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13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 vs.

19 XXXXX XXXXX

20 Defendants.  
21

Case No. CR XX-XXXXX XXX

**MOTION TO CONTINUE SELF-  
SURRENDER DATE**

1           **I. Introduction**

2           Defendant XXXXX XXXXX, through undersigned counsel, respectfully requests that the Court  
3 extend his self-surrender date from April XX, 2020, to September 1, 2020. Mr. XXXXX, who is XX  
4 years old, is among the group of people the Centers for Disease Control and Prevention (“CDC”) has  
5 categorized as most-at-risk for contracting COVID-19, a dangerous illness spreading rapidly across the  
6 world and through California. Given the current understaffing of the Bureau of Prisons, the lack of  
7 adequate numbers of testing kits, the inherently close-quartered nature of its detention facilities and the  
8 inability of the Bureau of Prisons to implement social distancing, Mr. XXXXX’s self-surrender should  
9 be postponed until after this pandemic has ended, during which time Mr. XXXXX should be permitted  
10 to continue living at home under his current conditions of release. The United States has indicated that a  
11 postponement of self-surrender is warranted but opposes the defense request of a September 1, 2020  
12 reporting date. The United State agrees however that no hearing is necessary and that the motion can be  
13 decided on the papers.

14           **II. Background**

15           **a. Changed Circumstances: COVID-19 Outbreak**

16           On XXXXX, 2020, the Court sentenced Mr. XXXXX to a custodial term of XX months  
17 imprisonment. Dkt. No. 52. The Court granted Mr. XXXXX’s request to be allowed to self-surrender  
18 and set a date of April XX, 2020, for Mr. XXXXX to surrender himself at the institution designated by  
19 the Bureau of Prisons. *Id.* Mr. XXXXX has since been designated to FCI XXXX in XXXX.

20           As of March 18, 2020, the new strain of coronavirus which causes COVID-19, has infected over  
21 201,000 people, leading to at least 8,204 deaths worldwide.<sup>1</sup> On March 11, 2020, the World Health  
22 Organization officially classified COVID-19 as a pandemic.<sup>2</sup> The President has declared a national  
23 public health emergency, and the Governor of the State of California has declared a public health  
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26 <sup>1</sup> *Coronavirus Map: Tracking the Spread of the Outbreak*, The New York Times (March 18, 2020), at  
27 <https://nyti.ms/2U4kmud> (updating regularly).

28 <sup>2</sup> *WHO Characterizes COVID-19 as a Pandemic*, World Health Organization (March 11, 2020) at <https://bit.ly/2W8dwpS>.

1 emergency throughout the state.<sup>3</sup> Protective measures that have been taken include restrictions on large  
2 gatherings, school closures, and a directive to Californians over the age of 65 to isolate themselves at  
3 home.<sup>4</sup> Most notably thus far, beginning March 17, 2020, Bay Area residents have been ordered to  
4 “shelter in place” and must stay inside their homes unless receiving or providing essential services or  
5 engaging in essential activities.<sup>5</sup> The CDC has also issued guidance that individuals at higher risk of  
6 contracting COVID-19—adults over 60 years old and people with chronic medical conditions—take  
7 immediate preventative actions, including avoiding crowded areas and staying home as much as  
8 possible.<sup>6</sup> With confirmed cases in California and elsewhere that indicate community spread, we must  
9 take every necessary action to protect vulnerable populations and the community at large.

#### 10 **b. Conditions of Confinement and Spread of Coronavirus**

11 Conditions of confinement create the ideal environment for the transmission of contagious  
12 disease.<sup>7</sup> Inmates cycle in and out of detention facilities from all over the country, and people who  
13 work in the facilities including correctional officers, and care and service providers leave and return  
14 daily, without screening. Incarcerated people have poorer health than the general population, and even  
15 at the best of times, medical care is limited.<sup>8</sup> Many people who are incarcerated also have chronic  
16 conditions, like diabetes or HIV, which makes them vulnerable to severe forms of COVID-19.  
17 According to public health experts, incarcerated individuals “are at special risk of infection, given their

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19 <sup>3</sup> See Governor Newsom Declares State of Emergency to Help State Prepare for Broader Spread of COVID-19,  
20 <https://www.gov.ca.gov/2020/03/04/governor-newsom-declares-state-of-emergency-to-help-state-prepare-for-broader-spread-of-covid-19/> (Mar. 4, 2020).

