

Research Bulletin

Office of Research and Evaluation - Information Technology and Data Division
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Exploring the impact of prison sexual misconduct on risk for sexual recidivism

Erik Faust, PhD

In several prior civil commitment hearings, judges have held that an individual's ability to refrain from sexual offending while incarcerated was evidence of a diminished risk for re-offense upon release. The results from our study indicate that while this may be true for some types of sex offenders (e.g., those with adult victims), it is not true for those with child victims. ORE intends to publish its findings to aid all individuals involved in the civil commitment process in making more informed decisions.

Although an understudied phenomenon in the sex offender risk assessment literature, the relationship between Prison Sexual Misconduct (PSM) and sexual recidivism risk has been used by some courts as part of the decision-making process in sexually violent predator proceedings. The few studies that have been conducted found PSM to either be a risk factor for later sexual recidivism (Heil, et al., 2009) or found no significant association between PSM and sexual recidivism (Fleck, 2011). A third study (Hseih, 2016) found a relationship between the presence of any institutional misconduct, but not sexual misconduct, and sexual recidivism. However, these studies did not focus on those who target children – this paper is the first analysis to examine the relationship between PSM and recidivism by victim in the offense of conviction.

The present study compared a sample of federal sex offenders who engaged in PSM with a propensity score-matched group of sex offenders who did not in terms of sexual, violent, and non-violent rearrest after release. Utilizing logistic regression with a fixed 5-year follow-up period, the aforementioned types of recidivism were compared between those with PSM and those without. A similar analysis was conducted after separating the full sample into those identified as having adult victims and those with child victims.

Findings from the full sample analysis indicated that PSM was associated with overall recidivism, but not specifically associated with sexual, violent, or non-violent offending. When looking at adult sex offenders, PSM was significantly associated with sexual but not violent or non-violent reoffending. PSM and child sex offenders was significantly associated with violent reoffending but not sexual or non-violent reoffending.

**Article Forthcoming.*

The Office of Research and Evaluation, a component of the Information Technology and Data Division of the Federal Bureau of Prisons, helps the Federal Bureau of Prisons accomplish its mission by:

- evaluating the efficacy of the Bureau's programs, services, and operations.
- preparing annual custody population projections.
- projecting impact of various policy changes on custody population.
- providing Bureau management with the tools and information needed to make informed policy and operational decisions.
- producing general purpose statistics for use by FBOP employees and outside agencies; and
- coordinating, reviewing, and processing research proposals, including research on federal inmates and/or employees.

Research and Reports from FBOP can be found here: https://www.bop.gov/resources/research_and_reports.jsp

CARES Act Recidivism Study

Jason Gwinn, PhD

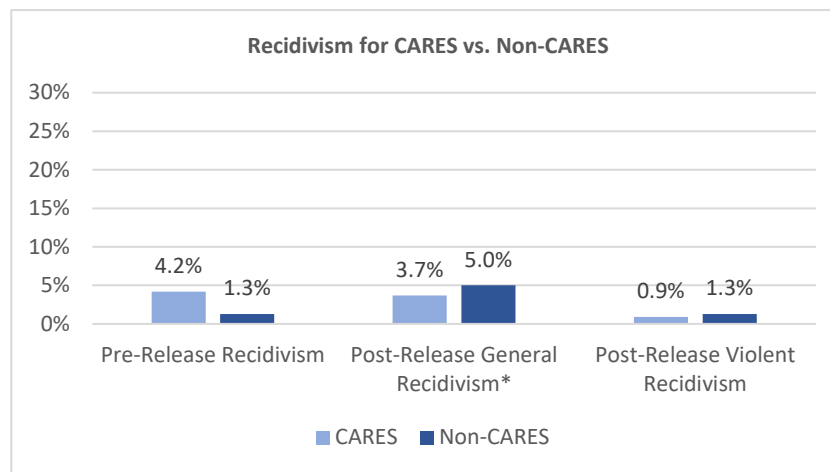
Beginning March 25, 2020, the CARES Act allowed COVID-vulnerable incarcerated people to be eligible for home confinement sooner and for longer periods, rather than congregated in FBOP correctional facilities.

