



**U.S. Department of Justice
Federal Bureau of Prisons**

*Northeast Regional Office
U.S. Custom House
2nd & Chestnut St., 7th Floor
Philadelphia, PA 19106*

March 23, 2021

Daniel A. McGrath, Esq.
American Oversight
1030 15th Street NW, Suite B255
Washington, DC 20005
[Sent via e-mail to daniel.mcgrath@americanoversight.org]

FOIA Request Number: 2019-02979, 2019-02980 & 2019-02982

Dear Mr. McGrath:

This letter is in response to the above-referenced Freedom of Information Act (FOIA) requests. It concerns the final release of 87 pages of e-mail correspondence. This is the final release of responsive records in this matter.

Staff reviewed 125 pages of responsive records, which were forwarded to this office for a release determination. After the removal of duplicates and consults with several agencies, we determined that 87 pages are appropriate for release. Copies of the releasable records are attached.

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, records were redacted or withheld in full from disclosure to you under the following exemptions:

(b)(5)
(b)(6)
(b)(7)(C)
(b)(7)(E)
(b)(7)(F)

As with the last release, the yellow redaction blocks marked "Non-Responsive Record" are all duplicates. It is a software labeling problem. Please feel free to contact me if you have any questions. My number is (718) 840-4200 ext. 4742.

Sincerely,

/s/ John E. Wallace, for

Darrin Howard
Regional Counsel

Enclosure: 87 pages

Re: Updated Press Release - 2/3

From Hugh Hurwitz
To Patrick Bumatay
Date 2019/02/04 10:08
Subject: Re: Updated Press Release - 2/3
Attachments: TEXT.htm

No the power went out on 27. The heat issue was 1/21. Sorry I'm getting sporadic service inside here.

Hugh
Sent from my Samsung Galaxy smartphone

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

From: "Bumatay, Patrick (OAG)" <Patrick.Bumatay3@usdoj.gov>
Date: 2/4/19 9:31 AM (GMT-05:00)
To: Hugh Hurwitz <(b)(6); (b)(7)(C)@bop.gov>
Subject: Re: Updated Press Release - 2/3

>>> "Bumatay, Patrick (OAG)" 02/04/2019 09:31 >>>

I thought the January 27 incident was separate from this issue. Am I wrong on that?

Sent from my iPhone

On Feb 3, 2019, at 1:41 PM, Hugh Hurwitz <(b)(6); (b)(7)(C)@bop.gov> wrote:

>>> Sonya Thompson <(b)(6); (b)(7)(C)@bop.gov> 2/3/2019 1:30 PM >>>
See attached.

Sent from a geospatial location known only by Skynet . . . er, Google ☐

<Press Release Brooklyn 02-03-19.pdf>

RE: Protests at Brooklyn

From Hugh Hurwitz
To Patrick Bumatay
Date 2019/02/05 15:37
Subject: RE: Protests at Brooklyn
Attachments: TEXT.htm

need to talk to you in advance...can we talk?

>>> "Bumatay, Patrick (OAG)" <Patrick.Bumatay3@usdoj.gov> 2/5/2019 3:19 PM >>>
Here's the conference call number for 4:30. It's just with Ja'Ron now.

Participant dial-in:

Dial in number: (b)(6)
Participant code: (b)(6)

From: Hugh Hurwitz <(b)(6); (b)(7)(C)@bop.gov>
Sent: Tuesday, February 5, 2019 1:45 PM
To: Bumatay, Patrick (OAG) <pbumatay@jmd.usdoj.gov>
Subject: Re: Protests at Brooklyn

ok

>>> "Bumatay, Patrick (OAG)" <Patrick.Bumatay3@usdoj.gov> 2/5/2019 1:34 PM >>>
Can you keep 4:30 open? We might have the call with JK.

Sent from my iPhone

On Feb 5, 2019, at 10:52 AM, Hugh Hurwitz <(b)(6); (b)(7)(C)@bop.gov> wrote:

I'm on train now. Will be in office tomorrow and available on phone anytime today.

Hugh
Sent from my Samsung Galaxy smartphone

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

From: "Bumatay, Patrick (OAG)" <Patrick.Bumatay3@usdoj.gov>
Date: 2/5/19 10:50 AM (GMT-05:00)
To: Hugh Hurwitz <(b)(6); (b)(7)(C)@bop.gov>
Cc: Paul Perkins <Paul.Perkins@usdoj.gov>
Subject: Re: Protests at Brooklyn

>>> "Bumatay, Patrick (OAG)" 02/05/2019 10:50 >>>
Thanks Hugh. When do you plan on heading back to dc?

Sent from my iPhone

On Feb 5, 2019, at 10:46 AM, Hugh Hurwitz <(b)(6)@bop.gov> wrote:

Apparently a protest is planned for this evening at 9pm. It's being billed as a national call in so I expect they will be broadcasting it on social media. We had planned on sending the SORT team home today but are now keeping them over until this is over. We are also bringing in another warden to ensure that we have wardens and AWs on site 24-7 until this is over. We are also notifying NYPD.

Hugh

Sent from my Samsung Galaxy smartphone

Re: DOJ spox statement

From Hugh Hurwitz
To Kerri KupecPatrick Bumatay, Sonya Thompson, Wyn Hornbuckle
Date 2019/02/03 21:20
Subject: Re: DOJ spox statement
Attachments: TEXT.htm

Can we say "[REDACTED] (b)(5)
[REDACTED] (b)(5)
[REDACTED] (b)(5)

Hugh
Sent from my Samsung Galaxy smartphone

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

From: "Hornbuckle, Wyn (OPA)" <Wyn.Hornbuckle@usdoj.gov>
Date: 2/3/19 9:01 PM (GMT-05:00)
To: Hugh Hurwitz <[REDACTED] (b)(6); (b)(7)(C) @bop.gov>
Cc: Kerri Kupec <Kerri.Kupec@usdoj.gov>, Patrick Bumatay <Patrick.Bumatay3@usdoj.gov>
Subject: DOJ spox statement

Hi Hugh,
The DAG's office asked me to clear this with you to ensure it is an accurate statement, particularly regarding BOP returning to regular operations. Look ok?

DOJ spokesperson statement?

[REDACTED] (b)(5)

Sent from my iPhone

Fwd: DOJ spox statement

From: Hugh Hurwitz
To: Ray Ormond, Sonya Thompson
Date: 2019/02/03 21:16
Subject: Fwd: DOJ spox statement
Attachments: TEXT.htm

Calling you to discuss. (b)(5)

Hugh
Sent from my Samsung Galaxy smartphone

(b)(6); (b)(7)(C)

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

From: "Hornbuckle, Wyn (OPA)" <Wyn.Hornbuckle@usdoj.gov>
Date: 2/3/19 9:01 PM (GMT-05:00)
To: Hugh Hurwitz <(b)(6); (b)(7)(C)>
Cc: Kerri Kupec <Kerri.Kupec@usdoj.gov>, Patrick Bumatay <Patrick.Bumatay3@usdoj.gov>
Subject: DOJ spox statement

>>> "Hornbuckle, Wyn (OPA)" 02/03/2019 21:01 >>>

Duplicative Material

Fwd: Re: press release

From Hugh Hurwitz
To Ray Ormond, Sonya Thompson
Date 2019/02/03 10:14
Subject: Fwd: Re: press release
Attachments: TEXT.htm

White House is pressing DOJ on this now. Already spoke to Patrick twice today.

>>> Hugh Hurwitz 2/3/2019 10:10 AM >>>

Got it, thanks...have call at 10:30 to discuss needed updates with Sonya.

>>> "Bumatay, Patrick (OAG)" <Patrick.Bumatay3@usdoj.gov> 2/3/2019 10:07 AM >>>

For next release, (b)(5)

Sent from my iPhone

> On Feb 3, 2019, at 10:05 AM, Hugh Hurwitz <(b)(6); (b)(7)(C);@bop.gov> wrote:

>

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

Re: MDC Brooklyn

From Hugh Hurwitz
To Kevin Pistro, Paul Perkins
Date 2019/02/03 15:12
Subject: Re: MDC Brooklyn
Attachments: TEXT.htm

I am going to go up there but am still in DC, so I won't arrive until late tonight. (b)(5)

I will update all of you (b)(5).

Also, 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.

>>> "Perkins, Paul (ODAG)" <Paul.Perkins@usdoj.gov> 2/3/2019 3:08 PM >>>

Hugh,

Are you planning to visit the facility this afternoon (b)(5)? If so, can you please send an update to Corey, Andy, Ed, and me?

Thanks,
Paul

Non Responsive Record

Duplicative material

Re: MDC Brooklyn

From "Rosenstein, Rod (ODAG)"

To Edward O'Callaghan, Hugh Hurwitz
Iris Lan

Date 2019/02/03 14:50

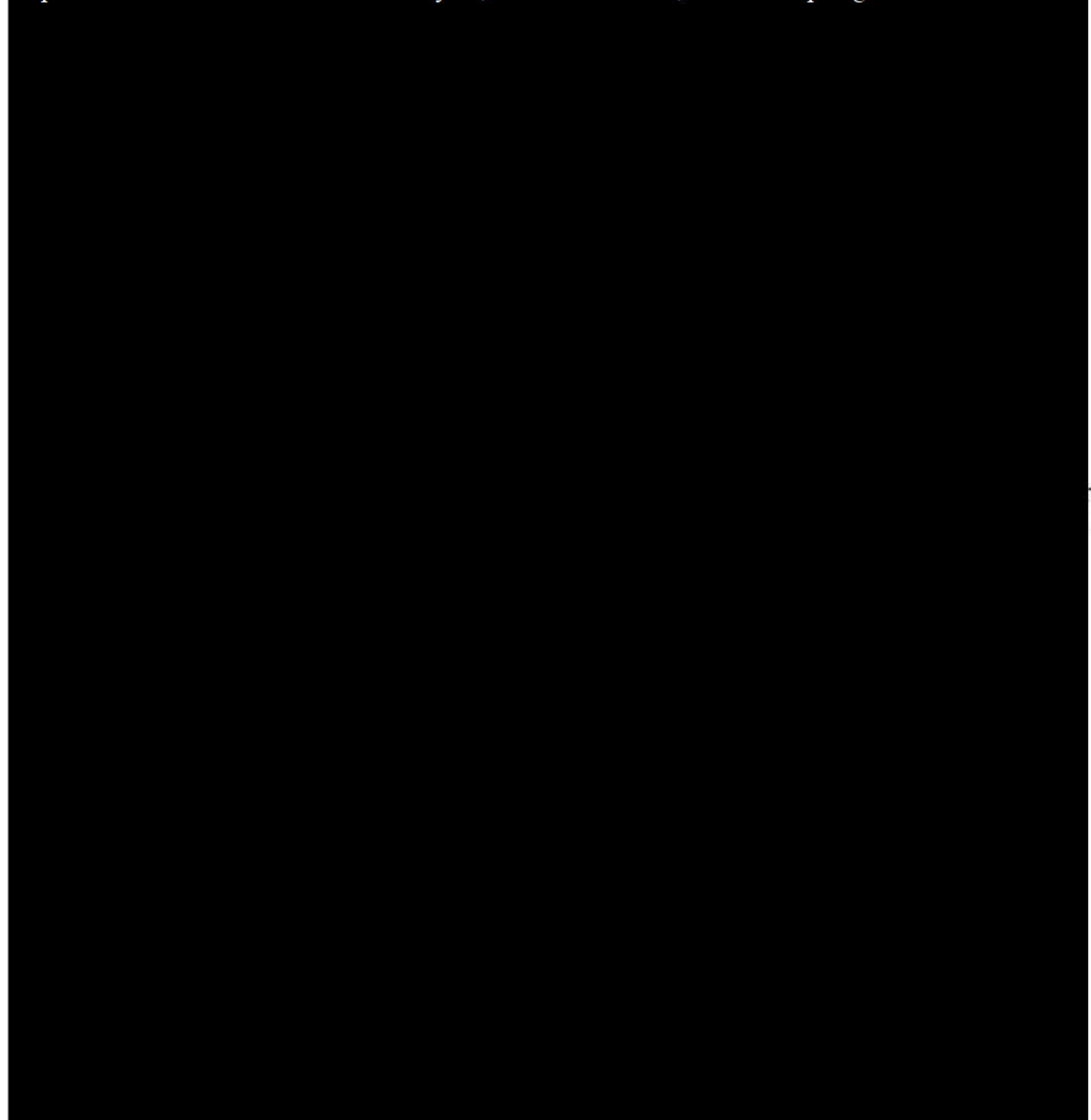
Subject: Re: MDC Brooklyn

Attachments: Mime.822

Let me know what you find there.

> On Feb 3, 2019, at 2:15 PM, Hugh Hurwitz wrote:

Duplicative Material - See OIP's February 28, 2020 Productions, Bates Stamp Page 20191213-0000041



Re: BRO update

From "Perkins, Paul (ODAG)"
To Hugh Hurwitz
Date 2019/03/02 07:14
Subject: Re: BRO update
Attachments: TEXT.htm, Mime.822

Thanks for the update, Hugh.

On Mar 1, 2019, at 10:33 PM, Hugh Hurwitz <(b)(6); (b)(7)(C)@bop.gov> wrote:

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.

