



RECIDIVISM AND FEDERAL BUREAU OF PRISONS PROGRAMS

DRUG PROGRAM PARTICIPANTS RELEASED IN 2010

UNITED STATES SENTENCING COMMISSION
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INTRODUCTION

INTRODUCTION

This report is the fifth in a series continuing the United States Sentencing Commission's study of the recidivism of federal offenders released in 2010.¹ In this report, the Commission provides an analysis of data on the recidivism of federal offenders who participated in Federal Bureau of Prisons (BOP) drug abuse treatment while incarcerated. This report combines data regularly collected by the Commission, Federal Bureau of Investigation (FBI) criminal history records, and data on program completion and participation provided by the BOP.²

The Commission routinely studies recidivism among federal offenders as part of its duty to collect, analyze, and report sentencing data.³ In 2016, it began publishing a series of reports on the recidivism of federal offenders released in 2005.⁴ Since 2021, the Commission has published four reports on the recidivism of federal offenders released in 2010.⁵

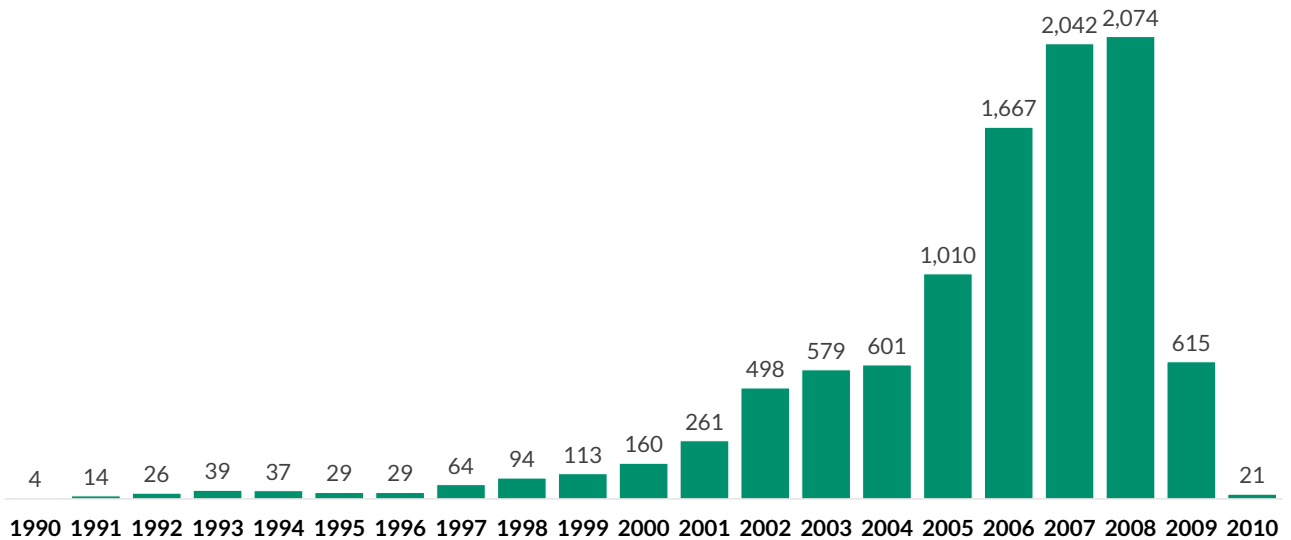
Recidivism Among BOP Drug Abuse Treatment Participants

Congress passed the *Crime Control Act of 1990* mandating that the BOP “make available appropriate substance abuse treatment for each prisoner [it] determines has a treatable condition of substance addiction or abuse.”⁶ Through its Psychology Services Department, the BOP provides several substance abuse treatment programs. This report focuses on two of the BOP's substance abuse programs: the Residential Drug Abuse Treatment Program (RDAP) and the Non-Residential Drug Abuse Treatment Program (NRDAP). These programs use a cognitive behavioral therapy model⁷ and are designed to “accommodate[] the entire spectrum of inmates in need of substance

abuse” treatment.⁸ Goals of both RDAP and NRDAP are to reduce offenders' substance abuse, potential relapse, and recidivism.⁹

The Commission selected these drug abuse treatment programs for inclusion in its study of federal offender recidivism for several reasons. First, both RDAP and NRDAP use treatment modalities that are specifically aimed at reducing recidivism. Second, thousands of offenders participate in these programs which allows for a robust analysis of the programs' effects on recidivism. Third, the BOP collects sufficient data on these programs to track relevant information on offender eligibility, participation, and completion. Finally, the BOP made data on these programs available to the Commission for the purposes of this report.

Figure 1. Calendar Year of Original Federal Sentencing for BOP Drug Abuse Treatment Program Participants Released in 2010



This study examines whether completion of drug programs offered by the BOP impacted recidivism among a cohort of federal offenders who were released from prison in calendar year 2010. In this report, *Drug Program Participants* were offenders who participated in one of the following programs:

- **Residential Drug Abuse Program (RDAP)**

The first group comprises 8,474 offenders who the BOP marked as eligible to participate in RDAP while serving time in BOP custody. RDAP is the BOP’s “most intensive” drug treatment program¹⁰ and requires that participants receive treatment in a specialized unit that houses only RDAP participants.¹¹

- **Non-Residential Drug Abuse Program (NRDAP)**

The second group comprises 4,446 offenders who were marked as eligible to participate in NRDAP. NRDAP consists of drug treatment, conducted primarily in a group setting, over the course of 12 to 24 weeks.¹²

“ Many of the stated program objectives—reduction in prison misconduct, reduction in substance abuse, or an increased stake in societal norms—are outside the scope of this report. This study focuses solely on recidivism reduction and is not meant to analyze whether other program goals were achieved.

This study was not designed to measure the effectiveness of BOP drug treatment modalities generally or serve as a process evaluation of program implementation. Rather, this analysis provides an opportunity to examine recidivism in conjunction with offender participation in some of the most recognizable BOP drug programs and to provide some insight into the possible impact of these interventions on recidivism. The BOP drug abuse treatment programs in effect on or before 2010 may not be comparable with current programs; therefore, any analysis is not reflective of ongoing BOP drug abuse treatment programming.

As shown in Figure 2, the 9,977 offenders who participated in RDAP and/or NRDAP (*Drug Program Participants*) are analyzed in comparison to the 15,165 offenders who did not participate in these programs (*Drug Program Non-Participants*). *Drug Program Participants* analyzed in this report were sentenced¹³ between fiscal year 1991 and the first quarter of fiscal year 2011, while *Drug Program Non-Participants* were sentenced from 1991 to 2010.¹⁴ All of the offenders in this report were released from federal custody in calendar year 2010.

Figure 2. Rate of BOP Drug Abuse Treatment Program Participation for Offenders Released from Custody in 2010



KEY FINDINGS

This chapter summarizes key findings from the study and explains the scope of the analysis and how recidivism is defined and measured. The second chapter of this report discusses the RDAP program requirements and analyzes differences in offender and offense characteristics and recidivism rates among eligible offenders. The third chapter of this report details NRDAP program requirements and the differences in offender and offense characteristics and recidivism rates among eligible offenders. Finally, the fourth chapter concludes with a review of the report's findings.

This study observed a **significant reduction** in the likelihood of **recidivism for offenders who completed the Residential Drug Abuse Treatment Program or the Non-Residential Drug Abuse Treatment Program.**

1 RDAP Completers had lower rates of recidivism, compared to eligible offenders who did not complete or participate in the program. **Less than half of RDAP Completers (48.2%)** recidivated in the eight-year follow-up period of this study, compared to **68.0 percent of RDAP Eligible Non-Participants.**

- o RDAP Completers were 27 percent less likely to recidivate compared to RDAP-Eligible Non-Participants.
- o RDAP Completers had higher post-release rates of drug-related recidivism, compared to RDAP Participants and RDAP Eligible Non-Participants.

2 NRDAP Completers had lower recidivism rates compared to offenders who did not complete or participate in the program. **Nearly half (49.9%) of offenders who completed NRDAP** recidivated during the study period, compared to **over half (54.0%) of NRDAP Eligible Non-Participants.**

- o NRDAP Completers were 17 percent less likely to recidivate compared to eligible non-participants and offenders with a history of substance abuse who served at least five months in BOP custody.

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 all federal offenders who were released from federal prison in 2010. The offenders in the study cohort were identified in cooperation with the BOP and the Administrative Office of the United States Courts (AO).

The data used in this report combines data regularly collected by the Commission¹⁵ with data compiled as part of a data sharing agreement with the FBI's Criminal Justice Information Services Division.¹⁶ Through an agreement with the FBI, the Commission collected and processed criminal history records from all state and federal agencies for the offenders in the study. **The Commission then provided the BOP with 32,135 unique numeric offender identifiers to match with BOP data** on program participation, and the **BOP returned data for 26,083 of their inmates who were in their records as released in calendar year 2010.** The BOP provided information on offender eligibility, participation, and completion information for the Residential Drug Abuse Treatment Program (RDAP) and the Non-Residential Drug Abuse Treatment Program (NRDAP).

The Commission combined the FBI's criminal record data and BOP program data with data routinely collected about these offenders when they were originally sentenced. The final study group was comprised of **25,142 offenders who satisfied the following criteria:**

- United States citizens;
- Served at least one day of incarceration in the BOP;
- Re-entered the community during 2010 after discharging their sentence of incarceration;
- Not reported dead, escaped, or detained;¹⁷
- Have valid FBI numbers which could be located in criminal history repositories (in at least one state, the District of Columbia, or federal records); and
- Have matching BOP records.

SUMMARY OF ANALYSIS

2010

YEAR OF RELEASE

25,142

OFFENDERS

8

YEAR FOLLOW-UP

This report examines the recidivism rates during the **eight-year follow-up period** for the BOP drug abuse treatment program participants identified for this study.¹⁸ 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.

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.”¹⁹ 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.²⁰ 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.²¹

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 is typically measured by criminal acts that resulted in the rearrest, reconviction, or reincarceration of an offender.²² The second measure is the “follow-up period,” the period of time over which events are counted following release into the community. Recidivism analysis begins with a starting event, such as release from prison into the community, following which recidivism events, such as arrests, are documented through the end of the follow-up period.

The Commission used rearrest as a measure of recidivism for this study for several reasons. In recent recidivism studies, federal agencies most frequently used rearrest as a measure of recidivism²³ because rearrests are reported more consistently than reconvictions and reincarcerations.²⁴ Rearrests are also a more reliable measure than reconviction

and reincarceration, due to the incomplete nature of disposition data.²⁵ Criminal records often fail to include reconvictions and reincarcerations because jurisdictions inconsistently report them. As such, the incomplete nature of disposition data used to identify reconviction and reincarceration events makes them unreliable measures of recidivism.

It should be noted that using rearrest as a measure of recidivism results in higher recidivism rates than reconviction or reincarceration because not all arrests result in conviction or incarceration.²⁶ The Commission's rearrest measure includes arrests for alleged violations (or revocations) of probation or state parole, which also can contribute to increased overall recidivism rates. However, rearrests for minor traffic offenses were excluded.

The second component of measuring recidivism is the "follow-up period," the period of time over which events are counted following an offender's release into the community. After a starting event—in this case, release from prison into the community—recidivism events are documented through the end of the follow-up period. The length of follow-up periods varies across recidivism studies. Often, 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 estimate of recidivism or desistance from crime.²⁷ The Commission used an eight-year follow-up period for the offenders identified for this study. 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.



Federal agencies most commonly 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.

RESIDENTIAL DRUG ABUSE TREATMENT PROGRAM

RESIDENTIAL DRUG ABUSE TREATMENT PROGRAM

This chapter discusses the Federal Bureau of Prisons' (BOP) Residential Drug Abuse Treatment Program (RDAP), its eligibility requirements and availability, incentives for participation and penalties for non-completion, and previous RDAP-recidivism research. This chapter also analyzes the differences in offender and offense characteristics and recidivism rates among the 8,474 offenders who were eligible to participate in RDAP, comparing offenders who successfully completed the program to those who participated but did not complete, and eligible non-participants.

The Federal Bureau of Prisons designated all three groups discussed in this chapter as “eligible” to participate in RDAP, yet there were key differences in offender and offense characteristics among RDAP-eligible offenders, several of which are directly relevant to the likelihood of recidivism. Therefore, in addition to a traditional descriptive analysis, the Commission performed a more advanced regression analysis to control for these differences.

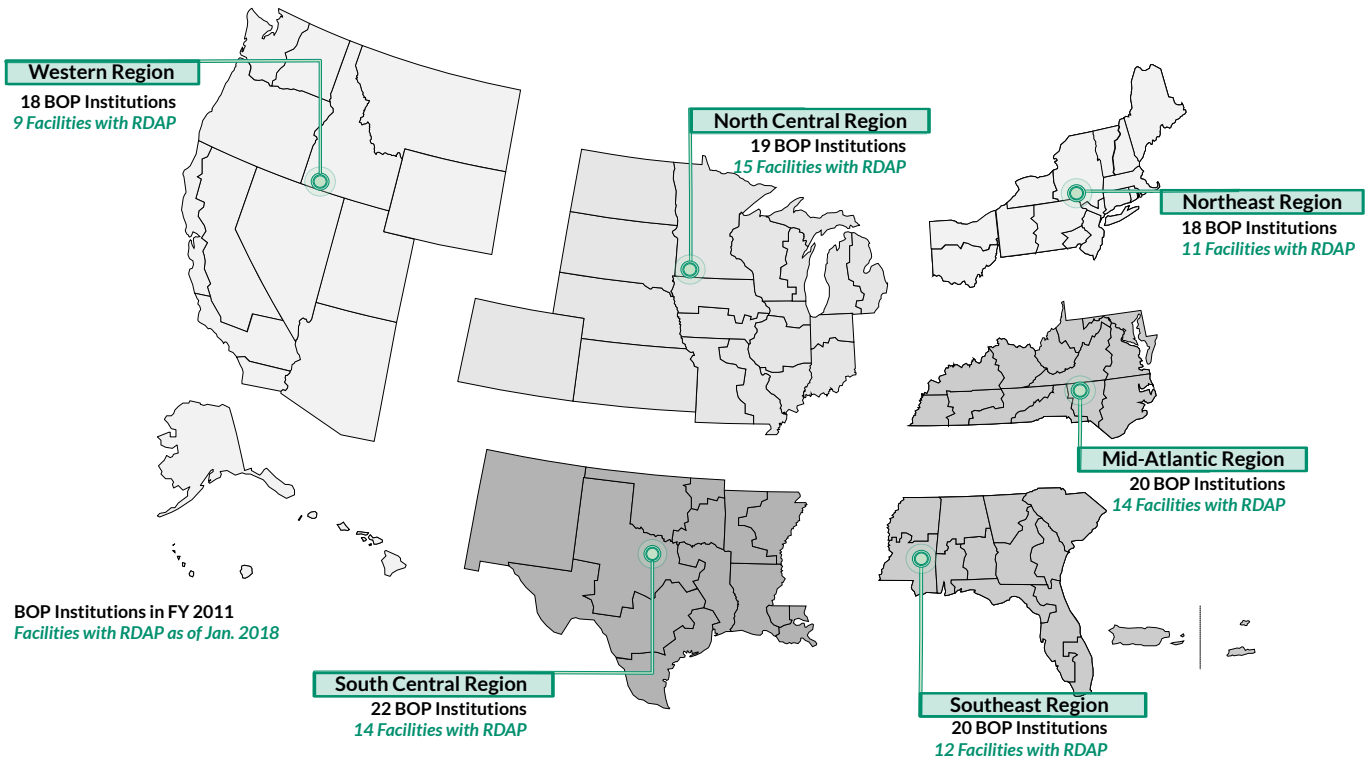
RDAP is the BOP's “most intensive [drug] treatment program.”²⁸ It contains three treatment components: a unit-based or residential component, follow-up services, and transitional drug abuse treatment (TDAT).²⁹ Each component uses a cognitive behavioral therapy model to treat substance abuse and facilitate transition into the community:

(1) The residential component requires participants to receive treatment in a specialized unit separate from the general prison population.³⁰ During the residential component, participants receive 500 treatment hours, which are completed through half-day sessions over a 9-to-12-month period.³¹

(2) Follow-up treatment requires participants to attend monthly, hour-long group meetings.³² Follow-up treatment begins no later than one month after a participant completes the residential component and returns to the general prison population.³³ It continues for up to a year or until the participant transfers to a residential community center (RRC).³⁴

(3) TDAT requires participants to receive at least one hour of drug treatment per month while in RRC or on home confinement.³⁵

Figure 3. Federal Prison System Residential Drug Abuse Treatment Program Locations



RDAP Eligibility and Availability

RDAP-eligible offenders must have a verifiable substance use disorder, sign an agreement acknowledging program responsibility, and be able to complete all three treatment components (residential, follow-up treatment, and TDAT).³⁶ Offenders either apply to RDAP or are identified for referral and evaluation by unit or drug treatment staff.³⁷ Drug treatment staff then conduct a screening to determine if the offender has a documented “pattern of substance abuse or dependence” (see Text Box).³⁸ Following this determination, staff conduct a clinical interview with RDAP volunteers to make and record their final eligibility determination.³⁹ Eligibility ordinarily requires offenders to have at least 24 months remaining on their sentences.⁴⁰

Various offenders, including sex offenders, deportable aliens, and offenders “who pose a significant threat to the community,” are ineligible for RRC placement in the community and, therefore, ineligible for RDAP.⁴¹ A cognitive impairment or learning disability also may preclude RDAP participation if those limitations inhibit completing any of the three treatment components.⁴²

RDAP is only available at select BOP facilities (Figure 3);⁴³ however, eligible participants may be transferred to an RDAP facility if the program is not available at their current facility.⁴⁴ BOP staff monitors RDAP waiting lists to ensure that eligible offenders are transferred with sufficient time to complete the program.⁴⁵

Examples of documentation necessary to verify a “pattern of substance abuse or dependence” include:

- Documentation from the year prior to arrest from:
 - a probation officer, parole officer, or a social services professional who verifies the offender’s problem with substance(s); and
 - a medical or substance abuse treatment provider diagnosing the offender with a substance abuse disorder.
- Two or more convictions for Driving Under the Influence or Driving While Intoxicated in the five years prior to arrest.

