



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

November 23, 2020

BY ECF

The Honorable Alison J. Nathan
United States District Court
Southern District of New York
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *United States v. Ghislaine Maxwell*, 20 Cr. 330 (AJN)

Dear Judge Nathan:

The Government respectfully submits this letter to provide an update regarding the defendant's conditions of confinement at the Metropolitan Detention Center ("MDC") pursuant to the Court's Order dated August 25, 2020. (Dkt. No. 49). Over the past three months, the Government has had multiple conversations with MDC legal counsel regarding the defendant's conditions of confinement. This update is based on information provided to the Government by MDC legal during those conversations.

Last week, a staff member who was assigned to work in the area of the MDC where the defendant is housed tested positive for COVID-19. In response, the MDC implemented the same quarantine protocols that apply whenever an inmate has potentially been exposed to the virus. Specifically, on November 18, 2020, the defendant was tested for COVID-19 using a rapid test, which was negative. That same day, the defendant was placed in quarantine. As with any other quarantined inmate, the defendant will remain in quarantine for fourteen days, at which point she will be tested again for COVID-19. If that test is negative, she will then be released from quarantine. To date, the defendant has not exhibited any symptoms of COVID-19.

During her time in quarantine, the defendant will be housed in the same cell where she was already housed before she was placed in quarantine, and medical staff and psychology staff will continue to check on the defendant every day. Like all other MDC inmates in quarantine, the defendant will be permitted out of her cell three days per week for thirty minutes. During that time, the defendant may shower, make personal phone calls, and use the CorrLinks email system. In addition, the defendant will continue to be permitted to make legal calls every day for up to three hours per day. These calls will take place in a room where the defendant is alone and where no MDC staff can hear her communications with counsel.

On November 18, 2020, the Government provided the MDC with a laptop for the defendant to use to review discovery. During quarantine, the defendant has been and will continue to be permitted to use that laptop in her isolation cell to review her discovery for thirteen hours per day,

Page 2

seven days per week. Accordingly, the defendant is receiving the same amount of time to review her discovery and the same amount of time to speak with her lawyers as she received before entering quarantine. The defendant will not, however, be permitted to meet in person with her lawyers until she tests out of quarantine.

After the defendant tests out of quarantine, she will resume the same schedule that the MDC implemented approximately three months ago. Specifically, from 7am to 8pm every day, the defendant will be permitted out of her isolation cell. During those thirteen hours, the defendant will have access to a computer on which to review her discovery outside of her cell. Also during the day, the defendant will be permitted to, among other things, make legal calls, make personal calls, access CorrLinks, and shower. From 8pm to 7am, the defendant will remain in her isolation cell. The defendant will also be permitted to have in-person visits with her attorneys up to three days per week for multiple hours per visit. On days when the defendant does not have in-person legal visits, she will have access to legal calls for up to three hours per day.

As was the case three months ago, the defendant continues to have more time to review her discovery than any other inmate at the MDC, even while in quarantine. The defendant also has as much, if not more, time as any other MDC inmate to communicate with her attorneys, even while in quarantine.

As noted above, over the past three months, the Government has repeatedly communicated both with MDC legal counsel and defense counsel regarding the defendant's conditions of confinement. Whenever the defense has raised a concern on this topic, the Government has immediately contacted MDC legal counsel to inquire about and, where appropriate, to address the concern. The Government will continue to keep those lines of communication open and will remain responsive to any concerns raised by the defense regarding the defendant's conditions of confinement. Should the Court have any questions or require any additional details regarding this topic, the Government will promptly provide additional information.

