

BOC Director Says Legal Limits Are Hindering Inmate Work Program Participation

Wynnie Testamark told senators that strict Code restrictions and a high number of inmates ineligible for outside work have reduced program activity, prompting her promise to send written proposals urging lawmakers to review & potentially amend the statute

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Wynnie Testamark, director of the Bureau of Corrections. By. V.I. LEGISLATURE.

Wynnie Testamark, director of the Bureau of Corrections, used a Thursday hearing before the Committee on Homeland Security, Justice, and Public Safety to address concerns about the inmate work program and pledged to submit a formal request asking lawmakers to review the laws that govern it. Her commitment came as senators questioned why the program no longer operates at

the level they remember.

During the discussion, several lawmakers told Ms. Testamark that they were not fully satisfied with the current implementation of the program. Senator Kurt Violet recalled that “there was a time that prisoners were out on a regular basis working, and they made significant contributions to the community,” and asked when the Bureau of Corrections would “get back to that.” Senator Franklin Johnson also expressed concern, stating that he was “very dissatisfied in the amount of inmates that are going out and working.”

The inmate work program is governed by [V.I. Code tit. 5, § 4509 \(2019\)](#), which allows the Bureau of Corrections to require any able-bodied prisoner to work for up to eight hours a day in areas such as agricultural, landscaping, and industrial production. The law authorizes the Bureau to form arrangements with the Department of Public Works and other government agencies to “use the services of inmates for road beautification, landscaping, public building maintenance and repairs and other similar work,” as long as the work is not “detrimental to the welfare of such inmates or the interests of the public.”

However, eligibility is limited. The statute restricts participation to inmates classified as “medium-security or minimum-security” and prohibits individuals convicted of first-degree murder, aggravated rape, rape in the first degree, unlawful sexual contact in the first degree, or kidnapping with intent to commit rape from working outside Bureau facilities.

Ms. Testamark suggested these restrictions are a key reason the program is less visible than in years past. Responding to Senator Johnson’s concern about participation levels, she explained that “the population that can go outside on those work detail is very, very limited because of the charges.”

She encouraged lawmakers to consider reviewing the Code to “allow more individuals to be able to go out on the street,” adding that such changes could be “very helpful” for the Bureau of Corrections.

According to Ms. Testamark, “90% of our population” is charged with first-degree murder, rendering them ineligible for outside work. She also noted that detainees awaiting trial cannot be compelled to participate in work assignments, further narrowing the pool. Ms. Testamark said this, too, may merit reconsideration, pointing out that the average detainee remains in the Bureau’s custody for one to two years and that “detainees can go out in other jurisdictions.”

Revisions to the Code, she told senators, would “help us with a bigger pool of individuals.” Ms. Testamark said she would “send in writing” the Bureau’s suggestions and emphasized that she is “always willing to sit with you all, the legislators, to review those different things.