

FINAL BILL REPORT

EHB 1033

Synopsis as Enacted

C 285 L 93

Brief Description: Establishing a procedure for developing local jail industries programs.

By Representatives H. Myers, Bray, Edmondson, Rayburn, Chappell, Ludwig, Kessler, Flemming, Brough, Campbell, L. Johnson, Dunshee and Ogden.

House Committee on Corrections
Senate Committee on Law & Justice

Background: Local city and county jails offer a limited variety of work programs for inmates. One of the most frequently used work programs in the jail system is inmate work crews. Under this program, inmate work crews provide labor in low skilled and labor intensive projects such as picking up litter in parks and along roadways or providing non-professional landscaping for county or city parks. Other jail work programs include small inmate work projects such as filling up bottles with bleach to be used in needle exchange programs. In addition, many jails conduct janitorial and kitchen operations with inmate labor.

Local jails can require convicted inmates to work while they are incarcerated. However, there are very few jail work programs available except for those developed independently by local administrators. Although jail administrators statewide have expressed interest in increasing the availability of meaningful jail work programs, and in sharing their experience and expertise with their peers in other communities, there is no statewide board, organization, or administrative body that provides local jails with technical assistance, accreditation, or ongoing monitoring of local jail work programs and their products or services.

Offenders in jail can be required, if stipulated at the time of sentencing, to pay for the cost of their incarceration.

A federal assistance program for local jail work programs was developed by the Justice Assistance Act, signed on October 13, 1984. The act continues the Prison Industry Enhancement Certification Program originally authorized within the Justice System Improvement Act of 1979. This federal legislation provides exemption from federal

constraints on the marketability of prisoner-made goods, by permitting the sale of these products in interstate commerce. A limited number of jail industry projects may be certified for this exemption. The Bureau of Justice Assistance must determine that projects meet statutory and guideline requirements. As a prerequisite for participation in this federal program, local jail industries programs must have statutory authority to administer jail industry programs. In Washington, this statutory authority is not clearly stipulated.

Summary: A 21-member Jail Industries Board is created. Membership of the Jail Industries Board includes county and city officials, jail administrators, and governor's appointees from the Department of Corrections-Correctional Industries Division, Employment Security Department, Department of Trade and Economic Development, business, labor, education, an on-line law enforcement officer, and a member of a crime victims group. The purpose of the board is to provide a statutorily defined structure and process to uniformly assist local jail programs in developing, implementing, and maintaining safe and productive jail work programs that offer inmates meaningful work experiences and education and training in employable vocations.

The board is required to provide:

- (1) advice in developing and implementing safe and efficient offender work programs;
- (2) guidelines and technical assistance for the coordination of jail industries programs with basic adult education programs;
- (3) procedures for determining and maintaining program compliance with federal regulations;
- (4) determination of the program's cost accounting status required for participation in the federal assistance program;
- (5) a mandatory arbitration process for resolving conflicts among the local business and labor communities; and
- (6) technical assistance leading to collection of jail industries program data, especially as it relates to recidivism.

The board must require a city or county with a jail industries program to establish a local advisory group, or use an existing group, that includes individuals

representing business, labor, crime victims advocates, and the developmentally disabled community. These local advisory groups work on behalf of the needs of the local community, in conjunction with the state Jail Industries Board. In addition, both the local advisory and the state board are required to review all jail work programs to ensure that a jail work program will not negatively impact local businesses or the labor community.

Both pre-sentence and pre-conviction inmates are allowed to participate in jail industries programs. Jail industries programs are authorized to recover an appropriate portion of inmate wages to pay for their cost of incarceration and to maintain the jail industries program. In addition, all offenders who receive a monetary wage while working in a jail industries program are required to contribute a reasonable portion of their wages toward: crime victims compensation, program fees, restitution, court fines and other legal financial obligations, family support, and/or savings.

Inmates working in free venture work programs are eligible for industrial insurance benefits. However, eligibility for temporary total disability or permanent total disability benefits does not take effect until the inmate is discharged from custody.

Funding for the board is generated through the establishment of fees charged to participating programs and the procurement of other local, state, and federal funds. Basic staffing for the board is provided by the Department of Corrections until a source of funding can be obtained.

Votes on Final Passage:

House	96	0	
Senate	47	0	(Senate amended)
House	96	0	(House concurred)

Effective: July 25, 1993