Respectfully submitted,

AUDREY STRAUSS
Acting United States Attorney

By: 

Maurene Comey / Alison Moe / Lara Pomerantz
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Southern District of New York
Tel: (212) 637-2324

Cc: All Counsel of Record (By ECF)

EFTA00027269



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
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December 1, 2020

BY ECF

The Honorable Alison J. Nathan
United States District Court
Southern District of New York
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *United States v. Ghislaine Maxwell*, 20 Cr. 330 (AJN)

Dear Judge Nathan:

The parties jointly submit this letter in response to the Court's November 24, 2020 order directing the parties to meet and confer regarding the defendant's request that the warden of the Metropolitan Detention Center ("MDC") report directly to the Court and counsel on the defendant's conditions of detention. (Dkt. No. 76). Over the past week, the Government has spoken with MDC legal counsel regarding the defendant's conditions of confinement and has tried to gather additional information regarding the concerns raised by the defendant, which the Government has shared with defense counsel. The Government has also conferred with defense counsel three times regarding the same, as well as the defense's request relating to MDC Warden Heriberto Tellez. The parties have been unable to reach agreement. Our respective positions follow.

The Government respectfully submits that the Court should allow MDC legal counsel to respond directly in writing to the Court and defense counsel regarding the concerns defense counsel has raised relating to the defendant's conditions of confinement. The Government understands that MDC legal counsel is prepared to submit a letter by this Friday, December 4, 2020. Such a letter is the appropriate next step at this time, as it will allow the Court to hear directly from MDC legal counsel who can address the defendant's conditions of confinement. The letter will allow the Court to ascertain whether further inquiry, including a personal appearance by the Warden or other MDC personnel, is necessary. Moreover, the Government does not understand the concerns raised by the defense to implicate the defendant's access to legal materials or her ability to communicate with her counsel. As noted in the Government's letter dated November 23, 2020, the defendant continues to have more time to review her discovery than any other inmate at the MDC. The defendant also has as much, if not more, time as any other MDC inmate to communicate with her attorneys. (Dkt. No. 74).

The defense disagrees. As communicated to the Government, the defense's position is as follows: Warden Heriberto Tellez should appear before the Court to directly address concerns regarding Ms. Maxwell's conditions of confinement, which specifically target her. On October 29, 2020, the defense emailed a letter to Warden Tellez detailing the onerous and restrictive conditions, including but not limited to concerns regarding the supplemental camera; excessive

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searching (e.g., weekly body scan, 15-minute interval flashlight checks at night, and open-mouth inspection) despite being surveilled 24/7 by a dedicated three-guard security detail and two cameras; and the reason she is not being moved to the day room, which we understood was the original plan (and would reduce searching). Receipt of the letter was acknowledged, but to date there has been no response and little, if any, redress to the most serious conditions. Upon information and belief, decisions concerning Ms. Maxwell's specialized detention are made by Warden Tellez, or from others outside the MDC. A report from the MDC Legal Department would provide second-hand information. Accordingly, Warden Tellez should be directed to provide a first-hand accounting to the Court and counsel why Ms. Maxwell is being detained under such individualized conditions.

Your consideration is greatly appreciated.

Respectfully submitted,

AUDREY STRAUSS
Acting United States Attorney

By: s/
Maurene Comey / Alison Moe / Lara Pomerantz
Assistant United States Attorneys
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Cc: All Counsel of Record (By ECF)



U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons
Metropolitan Detention Center

80 29th Street
Brooklyn, New York 11232

December 4, 2020

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/7/20
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The Honorable Alison J. Nathan
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: ***United States v. Ghislaine Maxwell***, 20 Cr. 330 (AJN)
Ghislaine Maxwell, Reg. No. 02879-509

Dear Judge Nathan:

This letter is written in response to your order dated December 2, 2020, concerning Ghislaine Maxwell, Reg. 02879-509., an inmate currently confined at the Metropolitan Detention center in Brooklyn, New York. You expressed various concerns regarding Ms. Maxwell's confinement and well-being.

The Bureau of Prisons' (BOP) policies and procedures are designed to ensure staff and inmates can work and live in a safe and secure environment. In determining Ms. Maxwell's current housing assignment, MDC Brooklyn considered various factors including Ms. Maxwell's expressed concern for her safety and well-being amongst the general inmate population. We have discussed our decision with Ms. Maxwell several times and provided her with guidance as to how to address any concerns through her Unit Team or the BOP's Administrative Remedy Program, 28 C.F.R. §§ 542.10 – 542.19. To date, staff have addressed her complaints in accordance with BOP policies.

