

Lan, Iris (ODAG)

---

**From:** Lan, Iris (ODAG)  
**Sent:** Sunday, February 3, 2019 3:31 PM  
**To:** O'Callaghan, Edward C. (ODAG)  
**Subject:** Re: MDC Brooklyn

Hi Ed, In light of below, I will (b)(5) [REDACTED]  
[REDACTED]

On Feb 3, 2019, at 3:10 PM, Hugh Hurwitz <[HHurwitz@bop.gov](mailto:HHurwitz@bop.gov)> wrote:

Great. (b)(5) [REDACTED]  
[REDACTED]  
[REDACTED]

Hugh  
Sent from my Samsung Galaxy smartphone

----- Original message -----

From: "O'Callaghan, Edward C. (ODAG)" <[Edward.C.O'Callaghan@usdoj.gov](mailto:Edward.C.O'Callaghan@usdoj.gov)>  
Date: 2/3/19 3:07 PM (GMT-05:00)  
To: Iris Lan <[Iris.Lan3@usdoj.gov](mailto:Iris.Lan3@usdoj.gov)>  
Cc: Hugh Hurwitz <[HHurwitz@bop.gov](mailto:HHurwitz@bop.gov)>, Rod Rosenstein <[Rod.Rosenstein5@usdoj.gov](mailto:Rod.Rosenstein5@usdoj.gov)>  
Subject: Re: MDC Brooklyn

>>> "O'Callaghan, Edward C. (ODAG)" 02/03/2019 15:07 >>>

I don't know of any reason (b)(5) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Edward C. O'Callaghan  
202-514-2105

On Feb 3, 2019, at 2:58 PM, Lan, Iris (ODAG) <[irlan@jmd.usdoj.gov](mailto:irlan@jmd.usdoj.gov)> wrote:

I just spoke with USA. He expects that (b)(5) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] I also have a dial-in that I can circulate for use  
shortly before the call.

-----  
On Feb 3, 2019, at 2:54 PM, Hugh Hurwitz <[HHurwitz@bop.gov](mailto:HHurwitz@bop.gov)> wrote:

Sure. I don't know him but I'm available anytime... this is all I'm doing. (b)(5)

Hugh  
Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: "O'Callaghan, Edward C. (ODAG)" <[Edward.C.O'Callaghan@usdoj.gov](mailto:Edward.C.O'Callaghan@usdoj.gov)>  
Date: 2/3/19 2:51 PM (GMT-05:00)  
To: Hugh Hurwitz <[HHurwitz@bop.gov](mailto:HHurwitz@bop.gov)>, Iris Lan <[Iris.Lan3@usdoj.gov](mailto:Iris.Lan3@usdoj.gov)>  
Subject: Re: MDC Brooklyn

>>> "O'Callaghan, Edward C. (ODAG)" 02/03/2019 14:51 >>>  
Lots of different chains on this. Hugh we understand that Rich Donohue is going to MDC now. Perhaps we can (b)(5)

Edward C. O'Callaghan  
202-514-2105

> On Feb 3, 2019, at 2:02 PM, Hugh Hurwitz <[HHurwitz@bop.gov](mailto:HHurwitz@bop.gov)> wrote:  
>  
> Ed, I just briefed the AG over the phone...I don't want to leave ODAG out. Should I (b)(5)  
>  
> >>> "O'Callaghan, Edward C. (ODAG)" <[Edward.C.O'Callaghan@usdoj.gov](mailto:Edward.C.O'Callaghan@usdoj.gov)> 2/3/2019 10:52 AM >>>  
> Hugh, the statement that was released by BOP last night (b)(5)  
>  
>  
> Any assistance you can provide in this area is appreciated as well. Thanks.

> Edward C. O'Callaghan  
> 202-514-2105

> On Feb 3, 2019, at 10:30

>> On Feb 3, 2019, at 10:33

AM, Hugh Hurwitz <[HHurwitz@bop.gov](mailto:HHurwitz@bop.gov)> wrote:

>>

>> We are checking. The contractor doing the work ordered the part and said he would have by 6 am Monday. We have been working with that same contractor (and others) to locate another part to try and repair sooner. So far that has been unsuccessful. We are (b)(5)

>>

>> I think you know this, but the media reporting has been incomplete....there is heat in the building and this part will allow lights in the cells. Lights are on the common areas outside the cells. Hot meals and medical are being provided.

>>

>>>> "Rosenstein, Rod (ODAG)" <[Rod.Rosenstein5@usdoj.gov](mailto:Rod.Rosenstein5@usdoj.gov)> 2/3/2019 10:19 AM >>>

>> Where is it coming from?

>>

>>> On Feb 3, 2019, at 10:13

AM, Hugh Hurwitz <[HHurwitz@bop.gov](mailto:HHurwitz@bop.gov)> wrote:

>>>

>>> A part is needed and is on a truck for 6 am delivery. Ever since we found the part was needed yesterday mid day we have been calling every company in and around NY to find someone that had it. We are continuing to call but have had no luck so far. We will drive anywhere and pick it up if we can find one. The contractor is also ready to connect it if the part can be found today.

>>>

>>>>> "Rosenstein, Rod (ODAG)" <[Rod.Rosenstein5@usdoj.gov](mailto:Rod.Rosenstein5@usdoj.gov)> 2/3/2019 10:09 AM >>>

>>> What would it take to restore full power by noon today instead of Monday —

more money, more workers, or is there some insuperable barrier like a part ordered from overseas?

Lan, Iris (ODAG)

---

**From:** Lan, Iris (ODAG)  
**Sent:** Sunday, February 3, 2019 2:53 PM  
**To:** O'Callaghan, Edward C. (ODAG)  
**Subject:** Re: MDC Brooklyn

I will ask Rich about good time for phone call.

> On Feb 3, 2019, at 2:52 PM, Rosenstein, Rod (ODAG) <rrosenstein@jmd.usdoj.gov> wrote:

>

> Thanks.


>

>> On Feb 3, 2019, at 2:48 PM, Hugh Hurwitz <HHurwitz@bop.gov> wrote:

>>

>> Our contractor located a part and is installing it now. I do not have an eta and still no confirmation that it works. But this is hopeful news.

>>

>>>> "Rosenstein, Rod (ODAG)" <Rod.Rosenstein5@usdoj.gov> 2/3/2019 2:03 PM >>> >> 

>>

>>> On Feb 3, 2019, at 11:47 AM, Hugh Hurwitz <HHurwitz@bop.gov> wrote:

>>>

>>> Sorry, I did not get back to you sooner on this question. I had to take calls from Cong. Nadler and then Jeffries. The press release should be with Wyn right now. The part comes from the third party supplier so we do not know where they get it from. We have called the supplier's emergency line and awaiting a call back for details on where exactly the part comes from and where it is in the chain to Brooklyn.

>>>

>>>>> "Rosenstein, Rod (ODAG)" <Rod.Rosenstein5@usdoj.gov> 2/3/2019 10:19 AM >>> >>>

Where is it coming from?

>>>

>>>> On Feb 3, 2019, at 10:13 AM, Hugh Hurwitz <HHurwitz@bop.gov> wrote:

>>>>

>>>> A part is needed and is on a truck for 6 am delivery. Ever since we found the part was needed yesterday mid day we have been calling every company in and around NY to find someone that had it. We are continuing to call but have had no luck so far. We will drive anywhere and pick it up if we can find one. The contractor is also ready to connect it if the part can be found today.

>>>>

>>>>>> "Rosenstein, Rod (ODAG)" <Rod.Rosenstein5@usdoj.gov> 2/3/2019 10:09 AM >>> >>>>>

What would it take to restore full power by noon today instead of Monday — more money, more

... is there some impossible barrier like a part ordered from overseas?

workers, or is there some insuperable barrier like a part ordered from overseas?

**Rosenstein, Rod (ODAG)**

---

**From:** Rosenstein, Rod (ODAG)  
**Sent:** Sunday, February 3, 2019 2:53 PM  
**To:** Donoghue, Richard (USANYE)  
**Subject:** Fwd: MDC Brooklyn

Begin forwarded message:

**From:** Hugh Hurwitz <[HHurwitz@bop.gov](mailto:HHurwitz@bop.gov)>  
**Date:** February 3, 2019 at 2:48:25 PM EST  
**To:** Rod Rosenstein <[Rod.Rosenstein5@usdoj.gov](mailto:Rod.Rosenstein5@usdoj.gov)>  
**Cc:** Edward O'Callaghan <[Edward.C.O'Callaghan@usdoj.gov](mailto:Edward.C.O'Callaghan@usdoj.gov)>, Iris Lan <[Iris.Lan3@usdoj.gov](mailto:Iris.Lan3@usdoj.gov)>  
**Subject:** Re: MDC Brooklyn

Our contractor located a part and is installing it now. I do not have an eta and still no confirmation that it works. But this is hopeful news.

>>> "Rosenstein, Rod (ODAG)" <[Rod.Rosenstein5@usdoj.gov](mailto:Rod.Rosenstein5@usdoj.gov)> 2/3/2019 2:03 PM >>>  
(b)(5)

> On Feb 3, 2019, at 11:47 AM, Hugh Hurwitz <[HHurwitz@bop.gov](mailto:HHurwitz@bop.gov)> wrote:  
>  
> Sorry, I did not get back to you sooner on this question. I had to take calls from Cong. Nadler and then Jeffries. The press release should be with Wyn right now. The part comes from the third party supplier so we do not know where they get it from. We have called the supplier's emergency line and awaiting a call back for details on where exactly the part comes from and where it is in the chain to Brooklyn.

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> >>> "Rosenstein, Rod (ODAG)" <[Rod.Rosenstein5@usdoj.gov](mailto:Rod.Rosenstein5@usdoj.gov)> 2/3/2019 10:19 AM >>>  
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> > On Feb 3, 2019, at 10:13 AM, Hugh Hurwitz <[HHurwitz@bop.gov](mailto:HHurwitz@bop.gov)> wrote:  
> >  
> > A part is needed and is on a truck for 6 am delivery. Ever since we found the part was needed yesterday mid day we have been calling every company in and around NY to find someone that had it. We are continuing to call but have had no luck so far. We will drive anywhere and pick it up if we can find one. The contractor is also ready to connect it if the part can be found today.

