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5 **A RESOLUTION**

6
7 Opposing the use of unpaid prison labor in Milwaukee County detention facilities

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10 WHEREAS, during the American Civil War, suppressing the rebellion of those
11 traitors who took up arms against the United States to protect the alleged right of states
12 to perpetuate the institution of slavery, in so doing violating the liberty of those of African
13 descent and unfairly competing with free labor, President Abraham Lincoln's
14 Emancipation Proclamation speech began thusly:

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16 "That on the first day of January, in the year of our Lord one thousand eight
17 hundred and sixty-three, all persons held as slaves within any State or
18 designated part of a State, the people whereof shall then be in rebellion against
19 the United States, shall be then, thenceforward, and forever free; and the
20 Executive Government of the United States, including the military and naval
21 authority thereof, will recognize and maintain the freedom of such persons, and
22 will do no act or acts to repress such persons, or any of them, in any efforts they
23 may make for their actual freedom. . . ."

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25 ; and

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27 WHEREAS, Section 1 of the Thirteenth Amendment of the United States
28 Constitution, which legally ended slavery, reads, "Neither slavery nor involuntary
29 servitude, except as punishment for crime whereof the party shall have been duly
30 convicted, shall exist within the United States, or any place subject to their jurisdiction.";
31 and therefore, involuntary servitude has a Constitutional exception and protection under
32 the Thirteenth Amendment; and

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34 WHEREAS, Milwaukee County can and does use unpaid prison labor at its
35 correctional facilities; and

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37 WHEREAS, Wis. Stat. § 973.03(3) allows Wisconsin courts to grant good-time
38 credit at the rate of one day per 24 hours of work (one hour of credit per hour of work),
39 to those serving jail sentences and who perform community service for a public agency,
40 except those convicted of most felonies, and may be used in addition to good-time
41 credit enabled in Wis. Stat. § 302.43; and

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WHEREAS, beginning with Chief Judge of the Wisconsin First Judicial District Directive 08-31 and updated with Directive 14-15, those held in the Milwaukee County Jail and House of Correction may work in the kitchen, bakery, laundry room, printshop, and maintenance for additional sentencing credit at the respective discretion of the Office of the Sheriff or the Superintendent of the House of Correction, except those convicted of Class A, B, and C felonies, and certain Class D, E, F, or G felonies; and

WHEREAS, updates accommodating for COVID-19 in 2020, 2021, and 2022; allow all individuals guilty of Class G felonies to receive sentence credit pursuant to Chief Judge Directive 14-15; and

WHEREAS, pursuant to Wis. Stat. § 973.03(3) and Chief Judge Directive 14-15 as updated, the Office of the Sheriff has around 53 residents who serve in the following capacities:

- 15 residents work in the kitchen
- 6 residents serve as “occupant workers” who are mostly pre-trial detainees who help with general housekeeping such as floor cleaning, trash disposal, and common area sanitation
- 4 biohazard workers who are trained to clean and handle human pathogens
- 28 “pod workers” of the general population who help maintain a clean environment, distribute meals, clean floors, distribute cleaning supplies for cell cleaning, remove refuse, and assist with clothing exchange, among other duties

; and

WHEREAS, the Office of the Sheriff reports that all of its unpaid resident workers are entirely voluntary and variously receive added incentives for performing their duties, variously including: extra and/or “special” meals, an extra mattress, a microwave, a mini-fridge, a DVD player to watch movies off-duty, free phone calls, additional time outside of their cells, and daily clean linen; and

WHEREAS, pursuant to Wis. Stat. § 973.03(3) and Chief Judge Directive 14-15 as updated, the House of Correction currently has some of its residents volunteer to work in the following fashion:

- 118 males work in the laundry area and kitchen
- 19 females work in the kitchen
- 6 females work in graphics

83 ; and working inside, residents may also work at the House’s bakery and a recycling
84 center, while working outside residents may provide cleaning services to various
85 highways, parks, and summer festivals; and

