



RECIDIVISM OF FEDERAL VIOLENT OFFENDERS RELEASED IN 2010

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INTRODUCTION

INTRODUCTION

This report is the fourth in a series continuing the United States Sentencing Commission's study of the recidivism of federal offenders.¹ In this report, the Commission provides an analysis of data on the recidivism of violent federal offenders released from incarceration or sentenced to a term of probation in 2010. It combines data regularly collected by the Commission with Federal Bureau of Investigation (FBI) criminal history records from all state and federal agencies for the offenders for the study.²

The Commission routinely studies recidivism among federal offenders as part of its continuing duty to collect, analyze, and report sentencing data.³ In 2013, the Commission began a multi-year study of the recidivism of federal offenders. The first report in that series, *Recidivism Among Federal Offenders: A Comprehensive Overview*,⁴ provided an examination

of recidivism among federal offenders released in 2005. As part of that series of reports, the Commission published *Recidivism Among Federal Violent Offenders*, which demonstrated the greater recidivism rates of violent offenders compared to non-violent offenders.⁵

The Commission further explored the relationship between violence and recidivism for specific offender groups. In 2016, the Commission published *Report to the Congress: Career Offender Sentencing Enhancements*, which demonstrated the impact of prior and instant violent offenses on the recidivism of career offenders.⁶ Most recently, the Commission published *Federal Armed Career Criminals: Prevalence, Patterns, and Pathways*, which further demonstrated the impact of prior violent offenses on the recidivism of armed career criminals.⁷

This report continues the Commission's work in studying the recidivism of violent federal offenders by providing data relating to a new cohort of U.S. citizen federal offenders who were released from prison or sentenced to probation in calendar year 2010. Consistent with its prior work, the Commission categorized violent offenders into two groups:

- **Violent Instant Offenders:** Federal offenders who engaged in violent criminal conduct as part of their instant federal offense.
- **Violent Prior Offenders:** Federal offenders who had been arrested for a violent offense in their past but were not categorized as violent offenders based on their instant federal offense.

Non-violent offenders are the point of comparison for violent offenders in this report. The Commission categorized non-violent offenders as offenders who did not engage in violence as part of their instant federal offense and had no prior arrests for a violent offense.

This report provides an opportunity to examine the recidivism of violent offenders in the context of major changes in the federal criminal justice system. The offenders in this study were sentenced and released in conjunction with two significant transformations in federal sentencing and supervision. First, the U.S. Supreme Court's January 12, 2005 decision in *United States v. Booker* effectively rendered the guidelines

advisory.⁸ Offenders in this study were sentenced between 1990 and 2010. Over three-quarters (76.4%) of violent offenders were sentenced after *Booker* was decided in 2005. Therefore, the majority of these offenders were sentenced under the advisory guideline system which increased judicial discretion to impose sentences outside of the guidelines. Second, in 2009, the Administrative Office of the United States Courts (AO) began implementing new evidence-based practices in offender supervision.⁹ The Federal Probation and

Pretrial Services Office (PPSO) adopted the Federal Post Conviction Risk Assessment (PCRA), a risk assessment tool that incorporates criminogenic factors related to recidivism to improve supervision outcomes.¹⁰ The Commission's recidivism study was not designed to measure the effects of these sentencing and supervision changes. Nevertheless, comparing the recidivism patterns of offenders released before and after these changes provides some insight into the possible impact of increased judicial discretion and evidence-based supervision programs.

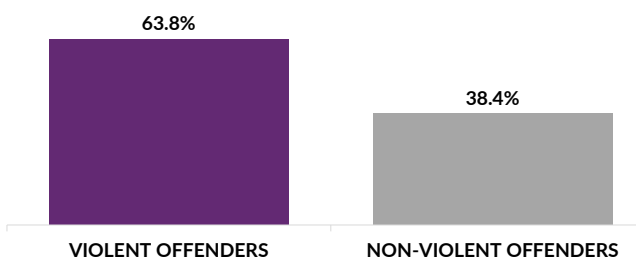
KEY FINDINGS

1 This study demonstrated substantially greater recidivism among violent federal offenders compared to non-violent federal offenders.

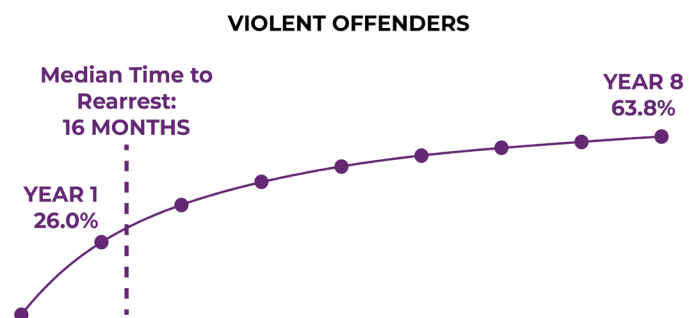
- The recidivism rates of violent and non-violent offenders released in 2005 and 2010 remained unchanged despite two intervening major developments in the federal criminal justice system—the Supreme Court’s decision in *Booker* and increased use of evidence-based practices in federal supervision.
- This finding is consistent with other Commission reports demonstrating higher recidivism among violent offenders including the *2019 Violence Recidivism Report*,¹¹ the *Armed Career Criminal Report*,¹² and the *Career Offender Report*.¹³

2 Violent offenders recidivated at a higher rate than non-violent offenders. Over an eight-year follow-up period, nearly two-thirds (63.8%) of violent offenders released in 2010 were rearrested, compared to more than one-third (38.4%) of non-violent offenders.

REARREST RATE



3 Violent offenders recidivated more quickly than non-violent offenders. The median time to rearrest was 16 months for violent offenders and 22 months for non-violent offenders.



4 Among offenders who were rearrested, violent offenders were rearrested for a violent offense at a higher rate than non-violent offenders, 38.9 percent compared to 22.0 percent.

- Assault was the most common type of rearrest for both violent and non-violent offenders, but a larger proportion of violent offenders (24.9%) than non-violent offenders (15.4%) were rearrested for assault.

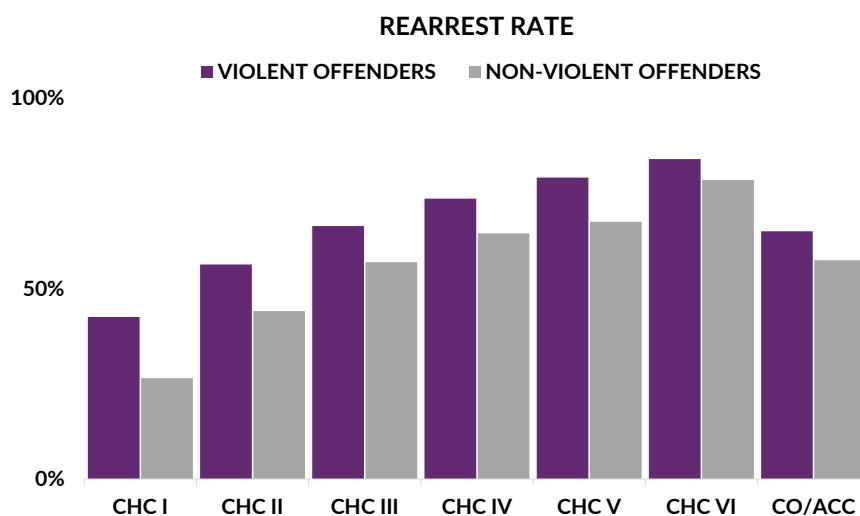
5 Age at release is strongly correlated with recidivism for both violent and non-violent offenders. Rearrest rates decrease steadily with each age group for both groups of offenders. However, violent offenders had higher rearrest rates than non-violent offenders in each age group. Among offenders aged 60 and older, the oldest group of offenders studied, 25.1 percent of violent offenders were rearrested compared to 11.5 percent of non-violent offenders.

6 Criminal History Category (CHC) is strongly correlated with recidivism for both violent and non-violent offenders. Rearrest rates increase steadily with each CHC for both groups of offenders. However, violent offenders had higher rearrest rates than non-violent offenders in every CHC.

7 Analyzed separately, violent instant offenders (59.9%) and violent prior offenders (64.8%) were rearrested at a higher rate than non-violent offenders (38.4%).

- Among offenders who were rearrested, offenders with a violent instant offense (45.5%) and offenders with a violent prior offense (37.1%) were arrested for a new violent offense more often than non-violent offenders (22.0%).

8 The current recidivism findings for violent and non-violent offenders released in 2010 replicate the Commission’s findings for offenders released in 2005. Nearly two-thirds (63.8%) of violent offenders released in 2010 were rearrested, the same rate for violent offenders released in 2005 (63.8%).¹⁴ More than one-third (38.4%) of non-violent offenders released in 2010 were rearrested, a comparable rate to non-violent offenders released in 2005 (39.8%).¹⁵



SCOPE OF ANALYSIS

Offender Cohort

This report uses data from the Commission’s ongoing recidivism studies to provide a comprehensive analysis of the recidivism of federal offenders who were released from prison or sentenced to probation in 2010. The offenders in the study cohort were identified in cooperation with the Federal Bureau of Prisons (BOP) and the AO. The BOP provided identifying information, release dates, and other pertinent information for the Commission to identify offenders released from prison. The AO provided identifying information, some revocation information, and other pertinent information for offenders sentenced to probation.

This report uses data compiled as part of a data sharing agreement with the FBI’s Criminal Justice Information Services Division.¹⁶ Through this agreement, the Commission collected and processed criminal history records from all state and federal agencies for the offenders in the study.¹⁷ The Commission combined this criminal record data with data routinely collected about these offenders when

SUMMARY OF ANALYSIS

2010

YEAR OF RELEASE

32,135

TOTAL OFFENDERS STUDIED

13,883

VIOLENT OFFENDERS

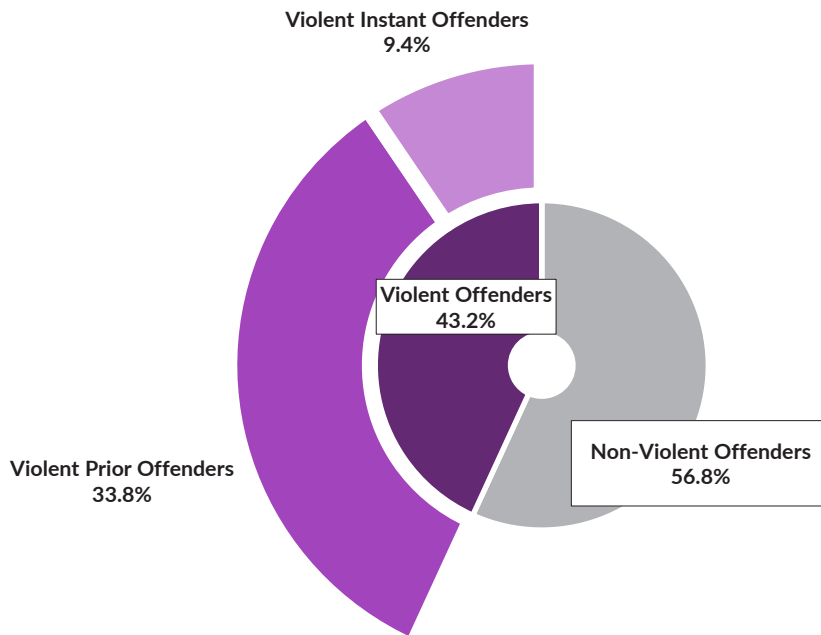
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YEAR FOLLOW-UP

they were originally sentenced.¹⁸ The final study group comprised 32,135 offenders who satisfied the following criteria:

- United States citizens;
- Re-entered the community during 2010 after discharging their sentence of incarceration or by commencing a term of probation;
- Not reported dead, escaped, or detained;¹⁹
- Have valid FBI numbers located in criminal history repositories (in at least one state, the District of Columbia, or federal records).

Figure 1. Violent Offense Conduct for Federal Offenders Released in 2010



This report examines violent federal offenders in two distinct categories: (1) offenders with a violent instant offense and (2) offenders who were arrested for a violent offense in the past but not categorized as violent based on their instant federal offense.

Violent instant offenses were defined based on the sentencing guideline(s) applied.²⁰ In cases where multiple Chapter Two guidelines applied because the offender had multiple counts of conviction for different offenses, this report identifies the offender as violent if any of the guidelines applied were for a violent offense, regardless of whether that guideline ultimately produced the highest offense level (*i.e.*, the primary guideline).²¹

Violent prior offenses were determined from criminal records provided from the FBI's Criminal Justice Information Services.²² This report identifies violent prior offenders as those with any violent offense present in their arrest information.²³

Non-violent offenders are federal offenders who were not sentenced for a violent offense for the instant federal offense and who were never arrested for a violent crime in their past.

This report compares the 13,883 violent offenders, comprised of 3,020 violent instant offenders and 10,863 violent prior offenders, with 18,252 non-violent offenders (Figure 1).²⁴ This analysis includes comparisons of offender and offense characteristics, and recidivism

findings, including the offenders' time to rearrest, most serious type of rearrest, and age and criminal history. The first set of analyses provide a comparison of all violent offenders in the study to non-violent offenders. Subsequent analyses provide comparisons of (1) violent instant offenders to non-violent offenders, (2) violent prior offenders to non-violent offenders, and (3) rearrest findings from this study to findings for the 2005 cohort analyzed in the *2019 Violence Recidivism Report*.²⁵

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.”²⁶ Recidivism measures can provide policy makers with information regarding the relative threat to public safety posed by various types of offenders, and the effectiveness of some public safety initiatives in deterring crime and rehabilitating offenders.²⁷ Recidivism measures are used by numerous public safety agencies to measure program performance and inform policy decisions on issues such as pretrial detention, prisoner classification and programming, and offender supervision in the community.²⁸

Two measures are foundational to recidivism research, both of which can impact the outcomes of recidivism analyses. The first measure is the type of event used to indicate a relapse into criminal behavior. Recidivism typically is measured by criminal acts that resulted in the rearrest, reconviction, or reincarceration of an offender.²⁹ The Commission used rearrest for this study for several reasons. Rearrest is the most commonly used measure and is the primary measure of recidivism used by federal agencies in recent recidivism studies.³⁰ Federal agencies use rearrest as the primary recidivism measure because it is a more reliable measure than reconviction and reincarceration due to the incomplete nature of disposition data. Criminal records often fail to include reconvictions and reincarcerations because jurisdictions inconsistently report them.

The records the Commission used to compile the data for this study reflect this inconsistency. For example, records for 44.1 percent of rearrest charges had no associated disposition information. The incomplete nature of disposition data used to identify reconviction and reincarceration events makes them unreliable measures of recidivism.

However, using rearrest does result in higher recidivism rates than reconviction or reincarceration. Not only are rearrests more consistently reported, but also the evidentiary standard for an arrest (probable cause) is less stringent than the evidentiary standard for a conviction and incarceration (beyond a reasonable doubt). Because not all arrests result in conviction or incarceration, rearrests can overstate recidivism.³¹ The Commission's rearrest measure also includes arrests for alleged violations (or revocations) of supervised release, probation, or state parole, which also can contribute to increased overall recidivism rates. The Commission, however, excluded rearrests for minor traffic offenses.

The second component of measuring recidivism is the "follow-up period," the period of time over which events are counted following re-entry into the

community. After a starting event—in this study, release from prison into the community or placement on probation—recidivism events are documented through the end of the follow-up period. Follow-up period length varies across recidivism studies. Due to limitations on available data, some studies follow offenders for as little as six months. Other studies follow offenders for several years. Tracking offenders for a longer duration provides a more accurate, and often higher, estimate of recidivism or desistance from crime.³² The Commission used an eight-year follow-up period.³³ For offenders who recidivated during the study period, the analysis examines the elapsed time from release to rearrest as well as the types of offenses at rearrest. In addition, the report compares the recidivism outcomes of violent offenders released in 2010 to those released in 2005.

VIOLENT AND NON-VIOLENT OFFENDERS

VIOLENT AND NON-VIOLENT OFFENDERS

Offender Characteristics

Violent offenders differ from non-violent offenders across a number of characteristics. As shown in Table 1, Black offenders account for a larger proportion of violent offenders compared to non-violent offenders, 45.1 percent and 28.6 percent, respectively. In contrast, White offenders account for a smaller proportion of violent offenders compared to non-violent offenders, 34.5 percent and 46.3 percent. Hispanic offenders comprise 14.8 percent of violent offenders and 20.6 percent of non-violent offenders.³⁴

Male offenders comprise the majority of both violent offenders (91.6%) and non-violent offenders (76.0%). More than half of the offenders in each study group were high school graduates; 59.0 percent of violent offenders graduated high school, including 2.7 percent who graduated college. In comparison, 69.8 percent of non-violent offenders were high school graduates, including 9.1 percent who graduated college.

Violent offenders were younger at sentencing than non-violent offenders. At the time of sentencing, the average age of violent offenders was 34 and the average

Table 1. Offender Characteristics for Violent and Non-Violent Federal Offenders Released in 2010

| Offender Characteristics | VIOLENT OFFENDERS | NON-VIOLENT OFFENDERS |
|--------------------------|-------------------|-----------------------|
| Race/Ethnicity | | |
| White | 34.5% | 46.3% |
| Black | 45.1% | 28.6% |
| Hispanic | 14.8% | 20.6% |
| Other | 5.6% | 4.5% |
| Gender | | |
| Male | 91.6% | 76.0% |
| Female | 8.4% | 24.0% |
| Education | | |
| Less than High School | 41.0% | 30.2% |
| High School Graduate | 40.5% | 36.9% |
| Some College | 15.8% | 23.8% |
| College Graduate | 2.7% | 9.1% |
| Age at Sentencing | | |
| Average | 34 | 36 |
| Median | 32 | 34 |
| Age at Release | | |
| Average | 38 | 38 |
| Median | 37 | 36 |

age of non-violent offenders was 36. However, the average age at release was the same for the two groups of offenders; both violent and non-violent offenders averaged 38 years of age at release.

Criminal History

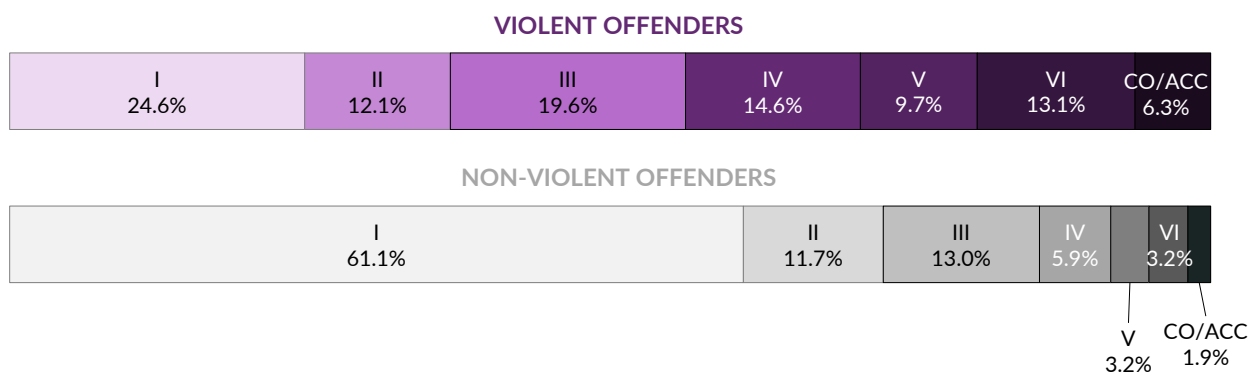
Chapter Four of the *Guidelines Manual* provides for the calculation of a criminal history score based primarily on the type of sentence imposed and the length of any prior sentence of imprisonment, among other considerations (e.g., sentences imposed within time periods specified in the guidelines).³⁵ The guidelines provide rules to determine the total number of criminal history points applicable to an offender’s prior convictions, which, in turn, determine the offender’s CHC in the Sentencing Table.³⁶ For example, three points are assigned for each prior sentence of imprisonment exceeding one year and one month. In addition to points for prior sentences, two additional points are added if the defendant committed the federal

offense while under any criminal justice sentence, such as probation. Also, an additional point is added for a sentence resulting from a conviction of a crime of violence that otherwise was not assigned points. The total number of criminal history points determine the offender’s CHC, ranging from I to VI.³⁷

Violent offenders have more extensive criminal history than non-violent offenders. As shown in Figure 2, approximately one-quarter (24.6%) of violent offenders were in CHC I, the least serious category, with zero or one criminal history points assigned. The proportion of non-violent offenders in CHC I was nearly two and one-half times higher at 61.1 percent. At the other end of the spectrum, 13.1 percent of violent offenders were in the most serious CHC of VI, compared to only 3.2 percent of non-violent offenders.

In addition to CHC, the guidelines provide for enhanced penalties for some repeat offenders; two of those

Figure 2. Criminal History Category for Violent and Non-Violent Federal Offenders

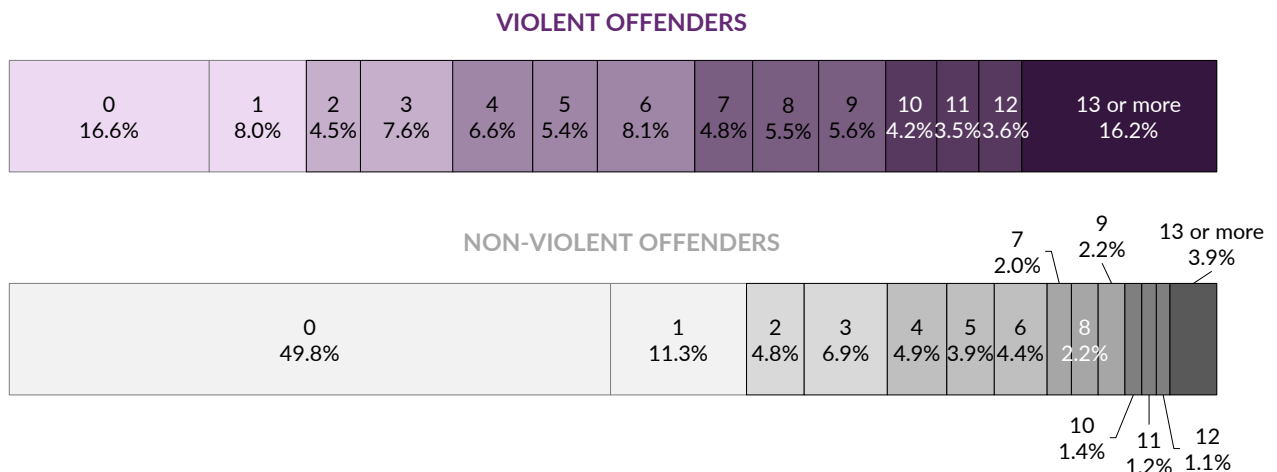


provisions are pertinent to this study. First, §4B1.1 (Career Offender) provides enhanced penalties for offenders with an instant felony conviction for a “crime of violence” or a “controlled substance offense” (as those terms are defined in §4B1.2) and who have at least two prior felony convictions for such offenses.³⁸ Second, §4B1.4 (Armed Career Criminal) provides enhanced penalties for armed career criminals pursuant to 18 U.S.C. § 924(e), the Armed Career Criminal Act (ACCA).³⁹ The ACCA and, in turn, §4B1.4, provide increased sentences for offenders who were convicted under 18 U.S.C. § 922(g) and who have at least

three prior convictions for a “violent felony” or a “serious drug offense.”⁴⁰ These enhancements applied to a small number of offenders in this study; 6.3 percent of violent offenders and 1.9 percent of non-violent offenders were sentenced under the career offender or armed career criminal provisions.⁴¹

Comparing the criminal history points underlying the CHCs for the two groups of offenders further emphasizes their differences. Offenders with zero criminal history points had either no prior arrests or one or more of the following: prior arrests that did not result in convictions,

Figure 3. Criminal History Points for Violent and Non-Violent Federal Offenders Released in 2010



convictions that did not qualify for criminal history points, or convictions that qualified for points but were sentenced outside the time period specified by the guidelines. As shown in Figure 3, 16.6 percent of violent offenders had zero criminal history points, compared to nearly half (49.8%) of non-violent offenders. At the other end of the spectrum, violent offenders were assigned 13 or more criminal history points at a rate four times higher than non-violent offenders, with proportions of 16.2 percent and 3.9 percent, respectively.

Sentences Originally Imposed

The offenders in the study group were originally sentenced between 1990 and 2010.⁴² As noted in the 2021 *Recidivism Overview Report*, the majority (83.1%) of federal offenders in the study were sentenced after January 12, 2005, the date of the Supreme Court’s decision in *Booker*,⁴³ which rendered the sentencing guidelines advisory. Just over three-quarters (76.4%) of violent offenders were sentenced after *Booker* compared to 88.2 percent of non-violent offenders (Figure 4). In addition, all of the offenders in the study were released (or sentenced to probation) during the PPSO’s implementation of more comprehensive evidence-based supervision practices and use of the PCRA.⁴⁴

Figure 4. Sentences Imposed Before and After *United States v. Booker* for Violent and Non-Violent Federal Offenders Released in 2010

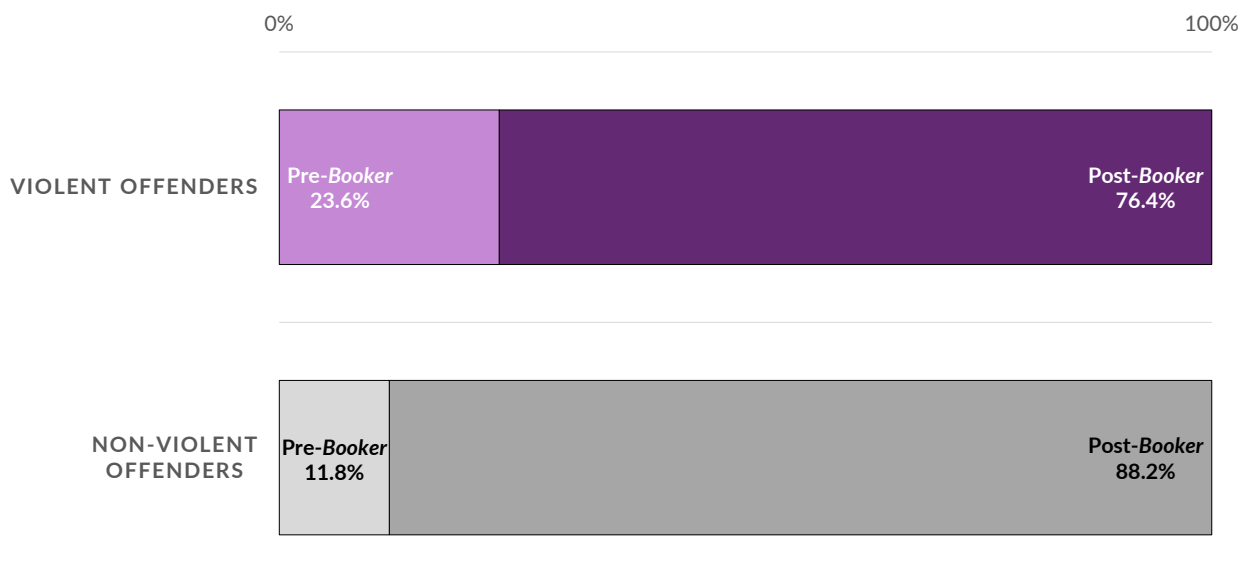


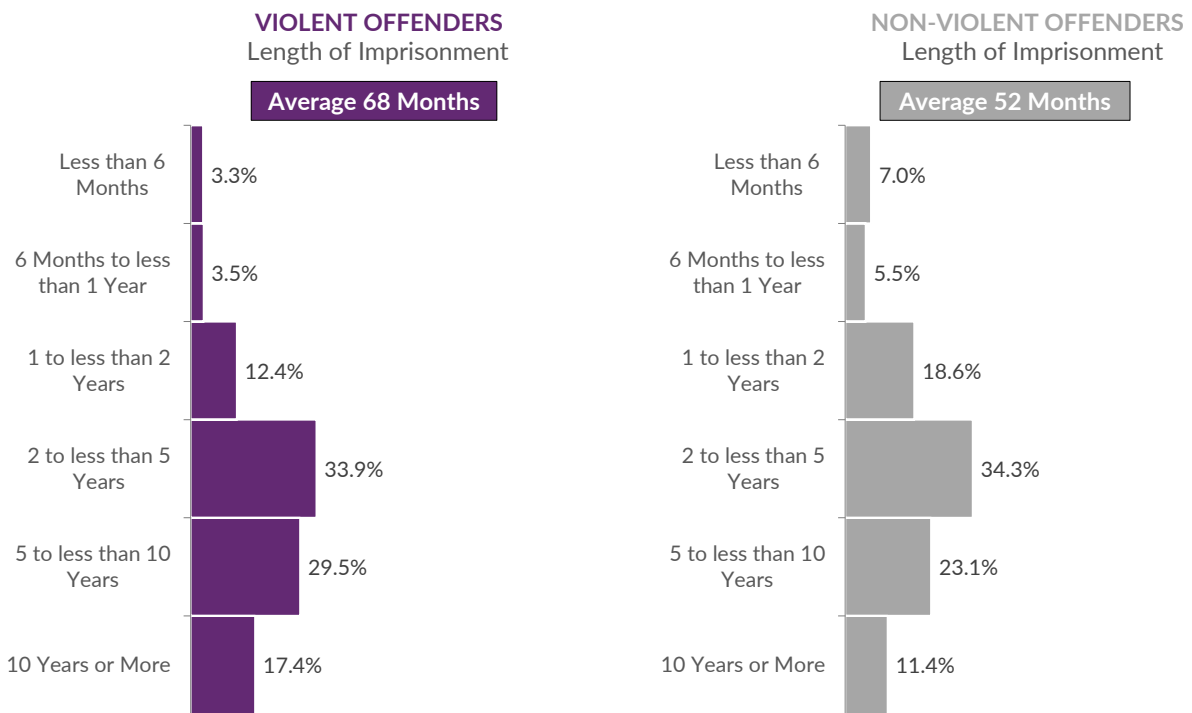
Figure 5. Type of Sentence Imposed for Violent and Non-Violent Federal Offenders Released in 2010



Sentences originally imposed for violent offenders were more serious than for non-violent offenders. The overwhelming majority (92.4%) of violent offenders were sentenced to prison, compared to slightly more than three-quarters (78.4%) of non-violent offenders (Figure 5).⁴⁵

Sentences originally imposed for violent offenders also were longer compared to those imposed for non-violent offenders. The average sentence imposed for all violent offenders was 63 months.⁴⁶ In comparison, the average sentence for non-violent offenders was 42 months. For violent offenders sentenced to prison, the average imprisonment term was 68 months, compared to 52 months for non-violent offenders.

