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YOUR COMPLETE GUIDE TO  
**COMPASSIONATE RELEASE**  
**18 U.S.C. § 3582(c)(1)(A)**

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*A Step-by-Step Guide to Completing Your  
Client Intake Questionnaire*

Understanding the Law, Building Your Case,  
and Preparing for Your Future

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## PART ONE: UNDERSTANDING COMPASSIONATE RELEASE

### What Is Compassionate Release?

Compassionate release is a legal mechanism that allows federal prisoners to ask the court to reduce their sentence—potentially to time served—based on extraordinary and compelling circumstances that were not adequately considered at the time of sentencing, or that have developed since sentencing.

Before the First Step Act of 2018, only the Bureau of Prisons (BOP) could file a motion for compassionate release. Prisoners had to convince the BOP to advocate on their behalf—a process that rarely succeeded. The First Step Act changed this by allowing prisoners to file their own motions directly with the court after exhausting administrative remedies or waiting 30 days.

#### 18 U.S.C. § 3582(c)(1)(A) — The Compassionate Release Statute

The court may reduce a sentence if it finds that "extraordinary and compelling reasons warrant such a reduction" and the reduction is "consistent with applicable policy statements issued by the Sentencing Commission." The court must also consider the sentencing factors under 18 U.S.C. § 3553(a).

In plain language: You can ask the same judge who sentenced you to reconsider your sentence based on circumstances that make continued incarceration unjust, unnecessary, or inappropriate.

### The Legal Framework

#### Three Requirements Must Be Met

To win compassionate release, you must satisfy three requirements:

- 1. Administrative Exhaustion:** You must first ask the BOP for compassionate release. If the BOP denies your request, or if 30 days pass without a response, you may file in court.
- 2. Extraordinary and Compelling Reasons:** You must demonstrate circumstances that rise to the level of "extraordinary and compelling." The Sentencing Guidelines provide examples, but courts have discretion to find other circumstances qualify.
- 3. Section 3553(a) Factors:** Even if you show extraordinary and compelling reasons, the court must consider whether release is appropriate under the sentencing factors—the nature of your offense, your history, protection of the public, and other considerations.

#### THE GOVERNMENT WILL OPPOSE YOU

In almost every case, the U.S. Attorney's Office will oppose your motion. They will argue your circumstances are not extraordinary, that you remain a danger, or that releasing you would

disrespect the seriousness of your offense. Your motion must anticipate and address these arguments.

## Who Is Eligible?

There is no categorical bar to compassionate release. Any federal prisoner can file a motion. However, certain factors make success more or less likely:

### Factors That Strengthen Your Case:

- **Serious medical conditions** — especially terminal illness, conditions BOP cannot adequately treat, or conditions that increase vulnerability to COVID-19
- **Advanced age** — particularly if combined with health deterioration
- **Family emergencies** — especially if you are the only available caregiver for minor children or an incapacitated family member
- **Significant time served** — courts are more receptive when you have served a substantial portion of your sentence
- **Exemplary institutional conduct** — a clean disciplinary record and participation in programming demonstrates rehabilitation
- **Sentencing disparities** — if changes in law mean you would receive a much shorter sentence today
- **Strong release plan** — stable housing, employment, healthcare, and family support

### Factors That Weaken Your Case:

- **Violent offense** — courts are more reluctant to release those convicted of violence
- **Recent disciplinary infractions** — suggests you may not be rehabilitated
- **Short time served** — courts may find release would not reflect the seriousness of the offense
- **Prior compassionate release denial** — unless circumstances have materially changed
- **Weak release plan** — no housing, no employment, no support system
- **Ongoing danger to community** — any indication you might reoffend

## The Two-Step Process

### Step 1: Request to the BOP (Administrative Exhaustion)

Before filing in court, you must submit a written request for compassionate release to your Warden. You should clearly state the reasons you believe you qualify and request that the Warden move for your release.

After submitting your request, one of three things will happen:

**A. The Warden Approves:** This is rare, but if it happens, the BOP will file a motion on your behalf.

**B. The Warden Denies:** You may appeal through the administrative remedy process (Regional Director, then General Counsel), OR you may proceed directly to court.

**C. No Response Within 30 Days:** If the Warden does not respond within 30 days, you may file in court without waiting further.

### THE 30-DAY RULE

Most courts hold that you satisfy the exhaustion requirement either by fully exhausting administrative appeals OR by waiting 30 days after your initial request to the Warden—whichever comes first. We recommend waiting the 30 days at minimum before filing.

## Step 2: Motion to the Court

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After exhaustion, you file a motion for compassionate release with the same court that sentenced you. The motion goes to the same judge who imposed your sentence. This judge knows your case—which can be an advantage or disadvantage depending on your history with that judge.

The court will order the government to respond. The U.S. Attorney's Office typically has 14-30 days to file an opposition. You may then file a reply. Some courts hold hearings; others decide on the papers.

## What Courts Consider

Courts apply a multi-factor analysis. Understanding these factors helps you complete the questionnaire effectively.

### Extraordinary and Compelling Circumstances

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The Sentencing Guidelines (USSG §1B1.13) identify specific categories of extraordinary and compelling circumstances:

**(b)(1) Medical Circumstances:** Terminal illness; serious physical or medical condition; serious functional or cognitive impairment; deteriorating health due to aging; conditions BOP cannot adequately treat.

**(b)(2) Age:** 65 years or older, experiencing serious deterioration due to age, and has served at least 10 years or 75% of the sentence.

**(b)(3) Family Circumstances:** Death or incapacitation of the caregiver of minor children; incapacitation of spouse/partner requiring your care; incapacitation of parent requiring your care when you are the only available caregiver.

**(b)(4) Victim of Abuse:** Sexual or physical abuse suffered while incarcerated.

**(b)(5) Other Reasons:** Any other circumstances or combination of circumstances similar in gravity to the above.

**(b)(6) Unusually Long Sentence:** If a change in law (other than Guidelines amendments listed in §1B1.10) produces a gross disparity between your sentence and what would be imposed today.