Hugh

Re: OIG

From Kevin Pistro
To Hugh Hurwitz, Paul Perkins
Date 2019/02/12 10:21
Subject: Re: OIG
Attachments: TEXT.htm

(b)(5)

Sent from my Verizon, Samsung Galaxy smartphone

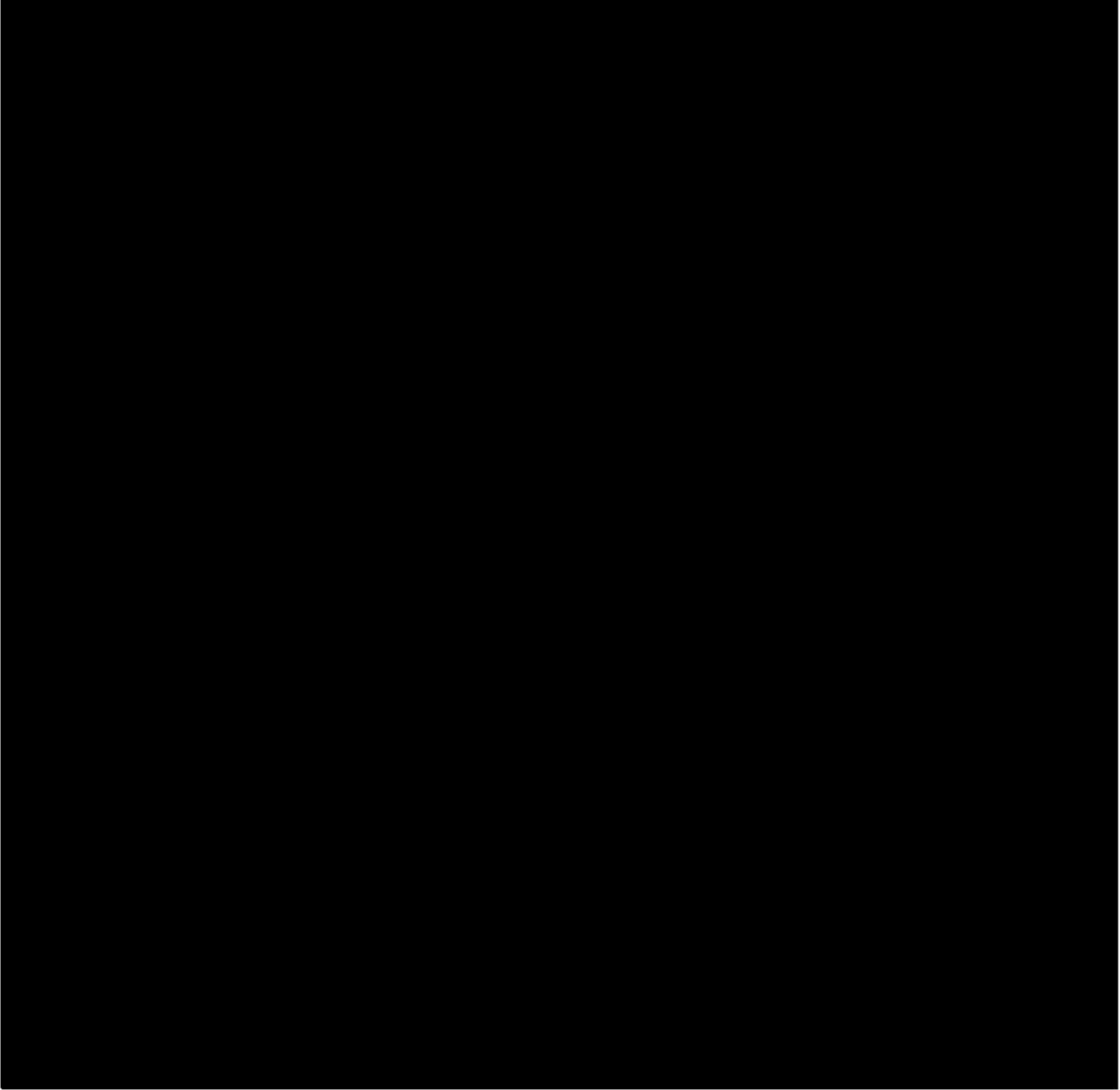
----- Original message -----

From: "Perkins, Paul (ODAG)" <Paul.Perkins@usdoj.gov>
Date: 2/12/19 10:03 (GMT-05:00)
To: Kevin Pistro <(b)(6); (b)(7)(C)@bop.gov>, Hugh Hurwitz <(b)(6); (b)(7)(C)@bop.gov>
Subject: RE: OIG

>>> "Perkins, Paul (ODAG)" 02/12/2019 10:03 >>>

Duplicative Material - See BOP's [DATE] Release

Duplicative Material - See BOP's [DATE] Release



RE: BRO Article

From Hugh Hurwitz

To Kevin Pistro, Paul Perkins

Date 2019/03/01 16:17

Subject: RE: BRO Article

Attachments: TEXT.htm, 2019_03_01_14_49_38.pdf

(b)(5)

>>> "Perkins, Paul (ODAG)" <Paul.Perkins@usdoj.gov> 3/1/2019 4:11 PM >>>

Duplicative Material - See BOP's [DATE] Release

Re: Whitaker QFRs - MDC BRK

From Hugh Hurwitz
To Kevin Pistro
Date 2019/03/15 19:54
Subject: Re: Whitaker QFRs - MDC BRK
Attachments: TEXT.htm

Love it!!!

Hugh

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

From: Kevin Pistro <(b)(6); (b)(7)(C)@bop.gov>
Date: 3/15/19 7:50 PM (GMT-05:00)
To: Hugh Hurwitz <(b)(6); (b)(7)(C)@bop.gov>
Subject: Re: Whitaker QFRs - MDC BRK

>>> "Kevin Pistro" 03/15/2019 19:50 >>>
Done deal. Thanks and get some rest!

FYI - (b)(6); (b)(7)(C) wanted Taco Bell for dinner! Lol.

Sent from my Verizon, Samsung Galaxy smartphone

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

From: Hugh Hurwitz <(b)(6); (b)(7)(C)@bop.gov>
Date: 3/15/19 19:42 (GMT-05:00)
To: Kevin Pistro <(b)(6); (b)(7)(C)@bop.gov>
Subject: Re: Whitaker QFRs - MDC BRK

>>> "Hugh Hurwitz" 03/15/2019 19:42 >>>
Sorry, yes with those edits it's fine to send.

Hugh

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

From: Kevin Pistro <(b)(6); (b)(7)(C)@bop.gov>
Date: 3/15/19 7:40 PM (GMT-05:00)
To: Hugh Hurwitz <(b)(6); (b)(7)(C)@bop.gov>
Subject: Re: Whitaker QFRs - MDC BRK

From: "Hornbuckle, Wyn (OPA)" <Wyn.Hornbuckle@usdoj.gov>
To: Susan Allison <(b)(6); (b)(7)(C)@bop.gov>
CC: Nancy Ayers <(b)(6); (b)(7)(C)@bop.gov>, Sonya Thompson <(b)(6); (b)(7)(C)@bop.gov>, "ToviaKnight" <(b)(6); (b)(7)(C)@bop.gov>

Date: 2/3/2019 10:23 PM

Subject: Re: Press Release #3 re: Brooklyn

Please distribute to your media lists. Thanks!

The following statement is attributable to
Wyn Hornbuckle
Deputy Director of Public Affairs
U.S. Department of Justice

The electrical power at the Bureau of Prisons (BOP) facility at MDC Brooklyn was restored at approximately 6:30 pm this evening. With the heat and hot water operational, and the restoration of electrical power, the facility can now begin to return to regular operations. In the coming days, the Department will work with the Bureau of Prisons to examine what happened and ensure the facility has the power, heat and backup systems in place to prevent the problem from reoccurring.

Sent from my iPhone

On Feb 3, 2019, at 7:33 PM, Susan Allison <(b)(6); (b)(7)(C)@bop.gov> wrote:

Wyn,

The attached was sent out a little while ago to those who had already made inquiries. We understand there is an update coming from the AG.

Sue

<Updated Press Release Brooklyn 02-03-19.pdf>

RE: EDNY Inmates

From: "Donoghue, Richard (USANYE)"
To: Herman Quay
Date: 2019/02/03 14:19
Subject: RE: EDNY Inmates
Attachments: TEXT.htm, attachment 1.pdf, Mime.822

Warden,

Please find attached the memo the Federal Defenders have submitted to the EDNY Court.

EOUSA - (b) (5) DPP

[REDACTED]

[REDACTED]

(b)(6); (b)(7)(C)

EOUSA - (b) (5) DPP

Also, the Acting AG will be in Brooklyn tomorrow morning and I need to be prepared to brief him on the situation. As such, I would like to come by the facility tod

Thanks,

Rich Donoghue

From: Donoghue, Richard (USANYE)
Sent: Saturday, February 2, 2019 5:27 PM
To: 'Herman Quay' <hquay@bop.gov>
Subject: RE: EDNY Inmates

Warden,

Thanks for the info below. EOUSA - (b) (5) DPP

[REDACTED]

Rich Donoghue

From: Herman Quay [<mailto:hquay@bop.gov>]
Sent: Saturday, February 2, 2019 9:52 AM
To: Donoghue, Richard (USANYE) <RDonoghue@usa.doj.gov>
Subject: Re: EDNY Inmates

Sir,

The below details the status of the institution.

On Saturday, January 26, 2019, the institution experienced an electrical fire in a mechanical room serving power to the institution. The institutional emer working daily to repair damage to the mechanical room and is at the institution even today finishing work required to reconnect with Con Edison power. I

Inmate housing units have been minimally impacted. All housing units have functional lighting, meaning the common areas have lighting; however, each access leisure and recreational activities and are not required to be secured in their cells throughout the day. While televisions and computers are not ope the Courts. Heat and hot water has not been impacted. Temperatures within the institution are routinely monitored by staff to ensure appropriate temper to include offenders' living areas. The most recent temperature reading taken reflects an average of 70.2 degrees in the units' common areas and 70.1 in scheduled hot meals each day and are being seen in the Health Services Department.

I am having reports run which document every medication that has been dispensed since our power issue began. I will have this information on Monday.

Please let me know if you need further information or want to talk in advance of the hearing. Take care.

From: "Donoghue, Richard (USANYE)" <Richard.Donoghue@usdoj.gov>
Date: 2/1/19 9:30 PM (GMT-05:00)
To: "Herman (BOP) Quay" <Herman.Quay@usdoj.gov>
Subject: EDNY Inmates

>>> "Donoghue, Richard (USANYE)" 02/01/2019 21:30 >>>
Warden,

I received a call from our Chief Judge this evening about conditions at the MDC and concerns the judges have. There is at least one hearing scheduled for judges meeting at 1:00 on Tuesday. EOUSA - (b) (5) DPP

EO 1.1A - (b) (5) DPP [REDACTED]

If I can assist in any way, let me know. [REDACTED] EOUSA - (b) (5) DPP [REDACTED]

Thanks,

Rich Donoghue
U.S. Attorney
EDNY

Sent from my iPhone

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 [REDACTED] (b)(6); (b)(7)(C) 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 [REDACTED] (b)(6); (b)(7)(C) and I to be with the Congresswoman.

Investigator [REDACTED] (b)(6); (b)(7)(C) 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.

EDNY Inmates

From "Donoghue, Richard (USANYE)"
To Herman (BOP) Quay
Date 2019/02/01 21:30
Subject: EDNY Inmates
Attachments: Mime.822

Warden,

I received a call from our Chief Judge this evening about conditions at the MDC and concerns the judges have. There is at least one hearing scheduled for Monday morning and they are calling an all-judges meeting at 1:00 on Tuesday, EOUSA - (b) (5) DPP [REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

If I can assist in any way, let me know. EOUSA - (b) (5) DPP [REDACTED]
[REDACTED]
[REDACTED]

Thanks,

Rich Donoghue
U.S. Attorney
EDNY

Sent from my iPhone

Fwd: heat out again on some units?

From: Nicole McFarland
To: Herman Quay
Date: 2019/03/01 19:13
Subject: Fwd: heat out again on some units?
Attachments: TEXT.htm

Can I say we will be taking again. Around midnight? Do you think we can check a few cells in each unit?

Sent from my Verizon, Samsung Galaxy smartphone

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

From: Deirdre Vondornum <Deirdre_Vondornum@fd.org>
Date: 3/1/19 7:05 PM (GMT-05:00)
To: Nicole McFarland <(b)(6); (b)(7)(C)@bop.gov>, Adam Johnson <(b)(6); (b)(7)(C)@bop.gov>
Cc: David Patton <David_Patton@fd.org>, Seth Eichenholtz <(b)(6) & (b)(7)(C)@usdoj.gov>
Subject: Re: heat out again on some units?

>>> "Deirdre Vondornum" 03/01/2019 19:05 >>>

Is it possible to take a reading in the evening in the cells before lock-

in or first thing in the morning? the clients are saying they were shivering in the night last night. Taking it at 3 pm when the sun is out and the cell doors h

Get Outlook for iOS<<https://aka.ms/o0ukef>>

On Fri, Mar 1, 2019 at 5:39 PM -0500, "Nicole McFarland" <(b)(6); (b)(7)(C)@bop.gov> wrote:

Hello

The temperature readings from between 3 and 4 this afternoon for the areas you mention below are as follows.

53 cells 74 and common area 71

62 cells 74 and common 75

73 cells 73 and common 75

72 cells 74 and common 74

If you can point out specific cells it would be helpful so we can read those specific cells.

Nicole

Sent from my Verizon, Samsung Galaxy smartphone

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

From: Deirdre Vondornum <Deirdre_Vondornum@fd.org>
Date: 3/1/19 5:02 PM (GMT-05:00)
To: Nicole McFarland <(b)(6); (b)(7)(C)@bop.gov>, Adam Johnson <(b)(6); (b)(7)(C)@bop.gov>
Cc: David Patton <David_Patton@fd.org>, Seth Eichenholtz <(b)(6) & (b)(7)(C)@usdoj.gov>
Subject: Re: heat out again on some units?

>>> "Deirdre Vondornum" 03/01/2019 17:03 >>>

Yes, as I said in my email yesterday: the cells in units 53, 62, and 73. We also heard today from a client in 72 that it is very cold in his cell. Our clients or

Thanks,
Deirdre

Get Outlook for iOS<<https://aka.ms/o0ukef>>

From: Nicole McFarland <(b)(6); (b)(7)(C)@bop.gov>
Sent: Friday, March 1, 2019 4:49 PM
To: Adam Johnson; Deirdre Vondornum
Cc: David Patton; Seth Eichenholtz
Subject: Re: heat out again on some units?

Hi

Can you let us know the specific cells or units and areas that were reporting low temperatures? We can then go check those specific areas.

Sent from my Verizon, Samsung Galaxy smartphone

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

From: Deirdre Vondornum <Deirdre_Vondornum@fd.org>
Date: 3/1/19 1:27 PM (GMT-05:00)
To: Nicole McFarland <(b)(6); (b)(7)(C)@bop.gov>, Adam Johnson <(b)(6); (b)(7)(C)@bop.gov>
Cc: David Patton <David_Patton@fd.org>, Seth Eichenholtz <(b)(6) & (b)(7)(C)@usdoj.gov>
Subject: RE: heat out again on some units?

>>> "Deirdre Vondornum" 03/01/2019 13:27 >>>

Nicole – I am continuing to hear reports of cold air blowing from the vents in the cells on certain units. Can you let me know which units were checked v

Thanks,
Deirdre

From: Nicole McFarland [mailto:(b)(6); (b)(7)(C)@bop.gov]
Sent: Thursday, February 28, 2019 2:45 PM
To: Adam Johnson <(b)(6); (b)(7)(C)@bop.gov>; Deirdre Vondornum <Deirdre_Vondornum@fd.org>
Cc: David Patton <David_Patton@fd.org>
Subject: Re: heat out again on some units?

Good afternoon-

Thank you for your email. The temperature reading from today were within the guideline range. However, we forwarded your email to the appropriate s

Nicole

>>> Deirdre Vondornum <Deirdre_Vondornum@fd.org<mailto:Deirdre_Vondornum@fd.org>> 2/28/2019 1:46 PM >>>
Nicole and Adam,

Over the last two days, I have heard from clients on three different units/floors (53, 62, and 73) that cold air is blowing out the vents in their cells and the

Please let us know the situation.

Thanks,
Deirdre

Deirdre D. von Dornum
Attorney-in-Charge | EDNY
Federal Defenders of New York
(718) 330-1210
Deirdre_Vondornum@fd.org<mailto:Deirdre_Vondornum@fd.org>

Fwd: heat out again on some units?

From: Nicole McFarland
To: Herman Quay
Date: 2019/03/02 08:21
Subject: Fwd: heat out again on some units?
Attachments: TEXT.htm

How would you like me to respond?

