

#KEEPTHEMHOME:

BIDEN ADMINISTRATION ON THE VERGE
OF SENDING THOUSANDS OF CARES
ACT RELEASEES BACK TO PRISON



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When Congress passed the Coronavirus Aid, Relief, and Economic Security Act, commonly referred to as the CARES Act, in March 2020, it included a provision expressly mandating that the Bureau of Prisons release low-risk prisoners, especially those who are vulnerable to COVID-19.



THE BOP DRAGGED ITS FEET, LEADING TO MORE THAN 50,000 COVID-19 CASES AND 275 COVID-19 DEATHS IN BOP FACILITIES

Unfortunately, the BOP [dragged its feet](#). It implemented complicated and always-changing guidelines. And, as a result, it kept thousands of otherwise eligible incarcerated people behind bars. Even the prisoners most vulnerable to COVID-19 because of their age and preexisting health conditions were not released.

Perhaps the most alarming example of the BOP's failures during the COVID-19 pandemic is the amount of compassionate release requests BOP Director Michael Carjaval has granted. In 2019, before the pandemic, the BOP Director approved [55 out of 1,735](#) compassionate release requests, or roughly 3 percent. In the 15 months since the pandemic began, however, he has only approved [36 out of nearly 31,000](#) compassionate release requests. That's 0.1 percent.

DESPITE THE BOP'S INADEQUATE RESPONSE, THOUSANDS OF FEDERAL PRISONERS WERE RELEASED UNDER THE CARES ACT

Even though the BOP did not effectively implement the CARES Act's mandatory-release provision, the [ACLU](#) reports that 7,000 prisoners earned their release, often in court, anyway. In the months that followed, those prisoners, their families and reform advocates were left with a giant question looming over their heads: Would they have to go back to prison when the COVID-19 pandemic ends?

In the waning days of the Trump Administration, the Department of Justice issued a [memo](#) that answered that question in the affirmative. According to that memo, the CARES Act only authorizes the temporary release of these prisoners during the pandemic. Once the pandemic ends, the memo claims, the "BOP must recall prisoners in home confinement to correctional facilities...."

THERE WAS OPTIMISM THAT THE BIDEN ADMINISTRATION WOULD INTERVENE, BUT THE NEW YORK TIMES REPORTS THAT IT WILL NOT

There was optimism that the Biden Administration would take a different path. But the fear of being sent back never went away. And, according to [reporting](#) from the New York Times, it was the fear, not the optimism, that was justified. According to Biden officials, the current administration will order the prisoners released under CARES Act back to prison at the end of the COVID-19 pandemic—regardless of their criminal record, dangerousness, or vulnerability to the virus.

As Kevin Ring, FAMM's President, [explained](#) on Twitter, this decision presents a big moment. "This fight is everything. It is a bellwether. If you sit by and let them send thousands of the lowest risk people back to prison, people who are doing everything right, then all bets are off the rest of the way for whatever form you are hoping to see." Ring is absolutely right.

Want to get involved and show your support to #KeepThemHome? Sign FAMM's petition calling on President Biden to intervene by clicking [here](#). 🌀