



U.S. Department of Justice

Federal Bureau of Prisons

██████████ Programs Division

Central Office
320 First Street, N.W.
Washington, DC 20534

May 5, 2022

██████████
Attorneys at Law

████████████████████
New York, New York 10038-1850

Dear Mr. ██████████,

Your letter addressed to ██████████, ██████████ General Counsel, Federal Bureau of Prisons, has been forwarded to me for response. You claim the recent decision by the ██████████ Programs Division to deny home confinement for inmate ██████████ ██████████, is inconsistent with guidance set forth by the United States Attorney General and the Director of the Bureau of Prisons. You indicate the Warden at the Federal Correctional Institution, ██████████, in conjunction with his staff and the respective Residential Reentry Manager, should be permitted to exercise their discretion and transfer Mr. ██████████ to home confinement, both to protect Mr. ██████████ and to mitigate the spread of COVID-19.

Pursuant to the authority granted by the Attorney General under the CARES Act and consistent with the guidance provided by the Attorney General in a memorandum dated March 26, 2020, Prioritization of Home Confinement as Appropriate in Response to COVID-19 Pandemic, Mr. ██████████ was recently assessed for placement on home confinement as a result of the COVID-19 pandemic. Following a thorough review, he was denied home confinement by the ██████████ Programs Division on March 4, 2022. In assessing Mr. ██████████ suitability for home confinement, numerous factors were taken into consideration. While non-exhaustive, some of the factors reviewed in this case involved the inmate's age; his vulnerability to COVID-19; the security level of the facility where the inmate is located; the inmate's conduct in prison; the inmate's PATTERN score; whether the inmate has a demonstrated and verifiable release plan; the inmate's crime of conviction;

and an assessment of the danger posed by the inmate to the community. While the Bureau has an obligation to protect staff and inmates in Bureau custody, we also have an obligation to protect the public. The BOP does the best we can to minimize the risk of COVID-19 to those in our custody, but it is imperative that, as an agency, we must also minimize the risk to the public.

As you outline in your letter to the General Counsel, Mr. [REDACTED] meets much of the criteria for home confinement consideration under the CARES Act. However, contrary to your claim, the [REDACTED] Programs Division has the authority to review Mr. [REDACTED] suitability for placement in home confinement, as the Warden determined there was a need to refer the case to the Correctional Programs Division for further review. This is consistent with the April 13, 2021, Bureau of Prisons memorandum which you reference. Specifically, the decision by this office to deny home confinement in Mr. [REDACTED] case is based on the totality of the circumstances involved. Of significance, the Court imposed the 21-month sentence on July 21, 2020, well into the COVID-19 pandemic. At that time, the Court was aware of Mr. [REDACTED] medical conditions and history as outlined in the PSR. The Court also permitted Mr. [REDACTED] to delay his voluntary surrender until November 30, 2021. Finally, it should be noted that Mr. [REDACTED] received an enhancement based on his organizer/leadership role of a criminal activity that involved five or more participants or was otherwise extensive. These factors, when considered together, demonstrate that Mr. [REDACTED] is not a suitable candidate for home confinement placement at this time.

Additionally, consistent with the Bureau's COVID-19 Pandemic Response Plan, the Federal Correctional [REDACTED] [REDACTED] is classified as Operational Level One, Minimal Modifications. This level is based on the facility's high vaccination rate (staff and inmates), the institution's low isolation rate, and the low rate of COVID-19 transmission in the local area.

Based on the factors as outlined above, the decision by the [REDACTED] Programs Division to deny Mr. [REDACTED] for home confinement under the CARES Act is appropriate. This decision does not prevent Mr. [REDACTED] from consideration for placement in a Residential Reentry Center through the respective Residential Reentry Management Office under the Second Chance Act. Of significance, his unit team is currently in the process of requesting the maximum amount of placement in a Residential Reentry Center possible, given his projected release date.

I trust this response has addressed your concerns.

Sincerely,



Assistant Director

RELEASE OF INFORMATION CONSENT CDFRM

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Not for use where consent is needed for participation in drug abuse programs or research projects, or for contact with news media. The appropriate form for each of these areas is to be substituted.

1. I (Name of Inmate) [REDACTED]	2. Register Number [REDACTED]
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3. Authorize (Person, Agency, Org.) Bureau of Prisons/Department of Justice	4. To disclose to (Recipients) Alison Grimes
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5. The following information: (Initial one that applies):

(a) For Community Programming: (To educational facilities, Social Agencies, prospective employers, etc.)

That I am currently in the custody of the U.S. Attorney General either serving sentence or under supervision of the U.S. Parole Commission or U.S. Probation Office and any and all information in my Inmate Central File except as indicated below:

n/a

(Initials)

(b) Other Objective (Specify Information)

I authorize the BOP/DOJ to fully disclose to recipient any and all information regarding my custody and decisions being made with respect thereto.

[REDACTED]

(Initials)

6. Disclosure is made for the purpose of release options

7. I understand that I may revoke this consent in writing at any time except to the extent that disclosure has already been made based on that consent. In any event this consent ceases to be effective (Initial applicable):

(a) For Community Programming: Upon my release from supervis

[REDACTED]

(Initials)

(b) Other Objective: (3 months from signature date)

