

**U.S. Sentencing Commission
Compassionate Release
Data Report**

Calendar Year 2020



July 2021

Introduction

As part of its ongoing mission, the United States Sentencing Commission provides Congress, the judiciary, the executive branch, and the general public with data extracted from and based on sentencing documents submitted by courts to the Commission.¹ Data is reported on an annual basis in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.²

The Commission also reports preliminary data for an on-going fiscal year in order to provide real-time analysis of sentencing practices in the federal courts. Since 2005, the Commission has published a series of quarterly reports that are similar in format and methodology to tables and figures produced in the *Sourcebook of Federal Sentencing Statistics*. The quarterly reports contain cumulative data for the on-going fiscal year (*i.e.*, data from the start of the fiscal year through the most current quarter). From time to time the Commission also reports data regarding other sentencing trends, such as resentencings or other modifications of sentences previously imposed.

Section 3582(c)(1)(A) of title 18, United States Code, provides courts with the authority to reduce a term of imprisonment after it has been imposed in specific circumstances. One of the circumstances provided in the statute is that “extraordinary and compelling reasons” warrant such a reduction. Motions asserting that reason are commonly referred to as “compassionate release” motions. When considering any motion under section 3582(c)(1)(A), courts are also required to consider the factors set forth in section 3553(a) of title 18 and to find that any reduction “is consistent with applicable policy statements issued by the Sentencing Commission.”³

Before December 2018, courts were authorized to consider motions under section 3582(c)(1)(A) only if they were filed by the Director of the Bureau of Prisons. In December 2018, Congress amended that portion of section 3582 to authorize courts to also consider motions filed by offenders, in certain circumstances.⁴

¹ In each federal felony or Class A misdemeanor case, sentencing courts are required to submit the following documents to the Commission: the Judgment and Commitment Order, the Statement of Reasons, the plea agreement (if applicable), the indictment or other charging document, and the Presentence Report. *See* 28 U.S.C. § 994(w).

² Electronic copies of the 1995-2020 ANNUAL REPORT and SOURCEBOOK OF FEDERAL SENTENCING STATISTICS are available at the Commission's website at www.ussc.gov.

³ U.S. SENTENCING COMM'N, Guidelines Manual §1B1.13 (Nov. 2018) [hereinafter USSG].

⁴ The First Step Act of 2018 (Pub. L. No. 115-391 (2018)) went into effect on December 21, 2018. Section 603 of the Act amended section 3582(c)(1)(A) of title 18 to authorize “defendants” (*i.e.*, offenders) to file a motion for compassionate release “after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier.”

With the advent of the COVID-19 pandemic,⁵ the courts received thousands of compassionate release motions, most filed by offenders. This report provides an analysis of the compassionate release motions filed with the courts during the COVID-19 pandemic. The data in this report reflects compassionate release motions decided by the courts during calendar year 2020 (January 1, 2020 - December 31, 2020). Prior to October 1, 2020, courts submitted to the Commission documentation regarding motions for all compassionate release that were granted, but not for all compassionate release motions that were denied. For the time period of January 1, 2020 to September 30, 2020, the Commission obtained documentation for compassionate release motions that were denied, where available, by searching court records using the PACER system. Beginning October 1, 2020, courts began submitting to the Commission documentation for all compassionate release motions, regardless of whether they were granted or denied. The data in this report is limited to motions for which the Commission received or obtained court documentation and completed its analysis by July 9, 2021.

⁵ The World Health Organization declared the coronavirus (COVID-19) outbreak a global pandemic on March 11, 2020. President Trump declared a national emergency concerning the coronavirus (COVID-19) on March 13, 2020.

Table 1**MOTIONS FOR COMPASSIONATE RELEASE
BY MONTH OF RESENTENCING DATE¹**

Year	Month	Total	Granted		Denied	
		N	N	%	N	%
TOTAL		12,885	2,604	20.2	10,281	79.8
2020	January	48	17	35.4	31	64.6
2020	February	37	13	35.1	24	64.9
2020	March	49	19	38.8	30	61.2
2020	April	460	163	35.4	297	64.6
2020	May	892	270	30.3	622	69.7
2020	June	1,328	304	22.9	1,024	77.1
2020	July	1,563	403	25.8	1,160	74.2
2020	August	1,483	331	22.3	1,152	77.7
2020	September	1,319	253	19.2	1,066	80.8
2020	October	2,001	260	13.0	1,741	87.0
2020	November	1,720	238	13.8	1,482	86.2
2020	December	1,985	333	16.8	1,652	83.2

¹ Of the 13,241 cases reported to the commission, 356 were excluded due to indeterminable motion status.