## The § 3553(a) Sentencing Factors

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Even if you demonstrate extraordinary and compelling circumstances, the court must weigh:

- The nature and circumstances of the offense
- Your history and characteristics
- The need for the sentence to reflect the seriousness of the offense
- The need to promote respect for the law
- The need to provide just punishment
- The need to deter criminal conduct
- The need to protect the public from further crimes
- The need to provide you with training, medical care, or other treatment

### REHABILITATION MATTERS

Courts increasingly recognize that rehabilitation—demonstrated through clean conduct, programming, education, and a strong release plan—weighs heavily in the § 3553(a) analysis. Document everything positive you have accomplished.

## Common Reasons Cases Are Denied

Understanding why courts deny compassionate release helps you build a stronger case. Common reasons include:

- 1. Failure to Exhaust:** You did not submit a request to the Warden or did not wait 30 days. Always document your BOP request with a date stamp or proof of submission.
- 2. Circumstances Not "Extraordinary":** Many conditions—while serious—do not rise to the level required. BOP's ability to treat the condition weighs against release. Chronic conditions managed with medication may not qualify unless BOP care is deficient.
- 3. Insufficient Time Served:** Courts often deny release when little time has been served, reasoning that a sentence reduction would not reflect the seriousness of the offense.

**4. Nature of the Offense:** Violent crimes, crimes involving children, large-scale drug trafficking, and offenses causing significant harm create uphill battles.

**5. Disciplinary Problems:** Recent incident reports suggest lack of rehabilitation and undermine your claim that you are not a danger.

**6. Weak Release Plan:** No stable housing, no employment prospects, no healthcare plan, or no family support suggests you are not prepared for release.

**7. Danger to the Community:** Any indication you might reoffend—based on criminal history, nature of offense, or conduct—weighs heavily against release.

**⚠ YOUR JOB IS TO OVERCOME THESE CONCERNS**

The questionnaire is designed to gather information that addresses each potential weakness. Be thorough. Be honest. Be specific. Vague or incomplete answers make it harder to advocate for you.

## PART TWO: COMPLETING YOUR QUESTIONNAIRE

This section walks you through every part of the intake questionnaire. For each question, we explain why we ask it, how to answer it, and common mistakes to avoid.

### TAKE YOUR TIME

Completing this questionnaire thoroughly may take several hours. Do not rush. Gather documents before you begin. Ask family members to help research information you do not know. The quality of information you provide directly affects the quality of your motion.

## Section I: Client Identification (Questions 1-8)

This section establishes your identity and current location. Accurate information here ensures documents are properly filed and that we can communicate with you.

### ▶ Question 1: Full Legal Name


Provide your complete legal name exactly as it appears on your Judgment and Commitment Order (J&C). This is typically your first, middle, and last name. Do not use nicknames. If your J&C lists "John Michael Smith," write exactly that—not "John Smith" or "Mike Smith."

### ▶ Question 2: Other Names Used

List any aliases, nicknames, maiden names, or other names you have used. This helps connect you to records that may be under different names. If you have no other names, write "None."

### ▶ Question 3: BOP Register Number

Your BOP register number is your unique identifier in the federal prison system. It appears on your ID card and all BOP documents. It is typically in the format #####-### (five digits, hyphen, three digits). Double-check this number—an error here can cause serious problems.

 **EXAMPLE:** 12345-678 or 09876-054

### ▶ Questions 4-5: Current Facility and Housing

Provide the full name of your institution (e.g., "FCI Forrest City Low" not just "Forrest City"), the complete address, and your current unit or housing assignment. This information determines which court has jurisdiction and allows us to reach you.

### ▶ Question 6: Personal Information

Your date of birth and Social Security Number (last four digits) are needed for positive identification. Your age is relevant to age-based compassionate release arguments. Place of birth may be relevant if immigration issues exist.

### ▶ Question 7: Contact Information

Provide your TRULINCS email address so we can communicate electronically. Indicate your preferred method of contact. TRULINCS is fastest; legal mail is most secure for sensitive documents.

### ▶ Question 8: Citizenship Status

Citizenship affects eligibility for certain programs and post-release options. An immigration detainer can affect FSA eligibility and release planning. Be honest—we need to know if immigration issues exist.

## Section II: Family & Emergency Contacts (Questions under this section)

We need family contact information for three reasons: (1) to communicate about your case, (2) to verify your release plan, and (3) to gather supporting documentation and letters.

### ▶ Primary Contact

Your primary contact is the person who will be most involved in your case. This is typically a spouse, parent, sibling, or adult child. We need their full contact information because we may need to:

- Send case updates when we cannot reach you
- Request documents (medical records, housing verification, employment letters)
- Coordinate letters of support
- Discuss release planning

Indicate whether this person is authorized to receive case information. For confidentiality, we will not share details without your authorization.

### ▶ Secondary Contact

A backup contact in case your primary contact is unavailable. This should be a different person who can be reached if needed.

### ▶ Spouse/Partner

If you are married or have a domestic partner, provide their information separately. Your spouse may be relevant to family circumstances arguments (e.g., you are needed to care for an incapacitated spouse) and to release planning (you may live with your spouse upon release).

## Section III: Criminal Case Information (Questions 9-17)

This section gathers details about your conviction and sentence. This information comes from your court documents—specifically your Judgment and Commitment Order (J&C), plea agreement, and Presentence Investigation Report (PSR). If you do not have these documents, ask family to obtain them from PACER or the Clerk of Court.

### ► Questions 9-10: Sentencing Court and Case Number

Your compassionate release motion will be filed in the same court that sentenced you. Provide the exact name of the court (e.g., "United States District Court for the Eastern District of Arkansas") and your criminal case number (e.g., "4:19-cr-00123-DPM").

#### FINDING YOUR CASE NUMBER

Your case number appears on your J&C, usually near the top. It includes the district, year, type ("cr" for criminal), case number, and judge initials. Copy it exactly, including dashes and letters.

