



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

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

June 30, 2020

Austin Evers
American Oversight
1030 15th Street NW, Suite B255
Washington, DC 20005

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

Dear Mr. Evers:

This is in response to the above referenced Freedom of Information Act (FOIA) requests.

In response to your request, staff located 30 pages of responsive records, which were forwarded to this office for a release determination. After careful review, we determined 3 pages are appropriate for release in full, 3 pages are appropriate for release in part and 24 pages must be withheld in their entirety. Copies of 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)(F).

An explanation of the FOIA exemptions is attached.

As you are aware, because of the complexity of your requests, the amount of time required to process your requests in their entirety has increased. In an effort to be as responsive to your requests as possible, we are processing the records currently available and will supplement the release as more records become available. Once the final set of records is provided to you, you will receive appeal rights that apply to the entire release, regardless of when the date you receive the records.

Sincerely,

Darrin Howard
Regional Counsel

Enclosure: 6 pages

Explanation of FOIA Exemptions Used by the Federal Bureau of Prisons

5 U.S.C. § 552(b)(1) protects classified information.

5 U.S.C. § 552(b)(2) concerns matters related solely to internal agency personnel rules or practices.

5 U.S.C. § 552(b)(3) concerns matters specifically exempted from release by statute.

5 U.S.C. § 552(b)(4) concerns trade secrets and commercial or financial information obtained from a person that is privileged or confidential.

5 U.S.C. § 552(b)(5) concerns certain inter- and intra-agency communications protected by the deliberative process privilege, the attorney work-product privilege, and/or the attorney-client privilege.

5 U.S.C. § 552(b)(6) concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties.

5 U.S.C. § 552(b)(7)(A) concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to interfere with enforcement proceedings.

5 U.S.C. § 552(b)(7)(B) concerns records or information compiled for law enforcement purposes the release of which would deprive a person of a right to a fair trial or an impartial adjudication.

5 U.S.C. § 552(b)(7)(C) concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties.

5 U.S.C. § 552(b)(7)(D) concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to disclose the identities of confidential sources and information furnished by such sources.

5 U.S.C. § 552(b)(7)(E) concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures for law enforcement investigations or prosecutions.

5 U.S.C. § 552(b)(7)(F) concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to endanger the life or personal safety of an individual.

5 U.S.C. § 552(b)(8) concerns matters that are "contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions."

5 U.S.C. § 552(b)(9) concerns geological and geophysical information and data, including maps, concerning wells.

After Action Report

**Partial Electrical and Reported Heating Outage
Civil Disturbance**

Metropolitan Detention Center
Brooklyn, New York



Submitted by: J. Ray Ormond, Regional Director

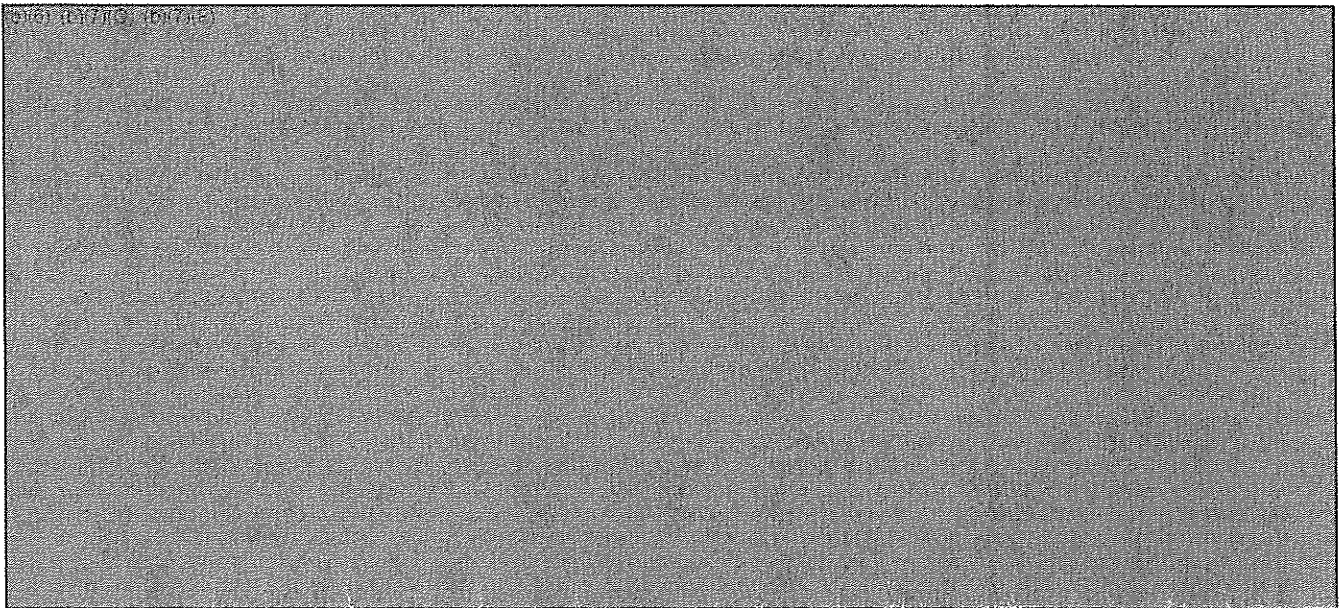
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Introduction:

The Metropolitan Detention Center (MDC) in Brooklyn, New York, is an Administrative Level facility that serves the Eastern and Southern Districts of New York. The primary mission of the facility is to house pre-trial inmates awaiting court action for the United States Marshals Service (USMS).

