



Research on Recidivism Among Federal Offenders

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Background

- Recidivism refers to a person's relapse into criminal behavior. Recidivism is measured by criminal acts that resulted in rearrest, reconviction, return to prison and revocations resulting from violations of the conditions of supervision.
- Recidivism source data: "RAP sheet" is a record of arrests and prosecutions, an individual's criminal history to include any contact he or she may have had with the criminal justice system.
- USSC has conducted recidivism studies on topics ranging from the correlation between recidivism and criminal history to targeted studies of federal crack cocaine offenders.
 - Common thread: *How does knowledge of recidivism help USSC shape sentencing policy?*



Focus Today on Two Studies

1. Recent study of offenders convicted of federal crack cocaine offenses and
 2. On-going study of a large sample of all offenders released in CY2005
- What factors influence whether or not released offenders return to the criminal justice system with a new arrest, new conviction, etc.?
 - Does knowledge of recidivism help USSC shape policy responses?



Recidivism Among Offenders Released Pursuant to Retroactive Application of 2007 Crack Cocaine Amendment

Publication Date: April 2014



Executive Summary

- Staff analyzed RAP sheets of offenders resentenced pursuant to retroactive application of the 2007 Crack Cocaine Amendment to determine recidivism rates.
- Staff also analyzed a control group of crack offenders that met the eligibility criteria for retroactive application of the Amendment but were released prior to the March 3, 2008 effective date of 2007 Amendment.
- Results show that offenders who received a reduced sentence retroactively under the 2007 Crack Cocaine Amendment were **not** more likely to recidivate than similarly situated offenders who did not receive a reduced sentence.



Crack Cocaine Recidivism Study Design

Study Groups:

1. **Post-Amendment:** 836 offenders resentenced and released under 2007 Amendment between July 1, 2008 and November 30, 2008.
2. **Pre-Amendment:** 483 offenders released between March 1, 2007 and February 29, 2008 after service of original sentence.

Both groups were studied for **five** years after release, or until returned to prison.

Post-Amendment group began in July 1, 2008 to minimize effects of disruption immediately following March 3, 2008 effective date (*e.g.*, halfway house placement).



Crack Cocaine Recidivism Study Design (continued)

Operational Measure of Recidivism:

- a re-conviction for a new offense,
- a re-arrest with no conviction disposition information available, **or**
- a supervision revocation (probation or post prison supervision).

Data Collection: Hand coding of RAP sheets received from the FBI

Data Sources: USSC Records, FBI “RAP” sheets, and BoP Sentry files



Crack Offender Groups Were Well Matched

Pre-Amendment group

- Average Age: 35.4 years
- 85.7% Black offenders
- 29.4% CHC I
- Weapon Involved: 21.5%
- Sentence Length
 - 96.8 months

Post-Amendment group

- Average Age: 36.3 years
- 88.2% Black offenders
- 27.3% CHC I
- Weapon Involved: 28.0%
- Sentence Length
 - 107.1 months (before)
 - 85 months (after)



Overall Crack Recidivism Results

	Pre-2007 Amendment	Post-2007 Amendment
	%	%
Total	100.0%	100.0%
Recidivism	47.8%	43.3%
No Recidivism	52.2%	56.7%

Source: U.S. Sentencing Commission FY 2014 Crack Recidivism Files; U.S. Sentencing Commission FY1992-2010 Datafiles, USSC FY 1992-2010.



Recent Commission Actions Informed By Recidivism Research

- In 2011, the Commission implemented the Fair Sentencing Act's new penalties in the guidelines and subsequently made the changes retroactive.
- In 2014, after the FSA was fully implemented, the Commission separately reduced the drug guidelines for all drugs, including crack cocaine, by two levels, and made this change retroactive.



Comprehensive, Multi-year Study of Recidivism of Offenders Released in 2005 with an Eight Year Follow-Up Period

Ongoing Research Project



Policy Priorities for Comprehensive, Multi-year Study of Recidivism

- Examination of circumstances that correlate with increased or reduced recidivism (demographic, federal offense of release, criminal history, type and length of sentence, etc.)
- Recommendations to Congress to reduce costs of incarceration and overcapacity of prisons using information obtained from such study.
- Amendments to the Guidelines Manual as may be appropriate.



Study Subjects

- Study subjects include federal offenders:
 - 1) who are citizens;
 - 2) re-entered the community in 2005;
 - 3) PSR is available; and
 - 4) who have valid FBI numbers which could be located in Criminal History Repositories (NLETS) in at least one of 50 states, DC, or federal records.



Electronic Data Sources

- The criminal history data were generated using software designed by the International Justice and Public Safety Network (NLETS) to pull individual criminal history records electronically from all 50 states, D.C., and the federal criminal justice agencies.
 - Per agreement with the FBI and the AOUSA.
- The arrest, court, and corrections data were then standardized into a format suitable for national-level analyses.
- Approximately 35,000 federal offenders records were drawn, many with records in multiple state and the federal agencies.



Benefits of Electronic Data Sources

- Allows for much larger research studies:
 - Pulls records directly from criminal history repositories;
 - Organizes the records chronologically; and
 - Eliminates hand-coding of paper RAP sheets.
- Software helps to ensure standardized rules for identifying and counting offenses and court actions across various state and federal administrative records systems.



Key Features

- Large study group allows more precise estimates of recidivism rates across different subgroups. For example:
 - All Sentence Types (Prison, Probation, etc.) are represented.
 - Allows comparison of recidivism between sentence types and sentence lengths.
 - Demographic groups are represented in large numbers. For example:
 - Several thousand offenders released after age 50
 - Several thousand female offenders
 - Over one thousand “other” race offenders



Upcoming Analyses

- Recidivism outcomes of interest
 - Any rearrest within 8 years;
 - Also, any reconviction and any reincarceration.
 - Time to first charge; and
 - Number and severity of recidivism events.
- Characteristics associated with recidivism outcomes
 - Demographics (age, race/ethnicity, gender, etc.);
 - Prior criminal history;
 - Offense of release and associated guideline factors;
 - Type of sentence and time served on most recent release; and
 - Length of post-release supervision.
- What are the policy implications for future guidelines?