### ► Question 11: Presiding/Sentencing Judge

Your motion goes to the same judge who sentenced you. This is critically important. The judge already knows your case. If you had a difficult relationship with this judge, or if the judge made comments at sentencing that suggest reluctance to impose a harsh sentence, this affects strategy.

### ► Question 12: AUSA (Prosecutor)


The prosecutor who handled your case may or may not still be assigned. The government will respond to your motion—knowing who prosecuted you helps us anticipate arguments.

### ► Question 13: Defense Counsel

We need to know who represented you at sentencing and whether they were retained, CJA-appointed, or a Federal Public Defender. This is relevant if there are any ineffective assistance claims, though those are not typically raised in compassionate release.

### ► Question 14: Offenses of Conviction

List every count of conviction with the statute. This comes directly from your J&C. For example:

 **EXAMPLE:** Count 1: Conspiracy to Distribute Methamphetamine, 21 U.S.C. § 846; Count 2: Possession with Intent to Distribute, 21 U.S.C. § 841(a)(1); Count 3: Felon in Possession of Firearm, 18 U.S.C. § 922(g)(1)

The nature of your offense significantly affects your case. Drug offenses are more common and often more successful than violent offenses. Offenses involving weapons, children, or violence face greater scrutiny.

### ► Question 15: Manner of Conviction

Did you plead guilty or go to trial? If you pleaded guilty, what type of plea agreement did you have?

- **11(c)(1)(A):** Charge bargain — the government dismissed or did not bring certain charges.
- **11(c)(1)(B):** Non-binding recommendation — the government recommended a sentence, but the judge was not bound by it.
- **11(c)(1)(C):** Binding plea — the judge was bound to impose the agreed sentence.
- **Open Plea:** No agreement — you pleaded guilty without any promises from the government.

#### ▶ Question 16: Cooperation

If you cooperated with the government (provided substantial assistance), this demonstrates acceptance of responsibility and can support rehabilitation arguments. A 5K1.1 motion means the government acknowledged your cooperation at sentencing.

#### ▶ Question 17: Key Dates

The date of your guilty plea or verdict and your sentencing date establish your timeline. These dates are on your J&C.

## Section IV: Sentence Information (Questions 18-24)

This section documents your sentence. Every detail matters—mandatory minimums, enhancements, and guideline calculations can be grounds for sentencing disparity arguments.

### ► Questions 18-19: Term of Imprisonment and Supervised Release

Your total sentence includes both imprisonment and supervised release. List the exact terms from your J&C. If you received concurrent or consecutive sentences on multiple counts, note the total.

 **EXAMPLE:** 180 months imprisonment, 5 years supervised release

### ► Question 20: Sentencing Guidelines

Your PSR calculated a guideline range based on your Total Offense Level and Criminal History Category. This information is essential for disparity arguments.

- **Total Offense Level:** A number from 1-43 based on offense characteristics, adjustments, and reductions (like acceptance of responsibility).
- **Criminal History Category:** A Roman numeral from I-VI based on prior convictions.
- **Guideline Range:** The intersection of offense level and criminal history on the sentencing table, expressed as a range (e.g., "135-168 months").

Was your actual sentence within the guideline range, above it (an "upward departure" or "variance"), or below it (a "downward departure" or "variance")? This affects arguments about whether your sentence was already lenient or already harsh.

### ► Questions 21-22: Mandatory Minimums and Enhancements

This is crucial for sentencing disparity arguments. Many mandatory minimums and enhancements have been reduced or eliminated since your sentencing.

#### **Common Enhancements That May Support Disparity Arguments:**

- § 924(c) stacking (pre-First Step Act, multiple § 924(c) counts required consecutive 25-year minimums; now only the first count triggers the higher minimum)
- Career Offender based on predicates that no longer qualify
- § 851 prior felony drug enhancement
- Crack cocaine penalties (pre-Fair Sentencing Act)
- Drug quantity calculations that have since changed

If any of these apply, your sentence may be significantly longer than what would be imposed today—a key argument for compassionate release.

### ► Question 23: Safety Valve

The safety valve (18 U.S.C. § 3553(f)) allows courts to sentence below mandatory minimums for certain low-level drug offenders. If you did not receive safety valve but would qualify today under expanded criteria, this supports disparity arguments.

### ▶ Question 24: Financial Obligations

List any restitution, fines, or special assessments. While these do not directly affect compassionate release, unpaid restitution can affect release planning and supervised release conditions.

## Section V: Time Served & Custody (Questions 25-31)

How much time you have served is critical. Courts are more willing to grant compassionate release when a defendant has served a substantial portion of their sentence.

### ▶ Question 25: Date You Entered Federal Custody

This is the date you either surrendered to begin your sentence or were taken into custody. It may differ from your sentencing date if you surrendered later or if you received jail credit for time served before sentencing.

### ▶ Question 26: Surrender vs. Remand

Did you voluntarily surrender to a designated facility on a specific date, or were you remanded into custody at sentencing? If you were in custody continuously from arrest through sentencing, note that.

### ▶ Question 27: Jail Credit

"Jail credit" is credit for time spent in custody before sentencing that is applied against your federal sentence. This appears on your BOP sentence computation. If you believe you are owed jail credit that has not been applied, note the discrepancy.

### ▶ Questions 28-30: Release Dates and Credits


Your BOP sentence computation (available through TRULINCS or your unit team) shows:

- **Statutory Release Date:** When you would be released if no good time is applied.
- **GCT Release Date:** Your projected release date with Good Conduct Time.
- **Good Conduct Time (GCT):** Days earned for good behavior.
- **FSA Earned Time Credits:** Days earned under the First Step Act for completing programs.

### ▶ Question 31: Calculate Your Time Served

This calculation is essential. Courts want to know:

- How many months have you actually been incarcerated?
- What percentage of your sentence have you served?
- How many months remain?

