

THE LAW OFFICES OF

AlanEllis

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# ELLIS Updates



FEDERAL SENTENCING, PRISON AND POST-CONVICTION NEWS

May 7, 2020

## **The Law Offices of Alan Ellis COVID-19 Bureau of Prisons Task Force**

This newsletter contains a memo we prepared with information about legal programs your clients may want to pursue to reduce their sentences or at least spend the remainder of their sentences at home rather than in a Bureau of Prisons (BOP) facility due to the current pandemic. These types of relief have traditionally been hard to obtain, but there are steps you and/or your clients can take to start the process of qualifying. To read more, [click here](#).

Further, over the past several weeks, the BOP has issued its own internal memoranda and litigation has prompted varied responses by BOP staff and government attorneys.

Finally, below is an update on the spread of the coronavirus within BOP facilities.

### **Spread of Virus Within BOP Facilities Update**

These four charts provide a visualization of the spread of the coronavirus within BOP facilities based on the latest available data published by the BOP and other sources as of 8:30 EDT, Tuesday, May 5, 2020. These charts also provide some important comparisons to contextualize the growth of the virus within the BOP.

The first chart below illustrates the decrease in the inmate population at BOP institutions and RRCs since mid-April. The population has dropped by nearly 3,000 as more inmates are being released early either at the direction of the Attorney General or by court-ordered compassionate release with less defendants reporting to prison. Despite the significant drop in inmate population, the number of inmates who are actively infected (meaning they have not recovered or died) has increased by over 1,000 during the same period of time.

The second chart below compares the growth in total number of confirmed infected (i.e., both inmates and staff) in the BOP to the whole U.S. population. According to the CDC's website, the first confirmed infected within the United States was on January 22, 2020, while the BOP reports the first confirmed infected (two staffers) was on March 20, 2020. Starting on Day 1 of the infections for both groups, the chart illustrates how quickly the infection grew within BOP facilities relative to the entire U.S. population. For example, May 5, 2020

constituted the 48th day of the infection for the BOP, which had confirmed 2,425 infected. In contrast, on Day 48 of its infection, the United States had only confirmed 647 infections.

The third chart illustrates the growth of the infection in both inmates and staff separately, as well as the number of deaths of inmates. No deaths of staff have been reported as of yet.

Finally, the fourth chart illustrates the relative proportion of infected for various select countries. The United States currently has the second highest rate of active infections worldwide at 294.83 per 100,000 population, second only to Singapore at 316.97 per 100,000. **If the BOP was a country, it would have the highest proportion of infected in the world by far at 890.98 per 100,000, which is nearly three times the rate of the United States. That is especially remarkable considering that the BOP is only at Day 46 of its infection, whereas the United States is at Day 104.**

Finally an April 29, 2020, [Associated Press](#) story notes that over 70% of tested federal inmates have tested positive for COVID-19.

