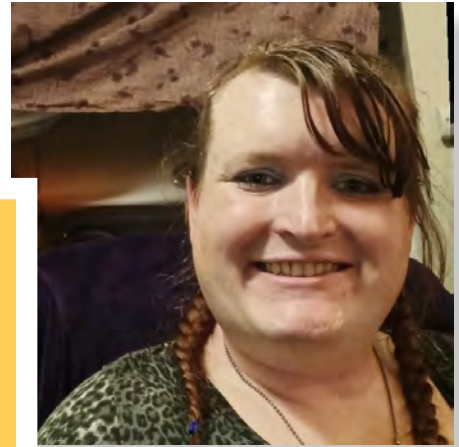


Photo: Natasha Pendragon (SCCC)

Age and Disability Discrimination

While we did not specifically ask individuals in DOC custody about discrimination in employment on the basis of age or ability, survey respondents and individuals we interviewed stated that this is also an area of concern. This is generally consistent with other feedback we received from people in DOC custody—that people with limited mobility, advanced age, or other disabilities do not have equal access to jobs or services in custody.

“Another problem I see related to CI is a lack of opportunities for people with disabilities and elderly people. For example, at Stafford Creek, I know about five people who need wheelchairs but are not able to get work in either Class II or Class III.”

– NATASHA PENDRAGON (SCCC)

Inequities Faced by Immigrants

Most survey respondents who are Spanish-speaking raised concerns that DOC excludes immigrants from employment opportunities—specifically, Class II positions within CI—by excluding people with immigration detainers and people without a U.S. GED certificate (or current enrollment in a GED program) from participating in this employment class. Such exclusion prevents many immigrants from accessing the highest paid jobs; even after the July 2023 wage increase, the highest-paying positions remain within the Class II work program.

GED Requirement

DOC’s requirements for participation in work and educational programs conflict with a lack of infrastructure for people who are not fluent in English. DOC policy requires Class II workers to “have received or be enrolled in a high school diploma, General Education Development or equivalent certificate when applying for a CI work program;” any “[e]xceptions must be approved by the CI General Manager and their assigned Assistant Director.”⁴⁹ Class III jobs, however, do not require a high school diploma, GED, or enrollment in an equivalent certificate program as a prerequisite to employment.⁵⁰ State law requires all people who are incarcerated to “participate in department-approved educational programs, work programs, or both”⁵¹ including “appropriate postsecondary degree or certificate opportunities.”⁵² Accordingly, DOC provides “General Educational Development (GED), High School +, and English as a Second Language” programs;⁵³ however, ESL courses are provided only “[w]ithin available resources.”⁵⁴ DOC staff must “verify an individual’s high school equivalency.”⁵⁵

DOC does not offer English-language GED courses with interpreter or translation services; nor does DOC offer any non-English-language GED courses. To access Class II employment, a non-English speaker would have to successfully complete an ESL course and then enroll in an English-language GED course, a time-consuming process still subject to availability of resources. Although DOC policy

allows for a possible exception to the education requirement for Class II work, DOC does not notify people in custody of this exception or how to make use of it. Furthermore, contrary to policy, DOC has failed to verify whether Spanish-speaking immigrants in custody with a high school diploma from their country of origin have the “high school equivalency” required for Class II jobs.

Immigration Detainers

People in custody with immigration detainers face further barriers to accessing education services. Immigration detainers (or “immigration holds”) are requests made by U.S. Immigration and Customs Enforcement (ICE) or other Department of Homeland Security (DHS) officials to hold an individual in prison or jail for up to 48 hours beyond their scheduled release date.⁵⁶ Federal immigration officials issue detainers when they believe an individual is potentially deportable; however, a detainer is not indicative of an individual’s immigration status and does not signify whether or not a person will be deported.⁵⁷ Furthermore, compliance with immigration detainers is voluntary, meaning that DOC has discretion to decide whether or not to honor detainer requests.⁵⁸

Despite the legislature’s explicit recognition that educational opportunities positively correlate with reduced recidivism,⁵⁹ DOC makes it exceedingly difficult for anyone with an immigration detainer to participate in education programming unless “necessary for the maintenance of discipline and security.”⁶⁰ Prior DOC policy explicitly de-prioritized people for referrals to education programming on the basis of “deportation and citizenship status.”⁶¹ While that language has since been removed from DOC policy, immigrants in DOC custody continue to experience difficulties accessing education.



Photo: John Moore/ Getty Images News via Getty Images

"You're on the list to get education but you're not on priority if you're an illegal alien. I should be treated equally. Just because I wasn't born here doesn't mean I shouldn't get education."

– CESAR PONCE (FORMERLY WCC)

"One of the main problems I have noticed with CI is that it excludes immigrants. I tried applying for Class II work at Stafford Creek, but my DOC counselor told me that I do not qualify because I have an immigration hold and do not have a GED or high school diploma from the U.S. Even though I have the equivalent of a high school diploma from Mexico, DOC has not taken that into consideration. While DOC offered that I take an English class, I do not see the point if I am excluded from the Class II work anyway. I have elected to do a [Class III] porter job instead."

– JOSE FLORES (SCCC)

"While I was in ESL classes, my teacher asked me why I didn't get my GED to earn more money in the jobs I could get. That was my motivation to enroll and earn my GED, but it was all for nothing. The only way to not have to attend or enroll is by showing you have your GED in Mexico. I don't know how they expect us to show that if we're in prison. I would like to ask them to give us folks with an immigration hold more opportunities to work beyond cleaning toilets."

– OSCAR GUZMAN (SCCC)

Together, these barriers prevent most immigrants in DOC custody from accessing education programs needed to secure a Class II job and to otherwise prepare for reentry. This disparity is apparent in DOC's 2022 report to the legislature, which shows that Hispanic men have the lowest percentage of a verified high school education upon release.⁶²


FY22 DOC Releases Education Level					
FY 2022 Releases		Verified High School Education at Release			
GENDER 	RACE	NO		YES	
		Count	%	Count	%
MALE	WHITE	202	11.7%	1529	88.3%
	BLACK	105	19.8%	425	80.2%
	HISPANIC	164	37.9%	269	62.1%
	AMERICAN INDIAN/ALASKA NATIVE	32	17.8%	148	82.2%
	ASIAN/PACIFIC ISLANDER	26	19.1%	110	80.9%
	OTHER	2	33.3%	4	66.7%
	UNKNOWN	2	20.0%	8	80.0%
MALE Total		533	17.6%	2493	82.4%

Photo: Table pulled from Department of Corrections report, "Creating Prison-to-Postsecondary Education Pathways: 2022 Report to the Legislature."

Class II employment includes many of the higher-paid jobs available to people in custody as well as opportunities to learn real-world trade skills such as carpentry and welding (dependent upon the CI work programs available at an individual's facility).⁶³ These policy barriers to educational opportunities and Class II jobs are discriminatory and hinder the ability of immigrants in DOC custody to provide for themselves financially both during incarceration and after release.



WAGES AND PAY CONSIDERATIONS

Meager Increase in Wages for Class III Workers

Workers who are incarcerated perform essential duties like facility maintenance for Washington prisons. There are different classification levels for the jobs held by people in custody; Class III jobs are within the lowest-paid tier and include “unit porter” jobs such as janitorial duties, bathroom sanitation, and gardening.

During the 2023 legislative session, Washington legislators considered House Bill (HB) 1024, which would have increased the base wage (or “wage floor”) for people who are incarcerated from \$0.42 per hour to the state minimum wage. While HB 1024 ultimately failed to pass, the biannual budget (ESSB 5187) allocated a total of \$25,474,000 to Correctional Industries for fiscal year (FY) 2024 and 2025, together, including a modest amount for increasing the wage floor for Class III workers in Washington State prisons:

The appropriations in this subsection are subject to the following conditions and limitations: \$3,500,000 of the general fund—state appropriation for fiscal year 2024 and \$3,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department of corrections to provide wages and gratuities of **no less than \$1.00 per hour** to incarcerated persons working in class III correctional industries.⁶⁴

“I work as a resource porter where I work in the dayroom and help provide resources to people such as reading materials. I answer questions and keep the dayroom clean and organized. I take pride in my work. Class III jobs are underappreciated, even though these jobs keep the facility running, clean, and orderly. Yet DOC staff do not understand the time and energy they require.”

