

COUNTING CALORIES OR EMPTYING CAGES?

NUTRITIONAL PUNISHMENT,
PRISON FOOD REFORM,
AND POSSIBILITIES FOR PRISON ABOLITION

A REPORT BY NO NEW WASHINGTON PRISONS

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THIS REPORT IS BASED ON RESEARCH CONDUCTED BY ME, WILL MCKEITHEN, AS PART OF MY PHD DISSERTATION AT THE UNIVERSITY OF WASHINGTON IN SEATTLE. I AM ALSO AN ACTIVE NNWP MEMBER.

RESEARCH INCLUDED STATE ARCHIVES, POLICY ANALYSIS, AND INTERVIEWS CONDUCTED WITH STATE OFFICIALS, COMMUNITY ORGANIZERS, AND INDIVIDUALS FORMERLY INCARCERATED IN WASHINGTON STATE WOMENS PRISONS. RESEARCH WAS CONDUCTED WITH ETHICAL APPROVAL FROM UW'S HUMAN SUBJECTS DIVISION AND INSTITUTIONAL REVIEW BOARD.

THANK YOU TO THOSE WHO SHARED YOUR TIME, IDEAS, AND STORIES WITH ME.
ALL ERRORS ARE MINE ALONE.

PLEASE CONTACT ME DIRECTLY FOR ANY AND ALL INQUIRIES RELATED TO THIS REPORT.

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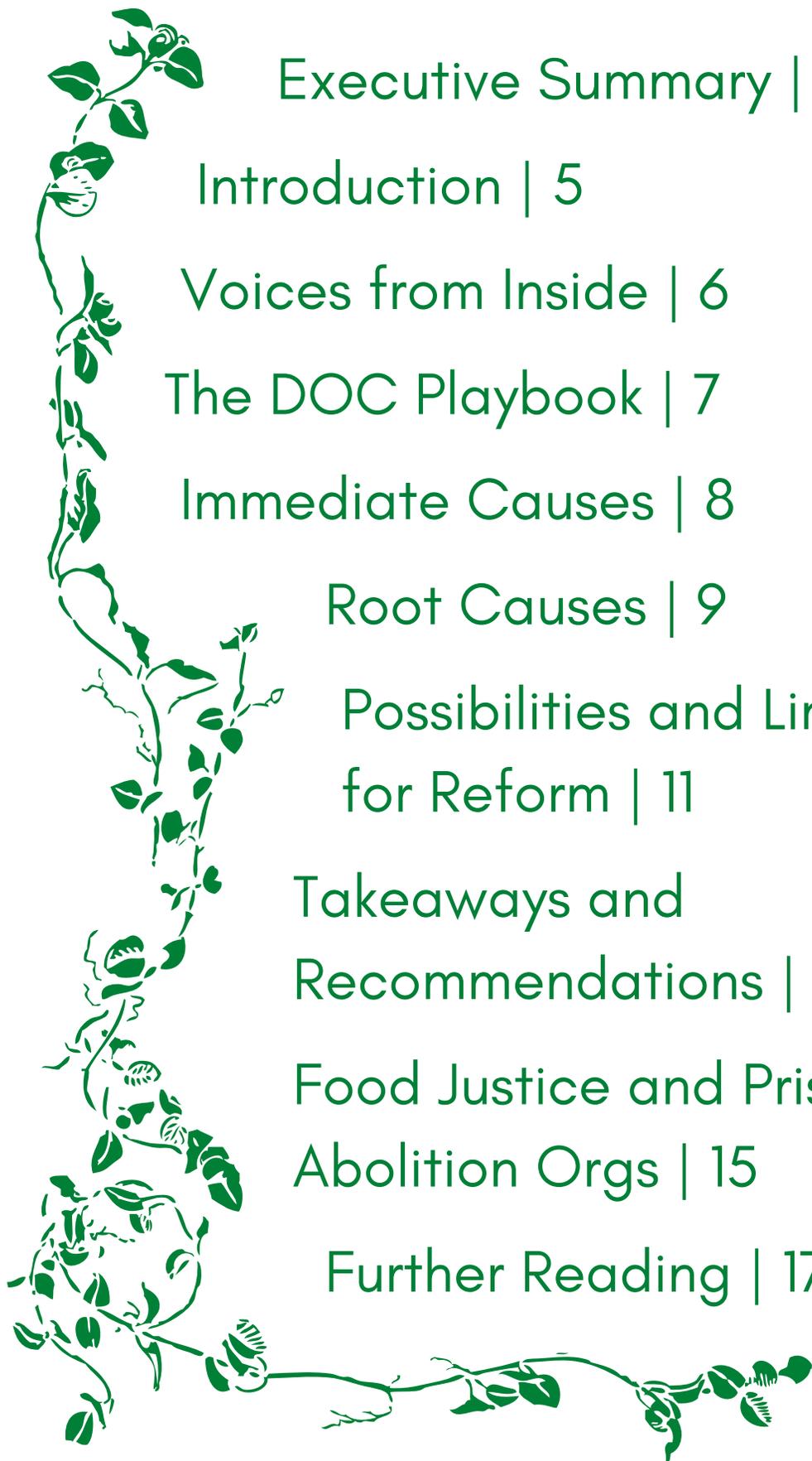
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EXECUTIVE SUMMARY

