U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

February 28, 2020

Austin R. Evers
American Oversight
1030 15th Street NW Suite B255
Washington, DC 20005
foia@americanoversight.org

Re: DOJ-2019-002598
19-cv-02272 (D.D.C.)
VRB:TAZ:BPF

Dear Austin Evers:

This is a final response to your Freedom of Information Act (FOIA) request dated and received in this Office on February 27, 2019, in which you requested records of communication in the Offices of the Attorney General (OAG) and Deputy Attorney General (ODAG) pertaining to the Metropolitan Detention Facility in Brooklyn, dating from January 1, 2019.[1]

Please be advised that searches have been conducted on behalf of OAG and ODAG, as well as within the Departmental Executive Secretariat, and 185 pages containing records responsive to your request were located. I have determined that 182 of these pages are appropriate for release with excisions made pursuant to Exemptions 5 and 6 of the FOIA, 5 U.S.C. § 552(b)(5) and (b)(6), and copies are enclosed. Additionally, I have determined that three pages should be withheld in full pursuant to Exemption 5. Exemption 5 pertains to certain inter- and intra-agency communications protected by the deliberative process privilege. Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2018). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

[1] Pursuant to discussions, through counsel, the parties reached an agreement with regard to the scope of the custodians to be searched within OAG and ODAG.

AMERICAN OVERSIGHT

If you have any questions regarding this response, please contact Brenda Gonzalez Horowitz, Assistant United States Attorney for the District of Columbia, at 202-252-2512.

Sincerely,



Timothy Ziese
Senior Supervisory Attorney
for
Vanessa R. Brinkmann
Senior Counsel

Enclosures

AMERICAN OVERSIGHT

Reuss, Alexis (OLA)

From:	Reuss, Alexis (OLA)
Sent:	Thursday, March 14, 2019 1:52 PM
To:	Ellis, Corey F. (ODAG); Peterson, Andrew (ODAG)
Subject:	Upcoming CJS Briefings for AG Barr - Schedule and Materials (BOP)
Attachments:	BOP - Facilities Management Issues.docx; (b)(5) [redacted]

Thanks for the quick chat. As discussed, (b)(5) [redacted] Again, this is in preparation for AG Barr's appearance before the CJS Appropriations Subcommittee, (b)(5) [redacted]

We have calendar space reserved for April 4, from 3pm-3:30pm for the subject of Bureau of Prisons. **We ask that you please hold this space on your calendar and send a note of confirmation.** Should this time be impossible for you to make work, please let me know and we will do our best to accommodate. **As you identify which subject matter experts to participate in the briefing, we are asking that you keep numbers tight – around 2-4 people. If you believe more people are needed to adequately cover the material, please let me know so we can keep track of numbers.**

Below and attached are the briefing papers we have for AG Barr on your subject. **Can your team please review these and confirm they remain up-to-date?** Please reply back with any changes or updates by COB March 19.

BUREAU OF PRISONS (30 MIN, 3-3:30PM)
Facilities Management Issues
(b)(5) [redacted]

We suggest (b)(5) [redacted]

One last thing to note: (b)(5) [redacted]

Happy to answer any questions either of you have. Thank you for your help!

Alex Allen Reuss
Department of Justice
Office of Legislative Affairs
202-353-5933

AMERICAN OVERSIGHT

Perkins, Paul (ODAG)

From:	Perkins, Paul (ODAG)
Sent:	Saturday, March 2, 2019 7:14 AM
To:	O'Callaghan, Edward C. (ODAG); Ellis, Corey F. (ODAG); Peterson, Andrew (ODAG)
Subject:	Fwd: BRO update

FYI

Begin forwarded message:

From: Hugh Hurwitz <HHurwitz@bop.gov>
Date: March 1, 2019 at 10:33:11 PM EST
To: Paul Perkins <Paul.Perkins@usdoj.gov>
Cc: "Jennifer L. Edens" <jedens@bop.gov>, Kevin Pistro <kpistro@bop.gov>, Ray Ormond <rormond@bop.gov>, Susan Allison <SAllison@bop.gov>, "Sonya Thompson" <sdthompson@bop.gov>
Subject: BRO update

Paul, Congresswoman Velazquez's staffer finally showed around 9:30 tonight after telling us she'd be there at 7:30. First impression upon walking into facility was "its warm in here." Warden asked her where she wanted to go. She said warden should pick. Warden didn't want to be accused of directing this so he told her to just pick a couple floors. She said ok 4 and 7.

They went to 7 and temps were between 74-77. All cells were occupied so they opened a cell and the inmate was in boxers and a t shirt. Staffer asked inmate if he was cold and he said no.

On floor 4 temps were 73-74. Staffer didn't want to open a cell.

At the end the staffer said she had no concerns. Warden asked if they were going to post a statement saying heat is working and she didn't know but she was going to report back.

It also should be noted, the article below was updated and now quotes a visitor saying it was freezing inside and she didn't know how anyone could survive in this situation. The warden verified the "visitor" named in this article does not exist on any visiting list at MDC Brooklyn. Thus, it too appears to be a false statement that the media is reporting.

https://nypost.com/2019/03/01/inmates-again-without-heat-at-brooklyn-detention-center

We have DCT on site tonight and tomorrow and will reassess tomorrow afternoon.

This whole story was made up and unfair. Not to mention that it puts people's safety at risk. Let me know if you have any questions.

AMERICAN OVERSIGHT

Document ID: 0.7.695.10589 20200207-0000007

Hugh

AMERICAN OVERSIGHT

Ellis, Corey F. (ODAG)

From:	Ellis, Corey F. (ODAG)
Sent:	Friday, March 1, 2019 7:46 PM
To:	Perkins, Paul (ODAG)
Cc:	Peterson, Andrew (ODAG); O'Callaghan, Edward C. (ODAG)
Subject:	Re: BRO Article

Thanks Paul

Corey F. Ellis
202-305-5544

On Mar 1, 2019, at 4:12 PM, Perkins, Paul (ODAG) <pperkins@jmd.usdoj.gov> wrote:

<!--[if mso 9]-->
FYI – The NY Post has a story claiming that the Brooklyn MDC is again without heat. Hugh has assured me that this is not true. His response plan is below – I've also asked him if (b)(5) [redacted]

Let me know if you want to discuss.

Paul

From: Hugh Hurwitz <HHurwitz@bop.gov>
Sent: Friday, March 1, 2019 4:08 PM
To: Perkins, Paul (ODAG) <pperkins@jmd.usdoj.gov>
Cc: Kevin Pistro <kpistro@bop.gov>
Subject: Fwd: BRO Article

Paul, as discussed. The allegations here are not true. Public Affairs is working with DOJ OPA now on a statement to all media sources. The facility is operating normally including visitation and phones.
(b)(5) [redacted]

https://nypost.com/2019/03/01/inmates-again-without-heat-at-brooklyn-detention-center/

AMERICAN OVERSIGHT

Perkins, Paul (ODAG)

From:	Perkins, Paul (ODAG)
Sent:	Friday, March 1, 2019 7:33 PM
To:	O'Callaghan, Edward C. (ODAG)
Cc:	Ellis, Corey F. (ODAG); Peterson, Andrew (ODAG)
Subject:	Re: BRO Article

Rep. Velazquez will be touring the facility at 7:30pm.

On Mar 1, 2019, at 6:00 PM, O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov> wrote:

> OPA was working to knock this down as untrue.
>
> Edward C. O'Callaghan
> 202-514-2105
>
> On Mar 1, 2019, at 5:41 PM, Perkins, Paul (ODAG) <pperkins@jmd.usdoj.gov> wrote:
>
> <!--[if mso 9]-->
> Several updates:
> - The facility has reached out to the public defender who reported the heat problem to find out if she will identify the source of her complaints and to invite her to the facility (if she comes, BOP will (b)(5) [redacted];
> - The local union president (who was critical of BOP previously) is calling his Congressional contacts to let them know the news stories are not accurate. BOP will (b)(5) [redacted];
> - Temp. reports at the facility check out (see attached);
> - Another press outlet is reporting the incorrect story: http://www.nydailynews.com/new-york/brooklyn/ny-metro-heat-outage-metropolitan-detention-center-20190301-story.html
>
> **From:** Perkins, Paul (ODAG)
> **Sent:** Friday, March 1, 2019 4:13 PM
> **To:** Ellis, Corey F. (ODAG) <cfellis@jmd.usdoj.gov>; Peterson, Andrew (ODAG) <anpeterson@jmd.usdoj.gov>; O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov>
> **Subject:** FW: BRO Article
>
> FYI – The NY Post has a story claiming that the Brooklyn MDC is again without heat. Hugh has assured me that this is not true. His response plan is below – I've also asked him if (b)(5) [redacted]
>
> Let me know if you want to discuss.
>
> Paul

AMERICAN OVERSIGHT

From: Hugh Hurwitz <HHurwitz@bop.gov>
Sent: Friday, March 1, 2019 4:08 PM
To: Perkins, Paul (ODAG) <pperkins@jmd.usdoj.gov>
Cc: Kevin Pistro <kpistro@bop.gov>
Subject: Fwd: BRO Article

Paul, as discussed. The allegations here are not true. Public Affairs is working with DOJ OPA now on a statement to all media sources. The facility is operating normally including visitation and phones. (b)(5) [redacted]

https://nypost.com/2019/03/01/inmates-again-without-heat-at-brooklyn-detention-center/

<MDC Brooklyn Temperature Report 3-1-19 Evening Watch.pdf>

AMERICAN OVERSIGHT

Document ID: 0.7.695.5029

MDC Brooklyn Temperature Report 3/1/19

Taken at: 3:20 pm

End: 4:25 pm

Housing Unit	Cells	Common
K81	72	75
K82	75	73
K83	74	73
K84	75	76
J71	78	81
J72	74	74
J73	73	75
I61	74	74
I62	74	75
I63	72	74
H51	74	74
H52	80	74
H53	74	71
G41	78	77
G42	77	74
G43	69	70
EDUCATION		79
FOOD SERVICE		74
MEDICAL		73
LT'S OFFICE		70
8TH FLOOR UNIT TEAM		77
7TH FLOOR UNIT TEAM		77
6TH FLOOR UNIT TEAM		76
5TH FLOOR UNIT TEAM		78
4TH FLOOR UNIT TEAM		76
Special Housing COMMON AREA		78
Special Housing Range 3		75
Special Housing Range 4		78

Readings Taken By: D. SERRANO

D.

AMERICAN OVERSIGHT

O'Callaghan, Edward C. (ODAG)

From: O'Callaghan, Edward C. (ODAG)
Sent: Friday, March 1, 2019 4:17 PM
To: Rosenstein, Rod (ODAG)
Subject: Fwd: For Your Approval: Urgent Statement on Heat at Brooklyn

FYI

Edward C. O'Callaghan
202-514-2105

Begin forwarded message:

From: "Kupec, Kerri (OPA)" (b)(6) [redacted]
Date: March 1, 2019 at 4:08:51 PM EST
To: Susan Allison <SAllison@bop.gov>, "Hornbuckle, Wyn (OPA)" <whornbuckle@jmd.usdoj.gov>
Cc: "Justin B. Long" <jblong@bop.gov>, "Jennifer L. Edens" <jedens@bop.gov>, Nancy Ayers <nayers@bop.gov>, Sonya Thompson <sdthompson@bop.gov>, Tovia Knight <T1Knight@bop.gov>
Subject: RE: For Your Approval: Urgent Statement on Heat at Brooklyn

<!--[if mso 9]-->
Yes, please do.

From: Susan Allison <SAllison@bop.gov>
Sent: Friday, March 1, 2019 4:05 PM
To: Kupec, Kerri (OPA) (b)(6) [redacted]; Hornbuckle, Wyn (OPA) <whornbuckle@jmd.usdoj.gov>
Cc: Justin B. Long <jblong@bop.gov>; Jennifer L. Edens <jedens@bop.gov>; Nancy Ayers <nayers@bop.gov>; Sonya Thompson <sdthompson@bop.gov>; Tovia Knight <T1Knight@bop.gov>
Subject: For Your Approval: Urgent Statement on Heat at Brooklyn

Wyn and Kerri,

The New York Post has alleged that the heat is out in a couple of units at Brooklyn. There is no truth to the assertion. We have now received several inquiries and would like to send out the following statement to our media list to get out ahead of this.

"Contrary to media reports, the heat at MDC Brooklyn is fully operational and the institution is operating normally."

I may be reached at 202.616.0236 with any questions.

Thanks.

Sue

AMERICAN OVERSIGHT

Perkins, Paul (ODAG)

From:	Perkins, Paul (ODAG)
Sent:	Wednesday, February 27, 2019 2:05 PM
To:	Peterson, Andrew (ODAG)
Cc:	Ellis, Corey F. (ODAG)
Subject:	Re: Quick follow-up - OLAs communication

Doug.

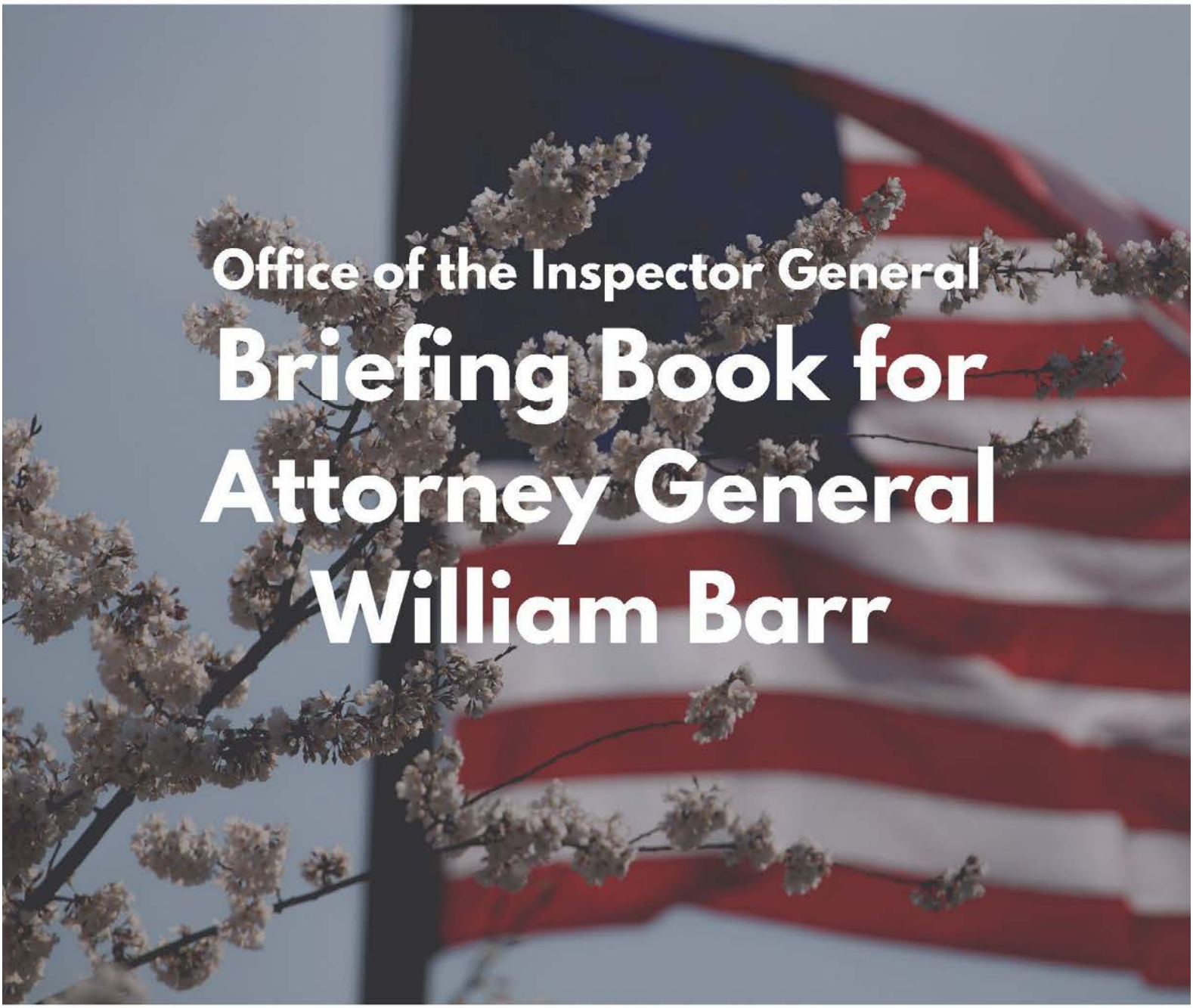
On Feb 27, 2019, at 2:01 PM, Peterson, Andrew (ODAG) <anpeterson@jmd.usdoj.gov> wrote:

> Was this Doug Collins or Chris Collins (or some other Collins)?
>
> On Feb 27, 2019, at 2:00 PM, Perkins, Paul (ODAG) <pperkins@jmd.usdoj.gov> wrote:
>
> <!--[if mso 9]-->
> FYI
>
> **From:** Kevin Pistro <kpistro@bop.gov>
> **Sent:** Wednesday, February 27, 2019 1:44 PM
> **To:** Perkins, Paul (ODAG) <pperkins@jmd.usdoj.gov>
> **Subject:** Quick follow-up - OLAs communication
>
> Paul,
>
> Following our meeting this morning, (b)(5) [redacted]
>
> [redacted]
>
> If you need to speak more to this, let me know. Thank you.

