APPENDIX

TABLE OF CONTENTS

Appendix A – Court of Appeals Final Judgment (June 8, 2026).....1a

Appendix B – Court of Appeals Opinion (June 5, 2026).....3a

Appendix C – District Court Order Granting Motion to Dismiss (September 30, 2024).....12a

Appendix D – Relevant Statutory Provisions.....33a

Appendix E – Complaint with Exhibit A Thereto (October 10, 2023).....37a

APPENDIX A

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

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FINAL JUDGMENT

June 8, 2026

Before

MICHAEL B. BRENNAN, *Chief Judge*
FRANK H. EASTERBROOK, *Circuit Judge*
DIANE S. SYKES, *Circuit Judge*

No. 24-2939	ALEKSEY RUDERMAN, ARTURO SALDIVAR, and CHRIS POCKNELL, Plaintiffs-Appellants v. KENOSHA COUNTY, et al., Defendants-Appellees
Originating Case Information:	

District Court No: 2:23-cv-01336-BHL
Eastern District of Wisconsin
District Judge Brett H. Ludwig

The judgment of the District Court is VACATED and the case is REMANDED, in accordance with the decision of this court entered on June 5, 2026. Each party bears its own costs.

Clerk of Court

APPENDIX B

In the
United States Court of Appeals
For the Seventh Circuit

No. 24-2939

ALEKSEY RUDERMAN, ARTURO SALDIVAR, and CHRIS POCKNELL,

Plaintiffs-Appellants,

v.

KENOSHA COUNTY, WISCONSIN, *et al.*,

Defendants-Appellees.

Appeal from the United States District Court

for the Eastern District of Wisconsin.

No. 23-cv-1336-bhl — **Brett H. Ludwig**, *Judge*.

ARGUED SEPTEMBER 25, 2025 — DECIDED JUNE 5, 2026

Before BRENNAN, *Chief Judge*, and EASTERBROOK and SYKES, *Circuit Judges*.

EASTERBROOK, *Circuit Judge*. Since 2000 the Kenosha County Jail has contracted with federal agencies to house aliens who are detained pending hearings or removal. According to the complaint, whose allegations we must accept at this stage, the Jail requires these civil detainees to perform unpaid custodial work, such as sweeping floors and cleaning phones, tables, or showers. Aliens who refuse may be disciplined by loss of commissary privileges, loss of phone privileges, or solitary confinement for as long as ten days.

Three aliens filed this suit under 18 U.S.C. §1589, a criminal statute that has a civil damages remedy (18 U.S.C. §1595). The salient parts of §1589 provide:

(a) Whoever knowingly provides or obtains the labor or services of a person by any one of, or by any combination of, the following means—

> (1) by means of force, threats of force, physical restraint, or threats of physical restraint to that person or another person;
>
> (2) by means of serious harm or threats of serious harm to that person or another person;
>
> (3) by means of the abuse or threatened abuse of law or legal process; or
>
> (4) by means of any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint …

(c) In this section:

> (1) The term "abuse or threatened abuse of law or legal process" means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.
>
> (2) The term "serious harm" means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm.

The district court dismissed the suit on the pleadings, ruling that §1589 applies only to human trafficking, a term that cannot plausibly be applied to discipline during lawful custody. 752 F. Supp. 3d 1084 (E.D. Wis. 2024).

The district court based its conclusion not on the language of §1589, or its title ("Forced labor"), but on the title and imputed purpose of a larger enactment of which §1589 is a part: The Trafficking Victims Protection Act of 2000. Large-scale legislation such as the 2000 statute often contains provisions that do not fit neatly under an umbrella title; a bill

that seems fated to pass may attract amendments on multiple topics, and the sponsors of these amendments may have aims that differ from those of the floor managers. To figure out what §1589 means, we must look at what it says rather than what else was enacted at the same time. Other parts of the 2000 statute deal directly with human trafficking—both forced labor under threats and sex trafficking. Sections 1590 to 1592 are among these provisions. We must deal with §1589 on its own terms.

At least two courts of appeals have concluded that §1589 applies to labor required of civil immigration detainees: *Gonzalez v. CoreCivic, Inc.*, 986 F.3d 536 (5th Cir. 2021), and *Barrientos v. CoreCivic, Inc.*, 951 F.3d 1269 (11th Cir. 2020). Another has held that §1589 is not limited to human trafficking. *Burrell v. Staff*, 60 F.4th 25, 39 (3d Cir. 2023). Adopting the district court's approach would put us in conflict with those three circuits.

We appreciate the need for modesty in dealing with §1589, because read for all it could be worth the statute would forbid prisons from requiring even convicted felons to work, a break from traditional practice (and from the language of the Thirteenth Amendment) that would have occasioned comment during the legislative process. Yet no one in Congress suggested that §1589 would make it a crime for a prison's warden to require felons to labor as part of their punishment. That's why we held in *Taylor v. Salvation Army*, 110 F.4th 1017, 1032 (7th Cir. 2024), that, despite §1589, convicts may be required to

work—not only in prison but also as part of work-release programs. Plaintiffs do not ask us to reconsider *Taylor*, but they stress that none of them has been convicted of a crime. Aliens held pending hearings or removal are civil detainees. (Some of the detainees have been charged with crimes, but as far as the complaint goes none is serving time on a criminal conviction.)

Gonzalez and *Barrientos* hold that §1589 *applies* to civil detention of aliens, but not that it was violated in either case. Both suits were remanded and were either settled (*Barrientos*) or dismissed without prejudice (*Gonzalez*). Kenosha County does not want us to address the merits in this suit either. It contends that §1589 does not apply to public jails. The detention facilities in *Gonzalez* and *Barrientos* were private. Kenosha tells us that public facilities, by contrast, are not within the scope of the statute's first word: "Whoever".

This is hard to accept. Counties lack the sovereign immunity accorded to their parent states. For the purpose of federal jurisdiction under 28 U.S.C. §1332, a county is treated as a "citizen" of its state, just like any natural person. See *Moor v. Alameda County*, 411 U.S. 693, 718–21 (1973). For the purpose of 42 U.S.C. §1983, one of the principal civil-rights statutes, a county (unlike a state) is a "person" subject to suit for damages. Compare *Monell v. New York City Department of Social Services*, 436 U.S. 658, 690 (1978) (municipalities are "persons"), with *Will v. Michigan Department of State Police*, 491

U.S. 58 (1989) (states are not "persons"). A comprehensive word such as "whoever" includes all juridical "persons". True, states may be able to invoke sovereign immunity (unless we understand §1589 to be based on §2 of the Thirteenth Amendment or §5 of the Fourteenth Amendment, see *Fitzpatrick v. Bitzer*, 427 U.S. 445 (1976)), but counties and other municipalities lack that protection. In Wisconsin counties are "bod[ies] corporate, authorized to sue and be sued." Wis. Stat. §59.01.

The Dictionary Act, 1 U.S.C. §1, tells us that "the words 'person' and 'whoever' include corporations, companies, associations, firms, partnerships, societies, and joint stock companies, as well as individuals". Kenosha County takes comfort in the fact that this definition does not mention municipalities. But it uses the word "include" and does not rule out any kind of entity. By grouping "person" and "whoever" under a single definition, the Dictionary Act invites the conclusion that an entity classified as a "person" comes within "whoever" as well. We know from *Monell* that counties in Wisconsin are "persons" under §1983 and from *Moor* that they are treated like natural persons for the purpose of §1332. We hold that the word "whoever" in §1589 includes "bod[ies] corporate" such as counties in Wisconsin. (Whether "whoever" includes the national government is a distinct question, given the approach of decisions such as *Department of Agriculture v. Kirtz*, 601 U.S. 42 (2024). We do not address it today.)

Putting the prohibitions in §1589(a) together with the definitions in §1589(c) leads to the conclusion that a county jail violates §1589 by threatening civil detainees with solitary confinement to coerce them to work. Section 1589(a)(1) says that threats of "physical restraint" are forbidden—and solitary confinement is one form of physical restraint. Similarly §1589(a)(3) says that "abuse of the law or legal process" is a forbidden means to compel work. The definition of that phrase in §1589(c)(1) shows that, when law or legal process *authorize* work—as statutes or regulations may do for convicted prisoners—there is no "abuse" in requiring work. But in supplemental briefs filed after oral argument, Kenosha County did not contend that any statute or regulation authorizes its work requirement for civil detainees. The contracts under which federal agencies have sent detainees to the County Jail say, to the contrary, that the Jail is authorized to offer paid work to detainees, not that it is authorized to compel unpaid work from detainees.

Once again, we recognize that this statute must be applied with care lest it condemn many common practices. Take §1589(a)(2), which prohibits threats of "serious harm" to induce labor. Section 1589(c)(2) defines this phrase to mean "any harm, … including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that

harm." Suppose an opera company that has signed a famous tenor to sing the role of Radames in *Aida* reminds him that, if he doesn't show up, he not only won't be paid but also won't be hired in the future. That threat of financial harm may induce the tenor to sing—indeed, that's the point. Yet treating the statement "you won't be paid if you don't work" as a federal crime would wreck the law of contract at a stroke.

Many other situations come to mind in which broad application of the language in §1589 would be jarring and implausible. We need not rehearse them. In *Taylor* we found work-as-punishment-for-crime outside the scope of §1589. That may be true of our opera singer too—without jeopardizing the understanding that the statute covers an *au pair* who arrives with an agreement to do housework for pay and then is held as an indentured servant without compensation or a passport.

