



RECIDIVISM OF FEDERAL DRUG TRAFFICKING OFFENDERS RELEASED IN 2010

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TABLE OF CONTENTS



1	INTRODUCTION
5	Key Findings
7	Scope of Analysis
10	DRUG TRAFFICKING OFFENSES AND THE SENTENCING PROCESS
15	DRUG TRAFFICKING OFFENDERS AND ALL OTHER OFFENDERS
38	PRIMARY DRUG TYPES
50	COMPARISON WITH THE 2005 RELEASE COHORT
54	CONCLUSION
57	APPENDICES
58	Appendix A - Methodology
64	Appendix B - Crack Cocaine
77	Appendix C - Marijuana
90	Appendix D - Powder Cocaine
103	Appendix E - Methamphetamine
116	Appendix F - Heroin
129	ENDNOTES

INTRODUCTION

INTRODUCTION

This report provides an analysis of data on the recidivism of federal drug trafficking offenders released from incarceration or sentenced to a term of probation in calendar year 2010.

This report is part of a new series that continues the United States Sentencing Commission's recidivism research. Through this series of reports, the Commission examines the recidivism of 32,135 U.S. citizen offenders who re-entered the community in 2010. In this report, the Commission analyzes data on the recidivism of federal drug trafficking offenders released from prison or sentenced to a term of probation in calendar year 2010. The analysis combines data regularly collected by the Commission with Federal Bureau of Investigation (FBI) criminal history records from all state and federal agencies for the offenders in the study.

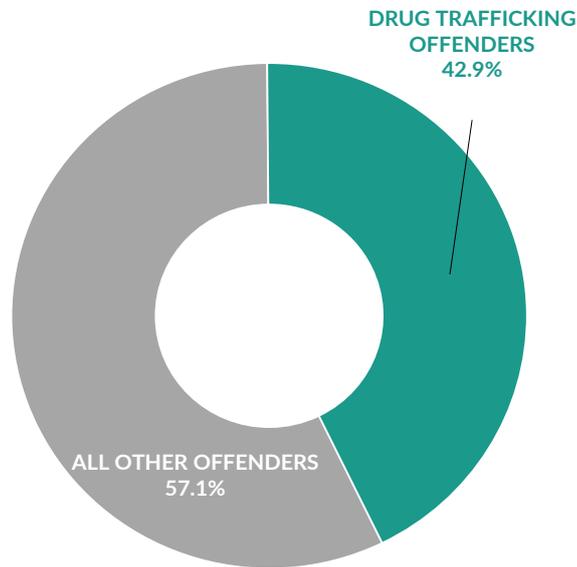
Recidivism has been an ongoing research priority for the Commission, both in its development of the original sentencing guidelines and as part of its continuing duty to collect, analyze, and report sentencing data.¹ In 2013, the Commission began a multi-year study of the recidivism of federal offenders. As

part of this study, in 2016, the Commission published *Recidivism Among Federal Offenders: A Comprehensive Overview*, which described the history of recidivism research done by the Commission and outlined, among other findings from the study, the clear relationship between recidivism and an offender's age and criminal history.² In 2017, the Commission published *Recidivism Among Federal Drug Trafficking Offenders*, which provided an analysis of recidivism of federal drug trafficking offenders released in calendar year 2005.³ In 2021, the Commission published the first of the new series of reports, *Recidivism of Federal Offenders Released in 2010*, which outlines overall recidivism findings for the 32,135 offenders released in 2010.⁴

Recidivism Among Federal Drug Trafficking Offenders

This report provides an analysis of 13,783 federal drug trafficking offenders who were released from prison or sentenced to probation in calendar

Figure 1. Percentage of Federal Drug Trafficking Offenders and All Other Offenders Released in 2010



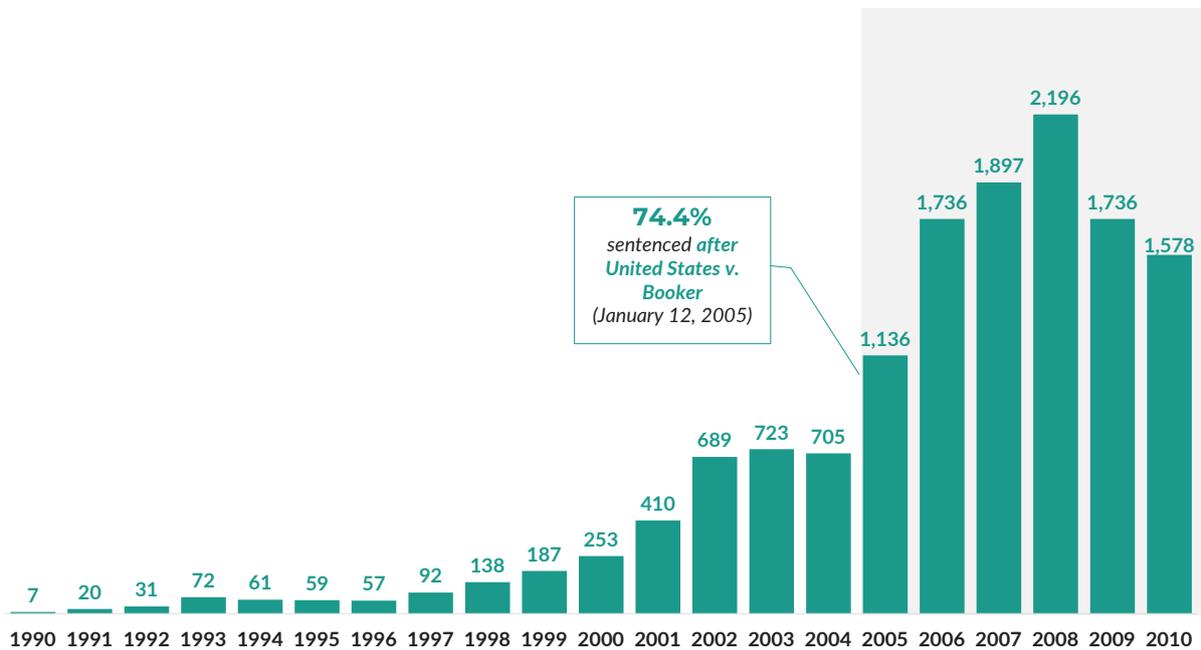
year 2010. These 13,783 offenders represent 42.9 percent of the 32,135 federal offenders who re-entered the community in calendar year 2010 (Figure 1). Using rearrest data, this report analyzes recidivism outcomes for these offenders in the eight years following their re-entry into the community.

This analysis provides an opportunity to examine recidivism in the context of major changes in federal sentencing and supervision.⁵ First, in 2005, the Supreme Court rendered the sentencing guidelines advisory in *United States v. Booker*.⁶ While drug trafficking offenders in this study were sentenced between 1990 and 2010 (Figure 2), almost three-quarters (74.4%) were sentenced after the *Booker* decision. Therefore, the

majority of the offenders in this study were sentenced under the advisory guideline system that increased judicial discretion to impose sentences outside of the guidelines. Second, in 2009, the Administrative Office of the United States Courts (AO) began implementing new evidence-based practices in offender supervision.⁷ For example, the Federal Probation and Pretrial Services Office (PPSO) adopted the Federal Post Conviction Risk Assessment (PCRA), a risk assessment tool that incorporates criminogenic factors related to recidivism to improve supervision outcomes.⁸

Additionally, as discussed further below, significant changes to the guidelines for drug trafficking offenders took place during the study period.⁹ In 2007, the

Figure 2. Calendar Year of Original Sentencing for Federal Drug Trafficking Offenders Released in 2010



Commission amended the guidelines to reduce by two levels the base offense levels for each quantity of crack cocaine.¹⁰ Subsequently, the Commission voted to give retroactive effect to the guideline amendment, which reduced penalties for offenders incarcerated for crack offenses.¹¹

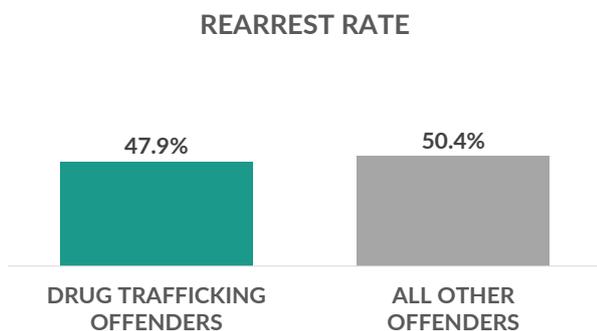
This study was not designed to measure the effects of these sentencing and supervision changes. Nevertheless, comparing the recidivism patterns of offenders released before and after these changes may provide some insight into the possible impact of increased judicial discretion, reduced penalties, and evidence-based supervision programs on recidivism.

This section summarizes key findings from the study and explains the scope of the analysis and how recidivism is defined and measured. The second section outlines the statutes and sentencing guidelines applicable to drug trafficking offenders and discusses changes in relevant law. Next, the third section describes the characteristics and rearrest patterns of drug trafficking offenders overall. The fourth section provides detailed information about offenders as classified by the primary drug types studied in this report: crack cocaine, marijuana, powder cocaine, methamphetamine, and heroin. Finally, the fifth section concludes with a review of the report's findings.

KEY FINDINGS

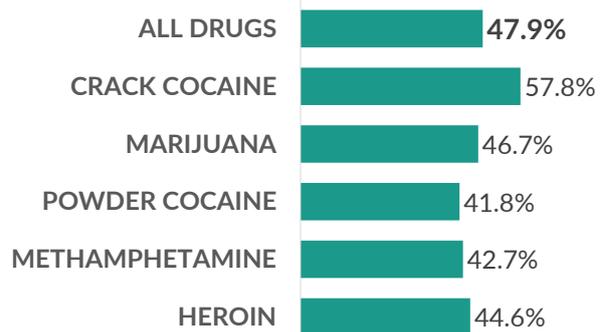
1 The rearrest rate for drug trafficking offenders released in 2010 was similar to the rate for those released in 2005 despite intervening changes in the criminal justice system: the Supreme Court’s decision in *Booker*, adjustments to sentencing of crack cocaine offenses, and increased use of evidence-based practices in federal supervision.

2 The rearrest rate for a new offense or an alleged violation of supervision conditions was similar for drug trafficking offenders (47.9%) as compared to all other offenders released in 2010 (50.4%).



3 Of those drug trafficking offenders released in 2010 who were rearrested, the median time from re-entry to the first rearrest was 23 months. By comparison, the median time from re-entry to the first rearrest for all other offenders was 16 months.

REARREST RATE BY PRIMARY DRUG TYPE

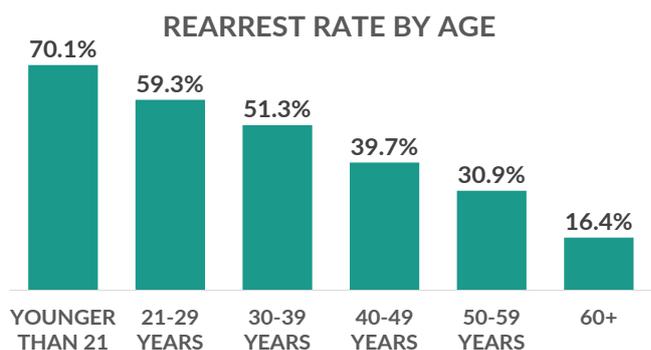


4 Crack cocaine trafficking offenders were rearrested at the highest rate (57.8%) of any drug type, while powder cocaine trafficking offenders were rearrested at the lowest rate (41.8%). Rearrest rates for other primary drug types ranged from 42.7 percent to 46.7 percent.

5 Approximately one-third (32.0%) of drug trafficking offenders who were rearrested had drug-related offenses (either drug trafficking, drug possession, or another drug offense) as their most serious new charge at rearrest.¹² Nearly one-fifth (19.9%) were charged with assault at rearrest.

6 Criminal history was strongly correlated with rearrest. Drug trafficking offenders' rearrest rates ranged from 29.9 percent for offenders with zero criminal history points to 74.9 percent for offenders with 13 or more criminal history points.

7 Age at release into the community also was strongly correlated with likelihood of rearrest. Drug trafficking offenders released prior to age 21 had the highest rearrest rate of 70.1 percent, while drug trafficking offenders who were 60 years or older at the time of release had the lowest rearrest rate of 16.4 percent.



8 Over an eight-year follow-up period, 47.9 percent of drug trafficking offenders in the 2010 release cohort were rearrested compared to 50.0 percent of drug trafficking offenders in the 2005 release cohort.¹³

SCOPE OF ANALYSIS

Offender Cohort

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

This report combines data regularly collected by the Commission¹⁴ with data compiled as part of a data sharing agreement with the FBI’s Criminal Justice Information Services Division.¹⁵ Through an agreement with the FBI, the Commission collected and processed criminal history records from all state and federal agencies for the offenders in the study.¹⁶ The Commission then combined this criminal record data with data routinely collected about these offenders when they were originally sentenced.

SUMMARY OF ANALYSIS

2010

YEAR OF RELEASE

32,135

TOTAL OFFENDERS STUDIED

13,783

DRUG TRAFFICKING OFFENDERS

8

YEAR FOLLOW-UP

The final study group was comprised of 32,135 offenders who satisfied the following criteria:

- United States citizens;
- Re-entered the community during 2010 after discharging their sentence of incarceration or by commencing a term of probation;
- Not reported dead, escaped, or detained;¹⁷
- Have valid FBI numbers that were located in criminal history repositories (in at least one state, the District of Columbia, or federal records).

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.”¹⁸ Recidivism data can provide policymakers with information regarding the relative threat to public safety posed by various types of offenders, and the effectiveness of public safety initiatives in deterring crime and rehabilitating offenders.¹⁹ Recidivism measures are used by numerous public safety agencies to measure program performance and inform policy decisions on issues such as pretrial detention, prisoner classification and programming, and offender supervision in the community.²⁰

Two measures are foundational to recidivism research, both of which can impact the outcomes of recidivism analyses. The first measure is the type of event used to indicate a relapse into criminal behavior. Recidivism typically

is measured by criminal acts that resulted in the rearrest, reconviction, or reincarceration of an offender.²¹ The Commission used rearrest for this study for several reasons. Rearrest is the most common measure used by federal agencies in recent recidivism studies.²² Federal agencies are using rearrest as the primary recidivism measure because it is a more reliable measure than reconviction and reincarceration due to the incomplete nature of disposition data.²³ Criminal records often fail to include reconvictions and reincarcerations because jurisdictions inconsistently report them. The records the Commission used to compile the data for this study reflect this inconsistency. For example, records for 44.1 percent of rearrest charges had no associated disposition information. For these reasons, the incomplete nature of disposition data used to identify reconviction and reincarceration events makes them unreliable measures of recidivism.

However, using rearrest does result in higher recidivism rates than reconviction or reincarceration. Not only are rearrests more consistently reported, but also the evidentiary standard for an arrest (probable cause) is less stringent than the evidentiary standard for a conviction and incarceration (beyond a reasonable doubt). Because not all arrests result in conviction or incarceration, rearrests can overstate recidivism.²⁴ The Commission's rearrest measure also includes arrests for alleged violations (or revocations) of supervised release, probation, or state parole, which also can contribute to increased overall recidivism rates. The Commission, however, excluded rearrests for minor traffic offenses.

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

the community. After a starting event—in this study, release from prison into the community or placement on probation—recidivism events are documented through the end of the follow-up period. Follow-up period length varies across recidivism studies. Due to limitations on available data, some studies follow offenders for as little as six months. Other studies follow offenders for several years. Tracking offenders for a longer duration provides a more accurate, and often higher, estimate of recidivism or desistance from crime.²⁵ The Commission used an eight-year follow-up period.²⁶ For offenders who recidivated during the study period, the analysis examines the elapsed time from release to rearrest as well as the types of offenses at rearrest. In addition, the report compares the recidivism outcomes of drug trafficking offenders released in 2010 to those released in 2005.

DRUG TRAFFICKING OFFENSES AND THE SENTENCING PROCESS

DRUG TRAFFICKING OFFENSES AND THE SENTENCING PROCESS

Statutory Scheme and Applicable Guidelines

The most commonly used federal drug trafficking statutes are found in chapter 13 (Drug Abuse Prevention and Control) of title 21 of the United States Code. These statutes prohibit the distribution, manufacture, importation, and exportation of controlled substances generally,²⁷ as well as more specific acts, such as maintaining drug-involved premises,²⁸ or using a communication facility to perform prohibited acts.²⁹ For some drug types and quantities, these statutes require mandatory minimum terms of imprisonment (most commonly of five, ten, or twenty years).³⁰ The statutory penalties may be enhanced further based on an offender's criminal record or if an offense resulted in death or serious bodily injury.³¹

During most of the study period, certain statutes penalized powder cocaine offenses and crack cocaine offenses based on vastly disparate quantities—namely, requiring 100 times more powder cocaine (500 grams and 5 kilograms, respectively) than crack cocaine (5 grams and 50 grams, respectively) to trigger the same five- and

ten-year mandatory minimum penalties (sometimes referred to as the 100-to-1 drug quantity ratio).³² As discussed further below, in 2007 and 2008, the Commission partially addressed this disparity through two amendments that changed the *Guideline Manual's* treatment of crack cocaine offenses.³³ In addition, on August 3, 2010, Congress passed the Fair Sentencing Act of 2010, which increased the threshold quantities of crack cocaine that resulted in the five- and ten-year mandatory minimum penalties to 28 and 280 grams, respectively, resulting in an 18-to-1 drug quantity ratio.³⁴ This change in law occurred at the end of the study period; 76 of the 4,140 crack cocaine trafficking offenders in the study were sentenced after the statute's effective date.³⁵

Offenders convicted of drug trafficking offenses are sentenced under various guidelines in Chapter Two, Part D of the *Guidelines Manual*. The principal drug trafficking guideline is §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy).³⁶ In addition to §2D1.1, drug trafficking

offenders in this study were sentenced under six other guidelines.³⁷ For example, §2D1.2 (Drug Offenses Occurring Near Protected Locations or Involving Underage or Pregnant Individuals; Attempt or Conspiracy) applies when an offender is convicted under one of several statutes prohibiting the sale of drugs at certain locations or to specified classes of persons.³⁸

Guideline Range

An offender's sentencing guideline range, expressed in months, is determined by two components: offense level and criminal history category. As discussed further below, the offense level is calculated by using the base offense level (BOL) for the applicable guideline (e.g., §2D1.1) and then adjusting upward or downward based on various factors. The criminal history category (CHC) is determined by the extent of an offender's criminal history. The *Guidelines Manual* Sentencing Table combines these two data points in a grid that sets forth recommended sentencing ranges.³⁹ For example, the guideline range for an offender with offense level 12 in CHC II is 12–18 months.⁴⁰

Until 2005, courts were required to impose sentences within the applicable guideline range unless they found an aggravating or mitigating circumstance of a kind or to a degree not adequately taken into consideration by the Commission in formulating the guidelines.⁴¹ In 2005,

in *United States v. Booker*, the Supreme Court rendered the sentencing guidelines “effectively advisory,” meaning that courts had increased discretion to sentence outside the guideline range.⁴² Almost three-quarters (74.4%) of the drug trafficking offenders in the study cohort were sentenced after the *Booker* decision.⁴³

Following *Booker*, in 2007, the Supreme Court held that the guidelines applicable to cocaine offenses—like all guidelines—are advisory only, and that a sentencing judge may consider the guidelines' disparate treatment of crack and powder cocaine offenses, which historically followed the 100-to-1 ratio, when determining whether a within-guideline sentence serves the purposes of sentencing.⁴⁴ Subsequently, in 2009, the Supreme Court clarified that a district court may vary categorically from the guidelines based on a policy disagreement with the guidelines' disparate treatment of crack and powder cocaine offenses even without finding individualized mitigating circumstances.⁴⁵ Certain drug trafficking offenders in the study cohort who were sentenced after *Booker* may have received below-guideline sentences based on such policy disagreements.

Base Offense Level

The quantity of drugs attributable to a drug trafficking offender often determines the BOL.⁴⁶ Specifically, §2D1.1(c) provides a Drug Quantity Table that sets forth BOLs for many offenders

based on drug type and quantity.⁴⁷ The other guidelines included in this report reference §2D1.1 and the Drug Quantity Table in setting BOLs for certain offenders.⁴⁸

During the years in which the offenders in this study were sentenced,⁴⁹ the quantity thresholds in the Drug Quantity Table provided BOLs generally corresponding to guideline ranges that were slightly above the statutory mandatory minimum penalties.⁵⁰ For example, offenses involving drug quantities that triggered a five-year statutory minimum were assigned a BOL of 26, which corresponded to a sentencing guideline range of 63 to 78 months for an offender in CHC I (*i.e.*, a range that exceeded the statutory minimum by at least three months).⁵¹

Notably, in 2007, the Commission partially addressed the 100-to-1 drug quantity ratio by amending the Drug Quantity Table to reduce by two levels the BOLs assigned for each quantity of crack cocaine.⁵² Following the amendment, which became effective on November 1, 2007, BOLs for crack cocaine offenses corresponded to guideline ranges that included, rather than exceeded, the statutory mandatory minimum penalties.⁵³ As a result, crack cocaine trafficking offenders in the study cohort who were sentenced before the 2007 amendment were subject to different BOLs than those sentenced afterward. The Commission also

gave retroactive effect to the amendment as of March 3, 2008, meaning that judges could consider motions to reduce terms of imprisonment for those sentenced under the previous guidelines.⁵⁴ Offenders in the study cohort who were sentenced before November 1, 2007, may have sought such relief.

Weapon Involvement/ Aggravating and Mitigating Role

An offender's conduct or role in the offense may result in increases or decreases to the offense level. This report examines three such factors: weapon involvement, aggravating role, and mitigating role. With respect to weapon involvement, offenders sentenced under §2D1.1 are subject to a two-level increase if a dangerous weapon (including a firearm) was possessed.⁵⁵ In addition, offenders convicted under 18 U.S.C. § 924(c) for use of a firearm in connection with a drug trafficking offense are subject to an additional statutory minimum penalty.⁵⁶

As to role adjustments, §3B1.1 (Aggravating Role) provides for an upward adjustment of two to four offense levels if the offender was an organizer, leader, manager, or supervisor of any criminal activity.⁵⁷ Relatedly, §3B1.2 (Mitigating Role) provides for a downward adjustment of two to four offense levels if the offender was a minor or minimal participant in any criminal activity.⁵⁸

Criminal History Category

Chapter Four of the *Guidelines Manual* provides for the calculation of a criminal history score based primarily on the type of sentence and length of any prior sentence of imprisonment, among other considerations. The guidelines provide rules to determine the total number of criminal history points applicable to an offender's prior convictions, which, in turn, determine the offender's CHC in the Sentencing Table. For example, three points are assigned for each prior sentence of imprisonment exceeding one year and one month.⁵⁹ In addition to points for prior sentences, two additional points are added if the defendant committed the instant offense while under any criminal justice sentence, such as probation.⁶⁰ The total number of criminal history points determines the offender's CHC, ranging from I to VI.

Safety Valve/Substantial Assistance

Drug trafficking offenders convicted of an offense carrying a mandatory minimum penalty may be sentenced below the term required by statute in two circumstances. First, an offender who meets a set of mitigating criteria receives a two-level reduction in guideline offense level⁶¹ and may receive a "safety valve" reduction to be sentenced below a mandatory minimum penalty.⁶² The two-level guideline reduction also is available to qualifying offenders not convicted of offenses carrying a mandatory minimum penalty.⁶³

Second, if an offender provided substantial assistance in the investigation or prosecution of another person who committed an offense, the government may file a motion pursuant to 18 U.S.C. § 3553(e) requesting a sentence below the applicable mandatory minimum penalty.⁶⁴ The government also may file a motion under §5K1.1(Substantial Assistance to Authorities (Policy Statement)) requesting that the court depart from the applicable guideline range.⁶⁵ However, §5K1.1 does not independently authorize sentences below the mandatory minimum.⁶⁶

DRUG TRAFFICKING OFFENDERS AND ALL OTHER OFFENDERS

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Offender and Offense Characteristics

Demographics

Drug trafficking offenders and offenders sentenced for other crimes differ in several respects (Table 1). Black offenders constituted the largest proportion of drug trafficking offenders,

39.5 percent, followed by White offenders (33.7%). About one-quarter (23.4%) were Hispanic, while 3.4 percent were of another race. By contrast, White offenders (46.8%) constituted the largest proportion of all other offenders, followed by Black offenders (33.0%), Hispanic offenders (14.1%), and Other race offenders (6.1%).

Table 1. Demographic Characteristics for Federal Drug Trafficking Offenders and All Other Offenders Released in 2010

Demographic Characteristics	DRUG TRAFFICKING OFFENDERS	ALL OTHER OFFENDERS
Race/Ethnicity		
White	33.7%	46.8%
Black	39.5%	33.0%
Hispanic	23.4%	14.1%
Other	3.4%	6.1%
Gender		
Male	84.8%	81.2%
Female	15.2%	18.8%
Education		
Less than High School	41.3%	30.1%
High School Graduate	39.4%	37.7%
Some College	17.0%	22.9%
College Graduate	2.4%	9.3%
Age at Sentencing		
Average	33 Years	37 Years
Median	31 Years	35 Years
Age at Release		
Average	37 Years	39 Years
Median	35 Years	38 Years

A majority of drug trafficking offenders (84.8%) and offenders sentenced for other crimes (81.2%) were male. Approximately the same proportion of drug trafficking and all other offenders graduated high school (39.4% and 37.7%). A smaller percentage of drug trafficking offenders attended some college (17.0%) as compared to all other offenders (22.9%), and a lower percentage of drug trafficking offenders graduated from college (2.4%) as compared to all other offenders (9.3%). Finally, drug trafficking offenders were younger than offenders sentenced for other crimes at the time of release (median ages of 35 and 38, respectively).

Criminal History

The largest proportion of drug trafficking offenders, 30.4 percent, received no criminal history points, followed by one-point offenders (12.0%) and three-point offenders (8.6%) (Figure 3). The same distribution is reflected among all other offenders, where the largest proportion of offenders received no criminal history points (39.3%), followed by one-point offenders (8.3%) and three-point offenders (6.2%).

Figure 3. Criminal History Points for Federal Drug Trafficking Offenders and All Other Offenders Released in 2010

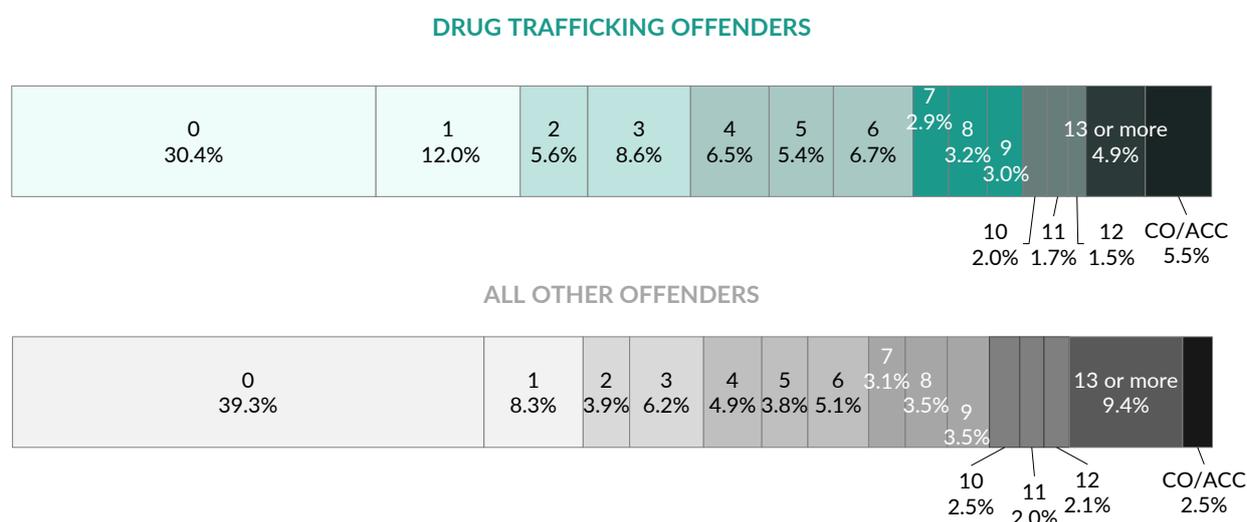
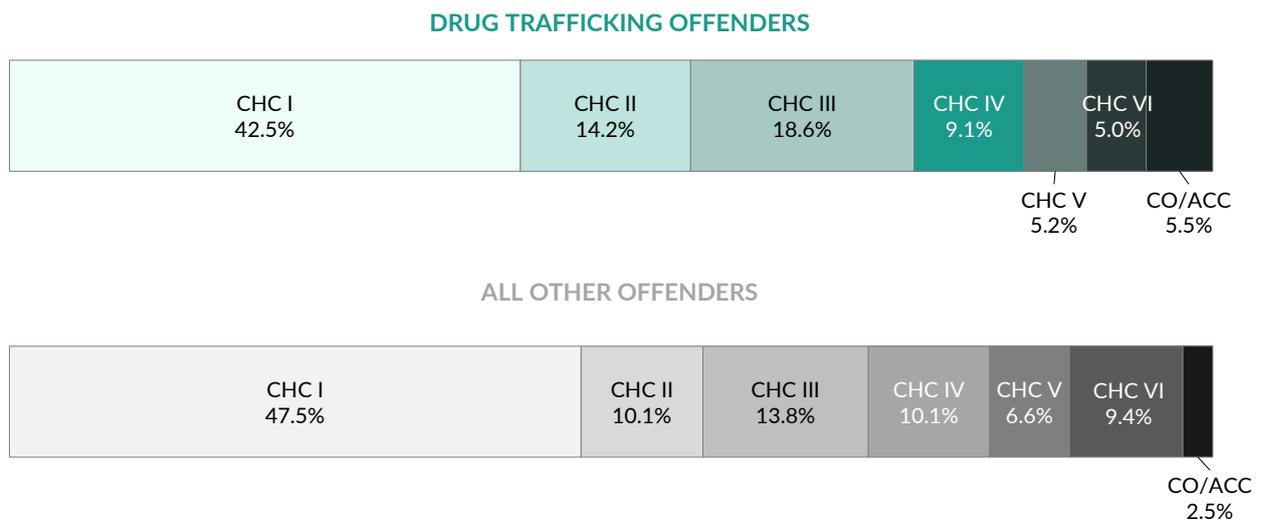


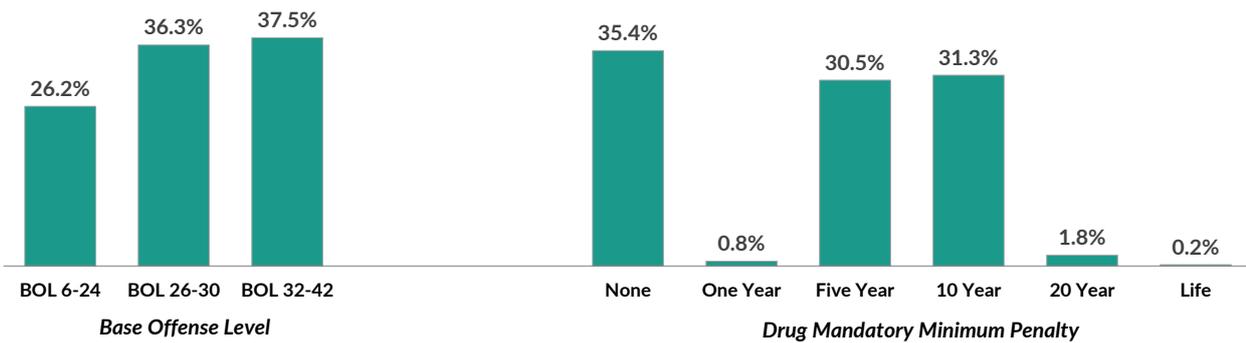
Figure 4. Criminal History Category for Federal Drug Trafficking Offenders and All Other Offenders Released in 2010



The most common criminal history category for both drug trafficking offenders and all other offenders was the lowest category, CHC I (42.5% and 47.5%, respectively) (Figure 4). A smaller proportion of drug trafficking offenders (5.0%) were classified in the highest category, CHC VI, as compared to all other offenders (9.4%). By contrast, a somewhat

greater proportion of drug trafficking offenders (5.5%) were designated as career offenders (CO) or armed career criminals (ACC) as compared to all other offenders (2.5%).⁶⁷ For the purposes of this study, CO and ACC offenders are treated as a separate criminal history group.⁶⁸

Figure 5. Base Offense Level and Drug Mandatory Minimum Penalties at Original Sentencing for Federal Drug Trafficking Offenders Released in 2010



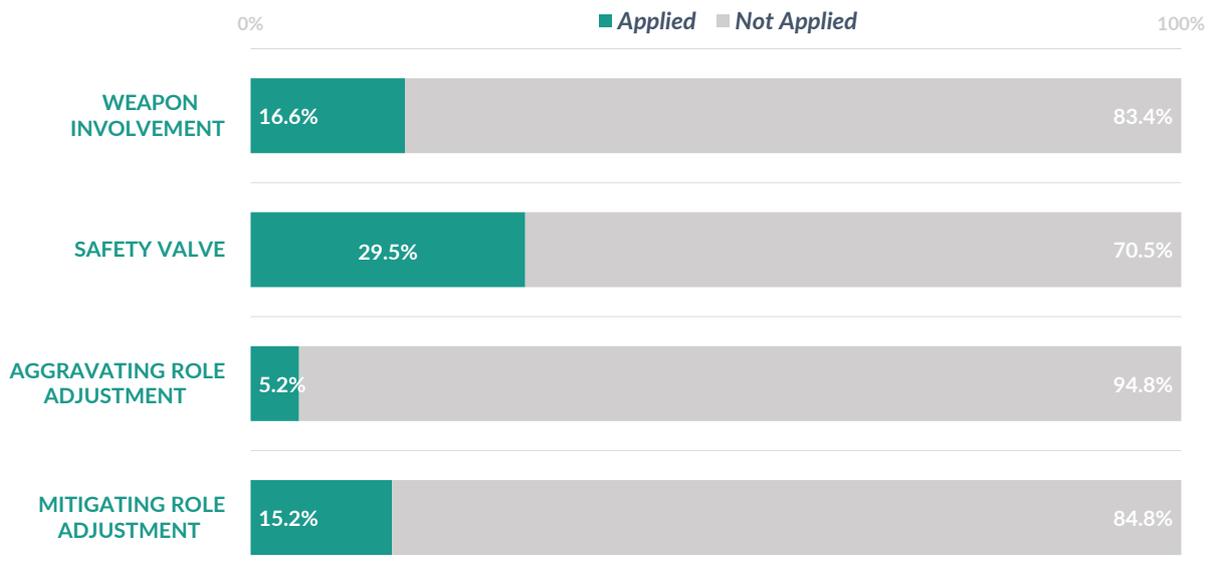
Sentences Originally Imposed

For purposes of this analysis, BOLs were grouped according to the drug quantities associated with the mandatory minimum penalties in effect at that time: BOL 6–24 (no mandatory minimum penalty, except for crack cocaine trafficking offenders sentenced after the 2007 amendment for whom BOL 24 corresponded to quantities of crack cocaine triggering a five-year statutory minimum); BOL 26–30 (five-year mandatory minimum penalty, except for crack cocaine trafficking offenders sentenced after the 2007 amendment for

whom BOL 30 corresponded to quantities of crack cocaine triggering a ten-year statutory minimum); and BOL 32–42 (ten-year mandatory minimum penalty).⁶⁹

Nearly equal proportions of all drug trafficking offenders had BOLs between 32 and 42 (37.5%) and between 26 and 30 (36.3%), while another quarter (26.2%) had BOLs between 6 and 24. Relatedly, almost two-thirds (64.6%) of drug trafficking offenders were convicted of a drug offense carrying a statutory mandatory minimum penalty; in nearly all those cases, the applicable mandatory minimum penalty was either five or ten years (Figure 5).⁷⁰

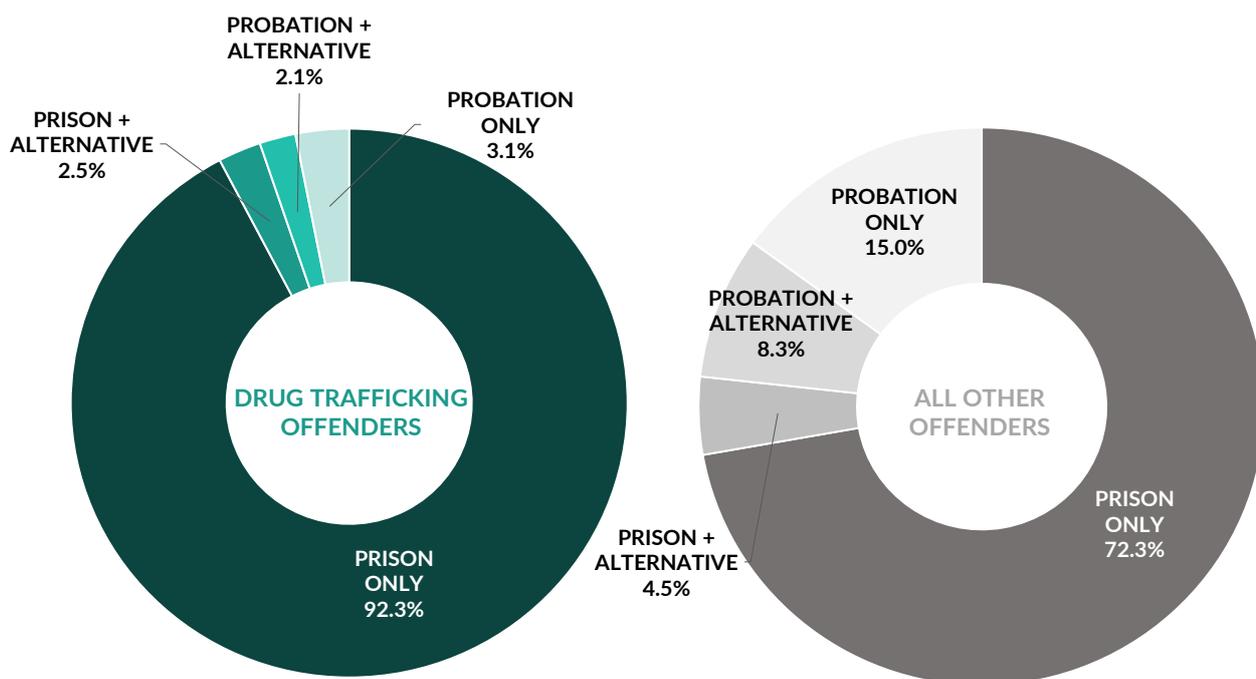
Figure 6. Selected Sentencing Factors for Federal Drug Trafficking Offenders Released in 2010



Less than one-fifth (16.6%) of all drug trafficking offenders received an enhancement for weapon involvement at sentencing (Figure 6).⁷¹ Almost 30 percent (29.5%) of all drug trafficking offenders received a safety valve reduction⁷² at their

original sentencing. A small percentage of offenders (5.2%) received an aggravating role adjustment, while offenders received a mitigating role adjustment at almost three times the rate (15.2%).

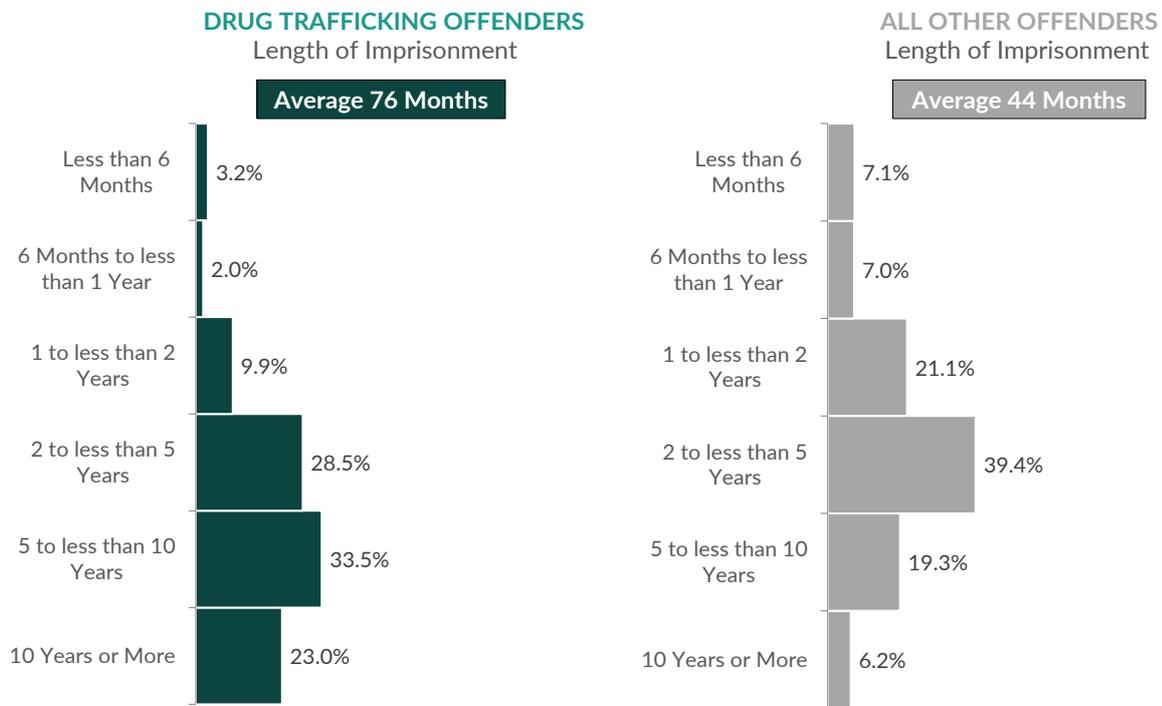
Figure 7. Type of Original Sentence Imposed for Federal Drug Trafficking Offenders and All Other Offenders Released in 2010



A greater percentage of drug trafficking offenders received a sentence of imprisonment as compared to all other offenders (Figure 7). Drug trafficking offenders were sentenced to a term of imprisonment at a rate of 94.8 percent

compared to 76.7 percent for all other offenders.⁷³ Conversely, drug trafficking offenders were less likely than offenders sentenced for other crimes to receive a sentence of probation (5.2% versus 23.3%, respectively).

Figure 8. Length of Imprisonment Imposed for Federal Drug Trafficking Offenders and All Other Offenders Released in 2010



On average, drug trafficking offenders received longer sentences than all other offenders. The average length of imprisonment imposed for all drug trafficking offenders was 76 months compared to 44 months for all other offenders (Figure 8). The largest proportion of drug trafficking offenders (33.5%) were sentenced to between five to less than ten years' imprisonment, whereas the largest proportion of all other offenders (39.4%) were sentenced to between two to less than five years. A substantially

larger proportion of drug trafficking offenders received sentences of greater than ten years' imprisonment compared to offenders sentenced for other crimes (23.0% versus 6.2%).⁷⁴

Drug trafficking offenders, compared to all other offenders, also received longer average sentences of probation (42 months compared to 38 months), and supervised release (50 months compared to 41 months).⁷⁵ The overwhelming majority of drug trafficking offenders (99.8%) and offenders sentenced

Table 2. Comparison of Overall Rearrest Findings for Federal Drug Trafficking Offenders and All Other Offenders Released in 2010

	DRUG TRAFFICKING OFFENDERS	ALL OTHER OFFENDERS
Percent Rearrested	47.9%	50.4%
Median Months to Rearrest	23 Months	16 Months
Median Number of Rearrests	2	3
Most Common Post Release Offense	Assault (19.9%)	Assault (21.3%)
Median Age at Release	33	34

for other crimes (99.2%) were sentenced to probation or to a term of supervised release following prison. Because most supervision terms imposed were shorter than the eight-year follow-up period, a large proportion of drug trafficking offenders completed their originally imposed supervision terms prior to the end of the study window.