AMERICAN OVERSIGHT

Office of the Inspector General

U.S Department of Justice



Office of the Inspector General

Briefing Book for Attorney General William Barr

February 2019

AMERICAN OVERSIGHT

Document ID: 0.7.695.10569-000001 20200207-0000012

Inspection and Review of MDC Brooklyn Facilities Issues and Related Impacts on Prisoners

The OIG has initiated an inspection and review of BOP's management of and response to the electrical and heating issues that occurred beginning in January 2019 at the Metropolitan Detention Center (MDC) Brooklyn. This review will include assessing how those issues occurred, whether BOP has in place adequate contingency plans for such an incident, how they affected prisoners' conditions of confinement and access to counsel, and will assess the steps BOP management officials took to address and resolve those issues. If circumstances warrant, the OIG will consider including other issues that may arise during the course of the inspection and review.

AMERICAN OVERSIGHT

Document ID: 0.7.695.10569-000001 20200207-0000054

DOJ Law Enforcement Component Report
February 8, 2019

➢ *AGENCY*	*On call*	*Report*
Not Responsive Record		

BOP	Sue Allison	**Stories** • Multiple media inquiries regarding MDC Brooklyn's facilities issues. • Elevated levels of arsenic were found in drinking water at USP Atlanta. The inmates now are receiving bottled water until the water quality is corrected. **Announcements** • Nothing to report. **Events** • Nothing to report.

AMERICAN OVERSIGHT

Document ID: 0.7.695.10101-000001 20200207-0000067

OIG, Evaluation and Inspections Division (OIG)

From:	OIG, Evaluation and Inspections Division (OIG)
Sent:	Thursday, February 7, 2019 12:08 PM
Subject:	Notification: Initiation Memorandum from the OIG Evaluation and Inspections Division
Attachments:	2019-02-07 Initiation Memo A-2019-003.pdf

The Office of the Inspector General's Evaluation and Inspections Division is initiating an inspection and review of the Federal Bureau of Prisons' MDC Brooklyn facilities issues and related impacts on prisoners, Assignment No. A-2019-003. The attached copy of the initiation memorandum provides details.

Please do not respond to this email account. The account is not monitored for incoming messages. If you have any problems with the attached file or questions regarding the review, please call Nina S. Pelletier, Assistant Inspector General for Evaluation and Inspections, at (202) 616-4620.

Thank you.

AMERICAN OVERSIGHT

Document ID: 0.7.695.10098 20200207-0000074

U.S. Department of Justice

Office of the Inspector General

February 7, 2019

MEMORANDUM FOR HUGH HURWITZ
ACTING DIRECTOR
FEDERAL BUREAU OF PRISONS

FROM: MICHAEL E. HOROWITZ
INSPECTOR GENERAL

SUBJECT: Inspection and Review of MDC Brooklyn
Facilities Issues and Related Impacts on Prisoners
Assignment Number A-2019-003

The Office of the Inspector General (OIG) is initiating an inspection and review of BOP's management of and response to the electrical and heating issues that occurred beginning in January 2019 at the Metropolitan Detention Center (MDC) Brooklyn. This review will include assessing how those issues occurred, whether BOP has in place adequate contingency plans for such an incident, and how they affected prisoners' conditions of confinement and access to counsel. Further, the review will assess the steps BOP management officials took to address and resolve those issues. Finally, if circumstances warrant, the OIG will consider including other issues that may arise during the course of the inspection and review.

Pursuant to the Notification of OIG Inspections Program of BOP Institutions, the entrance will occur on February 7, 2019. If you have any questions, please contact me at (202) 514-3435 or Nina S. Pelletier, Assistant Inspector General for Evaluation and Inspections, at (202) 616-4620. We appreciate your assistance and cooperation.

cc: Kevin Pistro
Chief of Staff
Federal Bureau of Prisons

AMERICAN OVERSIGHT

Document ID: 0.7.695.10098-000001 20200207-0000075

David Shinn
Assistant Director
Program Review Division
Federal Bureau of Prisons

Paul Layer
Senior Deputy Assistant Director
Program Review Division
Federal Bureau of Prisons

Joseph Pecoraio
Administrator
External Auditing Branch
Program Review Division
Federal Bureau of Prisons

Julia Frith
Acting Chief
External Audits
Planning and Analysis Section
Program Review Division
Federal Bureau of Prisons

Richard P. Theis
Assistant Director
Audit Liaison Group
Internal Review and Evaluation Office
Justice Management Division

Ashley Hines
Audit Liaison Specialist
Audit Liaison Group
Internal Review and Evaluation Office
Justice Management Division

AMERICAN OVERSIGHT

Document ID: 0.7.695.10098-000001 20200207-0000076

Bumatay, Patrick (OAG)

From:	Bumatay, Patrick (OAG)
Sent:	Thursday, February 7, 2019 8:25 AM
To:	Kupec, Kerri (OPA)
Cc:	Antell, Kira M. (OLA); Barnett, Gary E. (OAG); Perkins, Paul (ODAG)
Subject:	Re: Brooklyn Meeting

Not for public dissemination, OIG will be onsite at Brooklyn today.

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

> Good work, team. Our statement and plan of action is solid - and timing tonight was good.
>
> Sent from my iPhone
>
> On Feb 6, 2019, at 7:02 PM, Antell, Kira M. (OLA) <kimantell@jmd.usdoj.gov> wrote:
>
> > FYSA: This evening, a group of members sent a letter to the IG requesting that he investigate the Brooklyn events. I have attached it here. We were sent a copy as a courtesy.
> >
> > 202-353-9948
> >
> > <attachment 1.pdf>
> >
> > On Feb 6, 2019, at 6:48 PM, Bumatay, Patrick (OAG) <pbumatay@jmd.usdoj.gov> wrote:

Duplicative Material - See Page 20200131-0000011

AMERICAN OVERSIGHT

Hugh Hurwitz

From:	Hugh Hurwitz
Sent:	Wednesday, February 6, 2019 7:02 PM
To:	Kerri Kupec; Patrick Bumatay
Cc:	Sonya Thompson; Gary Barnett; Kira Antell; Paul Perkins; Wyn Hornbuckle
Subject:	Re: Brooklyn Meeting

I think they understood... apparently letters were sent today from Velazquez and 27 others to me and the OIG asking for the OIG to go in. Velazquez tweeted that "within hours" they received a response confirming both OIG and BOP are investigating.

Hugh
Sent from my Samsung Galaxy smartphone

-------- Original message --------
From: "Bumatay, Patrick (OAG)" <Patrick.Bumatay3@usdoj.gov>
Date: 2/6/19 7:00 PM (GMT-05:00)
To: Kerri Kupec (b)(6) .
Cc: Sonya Thompson <sdthompson@bop.gov>, Hugh Hurwitz <HHurwitz@bop.gov>, Gary Barnett <Gary.E.Barnett@usdoj.gov>, Kira Antell <Kira.M.Antell2@usdoj.gov>, Wyn Hornbuckle <Wyn.Hornbuckle@usdoj.gov>, Paul Perkins <Paul.Perkins@usdoj.gov>
Subject: Re: Brooklyn Meeting

>>> "Bumatay, Patrick (OAG)" 02/06/2019 19:00 >>>
Ok. I should have caught it earlier.

On Feb 6, 2019, at 6:49 PM, Kupec, Kerri (OPA) (b)(6) wrote:

> Good catch. But it's already gone out...
>
> **From:** Bumatay, Patrick (OAG) <pbumatay@jmd.usdoj.gov>
> **Sent:** Wednesday, February 6, 2019 6:48 PM
> **To:** Hornbuckle, Wyn (OPA) <whornbuckle@jmd.usdoj.gov>
> **Cc:** Sonya Thompson <sdthompson@bop.gov>; Kupec, Kerri (OPA) (b)(6) ; Antell, Kira M. (OLA) <kimantell@jmd.usdoj.gov>; Hugh Hurwitz <HHurwitz@bop.gov>; Barnett, Gary E. (OAG) <gebarnett@jmd.usdoj.gov>; Perkins, Paul (ODAG) <pperkins@jmd.usdoj.gov>
> **Subject:** Re: Brooklyn Meeting

Duplicative Material - See Page 20200131-0000011

AMERICAN OVERSIGHT

Antell, Kira M. (OLA)

From:	Antell, Kira M. (OLA)
Sent:	Wednesday, February 6, 2019 6:03 PM
To:	Sonya Thompson; Kupec, Kerri (OPA); Bumatay, Patrick (OAG); Hornbuckle, Wyn (OPA)
Cc:	Hugh Hurwitz; Barnett, Gary E. (OAG); Perkins, Paul (ODAG)
Subject:	RE: Brooklyn Meeting

Hill notification was just sent.

From: Sonya Thompson <sdthompson@bop.gov>
Sent: Wednesday, February 6, 2019 5:59 PM
To: Kupec, Kerri (OPA) (b)(6) ; Antell, Kira M. (OLA) <kimantell@jmd.usdoj.gov>; Bumatay, Patrick (OAG) <pbumatay@jmd.usdoj.gov>; Hornbuckle, Wyn (OPA) <whornbuckle@jmd.usdoj.gov>
Cc: Hugh Hurwitz <HHurwitz@bop.gov>; Barnett, Gary E. (OAG) <gebarnett@jmd.usdoj.gov>; Perkins, Paul (ODAG) <pperkins@jmd.usdoj.gov>
Subject: RE: Brooklyn Meeting

Duplicative Material - See Page 20200131-0000011

AMERICAN OVERSIGHT

Bumatay, Patrick (OAG)

From:	Bumatay, Patrick (OAG)
Sent:	Wednesday, February 6, 2019 5:48 PM
To:	Kupec, Kerri (OPA)
Cc:	Antell, Kira M. (OLA); Sonya Thompson; Perkins, Paul (ODAG); Hugh Hurwitz; Barnett, Gary E. (OAG); Hornbuckle, Wyn (OPA)
Subject:	Re: Brooklyn Meeting

I'm good with this.

On Feb 6, 2019, at 5:31 PM, Kupec, Kerri (OPA) (b)(6) wrote:

Duplicative Material - See Page 20200131-0000012

AMERICAN OVERSIGHT

Perkins, Paul (ODAG)

From:	Perkins, Paul (ODAG)
Sent:	Wednesday, February 6, 2019 4:24 PM
To:	Bumatay, Patrick (OAG)
Cc:	Antell, Kira M. (OLA); Kupec, Kerri (OPA); Sonya Thompson; Hugh Hurwitz; Barnett, Gary E. (OAG); Hornbuckle, Wyn (OPA)
Subject:	Re: Brooklyn Meeting

I would suggest that the (b)(5) [redacted].

On Feb 6, 2019, at 3:30 PM, Bumatay, Patrick (OAG) <pbumatay@jmd.usdoj.gov> wrote:

Duplicative Material - See Page 20200131-0000014

[redacted]

AMERICAN OVERSIGHT

Bumatay, Patrick (OAG)

From:	Bumatay, Patrick (OAG)
Sent:	Wednesday, February 6, 2019 1:45 PM
To:	Antell, Kira M. (OLA); Kupec, Kerri (OPA); Perkins, Paul (ODAG); Lasseter, David F. (OLA); de la Torre, Lindsey (OAG)
Cc:	Barnett, Gary E. (OAG)
Subject:	RE: Brooklyn Meeting
Attachments:	Brooklyn TPs.docx

Here are draft TPs on the Brooklyn issue. Thoughts? Does he need to (b)(5) ?

From: Antell, Kira M. (OLA) <kimantell@jmd.usdoj.gov>
Sent: Wednesday, February 6, 2019 1:17 PM
To: Bumatay, Patrick (OAG) <pbumatay@jmd.usdoj.gov>; Kupec, Kerri (OPA) (b)(6) ; Sonya Thompson <sdthompson@bop.gov>; Perkins, Paul (ODAG) <pperkins@jmd.usdoj.gov>
Cc: Hugh Hurwitz <HHurwitz@bop.gov>; Barnett, Gary E. (OAG) <gebarnett@jmd.usdoj.gov>
Subject: RE: Brooklyn Meeting

Duplicative Material - See Page 20200131-0000015

[redacted]

AMERICAN OVERSIGHT

Antell, Kira M. (OLA)

From:	Antell, Kira M. (OLA)
Sent:	Wednesday, February 6, 2019 7:03 PM
To:	Bumatay, Patrick (OAG)
Cc:	Hornbuckle, Wyn (OPA); Sonya Thompson; Kupec, Kerri (OPA); Hugh Hurwitz; Barnett, Gary E. (OAG); Perkins, Paul (ODAG)
Subject:	Re: Brooklyn Meeting
Attachments:	attachment 1.pdf; ATT00001.htm

FYSA: This evening, a group of members sent a letter to the IG requesting that he investigate the Brooklyn events. I have attached it here. We were sent a copy as a courtesy.

202-353-9948

AMERICAN OVERSIGHT

Congress of the United States

Washington, DC 20515

February 6, 2019

Michael E. Horowitz
Inspector General of the United States Department of Justice
U.S. Department of Justice
Office of the Inspector General
950 Pennsylvania Avenue, NW
Suite 4706
Washington, D.C. 20530-0001

Dear Inspector General Horowitz:

We are writing to express concerns over recent events at the Bureau of Prisons' (BOP) Metropolitan Detention Center (MDC) in Brooklyn, NY. This past weekend, it was reported that over 1,600 detainees and employees at the correctional facility remained in a building that had serious heating and electrical issues for nearly a week during polar vortex conditions.[1] The grave nature of these circumstances were muddled until press coverage revealed the extent of the MDC's problems.