Whatever may be said about convicted felons and market transactions, nothing in either the text or context of §1589 permits a local jail to compel civil detainees—persons not subject to punishment—to work on pain of solitary confinement or loss of phone contact with the outside world. The complaint alleges threats that cannot be dismissed as too slight to activate the statute. Whether the allegations of the complaint can be proved, and if so what damages are appropriate, are among the questions open on remand. The district judge also should consider the County's argument that the statute is

unconstitutionally vague, a subject on which an appellate court should not be first to speak.

VACATED AND REMANDED

APPENDIX C

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ALEKSEY RUDERMAN,
ARTURO SALDIVAR and
CHRIS POCKNELL,
Plaintiffs,

Case No. 23-cv-1336-bhl

v.

KENOSHA COUNTY, et al,
Defendants.

ORDER GRANTING MOTION TO DISMISS

Plaintiffs Aleksey Ruderman, Arturo Saldivar, and Chris Pocknell are non-citizens of the United States who were civilly detained by United States Immigration and Customs Enforcement while awaiting their potential removal from the country. The federal government placed all three at the Kenosha County Jail pursuant to an Intergovernmental Service Agreement with Kenosha County. In this lawsuit, Plaintiffs do ***not*** challenge the legality of their detention. Instead, they complain that, while lawfully detained, they, along with all other detainees and jail inmates, were required to

clean up after themselves. More specifically, jail policy required them periodically to perform housekeeping chores in the common areas without compensation and with potential discipline if they refused. Kenosha's jail policy is hardly unique; prisons and jails have long required inmates to perform basic cleaning tasks without pay and subject to discipline if they refuse to pitch in. Plaintiffs nevertheless seek to take advantage of the federal Forced Labor statute, 18 U.S.C. § 1589, to claim they are entitled to compensation as "victims" of "illegal human trafficking." They have sued Defendants Kenosha County, the Kenosha County Sheriff's Department[1], (former Kenosha County Sheriff David Beth, and supervisory Jail employees Robert Hallisy, Larry Apker, Marc Levin, Justin Miller, and Bill Beth for violations of the Forced Labor statute, enacted as part of the Trafficking Victims Protection Act (TVPA). They seek monetary damages under the civil remedy provisions of the TVPA, 18 U.S.C. § 1595, on behalf of themselves and a class of similarly situated detainees.

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[1] As Plaintiffs concede, (ECF No. 38 at 45 n.8), the Kenosha County Sheriff's Department is not an entity that can be sued. Under Federal Rule of Civil Procedure 17(b), defendants in a federal lawsuit must have the capacity to be sued; this is a question of state law. *See Webb v. Franklin Cnty. Jail*, Case No. 16-cv-1284-NJR, 2017 WL 914736, at *2 (S.D. Ill. Mar. 8, 2017). Under Wisconsin law, a county sheriff's department "is not a legal entity separable from the county government which it serves." *See Whiting v. Marathon Cnty. Sheriff's Dept.*, 382 F.3d 700, 704 (7th Cir. 2004).

Defendants have moved to dismiss the complaint. Defendants insist that the enforcement of jail rules requiring Plaintiffs, like all other inmates, to periodically clean common areas does not violate Section 1589. Because the Court concludes that the Forced Labor statute does not apply in the context of the conduct alleged in the complaint, it will grant Defendants' motion and dismiss the complaint.

BACKGROUND ALLEGATIONS[2]

From August 2000 until at least 2020, Kenosha County contracted with the federal government to house civil immigration detainees for U.S. Immigration and Customs Enforcement. (ECF No. 1 ¶¶17, 30.) The Kenosha County Jail housed over 100 civil detainees at any given time, for which Kenosha County received payment of $70.00 per day per detainee. (*Id.* ¶¶18–19.) While housed at the jail, detainees were forced to clean the common areas of the facility, including showers, hallways, and recreational areas. (*Id.* ¶21.) Each day, corrections officers would select four to six detainees and order them to perform janitorial duties. (*Id.* ¶22.) Detainees were not compensated for this work. (*Id.* ¶29.) Plaintiffs are all former civil immigration detainees housed in the Kenosha County Jail who were required

[2] These facts are derived from Plaintiffs' class action complaint, (ECF No. 1), the allegations in which are presumed true when considering a motion to dismiss. *See Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 554–56 (2007).

to perform janitorial work during their detentions. (*Id.* ¶2.)

Plaintiff Aleksey Ruderman was detained in the jail in or around 2020. (*Id.* ¶30.) Upon arrival, Ruderman was informed by a corrections officer that he would be subject to punishment if he refused cleaning duties. (*Id.* ¶¶31–32.) On February 12, 2020, Ruderman submitted a formal grievance to the Kenosha County Sheriff's Department, asserting that the jail's policy violated the TVPA. (*Id.* ¶33.) Ruderman's grievance was denied the same day. (*Id.* ¶34.) Following the grievance submittal, a jail officer warned Ruderman to not "rock the boat." (*Id.* ¶35.) Ruderman appealed the denial, but his appeal was similarly denied. (*Id.* ¶¶36–37.) About once every two weeks during his detention, Ruderman was forced to perform janitorial work, including sweeping, cleaning and disinfecting dining tables, and cleaning the showers, tables, phones, indoor recreation area, and multi-purpose room. (*Id.* ¶38.) Ruderman performed this work only because he faced the prospect of discipline if he refused. (*Id.* ¶39.)

Plaintiff Arturo Saldivar was detained in the jail for several months in or around 2016. (*Id.* ¶40.) Saldivar was forced to perform janitorial work two or three times per week during his detention, including cleaning the jail's outdoor recreation area, hallways, and gym. (*Id.* ¶41.) Saldivar witnessed other detainees being punished with solitary confinement when they refused orders to clean. (*Id.* ¶42.) Saldivar performed janitorial work only because he was faced with punishment if he failed to comply. (*Id.* ¶43.)

Plaintiff Chris Pocknell was detained in the jail from approximately 2014 to 2016. (*Id.* ¶44.) Pocknell was forced to perform janitorial work approximately twice a week during his detention, including cleaning the showers, dining tables, phones, indoor recreation area, and multi-purpose room, as well as sweeping the floors. (*Id.* ¶45.) Pocknell performed this work only because he was faced with potential punishment if he refused to comply. (*Id.* ¶46.) During a portion of his detention, Pocknell suffered from a knee injury and wore a prescribed knee brace. (*Id.* ¶47.) Because of his knee injury and otherwise poor health, Pocknell refused to perform janitorial labor on several occasions. (*Id.*) He was disciplined for refusing to clean in multiple ways. (*Id.*) On one occasion he was sent to solitary confinement. (*Id.*) On multiple others, he was locked in his cell for three days at a time and his commissary privileges were revoked. (*Id.*) Each time he was punished, Pocknell's phone privileges were also revoked. (*Id.*)

Defendant David Beth was, at all relevant times, Kenosha County Sheriff and responsible for setting policy at the jail. (*Id.* ¶11.) Defendants Robert Hallisy, Larry Apker, Marc Levin, Justin Miller, and Bill Beth oversaw the jail and enforced rules requiring Plaintiffs to perform janitorial work. (*Id.* ¶12.) The individual defendants are each sued in their individual capacities. (*Id.* ¶¶11–12.) Plaintiffs seeks to certify a class of all civil immigration detainees who were forced to perform uncompensated janitorial labor in Kenosha County Jail from October 10, 2013 onward. (*Id.* ¶50.)

LEGAL STANDARD

When deciding a Rule 12(b)(6) motion to dismiss, the Court must "accept all well-pleaded facts as true and draw reasonable inferences in the plaintiffs' favor." *Roberts v. City of Chicago*, 817 F.3d 561, 564 (7th Cir. 2016) (citing *Lavalais v. Village of Melrose Park*, 734 F.3d 629, 632 (7th Cir. 2013)). A complaint will survive if it "state[s] a claim to relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

ANALYSIS

Plaintiffs claim that Defendants violated the federal Forced Labor statute, 18 U.S.C. § 1589(a), by requiring Plaintiffs to perform periodic clean up tasks against a threat of potential discipline if they refused.[3] According to Plaintiffs, as civilly detained immigrants they were improperly forced to "perform janitorial labor" by cleaning the common areas of the jail, including dayrooms, showers, both indoor and outdoor recreation areas, hallways, and the gym. (ECF No. 1 ¶¶3, 21–23.) They contend that if they

[3] The complaint also asserts three state law claims, but Plaintiffs have abandoned all three in their briefing. (ECF No. 38 at 45 n.8.)

refused to perform these tasks, which are spelled out in the Kenosha Jail Handbook, they were potentially subject to various punishments, including the loss of privileges, being requiring to perform additional duties, and being held in detention. (*Id.* ¶¶24–25.) They insist this constitutes criminal Forced Labor in violation of 18 U.S.C. § 1589(a)(1), (a)(2), and (a)(4). (*Id.* ¶¶72–74.) Defendants argue that Plaintiffs' claim should be dismissed because the conduct alleged in the complaint does not violate the Forced Labor statute.

I. The Forced Labor Statute Targets Human Trafficking, a "Modern Form of Slavery."

Section 1589, the Forced Labor statute, was enacted as part of the Trafficking Victims Protection Act of 2000. *Taylor v. Salvation Army Nat'l Corp.*, 110 F.4th 1017, 1030 (7th Cir. 2024). As its title suggests, the statute criminalizes the use of "forced labor:"

> (a) Whoever knowingly provides or obtains the labor or services of a person by any one of, or by any combination of, the following means--
>
> (1) by means of force, threats of force, physical restraint, or threats of physical restraint to that person or another person;
>
> (2) by means of serious harm or threats of serious harm to that person or another person;

> (3) by means of the abuse or threatened abuse of law or legal process; or
>
> (4) by means of any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint,
>
> shall be punished as provided under subsection (d).