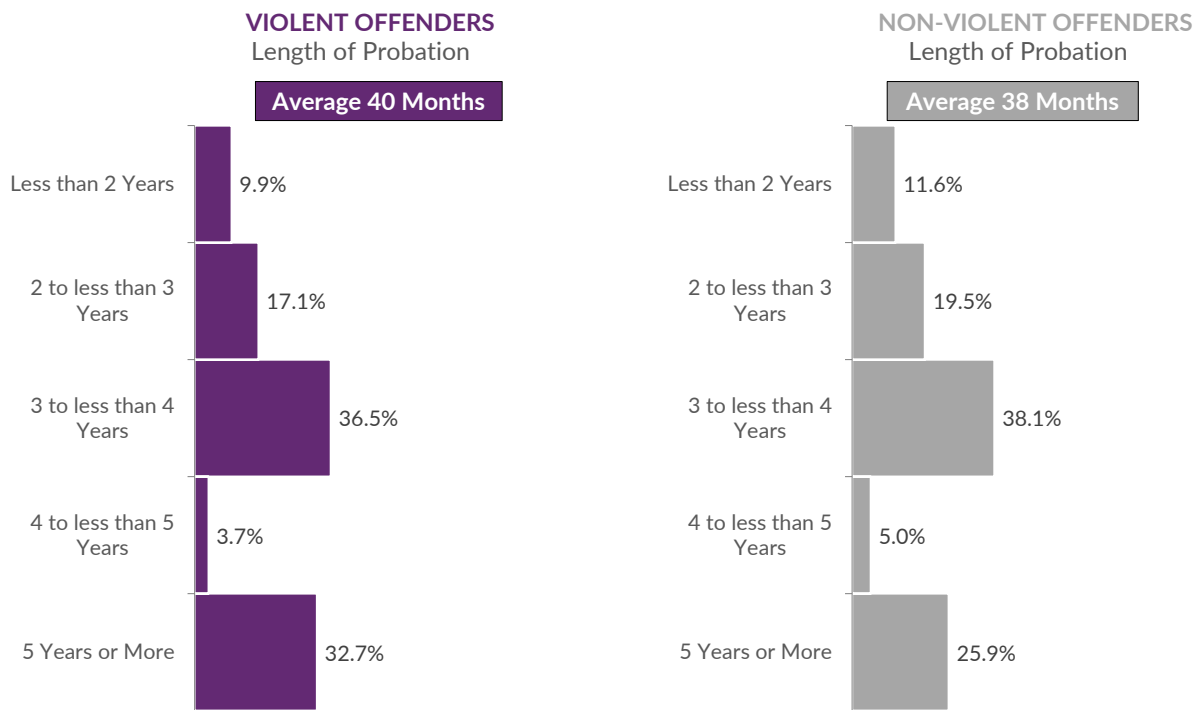
Figure 6. Length of Imprisonment for Violent and Non-Violent Federal Offenders Released in 2010



The majority (63.4%) of violent offenders sentenced to prison were sentenced to terms of imprisonment ranging from two years to less than ten years; a slightly smaller proportion (57.4%) of non-violent offenders were sentenced

to terms of the same length (Figure 6). Offenders sentenced to prison terms of ten years or longer accounted for 17.4 percent of violent offenders and 11.4 percent of non-violent offenders.⁴⁷

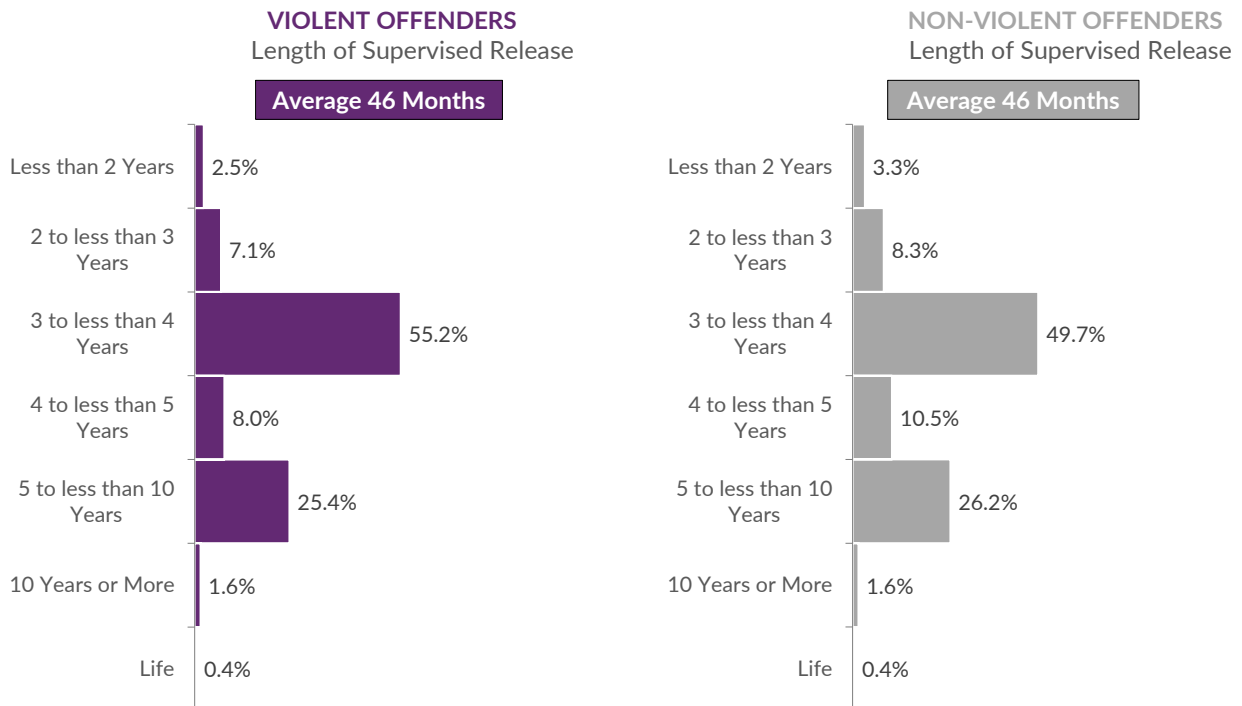
Figure 7. Length of Probation for Violent and Non-Violent Federal Offenders Released in 2010



Among those offenders not sentenced to a term of imprisonment, the average term of probation imposed was similar for violent offenders and non-violent offenders, 40 months and 38 months, respectively. As shown in Figure 7, courts most often imposed probation terms of three to less than four years for both violent (36.5%) and non-violent (38.1%) offenders.

Section 5D1.1 (Imposition of a Term of Supervised Release) of the Guidelines Manual provides that courts may impose a term of supervised release following a sentence of imprisonment for any felony or misdemeanor and must do so if required by statute.⁴⁸ Nearly all offenders in the study were sentenced to some type of supervision (probation or supervised release following imprisonment), 99.3 percent of violent offenders and 99.5

Figure 8. Length of Supervised Release for Violent and Non-Violent Federal Offenders Released in 2010



percent of non-violent offenders. When focusing on offenders sentenced to prison, nearly all violent (99.4%) and non-violent (99.4%) offenders were sentenced to subsequent terms of supervised release. The average term of supervised release imposed was 46 months for both violent offenders and non-violent offenders. As

shown in Figure 8, courts most often imposed supervised release terms of three to less than four years for both violent (55.2%) and non-violent (49.7%) offenders. Only two percent of both violent and non-violent offenders were sentenced to terms of supervised release of ten years or more (1.6%), or life (0.4%).

Recidivism Findings

Violent offenders were rearrested at a substantially higher rate than non-violent offenders. During the eight-year study period, 63.8 percent of violent offenders were rearrested, compared to 38.4 percent of non-violent offenders (Table 2).⁴⁹ In addition, violent offenders were rearrested sooner than non-violent offenders. Among violent offenders who were rearrested, the median time to rearrest was 16 months. For one-half of violent offenders who were rearrested, the first rearrest occurred under one and one-half years following their initial release into the community. In comparison, the median time to rearrest for non-violent offenders was 22 months, just under two years following their initial release into the community. Among offenders who were rearrested, violent offenders had more rearrests (median of three) compared to non-violent offenders (median of two).

Violent offenders were rearrested for a violent offense at a substantially higher rate compared to non-violent offenders, 38.9 percent and 22.0 percent, respectively. Assault was the most serious and most common offense at rearrest for both groups of offenders, but violent offenders had a higher rate of rearrest for assault (24.9%) compared to non-violent offenders (15.4%).

Among those offenders who recidivated, violent offenders were older than non-violent offenders at the time of release. For violent offenders who were rearrested, the median age at release was 35; non-violent offenders who were rearrested were younger, with a median age at release of 32.

Table 2. Overall Rearrest Findings for Violent and Non-Violent Federal Offenders Released in 2010

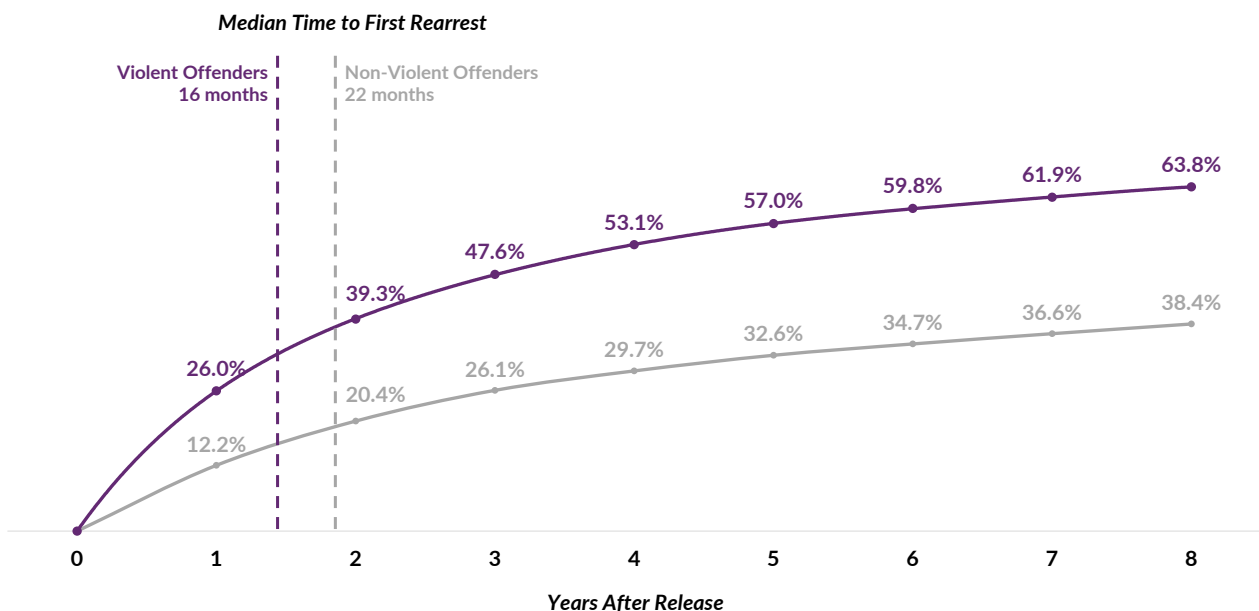
| | VIOLENT OFFENDERS | NON-VIOLENT OFFENDERS |
|----------------------------------|-------------------|-----------------------|
| Percent Rearrested | 63.8% | 38.4% |
| Median Months to Rearrest | 16 | 22 |
| Median Number of Rearrests | 3 | 2 |
| Violent Rearrest | 38.9% | 22.0% |
| Most Common Post Release Offense | Assault (24.9%) | Assault (15.4%) |
| Median Age at Release | 35 | 32 |

Timing of Rearrest

The largest proportion of rearrests occurred soon after release and steadily decreased over time for both violent offenders and non-violent offenders. However, the rearrest rates consistently were higher for violent offenders than for non-violent offenders. During the first year after release, violent offenders were rearrested at twice the rate of non-violent offenders, 26.0 percent compared to 12.2 percent (Figure 9). The decreasing trends in rearrest during the eight-year period

were similar for both groups of offenders. For example, 13.3 percent of violent offenders were rearrested for the first time in the second year after release and 8.3 percent in the third year. Only 1.9 percent of violent offenders were rearrested for the first time in the eighth year. Similarly, 8.2 percent of non-violent offenders were rearrested for the first time in the second year after release and 5.7 percent in the third year. Only 1.8 percent of non-violent offenders were rearrested for the first time in the eighth year.

Figure 9. Time to Rearrest for Violent and Non-Violent Federal Offenders Released in 2010



Rearrests and Federal Supervision Status

For each rearrested violent and non-violent offender, the Commission compared the length of supervision term imposed to the elapsed time prior to rearrest to provide a proxy of the offenders' supervision status at the time of rearrest. Although the data for this study included the length of supervision terms imposed, it did not include supervision status at the time of rearrest.⁵⁰ Nearly all of the violent (99.3%) and non-violent (99.5%) offenders in the study originally were sentenced to a term of federal supervision (either probation or supervised release following imprisonment) with an average term of 45 months for violent offenders and 44 months for non-violent offenders. Because almost all of the supervision terms imposed were shorter than the eight-year follow-up period,⁵¹ a large proportion of offenders in both groups had the opportunity to successfully complete their originally imposed supervision terms prior to the end of the study period.

Among offenders sentenced to supervision, a larger proportion of violent offenders were rearrested compared to non-violent offenders. Overall, 63.7 percent of violent offenders and 38.3 percent of non-violent offenders originally sentenced to any term of supervision were rearrested during the study period. Based on the length of terms imposed, most offenders in both groups were rearrested prior to the end of those terms. As shown in Figure 10, among violent offenders who were sentenced to a term of supervision and rearrested, 78.8 percent were rearrested earlier than the expiration of their originally imposed supervision term. Similarly, among non-violent offenders who were sentenced to a term of supervision and rearrested, 73.1 percent were rearrested earlier than the expiration of their originally imposed supervision term.

Figure 10. Rearrests by Supervision Status for Violent and Non-Violent Federal Offenders Released in 2010



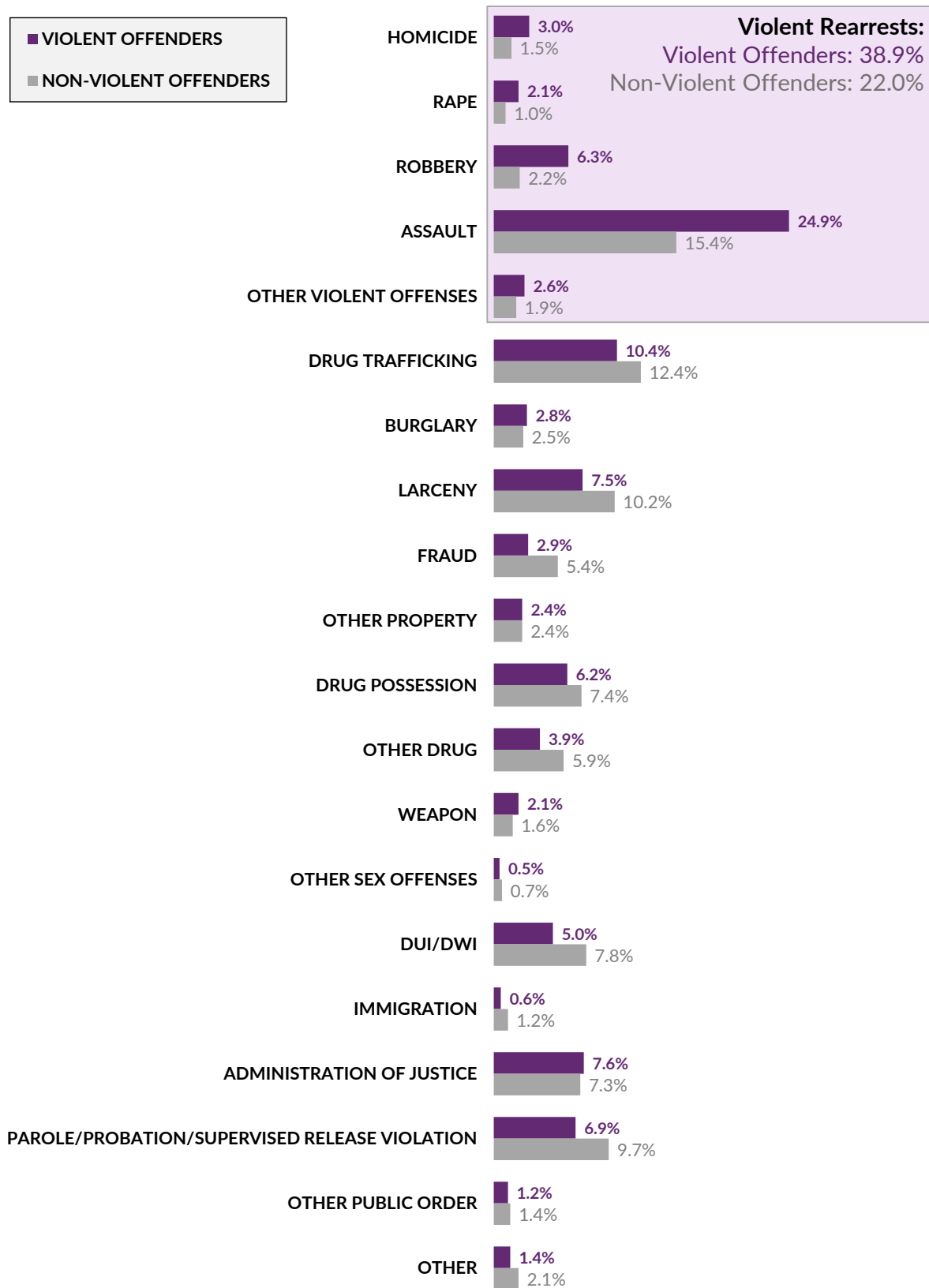
Types of Rearrest

The Commission ranked by severity the new offenses committed by the offenders in the study. As described in the *2021 Recidivism Overview Report*,⁵² this severity ranking presents new offenses in order of seriousness. If an offender was rearrested multiple times during the study period or had multiple charges in an arrest, the most serious offense according to this ranking was reported as the type of offense at rearrest.⁵³

Violent offenders were more likely to be rearrested for a violent offense compared to non-violent offenders. Overall, violent offenses accounted for 38.9 percent of rearrests for violent offenders and 22.0 percent of rearrests for non-violent offenders. In addition, violent offenders had higher rearrest rates for each type of violent offense (Figure 11).

The largest proportions of violent offenders (24.9%) and non-violent offenders (15.4%) were rearrested for assault. Drug trafficking was the second most common type of rearrest for both violent offenders and non-violent offenders, with a slightly higher proportion of non-violent offenders rearrested for a drug trafficking offense compared to violent offenders (10.4% and 12.4%, respectively). However, the two groups of offenders differed on the third most common type of rearrest. Administration of justice offenses (7.6%) ranked third among violent offenders and larceny (10.2%) ranked third among non-violent offenders.

Figure 11. Most Serious Offense at Rearrest for Violent and Non-Violent Federal Offenders Released in 2010



Age and Criminal History

Age and criminal history are consistently strong predictors of recidivism. This strong association was demonstrated in the Commission’s *2021 Recidivism Overview Report*⁵⁴ and continues to be present among the groups of offenders studied for this report. For both violent and non-violent offenders, *lower* rearrest rates were associated with older offenders and *higher* rearrest rates were associated with offenders with more extensive criminal histories. These same patterns appeared for both groups of offenders, while the higher rearrest rates among violent offenders persisted.

As shown in Figure 12, rearrest rates decreased steadily for violent and non-violent offenders with increasing age at release. For example, the overwhelming majority of violent offenders younger than age 30 were rearrested. Although the rearrest rate among violent offenders decreased with age at release, one-quarter (25.1%) of violent offenders aged 60 years and older were rearrested. By comparison, more than half of non-violent offenders younger than age 30 were rearrested compared to only 11.5 percent of non-violent offenders aged 60 years and older. Also shown in Figure 12, violent offenders consistently had higher rearrest rates than non-violent offenders in each age group.

Figure 12. Rearrest Rates by Age at Release for Violent and Non-Violent Federal Offenders Released in 2010



The greatest difference in rearrest rates was nearly 30 percentage points between violent (58.7%) and non-violent (29.4%) offenders aged 40 to 49. Among the oldest offenders (age 60 and over), violent offenders were rearrested at more than twice the rate of non-violent offenders.

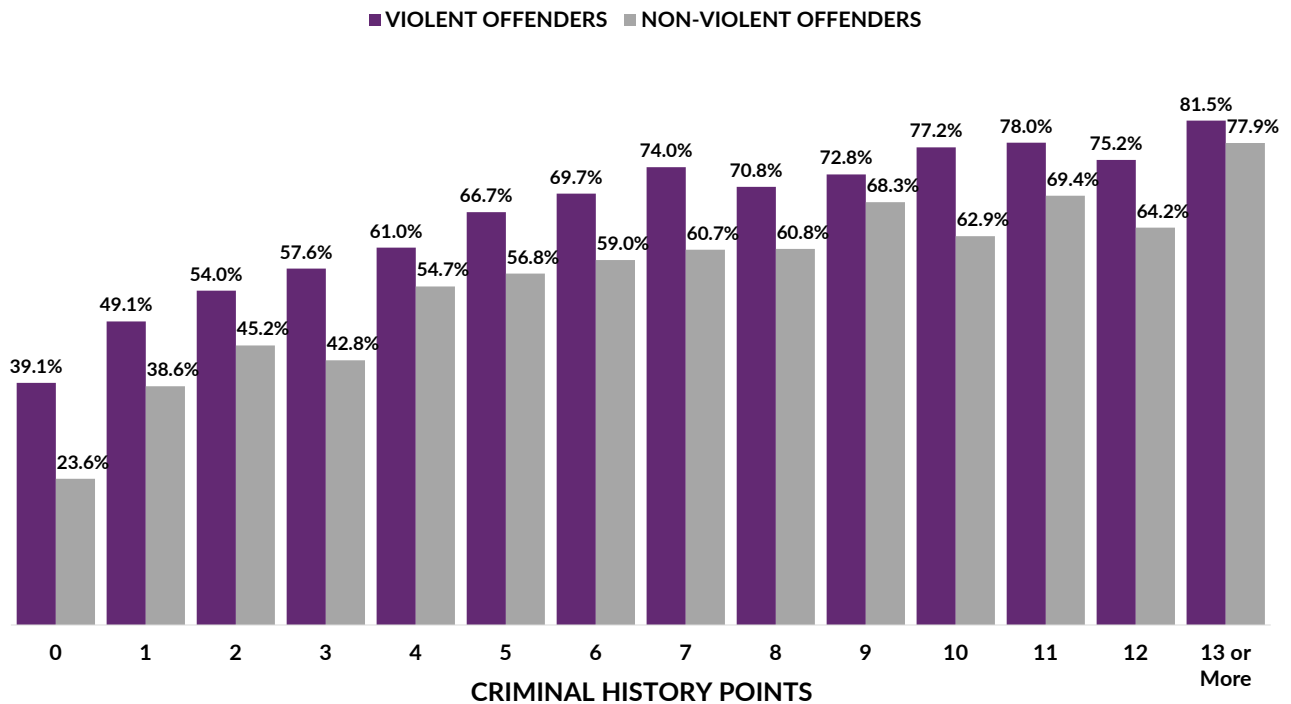
In addition to having higher rearrest rates, younger offenders also were rearrested sooner than their older counterparts. While the median time to rearrest was 16 months for all violent offenders in the study, as shown in Table 3, the median time to rearrest for the youngest group of violent offenders (younger than 21 years) was nine months. One-half of violent offenders in that age group were rearrested before nine months had elapsed following their release, and the

other one-half of violent offenders were rearrested after nine months had elapsed following their release. The median time to rearrest increased for violent offenders in each successive age group, more than doubling to 23 months for violent offenders aged 60 and older. Non-violent offenders were generally slower to recidivate, but the pattern was similar to that for violent offenders. While the median time to rearrest was 22 months for all non-violent offenders, the median time to rearrest for the youngest group of non-violent offenders (younger than 21 years) was 15 months. The median time to rearrest increased for non-violent offenders in most of the successive age groups. The exception was the median time to rearrest of 22 months for non-violent offenders aged 60 and older.

Table 3. Time to Rearrest by Age at Release for Violent and Non-Violent Federal Offenders Released in 2010

| Age at Release | Time to Rearrest (median months) | |
|-----------------|----------------------------------|-----------------------|
| | VIOLENT OFFENDERS | NON-VIOLENT OFFENDERS |
| All Offenders | 16 | 22 |
| Younger than 21 | 9 | 15 |
| 21 - 29 Years | 13 | 20 |
| 30 - 39 Years | 17 | 24 |
| 40 - 49 Years | 20 | 24 |
| 50 - 59 Years | 20 | 26 |
| 60 and Older | 23 | 22 |

Figure 13. Rearrest Rates by Criminal History Points for Violent and Non-Violent Federal Offenders Released in 2010



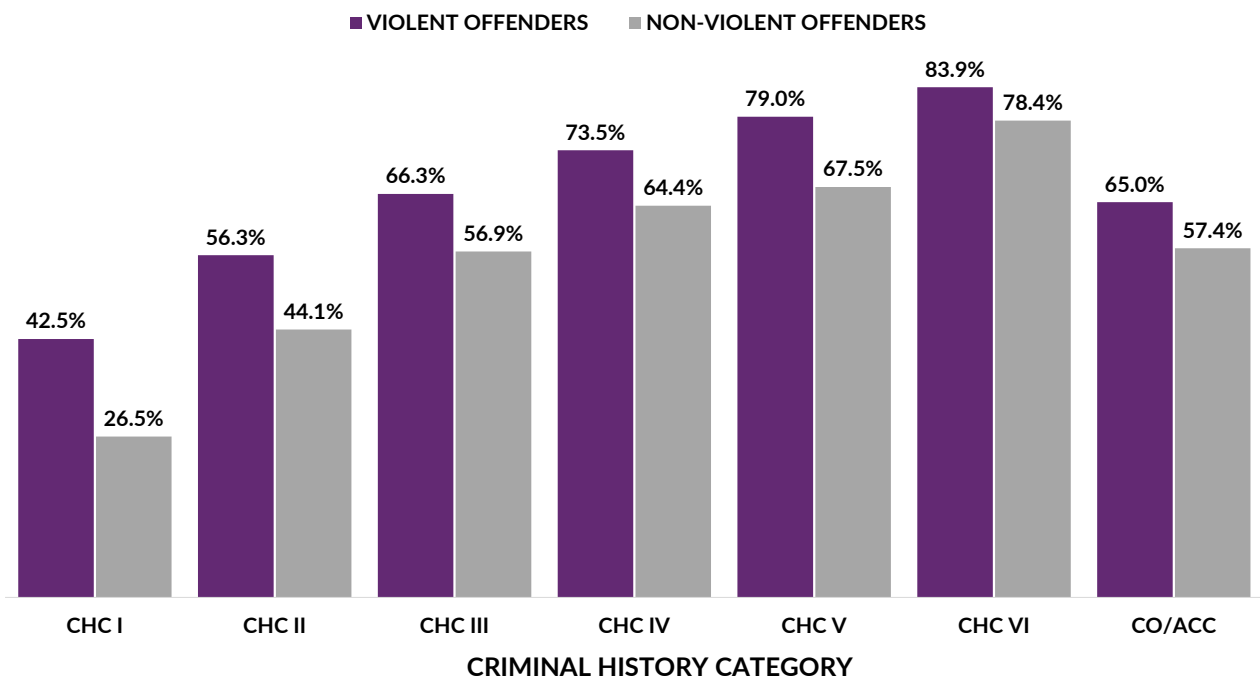
Criminal history also is strongly correlated with recidivism. The Commission examined the relationship between rearrests and both the total number of criminal history points and the resulting CHC. More extensive criminal history was associated with higher rearrest rates for both violent and non-violent offenders.

Rearrest rates generally increased with criminal history points for both violent and non-violent offenders. As shown in Figure 13, offenders with zero criminal history points had the lowest rearrest rates for each group, and each criminal history point was generally correlated with a higher rate of rearrest. Among violent offenders, 39.1 percent of offenders with zero criminal history points were rearrested within eight years, compared to 81.5 percent with 13 or

more criminal history points. Rearrest rates for non-violent offenders were consistently lower but followed the same pattern. Among non-violent offenders, 23.6 percent of offenders with zero criminal history points were rearrested within eight years, compared to 77.9 percent of offenders with 13 or more criminal history points.

Because the number of criminal history points, in large part, determines an offender's CHC, rearrest rates also are correlated with CHCs. As shown in Figure 14, rearrest rates increased with each CHC for both violent offenders and non-violent offenders. The rearrest rates for violent offenders ranged from less than one-half (42.5%) of offenders in CHC I to more than one-half (56.3%) of offenders in CHC II, and steadily increased to 83.9 percent of offenders in CHC

Figure 14. Rearrest Rates by Criminal History Category for Violent and Non-Violent Federal Offenders Released in 2010



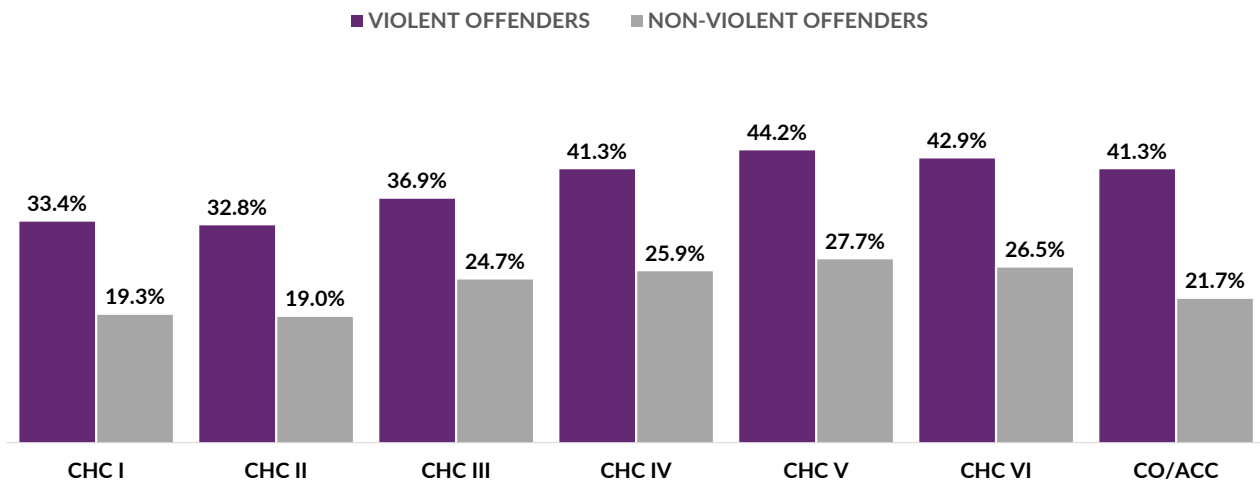
VI. Non-violent offenders had a similar rearrest pattern. However, in each CHC non-violent offenders had lower rearrest rates compared to violent offenders. The rearrest rates ranged from approximately one-quarter (26.5%) of offenders in CHC I to 44.1 percent for offenders in CHC II, and steadily increased to 78.4 percent of offenders in CHC VI.

Figure 14 also shows the rearrest rates for offenders sentenced as career offenders and armed career criminals. Just 6.3 percent of violent offenders were sentenced as career offenders or armed career criminals. Nearly two-thirds (65.0%) of those offenders were rearrested during the study period, a rate comparable to violent offenders in CHC III (66.3%). A smaller proportion of non-violent offenders (1.9%) were sentenced

as career offenders or armed career criminals and more than one-half (57.4%) of those offenders were rearrested, a rate comparable to non-violent offenders in CHC III (56.9%).

The rearrest rates for violent and non-violent offenders sentenced as career offenders and armed career criminals are lower than rates for offenders in the higher CHCs, a difference attributable to the provisions in §§4B1.1 and 4B1.4. Those guideline provisions assign career offender and armed career criminal status based on a combination of the type of instant offense and types of prior convictions.⁵⁵ Because those guidelines assign CHC based on offender status in lieu of criminal history points, the resulting CHCs often supersede the otherwise applicable CHCs.⁵⁶ For example, 46.0 percent of

Figure 15. Violent Rearrest Rates by Criminal History Category for Rearrested Violent and Non-Violent Federal Offenders Released in 2010



violent offenders and 63.4 percent of non-violent offenders sentenced as career offenders and armed career criminals had higher CHCs because of those designations than would have applied based on criminal history points alone.

CHC is not as strongly correlated with rearrests for violent offenses. As shown in Figure 15, among violent offenders, rearrests for violent offenses

varied by just over ten percentage points, ranging from 32.8 percent for offenders in CHC II to 44.2 percent of offenders in CHC V. Non-violent offenders had consistently lower rearrest rates for violent offenses in each CHC compared to violent offenders. Among non-violent offenders, rearrest rates for violent offenses varied by less than ten percentage points, ranging from 19.0 percent of offenders in CHC II to 27.7 percent of non-violent offenders in CHC V.

Table 4. Rearrest Rates by Age at Release and Criminal History Category for Violent Federal Offenders Released in 2010

| Age | CHC I | CHC II | CHC III | CHC IV | CHC V | CHC VI | CO/ACC | Total |
|-----------------|-------|--------|---------|--------|--------|--------|--------|-------|
| Younger than 21 | 72.8% | 82.6% | 95.7% | 100.0% | 100.0% | 100.0% | | 80.7% |
| 21 - 29 Years | 64.9% | 76.1% | 85.1% | 88.1% | 87.5% | 90.2% | 93.1% | 79.0% |
| 30 - 39 Years | 42.5% | 55.7% | 64.7% | 74.7% | 82.7% | 86.7% | 72.5% | 67.4% |
| 40 - 49 Years | 35.1% | 50.1% | 57.3% | 67.4% | 70.3% | 82.7% | 62.8% | 58.7% |
| 50 - 59 Years | 24.2% | 36.2% | 52.2% | 53.6% | 64.9% | 74.7% | 58.2% | 46.0% |
| 60 and Older | 16.1% | 20.6% | 28.4% | 27.8% | 43.8% | 48.5% | 46.6% | 25.1% |
| Total | 42.5% | 56.2% | 66.3% | 73.5% | 79.0% | 83.9% | 65.1% | |

The Combined Impact of Age and Criminal History

Separately, age and criminal history are consistent predictors of recidivism. Considered together, they are even better predictors of recidivism. Older violent offenders were rearrested at lower rates compared to younger violent offenders within each CHC and rearrests generally increased within each age category across CHCs. These findings are consistent with the Commission’s findings in the 2021 *Recidivism Overview Report*.⁵⁷ The rearrest rate for older offenders did increase with CHC, but at lower rates than other age

groups (Table 4).⁵⁸ In the current study, violent offenders aged 60 and older at release and in CHC I had the lowest rearrest rate, 16.1 percent. That rate increased to 48.5 percent for offenders in CHC VI in that age group.

