PEAR Annual Performance Report for 2024

Report submitted to the Office of Equity, Office of the Governor

As required by Executive Order 22-04 - Implementing the Washington State Pro-Equity, Anti-Racism (PEAR) Plan & Playbook

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Tim Lang, Secretary
tim.lang@doc1.wa.gov

Contents

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2024 Report to the Office of Equity

Foreword

Part two of Executive Order (EO) 22-04 - Implementing the Washington State Pro-Equity, Anti-Racism (PEAR) Plan & Playbook requires the Department of Corrections (DOC) to take steps to implement a PEAR plan and achieve outcomes as detailed in our current PEAR Strategic Action Plan.

All state agencies are charged with the implementation of Executive Order (EO) 22-04. The agency leader is responsible and accountable for achieving agency PEAR outcomes, including developing, implementing, and reporting on progress of the PEAR Strategic Action Plan.

Background

In 2022, the DOC completed an Equity Impact Review to determine our agency baseline and then submitted a PEAR Strategic Action Plan. Based on the results of the baseline Equity Impact Review, DOC selected three initial PEAR Service Line Investments to focus upon starting in the fall of 2022:

1) Infractions and Discipline: What appears to be an overuse of sanctions toward Black, Indigenous, and Hispanic incarcerated men, as well as women, in DOC's care and custody. The investment will facilitate the agency's need to better understand the impact of our actions through data collection, analysis, and ongoing monitoring, as well as the review of policies, practices, and procedures related to the discipline of people who are incarcerated. This investment will build a framework for hearing from those impacted by our work; a review and possible rewrite of the DOC's policies and procedures; and support for changing practices concerning Behavior Observation Entries and onsite adjustments, general and serious infractions, disciplinary hearings, and the DOC appeals process.

2) Classification and Holds: What appears to be an over classification of Black, Indigenous, and Hispanic men, as well as women, in the agency's care and custody. This investment will facilitate the agency's need to better understand the impact of our actions through data collection, analysis, and ongoing monitoring, as well as a review of policies, practices, and procedures related to the classification of people who are incarcerated. This investment will establish a system for gathering feedback from those impacted by our work; a review and possible rewrite of the DOC's policies and procedures; and support for changing practices around the classification of incarcerated people.

3) Workforce Equity: The underrepresentation of certain racial and gender groups in various roles across the agency. This investment will facilitate the agency's need to better understand the impact of our actions through data collection, analysis, and ongoing monitoring, as well as the

review of policies and practices related to the recruitment and retention of employees. This investment will provide the agency the opportunity to expand on current efforts to create a shared space for staff at all levels to learn and receive support and resources; ultimately leading to a more inclusive culture and a greater sense of belonging.

Project Teams and Stakeholder Engagement

A team of 70 agency, labor, and community stakeholders was formed in 2022 to develop DOC's initial Equity Impact Review and Strategic Action Plan. Workgroups were then assembled for each of the three investment areas. The DOC Secretary, along with members of the DOC Executive Cabinet attended meetings for each of the three investment areas throughout this effort. In 2023, these teams were refreshed with a focus on transitioning the leadership of each team to the program staff directly responsible for supervising the work that the investment area is focused on (see Attachment One).

With the refresh as noted above, the Secretary created the Secretary's PEAR Advisory Board in summer 2023. This Advisory Board incorporates key DOC leadership members, tribal representation, labor and other stakeholder groups. The role of the PEAR Advisory Board is to monitor the progress of the teams working on the PEAR service line investments, provide feedback, and help prioritize future service line investments (see Attachment Two).

Investment Area One: Infraction and Discipline - Update

Data from March 2018 – February 2023 was compiled on the rate of infractions issued to incarcerated individuals of color versus White, non-Hispanic incarcerated individuals for DOC's 11 prisons. The initial analysis identified a subset of general and serious conduct violations showing that incarcerated individuals of color were overrepresented in prison infractions and disciplinary hearings.

