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# United States Senate

WASHINGTON, DC 20510-3205

**COMMITTEES:**  
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SPECIAL COMMITTEE ON AGING

April 1, 2020

The Honorable William P. Barr  
Attorney General  
US Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530

Director Michael Carvajal  
Federal Bureau of Prisons  
320 First Street NW  
Washington, DC 20534

Dear Attorney General Barr and Director Carvajal,

I write today to express concern about the impact of the spread of the novel coronavirus (COVID-19 or the virus) on the conditions at Federal Prison Facilities. As the COVID-19 pandemic continues to affect communities across the country, it is imperative that Department of Justice (DOJ) and the Bureau of Prisons (BOP or the Bureau) provide guidance to BOP facilities, the US Marshals Service (USMS), and US Attorney's Offices nationwide to protect staff and individuals held in Federal custody from the virus.

As you are well aware, the risk of community spread poses a critical and unique threat to BOP facilities across the nation, where inmates and BOP staff are unable to partake in the social distancing and quarantine recommendations made by the Centers for Disease Control and Prevention (CDC). The CDC has also issued guidance indicating that individuals over the age of 60, the immune-compromised, and those with preexisting chronic health conditions, including cancer, heart disease, diabetes, and HIV, are more susceptible to COVID-19 and if they contract the virus, are more likely to experience severe illness and death.

With more than 175,000 incarcerated men and women in federal facilities and an additional 75,000 who are incarcerated awaiting trial, it is imperative that DOJ and the Bureau take steps to ensure that these inmates, BOP staff, and US Marshals are protected against the spread of the virus. I urge you to ensure that all federal facilities are ensuring that inmates have free and continued access to hygienic products including soap, water, and toilet paper. BOP must also suspend or eliminate co-pays for medical services related to COVID-19 testing or treatment, and should increase free access to email, telephone calls, and video conferencing calls for inmates for the duration of the COVID-19 outbreak. For BOP and US Marshal staff, the Department must ensure access to personal protective equipment (PPE) and training for best practices to avoid spread of the contagion.

The DOJ must also issue guidance to US Attorney's Offices around the country to urge them to take immediate steps to reduce the number of people entering federal detention, as well as prioritize efforts to pursue probation, supervised release and pretrial release for current inmates where appropriate. Moreover, DOJ and BOP must use existing authorities to release inmates who meet the CDC's vulnerable to COVID-19 criteria. These authorities include expanding access to the Elderly Home Detention Pilot Program, which allows for early transfer of eligible elderly or terminally ill patients to home confinement; BOP's powers under *18 U.S.C. 3582(c)(1)(A)* to reduce an inmate's term of imprisonment for "extraordinary and compelling reasons"; and under authorities provided by the First Step Act to transfer lower-risk inmates to home confinement where practicable.

The Department must take immediate steps to ensure that vulnerable Federal inmates and BOP staff are protected from COVID-19. To that end, I urge you to provide immediate guidance to BOP facilities, the USMS, and US Attorney's Offices nationwide to mitigate and respond to the continued spread of the virus. Thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink that reads "Kirsten Gillibrand".

Kirsten Gillibrand  
United States Senator