

United States Senate
Committee on the Judiciary
Hearing on Oversight of the Federal Bureau of Prisons

Written Testimony Submitted By:

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We, Anita Aboagye-Agyeman, an Assistant Federal Public Defender in the District of New Jersey, and Alison K. Guernsey, the Director of the University of Iowa College of Law’s Federal Criminal Defense Clinic, appreciate the opportunity to present our views with respect to the federal Bureau of Prisons’ (“BOP”) continued mishandling of the COVID-19 pandemic.

We write in our personal capacities, as experienced federal criminal defense lawyers who have spent the past 13 months representing indigent individuals seeking compassionate release under 18 U.S.C. § 3582(c) in various federal district courts across the nation. Not only have we spent incalculable amounts of time listening to the difficult stories our clients and our colleagues’ clients have told about the conditions of confinement in the BOP, but we have also spent substantial time tracking the BOP’s ever-changing infection and death data to ensure that what is happening is not easily erased.

With this background, our comments will have a tripartite focus. First, we want to highlight the very human toll of the BOP’s continued failure to protect those it houses behind its walls. We want to say the names of the known mothers, fathers, siblings, friends, and neighbors who have lost their lives. Second, we want to emphasize the disturbing fact that the real scope of that human toll remains unclear. This is because there is an utter lack of transparency about both the COVID-19 infection rate and the number and circumstances of the deaths in all institutions where the federal Government imprisons people with a federal hold: federally managed prisons, federally managed halfway houses, and privately managed facilities with federal contracts (collectively, “federal facilities”). And third, we will offer modest suggestions for next steps that we believe will be critical to understanding the true impact of COVID-19 in the BOP.

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First, the human toll. According to the current, official data from the BOP, as of April 12, 2021, there have been 240 people who have died from COVID-19 while in federal facilities.³ That number includes 230 people who died in prisons and halfway houses, and ten people who died in privately run contract facilities.⁴ This number is inaccurate. As outlined below, there have been at least 248 deaths in federal facilities since the start of the pandemic in March 2020. In other words, the BOP's data is wrong. A full list of those who have died—and whose names we know—is attached to this testimony.⁵ But to understand, with just a glance, the scope of that loss, here are just fourteen people who have died:

- Eric Spiwak, 73, a Vietnam veteran who received a Purple Heart and Bronze Star Medal for Valor;
- Sandra Kincaid, 69, a mother and grandmother who was known to go out of her way to help others;
- Daniel Lee Vadnais, 56, a skilled marine mechanic and father;
- Richard Nesby, 55, a father to 15 children who described him as funny, family-oriented, and a versatile handyman;
- Daniel Kimbrough, 53, a Bemidji State University graduate who was a wonderful singer and avid gardener;
- Carlos Caldero Mendoza, 60, a loving husband and father with no prior involvement in the criminal legal system;
- Saferia Johnson, 36, the mother of two children and who had worked with the juvenile justice department;
- Matthew Shubart, 41, a chef and beloved son;
- Armando Velasquez, 70, a father to 6 daughters, a farmworker,

³ Fed. Bureau of Prisons, *COVID-19 Cases*, <https://www.bop.gov/coronavirus/>

⁴ *Id.*

⁵ See also University of Iowa College of Law, Federal Criminal Defense Clinic, *Compassionate Release: People Who Have Died in Federal Custody*, <https://law.uiowa.edu/compassionate-release-work> (last visited Apr. 12, 2021)

and a truckdriver;

- Dewayne (“G-Wayne”) Antonio Mitchell, 43, a devoted father to five children known to have a “heart of gold”;
- Andrea High Bear, 30, a member of the Cheyenne River Sioux Tribe and loving mother of six children who left behind “a legacy of love, grit, and determination”;
- Brandon Lavon Patton, 29, a loving father, brother, and friend who died at Nevada Southern Detention Center, a federally contracted private prison, while awaiting sentencing;
- Patrick Estell Jones, 49, the first person with a federal hold to die from Covid-19, was “a wiz in the kitchen” and a member of St. James Methodist Church in Temple, TX; and
- Waylon Young Bird, 52, member of the Cheyenne River Sioux Tribe, a son, father, and grandfather with “a generous spirit”

Of the more than two hundred people the BOP currently counts as having died from COVID-19 in federal facilities, approximately 55 had asked for compassionate release from the BOP and—upon being denied—sought relief from the federal district courts.⁶ In these 55 motions, those seeking release highlight the inability to engage in self-protective measures in the BOP; discuss their fear of dying in prison; and highlight their medical conditions as “extraordinary and compelling reasons”⁷ to return home.

Seventeen of those 55 people who eventually filed their motions for compassionate release with a district court died while those motions were pending; around 36 had their motions denied by the district court; and at least 2 had their motions granted but died before they could be released.⁸

⁶ See University of Iowa College of Law, Federal Criminal Defense Clinic, *Compassionate Release: People Who Have Died in Federal Custody*, <https://tinyurl.com/an7rpjxxs> (last visited Apr. 12, 2021). Several more people died without having done so.

⁷ 18 U.S.C. § 3582(c)(1)(A)(i)

⁸ See University of Iowa College of Law, Federal Criminal Defense Clinic, *Compassionate Release: People Who Have Died in Federal Custody*, <https://tinyurl.com/an7rpjxxs> (last visited

To say that only 55 of the people who died had filed for compassionate release, however, is certainly an undercount. The 55 number accounts for only those people who eventually filed their request with the federal district court upon getting nowhere with the BOP. The number of people who asked for compassionate release from the BOP before dying and who never filed with the federal district courts is unknown—that data does not appear publicly—but it is likely much higher.

But even assuming only 55 of those who died requested compassionate release from the BOP, in not even one of those cases did the BOP move for release on the person's behalf. This is even though in almost every single press release it issued announcing a new death, the BOP touted the person's pre-existing medical conditions as a purported explanation for their death.⁹

A good example is the case of James Lee Wheeler, from North Carolina, who was known to his friends as “Frank.” Mr. Wheeler suffered from 4 conditions that placed him at risk: heart issues, diabetes, hypertension, and COPD.¹⁰ Not to mention he was 77-years old.¹¹ In response to his motion for a reduced sentence, prosecutors argued that the Court should not be concerned because the BOP had “taken significant measures in an effort to protect the health of the inmates in its charge.”¹² Despite the prosecution's claim, however, Mr. Wheeler was not safe. He was diagnosed with COVID on November 17, 2020.¹³ He remained isolated for 8 days and was then taken to the hospital.¹⁴ Mr. Wheeler died on December 7, 2021.¹⁵ The next day, the BOP issued a press release announcing Mr. Wheeler's death, noting that he “had long-term, pre-existing medical conditions which the CDC lists as risk factors for developing more severe COVID-19 disease.”¹⁶

Apr. 12, 2021).

⁹ Fed. Bureau of Prisons, Press Releases, https://www.bop.gov/resources/press_releases.jsp (last visited Apr. 12, 2021)

¹⁰ *United States v. Wheeler*, 3:03-cr-00739-JGC, Doc. 2281 at 9-10 (N.D. Ohio May 5, 2020) (Supplement to Motion for a Reduced Sentence).

¹¹ *Id.* at 9.