In her current assignment, Ms. Maxwell, like other inmates housed at MDC Brooklyn, is allowed access to the common area of the housing unit from 7:00 AM through 8:00 PM, daily. She has access to recreational space, social calls, television, shower, legal telephone calls, email, computers, and discovery material. A discovery laptop is available to her from 8:00 AM through 5:00 PM. When Ms. Maxwell returns to her cell at 8:00 PM, like other inmates she has access to drinking water, snacks she purchased through the commissary, and discovery material. Since August 3, 2020, Ms. Maxwell has been able to purchase items from the full commissary list. She receives commissary every second week like all other inmates.

MDC Brooklyn correctional staff utilize flashlights when viewing inmate cells overnight to ensure

inmates are breathing and not in distress. Inmates in BOP custody are subject to searches, including body scanners, and inmates may be searched prior to moving from one area of the facility to another. The removal of Ms. Maxwell's face mask complies with the BOP's COVID-19 Pandemic Response Plan.

Since Ms. Maxwell's arrival, she has been provided three (3) meals a day in accordance with BOP policy and its National Menu. Food Service staff have addressed Ms. Maxwell's requests. Ms. Maxwell is served her breakfast upon entering the common area of the housing unit at 7:00 AM; at noon she is served her lunch; and at 5:00 PM she is served dinner. Her medical records show that she currently weighs 134 lbs., which fluctuates plus or minus 2 lbs. Health Services staff make regular rounds of her housing unit and she has been instructed on how to request medical care through the sick call procedures. Furthermore, while there has been a number of inmates whom have tested positive for COVID-19, Ms. Maxwell remains in good health and is not in contact with those individuals. The BOP staff is assigned to Ms. Maxwell's unit do not come in contact with the other individuals whom have tested positive. Lastly, the temperature of Ms. Maxwell's cell is checked three times daily to ensure it is in compliance with national standards.

In accordance with the BOP's COVID-19 Pandemic Response Plan, inmates are allotted 500 minutes per month of social telephone calls, which Ms. Maxwell has used throughout her time at MDC Brooklyn. While Ms. Maxwell has received one legal video conference, she continues to have full access to legal telephone calls and in person legal visits. Pursuant to the District Courts guidance, legal telephone calls are scheduled through the Federal Defenders, who should be afforded an opportunity to address any concerns Ms. Maxwell's attorneys have with the legal calls.

I trust this has addressed your concerns.

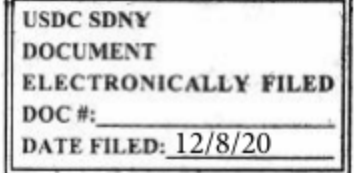
Respectfully submitted,

/s/ Sophia Papapetru

Sophia Papapetru
Staff Attorney
MDC Brooklyn
Federal Bureau of Prisons

/s/ John Wallace

John Wallace
Staff Attorney
MDC Brooklyn
Federal Bureau of Prisons

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America,

—v—

Ghislaine Maxwell,

Defendant.

20-CR-330 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On December 4, 2020, the Court received a letter from MDC legal counsel responding to the concerns that the Defendant raised in her November 24, 2020 letter. *See* Dkt. Nos. 75, 88; *see also* Dkt. No. 78. The Defendant responded to the MDC legal counsel's letter on December 7, 2020, reiterating her request that the Court summon Warden Heriberto Tellez to personally respond to questions from the Court regarding the Defendant's conditions of confinement. *See* Dkt. No. 91. Having carefully reviewed the parties' submissions, along with the MDC legal counsel's December 4, 2020 letter, the Court DENIES the Defendant's request to summon the Warden to personally appear and respond to questions. This resolves Dkt. No. 75.

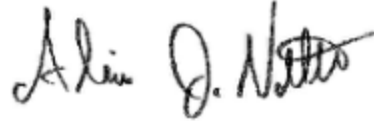
Notwithstanding this, as originally provided in Dkt. No. 49, the Government shall continue to submit written status updates detailing any material changes to the conditions of Ms. Maxwell's confinement, with particular emphasis on her access to legal materials, including legal mail and email, and her ability to communicate with defense counsel. The updates shall also include information on the frequency of searches of the Defendant.

