

Congress of the United States
Washington, DC 20515

March 3, 2020

Michael Carvajal
Director
Federal Bureau of Prisons
320 1st Street, NW
Washington, DC 20534

Marti Licon-Vitale
Metropolitan Correctional Center
150 Park Row
New York, New York 10007

Dear Director Carvajal and Warden Licon-Vitale:

We write to express deep concern regarding a situation which is currently taking place at the Metropolitan Correctional Center (MCC) in Manhattan. We have been informed that, beginning last Thursday, February 27, 2020, MCC implemented a lockdown, cancelling all outside visitation to the facility, including legal and family visits. The lockdown is now in its sixth day, and MCC has not communicated any timetable for reopening the facility. The only official reason given for the closure has been “security concerns.” As we understand it, the closure came on the heels of days of extensive delays in legal visits in which lawyers had to wait for two to three hours to see their clients.

We have received reports that, since last Thursday, inmates at MCC have been locked in their cells 24 hours a day, with no access to phones or email. They have no access to showers, are being fed only cold food, and inmates in one unit were reportedly pepper sprayed. Advocates report that MCC has not provided any information to those on the outside regarding how medical care needs are being addressed during the lockdown and at least one inmate reports that he has not been provided much-needed pain medication.

Media reports¹ state that MCC is responding to information that a gun may have been introduced into the facility. While the possible introduction of a gun into the facility is a serious matter, we are concerned that the above conditions have been imposed for a full week—with no end in sight—and with no communication to inmates, their families, their attorneys, or the public about this situation and how it will be resolved. Although a very small number of inmates—up to five a day—have been transported by the U.S. Marshals from MCC to the corresponding federal courthouse for legal visits, this has left the vast majority of the over 700 inmates at MCC without access to their attorneys or their families.

On October 17, 2019, Dr. Kathleen Hawk Sawyer, the then-Director of the Bureau of Prisons testified at an oversight hearing before the Subcommittee on Crime, Terrorism, and Homeland Security of the House Committee on the Judiciary. Dr. Hawk Sawyer answered questions about a shutdown at the Metropolitan Detention Center (MDC) in Brooklyn that took place in late January and early February of 2019 and involved the malfunctioning of the HVAC system at that facility. During the MDC incident,

¹ Stephen Rex Brown, *Jail Where Jeffrey Epstein Killed Himself Still on Lockdown Five Days After Gun Scare*, New York Daily News, Mar. 2, 2020.

among other things, families and attorneys were denied access to inmates and there were multiple claims of a lack of proper medical care.

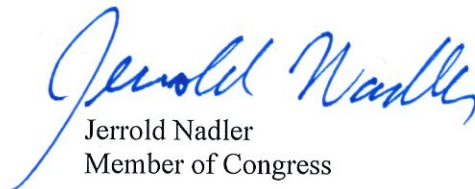
At the oversight hearing, Dr. Hawk Sawyer was asked whether MDC had taken any steps to ensure that families and attorneys of inmates were kept informed if anything like the January/February 2019 incident were to ever happen again. While attributing the problem to a lack of communication, Dr. Hawk Sawyer stated that MDC had "a policy in place" to make sure that "all stakeholders" were kept informed. We are deeply troubled that, only a year later, families and attorneys are once again being kept in the dark about what is taking place at a nearby BOP facility.


So that we may better understand the facts of this situation and be informed about BOP's plans to address these urgent concerns, we request answers to the following questions:

- (1) Why has MCC been locked down and were other measures besides a full lockdown considered?
- (2) When do you expect to resume normal operations at MCC?
- (3) When do you expect to resume legal and family visits at MCC?
- (4) Are you familiar with the policy referenced by Dr. Hawk Sawyer put in place to communicate with stakeholders following last year's incident at MDC? Does a similar policy exist at MCC? What is the policy for MCC and is it being implemented? If not, why not?
- (5) What efforts, if any, were made by MCC to ensure that "all stakeholders" were and are being kept informed about the current lockdown at the facility?
- (6) What plans do you have in place to work more closely with Federal Defenders and other stakeholders to assure a better response in the future?

Due to the urgency of this situation, please respond as soon as possible.

Sincerely,


Jerrold Nadler
Member of Congress


Nydia M. Velázquez
Member of Congress