¹² *United States v. Wheeler*, 3:03-cr-00739-JGC, Doc. 2282 at 5 (N.D. Ohio May 15, 2020) (Government Response to Supplement to Motion for a Reduced Sentence).

¹³ Fed. Bureau of Prisons, Press Release, Inmate Death at Terra Haute (Dec. 8, 2020), <https://tinyurl.com/jt4kcx9w>

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

Or John Rodrigues. Mr. Rodrigues, a 65-year-old man from Hawaii, died on December 15, 2020.¹⁷ Mr. Rodrigues suffered from obesity, diabetes, and kidney disease¹⁸—conditions the CDC recognizes to be serious risk factors for COVID-19.¹⁹ Despite these conditions, DOJ prosecutors argued against his release on the grounds the BOP had his care under control and the COVID-19 infection rates at his prison were too low to warrant release.²⁰ Even when Mr. Rodrigues was hospitalized and struggling to breathe, DOJ prosecutors continued to argue for him to remain in prison because it was safer.²¹ In its press release announcing Mr. Rodrigues’s death, the BOP finally acknowledged what Mr. Rodrigues had been arguing all along: he “had long-term, preexisting medical conditions which the CDC lists as risk factors for developing more severe COVID-19 disease.”²²

More recently, Jaime Benavides, a 49-year-old man from Texas, died from COVID-19 while being housed at MCFP Springfield.²³ Mr. Benavides was serving a 30-month sentence for a marijuana-trafficking offense,²⁴ and at the time of his death, he had served 20 of those months.²⁵ As though his death were not tragic enough, the last months of Mr. Benavides’s life in the BOP must have been horrible. He was first diagnosed with COVID-19 on December 18, 2020.²⁶ The BOP considered him “recovered” on December 28, 2020, but he was hospitalized on March 25, 2021 as his

¹⁷ Fed. Bureau of Prisons, Press Release, Inmate Death at USP Tucson (Dec. 16, 2020), <https://tinyurl.com/jt6rjh98>

¹⁸ *United States v. Rodrigues*, 1:08-cr-00668-JAO, Doc. 177 at 1-2 (D. Hawaii Oct. 8, 2020) (Motion for a Reduced Sentence).

¹⁹ Ctrs. for Disease Control and Prevention, *People with Certain Medical Conditions* (Mar. 29, 2021), <https://tinyurl.com/5zvudb3e>

²⁰ *United States v. Rodrigues*, 1:08-cr-00668-JAO, Doc. 183 at 12-14 (D. Hawaii Oct. 26, 2020) (Government Response in Opposition to Motion for a Reduced Sentence).

²¹ *United States v. Rodrigues*, 1:08-cr-00668-JAO, Doc. 197 at 4 (D. Hawaii Dec. 11, 2020) (Government Supplemental Response in Opposition to a Reduced Sentence).

²² Fed. Bureau of Prisons, Press Release, Inmate Death at USP Tucson (Dec. 16, 2020), <https://tinyurl.com/jt6rjh98>

²³ Fed. Bureau of Prisons, Press Release, Inmate Death at MCFP Springfield (Apr. 7, 2021), <https://tinyurl.com/bxx3p9u3>

²⁴ *United States v. Benavides*, 5:19-cr-01324, Doc. 36 at 2 (S.D. Tex. Mar. 4, 2020) (Judgment).

²⁵ *United States v. Benavides*, 5:19-cr-01324, Doc. 4 (S.D. Tex. Aug. 13, 2019) (noting that Mr. Rodrigues was kept in custody at his initial appearance where he remained).

²⁶ Fed. Bureau of Prisons, Press Release, Inmate Death at MCFP Springfield (Apr. 7, 2021), <https://tinyurl.com/bxx3p9u3>

“condition worsened.”²⁷ Just days later, on April 4, he died.²⁸ In the press release, the BOP notes he “had long-term, preexisting medical conditions which the CDC lists as risk factors for developing more severe COVID-19 disease.”²⁹

Not only is Mr. Benavides the latest individual to die while in BOP custody from COVID-19 despite the BOP’s recognition that he was medically at risk, but he is also the twelfth person the BOP has listed as “recovered” from COVID-19 only to have the person then die. Those twelve people are:

- Jaime Benavides (April 4, 2021)³⁰
- Leonard Williams (April 3, 2021)³¹
- Fernando Marulanda Trujillo (Mar. 25, 2021)³²
- Shauntae Hill (Jan. 21, 2021)³³
- Harry Cunningham (Jan. 15, 2021)³⁴
- Kevin Gayles (Jan. 12, 2021)³⁵

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ Fed. Bureau of Prisons, Press Release, Inmate Death at MCFP Springfield (Apr. 7, 2021), <https://tinyurl.com/5eur96mp> (“[I]n accordance with Centers for Disease Control and Prevention (CDC) guidelines, Mr. Williams was converted to a status of recovered following the completion of medical isolation and presenting with no symptoms.”).

³² Fed. Bureau of Prisons, Press Release, Inmate Death at FCI Ft. Dix (Mar. 29, 2021), <https://tinyurl.com/dd9czf> (“[I]n accordance with” CDC guidelines, “Mr. Marulanda Trujillo was converted to a status of recovered following the completion of medical isolation and presenting with no symptoms.”).

³³ Fed. Bureau of Prisons, Press Release, Inmate Death at FCI Terre Haute (Jan. 21, 2021), <https://tinyurl.com/3tkm5z2x> (“[I]n accordance with” CDC guidelines, “Mr. Hill was converted to a status of recovered following the completion of medical isolation and presenting with no symptoms.”).

³⁴ Fed. Bureau of Prisons, Press Release, Inmate Death at FCI Memphis (Jan. 15, 2021), <https://tinyurl.com/42z66p4x> (“[I]n accordance with” CDC guidelines, “Mr. Cunningham was converted to a status of recovered following the completion of medical isolation and presenting with no symptoms.”).

³⁵ Fed. Bureau of Prisons, Press Release, Inmate Death at FCI Jesup (Jan. 12, 2021), <https://tinyurl.com/y9a7czun> (“[I]n accordance with” CDC guidelines, “Mr. Gayles was converted to a status of recovered following the completion of medical isolation and presenting with no symptoms.”).

- Carmelo Estrada (Dec. 29, 2020)³⁶
- Christopher Carey (Dec. 18, 2020)³⁷
- Barry Johnson (Sep. 26, 2020)³⁸
- Ricky Lynn Miller (Sep. 17, 2020)³⁹
- Marie Neba (Aug. 25, 2020)⁴⁰
- Adrian Solarzano (May 27, 2020)⁴¹

With the passage of the First Step Act of 2018, Congress made clear that it intended the BOP to more broadly use its compassionate-release authority.⁴² And the BOP had a chance to do so in each of the more than 200 instances in which people in its custody died. The BOP even publicly recognized post-mortem that the people who had died were at risk for more severe illness and death. But these individuals’ stories—and the stories of many others like them—show that the BOP has failed to realize Congress’s intent. Instead, the agency, and the broader Department of Justice that oversees it, has circumvented congressional goals, ensuring only the loss of lives in the process.

³⁶ Fed. Bureau of Prisons, Press Release, Inmate Death at MCFP Springfield (Dec. 29, 2020), <https://tinyurl.com/3vsmx87j> (“[H]e was found to be stable and asymptomatic for COVID-19 related symptoms, and assigned to a unit with 24-hour nursing staff.”)