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> > >>> "Rosenstein, Rod (ODAG)" <[Rod.Rosenstein5@usdoj.gov](mailto:Rod.Rosenstein5@usdoj.gov)> 2/3/2019 10:09 AM >>>  
> > What would it take to restore full power by noon today instead of Monday — more money, more workers, or is there some insuperable barrier like a part ordered from  
overseas?

**Rosenstein, Rod (ODAG)**

---

**From:** Rosenstein, Rod (ODAG)  
**Sent:** Sunday, February 3, 2019 2:52 PM  
**To:** Donoghue, Richard (USANYE)  
**Subject:** Fwd: MDC Brooklyn

Begin forwarded message:

**From:** Hugh Hurwitz <[HHurwitz@bop.gov](mailto:HHurwitz@bop.gov)>  
**Date:** February 3, 2019 at 2:15:11 PM EST  
**To:** Rod Rosenstein <[Rod.Rosenstein5@usdoj.gov](mailto:Rod.Rosenstein5@usdoj.gov)>  
**Cc:** Edward O'Callaghan <[Edward.C.O'Callaghan@usdoj.gov](mailto:Edward.C.O'Callaghan@usdoj.gov)>, Iris Lan <[Iris.Lan3@usdoj.gov](mailto:Iris.Lan3@usdoj.gov)>  
**Subject:** Re: MDC Brooklyn

(b)(5)

The warden and the union have both reported that the temp is warmer today. Heat is running. Hot meals are being provided and they started showering the inmates. Congressman Nadler left the institution a short while ago and he has not reported back to me any concerns (and I spoke with him yesterday both before and after his visits as well as this morning. (b)(5) But bottom line is we still do not have lights in the cells and that is unacceptable in everyone's eyes. I have decided to travel up there today and will be able to see for myself either late tonight or first thing in the am. The Regional Director is already on a train heading there as well.

>>> "Rosenstein, Rod (ODAG)" <[Rod.Rosenstein5@usdoj.gov](mailto:Rod.Rosenstein5@usdoj.gov)> 2/3/2019 2:03 PM >>>

(b)(5)

> On Feb 3, 2019, at 11:47 AM, Hugh Hurwitz <[HHurwitz@bop.gov](mailto:HHurwitz@bop.gov)> wrote:

>

> Sorry, I did not get back to you sooner on this question. I had to take calls from Cong. Nadler and then Jeffries. The press release should be with Wyn right now. The part comes from the third party supplier so we do not know where they get it from. We have called the supplier's emergency line and awaiting a call back for details on where exactly the part comes from and where it is in the chain to Brooklyn.

>

> >>> "Rosenstein, Rod (ODAG)" <[Rod.Rosenstein5@usdoj.gov](mailto:Rod.Rosenstein5@usdoj.gov)> 2/3/2019 10:19 AM >>>

> Where is it coming from?

>

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> >

> > A part is needed and is on a truck for 6 am delivery. Ever since we found the part was needed yesterday mid day we have been calling every company in and around NY to find someone that had it. We are continuing to call but have had no luck so far. We will drive

someone that had it. we are continuing to call but have had no luck so far. we will drive anywhere and pick it up if we can find one. The contractor is also ready to connect it if the part can be found today.

>>

>> >>> "Rosenstein, Rod (ODAG)" <[Rod.Rosenstein5@usdoj.gov](mailto:Rod.Rosenstein5@usdoj.gov)> 2/3/2019 10:09 AM >>>

>> What would it take to restore full power by noon today instead of Monday — more money, more workers, or is there some insuperable barrier like a part ordered from overseas?



**Rosenstein, Rod (ODAG)**

---

**From:** Rosenstein, Rod (ODAG)  
**Sent:** Sunday, February 3, 2019 2:51 PM  
**To:** Hugh Hurwitz  
**Cc:** O'Callaghan, Edward C. (ODAG); Lan, Iris (ODAG)  
**Subject:** Re: MDC Brooklyn

Let me know what you find there.

> On Feb 3, 2019, at 2:15 PM, Hugh Hurwitz <HHurwitz@bop.gov> wrote:

>  
> (b)(5) The warden and the union have both reported that the temp is warmer today. Heat is running. Hot meals are being provided and they started showering the inmates. Congressman Nadler left the institution a short while ago and he has not reported back to me any concerns (and I spoke with him yesterday both before and after his visits as well as this morning. (b)(5) But bottom line is we still do not have lights in the cells and that is unacceptable in everyone's eyes. I have decided to travel up there today and will be able to see for myself either late tonight or first thing in the am. The Regional Director is already on a train heading there as well.

>  
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> > > On Feb 3, 2019, at 10:13 AM, Hugh Hurwitz <HHurwitz@bop.gov> wrote:

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> > >  
> > > >>> "Rosenstein, Rod (ODAG)" <Rod.Rosenstein5@usdoj.gov> 2/3/2019 10:09 AM >>> > > >  
> > > > What would it take to restore full power by noon today instead of Monday — more money, more workers, or is there some insuperable barrier like a part ordered from overseas?

**From:** Hugh Hurwitz  
**Sent:** Sunday, February 3, 2019 11:04 AM  
**To:** O'Callaghan, Edward C. (ODAG)  
**Cc:** Lan, Iris (ODAG); Rosenstein, Rod (ODAG)  
**Subject:** Re: MDC Brooklyn

Yes, I am on the phone with our OPA staff now helping to write a new version with updated facts. I will be sure you get as well.

>>> "O'Callaghan, Edward C. (ODAG)" <Edward.C.O'Callaghan@usdoj.gov> 2/3/2019 10:52 AM >>>  
Hugh, the statement that was released by BOP last night (b)(5)

Any assistance you can provide in this area is appreciated as well. Thanks.

Edward C. O'Callaghan  
202-514-2105

> On Feb 3, 2019, at 10:39 AM, Hugh Hurwitz <HHurwitz@bop.gov> wrote:

>

> We are checking. The contractor doing the work ordered the part and said he would have by 6 am Monday. We have been working with that same contractor (and others) to locate another part to try and repair sooner. So far that has been unsuccessful. We are trying to reach the contractor now to find out specifically where it is coming from.

>

> I think you know this, but the media reporting has been incomplete....there is heat in the building and this part will allow lights in the cells. Lights are on the common areas outside the cells. Hot meals and medical are being provided.

>

>>> "Rosenstein, Rod (ODAG)" <Rod.Rosenstein5@usdoj.gov> 2/3/2019 10:19 AM >>>

> Where is it coming from?

>

>> On Feb 3, 2019, at 10:13 AM, Hugh Hurwitz <HHurwitz@bop.gov> wrote:

>>

>> A part is needed and is on a truck for 6 am delivery. Ever since we found the part was needed yesterday mid day we have been calling every company in and around NY to find someone that had it. We are continuing to call but have had no luck so far. We will drive anywhere and pick it up if we can find one. The contractor is also ready to connect it if the part can be found today.

>>

>>>> "Rosenstein, Rod (ODAG)" <Rod.Rosenstein5@usdoj.gov> 2/3/2019 10:09 AM >>>>

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**Rosenstein, Rod (ODAG)**

---

**From:** Rosenstein, Rod (ODAG)  
**Sent:** Sunday, February 3, 2019 2:52 PM  
**To:** Hugh Hurwitz  
**Cc:** O'Callaghan, Edward C. (ODAG); Lan, Iris (ODAG)  
**Subject:** Re: MDC Brooklyn

Thanks.

> On Feb 3, 2019, at 2:48 PM, Hugh Hurwitz <HHurwitz@bop.gov> wrote:

>

> Our contractor located a part and is installing it now. I do not have an eta and still no confirmation that it works. But this is hopeful news.

>

> >>> "Rosenstein, Rod (ODAG)" <Rod.Rosenstein5@usdoj.gov> 2/3/2019 2:03 PM >>> > (b)(5)

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>>>> "Rosenstein, Rod (ODAG)" <Rod.Rosenstein5@usdoj.gov> 2/3/2019 10:19 AM >>>> >> Where is it coming from?

>>

>>> On Feb 3, 2019, at 10:13 AM, Hugh Hurwitz <HHurwitz@bop.gov> wrote:

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>>> A part is needed and is on a truck for 6 am delivery. Ever since we found the part was needed yesterday mid day we have been calling every company in and around NY to find someone that had it. We are continuing to call but have had no luck so far. We will drive anywhere and pick it up if we can find one. The contractor is also ready to connect it if the part can be found today.

>>>

>>>>> "Rosenstein, Rod (ODAG)" <Rod.Rosenstein5@usdoj.gov> 2/3/2019 10:09 AM >>>>>>

What would it take to restore full power by noon today instead of Monday — more money, more workers, or is there some insuperable barrier like a part ordered from overseas?

Lan, Iris (ODAG)

---

**From:** Lan, Iris (ODAG)  
**Sent:** Sunday, February 3, 2019 2:50 PM  
**To:** O'Callaghan, Edward C. (ODAG)  
**Subject:** SDNY  
**Attachments:** attachment 1.pdf; ATT00001.txt

FYI, attached order from District Court in context of a narcotics case, asking parties to appear for evidentiary hearing regarding MDC. (b)(5)

[REDACTED]

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
UNITED STATES OF AMERICA,

-against-

JOSE SEGURA-GENAO,

Defendant.

ANALISA TORRES, District Judge:

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 2/1/2019

18 Cr. 219-1 (AT)

**ORDER**

In three letters submitted over the last 24 hours, Ezra Spilke, Esq., Defendant's attorney, claims that his client and others at the Metropolitan Detention Center ("MDC") in Brooklyn have been subjected to disturbing living conditions. ECF Nos. 75, 76, 78.

At a conference today, the Bureau of Prisons (the "BOP") and the defense offered contradictory accounts of the conditions at MDC, including whether there is adequate heat and hot water. I directed the BOP and the parties to appear on **Tuesday, February 5, 2019, at 11:00 a.m.**, for an evidentiary hearing. The BOP shall produce witnesses who can address the issues raised in defense counsel's letters. The BOP shall also produce witnesses who can offer an explanation and timeline with respect to when electrical power will be restored (temporarily and long-term), and how they will provide heat in the interim. The BOP is directed to produce June Bencebi and Anthony Sanon to testify. The defense may call witnesses who can testify as to the conditions at MDC.