The Court hereby ORDERS the Government to submit these written updates every 60 days. Furthermore, the Government shall take all necessary steps to ensure that the Defendant

continues to receive adequate access to her legal materials and her ability to communicate with defense counsel.

SO ORDERED.

Dated: December 8, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", written over a horizontal line.

ALISON J. NATHAN
United States District Judge



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USDC SDNY
DOCUMENT
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DOC #:
DATE FILED: 1/15/21

January 14, 2021

BY ECF

The Honorable Alison J. Nathan
United States District Court
Southern District of New York
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *United States v. Ghislaine Maxwell*, 20 Cr. 330 (AJN)

Dear Judge Nathan:

We write on behalf of our client, Ghislaine Maxwell, to respectfully request that the Court order the Bureau of Prisons to give Ms. Maxwell access to the laptop computer provided by the government so that she can review discovery on weekends and holidays.

At the request of defense counsel, the government provided Ms. Maxwell with a laptop computer to review the voluminous discovery, which was produced on a series of external hard drives. Currently, Ms. Maxwell is given access to the laptop only on weekdays. On weekends and holidays, Ms. Maxwell must use the prison computer on her floor to review discovery. However, the prison computer is not equipped with the software necessary to read large portions of the discovery recently produced by the government. As a result, Ms. Maxwell loses several days of review time every weekend and every holiday because she does not have access to the laptop. If Ms. Maxwell is to have any hope of reviewing the millions of documents produced in discovery so that she can properly prepare her defense by the July 12, 2021 trial date, she must have access to the laptop every day, including weekends and holidays.

Defense counsel has raised this issue with the government and it has no objection to Ms. Maxwell having access to the laptop seven days a week. At the request of defense counsel, the government has contacted officials at the MDC on several occasions in the past few weeks to request that they lift this restriction, but without success.

There is no principled justification for this restriction. Ms. Maxwell was given access to the laptop every day (including weekends and the Thanksgiving holiday) for the entire 14-day period that she was quarantined in her isolation cell in November-December 2020 because she had come into close contact with a member of the MDC staff who had tested positive for COVID. In addition, the laptop is kept in a locker in the same room where the prison computer is located, so it

The Honorable Alison J. Nathan
January 14, 2021
Page 2

would not require any change in Ms. Maxwell's movements to give her the requested access. Furthermore, on at least three occasions since she was released from quarantine, Ms. Maxwell's security team gave her the laptop to review discovery on the weekend.

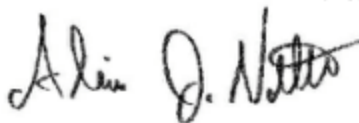
There is clearly no actual impediment preventing the MDC staff from providing Ms. Maxwell access to the laptop on weekends and holidays. Given the millions of documents that Ms. Maxwell must review before trial in order to prepare her defense, it is critical that she be given as much time as possible with the laptop to review the discovery. We therefore respectfully request that the Court order the BOP to give Ms. Maxwell access to the laptop on weekends and holidays during the hours that she is permitted to review discovery.

Sincerely,

/s/ Christian Everdell
Christian R. Everdell
COHEN & GRESSER LLP
800 Third Avenue, 21st Floor
New York, New York 10022
(212) 957-7600

cc: All Counsel of Record (By ECF)

1/15/21



ALISON J. NATHAN
United States District Judge

The unobjected-to request is GRANTED. The Bureau of Prisons is ORDERED to give the Defendant access to the laptop computer on weekends and holidays during the hours that she is permitted to review discovery. SO ORDERED.



U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons
Metropolitan Detention Center

USDC SDNY
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 DATE FILED: 2/2/21

80 29th Street
 Brooklyn, New York 11232

January 25, 2021

BY ECF

The Honorable Alison J. Nathan
 United States District Court
 Southern District of New York
 40 Foley Square
 New York, NY 10007

2/2/21

ALISON J. NATHAN
 United States District Judge

Re: ***United States v. Ghislaine Maxwell***, 20 Cr. 330 (AJN)
Ghislaine Maxwell, Reg. No. 02879-509

