



# Student Toolkit: How to Tackle Prison Labor on Your Campus

Human Trafficking Search 2020

A Project of the O.L. Pathy Family  
Foundation

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# Part 1.

# The State of Prison

# Labor Today

## ▶ *What is prison labor?*

Prison labor is a general term used to refer to the various kinds of labor performed by incarcerated people, both in prisons and immigrant detention centers. Incarcerated individuals can be forced to work as a result of the “exception clause” of the 13<sup>th</sup> amendment which states that:

*“neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”*

This constitutional loophole has permitted the use of forced inmate labor at the federal, state, and local level across the country for over 150 years. In this way, modern-day prison labor is a direct descendent of chattel slavery, chain gangs, and convict leasing.<sup>1</sup> Many historians have discussed the important role of prison labor within both historical and modern criminalization of blackness and the growth of the prison industrial complex. Because of the racial disparities within U.S. prisons, Black and brown people are disproportionately put to work with minimal or no compensation or health and safety protections. Today, the vast majority of the 2.3 million people who are incarcerated in this country are forced to work in a variety of jobs types and work conditions.<sup>2</sup>

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<sup>1</sup> Rael, Patrick. "Demystifying the 13th Amendment and Its Impact on Mass Incarceration." AAIHS. December 08, 2016. <https://www.aaihs.org/demystifying-the-13th-amendment-and-its-impact-on-mass-incarceration/>.

<sup>2</sup> Wagner, Wendy Sawyer and Peter. "Mass Incarceration: The Whole Pie 2020." Mass Incarceration: The Whole Pie 2020 | Prison Policy Initiative. March 24, 2020. <https://www.prisonpolicy.org/reports/pie2020.html>.

Modern prison labor can be broken down into three main categories:

**a) Institutional maintenance**

This refers to the employment of incarcerated people to perform services for general upkeep inside prisons, including cooking, laundry, and groundskeeping. This is the most common type of work performed by incarcerated people in the U.S and is almost always required unless an individual is employed in some other prison job or has a medical exemption.

**b) Private companies**

You may have heard about private companies like Victoria's Secret or Whole Foods contracting inmate labor. After gaining certification through the Prison Industry Enhancement Certification (PIECP) program, any Department of Corrections (DOC) can contract out prison labor to private companies.<sup>3</sup> This program, however, is quite small, and only employs a few thousand incarcerated people across the country. Wages are often highest in these jobs.

**c) Correctional Industries**

While there is a small chance that your university is purchasing prison-made goods from a private company working with a PIECP-certified prison, it's more likely that they are purchasing from the state's correctional industry, also referred to as a correctional enterprise. These correctional industries (CI) are private businesses owned and run by the specific Department of Corrections.<sup>4</sup> Some common jobs include manufacturing license plates, clothing and uniforms, office supplies, and furniture. These goods are then sold to state agencies, NGOs, and public schools and universities.

Jobs within correctional industries are typically voluntary and are generally a higher-paying alternative to institutional maintenance jobs; however, there is no set minimum wage that state DOCs are required to pay incarcerated workers in these (or other) jobs. An average of 6% of all incarcerated people in state prisons work in their state correctional industry, although this percentage varies across the country.<sup>5</sup>

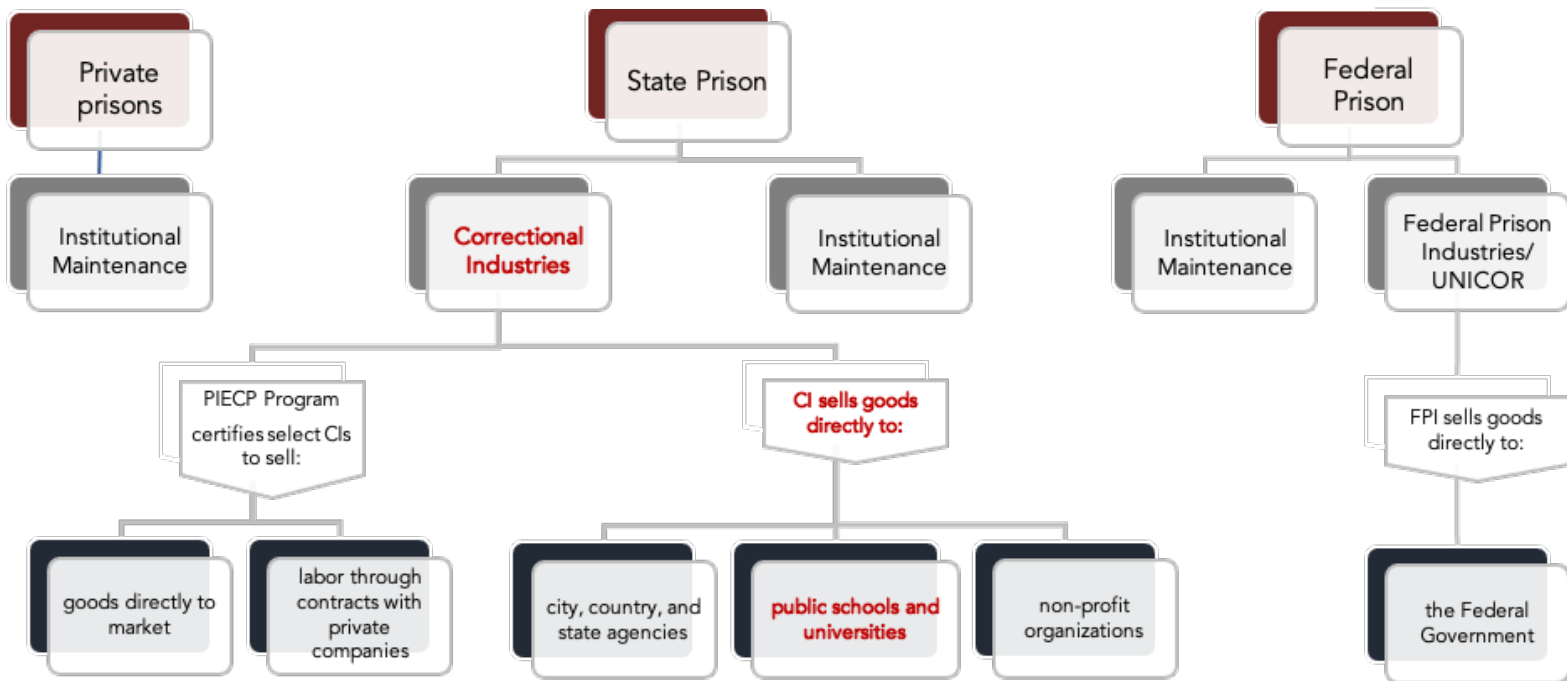
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<sup>3</sup> Bureau of Justice Assistance. "Prison Industry Enhancement Certification Program." USDOJ. March 2004. <https://www.ncjrs.gov/pdffiles1/bja/203483.pdf>

