

# Federal Prisons Pose ‘Imminent Danger’ in Spreading COVID-19, Union Says

By Courtney Bublé

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Federal prisons are “proliferating the spread” of coronavirus, according to a March 31 complaint prison workers have filed with the Occupational Safety and Health Administration. The union complaint, obtained by *Government Executive*, cites “imminent danger” conditions at facilities nationwide.

The [Council of Prison Locals C-33](#), a division of the American Federation of Government Employees, said the Federal Bureau of Prisons is “proliferating the spread of a known and deadly contagion both within our prison system and to our surrounding communities,” and its “actions and inactions are expected to result in death and severe health complications and/or possible life-long disabilities.”

The union alleges BOP has violated national regulations that require employers to provide a hazard-free work environment as well as [Centers for Disease Control and Prevention](#) and [BOP](#) guidance on mitigating the spread of the coronavirus. It cited “[imminent danger](#),” which OSHA defines as a situation “such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures.”

The union listed 100 of 122 facilities nationwide with alleged safety or health hazards.

The complaint alleges that BOP has:

- Directed staff members to return to work within 48 hours of being in close proximity to those with coronavirus and/or show symptoms of having the virus;
- Authorized the movement of inmates with suspended or confirmed coronavirus cases to areas nationwide that didn’t have any known infections;
- Failed to mitigate the spread of coronavirus in facilities by using air filters or improving ventilation in other ways;
- Failed to maintain social distancing guidelines for inmates and staff; and
- Although BOP has fit tested staff for masks, it “failed to provide the proper N-95 masks to staff who are transporting and have custodial control over hospitalized inmates testing positive for the virus.”

At the time the complaint was submitted, 28 inmates and 24 staff had confirmed coronavirus cases. As of Monday afternoon (six days later), there were 138 inmates and 59 staff members with confirmed cases, according to the [BOP’s online tracker](#). There have been eight inmate deaths so far: Five at a low security facility in Oakdale, Louisiana, and three at a low security facility in Lisbon, Ohio, the agency reported.

When asked about the OSHA complaint, BOP Spokesperson Justice Long reiterated the agency's commitment to protecting all personnel and mitigating the spread of disease. "The BOP has recently responded to several inquiries from OSHA concerning COVID-19," Long said. "Working with OSHA and the union are two important opportunities the BOP has to evaluate its efforts to keep staff safe and mitigate risks associated with COVID-19."

Since January, BOP has [issued guidance and modified operations](#) in response to the coronavirus. Those steps include: launching an online screening tool; allowing telework where possible, although that's not possible for the majority of staff; suspending social and other visits with few exceptions; limiting inmate transfers; and screening inmates before they are transferred.

On April 1, BOP implemented what union officials called a "[modified lockdown](#)" to limit inmate movement within the facilities. Officials planned to re-evaluate the situation by April 15 and decide whether or not to continue with the modified operations.

Two days later, on April 3, Attorney General William Barr authorized emergency authority under the \$2 trillion CARES Act to increase home confinements for inmates with "COVID-19 risk factors, as described by the CDC." BOP said it had increased home confinement by over 40% since March, but is looking to do more as the outbreak spreads. It is starting with the inmates at the facilities with the highest numbers of confirmed cases and deaths, according to a [press release](#).

On Monday, BOP management sent [a memo](#), which *Government Executive* obtained from a union official, to all chief executive officers on the use of face masks for inmates and staff, "BOP is working aggressively to issue face coverings," it stated. The memo outlines how and to whom to distribute surgical masks until the agency receives shipments of cloth masks.

Despite the bureau's efforts, many federal prison employees, lawmakers, union officials and advocates still say the agency is not doing enough to protect staff and inmates.

*Government Executive* has spoken with many prison employees over the last few weeks who've disclosed concerns about the lack of personal protective equipment, their inability to implement social distancing and the risk of exposure while on the job.

In response to the face mask memo, Joe Rojas, the southeast regional vice president at the Council of Prison Locals, said "the fact the agency still doesn't allow staff to bring their own mask for their protection, in my opinion, proves [the] agency doesn't care about staff" and could risk "endangering other staff, inmates, families and community."

Charles D'Apice, a South Carolina correctional officer and vice president of his [local union chapter](#), said last month a staff member at his facility expressed worries that he did not know if the inmates he was dealing with had been tested for coronavirus. Then "one of our management officials turns to him and says 'this is what you signed up for' and walks out without giving him any [personal protective equipment]," D'Apice said. "It put lot of angst on these staff members,"

In November, the [Justice Department's inspector general](#) reported that "managing a safe, secure and humane prison system" was a top management challenge for department officials in fiscal 2019. "Staffing prisons with

qualified healthcare workers” and “deteriorating facilities and equipment” were among the problem areas highlighted by the IG.

Prison facilities “are almost perfectly designed and run in a way to promote the spread of this virus throughout these institutions,” Dr. Homer Venters, president of the nonprofit Community Oriented Correctional Health Services, told [ABC News](#) on Sunday. “The danger here is that we're not only really going to see the explosion of cases among people who are detained and the people who work there, this is going to drive the entire epidemic curve for this nation up, just when we're trying to flatten it.”

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