

Proclaiming a Declaration of Environmental Rights for Incarcerated People

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Women Who Never Give Up and Clean Water Action submitted the following resolution; which was referred to the Council on [Date]

RESOLUTION

Proclaiming a Declaration of Environmental Rights for
Incarcerated People.

Whereas criminal legal systems in the United States are sustaining an incarceration crisis that has put millions of people behind bars, torn families apart, destabilized communities, and allowed others to profit from the mistreatment of human beings;

Whereas people detained in prison facilities cannot leave of their own accord and have limited control over their movement, possessions, and environment

Whereas the duration of prison sentences is trending upwards and nearly 57 percent of the Federal and State prison population is now serving a sentence of 10 years or more;

Whereas, in New Jersey, approximately 13,000 people are incarcerated in Federal, State, local, and Tribal prisons and jails, immigration detention facilities, juvenile secure facilities, and treatment and rehabilitation facilities;

Whereas 59% of incarcerated individuals are African American and 14% are Hispanic, with many likely coming from

(1)<https://www.nj.gov/corrections/pages/OffenderInformation.html#OffenderStats>

(2)https://www.prisonpolicy.org/blog/2023/07/19/climate_change/

(3) *Climate Change in New Jersey: A Brief Introduction – New Jersey Climate Change Resource Center*, n.d.-b

overburdened communities—defined by the New Jersey Department of Environmental Protection (NJDEP) as areas disproportionately affected by pollution and vulnerable to climate change-related health impacts;

Whereas individuals in overburdened communities often experience elevated rates of respiratory issues, cardiovascular diseases, and other chronic health conditions due to prolonged exposure to environmental pollutants, including toxic emissions from nearby industrial facilities and transportation corridors;

Whereas these communities are also more susceptible to the effects of climate change, facing increased risks of heat-related illnesses, flooding, and mental health challenges, which further exacerbate existing health disparities and undermine overall community well-being;

Whereas New Jersey's temperatures are warming faster than other states in the Northeast Region, increasing Urban Heat Hot Spots within the state;

Whereas New Jersey's carceral population are more included to heat mortality at a 21% increase compared to other states in the Northeast Region;

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Whereas every year of incarceration in a prison or jail for a person is associated with a 2-year reduction in average life expectancy;

Whereas people incarcerated in prisons and jails are more likely than the general public to have at least 1 pre-existing physical or mental health condition or disability, which makes incarcerated people more susceptible to environmental health threats;

Whereas incarceration and systemic patterns of environmental justice violations in the permitting and siting of carceral facilities has greatly increased the exposure of incarcerated people, carceral facility staff, and communities surrounding carceral facilities to toxic and dangerous conditions;

Whereas toxic environments in and around carceral facilities harm the physical, mental, and social well-being of those impacted by incarceration;

Whereas exposure to environmental hazards harms the vitality of incarcerated communities by reducing the availability of programming in carceral facilities;

Whereas pregnant, post-natal, and breastfeeding people are at higher risk of adverse health outcomes from exposure to environmental stressors in carceral facilities, yet those people often lack proper medical care or options to minimize exposure to environmental health threats;

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Whereas privatized healthcare providers profit from the poisoning of incarcerated populations and often provide incarcerated people with inadequate care;

Whereas nearly half of New Jersey's State prisons are known contaminated sites with the remaining located within 1 mile of such site, which are disproportionately located in or near low-income communities and communities of color;

Whereas New Jersey's carceral facilities are over 50 years old with aging and poor infrastructural conditions;

Whereas people incarcerated in prisons and jails often perform extremely hazardous labor, including electronic waste recycling, forest firefighting, and asbestos removal, without sufficient protection and for meager or no compensation, with the average hourly wage for incarcerated workers being as low as \$0.14 and some incarcerated workers earning no wages at all;

Whereas measurements of heat indices inside prison cells have ranged from below freezing to in excess of 150 degrees Fahrenheit;

Whereas New Jersey Correctional Facilities show a history incarcerated people often drink and bathe in water contaminated with lead, arsenic, manganese, harmful bacteria, and other hazardous substances and do not have the same access to safer alternatives as non-incarcerated people;

Whereas poor ventilation in carceral facilities contributes to hazardous air quality, which in turn leads to psychological distress, cognitive impairment, and the proliferation of infectious respiratory diseases, allergens, and other respiratory issues;

Whereas incarcerated people are commonly confined to spaces

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where they are exposed to mold, asbestos, and pests;

Whereas the diets of incarcerated people are regularly below standards requisite for good health;

Whereas those incarcerated throughout the state are limited to purchasing only 48 bottles of water per month at most facilities, while other facilities don't allow the purchase of water depending on the unit you are house in;

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Whereas food safety standards and preparation guidelines are not uniformly enforced and followed in carceral facilities;

Whereas the constant noise and artificial light that is common in prison environments can act as a form of torture that induces progressively severe mental stress and anxiety;

Whereas incarcerated people with little or no access to natural light are more likely to be depressed and engage in harmful behavior that can extend the duration of their incarceration;

Whereas conditions of incarceration should be conducive to rehabilitation;

Whereas the cumulative and chronic health impacts of incarceration can transform short sentences into long-term or lifelong punishment; and

Whereas many incarcerated people endure conditions that are cruel, inhumane, unsafe, and not conducive to rehabilitative justice: Now, therefore, be it

1 *Resolved*, That the [Council]—

2 (1) declares that incarcerated people have the
3 right to healthy and safe environments, and the
4 right to advocate for protecting and improving their
5 environmental health; and

The state assumes a responsibility for their humane treatment, including a responsibility to protect them from potential harms associated with extended exposure to heat and cold

6 (2) proclaims this Declaration of Environmental
7 Rights for Incarcerated People, founded on the principles
8 that—

8 (A) incarcerated people have inherent dignity and

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personhood;


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1 (B) the right to humane treatment is inviolable and
without distinction of any kind, including the nature
of a crime committed;

2 (C) incarcerated people have the right to a
3 healthy environment;

4 (D) environmental standards in carceral
5 facilities should protect the health of the most
6 vulnerable people with an adequate margin of
7 safety;

8 (E) disregard and contempt for the environmental
health of incarcerated people undermines
9 the pursuit of justice;

10 (F) the right of incarcerated people to a
11 healthy environment should be universally recognized
and protected by law;

12 (G) legal remedies for inhumane conditions
13 should be universally available to incarcerated
14 people and their advocates, without hindrance
15 or delay, in courts of law;

16 (H) incarcerated people have the right to,
17 and should be proactively supplied with, information
and education regarding exposure pathways to
environmental hazards in the facilities in which they are
incarcerated;

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1 (I) incarcerated people have the right to
2 discuss the environmental health conditions of
3 carceral facilities among themselves;

4 (J) incarcerated people have the right to
5 advocate, without fear or threat of retaliation,
6 to protect and improve their environmental
7 health;

8 (K) incarcerated people have the right to
9 refuse to work or labor in unsafe or hazardous
10 conditions, and have the right to receive alter-
11 native work opportunities, without threat of retaliation or
impact on release decisions; and

12 (L) decarceration should serve as a principal
strategy to reduce the
environmental

13 health harms of criminal legal systems; and

14 (3) supports efforts to enact legislation guided
15 by the principles described in paragraph (2).

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