

United States Senate

WASHINGTON, DC 20510

March 20, 2020

Michael Carvajal
Director
Federal Bureau of Prisons
320 1st Street NW
Washington, D.C. 20534

Dear Director Carvajal:

We write to urge the Bureau of Prison (BOP) to waive fees associated with phone calls for incarcerated people and to allow for unsupervised phone calls or video conferencing and emails with legal counsel for the duration of BOP's suspension of in-person visits at federal prisons.

On January 31, 2020, the U.S. Department of Health and Human Services (HHS) declared the novel coronavirus outbreak a public health emergency,¹ and there are now over 15,219 confirmed cases and 210 deaths from coronavirus in the United States.² Incarcerated people, prison visitors, and those who work as federal correctional staff are at especially high risk of infection due to the conditions of close confinement. On March 13, 2020, the BOP announced a series of measures designed to mitigate the spread of the virus at federal prisons, including suspending in-person social visits with family and loved ones, and suspending in-person visits with legal counsel.³

While we appreciate that the BOP is taking measures to protect the safety and wellness of those at its facilities and slow the spread of the virus, it is critical that incarcerated people maintain contact with their family and loved ones, particularly during this crisis. Studies have demonstrated that family contact is a valuable source of support during incarceration and that those who maintain contact with their family experience lower rates of recidivism after release.⁴ The BOP's decision to increase telephone time by 200 minutes per month is an important step, but inmates are still required to pay as much as 25 cents per minute, in addition to fees charged for each call.⁵ Incarcerated people and their families should not be forced to bear an additional cost in order to maintain contact during a public health emergency. Therefore, we request that these charges be immediately waived until the BOP reinstates in-person visits at its facilities.

¹ Secretary Azar Declares Public Health Emergency for United States for 2019 Novel Coronavirus, Department of Health and Human Services. Jan. 31, 2020. <https://www.hhs.gov/about/news/2020/01/31/secretary-azar-declares-public-health-emergency-us-2019-novel-coronavirus.html>

² Cases in U.S., Coronavirus Disease 2019 (COVID-19), Centers for Disease Control and Prevention. Mar. 19, 2020. <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html>

³ Federal Bureau of Prisons COVID-19 Action Plan, Federal Bureau of Prisons. March 13, 2020. https://www.bop.gov/resources/news/20200313_covid-19.jsp

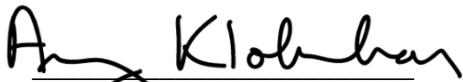
⁴ Ryan Shanahan & Sandra Villalobos Agudelo, *The Family and Recidivism*. American Jails. Sept. 2012. <https://www.prisonpolicy.org/scans/vera/the-family-and-recidivism.pdf>

⁵ Inmate Telephone Service, Federal Communications Commission. Dec. 30, 2019. <https://www.fcc.gov/consumers/guides/inmate-telephone-service>

It is also essential that incarcerated people continue to have the opportunity to consult with an attorney without supervision or surveillance. By suspending in-person visits, incarcerated people may be forced to communicate with their attorney using the prison phone or email systems that are monitored by prison officials. The BOP must guarantee that incarcerated people can make telephone calls or use video conferencing services and send emails to communicate with an attorneys in a private and confidential setting. At a minimum, the BOP should agree not to monitor, and to treat as confidential, all calls and emails to or from attorneys which are identified by the parties as attorney-client privileged, just as the BOP treats attorney-client mail. Charges for these calls or services should also be waived until the BOP reinstates in-person visits.

Thank you for your attention to this urgent matter.

Sincerely,



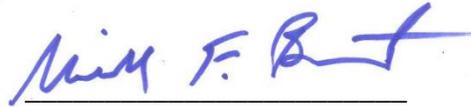
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United States Senator



Richard J. Durbin
United States Senator



Bernard Sanders
United States Senator



Michael F. Bennet
United States Senator



Kamala D. Harris
United States Senator



Sherrod Brown
United States Senator



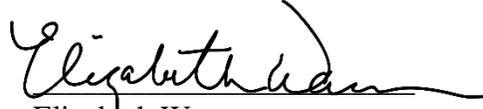
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Christopher A. Coons
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United States Senator



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