Because CHC is determined, in part, by the number and length of prior sentences, only 12 violent offenders were under the age of 21 and in CHCs IV, V, and VI. All 12 of those violent offenders were rearrested. There were 81 violent offenders under the age of 21 at release in CHC I. Despite their minimal criminal history nearly three-quarters (72.8%) of those offenders were rearrested.

Table 5. Rearrest Rates by Offender Characteristics for Violent and Non-Violent Federal Offenders Released in 2010

| Offender Characteristics | VIOLENT OFFENDERS | NON-VIOLENT OFFENDERS |
|--------------------------|-------------------|-----------------------|
| Gender | | |
| Male | 65.0% | 40.7% |
| Female | 50.2% | 31.1% |
| Race/Ethnicity | | |
| White | 58.5% | 34.0% |
| Black | 67.9% | 46.5% |
| Hispanic | 61.7% | 38.1% |
| Other | 68.6% | 32.8% |
| Education | | |
| Less than High School | 70.0% | 51.4% |
| High School Graduate | 63.5% | 39.1% |
| Some College | 53.1% | 29.3% |
| College Graduate | 34.8% | 16.1% |

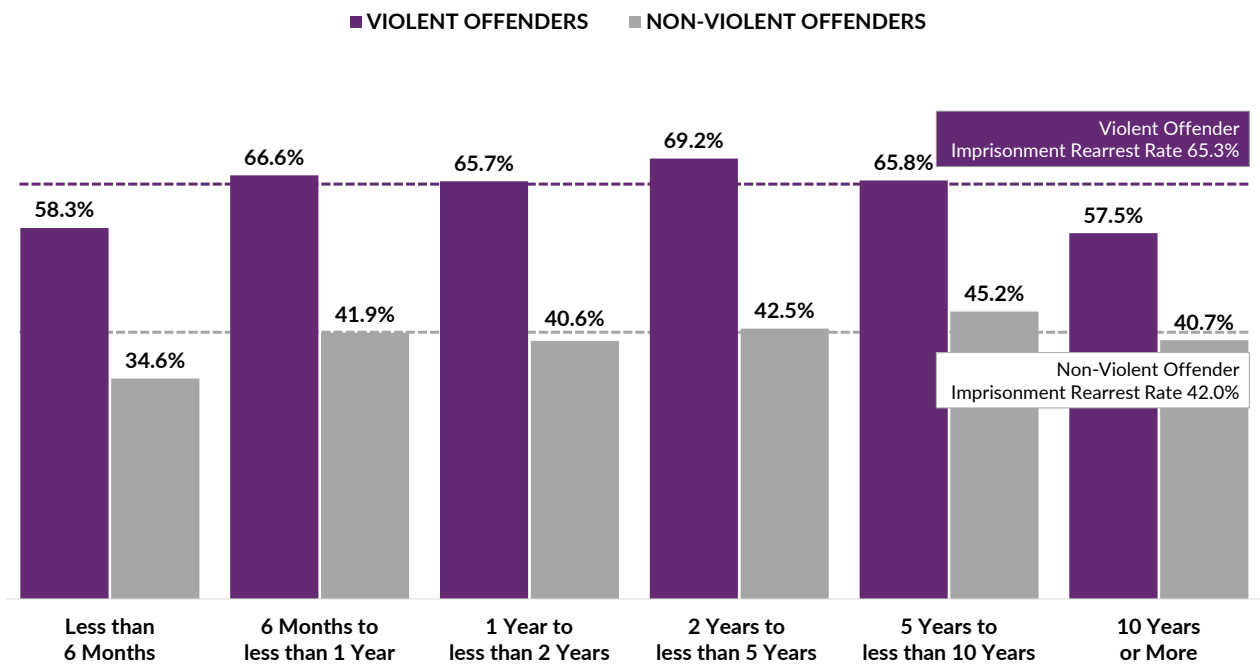
Offender Characteristics

The rearrest patterns for violent and non-violent offenders were similar for gender and level of education, but not for race and ethnicity. Male violent offenders had a higher rearrest rate (65.0%) compared to female violent offenders (50.2%) (Table 5). Similarly, 40.7 percent of male non-violent offenders were rearrested, compared to 31.1 percent of female non-violent offenders. Rearrest rates for both groups of offenders decreased steadily for each successive increase in educational level. Most violent offenders who did not complete high school (70.0%) or who graduated high

school (63.5%) were rearrested compared to 34.8 percent of college graduates. Similarly, more than half (51.4%) of non-violent offenders who did not complete high school were rearrested compared to 16.1 percent of college graduates.

Among violent offenders, offenders of Other Races had the highest rearrest rate (68.6%), followed by Black (67.9%), Hispanic (61.7%), and White (58.5%) violent offenders. In contrast, among non-violent offenders, Black offenders had the highest rearrest rate (46.5%), followed by Hispanic (38.1%), White (34.0%), and non-violent offenders of Other Races (32.8%).

Figure 16. Rearrest Rates by Length of Imprisonment Terms for Violent and Non-Violent Federal Offenders Released in 2010

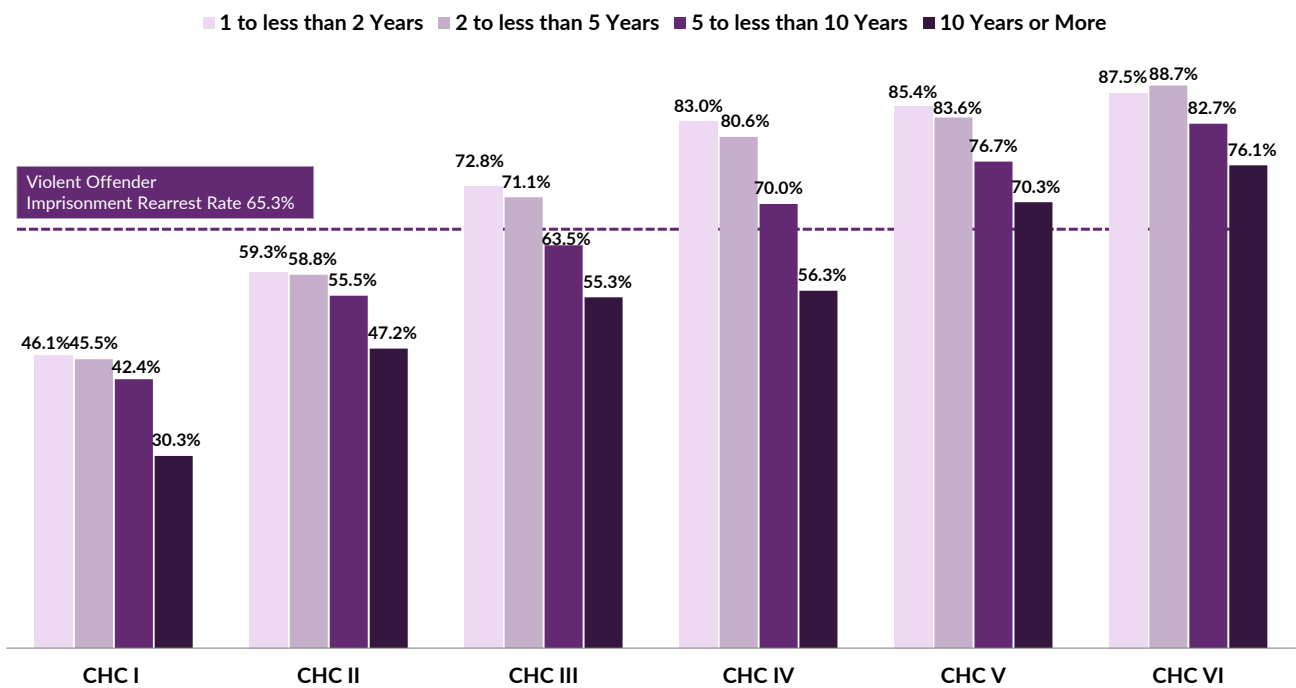


Imprisonment

Nearly two-thirds (65.3%) of violent offenders sentenced to imprisonment were rearrested, and rearrest rates varied across length of imprisonment.⁵⁹ Violent offenders originally sentenced to imprisonment terms of less than six months (58.3%) and ten years or more (57.5%) had the lowest rearrest rates (Figure 16). In comparison, violent offenders who originally were sentenced to imprisonment terms of two to less than five years (69.2%)

had the highest rearrest rate. Compared to violent offenders, non-violent offenders sentenced to imprisonment had lower rearrest rates overall (42.0%) and for each of the imprisonment term categories. Non-violent offenders originally sentenced to imprisonment terms of less than six months had the lowest rearrest rate at 34.6 percent. In comparison, non-violent offenders originally sentenced to imprisonment terms of five to less than ten years had the highest rearrest rate at 45.2 percent.

Figure 17. Rearrest Rates by Length of Imprisonment Terms and Criminal History Category for Violent Federal Offenders Released in 2010



However, when controlling for CHC, a clear correlation emerged between imprisonment term imposed and rearrest for violent offenders. Figure 17 shows the rearrest rates for violent offenders in each length of imprisonment category within

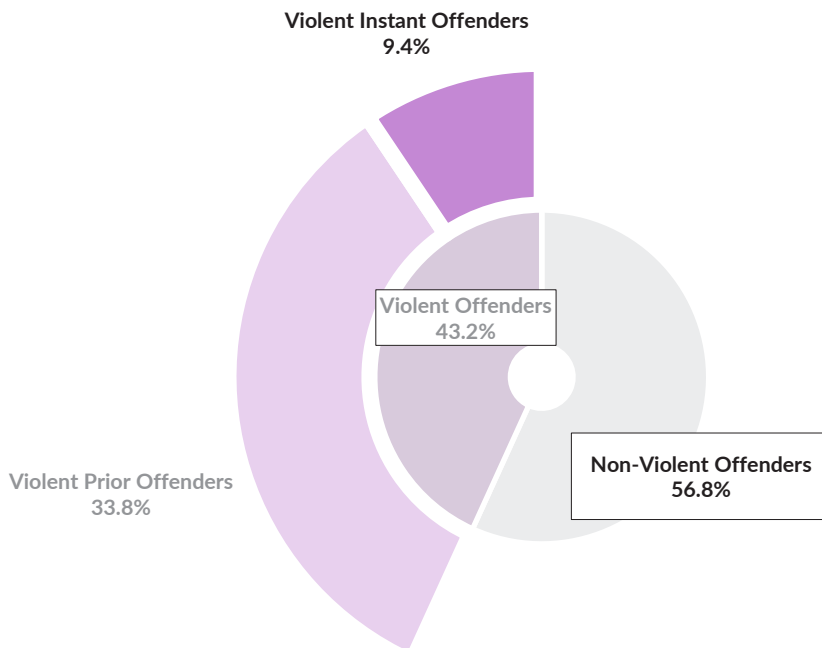
each CHC. With the exception of CHC VI, there was a consistent correlation between longer sentences and lower rearrest rates. In CHC VI, this pattern also held for offenders sentenced to two years or longer.

VIOLENT INSTANT AND NON-VIOLENT OFFENDERS

VIOLENT INSTANT AND NON-VIOLENT OFFENDERS

This section compares offender characteristics, sentencing characteristics, and recidivism rates for violent instant and non-violent offenders. The violent instant category comprised 3,020 offenders who were sentenced for a violent federal offense. Violent instant offenders accounted for 9.4 percent of the 32,135 federal offenders released in 2010 (Figure 18). The largest proportion of violent instant offenders were sentenced for robbery (43.3%), followed by other violent offenses (34.9%). Smaller proportions of violent instant offenders were sentenced for assault (10.4%), sexual abuse (9.3%), and homicide (2.1%).⁶⁰

Figure 18. Violent Offense Conduct for Federal Offenders Released in 2010



Offender Characteristics

White offenders comprise the largest proportion of both violent instant (41.5%) and non-violent (46.3%) offenders (Table 6). Black offenders comprise the second largest proportion of both violent instant (34.2%) and non-violent (28.6%) offenders. The proportion of Hispanic offenders

among violent instant offenders was half that of non-violent offenders, 10.7 percent compared to 20.6 percent. In contrast, offenders of Other Races account for a larger proportion of violent instant offenders⁶¹ compared to non-violent offenders, 13.6 percent compared to 4.5 percent.

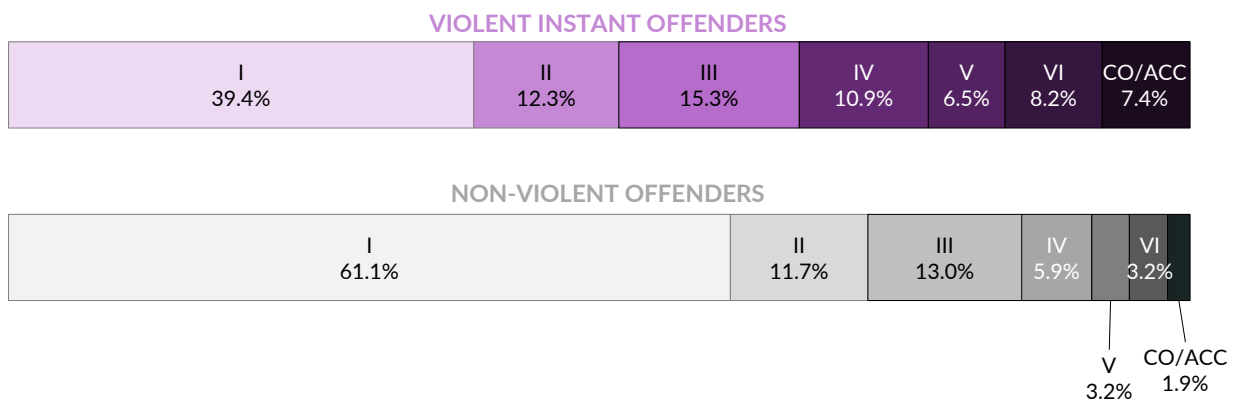
Table 6. Offender Characteristics for Violent Instant and Non-Violent Federal Offenders Released in 2010

| Offender Characteristics | VIOLENT INSTANT OFFENDERS | NON-VIOLENT OFFENDERS |
|--------------------------|---------------------------|-----------------------|
| Race/Ethnicity | | |
| White | 41.5% | 46.3% |
| Black | 34.2% | 28.6% |
| Hispanic | 10.7% | 20.6% |
| Other | 13.6% | 4.5% |
| Gender | | |
| Male | 91.7% | 76.0% |
| Female | 8.3% | 24.0% |
| Education | | |
| Less than High School | 36.0% | 30.2% |
| High School Graduate | 41.1% | 36.9% |
| Some College | 19.2% | 23.8% |
| College Graduate | 3.7% | 9.1% |
| Age at Sentencing | | |
| Average | 33 Years | 36 Years |
| Median | 31 Years | 34 Years |
| Age at Release | | |
| Average | 38 Years | 38 Years |
| Median | 36 Years | 36 Years |

Male offenders comprise a majority of both violent instant offenders (91.7%) and non-violent offenders (76.0%). The majority of offenders in each study group were high school graduates; 64.0 percent of violent instant offenders were high school graduates, including 3.7 percent who graduated college. In comparison, 69.8 percent of non-violent offenders were high school graduates, including 9.1 percent who graduated college.

Violent instant offenders were younger at sentencing than non-violent offenders. At the time of sentencing, the average age of violent instant offenders was 33 and the average age of non-violent offenders was 36. However, the average age at release was 38 for both groups of offenders.

Figure 19. Criminal History Category for Violent Instant and Non-Violent Federal Offenders Released in 2010

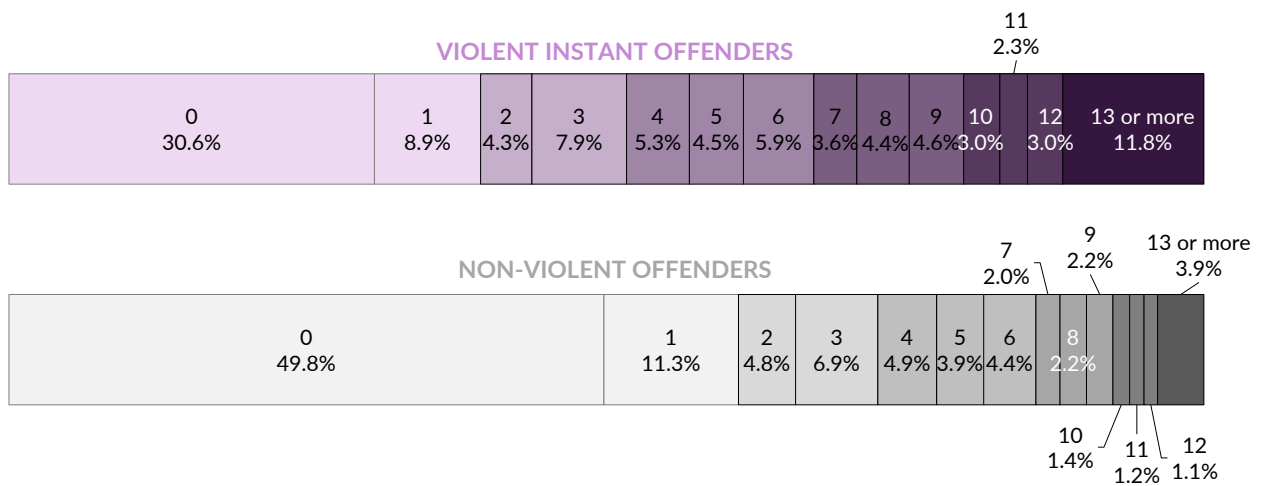


Criminal History

Violent instant offenders have more extensive criminal history than non-violent offenders. As shown in Figure 19, more than one-third (39.4%) of violent instant offenders were in CHC I, the least serious category. The proportion of non-

violent offenders in CHC I was higher at 61.1 percent. At the other end of the spectrum, 8.2 percent of violent instant offenders were in the most serious CHC of VI, compared to only 3.2 percent of non-violent offenders. Nearly four times as many violent instant offenders as non-

Figure 20. Criminal History Points for Violent Instant and Non-Violent Federal Offenders Released in 2010



violent offenders were sentenced under the career offender or armed career criminal provisions, 7.4 percent compared to 1.9 percent.⁶²

Less than one-third (30.6%) of violent instant offenders had zero criminal history points, compared to nearly half (49.8%) of non-violent offenders (Figure 20). At the

other end of the spectrum, the proportion of violent instant offenders with 13 or more criminal history points assigned was three times greater than the proportion of non-violent offenders with that range of points assigned, 11.8 percent and 3.9 percent, respectively.

Sentences Originally Imposed

The offenders in the study group were originally sentenced between 1990 and 2010.⁶³ Just over two-thirds (67.7%) of violent instant offenders were sentenced after *Booker* compared to 88.2 percent

of non-violent offenders (Figure 21).⁶⁴ In addition, all of the offenders in the study were released (or sentenced to probation) during the PPSO's implementation of more comprehensive evidence-based supervision practices and use of the PCRA.⁶⁵

Figure 21. Sentences Imposed Before and After *United States v. Booker* for Violent Instant and Non-Violent Federal Offenders Released in 2010

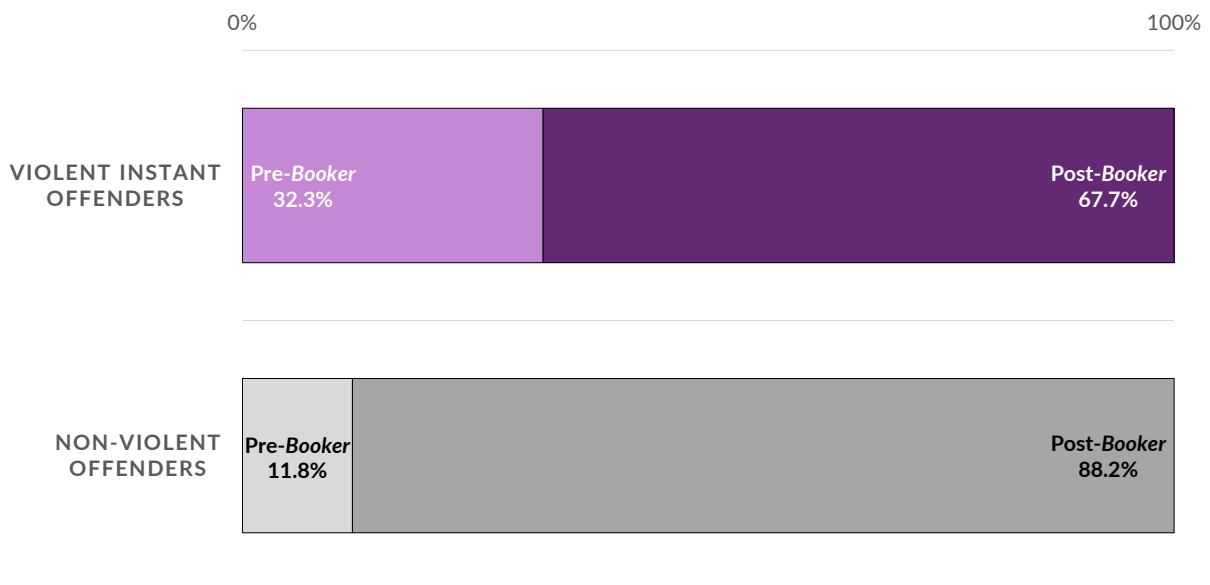
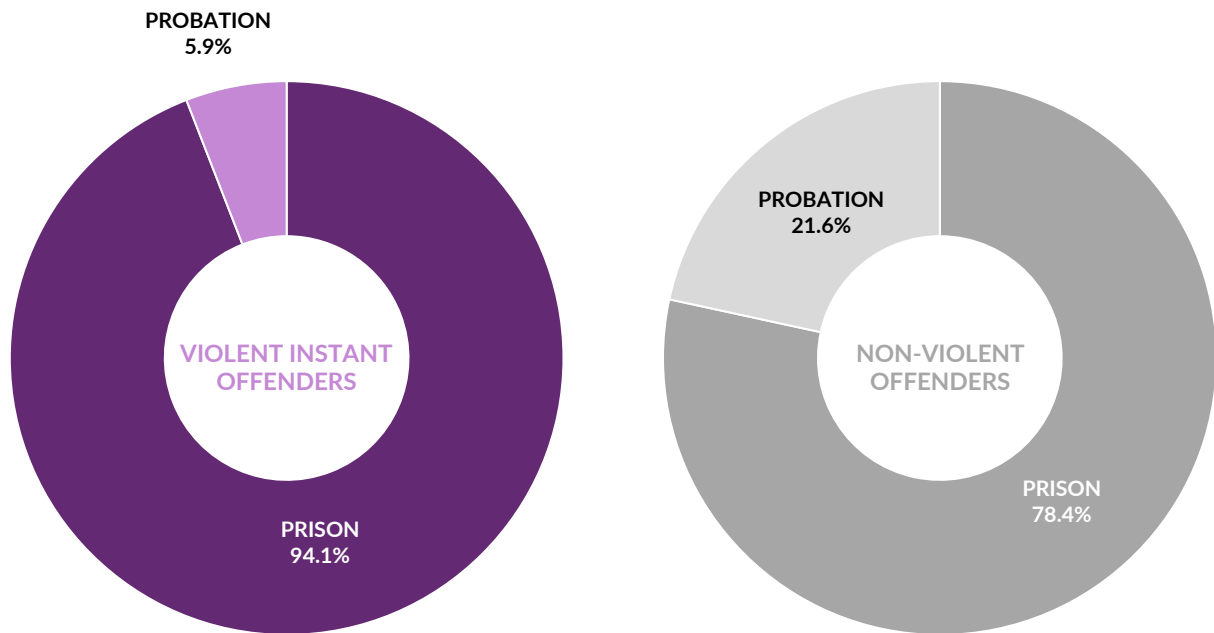


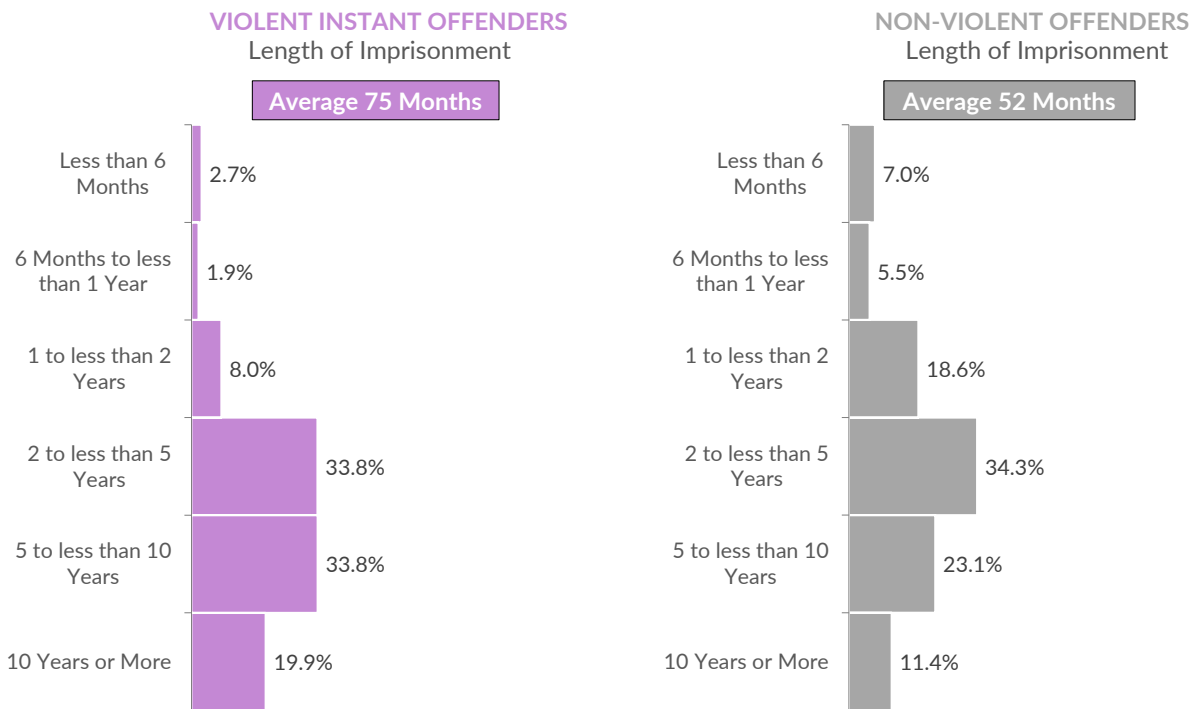
Figure 22. Type of Sentence Imposed for Violent Instant and Non-Violent Federal Offenders Released in 2010



Sentences originally imposed for violent instant offenders were more serious than for non-violent offenders. The overwhelming majority (94.1%) of violent instant offenders were sentenced to prison, compared to slightly more than three-quarters (78.4%) of non-violent offenders (Figure 22).⁶⁶

Sentences originally imposed for violent instant offenders also were longer compared to those imposed for non-violent offenders. The average sentence imposed for all violent instant offenders was 71 months. In comparison, the average sentence for non-violent offenders was 42 months.⁶⁷ For violent instant offenders sentenced to prison, the average imprisonment term was 75 months, compared to 52 months for non-violent offenders.

Figure 23. Length of Imprisonment for Violent Instant and Non-Violent Federal Offenders Released in 2010



The majority (67.6%) of violent instant offenders sentenced to prison were sentenced to terms ranging from two years to less than ten years (Figure 23). A smaller proportion (57.4%) of non-violent offenders were sentenced to terms of the same length. Offenders sentenced to prison terms of ten years or longer accounted for 19.9 percent of violent instant offenders and 11.4 percent of non-violent offenders.

Recidivism Findings

Violent instant offenders were rearrested at a substantially higher rate than non-violent offenders. During the eight-year study period, 59.9 percent of violent instant offenders were rearrested, compared to 38.4 percent of non-violent offenders (Table 7).⁶⁸ In addition, violent instant offenders were rearrested sooner

Table 7. Overall Rearrest Findings for Violent Instant and Non-Violent Federal Offenders Released in 2010

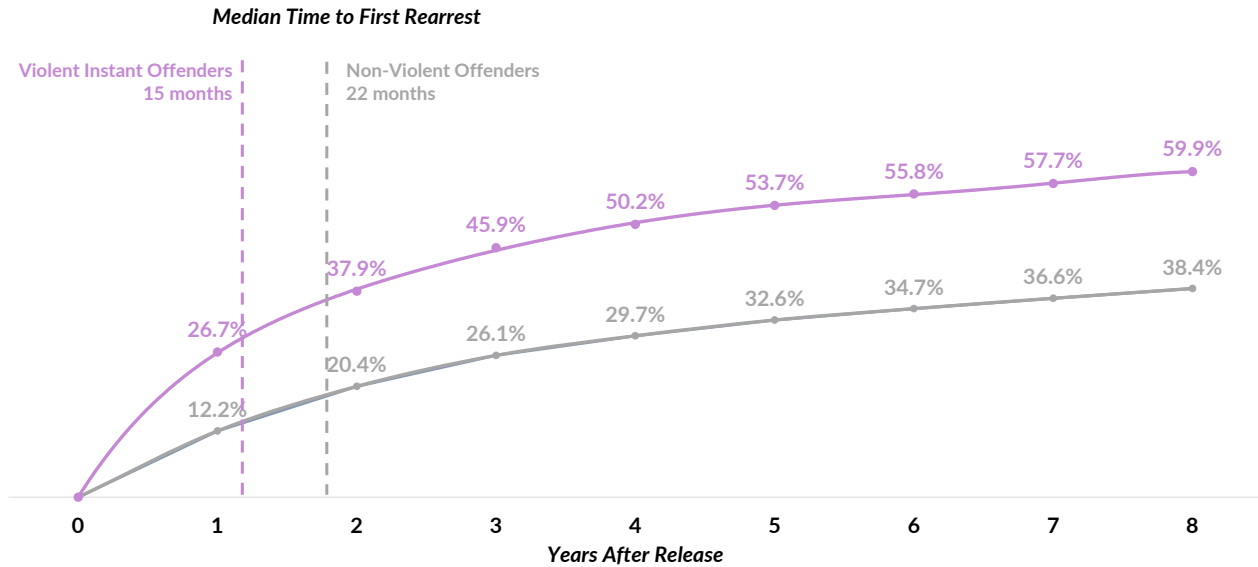
| | VIOLENT INSTANT OFFENDERS | NON-VIOLENT OFFENDERS |
|----------------------------------|---------------------------|-----------------------|
| Percent Rearrested | 59.9% | 38.4% |
| Median Months to Rearrest | 15 | 22 |
| Median Number of Rearrests | 3 | 2 |
| Violent Rearrest | 45.5% | 22.0% |
| Most Common Post Release Offense | Assault (21.7%) | Assault (15.4%) |
| Median Age at Release | 34 | 32 |

than non-violent offenders. Among violent instant offenders who were rearrested, the median time to rearrest was 15 months. In comparison, the median time to rearrest for non-violent offenders was 22 months. Among offenders who were rearrested, violent instant offenders had more rearrests (median of three) compared to non-violent offenders (median of two).

Violent instant offenders were rearrested for a violent offense at twice the rate of non-violent offenders, 45.5 percent compared to 22.0 percent. Assault was the most serious and most common offense at rearrest for both violent instant offenders (21.7%) and non-violent offenders (15.4%).

For violent instant offenders who were rearrested, the median age at release was 34; non-violent offenders who were rearrested were younger, with a median age at release of 32.

