

Recidivism Among Federal Drug Trafficking Offenders

UNITED STATES SENTENCING COMMISSION



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Chapter One:

EXECUTIVE SUMMARY

This report examines a group of 10,888 federal drug trafficking offenders who were released in calendar year 2005. They were originally sentenced between fiscal year 1991 and the first quarter of fiscal year 2006.

These 10,888 offenders, who were all U.S. citizens, represent 42.8 percent of the 25,431 federal offenders who were released in calendar year 2005 and analyzed in the Commission's 2016 *Recidivism Overview Report*.

Chapter Overview

- Introduction
- Key Findings
- Measures & Methodology

Introduction

The Commission's Ongoing Recidivism Research

The United States Sentencing Commission¹ began studying recidivism shortly after the enactment of the Sentencing Reform Act of 1984 (“SRA”). The Commission’s recent publication *Recidivism Among Federal Offenders: A Comprehensive Overview* (“*Recidivism Overview Report*”) discussed the history of this study in greater detail.² Recidivism information is central to three of the primary purposes of punishment described in the SRA—specific deterrence, incapacitation, and rehabilitation—all of which focus on prevention of future crimes through correctional intervention. Information about recidivism is also relevant to the Commission’s obligation to formulate sentencing policy that “reflect[s], to the extent practicable, advancements in knowledge of human behavior as it relates to the sentencing process.”³ Considerations of recidivism by federal offenders were also central to the Commission’s initial work in developing the *Guidelines Manual’s* criminal history provisions.⁴ They remain important to subsequent work, including the retroactive application of sentencing reductions in cases involving crack cocaine,⁵ and continue to be a key consideration in the Commission’s work today.

Recent developments, particularly public attention to the size of the federal prison population and the costs of incarceration,⁶ have highlighted the importance of studying recidivism among federal offenders.⁷ The Commission’s current recidivism research substantially expands on the scope of previous Commission recidivism projects.⁸ In addition to a different set of offenders—U.S. citizen federal offenders released in 2005—the project’s study group is much larger than those in previous Commission studies. A larger study group provides the opportunity to develop statistically useful conclusions about many subgroups of federal offenders.

This Report: Recidivism Among Federal Drug Trafficking Offenders

This report examines a group of 10,888 federal drug trafficking offenders who were released in calendar year 2005. They were originally sentenced between fiscal year 1991 and the first quarter of fiscal year 2006.⁹ Offenders were placed in this group based on the primary sentencing guideline that the court applied when sentencing the offender. One-half (50.0%) of these drug trafficking offenders were rearrested for a new crime or for an alleged violation of their supervision over the follow-up period of eight years. This compares to a

Table 1.1
Number of Drug Trafficking Offenders by Fiscal Year Sentenced and Primary Drug Type

Fiscal Year Sentenced	N	%	Primary Drug Type	N	%
1991	63	0.6%	Powder Cocaine	2,350	21.7%
1992	120	1.1%	Crack Cocaine	2,953	27.3%
1993	133	1.2%	Heroin	590	5.5%
1994	135	1.2%	Marijuana	2,570	23.8%
1995	178	1.6%	Methamphetamine	1,826	16.9%
1996	261	2.4%	Other	525	4.9%
1997	400	3.7%	TOTAL	10,814	100.0%
1998	508	4.7%			
1999	577	5.3%			
2000	815	7.5%			
2001	1,169	10.7%			
2002	1,496	13.7%			
2003	2,110	19.4%			
2004	1,763	16.2%			
2005	1,062	9.8%			
2006	98	0.9%			
TOTAL	10,888	100.0%			

SOURCE: U.S. Sentencing Commission’s 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. Information on primary drug type is unavailable for offenders sentenced in fiscal year 1991. Of the remaining 10,825 offenders, 11 offenders with missing information on primary drug type were excluded from the analysis. Totals may not sum to 100.0% due to rounding.

49.3 percent rearrest rate for all offenders reported in the *Recidivism Overview Report*.

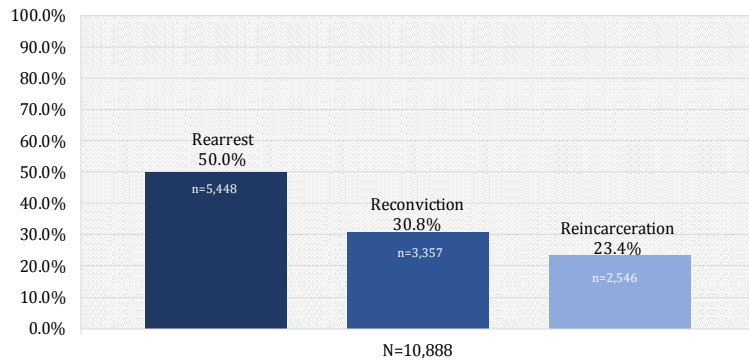
These 10,888 offenders, who were all U.S. citizens, represent 42.8 percent of the 25,431 federal offenders who were released in calendar year 2005¹⁰ and analyzed in the *Recidivism Overview Report*. Among those offenders in this group for whom drug type information was available,¹¹ crack cocaine was the most common primary drug type, with 2,953 crack cocaine offenders (27.3% of the 10,814 offenders with a known primary drug type). The remaining primary drug types, in order of prevalence, were marijuana (n=2,570, 23.8%), powder cocaine (n=2,350, 21.7%), methamphetamine (n=1,826, 16.9%), and heroin (n=590, 5.5%). An additional 525 (4.9%) offenders had some other type of drug as the primary type of drug in their offense, and were not studied separately for purposes of this report.

This chapter summarizes the group studied in this report as well as its key findings. It also explains the methodology used in the report. Chapter Two provides an overview of the statutes and guidelines most often applicable to federal drug trafficking offenses, and reports the demographics and recidivist behavior of drug trafficking offenders as a whole. Chapters Three through Seven provide detailed information about offenders as classified by the drug types studied in this report: powder cocaine, crack cocaine, heroin, marijuana, and methamphetamine. Chapter Eight concludes by reviewing the report’s findings.

Key Findings

Key findings of the Commission’s study of recidivism among drug trafficking offenders are that:

Figure 1.1
Overview of Drug Trafficking Recidivism Study Findings



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT.

- Over the eight-year follow-up period, one-half (50.0%) of federal drug trafficking offenders released in 2005 recidivated by being rearrested¹² for a new crime or rearrested for a violation of supervision conditions.
- Crack cocaine offenders recidivated at the highest rate (60.8%) of any drug type, while powder cocaine offenders recidivated at the lowest rate (43.8%).
- Of those drug trafficking offenders who recidivated, the median time from release to the first recidivism event was 25 months.
- Nearly one-fourth (23.8%) of drug trafficking offenders who recidivated had assault as their most serious new charge followed by drug trafficking and public order offenses.
- A federal drug trafficking offender’s criminal history was closely associated with the likelihood of recidivism. Recidivism rates ranged from 35.4 percent for offenders with zero criminal history points to 77.1 percent of offenders in the highest Criminal History Category of VI.
- A federal drug trafficking offender’s age at time of release into the community was also closely associated with likelihood of recidivism. Drug trafficking offenders released prior to age 21 had the highest recidivism rate, 65.0 percent, while drug trafficking offenders over 60 years old at the time of release had the lowest recidivism rate of 16.5 percent.

Table 1.2
Overview of Drug Trafficking Recidivism Study Findings

Recidivism Measure	Rearrest	Reconviction	Reincarceration
Percent	50.0%	30.8%	23.4%
Median Time to Recidivism	25 Months	34 Months	33 Months
Median Number of Recidivism Events	2	1	1
Most Serious Post-Release Event	Assault (23.8%, n=1,297)	Drug Trafficking (18.9%, n=633)	Drug Trafficking (21.7%, n=553)
Median Age at Release	32	32	31

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. Median age at release is shown for recidivist offenders only.

- The strong associations of both criminal history and age with recidivism rates are tied to certain other findings. There was an inverse association between the base offense level under the guidelines (which is determined by the drug type and quantity) and recidivism rates. Similarly, there was an inverse association between both the presence and length of a statutory drug mandatory minimum penalty and recidivism rates. The longer sentences received by the more serious drug trafficking offenders result in older ages at release, which is a likely factor affecting this result.
- There was little apparent association between the length of imprisonment and recidivism for drug trafficking offenders overall. However, once Criminal History Category is accounted for, length of imprisonment is associated with lower rates of recidivism. Again, longer sentences result in older ages at release, which combined with criminal history differences, are likely factors affecting this result.
- Federal drug trafficking offenders had a substantially lower recidivism rate compared to a cohort of state drug offenders released into the community in 2005 and tracked by the Bureau of Justice Statistics. Over two-thirds (76.9%) of state drug offenders released from state prison were rearrested within five years, compared to 41.9 percent of federal drug trafficking offenders released from prison over the same five-year period.

Measures of Recidivism and Methodology

Defining and Measuring Recidivism

Recidivism “refers to a person’s relapse into criminal behavior, often after the person receives sanctions or undergoes intervention for a previous crime.”¹³ Measuring recidivism informs decision making about issues such as pretrial detention, appropriate sentence type and length, prisoner classification, prison programming, and offender supervision in the community. It also allows policymakers to evaluate the performance of the criminal justice system as a whole.¹⁴

Recidivism is typically measured by criminal acts that resulted in the rearrest, reconviction, and/or reincarceration of the offender over a specified period of time. These are the three recidivism measures used in this report, but the report primarily relies on the first—rearrest—with additional data regarding reconviction and reincarceration reported in the Appendix.¹⁵ Providing data about multiple measures of recidivism allows users to select the performance measure best suited to their outcome of interest.

Rearrest classifies a person as a recidivist if he or she has been arrested for a new crime after being released into the community directly on probation or after serving a term of imprisonment. Rearrest also includes arrests for alleged violations of supervised release, probation, or state parole. The number of rearrests in the Commission’s analysis is based on the number of unique arrest dates, regardless of the number of individual charges arising from a single arrest event. Thus, if an offender was arrested on a single occasion for both driving under the influence and possession of cocaine, that arrest date would constitute a single rearrest event.

Reconviction classifies a person as a recidivist if an arrest resulted in a subsequent court conviction.¹⁶ Violations and revocations of supervision are not included in reconvictions since no formal prosecution occurred. While states have improved the completeness of criminal history records, a recent federal study found significant gaps in reporting of dispositions following an arrest.¹⁷ Such gaps occur in the criminal records used in this report, and lead to an undercounting of reconvictions, because missing dispositions for rearrests are treated as if reconviction and reincarceration did not occur.

Reincarceration classifies a person as a recidivist if a conviction or revocation resulted in a prison or jail sentence as punishment. The reincarceration measure counts offenders who were reported returned to the Federal Bureau of Prisons, state prison, or local jail for any term of incarceration. Incomplete criminal records also create missing information about reincarceration.¹⁸

Many rearrests do not ultimately result in a reconviction or reincarceration for reasons relating to procedural safeguards (e.g., the suppression of evidence for an unconstitutional search or seizure), lack of sufficient evidence to convict or revoke, and prosecutorial or judicial resource limitations. To the extent that the rearrest event is an accurate indicator of relapse into criminal behavior, excluding events due to non-conviction or non-incarceration will result in underestimation of recidivism. Even using the least restrictive measure, rearrest, does not count the full extent of offender recidivism, as many crimes go unreported to police or, if reported, do not result in an arrest. For these reasons, no measure is perfect, and reporting several measures provides a more complete and nuanced picture of reoffending. The three measures overlap in some areas—meaning all offenders who were reconvicted or reincarcerated also were necessarily rearrested, too. Some offenders who were reconvicted, however, were not reincarcerated. Generally speaking, however, the measure of rearrest is larger than the measure of reconviction, which in turn is larger than the measure of reincarceration.

Methodology of This Recidivism Study

In undertaking its current recidivism research, the Commission selected a follow-up period of eight years. It considered all recidivism events (including felonies, misdemeanors, and “technical” violations of the conditions of supervision), except minor traffic offenses, which occurred over that eight-year period. While this report includes summary findings using all three measures (rearrest, reconviction, and reincarceration), it primarily relies on rearrest data in providing more detailed information about the recidivism of federal drug offenders.

Specifically, this report includes the time to the first recidivism event for those offenders who recidivated. Studying the timing of recidivism can help in understanding the process of desistance, as some offenders may be able to remain in the community for a considerable time before recidivating, while others recidivate very quickly. The report also includes the median number of recidivism events and the most serious type of post-release offense among those who recidivated. The report then investigates the association between recidivism and factors affecting sentence length, such as criminal history, base offense level, aggravating and mitigating factors, and sentence imposed relative to the guidelines. Finally, the report describes the association between age and recidivism. This information is reported first for drug trafficking offenders as a whole, then by drug type.

This report examines federal drug trafficking offenders, as classified by their primary sentencing guideline. Classifying offenders according to their primary sentencing guideline focuses on the offense guideline in Chapter Two of the *Guidelines Manual* that resulted in the offender’s highest final offense level. The selection of a guideline from Chapter Two is determined by a combination of the offense of conviction and relevant conduct. This method permits a uniform analysis of guideline-specific issues and focuses on those offenders for whom drug trafficking represented the most serious conduct, as assessed by the guidelines. This differs from the classification used in the *Recidivism Overview Report*, which classified an offender based on his or her offense of conviction, even if the final offense level was not calculated primarily based on that conviction.

DRUG TRAFFICKING RECIDIVISM STUDY OFFENDERS

The offenders studied in this project are **10,888 federal drug trafficking offenders** who:

- **were sentenced under USSG §§2D1.1** (Drug Trafficking), **2D1.2** (Protected Locations), **2D1.5** (Continuing Criminal Enterprise), **2D1.6** (Use of a Communication Facility), **2D1.8** (Rent/Manage Drug Establishment), **2D1.10** (Endangering Human Life), or **2D1.14** (Narco-Terrorism);
- are **citizens**;
- **re-entered the community during calendar year 2005** after discharging their sentence of incarceration or by commencing a term of probation in calendar year 2005;
- have **valid FBI numbers** which could be located in criminal history repositories (in at least one state, the District of Columbia, or federal records); and
- met **other study conditions** discussed later in this report.

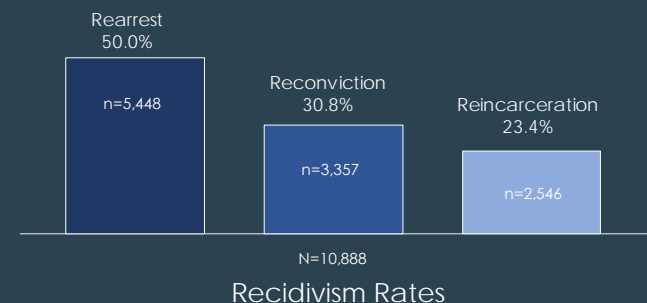
Chapter Two: ALL DRUG TRAFFICKERS

This chapter analyzes recidivism among the **10,888 drug trafficking offenders** as a whole. After providing a brief overview of the operation of the statutes and guidelines commonly applicable to federal drug trafficking offenses, it discusses the characteristics of the offenders in the study and their recidivist behavior.

Over the eight-year study period, **drug trafficking offenders recidivated** at a rate of **50.0 percent**.

Chapter Overview:

- Offender & Offense Characteristics
- Sentences Imposed
- Recidivism Findings



Drug Trafficking Offenses and the Sentencing Process

Statutory and Guidelines Provisions

Federal drug trafficking offenders are primarily convicted of offenses under Title 21 of the U.S. Code. These statutes prohibit the distribution, manufacture, importation, and possession with intent to distribute of controlled substances generally,¹⁹ as well as more specific acts, such as maintaining a drug-involved premises,²⁰ or the use of a “communication facility” to distribute drugs.²¹ These statutes impose mandatory minimum terms of imprisonment (most commonly of five or ten years) on those convicted of trafficking in specified quantities of some drugs. These penalties may be enhanced further based on an offender’s record of previous drug trafficking offenses.²²

Convictions for violating these statutes are sentenced under Part D of Chapter Two of the *Guidelines Manual*. The principal drug trafficking guideline is §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking), which typically applies to convictions to distribute, manufacture, import, or possess with intent to distribute controlled substances. The primary driver of the severity of an offender’s punishment under this guideline is the type and quantity of drugs for which he or she is accountable, although other factors, discussed in greater detail below, may also play a role.²³

In addition to §2D1.1, this report includes offenders who were sentenced under six other guidelines in Chapter Two, Part D.²⁴ These guidelines apply when an offender is convicted of violating particular statutes—for example, §2D1.2 (“Drug Offenses Occurring Near Protected Locations or Involving Underage or Pregnant Individuals”) applies when an offender is convicted under one of several statutes prohibiting the sale of drugs at certain locations or to specified classes of persons.²⁵ While these guidelines contain some unique provisions reflecting the specific nature of the offense of conviction, they also incorporate the drug quantity table at §2D1.1, and the drug quantity for which an offender is held accountable is likely to be a major driver of his or her recommended guideline range under any of the guidelines included in this report.

Sentencing Drug Trafficking Offenders

The guidelines set a base offense level (“BOL”) for each offense, most often based on the statute of conviction. In the case of drug offenses, the BOL is additionally determined by the type and quantity of drugs attributable to the offender.²⁶ During the years the offenders in this study were sentenced, the

guidelines linked drug BOLs with applicable mandatory minimums by setting the bottom of the guideline range derived from the drug quantity table at or slightly above the mandatory minimum sentence. For example, an offender with at least five grams, but less than 20 grams, of crack cocaine received an offense level of 26 in the 1998 *Guidelines Manual*.²⁷ At Criminal History Category (“CHC”) I, offense level 26 corresponded with a guideline range of 63-78 months, just over the then-applicable mandatory minimum sentence of five years for such a quantity of crack cocaine.²⁸ Other factors (such as use of a weapon, role in the offense, and acceptance of responsibility) play an important role in determining the final offense level and accompanying guideline range but, in general, a higher BOL will lead to a higher guideline range.

Statutory mandatory minimum penalties may be avoided, even when otherwise applicable based on drug quantity, in two ways. First, a “safety valve” reduction permits an offender who meets a set of mitigating criteria to be sentenced below an otherwise applicable mandatory minimum penalty and to receive a two-level reduction in the guideline offense level. Offenders who qualify may receive the two-level reduction even if they are not affected by a mandatory minimum penalty.²⁹ Second, an offender who provides “substantial assistance” to the authorities may have an applicable mandatory minimum penalty waived and receive an additional offense level reduction under a guidelines departure provision.³⁰ The extent of a substantial assistance departure is determined by the sentencing court in light of factors enumerated in the guideline, and is not limited to a specific number of offense levels.³¹ As with the safety valve, an offender may receive the guideline offense level reduction for substantial assistance even if he or she is not convicted of an offense carrying a statutory minimum penalty.

Other features of an offender’s conduct or role in the offense may result in increases or reductions to the BOL. This report examines three such provisions in more detail. First, a weapon enhancement, defined as either a guidelines specific offense characteristic relating to a weapon³² or a conviction under 18 U.S.C. § 924(c) for use of a firearm in connection with a drug trafficking offense,³³ results in an offense level increase, and, in the case of a Section 924(c) conviction, an additional statutory minimum penalty. Second, offenders who were organizers, leaders, managers, or supervisors of an offense can receive an upward aggravating role adjustment of two to four levels.³⁴ Third, offenders who were found to have a minor or minimal role in an offense may receive a downward mitigating role adjustment of two to four levels.³⁵

After an offense level has been determined based on the characteristics of the instant offense, the guidelines assign criminal history points for prior convictions meeting certain criteria (for example, generally speaking, more points are assigned to prior convictions that resulted in longer terms of imprisonment, and convictions that occurred more than specified periods of years before an offender’s instant federal offense are considered “stale” and not counted).³⁶ The number of points an offender receives determines his or her placement in one of six criminal history categories.³⁷

Once these calculations are complete, a recommended term of imprisonment, expressed in months, is determined by use of the Sentencing Table found in Chapter Five of the *Guidelines Manual*.³⁸ The Sentencing Table is a grid that accounts for both the offender’s final offense level (which is the base offense level, as altered by any aggravating or mitigating adjustments or adjustments based on multiple counts) and the offender’s CHC.

Offender and Offense Characteristics

Demographics

Similar proportions of drug trafficking offenders were White (34.6%) and Black (37.2%). About one-quarter (25.5%) were Hispanic, while 2.6 percent were of another race. A majority (84.2%) was male.

The median drug trafficking offender was 30 years old at the time of sentencing, and 34 years old at the time of release. Those aged 31 to 35 represented the largest single age group at the time of release (21.4%). Few offenders were over age 60 at either the time of sentencing (1.1%) or release (2.3%). Somewhat more offenders were under age 21 at the time of sentencing (5.7%), while only 1.3 percent were under 21 at the time of release. Offenders aged 21 to 25 represented the largest single age group at the time of sentencing (23.4%), although the 26 to 30 age group was nearly equivalent, at 23.2 percent.

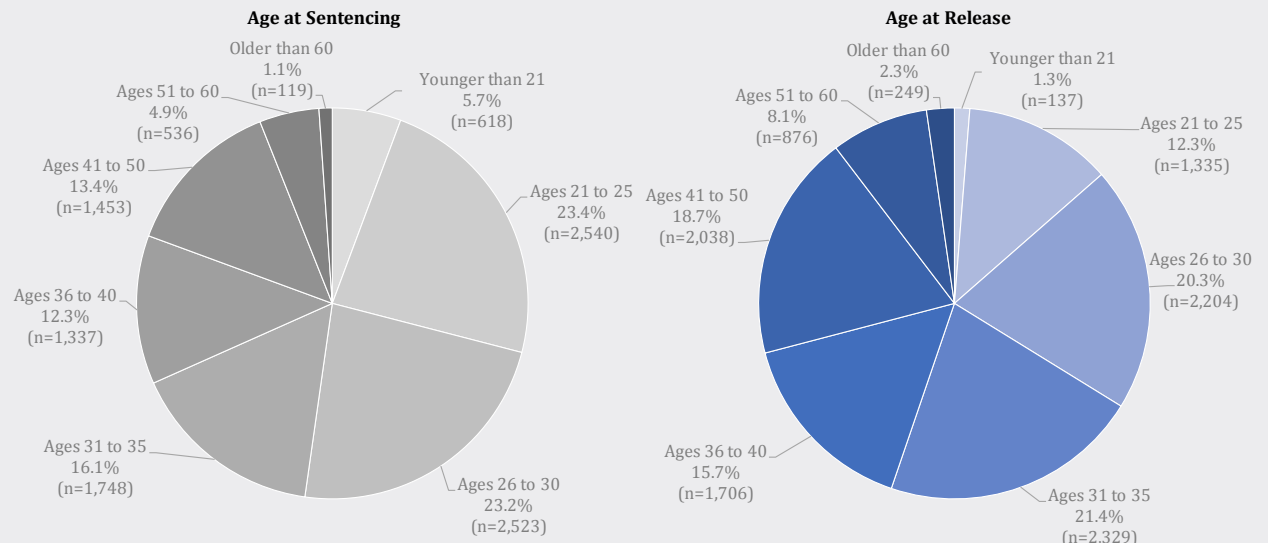
Figure 2.1
Demographic Characteristics of Drug Trafficking Offenders

Race/Ethnicity	N	%
White	3,766	34.6%
Black	4,050	37.2%
Hispanic	2,774	25.5%
Other	287	2.6%

Gender	N	%
Male	9,164	84.2%
Female	1,721	15.8%

Citizenship	N	%
U.S. Citizens	10,888	100.0%

Age	N	%
Median Age at Sentencing	30 Years	
Median Age at Release	34 Years	



SOURCE: U.S. Sentencing Commission’s 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. Totals may not sum to 100.0% due to rounding.

Offense Characteristics

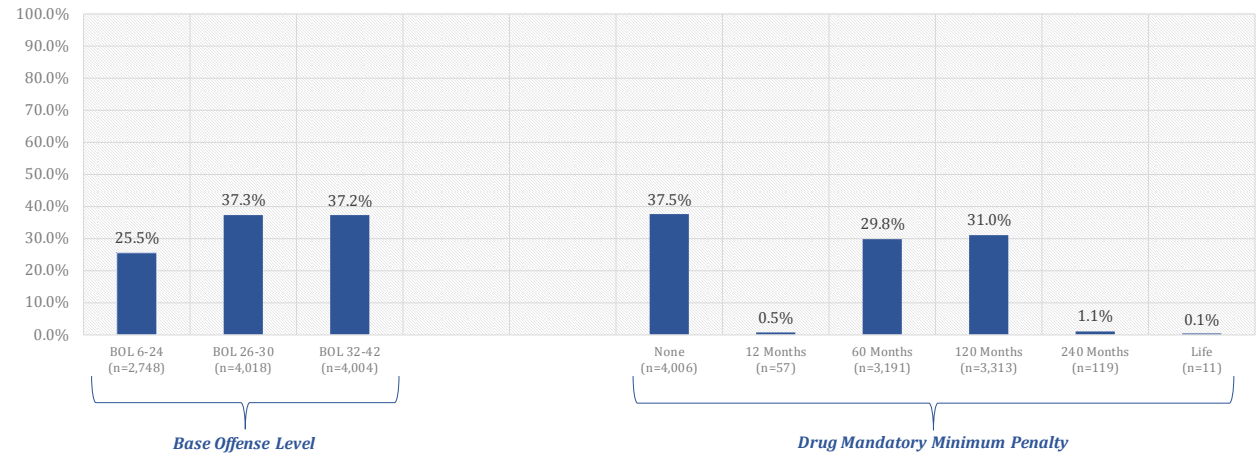
Nearly equal proportions of drug trafficking offenders had BOLs of either between 26 and 30 (37.3%) or between 32 and 42 (37.2%), while another quarter (25.5%) had a BOL of between 6 and 24.³⁹

A majority (62.5%) of drug trafficking offenders were convicted of a drug offense carrying a statutory drug mandatory minimum penalty; in nearly all those cases the applicable mandatory minimum penalty was either five or ten years.⁴⁰

Just over a third (34.9%) of all drug trafficking offenders received a safety valve reduction at their original sentencing.

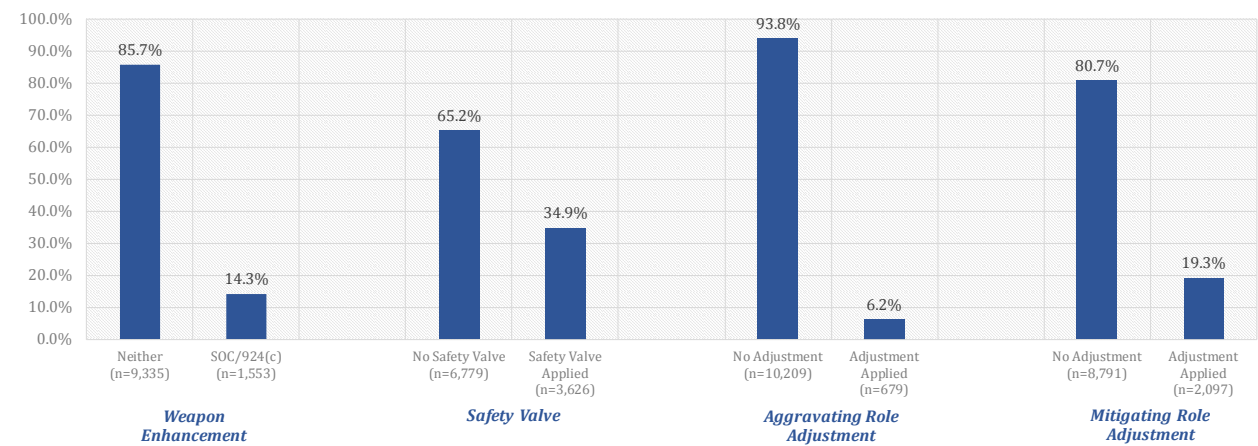
Only 14.3 percent of all drug trafficking offenders received a weapon enhancement. A small number (6.2%) received an aggravating role adjustment, while approximately one-fifth (19.3%) received a mitigating role adjustment.

Figure 2.2
Application Rates for Drug Trafficking Offenders by Base Offense Level & Drug Mandatory Minimum Penalties



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. Base Offense Level values reflect the BOL from the Drug Quantity Table (DQT) at USSG §2D1.1 prior to the application of the mitigating role cap or any adjustments under other guideline provisions. Offenders with BOLs determined by guideline provisions without reference to the DQT (e.g., §2D1.1(a)(1), §2D1.2(a)(3)) and offenders missing information required to determine the BOL prior to the application of the mitigating role cap were excluded from the base offense level analysis (n=118). Information on drug statutory mandatory minimum penalties is unavailable in fiscal years 1991 and 1992 and offenders sentenced in those years were excluded from the drug mandatory minimum analysis. Of the remaining 10,705 offenders, eight were excluded from this analysis due to missing or unusual drug statutory mandatory minimum penalty information. Totals may not sum to 100.0% due to rounding.

Figure 2.3
Application Rates for Drug Trafficking Offenders by Selected Guideline Characteristics



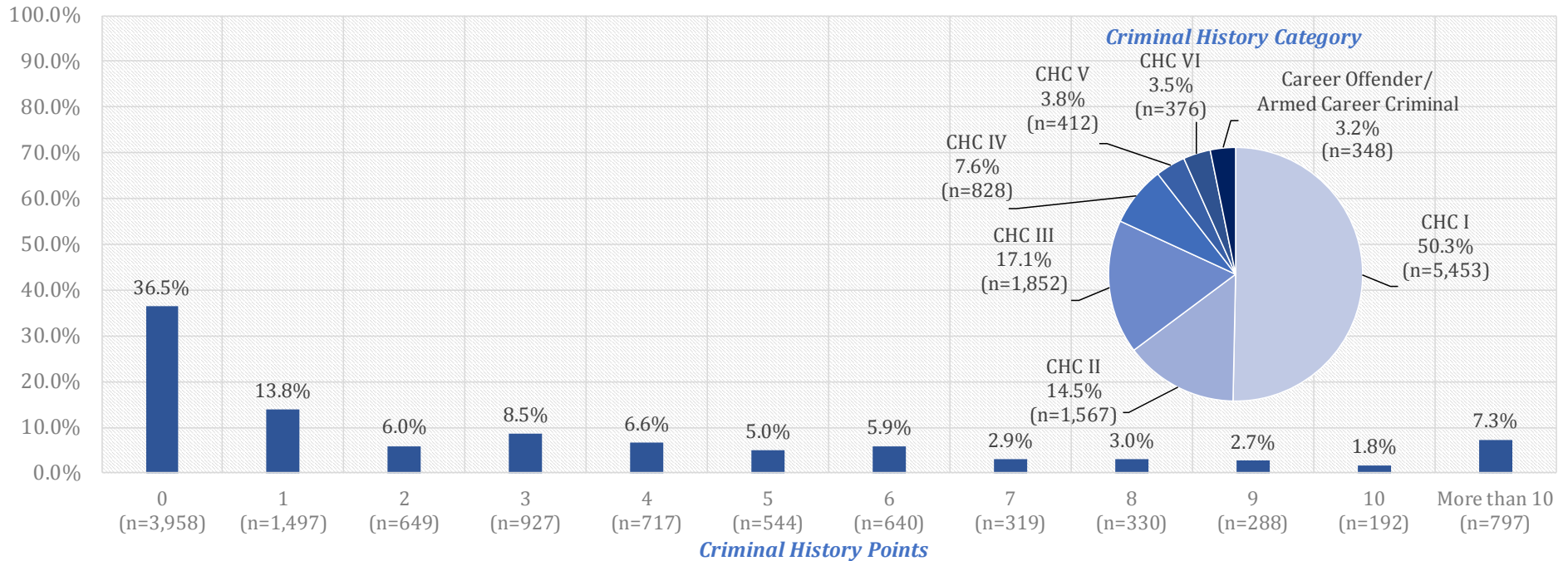
SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from each analysis that were missing information necessary to perform the analysis. The weapon enhancement analysis includes offenders with a conviction under 18 U.S.C. § 924(c) and/or the application of a weapon enhancement under the guidelines. The safety valve analysis accounts for safety valve relief under USSG §§5C1.2 and 2D1.1. Safety valve did not exist prior to fiscal year 1995 and the safety valve analysis excludes offenders sentenced in fiscal years 1991 through 1994. The aggravating role adjustment analysis includes offenders with any positive value under USSG §3B1.1. The mitigating role adjustment analysis includes offenders with any negative value under USSG §3B1.2. In addition, offenders sentenced under USSG §2D1.8(a)(2) are included as receiving mitigating role. Totals may not sum to 100.0% due to rounding.

Criminal History

Over one-third (36.5%) of drug trafficking offenders received no criminal history points, the largest proportion of offenders at any point level. The next largest proportions were at one point (13.8%) and three points (8.5%).

The majority of drug trafficking offenders (50.3%) were in Criminal History Category (CHC) I, followed by 17.1 percent in CHC III and 14.5 percent in CHC II. In addition to the 3.5 percent of offenders who were classified in CHC VI based on their number of criminal history points, an additional 3.2 percent were designated as career offenders/armed career criminals, and were typically placed in CHC VI on that basis, even if they would otherwise have fallen into a lower CHC.⁴¹

Figure 2.4
Criminal History Scores of Drug Trafficking Offenders



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. Criminal History Points may not sum to the expected Criminal History Category due to career offender/armed career criminal classification or missing information. Totals may not sum to 100.0% due to rounding.

Sentences Originally Imposed

An overwhelming majority of drug trafficking offenders were sentenced to at least some term of incarceration, either in the form of prison only (93.0%) or a “split sentence” of prison and community confinement (1.7%). Another 3.7 percent were sentenced to probation, while 1.6 percent were sentenced to a combination of probation and community confinement.

Of the 94.7 percent who were sentenced to prison, the most frequently imposed sentence length was between 24 and 59 months (36.8%), followed by 60 to 119 months (31.1%). Nearly a fifth (19.0%) received a sentence of 120 months or more, while 3.3 percent received a sentence of less than 12 months.

A majority of drug trafficking offenders (57.8%) received a sentence that was within their sentencing guideline range. Almost one-third (32.8%) received below-range sentences due to a departure granted for providing substantial assistance to the government in the investigation or prosecution of another person who had committed an offense. Another 6.8 percent received below-range sentences that were not requested by the government. Small numbers received below-range sentences that were requested by the government for some reason other than providing substantial assistance (2.3%), or received above-range sentences (0.2%).

Figure 2.5
Sentences Imposed on Drug Trafficking Offenders

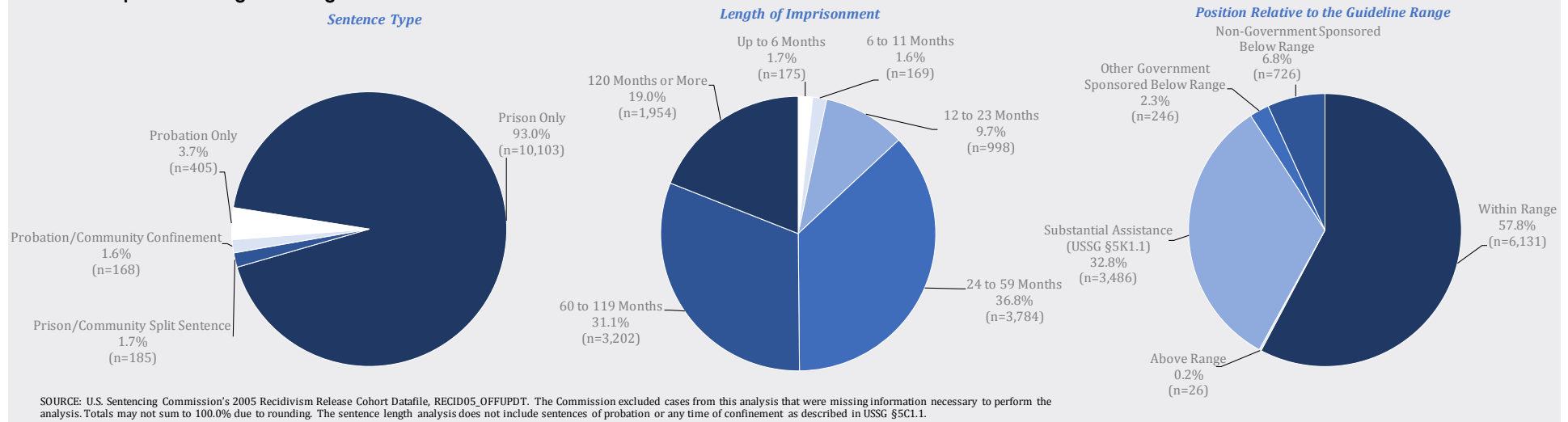


Table 2.1
Recidivism Rates for Drug Trafficking Offenders

Recidivism Measure	Rearrest	Reconviction	Reincarceration
Percent	50.0%	30.8%	23.4%
Median Time to Recidivism	25 Months	34 Months	33 Months
Median Number of Recidivism Events	2	1	1
Most Serious Post-Release Event	Assault (23.8%, n=1,297)	Drug Trafficking (18.9%, n=633)	Drug Trafficking (21.7%, n=553)
Median Age at Release	32	32	31

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. Median age at release is shown for recidivist offenders only.

Recidivism Findings

Rearrest, Reconviction, and Reincarceration

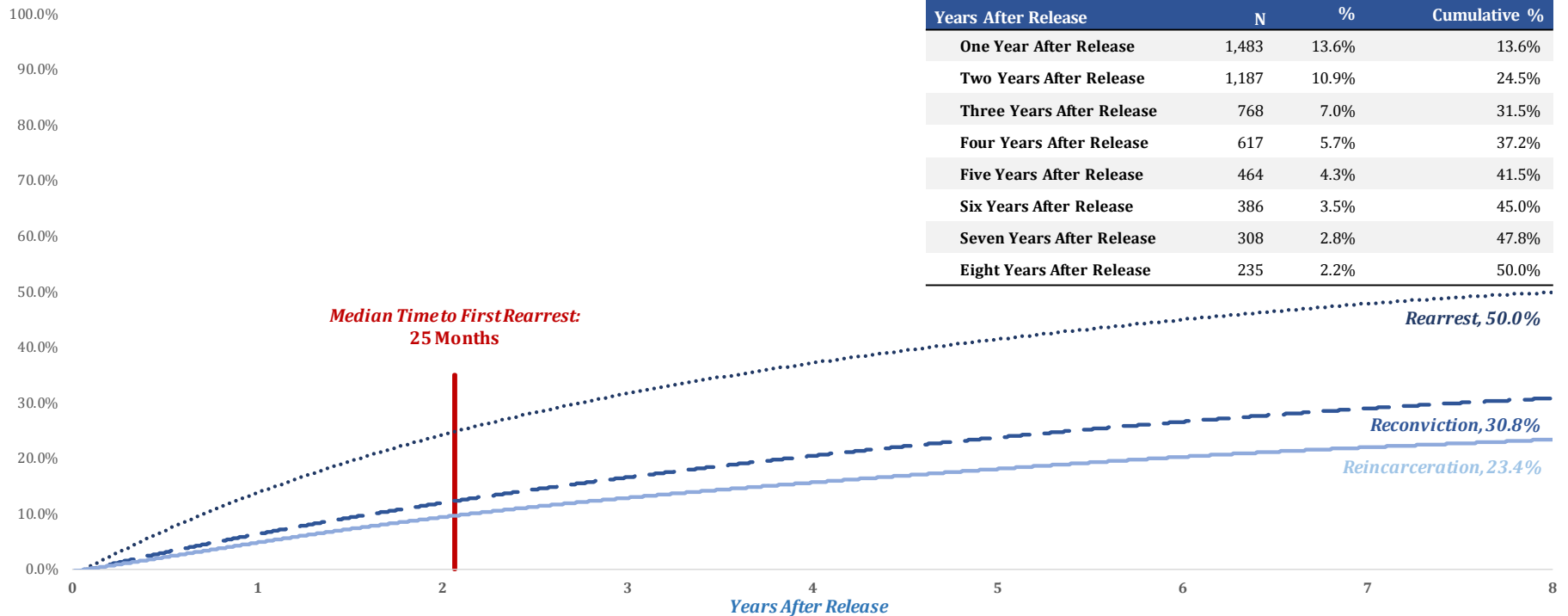
As explained above, this report primarily relies on the rate of rearrest to measure recidivism. Measured this way, the recidivism rate for all drug

offenders combined was 50.0 percent. As expected, the reconviction rate (30.8%) for all drug offenders was lower, and the reincarceration rate (23.4%) was lower still. The Appendix contains more detailed information using all three measures of recidivism.

Time to First Recidivism Event

The length of time from an offender’s release into the community to his or her first recidivism event can be useful in distinguishing offenders who recidivate early from those who eventually recidivate, but are apparently crime-free for a longer interval. Tracking the length of time to first failure can also help policymakers determine an appropriate period of supervision after the release from prison, for example by extending supervision through the peak

Figure 2.6
Time to First Rearrest of Drug Trafficking Offenders



crime-prone interval.

The median time to recidivism (among those drug trafficking offenders who recidivated) was 25 months, meaning that for one-half of the offenders, recidivism occurred within 25 months of their release, while the other half recidivated more than 25 months after release. Among those who recidivated, the median number of recidivism events (events occurring on separate days) was two.

As the follow-up period progressed, each year saw fewer offenders recidivate for the first time. During the first year following release into the community, 13.6 percent of the drug trafficking offenders recidivated for the first time. This rate fell to 10.9 percent in the second year and 7.0 percent in the third year.

SOURCE: U.S. Sentencing Commission’s 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. In cases in which any reconviction or reincarceration is known, but the date of arrest leading to the reconviction/reincarceration is unknown, the reconviction/reincarceration date is assigned as the rearrest date.

Chapter Two:
ALL DRUG TRAFFICKERS

Only 2.2 percent of offenders recidivated for the first time in the eighth year.

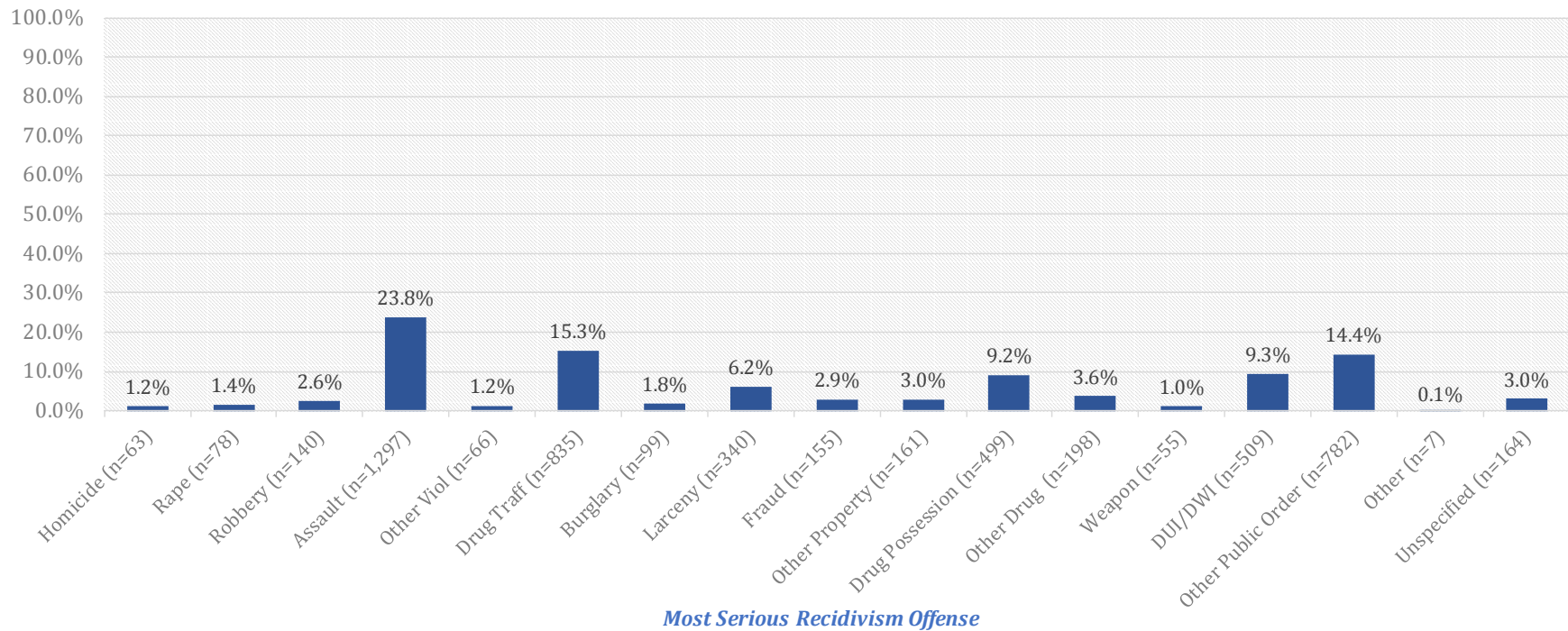
Most Serious Recidivism Offense

The Commission adapted a widely used ranking of offense types to evaluate the seriousness of the offenses for which offenders were rearrested.⁴² When considering only the single “most serious” offense type of all drug trafficking offenders who recidivated, assault was most common, constituting the most serious offense for 23.8 percent, followed by drug trafficking (15.3%) and “other public order” offenses (14.4%).⁴³ Three other types of offenses represented the most serious offense types for at least five percent of drug trafficking offenders: DUI/DWI offenses (9.3%), drug possession (9.2%), and larceny (6.2%).

Recidivism Compared to State Drug Offenders

Federal drug traffickers had a lower recidivism rate than a cohort of state drug offenders released into the community in 2005 and tracked by the Bureau of Justice Statistics. That study found that 76.9 percent of drug offenders⁴⁴ released from state prison recidivated within five years.⁴⁵ The Commission, using a comparable follow-up period of five years and including only federal drug trafficking offenders released from prison, found a recidivism rate of 41.9 percent.⁴⁶

Figure 2.7
Rearrest Rates for Drug Trafficking Offenders by Most Serious Recidivism Offense



SOURCE: U.S. Sentencing Commission’s 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. Totals may not sum to 100.0% due to rounding.

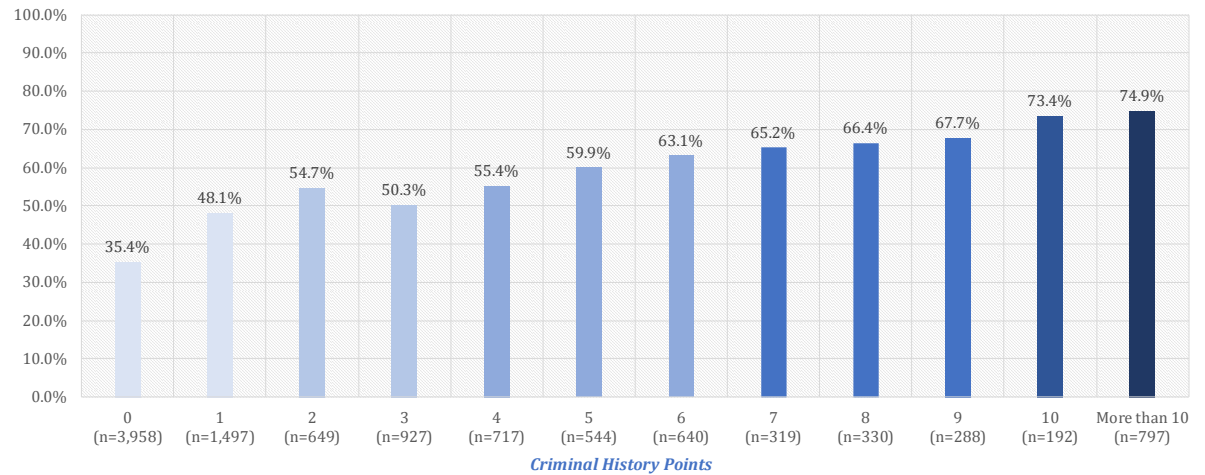
Recidivism and Criminal History

The relationship between prior criminal record and recidivism has been recognized by the Commission since its inception, as discussed in Chapter Four of the *Guidelines Manual*.⁴⁷ Empirical research assessing the relationship between recidivism and criminal career behavior was consulted in formulating the criminal history scoring system, and recent research has confirmed the strength of that relationship.⁴⁸ As the *Guidelines Manual* explains, in order “to protect the public from further crimes of the particular offender, the likelihood of recidivism and future criminal behavior must be considered.”⁴⁹

Recidivism rates for drug trafficking offenders were strongly associated with total criminal history points, a result consistent with the Commission’s prior research.⁵⁰ Among drug trafficking offenders, 35.4 percent of offenders with zero criminal history points recidivated within eight years, compared to 74.9 percent of offenders with more than ten criminal history points. Each additional criminal history point was generally associated with a higher rate of recidivism, even if the recidivism rate did not always climb evenly from one criminal history point to the next.

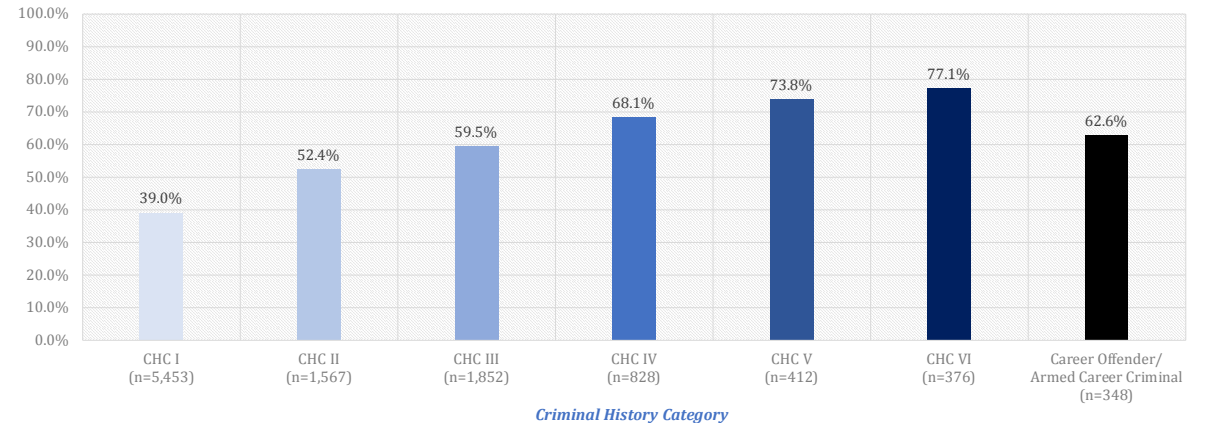
Because the number of criminal history points determines the CHC to which an offender is assigned, recidivism rates are also associated with CHC. That is, the higher the CHC, the higher the recidivism rate. Recidivism rates among drug trafficking offenders ranged from a low of 39.0 percent for those in CHC I to a high of 77.1 percent for those who were in CHC VI based on their accumulation of criminal history points. Career offenders and armed career criminals recidivated at a higher rate (62.6%) than drug trafficking offenders as a whole, but at a lower rate than offenders classified in CHC IV (68.1%), CHC V (73.8%), or CHC VI based on criminal history points.

Figure 2.8
Rearrest Rates for Drug Trafficking Offenders by Criminal History Points



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

Figure 2.9
Rearrest Rates for Drug Trafficking Offenders by Criminal History Category



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

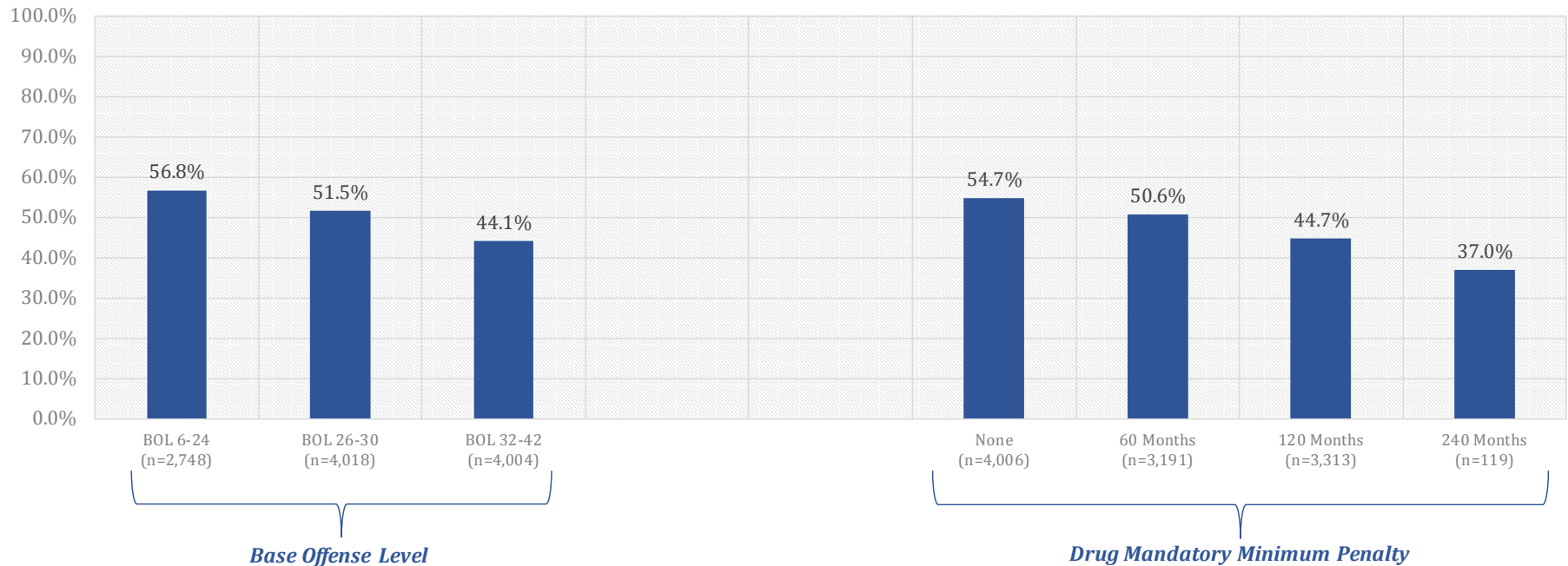
Recidivism and an Offender's Federal Offense

For drug trafficking offenders as a whole, there was an inverse association between an offender's guideline BOL, which is driven by drug type and quantity, and the rate of recidivism. Offenders with BOLs of between 6 and 24 recidivated at a rate of 56.8 percent, while those with a BOL of 26 to 30 recidivated at a lower rate of 51.5 percent, and those with a BOL between 32 and 42 recidivated at an even lower rate of 44.1 percent. Lower BOLs correspond to lower guideline ranges, and therefore generally shorter periods of imprisonment and somewhat younger ages at time of release. Conversely, offenders with higher BOLs were typically older upon release from prison. For example, offenders with BOLs of between 6 and 24 were about two years younger upon release than offenders with BOLs of between 26 to 30, and four years younger

than those with BOLs of between 32 and 42.⁵¹ As discussed below and in the *Recidivism Overview Report*, younger age at release is associated with higher recidivism, and this may be at least one factor explaining the link between recidivism and BOL.

