

**Congress of the United States**  
**Washington, DC 20515**

February 19, 2021

Heriberto Tellez  
Warden  
Metropolitan Detention Center  
80 29<sup>th</sup> Street  
Brooklyn, NY 11232

Nicole English  
Regional Director, Northeast Region  
Federal Bureau of Prisons  
U.S. Custom House, 7<sup>th</sup> Floor  
Philadelphia, PA 19106

Dear Warden Tellez and Director English:

As Members of Congress representing New York City, we write to follow up on previously submitted correspondence regarding concerns over the increase in COVID-19 cases at the Metropolitan Detention Center (MDC) in Brooklyn. We thank your agency for outlining specific steps you are taking to address the outbreak at the facility, however, in the span of a week, the number of federal detainees listed as “positive” doubled from 43 to 80, according to the Bureau of Prisons’ website.<sup>1</sup> The figure doubling in a week draws into serious question the facility’s capabilities of managing, mitigating and resolving the virus’ transmission.

Unfortunately, we were made aware of the first MDC inmate death from COVID-19 from the media on Friday, February 5. While we understand that Mr. Edwin Segarra suffered from preexisting conditions, what has been less clear is the overall treatment and management of his care prior to his hospital admission. It is also unclear if he was tested for COVID-19 before being vaccinated, and if so, when those test results came back to the institution; what treatment he received prior to being found unresponsive in his cell on the morning of February 5; how long after he was hospitalized he passed away; and what information has been shared by the BOP with his family. Mr. Segarra’s surviving family members would like answers to these questions, as well as incident reports from all involved and medical records. Furthermore, we expect to know any steps the MDC is taking to prevent another death, including limiting the transfer of detainees among units after a minimum 14-day quarantine, as recommended by the CDC for persons in correctional settings, without either a negative COVID test or resolution of symptoms; and requiring staff to present a negative COVID test to return to work after infection.

While we fully understand the challenges of mitigating viral transmissions in correctional facilities, we are deeply concerned that the February 9, 2021 bi-weekly letter required from the MDC Warden by the Chief Judge of the Eastern District of New York (EDNY) provided no indication that Mr. Segarra was ever hospitalized—and did not specify his death. While the correspondence reported on detainee positive tests for COVID, detainee hospitalizations for COVID, and detainee deaths from COVID, Mr. Segarra’s hospitalization and death seems to have been ignored or overlooked. By contrast, the BOP national website did reflect one COVID-19 related inmate death at MDC Brooklyn.<sup>2</sup> MDC did finally list the death in its February 11th letter to the Chief Judge, a full week after it occurred. The lapse on reporting his death is unacceptable.

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<sup>1</sup> Statistics based on publicly available data from February 2 to February 10, 2021. NOTE: Current data indicate that there are 30 inmates with COVID-19, and 317 inmates “recovered.” <https://www.bop.gov/coronavirus/>

<sup>2</sup> See statistics page and full breakdown on <https://www.bop.gov/coronavirus/>

Our offices have been made aware of the following health and safety concerns impacting federal detainees at MDC and the staff who work there. Specifically, these concerns include:

- Inadequate provision of new masks to detainees. (It is our understanding that some detainees have not received new masks since October, including some detainees who have contracted COVID during that period and are still wearing the same cloth or disposable masks);
- Inadequate access to best health & safety equipment by staff (e.g., temperature machines, more effective N95 facemasks, face shields, gloves, UV light wands etc.) especially for use in COVID-positive, quarantine and isolation units;
- Inadequate sanitization procedures in common areas and within cells;
- Inadequate ventilation systems;
- Continued movement of detainees between units prior to the end of the 14-day quarantine period recommended for people in correctional settings, and without confirming reduced risk of transmission of COVID-19 with a negative COVID test or resolution of symptoms;<sup>3</sup>
- The labeling of detainees or staff as "recovered" based solely on the number of days since the positive COVID test, rather than based on a negative test or resolution of symptoms;
- Failure to extend the quarantine period to 20 days and require resolution of symptoms for detainees with more severe cases of COVID or who are immuno-compromised;<sup>4</sup>
- Failure to provide over the counter pain relievers (e.g., acetaminophen/Tylenol) and fresh water to detainees who are infected with COVID;
- The lack of strategies or best practices (e.g., compassionate release) employed at the facility to reduce density, particularly for people who are immunocompromised;
- Inadequate cross-contamination control at Dayton Manor staff housing complex for MDC/MCC and the use of cadre inmates as maintenance instead of dedicated staff;
- The unclear contact tracing plan used within the facility to identify other exposed and/or infected detainees and staff;
- The protocol currently in place to transfer detainees to emergency room or other hospital care, and how this has been updated/modified in response to COVID-19;
- The need to ensure that families or other appropriate points of contact are notified when a detainee has a serious health issue, is hospitalized, or dies, and how that notification is carried out; and
- The continued suspension of Community Relations Board meetings despite availability of internet-based platforms for virtual meetings.

While we recognize that the Bureau has gone forward with inoculation efforts, more needs to be done to protect federal detainees. As of February 2, 196 inmates out of 1,125, or 17% had received at least one vaccination shot.<sup>5</sup> As of this letter's writing, only 6% of the detainee population is fully

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<sup>3</sup> See <https://www.cdc.gov/coronavirus/2019-ncov/community/quarantine-duration-correctional-facilities.html> (updated January 19, 2021 to clarify that correctional facilities should continue to use a 14-day quarantine period).

<sup>4</sup> See <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/testing.html> (medical isolation can be discontinued for persons in correctional facilities with severe illness or who are immunocompromised after at least 20 days of quarantine *and* improvement of symptoms).

<sup>5</sup> Reported by Bureau of Prisons Legislative Affairs Office, February 2, 2021.

protected against the virus.<sup>6</sup> While the public health crisis has certainly taken its toll across the country, it is the most vulnerable that continue to be adversely impacted by its effects. We look forward to collaborating with your agency to fully understand the underlying circumstances surrounding Mr. Segarra's death and whether the aforementioned concerns contributed to his death.

Indeed, it is our hope that forthcoming details on Mr. Segarra's death show that it was not related to neglect or reckless management. We remain committed to ensuring that New York's BOP facilities are managed properly and may take further actions as warranted by a review of the conditions and circumstances, in order to protect detainees and employees.

We look forward to hearing from you on our concerns raised and on Mr. Segarra's particulars. We request that your agency reply to this query no later than March 1, 2021.

Sincerely,



Nydia M. Velázquez  
Member of Congress



Charles E. Schumer  
United States Senator



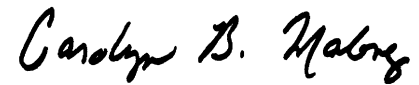
Kirsten E. Gillibrand  
United States Senator



Jerrold Nadler  
Member of Congress



Hakeem Jeffries  
Member of Congress



Carolyn B. Maloney  
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Yvette D. Clarke  
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Member of Congress



Alexandria Ocasio-Cortez  
Member of Congress



Adriano Espaillat  
Member of Congress



Jamaal Bowman  
Member of Congress

<sup>6</sup> See Full Inmate Inoculations Completed, <https://www.bop.gov/coronavirus/> which indicates that 69 detainees have been fully vaccinated. The percentage figure is derived from total population on <https://www.bop.gov/locations/institutions/bro/>

Handwritten signature of Ritchie Torres in black ink.

Ritchie Torres  
Member of Congress

Handwritten signature of Thomas R. Suozzi in black ink.

Thomas R. Suozzi  
Member of Congress