



U.S. Department of Justice  
Memorandum  
Federal Bureau of Prisons

Correctional Programs Division

Central Office  
320 First Street, N.W.  
Washington, DC 20534

APR 22 2019

MEMORANDUM FOR CHIEF EXECUTIVE OFFICERS

A handwritten signature in blue ink, appearing to read "M.D. Carvajal", is written over the typed name in the "FROM:" field.

FROM: M. D. Carvajal, Assistant Director  
Correctional Programs Division

SUBJECT: First Step Act-Designation/500 Driving Miles

On Friday, December 21, 2018, the President signed into law new criminal justice legislation known as the "First Step Act of 2018" (aka "FSA"). Section 601 of the law requires the Bureau of Prisons to adjust the way offenders are designated within 500 miles of their release residence. Specifically, the law amends 18 U.S.C. Section 3621(b) to state:

*"The Bureau of Prisons shall designate the place of the prisoner's imprisonment, and shall, subject to bed availability, the prisoner's security designation, the prisoner's programmatic needs, the prisoner's mental and medical health needs, any request made by the prisoner related to faith-based needs, recommendations of the sentencing court, and other security concerns of the Bureau of Prisons, place the prisoner in a facility as close as practicable to the prisoner's primary residence, and to the extent practicable, in a facility within 500 driving miles of that residence. The Bureau shall, subject to consideration of the factors described in the preceding sentence and the prisoner's preference for staying at his or her current facility or being transferred, transfer prisoners to facilities that are closer to the prisoner's primary residence even if the prisoner is already in a facility within 500 driving miles of that residence."*

The Bureau's decision-making in this area is not subject to judicial review. We are in the midst of revising applicable policy to reflect these changes due to the FSA. In the interim, staff should consider a request for transfer closer to home for an inmate already within 500 miles of their release residence if the request is based on the factors outlined in the law (e.g. bed availability, care levels, programmatic needs, security,

etc.). Likewise, the Designation and Sentence Computation Center (DSCC) will consider redesignation requests based on the provisions in the new law.

Talking points are provided for you to share with your staff and inmates when questions arise. If you have any questions related to this provision of the law, please have your staff contact

(b)(6); (b)(7)(C) Chief, DSCC. Thank you for your cooperation in this matter.

## Talking Points for Staff on First Step Act - Designation within 500 Miles

- On Friday December 21, 2018, the President signed into law new criminal justice legislation known as the "First Step Act of 2018."
- This law makes changes to how the BOP determines designation within 500 miles of an inmate's release residence.
- First, the law requires BOP to consider 500 driving miles to be the appropriate measure of distance (vs. BOP's current distance measure of longitude/latitude).
- Second, the law requires BOP to consider requests for transfer even if the inmate is already within 500 driving miles of their release residence if there is a closer facility.
- Staff should review such a request and the inmate's expressed preference for staying at his/her current facility, and consider the following factors:
  - The inmate's security designation,
  - The inmate's programmatic needs,
  - The inmate's medical and mental health care levels,
  - Any request made by the inmate related to faith-based needs,
  - Any recommendations of the sentencing court, and
  - Other security concerns (such as completing 18 consecutive months of clear conduct in general population).
- The DSCC will review the request and consider the above factors as well as bed availability at the destination facility.
- The BOP's decision to approve or deny the request is not judicially reviewable.

## Notice to Inmate Population

On Friday December 21, 2018, the President signed into law new criminal justice legislation known as the "First Step Act of 2018."

This law makes changes to BOP designation of inmates within 500 miles of their release residence.

First, the law requires BOP to try, to the extent practicable, to place inmates within 500 driving miles of their release residence.

Second, the law requires BOP to consider requests for transfer even if the inmate is already within 500 driving miles of their release residence if there is a closer facility.

The BOP's approval of such requests and designation will depend on a variety of factors:

- Bed availability at the destination facility,
- The inmate's security designation,
- The inmate's programmatic needs,
- The inmate's medical and mental health care levels,
- Any request made by the inmate related to faith-based needs,
- Any recommendations of the sentencing court,
- The inmate's expressed preference for staying at his/her current facility; and
- Other security concerns (such as completing 18 consecutive months of clear conduct in general population).

Note that under the First Step Act, the BOP's decision to approve or deny the request is not judicially reviewable.