



Prisoner Health and Equity Standards

A series of guidelines and goals for state penitentiaries that will ensure safety, health, and fair compensation for all incarcerated peoples

The Greater Good Initiative

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The very basis of the United States criminal justice is simple: the punishment must fit the crime. People do wrong, and are caught, tried, and sentenced accordingly. However, there are far too often outside factors that make the time spent in prison disproportionate with the crime committed. Stemming from underfunding and a lack of attention, there are health and civil rights concerns that are ubiquitous in our modern prison system; these include inconsistent or even nonexistent access to clean water and a system of work that borders on slavery.

Health in prisons has been a source of constant scrutiny. There are far too often a lack of standards or lack of enforcement of whatever standards exist, leading to neglect and squalor. This can be seen in the context of water quality. As is the case with most government projects, contracts go to the lowest bidder. Whoever will produce the minimum viable product for the government at the lowest cost is the entity that will receive the work. Prisons are built cheaply and are not maintained, leading to the corrosion of plumbing systems and lack of repair. In this current climate where health conditions are being exacerbated by a pandemic, allowing a far simpler issue to also play a role is criminal negligence.

The commissary system present in prisons around the country operates around a subversion of the work-for-profit system. Prisoners are paid a bare minimum for work, then are required to use what little money they make from work to purchase necessities from prison commissaries. This issue is strikingly prevalent in women's prisons, where items such as menstrual products are often an item that has to be purchased from the commissary. This is even true in states that mandate free access to these products, as an inmate who requires more than what is provided still has to use wages to access what they need. The inability to accumulate wealth while in prison has also been linked to recidivism rates. Without the income the prisoner would have made had they been out of prison during that period, they often find themselves

unable to sustain themselves on the outside, leading to, in some cases, people finding few options other than reoffending. It is in the best interest of prisoners and the public to ensure a fair wage for those who do work in prisons as well as guaranteeing free access to health products.

Prison is a place for those who have violated the social contract. However, they are sent to prison with the intention that they can return to society after they have served their time, ready to contribute as a reformed citizen. By allowing the system to both endanger people while in prison and hinder their ability to contribute once outside, America is forcing people into a vicious cycle of poor health, release, recidivism, and re-entry. We have an obligation, not only to prisoners but to the people they will be once out of prison, to ensure that all rights are protected regardless of where people are. That is in keeping with our foundation as a state, and it is of the utmost importance to have our actions match our ideals.

Water Quality Reform

Water is essential for both sanitation as well as sustenance. However, the lack of adequate legislation regarding the maintenance and monitoring of water systems, particularly in prisons continues to allow for water to remain far below the baseline that is said to be generally safe. Issues of water safety are amplified as compared to the general public as a result of lack of access to other water sources and institutional help.¹ Furthermore, water is a symptom of greater issues with the maintenance of correctional facilities.

Currently, there are three key issues with maintaining the appropriate amounts of secure water. *First*, determining the correct formula for distribution. *Second*, following through to make sure this is effectively implemented. *Third*, making sure water quality is maintained. Eventually, a technical change will be required such as pipe changes or the installation of a water reservoir to regulate distribution. However, using guidelines to effectively build on past legislation, such as the 1974 Safe Drinking Water Act, is not only essential for creating sustainable change while also mediating any budgetary concerns but also a key stepping stone to achieve better prison sanitation overall.

The average water quality in facilities consistently fails to meet expectations set out as a baseline by the Safe Drinking Water Act. As a result of little incentive to manage malfunctions these issues often grow dramatically before being dealt with in prisons as they are easy to push away. Specifically, a 2020 Columbia University study found that the “average arsenic concentrations in drinking water in Southwestern United States correctional facilities were twice as high as average arsenic concentrations in other drinking water systems in the Southwest. More than a quarter of correctional facilities in the Southwest reported average arsenic levels

¹ (2019, October 23). People In Prison Are Uniquely Vulnerable To Tainted Water Retrieved August 10, 2020, from <https://theappeal.org/people-in-prison-are-uniquely-vulnerable-to-tainted-water/>

exceeding the U.S. Environmental Protection Agency 10 µg/L maximum contaminant level.”²

This oftentimes results in the prevalence of water-borne illnesses and unhygienic practices.

Furthermore, there are few financial limitations regarding a commitment to disinfection.

Disinfecting a million litres of water using a chlorine-based product would cost roughly \$2.50.³

Other areas of improvement include technology and management costs. In fact, it is often more costly to not act. For example, different chemicals lead to an increased risk of cancer and other health risks. Infection also means, in the case of a California State Prison, millions of taxpayer dollars allocated in reactive efforts rather than acting proactively.⁴

Ultimately, it is not just prison inmates who are affected by the lack of action regarding prison sanitation. Guidelines are the essential first step in moving towards sanitation in prisons as well as recognizing the economic implications of what can happen when these issues are not addressed.