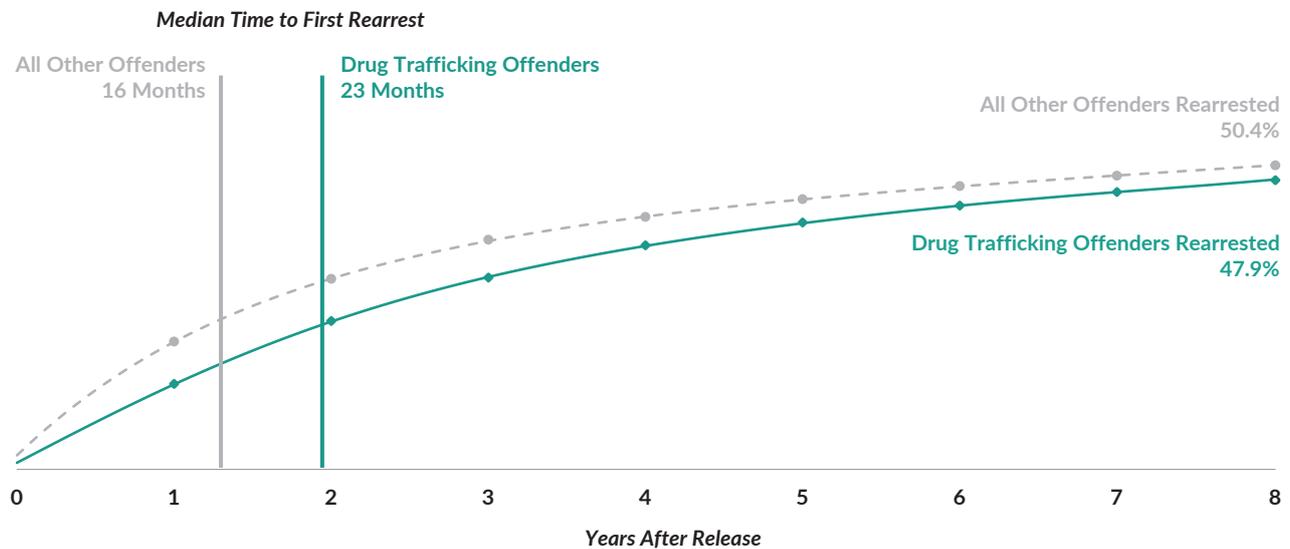
Recidivism Findings

Drug trafficking offenders were rearrested at a similar rate (47.9%) as all other offenders (50.4%) (Table 2). When compared to other categories of offenders released in 2010, drug trafficking offenders were rearrested less frequently than firearms offenders (70.6%) or robbery offenders (63.2%), but more frequently

than fraud, theft, or embezzlement offenders, who had the lowest rearrest rate (35.5%).⁷⁶

The median time to rearrest was longer for drug trafficking offenders (23 months) compared to all other offenders (16 months), and the median number of rearrests was lower for drug trafficking offenders (two) compared to all other offenders (three). Assault was the most common post release offense at rearrest for both groups. Among those offenders who recidivated, drug trafficking offenders were slightly younger at release compared to all other offenders (median age 33 compared to 34).

Figure 9. Time to First Rearrest for Federal Drug Trafficking Offenders and All Other Offenders Released in 2010



Time to Rearrest

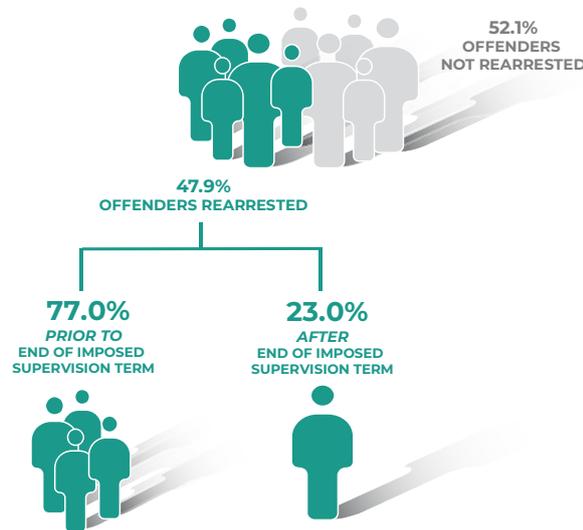
In addition to analyzing offenders' recidivism rates, measuring the time in which an offender recidivates provides important information for policymakers and practitioners. For example, tracking the length of time between release into the community and the first recidivism event, if any, may assist policymakers or judges in determining an appropriate period of supervision after release.

The median time to rearrest was seven months longer for drug trafficking offenders as compared to all other offenders (Figure 9). Among those drug trafficking offenders who recidivated, the median time to rearrest was 23 months, meaning that one-half were rearrested within 23 months of their release, while the other half were rearrested more than

23 months after release. This median time to rearrest is longer than for offenders sentenced for other crimes (16 months).

As the follow-up period progressed, fewer offenders were rearrested for the first time in each subsequent year. During the first year following release into the community, 14.2 percent of drug trafficking offenders were rearrested for the first time. This rate fell to 10.4 percent in the second year and to 7.2 percent in the third year. Only 1.9 percent of offenders were rearrested for the first time in the eighth year. A higher percentage of all other offenders were rearrested in the first year following release into the community (21.2%). The rates then became similar to those for drug trafficking offenders, with 10.4 percent rearrested in the second year, followed by 6.5 percent in the third year.

Figure 10. Rearrest Rates for Federal Drug Trafficking Offenders Released in 2010 Sentenced to Any Type of Supervision



Rearrests and Federal Supervision Status

To further explore the issue of timing of rearrest, the Commission also examined rearrests relative to federal supervision status. As discussed above, nearly all (99.8%) drug trafficking offenders in the study were sentenced to a term of federal supervision (either probation or supervised release). While the data for this study included the length of supervision terms imposed, it did not include supervision status at the time of arrest. Therefore, for each rearrested offender, the Commission compared the length of supervision term imposed to the elapsed time prior to rearrest to provide a proxy for offenders' supervision status at the time of rearrest.⁷⁷

Overall, 47.9 percent of drug trafficking offenders originally sentenced to any term of supervision were rearrested during the study period. Based on the length of terms imposed, most drug trafficking offenders in the study were rearrested prior to the end of those terms. As shown in Figure 10, of those drug trafficking offenders who were sentenced to a term of supervision and rearrested, 77.0 percent were rearrested before the expiration of their originally imposed supervision term. The remaining 23.0 percent were rearrested after the expiration of their originally imposed supervision term.

Most Serious Recidivism Event

The Commission used a severity ranking to analyze new charges at rearrest for offenders in this study. This ranking system was similar to the one used in the Commission's *2016 Recidivism Overview Report*⁷⁸ and presents new charges in order of seriousness. If an offender had multiple rearrests, or multiple charges in an arrest, the most serious offense according to this ranking was reported as the type of charge at rearrest.⁷⁹ Using this method, assault was the most common offense charged at rearrest for drug trafficking offenders (19.9%), followed by drug trafficking

(16.0%) and drug possession (8.9%) (Figure 11). Collectively, 32.0 percent of drug trafficking offenders were rearrested for a drug offense (drug trafficking, drug possession, or other drug offense).⁸⁰

Similarly, assault was the most prevalent rearrest charge for all other offenders (21.3%), followed by larceny (10.4%), drug trafficking offenses (8.0%), and probation, parole, or supervised release violations (8.0%). Offenders sentenced for other crimes were rearrested for a drug offense at almost half the rate (16.2%) of drug trafficking offenders (32.0%).

Figure 11. Most Serious Offense at Rearrest for Federal Drug Trafficking Offenders and All Other Offenders Released in 2010

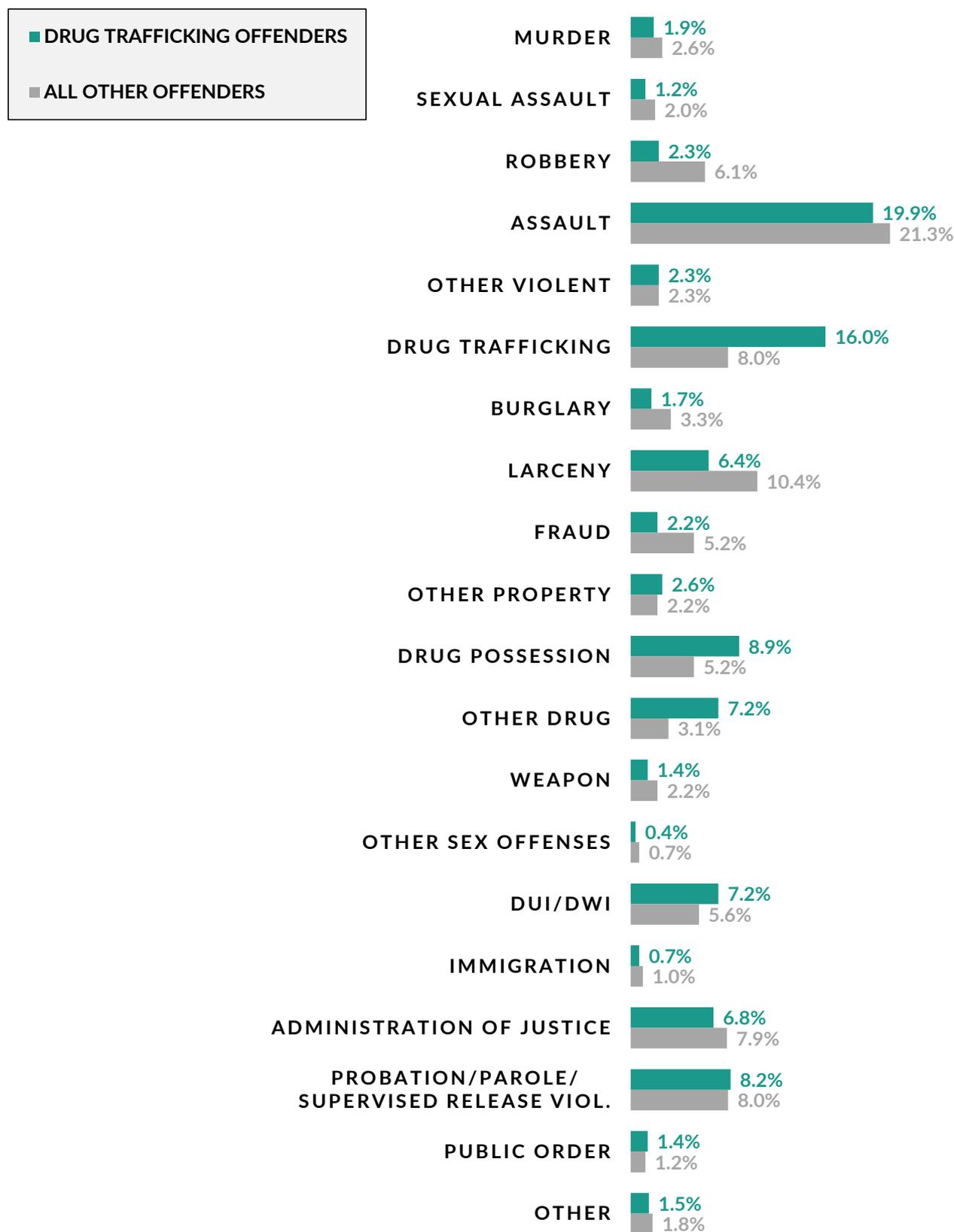
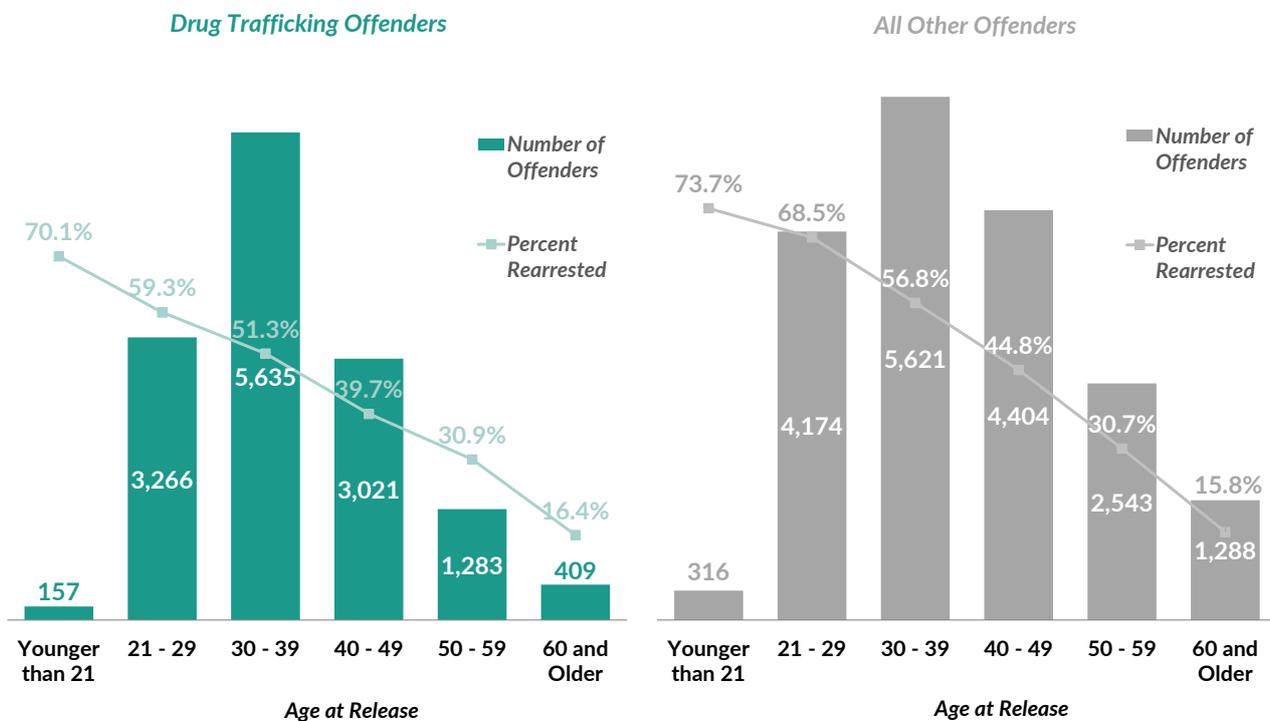


Figure 12. Age at Release and Rearrest Rates for Federal Drug Trafficking Offenders and All Other Offenders Released in 2010



Age and Criminal History

Prior Commission studies have demonstrated that age and criminal history are consistently strong predictors of recidivism.⁸¹ The combined impact of age and criminal history on recidivism is more pronounced.

Age and Recidivism

As shown in Figure 12, among both drug trafficking offenders and offenders sentenced for other crimes, recidivism rates declined steadily as age increased. This finding is consistent with prior studies, which repeatedly have shown

that recidivism is inversely associated with age.⁸² As age at release increased, the likelihood of rearrest decreased. Exemplifying this pattern, drug trafficking offenders under age 21 at release had the highest rearrest rate, 70.1 percent, while offenders aged 60 or older at release had the lowest rearrest rate, 16.4 percent.

Among all other offenders, the recidivism pattern is similar. Nonetheless, some differences emerged between the two groups. Offenders sentenced for other crimes who are 49 years of age and younger have higher rates of recidivism across all age categories than drug

Table 3. Time to Rearrest by Age Group for Federal Drug Trafficking Offenders Released in 2010

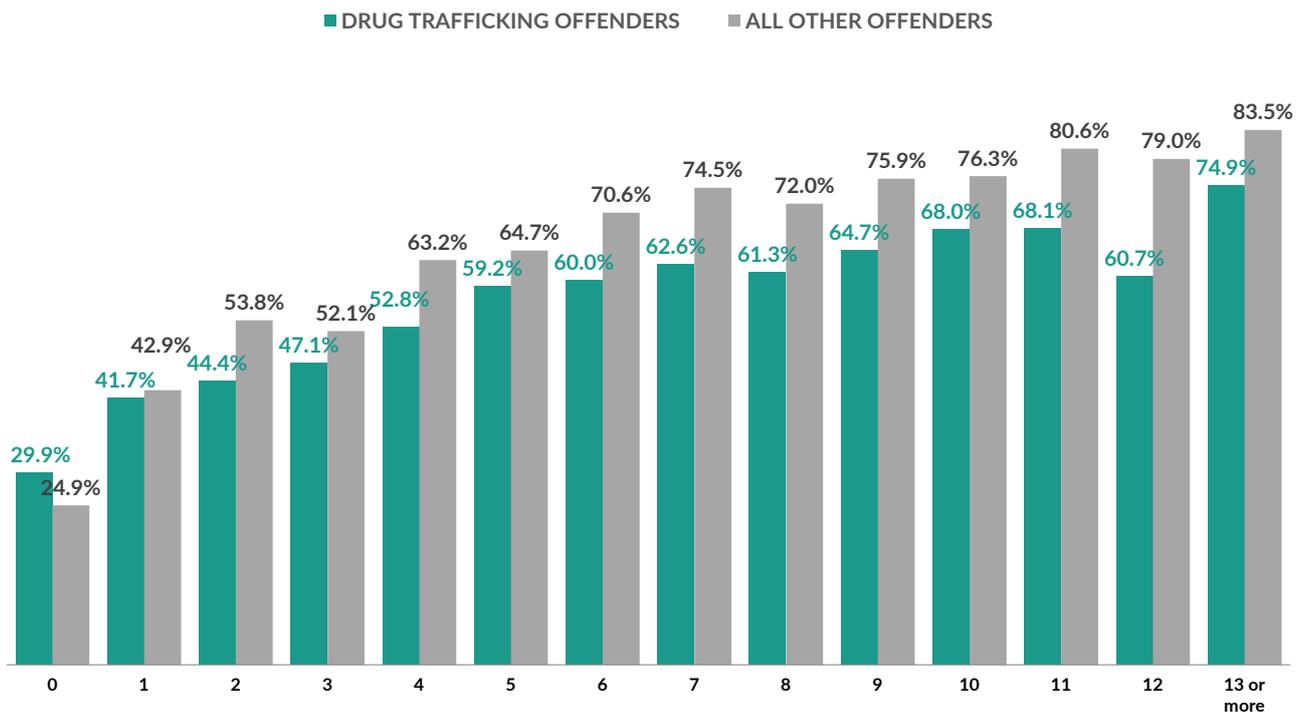
Age at Release	Time to Rearrest (median months)
Younger than 21	12
21 – 29 Years	21
30 – 39 Years	24
40 – 49 Years	26
50 – 59 Years	29
60 and Older	31

trafficking offenders. Older offenders sentenced for other crimes, however, have similar rearrest rates to older drug trafficking offenders. For example, for offenders who are 50 to 59 years of age, offenders sentenced for other crimes had a rearrest rate of 30.7 percent, compared to 30.9 percent for drug trafficking offenders.

In addition to having higher rearrest rates, younger offenders also recidivated more quickly than older offenders. While the median time to rearrest was 23 months for all drug trafficking offenders in the

study, as shown in Table 3, the median time to rearrest for the youngest group of offenders (younger than 21 years) was 12 months. In other words, one-half of rearrests for offenders younger than 21 years occurred in the first 12 months following their release, and the other one-half of rearrests occurred after 12 months. The median time to rearrest increased for offenders in each successive age group, increasing over two-fold to 29 months for offenders aged 50 to 59 and to 31 months for those 60 years of age and older.

Figure 13. Rearrest Rates by Criminal History Points for Federal Drug Trafficking Offenders And All Other Offenders Released in 2010

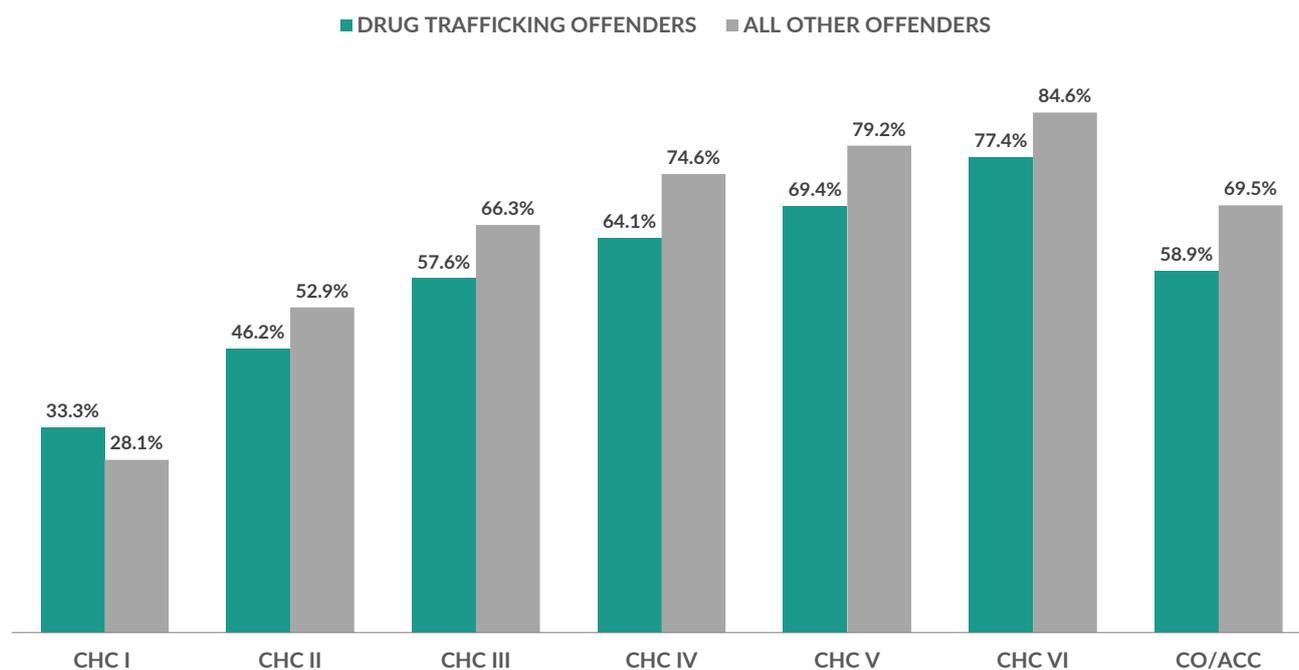


Criminal History and Recidivism

In addition to the well-demonstrated correlation between age and recidivism, the relationship between prior criminal record and recidivism has been recognized by the Commission since its inception, as discussed in Chapter Four of the *Guidelines Manual*.⁸³ Recidivism rates for drug trafficking offenders were strongly correlated with total criminal history points, a result consistent with

the Commission’s prior research. Among drug trafficking offenders, 29.9 percent of offenders with zero criminal history points were rearrested within eight years, compared to 74.9 percent of offenders with 13 or more criminal history points. Each additional criminal history point was generally associated with a higher rate of rearrest, although the rate did not always climb evenly from one criminal history point to the next (Figure 13).

Figure 14. Rearrest Rates by Criminal History Category for Federal Drug Trafficking Offenders and All Other Offenders Released in 2010



Because the number of criminal history points determines the CHC to which an offender is assigned, recidivism rates also are correlated with CHCs. That is, the higher the CHC, the higher the recidivism rate. Rearrest rates among drug trafficking offenders ranged from a low of 33.3 percent for those in CHC I to a high of 77.4 percent for those in CHC VI based on their criminal history points (Figure 14). Career offenders and armed career

criminals were rearrested at a higher rate (58.9%) than drug trafficking offenders as a whole (47.9%), but at a lower rate than offenders classified in CHCs IV to VI based on criminal history points. Offenders sentenced for other crimes exhibited a similar pattern and, with the exception of CHC I, recidivated at a higher rate in each CHC category as compared to drug trafficking offenders.

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

* N<=20 ** N<=10 . N=0

Age	CHC I	CHC II	CHC III	CHC IV	CHC V	CHC VI	CO/ACC	Total
Younger than 21	65.0%	85.0%*	86.7%*	100.0%**	.	.	.	70.1%
21 to 29 Years	47.0%	62.4%	75.3%	83.2%	82.5%	86.0%	76.0%	59.3%
30 to 39 Years	32.4%	47.6%	59.1%	66.5%	73.4%	81.6%	65.8%	51.3%
40-49 Years	23.5%	38.0%	43.3%	54.8%	62.1%	71.1%	55.6%	39.7%
50-59 Years	16.3%	26.3%	41.6%	39.8%	51.0%	72.6%	47.8%	30.9%
60 Years and Older	10.9%	6.8%	27.5%	15.0%*	14.3%*	57.1%*	40.0%	16.4%
Total	33.3%	46.2%	57.6%	64.1%	69.4%	77.4%	58.9%	

Age and Criminal History

Viewed separately, age and criminal history are consistent predictors of recidivism. Considered together, they are even stronger predictors of recidivism. Generally, older offenders with lower criminal history categories recidivated

at the lowest rate (Table 4). Conversely, younger offenders with more extensive criminal histories recidivated at the highest rate. For example, offenders aged 21 to 29 years in CHC VI had a rearrest rate nearly eight times that of offenders aged 60 and older in CHC I (86.0% versus 10.9%, respectively).

Table 5. Rearrest Rates by Selected Demographic Characteristics for Federal Drug Trafficking Offenders and All Other Offenders Released in 2010

Demographic Characteristics	DRUG TRAFFICKING OFFENDERS	ALL OTHER OFFENDERS
Gender		
Male	50.1%	54.0%
Female	35.9%	34.6%
Race/Ethnicity		
White	42.5%	43.0%
Black	55.5%	60.6%
Hispanic	43.7%	50.0%
Other	43.0%	53.2%
Education		
Less than High School	55.3%	66.5%
High School Graduate	46.4%	53.1%
Some College	36.8%	37.5%
College Graduate	25.6%	18.4%

Recidivism and Demographic Characteristics

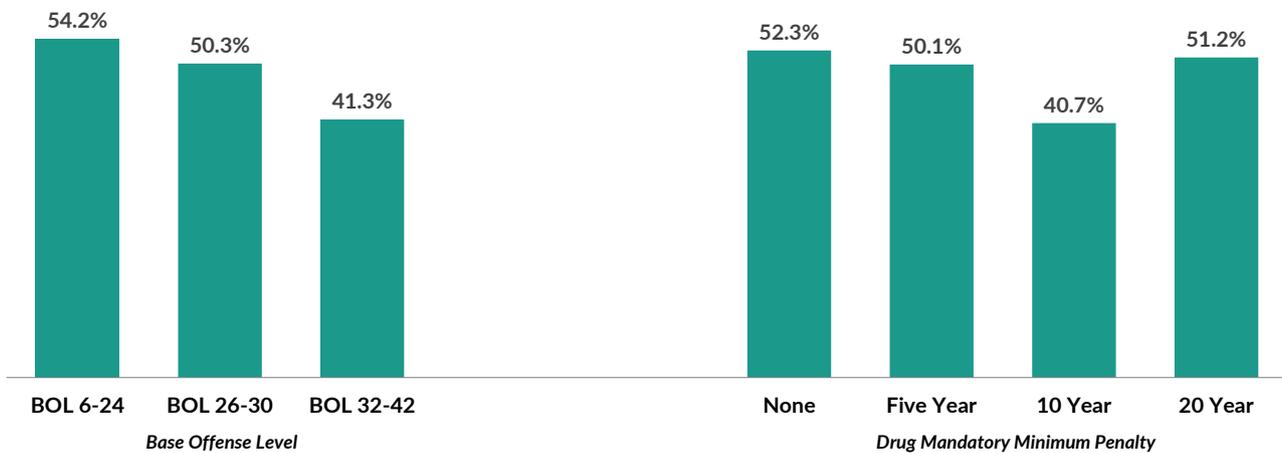
As shown in Table 5, among drug trafficking offenders, males were rearrested at a higher rate (50.1%) than females (35.9%). Black drug trafficking offenders had the highest rearrest rates (55.5%), followed by Hispanic offenders (43.7%), Other race offenders (43.0%), and White offenders (42.5%). Rearrest rates decreased steadily with each successive increase in education level. College graduates had the lowest rate (25.6%) and those with less than a high school education had the highest rate (55.3%). These demographic differences also were exhibited among offenders sentenced for other crimes. For example, males had a higher rearrest rate as compared to

females, rearrest within racial categories followed a similar distribution, and with each successive increase in education level, the rearrest rate decreased.

Recidivism and Sentencing Factors

Among drug trafficking offenders, there was an inverse association between BOL, which largely is driven by drug type and quantity, and the rate of recidivism (Figure 15). Offenders with BOLs between 6 and 24 were rearrested at a rate of 54.2 percent. Rearrest rates were lower for those with BOLs between 26 to 30 (50.3%) and between 32 and 42 (41.3%). While these results may seem counterintuitive, lower BOLs correspond to shorter sentences and, therefore, younger ages of the offenders at time of release. For example, the median age

Figure 15. Rearrest Rates by Base Offense Level and Drug Mandatory Minimum Penalties for Federal Drug Trafficking Offenders Released in 2010



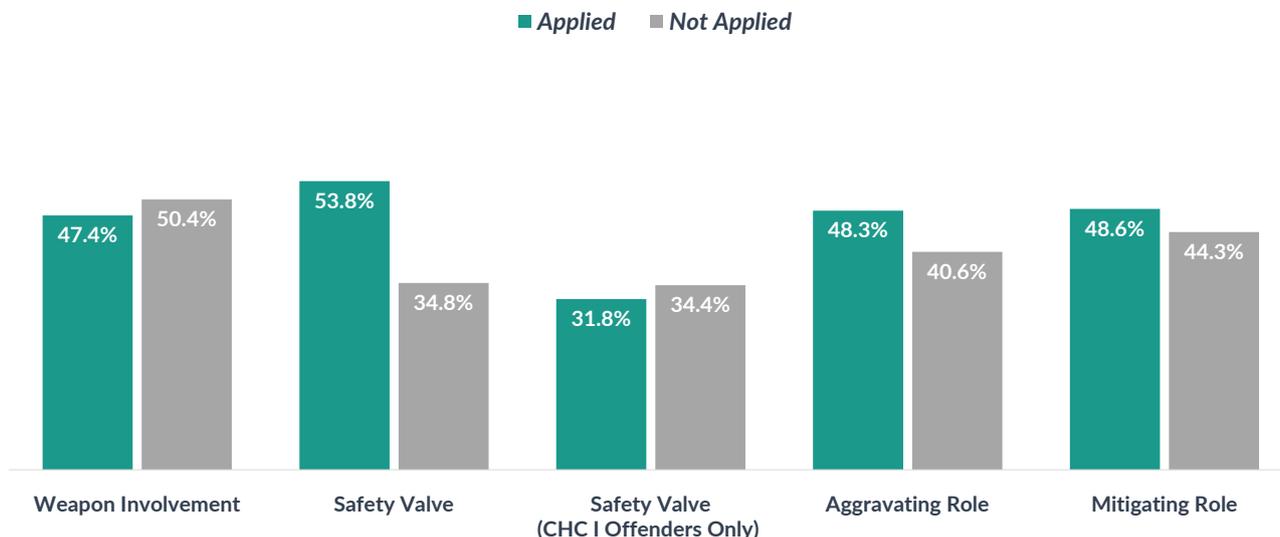
at release for drug trafficking offenders with BOLs between 6 and 24 was age 32, three years younger than offenders with BOLs between 26 to 30 (age 35), and five years younger than offenders with BOLs between 32 and 42 (age 37). Because younger age at release is associated with higher recidivism, this correlation may partly explain the inverse association between recidivism and BOL.

Although rearrest rates were roughly similar among drug trafficking offenders convicted of statutes with different mandatory minimum penalties (with the exception of those convicted of a ten-year penalty), there was a modest inverse association between the length of mandatory minimum penalties and recidivism rate.⁸⁴ The rearrest rate for drug trafficking offenders not convicted of a drug offense carrying a mandatory

minimum penalty was 52.3 percent, followed by 50.1 percent for offenders convicted of an offense carrying a five-year mandatory minimum, and 40.7 percent for offenders convicted of an offense with a ten-year mandatory minimum penalty. However, those convicted of an offense carrying a mandatory minimum penalty of 20 years had a higher rearrest rate (51.2%) than the ten-year mandatory minimum penalty group.

As with offenders with lower BOLs, those convicted of drug offenses not carrying a mandatory minimum penalty were younger at release (median age 33) than those convicted of offenses carrying a ten-year mandatory minimum penalty (median age 37). Thus, age is one factor contributing to the inverse association between lower mandatory minimum penalties and higher recidivism.

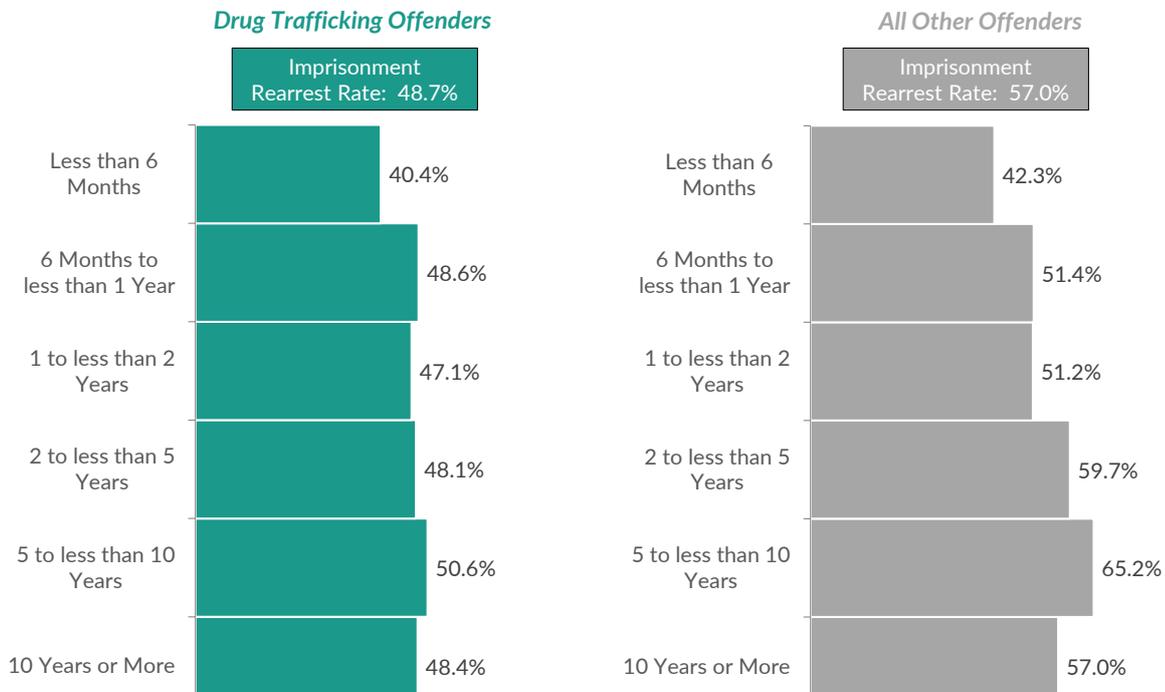
Figure 16. Rearrest Rates by Selected Sentencing Factors for Federal Drug Trafficking Offenders Released in 2010



Drug trafficking offenders who qualified for a safety valve reduction had a rearrest rate of 34.8 percent, while those who did not qualify had a rate of 53.8 percent (Figure 16). To be eligible for a safety valve reduction, an offender may have no more than one criminal history point.⁸⁵ Thus, offenders receiving a safety value reduction necessarily have less criminal history. When solely examining offenders in CHC I, those who received a safety valve reduction had a recidivism rate of 34.4 percent⁸⁶ as compared to 31.8 percent for offenders not receiving a safety value reduction. Given the similarity in rearrest rates among CHC I offenders, it appears that the difference in recidivism between all drug trafficking offenders and those who received safety valve reductions is almost entirely due to the latter group's limited criminal history.

Drug trafficking offenders who were subject to an enhancement for weapon involvement were rearrested at a slightly higher rate (50.4%) compared to offenders not subject to an enhancement for weapon involvement (47.4%). Receipt of an aggravating role adjustment was inversely associated with recidivism. Drug trafficking offenders who received an aggravating role adjustment were rearrested at a lower rate than offenders not receiving an aggravating role adjustment (40.6% versus 48.3%). Relatedly, receipt of a mitigating role reduction had very little association with recidivism. Offenders who received a mitigating role adjustment had only a slightly lower rearrest rate than those who did not (44.3% versus 48.6%).

Figure 17. Rearrest Rates by Length of Imprisonment for Federal Drug Trafficking Offenders and All Other Offenders Released in 2010



Recidivism and Sentences Imposed

Drug trafficking offenders were rearrested at a lower rate than all other offenders regardless of the length of sentence imposed. When considered independently from other factors, the data did not show a clear relationship between length of imprisonment and recidivism. For example, drug trafficking offenders who were sentenced to the shortest terms of

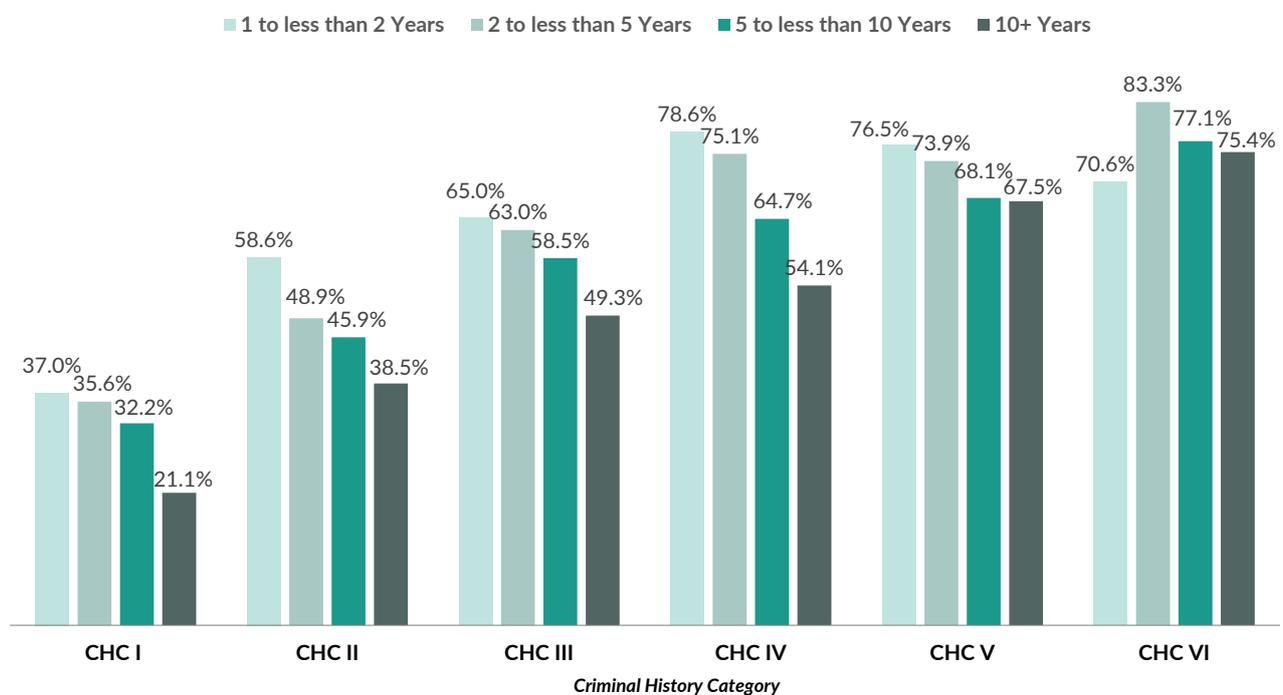
imprisonment (less than six months) were rearrested at a rate of 40.4 percent. The rearrest rate increased to 48.6 percent for offenders receiving a sentence between six months and less than one year, then remained relatively stable across each successive sentence length (Figure 17).

The recidivism rate for offenders sentenced for other crimes was higher than for drug trafficking offenders overall and across all length of imprisonment

categories. Offenders sentenced for other crimes also have more variation in rearrest rates across length of imprisonment categories. For example, offenders sentenced to less than six months had a rearrest rate of 42.3 percent, whereas the rearrest rate for offenders sentenced to between five and less than ten years was 65.2 percent.

However, when controlling for other factors—for example, CHC—a clear association between length of imprisonment imposed and recidivism emerged.⁸⁷ Figure 18 displays the rearrest rates for offenders in each length of imprisonment category within each CHC. With the exception of CHC VI, there was a strong association between longer sentences and a reduction in recidivism. In CHC VI, this pattern also held for offenders sentenced to 24 months or greater.

Figure 18. Rearrest Rates by Length of Imprisonment and Criminal History Category for Federal Drug Trafficking Offenders Released in 2010



PRIMARY DRUG TYPES

PRIMARY DRUG TYPES

This section examines whether recidivism rates varied by primary drug type.⁸⁸ The offense for most drug trafficking offenders involved one of five types of drugs. Crack cocaine was the most common (30.1%), followed by marijuana (20.5%), powder cocaine (20.3%), methamphetamine (18.0%), and heroin (5.2%) (Figure 19).⁸⁹ This section presents findings related to each drug type in order of prevalence.⁹⁰

Although offenders in each primary drug type group varied in terms of demographic characteristics, criminal histories, and sentences imposed, their rearrest rates were largely similar, as

discussed further below. Crack cocaine trafficking offenders, however, were rearrested at a higher rate than the other primary drug types.

Figure 19. Primary Drug Type for Federal Drug Trafficking Offenders Released in 2010⁹¹

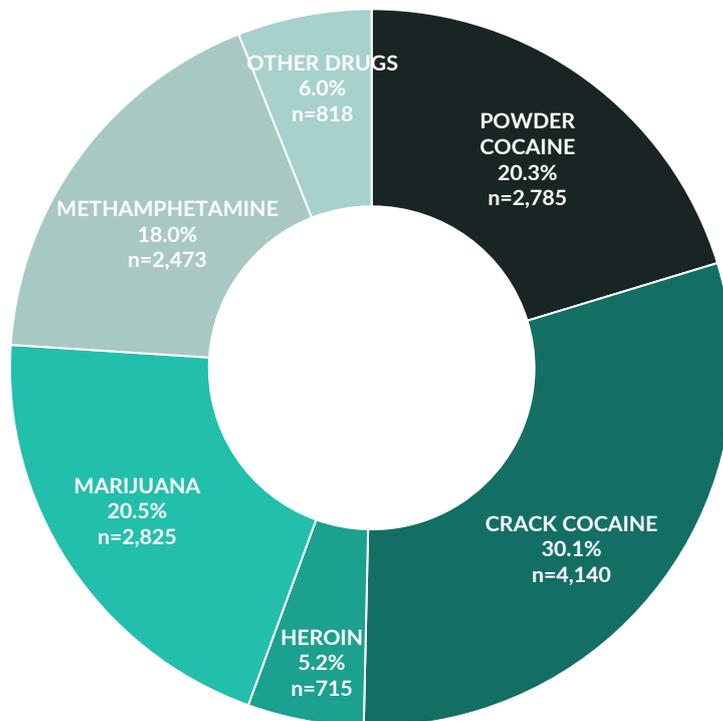


Table 6. Demographic Characteristics for Federal Drug Trafficking Offenders Released in 2010 (Combined and by Primary Drug Type)

	ALL DRUGS COMBINED	CRACK COCAINE	MARIJUANA	POWDER COCAINE	METHAMPHETAMINE	HEROIN
Race/Ethnicity						
White	33.7%	9.7%	40.9%	23.5%	73.7%	20.6%
Black	39.5%	82.7%	13.2%	38.9%	2.6%	37.7%
Hispanic	23.4%	6.7%	40.9%	35.9%	17.9%	40.6%
Other	3.4%	1.0%	5.1%	1.7%	5.9%	1.1%
Gender						
Male	84.8%	89.8%	83.7%	87.7%	76.6%	81.3%
Female	15.2%	10.2%	16.3%	12.3%	23.4%	18.7%
Education						
Less than High School	41.3%	49.4%	39.5%	38.9%	35.0%	44.0%
High School Graduate	39.4%	38.3%	38.2%	38.2%	45.9%	38.0%
Some College	17.0%	11.6%	18.9%	20.5%	16.8%	15.3%
College Graduate	2.4%	0.7%	3.4%	2.4%	2.3%	2.8%
Age at Sentencing						
Average	33 Years	31 Years	34 Years	33 Years	35 Years	34 Years
Median	31 Years	28 Years	31 Years	32 Years	34 Years	32 Years
Age at Release						
Average	37 Years	36 Years	36 Years	37 Years	39 Years	38 Years
Median	35 Years	34 Years	34 Years	36 Years	38 Years	36 Years

Offender and Offense Characteristics

Demographics

The racial distribution of drug trafficking offenders varied across primary drug types. For example, as shown in Table 6, most crack cocaine trafficking offenders (82.7%) were Black, while most methamphetamine trafficking offenders (73.7%) were White. Equal percentages of marijuana trafficking offenders were White (40.9%) and Hispanic (40.9%); fewer were Black (13.2%) or Other races (5.1%).

By comparison, more heroin trafficking offenders were Hispanic (40.6%) or Black (37.7%) than White (20.6%); powder cocaine trafficking offenders had a similar distribution.