RDAP Incentives and Penalties

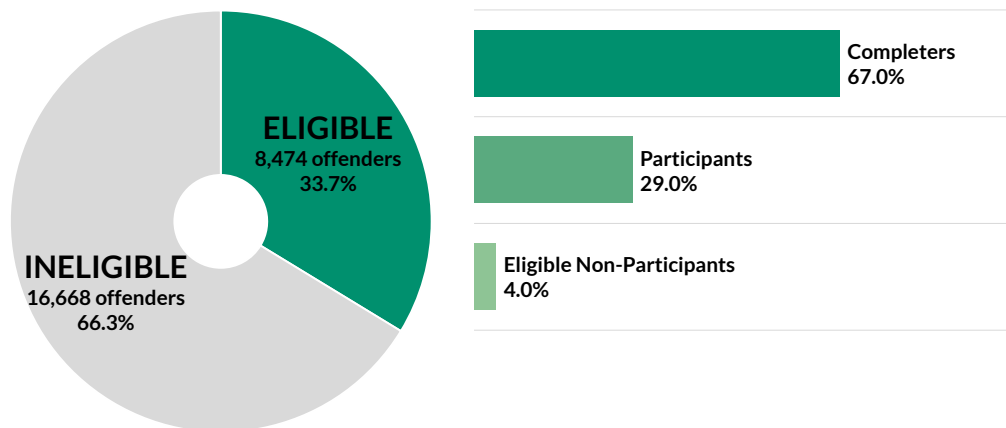
RDAP participants are eligible for basic incentives, such as limited financial awards or preferred living quarters.⁴⁶ Many of those who complete the program are eligible for early release,⁴⁷ up to a 12-month reduction in their sentence.⁴⁸ Not all participants complete the program for various reasons. The BOP may remove participants for disruptive behavior, unsatisfactory progress in treatment, use of alcohol or drugs, violence or threats of violence, escape or attempted escape, or other serious incidents of misconduct.⁴⁹ Participants may also voluntarily withdraw from RDAP. Participants who withdraw or are removed from RDAP and eligible participants who refuse treatment are ineligible for certain benefits, such as a Federal Prison Industries assignment.⁵⁰

RDAP and Recidivism

The BOP undertook an evaluation of RDAP in 2000 with funding and assistance from the National Institute on Drug Abuse,⁵¹ a decade after Congress mandated drug treatment for federal inmates. This study found that men who completed RDAP “were 16 percent less likely to recidivate” in a three-year follow-up period.⁵² The study also concluded that RDAP completers were less likely to use drugs during the same follow-up period.⁵³ In 2001, another study funded in part by the National Institute on Drug Abuse through an interagency agreement with the BOP, found that RDAP completers were less likely to recidivate or use drugs six months after release from BOP custody.⁵⁴ Specifically, the 2001 study found that those who completed treatment were “73 [percent] less likely to be re-arrested”⁵⁵ and “44 [percent] less likely” to use drugs within the first six months after release.⁵⁶

OFFENDER AND OFFENSE CHARACTERISTICS

Figure 4. Rate of RDAP Participation for BOP Offenders Released in 2010



The BOP marked roughly one-third (33.7%; n=8,474) of offenders in this study as eligible to participate in RDAP. *RDAP Completers*, offenders who completed RDAP during their incarceration, comprised roughly two-thirds (67.0%; n=5,677) of RDAP-eligible offenders in this study. *RDAP Participants* (29.0%; n=2,456) received an unspecified portion of RDAP but did not complete the program during incarceration. *RDAP Eligible Non-Participants* represented 4.0 percent (n=341) of offenders who the BOP marked as eligible to participate in the program, but these offenders did not receive any RDAP treatment (Figure 4).⁵⁷ Although the BOP marked all three groups as eligible to participate in RDAP, there are notable differences in the offender and offense characteristics which will be examined throughout this chapter.

Demographics

The demographic characteristics of RDAP-eligible offenders varied slightly (Table 1). White offenders constituted the largest group of *RDAP Completers* (39.0%). The second largest group of *RDAP Completers* was comprised of Black offenders (37.6%), followed by Hispanic offenders (19.3%). By comparison, Black offenders constituted the largest group of *RDAP Participants* (45.2%) and *RDAP Eligible Non-Participants* (44.7%). Roughly one-third of *RDAP Participants* (36.7%) and *RDAP Eligible Non-Participants* (32.6%) were White. Fewer *RDAP Participants* and *RDAP Eligible Non-Participants* were Hispanic (14.4% and 18.5%, respectively).

Table 1. Demographic Characteristics of RDAP-Eligible Offenders

	Completers (n=5,677)		Participants (n=2,456)		Eligible Non-Participants (n=341)	
	N	%	N	%	N	%
Race/Ethnicity¹						
White	2,211	39.0%	900	36.7%	111	32.6%
Black	2,133	37.6%	1,110	45.2%	152	44.7%
Hispanic	1,094	19.3%	354	14.4%	63	18.5%
Other	235	4.1%	91	3.7%	14	4.1%
Gender						
Male	4,960	87.4%	2,072	84.4%	309	90.6%
Female	717	12.6%	384	15.6%	32	9.4%
Age²						
Median Age at Sentencing	32 years		31 years		30 years	
Median Age at Release	36 years		36 years		36 years	

¹ Race was missing for 4 RDAP completers, 1 RDAP participant, and 1 RDAP eligible non-participant.

² Age at Sentencing and Release were missing for 6 RDAP completers and 2 RDAP participants.

The Commission’s previous research on recidivism found that male offenders are more likely to recidivate, compared to their female counterparts.⁵⁸ Male offenders comprised the overwhelming majority of *RDAP Completers* (87.4%), *RDAP Participants* (84.4%), and *RDAP Eligible Non-Participants* (90.6%). However, there were fewer female *RDAP Eligible Non-Participants* (9.4%), compared to either *RDAP Completers* (12.6%) or *RDAP Participants* (15.6%).

All three groups were similar ages, both at sentencing and release, a factor strongly associated with recidivism.⁵⁹ The median age at sentencing was 30 years, 31 years, and 32 years respectively for *RDAP Completers*, *RDAP Participants*, and *RDAP Eligible Non-Participants*. The median age at release was 36 years for all three groups.



All three groups were similar ages, both at sentencing and release—a factor strongly associated with recidivism.

Facility Level

Facility security level varied for the three groups and did not appear to limit RDAP eligibility. *RDAP Completers* and *RDAP Participants* initially were assigned a median facility security level of low (2), while *RDAP Eligible Non-Participants* initially were assigned a median security level of medium (3) (Table 2). *RDAP Completers*

Table 2. Facility Level of RDAP-Eligible Offenders

	Completers (n=5,677)	Participants (n=2,456)	Eligible Non-Participants (n=341)
Security Level (Median)			
Initial Facility Level ¹	Low (2)	Low (2)	Medium (3)
Final Facility Level	Minimum (1)	Low (2)	Medium (3)
Medical Care Level (Median)			
Initial Facility Level	No significant care required (1)	No significant care required (1)	No significant care required (1)
Final Facility Level	No significant care required (1)	No significant care required (1)	No significant care required (1)
Mental Health Care Level (Median)			
Initial Facility Level	No significant care required (1)	No significant care required (1)	No significant care required (1)
Final Facility Level	No significant care required (1)	No significant care required (1)	No significant care required (1)

¹ Initial security level was missing for 7 RDAP completers, 2 RDAP participants, and 1 RDAP eligible non-participant.

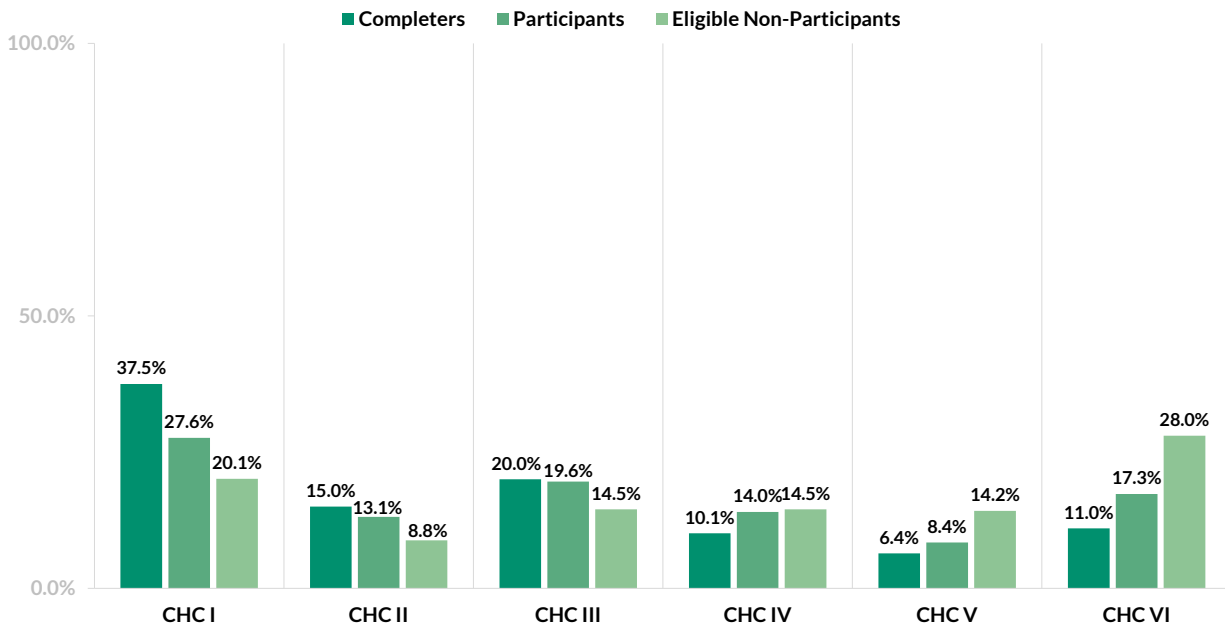
transition to RRC or home confinement at the end of their time in BOP custody. Therefore, *RDAP Completers* had a median final security level of minimum (1), which was lower than that of *RDAP Participants* (2) and *RDAP Eligible Non-Participants* (3).

Although medical or mental health care requirements may impact an offender’s ability to participate in programming, there were no differences in the median medical care level or mental health care level among *RDAP Completers*, *RDAP Participants*, or *RDAP Eligible Non-Participants*. All three groups had a median medical care level and median mental health care level of one—meaning no significant medical care was required—at both the start and the end of their term of incarceration.

Criminal History

Criminal history is one of the strongest predictors of future recidivism, with a more serious criminal history being associated with a greater likelihood of recidivism following release from imprisonment.⁶⁰ There were notable differences among the criminal histories of RDAP-eligible offenders in this study. *RDAP Completers* had less extensive criminal histories than either *RDAP Participants* or *RDAP Eligible Non-Participants* (Figure 5). *RDAP Completers* had an average of five criminal history points (median 3 points), compared to an average of six points (median 5 points) for *RDAP Participants* and an average of eight points (median 8 points) for *RDAP Eligible Non-Participants*.

Figure 5. Criminal History Category of RDAP-Eligible Offenders



Furthermore, roughly one-quarter (26.4%) of *RDAP Completers* accrued zero criminal history points. Only 19.2 percent of *RDAP Participants* and 14.5 percent of *RDAP Eligible Non-Participants* accrued zero criminal history points. Conversely, only 6.5 percent of *RDAP Completers* accrued more than 13 criminal history points. Nearly twice the rate of *RDAP Participants* (11.7%) and three times the rate of *RDAP Eligible Non-Participants* (19.5%) had more than 13 criminal history points.

Accordingly, a greater percentage of *RDAP Completers* were in a lower criminal history category (CHC) than either *RDAP Participants* or *RDAP Eligible Non-Participants*. More *RDAP Completers* were in CHC I (37.5%), compared to *RDAP Participants* (27.6%) and *RDAP Eligible Non-Participants* (20.1%) (Figure 5). Conversely, only 27.5 percent of *RDAP Completers* were in CHC IV–VI, compared to 39.7 percent of *RDAP Participants* and 56.7 percent of *RDAP Eligible Non-Participants*.

Figure 6. Crime Type for RDAP-Eligible Offenders

Original Type of Crime

A majority of RDAP-eligible offenders were sentenced for a drug trafficking offense. Among *RDAP Completers*, 80.8% percent had been sentenced for drug trafficking. Considerably fewer *RDAP Participants* (62.6%) and *RDAP Eligible Non-Participants* (61.9%) were drug trafficking offenders (Figure 6). Few *RDAP Completers* (4.3%) were firearms offenders, compared to either *RDAP Participants* (17.2%) or *RDAP Eligible Non-Participants* (18.8%). The Commission’s previous work on recidivism indicates that firearms offenders have higher recidivism rates, compared to all other federal offenders.⁶¹



Fewer *RDAP Completers* were firearms offenders compared to other RDAP-eligible offenders.

The Commission’s previous work on recidivism indicates that firearms offenders have higher recidivism rates, compared to all other federal offenders.

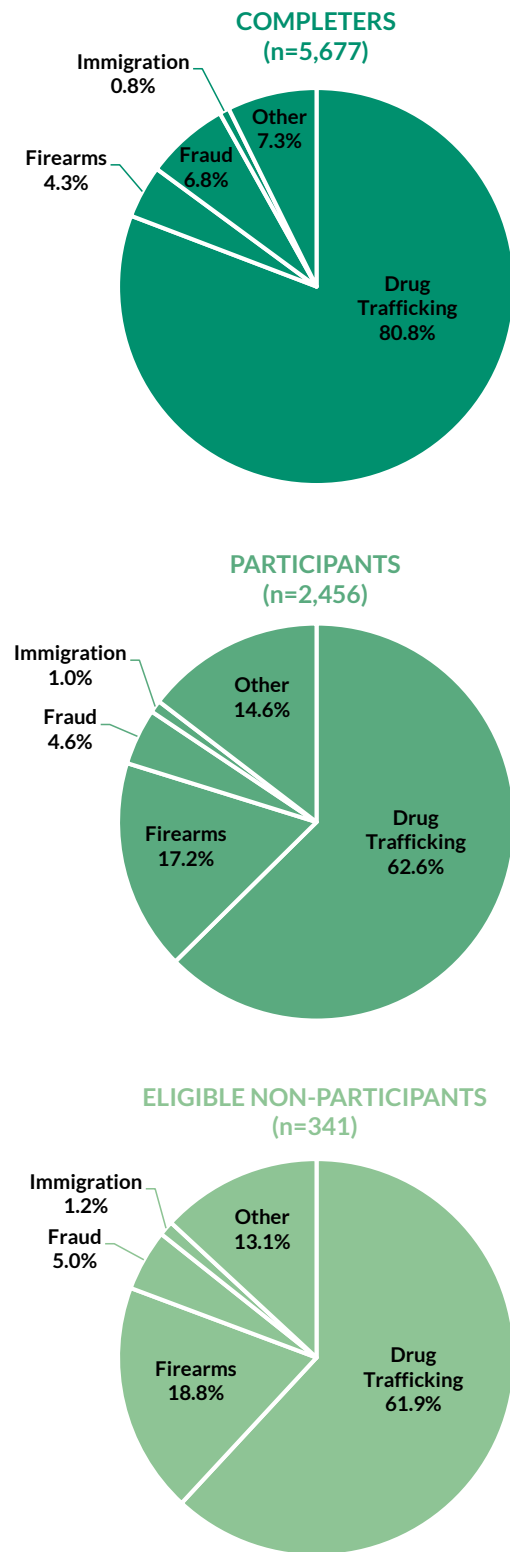
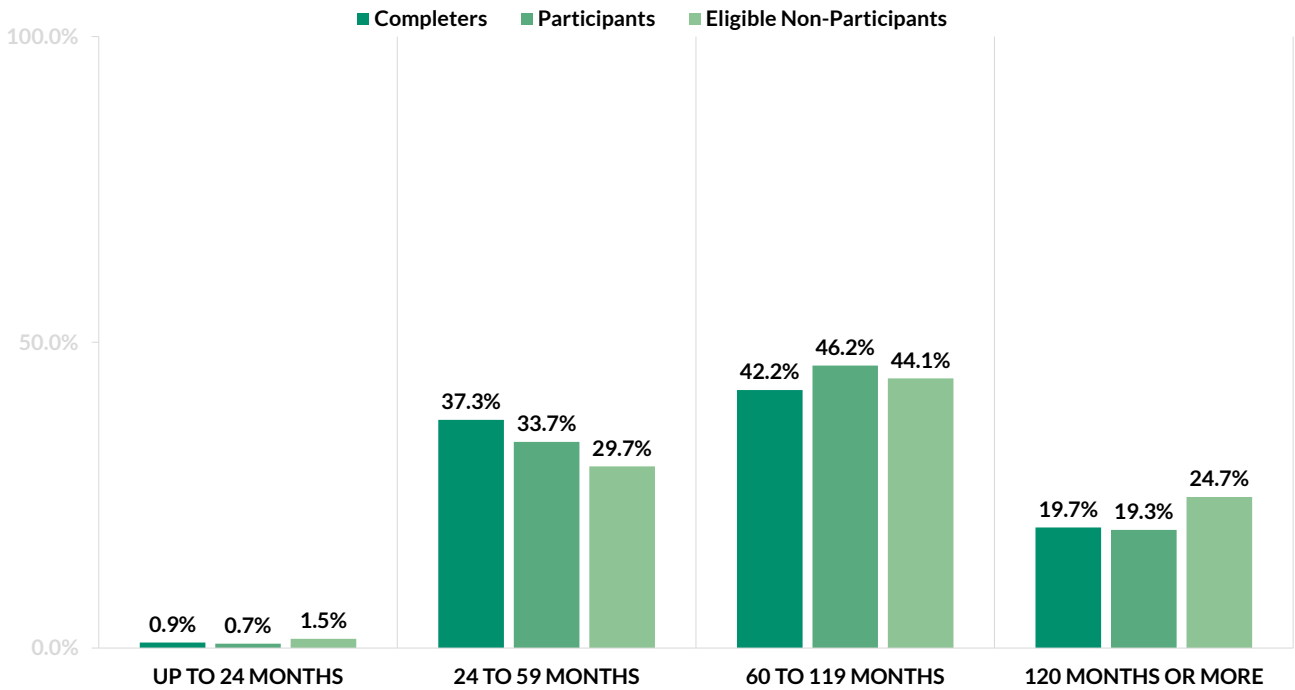


Figure 7. Sentence Length of RDAP-Eligible Offenders

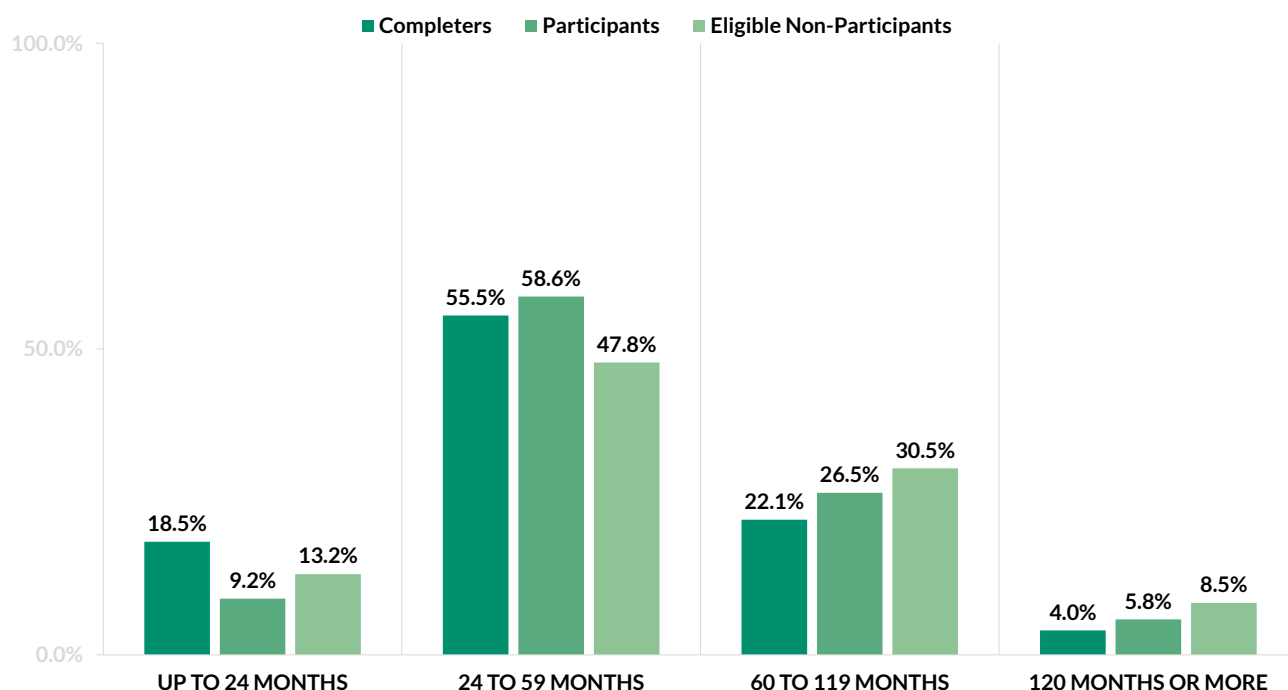


Sentence Length and Time Served in BOP Custody

Previous Commission research found that offenders serving longer terms of incarceration have lower rates of recidivism, compared to similarly situated offenders serving shorter sentences.⁶² For this report, the Commission looked at two measures of length of incarceration: the length of imprisonment given at sentencing (sentence length) and the actual time an offender served in BOP

custody (time served). *RDAP Completers* received shorter original sentences than either *RDAP Participants* or *RDAP Eligible Non-Participants*, with a median sentence of 60 months (compared to 63 months and 77 months, respectively). To be eligible for RDAP, offenders ordinarily must have at least 24 months remaining on their sentence.⁶³ Accordingly, very few *RDAP Completers* (0.9%), *RDAP Participants* (0.7%), or *RDAP Eligible Non-Participants* (1.5%) were originally sentenced to less than 24 months (Figure 7).

