



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

December 6, 2023

BY ECF

The Honorable Jesse M. Furman
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: ***United States v. Gustavo Chavez, 22 Cr. 303 (JMF)***

Dear Judge Furman:

The Government respectfully submits this letter in the above-referenced matter, and to respond to the Court's November 28, 2023 request that the Government provide certain information about the inmate population and staffing levels at the Metropolitan Detention Center – Brooklyn ("MDC"). In making its request, the Court articulated various categories of information it sought, and made clear that "fundamentally, I want to know how many people are actually on staff working and whether the problem [of staff shortages] has gotten worse, remained the same, or gotten any better." Transcript of 11/28/2023 conference at 37.

The Government has consulted with the MDC and Bureau of Prisons to gather the data requested, and without commenting on or otherwise taking a position in this submission with respect to its significance, provides it below.

Number of inmates. The Bureau of Prisons provided the following information about the number of inmates housed at the MDC.

- April 2021: approximately 1278 inmates
- October 2021: approximately 1731 inmates
- April 2022: approximately 1711 inmates
- October 2022: approximately 1614 inmates
- April 2023: approximately 1461 inmates
- October 2023: approximately 1532 inmates
- December 5, 2023: approximately 1611 inmates

Correctional Officer staffing levels. As of November 28, 2023, the MDC had employees filling 200 of 301 authorized, non-supervisory correctional officer positions. Two new hires have start dates in December 2023 and January 2024, while another 16 new hires have pending start dates but with additional steps remaining in the hiring process. In addition to these positions, since at least September 10, 2023, the Bureau of Prisons has temporarily transferred correctional officers

from other facilities to work at MDC. The officers are assigned to two-week assignments at the MDC, and typically there are about 14 to 18 additional officers assigned every two weeks.¹ This month, 18 additional officers have been assigned to the MDC.

However, it should be noted that as of November 28, 2023, 28 of the 200 correctional officers are on extended leave (including for military service or medical reasons), and an additional six officers are scheduled to transfer out of their current positions (either to different Bureau of Prisons facilities or to different jobs at the MDC) in December 2023 and January 2024.

Moreover, historic MDC staffing levels show that between April 2021 and November 2023, the number of correctional officers assigned to the MDC has varied between 200 and 247 and that sometime between October 2021 and April 2022, the MDC increased its authorized number of correctional officers from 239 to 301. The Government does not have historic information for how many correctional officers were unavailable to work because of extended leave but does have information about the total number of MDC employees, including correctional officers and all other positions, that were on extended, unpaid leave.

- April 2021: 216 of 239 correctional officers employed; 32 total MDC employees on extended, unpaid leave.
- October 2021: 224 of 239 correctional officers employed; 30 total MDC employees on extended, unpaid leave.
- April 2022: 239 of 301 correctional officers employed; 35 total MDC employees on extended, unpaid leave.
- October 2022: 247 of 301 correctional officers employed; 36 total MDC employees on extended, unpaid leave.
- April 2023: 210 of 301 correctional officers employed; 40 total MDC employees on extended, unpaid leave.
- November 2023: 200 of 301 correctional officers employed; 29 total MDC employees on extended, unpaid leave.

Medical Unit staffing levels. As of November 28, 2023, the MDC Medical Unit had employees filling 20 of 29 authorized positions, including 2 of 3 physicians, 2 of 3 dentists, and 5 of 6 mid-level practitioners, a term that describes nurse practitioners and physician assistants.

¹ The Bureau of Prisons has provided the following about the specific number of officers temporarily assigned to the MDC.

September 10-23, 2023 – 18 additional officers
 September 24, 2023 to October 7, 2023 – 18 additional officers
 October 8-21, 2023 – 14 additional officers
 October 22, 2023 to November 4, 2023 – 15 additional officers
 November 5-18, 2023 – 18 additional officers
 November 19, 2023 to December 2, 2023 – no additional officers
 December 3-16, 2023 – 18 additional officers

Below is historic information regarding Medical Unit staffing:

- April 2021: 24 of 25 employees (2 of 4 physicians; 2 of 2 dentists; 2 of 2 mid-level practitioners).
- October 2021: 24 of 25 employees (2 of 3 physicians; 2 of 2 dentists; 2 of 2 mid-level practitioners).
- April 2022: 25 of 26 employees (2 of 3 physicians; 3 of 3 dentists; 4 of 5 mid-level practitioners).
- October 2022: 22 of 26 employees (2 of 3 physicians; 2 of 3 dentists; 4 of 4 mid-level practitioners).
- April 2023: 23 of 25 employees (2 of 3 physicians; 2 of 3 dentists; 4 of 4 mid-level practitioners).
- November 2023: 20 of 29 employees (2 of 3 physicians; 2 of 3 dentists; 5 of 6 mid-level practitioners).

Respectfully submitted,

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