



**U.S. Department of Justice**

**Federal Bureau of Prisons**

*Office of the Director*

*Washington, DC 20534*

June 17, 2020

The Honorable Elizabeth Warren  
United States Senate  
Washington, D.C. 20510

The Honorable Edward J. Markey  
United States Senate  
Washington D.C. 20510

The Honorable Lori Trahan  
United States House of Representatives  
Washington, DC 20515

Dear Senators and Congresswoman:

This is in response to your correspondence dated May 15, 2020, in which you requested the Bureau of Prisons (Bureau) move quickly and appropriately to mitigate the spread of COVID-19, implement testing of all staff and inmates at FMC Devens, and swiftly release vulnerable individuals who do not pose specific and substantial risks to public safety to home confinement.

The Bureau is making every effort to be as transparent as possible during this public health crisis, and has posted information on our public website regarding specific measures we are taking. We are deeply concerned for the health and welfare of those inmates who are entrusted to our care, and for our staff, their families, and the communities in which we live and work. It is our highest priority to continue to do everything we can to mitigate the spread of COVID-19 in our facilities.

I have encouraged Wardens to identify and publish locations in the community where interested staff can voluntarily get tested; however, we cannot mandate staff be tested. The Bureau continues to provide testing for COVID-19 as recommended by the CDC. With the availability of increased testing resources nationwide, we have begun expanding COVID-19 testing of inmates. To date, 100 percent of inmates at the facility have been tested. Of those, 53 inmates tested positive, and only eight were symptomatic. All inmates that

tested positive were moved to an isolation area for treatment and monitoring.

Given the surge in positive cases at select sites and in response to the Attorney General's directives, the Bureau has been reviewing all inmates who have COVID-19 risk factors, as described by the CDC, to determine which inmates are suitable for home confinement. The Bureau was originally focused on a priority list of inmates in accordance with the Attorney General's guidance to BOP issued March 26, 2020. The Attorney General's memo issued on April 3, 2020, however, asked the Bureau to immediately maximize appropriate transfers to home confinement of all appropriate inmates held at Oakdale, Danbury, Elkton, and other similarly situated facilities. We will continue to assess inmates nationwide for appropriateness for transfer to home confinement during the pandemic.

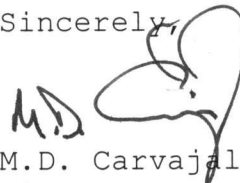
The Department of Justice confirmed that the Bureau has discretion under the Attorney General's memoranda on March 26 and April 3 regarding which home confinement cases are appropriate for review in order to fight the spread of the pandemic. Bureau is proceeding expeditiously consistent with that confirmation with a recognition that we must also be mindful of public safety.

Inmates do not need to apply to be considered for home confinement. Case management staff are urgently reviewing all inmates to determine which ones meet the criteria established by the Attorney General. The Bureau may contact family members to gather needed information to verify release planning. Guidance related to the Bureau use of home confinement in response to the Attorney General Barr's memoranda may be found here [https://www.bop.gov/resources/news/20200405\\_covid19\\_home\\_confinement.jsp](https://www.bop.gov/resources/news/20200405_covid19_home_confinement.jsp).

As previously mentioned, the Bureau publishes a vast amount of information about its COVID-19 response, including the number of COVID-19 home confinement transfers since the Attorney General's March 26 memo. That information may be found in the COVID-19 home confinement section of our resource page on our public website here <https://www.bop.gov/coronavirus/index.jsp>

I trust this information is responsive to your concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "M.D. Carvajal", is written over a printed name and title. The signature is stylized and somewhat cursive.

M.D. Carvajal  
Director