



U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons
Metropolitan Correctional Center

150 Park Row
New York, New York 10007

July 23, 2020

The Honorable Roslynn R. Mauskopf
Chief Judge
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: **Administrative Order No. 2020-14**

Dear Judge Mauskopf:

The Court has ORDERED that the MDC and MCC respond to concerns about the institutions' response to the COVID-19 pandemic. Specifically, the Court asked about protocols for screening and testing inmates, staff and others entering or leaving each facility; the number of inmates tested and the number of positive tests; the number of staff and/or others testing positive; and all efforts undertaken to mitigate the spread of COVID-19 both generally and in response to any symptomatic inmate(s) and/or positive test(s).

Staff have been tasked with screening each and every staff member who walks in the door at both facilities. Specifically, every staff member's temperature is taken, and the staff member is asked to answer several questions on a screening form. If the staff member has a fever or answers yes to any of the questions, a medical professional can deny entry to the institution.

Medical staff are also screening new inmate arrivals¹ to the institution. Staff who are conducting the screening are required to wear appropriate personal protective equipment (PPE) in accordance with guidance promulgated by the Centers for Disease Control and Prevention (CDC). Inmates with a temperature greater than, or equal to, 100.4 degrees, or with overt respiratory symptoms, are placed in isolation. New arrivals with a temperature of less than 100.4 degrees are placed in quarantine for fourteen days as a precautionary measure.

All new commitments are tested for COVID-19 upon entry. Those who are symptomatic are placed in isolation pending the test result. Those who are asymptomatic are placed in quarantine for fourteen days. New commitments are not released to general population without a negative test result. Inmates leaving either BOP facility are also screened and tested prior to leaving, unless they are an immediate release.²

¹ This includes inmates who have left the institution and returned—e.g., from a medical trip in the community.

² Accordingly, if and when the numbers of inmates tested seems to increase dramatically, it likely coincides with the arrival of new commitments to either facility, or transfer or release of inmates from the facilities.

Any inmate currently in BOP custody who presents with COVID-19 like symptoms is assessed by institution health services staff. An inmate exhibiting symptoms consistent with COVID-19 will be placed in isolation. The remainder of the inmates on his or her unit will be quarantined to ensure additional inmates do not develop symptoms. Inmates who are in medical isolation will be evaluated by health services staff at least twice a day. They will be removed from isolation status upon two consecutive negative test results. The inmates on a medically quarantined unit will undergo wellness and temperature checks twice a day to ensure additional inmates do not develop symptoms. The unit will be released from quarantine if the original symptomatic inmate's test result is negative, or after 14 days elapses with no additional inmates developing symptoms.

On April 1, 2020, the BOP enacted a national 14-day action plan to increase social distancing in the facilities. Specifically, inmates in every institution are to be secured in their assigned cells. On April 13, 2020, the BOP ordered an extension of the April 1, 2020 action plan through May 18, 2020. On May 18, 2020, the BOP ordered a further extension of the April 13, 2020 action plan through June 30, 2020. On June 30, 2020, the BOP ordered an extension of the Phase Seven Action Plan through the end of July, 2020. At MDC and MCC, inmates will continue to be released from their cells several days per week in order to shower, use the phones, utilize the TRULINCs system, and engage in recreation. This will continue to be done in small groups and social distancing has been required. Inmates are also required to wear their masks when they are out of their cells. The national action plan will not, however, affect the provision of legal phone calls. Inmates will still be taken out of their cells for legal phone calls.

Inmate orderlies continue to clean the common areas of all housing units, and inmates have been instructed to continue to wipe down and sanitize their living quarters.

MCC and MDC unit team staff and officers are available to the inmate population to address any and all issues, including medical concerns, property concerns, and/or food related issues. Unit team staff are providing legal calls to attorneys. Additionally, any inmate can also request medical care from health services providers when they make rounds on the housing units.

Please be advised that the following numbers constitute a running tally, which began on March 13, 2020.

With regard to the numbers as of July 23, 2020, for MDC:

Inmates Tested: 479
Inmates Positive: 14
Staff Positive: 42

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With regard to the numbers as of July 23, 2020, for MCC:

Inmates Tested: 422
Inmates Positive: 21
Staff Positive: 47

Respectfully submitted,

/s/

M. Licon-Vitale
Warden
MCC New York

/s/

R. Marques
Interim Warden
MDC Brooklyn