Good morning, Chairman Payne, Members of the Committee on Homeland Security, Justice and Public Safety, other distinguished Members of the 34th Legislature, and the listening and viewing audience. I am Wynnie Testamark, Director of the Virgin Islands Bureau of Corrections (“Bureau” or “BOC”).

Thank you for this opportunity to discuss the work of the Bureau.

On behalf of the dedicated and committed men and women who make up the Bureau, I am proud to report that we have endured unprecedented challenges over the past year because of their remarkable work. Despite those challenges, we stayed committed to ensuring the health and safety of our staff and those entrusted to our care while remaining steadfast in achieving the Bureau’s core mission of operating a safe, secure, and humane prison and jail.

In the past year, we made steady progress toward achieving our long-term strategic goal of becoming a premier correctional agency in the region that offers an opportunity for growth and professional development while transforming the lives of those in our care through re-entry and rehabilitation – all to the benefit of the people of the Virgin Islands.

COVID-19 Update

Fighting COVID-19 was our primary focus in 2020.

When I last appeared before this Committee on February 13, 2020, neither COVID nor the coronavirus was on the agenda; they were never even mentioned at that hearing. But exactly
one month later, on March 13, Governor Albert Bryan, Jr. and the United States President both declared a public health state of emergency because of the COVID-19 pandemic.

The Bureau of Corrections took immediate action to address the COVID-19 threat. On the same day that the Governor declared a state of emergency, the Bureau published its COVID-19 protocols, which suspended all in-person visits, work details, work releases, and furloughs. We began screening and quarantining new intakes. We ramped up cleaning and disinfection at our facilities, posted COVID-19 flyers throughout, and offered COVID-19 educational materials and seminars to our medical team. To allow incarcerated people to connect with their families, we provided free phone calls and text and video messages during that critical time.

Since the onset of the pandemic, the Bureau’s operational decisions have been consistent with the guidance of the leading public health experts at the Centers for Disease Control and Prevention (“CDC”) and the V.I. Department of Health (“DOH”). As that guidance has evolved, so have our operational practices. We collaborated with our partners at DOH and the CDC every step of the way.

In response to this unprecedented public health emergency, BOC promptly implemented 12-hour shifts for all its correctional officers and supervisors. We anticipated that if there were ever an outbreak at a Bureau facility, or several of our officers fell ill, our already chronic staffing shortages would worsen. Moving to 12-hour shifts gave the Bureau the flexibility of providing more excellent coverage with fewer officers.

Three weeks after the Governor declared a state of emergency, the Bureau reached out to leaders in the Virgin Islands criminal justice community to discuss ways to reduce the number of low-level, non-violent detainees incarcerated while awaiting trial. We recognized that jails and prisons could become incubators for the coronavirus because they tend to be densely populated
and poorly ventilated. Virgin Islands criminal justice leaders responded in a way that kept our
detainee population relatively stable during the height of the pandemic.

These early, decisive steps to mitigate the COVID-19 threat have borne fruit. We were
proactive, we were vigilant, and all things considered, we’ve been spared.

We have no reported or suspected cases of COVID-19 at either facility right now. John
Bell on St. Croix has remained COVID-19 free since the pandemic began more than a year ago.
We suffered a COVID-19 outbreak at the St. Thomas jail in August, during which 36 inmates
and 11 staff became infected. Thanks to our medical staff’s strategic and incredible work, and
our correctional professionals, we successfully managed that outbreak so that no inmate required
hospitalization and, thankfully, none died. By any measure, the Bureau’s response to the
COVID-19 threat has been a success.¹

The Bureau now conducts COVID-19 testing on all new intakes using Abbott's Binex
NOW® COVID-19 Ag Card, which can give accurate results in as little as 15 minutes. New
intakes are kept in 14-day quarantine regardless of test results, as recommended by the CDC.

We believe the COVID-19 vaccine represents the best path out of the pandemic.
Therefore, in collaboration with the Department of Health and VITEMA, the Bureau gave all
staff the option of taking the COVID-19 in January 2021. Forty-five staff members have been
vaccinated thus far.