On February 8, 2019, the Northeast Regional Director appointed an After Action Review (AAR) Team to review a series of events that occurred at the MDC between the dates of Sunday, January 27, 2019 to Sunday, February 3, 2019. The review was conducted to analyze the events that led to mechanical system failures resulting in the partial loss of electricity and reported loss of heat to the institution, along with an examination of existing practices and procedures that contributed to a subsequent Civil Disturbance.



Executive Summary:

On Sunday, January 27, 2019, at 12:50 p.m., a fire alarm was activated in the second floor mechanical room. An immediate response to the area revealed a fire that resulted in loss of power to one of the main priority switches that services approximately sixty-six (66) electrical panels throughout the West building.

The New York City Fire Department (NYFD), responded to the institution and extinguished the electrical fire and coordinated with Con Edison (electrical service provider) to isolate the power feed to the damaged priority switch. Based on the impact of the fire and the loss of power that resulted in security concerns, the facility was placed on lock-down status to assess the damage and make emergency repairs.

Over the next week, concerns were voiced by inmates and external stakeholders regarding the reported conditions of confinement at the MDC. Specifically, the majority of concerns surrounded reports of limited access to medical care, lack of adequate heat and electricity in cells, access to legal visits and calls, and a lack of transparency regarding the status of repairs and current living conditions.

As a result, public concern was voiced to the media, local government officials, courts, and members of Congress. As part of the review, the AAR team identified over seven (7) visits from twenty-four (24) officials to the MDC during the incident period who sought to observe and inquire into the incident and be briefed on the course of actions being taken to remedy their concerns. Most notably, the Chief United States District Judge, Eastern District of New York, ordered that a representative of the Federal Defenders of New York and the U.S. Attorney's Office, Eastern District of New York be permitted to inspect each housing unit in the West Building and speak directly with inmates on February 1, 2019. Additionally, U.S. Congressional members toured the facility on Friday (2/1), Saturday (2/2), Sunday (2/3), and Monday, (2/11).

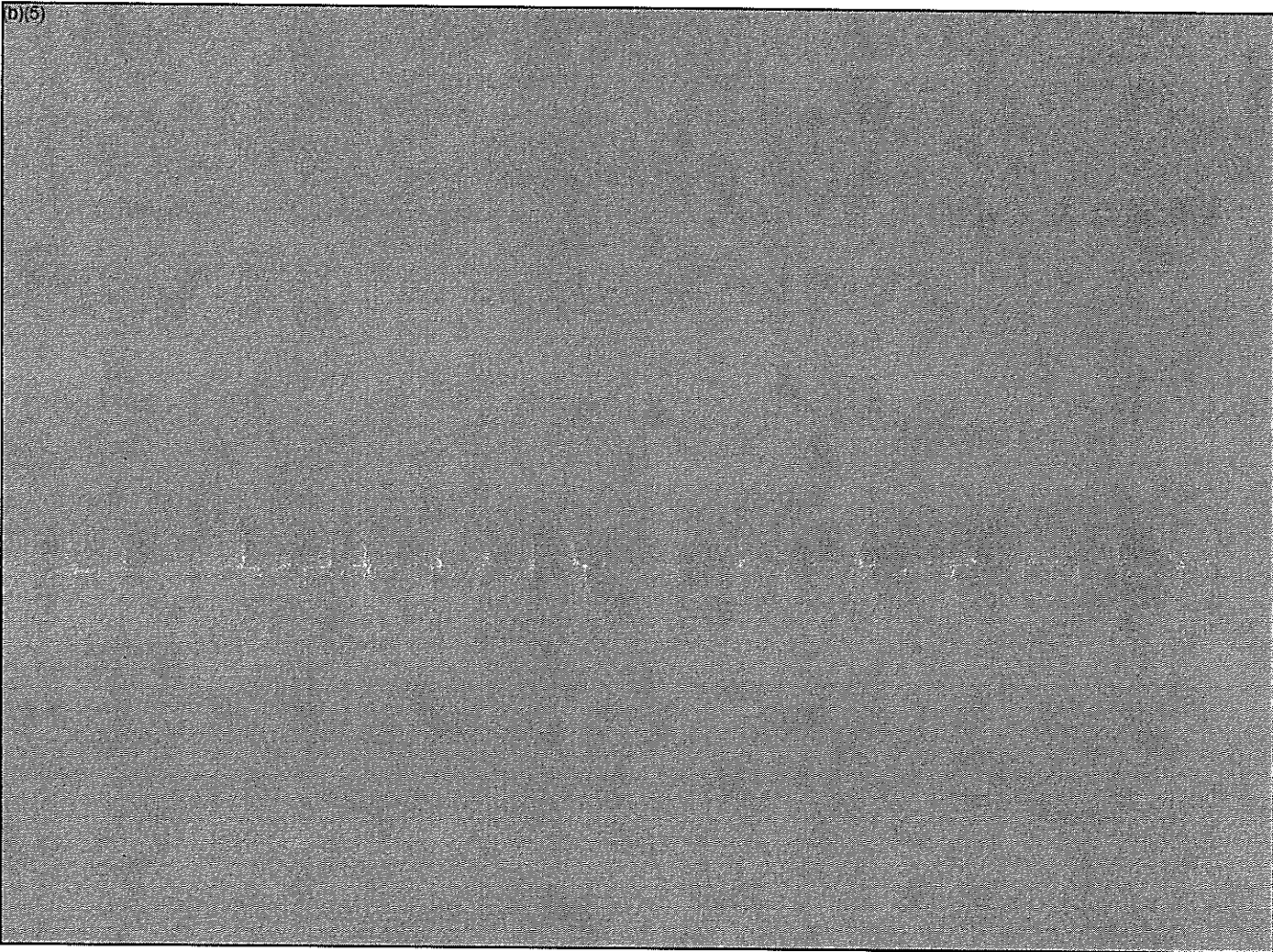
During the course of the week, the institution operated on a variety of schedules, from modified operations to full lock down procedures. As a result, normal services the MDC provides to the inmate population, courts, and the public were suspended or delayed.