Figure 8. Time Served for RDAP-Eligible Offenders



Some RDAP Completers also are eligible for up to a 12-month sentence reduction and accordingly served less time in BOP custody compared to either RDAP Participants or RDAP Eligible Non-Participants. The median time served for RDAP Completers was 40 months—six months less than RDAP Participants (46 months) and nine months less than RDAP Eligible Non-Participants (49 months). Likewise, relatively few RDAP Completers (18.5%), RDAP Participants (9.2%), or RDAP

Eligible Non-Participants (13.2%) spent less than 24 months in BOP custody (Figure 8). A majority of RDAP Completers (55.5%) and RDAP Participants (58.6%), and nearly half of RDAP Eligible Non-Participants (47.8%), were in BOP custody for 24 to 59 months.

RECIDIVISM FINDINGS

Table 3. Recidivism Rates for RDAP-Eligible Offenders

	Completers (n=5,677)	Participants (n=2,456)	Eligible Non-Participants (n=341)
Percent Rearrested	48.2%	59.2%	68.0%
Median Time to Rearrest	24 months	20 months	16 months
Median Number of Rearrests	2	3	3
Most Common Post-Release Event	Assault (18.6%)	Assault (21.7%)	Assault (30.6%)

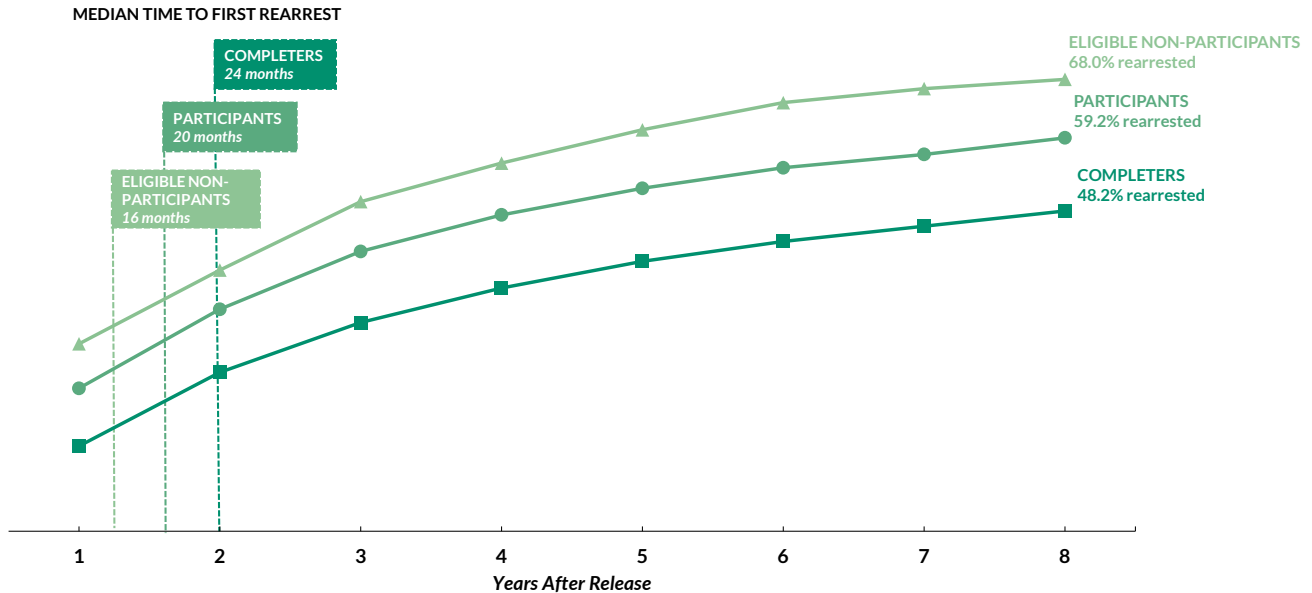
During the eight-year follow-up period *RDAP Completers* recidivated at a lower rate than either *RDAP Participants* or *RDAP Eligible Non-Participants* (Table 3). Less than half of *RDAP Completers* (48.2%) were rearrested, compared to 59.2 percent of *RDAP Participants* and 68.0 percent of *RDAP Eligible Non-Participants*.

Among RDAP-eligible offenders who recidivated, *RDAP Completers* also had fewer median recidivism events (2) compared to both *RDAP Participants* (3) and *RDAP Eligible Non-Participants* (3). The most common post-release recidivism event for all three groups was assault, though *RDAP Completers* (18.6%) had nearly half the assault rate as that of *RDAP Eligible Non-Participants* (30.6%).

Time to Rearrest

In addition to reporting recidivism rates, the Commission analyzed time to rearrest. *RDAP Eligible Non-Participants* recidivated four months sooner than *RDAP Participants* and eight months sooner than *RDAP Completers*. Among recidivist offenders, the median time to rearrest was 24 months for *RDAP Completers*, compared to 20 months for *RDAP Participants* and 16 months for *RDAP Eligible Non-Participants* (Figure 9).

Figure 9. Time to Rearrest for RDAP-Eligible Offenders



RDAP Completers had the lowest recidivism rate in the first two years following release from BOP custody. Less than 15 percent (12.8%) of RDAP Completers recidivated for the first time during the first year following release. This rate fell to 11.1 percent in the second year and 7.5 percent in the third year. Approximately two percent (2.3%) of RDAP Completers recidivated for the first time in the eighth year.

Recidivism rates for RDAP Participants also declined over time, but they recidivated at a higher rate than RDAP Completers in the first two years following release (Table 4). During the first year following release, 21.5 percent of RDAP

Participants recidivated for the first time. This rate fell to 11.9 percent in the second year and 8.7 percent in the third year. Less than three percent (2.5%) of RDAP Participants recidivated for the first time in the eighth year.

During the first year following release, 28.2 percent of RDAP Eligible Non-Participants recidivated for the first time. Rearrest rates declined thereafter with 11.1 percent of RDAP Eligible Non-Participants recidivating for the first time in the second year, while 10.3 percent were rearrested for the first time in the third year. Only 1.5 percent of RDAP Eligible Non-Participants were rearrested for the first time in the eighth year.

Table 4. Time to Rearrest for RDAP-Eligible Offenders

Years After Release	Completers (n=5,677)			Participants (n=2,456)			Eligible Non-Participants (n=341)		
	N	%	Cumulative %	N	%	Cumulative %	N	%	Cumulative %
1	727	12.8%	12.8%	528	21.5%	21.5%	96	28.2%	28.2%
2	629	11.1%	23.9%	292	11.9%	33.4%	38	11.1%	39.3%
3	426	7.5%	31.4%	214	8.7%	42.1%	35	10.3%	49.6%
4	297	5.2%	36.6%	134	5.5%	47.6%	20	5.9%	55.4%
5	224	3.9%	40.6%	100	4.1%	51.6%	17	5.0%	60.4%
6	173	3.0%	43.6%	75	3.1%	54.7%	14	4.1%	64.5%
7	131	2.3%	45.9%	50	2.0%	56.7%	7	2.1%	66.6%
8	128	2.3%	48.2%	61	2.5%	59.2%	5	1.5%	68.0%

Rearrests and Federal Supervision Status

The Commission also examined rearrests relative to federal supervision status. While the data for this study included the length of supervision terms originally imposed, it did not include supervision status at the time of arrest.⁶⁴ Therefore, the Commission compared the length of the supervision term imposed to the elapsed time before rearrest as a proxy for the offender’s supervision status at the time of rearrest.

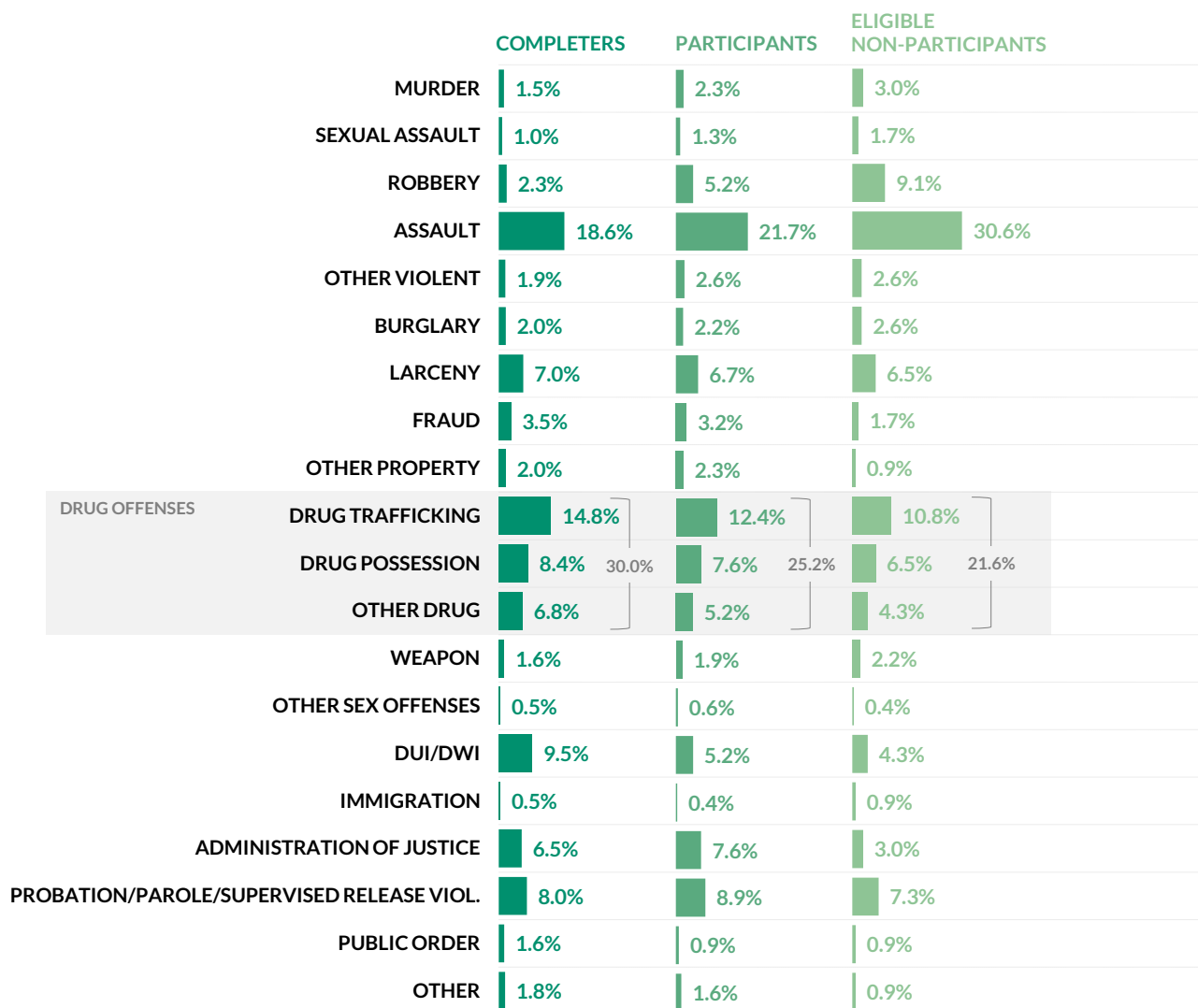
Nearly all *RDAP Completers* (99.7%), *RDAP Participants* (99.8%), and *RDAP Eligible Non-Participants* (99.1%) were sentenced to a term of supervision. Those with a term of supervision had an average length of 50 months for *RDAP Completers*, 49 months for *RDAP Participants*, and 49 months for *RDAP Eligible Non-Participants* (median 48 months for all three groups). *RDAP*

Completers (36.5%) had the lowest rearrest rate before the end of their originally imposed supervision term, compared to *RDAP Participants* (46.5%) and *RDAP Eligible Non-Participants* (54.3%).

Most Serious Recidivism Event

The types of crimes for which *RDAP*-eligible offenders were rearrested varied, but assault was the most common crime for all three groups followed by drug trafficking (Figure 10). Among offenders who recidivated, 18.6 percent of *RDAP Completers*, 21.7 percent of *RDAP Participants*, and 30.6 percent of *RDAP Eligible Non-Participants* were rearrested for assault as the most serious offense. Furthermore, *RDAP Completers* had lower rates of violent recidivism events (25.3%), compared to *RDAP Participants* (33.2%) and *RDAP Eligible Non-Participants* (47.0%).

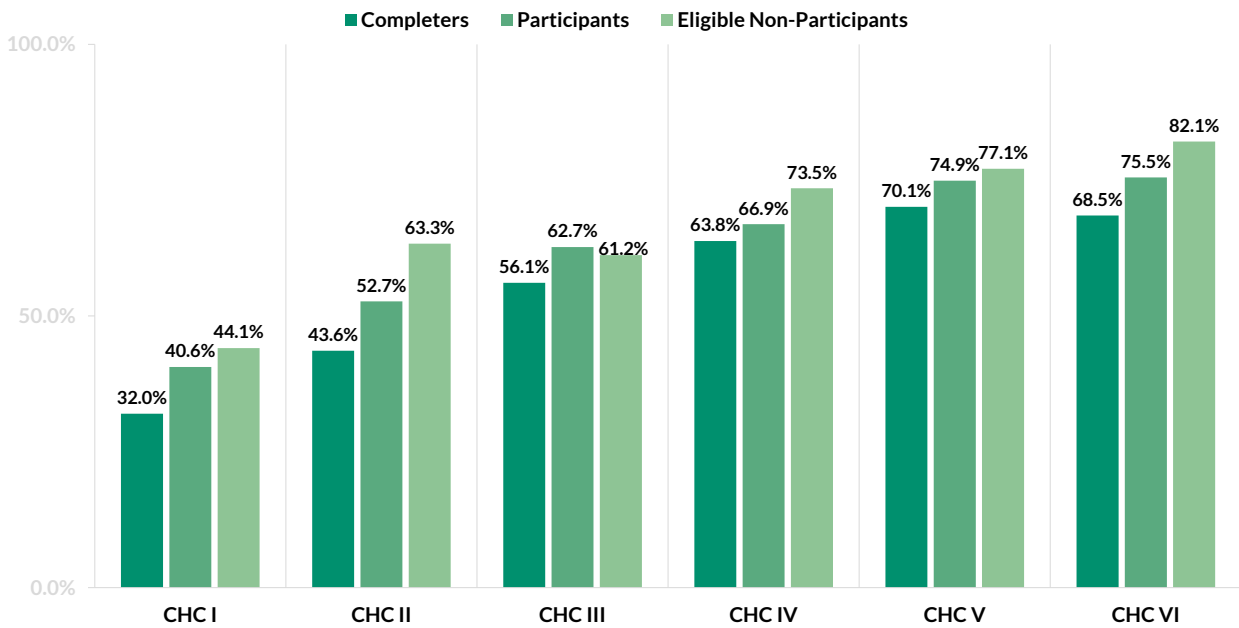
Figure 10. Most Serious Offense at Rearrest for RDAP-Eligible Offenders



RDAP Completers had a higher rate of drug-related recidivism events (30.0%), compared to both RDAP Participants (25.2%) and RDAP Eligible Non-Participants (21.6%). All RDAP-eligible offenders had a higher rate of drug-related recidivism, compared to the Drug Program Non-

Participants in this study (21.3%).⁶⁵ Drug trafficking was the most serious offense for 14.8 percent of RDAP Completers, compared to 12.4 percent of RDAP Participants and 10.8 percent of RDAP Eligible Non-Participants.