**Chart 1**

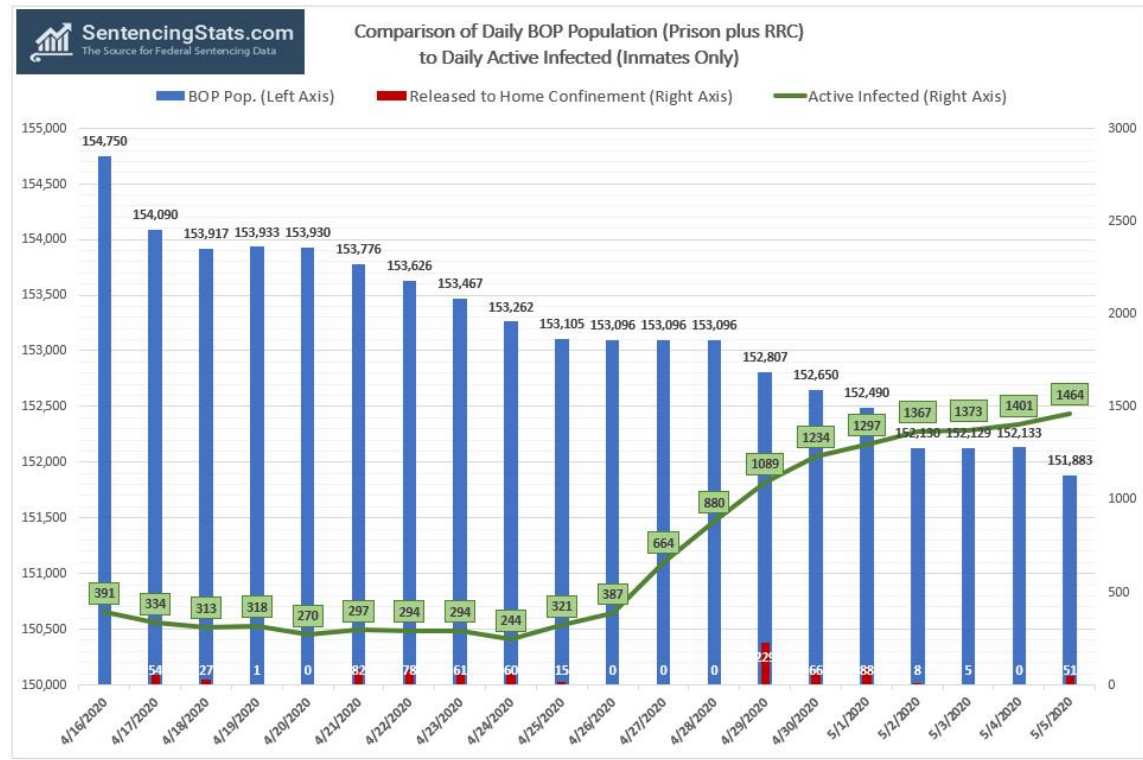


Chart 2

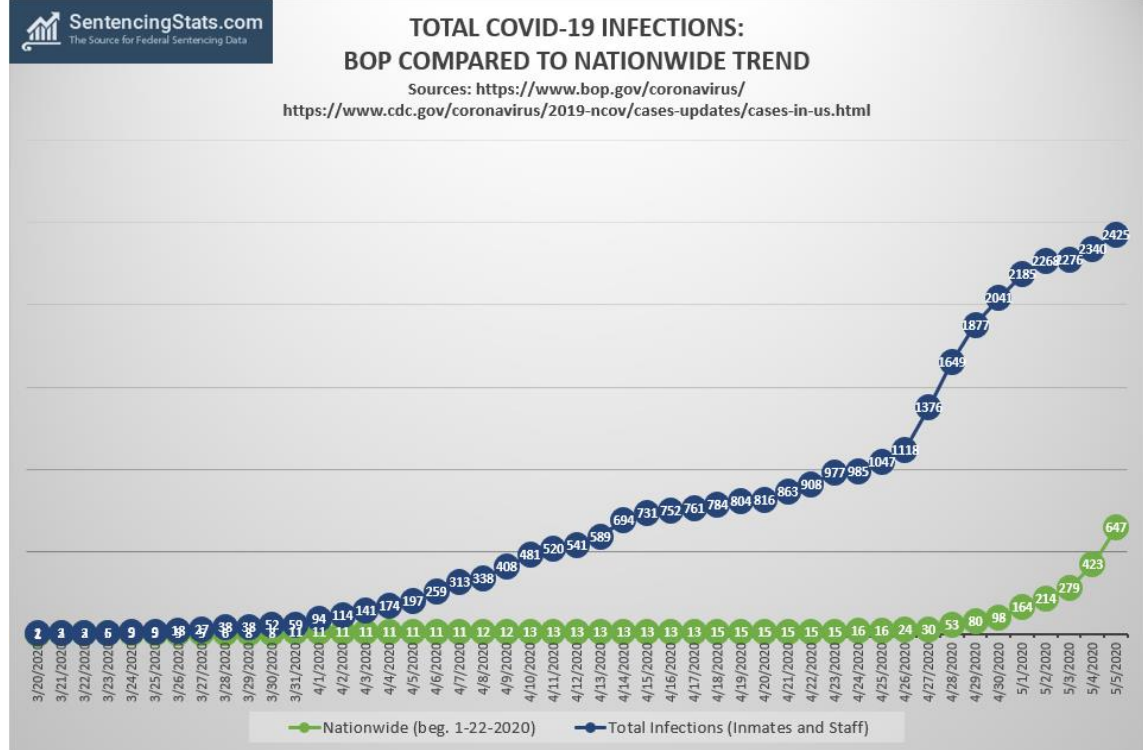


