



**WRITTEN RESPONSES OF**

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Questions for the Record

For a Hearing on

**An Examination of Prison Labor in America**

Before the

**United States Senate**

**Committee on the Judiciary**

**Subcommittee on Criminal Justice and Counterterrorism**

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The most successful vocational programs are those that provide incarcerated workers with a fair wage, safe working conditions, and marketable skills and training that will help them to find employment after release. These programs should provide opportunities for advancement, certifications of completed training, certifications of work performance achievements, and employment-based recommendation letters from supervisors. Programs should provide vocational training in professions that are forecast for job growth. Moreover, these programs should include post-release employment services to connect incarcerated workers to long-term employment after their release, and incarcerated workers should be released from prison with a guaranteed, secure job placement.

Prison work programs that provide vocational training should be expanded to provide incarcerated workers with real wages and job skills development that meaningfully prepare them for success upon release and improve public safety. Research has found that joblessness is the single most important predictor of recidivism.<sup>1</sup> Vocational programs can boost formerly incarcerated individuals' job prospects by almost 30 percent.<sup>2</sup> A November 2021 study of California's prison industry program found that "participants were significantly less likely to be arrested at one, two and three years post release" than incarcerated people who were waitlisted for the program.<sup>3</sup> The federal government's UNICOR prison industries program has been shown to reduce recidivism by 24 percent and participants in the program are more likely to be employed after release from prison than similarly situated individuals, yet the program has a 25,000-person waitlist and employs only 8 percent of workers incarcerated in federal prisons.<sup>4</sup> Expanding these programs makes good economic sense: Money spent on vocational programs in the short term translates into long-term gains through reduced recidivism rates.<sup>5</sup>

Incarcerated workers are eager to learn new job skills: More than 70 percent of incarcerated workers rank skills-learning as a very important reason for working.<sup>6</sup> However, the promise of providing incarcerated people with transferable skills and work experience for their eventual reentry into society often proves illusory. In reality, the vast majority of work programs in prisons involve menial and repetitive tasks that provide workers with no marketable skills or training.<sup>7</sup> Of the nation's approximately 800,000 workers incarcerated in prisons, more than 80 percent perform typically low-paid maintenance work.<sup>8</sup> Some workers pick up cigarette butts from cracks in the pavement outside; others rake rocks in the yard or are simply told to go outside and stand in the rain.<sup>9</sup> Almost 70 percent of currently incarcerated workers surveyed by the ACLU reported that they received *no* formal job training.<sup>10</sup>

The ACLU's research shows that better-paid prison industries jobs are declining, while maintenance jobs increasingly represent a larger share of work assignments. The number of incarcerated workers employed in state prison industries programs has been dropping in recent years, from 91,043 in 2008<sup>11</sup> to 51,569 in 2021.<sup>12</sup> Vocational training programs are declining in prisons across the country, cut from state correctional budgets. The rate of participation in job training programs has fallen nationwide among people incarcerated in state prisons, according to analysis of the Bureau of Justice Statistics surveys of people in prisons conducted periodically between 1986 and 2016.<sup>13</sup>

In Illinois, as state funding for vocational programs provided by community colleges has dropped, so too has participation in and access to these programs.<sup>14</sup> In 2002, around 6,000

incarcerated people participated in over 130 vocational programs. But just seven years later, the number of vocational programs had fallen to 100, leaving over a thousand fewer incarcerated people with the opportunity to take part.<sup>15</sup> N’Ashid Abdul Latif, a formerly incarcerated worker, shared his experience witnessing this regression first-hand in California: “They took away the better jobs over time—those that taught us engine repair and other valuable trades. They should bring back jobs people can use when they get home.”<sup>16</sup>

Even vocational programs often fail to meet their full potential. Incarcerated workers report that vocational programs often involve training on outdated equipment no longer used outside of prison walls,<sup>17</sup> described by one formerly incarcerated worker as “stuff from the dinosaur era.”<sup>18</sup> A state legislative audit of the Louisiana Prison Enterprises program found that one-third of incarcerated people working in the state prison industries program are trained for jobs that are projected to decrease in the labor market, such as garment factory work and agriculture, finding that “many...may not be learning job skills that could help them after they are released.”<sup>19</sup> A state legislative audit of Mississippi’s correctional industries program likewise found it is providing “work skills in occupations for which there were expected to be few to no job prospects in Mississippi.”<sup>20</sup>