³⁷ Fed. Bureau of Prisons, Press Release, Inmate Death at FCI Lumpoc (Dec. 18, 2020), <https://tinyurl.com/n42j6xxj> (“[I]n accordance with” CDC guidelines “Mr. Carey was considered recovered after completing isolation and presenting no symptoms.”)

³⁸ Fed. Bureau of Prisons, Press Release, Inmate Death at FCI Edgefield (Sept. 25, 2020), <https://tinyurl.com/9xzu56f4> (He was “asymptomatic and was released from isolation.”)

³⁹ Fed. Bureau of Prisons, Press Release, Inmate Death at FCI Butner (Low) (Sept. 17, 2020), <https://tinyurl.com/npner4y5> (“[H]e tested positive for COVID-19. On Monday, July 6, 2020, Mr. Miller tested negative for COVID-19.”)

⁴⁰ Fed. Bureau of Prisons, Press Release, Inmate Death at FMC Carswell (Aug. 26, 2020), <https://tinyurl.com/6xfu3sea> (“On Tuesday, August 4, 2020, Ms. Neba was considered recovered by medical staff as determined by CDC guidelines.”)

⁴¹ Fed. Bureau of Prisons, Press Release, Inmate Death at FCI Terminal Island (May 27, 2020), <https://tinyurl.com/knrhhwyt> (“[I]n accordance with Centers for Disease Control and Prevention (CDC) guidelines, Mr. Solarzano was converted to a status of recovered following the completion of isolation and presenting with no symptoms.”)

⁴² See 164 Cong. Rec. S7314-02, 2018 WL 6350790 (Dec. 5, 2018) (statement of Senator Cardin, co-sponsor of First Step Act) (“[T]he bill expands compassionate release . . . and expedites compassionate release applications.”); see also *United States v. Brown*, 457 F. Supp. 3d 691, 700 (S.D. Iowa 2020) (noting the First Step Act listed its changes under the title of “Increasing the Use and Transparency of Compassionate Release” (citing First Step Act of 2018, § 603(b), 132 Stat. at 5239)).

Second, as disturbing as the human toll of the pandemic is, we are equally concerned that we do not actually know the real human toll. Two weeks ago, the BOP finally admitted that it has been fudging its cumulative COVID-19 infection numbers. A BOP spokesperson confirmed to The Marshall Project that COVID-19 infection data at BOP facilities has been inaccurate because the BOP removes from its count cases of anyone who was released from custody.⁴³

We've known the BOP's numbers have been inaccurate for a while because we could see it in the daily reporting. The University of Iowa College of Law's Federal Criminal Defense Clinic has been tracking the cumulative infection rate daily for each facility since August 2020.⁴⁴ As part of that process, the Clinic took the BOP's own data for each facility and created a spreadsheet divided by institution.⁴⁵ Given the BOP's data purportedly includes both positive and recovered people,⁴⁶ the total number of people infected should never drop and either remain constant or increase as there are more infections. But that was not what the BOP was reporting.

The daily reports were (and continue to be) overwhelmed by prisons reporting a certain number of infected and recovered people, only to have that number decrease one day and then increase or remain at the lower number the next.⁴⁷ We did not know the reason for these fluctuations until the BOP's recent admission. But the impact of the failure to keep accurate data is quite clear when looking at less than one month of reporting for just a handful of federal facilities. All the red boxes are red flags. They signal dates when the infection rate dropped. Dates when we can't trust the data:⁴⁸

⁴³ The Marshall Project, *A State-by-State Look at Coronavirus in Prisons*, <https://tinyurl.com/2vbhh2mf> (last visited Apr. 12, 2021); see also Joshua Manson & Liz DeWolf, *The Federal Bureau of Prisons Is Even Less Transparent than We'd Thought* (Apr. 2, 2021), <https://uclacovidbehindbars.org/blog/bopdata>

⁴⁴ University of Iowa College of Law, Federal Criminal Defense Clinic, *Compassionate Release: Graphing COVID Cases in the Bureau of Prisons*, <https://law.uiowa.edu/compassionate-release-work> (last visited Apr. 12, 2021).

⁴⁵ *Id.*

⁴⁶ Fed. Bureau of Prisons, *COVID-19 Cases*, <https://www.bop.gov/coronavirus/> (last visited Apr. 12, 2021) (noting data includes “confirmed positive test numbers” and “recoveries”).

⁴⁷ University of Iowa College of Law, Federal Criminal Defense Clinic, *Compassionate Release: Graphing COVID Cases in the Bureau of Prisons*, <https://law.uiowa.edu/compassionate-release-work> (last visited Apr. 12, 2021).

⁴⁸ The full spreadsheet can be found at: University of Iowa College of Law, Federal Criminal Defense Clinic, *Compassionate Release: Graphing COVID Cases in the Bureau of Prisons*, <https://law.uiowa.edu/compassionate-release-work> (last visited Apr. 12, 2021).

	17-Mar	18-Mar	19-Mar	22-Mar	23-Mar	24-Mar	25-Mar	26-Mar	29-Mar	30-Mar	31-Mar	1-Apr	2-Apr	5-Apr	6-Apr	7-Apr	8-Apr	9-Apr
6 ACS Corrections (RRC)	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
7 Fort Dix FCI	1922	1917	1913	1913	1913	1913	1913	1909	1910	1923	1921	1921	1918	1917	1915	1910	1906	1906
8 Seagoville FCI	1269	1268	1267	1268	1268	1268	1267	1267	1268	1268	1268	1264	1262	1259	1258	1258	1254	1254
9 Beaumont Low FCI	1162	1160	1160	1160	1161	1153	1145	1144	1142	1146	1145	1145	1144	1143	1142	1141	1141	1140
10 Tuscon USP	1020	1021	1020	1019	1019	1020	1020	1020	1019	1019	1019	1018	1016	1016	1017	1016	1016	1016
11 Elkton FCI	948	948	948	948	947	943	939	938	937	936	934	936	934	933	933	932	933	933
12 Leavenworth USP	898	896	896	894	895	895	893	894	891	890	888	887	884	885	882	880	880	879
13 Pekin FCI	856	855	855	855	855	852	850	850	851	851	850	849	849	849	849	849	850	850
14 Marion USP	841	843	845	845	845	845	845	845	845	845	844	843	840	840	840	837	835	834
15 Florence FCI	836	834	833	834	836	834	833	833	832	832	831	827	825	825	824	823	820	817
16 Lexington FMC	827	828	827	827	827	826	826	826	823	823	822	821	820	819	817	816	815	814
17 Fort Worth FMC	814	813	813	810	810	808	805	803	802	803	802	802	803	803	802	800	800	798
18 Greenville FCI	811	811	810	810	809	807	807	807	806	805	803	801	800	798	797	794	794	792
19 Big Spring FCI	789	788	786	786	785	785	783	783	783	783	783	782	783	783	782	782	782	782
20 Forrest City Low FCI	781	779	774	773	773	772	770	771	771	771	772	772	771	771	771	767	767	764
21 Oxford FCI	761	761	761	760	760	760	760	759	759	761	760	758	756	763	763	762	762	762
22 Carswell FMC	773	772	767	764	764	766	763	762	762	760	759	759	759	758	758	757	754	754
23 Loretto FCI	757	757	758	757	755	754	754	753	753	752	752	752	753	751	750	750	750	750
24 Manchester FCI	761	760	759	758	757	756	755	755	754	754	755	756	756	754	752	752	750	750
25 Terre Haute USP	750	749	749	748	748	748	748	746	746	746	744	744	744	744	744	744	744	744
26 Sandstone FCI	744	744	744	745	745	745	743	741	741	740	740	740	740	740	740	739	739	738
27 Victorville Medium I FCI	731	728	728	728	721	720	718	718	718	714	717	716	715	713	711	711	711	711
28 Englewood FCI	716	716	717	718	717	715	715	714	713	712	710	711	711	711	711	711	711	709
29 Beaumont Medium FCI	705	704	703	703	702	702	699	697	694	693	693	692	691	691	690	688	687	687
30 Lee USP	694	692	690	690	690	689	688	687	687	688	688	684	686	686	685	685	685	684
31 Texarkana FCI	695	694	693	693	691	691	691	691	691	688	687	688	685	684	682	681	681	681
32 El Reno FCI	641	642	640	639	639	640	641	652	656	657	658	655	654	656	663	664	665	665
33 Lompoc FCI	658	657	656	655	651	655	653	653	653	652	649	649	650	649	648	648	648	647
34 Thomson USP	647	648	648	648	647	647	647	647	646	645	646	646	645	645	643	645	645	645
35 Springfield MCFP	649	650	650	649	649	649	649	648	647	647	647	647	647	645	645	646	645	644
36 Schuykill FCI	653	653	653	652	650	648	646	643	644	644	644	647	644	644	644	643	643	643
37 Butner Low FCI	638	636	636	634	634	635	635	635	634	634	633	634	634	632	632	631	631	630

