



## Is Commissary Big Business?

### Purpose

It should not matter whether an individual is free or in confinement, protection of fundamental human dignity and self-esteem as innate human rights is critical for any society to thrive. Fulfillment of basic material needs such as food, clothing, and environmental hygiene is not only necessary for the physical survival of a human but also critical for their mental wellbeing. There is increasing evidence that prisons are not able to fulfill their mandate to provide inmates with basic human provisions adequately, fairly, and in a respectful manner. Prison commissaries have made the problem worse by acting in a manner that some characterize as exploitive. Instead of promoting the rehabilitation of prisoners, criminal justice systems with ineffective commissary arrangements may end up propagating the cycle of re-entry into prisons rather than re-integrating into society after release.

Deprivation of necessities can lead to negative human behavior, within the context of incarcerated individuals, it can increase the tendency among inmates to continue to engage in criminal behavior in order to fulfill their needs using theft and extortion within prisons. In such ironical situations, prisons may become breeding grounds for criminal tendencies, and the goals and objectives, and revenue spent on interventions for reentry and rehabilitation services, go in vain. This is especially true for young offenders who can be influenced to lead their lives as productive citizens.

The state of Connecticut recognized the importance of the issue for instituting just and effective criminal justice reforms, and the Juvenile Justice Policy and Oversight Committee (JJPOC) recommended establishing a committee to assess the needs of incarcerated individuals between the age of eighteen and twenty-one and make recommendations for legislation and administration of prison commissary policies. The specific charge pertained to studying and suggesting modifications to telephone call rates and other commissary basic provisions.

### Background

The growth in mass incarceration during the 1970s and 80s and the consequent increase in the cost of maintaining basic prison services led to the inability of state prison authorities to maintain the original structure/mechanism for the provision of basic needs. This led to several cost-cutting mechanisms that included privatization of provisions of basic products and services, including telecommunication, food, and basic hygiene supplies. Thus, the institution of prison commissary became increasingly prevalent. And with that expansion, came to light the limitation and challenges, and negative impact of the commissary model.

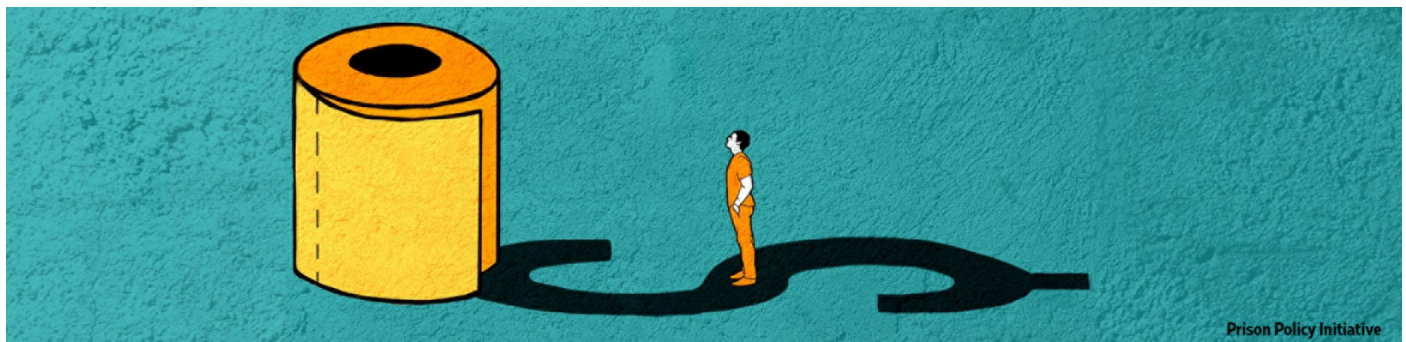
Stephen Raher, an attorney in Oregon who works with the Prison Policy Initiative on projects, refers to this system as “prison retail” and criticizes some commissary operators’ unfair retail practices as exploitative of prison inmates as well as their families. The fundamental problem observed in the current commissary system is caused by jail authorities’ austerity and cost-cutting measures, along with their increased emphasis on providing even the basic services and supplies to only those who can afford to pay. The income source for prison inmates through their daily wages is impossible to meet the bare-minimum requirements. In addition, some reports are suggesting that the pricing of prison supplies is exploitative. Thus, the combination of extremely low wages and high prices makes the prison inmates either live without fulfilling their basic needs or makes them dependent on their families, who in many cases, are not financially able to sustain the costs. In an in-depth research article on the topics, Raher opines, “The size and extent of the nation’s carceral infrastructure have grown dramatically at the same time policymakers have delegitimized policies and institutions that were designed to protect the health and welfare of the disadvantaged people who fill prisons and jails. As a result, a common mindset in contemporary correctional systems is to shift as many costs of basic subsistence as possible onto incarcerated people.”