Similarly, there was an inverse association between the length of any drug mandatory minimum penalty and recidivism rate.⁵² Recidivism among drug trafficking offenders not convicted of a drug offense carrying a mandatory minimum penalty was 54.7 percent, while those convicted of an offense carrying a five-year mandatory minimum penalty had a lower recidivism rate of 50.6 percent, those convicted of an offense carrying a ten-year mandatory minimum penalty had an even lower recidivism rate of 44.7 percent, and those convicted

Figure 2.10
Rearrest Rates for Drug Trafficking Offenders by Base Offense Level & Drug Mandatory Minimum Penalties



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. Base Offense Level values reflect the BOL from the Drug Quantity Table (DQT) at USSG §2D1.1 prior to the application of the mitigating role cap or any adjustments under other guideline provisions. Offenders with BOLs determined by guideline provisions without reference to the DQT (e.g., §2D1.1(a)(1), §2D1.2(a)(3)) and offenders missing information required to determine the BOL prior to the application of the mitigating role cap were excluded from the base offense level analysis (n=118). Information on drug statutory mandatory minimum penalties is unavailable in fiscal years 1991 and 1992 and offenders sentenced in those years were excluded from the drug mandatory minimum analysis. Of the remaining 10,705 offenders, eight were excluded from this analysis due to missing or unusual drug statutory mandatory minimum penalty information.

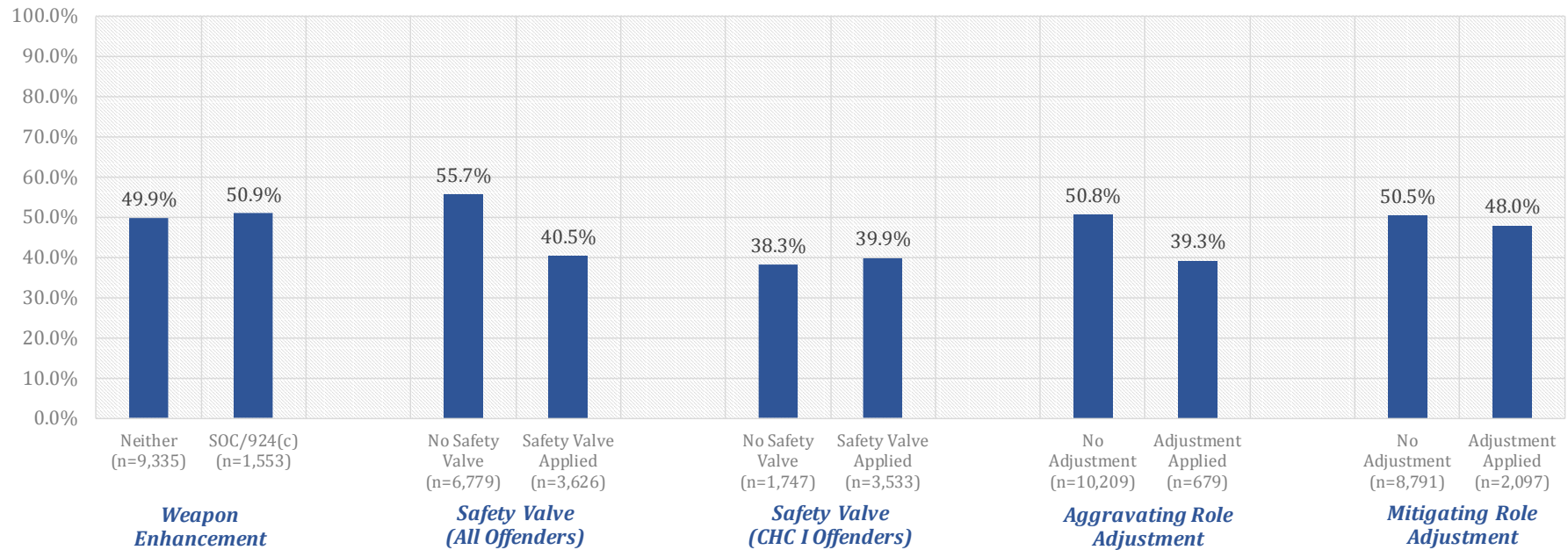
of an offense carrying a mandatory minimum penalty of 20 years had the lowest recidivism rate, 37.0 percent. As with BOL, those convicted of no drug offenses carrying a mandatory minimum penalty were about four years younger at release than those convicted of offenses carrying a ten-year mandatory minimum penalty, and this relative youth at release may be one factor explaining the link between lower mandatory minimum penalties and higher recidivism.

Although those offenders who received a safety valve reduction had a decreased rate of recidivism, this difference is largely explained by the minimal criminal history an offender must have in order to receive the safety valve reduction. Offenders who qualified for a safety valve reduction had a recidivism rate of 40.5 percent, while those who did not qualify had a rate of 55.7 percent. An offender must have no more than one criminal history point in order to

receive the safety valve. One way to isolate the effect of this low criminal history level (as opposed to any other characteristic of those offenders receiving safety valve relief) is to examine the effect of the safety valve among CHC I offenders only. In that group, those who received a safety valve reduction recidivated 39.9 percent of the time, while those who received no safety valve reduction recidivated at nearly the same rate (38.3%). It appears that the reduction in recidivism that might be attributed to application of the safety valve is almost entirely due to the limitation on the safety valve reduction to offenders with no more than one criminal history point.

There was no relationship between application of a weapon enhancement and recidivism. Offenders with a weapon enhancement recidivated at a rate of 50.9 percent, compared to 49.9 percent for drug trafficking offenders not receiving a weapon enhancement.

Figure 2.11
Rearrest Rates for Drug Trafficking Offenders by Selected Guideline Characteristics



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from each analysis that were missing information necessary to perform the analysis. The weapon enhancement analysis includes offenders with a conviction under 18 U.S.C. § 924(c) and/or the application of a weapon enhancement under the guidelines. The safety valve analyses account for safety valve relief under USSG §§5C1.2 and 2D1.1. Safety valve did not exist prior to fiscal year 1995 and the safety valve analyses excludes offenders sentenced in fiscal years 1991 through 1994. The number of offenders in the CHC I group may not equal the total number of offenders with safety valve applied in the All Offenders group due to missing information on Criminal History Category or safety valve application in cases with higher Criminal History Categories. The aggravating role adjustment analysis includes offenders with any positive value under USSG §3B1.1. The mitigating role adjustment analysis includes offenders with any negative value under USSG §3B1.2. In addition, offenders sentenced under USSG §2D1.8(a)(2) are included as receiving mitigating role.

Receipt of an aggravating role enhancement was inversely associated with recidivism. Drug trafficking offenders who had an aggravating role in the offense recidivated at a lower rate than those who did not (39.3% versus 50.8%).

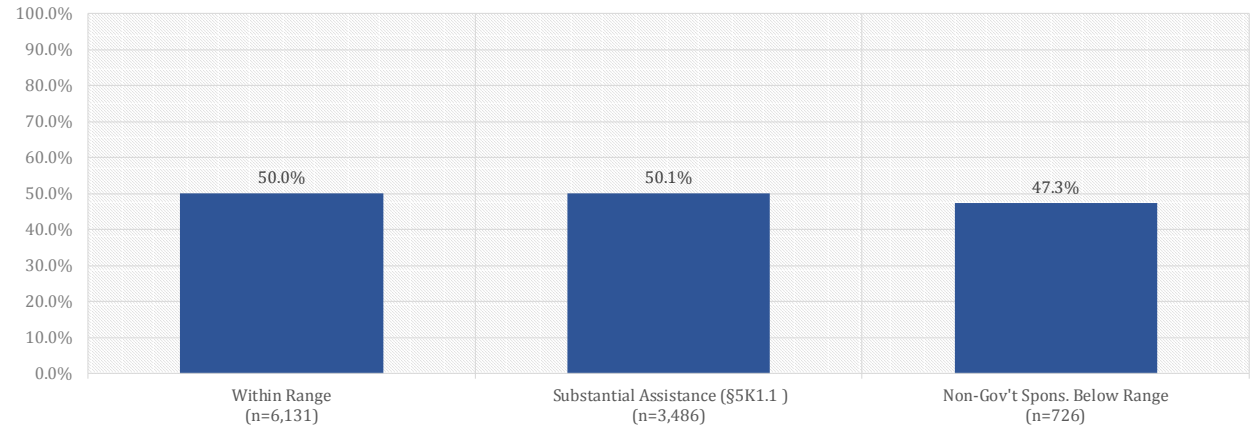
Receipt of a mitigating role reduction had no association with recidivism rate. Offenders who had a mitigating role had only a slightly lower recidivism rate than for those offenders who did not receive such an adjustment (48.0% versus 50.5%).

Recidivism and Sentences Imposed

The type of sentence an offender received in relation to the applicable guideline range had little to no association with recidivism. Offenders who received within-range sentences, below-range sentences due to §5K1.1 substantial assistance motions, and below-range sentences that were not sponsored by the government all recidivated at rates of approximately 50 percent (non-government sponsored below-range sentences led to the lowest recidivism rate, at 47.3%). There was an insufficient number of offenders who received other types of sentences relative to the guidelines to conduct a meaningful analysis.

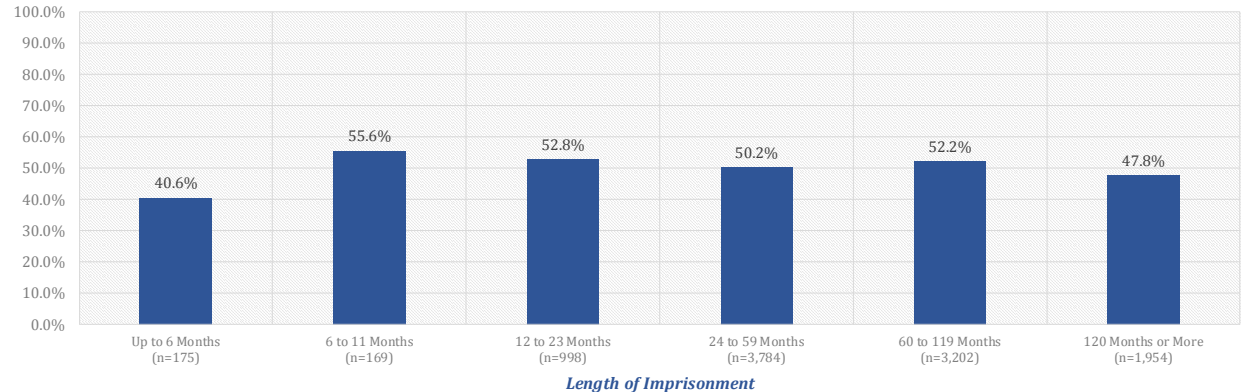
There was also little apparent association between the length of an offender’s original federal sentence and rate of recidivism. The two lowest recidivism rates belonged to offenders sentenced to six months or less (40.6%) and 120 months or more (47.8%), while the remainder of sentence lengths led to recidivism rates of between 50.2 percent (24 to 59 months) and 55.6 percent (6-11 months).

Figure 2.12
Rearrest Rates for Drug Trafficking Offenders by Selected Positions Relative to the Guideline Range



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDPT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

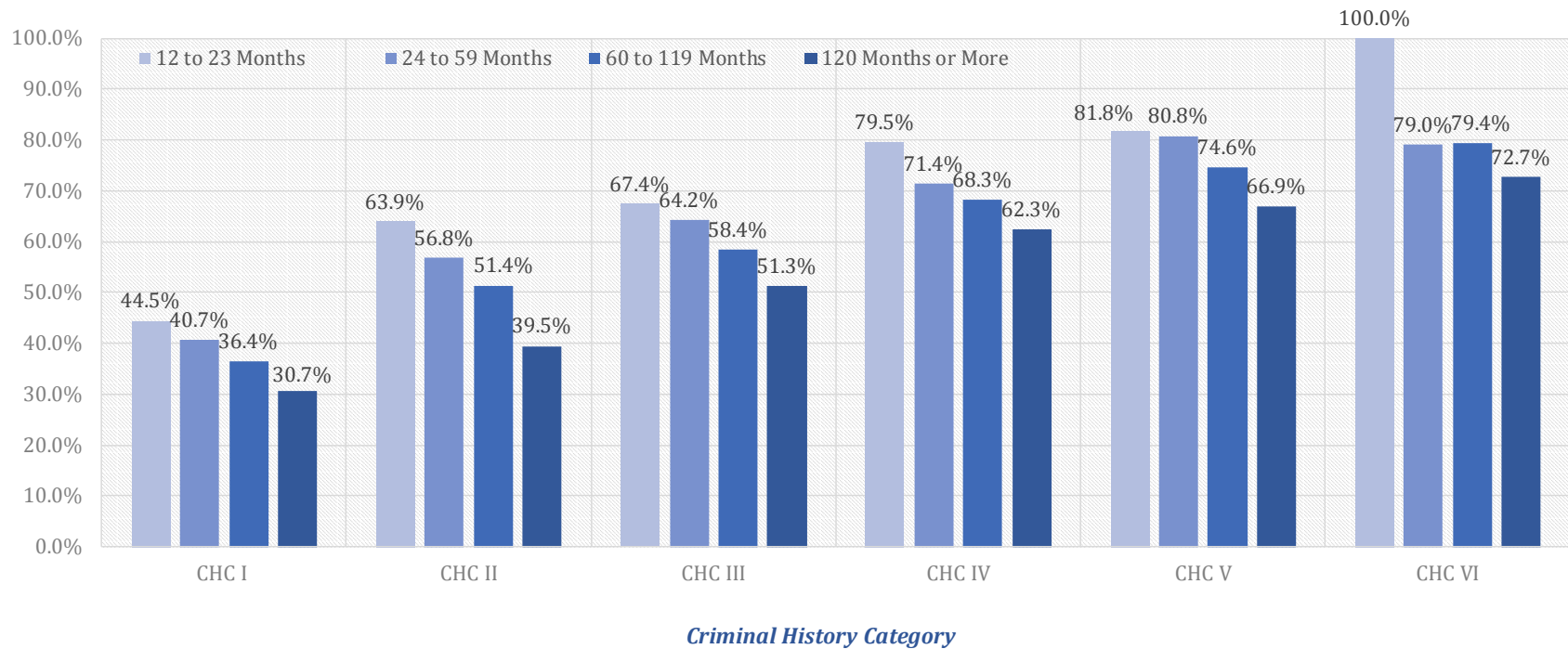
Figure 2.13
Rearrest Rates for Drug Trafficking Offenders by Length of Imprisonment



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDPT. The information in this figure does not include sentences of probation or any time of confinement as described in USSG §5C1.1. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

However, an association between length of imprisonment and rate of recidivism appears when a third factor, Criminal History Category, is considered.⁵³ For example, among CHC I offenders, offenders sentenced to between 12 and 23 months had a higher recidivism rate (44.5%) than those with all categories of longer sentences: 24 to 59 months (40.7%); 60 to 119 months (36.4%); and 120 months or more (30.7%). As the sentence length increased, the recidivism rate dropped. The same pattern of association between longer sentences and lower recidivism rates occurred for every criminal history category.⁵⁴ The inverse association between sentence length and likelihood of recidivism within each criminal history category is likely attributable, at least in part, to the effect that age has on recidivism.

Figure 2.14
Rearrest Rates for Drug Trafficking Offenders by Length of Imprisonment & Criminal History Category



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The information in this figure does not include sentences of probation or any time of confinement as described in USSG §5C1.1. This analysis excludes offenders classified as Career Offenders or Armed Career Criminals. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. See appendix for the number of offenders in each category.

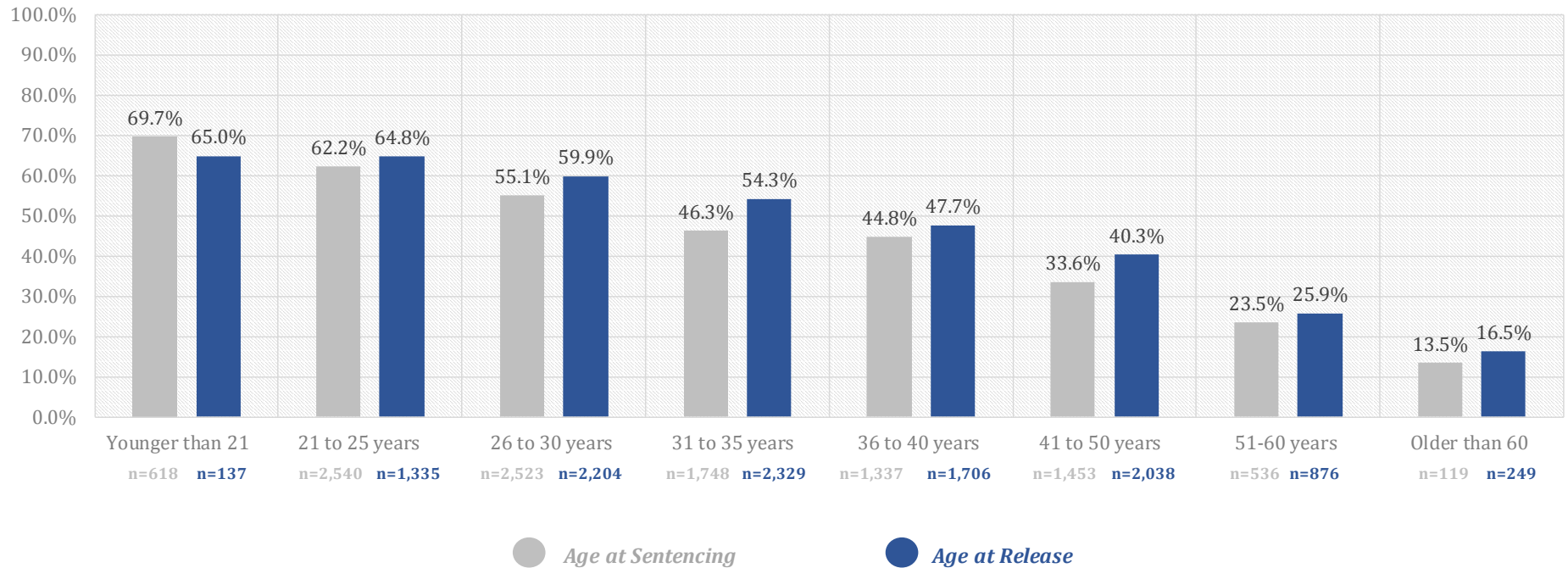
Recidivism and Age

Among all drug trafficking offenders, recidivism rates declined steadily by age group, whether measured at sentencing or at release. This is consistent with prior studies, which have repeatedly shown that recidivism is inversely associated with age.⁵⁵ Examining age at sentencing, drug trafficking offenders who were younger than 21 had a 69.7 percent recidivism rate, compared to 13.5 percent who were sentenced after age 60.

The older an offender was at release, the less likely he or she was to recidivate. Examining age at release, those drug trafficking offenders who were under 21 had the highest recidivism rate, 65.0 percent, while those aged 21 to 25 were close behind at 64.8 percent. Those oldest at release, over 60

years old, had the lowest recidivism rate, 16.5 percent. The steepest declines in recidivism rates based on age at release came between the 41 to 50 and 51 to 60 age groups. Those released when they were between 41 and 50 recidivated at a rate of 40.3 percent, while those released when they were between 51 and 60 recidivated at a rate of 25.9 percent.

Figure 2.15
Rearrest Rates for Drug Trafficking Offenders by Age at Sentencing & Release



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.



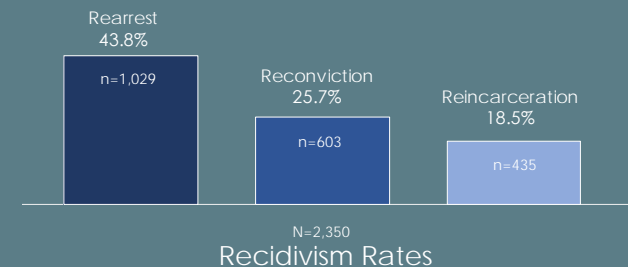
Chapter Three: POWDER COCAINE TRAFFICKERS

This chapter analyzes recidivism among the **2,350 federal powder cocaine trafficking offenders** in the larger study group of 10,888 drug trafficking offenders.

Over the eight-year study period, **powder cocaine offenders recidivated at a rate of 43.8 percent**, as compared to 50.0 percent for drug trafficking offenders as a whole.

Chapter Overview

- Offender & Offense Characteristics
- Sentences Imposed
- Recidivism Findings



Offender and Offense Characteristics

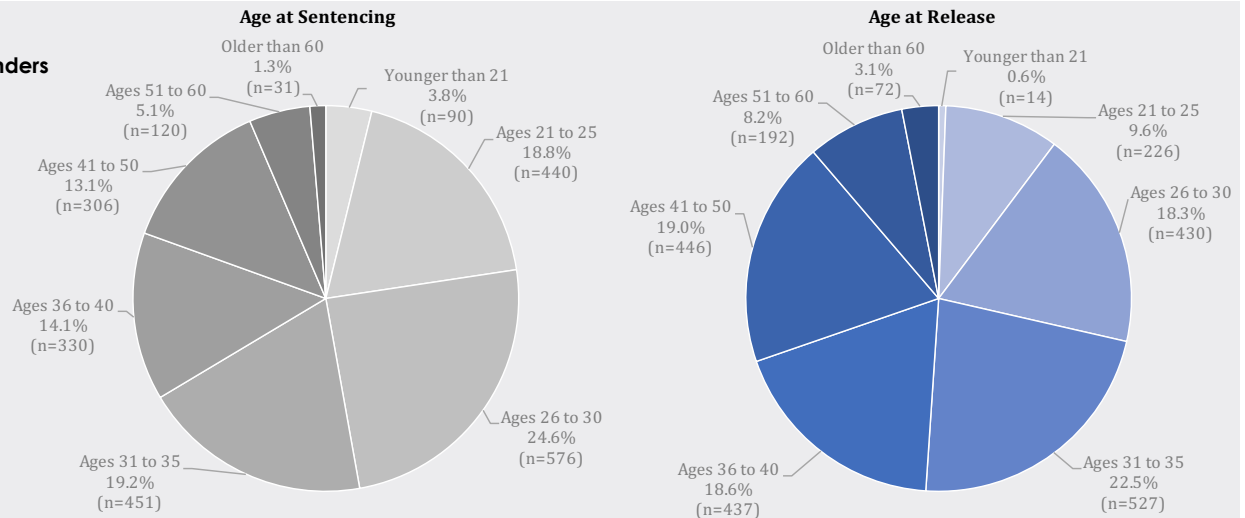
Demographics

Compared to drug trafficking offenders as a whole, powder cocaine offenders were more likely to be Hispanic and less likely to be White. Among powder cocaine offenders, approximately equal percentages were Black (37.1%) and Hispanic (36.5%), while 24.9 percent were White and 1.6 percent were of another race. Among all drug trafficking offenders, nearly equal numbers were Black (37.2%) and White (34.6%), and 25.5 percent were Hispanic. As with all drug trafficking offenders, a majority (85.7%) of powder cocaine offenders were male.

Powder cocaine offenders were, generally, slightly older at sentencing and release than drug trafficking offenders as a whole. The median powder cocaine offender was 31 years old at the time of sentencing and 35 years old at the time of release, as compared to median ages of 30 and 34 for all drug trafficking offenders. Offenders aged 26 to 30 represented the largest single age group at the time of sentencing (24.6%), while those aged 31 to 35 represented the largest single age group at the time of release (22.5%). Few offenders were over age 60 at either the time of sentencing (1.3%) or release (3.1%). Slightly more offenders were under age 21 at the time of sentencing (3.8%), although only 0.6 percent were under 21 at the time of release.

Figure 3.1
Demographic Characteristics of Powder Cocaine Trafficking Offenders

Race/Ethnicity	N	%
White	584	24.9%
Black	870	37.1%
Hispanic	856	36.5%
Other	38	1.6%
Gender	N	%
Male	2,014	85.7%
Female	335	14.3%
Citizenship	N	%
U.S. Citizens	2,350	100.0%
Age	N	%
Median Age at Sentencing	31 Years	
Median Age at Release	35 Years	



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. Totals may not sum to 100.0% due to rounding.

Offense Characteristics

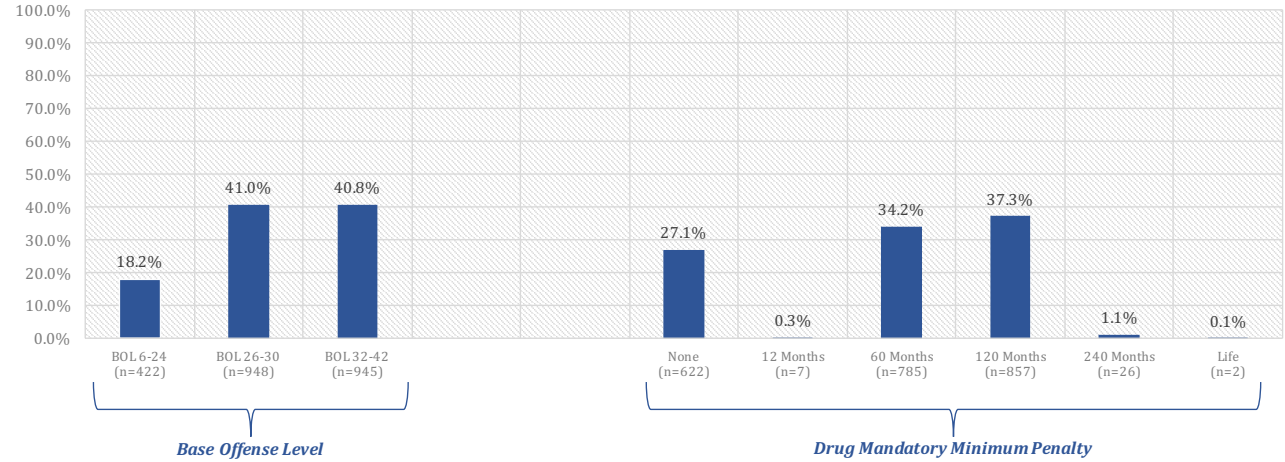
Powder cocaine offender BOLs were similar to those for drug trafficking offenders as a whole. Nearly equal proportions of powder cocaine offenders had BOLs of between 26 and 30 (41.0%) or 32 and 42 (40.8%), with the remainder (18.2%) having BOLs of 24 or less.⁵⁶

Powder cocaine offenders were convicted of drug offenses carrying a mandatory minimum penalty more frequently than drug trafficking offenders generally. Almost three-quarters (72.9%) of powder cocaine offenders were convicted of such an offense; in nearly all those cases the applicable mandatory minimum was either five or ten years. A smaller majority (62.5%) of all drug trafficking offenders were convicted of a drug offense carrying a mandatory minimum penalty.

Powder cocaine offenders received safety valve relief more often than did all drug trafficking offenders. Almost two-fifths (39.2%) of powder cocaine offenders received a safety valve reduction at their original sentencing, compared to 34.9 percent of all drug trafficking offenders.

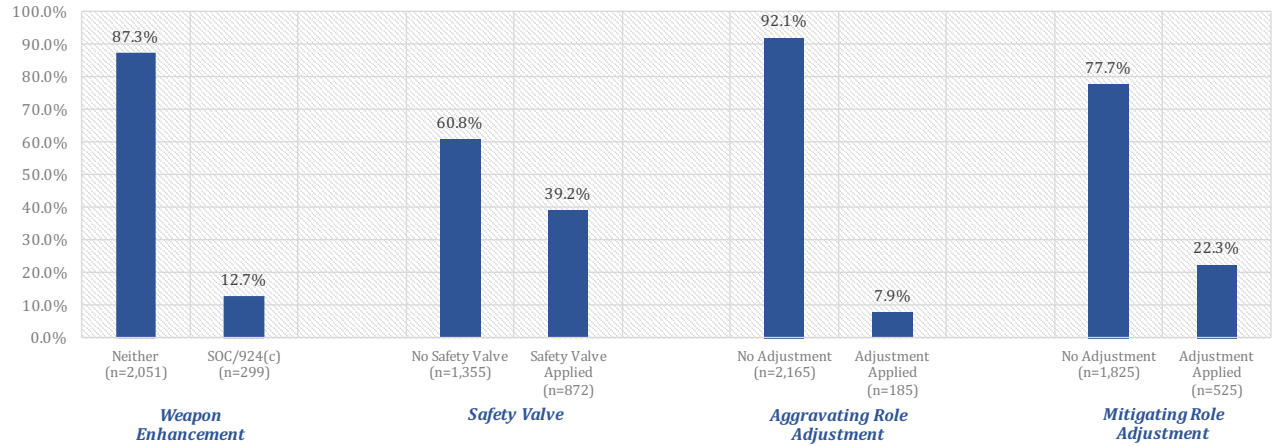
Powder cocaine offenders were slightly less likely than all drug offenders to receive a weapon enhancement (12.7% versus 14.3%). They were slightly more likely to receive an aggravating role adjustment (7.9% versus 6.2%), or a mitigating role adjustment (22.3% versus 19.3%).

Figure 3.2 Application Rates for Powder Cocaine Trafficking Offenders by Base Offense Level & Drug Mandatory Minimum Penalties



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDPT. Base Offense Level values reflect the BOL from the Drug Quantity Table (DQT) at USSG §2D1.1 prior to the application of the mitigating role cap or any adjustments under other guideline provisions. Offenders with BOLs determined by guideline provisions without reference to the DQT (e.g., §2D1.4(a)(1), §2D1.2(a)(3)) and offenders missing information required to determine the BOL prior to the application of the mitigating role cap were excluded from the base offense level analysis (n=35). Information on drug statutory mandatory minimum penalties is unavailable in fiscal year 1992 and offenders sentenced in that year were excluded from the drug mandatory minimum analysis. Of the remaining 2,301 offenders, two were excluded from this analysis due to missing or unusual drug statutory mandatory minimum penalty information. Totals may not sum to 100.0% due to rounding.

Figure 3.3 Application Rates for Powder Cocaine Trafficking Offenders by Selected Guideline Characteristics

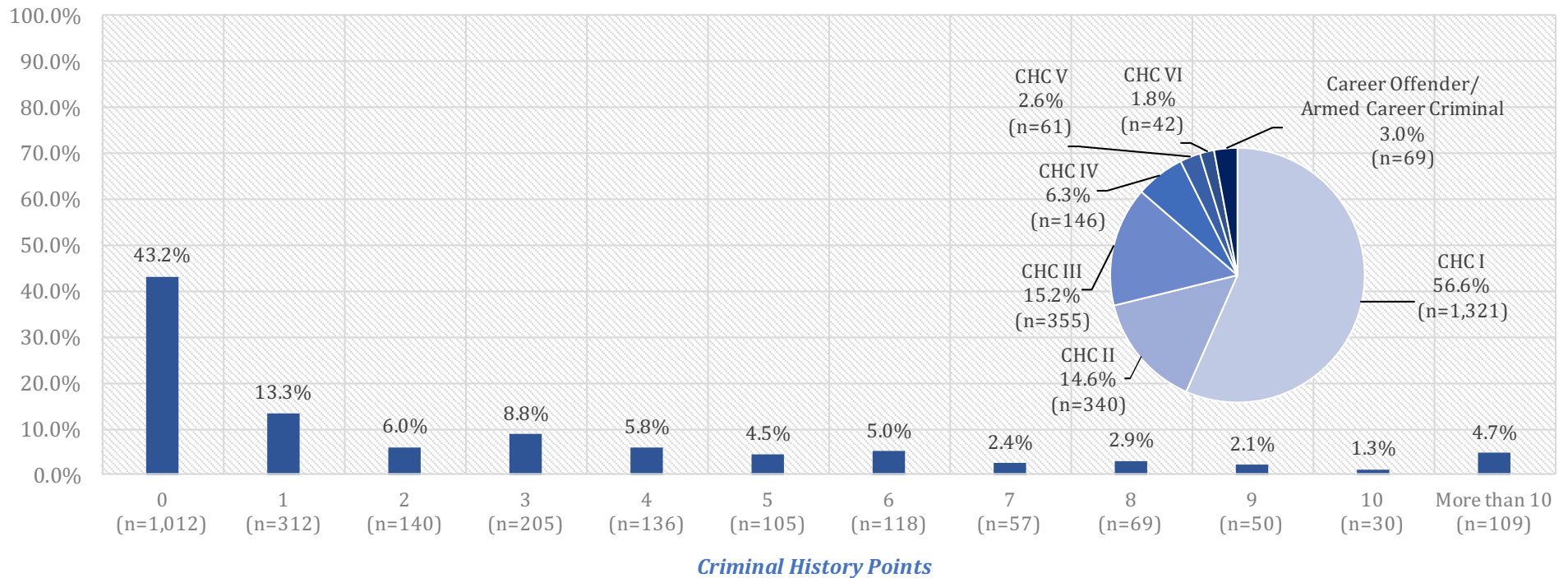


SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDPT. The Commission excluded cases from each analysis that were missing information necessary to perform the analysis. The weapon enhancement analysis includes offenders with a conviction under 18 U.S.C. § 924(c) and/or the application of a weapon enhancement under the guidelines. The safety valve analysis accounts for safety valve relief under USSG §§5C1.2 and 2D1.1. Safety valve did not exist prior to fiscal year 1995 and the safety valve analysis excludes offenders sentenced in fiscal years 1992 through 1994. The aggravating role adjustment analysis includes offenders with any positive value under USSG §3B1.1. The mitigating role adjustment analysis includes offenders with any negative value under USSG §3B1.2. In addition, offenders sentenced under USSG §2D1.8(a)(2) are included as receiving mitigating role. Totals may not sum to 100.0% due to rounding.

Criminal History

Powder cocaine offenders had somewhat less serious criminal histories than drug trafficking offenders as a whole. The largest single proportion (43.2%) received no criminal history points, while 13.3 percent received one point and 4.7 percent received more than ten points. The majority of powder cocaine offenders (56.6%) were in CHC I, followed by 15.2 percent in CHC III and 14.6 percent in CHC II. In addition to the 1.8 percent of offenders who were classified in CHC VI based on their number of criminal history points, an additional 3.0 percent were designated as career offenders or armed career criminals. By comparison, just over one-third of all drug trafficking offenders (36.5%) had zero criminal history points, and a smaller majority (50.3%) were in CHC I.

Figure 3.4
Criminal History Scores of Powder Cocaine Trafficking Offenders



Sentences Originally Imposed

Powder cocaine offenders typically received prison sentences similar to those of the overall drug trafficking group. An overwhelming majority (95.6%) of powder cocaine offenders were sentenced to some term of incarceration. Of those who were incarcerated, less than one fifth (19.5%) received sentences of 120 months or more; 31.7 percent received sentences of 60 to 119 months; and the remaining 48.8 percent received sentences of less than 60 months. Similarly, most drug trafficking offenders were also imprisoned for some length of time (94.7%), with 19.0 percent receiving a sentence of 120 months or more and nearly half (49.8%) receiving a sentence of less than 60 months.

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. Criminal History Points may not sum to the expected Criminal History Category due to career offender/armed career criminal classification or missing information. Totals may not sum to 100.0% due to rounding.

A majority of powder cocaine offenders (59.4%) received a sentence that was within their sentencing guideline range. Almost one-third (33.1%) received below-range sentences due to a departure granted for providing substantial assistance to the government. Another 6.0 percent received below-range sentences that were not requested by the government. Smaller numbers received below-range sentences that were requested by the government for some reason other than providing substantial assistance (1.3%), or received above-range sentences (0.3%). These numbers are similar to those for drug trafficking offenders as a whole.

Recidivism Findings

Rearrest, Reconviction, and Reincarceration

Powder cocaine offenders had the lowest rate of recidivism (43.8%, or 1,029 of the 2,350 total powder cocaine offenders) of any drug type measured in the study. The recidivism rate for all drug offenders combined was 50.0 percent.

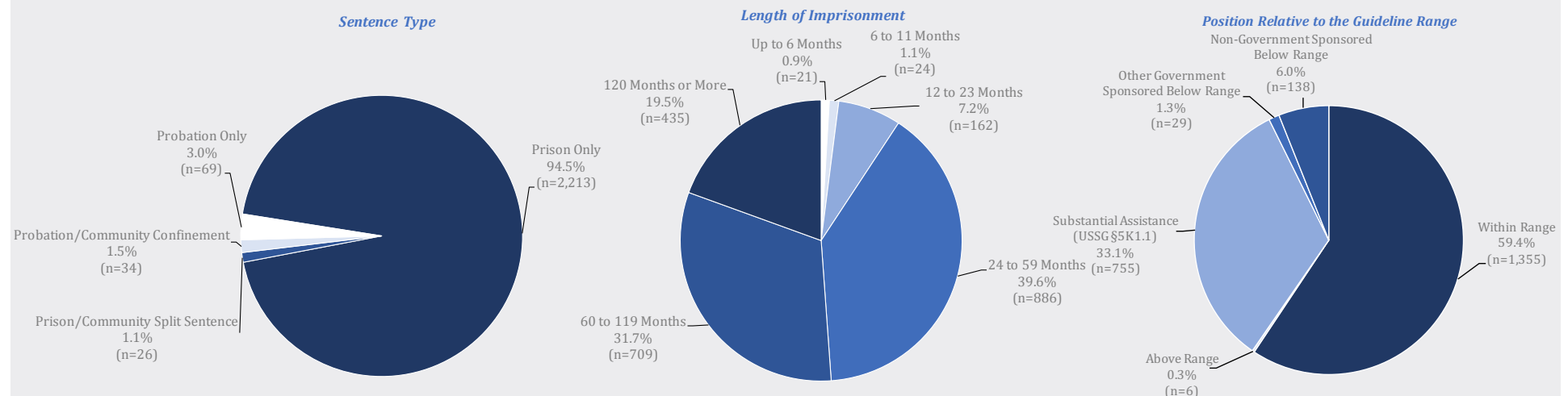
Table 3.1
Recidivism Rates for Powder Cocaine Trafficking Offenders

Recidivism Measure	Rearrest	Reconviction	Reincarceration
Percent	43.8%	25.7%	18.5%
Median Time to Recidivism	29 Months	40 Months	39 Months
Median Number of Recidivism Events	2	1	1
Most Serious Post-Release Event	Assault (22.2%, n=228)	Drug Trafficking (16.3%, n=98)	Drug Trafficking (19.1%, n=83)
Median Age at Release	33	32	32

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDPT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. Median age at release is shown for recidivist offenders only.

As explained above, recidivism throughout this study was primarily reported by rearrest data; however, analysis also showed that powder cocaine offenders were reconvicted of another offense at a rate of 25.7 percent, and reincarcerated at a rate of 18.5 percent. This compares with a reconviction rate of 30.8 percent and a reincarceration rate of 23.4 percent for all drug offenders. The Appendix contains more detailed information using these two measures of recidivism.

Figure 3.5
Sentences Imposed on Powder Cocaine Trafficking Offenders



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDPT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. Totals may not sum to 100.0% due to rounding. The sentence length analysis does not include sentences of probation or any time of confinement as described in USSG §5C1.1.

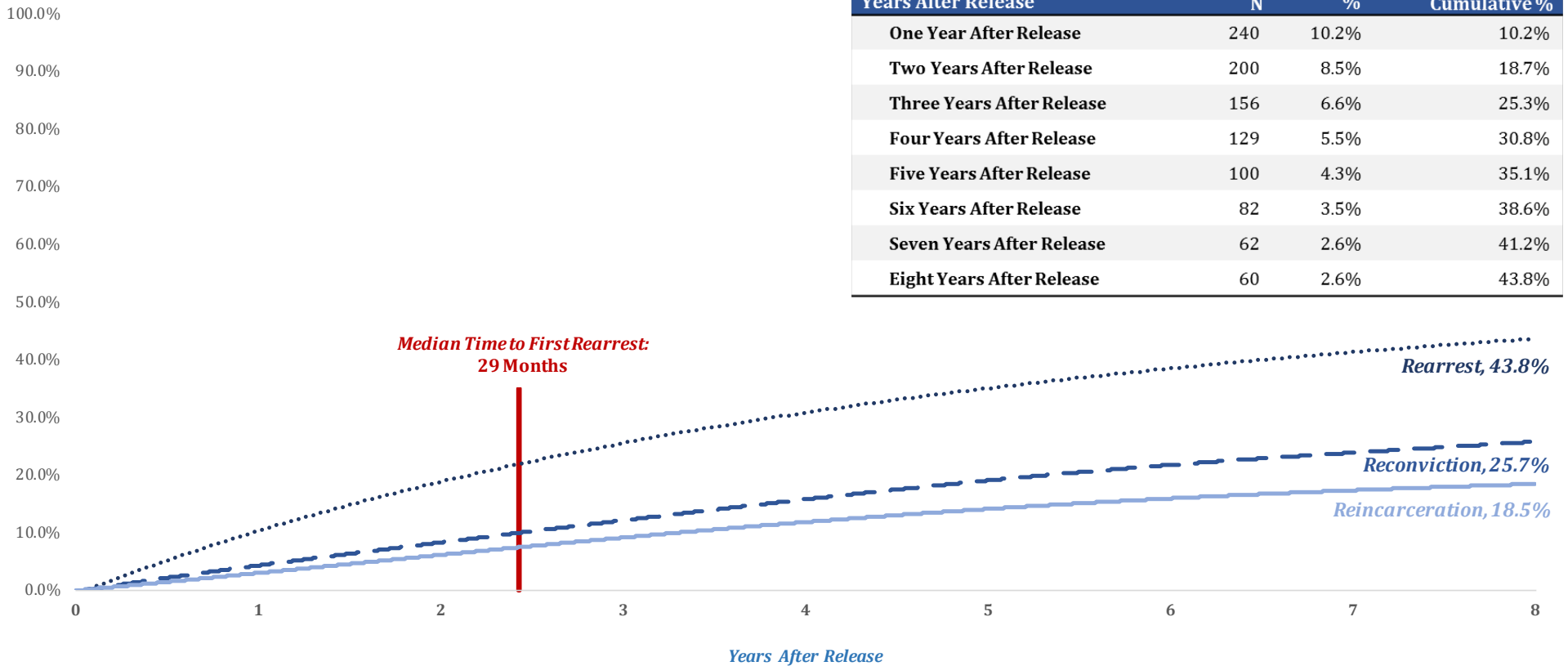
Chapter Three:
POWDER COCAINE TRAFFICKERS

Time to First Recidivism Event

For powder cocaine offenders, median time to recidivism was 29 months, with a median of two recidivist events (arrests) on separate days. This means that half of those powder cocaine offenders who recidivated first did so between two and three years after their release. For all drug trafficking offenders, the median time to recidivism was 25 months, with the same median of two events.

As the study period progressed, each year saw fewer powder cocaine offenders recidivate for the first time. During the first year following release into the community, 10.2 percent recidivated for the first time. This rate declined to 8.5 percent in the second year and 6.6 percent in the third year. Only 2.6 percent of powder cocaine offenders recidivated for the first time in the eighth year. This reflects the pattern seen for drug trafficking offenders as a whole.

Figure 3.6
Time to First Rearrest of Powder Cocaine Trafficking Offenders



SOURCE: U.S. Sentencing Commission’s 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. In cases in which any reconviction or reincarceration is known, but the date of arrest leading to the reconviction/reincarceration is unknown, the reconviction/reincarceration date is assigned as the rearrest date.

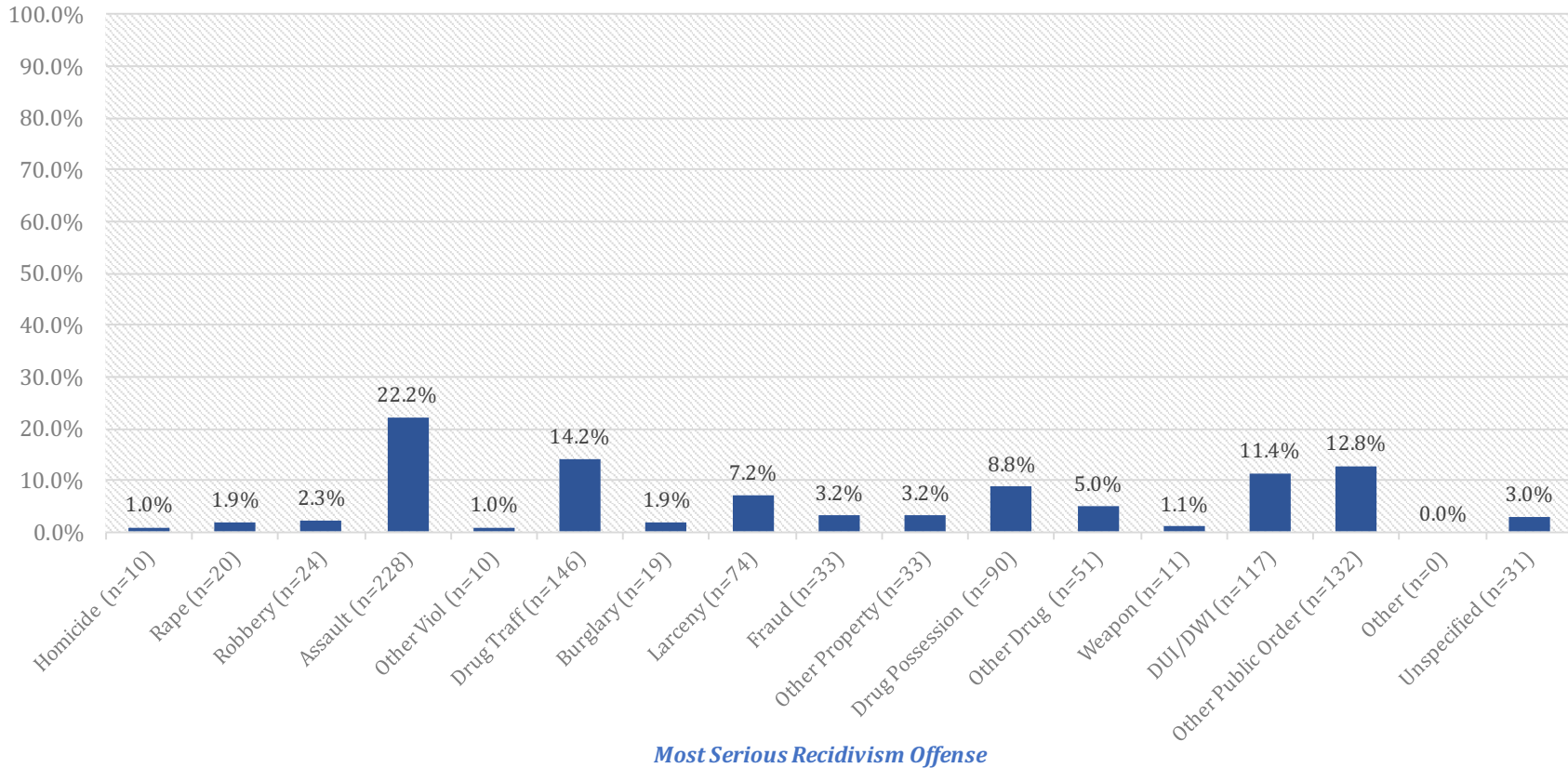
Most Serious Recidivism Offense

Assault was the single most prevalent “most serious” offense for powder cocaine offenders (22.2%), as it was among drug trafficking offenders generally.

After assault, drug trafficking offenses were the most prevalent “most serious” post-release event for powder cocaine offenders, at 14.2 percent, with “other public order” (12.8%) and DUI/DWI (11.4%) occurring less frequently as the most serious event. Three other types of offenses represented the most

serious offense types for at least five percent of powder cocaine offenders: drug possession (8.8%), larceny (7.2%), and “other drug” offenses (5.0%) (this category includes primarily unspecified drug offenses).

Figure 3.7
Rearrest Rates for Powder Cocaine Trafficking Offenders by Most Serious Recidivism Offense



SOURCE: U.S. Sentencing Commission’s 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. Totals may not sum to 100.0% due to rounding.

Recidivism and Criminal History

Recidivism rates for powder cocaine offenders were generally associated with total criminal history points. Only 30.7 percent of offenders with zero criminal history points recidivated within eight years, compared to 67.0 percent, the highest rate, for offenders with more than ten criminal history points.

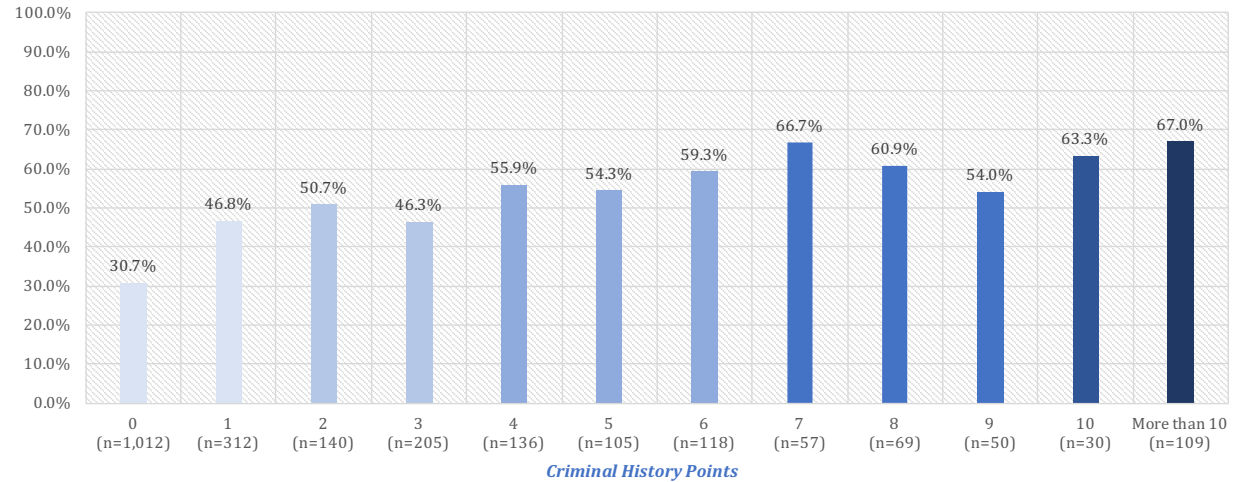
Recidivism for powder cocaine offenders was clearly associated with CHC. Recidivism rates ranged from a low of 34.8 percent for those in CHC I to a high of 73.8 percent for those in CHC VI based on their accumulation of criminal history points. Career offenders/armed career criminals recidivated at a rate (50.7%) approximately equal to that for other powder cocaine offenders in CHC II (48.5%). These trends were similar to those among all drug trafficking offenders, although the rates among powder cocaine offenders were generally lower.

Recidivism and an Offender's Federal Offense

There was a clear inverse association between a powder cocaine offender's guideline BOL and the rate of recidivism. Specifically, powder cocaine offenders with BOLs of 24 or less recidivated at the highest rate, 59.0 percent, while those offenders with BOLs of between 26 and 30 recidivated less often (44.8%), and those with the highest BOLs of between 32 and 42 recidivated least of all (36.0%). As noted above with respect to all drug traffickers, lower BOLs correspond to somewhat younger ages upon release, and younger age is generally associated with higher recidivism. This principle likely also serves as at least one factor explaining the link between recidivism and BOL among powder cocaine offenders.