This report seeks to provide a systematic analysis of prison food today...

- For decades, the Department of Corrections (DOC) has used food as a cheap tool to punish and control incarcerated people. This system of nutritional punishment is harmful not only to incarcerated people's health, but also their dignity, self-determination, and freedom. Food is not just secondary to criminal punishment. Food quality, quantity, and distribution is integral to US mass incarceration.
- Following the 2009 fiscal crisis and Olympia's response of austerity, things have only gotten worse. DOC balanced its budget on the backs of incarcerated people by centralizing production under Correctional Industries (CI), a business-minded agency with no accountability, and cutting medical staff tasked with oversight.
- Incarcerated people, their loved ones, community activists, and even a few DOC employees have pushed back against these changes and the injustice of prison food. However, DOC, CI, and state officials have responded with largely superficial and technical fixes (e.g., new microwaves) rather than address root causes (e.g., overcrowding due to incarceration rates).

...as well as the possibilities and limits of current reform...

- Recent reform efforts have focused on improving nutritional standards in WA prisons. These efforts, while promising mild improvements, do not reflect the full range of possible solutions. Current reformer imaginations are limited by:
 - the popular legitimacy of prisons;
 - state officials who prioritize cost over people's well-being
 - a preference for "nutrition" defined as calorie-counting, self-blame, and expert control over holistic food justice and social change.

...and how they might be strengthened by incorporating an abolitionist philosophy and strengthening connections across food justice and prison abolition struggles.

Sociologist Anthony Ryan Hatch defines **nutritional punishment** as "practices through which prison officials use the quantity or nutritional quality of consumed food as a form of punishment."

INTRODUCTION

The food in Washington state prisons has never been good. Prison food has always been about keeping prisoners fed, controllable, and cheap. The health of incarcerated people – much less their dignity, pleasure, or self-determination – has never been the priority. In recent years, however, policymakers, prisoners, and activists agree that the food in Washington state prisons has gotten even worse.

In 2016, the advocacy group Prison Voice Washington (PVW) released its report "Correcting Food Policy in Washington Prisons." According to the report, prison food had become seriously inadequate in terms of nutrition. Mainline meals contained zero unprocessed meats; not enough fruits, vegetables, or lean proteins; too much refined grains and sugar; and way too much sodium.

In 2016, the average Washington prisoner consumed 3,600mg/day of sodium. The American Heart Association recommends 1,500mg/day max, especially for African-Americans. Due to structural racism and associated stressors, Black people in the US are more likely to suffer from hypertension and salt-sensitivity. This diet thus put incarcerated people, especially prisoners of color and older prisoners, at heightened risk of diet-related disease and premature death.

COVID-19 highlights this. Nationwide, 1 in 5 prisoners have had COVID. In WA, 14 prisoners have died so far, making incarceration itself a serious risk factor. Prison food has likely exacerbated this crisis. Before COVID, diabetes and hypertension were two of DOC's most significant healthcare issues. They are also risk factors for serious COVID illness and death. While this report cannot explain individual cases, years of poor diet have no doubt put prisoners at heightened and avoidable risk.