The Clerk of Court is directed to terminate the motion at ECF No. 79.

SO ORDERED.

Dated: February 1, 2019  
New York, New York



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ANALISA TORRES  
United States District Judge

**Bumatay, Patrick (OAG)**

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**From:** Bumatay, Patrick (OAG)  
**Sent:** Sunday, February 3, 2019 9:55 AM  
**To:** Barnett, Gary E. (OAG); Ankeny, Grant (OAG)  
**Subject:** Fwd: MDC Brooklyn  
**Attachments:** BRO\_Power(1).docx; ATT00001.htm

(b)(5)

---

Patrick

Sent from my iPhone

Begin forwarded message:

**From:** "Perkins, Paul (ODAG)" <[pperkins@jmd.usdoj.gov](mailto:pperkins@jmd.usdoj.gov)>  
**Date:** February 2, 2019 at 2:58:10 PM EST  
**To:** "Bumatay, Patrick (OAG)" <[pbumatay@jmd.usdoj.gov](mailto:pbumatay@jmd.usdoj.gov)>  
**Subject:** Fwd: MDC Brooklyn

Not sure if you've seen this. The story is all over, including the NYT.

Begin forwarded message:

**From:** Hugh Hurwitz <[HHurwitz@bop.gov](mailto:HHurwitz@bop.gov)>  
**Date:** February 2, 2019 at 9:04:41 AM EST  
**To:** Paul Perkins <[Paul.Perkins@usdoj.gov](mailto:Paul.Perkins@usdoj.gov)>  
**Cc:** Kevin Pistro <[kpistro@bop.gov](mailto:kpistro@bop.gov)>  
**Subject:** Re: MDC Brooklyn

Paul, attached is the latest statement that we are providing to OLA and respond to media inquiries.

Hugh  
Sent from my Samsung Galaxy smartphone

----- Original message -----  
**From:** Hugh Hurwitz <[HHurwitz@bop.gov](mailto:HHurwitz@bop.gov)>  
**Date:** 2/2/19 8:00 AM (GMT-05:00)  
**To:** Paul Perkins <[Paul.Perkins@usdoj.gov](mailto:Paul.Perkins@usdoj.gov)>  
**Subject:** MDC Brooklyn

subject: MDC Brooklyn

>>> "Hugh Hurwitz" 02/02/2019 08:00 >>>

Paul, there are numerous stories in media alleging no heat, power, or hot water in the facility in Brooklyn NY. The stories are inflammatory and misleading.

We are experiencing a partial power outage. The institution is operating on emergency power, and the cells have heat and hot water, there is lighting in the common areas and inmates are receiving hot meals. Repairs are being made to some equipment and Con Ed indicates power should be restored Monday.

Late yesterday Congresswoman Velazquez and the Public Defender toured the facility. They observed that we had heat and hot water. The PD has never been a fan of ours so I'm not sure what she will be telling the Court. The Chief Judge EDNY wants a status hearing on Tuesday.

Let me know if you need any other info.

Hugh  
Sent from my Samsung Galaxy smartphone

**O'Callaghan, Edward C. (ODAG)**

---

**From:** O'Callaghan, Edward C. (ODAG)  
**Sent:** Saturday, February 2, 2019 7:34 PM  
**To:** Kupec, Kerri (OPA)  
**Cc:** Lan, Iris (ODAG)  
**Subject:** Re: MDC Brooklyn

Excellent.

Edward C. O'Callaghan  
202-514-2105

On Feb 2, 2019, at 7:24 PM, Kupec, Kerri (OPA) (b)(6) wrote:

Yep. That's exactly what I've been working on. Standby.

Sent from my iPhone

On Feb 2, 2019, at 6:53 PM, O'Callaghan, Edward C. (ODAG)  
<[ecocallaghan@jmd.usdoj.gov](mailto:ecocallaghan@jmd.usdoj.gov)> wrote:

Kerri,

(b)(5)

Edward C. O'Callaghan  
202-514-2105

Begin forwarded message:

**From:** "Peterson, Andrew (ODAG)" <[anpeterson@jmd.usdoj.gov](mailto:anpeterson@jmd.usdoj.gov)>  
**Date:** February 2, 2019 at 10:36:23 AM EST  
**To:** "O'Callaghan, Edward C. (ODAG)"  
<[ecocallaghan@jmd.usdoj.gov](mailto:ecocallaghan@jmd.usdoj.gov)>  
**Subject:** Fwd: MDC Brooklyn

Begin forwarded message:

**From:** "Perkins, Paul (ODAG)"  
<[pperkins@jmd.usdoj.gov](mailto:pperkins@jmd.usdoj.gov)>  
**Date:** February 2, 2019 at 10:35:26 AM EST  
**To:** "Peterson, Andrew (ODAG)"



<[anpeterson@jmd.usdoj.gov](mailto:anpeterson@jmd.usdoj.gov)>, "Ellis, Corey F.  
(ODAG)" <[cfellis@jmd.usdoj.gov](mailto:cfellis@jmd.usdoj.gov)>  
**Subject: Fwd: MDC Brooklyn**

FYI

Begin forwarded message:

**From:** Hugh Hurwitz  
<[HHurwitz@bop.gov](mailto:HHurwitz@bop.gov)>  
**Date:** February 2, 2019 at 9:04:41 AM EST  
**To:** Paul Perkins  
<[Paul.Perkins@usdoj.gov](mailto:Paul.Perkins@usdoj.gov)>  
**Cc:** Kevin Pistro <[kpistro@bop.gov](mailto:kpistro@bop.gov)>  
**Subject: Re: MDC Brooklyn**

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Hugh  
Sent from my Samsung Galaxy smartphone

----- Original message -----

**From:** Hugh Hurwitz  
<[HHurwitz@bop.gov](mailto:HHurwitz@bop.gov)>  
**Date:** 2/2/19 8:00 AM (GMT-05:00)  
**To:** Paul Perkins  
<[Paul.Perkins@usdoj.gov](mailto:Paul.Perkins@usdoj.gov)>  
**Subject:** MDC Brooklyn

>>> "Hugh Hurwitz" 02/02/2019 08:00

>>>

Paul, there are numerous stories in media alleging no heat, power, or hot water in the facility in Brooklyn NY. The stories are inflammatory and misleading.

We are experiencing a partial power outage. The institution is operating on emergency power, and the cells have heat and hot water, there is lighting in the common areas and inmates are receiving hot meals. Repairs are being made to some equipment and Con Ed

indicates power should be restored  
monday.

Late yesterday Congresswoman  
Velazquez and the Public Defender  
toured the facility. They observed that  
we had heat and hot water. The PD has  
never been a fan of ours so I'm not sure  
what she will be telling the Court. The  
Chief Judge EDNY wants a status hearing  
on Tuesday.

Let me know if you need any other info.

Hugh  
Sent from my Samsung Galaxy smartphone

<BRO\_Power(1).docx>

**O'Callaghan, Edward C. (ODAG)**

---

**From:** O'Callaghan, Edward C. (ODAG)  
**Sent:** Saturday, February 2, 2019 7:33 PM  
**To:** Kupec, Kerri (OPA)  
**Subject:** Re: MDC Brooklyn

Sure thing.

Edward C. O'Callaghan  
202-514-2105

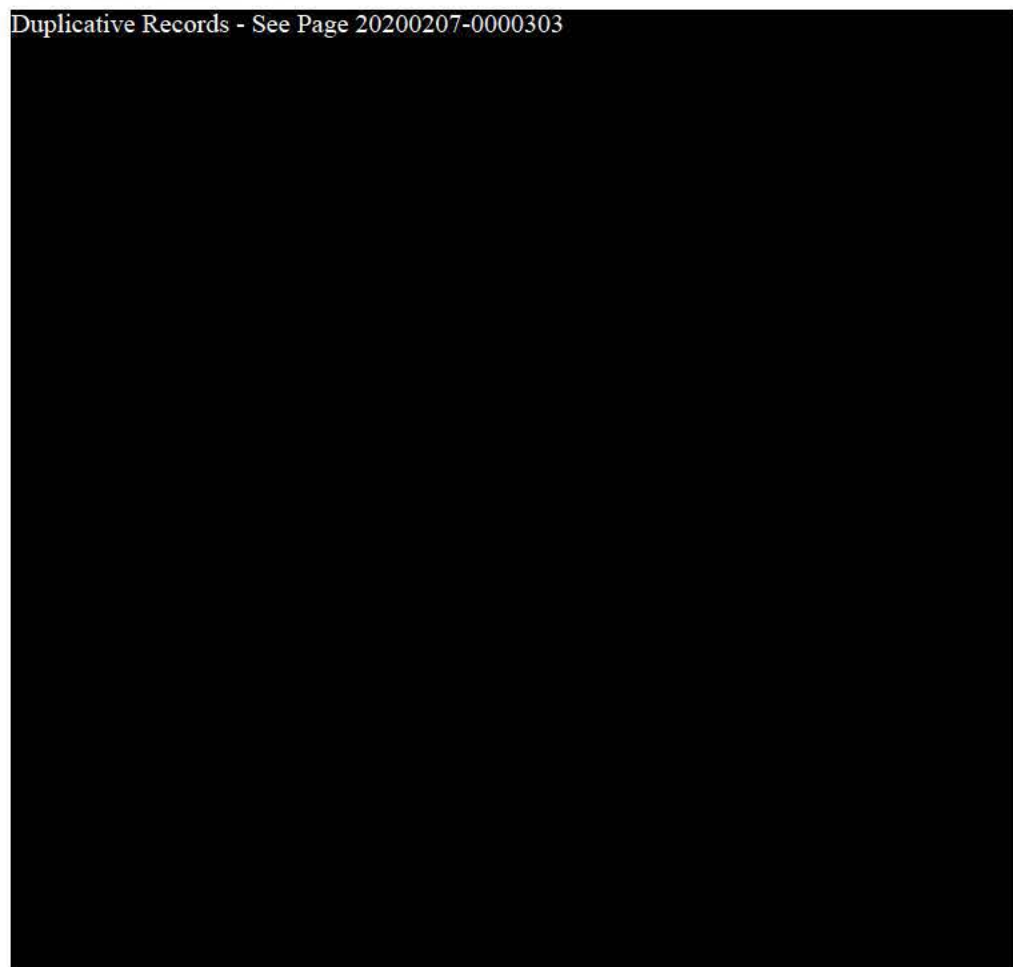
On Feb 2, 2019, at 7:29 PM, Kupec, Kerri (OPA) (b)(6) wrote:

