

U.S. Department of Justice
Federal Bureau of Prisons

MEMORANDUM

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AW Sec [Signature]

*Federal Detention Center Miami
33 N.E. 4th Street
Miami, Florida 33101-9118*

November 12, 2009

MEMORANDUM FOR EDWIN PEREZ, ASSOCIATE WARDEN (PROGRAMS)

FROM: Arturo J. Reynaldo, Executive V.P. Union Local 501

SUBJECT: Informal Resolution on Preventing H1N1 Outbreak

This is an informal resolution process as per the Master Agreement Article 31: Grievance Procedure that is being given to you to informally resolve the matter that is stated below:

On Tuesday, November 10, 2009, two inmates tested positive for the Influenza A Virus, which demonstrates there is a strong possibility that they also have been exposed to the H1N1 virus.

One of them, [REDACTED] had a visit last Friday, Nov. 6, 2009 and his roommate, [REDACTED] was also exposed. These inmates were eventually sent to Larkin Hospital where they are currently isolated.

It was later known, on that night, that after midnight, several new inmates arrived at the institution via R/D and were later moved to SHU until medical screening was completed.

This poses an extremely dangerous risk to the inmate population in SHU and to our most valuable asset in this institution and agency: our staff.

Taking inmates to SHU without proper medical screening and fever identification in these times of concerns with the H1N1 availability is a disaster waiting to happen.

R/D and Health Services is equipped with U/V filtration air handlers that destroy and eliminate all bacteria and virus that are airborne, which is the most serious form of contamination for all inmates and staff.

The best place to housed inmates that have just arrived is R/D after hours and weekend as stated above, but yet that is not what we are doing here. We are ignoring these facts and moving inmates through elevators all the way to SHU, moving these pathogens or diseases through the whole building and placing all of us in danger and risk of taking these organisms to out homes and family.

S.H.U. and other areas of this institution have no filtration of any kind in any housing unit to eliminate these germs and so the potential is very real for a possible outbreak.

As per the Master Agreement: **Article 27 - Health and Safety**, the employer will lower the inherent hazards to the very minimum for staff. Skipping or cutting corners in this area is not lowering the inherent hazards but the contrary, is enhances these risks, because of the risks noted above.

Based on these factors, the Union has recommended and continues to provide several options in order to comply and to avoid a potential serious outbreak in this facility.

1) Keep inmates in R/D overnight until medical staff arrives the next day and then when they are properly screened, sent them to their designated units.

2) Prevent the entry of any arrest to the institution after hours, like other FDC's are doing in order to avoid the risk of contamination. This has been done in various Federal Detention Centers like MCC San Diego, MDC Brooklyn, and others. Permit inmate entry to this institution from 0600 - 2400.

3) R/D staff should be instructed to be vigilant and provide a persistent questioning to the escorting law enforcement staff if they are bring inmates or new arrest that are reporting being sick or having a fever.

The Union feels that there is a renewed sense of urgency in this matter due to the current development of the H1N1 outbreaks and the incident that happened in Unit Gulf East several days ago.

Unfortunately, Management does not feel the same, because there is a persistent disregard to protect our staff by continuing to moved inmates to SHU, after repetitive attempts by this writer, the Infectious Disease Coordinator, and other medical staff about the need to stop this dangerous precedent.

These issues have been brought up in various times, like a letter to the Warden delivered on May 1, 2009 and Memo presented to LMR meeting on August 26, 2009 (see attachments).

Now we have seen first hand what could possibly go wrong happened and yet one inmate from the same Unit was released to Visiting Room yesterday, when Dr. Ginart, Clinical Director gave explicit directions in his concerns and language that **NO INMATE WAS TO BE RELEASE TO VISITING UNTIL FURTHER NOTICE.**

As a member of the BOP family, we need to protect and take care of our own and by implementing and sustaining these procedures we are being proactive and defensive in our quest to achieve a win - win situation for Management and Labor in these difficult times for infectious control of our inmate population and our most valuable resources our staff.