² (2020, June 22). Southwestern Correctional Facilities' Drinking Water Puts Retrieved August 10, 2020, from <https://www.publichealth.columbia.edu/public-health-now/news/southwestern-correctional-facilities'-drinking-water-puts-inmate-health-risk>

³ (n.d.). Water, sanitation, hygiene and habitat in prisons. Retrieved July 27, 2020, from https://www.icrc.org/en/doc/assets/files/other/icrc_002_0823.pdf

⁴ (2019, May 3). Toxic drinking water in California prisons costs taxpayers Retrieved July 27, 2020, from <https://www.sacbee.com/news/politics-government/capitol-alert/article229294374.html>

GGI Proposed Guideline Summary

The key to guaranteeing clean and accessible water for all inmates lies in maintaining existing standards. For these reasons, the Greater Good Initiative proposes the following set of measures that can and should be employed by all states, particularly those with an existing record of low water quality and inmate health:

1. First, a reaffirmation of the importance of clean water access for all people, including those in prison; by reaffirming to the public the state's commitment to this issue, it can be made clear that this is a priority that will not be pushed aside any longer and that it does have the support of the state government and its resources.
2. Second, the establishment of an independent regulatory and advisory board for each state. These boards would act as the first line of defense against the deterioration of existing standards, monitoring the conditions of sewage systems, water processing systems, and potable water supplies.⁵ This board, established outside of current Departments of Correction, will be a more reliable source of information for stakeholders; there have been reports of flawed methodology in self-administered tests across the country. This system will ensure that any water-quality reports reflect accurate and up-to-date information.
3. Third, a reassessment of compliance schedules in regards to state-mandated water standards. Prison systems below standards are currently given a wide range of schedules for improvement;⁶ this breadth has led to delayed change, or, far too often, no meaningful

⁵ Waters, M. (2018, July 23). How prisons are poisoning their inmates. Retrieved September 27, 2020, from <https://theoutline.com/post/5410/toxic-prisons-fayette-tacoma-contaminated?zd=1>

⁶ O. (2018). 2018 Edition of the Drinking Water Standards and Health Advisories Tables. Retrieved September 27, 2020, from <https://www.epa.gov/sites/production/files/2018-03/documents/dwtable2018.pdf>

difference. To correct this, the established independent regulatory boards will issue a timetable for progress to be made alongside its report on water quality at a particular prison.⁷ This system will ensure that all parties are on the same page for what needs to be done, and when it needs to be done. Failure to complete the necessary improvements within the stated time interval could lead to prisoner relocation and the prison's temporary shutdown until it has been brought up to standards.

4. Fourth, an annual report reflecting the performance of the regulatory board will be published. This report will help to quantify the progress and usefulness of this body. If it is made apparent that either a) all prisons have met standards and appear to be on track to maintain them, or b) the board is a superfluous agency that did not facilitate the improvement of prison conditions, then states will have the flexibility to either reallocate funding and responsibility entirely or simply reduce funding to allow for more cursory inspections that would provide a surface-level understanding of current conditions.

⁷ Massachusetts Surface Water Quality Standards. (2013, December 6). Retrieved September 27, 2020, from <https://www.mass.gov/doc/314-cmr-4-massachusetts-surface-water-quality-standards/download>

Preliminary Report

What is the problem that you're trying to fix?

This policy looks to address water infection in prison systems as well as the overall maintenance of equipment. Previous legislation on water safety has been implemented on a federal level and is often targeted towards the general public and misses key gaps as well as issues with implementation. For perspective, the 1974 Safe Drinking Water Act⁸ was significant in the guidelines it set out but over 45 years later it fails to address outbreaks of water-borne illnesses in prison systems directly and handle the maintenance of systems as well as overall sanitation.

Moreover, these issues are exacerbated by the locations prisons are built at. Many are located near toxic sites where ash enters water that prisoners have to drink. This results in increased levels of trihalomethanes, a chemical that is the result of a reaction between ash and chlorine.⁹ Prisoners are often left with breathing issues, gastrointestinal problems, and rashes.¹⁰ What is most disheartening, however, is that this water meets the current standards in place. This not only brings into question the current standards in place but also the methodology used. Most states have fairly standardized minimums for contaminants, which then puts the scrutiny squarely on the methodology. When departments are in a position of self-regulation, self-correction, and self-reporting, things are bound to be missed. This policy seeks to amend such weaknesses in the system.

⁸ (n.d.). Summary of the Safe Drinking Water Act | Laws & Regulations Retrieved August 20, 2020, from <https://www.epa.gov/laws-regulations/summary-safe-drinking-water-act>

⁹ (n.d.). Coal Ash May Be Making Pennsylvania Inmates Sick ... - Vice. Retrieved August 22, 2020, from https://www.vice.com/en_us/article/yvxd9y/ashes-to-ashes-0000651-v22n5

¹⁰ (2018, July 23). How prisons are poisoning their inmates | The Outline. Retrieved August 22, 2020, from <https://theoutline.com/post/5410/toxic-prisons-fayette-tacoma-contaminated>

What is the solution proposed?

_____The solution proposed is a series of guidelines that build on past legislation and work towards improved enforcement mechanisms. These guidelines provide a clear, step-by-step process for states to bring up all prisons to existing standards. The largest issue facing several state prison systems is the lack of sufficient monitoring systems; when problems arise in the water supply, they often go unnoticed until after negative health impacts are noticed.