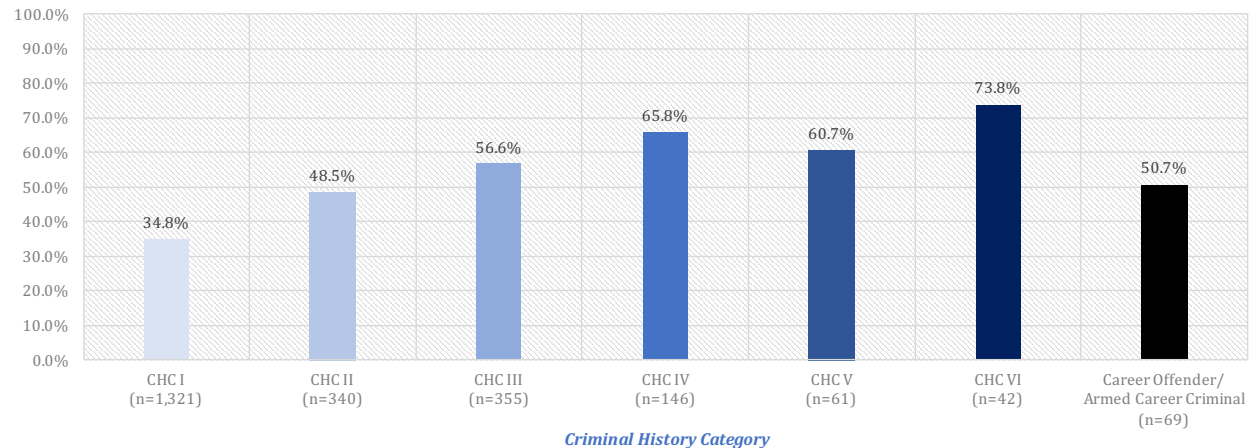
There was a similar inverse association between the length of a drug mandatory minimum penalty and the rate of recidivism. Offenders convicted of a drug offense

Figure 3.8
Rearrest Rates for Powder Cocaine Trafficking Offenders by Criminal History Points



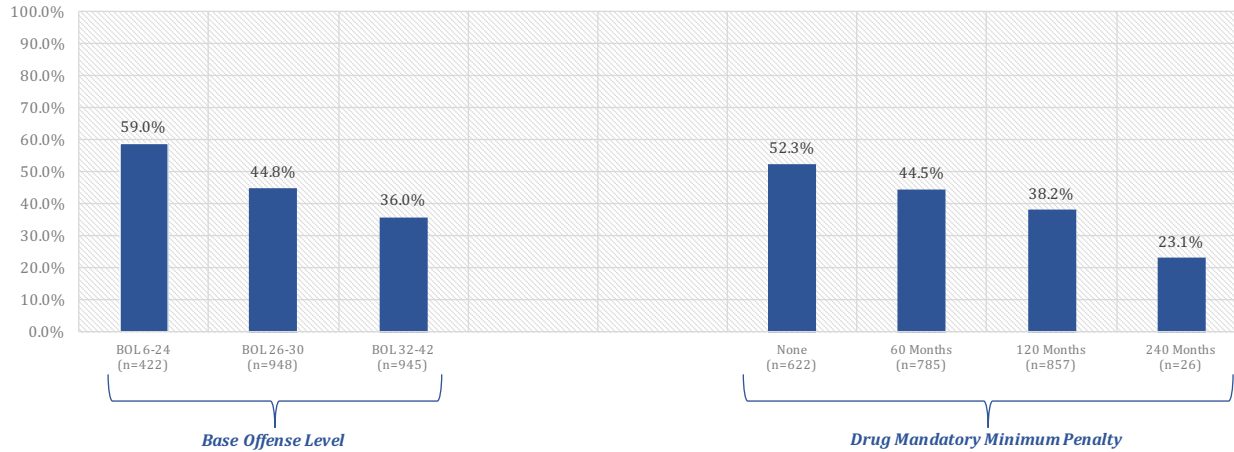
SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

Figure 3.9
Rearrest Rates for Powder Cocaine Trafficking Offenders by Criminal History Category



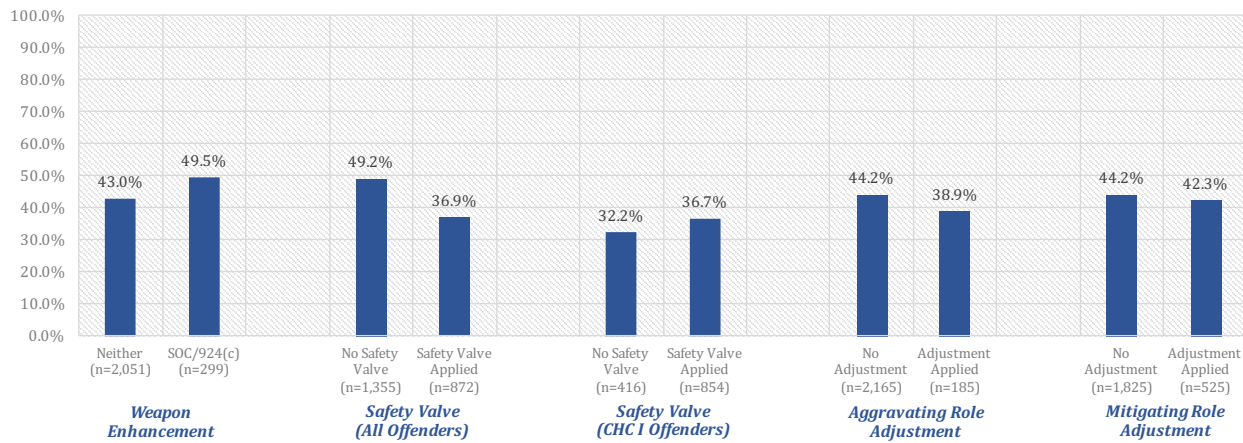
SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

Figure 3.10
Rearrest Rates for Powder Cocaine Trafficking Offenders by Base Offense Level & Drug Mandatory Minimum Penalties



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. Base Offense Level values reflect the BOL from the Drug Quantity Table (DQT) at USSG §2D1.1 prior to the application of the mitigating role cap or any adjustments under other guideline provisions. Offenders with BOLs determined by guideline provisions without reference to the DQT (e.g., §2D1.1(a)(1), §2D1.2(a)(3)) and offenders missing information required to determine the BOL prior to the application of the mitigating role cap were excluded from the base offense level analysis (n=35). Information on drug statutory mandatory minimum penalties is unavailable in fiscal year 1992 and offenders sentenced in that year were excluded from the drug mandatory minimum analysis. Of the remaining 2,301 offenders, two were excluded from this analysis due to missing or unusual drug statutory mandatory minimum penalty information.

Figure 3.11
Rearrest Rates for Powder Cocaine Trafficking Offenders by Selected Guideline Characteristics



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from each analysis that were missing information necessary to perform the analysis. The weapon enhancement analysis includes offenders with a conviction under 18 U.S.C. § 924(c) and/or the application of a weapon enhancement under the guidelines. The safety valve analyses account for safety valve relief under USSG §§5C1.2 and 2D1.1. Safety valve did not exist prior to fiscal year 1995 and the safety valve analyses excludes offenders sentenced in fiscal years 1991 through 1994. The number of offenders in the CHC I group may not equal the total number of offenders with safety valve applied in the All Offenders group due to missing information on Criminal History Category or safety valve application in cases with higher Criminal History Categories. The aggravating role adjustment analysis includes offenders with any positive value under USSG §3B1.1. The mitigating role adjustment analysis includes offenders with any negative value under USSG §3B1.2. In addition, offenders sentenced under USSG §2D1.8(a)(2) are included as receiving mitigating role.

carrying no mandatory minimum penalty recidivated more often than those convicted of a drug offense carrying a five-year mandatory minimum penalty (52.3% and 44.5%, respectively), those convicted of an offense carrying a ten-year mandatory minimum penalty recidivated less often still (38.2%), and those with a twenty-year mandatory minimum penalty recidivated least of all (23.1%). Again, those convicted of no drug offense carrying a mandatory minimum penalty, or of offenses carrying shorter ones, are younger upon release, and therefore at a higher risk of recidivism. This relative youth at time of release may be at least one factor explaining the link between lower mandatory minimum penalties and higher recidivism.

Powder cocaine offenders who received a safety valve reduction recidivated at a substantially lower rate (36.9% versus 49.2%) than offenders who received no reduction, but this drop can be explained by the minimal criminal history score necessary to benefit from the safety valve. Among CHC I powder cocaine offenders, those who received a safety valve reduction recidivated in 36.7 percent of cases, while those who received no safety valve reduction recidivated at an even lower rate (32.2%). Thus, for powder cocaine offenders, it appears that the reduction in recidivism among offenders receiving the safety valve is entirely attributable to the restriction on safety valve application to offenders with no more than one criminal history point.

There was a slight association between application of a weapon enhancement and recidivism. Powder cocaine offenders with a weapon enhancement recidivated at a rate of 49.5 percent, compared to 43.0 percent for those without a weapon enhancement. Among drug trafficking offenders as a whole, there was no association, with the numbers approximately equal.

Receipt of an aggravating role enhancement had a

slight inverse association with recidivism. Powder cocaine offenders who received an aggravating role adjustment recidivated at a lower rate than those who did not receive such an adjustment (38.9% versus 44.2%). A similar inverse association existed among drug trafficking offenders as a whole.

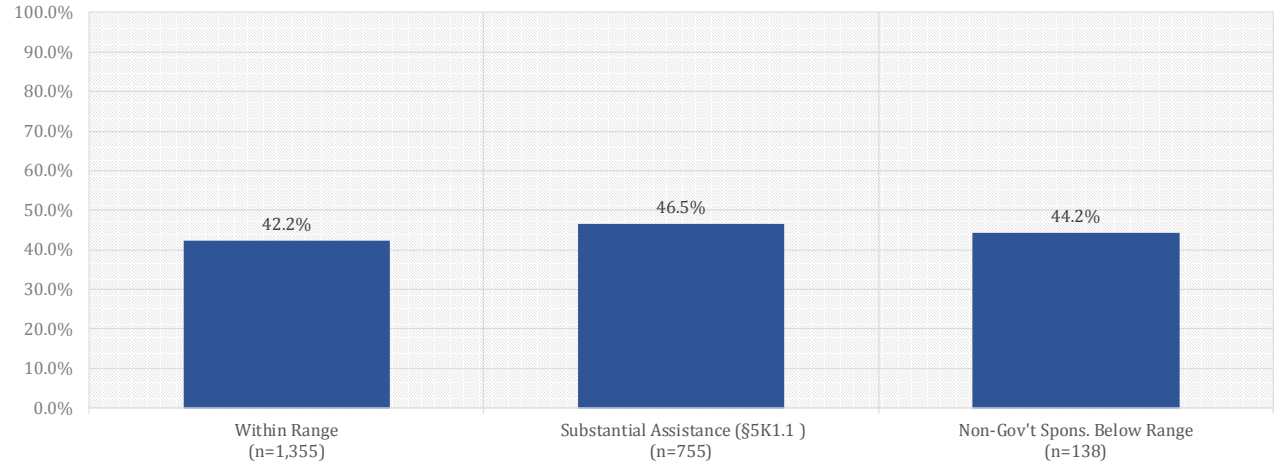
There was no association between receipt of the mitigating role reduction and a lower likelihood of recidivism. As with drug trafficking offenders as a whole, the recidivism rate among powder cocaine offenders who received the mitigating role adjustment (42.3%) was nearly the same as for those who did not (44.2%).

Recidivism and Sentences Imposed

The relationship between the sentence imposed and the sentencing guideline range had little or no impact on the recidivism rate of powder cocaine offenders. Those who received within-range sentences, below-range sentences due to §5K1.1 substantial assistance motions, and below-range sentences that were not sponsored by the government all recidivated at rates of between 42.2 percent (for within-range sentences) and 46.5 percent (for those who received substantial assistance reductions). There was an insufficient number of offenders who received other types of sentences relative to the guidelines to conduct a meaningful analysis. Similarly, there was no association between position relative to the guideline range and recidivism among drug trafficking offenders as a whole.

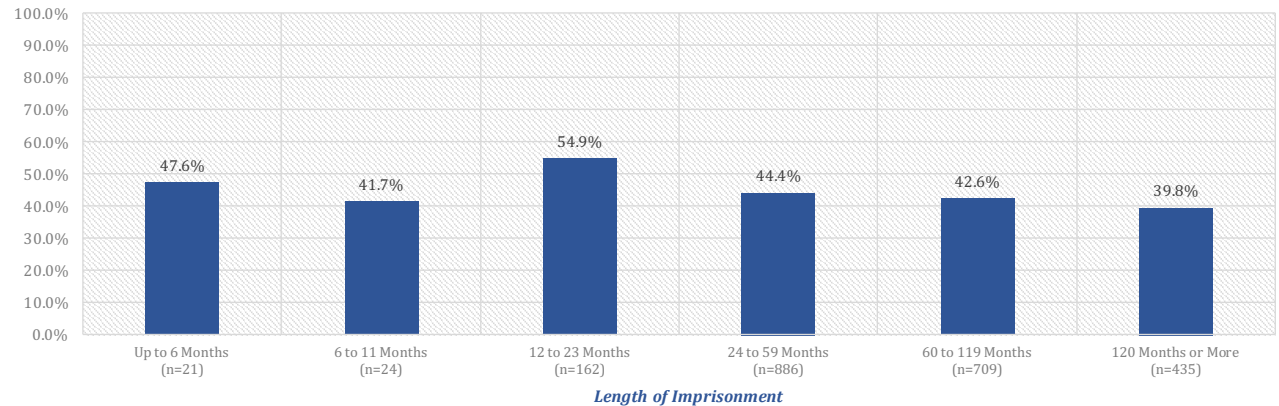
There was a weak association between the length of a powder cocaine offender’s original federal sentence and rate of recidivism, particularly when examining sentences of at least one year. The highest recidivism rates (54.9%) belong to those sentenced to between 12 and 23 months, and the lowest rate

Figure 3.12
Rearrest Rates for Powder Cocaine Trafficking Offenders by Selected Positions Relative to the Guideline Range



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

Figure 3.13
Rearrest Rates for Powder Cocaine Trafficking Offenders by Length of Imprisonment



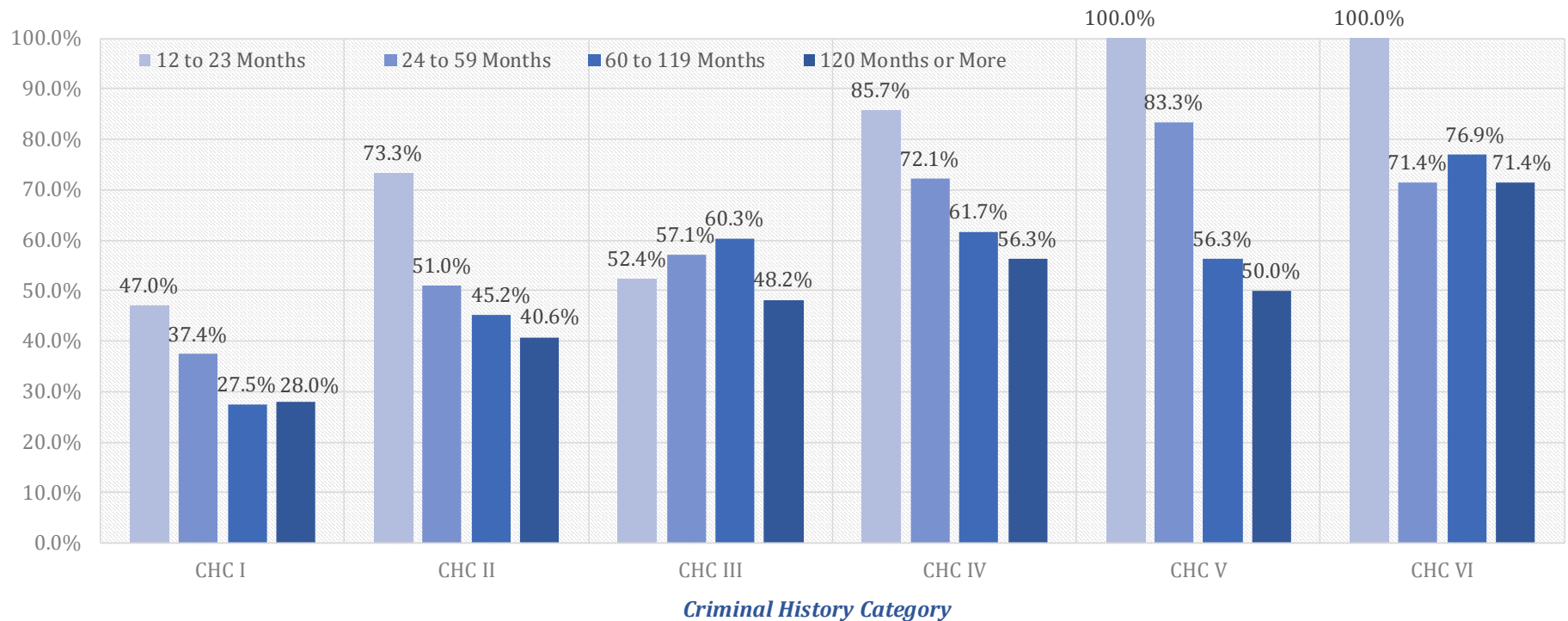
SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The information in this figure does not include sentences of probation or any time of confinement as described in USSC §5C1.1. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

(39.8%) belongs to those offenders who received the longest sentences of 120 months or more. This is broadly similar to the recidivism rates found among all drug offenders, although the peak for those with 12 to 23 month sentences was more pronounced among powder cocaine offenders.

In the analysis of all drug trafficking offenders combined, the association between length of imprisonment and rate of recidivism became clearer when it was considered in conjunction with Criminal History Category. After accounting for the offender's prior criminal history category, longer sentence lengths

were generally associated with lower recidivism. The same is true when the analysis is limited to only powder cocaine traffickers. That is, the relationship between longer sentences and lower recidivism is generally evident among powder cocaine traffickers, although the smaller number of cases makes the relationship less prominent.

Figure 3.14
Rearrest Rates for Powder Cocaine Trafficking Offenders by Length of Imprisonment & Criminal History Category



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The information in this figure does not include sentences of probation or any time of confinement as described in USSG §5C1.1. This analysis excludes offenders classified as Career Offenders or Armed Career Criminals. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. See appendix for the number of offenders in each category.

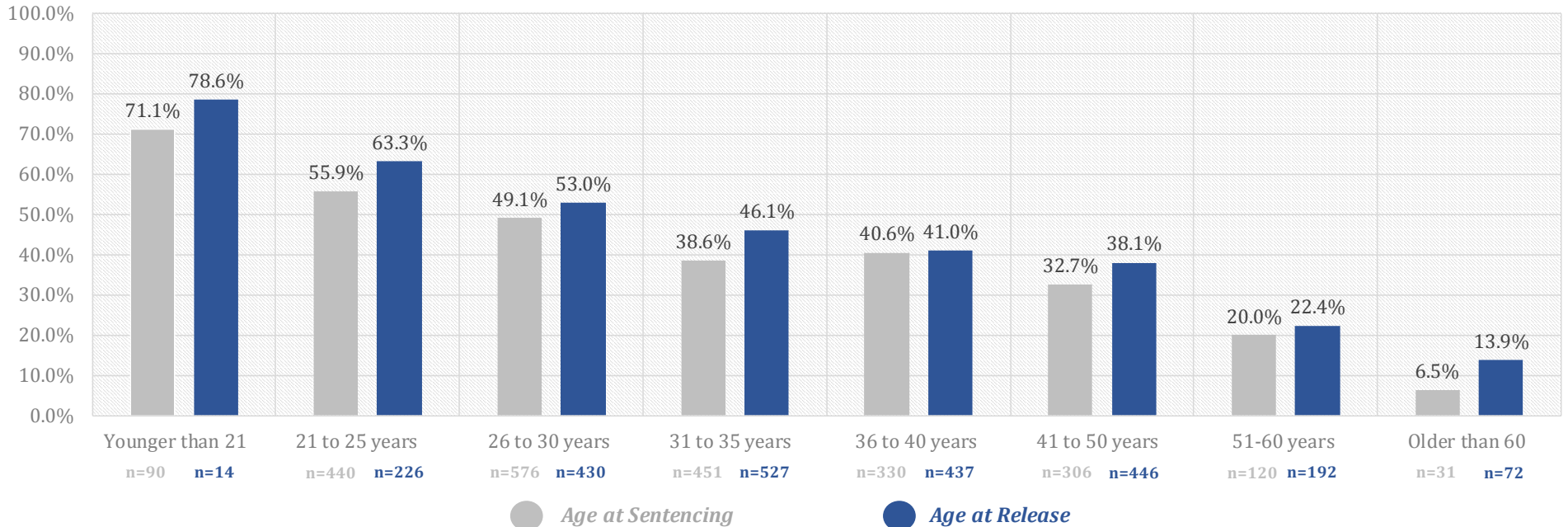
Recidivism and Age

Recidivism rates among powder cocaine offenders declined as their age at sentencing increased. Powder cocaine offenders who were younger than 21 at sentencing had a 71.1 percent recidivism rate, compared to 6.5 percent for powder cocaine offenders who were sentenced after age 60. This trend is similar to that among all drug trafficking offenders (69.7% for those under 21 declining to 13.5% for those over 60).

Age at release was also strongly associated with a lower risk of recidivism. Powder cocaine offenders who were under 21 at release had the highest recidivism rate, 78.6 percent. Those oldest at release, over 60 years old, had the lowest recidivism rate, 13.9 percent. Each age group at release had a lower recidivism rate than the next younger one. The steepest declines in recidivism rates based on age at release came between the 41-50 and 51-60 age groups.

Those released when they were between 41 and 50 recidivated at a rate of 38.1 percent, while those released when they were between 51 and 60 recidivated at a rate of 22.4 percent. With minor variations, these findings echo the relationship between age and recidivism among all drug trafficking offenders, who also saw the steepest drop in recidivism rates by age of release between the 41-50 and 51-60 age groups (40.3% to 25.9%).

Figure 3.15
Rearrest Rates for Powder Cocaine Trafficking Offenders by Age at Sentencing & Release



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.



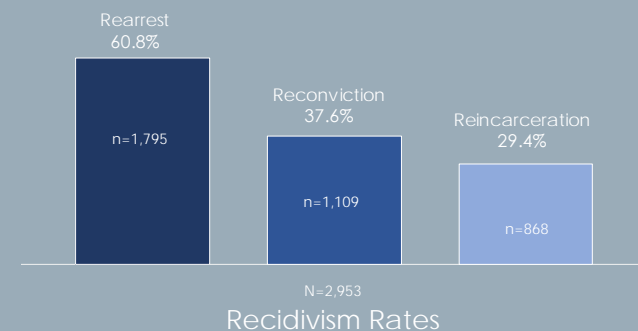
Chapter Four: CRACK COCAINE TRAFFICKERS

This chapter analyzes recidivism among the **2,953 federal crack cocaine trafficking offenders** in the larger study group of 10,888 drug trafficking offenders.

Over the eight-year study period, **crack cocaine offenders recidivated at a rate of 60.8 percent**, as compared to 50.0 percent for drug trafficking offenders as a whole.

Chapter Overview

- Offender & Offense Characteristics
- Sentences Imposed
- Recidivism Findings



Offender and Offense Characteristics

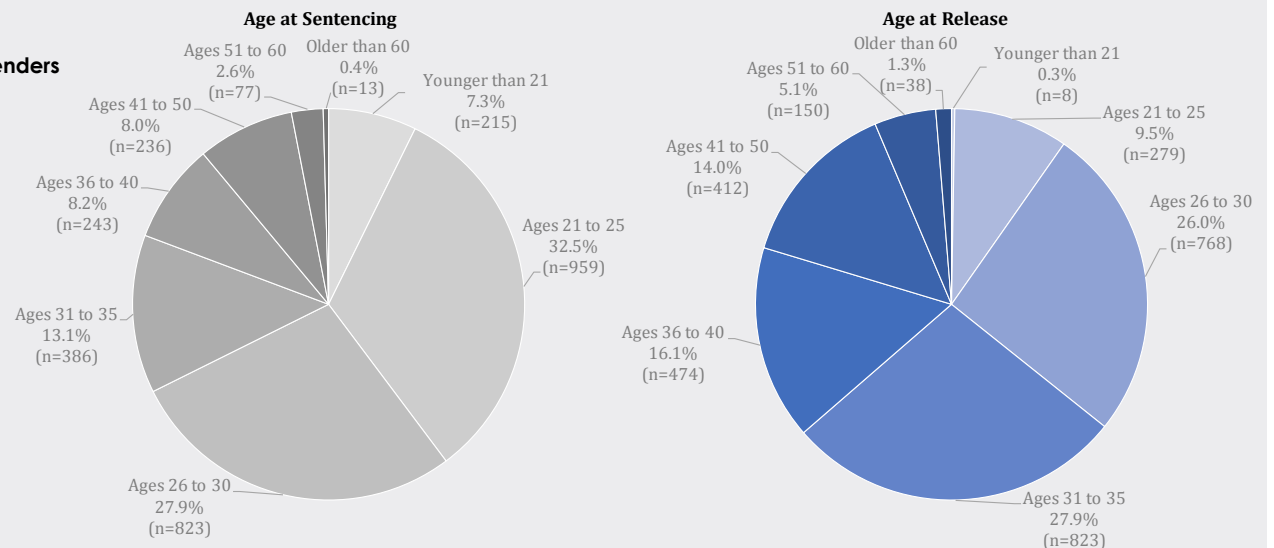
Demographics

Crack cocaine offenders were more likely to be Black, and less likely to be White or Hispanic, than drug trafficking offenders as a whole. A majority (87.0%) of crack cocaine offenders were Black, while 7.2 percent were White and 5.0 percent were Hispanic. Among all drug trafficking offenders, nearly equal numbers were Black (37.2%) and White (34.6%), and 25.5 percent were Hispanic. As with all drug trafficking offenders, a majority (88.1%) of crack cocaine offenders were male.

Crack cocaine offenders were generally younger than drug trafficking offenders as a whole. The median crack cocaine offender was 27 years old at the time of sentencing and 33 years old at the time of release, as compared to median ages of 30 years and 34 years for all drug trafficking offenders. Offenders aged 21 to 25 represented the largest single age group at the time of sentencing (32.5%), while those aged 31 to 35 represented the largest single age group at the time of release (27.9%). Very few offenders were over age 60 at either the time of sentencing (0.4%) or release (1.3%). More offenders were under age 21 at the time of sentencing (7.3%), although only 0.3 percent were under 21 at the time of release.

Figure 4.1
Demographic Characteristics of Crack Cocaine Trafficking Offenders

Race/Ethnicity	N	%
White	213	7.2%
Black	2,569	87.0%
Hispanic	147	5.0%
Other	23	0.8%
Gender	N	%
Male	2,601	88.1%
Female	351	11.9%
Citizenship	N	%
U.S. Citizens	2,953	100.0%
Age	N	%
Median Age at Sentencing	27 Years	
Median Age at Release	33 Years	



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. Totals may not sum to 100.0% due to rounding.

Offense Characteristics

Crack cocaine offender BOLs were notably higher than for drug trafficking offenders as a whole. The majority of crack cocaine offenders (56.4%) had BOLs of between 32 and 42, with another third (33.5%) having BOLs of between 26 and 30, and the remainder (10.2%) BOLs of 24 or less.⁵⁷ Drug offenders overall received a BOL of 32 to 42 only 37.2 percent of the time.

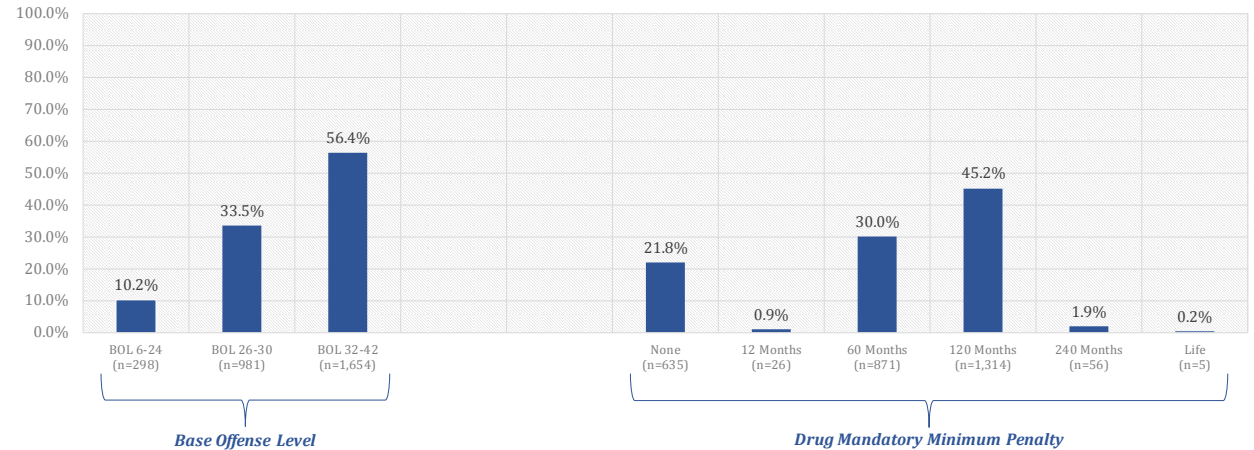
Similarly, crack cocaine offenders were convicted of offenses carrying a drug mandatory minimum penalty more frequently than drug trafficking offenders generally. More than three-quarters (78.2%) of crack cocaine offenders were convicted of such an offense; in nearly all those cases the applicable mandatory minimum was either five or ten years. A smaller majority (62.5%) of all drug trafficking offenders were convicted of an offense carrying a drug mandatory minimum penalty.

Crack cocaine offenders received safety valve relief less often than did all drug trafficking offenders. Only about one-fifth (20.5%) of crack cocaine offenders received a safety valve reduction at their original sentencing, while over a third (34.9%) of all drug trafficking offenders received such a reduction.

Crack cocaine offenders were more likely to receive a weapon enhancement, and less likely to receive either aggravating or mitigating role adjustments, than drug trafficking offenders as a whole. Just under one-fifth (19.7%) of crack cocaine offenders received a weapon enhancement. Smaller numbers received role adjustments, with 4.4 percent receiving an aggravating role adjustment and 8.7 percent receiving a mitigating role adjustment. Among all drug trafficking offenders, fewer received a weapon enhancement (14.3%), while greater numbers received either an aggravating role (6.2%) or mitigating role (19.3%) adjustment.

Figure 4.2

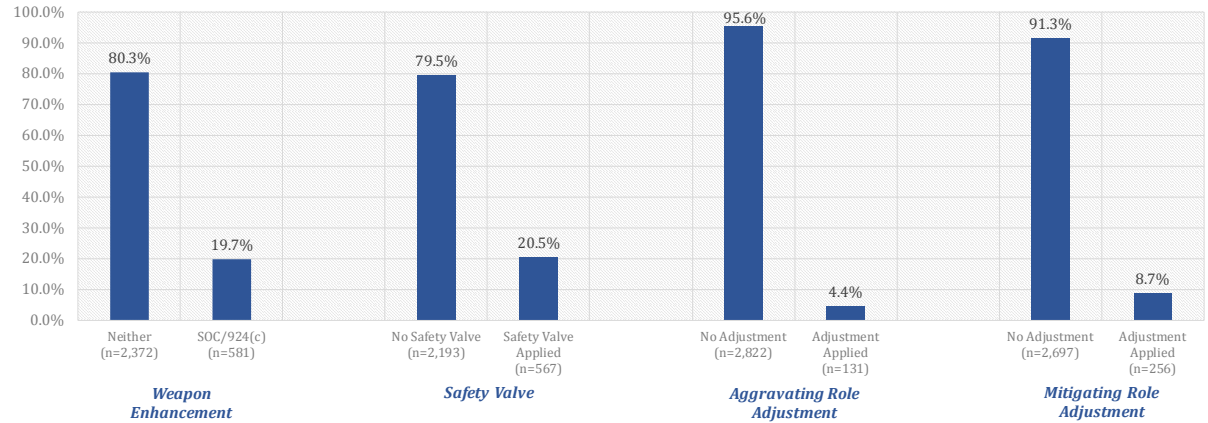
Application Rates for Crack Cocaine Trafficking Offenders by Base Offense Level & Drug Mandatory Minimum Penalties



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. Base Offense Level values reflect the BOL from the Drug Quantity Table (DQT) at USSG §2D1.1 prior to the application of the mitigating role cap or any adjustments under other guideline provisions. Offenders with BOLs determined by guideline provisions without reference to the DQT (e.g., §2D1.1(a)(1), §2D1.2(a)(3)) and offenders missing information required to determine the BOL prior to the application of the mitigating role cap were excluded from the base offense level analysis (n=20). Information on drug statutory mandatory minimum penalties is unavailable in fiscal year 1992 and offenders sentenced in that year were excluded from the drug mandatory minimum analysis. Of the remaining 2,912 offenders, five were excluded from this analysis due to missing or unusual drug statutory mandatory minimum penalty information. Totals may not sum to 100.0% due to rounding.

Figure 4.3

Application Rates for Crack Cocaine Trafficking Offenders by Selected Guideline Characteristics



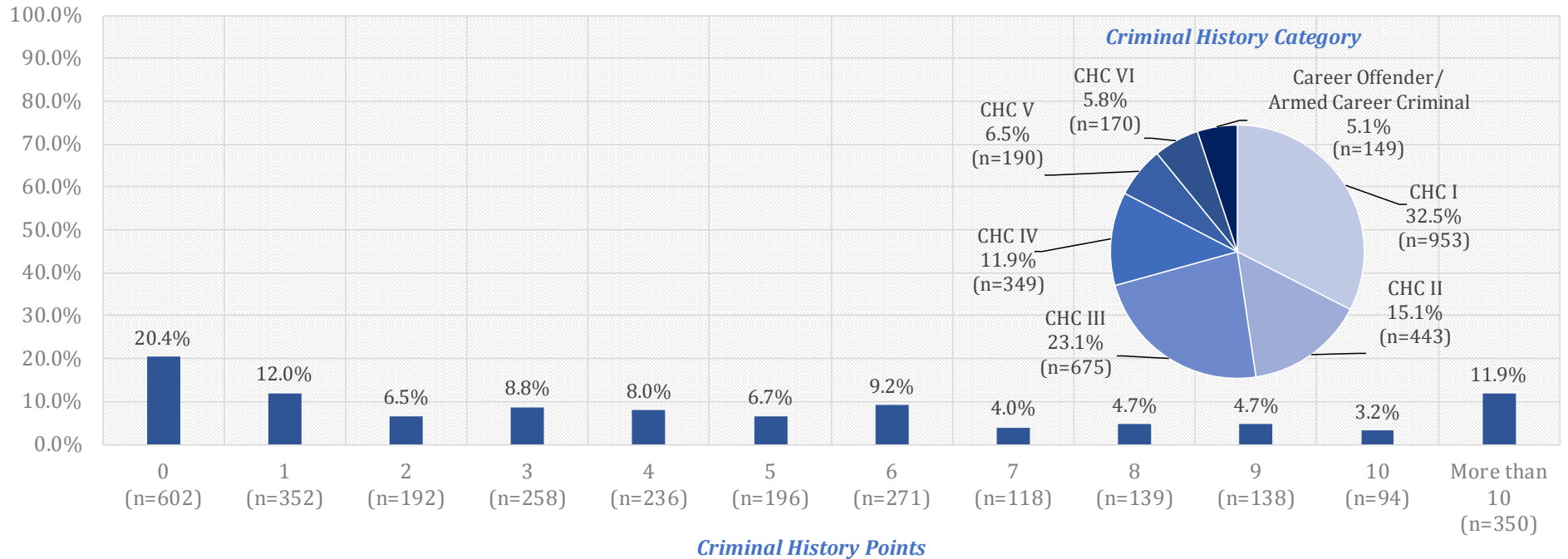
SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from each analysis that were missing information necessary to perform the analysis. The weapon enhancement analysis includes offenders with a conviction under 18 U.S.C. § 924(c) and/or the application of a weapon enhancement under the guidelines. The safety valve analysis accounts for safety valve relief under USSG §§5C1.2 and 2D1.1. Safety valve did not exist prior to fiscal year 1995 and the safety valve analysis excludes offenders sentenced in fiscal years 1992 through 1994. The aggravating role adjustment analysis includes offenders with any positive value under USSG §3B1.1. The mitigating role adjustment analysis includes offenders with any negative value under USSG §3B1.2. In addition, offenders sentenced under USSG §2D1.8(a)(2) are included as receiving mitigating role. Totals may not sum to 100.0% due to rounding.

Chapter Four:
CRACK COCAINE TRAFFICKERS

Criminal History

Crack cocaine offenders typically had more serious criminal histories than drug trafficking offenders as a whole. They were nonetheless spread broadly across the criminal history spectrum, with 20.4 percent receiving no criminal history points, 12.0 percent receiving one point, and 11.9 percent receiving more than ten points. The largest single proportion of crack cocaine offenders (32.5%) were in CHC I, followed by 23.1 percent in CHC III and 15.1 percent in CHC II. In addition to the 5.8 percent of offenders who were classified in CHC VI based on their number of criminal history points, an additional 5.1 percent were designated as career offenders or armed career criminals. By contrast, over one-third (36.5%) of all drug trafficking offenders had zero criminal history points, and over half (50.3%) were in CHC I.

Figure 4.4
Criminal History Scores of Crack Cocaine Trafficking Offenders



Sentences Originally Imposed

Crack cocaine offenders typically received longer prison sentences than the overall drug trafficking group. An overwhelming majority (98.2%) of crack cocaine offenders were sentenced to some term of incarceration. Of those who were, about one-third (33.2%) received sentences of 120 months or more; 40.5 percent received sentences of between 60 and 119 months; and the remaining 26.3 percent received sentences of less than 60 months. While most drug trafficking offenders were also imprisoned for some length of time, only 19.0 percent received a sentence of 120 months or more, and nearly half (49.8%) received a sentence of under 60 months.

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. Criminal History Points may not sum to the expected Criminal History Category due to career offender/armed career criminal classification or missing information. Totals may not sum to 100.0% due to rounding.

A majority of crack cocaine offenders (57.1%) received a sentence that was within their sentencing guideline range. Over one-third (35.9%) received below-range sentences due to a departure granted for providing substantial assistance to the government. Another 6.5 percent received below-range sentences that were not requested by the government. Small numbers received below-range sentences that were requested by the government for some reason other than providing substantial assistance (0.3%), or received above-range sentences (0.2%). These numbers are similar to those for drug trafficking offenders as a whole.

Recidivism Findings

Rearrest, Reconviction, and Reincarceration

Crack cocaine offenders had the highest rate of recidivism (60.8%, or 1,795 of the 2,953 total crack cocaine offenders) of any drug type measured in the study. The recidivism rate for all drug trafficking offenders combined was 50.0 percent.

Table 4.1

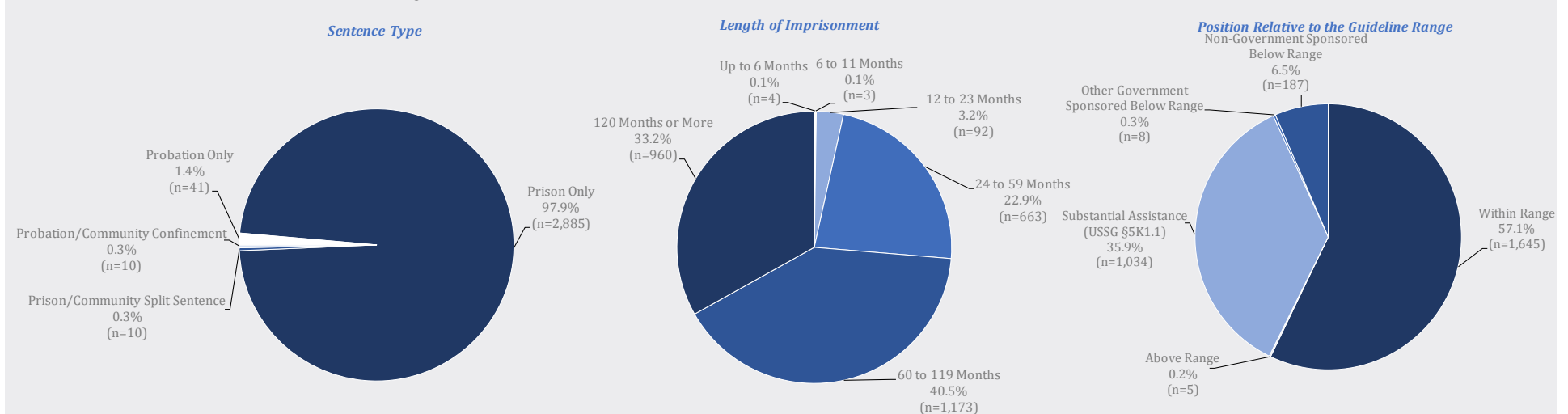
Recidivism Rates for Crack Cocaine Trafficking Offenders

Recidivism Measure	Rearrest	Reconviction	Reincarceration
Percent	60.8%	37.6%	29.4%
Median Time to Recidivism	23 Months	32 Months	32 Months
Median Number of Recidivism Events	2	1	1
Most Serious Post-Release Event	Assault (27.4%, n=492)	Drug Trafficking (20.7%, n=230)	Drug Trafficking (23.7%, n=206)
Median Age at Release	32	31	31

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. Median age at release is shown for recidivist offenders only.

As explained above, recidivism throughout this study was primarily reported by rearrest data; however, analysis also showed that crack cocaine offenders were reconvicted of another offense at a rate of 37.6 percent, and reincarcerated at a rate of 29.4 percent. This compares with a reconviction rate of 30.8 percent and a reincarceration rate of 23.4 percent for all drug offenders. The Appendix contains more detailed information using these two measures of recidivism.

Figure 4.5
Sentences Imposed on Crack Cocaine Trafficking Offenders



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. Totals may not sum to 100.0% due to rounding. The sentence length analysis does not include sentences of probation or any time of confinement as described in USSG §5C1.1.

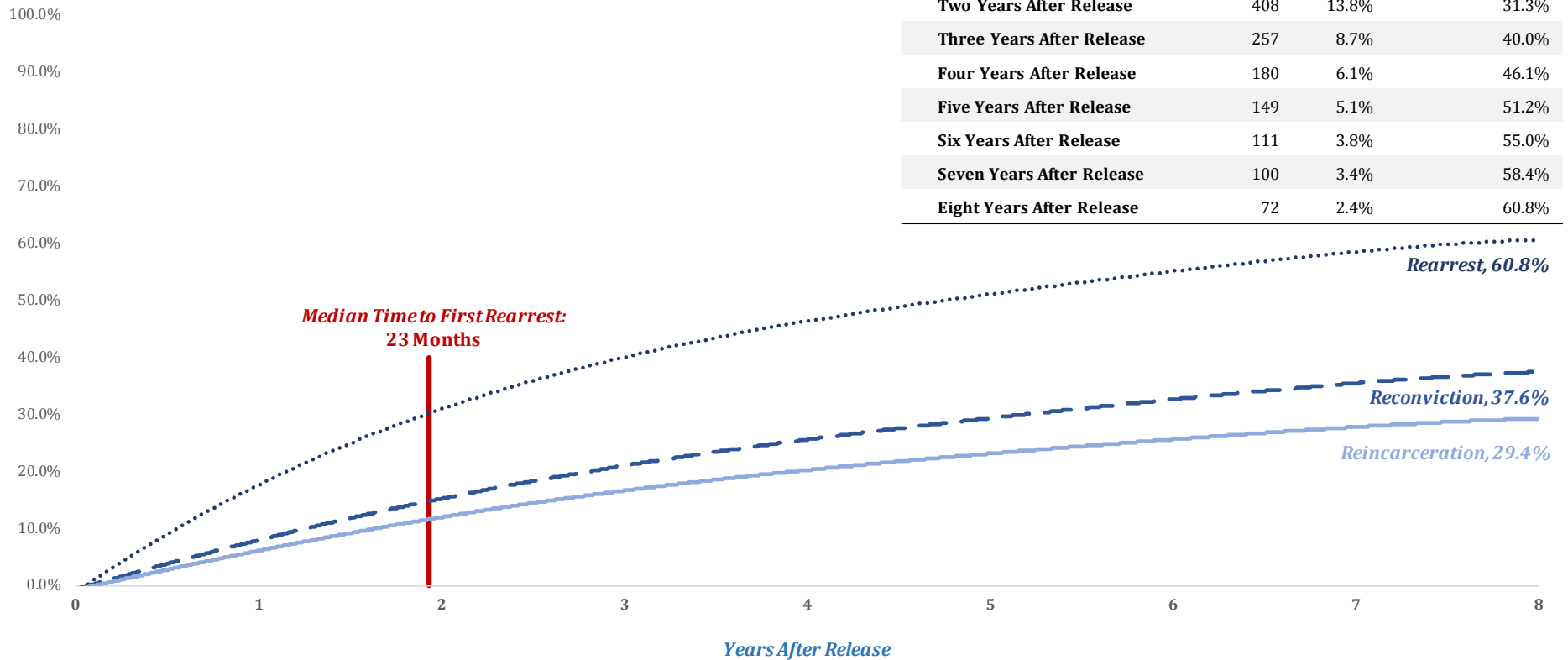
Time to First Recidivism Event

For crack cocaine offenders, median time to recidivism was 23 months, with a median of two recidivist events (arrests) on separate days. This means that half of those crack cocaine offenders who recidivated first did so less than two years after their release. For all drug trafficking offenders, the median time to recidivism was 25 months, with the same median of two events.

Figure 4.6
Time to First Rearrest of Crack Cocaine Trafficking Offenders

As the study period progressed, each year saw fewer crack cocaine offenders recidivate for the first time. During the first year following release into the community, 17.5 percent recidivated for the first time. The rate declined to 13.8 percent in the second year and 8.7 percent in the third year. Only 2.4 percent of crack cocaine offenders recidivated for the first time in the eighth year. This reflects the pattern seen for drug trafficking offenders as a whole.

Years After Release	N	%	Cumulative %
One Year After Release	518	17.5%	17.5%
Two Years After Release	408	13.8%	31.3%
Three Years After Release	257	8.7%	40.0%
Four Years After Release	180	6.1%	46.1%
Five Years After Release	149	5.1%	51.2%
Six Years After Release	111	3.8%	55.0%
Seven Years After Release	100	3.4%	58.4%
Eight Years After Release	72	2.4%	60.8%



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. In cases in which any reconviction or reincarceration is known, but the date of arrest leading to the reconviction/reincarceration is unknown, the reconviction/reincarceration date is assigned as the rearrest date.

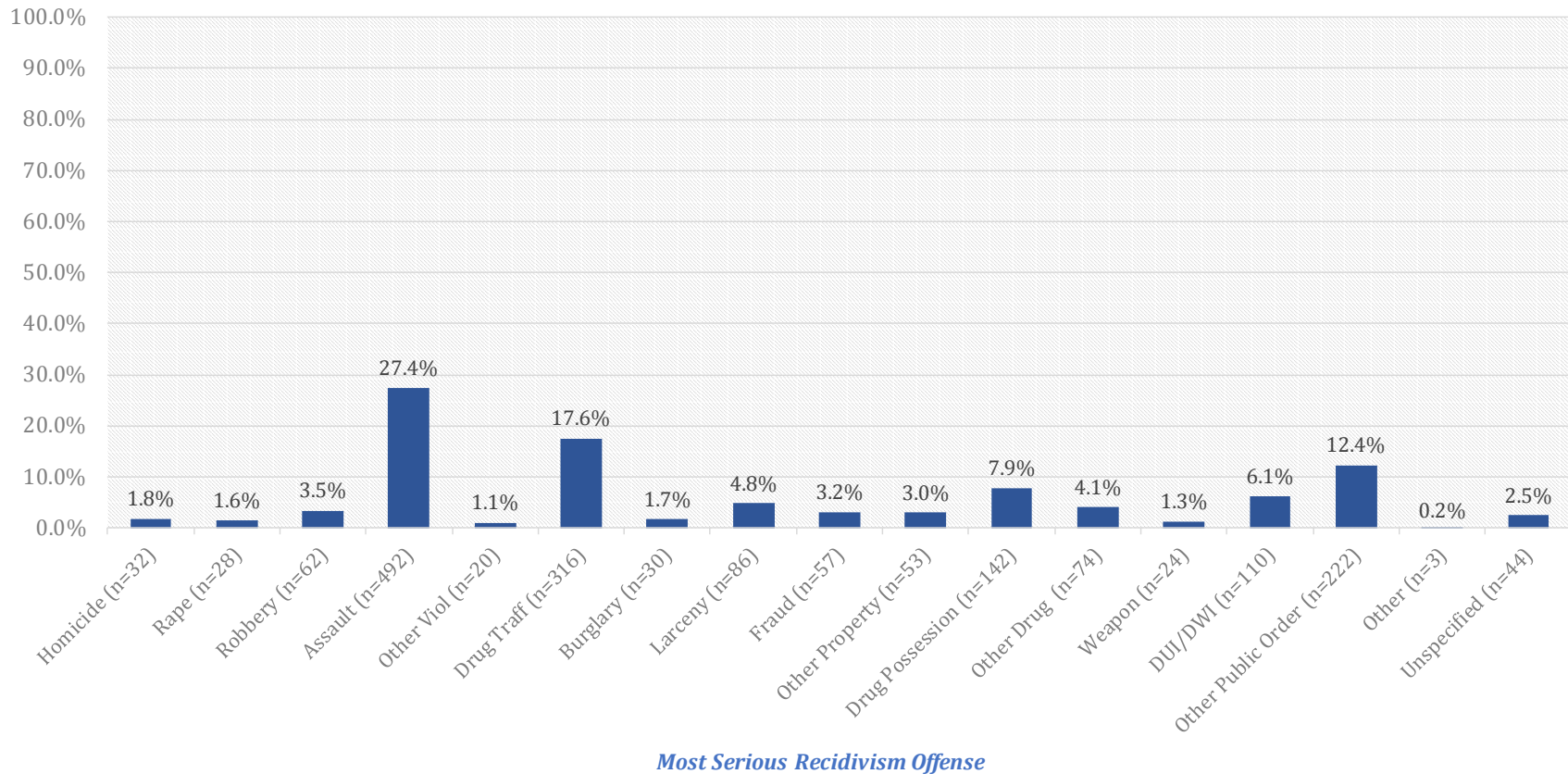
Most Serious Recidivism Offense

Assault was the single most prevalent “most serious” recidivist offense for crack cocaine offenders (27.4%), as it was among drug trafficking offenders generally.

After assault, drug trafficking offenses were the most prevalent “most serious” post-release event for crack cocaine offenders, at 17.6 percent, with drug possession (7.9%) and “other drug” offenses (4.1%) occurring less

frequently as the most serious event. Two other types of offenses represented the most serious offense types for at least five percent of crack cocaine offenders: “other public order” offenses (12.4%) and DUI/DWI offenses (6.1%).

Figure 4.7
Rearrest Rates for Crack Cocaine Trafficking Offenders by Most Serious Recidivism Offense



SOURCE: U.S. Sentencing Commission’s 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. Totals may not sum to 100.0% due to rounding.

Recidivism and Criminal History

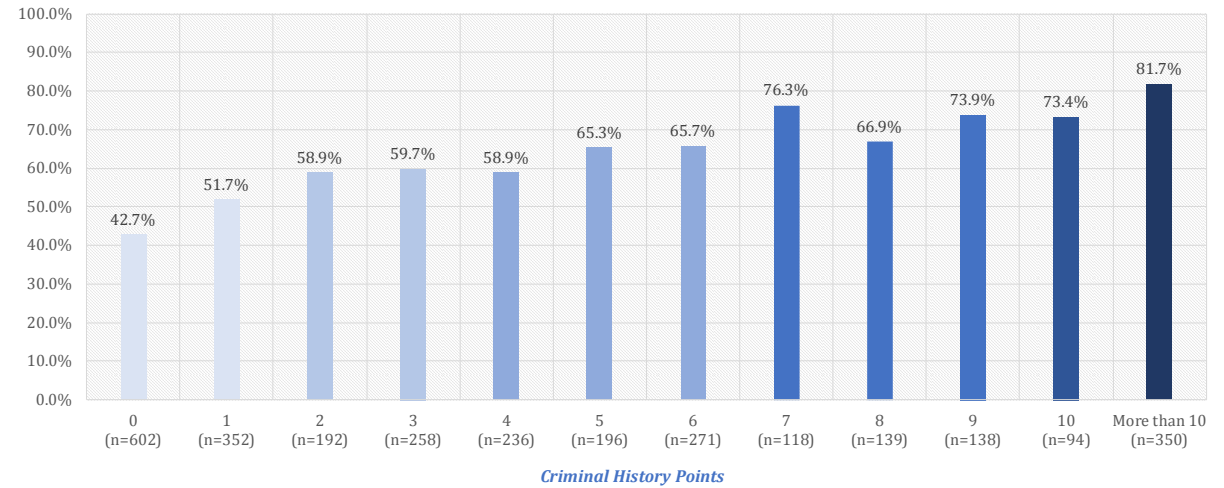
Recidivism rates for crack cocaine offenders were associated with total criminal history points. Among crack cocaine offenders, 42.7 percent of offenders with zero criminal history points recidivated within eight years, compared to 81.7 percent of offenders with more than ten criminal history points. Each additional criminal history point was generally associated with a higher rate of recidivism. For example, recidivism plateaued at approximately 59 percent for those with between two and four criminal history points before increasing to 65.3 percent for those with five points. Recidivism generally continued to rise as offenders accumulated six (65.7%) to ten (73.4%) criminal history points, with recidivism highest among those who received seven points (76.3%) and more than ten points (81.7%).

Recidivism for crack cocaine offenders was also strongly associated with CHC. Recidivism rates ranged from a low of 46.1 percent for those in CHC I to a high of 84.1 percent for those in CHC VI based on their accumulation of criminal history points. Career offenders and armed career criminals recidivated at a higher rate (68.5%) than crack cocaine offenders as a whole, but at a lower rate than offenders classified in CHC IV (73.9%), CHC V (76.3%), or CHC VI based on criminal history points. These trends are similar to those among all drug trafficking offenders, although the rates among crack cocaine offenders are higher.