SOURCE: U.S. Sentencing Commission, Compassionate Release Datafile.

Table 2

GEOGRAPHICAL DISTRIBUTION OF MOTIONS FOR COMPASSIONATE RELEASE BY DISTRICT¹

District	Total			Granted			Denied				
	N	N	%	N	%	N	%				
TOTAL	12,885	2,604	20.2	10,281	79.8						
Southern Florida	531	101	19.0	430	81.0	Western New York	115	24	20.9	91	79.1
Southern New York	518	97	18.7	421	81.3	Middle Georgia	111	4	3.6	107	96.4
Middle Florida	453	28	6.2	425	93.8	Middle Tennessee	111	31	27.9	80	72.1
Eastern Michigan	372	112	30.1	260	69.9	Southern Ohio	104	21	20.2	83	79.8
Eastern Virginia	350	59	16.9	291	83.1	Northern Florida	102	32	31.4	70	68.6
Western North Carolina	337	5	1.5	332	98.5	Southern Alabama	99	11	11.1	88	88.9
Northern Texas	330	18	5.5	312	94.5	Southern West Virginia	97	5	5.2	92	94.8
Maryland	290	109	37.6	181	62.4	Oregon	96	67	69.8	29	30.2
Northern Illinois	272	104	38.2	168	61.8	Maine	92	7	7.6	85	92.4
Western Missouri	256	30	11.7	226	88.3	Eastern Wisconsin	89	35	39.3	54	60.7
Southern Iowa	247	30	12.1	217	87.9	Southern Illinois	89	9	10.1	80	89.9
Eastern North Carolina	224	56	25.0	168	75.0	Western Tennessee	86	6	7.0	80	93.0
Eastern Pennsylvania	213	74	34.7	139	65.3	Eastern Louisiana	84	10	11.9	74	88.1
Central Illinois	211	45	21.3	166	78.7	Massachusetts	82	51	62.2	31	37.8
Northern Ohio	209	44	21.1	165	78.9	Nebraska	80	14	17.5	66	82.5
South Carolina	205	40	19.5	165	80.5	Eastern Arkansas	75	2	2.7	73	97.3
Eastern California	205	38	18.5	167	81.5	New Hampshire	75	16	21.3	59	78.7
Southern Texas	204	53	26.0	151	74.0	Northern Mississippi	74	11	14.9	63	85.1
Northern Iowa	202	16	7.9	186	92.1	Western Wisconsin	74	9	12.2	65	87.8
Eastern Texas	200	5	2.5	195	97.5	Northern Alabama	74	16	21.6	58	78.4
Minnesota	200	68	34.0	132	66.0	South Dakota	71	9	12.7	62	87.3
Western Texas	200	24	12.0	176	88.0	Western Kentucky	71	5	7.0	66	93.0
Eastern Kentucky	188	13	6.9	175	93.1	Eastern Washington	71	16	22.5	55	77.5
Eastern New York	187	46	24.6	141	75.4	North Dakota	69	4	5.8	65	94.2
Southern Indiana	183	30	16.4	153	83.6	Utah	67	10	14.9	57	85.1
Northern California	172	81	47.1	91	52.9	Nevada	67	29	43.3	38	56.7
Eastern Missouri	165	26	15.8	139	84.2	Northern New York	60	11	18.3	49	81.7
Middle North Carolina	162	10	6.2	152	93.8	Wyoming	59	15	25.4	44	74.6
Middle Pennsylvania	160	12	7.5	148	92.5	Western Oklahoma	59	2	3.4	57	96.6
Western Washington	160	40	25.0	120	75.0	Middle Alabama	58	3	5.2	55	94.8
Eastern Tennessee	152	25	16.4	127	83.6	Vermont	53	28	52.8	25	47.2
New Jersey	149	28	18.8	121	81.2	New Mexico	53	17	32.1	36	67.9
Central California	143	47	32.9	96	67.1	Arizona	52	15	28.8	37	71.2
Northern Georgia	142	50	35.2	92	64.8	Alaska	47	20	42.6	27	57.4
Western Pennsylvania	140	26	18.6	114	81.4	Rhode Island	45	29	64.4	16	35.6
Southern Georgia	138	4	2.9	134	97.1	Northern West Virginia	41	3	7.3	38	92.7
Hawaii	138	22	15.9	116	84.1	Eastern Oklahoma	34	1	2.9	33	97.1
District of Columbia	138	49	35.5	89	64.5	Western Louisiana	33	10	30.3	23	69.7
Northern Indiana	137	17	12.4	120	87.6	Western Arkansas	25	1	4.0	24	96.0
Western Michigan	137	9	6.6	128	93.4	Middle Louisiana	20	3	15.0	17	85.0
Montana	136	12	8.8	124	91.2	Delaware	20	3	15.0	17	85.0
Southern Mississippi	135	6	4.4	129	95.6	Idaho	20	6	30.0	14	70.0
Western Virginia	133	38	28.6	95	71.4	Puerto Rico	19	14	73.7	5	26.3
Southern California	132	67	50.8	65	49.2	Northern Oklahoma	15	6	40.0	9	60.0
Kansas	130	58	44.6	72	55.4	Guam	8	5	62.5	3	37.5
Connecticut	126	66	52.4	60	47.6	Virgin Islands	6	0	0.0	6	100.0
Colorado	119	19	16.0	100	84.0	Northern Mariana Islands	2	1	50.0	1	50.0