**We should invest in valuable work and education programs designed to enhance incarcerated individuals’ prospects of securing employment and becoming self-sufficient upon release and improve public safety.**

- The federal and state governments should allocate funding for prison work programs that provide incarcerated workers with marketable skills and training that will help them to find employment after release.
- Programs should provide opportunities for advancement, certifications of completed training, certifications of work performance achievements, and employment-based recommendation letters from supervisors. Programs should provide vocational training in professions that are forecast for job growth.
- Expand post-release employment services to connect incarcerated workers to long-term employment after their release. Incarcerated workers should be released from prison with a guaranteed, secure job placement.
- The federal and state governments should expand access to post-secondary education in prison by reinstating Pell grants in all U.S. states and territories, to increase employment rates and earnings for the formerly incarcerated.

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<sup>1</sup> American Bar Association, Commission on Effective Criminal Sanctions, *Second Chances in the Criminal Justice System: Alternatives to Incarceration and Reentry Strategies* (2007); Steven D. Bell, *The Long Shadow: Decreasing Barriers to Employment, Housing, and Civic Participation for People with Criminal Records Will Improve Public Safety and Strengthen the Economy*, 42 W. ST. L. REV. 1, 10 (2014); U.S. Dep’t of Justice, Bureau of Justice, Council of State Justice Center, National Reentry Resource Center.

<sup>2</sup> Rand Corporation, *Evaluating the Effectiveness of Correctional Education: A Meta-Analysis of Programs that Provide Education to Incarcerated Adults*, xvii (2013), [https://www.rand.org/pubs/research\\_reports/RR266.html](https://www.rand.org/pubs/research_reports/RR266.html).

<sup>3</sup> California Prison Industry Authority (CALPIA), *The Effect of Prison Industry On Recidivism: An Evaluation of California Prison Industry Authority (CALPIA)* (finding that over a three-year period, CALPIA participants returned to prison, on average, 26 to 38 percent less often than incarcerated individuals released from the CDCR general population) (Nov. 2021) at 16, [https://www.calpia.ca.gov/wp-content/uploads/calpia/news/Reports\\_and\\_Publications/The%20Effect%20of%20Prison%20Industry%20on%20Recidivism-V2-PIA.pdf](https://www.calpia.ca.gov/wp-content/uploads/calpia/news/Reports_and_Publications/The%20Effect%20of%20Prison%20Industry%20on%20Recidivism-V2-PIA.pdf).

