

***Testimony of Wynnie Testamark, Director
Virgin Islands Bureau of Corrections
Committee on Homeland Security, Justice & Public Safety
35th Legislature of the Virgin Islands
February 7, 2023***

Good afternoon, Chairman Gittens, distinguished Members of the Committee on Homeland Security, Justice & Public Safety, other distinguished Members of the 35th Legislature of the Virgin Islands, and our listening and viewing audience.

I am Wynnie Testamark, Director of the Bureau of Corrections (“Bureau” or “BOC”). On behalf of the dedicated and committed men and women who make up the Bureau, thank you for the opportunity to appear before you today to provide an overview of the Bureau’s operations, capital projects, and other initiatives. Joining me are members of the Bureau’s management team who can respond to inquiries that fall within their areas of responsibility.

Before I begin, I’d like to take this moment to recognize the passing of BOC Assistant Director Everett Hansen in December. Over a career spanning more than 25 years, he served as correctional officer, chief, assistant warden, warden, and assistant director. The Bureau is grateful for the contributions he made during that time.

Despite the challenges facing the Bureau – and indeed correctional agencies nationwide – I am proud to report that we have stayed committed to achieving the Bureau’s core mission of operating secure and humane prisons and jails while safeguarding those entrusted to our care. We’ve paid our staff what they were owed and have provided them unprecedented opportunities for professional development and growth. And we have made key infrastructure and technological upgrades that streamline operations and reduce costs. At the direction of Governor

Albert Bryan, Jr., the Bureau also has placed increased focus on reentry and rehabilitation, recognizing that 90% of persons in our prisons and jails will return to our community eventually.

Overview

Over the last several years, the Bureau has made steady, upward progress that has positioned it to achieve its goal of becoming one of the premier correctional agencies in the Caribbean. When I first came before you 4 years ago, I said that in the long run, “we can overcome the challenges facing the Bureau with strategic planning, accountability, and training. But we must have the resources and tools necessary to succeed.”

Since that time, the Bureau has continued the hard work of transforming the lives of persons committed to its care – even as it undergoes the difficult process of transforming itself. In the words of the great Arthur Ashe, at the Bureau we are committed to disturbing what has become too comfortable while at the same time working to comfort the disturbed.

Today, I’d like to tell you about the progress that the Bureau has made to transform itself and its approach to corrections thanks to the resources the Legislature has provided over the last several years. Make no mistake, we have considerable challenges ahead. Our work is far from over. We are not yet where we want to be as an agency, but thanks to the Bryan-Roach administration and your help, we are far from where we were just 4 short years ago.

Supporting Our Correctional Officers & Civilian Staff

None of what we do as an agency would be possible were it not for the tireless work of our sworn correctional professionals and our civilian staff. They are richly deserving of our gratitude and praise, and we salute them and thank them for the difficult work they do every day.

At the Bureau of Corrections, our staff is our greatest asset. Providing them with the tools, resources, and training they need to carry out their job responsibilities safely is my top

priority. As an agency, we have invested heavily in our people – by paying our staff what they are owed and by training them to do the difficult work asked of them.

Here are some of the things that the Bureau has done over the last year to motivate and reward with its staff:

- **Pay Increases for Corrections Officers** – In February 2022 the Bureau implemented the first across-the-board salary increases for corrections officers in more than 10 years. Because of those increases, corrections officer pay increased by an average of 45.4%, and some by as much as 72%. All correctional officers have been paid their increases and all have received any retroactive pay owed. 2022 was a banner year for corrections officer pay thanks to Governor Albert Bryan, Jr.'s commitment to corrections.
- Furthermore, the Bureau already has begun the process of paying the Fiscal Year 2023 salary increases for corrections officers that went into effect on October 1, 2022. Some officers have already received that increase.
- **Executed New Collective Bargaining Agreement for Corrections Officers** – On September 30, 2022, Governor Bryan approved a new collective bargaining agreement for corrections officers, the first in 8 years. This is a major accomplishment that addressed many of the labor issues that has plagued the Bureau in the past. We have already made retroactive payments to corrections officers for holiday pay based on the language in the new CBA. In addition, the Bureau issued new uniforms to all officers in 2022 and is current with the uniform allowance owed them under the CBA.

