

# The Supervision of Low-Risk Federal Offenders: How the Low-risk Policy Has Changed Federal Supervision Practices without Compromising Community Safety

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**SINCE THE EARLY** 2000s, the federal probation and pretrial services system has adopted an approach that emphasizes using evidence-based practices to reduce the risk and recurrence of recidivism (Alexander & VanBenschoten, 2008; Cohen & VanBenschoten, 2014; Hughes, 2008). As part of that approach, the federal probation system adopted the risk, needs, and responsiveness (RNR) model of correctional supervision (Alexander & VanBenschoten, 2008; Andrews, Bonta, & Hoge, 1990; Andrews & Bonta, 2010). One of the key tenets of the RNR model is that officers should focus on high-risk offenders, while spending minimal time and resources on offenders at low risk to reoffend.

The risk principle is a core component of the RNR model. Specifically, research has shown that focusing time, attention, and resources on low-risk offenders has negligible impacts on recidivism. In fact, intensive supervision of these offenders can produce negative consequences: Low-risk offenders supervised at higher levels are more likely to reoffend compared to low-risk offenders who are placed under supervision programs involving minimal levels of contacts, treatment, monitoring, etc. (Andrews, Bonta & Hoge, 1990; Lowenkamp & Latessa, 2004; Lowenkamp, Holsinger, & Latessa, 2006; Lowenkamp, Flores, Holsinger, Makarios, & Latessa, 2010). The reason is that intense supervision typically results in the intermixing of low- and high-risk offenders. Placing low- and high-risk offenders in the same program can potentially result in negative social learning, with

low-risk offenders being influenced by their higher-risk counterparts. In addition, placing low-risk offenders into intensive monitoring regimes could potentially disrupt their prosocial networks, including their ability to maintain long-term employment or remain in stable relationships with non-criminal peers (Lowenkamp & Latessa, 2004).

The federal probation system has developed and implemented a risk assessment instrument (the Post Conviction Risk Assessment or PCRA) that identifies those offenders at lowest risk of recidivism; the system has also promulgated policies to guide officers on the supervision of low-risk offenders (*Guide to Judiciary Policy*, 2014; Johnson, Lowenkamp, VanBenschoten, & Robinson, 2011; Lowenkamp, Johnson, VanBenschoten, Robinson, & Holsinger, 2013). Policy guidance on the supervision of low-risk offenders was put into place on or about June 2012 when the Criminal Law Committee of the Judicial Conference endorsed this policy and recommended its ultimate adoption by the Judicial Conference of the U.S. in September 2012. Now that the low-risk policy has been in effect for a few years, we seek to understand whether the policy of minimizing the resources expended on these offenders has succeeded without compromising community safety or impeding the collection of the court-imposed financial obligations of fines and restitution.

This research is a preliminary analysis of the implications of the low-risk policy that addresses the following questions: (1) Have

the number of officer/offender interactions changed after implementation of the low-risk policy? (2) What are the recidivism patterns of low-risk offenders supervised by officers before and after the low-risk policy went into effect? and (3) Has the collection of court-imposed fines and restitution changed since the low-risk policy was adopted? As we will show, we find evidence that low-risk offenders are being supervised less intensively by federal probation officers and that this change in offender management has not compromised community safety nor impeded the collection of court-imposed fines. The collection of restitution obligations, however, declined during the period in which the low-risk policy was implemented. Future studies can assess the influence of the low-risk policy over longer periods and examine whether the negative effect on restitution collections is offset by the benefits of this policy.

We note that this work represents one of the first efforts to investigate the potential impacts of the low-risk supervision model on a system-wide basis. We are unaware of any efforts by other organizations analyzing the effects of instituting this core component of the RNR model for an entire correctional agency. The few empirical assessments of low-risk supervision practices tended to involve smaller field experiments or pilot studies. Hence, this research addresses this gap in the community corrections literature.