Based on community concerns regarding reported living conditions, a large gathering of protestors converged on the MDC for several days.

On Sunday, February 3, 2019, the large gathering of approximately 50 to 60 protesters (based on video footage) entered the main lobby of the MDC and engaged in a physical confrontation with staff. After attempts to contain the protesters and after being pushed back into the lobby by protesters, employees utilized physical force to remove the protesters from the institution. During the confrontation, staff deploy chemical agents in an effort to limit injury to both staff and protesters, and to remove the protesters from inside the institution's main lobby. This action proved effective and staff were able to remove all individuals from the institution without further incident.

On Sunday, February 3, 2019, at approximately 6:30 p.m., emergency repairs were finalized on the priority switch gear that was destroyed in the fire and power was fully restored to all areas of the institution.

(b)(5)



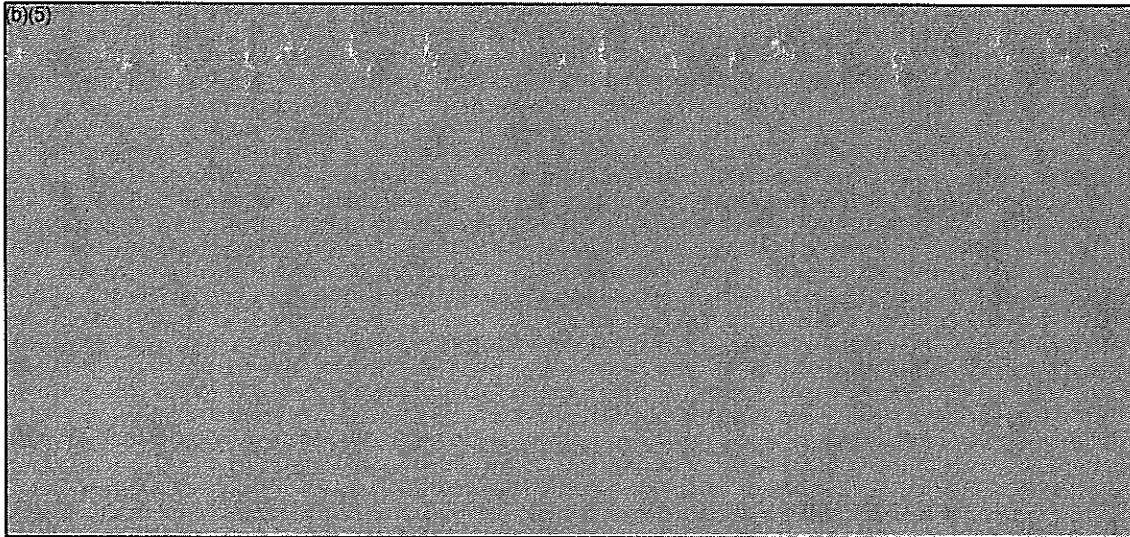
Inmate Data: Not Applicable

Cost/Impact Statement:

Incident Site: MDC Brooklyn

Incident: Electrical and Heating Outage / Civil Disturbance

Incident Date: 1/24/19 to 2/3/19



TOTAL \$1,581,437.81