

May 13, 2004

## Supreme Court Ruling Impacts Prison Work Programs

In a reversal of a previous decision, the Washington State Supreme Court has ruled Department of Corrections Class I Free Venture inmate work programs unconstitutional.

In a May 13, 2004 judgement---Washington Water Jet vs. Yarbrough, the Court cited a constitutional provision that states, "the labor of convicts in this state shall not be let out by contract to any person, co-partnership, company or corporation" in reaching its decision.

The decision will impact nine private industry partnership work programs employing more than 300 inmates in three DOC facilities. (Although the Court ruled Class I Industries programs unconstitutional, the other classes of Correctional Industries are not affected.)

The ruling came in the reconsideration of its earlier decision in a case brought by Water Jet, a water jet cutting business, which claimed rival MicroJet benefited from an unfair labor advantage because of its relationship with DOC's Class I Free Venture Industries programs. Class I partnerships---a federally certified program, permit on-the-premise inmate work programs operated and managed by private industry.

In its ruling the Court found that, based upon the complete historical analysis and the plain language of the State of Washington constitution, permitted by RCW 72.09.100(1), Class I Free Venture Industries programs are in direct conflict with constitutional provisions.

The Court acknowledged the purpose and history of Class I Industries, and notes the programs serve important public policy goals.

DOC Secretary Joseph Lehman said, "The Court has concluded (Class I programs) are contrary to provisions of the constitution and the Department is obligated to terminate this class of industry. It is important to hold offenders accountable. We want as many prison inmates as possible doing useful work. The court's decision makes it harder to reach that goal."

This case will now be transferred back to King County Superior Court, but that court may not issue a ruling inconsistent with the Supreme Court opinion.

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