Sent from my Verizon, Samsung Galaxy smartphone

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

From: Deirdre Vondornum <Deirdre_Vondornum@fd.org>
Date: 3/2/19 8:17 AM (GMT-05:00)
To: Nicole McFarland <(b)(6); (b)(7)(C)@bop.gov>, Adam Johnson <(b)(6); (b)(7)(C)@bop.gov>
Cc: David Patton <David_Patton@fd.org>, Seth Eichenholtz <(b)(6) & (b)(7)(C)@usdoj.gov>
Subject: Re: heat out again on some units?

>>> "Deirdre Vondornum" 03/02/2019 08:17 >>>
Thanks, Nicole.

The problem with referencing specific cells is the potential retaliation faced by the inmates who have spoken out. Several inmates who have filed BP-8s about the blackout conditions have already reported being treated badly by staff who made specific reference to them complaining and "causing trouble."

My understanding is that when Rep. Velazquez's staffer came last night to check the temperatures she was not taken to the units I had referenced as having the problem.

We will continue to visit and speak to our clients this weekend and I will keep you informed if I hear of cold cell temperatures.

Best,
Deirdre

Get Outlook for iOS<<https://aka.ms/o0ukef>>

On Sat, Mar 2, 2019 at 7:47 AM -0500, "Nicole McFarland" <(b)(6); (b)(7)(C)@bop.gov<mailto:(b)(6); (b)(7)(C)@bop.gov>> wrote:

Good morning

For the last few weeks we have been taking temperatures in the middle of the night. Around midnight. Last night we took them twice. Both times the cells were in the 60s.

Nicole

Sent from my Verizon, Samsung Galaxy smartphone

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

From: Deirdre Vondornum <Deirdre_Vondornum@fd.org>
Date: 3/1/19 7:05 PM (GMT-05:00)
To: Nicole McFarland <(b)(6); (b)(7)(C)@bop.gov>, Adam Johnson <(b)(6); (b)(7)(C)@bop.gov>
Cc: David Patton <David_Patton@fd.org>, Seth Eichenholtz <(b)(6) & (b)(7)(C)@usdoj.gov>
Subject: Re: heat out again on some units?

>>> "Deirdre Vondornum" 03/01/2019 19:05 >>>

Is it possible to take a reading in the evening in the cells before lock-in or first thing in the morning? the clients are saying they were shivering in the night.

Get Outlook for iOS<<https://aka.ms/o0ukef>>

On Fri, Mar 1, 2019 at 5:39 PM -0500, "Nicole McFarland" <(b)(6); (b)(7)(C)@bop.gov<mailto:(b)(6); (b)(7)(C)@bop.gov>> wrote:

Hello

The temperature readings from between 3 and 4 this afternoon for the areas you mention below are as follows.

53 cells 74 and common area 71

62 cells 74 and common 75

73 cells 73 and common 75

72 cells 74 and common 74

If you can point out specific cells it would be helpful so we can read those specific cells.

Nicole

Sent from my Verizon, Samsung Galaxy smartphone

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

From: Deirdre Vondornum <Deirdre_Vondornum@fd.org>
Date: 3/1/19 5:02 PM (GMT-05:00)
To: Nicole McFarland <(b)(6); (b)(7)(C)@bop.gov>, Adam Johnson <(b)(6); (b)(7)(C)@bop.gov>
Cc: David Patton <David_Patton@fd.org>, Seth Eichenholtz <(b)(6) & (b)(7)(C)@usdoj.gov>
Subject: Re: heat out again on some units?

>>> "Deirdre Vondornum" 03/01/2019 17:03 >>>

Yes, as I said in my email yesterday: the cells in units 53, 62, and 73. We also heard today from a client in 72 that it is very cold in his cell. Our clients or

Thanks,
Deirdre

Get Outlook for iOS<<https://aka.ms/o0ukef>>

From: Nicole McFarland <(b)(6); (b)(7)(C)@bop.gov>
Sent: Friday, March 1, 2019 4:49 PM
To: Adam Johnson; Deirdre Vondornum
Cc: David Patton; Seth Eichenholtz
Subject: Re: heat out again on some units?

Hi

Can you let us know the specific cells or units and areas that were reporting low temperatures? We can then go check those specific areas.

Nicole

Sent from my Verizon, Samsung Galaxy smartphone

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

From: Deirdre Vondornum <Deirdre_Vondornum@fd.org>
Date: 3/1/19 1:27 PM (GMT-05:00)
To: Nicole McFarland <(b)(6); (b)(7)(C)@bop.gov>, Adam Johnson <(b)(6); (b)(7)(C)@bop.gov>
Cc: David Patton <David_Patton@fd.org>, Seth Eichenholtz <(b)(6) & (b)(7)(C)@usdoj.gov>
Subject: RE: heat out again on some units?

>>> "Deirdre Vondornum" 03/01/2019 13:27 >>>

Nicole – I am continuing to hear reports of cold air blowing from the vents in the cells on certain units. Can you let me know which units were checked v

Thanks,
Deirdre

From: Nicole McFarland [mailto:(b)(6); (b)(7)(C)@bop.gov]
Sent: Thursday, February 28, 2019 2:45 PM
To: Adam Johnson <(b)(6); (b)(7)(C)@bop.gov>; Deirdre Vondornum <Deirdre_Vondornum@fd.org>
Cc: David Patton <David_Patton@fd.org>
Subject: Re: heat out again on some units?

Good afternoon-

Thank you for your email. The temperature reading from today were within the guideline range. However, we forwarded your email to the appropriate s

Nicole

>>> Deirdre Vondornum <Deirdre_Vondornum@fd.org<mailto:Deirdre_Vondornum@fd.org>> 2/28/2019 1:46 PM >>>
Nicole and Adam,

Over the last two days, I have heard from clients on three different units/floors (53, 62, and 73) that cold air is blowing out the vents in their cells and the

Please let us know the situation.

Thanks,

Re: Fwd: Activity in Case 1:19-cv-00660-MKB-SMG Federal Defenders of
From: Herman Quay
To: Holly Pratesi, Nicole McFarland
Date: 2019/02/06 18:21
Subject: Re: Fwd: Activity in Case 1:19-cv-00660-MKB-SMG Federal Defenders of
Attachments: TEXT.htm

10-4, thank you. Visiting hours will be extended again tonight due to a delayed count.

>>> Nicole McFarland <(b)(6);(b)(7)(C)>@bop.gov> 2/6/2019 6:06 PM >>>

Good news the Judge corrected the weekend visiting hours. Please let's just make sure we are allowing the attorneys to stay till 8 at night during the week.

Sent from my Verizon, Samsung Galaxy smartphone

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

From: "Eichenholtz, Seth (USANYE)" <(b)(6) & (b)(7)(C)>@usdoj.gov>
Date: 2/6/19 5:14 PM (GMT-05:00)
To: Adam Johnson <(b)(6);(b)(7)(C)>@bop.gov>, "Nicole (BOP) McFarland" <(b)(6);(b)(7)(C)>@usdoj.gov>
Cc: Sean Greene <(b)(6) & (b)(7)(C)>@usdoj.gov>, Gail Matthews <Gail.Matthews@usdoj.gov>, Susan Riley <(b)(6) & (b)(7)(C)>@usdoj.gov>
Subject: FW: Activity in Case 1:19-cv-00660-MKB-SMG Federal Defenders of New York, Inc. v. Federal Bureau of Prisons et al Order on Motion for Reconsideration

>>> "Eichenholtz, Seth (USANYE)" 02/06/2019 17:14 >>>

Hi all,

Good news, we got the official notice that the judge modified the order to set the correct weekend visiting hours. See below.

Seth D. Eichenholtz
Assistant United States Attorney
Civil Discovery Officer
Eastern District of New York
271 Cadman Plaza East, 7th Floor
Brooklyn, New York 11201
Telephone: (b)(6) & (b)(7)(C)
Fax: (b)(6) & (b)(7)(C)

From: ecf_bounces@nyed.uscourts.gov <ecf_bounces@nyed.uscourts.gov>
Sent: Wednesday, February 6, 2019 5:13 PM
To: nobody@nyed.uscourts.gov
Subject: Activity in Case 1:19-cv-00660-MKB-SMG Federal Defenders of New York, Inc. v. Federal Bureau of Prisons et al Order on Motion for Reconsideration

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive

U.S. District Court

Eastern District of New York
Notice of Electronic Filing

The following transaction was entered on 2/6/2019 at 5:12 PM EST and filed on 2/6/2019
Case Name:

Federal Defenders of New York, Inc. v. Federal Bureau of Prisons et al

Case Number:

1:19-cv-00660-MKB-SMG <<https://ecf.nyed.uscourts.gov/cgi-bin/DktRpt.pl?428785>>

Filer:

Document Number:

No document attached

Docket Text:

ORDER granting [12] Motion for Reconsideration. The Court grants defendants' application to modify the [9] Memorandum and Order to Show Cause (the "Order") dated

1:19-cv-00660-MKB-SMG Notice has been electronically mailed to:

(b)(6) & (b)(7)(C)

shecker@kaplanhecker.com<mailto:shecker@kaplanhecker.com>

jdabbs@kaplanhecker.com<<mailto:jdabbs@kaplanhecker.com>>

mccraig@kaplanhecker.com <mailto:mccraig@kaplanhecker.com>

dwikstrom@kaplanhecker.com<mailto:dwikstrom@kaplanhecker.com>

jmatz@kaplanhecker.com<mailto:jmatz@kaplanhecker.com>

bwhite@kaplanhecker.com<mailto:bwhite@kaplanhecker.com>

1:19-cv-00660-MKB-SMG Notice will not be electronically mailed to:

Get Outlook for iOS<<https://aka.ms/o0ukef>>

On Fri, Mar 1, 2019 at 5:39 PM -0500, "Nicole McFarland" <(b)(6);@bop.gov> wrote:

Hello,

The temperature readings from between 3 and 4 this afternoon for the areas you mention below are as follows.

53 cells 74 and common area 71

62 cells 74 and common 75

73 cells 73 and common 75

72 cells 74 and common 74

If you can point out specific cells it would be helpful so we can read those specific cells.

Nicole

Sent from my Verizon, Samsung Galaxy smartphone

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

From: Deirdre Vondornum <Deirdre_Vondornum@fd.org>

Date: 3/1/19 5:02 PM (GMT-05:00)

To: Nicole McFarland <(b)(6);@bop.gov>, Adam Johnson <(b)(6); (b)(7)(C);@bop.gov>

Cc: David Patton <David_Patton@fd.org>, Seth Eichenholtz <(b)(6) & (b)(7)(C);usdoj.gov>

Subject: Re: heat out again on some units?

>>> "Deirdre Vondornum" 03/01/2019 17:03 >>>

Yes, as I said in my email yesterday: the cells in units 53, 62, and 73. We also heard today from a client in 72 that it is very cold in his cell. Our clients on 62 say the heat has

Thanks,

Deirdre

Get Outlook for iOS<<https://aka.ms/o0ukef>>

From: Nicole McFarland <(b)(6);@bop.gov>

Sent: Friday, March 1, 2019 4:49 PM

To: Adam Johnson; Deirdre Vondornum

Cc: David Patton; Seth Eichenholtz

Subject: Re: heat out again on some units?

Hi

Can you let us know the specific cells or units and areas that were reporting low temperatures? We can then go check those specific areas.

Nicole

Sent from my Verizon, Samsung Galaxy smartphone

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

From: Deirdre Vondornum <Deirdre_Vondornum@fd.org>

Date: 3/1/19 1:27 PM (GMT-05:00)

To: Nicole McFarland <(b)(6);@bop.gov>, Adam Johnson <(b)(6);@bop.gov>

Cc: David Patton <David_Patton@fd.org>, Seth Eichenholtz <(b)(6) & (b)(7)(C);usdoj.gov>

Subject: RE: heat out again on some units?

>>> "Deirdre Vondornum" 03/01/2019 13:27 >>>

Nicole – I am continuing to hear reports of cold air blowing from the vents in the cells on certain units. Can you let me know which units were checked with temperature re

Thanks,

Deirdre

From: Nicole McFarland [mailto:(b)(6);@bop.gov]

Sent: Thursday, February 28, 2019 2:45 PM

To: Adam Johnson <(b)(6);@bop.gov>; Deirdre Vondornum <Deirdre_Vondornum@fd.org>

Cc: David Patton <David_Patton@fd.org>

Subject: Re: heat out again on some units?

Good afternoon-

AMERICAN
OVERSIGHT

Re: heat out again on some units?

From Herman Quay
To Nicole McFarland
Date 2019/03/01 17:12
Subject: Re: heat out again on some units?
Attachments: TEXT.htm

Check (b)(6); (b)(7)(C) latest temp readings, and let her know the temperatures in those specific units with readings taken between 3:20 - 4:30. If she has specific cells, we will check.

Sent from my Verizon, Samsung Galaxy smartphone

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

From: Nicole McFarland <(b)(6); (b)(7)(C)@bop.gov>
Date: 3/1/19 5:06 PM (GMT-05:00)
To: Herman Quay <(b)(6); (b)(7)(C)@bop.gov>
Subject: Fwd: heat out again on some units?

>>> "Nicole McFarland" 03/01/2019 17:06 >>>

Sent from my Verizon, Samsung Galaxy smartphone

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

From: Deirdre Vondornum <Deirdre_Vondornum@fd.org>
Date: 3/1/19 5:02 PM (GMT-05:00)
To: Nicole McFarland <(b)(6); (b)(7)(C)@bop.gov>, Adam Johnson <(b)(6); (b)(7)(C)@bop.gov>
Cc: David Patton <David_Patton@fd.org>, Seth Eichenholtz <(b)(6) & (b)(7)(C)@usdoj.gov>
Subject: Re: heat out again on some units?

Yes, as I said in my email yesterday: the cells in units 53, 62, and 73. We also heard today from a client in 72 that it is very cold in his cell. Our clients on 62 say the heat has been sputtering off and on in their cells. I am hearing consistently that the heat is on in the common areas.

RE: EDNY Inmates

From: Herman Quay
To: Richard Donoghue
Date: 2019/02/05 20:03
Subject: RE: EDNY Inmates
Attachments: TEXT.htm

(b)(6); (b)(7)(C)

Mr. Donoghue,

My number is (b)(6); (b)(7)(C) My direct office number is 718-840-4200 Thank you.

Herman Quay, Warden
MDC Brooklyn
80 29th Street
Brooklyn, NY 11232
718-840-4200

>>> "Donoghue, Richard (USANYE)" <Richard.Donoghue@usdoj.gov> 2/5/2019 4:45 PM >>>
Warden,

Please send me your cell phone #. I'd like to update you on some developments with our judges today.

Thanks,

Rich Donoghue

From: Herman Quay <(b)(6); (b)(7)(C)@bop.gov>
Sent: Saturday, February 2, 2019 9:52 AM
To: Donoghue, Richard (USANYE) <RDonoghue@usa.doj.gov>
Subject: Re: EDNY Inmates

Sir,

The below details the status of the institution.

On Saturday, January 26, 2019, the institution experienced an electrical fire in a mechanical room serving power to the institution. The institutional emergency team is working daily to repair damage to the mechanical room and is at the institution even today finishing work required to reconnect with Con Edison power. It is expected that power will be restored by Monday.