<sup>4</sup> At federal level, there is the Federal Prison Industries (FPI or UNICOR), which sells exclusively to federal agencies, primarily the Department of Defense.

<sup>5</sup> Wagner, Wendy Sawyer and Peter. "Mass incarceration"

Figure 1. Who sells prison labor and prison-made goods to whom?



## Where can I find prison labor on my campus?

The majority of prison labor on college campuses comes in the form of prison-made goods and many of them are hiding in plain sight. Some common examples are:

- Dorm beds
- Desks, tables, and chairs
- Bookcases and storage containers
- Office supplies (e.g. binders)
- Signage (e.g. exit, dorm)
- Food products

There are also examples of school's contracting prison labor to perform services like:

- Landscaping at LSU<sup>6</sup>
- Agricultural work at the University of Florida<sup>7</sup>
- Recycling at Ohio State<sup>8</sup>

<sup>6</sup> Doucette, Kevin. "Opinion: University Must Abolish Its Long-standing Use of Prison Labor." *The Reveille*. August 30, 2020. Accessed October 23, 2020. [https://www.lsureveille.com/opinion/opinion-university-must-abolish-its-long-standing-use-of-prison-labor/article\\_271a837e-e7b1-11ea-b6c8-6b232ae19ace.html](https://www.lsureveille.com/opinion/opinion-university-must-abolish-its-long-standing-use-of-prison-labor/article_271a837e-e7b1-11ea-b6c8-6b232ae19ace.html).

<sup>7</sup> Rodriguez, Nicole, and Shannon Ahern / Alligator Staff. "UF to Continue Prison Labor until 2021 at the Latest." *The Independent Florida Alligator*. July 11, 2020. Accessed October 23, 2020. [https://www.alligator.org/news/uf-to-continue-prison-labor-until-2021-at-the-latest/article\\_41905ef4-bf0c-11ea-8b13-53c06d4752dc.html](https://www.alligator.org/news/uf-to-continue-prison-labor-until-2021-at-the-latest/article_41905ef4-bf0c-11ea-8b13-53c06d4752dc.html).

<sup>8</sup> Walsh, Maeve. "The Cost of Zero Waste: Ohio State's Use of Prison Labor Sparks Scrutiny." *The Lantern*. July 08, 2020. Accessed October 23, 2020. <https://www.thelantern.com/2020/07/the-cost-of-zero-waste-ohio-states-use-of-prison-labor-sparks-scrutiny/>.

## What are some of the arguments against prison labor in correctional industries?

### a) Abysmally low or non-existent wages

In 2017, incarcerated people working for the state-owned correctional industries across the U.S. were paid, on average, between \$0.33 and \$1.41 per hour. In 3 states (Texas, Georgia, and Arkansas), they are paid nothing. Steep commissary and phone service prices mean that an incarcerated person might have to work for days, or even weeks, in order to afford a box of tampons or a phone card to call their family.<sup>9</sup>

Incarcerated people are already concentrated at the lower end of the income distribution, earning, on average, 41% less than their non-incarcerated peers before being locked up.<sup>10</sup> After being released, formerly incarcerated people may face compounding debt, struggling dependents, and even “pay-to-stay” room and board fees for their time in prison<sup>11</sup>. Many struggle to find work because of their criminal record and lack of work experience or training. In short, most incarcerated people simply cannot afford to work a full 40-hour week in a CI job and only make \$24.80 per week in New York, \$8 per week in Mississippi, or nothing at all in Texas, for example. As a result, demands for higher wages were central to the nationwide prison strike of 2018.<sup>12</sup>

### b) Lack of worker’s rights

Because prisoners are not considered employees under the Fair Labor Standards Act (FLSA), they are not legally entitled to earn minimum wage, participate in labor organizing, or enjoy health, safety, and discrimination protections.<sup>13,14</sup> Working within an institution laden with pre-existing power imbalances between themselves and correctional staff, incarcerated people have little recourse to address unsafe, unhygienic, or abusive working conditions.