We believe there are ample grounds for your office to review the conditions at Brooklyn MDC. It is still unclear why the facility had prolonged issues with heating and electricity. It is understood that the facility kept detainees on lockdown without appropriate access to medical services. Further, attorneys and paralegal staff reported that detainees lacked access to extra blankets and could not purchase extra sweatshirts at the commissary during the height of this crisis. All the while, it is alleged that management at MDC did not activate and follow their emergency plan.

The lackluster response from the facility's leadership cannot be categorized as anything less than inappropriate given the circumstances. Instead of offering proactive solutions and executing its emergency plan, MDC Brooklyn failed in its duties until public pressure and demands for answers reached a tipping point. Leadership at BOP facilities must be consistent with our values, and ensure that detainees have access to humane shelter conditions. The arguably abusive practices arising out of this incident, including the fact that detainees were kept on lockdown in near-freezing conditions, is unacceptable.

[1] Herreria, C. Protesters rally into the night for Brooklyn inmates in freezing jail cells. Huffington Post. https://www.huffingtonpost.com/entry/protests-brooklyn-jail-freezing-temperatures_us_5c5648b2e4b00187b5517ff8

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AMERICAN OVERSIGHT

DOJ-19-0277-A-000023

Document ID: 0.7.695.5017-000001

20200131-0000007

Given the above, we request:

- the Evaluation and Inspections Division review the Management practices at this facility—such review should also examine whether the MDC fully followed its emergency plans. Such inquiry, in addition, examine the chain of command at the facility, including the respective decision-making authority that is in cases when the warden is not physically present at the facility;
- a review of medical care given to detainees during this period, including the lack of electricity for CPAP machines and the exacerbation of conditions such as asthma by the cold conditions; and

- a review of the extended denial of access to counsel for detainees by MDC, leaving detainees unable to address their cases or assert their rights about these conditions during this time period;

- an audit of whether contractors at MDC fulfilled their duties related to repairing or replacing heating, ventilation, and air conditioning (HVAC), electrical, or similar infrastructure on or about the week of January 28th, 2019. Such audit should also examine whether contractor malfeasance was a contributing factor leading to the loss of heat and electricity on or about the week of January 28th, 2019.

As Members of Congress, it is our responsibility to ensure that detainees are treated fairly and afforded humane living conditions while in federal custody. **Given the severity of these circumstances, we request a formal response from your office no later than ten (10) calendar days from the date of this correspondence.**

Sincerely,

Nydia M. Velázquez
Member of Congress

Jerrold Nadler
Member of Congress

Kamala Harris
United States Senator

Kirsten Gillibrand
United States Senator

Elizabeth Warren
United States Senator

Carolyn B. Maloney
Member of Congress

AMERICAN OVERSIGHT

Document ID: 0.7.695.5017-000001

Adriano Espaillat
Member of Congress

José E. Serrano
Member of Congress

Nita M. Lowey
Member of Congress

Gregory W. Meeks
Member of Congress

Hakeem Jeffries
Member of Congress

Sean Patrick Maloney
Member of Congress

Eliot L. Engel
Member of Congress

Ayanna Pressley
Member of Congress

Grace Meng
Member of Congress

Thomas R. Suozzi
Member of Congress

Max Rose
Member of Congress

Eleanor Holmes Norton
Member of Congress

Alexandria Ocasio-Cortez
Member of Congress

Yvette D. Clarke
Member of Congress

AMERICAN OVERSIGHT
DOJ-19-0277-A-000025
Document ID: 0.7.695.5017-000001
20200131-0000009

Tony Cardenas
Member of Congress

Mark Pocan
Member of Congress

Brenda Lawrence
Member of Congress

John Lewis
Member of Congress

Cedric Richmond
Member of Congress

Raúl Grijalva
Member of Congress

Bobby Scott
Member of Congress

Albio Sires
Member of Congress

Kathleen M. Rice
Member of Congress

AMERICAN OVERSIGHT

Document ID: 0.7.695.5017-000001

20200131-0000010

On Feb 6, 2019, at 6:48 PM, Bumatay, Patrick (OAG) <pbumatay@jmd.usdoj.gov> wrote:

> One thought - should we define OIG?
>
> On Feb 6, 2019, at 6:03 PM, Hornbuckle, Wyn (OPA) <whornbuckle@jmd.usdoj.gov> wrote:
>
> > Thanks all
> >
> > Sent from my iPhone
> >
> > On Feb 6, 2019, at 5:59 PM, Sonya Thompson <sdthompson@bop.gov> wrote:
> >
> > > Please see attached.
> > >
> > > **From:** "Antell, Kira M. (OLA)" <Kira.M.Antell2@usdoj.gov>
> > > **To:** "Hornbuckle, Wyn (OPA)" <Wyn.Hornbuckle@usdoj.gov>, "Kupec, Kerri (OPA)" (b)(6) , "Bumatay, Patrick (OAG)" <Patrick.Bumatay3@usdoj.gov>
> > > **CC:** Sonya Thompson <sdthompson@bop.gov>, "Perkins, Paul (ODAG)" <Paul.Perkins@usdoj.gov>, Hugh Hurwitz <HHurwitz@bop.gov>, "Barnett, Gary E.(OAG)" <Gary.E.Barnett@usdoj.gov>
> > > **Date:** 2/6/2019 5:52 PM
> > > **Subject:** RE: Brooklyn Meeting
> > >
> > > Yes. I am waiting for the final PDF from Sonya to ensure we are sending the same document. I expect that shortly.
> > >
> > > ---
> > >
> > > **From:** Hornbuckle, Wyn (OPA) <whornbuckle@jmd.usdoj.gov>
> > > **Sent:** Wednesday, February 6, 2019 5:51 PM
> > > **To:** Kupec, Kerri (OPA) (b)(6) ; Bumatay, Patrick (OAG) <pbumatay@jmd.usdoj.gov>; Antell, Kira M. (OLA) <kimantell@jmd.usdoj.gov>
> > > **Cc:** Sonya Thompson <sdthompson@bop.gov>; Perkins, Paul (ODAG) <pperkins@jmd.usdoj.gov>; Hugh Hurwitz <HHurwitz@bop.gov>; Barnett, Gary E. (OAG) <gebarnett@jmd.usdoj.gov>
> > > **Subject:** RE: Brooklyn Meeting
> > >
> > > To make sure we are coordinated, Kira can you let us know when you have sent to the Hill?
> > >
> > > ---
> > >
> > > **From:** Kupec, Kerri (OPA) (b)(6)
> > > **Sent:** Wednesday, February 06, 2019 5:32 PM

AMERICAN OVERSIGHT

To: Bumatay, Patrick (OAG) <pbumatay@jmd.usdoj.gov>; Antell, Kira M. (OLA) <kimantell@jmd.usdoj.gov>
Cc: Sonya Thompson <sdthompson@bop.gov>; Perkins, Paul (ODAG) <pperkins@jmd.usdoj.gov>; Hugh Hurwitz <HHurwitz@bop.gov>; Barnett, Gary E. (OAG) <gebarnett@jmd.usdoj.gov>; Hornbuckle, Wyn (OPA) <whornbuckle@jmd.usdoj.gov>
Subject: RE: Brooklyn Meeting

I'm good with this as the final statement. If you all want to send to media and Hill tonight, that's fine with me.

Statement on MDC Brooklyn Facility Issues

Washington, DC: The Department of Justice (DOJ) and Federal Bureau of Prisons (BOP) are committed to the safe and humane living and working conditions of all inmates and employees. In response to last week's power outage and other facility issues at the Metropolitan Detention Center (MDC) in Brooklyn, New York, the Department has requested that the OIG undertake a review of this matter to determine if BOP responded appropriately to the heat and electricity failures at MDC Brooklyn and to assess whether BOP has in place adequate contingency plans for such an incident. The BOP will also conduct a thorough investigation of the infrastructure at the facility and review the emergency response and contingency planning for this type of incident. DOJ and BOP will continue to work to ensure that MDC Brooklyn meets all required standards.

MDC Brooklyn is an Administrative security level facility that currently houses 1,654 male and female offenders in New York, New York.

Additional information about the Federal Bureau of Prisons can be found at www.bop.gov.

From: Kupec, Kerri (OPA)
Sent: Wednesday, February 6, 2019 5:23 PM
To: Bumatay, Patrick (OAG) <pbumatay@jmd.usdoj.gov>; Antell, Kira M. (OLA) <kimantell@jmd.usdoj.gov>
Cc: Sonya Thompson <sdthompson@bop.gov>; Perkins, Paul (ODAG) <pperkins@jmd.usdoj.gov>; Hugh Hurwitz <HHurwitz@bop.gov>; Barnett, Gary E. (OAG) <gebarnett@jmd.usdoj.gov>; Hornbuckle, Wyn (OPA) <whornbuckle@jmd.usdoj.gov>
Subject: RE: Brooklyn Meeting

AMERICAN OVERSIGHT

Hi – I've been in meetings for the last four hours – need to take a look at this and will circle back asap.

From: Bumatay, Patrick (OAG) <pbumatay@jmd.usdoj.gov>
Sent: Wednesday, February 6, 2019 5:09 PM
To: Antell, Kira M. (OLA) <kimantell@jmd.usdoj.gov>
Cc: Sonya Thompson <sdthompson@bop.gov>; Kupec, Kerri (OPA) (b)(6) ; Perkins, Paul (ODAG) <pperkins@jmd.usdoj.gov>; Hugh Hurwitz <HHurwitz@bop.gov>; Barnett, Gary E. (OAG) <gebarnett@jmd.usdoj.gov>; Hornbuckle, Wyn (OPA) <whornbuckle@jmd.usdoj.gov>
Subject: Re: Brooklyn Meeting

Let's (b)(5) if ready.

On Feb 6, 2019, at 5:02 PM, Antell, Kira M. (OLA) <kimantell@jmd.usdoj.gov> wrote:

> We can (b)(5) if that is the preference. We just want to (b)(5)
>
> ---
>
> **From:** Bumatay, Patrick (OAG) <pbumatay@jmd.usdoj.gov>
> **Sent:** Wednesday, February 6, 2019 5:00 PM
> **To:** Sonya Thompson <sdthompson@bop.gov>
> **Cc:** Kupec, Kerri (OPA) (b)(6) ; Antell, Kira M. (OLA) <kimantell@jmd.usdoj.gov>; Perkins, Paul (ODAG) <pperkins@jmd.usdoj.gov>; Hugh Hurwitz <HHurwitz@bop.gov>; Barnett, Gary E. (OAG) <gebarnett@jmd.usdoj.gov>; Hornbuckle, Wyn (OPA) <whornbuckle@jmd.usdoj.gov>
> **Subject:** Re: Brooklyn Meeting
>
> I'm ok with (b)(5)
>
> On Feb 6, 2019, at 4:58 PM, Sonya Thompson <sdthompson@bop.gov> wrote:
>
> > Patrick, OLA suggests
> > (b)(5)
> > >>>
> > From: "Bumatay, Patrick (OAG)"

AMERICAN OVERSIGHT

From: Bumatay, Patrick (OAG) <Patrick.Bumatay3@usdoj.gov>

To: "Antell, Kira M. (OLA)" <Kira.M.Antell2@usdoj.gov>, "Kupec, Kerri (OPA)" (b)(6) Sonya Thompson <sdthompson@bop.gov>, "Perkins, Paul(ODAG)" <Paul.Perkins@usdoj.gov>

CC: Hugh Hurwitz <HHurwitz@bop.gov>, "Barnett, Gary E. (OAG)" <Gary.E.Barnett@usdoj.gov>, "Hornbuckle, Wyn (OPA)" <Wyn.Hornbuckle@usdoj.gov>

Date: 2/6/2019 3:31 PM

Subject: RE: Brooklyn Meeting

All – today, ODAG made the following request to OIG:

"The Department requests that the OIG undertake a review of this matter to determine if BOP responded appropriately to the heat and electricity failures at MDC Brooklyn and to assess whether BOP has in place adequate contingency plans for such an incident."

I think we (b)(5)

Patrick

From: Antell, Kira M. (OLA) <kimantell@jmd.usdoj.gov>
Sent: Wednesday, February 6, 2019 1:17 PM
To: Bumatay, Patrick (OAG) <pbumatay@jmd.usdoj.gov>; Kupec, Kerri (OPA) (b)(6) ; Sonya Thompson <sdthompson@bop.gov>; Perkins, Paul (ODAG) <pperkins@jmd.usdoj.gov>
Cc: Hugh Hurwitz <HHurwitz@bop.gov>;

AMERICAN OVERSIGHT

Barnett, Gary E. (OAG)
<gebarnett@jmd.usdoj.gov>
Subject: RE: Brooklyn Meeting

Good afternoon,

JMD (and BOP OCFO) received the attached letter today regarding MDC Brooklyn from House appropriations. The letter alleges that there was a serious failure of oversight and responsibility. It also asks several specific infrastructure questions. I wanted to make sure (b)(5) [redacted]

Thanks,
Kira

-----Original Appointment-----
From: Bumatay, Patrick (OAG)
<pbumatay@jmd.usdoj.gov>
Sent: Tuesday, February 5, 2019 4:42 PM
To: Bumatay, Patrick (OAG); Kupec, Kerri (OPA); Antell, Kira M. (OLA); Barnett, Gary E. (OAG); Perkins, Paul (ODAG); Hurwitz, Hugh (BOP); Thompson, Sonya (BOP)
Cc: Hugh Hurwitz; Sonya Thompson
Subject: Brooklyn Meeting
When: Wednesday, February 6, 2019 9:30 AM-10:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: 5134 or Conference Call

Conference call number

Participant dial-in:
Dial in number: (b)(6) [redacted]
Participant code: (b)(6) [redacted]

Patrick's dial-in only:
Dial in number: (b)(6) [redacted]
Host access code: (b)(6) [redacted]
Host PIN (b)(6) [redacted]

AMERICAN OVERSIGHT

<Statement 2-6-19 Final.pdf>

AMERICAN OVERSIGHT

Weinsheimer, Bradley (ODAG)

From:	Weinsheimer, Bradley (ODAG)
Sent:	Wednesday, February 6, 2019 3:55 PM
To:	Bumatay, Patrick (OAG)
Cc:	Perkins, Paul (ODAG); O'Callaghan, Edward C. (ODAG)
Subject:	FW: MDC Brooklyn

I just spoke to Bill. (b)(5) [redacted] Thanks, Brad.

From: Blier, William M.(OIG) <wblier@OIG.USDOJ.GOV>
Sent: Wednesday, February 6, 2019 3:41 PM
To: Weinsheimer, Bradley (ODAG) <bradweinsheimer@jmd.usdoj.gov>
Cc: Perkins, Paul (ODAG) <pperkins@jmd.usdoj.gov>
Subject: RE: MDC Brooklyn

Brad,
Just tried to reach you by phone. I have been in meetings until recently, so I was unable to return your call.

