

**U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons**



**PROGRAM STATEMENT
Petition for Commutation of Sentence**

Approved by	 William K. Marshall III Director, Federal Bureau of Prisons
DPI	CPD
Number	1335.01
Date	September 3, 2026

Summary of Changes

<i>Program Statement Rescinded:</i> 1330.19 Petition for Commutation of Sentence (6/5/2025)
<i>Changes:</i> - Removed the requirement for Victim/Witness Notification by Unit Management staff when a petition is received by an inmate. - Updates the program statement number to 1335.01

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 through "Reprieves and Pardons for Offenses against the United States," which includes commutations (reductions) of sentences.

Rules governing petitions for executive clemency, such as commutation of sentence, are published in 28 CFR part 1.

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, except when exceptional circumstances exist.

Appropriate grounds for consideration have traditionally included disparity or undue severity of sentence, critical illness or old age, and meritorious service rendered to the government that has not already been adequately awarded by other official action.

a. **Program Objectives.**

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

b. **Institution Supplement.** None.

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

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.

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 BP-A0381, 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 (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)
- 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 a 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 the required supporting documentation.

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, will contact the Warden for comments via email, with an informational copy sent to the appropriate Regional Director.

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

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

REFERENCES

Federal Regulations

28 CFR part 1

28 CFR §§ 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.