

United States Senate

WASHINGTON, DC 20510

March 29, 2019

The Honorable Gene L. Dodaro
Comptroller General
U.S. Government Accountability Office
441 G Street, N.W., Room 7100
Washington, DC 20548

Dear Mr. Dodaro:

In 2017, the United States experienced some of the most destructive and costly natural disasters, with damages estimated to cost over \$300 billion. Among those affected from these disasters were inmates and correctional facilities. Inmates are particularly vulnerable during emergencies and disasters as they rely on officials from correctional facilities to provide basic necessities and to decide whether to evacuate to a safer location. Recent natural disasters, including hurricanes during 2017 and 2018, highlight the need to examine the Bureau of Prisons' (BOP) and selected states' emergency preparedness efforts.

Reports of health and safety violations have raised concerns over how well BOP is preparing for and responding to natural disasters. For example, according to one report, inmates who were not evacuated during Hurricane Harvey reported that they experienced a lack of drinkable water, loss of electricity, and no access to medications.¹ Further, during the week after Hurricane Michael hit Florida, conditions deteriorated to the point that BOP evacuated inmates to a federal prison in Mississippi. BOP has taken some actions to prepare for disasters and emergencies. According to BOP's fiscal year 2019 performance budget, each institution has emergency response plans that were developed in cooperation with local, state, and federal public safety agencies. However, it is unclear what role the Bureau plays in overseeing the adequacy of these plans and the extent to which they incorporate standards for risk assessment and emergency preparedness.

In addition, state and local governments must respond to damages caused by natural disasters, including damages sustained by correctional facilities. To recover from federally declared disasters, state governments may request funding from the Federal Emergency Management Agency (FEMA) for debris removal, emergency protective measures, and the restoration of disaster-damaged, publicly-owned facilities.²

We recognize that disasters are often unpredictable. However, it is imperative that BOP—including its contract facilities—is adequately prepared for disasters and emergencies to provide inmates with adequate food, water, shelter, and medical care. It is also important to learn more about states' use of FEMA funds and FEMA oversight for the funds awarded. Therefore, we request a GAO study to examine:

¹William Omorogieva, *Prison Preparedness and Legal Obligations to Protect Prisoners During Natural Disasters*. (New York, NY: Sabin Center for Climate Change Law, Columbia University Law School, May 2018).

²See Government Accountability Office, *2017 Hurricanes and Wildfires: Initial Observations on the Federal Response and Key Recovery Challenges*, GAO-18-472, (Washington, D.C.: September 4, 2018).

1. What federal guidance exists in determining how BOP should protect inmates during natural or manmade disasters and emergencies, including guidance on developing emergency response plans and standard operating procedures and how is this guidance utilized within the institutions?
2. To what extent and how is BOP assessing if its individual institutions, as well as contracted facilities, are developing plans that incorporate risk management best practices and relevant standards for emergency preparedness?
3. Over the past 15 years, have any federal correctional institutions sustained damage during natural or manmade disasters?
 - a. What damage was sustained?
 - b. Were inmates deprived of basic needs such as food, water, shelter and medical care?
 - c. Within damaged facilities, did any inmates file a suit through the administrative grievance process or under the Prison Litigation Reform Act as a result of action or in-action taken during the emergency?
4. To what extent have selected state governments used FEMA funds to help restore state, local, and territorial correctional facilities damaged during federally declared disasters and to what extent is FEMA ensuring these funds are used in accordance with emergency preparedness plans, particularly ones guiding recovery efforts and recovery regulations and requirements?

Thank you for your help in addressing these issues. Please consider including recommendations for agency or congressional action in your evaluation. We would appreciate ongoing briefings as you conduct your work. If you have any questions concerning this request, please contact Joshua Thomas at Joshua_Thomas@duckworth.senate.gov or Jillian Joyce at Jillian_Joyce@hsgac.senate.gov.

Sincerely,


Tammy Duckworth
United States Senator


Margaret Wood Hassan
United States Senator