Also, (b)(5)

Sent from my iPhone

On Feb 2, 2019, at 6:53 PM, O'Callaghan, Edward C. (ODAG)  
<[ecocallaghan@jmd.usdoj.gov](mailto:ecocallaghan@jmd.usdoj.gov)> wrote:

Duplicative Records - See Page 20200207-0000303



**Kupec, Kerri (OPA)**

---

**From:** Kupec, Kerri (OPA)  
**Sent:** Saturday, February 2, 2019 7:30 PM  
**To:** O'Callaghan, Edward C. (ODAG)  
**Subject:** Re: MDC Brooklyn

(b)(5)

Sent from my iPhone

On Feb 2, 2019, at 7:29 PM, Kupec, Kerri (OPA) (b)(6) wrote:

Duplicative Records - See Page 20200207-0000306



**Kupec, Kerri (OPA)**

---

**From:** Kupec, Kerri (OPA)  
**Sent:** Saturday, February 2, 2019 2:21 PM  
**To:** O'Callaghan, Edward C. (ODAG)  
**Cc:** Barnett, Gary E. (OAG); Peterson, Andrew (ODAG); Ellis, Corey F. (ODAG)  
**Subject:** Re: MDC Brooklyn

Thanks. (b)(5)

Sent from my iPhone

On Feb 2, 2019, at 1:51 PM, O'Callaghan, Edward C. (ODAG) <[ecocallaghan@jmd.usdoj.gov](mailto:ecocallaghan@jmd.usdoj.gov)> wrote:

(b)(5)

Edward C. O'Callaghan  
202-514-2105

Begin forwarded message:

**From:** "Peterson, Andrew (ODAG)" <[anpeterson@jmd.usdoj.gov](mailto:anpeterson@jmd.usdoj.gov)>  
**Date:** February 2, 2019 at 10:36:23 AM EST  
**To:** "O'Callaghan, Edward C. (ODAG)" <[ecocallaghan@jmd.usdoj.gov](mailto:ecocallaghan@jmd.usdoj.gov)>  
**Subject:** Fwd: MDC Brooklyn

Begin forwarded message:

**From:** "Perkins, Paul (ODAG)" <[pperkins@jmd.usdoj.gov](mailto:pperkins@jmd.usdoj.gov)>  
**Date:** February 2, 2019 at 10:35:26 AM EST  
**To:** "Peterson, Andrew (ODAG)" <[anpeterson@jmd.usdoj.gov](mailto:anpeterson@jmd.usdoj.gov)>, "Ellis, Corey F. (ODAG)" <[cfellis@jmd.usdoj.gov](mailto:cfellis@jmd.usdoj.gov)>  
**Subject:** Fwd: MDC Brooklyn

FYI

Begin forwarded message:

**From:** Hugh Hurwitz <[HHurwitz@bop.gov](mailto:HHurwitz@bop.gov)>  
**Date:** February 2, 2019 at 9:04:41 AM EST  
**To:** Paul Perkins <[Paul.Perkins@usdoj.gov](mailto:Paul.Perkins@usdoj.gov)>  
**Cc:** Kevin Pistro <[kpistro@bop.gov](mailto:kpistro@bop.gov)>

**Subject: Re: MDC Brooklyn**

Paul, attached is the latest statement that we are providing to OLA and respond to media inquiries.

Hugh  
Sent from my Samsung Galaxy smartphone

----- Original message -----

From: Hugh Hurwitz <[HHurwitz@bop.gov](mailto:HHurwitz@bop.gov)>  
Date: 2/2/19 8:00 AM (GMT-05:00)  
To: Paul Perkins <[Paul.Perkins@usdoj.gov](mailto:Paul.Perkins@usdoj.gov)>  
Subject: MDC Brooklyn

>>> "Hugh Hurwitz" 02/02/2019 08:00 >>>  
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Late yesterday Congresswoman Velazquez and the Public Defender toured the facility. They observed that we had heat and hot water. The PD has never been a fan of ours so I'm not sure what she will be telling the Court. The Chief Judge EDNY wants a status hearing on Tuesday.

Let me know if you need any other info.

Hugh  
Sent from my Samsung Galaxy smartphone

<BRO\_Power(1).docx>

Smith, Ja'Ron K. EOP/WHO

---

**From:** Smith, Ja'Ron K. EOP/WHO  
**Sent:** Sunday, February 3, 2019 9:49 AM  
**To:** Bumatay, Patrick (OAG); Whitaker, Matthew (OAG)  
**Subject:** Fwd: No Heat for Days at a Jail in Brooklyn Where Hundreds of Inmates Are Sick and 'Frantic' - The New York Times

Hello Team,

Have you both seen this?

Ja'Ron

<https://www.nytimes.com/2019/02/01/nyregion/mdc-brooklyn-jail-heat.html>

## No Heat for Days at a Jail in Brooklyn Where Hundreds of Inmates Are Sick and 'Frantic'

Feb. 1, 2019

More than a thousand inmates at a federal jail in Brooklyn are said to have had limited heat and power for at least this week, when the temperature plummeted to 2 degrees in New York. Stephen Speranza for The New York Times

*[What you need to know to start the day: [Get New York Today in your inbox.](#)]*

More than a thousand inmates have been stuck in freezing cells at a federal jail on the Brooklyn waterfront that has had limited power and heat for at least this week, according to federal public defenders and leaders of the union representing the jail's corrections officers.

"They just stay huddled up in the bed," said June Bencebi, a case manager at the jail and the treasurer of the local chapter of the American

Federation of Government Employees, which represents about 500 corrections officers at the jail.

The jail, the Metropolitan Detention Center, houses more than 1,600 inmates and lies in an industrial swath near the waterfront in Sunset Park, Brooklyn. Some inmates are linked to high-profile drug trafficking and terrorism cases, while others are comparatively anonymous New Yorkers awaiting trial.

The accounts of conditions at the jail were described to The New York Times by six lawyers and paralegals with local Federal Defenders offices, who had spoken with around three dozen inmates at M.D.C.; two union leaders; and an employee at the jail who was not authorized to speak publicly.

A spokeswoman for Herman Quay, the jail's warden, said in an email that the building experienced a partial power outage on Saturday but denied that it had affected heat and hot water in the jail's housing units.

In an emailed statement, the federal Bureau of Prisons confirmed that the jail was "experiencing a partial power outage" and operating on emergency power. "Cells have heat and hot water, there is lighting in the common areas and inmates are receiving hot meals," the agency said.

The Bureau of Prisons indicated that the electrical failure was related to Con Edison, which it said had been "dealing with numerous power emergencies in the community."

A spokesman for the utility, Robert McGee, disputed the characterization and said Con Edison had not had problems in New York during the cold spell. "It's an internal problem, and their electricians will have to fix it," Mr. McGee said. "End of story."

Union leaders and defense lawyers also rebutted the account of the jail's warden and the Bureau of Prisons.

Federal defenders said they were flooded with calls from inmates this



week as temperatures began to drop. "Our phone was ringing off the hook," said the lead federal defender in Brooklyn, Deirdre von Dornum. She said inmates, using a dedicated line that connects the jail to federal defenders offices, had gathered around the telephones on their floors to report poor heating, little to no hot water and no lights in their cells.

On Thursday, Rachel Bass, a paralegal at the Brooklyn office of the federal defenders, said that she had fielded calls from about 15 inmates. "In the past hour I have gotten 11 calls," she said. "People are frantic. They're really, really scared. They don't have extra blankets. They don't have access to the commissary to buy an extra sweatshirt."

She said many inmates complained of congestion and sore throats.

The president of the local chapter of the union, Anthony Sanon, said the problems began around Jan. 5 when the jail first lost power. The heating issues began last week, leaving inmates and staff to face freezing weather for the first time. "We didn't have heat in the building, we didn't have light," Mr. Sanon said. "The weather was actually unbearable."

The heat and power issues were unrelated, according to union leaders who spoke to facilities workers. The heating issues began when units that draw water up from the boilers froze. The workers said that the heat was on, but several units had been disabled.

The electrical problems originated in an electrical panel that blew out last month, the union leaders said. Although the panel was initially repaired, it caught fire on Sunday.

The jail switched over to emergency power, leaving the corridors lit only by dim lights, the cells dark and inmates confined to poorly heated cells during the coldest days of the winter so far. This week, the temperature plummeted to 2 degrees in New York City, as frigid weather swept over the Midwest and Northeast.

"The heat isn't coming out properly," Mr. Sanon said.

the heat isn't coming out properly," Mr. Saroff said.

One inmate told a federal defender that a corrections officer had taken the temperature in a housing unit, which was warmer than the cells, and it was 34 degrees.

New York City's Fire Department confirmed that it responded to a small electrical fire in the jail's control room on Sunday.

But the warden's spokesperson, who signed the name V. Logan, said in the email the power outage had "minimally impacted" housing units.

"All housing units have functional lighting," the email said. "Heat and hot water has not been impacted. Likewise, inmate meals are not impacted; inmates are receiving regularly scheduled hot meals each day."

Taken together, the accounts of nearly three dozen inmates given to federal defenders painted a different picture of conditions inside the jail.

Heat was the main complaint. The heat was spotty to nonexistent, depending on the floor. Hot water was scarce. Hot food had not been served for several days, with canned food handed out cell by cell. One inmate, who kept kosher, said he had only been given canned sardines.

The inmates were promised extra blankets, but they never came. The commissary, because of the limited electricity, was closed.

"All said they were wearing whatever they could to stay warm," said Randi Chavis, a federal defender in the Central Islip, N.Y., office who spoke to several people. "Extra pairs of socks, towels wrapped around their heads, durags, thermals if they have them."

The conditions were aggravated by the lack of electrical power, inmates told the lawyers and paralegals. The jail had abandoned its usual routines, with inmates kept on partial lockdown for safety reasons.