(b)(5) [redacted]

I'm available if you want to call. Thanks. Bill

From: Weinsheimer, Bradley (ODAG)
Sent: Wednesday, February 6, 2019 3:17 PM
To: Blier, William M.(OIG) <wblier@OIG.USDOJ.GOV>
Cc: Perkins, Paul (ODAG) <pperkins@jmd.usdoj.gov>
Subject: MDC Brooklyn

Bill: the linked article generally describes the situation I called you about. You already may have received inquiries or complaints about it. (b)(5) [redacted] Please give me a call. Thanks, Brad.

https://www.nytimes.com/2019/02/05/nyregion/brooklyn-jail-heat-power.html

Brad Weinsheimer
Associate Deputy Attorney General
Office: 202-305-7848
Cell: (b)(6) [redacted]
Bradley.weinsheimer@usdoj.gov

AMERICAN OVERSIGHT

Document ID: 0.7.695.10635 20200207-0000102

O'Callaghan, Edward C. (ODAG)

From: O'Callaghan, Edward C. (ODAG)
Sent: Wednesday, February 6, 2019 3:02 PM
To: Bumatay, Patrick (OAG)
Subject: Accepted: Brooklyn MDC

AMERICAN OVERSIGHT

Bumatay, Patrick (OAG)

Subject:	Brooklyn MDC
Location:	Brad's Office
Start:	Wednesday, February 6, 2019 3:00 PM
End:	Wednesday, February 6, 2019 3:30 PM
Recurrence:	(none)
Meeting Status:	Accepted
Organizer:	Bumatay, Patrick (OAG)
Required Attendees:	O'Callaghan, Edward C. (ODAG); Perkins, Paul (ODAG); Weinsheimer, Bradley (ODAG)

AMERICAN OVERSIGHT

Bumatay, Patrick (OAG)

Subject:	Brooklyn MDC
Location:	Brad's Office
Start:	Wednesday, February 6, 2019 3:00 PM
End:	Wednesday, February 6, 2019 3:30 PM
Show Time As:	Tentative
Recurrence:	(none)
Meeting Status:	Not yet responded
Organizer:	Bumatay, Patrick (OAG)
Required Attendees:	O'Callaghan, Edward C. (ODAG); Perkins, Paul (ODAG); Weinsheimer, Bradley (ODAG)

AMERICAN OVERSIGHT

O'Callaghan, Edward C. (ODAG)

From: O'Callaghan, Edward C. (ODAG)
Sent: Monday, February 4, 2019 3:32 PM
To: Kupec, Kerri (OPA)
Cc: Hornbuckle, Wyn (OPA)
Subject: Re: Wyn- Bomb threat response ready to go

Thanks. Visitations will resume today at 5.

Edward C. O'Callaghan
202-514-2105

On Feb 4, 2019, at 3:08 PM, Kupec, Kerri (OPA) (b)(6) [redacted] wrote:

<!--[if mso 9]-->
Great, thank you.

From: Hornbuckle, Wyn (OPA) <whornbuckle@jmd.usdoj.gov>
Sent: Monday, February 4, 2019 3:08 PM
To: Kupec, Kerri (OPA) (b)(6) [redacted]
Subject: FW: Wyn- Bomb threat response ready to go

FYSA

From: Nancy Ayers <nayers@bop.gov>
Sent: Monday, February 04, 2019 2:54 PM
To: Hornbuckle, Wyn (OPA) <whornbuckle@jmd.usdoj.gov>
Subject: Wyn- Bomb threat response ready to go

Wyn,
The facility is clear.. this is what we are providing as a response for Inquiries on the Bomb Threat at Metropolitan Detention Center Brooklyn, NY

On Monday, February 4, 2019, at approximately 10:25 a.m., staff at the Metropolitan Detention Center in Brooklyn received a bomb threat from an unknown source. As a precautionary measure, all visitors and contractors were escorted out of the facility. Notifications were made to law enforcement. All staff and inmates were accounted for and the institution was secured. The New York City Police Department Emergency Services Unit responded to the facility and began the process of determining the credibility of the threat. The facility was placed on modified operations.
No credible threat was identified; the institution returned to normal operations.

Nancy Ayers
Chief, Office of Public Affairs
Federal Bureau of Prisons
U.S. Department of Justice
202-514-6551

AMERICAN OVERSIGHT

Document ID: 0.7.695.10632 20200207-0000107

Rosenstein, Rod (ODAG)

From:	Rosenstein, Rod (ODAG)
Sent:	Monday, February 4, 2019 3:12 PM
To:	Perkins, Paul (ODAG); O'Callaghan, Edward C. (ODAG)
Cc:	Peterson, Andrew (ODAG)
Subject:	RE: MDC - Brooklyn

Thanks.

From: Perkins, Paul (ODAG) <pperkins@jmd.usdoj.gov>
Sent: Monday, February 4, 2019 2:45 PM
To: O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov>
Cc: Rosenstein, Rod (ODAG) <rrosenstein@jmd.usdoj.gov>; Peterson, Andrew (ODAG) <anpeterson@jmd.usdoj.gov>
Subject: RE: MDC - Brooklyn

Hugh received confirmation from the warden that visitation will be open tonight from 5-7:30pm. Operations at the facility are now all normal.

From: Perkins, Paul (ODAG)
Sent: Monday, February 4, 2019 2:39 PM
To: O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov>
Cc: Rosenstein, Rod (ODAG) <rrosenstein@jmd.usdoj.gov>; Peterson, Andrew (ODAG) <anpeterson@jmd.usdoj.gov>
Subject: RE: MDC - Brooklyn

(b)(5) [redacted] I will let you know when I get confirmation either way.

From: O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov>
Sent: Monday, February 4, 2019 1:57 PM
To: Perkins, Paul (ODAG) <pperkins@jmd.usdoj.gov>
Cc: Rosenstein, Rod (ODAG) <rrosenstein@jmd.usdoj.gov>; Peterson, Andrew (ODAG) <anpeterson@jmd.usdoj.gov>
Subject: Re: MDC - Brooklyn

any update on (b)(5) [redacted]?

Edward C. O'Callaghan
202-514-2105

On Feb 4, 2019, at 10:49 AM, Perkins, Paul (ODAG) <pperkins@jmd.usdoj.gov> wrote:

> Until the bomb squad clears the facility – so at least several hours. (b)(5) [redacted]
>
> ---
>
> **From:** Rosenstein, Rod (ODAG) <rrosenstein@jmd.usdoj.gov>
> **Sent:** Monday, February 4, 2019 10:47 AM

AMERICAN OVERSIGHT

Document ID: 0.7.22218.433248 20191213-0000009

Sent: Monday, February 4, 2019 10:47 AM
To: Peterson, Andrew (ODAG) <anpeterson@jmd.usdoj.gov>; Perkins, Paul (ODAG) <pperkins@jmd.usdoj.gov>
Cc: O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov>
Subject: RE: MDC - Brooklyn

(b)(5) [redacted]

From: Peterson, Andrew (ODAG) <anpeterson@jmd.usdoj.gov>
Sent: Monday, February 4, 2019 10:46 AM
To: Rosenstein, Rod (ODAG) <rrosenstein@jmd.usdoj.gov>
Cc: O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov>
Subject: Fwd: MDC - Brooklyn

Update below.

Begin forwarded message:

> **From:** "Perkins, Paul (ODAG)" <pperkins@jmd.usdoj.gov>
> **Date:** February 4, 2019 at 10:44:36 AM EST
> **To:** "O'Callaghan, Edward C. (ODAG)" <ecocallaghan@jmd.usdoj.gov>, "Ellis, Corey F. (ODAG)" <cfellis@jmd.usdoj.gov>, "Peterson, Andrew (ODAG)" <anpeterson@jmd.usdoj.gov>, "Lan, Iris (ODAG)" <irlan@jmd.usdoj.gov>
> **Subject: MDC - Brooklyn**
>
> I just got off the phone with Hugh. He is at the Brooklyn facility and everything is now working perfectly. Unfortunately, the facility just received a bomb threat and, as such, all visitations have been canceled.
>
> Paul
>
> **Paul Perkins**
> Counsel to the Deputy Attorney General
> United States Department of Justice
> (202) 307-1045
> Paul.Perkins@usdoj.gov

AMERICAN OVERSIGHT

Donoghue, Richard (USANYE)

From:	Donoghue, Richard (USANYE)
Sent:	Sunday, February 3, 2019 2:23 PM
To:	Rosenstein, Rod (ODAG)
Cc:	O'Callaghan, Edward C. (ODAG); Ellis, Corey F. (ODAG); Peterson, Andrew (ODAG)
Subject:	RE: Invitation to attend Board of Judges Meeting Tuesday Feb. 5, 2019 at 1:00PM 3rd Floor Judges Dining Room

Sir,

I have forwarded the memo to the Warden, along with a list of inmates who seem to have the most acute medical needs (as described in the memo) and asked him to prioritize those. I also told him that I will be at the facility this afternoon so we can provide the most updated information to the Acting AG when he arrives in Brooklyn tomorrow morning.

Rich

-----Original Message-----
From: Rosenstein, Rod (ODAG) [mailto:Rod.Rosenstein5@usdoj.gov]
Sent: Sunday, February 3, 2019 2:05 PM
To: Donoghue, Richard (USANYE) (b)(6)
Cc: O'Callaghan, Edward C. (ODAG) (JMD) <Edward.C.O'Callaghan@usdoj.gov>; Ellis, Corey F. (ODAG) (JMD) <Corey.F.Ellis@usdoj.gov>; Peterson, Andrew (ODAG) (JMD) <Andrew.Peterson@usdoj.gov>
Subject: Re: Invitation to attend Board of Judges Meeting Tuesday Feb. 5, 2019 at 1:00PM 3rd Floor Judges Dining Room

Has BOP reviewed this?

On Feb 3, 2019, at 10:29 AM, Donoghue, Richard (USANYE) (b)(6) wrote:

Duplicative Records - See Page 20191213-0000003

AMERICAN OVERSIGHT

Lan, Iris (ODAG)

From:	Lan, Iris (ODAG)
Sent:	Monday, February 4, 2019 6:55 PM
To:	Rosenstein, Rod (ODAG); O'Callaghan, Edward C. (ODAG)
Cc:	Ellis, Corey F. (ODAG); Peterson, Andrew (ODAG)
Subject:	FW: Invitation to attend Board of Judges Meeting Tuesday Feb. 5, 2019 at 1:00PM 3rd Floor Judges Dining Room

Just FYI update:

(b)(5) [redacted]

USA and A/AG also met with Chief Judge today as a part of the A/AG's visit to EDNY. During the meeting, one of topics they discussed was Department's attention to the MDC issue. (b)(5) [redacted]

Begin forwarded message:

From: "Donoghue, Richard (USANYE)" (b)(6) [redacted]
Date: February 3, 2019 at 10:29:09 AM EST
To: "Rosenstein, Rod (ODAG) (JMD)" <Rod.Rosenstein5@usdoj.gov>
Cc: "O'Callaghan, Edward C. (ODAG) (JMD)" <Edward.C.O'Callaghan@usdoj.gov>, "Ellis, Corey F. (ODAG) (JMD)" <Corey.F.Ellis@usdoj.gov>, "Peterson, Andrew (ODAG) (JMD)" <Andrew.Peterson@usdoj.gov>
Subject: Re: Invitation to attend Board of Judges Meeting Tuesday Feb. 5, 2019 at 1:00PM 3rd Floor Judges Dining Room

Sir,

The memo is attached.

Rich

<attachment 1.pdf>

Sent from my iPhone

On Feb 3, 2019, at 9:55 AM, Rosenstein, Rod (ODAG) <Rod.Rosenstein5@usdoj.gov> wrote:

Can we get a copy (b)(5) [redacted]

On Feb 3, 2019, at 4:30 AM, O'Callaghan, Edward C. (ODAG)

AMERICAN OVERSIGHT

<ecocallaghan@jmd.usdoj.gov<mailto:ecocallaghan@jmd.usdoj.gov>>
wrote:

This is the Chief Judge in EDNY.

Edward C. O'Callaghan
202-514-2105

Begin forwarded message:

From: "Lan, Iris (ODAG)"
<irlan@jmd.usdoj.gov<mailto:irlan@jmd.usdoj.gov>>
Date: February 2, 2019 at 6:56:15 PM EST
To: "O'Callaghan, Edward C. (ODAG)"
<ecocallaghan@jmd.usdoj.gov<mailto:ecocallaghan@jmd.usdoj.gov>>
Subject: Fwd: Invitation to attend Board of Judges Meeting Tuesday
Feb. 5, 2019 at 1:00PM 3rd Floor Judges Dining Room

FYSA only.

Begin forwarded message:

From: "Donoghue, Richard (USANYE)"
(b)(6) [redacted]
Date: February 2, 2019 at 6:50:30 PM EST
To: "Lan, Iris (ODAG)"
<irlan@jmd.usdoj.gov<mailto:irlan@jmd.usdoj.gov>>
Subject: Fwd: Invitation to attend Board of Judges Meeting Tuesday
Feb. 5, 2019 at 1:00PM 3rd Floor Judges Dining Room

FYI

Sent from my iPhone

Begin forwarded message:

From:
(b)(6) Dora Irizzary - US Courts [redacted]
Date: February 2, 2019 at 6:19:54 PM EST
To: "Donoghue, Richard (USANYE)"
(b)(6) [redacted]
Cc: <Michelle_Gelernt@fd.org<mailto:Michelle_Gelernt@fd.org>>,
<Deirdre_Vondornum@fd.org<mailto:Deirdre_Vondornum@fd.org>>
, "DuCharme, Seth (USANYE)"
<Seth.DuCharme@usdoj.gov<mailto:Seth.DuCharme@usdoj.gov>>
Subject: Re: Invitation to attend Board of Judges Meeting Tuesday
Feb. 5, 2019 at 1:00PM 3rd Floor Judges Dining Room

AMERICAN OVERSIGHT

Dear Richard:

Thank you. It may be prudent to have someone from your civil division, perhaps the civil rights unit, at the meeting as well since any possible resulting litigation will likely be handled by the civil division of your office. We would welcome anyone you so designate.

Deirdre provided a summary report of her observations by email to me last night. I have to say that I and the few judges with whom I have shared it thus far are appalled and distressed at the inhumane way in which the inmates are being treated.

The situation is exploding on twitter and other media. I understand that a rally was scheduled for 1:00 pm today. It is beyond my understanding why Nydia Velasquez was not allowed to accompany Deirdre and your investigator as they toured the facility. The excuse given was that Deirdre and your investigator were touring the facility pursuant to court order.

It is apparent that we are not getting full and accurate information from the MDC and that the administrators are obstructing efforts at obtaining such information. The Warden's response that electricity should be restored by Monday also is unresponsive to the other issues such as why no additional blankets were distributed, leaks in the roof that has water seeping into the cells, the damage caused by the electrical fire last weekend that left computer and phone service out of order, the failure to dispense medication to inmates, and the lack of visitation by family and attorneys.

Have you had any discussions with your SDNY counterpart, Mr. Berman? SDNY is dealing with this issue as well since they have inmates housed at MDC just as we have inmates housed at MCC. Hearings are scheduled in SDNY and EDNY for early next week. Perhaps a joint call by the two of you to DOJ in DC would send a powerful message about the dire situation being faced here. It may go a long way in avoiding a tragedy and/or future litigation.

I appreciate that your assistants have been doing what they can to obtain information as directed by judges on individual cases, but that approach

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Document ID: 0.7.22218.433258

simply is insufficient to address the problem at hand.

