



CIC | District of Columbia Corrections Information Council

June 4, 2020

RE: CIC and BOP Meeting on Current COVID Data, Compassionate Release, Home Confinement, and DC Emergency Legislation.

The Corrections Information Council (CIC) had a meeting with Deputy Director Thomas R. Kane and other representatives of the Bureau of Prisons (BOP) via teleconference on Wednesday, May 27, 2020. The goal of the meeting was to address effective communication of information between the two entities, with special emphasis on data related to the coronavirus (COVID-19) pandemic. Representatives from MORCA, OVSJG, and the Office of the Deputy Mayor for Public Safety and Justice also participated. The CIC inquired about home confinement and compassionate release efforts, as well as the total amount of DC code offenders who have tested positive for COVID-19, recovered from COVID-19, and all deaths of DC code offenders (regardless of whether or not related to COVID-19).

The BOP reported that there are currently 15 DC code offenders who are positive for the coronavirus in 8 facilities. They also reported 29 recoveries for DC code offenders in 12 facilities. No information was provided in relation to deaths for DC code offenders.

The BOP stated that compassionate release candidates continue to be reviewed, but their evaluative criteria have stayed the same, which includes the elderly and inmates with medical reasons, such as terminal illness or debilitation. Under DC Code § 24-403.04, any felony sentence can be modified if a judge finds that the person is not a danger to any person and has a terminal illness; is over 60 years old and has served 25 years in prison; or extraordinary, and compelling reasons justify a change in their sentence (see full text of law).¹ The BOP stated that susceptibility to COVID-19 solely is “not a compelling or extraordinary means” for justifying consideration, but reviews are ongoing. They are aware of the updated criteria from the DC emergency legislation, and stated that updated guidance on their operations policy was currently under review. They estimated that new guidance would be distributed by mid-June in order to assure that DC inmates are assessed accordingly. The BOP reported that there have been six DC code offenders released under compassionate release provisions.

DC code offenders are being released to home confinement and RRCs. The BOP reported that 141 people are on home confinement in DC, and 38 are monitored in halfway houses. The BOP

¹ <https://code.dccouncil.us/dc/council/code/sections/24-403.04.html>

was amenable to communicating information helpful to identifying soon to be released persons who need of a continuum of care and access to available resources. In an attempt to mitigate challenges associated with getting prompt medical care post-release, the BOP reported that all returning citizens are released with a 90 day supply of their medications.

The BOP is also interested in acquiring further guidance on DC's plans to extend or permanently implement any temporary DC legislation pertinent to incarcerated DC code offenders. They inquired about plans to extend or permanently implement the emergency legislation, including changes to the compassionate release criteria. The CIC provided information regarding the current status of the legislation, and connected attorneys at the BOP Office of General Counsel with DC Council staff in order to answer additional questions.

The CIC expressed and looks forward to continued communication with the BOP in order to help facilitate information sharing on a regular basis.