

Misconduct, Restrictive Housing and Race

SEPTEMBER 2018 – SEPTEMBER 2021



Purpose

What is the racial and ethnic composition of the population assigned to disciplinary segregation?

What is the relationship between race and ethnicity and time in disciplinary segregation?

Notes

- Population consists of individuals placed in segregation between the date an infraction was committed and disciplinary hearing.
- Data do not include people receiving an infraction while in Max Custody or those heard without segregation.
- Data do not distinguish between administrative and disciplinary segregation
- For the purpose of analysis, time in segregation starts at assignment date and ends at the first of either 1) return to general population or 2) assignment to Max Custody.

Racial and Ethnic Composition

Greater chances of assignment to restrictive housing given serious misconduct in Hispanic, Black, and American Indian or Alaska Native populations affected an estimated 289 individuals over a three-year period.

	Total Incarcerated	Any Serious Misconduct	Assigned to Restrictive Housing	Probability of assignment given serious misconduct	Estimated Impact of Disparity
White	18,908 (58.4%)	6,886 (54.5%)	3,704 (52.4%)	53.4%	-
Black	5,211 (16.1%)	2,217 (17.6%)	1,296 (18.3%)	58.5%*	113
Hispanic	4,587 (14.2%)	1,971 (15.6%)	1,180 (16.7%)	59.9%*	128
American Indian or Alaska Native	2,189 (6.8%)	1,017 (8.1%)	591 (8.4%)	58.1%*	48
Asian	881 (2.7%)	301 (2.4%)	159 (2.3%)	52.8%	-
Pacific Islander	358 (1.1%)	164 (1.3%)	99 (1.4%)	60%	-
Other	240 (0.7%)	75 (0.6%)	44 (0.6%)	58.7%	-

*Bayes factor > 3 favors hypothesis that group probability of assignment to restrictive housing given serious misconduct was significantly greater than White population. Estimated impact of disparity is the number of individuals in a group with any serious misconduct multiplied by group percent difference from White population.

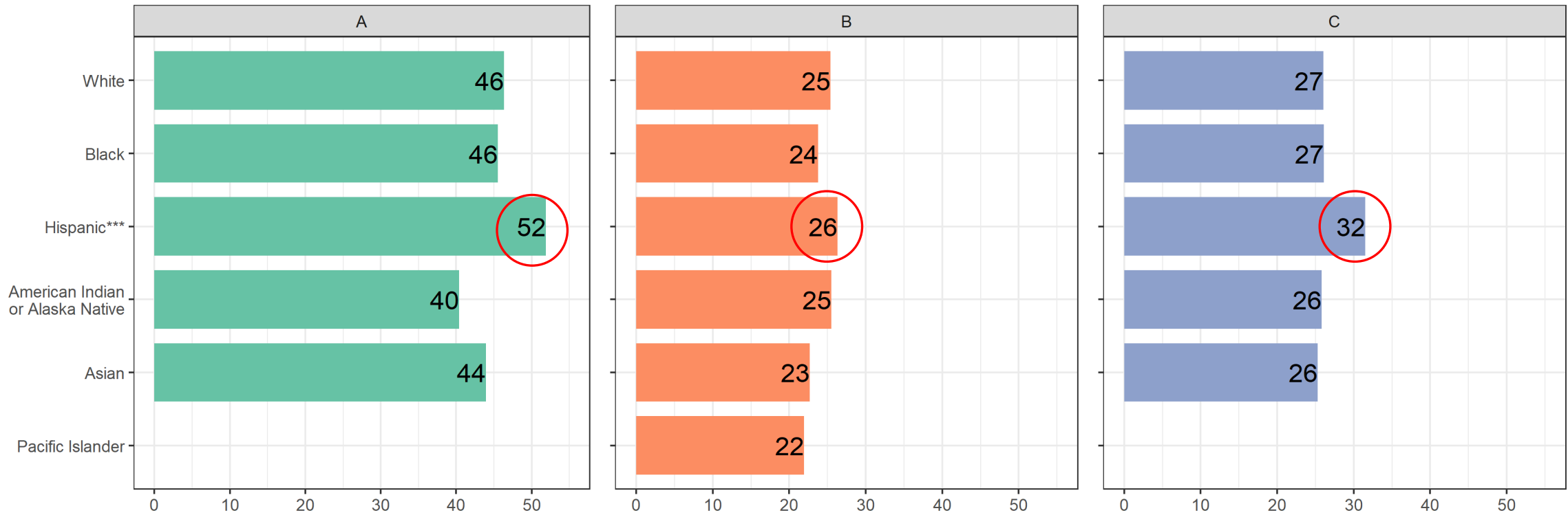
Segregation Sanction Guidelines (DOC 460.050, WAC 137-25-030)

Category A			Category B			Category C		
Infractions within 12 months								
1st	2nd	3 rd	1st	2nd	3 rd	1st	2nd	3 rd
0-30 days			0-20 days	0-25 days		0-15 days	0-20 days	0-25 days
603 – Introducing or transferring any unauthorized drug or drug paraphernalia 650 – Rioting, as defined in RCW 9.94.010 502 – Committing aggravated assault against another offender 602 – Possessing, manufacturing, or introducing any firearm, weapon, sharpened instrument, knife, or poison, or any component thereof 882 – While in prison, introducing, possessing, or using a cell phone, electronic/wireless communication device, or related equipment without authorization			505 – Fighting with another offender 633 – Assaulting another offender 509 – Refusing a direct order by any staff member to proceed to or disperse from a particular area 752 – Possessing, or receiving a positive test for use of, an unauthorized drug, alcohol, or intoxicating substance 709 - Out-of-bounds: Being in another offender's cell or being in an area in the facility with one or more offenders without authorization			724 – Refusing a cell or housing assignment 663 – Using physical force, intimidation, or coercion against any person (“strong-arming”) 658 – Failing to comply with any administrative or post-hearing sanction imposed for committing any violation 710 – Acquiring an unauthorized tattoo/piercing/scar, tattooing/piercing/scarring another, or possessing tattoo/piercing/scarring paraphernalia 606 - Possessing, introducing, or transferring any tobacco, tobacco products, matches, or tobacco paraphernalia		

NOTE: Segregation sanction options shown for Categories B and C are maximum range for Level 1-type infractions.