## The Low-risk Supervision Policy

The low-risk policy became an integral part of post-conviction supervision in June 2012 when it was endorsed by the Criminal Law Committee of the Judicial Conference, which recommended that it be adopted as official policy by the Judicial Conference of the United States. Details about this policy are provided in the *Guide to Judiciary Policy* (judicial policy). This policy states that offenders classified as low risk by either the PCRA or the Risk Prediction Index (RPI) actuarial tool are eligible for supervision under the low-risk policy. The PCRA is a fourth generation risk assessment instrument currently used by federal probation officers to classify offenders into one of the four following recidivism risk categories: low, low/moderate, moderate, and high. Prior to its implementation, federal probation officers relied on the RPI, a second-generation risk assessment tool that classified offenders into high, moderate, or low recidivism risk categories.<sup>1</sup> The low-risk policy references the earlier RPI as well as the PCRA because the PCRA was deployed into the federal system gradually, thus overlapping with the earlier risk instrument that it was replacing.

The low-risk policy states that offenders classified as low risk by either the PCRA or RPI are predicted to reoffend at relatively low rates. Hence, judicial policy instructs officers to limit their supervision activities for low-risk offenders to “monitoring compliance with the conditions of release, if applicable, and responding appropriately to any changes in circumstances.” Although judicial policy recommends applying minimal levels of supervision to low-risk offenders, there are important exceptions to this general rule. In particular, judicial policy provides officers with discretion to place low-risk offenders into a higher supervision level when the officer determines through his or her professional judgment that the offender’s proclivity to reoffend is underestimated. This reclassification process is known as the professional or supervision override and applies where the officer determines that the offender has met one of the following policy-related criteria: being classified as a sex offender, manifesting persistently violent behavior, evidencing severe mental health issues, or being considered a serious youthful offender. Changes in supervision level occurring for non-policy reasons are labeled discretionary overrides

<sup>1</sup> For more information about the PCRA and RPI, see AOUSC, 2011.

and require written justification by the officer and approval by the supervisor.

For those low-risk offenders not reclassified to higher supervision levels, judicial policy provides additional details on appropriate reporting requirements and monitoring. Of particular importance are the judicial policy’s instructions that after completion of the initial case plan, subsequent contact should be minimized unless circumstances warrant further intensive supervision. In addition, the policy recommends that officers forgo subsequent case plans and reassessments unless the officer suspects or has been informed of a negative change in the offender’s conduct or conditions. Instead, officers are to rely on notification from law enforcement databases and other sources to learn if a low-risk offender has returned to crime. Judicial policy also informs officers to consider petitioning the court to remove or suspend any unnecessary special conditions imposed on these offenders. By stating that limited resources should be expended on lower risk offenders, the low-risk policy allows officers to conserve their time so that they can focus on offenders at the higher end of the risk continuum. In fact, the low-risk policy provides the framework in which officers can concentrate most of their time, resources, and services on the highest risk offenders.

### Low-risk Policy and Officer/Offender Contacts

We analyzed the relationship between officer/offender contacts and the low-risk policy by calculating the median and average number of monthly contacts for offenders with PCRA assessments received into supervision both before and after implementation of the low-risk policy. The pre-policy period covers offenders received into supervision between June 28, 2009, and June 26, 2012,<sup>2</sup> while the post-policy periods covers offenders received into supervision between June 27, 2012, and August 12, 2015. In addition to examining officer/offender contacts for low-risk offenders, we calculated changes in monthly contacts for the other PCRA risk categories (i.e., low/moderate, moderate, and high risk). By analyzing trends in monthly contact data for all risk levels, we explore whether there was a redistribution of contacts

<sup>2</sup> Although the low-risk policy was not officially implemented until September 2012, we used the June 2012 date, because that is when this policy was adopted by the Criminal Law Committee of the Judicial Conference.

from the lower to higher risk categories during the period examined.

For this section of the article, we used the PCRA rather than the RPI to examine contact patterns by risk level over the period of policy implementation. The PCRA served as the basis for risk differentiation because we are analyzing officer behavior towards offenders rather than outcomes. Using the PCRA allowed us to standardize the measure of risk and driver of officer behavior over the period in which the low-risk policy was integrated into the federal supervision system. Moreover, since the low-risk policy was being promulgated during the same time that the PCRA was being deployed, officers tended to associate the low-risk policy more with the PCRA than with the RPI. We believe this is because the PCRA training included heavy reinforcement of the risk principle to officers.