– NATASHA PENDRAGON (SCCC)

DOC Policy Changes Further Limit Wage Increase

When ESSB 5187 was signed into law, establishing the \$1.00 per hour wage for Class III workers, the intent was to create a pay *floor* for Class III workers. However, with DOC's subsequent policy changes capping wages at \$40 per week, the result has been a pay *ceiling*, in stark contrast to the original goal of HB 1024.

Before the wage increase went into effect, DOC amended its respective policies, stating: “Workers will only be compensated for hours worked. **Compensation must be supported within facility budgeted funds, and will not exceed \$40 per week.**”⁶⁵ Prior to the policy amendment in October 2023, earnings for Class III workers had been capped at \$100 per month, meaning an individual could work up to 60 hours per week at \$0.42 per hour (the former wage floor). Capping pay at \$40 per week, with the new wage floor of \$1.00 per hour, means an individual cannot exceed 40 hours of work per week, even if they would like to. As a result, some individuals reported that their hours were cut to stay at or below the cap. Others reported that they were simply denied the opportunity to work 40 hours per week. Many respondents also reported that DOC has cut certain Class III jobs in order to accommodate the increase in pay. All of these responses by DOC have significantly limited the impact of the \$1.00 per hour wage.

Furthermore, wages for Class II workers were not addressed at all in the biannual budget, leaving some probationary wages as low as \$0.80 per hour.⁶⁶ Multiple survey respondents also reported that, around the same time that the wage increase for Class III workers went into effect, DOC raised wages for certain Class II positions to dissuade those individuals from seeking Class III employment instead.

Overall, the effect of the \$1.00 per hour wage floor has been significantly curtailed by DOC's response and implementation. Many of these changes negatively impact not only the employment opportunities for people in custody, but also the living conditions in many of the facilities, as many job cuts result in decreased cleaning and maintenance. Other job cuts reduced the availability of tutoring or educational opportunities that aid in reentry and reduce recidivism.



Source: The Seattle Times, <https://www.seattletimes.com/opinion/job-losses-follow-proposal-to-boost-pay-for-incarcerated-people-in-wa/>

"I asked if I could get 8-hour shifts, five days per week so I could get the 40-hour maximum, but they told me they would keep the schedules the same so I'm still getting 6-hour shifts, five days per week."

– MARVIN FRANCISCO (SCCC)

"I think that C1 implemented a [Class II] wage increase to prevent people from leaving C1 to go work in [Class III] unit jobs. The C1 kitchen has difficulty retaining workers because no one wants to wash dishes for \$0.80 an hour."

– E.L. (CRCC)

"Ever since the dollar an hour change went into effect, they've taken away jobs. They've taken away tutor positions, teaching aid positions, other positions had their hours cut."

– BODHI (CRCC)

"They have cut 14 jobs out of every unit. There are no more unit tutors, night porters, nighttime trash people, and so on. That's 14 less opportunities in each unit, or 112 less opportunities in the facility. On top of that, there was a reduction of 30% in the allowed earnable hours for people working in the education department. The cuts to the hours have affected the cleanliness of the facility. For example, one of the jobs impacted by the cuts in hours in the education department was for the porters who clean the area. Instead of getting cleaned twice a day, the education department now only gets cleaned once a day. Similarly, there are now less people in my unit with cleaning jobs – and those that do have porter jobs are restricted from working full-time. Our unit is dirtier as a result. Wages went up so they cut jobs and reduced hours to keep their budget the same."

– E.L. (CRCC)

Extremely Low Wage Persists

Unsurprisingly, a \$1.00 per hour base wage still leaves a significant pay disparity between workers residing outside DOC facilities and individuals in custody. Without adequate earnings, people who are incarcerated are unable to afford basic necessities, provide financially for their families, or build up savings to support them upon release.

"They changed pay from \$0.42 to \$1.00 but it's not enough to be somewhat secure. I would like to send my children money from time to time and cannot."

– SABRINA KENDALL (WCCW)

"People like me have nothing. I lost my house. I lost every possession I owned when I was incarcerated. I'm 56 years old and will get out at 61 and will have nothing left. If I earned the state minimum wage and put half of the money into savings, I would've had around \$40,000 when I get out, which would be enough to buy a car, pay for insurance, and provide food for myself when released."

– BODHI (CRCC)

Respondents expressed how unjust it is to pay people in custody what amounts to 6% of the state minimum wage. The statewide minimum wage in 2024 is \$16.28 per hour—people who are incarcerated earn about \$0.06 to the \$1 compared to minimum wage workers outside of prisons.

Workers in prison are also explicitly carved out of the Social Security, Medicare, and Social Security Disability Insurance (SSDI) protections, meaning that people working in prison generally cannot contribute toward earning social safety net benefits.⁶⁷ This inability to pay into public benefits programs creates additional hardship for individuals released from custody when they reach retirement age.

"If they paid the minimum wage and took out an amount for Social Security and Medicare, it would leave us enough to live on. When I get out, I would be able to utilize those benefits."

– BODHI (CRCC)

"If we paid people in custody a fair wage, it would actually incentivize them to work, not just to stay busy. People need help learning job skills so they can return to society as positive citizens. Jobs with applicable skills and fair wages would alleviate recidivism by giving people a purpose, a goal, and a desire to do better. People in custody should be paid enough to buy the necessities inside and still save a significant amount of money. That way when they walk out the door of the prison, they have a foundation to start with: enough money to get clothes, food, and more than just a ticket back to where they live."

– X.W. (SCCC)

"I want to get paid more fairly. Even if they took the majority of earnings and stuck it in savings. I have no support system on the outside so it would be nice if I was released with a few hundred dollars [saved up]."

– NATHAN CHURCH (CRCC)

"I work from 7:45 a.m. to 2:50 p.m., and I started at \$0.85 per hour. I have about \$700 in savings right now – I don't have anything to show for 25 years of being incarcerated and being with Correctional Industries for ten years. It's designed to set you up to fail. DOC is making millions of dollars off our backs, but they don't even pay us. They're not preparing us for the streets – that's oppression at its finest."

– TROY WILLIAMS (WCC)

"It would be really great for people who are here for a while to be able to set money aside for when they get out – get an apartment, a car, get treatment – those kinds of things. Minimum wages make a big difference for a lot of people. Making the same minimum wage as people outside of prison in Washington State would allow me to help my parents, my sister, or even my niece with her student loans. I'd like to be able to support myself, rather than depending on somebody else. That's the point of having a job, right?"

– MARVIN FRANCISCO (SCCC)

Deductions from Wages and Outside Funds

Wages earned by workers who are incarcerated are subject to deductions from gross income.⁶⁸ Deducted funds are then allocated to cover a wide range of obligations, including the Crime Victims' Compensation Account,⁶⁹ the cost of incarceration, legal financial obligations, payment of any civil judgment for assault against a correctional officer or DOC employee, the incarcerated person's personal savings account, and/or child support payments.⁷⁰ For example, DOC can deduct up to 20% of an individual's wages for the costs of incarceration alone.

Depending on an individual's employment classification, deductions from their gross wages can range from 5% to 100%.⁷¹ The actual amount deducted from an individual's income may be determined by various entities, such as the sentencing court, the DOC, and the Department of Social and Health Services, subject to specific statutory limitations on deductions. As a result, the actual amounts deducted from wages earned by people in custody may vary wildly.

Deductions from a worker's gross wages can range from 5% - 100%.

State statute governs deductions from an incarcerated person's wages, including mandatory minimum deductions for certain class jobs, as well as maximum allowable deductions.⁷² In addition to wage deductions, any other funds received by people who are incarcerated are also subject to statutory deductions.⁷³ Collectively, these deductions, compounded with low wages and the high prices of goods, can drastically impact the ability of people in custody to pay for their basic needs and support their loved ones.

"I work as a prep cook in food service and I earn \$1.50 per hour. I only bring home \$1.05 per hour because 30% of my paycheck is deducted. This is the lowest possible deduction for a C1 job – 5% goes to the Crime Victims Compensation Fund, 15% goes to the cost of incarceration, and 10% goes into the savings account. I use the leftover money to purchase hygiene items and extra food. I would like to see deductions from wages and from money sent in from loved ones reduced or eliminated altogether."