Because power outlets were not working, the inmates could not use the computers that usually allow them to communicate with relatives and

place requests for prescription refills.

“One man takes anti-seizure medication which he is allowed to keep with him,” Ms. Chavis said. “He takes two pills a day and is down to his last three pills.”

Legal visits and family visits had been canceled since Sunday, the lawyers said.

The recent events come on the heels of the government shutdown, which impeded the ability of lawyers to visit their clients in federal jails, including at M.D.C. It did not immediately appear that the power and heat issues were related to the shutdown.

On Thursday, the federal defenders filed an emergency motion to remove from the jail an inmate whose asthma had worsened from the cold. The inmate, Dino Sanchez, a Brooklyn man in his 40s, had recently entered the jail, a federal defender, Benjamin Yaster, said.

Mr. Yaster said in an interview that his client had been among those left in a dark cell, illuminated only by sunlight from the windows, virtually around the clock. “The population was kept in their cells for 23 hours,” he said. “He’s stuck in these cold conditions in a short sleeved jumpsuit and a short sleeved undershirt.”

“He feels short of breath and is wheezing and coughing more than he normally would,” said Mr. Yaster.

The federal defenders initially requested that the M.D.C. management provide backup heating or more blankets. They later requested that inmates be moved to an adjacent building, now empty but for a few dozen female inmates.

They said they received no response. “Not only have the conditions been disgraceful but we have peppered them with questions and we get nothing but silence,” said David E. Patton, head of the federal defender office. The office represents thousands of indigent defendants.

“They might say, ‘an incident occurred,’ or ‘visiting is canceled’ but when we follow-up to ask if people have heat, hot water, or adequate access to their families or attorneys, they stonewall us,” Mr. Patton said.

The building next door, also run by the jail, has full power and heat.

Mr. Sanon, the labor union leader, said he contacted the warden beginning early last week and toured the jail with him. He was assured heat would be monitored. “To no avail,” he said on Thursday.

“This morning again I got a call,” he added. “It was freezing.”

Ms. Bencebi, the union treasurer, said she was particularly concerned for older inmates. “I have several inmates that are very elderly,” she said. “One of them complained that he’s been sick for the last few days. He looks sickly. He’s walking slower. Talking slower.”

On Friday, local elected officials reacted to news reports of the conditions inside the jail. Brad Lander, a Brooklyn Democratic councilman, said on Twitter, “The freezing prisoners at the Metropolitan Detention Center in Sunset Park are banging out SOS for all of us to hear.”

Representative Nydia M. Velázquez visited the jail on Friday, [writing on Twitter](#) that there was some restored heat in the facility, along with hot water and hot meals.

But she said she was continuing to watch the situation closely: “Still not at full capacity. Still cold & dark.”

Joseph Goldstein contributed reporting.

A version of this article appears in print on Feb. 2, 2019, on Page A19 of the New York edition with the headline: ‘Frantic’ Inmates in Brooklyn Jail Complain of No Heat for Days in Deep Freeze. [Order Reprints](#) | [Today’s Paper](#) | [Subscribe](#)

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[Stephen Speranza for The New York Times](#)

## **Editors' Picks**



[Illustration by Pedro Piccinini. "Breaking Bad," AMC.](#)

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Sent from my iPhone

**O'Callaghan, Edward C. (ODAG)**

---

**From:** O'Callaghan, Edward C. (ODAG)  
**Sent:** Sunday, February 3, 2019 9:03 AM  
**To:** Perkins, Paul (ODAG); Ellis, Corey F. (ODAG); Peterson, Andrew (ODAG); Lan, Iris (ODAG); Kupec, Kerri (OPA); Hornbuckle, Wyn (OPA)  
**Subject:** Fwd: Press Release on Brooklyn  
**Attachments:** Press Release Brooklyn 02-02-19.pdf; ATT00001.htm

(b)(5)

[REDACTED]

Edward C. O'Callaghan  
202-514-2105

Begin forwarded message:

**From:** "Kupec, Kerri (OPA)" (b)(6)  
**Date:** February 2, 2019 at 8:49:26 PM EST  
**To:** "O'Callaghan, Edward C. (ODAG)" <[ecocallaghan@jmd.usdoj.gov](mailto:ecocallaghan@jmd.usdoj.gov)>  
**Subject:** Fwd: Press Release on Brooklyn

Sent from my iPhone

Begin forwarded message:

**From:** "Hornbuckle, Wyn (OPA)" <[whornbuckle@jmd.usdoj.gov](mailto:whornbuckle@jmd.usdoj.gov)>  
**Date:** February 2, 2019 at 7:39:12 PM EST  
**To:** "Kupec, Kerri (OPA)" (b)(6)  
**Subject:** FW: Press Release on Brooklyn

<!--[if mso 9]-->  
FYI, this is out

---

**From:** Susan Allison <[SAllison@bop.gov](mailto:SAllison@bop.gov)>  
**Sent:** Saturday, February 02, 2019 7:14 PM  
**To:** Hornbuckle, Wyn (OPA) <[whornbuckle@jmd.usdoj.gov](mailto:whornbuckle@jmd.usdoj.gov)>  
**Cc:** BOP-IPP/PublicAffairs@bop.gov; Nancy Ayers <[nayers@bop.gov](mailto:nayers@bop.gov)>  
**Subject:** Press Release on Brooklyn

Good evening Wyn-

Attached please find this evening's press release. This is an update to the statement we released yesterday. Any inquiries received today will receive the attached, to include the one you sent me earlier.

If you receive additional inquiries that you would like us to respond to, kindly forward them to [BOP-IPP/PublicAffairs@bop.gov](mailto:BOP-IPP/PublicAffairs@bop.gov), and copy me and Nancy.

Thanks,

Sue

**O'Callaghan, Edward C. (ODAG)**

---

**From:** O'Callaghan, Edward C. (ODAG)  
**Sent:** Saturday, February 2, 2019 9:44 PM  
**To:** Lan, Iris (ODAG); Donoghue, Richard (USANYE)  
**Subject:** Fwd: Press Release on Brooklyn  
**Attachments:** Press Release Brooklyn 02-02-19.pdf; ATT00001.htm

FYSA

Edward C. O'Callaghan  
202-514-2105

Begin forwarded message:

**From:** "Kupec, Kerri (OPA)" (b)(6)  
**Date:** February 2, 2019 at 8:49:26 PM EST  
**To:** "O'Callaghan, Edward C. (ODAG)" <[ecocallaghan@jmd.usdoj.gov](mailto:ecocallaghan@jmd.usdoj.gov)>  
**Subject:** Fwd: Press Release on Brooklyn

Sent from my iPhone

Begin forwarded message:

**From:** "Hornbuckle, Wyn (OPA)" <[whornbuckle@jmd.usdoj.gov](mailto:whornbuckle@jmd.usdoj.gov)>  
**Date:** February 2, 2019 at 7:39:12 PM EST  
**To:** "Kupec, Kerri (OPA)" (b)(6)  
**Subject:** FW: Press Release on Brooklyn

<!--[if mso 9]-->  
FYI, this is out

---

**From:** Susan Allison <[SAllison@bop.gov](mailto:SAllison@bop.gov)>  
**Sent:** Saturday, February 02, 2019 7:14 PM  
**To:** Hornbuckle, Wyn (OPA) <[whornbuckle@jmd.usdoj.gov](mailto:whornbuckle@jmd.usdoj.gov)>  
**Cc:** BOP-IPP/PublicAffairs@bop.gov; Nancy Ayers <[nayers@bop.gov](mailto:nayers@bop.gov)>  
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Thanks,

Sue

**Rosenstein, Rod (ODAG)**

---

**From:** Rosenstein, Rod (ODAG)  
**Sent:** Saturday, February 2, 2019 10:00 PM  
**To:** O'Callaghan, Edward C. (ODAG)  
**Cc:** Ellis, Corey F. (ODAG); Peterson, Andrew (ODAG)  
**Subject:** Re: Press Release on Brooklyn

Thanks.

On Feb 2, 2019, at 9:44 PM, O'Callaghan, Edward C. (ODAG) <[ecocallaghan@jmd.usdoj.gov](mailto:ecocallaghan@jmd.usdoj.gov)> wrote:

This has gone out to address misreporting on this issue.

Edward C. O'Callaghan  
202-514-2105

Begin forwarded message:

**From:** "Kupec, Kerri (OPA)" (b)(6)  
**Date:** February 2, 2019 at 8:49:26 PM EST  
**To:** "O'Callaghan, Edward C. (ODAG)" <[ecocallaghan@jmd.usdoj.gov](mailto:ecocallaghan@jmd.usdoj.gov)>  
**Subject:** Fwd: Press Release on Brooklyn

Sent from my iPhone

Begin forwarded message:

**From:** "Hornbuckle, Wyn (OPA)" <[whornbuckle@jmd.usdoj.gov](mailto:whornbuckle@jmd.usdoj.gov)>  
**Date:** February 2, 2019 at 7:39:12 PM EST  
**To:** "Kupec, Kerri (OPA)" (b)(6)  
**Subject:** FW: Press Release on Brooklyn

<!--[if mso 9]-->  
FYI, this is out

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**Sent:** Saturday, February 02, 2019 7:14 PM  
**To:** Hornbuckle, Wyn (OPA) <[whornbuckle@jmd.usdoj.gov](mailto:whornbuckle@jmd.usdoj.gov)>  
**Cc:** [BOP-IPP/PublicAffairs@bop.gov](mailto:BOP-IPP/PublicAffairs@bop.gov); Nancy Ayers <[nayers@bop.gov](mailto:nayers@bop.gov)>  
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Thanks.

Sue

<Press Release Brooklyn 02-02-19.pdf>



**U. S. Department of Justice**  
Federal Bureau of Prisons  
Metropolitan Detention Center  
Brooklyn, NY

For Immediate Release  
February 2, 2019

**Contact: Valery Logan**  
Public Information Officer  
(718) 840-4200

**Partial Power Outage at the Metropolitan Detention Center Brooklyn, NY**

Brooklyn, NY: Metropolitan Detention Center (MDC) Brooklyn experienced a partial power outage, due to a fire in the switch gear room. The West building has limited power in some areas; however, the East building was unaffected. All areas have lights that are on the emergency lighting circuit which is being fed by the utility company.