Internal state oversight points to similar issues. In 2019, the Office of the Corrections Ombuds (OCO) found that prison food was overly processed and subpar in quantity and quality. The few prisoners who can afford it have been forced to rely on expensive commissary. The OCO also cited multiple instances of prisoners denied medically prescribed meals. The 2020 report named food as an ongoing issue and reiterated its 2019 recommendations.

Finally, prisoners themselves highlight the problems of prison food. Since 2018, there have been four hunger strikes at WA prisons and dozens of prisoner uprisings, including several during the COVID-19 pandemic that cited food as a concern.

VOICES FROM INSIDE

Interviews with formerly incarcerated women and trans people confirm these reports.

"As time went on, the food got worse. When the change went from the prison making most of the food to Correctional Industries. It was like ugh. It was like bland and all the same stuff. I think just like the cost, they were trying to be more cost effective I guess..."

- Morgan

"There is no words for how horrible." - Leslie

"mass produced, loaded with sodium and carbs because they're trying to keep people fed."

- Angie

"Under CI, women's prisons don't really do any production. Somewhere in the prison system they were like 'This is costing us too much to do, so we're not going to do this anymore.' Then they just sent us these bags. It's like a bag you boil. It has food in there of some sort, and then the directions on it ... I was like, 'What are we all here working for? We're all just going to watch you put this bag in hot water?! Then we're going to cut it open and dump it in. It's literally slop.'" - Jamea

"I stopped going to dining hall 'cuz I knew that every time they scanned my badge for a meal they get money. They don't care if you ate it or not but they get money for all of that. If I was not hungry I did not go to that damn dining hall. I was not going to let them have that money." - Suzanne

"Ten minutes from the time your unit walked in to eat to the time you needed to be out the door."

- Maria

"The food just had so much sodium and stuff like that. Bad food really plays a huge role in your mental and emotional health. So I was just constantly trying to counteract everything in there." - Jolene

"I went in in October, came out in December the following year. I had a physical a few weeks before I went in. And then the week after I got out I had a full physical. My cholesterol was more than twice what it was before, because of the food." - Amy

"I gained 100 lbs in 6 months after release. Just from gorging 'cuz I'd been so deprived."

- Taylor

"They have to offer you one milk a day. Most gals drink coffee and they want to take it back to the unit. It's given to you on your tray, but you can't leave the dining hall with it. You can't give it to anybody. Because unless you drink it it belongs to the prison. That's state property." - Reg

THE DOC PLAYBOOK

Quick fixes over root problems.

On April 1, 2018, more than 1,300 incarcerated people went on hunger strike at the Washington State Penitentiary – over half the prison's population. The strike lasted ten days. Prisoner demands included better nutrition, hot breakfasts, greater variety (e.g., less soy, more fish), and better communication about food, as well as ending solitary confinement as a tool of guard retaliation. DOC responded by installing reheating ovens in each cellblock. This response reflects the state's preference for short-term, cheap, technical solutions rather than addressing root causes: industrialized food production under Correctional Industries; inadequate physical and mental healthcare; and mass incarceration itself. To quote the WA Office of the Corrections Ombuds, "while an improvement, the ovens often break down and preclude other potential solutions." It is therefore unsurprising that "concerns regarding the quality of the food persist." Since 2018, there have been at least four more hunger strikes and multiple protests at WA prisons, and food continues to be a major point of protest.

Penitentiary inmates protest with hunger strike

Andrew Schwartz Apr 2, 2018



Washington State Penitentiary
U-B file photo

Image Description: External view of Washington State Penitentiary and guard tower at dusk.

Blame incarcerated people

This preference for cheap, quick fixes over systemic solutions has been a long-standing tactic of DOC. It is often combined with attempts to blame (implicitly or explicitly) incarcerated people for the state's failures. In the mid-2000s, in response to complaints about unhealthy food at the state's two women's prisons, wardens implemented the offensively named "Slender Offender" program. Rapid weight gain is a common concern for people in women's prisons. Rather than improve meals and provide body-positive programming, however, DOC told people to just avoid unhealthy options – without offering nutritious or desirable alternatives. The implication was that prisoners' poor choices were to blame for their weight.

IMMEDIATE CAUSES

CORRECTIONAL SERVICES: PRIVATIZATION BY ANY OTHER NAME...

