Once every six months, the Director of National Intelligence (DNI) – in consultation with the Director of the Central Intelligence Agency and the Secretary of Defense – is required to make public an unclassified “Summary of the Reengagement of Detainees Formerly Held at Guantanamo Bay, Cuba” (Reengagement Report). DNI’s most recent such report was made public on April 5, 2021.

Ostensibly on the basis of DNI’s numbers, some pundits and policymakers may claim – as they have previously on the basis of prior Reengagement Reports – roughly a 30% recidivism rate for former Guantanamo detainees. That figure is both inaccurate and misleading in a number of respects, particularly if it is being used to gauge the likelihood that a detainee transferred now will subsequently engage in “terrorist activities” (as that term is defined in DNI’s reports).

The most accurate figure for that purpose is 5.1%.

The 30% figure deceptively combines two very different statistical categories in the Reengagement Report. The first category is for former detainees “confirmed of reengaging” (17.1%). The second is for those “suspected of reengaging” (14.3%).

The standard for inclusion in the “confirmed” category is “a preponderance of information which identifies a specific former Guantanamo detainee as directly involved in terrorist or insurgent activities.” In other words, DNI considers reengagement “confirmed” if it is more likely than not – i.e., there is a 51% chance – that a former detainee is directly involved in terrorist activities. That is not an especially high threshold to meet, but it is significantly more burdensome than the minimal standard for inclusion in the “suspected” category: “Plausible but unverified or single-source reporting indicating a specific former GTMO detainee is directly involved in terrorist or insurgent activities.”

It is not reasonable to count as “recidivists” the 14.3% of former detainees who are merely “suspected” of reengaging given how low the bar has been set for inclusion in that category.

Moreover, an overwhelming majority of the 17.1% of former detainees that DNI assess are more-likely-than-not to have “reengaged” was transferred during the Bush Administration, before current rules and processes governing transfers were in place.

As of the most recent DNI report, 729 detainees had been transferred out of Guantanamo. According to DNI, 125 of them were “confirmed of reengaging.” 115 of those 125 were transferred during the Bush Administration—again, before both rigorous internal processes and congressional restrictions on foreign transfers (in the form of security-related certification requirements) were implemented.

DNI assesses that only 5.1% of detainees – 10 men total, 2 of whom are deceased – transferred since 2009 are “confirmed of reengaging.” To the extent that the issue of recidivism arises in the context of discussions around transferring additional detainees out of Guantanamo and closing the detention facility, this is the number that matters most.