Figure 24. Time to Rearrest for Violent Instant and Non-Violent Federal Offenders Released in 2010

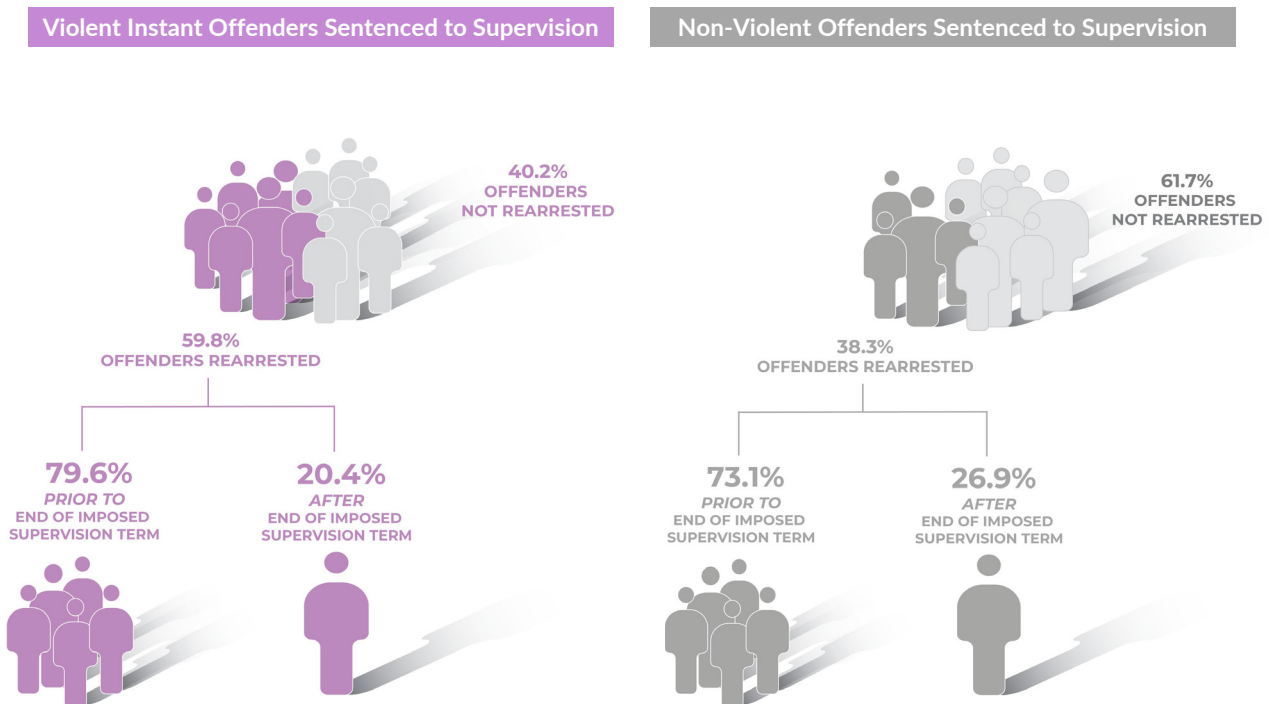


Timing of Rearrest

The largest proportion of rearrests occurred soon after release and steadily decreased over time for both violent instant offenders and non-violent offenders. However, the rates consistently were higher for violent instant offenders than for non-violent offenders. During the first year after release, violent instant offenders were rearrested at twice the rate of non-violent offenders, 26.7 percent compared to 12.2 percent (Figure 24). The decreasing trends in rearrest during the

eight-year period were similar for both groups of offenders. For example, 11.2 percent of violent instant offenders were rearrested for the first time in the second year after release and 8.0 percent in the third year. Only 2.2 percent of violent instant offenders were rearrested for the first time in the eighth year. Similarly, 8.2 percent of non-violent offenders were rearrested for the first time in the second year after release and 5.7 percent in the third year. Only 1.8 percent of non-violent offenders were rearrested for the first time in the eighth year.

Figure 25. Rearrests by Supervision Status for Violent Instant and Non-Violent Federal Offenders Released in 2010



Rearrests and Federal Supervision Status

Nearly all of the violent instant (99.3%) and non-violent (99.5%) offenders in the study originally were sentenced to a term of federal supervision (either probation or supervised release following imprisonment). Almost all of the supervision terms imposed were shorter than the eight-year follow-up period;⁶⁹ the average supervision terms imposed for violent instant and non-violent offenders were 45 months and 44 months, respectively.

Among offenders sentenced to supervision, a larger proportion of violent instant offenders were rearrested compared to non-violent offenders.

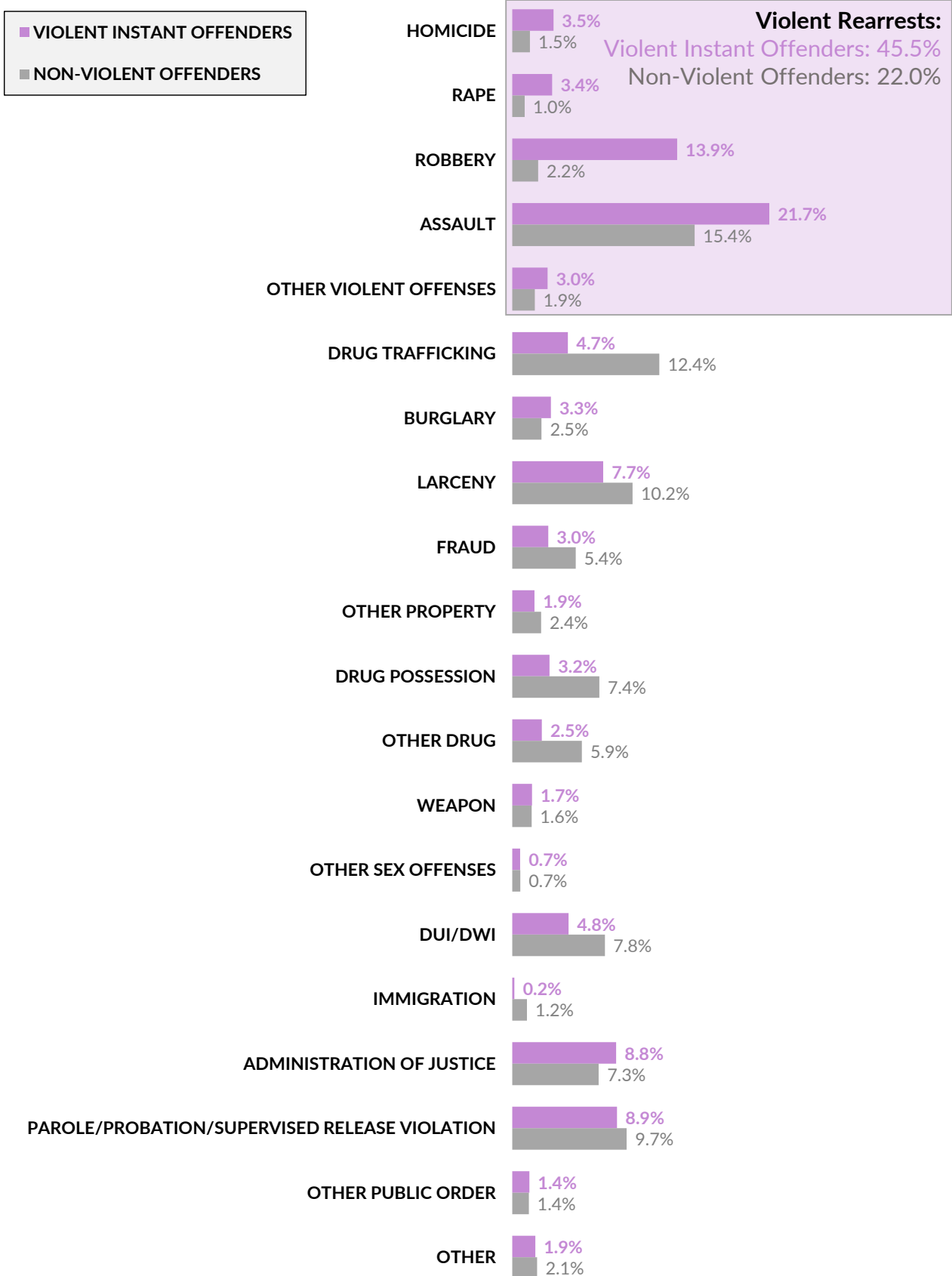
Overall, 59.8 percent of violent instant offenders and 38.3 percent of non-violent offenders originally sentenced to any term of supervision were rearrested during the study period. Based on the length of terms imposed, most offenders in both groups were rearrested prior to the end of those terms. As shown in Figure 25, among violent instant offenders who were sentenced to a term of supervision and rearrested, 79.6 percent were rearrested earlier than the expiration of their originally imposed supervision term. Similarly, among non-violent offenders who were sentenced to a term of supervision and rearrested, 73.1 percent were rearrested earlier than the expiration of their originally imposed supervision term.

Types of Rearrest

Violent instant offenders were substantially more likely to be rearrested for a violent offense compared to non-violent offenders. Overall, violent offenses accounted for 45.5 percent of rearrests for violent instant offenders and 22.0 percent of rearrests for non-violent offenders. In addition, violent instant offenders had higher rearrest rates for each type of violent offense (Figure 26).

Assault was the most common type of rearrest for both violent instant (21.7%) and non-violent offenders (15.4%). However, among violent instant offenders, robbery (13.9%) was the second most common type of rearrest, followed by probation, parole, or supervision violations (8.9%), administration of justice offenses (8.8%), and larceny (7.7%). By comparison, among non-violent offenders, drug trafficking (12.4%) was the second most common type of rearrest, followed by larceny (10.2%), probation, parole, or supervision violations (9.7%), and DUI or DWI (7.8%).

Figure 26. Most Serious Offense at Rearrest for Violent Instant and Non-Violent Federal Offenders Released in 2010



Age and Criminal History

Rearrest rates decreased steadily for offenders in both study groups with increasing age at release (Figure 27). However, violent instant offenders consistently had higher rearrest rates than non-violent offenders in each age group.

The majority of violent instant offenders younger than age 30 were rearrested and approximately one-quarter (26.9%) of violent instant offenders aged 60 years and older were rearrested. By comparison, more than half of non-violent offenders younger than age 30 were rearrested and only 11.5 percent of non-violent offenders aged 60 years and older were rearrested.

Figure 27. Rearrest Rates by Age at Release for Violent Instant and Non-Violent Federal Offenders Released in 2010

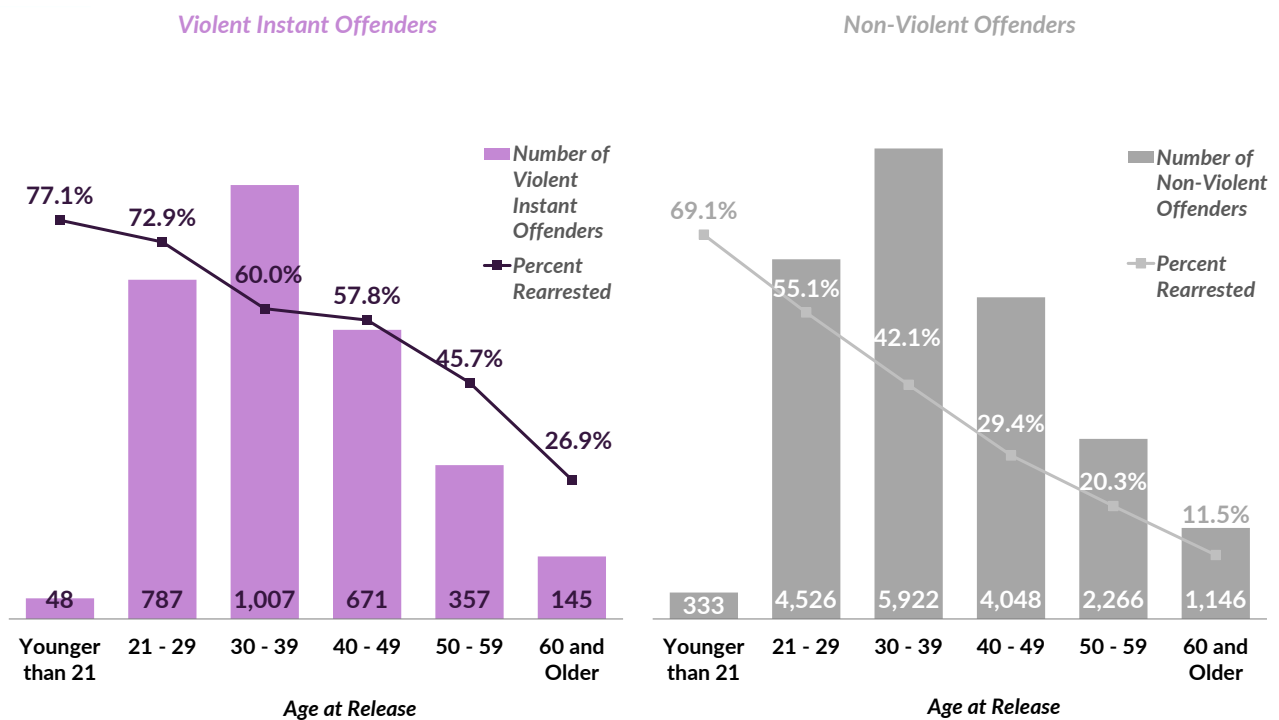


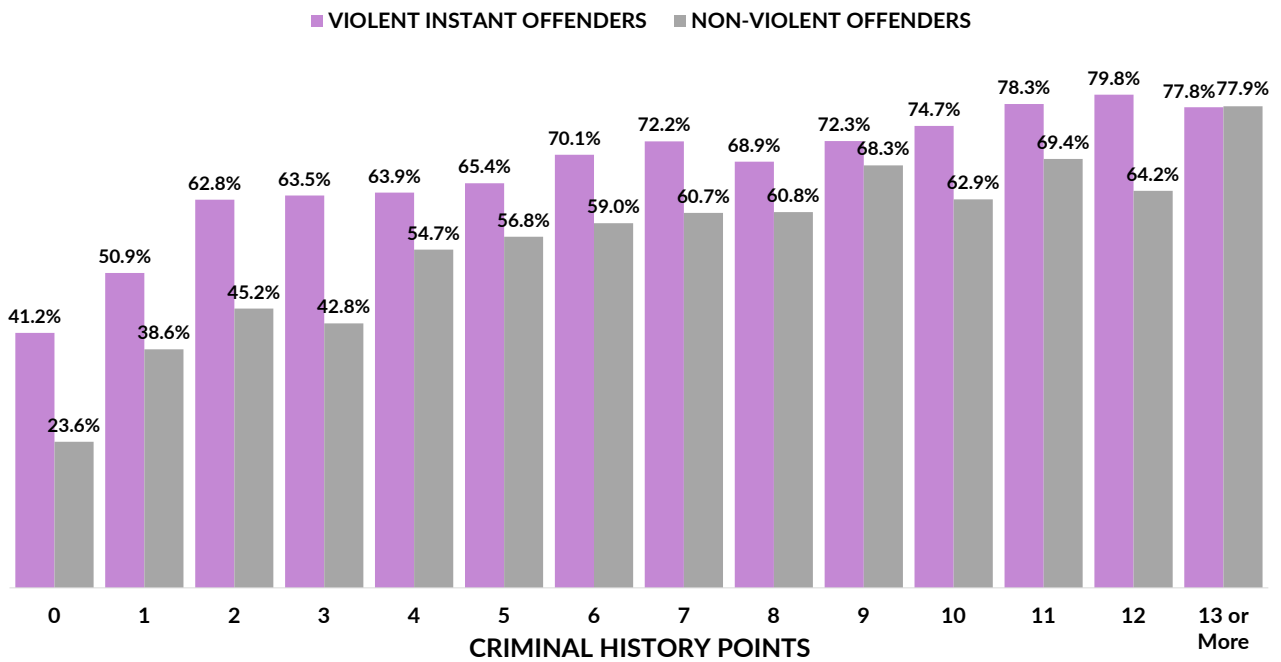
Table 8. Time to Rearrest by Age at Release for Violent Instant and Non-Violent Federal Offenders Released in 2010

| Age at Release | Time to Rearrest (median months) | |
|-----------------|----------------------------------|-----------------------|
| | VIOLENT INSTANT OFFENDERS | NON-VIOLENT OFFENDERS |
| All Offenders | 15 | 22 |
| Younger than 21 | 7 | 15 |
| 21 - 29 Years | 13 | 20 |
| 30 - 39 Years | 16 | 24 |
| 40 - 49 Years | 18 | 24 |
| 50 - 59 Years | 14 | 26 |
| 60 and Older | 23 | 22 |

Younger offenders in both study groups also were rearrested sooner than their older counterparts. While the median time to rearrest was 15 months for all violent instant offenders in the study, the median time to rearrest for the youngest group of violent instant offenders (younger than 21 years) was seven months (Table 8). One-half of violent instant offenders in that age group were rearrested before seven months had elapsed following their release, and the other one-half of violent instant offenders were rearrested after seven months had elapsed following their release. The median time to rearrest increased for violent instant offenders in most of the

successive age groups. The exception was the median time to rearrest of 14 months for violent instant offenders aged 50 to 59. The pattern was similar for non-violent offenders, but they were generally slower to recidivate. While the median time to rearrest was 22 months for all non-violent offenders, the median time to rearrest for the youngest group of non-violent offenders (younger than 21 years) was 15 months. The median time to rearrest increased for non-violent offenders in most of the successive age groups. The exception was the median time to rearrest of 22 months for non-violent offenders aged 60 and older.

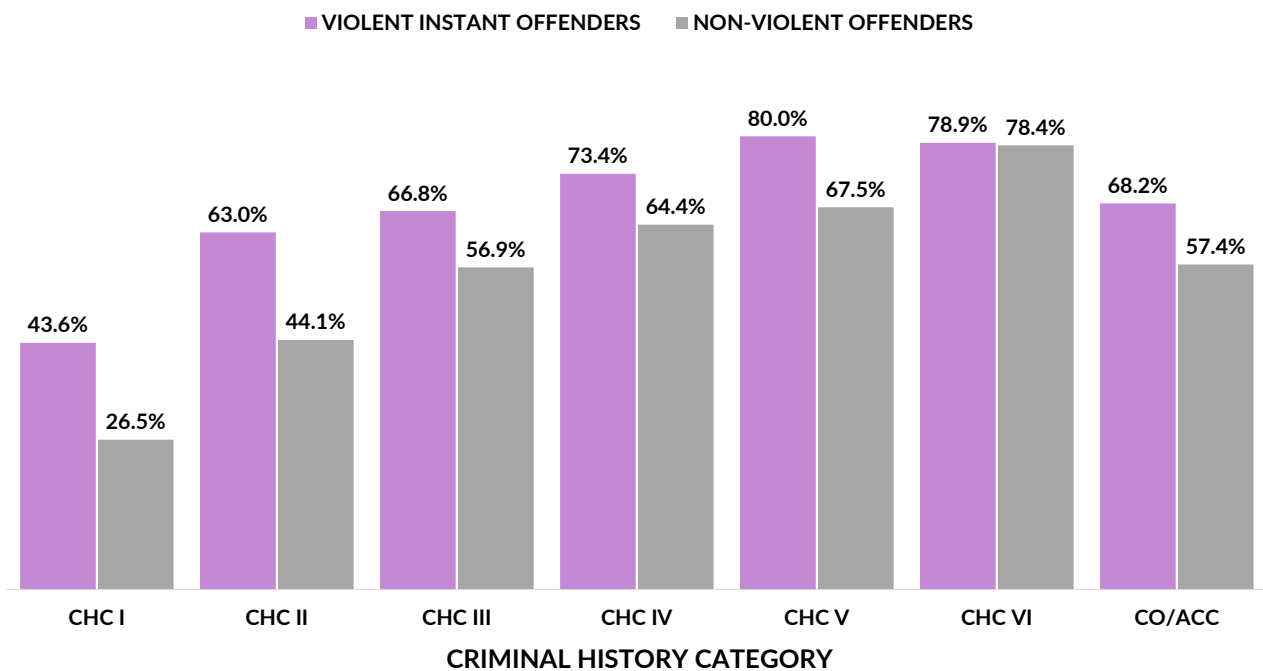
Figure 28. Rearrest Rates by Criminal History Points for Violent Instant and Non-Violent Federal Offenders Released in 2010



Both violent instant offenders and non-violent offenders with more extensive criminal histories had higher rearrest rates. Offenders with zero criminal history points had the lowest rearrest rates and each criminal history point was generally associated with a higher rate of rearrest (Figure 28). Among violent instant offenders, 41.2 percent of offenders with zero criminal history points were rearrested within the eight-year study period, compared to 77.8 percent of offenders with 13 or more criminal history points. In

nearly every points-category rearrest rates for non-violent offenders were consistently lower than for violent instant offenders, but followed the same pattern. Among non-violent offenders, 23.6 percent of offenders with zero criminal history points were rearrested within eight years, compared to 77.9 percent of offenders with 13 or more criminal history points.

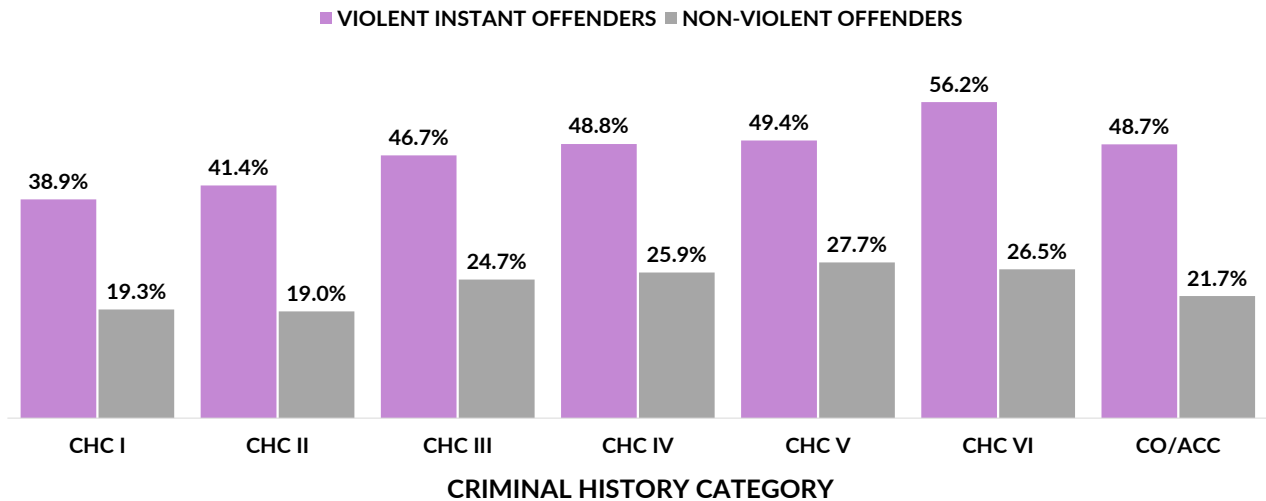
Figure 29. Rearrest Rates by Criminal History Category for Violent Instant and Non-Violent Federal Offenders Released in 2010



Rearrest rates also are correlated with CHC. As shown in Figure 29, rearrest rates increased with each CHC for both violent instant offenders and non-violent offenders. The rearrest rates for violent instant offenders ranged from less than one-half (43.6%) of offenders in CHC I to more than three-quarters of offenders in CHC V (80.0%) and CHC VI (78.9%). Non-violent offenders had a similar rearrest pattern. However, non-violent offenders had lower rearrest rates compared to violent instant offenders in each CHC. The rearrest rates were lowest for offenders in CHC I (26.5%) and steadily increased to 78.4 percent of offenders in CHC VI.

The rearrest rates for violent instant and non-violent offenders sentenced as career offenders and armed career criminals are lower than rearrest rates for offenders in the higher CHCs (Figure 29). Just 7.4 percent of violent instant offenders were sentenced as career offenders or armed career criminals. More than two-thirds (68.2%) of those offenders were rearrested during the study period, a rate comparable to that of violent instant offenders in CHC III (66.8%). A smaller proportion of non-violent offenders (1.9%) were sentenced as career offenders or armed career criminals. More than one-

Figure 30. Violent Rearrest Rates by Criminal History Category for Rearrested Violent Instant and Non-Violent Federal Offenders Released in 2010



half (57.4%) of those offenders were rearrested, a rate comparable to that of non-violent offenders in CHC III (56.9%).

CHC is not as strongly correlated with rearrests for violent offenses as was demonstrated for rearrests overall. As shown in Figure 30, among violent instant offenders, rearrests for violent offenses varied by less than 20 percentage points, ranging from 38.9 percent for offenders in CHC I to 56.2 percent of offenders in

CHC VI. However, violent rearrest rates among violent instant offenders in CHC III, IV, and V were similar, only ranging from 46.7 percent to 49.4 percent. Non-violent offenders had consistently lower rearrest rates for violent offenses in each CHC compared to violent instant offenders. Among non-violent offenders, rearrest rates for violent offenses varied by less than ten percentage points, ranging from 19.0 percent of offenders in CHC II to 27.7 percent of offenders in CHC V.

Table 9. Rearrest Rates by Offender Characteristics for Violent Instant and Non-Violent Federal Offenders Released in 2010

| Offender Characteristics | VIOLENT INSTANT OFFENDERS | NON-VIOLENT OFFENDERS |
|--------------------------|---------------------------|-----------------------|
| Gender | | |
| Male | 61.5% | 40.7% |
| Female | 41.8% | 31.1% |
| Race/Ethnicity | | |
| White | 53.4% | 34.0% |
| Black | 64.4% | 46.5% |
| Hispanic | 56.4% | 38.1% |
| Other | 70.8% | 32.8% |
| Education | | |
| Less than High School | 69.6% | 51.4% |
| High School Graduate | 60.2% | 39.1% |
| Some College | 47.7% | 29.3% |
| College Graduate | 27.3% | 16.1% |

Offender Characteristics

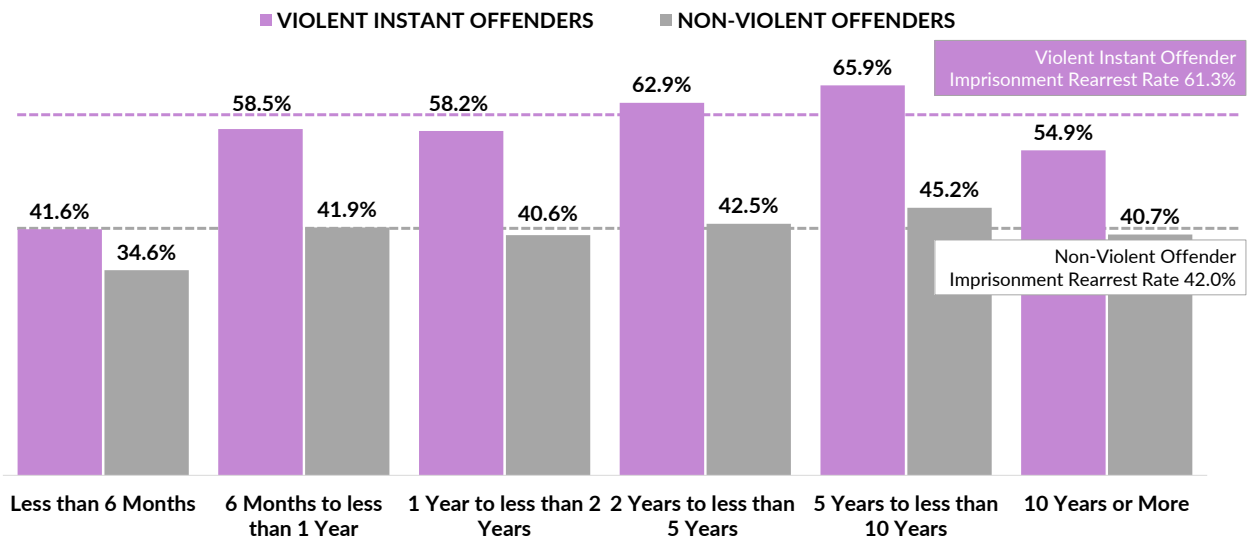
The rearrest patterns for violent instant offenders and non-violent offenders were similar for gender and level of education, but not for race and ethnicity. Male violent instant offenders had a substantially higher rearrest rate (61.5%) compared to female violent instant offenders (41.8%) (Table 9). Similarly, male non-violent offenders had a higher rearrest rate (40.7%) than female non-violent offenders (31.1%).

Rearrest rates for both groups of offenders decreased steadily for each successive increase in educational level. Most violent instant offenders who did

not complete high school (69.6%) were rearrested, compared to 27.3 percent of college graduates. Similarly, more than half of non-violent offenders who did not complete high school (51.4%) were rearrested, compared to 16.1 percent of college graduates.

Violent instant offenders of Other Races had the highest rearrest rate (70.8%), followed by Black (64.4%), Hispanic (56.4%), and White (53.4%) violent instant offenders. In contrast, Black non-violent offenders had the highest rearrest rate (46.5%), followed by Hispanic (38.1%), White (34.0%), and non-violent offenders of Other Races (32.8%).

Figure 31. Rearrest Rates by Length of Imprisonment Terms for Violent Instant and Non-Violent Federal Offenders Released in 2010

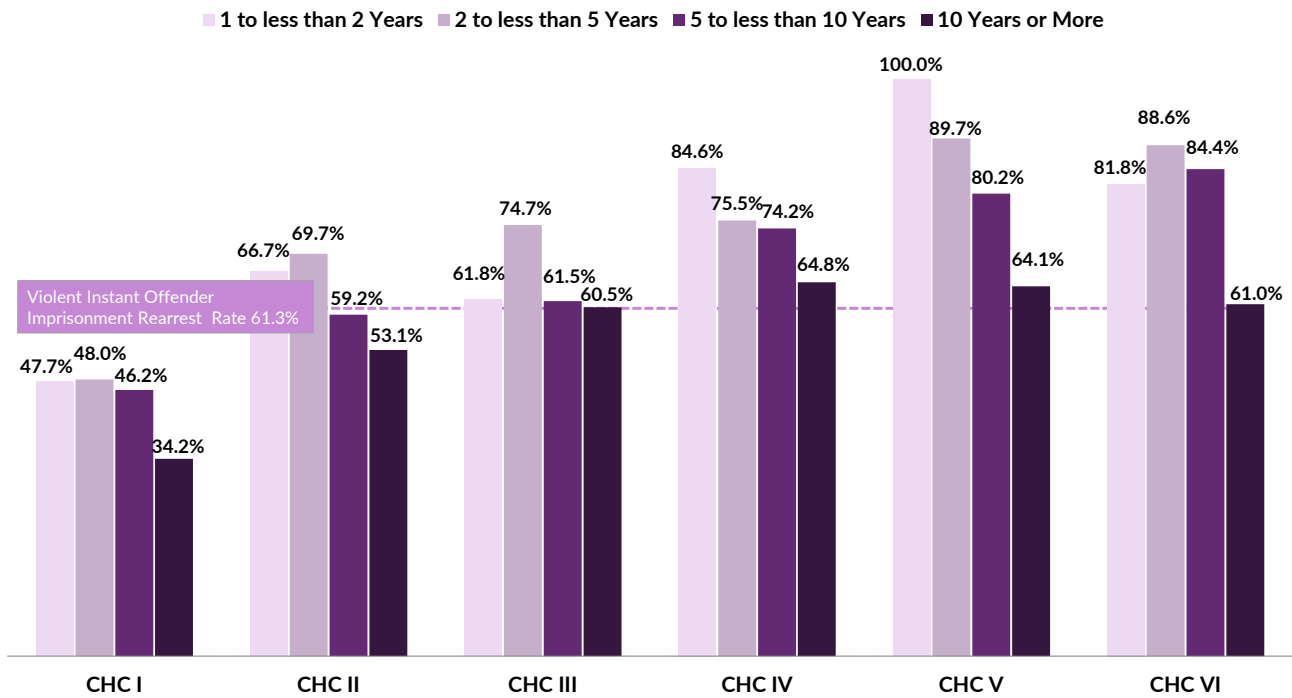


Imprisonment

The majority (61.3%) of violent instant offenders sentenced to imprisonment were rearrested.⁷⁰ Rearrest rates varied across length of imprisonment terms. Violent instant offenders originally sentenced to imprisonment terms of less than six months (41.6%) had the lowest rearrest rate (Figure 31). Violent instant offenders who originally were sentenced to imprisonment terms of five to less than ten years (65.9%) had the highest rearrest rate. Compared

to violent instant offenders, non-violent offenders sentenced to imprisonment had lower rearrest rates overall (42.0%) and for each of the imprisonment term categories. Non-violent offenders originally sentenced to imprisonment terms of less than six months had the lowest rearrest rate at 34.6 percent. Non-violent offenders originally sentenced to imprisonment terms of five to less than ten years had the highest rearrest rate at 45.2 percent.

Figure 32. Rearrest Rates by Length of Imprisonment Terms and Criminal History Category for Violent Instant Federal Offenders Released in 2010



When controlling for CHC, a correlation emerged between imprisonment terms and rearrest for violent instant offenders in some CHCs. As shown in Figure 32, for violent instant offenders in CHC IV and V⁷¹ there was a consistent correlation between

longer sentences and lower rearrest rates. The pattern was less consistent among the other CHCs, but offenders sentenced to the longest terms of imprisonment had the lowest rearrest rates in each CHC.