Figure 11. Rearrest Rates for RDAP-Eligible Offenders by Criminal History Category

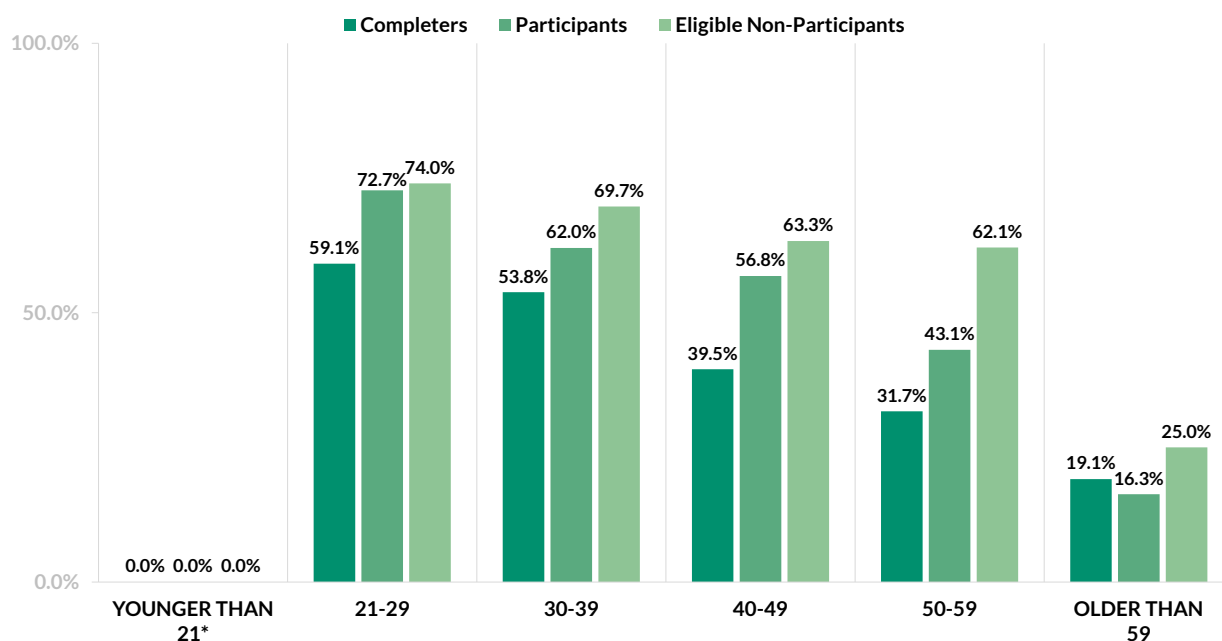


Recidivism and Criminal History

The Commission’s analysis again demonstrated the association between recidivism and the criminal history category provided for in the *Guidelines Manual*⁶⁶: as criminal history category increased for each group, so did recidivism rates (Figure 11). Recidivism rates among *RDAP Completers* ranged from 32.0 percent for those in CHC I to a high of 70.1 percent for those in CHC V. Comparatively, recidivism rates among *RDAP Participants* ranged from 40.6 percent for offenders assigned CHC I to 75.5 percent for those assigned CHC VI. Recidivism rates were highest among *RDAP Eligible Non-Participants* and ranged from 44.1 percent for those in CHC I to a high of 82.1 percent for offenders assigned to CHC VI.

RDAP Completers had lower recidivism rates across all criminal history categories compared to both *RDAP Participants* and *RDAP Eligible Non-Participants*. Similarly, *RDAP Participants* had lower recidivism rates compared to *RDAP Eligible Non-Participants* across all criminal history categories, apart from CHC III. Within CHC III, *RDAP Participants* had a nearly identical recidivism rate as *RDAP Eligible Non-Participants* (62.7% and 61.2%, respectively).

Figure 12. Rearrest Rates for RDAP-Eligible Offenders by Age at Release



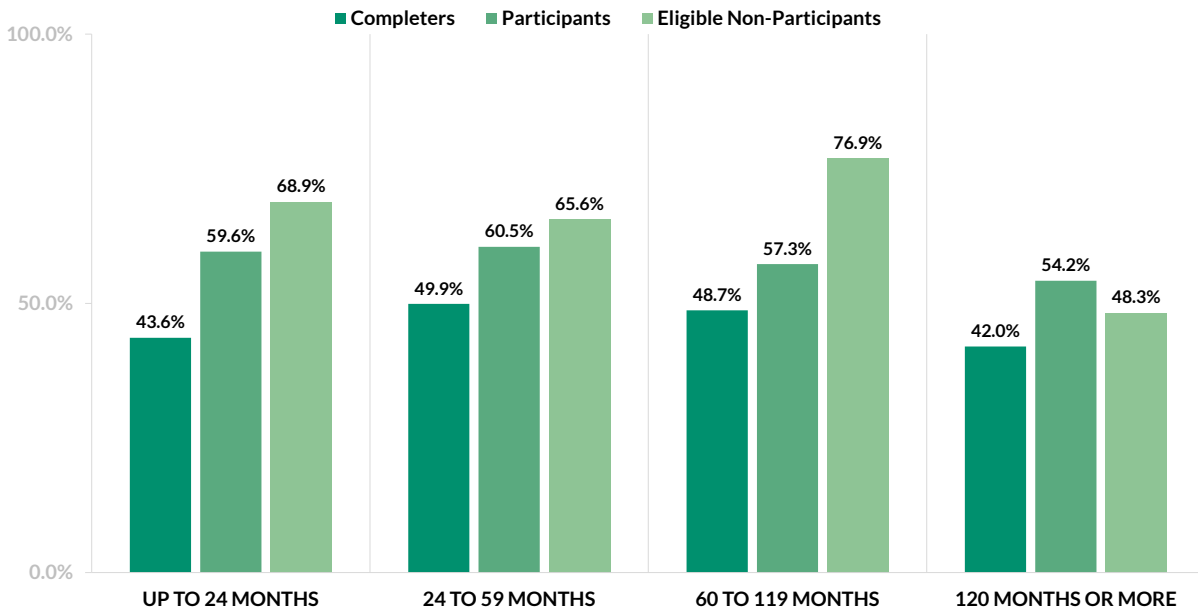
*There were an insufficient number of offenders under the age of 20 to perform an analysis. There were no offenders under 21 in RDAP eligible non-participants, 1 offender recidivated who was an RDAP participant, and 4 offenders recidivated who were RDAP completers.

Recidivism and Age

Consistent with previous Commission research, rearrest rates generally decrease as age increases⁶⁷ for all three groups of RDAP-eligible offenders. *RDAP Completers* recidivated at a lower rate than both *RDAP Participants* and *RDAP Eligible Non-Participants* in every age group at the time of release, except for the youngest and oldest categories which have too few offenders to draw any meaningful conclusions (Figure 12). About 60 percent (59.1%) of *RDAP Completers* ages 21 to 29 recidivated, compared to nearly three-quarters of both *RDAP Participants* (72.7%) and *RDAP Eligible Non-Participants* (74.0%) in that age group. Recidivism rates for *RDAP Completers* and *RDAP Participants* decreased as their age at release increased.

Recidivism also decreased for older *RDAP Eligible Non-Participants*. Nearly the same proportion of *RDAP Eligible Non-Participants* released between ages 50 to 59 recidivated (62.1%), as did *RDAP Eligible Non-Participants* released between ages 40 to 49 (63.3%). Very few offenders in each category were released after the age of 59; however, recidivism rates were lowest for this age group. For offenders over the age of 59, recidivism rates fell to 19.1 percent for *RDAP Completers*, 16.3 percent for *RDAP Participants*, and 25.0 percent for *RDAP Eligible Non-Participants*.

Figure 13. Rearrest Rates for RDAP-Eligible Offenders by Time Served in BOP Custody



Recidivism and Time in BOP Custody

RDAP Completers recidivated at a lower rate than both RDAP Participants and RDAP Eligible Non-Participants regardless of the length of time served in BOP custody (Figure 13). Among those who were in BOP custody for less than 24 months, RDAP Completers were rearrested at a rate of 43.6 percent, compared to 59.6 percent of RDAP Participants and 68.9 percent of RDAP Eligible Non-Participants. Recidivism rates increased for RDAP Completers and RDAP Participants who served between 24 and 59 months in BOP custody (49.9% and 60.5%, respectively). Conversely, recidivism rates decreased to 65.6 percent for RDAP Eligible Non-Participants who served between 24 and 59 months in BOP custody.

Among those serving 60 to 119 months in BOP custody, RDAP Completers recidivated at a lower rate (48.7%) than both RDAP Participants (57.3%) and RDAP Eligible Non-Participants (76.9%). Recidivism rates were lowest among RDAP-eligible offenders who were in BOP custody for 120 months or more; 42.0 percent of RDAP Completers were rearrested, compared to 54.2 percent of RDAP Participants and 48.3 percent of RDAP Eligible Non-Participants.



By conducting a logistic regression analysis, the Commission can control for key offender and offense characteristics. This helps ensure that the observed differences in recidivism rates between *RDAP Completers* and *RDAP Eligible Non-Participants* are due to program completion and not attributable to those differences.

Logistic Regression Analysis

The Commission found important differences in key offender and offense characteristics of RDAP-eligible offenders. Several of these differences—crime type, criminal history category, and sentence length—have been shown to influence the likelihood of recidivism. To account for these differences, the Commission performed a regression analysis controlling for key offender and offense characteristics. The logistic regression analysis examines the relationship between RDAP completion and recidivism⁶⁸ while ensuring that the observed differences in

recidivism rates between *RDAP Completers* and *RDAP Eligible Non-Participants* are due to program completion and not attributable to those differences. The results of this additional analysis confirmed the observed difference in recidivism rates and showed that *RDAP Completers* were 27.0 percent less likely to be rearrested following release from imprisonment, compared to *RDAP Eligible Non-Participants*.⁶⁹

SUMMARY

The Commission analyzed the recidivism rates of the 8,474 offenders released in 2010 who were eligible to participate in the Federal Bureau of Prisons' (BOP) Residential Drug Abuse Treatment Program (RDAP). The Commission found that offenders who completed RDAP were less likely to recidivate than eligible offenders who did not participate in RDAP, a finding that was confirmed using a regression analysis to control for differences between the groups. *RDAP Completers* had lower recidivism rates across all criminal history categories, at all lengths of time served, and in nearly every age group at release. Additionally, *RDAP Completers* took longer to recidivate and had fewer median recidivism events compared to *RDAP Participants* and *RDAP Eligible Non-Participants*.

Despite faring better than other RDAP-eligible offenders with overall recidivism, nearly one-in-three *RDAP Completers* had a drug offense as their most serious post-release event. *RDAP Completers* had higher rates of drug recidivism than either *RDAP Participants* or *RDAP Eligible Non-Participants*. Furthermore, all offenders who participated in RDAP, regardless of program completion, had higher drug recidivism rates than the *Drug Program Non-Participants* in this study. This recidivism finding is consistent with the BOP's policy of placing offenders with persistent substance abuse issues in its most intensive substance abuse program.

NON-RESIDENTIAL DRUG ABUSE TREATMENT PROGRAM

NON-RESIDENTIAL DRUG ABUSE TREATMENT PROGRAM

This chapter discusses the Federal Bureau of Prisons' (BOP) Non-Residential Drug Abuse Treatment Program (NRDAP), its eligibility requirements, availability, and incentives for participation. This chapter also analyzes the differences in offender and offense characteristics and recidivism rates among the 4,446 offenders who were eligible to participate in NRDAP, comparing offenders who successfully completed the program to those who participated but did not complete, and eligible non-participants.

The BOP designated all three groups discussed in this chapter as “eligible” to participate in NRDAP; however, these groups have notably different offender and offense characteristics which could impact their likelihood of recidivism. For that reason, in addition to descriptive analyses, the Commission performed a more advanced analysis to isolate the influence of NRDAP on recidivism.

NRDAP provides drug treatment to participants at all institutions and is available to inmates who voluntarily decide to participate.⁷⁰ It comprises 90-to-120-minute sessions, is conducted primarily in a group setting, and runs for 12 to 24 weeks.⁷¹

As with RDAP, NRDAP uses a cognitive behavioral therapy model to reduce substance abuse and facilitate a successful transition into the community—two of the stated goals of BOP's evidence-based psychology programs.⁷²

NRDAP Eligibility and Availability

NRDAP is available at all BOP facilities,⁷³ voluntary,⁷⁴ and anyone who can “function at an 8th grade level” may participate, although the program targets certain participants.⁷⁵ The BOP identifies potential participants by accepting volunteers and through the Psychology Intake Screening Interview.⁷⁶ A drug treatment specialist interviews interested participants to determine eligibility, which is based on reading ability and an agreement to participate in treatment.⁷⁷ NRDAP eligibility is recorded in an offender’s official BOP records.⁷⁸

NRDAP Incentives and Penalties

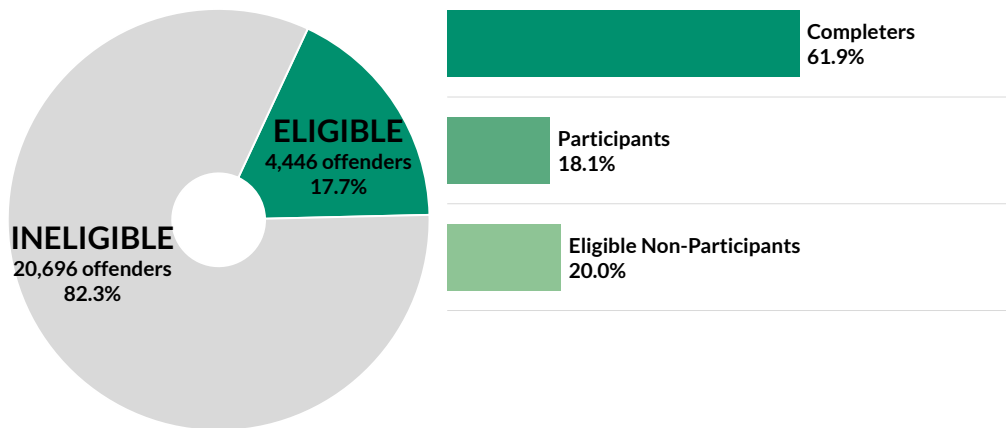
Participants are eligible for “limited achievement awards,” such as limited financial awards.⁷⁹ Additionally, wardens are “strongly encouraged to approve inmates who successfully complete [NRDAP] for the maximum period of RRC placement.”⁸⁰ Participants can be removed from the program for disruptive behavior or unsatisfactory progress in treatment.⁸¹ The BOP’s Program Statement for Psychology Treatment Programs does not identify any penalties for not participating in NRDAP.⁸²

NRDAP “targets” participants who:

- **are waiting to enter RDAP;**
- **do not meet RDAP requirements but wish to benefit from treatment;**
- **staff have referred for treatment;**
- **have a judicial recommendation for treatment;**
- **were required to detox in custody; or**
- **used drugs or alcohol while incarcerated.⁸³**

OFFENDER AND OFFENSE CHARACTERISTICS

Figure 14. Rate of NRDAP Eligibility for BOP Offenders Released in 2010



Though the BOP marked these three groups as eligible to participate in NRDAP, there are notable differences in the offender and offense characteristics of offenders in these groups, which will be examined throughout this chapter. Less than 20 percent (17.7%; n=4,446) of offenders in this study were marked as eligible to participate in NRDAP (Figure 14). More than 60 percent (61.9%; n=2,752) of eligible offenders were *NRDAP Completers*—offenders who completed NRDAP during their incarceration. Less than 20 percent (18.1%; n=803) were *NRDAP Participants*, offenders who received an unspecified portion of NRDAP but did not successfully complete it. One-fifth (20.0%; n=891) were *NRDAP Eligible Non-Participants*, offenders who the BOP marked as eligible to participate in NRDAP treatment but did not.⁸⁴

Demographics

The demographic characteristics of NRDAP-eligible offenders varied slightly (Table 5). White offenders constituted the largest group of *NRDAP Completers* (41.2%), followed by Black offenders (36.8%) and Hispanic offenders (16.2%). By comparison, Black offenders constituted the largest group of *NRDAP Participants* (43.3%), followed by White offenders (33.3%) and Hispanic offenders (17.8%). Nearly an equal number of *NRDAP Eligible Non-Participants* were White (38.7%) as were Black (37.9%), while fewer (19.1%) were Hispanic.

Table 5. Demographic Characteristics of NRDAP-Eligible Offenders

	Completers (n=2,752)		Participants (n=803)		Eligible Non-Participants (n=891)	
	N	%	N	%	N	%
Race/Ethnicity¹						
White	1,132	41.2%	267	33.3%	345	38.7%
Black	1,012	36.8%	347	43.3%	338	37.9%
Hispanic	444	16.2%	143	17.8%	170	19.1%
Other	160	5.8%	45	5.6%	38	4.3%
Gender						
Male	2,350	85.4%	702	87.4%	672	75.4%
Female	402	14.6%	101	12.6%	219	24.6%
Age²						
Median Age at Sentencing	33 years		31 years		32 years	
Median Age at Release	38 years		35 years		35 years	

¹ Race was missing for 4 NRDAP completers and 1 NRDAP participant.

² Age at Sentencing and Release were missing for 2 NRDAP completers and 4 NRDAP participants.

As noted, the Commission’s previous work on recidivism found that female offenders are less likely to recidivate compared to their male peers.⁸⁵ Male offenders comprised the overwhelming majority of *NRDAP Completers* (85.4%), *NRDAP Participants* (87.4%), and *NRDAP Eligible Non-Participants* (75.4%). There were, however, more female offenders among *NRDAP Eligible Non-Participants*.

NRDAP-eligible offenders were similar ages both at sentencing and release. Their median ages at sentencing were 33 years, 31 years, and 32 years, respectively. The median age at release was 38 years for *NRDAP Completers*, slightly older than either *NRDAP Participants* or *NRDAP Eligible Non-Participants*, whose median age at release was 35.

Facility Level

There were no differences in initial or final security level for NRDAP-eligible offenders. Offenders in all three groups initially were assigned a median facility security level of Low (2) (Table 6). Offenders in all three groups also had a low (2) median final security level.

Table 6. Facility Level of NRDAP-Eligible Offenders

	Completers (n=2,752)	Participants (n=803)	Eligible Non-Participants (n=891)
Security Level (Median)			
Initial Facility Level ¹	Low (2)	Low (2)	Low (2)
Final Facility Level	Low (2)	Low (2)	Low (2)
Medical Care Level (Median)			
Initial Facility Level	No significant care required (1)	No significant care required (1)	No significant care required (1)
Final Facility Level	No significant care required (1)	No significant care required (1)	No significant care required (1)
Mental Health Care Level (Median)			
Initial Facility Level	No significant care required (1)	No significant care required (1)	No significant care required (1)
Final Facility Level	No significant care required (1)	No significant care required (1)	No significant care required (1)

¹ Initial security level was missing for 4 NRDAP completers.

There were no differences in the median medical care level or mental health care level among NRDAP-eligible offenders. All three groups had a median medical care level and median mental health care level of one—meaning no significant medical care was required—at both the start and end of their term of incarceration.