 **EXAMPLE:** If your sentence is 180 months and you have served 120 months, you have served approximately 67% of your sentence with 60 months remaining. This is a strong position—you have served a substantial majority of your time.

### **PERCENTAGE SERVED MATTERS**

Courts are more receptive to compassionate release when you have served 50% or more of your sentence. At 75% or higher, the argument that continued incarceration serves little purpose becomes compelling.

## **Section VI: BOP Exhaustion (Questions 32-36)**

Before filing in court, you must demonstrate that you requested compassionate release from the BOP. This section documents your administrative remedy history.

### **EXHAUSTION IS MANDATORY**

If you have not submitted a request to your Warden, or if 30 days have not passed since your request, your court motion will likely be dismissed. Complete this step before proceeding.

#### **► Question 32: Request to Warden**

Have you submitted a written request for compassionate release to your Warden? This should be a formal written request, not just a verbal conversation. Keep a copy of everything you submit.

#### **► Question 33: Details of Your Request**

Provide the exact date you submitted your request (keep a copy with the date stamp from your counselor or case manager). If the Warden responded, provide the date and outcome. If no response, note how many days have passed.

### **THE 30-DAY CLOCK**

If the Warden does not respond within 30 days, you may proceed to court. Courts have consistently held that the 30-day waiting period satisfies exhaustion, even if you have not completed the full administrative appeal process.

#### **► Questions 34-35: Appeals**

If the Warden denied your request, you have the option to appeal to the Regional Director and then to the General Counsel. You are not required to complete these appeals before filing in court—the 30-day rule applies from your initial request to the Warden.

However, if you did appeal, document the dates, responses, and outcomes. This shows diligence and allows us to address any reasons BOP gave for denial.

▶ **Question 36: Grounds Stated**

What reasons did you give in your request to the Warden? We need to know what you told the BOP because your court motion will build on these arguments. If your circumstances have changed since your BOP request, explain how.

**⚠ PROVIDE COPIES OF ALL BOP PAPERWORK**

We need copies of your request to the Warden and all responses. These prove exhaustion and reveal BOP's reasoning, which we must address in court.

## Section VII: Extraordinary & Compelling Circumstances (Questions 37-68)

This is the heart of your case. "Extraordinary and compelling circumstances" is a high bar. Not every hardship qualifies. This section helps us identify and document the strongest arguments for your situation.

### ► Question 37: Which Grounds Apply?

Check every category that might apply to your situation. Many successful cases involve multiple grounds that, taken together, constitute extraordinary circumstances even if no single ground would suffice alone.

### Ground A: Medical Conditions (Questions 38-46)

Medical conditions are the most common basis for compassionate release. However, not every illness qualifies. The standard is high:


#### USSG §1B1.13(b)(1) — Medical Circumstances

You may qualify if you have: (A) a terminal illness; (B) a serious physical or medical condition that substantially diminishes your ability to provide self-care and from which you are not expected to recover; (C) serious deteriorating health due to aging; or (D) a condition that requires specialized treatment BOP cannot provide.

### ► Question 38: Terminal Illness

A terminal illness is a disease or condition with an end-of-life trajectory. If you have been diagnosed with a terminal condition, provide:

- The exact diagnosis
- Date of diagnosis
- Prognosis (life expectancy given by doctors)
- Current treatment (if any)


 **EXAMPLE:** "Stage IV metastatic pancreatic cancer, diagnosed March 2024. Oncologist at FMC Butner estimates 6-12 months remaining. Currently receiving palliative chemotherapy, but prognosis is terminal."

### ► Question 39: Serious Medical Conditions

List every serious medical condition you have, with dates of diagnosis. "Serious" means conditions that significantly affect your health or functioning. Be specific and include:

- Chronic conditions (diabetes, heart disease, kidney disease, COPD, HIV/AIDS)
- Cancer (type, stage, treatment status)
- Neurological conditions (stroke, Parkinson's, dementia)

- Autoimmune disorders (lupus, MS, rheumatoid arthritis)
- Mental health conditions (if severe and relevant)

 **EXAMPLE:** "Type 2 diabetes (diagnosed 2015), poorly controlled despite insulin; Chronic kidney disease Stage 3 (diagnosed 2020); Coronary artery disease with 70% blockage (diagnosed 2022, treated with stents); COPD (diagnosed 2019, requires supplemental oxygen)."


#### ▶ Question 40: Medications

List every medication you take. This documents the severity of your conditions and helps us verify that BOP is (or is not) providing adequate treatment. Include:

- Medication name (brand and/or generic)
- Dosage (e.g., "500 mg")
- Frequency (e.g., "twice daily")
- What condition it treats

#### ▶ Question 41: Effect on Daily Functioning

Describe how your conditions affect your daily life. Courts want to understand whether you can function independently. Be specific:

 **EXAMPLE:** "Due to my COPD and heart disease, I cannot walk more than 50 feet without stopping to rest. I become short of breath climbing stairs or performing any physical activity. I spend most of my day in my bunk because I cannot participate in normal activities without exhaustion."

#### ▶ Question 42: Activities of Daily Living (ADLs)


ADLs are basic self-care functions. If you need help with any of these, check the appropriate boxes:

- Bathing/showering
- Dressing
- Eating
- Walking/mobility
- Toileting
- Transferring (getting in/out of bed or chairs)
- Continence (controlling bladder/bowel)

Requiring assistance with ADLs strongly supports a finding of "diminished ability to provide self-care."

#### ▶ Question 43: BOP Medical Care

Is BOP providing adequate treatment? If not, explain specifically what care you need but are not receiving. Courts can consider whether BOP can adequately treat your condition.

 **EXAMPLE:** "I have been on a waiting list for knee replacement surgery for 18 months. The BOP orthopedist confirmed I need surgery but says there is no funding. I am in constant pain and cannot walk without a cane. BOP has not provided the surgery or adequate pain management."

#### ► Question 44: Needed Procedures Not Provided

List any surgeries, treatments, or procedures you need that BOP has not provided. Document requests, referrals, and denials.