In enacting the TVPA, Congress was specific about its purposes. As codified in 22 U.S.C. § 7101(a), the act is intended "to combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims." Congress also made twenty-four specific findings supporting that purpose and included these findings in the final legislation. 22 U.S.C. § 7101(b). These findings begin with a determination that "the degrading institution of slavery continues throughout the world" and characterizing the trafficking in persons as "a modern form of slavery." § 7101(b)(1). A number of the findings concern the sex trafficking and victimization of women and girls, *see* § 7101(b)(2), (4), (6), (9) & (11), but trafficking "is not limited to the sex industry," *see* § 7101(b)(3). Most of the findings concern the nature

and seriousness of human traffickers and the tactics they employ, and the inadequacies of existing criminal laws to address trafficking. *See* § 7101(b)(4)–(15). Other findings focus on the vulnerability of the victims, and the harms that trafficking causes. *See* § 7101(b)(5)–(7), (9)–(11). None of the findings discuss targeting the authorized practices of federal or state government officials or suggest any need to impose additional protections for detainees lawfully held in state or federal prisons and jails.

Three years after enacting the TVPA, Congress passed the Trafficking Victims Protection Reauthorization Act of 2003. Among other things, the 2003 enactment added 18 U.S.C. § 1595, creating a civil remedy for victims of human trafficking against perpetrators of TVPA violations, including violations of the Forced Labor statute. *See G.G. v. Salesforce.com, Inc.*, 76 F.4th 544, 548 (7th Cir. 2023). It is this civil remedy that Plaintiffs now invoke.

II. Defendants' Alleged Conduct Does Not Implicate the Forced Labor Statute.

Defendants insist that the Forced Labor statute does not apply to them or their actions as alleged in the complaint. They argue that county jails and their staff are not proper defendants under the Forced Labor statute, particularly in connection with the long-established practice of requiring inmates to perform basic cleaning duties in common living areas. (ECF No. 23 at 6–7.) Defendants contend that jail rules requiring civilly detained immigrants, along with other jail inmates, to clean up after themselves

do not implicate criminal human trafficking, and they insist that the TVPA was not intended to address or end jail policies requiring inmates to participate in maintaining the hygiene of their group environment. (*Id.*) They note that to the extent inmates, including civil detainees, experience abusive or coercive treatment at a municipal jail, they have remedies under 42 U.S.C. § 1983. (*Id.* at 7–9.) And Defendants contend that even if the Forced Labor statute could be read to apply to them, requiring jail residents to clean common areas falls within the "civic duty" exception to involuntary servitude and forced labor liability. (*Id.* at 10–13.)

The Court agrees with Defendants' conclusion and adopts some of their arguments. Based on the Forced Labor statute's text, the context in which it was enacted, and the context in which Plaintiffs seek to apply it, the Court concludes that Plaintiffs' allegations do not state a claim for violation of the statute. More specifically, Defendants, a county jail and its employees, are not using "forced labor" or engaging in "human trafficking" within the meaning of Section 1589 and the TVPA by requiring inmates, including civil immigration detainees, to perform basic cleaning functions in common areas. Even if the Forced Labor statute has some potential for application in the carceral context (a questionable premise this Court need not resolve), Defendants' policies and actions in requiring Plaintiffs to help clean common areas do not constitute "obtain[ing] the labor or services of a person" by improper means as proscribed by Section 1589.

A. The Forced Labor Statute Must Be Interpreted in Context.

It is a fundamental principal of statutory construction that the words of a statute must be interpreted and applied in context. *See Robinson v. Shell Oil Co.*, 519 U.S. 337, 341 (1997) ("The plainness or ambiguity of statutory language is determined by reference to the language itself, *the specific context in which that language is used*, and the broader context of the statute as a whole.") (J. Thomas) (emphasis added.) And "[p]art of a fair reading of statutory text is recognizing that 'Congress legislates against the backdrop' of certain unexpressed presumptions." *Bond v. United States*, 572 U.S. 844, 857 (2014) (quoting *EEOC v. Arabian Am. Oil Co.,* 499 U.S. 244, 248 (1991)). With these basic, commonsense points in mind, the Court concludes that Plaintiffs' allegations do not trigger liability under Section 1589. Congress enacted the Forced Labor statute as part of the TVPA, with the specific intent to "combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims." 22 U.S.C. § 7101(a). This purpose and the overall context in which Section 1589 was enacted are far removed from Defendants' actions as alleged in the complaint.

Just last month, the Seventh Circuit affirmed the dismissal of Forced Labor claims by plaintiffs who were convicted criminal defendants required to live and work at a Salvation Army facility as part of their probation and parole. *Taylor*, 110 F.4th at 1021. The

district court dismissed these plaintiffs' claims based on the *Rooker-Feldman* doctrine. *Id.* at 1023–24. The Seventh Circuit affirmed the dismissal but concluded that *Rooker-Feldman* was not an issue. *Id.* at 1021. Instead, a majority of the panel concluded that the plaintiffs had not plausibly alleged Forced Labor violations. *Id.* at 1029–32. The panel emphasized that as persons subject to a criminal sentence, the plaintiffs could not "expect to have the same freedom of choice with respect to their work and living conditions" as other individual citizens. *Id.* at 1032. And, while this did not leave them totally without protection from abusive behavior at the hands of their custodians, any application of the Forced Labor statute in this context needed to acknowledge that "the liberty interests it protects have been curtailed sharply in the case of those subject to the legitimate restraints of a criminal judgment." *Id.* Because the plaintiffs had not plausibly alleged how the Salvation Army's conduct was "incompatible with the legitimate constraints of the particular penal judgment[s]" against them, they had not stated valid Forced Labor claims. *Id.* In so concluding, Court of Appeals, noted that the plaintiffs had failed to "come to grips with the fact that [they] are in a very different situation from other participants who have not had their liberty restricted" and thus their claims were properly dismissed. *Id.*

In *United States v. Toviave*, 761 F.3d 623 (6th Cir. 2014), the Sixth Circuit also offered helpful guidance in construing Section 1589. In *Toviave*, the Sixth Circuit reversed the criminal conviction of an

immigrant from Togo on Forced Labor charges stemming from his having required his younger sister, two cousins, and a nephew to do their homework and perform household chores, subject to severe punishments, which the court acknowledged were "reprehensible." *Id.* at 624–25. The Sixth Circuit explained that the Forced Labor statute needed to be interpreted against the well-understood backdrop that an "American parent has always had the right to make his child perform household chores." *Id.* at 625. Citing the Supreme Court's decision in *Bond*, which provided a contextual interpretation of the criminal chemical weapons statute, the Sixth Circuit concluded the government's expansive application of the Forced Labor statute was inappropriate absent "clear expression of Congressional intent" to "transform a statute passed to implement the Thirteenth Amendment . . . into one that generally makes it a crime for a person *in loco parentis* to require household chores, or makes child abuse a federal crime." *Id.* at 627–29.

Both *Taylor* and *Toviave* support the conclusion that Section 1895 does not apply to Defendants' actions as alleged in the complaint. Plaintiffs are lawfully detained immigrants whose detention has been lawfully entrusted to Defendants by the federal government. While Plaintiffs are not convicted criminals like the plaintiffs in *Taylor*, at the time of the conduct alleged in the complaint they were in Defendants' custody pursuant to the valid authority and directive of the federal government. This is not human trafficking or a modern form of

slavery. Plaintiffs' status as lawful detainees brings with it important consequences, including, as *Taylor* explains, necessary limitations on the rights and freedoms that they might have otherwise enjoyed outside the detention setting. And as *Toviave* teaches, the Forced Labor statute must be interpreted against the long-established practices in place when the statute was enacted. At the time Congress enacted the TVPA and Section 1895, jails and prisons (like many communal living arrangements) had long required those living inside to take part in cleaning duties. Indeed, cleaning up after oneself is a basic human responsibility. Just as a parent can require children to clean their rooms and help with household chores, jail administrators can hold inmates to participation in the same communal duties. Neither the parent nor the jail administrator is "obtain[ing] the labor or services" of the child or detainee by illegal means within the language and intent of Section 1589. This does not mean that the parent or jail personnel can be abusive; the parent's role is limited by state child abuse laws and the jailer's conduct is limited by the Constitution and Section 1983. But this is simply not human trafficking, modern slavery, or Forced Labor.

Stretching the Forced Labor statute to apply to Defendants ignores the situation in which Defendants acted. Pursuant to the Intergovernmental Service Agreement between Kenosha County and the federal government, Defendants were authorized to exercise custody over Plaintiffs. They were obligated to detain the Plaintiffs securely and safely, along with all the

others who were committed to their care. Beyond these contractual obligations, Defendants, like all jails, prisons, and administrators, had a duty to preserve and safeguard the health and welfare of Plaintiffs and all other inmates and staff. *See Minix v. Canarecci*, 597 F.3d 824, 830–31 (7th Cir. 2010). To perform these duties, Defendants followed longstanding and common-sense practices in requiring inmates, including Plaintiffs, to clean common living areas. The Forced Labor statute was enacted to address human trafficking. It was not enacted to regulate legitimate authorities in their performance of their duties in housing lawfully held detainees. The management of jails and prisons by lawful government authorities and their agencies is not human trafficking, and the longstanding practice of jails and prisons in requiring inmates to perform basic community functions, like cleaning common areas, is not the extraction of "forced labor." Nothing in the statute's purpose or the Congressional findings supporting its enactment suggests any intention that it address these practices. In the context of the actions alleged in the complaint, Defendants did not "obtain the labor or services of a person" by improper means as proscribed in Section 1589. *Cf. Vanskike v. Peters*, 974 F.2d 806, 808–12 (7th Cir. 1992) (interpreting Fair Labor Standards Act to be inapplicable in the prison context despite intentionally broad definitions of "employer" and "employee," given economic reality of prison life and work assignments).