– E.L. (CRCC)

Survey respondents shared that anywhere from 5% to 75% of their gross wages are deducted from their earnings, and the percentage deducted from other funds received can be even higher.⁷⁴ Troy Williams (WCC) stated that he typically works about 30 hours per week. DOC takes 50 percent of

his paycheck – mostly for LFOs and cost of incarceration. Mr. Williams makes \$52 a week and has very little left for spending or savings at the end of the month. The extremely high deductions create a disincentive to work in CI roles. X.W. explained, “A lot of people are leaving CI to work unit jobs because CI jobs have at least 30% deductions, whereas unit jobs are capped at 5%. When people in CI are losing half their paycheck to deductions, they’re not as incentivized to work. You can make more in the unit for doing less, and you don’t have to put up with the staff and all the ups and downs of CI. I have quit CI jobs in other facilities because of the way I was talked to and treated, and I know other people here who have quit for similar reasons.”

Even money sent to people in custody by their friends or family is subject to deductions. During the 2023 session, Washington legislators passed Senate Bill (SB) 5131, which made any funds received by people in custody *specifically* for purchasing items from commissary not subject to deductions (subject to spending- and time-limits).⁷⁵ However, many individuals have indicated that there have been delays or errors implementing this change. G.P. (SCCC) noted, “I know folks who were sent commissary money from their loved ones and DOC took deductions out of the checks anyway.”

Nearly five months after the law’s effective date, DOC activated deduction-free commissary accounts that enable family members to electronically deposit funds; however, JPay, the private DOC-contracted vendor handling money transfers, assesses fees on each electronic deposit to a commissary account. To avoid extra fees, family and friends can instead elect to send commissary funds via money order, however, this process takes significantly longer. Additionally, errors in implementing the new law have led to deductions being taken from commissary fund deposits (e.g., deductions taken because the sender did not write “commissary” on the correct part of a check).

Overall, most survey respondents voiced concerns about the impact of deductions during and after incarceration. Respondents expressed a desire for reduced or eliminated deductions, while expressing support for increased opportunities to save for reentry. Multiple respondents mentioned indigency as a reason to eliminate deductions. E.L. (CRCC) noted, “We have spendable accounts with money from our paychecks and money sent in from our loved ones – any amount in our accounts above \$25 is subject to deductions. We make well below the federal poverty level and are legally indigent. The state should not be deducting from our wages. The state also takes deductions from the money that our loved ones send in to provide support for us. I don’t think it’s proper. They don’t deduct from funds deposited in county jail systems, and they should not in the state system either.”

“If I have money sent in from family or friends, they take 55% of it over \$25. Part of that goes to savings and LFOs. For the most part people just don’t have money sent in. A lot of us don’t have support on the streets.”

– NATHAN CHURCH (CRCC)

"If your J&S [judgment and sentencing document] specifically says you're indigent, you shouldn't have anything taken out of your money."

– MARIA WALKER (WCCW)

"The state should not be able to take money from anyone in prison."

– TERESA BOTTRELL (WCCW)

"I think that it is unjust to charge us for the cost of incarceration. Incarceration is enough of a penalty— I don't think there should be a financial burden in place too. I also think it's unfair that 5% of my pay goes to the Crime Victims Compensation fund. I think this is double dipping because judges assess restitution to victims of crime. I already paid my restitution, so why am I assessed a tax to pay for crimes committed by others? I don't take issue with the 10% deduction that goes toward the savings account — I think it is important for people to have funds when they are released because it gives them a better chance of surviving out in the world and not returning to prison."

– G.P. (SCCC)

Challenges with the Prison Commissary Store

Correctional Industries operates the prison commissary, or “store” system, from which people can purchase personal items that are not furnished by the facility, including basic hygiene products, food, and certain over-the-counter health related items, such as aspirin, sunscreen, and contact lens solution.⁷⁶ The CI commissary has two distribution centers—one located at Airway Heights Corrections Center and another at Monroe Correctional Complex within the Twin Rivers Unit. Commissary workers, who are incarcerated and employed by CI, are responsible for processing, packaging, and delivering store orders to people in custody who purchase the items. Family members of people in custody may choose to purchase additional items not available in the prison commissary store through care packages supplied by commissary corporation Union Supply.

Basic Hygiene and Nutrition

Upon entry, people in custody receive an initial kit of personal hygiene supplies, including soap, a toothbrush, toothpaste, shampoo, and small quantities of over-the-counter pain medications.⁷⁷ Following this initial supply kit, DOC charges everyone for personal hygiene items and deducts the costs from the person’s commissary account or from any wages the person earns. G.P. (SCCC) explained, “I buy hygiene items from commissary like soap, shampoo, toothbrushes, toothpaste, dental floss, over-the-counter medicines (like Tylenol), and lotions. When I first got here, they gave me this tiny toothbrush that was awful and lasted about 3 days. We all buy toothbrushes so we can have a decent one.” People found to be indigent are provided with hygiene supplies and the costs are added to their debt to DOC.⁷⁸ The hygiene items provided to indigent individuals on credit are not of the same quality or quantity as the hygiene products available for purchase in the commissary store at higher prices.



Photo: Oscar Guzman (SCCC)

“I spend about \$30 on shampoo, soap, deodorants, toothpaste, razors, and other things like that. I prefer buying my own regular sized products because I know that they will last me a whole month. If I didn’t buy my own products, I’d get small travel size bottles of these products and I’d still be charged by DOC for them—it would be added to the debt you owe them.”

– OSCAR GUZMAN (SCCC)

"The commissary store should have hair products for African American hair."

– AHRYSE LOVE (WCCW)

Although the prison commissary store and care package program purport to offer people in custody a greater array of items for personal use, most of the commissary items that people in custody purchase are simply used to meet basic food and hygiene needs—needs that DOC has failed to meet. This is especially true for people who need nutritionally-, culturally-, or gender- specific items.

" As a trans woman, the undergarments I am provided with are low quality, uncomfortable, and are often the wrong sizes. I owe almost \$1,000 for hygiene products and stamps. I'd like to see more affordable, higher-quality hygiene products, including more feminine products."

– NATASHA PENDRAGON (SCCC)

One area of great concern to survey respondents was nutrition, as DOC-provided meals are insufficient to meet basic dietary needs. **People in custody desperately need additional nutrition and are forced to buy food through commissary at increasingly high prices to supplement their diet.** With no other options, they are beholden to DOC's decisions on what goods to stock and how much to charge for each item.

"They feed us dog food. You wouldn't eat the majority of the meals they put in front of you if you had a choice. Even if you do eat it, you're probably getting the basic caloric requirements for a 70kg man. Lots of guys are bigger than that and they're not going to survive eating that amount, so they need to supplement. Because of this, people buy commissary and food packages to supplement their diets. I don't buy a lot, but I probably spend \$100 a month on commissary and \$250 every 2 months on food packages."

– G.P. (SCCC)

"I miss a lot of meals because the food is so bad. The menu might look good on paper, but the food is unappetizing and not nutritionally substantive — they only feed us partial meals. I wish the legislators would come down here and eat the meals we eat, not when DOC gives warnings to make special meals. Even though the pay has gone up, the price of food has gone up so it balances out — you have more money but it doesn't go any further."

– X.W. (SCCC)

"I can't eat a lot of the meat products that they serve for protein in the chow hall because they are injected with flavoring chemicals, additives and preservatives that make me sick. I supplement my diet with protein from commissary and from food packages. I buy fish, beans, chorizo, nuts, and pork rinds. If my family didn't send me food packages, I would have to rely on commissary to get enough protein and I wouldn't be able to save any money. I'd probably spend the majority of my paycheck on protein. Without family support, the amount of money spent to maintain my diet would absorb 95% of the money I earn here at CRCC."

– E.L. (CRCC)

The “Company Store” Model and Rising Prices

People in custody who work for CI report they have no choice but to funnel their meager paychecks back into the CI commissary to purchase basic necessities. Commissaries operate akin to the monopolistic “company store” model, where an employer-owned store could sell basic goods to its employees at high prices because few if any competitor stores existed to direct workers’ earnings from going back into the employer’s pockets. With this structure, CI can raise prices at any time, on any goods, and people in custody are unable to shop elsewhere for their basic needs. Even with the increase in Class III wages, people in custody struggle to keep up with the prohibitive (and ever increasing) costs of commissary goods.