DOC is actively implementing a broad range of comprehensive corrective action that was informed by sub-group research, interviews with subject matter experts across the agency, and focus groups with both staff and incarcerated individuals at prisons. Once fully implemented, the following three outcome measures will be used to determine the effectiveness of the corrective action summarized below:

- Outcome Measure 1: The rate of general infractions issued to Black, Indigenous, and Hispanic people, as well as women, who are incarcerated, compared with those issued to incarcerated people of other racial categories and men, respectively.

- Outcome Measure 2: The rate of serious infractions issued to Black, Indigenous, and Hispanic people, as well as women, who are incarcerated, compared with those issued to incarcerated people of other racial categories and men, respectively.

- Outcome Measure 3: The rate of infractions issued to Black, Indigenous, and Hispanic people, as well as women, who are incarcerated, within the first 90 days after transferring from one facility

to another, compared with those issued to people of other racial categories and men, respectively.

Data will be compiled and analyzed for the remaining outcome measures in the future:

- Outcome Measure 4: Collect and examine the data concerning the rate of hearing decisions resulting in sanctions, by infraction number, for Black, Indigenous, and Hispanic people, as well as women, who are incarcerated, compared with sanctions levied against incarcerated people of other racial categories and men, respectively.

- Outcome Measure 5: Collect and examine the data concerning the rate of hearing appeals that were filed by Black, Indigenous, and Hispanic people, as well as women, who are incarcerated, compared with those filed by incarcerated people of other racial categories and men, respectively.

- Outcome Measure 6: Collect and examine the data related to the rate of hearing appeal decisions, by type, for Black, Indigenous, and Hispanic people, as well as women, who are incarcerated, compared with the appeal decisions for incarcerated people of other racial categories and men, respectively.

DOC will also expand the analysis to include infractions and sanctions issued to those in a partial confinement setting, and individuals under community supervision.

In July 2023, qualitative data was analyzed for each individual prison. The initial analysis identified a subset of general and serious conduct violations showing that incarcerated individuals of color were overrepresented in prison infractions and disciplinary hearings. This work produced two primary data measurements:

- Relative risk (RR) of being subject to a disciplinary hearing. This measurement is expressed as a ratio between the four groups over the baseline. When it is expressed, values greater than 1.0 indicate greater risk (e.g., 1.5 would indicate 1.5 times, or 50% greater probability of infraction).
- The disparity is measured as an estimate of the number of people above the baseline who may receive an infraction for a given violation within the timeframe.

These preliminary findings below are averages across all data and not indicative of a single facility or a given time frame. More analysis is underway to fully understand these indicators by individual facility.

- American Indian/Alaska Natives (AI/AN) individuals had an average RR value of 1.56, or 56% higher probability of being infracted.
- Asian or Pacific Islander (API) individuals had an average RR value by from 1.12, or 12% higher probability of being infracted.
- Black individuals had an average RR value of 1.48, or 48% higher probability of being infracted.
- Hispanic individuals had an average RR value of 1.42, or 42% higher probability of being infracted.

- Disciplinary hearings were more likely to occur impacting incarcerated individuals of color within the first 90 days of transfer to minimum-security units.

- Incarcerated individuals of color also have higher chances for infractions within 90 days of transferring to a new facility.

From March to November 2024, focus groups were conducted at each prison to collect qualitative data about the possible causes of the disparities and to inform potential corrective action. Each focus group included a facilitator and two to three team members to guide six to 10 participants through a series of questions. Separate focus groups were held with staff and incarcerated individuals at each prison. Staff focus groups included a combination of custody and non-custody staff to provide multiple perspectives on their facility's data and possible causes. A selective sampling methodology was used to select a diverse group of incarcerated individuals to participate, many of which were tier leaders (representatives for their housing units), or were volunteers. The qualitative data from the focus groups is still being analyzed and will be fully presented in next year's progress report, but we did collect enough information to influence some corrective action.

The initial approved corrective action for this investment area falls into seven areas and were the result of sub-group research, interviews with subject matter experts across the agency, and focus groups with both staff and incarcerated individuals at prisons. DOC began developing and implementing these corrective action items in January of 2025:

- Corrective Action Area One - Implicit Bias Training: a new tailored online training on the history of policing and corrections and risks of implicit bias/microaggressions will be developed for custody staff. Existing trainings are not focused enough on the correctional environment and are too long, considering the unfunded costs to relieve staff from their posts so that they can take the training.