#### ► Questions 45-46: COVID-19

COVID-19 remains relevant, particularly for those with risk factors. Check all conditions that increase your risk of serious illness from COVID-19. Note your vaccination status and any prior infections with complications.

#### **MEDICAL DOCUMENTATION IS ESSENTIAL**

We will need your BOP medical records. Request them through the medical department. Records should include diagnoses, treatment notes, lab results, imaging reports, and any referrals or denials of care.

### Ground B: Age-Related (Questions 47-50)

Age can be a basis for compassionate release, particularly when combined with health deterioration.

#### **USSG §1B1.13(b)(2) — Age**


You may qualify if you are at least 65 years old, experiencing a serious deterioration in physical or mental health because of aging, and have served at least 10 years OR 75% of your sentence (whichever is less).

#### ► Questions 47-48: Age and Time Served

If you are 65 or older, you may qualify under this ground if you meet the time-served requirement (10 years or 75%). Calculate both and indicate which you have satisfied.

#### ► Questions 49-50: Age-Related Health Deterioration

Describe how aging has affected your health. This goes beyond specific diagnoses to overall decline:

 **EXAMPLE:** "At 72 years old, I have experienced significant decline over the past five years. My mobility has deteriorated—I now use a wheelchair. My vision and hearing have worsened. I have difficulty with memory and concentration. Prison conditions exacerbate these age-related challenges; I cannot navigate the facility safely or respond to emergencies."

## Ground C: Family Circumstances (Questions 51-58)

Family circumstances can support compassionate release in specific situations—primarily when you are needed to care for minor children or incapacitated family members.

### USSG §1B1.13(b)(3) — Family Circumstances

You may qualify if: (A) the caregiver of your minor child has died or become incapacitated, and you are the only available parent; (B) your spouse or registered partner has become incapacitated and you are the only available caregiver; or (C) your parent has become incapacitated and you are the only available caregiver.


### "ONLY AVAILABLE CAREGIVER" IS KEY

The standard is not merely that you would be helpful or that you want to help—it is that you are the ONLY available caregiver. If other family members could provide care, you must explain why they cannot or will not.

### ► Questions 51-54: Minor Children

If you are seeking release to care for minor children, provide:

- Each child's name, date of birth, and age
- Who is currently caring for each child
- What happened to the other parent (death, incapacitation, incarceration)
- Why no other family member can provide care

 **EXAMPLE:** "My three children (ages 8, 10, and 14) were being cared for by their mother, my wife Maria. Maria died of cancer on January 15, 2025. The children are temporarily staying with my elderly mother, who is 78 and has her own health problems. She cannot care for them long-term. My siblings live out of state and cannot take the children. I am their only living parent."

You must demonstrate:

- The other parent has died or become incapacitated (not just absent or uninvolved)
- No other family member is available to serve as caregiver
- The children need you specifically

### ► Questions 55-56: Incapacitated Spouse/Partner

If your spouse or registered partner has become incapacitated and needs care, describe:

- The nature of the incapacitation (medical condition, injury, disability)
- What care is required
- Why you are the only available caregiver (no children, no other family, inadequate resources for professional care)

### ► Questions 57-58: Incapacitated Parent

If your parent has become incapacitated, apply the same analysis. You must show:

- The parent's incapacitation (not just old age, but a specific condition requiring care)
- The care required
- Why siblings or other family cannot provide care

#### DOCUMENTATION FOR FAMILY CIRCUMSTANCES

We will need: death certificates (if applicable), medical records documenting incapacitation, statements from doctors about care needs, and declarations from family members explaining why they cannot provide care.

### Ground D: Victim of Abuse (Questions 59-62)

If you have been victimized by sexual or physical abuse while incarcerated, this may support compassionate release.

#### USSG §1B1.13(b)(4) — Victim of Abuse

You may qualify if you were the victim of sexual abuse involving penetration, or physical abuse resulting in serious bodily injury, committed by a BOP employee or other person who had custody or control over you, and the abuse is established by a conviction or a credible investigation.

### ► Questions 59-61: Description of Abuse

If you were victimized, describe what happened. We understand this is difficult. Provide:

- Type of abuse (sexual, physical)
- When and where it occurred
- Who committed the abuse (staff member, contractor, another inmate with institutional responsibility over you)
- Whether you reported it
- Whether an investigation occurred

The strongest cases involve documented investigations, even if no criminal charges resulted. PREA (Prison Rape Elimination Act) investigations create a record that can support your claim.

### ► Question 62: Continued Incarceration Inappropriate

Explain why continued incarceration at any BOP facility is inappropriate given the abuse. This might include ongoing trauma, retaliation concerns, or inability to be safely housed.

### Ground E: Sentencing Disparity & Change in Law (Questions 63-66)

If changes in law mean you would receive a significantly shorter sentence if sentenced today, this can support compassionate release—even if those changes are not retroactive.

#### **USSG §1B1.13(b)(6) — Unusually Long Sentence**

You may qualify if you received an unusually long sentence and have served at least 10 years of that sentence, AND a change in law (other than retroactive Guidelines amendments) would produce a "gross disparity" between your sentence and what would be imposed today.

#### ▶ **Question 63: Estimated Sentence Today**

What sentence would you likely receive if convicted of the same offense today? Consider:

- Changes in mandatory minimums
- Changes in sentencing enhancements
- Guidelines amendments (even non-retroactive ones)
- Shifts in prosecutorial practices

#### ▶ **Question 64: Specific Changes That Affect Your Sentence**

Check all changes that apply to your case:

**§ 924(c) Stacking:** Before the First Step Act, if you had multiple § 924(c) counts, the second and subsequent counts carried mandatory 25-year consecutive sentences. Now, only prior convictions (not just prior counts in the same case) trigger the higher minimum. If you received stacked § 924(c) sentences, your sentence would be dramatically shorter today.