Average Days in Segregation by Race and Infraction Type

Given an average 12-month infraction history, Hispanic individuals spent, on average, 6 more days in segregation given a Category A, 1 more day given a Category B, and 5 more days given a Category C infraction compared to the White population.



***p < .001. Statistical significance based on modeling log-days in segregation as dependent on race and ethnicity and scaled 12-month infraction history. Pacific Islander population not shown for Category A and B due to limited data. "Other race" not shown.

Probability of Receiving a Good Conduct Time Sanction

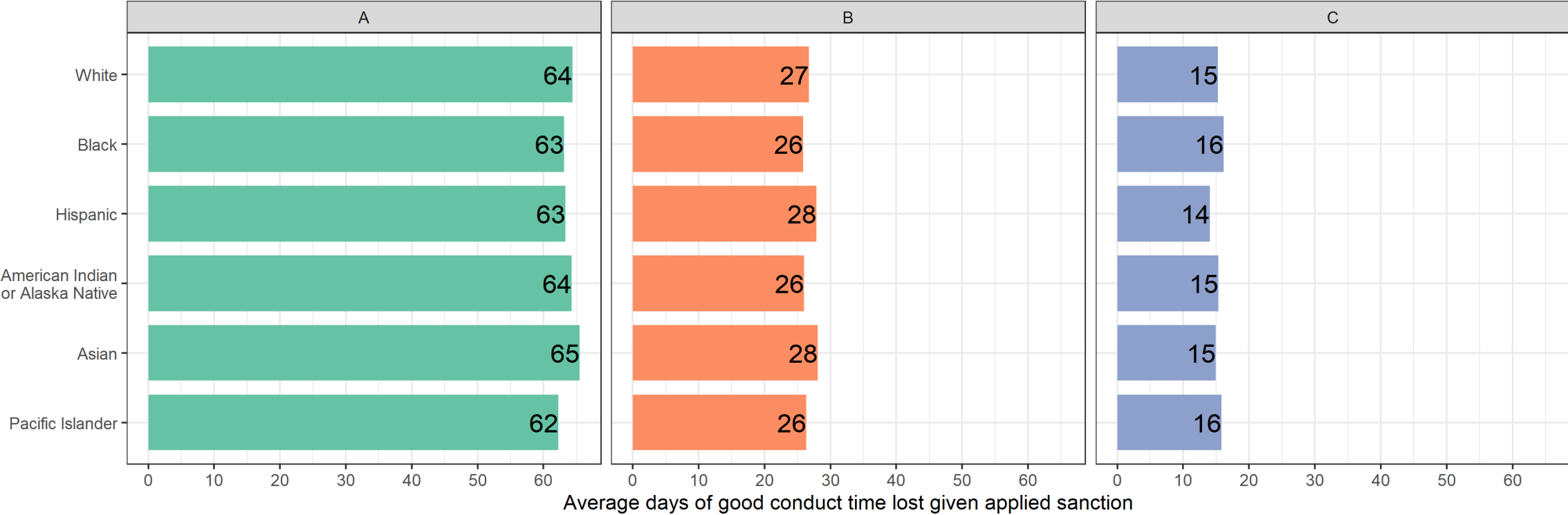
Greater chances of loss of good conduct time given serious misconduct in Hispanic, American Indian or Alaska Native, and Pacific Islander populations affected an estimated 218 individuals over a three-year period.

	Total Incarcerated	Any Serious Misconduct	Sanctioned with Loss of Good Conduct	Probability of sanction given serious misconduct	Estimated Impact of Disparity
White	18,908 (58.4%)	6,886 (54.5%)	3,476 (52.9%)	50.5%	-
Black	5,211 (16.1%)	2,217 (17.6%)	1,080 (16.4%)	48.7%	-
Hispanic	4,587 (14.2%)	1,971 (15.6%)	1,115 (17.0%)	56.6%*	120
American Indian or Alaska Native	2,189 (6.8%)	1,017 (8.1%)	585 (8.9%)	57.5%*	72
Asian	881 (2.7%)	301 (2.4%)	163 (2.5%)	54.1%	-
Pacific Islander	358 (1.1%)	164 (1.3%)	109 (1.7%)	66.4%*	26
Other	240 (0.7%)	75 (0.6%)	42 (0.6%)	56.0%	-

*Bayes factor > 3 favors hypothesis that group probability of loss of good conduct time given serious misconduct was significantly greater than White population. Estimated impact of disparity is the number of individuals in a group with any serious misconduct multiplied by group percent difference from White population.

Average Days of Good Conduct Time Lost by Race and Infraction Type

Loss of Good Conduct Time sanction quantities varied significantly by infraction category but not by race.



“Other race” not shown.

Closing

What is next given this information?

- EDI Training and data sharing
- Revising 137-30 WAC for Earned Time
- We are a leader in the nation in the work we do in restrictive housing, but we have a lot of work to do

Questions?

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