Having considered the request submitted by the Bureau of Prisons ("BOP") that the Court vacate its January 15, 2021 Order, Dkt. No. 117, as well as the Government's and the Defendant's responses, Dkt. Nos. 129, 130, the Court hereby **DENIES** the BOP's request to vacate the Order. **SO ORDERED.**

Dear Judge Nathan:

This letter is written in response to Order granted on January 15, 2021, concerning Ghislaine Maxwell, Reg. 02879-509, an inmate currently confined at the Metropolitan Detention Center ("MDC") in Brooklyn, New York. The MDC Brooklyn respectfully requests that Your Honor vacate the Order given MDC Brooklyn was not given the opportunity to object to defense counsel's claims, although the objection had been reiterated to the U.S. Attorney's Office numerous times.

Defense counsel expressed various concerns regarding Ms. Maxwell's confinement limiting her access to discovery. However, Ms. Maxwell has received a significant amount of time to review her discovery. On November 18, 2020, the Government provided the MDC Brooklyn with a laptop for Ms. Maxwell to use to review discovery. Ms. Maxwell has been and will continue to be permitted to use that laptop to review her discovery for thirteen (13) hours per day, five (5) days per week. In addition to the Government laptop, she has access to the MDC Brooklyn discovery computers. Although defense counsel has indicated that the MDC Brooklyn discovery computers are not equipped to read all of her electronic discovery, the computers are capable of reviewing most of the electronic discovery. Despite defense counsel's claim that Ms. Maxwell's lacks sufficient time to fully review her discovery, her consistent use of Government laptop and MDC Brooklyn's discovery computers undercuts this claim.

Moreover, Ms. Maxwell continues to have contact with her legal counsel five (5) days per week, three (3) hours per day via video-teleconference and via telephone; this is far more time than any other MDC inmate is allotted to communicate with their attorneys.

We respectfully request that Your Honor vacate the order of January 15, 2021, and allow the institution to resume the prior schedule of laptop access, Monday through Friday, 7:00 AM – 8:00 PM.

Respectfully submitted,

/s/ Sophia Papapetru

Sophia Papapetru
Staff Attorney
MDC Brooklyn
Federal Bureau of Prisons



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

February 1, 2021

BY ECF

The Honorable Alison J. Nathan
United States District Court
Southern District of New York
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *United States v. Ghislaine Maxwell*, 20 Cr. 330 (AJN)

Dear Judge Nathan:

The Government respectfully submits this letter in response to the Court's January 25, 2021 order allowing the parties to respond to a letter from legal counsel at the Metropolitan Detention Center ("MDC") also dated January 25, 2021. (Dkt. No. 117). In particular, MDC legal counsel asks the Court to vacate its January 15, 2021 order directing the MDC to permit the defendant to use a laptop to review discovery on weekends and holidays. While the Government has no objection to the defendant's request for additional laptop access, the Government also generally defers to the MDC regarding how it manages its inmate population. The Government will continue to defer to the MDC here, particularly because the defendant has had ample access to discovery even without laptop access on weekends and holidays.

Given the volume of discovery in this case, which totals more than two million pages, the Government and the MDC have both made significant efforts to ensure that the defendant has extensive access to her discovery materials. Since the Government made its first discovery production in August 2020, the defendant has had exclusive access to a BOP desktop computer in the MDC on which to review her discovery. When the defendant complained of technical issues reviewing portions of her discovery on that desktop computer, the Government produced reformatted copies of discovery materials and instructions regarding how to open particular files. Because the defendant continued to complain that she was unable to review certain discovery files on the desktop computer, the Government agreed to provide a laptop for the defendant to use in her review of discovery. On November 18, 2020, the Government hand delivered the laptop to the MDC for the defendant's exclusive use.

As the Court is aware, the defendant has received, and continues to receive more time to review her discovery than any other inmate at the MDC. In particular, the MDC permits the defendant to review discovery thirteen hours per day, seven days per week. On weekdays, the MDC permits the defendant to use the laptop during her thirteen hours of daily review time. On weekends and holidays, the MDC would ordinarily only allow the defendant to use the BOP desktop computer, which provides access to much of the discovery material. While, as noted above, the Government has no particular objection to the defendant's request for weekend access

Page 2

to the laptop, the Government generally defers to the judgment of the MDC in managing inmates at its facility, and sees no reason to depart from that practice here. In this respect, the Government notes that the trial date remains approximately six months away, the BOP was already affording the defendant access to the laptop for some 65 hours a week, and the BOP was further providing weekend access to a desktop computer should the defendant wish to spend more than 65 hours each week reviewing discovery.