While correctional industry jobs are generally voluntary, it is important to note that institutional maintenance jobs are often mandatory, barring medical exemption. Because of this, incarcerated people may choose not to work a CI job, but they will still be forced

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<sup>9</sup> Raher, Stephen. "The Company Store." Prison Policy Initiative. May 2018. Accessed November 12, 2020. <https://www.prisonpolicy.org/reports/commissary.html>.

<sup>10</sup> "Prisons of Poverty: Uncovering the Pre-incarceration Incomes of the Imprisoned." Prisons of Poverty: Uncovering the Pre-incarceration Incomes of the Imprisoned | Prison Policy Initiative. July 9, 2015. Accessed October 29, 2020.

<sup>11</sup> Eisen, Lauren-Brooke. "Paying for Your Time: How Charging Inmates Fees Behind Bars May Violate the Excessive Fines Clause." Brennan Center for Justice. July 31, 2014. Accessed October 23, 2020. <https://www.brennancenter.org/our-work/research-reports/paying-your-time-how-charging-inmates-fees-behind-bars-may-violate>.

<sup>12</sup> Keith Armstrong, "You May Be Down and Out, But You Ain't Beaten": Collective Bargaining for Incarcerated Workers, 110 J. CRIM. L. & CRIMINOLOGY 593 (2020). <https://scholarlycommons.law.northwestern.edu/jclc/vol110/iss3/5>

<sup>13</sup> Fulcher, Patrice. "Emancipate the FLSA: Transform the Harsh Economic Reality of Working Inmates". Journal of Civil Rights & Economic Development [Vol. 27:4 2015], April 17, 2015. <https://ssrn.com/abstract=2594107>

<sup>14</sup> Incarcerated people working in PIECP programs only are entitled to the local prevailing wage as a requirement of the certification to sell in inter-state commerce. Up to 80% of their wages may be deducted for taxes, room and board, family support, and victims' funds.

to work regardless. Without the ability to report workplace protection violation or engage in labor organizing, CI workers are left at the whim of their supervisors. Participants in past prison strikes have been punished with solitary confinement, loss of privileges, disciplinary write-ups, and extrajudicial abuse.<sup>15</sup>

### c) Unfair competition

One purely economic problem with the current state of prison labor is the unfair competitive advantage granted to correctional industries. This stems from the CI's ability to pay incarcerated people little to nothing for the work, making it impossible for outside businesses to compete while paying their employees at least minimum wage.

In addition, many states have statutes that give special purchasing preference to correctional industries. This means that public entities like universities often do not have to set up competitive bids for CI items- or they might be *required* to purchase prison-made goods, except in the case of a few specific exemptions (e.g. the CI doesn't or can't produce the exact type of good needed).

## ▶ **What are some of the arguments in favor of prison labor in correctional industries?**

### a) Relatively higher wages

While all prison labor wages are unfair and unacceptably low, jobs in correctional industries do often pay more than institutional maintenance jobs. Because of this, correctional industry jobs may be in high demand among incarcerated individuals in some prisons. Additionally, there are often opportunities for advancement with a corresponding wage increase. While incarcerated workers in some states' CIs still only make cents per hour (e.g. \$0.20-0.50/hr in Florida), in other states like Maine and Alaska, they may be able to earn several dollars per hour.<sup>16</sup>

### b) Vocational training and certification opportunities

Many prisons offer special training and certification for individuals in high-skill jobs like carpentry and electrical work. While employment barriers on the outside may still persist, this experience can benefit formerly incarcerated individuals in finding a job after release.

For example, one formerly incarcerated individual in Oregon described how after getting a job in the CI's furniture making operation, he was able to transition into an

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<sup>15</sup> Davis, Tamar Sarai. "From PPE to Hospital Laundry, COVID-19 Outbreak Exposes America's Dependence on Incarcerated Labor." The Daily Kos. April 2, 2020. Accessed October 23, 2020. <https://www.dailykos.com/stories/2020/4/2/1933645/-From-PPE-to-hospital-laundry-COVID-19-outbreak-exposes-America-s-dependence-on-incarcerated-labor>.

<sup>16</sup> Sawyer, Wendy. "How Much Do Incarcerated People Earn in Each State?" Prison Policy Initiative. April 10, 2017. Accessed October 23, 2020. <https://www.prisonpolicy.org/blog/2017/04/10/wages/>

apprenticeship program where he got his electrical license. After his release, this certification helped him find a job and support his family. He and others formerly incarcerated contributors to this document reported that there weren't enough of these higher-paying, correctional industry jobs for everyone who wanted one.

The quality of these programs, however, is highly variable across states and DOCs. Furthermore, the evidence to support the idea that work programs reduce recidivism rates- a key argument made by DOCS in favor of CI work- is mixed.<sup>17</sup> One formerly incarcerated individual in Florida described how he received a carpentry certification with absolutely no real training. "I left prison with a paper saying I knew how to make a cabinet, but I had no idea how to do that. My supervisor would just sleep at his desk all day while we sat around," he reports.