On February 22, 2021, we became one of the first correctional agencies nationwide to
offer the COVID-19 vaccine to all inmates. Sixteen (16) inmates, ranging in age from 20 to 66,
have received the Pfizer vaccine so far. The Bureau is now a CDC-authorized provider of both the Pfizer and Moderna COVID-19 vaccines.

With the help of partner agencies such as VITEMA and the Law Enforcement Planning Commission and private donors like Banco Popular, we are stockpiling masks, gloves, face shields, gowns, and other PPEs in the event of a COVID-19 resurgence. We continue to remain vigilant and prepared even while encouraging staff and inmates to take advantage of the protection offered by the COVID-19 vaccine.

Despite the immediate threat posed by COVID-19 in 2020, the Bureau continued to make headway in other areas critical to its operations, including recruitment, re-entry and rehabilitation, mental health services, medical care, physical plant improvements, and capital projects, which I will discuss shortly.

Security Staffing & Pay

But none of what we do as an agency would be possible were it not for the extraordinary work of our sworn correctional professionals. As a former correctional professional, I know firsthand that they do the grueling, demanding work – out of view – that keeps all of us safe. They are where the rubber meets the road. We owe them an enormous debt of gratitude that can never be fully paid.

Our correctional officers have been working 12-hour shifts since the beginning of the pandemic. They have sacrificed much over the past year to ensure that the Bureau provides essential services to those in custody. Despite staffing shortages that pre-dated the pandemic, they continued to carry out the Bureau's mission statement. I want to acknowledge their service and sacrifice publicly and commend them for their remarkable work in what was one of the most challenging years in the Bureau’s history.
Here are some of the things that the Bureau is doing in support of correctional officers:

- We are emphasizing the recruitment of new correctional officers. We now have a total of 21 correctional recruits in various stages of the onboarding process: 15 on St. Thomas and six (6) on St. Croix. This is by far the largest group of correctional recruits in recent memory.

- We have been working diligently with our partner agencies to resolve a 9-year-old grievance concerning the proper calculation of correctional officer overtime. In response to that grievance, we changed the way overtime is calculated so that correctional officers are paid overtime after 8 hours worked in any one day. We are still working out the glitches in the payroll STATS system, but I have instructed the BOC payroll team to do whatever it takes to make sure our correctional officers are correctly paid.

- We are currently in ongoing negotiations with the correctional officers’ union for a new collective bargaining agreement (“CBA”). The CBA under which we currently operate expired in 2014.

- All Law Enforcement Supervisors’ Union (“LESU”) salary change NOPAs for salary increases that became effective October 2019 have been approved by the Division of Personnel and are now being processed for payment.

- The 2020 LESU salary change NOPAs will be processed in the same manner once the 2019 NOPAs have been finalized.

- In addition to the 2019 and 2020 wage increases, LESU members will receive retroactive pay for wage increases that went into effect beginning in October 2019.
• We have dramatically increased training opportunities at the Bureau. Over the past year, correctional officers have received:
  a. Hospital Security Training;
  b. Prison Rape Elimination Act refresher training;
  c. Suicide refresher training;
  d. Use of Force and cell extraction training;
  e. Effective communication and report writing training
  f. Firearms certification training (some for the first time in 5 years);
  g. Self-Contained Breathing Apparatus (SCBA) training;
  h. Active shooter training;
  i. Use of restraints training; and
  j. Leadership training for correctional supervisors.

• We’ve also invested in our correctional officers by giving them new equipment, including new correctional vehicles to replace those that had served their useful life, and new radios, batons, and restraints.

• We now promptly hear and resolve employee grievances, including those brought by correctional officers. Those grievances are sometimes resolved informally without the need for arbitration. In May 2020, for example, correctional officers at CJC on St. Thomas complained about a malfunctioning air conditioning unit. The Bureau responded promptly, first by repairing the unit then eventually replacing it.