Across all primary drug types, substantially more offenders were male than female. Females made up a higher proportion of methamphetamine trafficking offenders (23.4%) than any other drug type. Educational attainment also differed across primary drug types. Crack cocaine trafficking offenders had the lowest percentage of college education,

Table 7. Criminal History Category for Federal Drug Trafficking Offenders Released in 2010 (Combined and by Primary Drug Type)

	ALL DRUGS COMBINED	CRACK COCAINE	MARIJUANA	POWDER COCAINE	METHAMPHETAMINE	HEROIN
Criminal History						
CHC I	42.5%	24.2%	54.7%	49.8%	44.8%	45.7%
CHC II	14.2%	13.6%	14.4%	14.8%	14.3%	10.4%
CHC III	18.6%	22.5%	15.9%	16.6%	19.7%	16.5%
CHC IV	9.1%	13.9%	6.8%	6.7%	8.7%	7.4%
CHC V	5.2%	8.2%	3.0%	3.9%	4.9%	5.3%
CHC VI	5.0%	8.3%	2.4%	2.9%	5.4%	6.2%
CO/ACC	5.5%	9.2%	2.7%	5.5%	2.2%	8.5%

whether some college or graduating from college (12.3%), followed by heroin (18.1%), methamphetamine (19.1%), marijuana (22.3%), and powder cocaine trafficking offenders (22.9%). Age at release was roughly similar across drug types, ranging from a median age at release of 34 to 38 years. Crack cocaine and marijuana trafficking offenders were the youngest, with a median age at release of 34 years, while methamphetamine trafficking offenders were the oldest with a median age at release of 38 years.

Criminal History

While a little over 40 percent of all drug trafficking offenders (42.5%) were in the lowest criminal history category (CHC I), the proportion of offenders in CHC I differed across primary drug types (Table 7). Crack cocaine trafficking offenders had the lowest proportion of CHC I offenders (24.2%), while marijuana trafficking offenders had the highest proportion of CHC I offenders (54.7%). Conversely, crack cocaine trafficking offenders had the highest proportion of CHC VI offenders (8.3%), while marijuana trafficking offenders had the lowest proportion of CHC VI offenders (2.4%).

Table 8. Original Sentence Imposed for Federal Drug Trafficking Offenders Released in 2010 (Combined and by Primary Drug Type)

	ALL DRUGS COMBINED	CRACK COCAINE	MARIJUANA	POWDER COCAINE	METHAMPHETAMINE	HEROIN
Sentence Type Imposed						
% Prison	94.8%	98.4%	90.7%	95.1%	97.6%	94.7%
% Probation	5.2%	1.6%	9.3%	4.9%	2.4%	5.3%
Average Length of						
Imprisonment	76 Months	102 Months	45 Months	74 Months	78 Months	70 Months
Probation	42 Months	44 Months	41 Months	44 Months	49 Months	40 Months
Supervised Release	50 Months	55 Months	44 Months	51 Months	51 Months	49 Months

Sentences Originally Imposed

As noted above, most drug trafficking offenders (94.8%) were sentenced to a term of imprisonment. As shown in Table 8, the same is true across primary drug types. Between 90.7 percent and 98.4 percent of offenders in each drug type were sentenced to some term of imprisonment, either a sentence of prison only or a combination of prison and community confinement.⁹² Slightly more marijuana trafficking offenders (9.3%) were sentenced to probation (with or without community confinement) than any other drug type.

Marijuana trafficking offenders also had the shortest mean length of imprisonment⁹³ (45 months) and mean length of supervised release (44 months) of all the drug types, while crack cocaine trafficking offenders had the longest (mean of 102 months of imprisonment, 55 months of supervised release). The mean length of imprisonment for the remaining drug types was 70 months for heroin trafficking offenders, 74 months for powder cocaine trafficking offenders, and 78 months for methamphetamine trafficking offenders. Of those offenders who were sentenced to probation, the mean length of probation was roughly similar, ranging from 40 to 49 months.⁹⁴

Table 9. Comparison of Rearrest Findings for Federal Drug Trafficking Offenders Released in 2010 (Combined and by Primary Drug Type)

Primary Drug Type	REARREST RATE	MEDIAN MONTHS TO REARREST	MEDIAN NUMBER OF REARRESTS	MOST COMMON POST RELEASE OFFENSE	MEDIAN AGE AT RELEASE
All Drugs	47.9%	23	2	Assault 19.9%	33
Crack Cocaine	57.8%	22	2	Assault 21.9%	33
Marijuana	46.7%	20	2	Assault 20.3%	31
Powder Cocaine	41.8%	25	2	Assault 17.9%	34
Methamphetamine	42.7%	27	2	Assault 20.5%	35
Heroin	44.6%	22	2	Drug Trafficking 16.9%	34

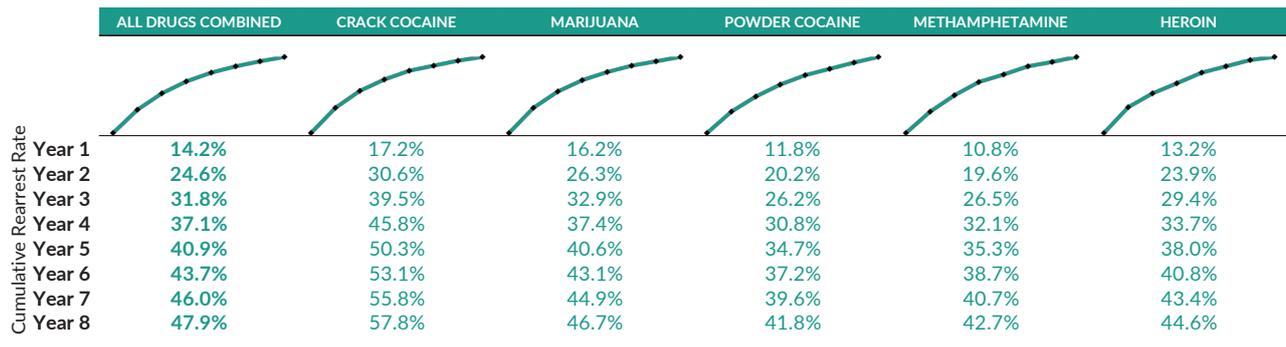
Recidivism Findings

As shown in Table 9, rearrest rates for all but one of the primary drug types ranged from 41.8 percent for powder cocaine trafficking offenders to 46.7 percent for marijuana trafficking offenders.⁹⁵ Crack cocaine trafficking offenders were the exception and were rearrested at a higher rate (57.8%) than any other drug type. As noted above, crack cocaine trafficking offenders had more extensive criminal history than other drug types, and, along with marijuana trafficking offenders, the youngest median age at release. As discussed above,⁹⁶ younger offenders, and offenders with more extensive criminal histories, recidivate

at a higher rate. Thus, the higher rate of rearrest exhibited by crack cocaine trafficking offenders may, in part, be explained by their younger median age at release and higher proportion of CHC VI offenders.

The median time to rearrest was between 20 and 27 months for all drug types. Of those offenders who were rearrested, the median number of rearrests was two for all drug types and, for nearly all drug types, assault was the most common “most serious” new charge at rearrest. For heroin trafficking offenders, by contrast, the most common rearrest charge was drug trafficking (16.9%).

Figure 20. Time to First Rearrest for Federal Drug Trafficking Offenders Released in 2010 (Combined and by Primary Drug Type)



Time to First Rearrest

A substantial share of drug trafficking offenders recidivated in the first three years following their release. For example, 39.5 percent of crack cocaine trafficking offenders were rearrested in the first three years after release (Figure 20). In subsequent years, the rearrest rate increased less sharply, rising by approximately six more percentage points for crack cocaine trafficking offenders in year four. By year eight, the increase in rearrests from the previous year was only two percentage points for crack cocaine trafficking offenders. The same general pattern was observed across all drug types.

Slightly more crack cocaine trafficking offenders (17.2%) and marijuana trafficking offenders (16.2%) were rearrested in the first year after release than the other drug types. Rearrest rates decreased over time across all drug types, but higher rearrest rates in the first year led to crack cocaine trafficking offenders having the highest cumulative rearrest rate (57.8%), followed by marijuana (46.7%), heroin (44.6%), methamphetamine (42.7%), and powder cocaine (41.8%) trafficking offenders.

Table 10. Most Serious Offense at Rearrest for Federal Drug Trafficking Offenders Released in 2010 (Combined and by Primary Drug Type)

Most Serious Offense	ALL DRUGS COMBINED	CRACK COCAINE	MARIJUANA	POWDER COCAINE	METHAMPHETAMINE	HEROIN
Murder	1.9%	2.4%	1.8%	1.7%	1.7%	0.9%
Sexual Assault	1.2%	1.3%	1.1%	1.1%	1.1%	0.6%
Robbery	2.3%	3.0%	2.1%	2.0%	1.2%	3.1%
Assault	19.9%	21.9%	20.3%	17.9%	20.5%	14.4%
Other Violent	2.3%	2.2%	2.7%	1.9%	2.7%	0.9%
Drug Trafficking	16.0%	16.4%	14.5%	14.9%	16.7%	16.9%
Burglary	1.7%	1.2%	1.6%	1.7%	2.8%	1.6%
Larceny	6.4%	5.3%	6.5%	6.4%	7.6%	8.5%
Fraud	2.2%	1.8%	2.6%	2.2%	2.1%	3.8%
Other Property	2.6%	3.1%	2.3%	1.9%	2.8%	4.1%
Drug Possession	8.9%	8.4%	10.0%	8.5%	9.1%	8.2%
Other Drug	7.2%	8.7%	4.8%	8.9%	4.0%	8.8%
Weapon	1.4%	1.8%	1.1%	1.6%	0.7%	1.3%
Other Sex Offenses	0.4%	0.4%	0.5%	0.5%	0.3%	0.3%
DUI/DWI	7.2%	5.5%	9.1%	8.2%	7.1%	6.0%
Immigration	0.7%	0.1%	1.8%	0.9%	0.4%	0.9%
Administration of Justice	6.8%	7.4%	5.6%	7.2%	6.4%	6.9%
Probation/Parole/Supervised Release Violation	8.2%	6.7%	8.7%	9.1%	9.8%	9.7%
Public Order	1.4%	1.2%	1.8%	1.6%	1.1%	1.3%
Other	1.5%	1.3%	1.2%	1.8%	1.9%	1.9%
<i>Drug Offenses</i>	<i>32.0%</i>	<i>33.5%</i>	<i>29.3%</i>	<i>32.4%</i>	<i>29.7%</i>	<i>33.9%</i>

Most Serious Rearrest Charge

Assault was the most common rearrest charge for all primary drug types except heroin. For heroin trafficking offenders, drug trafficking was the most serious rearrest charge (Table 10). For about a third of the rearrests across

all drug types, another drug offense (trafficking, possession, or other drug offense) was the most serious offense charged.⁹⁷ Heroin drug trafficking offenders had the highest rearrest rate for drug offenses (33.9%), while marijuana trafficking offenders had the lowest rearrest rate (29.3%).

Table 11. Rearrest Rates by Age at Release and Primary Drug Type for Federal Drug Trafficking Offenders Released in 2010

Age	CRACK COCAINE	MARIJUANA	POWDER COCAINE	METHAMPHETAMINE	HEROIN	ALL DRUGS COMBINED
Younger than 21	90.5%	67.9%	58.3%*	66.7%**	66.7%**	70.1%
21 to 29 Years	69.8%	57.4%	52.3%	55.5%	50.0%	59.3%
30 to 39 Years	59.4%	48.7%	45.0%	48.2%	48.4%	51.3%
40 to 49 Years	47.0%	38.2%	34.8%	38.2%	37.4%	39.7%
50 to 59 Years	38.9%	30.3%	26.4%	25.6%	41.8%	30.9%
60 Years and Older	28.1%	14.9%	16.1%	13.6%	19.2%	16.4%
Total	57.8%	46.7%	41.8%	42.7%	44.6%	

*n<=20. **n<=10

Age and Recidivism

The well-established correlation between age and recidivism was found across all drug types. Specifically, as shown in Table 11, rates of rearrest generally decreased as age at release increased, irrespective of drug type.⁹⁸ For

example, the highest rearrest rate (90.5%) in all categories was among crack cocaine trafficking offenders younger than 21 years old.⁹⁹ For crack cocaine trafficking offenders aged 60 years and older, by contrast, the rearrest rate was less than one-third of that rate, at 28.1 percent.

Table 12. Rearrest Rates by Criminal History Category and Primary Drug Type for Federal Drug Trafficking Offenders Released in 2010

Criminal History	CRACK COCAINE	MARIJUANA	POWDER COCAINE	METHAMPHETAMINE	HEROIN	ALL DRUGS COMBINED
CHC I	40.9%	34.2%	30.3%	30.7%	31.2%	33.3%
CHC II	51.4%	52.6%	41.0%	37.3%	36.5%	46.2%
CHC III	61.9%	62.7%	54.0%	49.7%	49.2%	57.6%
CHC IV	65.2%	70.2%	63.2%	58.9%	56.6%	64.1%
CHC V	70.8%	74.4%	68.5%	64.5%	68.4%	69.4%
CHC VI	74.6%	79.4%	76.3%	80.6%	86.4%	77.4%
CO/ACC	63.8%	54.6%	50.7%	56.4%	62.3%	58.9%
Total	57.8%	46.7%	41.8%	42.7%	44.6%	

Criminal History and Recidivism

The well-documented relationship between criminal history and recidivism was demonstrated for each drug type group as well. As Table 12 shows, rearrest rates generally increased progressively with each higher criminal history category, regardless of drug type.¹⁰⁰ The rearrest rate for CHC I offenders ranged from 30.3 percent for powder cocaine trafficking offenders to 40.9 percent for crack cocaine trafficking offenders. By contrast, for CHC VI offenders, the rearrest rate ranged from 74.6 percent for crack cocaine trafficking offenders to 86.4 percent for heroin trafficking offenders.

Across drug types, the rearrest rates for career offenders and armed career criminals were lower than those for the highest criminal history category. This difference likely is attributable to the provisions in §§4B1.1 and 4B1.4 that assign career offender and armed career criminal status based on a combination of the type of instant offense and types of prior convictions.¹⁰¹ Because those guidelines assign CHC based on offender status in lieu of criminal history points, the resulting CHCs often supersede the otherwise applicable CHCs.

Table 13. Rearrest Rates by Length of Imprisonment for Federal Drug Trafficking Offenders Released in 2010 (Combined and by Primary Drug Type)

Length of Imprisonment	CRACK COCAINE	MARIJUANA	POWDER COCAINE	METHAMPHETAMINE	HEROIN	ALL DRUGS COMBINED
Less than 6 Months	49.3%	42.6%	35.2%	39.4%	33.3%	40.4%
6 Months to less than 1 Year	60.0%	51.7%	47.5%	35.0%*	27.3%*	48.6%
1 to less than 2 Years	53.6%	48.5%	50.0%	33.0%	44.9%	47.1%
2 to less than 5 Years	60.2%	50.2%	41.7%	42.1%	43.0%	48.1%
5 to less than 10 Years	60.9%	47.4%	43.9%	43.7%	50.0%	50.6%
10 Years or More	55.3%	41.4%	38.6%	44.4%	43.7%	48.4%
Total	57.8%	46.7%	41.8%	42.7%	44.6%	

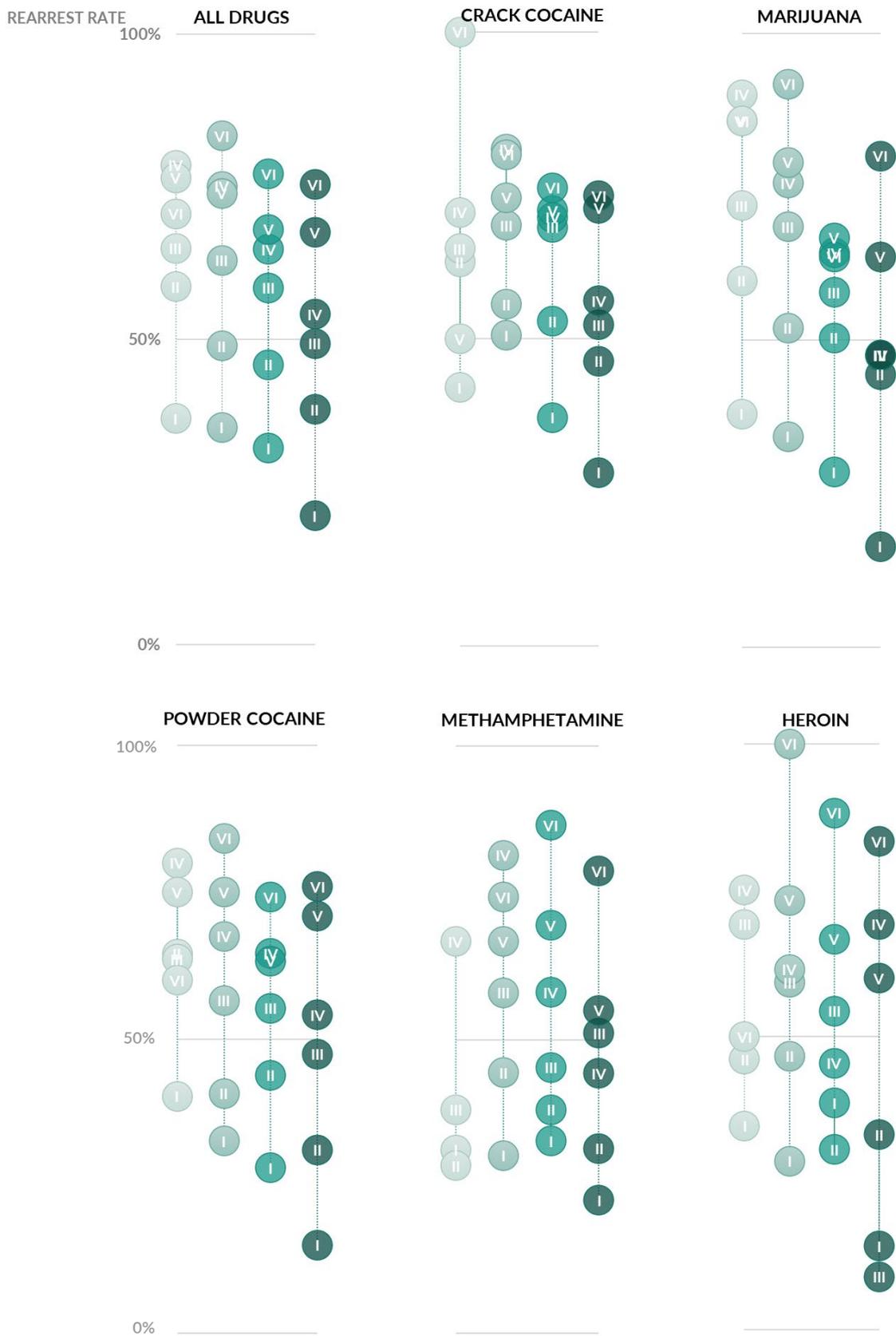
*n<=20

Recidivism and Sentence Imposed

Length of imprisonment imposed—when viewed on its own—did not have a direct relationship with rearrest rate for any drug type (Table 13). For example, among crack cocaine trafficking offenders, rearrest rates were around 60 percent for offenders whose sentences of imprisonment were between six months and less than one year, as well as for those with sentences of anywhere from two to less than ten years. Among marijuana trafficking offenders, the rearrest rate was very similar for those with the shortest sentences of less than six months (42.6%) and the longest sentences of ten years or more (41.4%).

However, when controlling for other factors—for example, CHC—an association between length of imprisonment imposed and recidivism emerged. For most drugs, across most CHCs, there was an association between longer sentences and a reduction in recidivism (Figure 21). For example, in CHC I, marijuana trafficking offenders sentenced to between one and less than two years had a rearrest rate of 38.0 percent. That rate decreased with each successive sentence length category to 34.3 percent, 28.5 percent, and 16.4 percent. For crack cocaine trafficking offenders in CHC VI, those sentenced to between one and less than two years had a rearrest rate of 100.0 percent. That rate decreased with each successive sentence length to a rearrest rate of 80.0 percent, 74.6 percent, and 73.3 percent.

Figure 21. Rearrest Rates by Length of Imprisonment and Criminal History Category for Federal Drug Trafficking Offenders Released in 2010 (Combined and by Primary Drug Type)



COMPARISON WITH THE 2005 RELEASE COHORT

COMPARISON WITH THE 2005 RELEASE COHORT

Recidivism patterns for drug trafficking offenders were virtually unchanged from the Commission’s findings in its study of federal drug trafficking offenders who were released in 2005.¹⁰² Drug trafficking offenders released in 2010 had a similar rearrest rate (47.9%) to those released in 2005 (50.0%), and the median time to rearrest was similar for those released in 2010 (23 months) and those released in 2005 (25 months). In the 2005 study, the Commission also reported a median number of rearrests of two, and assault

was the most serious new charge for the largest proportion of offenders in both cohorts (Table 14).¹⁰³ Finally, for offenders who recidivated, the median age at release was similar for drug trafficking offenders released in 2010 (33 years) as compared to those released in 2005 (32 years).¹⁰⁴

Consistent with prior Commission research, criminal history and age at release continue to correlate with recidivism. For both the 2010 and 2005 cohorts, lower rearrest rates were associated with older offenders and

Table 14. Comparison of Overall Rearrest Findings for Federal Drug Trafficking Offenders Released in 2010 and 2005

	Offenders Released in 2010	Offenders Released in 2005
Percent Rearrested	47.9%	50.0%
Median Months to Rearrest	23 Months	25 Months
Median Number of Rearrests	2	2
Most Common Post Release Offense	Assault (19.9%)	Assault (23.8%)
Median Age at Release	33	32

Table 15. Comparison of Overall Rearrest Findings for Federal Drug Trafficking Offenders Released in 2010 and 2005 (Combined and by Primary Drug Type)

	ALL DRUGS COMBINED	CRACK COCAINE	MARIJUANA	POWDER COCAINE	METHAMPHETAMINE	HEROIN
Rearrest Rates						
2010 COHORT	47.9%	57.8%	46.7%	41.8%	42.7%	44.6%
2005 COHORT	50.0%	60.8%	50.0%	43.8%	44.8%	47.1%

higher rearrest rates were associated with offenders with more extensive criminal histories.¹⁰⁵

A similar pattern is also generally observed when analyzing individual drug types. Overall, the rearrest rates for each primary drug type remained relatively stable across the 2005 and 2010 cohorts (Table 15). In addition, the correlations between age and criminal history with recidivism were observed in each primary drug type. Of all drug types, the largest change in rearrest rates occurred among marijuana trafficking offenders, whose rearrest rate decreased only by 3.3 percentage points from 50.0 percent¹⁰⁶ to 46.7 percent.

In both the 2010 and 2005 release cohorts, crack cocaine trafficking offenders comprised the largest primary drug type group,¹⁰⁷ and they were rearrested at the highest rate of any drug type.¹⁰⁸ The rate of rearrest was similar for crack cocaine trafficking offenders released in 2005 (60.8%)¹⁰⁹ and those released in 2010 (57.8%). While the rearrest rate was similar, as noted above, several changes in the sentencing of crack cocaine trafficking offenders occurred during the current study period. Specifically, the guidelines were amended to change BOLs for crack offenders as of November 1, 2007.¹¹⁰



Recidivism patterns for drug trafficking offenders were virtually unchanged from the Commission’s findings in its study of federal drug trafficking offenders who were released in 2005.

Of the crack cocaine trafficking offenders in the study cohort, 25.8 percent were sentenced under a 2007 or later version of the *Guidelines Manual* that incorporated these changes to BOLs, while 74.2 percent were sentenced under an earlier version. Of those sentenced under the 2007 manual or later, 55.9 percent were rearrested, as compared with 58.4 percent of those sentenced under an earlier manual. To the extent that crack cocaine trafficking offenders in this study received shorter sentences due to the BOL changes, these similar recidivism findings mirror those from an earlier Commission study.¹¹¹ There, the Commission found no difference in the recidivism rates between those who served their full sentences and those whose sentences were reduced pursuant to retroactive application of the 2007 Crack Cocaine Amendment.¹¹²

The similarity in recidivism patterns for all drug trafficking offenders is notable because the offenders in the two release cohorts were subject to markedly different federal criminal justice environments. Nearly all offenders released in 2005 were sentenced under the mandatory guideline system prior to *Booker*. In contrast, the majority (74.4%) of drug trafficking offenders released in 2010 were sentenced under the advisory guideline system post-*Booker*. Moreover, the offenders in this study were released when the PPSO had increased its reliance on evidence-based practices. While this study was not specifically designed to assess the impact of these changes on recidivism, it is nevertheless notable that recidivism patterns remained largely the same in their wake.

CONCLUSION

CONCLUSION

Drug trafficking offenders, as compared to all other offenders, were rearrested at a similar rate. In addition, when examining recidivism of drug trafficking offenders by drug type, recidivism patterns were largely similar across the board. Notably, though, crack cocaine trafficking offenders—who comprised the largest primary drug type group—were rearrested at the highest rate of any drug type. Rearrest rates for all other drug types were relatively similar. Drug trafficking offenders who recidivated were most likely to be rearrested during the first year in the community, and, as time went on, fewer offenders were rearrested for the first time, if at all. These findings were comparable to the recidivism outcomes reported in the 2005 study.

Consistent with prior recidivism studies, the two indicators most clearly correlated with recidivism among drug trafficking offenders were criminal history and age. Generally, as offenders' criminal history points increased, the recidivism rate likewise increased. When looking at age and recidivism, an inverse correlation emerged. Drug trafficking offenders released prior to age 21 had the highest rearrest rate, while those 60 years old and older at the time of their release had the lowest rearrest rate.

The strong association of both criminal history and age with recidivism rates adds important context to some other study findings. For example, drug trafficking offenders with higher base offense levels, which largely are determined by drug quantity and type, had lower recidivism rates than those offenders with lower base offense levels. However, the longer sentences received by

those with higher base offense levels likely resulted in older ages at release—a factor correlated with lower recidivism.

Similarly, recidivism rates were higher among drug trafficking offenders convicted of drug offenses that did not carry a mandatory minimum penalty than among those offenders with a mandatory minimum penalty. In addition, those convicted of a drug offense carrying a shorter mandatory minimum penalty had slightly higher recidivism rates than those convicted of an offense carrying a longer penalty. Again, the older age at release of those offenders receiving longer mandatory minimum penalties may be at least one factor explaining the link between mandatory minimum penalties and recidivism.

Moreover, while there was no direct association between the length of an offender's prison sentence and recidivism, once criminal history was considered, distinct patterns emerged. Within each criminal history category, there was a strong association between longer sentences and a reduction in recidivism.

Finally, most federal drug trafficking offenders released in 2010 were subject to markedly different sentencing and supervision systems than those released in 2005, yet their rates of recidivism remained largely the same. Those in the 2010 study cohort were rearrested at a rate of 47.9 percent over the eight-year follow-up period, while those in the 2005 cohort were rearrested at a rate of 50.0 percent.

APPENDICES

APPENDIX A

Methodology

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

Identifying the Study Cohort

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

Processing the Criminal History Record Information

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

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

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

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

Standardizing the Criminal Records

After acquiring offender CHRI, the Commission contracted with Integrity One Partners (IOP) to consolidate records for each offender and remove duplicative or extraneous material.¹¹³ Following this preliminary process, IOP utilized a crosswalk created for the Commission's prior recidivism research¹¹⁴ to standardize offense codes across states and federal agencies. The crosswalk was updated to standardize new offense codes not mapped in the original crosswalk. The crosswalk standardizes arrest and court codes, regardless of originating sources, into a common framework for analysis. This step was needed because criminal records repositories are primarily designed to store records in ways that accurately reflect the requirements of each state or federal repository, such as the criminal code for that jurisdiction. As a result, any

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

Within each arrest cycle, arrest charges were categorized using standardized codes. A charge severity index was created that incorporates both criminal law classification (e.g., felony or misdemeanor) and offense severity. Offenses were first classified into standardized subcategories. These subcategories were then further grouped for analytical purposes into one of 20 major crime categories in ranking order by severity.¹¹⁵ For each offender, the most severe major crime category was identified in their arrest information. The rearrest categories and their underlying subcategories are provided in Table A.

Table A. Rearrest Offense Categories and Charges

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

United States Sentencing Commission

DRUG TRAFFICKING	<i>Trafficking cocaine/crack</i> <i>Trafficking heroin</i> <i>Trafficking marijuana</i> <i>Trafficking methamphetamine</i> <i>Trafficking other/unspecified controlled substance</i>
BURGLARY	<i>Burglary</i>
LARCENY	<i>Motor vehicle theft</i> <i>Grand/felony larceny</i> <i>Petty/misdemeanor larceny</i> <i>Larceny unspecified</i> <i>Receiving stolen property</i> <i>Trafficking stolen property</i> <i>Unauthorized use of vehicle</i>
FRAUD	<i>Fraud/forgery</i> <i>Identity theft</i> <i>Embezzlement</i> <i>Bribery</i>
OTHER PROPERTY	<i>Destruction of property</i> <i>Hit and run with property damage</i> <i>Trespassing</i> <i>Possession of burglary tools</i> <i>Other property offense</i>
DRUG POSSESSION	<i>Possession of cocaine/crack</i> <i>Possession of heroin</i> <i>Possession of marijuana</i> <i>Possession of methamphetamine</i> <i>Possession of other/unspecified controlled substance</i>
OTHER DRUG	<i>Unspecified cocaine/crack offense</i> <i>Unspecified heroin offense</i> <i>Unspecified marijuana offense</i> <i>Unspecified methamphetamine offense</i> <i>Unspecified other/unspecified drug offense</i>
WEAPON	<i>Weapon offense</i>
OTHER SEX OFFENSE	<i>Morals offense</i> <i>Indecent exposure</i> <i>Commercialized vice</i> <i>Contributing to the delinquency of a minor</i>

DUI/DWI	<p><i>Driving while intoxicated/under the influence, substance unspecified</i></p> <p><i>Driving while intoxicated/under the influence, alcohol</i></p> <p><i>Driving while intoxicated/under the influence, drugs</i></p>
IMMIGRATION	<p><i>Immigration offense</i></p> <p><i>Escape from custody</i></p> <p><i>Flight to avoid prosecution</i></p> <p><i>Warrant</i></p>
ADMINISTRATION OF JUSTICE	<p><i>Contempt of court</i></p> <p><i>Failure to appear</i></p> <p><i>Violation of restraining order</i></p> <p><i>Other court offense</i></p> <p><i>Prison contraband offense</i></p> <p><i>Sex offender registry offense</i></p> <p><i>Obstruction of justice</i></p>
PROBATION/PAROLE/ SUPERVISED RELEASE VIOLATION	<p><i>Parole violation</i></p> <p><i>Unspecified probation/parole violation</i></p> <p><i>Probation violation</i></p> <p><i>Family-related offense</i></p> <p><i>Drunkenness/vagrancy/disorderly conduct</i></p>
PUBLIC ORDER	<p><i>Invasion of privacy</i></p> <p><i>Liquor law violation</i></p> <p><i>Other public order offense</i></p> <p><i>Curfew violation</i></p>
OTHER/UNSPECIFIED OFFENSES	<p><i>vehicular manslaughter/homicide</i></p> <p><i>Negligent (involuntary) manslaughter/homicide</i></p> <p><i>Habitual offender</i></p> <p><i>Runaway</i></p> <p><i>Truancy</i></p> <p><i>Ungovernability</i></p> <p><i>Status liquor law violation</i></p> <p><i>Miscellaneous status offense</i></p> <p><i>Other offense</i></p> <p><i>Unspecified inchoate offense</i></p> <p><i>Military offense</i></p> <p><i>Not applicable</i></p> <p><i>Unspecified offense</i></p>

APPENDIX B

Crack Cocaine Trafficking Offenders

Offender and Offense Characteristics

Table B-1. Demographic Characteristics for Federal Crack Cocaine Trafficking Offenders Released in 2010

Demographic Characteristics	
Race/Ethnicity	
White	9.7%
Black	82.7%
Hispanic	6.7%
Other	1.0%
Gender	
Male	89.8%
Female	10.2%
Education	
Less than High School	49.4%
High School Graduate	38.3%
Some College	11.6%
College Graduate	0.7%
Age at Sentencing	
Average	31 Years
Median	28 Years
Age at Release	
Average	36 Years
Median	34 Years

Figure B-1. Age at Release for Federal Crack Cocaine Trafficking Offenders Released in 2010

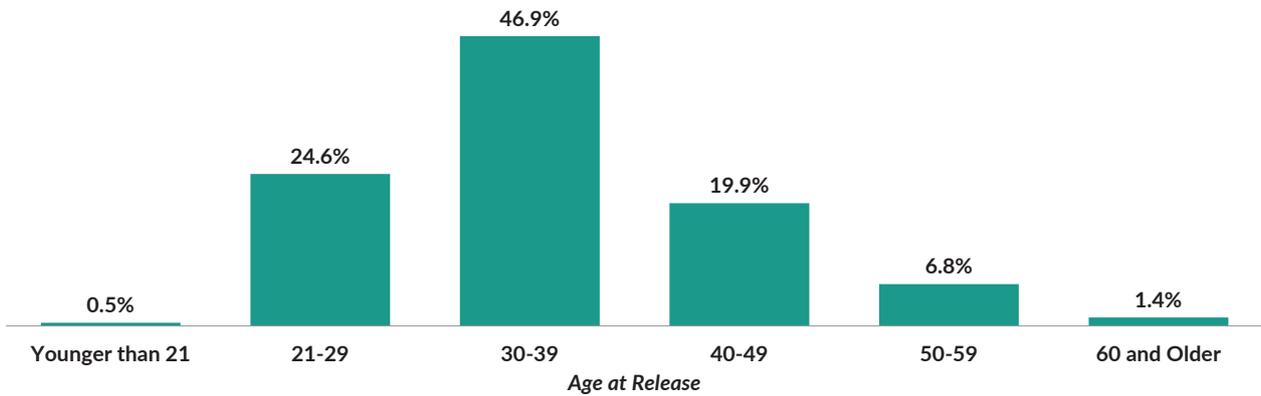


Figure B-2. Calendar Year of Original Sentencing for Federal Crack Cocaine Trafficking Offenders Released in 2010

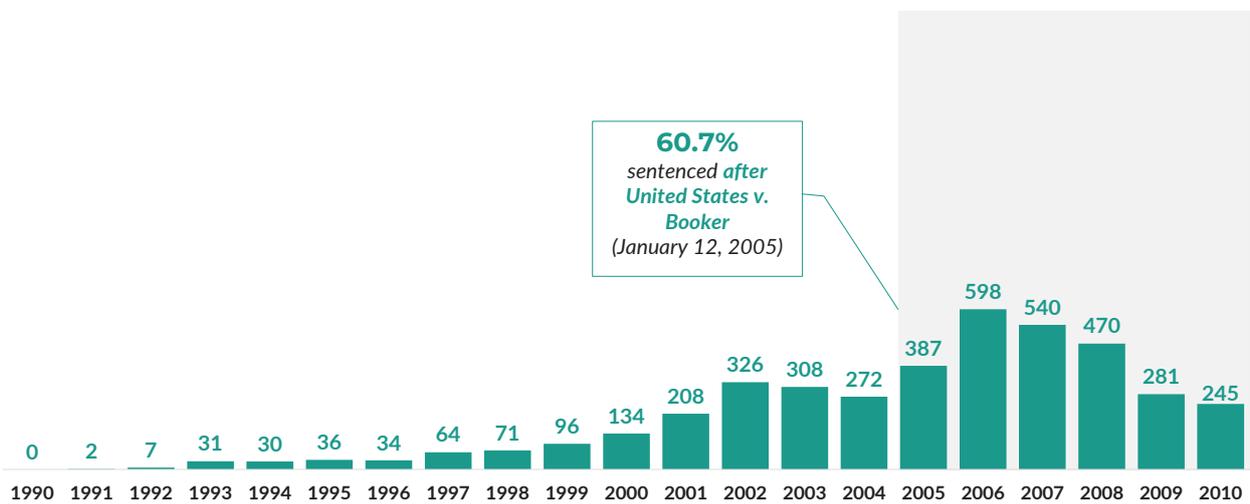


Figure B-3. Base Offense Level and Drug Mandatory Minimum Penalties at Original Sentencing for Federal Crack Cocaine Trafficking Offenders Released in 2010

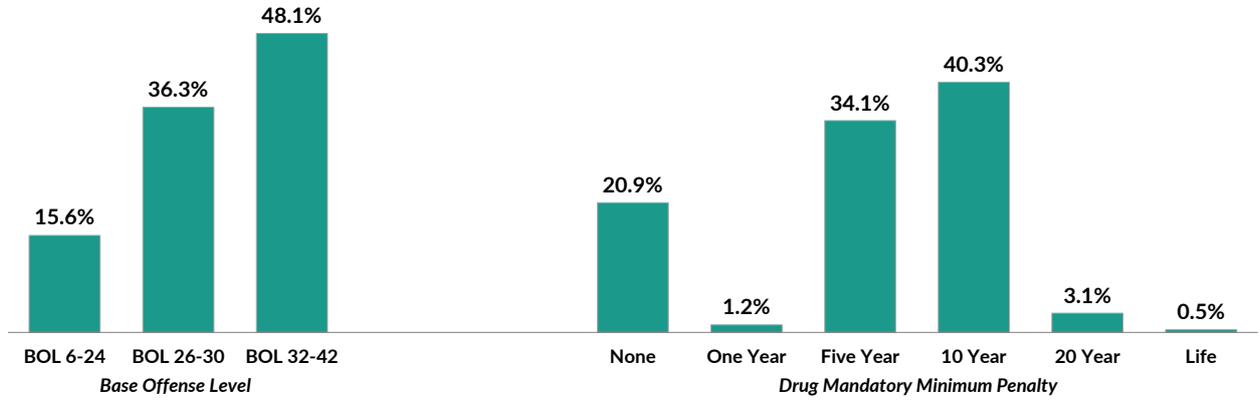


Figure B-4. Selected Sentencing Factors for Federal Crack Cocaine Trafficking Offenders Released in 2010

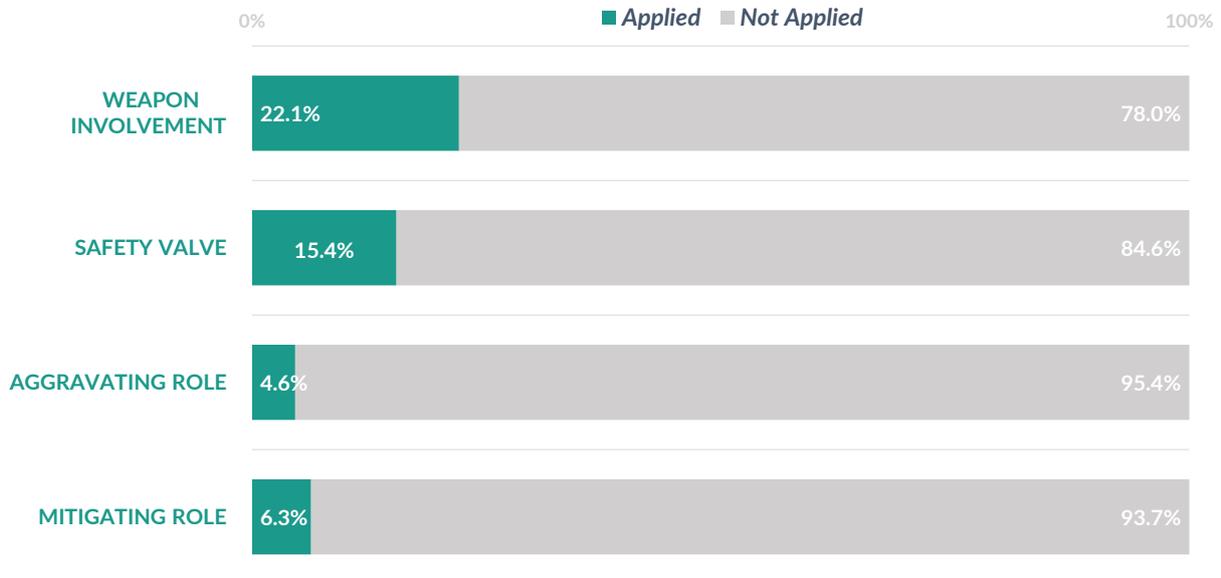


Figure B-5. Criminal History Category and Underlying Criminal History Points for Federal Crack Cocaine Trafficking Offenders Released in 2010

Criminal History Category

CHC I 24.2%		CHC II 13.6%		CHC III 22.5%			CHC IV 13.9%			CHC V 8.2%			CHC VI 8.3%	CO/ACC 9.2%
0 15.1%	1 9.1%	2 5.6%	3 8.1%	4 7.5%	5 5.9%	6 9.0%	7 4.1%	8 5.4%	9 4.5%	10 3.0%	11 2.8%	12 2.5%	13 or more 8.2%	CO/ACC 9.2%

Criminal History Points

Figure B-6. Type of Original Sentence Imposed for Federal Crack Cocaine Trafficking Offenders Released in 2010

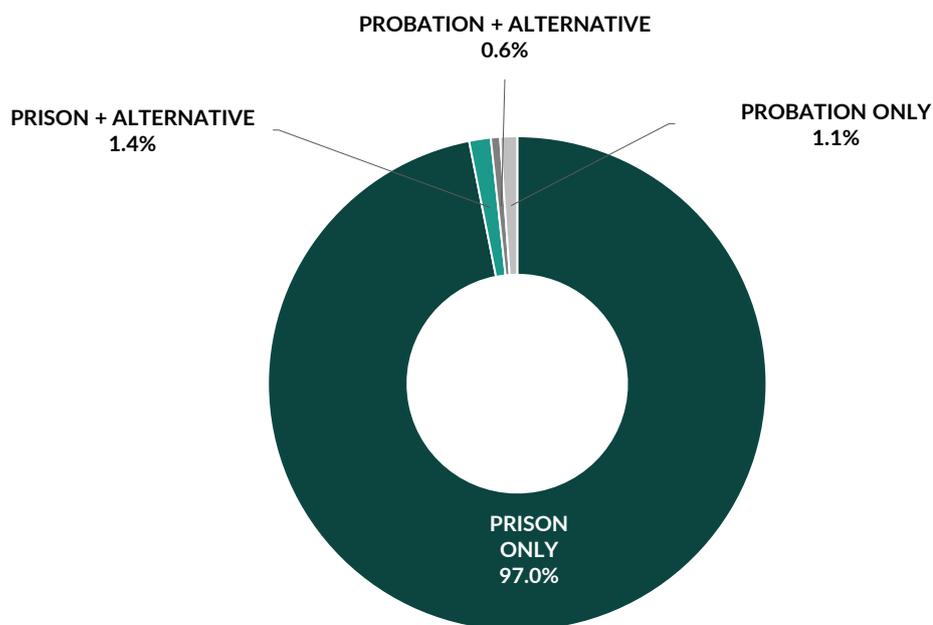


Figure B-7. Length of Imprisonment and Length of Probation for Federal Crack Cocaine Trafficking Offenders Released in 2010