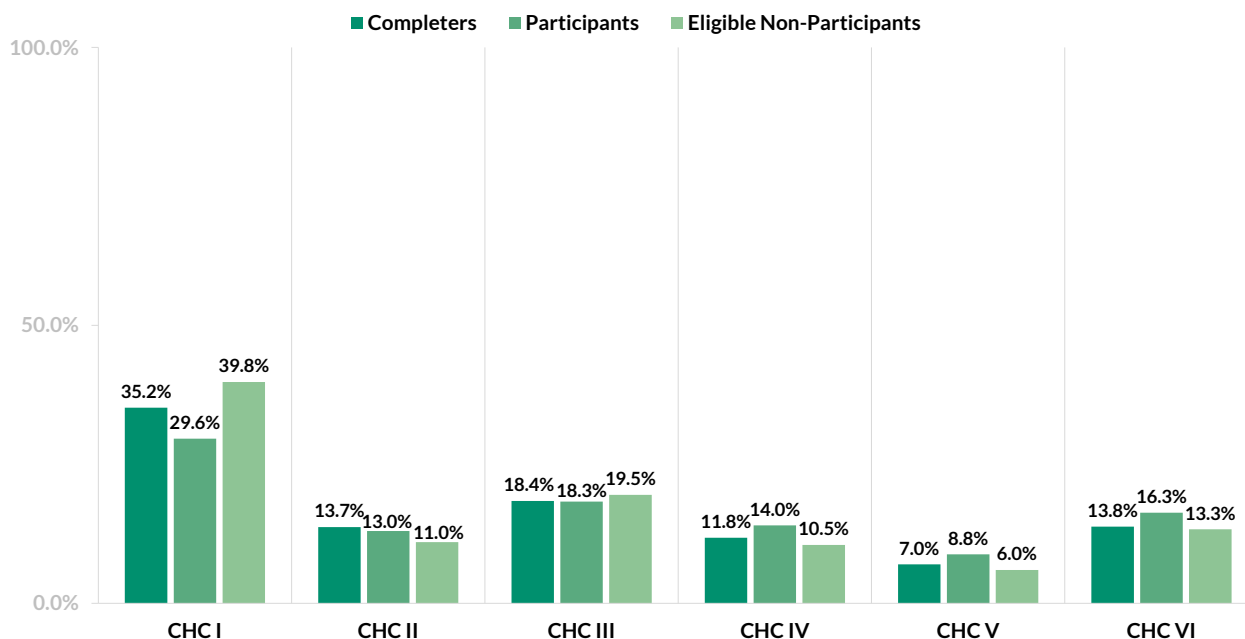
Criminal History

Criminal history is one of the strongest predictors of future offending.⁸⁶ In this study, NRDAP-eligible offenders had varied criminal histories (Figure 16). *NRDAP Completers* had an average of five criminal history points (median 4 points), *NRDAP Participants* had an average of six points (median 5 points), and *NRDAP Eligible Non-Participants* had an average of five criminal history points (median 3 points). Roughly a quarter (25.1%) of *NRDAP Completers* accrued zero criminal history points, compared to 22.1 percent of *NRDAP Participants* who accrued zero criminal history points. *NRDAP Eligible Non-Participants* had the largest percentage of offenders with zero criminal history points, with 30.0 percent. Conversely, only 8.9



Criminal history is one of the strongest predictors of future offending. In this study, NRDAP-eligible offenders had varied criminal histories.

Figure 15. Criminal History Category of NRDAP-Eligible Offenders



percent of NRDAP Completers accrued more than 13 criminal history points, compared to 11.4 percent of NRDAP Participants and 9.1 percent of NRDAP Eligible Non-Participants.

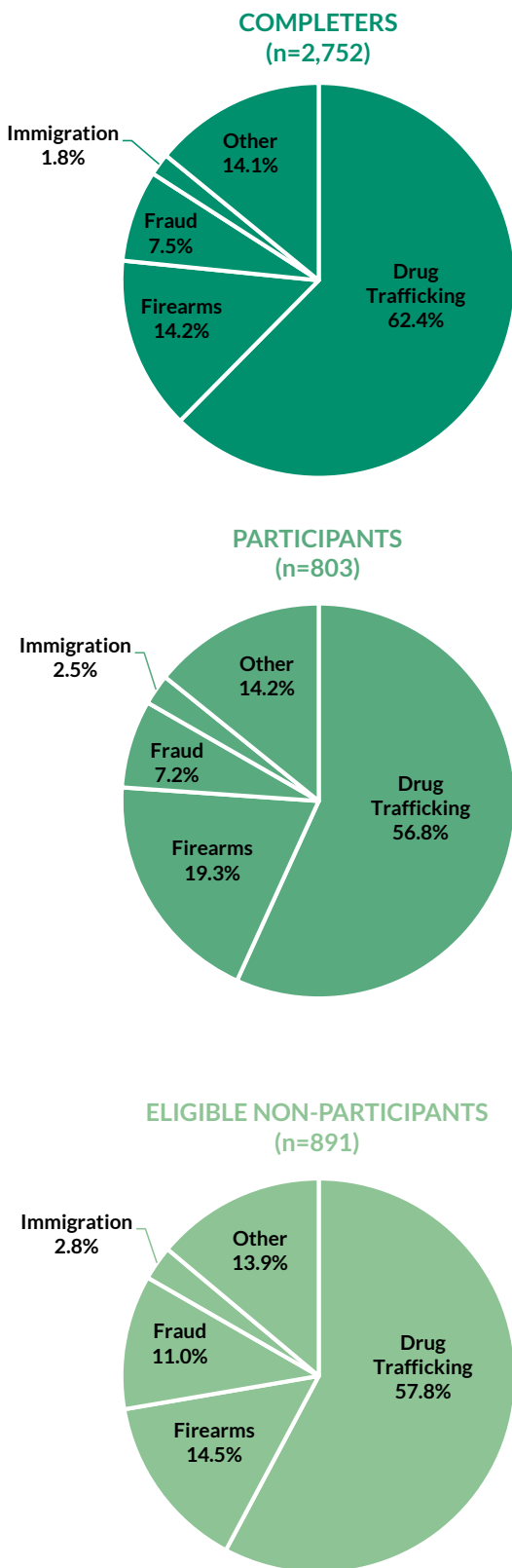
Accordingly, a greater percentage of NRDAP Eligible Non-Participants were placed in lower CHCs than either NRDAP Completers or NRDAP Participants. More NRDAP Eligible Non-Participants were in CHC I (39.8%), compared to NRDAP Completers (35.2%) and NRDAP Participants (29.6%). However, only 13.8 percent of NRDAP Completers were in CHC VI, compared to 16.3 percent of NRDAP Participants and 13.3 percent of NRDAP Eligible Non-Participants in CHC VI.

Original Type of Crime

The majority of NRDAP-eligible offenders were sentenced for a drug trafficking offense. Among those offenders, 62.4 percent of NRDAP Completers had been sentenced for drug trafficking, compared to 56.8 percent of NRDAP Participants and 57.8 percent of NRDAP Eligible Non-Participants (Figure 16).

The next most common instant offense for all three groups was a firearms offense. More NRDAP Participants (19.3%) were firearms offenders, compared to NRDAP Completers (14.2%) and NRDAP Eligible Non-Participants (14.5%). As mentioned, the Commission found that firearms offenders are more likely to recidivate, compared to all other federal offenders.⁸⁷

Figure 16. Crime Type for NRDAP-Eligible Offenders



Sentence Length and Time Served in BOP Custody

As previously discussed, the Commission has found an inverse relationship between length of incarceration and recidivism.⁸⁸ NRDAP Completers received longer original sentences than either NRDAP Participants or NRDAP Eligible Non-Participants, with a median sentence of 63 months (compared to 60 months and 40 months, respectively). A smaller percentage of NRDAP Completers (8.4%) and NRDAP Participants (13.2%) originally were sentenced to less than 24 months, compared to NRDAP Eligible Non-Participants (23.8%) (Figure 17).

The median time served for NRDAP Completers (44 months) was seven months more than NRDAP Participants (37 months) and 19 months longer than NRDAP Eligible Non-Participants (25 months). Almost half of NRDAP Eligible Non-Participants (47.6%) served less than 24 months in BOP custody, compared to roughly a quarter of either NRDAP Participants (29.6%) or NRDAP Completers (22.5%). A plurality of NRDAP Completers (46.0%) and NRDAP Participants (43.0%) served between 24 and 59 months in BOP custody, compared to 38.5 percent of NRDAP Eligible Non-Participants (Figure 18). The differing lengths of time served may account for why NRDAP Eligible Non-Participants did not attend NRDAP during their time in BOP custody.

Figure 17. Sentence Length of NRDAP-Eligible Offenders

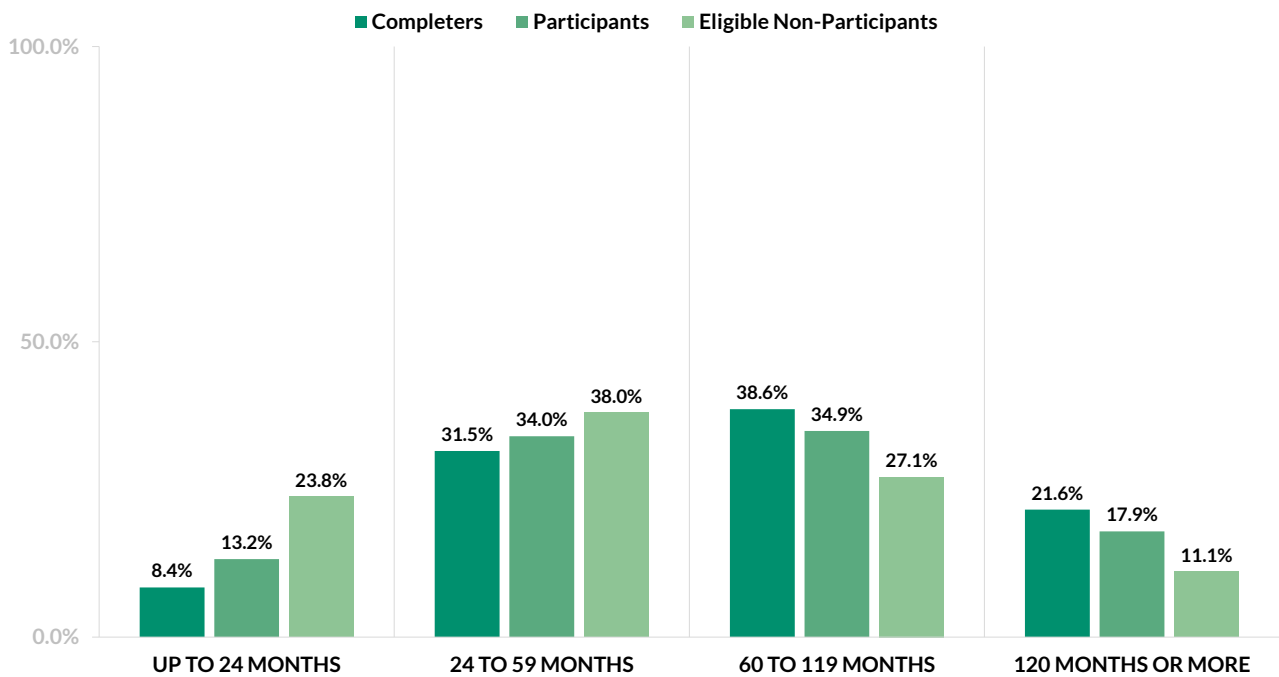
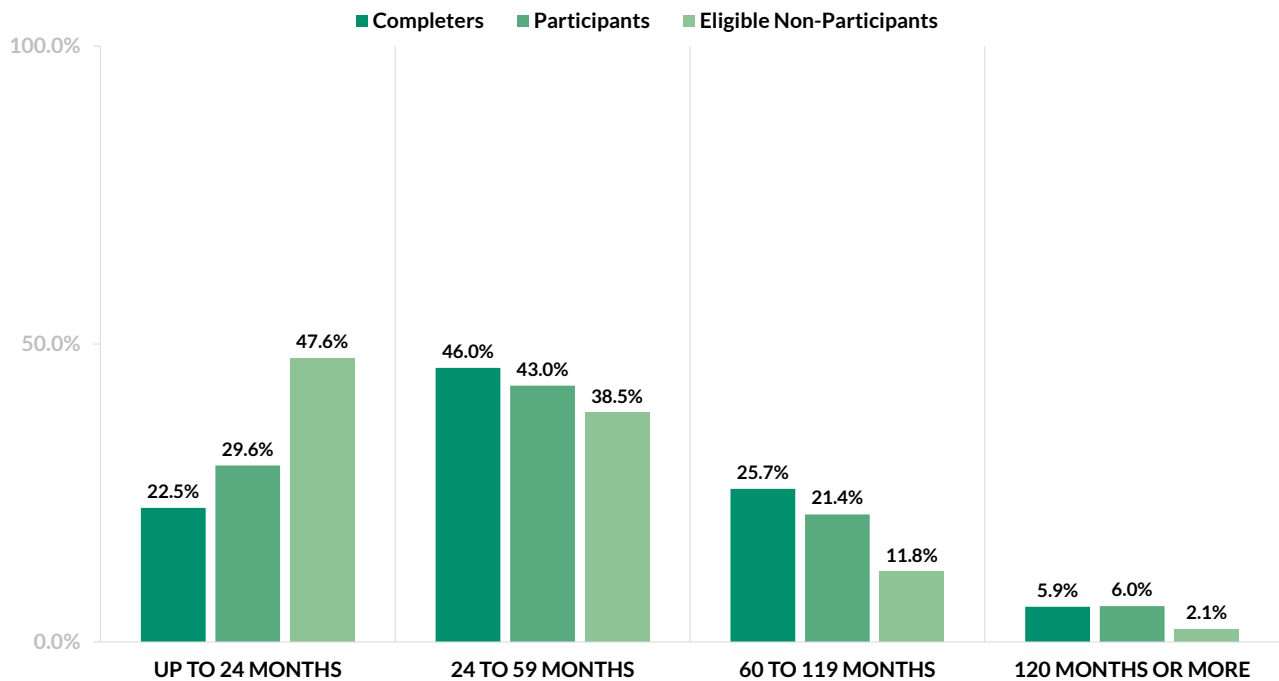


Figure 18. Time Served in BOP Custody by NRDAP-Eligible Offenders



RECIDIVISM FINDINGS

Table 7. Recidivism Rates for NRDAP-Eligible Offenders

	Completers (n=2,752)	Participants (n=803)	Eligible Non-Participants (n=891)
Percent Rearrested	49.9%	59.4%	54.0%
Median Time to Rearrest	22 months	20 months	19 months
Median Number of Rearrests	2	3	3
Most Common Post-Release Event	Assault (20.5%)	Assault (21.6%)	Assault (20.2%)

During the eight-year follow-up period, *NRDAP Completers* recidivated at a lower rate than either *NRDAP Participants* or *NRDAP Eligible Non-Participants* (Table 7). The rearrest rate for *NRDAP Completers* was 49.9 percent, compared to 59.4 percent of *NRDAP Participants* and 54.0 percent of *NRDAP Eligible Non-Participants*.

Among NRDAP-eligible offenders who recidivated, *NRDAP Completers* had fewer median recidivism events (2), compared to either *NRDAP Participants* (3) or *NRDAP Eligible Non-Participants* (3). The most common post-release recidivism event was the same for all three groups. Roughly one-in-five offenders in each group were rearrested for assault during the eight-year follow-up period.

Time to Rearrest

In addition to reporting recidivism rates, the Commission analyzed the time to rearrest. Among recidivist offenders, the median time to rearrest was 22 months for *NRDAP Completers*, compared to 20 months for *NRDAP Participants* and 19 months for *NRDAP Eligible Non-Participants* (Figure 19). As such, *NRDAP Eligible Non-Participants* recidivated two months sooner than *NRDAP Participants* and three months sooner than *NRDAP Completers*.

Table 8. Time to Rearrest for NRDAP-Eligible Offenders

Years After Release	Completers (n=2,752)			Participants (n=803)			Eligible Non-Participants (n=891)		
	N	%	Cumulative %	N	%	Cumulative %	N	%	Cumulative %
1	435	15.8%	15.8%	173	21.5%	21.5%	183	20.5%	20.5%
2	307	11.2%	27.0%	100	12.5%	34.0%	97	10.9%	31.4%
3	204	7.4%	34.4%	76	9.5%	43.5%	59	6.6%	38.0%
4	116	4.2%	38.6%	46	5.7%	49.2%	49	5.5%	43.5%
5	121	4.4%	43.0%	23	2.9%	52.1%	30	3.4%	46.9%
6	87	3.2%	46.1%	25	3.1%	55.2%	23	2.6%	49.5%
7	61	2.2%	48.4%	18	2.2%	57.4%	19	2.1%	51.6%
8	43	1.6%	49.9%	16	2.0%	59.4%	21	2.4%	54.0%

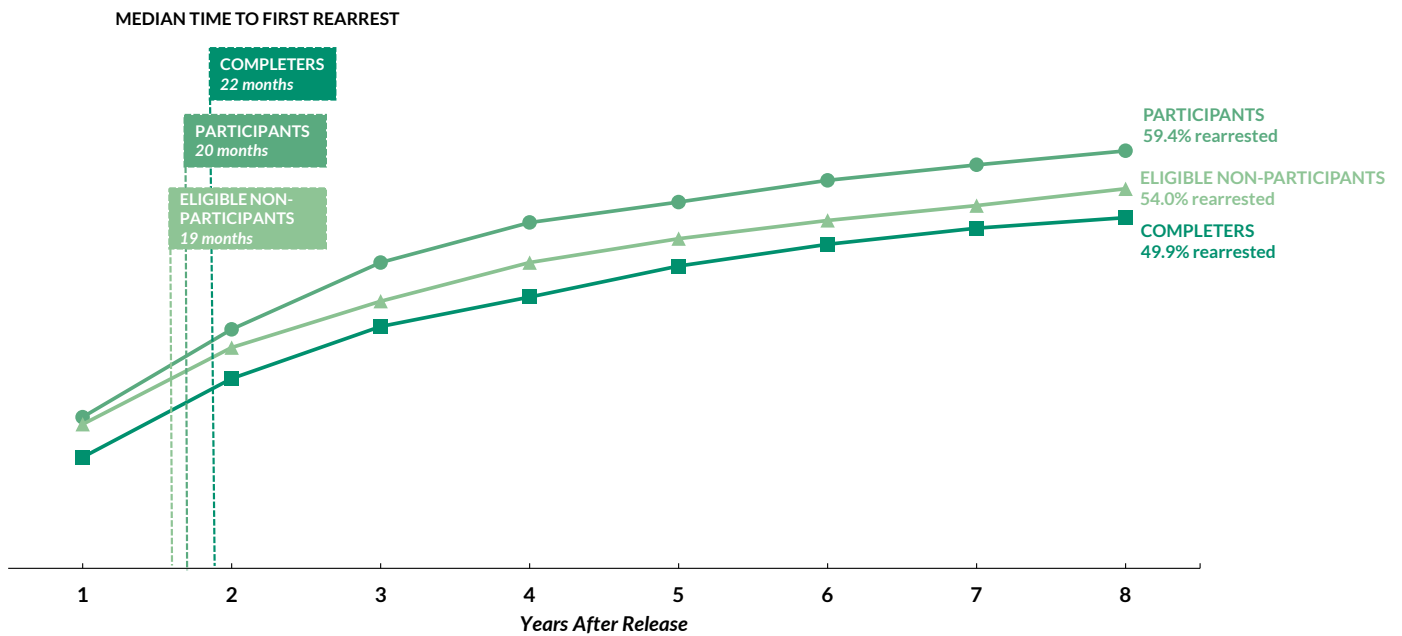
NRDAP Completers had the lowest cumulative recidivism rate in the first two years following release from BOP custody. Roughly 15 percent (15.8%) of *NRDAP Completers* recidivated for the first time during the first year following release. This rate fell to 11.2 percent in the second year and 7.4 percent in the third year. Less than two percent (1.6%) of *NRDAP Completers* recidivated for the first time in the eighth year (Table 8).