Vera

The lack of basic provisions not only compromises their physical well-being but also their dignity and self-esteem, thereby hurting their mental health. Lack of sanitization and hygiene products, insufficient medical care, and unhealthy food have led to deterioration in prisoners’ health. The problem became more crystalized in the COVID era, as it became an increasingly daunting task to control the spread of contagious infections due to a lack of supplies of sanitary and hygiene products. In fact, since the onset of the pandemic, the Federal Bureau of Prisons has allowed more than 35,000 inmates to serve their sentences in home confinement.

Several state authorities recognized this vicious circle wherein inmates’ poor treatment and insufficient basic supplies led to their increased likelihood of recidivism. States and federal prison agencies are looking at redesigning their systems to improve commissary services with an aim to provide basic human services and supplies that ensure overall well-being in a dignified manner.



## National

In their latest survey, the Prison Policy Initiative paints a very grim picture of the commissary services for extremely poor or indigent prisoners claiming that “...these indigence policies are extremely limited—both in who they help and the amount of assistance provided.” The problem lies in the very exclusionary definition of “indigent” resulting in many inmates not qualifying to receive basic products and services. And even those who qualify do not have access to enough or adequate quality products. The national-level survey suggests that 18 states offer assistance to the prisoners for purchases only as loans that must be repaid. In some states, inmates may have to wait up to 90 days to qualify for even basic needs as soap. The report also highlights the lack of transparency and accountability, and at times a complete absence of an indigence policy.



There are several reports of high-profit margins by near-monopoly commissary providers that make the provisions unaffordable for the inmates. Some prison stores make a profit by putting selling prices at 35 to 40% margin over cost paid to the supplier of the product. Different states have different provisions for commissary facilities across the nation and the prices vary from product to product, however quite frequently it is observed that the prices for inmates are higher than those found outside the prison in the open retail markets. Despite the fact that prisoners have extremely low wages, prison stores have made it a lucrative business.



A study of three states—Illinois, Massachusetts, and Washington— reports that on average the per person commissary purchases amounted to \$947 per year, while the average earnings were much lower, lying between \$180 to \$660 annually. In their 2021 report, Vera Institute finds, “...incarcerated people who work in most prisons and immigration detention facilities make pennies per hour and are forced to spend their limited earnings on overpriced necessities”. The report suggests that prisoners may be making a pittance in weekly wages of \$3.75 and laboring in unhealthy working conditions. It further suggests that an inmate may have to work two hours to afford a one-minute call to family members. In addition to the deprivation that dehumanizes inmates, the insufficiency and poor quality of basic provisions violets the U.S. Constitutional provisions guaranteeing basic human rights.

Some good practices in terms of some states offering communication via phone calls, feminine hygiene products, and toilet papers free of cost to indigent inmates are emerging. New Jersey offers \$15 to indigent inmates. Another example of positive change in commissary reform is captured by California’s Senate Bill No. 555 (2020), which ensures the price limits and caps the profit margins that commissary operators can charge at 10%. The Bill also mandates the selection of commissary providers to be the most inexpensive option. These steps are expected to improve the accessibility and affordability of products and services for incarcerated individuals.