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87 WHEREAS, the use of unpaid prison labor in Milwaukee County facilities, while
88 voluntary on the part of the residents, is akin to slavery and diminishes the ability of free
89 laborers to earn a living, as for example, the House of Corrections’ print shop competes
90 with services which could be provided by local print shops; and

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92 WHEREAS, the Milwaukee County Board of Supervisors ended its use of unpaid
93 interns to “provide better service and support to all constituents in Milwaukee County
94 and will help eliminate barriers to access work experience” (File No. 21-748); and

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96 WHEREAS, according to the Prison Policy Initiative, while those held in
97 Milwaukee County institutions are paid nothing, those held in Wisconsin prisons are
98 paid \$0.09 to \$0.42 per hour for general labor, and \$0.79 to \$1.41 per hour in Wisconsin
99 Department of Corrections Prison Industries; and

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101 WHEREAS, according to the Wisconsin Legislative Fiscal Bureau Paper #103 for
102 the Joint Committee on Finance, dated May 7, 2015:

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104 “The Department of Administration (DOA) and other designated purchasing
105 agents must offer Prison Industries the opportunity to supply products or services if the
106 price charged by Prison Industries is equal to or lower than a price which may be
107 obtained through competitive bidding or competitive sealed proposals and is able to
108 conform to the specifications. The Department of Corrections Prison Industries program
109 provides vocational training and work skills development to participating inmates
110 through production of items such as office furniture, seating, signage, and metal
111 stamping of license plates.”

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113 ; and

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115 WHEREAS, Angela Davis notes in her 2003 book, *Are Prisons Obsolete?*, “The
116 persistence of the prison as the main form of punishment, with its racist and sexist
117 dimensions, has created this historical continuity between the nineteenth- and early-
118 twentieth century convict lease system and the privatized prison business today. While
119 the convict lease system was legally abolished, its structures of exploitation have
120 reemerged in the patterns of privatization, and, more generally, in the wide-ranging
121 corporatization of punishment that has produced a prison-industrial complex” (p. 37);
122 and

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124 WHEREAS, Michelle Alexander wrote in her 2010 book, *The New Jim Crow:*
125 *Mass Incarceration in the Age of Colorblindness*, “We have allowed ourselves to be
126 willfully blind to the emergence of a new caste system – a system of social
127 excommunication that has denied millions of African Americans basic human dignity” (p.
128 323); and

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130 WHEREAS, under the present system of paying for video calls, Milwaukee
131 County generates revenue off people in our care and their friends and families, which,
132 as noted in the February 14, 2022 *Milwaukee Journal Sentinel* article, “Families pay
133 \$5.1 million per year for calls with loved ones in the Milwaukee County Jail. Supervisors
134 are considering making them free.”, the cost of paying the call fees can be burdensome
135 on a jailed population which tends to be low-income and persons of color (File No. 22-
136 432); and

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138 WHEREAS, as noted in Section 108.02(a) of the Milwaukee County Code o-f
139 General Ordinances, “Racism has been, is, and will continue to be, a public health crisis
140 until race is no longer a predictor of quality or length of life in Milwaukee County.”; and

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142 WHEREAS, incarcerated individuals are paying their debt to society through their
143 loss of freedom in imprisonment, and Milwaukee County ought not profit from captive
144 labor to sustain correctional operations; and

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146 WHEREAS, the Committee on Personnel at its meeting of July 12, 2022,
147 recommended **REJECTION** of File No. 22-825 (vote 4-1); now, therefore,

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149 BE IT RESOLVED, it is hereby the stated policy preference of the Milwaukee
150 County Board of Supervisors that the use of unpaid prison labor, particularly in
151 Milwaukee County’s Criminal Justice Facility (Jail) and House of Correction, is
152 inherently immoral and exploitative, and any service provided by prison labor undercuts
153 the ability of free laborers to earn a living.

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157 \\Fi01wpchc\comclerk\$\Committees\2022\July\PER\Resolutions\22-825 prison free labor - no edits.docx