NRDAP Participants followed a similar pattern but recidivated at a higher rate than *NRDAP Completers* in the first two years following release. During the first year following release, 21.5 percent of *NRDAP Participants* recidivated for the

first time. This rate fell to 12.5 percent in the second year and 9.5 percent in the third year. Two percent (2.0%) of *NRDAP Participants* recidivated for the first time in the eighth year.

During the first year following release, 20.5 percent of *NRDAP Eligible Non-Participants* recidivated for the first time. Rearrest rates declined thereafter. For example, 10.9 percent of *NRDAP Eligible Non-Participants* were rearrested for the first time in the second year, while 6.6 percent were rearrested for the first time in the third year. Approximately two percent (2.4%) of *NRDAP Eligible Non-Participants* were rearrested for the first time in the eighth year.

Figure 19. Time to Rearrest for NRDAP-Eligible Offenders



Rearrests and Federal Supervision Status

As previously discussed, the Commission also examined the relationship between supervision status and recidivism. Nearly all NRDAP Completers (99.9%), NRDAP Participants (99.5%), and NRDAP Eligible Non-Participants (99.6%) were sentenced to a term of supervision, with an average length of 48 months for NRDAP Completers, 46 months for NRDAP Participants, and 47 months for NRDAP Eligible Non-Participants (median 36 months for all three groups).⁸⁹

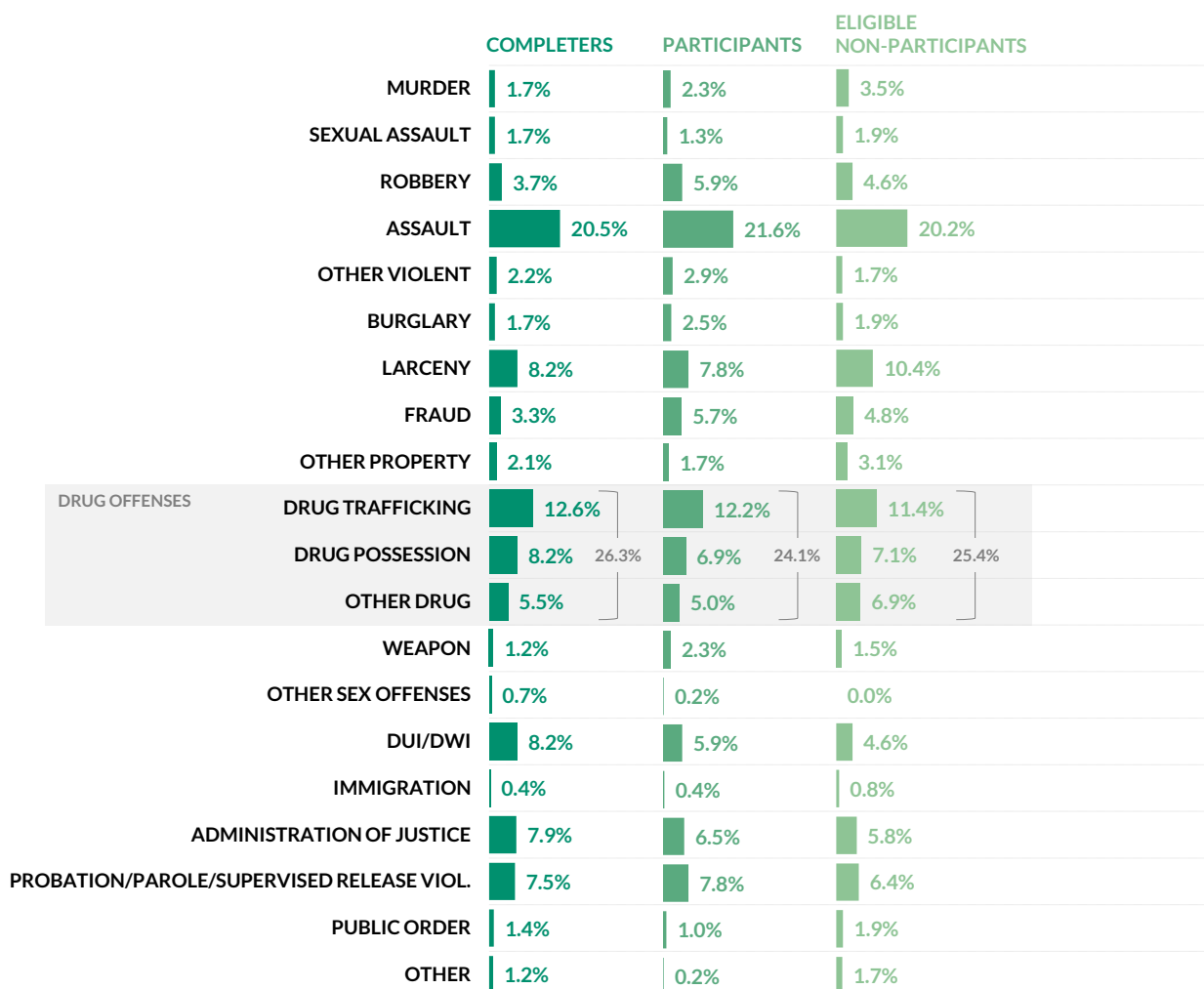
Among those offenders who were sentenced to a term of supervision and rearrested, NRDAP Completers had the lowest rearrest rate before the expiration of their originally imposed supervision

term, compared to NRDAP Participants and NRDAP Eligible Non-Participants. Roughly forty percent (38.1%) of NRDAP Completers, NRDAP Participants (46.3%), and NRDAP Eligible Non-Participants (41.2%) were rearrested before the expiration of their originally imposed supervision term.

Most Serious Recidivism Event

The types of crimes for which NRDAP-eligible offenders were rearrested were similar. Assault was the most common crime for all three groups followed by drug trafficking (Figure 20). Among offenders who recidivated, 20.5 percent of NRDAP Completers, 21.6 percent of NRDAP Participants, and 20.2 percent of NRDAP Eligible Non-Participants were rearrested for assault as the most serious offense.

Figure 20. Most Serious Offense at Rearrest for NRDAP-Eligible Offenders

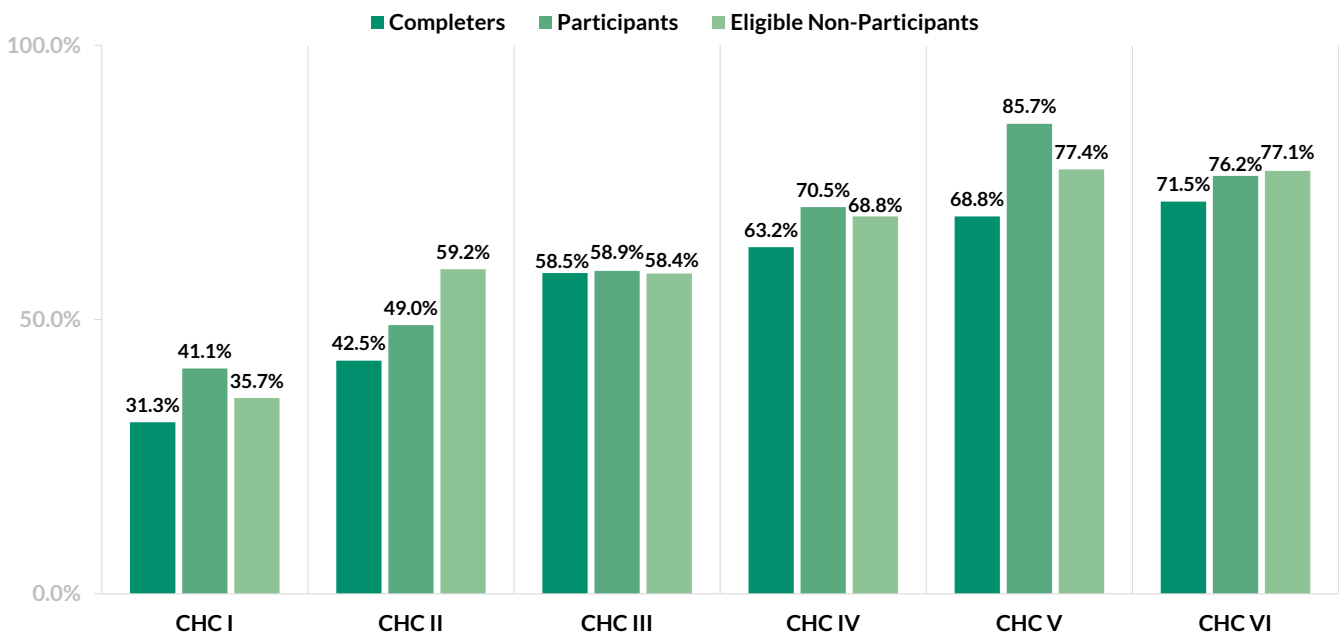


Nonetheless, *NRDAP Completers* had a slightly lower rate of violent recidivism events (29.8%), compared to *NRDAP Participants* (34.0%) and *NRDAP Eligible Non-Participants* (31.8%).

NRDAP Completers had a slightly higher rate of drug-related recidivism events (26.3%), compared to *NRDAP Participants* (24.1%) and *NRDAP Eligible Non-Participants*

(25.4%). All three groups of *NRDAP-eligible offenders* had higher drug-related recidivism rates than the *Drug Program Non-Participants* in this study (21.3%).⁹⁰ Drug trafficking was the most serious offense for 12.6 percent of *NRDAP Completers*, compared to 12.2 percent of *NRDAP Participants* and 11.4 percent of *NRDAP Eligible Non-Participants*.

Figure 21. Rearrest Rates for NRDAP-Eligible Offenders by Criminal History Category

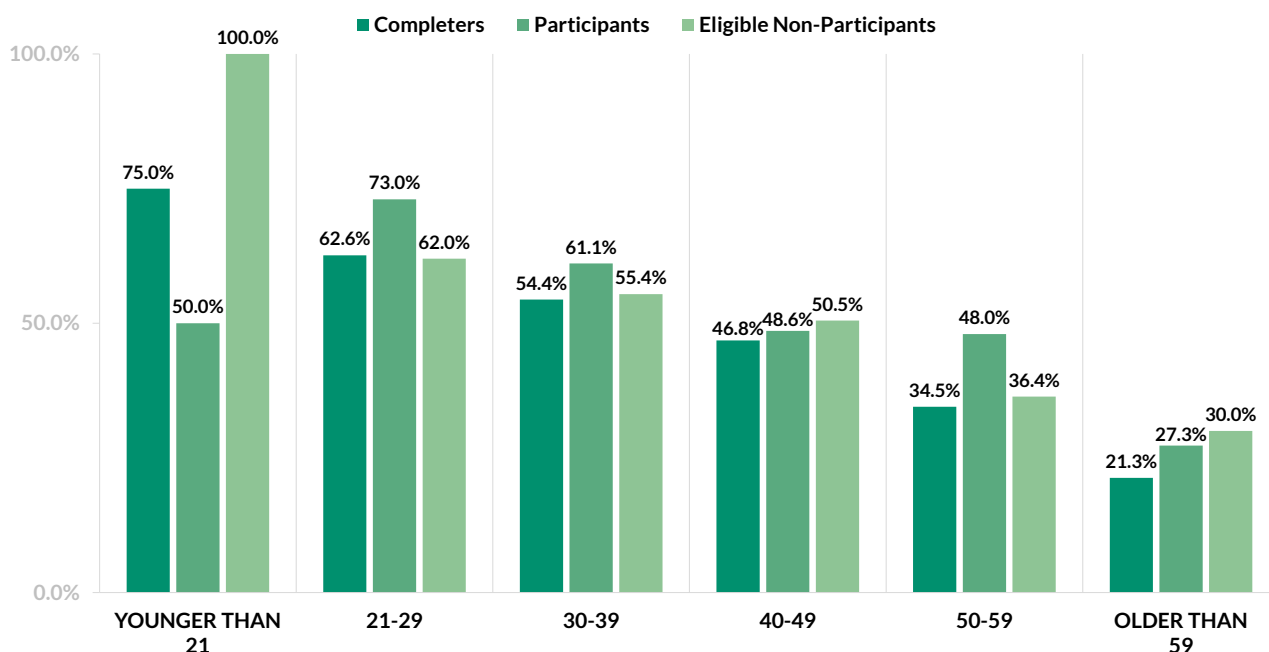


Recidivism and Criminal History

As CHC increased for NRDAP-eligible offenders, recidivism rates increased (Figure 21). Recidivism rates among *NRDAP Completers* ranged from 31.3 percent for those in CHC I to a high of 71.5 percent for those in CHC VI. Comparatively, recidivism rates among *NRDAP Participants* ranged from 41.1 percent for offenders assigned CHC I to 85.7 percent for those assigned CHC V. Recidivism rates were highest among *NRDAP Eligible Non-Participants* and ranged from 35.7 percent for those in CHC I to a high of 77.4 percent for offenders assigned to CHC V.

NRDAP Completers had lower recidivism rates across all criminal history categories, compared to *NRDAP Participants* and *NRDAP Eligible Non-Participants*, apart from CHC III where there was minimal difference among the three groups. In the higher CHCs, *NRDAP Completers* again had the lowest recidivism rates compared to *NRDAP Participants* and *NRDAP Eligible Non-Participants*.

Figure 22. Rearrest Rates for NRDAP-Eligible Offenders by Age at Release

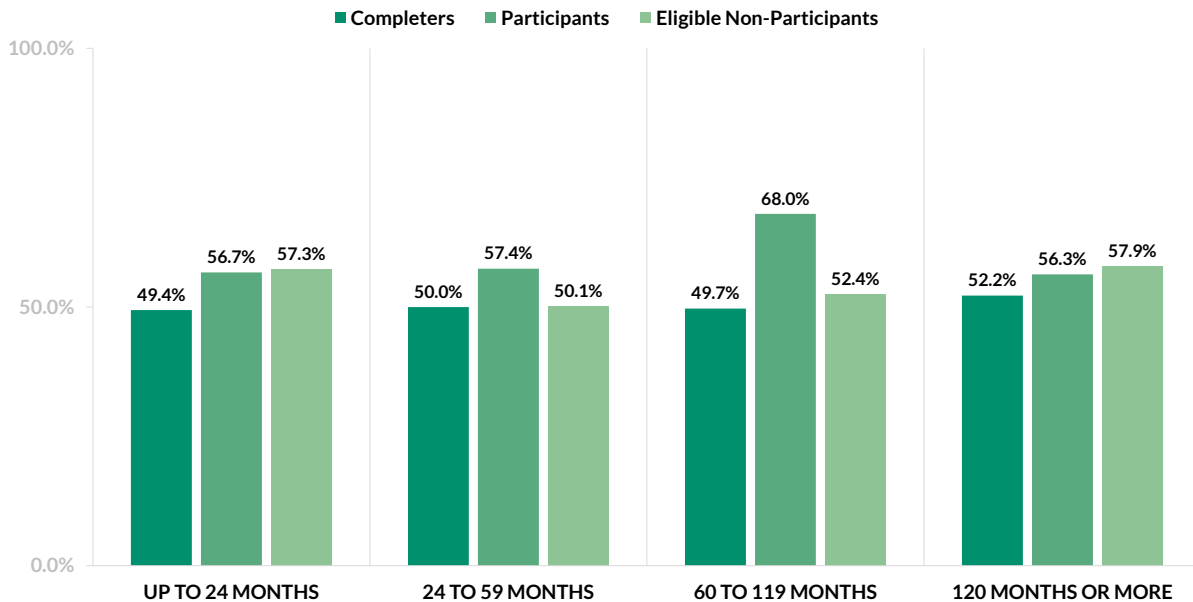


Recidivism and Age

Consistent with previous Commission research, recidivism rates decreased for all three NRDAP-eligible groups as age at release increased. There were too few offenders in the youngest age category to warrant a comparison among NRDAP-eligible offenders. Recidivism rates were nearly identical for *NRDAP Completers* (62.6%) and *NRDAP Eligible Non-Participants* (62.0%) ages 21 to 29, while a greater proportion of *NRDAP Participants* (73.0%) ages 21 to 29 were rearrested during the follow-up period. *NRDAP Completers* recidivated at a lower rate than both

NRDAP Participants and *NRDAP Eligible Non-Participants* in every age group 30 and older—except for offenders over age 59 where there are too few offenders to draw any meaningful conclusions (Figure 22). Nonetheless, recidivism rates were lowest among the few *NRDAP Completers* who were released after the age of 59 (21.3%).

Figure 23. Rearrest Rates for NRDAP-Eligible Offenders by Time in BOP Custody



Recidivism and Time Served in BOP Custody

NRDAP Completers recidivated at a lower rate than both *NRDAP Participants* and *NRDAP Eligible Non-Participants* regardless of time served in BOP custody (Figure 23). Additionally, across all lengths of time served, no more than about half of *NRDAP Completers* recidivated. Recidivism rates were lower among *NRDAP Completers* serving less than 24 months (49.4%) in BOP custody, compared to the recidivism rate of *NRDAP Participants* (56.7%) or *NRDAP Eligible Non-Participants* (57.3%). *NRDAP Completers* (50.0%) and *NRDAP Eligible Non-Participants* (50.1%) who served between 24 and 59 months in BOP

custody had nearly identical recidivism rates. Similarly, roughly half of both *NRDAP Completers* (49.7%) and *NRDAP Eligible Non-Participants* (52.4%) who served between 60 and 119 months in BOP custody were rearrested. Recidivism rates were highest for *NRDAP Completers* and *NRDAP Eligible Non-Participants* serving 120 months or more in BOP custody, at 52.2 percent and 57.9 percent, respectively. Although *NRDAP Participants* had their lowest rate of recidivism among offenders serving more than ten years (56.3%), there were notably few *NRDAP Participants* (n=48) who served this length of time in BOP custody.



A logistic regression analysis ensures that the observed differences in recidivism rates between *NRDAP Completers* and *NRDAP Eligible Non-Participants* are due to program completion and not attributable to the differences in key offender and offense characteristics which the Commission observed.

Logistic Regression Analysis

The Commission found important differences in key offender and offense characteristics of *NRDAP*-eligible offenders. Several of these differences—crime type, criminal history category, and sentence length—have been shown to influence the likelihood of recidivism. To account for these differences, the Commission also performed a regression analysis controlling for key offender and offense characteristics. A logistic regression analysis examines the relationship between *NRDAP* completion and recidivism while ensuring that the observed differences in recidivism rates between *NRDAP Completers* and *NRDAP*

Eligible Non-Participants are due to program completion and not attributable to the differences in key offender and offense characteristics which the Commission observed. The results of this analysis showed that *NRDAP Completers* were 17.0 percent less likely to be rearrested following release from imprisonment, compared to eligible non-participants and offenders with a history of substance abuse who served at least five months in BOP custody.⁹¹

SUMMARY

The Commission analyzed the recidivism rates of 4,446 offenders released in 2010 who were eligible to participate in the Federal Bureau of Prisons' (BOP) Non-Residential Drug Abuse Treatment Program (NRDAP). The Commission found that offenders who completed NRDAP were less likely to recidivate compared to eligible offenders who did not participate in NRDAP, a finding that was confirmed using a regression analysis to control for differences between the groups.

