

U.S. Sentencing Commission Compassionate Release Data Report

Calendar Years 2020 to 2021



September 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 ongoing 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 ongoing 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 years 2020 and 2021 (January 1, 2020 - June 30, 2021). 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 August 31, 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		20,565	3,608	17.5	16,957	82.5
2020	January	39	17	43.6	22	56.4
2020	February	32	13	40.6	19	59.4
2020	March	47	19	40.4	28	59.6
2020	April	460	163	35.4	297	64.6
2020	May	896	270	30.1	626	69.9
2020	June	1,327	304	22.9	1,023	77.1
2020	July	1,571	404	25.7	1,167	74.3
2020	August	1,499	332	22.1	1,167	77.9
2020	September	1,319	254	19.3	1,065	80.7
2020	October	2,009	259	12.9	1,750	87.1
2020	November	1,733	241	13.9	1,492	86.1
2020	December	1,994	335	16.8	1,659	83.2
2021	January	1,643	271	16.5	1,372	83.5
2021	February	1,402	206	14.7	1,196	85.3
2021	March	1,398	173	12.4	1,225	87.6
2021	April	1,272	145	11.4	1,127	88.6
2021	May	994	99	10.0	895	90.0
2021	June	930	103	11.1	827	88.9

¹ Of the 21,150 cases reported to the Commission, 585 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		District	Total		Granted		Denied	
	N		N	%	N	%		N		N	%	N	%
TOTAL	20,565		3,608	17.5	16,957	82.5							
Southern Florida	879		135	15.4	744	84.6	Western Kentucky	181		9	5.0	172	95.0
Middle Florida	715		43	6.0	672	94.0	Northern Georgia	168		74	44.0	94	56.0
Eastern Virginia	688		101	14.7	587	85.3	Western Tennessee	167		10	6.0	157	94.0
Southern New York	575		116	20.2	459	79.8	District of Columbia	167		51	30.5	116	69.5
Maryland	564		193	34.2	371	65.8	Southern West Virginia	164		8	4.9	156	95.1
Northern Texas	542		25	4.6	517	95.4	Colorado	161		22	13.7	139	86.3
Eastern Michigan	509		158	31.0	351	69.0	Nebraska	149		19	12.8	130	87.2
Western North Carolina	479		13	2.7	466	97.3	Massachusetts	148		73	49.3	75	50.7
Western Missouri	447		47	10.5	400	89.5	Southern Ohio	143		37	25.9	106	74.1
Northern Illinois	433		134	30.9	299	69.1	South Dakota	141		15	10.6	126	89.4
Eastern North Carolina	426		90	21.1	336	78.9	Southern Alabama	140		15	10.7	125	89.3
Southern Iowa	424		37	8.7	387	91.3	Western Wisconsin	137		13	9.5	124	90.5
South Carolina	404		71	17.6	333	82.4	Middle Tennessee	135		34	25.2	101	74.8
Minnesota	378		93	24.6	285	75.4	Maine	134		11	8.2	123	91.8
Eastern Missouri	341		35	10.3	306	89.7	Eastern Louisiana	133		14	10.5	119	89.5
Middle Pennsylvania	329		17	5.2	312	94.8	Oregon	127		82	64.6	45	35.4
Northern Iowa	327		21	6.4	306	93.6	North Dakota	125		4	3.2	121	96.8
Western Texas	326		30	9.2	296	90.8	Eastern Arkansas	123		6	4.9	117	95.1
Southern Indiana	325		36	11.1	289	88.9	Western New York	121		30	24.8	91	75.2
Central Illinois	320		59	18.4	261	81.6	Northern Alabama	119		20	16.8	99	83.2
Eastern Texas	312		7	2.2	305	97.8	Utah	116		16	13.8	100	86.2
Eastern California	309		55	17.8	254	82.2	Alaska	115		24	20.9	91	79.1
Middle North Carolina	300		15	5.0	285	95.0	Northern Florida	110		41	37.3	69	62.7
Eastern Kentucky	291		18	6.2	273	93.8	Eastern Washington	109		23	21.1	86	78.9
New Jersey	290		40	13.8	250	86.2	Middle Alabama	106		5	4.7	101	95.3
Eastern Pennsylvania	289		96	33.2	193	66.8	New Hampshire	103		20	19.4	83	80.6
Northern Ohio	281		59	21.0	222	79.0	Northern Mississippi	100		13	13.0	87	87.0
Eastern New York	277		63	22.7	214	77.3	Northern West Virginia	95		7	7.4	88	92.6
Southern Texas	269		72	26.8	197	73.2	Vermont	88		39	44.3	49	55.7
Northern California	266		104	39.1	162	60.9	Wyoming	85		21	24.7	64	75.3
Central California	254		78	30.7	176	69.3	Western Oklahoma	80		3	3.8	77	96.3
Western Washington	252		56	22.2	196	77.8	Nevada	76		34	44.7	42	55.3
Western Pennsylvania	246		37	15.0	209	85.0	Rhode Island	69		30	43.5	39	56.5
Western Virginia	241		52	21.6	189	78.4	Northern New York	66		17	25.8	49	74.2
Southern Georgia	230		4	1.7	226	98.3	Arizona	61		19	31.1	42	68.9
Northern Indiana	226		19	8.4	207	91.6	New Mexico	55		19	34.5	36	65.5
Western Michigan	223		10	4.5	213	95.5	Northern Oklahoma	52		21	40.4	31	59.6
Connecticut	215		86	40.0	129	60.0	Eastern Oklahoma	50		3	6.0	47	94.0
Southern Mississippi	207		12	5.8	195	94.2	Western Louisiana	43		13	30.2	30	69.8
Montana	203		21	10.3	182	89.7	Middle Louisiana	35		3	8.6	32	91.4
Hawaii	201		32	15.9	169	84.1	Western Arkansas	27		2	7.4	25	92.6
Eastern Tennessee	195		36	18.5	159	81.5	Puerto Rico	22		17	77.3	5	22.7
Southern California	194		86	44.3	108	55.7	Idaho	22		7	31.8	15	68.2
Southern Illinois	193		13	6.7	180	93.3	Delaware	21		4	19.0	17	81.0
Middle Georgia	188		4	2.1	184	97.9	Guam	12		7	58.3	5	41.7
Eastern Wisconsin	187		48	25.7	139	74.3	Virgin Islands	6		0	0.0	6	100.0
Kansas	183		75	41.0	108	59.0	Northern Mariana Islands	5		1	20.0	4	80.0

