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5 **A RESOLUTION**
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7 In support of a policy to require any item available for sale to individuals housed in the
8 County's detention facilities be charged no higher than the Manufacturer's Suggested
9 Retail Price (MSRP), or if unavailable, no higher than 125 percent of the average
10 retail/sale price in Milwaukee County
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13 WHEREAS, originating with File No. 15-720, extended in File No. 19-362 and
14 extended again for one year in File No. 21-420, Milwaukee County has a contract with
15 Aramark Correctional Services, LLC through 2022 including the provision of
16 commissary services at the House of Corrections (HOC) and Criminal Justice Facility
17 (CJF or County Jail); and
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19 WHEREAS, the commissary services provided at the HOC and CJF complement
20 the food service program, the commissary services include options such as the Fresh
21 Favorites Program which allows detainees to purchase specially prepared meals; and
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23 WHEREAS, it is commonly understood there is a link between poverty and
24 criminality, and the resident population of the HOC and Jail are poorer on average and
25 disproportionately more likely to be persons of color than the population as a whole;
26 according to Office of the Sheriff data, on August 19, 2021 approximately 75 percent of
27 HOC and Jail residents were Black while the U.S. Census Bureau's 2019 American
28 Community Survey estimated approximately 26 percent of Milwaukee County's
29 population was Black; and
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31 WHEREAS, the HOC and CJF have monopoly power in the provision of basic
32 goods and foodstuffs over those individuals incarcerated who, quite literally are a
33 "captive audience" and have no alternative but to buy products at inflated prices above
34 what the general consumer would pay elsewhere; and
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36 WHEREAS, forcing incarcerated individuals who on average tend to be poorer
37 than the population as a whole to purchase goods and foodstuffs at prices inflated
38 above the market average is price gouging and effectively a tax on the poor; and
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40 WHEREAS, the friends and families of incarcerated individuals, who often have
41 lower incomes as well, are often required to pay for the commissary needs of their
42 incarcerated loved ones; and

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44 WHEREAS, incarcerated individuals are paying their debt to society through their
45 loss of freedom in imprisonment, and Milwaukee County ought not profit from poverty
46 just to sustain governmental operations; and

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48 WHEREAS, the Committee on Judiciary, Safety, and General Services, at its
49 meeting of September 9, 2021, recommended adoption of File No. 21-807 (vote 5-0);
50 now, therefore,

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52 BE IT RESOLVED, the Milwaukee County Board of Supervisors hereby adopts a
53 policy goal to include in any future contract for commissary services for the House of
54 Corrections (HOC) or Criminal Justice Facility (CJF) the following provisions:

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- 56 • Any item made available for sale in the commissary or to persons in custody in a
57 County facility, shall be priced at or below the Manufacturer's Suggested Retail
58 Price (MSRP)
- 59 • Any item without a MSRP shall be no higher than 125 percent of the average
60 retail/sale price, such as at Meijer, in Milwaukee County for an identical or
61 substantially similar product

62

63 ; and

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65 WHEREAS, the Procurement Director, Department of Administrative Services, is
66 hereby requested to communicate the contents of this resolution to the appropriate
67 parties in advance of any renewal of the commissary contract for Milwaukee County
68 facilities.

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