Starting first with a supervisory board that monitors, tests, and provides recommendations for prisons, this series of guidelines keeps in mind what has worked in the past: clear standards, clear testing measures, and clear processes when something goes wrong. This body will have the authority to test in prisons, hold prisons accountable when tests come back with subpar scores, and publish reports with recommendations for further action in the future. A further defense against some of the issues plaguing prison systems is the proposal of having this body be outside of the supervision of the state Department of Corrections. Internal investigations and reports often lead to mismanaged or misguided results in testing, and this can be easily corrected by having this body report directly to the Governor. Altering the informational chain to loop in leadership at the highest level of government should signal the commitment to resolving these long-standing issues at a state level.

These guidelines target prisons rather than the general population to facilitate solutions to the issues and accessibility issues unique to the prison system. Additionally, this allows them to act as a stepping stone towards the improvement of overall sanitation efforts. If those among society who receive the least attention and care are still receiving quality water access, then it is a sign that a state is productive, efficient, and fair to all citizens.

Why was this specific issue chosen?

_____ Prisons represent a physical separation between those in and out of society. The problem is that this physical separation often encourages an empathetic divide as well. Oftentimes, prisoners lack the resources to raise awareness because the public can distance themselves from these issues. When prisoners are suffering because of poor water conditions, there is little they can do to advocate for themselves. Prisons are incredibly insular systems, and that can often lead to mismanagement and disrepair. This policy addresses each of these concerns in a way that ensures long term and sustainable health conditions for all incarcerated peoples.

Additionally, COVID-19 has led to the release of many low-risk prisoners at the recommendation of Governors but fundamentally fails to address underlying concerns regarding sanitation, which the Center for Disease Control has explicitly defined.¹¹ Issues with water development are a symptom of a greater issue including the lack of maintenance in prison systems. This said, the steps that need to be taken work to act as a stepping stone towards greater sanitation efforts.

What were the broad questions that guided research into this issue?

While examining past efforts to improve water quality, there were a couple themes that needed to be addressed, which have been addressed through the questions that have led our research. First, “How can you best maximize the effectiveness of guidelines while also managing expenses?” This is explained through how in many cases it will either be a front-loaded cost or incorporated in preexisting budgets but lacks enforcement. Another question asked was “How

¹¹ (n.d.). Opinion: U.S. prisons recklessly release prisoners instead of Retrieved August 22, 2020, from <https://www.liberty.edu/champion/2020/03/opinion-u-s-prisons-recklessly-release-prisoners-instead-of-enforcing-sanitation-practices-recommended-by-the-cdc/>

can local and state-level policies effectively address these issues rather than a federal policy?”

This led to research on the areas most affected as well as the areas that are most adept to change.

What is the relevance of the issue to a state and its citizens?

With COVID-19 resulting in governments making difficult decisions regarding the budget for state prisons, water quality and ensuring humane living conditions in prisons matter heavily right now. Recently in Georgia, the Ware State Prison is facing public scrutiny after allegations were made by wives of inmates at the jail about the poor water quality, limited access to food, and lack of hygiene at the prison.¹² However, the Georgia Department of Corrections has not taken action to address this problem, indicating that state executive agencies are not holding the prisons accountable for their poor conditions. If left unaddressed, the issue could spiral into disease spread, some that could be fatal. This will result in state governments having to spend more money to help treat prisoners, placing a burden on taxpayers. Thus, due to COVID-19 exacerbating this issue, water quality is all the more important right now.

Why is this an issue that requires governmental response?

Without proper government responses, current systems in place lack enforcement and key implementation steps. Despite sweeping measures to improve water access across the country, few are targeted to fill in loopholes. These guidelines work to improve on pass legislation by targeting specific areas and a specific population.

¹² Ford, A. (2020, August 07). More families allege inmates in Georgia prisons have little access to proper food and hygiene. Retrieved September 27, 2020, from <https://www.fox61.com/article/news/state/ware-state-prison-conditions-protest/85-d865e1b8-d424-44ff-a021-852c5d28adde>

Governmental response to this issue is particularly important as prisons can fall through the holes of past bills. Recent developments highlight this. For perspective, this is not an issue across one state or prison system but rather across entire regions. Specifically, reports from states ranging from Connecticut¹³ to Wisconsin¹⁴ to Georgia¹⁵.

A distinguishing factor in the issue at hand is that the effects of water spillover into other areas of concern. Particularly, lower water quality and overall poor sanitation efforts have been linked with environmental degradation, affecting water tables, local rivers, and the water supplies of communities. Without action, it is not just prisoners who suffer but the greater community of citizens.¹⁶

What are the arguments for the creation of the programmatic or policy response to issues that will be proposed?

