

PENNSYLVANIA
PRISON SOCIETY
justice & compassion

Testimony of the Pennsylvania Prison Society
Senate Democratic Policy Committee Hearing
January 7th, 2021

Senator Muth, Senator Williams and Senator Street thank you for convening this hearing and the invitation to testify. More importantly, thank you for taking up the concerns of your constituents who are in Pennsylvania Department of Corrections (PA DOC) custody during the pandemic or have loved ones in custody.

As you may know, the Pennsylvania Prison Society is the nation's oldest human rights organization. Founded by Benjamin Franklin and Benjamin Rush, we have served as the independent monitor and ombuds for Pennsylvania prisons since 1787.

Since March 13th, 2020 we have:

- Responded to more than 4,000 inquiries from family members with questions or concerns about what is happening regarding COVID in the prison where their loved one is located.
- Dispatched volunteer-ombuds to look into 1,160 specific complaints about conditions from incarcerated people and their families.
- And distributed more than 1,000 surveys regarding COVID conditions to people in PA DOC custody and analyzed the 626 survey responses returned from April through early December.

The Pennsylvania Department of Corrections is responsible for the care and custody of 39,000 Pennsylvanians.

Keeping 39,000 people virus-free and healthy while in congregate care settings is an impossible task. The Department has, when compared to other state prison systems dealt well with this impossible task. The PA DOC has experienced fewer fatalities than many other states and has done a better job of implementing mitigation efforts including frequent cleaning and wearing of masks.¹

¹ See the Marshall Project's reporting on known COVID cases and fatalities in state prisons as of 12/18/20 <https://www.themarshallproject.org/2020/05/01/a-state-by-state-look-at-coronavirus-in-prisons> and see the Prison Society's September 24, 2020 Report Prison Conditions During the COVID-19 Pandemic which included an

But we can all agree that one preventable death is too many – and there have been 72 including people in custody and prison staff. One person confined to their cell for close to 24 hours a day for weeks is too many – and that has been the experience of 39,000 Pennsylvanians.

As the unbiased, independent source for what is happening in Pennsylvania prisons, we can report that the majority of the 39,000 people in state custody are spending this dark winter of COVID-19, largely confined, cut-off, fearful and sick.

Confined. As you likely know, the Department is locking down specific housing units and facilities when there is a viral outbreak. When a unit or facility is in lockdown it is not uncommon that people in custody have only forty-five minutes out-of-cell when they must choose between showering, recharging a tablet, making a brief phone call, or going outside. In some facilities, during the first week of a lockdown, people in prison are getting no access to phones nor the ability to charge a tablet. We have had several calls from panicked family members who are used to hearing from their loved one several times a week who are now completely cut-off from them.

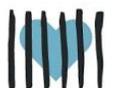
Fifty percent of people who filled out our survey in the last three months report they are getting 60 minutes or less out of their cells every day. Many people report getting 30 minutes or less out of their cells.

Cut-off. The Department has worked hard to get everyone at least one free phone call a week. But that is it, one call per week. And with lockdowns when there is an outbreak, sometimes that is not possible.

At the start of the pandemic the Department did a herculean job establishing free video calls over Zoom for families with loved ones in prison. At the Prison Society we helped close to 100 families set up Zoom so they could speak to their family members in prison. In September, the Department switched video visit providers from Zoom to Polycom. We now field complaints every week from families who have had the video or audio cut out during a video call over Polycom. We received no such complaints when the Department utilized Zoom.

In addition, the Department arranged for Prison Society volunteer ombuds to conduct their interviews with people in custody via Zoom. This worked very well. The Department has not been able to arrange for Prison Society volunteer ombuds to use POLYCOM. Instead all volunteers are conducting their interviews over the phone, which has been very easy to schedule but lacks the ability to more deeply connect with the person in custody who has requested our assistance.

analysis comparing survey results in the PA DOC similar survey findings from the Illinois Department of Corrections https://issuu.com/prisonsociety3/docs/covid-19surveyreport_ic_9.23



Fearful. Sixty percent of people who filled out our survey report feeling unsafe.

Sick. One in six survey respondents reported they could not access medical care.

There are concrete ways the Pennsylvania legislature can help the Department save lives and end the traumatizing and inhumane conditions I have described.

First, expand and accelerate efforts to safely reduce the number of people in custody. The legislature can order the release of medically frail people, order and fund accelerated parole hearings, enact medical parole or one of a myriad of measures to quickly and safely get Pennsylvanians out of harm's way, maintain public safety, and improve public health.

Implement weekly, rapid testing of all staff that come into contact with people in custody. When prisons are in lockdown, corrections staff are the only people coming and going from the facility who could potentially introduce the virus. While the Department screens staff for symptoms before entering, that is not sufficient to stop a virus known for asymptomatic spread. We call on the Department to adopt the mandatory staff testing protocols currently required for all nursing homes. These protocols require monthly, weekly, or bi-weekly rapid testing of all staff in contact with residents, based on the level of community spread.

Provide the Department with sufficient staff and resources to allow more movement and effective video visits. The Legislature should be commended for allocating emergency funds for prison staffing. Similar resources should be allocated to allow the Department to switch back to Zoom from Polycom so that families can be given actual video visits, instead of part of a visit with the video or audio cut-off.

Provide sufficient healthcare to the people in state custody. Lack of access to medical care is a deep problem that pre-dates the pandemic. One quarter of the requests for assistance we received prior to the pandemic were for help accessing physical or mental health care. One in six respondents to our survey reported that they could not access medical care. Providing community-standard healthcare to 39,000 people, many of whom have pre-existing conditions, is not an easy task but it is necessary.

Require that every county publicly report prison testing results and virus-related deaths in custody. We know how many people have died in state custody because the Department reports it. The Prison Society has asked the Department of Health, the Department of Corrections to report publicly the number of deaths and infections in county custody. To date they have declined. We, as a state, do not know how many Pennsylvanians have died in county prison custody from COVID-19.

