

Prison Food:

Examining the Role of Food as Punishment

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Almost two million people are incarcerated in the United States today, with an average prison sentence of three years.¹ That means 3,000 meals behind bars, and far more for those with longer sentences. The current system's low standards require most states spend between \$1-3 a day per person.² Food served ranges from disappointing to cruel, and is often 'unsanitary, inedible, and inadequate for consumption'—especially where private food contractors are involved.³ Hunger, humiliation, food-borne illnesses, and diet-related diseases are common, and often fundamental to the 'dining' experience in prisons. What if dignified food were the rule, not the exception?

This work seeks to gather in-depth reporting on food in United States prisons; assess its legal and regulatory oversight; demonstrate its dangerous impact on incarcerated populations' health and behavior; and point to national and global cases modeling better ways to feed—and therefore rehabilitate—people behind bars. While the words 'prisoner' and 'inmate' are sometimes used for brevity, it should be emphasized that not all incarcerated people have been convicted. As a 2017 article written on Guantánamo Bay reckons, 'innocent, guilty, or somewhere in between, every human deserves to be treated like one.'⁴

I. Hungry Boys Behind Bars

Topping charts of global incarceration rates is the United States, with a corrections population exceeding the country's fourth largest city.⁵ In other words, the fifth largest American city by populace lives behind bars. Carceral infrastructure is made up of jails and prisons, either of which can be federal, state, or local facilities. Most notably, jails house those awaiting trial—

¹ (Soble et al.)

² (Soble et al.)

³ (Chan and Nathanson)

⁴ ("Witnesses of the Unseen: Breaking out of the Two-Party Politics on Gitmo")

⁵ (Camplin, 28)

often because they can't afford the cost of bail—who haven't yet been convicted of a crime and are still legally innocent.⁶ In 2019 the U.S. Department of Justice reported that approximately 65% of jail inmates were without a conviction and still awaiting court action on a charge.⁷ The remaining 35% were either awaiting sentencing or serving short sentences, the latter of which commonly occurs under a practice established to address overflowing prisons through the rental of space to state prison systems.⁸ Today's outsized prison population, and the ensuing conundrum of where and how to hold it, is the result of a centuries-long history rife with oppression.

Only 4% of the worldwide population lives in the United States. Nevertheless, a startling 22% of the global incarcerated population is held in American prisons and jails.⁹ While most countries utilize some version of a penal system to maintain social order, the United States has throughout history relied heavily on its network of prisons and jails to maintain the illusion of public safety and thus political power.¹⁰ An overabundance of arrests is deployed to appease voters in lieu of providing social services proven to lower crime rates and address their root causes. Locking people up—mostly poor, young men of color—doesn't create *safety*, 'but rather a perverse form of social spending that uses state power to address a host of social problems at the back end, from poverty to drug addiction.'¹¹ Central to risk of incarceration is poverty, and at the center of poverty, is food. It is crucial to acknowledge that the landscapes, or foodscapes, from which many incarcerated people come range from lacking to food apartheid and food swamps.

⁶ (Sawyer and Wagner)

⁷ (Zeng and Minton)

⁸ (Sawyer and Wagner)

⁹ (Camplin, 3)

¹⁰ (Lichtenstein)

¹¹ (Lichtenstein)

In Kristin Wartman's 2015 article titled 'Why Food Belongs in Our Discussions of Race,' Wartman outlines a pertinent issue, one that lays the backdrop for the role of food in poor, overpoliced, and overincarcerated communities. She describes a two-tiered food system in which 'the wealthy... eat well and are rewarded with better health, while the poor... eat low-quality diets, causing their health to suffer.'¹² Many of those who arrive at prisons' gates are coming from communities that, at the very least, have been harmed by diet-related diseases rendered as the result of a skewed food system.