The current standards for water quality in prisons are harmful and not sustainable. They often result in inmates obtaining gastrointestinal problems, breathing issues, and rashes. Without these guidelines that specifically target the prison population, water quality and sanitation will continue to decline and affect exponentially more people. The guidelines being proposed are a bare minimum to improve the water quality and eventually help improve the overall sanitation in prisons over time. There is a responsibility to ensure that all citizens have access to basic human

¹³ (2019, September 13). Connecticut inmates say drinking water is contaminated with Retrieved September 10, 2020, from <https://www.courant.com/news/connecticut/hc-news-prison-water-sewage-20190913-ryinyo5jyngbdchbtk3p4csdqe-story.html>

¹⁴ (2016, April 10). Local prisons struggle with water quality | Regional news Retrieved September 10, 2020, from https://www.wiscnews.com/bdc/news/local/local-prisons-struggle-with-water-quality/article_25efd9a8-c2b3-5328-a379-0b35388e4126.html

¹⁵ (2019, February 7). Arsenic Found in Atlanta Prison Drinking Water | WQP. Retrieved September 10, 2020, from <https://www.wqpmag.com/arsenic-removal/arsenic-found-atlanta-prison-drinking-water>

¹⁶ (n.d.). Prison Drinking Water and Wastewater Pollution Threaten Retrieved September 10, 2020, from <https://www.prisonlegalnews.org/news/2007/nov/15/prison-drinking-water-and-wastewater-pollution-threaten-environmental-safety-nationwide/>

necessities, including clean water, and that guarantee should not be conditional, even for those who are incarcerated.

Another aspect of this issue that would support the creation of specific guidelines is the disparity between individual prisons. Some have worked hard to ensure health standards are maintained across the board, and these cases should be held up as a model for other prisons. The issue lies in the prisons that fail to meet standards; they are often underfunded and simply cannot ensure clean water. By creating a system that helps to identify and quantify areas where prisons are lacking, it will be far easier to isolate prisons that need work, provide them the funding and guidance that they need, and then ensure that those standards are maintained. If every prison is on the same page and working to the same goals, everyone involved in the prison system benefits. A prison is a place for rehabilitation and preparation for reintegration; it should not be a place where people are at risk of dying because they do not have clean water.

What is the basic form of your policy response?

_____ Our policy response is a series of guidelines that work to better improve water quality and overall sanitation efforts. Each guideline is designed in a way such that it functions independently, so it is possible to implement over time, rather than all at once. Though the issue is pressing and requires an immediate response, the guidelines help to quell budgetary concerns over the cost of equipment and other mechanisms.

The policy works to update equipment but also steepen investments in products to disinfect water. Though new machinery can be costly, some of the most effective change can be

created through an investment in chlorine-based disinfectants which are extremely cost-efficient as this translates into roughly \$2.50 for the disinfection of a million liters of water.¹⁷

¹⁷ (n.d.). Water, sanitation, hygiene and habitat in prisons. Retrieved September 10, 2020, from https://www.icrc.org/en/doc/assets/files/other/icrc_002_0823.pdf

Policy Proposal/Analysis

What is the programmatic or policy response to the problem that was chosen?

The policy response is a reform of the process now taken to ensure water quality standards as well as the addition of other guidelines targeted specifically at prisons. First, the policy looks toward meeting the requirements set out by previous legislation, such as the Safe Drink Water Act¹⁸ and the general criteria set out by the Environmental Protection Agency (EPA).¹⁹ Second, the new guidelines work to build upon past precedent in order to create a more targeted response. Rather than looking at the population at large, the guidelines address the unique challenges presented at correctional facilities to better ensure proper enforcement. Third, the policy ensures better access to alternative water sources such as bottled water in case of systemic malfunctions. This is crucial as equipment failing can often lead to negligence among other consequences.

Outline the process your policy proposal will take once implemented. Explain any systems that will be in place, administrative changes, agency authority changes, etc.

The core of this policy proposal is the newly established advisory commission. This body will need to be selected by the Governor of the respective state, and that responsibility will have to be in accordance with a state's normal procedure for appointments. The processes outlined in this document will require variable funding depending on state capacity, pre existing resources.

¹⁸ (2020, January 14). Overview of the Safe Drinking Water Act - EPA. Retrieved September 13, 2020, from <https://www.epa.gov/sdwa/overview-safe-drinking-water-act>

¹⁹ (2019, October 25). Human Health Water Quality Criteria and Methods for Toxics Retrieved September 13, 2020, from <https://www.epa.gov/wqc/human-health-water-quality-criteria-and-methods-toxics>

Why is this something that should be addressed at the state level?

Ensuring proper water quality must be addressed at the state level because many of the state prisons are the ones suffering from poor water quality. For example, from 2000 to 2007, 8 of the 33 state prisons in California were cited for water pollution.²⁰ Since significant problems in water quality occur in prisons run by state governments, this issue most definitely needs to be addressed at the state level.

Additionally, clear instructions and guidelines from the state will ensure that local county prisons ensure water quality as well. Right now, local county prison water quality enforcement is left to the county inspectors, causing disparities between various prisons in terms of their water quality.

Are there alternative responses that should be taken into account?

An alternative response to creating guidelines for water quality would be to require prisons to fix all of their pipelines that are causing the damage and low sanitation. This however would require a much more extensive budget and enforcement by a government organization. Such legislation would be much more unlikely to be passed as it would be much more broad and require many more resources.

Why is the policy you have proposed the appropriate/best response to the problem you have identified?