We extracted officer/offender contact information from the Probation and Pretrial Services Automated Case Tracking System (PACTS), the case management system used by federal officers. In this analysis, the average and median number of monthly total, personal, and collateral officer/offender contacts was calculated during an offender’s first six months of supervision.<sup>3</sup> Personal contacts are direct interactions between officers and offenders and include interactions taking place in the probation office, the offender’s home, the offender’s place of employment, or elsewhere in the community. Personal contacts can also include electronic communications between the officer and offender such as telephone contacts, voice mail, or text messaging.<sup>4</sup> Collateral contacts are officer interactions with third parties familiar with the offender such as treatment providers, law enforcement officers, employers, and family members. These contacts can also be made electronically (through telephone, voice mail, and text messaging).

<sup>3</sup> In this analysis, supervision encompasses both offenders placed on terms of supervised release (TSR) and those on straight probation. TSR refers to offenders serving a term of supervision after being released from federal prison, while probation refers to a court-imposed sentence involving community monitoring without an incarceration sentence. See 18 USC § 3583 & § 3563.

<sup>4</sup> This definition of personal contacts differs from that used in internal Probation and Pretrial Services reports, which do not count electronic communications between officers and offenders as personal contacts. An examination of this more restricted version of personal contacts revealed patterns similar to those reported in this paper.

We focused on the first six months of supervision because that allowed us to examine three years of post-policy contact patterns covering fiscal years 2013 through 2015. Moreover, officer/offender contacts tend to be more intense during the first six months of supervision and are often driven by an offender's supervision conditions, such as the requirement to undergo mandatory drug testing.<sup>5</sup> All offenders supervised for less than 6 months were excluded from this analysis. Whether trends reported in this paper hold true or become more pronounced beyond the first six months of supervision considered in this study is left for future inquiry.

In total, the study population included 229,919 offenders with PCRA assessments whose monthly contacts with officers could be calculated during their first six months

<sup>5</sup> The *mandatory conditions* of 18 U.S.C. § 3563(a) (5) and (e), 3583(d), and 4209(a) are outlined in the *Guide to Judiciary Policy*. Offenders are required to refrain from any unlawful use of a controlled substance and submit to one drug test within 15 days of release when on probation or supervised release and at least two periodic drug tests thereafter, unless this condition was suspended by the court after a determination that the offender presents a low risk of future substance abuse.

**TABLE 1.**

*Study Population of Federally Supervised Offenders for Low-Risk Contacts Analysis*

Risk Policy & PCRA Risk Levels	Number	Percent
<b>All offenders</b>	229,919	100%
<b>Pre-low risk/*</b>	98,044	43%
Low	37,633	16%
Low/Moderate	39,036	17%
Moderate	16,583	7%
High	4,792	2%
<b>Post-low risk/*</b>	131,875	57%
Low	48,836	21%
Low/Moderate	49,615	22%
Moderate	25,531	11%
High	7,893	3%

Note: Includes offenders with actual PCRA assessments received onto federal supervision between fiscal years 2009–2015.

\*/Refers to whether offenders were received onto federal supervision before or after enactment of the low-risk policy.

of supervision. This study population was further divided into a pre and post low-risk policy group. The pre low-risk policy group included offenders who started their supervision terms prior to the low-risk policy (i.e., before June 2012), while the post policy cohort included offenders placed on federal supervision after the low-risk policy went into effect (i.e., after June 2012) (see Table 1). Because the PCRA was deployed gradually starting in fiscal year 2009, there is not an even number of offenders in each group. Forty-three percent of offenders in the study population were received into supervision before promulgation of the low-risk policy, while 57 percent had their supervision terms commence after the low-risk policy was put into place.

Table 2 shows the average and median number of monthly officer/offender contacts for low, low/moderate, moderate, and high risk offenders during their first six months under supervision both before and after implementation of the low-risk policy. As expected, the median number of total officer/offender contacts has declined the most for low-risk offenders since this policy was put

into place.<sup>6</sup> For example, the median number of total monthly officer/offender contacts for low-risk offenders decreased by 23 percent from over 2 contacts per month prior to the low-risk policy to slightly fewer than 2 contacts per month after implementation of the policy. The median number of total monthly officer/offender contacts also declined by 15 percent for low/moderate-risk offenders.