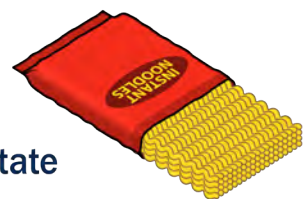
The following chart is a snapshot of the rising prices of commissary items. These are popular items that people reported needing to purchase in order to supplement the food provided by DOC (e.g., to add calories and/or protein to their diets, or to flavor their food) or to provide basic hygiene (e.g., soap).

Item	June 2020 Price	Nov. 2023 Price	Increase (\$)	Increase (%)
Creamy Chicken Ramen – 24 ct. (72 oz) (Item #5200)	\$5.84	\$8.50	\$2.66	45.5%
Sriracha Sauce (17 oz) (Item #9994)	\$2.75	\$6.57	\$3.82	149%
Folgers Coffee (8 oz) (Item # 7106)	\$7.45	\$8.05	\$0.60	8.1%
Chunk Ham (7 oz) (Item # 5022)	\$3.28	\$4.93	\$1.65	50.3%
Irish Spring Soap (3.75 oz) (Item #1401)	\$0.74	\$1.10	\$0.36	48.6%

While these price increases may seem relatively minor in dollar amount, the percentage increase is significant. Coupled with the profoundly low wages that people in custody earn, these increases further exacerbate the economic disparities faced by people in prison. To better illustrate how expensive these items actually are for people making DOC wages, we first calculated how many hours a person in prison must work to afford each item. Then, we calculated the equivalent cost of each item for a person earning the state minimum wage, if that person had to work the same number of hours to afford the item.

Chicken Ramen
\$138.38

**Equivalent cost for state
minimum wage earner**



Item	Nov. 2023 Price	Hours Worked to Purchase (at \$1.00/hour)	Equivalent Cost for WA 2024 Minimum Wage (\$16.28/hour)
Creamy Chicken Ramen – 24 ct. (72 oz) (Item #5200)	\$8.50	8.5 hours	\$138.38
Sriracha Sauce (17 oz) (Item #9994)	\$6.57	6.6 hours	\$107.45
Folgers Coffee (8 oz) (Item # 7106)	\$8.05	8.1 hours	\$131.87
Chunk Ham (7 oz) (Item # 5022)	\$4.93	5 hours	\$81.40
Irish Spring Soap (3.75 oz) (Item #1401)	\$1.10	1.1 hours	\$17.91

When viewed through the lens of the equivalent cost to someone earning Washington State minimum wage, it is clear exactly how prohibitive these commissary expenses can be for people living in DOC custody. If these basic items had the same relative cost for minimum wage earners outside of prison at grocery stores such as Safeway or Walmart, they would be considered extremely unaffordable and prohibit people from meeting their basic needs.

"I am fortunate to be able to afford commissary. A lot of people who are relying on these low wages — and even some people that have the higher-paying jobs but have a very high percentage of their wages taken in deductions — can't afford commissary. The prices of everything in commissary are going up. They gouge us for everything here, and it is hard for folks without resources to even get enough to eat."

—G.P. (SCCC)

"I have gotten a raise. I don't really see a benefit to it because everything has become more expensive too. Now that we make \$1.00 per hour, [a 24-pack of] ramen costs \$8.00 to \$9.00. Since prices have increased too it does not feel like we've made progress."

— OSCAR GUZMAN (SCCC)

"Before the pay increase from \$0.42 per hour to \$1 per hour, I would work a whole month and only bring home \$20. With the wage increase, I'm able to save a little more now, but the pay is still not enough. The more money we make, the more they raise commissary store prices. DOC should pay at least double what we're making, and commissary prices should stay the same. Otherwise, all our money goes towards commissary, and we are left with no money upon release."

— NATASHA PENDRAGON (SCCC)

"I got a raise of around \$45, but with inflation the prices have gone up too. Basically, nothing has changed — I'm buying the same amount of product, just for more money. You get higher wages, but because the prices on things you buy go up too, it doesn't really balance out to a lot more in pay."

— X.W. (SCCC)

Worsening Nutrition Under Correctional Industries

People who are incarcerated stress the need for healthy food in both the commissary store and in the meals served by DOC at no charge.⁷⁹ Furthermore, people in custody report that **healthy, nutritious meals that better meet a variety of dietary needs used to be available at their facility—at a lower cost—before DOC’s consolidation of all food services into its CI structure.**

Azias Ross (SCCC) reported, “We eat so much processed food in here. Why can’t we buy dehydrated vegetables or fruit through commissary? We used to be able to buy a bag of dehydrated vegetables or mushrooms. Or dehydrated blueberries or strawberries that we could add to our oatmeal.

We don’t have those options anymore.” Many are concerned that CI is not motivated to provide adequate nutrition to people in custody. G.P. (SCCC) put it this way, “It’s not for lack of money that they don’t feed us, it’s because they want to put everything under CI’s umbrella. Clearly CI’s goal is not to reduce costs by using locally sourced foodstuffs and producing higher quality meals, at lower costs. CI’s higher priority is to shift all food business into its own supply pipeline, higher cost be damned.”

To address the various inadequacies with nutrition and food service within DOC, people in custody recommend not only a return to cooking food from scratch, and having access to fresh ingredients, but also increasing wages and establishing controls on commissary prices. JoJo Ejonga (SCCC) shared, “The vegetables grown in the garden here are donated to an outside food bank—we aren’t allowed to use them in the DOC kitchen and eat them ourselves.”

“We used to have better food at Stafford Creek. When I first arrived, the kitchen manager ran the kitchen independent of CI. He used locally sourced ingredients and produced delicious food (for prison) at a lower cost than CI meal service. Every Wednesday he would make pancakes for breakfast. He’d often make grilled cheese sandwiches with canned tomato soup – very cheap and very popular. He would also take leftovers from dinner the night before and make them into soup. Nowadays under CI, lunch is inedible at least 4 out of the 7 days a week. Under CI, all the leftovers just get thrown away. Now we get all this processed stuff that comes wrapped in cellophane. CI puts out disgusting food at a higher cost.”

– G.P. (SCCC)

Additional High Costs for Prison Communications, Media, and Entertainment

The privatization of prison telecommunications and media services imposes considerable financial burdens on people who are incarcerated and their families. DOC currently contracts with the prison telecom vendor Securus Technologies, owned by private equity firm Platinum Equity (and restructured under holding company Aventiv Technologies)⁸⁰ for provision of all phone, video call, electronic messaging, tablet, and media services to people in Washington State prisons.⁸¹ Prior to contracting with Securus Technologies for bundled telecom and electronic messaging services, DOC contracted with JPay for electronic messaging services. Securus acquired JPay in 2015.⁸²

Phone and Video Calls

The contract between DOC and Securus includes a profit-sharing clause that dictates what portion of phone call revenue Securus will pay to DOC, often referred to as a commission or kickback.⁸³ **DOC collects a 40 percent commission on the call revenues paid by people in prison and their loved ones.** With the current contract rate of \$0.05 per minute, or \$1.00 for a 20-minute phone call, this translates into a \$0.02 per minute kickback for DOC, or \$0.40 for each 20-minute phone call between a person in custody and their family member.⁸⁴ Video calls are charged even higher at \$0.165 per minute.⁸⁵ According to Department of Corrections budget documents, DOC received over \$2 million in gross phone commission revenues in fiscal year 2023.⁸⁶ For fiscal year 2024, DOC projects over \$3.7 million in revenue from gross phone and media data commissions from the Securus contract.⁸⁷



Photo: JoJo Ejonga (SCCC) testifies to the Senate Human Services Committee in support of SB 6021, a bill proposed in the 2024 Washington state legislature that would make communications free between people in prison and their families.

"I've spent thousands of dollars on phone call minutes. That money could have gone to help with my reentry, to pay my lawyers for my resentencing, but instead that money has gone to the state."

– LAWRENCE JENKINS (SCCC)

"Communication should be free. Adding a cost to communication affects society; it's a hardship that affects the rehabilitation of the incarcerated individual."

