



Recidivism Among Federal Violent Offenders

UNITED STATES SENTENCING COMMISSION



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TABLE OF CONTENTS

Chapter One

EXECUTIVE SUMMARY

Introduction.....2

Key Findings.....3

**Measures of Recidivism and
Methodology.....4**

Chapter Two

**VIOLENT AND
NON-VIOLENT OFFENDERS**

**Offender and Offense
Characteristics.....8**

Recidivism Findings.....11

Chapter Three

**VIOLENT
INSTANT OFFENDERS**

**Offender and Offense
Characteristics.....18**

Recidivism Findings.....21

Robbery Offenders.....27

Chapter Four
**VIOLENT
PRIOR OFFENDERS**

**Offender and Offense
Characteristics.....30**

Recidivism Findings.....33

Chapter Five
CONCLUSION

Conclusion.....40

APPENDICES

Appendix A: Additional Findings.....46

Appendix B: Robbery Offenders.....64

Chapter One

Executive Summary

The Commission's Ongoing Recidivism Research

The United States Sentencing Commission¹ began studying recidivism shortly after the enactment of the Sentencing Reform Act of 1984 (“SRA”). The Commission’s March 2016 publication, *Recidivism Among Federal Offenders: A Comprehensive Overview* (“*Recidivism Overview Report*”), discussed the history of the Commission’s studies on recidivism in greater detail.² Recidivism information is central to three of the primary purposes of punishment described in the SRA—specific deterrence, incapacitation, and rehabilitation—all of which focus on prevention of future crimes through correctional intervention. Information about recidivism is also relevant to the Commission’s obligation to formulate sentencing policy that “reflect[s], to the extent practicable, advancements in knowledge of human behavior as it relates to the criminal justice process.”³ The Commission’s consideration of recidivism by federal offenders was also central to its initial work in developing the criminal history provisions in the *Guidelines Manual*.⁴ Additionally, public attention to the size of the federal prison population and the costs of incarceration⁵ have highlighted the importance of studying recidivism among federal offenders.⁶ These factors remain important and continue to be a key consideration in the Commission’s work.

The Commission’s current recidivism research substantially expands on the scope of previous Commission recidivism projects.⁷ In addition to a different set of offenders—U.S. citizen federal offenders released in 2005—the project’s study group is much larger than those in previous Commission studies.

This Report: Recidivism Among Violent Offenders

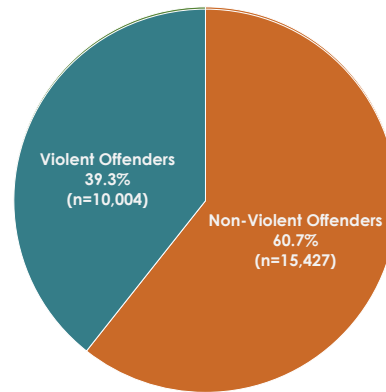
Previous Commission research has shown that violent offenders have distinct criminal history and recidivism characteristics. The Commission’s 2016 *Report To The Congress: Career Offender Enhancements* (“*Career Offender Report*”) showed that career offenders who committed a violent instant offense or violent prior offense generally have a more serious and extensive criminal history, recidivate at a higher rate, and are more likely to

commit another violent offense in the future compared to career offenders who received the designation based solely on drug trafficking convictions.⁸ Likewise, the Commission’s 2017 report, *The Past Predicts the Future: Criminal History and Recidivism of Federal Offenders*, showed that violent offenders generally recidivate more quickly and at a higher rate compared to most other offenders.⁹

These findings prompted the Commission to study federal offenders who engaged in violent criminal conduct in greater detail. This report provides a comprehensive recidivism analysis of federal offenders who engaged in violent criminal conduct as part of their instant federal offense or during prior criminal activity. This study identified two groups of violent offenders: (1) 2,596 federal offenders who engaged in violent criminal conduct as part of their instant federal offense (“violent instant offenders”);¹⁰ and, (2) 7,408 offenders who were not categorized as violent offenders based on their instant federal offense, but who had been arrested for a violent offense in their past (“violent prior offenders”).¹¹ Taken together, these 10,004 offenders (collectively, the “violent offenders”) are analyzed in comparison to 15,427 federal offenders who had not engaged in violent conduct during the instant federal offense and who were never arrested for a violent crime in their past (“non-violent offenders”).¹² Both the violent and non-violent offenders were originally sentenced for their instant federal offense between fiscal year 1991 and the first quarter of fiscal year 2006.¹³ All of the offenders in this report were released from federal custody in calendar year 2005.¹⁴

This chapter summarizes the key findings and explains the methodology used in the report. Chapter Two provides detailed information about the violent offenders and their recidivism characteristics compared to non-violent offenders. Chapter Three provides detailed information about the first subgroup of violent offenders—the “violent instant offenders”—and their recidivism characteristics. Chapter Four provides detailed information about the second subgroup of violent offenders—“violent prior offenders”—and their recidivism characteristics. Chapter Five concludes by reviewing the key findings.

Figure 1.1. Violent and Non-Violent Offenders Released in Calendar Year 2005



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

Key Findings

Consistent with the Commission’s previous research, this report shows that offenders who engaged in violent criminal activity—whether during the instant federal offense or as part of prior criminal conduct—generally recidivated at a higher rate, more quickly, and for more serious crimes than non-violent offenders.

Key findings of the Commission’s study of recidivism among violent offenders are:

- A substantial number of the 25,431 U.S. offenders released in calendar year 2005—39.3 percent—engaged in violent criminal activity as part of their instant federal offense or prior criminal conduct.
- Violent offenders recidivated at a higher rate than non-violent offenders. Over 60 percent (63.8%) of violent offenders recidivated by being rearrested¹⁵ for a new crime or for a violation of supervision conditions. This compares to less than 40 percent (39.8%) of non-violent offenders who were rearrested during the follow-up period.
- Violent offenders recidivated more quickly than non-violent offenders. Of those violent offenders who recidivated, the median time from release to the first recidivism event was 18 months. Comparatively, the median time from release to the first recidivism event for non-violent offenders was 24 months.

- Violent offenders recidivated for more serious crimes than non-violent offenders. Over one-fourth (28.4%) of the violent offenders who recidivated had assault as their most serious new charge, followed by public order crimes (15.6%) and drug trafficking (11.1%). Of the non-violent offenders who recidivated, public order crimes were the most common new charge (20.9%), followed by assault (17.9%) and drug trafficking (12.0%).
- Violent offenders have higher recidivism rates than non-violent offenders in every Criminal History Category, however, the difference in recidivism rates between violent and non-violent offenders is most pronounced in the lower Criminal History Categories and among offenders designated as career offenders or armed career criminals.
- Recidivism rates for violent offenders in every age group at the time of release from custody were higher than the rates for non-violent offenders. Violent offenders recidivated at twice the rate of non-violent offenders among those released after age 40.
- Analyzed separately, violent instant offenders and violent prior offenders both recidivated at a higher rate and for more serious crimes than non-violent offenders.

Measures of Recidivism and Methodology

Defining and Measuring Recidivism

Recidivism “refers to a person’s relapse into criminal behavior, often after the person receives sanctions or undergoes intervention for a previous crime.”¹⁶ Measuring recidivism informs decision-making about issues such as pretrial detention, appropriate sentence type and length, prisoner classification, prison programming, and offender supervision in the community. It also allows policymakers an opportunity to evaluate the performance of the criminal justice system as a whole.¹⁷

Recidivism is typically measured by criminal acts that resulted in the rearrest, reconviction, and/or reincarceration of the offender over a specified period of time. These are the three recidivism measures used in this report, but the report primarily relies on the first—rearrest—with additional data regarding reconviction and reincarceration reported in Appendix A.¹⁸ Providing data about multiple measures of recidivism allows users to select the performance measure best suited to their outcome of interest.

Table 1.1. Overview of Violent and Non-Violent Offenders

	Violent Offenders n=10,004			Non-Violent Offenders n=15,427		
	Rearrest	Reconviction	Reincarceration	Rearrest	Reconviction	Reincarceration
Percent	63.8%	40.6%	34.2%	39.8%	23.3%	18.5%
Median Time to Recidivism Event	18 Months	27 Months	26 Months	24 Months	32 Months	29 Months
Median Number of Recidivism Events	2	1	1	2	1	1
Most Serious Post-Release Event	Assault (28.4%, n=1,813)	Assault (17.4%, n=707)	Other Public Order (24.7%, n=843)	Other Public Order (20.9%, n=1,283)	Other Public Order (17.8%, n=637)	Other Public Order (27.3%, n=777)

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

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

Reconviction classifies a person as a recidivist if an arrest resulted in a subsequent court conviction.¹⁹ Violations and revocations of supervision are not included in reconvictions because no formal prosecution occurred. Although states have improved the completeness of criminal history records, a recent federal study found significant gaps in reporting of dispositions following an arrest.²⁰ Such gaps occur in the criminal records used in this report and lead to an undercounting of reconvictions because missing dispositions for rearrests are treated as if reconviction and reincarceration did not occur.

Reincarceration classifies a person as a recidivist if a conviction or revocation resulted in a prison or jail sentence as punishment. The reincarceration measure counts offenders who were reported returned to the Federal Bureau of Prisons, state prison, or local jail for any term of incarceration. Incomplete criminal records also create missing information about reincarceration.²¹

Methodology of This Recidivism Study

As explained above, this report examines violent federal offenders identified from two distinct categories: (1) offenders with a violent instant offense,²² and (2) offenders with a non-violent instant offense, but who had been arrested for a violent offense in their criminal history. This approach allows for a comprehensive analysis of violent offenders determined by a combination of the offense or offenses of conviction, surrounding conduct,

and criminal history. For purposes of this analysis, violent prior offenses include those offenses classified as one of the following: murder, attempted murder, unspecified manslaughter, non-negligent manslaughter, kidnapping, rape, statutory rape, fondling, other/unspecified sexual assault, armed robbery, unspecified robbery, unarmed robbery, sodomy, aggravated assault, assaulting a police officer, simple assault, unspecified assault, intimidation, blackmail/extortion, hit and run with bodily injury, child abuse, arson, and rioting.²³

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

Specifically, this report provides information on the length of time to the first recidivism event for those offenders who recidivated. Studying the timing of recidivism can help in understanding the process of desistance, as some offenders may be able to remain in the community for a considerable time before recidivating, while others recidivate very quickly. The report also provides the median number of recidivism events and the most serious type of post-release offense among those who recidivated. The report then analyzes the association between recidivism and criminal history, sentence length, and age. This information is reported first for violent offenders as a whole and then for violent instant offenders and violent prior offenders separately.

Chapter Two

Violent and Non-Violent Offenders

Chapter Two:
VIOLENT AND NON-VIOLENT OFFENDERS

This chapter analyzes and compares the offender characteristics and recidivism rates of the 10,004 violent offenders and 15,427 non-violent offenders. Over the eight-year study period, violent offenders recidivated at a rate of 63.8 percent compared to non-violent offenders who recidivated at a rate of 39.8 percent.

Offender and Offense Characteristics

The 10,004 violent offenders represent 39.3 percent of the 25,431 federal offenders who were released in calendar year 2005. The 15,427 non-violent offenders represent 60.7 percent of the 25,431 federal offenders who were released in calendar year 2005.

Demographics

The demographic characteristics of violent and non-violent offenders differ in several respects. Black offenders constitute the largest group of violent offenders (44.2%), while White offenders were the largest group of non-violent offenders (47.3%). The second largest group of violent offenders were White (38.2%); followed by Hispanic offenders (12.5%). Whereas, the second largest group of non-violent offenders were Black (27.2%) followed by Hispanic offenders (21.2%).²⁴ Violent offenders and non-violent offenders were both predominately male. Females constitute less than ten percent of the violent offenders (8.4%) compared to almost one-quarter of the non-violent offenders (24.8%).

Tables 2.1 & 2.2. Demographic Characteristics

Violent Offenders		
Race/Ethnicity	N	%
White	3,813	38.2%
Black	4,418	44.2%
Hispanic	1,245	12.5%
Other	518	5.2%
Gender	N	%
Male	9,159	91.6%
Female	843	8.4%
Citizenship	N	%
U.S. Citizen	10,004	100.0%
Age		
Median Age at Sentencing	32 Years	
Median Age at Release	36 Years	

Non-Violent Offenders		
Race/Ethnicity	N	%
White	7,286	47.3%
Black	4,199	27.2%
Hispanic	3,267	21.2%
Other	661	4.3%
Gender	N	%
Male	11,599	75.2%
Female	3,821	24.8%
Citizenship	N	%
U.S. Citizen	15,427	100.0%
Age		
Median Age at Sentencing	33 Years	
Median Age at Release	36 Years	

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

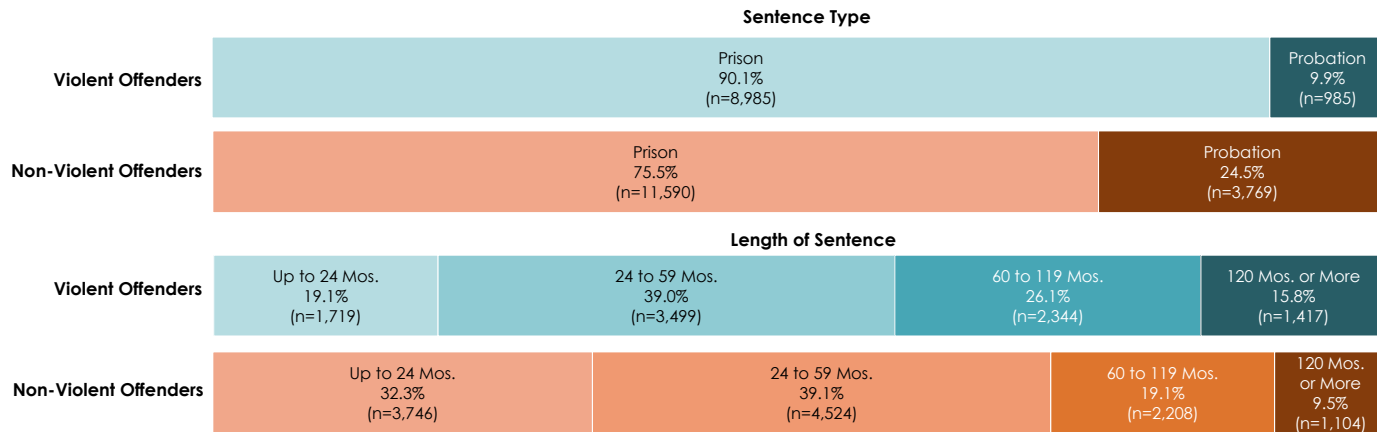
The median age was similar for both violent offenders and non-violent offenders at the time of sentencing and release. At the time of sentencing, the median age for violent offenders was 32 years and for non-violent offenders was 33 years. The median age at the time of release from prison for both groups was 36 years.

Sentences Originally Imposed

A greater percentage of violent offenders were sentenced to a term of imprisonment than non-violent offenders.²⁵ Over 90 percent (90.1%) of violent offenders were sentenced to at least some term of imprisonment compared to just over three-quarters (75.5%) of non-violent offenders.

Of those offenders sentenced to a term of imprisonment, violent offenders received longer sentences than non-violent offenders. Of the violent offenders sentenced to prison, 15.8 percent received a sentence of 120 months or more

Figures 2.1 & 2.2. Sentences Imposed on Violent and Non-Violent Offenders



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

Chapter Two:
VIOLENT AND NON-VIOLENT OFFENDERS

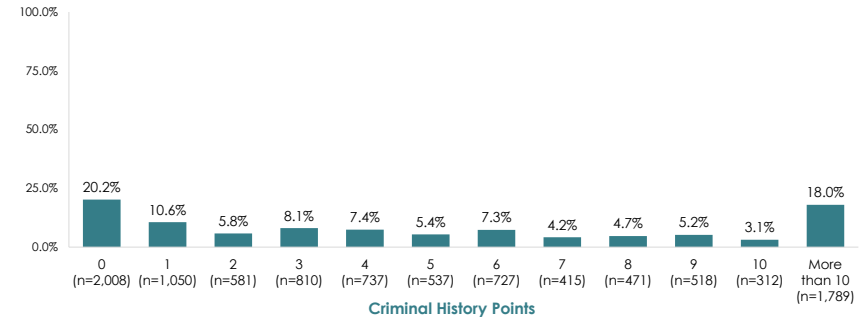
compared to 9.5 percent of non-violent offenders. Over one-quarter (26.1%) of violent offenders received a sentence of 60 to 119 months compared to less than 20 percent of non-violent offenders (19.1%). A smaller percentage of violent offenders received terms of imprisonment of less than 24 months than non-violent offenders. Less than 20 percent (19.1%) of violent offenders received a sentence of less than 24 months compared to almost one-third of non-violent offenders (32.3%).

Criminal History

The guidelines establish a method for evaluating an offender’s criminal history by assigning points to some prior criminal convictions and adjudications of juvenile delinquency based on the length of the sentence imposed for those offenses. An offender’s past convictions are assigned one, two, or three points based on the nature of the offense and the sentence.²⁶ These point assignments are designed to reflect the seriousness of the prior crime of conviction. Through this process the court calculates an offender’s “criminal history score.” The offender is then assigned to one of six Criminal History Categories (CHCs) for the purpose of determining the sentencing guideline range in the *Guidelines Manual*.²⁷

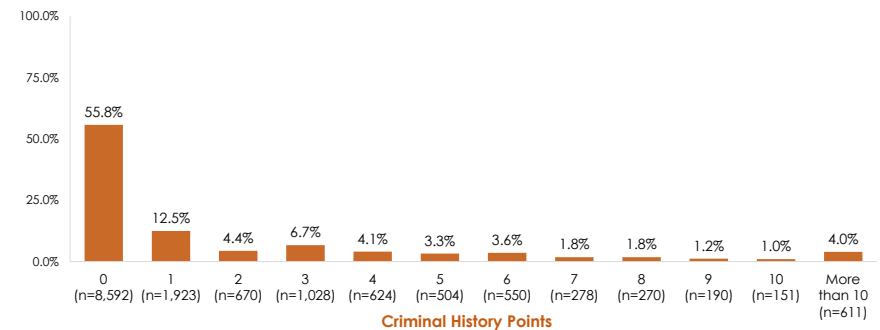
Violent offenders have more serious criminal histories than non-violent offenders. Only one-fifth (20.2%) of violent offenders were assigned zero criminal history points compared to over one-half of non-violent offenders (55.8%). Nearly one-fifth (18.0%) of violent offenders accrued more than ten criminal history points, compared to only 4.0 percent of non-violent offenders.