¹ Of the 13,241 cases reported to the commission, 356 were excluded due to indeterminable motion status.

Table 3**MOTIONS FOR COMPASSIONATE RELEASE
BY YEAR OF ORIGINAL SENTENCE¹**

Fiscal Year	Total	Granted		Denied	
	N	N	%	N	%
TOTAL	12,849	2,584	20.1	10,265	79.9
2021	5	1	20.0	4	80.0
2020	1,238	250	20.2	988	79.8
2019	2,341	402	17.2	1,939	82.8
2018	1,679	314	18.7	1,365	81.3
2017	1,321	206	15.6	1,115	84.4
2016	946	149	15.8	797	84.2
2015	866	159	18.4	707	81.6
2014	748	133	17.8	615	82.2
2013	631	143	22.7	488	77.3
2012	482	110	22.8	372	77.2
2011	365	64	17.5	301	82.5
2010	335	72	21.5	263	78.5
2009	326	65	19.9	261	80.1
2008	250	69	27.6	181	72.4
2007	194	42	21.6	152	78.4
2006	167	49	29.3	118	70.7
2005	134	39	29.1	95	70.9
2004	125	37	29.6	88	70.4
2003	96	29	30.2	67	69.8
2002	78	29	37.2	49	62.8
2001	73	31	42.5	42	57.5
2000	68	25	36.8	43	63.2
1999	67	29	43.3	38	56.7
1998	43	15	34.9	28	65.1
1997	54	20	37.0	34	63.0
1996	54	24	44.4	30	55.6
1995	43	24	55.8	19	44.2
1994	36	17	47.2	19	52.8
1993	37	14	37.8	23	62.2
1992	21	7	33.3	14	66.7
1991	16	10	62.5	6	37.5
1990	5	4	80.0	1	20.0
1989	5	2	40.0	3	60.0

¹ Of the 12,885 cases reported to the Commission, 36 were excluded from this analysis because the cases cannot be matched with an original case in the Commission's records.

SOURCE: U.S. Sentencing Commission, Compassionate Release Datafile.