Respectfully submitted,

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United States Attorney

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Cc: All Counsel of Record (By ECF)

EFTA00027281



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
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New York, New York 10007*

February 4, 2021

BY ECF

The Honorable Alison J. Nathan
United States District Court
Southern District of New York
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *United States v. Ghislaine Maxwell*, 20 Cr. 330 (AJN)

Dear Judge Nathan:

The Government respectfully submits this letter to provide an update regarding the defendant's conditions of confinement at the Metropolitan Detention Center ("MDC") pursuant to the Court's Order dated December 8, 2020. (Dkt. No. 92). Over the past two months, the Government has had multiple communications with MDC legal counsel regarding the defendant's conditions of confinement. This update is based on information provided to the Government by MDC legal counsel through those communications.

The defendant continues to receive more time to review discovery than any other inmate at the MDC. Specifically, the defendant is permitted to review her discovery thirteen hours per day, seven days per week. During the entirety of that time, the defendant has access to a desktop computer provided by the MDC on which to review discovery. Additionally, pursuant to the Court's January 15, 2021 Order, the defendant also has access to a laptop computer provided by the Government on which to review discovery for the full thirteen hours per day, seven days per week. Also during those thirteen hours per day, the defendant may use the MDC desktop computer to send and receive emails with her attorneys.

The defendant also has as much, if not more, time as any other MDC inmate to communicate with her attorneys. Due to the elevated number of COVID-19 cases within the MDC, in-person visits have been suspended since in or about December 2020. While in-person visits are suspended, the defendant has had regular video-conference ("VTC") calls with her counsel. In particular, the defendant has VTC calls with her counsel every weekday for three hours per call. If defense counsel requires additional time to speak with the defendant, counsel may request to schedule an additional phone call on Saturdays as needed. All of these VTCs and telephone calls take place in a room where the defendant is alone and where no MDC staff can hear her communications with counsel.

The defendant's legal mail is processed in the same manner as mail for all other inmates at the MDC. All inmate mail is sent to the MDC's mail room, where every piece of mail is processed

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before being provided to the inmate recipient. Due to the large number of MDC inmates and the volume of mail received at the MDC, this process can take multiple days. As noted above, however, the defendant is able to send and receive emails with defense counsel every day and has regular communication with counsel via VTC.

MDC staff conduct two pat-down searches of the defendant per day: once when she is moved from her isolation cell to the day room each morning, and once when returns from the day room to her isolation cell each night. As part of those searches, the defendant is required to remove her mask and open her mouth briefly so that MDC staff, who remain masked during the searches, can confirm she has not hidden contraband in her mouth. These pat-down and mouth searches are consistent with MDC's policy that all inmates be searched whenever they move to a different location within the jail facility. Previously, the defendant attended VTC conferences in a separate part of the MDC, requiring that she be searched when taken to and from her VTC calls with counsel. Recently, however, the MDC changed the location of the defendant's VTC calls so that the defendant does not need to leave her unit in order to attend VTC calls with her counsel, thereby reducing the number of searches. During the suspension of visitation, the defendant has not been strip searched. When visitation resumes, the defendant, like all other inmates, will be strip searched after any in-person visit.

In addition, MDC staff search the defendant's cell for contraband once per day. MDC staff also conduct a body scan on the defendant once per week to check for any secreted contraband. At night, MDC staff are required to confirm that the defendant is not in distress every fifteen minutes. To do so, staff point a flashlight to the ceiling of the defendant's cell to illuminate the cell sufficiently to confirm that the defendant is breathing every fifteen minutes. The MDC continues to assess that these searches are all necessary for the safety of the institution and the defendant.

Should the Court have any questions or require any additional details regarding this topic, the Government will promptly provide additional information.

