

March 18, 2020

Governor Tom Wolf
Office of the Governor
508 Main Capitol Building
Harrisburg, PA 17120

Dear Governor Wolf,

COVID-19, an unprecedented and deadly viral pandemic, is currently sweeping the Commonwealth, presenting grave challenges to public health that we have never faced in our lifetimes. We write to ask that you act urgently in the face of this growing health crisis and bring as many people home from prison as quickly and safely as possible.

Public health experts and groups such as [Dr. Gregg Gonsalves](#), [doctors working in New York City Hospitals](#), [Dr. Marc Stern](#), [Dr. Oluwadamilola T. Oladeru and Adam Beckman](#), [Dr. Anne Spaulding](#), [Homer Venters](#), and [Josiah Rich](#) have all clearly stated that preventing the harm inflicted by SARS-CoV-2 and COVID-19 can become immensely more difficult for people involved in the criminal legal system. Being arrested and detained, incarcerated, or forced to appear in public spaces such as courts and supervision offices, or having one's mobility limited even while home, can drastically limit a person's ability to exercise any of the above precautions or to seek and receive medical help. The longer jurisdictions wait to act, the worse the harm will be.

The Department of Corrections currently incarcerates approximately 47,000 people in state prisons and community corrections centers. Many of the people under the custody of the Department of Corrections are elderly or have health conditions that put them at higher risk of hospitalization or death should they become infected with COVID-19. As of 2018, nearly 1,900 people of the total DOC population were over the age of 60 and many more are under the age of 60 yet have co-morbidities and compromised health. You must ensure that prisons do not needlessly keep people incarcerated who are vulnerable to COVID-19.

State prisons force thousands of people into close daily contact. Each of these facilities has the potential to be its own epicenter of spreading infection, with people moving in and out of the facilities on a daily basis which puts local communities at risk.

We urge you to immediately take the action steps below to protect the elderly and vulnerable population incarcerated in state prisons across the Commonwealth. Without these steps, the government puts the lives of



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incarcerated individuals, correctional personnel, and communities at risk. The only treatment currently available for those who contract a life-threatening case of COVID-19 is supportive care through a ventilator. Currently, the DOC has only four ventilators all of which are at SCI-Laurel Highlands. SCI-Laurel Highlands currently houses 1,521 individuals, all of whom are elderly or suffer from severe illness or disease, creating a particularly dangerous situation for individuals housed at this facility that cannot be addressed by the facility's medical infrastructure. Failure to attend to this situation will mean a death sentence for many individuals in our Commonwealth.

The current moment demands that we bring as many people home as quickly and safely as possible to avert a human rights catastrophe. We must figure out how to reduce the number of people who are clustered together and by doing so reduce the amount of harm that will come when COVID-19 hits the prisons.

As Governor, you have a uniquely powerful role to play in stopping the spread of COVID-19 and limiting the harm it inflicts by decreasing incarcerated populations and creating a culture in which transparency, safety, and the health of all people are the paramount concerns. We ask you to take the following measures to immediately reduce the population of the DOC:

- Explore emergency measures to release as many elderly people and as many people with comorbidities and complex medical needs from prison as quickly and safely as possible. The most vulnerable are obviously the elderly, as well as people with cardiovascular disease, diabetes, chronic respiratory illness, high blood pressure, and cancer or who are pregnant.
- Mandate that those who are processing these releases are coordinating with local service providers and public health experts so that people who may not be able to return home have a safe, accessible place to be that is also close to medical facilities and services. As detention centers pose many of the same risks as prisons, the Governor should order DOC not to release anyone into ICE custody.
- Mandate data collection and distribution from all criminal legal system agencies and actors who are part of the state's coronavirus response, as sharing information about this virus is essential in limiting the damage it will cause.
- Direct the Department of Corrections to exercise its authority and direct Community Corrections Centers to immediately grant furloughs to people in its centers who have home options to reduce the CCC population during this crisis.
- Direct the Department of Corrections to make medical furloughs immediately eligible for vulnerable populations within the Department of Corrections and expedite their processing and release.
- Finally, consider issuing Executive Orders that seek to achieve the goals and remedies outlined above, particularly where local system actors are awaiting that guidance.

Probation and Parole Agents and Parole Boards must also exercise their authority to quickly reduce the number of people in prison. The Parole Board has the immediate ability to release people who have already served their minimum term of incarceration and the authority to grant parole *sua sponte* "when the interests of justice require." 61 Pa.C.S. § 6137, 6139. As Governor you should direct the PA Parole board to do the following:

- The Parole Board should expedite and expand release opportunities for incarcerated people, reducing the populations in prisons as recommended by health experts. The Parole Board and the DOC should work together to release as many people on parole as quickly and safely as possible. Criteria should be immediately established for people who have hit their minimum dates and are now parole eligible that gives them the presumption of parole if they have been misconduct free for a certain amount of time, have demonstrated rehabilitation, or are deemed low risk in other ways.
- For people who are not at their minimum dates– with a focus on populations identified by the CDC as particularly vulnerable – the PA Board of Parole should seize any and all opportunities to expedite that process to ensure that anyone who would be released from incarceration at any point has the opportunity to be screened for release immediately.
- Hearings should be waived for people meeting the categories of presumption of parole and they should be paroled immediately. For people not meeting those criteria, parole hearings should be expedited for all people currently parole-eligible so we can bring as many people home as possible
- Agents should cease in-person check-ins to accommodate the need for social distancing, and should allow check-ins to occur by voice or video call. Where those technologies are not accessible to a person under supervision, minimize or temporarily suspend check-in requirements. Additionally, agents should suspend enforcement of any mobility-restricting supervision conditions that impede a person’s ability to seek medical care or to support loved ones who may have COVID-19.
- Parole agents must limit the number of people being incarcerated by suspending detainees and incarceration for technical (crimeless) rule violations.

The Board of Pardons must act where it can act. There are currently a number of applicants in the pipeline who are trying to have their sentences commuted. As Governor you should recommend that Lt. Governor Fetterman do the following:

- Convene an emergency session of the Board of Pardons to conduct merit review on the cases before them with an eye toward cases of people who are particularly vulnerable.
- Immediately conduct public hearings for all cases who are deemed meritorious in order to recommend as many people for commutation as possible.

In conclusion, it is essential that we limit the likelihood and extent to which prisons and community corrections centers might become local epicenters of COVID-19 infection. This means that actors within the criminal legal system must coordinate with and defer to local public health experts in limiting the risks presented by coronavirus and COVID-19 to people who come into contact with the system. It also means that we must draw down the prison population and reduce the crowding by bringing people home. Just as people work to create a fire break in the event of a wildfire so must we work to create barriers to limit the spread of infection and with it reduce the loss of life in the prisons and the communities that are connected to them. The time to act is now before it is too late and there is too much needless suffering.

Sincerely,

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