21 <sup>4</sup> *To Help Fight Coronavirus, California Seniors Should Isolate and Bars Should Close, Gov. Gavin Newsom Says*, Los Angeles  
22 Times (March 15, 2020), at <https://www.latimes.com/california/story/2020-03-15/california-seniors-isolated-bars-close-coronavirus-gavin-newsom>.

23 <sup>5</sup> *Bay Area authorities place strictest order in country: ‘Shelter in place,’ only essential businesses open in 6 counties*, (May  
24 16, 2020), at <https://www.sfchronicle.com/local-politics/article/Bay-Area-must-shelter-in-place-Only-15135014.php>.

25 <sup>6</sup> *People at Risk for Serious Illness from COVID-19*, CDC (March 12, 2020) at <https://bit.ly/2vgUt1P>.

26 <sup>7</sup> Joseph A. Bick (2007). *Infection Control in Jails and Prisons*. *Clinical Infectious Diseases* 45(8):1047-1055, at  
<https://doi.org/10.1086/521910>.

27 <sup>8</sup> Laura M. Maruschak et al. (2015). *Medical Problems of State and Federal Prisoners and Jail Inmates, 2011-12*. NCJ  
248491. Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, at  
28 <https://www.bjs.gov/content/pub/pdf/mpsfj1112.pdf>

**Motion to Continue Self-Surrender Date**

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1 living situations,” and “may also be less able to participate in proactive measures to keep themselves  
2 safe;” “infection control is challenging in these settings.”<sup>9</sup>

3 Outbreaks of the flu regularly occur in jails, and during the H1N1 epidemic in 2009, many jails  
4 and prisons dealt with high numbers of cases.<sup>10</sup> In China, officials have confirmed the coronavirus  
5 spreading at a rapid pace in Chinese prisons, counting 500 cases.<sup>11</sup> Secretary of State Mike Pompeo has  
6 called for Iran to release Americans detained there because of the “deeply troubling” “[r]eports that  
7 COVID-19 has spread to Iranian prisons,” noting that “[t]heir detention amid increasingly deteriorating  
8 conditions defies basic human decency.”<sup>12</sup> Courts across Iran have granted 54,000 inmates furlough as  
9 part of the measures to contain coronavirus across the country.<sup>13</sup> Across the nation, steps are already  
10 being taken to facilitate the release of elderly and sick prisoners and to reduce jail populations by  
11 discouraging the refusing the admission of individuals arrested on non-violent misdemeanor charges.<sup>14</sup>

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16 <sup>9</sup> “Achieving A Fair And Effective COVID-19 Response: An Open Letter to Vice-President Mike Pence, and Other Federal,  
17 State, and Local Leaders from Public Health and Legal Experts in the United States,” (March 2, 2020), at  
<https://bit.ly/2W9V6oS>.

18 <sup>10</sup> *Prisons and Jails are Vulnerable to COVID-19 Outbreaks*, The Verge (Mar. 7, 2020) at <https://bit.ly/2TNcNZY>.

19 <sup>11</sup> Rhea Mahbubani, *Chinese Jails Have Become Hotbeds of Coronavirus As More Than 500 Cases Have Erupted,*  
20 *Prompting the Ouster of Several Officials*, Business Insider (Feb. 21, 2020) at <https://bit.ly/2vSzSRT>.

21 <sup>12</sup> Jennifer Hansler and Kylie Atwood, *Pompeo calls for humanitarian release of wrongfully detained Americans in Iran*  
22 *amid coronavirus outbreak*, CNN (Mar. 10, 2020) at <https://cnn.it/2W4OpV7>.