Respectfully submitted,

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United States Attorney

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Cc: All Counsel of Record (By ECF)

EFTA00027283



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
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New York, New York 10007*

April 6, 2021

BY ECF

The Honorable Alison J. Nathan
United States District Court
Southern District of New York
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *United States v. Ghislaine Maxwell*, 20 Cr. 330 (AJN)

Dear Judge Nathan:

The Government respectfully submits this letter to provide an update regarding the defendant's conditions of confinement at the Metropolitan Detention Center ("MDC") pursuant to the Court's Order dated December 8, 2020. (Dkt. No. 92). This update is based on information provided to the Government by MDC legal counsel regarding the conditions of the defendant's confinement over the last two months.

The defendant continues to receive more time to review discovery than any other inmate at the MDC. Specifically, the defendant is permitted to review her discovery thirteen hours per day, seven days per week. During the entirety of that time, the defendant has access to both a desktop computer provided by the MDC and a laptop computer provided by the Government on which to review discovery. Also during those thirteen hours per day, the defendant may use the MDC desktop computer to send and receive emails with her attorneys.¹ This discovery review

¹ Per BOP policy, all inmate emails are routinely purged every six months. In response to complaints from the defendant and defense counsel regarding prematurely deleted emails, MDC staff examined the defendant's inmate email account. That examination revealed that the defendant had herself deleted some of her emails and had archived others. That examination revealed no evidence to suggest that MDC staff deleted any of the defendant's emails.

takes place in a day room that is separate from the defendant's isolation cell. Accordingly, the defendant is permitted out of her cell from 7am to 8pm every day. While in the day room, the defendant has exclusive access to the MDC desktop computer, the laptop, a television, a phone on which to place social or attorney calls, and a shower. The defendant is also permitted outdoor recreation every day, although she has the option of declining such recreation time if she wishes.

The defendant also has as much, if not more, time as any other MDC inmate to communicate with her attorneys. Currently, the defendant receives five hours of video-conference ("VTC") calls with her counsel every weekday, for a total of 25 hours of attorney VTC calls per week. At times, unexpected incidents, such as institution-wide lockdowns or short staffing, delay the defendant's arrival to her VTC call with counsel by up to 30 minutes. When such delay occurs, however, the MDC permits the defendant to make up for any missed time either by extending that day's VTC call or by permitting the defendant extra time on the next day's VTC call. All of these VTC calls take place in a room where the defendant is alone and where no MDC staff can hear her communications with counsel. During these VTC calls, MDC staff place a camera approximately 30 feet away from the door to the room where the defendant conducts the VTC calls. The camera has a full view of the door to the VTC room, but the camera cannot view either the defendant or her attorneys while the door is closed during VTC calls. The camera does not capture any sound from the defendant's VTC calls with her attorneys. In other words, the camera records who enters and exits the VTC room, but it does not record activity inside the VTC room. The defendant is also permitted to use the phone in the day room to place phone calls to her attorneys as needed.

In addition, defense counsel now have the option of meeting with the defendant in person at the MDC. On or about February 16, 2021, the MDC resumed in-person visitation. As a result,

in-person attorney visits are now available seven days per week. The MDC has placed HEPA air filters in its attorney visiting rooms to improve air quality during visits. Additionally, the defendant has received the COVID-19 vaccine and is now fully vaccinated. The Government understands that defense counsel have thus far declined to meet with the defendant in person and instead rely on VTC calls, email, and supplemental phone calls to communicate with their client. The option of in-person visits remains available seven days per week should defense counsel wish to meet with the defendant in person.

The defendant's legal mail is processed in the same manner as mail for all other inmates at the MDC. All inmate mail is sent to the MDC's mail room, where every piece of mail is processed before being provided to the inmate recipient. Due to the large number of MDC inmates and the volume of mail received at the MDC, this process can take multiple days. As noted above, however, the defendant is able to send and receive emails with defense counsel every day and has regular communication with counsel via VTC, which can be supplemented by phone calls.