Figure 2.3. Criminal History Points of Violent Offenders



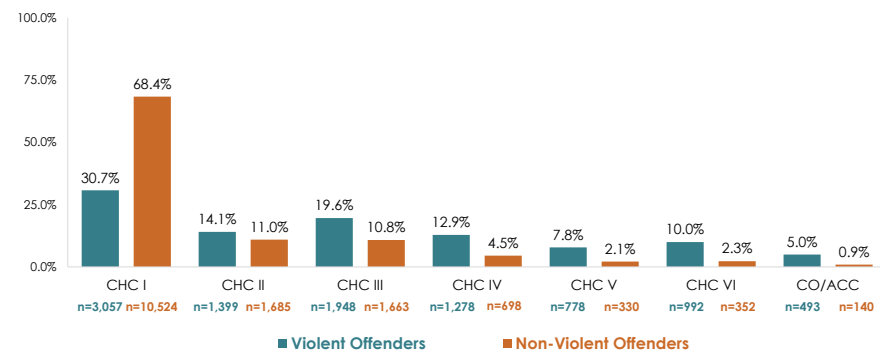
SOURCE: U.S. Sentencing Commission 2005 Recidivism Release Cohort Datafile, VIOLENT_RECID. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. Totals may not sum to 100.0% due to rounding.

Figure 2.4. Criminal History Points of Non-Violent Offenders



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

Figure 2.5. Criminal History Category of Violent and Non-Violent Offenders



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

Accordingly, a greater percentage of violent offenders were placed in higher Criminal History Categories than non-violent offenders. Less than one-third of violent offenders (30.7%) were in CHC I, compared to more than two-thirds of non-violent offenders (68.4%). Almost one-third of violent offenders were placed in CHC IV (12.9%), CHC V (7.8%), or CHC VI (10.0%) compared to less than ten percent (8.9%) of non-violent offenders in CHC IV (4.5%), CHC V (2.1%), or CHC VI (2.3%) based on the accumulation of criminal history points. A greater percentage of violent offenders (5.0%) were career offenders or armed career criminals than non-violent offenders (0.9%) and were typically placed in CHC VI on that basis.²⁸

Recidivism Findings

Rearrest, Reincarceration, and Reconviction

Measured by rearrest, violent offenders recidivated at a higher rate than non-violent offenders, by a margin of almost 25 percentage points. The rearrest rate for all violent offenders was 63.8 percent compared to a rate of less than 40 percent for non-violent offenders (39.8%). As expected, the violent offenders were reconvicted at a higher rate (40.6%) than non-violent offenders (23.3%), and violent offenders were reincarcerated at a higher rate (34.2%) than non-violent offenders (18.5%).

The findings that follow use rearrest rates to measure recidivism. Appendix A contains more detailed information using all three measures of recidivism.

Table 2.3. Recidivism Rates for Violent and Non-Violent Offenders

	Violent Offenders			Non-Violent Offenders		
	Rearrest	Reconviction	Reincarceration	Rearrest	Reconviction	Reincarceration
Percent	63.8%	40.6%	34.2%	39.8%	23.3%	18.5%
Median Time to Recidivism Event	18 Months	27 Months	26 Months	24 Months	32 Months	29 Months
Median Number of Recidivism Events	2	1	1	2	1	1
Most Serious Post-Release Event	Assault (28.4%, n=1,813)	Assault (17.4%, n=707)	Other Public Order (24.7%, n=843)	Other Public Order (20.9%, n=1,283)	Other Public Order (17.8%, n=637)	Other Public Order (27.3%, n=777)

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

Time to First Recidivism Event

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

Violent offenders recidivated more quickly than non-violent offenders, on average, recidivating six months faster than non-violent offenders. The median time to recidivism (among those violent offenders who recidivated) was 18 months, meaning that one-half of the violent offenders were rearrested within 18 months of their release, while the other half recidivated more than 18 months after release. Comparatively, the median time to recidivism for non-violent offenders was 24 months. Among those who recidivated, the median number of recidivism events (events occurring on separate days) was two for both violent offenders and non-violent offenders.

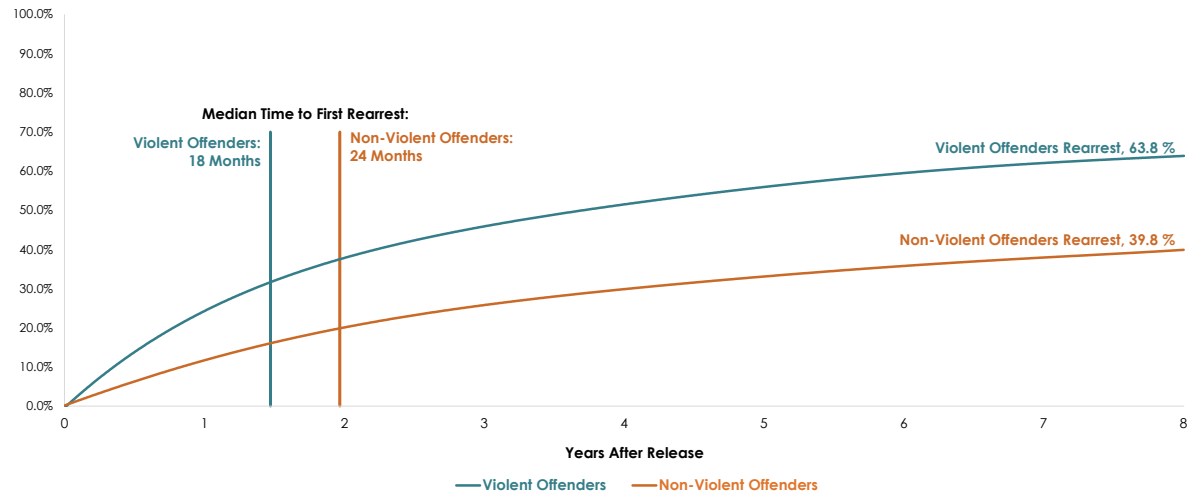
During the first year following release into the community, 24.2 percent of violent offenders in the study recidivated for the first time. Each subsequent year fewer people were rearrested for the first time than in the previous year. For example, 13.7 percent of the total violent offenders were rearrested in the second year, and 8.1 percent of the total violent offenders were rearrested for the first time in the third year. Only 1.7 percent of violent offenders who were not previously arrested recidivated for the first time in the eighth year.

Tables 2.4 & 2.5. Time to Rearrest

Violent Offenders				Non-Violent Offenders			
Years After Release	N	%	Cumulative %	Years After Release	N	%	Cumulative %
One Year	2,423	24.2%	24.2%	One Year	1,800	11.7%	11.7%
Two Years	1,366	13.7%	37.9%	Two Years	1,307	8.5%	20.1%
Three Years	810	8.1%	46.0%	Three Years	864	5.6%	25.7%
Four Years	545	5.5%	51.4%	Four Years	652	4.2%	30.0%
Five Years	458	4.6%	56.0%	Five Years	478	3.1%	33.1%
Six Years	350	3.5%	59.5%	Six Years	418	2.7%	35.8%
Seven Years	262	2.6%	62.1%	Seven Years	333	2.2%	37.9%
Eight Years	170	1.7%	63.8%	Eight Years	291	1.9%	39.8%

SOURCE: U.S. Sentencing Commission 2005 Recidivism Release Cohort Datafile, VIOLENT_RECID. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. Yearly percentages may not add to cumulative percentages at each step in this table from year one to year eight due to rounding.

Figure 2.6. Time to First Rearrest of Violent and Non-Violent Offenders



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

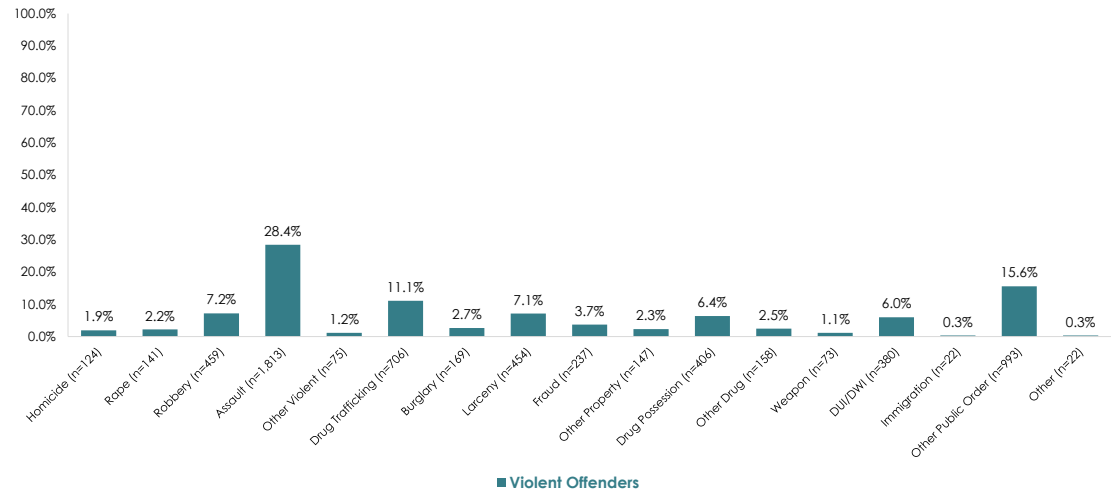
Non-violent offenders followed a similar pattern but generally recidivated at a lower rate than violent offenders. During the first year following release into the community, 11.7 percent of non-violent offenders recidivated for the first time. The recidivism rate fell to 8.5 percent of the total non-violent offenders in the second year and 5.6 percent of the total non-violent offenders in the third year. Only 1.9 percent of non-violent offenders who were not previously arrested recidivated for the first time in the eighth year.

Most Serious Recidivism Event

The Commission adapted a widely used ranking of offense types to evaluate the seriousness of the offenses for which offenders were rearrested.²⁹ Violent offenders were rearrested for more serious crimes than non-violent offenders. When considering only the single most serious offense type of all violent offenders who recidivated, assault was the most common charge, constituting the most serious new charge for 28.4 percent, followed by public order crimes (15.6%) and drug trafficking (11.1%).³⁰ In comparison, for non-violent offenders who recidivated, public order crimes (20.9%) and assault (17.9%) were the most common new charges.

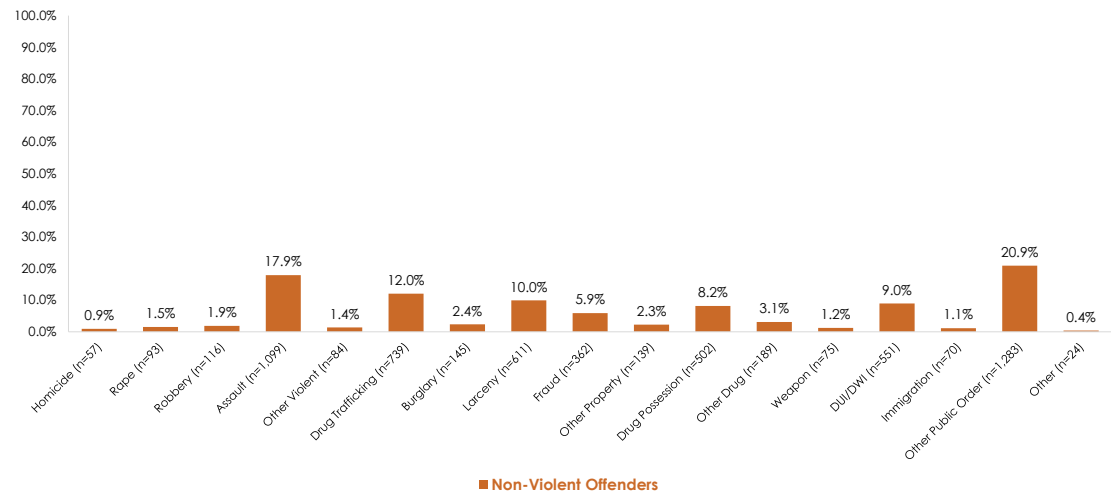
A higher percentage of violent offenders were rearrested for robbery (7.2%), rape (2.2%), or homicide (1.9%) compared to non-violent offenders who were rearrested for those crimes. Comparatively, less than two percent of non-violent offenders were rearrested for robbery (1.9%) or rape (1.5%), and less than one percent of non-violent offenders were rearrested for homicide (0.9%).

Figure 2.7. Most Serious Offense at Rearrest of Violent Offenders



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

Figure 2.8. Most Serious Offense at Rearrest of Non-Violent Offenders



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

Recidivism and Criminal History

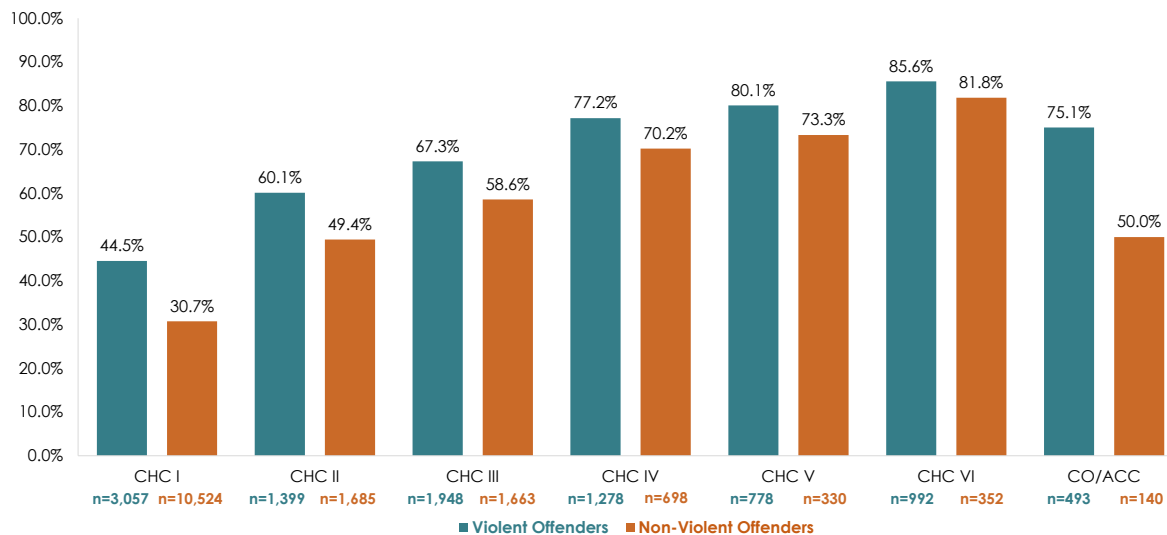
The relationship between an offender’s prior criminal record and recidivism has been recognized by the Commission since its inception, as discussed in Chapter Four of the *Guidelines Manual*.³¹ The Commission evaluated extant empirical research analyzing recidivism and career criminal behavior when formulating the criminal history scoring system, and recent research has confirmed the strength of that relationship.³² As the *Guidelines Manual* explains, in order “to protect the public from further crimes of the particular offender, the likelihood of recidivism and future criminal behavior must be considered.”³³

Recidivism rates for both violent offenders and non-violent offenders were strongly associated with total criminal history points, which is consistent with the Commission’s prior research.³⁴ Among violent offenders, 40.6 percent with zero criminal history points recidivated within eight years compared to

82.9 percent of violent offenders with more than ten criminal history points. Each additional criminal history point was generally associated with a higher rate of recidivism, even if the recidivism rate did not always increase evenly from one criminal history point to the next.

Because the number of criminal history points determines the CHC to which an offender is assigned, recidivism rates are also associated with the CHC. That is, the higher the CHC, the higher the recidivism rate. Recidivism rates among violent offenders ranged from a low of 44.5 percent for those who were in CHC I to a high of 85.6 percent for those who were in CHC VI based on their accumulation of criminal history points. Violent offenders who were classified as career offenders or armed career criminals³⁵ recidivated at a rate (75.1%) similar to the rate for violent offenders in CHC IV (77.2%), but considerably lower than the rate for violent offenders placed in CHC VI (85.6%) based on accumulation of criminal history points alone.

Figure 2.9. Rearrest Rates for Violent and Non-Violent Offenders by Criminal History Category



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

Violent offenders have higher recidivism rates than non-violent offenders in every CHC. The difference in recidivism rates is most pronounced at the lowest CHCs. In CHC I, the difference in recidivism rates is 13.8 percentage points between the two groups (44.5% for violent offenders compared to 30.7% for non-violent offenders). However, as CHC increases, the recidivism rates between violent offenders and non-violent offenders begin to converge. Beginning in CHC IV, the difference in recidivism rates is reduced to seven percentage points between the two groups (77.2% for violent offenders compared to 70.2% for non-violent offenders), while in CHC VI the difference in recidivism rates is 3.8 percentage points (85.6% for violent offenders compared to 81.8% for non-violent offenders).

Consistent with the Commission’s findings in the *Career Offender Report*, violent offenders who were career offenders or armed career criminals had substantially higher recidivism rates than non-violent offenders who received those designations.³⁶ Over three-quarters (75.1%) of violent offenders who were career offenders or armed career criminals recidivated compared to half (50.0%) of the non-violent career offenders or armed career criminals.

Recidivism and Sentences Imposed

Violent offenders recidivated at a higher rate than non-violent offenders regardless of the length of sentence imposed, but the association between sentence length and rate of recidivism among both violent and non-violent offenders is less clear. Violent offenders sentenced to the shortest terms of imprisonment (less than 24 months) recidivated at a rate (63.9%) comparable to violent offenders sentenced to the longest terms of imprisonment of 120 months or more (61.3%). There was no apparent difference in the recidivism rates for violent offenders sentenced to 24 to 59 months (67.0%) compared to violent offenders sentenced to 60 to 119 months (66.2%).