### **c) A way to pass the time**

Prison is often described as a place of extreme idleness. Many incarcerated individuals value having ways to pass the time and a secure way to get out of their cells or dorms. Having a job, especially an engaging and productive one, can be a good way to stave off boredom and depression. One formerly incarcerated CI worker noted how, after being locked up for several decades starting at the age of 18, his job gave him structure and taught him self-confidence. There is some evidence that points towards a connection between working while in prison and lower rates of misconduct.<sup>18</sup>

It is important to note that none of these factors nullify the coercive nature of prison labor. In fact, they are sometimes used by DOCs to justify highly exploitative practices. These factors do, however, lend nuance to the common conception that prison labor is inherently and totally negative and must be abolished in its entirety. This complexity should be taken into account as you move forward in addressing your school's use of prison labor. Make sure to do thorough research on the nature of your local correctional industry and speak with formerly incarcerated individuals to ensure your approach takes into account their lived experience.

Now that you know a little about the complicated state of prison labor today, what can you do about it? Keep reading to find out how you can launch a successful campaign for prison labor and procurement reform on your campus.

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<sup>17</sup> Duwe, Grant. "The Benefits of Keeping Idle Hands Busy: An Outcome Evaluation of a Prisoner Reentry Employment Program." *Crime and Delinquency* XX(X) 1-28. 2011. doi: 10.1177/001128711421653.

<sup>18</sup> Vuk, Mateja, and Dalibor Doležal. "Idleness and Inmate Misconduct: A New Perspective on Time Use and Behavior in Local Jails." *Deviant Behavior* 41, no. 11 (2019): 1347-369. doi:10.1080/01639625.2019.1614141.



# Part 2.

## How to Launch a Campaign on Your Campus

### ► *Step 1: Find out if your school uses prison labor*

Public universities are much more likely to buy goods made by incarcerated people because they can (and are sometimes required to) purchase directly from Correctional Industries. Private universities may be able to purchase prison-made goods through the PIECP program, but this is much less likely.

#### → **Search google and your university's website**

Find out if there are any existing articles about your university's use of prison labor. Check out your university's procurement website and look for things like catalogues, waivers/forms or stated requirements for correctional industries purchasing (example in Fig. 2).

#### → **Inquire with your school's procurement office**

Reach out to your procurement office (may also be called a purchasing office or department). Ask if the school sources any goods or services from your state's department of corrections or correctional industries. You should aim to find out a) whether they do purchase from the state CI b) what they buy and c) which prisons they buy from. It's okay if you don't get answers to all these questions immediately.

## Sourcing & Contracts

The University is required to follow certain rules and regulations based on what it purchases and the value of those purchases. Campus buyers are therefore responsible for procuring goods and services for their respective departments in accordance with all mandatory State and University procedures. These include the selection of appropriate vendors for all small purchases either through mandatory sources, the use of existing contracts, or by obtaining a quote or purchasing from appropriately certified businesses.

The following page is a guide to the University's rules on vendor sourcing.

- [Mandatory Source](#)
- [University Exclusive Contracts](#)
- [University Preferred Contracts](#)
- [Other Preferred Contracts](#)
- [Small Purchases](#)

### Mandatory Source

Virginia Correctional Enterprises (VCE): §53.1-47 Code of Virginia requires all furniture to be purchased from VCE. A written release or waiver must be obtained from VCE for all non-VCE furniture purchases prior to the purchase if (§53.1-48 Code of Virginia):

- The furniture VCE can provide does not meet the reasonable requirements of the department or institution;
- An identical piece of furniture can be obtained at a verified lesser cost from the private sector, which is evidenced by a verified request for pricing;
- Or the requisition cannot be fulfilled due to an insufficient supply of the furniture required.

Figure 2. Screen capture of The University of Mary Washington's Procurement website, 2020.

### → Make a public records request

Many states allow the public to request records from state and local agencies, including universities. You can search the regulations in your state [here](#). If done right, a public records request can help you get your hands on your university's purchasing contracts with prisons. See Appendix A for a public records request email template.

### → Look for other ways that the exploitation of incarcerated people is hidden on your campus.

One notable example is university contracts with food services company Aramark, which has been accused of a variety of abuses in their management of prison services.<sup>19</sup> If you do find an issue like this at your school, consider incorporating it into your campaign.

*→ If your school doesn't use prison labor, great! You might consider other ways to work on the issue of prisoner's rights. See point 3 of the platforms under Step 5 for some state-level reforms ideas.*

*→ If your school does use prison labor, continue onto Step 2.*

<sup>19</sup> "A US-based Company That Provided Food Service, Facilities Management, and Uniforms Globally. Provides Food and Other Logistical Services to Prisons and Uses Prison Labor." AFSC Investigate. November 25, 2019. Accessed October 15, 2020. <https://investigate.afsc.org/company/aramark>.

## Step 2: Find out if your school is required to use prison labor

Public universities are legally bound to state statutes and codes regarding purchasing practices. Some states require all state agencies and public institutions to purchase goods from their correctional industries– this includes public universities. One exception to that rule is when the CI does not produce the specific item they need or for a low enough cost; schools may then submit a waiver in order to be able to purchase elsewhere. Other states, like Colorado, give schools the option to purchase from their CI but do not require them to do so. Find out what requirements your university is working under.

