

United States Senate

WASHINGTON, DC 20510

March 9, 2020

Michael Carvajal
Director
Federal Bureau of Prisons
320 1st St. NW
Washington D.C. 20534

Dear Director Carvajal:

I write to request information about the policies and procedures that the U.S. Bureau of Prisons (BOP) has in place to prepare for and manage a potential spread of the novel coronavirus in the federal prison population and among federal correctional staff.

As of this week, a new strain of coronavirus, which causes COVID-19, has infected over 110,000 people, leading to over 3,800 deaths worldwide.¹ On January 31st, the U.S. Department of Health and Human Services (HHS) declared the novel coronavirus outbreak a public health emergency.² As of today, there are over 600 confirmed cases and 22 deaths from coronavirus in the U.S.³

Over 175,000 individuals are incarcerated in federal prisons and jails, and thousands of incarcerated people, their family and friends, and correctional staff move in and out of federal prisons every day.⁴ As a result, the uncontained spread of coronavirus in federal prisons and jails endangers the federal prison population, correctional staff, and the general public.

According to public health experts, incarcerated individuals “are at special risk of infection, given their living situations,” and “may also be less able to participate in proactive measures to keep themselves safe, and infection control is challenging in these settings.”⁵ In China, officials

¹ The New York Times, “Coronavirus Map: Tracking the Spread of the Outbreak,” K.K. Rebecca Lai, Jin Wu, Richard Harris, Allison McCann, Keith Collins, Derek Watkins and Jugal K. Patel, March 4, 2020, <https://www.nytimes.com/interactive/2020/world/asia/china-wuhan-coronavirus-maps.html>.

² U.S. Department of Health and Human Services, “Secretary Azar Declares Public Health Emergency for United States for 2019 Novel Coronavirus,” Press Release, January 31, 2020, <https://www.hhs.gov/about/news/2020/01/31/secretary-azar-declares-public-health-emergency-us-2019-novel-coronavirus.html>.

³ Johns Hopkins University - Center for Systems Science and Engineering, “Coronavirus COVID-19 Global Cases by Johns Hopkins CSSE,” March 4, 2020, <https://gisanddata.maps.arcgis.com/apps/opsdashboard/index.html#/bda7594740fd40299423467b48e9ecf6>

⁴ U.S. Federal Bureau of Prisons, “Statistics,” https://www.bop.gov/about/statistics/population_statistics.jsp.

⁵ “Achieving A Fair and Effective COVID-19 Response: An Open Letter to Vice-President Mike Pence, and Other Federal, State, and Local Leaders from Public Health and Legal Experts in the United States,” March 2, 2020, https://law.yale.edu/sites/default/files/area/center/ghjp/documents/final_covid-19_letter_from_public_health_and_legal_experts.pdf.

have confirmed the virus spreading at a rapid pace in Chinese prisons, with over 500 reported cases as February 20, 2020, including prison staff.⁶

In addition to the vulnerability of the prison population, there are unique challenges in ensuring that incarcerated individuals receive appropriate monitoring and care. Dr. Homer Venters, the former chief medical officer of the New York City Department of Correction, warned that, because of the separation between prison health care services and the rest of our national health care system, “management of this pandemic will be harder and less effective for incarcerated people, their families and staff in these institutions.”⁷

Given the spread of the virus in the U.S.—and the particular vulnerability of the prison population and correctional staff—it is critical that BOP have a plan to help prevent the spread of the novel coronavirus to incarcerated individuals and correctional staff, along with their families and loved ones, and provide treatment to incarcerated individuals and staff who become infected. To inform Congress and policymakers on the state of BOP’s coronavirus preparedness, please respond to the following questions no later than March 16, 2020.

1. What policies or procedures does BOP have in place to prevent the spread of the novel coronavirus within the federal prison population and among visitors and correctional staff and their families? Please provide copies of any relevant policies and procedures.
2. How does BOP plan to identify individuals in its custody or correctional staff who are at heightened risk of serious illness if they become infected with coronavirus, including pregnant women, and individuals with compromised immune systems and chronic illnesses?
3. How will BOP ensure that individuals in segregation or special housing are properly monitored for signs of infection?
4. How will BOP address staffing concerns if a significant number of correctional staff become infected or quarantined and are unable to work?
5. How will BOP manage food service if incarcerated persons who work in prison kitchens become infected or quarantined and are unable to work?
6. What policies or procedures does BOP have in place to track and collect data on the spread of coronavirus?
7. What steps has BOP taken to ensure that it is integrated with the response plans in the communities and states in which federal facilities are located?
8. What steps has BOP taken to coordinate with federal courts and U.S. Attorneys Offices to prevent the spread of the novel coronavirus by and among new arrestees?
9. How does BOP plan to monitor the outbreak of and response to coronavirus across each of its facilities?