Likewise, non-violent offenders sentenced to the shortest terms of imprisonment (less than 24 months) recidivated at a rate (41.1%) comparable to non-violent offenders sentenced to the longest terms of imprisonment of 120 months or more (39.6%). There was no apparent difference in the recidivism rates for non-violent offenders sentenced to 24 to 59 months (44.0%) compared to non-violent offenders sentenced to 60 to 119 months (44.1%).

Figure 2.10. Rearrest Rates for Violent and Non-Violent Offenders by Length of Imprisonment



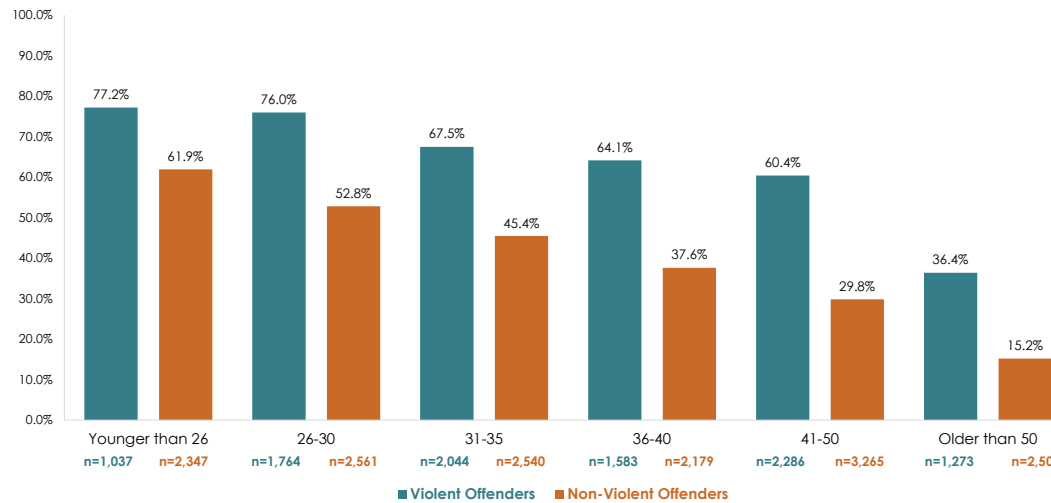
SOURCE: U.S. Sentencing Commission 2005 Recidivism Release Cohort Datafile, VIOLENT_RECID. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

Recidivism and Age

Violent offenders recidivated at a higher rate than non-violent offenders in every age group at the time of release from prison, and the gap between the two groups widens as age at release increases. Violent offenders who were the youngest at release maintain the highest recidivism rates. Violent offenders under age 26 recidivated at a rate (77.2%) similar to the rate for violent offenders age 26 to 30 at the time of release (76.0%). These recidivism rates are considerably higher than the rates for non-violent offenders in the same age groups. Non-violent offenders under age 26 and offenders age 26 to 30 at the time of release recidivated at a rate of 61.9 percent and 52.8 percent.

Recidivism rates for violent offenders were relatively high across age groups and did not decline as rapidly as the rates for non-violent offenders in the older age groups. This result for violent offenders is not consistent with the relationship between age at time of release and recidivism rates for all federal offenders discussed in the Commission’s previous publication, *Effects of Age on Recidivism Among Federal Offenders*,³⁷ and prior studies, which have repeatedly shown a more precipitous decline in recidivism rates as age increases.³⁸ For offenders 41 to 50 years old at the time of release, the recidivism rate for violent offenders (60.4%) is more than double the rate for non-violent offenders (29.8%). This substantial difference in recidivism rates persists for the oldest age group. Over one-third (36.4%) of violent offenders released after the age of 50 recidivated—this rate remains more than twice as high as the rate for non-violent offenders released after age 50 (15.2%).

Figure 2.11. Rearrest Rates for Violent and Non-Violent Offenders by Age at Release



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

Chapter Three

Violent Instant Offenders

This chapter analyzes the offender characteristics and recidivism rates among the 2,596 violent instant offenders—those whose instant federal offense involved violence. It discusses the characteristics of the violent instant offenders in the study and their recidivist behavior compared to non-violent offenders. Over the eight-year study period, violent instant offenders recidivated at a rate of 60.2 percent.

Offender and Offense Characteristics

The 2,596 violent instant offenders represent 10.2 percent of the 25,431 federal offenders who were released in calendar year 2005 and analyzed in the *Recidivism Overview Report*.

Among the violent instant offenders in this group, robbery was the most common offense type (46.1% of the 2,596 offenders). “Other” violent offenses,

including kidnapping, blackmail/extortion, child abuse, arson, and rioting, among others, constitute 32.4 percent of the offenses, followed by assault (11.1%), sexual abuse (7.2%), and homicide (3.2%).

Demographics

The demographic characteristics of violent instant offenders and non-violent offenders differ in several respects. Almost one-half of the violent instant offenders (46.5%) and non-violent offenders (47.3%) were White. One-third (33.0%) of violent instant offenders were Black, while slightly more than one-quarter of non-violent offenders were Black (27.2%). Less than ten percent (8.1%) of violent instant offenders were Hispanic, while over one-fifth of non-violent offenders were Hispanic (21.2%). A larger percentage of violent instant offenders (12.4%) were of another race compared to non-violent offenders (4.3%).

Tables 3.1 & 3.2. Demographic Characteristics

Violent Instant Offenders		
Race/Ethnicity	N	%
White	1,207	46.5%
Black	856	33.0%
Hispanic	210	8.1%
Other	322	12.4%
Gender	N	%
Male	2,421	93.3%
Female	175	6.7%
Citizenship	N	%
U.S. Citizen	2,596	100.0%
Age		
Median Age at Sentencing	31 Years	
Median Age at Release	36 Years	

Non-Violent Offenders		
Race/Ethnicity	N	%
White	7,286	47.3%
Black	4,199	27.2%
Hispanic	3,267	21.2%
Other	661	4.3%
Gender	N	%
Male	11,599	75.2%
Female	3,821	24.8%
Citizenship	N	%
U.S. Citizen	15,427	100.0%
Age		
Median Age at Sentencing	33 Years	
Median Age at Release	36 Years	

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

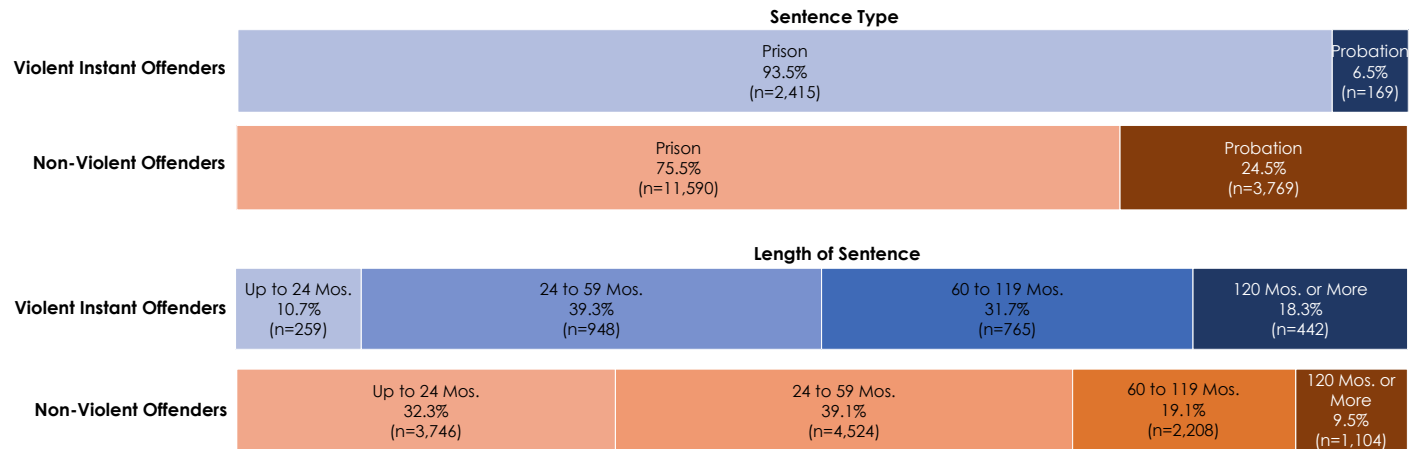
Violent instant offenders were predominantly male (93.3%). Females constitute less than 7 percent (6.7%) of violent instant offenders compared to almost one-quarter (24.8%) of non-violent offenders.

On average, violent instant offenders were slightly younger than non-violent offenders at the time of sentencing, but offenders from both groups were the same age at the time of release. The median age for violent instant offenders at sentencing was 31 years compared to 33 years for non-violent offenders. The median age at the time of release for both violent instant offenders and non-violent offenders was 36 years.

Sentences Originally Imposed

A greater percentage of violent instant offenders were sentenced to a term of imprisonment than non-violent offenders.³⁹ Over 90 percent (93.5%) of violent instant offenders were sentenced to at least some term of imprisonment compared to just over three-quarters (75.5%) of non-violent offenders.

Figures 3.1 & 3.2. Sentences Imposed on Violent Instant and Non-Violent Offenders



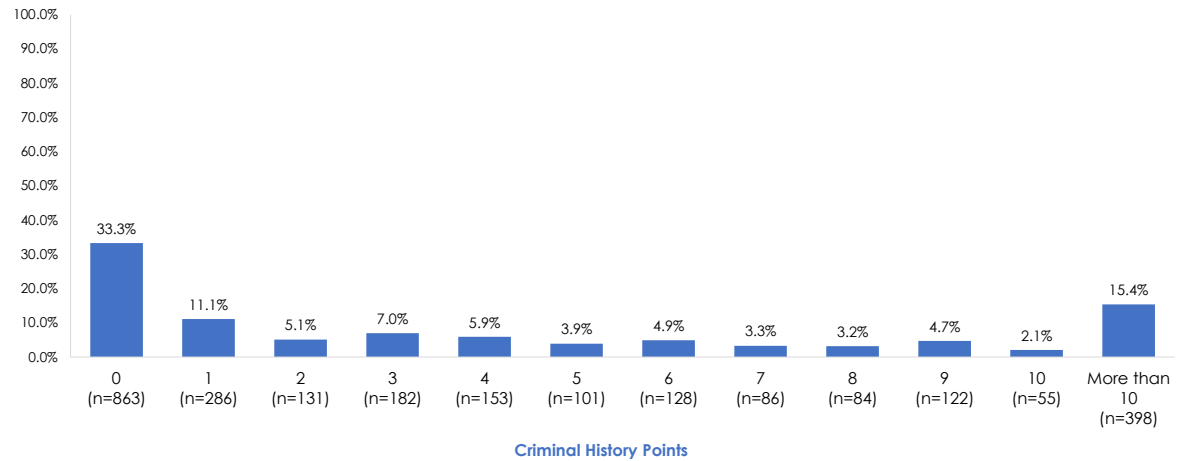
SOURCE: U.S. Sentencing Commission 2005 Recidivism Release Cohort Datafile, VIOLENT_RECID. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. Totals may not sum to 100.0% due to rounding.

Of those offenders sentenced to a term of imprisonment, violent instant offenders received longer sentences than non-violent offenders. Of the violent instant offenders sentenced to prison, nearly one-fifth (18.3%) received a sentence of 120 months or more compared to 9.5% of non-violent offenders. Almost one-third (31.7%) of violent instant offenders received a sentence of 60 to 119 months compared to less than 20 percent of non-violent offenders (19.1%). It follows that a smaller percentage of violent instant offenders received shorter terms of imprisonment than non-violent offenders. Slightly more than ten percent (10.7%) of violent instant offenders received a sentence of less than 24 months compared to almost one-third of non-violent offenders (32.3%).

Criminal History

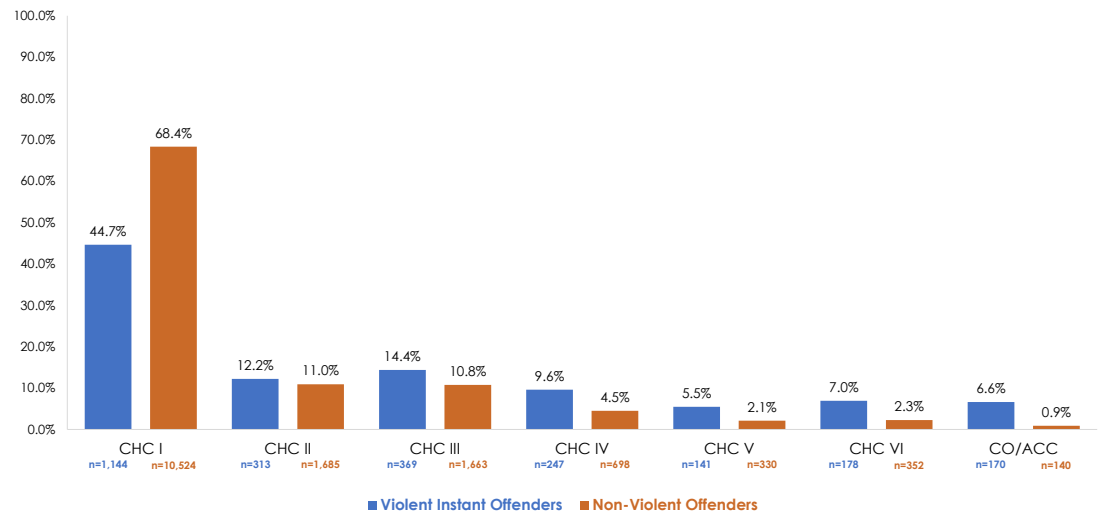
Violent instant offenders have a more serious criminal history than non-violent offenders. One-third (33.3%) of violent instant offenders were assigned zero criminal history points compared to over one-half of non-violent offenders (55.8%). Fifteen percent (15.4%) of violent instant offenders accrued more than ten criminal history points compared to only 4.0 percent of non-violent offenders.

Figure 3.3. Criminal History Points of Violent Instant Offenders



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

Figure 3.4. Criminal History Category of Violent Instant and Non-Violent Offenders



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

Accordingly, a greater percentage of violent instant offenders were placed in higher Criminal History Categories than non-violent offenders. Less than one-half of violent instant offenders (44.7%) were in CHC I compared to more than two-thirds of non-violent offenders (68.4%). Almost one-quarter of violent instant offenders were placed in CHC IV (9.6%), CHC V (5.5%), or CHC VI (7.0%) compared to less than ten percent (8.9%) of non-violent offenders in CHC IV (4.5%), CHC V (2.1%), or CHC VI (2.3%) based on the number of criminal history points. A greater percentage of violent instant offenders (6.6%) were career offenders or armed career criminals than non-violent offenders (0.9%) and were typically placed in CHC VI on that basis.⁴⁰

Recidivism Findings

Rearrest, Reincarceration, and Reconviction

Violent instant offenders recidivated at a higher rate than non-violent offenders. Measured by rearrest, violent instant offenders recidivated at a higher rate than non-violent offenders by a margin of over 20 percentage points. The rearrest rate for all violent instant offenders was 60.2 percent compared to a rate of less than forty percent for non-violent offenders (39.8%). As expected, the violent instant offenders were reconvicted at a higher rate (38.4%) than non-violent offenders (23.3%), and violent instant offenders were reincarcerated at a higher rate (34.3%) than non-violent offenders (18.5%).

Table 3.3. Recidivism Rates for Violent Instant and Non-Violent Offenders

	Violent Instant Offenders			Non-Violent Offenders		
	Rearrest	Reconviction	Reincarceration	Rearrest	Reconviction	Reincarceration
Percent	60.2%	38.4%	34.3%	39.8%	23.3%	18.5%
Median Time to Recidivism Event	17 Months	23 Months	22 Months	24 Months	32 Months	29 Months
Median Number of Recidivism Events	2	2	1	2	1	1
Most Serious Post-Release Event	Assault (23.6%, n=368)	Assault (19.2%, n=191)	Other Public Order (27.9%, n=248)	Other Public Order (20.9%, n=1,283)	Other Public Order (17.8%, n=637)	Other Public Order (27.3%, n=777)

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

Time to First Recidivism Event

Violent instant offenders recidivated more quickly than non-violent offenders, on average, recidivating seven months faster than non-violent offenders. The median time to recidivism (among those who recidivated) was 17 months for violent instant offenders (compared to 24 months for non-violent offenders). Among those who recidivated, the median number of recidivism events (events occurring on separate days) was two for both violent instant offenders and non-violent offenders.

During the first year following release from prison, 24.3 percent of violent instant offenders in the study recidivated for the first time. Each subsequent year fewer people were rearrested for the first time than in the previous year. For example, 13.1 percent of the total violent instant offenders were rearrested in the second year, and 6.9 percent of the total were rearrested for the first time in the third year. Only 1.6 percent of violent instant offenders who were not previously arrested recidivated for the first time in the eighth year.

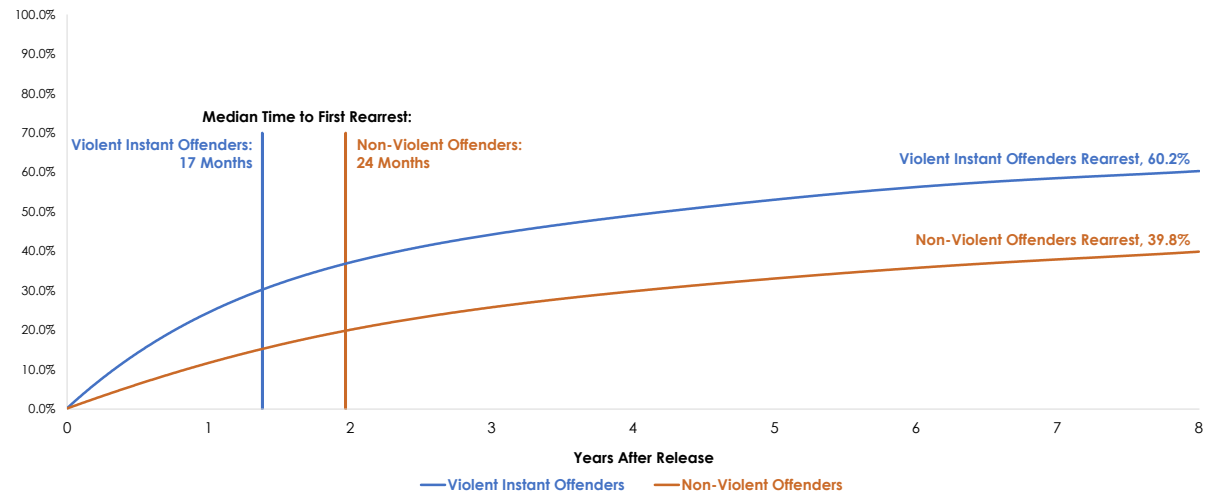
Non-violent offenders followed a similar pattern but generally recidivated at a lower rate than violent instant offenders. During the first year following release into the community, 11.7 percent of non-violent offenders recidivated for the first time. The recidivism rate fell to 8.5 percent of the total non-violent offenders in the second year and 5.6 percent of the total non-violent offenders in the third year. Only 1.9 percent of non-violent offenders who were not previously arrested recidivated for the first time in the eighth year.