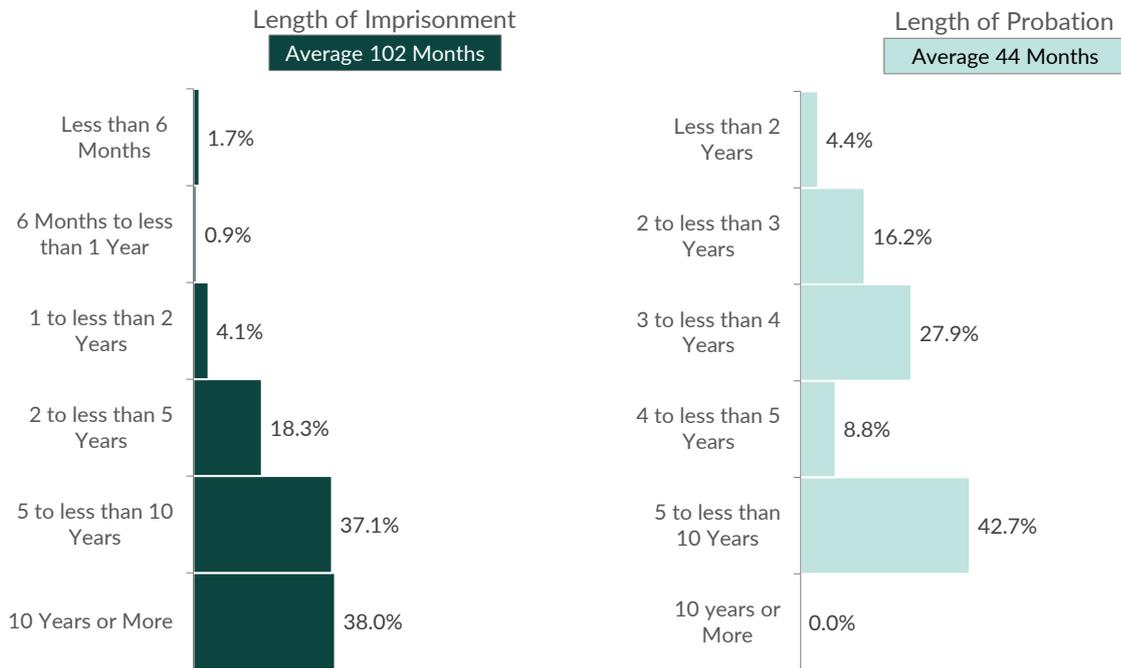
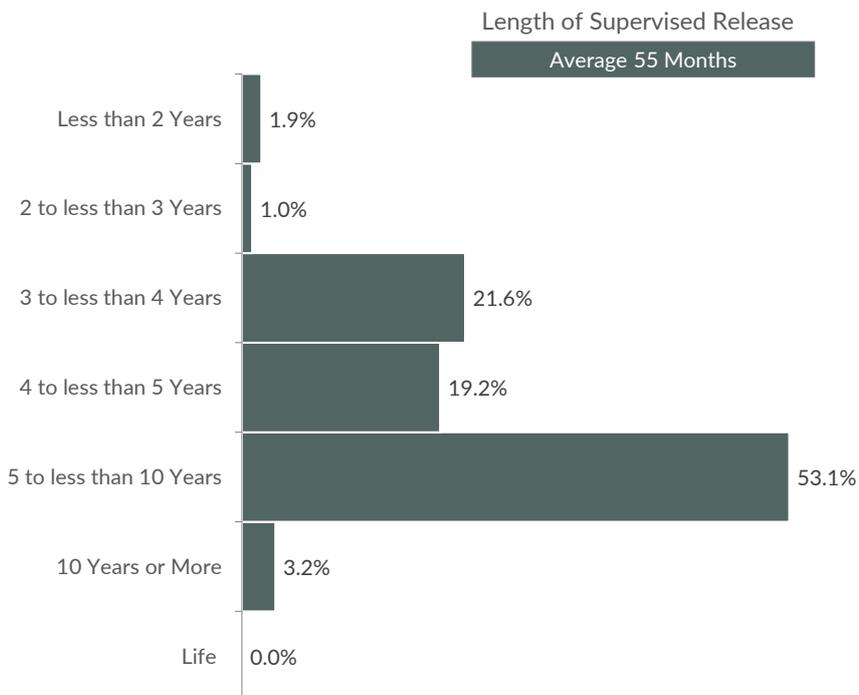


Figure B-8. Length of Supervised Release for Federal Crack Cocaine Trafficking Offenders Released in 2010



Recidivism Findings

Table B-2. Comparison of Overall Rearrest Findings for Federal Crack Cocaine Trafficking Offenders Released in 2010 and 2005

	Offenders Released in 2010	Offenders Released in 2005
Percent Rearrested	57.8%	60.8%
Median Months to Rearrest	22 Months	23 Months
Median Number of Rearrests	2	2
Most Common Post Release Offense	Assault (21.9%)	Assault (27.4%)
Median Age at Release	33	32

Figure B-9. Time to First Rearrest for Federal Crack Cocaine Trafficking Offenders Released in 2010

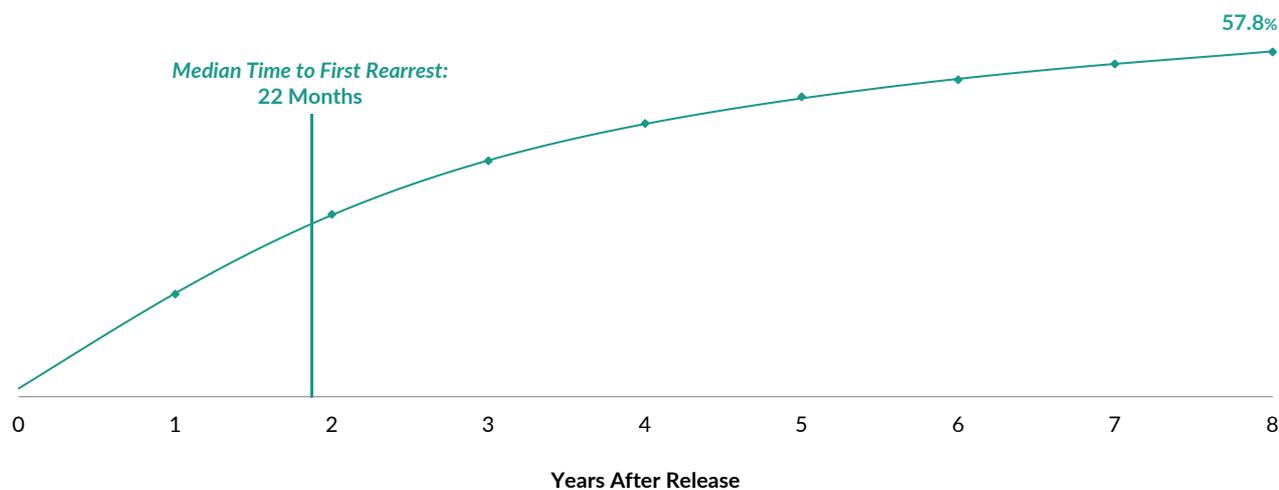


Figure B-10. Rearrest Rates for Federal Crack Cocaine Trafficking Offenders Released in 2010 Sentenced to Any Type of Supervision

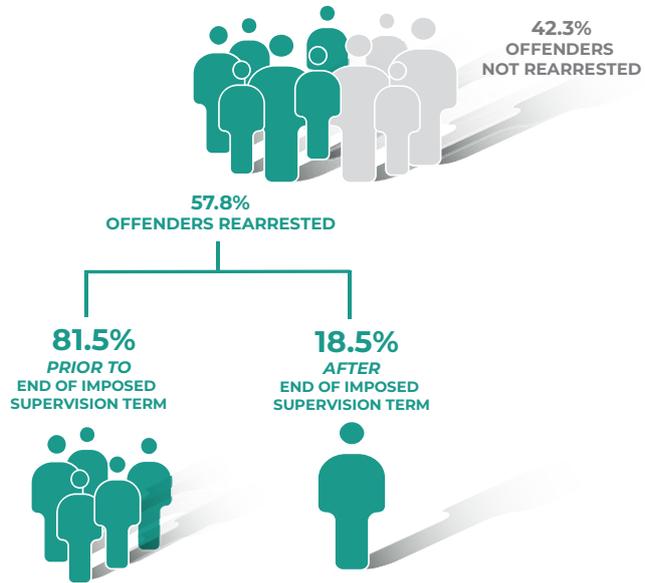


Figure B-11. Most Serious Offense at Rearrest for Federal Crack Cocaine Trafficking Offenders Released in 2010

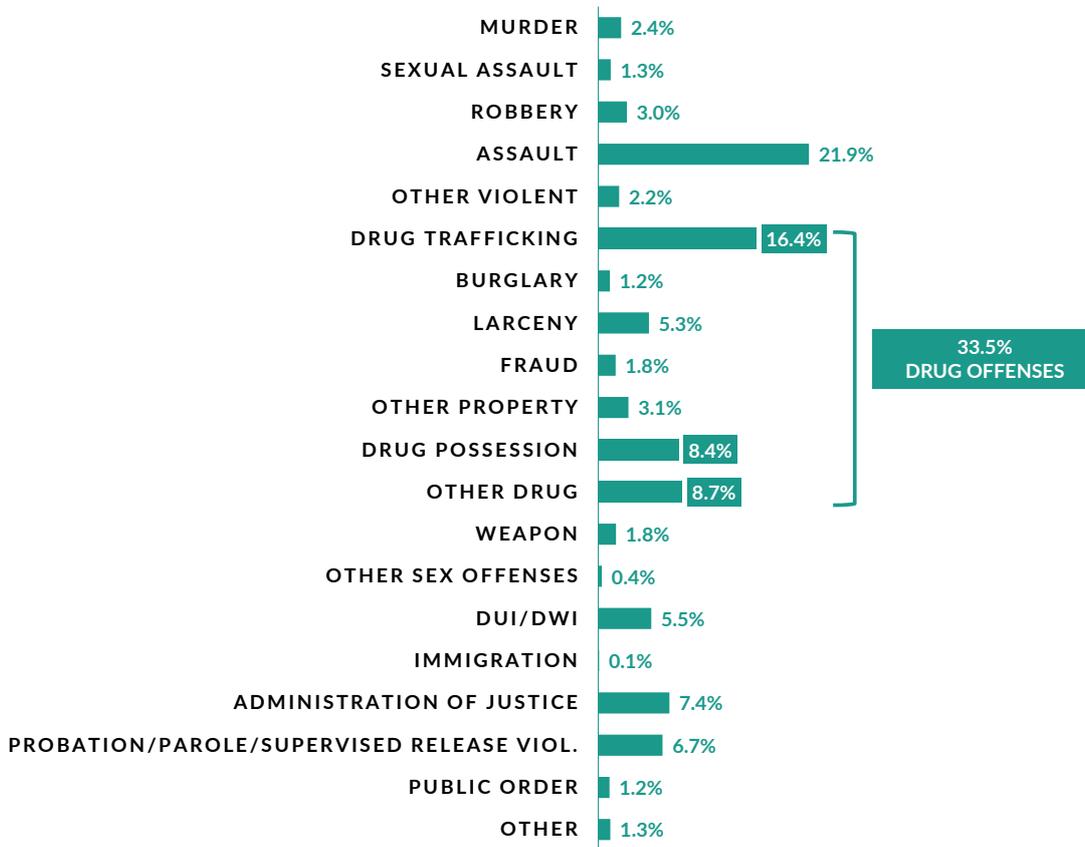


Figure B-12. Age at Release and Rearrest Rates for Federal Crack Cocaine Trafficking Offenders Released in 2010

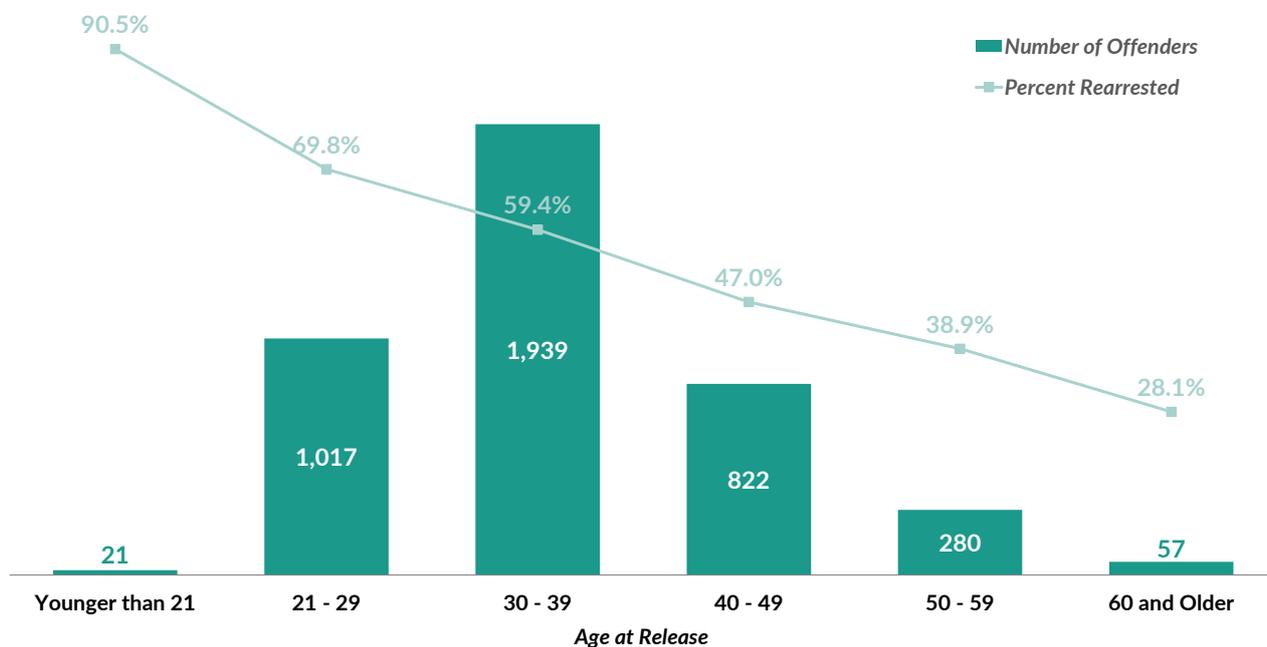


Table B-3. Time to Rearrest by Age Group for Federal Crack Cocaine Trafficking Offenders Released in 2010

Age at Release	Time to Rearrest (median months)
Younger than 21	8
21 - 29 Years	21
30 - 39 Years	22
40 - 49 Years	23
50 - 59 Years	27
60 and Older	42

Figure B-13. Rearrest Rates by Criminal History Category for Federal Crack Cocaine Trafficking Offenders Released in 2010

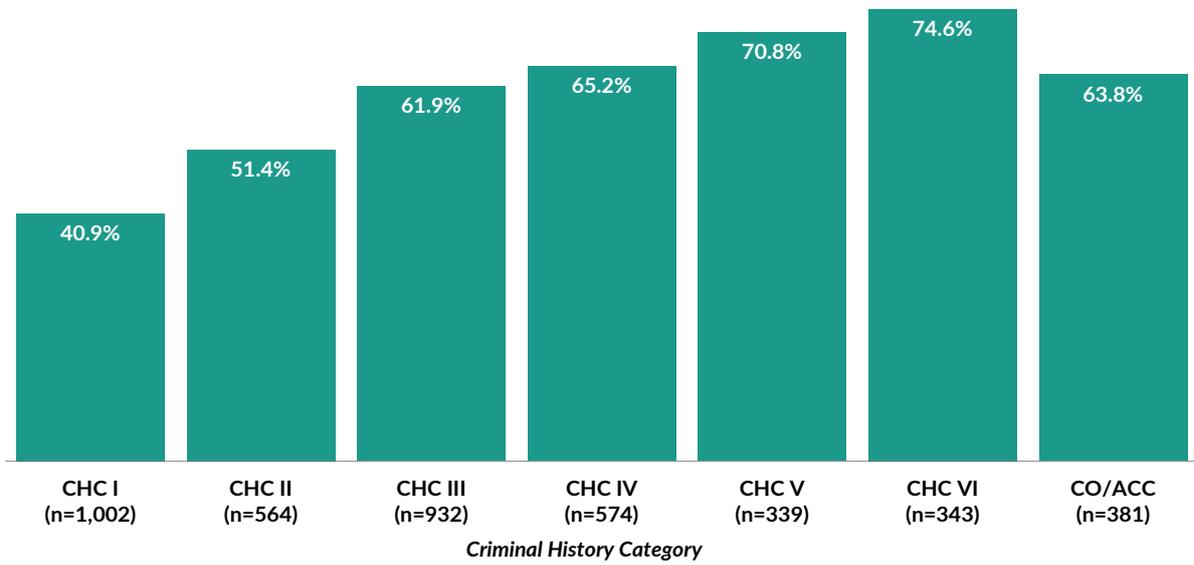


Figure B-14. Rearrest Rates by Criminal History Points for Federal Crack Cocaine Trafficking Offenders Released in 2010

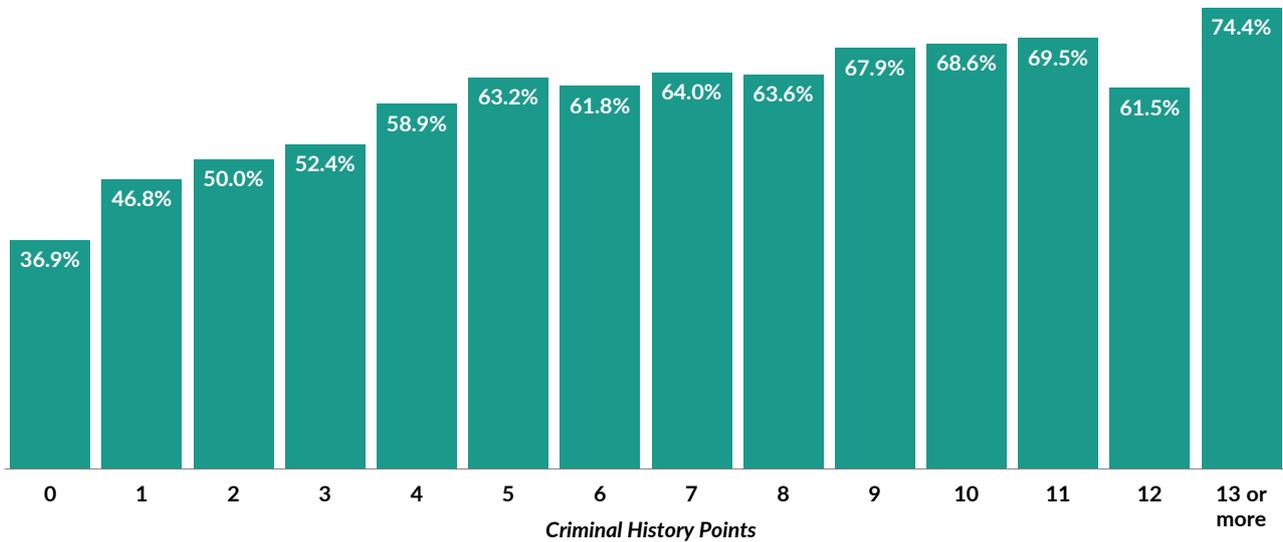


Table B-4. Rearrest Rates by Selected Demographic Characteristics for Federal Crack Cocaine Trafficking Offenders Released in 2010

Demographic Characteristics	% Rearrested
Gender	
Male	60.0%
Female	38.8%
Race/Ethnicity	
White	52.1%
Black	59.4%
Hispanic	47.3%
Other	56.1%
Education	
Less than High School	62.6%
High School Graduate	56.1%
Some College	44.7%
College Graduate	32.1%

Figure B-15. Rearrest Rates by Base Offense Level and Drug Mandatory Minimum Penalties for Federal Crack Cocaine Trafficking Offenders Released in 2010

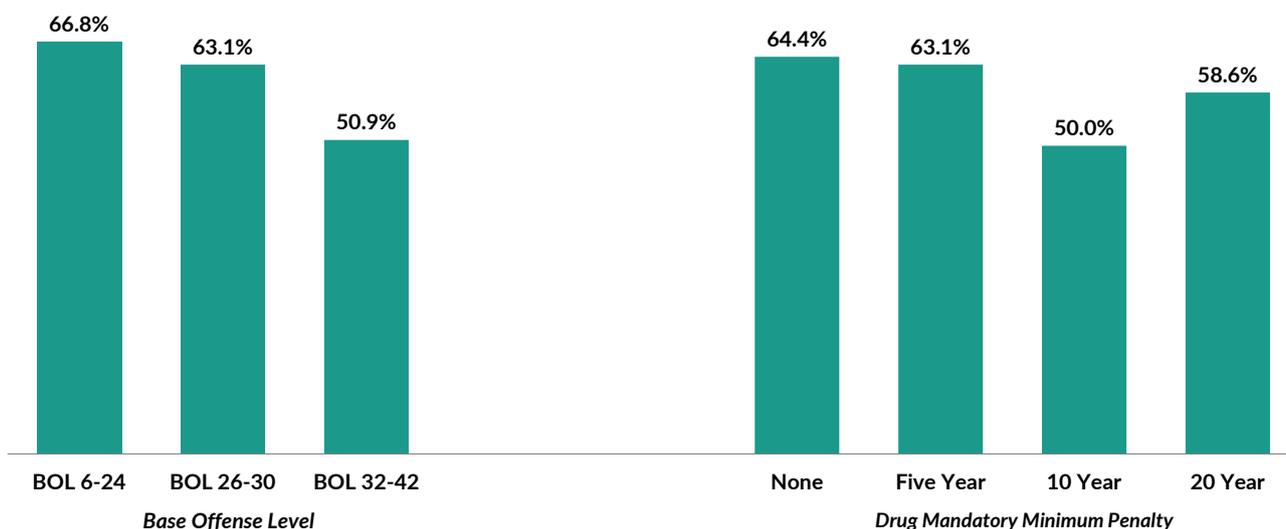


Figure B-16. Rearrest Rates by Selected Sentencing Factors for Federal Crack Cocaine Trafficking Offenders Released in 2010

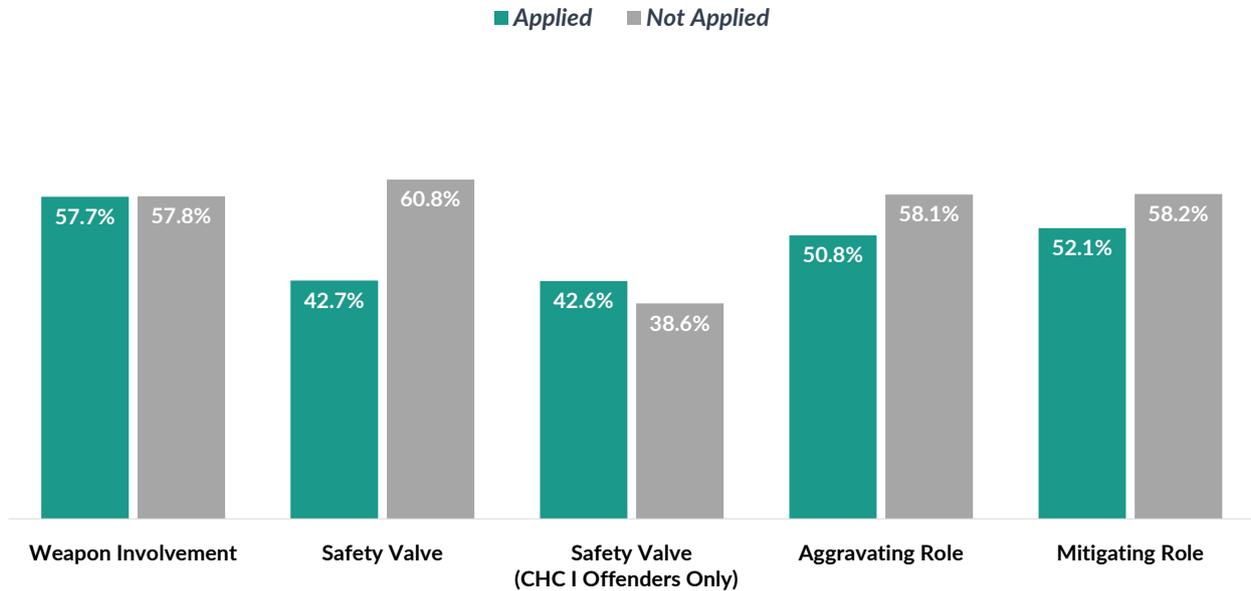


Figure B-17. Rearrest Rates by Length of Imprisonment for Federal Crack Cocaine Trafficking Offenders Released in 2010

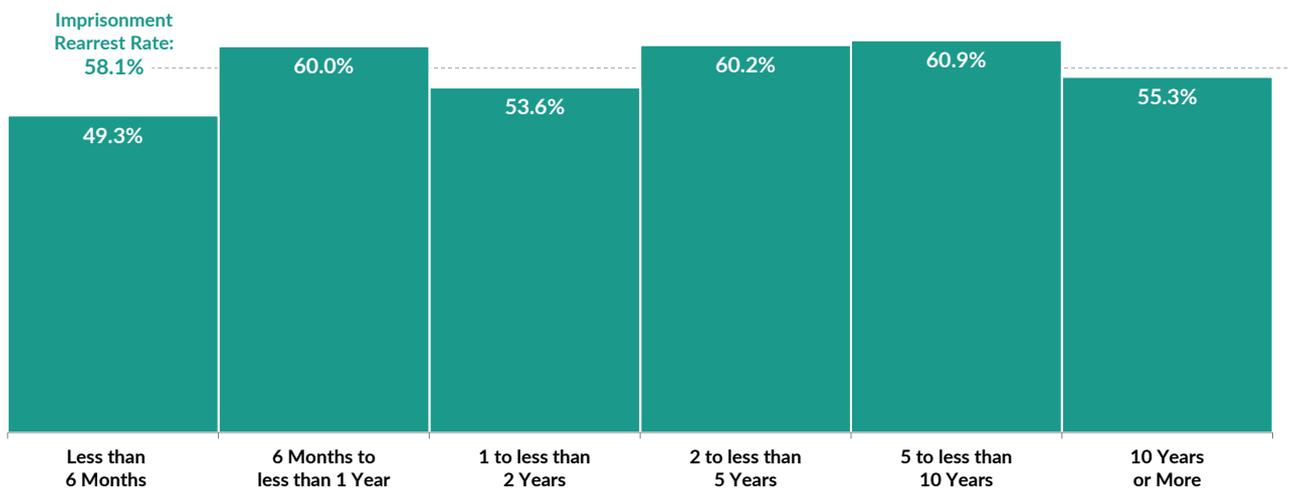


Figure B-18. Rearrest Rates by Length of Imprisonment and Criminal History Category for Federal Crack Cocaine Trafficking Offenders Released in 2010

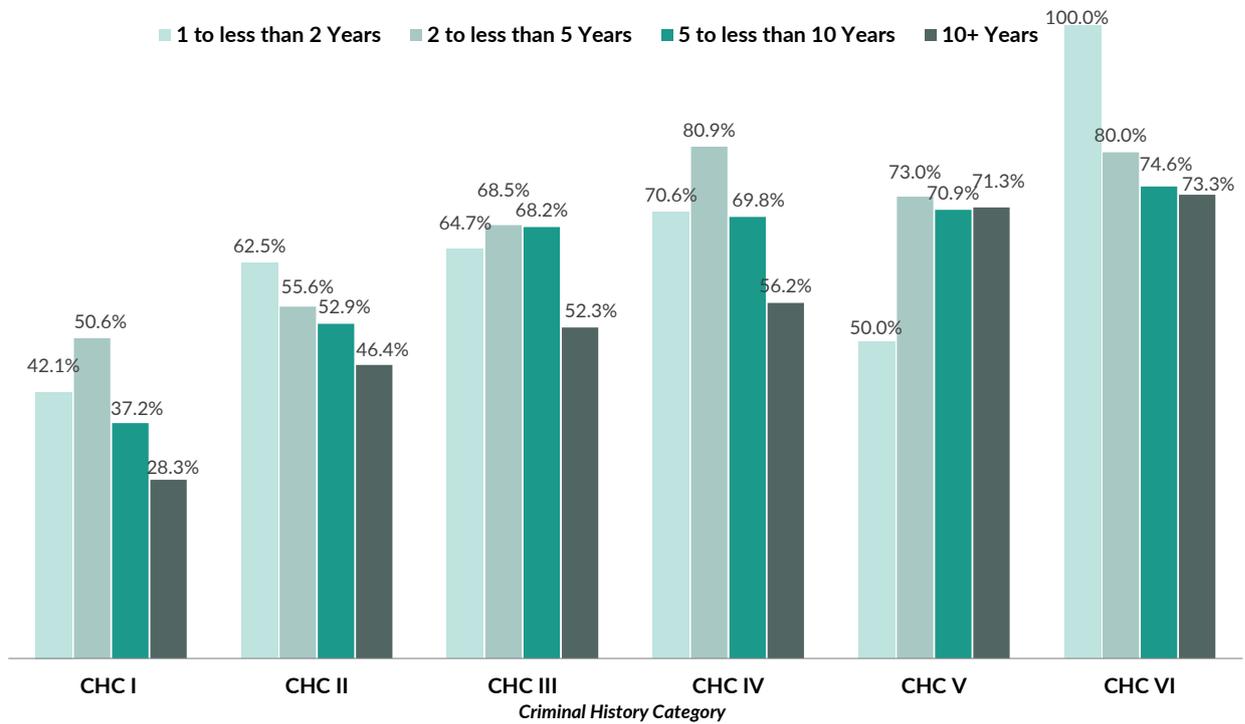


Figure B-19. Rearrest Rates by Length of Probation for Federal Crack Cocaine Trafficking Offenders Released in 2010

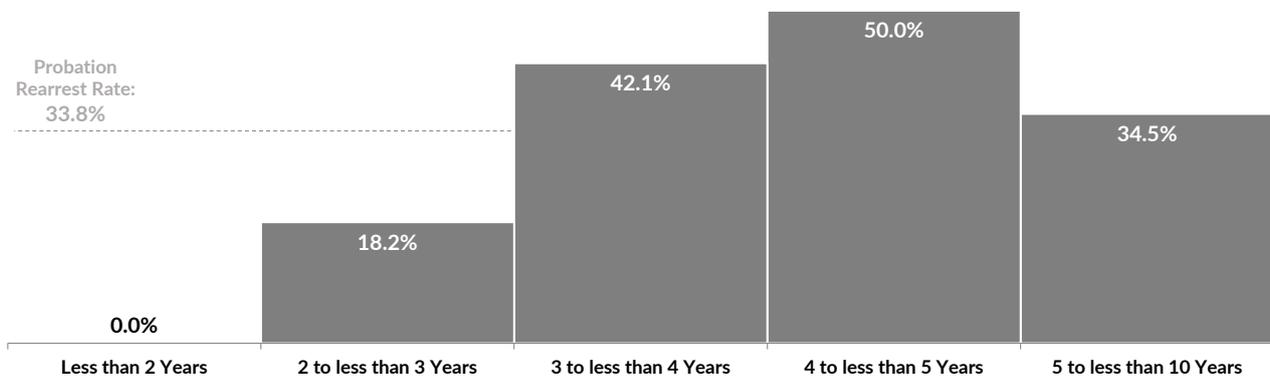
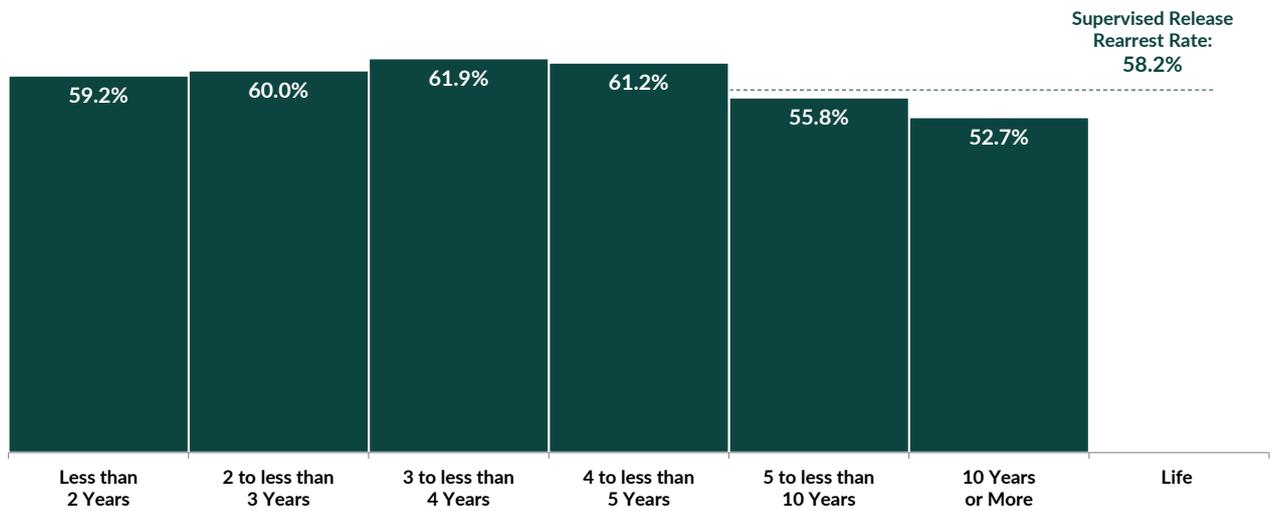


Figure B-20. Rearrest Rates by Length of Supervised Release for Federal Crack Cocaine Trafficking Offenders Released in 2010



APPENDIX C

Marijuana Trafficking Offenders

Offender and Offense Characteristics

Table C-1. Demographic Characteristics for Federal Marijuana Trafficking Offenders Released in 2010

Demographic Characteristics	
Race/Ethnicity	
White	40.9%
Black	13.2%
Hispanic	40.9%
Other	5.1%
Gender	
Male	83.7%
Female	16.3%
Education	
Less than High School	39.5%
High School Graduate	38.2%
Some College	18.9%
College Graduate	3.4%
Age at Sentencing	
Average	34 Years
Median	31 Years
Age at Release	
Average	36 Years
Median	34 Years

Figure C-1. Age at Release for Federal Marijuana Trafficking Offenders Released in 2010

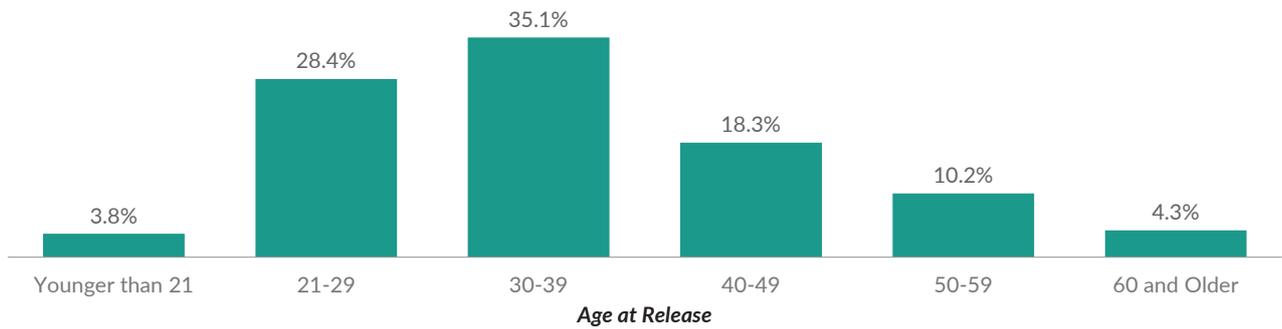


Figure C-2. Calendar Year of Original Sentencing for Federal Marijuana Trafficking Offenders Released in 2010

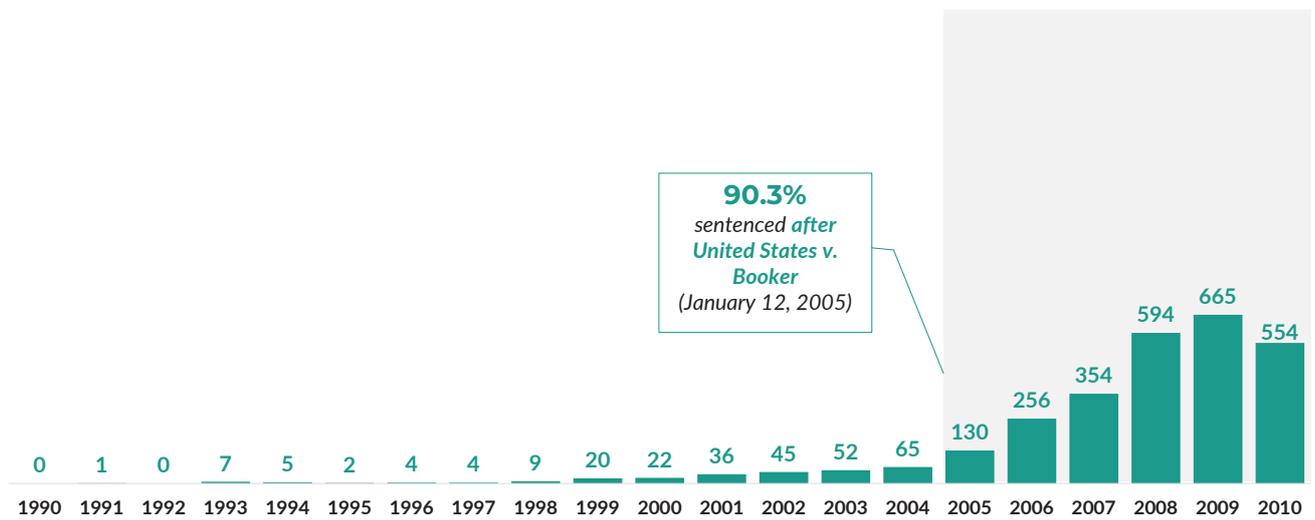


Figure C-3. Base Offense Level and Drug Mandatory Minimum Penalties at Original Sentencing for Federal Marijuana Trafficking Offenders Released in 2010

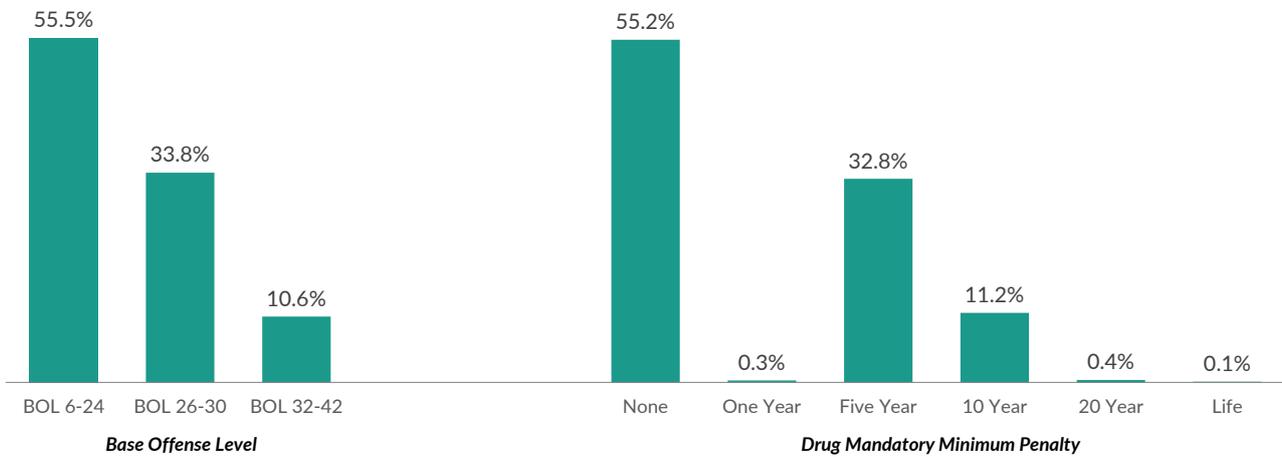


Figure C-4. Selected Sentencing Factors for Federal Marijuana Trafficking Offenders Released in 2010

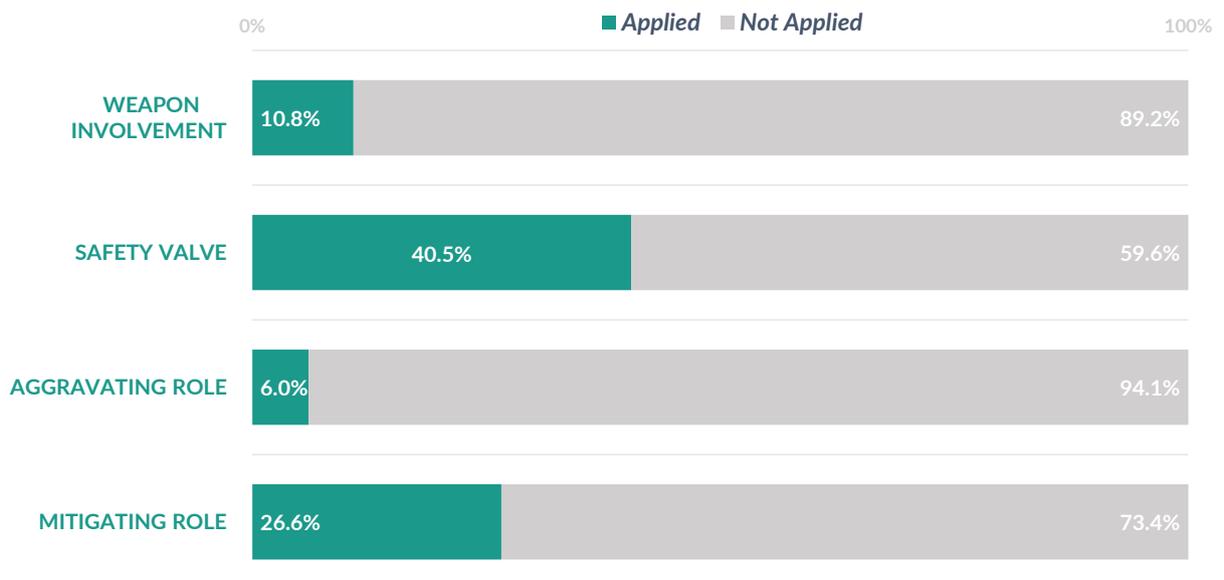


Figure C-5. Criminal History Category and Underlying Criminal History Points for Federal Marijuana Trafficking Offenders Released in 2010

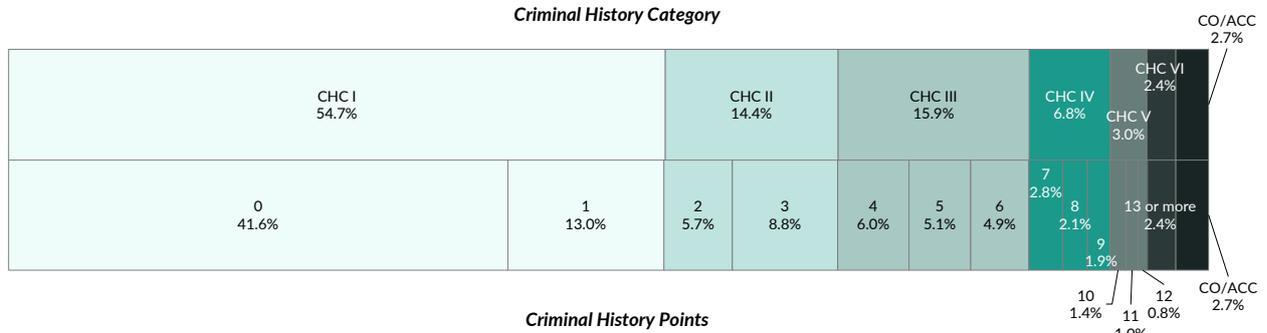


Figure C-6. Type of Original Sentence Imposed for Federal Marijuana Trafficking Offenders Released in 2010

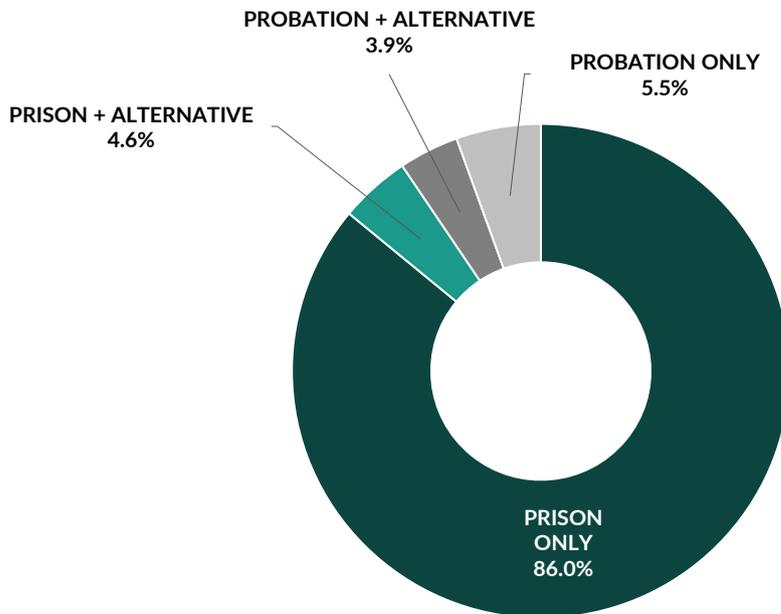


Figure C-7. Length of Imprisonment and Length of Probation for Federal Marijuana Trafficking Offenders Released in 2010

