

August 16, 2022

Via E-Mail and Federal Express

Attorney General Merrick Garland
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Director Colette Peters
Federal Bureau of Prisons
320 First Street, NW
Washington, DC 20534

Dear Attorney General Garland and Director Peters:

We write with urgency to ask that you and your respective offices take immediate steps to address the deplorable and inhumane conditions of confinement at the Metropolitan Detention Center (MDC) in Brooklyn, New York.

MDC, located in Sunset Park, Brooklyn (NY District-10), is the largest federal pre-trial detention center in the United States. It should be a model institution. Instead, systematic dysfunction at MDC-Brooklyn has resulted in years of unacceptable conditions of confinement for detainees, denial of basic necessities, and inadequate access to counsel and legal materials. This humanitarian crisis must be addressed now.

Over 1600 people (including about 30 women and 5 openly transgender detainees), most of whom are awaiting trial in the Southern and Eastern Districts of New York, are housed at MDC. Because of the complexity of the cases and the backlog caused by the COVID-19 pandemic, detainees are held there pre-trial for as long as four years. The most pressing concerns are:

- Wardens constantly cycle through the facility, rarely staying even a year.
- The facility has been the repeated subject of scathing reports by DOJ Office of Inspector General (OIG) on topics ranging from poor facilities management, sexual abuse of detained individuals by officers, and failures of management of the Special Housing Unit.¹
- There have been high-profile, systemic failures at the facility, such as a week-long blackout in the dead of winter in January 2019, which left detainees in the dark, freezing cold, with no legal or family access. Light and heat did not return until

¹ See, e.g., DOJ OIG, *Review and Inspection of Metropolitan Detention Center Brooklyn Facilities Issues and Related Impacts on Inmates, Evaluation and Inspections Report* (Sept. 2019); DOJ OIG, *Management of the Special Programs Unit at the Federal Bureau of Prisons Metropolitan Detention Center in Brooklyn, New York*, Evaluation and Inspection Division, 15-08 (September 2015).

Congresswoman Nydia Velasquez, Congressman Jerry Nadler, and then-Public Advocate Letitia James personally toured the facility and demanded immediate action.²

- The facility has a long history of interference with legal access, and the Federal Defenders of New York has had a Sixth Amendment lawsuit pending against the facility since February 2019.³ Despite this, as recently as July 2022, lawyers were denied visitation by correctional officers. On each unit of 100 detainees or more, only two computers are available to review the discovery essential to fighting one's criminal case.
- In October 2021, DOJ closed the only other federal pre-trial detention facility in New York City (MCC New York), following the high-profile suicide of Jeffrey Epstein, denouncing the corruption among officers. BOP then transferred approximately 100 officers and hundreds of detainees to MDC, aggravating the existing problems. Corruption at MDC has substantially increased since then, with weapons, cellphones, and drugs entering the facility through correctional officers. *See, e.g., United States v. Monk*, 22-MJ-805, (E.D.N.Y. July 29, 2022) (Dkt.1). This flow of contraband increases violence in the facility and leads to near-constant lockdowns.
- At least four detainees have died by suicide at MDC Brooklyn in the last two years,⁴ including two suicide deaths in the ten months since the closure of MCC New York.
- Medical care has faltered even further, leading judges to have to intervene to obtain even the most basic care for people who are detained, including the prescription of psychiatric medications.
- Basic human needs have been compromised: food has been restricted, contact with family denied or curtailed, showers infrequent, drinking water quality poor, and stamps unavailable to communicate with lawyers and family.

Strong oversight of Brooklyn-MDC is needed now.

We ask that you and staff members from your offices meet with the new NY District-10 Congressional representative within 45 days of election. At that meeting, each of us pledges to advocate for the following immediate reforms:

- That elected officials and federal judges be authorized to make unscheduled visits to MDC Brooklyn to ensure transparency and accountability.

² Hearing on the Fed. Bureau of Prisons and Implementation of the First Step Act Before the Comm. on the Judiciary of the H. Subcomm. on Crime, Terrorism, and Homeland Sec., 116th Cong. (Statement of David Patton at 5), (Oct. 17, 2019), <https://bit.ly/3kfSAJF> pdf.

³ *Federal Defenders of NY v. Federal Bureau of Prisons*, 19-CV-660 (MKB) (EDNY).

⁴ By comparison, Jeffrey Epstein's suicide on August 10, 2019, was the only one at MCC New York from 1999 until its closure in October 2021.

- That every staff member entering the facility undergo a thorough screen for drugs, weapons and cell phones. No exceptions.
- That medical staffing be increased to meet the needs of this population and the length of time detained, and that the BOP collaborate with a local medical school or non-profit to increase the quality of providers, as the NY Department of Corrections did successfully on Rikers Island.
- That every detainee must be provided with healthy, sufficient food. Every day.
- That Director Peters must hold quarterly meetings with all the stakeholders affected, in order to ensure that reforms are meaningfully and consistently implemented.

We appreciate your attention and look forward to working with you.

Respectfully,

Candidates for Congress NY-10

Daniel Goldman

Mondaire Jones

Yuh-Line Niou

Carlina Rivera

Jo Anne Simon