



Legislative Testimony
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Written Testimony Supporting House Bill 5033, An Act Concerning the Compensation of Incarcerated Individuals

Senator Kushner, Representative Sanchez, Ranking Members Sampson and Ackert, and distinguished members of the Labor Committee:

My name is Jess Zaccagnino, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am writing to testify in support of House Bill 5033, An Act Concerning the Compensation of Incarcerated Individuals.

The ACLU-CT believes that everyone should be paid a fair wage for their labor, including people who are incarcerated. The Thirteenth Amendment, which designated slavery and involuntary servitude as unconstitutional, contains a single exception: when it is used as punishment for a crime.¹ After the abolishment of slavery, the criminal legal system was one of the many means of maintaining the legalized involuntary servitude of Black people.² States used discriminatory laws, like those against vagrancy and loitering, to arrest and imprison Black people. Once incarcerated, they were then subject to a system of “convict leasing” to private individuals and corporations, laboring in dangerous conditions.³ This legacy is still imprinted on our criminal legal system today. But there are efforts underway to end forced prison labor once and for all through legislation fully abolishing constitutional slavery and involuntary servitude for all people.⁴ Four states, including Vermont,

¹ *Prison Labor and the Thirteenth Amendment*, EQUAL JUSTICE INITIATIVE (Feb. 1, 2016), <https://eji.org/news/history-racial-injustice-prison-labor/>.

² *Id.*

³ *Id.*

⁴ *About*, ABOLISH PRISON SLAVERY NETWORK (accessed Feb. 22, 2023), <https://abolishslavery.us/about/>.

passed ballot referenda successfully and many more states are pursuing similar legislation.⁵

On July 1, 2022, Connecticut's minimum wage rose to \$13 per hour. But people who are working while they are incarcerated in Connecticut can expect to earn between \$0.30 to \$1.50 per hour.⁶ One study of prison wages found that incarcerated people earn *less* today than they earned in 2001.⁷ Between 2001 and 2017, the national average hourly wage for incarcerated workers performing non-industry prison jobs dropped from 93¢ to 86¢, and the average maximum daily wage fell from \$4.73 to \$3.45.⁸ These numbers do not include deductions, which often halve the already abysmal wages.⁹ For comparison, fast fashion companies have recently come under fire for wage theft, paying their garment workers in America wages floating around \$3 to \$4 an hour—well above what incarcerated people make in Connecticut.¹⁰ At the same time, the relative costs of fees charged and prices of goods sold to incarcerated people are extremely high when compared to hourly wages. Whereas something that is \$13 will cost a non-incarcerated minimum wage worker one hour of their pay, an incarcerated worker could expect to spend approximately two weeks of pay on a single, \$13 item.

Making it difficult for people to earn money while working during incarceration also hurts their chances of success upon release. Because of extraordinarily low wages, it is nearly impossible for people to generate savings while in prison to be able to afford the necessities like food, clothing, and shelter once they leave. At the same time, Connecticut imposes over 550 collateral consequences on those living with criminal records, including making people with felony convictions ineligible for government

⁵ *Id.*

⁶ Wendy Sawyer, *How Much Do Incarcerated People Earn in Each State?*, PRISON POL'Y INITIATIVE (Apr. 10, 2017), <https://www.prisonpolicy.org/blog/2017/04/10/wages/>.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ Natalie Kitroeff, *Fashion Nova's Secret: Underpaid Workers in Los Angeles Factories*, N.Y. TIMES (Dec. 16, 2019), <https://www.nytimes.com/2019/12/16/business/fashion-nova-underpaid-workers.html>.

benefit programs like welfare and SNAP.¹¹ And while justice-impacted people grapple with the life sentence imposed by collateral consequences, the state also charges people hundreds of dollars per day for each day they were incarcerated.¹² The state is legally permitted to take this money from people’s inheritances from deceased loved ones, proceeds from lawsuits—even for harms done to them in prison by the State—and, the person’s estate upon their death.¹³ Because of current and historic systemic racism, prison debt disproportionately falls on Black and Latinx people, serving as another wall preventing people of color from building intergenerational wealth.

Low prison wages hurt families and communities, too. Justice-impacted families are bled dry by the criminal legal system. Experts estimate that families of incarcerated people pay nearly \$3 billion every single year on the hidden costs of incarceration.¹⁴ There are commissary costs, costs associated with visitation, legal costs, and sometimes even the costs of housing incarcerated loved ones. People who bear these costs are often the ones least likely to be able to do so. People from lower-income backgrounds are more likely to be imprisoned.¹⁵ And of course, because Black and Latinx people in Connecticut are disproportionately likely to be incarcerated due to systemic racism, families of color bear a disproportionate burden when it comes to paying for costs like commissary items.¹⁶

House Bill 5033 is a good starting step to improving labor conditions and wages in Connecticut’s prison system. We urge this legislature to go even further and support increases to bring prison wages closer to minimum wage while ensuring that the

¹¹ NAT’L INVENTORY OF COLLATERAL CONSEQUENCES OF CONVICTION, *available at*: https://niccc.csgjusticecenter.org/database/results/?jurisdiction=260&consequence_category=&narrow_category=&triggering_offense_category=&consequence_type=&duration_category=&page_number=1; see also Kelan Lyons, *Council Begins Study of Discrimination Against People with Criminal Records*, CT MIRROR (Aug. 22, 2019), *available at*: <https://ctmirror.org/2019/08/22/council-begins-study-of-discrimination-against-people-with-criminal-records/>.

¹² See Compl., *Beatty v. Lamont* (Mar. 14, 2022),

https://www.acluct.org/sites/default/files/u.s._district_court_d._connecticut_complaint_3-14-2022.pdf.

¹³ *Id.*

¹⁴ Beatrix Lockwood & Nicole Lewis, *The Hidden Cost of Incarceration*, MARSHALL PROJECT (Dec. 17, 2019), <https://www.themarshallproject.org/2019/12/17/the-hidden-cost-of-incarceration>.

¹⁵ Adam Looney & Nicholas Turner, *Work and Opportunity Before and After Incarceration*, BROOKINGS INST. (Mar. 14, 2018), <https://www.brookings.edu/research/work-and-opportunity-before-and-after-incarceration/>.

¹⁶ Jordan Nathaniel Fenster, *Racial Disparities Persist in CT Prisons, Even As the Population Dropped*, CT INSIDER (Oct. 17, 2020), <https://www.ctinsider.com/local/ctpost/article/Racial-disparities-persist-in-CT-prisons-even-as-15651213.php>.

labor done during incarceration adequately teaches skills that will prepare people for jobs on the outside. The ACLU-CT wholeheartedly supports House Bill 5033, and urges this Committee to do the same.