Tables 3.4 & 3.5. Time to Rearrest of Violent Instant and Non-Violent Offenders

Violent Instant Offenders				Non-Violent Offenders			
Years After Release	N	%	Cumulative %	Years After Release	N	%	Cumulative %
One Year	630	24.3%	24.3%	One Year	1,800	11.7%	11.7%
Two Years	339	13.1%	37.3%	Two Years	1,307	8.5%	20.1%
Three Years	180	6.9%	44.3%	Three Years	864	5.6%	25.7%
Four Years	127	4.9%	49.2%	Four Years	652	4.2%	30.0%
Five Years	106	4.1%	53.2%	Five Years	478	3.1%	33.1%
Six Years	79	3.0%	56.3%	Six Years	418	2.7%	35.8%
Seven Years	60	2.3%	58.6%	Seven Years	333	2.2%	37.9%
Eight Years	41	1.6%	60.2%	Eight Years	291	1.9%	39.8%

SOURCE: U.S. Sentencing Commission 2005 Recidivism Release Cohort Datafile, VIOLENT_RECID. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. Yearly percentages may not add to cumulative percentages at each step in this table from year one to year eight due to rounding.

Figure 3.5. Time to First Rearrest of Violent Instant and Non-Violent Offenders



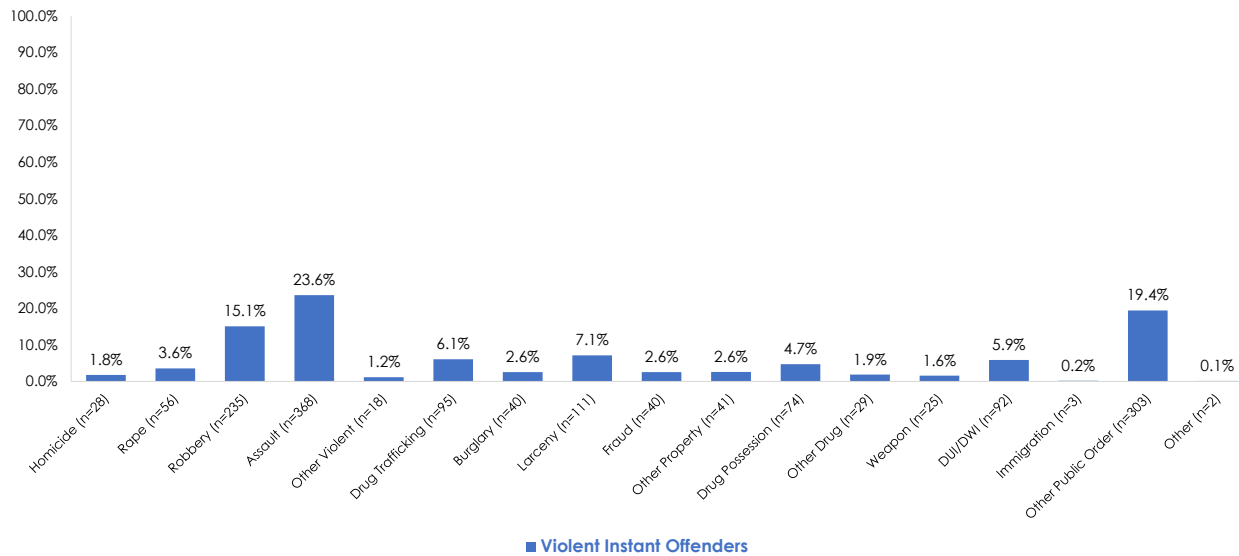
SOURCE: U.S. Sentencing Commission 2005 Recidivism Release Cohort Datafile, VIOLENT_RECID. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

Most Serious Recidivism Event

Violent instant offenders were rearrested for more serious crimes than non-violent offenders. Among the violent instant offenders who recidivated, assault was the single most serious new charge for 23.6 percent followed by public order crimes (19.4%). In comparison, as shown in Figure 2.8 on page 13, of the non-violent offenders who recidivated, public order crimes were the most common new charge (20.9%) followed by assault (17.9%).

A higher percentage of violent instant offenders were rearrested for robbery (15.1%), rape (3.6%), or homicide (1.8%) compared to non-violent offenders who were rearrested for those crimes. Comparatively, as shown in Figure 2.8, less than two percent of non-violent offenders were rearrested for robbery (1.9%) or rape (1.5%), and less than one percent of non-violent offenders were rearrested for homicide (0.9%).

Figure 3.6. Most Serious Offense at Rearrest of Violent Instant Offenders



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

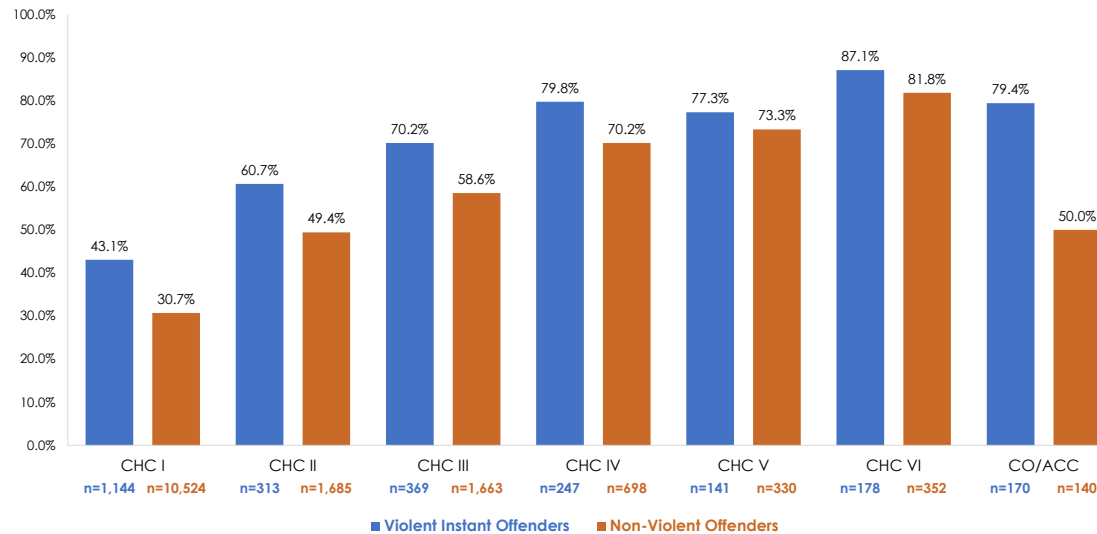
Recidivism and Criminal History

Recidivism rates for violent instant offenders were strongly associated with total criminal history points. Among violent instant offenders, 40.1 percent with zero criminal history points recidivated within eight years compared to 82.2 percent of violent instant offenders with more than ten criminal history points.

Recidivism rates among violent instant offenders ranged from a low of 43.1 percent for those in CHC I to a high of 87.1 percent for those who were in CHC VI based on their accumulation of criminal history points. Violent instant offenders who were classified as career offenders or armed career criminals recidivated at a rate (79.4%) similar to the rate for violent instant offenders in CHC IV (79.8%) and CHC V (77.3%), but lower than the rate for violent instant offenders in CHC VI (87.1%) based on accumulation of criminal history points alone.

Violent instant offenders have higher recidivism rates than non-violent offenders in every CHC, but the difference narrows as CHC increases. The difference in recidivism rates is most pronounced at the lowest CHCs. In CHC I, the difference in recidivism rates is 12.4 percentage points between the two groups (43.1% for violent instant offenders compared to 30.7% for non-violent offenders). As CHC increases, the recidivism rates between violent instant offenders and non-violent offenders begin to converge. In CHC V, the difference in recidivism rates is reduced to four percentage points between the two groups (77.3% for violent instant offenders compared to 73.3% for non-violent offenders), while in CHC VI the difference in recidivism rates is 5.3 percentage points (87.1% for violent instant offenders compared to 81.8% for non-violent offenders).

Figure 3.7. Rearrest Rates for Violent Instant and Non-Violent Offenders by Criminal History Category



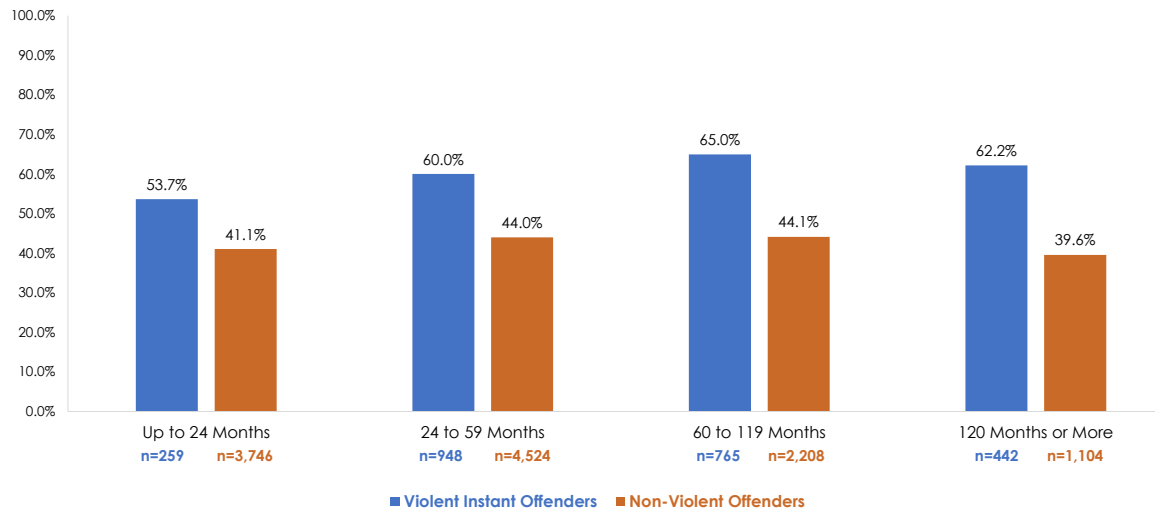
SOURCE: U.S. Sentencing Commission 2005 Recidivism Release Cohort Datafile, VIOLENT_RECID. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

Violent instant offenders who were career offenders or armed career criminals⁴¹ had substantially higher recidivism rates than non-violent offenders who received those designations. Over three-quarters (79.4%) of violent instant offenders who were career offenders or armed career criminals recidivated compared to half (50.0%) of the non-violent career offenders or armed career criminals.

Recidivism and Sentences Imposed

Violent instant offenders recidivated at a higher rate than non-violent offenders regardless of the length of sentence imposed. Among violent instant offenders, those who received longer sentences generally recidivated at a higher rate. Violent instant offenders sentenced to less than 24 months of imprisonment recidivated at the lowest rate (53.7%), while those sentenced between 60 and 119 months recidivated at the highest rate (65.0%). The recidivism rates for violent instant offenders sentenced to 24 to 59 months (60.0%), and those sentenced to 120 months or more of imprisonment (62.2%) were similar to each other.

Figure 3.8. Rearrest Rates for Violent Instant and Non-Violent Offenders by Length of Imprisonment



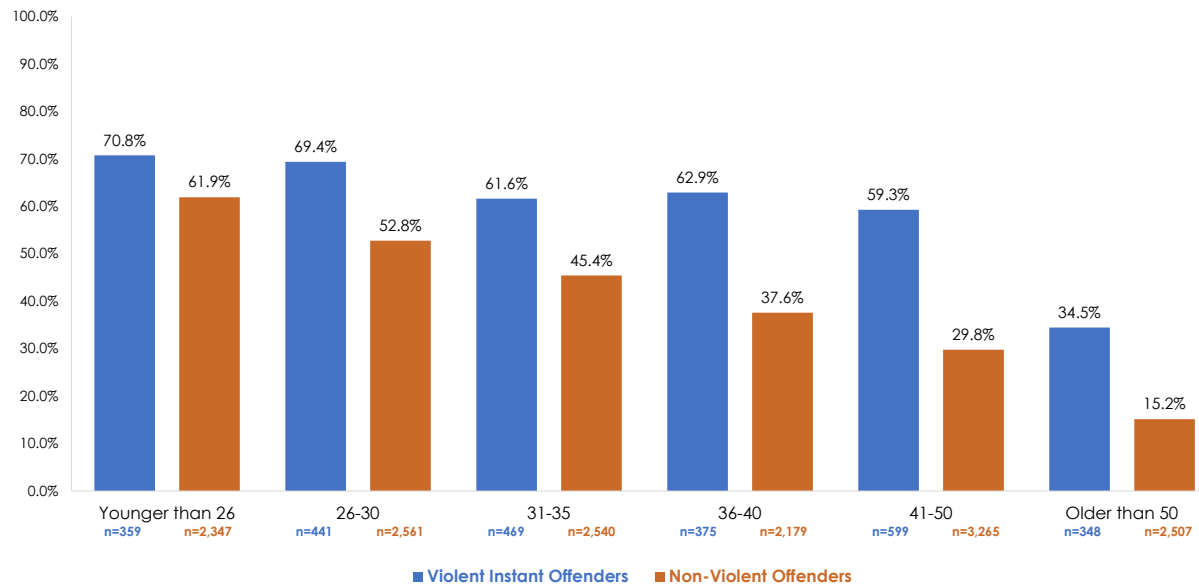
SOURCE: U.S. Sentencing Commission 2005 Recidivism Release Cohort Datafile, VIOLENT_RECID. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

Recidivism and Age

Violent instant offenders recidivated at a higher rate than non-violent offenders in every age group at the time of release from prison, and the gap between the two groups widens as age at release increases. Violent instant offenders under age 26 recidivated at a rate (70.8%) similar to the rate for violent instant offenders age 26 to 30 at the time of release (69.4%). These recidivism rates are considerably higher than the rates for non-violent offenders in the same age groups. Non-violent offenders under age 26 and offenders age 26 to 30 at the time of release recidivated at a rate of 61.9 percent and 52.8 percent.

As age at release increases, the difference in recidivism rates between violent instant offenders and non-violent offenders widens. Among violent instant offenders, recidivism rates remained relatively high across age groups and did not decline as rapidly as the rates for non-violent offenders. For offenders age 41 to 50 at release, the recidivism rate is almost 30 percentage points higher for violent instant offenders (59.3%) compared to non-violent offenders (29.8%). This substantial difference in recidivism rates persists for the oldest age group. Over one-third (34.5%) of violent instant offenders released after the age of 50 recidivated—this is more than twice the rate for non-violent offenders released after age 50 (15.2%).

Figure 3.9. Rearrest Rates for Violent Instant and Non-Violent Offenders by Age at Release



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

Robbery Offenders

- Robbery offenders constitute the largest group of violent instant offenders (1,196 or 46.1 percent of the 2,596 violent instant offenders).
- Robbery offenders recidivated at a higher rate, more quickly, and for more serious offenses than did the other 1,400 violent instant offenders. Robbery offenders recidivated at a rate of 66.8 percent compared to 54.5 percent for all other violent instant offenders.
- Robbery offenders recidivated more quickly than other violent instant offenders. The median time to rearrest among those robbery offenders who recidivated was 14 months compared to 20 months for other violent instant offenders.
- Robbery offenders had higher recidivism rates than other violent instant offenders in every age group over 30 years old at the time of release.
- Recidivism rates for robbery offenders increased until reaching age 50 at the time of release (rising from 66.2% for those released under the age of 26 to 72.2% for those released at age 41 through 50).
- The recidivism rate for robbery offenders released after age 50 is almost twice as high as the rate for all other violent instant offenders (47.0% compared to 26.9%).⁴²

Table 3.6. Recidivism Rates for Robbery and Other Violent Instant Offenders

	Robbery Offenders (n=1,196)	Other Violent Instant Offenders (n=1,400)
	Rearrest	Rearrest
Percent	66.8%	54.5%
Median Time to Recidivism Event	14 Months	20 Months
Median Number of Recidivism Events	3	2
Most Serious Post-Release Event	Robbery (26.2%, n=209)	Assault (28.4%, n=216)

SOURCE: U.S. Sentencing Commission 2005 Recidivism Release Cohort Datafile, VIOLENT_RECID. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. Robbery offenses include conduct sentenced under the following guideline: §2B3.1 Other violent instant offenses include conduct sentenced under the following guidelines: §§2A1.1, 2A1.2, 2A1.3, 2A1.5, 2A2.1, 2A2.2, 2A2.3, 2A2.4, 2A3.1, 2A3.2, 2A3.3, 2A3.4, 2A4.1, 2A5.1, 2A5.2, 2A5.3, 2A6.1, 2A6.2, 2B3.2, 2D1.9, 2E1.1, 2E1.2, 2E1.3, 2E1.4, 2G1.2, 2G1.3, 2G2.1, 2G2.3, 2G2.6, 2H4.1, 2K1.3, 2K1.4, 2M5.3, 2M6.1, 2X6.1. An offender was also classified as a violent instant offender if sentenced under certain provisions in §2K2.1 or 18 U.S.C. § 924(c).

Chapter Four

Violent Prior Offenders

This chapter analyzes and compares the offender characteristics and recidivism rates of the 7,408 violent prior offenders and 15,427 non-violent offenders. These 7,408 offenders were not categorized as violent offenders based on their instant federal offense, but had been arrested for a violent offense in their criminal history. Over the eight-year study period, violent prior offenders recidivated at a rate of 65.1 percent.