Given the problems with this data, it is no surprise that the UCLA Law School’s COVID-19 Behind Bars Data Project has given the BOP’s data-reporting an “F.”⁴⁹

Concerns over the BOP’s data does not stop with infection rates, however. It also includes its accounting of deaths. As mentioned above, as of April 12, 2021, the BOP is reporting 230 deaths in its facilities and ten deaths in privately managed facilities.⁵⁰ But just the week before, the BOP reported 15 deaths in privately managed facilities. According to our record keeping, as of April 7, 2021, the BOP chose to remove from the website any reference to the 4 deaths at CI Moshannon Valley and 1 death at CI Rivers. And this is not the first time the BOP has reduced the number of deaths. In January 2021, the BOP reported 3 deaths at D. Ray James Correctional Facility. Those 3 deaths disappeared from the site in February 2021. That’s 8 people that the BOP originally listed as dead, yet has since removed from its total.

When this concerning discrepancy was brought to the BOP’s attention, Scott Taylor, from the BOP’s Office of Public Affairs explained that the deaths had been removed from the site because people with federal holds no longer reside at the facilities.⁵¹ To begin with, despite this claim, the BOP still lists CI Moshannon Valley,

⁴⁹ Joshua Manson & Liz DeWolf, *The Federal Bureau of Prisons Is Even Less Transparent than We’d Thought* (Apr. 2, 2021), <https://uclacovidbehindbars.org/blog/bopdata>

⁵⁰ Fed. Bureau of Prisons, *COVID-19 Cases*, <https://www.bop.gov/coronavirus/>

⁵¹ Email from Scott Taylor, BOP Office of Public Affairs, to Keri Blakinger, The Marshall Project (Apr. 8, 2021), <https://tinyurl.com/2sduwst>

CI Rivers, and D. Ray James Correctional Facility on its website:⁵²

Alderson FPC	Chicago RRM	Grand Prairie	McKean FCI	Otisville FCI	Seagoville FCI
Aliceville FCI	Cincinnati RRM	Great Plains CI	McRae CI	Oxford FCI	SeaTac FDC
Allenwood FCC	Coleman FCC	Greenville FCI	Memphis FCI	Pekin FCI	Seattle RRM
Ashland FCI	Cumberland FCI	Guaynabo MDC	Mendota FCI	Pensacola FPC	Sheridan FCI
Atlanta RRM	D. Ray James CI	Hazelton FCC	Miami FCI	Petersburg FCC	South Central RO
Atlanta USP	Dallas RRM	Herlong FCI	Miami FDC	Philadelphia FDC	Southeast RO
Atwater USP	Danbury FCI	Honolulu FDC	Miami RRM	Philadelphia RRM	Springfield MCFP
Baltimore RRM	Detroit RRM	Houston FDC	Mid-Atlantic RO	Phoenix FCI	St Louis RRM
Bastrop FCI	Devens FMC	Jesup FCI	Milan FCI	Phoenix RRM	Taft CI
Beaumont FCC	Dublin FCI	Kansas City RRM	Minneapolis RRM	Pittsburgh RRM	Tallahassee FCI
Beckley FCI	Duluth FPC	La Tuna FCI	Montgomery FPC	Pollock FCC	Tallahassee FCI
Bennettsville FCI	Edgefield FCI	Leavenworth USP	Montgomery RRM	Raleigh RRM	Terminal Island FCI
Berlin FCI	El Reno FCI	Lee USP	Morgantown FCI	Ray Brook FCI	Terre Haute FCC
Big Sandy USP	Elkton FCI	Lewisburg USP	Moshannon Valley CI	Reeves I & II CI	Texarkana FCI
Big Spring (Flightline) CI	Englewood FCI	Lexington FMC	MSTC	Reeves III CI	Thomson USP
Big Spring CI	Estill FCI	Lompoc FCC	Nashville RRM	Rivers CI	Three Rivers FCI
Big Spring FCI	Fairton FCI	Long Beach RRM	New York MCC	Rochester FMC	Tucson FCC
Brooklyn MDC	Florence FCC	Loretto FCI	New York RRM	Sacramento RRM	Victorville FCC
Bryan FPC	Forrest City FCC	Los Angeles MDC	North Central RO	Safford FCI	Waseca FCI
Butner FCC	Fort Dix FCI	Manchester FCI	North Lake CI	San Antonio RRM	Western RO
Canaan USP	Fort Worth FMC	Marianna FCI	Northeast RO	San Diego MCC	Williamsburg FCI
Carswell FMC	Giles W. Dalby CI	Marion USP	Oakdale FCC	Sandstone FCI	Yankton FPC
Central Office HQ	Gilmer FCI	McCreary USP	Oklahoma City FTC	Schuykill FCI	Yazoo City FCC
Chicago MCC	Glynco	McDowell FCI	Orlando RRM		

Additionally, and much more important, the simple fact the privately managed facilities no longer incarcerate people with federal holds does not resurrect those who died there when the facilities did. And by removing historical data, the BOP is failing to provide accurate information about the impact of the pandemic on those over whom the Department of Justice is supposed to have control.

