



*Testimony of Kris Henderson for Pennsylvania Senate Democratic Policy Committee Public Hearing on the impacts of COVID-19 in our prison system, January 7, 2021*

I was recently talking to an incarcerated person over the phone and he told me, “this place isn’t made for social distancing. The only way the Department of Corrections can keep us separated is to punish us.”

Since March, people in Department of Corrections custody have not been able to have [in-person visits](#) with loved ones. Since March, incarcerated people have had limited out of cell time and limited or no programming available to them. Since March, [Amistad Law Project and other advocates](#) have been saying that the prison population must be reduced to save lives.

The Department of Corrections estimates that about [12,000 of the people in its care are especially vulnerable to COVID-19](#) yet the [Governor Wolf’s reprieve order](#) in April resulted in [fewer than 200 people](#) being released. The DOC has used [other means to reduce the population to just under 40,000](#) but that is not nearly enough.

Two things needed to be done at the beginning of the pandemic: 1. Elderly and medically vulnerable people who could safely shelter at home with family needed to have their sentences reprieved so they could do so. 2. The overall DOC population needed to be reduced so that the remaining incarcerated people would be able to single cell and be safer.

People cannot socially distance in prison. The DOC has said that they can keep the people in its care safe by using [cohorting and restricting all sorts of things](#): out of cell time, visits, programming. But the virus is still getting in. COVID-19 is not passing through cinder block walls, it is getting in through staff and vendors. It will continue to get in through staff and vendors.

[A staff member of a jail in Maine attended a wedding in August](#). That wedding was linked to 177 cases of COVID-19, including 82 cases of incarcerated people, prison staff, and family of prison staff. Outbreaks have occurred in multiple Pennsylvania prisons and the pandemic continues to rage.

The DOC has a responsibility to advocate that the Governor expand his reprieve order so they can manage this pandemic inside and they have failed to do so.

[The DOC has a COVID-19 dashboard](#) that supposedly posts information about testing, testing results, and deaths in the DOC. [Amistad Law Project has worked with data scientists](#) from the University of Pennsylvania to analyze this COVID-19 data.

[We found eight separate instances](#) in which there were unexplained decreases in the total number of tests given to incarcerated people. Even worse, as the Philadelphia Inquirer Editorial Board pointed out in a recent opinion piece, the number of people listed by the DOC to have died from COVID-19 has *decreased*. The DOC's COVID-19 dashboard was updated on the evening of January 4th after not having been updated since New Year's Eve. And on New Year's Eve, the DOC removed over 2,000 tests from their official count.

The DOC has failed to be transparent about these inaccuracies. If they double entered tests on different days, we don't know how many they double entered making it difficult to get a full picture of how the pandemic has impacted prisons over time.

This mismanagement of data is illustrative of the DOC's mismanagement of the pandemic overall.

The only way the DOC says it can keep the almost 40,000 people in its care safer is by subjecting them to punishment. That is the only way you can describe 23 hours per day in a cell with another person for almost 10 months.

The Department of Corrections must test its staff for COVID-19, discipline staff who do not wear masks, and stop using solitary confinement as the means to control COVID-19. Solitary confinement is causing immense suffering and COVID-19 is still getting into the prisons.

Governor Wolf must use his reprieve power to reduce the prison population and save the lives of incarcerated people, prison staff, and staff members' family members.

There was a wave of outbreaks in the prisons in the spring and then a worse wave over the fall. We are fearful that the outbreaks will continue unless the prison population is drastically reduced. This pandemic has shed light on the many cracks in our system of incarceration but it has not shown us anything new. The DOC cannot keep the almost 40,000 people in its care safe during this pandemic because it has never been able to keep incarcerated people safe. For decades, incarcerated people have not received adequate medical care, have been punished with tortuous solitary confinement, and have been isolated from their communities and loved ones.

This pandemic has shown all of us what we care about, what we prioritize, and how dependent we are on one another. We can earn the respect of future generations by valuing every human life and making sure the 40,000 people in DOC custody are safe.