

PART D – SUPERVISED RELEASE

Introductory Commentary

The Sentencing Reform Act of 1984 requires the court to assess a wide range of factors “in determining whether to include a term of supervised release, and, if a term of supervised release is to be included, in determining the length of the term and the conditions of supervised release.” 18 U.S.C. § 3583(c). These determinations aim to make the imposition and scope of supervised release “dependent on the needs of the defendant for supervision.” *See S. Rep. No. 225, 98th Cong., 1st Sess. 124* (1983). In conducting such an individualized assessment, the court can “assure that [those] who will need post-release supervision will receive it” while “prevent[ing] probation system resources from being wasted on supervisory services for releasees who do not need them.” *Id.* at 54; *see also Johnson v. United States*, 529 U.S. 694, 709 (2000) (“Supervised release departed from the parole system it replaced by giving district courts the freedom to provide postrelease supervision for those, and only those, who needed it Congress aimed, then, to use the district courts’ discretionary judgment to allocate supervision to those releasees who needed it most.”). Supervised release “fulfills rehabilitative ends, distinct from those served by incarceration.” *United States v. Johnson*, 529 U.S. 53, 59 (2000). Accordingly, a court should consider whether the defendant needs supervision in order to ease transition into the community or to provide further rehabilitation and whether supervision will promote public safety. *See* 18 U.S.C. §§ 3583(c), 3553(a)(2)(C); *see also* S. Rep. No. 225, 98th Cong., 1st Sess. 124 (1983) (indicating that a “primary goal of [a term of supervised release] is to ease the defendant’s transition into the community after the service of a long prison term for a particularly serious offense, or to provide rehabilitation to a defendant who has spent a fairly short period in prison for punishment or other purposes but still needs supervision and training programs after release”).

Historical Note

Effective November 1, 2025 (amendment 835).

§5D1.1. Imposition of a Term of Supervised Release

- (a) The court shall order a term of supervised release to follow imprisonment when required by statute (*see* 18 U.S.C. § 3583(a)).
- (b) When a term of supervised release is not required by statute, the court should order a term of supervised release to follow imprisonment when warranted by an individualized assessment of the need for supervision.
- (c) The court ordinarily should not impose a term of supervised release in a case in which supervised release is not required by statute and the defendant is a deportable alien who likely will be deported after imprisonment.
- (d) The court should state in open court the reasons for imposing or not imposing a term of supervised release. *See* 18 U.S.C. § 3553(c).