• In June 2020, we convened a meeting of all union representatives. The purpose of that meeting was to keep communication channels open and discuss ways to resolve management and union differences without resort to arbitration.
At the Bureau of Corrections, our most valuable asset is our outstanding staff. I have prioritized providing them with the tools, resources, and training they need to safely and effectively carry out their job responsibilities.

Inmates

As of March 19, 2021, the Bureau houses 228 inmates and detainees locally: 143 at John Bell and 85 at CJC. These numbers fluctuate daily. Of the inmates housed locally, 217 are male, and 11 are female. Also, the Bureau houses 148 inmates off-island: 100 at Citrus County Detention Facility in Florida and 48 inmates at correctional facilities in Virginia. These numbers do not include the 17 inmates with serious mental illnesses housed at Wellpath in South Carolina with the assistance of the Department of Health. We are determined to reshape how corrections is perceived by treating prisoners as individuals who need counseling, resources, and preparation for the outside world – not bad people who deserve punishment.

All of these inmates must be fed, clothed, housed, transported, and cared for at Bureau expense. We are working hard to drive down those costs.

a. Moving Food Service In-house to Reduce Costs & Improve Quality

Food service is one area where we have realized significant cost savings. The Bureau moved food service in-house in May 2020 when its outside vendor threatened to cut off service within ten (10) days if certain conditions were not met. After meeting with its consultants, the Bureau concluded that it could save an average of $1 million dollars a year – roughly $5.2 million over the next five years – by handling food service ourselves.

In just under ten (10) days, the Bureau found a local food service provider with institutional experience and a local food supplier, both of which had years of experience doing business with the Government. Planning and foresight allowed Bureau managers to pivot and
quickly bring our foodservice operations in-house. Although there have been minor challenges as we make this transition, this is a win-win situation for the Bureau, its inmates, and the Virgin Islands economy.

b. Consent Decree Matters

Our FY 2021 budget included $715,000 for fees to monitors and experts who we are legally mandated to pay so long as the consent decrees remain in effect. Clearly, the sooner the Government can finally resolve these cases, the sooner it can eliminate these costly consulting and monitoring fees.

The Bureau made significant progress in the St. Croix consent decree case over the past year, despite the COVID-19 pandemic. For the first time, all provisions of the consent decree governing John Bell are out of non-compliance. No provision was downgraded. As a result, the court-appointed Monitor has reduced the number of yearly monitoring visits from three per year to two. This will result in significant cost savings for the Government over time.

But achieving full compliance with the consent decree at John Bell is hampered by matters beyond the Bureau’s control, such as “inadequate staffing levels, poorly designed and aged facilities, and budgetary challenges.” Dr. Kenneth A. Ray, Court-Appointed Independent Monitor’s 21st Compliance Report (dated April 4, 2020) (filed in United States v. Government of Virgin Islands, Civil No. 1:86-cv-0265, ECF Doc. # 1166-1).

The 2013 Settlement Agreement (also “consent decree”) covering CJC presents a more significant challenge, partly because there is neither a neutral, independent monitor nor clearly defined, measurable benchmarks to assess progress objectively. The Territory has made progress toward complying with a series of court-ordered remedial provisions. After years of non-compliance, the court, on April 22, 2020, outlined near-term, mid-term, and long-term tasks for
the Virgin Islands to comply with the 2013 Settlement Agreement. Two weeks ago, the Court held a hearing in the St. Thomas consent decree case. We are encouraged by the Court’s willingness to take a fresh look at the compliance framework and not feel bound entirely by past rulings in this case.

c. Greater Reliance on Grants and Alternative Funding Sources

Last year was also a year of budgetary constraints because of the economic downturn created by COVID-19. Overall, the changed budgetary landscape means that the Bureau must squeeze more out of every dollar appropriated and be creative in finding alternative sources of revenue. We intend to maximize the use of federal grant money.