Most scholarship points to drug crimes, often nonviolent, as the 'culprit' for the country's exponential increase in incarceration, with more people imprisoned for drug offenses today than the entire population behind bars in 1980.¹³ Recently, in an effort to decrease the large numbers of prisoners for marijuana-related drug charges, many states have since decriminalized or legalized marijuana, particularly as legal sales of cannabis soar.¹⁴ In a win for criminal justice reform, the Federal Bureau of Prisons (BOP) released offenders convicted solely for marijuana possession and, as of January 2022, there is no one in custody under that charge.¹⁵

The War on Drugs was instigated by former President Richard Nixon in 1971, galvanized throughout the 1980s by Ronald Reagan and George H.W. Bush's administrations. It targeted drugs (and consequently drug users) as 'public enemy number one,' escalating from neighborhood cleanup to a colossal 'schism between populations' through countless arrests of

¹² (Wartman)

¹³ (Camplin, 4)

¹⁴ (Morris)

¹⁵ (Kachnowski et al.)

predominantly young Black men.¹⁶ University of Pennsylvania Law School professor Dorothy E. Roberts says the War on Drugs is ‘responsible’ for the level of Black incarceration:

The explosion of both the prison population and its racial disparity are largely attributable to aggressive street-level enforcement of the drug laws and harsh sentencing of drug offenders. An increasingly large proportion of new admissions for drug offenses combined with longer mandatory sentences to keep prison populations at historically high levels during the 1990s, despite declines in crime. The War on Drugs became its own prisoner-generating machine.¹⁷

As a result, the number of prisons grew to accommodate a rapidly expanding number of people overcrowded behind bars, many of which were nonviolent offenders. With this booming population came an opportunity for companies to cash-in through the provision of ‘goods and services’ for facilities that federal and state governments could no longer manage on their own—creating what is now referred to as the ‘prison-industrial complex,’ a term coined by Eric Schlosser in his 1998 article in *The Atlantic*: ‘a set of bureaucratic, political, and economic interests that encourage increased spending on imprisonment, regardless of actual need....It is a confluence of special interests that have given prison construction in the United States a seemingly unstoppable momentum.’¹⁸ ¹⁹ In turn, feeding the growing prison population has become a business, so much so that conferences, trade shows, and literature are dedicated to the most effective and efficient ways of running a correctional facility. As with all businesses, a profitable bottom line is the focus—and one of the largest expenses to run a prison is *food*.

¹⁶ (Camplin, 4)

¹⁷ (Roberts)

¹⁸ (Camplin, 6)

¹⁹ (Schlosser)

II. The History of Prison Food at a Glance

In 1777, English Prison Reformer John Howard writes the first major work on prison reform, proposing facilities serve inmates an unadorned but healthful diet, substantive enough to support rehabilitation. Howard includes that prisons ought to provide ‘diets suitable to [a prisoner’s] condition,’ and even ‘refresh prisoners with better food and drink on Sunday,’ but in practice food is deployed as a tool for punishment both in England and in the newly constructed prisons in the United States.²⁰

By the nineteenth century malnourishment in prisons is common, and prisoners are often served food that is spoiled, some receiving only bread and water until they earn the right to more.²¹

Around 1880, the practice of ‘convict leasing’ reaches its peak, a replacement for slavery. Under convict leasing, incarcerated people—disproportionately Black men—are ‘worked and starved to death by private businesses [profiting] from their labor.’ In the early twentieth century, nutritional science leads to a more varied diet and standardized portion sizes in many prisons. ‘Prison plantations,’ or what are now referred to as ‘prison farms,’ spread across the South and convict leasing is phased out. Prison farms are worked by incarcerated people for little or no pay and remain a source for prison food today.

Individual prisons gain near complete control over food procurement, preparation, and distribution by the mid-twentieth century. Quality ranges from decent—or, in the case of Alcatraz, quite good—to inedible.²² Prisons overfeed as a strategy, instead of withholding, to induce lethargy and compliance. It is believed that Alcatraz may have intentionally fed prisoners

²⁰ (Howard)

²¹ (Soble et al.)

