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Members of the Pennsylvania General Assembly  
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Secretary John Wetzel  
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***Sent via e-mail***

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Since 1991, FAMM has advocated evidence-based policies to safely reduce our prison population, and our efforts have only intensified since COVID-19 first entered our communities. In March, FAMM urged Governor Wolf to use his constitutional authority to issue reprieves to vulnerable incarcerated people to safely depopulate our prison facilities as part of a COVID-19 mitigation strategy. In April, FAMM called on the Pennsylvania General Assembly to safely and quickly remove as many vulnerable people from prison as possible by creating emergency and non-emergency release provisions as additional mechanisms for the release of vulnerable, aging, and sick people. FAMM also called on Pennsylvania's Board of Pardons, urging them to embrace a truly robust clemency system as an avenue to safely release people in our prisons. We renew these calls for action now, in the face of a new wave of COVID infections.

In solidarity with the incarcerated people and families with whom we advocate, FAMM is again appealing to Governor Wolf to expand the administration's reprieve order to include release criteria based on vulnerability to COVID-19 due to age or medical concerns. While we are grateful for the 144 people currently released under the executive reprieve order, this number falls significantly short of making a substantial impact in mitigating the spread of the virus in our prisons and surrounding communities.

FAMM also renews our request that elected leaders in the Pennsylvania General Assembly swiftly and urgently pass broad medical and elderly release legislation. It is far past time for the General Assembly to act. The Pennsylvanians who live and work inside our prisons are valuable members of their families and our communities and deserve protection from this illness. Pennsylvania's Department of Corrections (DOC) currently has more than 400 confirmed active COVID-19 cases among its residents, and nearly 250 positive staff members across the commonwealth. We have also sorrowfully lost the lives of 17 incarcerated people, ranging in age from 35 to 92 and from days to decades served, and of one DOC staff member, all of whom have families and friends in our communities who are grieving their loss.



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Despite the best efforts of DOC, 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.<sup>1</sup> In our April letter to the General Assembly, FAMM predicted that if our leaders failed to treat prison health as public health by protecting incarcerated people and corrections staff, we would all suffer the consequences. Now, we see a grim picture being painted, with more than 40 COVID-positive residents and 16 COVID-positive staff at SCI Laurel Highlands, Pennsylvania's prison facility that largely houses aging, ill, and infirmed people. We are also seeing spikes in COVID-19 cases in other prison facilities across the commonwealth. More than 100 residents and 50 staff at SCI Chester, 71 residents and 18 staff at SCI Pine Grove, and 57 residents and 13 staff at SCI Somerset are actively positive for COVID-19.<sup>2</sup> It is critical that our most vulnerable incarcerated Pennsylvanians be removed from prisons and jails immediately, before we see more unnecessary suffering and lives lost from COVID-19.

An October 2020 report by the National Academies of Science, Engineering, and Medicine entitled *Decarcerating Correctional Facilities During COVID-19: Advancing Health, Equity, and Safety* recommends reducing prison populations as a "appropriate and necessary" COVID-19 mitigation strategy.<sup>3</sup> The report recommends immediately prioritizing the release of incarcerated people who are medically vulnerable, nearing the end of their sentence, or have a low likelihood of serious recidivism. The recommendations also include revising and implementing release mechanisms in cases of medical necessity, impairment of a functional or cognitive nature, or family hardship. In Pennsylvania, expanding and creating additional mechanisms for release requires the General Assembly to take legislative action. The next wave of infection is upon us, and Pennsylvania's incarcerated people and their loved ones are rightly terrified. Continued inaction from the General Assembly now is unacceptable.

We now have months of experience proving that COVID-19 is a dire emergency that requires immediate action across all institutions—including our prisons. It is imperative that we expand and create robust mechanisms to safely reduce Pennsylvania's prison and jail populations to preserve limited healthcare resources, and protect public health. These mechanisms also will save taxpayer money in the face of an unprecedented budget crisis, because elderly and ill people are the most expensive to incarcerate. Medical and geriatric release mechanisms will also make us all safer by removing those who are a minimal risk to public safety from our prison facilities to quarantine safely at home.

Pennsylvania needs our leaders to take heroic action in these unprecedented times. We urge the General Assembly to expand medical and geriatric release as soon as possible, and we urge you to use your reprieve power robustly. Thank you for considering our views.

Sincerely,

Celeste Trusty

Pennsylvania State Policy Director, FAMM

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<sup>1</sup> 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>

<sup>2</sup> Pennsylvania Department of Corrections COVID-19 Dashboard, <https://app.powerbigov.us/view?r=eyJrIjojNWQ5YTQ4ZWUtY2NjMi00ZWRhLTgyNWQtYzAzNzc5NmYwMGIyIiwidCI6IjQxOGUyODQxLTAxMjgtNGRkNS05YjZjLTQ3ZmM1YTlhMWJkZSJ9>

<sup>3</sup> National Academies of Sciences, Engineering, and Medicine 2020. *Decarcerating Correctional Facilities during COVID-19: Advancing Health, Equity, and Safety*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/25945>.