Apparently, declines in total officer/offender contacts for lower risk offenders were not commensurate with increases in contacts for higher risk offenders. High-risk offenders saw no changes in their total median monthly contacts between the pre and post policy periods, while moderate-risk offenders witnessed a 9 percent reduction in their total median monthly contacts. We note that high-risk offenders constitute an increasing proportion of the federal supervision population, and that officers' caseloads have risen over the last few years (Baber, 2015). Consequently, it is possible that absent the low-risk policy, resources dedicated to higher risk offenders could potentially have declined rather than remain unchanged.

Comparing changes in median personal contacts pre and post policy shows the median number of monthly personal contacts declining by 17 percent for low/moderate risk offenders. The low and moderate risk offenders witnessed similar decreases in median monthly personal contacts (13 percent and 10 percent, respectively). Conversely, high-risk offenders saw no changes in their median monthly personal contacts during the study time frame.

In terms of collateral contacts, low-risk offenders saw their median monthly collateral contacts decline by 40 percent, from .5 contacts per month before the low-risk policy to .3 contacts per month after the low-risk policy came into effect. The median monthly collateral contacts for the other PCRA risk categories remained unchanged.

While an examination of contacts for offenders received into supervision between the pre and post low-risk policy supports that officers are contacting low-risk offenders less frequently, the analysis presented in Table 2 can mask important trends. For example, the practice of supervising lower risk offenders less intensively might have

<sup>6</sup> The median is the number separating the higher half of the data from the lower half. In this report, median contacts can be more useful than average contacts because averages can be disproportionately influenced by the small number of offenders with exceptionally high contact rates.

**TABLE 2.**

*Mean and Median Number of Monthly Officer/Offender Contacts Prior to and After Implementation of the Low-Risk Policy*

Contact Types & PCRA Risk Levels	Median Contacts Per Month			Mean Contacts Per Month		
	Pre-Low Risk	Post-Low Risk	Percent Change	Pre-Low Risk	Post-Low Risk	Percent Change
<b>Total contacts</b>						
Low	2.2	1.7	-23%	2.6	2.3	-14%
Low/moderate	2.7	2.3	-15%	3.2	2.8	-10%
Moderate	3.3	3.0	-9%	3.9	3.7	-5%
High	4.0	4.0	0%	4.8	4.8	0%
<b>Person</b>						
Low	1.5	1.3	-13%	1.9	1.6	-13%
Low/moderate	1.8	1.5	-17%	2.1	1.9	-10%
Moderate	2.0	1.8	-10%	2.4	2.2	-6%
High	2.3	2.3	0%	2.6	2.6	0%
<b>Collateral</b>						
Low	0.5	0.3	-40%	0.8	0.7	-15%
Low/moderate	0.7	0.7	0%	1.1	1.0	-10%
Moderate	1.0	1.0	0%	1.6	1.5	-4%
High	1.5	1.5	0%	2.1	2.2	3%

Note: Includes offenders with actual PCRA assessments received onto federal supervision between fiscal years 2009-2015.

The pre and post low risk terms refers to whether offenders were received onto federal supervision before or after enactment of the low-risk policy. Contacts based on initial six months under supervision.

gradually permeated the federal probation system, meaning that the patterns of spending less time with lower risk offenders may not be apparent without examining yearly monthly contact trends. Table 3 examines the median monthly officer/offender contact rates on an annual basis for fiscal years 2010 through 2015. The contacts were examined separately by PCRA risk levels and contact types (e.g., total, personal, and collateral).

#### *Total monthly contacts*

The median monthly total contacts decreased the most for lower risk offenders, while offenders on the higher end of the PCRA risk continuum witnessed either smaller declines or slight increases in their median contacts. For example, the median monthly total contacts declined by 26 percent for low-risk and 19 percent for low/moderate-risk offenders from 2010 to 2015. In comparison, moderate-risk offenders saw their median monthly total contacts decline by only 6 percent, while high-risk offenders witnessed their total contacts increase by 11 percent, from 3.8 contacts per month to 4.2 contacts per month during the 2010 to 2015 period.