The BOP’s lack of transparency and reliance on its inaccurate data has both an effect on the administration of justice and raises public health concerns. In 2009, the DOJ called on all its agencies—including the BOP—“to reaffirm the government’s commitment to accountability and transparency.”⁵³ But BOP’s response to the pandemic in prisons suggests that this call to action was a mere formality. Even before the pandemic, we lacked basic information about incarcerated people’s deaths.⁵⁴

Transparency about deaths and infections is critical because DOJ prosecutors and the courts frequently rely on this data in deciding compassionate release motions and evaluating the dangers someone may face in prison. As outlined in just a few examples above, over the course of this pandemic, prosecutors have claimed in their opposition to motions for compassionate release that the DOJ is taking aggressive

⁵² Fed. Bureau of Prisons, *Our Locations*, <https://www.bop.gov/locations/list.jsp> (last visited Apr. 13, 2021).

⁵³ U.S. Dept of Justice, Office of Information Policy, Government Transparency, <https://www.justice.gov/oip/government-transparency> (last visited Apr. 13, 2021).

⁵⁴ Jamie Nawaday & Jack Donson, *A Better Way to Run the Federal Bureau of Prisons*, THE HILL (Aug. 22, 2019), <https://tinyurl.com/26hjrtd>

action to prevent the spread of COVID-19 in federal prisons and that the BOP infection numbers and data about prisoner bear this out.

But, as we now know, the figures on which prosecutors and courts have been relying are inaccurate. This erroneous data allows prosecutors to mislead the federal courts and the public about the true impact of COVID in prisons, which plays a role in courts' decisions to deny motions for compassionate release. As the federal government's lawyer-in-chief, one of the DOJ's roles is to maintain public confidence. But when the lawyer-in-chief and a federal agency it is charged with overseeing mislead the courts—who deny compassionate release motions because they believe, inaccurately, that the BOP and contract facilities have things under control—it neither promotes justice nor protects the public.

Accurate record keeping is also a public-health necessity. Earlier this year, Senators Elizabeth Warren and Cory Booker, along with Congresswomen Ayanna Pressley and Sylvia Garcia urged Congressional leaders to include in the COVID-19 relief package portions of the COVID-19 in Corrections Data Transparency Act, a bill that would require, in part, the BOP, and U.S. Marshals service to collect and publicly report detailed data about COVID-19 cases, hospitalizations, deaths, and vaccinations in federal, state, and local correctional facilities. Public health professionals like Dr. Brie Williams, Professor of Medicine at the University of San Francisco and Director of AMEND, endorsed the bill. Dr. Williams noted that “without accurate, timely and comprehensive data about the impact of COVID-19 in prisons, we are at an extraordinary disadvantage in the fight to keep people who live or work in prisons and their surrounding communities safe from the pandemic” and a failure to access and analyze this data today leaves us less prepared to address future infectious disease outbreaks.⁵⁵

The question that remains is this: what do we do now? We believe that Congress can take modest steps to remedy these issues.

First, Congress can and should direct the DOJ and BOP to release information about everyone who has died while in federally run facilities, private prisons with federal contracts, and federally controlled halfway houses. Even if the agency cannot include the names of those individuals in the press releases, it should issue “John

⁵⁵ Press Release from Sen. Elizabeth Warren, Warren, Murray, Booker, Pressley, Garcia, Colleagues Will Reintroduce COVID-19 in Corrections Data Transparency Act, <https://www.warren.senate.gov/newsroom/press-releases/warren-murray-booker-pressley-garcia-colleagues-will-reintroduce-covid-19-in-corrections-data-transparency-act> (last visited Apr. 13, 2021).

Doe” press releases that include the gender, age, race, and information about whether the person suffered from an underlying condition that made them more susceptible to COVID-19. It would also help to know if the person sought compassionate release with the federal Bureau of Prisons before their death. The BOP should also disclose how they track deaths in each facility, thereby explaining otherwise suspect fluctuations.

Second, the BOP should disclose the number of individuals it categorized as recovered who were later reinfected with the virus. It should detail how many of those individuals who it considered recovered later died from the virus. Crucially, the agency should tell us how it determines that individuals have recovered. It is currently unclear whether the determination that an individual has recovered is made by medical staff or by correctional officers who lack any medical training.

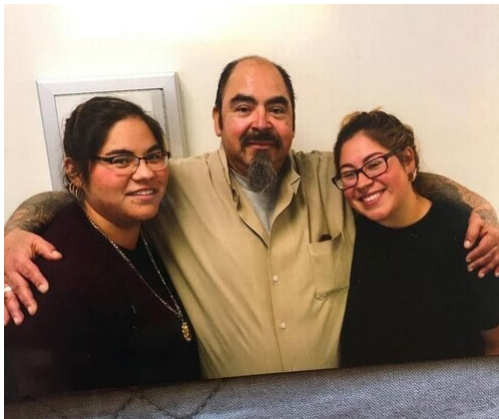
Third, as more people get vaccinated, Congress should ensure that the DOJ and BOP are transparent about the process. Although the BOP currently provides the number of staff and incarcerated people that have been vaccinated at different facilities, it does not include the total number of staff at those facilities. Without this information, it is impossible to know the actual rates of vaccination. The vaccination rate at a facility with 100 staff members, all of whom have been vaccinated, is much different from that with 1000 staff members, only a 100 of whom have been vaccinated. This information is important because Courts are increasingly relying on vaccination rates in deciding compassionate release motions. Inaccurate information does not serve the ends of justice.

Finally, the DOJ and BOP should release accurate information about the number of incarcerated people and staff who have been offered and refused vaccinations and why. News reports reveal that prison staff are refusing the vaccine because of the fear of side effects; because of conspiracy theories; and because they have been discouraged by prisons’ handling of the virus.⁵⁶ The refusal of staff and incarcerated people to be vaccinated threatens efforts to control the pandemic both inside and outside of prisons. But unless we know the specific reasons why staff and incarcerated people at BOP facilities, federally contracted private prisons and halfway houses are refusing to be vaccinated, we cannot address their specific concerns.

⁵⁶ Nicole Lewis & Michael Sisak, “Hell No”: *Correctional Officers Are Declining The Coronavirus Vaccine En Masse*, THE MARSHALL PROJECT, Mar. 15, 2021, <https://tinyurl.com/d3et49vk>; Testimony of BOP Dir. Carvajal, House Committee on Appropriations, *COVID Outbreaks and Management Challenges: Evaluating the Federal Bureau of Prisons’ Pandemic Response and the Way Forward* (Mar. 18, 2021), <https://tinyurl.com/9bf8m5d7> (noting 49% of staff have refused the virus).

We recognize that many more reforms are required to ensure complete transparency and accountability in the BOP as we continue to grapple with its handling of the pandemic. But as defenders, we have watched our clients and our colleagues' clients become gravely ill and even die when they were eligible for compassionate release. And their deaths are based, in part, on the failure of the BOP to be transparent about what is happening in its facilities. We believe that increased transparency in reporting and institutional consistency are modest and good places to start in dealing with the pandemic.