- **Paid Past Due CBA Salary Increases for Corrections Supervisors** – When I first came before you in 2019, correctional supervisors had not received the yearly salary increases mandated by their CBAs for several years. We’ve fixed that. The Bureau is now current with the salary increases required by the CBA for all correctional supervisors through Fiscal Year 2022. The Bureau is currently processing correctional supervisor salary increases for Fiscal Year 2023.
- **Paid Salary Increases to Civilian Staff** – Not only have we paid our corrections officers and supervisors but we also have paid the civilian staff that supports them. All General Scale (GS); SIU Masters; and USW Supervisors salary increases have been paid. The Bureau is current on its obligations to all staff – sworn and civilian – as for the Fiscal Year ending September 30, 2022.
- **Began Reorganization of Nursing Division** – Last year the Bureau took the necessary steps to reorganize its nursing division to begin giving its dedicated nursing professionals the pay equity they richly deserve. This project was long overdue. Some of our nurses have not gotten a raise in over 10 years!! The extremely low salaries the Bureau could pay its nurses made it extremely difficult to recruit and retain qualified nurses. Rather than kick the can down the road – as had been done in the past – this administration tackled the problem head on. We are working with our partners at the Division of Personnel and the Office of Collective Bargaining to raise nursing salaries across the board and place our nurses on a wage scale that would give them not only pay equity but also regular salary increases. No BOC nurse should ever have to work 10 years without a raise!

- **Reduced Pending Employee Grievances by More than 75%** - Four years ago the Bureau had more employee grievances pending than any other government agency. No more. We've reduced the backlog of employee grievances by more than 75%. Now the Bureau promptly hears employee complaints, often resolving them without the need to even file a grievance. Responding to employee complaints and taking immediate action demonstrates the Bureau's commitment to its staff.
- **Increased Training & Opportunities for Career Development** – 2022 was also a banner year for training at the Bureau. Last year we trained more staff and provided more off-island training opportunities than ever before in the history of the Bureau. We increased spending on training and equipment by more than 500% compared to Fiscal Year 2021. One hundred percent (100%) of our civilian staff and 85% of our sworn staff completed all required training. That level of overall training participation has never been achieved before at the Bureau. Equally important, we've developed our training curriculum and updated our training policy to ensure a systematic approach to keeping our staff up to date on evolving practices in the correctional field nationwide. Providing training opportunities for our staff not only gives them the tools to work smarter and more efficiently but it also reduces the risks to the Bureau. Here are just some examples of the training offered by the Bureau over the last year:
 - a) Pre-service training for all new Bureau employees, and in-service refresher training for all sworn officers & civilian staff in over 40 topics;
 - b) Counterterrorism First Responder Training in Socorro, New Mexico;

- c) Classifications Training in Fort Lauderdale, FL by the Broward County Sheriff's Office;
 - d) K-9 Handler Training (5 weeks) in Troy, Missouri with the St. Louis Metropolitan Police Department as part the establishment of a BOC K-9 Unit;
 - e) National Commission and Correctional Health Care ("NCCHC") Spring Conference in Atlanta, Georgia;
 - f) NCCHC Mental Health Care Conference in Denver, Colorado ;
 - g) Firearms certification training for all sworn staff;
 - h) Key Control Officer Training in Miami, Florida with the Miami-Dade County Corrections & Rehabilitation Department;
 - i) Baton and OC Spray certification training;
 - j) National Jail Leadership Command Academy training in Huntsville, Texas;
 - k) First Aid, CPR, and AED Training of all security and medical staff;
 - l) Fire Life Safety training provided by the V.I. Fire and Emergency Medical Service;
 - m) Coalition of Adult Basic Education Conference in Seattle, Washington;
 - n) American Jail Association Recruitment and Retention Summit for Jail Professionals in Columbus, Ohio; and
 - o) American Correctional Association Winter Conference in Orlando, Florida.
- **New Equipment** – The Bureau has also invested in its correctional officers by giving them new equipment, including:
 - a) upgraded radios;
 - b) flashlights;

- c) restraints
 - d) batons
 - e) vests
 - f) All-Terrain Vehicles (ATVs) to patrol the perimeter at John Bell;
 - g) Vans, trucks, and new correctional vehicles to replace those that had served their useful life
 - h) special needs vans and equipment to help with geriatric and disabled inmates.
- **Staff Wellness** – The Bureau also encourages staff to cope with job-related stress by taking advantage of opportunities for counseling and healing afforded by the Employee Assistance Program (EAP). In addition, the Bureau is in collaboration with the federal Substance Abuse and Mental Health Services Administration (SAMHSA) to develop strategies to reduce stress among corrections officers. These initiatives are critical to our staff. For example, a recent study of the consequences of job stress among corrections officers revealed that the life expectancy of corrections officers is 12 to 16 years shorter than individuals in other occupations.¹

¹ Leischen Stelter, “Are You Suffering from Burnout?” CORRECTIONS1 BY LEXIPOL, (June 27, 2017) (found at: <https://www.corrections1.com/products/training-products/articles/are-you-suffering-from-burnout-aGMv15nAdmKJMUAa/>).