The policy proposed is the best response to the issue of low water quality in prisons due to the ability of it to bolster the strength of past legislation while creating the nuance necessary in

²⁰ Loaded on Nov. 15, 2. (2007). Prison Drinking Water and Wastewater Pollution Threaten Environmental Safety Nationwide. Retrieved September 27, 2020, from <https://www.prisonlegalnews.org/news/2007/nov/15/prison-drinking-water-and-wastewater-pollution-threat-en-environmental-safety-nationwide/>

order for it to be properly addressed on both a state and local level. The majority of the policy is centered around ensuring the maintenance of equipment as well as creating a quicker response time when issues occur. This lays out the concrete steps needed to eliminate toxins from the drinking water at prisons and fills in the gaps that more sweeping regulation created.

Furthermore, the additional steps necessary are supplementary and can be incorporated over time. Specifically, these guidelines ensure that in case of equipment malfunction there are other water sources available for usage.

What are the resources that will be needed to carry out this programmatic or policy response?

Routine checks by the Department of Corrections to provide feedback and guidance would be needed to carry out this policy response. Additionally, methods to help prisons pursue clean water efforts would also be needed for those struggling with funding. Increased funding for purchasing bottled water would also be needed in order to provide alternatives to prisons unable to sustain clean tap water.

What criteria are you using to determine if your policy is successful?

The criteria used to scope if the policy is successful will be split into multiple ways. One way is tracking if there is a decrease in waterborne illnesses of inmates over the next twelve to twenty-four months. Another way will be tracking if there are lower average arsenic concentrations in drinking water specifically in correctional facilities compared to past data. The last way will be ensuring the equipment used is maintained and replaced in a timely manner to ensure the safety of the inmates as they are consuming the water.

What would happen with the problem if no action is taken and the problem were to continue on unchanged and undisturbed?

If no action is taken and the problem is to continue unchanged and undisturbed, prisoners would continue to suffer from contaminated water. Waterborne illnesses will spread, and there can also be increased cancer and other health risks. This will also put a strain on taxpayer money and the state budget, as the government will have to pay for treating people for these complex diseases instead of just simply fixing the water quality initially, so that less people contract these diseases to begin with.

Ignoring this problem will only make the issues worse for all parties in the future. It will result in more infected prisoners who could then file lawsuits against the government. For example, on October 11, 2007, around 400 jail employees in Merced County, California, filed claims against the county for having unsafe amounts of arsenic in their water supply. For the health of their prisoners and employees as well as financial and legal protection for counties and states, prison water quality needs to be addressed.

Wages and Commissary Reform

With increasing attention on the issue of criminal justice reform in the United States, people have become aware of the economic inequality that incarcerated individuals face compared to those outside of the system. The economic system that has been established for prisons does not set those individuals up for success once they enter the working world after their incarceration ends. Many factors contribute to high recidivism rates (83% of state prisoners returned to prison after their release over a nine-year study period) but most are rooted in economic issues.²¹ By creating a better economic system for prisoners, there's a possibility recidivism rates could be lowered.

The average hourly wages for prisoners falls between \$0.14 and \$0.63 for regular non-industry jobs and \$0.33 and \$1.41 for jobs in state-owned industries, which only constitute approximately 6% of prison jobs. There are several states (Alabama, Arkansas, Florida, Georgia, and Texas) where prisoners do not receive any wages for their work. While prisoners have never truly been treated with economic equity, conditions have worsened in recent decades. Prisoners are paid less than they were in 2001, with a \$0.93 decrease in minimum daily wage.²² Most prisoners use their wages to purchase items at commissaries, which act as a store selling food items, hygienic items, clothing, and communication tools like stationary and phone cards.²³ However, with such low wages, prisoners are forced to make the difficult decision between purchasing food, hygiene products, or communication with their families.

Potential solutions for the problems outlined above could include ensuring prisoners are paid a decent wage (preferably the federal minimum wage of \$7.25 an hour but this could be

²¹ Clarke, M. (2019, May 3). Long-Term Recidivism Studies Show High Arrest Rates. *Prison Legal News*. <https://www.prisonlegalnews.org/news/2019/may/3/long-term-recidivism-studies-show-high-arrest-rates/>

²² Sawyer, W. (2017, April 10). *How Much Do Incarcerated People Make in Each State?* Prison Policy Initiative. <https://www.prisonpolicy.org/blog/2017/04/10/wages/>

²³ Raheer, S. (2018, May). *The Company Store: A Closer Look at Prison Commissaries*. Prison Policy Initiative. <https://www.prisonpolicy.org/reports/commissary.html>

reasonably lowered due to budget constraints) and making essential items such as hygiene products and communication with family free in the commissary. This would require a re-imagining of prison budgets, a process which will vary depending on the institution and approach to adopting this policy. Initially implementing this policy at a local level in individual prisons would likely be the most effective route due to the complex nature of the policy in terms of budget alterations. There have been similar initiatives at larger levels, such as a proposed bill in the New York State Senate to raise minimum wage in prisons to \$3 an hour²⁴, but none have yet been successful. However, this does not eliminate the potential for another state or locality to adopt similar legislation.

