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Testamark Subpoenaed by Senate as Her Absence Affected Bill to Permit Parole for Elderly and Sick Inmates

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The John A. Bell Correctional Facility (formerly the Golden Grove Correctional Facility) on St. Croix. By. ERNICE GILBERT, V.I. CONSORTIUM

"Director Wynnie Testamark told me the Medical Director Linda Callwood would be here today to testify."

That was Senator Franklin Johnson at the beginning of the second block of Thursday's meeting of the Senate Committee of Homeland Security, Justice and Public Safety. He was describing a recent conversation with the Bureau of Corrections director as he prepared to introduce [Bill 35-0045](#), which would establish medical need, as well as an incarcerated person's geriatric status as

valid reasons for parole. The bill is intended to allow for more compassion in the adjudication of parole, as well as reduce costs to the Bureau of Corrections, since all healthcare for incarcerated people is paid for by the state.

Minutes before Thursday's hearing resumed for the afternoon session, however, the 35th Legislature received correspondence from Callwood informing of her absence and instructing lawmakers to invite her testimony through Testamark, a scenario Committee Chair Senator Kenneth Gittens found odd, as according to him, the outreach not only went through the correct channels, but also received a response.

In the absence of anybody from the BOC, lawmakers heard from the current chair of the parole board Dennis Howell, who confirmed that the proposed amendments would bring about "significant cost reductions...for medical and/or specialized care and prescription medicine." The measure would also decrease overall housing costs for prisoners, said Howell, and clear space to accommodate additional prisoners. "There is overcrowding at the facility, and prison beds should be reserved for the highest risk offenders," Howell argued.



Lawmakers welcomed Howell's perspective, but without input and insight from those who actually run the prison, senators expressed their inability to support the proposed bill in the absence of information from the Bureau of Corrections. "There's a lot of things in here that would need to be tweaked or changed or updated," said Senator Alma Francis Heyliger, suggesting that the parole exception for murders be extended to those who have been jailed for sex crimes against minors."

Francis Heyliger, who revealed that she lost her brother to homicide, critiqued the lack of input on the measure from anyone who represents the families of those killed, injured or wronged by the incarcerated people who are the subject of the proposed legislation. She also raised questions about whether the measure is truly a cost-saving one, as according to her, many of those released on medical or geriatric grounds may end up right back in the care of the state because their families are not equipped to take care of them financially or otherwise.

Ultimately, Francis Heyliger said she needed much more information before she could support the measure.

In large part, her colleagues agreed. "I can't see myself supporting at this time this measure, without having some type of comments from the victims and the families of those that have been injured," said Senator Ray Fonseca. Gittens suggested seeking input from the Attorney General's Office and the Office of the Public Defender.

At the end of the discussion on the subject, bill sponsor Sen. Johnson once again expressed frustration that the absence of public officials meant that his proposed measure could not be properly dealt with in a timely fashion. "My colleagues have all right to be angry. And I know they're not angry with me or this piece of legislation. They're angry because they can't ask the pertinent questions," he said.

Johnson passionately defended his proposed legislation, arguing that it was sorely needed, both from a compassionate and a financial perspective. Referencing an individual mentioned earlier by Senator Diane Capeheart, Johnson recounted taking a tour of the prison and seeing the man lying on the prison cot where he had been for decades. "I saw him laying up in a bed there. Can't do much for himself. The prison officers, that is who has to pretty much take care of them. We're talking about cleaning feces, talking about dealing with a man that's not fully sound."

Refocusing his ire on the BOC director, Johnson continued, "We don't stop and understand what the staff in the Bureau of Corrections [are] going through under the directorship of Miss Winnie Testamark. I will always make my voice loud and clear about what I know about the Bureau." Johnson in 2022 attempted to have Testamark [removed from her position](#), but the measure was unsuccessful. He noted that a request for information about the Bureau's expenditure on medical costs made during the last meeting of the Senate Committee on Rules & Judiciary, on May 10, had not yet received a response from BOC officials. "We're the first branch of government, let's start acting like it," the senator exhorted his colleagues, urging them to take action in the face of longstanding intractability by the Bureau.

"I don't have a problem subpoenaing people," said Gittens. "I don't have a problem doing a vote of no confidence when they're not doing what they're supposed to do." He noted that while the Legislature did not have the authority to fire public officials for non-performance, they had other tools at their disposal.

When it came time for a vote, Johnson proposed that his own bill be held in committee to allow for further discussion. That motion was approved by all committee members present at Thursday's hearing, as was the subsequent motion to subpoena Bureau of Corrections Director Wynnie Testamark in order to compel her appearance before the Committee. That request, according to the committee chair, will now be forwarded to the President of the Senate as well as the Legislature's legal office.

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