### → Search google for your state’s laws on the subject

Try keywords like: “purchasing” “correctional industries” “statutes,” “state agencies.” You may be directed to the exact statute, or you may need to manually search your state’s codes. [Law.justia.com](http://Law.justia.com) is a good resource for easily navigating your state’s statutes.

Here’s an example of the relevant statute from the West Virginia Code, which *does* require universities to purchase from their CI. It can be found under Chapter 25: Division of Corrections → Article 7: Correctional Industries Act of 2009 → Section 5: Purchase of Inmate-Made Goods by State Agencies. It looks like this:

#### **§25-7-5. PURCHASE OF INMATE-MADE GOODS BY STATE AGENCIES.**

(a) On and after the effective date of this article, all offices, departments, institutions and agencies of this state supported, in whole or in part, by state funds shall purchase all articles or products which they require from the commissioner, if those articles or products are produced or manufactured by correctional industries, as provided by this article. No state office, department, institution or agency may purchase an article or product which correctional industries produces from any other source, unless specifically excepted from the provisions of this section pursuant to section six of this article.

Figure 3. Screen capture of the West Virginia Code 25-7-5, 2020.

### → Confirm your findings

It may be difficult to navigate and interpret your state’s code. You should confirm with your university’s procurement office by asking which state statutes and university policies govern their procurement of prison-made goods. Consult with a legal expert (e.g. a professor of law) about what you find to make sure you understand how legally binding the state statutes are.<sup>20</sup> While you may not be able to get answers from either of these parties, they may be able to point you in the right direction.

<sup>20</sup> Hansen, Lily. "Cauce Reveals That UW Is Not Legally Required to Use Prison Labor, as Previously Thought." The Daily of the University of Washington. November 05, 2019. Accessed October 20, 2020. [http://www.dailyuw.com/news/article\\_5919d484-fca9-11e9-b4f8-37248043c247.html](http://www.dailyuw.com/news/article_5919d484-fca9-11e9-b4f8-37248043c247.html).

## Step 3: Research wages and conditions in your state's prisons

Now that you know if your college or university purchases prison-made goods or labor, find out more about what prison labor looks like in your state. Research wages, working conditions, restrictions on worker's rights and any other information that can help make the case for reform to your administration. What educational or apprenticeship opportunities exist for incarcerated individuals? What kind of racial or economic disparities exist within the incarcerated population? How do commissary/canteen prices compare to wages?

### → Start with desk research

Compile and carefully read any available:

- News articles
- Documents from local, state, or national prison-reform organizations
- Third party audits of prisons
- Academic studies
- Documents from the DOC

#### Strategy Tip:

Be skeptical of documents produced by the DOC itself

### → Consult with community organizers

Consider reaching out to local:

- prison abolition or prisoner's rights groups
- chapters of the ACLU or NAACP
- chapters of CURE
- labor organizers
- chapters of the Incarcerated Workers Organizing Committee

Ask about:

- existing informational resources and actions on prison labor conditions, correctional industries and procurement in your area
- insight into the reform priorities of incarcerated workers themselves
- recommendations on what your potential campaign should advocate for

Community groups, especially those with long histories working in your area, are highly valuable resources. To avoid re-inventing the wheel with your activism, make sure you listen carefully to those with first-hand experience and knowledge about this issue.

## Step 4: Build a coalition

It's time to build a coalition of invested individuals, groups, and organizations.

### → First, find a home-base student group

School administrations know that one-off student campaigns are less likely to stick around. Because of this, your campaign is more likely to succeed if it comes from a well-established, reputable student group that will last beyond your graduation. If this is not already the case, start by finding a home-base group to work with. This could be a:

- Divestment and prison reform group
- Anti-trafficking or anti-sweatshop group
- Civil liberties org (e.g. ACLU)
- Racial justice org (e.g. BLM)
- Religious group
- Student labor union
- Identity/cultural group  
(e.g. Hispanic Student Association)

### Strategy Tip:

*University administrations will be most responsive to proposals that come from a credible student organization with strong infrastructure and an existing presence on campus. This kind of coalition is the best way to ensure that administrations feel obligated to act.*

If launching your campaign from within a pre-established group isn't possible, create your own. Form a small group of 3-6 individuals who can dedicate at least a few hours per week to this issue for an extended period of time. The founder of a student campaign in Florida recommends finding at least one highly skilled graphic designer to join your team or commit to working with you.

### → Next, build a coalition of as many student groups as possible.

Refer to the list of groups above for ideas about who might be interested, but make sure to cast a wide net.

You will need to define how you expect these groups to be involved. Some options are:

- Active organizers
- Passive collaborators
- Co-signers of your platform (see step 5)

### → Then, connect with faculty.

Do you know of any professors or researchers who are invested in this issue? Consider people in the field of:

- Public policy
- Sociology and urban studies

- Criminal and racial justice
- Prison education
- Social Justice and Human Rights

Allied faculty can help you navigate the bureaucratic and power structures at your universities, including who holds influence and decision-making abilities. Find out who in the staff and administration might be sympathetic to your cause.

→ **Reconnect with off-campus organizations.**

Reach back out to the community organizers who you consulted with during your research (see step 3). Ask about if they would be willing to participate in your coalition, and how.