Table 4

ORIGIN OF GRANTED MOTIONS FOR COMPASSIONATE RELEASE¹

CIRCUIT	Total	Defendant		Director BOP		Attorney for the Government		Joint Motion ²	
	N	N	%	N	%	N	%	N	%
TOTAL	2,601	2,509	96.5	21	0.8	1	0.0	70	2.7
D.C. CIRCUIT	49	48	98.0	0	0.0	0	0.0	1	2.0
FIRST CIRCUIT	117	116	99.1	0	0.0	0	0.0	1	0.9
SECOND CIRCUIT	272	271	99.6	1	0.4	0	0.0	0	0.0
THIRD CIRCUIT	143	133	93.0	3	2.1	0	0.0	7	4.9
FOURTH CIRCUIT	325	321	98.8	2	0.6	0	0.0	2	0.6
FIFTH CIRCUIT	137	135	98.5	2	1.5	0	0.0	0	0.0
SIXTH CIRCUIT	266	261	98.1	2	0.8	0	0.0	3	1.1
SEVENTH CIRCUIT	249	245	98.4	2	0.8	0	0.0	2	0.8
EIGHTH CIRCUIT	200	178	89.0	0	0.0	0	0.0	22	11.0
NINTH CIRCUIT	466	431	92.5	5	1.1	0	0.0	30	6.4
TENTH CIRCUIT	128	124	96.9	2	1.6	0	0.0	2	1.6
ELEVENTH CIRCUIT	249	246	98.8	2	0.8	1	0.4	0	0.0

¹ Of the 2,604 cases in which the court granted a motion for compassionate release, three cases were excluded from this analysis because the information received by the Commission prevented a determination of motion origin.

² Joint motion by the defendant and the attorney for the government.

SOURCE: U.S. Sentencing Commission, Compassionate Release Datafile.

Table 5**DEMOGRAPHIC CHARACTERISTICS OF OFFENDERS
RECEIVING COMPASSIONATE RELEASE**

Demographics	N	%
Race/Ethnicity		
White	862	33.5
Black	1,164	45.2
Hispanic	451	17.5
Other	96	3.7
Total	2,573	100.0
Citizenship		
U.S. Citizen	2,360	92.2
Non-Citizen	199	7.8
Total	2,559	100.0
Gender		
Male	2,332	89.6
Female	271	10.4
Total	2,603	100.0
Average Age at Original Sentence		40
Average Age at Release		46

¹ Of the 2,604 cases in which the court granted a motion for compassionate release, cases were excluded from each section of this table due to the following reasons: missing race information (31), missing citizenship information (45), missing gender information (1), and missing age information (36).

SOURCE: U.S. Sentencing Commission, Compassionate Release Datafile.

Table 6**SELECTED SENTENCING FACTORS FOR OFFENDERS
RECEIVING COMPASSIONATE RELEASE¹**

Sentencing Factors	%
Weapon^{2,3}	30.7
Weapon Specific Offense Characteristic	16.3
Firearms Mandatory Minimum Applied	16.3
Safety Valve²	9.7
Guideline Role Adjustments²	
Aggravating Role (USSG §3B1.1)	17.3
Mitigating Role (USSG §3B1.2)	4.5
Obstruction Adjustment (USSG §3C1.1)	8.4
Sentence Relative to the Guideline Range	
Within Range	42.8
Above Range	2.5
Below Range	54.7
Criminal History Category	
I	30.7
II	11.5
III	13.5
IV	9.7
V	6.4
VI	28.2
Career Offender (§4B1.1)²	16.5

¹ Of the 2,604 cases in which the court granted a motion for compassionate release, 20 were excluded from this analysis because the cases cannot be matched with an original case in the Commission's records.

² This section was limited to the 2,472 cases with complete guideline application information.

³ In 43 cases the court applied the weapon specific offense characteristic and the offender was also convicted of a firearms offense carrying a mandatory minimum penalty.

SOURCE: U.S. Sentencing Commission, Compassionate Release Datafile.

