



Governor Tom Wolf
508 Main Capitol
Harrisburg, PA 17120

Secretary John Wetzel
1920 Technology Parkway
Mechanicsburg, PA 17050

March 31, 2020

Dear Governor Wolf,

In the midst of the escalating COVID-19 pandemic, we commend your rapid action to mitigate the risk of exposure and illness to Pennsylvania's communities. Along with Secretary of Health Dr. Levine, you have kept the public informed and calm while we attempt to navigate this unprecedented time together as a commonwealth. We write today to urge you to take immediate steps to protect the lives and safety of more than 45,000 people who are incarcerated in the Pennsylvania Department of Corrections (DOC), 14,000 corrections staff charged with their care, and thousands who live in the communities in which our state prisons and jails are located.

Now that the first confirmed positive case of COVID-19 among Pennsylvania's state prison population has been verified, and three prison staff have self-reported positive test results, we must take bold action to protect all of Pennsylvania's vulnerable residents — including people who live and work in the DOC — from unnecessary exposure, illness and death. We are aware of the constraints placed on the DOC's authority to quickly depopulate their facilities in the wake of a public health emergency, and we commend the DOC for exploring available strategies to protect the people under their care by working to safely reduce and protect this population — but with your support we can, and must go further.

Article IV, § 9(a) of the Pennsylvania constitution provides the governor the power to grant reprieves in criminal cases. This power was affirmed by the Supreme Court of Pennsylvania following your grant of a reprieve in *Commonwealth v. Williams*, an important first step in your challenge to the “fundamental fairness”¹ of how Pennsylvania applies death sentences to people incarcerated in our care. Safe social distancing practices are a near impossibility for the thousands of elderly and sick Pennsylvanians inside our prisons who the Centers for Disease Control and Prevention (CDC) considers most vulnerable to COVID-19 related serious illness or death.²

¹ Death Penalty Moratorium Declaration, Governor Tom Wolf, February 13, 2015
<https://www.scribd.com/doc/255668788/Death-Penalty-Moratorium-Declaration>

² Centers for Disease Control and Prevention, Are you at Higher Risk for Severe Illness?,
<https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/high-risk-complications/older-adults.html>





In the midst of this unparalleled public health crisis, we urge you to use your constitutional authority to grant reprieves to aging and infirm Pennsylvanians in prisons who are most at-risk from COVID-19 exposure. Immediate and bold action on your part will also protect the health and safety of correctional staff who must continue to perform their duties inside our prisons, then return home to their families and communities.

Families of people who are incarcerated or work as corrections professionals are understandably worried about the spread of COVID-19. While you work to find ways to reduce the danger these people face, we strongly encourage you to share as much information as possible in real time with the public. We are grateful for the creation of the “PA DOC COVID-19 Dashboard,” which makes current information available to families as they try to process this extraordinary situation while also having an incarcerated loved one. We urge the DOC to continue providing daily, transparent and accurate updates to the public about:

- Total number of tests administered
- Total number of negative test results among staff and residents
- Total number of positive test results among staff and residents
- New cases among staff and residents
- Hospitalizations
- Transfers of prisoners for treatment in community medical facilities
- Quarantines
- Deaths
- Recoveries
- Depopulation efforts

On behalf of thousands of families across Pennsylvania, we applaud the steps you have already taken to reduce the negative impact of COVID-19 in our communities. Detailed and current data about the impact of COVID-19 inside our state prisons is imperative for families across the commonwealth, as well as the lawmakers elected to respond with evidence-based policy. Now, as advocates for the incarcerated and their families, we encourage continued transparency by the DOC and courageous action by the executive branch as this crisis develops. Thank you for considering our views.

Sincerely,

K. Celeste Trusty
Pennsylvania State Policy Director - FAMM