Robbery Offenders

- Robbery offenders comprise the largest group of violent instant offenders, accounting for 43.3% of the 3,020 violent instant offenders released in 2010.

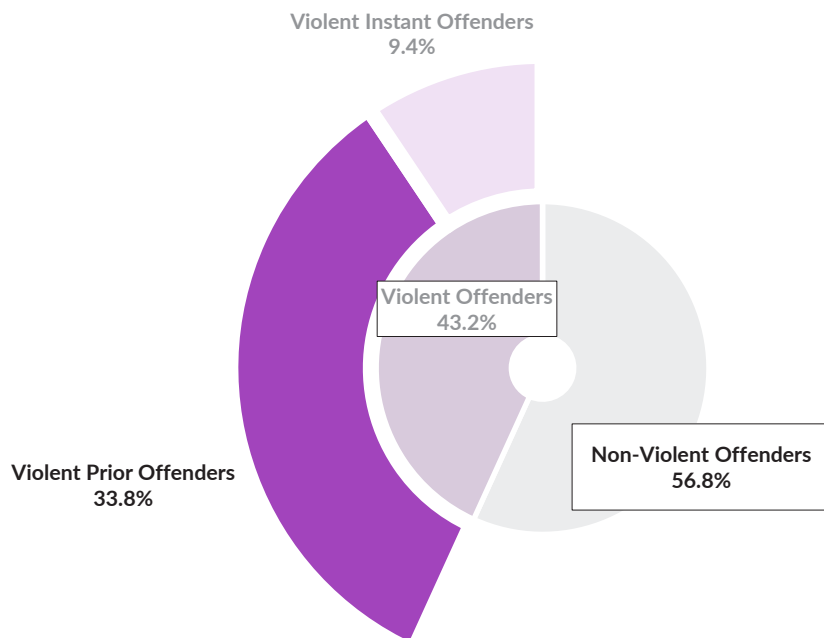
| | ROBBERY OFFENDERS | ALL OTHER VIOLENT INSTANT OFFENDERS |
|--|--------------------|-------------------------------------|
| Percent Rearrested | 63.3% | 57.3% |
| Violent Rearrests | 48.2% | 43.3% |
| Most Common Post Release Offenses | Robbery (24.7%) | Assault (26.1%) |
| | Assault (16.6%) | Administration of Justice (9.8%) |
| | Larceny (10.3%) | Supervision Violation (9.1%) |

VIOLENT PRIOR AND NON-VIOLENT OFFENDERS

VIOLENT PRIOR AND NON-VIOLENT OFFENDERS

This section compares offender characteristics, sentencing characteristics, and recidivism rates for violent prior and non-violent offenders. The violent prior category comprised 10,863 offenders who were not sentenced for a violent instant federal offense but had a prior arrest for a violent offense. Violent prior offenders accounted for 33.8 percent of the 32,135 federal offenders released in 2010 (Figure 33).

Figure 33. Violent Offense Conduct for Federal Offenders Released in 2010



Offender Characteristics

Black offenders account for the largest proportion (48.2%) of violent prior offenders, followed by White offenders (32.6%) (Table 10). In contrast, White offenders account for the largest proportion of non-violent offenders (46.3%), followed by Black offenders

(28.6%). Hispanic offenders comprise 15.9 percent of the violent prior offenders and 20.6 percent of the non-violent offenders.⁷²

Male offenders comprise the majority of both violent prior offenders (91.6%) and non-violent offenders (76.0%). The majority of offenders in each study group

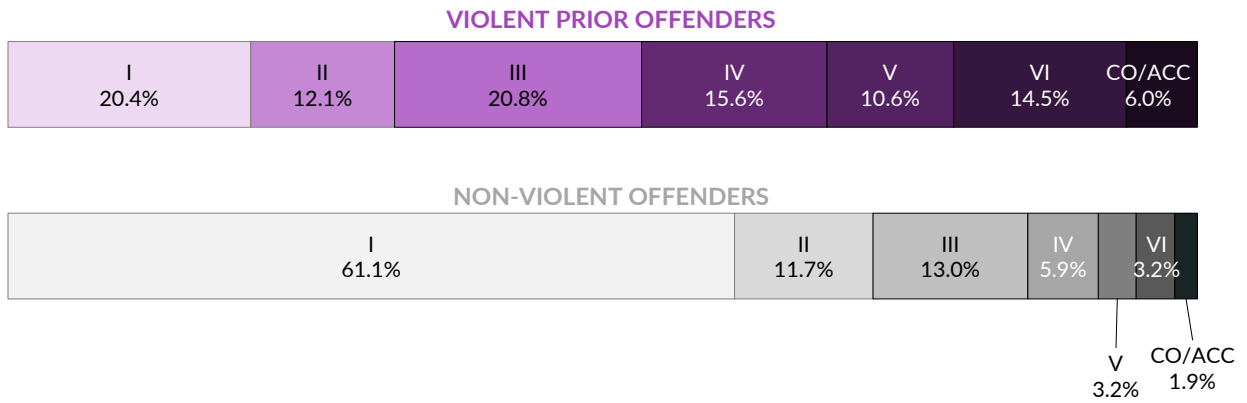
Table 10. Offender Characteristics for Violent Prior and Non-Violent Federal Offenders Released in 2010

| Offender Characteristics | VIOLENT PRIOR OFFENDERS | NON-VIOLENT OFFENDERS |
|--------------------------|-------------------------|-----------------------|
| Race/Ethnicity | | |
| White | 32.6% | 46.3% |
| Black | 48.2% | 28.6% |
| Hispanic | 15.9% | 20.6% |
| Other | 3.3% | 4.5% |
| Gender | | |
| Male | 91.6% | 76.0% |
| Female | 8.4% | 24.0% |
| Education | | |
| Less than High School | 42.4% | 30.2% |
| High School Graduate | 40.3% | 36.9% |
| Some College | 14.9% | 23.8% |
| College Graduate | 2.4% | 9.1% |
| Age at Sentencing | | |
| Average | 35 Years | 36 Years |
| Median | 33 Years | 34 Years |
| Age at Release | | |
| Average | 38 Years | 38 Years |
| Median | 37 Years | 36 Years |

were high school graduates; 57.6 percent of violent prior offenders were high school graduates, including 2.4 percent who graduated college. In comparison, 69.8 percent of non-violent offenders were high school graduates, including 9.1 percent who graduated college.

Both groups of offenders were of similar age at sentencing. At the time of sentencing, the average age of violent prior offenders was 35 and the average age of non-violent offenders was 36. Similarly, the average age at release was the same, 38 years, for the two groups of offenders.

Figure 34. Criminal History Category for Violent Prior and Non-Violent Federal Offenders Released in 2010

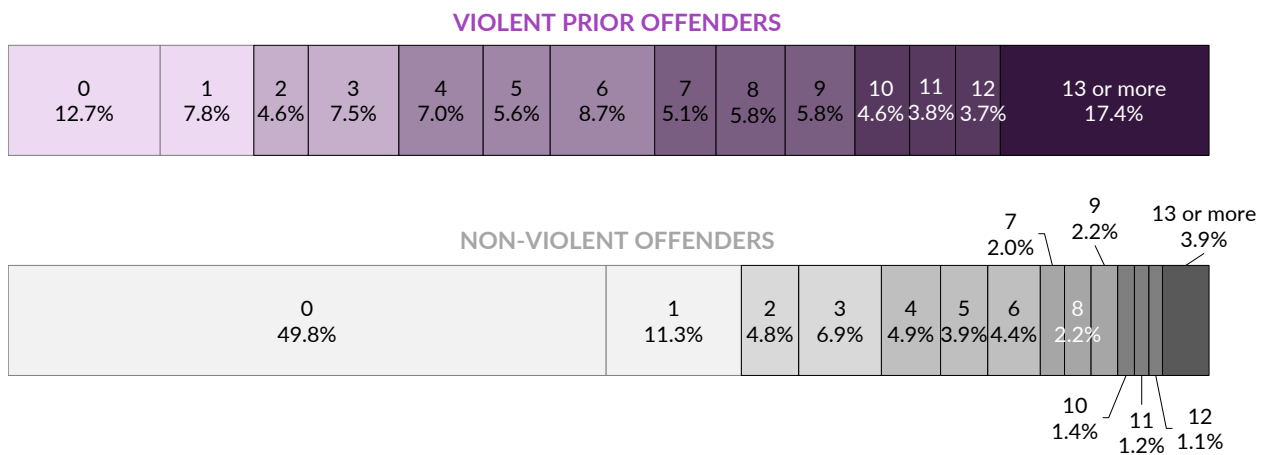


Criminal History

Similar to violent offenders generally, violent prior offenders have more extensive criminal history than non-violent offenders. As shown in Figure 34, one-fifth (20.4%) of violent prior offenders were in the least serious CHC of I. The proportion of non-violent offenders in CHC I was three times higher

at 61.1 percent. At the other end of the spectrum, 14.5 percent of violent prior offenders were in the most serious CHC of VI, compared to only 3.2 percent of non-violent offenders. In addition, three times as many violent prior offenders as non-violent offenders were sentenced under the career offender or armed career criminal provisions, 6.0 percent compared to 1.9 percent.⁷³

Figure 35. Criminal History Points for Violent Prior and Non-Violent Federal Offenders Released in 2010



A substantially smaller proportion of violent prior offenders (12.7%) had zero criminal history points⁷⁴ compared to non-violent offenders (49.8%) (Figure 35). At the other end of the spectrum, the

proportion of violent prior offenders with 13 or more criminal history points assigned was more than four times greater than the proportion of non-violent offenders, 17.4 percent and 3.9 percent, respectively.

Sentences Originally Imposed

The offenders in the study group were originally sentenced between 1990 and 2010.⁷⁵ More than three-quarters (78.8%) of violent prior offenders were sentenced after *Booker* compared to 88.2 percent

of non-violent offenders (Figure 36).⁷⁶ In addition, all of the offenders in the study were released (or sentenced to probation) during the PPSO’s implementation of more comprehensive evidence-based supervision practices and use of the PCRA.⁷⁷

Figure 36. Sentences Imposed Before and After *United States v. Booker* for Violent Prior and Non-Violent Federal Offenders Released in 2010

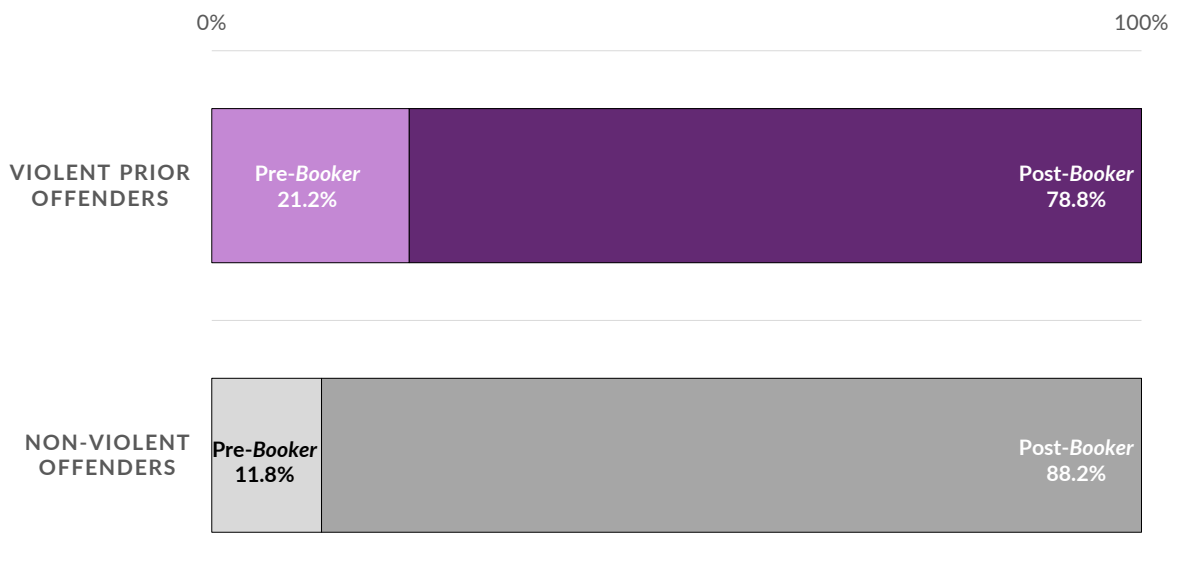
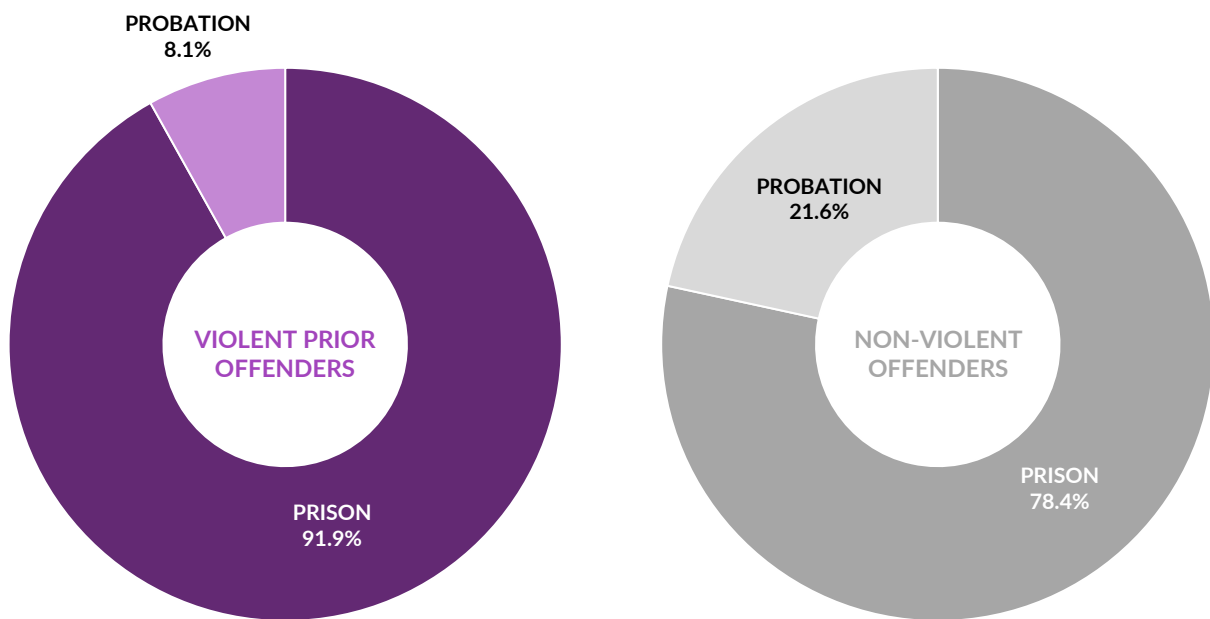


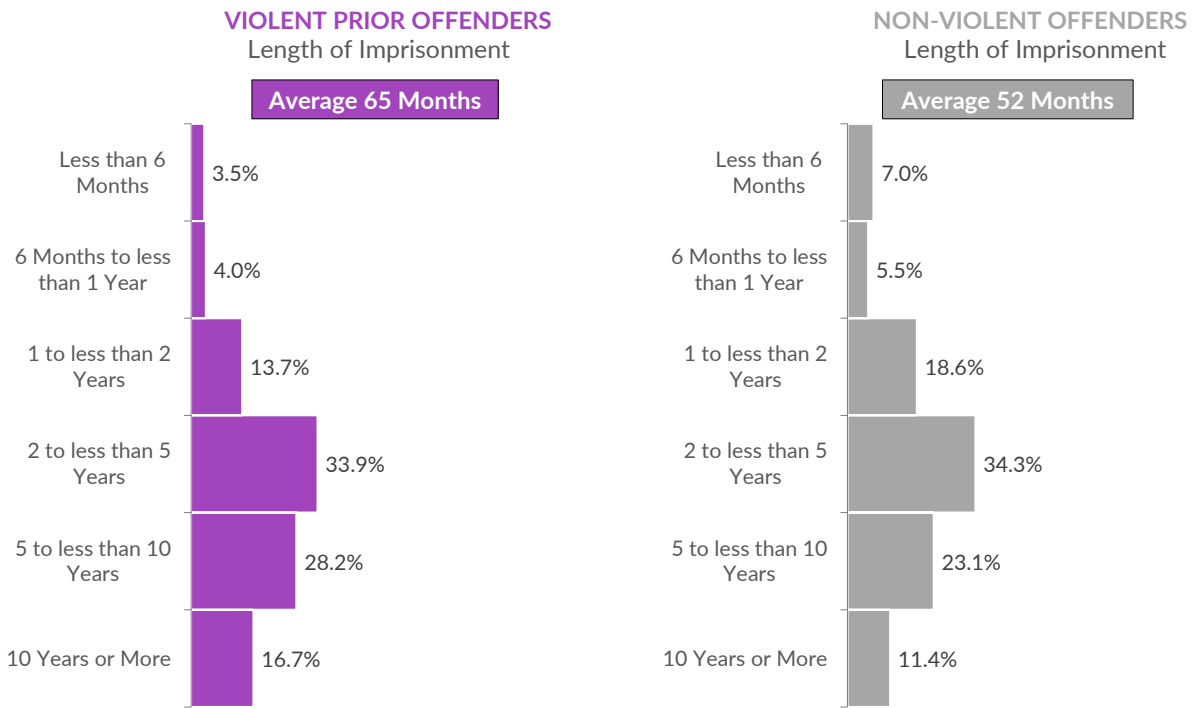
Figure 37. Type of Sentence Imposed for Violent Prior and Non-Violent Federal Offenders Released in 2010



Sentences originally imposed for violent prior offenders were more serious than for non-violent offenders. The overwhelming majority (91.9%) of violent prior offenders

were sentenced to prison, compared to slightly more than three-quarters (78.4%) of non-violent offenders (Figure 37).

Figure 38. Length of Imprisonment for Violent Prior and Non-Violent Federal Offenders Released in 2010



Sentences originally imposed for violent prior offenders also were longer compared to those imposed for non-violent offenders. The average sentence imposed for all violent prior offenders was 61 months. In comparison, the average sentence for non-violent offenders was 42 months.⁷⁸ For violent prior offenders sentenced to prison, the average imprisonment term was 65 months, compared to 52 months for non-violent offenders.

The majority (62.1%) of violent prior offenders sentenced to prison were sentenced to terms ranging from two years to less than ten years (Figure 38).⁷⁹ A smaller proportion (57.4%) of non-violent offenders were sentenced to terms of the same length. Offenders sentenced to prison terms of ten years or longer accounted for 16.7 percent of violent prior offenders and 11.4 percent of non-violent offenders.

Table 11. Overall Rearrest Findings for Violent Prior and Non-Violent Federal Offenders Released in 2010

| | VIOLENT PRIOR OFFENDERS | NON-VIOLENT OFFENDERS |
|----------------------------------|-------------------------|-----------------------|
| Percent Rearrested | 64.8% | 38.4% |
| Median Months to Rearrest | 17 | 22 |
| Median Number of Rearrests | 3 | 2 |
| Violent Rearrest | 37.1% | 22.0% |
| Most Common Post Release Offense | Assault (25.7%) | Assault (15.4%) |
| Median Age at Release | 35 | 32 |

Recidivism Findings

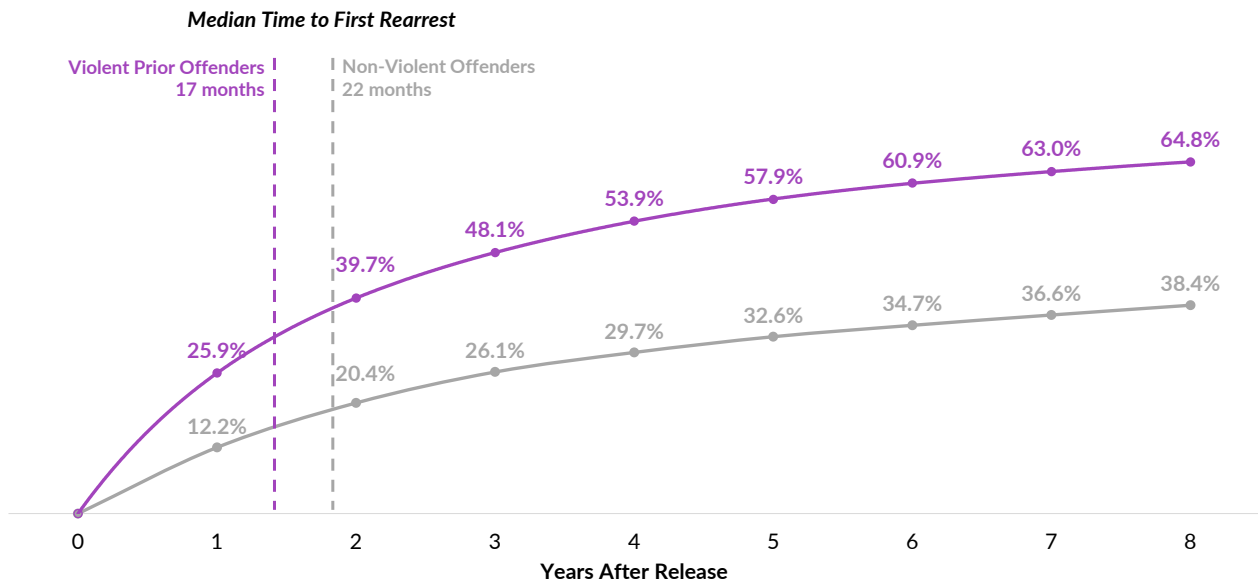
Violent prior offenders were rearrested at a substantially higher rate than non-violent offenders. During the eight-year study period, 64.8 percent of violent prior offenders were rearrested, compared to 38.4 percent of non-violent offenders (Table 11). In addition, violent prior offenders were rearrested sooner than non-violent offenders. Among violent prior offenders who were rearrested, the median time to rearrest was 17 months. In comparison, the median time to rearrest for non-violent offenders was 22 months, just under two years following their initial release into the community. Among offenders who were rearrested,

violent prior offenders had more rearrests (median of three) compared to non-violent offenders (median of two).

Violent prior offenders were rearrested for a violent offense at a higher rate than non-violent offenders, 37.1 percent compared to 22.0 percent. Assault was the most serious and most common offense at rearrest for both violent prior offenders (25.7%) and non-violent offenders (15.4%).

For violent prior offenders who were rearrested, the median age at release was 35. Non-violent offenders who were rearrested were younger, with a median age at release of 32.

Figure 39. Time to Rearrest for Violent Prior and Non-Violent Federal Offenders Released in 2010

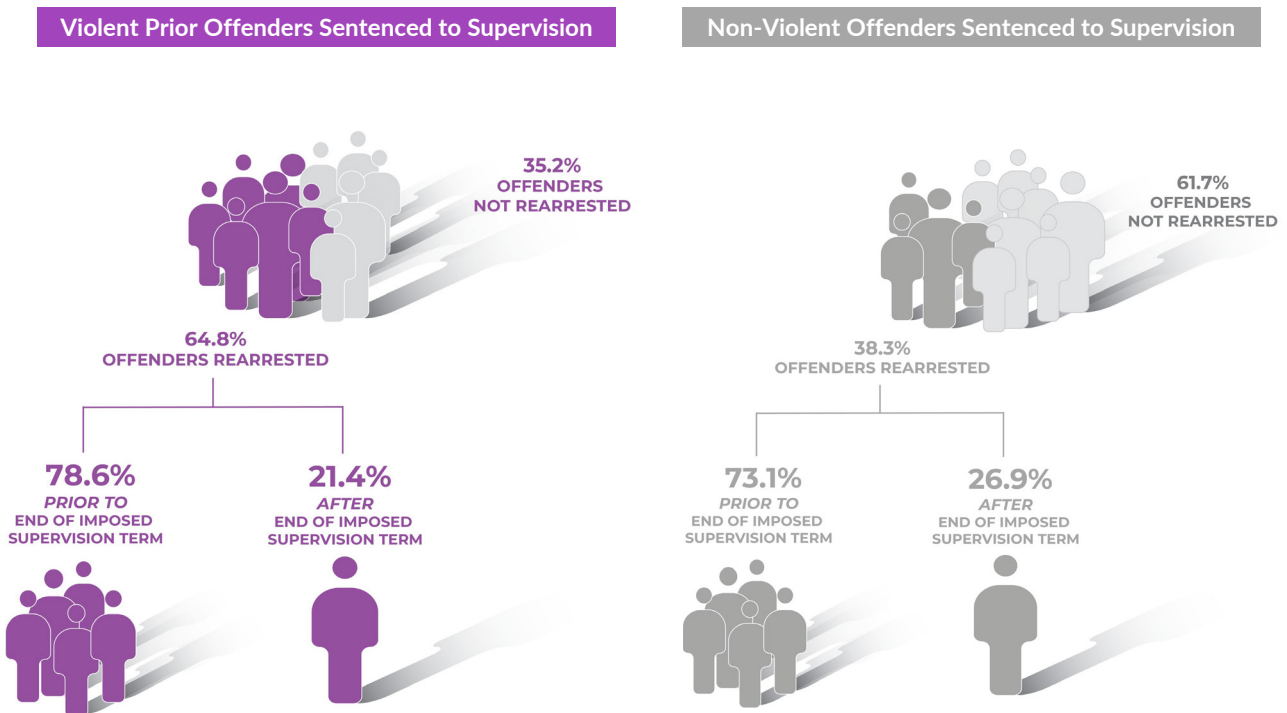


Timing of Rearrest

The largest proportion of rearrests occurred soon after release and steadily decreased over time for both violent prior offenders and non-violent offenders. However, the rates consistently were higher for violent prior offenders than for non-violent offenders. During the first year after release, violent prior offenders were rearrested at twice the rate of non-violent offenders, 25.9 percent compared to 12.2 percent (Figure 39). The decreasing trends in rearrest during the

eight-year period were similar for both groups of offenders. For example, 13.8 percent of violent prior offenders were rearrested for the first time in the second year after release and 8.4 percent in the third year. Only 1.8 percent of violent prior offenders were rearrested for the first time in the eighth year. Similarly, 8.2 percent of non-violent offenders were rearrested for the first time in the second year after release and 5.7 percent in the third year. Only 1.8 percent of non-violent offenders were rearrested for the first time in the eighth year.

Figure 40. Rearrests by Supervision Status for Violent Prior and Non-Violent Federal Offenders Released in 2010



Rearrests and Federal Supervision Status

Nearly all of the violent prior (99.4%) and non-violent (99.5%) offenders in the study originally were sentenced to a term of federal supervision (either probation or supervised release following imprisonment). Almost all of the supervision terms imposed were shorter than the eight-year follow-up period;⁸⁰ the average supervision terms imposed for violent prior and non-violent offenders were 45 months and 44 months, respectively.

Among offenders sentenced to supervision, a larger proportion of violent prior offenders were rearrested compared to non-violent offenders. Overall, 64.8

percent of violent prior offenders and 38.3 percent of non-violent offenders originally sentenced to any term of supervision were rearrested during the study period. Based on the length of terms imposed, most offenders in both groups were rearrested prior to the end of those terms. As shown in Figure 40, among violent prior offenders who were sentenced to a term of supervision and rearrested, 78.6 percent were rearrested earlier than the expiration of their originally imposed supervision term. Similarly, among non-violent offenders who were sentenced to a term of supervision and rearrested, 73.1 percent were rearrested earlier than the expiration of their originally imposed supervision term.

Types of Rearrest

Violent prior offenders were more likely to be rearrested for a violent offense compared to non-violent offenders. Overall, violent offenses accounted for 37.1 percent of rearrests for violent prior offenders and 22.0 percent of rearrests for non-violent offenders. In addition, violent prior offenders had higher rearrest rates for each type of violent offense compared to non-violent offenders (Figure 41).

The three most common types of rearrest were the same for violent prior offenders and non-violent offenders. Assault was the most common type of rearrest for both violent prior offenders (25.7%) and non-violent offenders (15.4%). Drug trafficking was the second most common type of rearrest, 11.9 percent for violent prior offenders and 12.4 percent for non-violent offenders, followed by larceny at 7.5 percent and 10.2 percent, respectively.

Figure 41. Most Serious Offense at Rearrest for Violent Prior and Non-Violent Federal Offenders Released in 2010

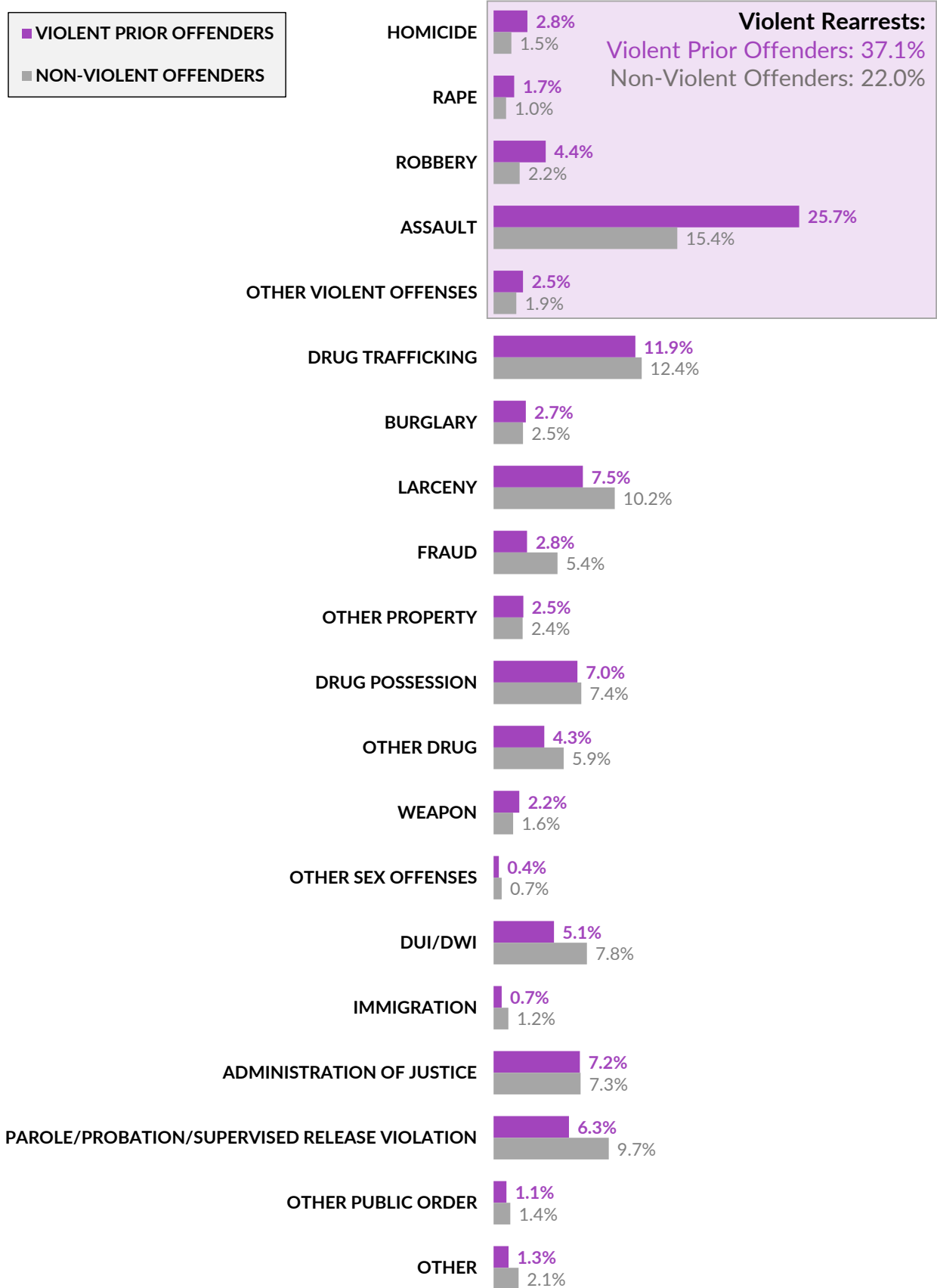
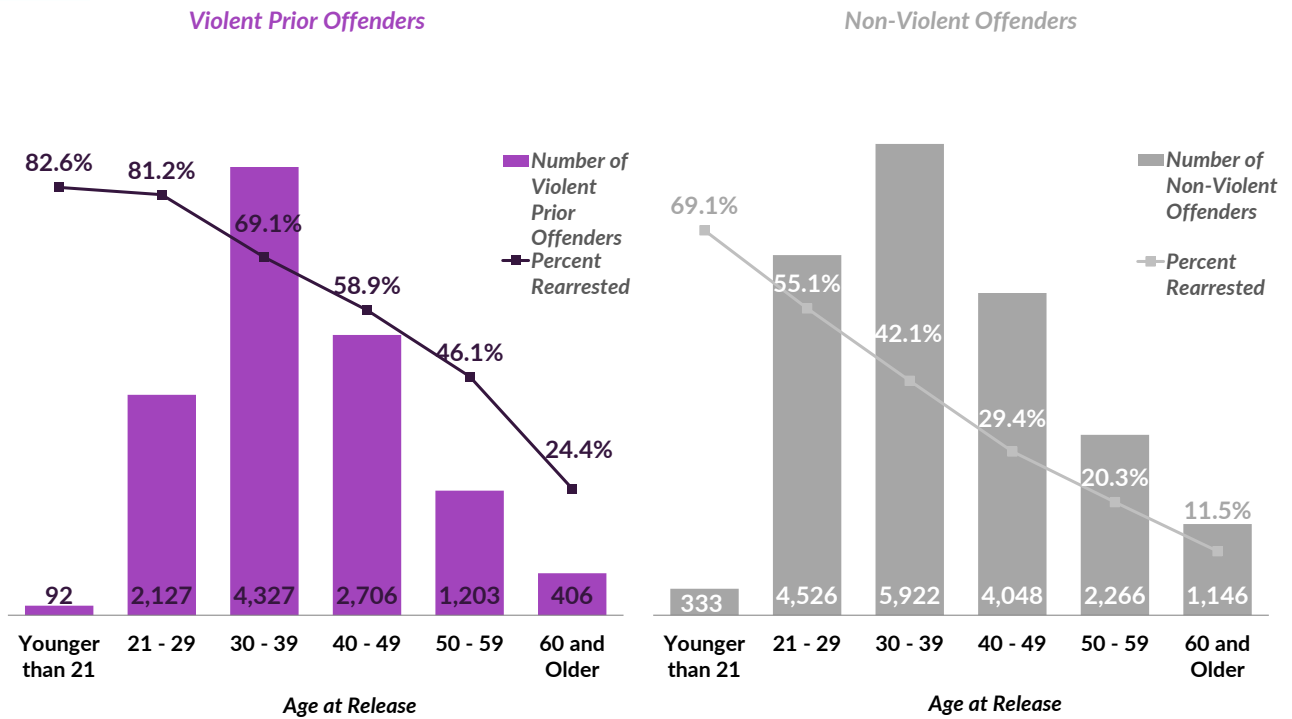


Figure 42. Rearrest Rates by Age at Release for Violent Prior and Non-Violent Federal Offenders Released in 2010



Age and Criminal History

As shown in Figure 42, rearrest rates decreased steadily for offenders in both study groups with increasing age at release and violent prior offenders consistently had higher rearrest rates than non-violent offenders in each age group. For example, the overwhelming majority of violent prior offenders younger than age 30 were rearrested and one-quarter of violent prior

offenders aged 60 years and older were rearrested. By comparison, more than half of non-violent offenders younger than age 30 were rearrested compared to only 11.5 percent of non-violent offenders aged 60 years and older. The greatest difference in rearrest rates was nearly 30 percentage points between violent prior (58.9%) and non-violent (29.4%) offenders aged 40 to 49.