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- <sup>4</sup> See Federal Bureau of Prisons, *FPI and Vocational Training Works: Post-Release Employment Project (PREP)*, [http://www.bop.gov/resources/pdfs/prep\\_summary\\_05012012.pdf](http://www.bop.gov/resources/pdfs/prep_summary_05012012.pdf); see also Federal Bureau of Prisons, *UNICOR: Preparing Inmates for Successful Reentry through Job Training*, [http://www.bop.gov/inmates/custody\\_and\\_care/unicor.jsp](http://www.bop.gov/inmates/custody_and_care/unicor.jsp); Federal Bureau of Prisons, *UNICOR Program Details*, [https://www.bop.gov/inmates/custody\\_and\\_care/unicor\\_about.jsp](https://www.bop.gov/inmates/custody_and_care/unicor_about.jsp). The share of UNICOR jobs (8 percent) is shrinking, down from 25 percent in 2009. See House Subcommittee on Crime, Terrorism, and Homeland Security, Committee on the Judiciary, Federal Bureau of Prisons Oversight Hearing (July 21, 2009).
- <sup>5</sup> Rand Corporation, *Education and Vocational Training in Prisons Reduces Recidivism, Improves Job Outlook* (Aug. 22, 2013), <https://www.rand.org/news/press/2013/08/22.html>.
- <sup>6</sup> U.S. Dep’t of Justice, Bureau of Justice Statistics, *Survey of Prison Inmates, United States, 2016*. Inter-university Consortium for Political and Social Research [distributor], (Sept. 2021), <https://doi.org/10.3886/ICPSR37692.v4>. This estimate is based on ACLU analysis of the published raw survey data.
- <sup>7</sup> Beth Schwartzapfel, *Taking Freedom: Modern-Day Slavery in America’s Prison Workforce*, PAC. STANDARD (May 7, 2018), <https://psmag.com/social-justice/taking-freedom-modern-day-slavery>.
- <sup>8</sup> Beth Schwartzapfel, *Taking Freedom: Modern-Day Slavery in America’s Prison Workforce*, PAC. STANDARD (May 7, 2018), <https://psmag.com/social-justice/taking-freedom-modern-day-slavery>.
- <sup>9</sup> Colorado Department of Corrections, *Employed as of 12.31.2018*, FOIA response document (on file with authors); Michael Gibson-Light, *The Prison as Market: How Penal Labor Systems Reproduce Inequality*, PhD diss. University of Arizona, 55 (2019); Written survey response by [Name withheld to preserve anonymity, at survey respondent’s request], incarcerated at Cal. State Prison- Solano, CA (on file with authors).
- <sup>10</sup> Data is calculated from the three-state survey conducted by the ACLU and the Global Human Rights Clinic.
- <sup>11</sup> Data is for fiscal year 2008. National Correctional Industries Association (NCIA), *2009 NCIA Directory* (Baltimore, MD: NCIA, 2009).
- <sup>12</sup> Telephone interview with Wil Heslop, interim executive director, National Correctional Industries Association (NCIA), Nov. 18, 2021, citing 2021 NCIA Directory.
- <sup>13</sup> Bruce Western, *Inside the Box: Safety, Health, and Isolation in Prison*, 35 J. OF ECONOMIC PERSPECTIVES 97, 102-103 (Fall 2021), <https://pubs.aeaweb.org/doi/pdfplus/10.1257/jep.35.4.97>.
- <sup>14</sup> John Howard Association of Illinois, *Cuts in Prison Education Put Illinois at Risk*, by Robert Manor, <https://static1.squarespace.com/static/5beab48285ede1f7e8102102/t/5d30e3745729f30001eabaa1/1563485045099/PrisonEducation.pdf>.
- <sup>15</sup> *Id.*
- <sup>16</sup> Interview with N’ashid Abdul Latif, former hospice worker in California Medical Facility prison (Dec. 16, 2020) (on file with authors).
- <sup>17</sup> Michael Gibson-Light, *The Prison as Market: How Penal Labor Systems Reproduce Inequality*, PhD diss. at 95 (University of Arizona, 2019).
- <sup>18</sup> Interview with Jerome Morgan, Free-Dem Foundations Co-Founder, in New Orleans, LA (Nov. 6, 2019) (on file with authors).
- <sup>19</sup> Louisiana Legislative Auditor, *Prison Enterprises—Evaluation of Operations*, Department of Public Safety and Corrections (May 1, 2019), [https://www.prisonlegalnews.org/media/publications/Louisiana\\_Legislative\\_Auditor\\_-\\_Prison\\_Enterprises\\_-\\_Evaluation\\_of\\_Operations\\_Dept.\\_of\\_Public\\_Safety\\_and\\_Corrections\\_2019.pdf](https://www.prisonlegalnews.org/media/publications/Louisiana_Legislative_Auditor_-_Prison_Enterprises_-_Evaluation_of_Operations_Dept._of_Public_Safety_and_Corrections_2019.pdf).
- <sup>20</sup> PEER Mississippi, Joint Legislative Committee on Performance Evaluation and Expenditure Review, *Issue Brief: A Review of the Sustainability of the Mississippi Prison Industries Corporation* (Nov. 17, 2021) at 4 <https://www.peer.ms.gov/Reports/reports/rpt663.pdf>.