**Career Offender:** If your Career Offender status was based on predicates that no longer qualify (certain drug offenses, crimes that courts have since held do not qualify as "crimes of violence"), your Guidelines range would be much lower today.

**§ 851 Enhancement:** The First Step Act modified when prior drug felony enhancements can be applied. If you received a mandatory life sentence or enhanced minimum that would not apply today, this is significant disparity.

**Crack Cocaine:** If you were sentenced for crack cocaine before the Fair Sentencing Act of 2010 or before the First Step Act made those changes retroactive, there may still be disparity that was not fully addressed.

#### ▶ **Questions 65-66: Calculate the Disparity**

Calculate the actual disparity between your sentence and what you would receive today:

 **EXAMPLE:** "I received 360 months (30 years) based on two § 924(c) counts stacked consecutively. Under current law, without stacking, I would have received approximately 180-200 months. The disparity is 160-180 months (13-15 years)."

**💡 "GROSS DISPARITY" STANDARD**

Courts require more than a minor difference. A gross disparity typically means a difference measured in years, not months. The larger the disparity, the stronger your argument.

**Ground F: Other Circumstances (Questions 67-68)**

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The Sentencing Commission and courts recognize that extraordinary and compelling circumstances cannot be exhaustively defined. If your situation does not fit neatly into the categories above, explain it here.

**▶ Question 67: Other Circumstances**

Describe any circumstances—or combination of circumstances—that you believe warrant compassionate release. Courts have found extraordinary circumstances in:

- Combinations of medical conditions and age that together create vulnerability
- Combinations of family need and substantial time served
- Extreme prison conditions (prolonged solitary confinement, facility crises)
- Rehabilitation so exceptional that continued incarceration serves no purpose
- Circumstances not foreseen at sentencing that fundamentally change the calculus

**▶ Question 68: Why Release Is Justified**

Synthesize your arguments. Why, considering everything, should the court reduce your sentence? This is your opportunity to tell your story—connect your circumstances to the legal standard.

## Section VIII: Rehabilitation & Conduct (Questions 69-78)

Rehabilitation is increasingly central to compassionate release decisions. Courts want to see that you have used your time productively and that you are not the same person who committed the offense.

### Educational Programs (Questions 69-70)

List every educational program you have completed. Even short programs count. Include:

- Adult Basic Education (ABE)
- GED preparation and completion
- College courses or degrees
- ESL (English as Second Language)
- Computer literacy
- Financial literacy
- Any other educational programming

For each program, note the dates, whether you received a certificate, and approximate hours. If you earned a GED or degree while incarcerated, this is significant—highlight it.

### Vocational Training (Question 71)

Vocational programs demonstrate practical skill development for employment after release. List:

- Trade programs (welding, plumbing, electrical, HVAC)
- Computer/IT training
- Food service certification
- Forklift operation
- Any industry-recognized certifications

### Drug/Alcohol Treatment (Question 72)

If substance abuse contributed to your offense, treatment completion is powerful evidence of rehabilitation.

- **RDAP (Residential Drug Abuse Program):** A 9-12 month intensive program. RDAP completion demonstrates serious commitment to sobriety.
- **DAP/SAP:** Drug Abuse Program / Substance Abuse Program (non-residential).
- **AA/NA:** Alcoholics Anonymous / Narcotics Anonymous participation.
- **Other:** Any other treatment programming.

## Other Programming (Question 73)

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List all other programs, including:

- Cognitive-behavioral programs (Thinking for a Change, Moral Reconciliation Therapy)
- Anger management
- Life skills
- Parenting classes
- Religious programming
- Victim impact programs

## Employment History (Question 74)

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Document your work history in BOP. Consistent employment shows responsibility. Note:

- Job assignments and dates
- Any promotions or increased responsibility
- Performance evaluations (if you have them)
- UNICOR (Federal Prison Industries) employment

## Awards and Recognition (Question 75)

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Have you received any awards, commendations, or special recognition? This might include:

- Certificates of achievement
- Work performance awards
- Recognition for helping others (tutoring, mentoring)
- BOP acknowledgment for exceptional conduct



### **THE BOP BRAVERY AWARD AND SIMILAR RECOGNITION**

If you have received institutional recognition—such as a BOP Bravery Award, commendation from staff, or acknowledgment for heroic action—this is exceptionally powerful. It demonstrates that BOP itself views you favorably.

## Disciplinary History (Questions 76-78)

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Be honest about incident reports. We will obtain your disciplinary records, so do not omit anything. For each incident report:

- Date
- Code and description of the violation
- Severity (100-400 series)
- Sanctions imposed
- Whether it was expunged or overturned

If you have incident reports, context matters. Were they early in your incarceration? Were they minor infractions? How long ago was your last incident report?

**⚠ TIME DISCIPLINE-FREE MATTERS**

Courts want to see sustained good conduct. If your last incident report was years ago, that demonstrates reform. If you have recent infractions, this weakens your case. Be prepared to explain any disciplinary history and what you have learned.

## Section IX: Release Planning (Questions 79-94)

A detailed, realistic release plan is essential. Courts need assurance that you will have stable housing, support, and resources—and that you will not pose a danger to the community.

### **⚠ THIS SECTION CAN MAKE OR BREAK YOUR CASE**

Weak release plans are a common reason for denial. "I'll figure it out" is not acceptable. Courts want specific names, addresses, and plans.

## Proposed Residence (Questions 79-83)

### ▶ Question 79: Release Address

Provide the exact address where you will live if released. This should be a specific street address, not just a city. The U.S. Probation Office will investigate this residence, so ensure:

- The address is real and accurate
- The person at this address has agreed to let you live there
- The residence is appropriate (no other convicted felons, no issues that would disqualify it)

### ▶ Question 80: USPO Approval

Has the U.S. Probation Office inspected and approved this residence? If you have been submitted for RRC or home confinement, USPO may have already investigated. If approved, this strengthens your release plan. If denied, explain why and provide an alternative.