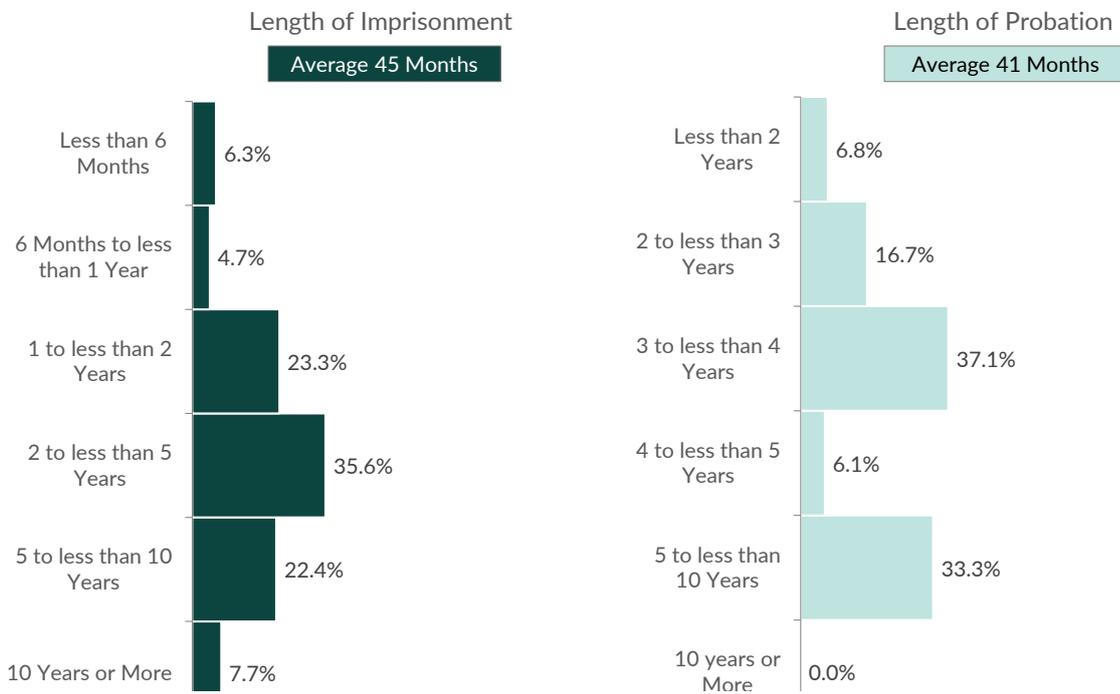
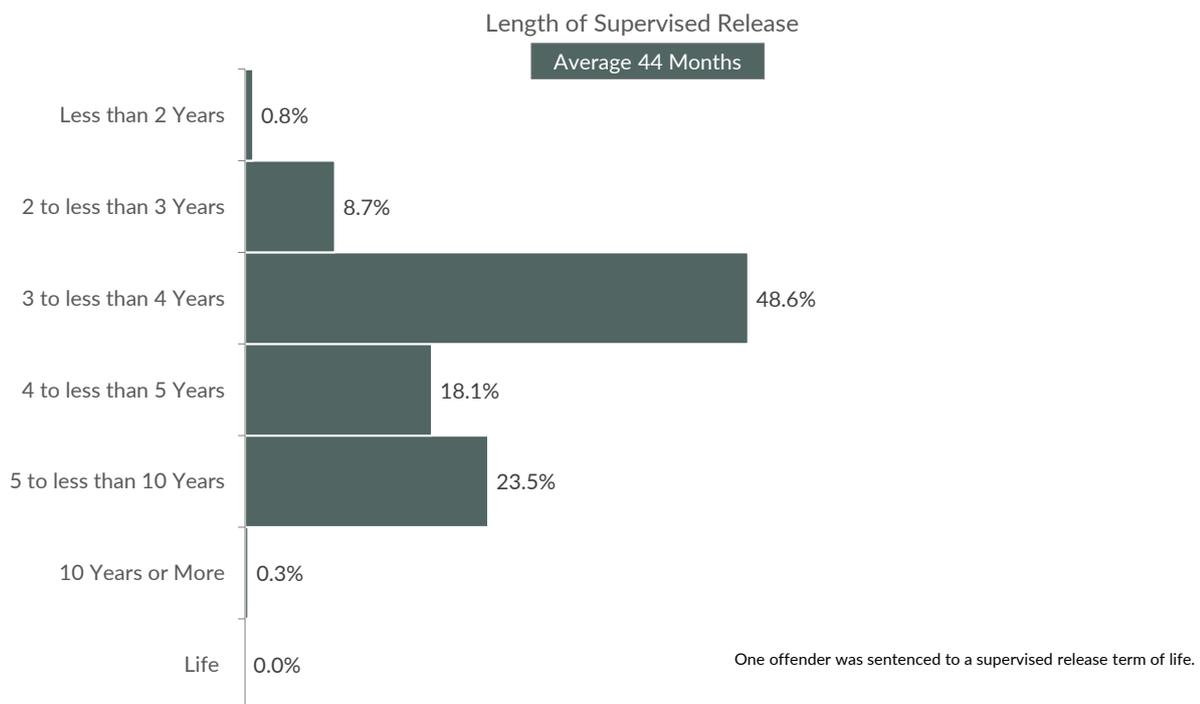


Figure C-8. Length of Supervised Release for Federal Marijuana Trafficking Offenders Released in 2010



Recidivism Findings

Table C-2. Comparison of Overall Rearrest Findings for Federal Marijuana Trafficking Offenders Released in 2010 and 2005

	Offenders Released in 2010	Offenders Released in 2005
Percent Rearrested	46.7%	50.0%
Median Months to Rearrest	20 Months	21 Months
Median Number of Rearrests	2	2
Most Common Post Release Offense	Assault (20.3%)	Assault (21.7%)
Median Age at Release	31	31

Figure C-9. Time to First Rearrest for Federal Marijuana Trafficking Offenders Released in 2010

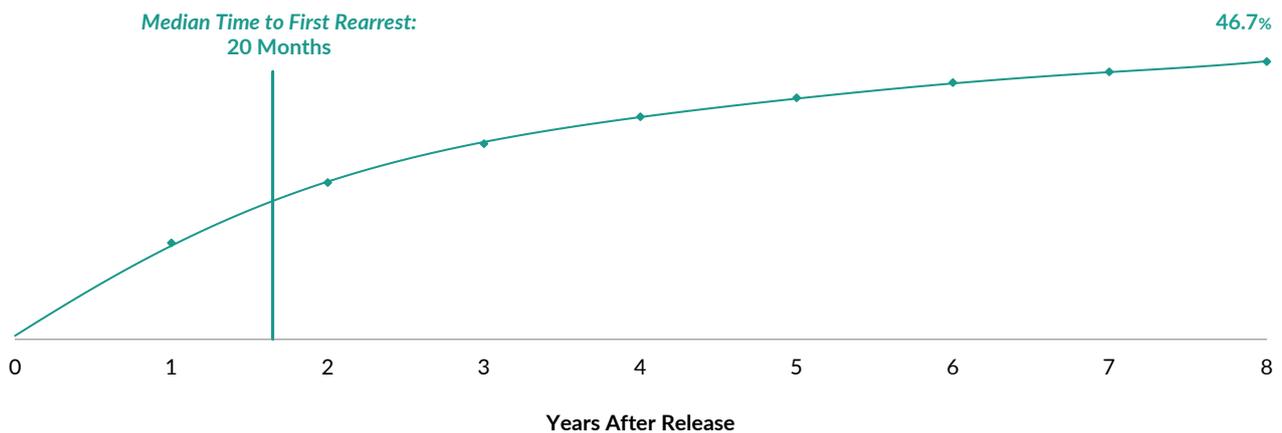


Figure C-10. Rearrest Rates for Federal Marijuana Trafficking Offenders Released in 2010 Sentenced to Any Type of Supervision

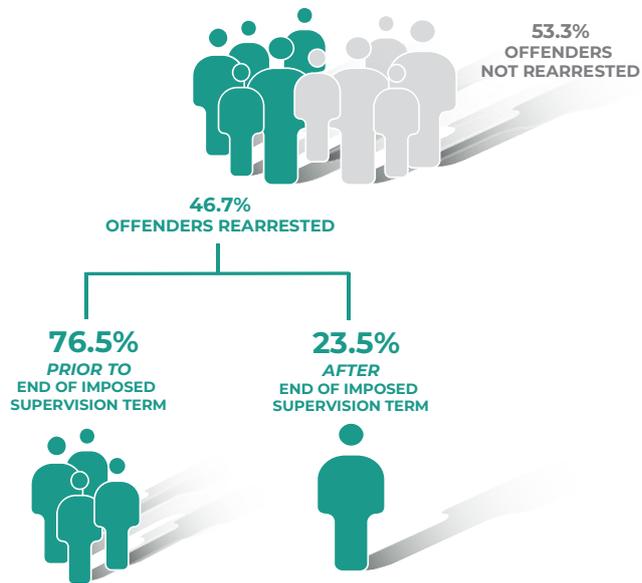


Figure C-11. Most Serious Offense at Rearrest for Federal Marijuana Trafficking Offenders Released in 2010

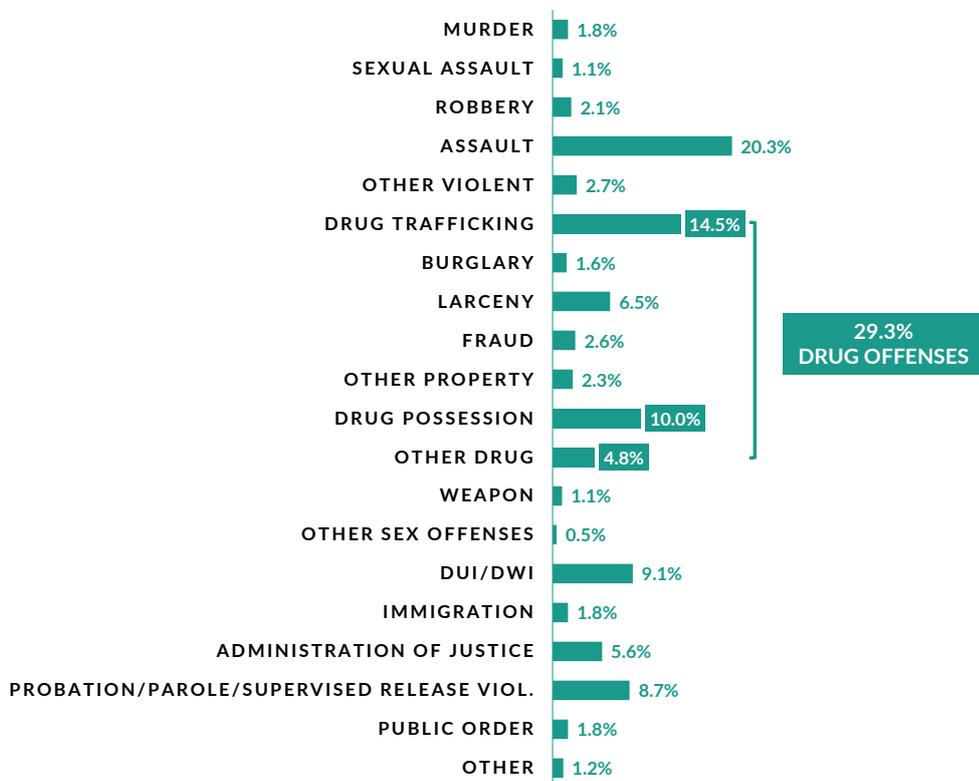


Figure C-12. Age at Release and Rearrest Rates for Federal Marijuana Trafficking Offenders Released in 2010

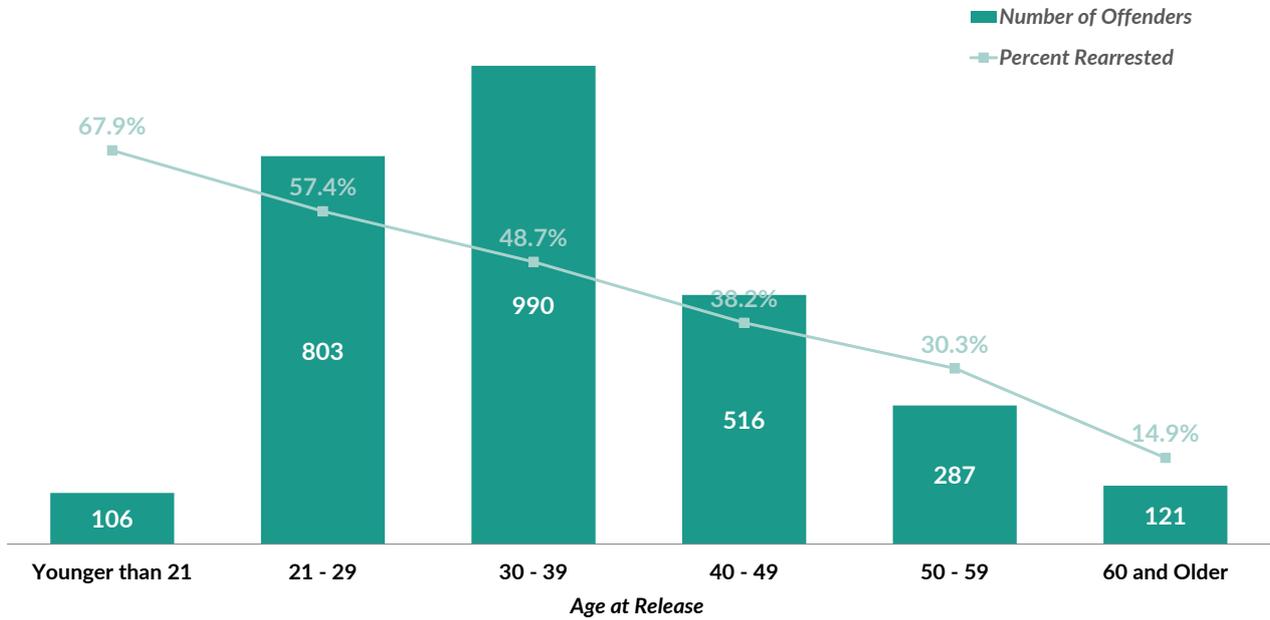


Table C-3. Time to Rearrest by Age Group for Federal Marijuana Trafficking Offenders Released in 2010

Age at Release	Time to Rearrest (median months)
Younger than 21	13
21 - 29 Years	16
30 - 39 Years	21
40 - 49 Years	25
50 - 59 Years	29
60 and Older	24

Figure C-13. Rearrest Rates by Criminal History Category for Federal Marijuana Trafficking Offenders Released in 2010

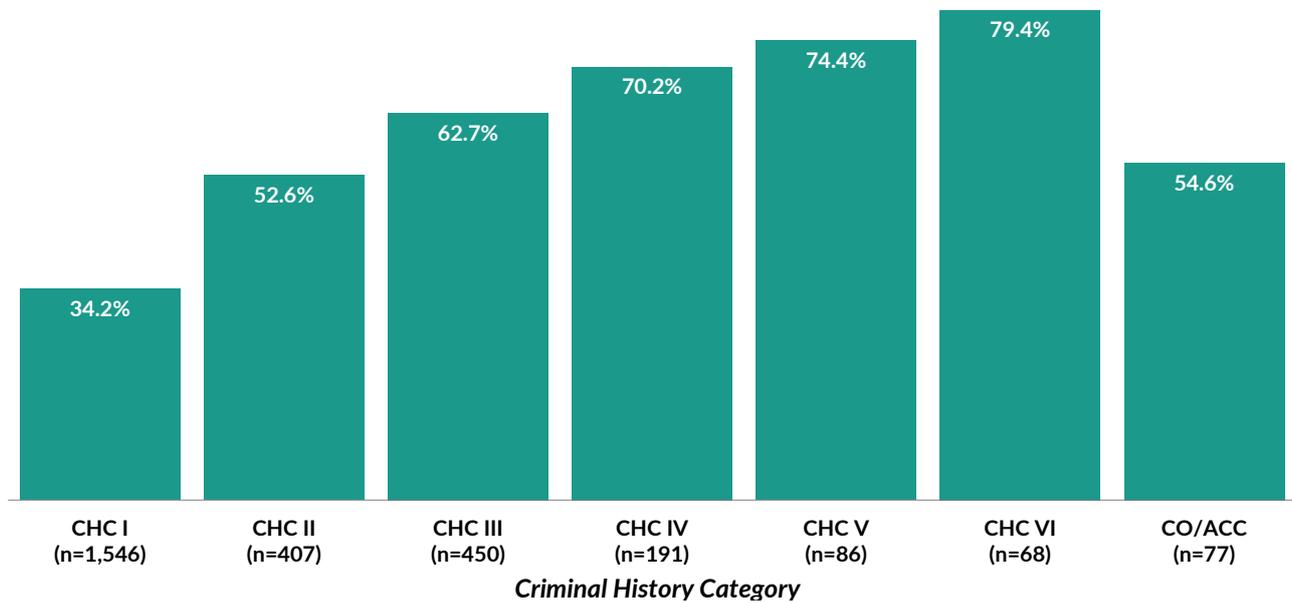


Figure C-14. Rearrest Rates by Criminal History Points for Federal Marijuana Trafficking Offenders Released in 2010

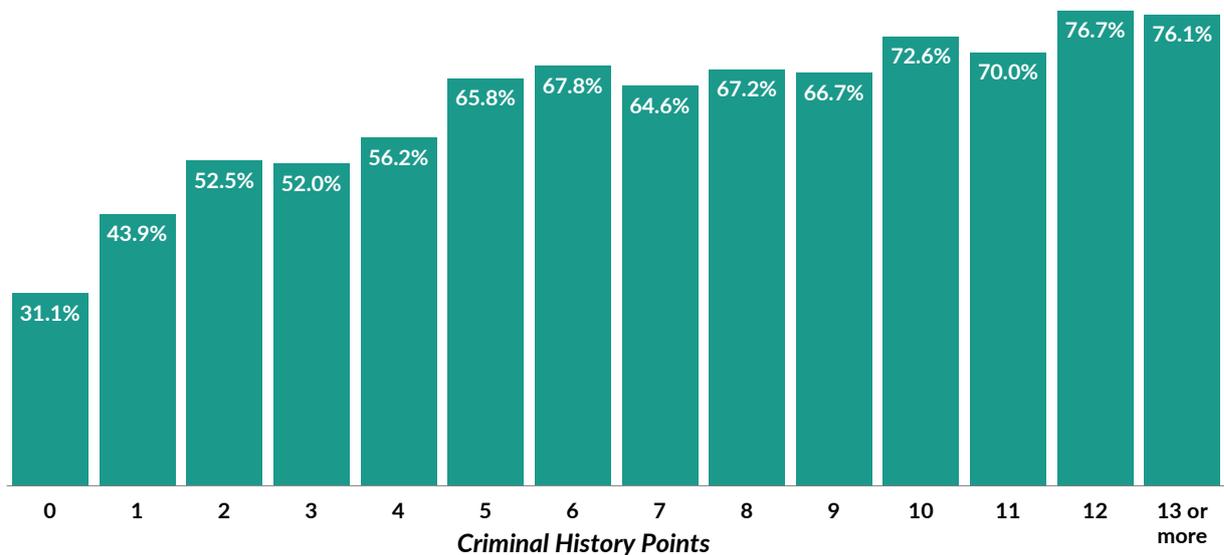


Table C-4. Rearrest Rates by Selected Demographic Characteristics for Federal Marijuana Trafficking Offenders Released in 2010

Demographic Characteristics	% Rearrested
Gender	
Male	47.9%
Female	40.1%
Race/Ethnicity	
White	40.6%
Black	49.9%
Hispanic	51.5%
Other	47.6%
Education	
Less than High School	56.4%
High School Graduate	43.4%
Some College	35.7%
College Graduate	29.5%

Figure C-15. Rearrest Rates by Base Offense Level and Drug Mandatory Minimum Penalties for Federal Marijuana Trafficking Offenders Released in 2010

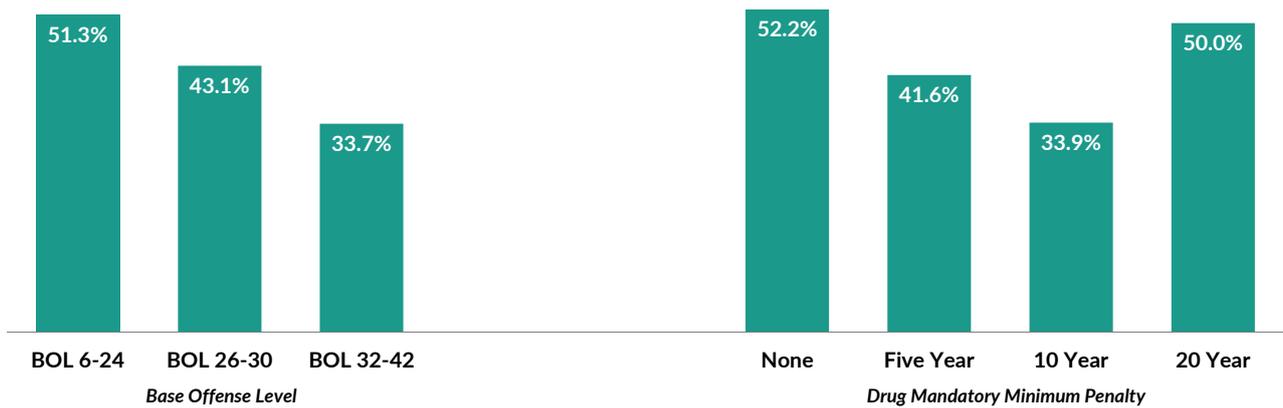


Figure C-16. Rearrest Rates by Selected Sentencing Factors for Federal Marijuana Trafficking Offenders Released in 2010

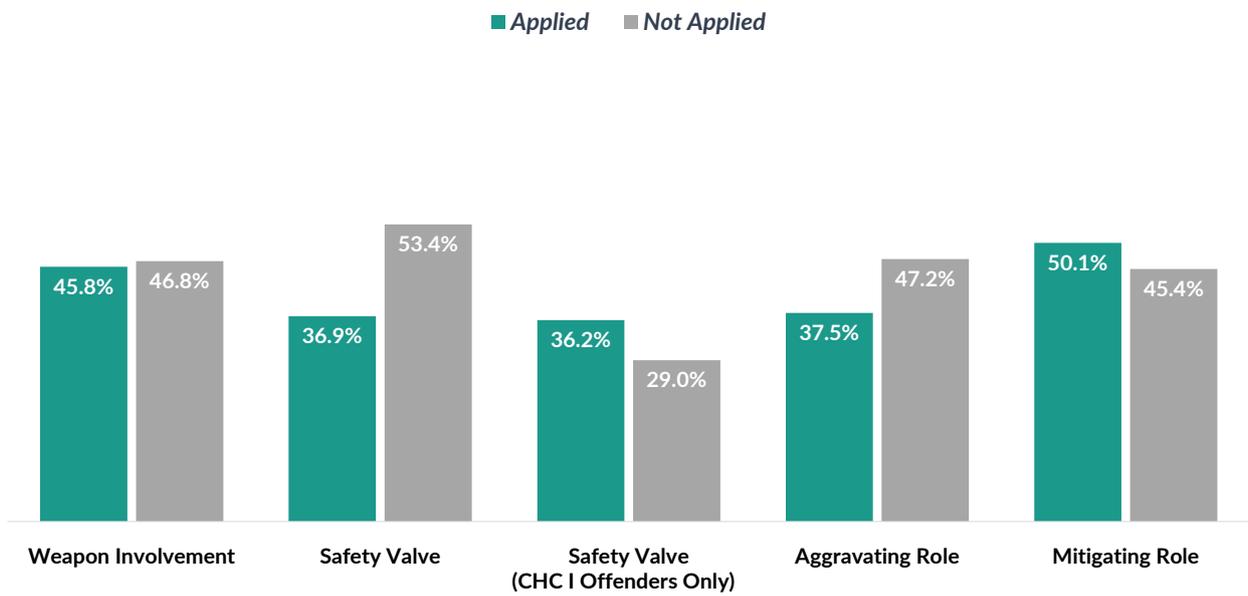


Figure C-17. Rearrest Rates by Length of Imprisonment for Federal Marijuana Trafficking Offenders Released in 2010

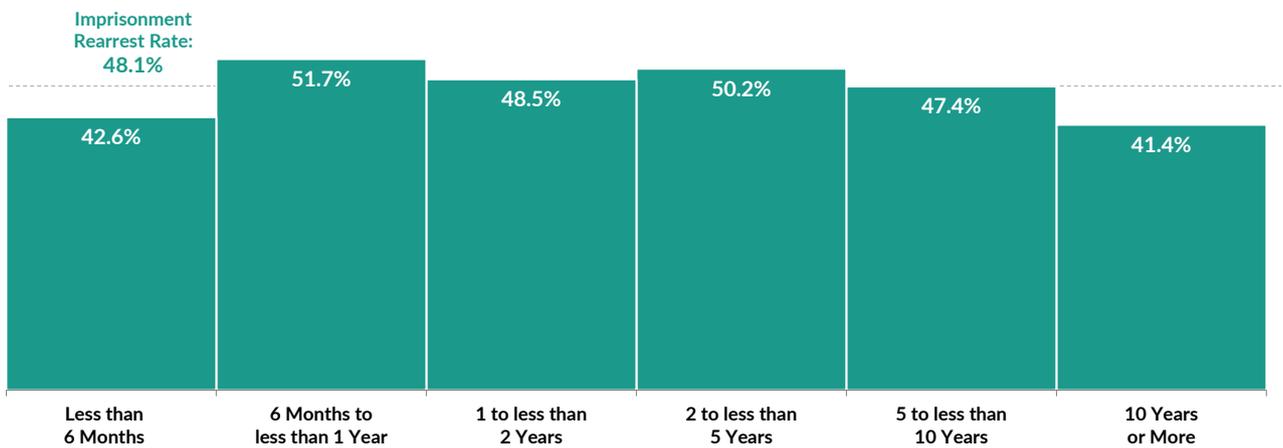


Figure C-18. Rearrest Rates by Length of Imprisonment and Criminal History Category for Federal Marijuana Trafficking Offenders Released in 2010



Figure C-19. Rearrest Rates by Length of Probation for Federal Marijuana Trafficking Offenders Released in 2010

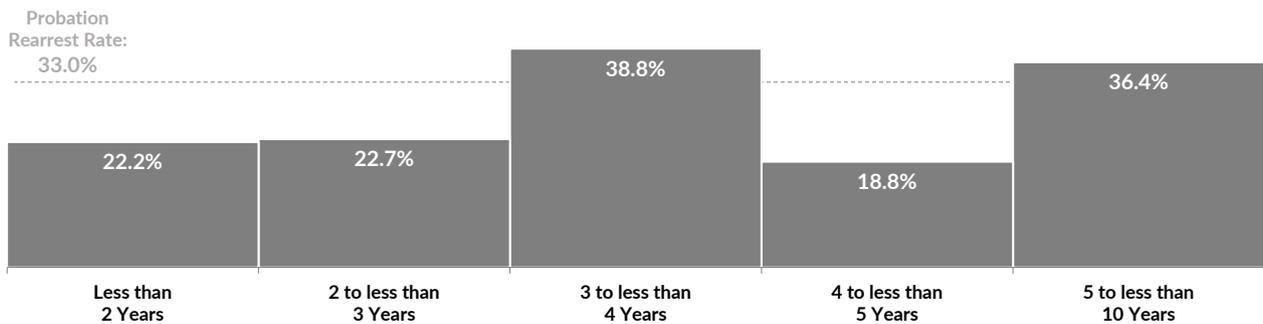
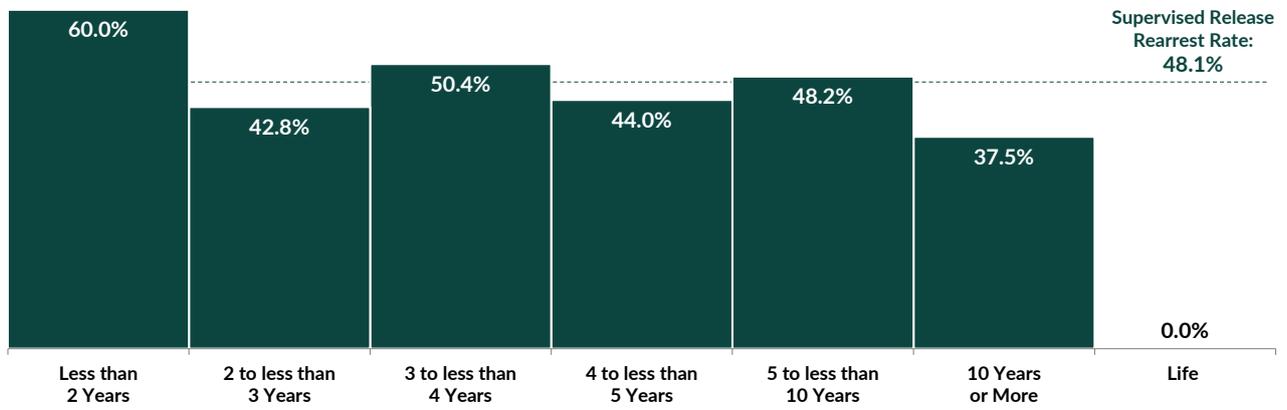


Figure C-20. Rearrest Rates by Length of Supervised Release for Federal Marijuana Trafficking Offenders Released in 2010



APPENDIX D

Powder Cocaine Trafficking Offenders

Offender and Offense Characteristics

Table D-1. Demographic Characteristics for Federal Powder Cocaine Trafficking Offenders Released in 2010

Demographic Characteristics	
Race/Ethnicity	
White	23.5%
Black	38.9%
Hispanic	35.9%
Other	1.7%
Gender	
Male	87.7%
Female	12.3%
Education	
Less than High School	38.9%
High School Graduate	38.2%
Some College	20.5%
College Graduate	2.4%
Age at Sentencing	
Average	33 Years
Median	32 Years
Age at Release	
Average	37 Years
Median	36 Years

Figure D-1. Age at Release for Federal Powder Cocaine Trafficking Offenders Released in 2010

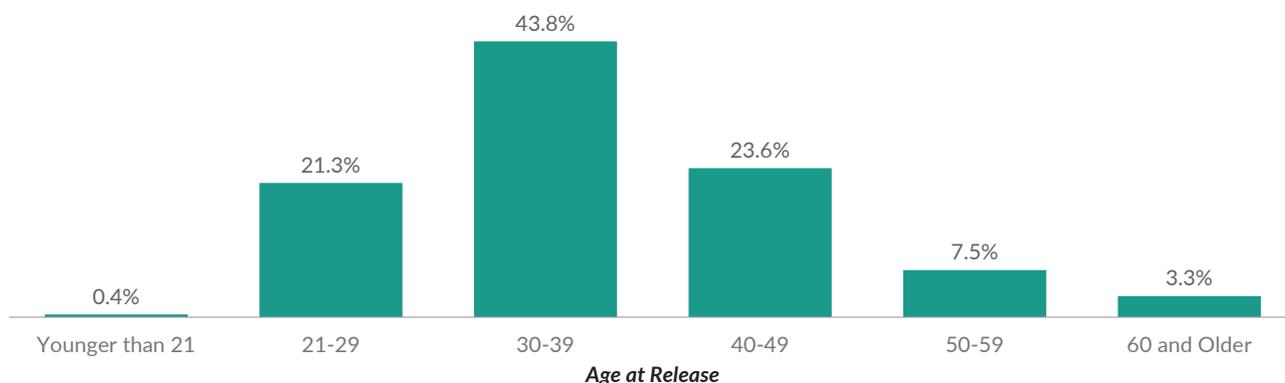


Figure D-2. Calendar Year of Original Sentencing for Federal Powder Cocaine Trafficking Offenders Released in 2010

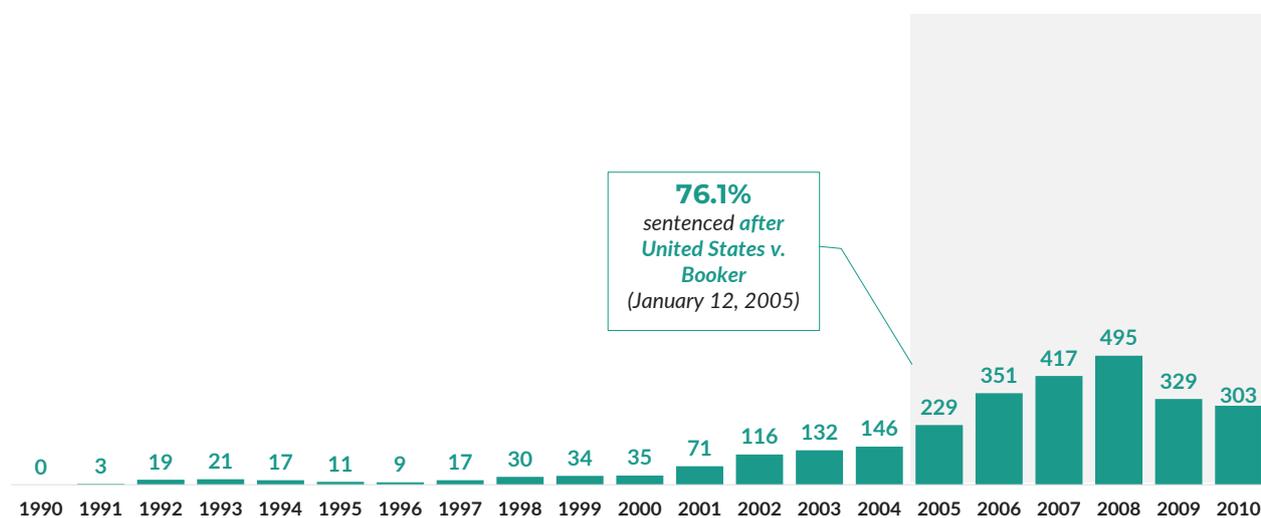


Figure D-3. Base Offense Level and Drug Mandatory Minimum Penalties at Original Sentencing for Federal Powder Cocaine Trafficking Offenders Released in 2010

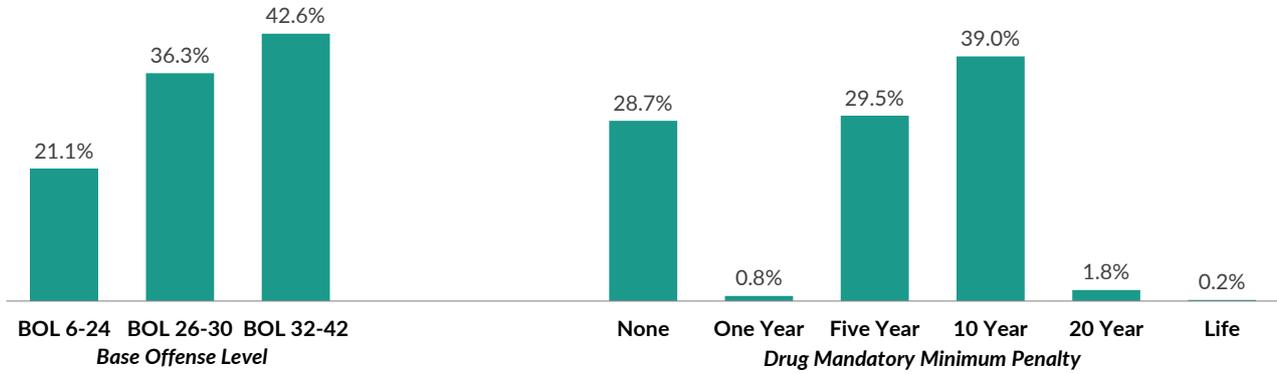


Figure D-4. Selected Sentencing Factors for Federal Powder Cocaine Trafficking Offenders Released in 2010

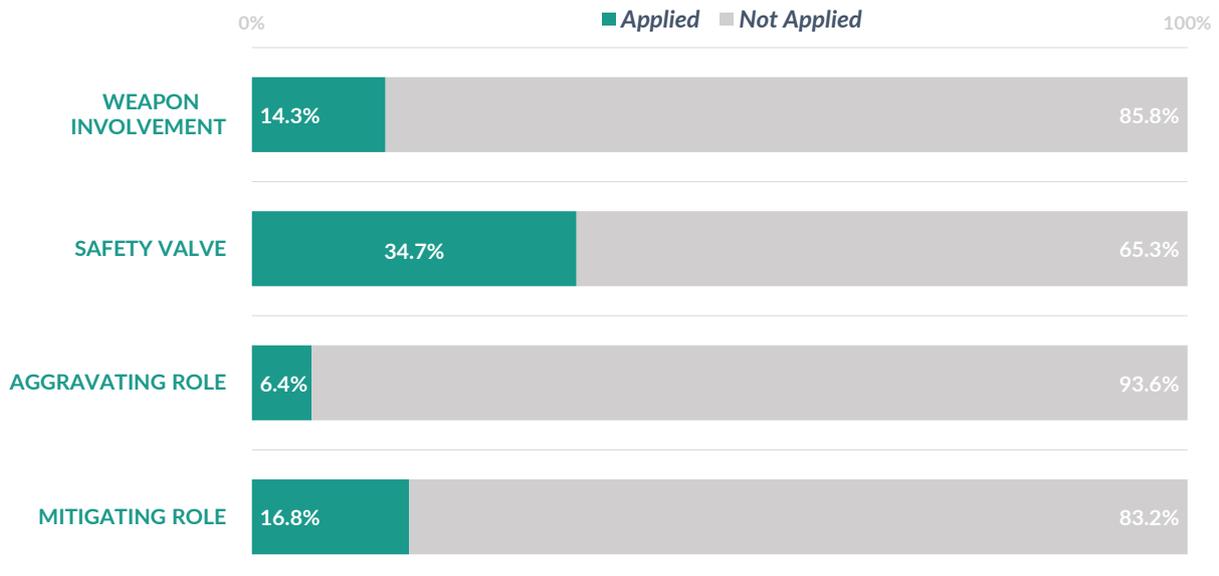


Figure D-5. Criminal History Category and Underlying Criminal History Points for Federal Powder Cocaine Trafficking Offenders Released in 2010

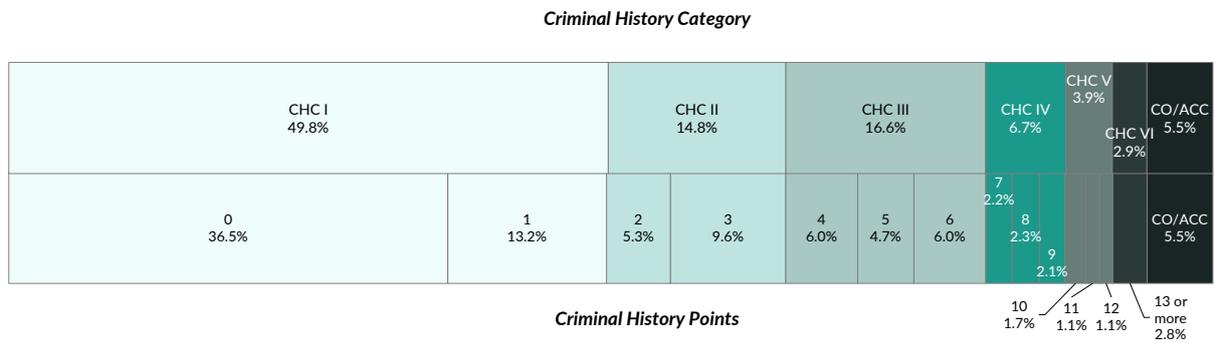


Figure D-6. Type of Original Sentence Imposed for Federal Powder Cocaine Trafficking Offenders Released in 2010

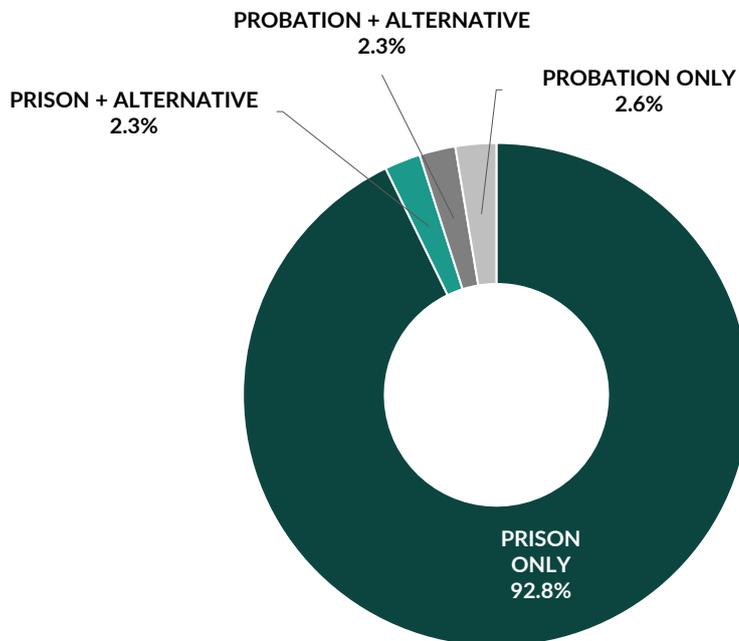


Figure D-7. Length of Imprisonment and Length of Probation for Federal Powder Cocaine Trafficking Offenders Released in 2010

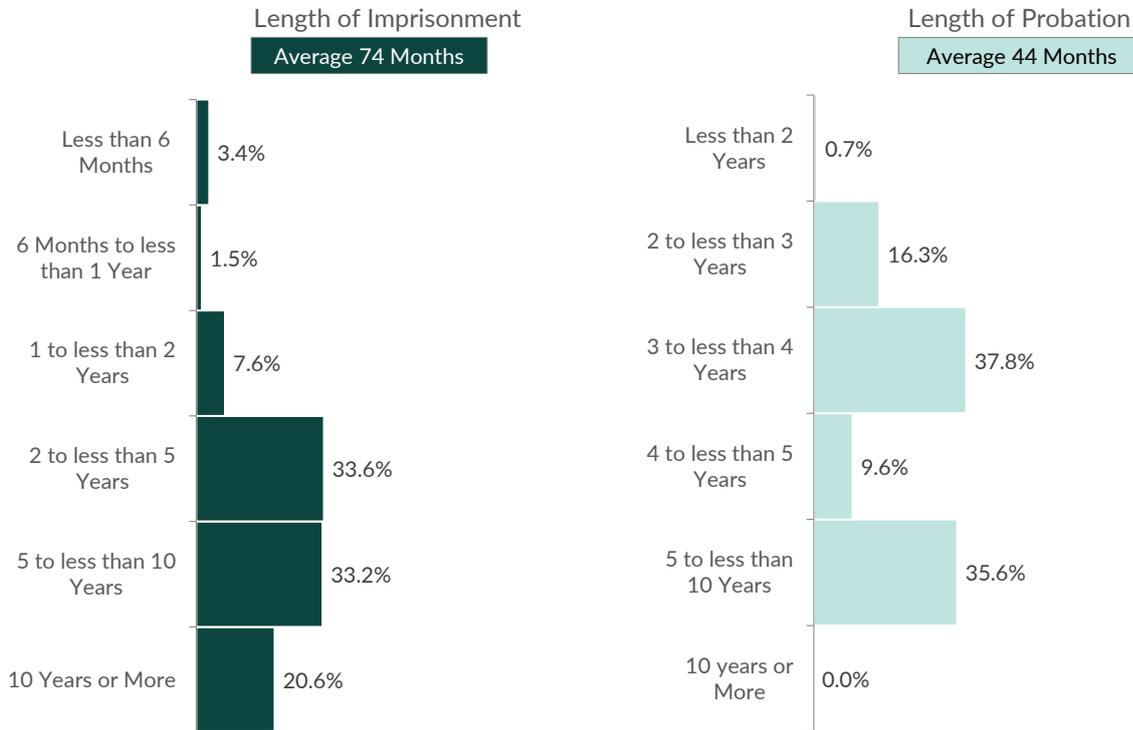
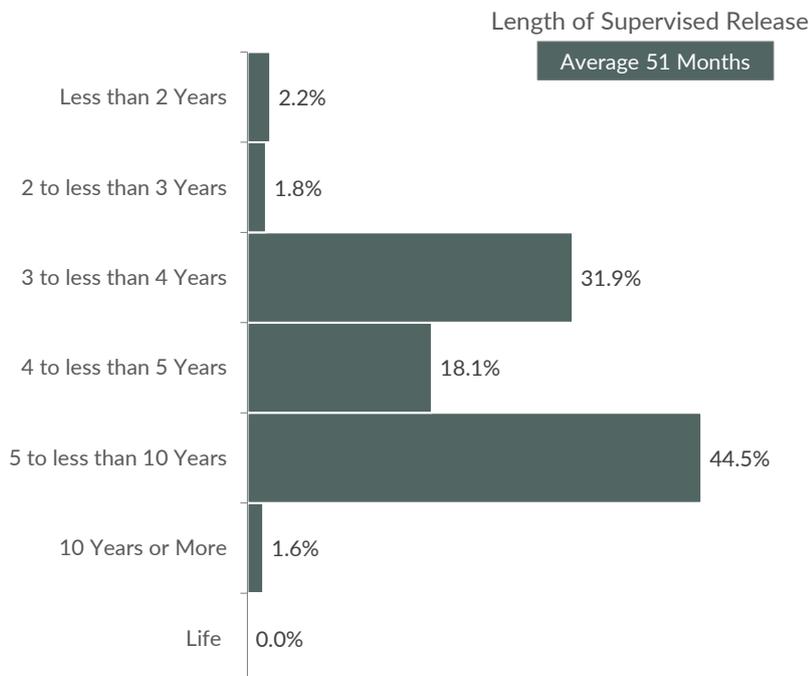