Recidivism and an Offender's Federal Offense

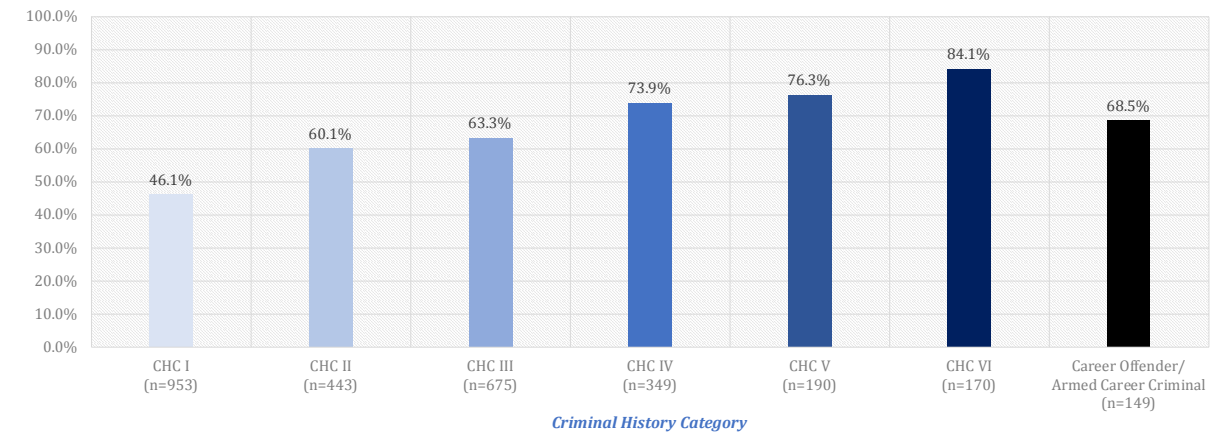
There was an inverse association between a crack cocaine offender's guideline BOL and the rate of recidivism, although a somewhat less pronounced one than among all drug offenders. Specifically, crack cocaine offenders with BOLs of 24 or less recidivated at slightly higher rates than those with BOLs between 26 and 30 (70.8% and 67.9%, respectively), while those offenders with the highest BOLs of between 32 and 42 recidivated less often (54.8%). As

Figure 4.8
Rearrest Rates for Crack Cocaine Trafficking Offenders by Criminal History Points



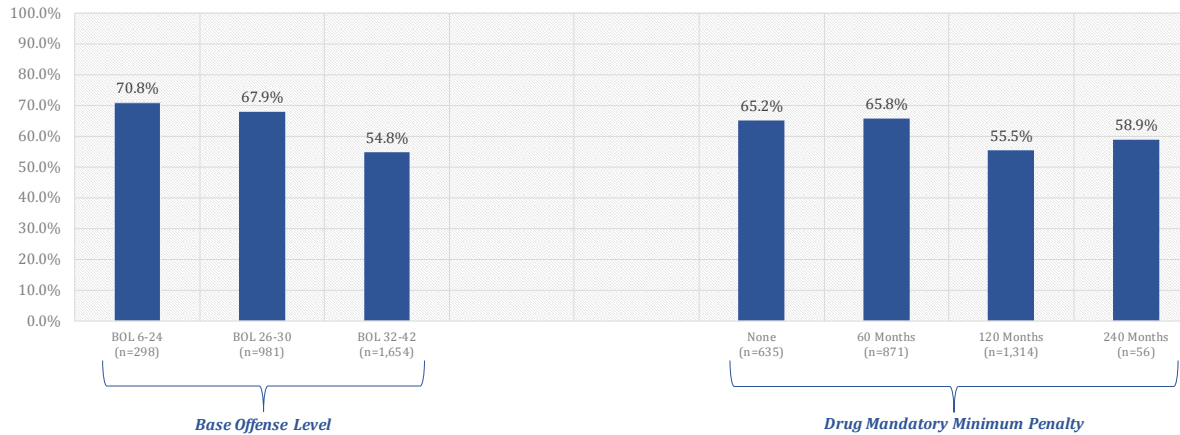
SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDPT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

Figure 4.9
Rearrest Rates for Crack Cocaine Trafficking Offenders by Criminal History Category



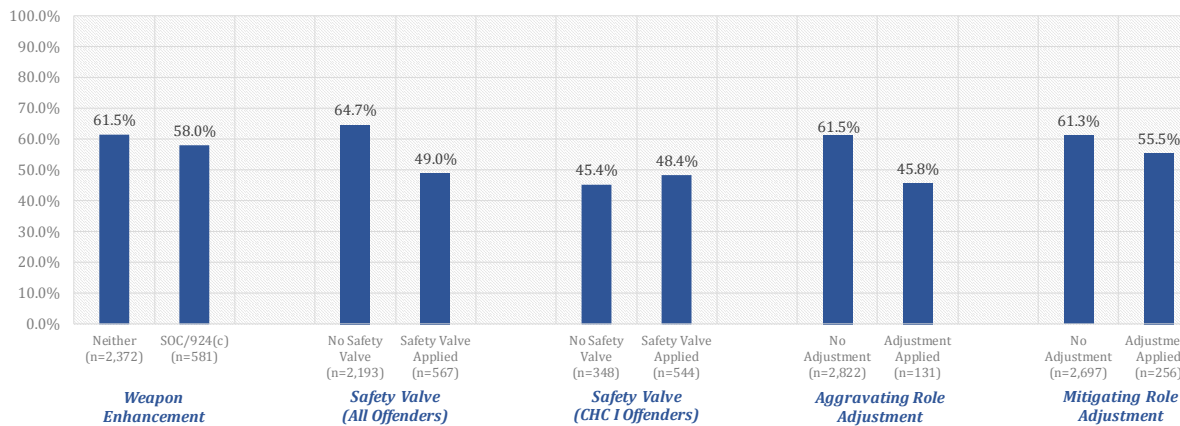
SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDPT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

Figure 4.10
Rearrest Rates for Crack Cocaine Trafficking Offenders by Base Offense Level & Drug Mandatory Minimum Penalties



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDPT. Base Offense Level values reflect the BOL from the Drug Quantity Table (DQT) at USSG §2D1.1 prior to the application of the mitigating role cap or any adjustments under other guideline provisions. Offenders with BOLs determined by guideline provisions without reference to the DQT (e.g., §2D1.1(a)(1), §2D1.2(a)(3)) and offenders missing information required to determine the BOL prior to the application of the mitigating role cap were excluded from the base offense level analysis (n=20). Information on drug statutory mandatory minimum penalties is unavailable in fiscal year 1992 and offenders sentenced in that year were excluded from the drug mandatory minimum analysis. Of the remaining 2,912 offenders, five were excluded from this analysis due to missing or unusual drug statutory mandatory minimum penalty information.

Figure 4.11
Rearrest Rates for Crack Cocaine Trafficking Offenders by Selected Guideline Characteristics



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDPT. The Commission excluded cases from each analysis that were missing information necessary to perform the analysis. The weapon enhancement analysis includes offenders with a conviction under 18 U.S.C. § 924(c) and/or the application of a weapon enhancement under the guidelines. The safety valve analyses account for safety valve relief under USSG §§5C1.2 and 2D1.1. Safety valve did not exist prior to fiscal year 1995 and the safety valve analyses excludes offenders sentenced in fiscal years 1991 through 1994. The number of offenders in the CHC I group may not equal the total number of offenders with safety valve applied in the All Offenders group due to missing information on Criminal History Category or safety valve application in cases with higher Criminal History Categories. The aggravating role adjustment analysis includes offenders with any positive value under USSG §3B1.1. The mitigating role adjustment analysis includes offenders with any negative value under USSG §3B1.2. In addition, offenders sentenced under USSG §2D1.8(a)(2) are included as receiving mitigating role.

noted above with respect to all drug traffickers, lower BOLs correspond to somewhat younger ages upon release, and younger age is generally associated with higher recidivism. This principle likely also serves as at least one factor explaining the link between recidivism and BOL among crack cocaine offenders.

There was a similar limited inverse association between the mandatory minimum penalty and the rate of recidivism. Offenders convicted of a drug offense carrying no mandatory minimum penalty recidivated at almost the same rate as those convicted of a drug offense carrying a five-year mandatory minimum penalty (65.2% and 65.8%, respectively), while those convicted of an offense carrying a ten-year mandatory minimum drug penalty recidivated less often (55.5%). Again, those convicted of no drug offense carrying a mandatory minimum penalty, or of drug offenses carrying shorter ones, are younger upon release, and therefore at a higher risk of recidivism. This relative youth at time of release may be at least one factor explaining the link between lower mandatory minimum penalties and higher recidivism.

Crack cocaine offenders who received a safety valve reduction recidivated at a substantially lower rate (49.0% versus 64.7%) than offenders who received no reduction, but this drop can be explained by the minimal criminal history score necessary to benefit from the safety valve. Among CHC I crack cocaine offenders, those who received a safety valve reduction recidivated in 48.4 percent of cases, while those who received no safety valve reduction recidivated at an even lower rate (45.4%). Thus, for crack cocaine offenders, it appears that the reduction in recidivism among offenders receiving the safety valve is entirely attributable to the restriction on safety valve application to offenders with no more than one criminal history point.

There was little association between application of a weapon enhancement and recidivism. Crack cocaine

offenders with a weapon enhancement recidivated at a rate of 58.0 percent, compared to 61.5 percent for all other offenders. Among drug trafficking offenders as a whole, there was an even smaller association, with the numbers approximately equal.

Receipt of an aggravating role enhancement was inversely correlated with recidivism. Crack cocaine offenders who received an aggravating role adjustment recidivated at a lower rate than those who did not receive such an adjustment (45.8% versus 61.5%). A similar inverse association existed among drug trafficking offenders as a whole.

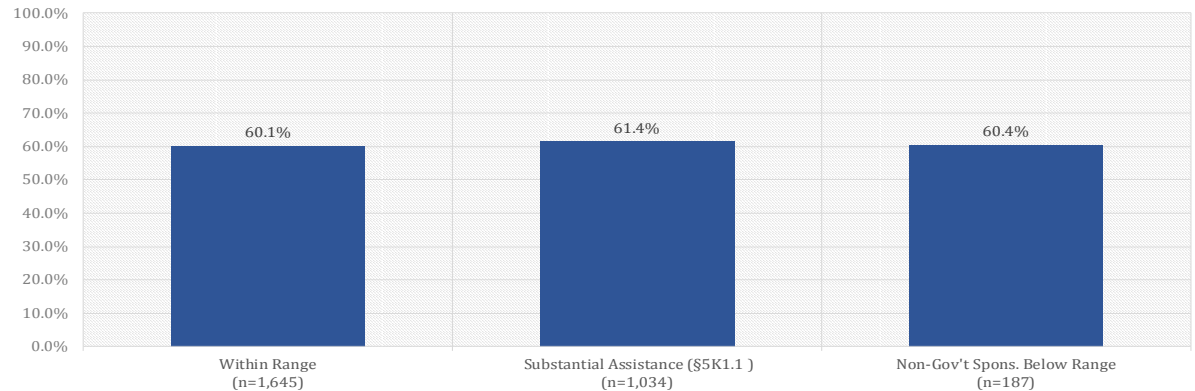
There was a mild association between receipt of the mitigating role reduction and a lower likelihood of recidivism. Crack cocaine offenders receiving a mitigating role adjustment had a slightly lower recidivism rate than those offenders who did not receive such an adjustment (55.5% versus 61.3%). This was a stronger association than among drug trafficking offenders as a whole, for whom the rates were nearly equal in both groups.

Recidivism and Sentences Imposed

The relationship between the sentence imposed and the sentencing guideline range had little or no impact on the recidivism rate. Offenders who received within-range sentences, below-range sentences due to §5K1.1 substantial assistance motions, and below-range sentences that were not sponsored by the government all recidivated at rates of approximately 60 percent. There was an insufficient number of offenders who received other types of sentences relative to the guidelines to conduct a meaningful analysis. While the recidivism rate was about ten percentage points lower among all drug trafficking offenders, there was also no association between position of the sentence relative to the guideline range and recidivism in that group.

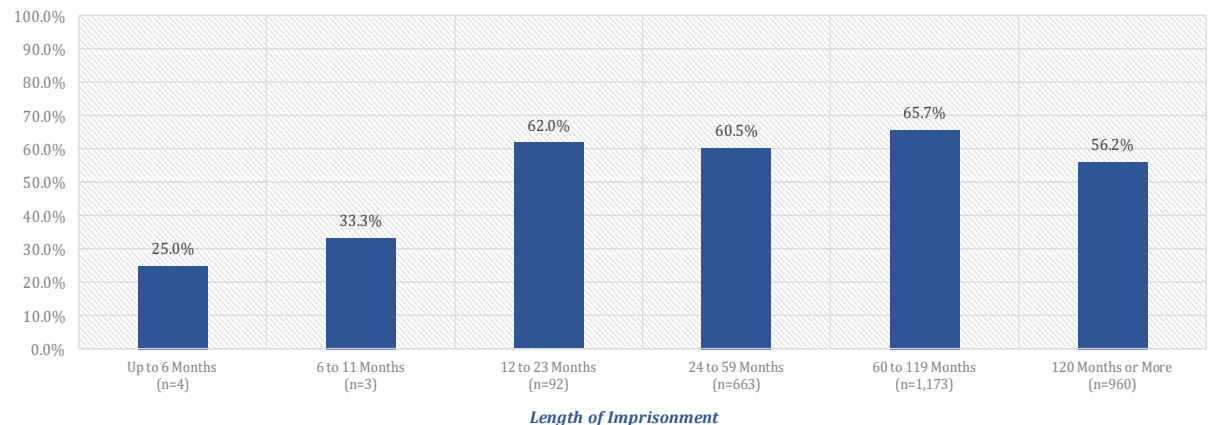
There was also no apparent association between

Figure 4.12
Rearrest Rates for Crack Cocaine Trafficking Offenders by Selected Positions Relative to the Guideline Range



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

Figure 4.13
Rearrest Rates for Crack Cocaine Trafficking Offenders by Length of Imprisonment

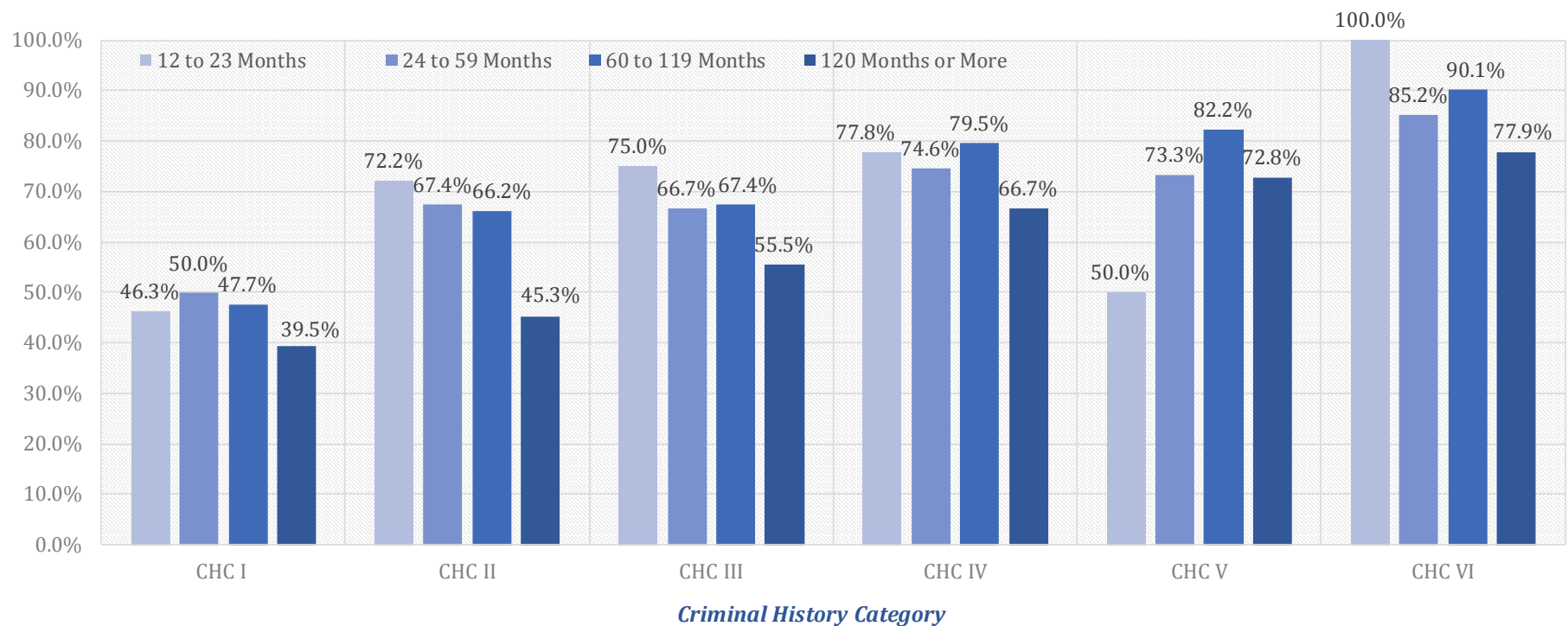


SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The information in this figure does not include sentences of probation or any time of confinement as described in USSG §5C1.1. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

the length of a crack cocaine offender’s original federal sentence and rate of recidivism. Each group of offenders that was sentenced to at least 12 months in prison recidivated at a rate of between 56.2 percent and 65.7 percent, with the lowest rate belonging to those offenders who received the longest sentences of 120 months or more. This largely parallels, at higher recidivism levels, the pattern for all drug trafficking offenders.

In the analysis of all drug trafficking offenders combined, the association between length of imprisonment and rate of recidivism became clearer when it was considered in conjunction with Criminal History Category. After accounting for the offender’s prior criminal history category, longer sentence lengths were generally associated with lower recidivism. The same is true when the analysis is limited to only crack cocaine traffickers. That is, a relationship between longer sentences and lower recidivism is generally evident among crack cocaine traffickers, although the smaller number of cases makes the relationship less prominent.

Figure 4.14
Rearrest Rates for Crack Cocaine Trafficking Offenders by Length of Imprisonment & Criminal History Category



SOURCE: U.S. Sentencing Commission’s 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The information in this figure does not include sentences of probation or any time of confinement as described in USSG §5C1.1. This analysis excludes offenders classified as Career Offenders or Armed Career Criminals. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. See appendix for the number of offenders in each category.

Chapter Four:
CRACK COCAINE TRAFFICKERS

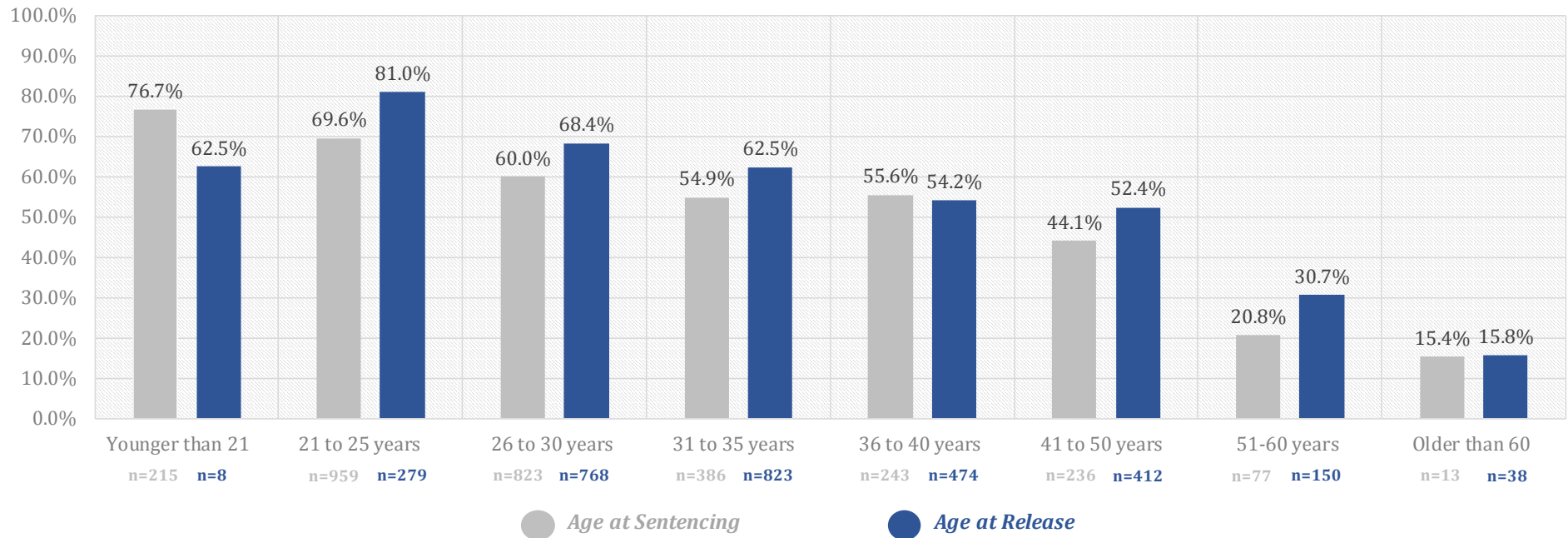
Recidivism and Age

Recidivism rates among crack cocaine offenders declined as their age at sentencing increased. Crack cocaine offenders who were younger than 21 at sentencing had a 76.7 percent recidivism rate, compared to 15.4 percent for crack cocaine offenders who were sentenced after age 60. These rates are similar to those for all drug trafficking offenses (69.7% declining to 13.5%).

Age at release was also strongly associated with a lower risk of recidivism. Crack cocaine offenders who were between 21 and 25 at release had the highest recidivism rate, 81.0 percent. Those oldest at release, over 60 years old, had the lowest recidivism rate, 15.8 percent. Excluding the small number of offenders released before they were 21, each age group had a lower recidivism rate than the next younger one. The steepest declines in recidivism rates based on age at release came between the 41 to 50 and 51 to 60 age groups. Those

released when they were between 41 and 50 recidivated at a rate of 52.4 percent, while those released when they were between 51 and 60 recidivated at a rate of 30.7 percent. With minor variations, these findings echo the relationship between age and recidivism among all drug trafficking offenders, which also saw the steepest drop in recidivism rates by age of release between the 41-50 and 51-60 age groups (40.3% to 25.9%).

Figure 4.15
Rearrest Rates for Crack Cocaine Trafficking Offenders by Age at Sentencing & Release



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.



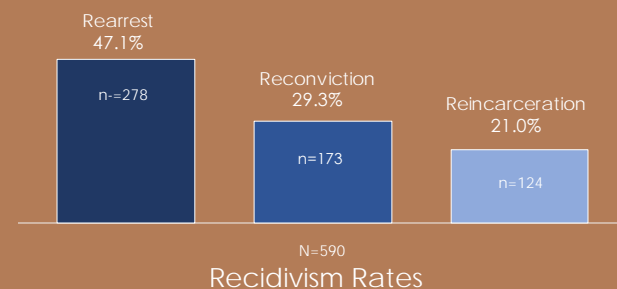
Chapter Five: HEROIN TRAFFICKERS

This chapter analyzes recidivism among the **590 federal heroin trafficking offenders** in the larger study group of 10,888 drug trafficking offenders.

Over the eight-year study period, **heroin offenders recidivated at a rate of 47.1 percent**, as compared to 50.0 percent for drug trafficking offenders as a whole.

Chapter Overview

- Offender & Offense Characteristics
- Sentences Imposed
- Recidivism Findings



Offender and Offense Characteristics

Demographics

Compared to drug trafficking offenders as a whole, heroin offenders were more likely to be Hispanic and less likely to be White or Black. Heroin offenders were more frequently Hispanic (46.0%) than for any other drug type, while 33.6 percent were Black, 19.2 percent were White, and 1.2 percent were of another race. Among all drug trafficking offenders, nearly equal numbers were Black (37.2%) and White (34.6%), and 25.5 percent were Hispanic. As with all drug trafficking offenders, a majority (80.5%) of heroin offenders were male.

Heroin offenders were, generally, slightly older at sentencing and release than drug trafficking offenders as a whole. The median heroin offender was 31 years old at the time of sentencing and 35 years old at the time of release, as compared to median ages of 30 and 34 for all drug trafficking offenders. Offenders aged 26 to 30 represented the largest single age group at the time of sentencing (22.1%), while those aged 41 to 50 represented the largest single age group at the time of release (20.7%). Very few offenders were over age 60 at either the time of sentencing (1.5%) or release (3.2%). More offenders were under age 21 at the time of sentencing (4.6%), although only 0.5 percent were under 21 at the time of release.

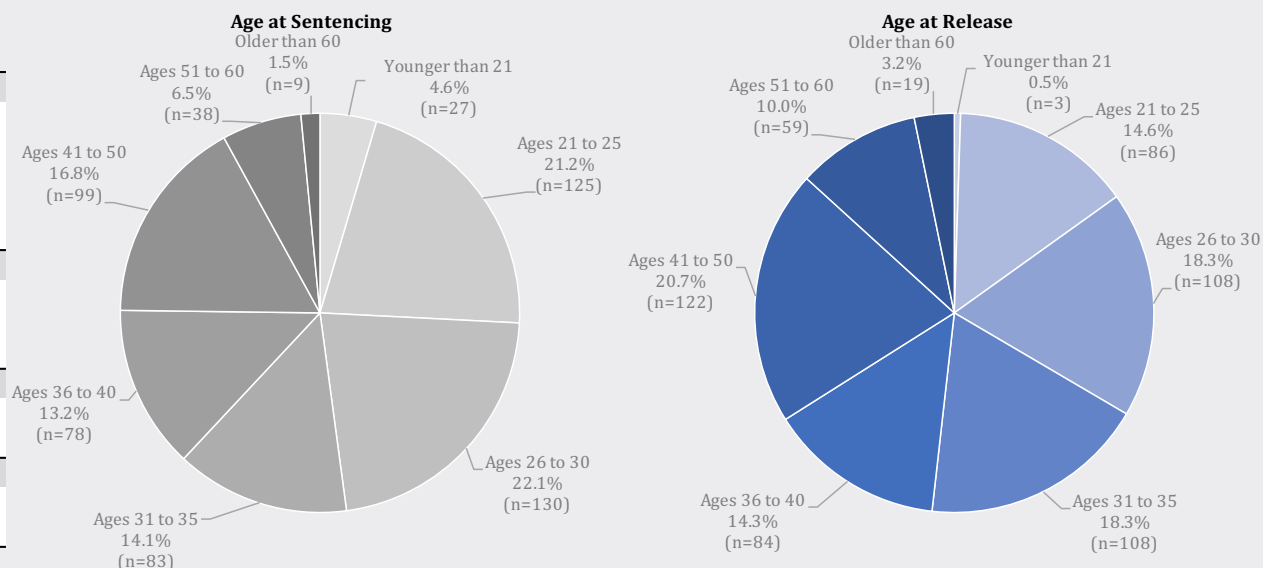
Figure 5.1
Demographic Characteristics of Heroin Trafficking Offenders

Race/Ethnicity	N	%
White	113	19.2%
Black	198	33.6%
Hispanic	271	46.0%
Other	7	1.2%

Gender	N	%
Male	475	80.5%
Female	115	19.5%

Citizenship	N	%
U.S. Citizens	590	100.0%

Age	
Median Age at Sentencing	31 Years
Median Age at Release	35 Years



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. Totals may not sum to 100.0% due to rounding.

Offense Characteristics

Heroin offender BOLs peaked between 26 and 30 (41.8% fell into this group). Just over a quarter (26.2%) had a BOL of between 6 and 24, while 32.0 percent had a BOL of between 32 and 42.⁵⁸ This is a different distribution of BOLs than for all drug offenders, for whom the top two groups were nearly equal at about 37 percent.

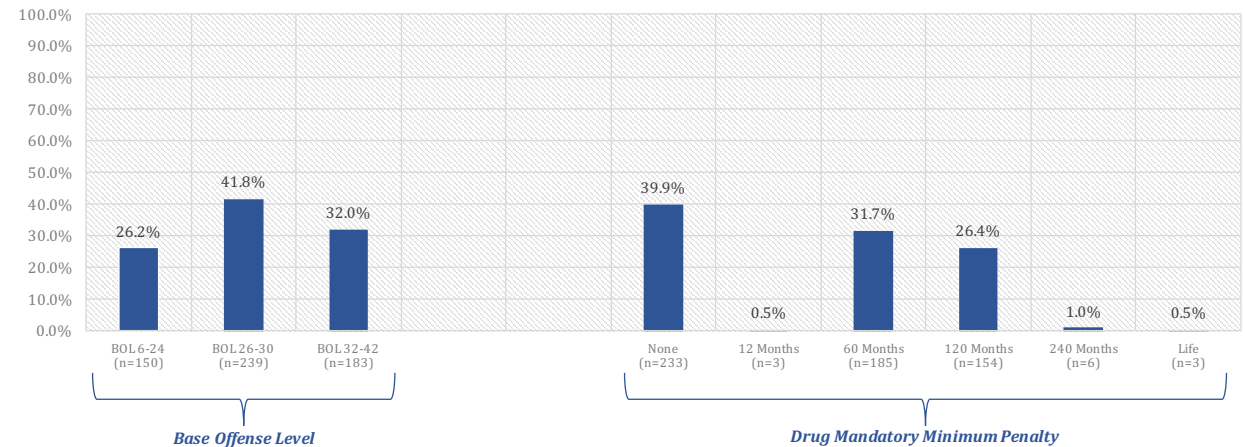
Heroin offenders were convicted of drug offenses carrying a mandatory minimum penalty at almost exactly the same rate as drug trafficking offenders generally. Just over three-fifths (60.1%) of heroin offenders were convicted of such an offense, and in nearly all those cases the applicable mandatory minimum was either five or ten years. Among all drug trafficking offenders, the rate was 62.5 percent.

Heroin offenders received safety valve relief more often than did drug trafficking offenders overall. Almost two-fifths (39.7%) of heroin offenders received a safety valve reduction at their original sentencing, compared to 34.9 percent of all drug trafficking offenders.

Heroin offenders were slightly less likely than all drug offenders to receive a weapon enhancement (11.4% versus 14.3%). They were slightly more likely to receive an aggravating role adjustment (7.1% versus 6.2%), and substantially more likely to receive a mitigating role adjustment (29.7% versus 19.3%). Heroin offenders received the mitigating role adjustment more often than any other group of offenders by drug type.

Figure 5.2

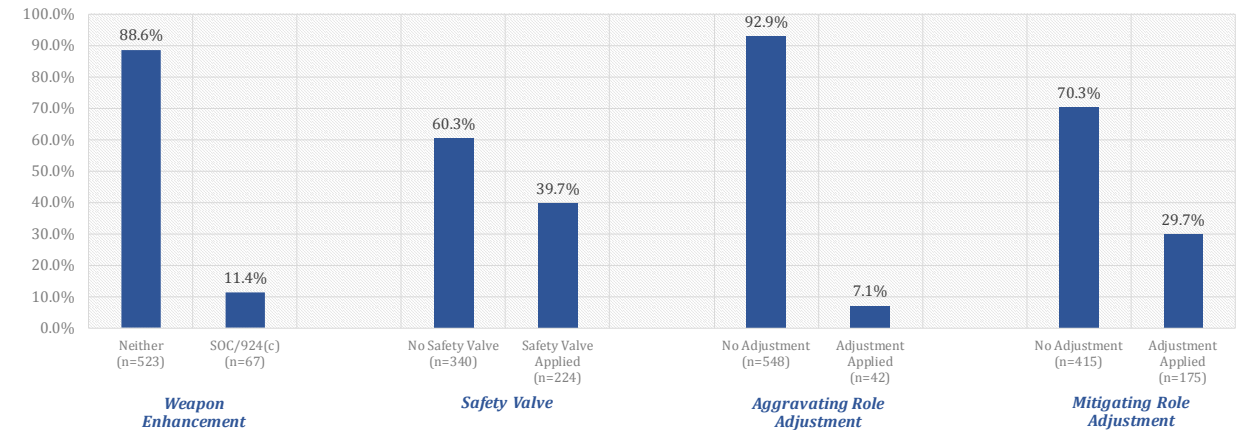
Application Rates for Heroin Trafficking Offenders by Base Offense Level & Drug Mandatory Minimum Penalties



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPPDT. Base Offense Level values reflect the BOL from the Drug Quantity Table (DQT) at USSG §2D1.1 prior to the application of the mitigating role cap or any adjustments under other guideline provisions. Offenders with BOLs determined by guideline provisions without reference to the DQT (e.g., §2D1.1(a)(1), §2D1.2(a)(3)) and offenders missing information required to determine the BOL prior to the application of the mitigating role cap were excluded from the base offense level analysis (n=18). Information on drug statutory mandatory minimum penalties is unavailable in fiscal year 1992 and offenders sentenced in that year were excluded from the drug mandatory minimum analysis. Of the remaining 585 offenders, one was excluded from this analysis due to missing or unusual drug statutory mandatory minimum penalty information. Totals may not sum to 100.0% due to rounding.

Figure 5.3

Application Rates for Heroin Trafficking Offenders by Selected Guideline Characteristics



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPPDT. The Commission excluded cases from each analysis that were missing information necessary to perform the analysis. The weapon enhancement analysis includes offenders with a conviction under 18 U.S.C. § 924(c) and/or the application of a weapon enhancement under the guidelines. The safety valve analysis accounts for safety valve relief under USSG §§5C1.2 and 2D1.1. Safety valve did not exist prior to fiscal year 1995 and the safety valve analysis excludes offenders sentenced in fiscal years 1992 through 1994. The aggravating role adjustment analysis includes offenders with any positive value under USSG §3B1.1. The mitigating role adjustment analysis includes offenders with any negative value under USSG §3B1.2. In addition, offenders sentenced under USSG §2D1.8(a)(2) are included as receiving mitigating role. Totals may not sum to 100.0% due to rounding.

Criminal History

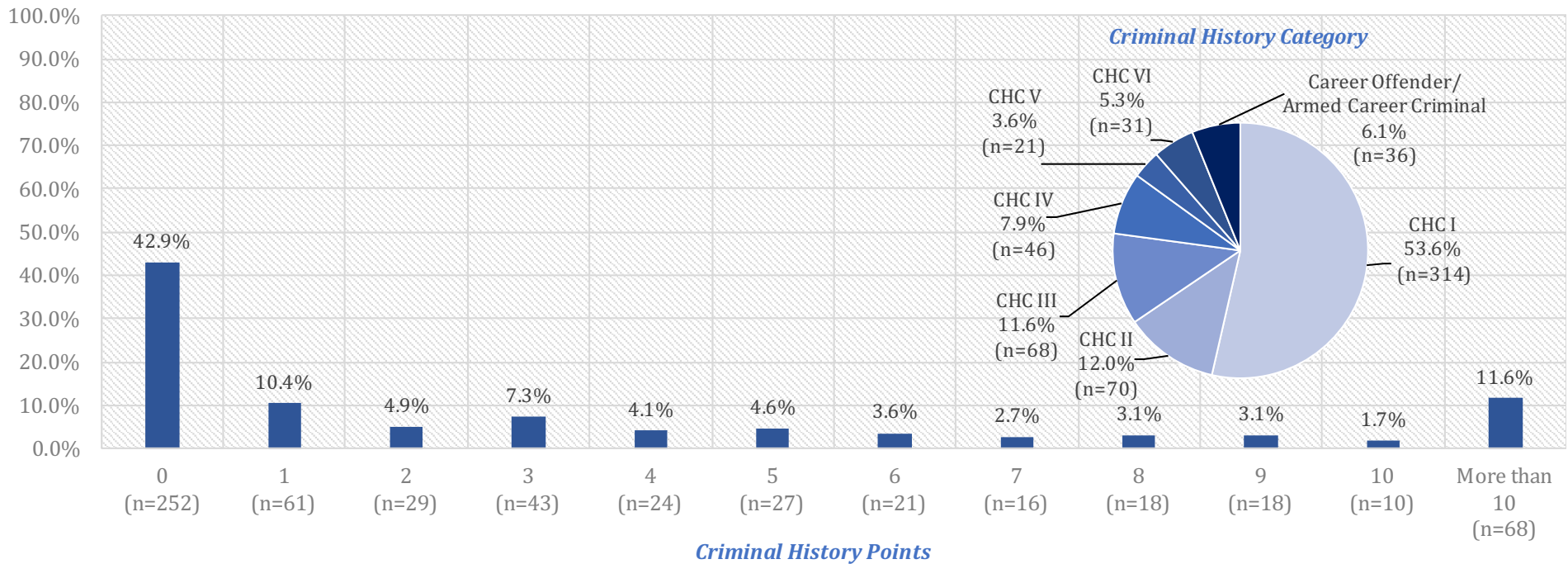
Although heroin offenders had criminal histories that were generally similar to those of drug trafficking offenders as a whole, they were overrepresented at the high end of the criminal history scale. The largest single proportion (42.9%) received no criminal history points, while 10.4 percent received one point and 11.6 percent received more than ten points. The majority of heroin offenders (53.6%) were in CHC I, followed by 12.0 percent in CHC II and 11.6 percent in CHC III. In addition to the 5.3 percent of offenders who were classified in CHC VI based on their number of criminal history points, an additional 6.1 percent were designated as career offenders or armed career criminals (this was the highest proportion of career offenders/armed career criminals of any drug type studied). By comparison, just over one-third (36.5%) of all drug trafficking

offenders had zero criminal history points, and a bare majority (50.3%) were in CHC I. Smaller proportions of all drug offenders than heroin offenders had more than ten points (7.3%), fell into CHC VI (3.5%), or were career offenders/armed career criminals (3.2%).

Sentences Originally Imposed

Heroin offenders typically received prison sentences similar to, or slightly more lenient than, those of the overall drug trafficking group. An overwhelming majority (92.3%) of heroin offenders were sentenced to some term of incarceration. Of those who were, 14.9 percent received sentences of 120 months or more; 30.3 percent received sentences of 60 to 119 months; and the remaining 54.8 percent received sentences of less than 60 months. Similarly, most drug trafficking offenders were also imprisoned for some length of time,

Figure 5.4
Criminal History Scores of Heroin Trafficking Offenders



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. Criminal History Points may not sum to the expected Criminal History Category due to career offender/armed career criminal classification or missing information. Totals may not sum to 100.0% due to rounding.

with 19.0 percent receiving a sentence of 120 months or more, and just under half (49.8%) receiving a sentence of under 60 months.

A majority of heroin offenders (61.4%) received a sentence that was within their sentencing guideline range. Over one-quarter (26.5%) received below-range sentences due to a departure granted for providing substantial assistance to the government. Another 10.7 percent received below-range sentences that were not requested by the government. Small numbers received below-range sentences that were requested by the government for some reason other than providing substantial assistance (1.1%), or received above-range sentences (0.4%). These numbers are similar to those for drug trafficking offenders as a whole.

Recidivism Findings

Rearrest, Reconviction, and Reincarceration

Heroin offenders had a slightly lower rate of recidivism (47.1%, or 278 of the 590 total heroin offenders) than the 50.0 percent rate for drug traffickers as a group.

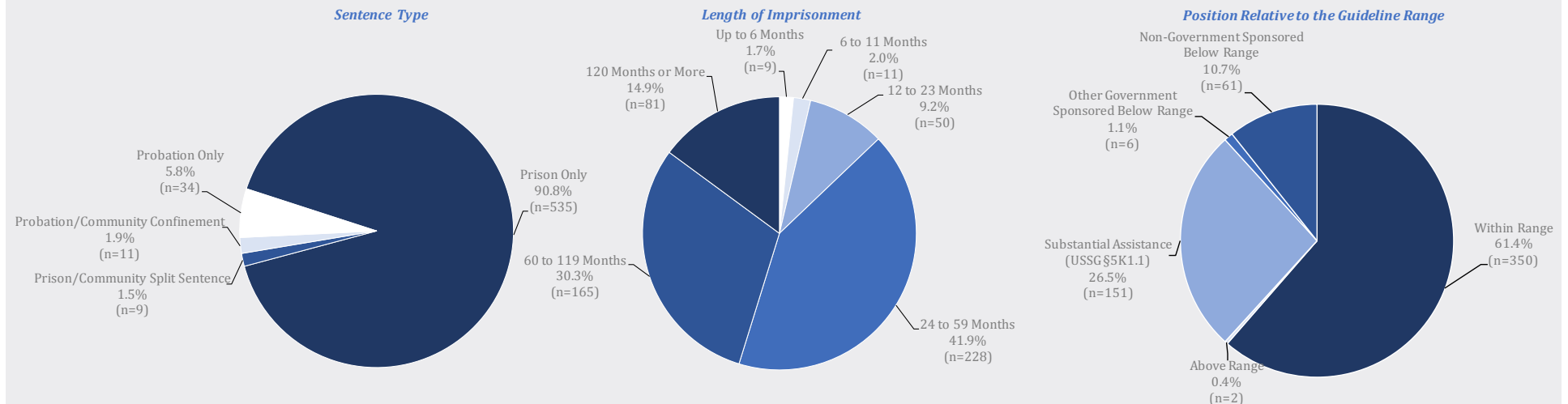
Table 5.1
Recidivism Rates for Heroin Trafficking Offenders

Recidivism Measure	Rearrest	Reconviction	Reincarceration
Percent	47.1%	29.3%	21.0%
Median Time to Recidivism	28 Months	35 Months	31 Months
Median Number of Recidivism Events	2	1	1
Most Serious Post-Release Event	Drug Trafficking (18.0%, n=50)	Drug Trafficking (22.0%, n=38)	Drug Trafficking (29.0%, n=36)
Median Age at Release	33	33	35

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. Median age at release is shown for recidivist offenders only.

As explained above, recidivism throughout this study was primarily reported by rearrest data; however, analysis also showed that heroin offenders were reconvicted of another offense at a rate of 29.3 percent, and reincarcerated at a rate of 21.0 percent. This compares with a reconviction rate of 30.8 percent and a reincarceration rate of 23.4 percent for all drug offenders. The Appendix contains more detailed information using these two measures of recidivism.

Figure 5.5
Sentences Imposed on Heroin Trafficking Offenders



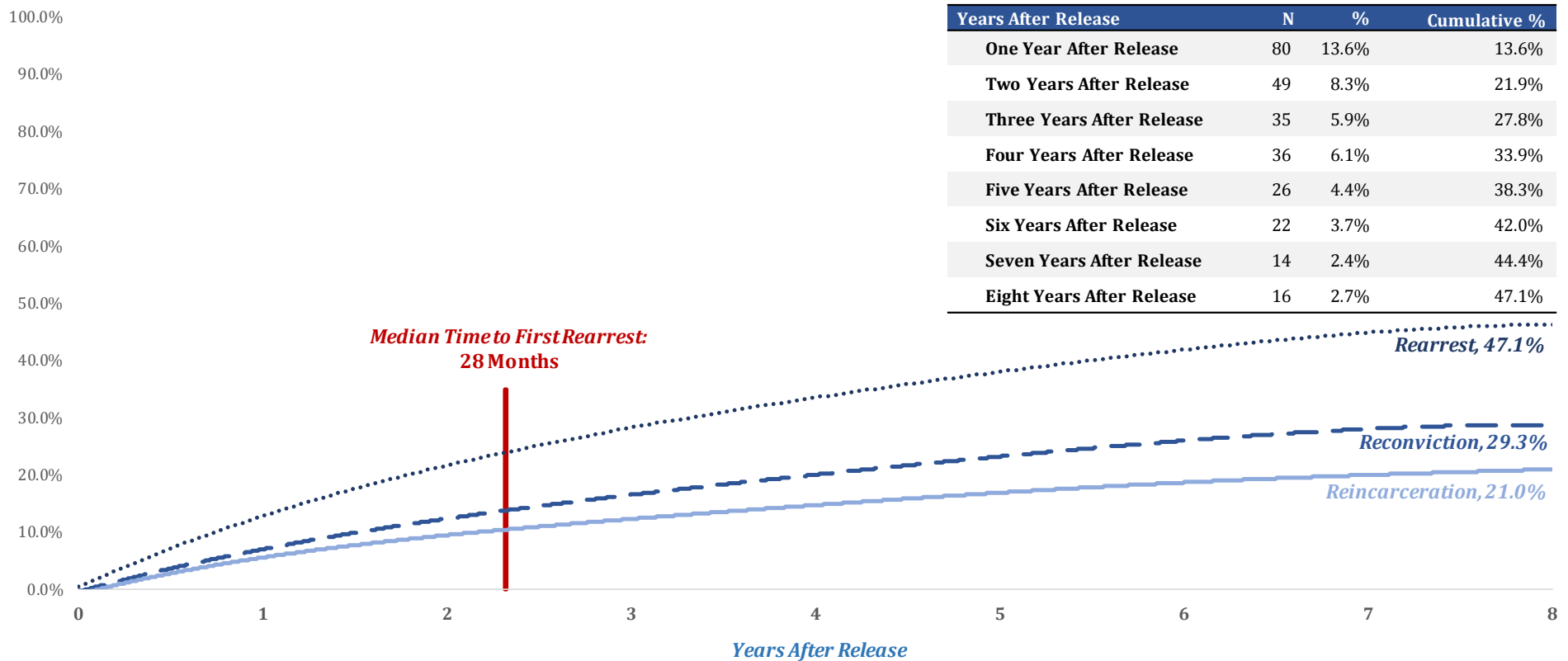
SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. Totals may not sum to 100.0% due to rounding. The sentence length analysis does not include sentences of probation or any time of confinement as described in USSG §5C1.1.

Time to First Recidivism Event

For heroin offenders, median time to recidivism was 28 months, with a median of two recidivist events (arrests) on separate days. This means that half of those heroin offenders who recidivated first did so between two and three years after their release. For all drug trafficking offenders, the median time to recidivism was 25 months, with the same median of two events.

As the study period progressed, almost every year saw fewer heroin offenders recidivate for the first time. During the first year following release into the community, 13.6 percent recidivated for the first time. This rate declined to 8.3 percent in the second year and 5.9 percent in the third year. Only 2.7 percent of heroin offenders recidivated for the first time in the eighth year. This reflects the pattern seen for drug trafficking offenders as a whole.

Figure 5.6
Time to First Rearrest of Heroin Trafficking Offenders



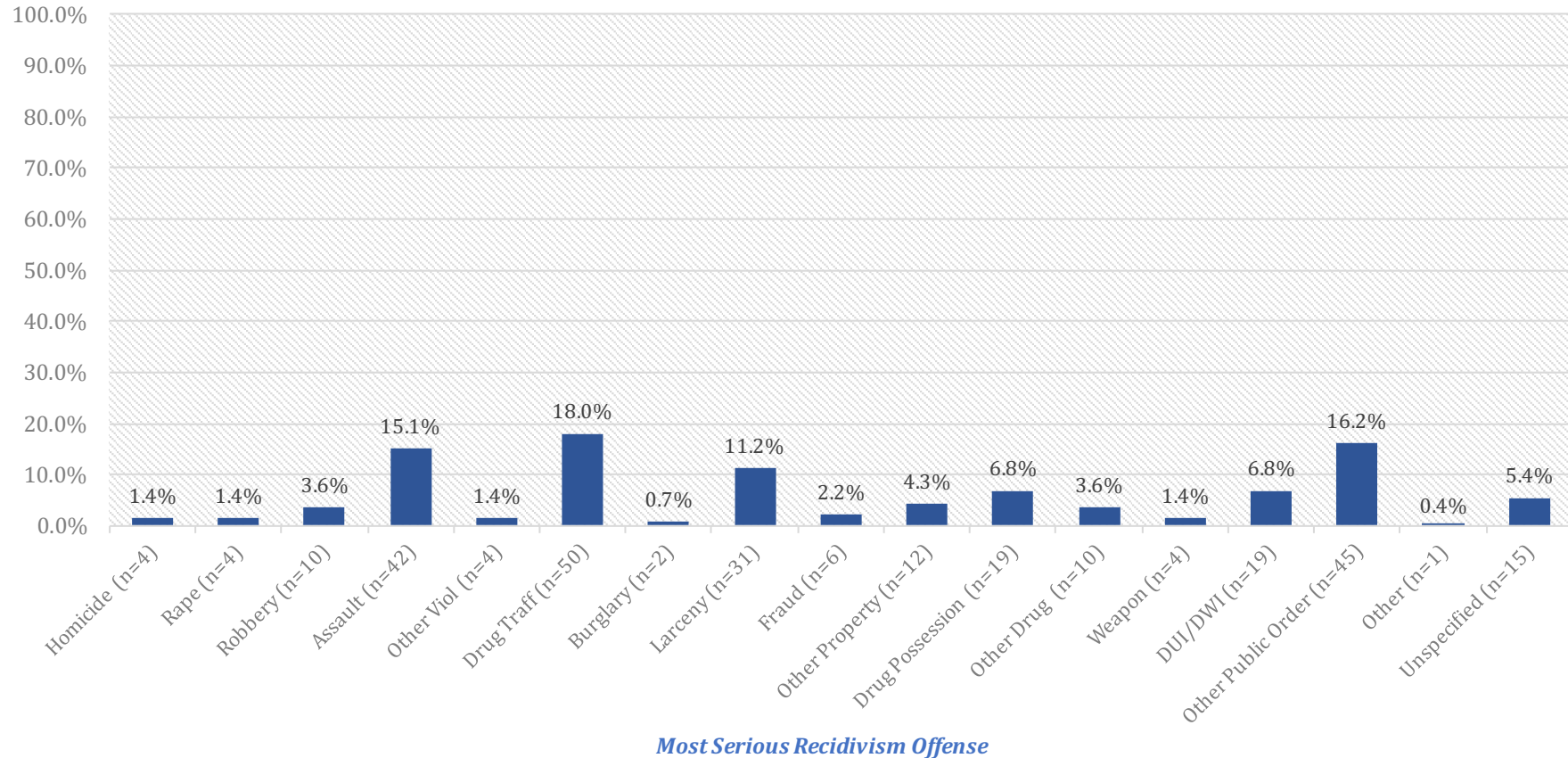
SOURCE: U.S. Sentencing Commission’s 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. In cases in which any reconviction or reincarceration is known, but the date of arrest leading to the reconviction/reincarceration is unknown, the reconviction/reincarceration date is assigned as the rearrest date.

Most Serious Recidivism Offense

Drug trafficking was the single most prevalent “most serious” recidivist offense for heroin offenders (18.0%). This distinguishes heroin offenders from drug traffickers generally, who most often committed an assault as their most serious recidivist offense.

After drug trafficking offenses, “other public order” offenses were the most prevalent most serious recidivist offense for heroin offenders, at 16.2 percent, with assault (15.1%) and larceny (11.2%) occurring next most frequently. Other offenses that were the most serious offense for at least five percent of heroin offenders were drug possession (6.8%), DUI/DWI (6.8%), and “unspecified” offenses, at 5.4 percent.

Figure 5.7
Rearrest Rates for Heroin Trafficking Offenders by Most Serious Recidivism Offense



SOURCE: U.S. Sentencing Commission’s 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. Totals may not sum to 100.0% due to rounding.

Recidivism and Criminal History

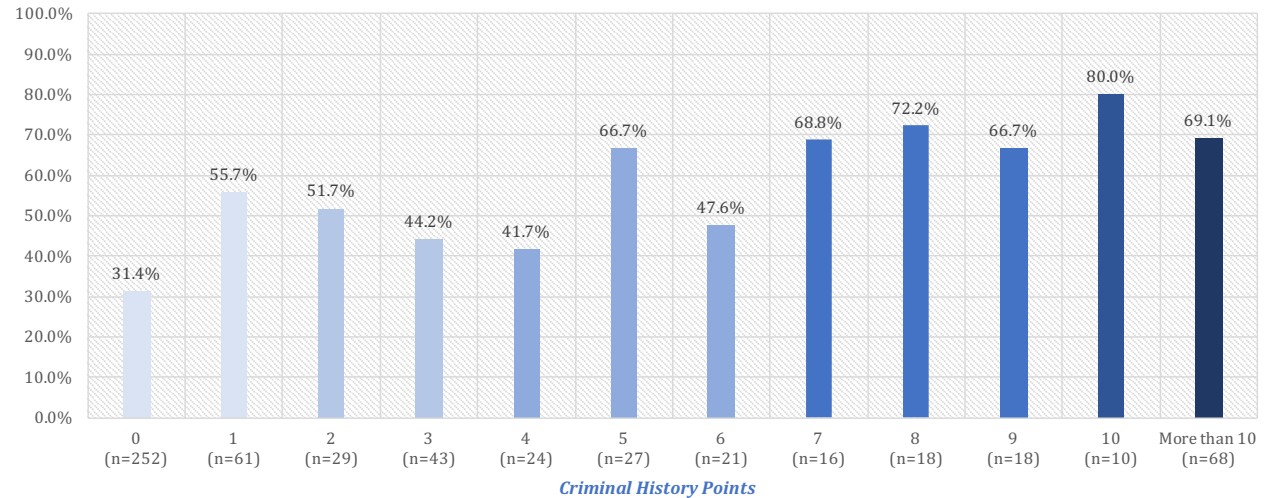
Recidivism rates for heroin offenders were generally associated with total criminal history points. Only 31.4 percent of offenders with zero criminal history points recidivated within eight years, compared to 69.1 percent for offenders with more than ten criminal history points. Although recidivism among heroin offenders generally rose as criminal history scores increased, it did not do so smoothly. This may be accounted for, at least in part, by the relatively small number of heroin offenders in the study (for example, only ten heroin offenders had exactly ten criminal history points).

Recidivism for heroin offenders was also associated with CHC. Recidivism rates ranged from a low of 36.3 percent for those in CHC I to a high of 73.9 percent for those in CHC IV (CHC V and CHC VI not including career offenders were only slightly lower). Heroin career offenders/armed career criminals recidivated at a rate (61.1%) between that for CHC III and CHC IV heroin offenders. The association between recidivism and CHC was similar to that among all drug trafficking offenders, although somewhat less even due to the relatively small number of subjects.