Sent from my iPad

On Feb 2, 2019, at 1:46 PM, Donoghue, Richard (USANYE)
(b)(6) [redacted]
[redacted] wrote:

Your Honor - Seth DuCharme (at least) will be there.

I have been in communication with the Warden last night and this morning.
He informs me that they hope to have power fully restored on Monday.

We will provide updated information as we get it.

Thank you,

Rich Donoghue

Sent from my iPad

On Feb 1, 2019, at 11:21 PM,
(b)(6) Dora Irizzary - US Courts [redacted]

[redacted]
wrote:

That's great. Thank you.
<mime-attachment.gif>

From: Michelle Gelernt
<Michelle_Gelernt@fd.org<mailto:Michelle_Gelernt@fd.org><mailto:Michelle_Gelernt@fd.org>>
To:
(b)(6) Dora Irizzary - US Courts [redacted]

[redacted]
"DuCharme, Seth (USANYE)"
<Seth.DuCharme@usdoj.gov<mailto:Seth.DuCharme@usdoj.gov><mailto:Seth.DuCharme@usdoj.gov>>, Deirdre
Vondornum
<Deirdre_Vondornum@fd.org<mailto:Deirdre_Vondornum@fd.org><mailto:Deirdre_Vondornum@fd.org>>
Cc: "Donoghue, Richard (USANYE)"

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Document ID: 0.7.22218.433258

Cc: Donoghue, Richard (USANYE)

(b)(6) [redacted]

Date: 02/01/2019 05:16 PM
Subject: RE: Invitation to attend Board of Judges Meeting Tuesday Feb. 5, 2019 at 1:00PM 3rd Floor Judges Dining Room

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Good Afternoon Judge Irizarry,

Deirdre is currently at the MDC investigating the conditions pursuant to Your Honor's order. I'm sure that, if available, she would welcome the opportunity to attend. I would be happy to attend as well.

Thank you very much for allowing us this opportunity.

Best,

Michelle

Michelle Gelernt | Deputy Attorney-in-Charge
Federal Defenders of NY, Inc.
One Pierrepont Plaza, 16th Floor | Brooklyn, NY 11201
tel: (b)(6) | cell: (b)(6) | fax: (718) 855-0760
michelle_gelernt@fd.org<mailto:michelle_gelernt@fd.org><mailto:michelle_gelernt@fd.org>

From: (b)(6) Dora Irizzary - US Courts [redacted]
Sent: Friday, February 01, 2019 5:05 PM
To: DuCharme, Seth (USANYE) <Seth.DuCharme@usdoj.gov<mailto:Seth.DuCharme@usdoj.gov><mailto:Seth.DuCharme@usdoj.gov>>; Deirdre Vondornum <Deirdre_Vondornum@fd.org<mailto:Deirdre_Vondornum@fd.org><mailto:Deirdre_Vondornum@fd.org>>
Cc: Donoghue, Richard (USANYE) (b)(6) [redacted] Michelle Gelernt <Michelle_Gelernt@fd.org<mailto:Michelle_Gelernt@fd.org><mailto:Michelle_Gelernt@fd.org>>
Subject: Invitation to attend Board of Judges Meeting Tuesday Feb. 5, 2019 at 1:00PM 3rd Floor Judges Dining Room

Good afternoon to all,

AMERICAN OVERSIGHT

The Board of Judges will have a Board of Judges Meeting on Tuesday, Feb.
5, 2019 at 1:00 PM in the Judges Dining Room on the 3rd Floor behind the
cafeteria.

We will be addressing the deteriorating conditions at the MDC. This is a
matter of grave concern to the judges and an increasing number of applications have been made to judges in connection with the lack of attorney visits, medical attention, lack of heat, and power outages among
other issues. It would be helpful to have someone from your offices who is
familiar with the conditions to attend the meeting.

Please let me know if someone from your office will attend.

Thank you for your attention to this matter.
<mime-attachment.gif>

<ATT00001.gif>
<ATT00002.gif>

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O'Callaghan, Edward C. (ODAG)

From: O'Callaghan, Edward C. (ODAG)
Sent: Sunday, February 3, 2019 9:55 AM
To: Rosenstein, Rod (ODAG)
Cc: Ellis, Corey F. (ODAG); Peterson, Andrew (ODAG)
Subject: Re: Invitation to attend Board of Judges Meeting Tuesday Feb. 5, 2019 at 1:00PM 3rd Floor Judges Dining Room

(b)(5) [redacted]

Edward C. O'Callaghan
202-514-2105

On Feb 3, 2019, at 9:40 AM, Rosenstein, Rod (ODAG) <rrosenstein@jmd.usdoj.gov> wrote:

(b)(5) [redacted]

On Feb 3, 2019, at 9:32 AM, O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov> wrote:

(b)(5) [redacted] The press coverage in NY on it this weekend is relentless.

Edward C. O'Callaghan
202-514-2105

On Feb 3, 2019, at 9:30 AM, Rosenstein, Rod (ODAG) <rrosenstein@jmd.usdoj.gov> wrote:

(b)(5) [redacted]

On Feb 3, 2019, at 4:30 AM, O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov> wrote:

Duplicative Records - See Page 20191213-0000004 [redacted]

AMERICAN OVERSIGHT

Federal Defenders
OF NEW YORK, INC.

One Pierrepont Plaza-16th Floor, Brooklyn, NY 11201
Tel: (718) 330-1200 Fax: (718) 855-0760

David E. Patton
Executive Director and Attorney-in-Chief

Deirdre D. von Dornum
Attorney-in-Charge

MEMORANDUM

To: Chief Judge Dora L. Irizarry
From: Deirdre von Dornum
Re: Visit to West Building Housing Units, February 1, 2019
Date: February 2, 2019

Pursuant to Chief Judge Irizarry's Order, I was in the West Building of the MDC from approximately 4:15 until 8:00 p.m. on February 1, 2019. The COs at the front desk screened me as soon as I presented the Order.

When I first entered the West Building, I immediately felt the cold. The COs at the lobby desk were wearing multiple layers including scarves wrapped around their heads. The lighting was dim.

While I waited for John Ross (Senior Investigator from the U.S. Attorney's Office, EDNY) to arrive, one CO came downstairs and the CO at the front desk asked her if the inmates were getting meals. The CO from downstairs said "we are going to let them out one at a time to get their meal, and otherwise lock their asses in."

Congresswoman Nydia Velasquez arrived shortly after I did. She asked that we be able to walk around together, but Nicole McFarland from Legal refused, and said that the Court Order said that I was to inspect with the representative from the US Attorney's Office and she would not permit Investigator Ross and I to be with the Congresswoman.

Investigator Ross and I were admitted at 4:30, and escorted throughout our visit by AW King, Legal Attorney Nicole McFarland, and Legal Attorney Holly Pratesi. I asked to focus our visit on the housing units in SHU, 8th floor, 7th floor and 6th floor because inmates throughout the week who had used legal phones and come to court had reported worse conditions on those floors, with better access to heat and hot water on the 5th and 4th floor housing units.

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Document ID: 0.7.22218.433008-000002 20191213-0000071

Observations common to all units:

Pitch black in cells. Too dark to see medication labels or food given to eat.

No ability to make medical requests through the computer system.

Not able to obtain medication refills because the medical computer system is down. (Pill line still coming around, so those inmates who do not need new medical care or do not need a refill are receiving their medications.)

No family calls since Sunday, January 27, 2019.

No access to corrlinks since Sunday January 27, 2019.

No legal visits since Sunday, January 27, 2019.

Cannot review discovery because too dark in cells and computers not working.

No access provided to law library.

No clean clothes or sheets since Sunday, January 27, 2019. (Including no clean underwear)

Commissary closed since Friday, January 25, 2019, so cannot purchase additional clothing or food or stamps. Inmates who had not previously purchased additional clothes from commissary were wearing only short-sleeved shirt and light cotton pants. Inmates without stamps cannot write to their families.

Repeatedly required to eat meals in total darkness without being able to see their food.

No extra blankets or clothing provided.

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Document ID: 0.7.22218.433008-000002 20191213-0000072

Specific Housing Units:

Heat and access to hot water for showering varied from unit to unit, as did amount of time of lockdowns since the fire.

SHU (9th Floor)

Escorted by SHU Lt. Ramos, who seemed caring and concerned. He explained that the main power conductor for the building had burned down on Sunday evening. The inmates on this unit were largely calm and primarily worried by the dark and not being able to leave their cells for rec.

The cells are pitch black inside. Emergency lighting in hallways. Inmates do not have flashlights or any other way to see in their cells.

Lt. Ramos confirmed the following: No one in SHU has been out of their cells at all (except a couple of medical cases) since Sunday. Ordinarily have one hour of recreation outside of cell each per day, but not this week. No family calls. No legal access. No extra blankets. No laundry. Ordinarily heat food on the units, but the food heater has no power, so now the food comes up from the kitchen and loses heat rapidly, but they try to serve it as fast as they can. Most SHU cells have two inmates, which presents safety concerns without lights, so the COs are trying to walk the unit more regularly. Even the SHU medical room has no lighting. Laundry delivered to the unit February 1, 2019 (for first time in a week). Lt. hopes to distribute clean underwear, socks, etc. this weekend.

The east side of the SHU (facing away from the water) was relatively warm. The west side (Range 4) was significantly colder. Inmates on that side appeared to be wrapped in blankets and towels. (Inmates on the other side were dressed normally).

A couple of SHU inmates told me that the ceiling in their cells was leaking and water from the last rain/snow wetting their beds. This, in combination with the cold, and no laundry for a week is very difficult, they said. I asked the Lt if anything could be done about water coming down onto people's beds in the freezing cold, and he said (with sympathy) no, that the roof has significant leaks that have not been fixed. The SHU inmates were receiving a hot meal when I was there.

We were permitted in an empty cell on the east side and the temperature felt okay, perhaps in the 60s.

We tested the shower water in an empty cell, and it went up to tepid after a few minutes.
.
Inmates repeatedly reported they were cold, needed clean underwear at the least, and felt awful from being in total darkness.

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Document ID: 0.7.22218.433008-000002 20191213-0000073

Notes on specific inmates I was able to speak to:

Inmate i (b)(6) reported that ceiling is leaking over his bed (top bunk) and his sheets are wet, and now getting frozen. He has no other place to sleep (floor is cold concrete; he has a cellmate in the other bunk). Lt. confirms that several cells have leaking ceilings that have not been repaired.

(b)(6)
Has Sickle Cell anemia and has not received medical care. Is on SHU until can receive medical attention (not in SHU for disciplinary issues). Is cold and scared.

(b)(6)
Wrapped in towels and blankets. Having trouble breathing.

(b)(6)
Feels his mental health degrading from sitting in cell in dark for a week

(b)(6)
He has hot water in his shower.

(b)(6)
Please contact my lawyer.

Eighth Floor Housing Units

Everyone locked in. AW informs us this is only because of the count. We were only able to speak to the orderlies, because the count actively occurring at this time. Temperature fine in common areas. Emergency lighting in common areas. Pitch black in cells. We were not able to go into a cell.

AW informed us the inmates have had hot meals every day. The orderlies said today was the first day of hot food, previously it was cold food for every meal since the fire. They then looked at the AW and asked "are we going to get in trouble for saying that?"

K81 (cadre unit. 21 inmates)

Everyone locked in except the two orderlies. Temperature in common room fine.

K82 (cadre unit. 78 inmates)

Everyone locked in. Temperature in common room fine.

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Document ID: 0.7.22218.433008-000002 20191213-0000074

K84 (21 pre-trial inmates)

Everyone locked in. Temperature in common room fine.

K83 (59 pre-trial inmates)

Everyone locked in. Temperature in common room fine.

Seventh floor

Everyone was still locked in, even though the count was over, which the Assistant Warden now explained was because the elevators had been down this morning. It was again significantly colder on the unit facing the water. The inmates in the western facing unit were wrapped head to toe in blankets and towels. I spoke to many inmates through their cell doors. They said they had been locked in all day. No shower since Wednesday, and then only scant hot water. Cold food until today and they have to eat in their pitch black cells. Numerous inmates described asking for and not receiving medical care. Inmates who have run out of medication cannot receive refills, they are being told, until the computers come back up. One inmate who takes ten medications said he has his pills but can't see which is which. Inmates with asthma repeatedly reported trouble breathing in the cold. Several inmates taking medicine for bipolar disorder don't have their medication.

All were very upset about the lack of information as to when they will be able to speak to their families or lawyers.

The other side of the building was warmer. One unit on the 7th floor was let out just as we walked in. Many people wanted to speak to me, often on behalf of other inmates they were worried about for health reasons, including a young man with Crohn's Disease who looked emaciated, and a federal defender client whom I know about because he has repeatedly swallowed razor blades - he has not had psych medication for four days. An inmate with a gunshot wound to his hand showed me pus-filled bandages that have not been changed for two weeks.

J71

Count has ended but everyone is still locked in. AW says this is because elevators were out in the building earlier in the day, with only one elevator working. Inmates are angry and pounding on their cell doors and pressing their emergency buttons. Inmates tell us that they have been locked in all day with no explanation. Pitch black in cells.

AW says hot food every day. Inmates (including orderlies serving food) say today (February 1) is first day with hot food since the fire. They were previously let out to the common area, as usual, to eat their meals, but today have been forced to eat their meals in their cells in the dark.

Same clothes all week because no laundry.

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Document ID: 0.7.22218.433008-000002 20191213-0000075

Inmates say hot water in showers for only a few minutes and they all have to share those minutes. Investigator Ross and I test water and after a few minutes, it is fairly hot.

(b)(6)
Tap water from the pipes seems polluted and to have particles in it.

(b)(6)
Feels like he is in solitary, locked in the dark, with no ability to talk to anyone.

(b)(6)
Water very dirty. He and his cellmate experiencing constant diarrhea since Monday. Both are visibly (through cell window) wrapped in blankets and towels head to toe.

J72 (111 inmates)

All still locked in, despite count being over for some time. Two inmates being let out at a time to get their meals and then return to their dark cells and be locked in to eat.

We tested the shower water, which was relatively warm. Common room temperature was fine.

AW says other than today they have been out and about as regular since the fire. Every inmate (English and Spanish speakers, even an inmate I spoke to in French) contradicts this and says they have been let out of their cells in the days since the fire for a couple hours in the morning and a couple hours in the afternoon, but otherwise locked in.

Inmates on this unit report variable temperatures. On one side, their cells are very hot. No ventilation at all. On other side of the unit, feel cold wind coming out from the cracks of the cells.

(b)(6)
Severe asthma. When at home, uses oxygen mask, particularly at night. Given inhaler here, but gasping for breath. Yesterday pressed emergency button and told CO his chest was hurting and he felt like he was suffocating. CO closed door and did not return. (b)(6) cell mate expressed concern for him and said that he hears him gasp all night.

(b)(6)
Older man with congestive heart failure, allowed to have cell door open to speak to us. Explained he was blinded by a handball while at MDC and has hemorrhaging in his eye. Was taken to hospital 10 days after the incident, despite asking for medical care immediately, and doctors said he needed surgery or would go blind in that eye. No surgery has been provided. His eye is burning. Can't put in additional medical copouts because the computers are down.

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Document ID: 0.7.22218.433008-000002 20191213-0000076

(b)(6)
Congestive heart failure, kidney failure, prescribed 10 medications but can't see which is which in the dark and is afraid to take wrong one / wrong quantity. Went to Kingsbrook when had heart attack but now needs follow up care.