Capital Projects and Infrastructure Upgrades

The Bureau made significant infrastructure upgrades over the past several years and has completed temporary hurricane repairs to existing facilities. For example, in the last 2 years alone, the Bureau has installed numerous high-definition cameras in its prison and jail to promote accountability; deter wrongdoing, and monitor operations. Other upgrades and projects include the following:

Alva Swan Annex Rebuild – After BOC fought for the Alva Swan Annex to be completely rebuilt, not simply repaired, FEMA awarded \$17.2 toward this project, which was 500% more than initially offered. A bid for the design, build, maintenance, and financing of a modern 203-bed detention facility to replace the Swan Annex is currently under review.

John A. Bell Adult Correctional Facility Upgrades

- Completed temporary repairs to the roof, damaged by Hurricane Maria;
- Created a dedicated mental health unit for the seriously mentally ill in BOC custody;
- Installation of air conditioning in the inmate housing units;
- Installation of a new 900 kw Generator to run the entire facility;
- Installation of an electronic Keywatcher[®] System at both John Bell and CJC for control and management of critical facility keys;
- Purchase of new ice machines and washing machines and renovation of inmate showers;
- Completion of the kitchen and dining area, first begun in 2014 but delayed by the 2017 hurricanes;
- Relocation and modernization of the central control room to allow staff to monitor the newly installed cameras using high-definition television displays;

- Repaired the outer perimeter fence, which was damaged by Hurricane Maria;
- Repaved the parking lot and interior access roads;
- Installed the LiveView[®] Remote Surveillance Camera system to monitor perimeter security;
- Purchased high-definition X-ray machines, which can be accessed remotely, to reduce the introduction of contraband into Bureau facilities;
- Construction of a secure evidence room to safely store contraband and other items for later use in administrative or criminal proceedings; and
- Installed solar panels for perimeter lighting.

CJC and St. Thomas District Upgrades

- a. Installation of a new 500kw generator;
- b. Installation of a new central air conditioning unit;
- c. resurfacing and repainting of the basketball court;
- d. Installation of network and telephone system upgrades;
- e. Installation of hundreds of surveillance cameras;
- f. Moved to new office space on St. Thomas, ending years of using temporary and inadequate space following the destruction of the Bureau's St. Thomas offices by Hurricane Irma.

Modernization of Bureau Operations Using Internet & Remote Technology

Beginning in 2019, the Bureau began important technological initiatives that harness the power of remote internet access to modernize key Bureau operations including:

- Electronic Medical Records – inmate medical records are now stored electronically and accessible to authorized staff remotely;
- Telemedicine – BOC medical team can deliver care at a distance, using internet technology that allows a physician to examine and interact with patients remotely;
- Telepsychiatry – Inmate visits with psychiatrists and other qualified mental health providers now take place remotely using video conferencing software;
- Video Visitations – Using the VendEngine platform, family and friends can now video chat with inmates from the comfort of their homes, send secure text messages, and add funds to the inmate’s commissary account.
- Computerized Maintenance & Management System – Fully implemented a Computerized Maintenance Management System (CMMS) that tracks all Bureau assets, schedules routine and preventative maintenance, and uses an electronic work order system, the first of its kind in the Virgin Islands Government.
- Inmate Tablet Program – Nucleous, Inc. was selected to provide computer tablets to inmates at the John A. Bell Adult Correctional Facility to be used for re-entry and e-learning. Inmates will use the tablets to do legal research and get high school diplomas and vocational certificates that reduce the risk of recidivism once they are released. This program is completely funded by a distance learning grant from the federal government. The Bureau estimates that the inmate tablet program will be online by the third quarter of this fiscal year.
- Distance Learning System – Used federal grant funds to purchase and install modern communication equipment to facilitate distance learning and remote education access for inmates.