### ▶ Question 81: Who Owns/Leases the Residence

Identify who controls the residence. We may need a letter from this person confirming you can live there. Include their relationship to you and contact information.

### ▶ Question 82: All Residents at the Address

List every person who lives at the proposed address with their name, age, and relationship to you. Courts and USPO want to know:

- Are there any other convicted felons in the household?
- Are there minor children who could be at risk?
- Is the household stable and supportive?

 **EXAMPLE:** "Maria Gonzalez (wife, age 45), Carlos Gonzalez (son, age 22), Isabella Gonzalez (daughter, age 17). No other residents. No one in the household has a criminal record."

### ▶ Question 83: Medical Appropriateness

If you have medical conditions, is the residence appropriate? Can you navigate it safely? Is it near medical facilities?

#### ▶ Question 84: Alternative Residence

Provide a backup address in case your primary residence is not approved. Having an alternative shows preparation and increases confidence in your plan.

### Employment Plans (Questions 85-87)

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Employment demonstrates that you will be a productive member of society and reduces recidivism risk.

#### ▶ Questions 85-86: Arranged Employment

If you have a job lined up, provide complete details:

- Employer name and address
- Contact person and phone number
- Job title and description
- Hourly wage or salary
- Whether you have a written offer letter

A written job offer letter is powerful evidence. If a family member owns a business and will employ you, explain that relationship.

#### ▶ Question 87: Employment Plan if No Job Arranged

If you do not have a job lined up, describe your plan:

- What skills do you have?
- What jobs will you apply for?
- What resources will you use (workforce development, family connections)?
- Are you eligible for vocational training or education assistance?

### Healthcare Coverage (Questions 88-89)

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#### ▶ Question 88: Insurance/Coverage

How will you obtain healthcare? This is especially important if you have medical conditions. Options include:

- **Medicare:** If you are 65+ or disabled
- **Medicaid:** Income-based state coverage
- **VA Benefits:** If you are a veteran
- **Spouse's Insurance:** If your spouse has employer coverage

- **Employer Insurance:** Through your job
- **ACA Marketplace:** Individual plans through Healthcare.gov

### ▶ Question 89: Treatment Plan

If you have serious medical conditions, describe your plan for continuing treatment:

- Have you identified doctors or specialists?
- How will you obtain medications?
- Are there specific medical facilities near your release address?

## Family & Community Support (Questions 90-92)

Strong family and community ties reduce recidivism and demonstrate that you have a support system.

### ▶ Question 90: Family Support

List family members who will provide support—emotional, financial, practical. For each person, note what type of support they will provide (housing, transportation, guidance, accountability).

### ▶ Question 91: Community Support

Churches, community organizations, reentry programs, and support groups all demonstrate connection to positive community resources. List any organizations that will assist you.

### ▶ Question 92: Mentors/Sponsors

Do you have a mentor, sponsor, or accountability partner? This might be an AA/NA sponsor, a church mentor, or a family member who will provide guidance.

## Financial Resources and Transportation (Questions 93-94)

Courts want to know you will not be desperate upon release. What financial resources will you have? How will you get around?

## **Section X: § 3553(a) Factors (Questions 95-104)**

Even if you demonstrate extraordinary and compelling circumstances, the court must consider the sentencing factors under 18 U.S.C. § 3553(a). This section helps us address those factors.

### ▶ Questions 95-97: Nature of the Offense

Describe what happened. Be honest, but also provide context. Courts know the offense was serious—that is why you are in prison. They want to know:

- What was your role? (leader vs. minor participant)
- Was anyone hurt?
- Were weapons involved?
- Were vulnerable victims involved?

Acknowledge responsibility, but also note mitigating factors the court may not have fully considered.

### ► Questions 98-100: Your History and Characteristics

Tell us about your life before incarceration. This helps humanize you to the court:

- Childhood and family background
- Education
- Employment history
- Military service (if any)
- Community involvement

Also address what contributed to your criminal conduct. Courts appreciate insight and self-awareness:

- Substance abuse
- Mental health issues
- Poverty and lack of opportunity
- Bad influences
- Trauma or abuse

Then explain how you have addressed these underlying issues during incarceration.

### ► Questions 101-102: Danger to the Community

Courts must consider public safety. Why would releasing you not endanger the community?

- How have you changed?
- What skills and coping strategies have you developed?
- What support systems will keep you accountable?
- What is different now compared to when you committed the offense?

### ► Questions 103-104: Time Served and Seriousness

Why is the time you have served sufficient to reflect the seriousness of your offense? Consider:

- How many years have you actually served?
- What have you lost (time with family, career, health)?

- How does your time served compare to sentences for similar offenses today?
- What is the purpose of additional incarceration at this point?

## Section XI: Prior Legal Proceedings (Questions 105-108)

We need to know your litigation history to avoid duplicate filings, address prior denials, and understand the full picture.

### ► Question 105: Prior Compassionate Release Motions

If you have previously filed for compassionate release, we need to know the outcome and what has changed since then. Courts may be reluctant to reconsider if circumstances are the same, but changed circumstances can justify a new motion.

### ► Questions 106-108: Other Legal Proceedings

Have you filed a direct appeal, § 2255 motion, or other post-conviction challenge? If so, provide details. This ensures we do not raise issues already decided and that we understand your complete legal history.

## Section XII: Supporting Documents (Checklist)

Gather and provide as many of these documents as possible. The more documentation you provide, the stronger your case.

### Court Documents

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- Judgment and Commitment Order (J&C) — essential
- Plea Agreement — important if you pleaded guilty
- Presentence Investigation Report (PSR) — essential for sentence analysis
- Statement of Reasons — shows judge's reasoning
- Sentencing Transcript — captures judge's comments

### BOP Administrative Documents

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- Your request to the Warden — proves exhaustion
- Warden's response (if any)
- Any appeals and responses
- BOP Sentence Computation — shows release dates and credits

### Medical Documents

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- BOP medical records — diagnoses, treatment, test results
- Outside medical records (if any)

- Physician statements
- Current medication list

## Rehabilitation Documents

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- Program completion certificates
- Education certificates (GED, college)
- Vocational certificates
- RDAP completion certificate
- Work evaluations

## Release Planning Documents

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- Proof of residence (letter from homeowner, lease)
- Employment offer letter
- Letters of support from family
- Letters of support from community
- Healthcare coverage documentation

### HOW TO REQUEST BOP RECORDS

You can request your medical records through the Health Services Department at your facility. Request your PSR and other court documents through your case manager or the Clerk of Court. Family members can obtain court documents from PACER (Public Access to Court Electronic Records).