Offender and Offense Characteristics

The 7,408 violent prior offenders represent 29.1 percent of the 25,431 federal offenders who were released in calendar year 2005 and analyzed in the *Recidivism Overview Report*.

Demographics

The demographic characteristics of violent prior offenders and non-violent offenders differ in several respects. Black offenders constitute the largest group of violent prior offenders (48.1%), while White offenders were the largest group of non-violent offenders (47.3%). More than one-third of violent prior offenders (35.2%) were White, while slightly more than one-quarter of non-violent offenders were Black (27.2%). Hispanic offenders were the third largest group of both violent prior offenders (14.0%) and non-violent offenders (21.2%).

Violent prior offenders and non-violent offenders were both predominately male. Females constitute less than ten percent of the violent prior offenders (9.0%) compared to almost one-quarter of the non-violent offenders (24.8%).

Tables 4.1 & 4.2. Demographic Characteristics

Violent Prior Offenders		
Race/Ethnicity	N	%
White	2,606	35.2%
Black	3,562	48.1%
Hispanic	1,035	14.0%
Other	196	2.7%
Gender	N	%
Male	6,738	91.0%
Female	668	9.0%
Citizenship	N	%
U.S. Citizen	7,408	100.0%
Age		
Median Age at Sentencing	32 Years	
Median Age at Release	36 Years	

Non-Violent Offenders		
Race/Ethnicity	N	%
White	7,286	47.3%
Black	4,199	27.2%
Hispanic	3,267	21.2%
Other	661	4.3%
Gender	N	%
Male	11,599	75.2%
Female	3,821	24.8%
Citizenship	N	%
U.S. Citizen	15,427	100.0%
Age		
Median Age at Sentencing	33 Years	
Median Age at Release	36 Years	

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

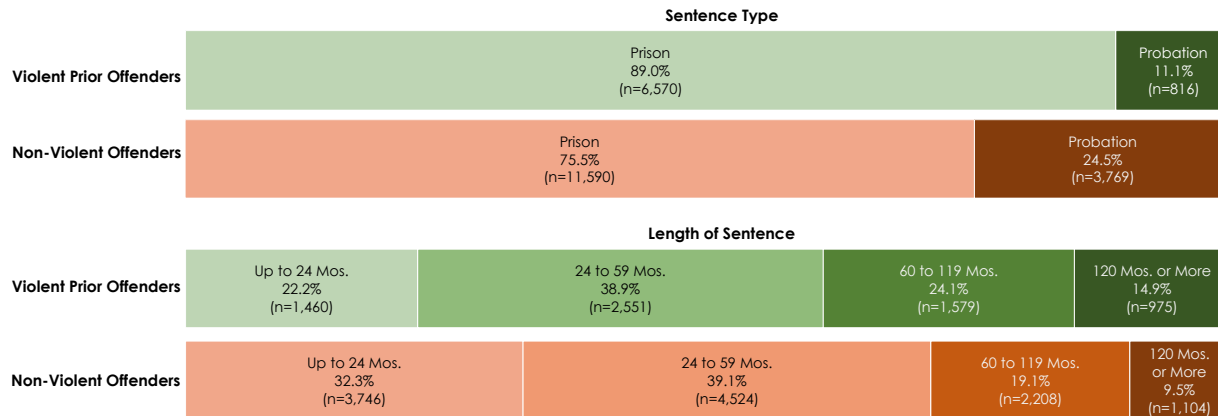
The median age for violent prior offenders at sentencing was 32 years compared to 33 years for non-violent offenders. The median age at time of release for both groups was the same at 36 years.

Sentences Originally Imposed

A greater percentage of violent prior offenders were sentenced to a term of imprisonment than non-violent offenders.⁴³ Slightly less than 90 percent (89.0%) of violent prior offenders were sentenced to at least some term of imprisonment compared to just over three-quarters (75.5%) of non-violent offenders.

Of those offenders sentenced to a term of imprisonment, violent prior offenders received longer sentences than non-violent offenders. Of the violent prior offenders sentenced to prison, 14.9 percent received a sentence of 120 months or more compared to 9.5 percent of non-violent offenders. Slightly less than one-quarter (24.1%) of violent prior offenders received a sentence of 60 to 119 months compared to less than 20 percent of non-violent offenders (19.1%). A smaller percentage of violent prior offenders received shorter terms of imprisonment than non-violent offenders—less than one-quarter (22.2%) of violent prior offenders received a sentence of less than 24 months compared to almost one-third of non-violent offenders (32.3%).

Figures 4.1 & 4.2. Sentences Imposed on Violent Prior and Non-Violent Offenders



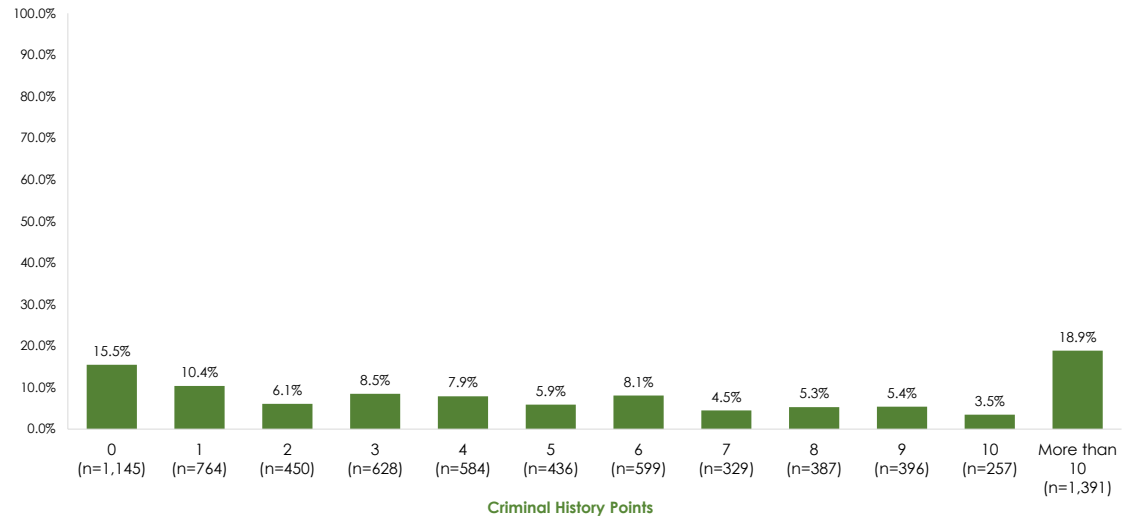
SOURCE: U.S. Sentencing Commission 2005 Recidivism Release Cohort Datafile, VIOLENT_RECID. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. Totals may not sum to 100.0% due to rounding.

Criminal History

Violent prior offenders have a more serious criminal history than non-violent offenders. Fifteen percent (15.5%) of violent prior offenders were assigned zero criminal history points compared to over one-half of non-violent offenders (55.8%). Nearly one-fifth (18.9%) of violent prior offenders accrued more than ten criminal history points, compared to only 4.0 percent of non-violent offenders.

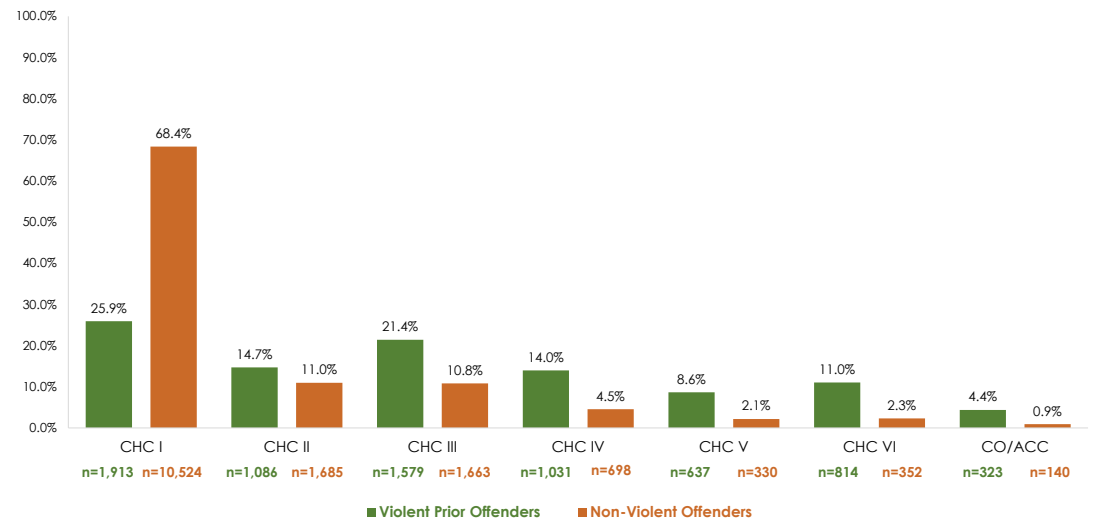
Accordingly, a higher percentage of violent prior offenders were placed in higher Criminal History Categories than non-violent offenders. Slightly more than one-quarter of violent prior offenders (25.9%) were in CHC I, compared to more than two-thirds of non-violent offenders (68.4%). Slightly more than one-third of violent prior offenders were placed in CHC IV (14.0%), CHC V (8.6%), or CHC VI (11.0%) compared to less than ten percent (8.9%) of non-violent offenders in CHC IV (4.5%), CHC V (2.1%), or CHC VI (2.3%) based on the accumulation of criminal history points. A greater percentage of violent prior offenders (4.4%) were career offenders or armed career criminals than non-violent offenders (0.9%) and were typically placed in CHC VI on that basis.⁴⁴

Figure 4.3. Criminal History Points of Violent Prior Offenders



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

Figure 4.4. Criminal History Category of Violent Prior and Non-Violent Offenders



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

Recidivism Findings

Rearrest, Reincarceration, and Reconviction

Violent prior offenders recidivated at a higher rate than non-violent offenders. Measured by rearrest, violent prior offenders recidivated at a higher rate than non-violent offenders by a margin of more than 25 percentage points. The rearrest rate for all violent prior offenders was 65.1 percent compared to a rate of less than forty percent for non-violent offenders (39.8%). As expected, the violent prior offenders were reconvicted at a higher rate (41.3%) than non-violent offenders (23.3%), and violent prior offenders were reincarcerated at a higher rate (34.1%) than non-violent offenders (18.5%).

Time to First Recidivism Event

Violent prior offenders recidivated more quickly than non-violent offenders, on average recidivating six months faster than non-violent offenders. For violent prior offenders, the median time to recidivism (among those violent prior offenders who recidivated) was 18 months (compared to 24 months for non-violent offenders). Among those who recidivated, the median number of recidivism events (events occurring on separate days) was two for both violent prior offenders and non-violent offenders.

Table 4.3. Recidivism Rates for Violent Prior and Non-Violent Offenders

	Violent Prior Offenders			Non-Violent Offenders		
	Rearrest	Reconviction	Reincarceration	Rearrest	Reconviction	Reincarceration
Percent	65.1%	41.3%	34.1%	39.8%	23.3%	18.5%
Median Time to Recidivism Event	18 Months	28 Months	27 Months	24 Months	32 Months	29 Months
Median Number of Recidivism Events	2	1	1	2	1	1
Most Serious Post-Release Event	Assault (30.0%, n=1,445)	Assault (16.9%, n=516)	Other Public Order (23.6%, n=595)	Other Public Order (20.9%, n=1,283)	Other Public Order (17.8%, n=637)	Other Public Order (27.3%, n=777)

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

As the follow-up period progressed, each year saw fewer violent prior offenders recidivate for the first time. During the first year following release from prison, 24.2 percent of violent prior offenders in the study recidivated for the first time. Each subsequent year fewer people were rearrested for the first time than in the previous year. For example, 13.9 percent of the total violent prior offenders were rearrested in the second year, and 8.5 percent of the total were rearrested for the first time in the third year. Only 1.7 percent of violent prior offenders who were not previously arrested recidivated for the first time in the eighth year.

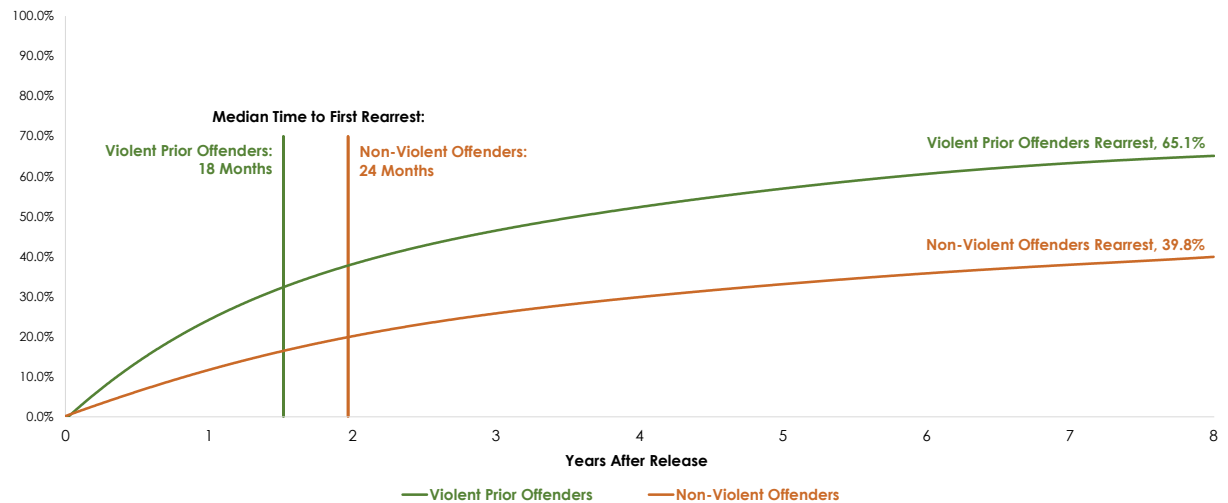
Non-violent offenders followed a similar pattern but generally recidivated at a lower rate than violent prior offenders. During the first year following release into the community, 11.7 percent of non-violent offenders recidivated for the first time. The recidivism rate fell to 8.5 percent of the total non-violent offenders in the second year and 5.6 percent of the total non-violent offenders in the third year. Only 1.9 percent of non-violent offenders who were not previously arrested recidivated for the first time in the eighth year.

Tables 4.4 & 4.5. Time to Rearrest of Violent Prior and Non-Violent Offenders

Violent Prior Offenders				Non-Violent Offenders			
Years After Release	N	%	Cumulative %	Years After Release	N	%	Cumulative %
One Year	1,793	24.2%	24.2%	One Year	1,800	11.7%	11.7%
Two Years	1,027	13.9%	38.1%	Two Years	1,307	8.5%	20.1%
Three Years	630	8.5%	46.6%	Three Years	864	5.6%	25.7%
Four Years	418	5.6%	52.2%	Four Years	652	4.2%	30.0%
Five Years	352	4.8%	57.0%	Five Years	478	3.1%	33.1%
Six Years	271	3.7%	60.6%	Six Years	418	2.7%	35.8%
Seven Years	202	2.7%	63.4%	Seven Years	333	2.2%	37.9%
Eight Years	129	1.7%	65.1%	Eight Years	291	1.9%	39.8%

SOURCE: U.S. Sentencing Commission 2005 Recidivism Release Cohort Datafile, VIOLENT_RECID. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. Yearly percentages may not add to cumulative percentages at each step in this table from year one to year eight due to rounding.

Figure 4.5. Time to First Rearrest of Violent Prior and Non-Violent Offenders



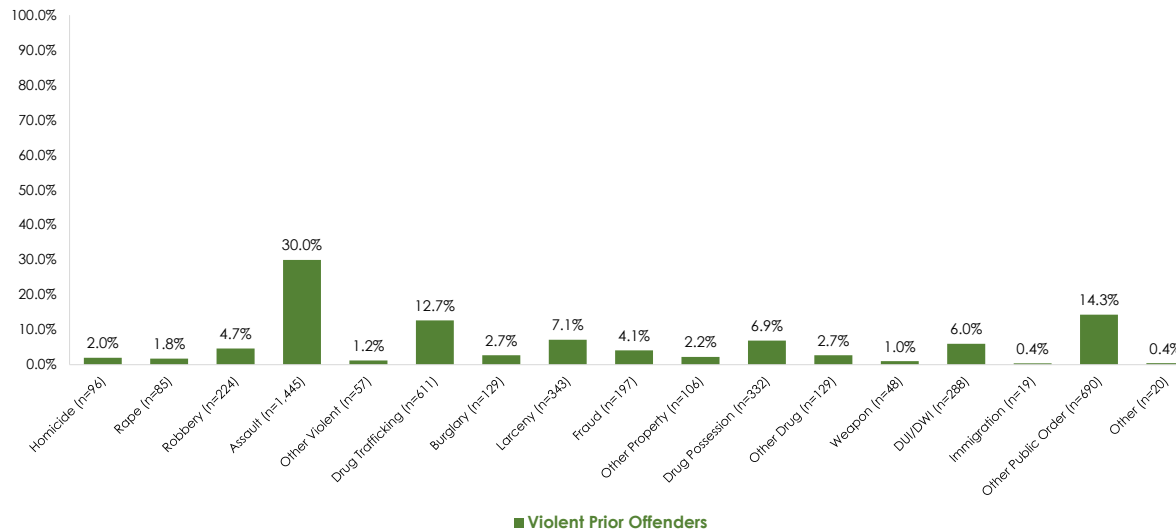
SOURCE: U.S. Sentencing Commission 2005 Recidivism Release Cohort Datafile, VIOLENT_RECID. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

Most Serious Recidivism Event

Violent prior offenders were rearrested for more serious crimes than non-violent offenders. Among the violent prior offenders who recidivated, assault was the single most common serious new charge for 30.0 percent followed by public order crimes (14.3%). In comparison, as shown in Figure 2.8 on page 13, for non-violent offenders who recidivated, public order crimes were the most common serious new charge for 20.9 percent followed by assault (17.9%).

A higher percentage of violent prior offenders (4.7%) were rearrested for robbery compared to non-violent offenders (1.9%). Two percent of violent prior offenders were rearrested for homicide and less than two percent of violent prior offenders were rearrested for rape (1.8%). Comparatively, as shown in Figure 2.8, less than two percent of non-violent offenders were rearrested for rape (1.5%), and less than one percent of non-violent offenders were rearrested for homicide (0.9%).