23 <sup>13</sup> Claudia Lauer and Colleen Long, *US Prisons, Jails On Alert for Spread of Coronavirus*, The Associated Press (Mar. 7,  
24 2020) at <https://apnews.com/af98b0a38aaabedbc059092db356697>.

25 <sup>14</sup> In New York Brooklyn District Attorney Eric Gonzalez, joined by public health experts, has asked Governor Cuomo to  
26 grant emergency clemencies to elderly and sick prisoners (Sarah Lustbader, *Coronavirus: Sentenced to COVID-19*, The  
27 Daily Appeal (Mar. 12, 2020) at <https://theappeal.org/sentenced-to-covid-19/>); Cuyahoga County (Ohio) is holding mass  
28 pleas and bail hearings to reduce the current jail population (<https://www.cleveland.com/court-justice/2020/03/cuyahoga-county-officials-will-hold-mass-plea-hearings-to-reduce-jail-population-over-coronavirus-concerns.html>); Mahoning County  
(Ohio) jail is refusing all non-violent misdemeanor arrestees (<https://www.wkbn.com/news/coronavirus/mahoning-county-jail-refusing-some-inmates-due-to-coronavirus-outbreak/>); see also Collin County (TX)  
(<https://www.dallasnews.com/news/public-health/2020/03/12/facing-coronavirus-concerns-collin-county-sheriff-asks-police-not-to-bring-petty-criminals-to-jail/>);

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1                   **c. Specific Conditions within the Bureau of Prisons**

2                   Over 175,000 individuals are incarcerated in federal prisons and jails, and thousands of  
3 incarcerated people and correctional staff move in and out of federal prisons every day.<sup>15</sup> Although the  
4 Bureau of Prisons has modified its operations, including the suspension of internal inmate transfers,  
5 social visits and legal visits for 30 days,<sup>16</sup> it nevertheless lacks the resources necessary to engage in  
6 screening and testing of inmates, correctional staff, law enforcement officers and other care and service  
7 providers who enter the facility. Dozens of employees of the federal prison system, including staff in  
8 New York and Texas, recently reported their facilities were ill-prepared for a coronavirus outbreak. One  
9 prison worker at a facility in Texas told reports that medical supplies and staff were short, even without  
10 an outbreak, and that if the prison had multiple cases, some would need to be sent to a nearby hospital  
11 for treatment.<sup>17</sup> Federal prison union officials have warned that the combination of chronic  
12 understaffing, a new leave policy and the realities of coronavirus quarantines could lead to the first  
13 nationwide federal prison lockdown since 1995.<sup>18</sup> As additional people are arrested who have been out  
14 in the community as the coronavirus spreads, if they are not symptomatic, they will be brought into BOP  
15 custody and held with the existing population, potentially bringing COVID-19 into this population held  
16 in large numbers, close quarters, and low sanitary conditions. Undersigned counsel represents that she  
17 has heard anecdotally that basic sanitary supplies to help prevent viral spread – such as hand sanitizer,  
18 soap, ready inmate access to hand washing stations, are in short supply within the BOP.

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22 <sup>15</sup> U.S. Federal Bureau of Prisons, “Statistics,” [https://www.bop.gov/about/statistics/population\\_statistics.jsp](https://www.bop.gov/about/statistics/population_statistics.jsp).

23  
24 <sup>16</sup> Federal Bureau of Prisons COVID-19 Action Plan, at [https://www.bop.gov/resources/news/20200313\\_covid-19.jsp](https://www.bop.gov/resources/news/20200313_covid-19.jsp).

25 <sup>17</sup> <https://www.nytimes.com/2020/03/17/us/coronavirus-prisons-jails.html?referringSource=articleShare> (Attached as  
26 **Exhibit A**)

27 <sup>18</sup> *Coronavirus Puts Prisons In Tight Spot Amid Staff Shortages, Threats Of Lockdown* (March 12, 2020) at  
28 <https://khn.org/news/coronavirus-puts-prisons-in-tight-spot-amid-staff-shortages-threats-of-lockdown/> (Attached as **Exhibit B**).