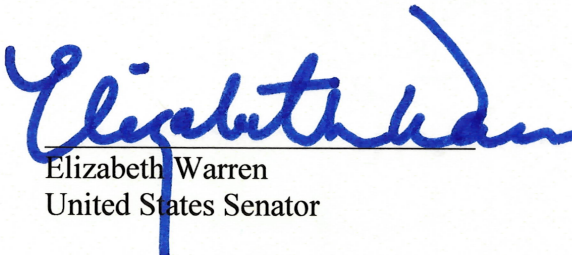
⁶ CNBC, “China says more than 500 cases of the new coronavirus stemmed from prisons,” Evelyn Cheng and Huileng Tan, February 20, 2020, <https://www.cnbc.com/2020/02/21/coronavirus-china-says-two-prisons-reported-nearly-250-cases.html>.

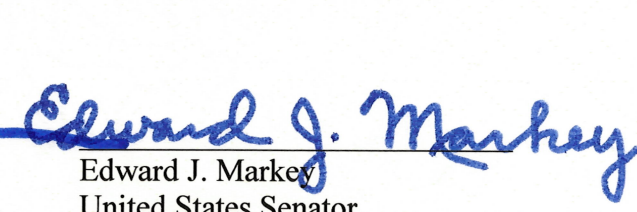
⁷ The Hill, “4 ways to protect our jails and prisons from coronavirus,” Dr. Homer Venters, February 29, 2020, <https://thehill.com/opinion/criminal-justice/485236-4-ways-to-protect-our-jails-and-prisons-from-coronavirus>.

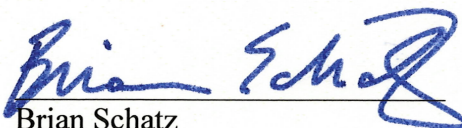
10. Does BOP have a plan to rapidly expand the number of nurses and other medical professionals available to monitor cases and treat infected individuals in its custody?
11. How does BOP plan to isolate individuals in its custody who are exposed to or become infected with the virus?
 - a. Where will they be housed?
 - b. How will BOP ensure that these individuals are properly monitored and treated?
12. What steps has BOP taken to improve sanitation and hygiene in federal prisons and jails, including frequent cleaning and disinfecting of common areas and ensuring that soap, hand sanitizer, tissues, and other personal hygiene products and supplies are widely and readily available?
13. Has BOP appointed a point-person to manage its response to the novel coronavirus?
 - a. If so, who is the appointee?
 - b. If not, does BOP plan to do so?
14. How will BOP communicate its coronavirus prevention and response plans with incarcerated persons, prison staff, and their families?
15. How will BOP maintain normal operations, such as visits and transfers, during the course of the coronavirus epidemic, and how will BOP determine when these operations need to be curtailed?
16. Does BOP have sufficient resources to effectively manage a potential coronavirus outbreak? If not, what additional resources are needed?
17. What standards or contractual requirements does BOP have in place to ensure that facilities operated by private prison contractors are effectively managing the containment of the virus and the treatment of infected individuals in their custody? How does BOP enforce these standards?

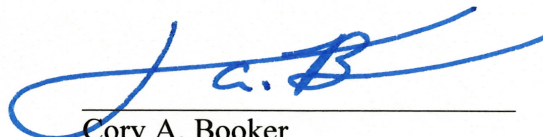
Thank you for your attention to this matter.

Sincerely,


Elizabeth Warren
United States Senator


Edward J. Markey
United States Senator


Brian Schatz
United States Senator


Cory A. Booker
United States Senator

Amy Klobuchar

Amy Klobuchar
United States Senator

Tammy Baldwin

Tammy Baldwin
United States Senator

Bernard Sanders

Bernard Sanders
United States Senator

Richard Blumenthal

Richard Blumenthal
United States Senator

Jeffrey A. Merkley

Jeffrey A. Merkley
United States Senator

Chris Van Hollen

Chris Van Hollen
United States Senator

Kamala D. Harris

Kamala D. Harris
United States Senator

Sherrod Brown

Sherrod Brown
United States Senator

Mazie Hirono

Mazie K. Hirono
United States Senator

Tina Smith

Tina Smith
United States Senator

Mark R. Warner

Mark R. Warner
United States Senator