Inmates in BOC Custody

As of February 2, 2023, the Bureau houses 247 inmates locally – 99 at CJC and 148 at John Bell. Of the inmates housed locally, 235 are male, and 12 are female. In addition, the

Bureau houses 153 inmates off-island at facilities: 85 in Florida, 39 in Virginia, 28 in Mississippi and 1 in South Carolina.

In 2021, I, traveled with members of the Bureau's medical, mental health, and security staff, to our inmates in Virginia and Florida to ensure that they were properly treated and to respond to their concerns. Our team met with key prison officials during the visit, reviewed inmate files to ensure they were up to date and – importantly – held one-on-one discussions with each inmate willing to meet with us. We intend to schedule a visit to our inmates in Virginia, Florida, and Mississippi later this year.

Consent Decree Matters

As you know, the Bureau is a party to 2 separate consent decrees: a consent decree covering conditions of confinement at John A. Bell Adult Correctional Facility on St. Croix and a consent decree covering the Alexander A. Farrelly Criminal Justice Complex on St. Thomas. By providing funding to fill correctional officer vacancies, expanding mental health and medical care, and hiring the critical civilian personnel needed to execute the Bureau's goals and objectives, the Bryan Roach Administration has made an unparalleled commitment to moving the Territory out of these costly consent decrees.

a. St. Croix Case

Thanks to the tremendous efforts of the men and women of the Bureau and our legal and compliance teams, our hearing two weeks ago in the John Bell consent decree case was extremely positive and promising. Both the monitors and the United States Department of Justice praised the Bureau for the work done to move the Virgin Islands forward. In fact, the United States characterized the Bureau's work over the last six months as "excellent" and commended the Bureau for its transparency and cooperation.

As a result, none of the 123 provisions of the Settlement Agreement (a/k/a “consent decree”) are in the red; all have achieved varying levels of compliance. These 123 provisions span the range of prison operations and includes: general security; contraband; use of force; prisoner supervision; incident reporting; security staffing; medical, mental, and dental health; fire, life, and environmental safety; classifications; and prisoner housing. This is a solid achievement for the Bureau.

Last year the Bureau and the Office of the Attorney General retained an experienced law firm with a nationwide track record of resolving complex prison litigation cases. That decision is now bearing fruit. Thanks to their guidance, and with the assistance of the Attorney General, we now have a plan and a pathway for moving out from under both consent decrees.

b. **St. Thomas Case**

There have been no major developments in the St. Thomas consent decree case over the past year due, in part, to the retirement of two court-appointed experts needed to advise the Court on the status of progress. The Court has appointed new experts who are in the process of obtaining a Virgin Islands business license. The Bureau is optimistic that once these new experts evaluate the work the Bureau has done over the past few years, they too will find that we have made substantial progress in complying with the Settlement Agreement. Undoubtedly, the Territory has made tremendous strides in improving conditions of confinement at CJC since the consent decree case was first filed almost 30 years ago.

Resumption of Visits & COVID-19 Update

Due to the declining COVID-19 positivity rate in the Territory and the wide availability of the COVID-19 vaccine, the Bureau resumed under glass, non-contact visits at its facilities, on December 15, 2022.

The Bureau was relentless in mitigating COVID-19 at its facilities once the pandemic began in March 2020. Thanks to those efforts, no inmate or detainee required hospitalization during the COVID-19 state of emergency and, thankfully, none died. Thanks to the work of the Bureau's dedicated staff, particularly its medical team, the Bureau had an enviable COVID-19 record, which placed us in a position to resume noncontact, in-person visits.

Designing and Implementing an Effective Reentry Program

Although deterrence and punishment remain key goals at the Bureau, at Governor Bryan's direction, the Bureau is now placing greater emphasis on reentry – giving incarcerated persons the skills and services they need to succeed when they rejoin our community. When reentry succeeds, it promotes public safety, reduces recidivism,² and saves taxpayer dollars. When it fails, the costs are high: more crime, more victims, and more money spent returning offenders to prison. For those inmates who are truly willing to change the trajectory of their lives, we have a duty to give them a reasonable opportunity to do so.

² In 2013, the Bureau began a study of 136 prisoners who were released from its custody on St. Thomas and St. Croix. Our study found that 21% of these former inmates were arrested within 3 years. And of that amount, 55% of the re-arrests were for violent crimes, ranging from sexual assault to murder. A 2018 study of recidivism patterns across 30 states over nine (9) years found that almost 68% of prisoners were re-arrested within three (3) years of release, and 83% were re-arrested within nine (9) years. Mariel Alper and Matthew R. DuRose, *2018 Update on Prisoner Recidivism: A 9-year Follow-up Period*, U.S. Dept. of Justice, Bureau of Justice Statistics (May 2018) (<https://bjs.ojp.gov/content/pub/pdf/18upr9yfup0514.pdf>).

