

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

Calendar Year 2020

June 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 all compassionate release motions decided through December 31, 2020, and for which court documentation was received, coded, and edited at the Commission by May 27, 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

GEOGRAPHICAL DISTRIBUTION OF MOTIONS FOR COMPASSIONATE RELEASE BY DISTRICT¹

District	Total	Granted		Denied		District	Total	Granted		Denied	
	N	N	%	N	%		N	N	%	N	%
TOTAL	12,138	2,549	21.0	9,589	79.0						
Southern Florida	497	100	20.1	397	79.9	Colorado	111	18	16.2	93	83.8
Southern New York	496	95	19.2	401	80.8	Middle Tennessee	107	30	28.0	77	72.0
Middle Florida	430	28	6.5	402	93.5	Southern Ohio	101	20	19.8	81	80.2
Eastern Michigan	358	109	30.4	249	69.6	Northern Florida	98	32	32.7	66	67.3
Eastern Virginia	337	59	17.5	278	82.5	Southern Alabama	97	10	10.3	87	89.7
Northern Texas	305	17	5.6	288	94.4	Middle Georgia	95	4	4.2	91	95.8
Maryland	281	108	38.4	173	61.6	Southern West Virginia	92	5	5.4	87	94.6
Northern Illinois	269	102	37.9	167	62.1	Oregon	92	63	68.5	29	31.5
Western Missouri	251	30	12.0	221	88.0	Southern Illinois	86	9	10.5	77	89.5
Southern Iowa	243	30	12.3	213	87.7	Eastern Wisconsin	85	33	38.8	52	61.2
Western North Carolina	241	5	2.1	236	97.9	Maine	83	7	8.4	76	91.6
Eastern North Carolina	212	55	25.9	157	74.1	Massachusetts	80	49	61.3	31	38.8
South Carolina	205	40	19.5	165	80.5	Nebraska	78	14	17.9	64	82.1
Northern Ohio	203	43	21.2	160	78.8	Eastern Louisiana	78	10	12.8	68	87.2
Eastern Pennsylvania	200	69	34.5	131	65.5	Western Tennessee	78	6	7.7	72	92.3
Northern Iowa	199	16	8.0	183	92.0	Eastern Arkansas	71	2	2.8	69	97.2
Central Illinois	199	44	22.1	155	77.9	South Dakota	70	9	12.9	61	87.1
Eastern California	193	34	17.6	159	82.4	New Hampshire	70	15	21.4	55	78.6
Western Texas	193	24	12.4	169	87.6	Northern Mississippi	69	11	15.9	58	84.1
Southern Texas	190	51	26.8	139	73.2	Northern Alabama	69	15	21.7	54	78.3
Minnesota	190	66	34.7	124	65.3	Western Kentucky	68	5	7.4	63	92.6
Eastern Kentucky	181	12	6.6	169	93.4	Eastern Washington	68	16	23.5	52	76.5
Southern Indiana	178	30	16.9	148	83.1	Nevada	66	28	42.4	38	57.6
Eastern New York	176	46	26.1	130	73.9	Western Wisconsin	65	9	13.8	56	86.2
Northern California	166	80	48.2	86	51.8	Utah	64	10	15.6	54	84.4
Eastern Missouri	161	26	16.1	135	83.9	North Dakota	60	4	6.7	56	93.3
Western Washington	154	40	26.0	114	74.0	Wyoming	59	15	25.4	44	74.6
Middle Pennsylvania	152	12	7.9	140	92.1	Northern New York	59	10	16.9	49	83.1
Eastern Tennessee	151	25	16.6	126	83.4	Western Oklahoma	53	2	3.8	51	96.2
Middle North Carolina	149	10	6.7	139	93.3	New Mexico	53	17	32.1	36	67.9
New Jersey	143	27	18.9	116	81.1	Middle Alabama	52	3	5.8	49	94.2
Northern Georgia	140	48	34.3	92	65.7	Vermont	50	29	58.0	21	42.0
Central California	137	46	33.6	91	66.4	Arizona	50	14	28.0	36	72.0
Western Michigan	132	9	6.8	123	93.2	Alaska	47	20	42.6	27	57.4
Northern Indiana	131	17	13.0	114	87.0	Rhode Island	45	29	64.4	16	35.6
Western Virginia	130	37	28.5	93	71.5	Northern West Virginia	41	3	7.3	38	92.7
Kansas	129	58	45.0	71	55.0	Eastern Oklahoma	34	1	2.9	33	97.1
District of Columbia	129	48	37.2	81	62.8	Western Louisiana	32	10	31.3	22	68.8
Hawaii	128	22	17.2	106	82.8	Western Arkansas	23	1	4.3	22	95.7
Southern California	128	68	53.1	60	46.9	Middle Louisiana	20	3	15.0	17	85.0
Connecticut	126	66	52.4	60	47.6	Delaware	20	3	15.0	17	85.0
Western Pennsylvania	126	26	20.6	100	79.4	Puerto Rico	18	12	66.7	6	33.3
Southern Mississippi	126	6	4.8	120	95.2	Idaho	18	5	27.8	13	72.2
Southern Georgia	122	3	2.5	119	97.5	Northern Oklahoma	12	6	50.0	6	50.0
Eastern Texas	120	4	3.3	116	96.7	Guam	8	5	62.5	3	37.5
Montana	117	12	10.3	105	89.7	Virgin Islands	5	0	0.0	5	100.0
Western New York	112	23	20.5	89	79.5	Northern Mariana Islands	2	1	50.0	1	50.0

