

United States Senate
WASHINGTON, DC 20510

March 20, 2020

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

Dear Director Carvajal:

On March 9, 2020, we wrote to you requesting information about the Federal Bureau of Prisons' (BOP's) plans to prevent and manage an outbreak of coronavirus disease 2019 (COVID-19) in federal prisons and jails and protect the health and safety of incarcerated individuals, correctional staff, and their families.¹ We have yet to receive a response. In light of the ongoing public health emergency—and the recent reports of infections among incarcerated individuals and correctional staff—we are following up on our letter to request that you immediately respond to our questions and provide a telephonic briefing no later than March 25, 2020.

Since last week, the COVID-19 outbreak has become significantly more dire, with confirmed cases in the United States alone increasing ten-fold. On March 11, 2020, the World Health Organization declared COVID-19 a pandemic.² As of March 20, 2020, there are over 14,250 confirmed cases and 205 deaths from COVID-19 in the U.S.³ In response to this emergency, states around the country have taken drastic measures to reduce risk and “flatten the curve” of the outbreak.⁴ Forty-eight states have declared states of emergency, and in order to encourage social distancing, many have ordered the closure of schools, restaurants, bars, and other places

¹Senator Elizabeth Warren et. al., “Letter to Federal Bureau of Prisons Regarding Coronavirus,” March 9, 2020, <https://www.warren.senate.gov/imo/media/doc/2020-03-09%20Senator%20Warren%20Letter%20to%20BOP%20re%20Coronavirus.pdf>.

² World Health Organization, “WHO Director-General's opening remarks at the media briefing on COVID-19 - 11 March 2020,” <https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020>.

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

⁴ The New York Times, “Flattening the Coronavirus Curve,” Siobhan Roberts, March 11, 2020, <https://www.nytimes.com/2020/03/11/science/coronavirus-curve-mitigation-infection.html>.

people congregate.⁵ Earlier this week, the White House advised all Americans to avoid gatherings of 10 or more people.⁶

The more than 175,000 people in the U.S. who are currently incarcerated in federal prisons and jails, and federal correctional staff and their families, are at especially high-risk of infection if an outbreak occurs in their facility, and would be particularly challenging to treat if infected with COVID-19.⁷

This is a real threat. Two staff members at federal prisons in New Hampshire and Texas have already tested positive for COVID-19.⁸ Additionally, on Friday, just days after our letter to you, GEO Group Inc. (GEO)—one of the private prison companies under contract with the BOP—reported that 34 incarcerated individuals and staff at the GEO-managed George W. Hill Correctional Facility in Thornton, Pennsylvania were quarantined after an employee tested positive for COVID-19.⁹ Disturbingly, despite that very real threat of outbreak at one of their facilities, GEO refused to answer questions we posed to them in a March 9th letter requesting information about their COVID-19 preparedness plans, redirecting all requests for information to the BOP.¹⁰ I have attached to this letter a copy of GEO's response. GEO's refusal to take responsibility for individuals at their facilities and their contractual obligations to federal taxpayers underscores the urgency with which BOP must confront this crisis in order to protect incarcerated individuals, correctional staff, and their families.

Although the BOP released a COVID-19 action plan on Friday, it fails to address many of the questions we asked about in our March 9th letter, such as steps the BOP is taking to prepare for treatment of individuals in its custody that may contract COVID-19, how the BOP will deal with staffing shortages in the event of an outbreak, and what it is doing to enforce contractual obligations and ensure private prison contractors are adequately prepared for a possible COVID-19 outbreak.¹¹

⁵ Business Insider, "Almost all US states have declared states of emergency to fight coronavirus — here's what it means for them," Cranley and Sarah Al-Arshani, March 18, 2020, <https://www.businessinsider.com/california-washington-state-of-emergency-coronavirus-what-it-means-2020-3>; The Hill, "At least 20 states order partial closures of restaurants, bars amid coronavirus," Justine Coleman, March 17, 2020, <https://thehill.com/policy/healthcare/public-global-health/487974-at-least-20-states-order-partial-closure-restaurants>.

⁶ The White House, "The President's Coronavirus Guidelines for America," March 16, 2020, https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20_coronavirus-guidance_8.5x11_315PM.pdf.

⁷ U.S. Federal Bureau of Prisons, "Statistics," https://www.bop.gov/about/statistics/population_statistics.jsp; "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.

⁸ Forbes, "First Cases Of Coronavirus In Federal Prisons Confirmed, As Two Staffers Test Positive," Matt Perez, March 18, 2020, <https://www.forbes.com/sites/mattperez/2020/03/18/first-cases-of-coronavirus-in-federal-prisons-confirmed-as-two-staffers-test-positive/#3238bed4a7d5>.

⁹ CBS3 Philadelphia, "Coronavirus Update: 34 George W. Hill Correctional Facility Employees, Inmates Being Self-Quarantined After Employee Tests Positive For COVID-19," March 14, 2020, <https://philadelphia.cbslocal.com/2020/03/14/george-w-hill-correctional-facility-employee-tests-positive-for-covid-19/?utm=newsbreak>.

¹⁰ GEO Group Inc., "Response Letter to Senator Elizabeth Warren et. al. Regarding Coronavirus," March 12, 2020.

¹¹ Federal Bureau of Prisons, "Federal Bureau of Prisons COVID-19 Action Plan," March 13, 2020, https://www.bop.gov/resources/news/20200313_covid-19.jsp.

We respectfully request a prompt response from the BOP that provides thorough and complete answers to the questions outlined in our March 9th letter, and request a telephonic briefing with members of our staff regarding actions the BOP is taking to prepare for COVID-19 outbreaks no later than March 25, 2020.

Thank you for your attention to this urgent matter.

Sincerely,

Elizabeth Warren
United States Senator

Edward J. Markey
United States Senator

Cory A. Booker
United States Senator

Amy Klobuchar
United States Senator

Bernard Sanders
United States Senator

Richard Blumenthal
United States Senator

Mark R. Warner
United States Senator

Chris Van Hollen
United States Senator

Kamala D. Harris
United States Senator

Sherrod Brown
United States Senator

Mazie K. Hirono
United States Senator

Tina Smith
United States Senator