

Via email

April 8, 2020

The Honorable Ned Lamont
Governor
State of Connecticut
210 Capitol Avenue
Hartford, CT 06106

The Honorable Rollin Cook
Commissioner of Corrections
State of Connecticut
24 Wolcott Hill Road
Wethersfield, CT 06109

Dear Governor Lamont and Commissioner Cook:

On April 1, five prisoners in the Willard-Cybulski Correctional Institution tested positive for COVID-19. This outbreak in Connecticut's only prison with a Veterans' Services Unit necessitates a rapid response to protect incarcerated veterans and other prisoners there and across the state. As advocates for Connecticut's veterans, we write to urge you to take immediate action to safely reduce the population of Connecticut's prisons.

Using the Department of Correction's **existing discretionary powers**, we call on Commissioner Cook to take the following steps to protect Connecticut's incarcerated veterans and others:

1. Immediately place on 45-day furlough all persons incarcerated in the Willard-Cybulski Correctional Institution—where the state's Veterans' Services Unit is located—who can be placed in safe home environments, using the Commissioner's discretion under C.G.S. § 18-101a.
2. Release through furlough or transitional supervision, under C.G.S. § 18-100c, veterans and other prisoners statewide who meet the following criteria:
 - a. Are over age 55;
 - b. Have underlying health conditions recognized by the CDC as COVID-19 risk factors;
 - c. Are disabled;
 - d. Have less than 1 year left to serve; or
 - e. Have a classification level of 1 or 2.
3. Grant pretrial release of veterans and others charged with class D felonies or lesser offenses under the authority provided in C.G.S. § 18-100f.
4. Suspend normal housing approval protocols for Parole and Community Services and institute virtual or expedited inspections under Administrative Directive 9.2.
5. Suspend new admissions to state prison facilities.

We urge Governor Lamont to fulfill his obligation to “protect the health and safety of inmates of state institutions” in a public health emergency, as required by C.G.S. § 28-9(b)(5). After declaring a state of emergency, the Governor has the discretion to modify or suspend any statute or regulation that conflicts with the protection of public health, as conferred by C.G.S. § 28-9(b)(1). This general obligation should be paired with **an active commitment to protecting Connecticut’s veterans.**

We encourage you to include veterans among your targets for release for three reasons: 1) veterans are likely to fall into groups at high risk from COVID-19; 2) veterans have access to existing community support networks; and 3) many incarcerated veterans and especially those at Willard-Cybulski CI fall into one or both of those categories.

Veterans are likely to have an increased risk of experiencing severe illness from COVID-19 relative to the general population. The average age of incarcerated veterans is around 43 years old—11 years older than nonveterans—placing veterans at greater risk of severe disease than the general population. Around 20% of veterans over age 55 exiting prison have [diabetes](#), and many have [neuropsychiatric disorders](#) such as PTSD which increase the incidence of severe cardiovascular disease. According to the [Bureau of Justice Statistics](#), an estimated 32% of prisoners, including veterans, have at least one disability and 54% with a disability report a co-occurring chronic health condition. These risk factors make incarcerated veterans particularly vulnerable to an outbreak of COVID-19.

Veterans often have access to existing community support networks. Veterans can frequently make use of federal VA programs to reduce the burden on the Department of Correction (DOC) and community resources. For example, veterans have access to VA healthcare, minimizing any additional strain on community hospitals as a result of their release. In addition, veterans can be released to VA housing where such housing remains available and are eligible for placement in Connecticut Department of Veterans Affairs (DVA) residential and healthcare programs. While community support should not be a requirement of release for veterans or others, we urge the Governor to use his emergency powers to lift restrictions on admissions to DVA residential programs for the duration of the crisis.

The Veterans’ Services Unit at Willard-Cybulski CI should be among the release priorities. People in the unit are low security with little time left on their sentences, aligning with release agendas in other states. The dorm-style design of the building means that the disease will spread easily and makes it more difficult to implement precautionary practices. For example, although the [CDC recommends](#) symptomatic individuals be isolated for a minimum of seven days, these steps are virtually impossible in a dorm. Moreover, the building lacks a hospital, making it a particularly dangerous place to be sick. We urge the Commissioner to consider the feasibility of release for all residents of the unit.

Reducing the prison population will slow the spread of COVID-19 and help manage cases that emerge. According to [CDC guidance](#), COVID-19 transmission is thought to occur via respiratory droplets between people who are fewer than six feet apart and via direct contact with infected surfaces. Both routes of transmission are difficult to control in crowded prison facilities. Once a prisoner develops COVID-19, they are at risk of rapid deterioration. On average, [hospital admission](#) occurs seven days after the onset of symptoms. This clinical course requires a rigorous screening program, trained staff, and sufficient medical resources, which state prison facilities will strain to

provide. Decarceration is critical for slowing transmission inside prisons and preventing scarce DOC medical resources from being overwhelmed.

Growing public health crises in other state jails illustrate the magnitude of the problem that Connecticut will soon face. For example, the jail on [Rikers Island](#) in New York City went from a single confirmed case to 287 cases in just over two weeks. As of April 5, Rikers Island had an infection rate surpassing *every country in the world*. In [Cook County](#), Illinois, the number of positive cases in the county jail rose from 2 to 291 in just two weeks. And [Michigan](#) has reported that 262 incarcerated individuals have COVID-19. Already, prisoners have died of the virus in each place.

In light of this reality, other states have already taken action to reduce the unique risk that COVID-19 poses for incarcerated persons. [California](#) is granting early release to 3,500 people to reduce crowding and intends to move another 500 people out of dorm-style housing. The state has also blocked new prison admissions from county jails. Likewise, Governor Cuomo of [New York](#) is releasing 1,100 prisoners held on parole violations. [New Jersey](#) has begun releasing all individuals in the county jail system convicted of low-level crimes or serving time for probation violations. Similarly, [Illinois](#) has suspended most prison admissions from county jails. [Michigan](#) has also suspended prison admissions and is identifying individuals eligible for early release. At the federal level, [Attorney General Barr](#) has ordered the Bureau of Prisons to expand the group of federal inmates eligible for release on home confinement and over 500 inmates have already been released.

We encourage rapid collaboration between the Department of Correction, the Department of Veterans Affairs, and the Department of Housing to identify housing placements for people released through the above mechanisms that are **safe for both prisoners and the community**, and to adequately fund the creation and maintenance of such transitional housing.

Decisions around prisoners should always be guided by the imperatives of community safety and rehabilitation. However, they are too often guided by fear of political consequences. Now is the moment for you to respond to this crisis with courage by protecting incarcerated veterans and other prisoners from what may otherwise become a death sentence.

Thank you for your consideration.

Sincerely,

National Veterans Council for Legal Redress

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Veterans Law Practitioners

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Disability Rights Connecticut

Iraq and Afghanistan Veterans of America –
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Swords to Plowshares

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