



VIRGIN ISLANDS
BUREAU OF CORRECTIONS



DIRECTIVE
2020-008

Subject: Enforcement of Face Covering Mandate

Date: December 17, 2020

Approved By: Wynnie Testamark, Director *Wynnie Testamark*

Pursuant to the authority vested in me as Director of the Virgin Islands Bureau of Corrections (“Bureau” or “BOC”),¹ this directive is being promulgated, effective immediately, as a supplement to the Bureau’s Updated COVID-19 Protocols, which were issued on July 20, 2020 (“Updated COVID-19 Protocols”).

PURPOSE: The purpose of this Directive is to prescribe procedures and practices for the enforcement of the Bureau’s Updated COVID-19 Protocols and Directive # 2020-006, both of which mandated that all staff, guests, and inmates at the Bureau’s facilities must wear a “face covering,” as recommended by the CDC’s *Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities*.² These steps are being taken to 1) protect the health and safety of inmates, staff, and their families and 2) maintain a safe working environment for all staff; and 3) minimize the spread of COVID-19 at its facilities.

DIRECTIVE:

1. As provided in the Updated COVID-19 Protocols, unless excused by a qualified health care professional, all employees, staff, contractors, guests, inmates, and detainees **MUST** wear a face covering on the grounds of the John A. Bell Adult Correctional Facility (“John Bell”) and the Alexander A. Farrelly Criminal Justice Complex (“CJC”), whenever their activities bring them within six feet of another person or in the common areas of the facilities, including, but not limited to, the hallways, elevators, library, kitchen, educational center or classroom, recreation area, or chapel.

¹ See 3 V.I.C. § 373 and 5 V.I.C. § 4508 (e); 5 V.I.R.R. § 4503(d) – 1.

² CENTERS FOR DISEASE CONTROL AND PREVENTION, *Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities* (updated Dec. 3, 2020) (found at <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html>).

- a. Staff who working alone in an office or are outside and not within 6 feet of another person do not need to wear a mask; however, staff must be prepared to don a mask immediately if social distancing is not able to be followed.
2. All inmates/detainees are required to wear a face covering when outside of their cells, whenever they are within 6 feet of another person.
 - a. Inmates/detainees must remove their face covering if directed to do so by staff (e.g. for identification purposes or for other security needs);
 - b. Inmates must wear a mask during visits to or by any Bureau medical, dental, or mental health provider, including, but not limited to, during sick call, medicine rounds, therapy sessions, pastoral visits, etc.
 - c. The Warden may make activity-related exceptions to the inmate/detainee face covering mandate (e.g. during recreation, etc.) in consultation with the Bureau's Medical Director.
3. An inmate/detainee who fails to comply with the Bureau's face covering mandate will be subject to disciplinary action, which may include loss of privileges and administrative segregation.
4. Any Bureau employee observed, either in person or on video, not wearing a face covering while within six (6) feet of another person may be subject to the progressive discipline provided in the Bureau Rules and Regulations, found at 5 V.I.R.R. § 4503(d)-11. Progressive discipline includes:
 - a. Oral Reprimand;
 - b. Verbal Reprimand;
 - c. Fines consisting of loss of earned vacation days;
 - d. Voluntary Surrender of accumulated overtime in lieu of other action;
 - e. Suspension without pay;
 - f. Re-assignment;
 - g. Demotion; and
 - h. Dismissal from the service.
5. Correctional supervisors have a duty to enforce the face covering mandates for the good of the Bureau and for the safety of staff and inmates who work and live in our facilities.
 - a. Correctional supervisors who fail to enforce the Bureau's face covering mandate may themselves be subject to progressive discipline.

This Directive shall remain in effect until further notice.