



April 16, 2020

Statement of the Connecticut Advisory Committee Concerned by COVID-19 in State Correctional Facilities

Herein, the Connecticut Advisory Committee informs the U.S. Commission on Civil Rights about the potential impact of the COVID-19 on the men and women in Connecticut's correctional system and encourages immediate action be taken to prevent the spread of this deadly disease.

In the last four years, the Connecticut Advisory Committee has examined causes and consequences of racial disparities in the criminal justice system. We examined the prosecutorial appointment practices and process to assess whether or not they contribute to the racial disparities in the system.¹ We also examined the disparate use of solitary confinement.² The Committee learned that Black and Latino people are disproportionately entangled in the criminal justice system at multiple points of discretion and called on the Legislature to enact legislation that would help address the racial disparities in the criminal justice system.

On March 20, by unanimous vote, the U.S. Commission on Civil Rights encouraged, among others, the directors of state Departments of Correction (DOC) "to provide COVID-19 healthcare protections and medical care to those in their custody during the COVID-19 pandemic."³ The Commission recognized "the potential for serious health consequences for those incarcerated in prisons and detention facilities ... that, based on the demographics of incarcerated persons, bears directly and disproportionately on minority populations and on people of particular national origins."⁴

COVID-19 is easily transmitted, extremely contagious, and worldwide over 2 million people have the virus and that number continues to climb. On April 1, there were 2 incarcerated people in Connecticut correctional facilities who tested positive for COVID-19. Two weeks later the number increased to 199 and one person had died. Additionally, 139 DOC staff also tested positive. There is no cure and there is no vaccine. The public was initially told the only defense is physical distancing of six feet and vigilant handwashing. Now the Centers for Disease Control is instructing Americans to also wear masks.⁵

The Connecticut Advisory Committee agrees with the Commission that correctional institutions are facing huge challenges to keep their populations safe during this pandemic. Correctional facilities by their nature and necessity are confined and enclosed spaces. They are highly vulnerable

¹ <https://www.usccr.gov/press/2019/05-01-CT-SAC-Prosecutor-Memo-for-Legislation.pdf>

² <https://www.usccr.gov/pubs/2018/09-07-CT-Solitary-Confinement.pdf>

³ <https://www.usccr.gov/press/2020/03-20-COVID-19-Detention-Prison-Healthcare.pdf>

⁴ Ibid., 1.

⁵ CDC has also issued specific guidance for correctional and detention facilities available here: <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html>

environments for the spread of COVID-19. Maintaining appropriate COVID-19 safety protocols for prisoners and staff, which includes social distancing of six feet, is difficult in a prison environment, particularly given the imperatives of maintaining order. Yet COVID-19 is itself a true threat, exposing prisoners and prison employees to potential infection, illness, and even death.

The Committee recommends to the Commission that the state of Connecticut expeditiously evaluate the potential release or furlough of incarcerated people in the following specific categories: (1) are being held pre-trial, (2) are set to be released within six months, (3) have been reincarcerated after minor violations of parole or probation, (4) are over 60 years of age, or (5) are suffering from a pre-existing condition as outlined by the CDC that heightens their risk of death from COVID-19. In conducting its evaluation the State should consider the incarcerated person's (1) vulnerability, (2) risk to the community, (3) ability to obtain food, medicine, housing and other necessities if released or furloughed with the assistance of state or nonprofit organizations, and (4) negative test for COVID-19.

In addition, the Committee recommends to the Commission that incarcerated people and all DOC staff be provided with sufficient daily access to Personal Protective Equipment and hygiene supplies.⁶

Finally, the DOC should continue to report COVID-19 related data on their website on a daily basis.⁷ The Committee recommends that the DOC also release weekly data broken down by race and ethnicity of incarcerated people (1) tested, (2) COVID-19 positive, (3) held in quarantine, (4) evaluated for early release or furlough, and (5) actually released or furloughed early.

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*The U.S. Commission on Civil Rights, established by the Civil Rights Act of 1957, is the only independent, bipartisan agency charged with advising the President and Congress on civil rights and reporting annually on federal civil rights enforcement. Our 51 state Advisory Committees offer a broad perspective on civil rights concerns at state and local levels. The Commission: in our 7th decade, a continuing legacy of influence in civil rights. For more information about the Commission and our Committees, please visit [*www.usccr.gov](http://www.usccr.gov) and follow us on [Twitter](#) and [Facebook](#).*

⁶ Subsequent to the adoption of this Statement, the Connecticut Department of Correction issued a notice incarcerated people on use of masks. <https://portal.ct.gov/-/media/DOC/Pdf/Coronavirus-3-20/Notice-to-Inmate-population-re-Masks-042120.pdf?la=en>. Staff was also notified. <https://portal.ct.gov/-/media/DOC/Pdf/Coronavirus-3-20/COVID19-Memo-to-All-Staff-re-Wearing-of-Masks-042120.pdf?la=en>

Notwithstanding the issuance of these notices, staff and family members are contesting whether there is sufficient protection. <https://www.wtnh.com/news/connecticut/prisons-employees-union-reps-to-rally-at-doc-headquarters/>

⁷ <https://portal.ct.gov/DOC/Common-Elements/Common-Elements/Health-Information-and-Advisories>