– CANDIS RUSH (WCCW)

At least five states—including California, Colorado, Connecticut, Massachusetts, and Minnesota—have passed legislation making prison voice communications free.⁸⁸ Both the Connecticut and the Massachusetts legislation also require that any video or electronic messaging services, if provided, must also be free of charge.⁸⁹

Electronic Messaging

To cover the cost of the government kickback and shore up their own profit margin, Securus charges people in custody egregious rates for their other products and services, including electronic messaging and entertainment services such as movies and music. Under DOC's current contract with Securus, **electronic messages are charged at \$0.33 per message**. The Securus electronic messaging system forces people in custody to purchase "stamps" that are sold individually or in bundles, with a slight discount available for stamps purchased in greater quantity. Each electronic message costs one "stamp," however, additional taxes and fees for purchasing stamps quickly add up to bring the cost of one "email" well above what anyone outside of prison would pay to send emails (which are typically free) or to mail the same message through U.S. postal mail.

To add insult to injury, these overpriced electronic messages are surveilled by prison staff and can take days to be delivered to the recipient. **If a person in custody or a family member wishes to send a photo along with the message, the photo costs an additional stamp.** Furthermore, hidden taxes and fees are assessed on electronic messaging "stamps," causing even higher barriers for individuals already struggling to afford communication with family and friends on the outside.

"We are charged to send email but emails on the street are free. Why is it acceptable for our family members to bear the burden of paying to communicate with us when on the outside email is free? Why is it okay to profit off that? This is carceral capitalism."

– AZIAS ROSS (SCCC)

"The cost of emails increased under Securus. Before, with JPay, we didn't pay extra transaction fees or taxes for e-messaging. Under JPay, 20 stamps cost \$5.00 flat. Now, when we pay, it doesn't list out what we are paying in fees or taxes. Now I pay \$5.80 for 20 stamps. 60 stamps are sold for \$10 but at purchase it says \$11.60 with no price breakdown. The math per stamp doesn't add up. What are the applicable taxes?"

– JoJo EJONGA (SCCC)

Entertainment Services

According to its contract with DOC, Securus provides all people in custody a tablet at no cost.⁹⁰ These tablets are used to make and receive phone calls, access the electronic messaging system, and access music, movies, and games, all for a fee. Prison telecom vendors providing free tablets as part of their contracts are often successful in charging higher prices for products and services sold on those tablets—including music and movies—as a way to recoup the cost of the tablets.⁹¹

People who are incarcerated are charged exorbitant fees to access single songs or albums, especially when compared to the lower monthly subscription rates for streaming music services—including unlimited access to millions of songs—available to people outside prison. To make matters worse, if an error occurs with the purchase or with the tablet itself, Securus often fails to compensate individuals for money spent or to replace lost content. People in custody have also reported that they lost the value of their previous tablets, which they had purchased themselves for \$150—an amount which neither DOC nor Securus reimbursed.

"We were told to fill out a postage transfer to mail our old tablets to family or to store them. But DOC gave the old tablets to Securus, which recycled them. We were told we would get a refurbished tablet when released. But Securus lost all of my content—including legal case notes, poetry, everything".

– BODHI (CRCC)

"If I want to buy the 2019 Billie Eilish album 'When We All Fall Asleep, Where do we Go?' the album itself costs \$10, and the content delivery fee is \$5.30. This isn't Securus' album – it's Billie Eilish's album. The tax is \$1.39. I'd have to pay \$16.69 for the whole album. It's the same thing for a game. If I want to buy Zelda II, the game itself is listed at \$4.49, the content delivery fee is \$0.99, and the tax is \$0.50. If I want to watch a movie, I can rent The Incredible Hulk for 48 hours for \$6.99. When I click on it, the breakdown is that the movie costs \$4.99 and the content delivery fee is \$2.00."

– JoJo EJONGA (SCCC)

"When I have money on my Securus account, I spend around half on phone calls and half on music. Music is like my comfort; it keeps me calm and level-minded. Earlier this year I bought some new music to have on my tablet. One day the songs and albums were there, the next day they were gone. I submitted a trouble ticket to Securus. Even though I paid for the music and it was my property, Securus removed the music from my tablet and failed to replace it. They compensated me over \$300, which was far less than what I paid for the music. I lost more than \$100. I have submitted multiple trouble tickets since and have asked that they review the records of my purchases, which as a business they should have. They have failed to investigate the disparity in their compensation or replace the music on my tablet (even though it is still available for purchase). This is unfair and has happened to many people I know. Securus is cheating prisoners out of money for games, music, and subscriptions and they are not upholding the conditions of their contract."

– X.W. (SCCC)



OTHER AREAS OF CONCERN

Through the process of collecting and reviewing survey responses, many people in custody flagged other areas of significant concern. Several themes and important points arose that warrant inclusion with this report. These include:

- **Lack of real-world job training**
- **Lack of opportunity to earn credentials for real-world jobs**
- **Existing training and desirable jobs are limited to specific facilities**
- **High costs associated with education**

Survey respondents expressed the need for positive incentives to aid in rehabilitation and successful reentry. Such incentives include fair wages and opportunities to learn job skills relevant to outside employment. DOC claims that CI work programs are modeled after the real world and that they focus on technical and social skill development, thereby preparing people in custody to gain employment once released.⁹² However, people in custody share a different reality.

Many individuals expressed a desire to develop skills and earn permits or credentials that would translate to work outside prison after release. They identified a few specific CI jobs that provide translatable skill development that should be expanded, such as welding and other building trades. However, many people who have held CI jobs shared that the tasks were often too menial to qualify as skill development, and that training and certification opportunities were simply not available. E.L. (CRCC) stated, “I believe that CI is profit-based and sacrifices quality, teaching, and growth opportunities for the bottom line, at the expense of inmate wellbeing. CI should provide people who are incarcerated with more learning opportunities that better align with real-world skills, instead of prioritizing profit and production.”

Additionally, certain CI work programs are unique to specific facilities, further limiting many individuals’ access to trade skills development. Respondents also shared that opportunities have decreased over time, as DOC has eliminated certain education and skill-building programming.

When it comes to obtaining education, by policy, DOC prioritizes individuals with fewer than seven years remaining on their sentence for enrollment in vocational and postsecondary education.⁹³ This requirement forces many people in custody with more than seven years until their release date to pay for postsecondary education themselves. JoJo Ejonga (SCCC) shared, “I’m currently enrolled at California State University, Sacramento in the wastewater management program. DOC’s requirement that people have less than seven years remaining on their sentence to access education hurts our chances at successful reentry. Altogether, my family has spent thousands of dollars to help me with my outside education classes. This takes a financial toll.”

"I've held every position in my time here and have only watched a 1-hour food safety video. There has never been any hands-on training. Class III workers should receive training, certifications, or permits, like a food handler's permit."

– M.B. (WCCW)

"Kitchen workers need real food prep experience and sous chef experience. We need access to food handler's cards and other certifications for employment after release."

– CANDIS RUSH (WCCW)

"The majority of food comes into the kitchen precooked in boil bags. CI is teaching us how to use a fancy microwave – they have ovens with preprogrammed settings, you input a code and press a button and the oven cooks the food at a certain temperature for a certain amount of time. DOC needs to go back to cooking meals from scratch and get rid of the CI food factories. If we cooked our food from scratch, not only would we have fresher and better-quality food, but we would also be learning cooking skills like how to fry an egg, how to sauté vegetables in butter and oil, what a reduction is. These skills are useful in the real world and could help us get a job in the restaurant industry later on. CI should also teach workers basic cleanliness skills in the kitchen and food safety training, so that people are better prepared to get a food handler's permit for a job on the outside after release."

– E.L. (CRCC)

"The computer data entry I was doing was menial and I didn't learn skills, although some other people in the business office were able to learn AutoCAD [computer-aided design]. There are some CI jobs that teach valuable skills, like welding and building trade skills — these programs should be expanded."

– G.P. (SCCC)

"Only the Braille program allows people to learn valuable skills for after release—that is a great skill."

– SABRINA KENDALL (WCCW)⁹⁴

"The gardening jobs in the unit still exist but the gardening education classes that used to be available for college credit at Evergreen State are no longer offered. We also had a beekeeping program that offered certification. The gardening and beekeeping programs gave real tools and training."

– JoJo EJONGA (SCCC)

"Correctional Industries jobs benefit the state, not the prison population. CI jobs are mostly busy work. Some of them are makeshift jobs to keep people busy. Some of the jobs can be transferable to society for job skillsets. I'd like to see more jobs offered with accredited training. A lot of people who are incarcerated have never had jobs in society, so it is important for them to learn how to work."

