

Organization Letter in Support of H.R. 4018

March 17, 2020

The Honorable Mitch McConnell
317 Russell Senate Office Building
Washington, DC 20510

The Honorable Chuck Schumer
322 Hart Senate Office Building
Washington, DC 20510

The Honorable Lindsey Graham
290 Russell Senate Office Building
Washington, DC 20510

The Honorable Dianne Feinstein
331 Hart Senate Office Building
Washington, DC 20510

Dear Senate Majority Leader McConnell, Senate Minority Leader Schumer, Chairman Graham and Ranking Member Feinstein,

On behalf of the undersigned organizations, we write this letter to strongly urge the Senate to pass H.R. 4018 through unanimous consent as soon as possible, especially given the increased risks posed by the current spread of COVID-19. This non-controversial bill, which passed out of the House unanimously, is a technical fix to the Elderly Home Detention Pilot Program (the “Elderly Program”) of the First Step Act. H.R. 4018 is a smart and balanced approach to preventing the spread of COVID-19 to our vulnerable elderly inmates. While accountability is important, with the COVID-19 threat, these offenders face a possible death sentence. This Pilot Program offers relief from such a threat.

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 risks in the densely overpopulated and understaffed prison environment. The human cost would be reprehensible.

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.” H.R. 4018 would not only ameliorate the potential effects of COVID-19 in prisons but would also save the government millions of dollars in additional medical costs.

The Elderly Home Detention Pilot Program—passed into law as part of the bi-partisan First Step Act—transfers nonviolent federal inmates in prison to home confinement if they are 60 years-old or older and have served two-thirds of their sentence. The program 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.

Based on these important factors, we urge all members of the Senate to vote in favor of H.R. 4018, a bill also supported by the American Bar Association (ABA). 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 hope you will join us in supporting the passage of this legislation.

Aleph Institute
American Civil Liberties Union (ACLU)
American Conservative Union
Americans for Prosperity
Americans for Tax Reform
Brennan Center for Justice at NYU School of Law
CAN-DO Foundation
Center for American Progress
Center for Disability Rights (CDR)
Center for Law and Social Policy (CLASP)
Church of Scientology National Affairs Office
Community Resources for Justice
College & Community Fellowship
ConsultCR
CURE (Citizens United for Rehabilitation of Errants)
#cut50
Digital Liberty
Dismas Charities
Drug Policy Alliance
Due Process Institute
Federal Public & Community Defenders
FAMM
FreedomWorks
Innocence Project
Justice Action Network
Justice Strategies
Legal Action Center
Life for Pot
National African American Drug Policy Coalition
National Association of Criminal Defense Lawyers (NACDL)
National Council of Churches
National Incarceration Association
Prison Fellowship
R Street Institute
Right on Crime
StoptheDrugWar.org
Students for Sensible Drug Policy
The Inner Voices
Texas Public Policy Foundation
The Ladies of Hope Ministries
The National Council for Incarcerated and Formerly Incarcerated Women and Girls
The Sentencing Project
The Taifa Group
Treatment Communities of America
Tzedek Association
Union for Reform Judaism