²² (Soble et al.)

more than 5,000 daily calories. A 1946 menu from the prison includes bacon jambalaya, potato chowder, and beef pot pie. Author and food studies scholar Erika Camplin visited the island for her 2016 book *Prison Food in America*, cited in this paper. She noted an ‘airy’ and ‘spacious’ chow hall, an image that draws stark comparison to the gradual shift taking place decades later.²³

The 1970s see the start of mass incarceration and its ‘routine dehumanization’ of those behind bars, a period that coincides with a redirection from rehabilitation towards a more punitive model that stresses retribution instead.²⁴ Along with a rapidly growing carceral population comes the centralization of food procurement to cut costs and meet nutritional recommendations. Following Nixon’s ignition (and subsequent administrations flame-fanning) of the War on Drugs, prisons begin to rely heavily, and often exclusively, on ultra-processed foods. Food service is outsourced to corporations, creating an oligopoly under which six now reign supreme: Aramark, Sodexo, Trinity, Keagan’s Food Service, Morrison, and GEO Group.²⁵ As allocation of funds per prisoner get slashed, so too do nutrition, calories, and overall health. Today, fresh produce is exceedingly rare. Facilities use refined carbohydrates to meet calorie minimums and fortified beverage powders are the source of prisoner’s essential nutrients. With excess carbs, salt, and sugar—and a dearth of vegetables, fruits, and quality protein—people in prison ‘are fed a diet that everyone else has been advised to avoid for decades.’²⁶ Not only do meals woefully lack nutrition, but prisoners’ scant plates are bereft of calories necessary to satiate, let alone rehabilitate.

²³ (Soble et al.)

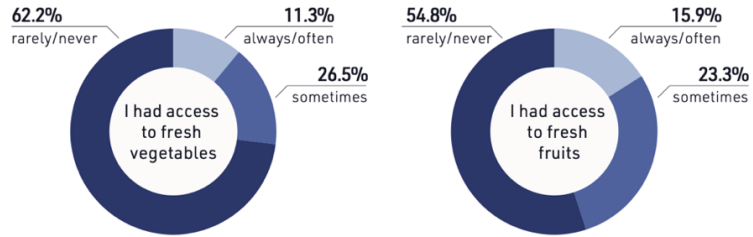
²⁴ (Soble et al.)

²⁵ (Soble et al.)

²⁶ (Soble et al.)

A scarcity of fresh produce

Impact Justice (2020).



I. Lack of Oversight

Because correctional facilities are highly secure, reluctant to permit reporters, and not often transparent, research and data on the lives of those inside is quite limited. Prisons are ‘closed institutions holding an ever-growing disempowered population,’ where the food itself ‘generates a host of overall problems for these institutions.’²⁷ Not only does this mean that anecdotal evidence is invaluable, but it also ensures that society—and taxpayers—can do little to evaluate the system they fund. Most of what reaches press are stories, and often lawsuits, about the private prison food contractors mentioned above, often Aramark.

What complicates the matter, and therefore restricts change, is the regulatory liminal space prison food occupies. Neither jurisdiction of the USDA (like public school food is), its underling FSIS (responsible for meat, poultry, and egg products), the FDA (which oversees food ingredients), or the CDC (despite the issue’s scale warranting a public health concern), prison food skirts regulation because of the many-layered web that makes up the prison system. Among all people in the system in 2019, approximately 82% were held in state facilities, 11% in federal,

²⁷ (Chan and Nathanson)

and only 7% in private ones.²⁸ Though state, local, and federal prisons are publicly owned, many contract with private corporations, listed above, that supply and run food service within them.

The BOP falls under supervision of the Department of Justice and is responsible for the care and management of federal facilities.²⁹ These facilities are required to follow food safety guidelines outlined in the Food Service Manual (FSM), the latest version of which is from September 2011, approved by Thomas Kane, Acting Director of the BOP. ³⁰ The following are listed as considerations for meal planning:

- Meals contain a variety of nutrient-dense foods among the basic food groups.
- Money, manpower, and materials required to produce the menu.
- Food flavor, texture, temperature, and appearance.
- Eating preferences of the population.³¹

The FSM also states that three meals must be served each day, two of which are hot. State and local prisons aren't required to follow FSM guidelines, but they will often establish their own regulations adapted from the document.³² States operate autonomously contracting with private operations; while they're complying with their own standards, those standards aren't always congruent with dietary recommendations.³³

²⁸ (“Census of State and Federal Adult Correctional Facilities, 2019 – Statistical Tables”)

²⁹ (Chan and Nathanson)

³⁰ (*Food Service Manual*)

³¹ (*Food Service Manual*)

³² (Chan and Nathanson)

³³ (Soble et al.)