### State of Connecticut

Connecticut commissary services are provided by the Department of Corrections, the Judicial Branch Court Support Services Division, and the Department of Children and Families for incarcerated individuals. The Corrections Commissary Operator is responsible for the administration of these services. The Operator manages and supervises the quality, quantity, and type of products at prison stores. In addition, the operator monitors the

prisoner’s accounts and is responsible for the ensuring quality of services and adequacy of facilities to inmates. These services are often evaluated by conducting surveys through participants at different centers. University of New Haven’s Center for Analytics analyzed the recent survey conducted for the evaluation of commissary services at Connecticut Manson Youth Institute and the York Correctional Institute for their perceptions, experience, affordability, preferences, and needs fulfillment. The majority of the participants believe that the free items provided are insufficient to fulfill their basic needs. More than 70% of the prisoners believe that the cost of products at commissaries is not reasonable.

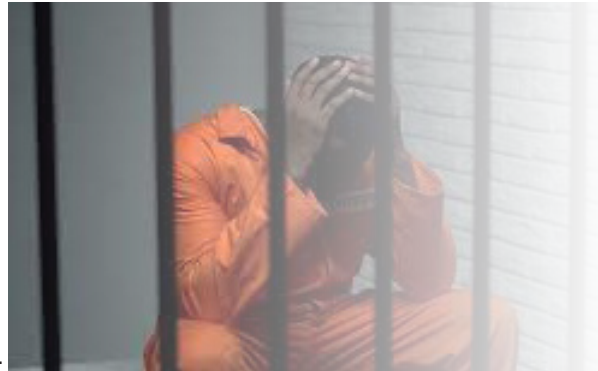
Besides the high price for products at prison stores, inmates who are employed receive low-paid in-prison jobs for \$0.75 to \$1.75 in Connecticut. For the jobs in state-owned businesses, the wages fall between \$0.30 to \$1.50 per hour, while in Kansas for similar state jobs the range is \$0.25 to \$3.00 per hour. For Nevada, the corresponding hourly wage range goes from \$0.25 to \$5.175 per hour.

Connecticut took the pioneering initiative to provide easy access to communication technology for incarcerated individuals and became the first state to pass, through Senate Bill 977, free calls in the prison. Increasing support

networks for inmates for staying in touch with the outside world, especially loved ones, seems a positive step towards promoting better reentry opportunities. Saving a substantive amount of money with the availability of communication mechanisms would allow inmates to afford necessary supplies from prison stores from which they were earlier deprived. Considering the need for support for inmates and their better rehabilitation, similar provisions are passed by some other states, including New York City in New York, and Los Angeles, San Diego, and San Francisco in California.

## Conclusion

Physical health and mental well-being critically depend on the availability of provision for satisfying basic human needs. Not only there should be enough supplies and of acceptable quality, but these should also be available with respect and dignity as fundamental human rights. Especially for those who have been incarcerated, the responsibility of meeting their basic human needs falls on the state. This obligation becomes significantly more consequential when states aspire to reduce recidivism rates and rehabilitate offenders back to society by offering prisoners a potential path to free and more productive life. Rather than denying basic services to inmates by cutting costs and making prisoners pay exploitive prices out of their meager wages, prudent investing in the provision of adequate basic supplies would provide a higher return on the revenue spent for rehabilitation by the government. With many states realizing the positive impact of improved commissary services and the consequent humanization of incarceration experience, several states have instituted reforms in the commissary system. There seems to be hope for improvement in the conditions and services for prisoners, promoting reintegration and eliminating risk factors for recidivism.



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The Tow Youth Justice Institute is a university, state and private partnership established to lead the way in juvenile justice reform through collaborative planning, training, research and advocacy.

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