1           **III. Argument.**

2           The circumstances that existed when the Court set Mr. XXXXX’s self-surrender date have now  
3 changed. There is a pandemic that poses a direct risk that is far greater if Mr. XXXXX enters BOP  
4 custody during this public health crisis. Mr. XXXX is particularly vulnerable because his age of XX  
5 puts him within the group of people the CDC has categorized as most-at-risk for contracting COVID-19.  
6 That risk is not going to decrease in the near term. In a recent press briefing with members of the  
7 Coronavirus Task Force, the President explained that the outbreak will likely extend into July or August  
8 of this year.<sup>19</sup> Many experts opine that even that may be optimistic, given the threat of a renewed spike  
9 in infections in the coming winter. A request for an extension in voluntary surrender to September 1 is  
10 modest, precautionary and possibly not enough given the rapid spread of the illness nationwide. As of  
11 today March 18, the virus has been found present in all 50 states.

12           Mr. XXXX was released on bond under pretrial supervision in XXXX 2019. He has kept all  
13 court appearances, complied with conditions of pretrial release, and is not viewed as a flight risk or a  
14 danger to the community. PSR at 22. Because Mr. XXXX remains a good candidate for voluntary  
15 surrender, and because we are currently experiencing a global pandemic during which even leaving the  
16 house will endanger his life, the Court should continue Mr. XXXX’s self-surrender date to September 1,  
17 2020.

18           **IV. Conclusion**

19           Mr. XXXX is among the vulnerable population at heightened risk of getting very sick from  
20 COVID-19. For all of the above reasons, Mr. XXXXX’s self-surrender date should be continued from  
21 April XX, 2020, to September 1, 2020. The United States has indicated that it will partially oppose the  
22 instant motion but agrees with Mr. XXXXX that no hearing is necessary and that the motion can be  
23 decided on the papers.

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27 <sup>19</sup> Remarks by President Trump, Vice President Pence, and Members of the Coronavirus Task Force in Press Briefing  
28 (March 16, 2020), at <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-vice-president-pence-members-coronavirus-task-force-press-briefing-3/>.

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DATED: March 18, 2020

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/s/  
MARY McNAMARA  
EDWARD W. SWANSON  
BRITT EVANGELIST  
Swanson & McNamara LLP  
Attorneys for XXXXX XXXXX

# EXHIBIT A



## ***'We Are Not a Hospital': Inside a Prison Bracing for the Coronavirus***

In places where social distancing is impossible and medical care strained, bars won't stop the infection's spread.



By Danielle Ivory

Published March 17, 2020 Updated March 18, 2020, 12:17 a.m. ET

Packed into a crowded federal prison complex with not enough masks, soap or hand sanitizer, and the sole doctor out sick, corrections workers in Tallahassee, Fla., were worried.

Then on Monday, a new inmate arrived and was immediately put into quarantine. And on Tuesday, a bus with almost a dozen inmates from a U.S. Immigration and Customs Enforcement detention center showed up.

They were scheduled for quarantine, too. And all had elevated temperatures.

"I just delivered hand sanitizer to the unit that the inmates will be housed in," said Kristan Morgan, a nurse practitioner at the prison who checked the new arrivals' temperatures. "Staff are starting to get fearful."

In jails and prisons across the country, concerns are rising of a coronavirus outbreak behind bars. Already, cases have been reported. On Friday, someone who works in a Washington State prison tested positive for the virus, and the day before, the sheriff in Hancock County, Ind., said a staff member at the local jail was being isolated at home after a positive test, along with two other employees who were considered at risk.

In New York City, the Department of Correction over the weekend announced its first death from the virus: David Perez, 56, an investigator who was based in the department's headquarters in Queens. Mr. Perez had not had contact with inmates for weeks, according to a person familiar with the matter.

To try to prevent an outbreak in the federal prison system that holds more than 175,000 people, the Bureau of Prisons has suspended all visits for 30 days, including most by lawyers. It has also barred transfers of inmates between facilities, with few exceptions. The bureau said the densely packed nature of prisons "creates a risk of infection and transmission for inmates and staff."