NRDAP Completers had lower recidivism rates across nearly all criminal history categories and lengths of time served in BOP custody. Apart from offenders under the age of 29, *NRDAP Completers* in all other age categories had lower recidivism rates than offenders who did not complete or participate in the program. Furthermore, *NRDAP Completers* had a longer median time to recidivism, compared to those who

did not complete the program. Although *NRDAP Completers* had lower rates of violent offending post-release compared to *NRDAP Participants* and *NRDAP Eligible Non-Participants*, they demonstrated a slightly higher rate of drug-related recidivism. Additionally, all NRDAP-eligible offenders had higher drug recidivism rates, compared to the *Drug Program Non-Participants* in this study. This recidivism finding indicates that the program targets offenders with persistent substance abuse issues.

CONCLUSION

CONCLUSION

This report analyzed recidivism rates for Federal Bureau of Prisons (BOP) drug abuse treatment program participants released from incarceration in calendar year 2010 who completed the Residential Drug Abuse Treatment Program (RDAP) or the Non-Residential Drug Abuse Treatment Program (NRDAP). The Commission's analysis demonstrated that the BOP's drug treatment programs reduced the likelihood of recidivism for offenders who completed these programs, compared to eligible offenders who did not participate. These findings were both demonstrated in a descriptive analysis and confirmed with regression models.

Offenders who completed BOP drug abuse treatment programs also recidivated later than participants and eligible non-participants and had fewer post release recidivism events. Although they had lower rates of violent recidivism, offenders who completed RDAP or NRDAP had higher rates of drug-related recidivism than eligible offenders who did not complete or participate in the programs. All offenders in this study who were marked eligible for drug treatment had higher rates of drug-related recidivism, compared to the *Drug Program Non-Participants*. This finding is consistent with BOP policy, which targets offenders with persistent substance abuse issues in its substance abuse programs.

APPENDICES

APPENDIX A

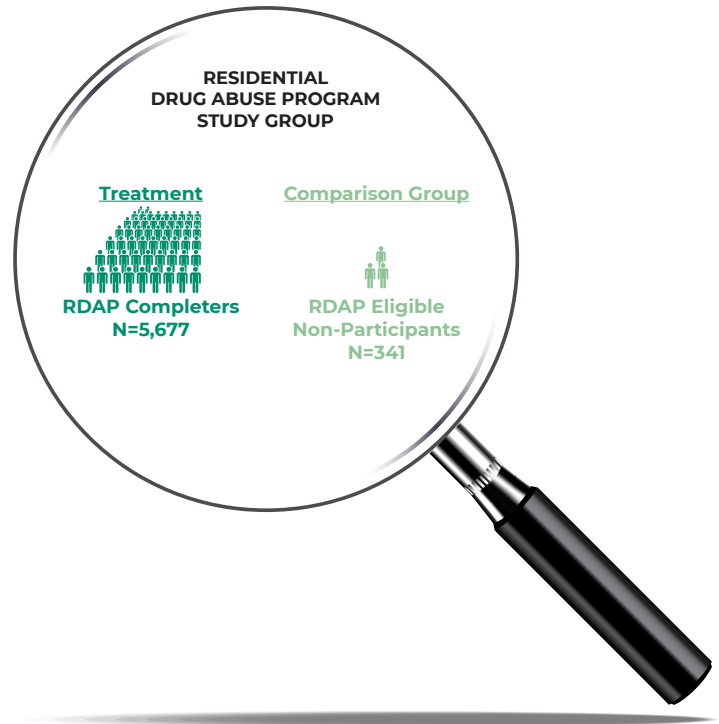
Residential Drug Abuse Program (RDAP) Analysis

The Federal Bureau of Prisons (BOP) collects data on an offender’s Residential Drug Abuse Treatment Program (RDAP) eligibility, participation, and completion, which was shared with the Commission for this report. In the 2010 release cohort, the 5,677 offenders who successfully completed RDAP are considered the “treatment” group in this analysis.

Comparison Group

During the time frame of this study, 8,474 offenders were marked as eligible to participate in RDAP. RDAP had several eligibility requirements, which would have prevented many offenders in this study from participating in the program.⁹² Moreover, the BOP used a multistep process to determine RDAP eligibility, hinging on factors such as whether an offender qualifies for RRC placement or has a substance abuse diagnosis. The Commission did not have sufficient data to independently evaluate those factors. Rather, the Commission relied on the BOP’s own eligibility determination to select a comparison group. In this study, 341 offenders were marked as eligible to participate in RDAP, but they did not. This group is referred to as *RDAP Eligible Non-Participants* and is compared against *RDAP Completers*. *RDAP Completers* were chosen as the primary treatment group because only completers were eligible for a sentencing reduction—up to 12

Figure A-1. RDAP Study Group



months—which substantially differentiated offenders who completed the program from those who participated but did not complete RDAP

Of RDAP-eligible offenders in this study, 5,677 completed RDAP (*RDAP Completers*) and 341 offenders were *RDAP Eligible Non-Participants*.⁹³ This resulted in a study group of 6,018 offenders.

A limitation of this study is that the comparison group (*RDAP Eligible Non-Participants*; n=341) is considerably smaller than the treatment group (*RDAP Completers*; n=5,677). For this reason, it was not possible to use statistical matching to create a comparison group that matched the *RDAP Completers*. Therefore, the results of the analysis should be interpreted with caution.

The size of the comparison group in the logistic regression analysis for RDAP was considerably smaller than the treatment group. This is a limitation of this research, and therefore the results of this analysis should be interpreted with caution.

Logistic Regression Model

After selecting the comparison group for *RDAP Completers*, the Commission used binary logistic regression to estimate the relationship between RDAP completion and recidivism. Logistic regression is a modeling technique used to analyze the relationship between variables (e.g., length of incarceration, age, and gender) and a binary response variable like recidivism (yes or no).⁹⁴

Logistic regression estimates the effects of variables on an outcome, which is reported as an odds ratio. In this study, the odds ratio represents the odds of recidivism for the study group as compared to the odds of recidivism for the comparison group. An odds ratio of one indicates that there is no difference in recidivism between the groups. An odds ratio less than one indicates the study group had *lower* odds of recidivism than the comparison group. An odds ratio greater than one indicates the study group had *greater* odds of recidivism than the comparison group. In addition to producing an estimate in the form of an odds ratio, each estimate is tested for statistical significance.

Table A-1. Logistic Regression Control Variables

LOGISTIC REGRESION CONTROL VARIABLES		
Age at Release	Criminal History Category (CHC)	Violent Offense
Gender	Safety Valve Adjustment	Weapons Enhancement
Race	Substantial Assistance Departure	Firearms Offense
High School Completion/GED	Time in BOP Custody	Drug Trafficking Offense

Statistical Significance

In research, statistical significance is analogous to the burden of proof consideration in a criminal trial. The researcher collects data which is then “judged” to determine if the results of the analysis happened by random chance or if the evidence suggests the relationship observed exists “beyond a reasonable doubt.” In social science research, the threshold of “beyond reasonable doubt” is commonly defined with a p-value. In this study, the Commission used the conventional threshold of 0.05 to denote statistical significance.

The Commission considers findings that do not achieve a p-value of at least 0.05 to be unreliable for policy making. Therefore, the Commission will not rely on findings if the p-value is greater than 0.05.

Findings

The Commission used binary logistic regression to analyze the relationship between RDAP completion and recidivism while controlling for the attributes in Table A-1.

For RDAP, the regression model estimated that *RDAP Completers* were approximately 27 percent less likely to

recidivate compared to *RDAP Eligible Non-Participants* (Table A-2). In addition to estimating the likelihood of recidivism, the Commission analyzed time to rearrest. The average time to rearrest for *RDAP Completers* was 954 days while the average time to rearrest for the comparison group was 769 days.

Table A-2. Logistic Regression Model Estimating Relationship Between RDAP Completion and Recidivism

RDAP COMPLETION REGRESSION MODEL								
		B	S.E.	Wald	p-value	Exp(B)	95% CI for EXP(B)	
Response Variable: Recidivism (rearrest)							Lower	Upper
Constant		2.543	0.382	44.354	0.000	12.718		
Research Group								
	<i>RDAP Completion</i>	-0.313	0.154	4.155	0.042	0.731	0.541	0.988
Demographics								
	<i>Age at Release</i>	-0.056	0.004	206.838	0.000	0.945	0.938	0.952
Gender								
	<i>Female vs. Male</i>	-0.401	0.097	16.982	0.000	0.670	0.553	0.810
Race								
	<i>Black vs. White</i>	0.180	0.076	5.687	0.017	1.198	1.033	1.389
	<i>Hispanic vs. White</i>	-0.167	0.088	3.620	0.057	0.846	0.713	1.005
	<i>Other Races vs. White</i>	0.088	0.168	0.279	0.598	1.092	0.787	1.517
GED/High School Diploma								
	<i>Yes vs. No</i>	-0.270	0.080	11.368	0.001	0.763	0.653	0.893
Criminal History								
	<i>CHC II vs. CHC I</i>	0.543	0.121	20.098	0.000	1.722	1.358	2.184
	<i>CHC III vs. CHC I</i>	0.939	0.116	65.588	0.000	2.558	2.038	3.211
	<i>CHC IV vs. CHC I</i>	1.223	0.139	77.749	0.000	3.399	2.590	4.461
	<i>CHC V vs. CHC I</i>	1.467	0.163	81.042	0.000	4.336	3.151	5.967
	<i>CHC VI vs. CHC I</i>	1.601	0.141	128.287	0.000	4.957	3.758	6.540
Crime Type								
	<i>Drug Trafficking</i>	-0.421	0.291	2.095	0.148	0.657	0.372	1.161
	<i>Firearms</i>	0.064	0.605	0.011	0.916	1.066	0.326	3.485
Violence								
	<i>Yes vs. No</i>	0.057	0.337	0.029	0.865	1.059	0.547	2.049
Weapons Enhancement								
	<i>Yes vs. No</i>	-0.097	0.130	0.560	0.454	0.907	0.704	1.170
Safety Valve								
	<i>Substantial Assistance</i>	-0.069	0.113	0.373	0.541	0.933	0.748	1.164
Length of Incarceration								
	<i>Months</i>	-0.004	0.001	10.667	0.001	0.996	0.994	0.999
Model Summary								
	-2 Log likelihood	6016.201 ^a	(df= 19)					
	Nagelkerke R Square	0.179						
N=4,849								

To estimate the relationship between all RDAP participants and recidivism, the Commission used an additional binary logistic regression analysis. This model again estimated the relationship between RDAP completion, RDAP participation, and recidivism, while controlling for the attributes in Table A-1. In this model, RDAP

Completers were approximately 27 percent less likely to recidivate compared to RDAP Eligible Non-Participants, controlling for RDAP Participants. The model did not show a statistically significant relationship between RDAP participation and recidivism (Table A-3).

Table A-3. Logistic Regression Model Estimating Relationship Between RDAP Completion, RDAP Participation, and Recidivism

RDAP COMPLETION AND PARTICIPATION REGRESSION MODEL								
		B	S.E.	Wald	p-value	Exp(B)	95% CI for EXP(B)	
Response Variable: Recidivism (rearrest)							Lower	Upper
Constant		2.524	0.326	60.129	0.000	12.479		
Research Group								
	RDAP Completion	-0.320	0.152	4.397	0.036	0.726	0.539	0.979
	RDAP Participation	-0.083	0.158	0.277	0.599	0.920	0.675	1.255
Demographics								
	Age at Release	-0.057	0.003	291.620	0.000	0.945	0.939	0.951
Gender								
	Female vs. Male	-0.402	0.081	24.716	0.000	0.669	0.571	0.784
Race								
	Black vs. White	0.121	0.065	3.477	0.062	1.129	0.994	1.283
	Hispanic vs. White	-0.150	0.077	3.781	0.052	0.861	0.740	1.001
	Other Races vs. White	0.018	0.152	0.014	0.906	1.018	0.756	1.370
GED/High School Diploma								
	Yes vs. No	-0.293	0.068	18.515	0.000	0.746	0.653	0.853
Criminal History								
	CHC II vs. CHC I	0.525	0.103	25.804	0.000	1.690	1.380	2.070
	CHC III vs. CHC I	0.938	0.099	90.142	0.000	2.555	2.105	3.101
	CHC IV vs. CHC I	1.190	0.117	104.019	0.000	3.288	2.616	4.133
	CHC V vs. CHC I	1.481	0.140	112.614	0.000	4.397	3.345	5.780
	CHC VI vs. CHC I	1.635	0.120	186.418	0.000	5.131	4.058	6.489
Crime Type								
	Drug Trafficking	-0.375	0.233	2.588	0.108	0.687	0.435	1.085
	Firearms	-0.365	0.402	0.828	0.363	0.694	0.316	1.525
Violence								
	Yes vs. No	0.043	0.261	0.027	0.868	1.044	0.626	1.740
Weapons Enhancement								
	Yes vs. No	-0.037	0.092	0.159	0.690	0.964	0.806	1.154
Safety Valve								
	Substantial Assistance	-0.039	0.098	0.160	0.689	0.962	0.794	1.165
Length of Incarceration								
	Months	-0.003	0.001	11.948	0.001	0.997	0.995	0.999
Model Summary								
	-2 Log likelihood	8922.085 ^a	(df= 20)					
	Nagelkerke R Square	0.179						
N=6,436								

APPENDIX B

Non-Residential Drug Abuse Program (NRDAP) Analysis

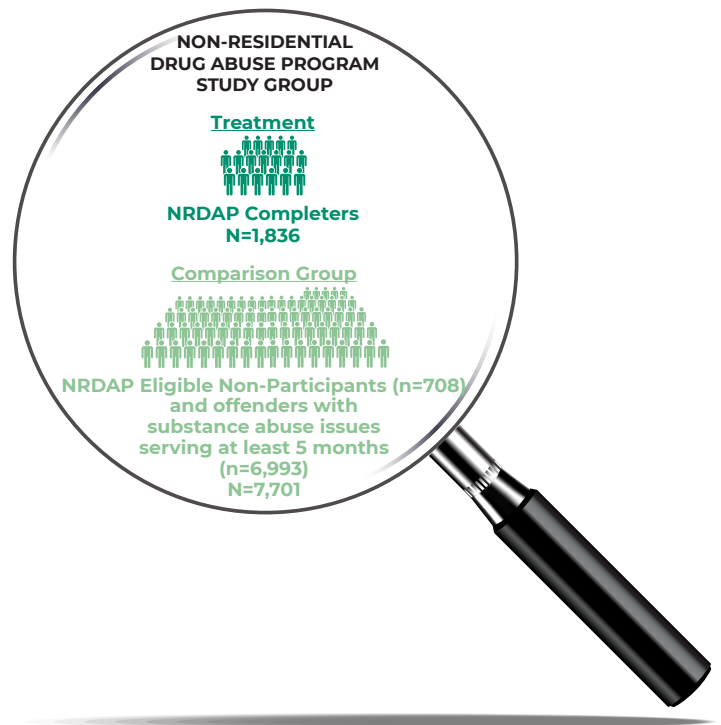
The BOP collected data on Non-Residential Drug Abuse Program (NRDAP) eligibility, participation, and completion and shared that data with the Commission.⁹⁵ The BOP made an eligibility determination based on an offender’s interest in NRDAP participation. In the 2010 release cohort, 4,446 offenders were marked as eligible to participate in NRDAP. Of the offenders marked as eligible to participate, 1,836 offenders in this study completed NRDAP (*NRDAP Completers*) but did not complete RDAP. *NRDAP Completers* make up the “treatment” group in this analysis.

Comparison Group

Two sets of offenders constitute the comparison group used in the analysis of NRDAP. The first set of offenders are *NRDAP Eligible Non-Participants*, 708 offenders who were marked as eligible to participate in NRDAP but did not participate in NRDAP or complete RDAP. The second set of offenders included in the comparison group are offenders who did not participate in NRDAP or complete RDAP, had a history of substance abuse, and had sufficient time to complete NRDAP (n=6,993). The BOP also collects data on an offender’s history of drug and alcohol abuse, which the BOP shared with the Commission. The Commission determined

that offenders would require at least five months in BOP custody to complete NRDAP because five months was the shortest length of time in BOP custody among *NRDAP Completers*. In this study, there were 7,701 offenders who were either *NRDAP Eligible Non-Participants* (n=708) or had history of substance abuse issues and at least five months in BOP custody (n=6,993). Combining the treatment and comparison groups resulted in a study group of 9,537 offenders.

Figure B-1. NRDAP Study Group





The Commission considers findings that do not achieve a p-value of at least 0.05 to be unreliable for policy making. Therefore, the Commission will not rely on findings if the p-value is greater than 0.05.

Table B-1. Logistic Regression Control Variables

LOGISTIC REGRESION CONTROL VARIABLES		
Age at Release	Criminal History Category (CHC)	Violent Offense
Gender	Safety Valve Adjustment	Weapons Enhancement
Race	Substantial Assistance Departure	Firearms Offense
High School Completion/GED	Time in BOP Custody	Drug Trafficking Offense

Statistical Significance

In research, statistical significance is analogous to the burden of proof consideration in a criminal trial. The researcher collects data which is then “judged” to determine if the results of the analysis happened by random chance or if the evidence suggests the relationship observed exists “beyond a reasonable doubt.” In social science research, the threshold of “beyond reasonable doubt” is commonly defined with a p-value. In this study, the Commission used the conventional threshold of 0.05 to denote statistical significance.

Logistic Regression Model

After selecting the comparison group for *NRDAP Completers*, the Commission estimated a logistic regression model.⁹⁶ Logistic regression is a modeling technique used to analyze the relationship between variables (e.g., length of incarceration, age, and gender) and a binary response variable like recidivism (yes or no).⁹⁷ Logistic regression estimates the effects of variables on an outcome which is often reported as an odds ratio. In this study, the odds ratio represents the odds of recidivism for the study group as compared to the odds of recidivism for the comparison group.