Surrounding food served, another major health concern are the facilities in which these foods are prepared. Because public health officials don't oversee correctional institutions, the facilities themselves conduct their own inspections.³⁴ Were a restaurant to fail a health inspection, its license would be revoked, and the establishment may shut down. State-funded prisons aren't administered licenses. Prison kitchens, without the option of closing their doors, remain in operation despite myriad health violations. Camplin aptly writes, 'the lack of public outrage surrounding conditions comes into play here: Prisoners' voices, purposefully suppressed, are not loud enough to cause the public outcry needed to enact change,' leaving them little legal scaffolding to build their case around.³⁵ With one narrow avenue to seek accountability for the food-and-health-related harms the incarcerated endure while in custody (and are, at the very least, haunted by after release), food continues to be quietly weaponized by penal institutions.

I. Food as Punishment

Anecdotally, and through a series of Eighth Amendment claims—the only lever for oversight over prison food law, now choked by the Prison Litigation Reform Act—it has become apparent that many correctional facilities circumvent, bend, or splinter recommendations, guidelines, and considerations meant to protect the health and welfare of those under correctional care. The Eighth Amendment includes what is called 'The Cruel and Unusual Punishment Clause' that, in 1972, the Court specified as any punishment that is: 'so severe as to degrade human dignity,' 'inflicted solely in an arbitrary manner,' 'clearly or blatantly unnecessary,' and '[is] or would be, wholly rejected by society.'³⁶ In these cases, correctional institutions look to the American

³⁴ (Camplin, 49)

³⁵ (Camplin, 49)

³⁶ ("8th Amendment - Definition, Examples, Cases, Processes")

Correctional Association (ACA), a private non-profit that claims to have come up with a standard of best practices to run a prison. It was founded in 1870, just seven years after the Emancipation Proclamation, and during the rise of convict leasing. Today, it claims to support accredited agencies with ‘a stronger defense against litigation through documentation and the demonstration of a “good faith” effort to improve conditions of confinement.’³⁷ The FSM refers to ACA standards and courts often use them in Eighth Amendment claims.

Food is repeatedly used by prison personnel as a tool for control or punishment. Accounts include deprivation or limited number of servings, food served that may be ‘unfit for human consumption,’ lack of food for individuals with certain diets, and excessive force used when feeding.³⁸ In a 2015 article written for Vice, formerly incarcerated Stephen Katz reported breakfast being served at 4:30 AM, lunch at 10:30, and dinner at 3:30PM—though this schedule is in accordance with Michigan Department of Corrections’ policy mandating a limit of fourteen hours between meals, Katz spoke of ‘persistent hunger.’³⁹ A group of inmates of Montgomery County jail in New York filed a 2014 lawsuit claiming they were fed just 1,700 calories a day; one person lost almost thirty pounds in five months and another lost ninety over a six-month period. Alleged in the suit are also ‘hair loss, bleeding gums, and constant hunger.’⁴⁰ That same year, a preliminary investigation by human rights attorneys found that inmates in Gordon County Jail in Georgia resorted to ingesting toilet paper and toothpaste to hold themselves over.⁴¹

³⁷ (“Seeking Accreditation Home”)

³⁸ (Salvador Jimenez Murguía, 19)

³⁹ (Katz)

⁴⁰ (Subik)

⁴¹ (Santo and Iaboni)

In a much more sinister example, five prisoners held in Colorado's Administrative Maximum Facility filed a 2012 lawsuit over mistreatment of mentally ill people in their custody.⁴² When placed on 'sack lunch restriction'—a disciplinary program in which they're delivered a paper bag to solitary confinement cells with a sandwich or two and a piece of fruit, instead of the standard tray—the claimants, often chained by all four limbs, found the bags' contents to be empty. As described in the complaint, 'cruel ploys' like these are often used by correctional staff to 'torture and provoke' mentally ill prisoners 'into outbursts that are then used to justify even harsher discipline.'⁴³ Not unlike the Colorado case, a mentally ill woman under Michigan state custody was found non-responsive in solitary confinement after suffering 'water and food deprivation and poor sanitation' in 2014.⁴⁴ She was ultimately pronounced brain dead.