Recidivism and an Offender's Federal Offense

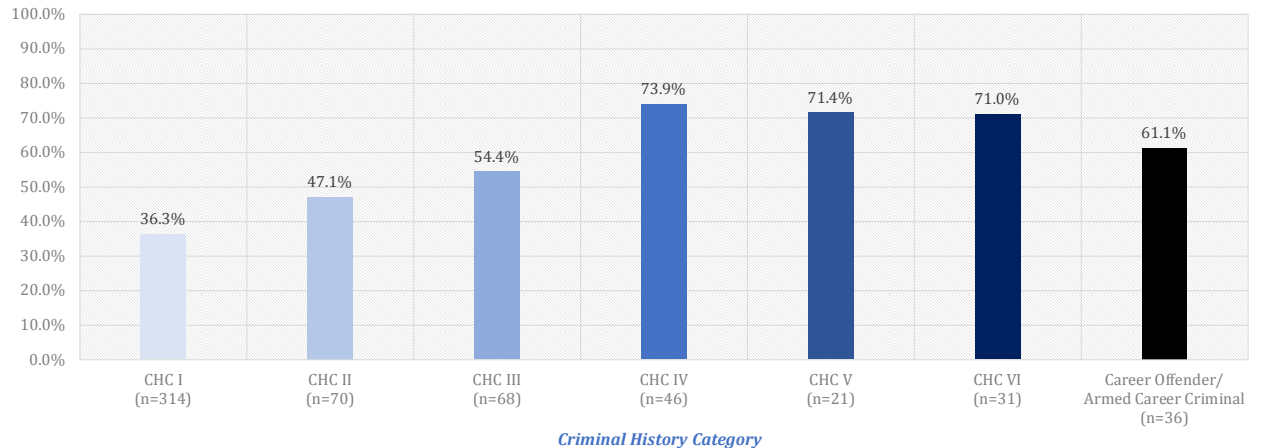
There was a clear inverse association between a heroin offender's guideline BOL and the rate of recidivism. Specifically, heroin offenders with BOLs of 24 or less recidivated at the highest rate, 57.3 percent, while those offenders with BOLs of between 26 and 30 recidivated less often (48.1%), and those with the highest BOLs of between 32 and 42 recidivated least of all (37.7%). As noted above with respect to all drug traffickers, lower BOLs correspond to somewhat younger ages upon release, and younger age is generally associated with higher recidivism. This principle may serve as at least one factor explaining

Figure 5.8
Rearrest Rates for Heroin Trafficking Offenders by Criminal History Points



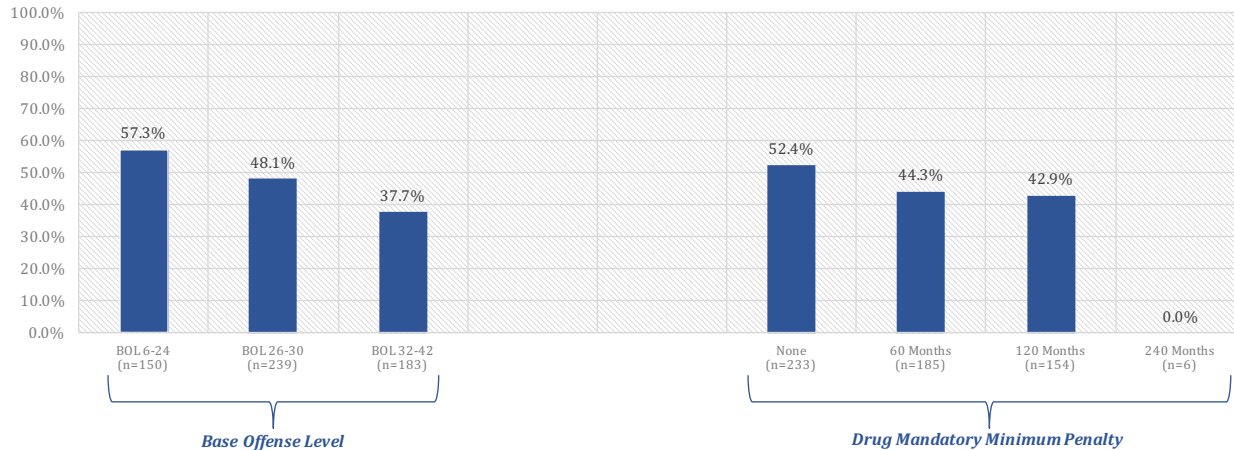
SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

Figure 5.9
Rearrest Rates for Heroin Trafficking Offenders by Criminal History Category



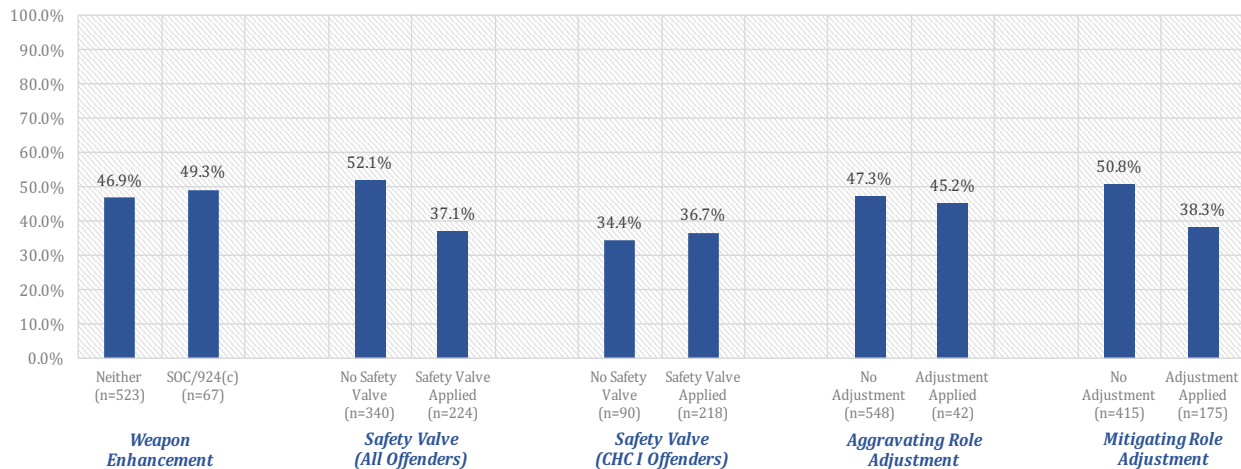
SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

Figure 5.10
Rearrest Rates for Heroin Trafficking Offenders by Base Offense Level & Drug Mandatory Minimum Penalties



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. Base Offense Level values reflect the BOL from the Drug Quantity Table (DQT) at USSG §2D1.1 prior to the application of the mitigating role cap or any adjustments under other guideline provisions. Offenders with BOLs determined by guideline provisions without reference to the DQT (e.g. §2D1.1(a)(1), §2D1.2(a)(3)) and offenders missing information required to determine the BOL prior to the application of the mitigating role cap were excluded from the base offense level analysis (n=18). Information on drug statutory mandatory minimum penalties is unavailable in fiscal year 1992 and offenders sentenced in that year were excluded from the drug mandatory minimum analysis. Of the remaining 585 offenders, one was excluded from this analysis due to missing or unusual drug statutory mandatory minimum penalty information.

Figure 5.11
Rearrest Rates for Heroin Trafficking Offenders by Selected Guideline Characteristics



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from each analysis that were missing information necessary to perform the analysis. The weapon enhancement analysis includes offenders with a conviction under 18 U.S.C. § 924(c) and/or the application of a weapon enhancement under the guidelines. The safety valve analyses account for safety valve relief under USSG §§5C1.2 and 2D1.1. Safety valve did not exist prior to fiscal year 1995 and the safety valve analyses excludes offenders sentenced in fiscal years 1991 through 1994. The number of offenders in the CHC I group may not equal the total number of offenders with safety valve applied in the All Offenders group due to missing information on Criminal History Category or safety valve application in cases with higher Criminal History Categories. The aggravating role adjustment analysis includes offenders with any positive value under USSG §3B1.1. The mitigating role adjustment analysis includes offenders with any negative value under USSG §3B1.2. In addition, offenders sentenced under USSG §2D1.8(a)(2) are included as receiving mitigating role.

the link between recidivism and BOL among heroin offenders.

There was a similar inverse association between the length of a drug mandatory minimum penalty and the rate of recidivism. Offenders convicted of a drug offense carrying no mandatory minimum penalty recidivated more often than those convicted of a drug offense carrying a five-year mandatory minimum penalty (52.4% and 44.3%, respectively), while those convicted of an offense carrying a ten-year mandatory minimum penalty recidivated slightly less often (42.9%).⁵⁹ Again, those convicted of no drug offense carrying a mandatory minimum penalty, or of offenses carrying shorter ones, are younger upon release, and therefore at a higher risk of recidivism. This relative youth at time of release may be at least one factor explaining the link between lower mandatory minimum penalties and higher recidivism.

Heroin offenders who received a safety valve reduction recidivated at a substantially lower rate (37.1% versus 52.1%) than offenders who received no reduction, but this drop can be explained by the minimal criminal history score necessary to benefit from the safety valve. Among CHC I heroin offenders, those who received a safety valve reduction recidivated in 36.7 percent of cases, while those who received no safety valve reduction recidivated at an even lower rate (34.4%). Thus, for heroin offenders, it appears that the reduction in recidivism among offenders receiving the safety valve is entirely attributable to the restriction on safety valve application to offenders with no more than one criminal history point.

There was little to no association between application of a weapon enhancement and recidivism. Heroin offenders with a weapon enhancement recidivated at a rate of 49.3 percent, compared to 46.9 percent for those without a weapon enhancement.

Among drug trafficking offenders as a whole, there was also no association, with the numbers approximately equal.

Receipt of an aggravating role enhancement had minimal association with recidivism. Heroin offenders who received an aggravating role adjustment recidivated at a slightly lower rate than those who did not receive such an adjustment (45.2% versus 47.3%). A larger inverse association between receipt of the aggravating role enhancement and recidivism (a difference of about 11 percentage points) existed among drug trafficking offenders as a whole.

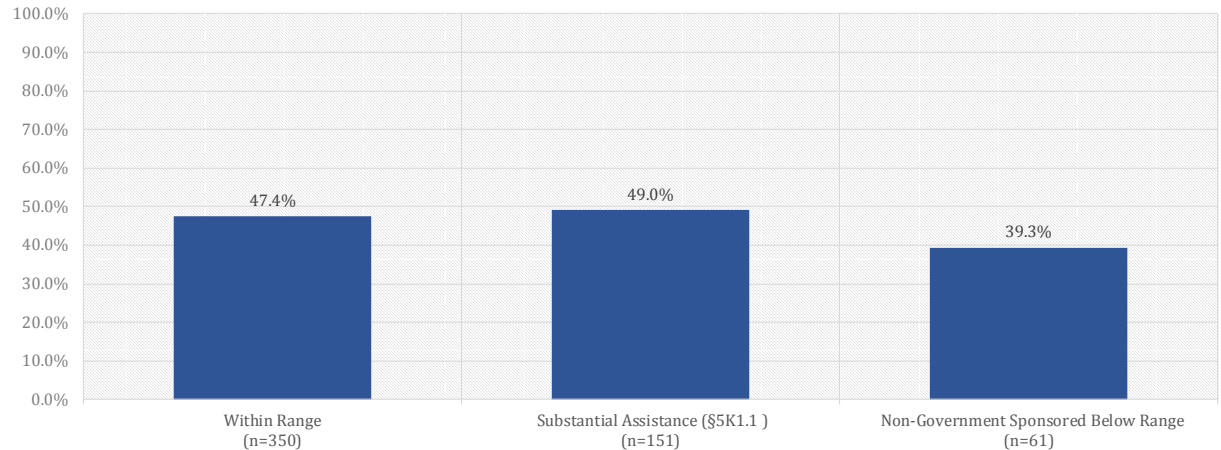
There was a greater association between receipt of the mitigating role reduction and a lower likelihood of recidivism. Just over half (50.8%) of heroin offenders who did not receive a mitigating role adjustment recidivated, compared to 38.3 percent of those who did. This differs from drug traffickers as a whole, for whom the recidivism rate was nearly equal in both groups.

Recidivism and Sentences Imposed

The relationship between the sentence imposed and the sentencing guideline range had little impact on the recidivism rate of most heroin offenders, although those who received a non-government sponsored below-range sentence recidivated at a lower rate (39.3%) than those who received within-range sentences (47.4%) or substantial assistance reductions (49.0%). For drug traffickers as a whole, all three groups had approximately equal recidivism rates. Because only 61 heroin offenders fell into the non-government sponsored below-range group, this result should be interpreted with caution. There was an insufficient number of offenders who received other types of sentences relative to the guidelines to conduct a meaningful analysis.

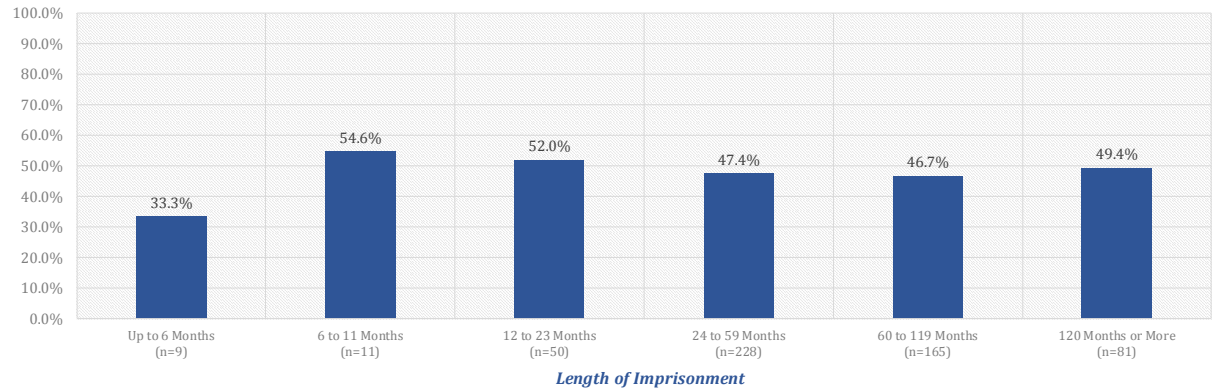
There was little to no association between the

Figure 5.12
Rearrest Rates for Heroin Trafficking Offenders by Selected Positions Relative to the Guideline Range



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDPT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

Figure 5.13
Rearrest Rates for Heroin Trafficking Offenders by Length of Imprisonment

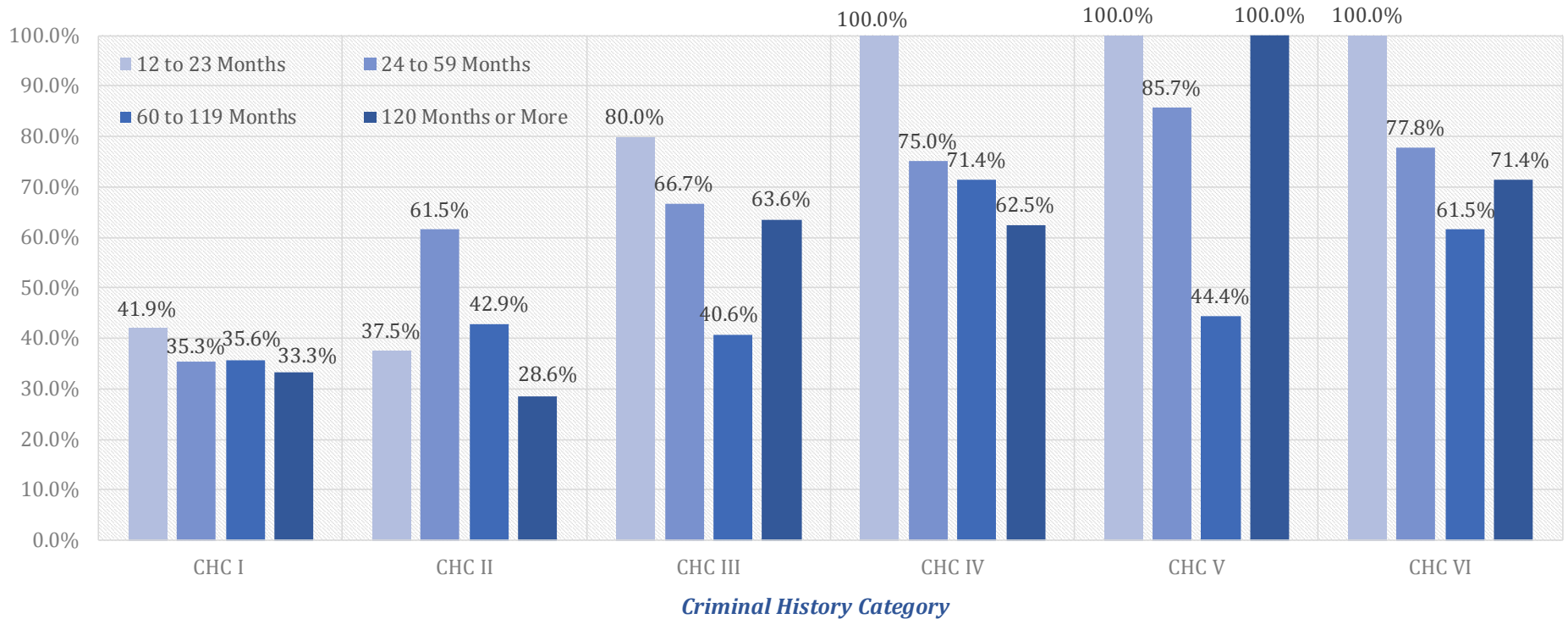


SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDPT. The information in this figure does not include sentences of probation or any time of confinement as described in USSG §5C1.1. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

length of a heroin offender’s original federal sentence and rate of recidivism, particularly when examining sentences of at least one year. Each group of heroin offenders that was sentenced to at least a year in prison recidivated at a rate of between 46.7 percent and 52.0 percent, with the highest rate belong to those sentenced to between 12 and 23 months, and the lowest rate belonging to those offenders who received sentences of between 60 and 119 months. This lack of association was similar to that found among all drug trafficking offenders.

Unlike among all drug traffickers combined, the association between length of imprisonment and rate of recidivism for heroin traffickers remains unclear when it is considered in conjunction with Criminal History Category. The small number of cases involving heroin trafficking, smaller than the other drug types, hampers reporting by subgroups.

Figure 5.14
Rearrest Rates for Heroin Trafficking Offenders by Length of Imprisonment & Criminal History Category



SOURCE: U.S. Sentencing Commission’s 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The information in this figure does not include sentences of probation or any time of confinement as described in USSG §5C1.1. This analysis excludes offenders classified as Career Offenders or Armed Career Criminals. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. See appendix for the number of offenders in each category.

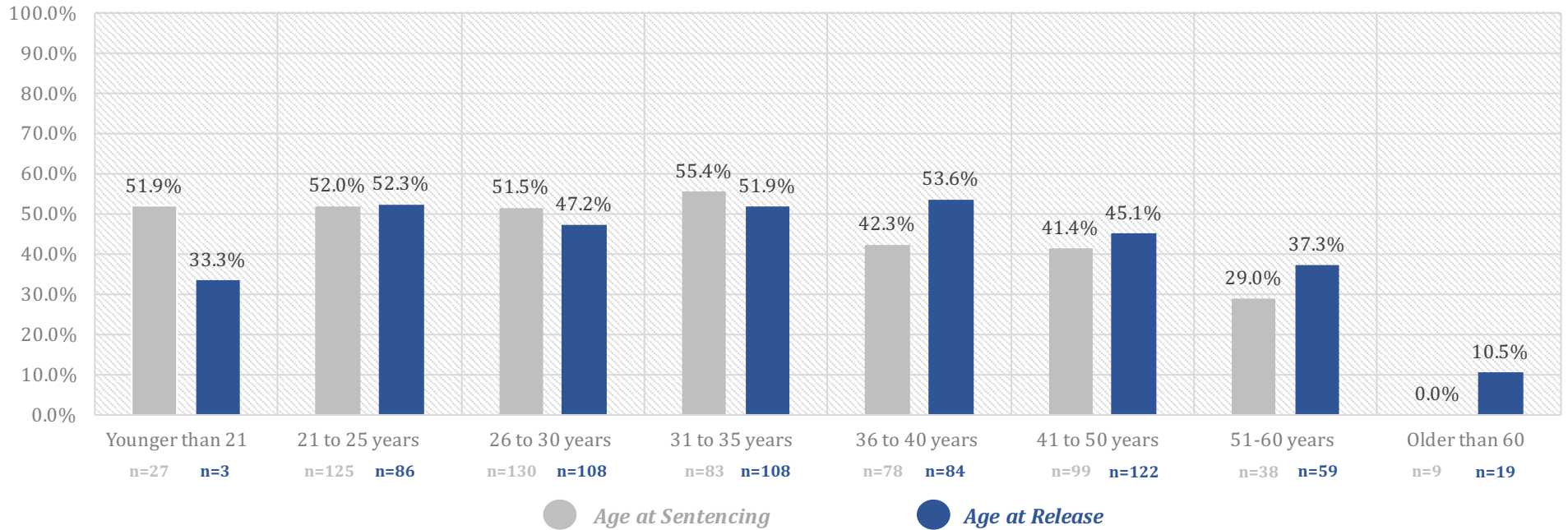
Chapter Five:
HEROIN TRAFFICKERS

Recidivism and Age

Recidivism rates among heroin offenders generally declined as their age at sentencing increased, although, unlike other drug trafficking offenders, this decline did not manifest itself until the 36 to 40 age group. Heroin offenders aged 21 to 35 at sentencing recidivated at rates of between 51.5 percent and 55.4 percent, while only 29.0 percent of those sentenced between 51 and 60 years old recidivated.

Age at release was also associated with a lower risk of recidivism although, again, the pattern was less clear cut than for other drug trafficking offenders. Heroin offenders released between 21 and 40 recidivated at rates varying from 47.2 percent to 53.6 percent (this highest rate was among 36-40 year olds). Beginning with heroin offenders released after age 40, recidivism rates declined, reaching a low of 10.5 percent for those released after 60. Once again, the relatively small number of heroin offenders in each age group is an indication that caution should be used in interpreting these results.

Figure 5.15
Rearrest Rates for Heroin Trafficking Offenders by Age at Sentencing & Release



SOURCE: U.S. Sentencing Commission’s 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.



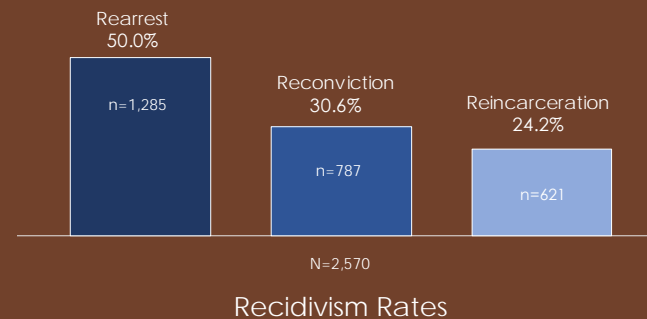
Chapter Six: MARIJUANA TRAFFICKERS

This chapter analyzes recidivism among the **2,570 federal marijuana trafficking offenders** in the larger study group of 10,888 drug trafficking offenders.

Over the eight-year study period, **marijuana offenders recidivated at a rate of 50.0 percent**, the same rate as for drug trafficking offenders as a whole.

Chapter Overview

- Offender & Offense Characteristics
- Sentences Imposed
- Recidivism Findings



Offender and Offense Characteristics

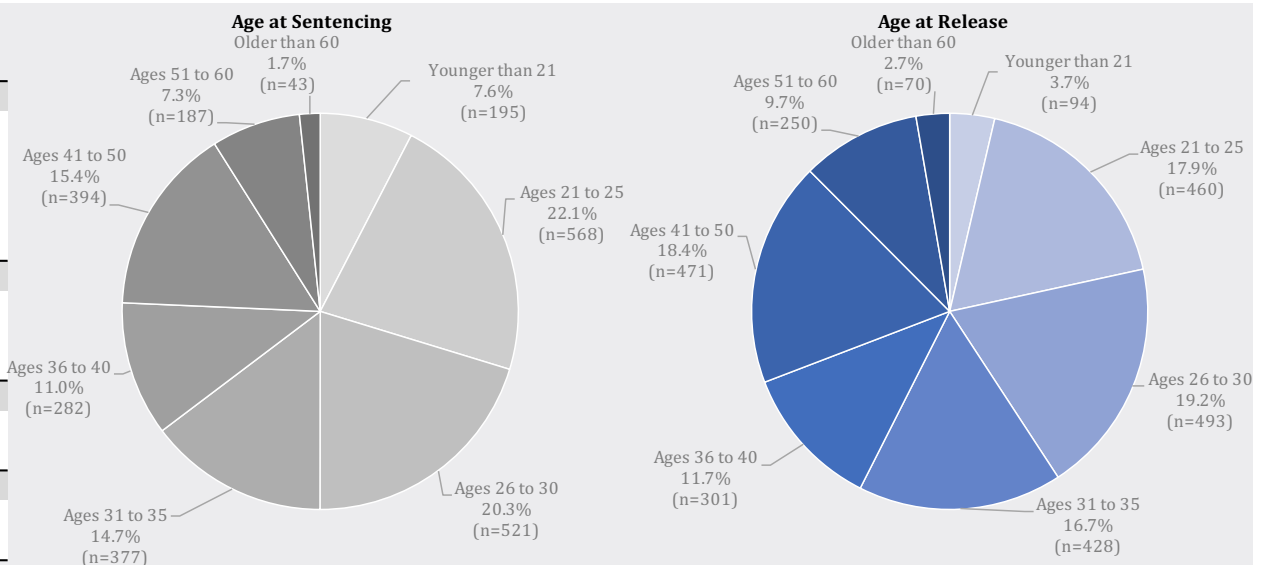
Demographics

Compared to drug trafficking offenders as a whole, marijuana offenders were more likely to be Hispanic (45.5%) or White (40.1%), and less likely to be Black (11.0%); another 3.4 percent were of another race. Among all drug trafficking offenders, nearly equal numbers were Black (37.2%) and White (34.6%), and 25.5 percent were Hispanic. As with all drug trafficking offenders, a substantial majority (83.9%) of marijuana offenders were male.

Marijuana offenders were nearly the same age at both sentencing and at release as drug trafficking offenders as a whole. The median marijuana offender was 30 years old at the time of sentencing and 33 years old at the time of release, compared to median ages of 30 and 34 for all drug trafficking offenders. Offenders aged 21 to 25 represented the largest single age group at the time of sentencing (22.1%), while those between 26 and 30 were the largest age group at the time of release (19.2%). Very few offenders were over age 60 at either the time of sentencing (1.7%) or release (2.7%). Compared to all drug offenders, higher proportions of marijuana offenders were under age 21 at the time of sentencing (7.6%) and release (3.7%).

Figure 6.1
Demographic Characteristics of Marijuana Trafficking Offenders

Race/Ethnicity	N	%
White	1,030	40.1%
Black	282	11.0%
Hispanic	1,167	45.5%
Other	87	3.4%
Gender	N	%
Male	2,154	83.9%
Female	415	16.2%
Citizenship	N	%
U.S. Citizens	2,570	100.0%
Age		
Median Age at Sentencing	30 Years	
Median Age at Release	33 Years	



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. Totals may not sum to 100.0% due to rounding.

Offense Characteristics

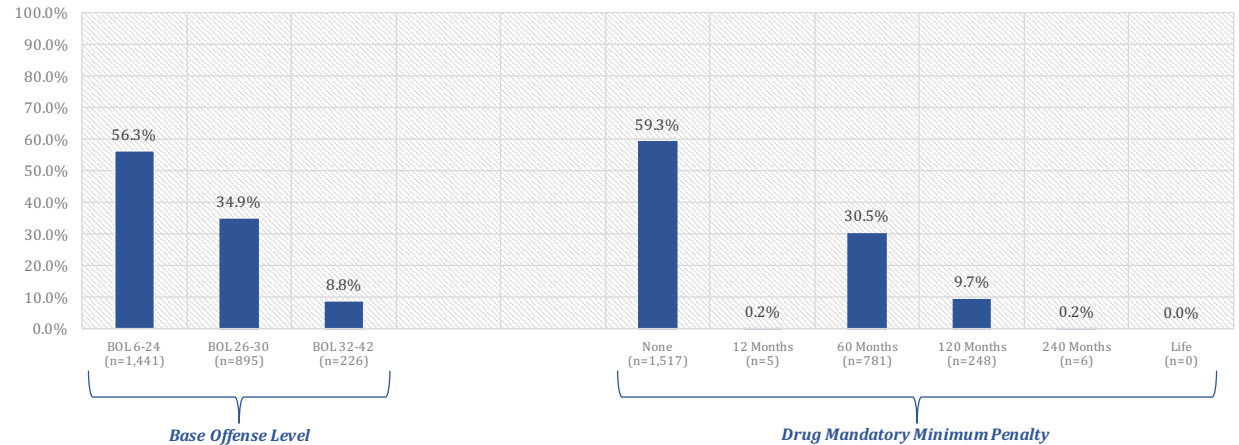
Marijuana offenders generally had lower BOLs than drug offenders as a whole. Over half (56.3%) had a BOL of between 6 and 24, while just over a third (34.9%) had a BOL of between 26 and 30, and only 8.8% had a BOL of 32 or higher.⁶⁰ For all drug offenders, the highest two BOL categories each accounted for about 37 percent of offenders, with a smaller number in the lowest category.

Marijuana offenders were convicted of a drug offense carrying a mandatory minimum penalty less often than drug trafficking offenders overall. Of the 40.7 percent who were convicted of such an offense, most were convicted of an offense carrying a five-year mandatory minimum penalty. Among all drug trafficking offenders, most (62.5%) were convicted of a drug offense carrying a mandatory minimum penalty, of whom nearly equal proportions were convicted of offenses carrying five and ten year penalties.

Marijuana offenders received safety valve relief more often than drug trafficking offenders overall. Over two-fifths (42.1%) of marijuana offenders received a safety valve reduction, compared to 34.9% of all drug trafficking offenders.

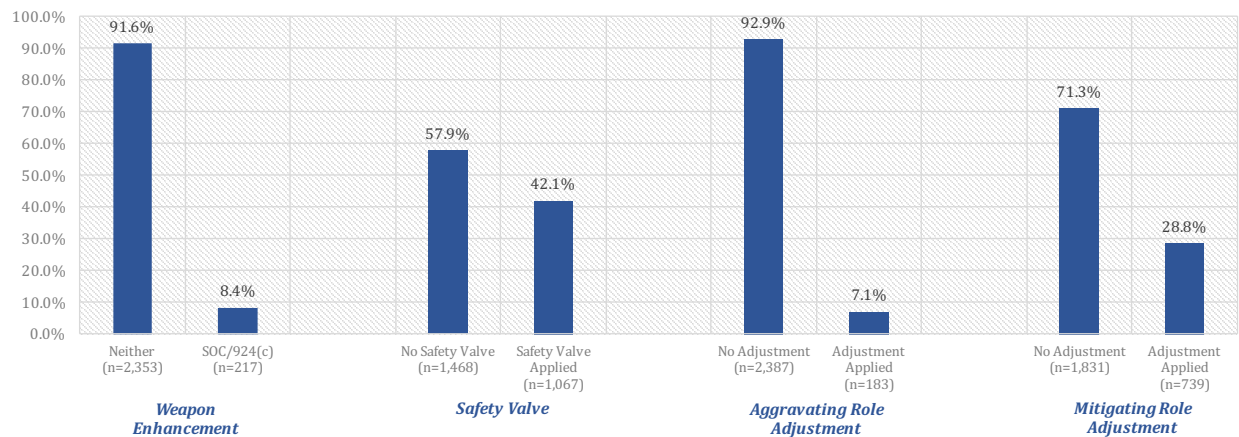
Marijuana offenders were less likely than all drug offenders to receive a weapon enhancement (8.4% versus 14.3%). They were slightly more likely to receive an aggravating role adjustment (7.1% versus 6.2%), and more likely to receive a mitigating role adjustment (28.8% versus 19.3%).

Figure 6.2
Application Rates for Marijuana Trafficking Offenders by Base Offense Level & Drug Mandatory Minimum Penalties



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPPDT. Base Offense Level values reflect the BOL from the Drug Quantity Table (DQT) at USSG §2D1.1 prior to the application of the mitigating role cap or any adjustments under other guideline provisions. Offenders with BOLs determined by guideline provisions without reference to the DQT (e.g., §2D1.1(a)(1), §2D1.2(a)(3)) and offenders missing information required to determine the BOL prior to the application of the mitigating role cap were excluded from the base offense level analysis (n=8). Information on drug statutory mandatory minimum penalties is unavailable in fiscal year 1992 and offenders sentenced in that year were excluded from the drug mandatory minimum analysis. Of the remaining 2,557 offenders, none were excluded from this analysis due to missing or unusual drug statutory mandatory minimum penalty information. Totals may not sum to 100.0% due to rounding.

Figure 6.3
Application Rates for Marijuana Trafficking Offenders by Selected Guideline Characteristics



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPPDT. The Commission excluded cases from each analysis that were missing information necessary to perform the analysis. The weapon enhancement analysis includes offenders with a conviction under 18 U.S.C. § 924(c) and/or the application of a weapon enhancement under the guidelines. The safety valve analysis accounts for safety valve relief under USSG §§5C1.2 and 2D1.1. Safety valve did not exist prior to fiscal year 1995 and the safety valve analysis excludes offenders sentenced in fiscal years 1992 through 1994. The aggravating role adjustment analysis includes offenders with any positive value under USSG §3B1.1. The mitigating role adjustment analysis includes offenders with any negative value under USSG §3B1.2. In addition, offenders sentenced under USSG §2D1.8(a)(2) are included as receiving mitigating role. Totals may not sum to 100.0% due to rounding.

Criminal History

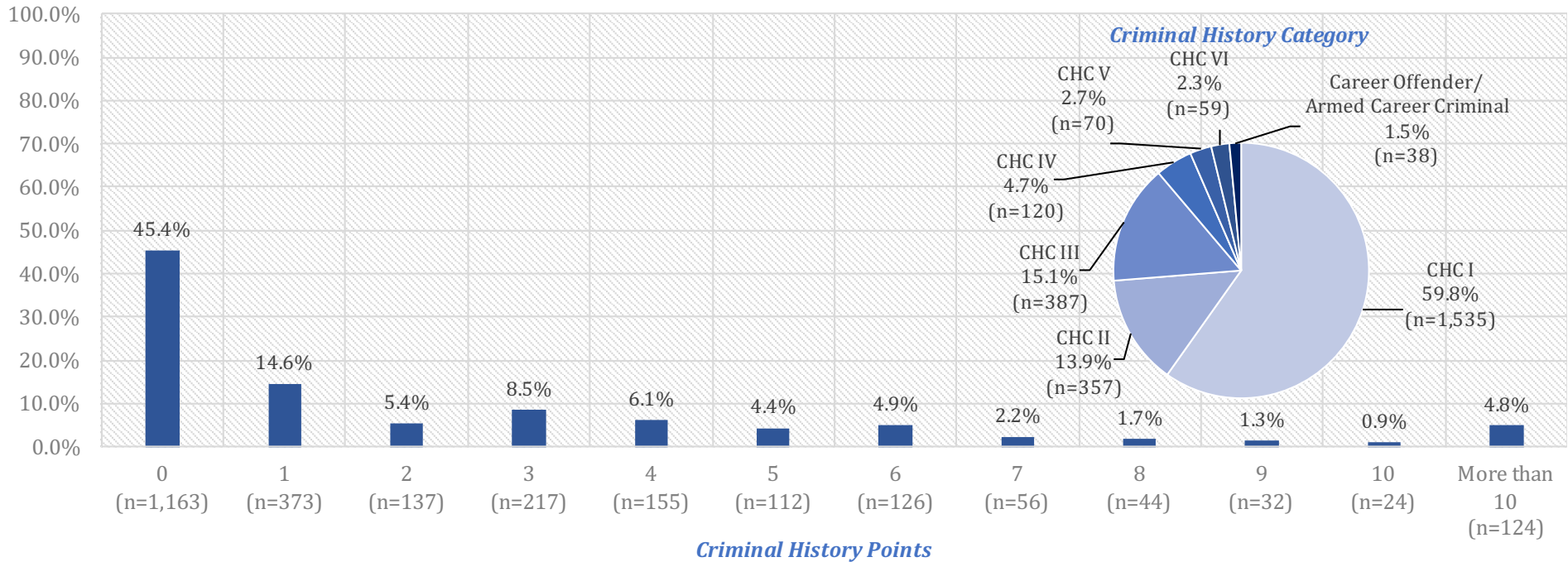
Marijuana offenders had criminal histories that were generally less serious than those of drug trafficking offenders as a whole. The largest single proportion (45.4%) received no criminal history points, while 14.6 percent received one point and 4.8 percent received more than ten points. The majority of marijuana offenders (59.8%) were in CHC I, followed by 15.1 percent in CHC III and 13.9 percent in CHC II. In addition to the 2.3 percent of offenders who were classified in CHC VI based on their number of criminal history points, an additional 1.5 percent were designated as career offenders/armed career criminals. By comparison, just over one-third (36.5%) of all drug trafficking offenders had zero criminal history points, and a slight majority (50.3%) were in CHC I. Greater proportions of all drug offenders than marijuana offenders

had more than ten points (7.3%), fell into CHC VI (3.5%), or were career offenders/armed career criminals (3.2%).

Sentences Originally Imposed

A large majority (91.0%) of marijuana offenders were sentenced to some term of incarceration. Of those who were, 44.0 percent received sentences of between 24 and 59 months; 22.3 percent received sentences of 12 and 23 months; and 19.2 percent received sentences of between 60 and 119 months. The remainder received sentences of either less than 12 months (9.1%) or 120 months or more (5.5%). While most drug trafficking offenders were also imprisoned for some length of time, they were typically sentenced to longer terms of incarceration than marijuana offenders, with 19.0 percent of all drug offenders receiving a sentence of 120 months or more, and just under half (49.8%) receiving a sentence of less than 60 months.

Figure 6.4
Criminal History Scores of Marijuana Trafficking Offenders



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. Criminal History Points may not sum to the expected Criminal History Category due to career offender/armed career criminal classification or missing information. Totals may not sum to 100.0% due to rounding.

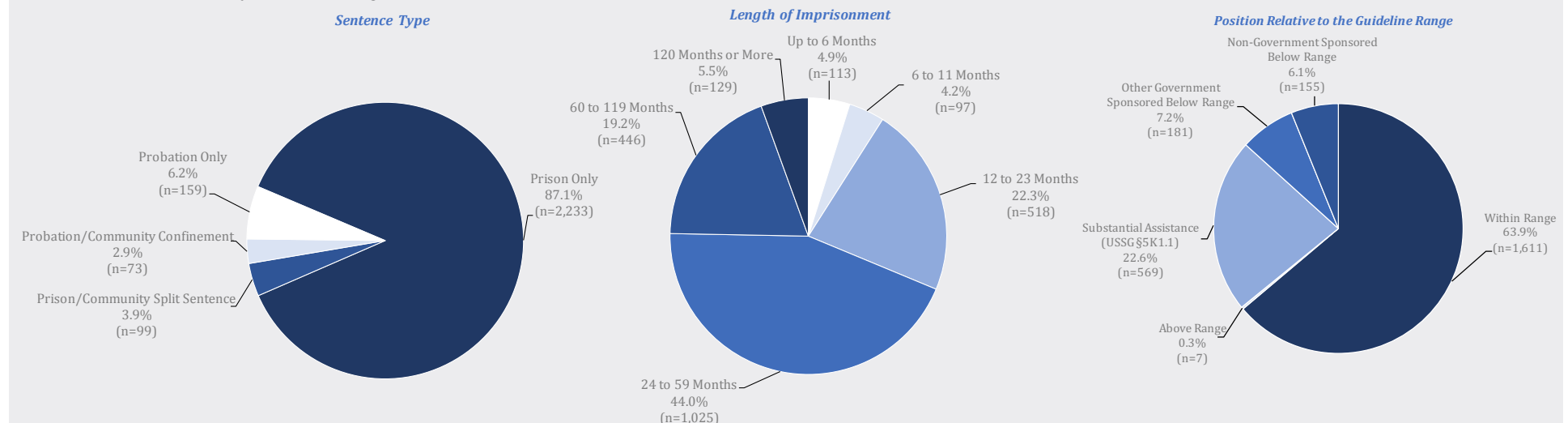
The majority of marijuana offenders (63.9%) received a sentence that was within their sentencing guideline range. Almost one-quarter (22.6%) received below-range sentences due to a departure granted for providing substantial assistance to the government. Another 6.1 percent received below-range sentences that were not requested by the government, while 7.2 percent received below-range sentences that were requested by the government for some reason other than substantial assistance. The smallest proportion (0.3%) received above-range sentences. A majority (57.8%) of all drug offenders also received within-range sentences, although a greater proportion of that group (32.8%) received a substantial assistance departure.

Recidivism Findings

Rearrest, Reconviction, and Reincarceration

Marijuana offenders had the same rate of recidivism (50.0%, or 1,285 of the 2,570 total marijuana offenders) as all drug traffickers.

Figure 6.5
Sentences Imposed on Marijuana Trafficking Offenders



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. Totals may not sum to 100.0% due to rounding. The sentence length analysis does not include sentences of probation or any time of confinement as described in USSG §5C1.1.

Table 6.1
Recidivism Rates for Marijuana Trafficking Offenders

Recidivism Measure	Rearrest	Reconviction	Reincarceration
Percent	50.0%	30.6%	24.2%
Median Time to Recidivism	21 Months	31 Months	29 Months
Median Number of Recidivism Events	2	1	1
Most Serious Post-Release Event	Assault (21.7%, n=279)	Drug Trafficking (21.1%, n=166)	Drug Trafficking (23.5%, n=146)
Median Age at Release	31	30	30

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. Median age at release is shown for recidivist offenders only.

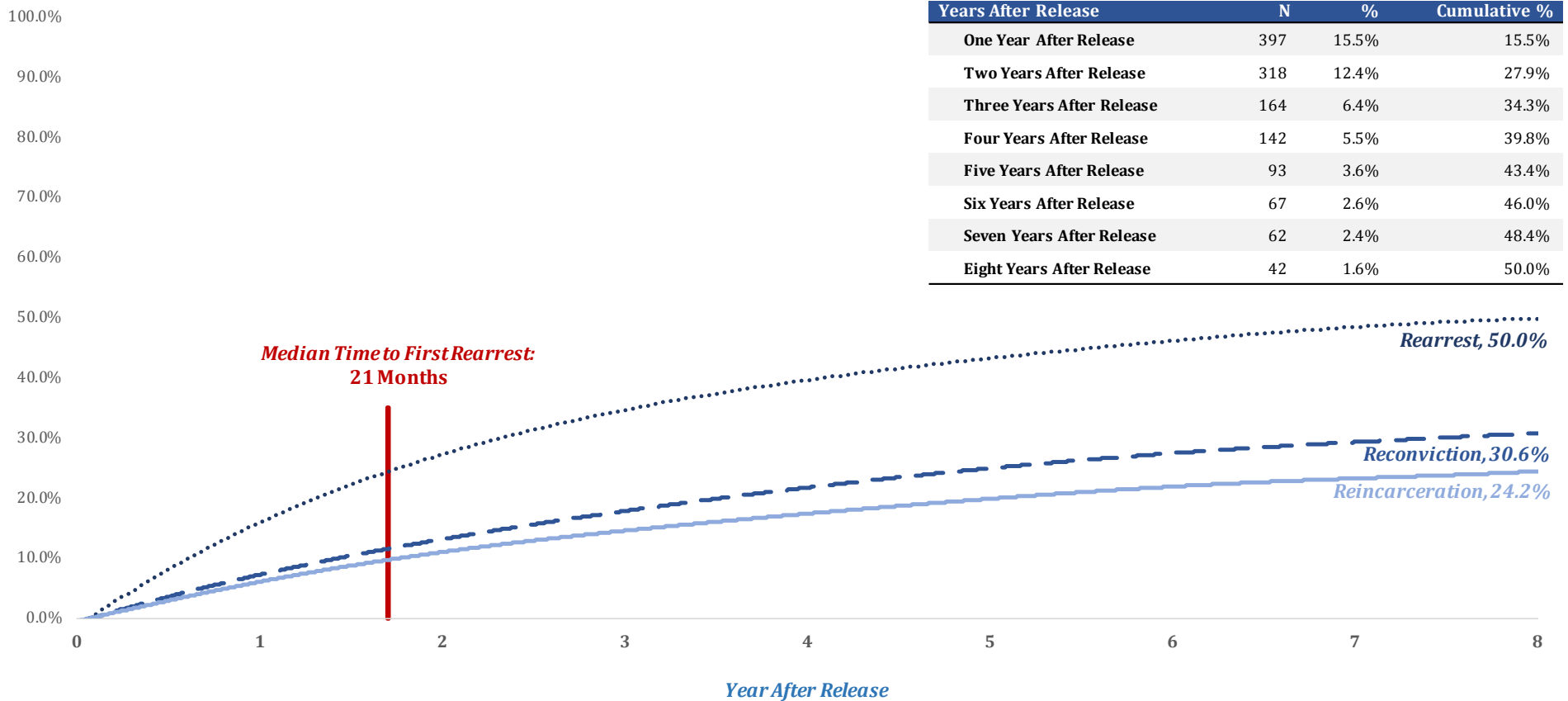
As explained above, recidivism throughout this study was primarily reported by rearrest data; however, analysis also showed that marijuana offenders were reconvicted of another offense at a rate of 30.6 percent, and reincarcerated at a rate of 24.2 percent. This compares with a reconviction rate of 30.8 percent and a reincarceration rate of 23.4 percent for all drug offenders. The Appendix contains more detailed information using these two measures of recidivism.

Time to First Recidivism Event

For marijuana offenders, median time to recidivism was 21 months, with a median of two recidivist events (arrests) on separate days. This means that half of those marijuana offenders who recidivated first did so between one and two years after their release. For all drug trafficking offenders, the median time to recidivism was 25 months, with the same median of two events.

As the study period progressed, every year saw fewer marijuana offenders recidivate for the first time. During the first year following release into the community, 15.5 percent recidivated for the first time. This rate declined to 12.4 percent in the second year and 6.4 percent in the third year. Only 1.6 percent of marijuana offenders recidivated for the first time in the eighth year. This reflects the pattern seen for drug trafficking offenders as a whole.

Figure 6.6
Time to First Rearrest of Marijuana Trafficking Offenders



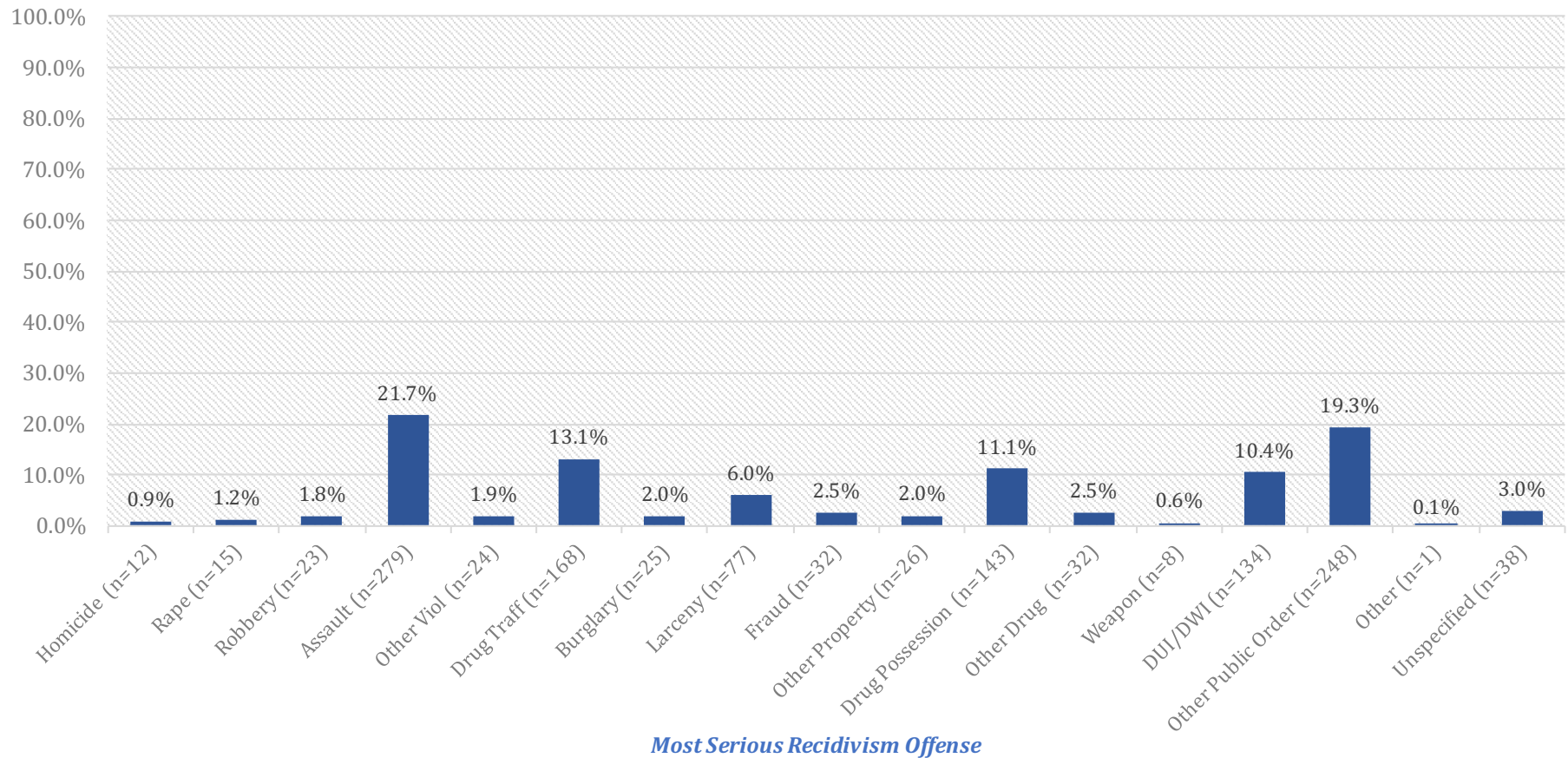
SOURCE: U.S. Sentencing Commission’s 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. In cases in which any reconviction or reincarceration is known, but the date of arrest leading to the reconviction/reincarceration is unknown, the reconviction/reincarceration date is assigned as the rearrest date.

Most Serious Recidivism Offense

Assault was the single most prevalent “most serious” recidivist offense for marijuana offenders (21.7%). The same was true for all drug offenders, for whom assaults were the most serious recidivist offense in 23.8 percent of cases.

After assaults, “other public order” offenses were the most prevalent most serious recidivist offense for marijuana offenders, at 19.3 percent, with drug trafficking offenses (13.1%) and drug possession (11.1%) occurring next most frequently. Other offenses that were the most serious offense for at least five percent of marijuana offenders were DUI/DWI (10.4%) and larceny (6.0%).

Figure 6.7
Rearrest Rates for Marijuana Trafficking Offenders by Most Serious Recidivism Offense



SOURCE: U.S. Sentencing Commission’s 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. Totals may not sum to 100.0% due to rounding.

Recidivism and Criminal History

As with drug traffickers as a whole, recidivism rates for marijuana offenders were associated with total criminal history points. Only 38.6 percent of offenders with zero criminal history points recidivated within eight years, compared to 76.6 percent for offenders with more than ten criminal history points. With minor exceptions, recidivism among marijuana offenders generally rose smoothly as criminal history points increased.

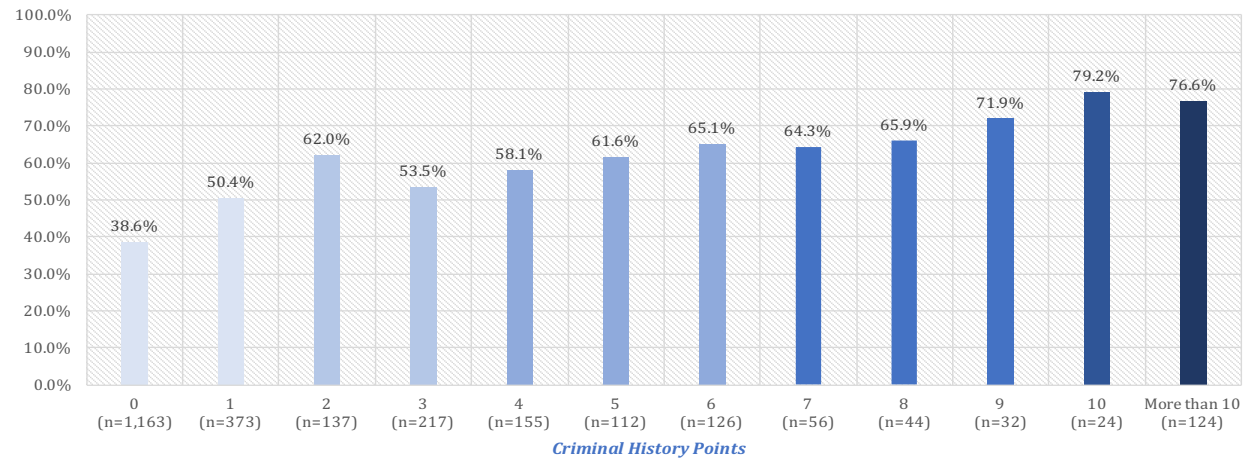
Recidivism for marijuana offenders was also strongly associated with CHC. Recidivism rates climbed steadily from a low of 41.5 percent for those in CHC I to a high of 79.7 percent for those in CHC VI based on criminal history points. Career offenders/armed career criminals had a recidivism rate of 65.8 percent, approximately the same as those in CHC IV. These results were similar to those found among all drug offenders.