Over the past four years, the Bureau has been focused on preparing inmates with improved work skills and better academic training so they can support their families when they return to their communities. Here are some of the initiatives the Bureau has undertaken in this area:

- We've increased the budget for reentry programs by one thousand percent since 2019, from \$10,000 to \$100,000.
- We've hired 4 new case managers – five times more than we had in 2019 – to develop a reentry roadmap for every inmate, that focuses from day one on preparing them for life after incarceration.
- We've developed a reentry manual that spells out in detail how the Bureau's reentry services will be tailored to meet the needs of inmates. Among other things, it mandates that upon intake, every inmate will be given an individualized reentry plan customized to his risk of recidivism and his educational and vocational needs.
- We've applied for and have been awarded \$1.3 million in grants to fund reentry programs.
- We've created a community-based reentry council that meets every month to develop strategies to keep recently released inmates from returning to prison.
- We began the Transforming Lives Academy that empowers inmates to obtain their GEDs and vocational certificates to better position them for successful reentry. Four persons have already graduated from the Academy. Based on the number of inmates who have enrolled, the Bureau has plans to conduct graduation ceremonies twice a year.
- We've begun an Equine Therapy Program that teaches select inmates to care for and train horses and become certified as part of the Elite Program.
- We've increased our vocational offerings as part of the Penn Foster Vocational Program; we've expanded the number of computers available to inmates to study online. In the last six months alone, inmates have been certified as a medical biller, dental assistant, and physical fitness trainer.
- The Bureau has become an accredited training unit for construction trades in fields like carpentry, plumbing, and electricity as part of the National Center for Construction Education and Research (NCCER) certification.

Legislature's Aid In Resolving Challenges Facing the Bureau

While the Bureau's accomplishments have been many, we need the Legislature's help to address those challenges that are beyond our power to solve. Three areas bear mentioning:

1. Long-term treatment for the mentally ill – the Bureau has now become one of the largest providers of mental health services in the Territory; 30% of our inmates are suffering from a mental illness or are on our mental health case load. Yet the Territory lacks a long-term mental health treatment facility to handle the influx of mentally ill detainees. Mentally ill detainees are brought to BOC facilities for minor offenses because there is no alternative, when what they often need is treatment in a forensic mental health facility.
2. Pretrial detention alternatives and Speedy Trial legislation – to reduce the amount of time detainees spend in BOC facilities awaiting trial. The average length of stay for pre-trial detainees in BOC custody is roughly a year and a month, based on statistics compiled in December. One detainee has been in BOC custody for more than ten (10) years while awaiting resolution of his criminal case;
3. Transitional Housing – The Virgin Islands has no halfway homes for those recently released from prison. Offering them a place to stay as they transition between prison and parole can make all the difference between successful reentry into society and a return to prison. Finding ways to set up formerly incarcerated individuals for success by providing them housing and employment options will have a significant impact on preventing recidivism.
4. Funding for a modern jail and prison to replace aging and decaying facilities that are costly and increasingly difficult to maintain.

Conclusion

Mr. Chairman, when I first appeared before the Legislature four years ago, I asked for the tools needed to get the job done. I promised that if given the resources, together we could transform the Bureau into one of the premier correctional agencies in the region. We're on our way.

We've kept our promises. We've supported and rewarded our employees. We've paid our vendors. We've made infrastructure and technological upgrades to our ageing and deteriorating facilities to promote efficiency and reduce costs. We've made meaningful progress in the long-standing consent decree cases.

But we need your help to continue moving forward. The Bureau will confront those challenges that are within its power to resolve. But those larger issues of Territory-wide concern, like treatment for the mentally ill, alternatives to pretrial detention, speedy trial legislation, and funding for modern correctional facilities, are for this body to solve.

Without question, society's ills manifest themselves in our prison and jail. To some degree, therefore, the Bureau's challenges are those of society at large. Yet, as a great writer once said, nothing says more about the character of a society than the conditions of its prisons. We owe it to ourselves to ensure that the conditions of confinement in our prison and jail – and the opportunity for self-transformation they offer – reflect who we are as a people.

Thank you for allowing me to share the progress that we are making at the Bureau of Corrections. My team and I stand ready to answer your questions.