

Governor James C. Justice
State Capitol, 1900 Kanawha Blvd E.
Charleston, WV 25306

Commissioner Betsy Jividen
1409 Greenbrier Street
Charleston, WV 25311

Secretary Bill Crouch
One Davis Square, Suite 100 East
Charleston, WV 25301

Monday, April 27, 2020

Dear Governor Justice, Commissioner Jividen, and Secretary Crouch:

As the COVID-19 crisis continues in West Virginia, so does our concern regarding its impact on those behind bars or otherwise detained in congregate settings across the state. Many West Virginians are extremely worried about loved ones of all ages who are incarcerated in jails, prisons, juvenile detention facilities and other out of home placements, where following social distancing guidelines is nearly impossible. The same is true of those who work in these facilities, their families and communities. We, the undersigned, share their concerns. In fact, we would go even further to stress that what occurs in those settings can impact all West Virginians. It is clear to all by now that prisons, just like nursing homes, schools, colleges and other locations that you have worked hard to address are at heightened risk, which then can adversely impact the general population.

We highly commend state leaders such as yourselves for taking effective measures to stop the spread of the disease. However, the recent news that a correction officer has tested positive raises disturbing possibilities. Given the very high risk for this population and for the thousands of West Virginians connected to it in one way or another, we are writing to request that the state make universal testing available to all people detained or employed in these facilities as testing supplies become more available. Since studies indicate that many people who have and can spread the virus are asymptomatic, this is the surest way to identify cases of infection and to allow authorities to take appropriate measures in the interest of all West Virginians.

This would be consistent with federal guidance for the use of the CARES Act, which states that funds can be used for "costs of providing COVID-19 testing, including serological testing" as well as "COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions."

Further, because of the vulnerability of this population, it is imperative that West Virginia provide robust transparency with regards to COVID-19 testing occurring in our corrections system. Other states like Florida, North Carolina, Ohio, Oklahoma, Texas, and Virginia publicly

report not only the number of positive cases in correctional facilities, but also the total number of tests performed as well. We're asking that this information be made publicly accessible.

Ongoing forthrightness about COVID-19 testing and results within the prison system will maintain the public trust in our health and law enforcement officials. Transparency will similarly put incarcerated individuals and their families at greater ease.

Limiting the spread of COVID-19 in high-risk environments like our prison system is imperative for the health of incarcerated individuals, correctional staff, and our communities as a whole. The more incarcerated individuals and correctional staff that need treatment at local hospitals, the greater the strain will be on our health care system's capacity.

The organizations listed below represent a diverse cross section of West Virginians supporting this request. We thank you and those who work with you for your service in this difficult time and look forward to your response.

Sincerely,

Americans for Prosperity
American Friends Service Committee
WV Council of Churches
WV Access to Justice Commission
Catholic Dioceses of WV
American Civil Liberties Union-WV
Our Future WV
WV Center on Budget and Policy
Appalachian Prison Book Project
Mountain State Justice
NAACP – Jefferson County