



Recidivism & Federal Sentencing Policy

Recidivism of Federal Offenders: A Comprehensive Overview

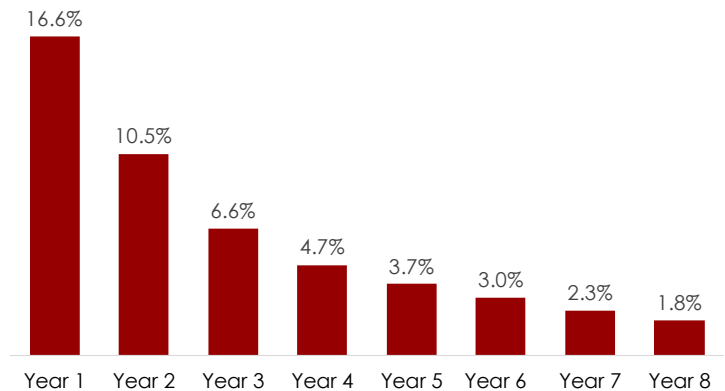
Overview

The United States Sentencing Commission began studying recidivism of federal offenders nearly 30 years ago.¹ Knowing how often offenders reoffend and the types of crimes they commit can help policymakers determine how best to protect public safety, promote effective reentry techniques, and address overcapacity of the prisons. The Commission's most recent multi-year recidivism study is groundbreaking in both its breadth and duration, reporting the rearrest, reconviction, and reincarceration rates of more than 25,000 federal offenders over an eight-year period.² Below are some key findings from the first in a series of reports.

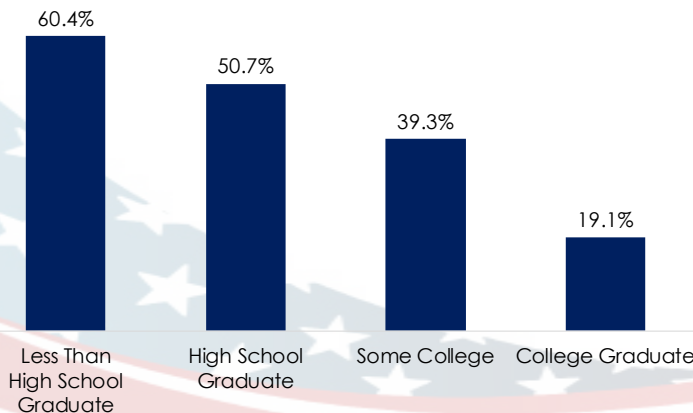
Report Highlights

- Over an eight-year follow-up period, about half (49.3%) of federal offenders in the Commission's study were rearrested, almost one-third (31.7%) were reconvicted, and one-quarter (24.6%) were reincarcerated.
- Of those offenders who reoffended, most did so within the first two years of release (median time to rearrest = 21 months). For each subsequent year after release, fewer offenders were rearrested for the first time.
- About one-quarter (23.3%) of offenders who reoffended were rearrested for assault as their most serious charge followed by public order (15.5%), drug trafficking (11.5%), and larceny (7.7%) offenses.³

Rearrest Rates of Offenders Over Eight-Year Period After Release



Rearrest Rates of Offenders By Education Level



- A federal offender's age and criminal history were closely correlated with their likelihood of reoffending (*more on page 2*).
- An offender's education level was also associated with their likelihood of reoffending. Offenders who did not complete high school were rearrested most often (60.4%) while college graduates were rearrested least often (19.1%).
- The type of federal crime that led to an offender's original conviction was also related to their likelihood of reoffending. Firearms offenders were most likely to be rearrested (68.3%) followed closely by robbery offenders (67.3%). Fraud offenders were least likely to be rearrested (34.2%).⁴

Recidivism and Criminal History

- To protect the public from further crimes of defendants, during the development of the criminal history guideline provisions in the mid-to-late 1980s the Commission considered the relationship between offenders' prior criminal record and their likelihood of reoffending.⁵
- The Commission's recidivism study found that recidivism rates generally increase as offenders' criminal history calculations increase (thereby increasing an offender's sentencing range).⁶ This finding confirms that the criminal history guideline provisions continue to work as designed.

