



U.S. Department of Justice  
Federal Bureau of Prisons  
Reentry Services Division

Washington, DC 20534

10/15/2019

MEMORANDUM FOR CHIEF EXECUTIVE OFFICERS

*CBR*

FROM: R.L. Rhodes, Acting Assistant Director  
Reentry Services Division

SUBJECT: Guidance - Elderly Offender Program (First Step Act)

The First Step Act of 2018 (FSA), Section 603 (a) mandates that the Bureau conduct a pilot program to determine the effectiveness of removing eligible elderly offenders and eligible terminally ill offenders from Bureau facilities and placing such offenders on home confinement until the expiration of the prison term to which the offender was sentenced. The FSA reauthorized and modified the pilot program conducted under the Second Chance Act, 18 U.S.C. § 60541, as follows:

Eligible elderly offender is now defined as an offender in the custody of the Bureau-

- (1) who is not less than 60 years of age;
- (2) who is serving a term of imprisonment that is not life imprisonment based on conviction for an offense or offenses that do not include any crime of violence (as defined in section 16 of Title 18), sex offense (as defined in section 20911(5) of this title), offense described in section 2332b(g)(5)(B) of Title 18, or offense under chapter 37 of Title 18, and has served 2/3 of the term of imprisonment to which the offender was sentenced;
- (3) who has not been convicted in the past of any Federal or State crime of violence, sex offense, or other offense described in clause (ii);
- (4) who has not been determined by the Bureau, on the basis of information the Bureau uses to make custody classifications, and in the sole discretion of the Bureau, to have a history of violence, or of engaging in conduct constituting a sex offense or other offense described in clause (ii);

- (5) who has not escaped, or attempted to escape, from a Bureau of Prisons institution;
- (6) with respect to whom the Bureau of Prisons has determined that release to home detention under this section will result in a substantial net reduction of costs to the Federal Government; and
- (7) who has been determined by the Bureau to be at no substantial risk of engaging in criminal conduct or of endangering any person or the public if released to home detention.

Policy regarding this pilot program is forthcoming. Inmates may request consideration for the Elderly Home Confinement Pilot. Once requested, the institution's Non-Bargaining Unit staff should review the inmate for placement into the program using the criteria outlined above, and if appropriate prepare a Residential Reentry Center (RRC) referral packet for immediate placement into the program. Once submitted via Insight, an email should be sent to Jon Gustin, Administrator, Residential Reentry Management Branch (RRMB) informing him that a Home Confinement Referral was submitted under the provisions of the Elderly Offender Program.

If you have any questions, please feel free to contact (b)(6); (b)(7)(C) at (b)(6); (b)(7)(C) .

CC: All Regional Directors  
All Assistant Directors