



FEDERAL BUREAU OF PRISONS: TIPS FOR COMPASSIONATE RELEASE REQUESTS

BY

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As many of you are aware from my recent *Criminal Defense Updates*, following a speech by the Attorney General at the American Bar Association in August, the Federal Bureau of Prisons issued new guidelines and policies for its Compassionate Release program. These guidelines significantly expanded the criteria for compassionate release, and even included the potential for release if a spouse has a significant illness. The report can be found at: <http://www.justice.gov/oig/reports/2013/e1306.pdf>.

NCIA is now assisting some inmates in preparing petitions for Compassionate Release. In that process, we have identified certain requirements issued by various institutions. A review of these criteria can assist you and your clients in preparing your requests.

First, it is obviously important to have the medical issues of your client fully documented. This often requires contacting his outside physicians and getting the medical records to support your position. Additionally, if your client has had any medical treatment while incarcerated, you should provide the necessary documentation. If your client was transferred to an outside facility for treatment, you should also get those records. (Note: Your client may have to complete a Release of Information form for you to get access. This form is available from his case manager or counselor at the institution.)

The next item is submitting a release plan. The BOP wants to know where you will be residing upon release and how you will be supporting yourself (e.g., Social Security, pension, spouse's employment, savings, etc.). If you are too ill to be in prison, they will assume you will be too ill to work.

Next, they will want to know your plan for fulfilling any outstanding monetary payments to the government such as fines and restitution. Your client should have a proposed payment schedule (this is one reason why one should attempt to get a payment schedule approved by the Court at sentencing and put into the Judgment order).

Finally, they will want to know how your medical care will be taken care of when you are released. Whether your client has private insurance or will go on Medicaid, the BOP wants assurance that you will be receiving medical care in your community.

These are some of the practical issues that may help your client's application. If you have any questions or need assistance please feel free to call me directly at 443.780.1353.