Figure D-8. Length of Supervised Release for Federal Powder Cocaine Trafficking Offenders Released in 2010



Recidivism Findings

Table D-2. Comparison of Overall Rearrest Findings for Federal Powder Cocaine Trafficking Offenders Released in 2010 and 2005

	Offenders Released in 2010	Offenders Released in 2005
Percent Rearrested	41.8%	43.8%
Median Months to Rearrest	25 Months	29 Months
Median Number of Rearrests	2	2
Most Common Post Release Offense	Assault (17.9%)	Assault (22.2%)
Median Age at Release	34	33

Figure D-9. Time to First Rearrest for Federal Powder Cocaine Trafficking Offenders Released in 2010

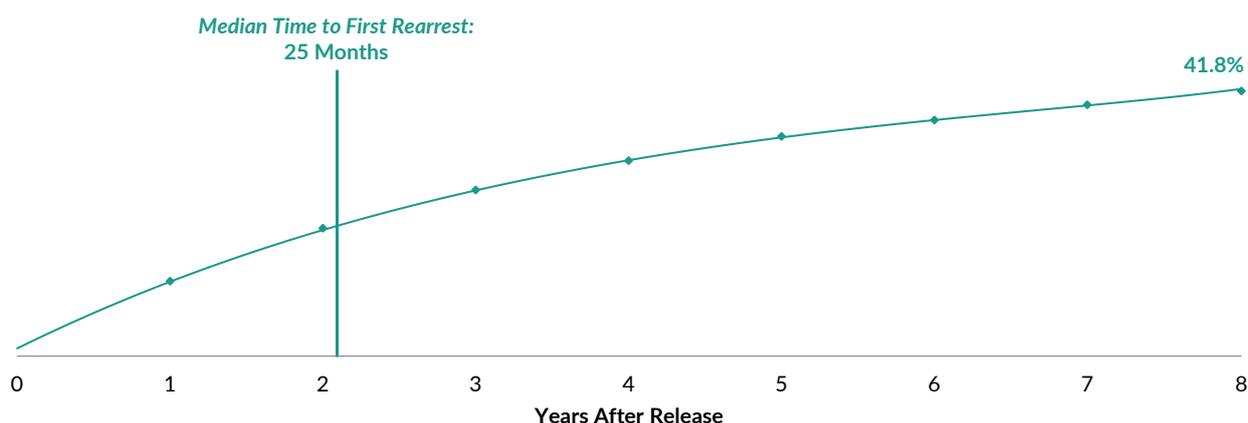


Figure D-10. Rearrest Rates for Federal Powder Cocaine Trafficking Offenders Released in 2010 Sentenced to Any Type of Supervision

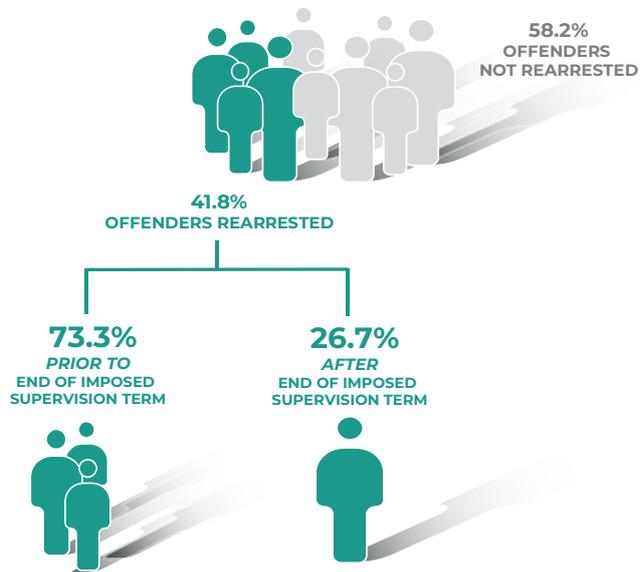


Figure D-11. Most Serious Offense at Rearrest for Federal Powder Cocaine Trafficking Offenders Released in 2010

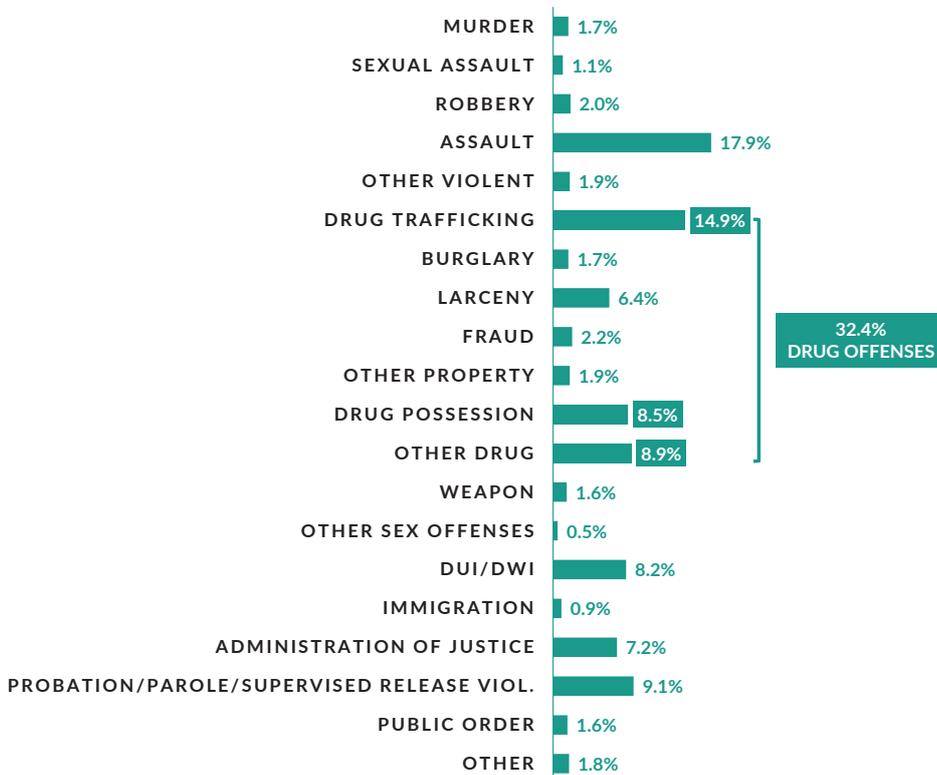


Figure D-12. Age at Release and Rearrest Rates for Federal Powder Cocaine Trafficking Offenders Released in 2010

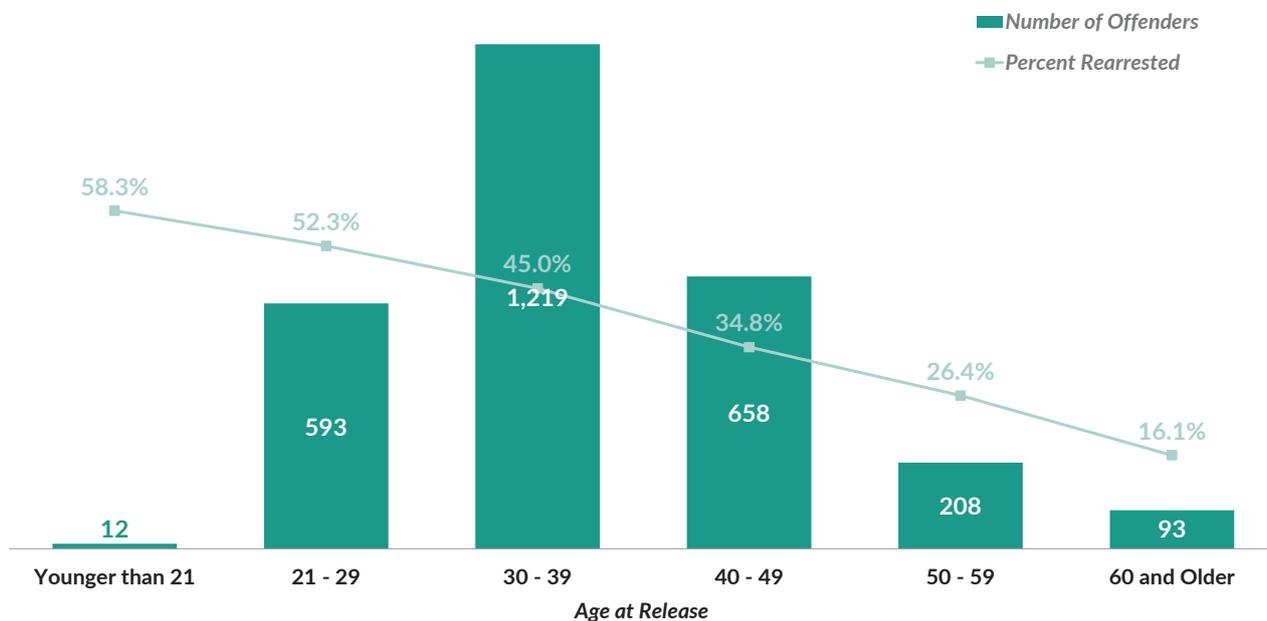


Table D-3. Time to Rearrest by Age Group for Federal Powder Cocaine Trafficking Offenders Released in 2010

Age at Release	Time to Rearrest (median months)
Younger than 21	14
21 - 29 Years	22
30 - 39 Years	26
40 - 49 Years	28
50 - 59 Years	35
60 and Older	41

Figure D-13. Rearrest Rates by Criminal History Category for Federal Powder Cocaine Trafficking Offenders Released in 2010

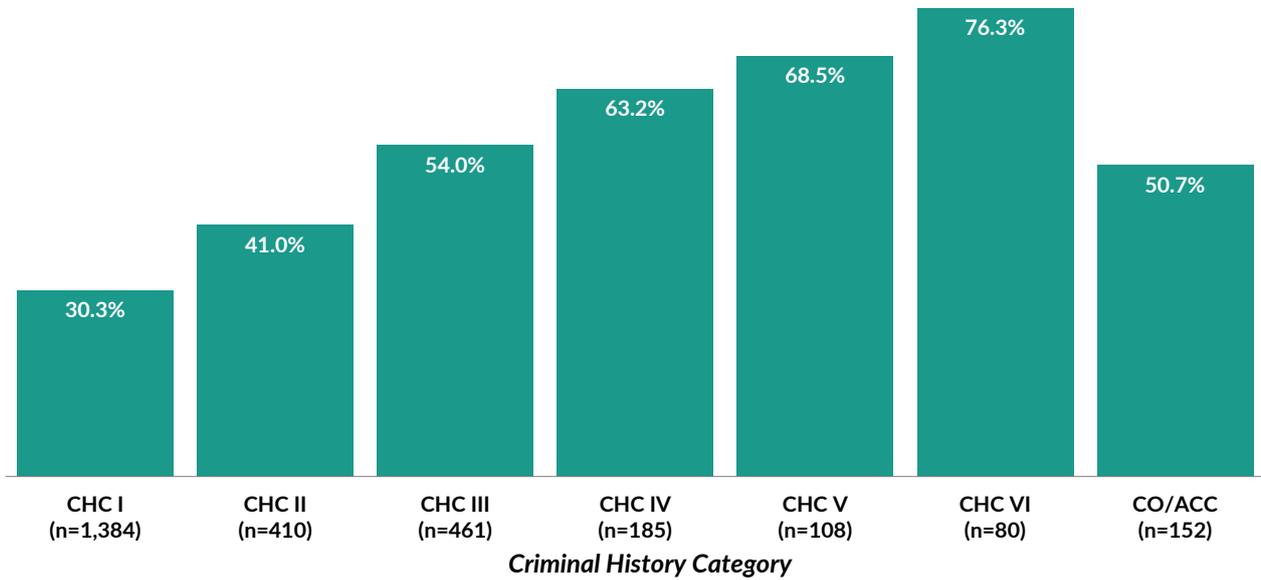


Figure D-14. Rearrest Rates by Criminal History Points for Federal Powder Cocaine Trafficking Offenders Released in 2010

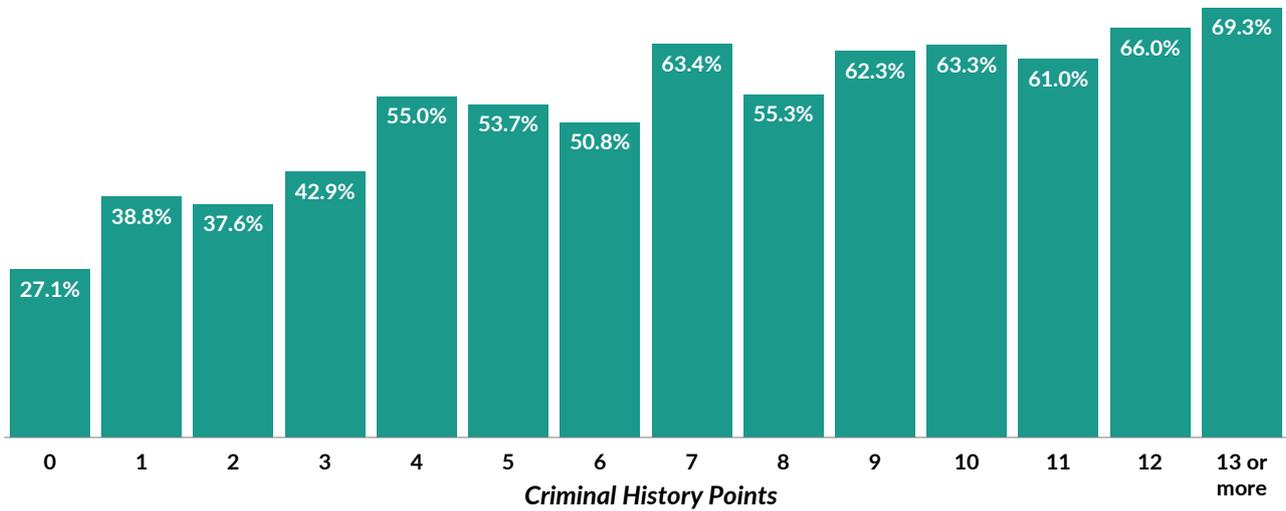


Table D-4. Rearrest Rates by Selected Demographic Characteristics for Federal Powder Cocaine Trafficking Offenders Released in 2010

Demographic Characteristics	% Rearrested
Gender	
Male	43.9%
Female	26.8%
Race/Ethnicity	
White	40.9%
Black	47.3%
Hispanic	36.5%
Other	41.7%
Education	
Less than High School	48.4%
High School Graduate	39.8%
Some College	35.6%
College Graduate	23.9%

Figure D-15. Rearrest Rates by Base Offense Level and Drug Mandatory Minimum Penalties for Federal Powder Cocaine Trafficking Offenders Released in 2010

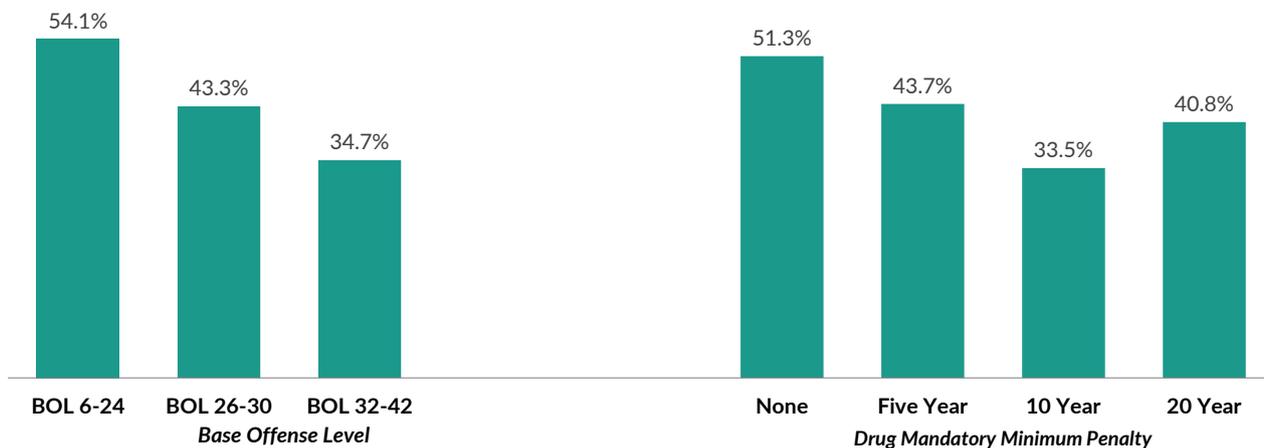


Figure D-16. Rearrest Rates by Selected Sentencing Factors for Federal Powder Cocaine Trafficking Offenders Released in 2010

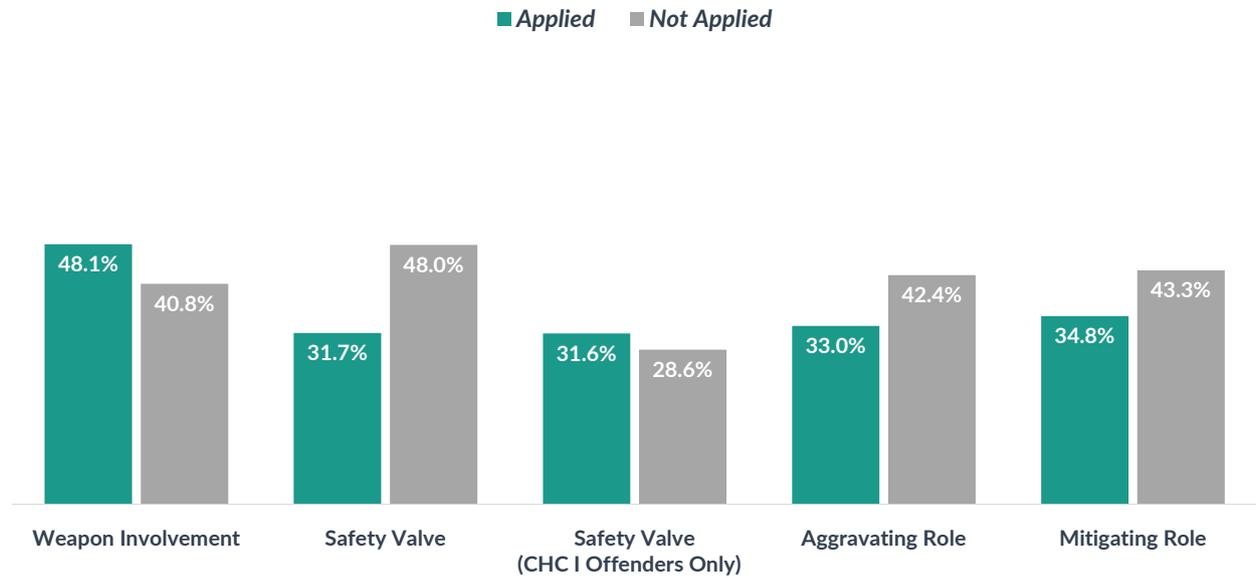


Figure D-17. Rearrest Rates by Length of Imprisonment for Federal Powder Cocaine Trafficking Offenders Released in 2010

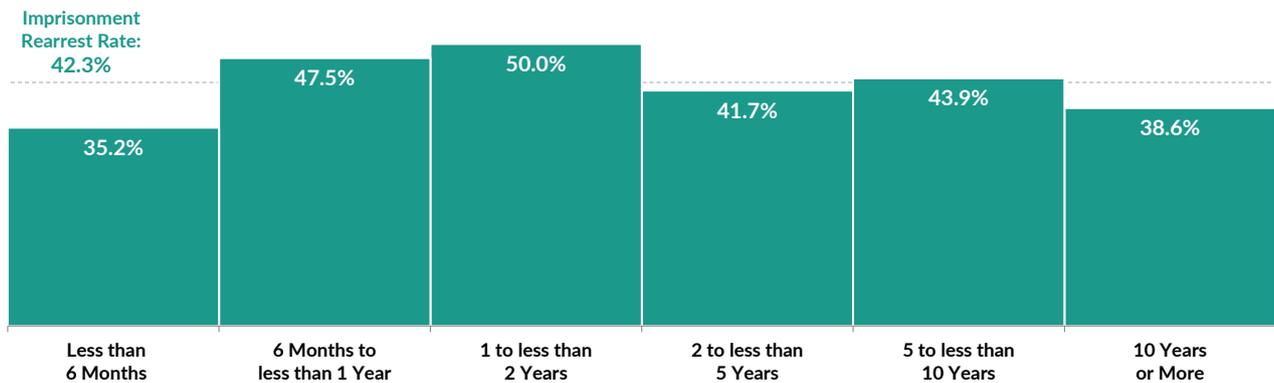


Figure D-18. Rearrest Rates by Length of Imprisonment and Criminal History Category for Federal Powder Cocaine Trafficking Offenders Released in 2010

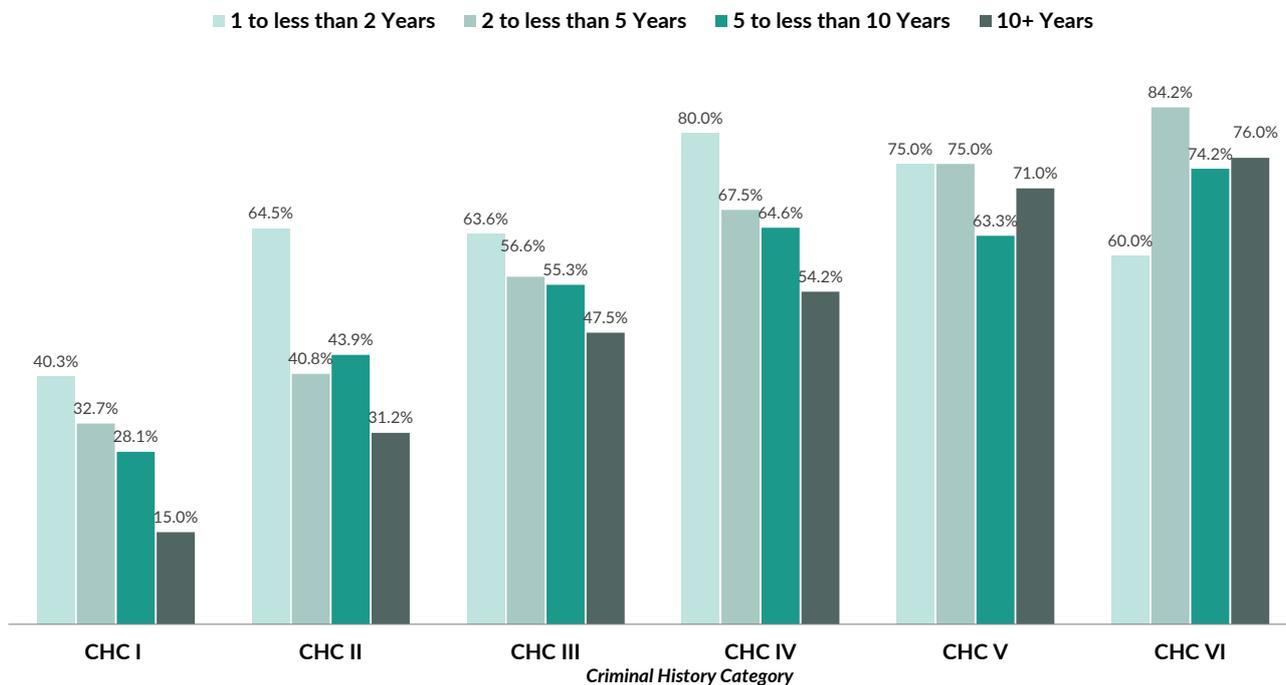


Figure D-19. Rearrest Rates by Length of Probation for Federal Powder Cocaine Trafficking Offenders Released in 2010

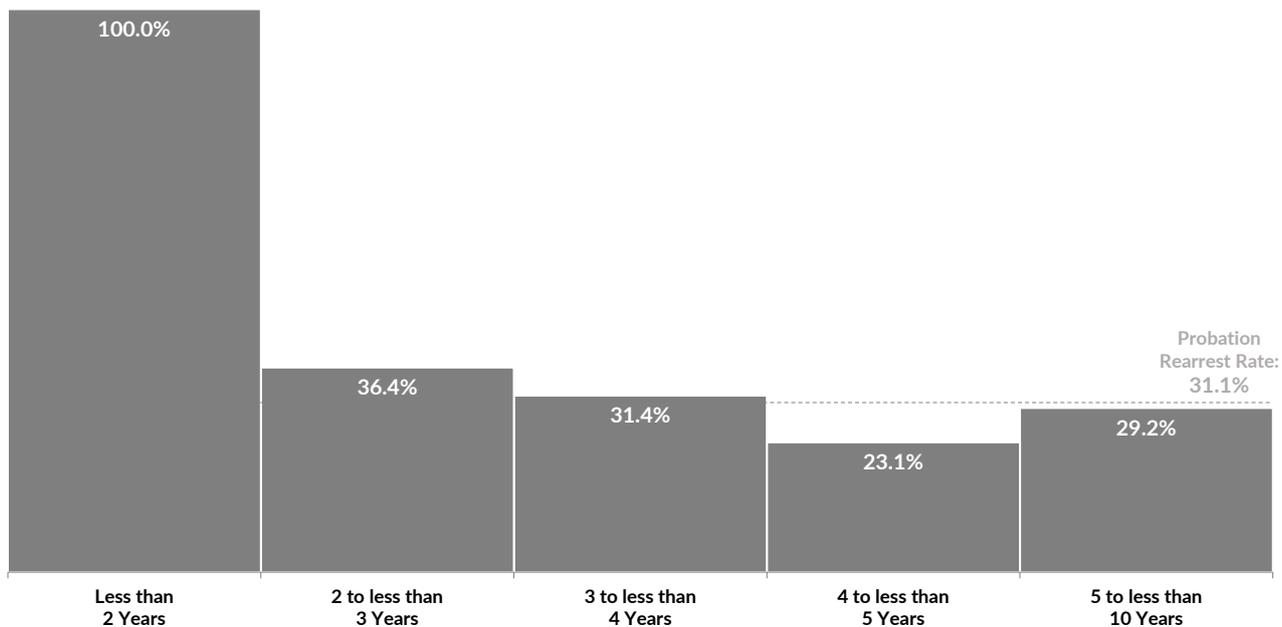
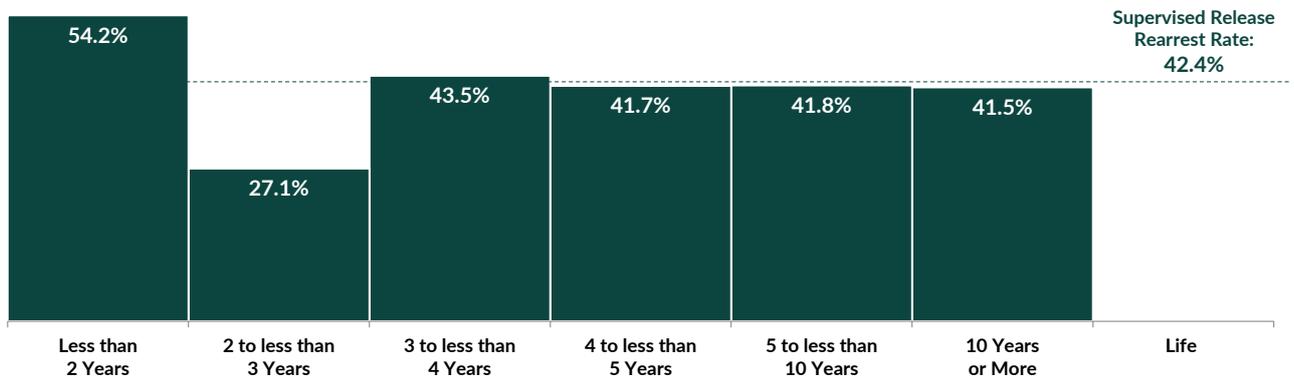


Figure D-20. Rearrest Rates by Length of Supervised Release for Federal Powder Cocaine Trafficking Offenders Released in 2010



APPENDIX E

Methamphetamine Trafficking Offenders

Offender and Offense Characteristics

Table E-1. Demographic Characteristics for Federal Methamphetamine Trafficking Offenders Released in 2010

Demographic Characteristics	
Race/Ethnicity	
White	73.7%
Black	2.6%
Hispanic	17.9%
Other	5.9%
Gender	
Male	76.6%
Female	23.4%
Education	
Less than High School	35.0%
High School Graduate	45.9%
Some College	16.8%
College Graduate	2.3%
Age at Sentencing	
Average	35 Years
Median	34 Years
Age at Release	
Average	39 Years
Median	38 Years

United States Sentencing Commission

Figure E-1. Age at Release for Federal Methamphetamine Trafficking Offenders Released in 2010

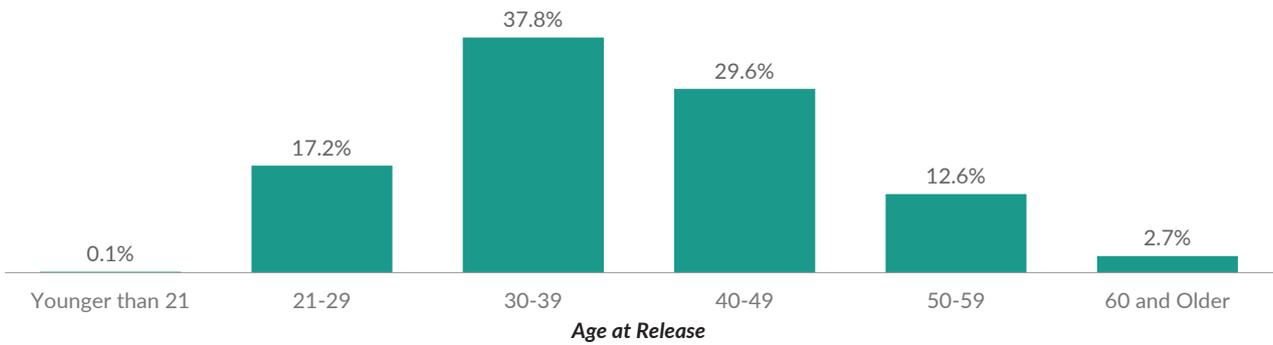


Figure E-2. Calendar Year of Original Sentencing for Federal Methamphetamine Trafficking Offenders Released in 2010

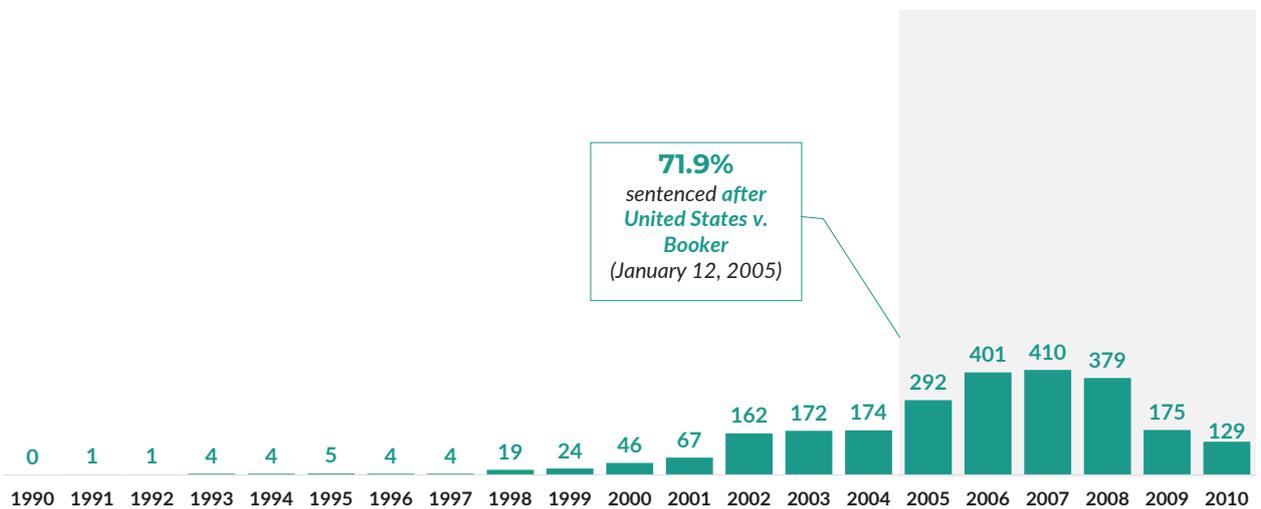


Figure E-3. Base Offense Level and Drug Mandatory Minimum Penalties at Original Sentencing for Federal Methamphetamine Trafficking Offenders Released in 2010

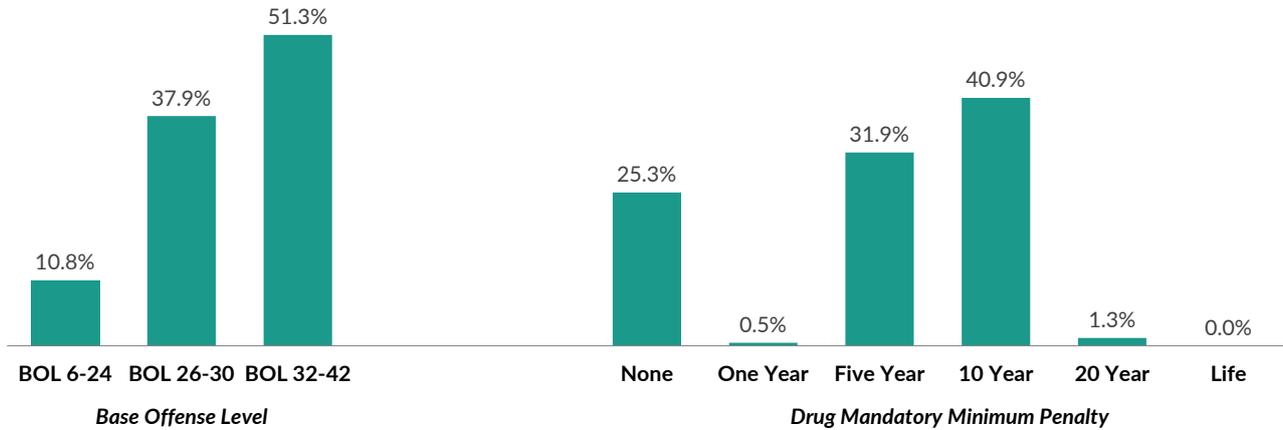


Figure E-4. Selected Sentencing Factors for Federal Methamphetamine Trafficking Offenders Released in 2010

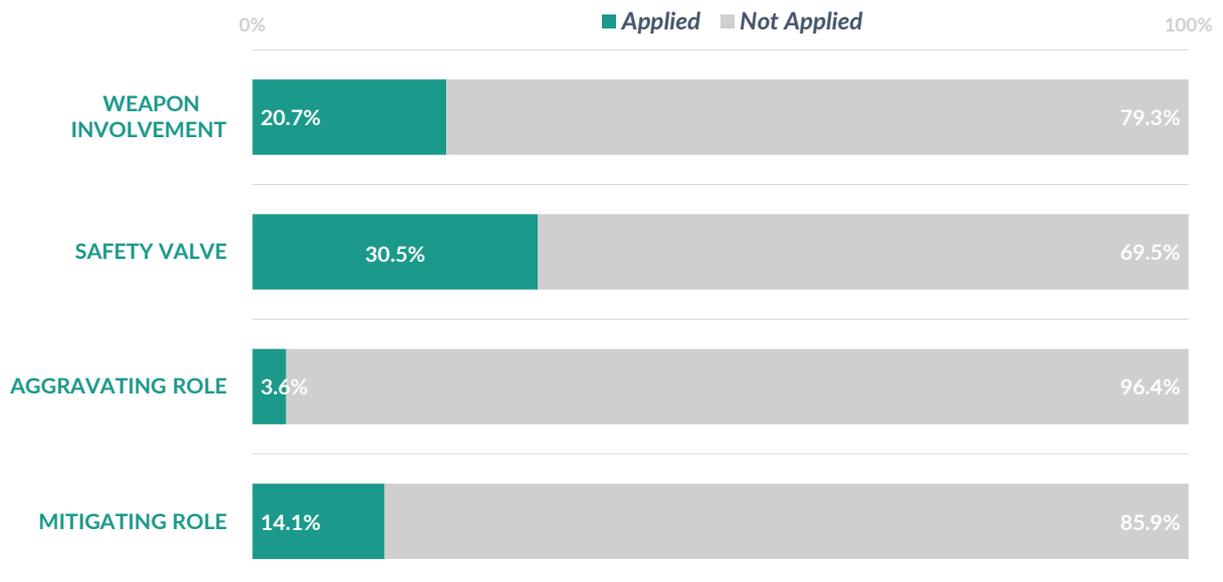


Figure E-5. Criminal History Category and Underlying Criminal History Points for Federal Methamphetamine Trafficking Offenders Released in 2010

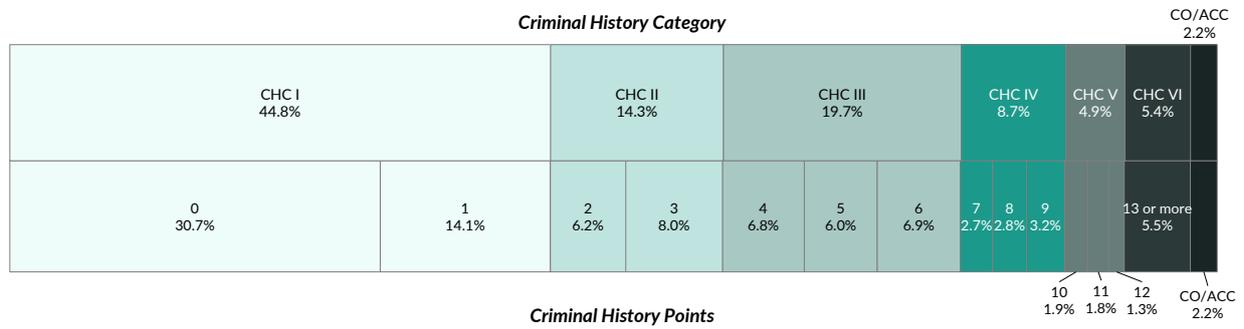


Figure E-6. Type of Original Sentence Imposed for Federal Methamphetamine Trafficking Offenders Released in 2010

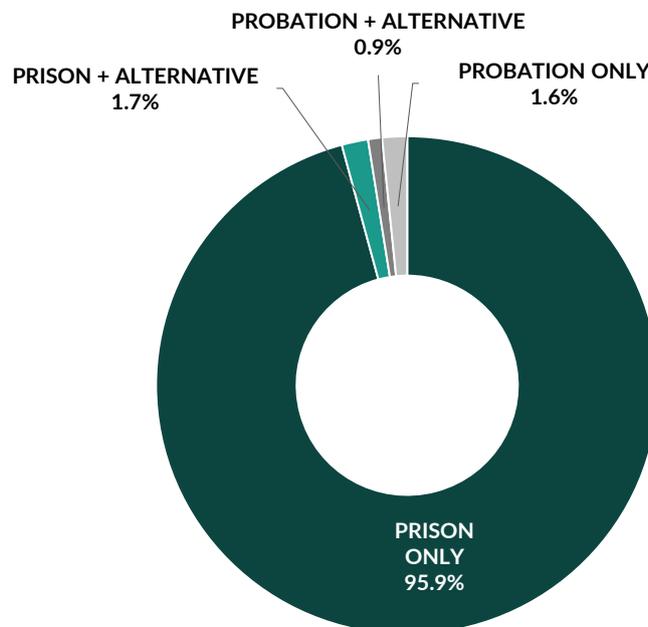


Figure E-7. Length of Imprisonment and Length of Probation for Federal Methamphetamine Trafficking Offenders Released in 2010

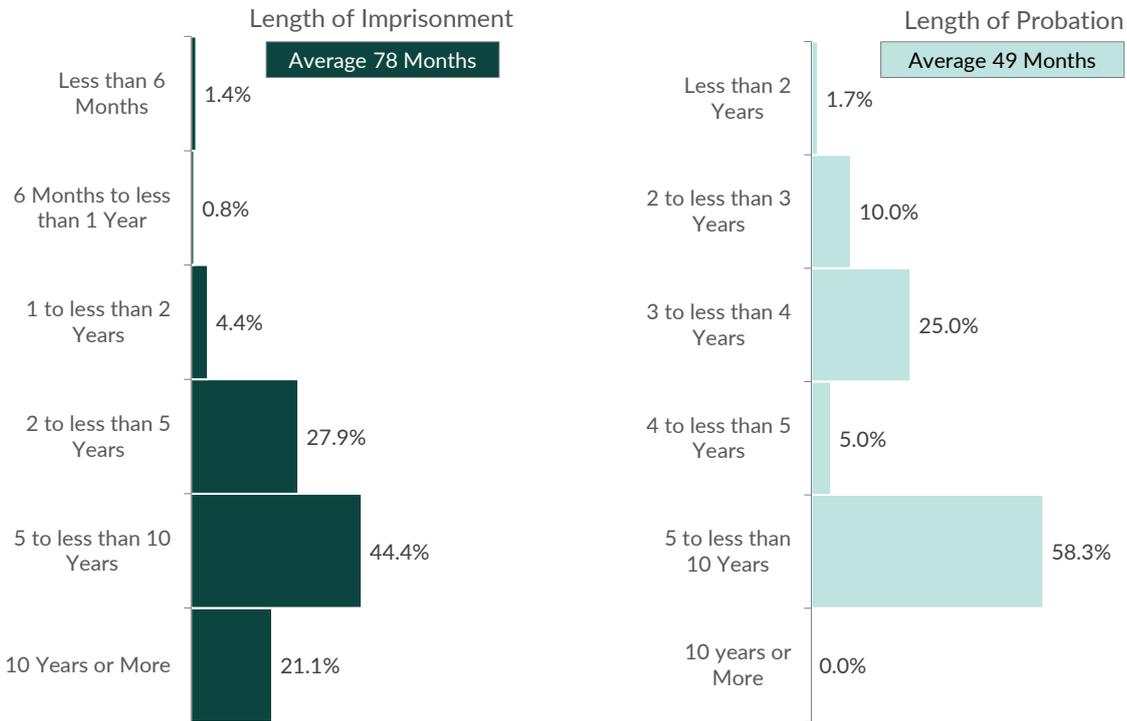
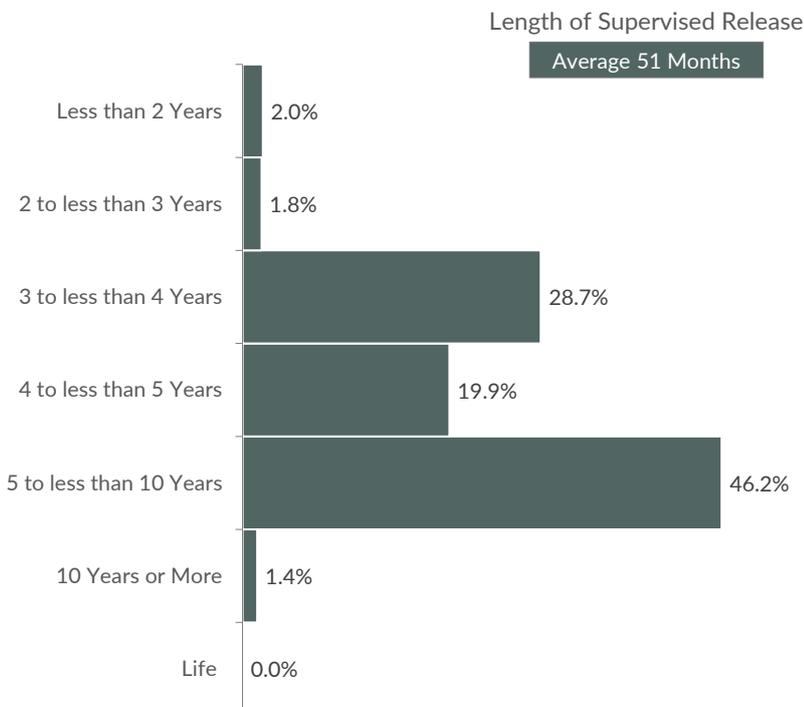


Figure E-8. Length of Supervised Release for Federal Methamphetamine Trafficking Offenders Released in 2010