¹ Of the 21,150 cases reported to the Commission, 585 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	20,491	3,577	17.5	16,914	82.5
2021	101	14	13.9	87	86.1
2020	2,151	346	16.1	1,805	83.9
2019	3,611	533	14.8	3,078	85.2
2018	2,612	408	15.6	2,204	84.4
2017	2,035	261	12.8	1,774	87.2
2016	1,520	193	12.7	1,327	87.3
2015	1,367	217	15.9	1,150	84.1
2014	1,113	166	14.9	947	85.1
2013	977	192	19.7	785	80.3
2012	794	156	19.6	638	80.4
2011	611	102	16.7	509	83.3
2010	521	98	18.8	423	81.2
2009	521	103	19.8	418	80.2
2008	401	100	24.9	301	75.1
2007	341	73	21.4	268	78.6
2006	279	76	27.2	203	72.8
2005	228	64	28.1	164	71.9
2004	206	59	28.6	147	71.4
2003	156	42	26.9	114	73.1
2002	122	38	31.1	84	68.9
2001	107	43	40.2	64	59.8
2000	118	46	39.0	72	61.0
1999	95	40	42.1	55	57.9
1998	75	25	33.3	50	66.7
1997	92	27	29.3	65	70.7
1996	81	38	46.9	43	53.1
1995	67	34	50.7	33	49.3
1994	58	23	39.7	35	60.3
1993	55	20	36.4	35	63.6
1992	36	15	41.7	21	58.3
1991	26	16	61.5	10	38.5
1990	9	7	77.8	2	22.2
1989	5	2	40.0	3	60.0

¹ Of the 20,565 cases reported to the Commission, 74 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	3,602	3,471	96.4	32	0.9	5	0.1	94	2.6
D.C. CIRCUIT	51	50	98.0	0	0.0	0	0.0	1	2.0
FIRST CIRCUIT	149	146	98.0	1	0.7	0	0.0	2	1.3
SECOND CIRCUIT	350	349	99.7	1	0.3	0	0.0	0	0.0
THIRD CIRCUIT	194	182	93.8	2	1.0	0	0.0	10	5.2
FOURTH CIRCUIT	550	542	98.5	5	0.9	1	0.2	2	0.4
FIFTH CIRCUIT	186	180	96.8	5	2.7	1	0.5	0	0.0
SIXTH CIRCUIT	371	363	97.8	3	0.8	0	0.0	5	1.3
SEVENTH CIRCUIT	322	316	98.1	3	0.9	0	0.0	3	0.9
EIGHTH CIRCUIT	279	248	88.9	0	0.0	0	0.0	31	11.1
NINTH CIRCUIT	629	585	93.0	5	0.8	1	0.2	38	6.0
TENTH CIRCUIT	180	175	97.2	3	1.7	0	0.0	2	1.1
ELEVENTH CIRCUIT	341	335	98.2	4	1.2	2	0.6	0	0.0

¹ Of the 3,608 cases in which the court granted a motion for compassionate release, six 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	1,147	32.2
Black	1,644	46.1
Hispanic	637	17.9
Other	137	3.8
Total	3,565	100.0
Citizenship		
U.S. Citizen	3,241	91.5
Non-Citizen	300	8.5
Total	3,541	100.0
Gender		
Male	3,247	90.0
Female	359	10.0
Total	3,606	100.0
Average Age at Original Sentence		40
Average Age at Release		46

¹ Of the 3,608 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 (43), missing citizenship information (67), missing gender information (2), and missing age information (56).