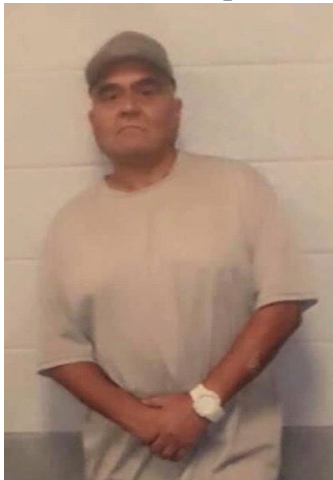
Finally, we submit this testimony in memory of all those people the BOP failed to protect, including:



Guadalupe Ramos



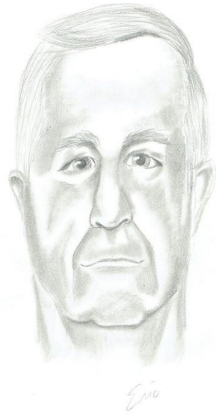
Bobby Lee Medford



Cipriano Chavez-Alvarez



Ivan Gonzalez-Ramirez



Eric Spiwak



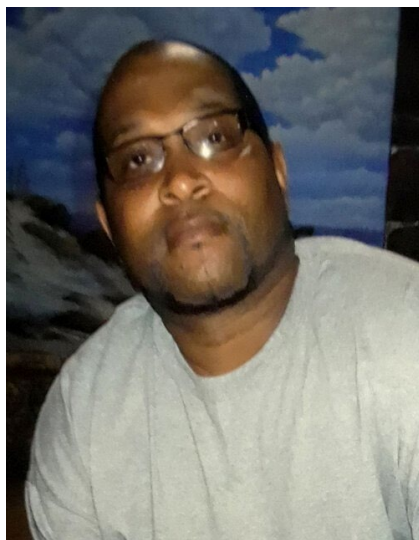
Brandon Lavon Patton



Victor Cruz



Marie Neba



Patrick Estell Jones



Richard Nesby



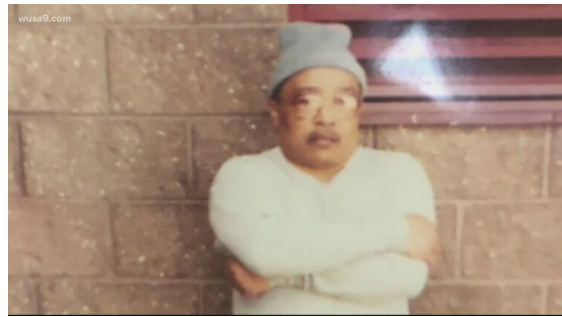
Waylon Young Bird



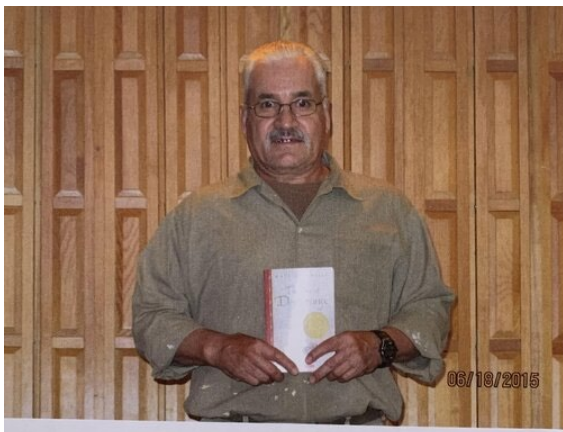
Alonzo Garza-Salazar



Saferia Johnson



Fabian Tinsley

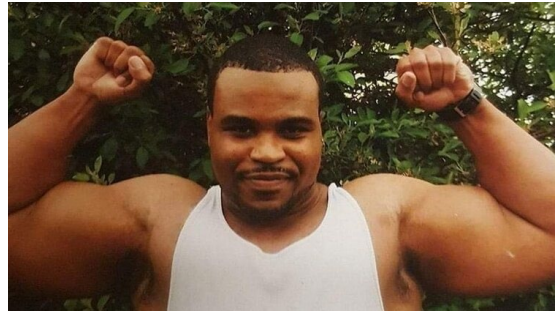


Margariti Garcia-Fragoso



Scott Cutting, Sr.

Andrea Circle Bear



Dwayne Antoine Mitchell

248 DEATHS IN BOP CUSTODYⁱ, AN INCALCULABLE LOSS

They Were Us.

Patrick Jones, 49, FCI Oakdale I • **Nicholas Rodriguez**, 43, FCI Oakdale I • **Frank McCoy**, 76, FCI Elkton, a veteran of the armed services and a long time managerial-level engineer • **Wallace Holley, Jr.**, 56, FCI Oakdale I • **Margarito Garcia-Fragoso**, 65, FCI Elkton • **David Townsend**, 66, FCI Oakdale I, took a plea deal to avoid life • **Woodrow Taylor**, 53, FCI Elkton, Father of 3 and no prior federal criminal history • **George Jeffus**, 76, FCI Oakdale I • **Charles Richard Rootes**, 81, FCI Butner I • **Andre Williams**, 78, FCI Butner I, Father of two and underwent cardiovascular surgery during pendency of his trial in 2005 • **Gary Edward Nixon**, 57, FCI Butner I • **Bradley James Ghilarducci**, 73, FCI Terminal Island, Air Force Veteran • **Alvin Turner**, 43, FCI Elkton, AUSA at sentencing stated “he’s a young man and maybe he will come out and benefit his family as well as society” • **John Doe**, FMC Devens • **John Doe**, 46, FCI Butner I • **David Ehle**, 71, FCI Elkton • **Michael Lilley**, 55, FCI Oakdale I • **Fabian Tinsley**, 67, FCI Butner I • **William Hutsell**, 62, FCI Elkton • **Olivier M. Boling**, 66, USP Lompoc • **Anthony David Gentile**, 59, FCI Danbury, father and Business Systems Analysts • **Michael Fleming**, 59, FCI Terminal Island •

Arnoldo Almeida, 61, FMC Ft. Worth • **Oscar Ortiz**, 78, FMC Ft. Worth, Father to a reconnected daughter due to adoption • **John Ng**, 43, FCI Milan • **Donnie Grabener**, 65, FMC Ft. Worth • **Richard Nesby**, 55, FCI Elkton, father to 15 children who knew him to be funny and family-oriented and a versatile handyman • **Daniel Kimbrough**, 53, FCI Milan, attended Bemidji State University and was known to be a wonderful singer and avid gardener • **Walker Minto**, 73, FCI Butner I, husband • **Andrea Bear**, 30, FMC Carlswell, was in her 3rd trimester of pregnancy at the time of her death • **Stephen Cino**, 54, FCI Terminal Island, wheelchair bound • **Rex Damon Begay, Sr.**, 80, FCI Terminal Island, member of the Navajo Nation • **Willie Peterson**, 51, FCI Milan, father of four • **Leonard Auerbach**, 73, FCI Terminal Island, University of Wisconsin Madison graduate, UC Berkley PhD, former professor at St. Mary’s College, father of two sons • **Randy Bise**, 57, USP Yazoo City, truck driver • **Kevin Ivy**, 59, FMC Ft. Worth • **Douglas Reid**, 56, FTC Oklahoma City, no prior criminal history and was gainfully employed his whole life • **Eduardo Robles-Holguin**, 58, FCI Terminal Island, an immigrant • **Darrel Underhill**, 76, FMC Devens • **William E. Miller**, 58, FCI Butner I • **Jimmie Lee Houston**, 75, USP Lompoc, single father and was in the early stages of