Table B-2. Logistic Regression Model Estimating Relationship Between NRDAP Completion and Recidivism

NRDAP COMPLETION REGRESSION MODEL									
		B	S.E.	Wald	p-value	Exp(B)	95% CI for EXP(B)		
Response Variable: Recidivism (rearrest)								Lower	Upper
Constant		1.793	0.304	34.884	0.000	6.008			
Research Group	<i>NRDAP Completion</i>	-0.191	0.092	4.272	0.039	0.826	0.690	0.990	
Demographics	<i>Age at Release</i>	-0.052	0.004	194.644	0.000	0.949	0.942	0.956	
Gender	<i>Female vs. Male</i>	-0.337	0.093	13.185	0.000	0.714	0.595	0.856	
Race	<i>Black vs. White</i>	0.140	0.085	2.706	0.100	1.151	0.974	1.360	
	<i>Hispanic vs. White</i>	-0.145	0.093	2.435	0.119	0.865	0.720	1.038	
	<i>Other Races vs. White</i>	-0.051	0.191	0.072	0.789	0.950	0.654	1.381	
GED/High School Diploma	<i>Yes vs. No</i>	-0.554	0.077	52.265	0.000	0.574	0.494	0.668	
Criminal History	<i>CHC II vs. CHC I</i>	0.632	0.127	24.924	0.000	1.882	1.468	2.412	
	<i>CHC III vs. CHC I</i>	1.128	0.123	83.732	0.000	3.089	2.426	3.933	
	<i>CHC IV vs. CHC I</i>	1.462	0.151	93.300	0.000	4.316	3.208	5.807	
	<i>CHC V vs. CHC I</i>	1.568	0.195	64.944	0.000	4.799	3.277	7.027	
	<i>CHC VI vs. CHC I</i>	1.731	0.160	117.412	0.000	5.645	4.128	7.721	
Crime Type	<i>Drug Trafficking</i>	0.045	0.238	0.035	0.852	1.046	0.655	1.668	
	<i>Firearms</i>	0.542	0.448	1.464	0.226	1.719	0.715	4.133	
Violence	<i>Yes vs. No</i>	0.521	0.292	3.184	0.074	1.684	0.950	2.984	
Weapons Enhancement	<i>Yes vs. No</i>	0.136	0.100	1.849	0.174	1.145	0.942	1.393	
Safety Valve		0.051	0.116	0.193	0.660	1.052	0.839	1.320	
Substantial Assistance		-0.273	0.078	12.257	0.000	0.761	0.653	0.887	
Length of Incarceration	<i>Months</i>	-0.001	0.002	0.247	0.619	0.999	0.996	1.002	
Model Summary									
	-2 Log likelihood	4962.295 ^a	(df = 19)						
	Nagelkerke R Square	0.211							
N=4,092									

Findings

The Commission used binary logistic regression to analyze the relationship between NRDAP completion and recidivism while controlling for the attributes in Table B-1.

In the regression model, NRDAP had a statistically significant relationship with recidivism. Offenders who completed NRDAP were approximately 17.0 percent less likely to recidivate compared to the comparison group (Table B-2). Additional analysis demonstrated the average time to rearrest for *NRDAP Completers* was 845 days compared to 735 days for the comparison group.

APPENDIX C

Methodology

The Commission entered into a data sharing agreement with the FBI's Criminal Justice Information Services (CJIS) Division and the Administrative Office of the United States Courts (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 who were released in 2010.

Identifying the Study Cohort

The study cohort included 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 RAP sheets in the format in which the original records appear: dates of criminal justice system actions (e.g., arrests); offense categories which 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.⁹⁸ Following this preliminary process, IOP utilized a crosswalk created for the Commission’s prior recidivism research⁹⁹ 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 which incorporates both criminal law classification (e.g., felony or misdemeanor) and offense severity. Offenses were first classified into one of 98 standardized subcategories. These categories were then further grouped for analytical purposes into one of 20 major crime categories in ranking order by severity.¹⁰⁰ 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 C.

Table C. Rearrest Offense Categories and Charges

MURDER	<i>Murder of public officer</i>
	<i>Murder</i>
	<i>Attempted murder</i>
	<i>Unspecified manslaughter/homicide</i>
	<i>Nonnegligent manslaughter/homicide</i>
SEXUAL ASSAULT	<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>
DRUG TRAFFICKING	<i>Arson</i>
	<i>Trafficking cocaine/crack</i>
	<i>Trafficking heroin</i>
	<i>Trafficking marijuana</i>
	<i>Trafficking methamphetamine</i>
BURGLARY	<i>Trafficking other/unspecified controlled substance</i>
	<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>

	<ul style="list-style-type: none"> <i>Escape from custody</i> <i>Flight to avoid prosecution</i> <i>Warrant</i> <i>Contempt of court</i> <i>Failure to appear</i> <i>Violation of restraining order</i> <i>Other court offense</i> <i>Prison contraband offense</i> <i>Sex offender registry offense</i> <i>Obstruction of justice</i>
ADMINISTRATION OF JUSTICE OFFENSES	
PROBATION/PAROLE/ SUPERVISED RELEASE VIOLATION	<ul style="list-style-type: none"> <i>Parole violation</i> <i>Unspecified probation/parole violation</i> <i>Probation violation</i>
	<ul style="list-style-type: none"> <i>Family-related offense</i> <i>Drunkenness/vagrancy/disorderly conduct</i>
PUBLIC ORDER OFFENSES	<ul style="list-style-type: none"> <i>Invasion of privacy</i> <i>Liquor law violation</i> <i>Other public order offense</i> <i>Curfew violation</i>
	<ul style="list-style-type: none"> <i>Vehicular manslaughter/homicide</i> <i>Negligent (involuntary) manslaughter/homicide</i> <i>Habitual offender</i> <i>Runaway</i> <i>Truancy</i> <i>Ungovernability</i>
OTHER/UNSPECIFIED OFFENSES	<ul style="list-style-type: none"> <i>Status liquor law violation</i> <i>Miscellaneous status offense</i> <i>Other offense</i> <i>Unspecified inchoate offense</i> <i>Military offense</i> <i>Not applicable</i> <i>Unspecified offense</i>

ENDNOTES

ENDNOTES

- 1 This report follows *Recidivism of Federal Offenders Released in 2010*, which was released in September of 2021. See RYAN COTTER, COURTNEY SEMISCH & DAVID RUTTER, U.S. SENT'G COMM'N, *RECIDIVISM OF FEDERAL OFFENDERS RELEASED IN 2010 (2021)* [hereinafter 2021 RECIDIVISM OVERVIEW REPORT]. Commission materials cited herein are available on the Commission's website at <https://www.ussc.gov>.
- 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* Appendix C.
- 3 28 U.S.C. § 995(a)(12)–(16). 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 See, e.g., KIM STEVEN HUNT & ROBERT DUMVILLE, U.S. SENT'G COMM'N, *RECIDIVISM AMONG FEDERAL OFFENDERS: A COMPREHENSIVE OVERVIEW (2016)* [hereinafter 2016 RECIDIVISM OVERVIEW REPORT]; KIM STEVEN HUNT, DAVID RUTTER & TODD KOSTYSHAK, KIM STEVEN HUNT & BILLY EASLEY II, U.S. SENT'G COMM'N, *THE EFFECTS OF AGING ON RECIDIVISM AMONG FEDERAL OFFENDERS (2017)* [hereinafter 2017 RECIDIVISM AGE REPORT]; 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)*.
- 5 See 2021 RECIDIVISM OVERVIEW REPORT, *supra* note 1; TRACEY KYCKELHAHN, KRISTEN SHARPE & AMANDA KERBEL, U.S. SENT'G COMM'N, *RECIDIVISM OF FEDERAL FIREARMS OFFENDERS RELEASED IN 2010 (2021)* [hereinafter 2021 RECIDIVISM FIREARMS REPORT]; VERA M. KACHNOWSKI, MELISSA K. REIMER, KEVIN T. MAASS, CHRISTINE KITCHENS & KEVIN BLACKWELL, U.S. SENT'G COMM'N, *RECIDIVISM OF FEDERAL DRUG TRAFFICKING OFFENDERS RELEASED IN 2010 (2022)*; COURTNEY R. SEMISCH, CASSANDRA SYCKES & LANDYN ROOKARD, U.S. SENT'G COMM'N, *RECIDIVISM OF FEDERAL VIOLENT OFFENDERS RELEASED IN 2010 (2022)*.
- 6 Pub. L. No. 101–647, § 2903, 104 Stat. 4789, 4913 (codified as amended at 18 U.S.C. § 3621(b)). The Crime Control Act of 1990 first required the BOP to provide drug treatment “to the extent practicable.” *Id.* The Violent Crime Control and Law Enforcement Act of 1994 removed “to the extent practicable” from the statute. Pub. L. No. 103–322, § 32001, 108 Stat. 1796, 1896.
- 7 BOP Program Statement 5330.11, Psychology Treatment Programs § 1.2 (Mar. 16, 2009) [hereinafter Psychology Treatment Programs Statement]. Unless otherwise stated, any citation to a BOP Program Statement refers to the version in effect in 2010. See also Fed. Bureau of Prisons, *Substance Abuse Treatment*, https://www.bop.gov/inmates/custody_and_care/substance_abuse_treatment.jsp (last visited Mar. 24, 2022).
- 8 Psychology Treatment Programs Statement, *supra* note 7, § 2.1.
- 9 *Id.* § 1.1.
- 10 *Substance Abuse Treatment*, *supra* note 7.
- 11 *Id.*; see also 28 C.F.R. § 550.53(a)(1) (2010). Unless otherwise stated, any citation to the Code of Federal Regulations refers to the version in effect in 2010.

12 Psychology Treatment Programs Statement, *supra* note 7, § 2.4.4; *see also Substance Abuse Treatment, supra* note 7.

13 For purposes of this report, the term “sentence” refers to the original sentence imposed.

14 Each fiscal year begins October 1st of the preceding calendar year. For example, fiscal year 2011 began on October 1, 2010, and ended on September 30, 2011.

15 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.

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

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

19 Nat’l Inst. of Just., U.S. Dep’t of Just., *Recidivism*, <https://nij.ojp.gov/topics/corrections/recidivism> (last visited Jan. 15, 2022); *see also* MICHAEL D. MALTZ, *RECIDIVISM* 1, 54 (2001) [hereinafter MALTZ].

20 *See* MALTZ, *supra* note 19, at 7–20; *see also* RYAN KING & BRIAN ELDERBROOM, *URB. INST., IMPROVING RECIDIVISM AS A PERFORMANCE MEASURE* (2014).

21 *See, e.g.,* CHRISTOPHER T. LOWENKAMP, MARIE VANNOSTRAND & ALEXANDER HOLSINGER, *INVESTIGATING THE IMPACT OF PRETRIAL DETENTION ON SENTENCING OUTCOMES* (2013).

22 *See* MALTZ, *supra* note 19, 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>.

23 *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) [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>; WILLIAM RHODES, CHRISTINA DYOUS, RYAN KLING, DANA HUNT & JEREMY LUALLAN, *ABT ASSOCS., RECIDIVISM OF OFFENDERS ON FEDERAL COMMUNITY SUPERVISION* (2012).

24 *See* MALTZ, *supra* note 19, at 55–60.

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25 *Id.*

26 *See id.* at 56–58.

27 *See* ALPER, *supra* note 23, at 14.

28 *Substance Abuse Treatment*, *supra* note 7.

29 Psychology Treatment Programs Statement, *supra* note 7, § 2.5.1(a).

30 28 C.F.R. § 550.53(a)(1).

31 Psychology Treatment Programs Statement, *supra* note 7, § 2.5.1(a), 2.5.10.

32 *Id.* § 2.6.2.

33 *Id.*

34 *Id.* § 2.6.1.

35 *Id.* § 2.7.1; *see also id.* § 2.5.1 (noting that TDAT may be completed while in a residential reentry center or home confinement).

36 *Id.* § 2.5.1.

37 28 C.F.R. § 550.53(c), (d).

38 Psychology Treatment Programs Statement, *supra* note 7, § 2.5.8(2). For examples of documentation that may be used to verify a “pattern of substance abuse or dependence” according to § 2.5.8(2), *see infra* p.12. *See id.*

39 *Id.* § 2.5.9.

40 *Id.* § 2.5.1(b)(d).

41 BOP Program Statement 7310.04, Community Corrections Center (CCC) Utilization and Transfer Procedures § 10(i) (Dec. 16, 1998).

42 Psychology Treatment Programs Statement, *supra* note 7, § 2.5.8(2).

43 *See* 28 C.F.R. § 550.50. Additionally, for the list of RDAP locations identified in Figure 3, *see Substance Abuse Treatment*, *supra* note 7. For the total number of institutions included in Figure 3, *see* U.S. GOV’T ACCOUNTABILITY OFF., GAO-12-320, BUREAU OF PRISONS: ELIGIBILITY AND CAPACITY IMPACT USE OF FLEXIBILITIES TO REDUCE INMATES’ TIME IN PRISON 6 fig.1 (2012) [hereinafter GAO BUREAU OF PRISONS REPORT].

44 Psychology Treatment Programs Statement, *supra* note 7, § 2.5.5.

45 *Id.* During the years when the study group would have been eligible, the BOP reported that waitlists resulted in some offenders having “insufficient time to complete the program in time to receive the maximum sentence reduction” and “prevented some eligible inmates from participating in the program at all.” GAO BUREAU OF PRISONS REPORT, *supra* note 43, at 34.

46 Psychology Treatment Programs Statement, *supra* note 7, § 2.5.15(b).

47 28 C.F.R. § 550.55(b) (excluding, for example, participants with a prior conviction for violent or sexual abuse offenses or whose current offense involves weapons, violence, or sexual abuse).

48 28 C.F.R. § 550.55(a). Following enactment of the First Step Act of 2018, some offenders who participated in RDAP but did not complete the RDAP program became eligible for “time credits” that shortened the period of incarceration served in BOP custody. See Pub. L. No. 115–391, §§ 101–02, 132 Stat. 5194, 5197–210 (codified as amended at 18 U.S.C. §§ 3624(g), 3632(d)). The offenders in the Commission’s study were released eight years before passage of the First Step Act.

49 28 C.F.R. § 550.53(g).

50 28 C.F.R. § 550.53(h).

51 See OFF. OF RSCH. & EVALUATION, FED. BUREAU OF PRISONS, TRIAD DRUG TREATMENT EVALUATION PROJECT FINAL REPORT OF THREE-YEAR OUTCOMES: PART 1 (2000).

52 *Id.* at 154–55.

53 *Id.*

54 Bernadette Pelissier, Susan Wallace, Joyce Ann O’Neil, Gerald G. Gaes, Scott Camp, William Rhodes & William Saylor, *Federal Prison Residential Drug Treatment Reduces Substance Use and Arrests After Release*, 27 AM. J. DRUG & ALCOHOL ABUSE 315, 331 (2001).

55 *Id.* at 329.

56 *Id.* at 330.

57 Over three-quarters (77.7%) of RDAP Eligible Non-Participants completed the voluntary 12-to-15-hour Drug Abuse Education Course while in BOP Custody.

58 2021 RECIDIVISM OVERVIEW REPORT, *supra* note 1, at 31.

59 *Id.* at 24–25.

60 *Id.* at 25–29.

61 2021 RECIDIVISM FIREARMS REPORT, *supra* note 5, at 23.

62 RYAN COTTER, U.S. SENT’G COMM’N, LENGTH OF INCARCERATION AND RECIDIVISM 30 (2020) [hereinafter RECIDIVISM INCARCERATION REPORT].

63 Psychology Treatment Programs Statement, *supra* note 7, § 2.5.1(b)(d).

64 For example, if a court terminated an offender’s supervision before 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.

65 *Drug Program Non-Participants* (n=15,165) include offenders in the study cohort who did not participate in either drug abuse program.

66 See U.S. SENT’G COMM’N, *Guidelines Manual*, Ch.4, Pt.A (Nov. 2021) [hereinafter USSG] (providing rules for the calculation of criminal history points which then determine an offenders CHC in the Sentencing Table); see also USSG Ch.5, Pt.A (sentencing table).

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67 2017 RECIDIVISM AGE REPORT, *supra* note 4, at 30.

68 For more information on the methodology used for this analysis, see Appendix A.

69 The Commission did not find a statistically significant relationship between RDAP participation (short of completion) and recidivism. Only offenders completing the program had a lower likelihood of recidivism. See Appendix A, Table A-3 for more information regarding the offenders included in the regression model.

70 Psychology Treatment Programs Statement, *supra* note 7, § 2.4, 2.4.1.

71 *Id.* § 2.4.4; *see also Substance Abuse Treatment*, *supra* note 7.

72 *Substance Abuse Treatment*, *supra* note 7; Psychology Treatment Programs Statement, *supra* note 7, § 1.1, 1.2.

73 Psychology Treatment Programs Statement, *supra* note 7, § 2.4.

74 *Id.*; 28 C.F.R. § 550.52.

75 Psychology Treatment Programs Statement, *supra* note 7, § 2.4.5(a).

76 *Id.*

77 *Id.*

78 E-mail from Diane Strote, Acting Dir., Off. of Rsch. & Evaluation, Fed. Bureau of Prisons, to Kristin Tennyson, Deputy Dir., Off. of Rsch. & Data, U.S. Sent'g Comm'n (Feb. 1, 2022, 10:19 EST) (on file with the Commission).

79 Psychology Treatment Programs Statement, *supra* note 7, § 2.4.8(a).

80 *Id.* § 2.4.8(b).

81 *Id.* § 2.4.7.

82 *Id.*

83 *Id.* § 2.4.2. From 1995–2008, the program required participants to have a “verifiable” substance abuse issue. *See* 28 C.F.R. § 550.55(a)(1) (1995–2008).

84 Two-thirds (66.3%) of *NRDAP Eligible Non-Participants* completed the voluntary 12-to-15-hour Drug Abuse Education Course while in BOP Custody.

85 2021 RECIDIVISM OVERVIEW REPORT, *supra* note 1, at 31.

86 *Id.* at 25–29.

87 2021 RECIDIVISM FIREARMS REPORT, *supra* note 5, at 23.

88 RECIDIVISM INCARCERATION REPORT, *supra* note 62, at 30.

89 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. Such information was not available in the data used for this study. Therefore, if a court terminated an offender’s supervision before 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.

90 See *supra* note 65.

91 The Commission did not find a statistically significant relationship between NRDAP participation and recidivism. Only offenders completing the program had a lower likelihood of recidivism. See Appendix B for more information regarding the offenders included in the regression model.

92 As discussed in the RDAP chapter, offenders must have a verifiable substance use disorder, sign an agreement acknowledging program responsibility, and be able to complete all three treatment components. See *supra* note 36 and accompanying text.

93 *RDAP Participants* were excluded from the comparison group because the Commission was unable to determine the length of their participation in the drug abuse treatment program or the reason that they did not complete treatment.

94 See Daniel L. Rubinfeld, *Reference Guide on Multiple Regression*, in *REFERENCE MANUAL ON SCIENTIFIC EVIDENCE* 303 (3d ed. 2011) (providing an overview of regression modeling).

95 In March 2009, the BOP eliminated the requirement that an offender have a verifiable substance abuse problem to participate in NRDAP. See *supra* note 83.

96 See Appendix A for a discussion of the logistic regression model technique.

97 See *supra* note 94.

98 Instances of arrest or sentencing that appeared to be duplicates of existing events were removed by IOP. Minor 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.

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

100 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 C.



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