

Amended Federal Guidelines Improve Fairness in Sentencing and Supervision

Recent changes to sentencing guidelines allow for greater individualization in punishments.



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Criminal Justice

The commission that oversees sentencing guidelines for federal crimes enacted [several amendments](#) [\[link-1\]](#) last month that will improve the fairness of drug sentencing and supervised release. The changes, which guide judges to give greater weight to individual situations, continue a trend that reflects a smarter, more

tailored approach to federal sentencing.

The [U.S. Sentencing Guidelines](#) [\[link-2\]](#), while not mandatory, are the primary way federal trial judges determine the appropriate length of prison sentences for federal offenses. The guidelines instruct that a sentence

should be “[sufficient, but not greater than necessary](#) [\[link-3\]](#)” to serve its purposes of deterrence, punishment, public safety and — ideally — opportunity for rehabilitation.

The [U.S. Sentencing Commission](#) [\[link-4\]](#), a nine-member panel of federal judges and sentencing experts appointed by the president and confirmed by the Senate, meets regularly to decide whether existing guidelines need to be changed to better reflect the current understanding of crime and incarceration, or to resolve conflicts among federal circuits’ interpretations of the guidelines. The commission often focuses on concerns over fairness, especially [systemic disparities in sentencing](#) [\[link-5\]](#) between similarly situated people convicted of federal crimes.

The 2025 changes to drug sentencing and post-prison

supervision are intended to assist judges in delivering a sentence that is better attuned to the individual circumstances of each case and more accurately reflects the culpability of the person being sentenced.

Drug Sentencing

When [sentencing a defendant](#) [\[link-6\]](#) convicted of a federal drug offense, judges consider several factors: a defendant’s prior criminal history, whether serious bodily injury or death results from the offense, whether the offense took place near a school, and many others. But the [type and quantity of drug](#) [\[link-7\]](#) involved is often the judge’s primary determinant of an individual’s culpability level in federal drug trafficking offenses.

Unfortunately, using drug quantity as a proxy for culpability has long resulted in the application of overly harsh sentences for people with

only a minimal role participating in a drug trafficking enterprise — especially since such sentences were intended for people [who played a leadership role](#) [\[link-8\]](#) in organizing or operating that enterprise. Federal judges themselves have been critical of how the law has boxed them into applying [disproportionately severe sentences](#) [\[link-9\]](#) to people who didn't deserve them.

To rectify this situation, the commission developed in the early 2000s a [relief mechanism](#) [\[link-10\]](#) designed to ratchet down sentences and avoid harsh outcomes for people determined to have only played a minor role in, and with relatively little personal gain from, a federal crime. Until now, sentence reductions under this provision — Section 3B1.2 on the “mitigating role” — have rarely been applied even though the commission amended it in 2015 to

make it easier for defendants to benefit from it. The few times it has been applied have been done with significant variations across judicial districts.

To encourage broader and more uniform application of this mitigating role sentencing adjustment, the sentencing commission [has clarified](#) [\[link-11\]](#) that people who had only a limited or peripheral role in a drug trafficking offense — such as a courier, lookout, errand runner, or low-level distributor — are generally intended to qualify for relief under that mitigating role section.

The amendment also slightly changes the way relief functions. One way federal sentences are determined is through a table of “offense base levels” that assigns a numerical value to various facts about a case in order to capture the seriousness of the offense. This numerical value, which [ranges from](#)

[1 to 43](#) [\[link-12\]](#), is used to determine the sentence length, with lower scores leading to short prison stays or a non-carceral punishment, and larger scores leading to decades in prison or a life sentence. Even a one- or two-point change can lead to a sentence difference of several years. The commission's 2025 change will cap the offense base level if the federal offense consists of a minor drug role. This will help ensure lengthy prison terms are reserved for people who played major roles in drug trafficking organizations.

With the clarification in eligibility and the calculation cap combined, the amendment aims to allow judges to better differentiate between people of varying culpability. Ultimately, individuals with less significant involvement should receive sentences more proportionate to the role they played in the offense.

Post-release Supervision

More than 120,000 people are on federal [post-release supervision](#) [\[link-13\]](#) — a period of conditional, supervised release in the community following a prison term. Post-release supervision is part of the original sentence, called a “split sentence,” for the purpose of better reintegrating people who have served time in prison back into their communities while protecting public safety.

To ensure only individuals needing post-release supervision will receive it, and to prevent system resources from being wasted on supervisory services for those who do not require them, the new amendment revises [Section 5D1.1 of the guidelines](#) [\[link-14\]](#). Under the section's new wording, judges have discretion to determine whether any term of supervised release is necessary — subject, of course, to the [usual factors considered in](#)

[sentencing](#) [\[link-15\]](#) — rather than having to comply with the previous mandate of supervised release for all sentences of imprisonment of more than one year. Some offense statutes are written to require a term of supervision, and that will remain mandatory in those cases.

The amendment also provides sentencing courts with greater discretion in determining the length and terms of supervised release. It removes the previously recommended minimum terms and instead instructs courts to conduct an individualized assessment to determine the length of the term so long as it is at or above any statutorily required minimum term. In addition, the guidelines emphasize that any conditions of supervised release not required by statute should [be imposed only when warranted](#) [\[link-16\]](#) and after the court conducts an individualized assessment. This aims to ensure supervision

practices better reflect effective methods for increasing a person's success reintegrating with the community and for reducing the risk of reoffending.

