

BACKGROUND ON COMPASSIONATE RELEASE/ REDUCTIONS IN SENTENCE

In a new Bureau of Prisons (BOP) Program Statement issued today, the BOP will clarify and expand the criteria the BOP uses to review compassionate release requests – which are also referred to as “reduction in sentence” (RIS) requests. The BOP is implementing these changes as part of the Department of Justice’s “Smart on Crime” initiative, a comprehensive review of the criminal justice system aimed at ensuring federal laws are enforced more fairly, and federal resources are used more efficiently, by focusing on top law enforcement priorities.

Congress gave the BOP authority to ask a court to grant an inmate’s RIS request, prior to completion of the inmate’s sentence, for extraordinary and compelling circumstances. If a judge grants the BOP’s motion, the judge will order the inmate’s release, and the inmate will usually begin serving a term of supervised release.

Within the BOP’s authority under the existing statutory framework, the updated policy broadens the circumstances in which the BOP will consider RIS requests. These include:

- Terminal and non-terminal medical circumstances;
- Circumstances for elderly inmates;
- Circumstances in which there has been the death or incapacitation of the family member caregiver of an inmate’s child; and
- Circumstances in which the spouse or registered partner of an inmate has become incapacitated.

In all cases, the BOP will continue to consider whether an inmate’s release would pose a danger to the safety of any other person or the community before submitting a RIS request to a court. Each RIS request continues to be subject to multiple levels of careful review within the BOP. Further, in circumstances in which a victim or witness has elected to be notified, the BOP will solicit comments regarding an inmate’s possible release. For each RIS request, the BOP will also continue to consult with the U.S. Attorney’s Office responsible for the criminal prosecution.

The new criteria are consistent with other federal government standards and programs. For example, the criteria concerning the death or incapacitation of the family member caregiver of an inmate’s child are consistent with guidelines issued by the United States Sentencing Commission. The criteria concerning elderly inmates are based on existing statutes and a pilot program enacted by Congress as part of the Second Chance Act. In addition, the new policy is responsive to reviews of the RIS policy by the Office of Inspector General of the Department of Justice, and external advocacy groups.