

UNITED STATES SENTENCING COMMISSION

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**FEDERAL OFFENDERS  
SENTENCED TO  
SUPERVISED RELEASE**

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**JULY 2010**

## 5. Rate of Recommended Terms of Supervised Release

Of those offenders whose supervised release terms were revoked and who were ordered back to prison in 2008, 5,477 (46.4%) also were sentenced to a recommended term of supervised release following the prison term. Courts increasingly are imposing supervision terms following these prison terms. The rate of violations resulting in a recommended term has increased in recent years from 33.5 percent in 2005 to 46.4 percent in 2008.

### C. **Revoked Offenders as a Percentage of the Federal Prison Population**

According to data provided by the federal Bureau of Prisons (“BOP”), at the end of calendar year 2009 (December 31, 2009), there were 207,815 federal inmates in BOP custody serving sentences of imprisonment; slightly more than six percent (12,839) of them were serving prison sentences imposed after revocation of their terms of supervised release.

## V. **Conclusion**

With nearly one million federal offenders having been sentenced to supervised release since the passage of the Sentencing Reform Act (including more than 100,000 offenders currently on supervised release)<sup>274</sup> and with revocations occurring in approximately one-third of cases in which supervised release terms were imposed, issues concerning the imposition and revocation of such terms arise frequently. This report has addressed a wide variety of legal and data issues concerning supervised release. The federal courts of appeals have taken divergent positions on many of the legal issues.

Although supervised release is mandated by statute in less than half of all federal cases in which it is authorized,<sup>275</sup> the sentencing guidelines provide for supervised release in the vast majority of remaining cases. Courts have followed USSG §5D1.1(a) in 99.1 percent of cases in which a statute did not require imposition of a term of supervised release but the guidelines provided for it. In the vast majority of Class A, B, C, and D felony cases, courts also have followed the provisions in USSG §5D1.2 concerning the length of the terms of supervised

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<sup>274</sup> See *supra* note 13 and accompanying text; see also

[http://jnet.ao.dcn/Probation\\_and\\_Pretrial\\_Services/Caseload\\_Tables/Probation\\_E\\_Tables\\_December\\_2009/Persons\\_Under\\_PostConviction.html](http://jnet.ao.dcn/Probation_and_Pretrial_Services/Caseload_Tables/Probation_E_Tables_December_2009/Persons_Under_PostConviction.html) (noting, as of December 31, 2009, there were 100,197 offenders on supervised release).

<sup>275</sup> Of the 356,974 defendants sentenced during the relevant time period, approximately 146,000 (or 41%) were subject to statutes mandating supervised release if a prison sentence also was imposed. That percentage is lower (36%) if the 17,446 defendants convicted of offenses listed in 18 U.S.C. § 2332b(g)(5)(B) were not subject to mandatory terms of supervised release under 18 U.S.C. § 3583(j), a legal question not yet resolved by the courts. See *supra* note 22.