J73

Inmates on this unit reported more significant lockdowns. They also had been locked in all day Friday, but also were locked down on Thursday, January 31, other than to eat meals and shower.

I could feel cold air from their cells blowing out the cracks and into the warmer air of the common room.

(b)(6)
Recently had surgery on his leg, which did not go well. He has had no follow up. He is still bleeding and needs medication.

(b)(6)
Feeling desperate to talk to his family. Please cal (b)(6)

(b)(6)
Needs a refill for his medication asap

Sixth Floor

Inmates had been calling our office frantically on Thursday afternoon about the cold but we had heard no word from them all day Friday. All were locked in and they said they had been since yesterday afternoon. West side of building again much colder. I could feel cold wind through the cracks in the doors and inmates were covered head to toe with blankets and towels. These units had a panicky feeling. Many inmates reported untreated colds and flu. One man showed us his infected open leg wound through the cell window and told us his colitis is so bad that he woke up bloody - and no fresh sheets are available. He shoved his medical records through the door crack and the USAO Investigator and I saw that indeed he has colitis and an infected wound and seizure disorder. No clean underwear or socks for a week. Mostly cold food. Several inmates have sentencing next week and haven't been able to speak to their lawyers. No extra blankets provided (the AW agreed with this but said she would check the heat when I pointed out the cold gusts from their cells). Many inmates noted they are pre-trial and yet being treated like they are in SHU. They were very upset to not even be allowed into the common areas that have the emergency lights. Several inmates showed me cups with brown or cloudy water from the tap and said it is not drinkable.

Acrid smell on the floor, particularly the upper tier.

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Document ID: 0.7.22218.433008-000002 20191213-0000077

The following inmates were on the sixth floor, but I did not note their units.

(b)(6)
(b)(6) showed us his swollen leg that had an open, and visibly infected wound and described waking up that morning in a small pool of blood on his sheets from his colitis. (He also noted that because they are locked in and have no access to clean sheets, he will sleep on the bloody sheets.). (b)(6) put his medical records from Brooklyn Hospital through the crack in the door. The records indicated a wound that will not heal and requires antibiotic treatment daily, ulcerative colitis and seizure disorder. (b)(6) indicated that since returning from the hospital he has not received antibiotic cream and the wound has worsened. He has been told by the COs to wash it with soap and water. There is no longer soap available on his unit because commissary is closed and the soap has run out.

(b)(6)
(b)(6) and designated but has not been transferred. Fell off top bunk earlier in the week and badly hurt his foot. It is swollen and bruised. He has asked for medical attention but not received it.

(b)(6)
So cold in his cell that water in drinking cup is freezing over. Acrid smell in his cell from the vents, and he is waking up with headaches. Wearing 7-8 layers of clothing.

Spoke to an inmate whose name I could not hear who said he has (b)(6) up befor (b)(6) and has not been able to speak to his lawyer and has not received th (b)(6).

Unit 61

Inmates are out of their cells and receiving meals. They report having been locked down all day until we arrived. Numerous inmates complain of getting colds and flu from the cold cells and lack of hot shower water. Some inmates are dressed only in short sleeved shirts and say they did not have money to purchase warm clothes in commissary before the fire. They have run out of soap and toothpaste and commissary is closed.

(b)(6)
Serious psychiatric history of suicide attempts. Has not received his psych meds. Needs his asthma pump. Freezing cold in cell.

(b)(6)
Shows me severely swollen gums. Has asked for medical attention but has not received.

(b)(6)

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Document ID: 0.7.22218.433008-000002 20191213-0000078

Looks emaciated and eye sockets are hollow. Explains he has Crohn's disease. Has lost significant amount of weight since Sunday.

(b)(6)
Shows us bandaged hand, where was shot. Bandages not changed for two weeks. Suffers from glaucoma. Eyes swollen and red, and appear to be bulging. He says he is worried about eye pressure.

(b)(6)
Had a seizure yesterday, pressed the emergency button. No one ever came. (history of seizures documented. Has medication but it does not always prevent the seizures).

(b)(6)
Finger numb, needs x-ray. Was in court today and AUSA reported conditions to judge that were not accurate.

Unit 63

Significantly colder on this unit. Cold air actively blowing out of the vents in the cells, including one we are allowed to enter.

(b)(6)
Has not received his psych meds. Suffering dental pain.

Unit 62

Locked in continuously since noon on Thursday. (AW says not true, they were out yesterday afternoon, but inmates of various languages and all sides of the unit confirm this lockdown. When I ask AW why our office received no legal calls at all from this unit since Thursday afternoon, she did not have a response.)

(b)(6)
(b)(6) was wearing three sets of thermals (top and bottom), two pairs of socks and a sweatshirt and sweatpants. He reported that when they were on lockdown, he was let out of his cell to go see the psychiatrist. On the way back, he stopped at the phone that calls to the Federal Defenders Office to let us know that his unit was on full lockdown all day. When the officers saw him on the telephone, they directed him to hang up. A full team of officers then went to his cell and searched it, throwing his legal mail on the floor. (b)(6) also showed us through the cell door a cup of water he had just filled from the sink tap in his cell. It appeared brown. He asked for clean water in order to take his psychiatric medications.

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Document ID: 0.7.22218.433008-000002 20191213-0000079

(b)(6)
For several weeks, his toilet has been overflowing and will not flush. He had repeatedly requested it be fixed prior to the power issues, and it was not. Now he is locked down in his cell in the dark with it overflowing and has been required to eat his meals in close proximity to it. He has asthma, which is being aggravated by the cold.

(b)(6)
Needs his seizure medication.

(b)(6)
Mr. Montanez had a hard time getting out of bed, where he was wrapped in a mound of clothes and blankets. He said he had the flu and had not received medical attention. His cell mate was visibly worried about him, but said they have limited ability to communicate with each other becaus (b)(6) is a Spanish speaker.

(b)(6)
His sentencing is Monday and he has not been able to speak to his lawyer.

(b)(6)
Infection in chest. Previously taken to hospital but no followup care since Sunday. Scared.

(b)(6)
His asthma pump has run out and he can't get a refill because the computer request system is down.

(b)(6)
Abcess in mouth. Has requested treatment but not received.

(b)(6)
Has not been able to take his psych medication this evening because has not received any food.

(b)(6)
Elbow infected and swollen. Taken to hospital earlier in the week, but no follow up care and is in pain.

(b)(6)
Freezing cold, feels like an animal eating cold food in the dark that he cannot see. No shower or clean clothes. Asthma aggravated by the cold.

(b)(6)
Needs his psychiatric medications refilled and is suffering from asthma.

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Document ID: 0.7.22218.433008-000002 20191213-0000080

(b)(6) [redacted]
(b)(6) [redacted]
(b)(6) [redacted] Freezing cold.

(b)(6) [redacted]
Asthma aggravated by cold and has not received medical attention.

(b)(6) [redacted]
Cold and panicking.

(b)(6) [redacted]

(b)(6) [redacted]
Has sentencing next week and has not been able to speak to his lawyer or his family to prepare for it.

(b)(6) [redacted]
Suffering from the cold and dark.

(b)(6) [redacted]
(b)(6) [redacted] is suffering pain in his chest and back, as well as his left arm. He has requested medical care but has not been seen. He asks that we cal (b)(6) [redacted] and let her know he is okay.

(b)(6) [redacted]
Needs a refill of his medications

(b)(6) [redacted]
Ear infection and high blood pressure. Has requested medical attention but has not been seen.

(b)(6) [redacted]
For last three weeks has had a badly abcessed tooth. It feels like his nerve is exposed and any cold liquid or cold air hitting it is very painful. Has repeatedly requested dental care but has not received.

(b)(6) [redacted]
Sentenced prisoner, in transit, has not eaten because too dark to see his food, freezing cold.

(b)(6) [redacted]
In transit to Allenwood, has been at MDC almost 30 days, just wants to get to a warm place.

(b)(6) [redacted]
[redacted]

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Document ID: 0.7.22218.433008-000002 20191213-0000081

Heat out since late November, no clean clothes, multiple 24 hour lockdowns, no access to law library, no light since January 27, 2019

Information Regarding Duration of Conditions

AW King and Legal Department staff indicated they hope the power will be restored on Monday, but that it may take additional days to get full services restored. The COs I spoke to seemed to think it could be another full week without light or email/phone service.

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Document ID: 0.7.22218.433008-000002 20191213-0000082

O'Callaghan, Edward C. (ODAG)

From: O'Callaghan, Edward C. (ODAG)
Sent: Sunday, February 3, 2019 9:46 PM
To: Rosenstein, Rod (ODAG)
Cc: Lan, Iris (ODAG); Ellis, Corey F. (ODAG); Peterson, Andrew (ODAG)
Subject: Re: Phone Call

(b)(5) [redacted]

Edward C. O'Callaghan
202-514-2105

On Feb 3, 2019, at 9:43 PM, Rosenstein, Rod (ODAG) <rrosenstein@jmd.usdoj.gov> wrote:

> How about (b)(5) [redacted]
>
> On Feb 3, 2019, at 9:35 PM, O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov> wrote:
>
> > Proposed language approved by Hugh:
> >
> > (b)(5) [redacted]
>
> Edward C. O'Callaghan
> 202-514-2105
>
> On Feb 3, 2019, at 9:01 PM, Rosenstein, Rod (ODAG) <rrosenstein@jmd.usdoj.gov> wrote:
>
> [redacted]

AMERICAN OVERSIGHT

(b)(5)

On Feb 3, 2019, at 8:56 PM, O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov> wrote:

Working on statement with Kerri and Wyn. (b)(5) [redacted]

Edward C. O'Callaghan

202-514-2105

On Feb 3, 2019, at 8:55 PM, Rosenstein, Rod (ODAG) <rrosenstein@jmd.usdoj.gov> wrote:

Thanks.

On Feb 3, 2019, at 8:37 PM, Berman, Geoffrey (USANYS) (b)(6) [redacted] wrote:

All: The Mayor just called me back. I told him that power had been restored as of 6:30pm tonight at MDC. He said that he would send out a tweet to that effect. It has already been reported by CNN, CBSNY and others. Geoff

On Feb 3, 2019, at 6:16 PM, Lan, Iris (ODAG) <Iris.Lan3@usdoj.gov> wrote:

USA Donoghue has completed his visit of

AMERICAN OVERSIGHT

MDC. How does 7 pm look for this group to sync up?

I understand it works for Ed and USA Donoghue.

Either way, we can use dial in below.

Dial-In:

(b)(6)

Access code:

(b)(6)

AMERICAN OVERSIGHT

Rosenstein, Rod (ODAG)

From: Rosenstein, Rod (ODAG)
Sent: Sunday, February 3, 2019 9:44 PM
To: O'Callaghan, Edward C. (ODAG)
Subject: Re: Phone Call

(b)(5)

> On Feb 3, 2019, at 9:11 PM, O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov> wrote:
>
>(b)(5)
>
> Edward C. O'Callaghan
> 202-514-2105
>
>> On Feb 3, 2019, at 9:01 PM, Rosenstein, Rod (ODAG) <rrosenstein@jmd.usdoj.gov> wrote:
>>
>>(b)(5)
>>
>>> On Feb 3, 2019, at 8:56 PM, O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov> wrote:
>>>

Duplicative Records - See Page 20200207-0000196

AMERICAN OVERSIGHT

Mocarski, Ashley D. EOP/WHO

From: Mocarski, Ashley D. EOP/WHO
Sent: Monday, February 4, 2019 6:15 AM
To: Gary Barnett
Subject: No Heat for Days at a Jail in Brooklyn Where Hundreds of Inmates Are Sick and 'Frantic' - The New York Times

FYI

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

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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.

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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

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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.

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.

AMERICAN OVERSIGHT

Document ID: 0.7.695.10349 20200207-0000113

"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

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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

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Document ID: 0.7.695.10349 20200207-0000115

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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AMERICAN OVERSIGHT

Sent from my iPhone

AMERICAN OVERSIGHT

Kupec, Kerri (OPA)

From:	Kupec, Kerri (OPA)
Sent:	Sunday, February 3, 2019 10:03 PM
To:	O'Callaghan, Edward C. (ODAG)
Cc:	Hornbuckle, Wyn (OPA); Barnett, Gary E. (OAG)
Subject:	Re: MDC - Brooklyn Power

(b)(5) [redacted]

Sent from my iPhone

On Feb 3, 2019, at 9:52 PM, O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov> wrote:

(b)(5) [redacted]

(b)(5) [redacted]

Edward C. O'Callaghan
202-514-2105

On Feb 3, 2019, at 9:27 PM, Hornbuckle, Wyn (OPA) <whornbuckle@jmd.usdoj.gov> wrote:

Ed,
(b)(5) [redacted]

(b)(5) [redacted]

Sent from my iPhone

On Feb 3, 2019, at 9:14 PM, O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov> wrote:

Thanks. Let me know if you have trouble reaching him. (b)(5) [redacted]

Edward C. O'Callaghan
202-514-2105

On Feb 3, 2019, at 9:01 PM, Hornbuckle, Wyn (OPA) <whornbuckle@jmd.usdoj.gov> wrote:

Ok running this by him now

Sent from my iPhone

On Feb 3, 2019, at 8:54 PM, O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov> wrote:

Ok with me. (b)(5) [redacted]

AMERICAN OVERSIGHT

Edward C. O'Callaghan
202-514-2105

On Feb 3, 2019, at 8:40 PM, Hornbuckle, Wyn (OPA) <whornbuckle@jmd.usdoj.gov> wrote:

(b)(5) [redacted]

Sent from my iPhone

On Feb 3, 2019, at 7:28 PM, O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov> wrote:

Kerri, Wyn,

(b)(5) [redacted]

Edward C. O'Callaghan
202-514-2105

Begin forwarded message:

From: Hugh Hurwitz <HHurwitz@bop.gov>
Date: February 3, 2019 at 6:30:44 PM EST
To: Edward O'Callaghan <Edward.C.O'Callaghan@usdoj.gov>, Gary Barnett <Gary.E.Barnett@usdoj.gov>, Patrick Bumatay <Patrick.Bumatay3@usdoj.gov>, Rod Rosenstein <Rod.Rosenstein5@usdoj.gov>
Cc: Andrew Peterson <Andrew.Peterson@usdoj.gov>, Corey Ellis <Corey.F.Ellis@usdoj.gov>, Iris Lan <Iris.Lan3@usdoj.gov>, Paul Perkins <Paul.Perkins@usdoj.gov>
Subject: MDC - Brooklyn Power

Duplicative Records - See Page 20191213-0000024 [redacted]

AMERICAN OVERSIGHT

O'Callaghan, Edward C. (ODAG)

From:	O'Callaghan, Edward C. (ODAG)
Sent:	Sunday, February 3, 2019 10:00 PM
To:	Hornbuckle, Wyn (OPA)
Cc:	Kupec, Kerri (OPA); Barnett, Gary E. (OAG)
Subject:	Re: MDC - Brooklyn Power

Thank you.

