

Congress of the United States

Washington, DC 20515

July 10, 2025

William K. Marshall III
Director
Federal Bureau of Prisons
320 First Street, NW
Washington, D.C. 20534

Dear Director Marshall:

I write to express deep concern about the Federal Bureau of Prisons' (BOP) new interagency agreement with U.S. Immigration and Customs Enforcement (ICE) to house more than 100 immigration detainees at the Metropolitan Detention Center (MDC) Brooklyn facility.¹

As you well know, MDC Brooklyn has long been plagued by many troubling issues, including numerous incidents of violence (and even death), significant understaffing leading to excessive and extended lockdowns and solitary confinement, inadequate medical care for inmates, frequent power outages, and unsanitary conditions.² In recent years, federal judges have described the jail as “barbaric” and “contemptuous of human dignity,” even refusing to send convicted criminals there due to fear for their safety.³ These conditions have been well documented by legal advocates and journalists and have been highlighted in judicial rulings over the years.

The Biden administration began to address some of these issues last year. On February 26, 2025, BOP Associate Director Kathleen Toomey testified before the House Appropriations Committee, describing MDC Brooklyn as a “good example” of how effective retention pay and salary incentives can improve conditions.⁴ Under the Biden administration, BOP implemented a 35 percent retention pay policy which resulted in the hiring of 87 new personnel—the highest staffing increase at MDC Brooklyn in years. Despite these positive developments, Associate Director Toomey confirmed that the Trump administration has since paused consideration of any new pay incentives and has eliminated some existing retention incentives and programs at facilities across the country.

Despite MDC Brooklyn's dangerous dearth of resources, your agency has now agreed to house ICE detainees in MDC Brooklyn's East Building, many of whom are individuals with no criminal record.⁵ This interagency agreement, reportedly part of a broader expansion involving the use of eight BOP facilities nationwide, is especially concerning in light of the MDC's

¹ Annese, Siewell, and Cayla Bamberger. “ICE detainees now being held in ‘horrific’ MDC Brooklyn federal jail.” NY Daily News, 25 June 2025, <https://www.nydailynews.com/2025/06/25/ice-detainees-held-horrific-mdc-brooklyn-federal-jail/>.

² *Id.*

³ Weiser, Benjamin. “Judge Refuses to Send Defendant to Troubled Brooklyn Jail.” New York Times, 4 Jan. 2024, <https://www.nytimes.com/2024/01/04/nyregion/brooklyn-judge-mdc-jail.html>

⁴ See generally Oversight Hearing – Federal Bureau of Prisons: Hearing Before the Subcomm. on Commerce, Justice, Science, and Related Agencies of the H. Comm. on Appropriations, 119th Cong. (2025), <https://appropriations.house.gov/schedule/hearings/oversight-hearing-federal-bureau-prisons>.

⁵ Camilo Montoya-Galvez, “ICE holding a record 59,000 immigrant detainees, nearly half with no criminal record, internal data show.” CBS News, 24 June 2025, <https://www.cbsnews.com/news/ice-record-59000-immigrant-detainees-half-no-criminal-record/>

inability to provide proper care and staffing for the existing inmates under your jurisdiction. Adding dozens of new detainees to a facility that is already overburdened will inevitably exacerbate the already deplorable conditions at MDC for both detainees and personnel. In fact, according to reports, lockdowns, which often occur due to staffing shortages and unsafe conditions, have already increased since the new ICE population arrived.⁶ Lockdowns can severely restrict inmate access to common areas, medical care, legal counsel, and communication with loved ones—further isolating inmates and increasing the risk of neglect.

Now, individuals who may pose no public safety threat are being detained in a facility that has consistently failed to provide basic care for its current population. It is neither ethical nor safe for BOP to divert limited resources and space at the MDC facility to house noncriminal individuals to further the Trump administration's mass deportation agenda, when your agency has so glaringly failed to meet safety standards prior to the added strain of these new detainees.

Accordingly, I request that you take the following actions as soon as possible:

1. Suspend all transfers to MDC Brooklyn and any other BOP facilities with a documented history of understaffing and unsafe conditions.
2. Provide a detailed explanation of the criteria utilized to select BOP facilities under the interagency agreement, including why MDC Brooklyn was deemed appropriate to house ICE detainees despite its history of problematic conditions and violence.
3. Provide a detailed assessment of the conditions at MDC both before and after the additional detainees were moved to the facility. Please include how this agreement will affect MDC BOP staffing schedules and resource allocation.
4. Ensure that any facility being used to house ICE detainees is meeting minimum standards of medical care and access to legal counsel.
5. Provide a detailed plan outlining how your agency intends to use funding allocated through the reconciliation bill to address staffing shortages and the maintenance of BOP facilities, including whether BOP will receive any of the \$170 billion allotted for DHS/ICE for immigration-related matters.

I look forward to your prompt response no later than July 18, 2025.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Goldman', written over a horizontal line.

Dan Goldman
Member of Congress

cc: Immigration and Customs Enforcement (ICE) Acting Director, Todd M. Lyons

⁶ *Id.*