
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair
2019 - 2020 Regular

Bill No: SCR 69 **Hearing Date:** January 14, 2020
Author: Bradford
Version: August 14, 2019
Urgency: No **Fiscal:** Yes
Consultant: NS

Subject: *Prisoners: Wages*

HISTORY

Source: Anti-Recidivism Coalition (ARC); #cut50; Initiate Justice; National Employment Law Project; Lawyer's Committee for Civil Rights of San Francisco; Nextgen California; Western Center on Law and Poverty; Young Women's Freedom Center

Prior Legislation: None

Support: A New Way of Life Reentry Project; California Public Defenders Association; Californians for Safety and Justice; Ella Baker Center for Human Rights; Felony Murder Elimination Project; Legal Services for Prisoners with Children

Opposition: None known

PURPOSE

This measure would express the Legislature's support for fair and just wages for incarcerated persons working for the Prison Industry Authority, the Division of Juvenile Facilities, and the Department of Corrections and Rehabilitation.

Existing law states pay rates at each facility for paid inmate assignments should reflect the level of skill and productivity required, and will be set with the assistance of the Institutional Inmate Pay Committee. Monthly rates applies to full time employment in the job classifications and will be paid from the support budget or inmate welfare funds. Hourly rates shall apply to half time and partial full time paid employment: (15 CCR § 3041.2 (a)(1)(2).)

| Skill Level | Hourly (Min/Max) | Monthly (Min/Max) |
|-------------------------|------------------|-------------------|
| Level 1 (Lead Person) | \$0.32-\$0.37 | \$48-\$56 |
| Level 2 (Special Skill) | \$0.19-\$0.32 | \$29-\$48 |
| Level 3 (Technician) | \$0.15-\$0.24 | \$23-\$36 |
| Level 4 (Semi-Skilled) | \$0.11-\$0.18 | \$17-\$27 |
| Level 5 (Laborer) | \$0.08-\$0.13 | \$12-\$20 |

Existing law states exceptions to the above schedule may be made in extraordinary circumstances. A wage comparable to that paid to inmates in the Prison Industry Authority (CALPIA) inmate pay program may be paid for special projects or assignments that require a high degree of skill or expertise. Also when recruitment or retention of inmate workers is a problem. Any other exceptions requires approval, review and justification on an annual basis by the institution head or designee. (15 CCR § 3041.2 (b).)

Existing law states pay increases are not automatic or based on the inmate's longevity in an assignment. Increases or reductions in the pay rate shall be based on the work/training supervisor's recommendation, the inmate's work/training performance reports, subject to review and approval of the inmate assignment authority. Inmates may receive a pay increase only on a quarterly basis and only until the maximum pay rate for that assignment is obtained. (15 CCR § 3041.2 (c)(d).)

This resolution states, this country has long recognized the value of human labor and the importance of fair wages. California has demonstrated this recognition through its commitment to offering quality pay careers for Californians through enactments like the California Equal Pay Act.

This resolution states, the dignity of every person is inherent, and it is incumbent on the state to protect the dignity of all its citizens.

This resolution states, fair and just wages are intrinsically tied to human dignity.

This resolution states, the factors of disparities within imprisonment are partially a result of disproportionate social factors in African American and Latinx communities that are associated primarily with poverty, employment, housing, and family differences

This resolution states, the poverty rate is roughly 25 percent for both African American and Latinx communities, compared to 9 percent for White American communities.

This resolution states, the median income for African American and Latinx communities is roughly \$20,000 less than the median income for White American communities.

This resolution states, African American and Latinx adults are, respectively, 5.9 and 3.1 times more likely to be incarcerated than White adults.

This resolution states, The Department of Corrections and Rehabilitation (CDCR) found in 2015, over 71 percent of prisoners were men of color. More specifically, 42 percent were Latinx and 29 percent were African American.

This resolution states, the State of California currently incarcerates 126,428 people in state prisons and people in prison are routinely required to work for little or no compensation.

This resolution states, Roughly 42,897 people in prison work up to full time, earning anywhere from \$0.08 per hour to \$3.90 per day in jobs ranging from electricians, carpenters, cooks, orderlies, fire crew members, braille transcribers, silk screen printers, and more.

This resolution states, in 1982, California established the Prison Industry Authority (CALPIA) as a self-supporting business that provides work assignments for approximately 7,000 incarcerated people. CALPIA manages over 100 manufacturing, service, and consumable operations in all 34 CDCR institutions throughout California.

This resolution states, the goods and services produced by CALPIA are sold predominantly to California state agencies and other government entities.

This resolution states, CALPIA generates a gross profit of approximately \$60 million annually. They manufacture road signs, clothing, cleaning products, and the furniture used in nearly every room at the State Capitol.

This resolution states, Seven thousand people in prison work up to full time for CALPIA and nearly 1,175 participate in the Inmate Ward Labor program (IWL) and can earn \$0.30 to \$0.95 per hour.

This resolution states, as of February 20, 2019, 3,384 people in prison work up to full time for the CDCR Conservation Camp program and earn \$1.45 to \$3.90 per day in jobs protecting people and property from fire. When working as emergency firefighters, they are compensated \$1 per hour.