Since 2000, DOC has centralized food production under Correctional Industries, its revenue-generating branch. Today, 95% of all prison food is under CI control. A "blend of business and government," CI is a wolf in sheep's clothing. DOC did not outsource prison food to a private corporation, but the effect is similar. The state has put cost-cutting above the public good and undermined what little public accountability existed before. This has led to many of today's food issues: industrialized production; reduced oversight; food delivery technologies (e.g., cold, pre-packaged meals or "breakfast boats") that cut cost at the expense of the dignity and relative autonomy of incarcerated people. Despite being a state agency, CI's corporate mindset is blatant. When a community member raised concerns over unhealthy commissary, CI told them: "candy bars sell."

REDUCED OVERSIGHT BY DOC HEALTH SERVICES

In 2009, the state faced a serious fiscal crisis. One response was to cut DOC Health Services staff of dietary professionals. In 2008, DOC employed eight dietitians and nutritionists tasked with reviewing prison menus, as well as providing clinical care to incarcerated people. The quality of this oversight or care remains unclear. Nonetheless, in 2009, DOC cut its dietary staff to one. One person to oversee the dietary health of 18,000 people and enforce nutritional standards at CI's two food factories, as well as dozens of prison kitchens across the state. This was made all the more difficult by the fact that Health Services staff have no authority over CI staff.

"There was a lot of pushback from CI and a lot of it was, I would say, bottom line. Because the budget for food is very scrutinized. Almost to the point of being ridiculous...CI controls the budget...so that's always a real struggle because of the real penny-pinchers on the professional industry side...I was always just upset that we wouldn't spend a little more, especially since I worked for Health Services, not for CI, so my goal was always to improve the health of our incarcerated."

- Former DOC Health Services staff

ROOT CAUSES

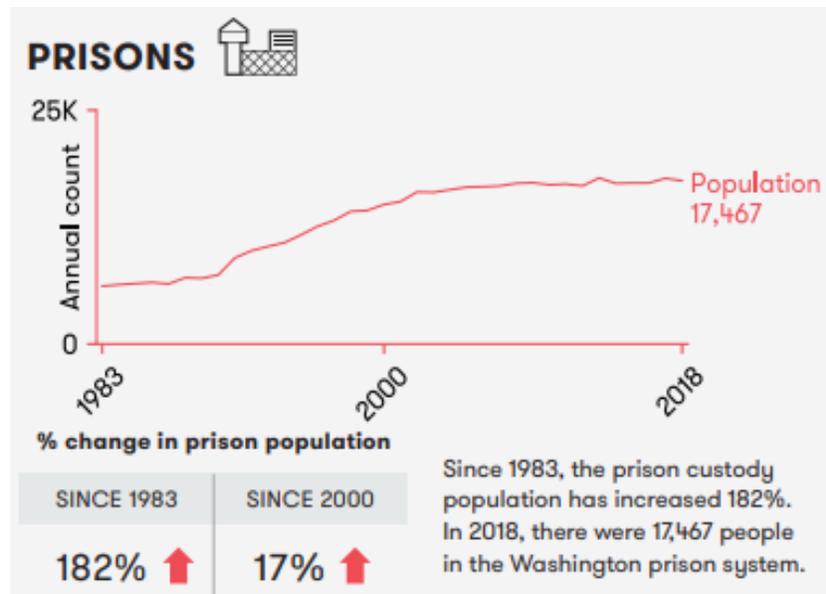
MASS INCARCERATION

Sometimes it is worth stating the obvious: incarcerated people will never be able to access food that is nutritious, culturally significant, or affirming of their bodily autonomy as long as they are in prison. This is especially true under conditions of prison overcrowding caused by mass incarceration. Since

1983, Washington's prison population has ballooned by 182%. (For women's prisons, it is a staggering 810%!) If Washington were a country,

its incarceration rate would be the sixth highest in the world. Prison overcrowding cannot be solved by building more prisons. New facilities are quickly filled by our punitive legal system, and the problem starts over again.

As the Supreme Court stated in 2011 in *Brown v. Plata*, the state cannot build itself out of the crisis that is mass incarceration. While COVID-19 and the state's fiscal crisis pushed DOC to reduce the prison population from about 18,000 to 15,000, this remains far above pre-1980s levels. Mass incarceration is far from over.