Inmate housing units have been minimally impacted. All housing units have functional lighting, meaning the common areas have lighting; however, each cell is not lit. Inmates are not required to be secured in their cells throughout the day. While televisions and computers are not operational in the Courts. Heat and hot water has not been impacted. Temperatures within the institution are routinely monitored by staff to ensure appropriate temperatures in the units' living areas. The most recent temperature reading taken reflects an average of 70.2 degrees in the units' common areas and 70.1 in the scheduled hot meals each day and are being seen in the Health Services Department.

I am having reports run which document every medication that has been dispensed since our power issue began. I will have this information on Monday.

Please let me know if you need further information or want to talk in advance of the hearing. Take care.

Sent from my Verizon, Samsung Galaxy smartphone

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

From: "Donoghue, Richard (USANYE)" <Richard.Donoghue@usdoj.gov>
Date: 2/1/19 9:30 PM (GMT-05:00)
To: "Herman (BOP) Quay" <(b)(6); (b)(7)(C)@usdoj.gov>
Subject: EDNY Inmates

>>> "Donoghue, Richard (USANYE)" 02/01/2019 21:30 >>>
Warden,

I received a call from our Chief Judge this evening about conditions at the MDC and concerns the judges have. There is at least one hearing scheduled for judges meeting at 1:00 on Tuesday. EOUSA - (b) (5) DPP

[REDACTED]

[REDACTED]

[REDACTED]

If I can assist in any way, let me know. EOUSA - (b) (5) DPP

Thanks,

Rich Donoghue
U.S. Attorney
EDNY

Sent from my iPhone

Fwd: Justice League NYC Twitter Account

From Ray Ormond
To Hugh Hurwitz, Michael Carvajal, Sonya Thompson, Thomas J. Scarantino
Date 2019/02/05 12:06
Subject: Fwd: Justice League NYC Twitter Account
Attachments: TEXT.htm, Ray Ormond.vcf

Sonya / Michael / Tommy - See below. Can we access the below twitter account and monitor the activity or listen to the calls?

cc: Hugh

J. Ray Ormond
Regional Director
Northeast Region
215-521-(b)(6);
(b)(7)(C)

>>> Michael (b)(6);
(b)(7)(C) 2/5/2019 11:57 AM >>>

Last night the organization Justice League NYC had a conference call at 9 PM. They had different speakers talking. They had the plan to meet today at 500 Pearl Street. I forwarded this information to DCT member Collier. There was a male congressman speaking during the conference call. I listened to 20 minutes of it. My friend USMS Robert Herrera was also listening and he had sent me a text that this organization was going to have the call and were coming to 500 Pearl Street today. You can call him Eastern District NY for more information about the call. USMS Herrera listened to the entire conference call. This organization has a twitter account named Justice League NYC and I was watching it to get information on them. The group that came after 11 AM to 500 Pearl Street is the same group protesting at MDC Brooklyn. There were about 15 of them with a camera crew and some were dressed in red.

Fwd: OIG inspection of MDC Brooklyn

From Valery Logan
To Herman Quay, Nicole McFarland
Date 2019/03/07 12:50
Subject: Fwd: OIG inspection of MDC Brooklyn
Attachments: TEXT.htm, Fwd: OIG inspection of MDC Brooklyn

FYI

Valery Logan
Executive Assistant
MDC Brooklyn
P.O. BOX 329001
Brooklyn, NY 11232
PH: (718) 840-5164
FAX: (718) 840-5005

(b)(6);
(b)(7)(C) [\[REDACTED\]@bop.gov](mailto:[REDACTED]@bop.gov)

From: Joseph Pecoraio
To: Valery Logan
Date: 2019/03/07 12:47
Subject: Fwd: OIG inspection of MDC Brooklyn
Attachments: TEXT.htm

Subject: OIG inspection of MDC Brooklyn

Department of Justice Office of the Inspector General
Evaluations and Inspections Division

Re: Question**From** Ray Ormond**To** Michael Bond**Date** 2019/02/06 16:22**Subject:** Re: Question**Attachments:** TEXT.htm, Ray Ormond.vcf

Perfect. Thanks

J. Ray Ormond
(b)(6); (b)(7)(C)
Regional Director
Northeast Region
215-521-[REDACTED]

>>> Michael Bond <(b)(6); (b)(7)(C)@bop.gov> 2/6/2019 4:20 PM >>>

My initial thought is we already know what the HVAC system needs. It needs general maintenance to be accomplished i.e. cleaning, filter changes, motor adjustments, Louver adjustments, coil cleaning, freeze pump replacement, and freeze stat repairs.

This is why we are bringing the HVAC TDY staff in to do this work. We would pay an A&E firm a lot of money to tell us what we already know needs to be accomplished based on my tour of the mechanical spaces this week.

If it is OK with you I think once the repairs are done we can have an A&E perform an HVAC survey to review all of the work that we have accomplished and to ensure proper operation.

Please let me know if you need anything clarified.

Mike

Sent from my Verizon, Samsung Galaxy smartphone

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

From: Michael Carroll <(b)(6); (b)(7)(C)@bop.gov>
Date: 2/6/19 3:55 PM (GMT-05:00)
To: Michael Bond <(b)(6); (b)(7)(C)@bop.gov>
Subject: Question

>>> "Michael Carroll" 02/06/2019 15:55 >>>

Mike,

The RD had a question that we need a quick turn-around on. As we are planning on doing project for the electrical system at BRO., can we do the same review for the heating and air conditioning? If we are doing the electric would it or not make sense to the HVAC system at the same time.

Please explain your position/decision either way. You can send it in a text/email to the RD with a cc to me - thank you.

Mike

Re: Question

From Ray Ormond

To Michael Bond

Date 2019/02/06 16:24

Subject: Re: Question

Attachments: TEXT.htm, Ray Ormond.vcf

Did you say when the TDY would happen?

J. Ray Ormond
Regional Director
Northeast Region
215-521-(b)(6);
(b)(7)(C)

>>> Michael Bond <(b)(6); (b)(7)(C)@bop.gov> 2/6/2019 4:20 PM >>>

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Sent from my Verizon, Samsung Galaxy smartphone

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

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Date: 2/6/19 3:55 PM (GMT-05:00)
To: Michael Bond <(b)(6); (b)(7)(C)@bop.gov>
Subject: Question

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Please explain your position/decision either way. You can send it in a text/email to the RD with a cc to me - thank you.

Mike

Noteworthy News Clips 2.11.19

From Susan Allison
Bradley T Gross, Darrin Harmon, Deborah Schult, David Shinn, Juan Baltazar, John Caraway, Jeffery Keller, Jeff Krueger, Kenneth Hyle, L. Cristina Griffith, Michael Carvajal, Patrick T. O'Connor, Ray Ormond, Robbie Rhodes, Sonya Thompson, Shaina Vanek
To
Date 2019/02/11 12:50
Subject: Noteworthy News Clips 2.11.19
Attachments: TEXT.htm

'It's Cold as Hell': Inside a Brooklyn Jail's Weeklong Collapse

New York Times

<https://www.nytimes.com/2019/02/09/nyregion/brooklyn-jail-no-heat-inmates.html>

In the middle of New York City, they had been cut off from the world. It was the end of January, and hundreds of inmates at the Metropolitan Detention Center in Brooklyn had been locked in their cells after an electrical fire knocked out power in the building. There, it turned out, they would spend the coldest days of the winter in darkness, largely without heat and hot water. "It's cold as hell," one inmate, Sean Daughtry, told his lawyer. He could see his breath in the weak light that slanted through his cell window. When news of how the inmates were treated reached the world outside, the warden of the federal jail, Herman E. Quay, at first denied there was any problem outside a partial loss of power. "Inmate housing units have been minimally impacted," Mr. Quay's office [told The New York Times during the blackout](#), a message initially echoed by the Bureau of Prisons in Washington.

How We Learned About the Freezing Federal Jail in New York

New York Times

<https://www.nytimes.com/2019/02/09/reader-center/metropolitan-detention-center-cold-jail.html>

After midnight on Jan. 31, the coldest day in New York City in three years, I got an email from an unfamiliar address. The subject line was "MDC Brooklyn without Power." "No heat no power no proper food," read the anonymous message. "Over 72 hours in lockdown. Please help." M.D.C. is the Metropolitan Detention Center, a federal jail on the Brooklyn waterfront that houses more than 1,600 inmates. Many of them have not been convicted and are being held before trial. Reporters at The New York Times get a lot of email. Much of it is spam, unsolicited press releases, questions or complaints about our coverage. Occasionally, there is a solid news tip. But even then, it rarely feels as urgent as this one did.

Prisoners are among the most vulnerable people in the U.S.

Washington Post

https://www.washingtonpost.com/outlook/2019/02/10/prisoners-are-among-most-vulnerable-people-us/?utm_term=.1eeba692cdded

The U.S. prison system is irrevocably broken, and incarcerated people remain one of the most vulnerable populations in the country. In the United States, the vast [majority](#) (67 percent) of the incarcerated are people of color and come from [poor](#) and working-class backgrounds. A significant [percentage](#) also live with mental illness. As inmates, they are unable to give consent or exercise autonomy over their treatment, and as such are wholly subject to the whims of prison officials, guards and politicians — many of whom generally [do not](#) have their best interests in mind. [Headline](#) after [headline](#) about the [cruelty](#), [neglect](#) and [violence](#) inflicted upon incarcerated individuals by those ostensibly charged with their care make this clear. This holds especially true during periods of extreme weather, when inmates are at risk of [greater danger](#) due to poor infrastructure, aggressive guards or lack of resources.

From Bradley T Gross
To Hugh Hurwitz, Kevin Pistro, L. Cristina Griffith, Michael Carvajal
Date 2019/01/08 16:28
Subject: Fwd: Shutdown & BOP - need an update
Attachments: TEXT.htm

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

>>> "Loneryl Burns" 01/08/2019 15:56 >>>

Please see the responses below. Let me know if you have any additional questions.

>>> "Lucas, Daniel (JMD)" (b) (6) @usdoj.gov> 1/8/2019 1:28 PM
>>>

(b) (5)

AMERICAN
OVERSIGHT

Brad, Loneryl, and Syed-

Senate CJS is looking for better info on BOP and shutdown impacts in light of this article (below).

Thanks,

Dan Lucas
Appropriations Liaison Officer
Justice Management Division
U.S. Department of Justice
(b) (6)
(b) (6)@usdoj.gov

Incoming questions from CJS (with some draft responses I added, but please tweak as appropriate)

- This article is saying that up to half of BOP is furloughed, but DOJ guidance indicates 97% of staff are excepted employees. What is the correct number? What positions/job series are furloughed?

(b) (5)

- The article references PCS or other move costs. How many BOP employees are impacted (in that they are required to move, but will not receive the previously promised relocation costs)?

(b) (5)

- It previously sounded like services to inmates would *not* be affected. What services to inmates are being curtailed during a shutdown? What services have been limited?

(b) (5)

... guidance from Central Office goes out to the field as to what services are to be ceased, reduced or must continue? Or are these decisions being made at the regional or warden level?

(b) (5)

· This article makes it sound like mental health services are being stopped or reduced during the shutdown. Is this the case? Are any mental health or counseling (to include drug counseling) services being stopped or reduced? If so, which services and how many inmates are impacted?

(b) (5)

· What is the situation with compassionate release reviews? Are they on hold during a shutdown? Why?

(b) (5)

· Do you have any further information on the lawsuit brought by the COs mentioned at the end of the article?

(b) (5)

What the Government Shutdown Looks Like Inside Federal Prisons

Family visits canceled, guards driving for Uber, rising tensions and more.

By Eli Hager, The Marshall Project

FILED 5:12 p.m.

01.07.2019

<https://www.themarshallproject.org/2019/01/07/what-the-government-shutdown-looks-like-inside-federal-prisons>

OIG's Information Request - MDC Brooklyn

From: Joseph Pecoraio
To: David Shinn, Hugh Hurwitz, Julia Frith, Kristie A. Breshears, Kevin Pistro, Luke Ormandy, Mina Raskin, Paul Layer
Date: 2019/02/08 09:23
Subject: OIG's Information Request - MDC Brooklyn
Attachments: TEXT.htm, Untitled.PDF

Acting Director, Dave, Paul, and Kristie,

Attached is OIG's request for documents related to MDC Brooklyn's OIG Audit.

Kristie,

If you can have your staff e-mail me MDC Brooklyn's Program Review Reports for all disciplines from October 1, 2015, to Present, and "cc" Luke as well I would appreciate it! I will pull the ACA Report.

Thanks,

Joe

General

- SIS → 1. Relevant Video Footage Based on Discussion with BOP staff
- Cune Capt → 2. Roster of all inmates currently housed at MDC Brooklyn as of 2/7/2019
- Yes/No if prisoner was at MDC Brooklyn between 1/26/19 and 2/7/2019
 - Unit assignment (if available)
 - Cell assignment (if available)

BOP and MDC Brooklyn Policies

- Capt → 3. MDC Brooklyn or relevant emergency management or contingency plans
- CAPT (b)(6); (b)(7)(C) → 4. MDC Brooklyn or relevant BOP emergency management policies and procedures
- CAPT (b)(6); (b)(7)(C) → 5. MDC Brooklyn or relevant BOP cold weather protocols
- CAPT → 6. MDC Brooklyn or relevant BOP policies detailing lockdown procedures
- Legal → 7. MDC Brooklyn or relevant BOP policies detailing legal access
- CAPT → 8. Inmate movement protocols
- Inmate Segregation Policies
 - Gender Segregation Policies
 - Any other movement protocols
- (b)(6); (b)(7)(C) → 9. Any after action report related to recent electrical and heating issues

From October 1, 2015 - Present

- (b)(6); (b)(7)(C) → (b)(6); (b)(7)(C) → 10. BOP Program Reviews, Internal Inspections, and/or American Corrections Association Audits

From October 1, 2017 - Present (For East and West and Buildings)

- (b)(6); (b)(7)(C) → 11. HVAC Maintenance Logs
- Temperature logs from housing units (if available)
 - Inspection and repair records
 - Work orders
 - Documentation of repairs made
 - HVAC Maintenance Vendor Contract/Agreement
 - Invoices of contractor repair
- (b)(6); (b)(7)(C) → 12. Electrical System Logs
- Inspection and repair requests
 - Documentation of repairs made
 - Works orders
 - Electrical Maintenance Vendor Contract/Agreement
 - Invoices of contractor repair
- (b)(6); (b)(7)(C) → 13. Records of work orders for heating and electrical system
- (b)(6); (b)(7)(C) → 14. Documentation of water damage or mold in facility (maintenance requests/records, remediation actions)
- (b)(6); (b)(7)(C) → (b)(6); (b)(7)(C) → 15. Inmate or staff complaints about
- Heating and Cooling
 - Electricity access
- (b)(6); (b)(7)(C) → 16. Fire Prevention Unit Log Books

- (b)(6); (b)(7)(C) — 17. Monthly emergency generator inspection logs
- (b)(6); (b)(7)(C) — 18. Legal Visit Log books
- CAD/Legal (b)(6); (b)(7)(C) — 19. List of all dates access to legal assistance was limited or cancelled, and an explanation as to why access was curtailed

For the scope of October 1, 2018 – Present (For East and West Building)

- 20. Fire Department and/or BOP incident report on January 27th fire (if available)
- 21. Inmate injury forms
- 22. Unit Logs that detail
 - a. Correctional officer observations
 - b. All the Medical attention or treatment that was provided to inmates during this period (Physical and Mental Health)
 - c. Prescription requests, distributions, and fulfillment records
- 23. Sensitive Information Reports
- 24. For any male inmate who was in the SHU during this scope, all BP-292s.
- 25. List of any inmates on Suicide Watch and accompanying Psychiatric Seclusion Logbooks
- 26. Category I and Category II incident reports
- 27. Any BOP Staff Use of Force on Inmate
- 28. Commissary Transaction Log

Fwd: MDC Brooklyn - Requested information

From Kevin Pistro
To Bradley T Gross, Hugh Hurwitz, Jennifer L. Edens, James Wills, Kenneth Hyle, Loneryl Burns, Susan Allison, Sonya Thompson
Date 2019/02/15 11:38
Subject: Fwd: MDC Brooklyn - Requested information
Attachments: TEXT.htm, OIG Documentation Request Checklist_1.pdf

FYSA - I asked PRD for a brief synopsis as I'm compiling DAG TPs; figured I'd share as you may have need to know.