Recidivism and an Offender's Federal Offense

There was a clear inverse association between a marijuana offender's guideline BOL and the rate of recidivism. Specifically, marijuana offenders with BOLs of 24 or less recidivated at the highest rate, 54.1 percent, while those offenders with BOLs of between 26 and 30 recidivated less often (46.5%), and those with the highest BOLs of between 32 and 42 recidivated least of all (38.5%). As noted above with respect to all drug traffickers, lower BOLs correspond to somewhat younger ages upon release, and younger age is generally associated with higher recidivism. This principle likely also serves as at least one factor explaining the link between recidivism and BOL among marijuana offenders.

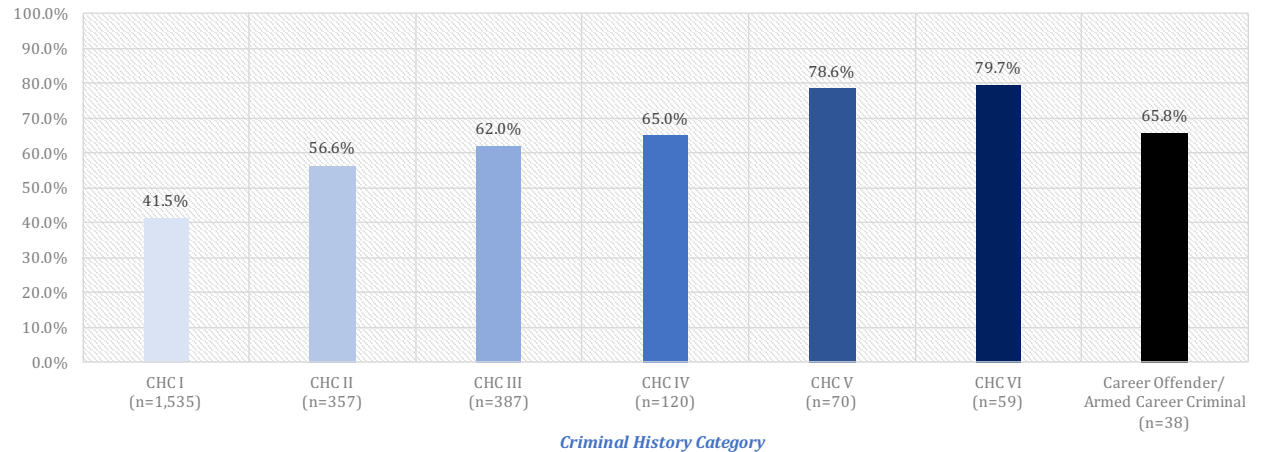
There was a similar inverse association between the length of a drug mandatory minimum penalty and the

Figure 6.8
Rearrest Rates for Marijuana Trafficking Offenders by Criminal History Points



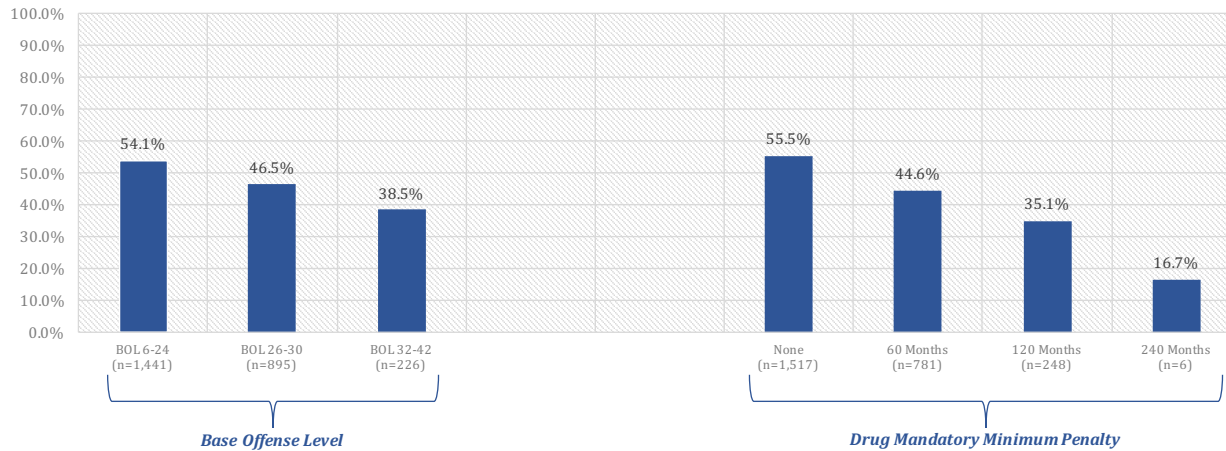
SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDPT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

Figure 6.9
Rearrest Rates for Marijuana Trafficking Offenders by Criminal History Category



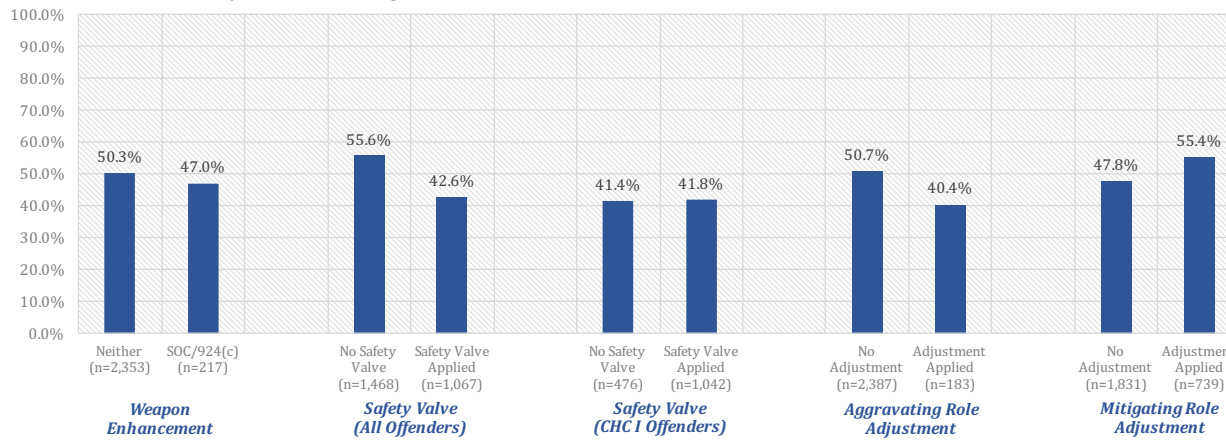
SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDPT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

Figure 6.10
Rearrest Rates for Marijuana Trafficking Offenders by Base Offense Level & Drug Mandatory Minimum Penalties



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. Base Offense Level values reflect the BOL from the Drug Quantity Table (DQT) at USSG §2D1.1 prior to the application of the mitigating role cap or any adjustments under other guideline provisions. Offenders with BOLs determined by guideline provisions without reference to the DQT (e.g. §2D1.1(a)(1), §2D1.2(a)(3)) and offenders missing information required to determine the BOL prior to the application of the mitigating role cap were excluded from the base offense level analysis (n=8). Information on drug statutory mandatory minimum penalties is unavailable in fiscal year 1992 and offenders sentenced in that year were excluded from the drug mandatory minimum analysis. Of the remaining 2,557 offenders, none were excluded from this analysis due to missing or unusual drug statutory mandatory minimum penalty information.

Figure 6.11
Rearrest Rates for Marijuana Trafficking Offenders by Selected Guideline Characteristics



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from each analysis that were missing information necessary to perform the analysis. The weapon enhancement analysis includes offenders with a conviction under 18 U.S.C. § 924(c) and/or the application of a weapon enhancement under the guidelines. The safety valve analyses account for safety valve relief under USSG §§5C1.2 and 2D1.1. Safety valve did not exist prior to fiscal year 1995 and the safety valve analyses excludes offenders sentenced in fiscal years 1991 through 1994. The number of offenders in the CHC I group may not equal the total number of offenders with safety valve applied in the All Offenders group due to missing information on Criminal History Category or safety valve application in cases with higher Criminal History Categories. The aggravating role adjustment analysis includes offenders with any positive value under USSG §3B1.1. The mitigating role adjustment analysis includes offenders with any negative value under USSG §3B1.2. In addition, offenders sentenced under USSG §2D1.8(a)(2) are included as receiving mitigating role.

rate of recidivism. Offenders convicted of a drug offense carrying no mandatory minimum penalty recidivated more often than those convicted of an offense carrying a five-year mandatory minimum penalty (55.5% and 44.6%, respectively), while those convicted of a drug offense carrying a ten-year mandatory minimum penalty recidivated less often still (35.1%). Again, those convicted of no drug offense carrying a mandatory minimum penalty, or of offenses carrying shorter ones, are younger upon release, and therefore at a higher risk of recidivism. This relative youth at time of release may be at least one factor explaining the link between lower mandatory minimum penalties and higher recidivism.

Marijuana offenders who received a safety valve reduction recidivated at a substantially lower rate (42.6% versus 55.6%) than offenders who received no reduction, but this drop can be explained by the minimal criminal history score necessary to benefit from the safety valve. Among CHC I marijuana offenders, those who received a safety valve reduction recidivated in 41.8 percent of cases, while those who received no safety valve reduction recidivated at nearly the same rate (41.4%). Thus, for marijuana offenders, it appears that the reduction in recidivism among offenders receiving the safety valve is largely attributable to the restriction on safety valve application to offenders with no more than one criminal history point.

There was no association between application of a weapon enhancement and recidivism. Marijuana offenders with a weapon enhancement recidivated at a rate of 47.0 percent, compared to 50.3 percent for those without a weapon enhancement. Among drug trafficking offenders as a whole, there was also no association, with the numbers approximately equal.

There was an inverse association between receipt of the aggravating role enhancement and recidivism. Marijuana offenders who received an aggravating role

adjustment recidivated at a lower rate than those who did not receive such an adjustment (40.4% versus 50.7%). A similar inverse association existed among drug trafficking offenders as a whole.

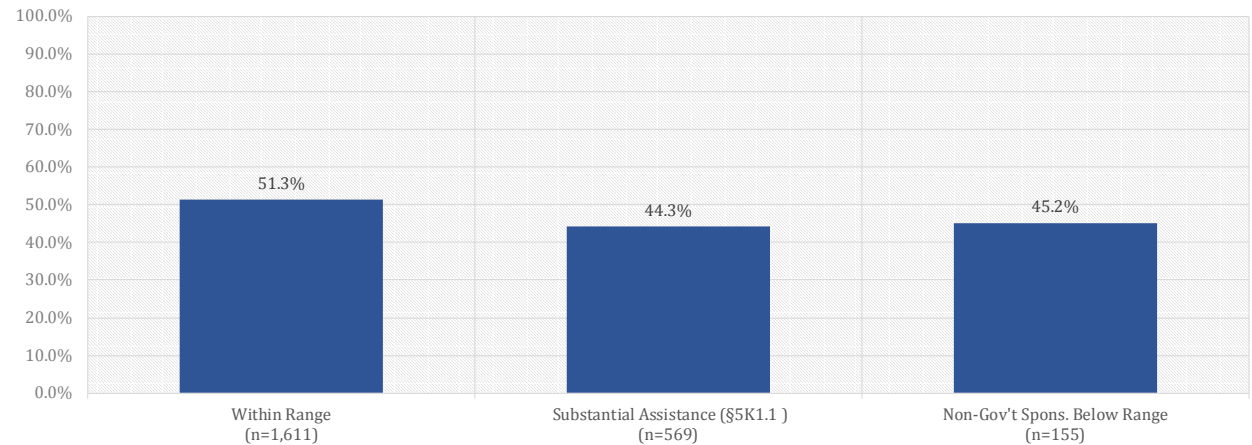
There was a mild association between receipt of the mitigating role reduction and recidivism. Over half (55.4%) of marijuana offenders who received a mitigating role adjustment recidivated, while only 47.8 percent of those who did not receive the adjustment recidivated. By contrast, among drug traffickers as a whole there was no association between receipt of the mitigating role adjustment and likelihood of recidivism.

Recidivism and Sentences Imposed

The relationship between the sentence imposed and the sentencing guideline range had relatively little impact on the recidivism rate of most marijuana offenders, although those who received a within-range sentence recidivated at a moderately higher rate (51.3%) than those who received substantial assistance reductions (44.3%) or non-government sponsored below-range sentences (45.2%). There was an insufficient number of offenders who received other types of sentences relative to the guidelines to conduct a meaningful analysis. There was little association between position relative to the guideline range and recidivism among drug trafficking offenders as a whole.

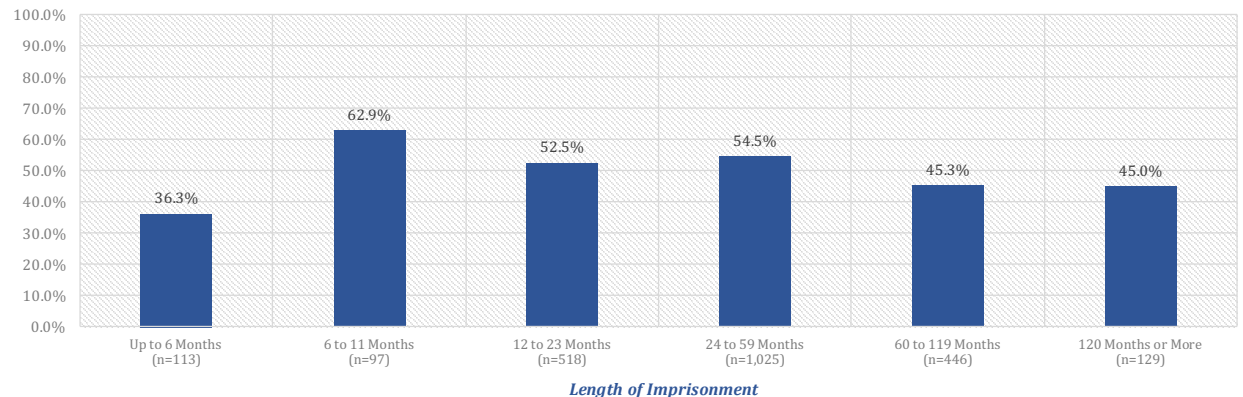
There was little association between the length of a marijuana offender's original federal sentence and rate of recidivism, particularly when examining sentences of at least one year. Each group of marijuana offenders that was sentenced to at least a year in prison recidivated at a rate of between 45.0 percent and 54.5 percent, with the highest rate belonging to those sentenced to between 24 and 59 months, and the lowest rate belonging to those offenders who received sentences of 120 months or more. This lack of association was similar to that found among all drug trafficking offenders.

Figure 6.12
Rearrest Rates for Marijuana Trafficking Offenders by Selected Positions Relative to the Guideline Range



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

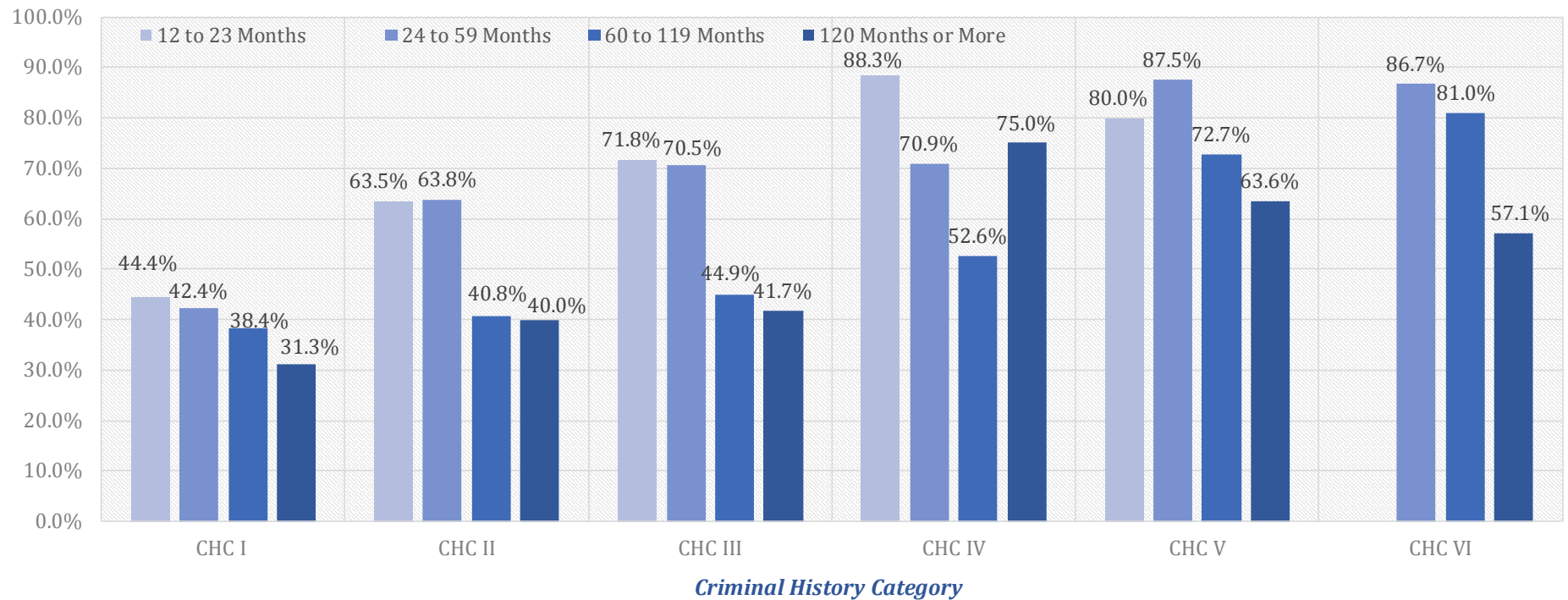
Figure 6.13
Rearrest Rates for Marijuana Trafficking Offenders by Length of Imprisonment



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The information in this figure does not include sentences of probation or any time of confinement as described in USSG §5C1.1. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

In the analysis of all drug trafficking offenders combined, the association between length of imprisonment and rate of recidivism became clearer when it was considered in conjunction with Criminal History Category. After accounting for the offender's prior criminal history category, longer sentence lengths were generally associated with lower recidivism. The same is true when the analysis is limited to only marijuana traffickers. That is, a relationship between longer sentences and lower recidivism is generally evident among marijuana traffickers, although the smaller number of cases makes the relationship less prominent.

Figure 6.14
Rearrest Rates for Marijuana Trafficking Offenders by Length of Imprisonment & Criminal History Category



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The information in this figure does not include sentences of probation or any time of confinement as described in USSG §5C1.1. This analysis excludes offenders classified as Career Offenders or Armed Career Criminals. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. See appendix for the number of offenders in each category.

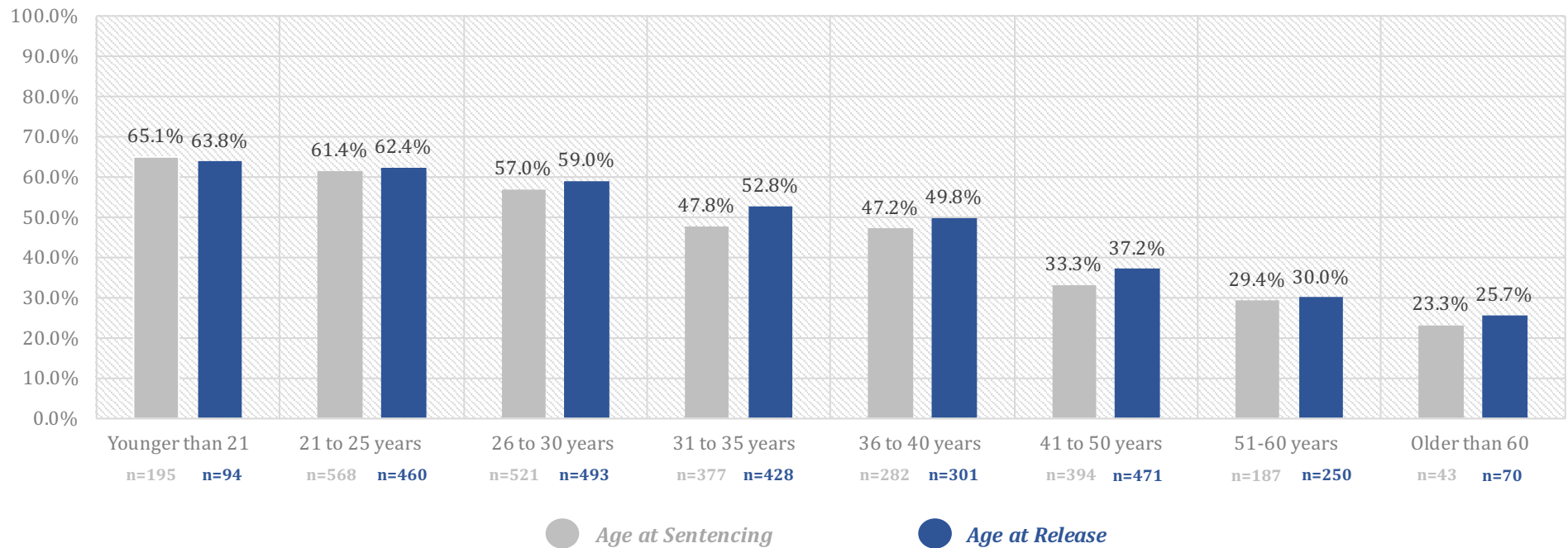
Recidivism and Age

Recidivism rates among marijuana offenders declined steadily as their age at sentencing increased. Marijuana offenders younger than 21 at sentencing recidivated at a rate of 65.1 percent, while 23.3 percent of those sentenced when over 60 recidivated. The largest single drop occurred between the 36 to 40 age group (47.2%) and the 41 to 50 age group (33.3%).

Age at release was also generally associated with a lower risk of recidivism, which fell from 63.8 percent among those below 21 at release to 25.7 percent among those over 60 at release. The largest single drop also occurred between the 36 to 40 age group (49.8%) and the 41 to 50 age group (37.2%). A similar association between age at sentencing and release and a decreased likelihood of

recidivism was found among drug offenders as a whole. In that larger population, however, recidivism in the oldest age group (60 and over) dropped well below the rates for marijuana offenders, with only 13.5 percent of all drug offenders over 60 at sentencing, and 16.5 percent of those over 60 at release, recidivating. Indeed, marijuana had the highest recidivism rate among this population of any drug type studied, although, due to the relatively small number of offenders in those age groups, those results should be interpreted with caution.

Figure 6.15
Rearrest Rates for Marijuana Trafficking Offenders by Age at Sentencing & Release



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

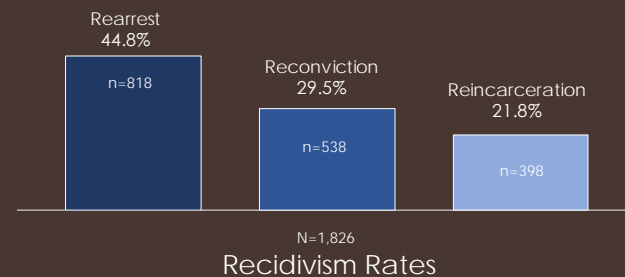
Chapter Seven: METHAMPHETAMINE TRAFFICKERS

This chapter analyzes recidivism among the **1,826 federal methamphetamine trafficking offenders** in the larger study group of 10,888 drug trafficking offenders.

Over the eight-year study period, **methamphetamine offenders recidivated at a rate of 44.8 percent**, as compared to 50.0 percent for drug trafficking offenders as a whole.

Chapter Overview

- Offender & Offense Characteristics
- Sentences Imposed
- Recidivism Findings



Offender and Offense Characteristics

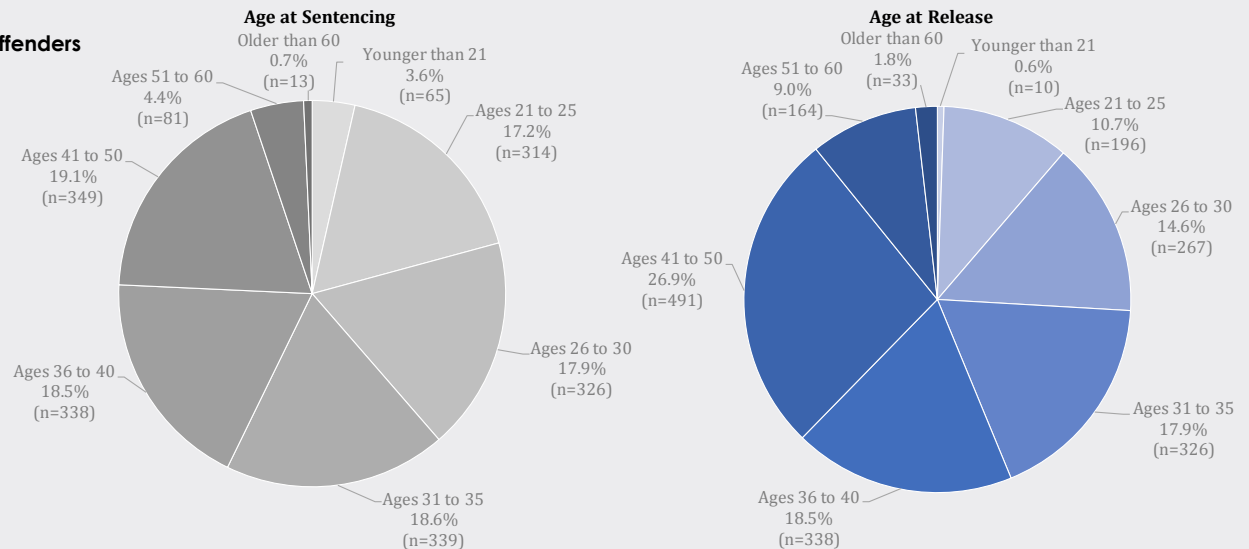
Demographics

Compared to drug trafficking offenders as a whole, methamphetamine offenders were more than twice as likely to be White, much less likely to be Black, and slightly less likely to be Hispanic. More methamphetamine offenders were White (78.0%) than for any other drug type, while 14.8 percent were Hispanic, 1.9 percent were Black, and 5.4 percent were of another race. Among all drug trafficking offenders, nearly equal numbers were Black (37.2%) and White (34.6%), and 25.5 percent were Hispanic. As with all drug trafficking offenders, a majority (77.5%) of methamphetamine offenders were male, although the 22.5 percent of methamphetamine offenders who were female was the highest proportion of any drug type.

Methamphetamine offenders were, generally, older at sentencing and release than drug trafficking offenders as a whole. The median methamphetamine offender was 33 years old at the time of sentencing and 37 years old at the time of release, as compared to median ages of 30 and 34 for all drug trafficking offenders. Offenders aged 41 to 50 represented the largest single age group at the time of sentencing (19.1%), as well as at the time of release (26.9%). Very few offenders were over age 60 at either the time of sentencing (0.7%) or release (1.8%). Few offenders were under age 21 at the time of sentencing (3.6%), and only 0.6 percent were under 21 at the time of release.

Figure 7.1
Demographic Characteristics of Methamphetamine Trafficking Offenders

Race/Ethnicity	N	%
White	1,421	78.0%
Black	35	1.9%
Hispanic	269	14.8%
Other	98	5.4%
Gender	N	%
Male	1,415	77.5%
Female	411	22.5%
Citizenship	N	%
U.S. Citizens	1,826	100.0%
Age		
Median Age at Sentencing	33 Years	
Median Age at Release	37 Years	



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. Totals may not sum to 100.0% due to rounding.

Offense Characteristics

Nearly half (47.4%) of methamphetamine offenders had BOLs of 32 or higher, while 40.8 percent had a BOL of between 26 and 32, and 11.9 percent had a BOL of between 6 and 24.⁶¹ Higher BOLs were overrepresented compared to all drug offenders, for whom the top two groups were nearly equal at about 37 percent.

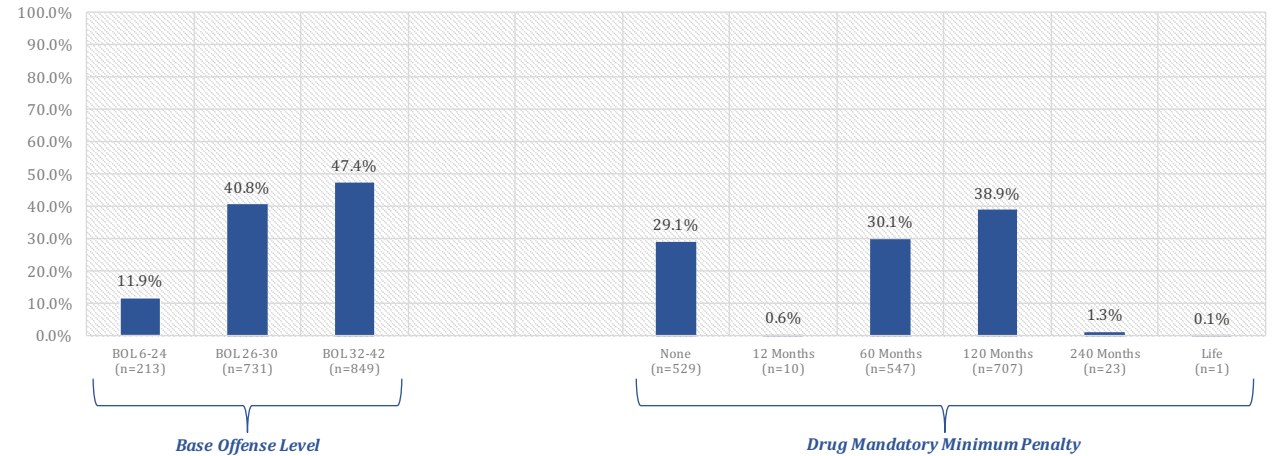
Methamphetamine offenders were convicted of drug offenses carrying a mandatory minimum penalty more often than drug trafficking offenders overall. While 70.9 percent of methamphetamine offenders were convicted under such statutes, 62.5 percent of all drug trafficking offenders were convicted of drug offenses carrying mandatory minimums.

Methamphetamine offenders received safety valve relief about as often as drug trafficking offenders overall. Over one-third of both methamphetamine offenders and all drug trafficking offenders received a safety valve reduction at their original sentencing (36.9% and 34.9%, respectively).

Methamphetamine offenders were more likely than all drug offenders to receive a weapon enhancement (18.1% versus 14.3%). They were less likely to receive an aggravating role adjustment (3.9% versus 6.2%), and about equally likely to receive a mitigating role adjustment (18.4% versus 19.3%).

Figure 7.2

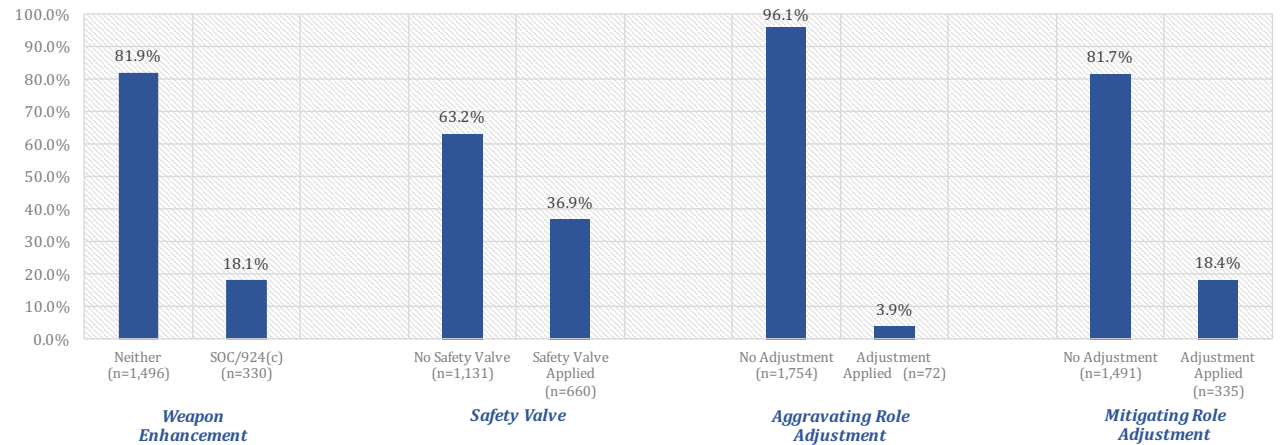
Application Rates for Methamphetamine Trafficking Offenders by Base Offense Level & Drug Mandatory Minimum Penalties



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDPT. Base Offense Level values reflect the BOL from the Drug Quantity Table (DQT) at USSG §2D1.1 prior to the application of the mitigating role cap or any adjustments under other guideline provisions. Offenders with BOLs determined by guideline provisions without reference to the DQT (e.g., §2D1.1(a)(1), §2D1.2(a)(3)) and offenders missing information required to determine the BOL prior to the application of the mitigating role cap were excluded from the base offense level analysis (n=33). Information on drug statutory mandatory minimum penalties is unavailable in fiscal year 1992 and offenders sentenced in that year were excluded from the drug mandatory minimum analysis. Of the remaining 1,817 offenders, none were excluded from this analysis due to missing or unusual drug statutory mandatory minimum penalty information. Totals may not sum to 100.0% due to rounding.

Figure 7.3

Application Rates for Methamphetamine Trafficking Offenders by Selected Guideline Characteristics



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDPT. The Commission excluded cases from each analysis that were missing information necessary to perform the analysis. The weapon enhancement analysis includes offenders with a conviction under 18 U.S.C. § 924(c) and/or the application of a weapon enhancement under the guidelines. The safety valve analysis accounts for safety valve relief under USSG §§5C1.2 and 2D1.1. Safety valve did not exist prior to fiscal year 1995 and the safety valve analysis excludes offenders sentenced in fiscal years 1992 through 1994. The aggravating role adjustment analysis includes offenders with any positive value under USSG §3B1.1. The mitigating role adjustment analysis includes offenders with any negative value under USSG §3B1.2. In addition, offenders sentenced under USSG §2D1.8(a)(2) are included as receiving mitigating role. Totals may not sum to 100.0% due to rounding.

Criminal History

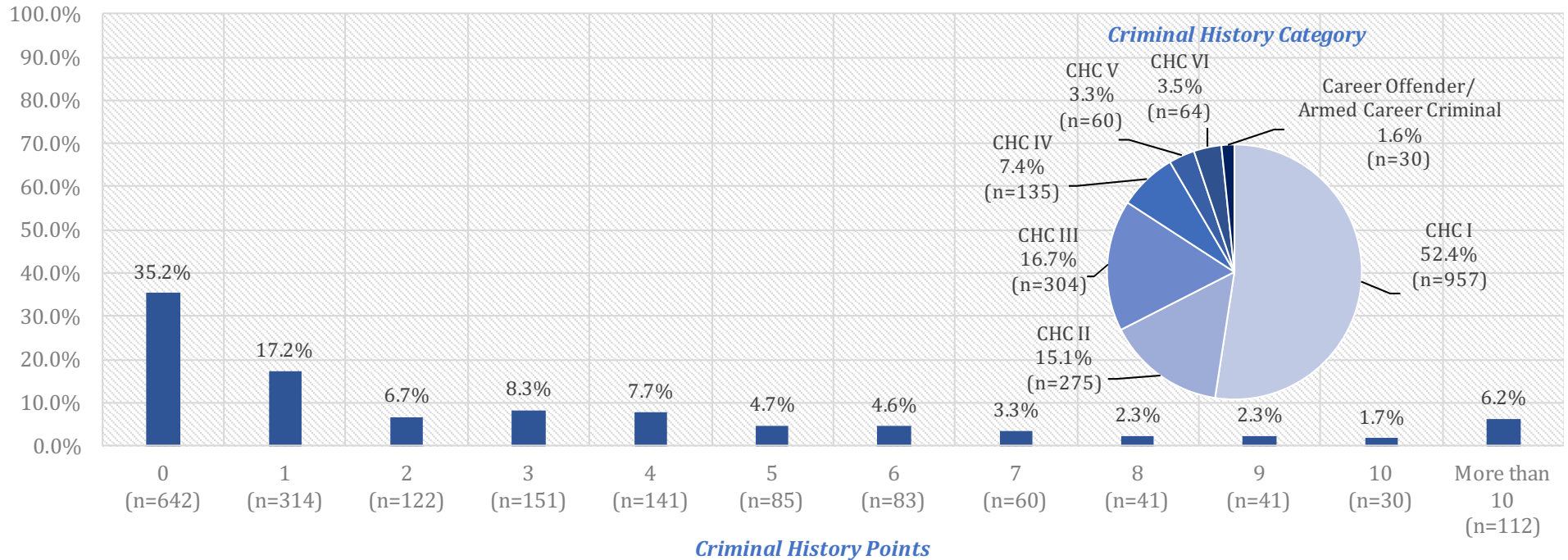
Methamphetamine offenders had criminal histories that were generally similar to those of drug trafficking offenders as a whole. The largest single proportion (35.2%) received no criminal history points, while 17.2 percent received one point and 6.2 percent received more than ten points. The majority of methamphetamine offenders (52.4%) were in CHC I, followed by 16.7 percent in CHC III and 15.1 percent in CHC II. In addition to the 3.5 percent of offenders who were classified in CHC VI based on their number of criminal history points, an additional 1.6 percent were designated as career offenders or armed career criminals. By comparison, just over one-third (36.5%) of all drug trafficking offenders had zero criminal history points, and a slight majority (50.3%) were in CHC I. Similar proportions of all drug offenders had more than ten points

(7.3%), or fell into CHC VI (3.5%), while more drug offenders overall were career offenders/armed career criminals (3.2%).

Sentences Originally Imposed

Methamphetamine offenders typically received prison sentences similar to those of the overall drug trafficking group. An overwhelming majority (96.8%) of methamphetamine offenders were sentenced to some term of incarceration. Of those who were, 15.1 percent received sentences of 120 months or more; 35.8 percent received sentences of 60 to 119 months; and the remaining 49.1 percent received sentences of less than 60 months. Similarly, most drug trafficking offenders were also imprisoned for some length of time, with 19.0 percent receiving a sentence of 120 months or more, and just under half (49.8%) receiving a sentence of under 60 months.

Figure 7.4
Criminal History Scores of Methamphetamine Trafficking Offenders



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. Criminal History Points may not sum to the expected Criminal History Category due to career offender/armed career criminal classification or missing information. Totals may not sum to 100.0% due to rounding.

Uniquely among drug types in this study, less than half of methamphetamine offenders (47.1%) received a sentence that was within their sentencing guideline range. Almost as many (44.2%) received below-range sentences due to a departure granted for providing substantial assistance to the government. Another 7.9 percent received below-range sentences that were not requested by the government. Small numbers received below-range sentences that were requested by the government for some reason other than providing substantial assistance (0.7%), or received above-range sentences (0.2%). By contrast, a majority (57.8%) of all drug offenders received within-range sentences, and just under one-third (32.8%) received a substantial assistance departure.

Recidivism Findings

Rearrest, Reconviction, and Reincarceration

Methamphetamine offenders had a lower rate of recidivism (44.8%, or 818 of the 1,826 total methamphetamine offenders) than the 50.0 percent rate for drug traffickers as a group.

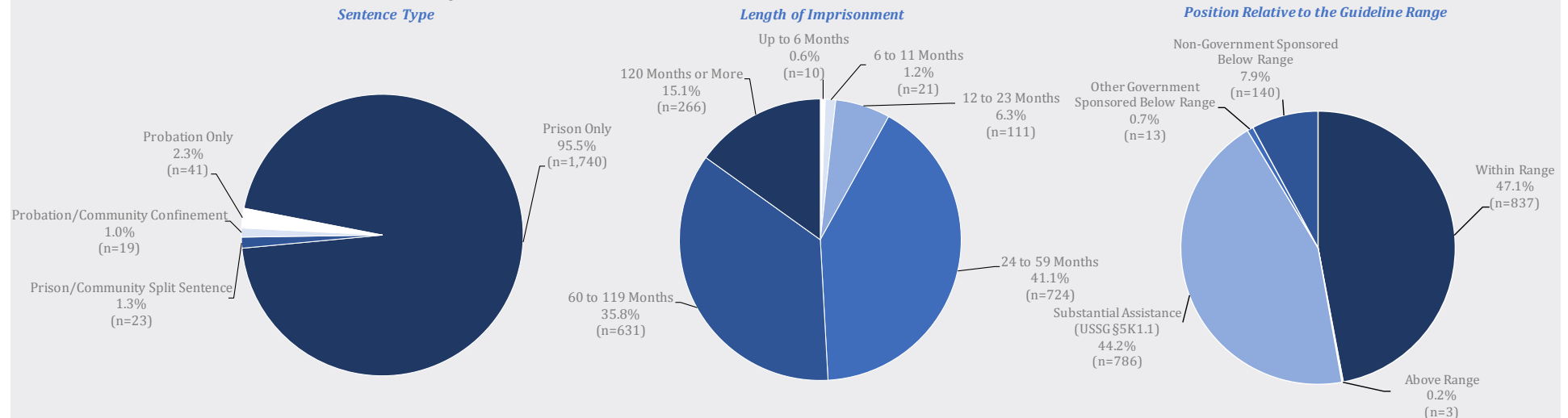
Table 7.1
Recidivism Rates for Methamphetamine Trafficking Offenders

Recidivism Measure	Rearrest	Reconviction	Reincarceration
Percent	44.8%	29.5%	21.8%
Median Time to Recidivism	31 Months	37 Months	38 Months
Median Number of Recidivism Events	2	1	1
Most Serious Post-Release Event	Assault (24.7%, n=202)	Other Public Order (15.6%, n=84)	Other Public Order (19.1%, n=76)
Median Age at Release	34	33	33

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDPT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. Median age at release is shown for recidivist offenders only.

As explained above, recidivism throughout this study was primarily reported by rearrest data; however, analysis also showed that methamphetamine offenders were reconvicted of another offense at a rate of 29.5 percent, and reincarcerated at a rate of 21.8 percent. This compares with a reconviction rate of 30.8 percent and a reincarceration rate of 23.4 percent for all drug offenders. The Appendix contains more detailed information using these two measures of recidivism.

Figure 7.5
Sentences Imposed on Methamphetamine Trafficking Offenders



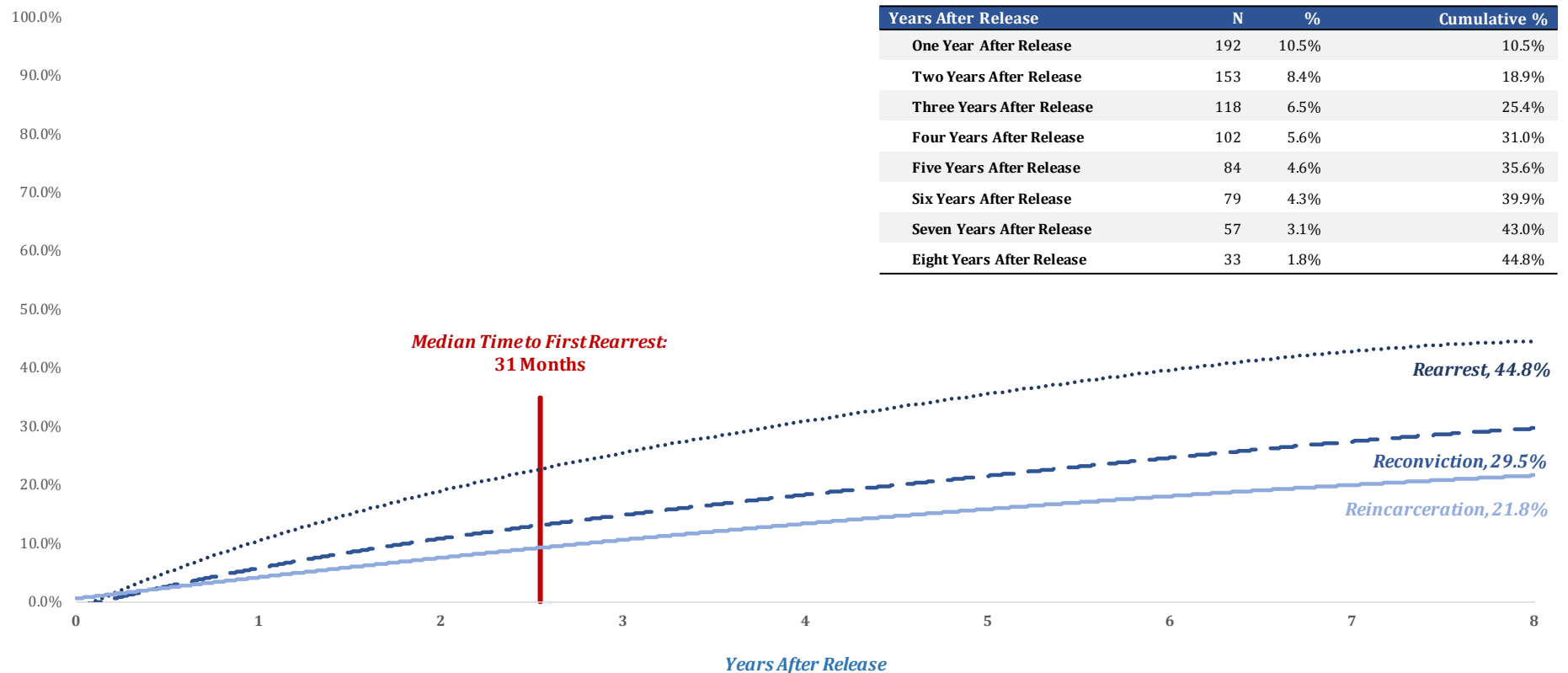
SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDPT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. Totals may not sum to 100.0% due to rounding. The sentence length analysis does not include sentences of probation or any time of confinement as described in USSG §5C1.1.

Time to First Recidivism Event

For methamphetamine offenders, median time to recidivism was 31 months, with a median of two recidivist events (arrests) on separate days. This means that half of those methamphetamine offenders who recidivated first did so between two and three years after their release. For all drug trafficking offenders, the median time to recidivism was 25 months, with the same median of two events.

As the study period progressed, every year saw fewer methamphetamine offenders recidivate for the first time. During the first year following release into the community, 10.5 percent recidivated for the first time. This rate declined to 8.4 percent in the second year and 6.5 percent in the third year. Only 1.8 percent of methamphetamine offenders recidivated for the first time in the eighth year. This reflects the pattern seen for drug trafficking offenders as a whole.

Figure 7.6
Time to First Rearrest of Methamphetamine Trafficking Offenders



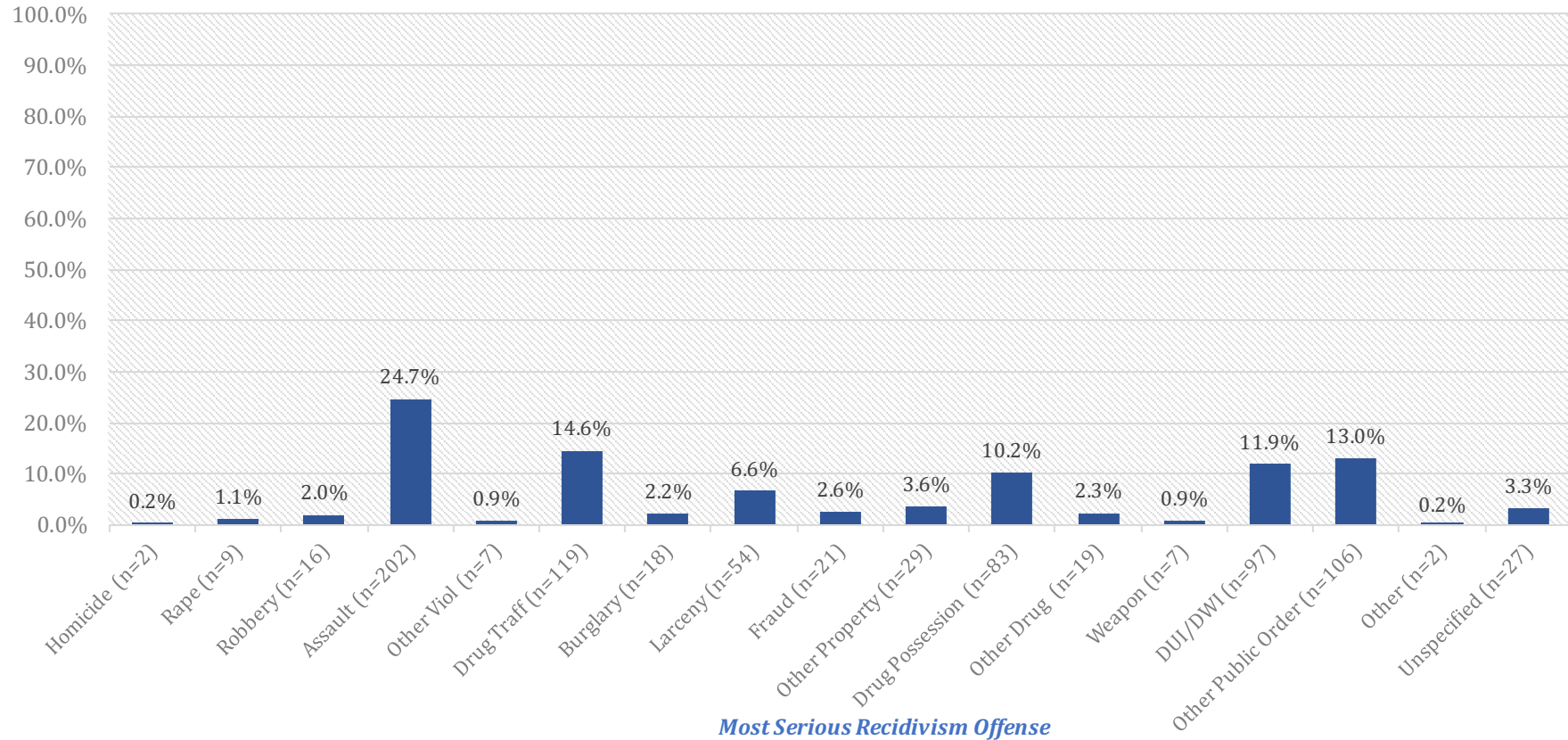
SOURCE: U.S. Sentencing Commission’s 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. In cases in which any reconviction or reincarceration is known, but the date of arrest leading to the reconviction/reincarceration is unknown, the reconviction/reincarceration date is assigned as the rearrest date.

Most Serious Recidivism Offense

Assault was the single most prevalent “most serious” recidivist offense for methamphetamine offenders (24.7%). The same was true for all drug offenders, for whom assaults were the most serious recidivist offense in 23.8 percent of cases.

After assaults, drug trafficking offenses were the most prevalent most serious recidivist offense for methamphetamine offenders, at 14.6 percent, with “other public order” offenses (13.0%) and DUI/DWI (11.9%) occurring next most frequently. Other offenses that were the most serious offense for at least five percent of methamphetamine offenders were drug possession (10.2%) and larceny (6.6%).

Figure 7.7
Rearrest Rates for Methamphetamine Trafficking Offenders by Most Serious Recidivism Offense



SOURCE: U.S. Sentencing Commission’s 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. Totals may not sum to 100.0% due to rounding.

Recidivism and Criminal History

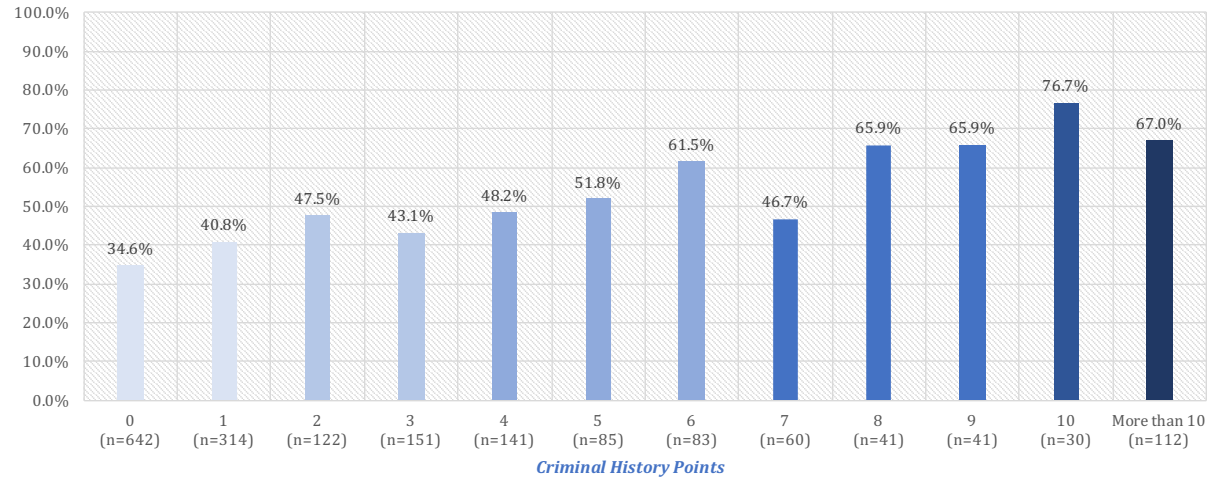
As with drug traffickers as a whole, recidivism rates for methamphetamine offenders were associated with total criminal history points. Only 34.6 percent of offenders with zero criminal history points recidivated within eight years, compared to 67.0 percent for offenders with more than ten criminal history points. Some unevenness in the increase of the recidivism rate as criminal history scores rose may be accounted for, at least in part, by the relatively small number of methamphetamine offenders receiving some numbers of criminal history points (for example, only 30 methamphetamine offenders received exactly ten points).