This specific issue was chosen after a closer look at the lack of menstrual equity in prisons revealed that these issues stem from unfair wages and the nature of the commissary system.²⁵ The impacts that addressing this issue could have on recidivism rates, as well as advocating for prisoners' rights towards safety, cleanliness, and a fair wage, make this worth considering. Another important factor is the current political climate and the focus on advocating for racial equality. Due to issues of systemic racism, African Americans are incarcerated at a rate 5-10x higher than white people.²⁶ When these issues are present in prisons that consist of mostly minorities, they explicitly become civil rights issues.

This issue directly impacts communities, not only those who are incarcerated but those who have a loved one in the prison system as well. Communication can be difficult due to the costs imposed by the commissary system, which in turn may impact the mental health of prisoners. Additionally, with national attention on the judiciary system as a result of increasing

²⁴ The Fortune Society. (2019, Feb 14). *Raising the Wage: Reform Through Increased Pay in Prison*. The Fortune Society. <https://fortunesociety.org/raising-the-wage-reform-through-increased-pay-in-prison/>

²⁵ *The Unequal Price of Periods*. ACLU. https://www.aclu.org/sites/default/files/field_document/111219-sj-periodequity.pdf

²⁶ Nellis, A. (2016, June 14). *The Color of Justice: Racial and Ethnic Disparity in State Prisons*. The Sentencing Project. <https://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/>

protests, reforming aspects of the prison system is on the minds of many. Unfortunately, at the individual level, there is not much that can be done except for encouraging legislators to adopt policies that match the goals of the campaign. This policy will need a governmental response in order to successfully fulfill its goals.

The outline above is incomplete, as there are still many unanswered questions about the nature of the policy. Many questions ride on the level of response, whether the policy will be adopted at a state or local level. The budget outline is rough but it can be adjusted accordingly to fit whatever state or locality adopts the policy. Additionally, specific aspects of the policy, such as the hourly wages, can be adjusted if need be. These alternative plans can be utilized if the budget is not flexible enough to allow for the recommendations outlined in the policy.

Ultimately, it is better to implement policies that improve prison quality, even if they are not perfect, than continue with the current inequities in the prison system.

GGI Recommendations for Commissary and Wage Reform

The right to profit off of one's labor is deeply rooted in our capitalist system. For better or for worse, the system we live in dictates that if an individual completes work, they are entitled to a wage or other compensation that matches the value of that work. In systems that utilize commissaries instead of a normal business exchange, the system of exchange must allow for the consumer to receive both food and any other necessities. Both of these conditions, however, do not seem to extend to incarcerated individuals, who are overwhelmingly underpaid and often overlooked. Steps must be taken to ensure that they can be both provided fair compensation and adequate access to commissary resources. These steps should be as follows:

1. Mandate that all prison work be compensated at a rate commensurate with the state minimum wage; all workers have the right to be able to live off their wages, and if they cannot, then there must be some alternative means of survival.
2. If a commissary system is in place, then all voucher systems or other forms of exchange must exempt items necessary for life: this should include, but not be limited to, food, water, toiletries, and feminine products. These are integral to life, and when you put a price on them in a system where profit is limited, you are often forcing people to choose between food and menstrual products.
3. Establish a clear understanding of standards for when an incarcerated individual is prepared for release. These standards must include some maintenance of the accumulation of wealth that would have occurred had they not been in prison. Recidivism is often the result of a lack of options, and having some accumulation of wealth can help

to mitigate that impact. In the same vein, those who leave prisons should do so as healthy as they were when they entered. By making sure people have proper access to health products and other necessities, it can be ensured that people maintain their health in an environment that is already stressful and damaging to physical and mental health.

Preliminary Report Questions

What is the problem that you're trying to fix?

The current wage system for prison labor is unfair to incarcerated individuals as they do not make enough money to pay for their most basic needs in the commissary systems. Wages are typically less than a dollar an hour, if they receive them at all, and most prisoners depend on the commissary system for food products, hygiene products, and methods of communication with loved ones outside of the prison system. With such a limited income, prisoners have to make difficult decisions on how to spend their money, sacrificing items they need in order to get something else. For instance, female prisoners often have to spend their money on food products instead of feminine hygiene products, which leads them to resort to unsanitary and unsafe measures.²⁷ This issue needs to be resolved because it is harming prisoners and reducing their most basic civil rights.

What is the solution proposed?

There are two components to this solution: reform of the wage system and reform of the commissary system. In terms of the wage system, it is proposed that the hourly wage be raised to a level that is higher than it currently is and is reasonable for the specific budget yet also allows prisoners to have enough income to purchase additional necessary supplies from the commissaries. Additionally, prisoners should have the option to save their income so they have access to it when they are released from prison. In terms of the commissary system, it is proposed that hygiene products, especially feminine hygiene products, be given to prisoners free

²⁷ Walker, T. (2019, November 17). *The Dehumanizing Effects of Inadequate Access To Menstrual Products in Prisons and Jails*. Witness LA. <https://witnessla.com/du-to-inadequate-access-to-menstrual-products-periods-in-prison-can-be-stigmatizing/>

of charge and at a rate that is reasonable and does not lead to them having to save extra money to purchase them from the commissary. Items that are sold at the commissary should be sold at reasonable prices to ensure the prisoners do not have to make difficult decisions and sacrifice basic needs.

Why was this specific issue chosen?

