



Hon. Governor Jim Justice
1900 Kanawha Blvd. East
Charleston, West Virginia 25305
Sent via email to Brian.R.Abraham@wv.gov

Commissioner Betsy Jividen
Division of Corrections and Rehabilitation
1409 Greenbrier Street
Charleston, West Virginia 25311
Sent via email to Betsy.Jividen@wv.gov

April 29, 2020

Dear Governor Justice and Commissioner Jividen,

On behalf of the ACLU of West Virginia, under WV Code §29B-1-1 et seq, I am requesting an opportunity to inspect or obtain copies of the below records regarding COVID-19 infection risk and spread among people living and working in Division of Corrections and Rehabilitation facilities.

I request to inspect or obtain all records in the custody and/or control of the Governor's office and/or the Division of Corrections and Rehabilitation:

1. Estimating or predicting COVID-19 infection rates and mortality among people living and working in Division of Corrections and Rehabilitation facilities, including records identifying any model(s) and/or algorithm(s) used or relied upon by the Division of Corrections and Rehabilitation to predict COVID-19 spread.
2. Regarding the risk of spreading COVID-19 to the communities surrounding Division of Corrections and Rehabilitation facilities via movement of staff and incarcerated people in and out of, and between, facilities.
3. Regarding actions the Governor or the Division of Corrections and Rehabilitation could take to address the risk of COVID-19 for people living and working in Division of Corrections and Rehabilitation facilities and the likely outcomes of those actions.
4. Regarding suspected or confirmed COVID-19 related infections and COVID-related deaths among people living and working in Division of Corrections and Rehabilitation facilities.
5. Related to COVID-19 related complaints, grievances and/or requests made by people incarcerated and/or detained in Division of Corrections and Rehabilitation facilities, including grievances discussing access to hygiene, protective equipment, medical



treatment, and/or other risks of exposure to COVID-19 within Division of Corrections and Rehabilitation facilities.

6. Related to COVID-19 related communications or complaints between and/or among Division of Corrections and Rehabilitation employees, including executive staff, facility supervisors and their staff, regarding employee access to hygiene, protective equipment, and/or other risks of exposure to COVID-19 within Division of Corrections and Rehabilitation facilities.
7. Regarding the most recent plan created prior to the COVID-19 pandemic that would be implemented to guide the Division of Corrections and Rehabilitation facilities in the event of a statewide infectious disease outbreak.
8. All records in the custody of the Governor's office that identify the model(s) and/or algorithm(s) upon which the Governor has relied upon from January 1, 2020 to estimate and/or predict COVID-19 infection rates and likely mortality throughout the state, including whether such models accounted for COVID-19 spread in and through Division of Corrections and Rehabilitation facilities.

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$100. Based upon a fuller description of the available records, I may elect to designate only certain records for copying and production.

I request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of West Virginia's response to COVID-19. This information is not being sought for commercial purposes.

If you expect a significant delay in responding to or in fulfilling this request, please contact the below email address with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and the appeal procedures available to me under the law.

I ask that any questions, responses or records produced please be directed to this email address: COVID_FOIA@aclu.org.

Thank you for considering this request.



Sincerely,

Eli Baumwell
Policy Director
ACLU of West Virginia
P.O. Box 3952
Charleston, West Virginia 25339