- Corrective Action Area Two - Emphasis on Improving Communication: There was as strong theme in the staff and incarcerated Individual focus groups indicating that many staff lack effective and timely communication skills.
    - Tenured staff reported that less experienced staff often avoid conversations that could promote behavior change and resort to writing infractions. Also, infractions are often not communicated to the incarcerated individual until they receive documentation by mail, which creates tension and does not help facilitate a positive, pro-social approach to behavior change and accountability.
    - Short-term fixes: We need to place additional emphasis on training/retraining staff on the fact that in many cases a written infraction is discretionary and not their only option. Communication/short trainings can be conducted during facility on-the-job training following Correctional Worker Core training, at Safety Musters, the Sergeants Academy, and in the Correctional Officer Field Training Program.
    - Long term fix: Create greater emphasis on the soft skills training while at Correctional Worker Core training (this is already on the list for the updated Correctional Worker Core training curriculum). Updated Correctional Worker Core training implementation is estimated to take up to 24 months.

- Corrective Action Area Three - Modernize Sanction Options: The focus groups produced a strong theme indicating that many sanctions do not have a positive impact on behavior and can be difficult to monitor. Staff and incarcerated individuals reported that DOC needs more solution-based sanctions that promote accountability.

- This corrective action would provide an opportunity for staff and incarcerated individuals to explore sanctions that would promote positive behavior change. Examples of new sanctions are Brief Intervention Tools and review of informative guides such as anger management and pro-social skills.
- Current sanctions would also be evaluated for effectiveness and feasibility. Staff and incarcerated individual focus groups spoke about sanctions that have little to no impact on behavior change and often promote negative, anti-social behavior.

- Corrective Action Area Four - Improved Orientation Process and Share Best Practices: Staff and incarcerated individual focus groups reported that orientations at facilities differ greatly. It was requested that orientations be more informative and comprehensive, offering insight into what is expected from incarcerated individuals at the facility. DOC will gather and compare orientations from each facility with the goal to standardized content not associated with unique situations at any one facility.

- Corrective Action Area Five - Improve Prison Facility Announcement Systems: Several focus groups reported that the public address/intercom announcements are sometimes difficult to understand and can be a factor in the issuance of infractions for being out of bounds, and other actions. DOC will audit and complete condition assessments of existing systems and develop recommendations of next steps. Infrastructure for facility wide announcements exists in every facility now with varying quality.

- Corrective Action Area Six - Improve Availability of Facility Handbooks in languages other than English: Staff and incarcerated individual focus groups reported that access to facility handbooks in multiple languages can be difficult to obtain (languages other than English and Spanish). Current initiatives underway in the DOC Language Program to develop an enterprise-wide library where a document translated at one facility can be made available to all facilities (both prisons and reentry centers) may help address this corrective action. Consistent training and communication are also needed to assist staff with the process of accessing handbooks in multiple languages.

- Corrective Action Area Seven - Updated Staff Interpreter Program: Staff and incarcerated individual focus groups reported that limited access to staff interpreters impacts the frequency of infractions. Current initiatives underway in the DOC Language Program may help address this corrective action.
    - There is a need for more onsite, staff interpreters due to the amount of time it takes to obtain an interpreter for situations that do not warrant a call to the interpreter hotline.
    - Some staff reported that they are often asked to interpret, but do not wish to because of the 15-minute incremental pay structure, and difficult process that they must maneuver to gain certification as an interpreter.
    - DOC is in the process of implementing a new way for staff to be certified that is more streamlined and less labor intensive.

Investment Area Two: Classification and Holds - Update

The primary goal of classification is to minimize community and institutional risks, while providing opportunities for the productivity and development of the individual and assisting them in understanding how their conduct and program efforts affect their custody designation and facility placement. The custody level and appropriate facility placement is determined using an objective scoring tool that measures individual progress, while evaluating risks to the community, staff, other incarcerated individuals, visitors, the orderly operations of facilities and agency needs.

