



**U.S. Department of Justice**

**Federal Bureau of Prisons**

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*Office of the Director*

*Washington, DC 20534*

April 20, 2020

David Patton  
Executive Director, Federal Defenders of New York  
Co-Chair, Federal Defender Legislative Committee

John Sands  
Federal Public Defender for the  
District of Arizona  
Co-Chair, Federal Defender Legislative Committee

Lisa Freeland  
Federal Public Defender for the  
Western District of Pennsylvania  
Chair, Defender Services Advisor Group

Dear Mr. Patton, Mr. Sands and Ms. Freeland:

Your April 1, 2020, correspondence to Attorney General Barr was forwarded to me for response. Many of the statements in your letter are based on outdated or incorrect information, and rely heavily on inaccurate media reports. In your inquiry, you request that the COVID-19 pandemic be addressed immediately, specifically as it relates to inmate releases under the CARES Act.

On March 26, 2020 and April 3, 2020, Attorney General Barr provided guidance to the Bureau regarding his expectations that we begin reviewing our inmate population to identify at-risk, non-violent inmates who might be safer serving their sentences in home confinement rather than in Bureau facilities. The Attorney General has made clear that while we have an obligation to protect Bureau staff and inmates, we also have an obligation to protect the public. As such, we cannot take any risk of transferring inmates to home confinement that might contribute to the spread of COVID-19, or put the public at risk in other ways. The Bureau is, as directed by the Attorney General, maximizing appropriate transfers to home confinement for inmates at Federal Correctional Institution (FCI) Oakdale, Louisiana, FCI Danbury, Connecticut, FCI Elkton, Ohio, and other similarly-situated facilities.

Since the release of Attorney General Barr's original memo to the Bureau of Prisons on March 26, 2020, instructing us to prioritize home

confinement as an appropriate response to the COVID-19 pandemic, the Bureau has placed an additional 1,279 inmates on home confinement. There are currently 4,133 inmates on home confinement and 6,093 inmates in Residential Reentry Centers (RRCs). To further assist inmates in pre-release custody, the Bureau has waived financial requirements to pay subsistence fees for inmates in RRCs (subsistence fees for persons in home confinement have not been required since 2016). Additionally, to help inmates maintain ties to the community, the Bureau has increased phone allotments to 500 minutes for each inmate per month, and phone calls during the pandemic are free (except for collect calls).

While all inmates are being reviewed for suitability for home confinement, staff are working diligently to process applications as quickly as possible for those that meet the eligibility requirements for home confinement. The Bureau may contact family members to gather additional inmate information and confirm the inmate has a viable release plan.

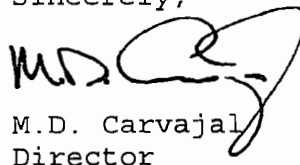
On April 6, 2020, the Bureau also began reviewing inmates who are at-risk of contracting COVID-19 who are also within 12 months of their projected release date for non-transfer furloughs. Please continue to monitor <https://www.bop.gov/coronavirus/faq.jsp> for the latest information on home confinement in response to the COVID-19 pandemic.

In regards to the Bureau's use of compassionate releases for inmates during this time, institutions continue to evaluate and process compassionate release requests based on existing criteria at this time. Requests referencing COVID-19 where the inmate asserts current criteria are met (i.e., medical-terminal; medical-debilitated; elderly-medical; etc.), are being processed as expeditiously as possible.

As the situation with the COVID-19 pandemic is evolving, the Department of Justice and Bureau of Prisons continue to consult with the CDC, review CDC and WHO guidance, and implement best practices. The Bureau is also coordinating the community partners to ensure that the spread and transmission of COVID is minimized in BOP facilities to ensure that available public resources are not being taxed. The safety of staff, inmates, and the public is our priority.

I trust this information is responsive.

Sincerely,

  
M.D. Carvajal  
Director