The Court's conclusion is also supported by *Bijeol v. Nelson*, 579 F.2d 423 (7th Cir. 1978). In

Bijeol, the Seventh Circuit rejected a pretrial detainee's claims that his First, Fifth, Eighth, and Thirteenth Amendment rights were violated when he was required to perform "general housekeeping duties without pay and, when refusing to do so, he was placed in segregation." *Id.* at 424. The Court of Appeals noted that the "very nature of confinement" includes restrictions on both convicted prisoners and pretrial detainees and that pretrial detainees had "no constitutional right to order from a menu or have maid service." *Id.* It further explained that "general housekeeping responsibilities are not punitive in nature" and emphasized such duties must be "routinely observed in a multiple living unit" to maintain "health and safety." *Id.* Because the plaintiff had not alleged that any of the disciplinary proceedings were conducted in an unfair manner, his claims were rejected. *Id.* While *Bijeol* involved constitutional claims, not the Forced Labor statute, it highlights the unique context that must be accounted for in adjudicating claims concerning restrictions on the liberty of persons in lawful custody.

Other courts of appeal decisions have similarly recognized the legitimate right of institutions to require detainees to perform communal work in the Thirteenth Amendment context. In *Channer v. Hall*, 112 F.3d 214 (5th Cir. 1997), the Fifth Circuit affirmed the dismissal of Thirteenth Amendment claims by an Immigration and Naturalization Service (INS) detainee who complained that he was forced to work in a prison food service department, subject to the threat of segregation. The Court of Appeals

rejected his claim, concluding that "the federal government is entitled to require a communal contribution by an INS detainee in the form of housekeeping tasks," and the plaintiff's kitchen service (for which he was paid some amount), even if done under threat of punishment, did not offend the Thirteenth Amendment. *Id.* at 219. In *McGarry v. Pallito*, 687 F.3d 505 (2d Cir. 2012), the Second Circuit recognized that while inmates might have a Thirteenth Amendment claim if forced to work in a prison laundry, a correctional institution could require inmates to perform "personally related housekeeping chores" like "cleaning the areas in an around their cells without violating the Thirteenth Amendment." *Id.* at 511, 514. These cases support this Court's conclusion that Defendants had a right to require Plaintiffs to help in cleaning the common areas at the Kenosha County Jail and the enforcement of that duty does not constitute criminal forced labor or human trafficking.

B. Plaintiffs' Efforts to Justify an Expansive Application of the Forced Labor Statute Are Unavailing.

In response, Plaintiffs primarily just point to the statutory text and insist they have the right to invoke the statute because of the broad language used, which creates criminal liability for "[w]hoever knowingly provides or obtains the labor or services of a person" by the prohibited means listed. Plaintiffs cite the Dictionary Act, which provides that "the words 'person' or 'whoever' include corporations,

companies, associations, firms, partnerships, societies and joint stock companies as well as individuals." 1 U.S.C. § 1. This argument ignores the context in which the Forced Labor statute is used and the context in which Plaintiffs seek to apply it.

Section 1589 was enacted to combat criminal human trafficking. Congress stated this purpose expressly in the statute. 22 U.S.C. § 7101(a). Nothing in the statute, its express purpose, or the Congressional findings accompanying its passage suggests any intent to disrupt established practices by legitimate federal, state, and municipal authorities lawfully entrusted with incarcerated persons, including civil detainees like Plaintiffs. As the Seventh Circuit recognized in *Taylor*, courts interpreting and applying the Forced Labor statute must account for the circumstances of those legitimately detained. 110 F.4th at 1028–30. Indeed, the Dictionary Act recognizes this fundamental point. Before defining "person" and "whoever," the statute instructs that its general definitions apply "unless the context indicates otherwise." 1 U.S.C. § 1. Plaintiffs ask the Court to ignore this context (and common sense).

Plaintiffs also urge the Court to adopt an expansive interpretation of Section 1895 because, as they correctly observe, Congress passed the TVPA at least partially in response to the Supreme Court's narrow construction of the term "involuntary servitude" in 18 U.S.C. § 1584, a prior, parallel criminal prohibition on the use of forced labor. (ECF No. 38 at 19–20.) In *United States v. Kozminski*, 487

U.S. 931 (1988), the Supreme Court affirmed the *en banc* Sixth Circuit's reversal of a jury conviction under Section 1584, concluding that the history of the Thirteenth Amendment and subsequent caselaw showed that a violation of the statute required proof of "physical or legal" coercion and not mere psychological coercion. *Id.* at 948. One of the Congressional findings included in the TVPA refers to *Kozminski* and Congress's intent to reach "nonviolent coercion" contrary to the "narrow[] interpret[ation]" adopted by the Supreme Court. 22 U.S.C. § 7101(b)(13). Nothing in *Kozminski* or Congress's response to it, however, leads to the conclusion that the Forced Labor statute must be applied to prohibit Defendants' conduct as alleged in the complaint. The Court's interpretation does not narrow the alleged means used, which Congress defined in the statute. The Court concludes that Defendant's conduct does not constitute "forced labor" or human trafficking as described by Congress. Accordingly, the allegations in the complaint do not describe the "obtain[ing of] the labor or services of a person" by a prohibited means within the meaning of the Forced Labor statute.

Plaintiffs also cite to a number of district court decisions applying the Forced Labor statute to civil detainees who were required to perform work while being housed pursuant to the authority of U.S. Immigration and Customs Enforcement. Plaintiffs lead with a citation to another case filed by Ruderman, Pocknell, and others, *Ruderman v. McHenry County*, No. 3:22-cv-50115, 2023 WL130496 (N.D. Ill. Jan. 9, 2023), in which plaintiffs made

similar claims based on their refusal to perform janitorial work while being detained at an Illinois jail. In that case, the district court denied a similar motion to dismiss based on its interpretation of the plain language of Section 1589. *Id.* at *4–5. But the court did not have the benefit of the Seventh Circuit's teaching in *Taylor* and did not address in detail the unique context of the facts alleged, a key point emphasized in *Taylor*. Again, nothing in Congress's targeting of criminal human trafficking and forced labor suggests an intention to open jail and prison officials to criminal or civil liability for continuing to engage in the long-accepted practice of requiring lawfully detained inmates to help maintain the cleanliness of their living environment. Plaintiffs' other authorities, *Ruelas v. County of Alameda*, 519 F. Supp. 3d 636 (N.D. Cal. 2021); *Owino v. CoreCivic, Inc.*, No. 17-cv-1112, 2018 WL 2193644 (S.D. Cal. May 14, 2018); and *Menocal v. GEO Group, Inc.*, 113 F. Supp. 3d 1125 (D. Colo. 2015), suffer from similar deficits and are unpersuasive. Plaintiffs also cite the Eleventh Circuit's decision in *Barrientos v. CoreCivic, Inc.*, 951 F.3d 1269, 1277–78 (11th Cir. 2020), allowing Forced Labor claims to proceed against a private prison alleged to have used illegal coercive means to force immigrant detainees to perform kitchen labor. But even there, the court of appeals took pains to note that its decision should not be read "to call into question longstanding requirements that detainees or names be required to perform basic housekeeping tasks." *Id. Barrientos* supports the Court's conclusion here.

CONCLUSION

Because the Court concludes that the Forced Labor statute does not apply in the context of the conduct alleged in the complaint, Defendants' motion to dismiss is granted.

Accordingly,

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss, ECF No. 17, is **GRANTED** and the case **DISMISSED** for failure to state a claim. The Clerk is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin on September 30, 2024.

s/ *Brett H. Ludwig*
BRETT H. LUDWIG
United States District Judge

APPENDIX D

Relevant Statutory Provisions

18 U.S. Code § 1589 - Forced labor

(a) Whoever knowingly provides or obtains the labor or services of a person by any one of, or by any combination of, the following means—

(1) by means of force, threats of force, physical restraint, or threats of physical restraint to that person or another person;

(2) by means of serious harm or threats of serious harm to that person or another person;

(3) by means of the abuse or threatened abuse of law or legal process; or

(4) by means of any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint,

shall be punished as provided under subsection (d).

(b) Whoever knowingly benefits, financially or by receiving anything of value, from participation in a venture which has engaged in the providing or obtaining of labor or services by any of the means described in subsection (a), knowing or in reckless disregard of the fact that the venture has engaged in the providing or obtaining of labor or services by any of such means, shall be punished as provided in subsection (d).

(c) In this section:

(1) The term "abuse or threatened abuse of law or legal process" means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.

(2) The term "serious harm" means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm.

(d) Whoever violates this section shall be fined under this title, imprisoned not more than 20 years, or both. If death results from a violation of this section, or if the violation includes kidnaping, an attempt to kidnap, aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title, imprisoned for any term of years or life, or both.

18 U.S. Code § 1595 - Civil remedy

(a) An individual who is a victim of a violation of this chapter may bring a civil action against the perpetrator (or whoever knowingly benefits, or attempts or conspires to benefit, financially or by receiving anything of value from participation in a venture which that person knew or should have known has engaged in an act in violation of this chapter) in an appropriate district court of the United

States and may recover damages and reasonable attorneys fees.

(b)

(1) Any civil action filed under subsection (a) shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim.

(2) In this subsection, a "criminal action" includes investigation and prosecution and is pending until final adjudication in the trial court.

(c) No action may be maintained under subsection (a) unless it is commenced not later than the later of—

(1) 10 years after the cause of action arose; or

(2) 10 years after the victim reaches 18 years of age, if the victim was a minor at the time of the alleged offense.