Table 8**TYPE OF CRIME FOR OFFENDERS
RECEIVING COMPASSIONATE RELEASE¹**

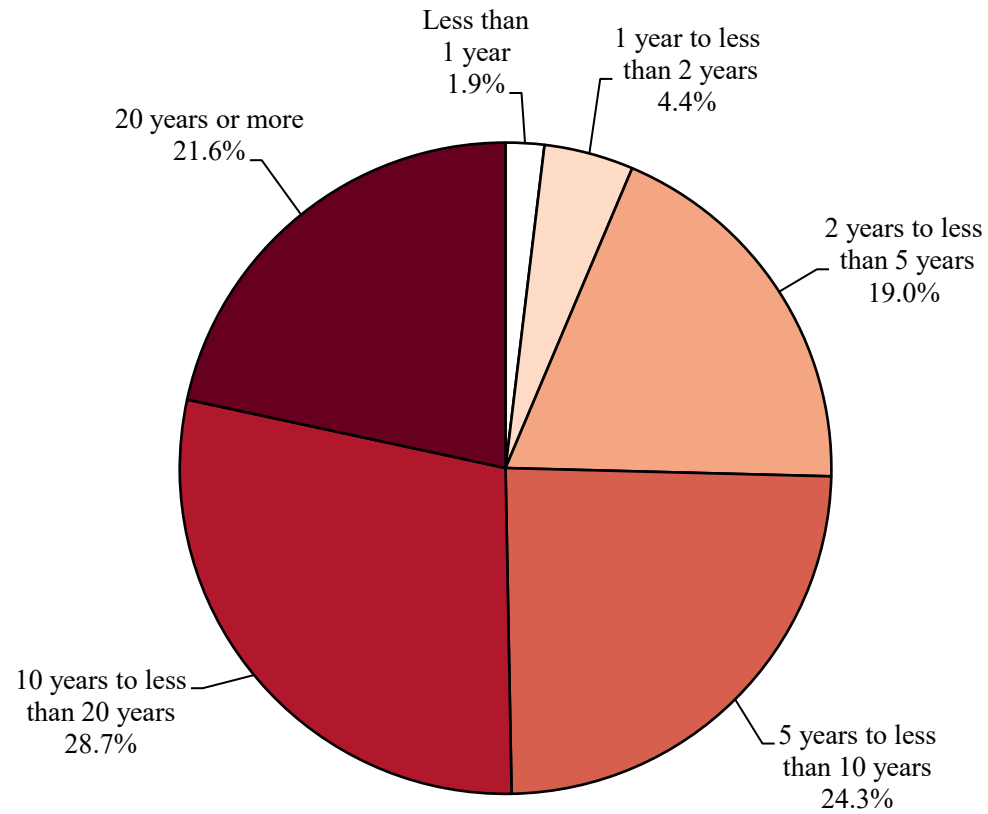
TYPE OF CRIME	N	%
TOTAL	2,574	100.0
Administration of Justice	11	0.4
Antitrust	2	0.1
Arson	6	0.2
Assault	12	0.5
Bribery/Corruption	16	0.6
Burglary/Trespass	0	0.0
Child Pornography	85	3.3
Commercialized Vice	4	0.2
Drug Possession	0	0.0
Drug Trafficking	1,365	53.0
Environmental	2	0.1
Extortion/Racketeering	10	0.4
Firearms	322	12.5
Food and Drug	0	0.0
Forgery/Counter/Copyright	6	0.2
Fraud/Theft/Embezzlement	260	10.1
Immigration	25	1.0
Individual Rights	6	0.2
Kidnapping	5	0.2
Manslaughter	1	0.0
Money Laundering	98	3.8
Murder	29	1.1
National Defense	8	0.3
Obscenity/Other Sex Offenses	4	0.2
Prison Offenses	9	0.3
Robbery	208	8.1
Sexual Abuse	48	1.9
Stalking/Harassing	2	0.1
Tax	28	1.1
Other	2	0.1

¹ Of the 2,604 cases in which the court granted a motion for compassionate release, 20 were excluded from this analysis because the cases cannot be matched with an original case in the Commission's records. Of these, 10 were excluded due to missing information on the type of crime.

SOURCE: U.S. Sentencing Commission, Compassionate Release Datafile.

Figure 1

ORIGINAL SENTENCE LENGTH FOR OFFENDERS RECEIVING COMPASSIONATE RELEASE¹



¹ Of the 2,604 cases in which the court granted a motion for compassionate release, information on the original sentence length was missing in 41 cases.

SOURCE: U.S. Sentencing Commission, Compassionate Release Datafile.