

March 12, 2020

Director Harold Clarke
Virginia Department of Corrections
P.O. Box 26963
Richmond, VA 23261

Dear Director Clarke:



701 E. Franklin Street
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acluva.org

Claire G. Gastañaga
Executive Director

We are writing to urge you to develop and implement without delay evidence-based and proactive plans for the prevention and management of COVID-19 in the Virginia Department of Corrections.

People in prisons and jails 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 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 reach out to the Virginia Department of Health immediately to develop plans to address the virus in institutions. This is an urgent matter. Having an appropriate, evidence-based plan in place and ready to implement 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 agency and the health department, some of the critical issues that must be addressed are:

- **Education of the people in your custody:** People housed in prisons and jails 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.



AMERICAN CIVIL LIBERTIES UNION
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- **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, prisons and jails 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 and jails, 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 and protective gear:** 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. Refer to guidelines from the health department on when to utilize masks, gloves and protective clothing to prevent the spread of germs.
- **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 and need to be quarantined, are at high risk of serious illness if they become infected, or become sick with it. Any prisoner segregation, 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 accepted 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, people over the age of 65 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. Prisons and jails must be part of this process. The same information that is tracked in the community must be tracked in the prisons and jails.

We are closely monitoring this situation because of the importance of ensuring that all individuals in your custody are treated with dignity and care. Please feel free to contact me with any questions or if you wish to discuss further.

Very truly yours,



Claire Guthrie Gastanaga
Executive Director

ACLU

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