

May 23, 2021

TO: Honorable Members of the Board of Supervisors, County of San Mateo  
Dave Pine, District 1  
Carole Groom, District 2  
Don Horsley, District 3  
Warren Slocum, District 4  
David Canepa, District 5

RE: San Mateo County's use of California Department of Corrections and  
Rehabilitation (CDCR) Work Crews for fire fuel reduction work

FROM: San Mateo County Parks Commissioners  
Jorge Laguna, District 1  
Heather Green, District 2  
Neil Merrilees, District 3  
Meda Okelo, District 4  
Basem Manneh, District 5

Dear Supervisors,

It is an honor and a privilege to serve on the Parks Commission and support all the tremendous work the Parks Department delivers for San Mateo County. As Commissioners we have been consistently impressed with Department staff and leadership, and we are confident our future is bright.

There is a matter that has come before the Commission that we believe demands your attention: our use of underpaid prison labor for fire fuel reduction work. As a matter of regular practice and not unlike other counties, San Mateo County makes use of CDCR prisoners' labor as part of our Cal Fire projects to clear brush and reduce fire risk. For such efforts, **most CDCR workers earn \$2.67 per day.**

This extraordinarily low wage is, as of now, constitutional. While the 13<sup>th</sup> Amendment eliminated slavery and forced servitude, it also made an exception for the punishment of a crime. This carve-out directly incentivized the arrest of Black people throughout the United States and laid the foundation for the racist imbalances that persist in our criminal justice system today. The California constitution makes the same exception. Whether or not you believe it is possible for a prisoner to engage in voluntary labor

while in custody, our ongoing arrangement for cheap prisoner labor implicates present-day San Mateo County in a terrible legacy.

Doesn't this program benefit the prisoners who sign up to do this work in exchange for reduced time on their sentences? Yes, at Commission we heard firsthand from the Cal Fire CDCR program administrator, and the mutual benefit is apparent. The work, skills development, modest pay, and change of scene are beneficial to the prisoners. Prisoners are eligible for skills training credits and work off sentencing time.

However positive, the incentive structure for this labor does not obviate our County's responsibility to pay fairly for work. Financial savings in the current arrangement accrue to the State, which paid \$177 per day per prisoner in 2015. Just as with our interns who learn on the job and otherwise benefit from County work, so too should we pay fairly those who deliver some of our most important public safety risk mitigation.

Having learned in detail about the program and its administration, we believe San Mateo County can leave the existing program in place and augment it with a fairer wage for only modest funds through a County-funded stipend. We learned that Cal Fire has excellent administrative records for the people involved in their program, and those records could be used to connect wage subsidies to participants.

A few data points give a sense of the resources involved:

- For FY2021-22 the Department has requested 32 days of CDCR work crews.
- The County currently pays \$250 per work day for fuel, chains and parts, and tools for the bus – \$8,000 for FY2021-22.
- Even if the County provided full minimum wage for the anticipated work, at 12 people per crew for 32 eight-hour days, the additional cost would be approximately \$48,000, still far below market value for the work.

According to discussion from our April 1 meeting, the Parks Department does not have a source identified for a fair payment pilot for CDCR labor delivered in San Mateo County. Additional funds would need to be provided at the Board's discretion.

**As a policy matter, we respectfully request that when the Board considers the Parks Department's budget, you consider appropriating supplementary funds to pay more fairly for the labor we use for fire fuel reduction work.**

More systemic change is on the horizon. California State Representatives have put forward ACA-3, The California Abolition Act to Abolish Involuntary Servitude, now in Public Safety Committee. In addition to an ongoing appropriation, we also respectfully ask that the Board consider a resolution endorsing ACA-3.

We understand that we are still in the midst of a pandemic, and budgets are tight for all departments. Still, it is long past time to right the wrongs of a structurally biased system in whatever ways we can.

Thank you for doing what you can to bend our arc towards justice.