

THE STATEMENT OF REASONS AS A CRITICAL BACKSTOP

What the Statement of Reasons Is

In addition to the PSR, the sentencing court prepares a document called the Statement of Reasons. This document explains why the judge imposed a particular sentence and records specific findings the court made about the case.

Most people focus entirely on the PSR and overlook the Statement of Reasons. That's understandable. It's not something defendants usually see or discuss in detail. But this document can matter greatly once you enter the Bureau of Prisons.

Why the Statement of Reasons Matters

The Bureau of Prisons does not rely solely on the PSR. It also reviews the Statement of Reasons when making classification, designation, and programming decisions.

When the PSR contains inaccuracies that cannot be fully corrected, the Statement of Reasons may be the only place where the judge's clarifications or findings are preserved in a way the Bureau of Prisons will recognize.

I've seen cases where the PSR overstated a person's role, implied violence, or failed to reflect mitigating facts. In those situations, the Statement of Reasons sometimes became the only reliable record of what the judge actually found to be true.

How Judges Use the Statement of Reasons

Judges use the Statement of Reasons to document:

- » Why they selected a sentence within or outside the guideline range
- » Whether they accepted or rejected certain factual claims
- » Whether they found mitigating or aggravating circumstances
- » Clarifications that affect how the sentence should be understood



This document gives judges a formal way to speak to future decision-makers who will never hear the sentencing hearing.

When the Statement of Reasons Becomes Essential

The Statement of Reasons is especially important when:

- » The PSR contains disputed language
- » The judge makes oral findings that differ from the PSR
- » The court grants a variance or departure
- » The judge clarifies your role, culpability, or risk level

Without those findings being memorialized, prison administrators may default to the PSR's wording—even if it conflicts with what the judge said at sentencing.

How Defense Counsel Can Use It Strategically

Defense attorneys can ask the court to include specific language in the Statement of Reasons. This is not an argument for leniency—it's a request for clarity.

For example, counsel may ask the judge to state that:

- » You were not a leader or organizer
- » Violence was not part of your conduct
- » You accepted responsibility despite going to trial
- » Certain allegations were not proven

Those statements can carry real weight later.

Why This Is a Backstop, Not a Substitute

The Statement of Reasons should never be viewed as a replacement for an accurate PSR. The best outcome is always a PSR that reflects reality.

But when perfection isn't possible, the Statement of Reasons can serve as a critical backstop—one that helps protect you when decisions are made long after sentencing.



Learning From What I've Seen

I've met many people who had judges speak favorably about them at sentencing, only to discover later that none of those statements mattered because they were never documented in a way prison administrators relied upon.

That's why I emphasize this lesson. Words spoken in court matter—but words written into the permanent record matter more.

For further information, use AI to get a full understanding of the Statement of Reasons and how the Bureau of Prisons will use it. In your prompt, you may reference Title 28 United States Code Section 994(w)(1)(B), which reads:

...the written statement of reasons for the sentence imposed (which shall include the reason for any departure from the otherwise applicable guideline range and which shall be stated on the written statement of reasons form issued by the Judicial Conference and approved by the United States Sentencing Commission);

In February 2016, the Judicial Conference issued, and the Sentencing Commission approved, Form AO 245B. Section I(B)(4) of the revised form reads:

“comments or factual findings concerning any information in the presentence report, including information that the Federal Bureau of Prisons may rely on when it makes inmate classification, designation, or programming decisions.”

In summary, the Bureau of Prisons will review both the Statement of Reasons and the PSR when classifying a person. Therefore, attorneys should make a strong case to persuade the judge to put specific language in the Statement of Reasons that may help a person qualify for specific BOP programs. That Statement of Reasons could potentially influence an earlier release date.

Bureau of Prisons' Program Statement 5322.13 requires the BOP to consider the Statement of Reasons when calculating each prisoner's security level. For that reason, some may argue that the Statement of Reasons may be an excellent remedy to overcome problems with an inaccurate PSR.



What Comes Next

In the final lesson of this section, I'll explain why fixing the PSR after sentencing rarely works, and what that reality means for how seriously you should approach preparation before the report is finalized.

Understanding this closes the loop on why early action is so important.



PRISON CHARITABLE CORPORATION

Prison Professors Charitable Corporation / PO Box 50996 / Irvine CA 92619
IRS 501c3 #85-2603315 / www.PrisonProfessors.org
Email: Impact@PrisonProfessors.org