The new electrical panel was installed by an outside contractor today, and a work ticket has been submitted by the electrical contractor to schedule a work crew to restore power to the new temporary service switch. The facility is working to restore power as expeditiously as possible; the current estimate is that the work is expected to be completed by Monday, February 4, 2019.

Inmates have hot water for showers and hot water in the sinks in the cell. Essential personal hygiene items and medical services continue to be provided. New York City Emergency Services is providing blankets to MDC Brooklyn, and inmates will receive additional blankets and clothing today. The inmate telephones, inmate computers, and inmate televisions have no electrical power at this time, because of the electrical issue. The inmate's public defender phones are operational. Staff telephones in the unit officer stations are operational.

Tours of the facility were provided to representatives and staff from the United States Congress. All representatives were able to walk the facility, talk to inmates and staff and observe institution conditions.

Metropolitan Detention Center Brooklyn is an administrative security facility that currently houses 1,654 male and female offenders in Brooklyn, NY. Visiting has been temporarily suspended, due to the partial power outage. Visitors should continue to check the public website ([www.bop.gov](http://www.bop.gov)) for any updates regarding visiting.

Additional information about the Federal Bureau of Prisons can be found at [www.bop.gov](http://www.bop.gov).

###

**Kupec, Kerri (OPA)**

---

**From:** Kupec, Kerri (OPA)  
**Sent:** Saturday, February 2, 2019 1:31 PM  
**To:** O'Callaghan, Edward C. (ODAG); Barnett, Gary E. (OAG)  
**Subject:** Fwd: MDC in Brooklyn

See below

Sent from my iPhone

Begin forwarded message:

**From:** "Balsamo, Mike" <[MBalsamo@ap.org](mailto:MBalsamo@ap.org)>  
**Date:** February 2, 2019 at 1:14:57 PM EST  
**To:** Kerri Kupec (b)(6)  
**Subject:** MDC in Brooklyn

Hey —

I just wanted to check in about the Metropolitan Detention Center in New York City. From the accounts of attorneys and members of Congress, inmates there have been in dark, cold cells for days.

Some lawyers have reported their clients are suffering medical issues because of limited heat and power at the facility and Rep. Nydia Velazquez said she wasn't permitted to see any inmates during a visit on Friday.

The New York City mayor's office says they are sending emergency management officials and doctors because their questions have been ignored by BOP for more than 24 hours.

Our requests for info to BOP have gone unanswered as well.

Has the acting AG been briefed on the situation and has he spoken to the BOP administrator about what's going on there? What is the acting AG's response to this?

Thanks,  
Mike

**AP**

**Mike Balsamo**  
Justice Department Reporter  
The Associated Press

[1100 13th Street NW, Fifth Floor](#)  
[Washington, DC 20005](#)

Office: (b)(6)

Cell: (b)(6)

Email: [MBalsamo@ap.org](mailto:MBalsamo@ap.org)

Twitter: @MikeBalsamo1

Sent from my iPhone

The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +1-212-621-1500 and delete this email. Thank you.

**Kupec, Kerri (OPA)**

---

**From:** Kupec, Kerri (OPA)  
**Sent:** Saturday, February 2, 2019 1:30 PM  
**To:** Barnett, Gary E. (OAG)  
**Subject:** Fwd: MDC in Brooklyn

Sent from my iPhone

Begin forwarded message:

**From:** "Balsamo, Mike" <[MBalsamo@ap.org](mailto:MBalsamo@ap.org)>  
**Date:** February 2, 2019 at 1:14:57 PM EST  
**To:** Kerri Kupec (b)(6)  
**Subject:** MDC in Brooklyn

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Thanks,  
Mike

**AP**

**Mike Balsamo**  
Justice Department Reporter  
The Associated Press  
[1100 13th Street NW, Fifth Floor](#)

[Washington, DC 20005](#)

Office: (b)(6)

Cell: (b)(6)

Email: [MBalsamo@ap.org](mailto:MBalsamo@ap.org)

Twitter: @MikeBalsamo1

Sent from my iPhone

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# United States Senate

WASHINGTON, DC 20510

February 27, 2019

The Honorable William Barr  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Attorney General Barr,

I am writing with regards to the recent crisis at Metropolitan Detention Center in Brooklyn (MDC Brooklyn). I was deeply troubled by reports of inmates being housed in cells with no heat and having their visitation rights, both social and legal, denied. I also had grave concerns for the federal corrections officers who were asked to manage a large inmate population in a poorly lit facility that lacked basic services. Given the significant public safety and human rights implications of this incident, it is critical that every effort be taken to understand why this happened in order to ensure accountability and avoid similar incidents in the future.

I was pleased when the Department of Justice (DOJ) and the Bureau of Prison (BOP) announced jointly that they would be requesting that DOJ's Office of Inspector General (OIG) undertake a review of this matter. The decision by DOJ leadership at the time to request a review by the OIG, an independent watchdog, was a necessary and encouraging first step. However, merely requesting an investigation was not and is not enough. As you transition into your role overseeing all DOJ operations, it is critical that the Department not only remains true to this request but also that it commits to ensuring full transparency of whatever information the investigation ultimately uncovers.

With that in mind, I ask that you follow through on your predecessor's request for an investigation and also that you ensure that a full and thorough accounting of this incident is ultimately made available to Congress and the American people.

Thank you for your time and attention. I look forward to remaining in contact with you about this and other matters affecting my constituents.

Sincerely,



Charles E. Schumer  
United States Senator



**U.S. Department of Justice**

Office of Legislative Affairs

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*Office of the Assistant Attorney General*

*Washington, D.C. 20530*

**APR 25 2019**

The Honorable Charles E. Schumer  
United States Senate  
Washington, DC 20510

Dear Senator Schumer:

This responds to your letter to the Attorney General dated February 27, 2019, regarding the Federal Bureau of Prisons (Bureau) Metropolitan Detention Center (MDC) in Brooklyn, New York.

The Department of Justice (Department) and the Bureau are committed to ensuring the safe and humane living and working conditions of all inmates and employees. On January 27, 2019, a fire occurred in the electrical switch gear panel at MDC Brooklyn. As a result of the fire, the West building lost electrical power in inmate cells, the visiting room, staff offices, Receiving & Discharge, parts of Food Service, as well as inmate televisions, phones, and email. The East building was not affected. Emergency power provided lighting to housing unit common areas and medical services; elevators and cameras remained operational. The heat for the facility is provided via a boiler and was unaffected by the power outage. During the outage, medical staff continued to dispense medications in each unit. Hot meals remained available and hot water was available in inmate cells and shower areas.

By February 3, 2019, MDC staff were able to reroute enough power to the visiting room to allow legal visits to resume. At approximately 6:30 pm on that day, the installation work was completed and power was fully restored to the affected building.

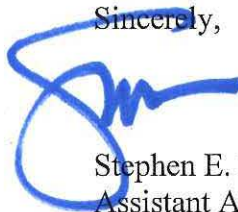
It is important to note the Bureau operates 122 federal prisons nationwide. Approximately half of those facilities are over 50 years old. This aging infrastructure – particularly major systems such as heating, cooling, plumbing, and electrical that service these large facilities – operates 24 hours a day, 7 days a week, 365 days a year, and thus is under continual stress.

As you are aware, the Bureau made a commitment to work with the Department's Office of Inspector General (OIG) in their review of this matter. Since the incident, Bureau staff have accompanied OIG staff during their visits to MDC Brooklyn. Additionally, OIG staff have made unannounced inspections to the facility and we understand that institution staff were accommodating. Bureau staff will continue to work with OIG to ensure it receives requested information and documentation and access to the facility.

The Honorable Charles E. Schumer  
Page Two

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. Boyd', is written over the word 'Sincerely,'.

Stephen E. Boyd  
Assistant Attorney General

# United States Senate

WASHINGTON, DC 20510

February 28, 2019

Hugh J. Hurwitz  
Acting Director  
Federal Bureau of Prisons  
320 First St., NW  
Washington, DC 20534

Dear Acting Director Hurwitz:

We are writing to follow up on a letter sent by U.S. senators to the Bureau of Prisons (BOP) on November 8, 2017, which concerned the agency's establishment of clear policies for the preparation for and response to extreme weather events, as well as climate resiliency plans. We raise concerns with BOP's response to the incident in Metropolitan Detention Center (MDC) Brooklyn, during which more than 1,600 people were stranded in their cells for a week in freezing conditions. The failure of MDC Brooklyn to proactively respond to these inhuman conditions contradicts the response to the letter sent by senators, in which BOP noted that "Each extreme weather event is carefully monitored and assessed."

The inquiry highlighted BOP's response to Hurricanes Harvey, Irma, and Maria in 2017. But the letter also raised concerns about temperatures in prisons, noting the heat waves in the Southwest. As the letter noted, "requirements for livable temperatures vary across detention facilities, as well as geographic regions." In response, BOP stated "The Bureau mandates detailed contingency plans for natural disasters and evacuations. Each of the 122 federal prisons has a specific plan that is drafted to ensure the safety of the public, staff, and inmates."

However, BOP's response to the freezing conditions at MDC Brooklyn did not follow a clear contingency plan response to an extreme weather event—i.e. the January 2019 polar vortex that affected Midwest and Northeast portions of the country, in which temperatures dropped to as low as two degrees Fahrenheit in the area.<sup>1</sup> Each BOP facility must be prepared to respond to extreme weather events and their lingering effects, be they hurricanes and flooding, extreme temperature fluctuations such as heatwaves and polar vortexes, or even wildfires and subsequent smoke.

As *The New York Times* documented in its reporting, the problems at MDC Brooklyn began on January 27, 2019 with a fire that affected power at the facility.<sup>2</sup> There were conflicting reports of the origins and the severity of the freezing conditions, but people were held in lockdown at the facility with limited to no heating.<sup>3</sup> Lawyers had limited access to their clients, and family

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<sup>1</sup> Annie Correal, "How We Learned About the Freezing Federal Jail in New York," *The New York Times*, 9 Feb. 2019, <https://www.nytimes.com/2019/02/09/reader-center/metropolitan-detention-center-cold-jail.html>.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

members.<sup>4</sup> In a statement, BOP asserted that “Cells have heat and hot water, there is lighting in the common areas and inmates are receiving hot meals.”<sup>5</sup> This assertion was quickly contradicted by both union leaders and defense lawyers, and after a court order forced BOP to allow lawyers into the facilities, a clearer picture of the conditions formed.