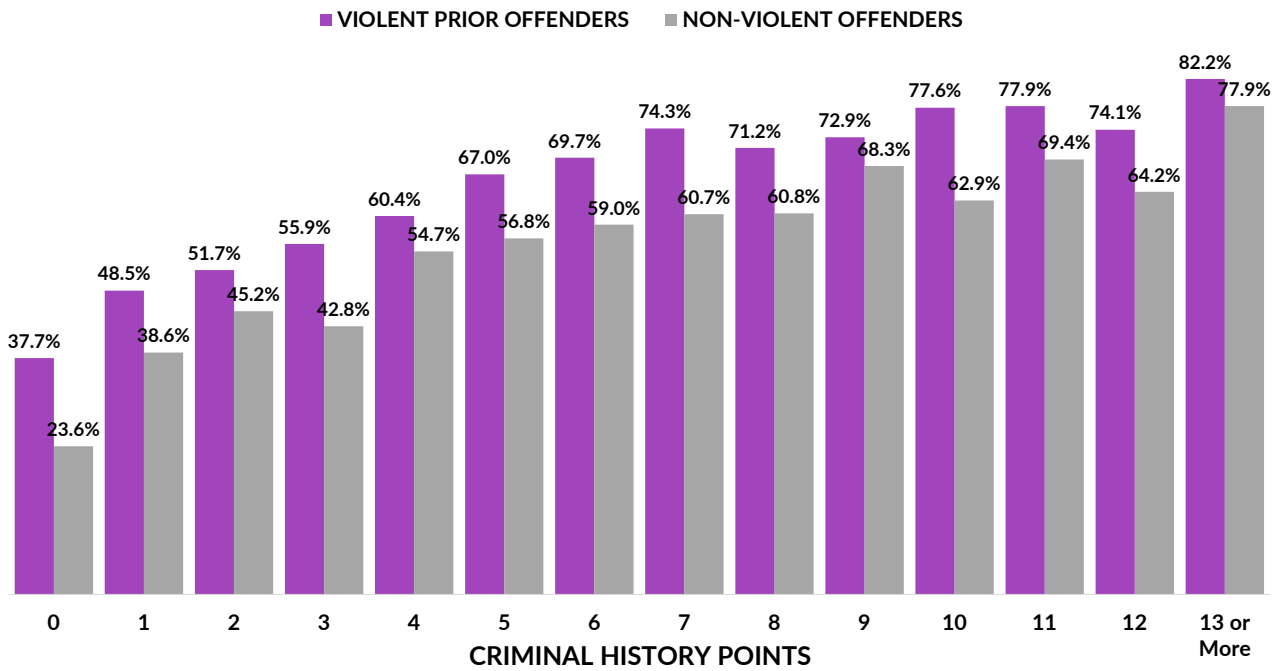
Table 12. Time to Rearrest by Age at Release for Violent Prior and Non-Violent Federal Offenders Released in 2010

| Age at Release | Time to Rearrest (median months) | |
|-----------------|----------------------------------|-----------------------|
| | VIOLENT PRIOR OFFENDERS | NON-VIOLENT OFFENDERS |
| All Offenders | 17 | 22 |
| Younger than 21 | 11 | 15 |
| 21 - 29 Years | 13 | 20 |
| 30 - 39 Years | 17 | 24 |
| 40 - 49 Years | 20 | 24 |
| 50 - 59 Years | 21 | 26 |
| 60 and Older | 23 | 22 |

Younger offenders in both study groups also were rearrested sooner than their older counterparts. While the median time to rearrest was 17 months for all violent prior offenders in the study, as shown in Table 12, the median time to rearrest for the youngest group of violent prior offenders (younger than 21 years) was 11 months. One-half of violent prior offenders in that age group were rearrested before 11 months had elapsed following their release, and the other one-half of violent prior offenders were rearrested after 11 months had elapsed following their release. The median

time to rearrest increased for violent prior offenders in each of the successive age groups. The pattern was similar for non-violent offenders, but they were generally slower to recidivate. While the median time to rearrest was 22 months for all non-violent offenders, the median time to rearrest for the youngest group of non-violent offenders (younger than 21 years) was 15 months. The median time to rearrest increased for non-violent offenders in most of the successive age groups. The exception was the median time to rearrest of 22 months for non-violent offenders aged 60 and older.

Figure 43. Rearrest Rates by Criminal History Points for Violent Prior and Non-Violent Federal Offenders Released in 2010

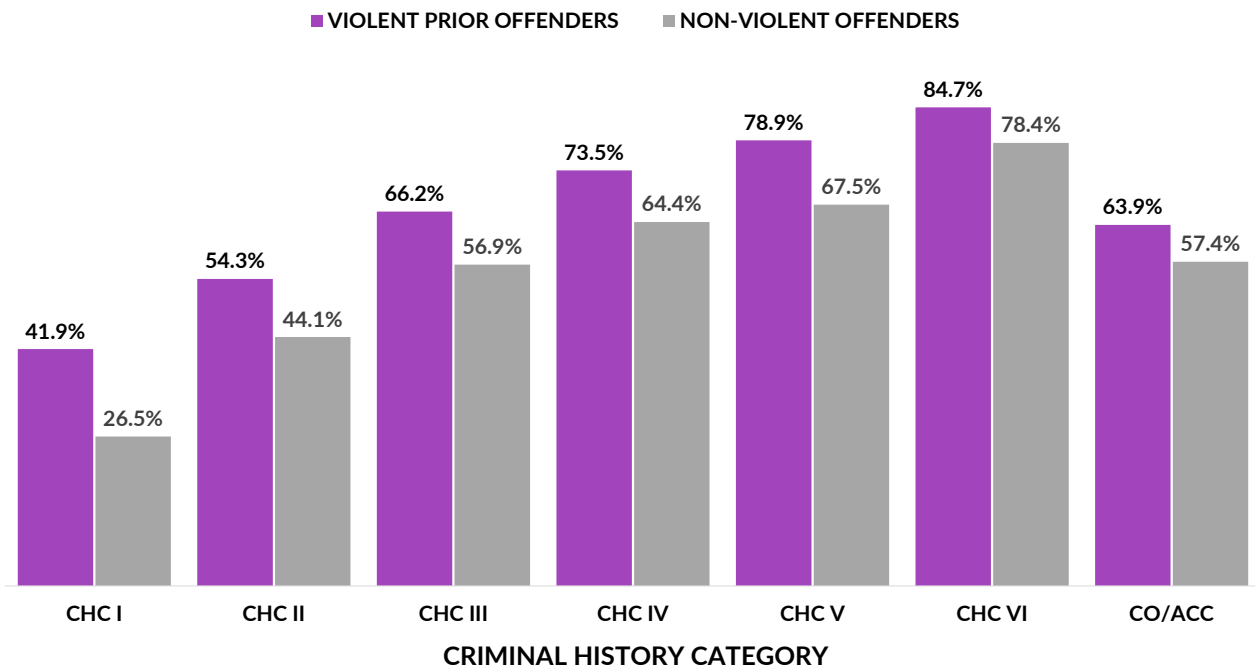


Both violent prior offenders and non-violent offenders with more extensive criminal histories had higher rearrest rates. As shown in Figure 43, offenders with zero criminal history points had the lowest rearrest rate and each criminal history point was generally associated with a higher rate of rearrest. Among violent prior offenders, 37.7 percent of offenders with zero criminal history points were rearrested within eight years, compared to 82.2 percent with 13 or more criminal history points. Rearrest rates for non-violent

offenders were consistently lower for each category but followed the same pattern. Among non-violent offenders, 23.6 percent of offenders with zero criminal history points were rearrested within eight years, compared to 77.9 percent of offenders with 13 or more criminal history points.

Rearrest rates increased with each CHC for both violent prior offenders and non-violent offenders (Figure 44). The rearrest rates for violent prior offenders ranged from less than one-half (41.9%) of offenders in CHC I and increased to more

Figure 44. Rearrest Rates by Criminal History Category for Violent Prior and Non-Violent Federal Offenders Released in 2010

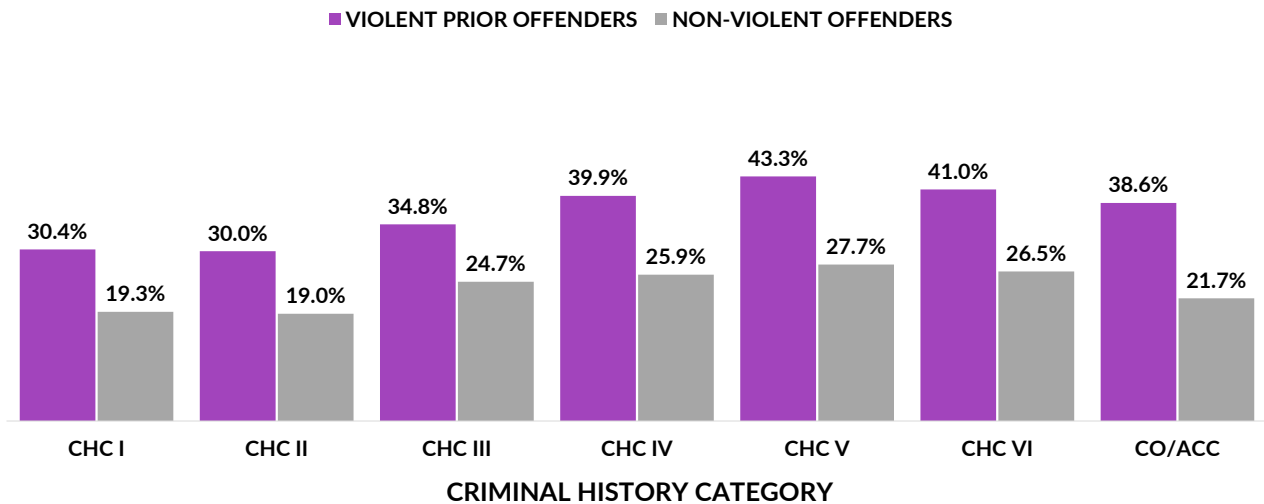


than three-quarters of offenders in CHC V (78.9%) and CHC VI (84.7%). Non-violent offenders had a similar rearrest pattern. However, non-violent offenders had lower rearrest rates than violent prior offenders in each CHC. The rearrest rates for non-violent offenders ranged from approximately one-quarter (26.5%) of offenders in CHC I to 78.4 percent of offenders in CHC VI, steadily increasing with each category.

The rearrest rates for violent prior and non-violent offenders sentenced as career offenders and armed career criminals are lower than rearrest

rates for offenders in the higher CHCs (Figure 44). Just 6.0 percent of violent prior offenders were sentenced as career offenders or armed career criminals. Just under two-thirds (63.9%) of those offenders were rearrested during the study period, a rate comparable to the rate for violent prior offenders in CHC III (66.2%). A smaller proportion of non-violent offenders (1.9%) were sentenced as career offenders or armed career criminals. More than one-half (57.4%) of those offenders were rearrested, a rate comparable to the rate for non-violent offenders in CHC III (56.9%).

Figure 45. Violent Rearrest Rates by Criminal History Category for Rearrested Violent Prior and Non-Violent Federal Offenders Released in 2010



CHC is not as strongly correlated with rearrests for violent offenses as was demonstrated for rearrests overall. As shown in Figure 45, among violent prior offenders, rearrests for violent offenses varied by 13 percentage points, ranging from 30.0 percent for offenders in CHC II to 43.3 percent of violent offenders in CHC

V. Non-violent offenders had consistently lower rearrest rates for violent offenses in each CHC compared to violent prior offenders. Among non-violent offenders, rearrest rates for violent offenses varied by less than ten percentage points, ranging from 19.0 percent of offenders in CHC II to 27.7 percent of offenders in CHC V.

Table 13. Rearrest Rates by Offender Characteristics for Violent Prior and Non-Violent Federal Offenders Released in 2010

| Offender Characteristics | VIOLENT PRIOR OFFENDERS | NON-VIOLENT OFFENDERS |
|--------------------------|-------------------------|-----------------------|
| Gender | | |
| Male | 66.0% | 40.7% |
| Female | 52.5% | 31.1% |
| Race/Ethnicity | | |
| White | 60.2% | 34.0% |
| Black | 68.6% | 46.5% |
| Hispanic | 62.8% | 38.1% |
| Other | 66.1% | 32.8% |
| Education | | |
| Less than High School | 70.1% | 51.4% |
| High School Graduate | 64.5% | 39.1% |
| Some College | 55.0% | 29.3% |
| College Graduate | 37.9% | 16.1% |

Offender Characteristics

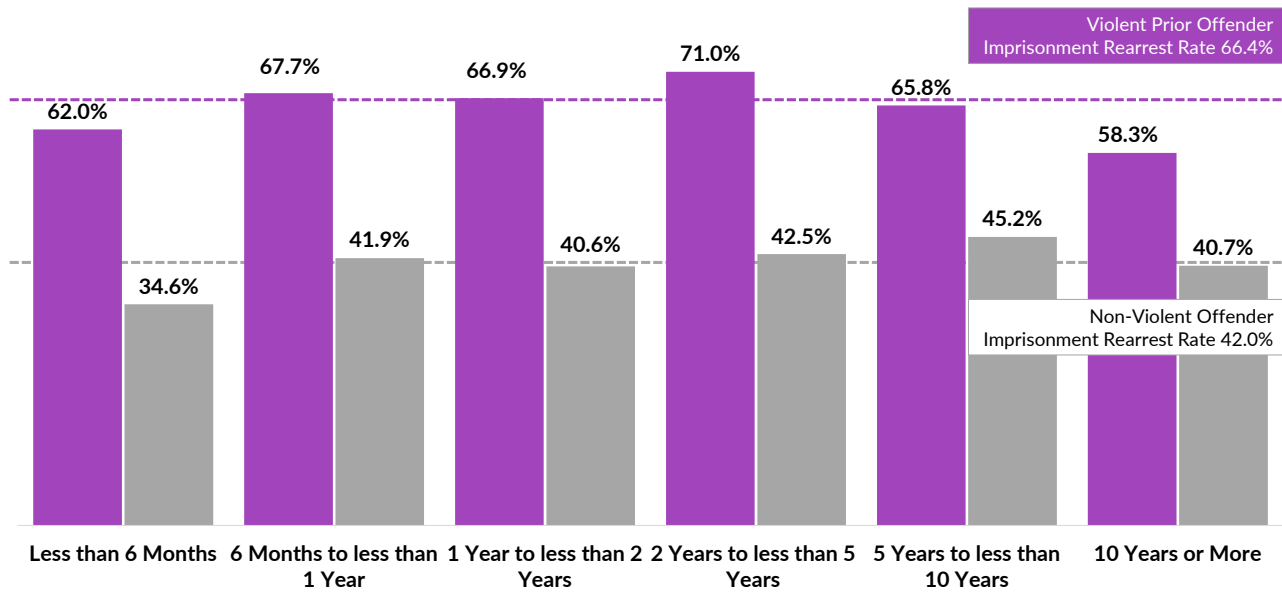
The rearrest patterns for violent prior offenders and non-violent offenders were similar for gender and level of education but differed somewhat for race and ethnicity. Male violent prior offenders had a higher rearrest rate (66.0%) compared to female violent prior offenders (52.5%) (Table 13). Similarly, male non-violent offenders had a higher rearrest rate (40.7%) than female non-violent offenders (31.1%).

Rearrest rates for both groups of offenders decreased steadily for each successive increase in educational level. Most violent prior offenders who did not complete high school (70.1%) were rearrested, compared to 37.9 percent of

college graduates. Similarly, more than half of non-violent offenders who did not complete high school (51.4%) were rearrested, compared to 16.1 percent of college graduates.

Among both violent prior and non-violent offenders, Black offenders had the highest rearrest rates, 68.6 percent and 46.5 percent, respectively. For violent prior offenders, the second highest rearrest rates were for offenders of Other Races (66.1%), followed by Hispanic (62.8%), and White (60.2%) offenders. In contrast, among non-violent offenders, Hispanic (38.1%) offenders had the second highest rearrest rate, followed by White offenders (34.0%), and offenders of Other Races (32.8%).

Figure 46. Rearrest Rates by Length of Imprisonment Terms for Violent Prior and Non-Violent Federal Offenders Released in 2010

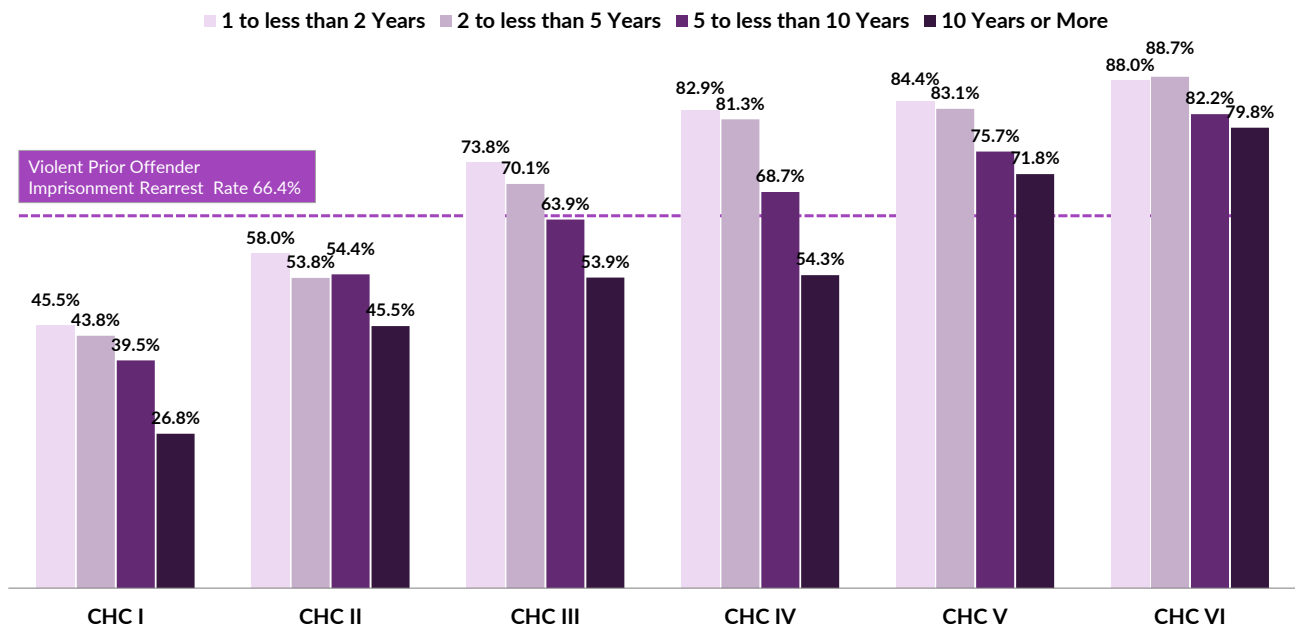


Imprisonment

Two-thirds (66.4%) of violent prior offenders sentenced to imprisonment were rearrested, and rearrest rates varied across length of imprisonment terms.⁸¹ Violent prior offenders originally sentenced to imprisonment terms of ten years or more (58.3%) had the lowest rearrest rate (Figure 46). Violent prior offenders who originally were sentenced to imprisonment terms of two to less than five years (71.0%) had the highest rearrest rate. Compared

to violent prior offenders, non-violent offenders sentenced to imprisonment had lower rearrest rates overall (42.0%) and their rearrest rates were lower for each of the imprisonment term categories. Non-violent offenders originally sentenced to imprisonment terms of less than six months had the lowest rearrest rate at 34.6 percent. Non-violent offenders originally sentenced to imprisonment terms of five to less than ten years had the highest rearrest rate at 45.2 percent.

Figure 47. Rearrest Rates by Length of Imprisonment Terms and Criminal History Category for Violent Prior Federal Offenders Released in 2010



When controlling for CHC, a correlation between sentence length and CHC emerged for violent prior offenders in some CHCs. With the exception of violent prior offenders in CHC II and VI, there was a consistent correlation between longer

sentences and lower rearrest rates (Figure 47). In addition, violent prior offenders sentenced to the longest terms of imprisonment had the lowest rearrest rates in each CHC.

COMPARISON WITH THE 2005 RELEASE COHORT

COMPARISON WITH THE 2005 RELEASE COHORT

The Commission’s current findings for violent federal offenders released in 2010 are comparable to its previous findings for violent federal offenders released in 2005. Violent offenders comprised less than half of offenders in each cohort the Commission studied (Figure 48). However, violent offenders accounted for a marginally larger proportion of offenders released in 2010.

The recidivism rates of violent and non-violent offenders remained unchanged despite two intervening major developments in the federal criminal justice system: the Supreme Court’s decision in *Booker*, and increased use of evidence-based practices in federal supervision.⁸² The Commission’s current recidivism findings for violent and non-violent offenders released in 2010 replicate its findings for offenders released

Figure 48. Violent and Non-Violent Federal Offenders Released in 2010 and 2005



Table 14. Selected Rearrest Information for Violent and Non-Violent Federal Offenders Released in 2010 and 2005

| | Percent Rearrested | | Most Common Post Release Offense | |
|---------------------------|--------------------|-------------|----------------------------------|----------------------|
| | 2010 Cohort | 2005 Cohort | 2010 Cohort | 2005 Cohort |
| All Violent Offenders | 63.8% | 63.8% | Assault (24.9%) | Assault (28.4%) |
| Violent Instant Offenders | 59.9% | 60.2% | Assault (21.7%) | Assault (23.6%) |
| Violent Prior Offenders | 64.8% | 65.1% | Assault (25.7%) | Assault (30.0%) |
| Non-Violent Offenders | 38.4% | 39.8% | Assault (15.4%) | Public Order (20.9%) |

in 2005.⁸³ Among violent offenders, the rearrest rate remained unchanged; 63.8 percent of violent offenders were rearrested who were released in 2010, the same rearrest rate for violent offenders released in 2005 (Table 14).⁸⁴ Likewise, 38.4 percent of non-violent offenders released in 2010 were rearrested, nearly equal to the rearrest rate of 39.8 percent of non-violent offenders released in 2005.⁸⁵

Rearrests for violent instant offenders and violent prior offenders also were similar in both studies. Among offenders released in 2010, 59.9 percent of violent instant offenders and 64.8 percent of violent prior offenders were rearrested. Among offenders released in 2005, 60.2 percent of violent instant offenders and 65.1 percent of violent prior offenders were rearrested.⁸⁶

Consistent with the Commission’s findings for the 2005 cohort, assault was the most serious and most common type of rearrest for each group of violent offenders released in 2010. Among all violent offenders released in 2010 who were rearrested, 24.9 percent had assault as the most common offense at rearrest, compared to 28.4 percent of all violent offenders released in 2005.⁸⁷ Similarly, assault was the predominant offense at rearrest among violent *instant* offenders released in 2010 (21.7%) and 2005 (23.6%) and among violent *prior* offenders released in 2010 (25.7%) and 2005 (30.0%).⁸⁸

The pattern differed for non-violent offenders. Assault (15.4%) was the most common offense at rearrest for non-violent offenders released in 2010. However, for non-violent offenders released in 2005, public order (20.9%) was the most common offense at rearrest, followed by assault

(17.9%).⁸⁹ This difference is attributable to the Commission's disaggregation of the "public order" category for the current analysis. To provide an increased level of detail, the Commission divided the previously reported "public order" category into (1) other sex offenses, (2) administration of justice offenses, (3) probation, parole, and supervision violations, and (4) public order offenses.⁹⁰ Among non-violent offenders released in 2010, the combined rearrest rates (19.1%) for other sex offenses (0.7%), administration of justice offenses (7.3%), probation, parole, and supervision violations (9.7%), and public order offenses (1.4%) are analogous to public order rearrests among offenders released in 2005 (20.9%).

Consistent with prior Commission research, including the Commission's prior study of the recidivism of violent offenders, age at release and criminal history continue to correlate with rearrest.⁹¹ In both the 2005 and 2010 release cohorts, older offenders were less likely to be rearrested than younger offenders and offenders with higher CHCs were more likely to be rearrested than offenders in lower CHCs.⁹² In addition, violent offenders consistently were rearrested at higher rates than non-violent offenders in each age group and CHC.

CONCLUSION

CONCLUSION

This report continues the Commission's ongoing recidivism research by providing data relating to violent federal offenders released in calendar year 2010.

Overall, violent offenders were rearrested at a higher rate than non-violent offenders. Consistent with prior Commission research, this study demonstrated a strong association between both age at release and CHC. In addition, violent offenders had higher rearrest rates than non-violent offenders in each age group. Violent offenders also had higher rearrest rates than non-violent offenders within each CHC.

This report also analyzed the offender characteristics and rearrest rates of two categories of violent federal offenders as compared to non-violent offenders. Both violent instant offenders and violent prior offenders were rearrested at a higher rate and more quickly than non-violent offenders. Similarly, violent instant

offenders and violent prior offenders each were rearrested at higher rates in every age category and each CHC compared to non-violent offenders.

This study demonstrated substantial consistency in the rearrest of violent federal offenders comparing offenders released in 2010 and offenders released in 2005. Violent offenders in both study groups recidivated at the same rate. Importantly, this consistency endured despite two major intervening developments in the federal criminal justice system, the Supreme Court's decision in *Booker* and the increased use of evidence-based practices in federal supervision. Comparing federal offenders released in 2010 and 2005, the Commission demonstrated that violent offenders were rearrested at a higher rate, more quickly, and for more violent offenses than non-violent offenders.

APPENDICES

APPENDIX A

Methodology

The Commission entered into a data sharing agreement with the FBI's Criminal Justice Information Services Division (CJIS) and the AO to provide the Commission with secure electronic access to criminal history records through CJIS's Interstate Identification Index (III) and International Justice and Public Safety Network (NLETS). Results received using this system provide an individual's Criminal History Record Information (CHRI) maintained by all U.S. states, the District of Columbia, U.S. territories, and federal agencies. Once the raw CHRI was obtained, the Commission organized and standardized the arrest and court disposition information into an analytical dataset. The resulting data contained CHRI for 32,135 offenders with valid identifying information and who were released in 2010.

Identifying the Study Cohort

The study cohort includes all federal offenders who were U.S. citizens and released from federal prison after serving a sentence of imprisonment or placed on probation in 2010. For offenders released from prison, the BOP provided release dates and identifying information for all offenders released in 2010. The Commission identified offenders placed on probation in 2010 and, with the assistance of the AO, identified and removed offenders who died while on supervised release during the recidivism follow-up period.

Processing the Criminal History Record Information

The Commission entered into a data sharing agreement with the FBI's CJIS Division and the AO to acquire electronic records of offender CHRI. The AO extracted offender CHRI through its Access to Law Enforcement System (ATLAS), which provides an interface to III and NLETS. The III allows authorized agencies to determine whether any federal or state repository has CHRI on an individual. Agencies can then securely access specific state CHRI through NLETS. As a result, ATLAS collects CHRI from all state and federal agencies.

The ATLAS system returns the literal text in the Record of Arrest (RAP) sheets in the format in which the original records appear: dates of criminal justice system actions (*e.g.*, arrests); offense categories that indicate the charges in the terminology used by that agency (*e.g.*, text strings or numeric categories); subsequent action tied to arrest charges (*e.g.*, charges

filed by prosecutors, court findings of guilt, etc.); and sentencing and corrections information. All of these records are subject to availability from the originating source.

The ATLAS system also "parses" records from RAP sheets received from all 50 states, the District of Columbia, and federal agencies. Parsing records involves organizing key data elements into logical components, for example arrest, court, and correctional events. Key data elements include offender identifiers, dates of key actions (*e.g.*, arrests and convictions), the criminal charges, and outcomes such as convictions and sentencing information when provided by the courts. The parsing process collates the multi-state records into a uniform structure, regardless of the state, for all individuals with a valid FBI number who were found in one or more repositories across the country.

Standardizing the Criminal Records

After acquiring offender CHRI, the Commission contracted with Integrity One Partners (IOP) to consolidate records for each offender and remove duplicative or extraneous material.⁹³ Following this preliminary process, IOP utilized a crosswalk created for the Commission's prior recidivism research⁹⁴ to standardize offense codes across states and federal agencies. The crosswalk was updated to standardize new offense codes not mapped in the original crosswalk. The crosswalk standardizes arrest and court codes, regardless of originating sources, into a common framework for analysis. This step was needed because criminal records repositories are primarily designed to store records in ways that accurately reflect the requirements of each state or federal repository, such as the criminal code for that jurisdiction. As a result, any

two repositories are likely to use many unique text strings to indicate the nature of the criminal charges and actions taken in response to those charges. Thus, standardizing the offense information was necessary for cross-jurisdictional analysis.

Within each arrest cycle, arrest charges were categorized using standardized codes. A charge severity index was created that incorporates both criminal law classification (e.g., felony or misdemeanor) and offense severity. Offenses were first classified into standardized subcategories. These subcategories were then further grouped for analytical purposes into one of 20 major crime categories in ranking order by severity.⁹⁵ For each offender, the most severe major crime category was identified in their arrest information. The rearrest categories and their underlying subcategories are provided in Table A.