Recidivism for methamphetamine offenders was also strongly associated with CHC, at least through CHC V. Recidivism rates ranged from a low of 36.6 percent for those in CHC I to a high of 80.0 percent for those in CHC V. Methamphetamine offenders were somewhat unusual in that, compared to the peak recidivism rate for CHC V, the recidivism rates for CHC IV and CHC VI were substantially lower, at between 57 and 61 percent in each of those categories. As with the data by criminal history points, this variance from the norm may be explained, in part, by the relatively small numbers of offenders in the higher CHCs.

Recidivism and an Offender's Federal Offense

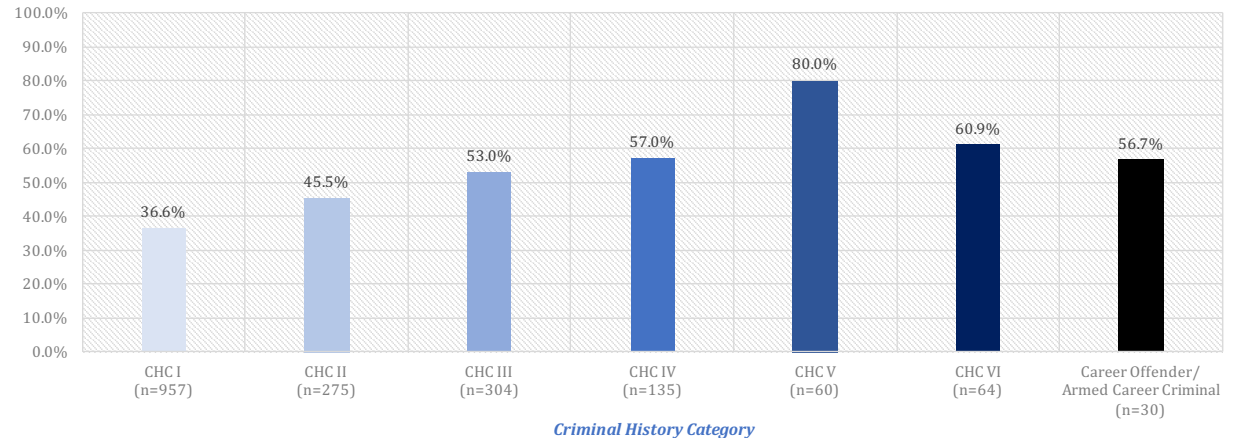
There was a clear inverse association between a methamphetamine offender's guideline BOL and the rate of recidivism. Specifically, methamphetamine offenders with BOLs of 24 or less recidivated at the highest rate, 63.4 percent, while those offenders with BOLs of between 26 and 30 recidivated less often (48.8%), and those with the highest BOLs of between 32 and 42 recidivated least of all (36.9%). Analysis of all drug traffickers revealed that lower BOLs correspond to somewhat younger ages upon release, and younger

Figure 7.8
Rearrest Rates for Methamphetamine Trafficking Offenders by Criminal History Points



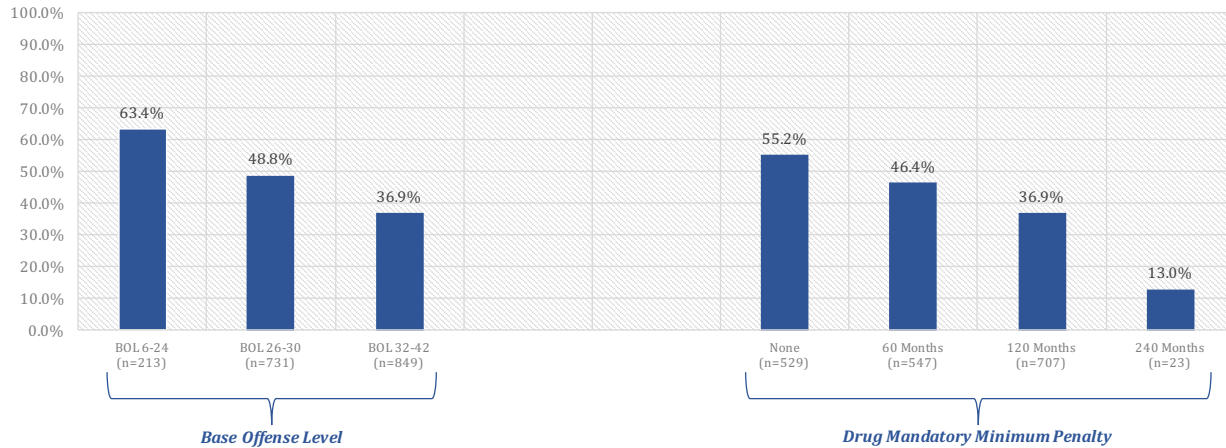
SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

Figure 7.9
Rearrest Rates for Methamphetamine Trafficking Offenders by Criminal History Category



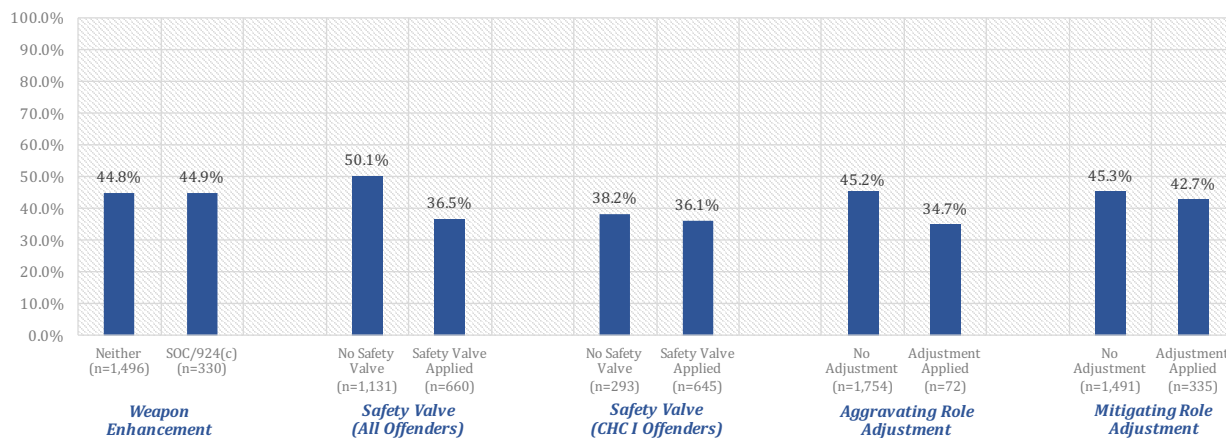
SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

Figure 7.10
Rearrest Rates for Methamphetamine Trafficking Offenders by Base Offense Level & Drug Mandatory Minimum Penalties



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. Base Offense Level values reflect the BOL from the Drug Quantity Table (DQT) at USSG §2D1.1 prior to the application of the mitigating role cap or any adjustments under other guideline provisions. Offenders with BOLs determined by guideline provisions without reference to the DQT (e.g., §2D1.1(a)(1), §2D1.2(a)(3)) and offenders missing information required to determine the BOL prior to the application of the mitigating role cap were excluded from the base offense level analysis (n=33). Information on drug statutory mandatory minimum penalties is unavailable in fiscal year 1992 and offenders sentenced in that year were excluded from the drug mandatory minimum analysis. Of the remaining 1,817 offenders, none were excluded from this analysis due to missing or unusual drug statutory mandatory minimum penalty information.

Figure 7.11
Rearrest Rates for Methamphetamine Trafficking Offenders by Selected Guideline Characteristics



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from each analysis that were missing information necessary to perform the analysis. The weapon enhancement analysis includes offenders with a conviction under 18 U.S.C. § 924(c) and/or the application of a weapon enhancement under the guidelines. The safety valve analyses account for safety valve relief under USSG §§ 5C1.2 and 2D1.1. Safety valve did not exist prior to fiscal year 1995 and the safety valve analyses excludes offenders sentenced in fiscal years 1991 through 1994. The number of offenders in the CHC I group may not equal the total number of offenders with safety valve applied in the All Offenders group due to missing information on Criminal History Category or safety valve application in cases with higher Criminal History Categories. The aggravating role adjustment analysis includes offenders with any positive value under USSG §3B1.1. The mitigating role adjustment analysis includes offenders with any negative value under USSG §3B1.2. In addition, offenders sentenced under USSG §2D1.8(a)(2) are included as receiving mitigating role.

age is generally associated with higher recidivism. This principle likely also serves as at least one factor explaining the link between recidivism and BOL among methamphetamine offenders.

There was a similar inverse association between the length of a drug mandatory minimum penalty and the rate of recidivism. Offenders convicted of a drug offense carrying no mandatory minimum penalty recidivated more often than those convicted of an offense carrying a five-year mandatory minimum penalty (55.2% and 46.4%, respectively), while those convicted of an offense carrying a ten-year mandatory minimum penalty recidivated slightly less often (36.9%). Again, analysis of all drug traffickers revealed that those convicted of no offense carrying a drug mandatory minimum penalty, or of offenses carrying shorter ones, are younger upon release, and therefore at a higher risk of recidivism. This relative youth at time of release may be at least one factor explaining the link between lower mandatory minimum penalties and higher recidivism.

Methamphetamine offenders who received a safety valve reduction recidivated at a substantially lower rate (36.5% versus 50.1%) than offenders who received no reduction, but this drop can be explained by the minimal criminal history score necessary to benefit from the safety valve. Among CHC I methamphetamine offenders, those who received a safety valve reduction recidivated in 36.1 percent of cases, while those who received no safety valve reduction recidivated only slightly more often (38.2%). Thus, for methamphetamine offenders, it appears that the reduction in recidivism among offenders receiving the safety valve is largely attributable to the restriction on safety valve application to offenders with no more than one criminal history point.

There was no association between application of a weapon enhancement and recidivism.

Methamphetamine offenders with a weapon enhancement recidivated at a rate of 44.9 percent, compared to 44.8 percent for those without a weapon enhancement. Among drug trafficking offenders as a whole there was also no association.

There was an inverse association between receipt of the aggravating role enhancement and recidivism. Methamphetamine offenders who received an aggravating role adjustment recidivated at a lower rate than those who did not receive such an adjustment (34.7% versus 45.2%). A similar inverse association existed among drug trafficking offenders as a whole.

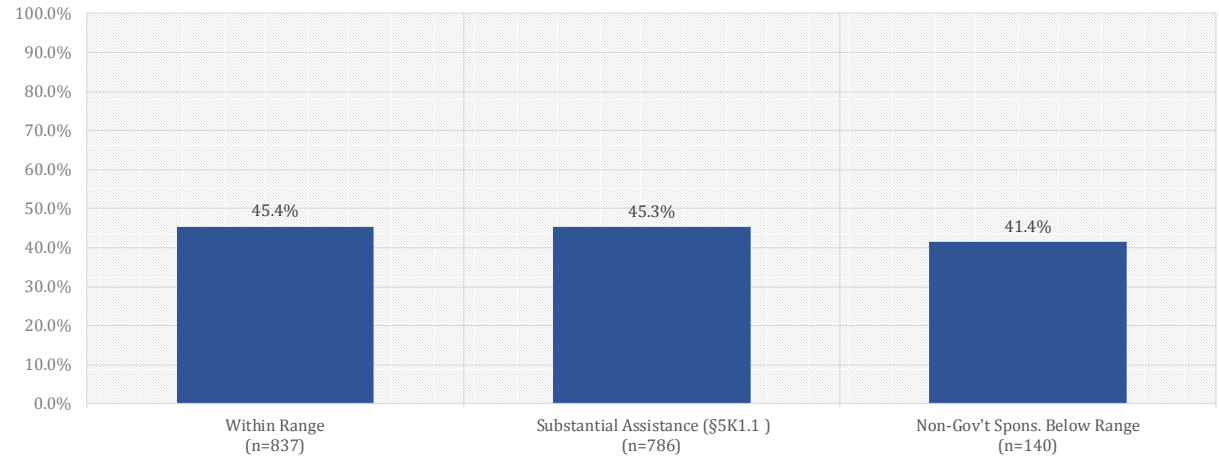
There was little or no association between receipt of the mitigating role reduction and recidivism. Nearly equal proportions of methamphetamine offenders who did not receive a mitigating role adjustment (45.3%) and those who did receive the adjustment (42.7%) recidivated. This mirrors the result among drug traffickers as a whole.

Recidivism and Sentences Imposed

The relationship between the sentence imposed and the sentencing guideline range had relatively little impact on the recidivism rate of most methamphetamine offenders, although those who received a non-government sponsored below-range sentence recidivated at a slightly lower rate (41.4%) than those who received within-range sentences (45.4%) or substantial assistance reductions (45.3%). There was an insufficient number of offenders who received other types of sentences relative to the guidelines to conduct a meaningful analysis. Similarly, there was little association between position relative to the guideline range and recidivism among drug trafficking offenders as a whole.

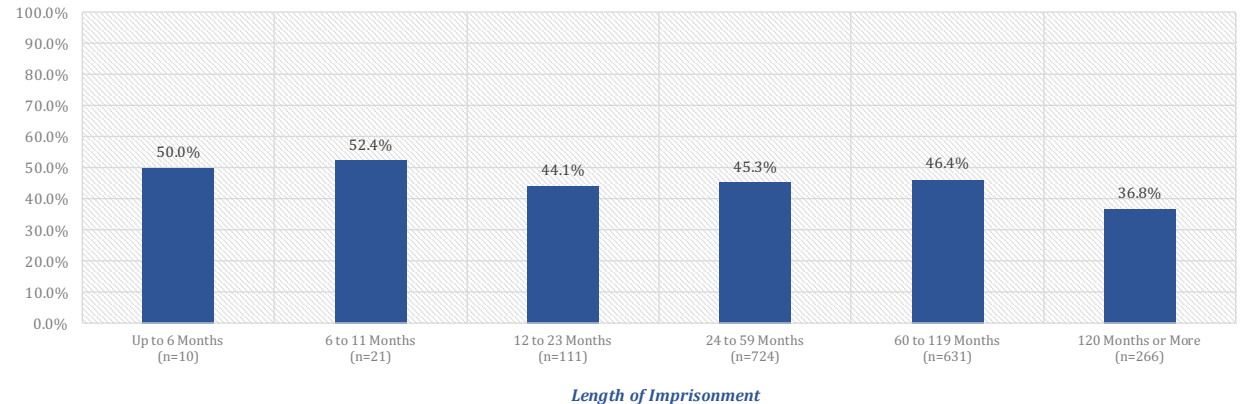
There was little association between the length of a methamphetamine offender's original federal sentence

Figure 7.12
Rearrest Rates for Methamphetamine Trafficking Offenders by Selected Positions Relative to the Guideline Range



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDPT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

Figure 7.13
Rearrest Rates for Methamphetamine Trafficking Offenders by Length of Imprisonment

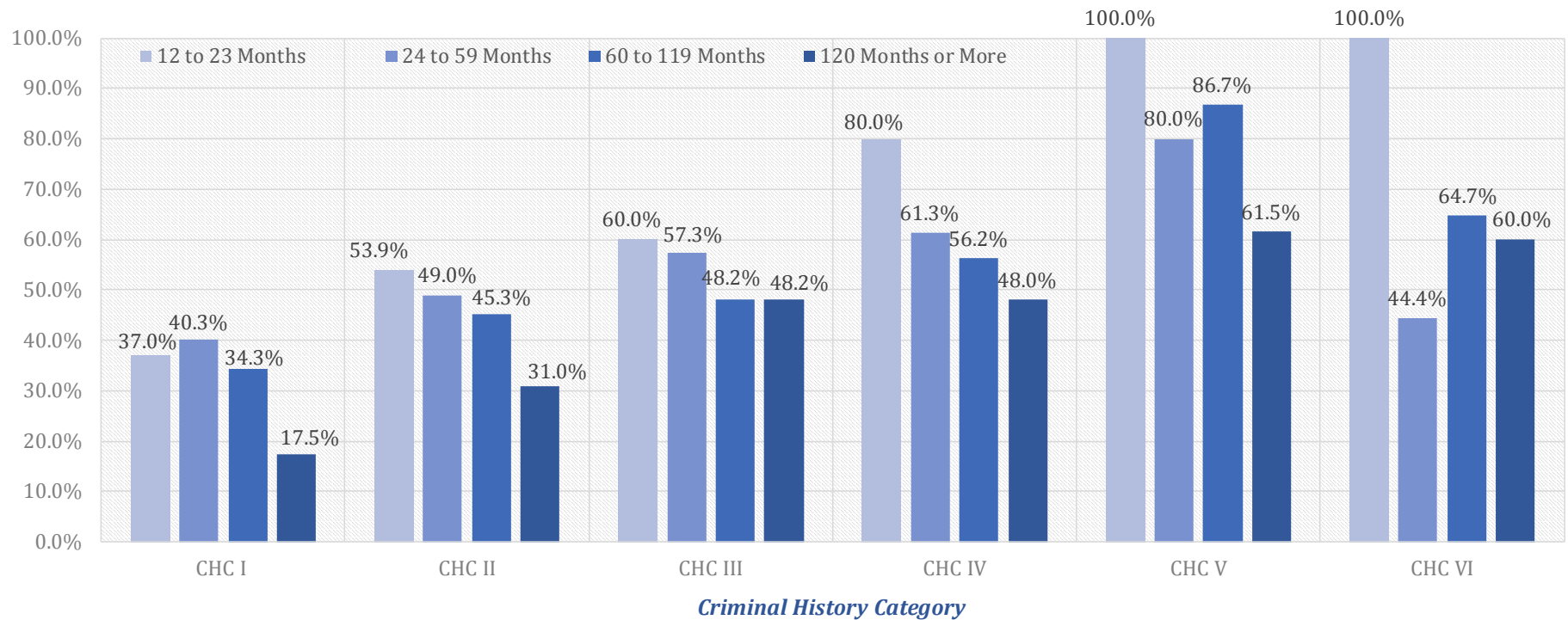


SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDPT. The information in this figure does not include sentences of probation or any time of confinement as described in USSG §5C1.1. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

and rate of recidivism, particularly when examining sentences of at least one year. Each group of methamphetamine offenders that was sentenced to at least a year in prison recidivated at a rate of between 36.8 percent and 46.4 percent, with the highest rate belong to those sentenced to between 60 and 119 months, and the lowest rate belonging to those offenders who received sentences of 120 months or more. This lack of association was similar to that found among all drug trafficking offenders.

In the analysis of all drug trafficking offenders combined, the association between length of imprisonment and rate of recidivism became clearer when it was considered in conjunction with Criminal History Category. After accounting for the offender’s prior criminal history category, longer sentence lengths were generally associated with lower recidivism. The same is true when the analysis is limited to only methamphetamine traffickers. That is, a relationship between longer sentences and lower recidivism is generally evident among methamphetamine traffickers, although the smaller number of cases makes the relationship less prominent.

Figure 7.14
Rearrest Rates for Methamphetamine Trafficking Offenders by Length of Imprisonment & Criminal History Category



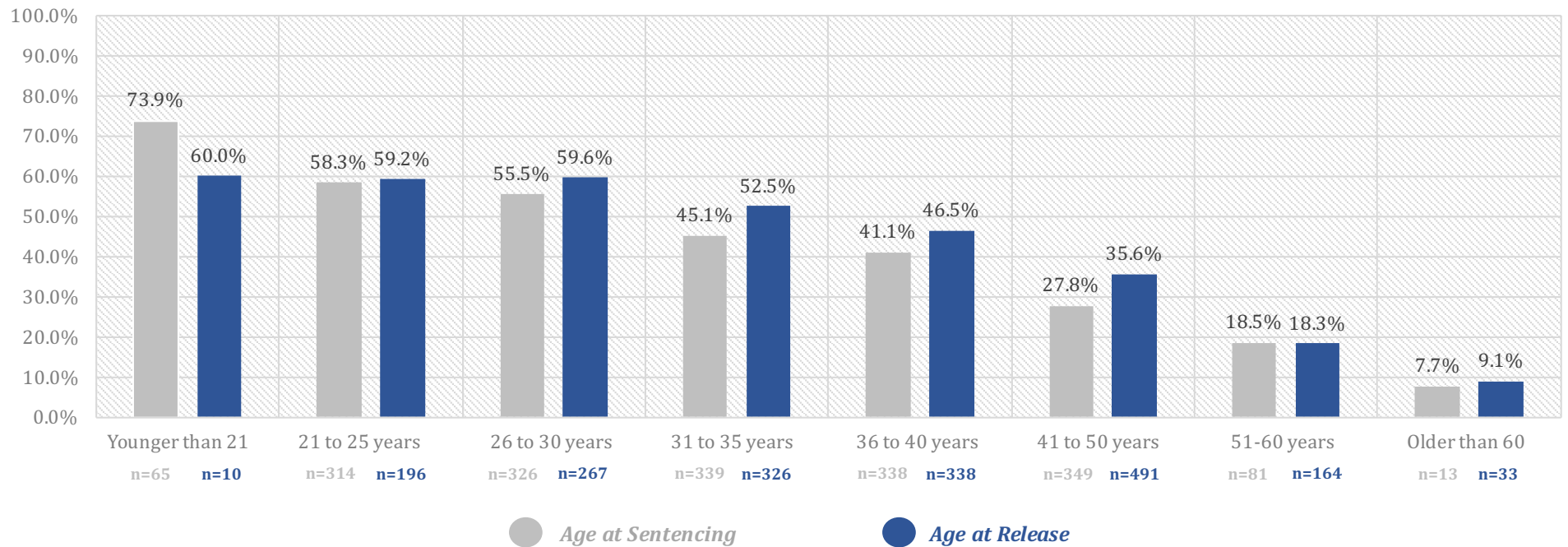
SOURCE: U.S. Sentencing Commission’s 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The information in this figure does not include sentences of probation or any time of confinement as described in USSG §5C1.1. This analysis excludes offenders classified as Career Offenders or Armed Career Criminals. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. See appendix for the number of offenders in each category.

Recidivism and Age

Recidivism rates among methamphetamine offenders declined as their age at sentencing increased. Methamphetamine offenders aged 21 to 25 at sentencing recidivated at a rate of 58.3 percent, while only 7.7 percent of those sentenced when over 60 recidivated. Excluding the small group of offenders under 21 at sentencing, the largest single drop occurred between the 36 to 40 age group (41.1%) and the 41 to 50 age group (27.8%).

Age at release was also generally associated with a lower risk of recidivism. The recidivism rate plateaued at about 60 percent among the age groups that were 30 or under at release, before beginning a decline that culminated in a 9.1 percent recidivism rate among those over 60 at release. The largest single drop occurred between the 41 to 50 age group (35.6%) and the 51 to 60 age group (18.3%). A similar association between age at sentencing and release and a decreased likelihood of recidivism was found among drug offenders as a whole.

Figure 7.15
Rearrest Rates for Methamphetamine Trafficking Offenders by Age at Sentencing & Release



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

Chapter Eight: **CONCLUSIONS**

The federal drug trafficking offenders followed in this study recidivated (as measured by rearrest) at a rate of 50.0 percent. This rate is approximately equal to the recidivism rate of 49.3 percent measured among all types of federal offenders over the same period.⁶² It is markedly lower than the recidivism rate of 76.9 percent reported in another study following state drug offenders over a five-year follow-up period.⁶³

In general, there were few clear distinctions among the five drug types studied in this report. One exception is that crack cocaine offenders recidivated at the highest rate (60.8%) of any drug type. Recidivism rates for other drug types were between 43.8 percent and 50.0 percent.

Of those drug trafficking offenders who recidivated, the median time from release to the first recidivism event was 25 months. Nearly one-fourth (23.8%) of drug trafficking offenders who recidivated had assault as their most serious charge. Other common most serious offenses were drug trafficking and public order offenses.

As might be expected from prior recidivism studies, the two indicators most strongly associated with recidivism among federal drug traffickers were criminal history and age. Offenders with no criminal history points recidivated at a rate of 35.4 percent, while offenders in the highest Criminal History Category recidivated at a rate of 77.1 percent. Age at release was also associated with recidivism. Drug trafficking offenders released prior to age 21 had the highest recidivism rate, 65.0 percent, while drug trafficking offenders over 60 years old at the time of their release had the lowest recidivism rate of 16.5 percent.

The strong association of both criminal history and age with recidivism rates adds important caveats to some other findings. For example, drug trafficking offenders with higher base offense levels, which are largely determined by drug quantity and type, had lower recidivism rates than those offenders with lower base offense levels. However, the longer sentences received by those with higher base offense levels results in older ages at release, and this may be at least one factor explaining the link between base offense levels and recidivism.

Similarly, recidivism was higher among drug trafficking offenders convicted without a mandatory minimum penalty than among those convicted of a drug offense carrying a mandatory minimum penalty. Those convicted of a drug offense carrying a shorter mandatory minimum penalty had higher recidivism rates than those convicted of an offense carrying a longer penalty. Again, the

older age at release of those receiving longer mandatory minimum penalties may be at least one factor explaining the link between drug mandatory minimum penalties and recidivism.

There was little apparent association between the length of imprisonment and recidivism. However, once Criminal History Category is accounted for, the length of the sentence originally imposed was associated with lower rates of recidivism. For example, for drug trafficking offenders in the lowest Criminal History Category, those sentenced to between 12 and 23 months had the highest recidivism rate (44.5%), while those sentenced to 120 months or more had the lowest recidivism rate (30.7%). The same pattern held for other criminal history categories. Again, longer sentences result in older ages at release, and this, combined with criminal history differences, likely contributes to the apparent lack of overall association between length of imprisonment and recidivism. The relatively low number of offenders convicted of trafficking some types of drugs, particularly heroin and methamphetamine, makes this analysis more difficult to perform by drug type, but it appears that the general association between sentence length and recidivism, once criminal history is accounted for, was present across all drug types.

In the coming months, the Commission will continue to issue additional reports based on its study of recidivism.



Endnotes

1 The United States Sentencing Commission is an independent agency in the judicial branch of government. Established by the Sentencing Reform Act of 1984, its principal purposes are (1) to establish sentencing policies and practices for the federal courts, including guidelines regarding the appropriate form and severity of punishment for offenders convicted of federal crimes; (2) to advise and assist Congress, the federal judiciary, and the executive branch in the development of effective and efficient crime policy; and (3) to collect, analyze, research, and distribute a broad array of information on federal crime and sentencing issues. See 28 U.S.C. §§ 995(a)(14), (15), (20).

2 See U.S. SENTENCING COMM'N, RECIDIVISM AMONG FEDERAL OFFENDERS: A COMPREHENSIVE OVERVIEW (March 2016), http://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2016/Recidivism_Overview.pdf (hereinafter "Recidivism Overview Report"), at 3.

3 28 U.S.C. § 991(b)(2).

4 See U.S. SENTENCING COMM'N, SUPPLEMENTARY REPORT ON THE INITIAL SENTENCING GUIDELINES AND POLICY STATEMENTS, at 41-44 (1987), http://www.ussc.gov/sites/default/files/pdf/guidelines-manual/1987/manual-pdf/1987_Supplementary_Report_Initial_Sentencing_Guidelines.pdf (hereinafter "Supplementary Report").

5 See U.S. SENTENCING COMM'N, RECIDIVISM AMONG OFFENDERS RECEIVING RETROACTIVE SENTENCING REDUCTIONS: THE 2007 CRACK COCAINE AMENDMENT (2014), <http://www.ussc.gov/research/research-publications/recidivism-among-offenders-receiving-retroactive-sentencing-reductions-2007-crack-cocaine-amendment> (hereinafter "Crack Cocaine Recidivism Report").

6 See, e.g., U.S. Sentencing Comm'n, Final Priorities for Amendment Cycle, 79 Fed. Reg. 49378, 49379 (Aug. 20, 2014) ("Pursuant to 28 U.S.C. § 994(g), the Commission intends to consider the issue of reducing costs of incarceration and overcapacity of prisons, to the extent it is relevant to any identified priority.").

7 See Recidivism Overview Report, *supra* note 2, at 3.

8 See, e.g., Supplementary Report, *supra* note 4; Crack Cocaine Recidivism Report, *supra* note 5; U.S. SENTENCING COMM'N, REPORT TO CONGRESS: FEDERAL CHILD PORNOGRAPHY OFFENSES 293-310 (2012), http://www.ussc.gov/sites/default/files/pdf/news/congressional-testimony-and-reports/sex-offense-topics/201212-federal-child-pornography-offenses/Full_Report_to_Congress.pdf; U.S. SENTENCING COMM'N, A COMPARISON OF THE FEDERAL SENTENCING GUIDELINES CRIMINAL HISTORY CATEGORY AND THE U.S. PAROLE COMMISSION SALIENT FACTOR SCORE (2005), http://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2005/20050104_Recidivism_Salient_Factor_Computation.pdf; U.S. SENTENCING COMM'N, RECIDIVISM AND THE "FIRST OFFENDER" (2004), http://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2004/200405_Recidivism_First_Offender.pdf; U.S. SENTENCING COMM'N, MEASURING RECIDIVISM: THE CRIMINAL HISTORY COMPUTATION OF THE FEDERAL SENTENCING GUIDELINES (2004), http://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2004/200405_Recidivism_Criminal_History.pdf (hereinafter "Measuring Recidivism Report").

9 Each fiscal year begins on October 1 of the preceding calendar year. For example, fiscal year 2006 began on October 1, 2005, and ended on September 30, 2006.

10 Because the offenders analyzed in this report were released over a decade ago, they were sentenced prior to several important legal developments. Nearly all were sentenced prior to the Supreme Court's 2005 decision in *Booker v. United States*, 543 U.S. 220 (2005), which permitted sentencing courts to vary from guidelines-recommended sentences based upon policy disagreement with the guidelines. All were sentenced prior to the Commission's 2014 amendment, which among other things, reduced the base offense levels associated with given drug quantities. See USSC, App. C, amend. 782 (effective Nov. 1, 2014).

Several other changes are specifically relevant to crack cocaine offenders. They were sentenced prior to the Fair Sentencing Act of 2010, which reduced the mandatory minimum penalties associated with crack cocaine, the 2011 guideline amendment implementing that Act, and earlier guideline amendments that also generally had the effect of reducing penalties for crack cocaine offenses. See, e.g., USSG, App. C, amend. 706 (effective Nov. 1, 2007); amend. 711 (effective Nov. 1, 2007); amend. 715 (effective May 1, 2008); amend. 750 (effective Nov. 1, 2011).

11 Drug type information was not available for 74 of the 10,888 offenders (the 63 sentenced in fiscal year 1991 and 11 sentenced in other years). These offenders are included in the discussion of all drug trafficking offenders, but are not included in the subsequent chapters.

12 This study uses rearrest as the primary measure of recidivism; however, it also reports data about reconviction and reincarceration in the Appendix. As expected, drug trafficking offenders were reconvicted (30.8%) and reincarcerated (23.4%) at lower rates than they were rearrested. See *infra* at 5-7. Unless otherwise specified, subsequent references to "recidivism" are based on rearrest rate.

13 See NAT'L INSTITUTE OF JUSTICE, U.S. DEPT. OF JUSTICE, RECIDIVISM, <https://web.archive.org/web/20160120175242/http://www.nij.gov/topics/corrections/recidivism/pages/welcome.aspx> (Jan. 20, 2016).

14 See Recidivism Overview Report, *supra* note 2, at 7-8.

15 Many rearrests do not ultimately result in reconviction or reincarceration for reasons relating to procedural safeguards (for example, the suppression of evidence for an unconstitutional search or seizure), lack of sufficient evidence to convict or revoke, or prosecutorial or judicial resource limitations. To the extent that the rearrest event is an accurate indicator of relapse into criminal behavior, excluding events due to non-conviction or non-incarceration will result in underestimation of recidivism. Even the least restrictive measure, rearrest, does not account for the full extent of offender recidivism, as many crimes go unreported to police or, if reported, do not result in an arrest. For these reasons, no measure is perfect, and reporting several measures provides a more complete and nuanced picture of reoffending. The three measures overlap in some areas – meaning all offenders who were reconvicted or reincarcerated also were necessarily rearrested, too. Generally speaking, the measure of rearrest is larger than the measure of reconviction, which in turn is larger than the measure of reincarceration.

16 Revocations were not counted as reconvictions because the offenders were not convicted of a new offense (even if the basis for revocation was a "new law violation"). Offenders whose terms of supervision were revoked and who were sentenced to imprisonment were treated as having been reincarcerated.

17 See U.S. GOV'T ACCOUNTABILITY OFFICE, CRIMINAL HISTORY RECORDS: ADDITIONAL ACTIONS
COULD ENHANCE THE COMPLETENESS OF RECORDS USED FOR EMPLOYMENT-RELATED BACKGROUND
CHECKS (February 2015), <http://www.gao.gov/products/GAO-15-162>.

18 See *id.*

19 See 21 U.S.C. §§ 841, 960.

20 See *id.* § 856.

21 See *id.* § 843(b).

22 See *id.* § 851.

23 See USSG §2D1.1(c) (drug quantity table).

24 See USSG §§2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6
(Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering
Human Life), 2D1.14 (Narco-Terrorism).

25 See, e.g., 21 U.S.C. §§ 859, 860.

26 See, e.g., USSG §2D1.1(a).

27 See *id.* §2D1.1(c) (1998).

28 See 21 U.S.C. § 841(b)(1)(B)(iii) (1994).

29 18 U.S.C. § 3553(f) permits an offender to be sentenced below an otherwise applicable
mandatory minimum penalty for drug offenses if the following criteria are met:

- (1) the defendant does not have more than 1 criminal history point, as determined under the sentencing guidelines;
- (2) the defendant did not use violence or credible threats of violence or possess a firearm or other dangerous weapon (or induce another participant to do so) in connection with the offense;
- (3) the offense did not result in death or serious bodily injury to any person;
- (4) the defendant was not an organizer, leader, manager, or supervisor of others in the offense, as determined under the sentencing guidelines and was not engaged in a continuing criminal enterprise, as defined in section 408 of the Controlled Substances Act; and

(5) not later than the time of the sentencing hearing, the defendant has truthfully provided to the Government all information and evidence the defendant has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan, but the fact that the defendant has no relevant or useful other information to provide or that the Government is already aware of the information shall not preclude a determination by the court that the defendant has complied with this requirement.

USSG §5C1.2 implements this statutory provision in the *Guidelines Manual*, and §2D1.1(b)(17) provides for a two-level reduction in offense level if an offender meets the safety valve criteria. The safety valve statute was enacted in 1994 and first implemented in the 1995 *Guidelines Manual*. Data about the application of the safety valve provision is available beginning in fiscal year 1995.

30 See 18 U.S.C. § 3553(e) (authorizing courts to impose sentences below a statutory minimum penalty when an offender provides substantial assistance to the government); USSG §5K1.1 (implementing the same policy in the *Guidelines Manual* through a departure provision).

31 See USSG §5K1.1(a) (listing five factors to be considered in determining the extent of a downward departure for substantial assistance).

32 See, e.g., *id.* §2D1.1(b)(1).

33 See also *id.* §2K2.4.

34 *Id.* §3B1.1

35 *Id.* §3B1.2. All offenders sentenced under §2D1.8 (Renting or Managing a Drug Establishment; Attempt or Conspiracy) are included in the mitigating role group.

36 See *id.* §4A1.1, 4A1.2.

37 See generally *id.* §4A.

38 See generally *id.* Ch. 5

39 BOLs were grouped corresponding to the drug quantities associated with the mandatory minimum penalties in effect at that time: BOL 6-24 (no mandatory minimum penalty); BOL 26-30 (five-year mandatory minimum penalty); and BOL 32-42 (ten-year mandatory minimum penalty). BOLs 40 and 42 were assigned based on drug type and quantity in the 1993 and earlier versions of the guidelines. From the 1994 version of the *Guidelines Manual* forward, the highest BOL based on drug quantity has been 38. Base Offense Level values reflect the BOL from the Drug Quantity Table ("DQT") at USSG §2D1.1 prior to the application of the mitigating role cap or any adjustments under other guideline provisions. Offenders with BOLs determined by guideline provisions without reference to the DQT (e.g., §§2D1.1(a)(1), 2D1.2(a)(3)) and offenders missing information required to determine the BOL prior to the application of the mitigating role cap were excluded from the base offense level analysis.

Endnotes

40 Information about mandatory minimum penalties was unavailable for offenders sentenced in fiscal years 1991 and 1992. The data reported reflects offenders sentenced between fiscal years 1993 and 2006. This data includes only mandatory minimum penalties associated with drug trafficking convictions under drug statutes and does not include mandatory minimum penalties imposed under 18 U.S.C. § 924(c) or from other sources.

41 The bulk of this group, both overall and for each drug type, was career offenders as defined by USSG §4B1.1; an additional four offenders were classified as armed career criminals because they were convicted under 18 U.S.C. § 924(e). Both groups are typically placed in CHC VI. See USSG §§4B1.1(b), 4B1.4(c)(2). Regardless of the CHC in which they were placed, this study treats them as a separate criminal history group.

42 In general, the Commission followed a ranking scheme used by the Bureau of Justice Statistics in prior recidivism research. See MATTHEW DUROSE, *et al.*, BUREAU OF JUSTICE STATISTICS, U.S. DEPT. OF JUSTICE, RECIDIVISM OF PRISONERS RELEASED IN 30 STATES IN 2005: PATTERNS FROM 2005 TO 2010 (2014), <http://www.bjs.gov/content/pub/pdf/rprts05p0510.pdf>. The primary modification made by the Commission for use in this project was to increase the relative seriousness of drug trafficking offenses from their position in the original ranking, which correspondingly decreased the relative importance of property offenses.

43 Because the analysis focused on only the single most serious offense, an arrest for a more serious offense (such as assault or drug trafficking) is reported in lieu of any less serious offenses, such as drug possession. Accordingly, this data should not be interpreted to represent the overall frequency of the listed offenses among recidivism events.

44 This group was not limited to drug trafficking offenders, but also included those convicted of drug possession and other miscellaneous or unspecified drug offenses. See DuRose, *et al.*, *supra* note 43.

45 See *id.*

46 Comparing only federal drug trafficking offenders released from prison results in a slightly higher rate (41.9%) than the overall rearrest rate (41.5%) of all federal drug trafficking offenders five years after release.

47 See USSG, Ch. 4, Pt. A, intro. comment.

48 See WILLIAM RHODES, *et al.*, ABT ASSOCIATES, RECIDIVISM OF OFFENDERS ON COMMUNITY SUPERVISION (2012), at 12, available at <https://www.ncjrs.gov/pdffiles1/bjs/grants/241018.pdf>; Alfred Blumstein, *et al.*, *Delinquency Careers: Innocents, Desisters, and Persisters*, in CRIME AND JUSTICE: A REVIEW OF RESEARCH 216 (1985) (discussing two major cohort studies in which the recidivism probability of youthful offenders rose with successive involvements with law enforcement); see also Paul Gendreau, *et al.*, *A Meta-Analysis Of The Predictors Of Adult Offender Recidivism: What Works!*, 34 CRIMINOLOGY 575 (1996) (discussing a meta-analysis of 131 studies that found the strongest predictors of recidivism included criminogenic needs, criminal history, social achievement, age/gender/race, and family factors).

49 USSG, Ch. 4, Pt. A, intro. comment.

50 See, e.g., Measuring Recidivism Report, *supra* note 8.

51 While both groups entered prison at about the same age, the median offender age at release for those with BOLs of between 6 and 24 is 32 years, as compared to a median release age of 36 for those with BOLs of between 32 and 42.

52 This analysis includes offenders convicted of an offense carrying a drug mandatory minimum penalty, but does not require that the drug mandatory minimum penalty have actually been imposed, or, if imposed, have been fully served. A substantial proportion of the offenders in this analysis did not actually serve a full mandatory minimum penalty due to safety valve relief, substantial assistance, or a post-sentencing motion for sentence reduction under Federal Rule of Criminal Procedure 35(b). Due to the limited length of the study period, it is likely that most or all of those convicted of offenses carrying the longest drug mandatory minimum penalties (20 years or life) received some type of relief. Accordingly, caution should be used in inferring any links between mandatory minimum sentences and recidivism generally.

53 The association between sentence length and recidivism for sentences of less than one year was not analyzed due to an insufficient number of cases.

54 As CHC level rises within those sentenced to a given range of imprisonment, the overall recidivism rate begins at a higher starting point than the previous CHC level. For 12 to 23 month sentences, the recidivism rate for CHC II (63.9%) increases to CHC III (67.4%); CHC IV (79.5%); CHC V (81.8%); and CHC VI (100.0%). This same pattern also holds at almost every point, including for sentence lengths of 24 to 59 months, 60 to 119 months, and 120 months or more. The pattern is largely repeated in CHC VI, falling from 100.0 percent among those sentenced to between 12 and 23 months, as compared to 72.7 percent for those sentenced to 120 months or more. There is, however, a slight increase from those sentenced to between 24 and 59 months to those sentenced to between 60 and 119 months (79.0% and 79.4% respectively).

55 See Gendreau, *supra* note 48, at 575; David P. Farrington, *Age and Crime*, in CRIME AND JUSTICE: AN ANNUAL REVIEW OF RESEARCH vol. 7 (Michael Tonry & Norval Morris, eds., 1986); Jeffery T. Ulmer & Darrell Steffensmeier, *The Age and Crime Relationship: Social Variation, Social Explanations, in THE NURTURE VERSUS BIOSOCIAL DEBATE IN CRIMINOLOGY*, at 378 (K. Beaver, *et al.*, eds., 2014) (“It is now a truism that age is one of the strongest factors associated with criminal behavior.”).

56 As noted above, BOLs for drug trafficking offenses are assigned based on drug type and quantity. For example, in the 1998 *Guidelines Manual*, a BOL of 38 was assigned when an offender was accountable for 150 kilograms or more of powder cocaine. A BOL of 32 was assigned to at least 5 kilograms but less than 15 kilograms of powder cocaine, while a BOL of 26 was assigned to at least 500 grams but less than 2 kilograms of powder cocaine. See USSG §2D1.1(c)(1), (4), (7) (1998).

57 As noted above, BOLs for drug trafficking offenses are assigned based on drug type and quantity. For example, in the 1998 *Guidelines Manual*, a BOL of 38 was assigned when an offender was accountable for 1.5 kilograms or more of crack cocaine. A BOL of 32 was assigned to at least 50 grams but less than 150 grams of crack cocaine, while a BOL of 26 was assigned to at least 5 grams but less than 20 grams of crack cocaine. See USSG §2D1.1(c)(1), (4), (7) (1998).

58 As noted above, BOLs for drug trafficking offenses are assigned based on drug type and quantity. For example, in the 1998 *Guidelines Manual*, a BOL of 38 was assigned when an offender was accountable for 30 kilograms or more of heroin. A BOL of 32 was assigned to at least 1 kilogram but less than 3 kilograms of heroin, while a BOL of 26 was assigned to at least 100 grams but less than 400 grams of heroin. See USSG §2D1.1(c)(1), (4), (7) (1998).

59 Only six heroin offenders were convicted of a mandatory minimum offense carrying a 20-year penalty. While these offenders had a recidivism rate of 0.0 percent, the small number makes comparisons to this group unreliable.

60 As noted above, BOLs for drug trafficking offenses are assigned based on drug type and quantity. For example, in the 1998 *Guidelines Manual*, a BOL of 38 was assigned when an offender was accountable for 30,000 kilograms or more of marijuana. A BOL of 32 was assigned to at least 1,000 kilograms but less than 3,000 kilograms of marijuana, while a BOL of 26 was assigned to at least 100 kilograms but less than 400 kilograms of marijuana. See USSG §2D1.1(c)(1), (4), (7) (1998).

61 As noted above, BOLs for drug trafficking offenses are assigned based on drug type and quantity. For example, in the 1998 *Guidelines Manual*, a BOL of 38 was assigned when an offender was accountable for 15 kilograms or more of methamphetamine (or 3 kilograms or more of “methamphetamine (actual),” for use in cases where the methamphetamine was not mixed with another substance). A BOL of 32 was assigned to at least 500 grams but less than 1.5 kilograms of methamphetamine (or between 100 and 300 grams of methamphetamine (actual)), while a BOL of 26 was assigned to at least 50 grams but less than 200 grams of methamphetamine (or between 10 and 40 grams of methamphetamine (actual)). See USSG §2D1.1(c)(1), (4), (7) & n. B to Drug Quantity Table (1998).

62 See Recidivism Overview Report, *supra* note 2, at A-1.

63 See DuRose, *et al.*, *supra* note 42 and accompanying text.

APPENDIX

Rearrest, Reconviction, and Reincarceration Rates Across Primary Drug Type

	N	Rearrest %	Reconviction %	Reincarceration %
All Drugs	10,888	50.0%	30.8%	23.4%
Powder Cocaine	2,350	43.8%	25.7%	18.5%
Crack Cocaine	2,953	60.8%	37.6%	29.4%
Heroin	590	47.1%	29.3%	21.0%
Marijuana	2,570	50.0%	30.6%	24.2%
Methamphetamine	1,826	44.8%	29.5%	21.8%

While states have improved the completeness of criminal history records, a recent federal study found significant gaps in reporting of dispositions following an arrest. Such gaps occur in the criminal records used in this report, and lead to an undercounting of reconvictions, since missing dispositions are treated herein as the absence of reconviction and reincarceration. *See* U.S. Government Accountability Office, Criminal History Records: Additional Actions Could Enhance the Completeness of Records Used for Employment-Related Background Checks (February 2015), <http://www.gao.gov/products/GAO-15-162>.

SOURCE: U.S. Sentencing Commission’s 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. For information about a given analysis, see the corresponding figure in the body of this report.

**Number of Recidivism Study Offenders by Fiscal Year Sentenced
All Drug Trafficking Offenders**

Fiscal Year Sentenced	N	%
1991	63	0.6%
1992	120	1.1%
1993	133	1.2%
1994	135	1.2%
1995	178	1.6%
1996	261	2.4%
1997	400	3.7%
1998	508	4.7%
1999	577	5.3%
2000	815	7.5%
2001	1,169	10.7%
2002	1,496	13.7%
2003	2,110	19.4%
2004	1,763	16.2%
2005	1,062	9.8%
2006	98	0.9%
TOTAL	10,888	100.0%

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT.

Rearrest, Reconviction, and Reincarceration Rates Across Selected Variables
All Drug Trafficking Offenders

	N	Rearrest %	Reconviction %	Reincarceration %
Total	10,888	50.0%	30.8%	23.4%
Criminal History Points				
0	3,958	35.4%	20.3%	14.5%
1	1,497	48.1%	28.5%	20.1%
2	649	54.7%	32.2%	21.3%
3	927	50.3%	29.6%	22.3%
4	717	55.4%	34.7%	25.9%
5	544	59.9%	37.9%	30.3%
6	640	63.1%	39.8%	32.0%
7	319	65.2%	37.6%	30.1%
8	330	66.4%	42.7%	33.6%
9	288	67.7%	45.8%	38.2%
10	192	73.4%	47.9%	39.1%
More than 10	797	74.9%	55.2%	46.7%
Criminal History Category				
CHC I	5,453	39.0%	22.6%	16.1%
CHC II	1,567	52.4%	30.6%	21.8%
CHC III	1,852	59.5%	37.5%	29.5%
CHC IV	828	68.1%	43.6%	35.1%
CHC V	412	73.8%	52.9%	45.6%
CHC VI	376	77.1%	56.9%	47.3%
Career Offender/Armed Career Criminal	348	62.6%	41.1%	32.8%
Base Offense Level				
6 to 24	2,748	56.8%	36.4%	28.1%
26 to 30	4,018	51.5%	31.9%	23.7%
32 to 42	4,004	44.1%	26.0%	19.8%

While states have improved the completeness of criminal history records, a recent federal study found significant gaps in reporting of dispositions following an arrest. Such gaps occur in the criminal records used in this report, and lead to an undercounting of reconvictions, since missing dispositions are treated herein as the absence of reconviction and reincarceration. See U.S. Government Accountability Office, Criminal History Records: Additional Actions Could Enhance the Completeness of Records Used for Employment-Related Background Checks (February 2015), <http://www.gao.gov/products/GAO-15-162>.

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. For information about a given analysis, see the corresponding figure in the body of this report.

Rearrest, Reconviction, and Reincarceration Rates Across Selected Variables
All Drug Trafficking Offenders

	N	Rearrest %	Reconviction %	Reincarceration %
Drug Mandatory Minimum Penalty				
None	4,006	54.7%	35.0%	26.3%
12 Months	57	64.9%	42.1%	36.8%
60 Months	3,191	50.6%	30.8%	23.3%
120 Months	3,313	44.7%	26.4%	20.2%
240 Months	119	37.0%	23.5%	18.5%
Life	11	81.8%	63.6%	54.6%
Weapon Enhancement				
No Weapon Enhancement	9,335	49.9%	30.6%	23.1%
Weapon Enhancement	1,553	50.9%	32.3%	24.9%
Safety Valve (All Offenders)				
No Safety Valve	6,779	55.7%	35.3%	27.5%
Safety Valve Applied	3,626	40.5%	23.5%	16.5%
Safety Valve (CHC I Offenders)				
No Safety Valve	1,747	38.3%	22.7%	16.5%
Safety Valve Applied	3,533	39.9%	23.1%	16.2%
Aggravating Role				
No Aggravating Role Adjustment	10,209	50.8%	31.3%	23.8%
Aggravating Role Adjustment Applied	679	39.3%	23.6%	17.5%
Mitigating Role				
No Mitigating Role Adjustment	8,791	50.5%	31.1%	23.6%
Mitigating Role/USSG §2D1.8 Applied	2,097	48.0%	29.8%	22.3%
Position Relative to the Guideline Range				
Within Range	6,131	50.0%	30.4%	22.9%
Above Range	26	50.0%	38.5%	38.5%
Substantial Assistance (USSG §5K1.1)	3,486	50.1%	31.0%	23.3%
Other Government Sponsored Below Range	246	61.8%	41.1%	33.3%
Non-Government Sponsored Below Range	726	47.3%	30.0%	23.0%

While states have improved the completeness of criminal history records, a recent federal study found significant gaps in reporting of dispositions following an arrest. Such gaps occur in the criminal records used in this report, and lead to an undercounting of reconvictions, since missing dispositions are treated herein as the absence of reconviction and reincarceration. See U.S. Government Accountability Office, Criminal History Records: Additional Actions Could Enhance the Completeness of Records Used for Employment-Related Background Checks (February 2015), <http://www.gao.gov/products/GAO-15-162>.

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. For information about a given analysis, see the corresponding figure in the body of this report.

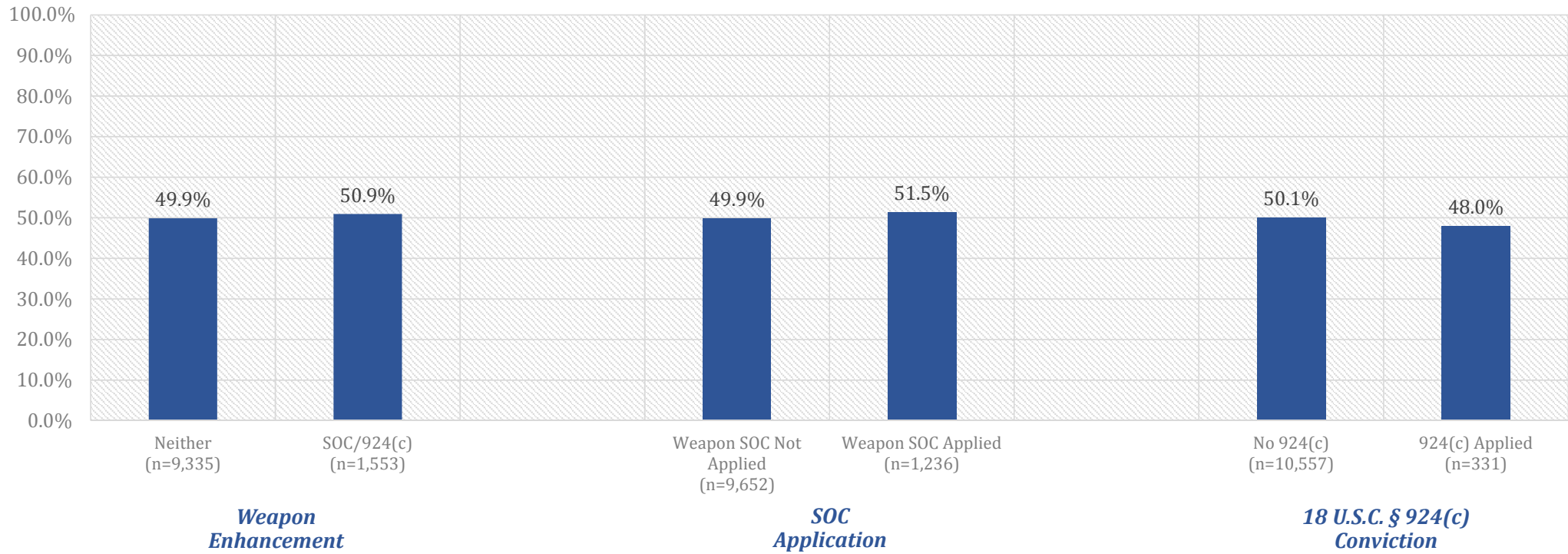
Rearrest, Reconviction, and Reincarceration Rates Across Selected Variables
All Drug Trafficking Offenders

	N	Rearrest %	Reconviction %	Reincarceration %
Length of Imprisonment				
Up to 6 Months	175	40.6%	24.6%	17.1%
6 to 11 Months	169	55.6%	33.7%	24.9%
12 to 23 Months	998	52.8%	32.1%	25.5%
24 to 59 Months	3,784	50.2%	31.5%	24.2%
60 to 120 Months	3,202	52.2%	32.0%	24.1%
More than 120 Months	1,954	47.8%	28.8%	23.0%
Age at Sentencing				
Younger than 21	618	69.7%	48.1%	38.8%
21 to 25	2,540	62.2%	40.4%	31.3%
26 to 30	2,523	55.1%	33.5%	24.9%
31 to 35	1,748	46.3%	28.3%	21.3%
36 to 40	1,337	44.8%	25.8%	18.8%
41 to 50	1,453	33.6%	18.2%	13.5%
51 to 60	536	23.5%	13.3%	10.3%
Older than 60	119	13.5%	8.4%	5.0%
Age at Release				
Younger than 21	137	65.0%	43.1%	30.7%
21 to 25	1,335	64.8%	44.8%	34.9%
26 to 30	2,204	59.9%	37.9%	28.9%
31 to 35	2,329	54.3%	32.9%	24.7%
36 to 40	1,706	47.7%	28.0%	21.0%
41 to 50	2,038	40.3%	23.3%	17.3%
51 to 60	876	25.9%	13.5%	11.0%
Older than 60	249	16.5%	10.0%	6.8%

While states have improved the completeness of criminal history records, a recent federal study found significant gaps in reporting of dispositions following an arrest. Such gaps occur in the criminal records used in this report, and lead to an undercounting of reconvictions, since missing dispositions are treated herein as the absence of reconviction and reincarceration. See U.S. Government Accountability Office, Criminal History Records: Additional Actions Could Enhance the Completeness of Records Used for Employment-Related Background Checks (February 2015), <http://www.gao.gov/products/GAO-15-162>.