There's no shortage of claims and reports depicting food, undignified at best and dangerous at worst, served to the incarcerated. In a different Michigan facility, an Aramark employee ordered one prisoner working in the kitchen to feed inmates cake that rodents were found eating from.⁴⁵ To add to the list of grievances from prisoners in Michigan, an Aramark employee was fired after serving food fished from the trash, which led to termination of the contract by then-governor Snyder.⁴⁶ Maggots were found in four Ohio kitchens operated by Aramark.⁴⁷ New York jail Riker's Island let 65,000 pounds of meat spoil and attempted to feed it to prisoners after more than one supervisor labeled it 'good enough' to use.⁴⁸

⁴² (Salvador Jimenez Murguía, 17)

⁴³ (Salvador Jimenez Murguía, 17)

⁴⁴ (Salvador Jimenez Murguía, 19)

⁴⁵ (Feldscher)

⁴⁶ (Johnson)

⁴⁷ (Pelzer)

⁴⁸ (R. Johnson)

Sarah Fech, attorney with the American Diabetes Association, described the difficulties of managing diabetes while in prison, saying that food served it ‘sort of the opposite of what would be a medically appropriate diabetes diet.’⁴⁹ Diabetic emergencies are common due to timing of injections and testing, in addition to food served. An inmate with celiac disease, Peter Inserra, was punished directly and indirectly for his dietary restrictions.⁵⁰ Consuming wheat-based products, which he ate because there was no alternative despite his doctor’s confirmation of the disease, left him in the bathroom with diarrhea for hours. He was issued tickets for skipping meals and ‘wasting food,’ though Inserra gave what he couldn’t eat away to those who could. He had recreation time revoked for nearly two weeks consequently, and, after issuing a grievance was told it got ‘lost in the mail,’ though the paper complaint never left the building.⁵¹ Denial of religious dietary accommodations, have resulted in countless complaints filed. To name a few, Miami-Dade County jails saw thirty-five after Halal meals were discontinued.⁵² In just one year, more than sixty lawsuits, citing First Amendment religious rights, were filed by Jewish American prisoners who were not served Kosher meals. The ‘Guide for Vegan Prisoners’ is a booklet to assist vegan inmates in finding workarounds so they can try to maintain their diet while behind bars.⁵³

Historically, hunger strikes have been used in prisons all over the world as a form of resistance against unlawful detention, unnecessary further punishment, or the abysmal conditions inmates live in. Two of the most high-profile cases of group hunger strikes and subsequent force-feeding

⁴⁹ (Thompson)

⁵⁰ (Inserra)

⁵¹ (Inserra)

⁵² (Salvador Jimenez Murguía, 22)

⁵³ (*Guide for Vegan Prisoners*)

occurred at the Guantánamo Bay Detention Camp, both in 2005 and 2013 (though neither the first nor last), when incarcerated people protested their inhumane treatment. Force-feeding is done either intravenously or through a nasogastric tube, both of which are torturous. *The Guardian* reported accounts of five Guantánamo detainees and created animated renderings of the process, which included first-person details: ‘The food rushed into my stomach too quickly. I asked him [administrator] to reduce the speed; he not only refused, but tried to turn it up. After he finished the work, he roughly pulled the tube from my nose.’⁵⁴ Food, or the absence of, is all too often used to humiliate, dehumanize, and torture people on the other side of the cell.

Commissary is the second source from which people can supplement the food prisons serve. Commissaries function as stores within the institution, though not all facilities have them. Those that do use advanced order systems where prisoners are given a list of items available, and they mark desired purchase; requests are either fulfilled or denied based on availability, funds, and revocation of privileges.⁵⁵ Class also plays a significant role; corrections use the term ‘indigent’ and a set of policies to go along with it, including ‘indigent packs’ available at commissary that contain basic essentials like shampoo, soap, a pencil, paper, and sometimes stamped envelopes.⁵⁶ The bar for ‘indigence’ varies by state and someone can lose their status—that they may rely heavily on—if they have money added to their account.⁵⁷ In one essay from the book *Fourth City: Essays From the Prison in America*, an inmate writes: ‘I supplement my diet with commissary items like canned beans, tomato paste, pasta, and rice....I order soy products when

⁵⁴ (Townsend)

⁵⁵ (Salvador Jimenez Murguía, 30)

⁵⁶ (Initiative)

⁵⁷ (“Customized Commissary Services”)

my 8¢-an-hour “job” permits.’⁵⁸ Commissaries also frequently carry instant ramen which has eclipsed cigarettes as currency in the penal system’s informal economy as packets are cheap, flavorful, and calorically rich.⁵⁹ To depend on the purchase of calories and nutrients is both inaccessible and unreasonable.