Recidivism Findings

Table E-2. Comparison of Overall Rearrest Findings for Federal Methamphetamine Trafficking Offenders Released in 2010 and 2005

	Offenders Released in 2010	Offenders Released in 2005
Percent Rearrested	42.7%	44.8%
Median Months to Rearrest	27 Months	31 Months
Median Number of Rearrests	2	2
Most Common Post Release Offense	Assault (20.5%)	Assault (24.7%)
Median Age at Release	35	34

Figure E-9. Time to First Rearrest for Federal Methamphetamine Trafficking Offenders Released in 2010

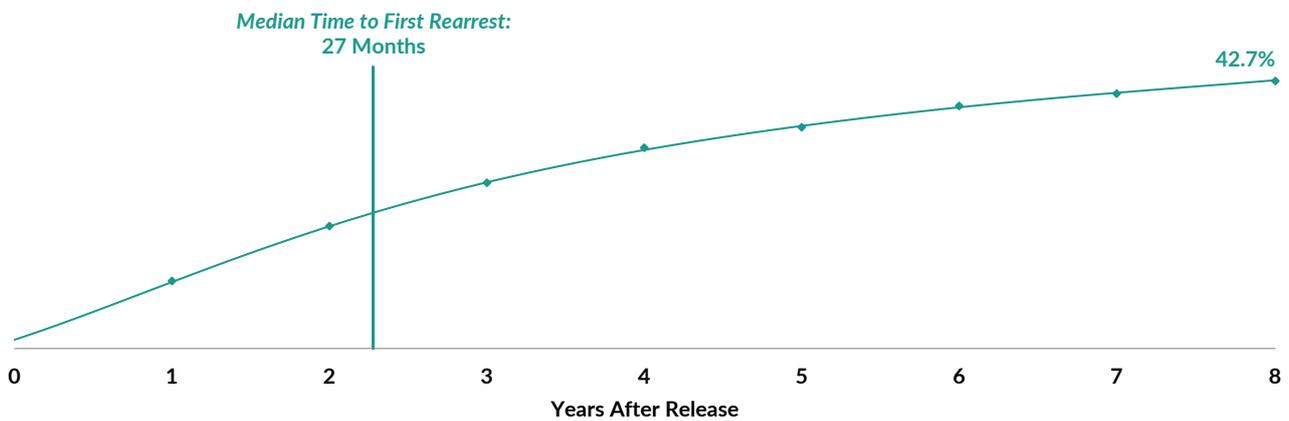


Figure E-10. Rearrest Rates for Federal Methamphetamine Trafficking Offenders Released in 2010 Sentenced to Any Type of Supervision

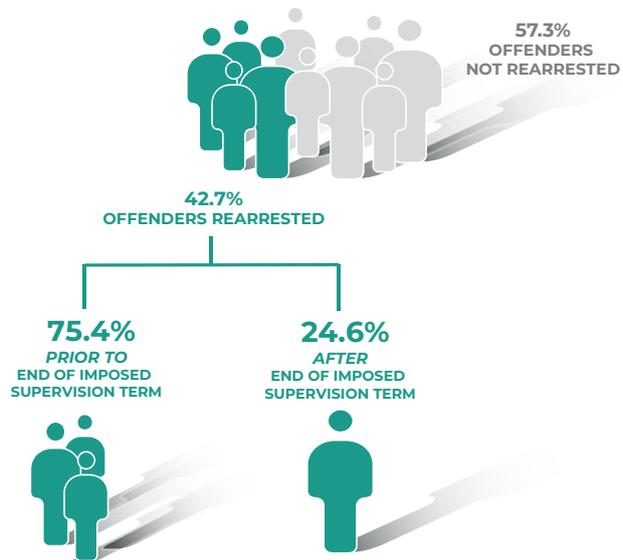


Figure E-11. Most Serious Offense at Rearrest for Federal Methamphetamine Trafficking Offenders Released in 2010

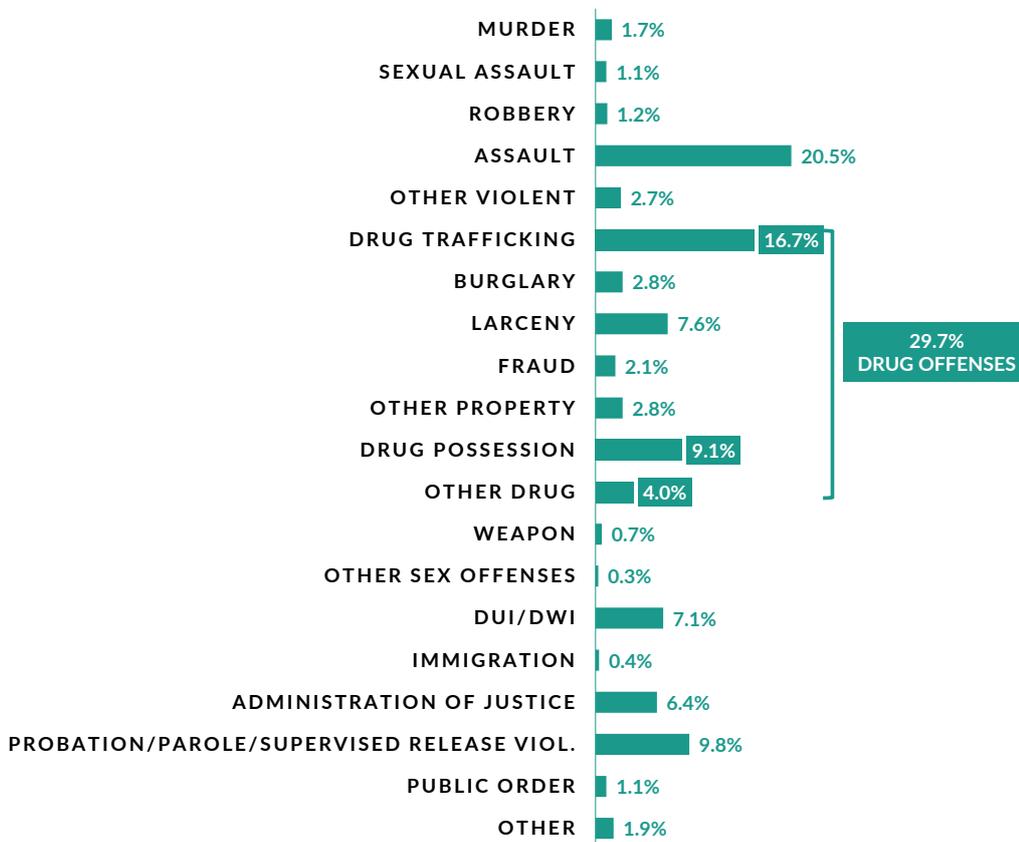


Figure E-12. Age at Release and Rearrest Rates for Federal Methamphetamine Trafficking Offenders Released in 2010

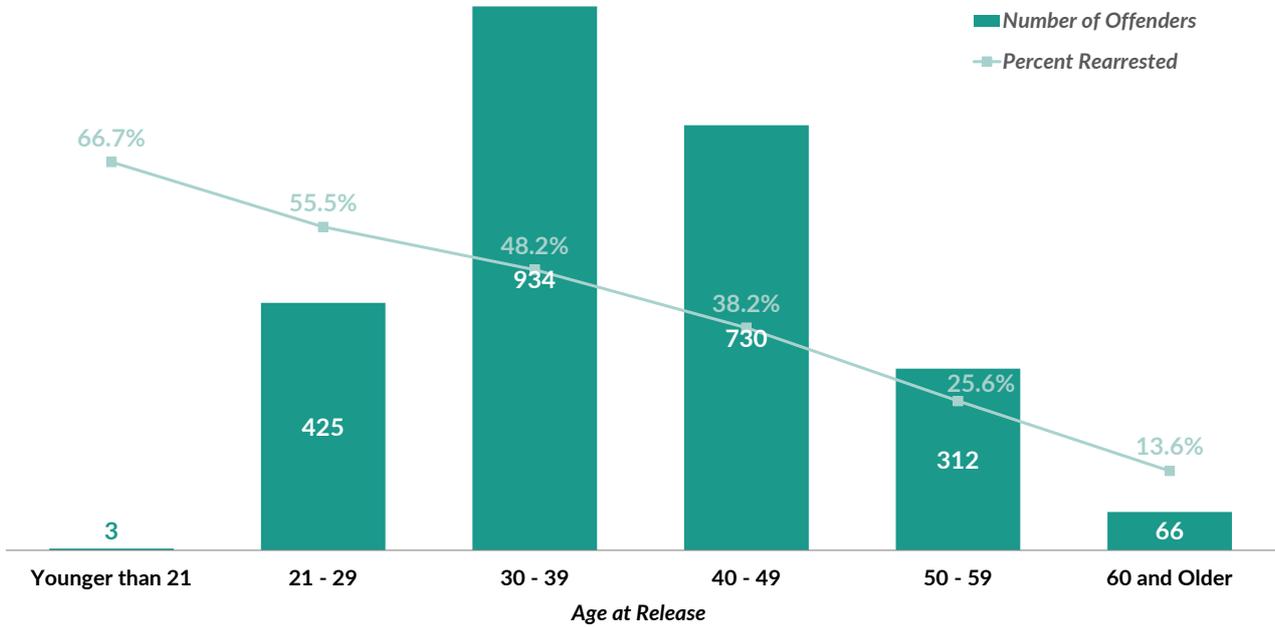


Table E-3. Time to Rearrest by Age Group for Federal Methamphetamine Trafficking Offenders Released in 2010

Age at Release	Time to Rearrest (median months)
Younger than 21	-
21 - 29 Years	24
30 - 39 Years	26
40 - 49 Years	29
50 - 59 Years	32
60 and Older	29

Median months were not reported for categories with fewer than three offenders.

Figure E-13. Rearrest Rates by Criminal History Category for Federal Methamphetamine Trafficking Offenders Released in 2010

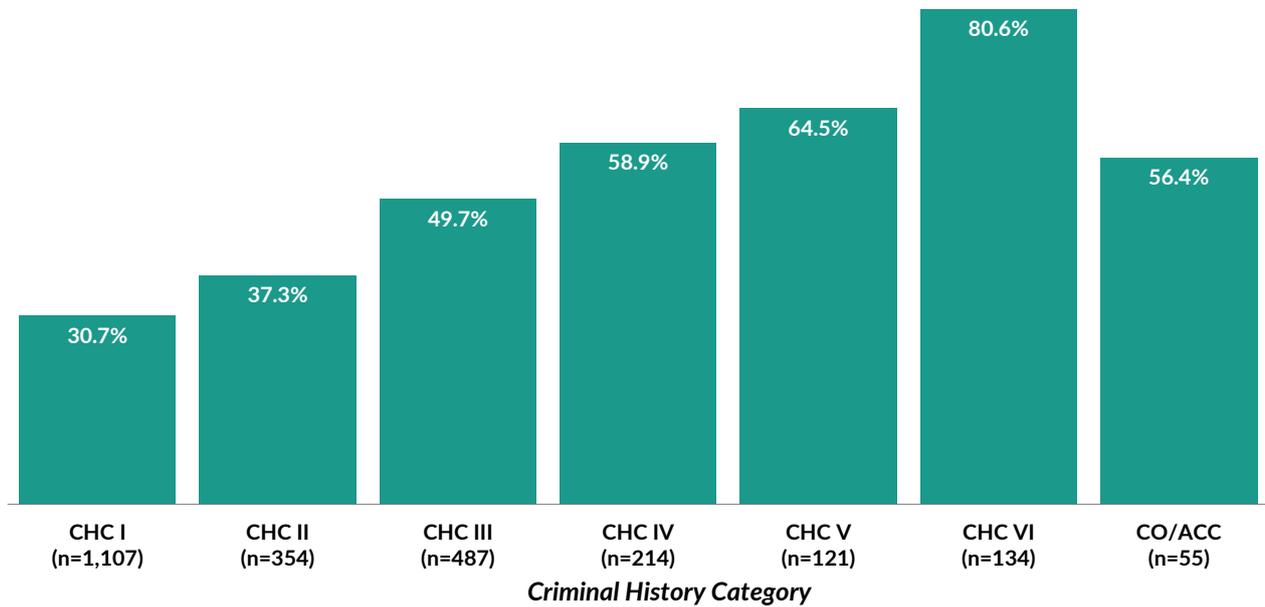


Figure E-14. Rearrest Rates by Criminal History Points for Federal Methamphetamine Trafficking Offenders Released in 2010

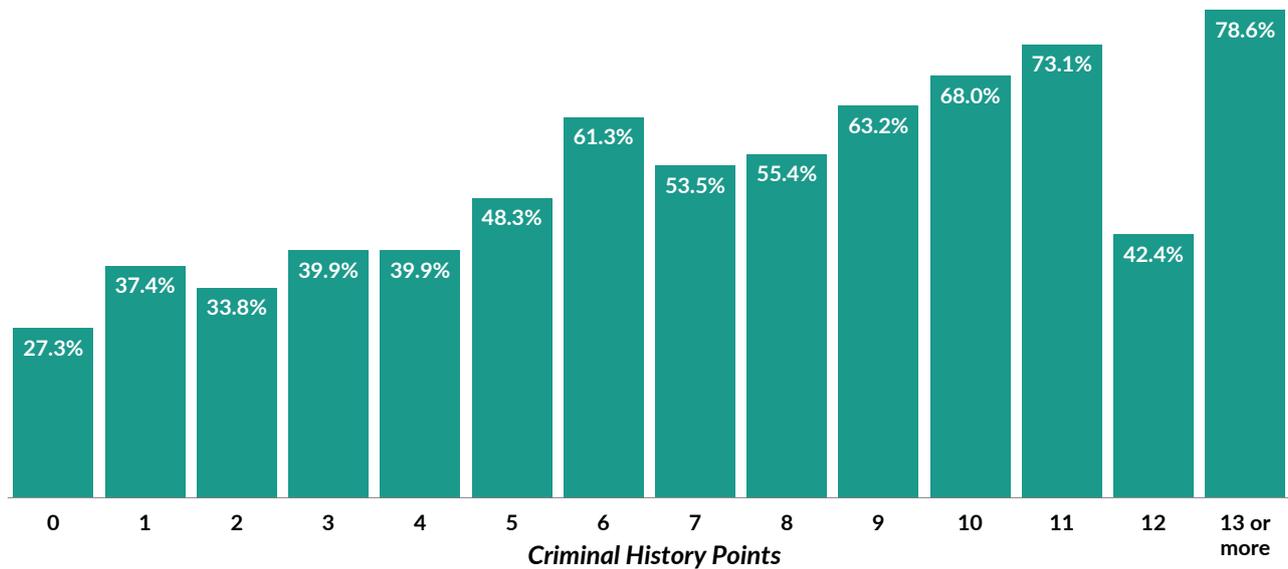


Table E-4. Rearrest Rates by Selected Demographic Characteristics for Federal Methamphetamine Trafficking Offenders Released in 2010

Offender Characteristics	% Rearrested
Gender	
Male	44.2%
Female	37.7%
Race/Ethnicity	
White	42.2%
Black	50.8%
Hispanic	44.0%
Other	42.8%
Education	
Less than High School	47.4%
High School Graduate	43.1%
Some College	34.1%
College Graduate	25.0%

Figure E-15. Rearrest Rates by Base Offense Level and Drug Mandatory Minimum Penalties for Federal Methamphetamine Trafficking Offenders Released in 2010

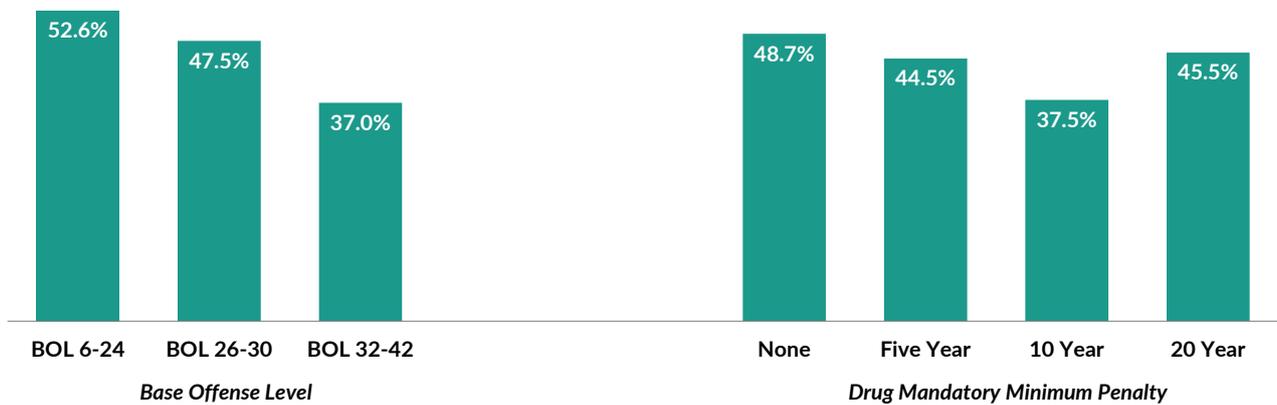


Figure E-16. Rearrest Rates by Selected Sentencing Factors for Federal Methamphetamine Trafficking Offenders Released in 2010

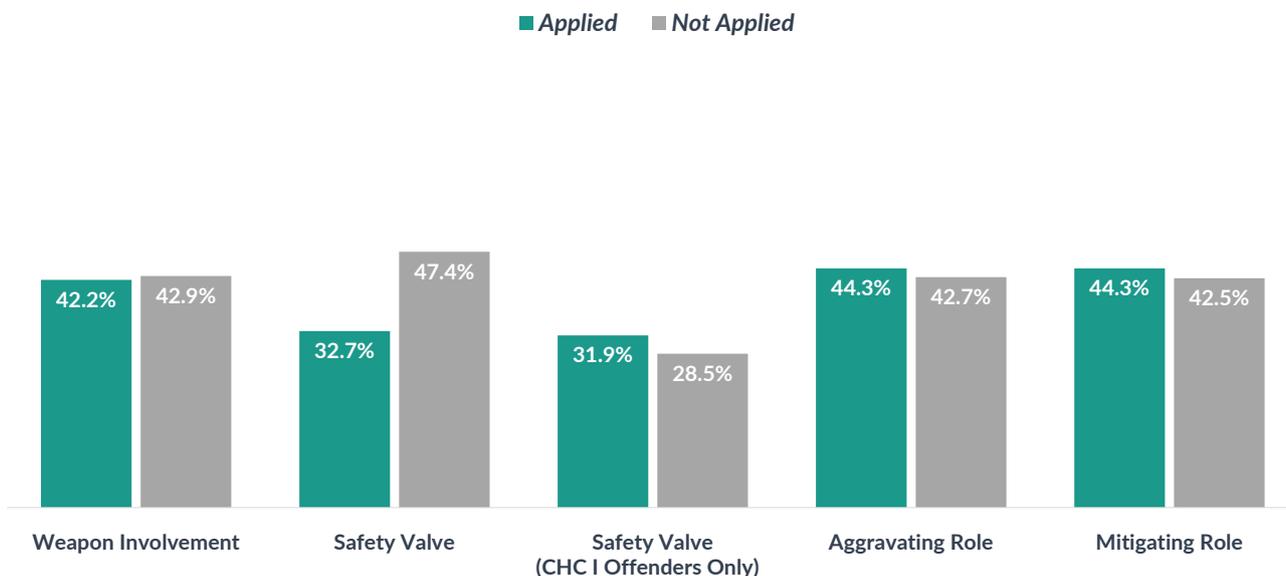


Figure E-17. Rearrest Rates by Length of Imprisonment for Federal Methamphetamine Trafficking Offenders Released in 2010

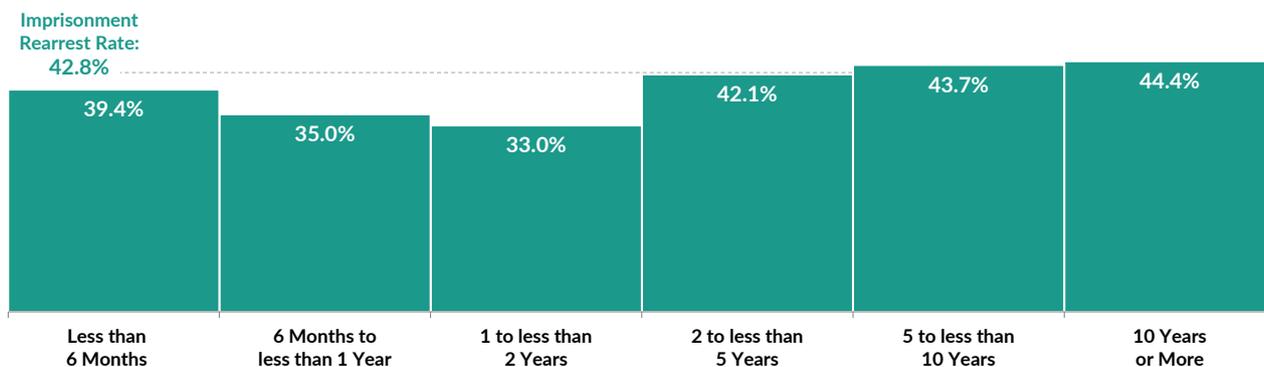


Figure E-18. Rearrest Rates by Length of Imprisonment and Criminal History Category for Federal Methamphetamine Trafficking Offenders Released in 2010

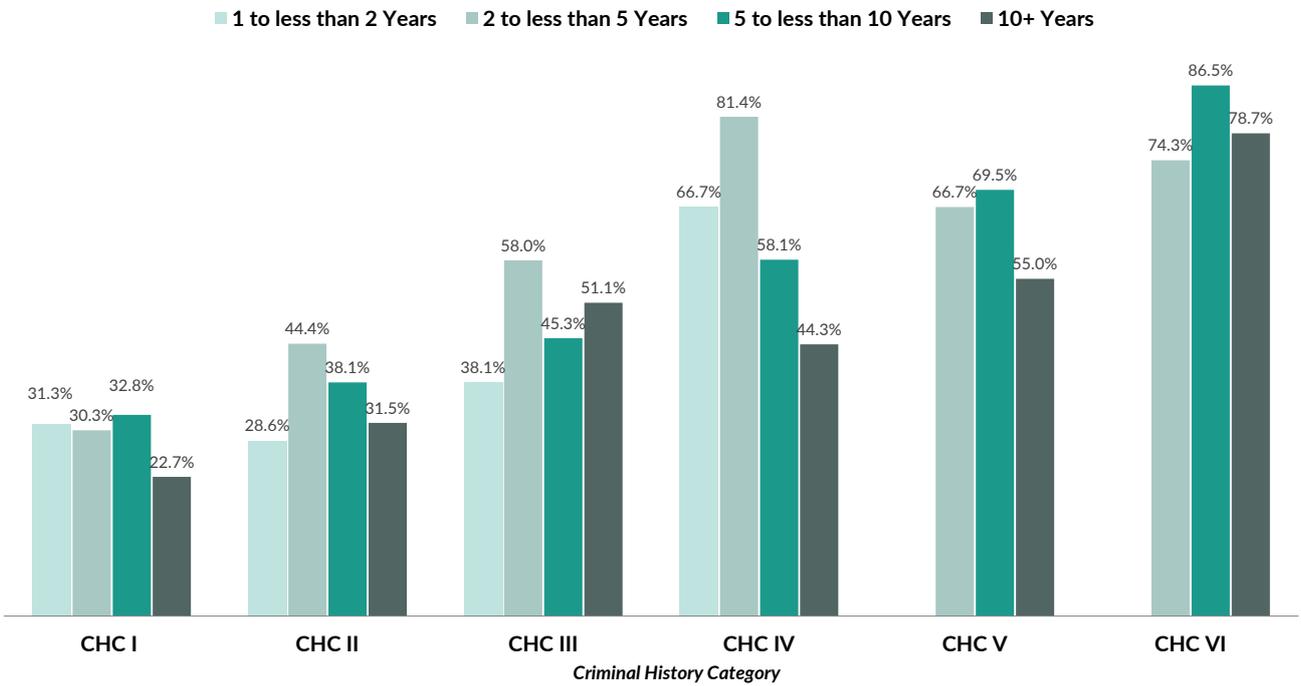


Figure E-19. Rearrest Rates by Length of Probation for Federal Methamphetamine Trafficking Offenders Released in 2010

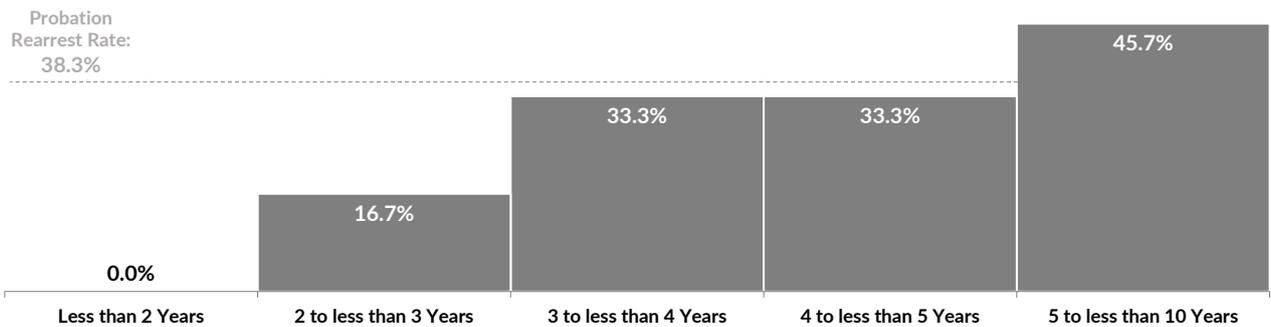
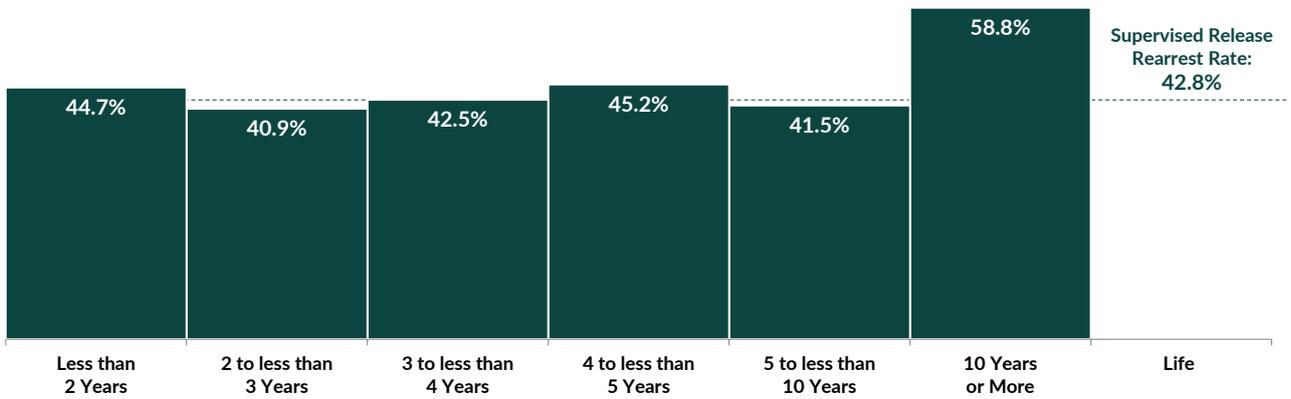


Figure E-20. Rearrest Rates by Length of Supervised Release for Federal Methamphetamine Trafficking Offenders Released in 2010



APPENDIX F

Heroin Trafficking Offenders

Offender and Offense Characteristics

Table F-1. Demographic Characteristics for Federal Heroin Trafficking Offenders Released in 2010

Demographic Characteristics	
Race/Ethnicity	
White	20.6%
Black	37.7%
Hispanic	40.6%
Other	1.1%
Gender	
Male	81.3%
Female	18.7%
Education	
Less than High School	44.0%
High School Graduate	38.0%
Some College	15.3%
College Graduate	2.8%
Age at Sentencing	
Average	34 Years
Median	32 Years
Age at Release	
Average	38 Years
Median	36 Years

Figure F-1. Age at Release for Federal Heroin Trafficking Offenders Released in 2010

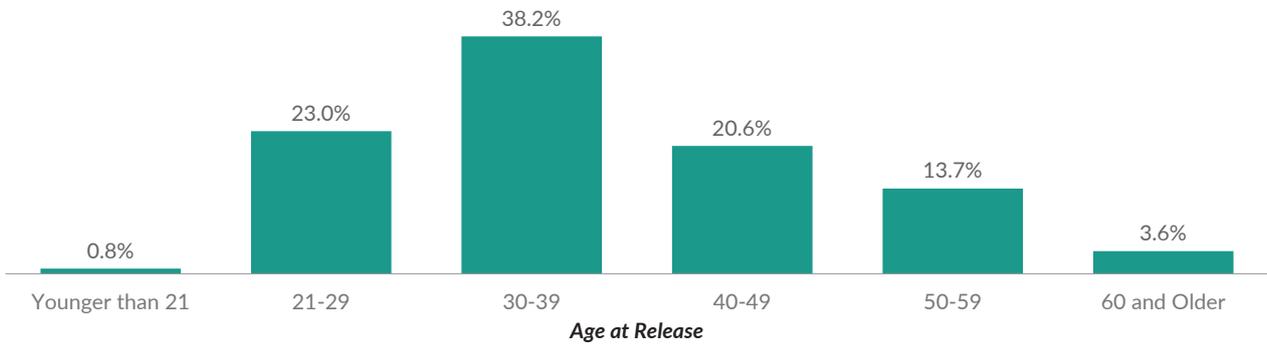


Figure F-2. Calendar Year of Original Sentencing for Federal Heroin Trafficking Offenders Released in 2010

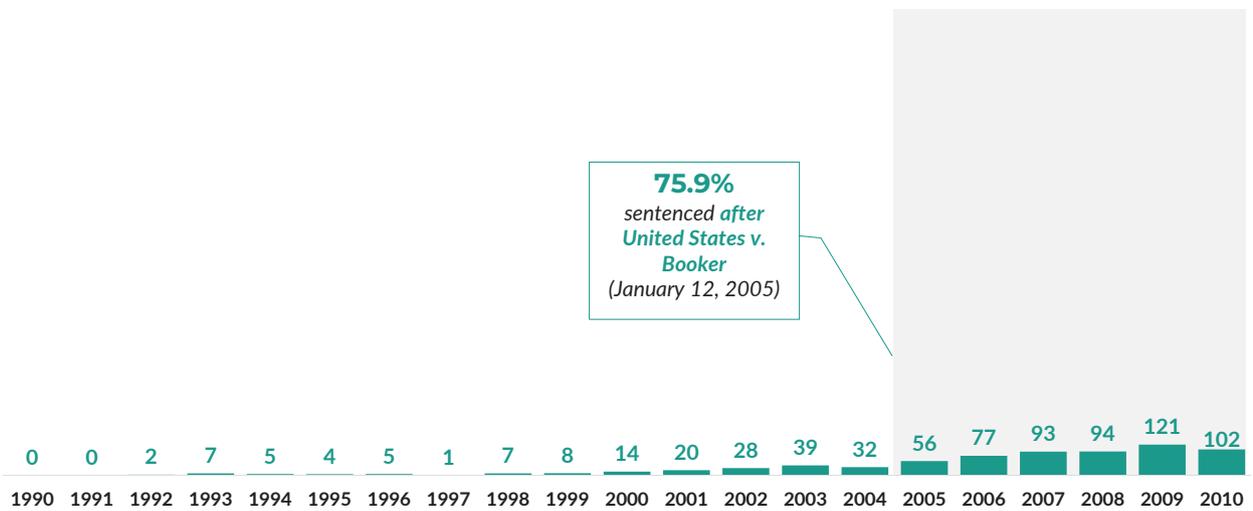


Figure F-3. Base Offense Level and Drug Mandatory Minimum Penalties at Original Sentencing for Federal Heroin Trafficking Offenders Released in 2010

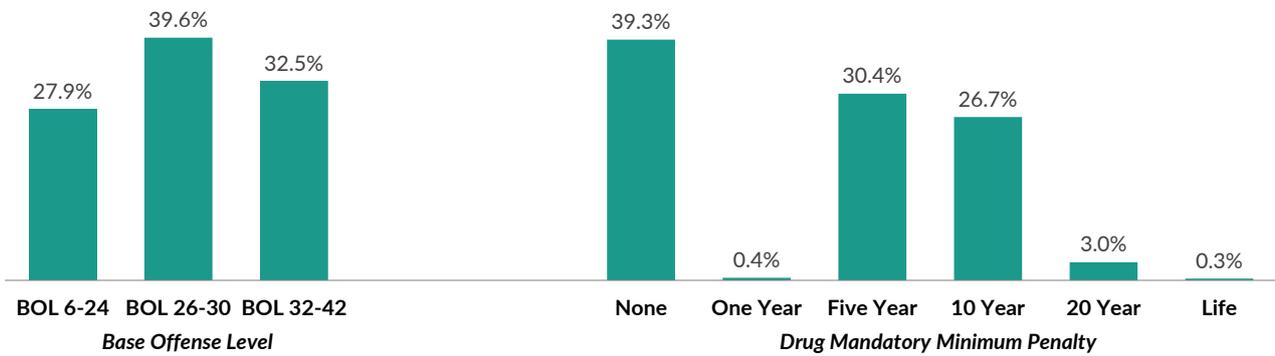


Figure F-4. Selected Sentencing Factors for Federal Heroin Trafficking Offenders Released in 2010

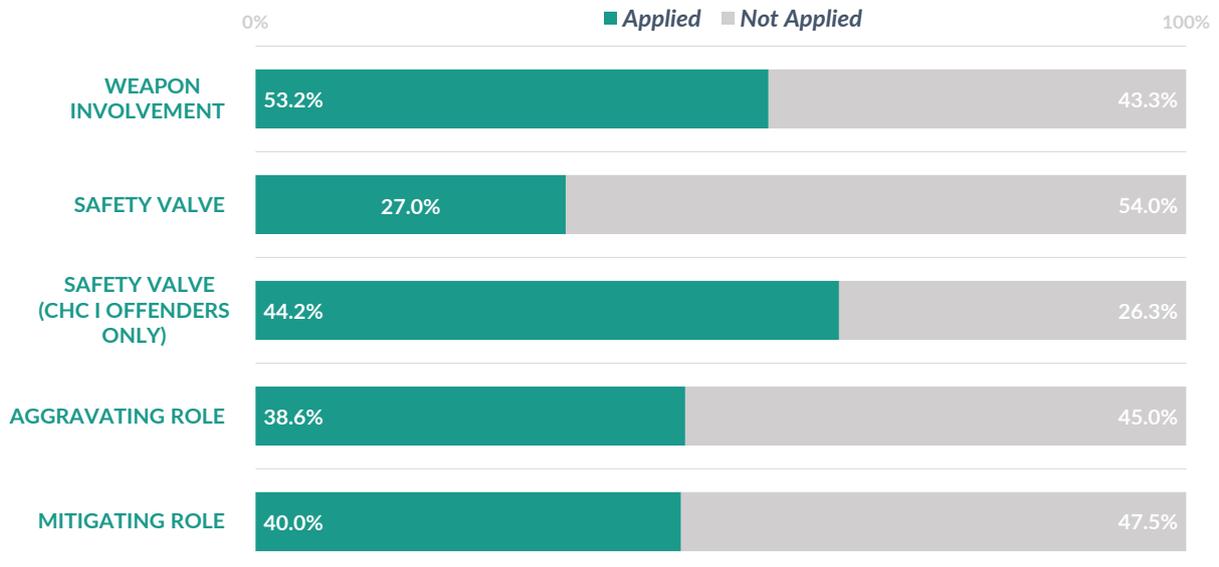


Figure F-5. Criminal History Category and Underlying Criminal History Points for Federal Heroin Trafficking Offenders Released in 2010



Figure F-6. Type of Original Sentence Imposed for Federal Heroin Trafficking Offenders Released in 2010

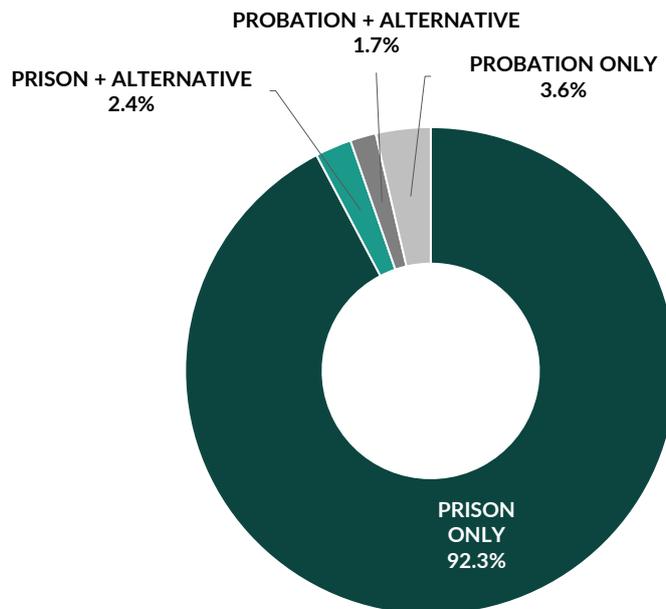


Figure F-7. Length of Imprisonment and Length of Probation for Federal Heroin Trafficking Offenders Released in 2010

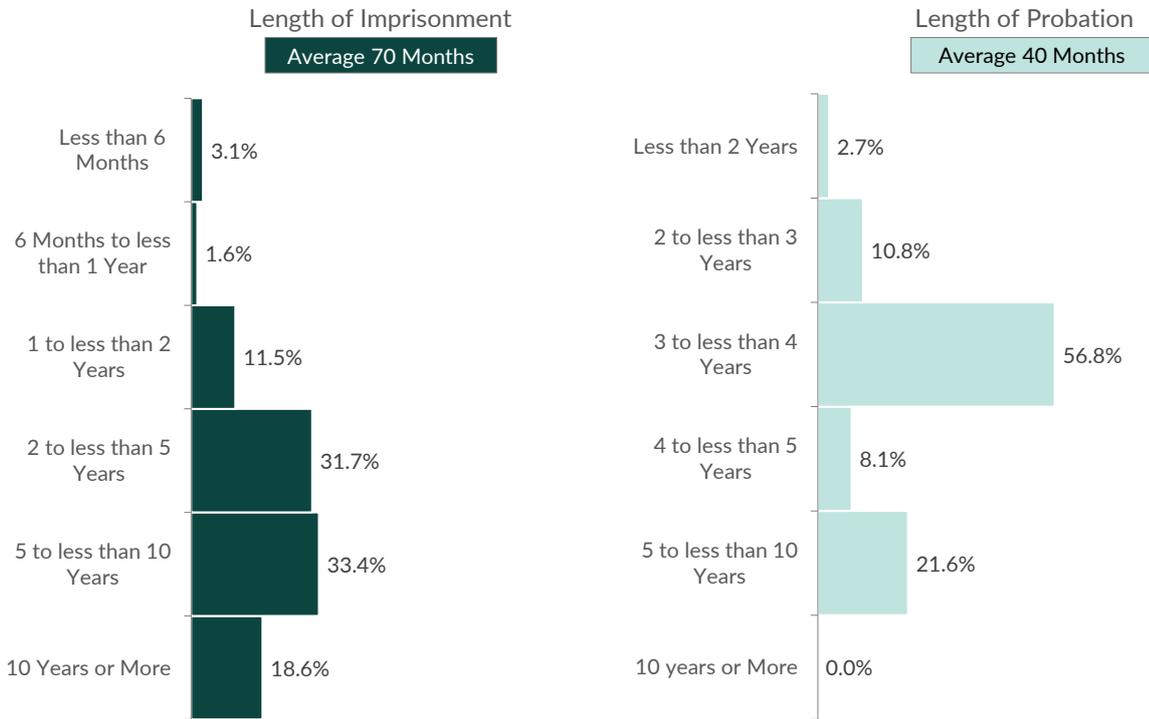
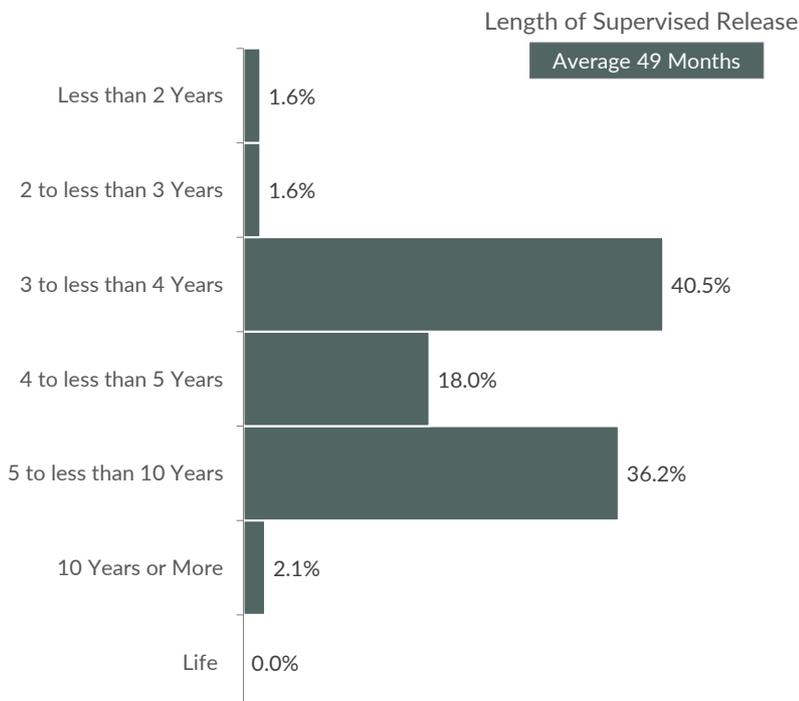


Figure F-8. Length of Supervised Release for Federal Heroin Trafficking Offenders Released in 2010



Recidivism Findings

Table F-2. Comparison of Overall Rearrest Findings for Federal Heroin Trafficking Offenders Released in 2010 and 2005

	Offenders Released in 2010	Offenders Released in 2005
Percent Rearrested	44.6%	47.1%
Median Months to Rearrest	22 Months	28 Months
Median Number of Rearrests	2	2
Most Common Post Release Offense	Drug Trafficking (16.9%)	Drug Trafficking (18.0%)
Median Age at Release	34	33

Figure F-9. Time to First Rearrest for Federal Heroin Trafficking Offenders Released in 2010

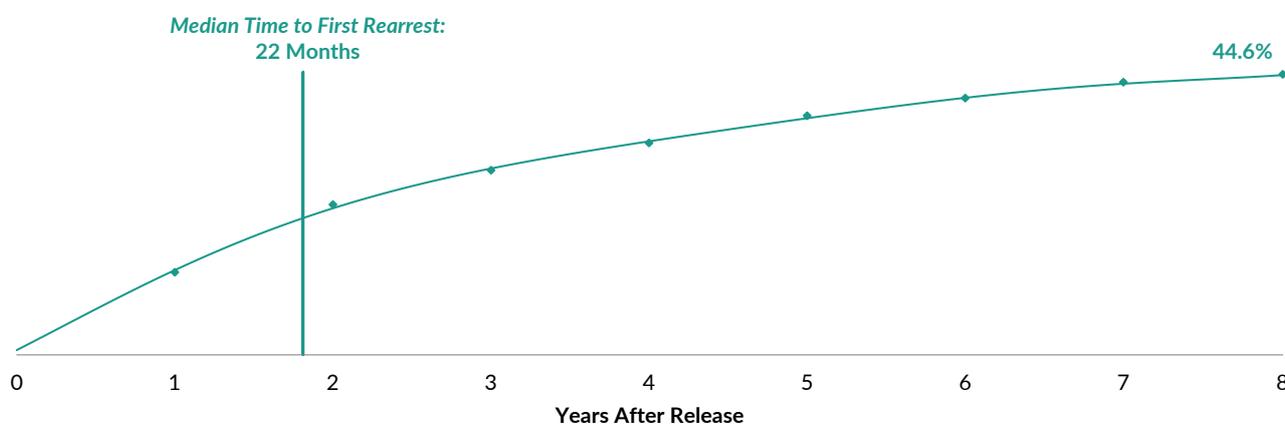


Figure F-10. Rearrest Rates for Federal Heroin Trafficking Offenders Released in 2010 Sentenced to Any Type of Supervision