→ **Talk with formerly incarcerated people**

It is important to incorporate the lived experiences and first-hand testimony of incarcerated people. Because of the potential risks involved for currently incarcerated individuals if they speak negatively about the DOC with outside organizations, we recommend connecting with formerly incarcerated people.

Inquire with your local prisoner advocacy organization to see if they could help you connect with individuals who have worked in the correctional industries and would be willing to talk with you. Consider asking them the following questions:

- What kind of correctional industry jobs did they have, and what were they like?
- Did they have the opportunity to receive quality vocational training/certification?
- Was there any kind of discriminatory or abusive practices in the CI?
- What kind of improvements would benefit incarcerated workers most?

**Step 5: Decide on a platform**

*(concurrent to step 4)*

Based on your research and conversations with students, faculty, off-campus community groups, and formerly incarcerated people, start building a platform to be presented to your school’s administration. Human Trafficking Search recommends the following platforms:

**Strategy Tip:**

*While collaborating with off-campus orgs is great, universities often do not feel obligated to act in the interest of outside groups. The bulk of your leverage will come from student and faculty pressure.*

**If your university is not required by state law to purchase from the CI:**

1. *The university should leverage its power to demand improvements in the following areas:*
  - a. *Wages*
    - i. *The [DOC and correctional industry] should increase the wages of all incarcerated workers to a fair wage*
    - ii. *The [DOC and correctional industry] should adjust wages according to rising prices of commissary and other goods and services within the prison*
  - b. *Worker's rights*
    - i. *The [DOC and correctional industry] should grant paid time off*
    - ii. *The [DOC and correctional industry] should allow for labor organizing by incarcerated workers*
    - iii. *The [DOC and correctional industries] should improve workplace safety and hygiene*
    - iv. *The [DOC and correctional industry] should also build a fair and responsive system for incarcerated workers to file complaints about working conditions. This includes ensuring that Correctional Industry labor is always voluntary, and workers do not experience unfair punishment*
  - c. *Educational, vocational, and employment opportunities*
    - i. *The [DOC and correctional industry] should ensure legitimate educational or vocational opportunities, in addition to or as an alternative to work programs*
    - ii. *[Your university] should participate in the improvement of educational opportunities in state prisons*
    - iii. *If [your university] has a partnership with a local corrections facility to offer college coursework, it should ensure robust advising to help students complete a degree that can help them secure a well-paying job upon release*
    - iv. *[Your university] should increase their employment of formerly incarcerated individuals for appropriate jobs*
2. *If progress on or a commitment to improving these three areas is not demonstrated within a reasonable time frame, the university should leverage the renewal or cancellation of its contract with the DOC to push for these changes.*
3. *The university should support state-level reforms to improve the working conditions of formerly and currently incarcerated people, including*
  - a. *prisoner minimum wage legislation*
  - b. *the re-categorization of incarcerated workers as "employees"*
  - c. *laws banning questions regarding conviction histories from their employment applications*

If your university is required by state law to purchase from the CI, you can adjust the platform like this:

- 1) *As the university continues to purchase goods made by incarcerated people within the correctional industry as required by the purchasing requirement in [insert statute], it should use its institutional power to advocate for prompt, substantial, and sustainable improvements of the following:*
  - a. *Wages*
    - i. *The [DOC and correctional industry] should increase the wages of all incarcerated workers to a fair wage*
    - ii. *The [DOC and correctional industry] should adjust wages according to rising prices of commissary and other goods and services within the prison*
  - b. *Worker's rights*
    - iii. *The [DOC and correctional industry] should grant paid time off*
    - iv. *The [DOC and correctional industry] should allow for labor organizing by incarcerated workers*
    - v. *The [DOC and correctional industry] should improve workplace safety and hygiene*
    - vi. *The [DOC and correctional industry] should also build a fair and responsive system for incarcerated workers to file complaints about working conditions. This includes ensuring that Correctional Industry labor is always voluntary, and workers do not experience unfair punishment*
  - c. *Educational, vocational, and employment opportunities*
    - vii. *The [DOC and correctional industry] should ensure legitimate educational or vocational opportunities, in addition to or as an alternative to work programs*
    - viii. *[Your university] should participate in the improvement of educational opportunities in state prisons*
    - ix. *If [your university] has a partnership with a local corrections facility to offer college coursework, it should ensure robust advising to help students complete a degree that can help them secure a well-paying job upon release*
    - x. *[Your university] should increase their employment of formerly incarcerated individuals for appropriate jobs*
- 2) *The university should also support state-level reforms to improve the working conditions of incarcerated people, including*
  - a. *prisoner minimum wage legislation*
  - b. *the re-categorization of incarcerated workers as "employees,"*
  - c. *laws banning questions regarding conviction histories from their employment applications*
  - d. *amending the purchasing requirement for state-funded entities.*



If your school is in Texas, Georgia, or Arkansas<sup>21</sup>, where correctional industries workers are not paid anything, we recommend the following platform:

