



**U.S. Department of Justice**  
Federal Bureau of Prisons

**PROGRAM STATEMENT**

OPI CPD/CPB  
NUMBER 1330.19  
DATE June 5, 2025

## **Petition for Commutation of Sentence**

/s/

*Approved:* William K. Marshall III  
Director, Federal Bureau of Prisons

### **1. § 571.40 Purpose and scope.**

An inmate may file a petition for commutation of sentence in accordance with the provisions of 28 CFR part 1.

(a) An inmate may request from the inmate's case manager the appropriate forms (and instructions) for filing a petition for commutation of sentence.

(b) When specifically requested by the U.S. Pardon Attorney, the Director, Bureau of Prisons will forward a recommendation on the inmate's petition for commutation of sentence.

Article II, Section 2, of the U.S. Constitution empowers the President of the United States to grant Executive Clemency (including pardon), commutation (reduction) of sentence, remission of time, and reprieve. Commutation of the term of a prison sentence is only considered in the most exceptional circumstances.

Rules governing petitions for Executive Clemency, such as commutation of sentence, are published in 28 CFR Part 1 (§1.1-1.11).

In accordance with 28 CFR §1.3, a petition for commutation of sentence, including remission of fine, should be filed only if no other form of relief is available, such as from a court of the United States, U.S. Parole Commission, or upon motions under 18 U.S.C. §3582 (c) and 4205(g), except when unusual circumstances exist.

Appropriate grounds for consideration traditionally include disparity or undue severity of sentence, critical illness or old age, ineligibility for parole, and meritorious service rendered to

the Government that has not already been adequately awarded by other official action.

a. **Summary of Changes.**

*Policy Rescinded*

1330.15, CN-1           Commutation of Sentence, Petition for (05/02/2014)

- Clarifies the roles of institution and Designation and Sentence Computation Center (DSCC) staff in the commutation process.
- Incorporates appropriate methods of communication with the U.S. Pardon Attorney's office.

b. **Objective.**

- All inmates will have access to the U.S. Pardon Attorney to request a petition for commutation of sentence.

c. **Pretrial, Holdover, and Detainee Procedures.** Procedures contained in this Program Statement apply only to sentenced inmates.

d. **Victim/Witness Notifications.** Victim/witness notifications must be made regarding significant stages in the criminal justice process in accordance with the Program Statement **Victim and Witness Notification Program.**

2. **§ 571.41 Procedures.**

(a) Staff shall suggest that an inmate who wishes to submit a petition for commutation of sentence do so through the Warden to the U.S. Pardon Attorney. This procedure allows institution staff to forward with the application the necessary supplemental information (for example, sentencing information, presentence report, progress report, pertinent medical records if the petition involves the inmate's health, etc.). Except as provided in paragraph (b) of this section, no Bureau of Prisons recommendation is to be forwarded with the package of material submitted to the U.S. Pardon Attorney.

To expedite the Pardon Attorney's consideration of an inmate's petition for commutation of sentence, the inmate must send the petition through the Warden to the U.S. Pardon Attorney. This will expedite consideration of the petition because the Pardon Attorney will then obtain most, if not all, of the requisite Bureau inmate records with the petition that will prevent the need for a subsequent request for standard materials. This does not expedite the Pardon Attorney's evaluation process, including obtaining inmate records and recommendations from other clemency stakeholders (United States Attorney Office, United States Probation Office, etc.).

The Petition for Commutation of Sentence is available on the U.S. Pardon Attorney's website at <https://www.justice.gov/pardon>.

Staff must process an inmate's petition for commutation of sentence, even when it appears the inmate is not eligible for clemency. When an inmate submits the petition for commutation of sentence, the Case Manager documents the petition receipt with an entry on the Inmate Activity Record in the Inmate Central File and annotates the status on the inmate's Individualized Needs Plan, during the inmate's next program review.

Once the petition is received, the Case Manager has 30 calendar days to compile the required documents and route for the Warden's signature.