V. Food as Rehabilitation

Hunger causes many symptoms, and those symptoms can—and often do—lead to violence. One study examining the role of nutrition on the incarcerated looked at Omega-3 fatty acids in over two-hundred young adult prisoners, concluding ‘antisocial behavior...including violence, are reduced by vitamins, minerals and essential fatty acids.’⁶⁰ Similarly, low levels of Omega-3 were linked with more aggressive behavior in a study on incarcerated men. Incorrect levels, whether too high or too low, of protein, zinc, phytoestrogens, tryptophan, cholesterol, carbohydrates, and sugar, also appear to be directly correlated with aggression.⁶¹ Corrections staff noted that meals high in carbs ‘increase aggression in the offender population,’ and the food experience overall activates ‘emotional upheaval, hostility, anger and hatred for prison staff.’⁶² From the items on meal trays to the seats fixed to the ground, the sounds, smells, and sights of chow halls leave little room for growth or rehabilitation. But there are a small handful of facilities who are working towards something better.

⁵⁸ (Larson)

⁵⁹ (Godoy)

⁶⁰ (Camplin, 11)

⁶¹ (Soble et al.)

⁶² (Soble et al.)

Mountain View Correctional Facility in Charleston, Maine has two-and-a-half acres of garden production, as well as a seven-acre apple orchard nearby. The produce is used in the facility's kitchen and apple surplus goes to other prisons in the state. Mark McBrine, an organic farmer and the institution's food service manager, says that 'food can be medicine, or it can be poison,' and enthusiastically teaches his staff from-scratch cooking skills.⁶³ More than 30% of Mountain View's purchases over the last three years were sourced from local purveyors and came in at least \$100,000 under budget.

The Maryland Food & Prison Abolition Project connects correctional facilities statewide to local urban farms and small-scale productions for sourcing fresh produce.⁶⁴ Their goal is three-pronged: supply incarcerated people with healthier, tastier food; humanize people behind bars; and support the self-determination of urban communities harmed by food apartheid. In Concord, Massachusetts, Northeastern Correctional Center houses restaurant Fire and Drum that is open to the public and operates as a culinary arts program for its inmates.⁶⁵

Italy's InGalera is a fine-dining restaurant within Bollate Prison run by a cooperative of chefs. Culinary skills, business acumen, and self-empowerment are all honed through the program.⁶⁶

Danish prison Søbysøgård is an open prison on an old farm with a bright and clean communal kitchen.⁶⁷ Men held there cook meals together and are shuttled by bus to a grocery store where townspeople wait outside for them to finish shopping. At Norway's Halden, inmates can train in

⁶³ (Soble et al)

⁶⁴ ("The Maryland Food & Prison Abolition Project")

⁶⁵ ("Fire and Drum Restaurant | Mass.gov")

⁶⁶ ("InGalera Bollate | the Restaurant of the Most Starred Jail in Italy")

⁶⁷ (Larson, "Why Scandinavian Prisons Are Superior")

a professional culinary classroom to earn cooking certificates. They also share meals, tea, and coffee with guards over casual conversation.⁶⁸ One can imagine what a dynamic of mutual humanity and respect can offer those who are looking to grow, reflect, and improve. Hunger, humiliation, and degradation affect the learning necessary to rehabilitate.

The author firmly posits that American society would fundamentally improve were these rehabilitative methods to be implemented on a large scale. Mass incarceration is a public health concern taxpayers fund. Diet-related diseases are expensive for the system, and healthful food minimizes violence. Better food procurement practices, professional development and staff training for corrections personnel, and educational opportunities for incarcerated people anchored in food and nutrition fosters reciprocity in the penal ecosystem. Dignified food is a human right that all people deserve—especially in a democratic wealthy country.

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⁶⁸ (Benko)

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