(d) In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by any person who violates section 1591, the attorney general of the State, as parens patriae, may bring a civil action against such person on behalf of the residents of the State in an appropriate district court of the United States to obtain appropriate relief.

1 U.S. Code § 1 - Words denoting number, gender, and so forth

In determining the meaning of any Act of Congress, unless the context indicates otherwise—

the words "person" and "whoever" include corporations, companies, associations, firms,

partnerships, societies, and joint stock companies, as well as individuals;

U.S. Code § 2 - "County" as including "parish", and so forth

The word "county" includes a parish, or any other equivalent subdivision of a State or Territory of the United States.

1 U.S. Code § 8 - "Person", "human being", "child", and "individual" as including born-alive infant

(a) In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the words "person", "human being", "child", and "individual", shall include every infant member of the species homo sapiens who is born alive at any stage of development.

APPENDIX E

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF WISCONSIN

ALEKSEY RUDERMAN,
ARTURO SALDIVAR, and
CHRIS POCKNELL on behalf of
themselves and all others similarly
situated, Docket No.

Plaintiffs,

against **CLASS ACTION COMPLAINT**

KENOSHA COUNTY, KENOSHA
COUNTY SHERIFF'S DEPARTMENT,
DAVID G. BETH, ROBERT HALLISY,
LARRY APKER, MARC LEVIN, JUSTIN
MILLER, and BILL BETH **JURY TRIAL DEMANDED**

Defendants.

CLASS ACTION COMPLAINT FOR FORCED LABOR

Plaintiffs ALEKSEY RUDERMAN, ARTURO SALDIVAR, and CHRIS POCKNELL, on behalf of themselves and all others similarly situated, by and through their attorneys, for their Complaint against Defendants KENOSHA COUNTY, KENOSHA COUNTY SHERIFF'S DEPARTMENT, DAVID G. BETH, ROBERT HALLISY, LARRY APKER, MARC

LEVIN, JUSTIN MILLER, and BILL BETH, allege as follows:

PRELIMINARY STATEMENT

1. This is a putative class action complaint arising from Defendants' violations of the forced labor provisions in the federal Trafficking Victims Protection Act (the "TVPA"), 18 U.S.C.§§ 1589, 1595, and related state law.

2. Plaintiffs were civilly detained immigrants who were subjected to forced labor while detained at the Kenosha County Detention Center (referred to herein as the "Kenosha County Jail" or "Jail") in Kenosha, Wisconsin. Specifically, Plaintiffs were forced to perform various janitorial services (hereinafter "janitorial labor") without compensation and against their will.

3. The Kenosha County Jail unlawfully forced civil immigrant detainees to perform janitorial labor. The civilly detained immigrants received no compensation whatsoever for performing janitorial labor, which was mandatory. When immigrants, including Plaintiffs, refused to perform this labor, they were either punished or threatened with the punishment of being put on lockdown in their cell or being sent to solitary confinement, also known as disciplinary segregation, or more colloquially as the "hole."

4. Solitary confinement causes severe mental pain and suffering and can even bring on new psychiatric

syndromes due to the effects of isolation. [1] The serious harms of solitary confinement can often last after a detainee is released into the general population or the outside world.

5. Plaintiffs seek to recover damages on behalf of themselves and all current and former civil immigration detainees who were forced to perform labor while being held in the Kenosha County Jail.

6. The practice of forcing immigrants to perform janitorial labor under the threat of punishment is a violation of federal human trafficking laws. Specifically, the TVPA provides a civil cause of action against:

> (a) Who[m]ever knowingly provides or obtains the labor or services of a person by any one of, or by any combination of, the following means –
>
> (1) by means of force, threats of force, physical restraint, or threats of physical restraint to that person or another person;
>
> (2) by means of serious harm or threats of serious harm to that person or another person;

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[1] Stuart Grassian, *Psychiatric Effects of Solitary Confinement*, WASHINGTON UNIVERSITY JOURNAL OF LAW & POLICY (Jan. 2006), https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1362&context=law_journal_law_policy.

(3) by means of the abuse or threatened abuse of law or legal process; or

(4) by means of any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint.

18 U.S.C. §§ 1589, 1595.

7. As the U.S. Department of Justice recently explained (Case No. 21-2846, ECF No. 35, 3d Cir., Jan. 13, 2022), the TVPA "broadly prohibits coercive labor practices" and "was designed to encompass a wide range of coercive conduct," including " 'cases in which persons are held in a condition of servitude through nonviolent coercion,' which might 'have the same purpose and effect' of physical or legal coercion.'"

PARTIES

8. At times relevant to this Complaint, Plaintiffs Aleksey Ruderman, Arturo Saldivar, and Chris Pocknell were civil immigration detainees at the Kenosha County Jail and were forced to perform janitorial labor against their will and without compensation.

9. At all times relevant to this Complaint, Defendant Kenosha County was a public entity operating within

the State of Wisconsin. Defendant Kenosha County is responsible for funding the Kenosha County Sheriff's Department and, in turn, the Kenosha County Jail, and thereby benefitted financially from Plaintiffs' forced labor.

10. At all times relevant to this Complaint, Defendant Kenosha County Sheriff's Department was a public entity within the State of Wisconsin that operated the Kenosha County Jail, obtained Plaintiffs' forced labor, and benefitted financially from forced labor at the Kenosha County Jail.[2]

11. At all times relevant to this Complaint, Defendant David Beth was an individual who held the position of Kenosha County Sheriff. Defendant Beth set policy for the Kenosha County Jail and obtained Plaintiffs' forced labor. Defendant Beth is sued in his individual capacity.

12. At times relevant to this Complaint, Defendants Robert Hallisy, Larry Apker, Marc Levin, Justin Miller, and Bill Beth were individuals who oversaw the Kenosha County Jail. These individuals enforced rules requiring Plaintiffs to engage in forced labor. Defendants Hallisy, Apker, Levin, Miller, and Beth are sued in their individual capacities.

JURISDICTION AND VENUE

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[2] Throughout this Complaint, all references to "Kenosha County Sheriff's Department" also mean the Kenosha County Sheriff in his official capacity; they are legally equivalent. *See McMillian v. Monroe County, Alabama*, 520 U.S. 781, 785 n.2 (1997).

13. Jurisdiction is conferred upon this Court by 28 U.S.C. § 1331, as Plaintiffs bring suit under the federal TVPA.

14. The state law claims in this action are so related to the federal claims that they form part of the same case or controversy. The Court's jurisdiction over these claims is invoked under 28 U.S.C. § 1367.

15. Venue is proper in the United State District Court for the Eastern District of Wisconsin pursuant to 28. U.S.C. § 1391(b)(1) because the Defendants are located in the Eastern District of Wisconsin, and pursuant to § 1391(b)(2) because all of the acts and/or omissions complained of herein occurred within the Eastern District of Wisconsin.

STATEMENT OF FACTS

16. Defendants operate the Kenosha County Jail located at 4777 88th Ave., Kenosha, Wisconsin 53144.

17. On or around August 1, 2000, Kenosha County entered into an Intergovernmental Service Agreement with the U.S. Marshals Service and the Immigration and Naturalization Service ("INS") to house civil immigration detainees for U.S. Immigration and Customs Enforcement ("ICE").

18. Pursuant to this Agreement, Kenosha County received payment in the amount of $70.00 per day for each civil immigration detainee housed at the Kenosha County Jail.

19. The Kenosha County Jail housed over 100 civil immigration detainees at any given time. In exchange

for housing these individuals, Kenosha County received more than $2.6 million in revenue each year.

20. Plaintiffs Aleksey Ruderman, Arturo Saldivar, and Chris Pocknell were civilly detained immigrants housed at the Kenosha County Jail.

21. In the course of their detention at Kenosha County Jail, Plaintiffs were forced to clean the common areas of the facility, known as "dayrooms," which included showers and an indoor recreational area, as well as the facility's outdoor recreation area, hallways, and gym.

22. Corrections officers at the Kenosha County Jail would, on a daily basis, select approximately four to six civilly detained immigrants, including all the Plaintiffs named in this Complaint, and order them to perform janitorial labor.

23. Plaintiffs, at all times, had no option to refuse these orders to clean the common areas of the facility.

24. Kenosha County Sheriff's Department Inmate/Detainee Handbook (the "Handbook") requires civil immigration detainees to clean the Jail's common areas or face punishment. For example, the Handbook states: "The housing units will be cleaned after breakfast movement as directed by Jail staff, with the cells, dayrooms, and sleeping areas cleaned by the inmate/detainee occupying those areas."

25. The Handbook threatens a series of punishments for detainees who fail to follow forced labor rules,

ranging from loss of privileges and being required to perform *additional* forced labor to being held for up to 10 days in solitary confinement.

26. The Handbook was disseminated to all civilly detained immigrants upon arrival at the Kenosha County Jail.

27. All Plaintiffs performed janitorial labor at the facility against their will and only because they were actually punished or operated under the threat of punishment by disciplinary segregation if they refused to perform forced labor.

28. Plaintiffs never volunteered to perform janitorial labor, nor did they consent.

29. Plaintiffs were never offered any compensation for any of their janitorial labor.

FACTS SPECIFIC TO PLAINTIFFS

A. Plaintiff Aleksey Ruderman

30. Aleksey Ruderman was housed in the Kenosha County Jail in or around 2020.

31. Shortly after arriving at the Kenosha County Jail, Mr. Ruderman observed Jail staff ordering detainees to perform janitorial labor.

32. When Mr. Ruderman asked a Kenosha County corrections officer about the Jail's mandatory cleaning policy, the officer told him that he would be subject to punishment should he refuse his cleaning duties.