>>> Julia Frith 2/15/2019 10:29 AM >>>
Hi Kevin,

Please see requested information in bold:

- How many inmates were interviewed? **7 inmates were interviewed (6 males, 1 female)**
- How many staff were interviewed? **19 staff were interviewed**
- How many pages of documentation were produced and are still pending (obviously approx. if fine)?
PRODUCED: Approximately 17,000 pages
STILL PENDING: 4 items still pending with an estimated amount of 5,000 pages **(The attached checklist denotes what OIG was provided prior to their departure and the highlighted sections indicate which documentation is still pending.)**
- Brad mentioned institutional camera footage that was requested - how many hours worth?
Approximately 2,576 hours of camera footage was requested and has not yet been provided.
Breakdown follows:

Jan 27 - Feb 5, 2019 = 10 days

6am - 10pm = 16 hours per unit multiplied by 16 units total = 256 hours per day

256 hours per day multiplied by 10 = 2,560 hours for unit camera footage

16 hours for front lobby footage from February 3 = 16 hours

Additionally, OIG obtained temperature readings of the general areas in the housing units, cells, and the showers. Simultaneously, BOP staff also obtained those readings. All temperature readings by BOP staff and OIG were recorded. MDC Brooklyn is currently gathering those readings in a document and I will forward as soon as it is provided. Let me know if you have any concerns or further questions.

Thanks,
Julia

Documentation Request from OIG

General

- ☐ 1. Relevant video footage based on discussion with BOP staff
- ☒ 2. Roster of all inmates currently housed at MDC Brooklyn as of 2/7/2019
 - ☒ a. Yes/No if prisoner was at MDC Brooklyn between 1/26/19 and 2/7/19
 - ☒ b. Unit assignment (if available)
 - ☒ c. Cell assignment (if available)

BOP and MDC Brooklyn Policies

- ☒ 3. MDC Brooklyn or relevant emergency management of contingency plans
- ☒ 4. MDC Brooklyn or relevant BOP emergency management policies and procedures
- ☒ 5. MDC Brooklyn or relevant BOP cold weather protocols
- ☒ 6. MDC Brooklyn or relevant BOP policies detailing lockdown procedures
- ☒ 7. MDC Brooklyn or relevant BOP policies detailing legal access
- ☒ 8. Inmate movement protocols
 - ☒ a. Inmate segregation policies
 - ☒ b. Gender segregation policies
 - ☒ c. Any other movement protocols
- ☒ 9. Any after action report related to recent electrical and heating issues

From October 1, 2015 – Present

- ☒ 10. BOP Program Reviews, Internal Inspections, and/or ACA Audits

From October 1, 2017 – Present (for East and West buildings)

- ☒ 11. HVAC Maintenance Logs
 - ☒ a. Temperature logs from housing units (if available)
 - ☒ b. Inspection and repair records
 - ☒ c. Work orders
 - ☒ d. Documentation of repairs made
 - ☒ e. HVAC maintenance vendor contract/agreement
 - ☒ f. Invoices of contractor repair
- ☒ 12. Electrical System Logs
 - ☒ a. Inspection and repairs made
 - ☒ b. Documentation of repairs made

- ☒ c. Word orders
- ☒ d. Electrical maintenance vendor contract/agreement
- ☒ e. Invoices of contractor repair
- ☒ 13. Records of work orders for heating and electrical system
- ☒ 14. Documentation of water damage or mold in facility (maintenance requests/records, remediation actions)
- ☒ 15. Inmate or staff complaints about
 - ☒ a. Heating and cooling
 - ☒ b. Electricity access
- ☒ 16. Fire prevention unit log books
- ☒ 17. Monthly emergency generator inspection logs
- ☒ 18. Legal visit log books
- ☐ 19. List of all dates access to legal assistance was limited or canceled, and an explanation as to why access was curtailed

For the scope of October 1, 2018 – Present (for East and West Building)

- ☒ 20. Fire Department and/or BOP incident report on January 2th fire (if available)
- ☒ 21. Inmate injury forms
- ☒ 22. Unit logs that detail
 - ☒ a. Correctional officer observations
 - ☒ b. All medical attention or treatment that was provided to inmates during this period (physical and mental health)
 - ☒ c. Prescription requests, distributions, and fulfillment records
- ☒ 23. Sensitive information reports
- ☐ 24. For any male inmate who was in the SHU during this scope, all BP-292s
- ☒ 25. List of any inmates on suicide watch and accompanying psychiatric seclusion logbooks
- ☐ 26. Category I and Category II incident reports
- ☒ 27. Any BOP staff use of force on inmate
- ☒ 28. Commissary transaction log

Additional Requests During Visit

- ☐ 29. Last social visiting log book
- ☒ 30. Last official visitor log book
- ☒ 31. Fire/Evacuation mock scenario

OIG Unannounced Inspection - MDC Brooklyn

From: BOP-PRD/Assistant Director~
Andrew CiolliAmber Nelson, Bradley T GrossBridgette LylesBenjamin O'Conne, Barry A. OrmondChris BinaCarolyn D. DunsonCynthia Hugar, Darrin Harmon, Deborah SchultDan SproulDonna M HillElizabeth Pottios, Hugh HurwitzHoward Johnson, Juan Baltazar, John CarawayJulia FrithJohn Gilley, Jeffery Keller, Jeff KruegerJoseph PecoraioJames PetrucciJolisse SchulerJames Wills, Kenneth HyleKevin PistroLoneryl Burns, L. Cristina GriffithLuke OrmandyMelinda ClarkMarianne Cantwell, Michael CarvajalMichelle GonyeaMildred ReidMichael Carroll, Patrick T. O'ConnorPaul LayerRobin DavisRina DesaiRoan McCollough, Robbie RhodesSusan Allison, Sonya ThompsonSheila KiernanShannon Phelps, Shaina VanekSteve WentzelThomas J. Scarantino

To:

Date: 2019/02/07 11:40

Subject: OIG Unannounced Inspection - MDC Brooklyn

Attachments: TEXT.htm, E&I Signed Initiation Memo (BOP).pdf, OIG Notification to BOP of Inspection Program.pdf, 2018-11-01 Initiation Memo OIG Program of Inspections of BOP Institution... 1 1.pdf

All,

- On February 7, 2019, PRD received notification the OIG Office of Inspection and Evaluation is initiating an immediate inspection of MDC Brooklyn.
- The inspection is intended to review the BOP's response to electrical and heating issues that occurred beginning in January 2019.
- OIG objectives are: 1) to determine how those issues occurred; 2) whether the BOP has in place adequate contingency plans for such an incident; and 3) how these conditions affected prisoners' conditions of confinement and access to counsel.
- OIG also intends to assess steps BOP management officials took to address and resolve those issues.
- OIG indicated they will consider including other issues that may arise during this inspection.

Attached is the initiation memorandum for the immediate inspection of MDC Brooklyn. Also attached, for historical purposes, is the initial memorandum from OIG regarding Inspections of BOP institutions and the MOU detailing the protocols of BOP institution inspections. Luke Ormandy, External Audit Section, will be the liaison for this engagement. If you or your staff have any questions regarding this notification, please contact Joseph Pecoraio, Administrator, External Auditing Branch, at [202-307-0281](tel:202-307-0281).

Thanks - Dave

SENSITIVE/PRIVILEGED COMMUNICATION

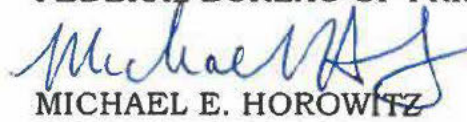
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February 7, 2019

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



November 1, 2018

MEMORANDUM FOR HUGH HURWITZ
ACTING DIRECTOR
FEDERAL BUREAU OF PRISONS

FROM:


MICHAEL E. HOROWITZ
INSPECTOR GENERAL

SUBJECT: OIG Inspections Program of BOP Institutions

The Office of the Inspector General (OIG) is initiating a program of inspections of Federal Bureau of Prisons (BOP) institutions. The OIG's Evaluation and Inspections Division and BOP jointly developed the procedures detailed in the attached notification to account for safety and security considerations.

The objectives of a particular inspection may vary according to several factors, including publicly reported concerns, complaints received through the OIG Hotline, findings or conclusions drawn from previous OIG reviews, or other circumstances. Inspection objectives may be unique to a specific institution or may be replicated at more than one institution. OIG intends for these inspections to promote operational effectiveness in BOP as well as for BOP to gain feedback from OIG work more quickly and more often than our traditional program reviews allow.

If you have immediate 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.

Attachment

cc: Kevin Pistro
Chief of Staff
Federal Bureau of Prisons

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

JoHanna Hall
Chief, External Audits
Planning and Analysis Section
Program Review Division
Federal Bureau of Prisons

Richard P. Theis
Assistant Director
DOJ Audit Liaison Office
Justice Management Division

Mary T. Myers
Audit Liaison Specialist
DOJ Audit Liaison Office
Justice Management Division

OIG Audit Notification

From BOP-PRD/Assistant Director~
Alix McLearen, Bradley T GrossBridgette LylesBenjamin O'ConeChris BinaCarolyn D. DunsonDarrin Harmon, Deborah SchultDonna M HillHugh HurwitzJuan BaltazarJohn CarawayJulia FrithJeff KruegerJoseph PecoraioJeffrey KellerJolisse SchulerJames WillsKevin
To Hood, Kenneth HyleKevin PistroLoneryl Burns, L. Cristina GriffithLuke Ormandy, Michael CarvajalMichelle GonyeaMildred ReidPatrick T. O'ConnorPaul LayerRobin DavisRina DesaiRay Ormond, Robbie RhodesSusan Allison, Sonya ThompsonSheila KiernanShaina VanekSteve WentzelThomas J. Scarantino
Date 2019/02/12 10:28
Subject: OIG Audit Notification
Attachments: TEXT.htm, DOJ OIG to MOCs re Brooklyn MDC 02.11.19.pdf, DOJ OIG to Chairman Johnson BOP review 02.11.19.pdf, Bureau of Prisons Female Population Hearing QFRs_Horowitz.pdf

Deb, Brad, Cristina, Michael, Robbie, Sonya, and Ken,

- On February 11, 2019, the Office of Inspector General transmitted three pieces of correspondence to Congress (attached).
- As reflected therein, OIG is in the process of developing a review to examine BOP's handling of sexual misconduct and harassment allegations, which will give them the opportunity to reconsider the role of CEOs in the disciplinary process, and to identify any potential problems or areas for improvement in the current process.
- Additionally, the OIG informed Congress that the OIG initiated an inspection and review of BOP's management of the electrical and heating issues that occurred in January 2019 at MDC Brooklyn. Specifically, OIG will assess whether BOP has in place adequate contingency plans for such an incident, how the situation affected prisoners' conditions of confinement and access to counsel, and what steps BOP management officials took to address and resolve those issues. If circumstances warrant, OIG will consider including other issues that may arise during the course of the inspection and review.

This is for informational purposes only. If you or your staff have any questions, please contact Joseph Pecoraio, Administrator, External Auditing Branch, at [202-307-0281](tel:202-307-0281).

Thanks - Dave



February 11, 2019

The Honorable Nydia M. Velázquez
The Honorable Kamala Harris
The Honorable Elizabeth Warren
The Honorable Adriano Espaillat
The Honorable Nita M. Lowey
The Honorable Hakeem Jeffries
The Honorable Eliot L. Angel
The Honorable Grace Meng
The Honorable Max Rose
The Honorable Alexandria Ocasio-Cortez
The Honorable Tony Cardenas
The Honorable Brenda Lawrence
The Honorable Cedric Richmond
The Honorable Bobby Scott
The Honorable Kathleen Rice

The Honorable Jerrold Nadler
The Honorable Kirsten Gillibrand
The Honorable Carolyn B. Maloney
The Honorable José E. Serrano
The Honorable Gregory W. Meeks
The Honorable Sean Patrick Maloney
The Honorable Ayanna Pressley
The Honorable Thomas R. Suozzi
The Honorable Eleanor Holmes Norton
The Honorable Yvette D. Clarke
The Honorable Mark Pocan
The Honorable John Lewis
The Honorable Raul Grijalva
The Honorable Albio Sires

Dear Members of Congress:

I am writing in response to your letter dated February 6, 2019, requesting that the Department of Justice (DOJ) Office of the Inspector General (OIG) review the conditions at the Federal Bureau of Prisons' (BOP) Metropolitan Detention Center in Brooklyn, New York (MDC Brooklyn) and management practices at the facility.

On February 7, 2019, the OIG initiated an inspection and review of BOP's management of the electrical and heating issues that occurred beginning in January 2019 at the MDC. That same day, the OIG conducted an initial site visit, inspection of the facility, and began conducting interviews.

The OIG will assess how the conditions referenced in your letter occurred, whether BOP has in place adequate contingency plans for such an incident, and how the situation affected prisoners' conditions of confinement and access to counsel. The OIG will also assess 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. We will publicly report our findings and recommendations.

Thank you for your inquiry and for your ongoing support of the OIG. If you have any further questions, please feel free to contact me or Adam Miles, Counselor to the Inspector General, at (202) 514-3435.

Sincerely,



Michael E. Horowitz
Inspector General



U.S. Department of Justice

Office of the Inspector General

February 11, 2019

The Honorable Ron Johnson
Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Mr. Chairman:

I am writing in response to your letter dated December 11, 2018, in which you requested that the Department of Justice (Department) Office of the Inspector General (OIG) examine the U.S. Federal Bureau of Prisons' (BOP) policies, procedures, and responses to allegations of sexual abuse, harassment, and misconduct. Among other issues, your letter states that the Committee has heard from whistleblowers who allege that high-ranking BOP officers accused of sexual harassment consistently face insufficient accountability for their actions.