Figure 4.6. Most Serious Offense at Rearrest of Violent Prior Offenders



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

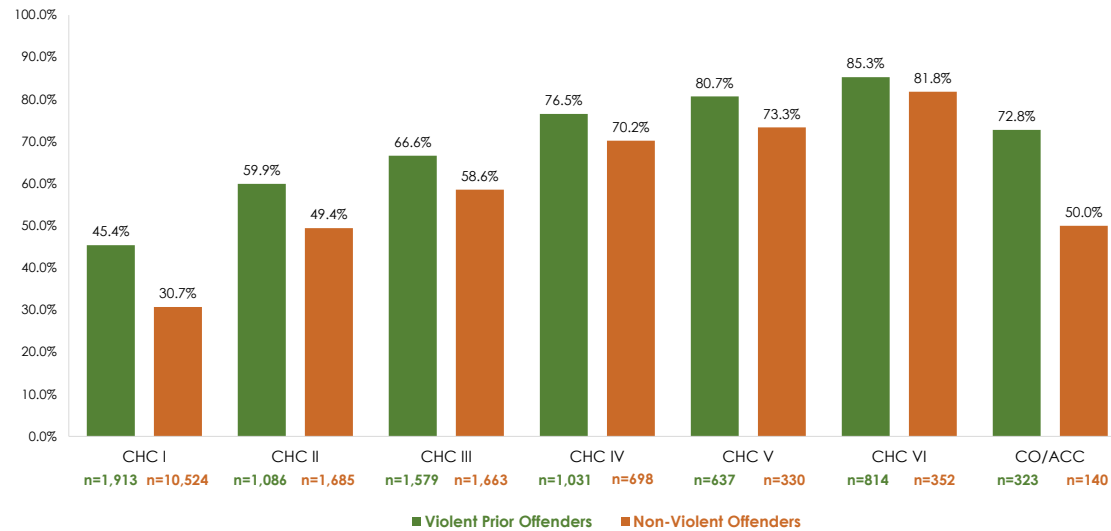
Recidivism and Criminal History

Recidivism rates for both violent prior offenders and non-violent offenders were associated with total criminal history points. Among violent prior offenders, 41.1 percent with zero criminal history points recidivated within eight years compared to 83.1 percent of violent prior offenders with more than ten criminal history points.

Recidivism for violent prior offenders was also strongly associated with CHC. Recidivism rates among violent prior offenders ranged from a low of 45.4 percent for those in CHC I and increased to a high of 85.3 percent for those who were in CHC VI based on their accumulation of criminal history points.

Violent prior offenders have higher recidivism rates than non-violent offenders in every CHC. The difference in recidivism rates is most pronounced at the lowest CHCs. In CHC I, the difference in recidivism rates is approximately 15 percentage points between the two groups (45.4% for violent prior offenders compared to 30.7% for non-violent offenders). As CHC increases, the recidivism rates between violent prior offenders and non-violent offenders begin to converge. In CHC VI, the difference in recidivism rates is reduced to less than 4 percentage points between the two groups (85.3% for violent prior offenders compared to 81.8% for non-violent offenders).

Figure 4.7. Rearrest Rates for Violent Prior and Non-Violent Offenders by Criminal History Category



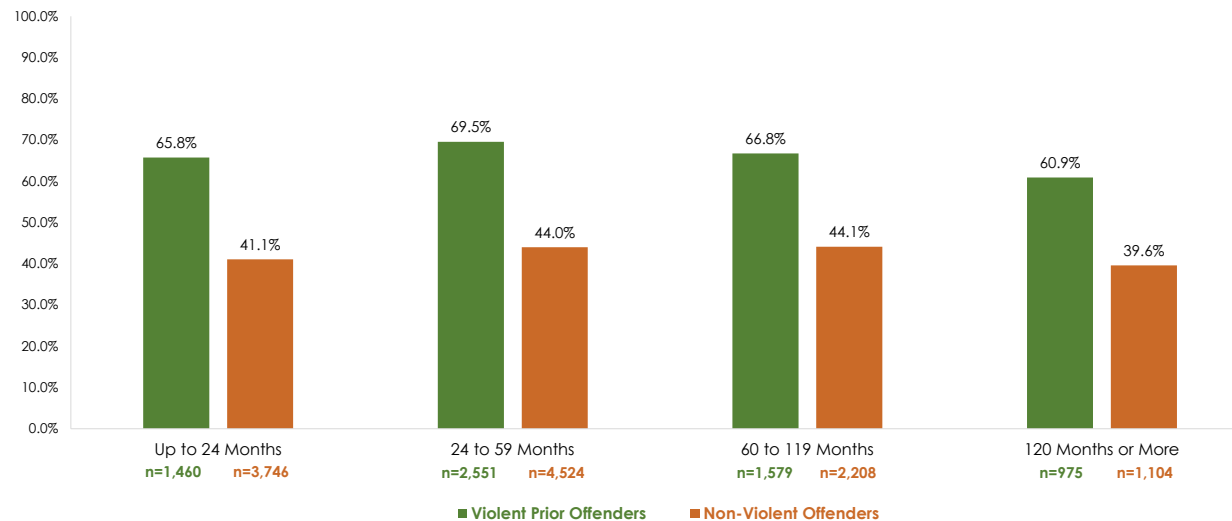
SOURCE: U.S. Sentencing Commission 2005 Recidivism Release Cohort Datafile, VIOLENT_RECID. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

Violent prior offenders who were career offenders or armed career criminals⁴⁵ had substantially higher recidivism rates than non-violent offenders who received those designations. Almost three-quarters (72.8%) of violent prior offenders who were career offenders or armed career criminals recidivated compared to only half (50.0%) of the non-violent career offenders or armed career criminals.

Recidivism and Sentences Imposed

Violent prior offenders recidivated at a higher rate than non-violent offenders regardless of the length of imprisonment. Violent prior offenders sentenced to the longest terms of imprisonment (120 months or more) had a slightly lower recidivism rate (60.9%) than those sentenced to the shortest terms of imprisonment (65.8 percent for those sentenced to less than 24 months' imprisonment). Longer sentences result in older ages at release, which may contribute to the slightly lower recidivism rate for those sentenced 120 months or more of imprisonment.

Figure 4.8. Rearrest Rates for Violent Prior and Non-Violent Offenders by Length of Imprisonment



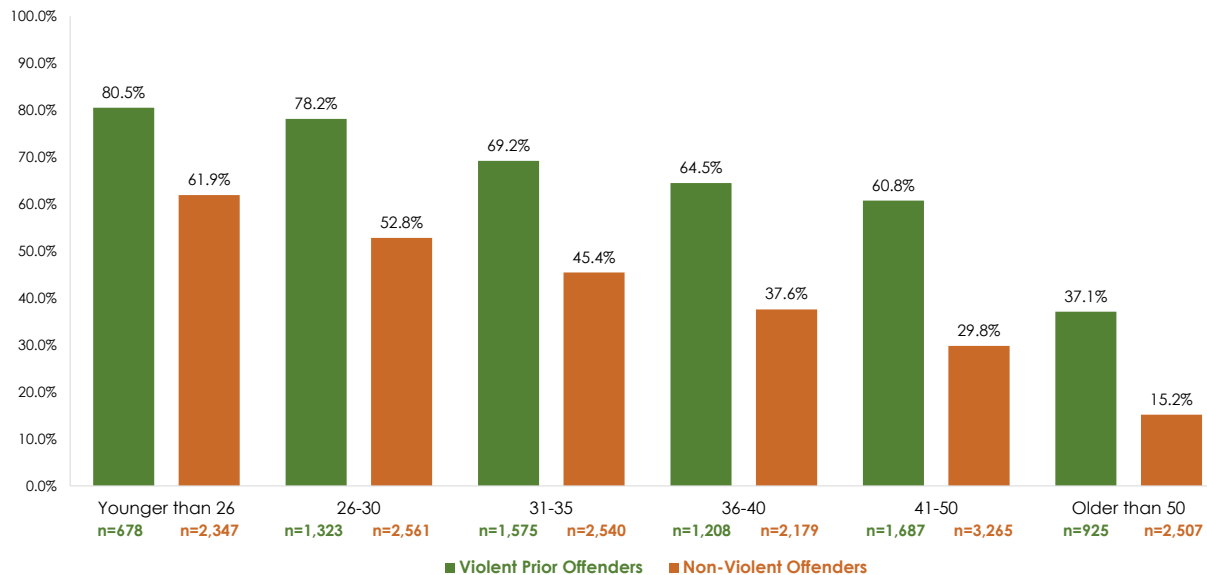
SOURCE: U.S. Sentencing Commission 2005 Recidivism Release Cohort Datafile, VIOLENT_RECID. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

Recidivism and Age

Violent prior offenders recidivated at a greater rate than non-violent offenders in every age group at the time of release from prison, and the gap between the two groups widens as age at release increases. Violent prior offenders who were the youngest at release maintain the highest recidivism rates. Violent prior offenders under age 26 recidivated at a rate (80.5%) similar to the rate for violent prior offenders age 26 to 30 at the time of release (78.2%). These rates are substantially higher than the recidivism rates for non-violent offenders in the same age groups. Non-violent offenders under age 26 and offenders age 26 to 30 at the time of release recidivated at a rate of 61.9 percent and 52.8 percent.

As age at release increases, the difference in recidivism rates between violent prior offenders and non-violent offenders widens. Among violent prior offenders, recidivism rates remained relatively high across age groups and do not decline as rapidly as the rates for non-violent offenders. The recidivism rates for violent prior offenders released between age 41 and 50 and those over 50 is more than double the rate for non-violent offenders in those age groups. For offenders age 41 to 50 at release, the recidivism rate is more than 30 percentage points higher for violent prior offenders (60.8%) compared to non-violent offenders (29.8%). Over one-third (37.1%) of violent prior offenders released after the age of 50 recidivated—more than twice the rate for non-violent offenders released after age 50 (15.2%).

Figure 4.9. Rearrest Rates for Violent Prior and Non-Violent Offenders by Age at Release



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

Chapter Five

Conclusion

Conclusion

This report examined the recidivism rates of violent offenders compared to non-violent offenders. Almost two-fifths (39.3%) of the 25,431 offenders studied in this report engaged in violent criminal activity as part of their instant federal offense or prior criminal conduct. Violent offenders generally recidivated at a higher rate, more quickly, and for more serious crimes than non-violent offenders, regardless of whether the violence occurred during the instant federal offense or during prior criminal activity.

Criminal history is strongly associated with recidivism among violent offenders and non-violent federal offenders. Although violent offenders have higher recidivism rates than non-violent offenders in every CHC, the difference is more evident in CHC I through CHC III. For offenders with more serious criminal histories (those offenders in CHCs IV through VI), the recidivism rates for violent offenders and non-violent offenders become more similar. Among all offenders in this study, the recidivism rate for those in CHC VI based on accumulation of criminal history points is over 80 percent (87.1% for violent offenders; 85.3% for violent prior offenders; 81.8% for non-violent offenders).

Violent offenders recidivated at a higher rate and appear to desist from criminal activity later in life than non-violent offenders—violent offenders continued to recidivate at a high rate until reaching age 50 at the time of release from prison. Even after age 50, violent offenders recidivated at more than double the rate of non-violent offenders in the same age group.

Endnotes

ENDNOTES

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

2 *See* U.S. SENTENCING COMM’N, RECIDIVISM AMONG FEDERAL OFFENDERS: A COMPREHENSIVE OVERVIEW 3 (2016), http://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2016/recidivism_overview.pdf (hereinafter “Recidivism Overview Report”).

3 28 U.S.C. § 991(b)(1)(C).

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

5 *See, e.g.*, U.S. SENTENCING COMM’N, FINAL PRIORITIES FOR AMENDMENT CYCLE, 79 FR 49378, 49379 (AUG. 20, 2014) (“Pursuant to 28 U.S.C. § 994(g), the Commission intends to consider the issue of reducing costs of incarceration and overcapacity of prisons, to the extent it is relevant to any identified priority.”).

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

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

8 *See* 2016 REPORT TO THE CONGRESS: CAREER OFFENDER ENHANCEMENTS 2–3 (2016), <https://www.ussc.gov/research/congressional-reports/2016-report-congress-career-offender-enhancements> (hereinafter “Career Offender Report”).

9 *See* THE PAST PREDICTS THE FUTURE: CRIMINAL HISTORY AND RECIDIVISM OF FEDERAL OFFENDERS 11–12 (2017), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20170309_Recidivism-CH.pdf (hereinafter “Past Predicts the Future”).

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

11 Violent prior offenders were identified by reviewing criminal records provided from the FBI’s Criminal Justice Information Services. The Commission used prior arrest data to identify violent prior offenders in this report because prior conviction data is under-inclusive as a majority of states did not report dispositions during the relevant time period. A 2015 Government Accountability Office report indicated that only 16 states reported that more than 75% of their arrest records had dispositions during the relevant time-period. *See* U.S. GOV’T ACCOUNTABILITY OFFICE, CRIMINAL HISTORY RECORDS: ADDITIONAL ACTIONS COULD ENHANCE THE COMPLETENESS OF RECORDS USED FOR EMPLOYMENT-RELATED BACKGROUND CHECKS 18 (2015), <https://www.gao.gov/assets/670/668505.pdf> (hereinafter “GAO Criminal History Records Report”).

12 This group includes non-violent instant offenders who do not have any prior arrests or convictions.

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

14 Offenders analyzed in this report were sentenced prior to several important legal developments. Nearly all were sentenced prior to the Supreme Court’s 2005 decision in *Booker v. United States*, 543 U.S. 220 (2005), which rendered the sentencing guidelines advisory.

15 This study uses rearrest as the primary measure of recidivism because reconviction and reincarceration events are under-reported; however, it also reports data about reconviction and reincarceration in Appendix A. See note 18 and accompanying text, *infra*.

16 See NAT'L INSTITUTE OF JUSTICE, U.S. DEPT. OF JUSTICE, RECIDIVISM, <https://web.archive.org/web/20160120175242/http://www.nij.gov/topics/corrections/recidivism/pages/welcome.aspx> (last modified June 17, 2014).

17 See Recidivism Overview Report, *supra* note 2, at 7–8.

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

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

20 See GAO Criminal History Records Report, *supra* note 11, at 18.

21 See *id.*

22 In cases where multiple Chapter Two guidelines applied because the offender had multiple counts of conviction for different offenses, this report identifies the offender as violent if any of the guidelines that applied was for a violent offense, regardless of whether that guideline ultimately produced the highest offense level (*i.e.*, the primary guideline). For example, an offender is categorized as a “violent instant offender” in this report if convicted of both a non-violent instant offense (*e.g.*, drug trafficking) and a violent instant offense (*e.g.*, robbery), even if the primary guideline with the highest offense level was §2D1.1 for the drug trafficking offense. Additionally, if the primary sentencing guideline was for a non-violent offense, an offender is

categorized as a “violent instant offender” if the guideline calculation included an instruction to apply another guideline, *i.e.*, a cross-reference, for a violent offense. See U.S. SENTENCING COMM'N, *Guidelines Manual*, §1B1.5(a), comment. (n.1) (Nov. 2018) [hereinafter USSG] (“These references may be to a specific guideline, or may be more general (*e.g.*, to the guideline for the ‘underlying offense’). Such references incorporate the specific offense characteristics, cross references, and special instructions as well as the base offense level. For example, if the guideline reads ‘2 plus the offense level from §2A2.2 (Aggravated Assault),’ the user would determine the offense level from §2A2.2, including any applicable adjustments for planning, weapon use, degree of injury and motive, and then increase by 2 levels.”).

23 The Commission categorized each of the offenders’ criminal history events into standardized offense codes using a widely accepted standardization scheme pioneered by the Bureau of Justice Statistics and used in other studies, including the Commission’s 2016 Recidivism Overview Report. Using the standardized classifications, the Commission next identified certain categories as “violent.” In making these classifications, the Commission identified those offenses that are generally accepted as involving some level of violence, including many of those offenses that courts have found to qualify as “crimes of violence” under the career offender guideline. The Bureau of Justice Statistics also categorizes “other violent” crimes without further specification. The “other violent” crimes are included in this analysis.

24 Among the violent offenders, the demographic characteristics also differ in several respects. Almost one-half of the violent instant offenders (46.5%) were White, while almost one-half of violent prior offenders were Black (48.1%). The second largest group of violent instant offenders were Black (33.0%); followed by Hispanic offenders (12.4%). Whereas, the second largest group of violent prior offenders were White (35.2%); followed by Hispanic offenders (14.0%). The demographic characteristics of violent instant and violent prior offenders are discussed in further detail in Chapter Three and Chapter Four.

25 Offenders who received probation with a condition of confinement are analyzed together with offenders who received probation without such a condition. This decision was made because the vast majority of offenders who received probation with a condition of confinement served that period of confinement in home detention or a halfway house rather than in a jail or prison. Therefore, for ease of analysis and presentation, recidivism rates will be presented for the two larger groups of offenders: (1) offenders who received a probationary sentence, regardless of whether it had a condition of confinement, and (2) offenders who received a sentence of imprisonment, regardless of whether it was a “split” sentence or a sentence of imprisonment only.

26 USSG §4A1.1.

ENDNOTES

27 *Id.*

28 A defendant is a career offender if (1) the defendant was at least eighteen years old at the time the defendant committed the instant offense of conviction; (2) the instant offense of conviction is a felony that is either a crime of violence or a controlled substance offense; and (3) the defendant has at least two prior felony convictions for either a crime of violence or controlled substance offense. USSG §4B1.1. A defendant who is subject to an enhanced sentence under the provisions of 18 U.S.C. § 924(e) is an armed career criminal. USSG §4B1.4. Under 18 U.S.C. § 924(e)(1), a defendant is subject to an enhanced sentence if the instant offense of conviction is a violation of 18 U.S.C. § 922(g) and the defendant has at least three prior convictions for a “violent felony” or “serious drug offense,” or both, committed on occasions different from one another. The terms “violent felony” and “serious drug offense” are defined in 18 U.S.C. § 924(e)(2). Regardless of the CHC in which they were placed based on accumulation of criminal history points alone, this study treats career offenders and armed career criminals as a separate criminal history group.