Compared to matched others, this study investigated whether people with a CARES assignment in home confinement:

- Had different rates of pre-release outcomes from others in home confinement (return to prison or re-arrest); and,
- Had different recidivism rates after release from home confinement (re-arrest or specifically re-arrest for violence).

Before release from FBOP custody, which means that they are still serving their sentence whether in a traditional correctional facility or in the community, people with a CARES assignment and in home confinement were about equally likely to be re-arrested while in home confinement or to return to prison compared to similar people in home confinement who did not have a CARES assignment.

In the year following release from FBOP custody, when compared to similar people who were sent to home confinement under non-CARES circumstances, people with a CARES assignment were less likely to be re-arrested (3.7% vs. 5.0%), and marginally less likely to be re-arrested for violent offenses (0.9% vs. 1.3%).



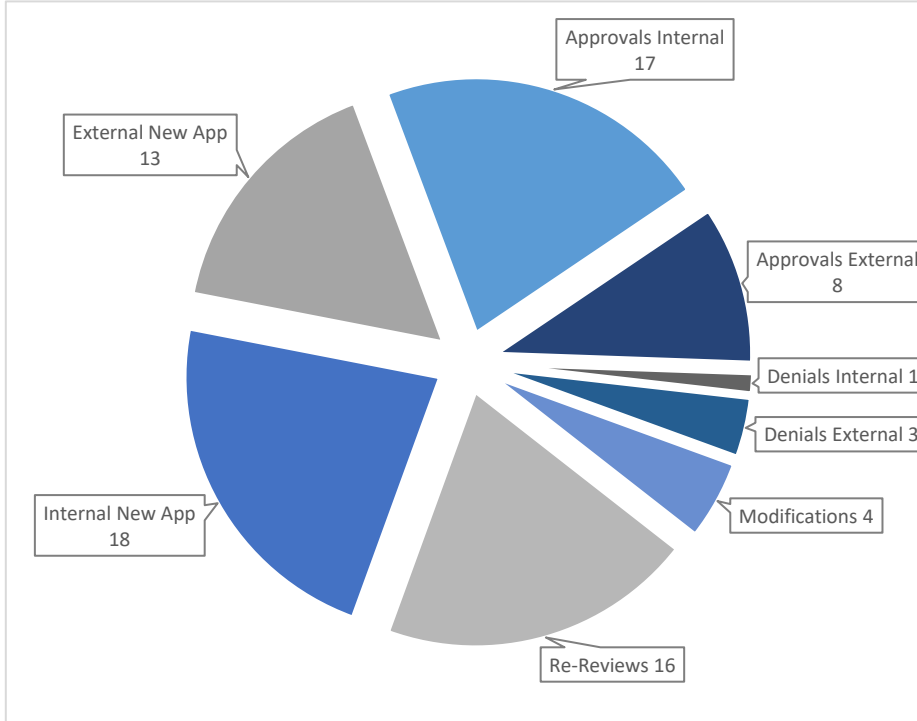
*Post-Release recidivism was a statistically significant difference.

Overall, the use of CARES Act to send low- and minimum-risk persons with a health vulnerability to home confinement sooner and for longer periods did not have an apparent negative impact on their recidivism rates compared to others in home confinement under non-CARES Act conditions with similar profiles.

A full analysis is available on BOP.gov

Bureau Research Review Board

In calendar year 2023, the FBOP's Bureau Research Review Board (BRRB) took 80 actions. This activity included both new and revised application reviews, approvals, and modifications with just four actions being denials. Additionally, the Administrator of the board regularly fields questions, considers exemptions that never make it to the full BRRB, and generally assists researchers in the process.



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https://www.bop.gov/resources/research_and_reports.jsp

Highlights from Data

Adults in FBOP Custody under Community Supervision

On any given day, about ten percent of the individuals in FBOP custody are serving out the remainder of their sentences in a community location. This group includes both those in Residential Reentry Centers (RRCs) and FBOP Home Confinement (HC).

It is also important to know that when a person completes their term and is released from FBOP custody, their supervision after release may include community placements similar to these – but they are not FBOP placements.