– X.W. (SCCC)



POLICY RECOMMENDATIONS

The experiences discussed in this report show the severe economic burdens borne by people who are incarcerated and their families. The following steps are needed to ensure that people confined in Washington State prisons have equitable access to employment and job training opportunities, free from discrimination, and that they are compensated fairly for their labor, with protections against predatory pricing of basic goods and services by DOC and their contracted private vendors.

1. Prohibit coerced labor within state prisons. Ensure that an individual who declines to work does not face any infractions, lengthier sentences (i.e., loss of good time), or loss of privileges.
2. Amend Washington State's minimum wage law to include workers who are incarcerated within the definition of "employee." Ensure that all categories of workers within DOC earn at least the state minimum wage.
3. Include workers who are incarcerated within state labor protection laws.
4. Require CI—including in Class II and Class III jobs—to teach job skills and provide training that will prepare individuals to work outside of prison upon reentry, including by acquiring relevant permits, certifications, or credentialing (e.g., food handling permits, chemical and hazardous materials training, and master gardener certificates).
5. Ensure that all individuals in custody have equal access to job opportunities within DOC. Eliminate discriminatory hiring practices based on race, ethnicity, gender identity, sexual orientation, age, or ability.
6. Eliminate the requirement that individuals have a GED or be enrolled in a GED or equivalent course in order to access CI Class II employment.
7. Remove any barriers preventing individuals with an immigration detainer from accessing any employment within DOC, including CI Class II jobs. Ensure that individuals for whom DOC receives an immigration detainer request have equal access to all DOC education programming and work programs.
8. Create guardrails on costs and expenses imposed on people in custody so as to ensure that all individuals maintain the ability to meet their basic needs. Ensure that increases in wages are not undercut by rising costs in other areas within the carceral system.
9. Eliminate deductions from incarcerated workers' wages and other funds sent by family and friends.
10. Improve opportunities for people in custody to increase savings for reentry, including by offering financial literacy classes. DOC should maintain personal savings accounts for each individual that the individual can access and manage themselves.
11. Require reasonable price caps on food and hygiene items in the prison commissary store and in care packages that take into account the income and financial circumstances of people in custody. Require that the commissary store and any commissary vendors stock a variety of healthy food items.

12. Mandate a return to cooking meals from scratch in facility kitchens, including by locally sourcing fresh foods. Remove DOC food service from the CI food factory and eliminate highly processed foods. Ensure that the nutritional needs of people in prison are met.
13. Mandate free voice and video communications and free electronic messaging between people in custody and their friends and families, including texts and emails.
14. Require that any contracts between DOC and private vendors prohibit the shifting of costs—including any taxes and fees—to people in custody or their family and friends (e.g., eliminating fees for processing and delivering media or other content; fees related to communications; or fees for electronically depositing funds).
15. Require transparency in all products and services purchased by people in custody, including detailed price breakdowns, including applicable tax rates and all taxes assessed, both prior to purchase and after purchase.
16. Require an independent audit of the Department of Corrections' implementation of ESSB 5187 §223(4) pertaining to the increase in wages for Class III workers, including a complete and detailed accounting of how legislatively appropriated funds are spent.

"If wages go up, we don't want the commissary prices to just keep going up in tandem. We need minimum wage to be able to afford products in store. We want to be in a position where we can save money and not have to spend it as soon as it comes in. Commissary prices continue to increase. We feel hopeless. We have no connection to where these decisions are being made. DOC is sitting in a headquarters room somewhere deciding to increase prices but not wages, and predatory prices and deductions can take up to 95% of our money. This seems criminal, like we're in a game of Monopoly. Legislators are giving headquarters the green light to do this by turning their backs to the situation and failing to hold DOC accountable. In DOC there is no protection for prisoners against these economic and social injustices—from the exploitation of our labor, to mandatory financial deductions forever increasing debt, to monopolizing on the very basic necessities we need in order to survive cruel and inhumane conditions. Yet, incarceration is supposed to rehabilitate us? Rehabilitate us into what?"

— LAWRENCE JENKINS (SCCC)



CONCLUSION

People who are incarcerated and working in Washington State prisons are struggling to meet their basic human needs. Meager wages—combined with rising prices for food and hygiene necessities, exorbitant communication costs, and mandatory deductions from earnings—result in devastating economic burdens for people in custody and their families. In turn, the heavy financial costs associated with incarceration put people in custody at a huge economic disadvantage after their release from prison, which can jeopardize the likelihood of a successful reentry.

The policy recommendations contained in this report are aimed at ensuring that people in custody who choose to work are able to do so equitably, free from discrimination, and with increased ability to both save for release and obtain basic necessities while incarcerated.

We recognize that this report only scratches the surface of addressing the innumerable injustices—economic and otherwise—faced by people in custody. The legacy of slavery is deeply entrenched in our modern prisons, and these carceral systems perpetuate some of the darkest parts of our society's history. Only by recognizing these continued harms—and enacting laws and policies to address them—can we begin to right the systemic inequities faced by people in Washington's prisons.



NOTES ON METHODOLOGY

Columbia Legal Services' (CLS) work is directed by the communities we serve. Outreach from community members within the prisons to CLS led CLS to investigate issues related to economic injustice within the prisons. This report includes stories from people directly impacted by the lack of a state minimum wage for people in DOC custody and other economic constraints within DOC. To ensure that this report is informed and led by the impacted community, CLS partnered with several individuals with whom CLS holds existing and ongoing relationships, who are currently in DOC custody. CLS worked with our partners in the prisons to design a survey on labor, wages, and other economic stressors; we then mailed English- and Spanish-language surveys out to people incarcerated in various facilities across the state. To reduce financial strain on survey respondents, we included prepaid return envelopes with the survey packets or informed potential respondents to reach out to CLS to receive a prepaid return envelope. We received over 60 survey responses from five DOC facilities.

In addition to reviewing the survey responses, CLS conducted follow-up phone interviews with select individuals. Several individuals provided testimonials for this report, with some individuals feeling comfortable sharing their real name and others requesting anonymity. CLS' partners within the prisons provided invaluable feedback throughout the entire report process. CLS experienced some difficulties in administering the survey and collecting respondents' feedback; for example, survey respondents experienced lengthy delays in receiving and sending legal mail, and some individuals had their prepaid return envelopes confiscated by DOC staff. Such difficulties point to a wider problem—people who are incarcerated, and advocates working alongside them, often struggle to make the voices of impacted community members heard to the legislature and members of the public.





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REVIEW/REVISION HISTORY:

Effective: 1/31/98
Revised: 2/12/01
Revised: 6/1/05
Revised: 9/22/06 AB 06-011
Revised: 10/2/06
Revised: 2/27/09
Revised: 11/7/11

SUMMARY OF REVISION/REVIEW:

I.A. - Adjusted Education Services Administrator's delegated responsibilities
I.A.1. and IV.A. - Added offender risk level to criteria
I.B.2. - Removed review of local quarterly class schedule from Superintendent/designee duties
II.B. - Removed transition programs/services and life skills programs from available services
III.B.2. - Added that offenders will be referred based on the Referral Guide for Offender Programs, considering risk and need areas and prior completion of offender change programs
III.B.3. - Added that offenders that have completed GED/vocational education can be assigned to full-time employment
IV.A., V.A.7., and VI.C.4. - Added deportation and citizenship status as basis for prioritizing referral/placement
Added IV.F. and G. regarding callout and RPM
V.A.4. and VI.A.1. - Adjusted that requests will be documented in the offender's electronic file
V.B.1. - Added need in the Education domain to placement priorities
VI.C. - Added priorities for vocational skills training placement
VI.E. and F.1. - Added clarifying language
Attachment 1 - Updated per credit fees


APPROVED:

Signature on file

BERNARD WARNER, Secretary
Department of Corrections

9/26/11

Date Signed

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REFERENCES:


