



PENNSYLVANIA INSTITUTIONAL LAW PROJECT

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Via First Class Mail, Fax (717-772-8284) and email (govcorrespcrm@pa.gov)

Honorable Tom Wolf
Governor
Commonwealth of Pennsylvania
508 Main Capitol Building
Harrisburg, PA 17120

Dear Governor Wolf:

The Pennsylvania Institutional Law Project (PILP) writes this letter in response to your statement and press release issued on June 22, 2020, where you stated that “the inmates inside state correctional institutions have proven so far to be more secure from COVID-19 than the general population,” and cited that less than 1 percent of the state prison population had tested positive for COVID-19.¹

The Pennsylvania Institutional Law Project is a legal aid organization dedicated to representing incarcerated and institutionalized persons on their civil rights and other civil claims through litigation in federal and other courts and through advocacy. We seek to ensure the health, safety, and humane treatment of incarcerated individuals, especially during this critical and unprecedented time.

We object to your statement that incarcerated people are more “secure” or safer in prison than out in the community. This statement severely understates the grievous threat to health and safety faced by incarcerated and detained people during a pandemic. Throughout the United States, prisons and jails are the hotspots of COVID-19 outbreaks.² This is evident even in Pennsylvania where confirmed COVID-19 cases at SCI Huntingdon skyrocketed, outpacing the

¹ Statement, *Gov. Wolf: Pennsylvania Reduced Prison Population by Record-Setting 3,471 since March 1* (June 22, 2020) <https://www.governor.pa.gov/newsroom/gov-wolf-pennsylvania-reduced-prison-population-by-record-setting-3471-since-march-1/>

² C.J. Ciaramella, *8 of the Top 10 Biggest U.S. Coronavirus Hotspots Are Prisons and Jails*, Reason (April 29, 2020), <https://reason.com/2020/04/29/8-of-the-top-10-biggest-u-s-coronavirus-hotspots-are-prisons-and-jails/>.

numbers in the surrounding community.³ Minimizing the ongoing threat to the lives of incarcerated people in DOC facilities places the lives of all Pennsylvanians at risk of a second wave of COVID-19 with disastrous consequences.

We also assert that the 1% positive test rate fails to accurately reflect the actual infection rate in the Pennsylvania Department of Corrections (DOC). Pennsylvania has conducted less COVID-19 testing than almost every other state.⁴ The Pennsylvania state prison system similarly lags in testing, even behind other county prisons and jails in Pennsylvania. As of June 25, 2020, the DOC has only tested approximately 5000 incarcerated people out of a total population of approximately 44,600, a mere testing rate of 11%.⁵

In contrast, Montgomery County, Delaware County, and Philadelphia have all utilized universal or mass COVID-19 testing within their jails. Based on universal testing at these 3 jail systems, large numbers of incarcerated people who tested positive for COVID-19 were asymptomatic.⁶ At George W. Hill Correctional Facility in Delaware County, where both a COVID-19 test and antibody test were administered, they learned that nearly half of the incarcerated population have had COVID-19. Even the lowest infection rate, which was in the Philadelphia Department of Prisons, was 6%, significantly higher than 1% that you cited.

³ Tim Lambert, *Containing COVID-19 Outbreak at SCI-Huntingdon, Preventing Spread Outside the Prison is a "Battle,"* WITF (May 13, 2020), <https://www.witf.org/2020/05/13/containing-covid-19-outbreak-at-sci-huntingdon-preventing-spread-outside-the-prison-is-a-battle/>.

⁴ Tom Avril, *Pennsylvania Does Less Coronavirus Testing Than Almost Every Other State,* Philadelphia Inquirer (June 24, 2020), <https://www.inquirer.com/health/coronavirus/coronavirus-covid19-pennsylvania-test-positive-new-jersey-hopkins-20200624.html>.

⁵ See Inmate and Employee Testing, DOC website (last updated 4:30 pm, June 25, 2020), <https://www.cor.pa.gov/Pages/COVID-19.aspx>; DOC population for May 2020 at <https://www.cor.pa.gov/About%20Us/Statistics/Documents/Monthly%20Population%20Reports/Mtpop2005.pdf> (listing total residential population as 44,556).

⁶ Jeremy Roebuck and Allison Steele, *Montgomery County's Jail Tested Every Inmate For COVID-19 — And Found 30 Times More cases Than Previously Known,* Philadelphia Inquirer (April 28, 2020), <https://www.inquirer.com/news/coronavirus-testing-montgomery-county-jail-asymptomatic-philadelphia-prisons-20200428.html>; Jeremy Roebuck, *Nearly Half Of Inmates Tested In Delaware County's Jail Have Had The Coronavirus,* Philadelphia Inquirer (May 12, 2020), <https://www.inquirer.com/news/coronavirus-delaware-county-jail-george-hill-covid-mass-testing-results-serology-20200512.html>; Jeremy Roebuck, *Six Percent of . . . Philly Inmates Tested Positive For COVID-19 As Jails Move To The 'Yellow' phase,* Philadelphia Inquirer (June 5, 2020), <https://www.inquirer.com/news/coronavirus-philly-jails-inmates-universal-testing-class-action-lawsuit-settlement-20200605.html> (headline incorrectly noting that 6% of asymptomatic inmates tested positive, but this was the overall positive test rate, with 18% of the positive tests were from asymptomatic inmates).

By failing to test broadly, the 1% rate is not reliable and should not be used to determine correctional policy. To best protect the health and safety of incarcerated people, prison staff, and the community, we urge you and the DOC to implement mass testing immediately.

Furthermore, during this pandemic, PILP has been corresponding with people held throughout the Department of Corrections, and we have received disturbing reports regarding the prison conditions imposed due to COVID-19.

Most DOC facilities, if not all, have been placed on lockdown conditions during the pandemic. We have received multiple reports of individuals who continue to be held in their cells the size of a bathroom for 22 or 23 hours or more. While social distancing is critical in mitigating the spread of COVID-19, the ability to be out of the cell is essential to meet basic needs, such as showering and the ability to call friends and family. As Pennsylvania Department of Corrections Secretary John Wetzel acknowledged in testimony before the Pennsylvania Senate on May 20, 2020, long-term isolation, like that to which people in DOC facilities have been subjected for several months, can have serious, negative effects on people's mental health.

We have also received troubling reports about the denial of necessary medical care for incarcerated people in the DOC. These include an individual whose required CT and ultrasound exams for his liver and kidney have been unduly delayed and is currently experiencing great pain, and another person who is experiencing depression, anxiety, and hearing voices, but was informed that there would not be any scheduled mental health visits for eleven weeks except for emergent circumstances. We continue to receive complaints about the inability to access necessary services, even despite Secretary Wetzel's announcement of the DOC's "demobilization" or reopening plan.

We therefore urge you and the Department of Corrections to engage in universal COVID-19 testing in DOC facilities, lift the lockdown conditions, and ensure access to necessary services.

If you have any questions, you may contact me at smyeh@pailp.org. Thank you.

Sincerely,



Su Ming Yeh
Executive Director

Cc: Secretary John Wetzel (*via mail*)
Timothy Holmes (*via email*)