Post-release supervision comes with a number of conditions, many of which are supposed to be tailored to defendants' individual circumstances and needs. But critics argue too many judges reflexively order too many people — [83 percent of people sentenced in 2024](#) [\[link-17\]](#) — to post-release supervision. Supervision also varies widely in length, with people sentenced in 2024 receiving an [average of about four years](#) [\[link-18\]](#) of supervision, but a low of one and a high of more than 19 years. Critics also note that post-release supervision is often ordered with many conditions attached, frequently without being specifically tailored to the individual. Overly broad, numerous,

and [unduly restrictive](#) [\[link-19\]](#) rules for [any type of community supervision](#) [\[link-20\]](#) are more likely to serve as a tripwire back to prison than a support method for reintegration. Of the over 32,000 cases of violation of supervision closed in 2021, [60 percent were for technical violations](#) [\[link-21\]](#) like staying out too late at night, failing to take a drug test, missing a meeting with the probation officer, or using alcohol, rather than committing a new crime. Half of those violations resulted in at least a brief return to prison and one in six resulted in a new prison term lasting longer than six months. The ability to comply with myriad and sometimes conflicting rules is a poor measure of whether someone is a public safety threat, and it distracts supervisors from cases where a person is in need of more support to avoid reoffending.

The commission also encouraged more consistent judicial participation in revisiting both the length and conditions of supervised release, recognizing that supervision is ordered at sentencing — often many years before release — and individuals have the capacity to grow and change in that time. By considering the terms and length of supervision at release and one-year post-release, judges can help facilitate successful reintegration, increase compliance, and promote public safety while ensuring that finite resources are allocated to the individuals most in need of continued supervision.

Finally, the commission made modest changes to the conditions under which someone could be reincarcerated, with technical violations leading to more minor consequences.

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The commission's changes to the sentencing guidelines, especially the two amendments related to drug offenses and supervision, represent a significant step toward a more compassionate policy that better reflects people's culpability and support successful reentry to society. They also represent opportunities for the commission to

follow up with future changes.

Ultimately, Congress should take the lead, passing bipartisan legislation like the [Smarter Sentencing Act](#) [\[link-22\]](#) and the [Safer Supervision Act](#) [\[link-23\]](#) that builds on these changes and ensures the federal criminal justice system is fairer while still holding people accountable.

Links

link-1: several amendments <https://www.ussc.gov/guidelines/amendments/adopted-amendments-effective-november-1-2025>

link-2: U.S. Sentencing Guidelines <https://www.ussc.gov/guidelines/2025-guidelines-manual>

link-3: sufficient, but not greater than necessary <https://www.ussc.gov/guidelines/2025-guidelines-manual/annotated-2025-chapter-1#1a1>

link-4: U.S. Sentencing Commission <https://supreme.justia.com/cases/federal/us/488/361/>

link-5: systemic disparities in sentencing <https://www.aclu.org/press-releases/us-supreme-court-weighs-100-1-disparity-crackpowder-cocaine-sentencing>

link-6: sentencing a defendant https://www.ussc.gov/sites/default/files/pdf/research-and-publications/quick-facts/Drug_Trafficking_FY24.pdf?inline=1

link-7: type and quantity of drug <https://www.justice.gov/usao-nh/frequently-used-federal-drug-statutes>

link-8: who played a leadership role <https://famm.org/wp-content/uploads/2018/08/Understanding-Sentencing-Reform-Additions-to-FIRST-STEP-Act-.pdf?inline=1>

link-9: disproportionately severe sentences https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=13989&context=journal_articles

link-10: relief mechanism <https://www.ussc.gov/guidelines/2025-guidelines-manual/annotated-2025-chapter-2-d#2d11>

link-11: has clarified https://www.ussc.gov/sites/default/files/pdf/amendment-process/reader-friendly-amendments/202505_RF.pdf?inline=1

link-12: ranges from 1 to 43 <https://www.ussc.gov/guidelines/2025-guidelines-manual/annotated-2025-chapter-5>

link-13: post-release supervision https://www.ussc.gov/sites/default/files/pdf/training/primers/2025_Primer_Supervised_Release.pdf?inline=1

link-14: Section 5D1.1 of the guidelines https://www.ussc.gov/sites/default/files/pdf/amendment-process/official-text-amendments/202505_Amendments.pdf?inline=1

link-15: usual factors considered in sentencing https://guidelines.ussc.gov/apex/r/ussc_apex/guidelinesapp/appendix-b-gls?app_gl_id=18U.S.C.%C2%A73553

link-16: be imposed only when warranted https://www.ussc.gov/sites/default/files/pdf/training/quick-reference-materials/2025_implementation-supervised-release.pdf?inline=1

link-17: 83 percent of people sentenced in 2024 https://www.ussc.gov/sites/default/files/pdf/amendment-process/amendments-in-brief/AIB_2025-supervised-release.pdf?inline=1

link-18: average of about four years https://www.ussc.gov/sites/default/files/pdf/amendment-process/amendments-in-brief/AIB_2025-supervised-release.pdf?inline=1

link-19: unduly restrictive https://www.prisonpolicy.org/blog/2023/11/08/association_restrictions/

link-20: any type of community supervision https://www.prisonpolicy.org/reports/probation_conditions.html

link-21: 60 percent were for technical violations <https://www.uscourts.gov/data-news/judiciary-news/2022/06/14/just-facts-revocations-failure-comply-supervision-conditions-and-sentencing-outcomes>

link-22: Smarter Sentencing Act <https://www.congress.gov/bill/118th-congress/senate-bill/1152>

link-23: Safer Supervision Act <https://www.congress.gov/bill/117th-congress/senate-bill/5040>