



March 16, 2020

Secretary John Wetzel  
Pennsylvania Department of Corrections  
1920 Technology Pkwy  
Mechanicsburg, PA 17050

Dear Secretary Wetzel:

On behalf of the Pennsylvania Institutional Law Project, the ACLU of Pennsylvania, and FAMM, we write to urge you to immediately develop evidence-based and proactive plans for the prevention and management of COVID-19 in the Pennsylvania Department of Corrections. We also request that you provide us with any plans and procedures you have developed to protect the health of the people in your custody and the people who work in your institution. We will be following up with a Right to Know request for any documents related to those plans.

People in prisons are highly vulnerable to outbreaks of contagious illnesses. They are housed in close quarters and are often in poor health. Without the active engagement of the prison administration, they have little ability to inform themselves about preventive measures, or to take such measures if they do manage to learn of them.

We ask that you immediately reach out to the Pennsylvania Department of Health and/or your county or municipal health department to develop plans to address the virus in the prison system. This is an urgent matter. Having an appropriate, evidence-based plan in place can help prevent an outbreak and minimize its impact if one does occur. Not having one may cost lives.

While the plan should be developed collaboratively by your department and the Pennsylvania Department of Health and/or local health department, some of the critical issues that must be addressed are:

- **Education of the people in your custody:** People housed in the prisons need to be informed about the virus and the measures they can take to minimize their risk of contracting or spreading the virus. They must be educated on the importance of proper

handwashing, coughing into their elbows, and social distancing to the extent they can. Information about the spread of the virus, the risks associated with it, and prevention and treatment measures must be based on the best available science.

- **Education of the staff:** Correctional, administrative, and medical staff all must be educated about the virus to protect themselves and their families, as well as the people in their custody.
- **Staffing plans:** Regardless of how many staff stay home because they are sick, the prisons will have to continue functioning. There must be a plan for how necessary functions and services will continue if large numbers of staff are out with the virus.
- **Staffing plans for services provided by prisoners:** Many tasks in prisons, such as food preparation and basic sanitation, are performed by prisoners. The plans for an outbreak must also address how necessary tasks performed by prisoners will continue if large numbers of prisoners are ill.
- **Provision of hygiene supplies:** The most basic aspect of infection control is hygiene. There must be ready access to warm water and adequate hygiene supplies, both for handwashing and for cleaning. This includes hand soap as well as alcohol-based hand sanitizer. To the extent that you ban alcohol-based sanitizer in your institution, we ask that you lift that ban and provide the people in your custody and staff with hand sanitizer with at least 60% alcohol content.
- **Screening and testing of the people in your custody:** The plan must include guidance, based on the best science available, on how and when to screen and test people in your facilities for the virus.
- **Housing of persons exposed to the virus:** The plan must describe how and where people in the prison system will be housed if they are exposed to the virus, are at high risk of serious illness if they become infected, or become sick with it. *This should not result in prolonged, widespread lock-downs.* Any lock-downs or interruptions in regular activities, such as exercise or visits and phone calls with families or attorneys, should be based solely on the best science available and should be as limited as possible in scope and duration.
- **Treatment:** Courses of treatment must be evidence-based, available immediately, and in compliance with scientifically based public health protocols.
- **Vulnerable Populations:** The plan must provide for additional precautions for those who are at high risk of serious illness if they are infected, such as pregnant women and people with chronic illnesses, compromised immune systems, or disabilities, and people whose housing placements restrict their access to medical care and limit the staff's ability to observe them.

- **Data collection:** The collection of data regarding COVID-19 will be part of the public health response. As with any contagious disease, data collection is critical to understanding and fighting the virus. The prison system must be part of this process. The same information that is tracked in the community must be tracked in the prisons.
- **Access to Counsel and the Courts:** Access to the courts, the legal system, and the ability to have meaningful discussion with attorneys is vital, especially in challenging times. We request that any cessation of legal visits only be implemented as a last resort, and if it is necessary, that other alternatives be provided, such as ready or free access to phone calls, videoconferencing, and mail.
- **Visitation:** The ability to contact family and friends for people who are incarcerated is essential. If in-person visitation is restricted, we ask that you waive any fees that people in your custody must pay to contact family members and friends by phone.

Thank you for your attention to these issues. We are also encouraging government officials to take steps to reduce the number of new admittances to county jails and to find ways of substantially reducing jail and prison populations. We would appreciate any assistance you are able to provide with those efforts. If you have any questions or concerns, you may contact Su Ming Yeh at (215) 925-2966 or smyeh@pailp.org. We look forward to hearing from you. Thank you.

Sincerely,

/s/ Su Ming Yeh

Su Ming Yeh

Interim Executive Director

PA Institutional Law Project

/s/ Witold Walzak

Witold Walzak

Legal Director

ACLU of Pennsylvania

/s/ Celeste Trusty

Celeste Trusty

Pennsylvania State Policy Director

FAMM

Cc: Timothy Holmes (via email)