While a lack of heat was the main problem at MDC Brooklyn, the lack transparency and a clear plan of action exacerbated the conditions and extended the crisis unnecessarily. If MDC Brooklyn allowed the continued contact with outside legal counsel and family members, both officials in the facility and the public could have ascertained a better picture of the conditions inside. If BOP had not issued inaccurate and easily rebuttable statements about the conditions, and response could have been formed more quickly. And if MDC Brooklyn had a “detailed contingency plan,” the facility could have avoided criticisms that its response was slow and ad hoc.

We recognize the safety concerns for both BOP staff and the public that BOP must consider when developing responses to extreme weather events. However, we would like to reiterate the questions raised in the November 8, 2017 letter, and request that you provide the following information by March 28, 2019:

- 1) Please provide the relevant policies, plans, and guidance across all BOP facilities that govern preparations for and response to extreme weather events—including, but not limited to, hurricanes, extreme temperature fluctuations such as heatwaves and polar vortexes, wildfires, etc. If necessary, please ensure that these policies, plans, and guidance are updated and improved to reflect the lessons learned from the MDC Brooklyn incident.
- 2) Please provide the policies and procedures across all BOP facilities that govern visitation by counsel and family members during extreme weather events. If necessary, please ensure that these policies and procedures are updated and improved to reflect the lessons learned from the MDC Brooklyn incident.
- 3) Please provide policies and procedures across all BOP facilities that govern accurate and consistent reporting on facilities’ responses to, or failures to respond to, extreme weather events. If necessary, please ensure that these policies and procedures are updated and improved to reflect the lessons learned from the MDC Brooklyn incident.

Thank you for your attention to this matter, and we look forward to your timely response.

Sincerely,

  
BRIAN SCHATZ  
United States Senator

  
RICHARD BLUMENTHAL  
United States Senator

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<sup>4</sup> Ibid.

<sup>5</sup> Annie Correal, “No Heat for Days at a Jail in Brooklyn Where Hundreds of Inmates Are Sick and ‘Frantic,’” *The New York Times*, 1 Feb. 2019, <https://www.nytimes.com/2019/02/01/nyregion/mdc-brooklyn-jail-heat.html>.

  
CORY A. BOOKER  
United States Senator

  
CHRIS VAN HOLLEN  
United States Senator

  
JEFFREY A. MERKLEY  
United States Senator

  
CHRISTOPHER A. COONS  
United States Senator

  
SHERROD BROWN  
United States Senator

  
AMY KLOBUCHAR  
United States Senator

  
MAZIE K. HIRONO  
United States Senator


  
SHELDON WHITEHOUSE  
United States Senator

  
TAMMY BALDWIN  
United States Senator

  
RON WYDEN  
United States Senator

  
TAMMY DUCKWORTH  
United States Senator

  
KIRSTEN GILLIBRAND  
United States Senator

  
TINA SMITH  
United States Senator

cc: The Honorable William Barr  
Attorney General  
U.S. Department of Justice

encl: (1) November 18, 2017 Senate Letter to BOP re. Extreme Weather Events  
(2) January 11, 2018 Response from BOP re. Extreme Weather Events



U.S. Department of Justice

Office of Legislative Affairs

*Office of the Assistant Attorney General*

*Washington, D.C. 20530*

**MAY 15 2019**

The Honorable Brian Schatz  
United States Senate  
Washington, DC 20510

Dear Senator Schatz:

This responds to your letter to Bureau of Prisons (Bureau) Acting Director Hugh J. Hurwitz, dated February 28, 2019, regarding the Bureau's contingency plans for extreme weather events. We are sending identical responses to the other Senators who joined your letter.

The Metropolitan Detention Center (MDC) Brooklyn, New York experienced a fire in the electrical switch gear panel on January 27, 2019. As a result of the fire, the West building lost electrical power in inmate cells, the visiting room, staff offices, Receiving & Discharge, parts of Food Service, as well as inmate televisions, phones, and email. The East building was not affected. Emergency power provided lighting to housing unit common areas and medical services, and elevators and cameras remained operational. The heat for the facility is provided via a boiler and was unaffected by the power outage. During the outage, medical staff continued to dispense medications in each unit. Hot meals remained available, and hot water was available in inmate cells and shower areas.

By February 3, 2019, MDC Brooklyn staff were able to reroute enough power to the visiting room to allow legal visits to resume. At approximately 6:30 pm on that day, the installation work was completed and power was fully restored to the affected building.

Media and other reports of freezing temperatures in the facility were inaccurate. The Bureau provided tours of the affected areas to Members of the Judiciary and Congress during the electrical outage, and they were provided the opportunity to take temperature readings during those tours.

In response to the electrical issue, the Deputy Attorney General requested an Office of Inspector General (OIG) inspection of MDC Brooklyn, which is ongoing. Similarly, Acting Director Hurwitz ordered an after action review and report to examine the agency's response to the incident, maintenance of infrastructure, and adherence to policy.

It is important to note the Bureau operates 122 federal prisons nationwide. Approximately half of those facilities are over 50 years old. This aging infrastructure – particularly major systems such as heating, cooling, plumbing, and electrical that service these large facilities – operates 24 hours a day, 7 days a week, 365 days a year and thus is under



continual stress. As with any large facility, unexpected breakdowns can and do occasionally occur. Per Bureau policy, Facilities staff routinely inspect and maintain these and other critical systems throughout each facility. As of January 31, 2019, the Modernization and Repair funding in the Buildings and Facilities' account, which funds these types of projects, currently has \$80 million in unobligated funds. Of this amount, only \$4 million is available for emergencies Bureau-wide, while \$19 million is hurricane supplemental funds that are tied to specific institutions that were damaged by the hurricanes. The remaining funds are currently allocated and committed to various projects at the Bureau's 122 institutions. Additionally, the Bureau has identified \$16 million in funds for repairs at Federal Correctional Institution Marianna in Florida for damages caused by Hurricane Michael, for which supplemental funding has not yet been provided.

While the nature and duration of infrastructure challenges can vary, the Bureau has contingency plans to support its public safety mission and operations, while addressing unexpected systems disruptions. For instance, the Bureau mandates detailed contingency plans for adverse weather for each of its 122 federal prisons. Each prison has a number of facility-specific plans that are tailored to the extreme weather risks that impact the local environment and these plans ensure the safety of the public, staff, and inmates. Because these plans contain law enforcement sensitive information, they are not publicly releasable. The implementation of adverse weather plans is coordinated by the Warden and the Regional Director, with assistance from the Office of Emergency Preparedness in Bureau headquarters. These plans are reviewed annually and are also tested annually by conducting mock exercises.

The Bureau encourages visiting by family, friends, and community groups to assist inmates in developing and maintaining relationships. Attorney visitation is provided to assist inmates with their legal needs. During extreme weather events, where allowing visitation would jeopardize the safety of staff, inmates, the visitor, or the public, Wardens may temporarily impose limits, although it is expected that such restrictions are limited in scope and will be lifted once the safety or security concern is resolved. *See* 28 CFR 543.13(b); Bureau Program Statement 5267.09, available at [www.bop.gov](http://www.bop.gov). Notifications of any visitation changes are posted on the institution's public web page and also found at [www.bop.gov](http://www.bop.gov).

Pursuant to agency practice and protocols, extreme weather events resulting in significant operational changes are required to be reported by institutions to their Regional Director and the Central Office, such that operational support and resources can be directed to that facility as warranted. Significant events, such as extreme weather emergencies, may result in an after action review to identify and review emergency response plans, review local equipment, examine training, and identify corrective action required.

The Honorable Brian Schatz  
Page Three

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

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Stephen E. Boyd  
Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

*Office of the Assistant Attorney General*

*Washington, D.C. 20530*

**MAY 15 2019**

The Honorable Richard Blumenthal  
United States Senate  
Washington, DC 20510

Dear Senator Blumenthal:

This responds to your letter to Bureau of Prisons (Bureau) Acting Director Hugh J. Hurwitz, dated February 28, 2019, regarding the Bureau's contingency plans for extreme weather events. We are sending identical responses to the other Senators who joined your letter.

The Metropolitan Detention Center (MDC) Brooklyn, New York experienced a fire in the electrical switch gear panel on January 27, 2019. As a result of the fire, the West building lost electrical power in inmate cells, the visiting room, staff offices, Receiving & Discharge, parts of Food Service, as well as inmate televisions, phones, and email. The East building was not affected. Emergency power provided lighting to housing unit common areas and medical services, and elevators and cameras remained operational. The heat for the facility is provided via a boiler and was unaffected by the power outage. During the outage, medical staff continued to dispense medications in each unit. Hot meals remained available, and hot water was available in inmate cells and shower areas.

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The Honorable Richard Blumenthal  
Page Three

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Stephen E. Boyd  
Assistant Attorney General



**U.S. Department of Justice**

Office of Legislative Affairs

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*Office of the Assistant Attorney General*

*Washington, D.C. 20530*

**MAY 15 2019**

The Honorable Cory A. Booker  
United States Senate  
Washington, DC 20510

Dear Senator Booker:

This responds to your letter to Bureau of Prisons (Bureau) Acting Director Hugh J. Hurwitz, dated February 28, 2019, regarding the Bureau's contingency plans for extreme weather events. We are sending identical responses to the other Senators who joined your letter.

The Metropolitan Detention Center (MDC) Brooklyn, New York experienced a fire in the electrical switch gear panel on January 27, 2019. As a result of the fire, the West building lost electrical power in inmate cells, the visiting room, staff offices, Receiving & Discharge, parts of Food Service, as well as inmate televisions, phones, and email. The East building was not affected. Emergency power provided lighting to housing unit common areas and medical services, and elevators and cameras remained operational. The heat for the facility is provided via a boiler and was unaffected by the power outage. During the outage, medical staff continued to dispense medications in each unit. Hot meals remained available, and hot water was available in inmate cells and shower areas.