DOC conducts a comprehensive initial review and classification of all individuals entering prison at our reception centers. The initial classification includes:

- An orientation to the department.
- A comprehensive, in-depth interview.
- Medical, mental health, and dental screenings.
- Educational assessments and screening services.

After the initial reception center screening, a file material review is conducted in search of the following: current crime, history of violence (prior conviction or institutional misconduct), detainers, escape history and age. The combination of this work results in the Initial Custody Designation and the incarcerated individual is transferred to the appropriate facility for their custody level and needs.

Subsequent classification reviews are either event or time driven, the factors influencing the custody review score are: current custody level, infraction behavior, program behavior, detainers, and escape history.

In extreme circumstances, incarcerated individuals may be temporarily removed from the general population and assigned to administrative segregation or maximum custody. Specific reasons for these assignments may include:

- A significant risk to the safety and security of staff, visitors, contract staff or other incarcerated individuals.
- Protection concerns.
- Poses serious escape risk.

Facility security level is designed to manage individuals at specific custody levels, as follows:

- Security Level 5 – Maximum: Highest level of security, restricted movement and minimal property and programs.
- Security Level 4 – Close: More supervision, less freedom of movement, limits on property and programs.
- Security Level 3 – Medium and Minimum 3: Less supervision, more freedom of movement, more program opportunities.
- Security Level 2 – Minimum 2 or Minimum 1: Less supervision than level 3, may participate in outside work crews, within six years to release.

- Security Level 1 – Reentry Center or partial confinement, participate in work or training programs.

Data from 2015-2022 was compiled and initial analysis conducted for the first three outcome measures presented in DOC's strategic action plan:

- Outcome Measure 1: Collect and analyze the data regarding the Initial Custody Designation for people who are incarcerated, by race and gender, over a predetermined period.

- Outcome Measure 2: Collect and analyze the average and median length of time that people who are incarcerated spend in each custody level, by race and gender, over a predetermined period.

- Outcome Measure 3: Collect and analyze the average and median number of times that people who are incarcerated change custody levels, by race and gender, over a predetermined period.

The initial findings show that incarcerated individuals of color are generally assigned higher initial custody levels than their White, non-Hispanic counterparts on their Initial Custody Designation.

- Hispanic and Black incarcerated individuals were twice as likely to be assigned Close custody than White, non-Hispanics, while Asian or Pacific Islander (API) and American Indian/Alaska Native (AI/AN) individuals were 50% more likely to be assigned Close custody.
- Hispanic, Black, and API individuals were 20% more likely to be assigned Medium custody than the White, non-Hispanic population. AI/AN were assigned Medium custody at similar rates as White, non-Hispanics.
- On average, incarcerated individuals of color were 20% less likely to be assigned Minimum 2 than the White, non-Hispanic population.

Analysis of the average and median length of time that people who are incarcerated spend in each custody level, by race and gender is still underway and incomplete. Initial findings indicate there may be disparity in the amount of time individuals spend at some custody levels, but greater analysis of factors such as sentence type, the length of stay in DOC confinement, and other factors still need to take place.

Initial findings indicate that the number of times that individuals changed custody levels, by race and gender are similar for all groups for those that were incarcerated for six or less years. For individuals that were incarcerated for between six and 10 years, Black, Hispanic, and American Indian/Alaska Natives typically changed custody levels four times, versus just three times for Asian/Pacific Islanders and White non-Hispanics. For individuals that were incarcerated for 10 or more years, Black, Hispanic, American Indian/Alaska Natives, and Asian/Pacific Islanders typically changed custody levels five times, versus just three times for and White, non-Hispanics.

DOC's classification models are from the late 1980s and are now perceived to over-classify certain individuals. Work began in 2022 with a nationally recognized expert to build a new set of gender specific classification models that will provide the greatest amount of predictability with the least amount of bias as possible. Implementation of the new classification model and necessary updates have been delayed because of limited IT resources.

