



2025

SUPERVISED RELEASE AMENDMENT

Violations of Supervised Release

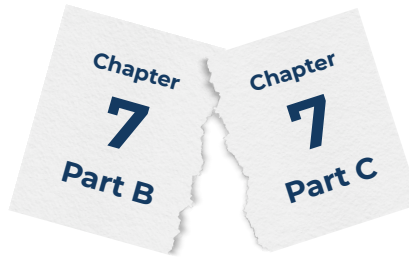
Chapter 7

Chapter 7: Part A

Introduction to Chapter Seven

The introduction to Chapter Seven highlights the revised approach and updated policy statements addressing violations of probation and supervised release. The amended provisions on supervised release encourage judges to take an **individualized approach** when:

- responding to reports of non-compliance;
- addressing violations; and
- imposing a revocation sentence.



Probation serves all the purposes of sentencing, including punishment, while supervised release is primarily rehabilitative. In light of the important differences, the Amendment divides Chapter 7 into separate parts addressing violations of probation and violations of supervised release.

Chapter 7: Part B

Violations of Probation

The amended Part B of Chapter 7 is limited to violations of probation and otherwise remains largely unchanged.

Chapter 7: Part C

Violations of Supervised Release

Introductory Comment

The new introductory comment to Part C of Chapter 7 emphasizes the **rehabilitative ends** of supervised release and highlights the need for courts to conduct an **individualized assessment** when responding to allegations of non-compliant behavior, addressing violations, and imposing a sentence upon revocation.

Individualized Assessment:

In making decisions about violations of supervised release, a court should consider the statutory factors identified at 18 U.S.C. § 3583(e).

Factors

- History & Characteristics of Defendant
- Nature & Circumstances of Offense
- Purposes: Deterrence, Protecting the Public, & Rehabilitation
- Guidelines
- Sentencing Commission Policy Statements
- Unwarranted Sentencing Disparities
- Restitution

§7C1.1

Classification of Violations (Policy Statement)

Section 7C1.1 identifies the three grades of supervised release violations.

Grade A Violations | §7C1.1(a)(1)

- Crimes of violence, controlled substance offenses, or offenses involving possession of certain firearms or destructive devices punishable by more than one year in prison
- Offenses punishable by more than twenty years in prison

Actual Conduct

(§7C1.1, App. Note 1)
The grade of violation depends on the individual's actual conduct, not whether the conduct is the subject of criminal charges or resulted in a criminal conviction.

Grade B Violations | §7C1.1(a)(2)

- Offenses punishable by more than one year in prison

Grade C Violations | §7C1.1(a)(3)

- Offenses punishable by less than one year in prison
- Technical violations

Most Serious Grade (§7C1.1(b))

If there is more than one violation or the violation conduct constitutes more than one offense, use the most serious grade.

§7C1.2

Reporting of Violations of Supervised Release (Policy Statement)

Section 7C1.2 identifies the actions a probation officer should take upon learning of an alleged violation.

Grade A Violations | §7C1.2(a)

or

Shall promptly report to the court

Grade B Violations | §7C1.2(a)

Grade C Violations | §7C1.2(b)

Shall promptly report to the court, *unless*:

- Minor violation, not part of a continuing pattern and
- No undue risk and no inconsistency with any court directive concerning reporting violations

§7C1.3

Responses to Violations of Supervised Release (Policy Statement)

Section 7C1.3 identifies the steps a court should take upon receiving a report of non-compliance or after finding a violation.

Report of Non-Compliance §7C1.3(a)

Court shall conduct an ***individualized assessment*** to determine what response, if any, is appropriate.

Finding of a Violation §7C1.3(b)

When revocation is not required by statute, court should conduct an ***individualized assessment*** to determine whether to revoke.

Grade A Violations

revocation is *generally appropriate*

Grade B Violations

revocation is *often appropriate*

Grade C Violations

revocation *may be appropriate*

Mandatory Revocation (18 U.S.C. § 3583(g))

Court *shall* revoke supervised release where required by statute.

- Drug Possession
- Firearm Possession
- Refusal to Take a Drug Test
- Four Positive Drug Tests
 - treatment exception to mandatory revocation where an individual has failed a drug test (18 U.S.C. § 3583(d))

Responses May Include

- ***Any appropriate response under 18 U.S.C. § 3583***, including extension, modification, revocation, or termination of supervised release (§7C1.3, App. Note 2)
- ***Informal responses***, such as issuing a warning, continuing the violation hearing, or directing additional resources as needed (§7C1.3, App. Note 2)

Summons (§7C1.3, App. Note 3)

If the supervised individual's presence is required to address a report of non-compliance, the court should consider issuing a summons rather than an arrest warrant, where appropriate, to avoid unnecessary collateral consequences.

§7C1.4

Revocation of Supervised Release (Policy Statement)

If the court revokes supervised release, it should conduct an **individualized assessment** to determine the length of imprisonment, considering the recommended range in §7C1.5.

Any revocation sentence generally should be served **consecutively** to any other sentence. (§7C1.4(b))

Community confinement, intermittent confinement, or home detention may not be warranted in some circumstances. (§7C1.4, App. Note 3)

Any previously imposed **unpaid fine or unserved sentence** should be ordered to be paid or served in addition to the sanction determined under §7C1.5. (§7C1.4, App. Note 4)

Additional Considerations

Supervised Release Following Revocation (§7C1.4(c))

A court may place an individual on a term of supervised release upon release from imprisonment, provided: Term should not exceed supervised release term authorized by statute for the original offense, less any term of imprisonment imposed upon revocation.

§7C1.5

Term of Imprisonment | Supervised Release (Policy Statement)

The **Revocation Table** at §7C1.5 provides recommended ranges of imprisonment for sentences imposed upon revocation. The applicable range is based on the grade of violation and the individual's criminal history category.

Criminal History Category (§7C1.5, App. Note 1)

The criminal history category to be used in determining the applicable range under the Revocation Table is the category applicable at the time the defendant was originally sentenced to the term of supervised release.

§7C1.6

No Credit for Time Under Supervision (Policy Statement)

Section 7C1.6 directs that upon revocation of supervised release, no credit shall be given for time previously served on post-release supervision (exception for a term served on a foreign sentence).