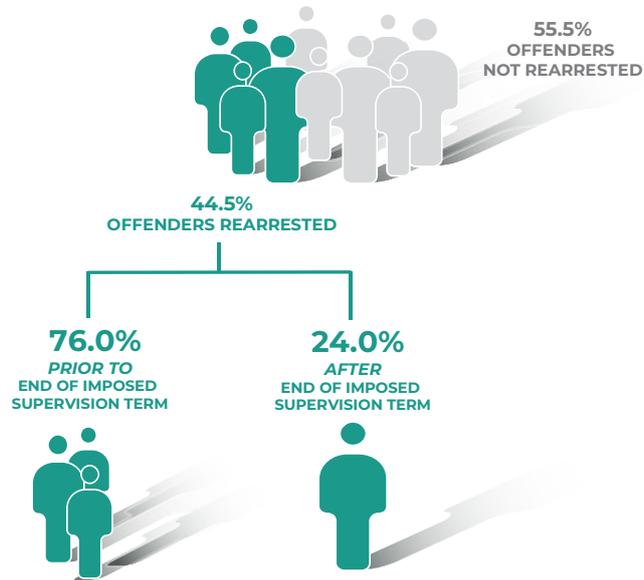


Figure F-11. Most Serious Offense at Rearrest for Federal Heroin Trafficking Offenders Released in 2010

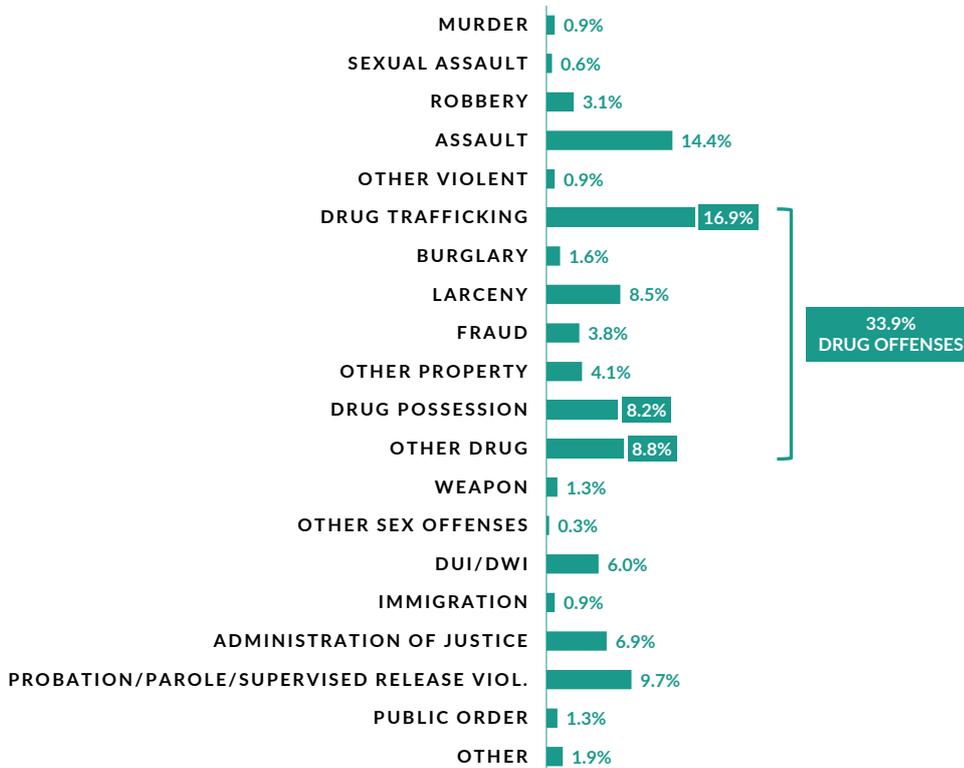


Figure F-12. Age at Release and Rearrest Rates for Federal Heroin Trafficking Offenders Released in 2010

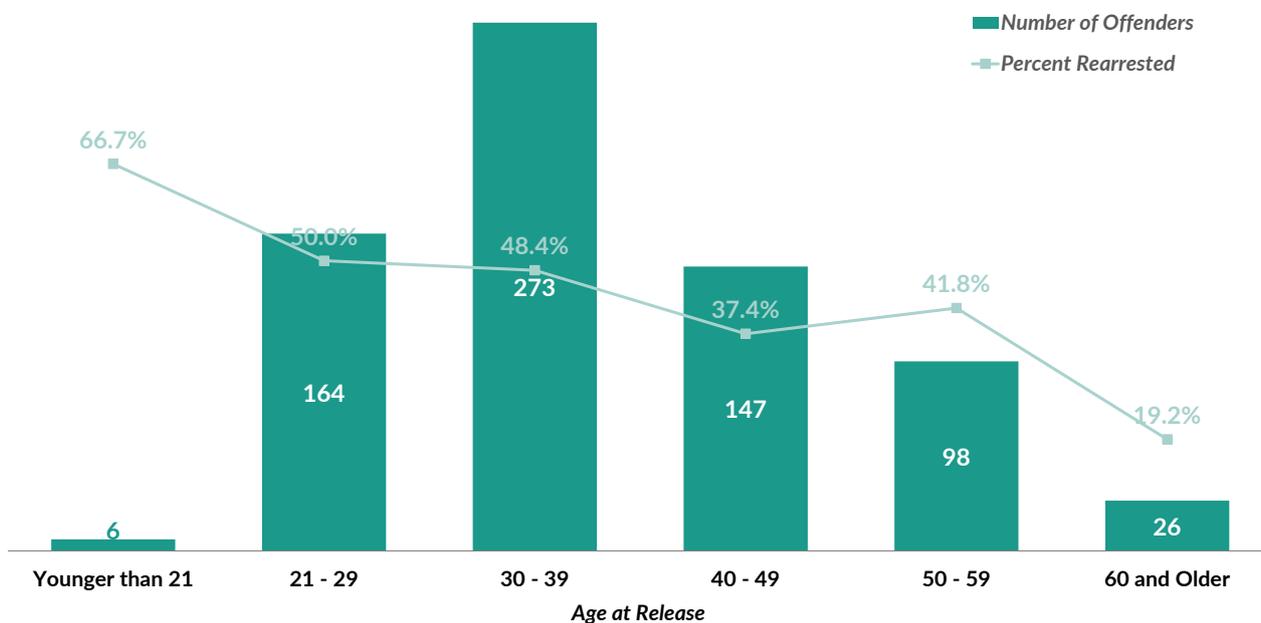


Table F-3. Time to Rearrest by Age Group for Federal Heroin Trafficking Offenders Released in 2010

Age at Release	Time to Rearrest (median months)
Younger than 21	15
21 - 29 Years	21
30 - 39 Years	24
40 - 49 Years	16
50 - 59 Years	38
60 and Older	31

Figure F-13. Rearrest Rates by Criminal History Category for Federal Heroin Trafficking Offenders Released in 2010

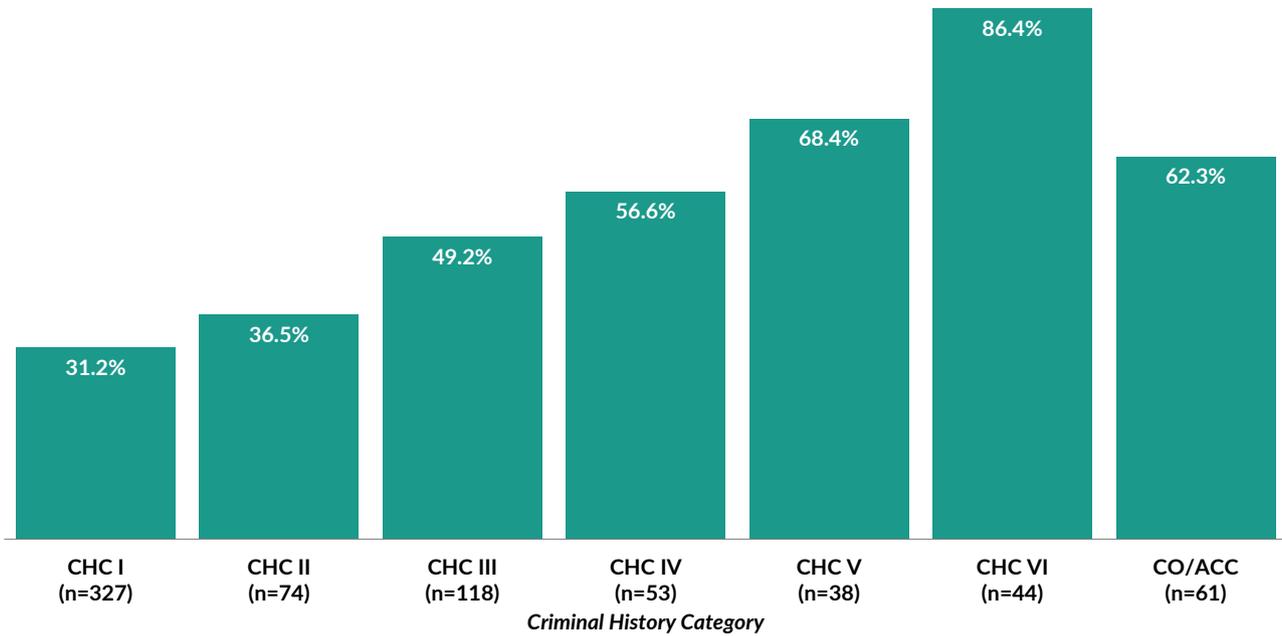


Figure F-14. Rearrest Rates by Criminal History Points for Federal Heroin Trafficking Offenders Released in 2010

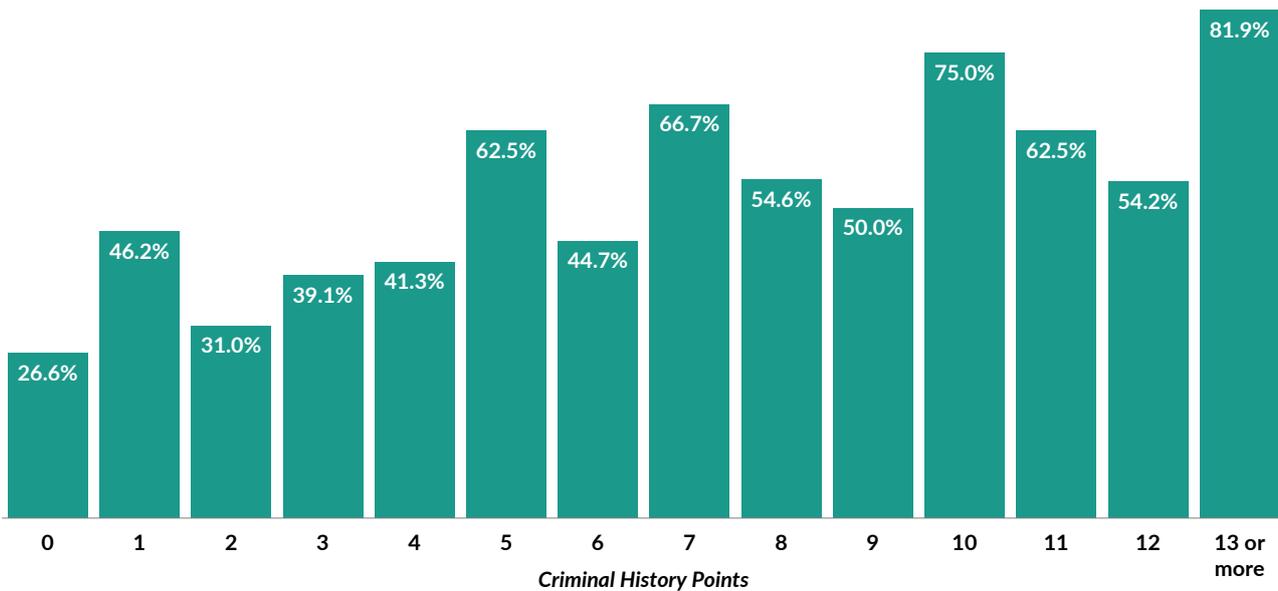


Table F-4. Rearrest Rates by Selected Demographic Characteristics for Federal Heroin Trafficking Offenders Released in 2010

Demographic Characteristics	% Rearrested
Gender	
Male	48.5%
Female	27.6%
Race/Ethnicity	
White	50.3%
Black	51.3%
Hispanic	35.9%
Other	25.0%
Education	
Less than High School	50.6%
High School Graduate	45.0%
Some College	30.3%
College Graduate	20.0%

Figure F-15. Rearrest Rates by Base Offense Level and Drug Mandatory Minimum Penalties for Federal Heroin Trafficking Offenders Released in 2010

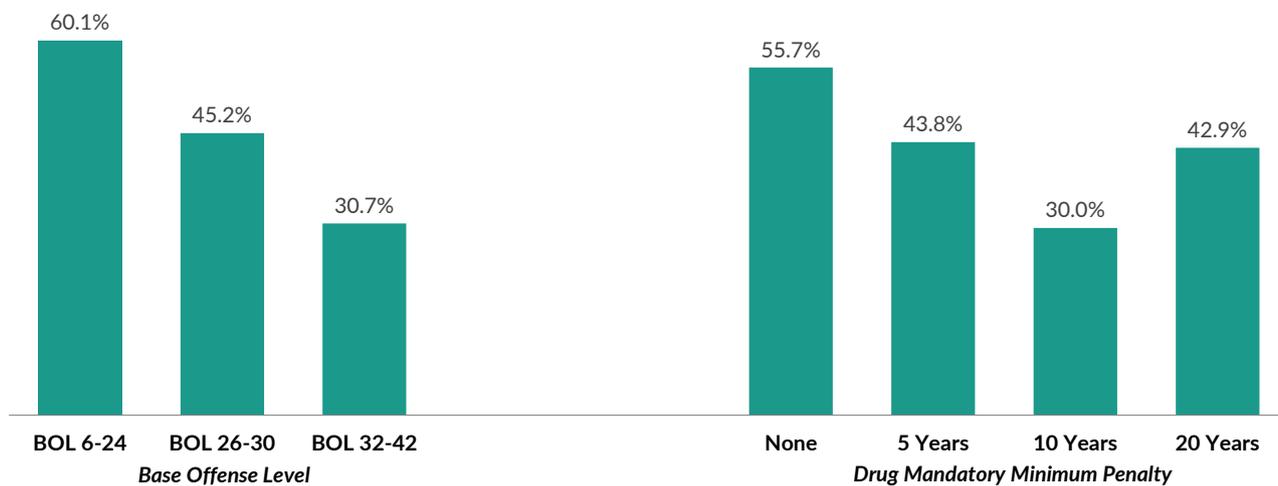


Figure F-16. Rearrest Rates by Selected Sentencing Factors for Federal Heroin Trafficking Offenders Released in 2010

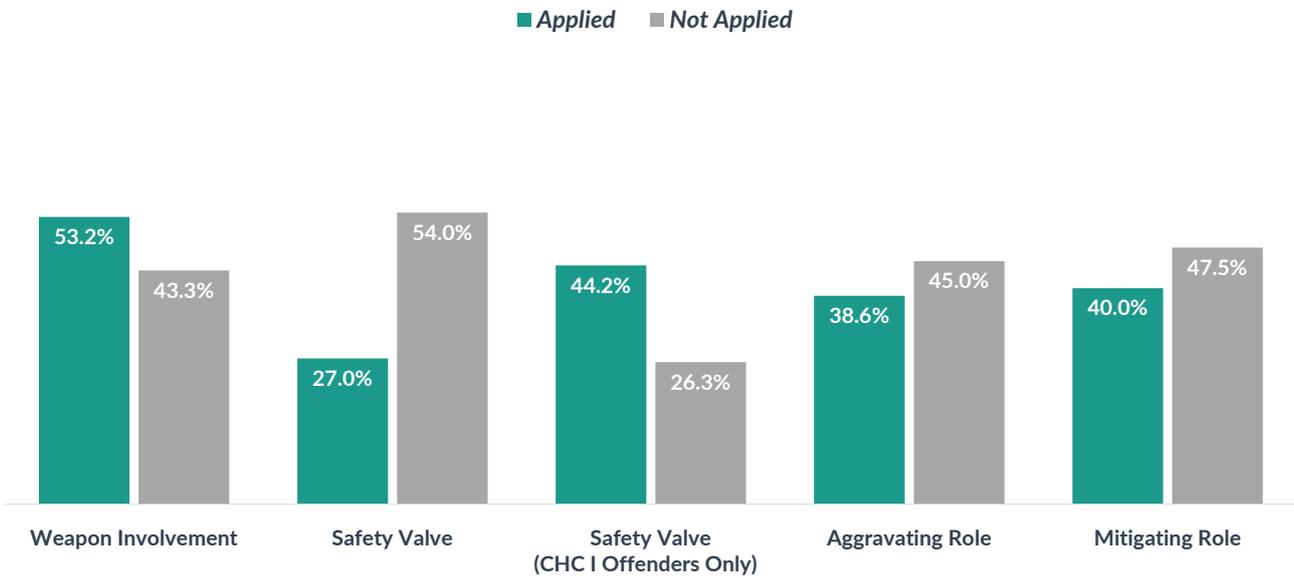


Figure F-17. Rearrest Rates by Length of Imprisonment for Federal Heroin Trafficking Offenders Released in 2010

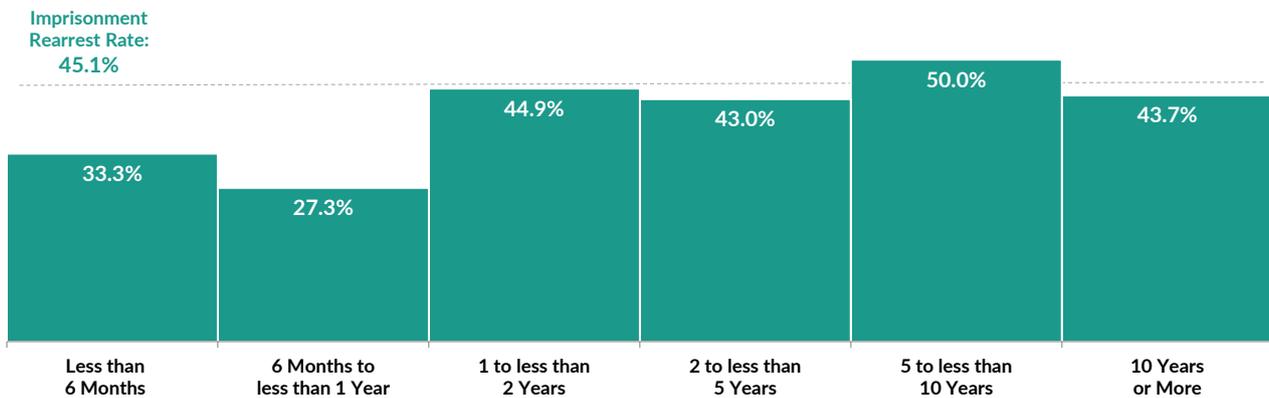


Figure F-18. Rearrest Rates by Length of Imprisonment and Criminal History Category for Federal Heroin Trafficking Offenders Released in 2010



Figure F-19. Rearrest Rates by Length of Probation for Federal Heroin Trafficking Offenders Released in 2010

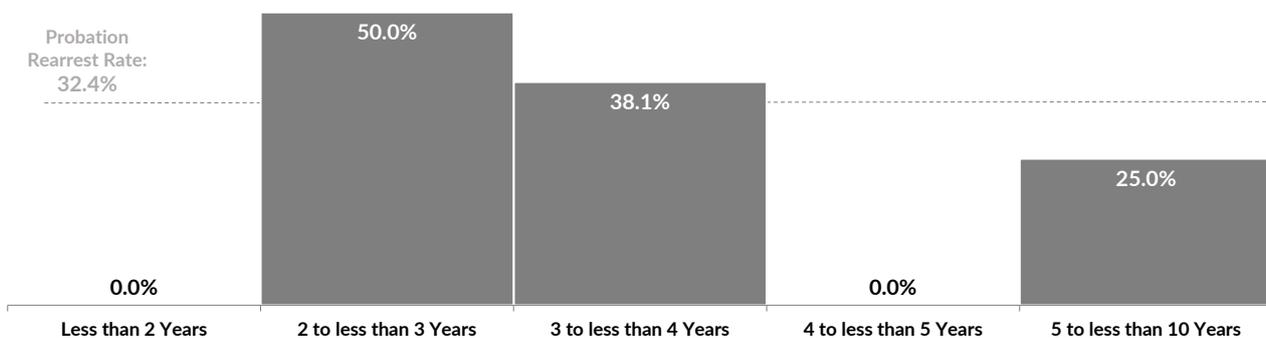
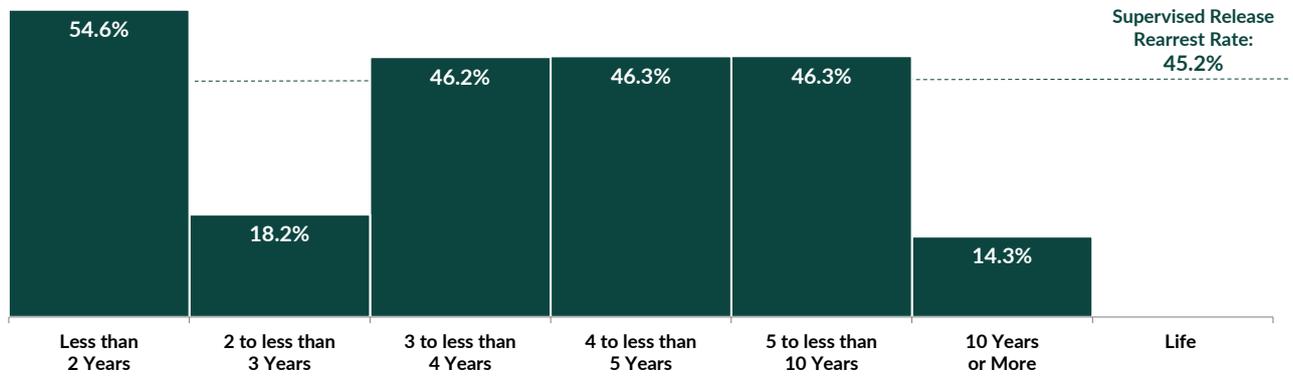


Figure F-20. Rearrest Rates by Length of Supervised Release for Federal Heroin Trafficking Offenders Released in 2010



ENDNOTES

ENDNOTES

- 1 See 28 U.S.C. § 995(a)(12) (outlining the Commission’s research and development program objectives).
- 2 KIM STEVEN HUNT & ROBERT DUMVILLE, U.S. SENT’G COMM’N, *RECIDIVISM AMONG FEDERAL OFFENDERS: A COMPREHENSIVE OVERVIEW* (2016), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2016/recidivism_overview.pdf [hereinafter 2016 RECIDIVISM OVERVIEW REPORT].
- 3 LOUIS REEDT, KIM STEVEN HUNT, JAMES L. PARKER, MELISSA K. REIMER & KEVIN T. MAASS, U.S. SENT’G COMM’N, *RECIDIVISM AMONG FEDERAL DRUG TRAFFICKING OFFENDERS* (2017), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20170221_Recidivism-Drugs.pdf [hereinafter 2017 DRUG TRAFFICKING RECIDIVISM REPORT].
- 4 RYAN COTTER, COURTNEY SEMISCH & DAVID RUTTER, U.S. SENT’G COMM’N, *RECIDIVISM OF FEDERAL OFFENDERS RELEASED IN 2010* (2021), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2021/20210930_Recidivism.pdf [hereinafter 2021 RECIDIVISM OVERVIEW REPORT].
- 5 Supervision refers to both probation and supervised release after a term of imprisonment.
- 6 543 U.S. 220 (2005).
- 7 See Jonathan E. Hurtig & Lisa Marie Lenart, *The Development of the Evidence-Based Practice Blue Print and Where We Are Now*, 75 FED. PROB. J. (2011), https://www.uscourts.gov/sites/default/files/federal_probation_journal_september_2011.pdf; Melissa Alexander, Bradley Whitley & Christopher Bersch, *Driving Evidence-Based Supervision to the Next Level: Utilizing PCRA, “Drivers,” and Effective Supervision Techniques*, 78 FED. PROB. J. 2 (2014), https://www.uscourts.gov/sites/default/files/probation_dec_2014_1219b.pdf.
- 8 PROB. & PRETRIAL SERVS. OFF., ADMIN. OFF. OF THE U.S. CTS., *AN OVERVIEW OF THE FEDERAL POST CONVICTION RISK ASSESSMENT 2* (2018), https://www.uscourts.gov/sites/default/files/overview_of_the_post_conviction_risk_assessment_0.pdf.
- 9 Moreover, on August 3, 2010, Congress passed the Fair Sentencing Act of 2010, which increased the threshold quantities of crack cocaine that resulted in five- and ten-year mandatory minimum penalties. Fair Sentencing Act of 2010, Pub. L. No. 111-220, § 2, 124 Stat. 2372. However, very few drug trafficking offenders in the study were affected by this change in law. See *infra* notes 34–35 and accompanying text.
- 10 U.S. SENT’G COMM’N, *Guidelines Manual*, App. C, amend. 706 (effective Nov. 1, 2007) (Nov. 2021) [hereinafter USSG]. For more information on the 2007 Crack Cocaine Amendment, see *infra* notes 50–53, 110–12 and accompanying text.
- 11 USSG App. C, amend. 713 (effective Mar. 3, 2008).
- 12 Drug trafficking offenses include possession with intent to distribute. See Appendix A for the full list of rearrest categories and subcategories.
- 13 2017 DRUG TRAFFICKING RECIDIVISM REPORT, *supra* note 3, at 3.
- 14 The Commission collects and analyzes data on federal sentences to carry out its various statutory responsibilities. As authorized by Congress, the Commission’s numerous research responsibilities include: (1) the establishment of a research and development program to serve as a clearinghouse and information center for the collection, preparation, and dissemination of information on federal sentencing practices; (2) the publication of data concerning the sentencing process; (3) the systematic collection and dissemination of information concerning sentences actually imposed and the relationship of such sentences to the sentencing factors in 18 U.S.C. § 3553(a); and (4) the systematic collection and dissemination of information regarding

the effectiveness of sentences imposed. See 28 U.S.C. § 995(a)(12), (14)–(16). The Commission collects information for every federal felony and Class A misdemeanor offense sentenced each year. Sentencing courts are statutorily required to submit five sentencing documents to the Commission within 30 days of entry of judgment in a criminal case, including: (1) the charging document; (2) the plea agreement; (3) the Presentence Report; (4) the Judgment and Commitment Order; and (5) the Statement of Reasons form. See 28 U.S.C. § 994(w)(1). For each case in its Individual Offender Datafile, the Commission routinely collects case identifiers, sentencing data, demographic variables, statutory information, the complete range of court guideline application decisions, and departure and variance information from these documents.

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

16 For a detailed description of the data collection methodology, see Appendix A.

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

18 Nat'l Inst. of Just., U.S. Dep't of Just., *Recidivism*, <https://nij.ojp.gov/topics/corrections/recidivism> (last visited Jan. 6, 2022); see also MICHAEL D. MALTZ, *RECIDIVISM* 1, 54 (2001) [hereinafter MALTZ].

19 See MALTZ, *supra* note 18, at 7–20; see also RYAN KING & BRIAN ELDERBROOM, *URB. INST., IMPROVING RECIDIVISM AS A PERFORMANCE MEASURE* (2014), <https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/UI-ImprovingRecidivism.pdf>.

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

21 See MALTZ, *supra* note 18, at 61–64; see also Nat'l Inst. of Just., U.S. Dep't of Just., *Measuring Recidivism* (Feb. 20, 2008), <https://nij.ojp.gov/topics/articles/measuring-recidivism>.

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

23 See MALTZ, *supra* note 18, at 55–60.

24 See MALTZ, *supra* note 18, at 56–58.

25 See ALPER, *supra* note 22, at 14.

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

27 See, e.g., 21 U.S.C. §§ 841(a), 960(a).

28 *Id.* § 856.

29 *Id.* § 843(b).

30 See *id.* §§ 841(b), 960(b).

31 See *id.* §§ 841(b), 960(b).

United States Sentencing Commission

32 21 U.S.C. §§ 841(b)(1)(A)(ii)–(iii), (B)(ii)–(iii), 960(b)(1)(B)–(C), (2)(B)–(C) (2009).

33 USSG App. C, amend. 706 (effective Nov. 1, 2007); USSG App. C, amend. 713 (effective Mar. 3, 2008). Various other amendments were made to the applicable drug guidelines during the years that offenders in the study were sentenced. *See, e.g.*, USSG §2D1.1, hist. note.

34 Fair Sentencing Act of 2010, Pub. L. No. 111–220, § 2, 124 Stat. 2372.

35 The Commission also amended the guidelines to account for the changes made by the Fair Sentencing Act. *See* USSG App. C, amend. 748 (effective Nov. 1, 2010). Only 24 of the 4,140 crack cocaine trafficking offenders in the study were sentenced under the 2010 version of the *Guidelines Manual* that incorporated the amendment.

36 USSG §2D1.1.

37 USSG §§2D1.2 (Drug Offenses Occurring Near Protected Locations or Involving Underage or Pregnant Individuals; Attempt or Conspiracy), 2D1.5 (Continuing Criminal Enterprise; Attempt or Conspiracy), 2D1.6 (Use of Communication Facility in Committing Drug Offense; Attempt or Conspiracy), 2D1.8 (Renting or Managing a Drug Establishment; Attempt or Conspiracy), 2D1.10 (Endangering Human Life While Illegally Manufacturing a Controlled Substance; Attempt or Conspiracy), and 2D1.14 (Narco-Terrorism). Where more than one guideline was applied at sentencing, the primary sentencing guideline was the one that yielded the highest adjusted offense level.

38 *See, e.g.*, 21 U.S.C. §§ 859, 860; USSG App. A.

39 *See* USSG Ch.5, Pt.A.

40 *Id.*

41 18 U.S.C. § 3553(b)(1), *excised by* United States v. Booker, 543 U.S. 220 (2005).

42 *Booker*, 543 U.S. at 245.

43 *See supra* Figure 2.

44 *Kimbrough v. United States*, 552 U.S. 85, 91 (2007).

45 *Spears v. United States*, 555 U.S. 261, 264 (2009) (per curiam).

46 If the offense of conviction established that death or serious bodily injury resulted from the use of the substance, different base offense levels apply under §2D1.1. *See* USSG §2D1.1(a)(1)–(4); *see also* USSG §§2D1.2(a)(3)–(4), 2D1.5(a)(2), 2D1.10(a)(2) (each setting forth alternate BOLs).

47 *See* USSG §2D1.1(a)(5), (c).

48 *See* USSG §§2D1.2(a)(1)–(2), 2D1.5(a)(1), 2D1.6, comment. (n.1), 2D1.8(a)(1)–(2), 2D1.10(a)(1), 2D1.14(a)(1). For the purposes of this study, offenders with BOLs determined by guideline provisions without reference to the Drug Quantity Table or offenders missing certain BOL information were excluded from the base offense level analysis. *See infra* note 69 and accompanying text.

49 Offenders in the study were originally sentenced between 1990 and 2010.

50 *See, e.g.*, USSG App. C, amend. 706 (effective Nov. 1, 2007).

51 *Id.*

52 *Id.*

53 *Id.* For example, the BOL for offenses involving five grams or more of crack cocaine, which triggered a five-year statutory minimum before the Fair Sentencing Act of 2010, were lowered from level 26 (63 to 78 months) to level 24 (51 to 63 months). *Id.*

54 USSG App. C, amend. 713 (effective Mar. 3, 2008) (adding Amendment 706, as amended by Amendment 711, to the list of guideline amendments in subsection (c) of §1B1.10 (Reduction in Term of Imprisonment as a Result of Amended Guideline Range (Policy Statement)) that apply retroactively).

55 USSG §2D1.1(b)(1). The enhancement also applies to offenders with guidelines that reference §2D1.1. *See, e.g.,* USSG §§2D1.5(a)(1), 2D1.6, 2D1.8.

56 18 U.S.C. § 924(c); *see also* USSG §2K2.4.

57 USSG §3B1.1.

58 USSG §3B1.2. In this study, the mitigating role analysis included both offenders who received an adjustment under §3B1.2 and offenders sentenced under §2D1.8(a)(2), which provides for a lower base offense level if participation in the underlying controlled substance offense was limited to allowing use of the premises. All offenders in the study cohort who were sentenced under subsection (a)(2) of §2D1.8 (Renting or Managing a Drug Establishment; Attempt or Conspiracy) were counted as having received a mitigating role adjustment. For more information about role adjustments, *see* U.S. SENT'G COMM'N, PRIMER ON AGGRAVATING AND MITIGATING ROLE ADJUSTMENTS (2021), https://www.ussc.gov/sites/default/files/pdf/training/primers/2021_Primer_Role.pdf.

59 USSG §4A1.1(a); USSG §4A1.1, comment. (n.1).

60 USSG §4A1.1(d); USSG §4A1.1, comment. (n.4).

61 USSG §2D1.1(b)(18) (providing a 2-level decrease if criteria in §5C1.2 (Limitation on Applicability of Statutory Minimum Sentences in Certain Cases) are met).

62 During the years that offenders in this study were sentenced, the applicable criteria were:

- (1) the defendant does not have more than 1 criminal history point, as determined under the sentencing guidelines;
- (2) the defendant did not use violence or credible threats of violence or possess a firearm or other dangerous weapon (or induce another participant to do so) in connection with the offense;
- (3) the offense did not result in death or serious bodily injury to any person;
- (4) the defendant was not an organizer, leader, manager, or supervisor of others in the offense, as determined under the sentencing guidelines and was not engaged in a continuing criminal enterprise, as defined in section 408 of the Controlled Substances Act; and
- (5) not later than the time of the sentencing hearing, the defendant has truthfully provided to the Government all information and evidence the defendant has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan[.]

18 U.S.C. § 3553(f) (2010); *see also* USSG §5C1.2. The criminal history requirement subsequently changed with the passage of the First Step Act of 2018. *See* First Step Act of 2018, Pub. L. No. 115–391, § 402, 132 Stat. 5194, 5221. The safety valve statute was enacted in 1994 and first implemented in the 1994 *Guidelines Manual*. *See* USSG §5C1.2, comment. (backg'd); *see also* USSG App. C, amend. 506 (effective Sept. 23, 1994). Data about the application of the safety valve provision is available beginning in fiscal year 1995.

63 USSG §2D1.1, comment. (n.21).

64 *See* 18 U.S.C. § 3553(e) (on a government motion, a court may impose a sentence below a statutory

minimum to “reflect a defendant’s substantial assistance in the investigation or prosecution of another person who has committed an offense”). A substantial proportion of the offenders in this analysis did not actually serve a full mandatory minimum penalty due to safety valve relief, substantial assistance, or a post-sentencing motion for sentence reduction under Federal Rule of Criminal Procedure 35(b).

65 USSG §5K1.1.

66 See USSG §5K1.1, comment. (n.1) (“Under circumstances set forth in 18 U.S.C. § 3553(e) and 28 U.S.C. § 994(n), as amended, substantial assistance in the investigation or prosecution of another person who has committed an offense may justify a sentence below a statutorily required minimum sentence.”).

67 Career offenders and armed career criminals are treated differently for purposes of their CHC calculations. Section 4B1.1 (Career Offender) defines career offenders as those with an instant conviction for a felony “crime of violence” or a “controlled substance offense” (as those terms are defined in §4B1.2) who have at least two prior felony convictions for such offenses. Career offenders are placed in CHC VI regardless of the number of criminal history points assigned in Chapter Four of the *Guidelines Manual*. USSG §4B1.1. Section 4B1.4 (Armed Career Criminal) defines armed career criminals as those subject to enhanced sentences pursuant to 18 U.S.C. § 924(e), commonly referred to as the Armed Career Criminal Act (ACCA). The ACCA mandates 15-year mandatory minimum sentences for offenders who were convicted under 18 U.S.C. § 922(g) and who have at least three prior convictions for a “violent felony” or “serious drug offense.” Section 4B1.4 directs that the CHC for an armed career criminal is the greatest of: (1) the CHC from Chapter Four, Part A of the *Guidelines Manual*; (2) the CHC from the career offender guideline at §4B1.1, if applicable; (3) Category VI if the defendant used or possessed a firearm in connection with either a “crime of violence,” or a “controlled substance offense,” or if the firearm possessed by the defendant was of a type described in 26 U.S.C. § 5845(a); or (4) Category IV. USSG §4B1.4.

68 There were 761 offenders in this group, most of whom (n=753) were designated as career offenders under §4B1.1; an additional eight offenders were classified as armed career criminals because they were convicted under 18 U.S.C. § 924(e). Both groups typically are placed in CHC VI.

69 BOLs 40 and 42 were assigned based on drug type and quantity in the 1993 and earlier versions of the guidelines. From the 1994 version of the *Guidelines Manual* forward, the highest BOL based on drug quantity has been 38. Base Offense Level values reflect the BOL from the Drug Quantity Table (DQT) at §2D1.1(c) prior to the application of the mitigating role cap in §2D1.1(a)(5) or any adjustments under other guideline provisions. Offenders with BOLs determined by guideline provisions without reference to the DQT (e.g., §§2D1.1(a)(1)–(4), 2D1.2(a)(3)) and offenders missing information required to determine the BOL prior to the application of the mitigating role cap were excluded from the BOL analysis. Drug amounts associated with various BOLs have changed over time, so not all offenders in each BOL category will have the same drug amount ranges.

70 Information about mandatory minimum penalties was unavailable for offenders sentenced in fiscal years 1991 and 1992. The data reported reflects offenders sentenced between fiscal years 1993 and 2011 (note, a portion of fiscal year 2011 is in calendar year 2010). This data includes only mandatory minimum penalties associated with drug trafficking convictions and does not include mandatory minimum penalties imposed under 18 U.S.C. § 924(c) or other statutes. Offenders with missing or anomalous drug mandatory minimum penalty information were excluded from this analysis.

71 Weapon enhancement is defined as either the 2-level increase under §2D1.1(b)(1) or at least one count of conviction under 18 U.S.C. § 924(c).

72 Safety valve reduction is defined as either relief from an applicable mandatory minimum under 18 U.S.C. § 3553(f) or a 2-level decrease under §2D1.1(b)(18). For more information on safety valve reduction, see *supra* notes 61–63 and accompanying text.

73 Due to rounding, the sum of the prison only and prison plus alternative segments reported in Figure 7 for the All Other Offenders group does not total the imprisonment rate reported (76.7%).

74 This analysis includes only months of imprisonment. Sentences of probation and community confinement were not included. Life sentences (and sentences longer than 470 months) were capped at 470 months. Life sentences are included in the ten years or more group. A very small percentage (0.1%; n=10) of drug trafficking offenders received a life sentence at their original sentencings. These ten offenders likely were resentenced to shorter terms afterwards, allowing them to be released from prison in the 2010 cohort.

75 The length of probation analysis was limited to only those offenders who received a term of probation. Terms of probation of 470 months or greater (including life) were included in the average length of probation computation as 470 months. The length of supervised release analysis was limited to only those offenders who received a term of supervised release. Terms of supervised release of 470 months or greater (including life) were included in the average length of supervised release computation as 470 months.

76 2021 RECIDIVISM OVERVIEW REPORT, *supra* note 4, at 5.

77 This measurement is based on the supervision term imposed at the time of original sentencing and does not account for any changes in supervision status following release. Such information was not available in the data used for this study. Therefore, if a court terminated an offender's supervision prior to the expiration of the term initially imposed, that offender still would be considered under supervision for this analysis. Alternatively, if a court extended an offender's supervision beyond the term originally imposed, that offender would be considered to have completed the supervision term for purposes of this analysis.

78 2016 RECIDIVISM OVERVIEW REPORT, *supra* note 2, at 9, 31 n.24.

79 Accordingly, the data should not be interpreted to represent the overall frequency of the listed offense among rearrests.

80 Due to rounding, the sum of the drug trafficking, drug possession, and other drug offense types reported may not total the combined drug offenses value reported.

81 See TRACEY KYCKELHAHN & TRISHIA COOPER, U.S. SENT'G COMM'N, THE PAST PREDICTS THE FUTURE: CRIMINAL HISTORY AND RECIDIVISM OF FEDERAL OFFENDERS (2017), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20170309_Recidivism-CH.pdf; KIM STEVEN HUNT & BILLY EASLEY, U.S. SENT'G COMM'N, THE EFFECTS OF AGING ON RECIDIVISM AMONG FEDERAL OFFENDERS (2017), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20171207_Recidivism-Age.pdf [hereinafter 2017 RECIDIVISM AGE REPORT].

82 See 2017 RECIDIVISM AGE REPORT, *supra* note 81.

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

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

85 USSG §5C1.2(a)(1). This criminal history requirement changed with the passage of the First Step Act in December 2018. See First Step Act of 2018, Pub. L. No. 115-391, § 402, 132 Stat. 5194, 5221. However, all offenders in this study were sentenced and released prior to the enactment of that legislation.

86 The reported rearrest rate for CHC I safety valve offenders (34.4%) is slightly lower than the rearrest rate noted above for all offenders who received a safety valve reduction (34.8%) due to certain inconsistent safety valve and criminal history application information.

United States Sentencing Commission

87 This result was consistent with a prior Commission study that found a statistically significant deterrent effect for offenders incarcerated for more than 60 months when compared to similar offenders incarcerated for shorter periods of time, after controlling for other factors, including criminal history. See RYAN COTTER, U.S. SENT'G COMM'N, LENGTH OF INCARCERATION AND RECIDIVISM 30 (2020), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2020/20200429_Recidivism-SentLength.pdf.

88 Information on primary drug type is not available prior to fiscal year 1992. Offenders sentenced in fiscal year 1991 (n=20) and offenders otherwise missing information on primary drug type (n=7) were excluded from this analysis.

89 In addition, 6.0% of drug trafficking offenders had offenses involving another primary drug type. These offenders are not examined in this section.

90 Appendices B–F document further recidivism findings related to drug trafficking offenders whose offenses involved the five primary drug types.

91 The “Other Drugs” category includes all other primary drug types. Of those, the following types were the primary drug for at least 50 offenders: Oxycodone/Oxycontin (n=276), MDMA/Ecstasy/MDA (n=270), Hydrocodone (n=64), and PCP (n=57).

92 In Appendices B–F, Figure 6 outlines this distribution for each drug type.

93 Length of imprisonment refers to the sentence imposed, not the time served in prison. See also *supra* note 74.

94 In Appendices B–F, Figures 7 and 8 provide further detail on sentence lengths for each drug type.

95 In Appendices B–F, Table 4 and Figures 13 to 20 provide further detail on the recidivism findings for each drug type by demographic characteristics and sentences imposed.

96 See *supra* notes 81–83 and accompanying text.

97 Due to rounding, the sum of the drug trafficking, drug possession, and other drug offense types reported may not total the drug offenses value reported.

98 The one exception to this pattern is that the rearrest rates for heroin trafficking offenders between the ages of 50 to 59 (41.8%) were slightly higher than for those between the ages of 40 to 49 (37.4%).

99 There were 21 offenders in this group.

100 In Appendices B–F, Figure 14 outlines rearrest rates by criminal history points for each drug type.

101 USSG §§4B1.1(b), 4B1.4(c).

102 2017 DRUG TRAFFICKING RECIDIVISM REPORT, *supra* note 3.

103 *Id.* at 3 tbl.1.2.

104 *Id.*

105 *Id.* at 3.

106 *Id.* at 65.

107 *Id.* at 2. Marijuana trafficking offenders represented the second largest primary drug type group in both the 2005 and 2010 release cohorts, followed by powder cocaine trafficking offenders, methamphetamine

trafficking offenders, and heroin trafficking offenders. *Id.*

108 *Id.* at 41.

109 *Id.*

110 USSG App. C, amend. 706 (effective Nov. 1, 2007). In addition, the Fair Sentencing Act of 2010 became effective on August 3, 2010, and conforming changes to the guidelines were made effective November 1, 2010. USSG App. C, amend. 748 (effective Nov. 1, 2010). Very few crack cocaine trafficking offenders in the study cohort were affected by these changes.

111 See KIM STEVEN HUNT & ANDREW PETERSON, U.S. SENT'G COMM'N, *RECIDIVISM AMONG OFFENDERS RECEIVING RETROACTIVE SENTENCE REDUCTIONS: THE 2007 CRACK COCAINE AMENDMENT* (2014), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-projects-and-surveys/miscellaneous/20140527_Recidivism_2007_Crack_Cocaine_Amendment.pdf.

112 *Id.* at 1-2.

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

114 See 2016 *RECIDIVISM OVERVIEW REPORT*, *supra* note 2, Appendix B.

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



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