



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

80 29th Street
Brooklyn, New York 11232

December 29, 2020

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

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

Dear Chief 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

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

are an immediate release.² All inmates who are being transferred or released are placed in quarantine for fourteen days prior to leaving the institution to ensure the safety of other inmates, staff and the community.

If an inmate tests positive, the housing unit(s) where the inmate was housed is/are placed on quarantine status. The Health Services department conducts contact tracing where inmates have been quartered within the last 48 hours before testing positive and initiate isolation procedures to mitigate possible spread. Inmates who test positive for COVID-19 are isolated for fourteen days, then re-tested to ensure a negative COVID-19 test result before being reintegrated into their cohort.

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 once 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, among other things, increase social distancing in the facilities. Specifically, inmates in every institution are to be secured in their assigned cells. Since April 13, 2020, the BOP has continued to extend its April 1, 2020 action plan, with minor and gradual changes to reflect developments in the CDC and public health official guidance. 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, review discovery, 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 does 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.

All staff are required to wear the appropriate personal protective equipment (PPE), to include

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.

masks, on a daily basis. Each staff member has been trained on proper donning and doffing techniques. Additionally, each staff member is offered a mask, on a daily basis, upon entrance into the facility. The Executive staff and supervisors monitor the wearing of appropriate PPE by staff through daily rounds, informational emails, and conference calls. All staff are screened when entering the institution. Staff must pass routine screening questions, and their temperatures are taken. Staff are not permitted to enter the institution if they fail any of the screening procedures.

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

With regard to the numbers as of December 29, 2020, for MDC³:

Inmates Tested: 4714
Inmates Positive: 161⁴
Inmates in Isolation: 99
Inmates Hospitalized: 0
Inmate Deaths: 0
Staff Positive: 71
Staff Recovered: 48
Staff Hospitalized: 2

With regard to the numbers as of December 29, 2020 for MCC:

Inmates Tested: 2612
Inmates Positive: 79
Inmates Hospitalized: 1
Staff Positive: 53
Staff Recovered: 50

Respectfully submitted,

³ The additional positive results since the last letter, are the results of continued extensive testing of the individuals in affected unit and additional testing of the institution. **We are now in the nex phase of the process, in that we are re-testing inmates at this time.**

⁴ In light of the developing situation, Warden Tellez has decided to cancel all in-person legal visiting at MDC Brooklyn for at least two weeks. Legal call, Court call and VTCs will continue. In recognition of the need for attorney access, staff is urgently working on ways to increase telephone and VTC access in all units, and we will continue to report on those efforts as they develop.

The Honorable Roslynn R. Mauskopf
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/s/

H.
Tellez
Warden
MDC Brooklyn

/s/

M. Licon-Vitale
Warden
MCC New York