In fact, over the past year, the Bureau identified – and unlocked – close to a million dollars in federal grant monies that have been sitting in accounts – unspent – for over eight (8) years. That breaks down to roughly $803,000 from unused State Criminal Alien Assistance Program grants (“SCAAP”) going back to 2012, plus another $154,000 from a 2009 SCAAP grant awarded when the Bureau was still under the Department of Justice. The Bureau will use these funds to improve training, including pre-service and in-service training, upgrade outdated correctional officer equipment, and fund our re-entry programs. Furthermore, in December 2019, the Bureau received a $346,000 Department of Agriculture Telemedicine Distance Learning grant. Those funds will be used to purchase needed computers and upgrade and secure our computer network to facilitate telemedicine, telepsychiatry, and other remote technologies.

Accomplishments and Initiatives During Last Fiscal Year

Please allow me to share a few of our considerable achievements with you since I came before you last year.
A. Designing and Implementing A Robust Re-Entry Program

Part of the Bureau’s core mission is to prepare inmates for successful re-entry into society. But this crucial component of the Bureau’s mission has been overlooked and ignored for far too long. As a society, we ignore re-entry and rehabilitation programs at our peril. Doing so is both counter-productive and self-defeating.

Last year the Bureau consulted with an expert in rehabilitation programming to develop workflows and project manuals that give each inmate a personalized, re-entry road map. That road map will show how the vocational, educational, and rehabilitation offerings at our facilities can ease their transition back into society once they’ve served their sentence.

In 2020, thirteen (13) inmates at John Bell received certificates in time and stress management; 11 registered for the GED and took courses, 6 completed a food handling certificate program, and four (4) participated in a drug and alcohol treatment program offered by the Village. Vocational offerings were affected last year by the restrictions imposed by COVID-19.

In May 2020, the Bureau partnered with the Center for Excellence in Life Learning of the University of the Virgin Islands (“UVI CELL”) to develop a $750,000 grant proposal to create a new citizen re-entry program at John Bell. UVI CELL has also helped several Bureau staff and one inmate become certified National Center for Construction Education and Research (“NCCER”) trainers.

The Bureau recognizes the need to train returning citizens in high-paying, technical jobs. We are collaborating with the Department of Labor to help our inmates with technical skills find jobs once they return to our community. For example, the Bureau recently awarded culinary certificates to three inmates who participated in a culinary program at John Bell. We have been
collaborating with the Department of Labor to use the Second Chance Act to place these inmates in jobs where they can use these skills once they re-enter society.

The Bureau’s vocational programs will be focused on three areas going forward: aquaculture (such as tilapia farming), horticulture, and poultry farming. Concentrating on these areas opens avenues for prison industries and reduces the Bureau’s food costs. The products we grow can be sold to the public and feed our inmates.

Also, we are putting the finishing touches on the equine therapy program at John Bell in partnership with the Virgin Islands Equestrian Equine Therapy Project (VIEETP). Once finalized, that project will provide vocational training in horse care to eligible inmates. The goal is to provide both job skills and therapy to our inmate population.

B. Infrastructure Upgrades at John Bell & CJC

The Bureau has made several significant infrastructure upgrades at both facilities since I last came before you.

a. Dining Hall Renovations & New Kitchen Equipment at John Bell

We completed the renovation of the kitchen and dining area at John Bell in October 2020. For the first time in many years, our inmates now eat in the dining area rather than in their dorms.

Also, the burners, stoves, and ovens in the kitchen at John Bell were rusting and unsafe, leading to a citation from the V.I. Department of Health in November 2019. We replaced them for the first time in over 20 years. One of our kitchen purchases is an industrial-grade ice machine that will make 1,500 pounds of ice per day. The Bureau no longer needs to spend $185 each week buying ice (a savings of $10,000 per year), and inmates will have a continuous supply of cold drinking water in their housing areas – especially critical during the hot summer months.
b. **New Backup Generators at both Facilities**

The federal consent decrees require that we have a reliable source of backup power at both facilities. Both of our facilities were plunged into darkness during Hurricanes Irma and Maria because the storms damaged or destroyed the generators at each facility. The Bureau learned the hard way that it could not rely on a single generator as a backup source of electricity. Remember that Bureau facilities never close; we need a reliable power source 24 hours a day, seven (7) days a week.

