



Washington, DC recently passed a law that allows people who are serving a prison term for DC Code offenses to file a motion asking the sentencing judge for compassionate release. Compassionate release allows the judge to reduce a sentence to time served if the judge decides the individual meets the requirements of the law. The DC law is similar to but not the same as the law that Congress passed in the First Step Act. In order to ask for compassionate release, you must file a motion asking your sentencing judge to reduce your sentence. There is no requirement that you first ask the BOP for compassionate release before filing a motion for compassionate release with the court. (This is different from the federal law.)

We have started a project to find, train, and assign free lawyers for people who may be eligible for compassionate release to help them with their requests. We cannot guarantee that we can find an attorney for everyone who meets the criteria, but we will try.

District of Columbia's Compassionate Release Criteria

The law sets out who can be considered for compassionate release. We have included the full text of the law at the end of this letter. In summary, the law allows a judge to reduce any felony sentence if the judge finds that you are not a danger to the safety of any person **and** that you meet one of the criteria listed below:

- You have a terminal illness; **OR**
- You are at least 60 years old and have served 25 years in prison; **OR**
- You have other extraordinary and compelling reasons to justify such a change in the sentence including:
 - (a) You have a debilitating medical condition involving an incurable, progressive illness, or a debilitating injury from which you will not recover; **OR**
 - (b) You are at least 60 years old, you have served at least 20 years in prison or the greater of 10 years or 75% of your sentence¹; **and** you have a chronic or serious medical

¹ Washington, DC also recently passed a law that gives DC prisoners the opportunity to earn good time. So, even if you have not yet served enough time under your current sentence computation, it is possible this new law will make you eligible. If you think you may otherwise be eligible for compassionate release but you have not served enough of your sentence, please fill out the questionnaire anyway and also send us any sentence computation paperwork you have.

- condition related to the aging process or that means you are at high risk for severe medical complications or death as a result of COVID-19; **OR**
- (c) A family member or the person who cares for your children has died or is incapacitated; **OR**
 - (d) Your spouse or a domestic partner is incapacitated and you are the only person who can care for them.

This list of compelling and extraordinary circumstances is not exclusive. There could be other compelling and extraordinary reasons for release.

How to Request an Attorney

If you think you may be eligible for compassionate release and would like us to try to find a lawyer to represent you in your request to be released, please fill out the enclosed questionnaire. There are three ways to submit the questionnaire:

1. Email it to us at compassionatereleasedc@washlaw.org
2. Mail it to: Washington Lawyers' Committee for Civil Rights and Urban Affairs
ATTN: DC Compassionate Release Clearinghouse
700 14th Street, NW Ste. 400
Washington, DC 20005
3. Have someone outside of prison fill out the questionnaire at
http://support.famm.org/site/Survey?ACTION_REQUIRED=URI_ACTION_USER_REQUESTS&SURVEY_ID=3481

We will read your answers and determine if we will be able to look for a lawyer for you. If we are able to look for a lawyer to help you, we will let you know. We cannot promise we can find you a lawyer, but we will do everything we can.

We read every single email and letter, but we cannot reply individually to everyone. Please do not send questions or raise other issues in this correspondence. We will not be able to answer them.

The DC compassionate release provision as it appears in the law is below:

DC Code § 24–403.04. Motions for compassionate release for individuals convicted of felony offenses.

(a) Notwithstanding any other provision of law, the court may modify a term of imprisonment imposed upon a defendant if it determines the defendant is not a danger to the safety of any other person or the community, pursuant to the factors to be considered in 18 U.S.C. §§ 3142(g) and 3553(a) and evidence of the defendant's rehabilitation while incarcerated, and:

- (1) The defendant has a terminal illness, which means a disease or condition with an end-of-life trajectory;
- (2) The defendant is 60 years of age or older and has served at least 25 years in prison; or

(3) Other extraordinary and compelling reasons warrant such a modification, including:

(A) A debilitating medical condition involving an incurable, progressive illness, or a debilitating injury from which the defendant will not recover;

(B) Elderly age, defined as a defendant who is:

(i) 60 years of age or older;

(ii) Has served at least 20 years in prison or has served the greater of 10 years or 75% of their sentence; and

(iii) Suffers from a chronic or serious medical condition related to the aging process or that causes an acute vulnerability to severe medical complications or death as a result of COVID-19;

(C) Death or incapacitation of the family member caregiver of the defendant's children; or

(D) Incapacitation of a spouse or a domestic partner when the defendant would be the only available caregiver for the spouse or domestic partner.

(b) Motions brought pursuant to this section may be brought by the United States Attorney's Office for the District of Columbia, the Bureau of Prisons, the United States Parole Commission, or the defendant.

(c) Although a hearing is not required, in order to provide for timely review of a motion made pursuant to this section and at the request of counsel for the defendant, the court may waive the appearance of a defendant currently held in the custody of the Bureau of Prisons.

QUESTIONNAIRE FOR DC COMPASSIONATE RELEASE CLEARINGHOUSE

You may not be able to answer every question below, but that is okay. Answer as many questions as you can and that will help get us started.

1. What is your name?
2. What is your date of birth?
3. What is your age?
4. Where are you in prison?
5. What is your federal register number?
6. What is the case number?
7. What is your DC Code sentence?
8. For how long have you been in prison on your DC Code sentence?
9. Do you have any other state or federal cases? If so, what is (are) the status(es) of that (those) case(s)?
10. Do you have any detainers? If so, please tell us which jurisdiction or agency holds the detainer.

11. Do you already have an attorney? If so, please provide their contact information. If you do not have an attorney now, who was your last attorney? If you do not remember, that is okay.

12. Have you already submitted a request for compassionate release to a court?

13. Why do you think you may be eligible for compassionate release? Please give us as much detail as possible. For example, do you have any medical conditions? What are they? How do they affect you?

14. Do you have a release plan? Tell us a little about it. For example, who will you live with? How will you obtain medical care?

15. Do you have your medical records? If not, consider asking for recent records from the BOP if your request is based on your medical condition, or you have an underlying condition that puts you at greater risk should you contract Coronavirus.

16. Do you have any other records relevant to your request? For example, do you have any of your original case documents (judgment and commitment order) or prison documents, such as a recent BOP Progress Report, Sentence Computation Sheet, etc.?

17. **IMPORTANT:** Do you have a family member, a friend, or any other contact on the outside who knows about your case and situation? If so, please tell us their name, phone number, and email if possible. Please also let us know your relationship to this person. Please know that we will speak frankly with the outside contact you give us about your case and medical situation.