Edward C. O'Callaghan
202-514-2105

On Feb 3, 2019, at 9:58 PM, Hornbuckle, Wyn (OPA) <whornbuckle@jmd.usdoj.gov> wrote:

> This looks good. It will be attributed to me.
> Thanks all
> Sent from my iPhone
>
> On Feb 3, 2019, at 9:52 PM, O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov> wrote:



AMERICAN OVERSIGHT

Barnett, Gary E. (OAG)

From:	Barnett, Gary E. (OAG)
Sent:	Sunday, February 3, 2019 9:41 PM
To:	Hornbuckle, Wyn (OPA)
Cc:	O'Callaghan, Edward C. (ODAG); Kupec, Kerri (OPA)
Subject:	Re: MDC - Brooklyn Power

Ok with me too

On Feb 3, 2019, at 7:27 PM, Hornbuckle, Wyn (OPA) <whornbuckle@jmd.usdoj.gov> wrote:

Duplicative Records - See Page 20200207-0000118

AMERICAN OVERSIGHT

Bumatay, Patrick (OAG)

From:	Bumatay, Patrick (OAG)
Sent:	Sunday, February 3, 2019 8:48 PM
To:	Kupec, Kerri (OPA)
Cc:	O'Callaghan, Edward C. (ODAG); Hornbuckle, Wyn (OPA); Barnett, Gary E. (OAG)
Subject:	Re: MDC - Brooklyn Power

Makes sense. Thanks Kerri.

Sent from my iPhone

On Feb 3, 2019, at 8:35 PM, Kupec, Kerri (OPA) (b)(6) [redacted] wrote:

> Wyn is sending a spox statement in his name momentarily.
>
> Sent from my iPhone
>
> On Feb 3, 2019, at 7:36 PM, Kupec, Kerri (OPA) (b)(6) [redacted] wrote:
>
> > (b)(5) [redacted]
> >
> > Sent from my iPhone
> >
> > On Feb 3, 2019, at 7:28 PM, O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov> wrote:
> >
> > Duplicative Records - See Page 20200207-0000119 [redacted]

AMERICAN OVERSIGHT

Hornbuckle, Wyn (OPA)

From:	Hornbuckle, Wyn (OPA)
Sent:	Sunday, February 3, 2019 7:37 PM
To:	Kupec, Kerri (OPA)
Cc:	O'Callaghan, Edward C. (ODAG); Barnett, Gary E. (OAG)
Subject:	Re: MDC - Brooklyn Power

I agree

Sent from my iPhone

On Feb 3, 2019, at 7:36 PM, Kupec, Kerri (OPA) (b)(6) [redacted] wrote:

Duplicative Records - See Page 20200207-0000119

[redacted]

AMERICAN OVERSIGHT

Hugh Hurwitz

From:	Hugh Hurwitz
Sent:	Sunday, February 3, 2019 7:32 PM
To:	Peterson, Andrew (ODAG); Ellis, Corey F. (ODAG); O'Callaghan, Edward C. (ODAG); Lan, Iris (ODAG); Kupec, Kerri (OPA); Hornbuckle, Wyn (OPA)
Cc:	Susan Allison; Sonya Thompson
Subject:	Re: MDC - Brooklyn Power

Thanks Ed. Following up on our call, power is holding. Inmates are being brought out to phones in stages as quickly as we can. We will need to lock them in for night in hour and half or so but will get as many out as we can.

(b)(5) [redacted]

Hugh
Sent from my Samsung Galaxy smartphone

-------- Original message --------
From: "O'Callaghan, Edward C. (ODAG)" <Edward.C.O'Callaghan@usdoj.gov>
Date: 2/3/19 7:28 PM (GMT-05:00)
To: Hugh Hurwitz <HHurwitz@bop.gov>, Andrew Peterson <Andrew.Peterson@usdoj.gov>, Corey Ellis <Corey.F.Ellis@usdoj.gov>, Iris Lan <Iris.Lan3@usdoj.gov>, Kerri Kupec (b)(6) [redacted], Wyn Hornbuckle <Wyn.Hornbuckle@usdoj.gov>
Subject: Fwd: MDC - Brooklyn Power

Duplicative Records - See Page 20200207-0000119 [redacted]

AMERICAN OVERSIGHT

Ellis, Corey F. (ODAG)

From:	Ellis, Corey F. (ODAG)
Sent:	Monday, February 4, 2019 7:55 AM
To:	Kilgallon, John (USMS)
Cc:	Bacon, Antoinette T. (ODAG)
Subject:	Re: MDC - Brooklyn Protestors

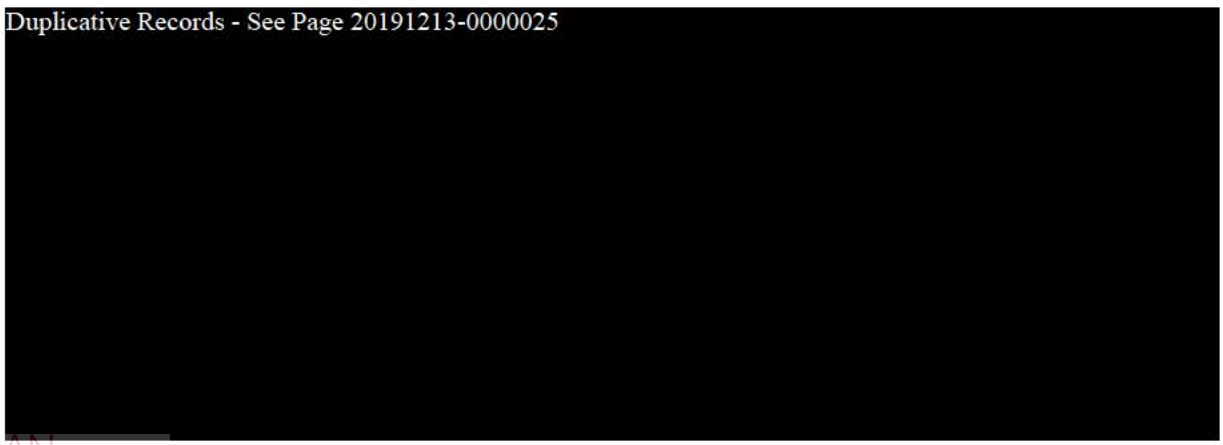
Thanks John

Corey F. Ellis
202-305-5544

On Feb 4, 2019, at 7:16 AM, Kilgallon, John (USMS) <JKilgallon@usms.doj.gov> wrote:

> Toni / Corey,
>
> Quick update:
>
> - EDNY/ SDNY report the situation at MDC is under control and there are no issues.
> - Power has been restored, normal operations have resumed, and NYPD is on scene handling peaceful protestors.
> - Deputies from EDNY and SDNY have departed the facility.
>
> Vr,
>
> John
>
> **From:** Kilgallon, John (USMS)
> **Sent:** Sunday, February 3, 2019 3:34 PM
> **To:** Bacon, Antoinette T. (ODAG) <atbacon@jmd.usdoj.gov>; Ellis, Corey F. (ODAG) <cfellis@jmd.usdoj.gov>
> **Cc:** Kilgallon, John (USMS) (JKilgallon@usms.doj.gov) <JKilgallon@usms.doj.gov>; Broshow, Brent (USMS) <BBroshow@usms.doj.gov>
> **Subject:** MDC - Brooklyn Protestors

Duplicative Records - See Page 20191213-0000025



AMERICAN OVERSIGHT

Hugh Hurwitz

From:	Hugh Hurwitz
Sent:	Sunday, February 3, 2019 6:31 PM
To:	O'Callaghan, Edward C. (ODAG); Barnett, Gary E. (OAG); Bumatay, Patrick (OAG); Rosenstein, Rod (ODAG)
Cc:	Peterson, Andrew (ODAG); Ellis, Corey F. (ODAG); Lan, Iris (ODAG); Perkins, Paul (ODAG)
Subject:	MDC - Brooklyn Power

Power is on! Verifying now it is on everywhere. Will update.

Hugh
Sent from my Samsung Galaxy smartphone

-------- Original message --------
From: "O'Callaghan, Edward C. (ODAG)" <Edward.C.O'Callaghan@usdoj.gov>
Date: 2/3/19 5:31 PM (GMT-05:00)
To: Hugh Hurwitz <HHurwitz@bop.gov>
Cc: Andrew Peterson <Andrew.Peterson@usdoj.gov>, Corey Ellis <Corey.F.Ellis@usdoj.gov>, Iris Lan <Iris.Lan3@usdoj.gov>, Paul Perkins <Paul.Perkins@usdoj.gov>
Subject: Re: MDC - Brooklyn Protestors

Thanks

Edward C. O'Callaghan
202-514-2105

On Feb 3, 2019, at 5:27 PM, Hugh Hurwitz <HHurwitz@bop.gov> wrote:

(b)(5)
[redacted]

Hugh
Sent from my Samsung Galaxy smartphone

-------- Original message --------
From: "O'Callaghan, Edward C. (ODAG)" <Edward.C.O'Callaghan@usdoj.gov>
Date: 2/3/19 5:08 PM (GMT-05:00)
To: Hugh Hurwitz <HHurwitz@bop.gov>, Andrew Peterson <Andrew.Peterson@usdoj.gov>, Corey Ellis <Corey.F.Ellis@usdoj.gov>, Iris Lan <Iris.Lan3@usdoj.gov>, Paul Perkins <Paul.Perkins@usdoj.gov>
Subject: Fwd: MDC - Brooklyn Protestors

AMERICAN OVERSIGHT

Document ID: 0.7.22218.433037 20191213-0000024

>>> "O'Callaghan, Edward C. (ODAG)" 02/03/2019 17:08 >>>
Hugh are you (b)(5) [redacted]

Edward C. O'Callaghan
202-514-2105

Begin forwarded message:

> **From:** "Ellis, Corey F. (ODAG)" <cfellis@jmd.usdoj.gov>
> **Date:** February 3, 2019 at 4:27:30 PM EST
> **To:** "O'Callaghan, Edward C. (ODAG)" <ecocallaghan@jmd.usdoj.gov>, "Peterson, Andrew (ODAG)" <anpeterson@jmd.usdoj.gov>
> **Subject: Fwd: MDC - Brooklyn Protestors**
>
> Corey F. Ellis
> 202-305-5544
>
> Begin forwarded message:
>
> > **From:** "Kilgallon, John (USMS)" <JKilgallon@usms.doj.gov>
> > **Date:** February 3, 2019 at 3:33:35 PM EST
> > **To:** "Bacon, Antoinette T. (ODAG)" <atbacon@jmd.usdoj.gov>, "Ellis, Corey F. (ODAG)" <cfellis@jmd.usdoj.gov>
> > **Cc:** "Kilgallon, John (USMS)" <JKilgallon@usms.doj.gov>, "Broshow, Brent (USMS)" <BBroshow@usms.doj.gov>
> > **Subject: MDC - Brooklyn Protestors**
> >
> > Toni / Corey,
> >
> > For Awareness....as this is likely to make the news in NY:
> >
> > - (b)(5) [redacted]

AMERICAN OVERSIGHT

Will keep you posted as things develop.

Vr,

John

John Kilgallon
Chief of Staff
United States Marshals Service
(703) 740-1675 office
(b)(6) [redacted] mobile

AMERICAN OVERSIGHT

Document ID: 0.7.22218.433037

O'Callaghan, Edward C. (ODAG)

From:	O'Callaghan, Edward C. (ODAG)
Sent:	Sunday, February 3, 2019 5:27 PM
To:	Hugh Hurwitz
Cc:	Peterson, Andrew (ODAG); Ellis, Corey F. (ODAG); Lan, Iris (ODAG); Perkins, Paul (ODAG)
Subject:	Re: MDC - Brooklyn Protestors

Thanks

Edward C. O'Callaghan
202-514-2105

On Feb 3, 2019, at 5:21 PM, Hugh Hurwitz <HHurwitz@bop.gov> wrote:

(b)(5) [redacted]

Hugh
Sent from my Samsung Galaxy smartphone

-------- Original message --------
From: "O'Callaghan, Edward C. (ODAG)" <Edward.C.O'Callaghan@usdoj.gov>
Date: 2/3/19 5:08 PM (GMT-05:00)
To: Hugh Hurwitz <HHurwitz@bop.gov>, Andrew Peterson <Andrew.Peterson@usdoj.gov>, Corey Ellis <Corey.F.Ellis@usdoj.gov>, Iris Lan <Iris.Lan3@usdoj.gov>, Paul Perkins <Paul.Perkins@usdoj.gov>
Subject: Fwd: MDC - Brooklyn Protestors

>>> "O'Callaghan, Edward C. (ODAG)" 02/03/2019 17:08 >>>

Duplicative Records - See Page 20191213-0000025 [redacted]

AMERICAN OVERSIGHT

Bacon, Antoinette T. (ODAG)

From:	Bacon, Antoinette T. (ODAG)
Sent:	Sunday, February 3, 2019 5:21 PM
To:	O'Callaghan, Edward C. (ODAG)
Cc:	Ellis, Corey F. (ODAG); Peterson, Andrew (ODAG); Lan, Iris (ODAG); Perkins, Paul (ODAG); Kupec, Kerri (OPA)
Subject:	Re: MDC - Brooklyn Protestors

(b)(5) [redacted]

[redacted]

Paul, (b)(5) [redacted]

So far, it's hopeful power will be restored tonight.

+ Kerri FSA

On Feb 3, 2019, at 4:31 PM, O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov> wrote:

(b)(5) [redacted]

Edward C. O'Callaghan
202-514-2105

On Feb 3, 2019, at 4:27 PM, Ellis, Corey F. (ODAG) <cfellis@jmd.usdoj.gov> wrote:

Corey F. Ellis
202-305-5544

Begin forwarded message:

From: "Kilgallon, John (USMS)" <JKilgallon@usms.doj.gov>
Date: February 3, 2019 at 3:33:35 PM EST
To: "Bacon, Antoinette T. (ODAG)" <atbacon@jmd.usdoj.gov>, "Ellis, Corey F. (ODAG)" <cfellis@jmd.usdoj.gov>
Cc: "Kilgallon, John (USMS)" <JKilgallon@usms.doj.gov>, "Broshow, Brent (USMS)" <BBroshow@usms.doj.gov>
Subject: MDC - Brooklyn Protestors

AMERICAN OVERSIGHT

Toni / Corey,

For Awareness....as this is likely to make the news in NY:

- (b)(5) [redacted]

Will keep you posted as things develop.

Vr,

John

John Kilgallon
Chief of Staff
United States Marshals Service
(703) 740-1675 office
(b)(6) [redacted] mobile

AMERICAN OVERSIGHT

Lan, Iris (ODAG)

From:	Lan, Iris (ODAG)
Sent:	Sunday, February 3, 2019 5:28 PM
To:	O'Callaghan, Edward C. (ODAG)
Subject:	Re: MDC - Brooklyn Protestors

(b)(5) [redacted]

> On Feb 3, 2019, at 5:26 PM, Hugh Hurwitz <HHurwitz@bop.gov> wrote:
>
> (b)(5) [redacted]

AMERICAN OVERSIGHT

O'Callaghan, Edward C. (ODAG)

From:	O'Callaghan, Edward C. (ODAG)
Sent:	Sunday, February 3, 2019 3:26 PM
To:	Donoghue, Richard (USANYE); Lan, Iris (ODAG); Berman, Geoffrey (USANYS)
Subject:	Fwd: Updated Press Release - 2/3
Attachments:	Press Release Brooklyn 02-03-19.pdf; ATT00001.htm

Updated release.

