



April 23, 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 you publish on the Bureau of Prisons' (BOP) website any and all memos sent to wardens about the eligibility criteria for CARES Act home confinement. The BOP's failure to do so has created unnecessary confusion and frustration for incarcerated people and their families.

On April 14, we received by email a copy of a undated memo that we believed to be the most recent guidance on home confinement eligibility. The copy had been sent by someone at BOP or the Justice Department (DOJ) to Capitol Hill. As such, the text seemed to us to be final. A reporter from The Marshall Project shared the text with BOP's press office and they confirmed the content of the memo. We were glad to see some of the changes in eligibility that we had sought were reflected in the memo and we wanted to make the families we work with and their incarcerated loved ones aware of the changes. We noted, however, that BOP did not publish the memo on its website – and still hasn't as of the time of this writing.

Yesterday, we received an electronic copy of a memo dated April 13 that is nearly identical to the memo we received last week. The only difference relates to whether people convicted of past violent offenses, sex offenses, and terrorism-related offenses can receive priority consideration for home confinement if they meet the other criteria. We wondered if this change had been made after the memo was sent to Congress, and, if so, why. We also have heard from people in federal prison who relayed that staff at their prison have given conflicting information about the new eligibility criteria, differing from both copies of this memo.

We strongly urge you to eliminate any and all confusion by making the April 13 memo publicly available on your website. Doing so will allow people in prisons and their families to know they have the latest, most accurate information. If the BOP has issued any other guidance recently related to CARES Act home confinement criteria, we urge you to make that guidance public, too. The April 13 memo, for example, says that it “provides updated guidance and direction and supercedes the memorandum dated November 16, 2020.” The November 16 memo is not available on your website, either.



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Surviving the past 13 months during the spread of COVID-19 has been extraordinarily difficult for people in prison and their loved ones at home. Please do not add to their hardship by keeping them in the dark about recent and important BOP policy changes that might affect them.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Kevin A. Ring". The signature is written in a cursive, flowing style with a prominent initial "K" and "R".

Kevin A. Ring
President, FAMM