



August 3, 2021

Director Michael Carvajal
Federal Bureau of Prisons
U.S. Department of Justice
320 First Street NW
Washington, D.C. 20534

Dear Director Carvajal:

I am writing to ask that the Bureau of Prisons (BOP) act more carefully in reviewing alleged disciplinary infractions by those serving on home confinement pursuant to the CARES Act. The consequences for revoking home confinement are much greater for people serving extended time on home confinement, and yet we continue to learn of situations in which people were held in violation and returned to prison for minor transgressions. Sending people back to prison for years because of technical and minor violations, especially when those people have been on home confinement for long periods of time, is cruel to families and wastes tax dollars without making our communities safer.

For months, we have been urging President Biden to use his authority to allow people on CARES Act home confinement to remain home. These people were deemed low-risk when they were transferred to home confinement and the overwhelming majority of them have followed the rules and successfully reintegrated into their families and communities. As the president delays, we fear more and more people will be sent back to prison for technical and minor violations, and in some cases, simple misunderstandings.

Many people are aware of Gwendolyn Levi's ordeal because of the national media attention it received. Ms. Levi was deemed an escapee for failing to answer her phone while in a computer class. The BOP reviewed the halfway house's decision to sanction her and somehow agreed that sending a 76-year-old grandmother and cancer survivor back to federal prison for years was appropriate. Fortunately, a federal judge exercised common sense and granted Ms. Levi's motion for compassionate release after she had spent three weeks in the D.C. Jail.

Jeffrey Martinovitch also was sent back to federal prison for an escape that never took place. Mr. Martinovitch failed to answer his phone one night in May while on home detention. Although his GPS monitor proved he never left his house, he was deemed an escapee and hauled back to prison. The decision was made despite the halfway house's knowledge that Mr. Martinovitch and his fiancée were expecting a baby within weeks and that he had always been responsive before that evening. Fortunately, according to press reports,¹ the BOP agreed to vacate the escape charge and is planning to allow him to return to home confinement.

¹ "Former Newport News broker went back to prison in June. He's now being released to home confinement — again," *Daily Press*, July 21, 2021, found here: <https://news.yahoo.com/former-newport-news-broker-went-223300131.html>

These two cases are troubling, but at least they ended well, thanks to media attention and the diligence of their lawyers. We are aware of other troubling cases, however, involving escape charges or technical violations that have not made the newspapers. For example, Raquel Esquivel, a pregnant woman, was recently returned to federal prison for not notifying her halfway house of her movement between job sites in March. Ms. Esquivel and her employer contested the allegation with documentary evidence to no avail. We urge you to look into her case and vacate the charges, as was done for Mr. Martinovitch.

We have heard similar stories from others. We will not pretend to know all the facts, but in each instance, we are left wondering why so little common sense is being applied in the decisions to return people to federal prison.

Under normal circumstances, the decision to send someone from home confinement back to prison means they will spend a few weeks or months incarcerated. For people on CARES Act home confinement, the period of reincarceration could be several years. Yet those enormous consequences seem to carry no weight at all by the halfway houses or BOP. Further, the BOP does not seem to be giving any weight to the fact that many of these people have complied faithfully with onerous halfway house rules and GPS monitoring for many months and, in many cases, more than a year. Whatever the merits of a zero tolerance policy in regular home confinement settings, there are none when it comes to the people on CARES Act home confinement. Sending people back to federal prison for years due to minor and technical violations is cruel to families, wastes taxpayer dollars, and does not increase public safety.

We strongly urge you and your staff to review more carefully every decision to revoke home confinement status for people sent home under the CARES Act. Please look at the decisions in Ms. Esquivel's case and others in which the people have already been returned. Also, review future allegations going forward to prevent situations in which a misunderstanding or minor infraction result in someone spending years more in prison, especially as the COVID-19 virus begins to threaten our prisons again. If necessary, issue written guidance instructing halfway house managers to show extra restraint when handling minor or technical infractions of conditions by people on CARES Act confinement.

Thank you for your consideration of this request.

Sincerely,

Kevin A. Ring
President
FAMM

Amy Ralston Povah
President
CAN-DO Foundation

cc: Attorney General Merrick Garland