kidney failure at the time of sentencing • **James Drugan**, 70, FCI Elkton, former United States Marine, Vietnam Veteran and father of two • **George Lewis Escamilla Sr.**, 67, FCI Oakdale II Satellite Camp, classified as a T3 paraplegic due to Black Heel Illness • **Michael Brookwalter**, 56, FCI Elkton • **Scott Douglas Cutting, Sr.**, 70, FCI Terminal Island • **Guadalupe Ramos**, 56, FMC Ft. Worth • **Vernon Adderley**, 56, FMC Ft. Worth • **Juan Mata**, 59, FMC Lexington • **Thomas Jackson Rogers**, 79, FMC Ft. Worth • **James Xavier Lino**, 65, Terminal Island, was six months away from release and on May 6, 2020, his request for transfer to home confinement was denied • **Carlos Caldero Mendoza**, 60, FMC Lexington, was extremely close with wife and children and this was his only involvement in the criminal legal system • **Richard Saettel**, 66, FMC Lexington • **Jerry Lynn Dempsey**, 59, FCI Butner I • **Charles Lyn Hanberry**, 74, FMC Ft. Worth, while in the military he received the Air Force Commendation Medal for Meritorious Service on two different occasions and the Armed Forces Radio & Television Service Director’s Award in recognition of outstanding personal efforts contributing to the professional excellence of military broadcasting • **Bich Ngoc Tran**, 50, FMC Ft. Worth • **Joseph Michael Young**, 63, FMC Ft. Worth • **Fidel**

Torres, 62, FMC Lexington • **Gregory Phinton Glenn**, 56, USP Terre Haute • **Eric Spiwak**, 73, FCI Butner I, while serving in Vietnam, received a Purple Heart and Bronze Star Medal for Valor • **Isaac Lamar Byers**, 52, FCI Butner I • **Bernardo Luis Olarta-Loaiza**, 63, FCI Butner I • **Dongfan Greg Chung**, 84, FCI Butner I • **Mohamed Yusef**, 37, FCI Lompoc • **Steve Arthur Robinette**, 79, FCI Butner • **David Grant**, 63, FCI Butner, known to have a real Godly heart and was an inspiration to the whole family • **Daniel Lee Vadnais**, 56, FCI Lompoc, skilled marine mechanic and father of two • **Juan Ledoux-Moreno**, 74, FCI Butner • **Robert Herndon**, 62, FMC Devens, died while committed by court order for mental health issues • **Bobby Lee Medford**, 74, FCI Butner, former Buncombe County sheriff • **Andrew Charles Markovci**, 56, FCI Butner • **Stephen Cook**, 48, FMC Lexington • **Emanuel Brewster Jr.**, 50, FCI Yazoo City • **John A. Brust**, 77, FCI Butner • **Charles Woolsey**, 69, FMC Lexington, Air Force Veteran and father • **Dewayne Antonio Mitchell**, 43, FCI Yazoo City, Devoted father to five children, nicknamed “G-Wayne” and known to have a “heart of gold” • **Robert Hoffman**, 75, FMC Fort Worth • **Mark E. Hebert**, 61, FCI Butner, Was diagnosed with bipolar disorder and suffered from five heart attacks before sentencing •

John Marrone, 85, FCI Butner • **Wayne Delvin Littlecrow**, 55, FCI Butner • **Michael McDonald**, 80, FCI Terminal Island • **Joe Tapia**, 55, FCI Butner, Husband and father of two • **Norman F. Grimm Jr.**, 66, FCI Butner • **Jack Edward Talledo**, 61, FCI Butner • **Robert Hague-Rogers**, 83, FMC Fort Worth, Sole owner of a company • **Daniel Morris**, 70, FMC Lexington, Voluntarily Surrendered into custody • **Ivan Gonzalez Ramirez**, 68, FDC Miami, Was awaiting trial • **John A. Dailey**, 62, FCI Butner, Had filed a Compassionate Release Motion less than two months prior to his death • **Malcolm L. Scarborough**, 85, FCI Coleman • **James Giannetta**, 65, FCI s • **Sandra Kincaid**, 69, FMC Carswell, A mother and grandmother and known to go out of her way to help others • **Teresa Ely**, 51, FMC Carswell, Mother and grandmother • **Romie Roland**, 61, FCI Jesup's Satellite Camp, Was a physician • **Jacky Pace**, 78, FCI Seagoville • **Mark Stamps**, 59, FCI Seagoville • **Gerald Porter**, 73, FMC Lexington • **Earl James**, 65, USP Marion • **Veronica Martinez Carrera-Perez**, 44, FMC Carswell, Was denied a sentence reduction 4 months before her death • **Saferia Johnson**, 36, FCI Coleman's Satellite Camp, Mother of two children and worked with the juvenile justice department • **Jose Barragan**, 69, FCI Miami • **Taiwan Davis**, 39, USP Marion, Had been in custody for less than a year at the time of his death • **Eugene Griffin**, 80, USP Atlanta • **Jose Mario Gallego Zapata**, 66, FDC Miami • **Wendy Campbell**, 56, FMC Carswell, Has been at FMC Carswell since March, 2020 • **Luis A. Velez**, 58, FCI Coleman • **Norman Duncan**, 50, FCI I Victorville, Father • **Marie Neba**, 56, FMC Carswell, Mother to three sons and suffered from terminal breast cancer • **Wendell Eaves**, 63, FCI Seagoville • **Byron Dale Bird**, 65, USP Terre Haute • **Ricky Lynn Miller**, 62, FCI Butner • **Tim Hocutt**, 53, FCI Terre Haute, Father to a son who died at the age of 14 • **Victor Cruz**, 47, MCC San Diego, Loved father and grandfather • **Thomas Krebs**, 72, FMC Lexington • **Barry Johnson**, 48, FCI Edgefield • **Tommy Sisk**, 62, FCI Petersburg • **Robert Pierce**, 52, FCI Big Spring • **Ricky Eagle Elk**, 52, USP Coleman II • **Darin Taylor**, 60, FCI Big Spring, Known as a pillar of intent and integrity among his community and daughters • **Joe McDuffie**, 58, FCI El Reno • **Glenn Coleman Jr.**, 48, FCI Big Spring, Designated as a disabled adult • **Colin Bobsy**, 52, MCFP Springfield, Suffered 54 cardiac arrests in less than three years • **Gary Tubby**, 60, MCFP Springfield • **Samuel Prieto**, 58, MCFP Springfield, Filed for Compassionate Release in April 2020 • **Waylon Young Bird**, 52, MCFP Springfield, Wrote a letter begging to be released one week before his death • **Rice Stanley**, 60, USP Tucson, Married • **David Cross**, 45, MCFP Springfield • **Jimmie Largo**, 48, MCFP Springfield • **Torrick Lyle**, 43, MCFP Springfield, Filed for Compassionate Release and sent 3 letters to his sentencing judge begging for release • **Edwin Trout**, 69, FCI Talladega • **Ralph Thomas**, 87, MCFP Springfield, had already served longer in prison than any sentence that would have been imposed under the law as it exists today • **Charles Fankhauser**, 64, FCI Bastrop • **Louis Allen Rector**, 62, FMC Butner • **Matthew Shubart**, 41, FCI La Tuna, a chef and beloved son, his motion for release was denied less than two months before his death • **Robert Dobyns**, 48, USP Tucson • **Stanley Carr**, 66, USP Tucson • **Avery Poynter**, FCI Ashland, Loved son, His motion for Compassionate Release was denied less than two months before his death • **Derrick Howard**, 51, USP Tucson, His motion for compassionate release was pending when he died. • **Félix Repilado Martínez**, 67, North Lake Correctional Institution, had a passion for folkloric dance, Father • **Austin Robinson**, 46, MCFP Springfield, Father • **Ronald Hovey**, 67, FCI Texarkana, Founded the Grace for All Ministries, which serviced those without homes and who struggled with addiction • **James Lee Wheeler**, 78, FCI Terre Haute, Loving brother and friend, His motion for compassionate release was pending when he died • **Andrew Goldberg**, 38, FCI Coleman • **John Lewis**, 70, USP Allenwood • **James Jones**, 79, FCI Ashland, Loving husband and father • **Robert Taylor**, 46, FCI Ashland • **Horace Nelson**, 64, FCI Victorville • **Ross Tewangoitewa**, 74, FCI La Tuna, member of the Hopi Nation and a Village of Songoopavi elder • **Timothy Bower**, 56, FCI Ashland, a brother and Michigander, compassionate release motion was denied the day after his death • **Rafael Guerrero**, 70, MCFP Springfield • **Michael Gerard Smith**, 59, FCI Florence, Loving uncle who wanted to show his nieces and nephews people can change, died just 5 months from his release date • **Armando Velasquez**, 70, FTC Oklahoma City, Father to 6 daughters, farmworker, and truckdriver • **Murry Malone Bailey**, 71, USP Tucson • **Anthony Casso**, 78, USP Tucson, Father • **Terry Drake**, 73, USP Tucson • **John Rodrigues**, 65, USP Tucson, Died two days before a hearing on his compassionate-release motion • **John Doe**, Butner Low • **Manuel Dikran Sassounian**, 78, MDC Los Angeles, Born in Scotland • **Christopher Carey**, 72, FCI Lompoc, A motion for compassionate release had been pending since 8/24/2020 • **Larry Lanell Bennett**, 49, FCI Memphis, He worked as a cook and wanted to get home to his daughter • **Carl Merlo**, 59, FCI Beaumont, Navy veteran who served on the USS Wainwright, loving father and grandfather, phlebotomist • **Gary Wayne Kilgore**, 72, FCI Ashland, Brother and friend • **Jimmy Allen Monk**, 60, FCI Talladega • **David Rowe**, 73, FMC Devens, His motion for compassionate release was pending for 4 months; he filed an emergency motion the day before his death • **Robert Levine**, 79, FCI Phoenix, Attended NYU, heavily involved in charities and foundations, taught GED courses while serving his sentence • **James Velez**, 61,