Our Classification workgroup is also implementing corrective action for holds, which also impacts where individuals can be housed and through what means they can reach less-restrictive custody levels. Initial research for this investment area identified many medical, mental health, education/programming, and infraction holds that keep incarcerated individuals from transferring to lower levels of custody, including partial confinement options such as Reentry Centers, and participating in the Graduated Reentry program. The goals of our corrective action proposals are to:

- Reduce the volume and duration of prison holds.
- Develop agency guidelines to establish clearer and more consistent hold processes.
- Improve the usability of the hold features in Offender Management Network Information (OMNI) system, the application that contains information about each incarcerated and supervised individual that has been under DOC's jurisdiction.
- Improve hold monitoring practices in all agency divisions.
- Improve intradepartmental communication and collaboration on holds.

A workgroup including all agency programs that place holds on incarcerated individuals reviewed current processes, developed corrective action proposals, and reviewed current holds (several hundred holds were updated and/or removed). DOC began developing and implementing the following three corrective action items in January of 2025:

- <u>Corrective Action Area One: Create a new agency policy and criteria job aid to improve the efficiency and consistency of the use of holds:</u> The holds sub-group reviewed all existing agency policies with a connection to the holds process and determined that none of the policies were candidates for expansion and that DOC staff lacked sufficient guidelines and expectations on the use of holds. The holds criteria job aid will list and define criteria for each hold reason and the new holds policy will define:
  - General requirements regarding the use of holds.
  - The general responsibilities of staff issuing holds.
  - Eligibility criteria requirements for holds.
  - How holds are to be prioritized and the required documentation for holds.
  - Notification and monitoring requirements for holds.

- <u>Corrective Action Area Two: Enhance OMNI functionality related to holds:</u>
  - Update user permissions to implement new user rules that limits who can create, modify, delete, and close holds. Currently, there are no limitations.
  - Establish date logic that includes date ranges and expiration dates when appropriate.
  - Add a "hold until date" option; when the date is reached, the hold will automatically close.
  - Remove hold categories from OMNI that are no longer used.
  - Create new hold categories consistent with current business practices.

- <u>Corrective Action Area Three – Holds Data Dashboard:</u>
  - Create a new holds usage Power BI Data Visualization dashboard for improved monitoring and ability to analyze holds across the entire agency.
  - Proposed business rules have been developed, but work has not begun to develop the dashboard yet due to a shortage of available IT resources.

Additionally, it was discovered that nearly 1,800 individuals currently incarcerated at DOC are unable to go to the minimum-security camp setting due to dental issues. DOC moved forward with corrective action by purchasing a two-chair mobile dental unit and is now funded to provide dental care at our three minimum-security camps. The mobile dental unit was received in August of 2024 and is essentially ready to serve patients, and we expect to begin service as soon as we identify a dentist to work in the clinic.

These combined corrective actions should improve the timeliness of incarcerated individual transfers to lower levels of custody, improving access to program opportunities. Staff will benefit from hold reference resources, improved OMNI data on holds and improved inter-divisional communication. Administrators will have access to aggregate and individualized metrics on a dashboard that will assist in making data driven decisions.

Investment Area Three: Workforce Equity – Update

Our Workforce Equity investment focuses on the underrepresentation of certain racial and gender groups in various roles across the agency. This investment will facilitate the agency's need to better understand the impact of our actions through data collection, analysis, and ongoing monitoring, as well as the review of policies and practices related to the recruitment and retention of employees. This investment will provide the agency the opportunity to expand on current efforts to create a shared space for staff at all levels to learn and receive support and resources; ultimately leading to a more inclusive culture and a greater sense of belonging. This investment area falls into two primary areas:

- Workforce Enlightenment: Create shared spaces for employees to learn, find support, and heal; maintain a repository of resources for learning about/unlearning racism and other types of oppression.
- Equity in Recruitment and Retention: Reduce disparities and opportunity gaps for all in the recruitment and retention processes at DOC.

The following outcome measures guided the initial workgroup efforts in Workforce Enlightenment:

- Outcome Measure 1: The number of Diversity Advisory Councils that are established across the agency.

- Outcome Measure 2: Publish a directory of resources for learning about/unlearning racism and other types of oppression.

