

March 21, 2020

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
S-230, The Capitol
Washington, DC 20510

The Honorable Chuck Schumer
Minority Leader
U.S. Senate
S-221, The Capitol
Washington, DC 20510

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
H-232, The Capitol
Washington, DC 20510

The Honorable Kevin McCarthy
Majority Leader
U.S. House of Representatives
H-204, The Capitol
Washington, DC 20515

Re: Expand Elderly Home Detention Pilot Program in COVID-19 Relief Package #3

Leader McConnell, Minority Leader Schumer, Speaker Pelosi, and Minority Leader McCarthy:

On behalf of the undersigned organizations, we urge the Congress to include the Elderly Home Detention Pilot Program Technical Corrections and Expansion Act of 2020, proposed by Senator Richard Durbin, in its legislative response to the coronavirus pandemic. Increasing the number of people eligible for this Bureau of Prisons program is a smart and balanced approach to preventing the spread of COVID-19 to the elderly in federal prison.

Our organizations support a technical fix that clarifies the Elderly Program by allowing older prisoners to use good time credit to reduce their time served and deem them eligible for home confinement for the remainder of their sentence. This fix, which passed the House in December, will allow more elderly prisoners to benefit from this program. Elderly people are among the most vulnerable populations in prisons, and particularly now given the increased risks posed by the current spread of COVID-19. They also present the lowest risk of recidivism.

We also support the bill's expansion of the Elderly Program that would allow those in prison to transfer to home confinement if they are 50 years-old or older and have served half of their sentence. Reducing the number of older people in prison cuts costs by reducing housing, feeding, and medical expenditures of prisons. Home confinement is far cheaper than prison. But perhaps most importantly, especially given COVID-19, medical care available on 'the outside' is incomparably better than the medical care available in prison.

The United States Inspector General, Michael Horowitz, found that "according to BOP data, inmates age 50 and older were the fastest growing segment of its inmate population, increasing 25 percent from 24,857 in fiscal year (FY) 2009 to 30,962 in FY 2013." This population—already one of the most vulnerable to COVID-19—faces far greater health risks in the densely overpopulated and understaffed prison environment. The human cost would be reprehensible if Congress failed to take action.

The fiscal cost is equally irresponsible. Mr. Horowitz writes, "based on BOP cost data, we estimate that the BOP spent approximately \$881 million, or 19 percent of its total budget, to incarcerate aging inmates in FY 2013." Expanding the Elderly Program would not only ameliorate the

potential health effects of COVID-19 in prisons but would also save the government millions of dollars in additional medical costs.

Based on these important factors, we urge Congress to fix the Elderly Home Detention Pilot Program as it responds to COVID-19. It will have an extraordinary impact on the lives of elderly human beings who are at high risk to COVID-19 and will save taxpayer dollars that would otherwise be spent to house those who have the least risk of recidivism.

We thank you for your consideration. Please contact Kara Gotsch (kgotsch@sentencingproject.org or 202-441-0433) if you have additional questions.

Sincerely,

American Civil Liberties Union

Campaign for the Fair Sentencing of Youth

Drug Policy Alliance

Families Against Mandatory Minimums

Federal Public and Community Defenders

Freedom Works

Friends of Guest House

Legal Action Center

National Association of Criminal Defense Lawyers

National Association of Social Workers

National Council of Churches

NETWORK Lobby for Catholic Social Justice

The Sentencing Project

The Taifa Group