



May 7, 2020

Governor Tom Wolf
508 Main Capitol
Harrisburg, PA 17120

Secretary John Wetzel
1920 Technology Parkway
Mechanicsburg, PA 17050

Dear Governor Wolf and Secretary Wetzel:

Before COVID-19 began spreading across Pennsylvania, public health experts and advocates recommended the release of vulnerable incarcerated people to help mitigate the impact of the virus on our communities. As we have seen, Pennsylvania's General Assembly has failed to take action to safely depopulate our state prisons in the midst of the COVID-19 public health crisis. FAMM recognizes the efforts made thus far by the executive branch and Pennsylvania Department of Corrections (PA DOC), but it is apparent that much more must be done to protect people who live and work in our state prisons. As the positive rates of COVID-19 increase among residents and staff each day, FAMM is renewing our call for our leaders to safely depopulate our state prisons.

We applaud Governor Wolf's executive action to grant reprieves to limited categories of incarcerated people, but the pace and application of those reprieves have been slow and minimal. The PA DOC has also taken steps to quickly release some people in its care, but the department lacks the legal authority necessary to broadly depopulate its facilities to minimize the spread of COVID-19. The lives of Pennsylvanians across the commonwealth depend on bold action by our leaders both in and outside of prisons.

There are now 31 confirmed positive cases of COVID-19 at SCI Phoenix in Montgomery County, and three people have tragically lost their lives from COVID-19-related illness at this facility – around a six percent fatality rate among those who tested positive at that prison. We now have 108 confirmed positive cases of COVID-19 at SCI Huntingdon in Huntingdon County, and we are concerned that if we do not take immediate action to safely depopulate our prisons of elderly and ill people, we will continue to see rising positive case and death rates among PA DOC residents and staff across the commonwealth. While we understand the urge to focus depopulation efforts on people already nearing release, FAMM is confident that Pennsylvania can maintain public safety while taking bolder action to relieve aging and sick people, regardless of conviction and sentence length, to slow the spread of COVID-19 among people who live and work in our state prisons.

All credible evidence, including from the PA DOC itself, shows lower recidivism rates for people released after age 50, after commutation of a life sentence, or after resentencing of a juvenile life

sentence. In fact, the PA DOC found the lowest three-year rearrest, reincarceration, and overall recidivism rates among people released after age 50. People released after serving a sentence for murder or manslaughter also have among the lowest rates in those categories. Pennsylvania's own recidivism data shows that Pennsylvania can safely release older vulnerable people from prison, without the need for extremely narrow criteria for release based on conviction type or proximity to one's minimum sentence. The immediate public health benefits of releasing elderly and sick people in prison in response to the COVID-19 pandemic far outweigh any foreseeable negative impact on public safety.

But for those who remain in the care of the PA DOC, the commonwealth has an obligation to keep them safe. We know Secretary Wetzel and the PA DOC take the well-being of staff and residents seriously, and we appreciate the steps taken to mitigate the spread of COVID-19 thus far. We also appreciate the increased transparency through the COVID-19 information page on the PA DOC website. Reporting timely, accurate data allows the public and policymakers to monitor the effectiveness of the commonwealth's efforts to mitigate COVID-19, and helps families better understand the situation at a loved one's facility. Additionally, it ensures limited corrections resources are properly managed, and can help identify areas that need improvement.

PA DOC data suggests one such area is the testing of residents. FAMM is concerned that testing rates in Pennsylvania's prisons are far too low to accurately depict the impact of COVID-19 on people who live and work in these facilities. PA DOC has reported that as of today 327 people – around just 0.8 percent of Pennsylvania's state prison population – have been tested for COVID-19. PA DOC data show 50 tests completed among residents of SCI Phoenix, which has a total population of about 3,000 people; and 152 tests at SCI Huntingdon, which has a population of about 2,000. The testing data from SCI Huntingdon paints a disturbing picture: a 71 percent COVID-19 positive rate among residents tested.

Positive rates of COVID-19 are much more pervasive in our correctional facilities than originally thought. Upon testing every person in their care, Montgomery County jail found a rate of COVID-19 infection more than 30 times higher than previously recorded, and the vast majority of those who tested positive were asymptomatic. In federal prisons, more than 70% of people tested for COVID-19 have returned positive results. This is not just a concern for people who live in our prisons and the correctional staff who enter facilities and return to their families and communities each day, but for every Pennsylvanian.

According to the World Health Organization (WHO), a COVID-19 positive test rate above 10 percent implies a substantial rate of infection among people not yet tested. Based on available data, PA DOC has a positive rate of nearly 44 percent among its residents that have been tested. A positive rate more than four times the WHO's recommended maximum means PA DOC is not testing the people under their care sufficiently to capture the true extent of the impact of COVID-19 inside our prisons. The self-reported staff positive test rate is near 31 percent, a concerning figure that could potentially begin to impact staffing levels at our state prison facilities. Insufficient testing puts the lives and health of incarcerated people, corrections staff, and Pennsylvania's communities at increased risk, and hinders effective response efforts by the commonwealth.

We understand there are limitations on testing capacity, and we trust PA DOC is doing its best. However, the data suggest the current efforts are simply inadequate. Pennsylvania as a whole simply cannot respond effectively to this pandemic without knowing who has been infected, including inside our prisons, and available data suggest this crucial information remains dangerously vague. FAMM

urges the executive branch and PA DOC to take any steps necessary to substantially expand testing and ensure that the positive rate for PA DOC staff and residents meets the WHO standard of no more than 10 percent.

Again, we are grateful for the steps you have taken to address the COVID-19 pandemic, but we urge to act more boldly to protect public health and save lives. Thank you for considering our views.

Sincerely,

Celeste Trusty
Pennsylvania State Policy Director – FAMM