

United States Senate

WASHINGTON, DC 20510-3205

February 3, 2019

Mr. Matthew Whitaker
Acting Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Mr. Hugh J. Hurwitz
Acting Director
Federal Bureau of Prisons
320 First Street, NW
Washington, DC 20534

Dear Messrs. Whitaker and Hurwitz,

As we discussed on my phone call with Mr. Hurwitz yesterday, I am writing to express my deep concern about reports by several sources of “more than a thousand inmates” at the Metropolitan Detention Center (MDC) in Brooklyn, New York “stuck in freezing cells” with “limited power and heat” for more than a week, during which the outside temperature has reached near record cold levels.

These reports have been confirmed to me by Deirdre von Dornum of Federal Defenders of New York, Inc. Please see the attached memo documenting her firsthand view of the facility on Friday, February 1, 2019. According to Ms. von Dornum and Representative Nydia M. Velázquez who toured the facility Friday and Saturday, and Representative Jerrold Nadler, it is still cold and dark.

While there are a range of reported temperatures, according to Ms. von Dornum, her office was told by one detainee who managed to make a legal call on Thursday that a correctional officer with a thermometer measured his cell temperature at a frigid and wholly unlivable 34 degrees; other places were found to be in the 50's. These conditions are not only unacceptable, they are inhumane and a violation of the detainees' basic rights. Worse, with time, the long-term negative impact on detainees and the public trust will compound.

Original attempts by my office and many others to receive a full, honest and straightforward assessment of the situation were met with little information about the current conditions -- and no apparent urgency to provide a remedy and explanation. While I appreciate Mr. Hurwitz's briefing

yesterday, there continues to be discrepancies regarding the depth and breadth of the conditions at MDC – and a lack of sufficient action.

This lack of transparency is a failing of the most basic duties of the Federal Bureau of Prisons, and appears to reflect a lack of compassion for the well-being of detainees in its care and control. These conditions are unacceptable for anyone in your care; and this says nothing of the guards who must work and serve the public in these conditions every day.

These basic human issues must be addressed immediately. None of us can accept conditions that have people “frantic” and “really really scared” without access to blankets, warm clothing, necessary medications and their lawyers. I write you to once again demand urgent attention to this matter in restoring this facility to full, and safe, operating capabilities without delay. I also repeat my request for an immediate and detailed plan and timeline for restoring full heat and power, ensuring the warmth and wellness of all detainees – including warm blankets and refills on critically needed medications, medical transfers as needed, and ensuring people awaiting trials, hearings and sentencing will have timely access to their lawyers.

After this crisis is resolved, I will expect a full account of how this situation was allowed to happen, and endure for over a week, and what the agency will do to prevent a reoccurrence at this facility or any other. I will also welcome any feedback on what support from Congress and the community is needed to assist you.

I am angry, but also want to work alongside the agency to solve the crisis immediately, and we all need answers to ensure this never happens again. I will expect to hear from you within 24 hours with a detailed plan and solution.

Kind regards,



Kirsten Gillibrand
United States Senator