FOOD LAW EXCLUDES PRISONS

Prison food is not federally regulated. Prisons are not subject to FDA or USDA inspection. Judges provide only minimal oversight - and usually after the fact. The Prison Litigation Reform Act of 1996 makes it almost impossible for prisoners to sue DOC. What's more, according to the courts, prisoners only have a right to "the minimal civilized measure of life's necessities." In sum, wardens are left to their own devices with few rules and little oversight. The result is a national patchwork where the quality and quantity of prison food vary widely. Even where state regulations exist, enforcement is lacking. Incarcerated people are left with two options: file a grievance, which usually goes nowhere, or stage a hunger strike.

ROOT CAUSES

NUTRITION OVER HOLISTIC FOOD JUSTICE

Washington requires that prison food meet certain nutritional standards (e.g., daily calories) and that prison menus be reviewed by a dietician once per year. What could be wrong with that? The problem with nutrition policy *in prison* is not whether or not incarcerated people require certain nutrients. Of course, they do. The problem is that DOC defines "nutrition" in the narrowest way possible in order to maintain the status quo and quiet dissent. Under current policy definitions, as long as CI provides adequate vitamins and nutrients, it does not have to justify keeping people in cages. Even if nutritional standards were improved or food production given back to individual facilities, the legitimacy of mass incarceration would remain unquestioned.

There are other ways to define nutrition, however. Geoffrey Cannon, secretary general of the World Health Policy Forum, defines it as a "way of life." Anthropologist Emily Yates-Doerr describes nutrition as "the ability to care for oneself and others through the process of eating." Using these holistic definitions, we might ask not only whether incarcerated people receive adequate nutrients, which often they do not, but also whether incarcerated people can care for themselves within the confines of prison.

LIBERAL COMPLACENCY

This focus on (narrowly defined) nutritional requirements is common in many states with "liberal" reputations, including those with massive prison systems like California. Even "progressive" regulations, however, can become an obstacle to addressing the root causes of terrible prison conditions, lowering prison populations, and, ultimately, ending mass incarceration. First, as discussed above, when the problem is defined too narrowly, systemic solutions become unthinkable.

Second, regulation can create a false confidence that conditions are improving while enforcement remains lacking. Third, this false confidence slips into liberal complacency when state officials use minimal regulation to quiet dissent and prevent systemic change. When one advocate raised concerns about prison conditions, for example, DOC staff told her: "It's better than Texas! What more do you want?!"

Anthropologist Aya Kimura argues that food policy often obsesses over what she calls **"charismatic nutrients."**

Focusing on protein, for example, might be popular and more easily actionable than systemic change, but it often fails to address the root causes of harm.

POSSIBILITIES AND LIMITS FOR REFORM

Having diagnosed the immediate and root causes of bad and unjust prison food, it is now worth asking what kinds of reforms might be most effective at achieving meaningful change...

In October 2013, Governor Jay Inslee issued executive order 13-06, which requires executive agency food services, including prison food, comply with new Healthy Nutrition Guidelines (HNGs). In late 2016, however, as the deadline for compliance neared, prison food remained as bad as ever. In response, local advocates Prison Voice Washington (PVW) issued a report, "Correcting Food Policy in WA Prisons," identifying the many nutritional inadequacies already discussed. PVW made several recommendations. In addition to immediate menu improvements, these included:

- End CI's control over prison food.
- Give DOC Health Services final say over menus.
- Let the Department of Health monitor prison food.
- Partner with non-profits to create nutrition education workshops.

Results have been mixed. While DOC and CI report that prison menus are now in full compliance with EO 13-06, actual nutritional intake is less known and prisoners continue to protest food conditions. In particular, DOC has expanded the use of pre-packaged meals, often called "boats," during COVID-19. Meanwhile, PVW's other demands go unaddressed. CI is still in charge of prison food; the DOC and CI are still allowed to self-regulate without DOH oversight; and expanded programming is unlikely while the COVID-19 pandemic continues to plague state prisons.