In response to your letter, public reports on allegations of BOP misconduct, and our own risk assessment, the OIG is currently in the process of developing a review to examine BOP's handling of sexual misconduct and harassment allegations. The OIG last conducted a comprehensive review of BOP's disciplinary system in 2004. ("Review of the Federal Bureau of Prisons' Disciplinary System," Report Number I-2004-008, available at <https://oig.justice.gov/reports/BOP/e0408/final.pdf>). In light of the concerns expressed in your letter and the others received by the OIG, we believe it is time to update this review, with a specific and systemic focus on BOP's handling allegations of sexual misconduct and harassment.

We hope that this information is helpful for the Committee's purposes. We will update the Committee when the OIG formally initiates the review. If you have further questions, please feel free to contact me, or Adam Miles, Counselor to the Inspector General, at (202) 514-3435.

Sincerely,



Michael E. Horowitz
Inspector General

cc: The Honorable Gary Peters
The Honorable Lindsey Graham
The Honorable Dianne Feinstein

Questions for the Record for The Honorable Michael Horowitz
Inspector General
U.S. Department of Justice

Submitted by Congressman Jody Hice

1. BOP facilities employ an SIS Lieutenant to conduct investigations into misconduct at the facility as assigned by the OIA. These Lieutenant are within the chain of command of the facility. The Committee has received complaints about conflicts of interest. What potential problems do you see with this arrangement?

The Office of the Inspector General (OIG) last conducted a comprehensive review of BOP's disciplinary system in 2004. ("Review of the Federal Bureau of Prisons' Disciplinary System," Report Number I-2004-008, available at <https://oig.justice.gov/reports/BOP/e0408/final.pdf>). The review noted that the majority of BOP disciplinary investigations, 81 percent, were conducted locally by Special Investigative Agents (SIA) and Special Investigative Supervisors (SIS), after referral of the allegation from the Office of Internal Affairs (OIA). The review raised a concern with certain aspects of the SIA/SIS investigative process, noting:

CEOs review and have the opportunity to influence [SIA/SIS] investigation reports for cases in which they also act as the deciding officials. This can compromise the independence of the investigative and adjudicative phases of the BOP disciplinary process and create the potential for unreasonable outcomes.

Because of this concern about chain of command influence on the investigation, the OIG recommended that BOP "remove the CEOs from reviewing and approving investigative reports of employee misconduct for cases in which they will act as the deciding official by implementing an alternative review process that preserves the independence of the investigative and adjudicative phases." In response to the OIG recommendation, BOP developed a new process under which OIA is responsible for reviewing and approving local staff misconduct investigation conducted by SISs and SIAs before the investigation is forwarded to the CEO for adjudication.

Despite this change, the majority of misconduct allegations continue to be investigated locally. The OIG is in the process of developing a review to examine BOP's handling of sexual misconduct and harassment allegations, which will give us the opportunity to consider the use of local investigations, and to identify any potential areas for improvement in the current process. We will inform the Committee when we formally initiate this review.

2. According to BOP Program Statement 3420.11, as the deciding official, a facility's CEO has the final say in disciplinary actions. When considering the appropriate penalty, the

deciding official “considers relevant circumstances, including mitigating and aggravating factors, when determining the appropriate penalty.” What potential problems do you see with allowing CEO’s at each facility determine appropriate penalty rather than a centralized decision maker?

As discussed above, in our 2004 review, the OIG raised concerns about certain aspects of the CEO's role in the BOP disciplinary process. As noted, the OIG is in the process of developing a review to examine BOP's handling of sexual misconduct and harassment allegations, which will give us the opportunity to again consider the role of CEOs in the disciplinary process, and to identify any potential problems or areas for improvement in the current process.

Fwd: OIG Extending Today's Visit

From Joseph Pecoraio
To David Shinn, Hugh Hurwitz, Herman QuayKevin PistroMina
RaskinPaul Layer, Ray Ormond
Date 2019/02/12 21:47
Subject: Fwd: OIG Extending Today's Visit
Attachments: TEXT.htm

Hi Everyone,

OIG departed the facility at approximately 9:40 p.m. All temperatures appeared to be in range in SHU (West, Range 3) and all bravo units on each floor.

OIG will be back in the morning at 8:30 a.m. to finish interviewing staff and one female inmate.

Have a good night,

Joe

>>> "Joseph Pecoraio" 02/12/2019 19:53 >>>

Acting Director, Dave, Ray, and Herman,

OIG initially was to depart the facility today at 3:00 p.m. However, 2 auditors departed and 3 stayed behind to continue staff interviews.

At approximately 7:15 p.m., I asked the auditors if they were done for the day. The lead auditor stated he wanted to conduct temperature checks of at least one housing unit on each floor including showers using OIG's own equipment before they leave for the night.

We are waiting for OIG's equipment to arrive before testing begins.

All applicable institution staff have been notified and facility staff will be walking with us during this tour.

If there are any questions please let me know.

Thanks,

Joe

OIG Site Visit - MDC Brooklyn

From BOP-PRD/External Liaison~
To David ShinnDonna M HillHugh Hurwitz, Herman QuayJulia FrithJames PetrucciKevin PistroLuke OrmandyMina RaskinMichael CarrollRay OrmondValery Logan
Date 2019/02/25 10:33
Subject: OIG Site Visit - MDC Brooklyn
Attachments: TEXT.htm

Herman,

As a result of the ongoing OIG review of MDC Brooklyn, auditors from the OIG Evaluation and Inspection Division will be returning to your facility on Wednesday, February 27, 2019. OIG indicated they wish to review video footage downloaded at their request with MDC Brooklyn staff so they can familiarize themselves with the footage. Upon their departure, OIG will take the downloaded footage with them. In addition, OIG will be interviewing more MDC Brooklyn staff during this visit. OIG also requested a response to the following questions during their visit.

(b)(5)

I will also be arriving Wednesday morning to assist you and your staff in facilitating OIG's visit. If you have any questions regarding this site visit, please do not hesitate to contact me.

Thank you - Joe

Joseph Pecoraio, Administrator
Program Review Division
External Auditing Branch
[\(202\) 307-0281](tel:(202)307-0281)

SENSITIVE/PRIVILEGED COMMUNICATION

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Fwd: Shutdown & BOP - need an update

From Bradley T Gross
To Hugh Hurwitz, Kevin Pistro, L. Cristina Griffith, Michael Carvajal
Date 2019/01/08 16:28
Subject: Fwd: Shutdown & BOP - need an update
Attachments: TEXT.htm

Fyi

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

From: Loneryl Burns <(b)(6); (b)(7)(C)@bop.gov>
Date: 1/8/19 3:56 PM (GMT-05:00)
To: "Bradley T (BOP) Gross" <(b)(6); (b)(7)(C)@usdoj.gov>, "Loneryl(BOP) Burns" <(b)(6); (b)(7)(C)@usdoj.gov>, Daniel Lucas <(b)(6); (b)(7)(C)@usdoj.gov>
Cc: Syed Zaidi <(b)(6); (b)(7)(C)@bop.gov>, Sonya Thompson <(b)(6); (b)(7)(C)@bop.gov>, Susan Allison <(b)(6); (b)(7)(C)@bop.gov>
Subject: RE: Shutdown & BOP - need an update

>>> "Loneryl Burns" 01/08/2019 15:56 >>>

Dan,

Please see the responses below. Let me know if you have any additional questions.

Thanks,
Loneryl

>>> "Lucas, Daniel (JMD)" <Daniel.Lucas2@usdoj.gov> 1/8/2019 1:28 PM
>>>

I should add the Qs 3, 4, 5 and 6 may all get a similar response of At BOP Institutions, ordinary operations are continuing during the lapse including inmate programming, medical treatment, releases, etc.

From: Lucas, Daniel (JMD)
Sent: Tuesday, January 08, 2019 1:23 PM
To: Gross, Bradley T (BOP) <(b)(6); (b)(7)(C)@usdoj.gov>
<(b)(6); (b)(7)(C)@usdoj.gov>; Burns, Loneryl (BOP) <(b)(6); (b)(7)(C)@usdoj.gov>; Syed Zaidi <(b)(6); (b)(7)(C)@bop.gov>
Cc: Munro, Shannon L. (JMD) <smunro@jmd.usdoj.gov>
Subject: FW: Shutdown & BOP - need an update
Importance: High

Fwd: FOLLOW-UP - MDC Camera Footage Update

From Joseph Pecoraio
To Herman Quay
Date 2019/02/22 13:16
Subject: Fwd: FOLLOW-UP - MDC Camera Footage Update
Attachments: TEXT.htm

Herman,

See below. My staff will coordinate with your facility but I wanted to give you a heads up. Thanks, Joe

>>> Joseph Pecoraio 2/22/2019 12:59 PM >>>
Luke,

Please let the facility know that OIG will visit the facility on Wednesday, February 27, 2019, at 9:00 am and be there the entire day. Michael Pannone and another auditor will be present during the visit. Below outlines the agenda of OIG's visit as well as two questions that will need to be addressed by the facility.

Please handle accordingly.

Thanks,

Joe

>>> Joseph Pecoraio 2/22/2019 12:56 PM >>>
Kevin,

Please see below regarding camera footage. Issue has been resolved and OIG will pick-up the video footage and pending documents next Wednesday, February 27, 2019. Once this information is retrieved, we will have satisfied OIG's document request.

However, during OIG's visit next Wednesday, OIG informed me today that they plan on viewing the footage with staff to become familiar with the recordings, interview additional staff (unknown at this time. List will be provided by Monday or Tuesday next week), and have the following two questions answered:

(b) (5)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Finally, OIG stated a report should be ready by the end of April or middle of March 2019.

If there are any questions please let me know.

Thanks,

>>> Joseph Pecoraio 2/22/2019 12:07 PM >>>

Michael,

This is a follow-up to our earlier conversation today. I was able to confirm with MDC Brooklyn that the facility has downloaded the video footage for the **Front Entrance for each housing unit** as initially requested. The days and hours of the footage are from the week of the power outage from 6:00 am to 10:00 pm. This footage is ready to be picked up at your convenience. However, if additional video footage is needed please let us know so we can coordinate with the facility.

Thanks,

Joe

>>> "Pannone, Michael E. (OIG)" <Michael.E.Pannone@usdoj.gov> 2/20/2019 6:00 PM >>>

Hi Joe,

When you get a chance, could you get us an update as to the status of the requested camera footage from MDC Brooklyn?

Commute safe in the snow!

Mike

Michael Pannone
Senior Inspector
Department of Justice Office of the Inspector General
Evaluation and Inspections Division

202-616-4610 (office)

(b)(6) (mobile)

202-616-4584 (fax)

Re: OIG

From Kevin Pistro
To Hugh Hurwitz, Paul Perkins
Date 2019/02/12 10:21
Subject: Re: OIG
Attachments: TEXT.htm

Let me see if anything has occurred of significance since last conversation and get back to you.

Sent from my Verizon, Samsung Galaxy smartphone

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

From: "Perkins, Paul (ODAG)" <Paul.Perkins@usdoj.gov>
Date: 2/12/19 10:03 (GMT-05:00)
To: Kevin Pistro <(b)(6); (b)(7)(C)@bop.gov>, Hugh Hurwitz <(b)(6); (b)(7)(C)@bop.gov>
Subject: RE: OIG

>>> "Perkins, Paul (ODAG)" 02/12/2019 10:03 >>>

Thanks. Kevin, are there any updates on the other issue we discussed a few weeks ago?

From: Hugh Hurwitz <(b)(6); (b)(7)(C)@bop.gov>
Sent: Monday, February 11, 2019 5:40 PM
To: Kevin Pistro <(b)(6); (b)(7)(C)@bop.gov>; Perkins, Paul (ODAG) <pperkins@jmd.usdoj.gov>
Subject: Re: OIG

Hard to speculate on how its going (and DAG doesn't want that anyway). During tour they observed heat and water temps. Asked about what was out during the outage, particularly the phones, asked about how the HVAC systems work, etc. We'll hopefully have a better sense of things after the OIG closes out on Wednesday.

Unrelated, Congressman and Ranking Member Collins toured today. I'm also here on a previously scheduled visit, so I toured with him. He asked a lot of questions about what happened, how the systems work, what lights were out, etc. He was particularly concerned that protestors breached the visiting room. He seemed frustrated that the NYPD did not arrest anyone, but was pleased to hear the videos and other info has been turned over to the FBI.

Hugh
Sent from my Samsung Galaxy smartphone

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

From: "Perkins, Paul (ODAG)" <Paul.Perkins@usdoj.gov>
Date: 2/11/19 5:15 PM (GMT-05:00)
To: Kevin Pistro <(b)(6); (b)(7)(C); Non@bop.gov>, Hugh Hurwitz <(b)(6); (b)(7)(C)@bop.gov>
Subject: RE: OIG

>>> "Perkins, Paul (ODAG)" 02/11/2019 17:15 >>> Page 2190 DOJ-19-0278, 19-0279, 19-0280, 19-0281, 19-0282, 19-0283, 19-0284

Great. I'll let the DAG know tomorrow. Any other details that would be helpful?

From: Hugh Hurwitz <(b)(6); (b)(7)(C)@bop.gov>

Sent: Monday, February 11, 2019 5:14 PM

To: Kevin Pistro <(b)(6); (b)(7)(C)@bop.gov>; Perkins, Paul (ODAG) <pperkins@jmd.usdoj.gov>

Subject: Re: OIG

It's still going. They arrived Thursday. Did not come in over weekend. They plan to be out Wednesday. Toured Thursday and Friday. Made two page document request and we are collecting. They are doing staff and inmate interviews now. Seems to be going well.

Hugh

Sent from my Samsung Galaxy smartphone

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

From: "Perkins, Paul (ODAG)" <Paul.Perkins@usdoj.gov>

Date: 2/11/19 5:11 PM (GMT-05:00)

To: Hugh Hurwitz <(b)(6); (b)(7)(C)@bop.gov>

Subject: RE: OIG

>>> "Perkins, Paul (ODAG)" 02/11/2019 17:11 >>>

How did the OIG inspection go last week?

From: Hugh Hurwitz <(b)(6); (b)(7)(C)@bop.gov>

Sent: Thursday, February 7, 2019 8:26 AM

To: Perkins, Paul (ODAG) <pperkins@jmd.usdoj.gov>

Subject: OIG

Can you call when you can...wanted to give you a heads up...OIG has called and will be in Brooklyn in 4 hours...this is their first "unannounced inspection" under our new agreement with them. Not surprised there. Also, I probably should have your cell number.

From: Joseph Pecoraio
To: Valery Logan
Date: 2019/03/07 12:47
Subject: Fwd: OIG inspection of MDC Brooklyn
Attachments: TEXT.htm

From: "Parker, Alexander C. (OIG)" <Alexander.C.Parker@usdoj.gov>
Date: 3/7/19 12:44 PM (GMT-05:00)
To: Seth DuCharme <Seth.DuCharme@usdoj.gov>, Susan Riley <Susan.Riley@usdoj.gov>
Cc: "Joseph (BOP) Pecoraio" <(b)(6);(b)(7)(C)@usdoj.gov>, "Julia(BOP) Frith" <(b)(6);(b)(7)(C)@usdoj.gov>, "Luke (BOP) Ormandy" <(b)(6);(b)(7)(C)@usdoj.gov>
Subject: OIG inspection of MDC Brooklyn

Good afternoon Mr. DuCharme and Ms. Riley,
I'm part of the OIG's MDC Brooklyn inspection team. As part of our work, we're reviewing MDC Brooklyn security camera footage from the week of the shooting. We've had technical issues getting working copies of the entire video footage from that week. The original security footage from that week is currently stored in Brooklyn. Due to the technical issues we've experienced attempting to view copies of the footage, we might have to return to Brooklyn to physically view the footage. Please let us know your offices' status on needing to access or preserve the footage. We appreciate it.