Chart 3

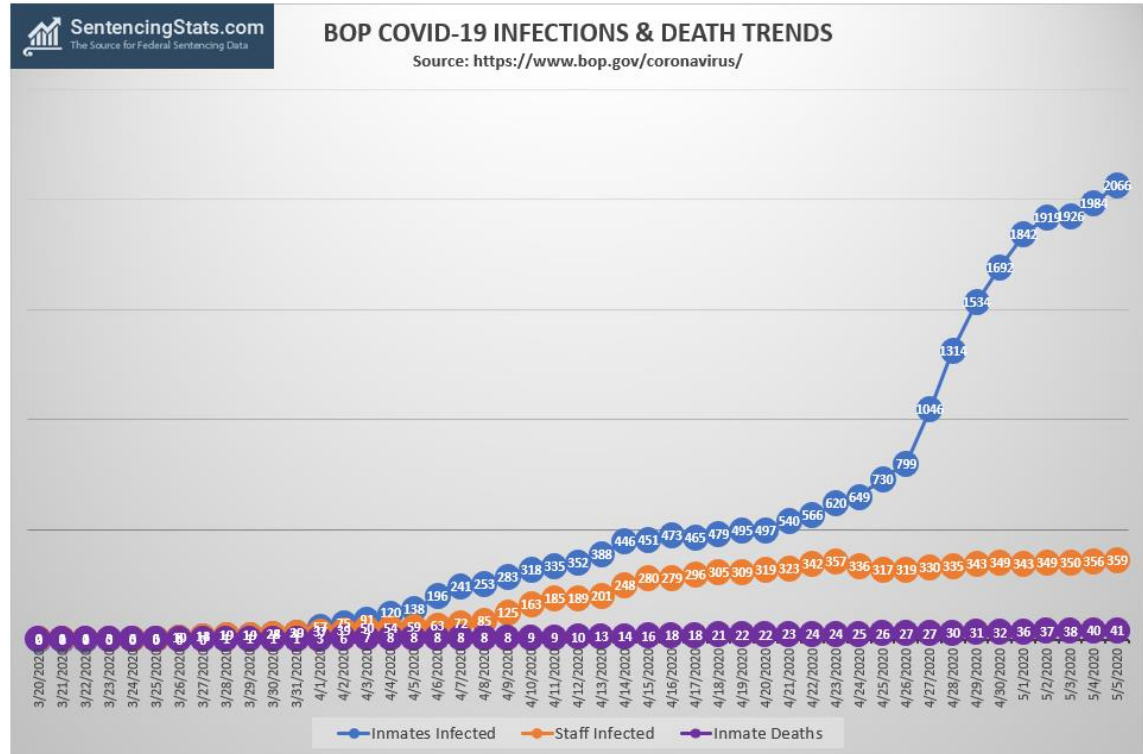
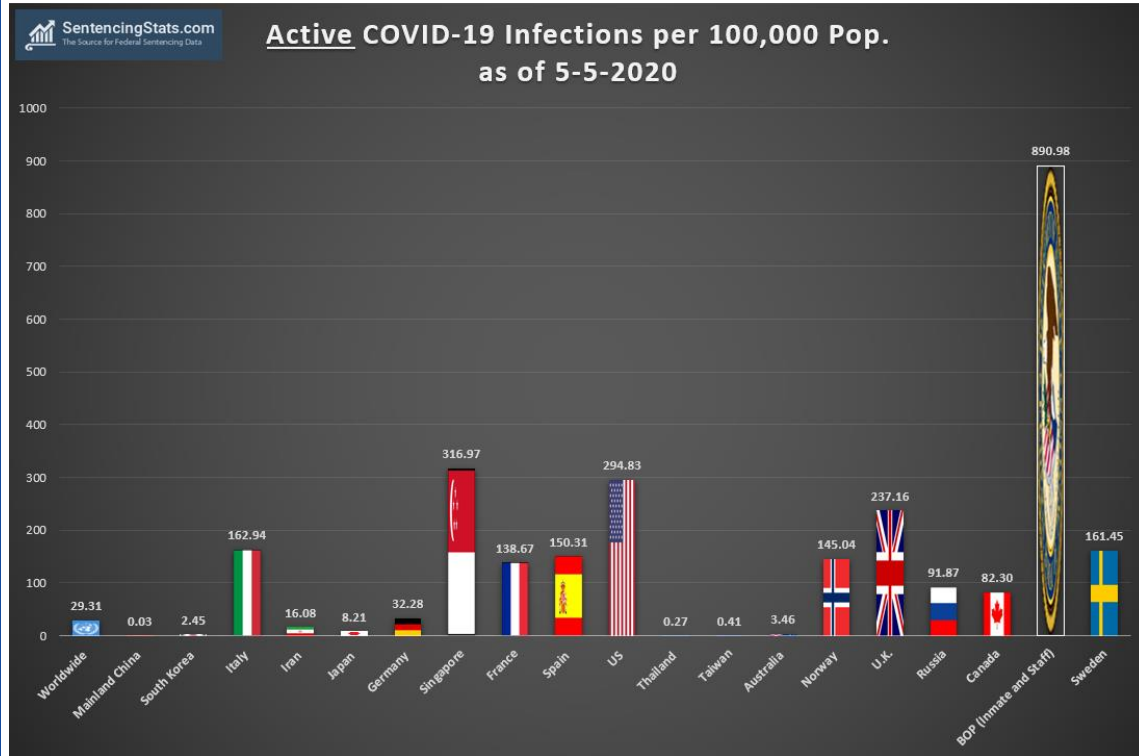