#### *Personal monthly contacts*

An examination of trends in personal contacts reveals somewhat similar patterns to

those shown for total contacts. For example, the median monthly personal contacts declined by 29 percent for low-risk offenders from nearly 2 contacts per month for fiscal year 2010 to about 1 contact per month for fiscal year 2015. Median monthly contacts also decreased 17 percent for low/moderate risk offenders. In comparison, moderate-risk offenders saw their median monthly personal contacts decline by 10 percent and high-risk offenders saw no changes in their median monthly personal contacts in the period spanning 2010 to 2015. About half of the high-risk offenders were contacted 2 or more times per month during the study period.

#### *Collateral monthly contacts*

Unlike personal contacts, collateral contacts manifested patterns more in alignment with the risk principle. Specifically, collateral contacts declined the most for low-risk offenders, while they increased substantially for offenders classified in the highest risk category. For instance, the median number of monthly collateral contacts declined by 40 percent for low-risk offenders from 0.5 contacts per month in 2010 to 0.3 contacts per month in 2015. In addition, median monthly collateral contacts decreased by 13 percent for low/moderate-risk offenders and exhibited no changes for moderate-risk offenders. In

comparison, the median number of monthly collateral contacts increased by 31 percent for high-risk offenders from about 1 contact per month in 2010 to nearly 2 contacts per month in 2015.

Figures 1 and 2 show the distribution of monthly total contacts on an annual basis for high- and low-risk offenders. These figures show the percentage of high- and low-risk offenders received into supervision from fiscal years 2010 through 2015 who were contacted less than once per month, 1-1.9 times per month, 2-2.9 times per month, 3-3.9 times per month, and 4 or more times per month. An analysis of changes in the distribution of contacts provides another way of showing whether officers are contacting low-risk offenders less frequently over time compared to their high-risk counterparts.

Over the past six fiscal years, increasingly higher percentages of low-risk offenders were contacted less than once per month. For instance, 7 percent of low-risk offenders placed on supervision in fiscal year 2010 were contacted less than once per month, while 18 percent placed on supervision during fiscal year 2015 were contacted less than once per month. Among high-risk offenders, a slightly higher percentage were contacted 4 times or more per month in 2015 (53 percent) compared to 2010 (48 percent).

**TABLE 3.**

*Median Number of Monthly Officer/Offender Contacts by PCRA Risk Levels, Fiscal Years 2010–2015*

Fiscal Year	Median Contacts Per Month				Median Person Contacts Per Month				Median Collateral Contacts Per Month			
	Low	Low/ Moderate	Moderate	High	Low	Low/ Moderate	Moderate	High	Low	Low/ Moderate	Moderate	High
FY-2010	2.3	2.7	3.2	3.8	1.7	1.8	2.0	2.3	0.5	0.8	1.0	1.3
FY-2011	2.2	2.7	3.3	4.3	1.5	1.8	2.2	2.4	0.5	0.7	1.2	1.7
<b>FY-2012</b>	<b>1.8</b>	<b>2.5</b>	<b>3.2</b>	<b>4.0</b>	<b>1.3</b>	<b>1.7</b>	<b>2.0</b>	<b>2.2</b>	<b>0.5</b>	<b>0.7</b>	<b>1.0</b>	<b>1.7</b>
FY-2013	1.8	2.3	3.0	4.0	1.3	1.5	1.8	2.2	0.3	0.7	1.0	1.5
FY-2014	1.7	2.2	3.0	4.0	1.3	1.5	1.8	2.3	0.3	0.7	1.0	1.5
FY-2015	1.7	2.2	3.0	4.2	1.2	1.5	1.8	2.3	0.3	0.7	1.0	1.7
Percent change	-26%	-19%	-6%	11%	-29%	-17%	-10%	0%	-40%	-13%	0%	31%

Note: Includes offenders with actual PCRA assessments received onto federal supervision between fiscal years 2010-2015. Offenders received into supervision during fiscal year 2009 excluded as there were relatively few PCRA assessments during that fiscal year.