This resolution states, the pay scale for incarcerated people remains relatively low despite increasing inflation.

This resolution states, as an example, the oldest written documentation of the pay schedule for those incarcerated and working in conservation camps is from the CDCR's Department Operations Manual published on January 10, 1990, which is identical to the current pay schedule.

This resolution states, fifty-five percent of a person's wages earned in prison are garnished to pay restitution, and low wages mean payments to victims are also low.

This resolution states, low wages means people in prison with families are less able to assist with family financial needs, child support, or the costs of communication and travel for families who have a loved one in prison.

This resolution states, research found that parents entering prison, on average owed \$10,543 in child support obligations. Due to a lack of income or full-time employment opportunities, the majority of parents can't pay child support debt while in prison, and also struggle to pay it after their release.

This resolution states, fifty-two percent of people in state prisons are parents of minors. African American children are 7.5 times, and Latinx children 2.6 times, more likely than White children to have a parent in prison. There are 1.7 million children in the United States that have an incarcerated parent.

This resolution states, returning members of society face many challenges upon reentry, including housing insecurity and difficulty finding and keeping employment.

This resolution states, having a criminal record makes employment difficult for those formerly incarcerated and contributes to their financial distress after release from prison.

This resolution states, a Brookings Institution study found that in the first year of post release, only 55 percent of formerly incarcerated people have any reported earnings. The research found that those with jobs in the first year earned a median of \$10,090 and only 20 percent earned more than \$15,000.

This resolution states, the inability to earn or save money puts heavy burdens on families once a person is released. According to the study, 66 percent of formerly incarcerated people relied on family and friends as their primary source of financial support upon release.

This resolution states, estimates indicate formerly incarcerated people owe as much as 60 percent of their income to criminal justice debt. According to one source, up to 85 percent of people released from prison owe some form of criminal justice debt, compared to 25 percent in 1991.

This resolution states, people released from prison receive \$200 in “gate money” and typically leave prison with little to no financial support, putting them at risk for financial insecurity, hunger, and homelessness.

This resolution states, formerly incarcerated people are almost 10 times more likely to be homeless than the general public.

This resolution states, the high cost of living in California, particularly in Los Angeles where 32 percent of formerly incarcerated people return, can lead to adverse outcomes for people released from prison.

This resolution states, people in prison who earn a fair and just wage can contribute to the growth of the economy and to public safety. These contributions to their families, taxes, restitution, and themselves will support the rehabilitative mandate of CDCR and ultimately save the state money by reducing the number of times people reoffend, the number of children in need of social services, and the likelihood of people seeking out governmental assistance.

This resolution states, state law empowers CDCR to fix the daily wage rate for persons incarcerated in state prison by regulation, and empowers CALPIA to adopt a compensation schedule for inmate employees based on quantity and quality of work performed but not more than one-half the state minimum wage.

This resolution states, state law also empowers a county to provide the payment of wages to juvenile wards, and allows CDCR to pay juvenile wards for work related to the construction, renovation, or repair of juvenile justice facilities.

This resolution states, state law should be amended to address the unfair wage compensation and to provide incarcerated persons with base work protections by redefining prison labor as legal employment.

This resolution resolves, by the Senate of the State of California, the Assembly thereof concurring, that the Legislature supports fair and just wages for incarcerated persons working for the Prison Industry Authority, the Division of Juvenile Facilities, and the Department of Corrections and Rehabilitation.

This resolution resolves, that the Secretary of the Senate transmit copies of this resolution to the author for appropriate distribution.

COMMENTS

1. Need for this Resolution

According to the author:

The State of California currently incarcerates 126,428 people in state prisons and people in prison are routinely required to work for little or no compensation. Roughly 42,897 people in prison work up to full time, earning anywhere from \$0.08 per hour to \$3.90 per day. Additionally, CALPIA generates a gross profit of approximately \$60 million annually from prison labor. Prisoners are earning far less than the Federal and State Minimum wage while generating millions of dollars in profits for the state. This resolution will express the Legislature's support for fair and just wages for incarcerated persons working for the Prison Industry Authority, the Division of Juvenile Facilities, and the Department of Corrections and Rehabilitation.

2. Prisoner Wages around the Country

According to a study done by the Prison Policy Initiative, prisoners across the country are being paid less today than they were in 2001. "The average of the minimum daily wages paid to incarcerated workers for non-industry prison jobs is now 86 cents, down from 93 cents reported in 2001. The average maximum daily wage for the same prison jobs has declined more significantly, from \$4.73 in 2001 to \$3.45 today." The average wage for non-industry prison job across the US is \$0.14-\$0.63. However, the California average is significantly below the national average at \$0.08-\$0.37. Senator Zellnor Myrie is a New York senator that has filed a bill to increase prisoner minimum wages to \$3 an hour.

3. Argument in Support

According to the Western Center on Law and Poverty, a cosponsor of this bill:

With an increased wage, incarcerated workers would have the opportunity to meet their financial responsibilities to their families and prepare for a successful reentry. By increasing wages of incarcerated workers, the state would also benefit by decreasing recidivism rates and promoting public safety as well as increasing state income tax. What's more, doing so would allow incarcerated workers to pay fines, fees and restitution associated with their court proceedings, conviction and incarceration.

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