This specific issue was chosen because the prison system exploits prison labor by paying non-industry prisoners between \$0.14 and \$0.63 an hour. These wages paid to prisoners do not allow for them to earn a wage where they are able to provide themselves with hygiene products, clothing, snacks, beverages, and many other necessities. This issue is very important when discussing prison reform because many incarcerated people cannot afford these necessities and often have to rely on their family members for help. Ultimately, this exploitation of prison labor continues to benefit private companies that profit off of these commissionaires²⁸. When there are so many people benefiting off the backs of illegitimate labor, there must be state action to correct it.

What were the broad questions that guided research into this issue?

The questions that guided this research were centered around what already existed and what could be improved, as well as what did not exist and should be implemented. This included general information regarding average existing wages that states pay incarcerated workers, logistics of commissaries and operational practices. Also incorporated in these questions was an analysis of some of the factors that have stagnated progress in the past: who profits off the

²⁸ Peter Wagner and Bernadette Rabuy, *Following the Money of Mass Incarceration*, January 25, 2017, accessed September 26, 2020, <https://www.prisonpolicy.org/reports/money.html>.

current system, what would it cost to completely change the system, what does progress look like? These are the questions that research and writing were centered around, and it was these questions that are hopefully answered through this policy.

What is the relevance of the issues to the (state at hand) and its citizens?

The issue of commissary inequities is yet another example of a system in place that exploits the most vulnerable (in this case, prisoners dependent on the commissary system) for the gain of major corporations. Beyond the prison walls, the inflated prices of commissaries affect prisoners' families as well, who are forced to subsidize necessities that the prisoners should be able to buy for themselves, but can't because of their low wages. This becomes even bigger of an issue when you take into consideration the fact that most prisoners come from low-income or impoverished backgrounds, making 41% less annually than the general population pre-incarceration²⁹, so these additional costs are a bigger hardship. A 15-minute phone call can cost up to \$25³⁰, which is equivalent to around 40 hours of work, or a bottle of shampoo is equivalent to 2 hours of work for a prisoner and 20 minutes of work on federal minimum wage.

Why is this an issue that requires governmental response?

Beyond the civil rights inequities caused by these issues, many of the policies and companies break various FCC guidelines. In 2017 H.I.G Capital, owner of commissary operator Trinity Services Group, acquired Keefe Group, the other largest for-profit operator of commissaries. The two groups combined profits exceeded that of the prison commissary industry as a whole, classifying them as a monopoly. Low competition effectively allowed them to do

²⁹ *ibid.*

³⁰ Peter Wagner and Alexi Jones, *State of Phone Justice: Local Jails, State Prisons and Private Phone Providers*, February 2019, accessed September 26, 2020, <https://www.prisonpolicy.org/phones/>.

whatever they wanted without fear of competition, and events like maggots in food started occurring. Before the merger in 2012, Keefe Commissary Network reported a 10.9% profit margin (in comparison to Walmart's 3%), which demonstrates the inequities in the system³¹. The government can't continue to ignore the actions of these large corporations that target low-income families.

What are the arguments for the creation of the programmatic or policy response to issues that will be proposed?

With wildfires raging all throughout California, Washington, and Oregon, among other western states, the injustice of the current prison labor system has once again been illuminated, as many inmate firefighters who consistently risk their lives to ensure public safety earn as little as \$2 a day. It goes without saying that the current system is exploitative, allowing the state to profit off of mass incarceration and creating financial incentives for the continued criminalization of communities of color, with some critics calling prison labor a reincarnated form of slavery. Incarcerated people who menstruate consequently lack access to menstrual hygiene products, unable to afford the high prices of such products at prison commissaries. This drives home the exigence of our two-pronged approach to wage and commissary reform. Prisoners must be fairly compensated for their labor, and hygiene products must be offered to prisoners at no cost.

What is the basic form of your policy response?

Our policy response would come in the form of raising the statewide prison minimum wage and maintaining free hygiene products at correctional facilities. We also recommend the

³¹ Raheer, *The Company Store*.

formation of a committee to conduct budgetary analysis and consider the necessary allotment of funds for each prison system.

What ongoing questions do you have?

There is a key question that every legislator and stakeholder should ask: will this work? The answer is clearly yes, but only if this policy and the ideals behind the policy are made a priority by those who put it into place. If a half-hearted attempt is made on the part of those who could institute meaningful reforms, what will be seen is, at best, a partial victory. When there is a clear issue and there is an effective solution that simply needs to be implemented, not implementing it is simply negligent.

Policy Proposal/Analysis

What is the programmatic or policy response to the problem that was chosen?

The policy response involves a reform of the wages and commissary system in prisons. First, wages will be adjusted to a level that fits within the budget while also ensuring that prisoners will be able to afford items in the commissary. Additionally, if it isn't already present, a system for them to save money they do not intend on spending will be implemented so they can have funds when they are released. Next, basic hygiene products such as but not limited to shampoo, soap, shaving cream, and feminine hygiene products will be allotted to prisoners, free of charge. Lastly, prices of goods that remain in the commissary system should be adjusted so they are not unreasonable and allow prisoners to purchase the items they need without having to sacrifice others.

Outline the process your policy proposal will take once implemented. Explain any systems that will be in place, administrative changes, agency authority changes, etc.