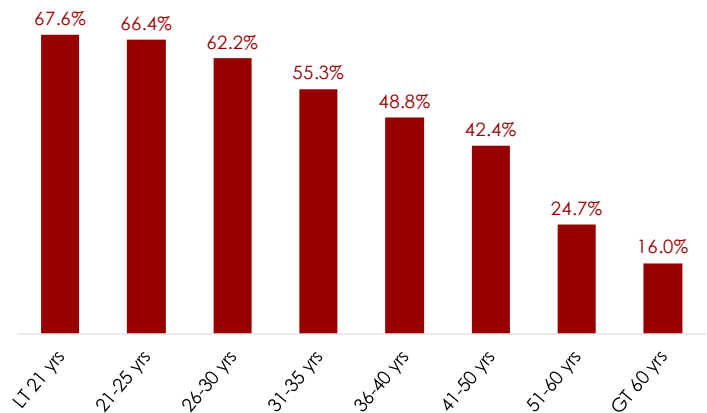
Recidivism Rates by Criminal History Category

Criminal History Category	Category I	Category II	Category III	Category IV	Category V	Category VI
Rearrest Rate	33.8%	54.3%	63.3%	74.7%	77.8%	80.1%
Reconviction Rate	19.9%	33.0%	41.3%	51.6%	56.6%	59.3%
Reincarceration Rate	14.0%	23.9%	32.9%	43.5%	49.4%	51.3%

Recidivism and Age

- Studies have repeatedly shown older offenders to have a lower risk of reoffending⁷ and the Commission's study confirmed this finding. Just 16.0% of offenders older than 60 years of age at the time of release were rearrested. In comparison, more than two-thirds (67.6%) of offenders younger than 21 at the time of release were rearrested.
- For each age group studied, the older the age group, the lower the rearrest rate. The same trend holds true for both reconviction and reincarceration rates.⁸

Rearrest Rates of Offenders by Age at Release



More On This Topic

The Commission subsequently released two additional reports in its recidivism study series. The second report examines federal drug trafficking offenders.⁹ The third report further analyzes the relationship between offenders' criminal history guideline calculations and their likelihood of reoffending.¹⁰

Endnotes

- See SUPPLEMENTARY REPORT ON THE INITIAL SENTENCING GUIDELINES AND POLICY STATEMENTS (1987), <https://go.usa.gov/xNkN7>.
- The study cohort is comprised of 25,431 federal offenders who were U.S. citizens and re-entered the community during 2005 after discharging their sentence of incarceration or by commencing a term of probation in 2005.
- For more on offenders' most serious recidivism offenses, see page 17 of the full report.
- A full list rearrest rates by offense type is available on page 20 of the full report.
- See U.S. SENTENCING COMM'N, GUIDELINES MANUAL (2016), Chapter 4, Part A, introductory commentary.
- For a similar analysis by criminal history points, see page 18 of the full report.
- See note 56 of the full report.
- See Appendices A-2 and A-3 of the full report for reconviction and reincarceration rates.
- LOUIS REEDT, ET AL., U.S. SENTENCING COMM'N, RECIDIVISM AND FEDERAL DRUG TRAFFICKING OFFENDERS (2017), <https://go.usa.gov/xNkNH>.
- TRACEY KYCKELHAHN AND TRISHIA COOPER, U.S. SENTENCING COMM'N, THE PAST PREDICTS THE FUTURE: CRIMINAL HISTORY AND RECIDIVISM (2017), <https://go.usa.gov/xNkN6>.

SOURCE: United States Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05.

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Along with statistics on recidivism attached, I am also adding this information on the Massachusetts ruling that young adults older than 18 are treated and should be treated differently under the law in regards to sentencing.

SUPREME JUDICIAL COURT

FOR THE COMMONWEALTH OF MASSACHUSETTS

regarding the ruling on No. SJC-11693. *Summary: Criminal--Whether the imposition of a life sentence without parole for a first-degree murder conviction of a defendant who was age 18 through age 20 at the time of commission of the crime violates the Massachusetts Constitution.

I. ARTICLE 26 OF THE MASSACHUSETTS DECLARATION OF RIGHTS CONTROLS, AND IT—UNLIKE THE EIGHTH AMENDMENT—BROADLY GUARANTEES PROPORTIONATE PUNISHMENTS.

II. LIFE-WITHOUT-PAROLE SENTENCES FOR YOUTH OVER 18 ARE CONSTITUTIONALLY DISPROPORTIONATE, JUST AS THE DIATCHENKO I COURT FOUND THEM DISPROPORTIONATE FOR YOUTH UNDER 18.

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