Thanks,
Alec Parker
Program Analyst
Department of Justice Office of the Inspector General
Evaluations and Inspections Division

Fwd: URGENT: Info Needed for Chairman Nadler (Out of the office)

From: Sonya Thompson
To: Jennifer L. Edens, Ray Ormond
Date: 2019/02/02 03:43
Subject: Fwd: URGENT: Info Needed for Chairman Nadler (Out of the office)
Attachments: TEXT.htm

Ray, who is acting as point at the institution for the local Congressional offices?

Sent from a geospatial location known only by Skynet . . . er, Google

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

From: Kenneth Hyle <(b)(6); (b)(7)(C)@bop.gov>
Date: 2/1/19 11:55 PM (GMT-05:00)
To: Sonya Thompson <(b)(6); (b)(7)(C)@bop.gov>
Subject: Fwd: URGENT: Info Needed for Chairman Nadler (Out of the office)

>>> "Kenneth Hyle" 02/01/2019 23:55 >>>

Sonya - sorry I did not see this earlier. Can you get back to her in the am?

Sent from my Verizon, Samsung Galaxy smartphone<div>

</div><div>

</div><!-- originalMessage --><div>----- Original message -----</div><div>From: "Hankey, Mary Blanche (OLA)" <Mary.Blanche.Hankey2@usdoj.gov>

>>> "Hankey, Mary Blanche (OLA)" <Mary.Blanche.Hankey2@usdoj.gov> 02/01/2019 21:28 >>>

Hi Ken-I just received Kevin's out of office reply and unfortunately for you, you are the only other contact I have at BOP. Is there someone that I can sp

(b)(6); (b)(7)(C)

Begin forwarded message:

From: Kevin Pistro <(b)(6); (b)(7)(C)@bop.gov>
Date: February 1, 2019 at 9:24:37 PM EST
To: Mary Blanche Hankey <Mary.Blanche.Hankey2@usdoj.gov>
Subject: Re: Fwd: URGENT: Info Needed for Chairman Nadler (Out of the office)

I will be out of the office Wednesday, January 30, 2019, and am unfortunately unsure of my date of return at this time.

If you need immediate assistance, please contact the Director's Office at (b)(6); (b)(7)(C)

Thank you!

Kevin D. Pistro, Psy.D.
Chief of Staff
Office of the Director
Federal Bureau of Prisons
320 First St., NW
Washington, D.C. 20534
202-598-(b)(6)

>>> "Hankey, Mary Blanche (OLA)" <Mary.Blanche.Hankey2@usdoj.gov> 02/01/19 21:24 >>>

Hi Kevin-Apologies for the late message. As it is Friday night, BOP Leg Affairs may be unavailable. Is there any information that I can share with this sta

Thanks!

Mary Blanche

Begin forwarded message:

From: (b)(6) <(b)(6)@mail.house.gov>
Date: February 1, 2019 at 8:31:40 PM EST
To: "Hankey, Mary Blanche (OLA)" <Mary.Blanche.Hankey2@usdoj.gov>
Cc: "Antell, Kira M. (OLA)" <Kira.M.Antell2@usdoj.gov>, "Lasseter, David F. (OLA)" <David.F.Lasseter@usdoj.gov>
Subject: RE: URGENT: Info Needed for Chairman Nadler

Thank you. We would very much like to speak with someone this evening. My cell is (b)(6) and Rob Gottheim's cell is (b)(6)

AMERICAN
OVERSIGHT

From: Hanks, Mary Blanche (OLA) <Mary.Blanche.Hanks@usdoj.gov>

Sent: Friday, February 1, 2019 8:24 PM

To: (b)(6) <(b)(6)>@mail.house.gov<mailto:(b)(6)>@mail.house.gov>>

Cc: Antell, Kira M. (OLA) <Kira.M.Antell2@usdoj.gov<mailto:Kira.M.Antell2@usdoj.gov>>; Lasseter, David F. (OLA) <David.F.Lasseter@usdoj.gov<

Subject: Re: URGENT: Info Needed for Chairman Nadler

Hi Joe-we are working on it. We will circle back as soon as we have any new information.

On Feb 1, 2019, at 8:15 PM, (b)(6) <(b)(6)>@mail.house.gov<mailto:(b)(6)>@mail.house.gov>> wrote:
Mary Blanche, David, and Kira:

Following up on voice messages I just left for Mary Blanche and David. Chairman Nadler is extremely concerned about the lack of heat at the Brooklyn
mZYWQDG6Tgsk7tek8568dcSj20v0Gay7ZteCTTUfsGK6qli4MZxq6Z-
dn8&m=rpBHSiGkWzmWRUJWHNbL8llrRplVfKMr6IzQFaQkSw8&s=tXWM_qUWtY_e9IbO_cwLZ9ssw1pmHMMY8_JQ9RN7yvQ&e=>. I've cop

Thanks,

(b)(6)

(b) (6)

We received your request and forwarded it to our headquarters. They would like for you to contact either of the following staff to provide you with a response.

Jennifer Edens, Bureau of Prisons, Office of Legislative Affairs [\(b\)\(6\);\(b\)\(7\)\(C\)@bop.gov](mailto:(b)(6);(b)(7)(C)@bop.gov)

Kira Antell, Department of Justice, Office of Legislative Affairs (Kira.M.Antell2@usdoj.gov)

V. Logan
Executive Assistant
MDC Brooklyn
80 29th Street
Brooklyn, NY 11232

----- Forwarded message -----

From: (b)(6) <(b)(6)@gmail.com>

Date: Sat, Mar 2, 2019, 7:56 AM

Subject: Morning follow up

To: Herman Quay <(b)(6);(b)(7)(C)@bop.gov>, (b)(6)@mail.house.gov>

Good morning

I'm emailing you from my personal because I don't have access to my work email however please CC your Reply to me there as well.

Mr. (b)(6);(b)(7)(C) informed be that two hour round the clock temperature reading would be conducted through Sunday. Thank you for that. Could you please provide the overnight readings to us from this morning and include a temperature reading from one of the cells that face the water on the highest floors as well as units 62 and 53.

We appreciate all of your cooperation with this and are working to keep this situation from swelling out of control. Thank you for working to put these tensions to rest.

I can be reached at (b)(6)

Best

(b)(6)

Re: URGENT: Info Needed for Chairman Nadler

From: Hugh Hurwitz
To: Sonya Thompson
Date: 2019/02/02 11:41
Subject: Re: URGENT: Info Needed for Chairman Nadler
Attachments: TEXT.htm

Let's see how this plays out today, but let me know if you think I need to cancel my trip to Memphis on Monday to stay back for this.

>>> Sonya Thompson <(b)(6); (b)(7)(C);@bop.gov> 2/2/2019 11:37 AM >>>
The Chairman now says he'll be there at 2:00 in light of Herman's commute.

His staffer would like a POC on-site with whom to coordinate. I'm assuming it's Garcia. If so, do you have a contact number we can provide?

Sent from a geospatial location known only by Skynet...er, Google ☐

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

From: Ray Ormond <(b)(6);@bop.gov>
Date: 2/2/19 10:32 AM (GMT-05:00)
To: Sonya Thompson <(b)(6);@bop.gov>, Hugh Hurwitz <(b)(6);@bop.gov>
Subject: Re: URGENT: Info Needed for Chairman Nadler

>>> "Ray Ormond" 02/02/2019 10:32 >>>

Warden Quay is on his way now. Will take him about 2 hours to get there. AW Garcia and the Attorney, who were part of yesterday's visits, will also be there before 1pm.

Sent from my Verizon, Samsung Galaxy smartphone

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

From: Sonya Thompson <(b)(6);@bop.gov>
Date: 2/2/19 10:18 AM (GMT-05:00)
To: Hugh Hurwitz <(b)(6);@bop.gov>, Ray Ormond <(b)(6);@bop.gov>
Subject: Fwd: URGENT: Info Needed for Chairman Nadler

>>> "Sonya Thompson" 02/02/2019 10:18 >>>
See below. The Chairman wants to visit today.

Sent from a geospatial location known only by Skynet...er, Google ☐

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

From: "Hankey, Mary Blanche (OLA)" <Mary.Blanche.Hankey2@usdoj.gov>
Date: 2/2/19 10:10 AM (GMT-05:00)
To: Sonya Thompson <(b)(6); (b)(7)(C);@bop.gov>
Cc: Kira Antell <Kira.M.Antell2@usdoj.gov>
Subject: Fwd: URGENT: Info Needed for Chairman Nadler

>>> "Hankey, Mary Blanche (OLA)" 02/02/2019 10:10 >>>

Hi Sonya-please see below and let us know your thoughts on how best to proceed.

Non Responsive Record

Re: DOJ spox statement

From "Hornbuckle, Wyn (OPA)"
To Hugh HurwitzKerri KupecPatrick BumataySonya Thompson
Date 2019/02/03 21:25
Subject: Re: DOJ spox statement
Attachments: Mime.822

Yes. Got it. Thank you Hugh

Sent from my iPhone

> On Feb 3, 2019, at 9:20 PM, Hugh Hurwitz wrote:

>

> With the restoration of electrical power, the facility can now BEGIN to return to regular operations.

Fwd: RE: Addition to our statement re: BRO

From Susan Allison
To Hugh Hurwitz
Date 2019/03/01 18:06
Subject: Fwd: RE: Addition to our statement re: BRO
Attachments: TEXT.htm

>>> "Hornbuckle, Wyn (OPA)" <Wyn.Hornbuckle@usdoj.gov> 3/1/2019 6:03 PM >>>
Concur, thanks Sue

From: Kupec, Kerri (OPA) <kkupec@jmd.usdoj.gov>
Sent: Friday, March 01, 2019 6:03 PM
To: Jennifer L. Edens <(b)(6); (b)(7)(C)@bop.gov>
Cc: Susan Allison <(b)(6); (b)(7)(C)@bop.gov>; Antell, Kira M. (OLA) <kimantell@jmd.usdoj.gov>; Hornbuckle, Wyn (OPA) <whornbuckle@jmd.usdoj.gov>; (b)(6); (b)(7)(C) <(b)(6); (b)(7)(C)@bop.gov>; (b)(6); (b)(7)(C) <(b)(6); (b)(7)(C)@bop.gov>; (b)(6); (b)(7)(C) <(b)(6); (b)(7)(C)@bop.gov>; Nancy Ayers <(b)(6); (b)(7)(C)@bop.gov>; Sonya Thompson <(b)(6); (b)(7)(C)@bop.gov>; Tovia Knight <(b)(6); (b)(7)(C)@bop.gov>
Subject: Re: Addition to our statement re: BRO

Works for me if it works for Wyn.

Sent from my iPhone

On Mar 1, 2019, at 5:55 PM, Jennifer L. Edens <(b)(6); (b)(7)(C)@bop.gov> wrote:

Sent from my Verizon, Samsung Galaxy smartphone

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

From: Susan Allison <(b)(6); (b)(7)(C)@bop.gov>
Date: 3/1/19 5:36 PM (GMT-05:00)
To: Kerri Kupec <Kerri.Kupec@usdoj.gov>, Wyn Hornbuckle <Wyn.Hornbuckle@usdoj.gov>
Cc: Sonya Thompson <(b)(6); (b)(7)(C)@bop.gov>, "Jennifer L. Edens" <(b)(6); (b)(7)(C)@bop.gov>, Tovia Knight <(b)(6); (b)(7)(C)@bop.gov>, (b)(6); (b)(7)(C) <(b)(6); (b)(7)(C)@bop.gov>, Nancy Ayers <(b)(6); (b)(7)(C)@bop.gov>
Subject: Addition to our statement re: BRO

Kerri -

Kerri -

With your permission, we would like to add the following to our statement and use for any new inquiries.

"The BOP has contacted the Federal Defenders to determine which housing units and/or cells are being alleged to have issues. The facility is taking regular temperature readings every two hours to confirm that temperatures remain within appropriate levels. Again, despite inaccurate reporting, the heat is fully operational at the facility."

Sue

>>> "Kupec, Kerri (OPA)" <Kerri.Kupec@usdoj.gov> 3/1/2019 5:27 PM >>>
Great job – thanks!

From: Susan Allison <(b)(6); (b)(7)(C)@bop.gov>

Sent: Friday, March 1, 2019 5:18 PM

To: Kupec, Kerri (OPA) <kkupec@jmd.usdoj.gov>; Hornbuckle, Wyn (OPA)

<whornbuckle@jmd.usdoj.gov>

Subject: Our statement is out there - NY Daily News: Inmates without heat for second time in a month at Brooklyn federal lockup: lawyers

<http://www.nydailynews.com/new-york/brooklyn/ny-metro-heat-outage-metropolitan-detention-center-20190301-story.html>

Re: MDC Brooklyn update.

From: Thomas J. Scarantino
To: Hugh Hurwitz, Michael Carvajal, Ray Ormond
Date: 2019/02/03 21:27
Subject: Re: MDC Brooklyn update.
Attachments: TEXT.htm

Ray,

If Jack is being misinformed, and you need them back please let me know and I will call Jack and Nelson.

Tommy

(b)(6); (b)(7)(C) from my Verizon, Samsung Galaxy smartphone

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

From: Hugh Hurwitz <(b)(6); (b)(7)(C)@bop.gov>
Date: 2/3/19 9:22 PM (GMT-05:00)
To: "Thomas J. Scarantino" <(b)(6); (b)(7)(C)@bop.gov>, Michael Carvajal <(b)(6); (b)(7)(C)>, Ray Ormond <(b)(6); (b)(7)(C)@bop.gov>
Subject: Re: MDC Brooklyn update.

>>> "Hugh Hurwitz" 02/03/2019 21:22 >>>

Ok. NYPD didn't handle before. If we need them back tomorrow will let you know.

Hugh
Sent from my Samsung Galaxy smartphone

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

From: "Thomas J. Scarantino" <(b)(6); (b)(7)(C)@bop.gov>
Date: 2/3/19 9:17 PM (GMT-05:00)
To: Michael Carvajal <(b)(6); (b)(7)(C)@bop.gov>, Hugh Hurwitz <(b)(6); (b)(7)(C)@bop.gov>
Subject: Fwd: MDC Brooklyn update.

>>> "Thomas J. Scarantino" 02/03/2019 21:17 >>>

FYI.... an update from Jack Sheehan, Deputy AD from USMS

Sent from my Verizon, Samsung Galaxy smartphone

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

From: "Sheehan, John (USMS)" <(b)(6); (b)(7)(C)>
Date: 2/3/19 9:09 PM (GMT-05:00)
To: "Thomas J. (BOP) Scarantino" <(b)(6); (b)(7)(C)@usdoj.gov>, Nelson Hackmaster <(b)(6); (b)(7)(C)>
Subject: MDC Brooklyn update.