Like any other inmate, the defendant is patted down by MDC staff whenever she is moved to a different part of the facility. Typically, these searches include at least two pat-down searches of the defendant per day: once when she is moved from her isolation cell to the day room each morning, and once when returns from the day room to her isolation cell each night. In addition, when the defendant elects to attend outdoor recreation, she is searched two additional times: once when she is moved to the recreation area, and once when she returns to the day room from the recreation area. MDC staff also conduct a body scan, which is a non-invasive machine scan, on the defendant once per week to check for any secreted contraband. Because those scans take place in a different part of the facility than the day room, the defendant is patted down two additional times when these weekly scans occur: once when she is moved to the scan area, and once when

she returns to the day room from the scan area. As part of every pat-down search, the defendant is required to remove her mask and open her mouth briefly so that MDC staff, who remain masked during the searches, can confirm she has not hidden contraband in her mouth.² These pat-down and mouth searches are consistent with MDC's policy that all inmates be searched whenever they move to a different location within the jail facility. In the absence of in-person visitation, the defendant has not been strip searched. If the defendant receives in-person visits, then she, like all other inmates, will be strip searched after any in-person visit.

In addition, MDC staff search the defendant's cell for contraband once per day. At night, MDC staff are required to confirm every fifteen minutes that the defendant is not in distress. To do so, every fifteen minutes, staff point a flashlight to the concrete ceiling of the defendant's cell to illuminate the cell sufficiently to confirm that the defendant is breathing. At night, MDC staff have observed that the defendant wears an eye mask when she sleeps, limiting the disturbance caused by the flashlight. Additionally, MDC staff have observed that the defendant regularly sleeps through these nighttime wellness checks. The MDC continues to be of the view that all of these searches are necessary for the safety of the institution and the defendant.

The Government also inquired regarding certain complaints defense counsel raised in February 2021 regarding the defendant's food, water, and physical wellbeing. In response, MDC

² Following defense counsel's complaint in its February 16, 2021 letter of an inappropriately conducted pat-down search, the MDC conducted an investigation and found that, contrary to the defendant's claim, the search in question was in fact recorded in full by a handheld camera. After reviewing the camera footage, the MDC concluded that the search was conducted appropriately and the defendant's complaint about that incident was unfounded. MDC legal counsel further confirmed that all pat-down searches of the defendant are video recorded. Following this incident, MDC staff directed the defendant to clean her cell because it had become very dirty. Among other things, MDC staff noted that the defendant frequently did not flush her toilet after using it, which caused the cell to smell. In addition, the defendant had not cleaned her cell in some time, causing the cell to become increasingly dirty. MDC staff directed the defendant to clean her cell in response to the smell and the dirtiness, not as retaliation for complaining about a particular search.

legal counsel informed the Government that the defendant's meals arrive in containers that are both microwavable and oven safe. Currently, the defendant's meals are heated in a thermal oven. The tap water available in the MDC is provided by New York City. As a result, on occasions when the City has conducted maintenance near the MDC, the water has been temporarily shut off. During those periods, MDC staff have provided all inmates, including the defendant, with bottled water. After the water is turned back on, the water is sometimes cloudy or brown and needs to run for several seconds before becoming clear. MDC staff have not observed any instance in which the water in the defendant's cell did not clear after being run for several seconds. MDC legal counsel emphasized that MDC staff, including the legal staff, drink the same tap water from the same water system as the defendant while in the institution.

MDC medical staff monitor the defendant daily and weigh the defendant at least once per week. During her time at the MDC, the defendant's weight has fluctuated between the 130s and the 140s. The defendant's lowest observed weight was 133 pounds in July of 2021. Since then, her weight has fluctuated but has never been lower than 134 pounds. Most recently, when the defendant was weighed last week, her weight was 137.5 pounds. The defendant is 5' 7", meaning that even her lowest weight of 133 pounds resulted in a BMI of 20.8, which is considered a normal weight for a person of the defendant's height. MDC staff have not observed the defendant experience any noticeable hair loss. As noted above, the defendant has received a COVID-19 vaccine and is now fully vaccinated. In short, MDC medical staff assess that the defendant is physically healthy.

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Should the Court have any questions or require any additional details regarding this topic, the Government will promptly provide additional information.

Respectfully submitted,

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