The initial goal of the Workforce Enlightenment workgroup was to create a shared space for employees to learn, find support, and heal while information was gathered on how best to make DOC a more inclusive culture where employees can have a greater sense of belonging. This included creating and maintaining a repository of resources for learning about/unlearning racism and other types of oppression. The workgroup compiled agencywide data and conducted the following analysis:

- Reviewed available staff representation and engagement data.
- Looked into current efforts towards workforce enlightenment.
- Identified necessary recruitment and retention data for future work.

Workgroup members agreed that staff experience survey fatigue and are disappointed when they do not receive follow up on feedback given, as well, not all field staff have access to surveys. The workgroup also wants to prioritize human connections for staff to PEAR work and break away from "business as usual".

Our EDIR team conducted in-person listening sessions from spring to fall in 2023 at 23 community correction centers, 10 prison facilities, and three reentry centers. These listening sessions were instrumental in the eventual design of a new Equity Diversity Inclusion and Respect (EDIR) Resource Library, as they provided staff insight into their current understanding and needs of EDIR and engagement with EDIR activities across the department. Our workgroup used this input to inform the resources used in a new comprehensive repository of resources for learning/unlearning racism and other types of oppression that was made available to all agency staff on August 30th, 2024.

Listening sessions took place in-person, in the form of small groups and one-to-one sharing with staff at their place of work. The topics of listening sessions, developed by the workgroup were:

- Barriers to practicing and participating in existing workplace enlightenment initiatives. Current initiatives include Diversity Advisory Councils, American Indian/Alaska Native Employee Resource Group, Women in Corrections Leadership, Statewide conferences, Statewide Business Resource Groups.
- Feelings of value, inclusion, and belonging in the workplace.
- Resources that would be relevant to the workplace, including various areas of work at the DOC.
- Other observations and notes.

Findings included:

- Need for mid-level management support of workforce enlightenment.
- Low capacity due to heavy workloads.
- Some lack of interest due to political ideologies, thought that "we already are an equitable and non-racist workplace", seeing PEAR work as only for marginalized people, us versus them mentality, not seeing the connection to the workplace and "what's in it for me".
- Commonly shared issues include generational differences, lack of racially diverse representation, understanding of the Transgender community, support from supervisors, and burnout.

As part of our Workforce Equity investment, DOC has taken considerable steps to increase support for and strengthen our Diversity Advisory Councils (DACs) by restructuring after meeting with employees across the state, providing them with clearer guidance and tools to practice equity, diversity, inclusion, and respect (EDIR) at their respective work locations. DACs support DOC's EDIR efforts throughout the year by sponsoring educational events/activities that foster diversity and inclusion in the workplace. DACs are located at each prison, each community corrections section to include reentry centers, department headquarters and Correctional Industries headquarters. Another significant addition to the DACs is having an Executive Sponsor to work with at each DAC location. The Executive Sponsor is the Appointing Authority or another member of the location's leadership that have the following responsibilities:

- Serve in an honorary role on the council to share information and seek assistance from DAC members with improving equity, diversity, inclusion, and respect at respective location
- Reduce barriers that prevent the Local DAC from achieving goals and objectives
- Work with Local DAC to create and accomplish an annual goal specific to work location

DOC also hosted a large, in-person DAC Conference in 2024 with representation from all DAC locations statewide and much DOC leadership participation. The final portion of the Workforce Enlightenment work will be updating DOC's EDIR policy to include the DACs.

With our Equity in Recruitment and Retention focus, our initial focus will be analyzing hiring and promotion practices and developing corrective actions to address current disparities. Their initial focus will be on the recruitment process from the lens of the PEAR goal to reduce disparities and opportunity gaps in the recruitment process. The following initial outcome measures continue to guide the workgroup efforts:

- Outcome Measure 3: Collect and examine disaggregated data concerning the racial and gender makeup of staff currently employed with the DOC.