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

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

Sentencing Factors	%
Weapon^{2,3}	32.8
Weapon Specific Offense Characteristic	16.3
Firearms Mandatory Minimum Applied	18.8
Safety Valve²	9.3
Guideline Role Adjustments²	
Aggravating Role (USSG §3B1.1)	16.8
Mitigating Role (USSG §3B1.2)	4.2
Obstruction Adjustment (USSG §3C1.1)	8.5
Sentence Relative to the Guideline Range	
Within Range	43.9
Above Range	2.4
Below Range	53.7
Criminal History Category	
I	29.9
II	10.5
III	14.1
IV	10.0
V	6.5
VI	29.1
Career Offender (§4B1.1)²	17.5

¹ Of the 3,608 cases in which the court granted a motion for compassionate release, 31 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 3,406 cases with complete guideline application information.

³ In 75 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**

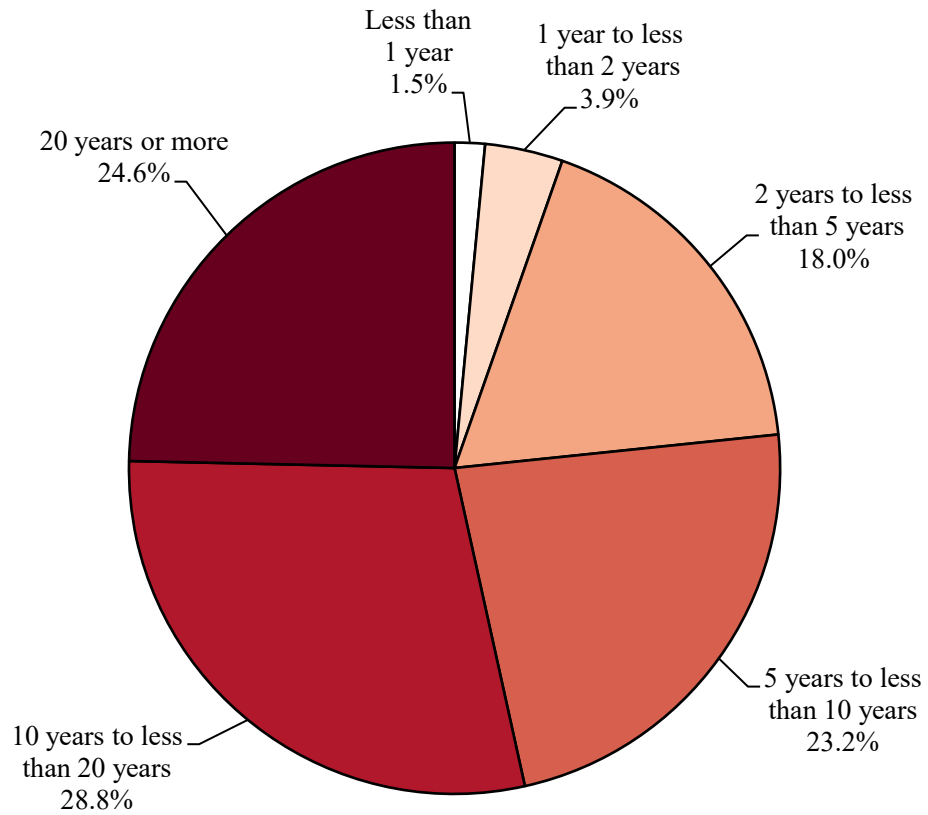
TYPE OF CRIME	N	%
TOTAL	3,563	100.0
Administration of Justice	14	0.4
Antitrust	2	0.1
Arson	8	0.2
Assault	19	0.5
Bribery/Corruption	19	0.5
Burglary/Trespass	0	0.0
Child Pornography	114	3.2
Commercialized Vice	4	0.1
Drug Possession	0	0.0
Drug Trafficking	1,907	53.5
Environmental	3	0.1
Extortion/Racketeering	12	0.3
Firearms	446	12.5
Food and Drug	0	0.0
Forgery/Counter/Copyright	6	0.2
Fraud/Theft/Embezzlement	332	9.3
Immigration	35	1.0
Individual Rights	7	0.2
Kidnapping	7	0.2
Manslaughter	1	0.0
Money Laundering	129	3.6
Murder	50	1.4
National Defense	10	0.3
Obscenity/Other Sex Offenses	4	0.1
Prison Offenses	13	0.4
Robbery	327	9.2
Sexual Abuse	57	1.6
Stalking/Harassing	3	0.1
Tax	32	0.9
Other	2	0.1

¹ Of the 3,608 cases in which the court granted a motion for compassionate release, 31 were excluded from this analysis because the cases cannot be matched with an original case in the Commission's records. Of these, 14 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 3,608 cases in which the court granted a motion for compassionate release, information on the original sentence length was missing in 66 cases.

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