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May 22, 2020

The Honorable Lindsey O. Graham
Chairman
Senate Committee on the Judiciary
United States Senate
Washington D.C. 20510

Dear Chairman Graham,

I write to request that the Senate Committee on the Judiciary urgently convene a hearing to examine the massive outbreaks of COVID-19 occurring at federal prisons across the country. It is the duty of the federal government to protect the health and welfare of inmates and staff, yet conditions at these prisons are putting the lives of inmates and staff at risk.

Massive Outbreak at Terminal Island in San Pedro, California

On April 29, 2020, the *Los Angeles Times* reported the worst outbreak in a federal prison of COVID-19 at FCI Terminal Island in San Pedro, California, a low security federal prison in my Congressional District. Of the 1,079 inmates at FCI Terminal Island almost 700 tested positive for COVID-19, or almost a 70% positive rate. Eight inmates have died and over a dozen others have been hospitalized. Additionally, fifteen staff members have tested positive. Seventeen percent of the inmates in this low security prison are serving sentences under minimum security. Many of the 1079 inmates are also considered vulnerable per Center for Disease Control (CDC) guidelines. Despite CDC guidelines and the Attorney General's two memorandum dated March 26, 2020, and April 3, 2020, to prioritize home confinement, only six inmates had been released to home confinement at Terminal Island as of April 30, 2020. One of the latest victims was a 70-year old male who was serving a twenty-six month sentence for a tax offense. He died from COVID-19 on May 9, 2020, that he contracted inside the prison.

On May 12, 2020, out of concern for the health of inmates and staff I visited the FCI Terminal Island prison. What I saw there was troubling. Although "x" marked a spot on the floor

to indicate a 6-foot separation between beds in some rooms, physical distancing was nearly impossible. Additionally, many inmates were grouped together without appropriate personal protective equipment (PPE). These conditions lead to 79 of 432 inmates that were in the negative cohort to test positive on the second test. These conditions are unacceptable.

Unfortunately, other federal prisons in California and around the country have experienced similar outbreaks - and people are dying. This is why I urge you to immediately hold a hearing to focus on the virus' spread through our nation's prisons. It is clear that what is being done is not enough and needs oversight and changes to prevent further massive outbreaks and loss of life. The current conditions make it likely that the virus will continue to spread, and they have already resulted in a number of devastating outbreaks.

The Bureau of Prisons (BOP) has a duty to protect and care for inmates who are under their supervision – and my oversight visit and the reports out of FCI Terminal Island and other federal correctional institutions throughout the country suggest that the BOP is not fulfilling their duty. At the very least I request that your Committee look into whether the BOP is properly adhering to home confinement guidance provided by Attorney General Barr and contained in the CARES Act; the lack of appropriate PPE and adequate facilities for proper social distancing; and transparency and accountability in communicating with the families of inmates.

I hope that you will take immediate action and provide the necessary oversight required to ensure that we are doing everything possible to protect both the inmates and staff at these facilities.

Sincerely,



Nanette Diaz Barragán
Member of Congress

cc: Ranking Member, Sen. Dianne Feinstein