Chart 4



## In the News

Slate – April 28, 2020

### **Federal Prisons Told Inmates They Were Coming Home Because of COVID-19. Then They Took It Back.**

Read the article, [click here](#).

Associated Press – April 29, 2020

### **Over 70% of tested inmates in federal prisons have COVID-19**

Read the article, [click here](#).

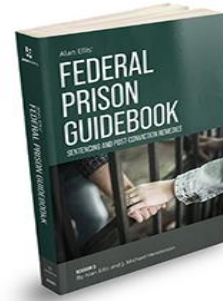
## COMMENTS?

We welcome your questions, comments and any feedback on our newsletter, and I will respond in confidence to you. Email us at [AELaw1@alanellis.com](mailto:AELaw1@alanellis.com).

## The 2020-21 edition of Alan Ellis' *Federal Prison Guidebook* is now available!

The *Guidebook* explains how to get your client designated to the best federal prison possible. This current edition also contains new and updated information on each federal prison and a wide variety of prison topics, sentencing, and post-conviction remedies.

For more information and to order your copy [click here](#) and enter coupon code FPG15FLY to receive your 15% discount.



**Alan Ellis is celebrating his 52nd year practicing law.** He is a Past President of the National Association of Criminal Defense Lawyers and is a criminal defense lawyer with offices in San Francisco and New York. He practices in the areas of federal sentencing and prison matters, and in 2007 received a Fulbright Senior Specialist Award by the U.S. State Department to conduct lectures in China on American criminal law and its constitutional protections.

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### ABOUT THE LAW OFFICES OF ALAN ELLIS

The Law Offices of Alan Ellis is a federal sentencing, prison and post-conviction, appeal and 2255 motion law firm representing federal criminal defendants and inmates throughout the United States. The firm endeavors to obtain for its clients the lowest possible sentence and if it is one of incarceration, the best facility possible with release at the earliest opportunity. Alan Ellis, a Past President of the National Association of Criminal Defense Lawyers (NACDL) and a Fulbright award recipient, has defended thousands of cases over more than 50 years. He has authored more than 180 articles and books, including the *Federal Sentencing Guidebook* and the *Federal Prison Guidebook*. He is a frequent speaker and has more than 85 lectures, presentations and speaking engagements to his credit.

**“Nationally recognized expert in federal criminal sentencing.”**

—The United States Court of Appeals for the Ninth Circuit

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