¹ Of the 12,476 cases reported to the commission, 338 were excluded due to indeterminable motion status.

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

Table 2**MOTIONS FOR COMPASSIONATE RELEASE
BY YEAR OF ORIGINAL SENTENCE¹**

Fiscal Year	Total	Granted		Denied	
	N	N	%	N	%
Total	12,104	2,529	20.9	9,575	79.1
2021	7	1	14.3	6	85.7
2020	1,181	247	20.9	934	79.1
2019	2,220	396	17.8	1,824	82.2
2018	1,569	309	19.7	1,260	80.3
2017	1,252	201	16.1	1,051	83.9
2016	891	143	16.0	748	84.0
2015	811	155	19.1	656	80.9
2014	702	130	18.5	572	81.5
2013	600	137	22.8	463	77.2
2012	445	106	23.8	339	76.2
2011	333	63	18.9	270	81.1
2010	323	72	22.3	251	77.7
2009	297	64	21.5	233	78.5
2008	236	68	28.8	168	71.2
2007	188	41	21.8	147	78.2
2006	159	47	29.6	112	70.4
2005	128	39	30.5	89	69.5
2004	118	37	31.4	81	68.6
2003	89	29	32.6	60	67.4
2002	72	28	38.9	44	61.1
2001	69	29	42.0	40	58.0
2000	65	25	38.5	40	61.5
1999	64	29	45.3	35	54.7
1998	39	15	38.5	24	61.5
1997	47	19	40.4	28	59.6
1996	49	23	46.9	26	53.1
1995	42	24	57.1	18	42.9
1994	33	17	51.5	16	48.5
1993	32	13	40.6	19	59.4
1992	19	7	36.8	12	63.2
1991	14	9	64.3	5	35.7
1990	5	4	80.0	1	20.0
1989	5	2	40.0	3	60.0

¹ Of the 12,138 cases reported to the Commission, 34 were excluded from this analysis because the case cannot be matched with an original case in the Commission's records.

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

Table 3

**ORIGIN OF GRANTED MOTIONS
FOR COMPASSIONATE RELEASE¹**

CIRCUIT	Total	Defendant		Director BOP		Attorney for the Government	
	N	N	%	N	%	N	%
TOTAL	2,587	2,495	96.4	17	0.7	75	2.9
D.C. CIRCUIT	49	48	98.0	0	0.0	1	2.0
FIRST CIRCUIT	111	110	99.1	0	0.0	1	0.9
SECOND CIRCUIT	266	265	99.6	1	0.4	0	0.0
THIRD CIRCUIT	144	134	93.1	2	1.4	8	5.6
FOURTH CIRCUIT	321	316	98.4	2	0.6	3	0.9
FIFTH CIRCUIT	131	127	96.9	2	1.5	2	1.5
SIXTH CIRCUIT	260	254	97.7	2	0.8	4	1.5
SEVENTH CIRCUIT	244	240	98.4	1	0.4	3	1.2
EIGHTH CIRCUIT	215	195	90.7	0	0.0	20	9.3
NINTH CIRCUIT	478	445	93.1	4	0.8	29	6.1
TENTH CIRCUIT	126	123	97.6	1	0.8	2	1.6
ELEVENTH CIRCUIT	242	238	98.3	2	0.8	2	0.8

¹ Of the 2,549 cases in which the court granted a motion for a sentence reduction due to compassionate release, 36 cases were excluded from this analysis because the information received by the Commission prevented a determination of motion origin. Additionally, courts may cite multiple origins for a motion; consequently, the total number of origins cited generally exceeds the total number of cases. In this table, 2,570 origins were cited for the 2,513 cases.

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