Contacts based on initial six months under supervision.

Bold denotes the year that the low-risk policy was implemented.

### Low-risk Supervision Policy and Offender Recidivism

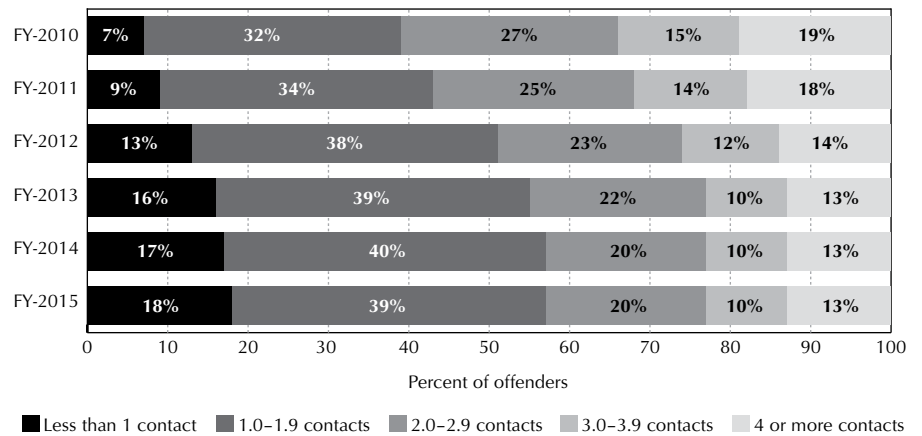
Next we examined recidivism of low-risk offenders before and after implementation of the low-risk policy. Three groups of offenders were analyzed. The first were offenders who started and ended their supervision terms before the beginning of the low-risk policy (i.e., before June 2012). The second group comprised offenders whose supervision terms started after the low-risk policy was instituted (i.e., after June 2012). The third group includes offenders who started their supervision terms before the low-risk policy but ended their terms after the policy was instituted. We labeled this third group “split cases.” Last, we used the RPI rather than the PCRA for the recidivism analysis because our primary focus in these sections is on outcomes rather than officer behavior. Offender recidivism outcomes and payment patterns are unlikely to be influenced by the risk instrument that officers use.

Table 5 shows the recidivism rates for offenders placed under supervision by risk level before and after the low-risk policy was placed into effect, as well as for split cases. Recidivism rates were calculated within a 12-month period after the supervision start date and include arrests for any felony or misdemeanor offense. In addition, the RPI risk classifications were used because most pre-policy offenders did not have PCRA assessments.

This analysis shows low-risk offenders recidivating at nearly identical rates regardless of whether they were supervised before or after implementation of the low-risk policy or whether their supervision terms spanned the

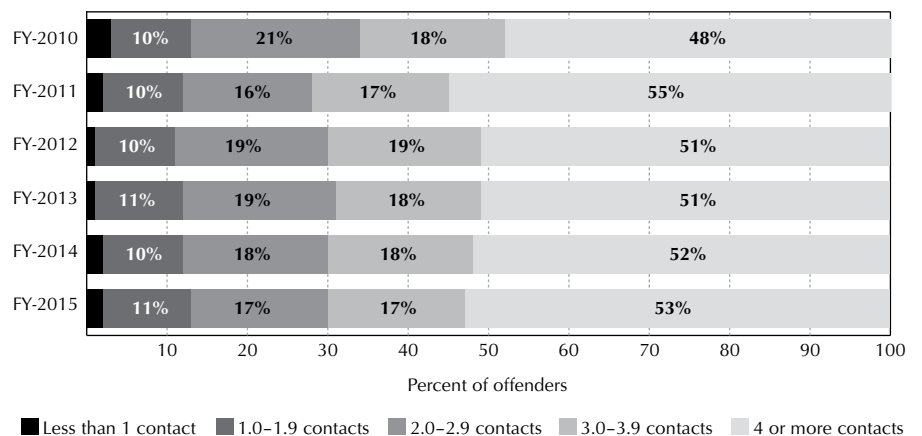
**FIGURE 1.**

*Distribution of Monthly Officer/Offender Total Contacts for Low-Risk PCRA Offenders, Fiscal Years 2010–2015*



**FIGURE 2.**

*Distribution of Monthly Officer/Offender Total Contacts for High-Risk Offenders, Fiscal Years 2010–2015*



Note: Percentages not shown for offenders with less than 1 contact per month. These ranged from 1%–3%.