"When I talk about this with legislators who are liberal but uneducated about prison, I can't really get their sympathy until I start talking about the fiscal aspects. I feel shallow talking about it in those terms, but it's what I have to do to get them to listen. Because they will ask, 'When my constituents email me angry with something I did that sounds soft on criminals, how do I justify it?' Well, I tell them 'taxpayers shouldn't have to pay for diabetes care for prisoners.' That's pretty compelling." - PVW member

POSSIBILITIES AND LIMITS FOR REFORM

Such mixed results suggest that incarcerated people, their loved ones, and community advocates will need to challenge not just bad prison food. We must also challenge mass incarceration writ large and, within that, DOC's authority to decide where, when, how, and what incarcerated people eat. This is the path of **prison abolition**. While many think of prison abolition as an "unrealistic" demand to end prisons overnight, abolitionists understand that transforming our punitive society will take time. The question, therefore, is which actions to support along the way? To help answer this question, abolitionists distinguish between...

- **Reformist reforms** seek to improve the prison system, but actually end up increasing its power. For example, many places have decriminalized marijuana possession while increasing sentences for drug trafficking. The effect is to increase funding for police and prisons while leaving unaddressed the root causes: addiction, poverty, and systemic racism.
- **Abolitionist reforms**, on the other hand, shrink the life, scope, and legitimacy of the prison system. For example, abolitionists call for decriminalizing marijuana, but without expanding funding for DEA raids on Black and Brown communities. While reformist reforms ask "How can we run prisons better?", abolitionist reforms ask "Should we run prisons at all?"

Whether a move is reformist or abolitionist is not just about the policy. It is also about the larger social movement and philosophy behind it. For example, many are now demanding the DOC cut its budget in response to COVID-19. Whether these budget cuts are a meaningful step to abolition or just an excuse to abuse more prisoners depends on the relative strength of those making demands.

Prison food must therefore be challenged as part of a larger movement for food justice and prison abolition. Just demanding better nutrition focuses our attention on improving prison food without questioning the prison apparatus around it, without challenging the authority of the prison to decide what is healthy or good food. Rather than ask "Are prisons feeding our prisoners enough?" we must ask instead "Should anyone be fed in a cage?"

TAKEAWAYS AND RECOMMENDATIONS

Struggles for food justice and prison abolition are highly context-dependent and, as such, frontline communities are best suited to turn abstract principles into concrete action. This report hopes to offer insight into the real possibilities and limits of different strategies. In closing, the takeaways are...

- For decades, DOC has used food quantity, quality, and distribution to punish and control people in prison. Things have gotten worse since 2008, with DOC balancing its budget on the backs of incarcerated people, centralizing production under Correctional Industries, a business-minded agency with no public accountability, and cutting dietary staff tasked with oversight.
- Recent reform efforts focused on improving nutritional standards have had mixed results, achieving formal policy changes without fundamentally altering the balance of power. Current reform efforts are significantly limited by structural conditions, including:
 - the popular legitimacy of prisons;
 - policies of state austerity that prioritize cost over people's well-being, dignity, or self-determination;
 - a US food culture that reduces holistic understandings of health and food justice to an over-simplified focus on nutrition defined by calorie-counting, self-blame, and expert control.

In this context, nutrition reform is easily co-opted by the state to reinforce the status quo of mass incarceration. Under mass incarceration, there is no such thing as a "healthy prison." Prison food is by definition harmful to the well-being, dignity, and self-determination of incarcerated people.

TAKEAWAYS AND RECOMMENDATIONS

In the spirit of not just diagnosing the problem but also creating solutions, this report makes the following recommendations for organizers:

- Resist reform co-optation by DOC and CI by challenging their authority over prison food. For example, in addition to demanding an end to CI control over prison food, reformers might support policy that increases prisoners' ability to self-organize (e.g., challenge racist gang injunctions) and to define "healthy" food for themselves through co-governance and programming. Or they might demand dietary staffing return to pre-2008 levels or higher, but using UW staff instead of DOC employees.
- Connect food justice and prison abolition struggles. Build connections between prisoners inside; family member organizations, which tend to focus on prisoners' immediate needs; abolitionist organizations, which tend to focus on policies outside prison; and food justice organizations, which tend to ignore incarcerated people as relevant constituents.
- Reduce the negative impacts of prison food by reducing the number of people in prison. Rather than focus exclusively on improving prison food, decarceration shrinks the number of people forced to eat prison food altogether.