33. Mr. Ruderman subsequently submitted a formal grievance[3] to the Kenosha County Sheriff's Department on February 12, 2020, asserting that the Jail forced him to clean the dayroom and that this forced labor violated the TVPA. He also requested that the Jail change its mandatory cleaning policy to conform to the TVPA.

34. The Sheriff's Department sent Mr. Ruderman a letter dismissing his grievance on February 12, 2020. The denial letter stated, in relevant part, as follows:

> As stated in the Kenosha County Inmate/Detainee Handbook, it is your responsibility to keep yourself and living area clean. The cleaning responsibilities are given to different inmate/detainees every day, to ensure all cleaning responsibilities are distibuted [sic] evenly.

35. Seargent Schroeder, an officer at the Kenosha County Jail, personally admonished Mr. Ruderman about his grievance, while carrying a taser, warning him not to "rock the boat."

36. Mr. Ruderman submitted an appeal to the denial of his grievance, stating: "I am forced to clean the dayroom for no pay and under threat of solitary confinement." He also reiterated that this forced labor violated the TVPA.

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[3] Mr. Ruderman's grievance and appeal as well as the Jail's responses thereto are attached hereto as Exhibit A.

37. His appeal was denied, and the Inmate Grievance Response Form denying his appeal stated:

> While being housed at this facility, every inmate/detainee is expected to keep their living areas cleaned [sic]. Inmates/Detainees are assigned cleaning duties daily, and these responsibilities are distributed evenly. As our Inmate/Detainee Handbook states, you must continue to follow all legal orders and commands from the facility officers, including the cleaning of your own living space.

38. About once every two weeks during his period of detention, Defendants forced Mr. Ruderman and other civil immigration detainees to perform janitorial labor during four cleaning sessions: after breakfast, after lunch, after supper, and before nighttime lockdown. Following breakfast, lunch, and supper, he was required to sweep the dayroom floor and to clean and disinfect the dining tables. Before nighttime lockdown, he was forced to clean the showers, tables, phones, indoor recreational area, and multi-purpose room; sweep the floor in those entire areas; and perform any other assorted cleaning jobs assigned by officers.

39. Mr. Ruderman performed janitorial labor at the facility only because Defendants forced him to do so under the threat of punishment. Had he been provided with a choice about whether he would clean any area of the facility, he would have elected not to do so during each and every instance in which he was ordered to clean.

B. Plaintiff Arturo Saldivar

40. Arturo Saldivar was housed in Kenosha County Jail for several months beginning in or around 2016.

41. Approximately two to three times per week during his period of detention at the Jail, Defendants forced Mr. Saldivar to perform janitorial labor, including cleaning the Jail's outdoor recreation area, hallways, and gym.

42. Mr. Saldivar witnessed other immigrants resisting orders to clean and consequently being punished by being placed in solitary confinement, or the "hole," for several days.

43. Mr. Saldivar performed janitorial labor at the facility only because Defendants forced him to do so under the threat of punishment. Had he been provided with a choice about whether he would clean any area of the facility, he would have elected not to do so during each and every instance in which he was ordered to clean.

C. Plaintiff Chris Pocknell

44. Plaintiff Chris Pocknell was housed in the Kenosha County Jail in or around 2014 to 2016.

45. Approximately twice a week during his detention in Defendants' facility, Defendants forced Mr. Pocknell—along with about four to six other civilly detained immigrants on any given day—to perform janitorial labor, including cleaning the showers, dayroom dining tables, phones, indoor recreational area, and multi-purpose room and sweeping the floor

in those areas. On many occasions, Defendants forced Mr. Pocknell to perform his assigned janitorial labor without protective cleaning gear.

46. Mr. Pocknell performed janitorial labor at the facility only because Defendants forced him to do so under the threat of punishment. Had he been provided with a choice about whether he would clean any area of the facility, he would have elected not to do so during each and every instance in which he was ordered to clean.

47. For a period of time during his detention, Mr. Pocknell suffered from a knee injury for which he wore a prescribed knee brace. On account of his knee injury and because he was otherwise in poor health, he refused to perform the mandatory janitorial labor on several occasions. Defendants punished him for his refusal to clean by (i) sending him to solitary confinement on one occasion, (ii) locking him down in his cell for three days at a time on multiple other occasions, (iii) revoking his phone privileges on every occasion he was punished, and (iv) revoking his commissary privileges on several occasions.

CLASS ALLEGATIONS

48. Plaintiffs bring their claims on behalf of themselves, and all others similarly situated pursuant to Federal Rule of Civil Procedure 23(a) on the basis that there is a well-defined community of interest in this litigation, the proposed class is easily ascertainable, and the proposed class is quite numerous.

49. Plaintiffs' claims concern the mandatory, uncompensated work Plaintiffs and others similarly situated performed at the Kenosha County Jail.

50. Pending any modifications necessitated by discovery, Plaintiffs preliminarily define this Forced Labor class as follows:

> All civil immigration detainees who were forced to perform uncompensated janitorial labor in the Kenosha County Detention Center from 10 years prior to the filing of this Complaint.

51. On information and belief, the injury to Plaintiffs and the putative class is substantial, exceeding one million and as much as several million dollars. Plaintiffs and the putative class were regularly subjected to the statutory and common-law violations described herein, throughout their time at the Kenosha County Jail. On information and belief, the legal and factual issues are common to the class and affect all class members.

52. Plaintiffs reserve the right to amend or modify the class descriptions with greater specificity or division into subclasses, as well as to limit the class, subclasses, or particular issues, as warranted.

A. Numerosity

53. All members of the Forced Labor class were forced to work during their detention.

54. The class is so numerous that the joinder of all potential class members is impracticable. The exact

size of the class is within the control of Defendants. However, Plaintiffs believe the class size is in the thousands. On information and belief, membership of the class is readily ascertainable from Defendants' detention records.

B. Commonality and Predominance

55. The operative questions of law and fact regarding the liability of Defendants are common to the class and predominate over any individual issues which may exist. Common questions of law and fact include: whether the policy of requiring Plaintiffs and the class members to perform forced janitorial labor in the Kenosha County Jail with no pay and under threat of punishment violated 18 U.S.C. § 1589 and whether Defendants were unjustly enriched by virtue of requiring Plaintiffs to perform uncompensated janitorial labor at the facility.

C. Typicality

56. The claims asserted by Plaintiffs are typical of the claims of all the class members. The claim at issue arises from a policy applicable to all members of the class. Each member of the class suffered the same violations that give rise to Plaintiffs' claims. A class action is superior to other available methods for the fair and efficient adjudication of this controversy because numerous identical lawsuits alleging identical causes of action would not serve the interests of judicial economy.

D. Adequacy of Representation

57. The representative Plaintiffs will fairly and adequately protect the interests of the members of the class. Because all class members were subject to the same violations of law perpetrated by Defendants, the interests of absent class members are coincident with, and not antagonistic to, those of Plaintiffs. The representative Plaintiffs will litigate their claims fully.

58. The representative Plaintiffs are represented by counsel experienced in class action and civil rights litigation.

E. Superiority of Class Action

59. The prosecution of separate actions by individual class members would create a risk of inconsistent or varying adjudications with respect to individual class members which would establish incompatible standards of conduct for Defendants. If Defendants' forced labor policy was unlawful as applied to representative Plaintiffs, it was unlawful as applied to the members of the putative class.

60. Those class members who labored for Defendants for short periods of time have smaller claims that they are unlikely to bring individually. All members of the class have claims which are factually similar and legally identical to Plaintiffs' claims. Thus, the interest of the members of the class in individually controlling the prosecution or defense of separate actions is slight, while the remedial purpose of the forced labor statutes counsels toward vindicating the

rights of those class members with smaller claims as part of the larger class.

61. Plaintiffs are unaware of any members of the putative class who are interested in presenting their claims in a separate action.

62. Plaintiffs are unaware of any pending litigation commenced by members of the class concerning the instant controversy.

63. It is desirable to concentrate this litigation in this forum because all claims arose in this Judicial District.

64. The class action will not be difficult to manage due to the uniformity of the claims among the class members and the susceptibility of this case to both class action litigation and the use of representative testimony and representative documentary evidence.

65. Upon information and belief, the contours of the class will be easily defined by reference to the detention records Defendants created and maintained.

FIRST CLAIM FOR RELIEF

VIOLATION OF THE TRAFFICKING VICTIMS PROTECTIONS ACT (18 U.S.C. §§ 1589,1595)

66. Plaintiffs incorporate by reference all allegations in this Complaint and restate them as if fully set forth herein.

67. Plaintiffs allege this claim on their own behalf and on behalf of all others similarly situated pursuant to Fed. R. Civ. P. 23.

68. This Count concerns the mandatory, uncompensated labor Plaintiffs and others similarly situated performed at the Kenosha County Jail.

69. Defendants Kenosha County Sheriff's Office, David Beth, Robert Hallisy, Larry Apker, Marc Levin, Justin Miller, and Bill Beth violated the federal Trafficking Victims

Protections Act when they forced Plaintiffs and others to perform labor at the Kenosha County Jail for no pay.

70. Defendants coerced this labor through both explicit and implied threats that those who refused to perform such uncompensated work would be subject to discipline, up to and including solitary confinement.

71. Defendants coerced this labor through a uniform policy subjecting detainees who refused to perform

such uncompensated work to discipline, up to and including solitary confinement.

72. Defendants provided or obtained the labor or services of Plaintiffs and others by means of physical restraint or threats of physical restraint to Plaintiffs and others in violation of 18 U.S.C. § 1589(a)(1).

73. Defendants provided or obtained the labor or services of Plaintiffs and others by means of serious harm or threats of serious harm to Plaintiffs and others in violation of 18 U.S.C. § 1589(a)(2).

