January 7, 2021

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, New York 12224

Dear Governor Cuomo:

The Erie County Corrections Specialist Advisory Board requests your immediate consideration to prioritize inmates and jail personnel for the COVID-19 vaccination. They are clearly at-risk population and the state of New York; specifically, Erie County has a responsibility to protect the health of those in our care.

With the limited supply of vaccines currently available, it is clear that the decision about who receives the COVID-19 vaccine first presents some challenging ethical issues. A just and moral solution to a crisis where death threatens us all is not only possible but essential. The Erie County Holding Center and Correctional Facility are vulnerable settings where the virus can spread rapidly.

This will be the decision that represents who we are as a society that recognizes not only the need for change in the way we do things with each other, but also requires that we change the way we value each other. Valuing each other, of course, requires that we ask ourselves to also change the way we think about the least of us. The detainees in the Erie County Holding Center find themselves in a situation over which they have very little choice and absolutely no control, and who we are in the outside community have the responsibility to raise our voices to ask for the protections they need.

Jails and prisons are known to be hot spots across the country for corrections staff as well as prisoners. Prisoners are known to have an above average rate of pre-existing medical conditions, and mental illness and often while incarcerated can receive less than adequate health care. A report by the National Commission on COVID-19 and Criminal Justice found that prisoners have a four times higher rate of infection from the coronavirus than people in the general population and even more troubling, double the mortality rate. A recent study by the CDC noted that the mortality rate from COVID-19 for Hispanics and African Americans is triple that of White Americans and given that minorities are disproportionately held in our nation’s jails and prisons, it is critical to insist that prisoners be in the first wave of those to receive the COVID-19 vaccine.
Further, the Bureau of Prisons advised Phase One access to vaccine for corrections officers but not for prisoners. That position has since been reversed to include prisoners. If prisons prioritize vaccination for their detainees, what argument is there to deny vaccination to those in jail who have not even been convicted of a crime. The Eighth Amendment prohibits cruel and unusual punishment. Confining non-convicted citizens in a setting that places them at risk of death meets that criterion.

Another issue that should be considered is the high rate of serious mental illness among prisoners. Mental illness can compromise a person’s ability to perceive reality correctly and impair judgement, like wearing a mask. For that reason, they can become super spreaders. This puts everyone at risk. It is a terrible failure of our society that instead of treatment in a psychiatric facility or the community, people who suffer from serious mental illness are often punished as criminals and find themselves homeless or in jail. The closing of long-term psychiatric inpatient beds leaves these individuals without a chance at recovery.

Based on the above, the detainees in the Erie County Holding Center and Correctional Facility are members of the populations most vulnerable to COVID-19. As such we, the Erie County Corrections Specialist Advisory Board, urges you to prioritize the people in our detention facilities to receive the COVID-19 vaccination in the first wave of distribution to our County along with corrections officers and other jail personnel, all of whom live and work daily in the same environment.

Sincerely

ERIE COUNTY CORRECTIONS SPECIALIST ADVISORY BOARD

cc: Erie County Legislators
    Erie County Sheriff Timothy Howard
    Erie County Executive Mark Poloncarz