**TABLE 4.**  
*Descriptive Statistics for the Low-Risk Recidivism Analysis*

Supervision Period	Number	Percent
Pre Low-Risk Policy	208,595	53%
Post Low-Risk Policy	64,102	16%
Split Low-Risk Policy	121,134	31%
RPI Category		
Low Risk	150,685	38%
Moderate Risk	176,524	45%
High Risk	66,622	17%
12 Month Rearrest	393,831	13%

pre- and post-policy periods. For instance, the recidivism rates for low-risk offenders were essentially unchanged between the pre-policy group (6 percent arrest rate) and post-policy group (4 percent arrest rate). Offenders in the split category had recidivism rates of 4 percent. Including splits in the pre-policy group produced relatively similar recidivism patterns for the pre (5 percent) and post (4 percent) policy groups. When low-risk splits were merged into the post-policy cohort, the recidivism rates were 6 percent for the pre-policy group to 4 percent for the post-policy group.<sup>7</sup>

### Low-risk Supervision Policy and the Payment of Court-imposed Financial Obligations

Last, we examined the relationship between the low-risk policy and the payment of court-ordered fines and restitution. As with the recidivism analysis, we used the RPI rather than the PCRA because the focus was on outcomes rather than officer behavior. We combined data from PACTS with data

<sup>7</sup> It should also be noted that the recidivism rates declined slightly for moderate- and high-risk offenders.

from the Clerk's Office Civil and Criminal Accounting Module (CCAM). The CCAM tracks the criminal monetary penalties owed and payments made by offenders, as well as funds disbursed and monies owed to victims of crime.<sup>8</sup>

We examined the repayment patterns for two types of low-risk offenders. The first were offenders who finished supervision before the low-risk policy started (i.e., before June 2012), and the second were offenders who entered supervision after the policy was implemented (i.e., after June 2012). Since the pre-policy group was under supervision for longer periods of time and hence, had more time to make repayments than the post-policy group, we standardized the repayment follow-up periods for both study groups. Specifically, we divided the pre and post policy groups into three subgroups based on their time under federal supervision: 1) offenders with less than one year of supervision, 2) offenders with 1-2

<sup>8</sup> Please note that different datasets were used to examine officer/offender contacts, recidivism patterns, and information on the collection of fees/ fines.

years of supervision, and 3) offenders with 2-3 years of supervision.

Table 6 shows the average amount assessed by the courts in fines and restitution by offender risk level and the year they started supervision. Fines are monetary payments incurred as part of the sentence and are based on an offender's ability to pay, while restitution refer to monetary payments that seek to compensate victims for their losses. Restitution obligations can be assessed against individuals or, in cases of joint and several liability, against multiple parties for the same monetary amount. Joint and several liability makes each of multiple defendants liable for the entirety of a victim's loss irrespective of each defendant's degree of fault (Wilson/Elser, 2013). The median amounts owed in single restitution and joint and several restitution more than doubled for low-risk offenders between fiscal years 2009 and 2015.<sup>9</sup> The median restitution and joint and several restitution amount imposed also increased for moderate- and high-risk offenders.

Given the large increases in court-imposed amounts over the last seven years, we examined assessments by offense type to see if a particular offense type was driving these results. For low-risk offenders, fraud cases comprised over 60 percent of the joint and several restitution amounts and 40 percent of the single restitution obligations. The joint and several restitution and single restitution amounts imposed by the courts for fraud cases nearly doubled from 2009 through 2015, approximating the overall increases for these obligation types (data not shown in report). In future studies, we will explore continuing to investigate possible drivers of the increase.

<sup>9</sup> When examining amounts owed, we used median amounts because large values skew the means.