Table A. Rearrest Offense Categories and Charges

| | |
|-----------------------|---|
| MURDER | <i>Murder of public officer</i> |
| | <i>Murder</i> |
| | <i>Attempted murder</i> |
| | <i>Unspecified manslaughter/homicide</i> |
| SEXUAL ASSAULT | <i>Nonnegligent manslaughter/homicide</i> |
| | <i>Rape</i> |
| | <i>Forcible sodomy</i> |
| | <i>Fondling</i> |
| | <i>Statutory rape</i> |
| | <i>Luring minor by computer</i> |
| | <i>Other sexual assault</i> |
| | <i>Sexual assault unspecified</i> |
| ROBBERY | <i>Armed robbery</i> |
| | <i>Robbery unspecified</i> |
| | <i>Unarmed robbery</i> |
| ASSAULT | <i>Aggravated/felony assault</i> |
| | <i>Simple/misdemeanor assault</i> |
| | <i>Assault unspecified</i> |
| | <i>Assault of public officer</i> |
| | <i>Intimidation</i> |
| | <i>Hit and run driving with bodily injury</i> |
| | <i>Intimidating a witness</i> |
| OTHER VIOLENT | <i>Kidnapping</i> |
| | <i>Blackmail/extortion</i> |
| | <i>Rioting</i> |
| | <i>Child abuse</i> |
| | <i>Other violent offense</i> |
| | <i>Arson</i> |

| | |
|--------------------------|---|
| DRUG TRAFFICKING | <ul style="list-style-type: none"> <i>Trafficking cocaine/crack</i> <i>Trafficking heroin</i> <i>Trafficking marijuana</i> <i>Trafficking methamphetamine</i> <i>Trafficking other/unspecified controlled substance</i> |
| BURGLARY | <ul style="list-style-type: none"> <i>Burglary</i> |
| LARCENY | <ul style="list-style-type: none"> <i>Motor vehicle theft</i> <i>Grand/felony larceny</i> <i>Petty/misdemeanor larceny</i> <i>Larceny unspecified</i> <i>Receiving stolen property</i> <i>Trafficking stolen property</i> <i>Unauthorized use of vehicle</i> |
| FRAUD | <ul style="list-style-type: none"> <i>Fraud/forgery</i> <i>Identity theft</i> <i>Embezzlement</i> <i>Bribery</i> |
| OTHER PROPERTY | <ul style="list-style-type: none"> <i>Destruction of property</i> <i>Hit and run with property damage</i> <i>Trespassing</i> <i>Possession of burglary tools</i> <i>Other property offense</i> |
| DRUG POSSESSION | <ul style="list-style-type: none"> <i>Possession of cocaine/crack</i> <i>Possession of heroin</i> <i>Possession of marijuana</i> <i>Possession of methamphetamine</i> <i>Possession of other/unspecified controlled substance</i> |
| OTHER DRUG | <ul style="list-style-type: none"> <i>Unspecified cocaine/crack offense</i> <i>Unspecified heroin offense</i> <i>Unspecified marijuana offense</i> <i>Unspecified methamphetamine offense</i> <i>Unspecified other/unspecified drug offense</i> |
| WEAPON | <ul style="list-style-type: none"> <i>Weapon offense</i> |
| OTHER SEX OFFENSE | <ul style="list-style-type: none"> <i>Morals offense</i> <i>Indecent exposure</i> <i>Commercialized vice</i> <i>Contributing to the delinquency of a minor</i> |
| DUI/DWI | <ul style="list-style-type: none"> <i>Driving while intoxicated/under the influence, substance unspecified</i> <i>Driving while intoxicated/under the influence, alcohol</i> <i>Driving while intoxicated/under the influence, drugs</i> |
| IMMIGRATION | <ul style="list-style-type: none"> <i>Immigration offense</i> |

ADMINISTRATION OF JUSTICE

Escape from custody
Flight to avoid prosecution
Warrant
Contempt of court
Failure to appear
Violation of restraining order
Other court offense
Prison contraband offense
Sex offender registry offense
Obstruction of justice

**PROBATION/PAROLE/
SUPERVISED RELEASE VIOLATION**

Parole violation
Unspecified probation/parole violation
Probation violation

PUBLIC ORDER

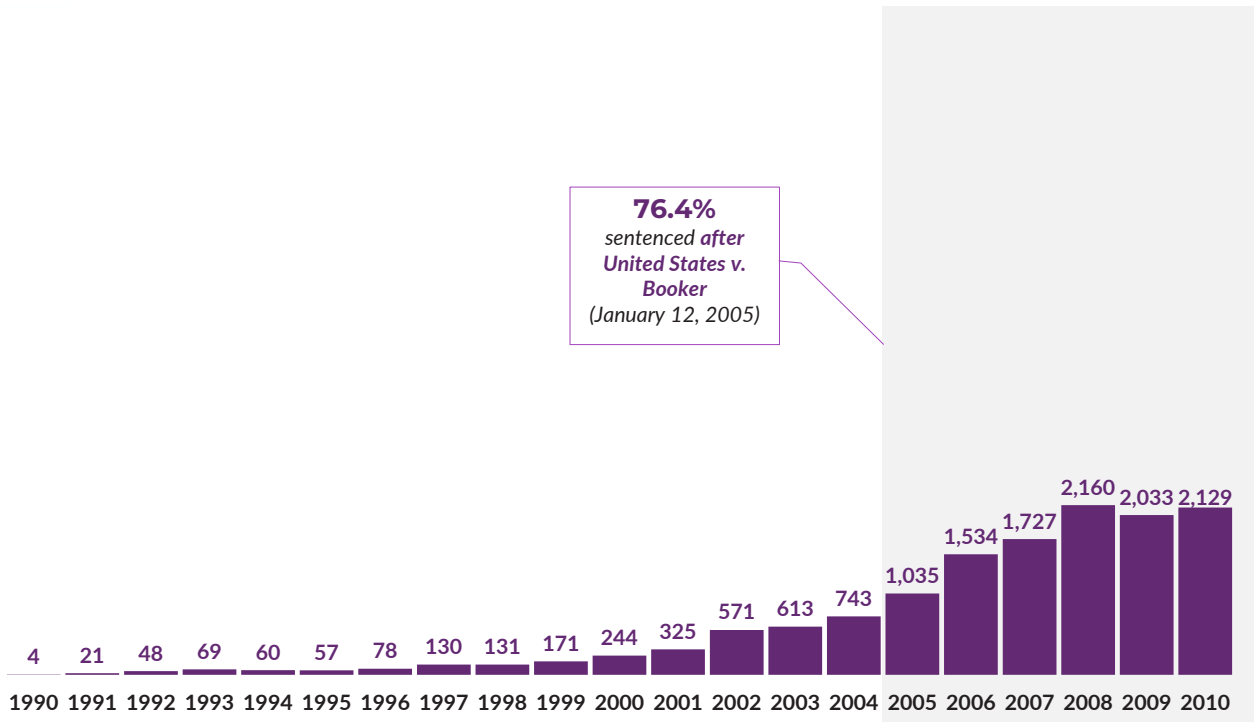
Family-related offense
Drunkenness/vagrancy/disorderly conduct
Invasion of privacy
Liquor law violation
Other public order offense
Curfew violation

OTHER/UNSPECIFIED OFFENSES

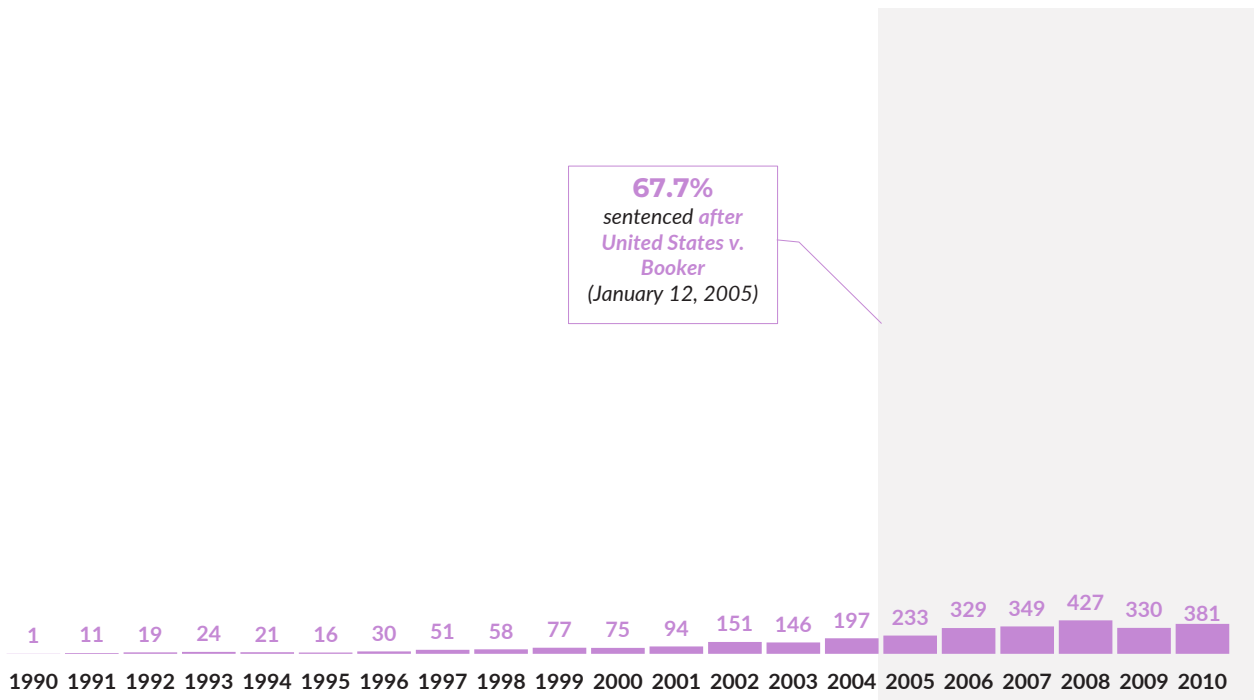
Vehicular manslaughter/homicide
Negligent (involuntary) manslaughter/homicide
Habitual offender
Runaway
Truancy
Ungovernability
Status liquor law violation
Miscellaneous status offense
Other offense
Unspecified inchoate offense
Military offense
Not applicable
Unspecified offense

APPENDIX B

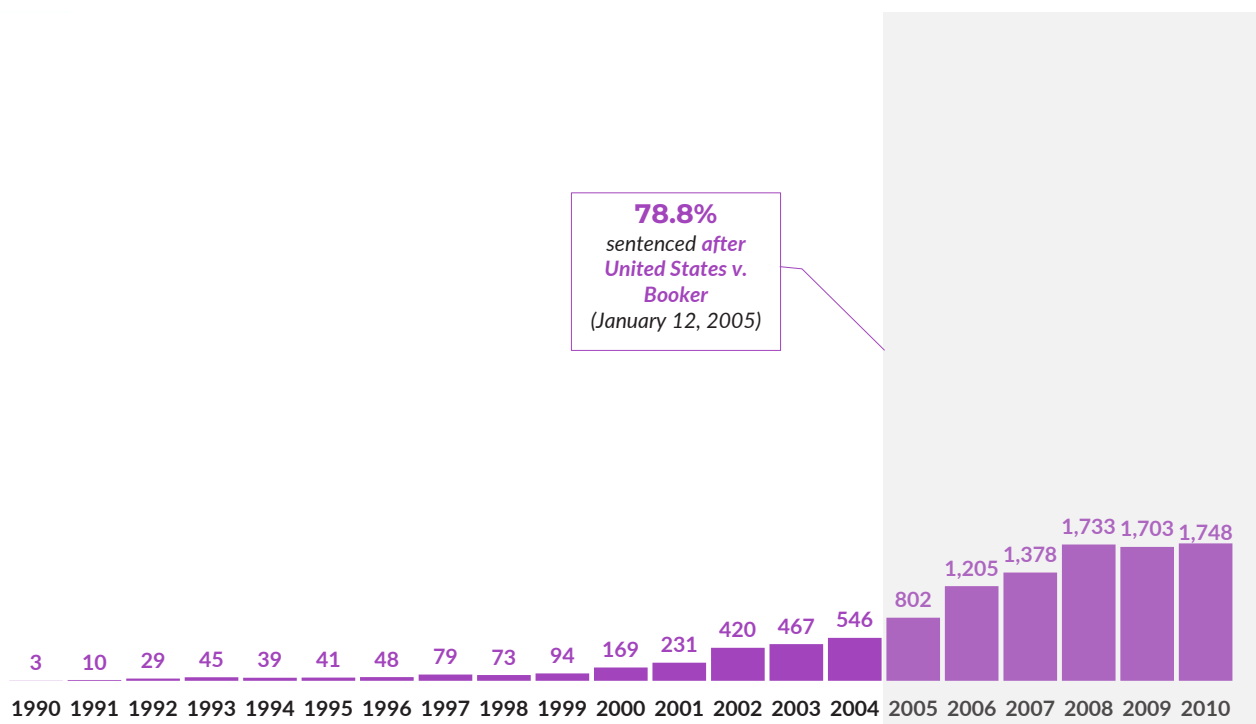
Appendix B-1. Calendar Year of Federal Sentencing for Violent Federal Offenders Released in 2010



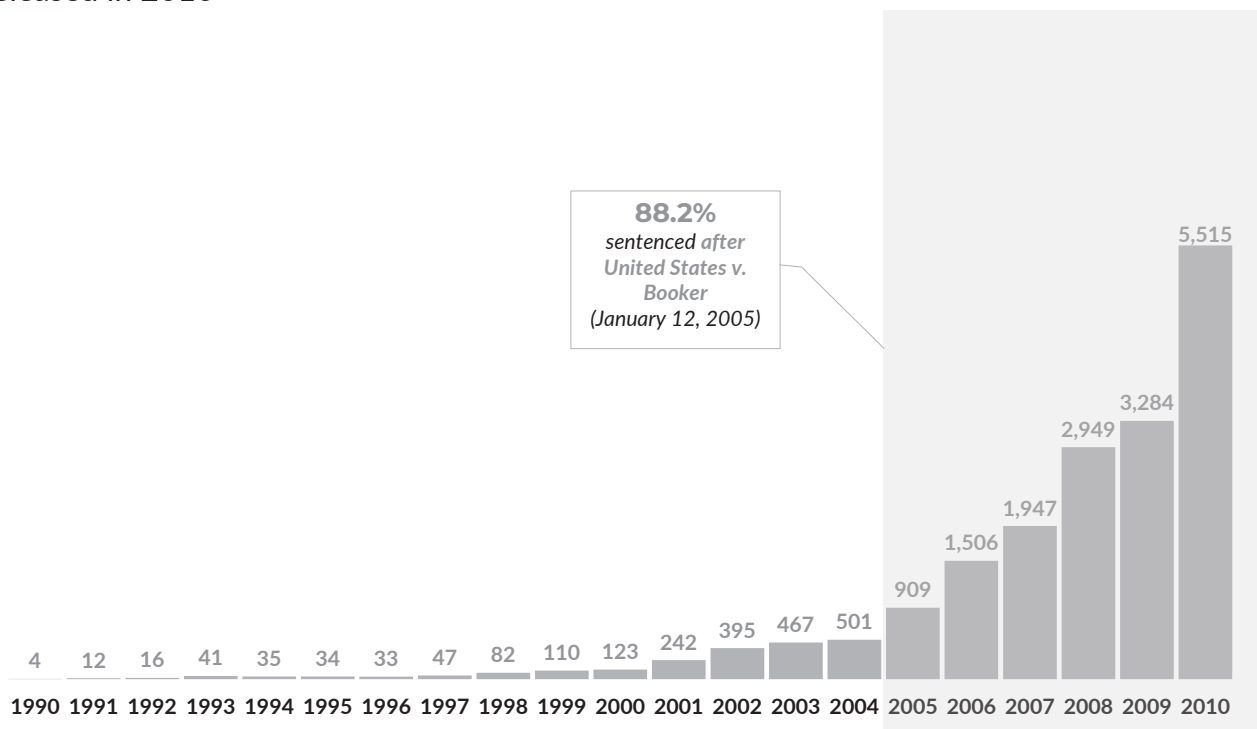
Appendix B-2. Calendar Year of Federal Sentencing for Violent Instant Federal Offenders Released in 2010



Appendix B-3. Calendar Year of Federal Sentencing for Violent Prior Federal Offenders Released in 2010



Appendix B-4. Calendar Year of Federal Sentencing for Non-Violent Federal Offenders Released in 2010



APPENDIX C

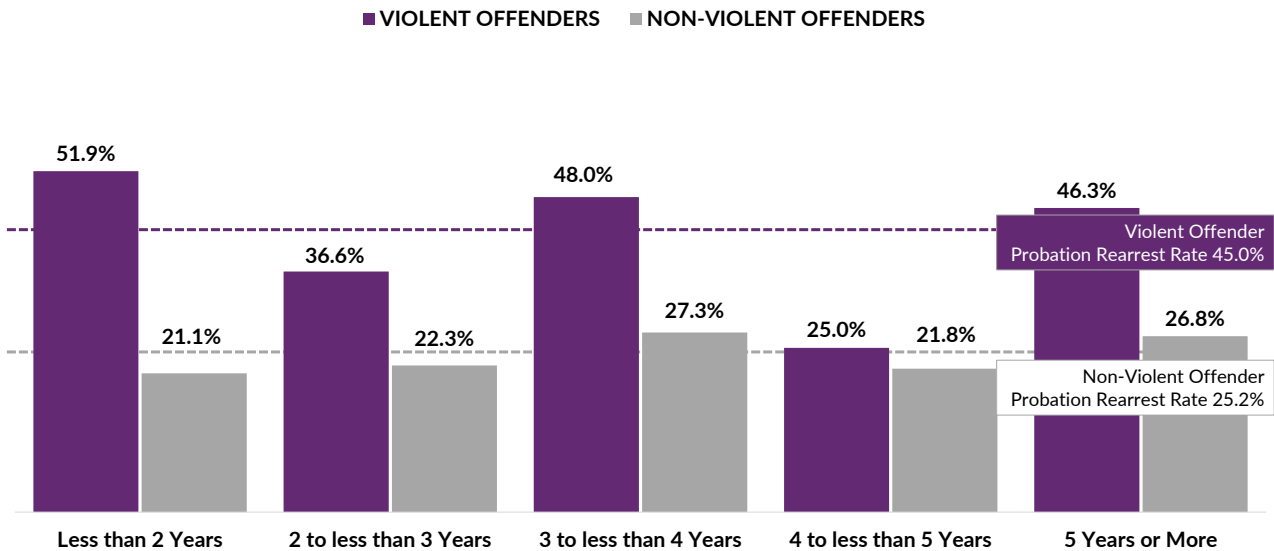
Appendix C. Selected Offender and Sentencing Characteristics for Violent and Non-Violent Federal Offenders Released in 2010 With No Rearrests

| | All Violent Offenders N=5,033 | Violent Instant Offenders N=1,212 |
|----------------------------------|----------------------------------|--------------------------------------|
| Race/Ethnicity | | |
| White | 39.6% | 48.1% |
| Black | 40.0% | 30.3% |
| Hispanic | 15.6% | 11.7% |
| Other | 4.8% | 9.9% |
| Gender | | |
| Male | 88.5% | 88.0% |
| Female | 11.5% | 12.0% |
| Education | | |
| Less than High School | 33.9% | 27.3% |
| High School Graduate | 40.7% | 40.9% |
| Some College | 20.5% | 25.1% |
| College Graduate | 4.9% | 6.7% |
| Age at Sentencing | | |
| Average | 38 Years | 37 Years |
| Median | 36 Years | 34 Years |
| Age at Release | | |
| Average | 42 Years | 41 Years |
| Median | 40 Years | 39 Years |
| Criminal History Category | | |
| I | 39.0% | 55.4% |
| II | 14.7% | 11.3% |
| III | 18.2% | 12.6% |
| IV | 10.6% | 7.2% |
| V | 5.6% | 3.3% |
| VI | 5.8% | 4.3% |
| CO/ACC | 6.1% | 5.9% |
| Sentence Type | | |
| Probation | 11.6% | 9.4% |
| Prison | 88.4% | 90.6% |

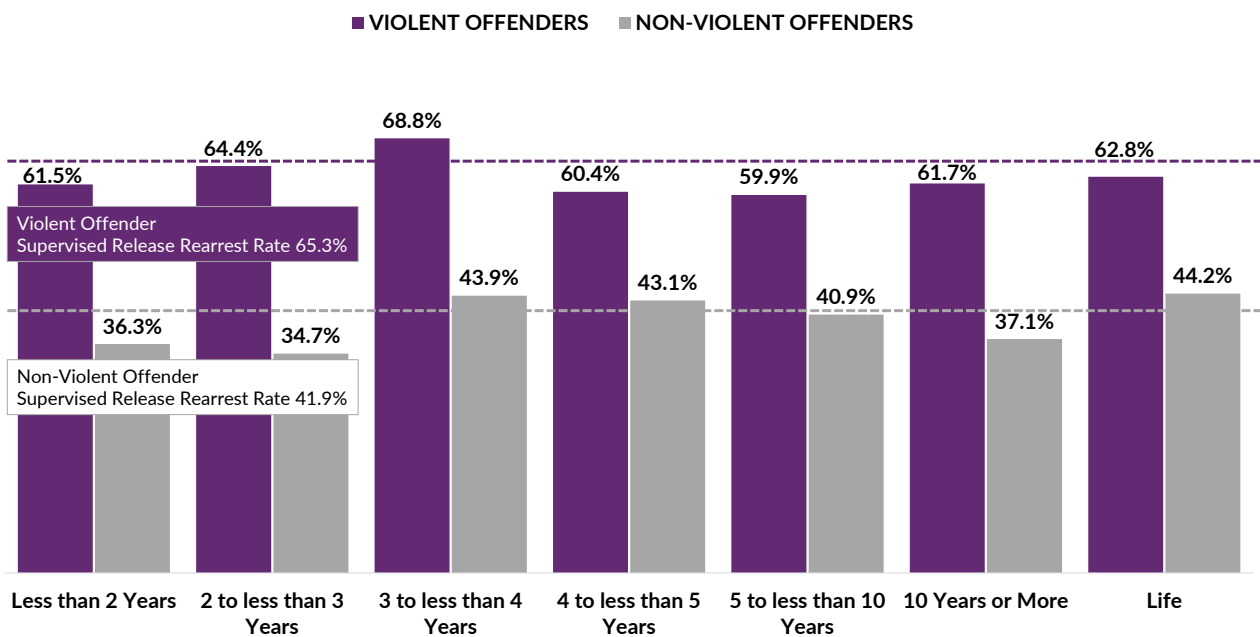
| | Violent Prior Offenders N=3,821 | Non-Violent Offenders N=11,251 |
|----------------------------------|------------------------------------|-----------------------------------|
| Race/Ethnicity | | |
| White | 36.8% | 49.5% |
| Black | 43.1% | 24.9% |
| Hispanic | 16.9% | 20.7% |
| Other | 3.2% | 4.9% |
| Gender | | |
| Male | 88.6% | 73.2% |
| Female | 11.4% | 26.8% |
| Education | | |
| Less than High School | 36.1% | 23.9% |
| High School Graduate | 40.6% | 36.4% |
| Some College | 19.0% | 27.3% |
| College Graduate | 4.3% | 12.4% |
| Age at Sentencing | | |
| Average | 39 Years | 39 Years |
| Median | 37 Years | 37 Years |
| Age at Release | | |
| Average | 42 Years | 41 Years |
| Median | 41 Years | 40 Years |
| Criminal History Category | | |
| I | 33.8% | 72.8% |
| II | 15.7% | 10.6% |
| III | 20.0% | 9.1% |
| IV | 11.7% | 3.4% |
| V | 6.4% | 1.7% |
| VI | 6.3% | 1.1% |
| CO/ACC | 6.1% | 1.3% |
| Sentence Type | | |
| Probation | 12.3% | 26.2% |
| Prison | 87.7% | 73.8% |

APPENDIX D

Appendix D-1. Rearrest Rates by Length of Probation Terms for Violent and Non-Violent Federal Offenders Released in 2010

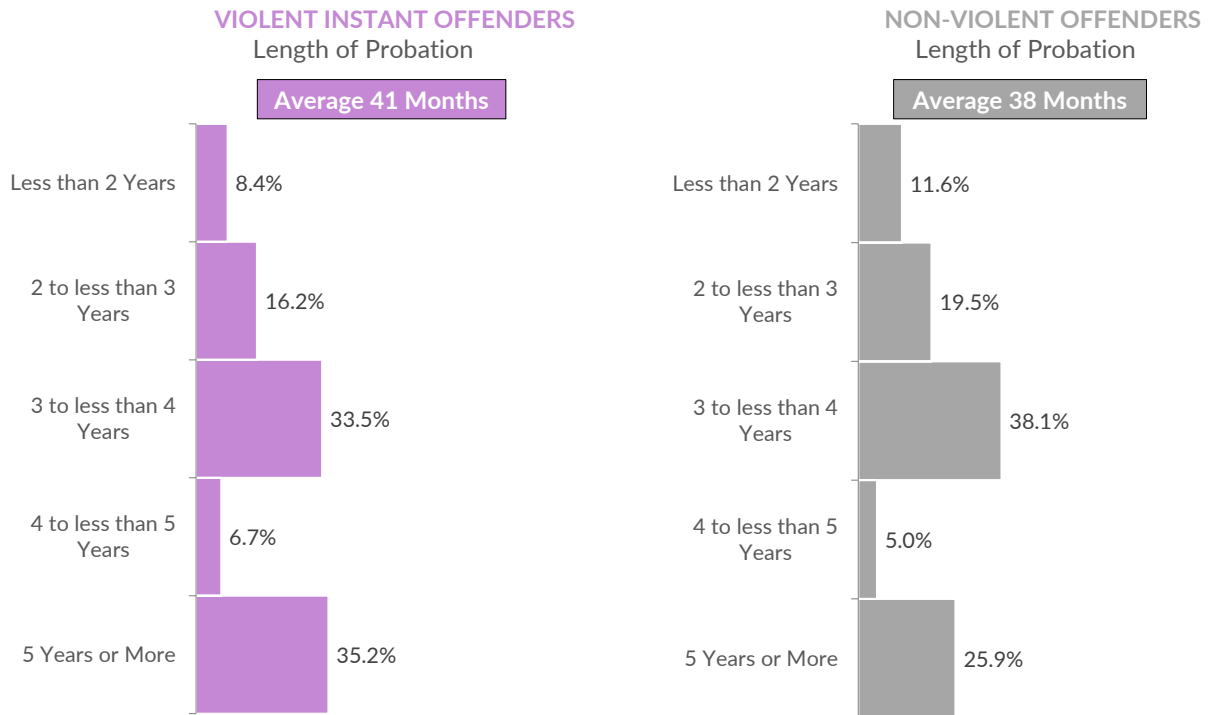


Appendix D-2. Rearrest Rates by Length of Supervised Release Terms for Violent and Non-Violent Federal Offenders Released in 2010

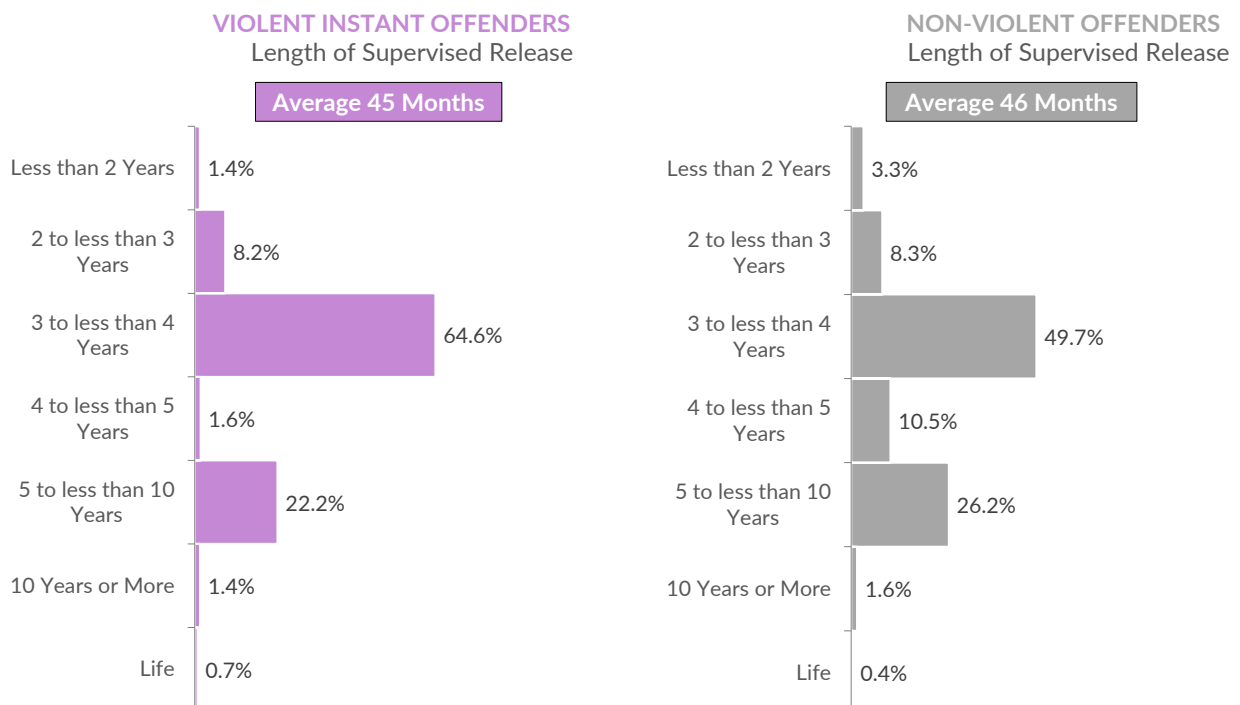


APPENDIX E

Appendix E-1. Length of Probation for Violent Instant and Non-Violent Federal Offenders Released in 2010



Appendix E-2. Length of Supervised Release for Violent Instant and Non-Violent Federal Offenders Released in 2010



APPENDIX F

Appendix F-1. Selected Offender and Sentencing Characteristics for Violent Instant Federal Offenders with Prior Violent Arrest Released in 2010

| Violent Instant Offenders with Prior Violent Arrest (N=2,456) | |
|---|----------|
| Race/Ethnicity | |
| White | 38.3% |
| Black | 36.4% |
| Hispanic | 10.2% |
| Other | 15.1% |
| Gender | |
| Male | 92.1% |
| Female | 7.9% |
| Education | |
| Less than High School | 37.8% |
| High School Graduate | 41.1% |
| Some College | 18.4% |
| College Graduate | 2.7% |
| Age at Sentencing | |
| Average | 33 Years |
| Median | 31 Years |
| Age at Release | |
| Average | 38 Years |
| Median | 36 Years |
| Criminal History Category | |
| I | 34.6% |
| II | 12.3% |
| III | 16.1% |
| IV | 11.7% |
| V | 7.1% |
| VI | 9.4% |
| CO/ACC | 8.8% |
| Sentence Type | |
| Probation | 4.1% |
| Prison | 95.9% |

Appendix F-2. Overall Rearrest Findings for Violent Instant Federal Offenders with Prior Violent Arrest Released in 2010

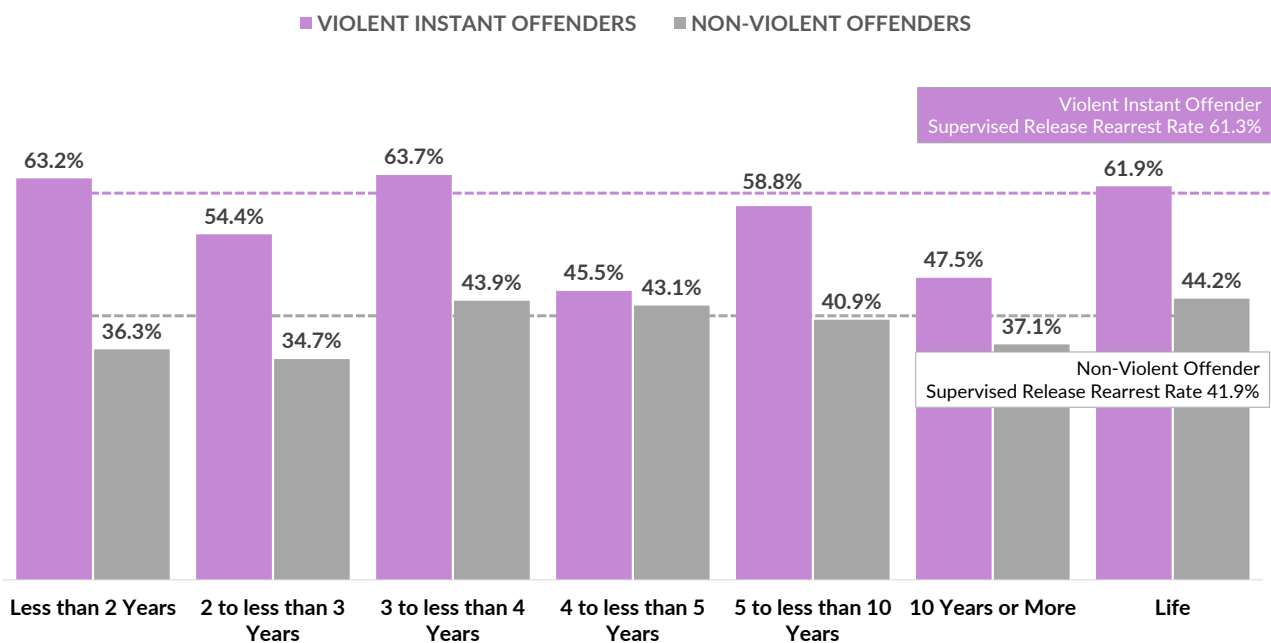
| Violent Instant Offenders with Prior Violent Arrest (N=2,456) | |
|---|-----------------|
| Percent Rearrested | 62.6% |
| Median Months to Rearrest | 14 |
| Median Number of Rearrests | 3 |
| Violent Rearrest | 47.4% |
| Most Common Post Release Offense | Assault (21.9%) |
| Median Age at Release | 35 |