These suggestions are simply meant to start a conversation and inspire action. As with any abolitionist reform, the most important thing is the radical vision behind it and the collective strength of those fighting for justice.



FELLOW TRAVELERS: FOOD JUSTICE AND PRISON ABOLITION ORGANIZATIONS



plantingjustice.org
• 319 105th Ave,
• Oakland, CA 94603
• (510) 756-6965

• High school programming;
• green job placement
• for people transitioning
• from prison



Environment, Equity, and Opportunity

gotgreenseattle.org
• PO Box 18794,
• Seattle, WA 98118
• (206) 290-5136

• Food access for working-
• class and BIPOC people;
• green jobs to interrupt
• school-to-prison pipeline



healfoodalliance.org
• Oakland, CA
• @HEAL_Food

• Coalition of urban farmers,
• food workers, indigenous
• groups, policy experts, and
• community organizers



blackfoodjustice.org
• @NBFJA

• Coalition of Black-led orgs
• for Black food sovereignty;
• work addresses abolition



foodandabolition.org
• Maryland
• @mdfarmtoprisonproject

• Connects small-scale
• farms to prisons to use
• food as resistance

FELLOW TRAVELERS: FOOD JUSTICE AND PRISON ABOLITION ORGANIZATIONS



soulfirefarm.org

- 1972 RT 2 NY
- Petersburg, NY 12138
- 1-518-880-9372

- Afro-Indigenous community farm; BIPOC farmer training; land return; workshops for urban youth

Victory
Bus
Project

- victorybusproject@gmail.com
- New York State
- 917.704.3354

- Give free rides and fresh food to folks visiting loved ones in NY prisons



- milknotjails.wordpress.com
- New York State
- 2010-18; Now defunct

- Rural-urban alliance to support NY ag and end rural economic reliance on prisons



- farmtoprison.org
- Denver, CO
- @farmtoprison

- Provide programming for incarcerated pregnant people on pre- and perinatal nutrition



- facebook.com/FreeThemAllWa/
- @FreeThemAllWa

- Abolition of criminal punishment in WA

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FURTHER READINGS

- 20 Organizations Planting the Seeds for Food Justice in Prisons by Edward Brunicardi
 - <https://foodtank.com/news/2018/08/20-organizations-planting-the-seeds-for-food-justice-in-prisons/>
- *Black Food Matters* edited by Hanna Garth and Ashanté Reese
- Critical Resistance Video Series
 - www.youtube.com/channel/UCd8i8hGEeAqylG5sF-DZwDQ/videos
- Critical Resistance Resource Page
 - <http://criticalresistance.org/resources/>
- *Cultivating Resistance: Food Justice in the Criminal Justice System* by Caitlin M. Watkins
 - https://scholarship.claremont.edu/cgi/viewcontent.cgi?article=1038&context=pitzer_theses
- *Eating Behind Bars: Ending the Hidden Punishment of Food in Prison* by Impact Justice
 - <https://impactjustice.org/impact/food-in-prison/#report>
- *Food Justice Now* by Joshua Sbicca
 - Review Forum at www.societyandspace.org/book-review-forums/food-justice-now-by-joshua-sbicca
- *Food Systems in Correctional Settings: Literature Review and Case Study* by Amy Smoyer
- Prison Abolition FAQs by No New Washington Prisons
 - www.nonewwaprison.com/resources
- *Prison Food, Abolitionist Geographies, and Food Sovereignty* by Kanav Kathuria and Jamesha Caldwell
 - www.wearyourvoicemag.com/prison-food-abolitionist-geographies-and-food-sovereignty-food-as-a-tool-of-resistance/
- The 'Hidden Punishment' of Prison Food by Patricia Leigh Brown
 - <https://www.nytimes.com/2021/03/02/opinion/prison-food-farming-health.html>
- The Marshall Project's Prison Food Archives
 - <https://www.themarshallproject.org/records/1290-prison-food>
- The Prison Industrial Complex and Agricultural Labor
 - https://drive.google.com/file/d/1ZWdBH5zIKbV6K6subbGMm4nUMY3_ZZgJ/view

For more, see The Farm to Prison Project's full reading list at <https://www.farmtoprisonproject.org/resources>



Image Description: NNWP logo and a bird perched atop an open birdcage.