



SUPPORT

THE COVID-19 SAFER DETENTION ACT

Congress is preparing to finalize language for its latest COVID relief package soon. Organizations interested in supporting the COVID-19 Safer Detention Act and its inclusion in the upcoming bill should join this organizational sign on letter. If you have questions, contact Greg Glod at gglod@afpbq.org.

July 30, 2020

The Honorable Mitch McConnell

United States Senate
317 Russell Senate Office Building
Washington, DC 20510

The Honorable Lindsey Graham

U.S. Senate Judiciary Committee
290 Russell Senate Office Building
Washington, DC 20510

The Honorable Charles E. Schumer

United States Senate
322 Hart Senate Office Building
Washington, DC 20510

The Honorable Dianne Feinstein

U.S. Senate Judiciary Committee
331 Hart Senate Office Building
Washington, DC 20510

Dear Majority Leader McConnell, Minority Leader Schumer, Chairman Graham and Ranking Member Feinstein:

Our federal prisons are in crisis. The Federal Bureau of Prisons (BOP) reports that, as of July 20, over 9,522 people in its custody have tested positive for COVID-19 and almost 100 have died. As BOP Director Michael Carvajal recently told the Senate Judiciary Committee, “prisons are not designed for social distancing. In fact, they are designed for just the opposite.” Congress must find a sensible way to reduce our prison populations by returning those individuals who have paid their debts to society and do not pose a threat to public safety. Today the undersigned organizations ask you to support a bipartisan measure that will help do just that, the COVID-19 Safer Detention Act (S. 4034), co-sponsored by Senators Richard Durbin and Charles Grassley. We urge you to include the bill in the forthcoming COVID-19 response package.

The COVID-19 Safer Detention Act would reduce the number of people in federal prison by providing a timely, individualized determination of suitability for compassionate release or transfer to home detention. It improves these processes and makes them more straightforward for a person who is especially vulnerable to COVID-19 due to age or medical condition.

Compassionate release. Under the First Step Act, which Congress passed in 2018, either the BOP or an individual may file a motion with the sentencing court to ask for compassionate release. The judge can exercise discretion and reduce a sentence for “extraordinary and compelling reasons” after weighing a number of sentencing factors.

The COVID-19 Safer Detention Act helps the court to apply this provision in this time of crisis. The Act makes clear that during the pandemic, risk for severe illness from COVID-19 is an extraordinary and compelling reason that may support compassionate release. The bill specifies that a court can consider a motion for compassionate release 30 days after a release request is submitted by an individual to the warden, but that period is shortened to 10 days during the pandemic. The bill also clarifies that the compassionate release provisions of the First Step Act apply to people convicted for offenses committed before November 1, 1987. This makes sense. After all, an elderly and vulnerable person is elderly and vulnerable regardless of the law under which they were convicted.

Elderly Home Detention. The COVID-19 Safer Detention Act improves the Elderly Home Detention Pilot Program, which Congress enacted as part of the Second Chance Act of 2007. The Program allows BOP to transfer to home detention an elderly person with a non-violent offense or someone who is terminally ill.

The bill would make a person eligible for home detention after serving 1/2 of their sentence, rather than the current 2/3. It clarifies that “good time” sentence credit should be included in the eligibility calculation and that an elderly person convicted of a D.C. Code violation in BOP custody may be considered for home detention. And it allows a court to grant an individual’s motion to reduce a sentence to home detention if the person meets the eligibility criteria and has asked the warden for the transfer. Similar to compassionate release, in which a court must first give the warden 30 days to act; that period is reduced to 10 days during the current pandemic.

Thank you for considering our request. Please contact Greg Glod if you have any questions (gglod@afpbq.org).