

Dear FAMMily:

Please read this entire message carefully if you are sick or elderly (or otherwise more vulnerable if you contract the coronavirus) and think you might be a good candidate for compassionate release.

Like you, we are very concerned that coronavirus could enter and spread in the prisons. We have been asking the White House and Congress to address this threat to your health by giving early release to those who are most vulnerable. We are aware of President Trump's statement that he is considering a proposal to release elderly, nonviolent offenders. We hope he acts quickly.

Too much remains uncertain, however, and we think more urgent action is needed. We are writing to encourage some of you to consider submitting a request to the warden for compassionate release immediately.

I want to say at the outset that FAMM will do everything we can to help as many of you as possible, but please know that we cannot promise to find you a lawyer and we cannot promise that you will be released. If you already have a lawyer, you should contact them.

Why compassionate release?

FAMM worked with Congress to expand the compassionate release program in the First Step Act. One of the most important reforms gave people in prison the right to go to federal court and ask a judge to grant compassionate release 30 days after the warden receives a request. We think many people in federal prison should have already received compassionate release, but we think the threat of a coronavirus outbreak makes the argument for release even stronger.

Who should apply?

We understand that this virus is especially dangerous for certain people. If you fall within the class of people that the Centers for Disease Control considers the most vulnerable, we encourage you to apply today. That class of people includes:

- people over 65 years old, and
- people with a condition that affects their lungs, heart, kidney, immune system or who have another serious chronic medical condition.

If you already are experiencing symptoms of the virus (fever, headache, and shortness of breath), you might consider applying, too.

How do you apply?

First, ask the warden for a “reduction in sentence.” You should mention anything that demonstrates you qualify for compassionate release under normal circumstances. Examples of what the law currently requires you to show:

- You are terminally ill, or
- You are “suffering from a serious physical or medical condition” that “substantially diminishes [your] ability to provide self-care within the environment of a correctional facility and from which [you] are not expected to recover,” or
- You are (i) at least 65 years old; (ii) experiencing a serious deterioration in physical or mental health because of the aging process; and (iii) have served 10 years or 75 percent of your sentence, whichever is less.

You also want to include your release plan -- that is, where and with whom you will live if released, how you will support yourself, and, if you have a medical issue, where you will receive and how you will pay for treatment.

If the warden denies your request for compassionate release within 30 days, you may want to appeal that decision through the administrative remedy process.

FAMM and other national organizations are working to put in place a project to significantly expand our work to find pro bono lawyers for prisoners with compassionate release motions, should you have to go to court. We will tell you more about that in our next email.

If you have a loved one or friend on the outside, please reach out to them and ask them to join our Facebook group, which is only for people with loved ones behind bars. The group name is FAMMilies in Action. We will be able to answer more questions quickly there. Your families can also email us with questions at famm@famm.org.

Please know that we are thinking about you. We are trying to do everything we can to reduce the negative impact of the coronavirus. While not all of you will be good candidates for compassionate release, if we are able to get those who are most vulnerable out, everyone will be better off.

If after having read this explanation of the process, you think you meet the criteria, please consider applying right away. Again, we cannot promise anything other than we will do everything we can to help. We will be in touch with you about next steps very soon.

Thanks,
Kevin Ring
FAMM President