April 2, 2020

Randall A. Liberty
Commissioner of the Maine Department of Corrections
State House Station 111
Augusta, Maine 04333-0111

RE: COVID-19 Response in Adult Facilities by Maine Department of Corrections

Dear Commissioner Liberty:

This letter is to thank you for actions taken to protect individuals incarcerated in Maine’s state correctional facilities during the COVID-19 crisis. Your expeditious consideration of the needs of these vulnerable Mainers is necessary and critical.

In light of the rapidly evolving, fast-paced nature of the COVID-19 crisis, this letter also seeks to share concerns and offer recommendations on behalf of our constituency, which comprises presently incarcerated people, formerly incarcerated people, their families and friends, and community members and organizations.

In short, we are gravely concerned for our friends, neighbors, and loved ones in Maine’s prisons.
We know that:

- Most prison cells are tiny and occupied by two people in bunks. It is impossible to remain six feet apart, per Centers for Disease Control and Prevention (CDC) guidelines. The Women’s Center in Windham is even more crowded with women sleeping on makeshift cots;

- Shower facilities are shared by as many as 60 people;

- Facility populations share the same cafeterias. At least one facility uses the same kitchen for the entire population;

- There are wait times to be seen in the infirmary during the best of times. Prison medical facilities are unprepared and inadequate for this crisis, especially given that many infected with COVID-19 are asymptomatic. If even one or two medical personnel become sick with the virus the entire medical infrastructure could crash;

- Each day corrections officers go home to their communities and return the next day. They risk infecting incarcerated individuals and staff on one end and their own families and neighbors on the other;

- Maine's prison facilities are understaffed. If corrections officers become sick, the problem of understaffing will be compounded and have a profound effect on the ability of the facilities to function;

- Most prisons are located away from major medical facilities. The nearby small hospitals rarely have more than a handful of intensive care rooms and ventilators, and they are typically occupied by individuals with respiratory illness other than COVID-19. Larger hospitals have this challenge as well. They may already be, or will soon be, overwhelmed with community patients;
• In overcrowded facilities like Maine Correctional Center, there is little to no opportunity for physical distancing, isolation, or quarantine of ill individuals;

• And: prison facilities are dependent upon the labor of incarcerated people who work for free or pennies on the dollar. They labor in the kitchens, clean the facility, manage mail, teach classes, and care for the dying in hospice programs. If they are sick or quarantined in cells, those functions are incapacitated, and everyone is at risk of infection spreading like wildfire.

In acknowledgement of this very real human crisis, we respectfully ask that:

• The Maine Center for Disease Control and Prevention (Maine CDC) designates incarcerated individuals and prison employees as Tier One individuals for the purpose of expedited COVID-19 testing. Just as nursing homes house medically compromised people in close quarters, so do prisons. At a death rate of 1%, dozens of incarcerated people will die. This is a conservative estimate given daily statistics on the virus’s impact elsewhere;

• All common surfaces be disinfected frequently throughout the day;

• Personal protective equipment (PPE), specifically medical-grade masks, be issued to all incarcerated people and staff;

• Designated family members be notified immediately upon suspicion of COVID-19 exposure and given daily updates on the status of their loved one;

• Governor Janet T. Mills provides commutations as appropriate and uses her emergency powers to immediately release medically compromised, elderly, and pregnant prisoners in the custody of the Maine Department of Corrections. These individuals are at particular risk of the most deadly effects of COVID-19;
• Incarcerated individuals with 12 months or less remaining on their sentences be released immediately or receive expedited community confinement releases where appropriate. County jails have released more than 20% of their populations in the last month to prepare for COVID-19 while MDOC has released just over 1%. Community organizations, community members, and families stand ready to assist.

Now that an employee of the Maine Department of Corrections has tested positive for COVID-19, there is no time to waste. We must act immediately.

We are happy to make ourselves available to discuss these proposals and offer whatever assistance we can. Thank you for your time and consideration. We appreciate your expeditious work to keep Maine’s incarcerated people safe and healthy.

Respectfully,

Maine Prisoner Advocacy Coalition

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Copied (by email):

Governor Janet T. Mills, c/o Jeremy Kennedy, Chief of Staff
Dr. Nirav D. Shah, Director, Maine Center for Disease Control and Prevention