DOC 100.100 is hereby incorporated into this policy; [RCW 28A.193.020](#); [RCW 72.09.100](#); [RCW 72.09.460](#); [ACA 4-4430](#); [ACA 4-4464](#); [ACA 4-4465](#); [ACA 4-4466](#); [ACA 4-4467](#); [ACA 4-4468](#); [ACA 4-4469](#); [ACA 4-4470](#); [ACA 4-4471](#); [ACA 4-4472](#); [ACA 4-4473](#); [ACA 4-4474](#); [ACA 4-4475](#); [ACA 4-4476](#); [ACA 4-4477](#); [ACA 4-4478](#); [ACA 4-4479](#); [ACA 4-4480](#); [DOC 200.000](#) Trust Accounts for Offenders; [DOC 320.500](#) Youthful Offender Program; [DOC 500.100](#) Correspondence Education for Offenders; [DOC 690.400](#) Offenders with Disabilities; [Americans with Disabilities Act \(ADA\)](#); [Family Educational Rights and Privacy Act \(FERPA\)](#); [Individuals with Disabilities Education Act \(IDEA\)](#)

POLICY:

- I. The Department's philosophy and goals for offender education and vocational programs are to improve offender functioning in literacy, employment, communication and life skills, and community transition. The Department, working with the Washington State Board of Technical and Community Colleges and other contractors, develops education and vocational programs to prepare offenders for higher skills work programs and to qualify for living wage jobs upon release. [4-4464] [4-4467] [4-4469]
- II. The Department will provide vocational programs that develop the skills needed for facilities and Correctional Industries jobs and are accepted by community based training programs to allow the offender to transfer and complete the programs upon release, if necessary. [4-4467] [4-4469]
- III. Academic and vocational programs are accredited, recognized, certified, or licensed by the state or other acceptable organization. [4-4470]
- IV. Offenders may be required to participate in a combination of work, education, and vocational programs.

DIRECTIVE:

- I. Authority and Responsibilities
 - A. The Educational Services Administrator will have delegated responsibility for coordinating the Department's education system, which will include:
 1. Analyzing program needs annually and developing a recommended statewide service delivery plan by facility and by program, based on offender risk and need and demographics as identified at the facility level, and with input from community partners in academic and vocational education. [4-4430] [4-4469]

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2. Collecting and reporting data, including offender achievement and use of resources.
 3. Developing the program budget and monitoring expenditures.
 4. Coordinating with each Superintendent/designee to monitor the use of resources and track the accuracy and timeliness of Resource Program Management (RPM) data.
 5. Ensuring that vocational programs provided enhance offender employability upon release.
 6. Conducting quarterly contract compliance reviews to ensure delivery of contracted services.
- B. The Superintendent/designee will monitor educational program operations at the facility level, which will include:
1. Monitoring programs so that they meet the following expectations:
 - a. Program providers comply with the contract provisions.
 - b. Educational programs are provided at times when the majority of offenders can participate. [4-4477]
 - c. Work with entity charged with RPM data entry to make sure data is accurate and timely.
 2. Providing input on the statewide annual delivery plan regarding any changes in offender education needs at the facility so that necessary programs and services are available in the context of a coordinated educational system. [4-4430]
 3. Walking through all programming areas at least monthly to ensure classroom work areas meet Department security expectations.
 - a. All classrooms are set up to enhance security and ensure appropriate use of computers.
 - 1) Printers and input devices, not including keyboards and mice, are stationed at the instructor's desk and/or in a secure area.




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- 2) Classrooms are set up so the instructor can view input screens and work process/product for all students and Teaching Assistants.
4. Monitoring provider equipment, furniture, and software inventory lists for accuracy.
5. Monitoring provider furnishings and equipment and replacing as needed.
6. Requiring education providers to organize formal recognition of educational achievements (e.g., graduation ceremonies). [4-4470] [4-4480]
7. Implementing incentives for program participation, such as Earned Release Time and vocational assignments. [4-4480]
- C. [4-4471] The Washington State Board of Technical and Community Colleges will ensure and be responsible for a system whereby the academic and vocational training programs are assessed against stated objectives by qualified individuals, professional groups, and trade associations at least every 3 years.
 1. Education courses will have a written, standardized, competency based curriculum which is supported by appropriate classroom materials. [4-4466]
 2. All academic and vocational education personnel are certified by the college or other comparable authority. [4-4472]
 3. Academic and vocational personnel policies and practices are in accordance with unions representing academic employees, local jurisdictions, or other appropriate jurisdictions. [4-4473]

II. Programs

- A. The specific program offerings at each facility will be drawn from the Department's approved list of programs. [4-4465] [4-4468]
- B. [4-4464] Services available for offenders who are 18 and over should include:
 1. Basic Skills Programs (i.e., Adult Basic Education, General Educational Development (GED), and English as a Second Language),
 2. Vocational Skills Training (i.e., a series of courses or classes necessary to achieve a proficiency standard or obtain a certificate),
 3. Functional Social Skills Programs, including communication skills, coordinated with other facility services, and [4-4478]

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4. Post-secondary education per DOC 500.100 Correspondence Education for Offenders.

C. Services for offenders under the age of 18 will be provided per DOC 320.500 Youthful Offender Program.

D. Enrollment in education programs should be planned as a component of the offender's Custody Facility Plan to allow time for completion.

III. [4-4474] Offender Assessment and Referral

A. Offenders will be tested at the Reception Diagnostic Centers (RDCs) to determine basic academic skill levels.

B. Education staff and Counselors will:

1. Review the offender's education assessment information and education program history included in the Custody Facility Plan to determine his/her need for services and provide counseling to support the offender's educational and vocational goals.

2. [4-4465] [4-4468] Refer offenders to educational and vocational services consistent with the Custody Facility Plan and the Referral Guide for Offender Programs, and considering the offender's risk and need areas, including:

- a. Risk and need levels,
- b. Reported education history,
- c. Verified education history,
- d. Expected release date,
- e. Vocational skill level,
- f. Work experience,
- g. Prior participation in Department provided education and work programs, and
- h. Prior completion of offender change programs.

3. Ensure that offenders do not discontinue education programming for full-time employment and help offenders manage work schedules to accommodate education programming. Offenders that have completed GED and/or vocational education can be assigned to full-time employment.

IV. General Program Operations



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- A. Referrals will be prioritized based on risk level, offender need, expected release date, deportation and citizenship status, and availability of program resources.
- B. Education staff and Counselors will assess the offender's ability to achieve educational gains from a particular program. Counselors will document the assessment and determination in the offender's electronic file and the Custody Facility Plan.
- C. The education program allows for flexible scheduling that allows offenders to enter at any time and proceed at their own pace. [4-4476]
- D. The Superintendent may excuse or defer the enrollment of an offender based on security considerations, the offender's conduct, or the availability of a suitable alternative program.
- E. The education program will meet Americans with Disabilities Act (ADA) requirements regarding reasonable accommodations for offenders with disabilities. [4-4464] [4-4475]
- F. Appointments that are not tracked in RPM (e.g., registration, testing, education orientation, advising, graduation, etc.) will be scheduled using the callout system.
- G. Staff maintaining and tracking education programs in RPM will ensure the accuracy of schedules and locations for each class and document the information in the callout system.

V. Basic Skills Program Operations

- A. Assessment, Referrals, and Participation
 - 1. Offender education levels will be assessed at the RDCs. The assessment results will be used when referring offenders to basic skills programs and any initial pre-test, if enrolled.
 - 2. Facility education staff will have sole authority to change the status of system generated basic skills referrals.
 - 3. Facility education staff will review all records for offenders who have not completed an assessment at Reception as noted by an "I" referral. Each offender will be interviewed and assessed for placement, as appropriate.
 - 4. Life Without Parole (LWOP) offenders cannot be required to take basic skills education classes. LWOP offenders who wish to participate in basic skills education may submit a written request to their Counselor. The original request will be documented in the offender's electronic file.



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5. Offenders are expected to participate in a minimum of 12 hours of instruction per week or each session the class is scheduled, whichever is greater, unless the offender has limited capacity or is required to participate in other programs (e.g., chemical dependency, sex offender treatment).
6. An offender with physical, mental, medical, or health issues may be exempted from the mandatory basic skills enrollment by the Counselor and education staff, with input from medical and mental health staff as appropriate. The reason(s) should be noted on the exemption referral.
7. Offenders whose citizenship has been established as other than the United States will be placed in the lowest priority for basic skills and English as a Second Language classes.

