

To: President-Elect Biden DOJ Agency Review Team
From: Federal Public and Community Defenders
Date: December 17, 2020
Re: Categories of Individuals for whom BOP should move for a Reduction-in-Sentence (Compassionate Release)

1. Individuals who suffer from a medical condition that the CDC has identified as placing an individual at a higher risk for severe illness, whose release does not pose a specific and substantial risk that they will cause bodily injury to or use violent force against the person of another
2. Individuals a year from their expected date of transfer to community corrections
3. Individuals age 65 years or older who have:
 - served at least 10 years (including good conduct time) or 75% of their sentences, whichever is less, OR
 - less than five years remaining on their sentence (accounting for projected good conduct time)
4. Individuals incarcerated for technical violations of probation, supervised release, or parole
5. Individuals incarcerated for marijuana offenses
6. Individuals serving a mandatory life sentence (under mandatory guidelines or statute) for offenses that would not require a life sentence today
7. Individuals sentenced to life or de-facto life for conduct they committed when they were under the age of 25
8. Individuals serving sentences based on statutory or guideline penalties that were subsequently reduced, including but not limited to mandatory minimums reduced in sections 401 and 403 of the First Step Act of 2018
9. Individuals whose rehabilitation in prison has been extraordinary
10. Individuals serving a sentence based on a mistake of fact or law so significant that it would be inequitable to continue their confinement, and for which there is no other legal remedy