<p>FCI Ashland • John Charles Buffalo, 51, USP McCreary • Richard James, 61, MCFP Springfield, Kind-hearted, generous person and a good father • John Doe, MCFP Springfield • Charles Winters, 84, FMC Devens, a Californian • Carmelo Estrada, 58, MCFP Springfield, a Texan • Michael Martinez, 75, FMC Fort Worth, Veteran and Brother • Joe Gary Rivas, Jr., 75, FMC Fort Worth, Loving Uncle and former restaurant owner • James Graves, 65, FMC Devens • Stuart Manley, 78, FMC Devens • Nelson Del Rio Rodriguez, 65, FCI Williamsburg, Cubano, Father, brother, and grandfather • Fred Keys, 57, FCI Fairton, Father and one of 6 children • Michael Ryle, 77, MCFP Springfield • Sean McQuiddy, 54, FCI Forrest City, His fiancé and grandmother always held out hope that he would come home • Willie Smith, 73, FMC Devens • Michael Hollingsworth, 60, MCFP Springfield, • Kevin Gayles,</p>	<p>38, FCI Jesup, Loving brother and father, in the process of obtaining his GED • Antwonne D. White, 55, FCI Butner II, Father • Harry Edward Cunningham, 54, FCI Memphis, Trucker and Father of two • Richard Lee Red Fox, 59, FCI Sandstone, Blackfeet Nation member • George Maurice Steele, 37, FCI Talladega • Andre Vasquez, 76, MCFP Springfield, Welding Instructor • Ruben Gil, 54, FMC Devens • Thomas Eugene Church, 63, USP Leavenworth, Father and Grandfather • Steven Brayfield, 63, USP Leavenworth, Loving Brother and Son • Shauntae Hill, 44, FCI Terre Haute, Known as an excellent Father and the backbone of the family • Spencer Lee Sarver, 65, USP Atlanta, Georgian • William Dahl, 60, FCI Williamsburg • Charles McRae, 69, FMC Devens • George Adams, 68, FCI Hazelton • Myron Crosby, 58, FCI Fort Dix, Father and Grandfather • Pedro Lopez-Vargas, 59, MCFP Springfield • John</p>	<p>Doe, Lumpoc • Victor Bigman, 58, FCI Victorville II, Born and raised in Oakland, California, Member of the Kaibito Community, Welder, Husband, and Father to three sons • Robert Ivan Horton, 52, FCI Edgefield • Joe Lee Adams, 64, FCI Williamsburg • Charles Purly Romero, 64, USP Tucson, Member of the Taos Pueblo Nation • Omar Adonis Guzman-Martinez, 48, MCFP Springfield, Citizen of the Dominican Republic, Father of three children • Toribio Ornelas Vasquez, 79, FCI Florence, Husband and Father • Mark Anthony Sealy, 56, MCFP Springfield • Theodore Kootswatewa, 70, Member of the Hopi Nation • William Ray Wooten, 70, FCI Butner II • Otis Morris, 69, FCI Gilmer, Honorably discharged Veteran and Father • Edwin Segarra, 46, MDC Brooklyn, Loving Father of four, Brother, Participant in classes at Columbia University • John Doe, FCI Butner Low • Joseph Lee Fultz, 52, FCI Terre Haute,</p>	<p>Maintained a career in computer networking and technical support • Abdul-Aziz Rashid Muhammad, 64, FCI Butner II, Father • Ches-ter Ray Stitts, Jr., 55, FCI Forest City • Girard Lafortune, 63, FMC Devens • Wayne Spinks, 75, FCI Edgefield • Johnathan Delargy, 60, FCI Seagoville, Sole Provider for his family • Marcelo Ramos-Ortiz, 59, FCI Oakdale II • John Doe, USP Florence • Icee Omar Ali, 61, USP Florence, Proud Uncle • Jesse O. Carter, 54, FCI Talladega • Curtis Horne, 59, USP Florence • Fernando Marulanda Trujillo, 69, FCI Fort Dix, Columbian National • Jaime Benavides, 49, MCFP Springfield • Leonard Williams, 53, MCFP Springfield</p>
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ⁱ This number includes the 230 federal deaths in BOP-managed facilities and community-based facilities, <https://www.bop.gov/coronavirus/>; the 10 deaths in the Government-contracted, privately-managed prisons, *id*; and the 8 individuals who died while imprisoned at D. Ray James Correctional Institute, <https://www.bop.gov/locations/ci/dri/>, Moshannon Valley Correctional Institute, <https://www.bop.gov/locations/ci/mvc/>, and Rivers Correctional Institute, <https://www.bop.gov/locations/ci/riv/>, who are no longer listed on the BOP's coronavirus death tracker.