Many state prison systems and local jails, where a vast majority of imprisoned people are held, also suspended visits last week. A jail in Santa Clara County, Calif., placed inmates in quarantine after a visitor tested positive for the virus.

In other countries where the pandemic is more widespread, both prisoners and guards have fallen sick. The coronavirus swept through Chinese prisons in late February, with reports of more than 500 cases spreading across at least four facilities in three provinces. And Iran temporarily freed about 70,000 prisoners earlier this month to help curb the epidemic there.

Advocates in the United States have sounded alarms over whether correctional facilities here are adequately prepared to stop an outbreak within their walls. Much of the advice given by the federal Centers for Disease Control and Prevention — such as staying six feet away from others and routinely disinfecting surfaces — can be nearly impossible to follow behind bars.

As the outbreak continued to spread on Tuesday, public defender groups in New York City called for the release of detainees in the city jails, including on Rikers Island, who are being held on parole violations, are over 50 or have pre-existing health conditions. “The city must take basic and humane steps to prevent suffering and loss of life,” said Tina Luongo, the chief criminal defender of the Legal Aid Society.

The union for the city’s corrections officers countered that “instead of recklessly letting inmates out,” the city should “bring in more masks, gloves, hand sanitizers and other vital supplies” for jail employees. A spokesman for the union said that corrections officers were given 3,000 masks, but they need 10,000.

More than a dozen employees of the federal prison system, including staff in New York and Texas, told The New York Times that their facilities were also ill-prepared for a coronavirus outbreak, or even a quarantine. One prison worker at a facility in Texas said that medical supplies and staff were short, even without an outbreak, and that if the prison had multiple cases, some would need to be sent to a nearby hospital for treatment.

“I can’t imagine a local hospital giving inmates preference if they get to the point they have to make hard decisions on saving lives,” the worker said, but added that the prison simply would not be able to handle a surge. “We don’t have ventilators on hand at all. We are not a hospital. We don’t have the medical staff.”

In late February, Jeffrey Allen, the Bureau of Prisons’ medical director, sent a memo to all clinical directors at federal prisons across the country, urging them to screen incoming inmates for the virus and to establish “baseline” supplies like gloves, surgical and N95 masks, and gowns.

In Tallahassee, the placement of new inmates directly into quarantine ramped up the concerns of staff members who were already nervous about their ability to contain an outbreak. Seven employees described the situation to The Times. Some spoke on the condition of anonymity because they feared retaliation from the Bureau of Prisons, while others are protected by their status in the prison employees’ union. The bureau did not authorize them to speak.

Ray Coleman, a teacher at the prison complex, and other employees said the agency quarantined the new inmates in a unit away from the general population, but where they would still have close contact with prison employees.

Mr. Coleman said that prison officials told him on Tuesday that the bureau was planning to send more new inmates this week; they would also be placed in quarantine, he was told, likely in a special housing unit nicknamed “the SHU” that is generally reserved for inmates who get into trouble or need protection. Inmates in the unit are not usually allowed to roam freely outside of their cells, and may bathe and exercise on a limited basis.

When they do leave their cells — to shower, for example, on Mondays, Wednesdays and Fridays — they must be closely accompanied by prison staff.

“We can’t escort an inmate with a six-foot rule,” said Yamira Richardson, a correctional officer who is currently working in the SHU. She worries about being exposed and then transmitting the virus to co-workers, inmates or family members.

“A lot of us are parents,” said Ms. Richardson, who is also a steward in the local union. “A lot of us are caregivers to parents and elderly relatives.”

Ms. Richardson and other employees said they were also concerned about staffing. If employees must stay home because they are sick, the already understaffed prison will suffer, they said.

The Bureau of Prisons declined to make Erica Strong, the prison complex’s warden, available for an interview. A bureau spokesperson said there were no known cases of the coronavirus in the federal prison system but did not respond to specific questions, instead providing a statement that the suspension of inmate transfers announced last week had exceptions.