## Section XIII: Additional Information (Questions 109-112)

This section captures anything else relevant to your case.

### ▶ Question 109: Anything Else Important

Is there anything we have not asked about that you think is important? Tell us. Perhaps your circumstances do not fit neatly into any category. Perhaps there are unique facts about your case. Share them here.

### ▶ Question 110: Victims

Are there victims in your case who might oppose release? If the government consults victims, what might they say? If you have information suggesting victims would not oppose (or might even support) release, that is valuable.

### ▶ Question 111: Restitution and Reconciliation

Have you made efforts toward victim restitution or reconciliation? Have you participated in victim impact programs? Any efforts in this direction demonstrate acceptance of responsibility.

▶ **Question 112: Primary Goal**

Why are you seeking compassionate release? What will you do with your freedom? Courts want to see that release has a purpose—caring for family, seeking treatment unavailable in prison, living out remaining time with loved ones, contributing to society.

## PART THREE: AFTER COMPLETING THE QUESTIONNAIRE

### What Happens Next?

- 1. We Review Your Questionnaire:** After receiving your completed questionnaire, we will review it thoroughly. This typically takes 3-5 business days.
- 2. We Assess Your Case:** Based on your responses and documentation, we will assess the strength of your case and identify the strongest arguments.
- 3. We May Request Additional Information:** If we need clarification or additional documents, we will contact you or your family.
- 4. We Draft Your Motion:** We will prepare a comprehensive motion for compassionate release tailored to your specific circumstances and the judge who will decide your case.
- 5. You Review and Approve:** Before filing, you will have the opportunity to review the motion and verify its accuracy.
- 6. Filing and Response:** After filing, the government typically has 14-30 days to respond. We may file a reply.
- 7. Court Decision:** The court will issue a ruling. This may take weeks to months depending on the court's docket.

### Tips for Gathering Documents

- **Start Now:** Do not wait to request documents. BOP records requests can take weeks.
- **Use Your Family:** Family members can obtain court documents from PACER, request records from outside medical providers, and gather supporting letters.
- **Request Medical Records:** Submit a written request to Health Services for a complete copy of your medical records. Be specific about what you need.
- **Get Your PSR:** Your Presentence Investigation Report is essential. If you do not have a copy, your attorney of record may have one, or family can request it from the Clerk of Court.
- **Gather Certificates:** Collect every program completion certificate, education certificate, and work award. If you have lost copies, request duplicates from Education or your case manager.

- **Letters of Support:** Ask family and community members to write letters supporting your release. These should describe your character, your importance to the family, and their commitment to supporting you upon release.

## How to Write Compelling Narrative Answers

For questions asking you to describe or explain, follow these guidelines:

- **Be Specific:** "I am sick" is not helpful. "I have Stage 3 chronic kidney disease, diagnosed in 2020, with eGFR of 35, requiring dialysis within the next 12-18 months" is helpful.
- **Use Dates:** Ground your narrative in time. When did things happen? How long have you had a condition? When did your family member become incapacitated?
- **Explain Cause and Effect:** Connect the dots. How does your medical condition affect your daily life? Why does the change in law create disparity in your case?
- **Be Honest:** Do not exaggerate. Courts and prosecutors will scrutinize your claims. Exaggeration undermines credibility.
- **Show Change:** If seeking release based on rehabilitation, demonstrate that you are not the same person who committed the offense. What have you learned? How have you grown?
- **Address Weaknesses:** If there are negative facts (disciplinary history, violent offense, short time served), address them directly. Explain context and why they should not prevent release.

## Frequently Asked Questions

### Q: How long does the process take?

From completing the questionnaire to a court decision typically takes 3-6 months, sometimes longer. Courts are busy, and the government gets time to respond.

### Q: What are my chances?

Every case is different. We cannot guarantee outcomes. Success depends on your circumstances, your judge, and the strength of your motion. We will give you an honest assessment after reviewing your questionnaire.

### Q: What if I already filed and was denied?

You can file again if circumstances have materially changed. We need to understand what was raised before and what has changed.

**Q: Do I need to complete the BOP request first?**

Yes. You must submit a request to your Warden and either receive a denial or wait 30 days before we can file in court.

**Q: Will my judge be fair?**

Your motion goes to the same judge who sentenced you. We research every judge to understand their track record on compassionate release and tailor arguments accordingly. Some judges are more receptive than others, but every judge considers the merits.

**Q: What if the government opposes my motion?**

The government opposes almost every compassionate release motion. This is expected. We prepare for government opposition and file a reply addressing their arguments.

**Q: Will I have a hearing?**

Not always. Many courts decide compassionate release motions on the papers without a hearing. Some courts hold telephonic or video hearings. If a hearing is scheduled, we will prepare you.

**Q: What happens if I am released?**

If the court grants compassionate release, your sentence is reduced (often to time served). You will likely be released to supervision (supervised release). You must comply with all conditions of supervision.

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## **WE ARE HERE TO HELP**

Compassionate release is not easy, but it is possible. Every day, courts across the country grant compassionate release to individuals who have demonstrated extraordinary circumstances and a genuine path forward.

Your job is to complete this questionnaire thoroughly and honestly. Our job is to take the information you provide and craft the strongest possible argument for your release.

If you have questions while completing the questionnaire, your family can contact us. We understand the limitations on communication and will work with you and your support network to gather what we need.

### **JUDICIAL ADVOCATES**

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