



U.S. Department of Justice  
Memorandum  
Federal Bureau of Prisons

Central Office

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MEMORANDUM FOR CHIEF EXECUTIVE OFFICERS

FROM:

  
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SUBJECT: HOME CONFINEMENT

In our ongoing effort to protect the health and safety of staff and inmates during the COVID-19 pandemic, it is imperative to continue reviewing at-risk inmates for placement on home confinement in accordance with the CARES Act and guidance from the Attorney General. This memorandum provides updated guidance and direction and supercedes the memorandum dated November 16, 2020.

The following factors are to be assessed to ensure inmates are suitable for home confinement under the CARES Act:

- Reviewing the inmate's institutional discipline history for the last twelve months (Inmates who have received a 300 or 400 series incident report in the past 12 months may

- be referred for placement on home confinement, if in the Warden's judgement such placement **does not create an undue risk to the community**);
- Ensuring the inmate has a **verifiable release plan**;
- Verifying the inmate's **current or a prior offense is not violent, a sex offense, or terrorism-related**;
- Confirming the inmate **does not have a current detainer**;
- Ensuring the inmate is **Low or Minimum security**;
- Ensuring the inmate has a **Low or Minimum PAITERN** recidivism risk score;
- Ensuring the **inmate has not engaged in violent or gang-related activity** while incarcerated (must be reviewed by SIS);
- Reviewing the **COVID-19 vulnerability** of the inmate, in accordance with **CDC guidelines**; and
- **Confirming the inmate has served 50% or more** of their sentence; **or has 18 months or less** remaining on their sentence and have served **25% or more** of their sentence.

Additionally, **pregnant inmates should be considered for viability** of placement in a community program to include Mothers and Infants Together (**MINT**) programs and home confinement.

If the Warden determines there is a need to refer an inmate for placement in the community due to COVID-19 risk factors who is outside of the criteria listed above, they may forward the home confinement referral to the Correctional Programs Division for further review.

**Referrals to a Residential Reentry Management (RRM) Office must be made based on appropriateness for home confinement.** This assessment should include verification that the conditions under which the inmate would be confined upon release would be more effective in protecting their health than continued confinement at their present place of incarceration.

To this end, the **inmate must be provided education on CDC guidance on how to protect themselves** and others from COVID-19 transmission. This education includes, but is not limited to: **hand washing, social distancing, wearing of facial coverings and self-assessment for signs and symptoms of COVID-19.** Inmates should understand how home confinement provides the opportunity to practice optimal infection control measures, which may mitigate existing risks, based on rates of transmission in the local area, and exercising best practices. The information (education) provided to the inmate must be documented on the BEMR exit summary.

All referrals should clearly document the review of the following items prior to being submitted to the RRM office:

- **Specific type** of release residence (**House/Apt/Group Home etc.**);
- **List of individuals** with whom inmate will be living;
- **Any health concerns** of individuals in the residence;
- **Contact phone numbers** of the inmate should he/she be placed on home confinement; and,
- **Transportation plan** as to how the inmate will be transferred to the home confinement location.

Any questions as to eligibility in relation to the release plan will be referred to the **Residential Reentry Management Branch** Administrator.

Inmates determined to have a viable release residence will be further screened by Health Services and a determination made as to whether they require frequent and ongoing medical care within the next 90 days. If frequent and on-going medical care is required then:

- Health Services staff will coordinate with **RRMB's** Health Services Specialists to determine if the inmate's medical needs can be met in the community. RRMB will establish follow-up care prior to inmate transfer. **The inmate must transfer with at least 90 days of any prescribed medications.**
- If the inmate's medical needs cannot be met in the community, then the inmate will remain at his/her current institution. (If the inmate does not require frequent and on-going medical care then the referral will be processed.)

If an inmate is referred or denied for home confinement once a review is completed, the appropriate Case Management Activity (CMA) assignment should be loaded.

Case Management Coordinators must track all inmates determined to be ineligible for CARES Act home confinement or the Elderly Offender Home Confinement Pilot Program and ensure the appropriate denial code is entered in SENTRY. Reports outlining the reason for denial must be submitted to the Correctional Programs Administrator in the appropriate Regional Office.

If an inmate does not qualify for CARES Act borne confinement under the above criteria, they should be reviewed at the appropriate time for placement in a Residential Reentry Center and/or home confinement consistent with applicable laws and BOP policies.

If you have any questions, please contact David Brewer, Administrator, Correctional Programs Branch.