“Admission of new inmates will continue,” the statement said, adding that the inmates received by the Tallahassee prison complex had been approved. “Out of an abundance of caution, these inmates were screened and placed on observation.”

The statement said that an ample amount of cleaning, sanitation and medical supplies was on hand and ready to be distributed or moved to any facility as deemed necessary.

On March 13, Ms. Strong sent a memorandum to all staff members at the prison complex, assuring them that surgical and N95 masks, gloves and medical gowns would be “available at all departments.”

Mr. Coleman, who is president of the prison’s local union, replied in a series of memos that the gear was not widely available, and that N95 masks on back order had a projected shipping date of March 20 or later. He laid out a list of units with little or no protective gear — including the education department, the psychology department and the SHU. He noted that some areas did not have hand soap.

He said that because of a lack of supplies, the medical unit was reusing masks that are supposed to be used only once.

Ms. Morgan, the nurse practitioner who is also the vice president of the local prison union, said the complex had struggled to get basic supplies like hand sanitizer and was expecting to have to ration masks. Most of the ones on hand are either too small or too large for most prison workers, she added. “We don’t know if or when we are going to get more.”

No inmates at the complex have been tested for the coronavirus, Ms. Morgan said — largely because there are no tests available at the prison, and it is unclear how oral and nasal swabs would be transferred off-site for testing. Medical staff have been told that they may need to report to work after hours to screen incoming inmates in the future.

The Bureau of Prisons considers a temperature of 100.4 to be the threshold for a fever, according to its visitor screening documents. Ms. Morgan was working when the bus of ICE inmates arrived on Tuesday. She said the inmates’ temperatures were in the 99.3 to 101.2 range, all of which she considered to be high.

Jan Ransom and Nicholas Bogel-Burroughs contributed reporting.

# EXHIBIT B

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# Coronavirus Puts Prisons In Tight Spot Amid Staff Shortages, Threats Of Lockdown

By **Lauren Weber** • MARCH 12, 2020



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*[UPDATED at 4:30 p.m. ET on March 13]*

Federal prison union officials and inmate advocates warn that the combination of chronic understaffing, a new leave policy and the realities of coronavirus quarantines could lead to the first nationwide federal prison lockdown since 1995.

As coronavirus races across the country, staffing challenges are particularly complicated in the nation's jails and prisons where conditions create a tinderbox for contagion. There is no such thing as teleworking for a correctional officer tasked with guarding inmates.

Union leaders for the Council of Prison Locals worry that existing low staffing levels in federal detention centers and prisons — which have required teachers and other social workers to fill in for correctional officers in the past — will exacerbate the impact of losing staff members to quarantines for coronavirus infections.

The federal prison system, which houses nearly 175,000 inmates, represents only a fraction of the overall prison and jail complex in the United States. More than 2.2 million people throughout the country are estimated to be behind bars. Though small by comparison, the federal system sheds light on issues many state, county and local officials are grappling with now. Because the facilities are typically dense and crowded, they could become prime breeding grounds for the highly contagious coronavirus.

If the coronavirus begins to spread rapidly among staff and inmates, it could prompt a nationwide prison lockdown at federal sites, said Aaron McGlothin, head of the prison staffers' local union at Federal Correctional Institution-Mendota near Fresno, California.

"You've got to understand we're in a prison — there's nowhere to go," he stressed. "If somebody comes down sick, what are you going to do? Everybody's going to get sick."

The Federal Bureau of Prisons said there have been no confirmed coronavirus cases in its 122 facilities as of March 10. But Joe Rojas, the union's Southeast regional vice president, said there have been scares in federal facilities in Seattle and Miami. The bureau told staff Friday it was canceling visitation for 30 days, according to plans seen by KHN that were first reported by the Associated Press. Legal visits, inmate transfers and staff travel are also suspended for 30 days. In areas where community transmission of coronavirus is high, the bureau said it will enhance screening for staff, including temperature checks. The state corrections departments in Florida, California and Colorado all said earlier in the week they are cutting off visitation to inmates at their sites.