APPENDIX G

Appendix G-1. Rearrest Rates by Length of Probation Terms for Violent Instant and Non-Violent Federal Offenders Released in 2010

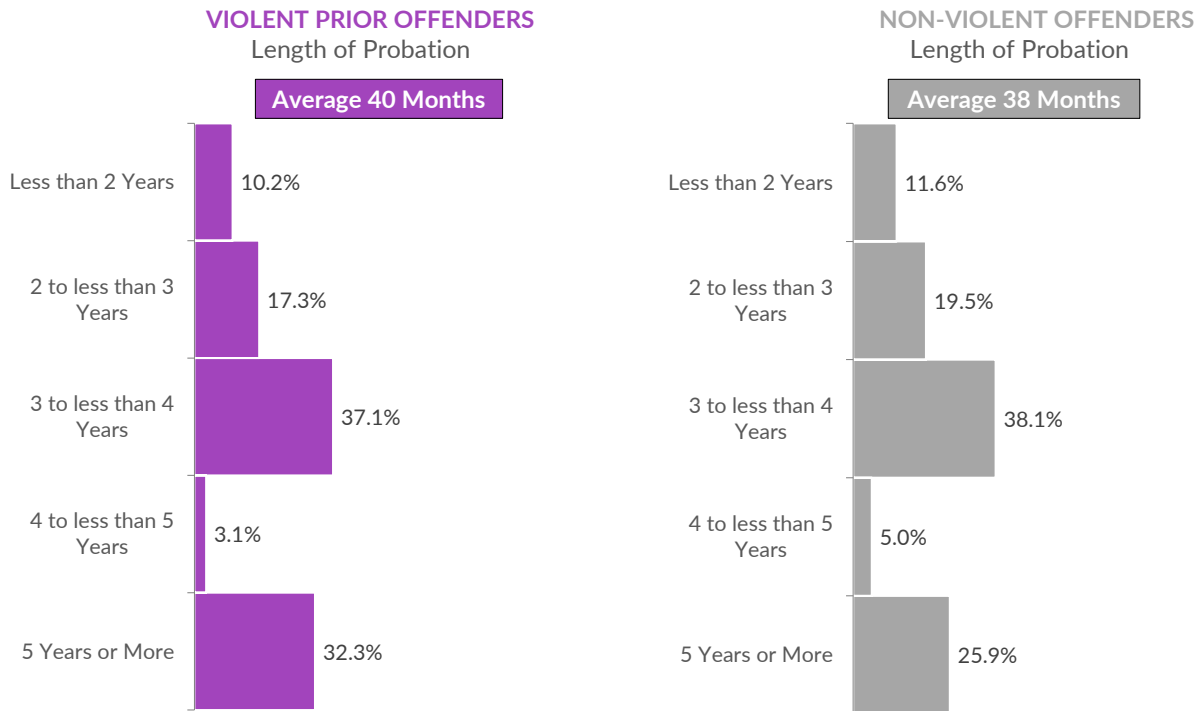


Appendix G-2. Rearrest Rates by Length of Supervised Release Terms for Violent Instant and Non-Violent Federal Offenders Released in 2010

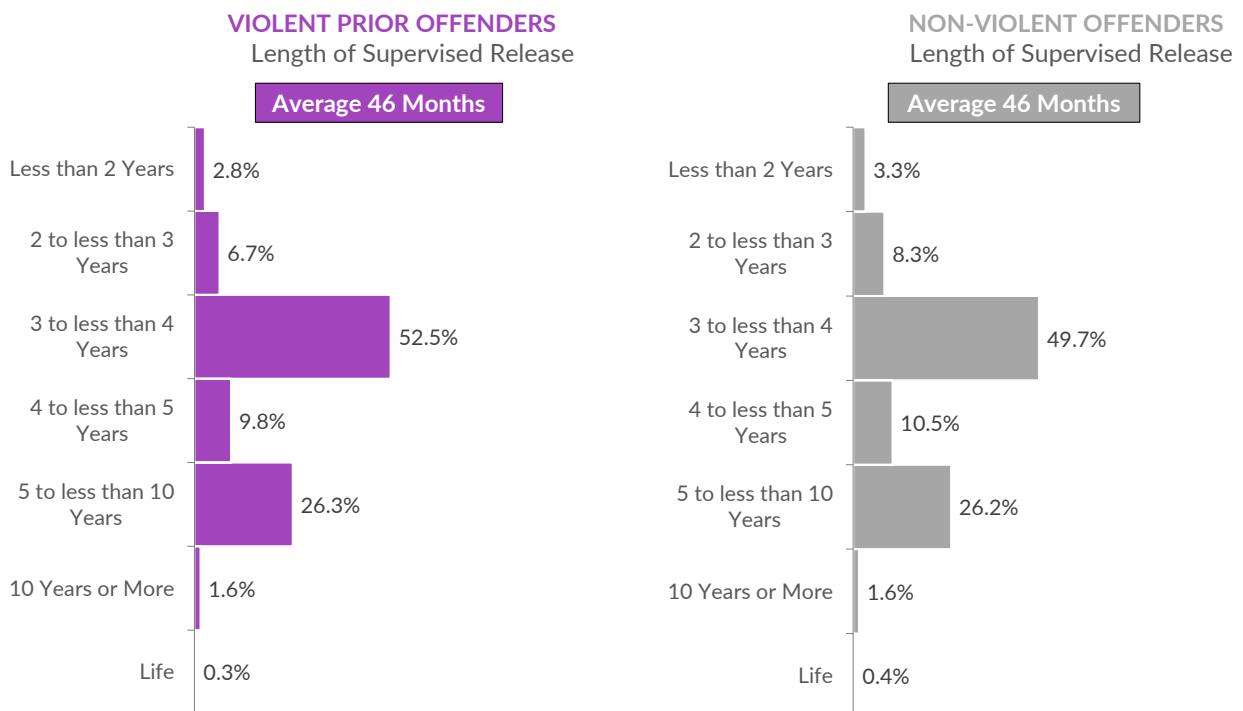


APPENDIX H

Appendix H-1. Length of Probation for Violent Prior and Non-Violent Federal Offenders Released in 2010

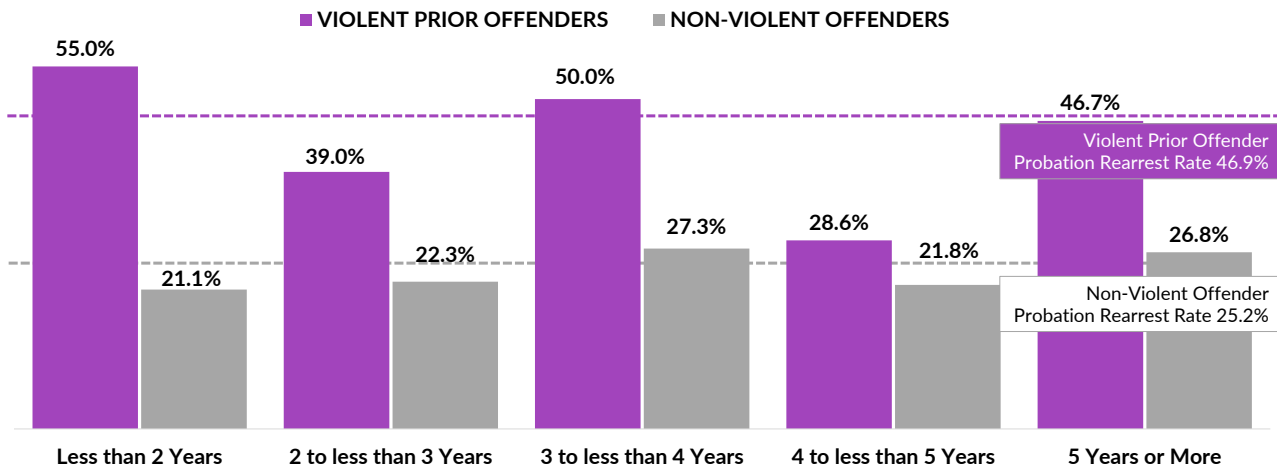


Appendix H-2. Length of Supervised Release for Violent Prior and Non-Violent Federal Offenders Released in 2010

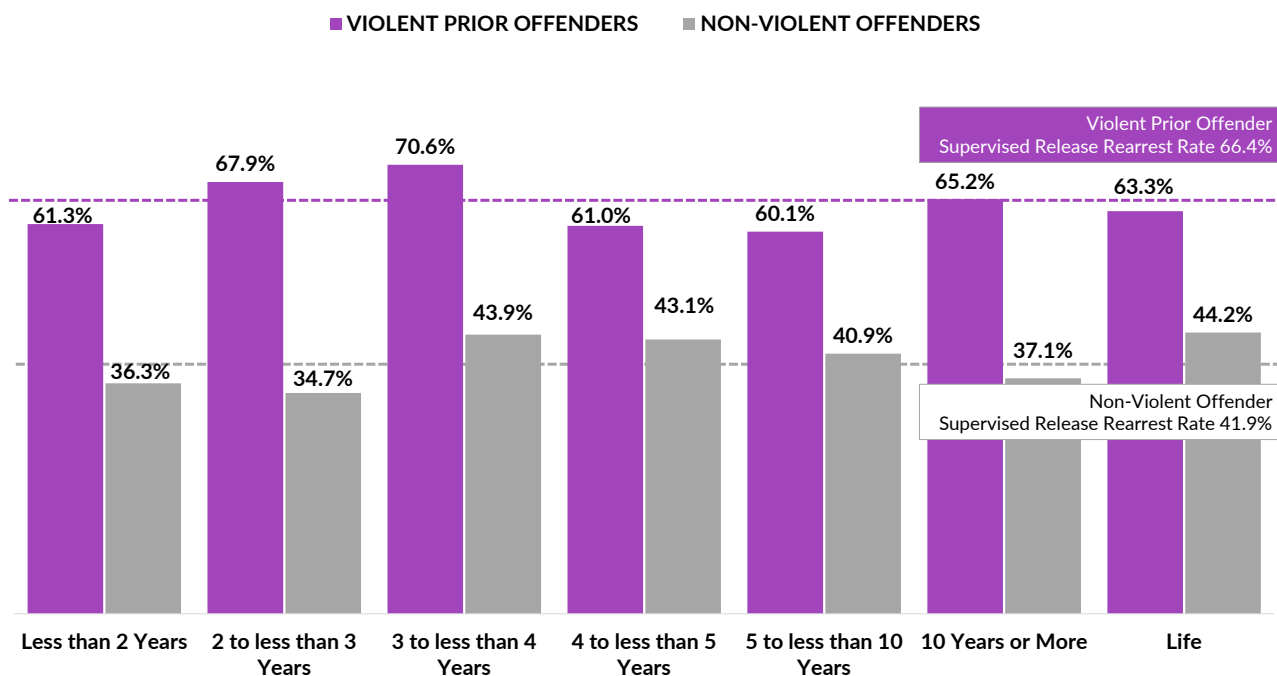


APPENDIX I

Appendix I-1. Rearrest Rates by Length of Probation Terms for Violent Prior and Non-Violent Federal Offenders Released in 2010



Appendix I-2. Rearrest Rates by Length of Supervised Release Terms for Violent Prior and Non-Violent Federal Offenders Released in 2010



ENDNOTES

ENDNOTES

- 1 RYAN COTTER, COURTNEY SEMISCH & DAVID RUTTER, U.S. SENT'G COMM'N, *RECIDIVISM OF FEDERAL OFFENDERS RELEASED IN 2010* (2021), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2021/20210930_Recidivism.pdf [hereinafter 2021 RECIDIVISM OVERVIEW REPORT].
- 2 As discussed below, the FBI criminal history records were collected pursuant to a data sharing agreement with the FBI's Criminal Justice Information Services Division. See *infra* Offender Cohort and Appendix A.
- 3 28 U.S.C. § 995(a)(12). 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. §§ 994, 995.
- 4 KIM STEVEN HUNT & ROBERT DUMVILLE, U.S. SENT'G COMM'N, *RECIDIVISM AMONG FEDERAL OFFENDERS: A COMPREHENSIVE OVERVIEW* (2016), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2016/recidivism_overview.pdf [hereinafter 2016 RECIDIVISM OVERVIEW REPORT]. In addition, the Commission has published numerous reports on recidivism specific to certain offenders, such as offenders receiving a retroactive sentence reduction and those convicted of drug trafficking offenses. See KIM STEVEN HUNT, DAVID RUTTER & TODD KOSTYSHAK, U.S. SENT'G COMM'N, *RETROACTIVITY AND RECIDIVISM: THE DRUGS MINUS TWO AMENDMENT* (2020), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2020/20200708_Recidivism-Drugs-Minus-Two.pdf; LOUIS REEDT, KIM STEVEN HUNT, JAMES L. PARKER, MELISSA K. REIMER & KEVIN T. MAASS, U.S. SENT'G COMM'N, *RECIDIVISM AMONG FEDERAL DRUG TRAFFICKING OFFENDERS* (2017), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20170221_Recidivism-Drugs.pdf.
- 5 KIM STEVEN HUNT, MATTHEW J. IACONETTI & KEVIN T. MAASS, U.S. SENT'G COMM'N, *RECIDIVISM AMONG FEDERAL VIOLENT OFFENDERS* (2019), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2019/20190124_Recidivism_Violence.pdf [hereinafter 2019 VIOLENCE RECIDIVISM REPORT].
- 6 U.S. SENT'G COMM'N, *REPORT TO THE CONGRESS: CAREER OFFENDER SENTENCING ENHANCEMENTS* (2016), https://www.ussc.gov/sites/default/files/pdf/news/congressional-testimony-and-reports/criminal-history/201607_RtC-Career-Offenders.pdf [hereinafter CAREER OFFENDER REPORT].
- 7 COURTNEY R. SEMISCH, KRISTEN SHARPE & ALYSSA PURDY, U.S. SENT'G COMM'N, *FEDERAL ARMED CAREER CRIMINALS: PREVALENCE, PATTERNS, AND PATHWAYS* (2021), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2021/20210303_ACCA-Report.pdf [hereinafter ARMED CAREER CRIMINAL REPORT].
- 8 543 U.S. 220 (2005) (striking the mandatory provision of 18 U.S.C. § 3553(b)(1)).
- 9 See Jonathan E. Hurtig & Lisa Marie Lenart, *The Development of the Evidence-Based Practice Blue Print and Where We are Now*, 75 FED. PROB. J. (2011), https://www.uscourts.gov/sites/default/files/federal_probation_journal_september_2011.pdf; Melissa Alexander, Bradley Whitley & Christopher Bersch, *Driving Evidence-Based Supervision to the Next Level: Utilizing PCRA, "Drivers," and Effective Supervision Techniques*, 78 FED. PROB. J. 2 (2014), https://www.uscourts.gov/sites/default/files/probation_dec_2014_1219b.pdf.
- 10 PROB. & PRETRIAL SERVS. OFF., ADMIN. OFF. OF THE U.S. CTS., *AN OVERVIEW OF THE FEDERAL POST CONVICTION RISK ASSESSMENT 2* (2018), https://www.uscourts.gov/sites/default/files/overview_of_the_post_conviction_risk_assessment_0.pdf.

United States Sentencing Commission

11 2019 VIOLENCE RECIDIVISM REPORT, *supra* note 5.

12 ARMED CAREER CRIMINAL REPORT, *supra* note 7.

13 CAREER OFFENDER REPORT, *supra* note 6.

14 2019 VIOLENCE RECIDIVISM REPORT, *supra* note 5, at 3.

15 *Id.*

16 The data used to conduct the analyses in this report includes information obtained pursuant to an interagency agreement with the FBI, which prohibits the Commission from releasing the dataset.

17 A detailed description of the data collection methodology is provided in Appendix A.

18 The Commission collects and analyzes data on federal sentences to carry out its various statutory responsibilities. As authorized by Congress, the Commission's numerous research responsibilities include: (1) the establishment of a research and development program to serve as a clearinghouse and information center for the collection, preparation, and dissemination of information on federal sentencing practices; (2) the publication of data concerning the sentencing process; (3) the systematic collection and dissemination of information concerning sentences actually imposed and the relationship of such sentences to the sentencing factors in 18 U.S.C. § 3553(a); and (4) the systematic collection and dissemination of information regarding the effectiveness of sentences imposed. *See* 28 U.S.C. § 995(a)(12), (14)–(16). The Commission collects information for every federal felony and Class A misdemeanor offense sentenced each year. Sentencing courts are statutorily required to submit five sentencing documents to the Commission within 30 days of entry of judgment in a criminal case, including: (1) the charging document; (2) the plea agreement; (3) the Presentence Report; (4) the Judgment and Commitment Order; and (5) the Statement of Reasons form. *See* 28 U.S.C. § 994(w)(1). For each case in its Individual Offender Datafile, the Commission routinely collects case identifiers, sentencing data, demographic variables, statutory information, the complete range of court guideline application decisions, and departure and variance information from these documents.

19 This includes any offenders released from BOP on detainer, which ordinarily indicates transfer of custody to state court or to a state correctional facility following completion of their federal sentence.

20 An offender was classified as a violent instant offender if any of the following guidelines were applied from the *Guidelines Manual* at sentencing: §§2A1.1, 2A1.2, 2A1.3, 2A1.5, 2A2.1, 2A2.2, 2A2.3, 2A2.4, 2A3.1, 2A3.2, 2A3.3, 2A3.4, 2A4.1, 2A5.1, 2A5.2, 2A5.3, 2A6.1, 2A6.2, 2B3.1, 2B3.2, 2D1.9, 2E1.1, 2E1.2, 2E1.3, 2E1.4, 2G1.2, 2G1.3, 2G2.1, 2G2.3, 2G2.6, 2H4.1, 2K1.3, 2K1.4, 2M5.3, 2M6.1, 2X6.1. An offender was also classified as a violent instant offender if sentenced under certain provisions in §2K2.1 or 18 U.S.C. § 924(c).

21 *See* U.S. SENT'G COMM'N, *Guidelines Manual*, §1B1.5(a), comment. (n.1) (Nov. 2021) [hereinafter USSG].

22 *See supra* note 17.

23 The Commission categorized each of the offenders' criminal history events into standardized offense codes using a widely accepted standardization scheme pioneered by the Bureau of Justice Statistics and used in other studies, including the Commission's 2016 *Recidivism Overview Report*. *See* 2016 RECIDIVISM OVERVIEW REPORT, *supra* note 4, at 9, 31 n.24. Using the standardized classifications, the Commission next identified certain categories as "violent." In making these classifications, the Commission identified those offenses that are generally accepted as involving some level of violence, which includes many of those offenses that courts have found to qualify as "crimes of violence" under the career offender guideline. The Bureau of Justice Statistics also categorizes "other violent" crimes without further specification. The "other violent" crimes are included in this analysis. Violent prior offenses include murder, attempted murder, unspecified manslaughter/homicide, nonnegligent manslaughter/homicide, rape, forcible sodomy, fondling, statutory rape, luring minor by computer, other sexual assault, sexual assault unspecified, armed robbery, robbery unspecified, unarmed robbery, aggravated/felony assault, simple/misdemeanor assault, assault unspecified, assault of public officer,

intimidation, hit and run driving with bodily injury, intimidating a witness, kidnapping, blackmail/extortion, rioting, child abuse, other violent offense, or arson.

24 Offenders were excluded from various analyses in this report due to missing information for the variables required for those analyses.

25 2019 VIOLENCE RECIDIVISM REPORT, *supra* note 5.

26 Nat'l Inst. of Just., U.S. Dep't of Just., *Recidivism*, <https://nij.ojp.gov/topics/corrections/recidivism> (last visited Sept. 15, 2021); *see also* MICHAEL D. MALTZ, *RECIDIVISM* 1, 54 (2001) [hereinafter MALTZ].

27 *See* MALTZ, *supra* note 26, at 7–20; *see also* RYAN KING & BRIAN ELDERBROOM, *URB. INST., IMPROVING RECIDIVISM AS A PERFORMANCE MEASURE* (2014), <https://www.bja.gov/Publications/UI-ImprovingRecidivism.pdf>.

28 *See, e.g.*, CHRISTOPHER T. LOWENKAMP, MARIE VANNOSTRAND & ALEXANDER HOLSINGER, *INVESTIGATING THE IMPACT OF PRETRIAL DETENTION ON SENTENCING OUTCOMES* (2013), https://craftmediabucket.s3.amazonaws.com/uploads/PDFs/LJAF_Report_state-sentencing_FNL.pdf.

29 *See* MALTZ, *supra* note 26, at 61–64; *see also* Nat'l Inst. of Just., U.S. Dep't of Just., *Measuring Recidivism* (Feb. 20, 2008), <https://nij.ojp.gov/topics/articles/measuring-recidivism>.

30 *See, e.g.*, MARIEL ALPER, MATTHEW R. DUROSE & JOSHUA MARKMAN, *BUREAU OF JUST. STAT., U.S. DEP'T OF JUST., UPDATE ON PRISONER RECIDIVISM: A 9-YEAR FOLLOW-UP PERIOD (2005–2014)* (2018), <https://bjs.ojp.gov/content/pub/pdf/18upr9yfup0514.pdf> [hereinafter ALPER]; Admin. Off. of the U.S. Cts., *Just the Facts: Post-Conviction Supervision and Recidivism* (Oct. 22, 2018), <https://www.uscourts.gov/news/2018/10/22/just-facts-post-conviction-supervision-and-recidivism#chart1>; WILLIAM RHODES, CHRISTINA DYOUS, RYAN KLING, DANA HUNT & JEREMY LUALLEN, *ABT ASSOCS., RECIDIVISM OF OFFENDERS ON FEDERAL COMMUNITY SUPERVISION* (2012), <https://www.ojp.gov/pdffiles1/bjs/grants/241018.pdf>.

31 *See* MALTZ, *supra* note 26, at 56–58.

32 *See* ALPER, *supra* note 30, at 14.

33 Offenders were excluded from various analyses in this report due to missing information.

34 The 770 violent offenders comprising the Other Race category were Native American/Alaskan Native (73.9%), Asian or Pacific Islander (19.9%), or Multi-racial/Other (6.2%). The 816 non-violent offenders comprising the Other Race category were Asian or Pacific Islander (62.5%), Native American/Alaskan Native (31.4%), or Multi-racial/Other (6.1%).

35 USSG Ch.4. Other considerations include the type of offense (certain minor offenses are excluded from the criminal history score) and the length of time between the prior sentence and the instant federal offense. The guidelines exclude certain prior convictions based on factors such as the type of offense (*e.g.*, fish and game violations), disposition (*e.g.*, diversionary dispositions without a finding of guilt), or remoteness of the conviction. *See* USSG §4A1.2.

36 USSG Ch.5, Pt.A.

37 *See* USSG §4A1.1.

38 USSG §4B1.1(a).

39 USSG §4B1.4.

40 *See* 18 U.S.C. § 924(e); USSG §4B1.4, comment. (n.1).

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- 41 Of the 868 violent offenders sentenced under these provisions, 78.9% were sentenced as career offenders, 20.9% were sentenced as armed career criminals, and 0.2% were sentenced under both provisions. Of the 345 non-violent offenders sentenced under these provisions, 88.7% were sentenced as career offenders, 11.0% were sentenced as armed career criminals, and 0.3% were sentenced under both provisions.
- 42 Calendar year of sentencing for offenders in each category is provided in Appendix B.
- 43 See case cited *supra* note 8 and accompanying text.
- 44 See *supra* note 10 and accompanying text.
- 45 The Commission combined four sentencing categories for analysis. Imprisonment includes offenders sentenced to prison only and offenders sentenced to a combination of imprisonment and alternative confinement, such as a halfway house or home confinement. Probation includes offenders sentenced to probation only (*i.e.*, where no type of confinement was imposed) and offenders sentenced to terms of probation with some type of alternative confinement. See 2021 RECIDIVISM OVERVIEW REPORT, *supra* note 1, at 16, 55 n.49.
- 46 The median sentence imposed was 48 months for violent offenders and 24 months for non-violent offenders. Sentence imposed includes any time-served amounts and imprisonment under §5G1.3. Probation sentences are included as zero months. Any portion of a sentence that is an alternative confinement as described in §5C1.1 is included. See USSG §§5G1.3, 5C1.1. Life sentences and sentences exceeding 470 months are included in the calculation as 470 months.
- 47 Among offenders sentenced to ten years or longer, five violent offenders and seven non-violent offenders were originally sentenced to imprisonment terms of life. They are included in the release cohort because they were subsequently resentenced to reduced terms. Sentences reported in this study are the sentences originally imposed. The Commission did not collect resentencing information prior to fiscal year 2006; therefore, complete resentencing information is not available for all offenders in the study.
- 48 USSG §5D1.1(a)-(c); 18 U.S.C. § 3583(a). Convictions for certain kidnapping, sex offenses, and drug trafficking offenses require a term of supervised release. See, *e.g.*, 21 U.S.C. §§ 841, 846; 18 U.S.C. § 3583(k).
- 49 Selected data for offenders in the study who were not rearrested is provided in Appendix C.
- 50 This measurement is based on the supervision term imposed at the time of original sentencing and does not account for any changes in supervision status following release. A sentencing court may modify, terminate, or revoke supervision after considering certain sentencing factors in 18 U.S.C. § 3553(a) before the term of supervised release originally imposed has expired. See 18 U.S.C. § 3583(e) (Modification of conditions or revocation). Information regarding any such change in supervision status was not available in the data used for this study. Therefore, if a court terminated an offender's supervision prior to the expiration of the term initially imposed, that offender would still be considered under supervision for this analysis. Alternatively, if a court extended an offender's supervision beyond the term originally imposed, that offender would be considered to have completed the supervision term for purposes of this analysis.
- 51 Courts originally imposed supervision terms of eight years or longer (including life) for only 3.1% of violent offenders and 2.4% of non-violent offenders in the study.
- 52 2021 RECIDIVISM OVERVIEW REPORT, *supra* note 1, at 22-23.
- 53 Accordingly, the data should not be interpreted to represent the overall frequency of the listed offense among rearrests.
- 54 2021 RECIDIVISM OVERVIEW REPORT, *supra* note 1, at 24-30.
- 55 See *supra* notes 38-40 and accompanying text.

56 See USSG §§4B1.1(b), 4B1.4(c).

57 2021 RECIDIVISM OVERVIEW REPORT, *supra* note 1, at 29–30.

58 There were no violent offenders younger than age 21 who were sentenced as career offenders or armed career criminals.

59 Additional information on sentence imposed and rearrest for violent offenders is provided in Appendix D.

60 The Commission classified violent instant offenses using the 30 Type of Crime categories the Commission reports in its *Sourcebook of Federal Sentencing Statistics*. See U.S. SENT'G COMM'N, 2020 SOURCEBOOK OF FEDERAL SENTENCING STATISTICS 210–14 (2021), <https://www.ussc.gov/sites/default/files/pdf/research-and-publications/annual-reports-and-sourcebooks/2020/2020-Annual-Report-and-Sourcebook.pdf>. Examples of offenses in the “other violent” category include: Extortion, racketeering, dangerous devices or materials, arson, and certain firearms offenses.

61 The 411 violent instant offenders comprising the Other Race category were Native American/Alaskan Native (85.6%), Asian or Pacific Islander (10.5%), or Multi-racial/Other (3.9%).

62 Of the 223 violent instant offenders sentenced under these provisions, 88.8% were sentenced as career offenders and 11.2% were sentenced as armed career criminals.

63 Calendar year of sentencing for offenders in each category is provided in Appendix B.

64 See case cited *supra* note 8 and accompanying text.

65 See *supra* note 10 and accompanying text.

66 Additional sentencing information for violent instant offenders is provided in Appendix E.

67 The median sentence imposed was 60 months for violent instant offenders and 24 months for non-violent offenders. Sentence imposed includes any time-served amounts and imprisonment under §5G1.3. Probation sentences are included as zero months. Any portion of a sentence that is an alternative confinement as described in §5C1.1 is included. See USSG §§5G1.3, 5C1.1. Life sentences and sentences exceeding 470 months are included in the calculation as 470 months.

68 A subset of offenders in the study, 7.6% (2,456 of 32,135) were violent instant offenders with a prior arrest for a violent offense. Selected demographic and rearrest data for this group of offenders is provided in Appendix F.

69 Courts originally imposed supervision terms of eight years or longer (including life) for only 2.2% of violent instant offenders and 2.4% of non-violent offenders in the study.

70 Additional information on sentence imposed and rearrest for violent instant offenders is provided in Appendix G.

71 A total of seven violent instant offenders were in CHC V and sentenced to two to less than five years of imprisonment.

72 The 359 violent prior offenders comprising the Other Race category were Native American/Alaskan Native (60.5%), Asian or Pacific Islander (30.6%), or Multi-racial/Other (8.9%).

73 Of the 645 violent prior offenders sentenced under these provisions, 75.5% were sentenced as career offenders, 24.2% were sentenced as armed career criminals, and 0.3% were sentenced under both provisions.

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74 See *supra* note 35 and accompanying text.

75 Calendar year of sentencing for offenders in each category is provided in Appendix B.

76 See case cited *supra* note 8 and accompanying text.

77 See *supra* note 10 and accompanying text.

78 The median sentence imposed was 46 months for violent prior offenders and 24 months for non-violent offenders. Sentence imposed includes any time-served amounts and imprisonment under §5G1.3. Probation sentences are included as zero months. Any portion of a sentence that is an alternative confinement as described in §5C1.1 is included. See USSG §§5G1.3, 5C1.1. Life sentences and sentences exceeding 470 months are included in the calculation as 470 months.

79 Additional sentencing information for violent prior offenders is provided in Appendix H.

80 Courts originally imposed supervision terms of eight years or longer (including life) for only 3.3% of violent prior offenders and 2.4% of non-violent offenders in the study.

81 Additional information on sentence imposed and rearrest for violent prior offenders is provided in Appendix I.

82 See 2019 VIOLENCE RECIDIVISM REPORT, *supra* note 5.

83 *Id.* at 11.

84 *Id.*

85 *Id.*

86 *Id.* at 21, 33.

87 *Id.* at 11 tbl.2.3.

88 *Id.* at 21 tbl.3.3, 33 tbl.4.3.

89 *Id.* at 13.

90 See 2021 RECIDIVISM OVERVIEW REPORT, *supra* note 1, at 23, 57 n.65.

91 See 2019 VIOLENCE RECIDIVISM REPORT, *supra* note 5, at 14, 16.

92 *Id.*

93 Instances of arrest or sentencing that appeared to be duplicates of existing events were removed by IOP. Minor traffic offenses (e.g., speeding) and arrest entries occurring outside of the eight-year follow-up period were removed and, therefore, not used to ascertain recidivism.

94 See 2016 RECIDIVISM OVERVIEW REPORT, *supra* note 4, Appendix B.

95 The major crime categories, as ranked by the Commission, beginning with the most serious were: murder, violent sexual assault/rape, robbery, assault, other violent offense, drug trafficking, burglary, larceny, fraud, other property offense, drug possession, other drug offense, weapons offense, other sex offense, driving under the influence, immigration, administration of justice offense, probation/parole/supervision release violation, other public order offense, and other unspecified offense. See *infra* Table A.

The background of the page is a faded, light gray American flag with stars and stripes. The stars are arranged in a grid pattern, and the stripes are wavy and horizontal.

United States Sentencing Commission

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