- 1) The university should immediately and permanently cease purchasing [all or some goods] from the correctional industry unless the DOC agrees to pay incarcerated a fair wage.
- 2) The university should use its institutional power to advocate for prompt, substantial, and sustainable improvements of the following:
  - a. Worker's rights
    - i. The [DOC and correctional industry] should grant paid time off
    - ii. The [DOC and correctional industry] should allow for labor organizing by incarcerated worker
    - iii. The [DOC and correctional industry] should also build a fair and responsive system for incarcerated workers to file complaints about working conditions. This includes ensuring that Correctional Industry labor is always voluntary, and all prison labor is safe and hygienic.
  - b. Educational opportunities
    - i. The [DOC and correctional industry] should ensure educational opportunities, in addition to or as an alternative to work programs
    - ii. The university should participate in the improvement of educational opportunities in state prisons.
    - iii. If [your university] has a partnership with a local corrections facility to offer college coursework, it should ensure robust advising to help students complete a degree that can help them secure a well-paying job upon release
    - iv. [Your university] should increase their employment of formerly incarcerated individuals for appropriate jobs
- 3) The university should support state-level reforms to improve the working conditions of incarcerated people, including
  - a. prisoner minimum wage legislation
  - b. the re-categorization of incarcerated workers as "employees"
  - c. laws banning questions regarding conviction histories from their employment applications

#### Strategy Tip:

Many student-led campaigns end after its initial leaders graduate. University administrators know this. Make plans for continuity past graduation turnover and make this clear to them.

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<sup>21</sup> While Texas and Arkansas do not require public universities to purchase from their state CIs, Georgia may require the purchasing of some goods

### → Adjust the platform for your school and state

You should adjust this platform based on the feedback you receive from the organizations, experts, and especially the formerly incarcerated people you have consulted with. Not all of the recommendations in the above platforms will be appropriate or possible in every context. Also consider other ways your university might be able to contribute to improving the conditions of incarcerated workers that are not included in the model platforms above.

### Why do we recommend these platforms?

It may seem like ending the use of prison labor in your university's supply chain is the best answer to this ethical dilemma. Indeed, that approach does eliminate your school's direct and obvious participation in the Prison-Industrial Complex and practices of forced labor. We recognize the complexity and difficulty of this issue, and do not seek to justify or excuse prison labor. Labor within prisons, even when advantageous for incarcerated people, is exploitative. Campaigning to cease purchasing from the correctional industry, however, may be privileging your school's reputation and your personal discomfort and values above the wellbeing of incarcerated people.

The opportunity to have a job in prison is supported by many incarcerated people. Access to work can provide structure, meaningful activity, and skill-building for many individuals. Above all, it is often a much-needed source of income to support themselves and their families, who experience poverty at a disproportionate rate.<sup>22</sup> Ending your school's purchasing relationship with the CI is more likely to take away desired job opportunities, rather than improve life for incarcerated people. Your school can have a greater impact by leveraging that relationship to improve wages, working conditions, labor rights, and educational opportunities.

It is untenable, however, for incarcerated workers to labor without any pay at all. Without any possibility of being compensated for their work, this is without a doubt slave labor, and ending a university's purchasing relationship with the prison would not deprive incarcerated workers of paid job opportunities. As a result, HTS supports the ending of contracts in these cases.

## Step 6: Build your digital presence and educate

### → Create social media accounts

Facebook, Twitter, and Instagram are good places to start. Be sure to populate them with high-quality branding and graphic design. Pick a color scheme, font, and stick with them to build a consistent look. You may consider building a website, but don't forget to update it regularly. Make sure to include contact information, potentially for one team member who has been designated for communications.

#### Strategy Tip:

*If you can't work with a graphic designer, Canva.com can help you easily create professional looking graphics for free.*

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<sup>22</sup> "Prisons of Poverty: Uncovering the Pre-incarceration Incomes of the Imprisoned." Prisons of Poverty: Uncovering the Pre-incarceration Incomes of the Imprisoned | Prison Policy Initiative. July 9, 2015. Accessed October 29, 2020. <https://www.prisonpolicy.org/reports/income.html>.

### → Build a following

Use your coalition to push your social media accounts and build a substantial following. Post regular and engaging content like pictures, infographics, and videos. Try hanging up physical flyers to advertise your group and accounts. You may consider creating a listserv of emails through which you can keep invested followers updated on new actions and developments.

### → Educate

This includes creating educational graphics on the use of prison labor at your school and publicizing your campaign. Take time and be thoughtful when explaining the reasoning behind your platform, especially if you are not calling for the ending of contracts. Many students invested in social justice might assume that abolition of prison labor is the only ethical way to go about addressing this issue. Consider creating a short video explaining your campaign and platform. You may want to solicit donations in order to pay your graphic designers and/or videographers for their work.

## Step 7: Reach out to your administration

### → Write a proposal. It should include:

- a) A summary of prison labor in your state and/or specific correctional institutions, including information about:
  - a. Wages
  - b. Restrictions on worker's rights (e.g. unionization)
  - c. Testimonial from incarcerated people
- b) Your university's mission and ethical standards
  - a. Point out contradictions in your university's stated goals/ethical standards/reputation and their use of prison labor
  - b. Include recent university statements on addressing racial injustice and disparities. Point out the direct legacy of slavery within prison labor (13<sup>th</sup> amendment).
- c) Your platform (see Step 5)
- d) Your list of endorsements and letters of support (see Step 6)
- e) The university's opportunity to work for social justice, including:
  - a. The benefits of well-paid work for incarcerated people
  - b. How it can uphold its educational mission and ethical standards by enacting your platform

### Strategy Tip:

*Some prison administrations argue that low wages make up for housing, food, and other costs associated with incarcerating people. Learn more about the arguments against this idea [here](#) and [here](#).*

### → Reach out to the administration

We recommend initially approaching the administration with a positive proposal, rather than a list of demands. It may be more effective to present yourself as a collaborator, rather than a protester. One administrator who worked on the prison-labor procurement reform committee at Colorado University said: "Students tend to approach with a list of demands. I think they can have the opposite effect [of

what was intended]. The administration is probably more than willing to engage with this issue. Approaching the administration in a positive and constructive manner is important.”