Worldwide, prisons have become a flashpoint amid this rapidly escalating public health crisis. Iran temporarily released 70,000 prisoners to combat the spread of the novel coronavirus within jails, while Italy is facing prison riots over lockdown conditions that have led to at least 50 inmate escapes and six deaths.

In the U.S., union officials are questioning a federal Bureau of Prisons leave policy issued Monday in an internal memo obtained by Kaiser Health News that says staff who contract the coronavirus and are symptomatic must use sick leave to self-quarantine. The memo said it follows guidance from the U.S. Office of Personnel Management, which advises the federal government workforce on leave policies.

Union officials said the policy discourages those who have the virus from staying home for the full duration of the illness. Federal prison employees receive four hours of sick leave every two weeks, amounting to about 13 days a year. But the Centers for Disease Control and Prevention recommends 14 days of isolation for those who only have been exposed and says those who are sick should remain quarantined until cleared by a public health official, which could be far longer.

That means most federal prison employees would need to borrow time they had not yet accrued if they do get sick. And even then, it might not cover the full time needed to get better and no longer be contagious.

“I wouldn’t want to give them any excuse or reason to come back in before they’re ready,” said Rick Heldreth, the local union president of West Virginia’s Hazelton.

That’s in contrast to the prison system guidance for those who have potentially come in contact with the virus but remain asymptomatic: They are allowed to use administrative “weather and safety” leave for up to 14 days.

“Everybody is saying, what the hell does this mean? If you have the symptoms? If you don’t have the symptoms?” said Rojas. “It’s just a mess.”

If conditions deteriorate to a lockdown or mass outbreak situation, “what happened in Italy could easily happen over here,” Rojas said.

McGlothin outlined the steps federal prisons would take as the threat grows: first canceling visitation, then limiting movement of prisoners transported between facilities, and finally locking down institutions. Lockdown conditions — in which inmates are kept in their cells except for limited showers — are not uncommon in individual federal prisons following violent events or even high levels of the flu, but they're usually temporary.

It's been more than 24 years since the entire federal Bureau of Prisons locked down. Inmates were fed in their rooms and all recreational activities were canceled following a series of prison riots in October 1995.

When asked about the possibility of a national lockdown, bureau spokesperson Emery Nelson declined to comment on the specifics of the contingency plans because of safety and security reasons.

Fifteen Democratic U.S. senators, including Elizabeth Warren and Bernie Sanders, sent a letter on Monday asking the Bureau of Prisons to explain its coronavirus plan. They had yet to get a response as of Thursday, according to Warren's office.

David Patton, the executive director of the Federal Defenders of New York, a nonprofit that defends poor people accused of federal crimes, said he is concerned about the lack of information.

"I have no confidence that they're prepared or whatever plans they have are acceptable from even the most minimal human rights perspective," he said, stressing that a long-term lockdown would be unconstitutional because inmates need to have access to legal counsel.

Patton already had been sounding the alarm over inmate treatment at the federal Metropolitan Correctional Center in Manhattan following a recent lockdown. He detailed "hellish conditions" of inmates left in just boxer briefs in cold cells, a lack of access to soap, severe overcrowding and rodent infestations. And that's without coronavirus added in.

"We're starting with a baseline of mismanagement and poor conditions," he said. "In the best of the times, we can't get people medical care when they need it."



Many advocates are pushing for officials to commute some inmates' sentences to lessen the potential number of incarcerated individuals exposed to the virus. In San Francisco, public defender Mano Raju has pushed for the release of pretrial detainees who are older than 60 and have underlying medical conditions, as well as those up for work-release, electronic monitoring or with less than six months on their sentence.

Officials at every political level need to seriously consider such measures to protect the public, said Nazgol Ghandnoosh, a senior research analyst for The Sentencing Project, a group that pushes for criminal justice system improvements.

As does the public, Ghandnoosh noted. Even if people are not personally connected to anyone in prison, she said, they will be personally affected as inmates fill up hospital beds and ICU resources.

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*[Update: This story was revised at 4:30 p.m. ET on March 13, 2020, following news developments.]*

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