>>> "Sheehan, John (USMS)" 02/03/2019 21:10 >>>

Boss,

EDNY/ SDNY report the situation at MDC is under control and there are no issues to report. Power has been restored, normal operations have resumed, ;

I've cc'd Tommy Scarantino.

VR

Jack

Jack Sheehan

Begin forwarded message:

From: (b)(6); (b)(7)(C), (b)(7)(F)
Date: February 3, 2019 at 8:56:55 PM EST
To: "Sheehan, John (USMS)" <(b)(6); (b)(7)(C)>
Subject: Fwd: Med protests

Jack

Here is a little more detail.

Sent from my iPhone

Begin forwarded message:

From: (b) (6), (b) (7)(C), (b) (7)(F)
Date: February 3, 2019 at 8:37:55 PM EST
To: (b) (6), (b) (7)(C), (b) (7)(F)
Subject: Fwd: Med protests

Sent from my iPhone

Begin forwarded message:

From: (b) (6), (b) (7)(C), (b) (7)(F)
Date: February 3, 2019 at 8:04:43 PM EST
To: (b) (6), (b) (7)(C), (b) (7)(F)
Subject: Med protests

Sir,

DUSM (b) (6), (b) (7)(C) spoke with the AW and all power and normal operations have resumed at MDC Brooklyn. NYPD is on scene and peaceful protests continue.

(b) (6), (b) (7)(C), (b) (7)(F)
Deputy U.S. Marshal
Eastern District - Brooklyn, NY
(b) (6), (b) (7)(C)

Re: Power is on.

From Hugh Hurwitz
To Michael Carvajal, Thomas J. Scarantino
Date 2019/02/03 18:58
Subject: Re: Power is on.
Attachments: TEXT.htm

Usms still reroute and we need them. Protesters not leaving because think no heat.

Hugh
Sent from my Samsung Galaxy smartphone

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

From: Michael Carvajal <(b) (6), (b) (7)(C)@bop.gov>
Date: 2/3/19 6:56 PM (GMT-05:00)
To: "Thomas J. Scarantino" <(b)(6); (b)(7)(C)@bop.gov>, Hugh Hurwitz <(b)(6); (b)(7)(C)@bop.gov>
Subject: Re: Power is on.

>>> "Michael Carvajal" 02/03/2019 18:56 >>>
Good to hear...

Sent from my Verizon, Samsung Galaxy smartphone

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

From: Hugh Hurwitz <(b)(6); (b)(7)(C)@bop.gov>
Date: 2/3/19 4:38 PM (GMT-07:00)
To: "Thomas J. Scarantino" <(b)(6); (b)(7)(C)@bop.gov>, Michael Carvajal <(b)(6); (b)(7)(C)@bop.gov>
Subject: Re: Power is on.

>>> "Hugh Hurwitz" 02/03/2019 18:38 >>>
Sorry hit send too fast. Thanks for your help! It's not over but this is great.

Hugh
Sent from my Samsung Galaxy smartphone

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

From: Hugh Hurwitz <(b)(6); (b)(7)(C)@bop.gov>
Date: 2/3/19 6:37 PM (GMT-05:00)

Fwd: MDC Brooklyn update.

From: Thomas J. Scarantino
To: Ray Ormond
Date: 2019/02/03 21:19
Subject: Fwd: MDC Brooklyn update.
Attachments: TEXT.htm

Ray,

FYI..... from Jack Sheehan, Deputy AD, USMS, Prisoner Ops Div.

Sent from my Verizon, Samsung Galaxy smartphone

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

From: "Sheehan, John (USMS)" (b) (6), (b) (7)(C)
Date: 2/3/19 9:09 PM (GMT-05:00)
To: "Thomas J. (BOP) Scarantino" <(b) (6); (b) (7)(C)@usdoj.gov>, Nelson Hackmaster (b) (6), (b) (7)(C)
Subject: MDC Brooklyn update.

>>> "Sheehan, John (USMS)" 02/03/2019 21:10 >>>

Boss,

EDNY/ SDNY report the situation at MDC is under control and there are no issues to report. Power has been restored, normal operations have resumed, i

I've cc'd Tommy Scarantino.

VR

Jack

Jack Sheehan

Begin forwarded message:

From: (b) (6), (b) (7)(C), (b) (7)(F)
Date: February 3, 2019 at 8:56:55 PM EST
To: "Sheehan, John (USMS)" (b) (6), (b) (7)(C)
Subject: Fwd: Med protests

Jack

Here is a little more detail.

Sent from my iPhone

(b) (6); (b) (7)(C) Begin forwarded message:

From: (b) (6), (b) (7)(C), (b) (7)(F)
Date: February 3, 2019 at 8:37:55 PM EST
To: (b) (6), (b) (7)(C), (b) (7)(F)
Subject: Fwd: Med protests

Sent from my iPhone

Begin forwarded message:

From: (b) (6), (b) (7)(C), (b) (7)(F)
Date: February 3, 2019 at 8:04:43 PM EST
To: (b) (6), (b) (7)(C), (b) (7)(F)
Subject: Med protests

Sir,

DUSM (b) (6), (b) (7)(C) spoke with the AW and all power and normal operations have resumed at MDC Brooklyn. NYPD is on scene and peaceful protests continue

(b) (6), (b) (7)(C), (b) (7)(F)
Deputy U.S Marshal
Eastern District - Brooklyn, NY
(b) (6); (b) (7)(C)

Re: heat and power_1

From Ray Ormond
To Eleazar Garcia, Herman Quay
Date 2019/02/01 17:00
Subject: Re: heat and power_1
Attachments: TEXT.htm

Just got it myself. It's actually good she's there. She can see as well that it's not freezing and you do have temp power. Please ensure she knows the work you've done with contractors and con Edison to get power back. Also, ensure she and the attorneys understand you are secured because of the elevators initially and then continued due to the inmates actions and continued review of that incident. Thanks again.

Sent from my Verizon, Samsung Galaxy smartphone

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

From: Eleazar Garcia <(b)(6); (b)(7)(C)@bop.gov>
Date: 2/1/19 4:55 PM (GMT-05:00)
To: Ray Ormond <(b)(6); (b)(7)(C)@bop.gov>
Subject: Re: heat and power_1

>>> "Eleazar Garcia" 02/01/2019 16:55 >>>

Boss we also have the Congress Woman Velasquez here. We just go a court order to allow (1) public defender and (1) US Attorney tour the institution.

E. Garcia
Associate Warden (O)
MDC Brooklyn
80 29th Street
Brooklyn, NY
(718)-840-4200 ext (b)(6); (b)(7)(C)
BB- (b)(6); (b)(7)(C)
email: (b)(6); (b)(7)(C)@bop.gov

Ronald Reagan — 'The greatest leader is not necessarily the one who does the greatest things. He is the one that gets the people to do the greatest things.'

>>> Ray Ormond <(b)(6); (b)(7)(C)@bop.gov> 2/1/2019 4:53 PM >>>

Thanks! Let me know how the tour goes today with the attorneys. Great job and thanks for all you did today.

Sent from my Verizon, Samsung Galaxy smartphone

Fwd: BRO Article

From: Sonya Thompson
To: Ray Ormond, Thomas J. Scarantino
Date: 2019/03/01 16:46
Subject: Fwd: BRO Article
Attachments: TEXT.htm

Tommy, see below. Please give Nelson Hackmaster a heads up and advise him that the heat is operational and the facility is operating as normal but t

We have proactively sent out a statement to the media and DOJ and BOP OLAs are alerting the NY congressional offices proactively that there is no tru

From: Ray Ormond <(b)(6);@bop.gov>
To: (b)(6);@bop.gov, (b)(6); (b)(7)(C);@bop.gov, (b)(6);@bop.gov
Date: 3/1/2019 3:34 PM
Subject: Fwd: BRO Article

See below and link to article. The Public Defenders Office came out of today's hearing, which did not end in their favor, and made statements that hea
having the Warden do temp checks to verify and (b)(7)(E) to ensure we dont have a repeat respons

Sent from my Verizon, Samsung Galaxy smartphone

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

From: Michael Carroll <(b)(6);@bop.gov>
Date: 3/1/19 3:24 PM (GMT-05:00)
To: Ray Ormond <(b)(6);@bop.gov>
Subject: BRO Article

>>> "Michael Carroll" 03/01/2019 15:24 >>>

Boss, just a heads-
up. The NY Post just put out an article about the heat being down in BRO again. It is false and I confirmed with BRO that the heat is fully operational.

I'll continue to monitor and keep you posted.

Mike

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

Re: Fwd: MDC Brooklyn Update * Medical Plan

From Thomas J. Scarantino
To Ray Ormond
Date 2019/02/05 13:51
Subject: Re: Fwd: MDC Brooklyn Update * Medical Plan
Attachments: TEXT.htm

I have a call into Jack Sheehan to find out. As soon as I hear from him I will reach out to you.

T. Scarantino
Senior Deputy Assistant Director
Correctional Programs Division

Office (202) 353-4597

Mobile (b)(6); (b)(7)(C)

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>>> Ray Ormond 2/5/2019 1:29 PM >>>

There is no power outage and the institution is running normal, including all medical operations. Who's calling to request they take inmates out for medical assessments?

J. Ray Ormond
Regional Director
Northeast Region
215-521-(b)(6); (b)(7)(C)

>>> Thomas J. Scarantino 2/5/2019 1:22 PM >>>

Ray,

I received this email from Jack Sheehan, Acting AD, USMS (Prisoner Ops Div). He was the guy I was talking to this weekend about getting some help for BRO. How would you like me to respond to Jack?

Tommy

T. Scarantino
Senior Deputy Assistant Director
Correctional Programs Division

Office (202) 353-4597

Mobile (b)(6); (b)(7)(C)

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>>> "Sheehan, John (USMS)" (b) (6), (b) (7)(C) 2/5/2019 11:47 AM >>>
Morning Tommy,

I'm being told that the previous power outage at MDC has caused a "health crisis" at the facility. District Marshals are meeting with the judiciary today to discuss the situation at a 1 pm meeting today. We are starting to get requests to take prisoners out for medical assessments and treatments. These are normally done at and by BOP staff because MDC is a consolidated facility. With 1500 prisoners housed at MDC – that will be overwhelming.

Does BOP/MDC have a plan (increasing medical staff, bringing in mobile equipment, etc....) to address the situation?

I know you are busy and dealing with a multitude of similar issues.

Anything you can provide would be appreciative.

We have a meeting at 1 pm.

R

Jack

John P. Sheehan
(A)Assistant Director
Prisoner Operations Division
US Marshals Service

Re: Fwd: CJS Senate Committee Inquiry

From Herman Quay
To Nicole McFarland
Date 2019/02/05 13:24
Subject: Re: Fwd: CJS Senate Committee Inquiry
Attachments: TEXT.htm

We need to [REDACTED] (b)(5)

>>> Nicole McFarland 2/5/2019 1:21 PM >>>
Are we good with this response:

[REDACTED] (b)(5)

Nicole

>>> Samantha O'Brien Lakeram 2/5/2019 1:15 PM >>>
697 MEN, AND 23 FEMALES

>>> Nicole McFarland 2/5/2019 12:30 PM >>>
How many men and how many women?

>>> Samantha O'Brien Lakeram 2/5/2019 12:28 PM >>>
Eastern District of New York has 720 inmates currently housed at MDC Brooklyn

>>> Nicole McFarland 2/5/2019 10:34 AM >>>
Can you get me the answer to this? Thanks!
Nicole

>>> Herman Quay 2/5/2019 10:32 AM >>>
Get with Sam. She should be able to give you a number on USMS inmates.

>>> Nicole McFarland 2/5/2019 10:27 AM >>>
I am not sure of the answer to this.

Nicole

>>> [REDACTED] (b)(6); (b)(7)(C) (USMS)" <[REDACTED] (b)(6); (b)(7)(C)@usdoj.gov> 2/5/2019 10:25 AM >>>
Good Morning Ms. McFarland,

I apologize for interrupting you but our Senior Management at US Marshal Service Headquarters has been asked to respond to a question by the CJS Senate Committee. The question is a two part question: Are there any USMS detainees housed here and if so, approximately how many? How many of these detainees were impacted?

Again I apologize for interrupting you, but I need a response as soon as possible.

Respectfully,

(b) (6), (b) (7)(C), (b) (7)(F)

Eastern District of New York

718-260- (b)(6); (b)(7)(C)

MDC - Brooklyn Power

From Hugh Hurwitz
To Andrew Peterson, Corey Ellis, Edward O'Callaghan, Gary Barnett, Iris Lan, Patrick Bumatay, Paul Perkins, Rod Rosenstein
Date 2019/02/03 18:31
Subject: MDC - Brooklyn Power
Attachments: TEXT.htm

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 <(b)(6); (b)(7)(C)@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

(b)(6)

On Feb 3, 2019, at 5:27 PM, Hugh Hurwitz <(b)(6); (b)(7)(C)@bop.gov> wrote:

USMS is on way. We also have our Disturbance Control Team from the MCC on site. We also have our SORT team from PA en route.

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 <(b)(6); (b)(7)(C)@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

- In the off-chance they can't get the power up and running, and it looks like it may be an extended outage, then the prisoners may have to be moved to another facility
- No impact on the El Chapo trial as he is housed at the MCC

Will keep you posted as things develop.

Vr,

John

John Kilgallon
Chief of Staff
United States Marshals Service
(b) (6), (b) (7)(C)
[REDACTED]

Fwd: Justice League NYC Twitter Account

From Ray Ormond
To Hugh Hurwitz, Michael Carvajal, Sonya Thompson, Thomas J. Scarantino
Date 2019/02/05 12:06
Subject: Fwd: Justice League NYC Twitter Account
Attachments: TEXT.htm, Ray Ormond.vcf

Sonya / Michael / Tommy - See below. Can we access the below twitter account and monitor the activity or listen to the calls?

cc: Hugh

J. Ray Ormond
Regional Director
Northeast Region
215-521-(b)(6);
(b)(7)(C)

>>> Michael (b)(6);
(b)(7)(C) 2/5/2019 11:57 AM >>>

Last night the organization Justice League NYC had a conference call at 9 PM. They had different speakers talking. They had the plan to meet today at 500 Pearl Street. I forwarded this information to DCT member Collier. There was a male congressman speaking during the conference call. I listened to 20 minutes of it. My friend USMS (b) (6), (b) (7)(C), (b) (7)(F) was also listening and he had sent me a text that this organization was going to have the call and were coming to 500 Pearl Street today. You can call him Eastern District NY for more information about the call. USMS (b) (6), (b) (7)(C), (b) (7)(F) listened to the entire conference call. This organization has a twitter account named Justice League NYC and I was watching it to get information on them. The group that came after 11 AM to 500 Pearl Street is the same group protesting at MDC Brooklyn. There were about 15 of them with a camera crew and some were dressed in red.