74. Defendants provided or obtained the labor and services of Plaintiffs and others by means of a scheme, plan, or pattern intended to cause the Plaintiffs and others to believe that, if they did not perform such labor or services, they would suffer serious harm or physical restraint, including solitary confinement in violation of 18 U.S.C. § 1589(a)(4).

75. Plaintiffs and others similarly situated were victims of forced labor as defined by 18 U.S.C. § 1589.

76. Defendants Kenosha County and Kenosha County Sheriff's Office knowingly benefited financially from Plaintiffs' forced labor.

77. As a result of the misconduct described in this claim for relief, Plaintiffs suffered damages, including but not limited to emotional distress.

SECOND CLAIM FOR RELIEF

VIOLATION OF WIS. STAT. § 940.302

78. Plaintiffs incorporate by reference all allegations in this Complaint and restate them as if fully set forth herein.

79. Plaintiffs allege this claim on their own behalf and on behalf of all others similarly situated pursuant to Fed. R. Civ. P. 23.

80. This Count concerns the mandatory, uncompensated labor Plaintiffs and others similarly situated performed at the Kenosha County Jail.

81. Defendants secured Plaintiffs' janitorial labor by means of a scheme, plan, or pattern intended to cause the Plaintiffs and others to believe that, if they did not perform such labor, they would suffer serious harm, including solitary confinement.

82. Defendants caused and threatened to cause Plaintiffs and others to perform janitorial labor against their will and without their consent.

83. As a result of the misconduct described in this claim for relief, Plaintiffs suffered injuries, including but not limited to emotional distress.

THIRD CLAIM FOR RELIEF

UNJUST ENRICHMENT

84. Plaintiffs incorporate by reference all allegations in this Complaint and restate them as if fully set forth herein.

85. Plaintiffs allege this claim on their own behalf and on behalf of all others similarly situated pursuant to Fed. R. Civ. P. 23.

86. Defendants have unjustly retained a benefit to the Plaintiffs' detriment by having certain areas of Kenosha County Jail cleaned, for free, without having to hire or contract the labor of custodians that would otherwise have been compensated, or without compensating Plaintiffs.

87. Defendants' retention of that benefit violates the fundamental principles of justice, equity, and good conscience because Defendants cut costs by forcing detainees to labor for free under the threat of punishment, including solitary confinement.

88. Plaintiffs are entitled to recover from Defendants all amounts that Defendants have wrongfully and improperly obtained, and Defendants should be required to disgorge to Plaintiffs and the class the benefits they have unjustly obtained.

FOURTH CLAIM FOR RELIEF

INDEMNIFICATION

89. Plaintiffs incorporate by reference all allegations in this Complaint and restate them as if fully set forth herein.

90. Plaintiffs allege this claim on their own behalf and on behalf of all others similarly situated pursuant to Fed. R. Civ. P. 23.

91. At all times relevant to this Complaint, Defendants David Beth, Robert Hallisy, Larry Apker, Marc Levin, Justin Miller, and Bill Beth were acting within the scope of their employment for the Kenosha County Sheriff's Office.

92. Wisconsin law requires public entities to indemnify and pay tort judgments for compensatory damages for which employees are liable within the scope of their employment.

93. Wisconsin law requires Kenosha County to indemnify and pay tort judgments against the Kenosha County Sheriff's Office.

94. Defendant Kenosha County is thus obligated to indemnify any judgment against Defendants Kenosha County Sheriff's Office, David Beth, Robert Hallisy, Larry Apker, Marc Levin, Justin Miller, and Bill Beth in this matter.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, on behalf of themselves and the Forced Labor class, request judgment as follows:

95. Certifying the Forced Labor class pursuant to Rule 23 of the Federal Rules of Civil Procedure, appointing Plaintiffs as representatives of the class, and designating Plaintiffs' counsel as class counsel;

96. Awarding Plaintiffs and the class members compensatory damages, actual damages, punitive damages, and statutory damages, in an amount exceeding $5,000,000, to be determined by proof;

97. Awarding Plaintiffs and the class members the costs of prosecuting this action, including expert witness fees;

98. Granting Plaintiffs and the class members declaratory and equitable relief, including restitution and disgorgement;

99. Declaring unlawful the practices described herein and enjoining Defendants from engaging in such conduct in the future;

100. Awarding Plaintiffs and the class members reasonable attorneys' fees and costs as allowable by law;

101. Awarding pre-judgment and post-judgment interest;

102. Entering judgment in Plaintiffs' favor and against all Defendants on all claims; and

103. Granting any other relief as this Court may deem just and proper.

DEMAND FOR TRIAL BY JURY

Plaintiffs hereby demand a trial by jury of all issues so triable in this case.

Dated: October 10, 2023

By: */s/ Margaret E. Truesdale*
Elizabeth N. Mazur
Margaret E. Truesdale
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Attorneys for Plaintiffs and
the Proposed Class

Inmate Grievance Detail Report

Kenosha County Sheriff's Department

Print Date/Time:	10/14/2021 10:49
Login ID:	kcad/johanlon
ORI Number:	WI0300000
Grievance Number:	2020-00000098

Filed Date/Time	Inmate Name
02/12/2020 17:07	RUDERMAN, ALEKSEY

Booking Number	Category
2020-00000814	KCDC–HOUSING CONDITIONS

Status	Status Date/Time
DISMISSED	02/14/2020 00:10

Status Reason:
Disposition: **Disposition Date/Time:**
Location: **Facility:** KCDC
Pod/Block: D-SOUTH **Cell:**

Grievance Detail: Detainee claims that he was subjected to "forced labor" when assigned to clean the dayroom of his housing unit. He requests compensation and that the policy be changed.

GRIEVANCE

Assigned to: 12132 – Gillett

Assigned Date/Time: 02/12/2020 17:09

Response Date/Time: 02/12/2020 19:38

Response: Sir, I am receipt of your grievance where you state that you were forced to clean the dayroom located in your housing unit. As stated in the Kenosha County Inmate/Detainee Handbook, it is your responsibility to keep yourself and living area clean. The cleaning responsibilities are given to different inmate/detainees every day, to ensure all cleaning responsibilities are distributed evenly. Below are some of the Basic Detainee Responsibilities from the Kenosha County Inmate/Detainee Handbook, along with Rule #8 located in the Jail Issue and Hygiene Rules of the handbook. I am deeming your grievance Dismissed.

"Basic Detainee Responsibilities

It is the policy of Immigration and Customs Enforcement to treat detainees with dignity and respect while maintaining a safe, secure and sanitary detention facility. It is expected that staff will receive your full cooperation while you are waiting the processing of your case. In the simplest terms, you are expected to:

1. Follow and obey rules, laws, policies, and procedures.
2. Obey all orders as given by staff members and contract security personnel.
3. Respect staff and other detainees at all times.
4. Respect government property and the property of others.
5. Keep yourself, your clothing, and living area clean at all times.
6. Obey all safety, security, and sanitation rules, policies, and procedures. If you observe and comply with the above guidelines, you should have no problems while living at this facility awaiting the outcome of your hearing."

"8. KCDC – The housing units will be cleaned after breakfast movement as directed by Jail staff, with the cells, dayrooms, and sleeping areas cleaned by the inmate/detainee occupying those areas. If the housing units are not in proper order by 9:00 AM, dayroom, T.V., and phone privileges will not be allowed."

Appeal

Appeal Date/Time: 02/13/2020 18:00

Reason for Appeal: Detainee Ruderman is appealing Grievance #2020-98. Detainee Ruderman is requesting to be excused from cleaning.

Inmate Grievance Detail Report

Kenosha County Sheriff's Department

Print Date/Time: 10/14/2021 10:49
Login ID: kcad/johanlon
ORI Number: WI0300000
Grievance Number: 2020-00000098

APPEAL
Assigned To: 12306 – Abair

Assigned Date/Time: 02/13/2020 23:58

Response Date/Time: 02/14/2020 00:03

Response: Sir, I am in receipt of your appeal you submitted on 2/13/2020 regarding being excused from cleaning duties. While being housed at this facility, every inmate/detainee is expected to keep their living areas cleaned. Inmates/Detainees are assigned cleaning duties daily, and these responsibilities are distributed evenly. As our Inmate/Detainee Handbook states, you must continue to follow all legal orders and commands from the facility officers, including the cleaning of your own living space. You spoke with Sgt. Schroeder regarding this issue and this was addressed. As our Inmate/Detainee Handbook states, you must continue to follow all legal orders and commands from the facility officers, including the cleaning of your own living space. If you would like

more information regarding this, please feel free to write to supervision.

Your appeal has gone before the appeal review committee. This committee has reviewed your appeal and original grievance. There is no further information that has been provided for us to alter the original decision. This committee dismisses your appeal. This is the final decision.

Grievance

File # *2020-98* Grievance x Appeal

Kenosha County Detention Center

Inmate Grievance Form

Print Name *Ruderman Aleksey* ID# *158564*

Dorm *DS*

Date of Occurrence *2/10/2020*

(month/day/year)

You are required to talk to a staff member in an effort to resolve your problem informally. The following rules will govern the processing of complaints:

1. An "Inmate Grievance Form" must be filed within seven days of the occurrence giving rise to the complaint. The reviewing officer may accept a late complaint due to unforeseen circumstances.
2. Every effort will be made to return grievances within 7 days of receipt of the grievance by the reviewing officer.
3. The complaint should address only one issue.
4. Complaints should be printed.
5. Unsigned complaints will not be accepted.
6. Profanity and/or threats will be cause for rejection of any inmate grievance.

NOTE: You will not be disciplined for the legitimate use of the inmate grievance process. However, making a threat or false statement about or to a staff member is a rule violation and will be treated accordingly.