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

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

31 *See* USSG, Ch. 4, Pt. A, intro. comment.

32 *See* Recidivism Overview Report, *supra* note 2, at 18.

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

34 *See, e.g.*, Measuring Recidivism Report, *supra* note 7.

35 *See supra* note 28.

36 *See* Career Offender Report, *supra* note 8, at 2–3.

37 *See* THE EFFECTS OF AGING ON RECIDIVISM AMONG FEDERAL OFFENDERS 22–23 (2017), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20171207_Recidivism-Age.pdf.

38 *See, e.g.*, Recidivism Overview Report, *supra* note 2, at 23.

39 *See supra* note 25.

40 *See supra* note 28.

41 *See supra* note 28.

42 Appendix B contains additional information on the robbery offenders.

43 *See supra* note 25.

44 *See supra* note 28.

45 *See supra* note 28.

Appendix A

Additional Findings

APPENDIX A: ADDITIONAL FINDINGS

Number of Recidivism Study Offenders by Fiscal Year Sentenced
Violent Instant Offenders

Fiscal Year Sentenced	N	%
1991	31	1.2%
1992	62	2.4%
1993	68	2.6%
1994	48	1.9%
1995	62	2.4%
1996	84	3.2%
1997	107	4.1%
1998	136	5.2%
1999	154	5.9%
2000	194	7.5%
2001	257	9.9%
2002	337	13.0%
2003	421	16.2%
2004	338	13.0%
2005	268	10.3%
2006	29	1.1%
TOTAL	2,596	100.0%

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

Rearrest, Reconviction, and Reincarceration Rates Across Selected Variables
Violent Instant Offenders
Criminal History

	Total	Rearrest %	Reconviction %	Reincarceration %
Total	2,596	60.2%	38.4%	34.3%
Criminal History Points				
0	863	40.1%	22.7%	20.1%
1	286	52.8%	31.1%	26.9%
2	131	63.4%	36.6%	29.8%
3	182	57.7%	37.9%	32.4%
4	153	71.9%	49.0%	36.6%
5	101	63.4%	34.7%	29.7%
6	128	73.4%	45.3%	43.0%
7	86	75.6%	46.5%	46.5%
8	84	77.4%	53.6%	46.4%
9	122	82.8%	54.9%	54.1%
10	55	85.5%	63.6%	60.0%
More than 10	398	82.2%	59.3%	55.5%
Criminal History Category				
CHC I	1,144	43.1%	24.8%	21.8%
CHC II	313	60.7%	38.3%	32.3%
CHC III	369	70.2%	44.4%	37.4%
CHC IV	247	79.8%	52.2%	50.2%
CHC V	141	77.3%	58.9%	51.8%
CHC VI	178	87.1%	62.4%	60.1%
Career Offender/Armed Career Criminal	170	79.4%	52.9%	51.8%

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

APPENDIX A: ADDITIONAL FINDINGS

Rearrest, Reconviction, and Reincarceration Rates Across Selected Variables
Violent Instant Offenders
Sentence Imposed

	Total	Rearrest %	Reconviction %	Reincarceration %
Sentence Type				
Probation	169	44.4%	27.2%	17.2%
Prison	2,415	61.3%	39.1%	35.5%
Length of Sentence				
Up to 24 Months	259	53.7%	34.0%	29.7%
24 to 59 Months	948	60.0%	37.8%	33.9%
60 to 119 Months	765	65.0%	41.8%	38.0%
120 Months or More	442	62.2%	40.3%	38.0%
Sentence Relative to the Guideline Range				
Within Range	1,758	61.2%	39.8%	36.2%
Above Range	52	75.0%	46.2%	48.1%
5K1.1 Departure	354	55.9%	33.3%	26.6%
Other Government Sponsored Below Range	53	54.7%	30.2%	24.5%
Non-Government Sponsored Below Range	294	55.1%	34.4%	31.0%

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

Rearrest, Reconviction, and Reincarceration Rates Across Selected Variables
Violent Instant Offenders
Offender Characteristics

	Total	Rearrest %	Reconviction %	Reincarceration %
Age at Sentencing				
Younger than 26	802	71.2%	48.4%	42.6%
26 to 30	446	63.9%	40.8%	36.6%
31 to 35	398	62.1%	40.5%	37.2%
36 to 40	330	62.7%	41.2%	36.7%
41 to 50	415	46.8%	24.6%	23.4%
Older than 50	200	28.0%	13.0%	9.5%
Age at Release				
Younger than 26	359	70.8%	50.4%	45.1%
26 to 30	441	69.4%	41.7%	36.3%
31 to 35	469	61.6%	39.7%	34.3%
36 to 40	375	62.9%	43.7%	41.3%
41 to 50	599	59.3%	36.9%	33.2%
Older than 50	348	34.5%	17.0%	15.2%
Gender				
Male	2,421	61.4%	39.1%	35.3%
Female	175	42.9%	28.0%	20.6%
Race/Ethnicity				
White	1,207	49.5%	31.0%	27.1%
Black	856	70.6%	46.0%	40.2%
Hispanic	210	60.5%	32.9%	29.1%
Other	322	72.1%	49.4%	49.4%

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

**Number of Recidivism Study Offenders by Fiscal Year Sentenced
Violent Prior Offenders**

Fiscal Year Sentenced	N	%
1991	36	0.5%
1992	63	0.9%
1993	83	1.1%
1994	71	1.0%
1995	89	1.2%
1996	131	1.8%
1997	197	2.7%
1998	255	3.4%
1999	301	4.1%
2000	473	6.4%
2001	662	8.9%
2002	815	11.0%
2003	1,349	18.2%
2004	1,454	19.6%
2005	1,270	17.1%
2006	159	2.2%
TOTAL	7,408	100.0%

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

Rearrest, Reconviction, and Reincarceration Rates Across Selected Variables
Violent Prior Offenders
Criminal History

	Total	Rearrest %	Reconviction %	Reincarceration %
Total	7,408	65.1%	41.3%	34.1%
Criminal History Points				
0	1,145	41.1%	21.8%	16.2%
1	764	51.6%	30.9%	22.0%
2	450	59.1%	32.4%	24.2%
3	628	60.4%	35.4%	25.6%
4	584	62.8%	38.5%	30.5%
5	436	68.4%	42.9%	37.8%
6	599	68.6%	41.7%	33.6%
7	329	72.3%	44.4%	36.5%
8	387	76.5%	52.2%	44.4%
9	396	77.5%	52.3%	45.7%
10	257	80.9%	51.4%	45.9%
More than 10	1,391	83.1%	60.4%	54.2%
Criminal History Category				
CHC I	1,913	45.4%	25.3%	18.5%
CHC II	1,086	59.9%	34.2%	24.8%
CHC III	1,579	66.6%	41.1%	33.8%
CHC IV	1,031	76.5%	51.4%	44.1%
CHC V	637	80.7%	56.0%	50.9%
CHC VI	814	85.3%	62.5%	56.1%
Career Offender/Armed Career Criminal	323	72.8%	46.8%	39.6%

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

APPENDIX A: ADDITIONAL FINDINGS

Rearrest, Reconviction, and Reincarceration Rates Across Selected Variables
Violent Prior Offenders
Sentence Imposed

	Total	Rearrest %	Reconviction %	Reincarceration %
Sentence Type				
Probation	816	51.4%	29.7%	20.0%
Prison	6,570	66.7%	42.8%	35.8%
Length of Sentence				
Up to 24 Months	1,460	65.8%	41.4%	35.0%
24 to 59 Months	2,551	69.5%	45.8%	39.2%
60 to 119 Months	1,579	66.8%	42.9%	34.4%
120 Months or More	975	60.9%	36.5%	30.7%
Sentence Relative to the Guideline Range				
Within Range	4,835	66.8%	42.5%	35.6%
Above Range	77	59.7%	44.2%	45.5%
5K1.1 Departure	1,649	62.8%	38.9%	30.6%
Other Government Sponsored Below Range	109	69.7%	46.8%	45.9%
Non-Government Sponsored Below Range	568	58.3%	37.7%	28.7%

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

Rearrest, Reconviction, and Reincarceration Rates Across Selected Variables
Violent Prior Offenders
Offender Characteristics

	Total	Rearrest %	Reconviction %	Reincarceration %
Age at Sentencing				
Younger than 26	1,560	78.3%	55.3%	45.0%
26 to 30	1,579	73.1%	46.0%	38.5%
31 to 35	1,266	66.3%	43.7%	36.4%
36 to 40	1,062	65.1%	40.3%	31.7%
41 to 50	1,289	53.6%	29.7%	24.6%
Older than 50	640	34.4%	16.4%	15.6%
Age at Release				
Younger than 26	678	80.5%	60.5%	49.7%
26 to 30	1,323	78.2%	52.2%	42.4%
31 to 35	1,575	69.2%	43.9%	36.7%
36 to 40	1,208	64.5%	40.3%	31.9%
41 to 50	1,687	60.8%	36.5%	30.4%
Older than 50	925	37.1%	17.7%	16.3%
Gender				
Male	6,738	66.3%	42.1%	35.3%
Female	668	52.4%	32.9%	22.8%
Race/Ethnicity				
White	2,606	58.9%	38.0%	31.2%
Black	3,562	69.2%	42.9%	35.1%
Hispanic	1,035	66.8%	44.1%	37.1%
Other	196	63.3%	42.9%	38.8%

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

**Number of Recidivism Study Offenders by Fiscal Year Sentenced
All Violent Offenders**

Fiscal Year Sentenced	N	%
1991	67	0.7%
1992	125	1.3%
1993	151	1.5%
1994	119	1.2%
1995	151	1.5%
1996	215	2.2%
1997	304	3.0%
1998	391	3.9%
1999	455	4.6%
2000	667	6.7%
2001	919	9.2%
2002	1,152	11.5%
2003	1,770	17.7%
2004	1,792	17.9%
2005	1,538	15.4%
2006	188	1.9%
TOTAL	10,004	100.0%

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

Rearrest, Reconviction, and Reincarceration Rates Across Selected Variables
All Violent Offenders
Criminal History

	Total	Rearrest %	Reconviction %	Reincarceration %
Total	10,004	63.8%	40.6%	34.2%
Criminal History Points				
0	2,008	40.6%	22.2%	17.9%
1	1,050	51.9%	31.0%	23.3%
2	581	60.1%	33.4%	25.5%
3	810	59.8%	35.9%	27.2%
4	737	64.7%	40.7%	31.8%
5	537	67.4%	41.3%	36.3%
6	727	69.5%	42.4%	35.2%
7	415	73.0%	44.8%	38.6%
8	471	76.7%	52.4%	44.8%
9	518	78.8%	52.9%	47.7%
10	312	81.7%	53.5%	48.4%
More than 10	1,789	82.9%	60.2%	54.5%
Criminal History Category				
CHC I	3,057	44.5%	25.1%	19.7%
CHC II	1,399	60.1%	35.1%	26.5%
CHC III	1,948	67.3%	41.7%	34.5%
CHC IV	1,278	77.2%	51.6%	45.3%
CHC V	778	80.1%	56.6%	51.0%
CHC VI	992	85.6%	62.5%	56.9%
Career Offender/Armed Career Criminal	493	75.1%	48.9%	43.8%

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

APPENDIX A: ADDITIONAL FINDINGS

Rearrest, Reconviction, and Reincarceration Rates Across Selected Variables
All Violent Offenders
Sentence Imposed

	Total	Rearrest %	Reconviction %	Reincarceration %
Sentence Type				
Probation	985	50.2%	29.2%	19.5%
Prison	8,985	65.3%	41.8%	35.8%
Length of Sentence				
Up to 24 Months	1,719	63.9%	40.3%	34.2%
24 to 59 Months	3,499	67.0%	43.6%	37.8%
60 to 119 Months	2,344	66.2%	42.6%	35.6%
120 Months or More	1,417	61.3%	37.7%	33.0%
Sentence Relative to the Guideline Range				
Within Range	6,593	65.3%	41.7%	35.7%
Above Range	129	65.9%	45.0%	46.5%
5K1.1 Departure	2,003	61.6%	37.9%	29.9%
Other Government Sponsored Below Range	162	64.8%	41.4%	38.9%
Non-Government Sponsored Below Range	862	57.2%	36.5%	29.5%

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

Rearrest, Reconviction, and Reincarceration Rates Across Selected Variables
All Violent Offenders
Offender Characteristics

	Total	Rearrest %	Reconviction %	Reincarceration %
Age at Sentencing				
Younger than 26	2,362	75.9%	53.0%	44.2%
26 to 30	2,025	71.1%	44.8%	38.1%
31 to 35	1,664	65.3%	42.9%	36.6%
36 to 40	1,392	64.5%	40.5%	32.9%
41 to 50	1,704	51.9%	28.5%	24.3%
Older than 50	840	32.9%	15.6%	14.2%
Age at Release				
Younger than 26	1,037	77.2%	57.0%	48.1%
26 to 30	1,764	76.0%	49.6%	40.9%
31 to 35	2,044	67.5%	43.0%	36.2%
36 to 40	1,583	64.1%	41.1%	34.1%
41 to 50	2,286	60.4%	36.6%	31.2%
Older than 50	1,273	36.4%	17.5%	16.0%
Gender				
Male	9,159	65.0%	41.3%	35.3%
Female	843	50.4%	31.9%	22.3%
Race/Ethnicity				
White	3,813	56.0%	35.8%	29.9%
Black	4,418	69.4%	43.5%	36.1%
Hispanic	1,245	65.7%	42.2%	35.7%
Other	518	68.7%	46.9%	45.4%

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

**Number of Recidivism Study Offenders by Fiscal Year Sentenced
Non-Violent Offenders**

Fiscal Year Sentenced	N	%
1991	32	0.2%
1992	70	0.5%
1993	80	0.5%
1994	82	0.5%
1995	110	0.7%
1996	162	1.1%
1997	245	1.6%
1998	323	2.1%
1999	369	2.4%
2000	554	3.6%
2001	887	5.8%
2002	1,382	9.0%
2003	2,615	17.0%
2004	3,420	22.2%
2005	4,387	28.4%
2006	709	4.6%
TOTAL	15,427	100.0%

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

Rearrest, Reconviction, and Reincarceration Rates Across Selected Variables
Non-Violent Offenders
Criminal History

	Total	Rearrest %	Reconviction %	Reincarceration %
Total	15,427	39.8%	23.3%	18.5%
Criminal History Points				
0	8,592	27.7%	14.3%	10.9%
1	1,923	44.2%	25.2%	18.5%
2	670	52.5%	31.9%	23.1%
3	1,028	47.2%	25.8%	20.8%
4	624	53.2%	34.1%	26.8%
5	504	58.9%	38.3%	31.8%
6	550	63.3%	39.1%	33.8%
7	278	68.4%	42.1%	37.1%
8	270	69.3%	46.7%	41.1%
9	190	69.0%	49.5%	41.6%
10	151	68.2%	47.0%	42.4%
More than 10	611	77.4%	57.8%	50.1%
Criminal History Category				
CHC I	10,524	30.7%	16.3%	12.3%
CHC II	1,685	49.4%	28.1%	21.8%
CHC III	1,663	58.6%	37.5%	31.1%
CHC IV	698	70.2%	47.1%	40.7%
CHC V	330	73.3%	51.2%	46.4%
CHC VI	352	81.8%	62.5%	53.1%
Career Offender/Armed Career Criminal	140	50.0%	32.9%	27.1%

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

APPENDIX A: ADDITIONAL FINDINGS

Rearrest, Reconviction, and Reincarceration Rates Across Selected Variables
Non-Violent Offenders
Sentence Imposed

	Total	Rearrest %	Reconviction %	Reincarceration %
Sentence Type				
Probation	3,769	31.2%	16.8%	11.5%
Prison	11,590	42.7%	25.4%	20.8%
Length of Sentence				
Up to 24 Months	3,746	41.1%	24.9%	20.7%
24 to 59 Months	4,524	44.0%	26.7%	21.5%
60 to 119 Months	2,208	44.1%	25.3%	20.3%
120 Months or More	1,104	39.6%	22.2%	18.9%
Sentence Relative to the Guideline Range				
Within Range	9,869	40.2%	23.5%	18.8%
Above Range	72	47.2%	36.1%	33.3%
5K1.1 Departure	3,328	39.2%	22.9%	17.4%
Other Government Sponsored Below Range	424	47.6%	28.3%	24.8%
Non-Government Sponsored Below Range	1,356	36.7%	20.6%	16.2%

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

Rearrest, Reconviction, and Reincarceration Rates Across Selected Variables
Non-Violent Offenders
Offender Characteristics

	Total	Rearrest %	Reconviction %	Reincarceration %
Age at Sentencing				
Younger than 26	3,601	60.7%	39.6%	32.3%
26 to 30	2,721	48.4%	29.0%	22.5%
31 to 35	2,231	40.3%	22.9%	17.3%
36 to 40	1,955	35.2%	19.0%	14.3%
41 to 50	2,865	26.3%	12.5%	10.2%
Older than 50	2,026	14.3%	6.2%	5.4%
Age at Release				
Younger than 26	2,347	61.9%	41.3%	33.2%
26 to 30	2,561	52.8%	32.8%	26.2%
31 to 35	2,540	45.4%	26.3%	20.0%
36 to 40	2,179	37.6%	20.4%	15.7%
41 to 50	3,265	29.8%	15.0%	12.1%
Older than 50	2,507	15.2%	6.7%	5.8%
Gender				
Male	11,599	42.0%	25.0%	20.1%
Female	3,821	33.3%	18.0%	13.5%
Race/Ethnicity				
White	7,286	34.2%	20.0%	15.5%
Black	4,199	48.1%	27.9%	22.3%
Hispanic	3,267	42.7%	25.1%	20.4%
Other	661	34.2%	20.6%	17.6%