Edward C. O'Callaghan
202-514-2105

Begin forwarded message:

> **From:** Hugh Hurwitz <HHurwitz@bop.gov>
> **Date:** February 3, 2019 at 3:18:35 PM EST
> **To:** Corey Ellis <Corey.F.Ellis@usdoj.gov>, Edward O'Callaghan <Edward.C.O'Callaghan@usdoj.gov>, Iris Lan <Iris.Lan3@usdoj.gov>, "Paul Perkins" <Paul.Perkins@usdoj.gov>
> **Subject: Fwd: Updated Press Release - 2/3**
>
> I am not sure who has seen this already...sorry if duplicate.

AMERICAN OVERSIGHT

O'Callaghan, Edward C. (ODAG)

From:	O'Callaghan, Edward C. (ODAG)
Sent:	Sunday, February 3, 2019 3:25 PM
To:	Kupec, Kerri (OPA); Hornbuckle, Wyn (OPA); Lan, Iris (ODAG); Ellis, Corey F. (ODAG); Peterson, Andrew (ODAG); Perkins, Paul (ODAG)
Subject:	Fwd: Updated Press Release - 2/3
Attachments:	Press Release Brooklyn 02-03-19.pdf; ATT00001.htm

Can we (b)(5) [redacted]

Edward C. O'Callaghan
202-514-2105

Begin forwarded message:

> **From:** Hugh Hurwitz <HHurwitz@bop.gov>
> **Date:** February 3, 2019 at 3:18:35 PM EST
> **To:** Corey Ellis <Corey.F.Ellis@usdoj.gov>, Edward O'Callaghan <Edward.C.O'Callaghan@usdoj.gov>, Iris Lan <Iris.Lan3@usdoj.gov>, "Paul Perkins" <Paul.Perkins@usdoj.gov>
> **Subject: Fwd: Updated Press Release - 2/3**
>
> I am not sure who has seen this already...sorry if duplicate.

AMERICAN OVERSIGHT

O'Callaghan, Edward C. (ODAG)

From:	O'Callaghan, Edward C. (ODAG)
Sent:	Sunday, February 3, 2019 3:25 PM
To:	Rosenstein, Rod (ODAG); Lan, Iris (ODAG)
Subject:	Fwd: Updated Press Release - 2/3
Attachments:	Press Release Brooklyn 02-03-19.pdf; ATT00001.htm

Updated release. Our OPA has been asked to push out as widely as possible.

Edward C. O'Callaghan
202-514-2105

Begin forwarded message:

> **From:** Hugh Hurwitz <HHurwitz@bop.gov>
> **Date:** February 3, 2019 at 3:18:35 PM EST
> **To:** Corey Ellis <Corey.F.Ellis@usdoj.gov>, Edward O'Callaghan <Edward.C.O'Callaghan@usdoj.gov>, Iris Lan <Iris.Lan3@usdoj.gov>, "Paul Perkins" <Paul.Perkins@usdoj.gov>
> **Subject: Fwd: Updated Press Release - 2/3**
>
> I am not sure who has seen this already...sorry if duplicate.

AMERICAN OVERSIGHT

U. S. Department of Justice

Federal Bureau of Prisons
Metropolitan Detention Center
Brooklyn, NY

For Immediate Release
February 3, 2019

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

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

Brooklyn, NY: On January 27, 2019, 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 affected 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 on February 2nd 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 once the remaining part is obtained. Work is expected be completed by Monday, February 4, 2019.

Heating to the building is provided via a boiler, which was not affected by the power outage. 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. The facility has accepted resources from the New York City Emergency Management and the New York Department of Corrections. The inmate telephones, inmate computers, and inmate televisions do not have 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.

Medical staff have checked and continue to check each inmate cell-by-cell periodically and continue to dispense required medications and address the medical needs of the inmate population. Legal visits will be available today.

Tours of the facility were provided on February 1st and 2nd 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.

We continue to work expeditiously to restore power to the facility as quickly as possible.

Additional information about the Federal Bureau of Prisons can be found at www.bop.gov.

###

AMERICAN OVERSIGHT

Document ID: 0.7.22218.433040-000002 20191213-0000029

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]

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

> Great. (b)(5) [redacted]
>
> Hugh
> Sent from my Samsung Galaxy smartphone
>
> -------- Original message --------
> From: "O'Callaghan, Edward C. (ODAG)" <Edward.C.O'Callaghan@usdoj.gov>
> Date: 2/3/19 3:07 PM (GMT-05:00)
> To: Iris Lan <Iris.Lan3@usdoj.gov>
> Cc: Hugh Hurwitz <HHurwitz@bop.gov>, Rod Rosenstein <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]
>
> Edward C. O'Callaghan
> 202-514-2105
>
> On Feb 3, 2019, at 2:58 PM, Lan, Iris (ODAG) <irlan@jmd.usdoj.gov> wrote:
>
> > I just spoke with USA. He expects that (b)(5) [redacted] I also have a dial-in that I can circulate for use shortly before the call.

AMERICAN OVERSIGHT

Document ID: 0.7.695.10576 20200207-0000276

On Feb 3, 2019, at 2:54 PM, Hugh Hurwitz <HHurwitz@bop.gov> wrote:

> Sure. I don't know him but I'm available anytime... this is all I'm doing. (b)(5) [redacted]
>
> Hugh
> Sent from my Samsung Galaxy smartphone
>
> -------- Original message --------
> From: "O'Callaghan, Edward C. (ODAG)" <Edward.C.O'Callaghan@usdoj.gov>
> Date: 2/3/19 2:51 PM (GMT-05:00)
> To: Hugh Hurwitz <HHurwitz@bop.gov>, Iris Lan <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) [redacted]
>
> Edward C. O'Callaghan
> 202-514-2105
>
> > On Feb 3, 2019, at 2:02 PM, Hugh Hurwitz <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) [redacted]
> >
> > >>> "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) [redacted] 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

AMERICAN OVERSIGHT

> > On Feb 3, 2019, at 10:39
AM, Hugh Hurwitz <HHurwitz@bop.gov> wrote:
> >
> > We are checking. The contractor doing the work ordered the p
art and said he would have by 6
am Monday. We have been working with that same contractor (a
nd others) to locate another part to try and repair sooner. So far t
hat has been unsuccessful. We are (b)(5) [redacted]
> >
> > I think you know this, but the media reporting has been incomp
lete....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 fin
d 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 inste
ad of Monday —
more money, more workers, or is there some insuperable barrier li
ke a part ordered from overseas?

AMERICAN OVERSIGHT

Document ID: 0.7.695.10576

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 >>> >> [redacted]
>>
>>> 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 [illegible]

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

AMERICAN OVERSIGHT

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>
Date: February 3, 2019 at 2:48:25 PM EST
To: Rod Rosenstein <Rod.Rosenstein5@usdoj.gov>
Cc: Edward O'Callaghan <Edward.C.O'Callaghan@usdoj.gov>, Iris Lan <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> 2/3/2019 2:03 PM >>>
(b)(5) [redacted]

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

AMERICAN OVERSIGHT

Document ID: 0.7.22218.433031 20191213-0000038

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>
Date: February 3, 2019 at 2:15:11 PM EST
To: Rod Rosenstein <Rod.Rosenstein5@usdoj.gov>
Cc: Edward O'Callaghan <Edward.C.O'Callaghan@usdoj.gov>, Iris Lan <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> 2/3/2019 2:03 PM >>>
(b)(5)

> 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

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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?

AMERICAN OVERSIGHT

Document ID: 0.7.22218.433026

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.
>
> >>> "Rosenstein, Rod (ODAG)" <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> 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 workers, or is there some insuperable barrier like a part ordered from overseas?

AMERICAN OVERSIGHT

Hugh Hurwitz

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) [redacted]
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 >>>
> > 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?

AMERICAN OVERSIGHT

Document ID: 0.7.22218.433011 20191213-0000063

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) [redacted]
>
> > 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 workers, or is there some insuperable barrier like a part ordered from overseas?

AMERICAN OVERSIGHT

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]

AMERICAN OVERSIGHT

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

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

JOSE SEGURA-GENAO,

Defendant.

18 Cr. 219-1 (AT)

ORDER

ANALISA TORRES, District Judge:

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

ANALISA TORRES
United States District Judge

AMERICAN OVERSIGHT

Bumatay, Patrick (OAG)

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) [redacted]

Patrick

Sent from my iPhone

Begin forwarded message:

> **From:** "Perkins, Paul (ODAG)" <pperkins@jmd.usdoj.gov>
> **Date:** February 2, 2019 at 2:58:10 PM EST
> **To:** "Bumatay, Patrick (OAG)" <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>
> > **Date:** February 2, 2019 at 9:04:41 AM EST
> > **To:** Paul Perkins <Paul.Perkins@usdoj.gov>
> > **Cc:** Kevin Pistro <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>
> > Date: 2/2/19 8:00 AM (GMT-05:00)
> > To: Paul Perkins <Paul.Perkins@usdoj.gov>
> > Subject: MDC Brooklyn

AMERICAN OVERSIGHT

Document ID: 0.7.22222.6574 20191028-0000001

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

AMERICAN OVERSIGHT

Document ID: 0.7.22222.6574

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) [redacted] 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> wrote:
>
> > Kerri,
> >
> > (b)(5) [redacted]
> >
> > Edward C. O'Callaghan
> > 202-514-2105
> >
> > Begin forwarded message:
> >
> > **From:** "Peterson, Andrew (ODAG)" <anpeterson@jmd.usdoj.gov>
> > **Date:** February 2, 2019 at 10:36:23 AM EST
> > **To:** "O'Callaghan, Edward C. (ODAG)" <ecocallaghan@jmd.usdoj.gov>
> > **Subject: Fwd: MDC Brooklyn**
> >
> > Begin forwarded message:
> >
> > **From:** "Perkins, Paul (ODAG)" <pperkins@jmd.usdoj.gov>
> > **Date:** February 2, 2019 at 10:35:26 AM EST
> > **To:** "Peterson, Andrew (ODAG)"

AMERICAN OVERSIGHT

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

FYI

Begin forwarded message:

> **From:** Hugh Hurwitz <HHurwitz@bop.gov>
> **Date:** February 2, 2019 at 9:04:41 AM EST
> **To:** Paul Perkins <Paul.Perkins@usdoj.gov>
> **Cc:** Kevin Pistro <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>
> Date: 2/2/19 8:00 AM (GMT-05:00)
> To: Paul Perkins <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

AMERICAN OVERSIGHT

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>

AMERICAN OVERSIGHT

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> wrote:
>
> Duplicative Records - See Page 20200207-0000303

AMERICAN OVERSIGHT

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

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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) [redacted]

Sent from my iPhone

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

(b)(5) [redacted]

Edward C. O'Callaghan
202-514-2105

Begin forwarded message:

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

Begin forwarded message:

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

FYI

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Cc: Kevin Pistro <kpistro@bop.gov>

AMERICAN OVERSIGHT

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Subject: MDC Brooklyn

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Sent from my Samsung Galaxy smartphone

<BRO_Power(1).docx>

AMERICAN OVERSIGHT

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

AMERICAN OVERSIGHT

Document ID: 0.7.22222.248645 20191028-0000005

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

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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

AMERICAN OVERSIGHT

Document ID: 0.7.22222.248645 20191028-0000007

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

AMERICAN OVERSIGHT

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.

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Document ID: 0.7.22222.248645 20191028-0000009

"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

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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) [redacted]
Date: February 2, 2019 at 8:49:26 PM EST
To: "O'Callaghan, Edward C. (ODAG)" <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>
Date: February 2, 2019 at 7:39:12 PM EST
To: "Kupec, Kerri (OPA)" (b)(6) [redacted]
Subject: FW: Press Release on Brooklyn

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

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

Good evening Wyn-

AMERICAN OVERSIGHT

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, and copy me and Nancy.

Thanks.

Sue

AMERICAN OVERSIGHT

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) [redacted]
> **Date:** February 2, 2019 at 8:49:26 PM EST
> **To:** "O'Callaghan, Edward C. (ODAG)" <ecocallaghan@jmd.usdoj.gov>
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Thanks.

Sue

AMERICAN OVERSIGHT

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

AMERICAN OVERSIGHT

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 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) for any updates regarding visiting.

Additional information about the Federal Bureau of Prisons can be found at www.bop.gov.

###

AMERICAN OVERSIGHT

Document ID: 0.7.22218.432973-000002

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>
> **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

AMERICAN OVERSIGHT

1100 13th Street NW, Fifth Floor
Washington, DC 20005
Office: (b)(6)
Cell: (b)(6)
Email: 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.

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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

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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

AMERICAN OVERSIGHT

Washington, DC 20005
Office: (b)(6)
Cell: (b)(6)
Email: MBalsamo@ap.org
Twitter: @MikeBalsamo1

Sent from my iPhone

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CHARLES E. SCHUMER
NEW YORK

DEMOCRATIC LEADER

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

AMERICAN OVERSIGHT

U.S. Department of Justice

Office of Legislative Affairs

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.

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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,

Stephen E. Boyd
Assistant Attorney General

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4/2198FI-PBI

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.[1] 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.[2] 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.[3] Lawyers had limited access to their clients, and family

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[1] 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.
[2] Ibid.
[3] Ibid.

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members.[4] 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."[5] 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

[4] Ibid.
[5] 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.

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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

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

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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

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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. Notifications of any visitation changes are posted on the institution's public web page and also found at 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.

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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,

Stephen E. Boyd
Assistant Attorney General

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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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Sincerely,

Prim Escalona /fse

Stephen E. Boyd
Assistant Attorney General

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U.S. Department of Justice

Office of Legislative Affairs

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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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,

Stephen E. Boyd
Assistant Attorney General

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U.S. Department of Justice

Office of Legislative Affairs

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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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,

Prim Escalona /for

Stephen E. Boyd
Assistant Attorney General

AMERICAN OVERSIGHT

U.S. Department of Justice

Office of Legislative Affairs

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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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,

Prim Escalona for

Stephen E. Boyd
Assistant Attorney General

AMERICAN OVERSIGHT

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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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

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Stephen E. Boyd
Assistant Attorney General

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U.S. Department of Justice

Office of Legislative Affairs

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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U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General *Washington, D.C. 20530*

MAY 15 2019

The Honorable Amy Klobuchar
United States Senate
Washington, DC 20510

Dear Senator Klobuchar:

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Prim Escalona /fnz

Stephen E. Boyd
Assistant Attorney General

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U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General *Washington, D.C. 20530*

MAY 15 2019

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

Dear Senator Hirono:

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Brian Escalona for

Stephen E. Boyd
Assistant Attorney General

AMERICAN OVERSIGHT

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General *Washington, D.C. 20530*

MAY 15 2019

The Honorable Sheldon Whitehouse
United States Senate
Washington, DC 20510

Dear Senator Whitehouse:

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Stephen E. Boyd
Assistant Attorney General

AMERICAN OVERSIGHT

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 Baldwin
United States Senate
Washington, DC 20510

Dear Senator Baldwin:

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Stephen E. Boyd
Assistant Attorney General

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U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General *Washington, D.C. 20530*

MAY 15 2019

The Honorable Ron Wyden
United States Senate
Washington, DC 20510

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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.

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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,

Prim Escalona /for

Stephen E. Boyd
Assistant Attorney General

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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.

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

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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.

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Stephen E. Boyd
Assistant Attorney General

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U.S. Department of Justice

Office of Legislative Affairs

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:

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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Office of Legislative Affairs

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MAY 15 2019

The Honorable Tina Smith
United States Senate
Washington, DC 20510

Dear Senator Smith:

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