To complete this form:

1. Print a description of the incident or action that the grievance is based upon. Be specific on dates, times and locations.
2. Specify what policy, rule, law, etc. is being violated.
3. Suggest a solution to the problem

On 2/10/2020, I was subjected to enforced labor such as cleaning day room. Obtaining such labor is prohibited by 18 U.S.C. § 1589, or provision of the Trafficking Victims Protection Act (the "TVPA") that prohibits forced labor.

Please compensate me for one day, and make necessary adjustments in facility policies that will reflect enforcement statue.

Inmate Signature: /s/ A. Ruderman Date: 2/12/2020
(month/day/year)

Received by Officer/Unit #: /s/ D. Christiansen #1558

Date: 2-12-20 Time: 1135 Sgt JS

Assigned to Officer/Unit #: /s/ Cpl Gillett #12132

Date: 2/12/20 Time: 1709

Inmate Grievance Entry (02/12/2020 19:59)

Inmate Grievance Response Form
GRIEVANCE

Kenosha County Sheriff's Department

Print Date/Time: 02/12/2020 19:59
Login ID: kcad/rgillett
ORI Number: WI0300000
Grievance Number: 2020-00000098

To: RUDERMAN, ALEKSEY – 07A DS D-SOUTH KCDC
Inmate's Name and Location

From: 12132 – Gillett

Grievance Details: Detainee claims that he was subjected to "forced labor" when assigned to clean the dayroom of this housing unit. He requests compensation and that the policy be changed.

Response to Grievance dated: 02/12/2020 19:38
Status: DISMISSED
Response: Sir, I am receipt of your grievance where you state that you were forced to clean the dayroom located in your housing unit. As stated in the Kenosha County Inmate/Detainee Handbook, it is your responsibility to keep yourself and living area clean. The cleaning responsibilities

are given to different inmate/detainees every day, to ensure all cleaning responsibilities are distributed evenly. Below are some of the Basic Detainee Responsibilities from the Kenosha County Inmate/Detainee Handbook, along with Rule #8 located in the Jail Issue and Hygiene Rules of the handbook. I am deeming your grievance Dismissed.

"Basic Detainee Responsibilities

It is the policy of Immigration and Customs Enforcement to treat detainees with dignity and respect while maintaining a safe, secure and sanitary detention facility. It is expected that staff will receive your full cooperation while you are waiting the processing of your case. In the simplest terms, you are expected to:

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2. Obey all orders as given by staff members and contract security personnel.
3. Respect staff and other detainees at all times.
4. Respect government property and the property of others.
5. Keep yourself, your clothing, and living area clean at all times.
6. Obey all safety, security, and sanitation rules, policies, and procedures. If you

observe and comply with the above guidelines, you should have no problems while living at this facility awaiting the outcome of your hearing."

"8. KCDC – The housing units will be cleaned after breakfast movement as directed by Jail staff, with the cells, dayrooms, and sleeping areas cleaned by the inmate/detainee occupying those areas. If the housing units are not in proper order by 9:00 AM, dayroom, T.V., and phone privileges will not be allowed."

Signature

2/12/2020
Date

Inmate Grievance Response Form
GRIEVANCE

Kenosha County Sheriff's Department

Print Date/Time: 02/12/2020 19:59
Login ID: kcad/rGILLETT
ORI Number: WI0300000
Grievance Number: 2020-00000098

If you are dissatisfied with the results of the Grievance, you have 72 hours from receipt of this form to file an appeal. The Facility Administrator or his/her designee will make every effort to complete the Grievance Appeal within 14-calendar days of receiving the appeal. Your response will be in writing. This is your final appeal.

02/12/2020

Inmate Grievance Entry (02/14/2020 00:15)

Inmate Grievance Response Form
APPEAL

Kenosha County Sheriff's Department

Print Date/Time: 02/14/2020 00:15
Login ID: kcad/lgray
ORI Number: WI0300000
Grievance Number: 2020-00000098

To: RUDERMAN, ALEKSEY – 07A DS D-SOUTH KCDC
Inmate's Name and Location

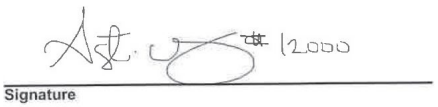
From: 12306 – Abair

Grievance Details: Detainee claims that he was subjected to "forced labor" when assigned to clean the dayroom of this housing unit. He requests compensation and that the policy be changed.

Response to Grievance dated: 02/14/2020 00:03
Status: DISMISSED
Response: Sir, I am in receipt of your appeal you submitted on 2/13/2020 regarding being excused from cleaning duties. While being housed at this facility, every inmate/detainee is expected to keep their living areas cleaned. Inmates/Detainees are assigned cleaning duties daily, and

these responsibilities are distributed evenly. As our Inmate/Detainee Handbook states, you must continue to follow all legal orders and commands from the facility officers, including the cleaning of your own living space. You spoke with Sgt. Schroeder regarding this issue and this was addressed. As our Inmate/Detainee Handbook states, you must continue to follow all legal orders and commands from the facility officers, including the cleaning of your own living space. If you would like more information regarding this, please feel free to write to supervision.

Your appeal has gone before the appeal review committee. This committee has reviewed your appeal and original grievance. There is no further information that has been provided for us to alter the original decision. This committee dismisses your appeal. This is the final decision.



Signature

2/14/2020

Date

Inmate Grievance Response Form
APPEAL

Kenosha County Sheriff's Department

Print Date/Time: 02/14/2020 00:15
Login ID: kcad/lgray
ORI Number: WI0300000
Grievance Number: 2020-00000098

02/14/2020

Grievance

File # *2020-98* Grievance __ Appeal x

Kenosha County Detention Center
Inmate Grievance Form

Print Name *Ruderman Aleksey* ID# *158564*
Dorm *DS*
Date of Occurrence *2/12/2020*
(month/day/year)

You are required to talk to a staff member in an effort to resolve your problem informally. The following rules will govern the processing of complaints:

1. An "Inmate Grievance Form" must be filed within seven days of the occurrence giving rise to the complaint. The reviewing officer may accept a late complaint due to unforeseen circumstances.
2. Every effort will be made to return grievances within 7 days of receipt of the grievance by the reviewing officer.
3. The complaint should address only one issue.
4. Complaints should be printed.
5. Unsigned complaints will not be accepted.
6. Profanity and/or threats will be cause for rejection of any inmate grievance.

NOTE: You will not be disciplined for the legitimate use of the inmate grievance process. However, making a threat or false statement about or to a staff member is a rule violation and will be treated accordingly.

To complete this form:

1. Print a description of the incident or action that the grievance is based upon. Be specific on dates, times and locations.
2. Specify what policy, rule, law, etc. is being violated.
3. Suggest a solution to the problem

The Trafficking Victims Protection Act (TVPA) establishes a civil cause of action for victims of prohibited trafficking activity. 18 U.S.C. § 1595. The TVPA's forced labor provision prohibits persons from knowingly providing or obtaining the labor or services of a person by any one of, or by any combination of the following means,

1) by means of force, threats of force, physical restraints, or threats of physical restraint to that person or another person;

1 of 3

2) *by means of serious harm or threats of serious harm to that person or another person;*
3) *by means of the abuse of threatened abuse of law or legal process;*
4) *by means of any scheme plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint.*

§ 1589 (d). The term "serious harm" denotes any harm, whether physical or nonphysical.

The facility's sanitation policy have at less two components:

1) *a mandatory housing unit sanitation (detainee handbook p. 8, 8).*
2) *a general disciplinary system for detainees who engaged in "Category II Violations 203A, 209A"" (handbook p., 15).*

As of now I am forced to clean the dayroom for no pay and under threat of solitary confinement.

This is alone will establish a civil cause of

Inmate Signature: /s/ A. Ruderman Date: 2/13/2020
(month/day/year)

Received by Officer/Unit #: /s/ Sgt. Gray #12000

Date: 2-13-20 Time: 1800

Assigned to Officer/Unit #: /s/ Sgt. Gray #12000

Date: 2/13/20 Time: 1800

File # *2020-98* *cont....* Grievance __ Appeal
x

Kenosha County Detention Center
Inmate Grievance Form

Print Name *Ruderman Aleksey* ID# *158564*
Dorm *DS*
Date of Occurrence _____
(month/day/year)

You are required to talk to a staff member in an effort to resolve your problem informally. The following rules will govern the processing of complaints:

1. An "Inmate Grievance Form" must be filed within seven days of the occurrence giving rise to the complaint. The reviewing officer may accept a late complaint due to unforeseen circumstances.
2. Every effort will be made to return grievances within 7 days of receipt of the grievance by the reviewing officer.
3. The complaint should address only one issue.
4. Complaints should be printed.
5. Unsigned complaints will not be accepted.
6. Profanity and/or threats will be cause for rejection of any inmate grievance.

NOTE: You will not be disciplined for the legitimate use of the inmate grievance process. However, making a threat or false statement about or to a staff member is a rule violation and will be treated accordingly.

To complete this form:

1. Print a description of the incident or action that the grievance is based upon. Be specific on dates, times and locations.
2. Specify what policy, rule, law, etc. is being violated.
3. Suggest a solution to the problem

action.
I am respectfully asking that the appeal coordinator will entertain different decision, and excuse me from such forced labor that is in direct conflict with the intentions of congress to protect from aforementioned actions by enacting TVPA.

3 of 3

Inmate Signature: /s/ A. Ruderman Date: 2/13/2020
(month/day/year)

Received by Officer/Unit #: /s/ Sgt. Gray #12000

Date: 2-13-20 Time: 1800

Assigned to Officer/Unit #: /s/ Sgt. Gray #12000

Date: 2/13/20 Time: 1800