B. Placement Priorities

1. Offenders will be reviewed for basic skills programs and placed in the following order:
 - a. Offenders who are under the age of 22 and have not obtained a high school diploma or GED certificate, who have a high need in the Education domain and are less than 4 years to Earned Release Date (ERD). The program must address needs identified in the Custody Facility Plan.
 - b. Offenders who are 22 or over and do not have a verified high school diploma or GED certificate, who have a high or medium need in the Education domain and less than 4 years to ERD.
 - c. Offenders without a verified high school diploma or GED certificate, who have a low need in the Education domain and greater than 4 years to ERD.
 - d. Offenders who have obtained a high school diploma or GED certificate but score below the ninth grade level.

C. Documentation and Fees


1. Facility education staff will document verification that an offender has received a high school diploma or GED certificate in the offender's electronic file. Pending verification, mandatory enrollment in basic skills may be delayed.

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2. No fees are charged for basic academic skills instruction. [4-4470]

VI. Vocational Skills Training Operations

- A. Counselors will screen offenders for referral to vocational programs according to the Custody Facility Plan. The offender's current job skills, expected stay in the facility, and experience must be identified and considered before a referral is made. The offender's willingness to complete the program will also be considered.
 1. LWOP offenders may participate in vocational skills training required for a work program, provided they pay the costs identified in Offender Financial Responsibility (Attachment 1). LWOP offenders who wish to participate in vocational skills training may submit a written request to their Counselor. The original request will be documented in the offender's electronic file.
- B. Basic education assessments should be considered when making referrals for vocational skills training.
 1. Offenders may enroll in general education support courses, as needed, to meet minimum requirements for a vocational skills training program.
 2. Offenders may take time off from a vocational program in order to enroll in and complete general education support courses.
- C. Priorities for vocational skills training will be as following:
 1. Priority 1 – High Violent and High Non-Violent offenders who have a high level in the Community Employment domain and less than 7 years to ERD.
 2. Priority 2 – High Violent, High Non-Violent, and Moderate Risk offenders who have a high or medium level in the Community Employment domain and less than 7 years to ERD. Moderate Risk offenders can be moved to Priority 1 if all other identified need areas have been addressed.
 3. Priority 3 – Low Risk offenders who have a high, medium or low level in the Community Employment domain and less than 7 years to ERD. Low Risk offenders can be moved to a higher priority if all other identified need areas have been addressed.
 4. Offenders whose citizenship has been established as other than the United States will be the lowest priority for vocational skills training.

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- D. Vocational skills training programs offered at different facilities that prepare offenders for the same jobs will be standardized to allow for offender completion if transferred. Vocational holds will be considered for an offender who is within 6 months of completing their vocational training program, if transferring to a facility which does not offer the program.
- E. With the exception of LWOP offenders, no fees will be charged for any vocational program that is less than 45 credits or for the first one year state certified vocational program that an offender completes through the Department's vocational program.
- F. Offenders who have already received an Associate's degree or a one year vocational state certificate while incarcerated with the Department may request to enroll in subsequent programs.
 - 1. Counselors will decide whether subsequent vocational programs are related to the offender's work program or community employment. The Counselor will document in the offender's electronic file that the offender meets the Department's priority criteria for vocational program assignment.
 - 2. The decision that the offender will pay all or part of the cost will be documented in the offender's electronic file.
 - a. Offenders are not required to pay costs for participation in subsequent vocational programs if the program is associated with their work program or community employment.
 - b. If a subsequent vocational program is not associated with the offender's work program or community employment, the offender is required to pay the tuition as identified in Offender Financial Responsibility (Attachment 1).
 - c. An offender's ability to pay will be determined by the monthly income and balance of available funds in the offender's account. Monthly income will be determined by taking the average of the offender's most recent 3 months' wages, gratuities, and deposits, regardless of the source. Offenders without a monthly income, but having a balance of funds available, will pay a portion based on the average balance of the most recent 3 months, leaving not less than \$10.00 in the account. The portion paid by the offender is determined using the per credit hour fee set by the Washington State Board for Community and Technical Colleges.



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- d. Offenders will not be permitted to incur education debt. Tuition and fees will be made payable to the Department for deposit into the General Fund. Payment will be made prior to participation in class. Family members or third parties may provide payment for tuition and fees. These funds may be transferred from the offender's education sub-account. Facility procedures will be developed in conjunction with DOC 200.000 Trust Accounts for Offenders for payment of tuition and communication with education providers.
 - e. If an offender who has fully or partially paid for a subsequent vocational program is transferred due to negative behavior, s/he will not receive a refund. If the transfer is not due to negative offender behavior, a refund will be made according to the education provider's scale for refunds.
- 3. An offender enrolled in his/her first vocational program, who completes 2 courses, will not be allowed to change vocational programs unless transferred to another facility where the program is not available.
 - 4. An offender who is participating in a vocational skills training program will not be paid during regularly scheduled class time.

VII. Offender Responsibility

- A. Offenders will maintain attendance and behavior as required by the facility and education provider. Failure to participate in programs may result in disciplinary action.
- B. Offenders will maintain measurable progress consistent with program standards. Offenders who have received maximum benefit from the program, as determined by assessed ability, may be exempted from further participation without loss of privileges. The provider will notify the offender's Counselor.
- C. Attendance, progress, and achievements will be documented in the offender's educational file.

VIII. [4-4479] Education Records

- A. Education providers will maintain each offender's educational file per accepted education practice and governing law, and make entries into the offender's electronic file consistent with Department policy and the Interagency Agreement.
- B. Disclosure of any information concerning an offender will comply with the Family Educational Rights and Privacy Act (FERPA).

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IX. Correspondence Education

- A. Education services are available through correspondence education consistent with DOC 500.100 Correspondence Education for Offenders.

DEFINITIONS:

Words/terms appearing in this policy may be defined in the glossary section of the Policy Manual.

ATTACHMENTS:

[Offender Financial Responsibility \(Attachment 1\)](#)

DOC FORMS:

None

ENDNOTES

- 1 Johnson, Gene, Federal jury: Immigrant detainees are owed minimum wage, SEATTLE TIMES (Oct. 27, 2021; Updated Oct. 29, 2021), <https://www.seattletimes.com/seattle-news/immigrant-detainees-at-tacoma-facility-are-owed-minimum-wage-federal-jury-determines/>.
- 2 The original action was filed in federal court. The State prevailed in district court, but GEO Group has appealed to the 9th Circuit Court of Appeals, which has not yet ruled. However, the 9th Circuit certified several questions for consideration by the Washington State Supreme Court, specifically as to whether detainees at a private, for-profit detention center are employees for the purposes of Washington's minimum wage and labor protections. See, *Nwauzor v. GEO Grp., Inc.*, 62 F.4th 509 (9th Cir. 2023). On December 21, 2023, the Washington Supreme Court held that these workers are employees under the Washington Minimum Wage Act. See also, *Nwauzor v. The Geo Grp., Inc.*, 101786-3, 2023 WL 8817705 (Wash. Dec. 21, 2023), <https://www.courts.wa.gov/opinions/pdf/1017863.pdf>.
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- 4 Wash. State Correctional Industries: 2023 Annual Report, WASH. DEP'T OF CORR., 13 (Nov. 2023), <https://www.doc.wa.gov/docs/publications/reports/700-RE001.pdf>.
- 5 There are two other classes of Correctional Industries employment – Class I and Class IV. Class I employment opportunities stem from partnerships between for-profit or non-profit businesses and DOC for the production of goods for sale. See Class I Partnerships, WASH. STATE CORR. INDUS. (Nov. 2019), <https://doc.wa.gov/docs/publications/700-BR004.pdf>; See also RCW 72.09.100. Class IV employment is for supervised off-site work crews. See Wash. Dep't of Corr. Policy 700.400, Class IV Off-Site Work Crew (May 24, 2019), <https://doc.wa.gov/information/policies/files/700400.pdf>.
- 6 Wash. Dep't of Corr. Policy 710.400, Correctional Industries Work Programs (Oct. 6, 2023), <https://www.doc.wa.gov/information/policies/showFile.aspx?name=710400>.
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the Black rate of incarceration has dropped from 2,522 per 100,000 in 2005 to 1,267 per 100,000. But race and racial bias continue to matter in ways that are not fair, that do not advance legitimate public safety objectives, that produce disparities in the criminal justice system, and that undermine public confidence in our legal system.")

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