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The Honorable Cory A. Booker  
Page Three

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Stephen E. Boyd  
Assistant Attorney General





**U.S. Department of Justice**

Office of Legislative Affairs

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*Office of the Assistant Attorney General*

*Washington, D.C. 20530*

**MAY 15 2019**

The Honorable Chris Van Hollen  
United States Senate  
Washington, DC 20510

Dear Senator Van Hollen:

This responds to your letter to Bureau of Prisons (Bureau) Acting Director Hugh J. Hurwitz, dated February 28, 2019, regarding the Bureau's contingency plans for extreme weather events. We are sending identical responses to the other Senators who joined your letter.

The Metropolitan Detention Center (MDC) Brooklyn, New York experienced a fire in the electrical switch gear panel on January 27, 2019. As a result of the fire, the West building lost electrical power in inmate cells, the visiting room, staff offices, Receiving & Discharge, parts of Food Service, as well as inmate televisions, phones, and email. The East building was not affected. Emergency power provided lighting to housing unit common areas and medical services, and elevators and cameras remained operational. The heat for the facility is provided via a boiler and was unaffected by the power outage. During the outage, medical staff continued to dispense medications in each unit. Hot meals remained available, and hot water was available in inmate cells and shower areas.

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The Honorable Chris Van Hollen  
Page Three .

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

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Stephen E. Boyd  
Assistant Attorney General



**U.S. Department of Justice**

Office of Legislative Affairs

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*Office of the Assistant Attorney General*

*Washington, D.C. 20530*

**MAY 15 2019**

The Honorable Jeffrey A. Merkley  
United States Senate  
Washington, DC 20510

Dear Senator Merkley:

This responds to your letter to Bureau of Prisons (Bureau) Acting Director Hugh J. Hurwitz, dated February 28, 2019, regarding the Bureau's contingency plans for extreme weather events. We are sending identical responses to the other Senators who joined your letter.

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The Honorable Jeffrey A. Merkley  
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Sincerely,

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Stephen E. Boyd  
Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

*Office of the Assistant Attorney General*

*Washington, D.C. 20530*

**MAY 15 2019**

The Honorable Christopher A. Coons  
United States Senate  
Washington, DC 20510

Dear Senator Coons:

This responds to your letter to Bureau of Prisons (Bureau) Acting Director Hugh J. Hurwitz, dated February 28, 2019, regarding the Bureau's contingency plans for extreme weather events. We are sending identical responses to the other Senators who joined your letter.

The Metropolitan Detention Center (MDC) Brooklyn, New York experienced a fire in the electrical switch gear panel on January 27, 2019. As a result of the fire, the West building lost electrical power in inmate cells, the visiting room, staff offices, Receiving & Discharge, parts of Food Service, as well as inmate televisions, phones, and email. The East building was not affected. Emergency power provided lighting to housing unit common areas and medical services, and elevators and cameras remained operational. The heat for the facility is provided via a boiler and was unaffected by the power outage. During the outage, medical staff continued to dispense medications in each unit. Hot meals remained available, and hot water was available in inmate cells and shower areas.

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Stephen E. Boyd  
Assistant Attorney General



**U.S. Department of Justice**

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*Office of the Assistant Attorney General*

*Washington, D.C. 20530*

**MAY 15 2019**

The Honorable Sherrod Brown  
United States Senate  
Washington, DC 20510

Dear Senator Brown:

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The Honorable Sherrod Brown  
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Stephen E. Boyd  
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*Washington, D.C. 20530*

**MAY 15 2019**

The Honorable Amy Klobuchar  
United States Senate  
Washington, DC 20510

Dear Senator Klobuchar:

This responds to your letter to Bureau of Prisons (Bureau) Acting Director Hugh J. Hurwitz, dated February 28, 2019, regarding the Bureau's contingency plans for extreme weather events. We are sending identical responses to the other Senators who joined your letter.

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The Honorable Amy Klobuchar  
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Stephen E. Boyd  
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**MAY 15 2019**

The Honorable Mazie K. Hirono  
United States Senate  
Washington, DC 20510

Dear Senator Hirono:

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The Honorable Mazie K. Hirono  
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Stephen E. Boyd  
Assistant Attorney General



**U.S. Department of Justice**

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*Office of the Assistant Attorney General*

*Washington, D.C. 20530*

**MAY 15 2019**

The Honorable Sheldon Whitehouse  
United States Senate  
Washington, DC 20510

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The Honorable Sheldon Whitehouse  
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Stephen E. Boyd  
Assistant Attorney General



**U.S. Department of Justice**

Office of Legislative Affairs

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*Office of the Assistant Attorney General*

*Washington, D.C. 20530*

**MAY 15 2019**

The Honorable Tammy Baldwin  
United States Senate  
Washington, DC 20510

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The Honorable Tammy Baldwin  
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Stephen E. Boyd  
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**U.S. Department of Justice**

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**MAY 15 2019**

The Honorable Ron Wyden  
United States Senate  
Washington, DC 20510

Dear Senator Wyden:

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The Metropolitan Detention Center (MDC) Brooklyn, New York experienced a fire in the electrical switch gear panel on January 27, 2019. As a result of the fire, the West building lost electrical power in inmate cells, the visiting room, staff offices, Receiving & Discharge, parts of Food Service, as well as inmate televisions, phones, and email. The East building was not affected. Emergency power provided lighting to housing unit common areas and medical services, and elevators and cameras remained operational. The heat for the facility is provided via a boiler and was unaffected by the power outage. During the outage, medical staff continued to dispense medications in each unit. Hot meals remained available, and hot water was available in inmate cells and shower areas.

By February 3, 2019, MDC Brooklyn staff were able to reroute enough power to the visiting room to allow legal visits to resume. At approximately 6:30 pm on that day, the installation work was completed and power was fully restored to the affected building.

Media and other reports of freezing temperatures in the facility were inaccurate. The Bureau provided tours of the affected areas to Members of the Judiciary and Congress during the electrical outage, and they were provided the opportunity to take temperature readings during those tours.

In response to the electrical issue, the Deputy Attorney General requested an Office of Inspector General (OIG) inspection of MDC Brooklyn, which is ongoing. Similarly, Acting Director Hurwitz ordered an after action review and report to examine the agency's response to the incident, maintenance of infrastructure, and adherence to policy.

It is important to note the Bureau operates 122 federal prisons nationwide. Approximately half of those facilities are over 50 years old. This aging infrastructure – particularly major systems such as heating, cooling, plumbing, and electrical that service these large facilities – operates 24 hours a day, 7 days a week, 365 days a year and thus is under

continual stress. As with any large facility, unexpected breakdowns can and do occasionally occur. Per Bureau policy, Facilities staff routinely inspect and maintain these and other critical systems throughout each facility. As of January 31, 2019, the Modernization and Repair funding in the Buildings and Facilities' account, which funds these types of projects, currently has \$80 million in unobligated funds. Of this amount, only \$4 million is available for emergencies Bureau-wide, while \$19 million is hurricane supplemental funds that are tied to specific institutions that were damaged by the hurricanes. The remaining funds are currently allocated and committed to various projects at the Bureau's 122 institutions. Additionally, the Bureau has identified \$16 million in funds for repairs at Federal Correctional Institution Marianna in Florida for damages caused by Hurricane Michael, for which supplemental funding has not yet been provided.

While the nature and duration of infrastructure challenges can vary, the Bureau has contingency plans to support its public safety mission and operations, while addressing unexpected systems disruptions. For instance, the Bureau mandates detailed contingency plans for adverse weather for each of its 122 federal prisons. Each prison has a number of facility-specific plans that are tailored to the extreme weather risks that impact the local environment and these plans ensure the safety of the public, staff, and inmates. Because these plans contain law enforcement sensitive information, they are not publicly releasable. The implementation of adverse weather plans is coordinated by the Warden and the Regional Director, with assistance from the Office of Emergency Preparedness in Bureau headquarters. These plans are reviewed annually and are also tested annually by conducting mock exercises.

The Bureau encourages visiting by family, friends, and community groups to assist inmates in developing and maintaining relationships. Attorney visitation is provided to assist inmates with their legal needs. During extreme weather events, where allowing visitation would jeopardize the safety of staff, inmates, the visitor, or the public, Wardens may temporarily impose limits, although it is expected that such restrictions are limited in scope and will be lifted once the safety or security concern is resolved. *See* 28 CFR 543.13(b); Bureau Program Statement 5267.09, available at [www.bop.gov](http://www.bop.gov). Notifications of any visitation changes are posted on the institution's public web page and also found at [www.bop.gov](http://www.bop.gov).

Pursuant to agency practice and protocols, extreme weather events resulting in significant operational changes are required to be reported by institutions to their Regional Director and the Central Office, such that operational support and resources can be directed to that facility as warranted. Significant events, such as extreme weather emergencies, may result in an after action review to identify and review emergency response plans, review local equipment, examine training, and identify corrective action required.

The Honorable Ron Wyden  
Page Three

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

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Stephen E. Boyd  
Assistant Attorney General



**U.S. Department of Justice**

Office of Legislative Affairs

*Office of the Assistant Attorney General*

*Washington, D.C. 20530*

**MAY 15 2019**

The Honorable Tammy Duckworth  
United States Senate  
Washington, DC 20510

Dear Senator Duckworth:

This responds to your letter to Bureau of Prisons (Bureau) Acting Director Hugh J. Hurwitz, dated February 28, 2019, regarding the Bureau's contingency plans for extreme weather events. We are sending identical responses to the other Senators who joined your letter.

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The Honorable Tammy Duckworth  
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**U.S. Department of Justice**

Office of Legislative Affairs

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*Office of the Assistant Attorney General*

*Washington, D.C. 20530*

**MAY 15 2019**

The Honorable Kirsten Gillibrand  
United States Senate  
Washington, DC 20510

Dear Senator Gillibrand:

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The Honorable Kirsten Gillibrand  
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**U.S. Department of Justice**

Office of Legislative Affairs

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*Office of the Assistant Attorney General*

*Washington, D.C. 20530*

**MAY 15 2019**

The Honorable Tina Smith  
United States Senate  
Washington, DC 20510

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The Honorable Tina Smith  
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