We’ve taken concrete steps to fix the backup power issues that have plagued both facilities. We now have a new 900-kilowatt generator for John Bell on-line and fully functional that can power the entire facility in the event of an outage. We have identified a 500-kilowatt generator for CJC, the cost of which will be shared by the Virgin Islands Police Department. We are awaiting contractor approval from the Department of Property and Procurement for installation. Also, we recently purchased two 375-kilowatt diesel generators at a steep discount: one to back up the generator at CJC and the other to back up the 900-kilowatt generator that is now functional at John Bell. These steps to secure reliable backup power for both facilities demonstrate the Bureau’s emphasis on foresight and planning.

c. **New Laundry Equipment at John Bell**

We installed four new industrial-sized washing machines and dryers at John Bell, which replaced rusting, malfunctioning laundry equipment that impaired prison operations. These new machines are environmentally friendly and consume less water;

d. **New Air Conditioning Unit at St. Thomas Jail**

In November, the Bureau replaced the malfunctioning air conditioning unit at CJC with a new 60-ton central air condensing unit. This new unit resolves many of the ventilation issues
that led to complaints and grievances from employees. In June, the Bureau also installed a split-level A/C unit in the main control room to benefit correctional officers.

e. Medical and Mental Health Upgrades

In the last year, the Bureau has upgraded how it delivers medical and mental health care to its inmates. First, the Bureau has begun converting X dorm at John Bell into a mental health unit for the exclusive use of chronically mental health patients. This has long been one of the Bureau’s aspirational goals because it allows quicker intervention and comprehensive treatment for inmates who have a mental illness.

The Bureau also made technology upgrades that have positively affected medical and mental health care. We now have telemedicine and telepsychiatry capability. We also implemented the use of electronic medical records, which streamlines the management of patient records while reducing administrative costs and the risk of data loss.

Moreover, the Bureau now has its full complement of mental health professionals. We have a psychiatrist on contract at John Bell, and we recently contracted with Island Therapy Solutions to provide mental health services at CJC. We also have experienced mental health coordinators at each facility, a health services administrator with extensive health care experience and a case management planner on St. Croix. Last week we completed interviews for the mental health social worker on St. Thomas. Ensuring that the Bureau has a full complement of mental health professionals is critically important because jails and prisons have now become the largest providers of mental health services in the United States.

Competent correctional nurses and nursing staff are critical to providing adequate care to our inmate population. The Bureau has been working with the Division of Personnel to reclassify some of our nursing positions, refine their job descriptions, and in so doing, provide
them with the compensation they deserve based on their years of experience. **FEMA Award of $17.6 Million To Rebuild the Alva Swan Annex**

In October 2020, the Federal Emergency Management Agency awarded $17.2 million to rebuild the Alva A. Swan Annex, which Hurricanes Irma and Maria in 2017 destroyed. After cost-share and insurance deductions, the Bureau will receive $14.2 million in federal funds. FEMA’s first offer would have left the Bureau with only $3 million to repair – not replace – the Swan Annex. The final FEMA award is almost 500% more than initially offered.

C. **Development of a 5-Year Strategic Plan in Partnership with UVI CELL**

One of the most far-reaching accomplishments of the past year was completing the Bureau’s 5-year strategic plan in December 2020. The plan is rooted in the premise that the Bureau will be recognized as a model correctional facility, committed to excellence and respected by the community as an innovative, stable, and effective organization. It establishes key performance indices and benchmarks to gauge progress across the agency’s various divisions. At the end of five years, the strategic plan envisions the Bureau of Corrections as an accredited, premier correctional agency that is finally out from under the federal consent decrees.