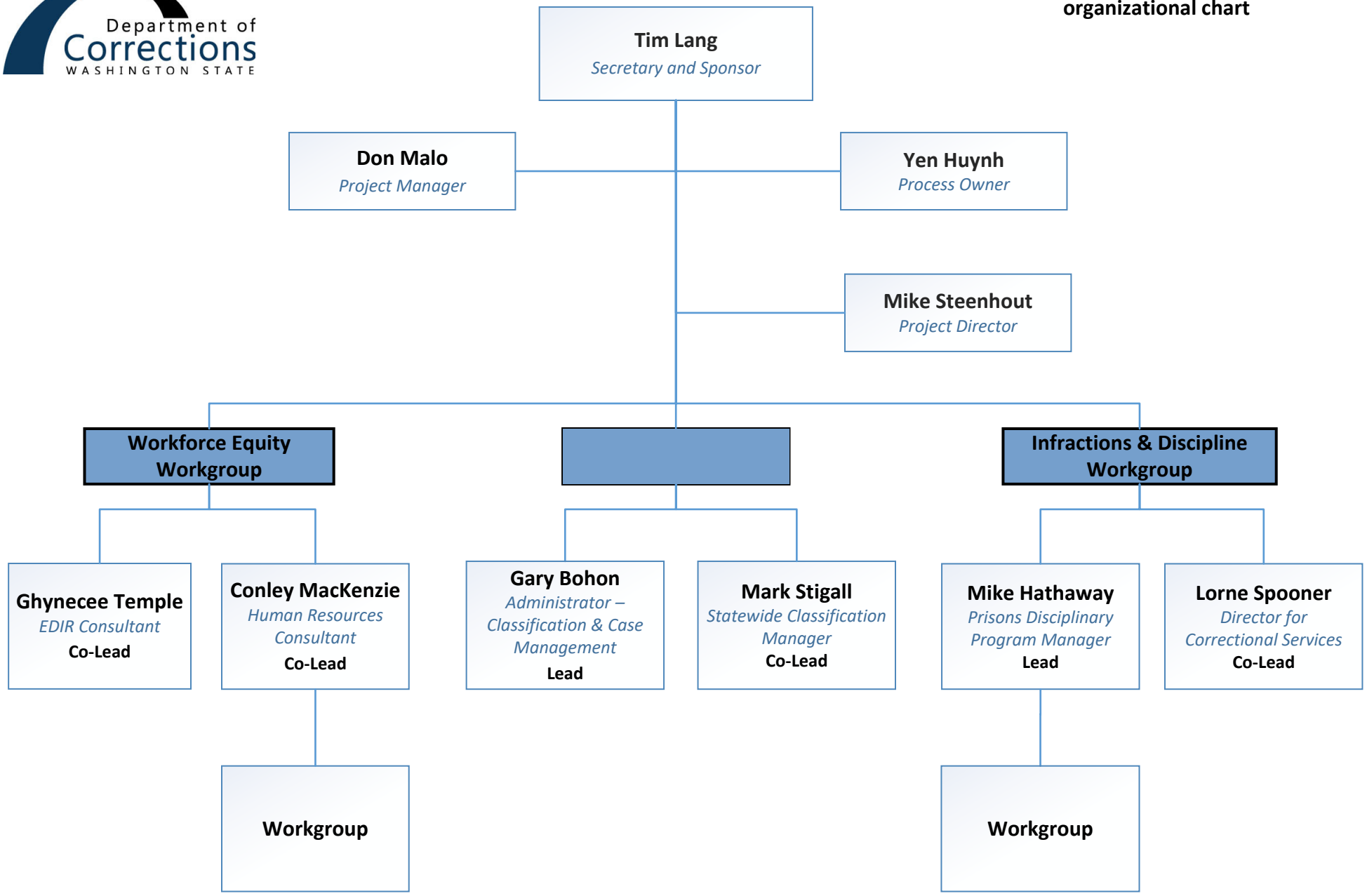
- Outcome Measure 4: Collect and examine disaggregated data concerning the racial and gender makeup of staff at each stage of the hiring process over a specified period.

Updates from the Equity in Recruitment and Retention focus will be provided in our next progress report.

Attachments

- Attachment One – PEAR Project Team organizational chart.
- Attachment Two – Secretary's PEAR Advisory Board organizational chart.

Attachment One - PEAR Project Team organizational chart



Department of Corrections
WASHINGTON STATE

Attachment Two – Secretary's PEAR Advisory Board organizational chart.