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. For information about a given analysis, see the corresponding figure in the body of this report.

Rearrest Rates for Recidivism Study Offenders by Weapon Enhancements All Drug Trafficking Offenders



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from each analysis that were missing information necessary to perform the analysis. The weapon enhancement analysis includes offenders with a conviction under 18 U.S.C. § 924(c) and/or the application of a weapon enhancement under the guidelines.

**Number of Recidivism Study Offenders by Fiscal Year Sentenced
Powder Cocaine Trafficking Offenders**

Fiscal Year Sentenced	N	%
1992	49	2.1%
1993	37	1.6%
1994	35	1.5%
1995	52	2.2%
1996	43	1.8%
1997	95	4.0%
1998	90	3.8%
1999	114	4.9%
2000	157	6.7%
2001	278	11.8%
2002	390	16.6%
2003	498	21.2%
2004	313	13.3%
2005	180	7.7%
2006	19	0.8%
TOTAL	2,350	100.0%

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT.

**Rearrest, Reconviction, and Reincarceration Rates Across Selected Variables
Powder Cocaine Trafficking Offenders**

	N	Rearrest %	Reconviction %	Reincarceration %
Total	2,350	43.8%	25.7%	18.5%
Criminal History Points				
0	1,012	30.7%	17.9%	11.8%
1	312	46.8%	29.2%	22.1%
2	140	50.7%	30.0%	17.9%
3	205	46.3%	23.9%	16.6%
4	136	55.9%	33.1%	22.1%
5	105	54.3%	23.8%	19.1%
6	118	59.3%	37.3%	30.5%
7	57	66.7%	36.8%	29.8%
8	69	60.9%	37.7%	30.4%
9	50	54.0%	30.0%	22.0%
10	30	63.3%	46.7%	40.0%
More than 10	109	67.0%	44.0%	35.8%
Criminal History Category				
CHC I	1,321	34.8%	20.6%	14.3%
CHC II	340	48.5%	26.5%	17.1%
CHC III	355	56.6%	32.1%	23.9%
CHC IV	146	65.8%	38.4%	30.8%
CHC V	61	60.7%	47.5%	39.3%
CHC VI	42	73.8%	50.0%	40.5%
Career Offender/Armed Career Criminal	69	50.7%	26.1%	21.7%
Base Offense Level				
6 to 24	422	59.0%	36.7%	25.6%
26 to 30	948	44.8%	26.5%	18.8%
32 to 42	945	36.0%	19.8%	14.9%

While states have improved the completeness of criminal history records, a recent federal study found significant gaps in reporting of dispositions following an arrest. Such gaps occur in the criminal records used in this report, and lead to an undercounting of reconvictions, since missing dispositions are treated herein as the absence of reconviction and reincarceration. See U.S. Government Accountability Office, Criminal History Records: Additional Actions Could Enhance the Completeness of Records Used for Employment-Related Background Checks (February 2015), <http://www.gao.gov/products/GAO-15-162>.

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. For information about a given analysis, see the corresponding figure in the body of this report.

**Rearrest, Reconviction, and Reincarceration Rates Across Selected Variables
Powder Cocaine Trafficking Offenders**

	N	Rearrest %	Reconviction %	Reincarceration %
Drug Mandatory Minimum Penalty				
None	622	52.3%	33.0%	22.7%
12 Months	7	42.9%	14.3%	14.3%
60 Months	785	44.5%	26.0%	18.7%
120 Months	857	38.2%	21.1%	15.9%
240 Months	26	23.1%	11.5%	7.7%
Life	2	50.0%	50.0%	50.0%
Weapon Enhancement				
No Weapon Enhancement	2,051	43.0%	25.1%	17.8%
Weapon Enhancement	299	49.5%	29.4%	23.1%
Safety Valve (All Offenders)				
No Safety Valve	1,355	49.2%	28.8%	21.5%
Safety Valve Applied	872	36.9%	22.4%	14.9%
Safety Valve (CHC I Offenders)				
No Safety Valve	416	32.2%	19.5%	14.9%
Safety Valve Applied	854	36.7%	22.0%	14.5%
Aggravating Role				
No Aggravating Role Adjustment	2,165	44.2%	26.0%	18.9%
Aggravating Role Adjustment Applied	185	38.9%	21.6%	14.6%
Mitigating Role				
No Mitigating Role Adjustment	1,825	44.2%	25.4%	18.4%
Mitigating Role/USSG §2D1.8 Applied	525	42.3%	26.5%	18.9%
Position Relative to the Guideline Range				
Within Range	1,355	42.2%	24.1%	17.3%
Above Range	6	83.3%	83.3%	83.3%
Substantial Assistance (USSG §5K1.1)	755	46.5%	27.7%	19.9%
Other Government Sponsored Below Range	29	58.6%	37.9%	20.7%
Non-Government Sponsored Below Range	138	44.2%	29.0%	23.2%

While states have improved the completeness of criminal history records, a recent federal study found significant gaps in reporting of dispositions following an arrest. Such gaps occur in the criminal records used in this report, and lead to an undercounting of reconvictions, since missing dispositions are treated herein as the absence of reconviction and reincarceration. See U.S. Government Accountability Office, Criminal History Records: Additional Actions Could Enhance the Completeness of Records Used for Employment-Related Background Checks (February 2015), <http://www.gao.gov/products/GAO-15-162>.

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. For information about a given analysis, see the corresponding figure in the body of this report.

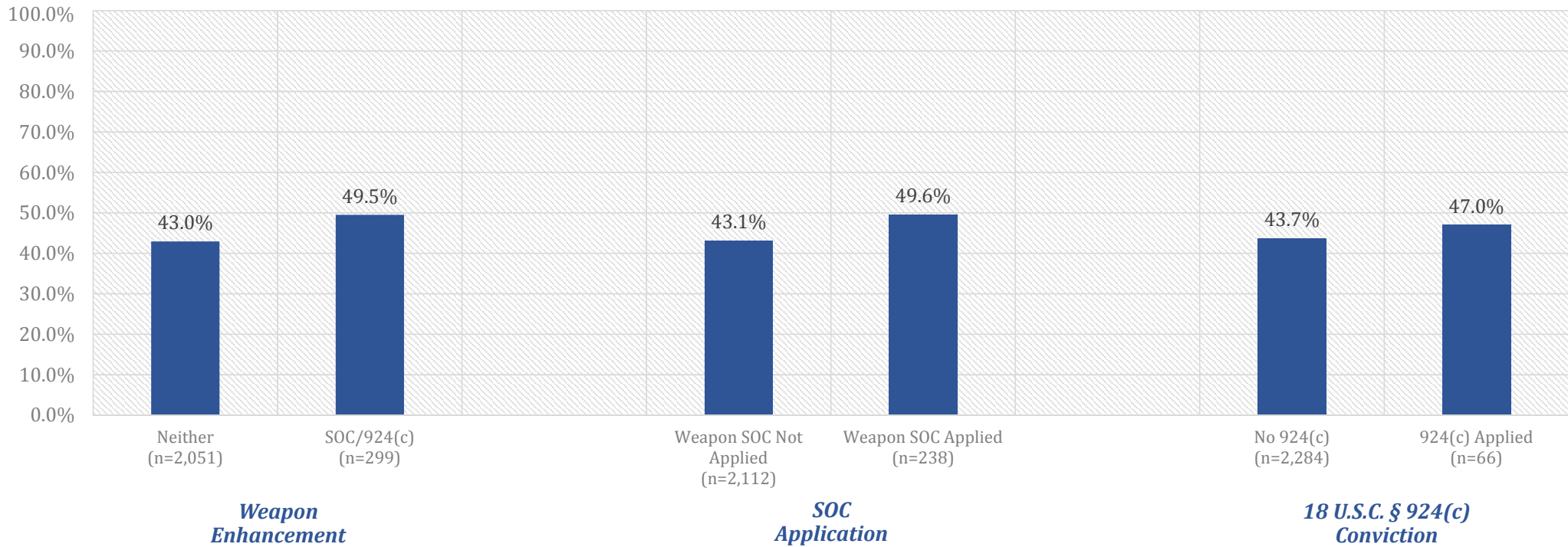
**Rearrest, Reconviction, and Reincarceration Rates Across Selected Variables
Powder Cocaine Trafficking Offenders**

	N	Rearrest %	Reconviction %	Reincarceration %
Length of Imprisonment				
Up to 6 Months	21	47.6%	28.6%	14.3%
6 to 11 Months	24	41.7%	12.5%	4.2%
12 to 23 Months	162	54.9%	32.1%	23.5%
24 to 59 Months	886	44.4%	27.3%	19.9%
60 to 120 Months	709	42.6%	25.4%	18.6%
More than 120 Months	435	39.8%	20.0%	16.3%
Age at Sentencing				
Younger than 21	90	71.1%	43.3%	36.7%
21 to 25	440	55.9%	34.8%	25.7%
26 to 30	576	49.1%	29.7%	21.0%
31 to 35	451	38.6%	23.1%	16.0%
36 to 40	330	40.6%	21.8%	15.5%
41 to 50	306	32.7%	15.4%	11.1%
51 to 60	120	20.0%	11.7%	9.2%
Older than 60	31	6.5%	3.2%	0.0%
Age at Release				
Younger than 21	14	78.6%	42.9%	28.6%
21 to 25	226	63.3%	39.8%	30.5%
26 to 30	430	53.0%	34.7%	25.6%
31 to 35	527	46.1%	26.9%	18.2%
36 to 40	437	41.0%	23.1%	16.0%
41 to 50	446	38.1%	19.5%	15.0%
51 to 60	192	22.4%	11.5%	8.9%
Older than 60	72	13.9%	5.6%	2.8%

While states have improved the completeness of criminal history records, a recent federal study found significant gaps in reporting of dispositions following an arrest. Such gaps occur in the criminal records used in this report, and lead to an undercounting of reconvictions, since missing dispositions are treated herein as the absence of reconviction and reincarceration. See U.S. Government Accountability Office, Criminal History Records: Additional Actions Could Enhance the Completeness of Records Used for Employment-Related Background Checks (February 2015), <http://www.gao.gov/products/GAO-15-162>.

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. For information about a given analysis, see the corresponding figure in the body of this report.

**Rearrest Rates for Recidivism Study Offenders by Weapon Enhancements
Powder Cocaine Trafficking Offenders**



SOURCE: U.S. Sentencing Commission’s 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from each analysis that were missing information necessary to perform the analysis. The weapon enhancement analysis includes offenders with a conviction under 18 U.S.C. § 924(c) and/or the application of a weapon enhancement under the guidelines.

**Number of Recidivism Study Offenders by Fiscal Year Sentenced
Crack Cocaine Trafficking Offenders**

Fiscal Year Sentenced	N	%
1992	41	1.4%
1993	69	2.3%
1994	77	2.6%
1995	88	3.0%
1996	158	5.4%
1997	210	7.1%
1998	239	8.1%
1999	261	8.8%
2000	333	11.3%
2001	423	14.3%
2002	369	12.5%
2003	373	12.6%
2004	212	7.2%
2005	91	3.1%
2006	9	0.3%
TOTAL	2,953	100.0%

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT.

**Rearrest, Reconviction, and Reincarceration Rates Across Selected Variables
Crack Cocaine Trafficking Offenders**

	N	Rearrest %	Reconviction %	Reincarceration %
Total	2,953	60.8%	37.6%	29.4%
Criminal History Points				
0	602	42.7%	22.9%	18.1%
1	352	51.7%	28.4%	19.6%
2	192	58.9%	32.8%	24.5%
3	258	59.7%	36.1%	24.0%
4	236	58.9%	39.4%	29.2%
5	196	65.3%	39.3%	33.2%
6	271	65.7%	41.7%	34.3%
7	118	76.3%	39.8%	32.2%
8	139	66.9%	43.2%	33.1%
9	138	73.9%	47.8%	39.9%
10	94	73.4%	45.7%	36.2%
More than 10	350	81.7%	60.9%	50.9%
Criminal History Category				
CHC I	953	46.1%	25.0%	18.7%
CHC II	443	60.1%	34.5%	23.9%
CHC III	675	63.3%	40.2%	32.7%
CHC IV	349	73.9%	45.3%	36.4%
CHC V	190	76.3%	55.8%	46.8%
CHC VI	170	84.1%	59.4%	49.4%
Career Offender/Armed Career Criminal	149	68.5%	48.3%	36.2%
Base Offense Level				
6 to 24	298	70.8%	48.3%	37.9%
26 to 30	981	67.9%	42.8%	31.7%
32 to 42	1,654	54.8%	32.5%	26.5%

While states have improved the completeness of criminal history records, a recent federal study found significant gaps in reporting of dispositions following an arrest. Such gaps occur in the criminal records used in this report, and lead to an undercounting of reconvictions, since missing dispositions are treated herein as the absence of reconviction and reincarceration. See U.S. Government Accountability Office, Criminal History Records: Additional Actions Could Enhance the Completeness of Records Used for Employment-Related Background Checks (February 2015), <http://www.gao.gov/products/GAO-15-162>.

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. For information about a given analysis, see the corresponding figure in the body of this report.

Rearrest, Reconviction, and Reincarceration Rates Across Selected Variables
Crack Cocaine Trafficking Offenders

	N	Rearrest %	Reconviction %	Reincarceration %
Drug Mandatory Minimum Penalty				
None	635	65.2%	41.6%	32.1%
12 Months	26	76.9%	50.0%	42.3%
60 Months	871	65.8%	41.0%	31.3%
120 Months	1,314	55.5%	33.1%	26.6%
240 Months	56	58.9%	39.3%	32.1%
Life	5	100.0%	100.0%	80.0%
Weapon Enhancement				
No Weapon Enhancement	2,372	61.5%	37.6%	29.6%
Weapon Enhancement	581	58.0%	37.4%	28.6%
Safety Valve (All Offenders)				
No Safety Valve	2,193	64.7%	41.3%	32.7%
Safety Valve Applied	567	49.0%	26.1%	19.2%
Safety Valve (CHC I Offenders)				
No Safety Valve	348	45.4%	26.2%	20.1%
Safety Valve Applied	544	48.4%	25.6%	18.8%
Aggravating Role				
No Aggravating Role Adjustment	2,822	61.5%	38.2%	29.8%
Aggravating Role Adjustment Applied	131	45.8%	23.7%	20.6%
Mitigating Role				
No Mitigating Role Adjustment	2,697	61.3%	38.0%	29.9%
Mitigating Role/USSG §2D1.8 Applied	256	55.5%	32.4%	24.6%
Position Relative to the Guideline Range				
Within Range	1,645	60.1%	37.1%	28.6%
Above Range	5	60.0%	40.0%	40.0%
Substantial Assistance (USSG §5K1.1)	1,034	61.4%	37.5%	30.0%
Other Government Sponsored Below Range	8	75.0%	37.5%	37.5%
Non-Government Sponsored Below Range	187	60.4%	38.0%	27.3%

While states have improved the completeness of criminal history records, a recent federal study found significant gaps in reporting of dispositions following an arrest. Such gaps occur in the criminal records used in this report, and lead to an undercounting of reconvictions, since missing dispositions are treated herein as the absence of reconviction and reincarceration. See U.S. Government Accountability Office, Criminal History Records: Additional Actions Could Enhance the Completeness of Records Used for Employment-Related Background Checks (February 2015), <http://www.gao.gov/products/GAO-15-162>.

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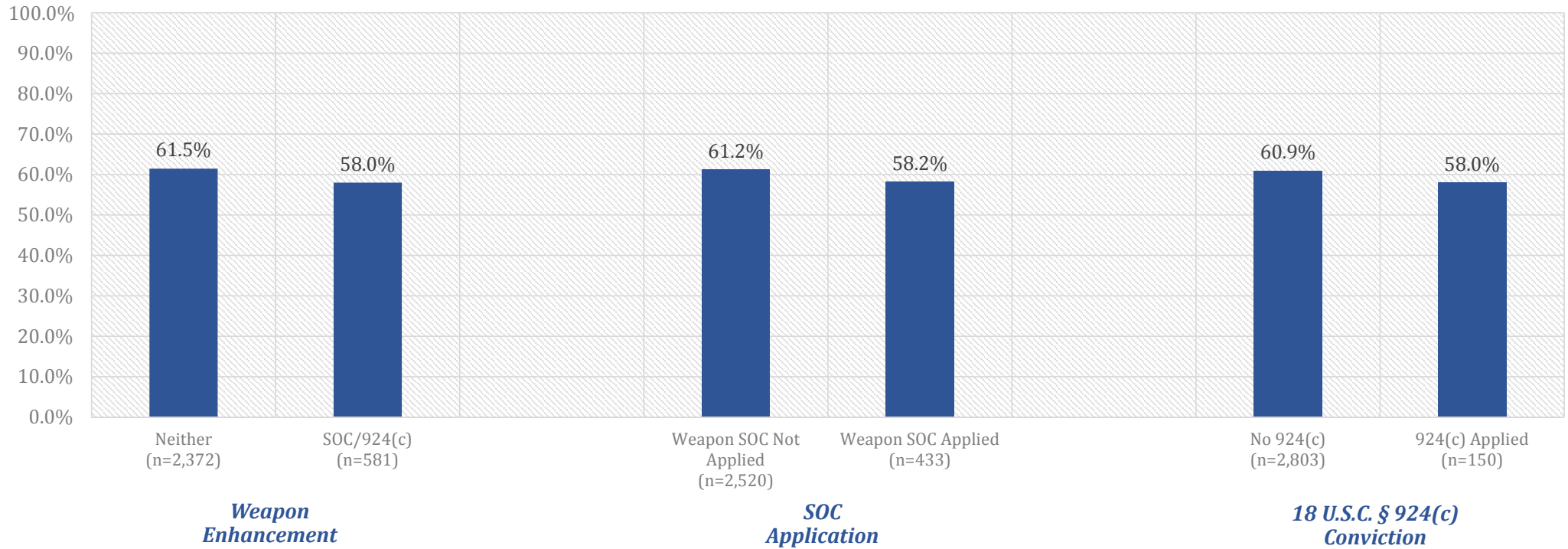
Rearrest, Reconviction, and Reincarceration Rates Across Selected Variables
Crack Cocaine Trafficking Offenders

	N	Rearrest %	Reconviction %	Reincarceration %
Length of Imprisonment				
Up to 6 Months	4	25.0%	0.0%	0.0%
6 to 11 Months	3	33.3%	33.3%	33.3%
12 to 23 Months	92	62.0%	40.2%	28.3%
24 to 59 Months	663	60.5%	36.7%	28.5%
60 to 120 Months	1,173	65.7%	40.7%	31.3%
More than 120 Months	960	56.2%	35.1%	28.5%
Age at Sentencing				
Younger than 21	215	76.7%	54.0%	44.7%
21 to 25	959	69.6%	44.8%	36.1%
26 to 30	823	60.0%	35.8%	27.3%
31 to 35	386	54.9%	30.8%	24.4%
36 to 40	243	55.6%	34.2%	22.2%
41 to 50	236	44.1%	24.6%	19.9%
51 to 60	77	20.8%	9.1%	7.8%
Older than 60	13	15.4%	7.7%	0.0%
Age at Release				
Younger than 21	8	62.5%	37.5%	25.0%
21 to 25	279	81.0%	55.9%	45.2%
26 to 30	768	68.4%	44.3%	35.3%
31 to 35	823	62.5%	37.3%	29.2%
36 to 40	474	54.2%	32.5%	24.3%
41 to 50	412	52.4%	29.9%	22.1%
51 to 60	150	30.7%	14.7%	13.3%
Older than 60	38	15.8%	10.5%	7.9%

While states have improved the completeness of criminal history records, a recent federal study found significant gaps in reporting of dispositions following an arrest. Such gaps occur in the criminal records used in this report, and lead to an undercounting of reconvictions, since missing dispositions are treated herein as the absence of reconviction and reincarceration. See U.S. Government Accountability Office, Criminal History Records: Additional Actions Could Enhance the Completeness of Records Used for Employment-Related Background Checks (February 2015), <http://www.gao.gov/products/GAO-15-162>.

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. For information about a given analysis, see the corresponding figure in the body of this report.

**Rearrest Rates for Recidivism Study Offenders by Weapon Enhancements
Crack Cocaine Trafficking Offenders**



SOURCE: U.S. Sentencing Commission’s 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from each analysis that were missing information necessary to perform the analysis. The weapon enhancement analysis includes offenders with a conviction under 18 U.S.C. § 924(c) and/or the application of a weapon enhancement under the guidelines.

Number of Recidivism Study Offenders by Fiscal Year Sentenced Heroin Trafficking Offenders

Fiscal Year Sentenced	N	%
1992	5	0.9%
1993	9	1.5%
1994	9	1.5%
1995	4	0.7%
1996	11	1.9%
1997	12	2.0%
1998	26	4.4%
1999	27	4.6%
2000	47	8.0%
2001	49	8.3%
2002	88	14.9%
2003	106	18.0%
2004	114	19.3%
2005	73	12.4%
2006	10	1.7%
TOTAL	590	100.0%

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT.

**Rearrest, Reconviction, and Reincarceration Rates Across Selected Variables
Heroin Trafficking Offenders**

	N	Rearrest %	Reconviction %	Reincarceration %
Total	590	47.1%	29.3%	21.0%
Criminal History Points				
0	252	31.4%	16.3%	11.1%
1	61	55.7%	37.7%	21.3%
2	29	51.7%	34.5%	13.8%
3	43	44.2%	27.9%	20.9%
4	24	41.7%	29.2%	20.8%
5	27	66.7%	40.7%	18.5%
6	21	47.6%	33.3%	28.6%
7	16	68.8%	31.3%	25.0%
8	18	72.2%	55.6%	33.3%
9	18	66.7%	50.0%	44.4%
10	10	80.0%	40.0%	30.0%
More than 10	68	69.1%	50.0%	48.5%
Criminal History Category				
CHC I	314	36.3%	20.4%	13.1%
CHC II	70	47.1%	30.0%	18.6%
CHC III	68	54.4%	36.8%	23.5%
CHC IV	46	73.9%	47.8%	37.0%
CHC V	21	71.4%	38.1%	33.3%
CHC VI	31	71.0%	54.8%	54.8%
Career Offender/Armed Career Criminal	36	61.1%	41.7%	36.1%
Base Offense Level				
6 to 24	150	57.3%	38.0%	30.0%
26 to 30	239	48.1%	29.7%	20.1%
32 to 42	183	37.7%	20.8%	14.8%

While states have improved the completeness of criminal history records, a recent federal study found significant gaps in reporting of dispositions following an arrest. Such gaps occur in the criminal records used in this report, and lead to an undercounting of reconvictions, since missing dispositions are treated herein as the absence of reconviction and reincarceration. See U.S. Government Accountability Office, Criminal History Records: Additional Actions Could Enhance the Completeness of Records Used for Employment-Related Background Checks (February 2015), <http://www.gao.gov/products/GAO-15-162>.

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. For information about a given analysis, see the corresponding figure in the body of this report.

**Rearrest, Reconviction, and Reincarceration Rates Across Selected Variables
Heroin Trafficking Offenders**

	N	Rearrest %	Reconviction %	Reincarceration %
Drug Mandatory Minimum Penalty				
None	233	52.4%	36.5%	27.0%
12 Months	3	66.7%	66.7%	66.7%
60 Months	185	44.3%	24.9%	16.2%
120 Months	154	42.9%	24.0%	16.9%
240 Months	6	0.0%	0.0%	0.0%
Life	3	66.7%	0.0%	0.0%
Weapon Enhancement				
No Weapon Enhancement	523	46.9%	29.3%	21.2%
Weapon Enhancement	67	49.3%	29.9%	19.4%
Safety Valve (All Offenders)				
No Safety Valve	340	52.1%	34.1%	25.6%
Safety Valve Applied	224	37.1%	21.0%	13.4%
Safety Valve (CHC I Offenders)				
No Safety Valve	90	34.4%	18.9%	12.2%
Safety Valve Applied	218	36.7%	21.1%	13.3%
Aggravating Role				
No Aggravating Role Adjustment	548	47.3%	29.4%	21.2%
Aggravating Role Adjustment Applied	42	45.2%	28.6%	19.1%
Mitigating Role				
No Mitigating Role Adjustment	415	50.8%	30.4%	22.7%
Mitigating Role/USSG §2D1.8 Applied	175	38.3%	26.9%	17.1%
Position Relative to the Guideline Range				
Within Range	350	47.4%	28.0%	18.6%
Above Range	2	0.0%	0.0%	0.0%
Substantial Assistance (USSG §5K1.1)	151	49.0%	31.1%	21.9%
Other Government Sponsored Below Range	6	83.3%	66.7%	66.7%
Non-Government Sponsored Below Range	61	39.3%	29.5%	27.9%

While states have improved the completeness of criminal history records, a recent federal study found significant gaps in reporting of dispositions following an arrest. Such gaps occur in the criminal records used in this report, and lead to an undercounting of reconvictions, since missing dispositions are treated herein as the absence of reconviction and reincarceration. See U.S. Government Accountability Office, Criminal History Records: Additional Actions Could Enhance the Completeness of Records Used for Employment-Related Background Checks (February 2015), <http://www.gao.gov/products/GAO-15-162>.

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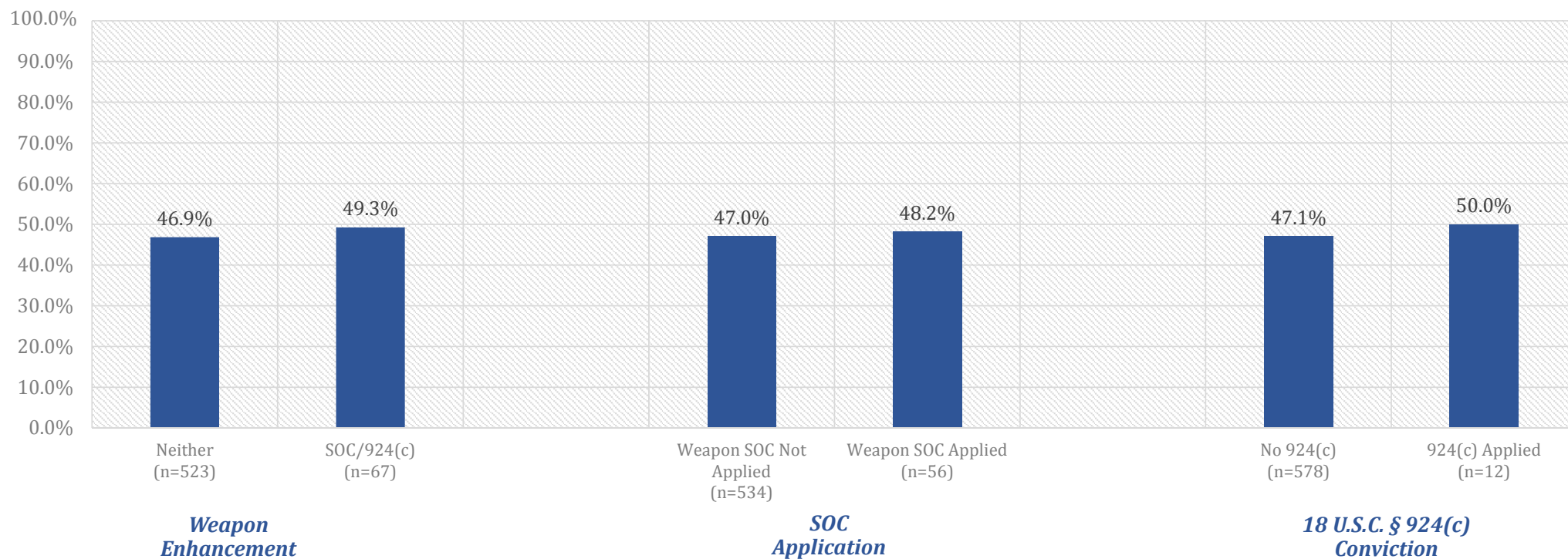
**Rearrest, Reconviction, and Reincarceration Rates Across Selected Variables
Heroin Trafficking Offenders**

	N	Rearrest %	Reconviction %	Reincarceration %
Length of Imprisonment				
Up to 6 Months	9	33.3%	22.2%	22.2%
6 to 11 Months	11	54.6%	45.5%	36.4%
12 to 23 Months	50	52.0%	36.0%	28.0%
24 to 59 Months	228	47.4%	31.6%	23.3%
60 to 120 Months	165	46.7%	24.2%	15.8%
More than 120 Months	81	49.4%	30.9%	23.5%
Age at Sentencing				
Younger than 21	27	51.9%	25.9%	22.2%
21 to 25	125	52.0%	37.6%	25.6%
26 to 30	130	51.5%	29.2%	18.5%
31 to 35	83	55.4%	32.5%	26.5%
36 to 40	78	42.3%	30.8%	23.1%
41 to 50	99	41.4%	21.2%	15.2%
51 to 60	38	29.0%	21.1%	18.4%
Older than 60	9	0.0%	0.0%	0.0%
Age at Release				
Younger than 21	3	33.3%	0.0%	0.0%
21 to 25	86	52.3%	37.2%	27.9%
26 to 30	108	47.2%	32.4%	20.4%
31 to 35	108	51.9%	29.6%	18.5%
36 to 40	84	53.6%	32.1%	25.0%
41 to 50	122	45.1%	24.6%	18.9%
51 to 60	59	37.3%	23.7%	22.0%
Older than 60	19	10.5%	10.5%	5.3%

While states have improved the completeness of criminal history records, a recent federal study found significant gaps in reporting of dispositions following an arrest. Such gaps occur in the criminal records used in this report, and lead to an undercounting of reconvictions, since missing dispositions are treated herein as the absence of reconviction and reincarceration. See U.S. Government Accountability Office, Criminal History Records: Additional Actions Could Enhance the Completeness of Records Used for Employment-Related Background Checks (February 2015), <http://www.gao.gov/products/GAO-15-162>.

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. For information about a given analysis, see the corresponding figure in the body of this report.

Rearrest Rates for Recidivism Study Offenders by Weapon Enhancements Heroin Trafficking Offenders



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from each analysis that were missing information necessary to perform the analysis. The weapon enhancement analysis includes offenders with a conviction under 18 U.S.C. § 924(c) and/or the application of a weapon enhancement under the guidelines.

**Number of Recidivism Study Offenders by Fiscal Year Sentenced
Marijuana Trafficking Offenders**

Fiscal Year Sentenced	N	%
1992	13	0.5%
1993	9	0.4%
1994	8	0.3%
1995	12	0.5%
1996	15	0.6%
1997	31	1.2%
1998	55	2.1%
1999	50	2.0%
2000	109	4.2%
2001	202	7.9%
2002	268	10.4%
2003	527	20.5%
2004	733	28.5%
2005	499	19.4%
2006	39	1.5%
TOTAL	2,570	100.0%

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT.

**Rearrest, Reconviction, and Reincarceration Rates Across Selected Variables
Marijuana Trafficking Offenders**

	N	Rearrest %	Reconviction %	Reincarceration %
Total	2,570	50.0%	30.6%	24.2%
Criminal History Points				
0	1,163	38.6%	21.8%	16.4%
1	373	50.4%	31.9%	23.3%
2	137	62.0%	34.3%	20.4%
3	217	53.5%	32.3%	29.5%
4	155	58.1%	36.8%	31.0%
5	112	61.6%	46.4%	37.5%
6	126	65.1%	36.5%	28.6%
7	56	64.3%	44.6%	35.7%
8	44	65.9%	45.5%	40.9%
9	32	71.9%	50.0%	43.8%
10	24	79.2%	50.0%	41.7%
More than 10	124	76.6%	54.8%	49.2%
Criminal History Category				
CHC I	1,535	41.5%	24.2%	18.1%
CHC II	357	56.6%	32.8%	25.8%
CHC III	387	62.0%	40.1%	32.6%
CHC IV	120	65.0%	47.5%	40.0%
CHC V	70	78.6%	52.9%	51.4%
CHC VI	59	79.7%	57.6%	47.5%
Career Offender/Armed Career Criminal	38	65.8%	39.5%	34.2%
Base Offense Level				
6 to 24	1,441	54.1%	33.9%	27.2%
26 to 30	895	46.5%	27.4%	21.8%
32 to 42	226	38.5%	23.0%	14.6%

While states have improved the completeness of criminal history records, a recent federal study found significant gaps in reporting of dispositions following an arrest. Such gaps occur in the criminal records used in this report, and lead to an undercounting of reconvictions, since missing dispositions are treated herein as the absence of reconviction and reincarceration. See U.S. Government Accountability Office, Criminal History Records: Additional Actions Could Enhance the Completeness of Records Used for Employment-Related Background Checks (February 2015), <http://www.gao.gov/products/GAO-15-162>.

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. For information about a given analysis, see the corresponding figure in the body of this report.

**Rearrest, Reconviction, and Reincarceration Rates Across Selected Variables
Marijuana Trafficking Offenders**

	N	Rearrest %	Reconviction %	Reincarceration %
Drug Mandatory Minimum Penalty				
None	1,517	55.5%	34.7%	27.8%
12 Months	5	60.0%	40.0%	40.0%
60 Months	781	44.6%	26.5%	20.7%
120 Months	248	35.1%	19.4%	13.3%
240 Months	6	16.7%	0.0%	0.0%
Life	0	-	-	-
Weapon Enhancement				
No Weapon Enhancement	2,353	50.3%	30.8%	24.4%
Weapon Enhancement	217	47.0%	29.0%	21.7%
Safety Valve (All Offenders)				
No Safety Valve	1,468	55.6%	34.6%	28.3%
Safety Valve Applied	1,067	42.6%	25.3%	18.9%
Safety Valve (CHC I Offenders)				
No Safety Valve	476	41.4%	23.5%	17.7%
Safety Valve Applied	1,042	41.8%	24.7%	18.5%
Aggravating Role				
No Aggravating Role Adjustment	2,387	50.7%	30.9%	24.6%
Aggravating Role Adjustment Applied	183	40.4%	26.8%	19.1%
Mitigating Role				
No Mitigating Role Adjustment	1,831	47.8%	29.3%	23.2%
Mitigating Role/USSG §2D1.8 Applied	739	55.4%	33.8%	26.5%
Position Relative to the Guideline Range				
Within Range	1,611	51.3%	31.2%	24.8%
Above Range	7	42.9%	28.6%	28.6%
Substantial Assistance (USSG §5K1.1)	569	44.3%	26.0%	19.7%
Other Government Sponsored Below Range	181	61.9%	43.1%	35.9%
Non-Government Sponsored Below Range	155	45.2%	28.4%	21.3%

While states have improved the completeness of criminal history records, a recent federal study found significant gaps in reporting of dispositions following an arrest. Such gaps occur in the criminal records used in this report, and lead to an undercounting of reconvictions, since missing dispositions are treated herein as the absence of reconviction and reincarceration. See U.S. Government Accountability Office, Criminal History Records: Additional Actions Could Enhance the Completeness of Records Used for Employment-Related Background Checks (February 2015), <http://www.gao.gov/products/GAO-15-162>.

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. For information about a given analysis, see the corresponding figure in the body of this report.

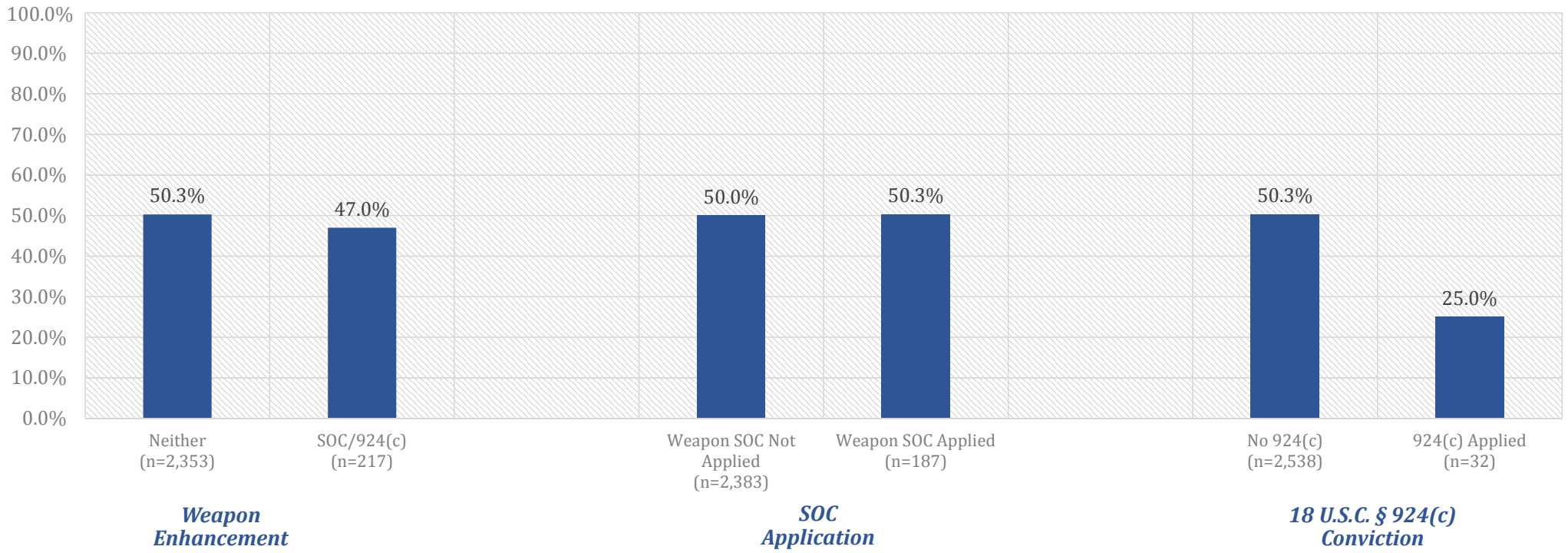
Rearrest, Reconviction, and Reincarceration Rates Across Selected Variables Marijuana Trafficking Offenders

	N	Rearrest %	Reconviction %	Reincarceration %
Length of Imprisonment				
Up to 6 Months	113	36.3%	20.4%	15.9%
6 to 11 Months	97	62.9%	40.2%	32.0%
12 to 23 Months	518	52.5%	30.3%	25.7%
24 to 59 Months	1,025	54.5%	34.7%	28.8%
60 to 120 Months	446	45.3%	27.1%	20.6%
More than 120 Months	129	45.0%	24.0%	17.1%
Age at Sentencing				
Younger than 21	195	65.1%	46.2%	38.0%
21 to 25	568	61.4%	39.4%	30.6%
26 to 30	521	57.0%	34.6%	27.3%
31 to 35	377	47.8%	29.2%	23.3%
36 to 40	282	47.2%	24.5%	20.2%
41 to 50	394	33.3%	18.5%	14.0%
51 to 60	187	29.4%	17.7%	13.4%
Older than 60	43	23.3%	14.0%	11.6%
Age at Release				
Younger than 21	94	63.8%	45.7%	35.1%
21 to 25	460	62.4%	43.9%	34.6%
26 to 30	493	59.0%	33.3%	26.4%
31 to 35	428	52.8%	31.8%	25.9%
36 to 40	301	49.8%	28.9%	23.3%
41 to 50	471	37.2%	21.7%	16.6%
51 to 60	250	30.0%	16.0%	12.4%
Older than 60	70	25.7%	15.7%	11.4%

While states have improved the completeness of criminal history records, a recent federal study found significant gaps in reporting of dispositions following an arrest. Such gaps occur in the criminal records used in this report, and lead to an undercounting of reconvictions, since missing dispositions are treated herein as the absence of reconviction and reincarceration. See U.S. Government Accountability Office, *Criminal History Records: Additional Actions Could Enhance the Completeness of Records Used for Employment-Related Background Checks* (February 2015), <http://www.gao.gov/products/GAO-15-162>.

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. For information about a given analysis, see the corresponding figure in the body of this report.

Rearrest Rates for Recidivism Study Offenders by Weapon Enhancements Marijuana Trafficking Offenders



SOURCE: U.S. Sentencing Commission’s 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from each analysis that were missing information necessary to perform the analysis. The weapon enhancement analysis includes offenders with a conviction under 18 U.S.C. § 924(c) and/or the application of a weapon enhancement under the guidelines.

**Number of Recidivism Study Offenders by Fiscal Year Sentenced
Methamphetamine Trafficking Offenders**

Fiscal Year Sentenced	N	%
1992	9	0.5%
1993	6	0.3%
1994	6	0.3%
1995	21	1.2%
1996	32	1.8%
1997	46	2.5%
1998	91	5.0%
1999	117	6.4%
2000	153	8.4%
2001	195	10.7%
2002	308	16.9%
2003	443	24.3%
2004	282	15.4%
2005	110	6.0%
2006	7	0.4%
TOTAL	1,826	100.0%

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT.

**Rearrest, Reconviction, and Reincarceration Rates Across Selected Variables
Methamphetamine Trafficking Offenders**

	N	Rearrest %	Reconviction %	Reincarceration %
Total	1,826	44.8%	29.5%	21.8%
Criminal History Points				
0	642	34.6%	23.1%	15.6%
1	314	40.8%	22.9%	16.6%
2	122	47.5%	32.0%	23.8%
3	151	43.1%	25.8%	19.9%
4	141	48.2%	26.2%	19.2%
5	85	51.8%	37.7%	30.6%
6	83	61.5%	44.6%	33.7%
7	60	46.7%	31.7%	25.0%
8	41	65.9%	41.5%	31.7%
9	41	65.9%	53.7%	46.3%
10	30	76.7%	56.7%	46.7%
More than 10	112	67.0%	51.8%	40.2%
Criminal History Category				
CHC I	957	36.6%	23.1%	15.9%
CHC II	275	45.5%	29.1%	21.8%
CHC III	304	53.0%	33.9%	26.0%
CHC IV	135	57.0%	40.7%	32.6%
CHC V	60	80.0%	56.7%	46.7%
CHC VI	64	60.9%	51.6%	42.2%
Career Offender/Armed Career Criminal	30	56.7%	40.0%	26.7%
Base Offense Level				
6 to 24	213	63.4%	44.1%	33.3%
26 to 30	731	48.8%	32.6%	25.3%
32 to 42	849	36.9%	23.0%	15.7%

While states have improved the completeness of criminal history records, a recent federal study found significant gaps in reporting of dispositions following an arrest. Such gaps occur in the criminal records used in this report, and lead to an undercounting of reconvictions, since missing dispositions are treated herein as the absence of reconviction and reincarceration. See U.S. Government Accountability Office, *Criminal History Records: Additional Actions Could Enhance the Completeness of Records Used for Employment-Related Background Checks* (February 2015), <http://www.gao.gov/products/GAO-15-162>.

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. For information about a given analysis, see the corresponding figure in the body of this report.

**Rearrest, Reconviction, and Reincarceration Rates Across Selected Variables
Methamphetamine Trafficking Offenders**

	N	Rearrest %	Reconviction %	Reincarceration %
Drug Mandatory Minimum Penalty				
None	529	55.2%	37.8%	27.0%
12 Months	10	50.0%	40.0%	30.0%
60 Months	547	46.4%	30.2%	23.6%
120 Months	707	36.9%	23.2%	16.8%
240 Months	23	13.0%	13.0%	8.7%
Life	1	100.0%	100.0%	100.0%
Weapon Enhancement				
No Weapon Enhancement	1,496	44.8%	29.3%	21.2%
Weapon Enhancement	330	44.9%	30.3%	24.6%
Safety Valve (All Offenders)				
No Safety Valve	1,131	50.1%	33.6%	25.3%
Safety Valve Applied	660	36.5%	22.6%	15.9%
Safety Valve (CHC I Offenders)				
No Safety Valve	293	38.2%	25.3%	16.4%
Safety Valve Applied	645	36.1%	22.2%	15.5%
Aggravating Role				
No Aggravating Role Adjustment	1,754	45.2%	29.7%	21.8%
Aggravating Role Adjustment Applied	72	34.7%	25.0%	22.2%
Mitigating Role				
No Mitigating Role Adjustment	1,491	45.3%	29.9%	21.9%
Mitigating Role/USSG §2D1.8 Applied	335	42.7%	27.8%	21.5%
Position Relative to the Guideline Range				
Within Range	837	45.4%	29.2%	21.9%
Above Range	3	66.7%	33.3%	33.3%
Substantial Assistance (USSG §5K1.1)	786	45.3%	31.0%	22.4%
Other Government Sponsored Below Range	13	30.8%	15.4%	7.7%
Non-Government Sponsored Below Range	140	41.4%	25.0%	18.6%

While states have improved the completeness of criminal history records, a recent federal study found significant gaps in reporting of dispositions following an arrest. Such gaps occur in the criminal records used in this report, and lead to an undercounting of reconvictions, since missing dispositions are treated herein as the absence of reconviction and reincarceration. See U.S. Government Accountability Office, Criminal History Records: Additional Actions Could Enhance the Completeness of Records Used for Employment-Related Background Checks (February 2015), <http://www.gao.gov/products/GAO-15-162>.

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. For information about a given analysis, see the corresponding figure in the body of this report.

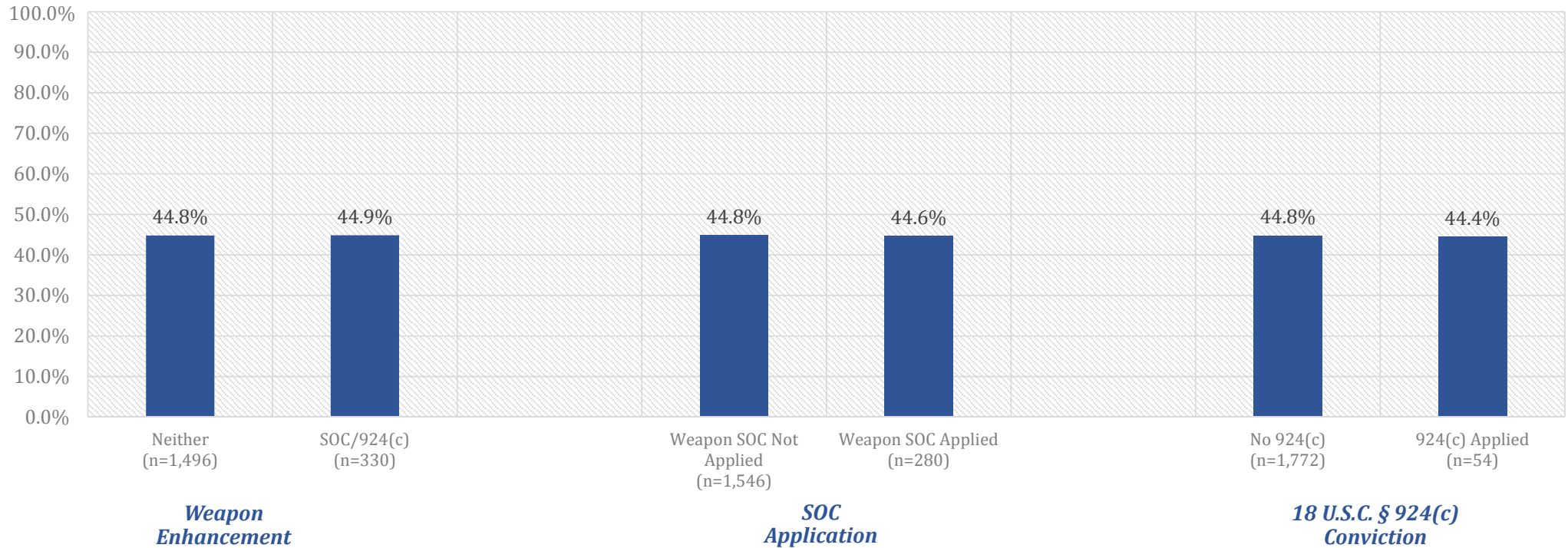
Rearrest, Reconviction, and Reincarceration Rates Across Selected Variables
Methamphetamine Trafficking Offenders

	N	Rearrest %	Reconviction %	Reincarceration %
Length of Imprisonment				
Up to 6 Months	10	50.0%	50.0%	0.0%
6 to 11 Months	21	52.4%	23.8%	14.3%
12 to 23 Months	111	44.1%	34.2%	27.0%
24 to 59 Months	724	45.3%	28.9%	21.6%
60 to 120 Months	631	46.4%	29.8%	23.1%
More than 120 Months	266	36.8%	25.2%	18.4%
Age at Sentencing				
Younger than 21	65	73.9%	56.9%	40.0%
21 to 25	314	58.3%	40.8%	31.2%
26 to 30	326	55.5%	36.2%	27.9%
31 to 35	339	45.1%	32.5%	23.9%
36 to 40	338	41.1%	24.3%	17.2%
41 to 50	349	27.8%	16.1%	11.5%
51 to 60	81	18.5%	7.4%	4.9%
Older than 60	13	7.7%	7.7%	0.0%
Age at Release				
Younger than 21	10	60.0%	50.0%	20.0%
21 to 25	196	59.2%	45.4%	34.2%
26 to 30	267	59.6%	39.0%	29.6%
31 to 35	326	52.5%	36.5%	27.9%
36 to 40	338	46.5%	28.1%	21.0%
41 to 50	491	35.6%	22.0%	15.3%
51 to 60	164	18.3%	9.8%	7.3%
Older than 60	33	9.1%	6.1%	3.0%

While states have improved the completeness of criminal history records, a recent federal study found significant gaps in reporting of dispositions following an arrest. Such gaps occur in the criminal records used in this report, and lead to an undercounting of reconvictions, since missing dispositions are treated herein as the absence of reconviction and reincarceration. See U.S. Government Accountability Office, Criminal History Records: Additional Actions Could Enhance the Completeness of Records Used for Employment-Related Background Checks (February 2015), <http://www.gao.gov/products/GAO-15-162>.

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. For information about a given analysis, see the corresponding figure in the body of this report.

Rearrest Rates for Recidivism Study Offenders by Weapon Enhancements Methamphetamine Trafficking Offenders



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. The Commission excluded cases from each analysis that were missing information necessary to perform the analysis. The weapon enhancement analysis includes offenders with a conviction under 18 U.S.C. § 924(c) and/or the application of a weapon enhancement under the guidelines.

**Number of Offenders in Each Length of Imprisonment and Criminal History Category Grouping
By Primary Drug Type**

	Length of Imprisonment			
	12 to 23 Months	24 to 59 Months	60 to 119 Months	120 Months or More
All Drugs Combined	N	N	N	N
Criminal History Category				
CHC I	641	2,319	1,182	560
CHC II	166	468	525	304
CHC III	135	539	701	411
CHC IV	39	220	353	199
CHC V	11	99	169	127
CHC VI	5	95	155	117
Powder Cocaine	N	N	N	N
Criminal History Category				
CHC I	100	607	320	175
CHC II	30	98	126	69
CHC III	21	105	131	81
CHC IV	7	43	60	32
CHC V	2	12	32	14
CHC VI	1	14	13	14
Crack Cocaine	N	N	N	N
Criminal History Category				
CHC I	41	324	331	210
CHC II	18	89	192	139
CHC III	20	120	301	229
CHC IV	9	63	156	120
CHC V	2	30	73	81
CHC VI	2	27	71	68

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. For information about a given analysis, see the corresponding figure in the body of this report. The numbers in the table represent the total number of offenders in each grouping, not the total number of offenders rearrested.

**Number of Offenders in Each Length of Imprisonment and Criminal History Category Grouping
By Primary Drug Type**

	Length of Imprisonment			
	12 to 23 Months	24 to 59 Months	60 to 119 Months	120 Months or More
Heroin	N	N	N	N
Criminal History Category				
CHC I	31	150	59	21
CHC II	8	26	21	7
CHC III	5	18	32	11
CHC IV	4	12	21	8
CHC V	1	7	9	4
CHC VI	1	9	13	7
Marijuana	N	N	N	N
Criminal History Category				
CHC I	345	589	185	48
CHC II	85	127	76	20
CHC III	71	176	89	24
CHC IV	12	55	38	8
CHC V	5	32	22	11
CHC VI	0	30	21	7
Methamphetamine	N	N	N	N
Criminal History Category				
CHC I	81	482	245	80
CHC II	13	96	95	58
CHC III	10	89	139	56
CHC IV	5	31	73	25
CHC V	1	15	30	13
CHC VI	1	9	34	20

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFUPDT. For information about a given analysis, see the corresponding figure in the body of this report. The numbers in the table represent the total number of offenders in each grouping, not the total number of offenders rearrested.