When referring an inmate's petition for commutation of sentence, staff must include:

- Petition for Commutation of Sentence (Form OMB Control Number: 1123-0015)
- Presentence Investigation Report (if available)
- Judgment in a Criminal Case
- Progress Report (if older than 180 days, a new progress report must be completed)
- Victim/Witness statements, if applicable
- Pertinent medical records, if the petition involves the inmate's health
- Any other available, pertinent, documented information

In the event of a medical emergency certified by the physician at the institution where the inmate is confined, staff must expedite the petition at all levels as resources permit.

The Office of the Pardon Attorney has converted to a digital office, so email is the preferred mode of communication and transmission on all clemency matters. Documents may be transmitted to the Office of the Pardon Attorney via email, which can be found on their website.

The Office of the Pardon Attorney maintains an unmanned telephone and Pardon Attorney staff will respond to voicemails as time and resources allow. The telephone number can be found on their website.

When email is not feasible, the Pardon Attorney will accept hardcopy materials at the following physical address:

Office of the Pardon Attorney  
950 Pennsylvania Avenue NW  
Washington, DC 20530

The U.S. Pardon Attorney may delay and/or return petitions received without documentation pending the remaining documentation's receipt.

When the U.S. Pardon Attorney needs additional information, a request is forwarded directly to the Warden of the institution housing the inmate. In these cases, the Warden ensures the requested documents are forwarded to the U.S. Pardon Attorney within 15 working days.

(b) When specifically requested by the U.S. Pardon Attorney, the Director, Bureau of Prisons shall submit a recommendation on the petition. Prior to making a recommendation, the Director may request comments from the Warden at the institution where the inmate is confined. Upon review of those comments, the Director will forward a recommendation on the petition to the U.S. Pardon Attorney.

The Director, through the Assistant Director, Correctional Programs Division, contacts the Warden for comments via email, with an informational copy sent to the Regional Director.

The Warden submits a written response to the Administrator, Correctional Programs Branch, Correctional Programs Division, within 10 days of receiving the request, and forwards an informational copy to the Regional Director.

The Director, upon review of all available information, forwards the Bureau's recommendation to the U.S. Pardon Attorney via email, with a copy to the Warden and Regional Director.

(c) When a petition for commutation of sentence is granted by the President of the United States, the U.S. Pardon Attorney will forward the original of the signed and sealed warrant of clemency evidencing the President's action to the Warden at the detaining institution, with a copy to the Director, Bureau of Prisons. The Warden shall deliver the original warrant to the affected inmate, and obtain a signed receipt for return to the U.S. Pardon Attorney. The Warden shall take such action as is indicated in the warrant of clemency.

The Warden forwards a copy of clemency to the Regional Director.

(1) If a petition for commutation of sentence is granted, Bureau of Prisons staff shall recalculate the inmate's sentence in accordance with the terms of the commutation order.

(2) If the commutation grants parole eligibility, the inmate is to be placed on the appropriate parole docket.

(d) When a petition for commutation of sentence is denied, the U.S. Pardon Attorney ordinarily notifies the Warden, requesting that the Warden notify the inmate of the denial.

Notification to the Warden is ordinarily made via email from the U.S. Pardon Attorney, with a request the Warden provide a copy of the denial notification to the inmate.

The Warden forwards a copy of the denial letter to the Regional Director.

### **3. FORMS**

Necessary forms and instructions may be downloaded from the Office of the Pardon Attorney website.

## REFERENCES

### *Program Statements*

- 1490.06 <sup>CN-1</sup> Victim and Witness Notification Program (10/20/2016)  
5800.17 Inmate Central File, Privacy Folder, and Parole Mini-Files (4/3/2015)  
5803.08 Progress Reports (2/27/2014)  
6010.05 Health Services Administration (6/26/2014)

### *Federal Regulations*

28 C.F.R. §§ 571.40-41

### *ACA Standards*

None.

### *Records Retention Requirements*

Requirements and retention guidance for records and information applicable to this program are available in the Records and Information Disposition Schedule (RIDS) on the Bureau's intranet site.