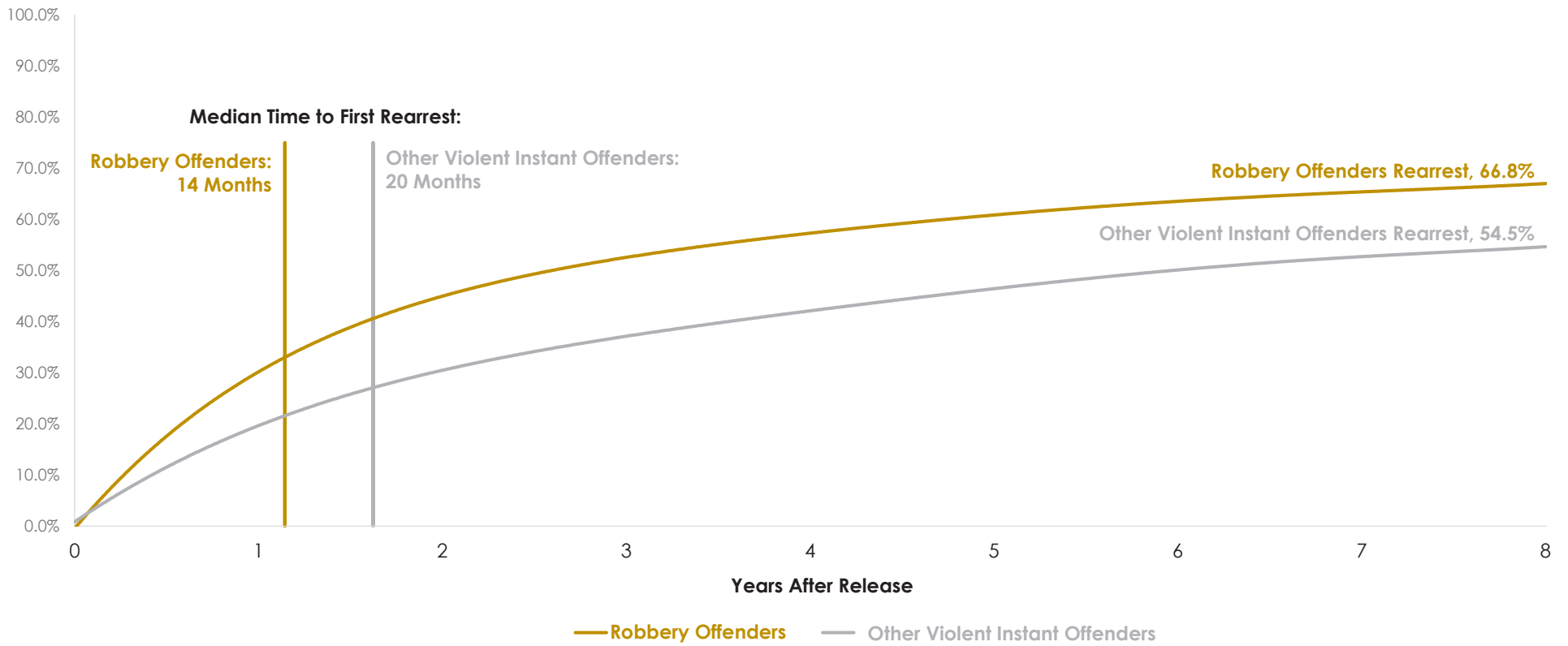
SOURCE: U.S. Sentencing Commission 2005 Recidivism Cohort Datafile, VIOLENT_RECID. Totals may not sum to 100.0% due to rounding.

Appendix B

Robbery Offenders

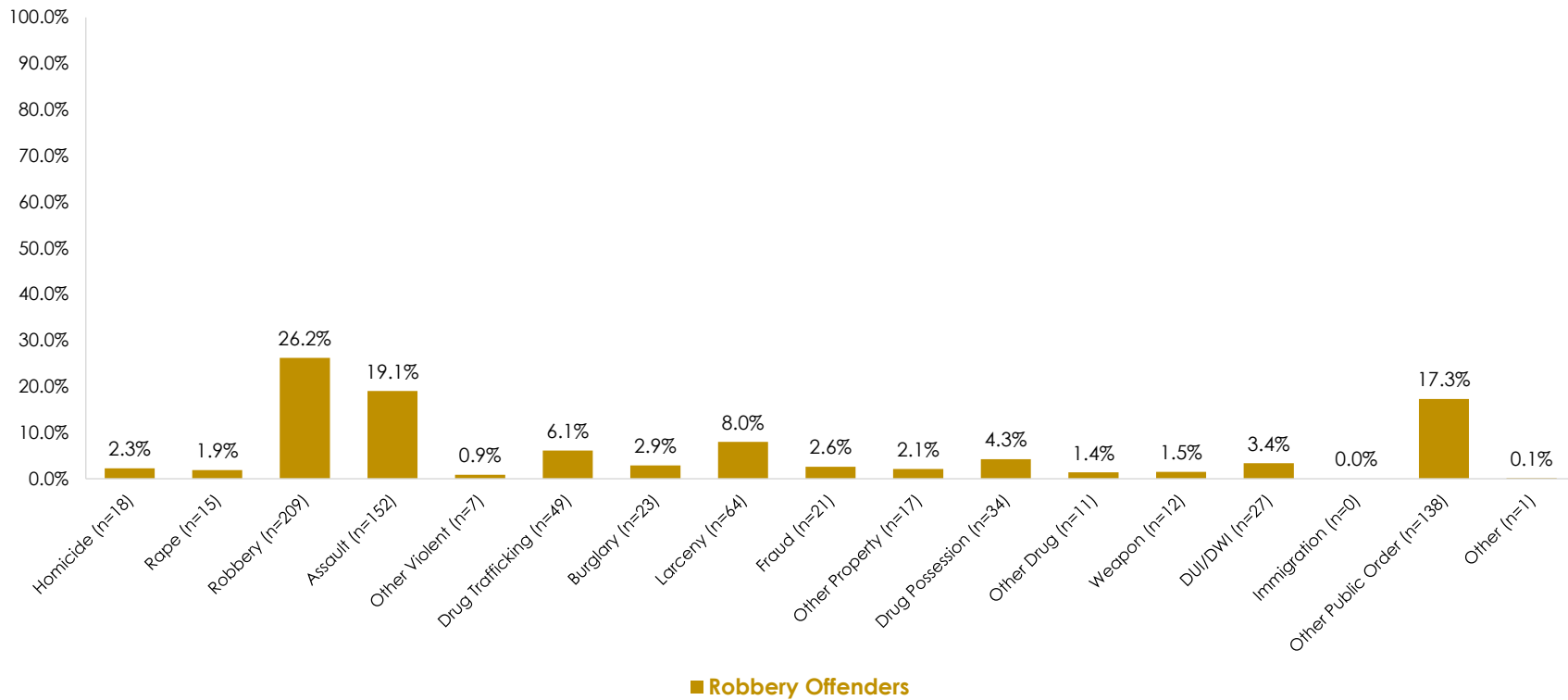
APPENDIX B: ROBBERY OFFENDERS

Figure B.1. Time to First Rearrest of Robbery and Other Violent Instant Offenders



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

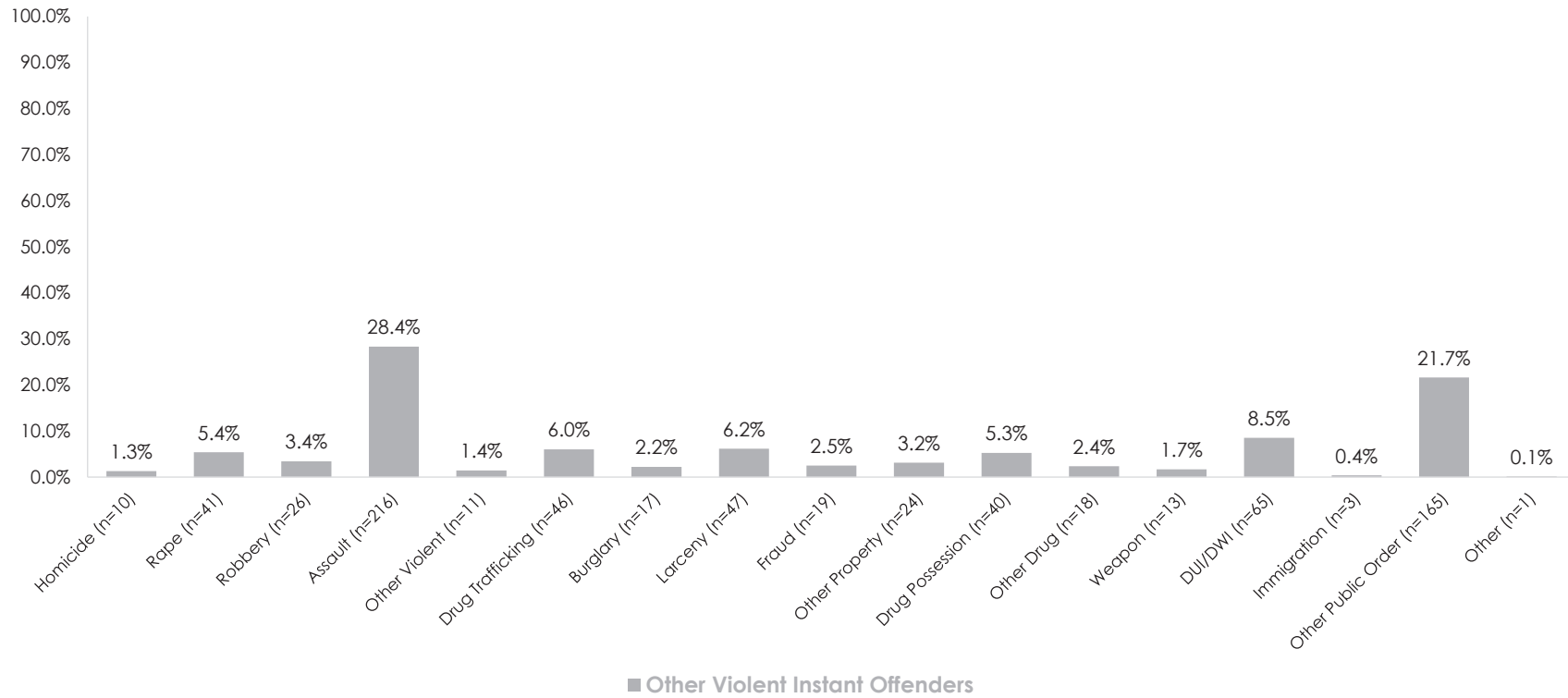
Figure B.2. Most Serious Offense at Rearrest of Robbery Offenders



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

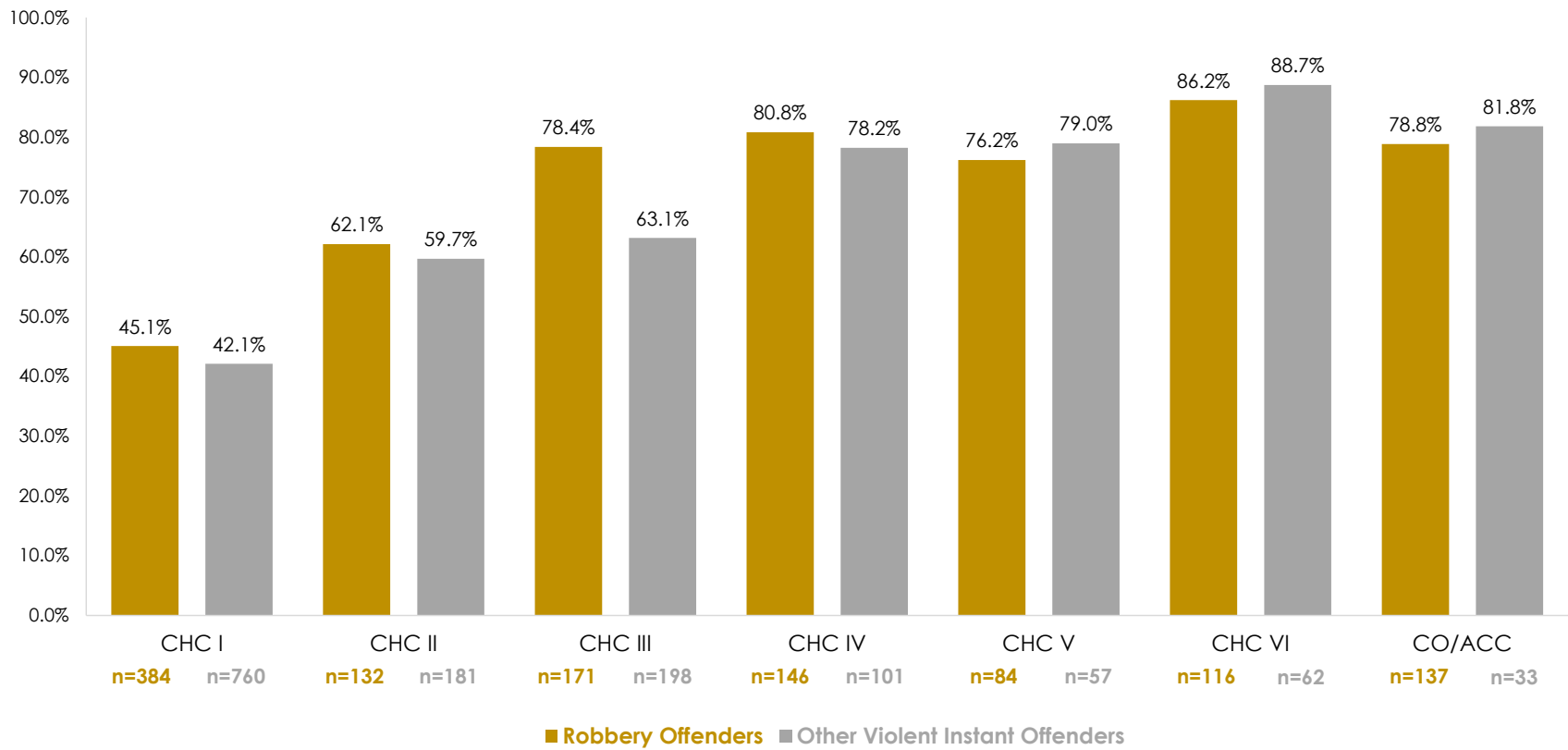
APPENDIX B: ROBBERY OFFENDERS

Figure B.3. Most Serious Offense at Rearrest of Other Violent Instant Offenders



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

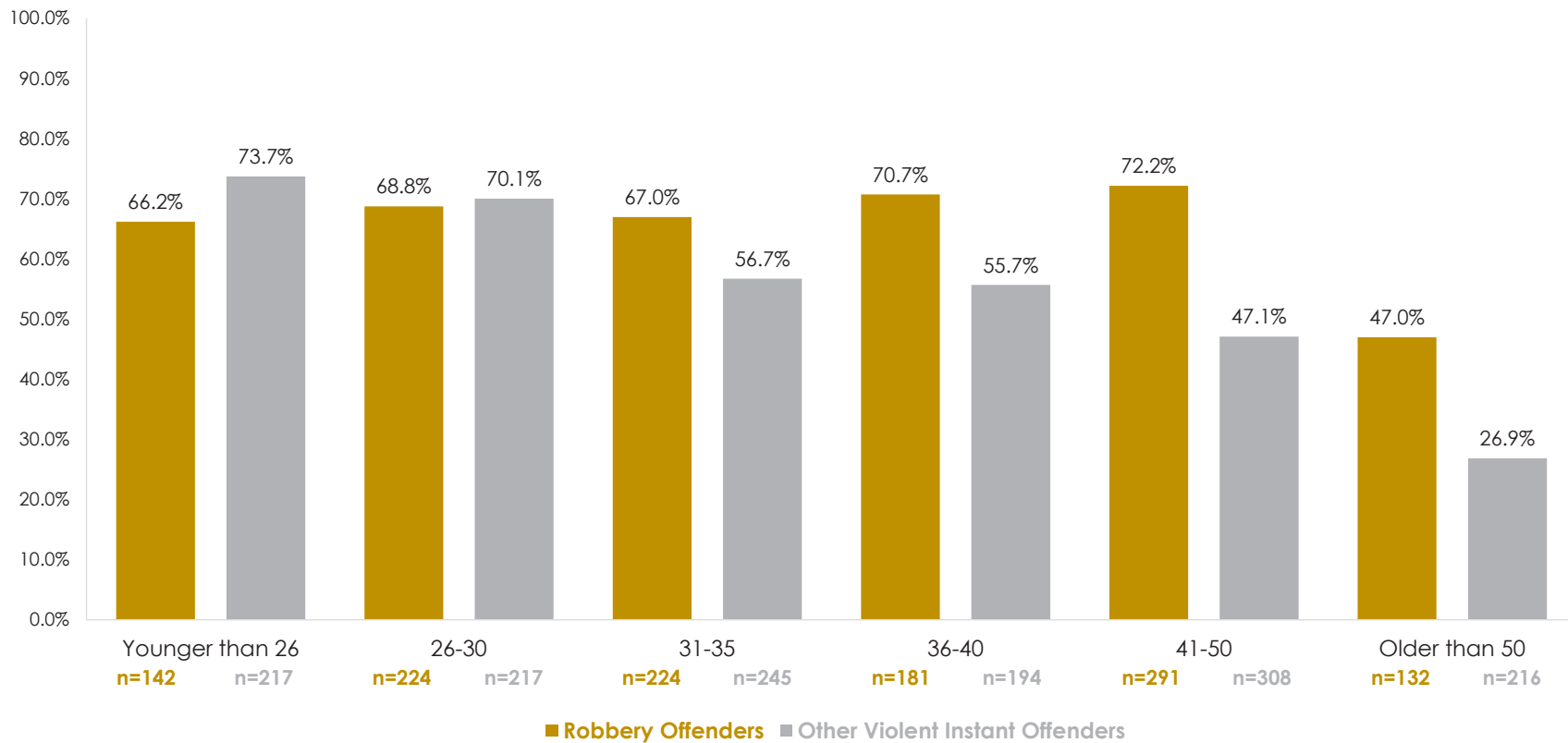
Figure B.4. Rearrest Rates for Robbery and Other Violent Instant Offenders by Criminal History Category



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

APPENDIX B: ROBBERY OFFENDERS

Figure B.5. Rearrest Rates for Robbery and Other Violent Instant Offenders by Age at Release



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