

Congress of the United States
Washington, DC 20515

September 22, 2020

The Honorable Michael Carvajal
Director
Federal Bureau of Prisons
320 First Street N.W.
Washington, D.C. 20534

Dear Director Carvajal:

We write to reiterate our serious concerns about the health and safety of staff and individuals incarcerated at Federal Correctional Complex (FCC) Petersburg and United States Penitentiary (USP) Lee, the two federal correctional facilities in Virginia, and to express our severe frustration at your failure to respond to our letter from May 21, 2020. After speaking with employees and the families of individuals incarcerated at both facilities, it is clear that the situation is worsening. According to figures shared with our offices, there are over 200 incarcerated individuals and at least 12 staff who have tested positive for the novel coronavirus at FCC Petersburg.

Nearly four months ago, we sent you a letter detailing the significant risks and challenges COVID-19 posed to the health and safety of staff, incarcerated individuals at FCC Petersburg and USP Lee, and the surrounding communities. We remain deeply concerned that the conditions within those facilities have failed to improve – and in many ways, appear to have deteriorated.

One area of particular concern is the continued lack of adequate personal protective equipment (PPE). According to employees at FCC Petersburg, both staff and incarcerated individuals are forced to re-use supplies and masks, which presents serious health and safety risks. Given the close quarters and frequent person-to-person interaction, correctional staff and incarcerated individuals are especially vulnerable to contracting COVID-19. Lack of PPE also creates additional risk of community spread outside the facilities. Relatedly, we have learned from facility staff that showers are restricted for individuals incarcerated at FCC Petersburg, a policy which further exacerbates sanitation and hygiene issues during a global pandemic.

We have also received numerous reports related to other declining conditions at FCC Petersburg. It is our understanding that access to outdoor recreation, exercise facilities, and phones have been reduced due to the pandemic. We recognize the importance of limiting large group gatherings, and that coordinating these activities can present logistical, health, and safety challenges. However, it is imperative that correctional facilities find new ways to maintain and support a healthy quality of life for incarcerated individuals during this crisis. We have also heard disturbing reports that the food the incarcerated individuals are receiving has declined significantly in both quantity and quality, including being served spoiled food. Such conditions are unacceptable.

Further, as we detailed in our letter nearly four months ago, correctional staff at FCC Petersburg continue to be denied a lunch break, despite reportedly working shifts as long as sixteen hours. This is unacceptable and dangerous. We once again encourage you to institute a break policy—not only at the Petersburg facility, but at the Federal Bureau of Prisons’ (BOP) facilities across the nation—that more appropriately responds to correctional staff’s basic needs.

Additionally, we are particularly dismayed to learn that, despite our concerns, BOP is transferring individuals to facilities without a record of COVID-19 cases. A group of individuals was recently transferred to USP Lee, which included at least one person with a positive case of COVID-19. Such transfers are a potentially deadly lapse in judgment. USP Lee is one of the largest employers in Lee County, Virginia, and not only could this transfer result in an entirely preventable outbreak inside the prison, it is also dangerous for the public health of local community members.

Finally, your failure to respond to our serious concerns is further heightened by the recent announcement from the BOP that facilities will allow visitations to resume in early October. While we agree that resuming visitations is incredibly important for incarcerated individuals and their families, proper protocols must be in place and followed to ensure the health and safety of the incarcerated individuals, their families, and the surrounding communities. We urge you to take all available steps to ensure visitations can resume as soon as possible while preserving the health and safety of visitors, staff, and incarcerated individuals.

Given the magnitude of the worsening conditions at USP Lee and FCC Petersburg, we demand an immediate response to how BOP is addressing our concerns by no later than October 5, 2020. As COVID-19 continues to present a significant health challenge at FCC Petersburg and USP Lee, and the surrounding communities, we are committed to working with you to address the needs of incarcerated individuals and correctional staff.

We appreciate your attention to these important issues impacting our constituents and look forward to your prompt response.

Sincerely,



A. Donald McEachin
Member of Congress



Mark R. Warner
United States Senator



Tim Kaine
United States Senator



H. Morgan Griffith
Member of Congress