A committee will need to be formed to look over the specific budget and decide what will have to change in order for the reformed commissary and wage system to take place. This will likely look different in every prison system, so a specific wage has not been set, although a range between \$3 an hour to \$7.25 an hour is reasonable as long as commissary prices are adjusted to be within an acceptable range to accommodate the needs of prisoners. In terms of the saving system, it is advised that the prison partners with a local bank to allow the incarcerated individuals to set up a savings account if they wish to do so. Additionally, the budget committee will need to factor in hygiene products and determine a reasonable amount to allocate per month

that will not force the prisoners to buy hygiene products from the commissary unless they are using an amount beyond necessity.

Why is this something that should be addressed at the state level?

Wage and commissary reform needs to be addressed at the state level because state prisons hold the largest population of incarcerated people.³² This is especially relevant when states vary between one another in almost every way; states have different prison populations, different budgets allocated to them, and different baselines that they are working with. Addressing this issue at a national level would either overcorrect the issue in some states, or—far worse—undercorrect in areas that desperately need change. Additionally, state legislatures can determine a lot in the realm of incarcerated individuals through adjusting the budget to account for their states high incarceration rate.

Are there alternative responses that should be taken into account?

An alternative to consider is allowing prisoners to get a certain amount of hygiene products, food, and phone calls for free on a weekly or monthly basis to ensure they have basic necessities. If this is not taken into consideration because of the high costs that the states have to bear, then finding means to reduce the amount of incarcerated people in prison is another alternative. Another response that should be taken into account is significantly lowering the prices of these goods and services because an individual should not have to work a full day to be able to provide themselves with soap, toilet paper, menstrual products, or other basic necessities.

³² Lauren-Brooke Eisen, *Criminal Justice Reform at the State Level*, January 2, 2020, accessed September 26, 2020, <https://www.brennancenter.org/our-work/research-reports/criminal-justice-reform-state-level>.

Why is the policy you have proposed the appropriate/best response to the problem you have identified?

The policy we are proposing is the most direct solution for the shortcomings of the prison labor system, and is the most advisable strategy since it will supplement ongoing initiatives to combat mass incarceration in the long run, while also immediately ensuring that prison laborers are fairly compensated.

What are the resources that will be needed to carry out this programmatic or policy response?

The primary resource that would be needed to implement this policy response is people to staff the committees governing prison labor within each prison system— most likely people already serving as officials within those correctional departments.

What criteria are you using to determine if your policy is successful?

Prices should reflect those in the outside world, and prisoners shouldn't report the need to rely on family members for financial support. If members of prisoners' families no longer feel burdened by the financial needs of their imprisoned relatives, that is a sign of success.

Alternatively, there can be a quantitative method to measure the monetary relation between commissary goods and prison wages to more equally mirror the outside world and have necessities more accessible to all prisoners.

What would happen with the problem if no action is taken and the problem were to continue on unchanged and undisturbed?

The wage problem is growing bigger and bigger every year, with prisoners getting paid

less than they were in 2011 despite a 16% rate of inflation in those 9 years. Prices will continue to rise, leaving prisoners with even fewer options as their wages remain stagnant. If it is truly the goal of the prison system to eventually reintegrate incarcerated people, it is a counterproductive strategy to actively hinder their ability to sustain themselves on the outside.

Conclusion

Our criminal justice system is based not on justice, but on revenge. It is a system that is inherently punitive, not restorative. In a system such as this, the answer to the plethora of issues facing both the institutions and individuals involved will never be completely resolved; all policy that seeks to maintain or improve the existing system is fundamentally only a temporary anodyne for those who are systemically oppressed, abused, and violated. For the people that suffer at the hands of a corrupt system, however, the importance of immediate action cannot be overstated.

Two of the most pressing areas of need are water quality and wage reforms. Both of these are addressed in the paper in a way that is both achievable and productive. One of the most clear examples of the inefficacy of the prison system is the recidivism rate; the stated purpose of most prisons is to reform those who have done wrong to ensure that they can return to society and contribute. If people are returning to prisons, these institutions are clearly failing. The causes for this recidivism are often economic. Prisoners who are unable to accumulate wealth while in prison will continue to struggle to do so when out of prison, and the vicious cycle of generational poverty continues. If people are sick when in prison due to a lack of clean water, they will struggle to get the medical treatment that they need once they get out. If there are no resources available to those who need them in order for them to stay healthy and set them up for success after prison, then the system either needs to allocate those resources or fundamentally change the process to include the chance to attain the resources needed.

This policy does not resolve the issue of prisons. It does not come even close. There are innumerable problems, both at an institutional and individual level, and chief among them is the mindset of revenge over the mindset of aid and growth. But that does not change the fact that there are people in prison now. These people need clean water now. These people need the ability

to generate wealth now. These people need to be able to feed themselves without having to sacrifice menstrual products and other essentials now. This policy needs to be introduced now, not because it is all-encompassing or free of flaw, but because people are suffering now and will continue to suffer unless the system can be changed. This policy represents one step in a long process of growth and reform that can still only get us so close to a fair and free society. But all progress is progress, and that progress is exactly what this policy seeks to achieve.

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