

# Vera Institute of Justice

## Criminal Justice Issues and Prisoners' Rights

**<https://www.vera.org/blog/working-for-pennies-just-to-buy-overpriced-soap-in-prison>**

### Public Facing Advocacy Writing

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 13<sup>th</sup> Amendment outlawed slavery in the United States but made an exception for people convicted of crimes. As a result, incarcerated people and detained immigrants a disproportionate number of whom are Black and brown due to [the racism embedded in the criminal legal and immigration systems](#) are paid extremely low wages for work that can be difficult and sometimes dangerous.

COVID-19 has only amplified this crisis. Since the pandemic hit, incarcerated people have been paid as little as [\\$3.75 per week](#) to deliver meals and clean in the sick wings of prisons where patients were being quarantined. The incarcerated people who bottled and labeled NYS Clean hand sanitizer in New York last spring earned wages that started at [\\$0.16 per hour](#).

Incarcerated people aren't required to hold jobs behind bars, but desperate conditions compel many to accept any position that can alleviate the misery of their circumstances.

Some without financial means feel they have no choice but to work because this is the only way they can acquire basic necessities. [Even soap is not provided in many prisons](#) and must be purchased from the commissary. Some people are so desperate that they're coerced into accepting dangerous jobs, such as the state of California's offer to expunge conviction records for people who join a firefighting program that has them [battling fires](#) in 24-hour shifts for as little as \$2.90 a day.

Compounding the injustice of extremely low pay, some incarcerated people see their meager wages eaten up by fines and fees from their criminal legal proceedings. [New Yorkers](#) with cases in the court system are subject to a series of fees including conviction surcharges of up to \$300 that can leave them owing hundreds of dollars or more after their cases are closed. If these fees are not paid before a person enters prison, the state collects up to 40 percent of what they earn at a prison job until the costs are paid off. Because people in New York prisons typically earn less than \$0.40 an hour, the state does not collect much money, but it takes nearly half of a person's miniscule wage.

The minimum wage for work done by people in immigration detention was set at one dollar per day in 1950. [Attempts](#) to raise it have [failed](#), and 70 years of inflation have only eroded its purchasing power. This pay is further diminished by the [high prices](#) charged by prisons and immigration detention centers for goods and services. Calls made from detention cost [\\$0.69 a minute](#) or more. In some places, people must work an entire day to earn enough money to speak to a loved one for just two minutes. And, as people in immigration detention are paid pennies to [cook their own food and clean their surroundings](#), the private prison [companies](#) that run these facilities grow more [profitable](#) because they don't have to pay market rates for meals and janitorial services.

Although work in immigration detention is supposed to be voluntary, people [have reported](#) being punished or threatened with solitary confinement for refusing to work or for trying to take a day off due to illness. Attorneys and advocates [have argued](#) that paying people in immigration detention less than minimum wage violates the 13<sup>th</sup> Amendment because people suspected of civil immigration violations have not been convicted of criminal offenses.

No one should have their labor exploited, including people who have been convicted of crimes or those sitting in immigration detention. These practices exist simply to degrade people and make their lives more unbearable. The United States incarcerates and detains people at rates [astronomically higher](#) than any other country. As we work to end mass incarceration, we must simultaneously work to improve conditions for its current victims. People who are incarcerated or detained deserve to be treated with dignity and to earn a living wage.

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