Another university faculty member recommends framing the conversation as rethinking the university’s relationship with the community inside prisons. Stress how this reform is in the best interest of the university. Not only will it be a positive news story about taking action to address the legacy of slavery, but it will allow the university to extend its educational mission into the community.

### → Request a meeting

Send an email to the president, their secretary, and other decision makers on this issue requesting a meeting. Stress the urgency of the matter and your desire to collaborate rather than protest. During the meeting, be sure to take the time to educate them on the reasoning behind your platform and the ethical imperative of meaningful action. Ask if you can record the meeting with audio or film. Take good notes.

### → Regroup and identify next steps

What was said during the meeting, and what was the underlying message? Who seems to be a key decision-maker or a sympathetic ear? What promises were made or avoided? How can you hold them accountable? What are the next steps?

### Strategy Tip:

*The University of Florida initially refused to end their use of unpaid prison labor in some agricultural programs. Protests organized by UF Coalition Against Prison Slavery, Florida Prisoner Solidarity and others following the murder of George Floyd pushed them to finally end this practice. Consider how your campaign intersects with other social justice issues.*

## Step 8: Build Pressure

Be wary of empty bureaucratic measures. Universities often use meetings, working groups, and public statements to delay action rather than expedite it. If your administration is not responsive to your initial constructive approach, it may be time to shift strategies.

### → Transition to a public list of demands

Publish a summary of your interactions with the administration and your list of demands on a change.org petition. Include any relevant quotes, audio, or video from the meeting. End with a strict deadline for your administration to respond.

### → Launch your full social media campaign

Prepare graphics ahead of time that denounce your university’s unwillingness to act. Share your change.org petition widely through your coalition and work to rack up signatures. The goal here is to get people talking critically about your university. The petition itself won’t force the administration to act, but the public pressure can be useful leverage.

→ **Launch other actions like:**

- a) Publishing articles in the school or local newspaper
- b) An in-person protest (if safe)
- c) A series of letter, phone, and email “zaps” to the offices of key decision-makers

→ **Invite relevant administrators to meet again**

Move onto this step only after achieving momentum through a robust social media reach and a successful action. Both of these things will give you crucial leverage. During the meeting, do not settle for a response that sounds like “we have heard your demands” or “we will take this under advisement.” Demand a timeline for change and accountability measures.

→ **Repeat until successful**

If there is no sign of progress after this meeting, continue building your social media and press coverage and launching actions. Ask for another meeting once you’ve gained more leverage.

An effective student campaign is consistent and sustained. As one student activist from the University of Washington said, “you need to bug them until they give.” Make it clear that you intend to keep applying pressure.

→ **Share your story with Human Trafficking Search**

We would love to hear about how you’ve implemented this toolkit at your school. Contact us through our [website](#), [Facebook](#), or [Twitter](#).



Figure 4. Coalition to Abolish Prison Slavery at UF social media graphic targeting the University of Florida

**Strategy Tip:**

*Universities care about their public image. Leverage this against them. For example, point out the hypocrisy between a liberal reputation with their unwillingness to stand up for the rights of incarcerated people. Try cc'ing local politicians and local/campus media that may give your demands some press.*

# Acronyms

CI- Correctional Industries

DOC- Department of Corrections

FPI- Federal Prison Industry

PIECP- Prison Industry Enhancement Certification Program

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# Appendix A:

## Public Records Request Email Template

Dear records custodian,

I am submitting this request for information pursuant to [insert public records statute] regarding all active contracts the [your university's governing board] or any of the colleges, departments, etc. under the [your university] umbrella has with Federal Prisons, State Prisons, County Jails, and City Jails for the use of inmate labor. Please let me know if you have any clarifying questions and of any costs associated with acquiring these contracts. I've added a list of all corrections facilities in [your state] for use if needed. I'd like these contracts by close of business on [one week] Please let me know if this is an unreasonable request.

[Insert a list of all prisons and jails in your state]

# Appendix B:

## Related Student and Community Groups\*

### Colorado

Together Colorado

University of Colorado Organization Between Student Orgs

### Florida

Coalition Against Prison Slavery (CAPS) at UF

Florida Prisoner Solidarity

### Maryland

Prison Resistance Project

### New York

SUNY Graduate Workers Against Institutionalized Racism

### Oregon

Oregonians Against Slavery and Involuntary Servitude (OASIS)

University of Oregon Student Labor Action Project

### Virginia

Virginia Prison Justice Network

W&M Students United

### Washington

University of Washington United Students Against Sweatshops

Find your local chapter of the  
Incarcerated Workers Organizing Committee [here](#).

\*Inclusion in the following list does not indicate agreement with this toolkit or its suggested platforms