D. **Other Notable Accomplishments & Initiatives**

Some of the Bureau’s other notable accomplishments and initiatives over the past year include the following, which are not listed in any order of importance:

1. **Successful Completion of Parole Hearings in June and December 2020** – The Parole Board conducted its bi-annual parole hearings to consider inmates deemed eligible to apply for parole. The Board made use of video conferencing technology to interview off-island inmates and victims and their families who wished to testify. Many thanks to the Parole Board members for their commitment to public service, which made it possible for the Board to perform its essential functions successfully, despite the COVID-19 pandemic.

2. **Full Implementation of Video Visitation at Both Facilities** – The immediate suspension of in-person visitation at the beginning of the coronavirus pandemic
played a significant role in preventing the introduction of the virus in our facilities. The fact that we had a fully functional video visitation alternative made the decision to suspend in-person visitation that much easier. Judging by its widespread use, video visitation and electronic text messaging have been a big success at our facilities.

3. **Video Arraignments and Advice of Rights** – In collaboration with the courts, the Bureau began holding video arraignments and advice of rights in March 2020, when the coronavirus lockdown went into effect. This made it possible to keep the wheels of justice turning while minimizing the risk of exposure to COVID-19. It also reduces the correctional officer manpower needed to transport detainees to and from the court since these hearings are now conducted remotely at our facilities. We intend to continue this practice long after the pandemic has passed.

4. **Completed Installation of New CCTV System at St. Thomas Jail** – After a delay of more than two (2) years, the Bureau installed a new 100-camera, closed-circuit television system (CCTV) at CJC in April 2020, paid for with Public Finance Authority funds. These new cameras improve security and promote accountability.

5. **Completed Contracting Process for Repeat Vendors to Facilitate Payment** – The Bureau now requires all vendors who regularly provide goods and services to the Bureau do so under a contract. Having a contract makes it easier to get invoices approved by the Department of Property & Procurement and paid by the Department of Finance. For small, local businesses who cannot afford payment delays, the Bureau has been diligent in making sure that these businesses execute a contract, which expedites the payment pipeline.

6. **Substance Abuse Rehabilitation Program** – The Bureau conducted a first-of-its-kind substance abuse rehabilitation program at John Bell. That program consisted of 5 weeks of individual sessions and seven (7) weeks of group sessions. Six men and three (3) women graduated from the program. We expect to continue this important work once the coronavirus threat has safely passed.

7. **Repaired Perimeter Fencing at John Bell** – The repairs to the perimeter fencing at John Bell are now 95% complete and should be completed by the end of this year. This has been a long-term project that was stalled for several years.

8. **Acquired New Vehicles to Improve Bureau Operations** – Many of the Bureau’s vehicles were so old and worn that the Department of Property and Procurement requested that they be retired. Plus, there were not enough vehicles to safely perform Bureau functions. Last year the Bureau acquired ten (10) new vehicles for use in conducting agency operations: two (2) vans each for St. Thomas and St. Croix, two (2) pickup trucks, and 4 SUVs.
9. **Online Work Order System** – In October 2020, the Bureau adopted an electronic, online inventory and work order system that tracks all Bureau assets and schedules preventative and routine maintenance. Work orders can now be scheduled online on both St. Thomas and St. Croix. This is the first online work order system of its kind in the entire V.I. Government.

10. **Retired Correctional Officer Bill Proposal** – In March 2020, we submitted a bill proposal to this Committee to amend title 3 V.I. Code section 755(c) to add retired correctional officers to the list of professions who can come back to work for up to 2 years while continuing to earn a GERS pension. Current law already allows nurses, teachers, and police officers to do so. Allowing retired correctional officers to return to work without incurring a GERS penalty would give the Bureau a short-term boost in staffing levels while our aggressive recruiting efforts bear fruit. We ask for your support in advancing this significant legislation.

**Conclusion**

Mr. Chairman, and members of the Committee, thank you for allowing me to provide testimony before you today. My staff and I look forward to your questions.