**TABLE 5.**  
*Recidivism Rates for Offenders Prior to and After Implementation of the Low-Risk Supervision Policy, by RPI Groups*

Supervision Policy Group	Low		Moderate		High		All	
	Number	Percent Arrested	Number	Percent Arrested	Number	Percent Arrested	Number	Percent Arrested
All	150,685	5%	176,524	14%	66,622	27%	393,831	13%
Pre Policy	82,046	6%	92,940	17%	33,609	30%	208,595	15%
Post Policy	23,580	4%	27,907	13%	12,615	26%	64,102	12%
Split	45,059	4%	55,677	11%	20,398	21%	121,134	10%
Pre (Including Splits)	127,105	5%	148,617	15%	54,007	27%	329,729	13%
Post	23,580	4%	27,907	13%	12,615	26%	64,102	12%
Pre	82,046	6%	92,940	17%	33,609	30%	208,595	15%
Post (Including Splits)	68,639	4%	83,854	12%	33,013	23%	185,236	11%

Note: Risk classifications based on the RPI. Arrest rates calculated within a 12-month period.

Table 7 shows the payment rates and average amounts paid for offenders supervised before and after implementation of the low-risk policy. Overall, low-risk offenders who were supervised before institution of the low-risk policy paid a greater percentage of all their financial obligations than those under supervision after the implementation of this policy. This is especially pronounced with regards to restitution, both individual and joint and several obligations. On average, pre-policy low-risk offenders supervised for two years or less paid about half their individual restitution ordered, while post-policy low-risk offenders on supervision for similar time periods paid between 28 percent-37 percent of their restitution obligations. The differences in payment rates among low-risk offenders were less marked between the pre and post policy groups for court-imposed fines. On average, the fine payment rates were about 90 percent for the pre-policy group and 84 percent for the post-policy group. Court-imposed fines were probably paid at higher rates than

court-imposed restitution penalties because fines are assessed based on an offender's ability to pay. Restitution penalties, on the other hand, are based on the actual financial damages caused by offenders.

### Conclusion and Implications

The low-risk supervision policy institutionalized that officers should expend minimal amounts of time and resources on low-risk offenders, while placing most of their efforts on offenders classified into the higher risk categories. Low-risk offenders should be provided with minimal supervision services, because research has shown that correctional interventions aimed at reducing recidivism for these offenders tend to be ineffective and can actually produce higher recidivism rates for this risk group (Andrews, Bonta & Hoge, 1990; Lowenkamp & Latessa, 2004; Lowenkamp, Holsinger, & Latessa, 2006). The current research examined the relationship between the low-risk policy and officer/offender contact patterns, explored whether

the recidivism rates had changed after enactment of this policy, and analyzed whether the collection of court-imposed financial penalties differed after the low-risk policy took effect.

In general, findings are supportive of the low-risk policy. This research shows that low- and low/moderate risk offenders in the post policy group have fewer officer/offender contacts compared to their pre-policy counterparts. This finding suggests that the low-risk policy is influencing officer behavior by encouraging federal officers to engage in fewer interactions with offenders on the lower end of the risk continuum. Importantly, the policy of supervising low-risk offenders less intensively has not compromised community safety. Post-policy low-risk offenders were no more likely to recidivate compared to their pre-policy counterparts. This finding indicates that federal officers can spend less time and resources on low-risk offenders without an accompanying rise in their recidivism rates.

For the most part, federal probation officers continued to successfully monitor

**TABLE 6.**

*Court-Assigned Fines, Restitution, and Joint and Several Restitution by Supervision Year*

Fiscal year	Fine			Restitution			Joint/Several Restitution		
	Number	Mean	Median	Number	Mean	Median	Number	Mean	Median
<b>Low Risk</b>									
2009	2,905	\$20,680	\$1,500	3,957	\$418,932	\$35,435	3,229	\$649,643	\$40,786
2010	3,065	\$10,720	\$1,500	4,113	\$1,356,499	\$41,627	3,793	\$766,517	\$52,397
2011	3,132	\$24,899	\$1,500	4,233	\$600,112	\$44,855	4,246	\$1,407,249	\$63,394
2012	2,950	\$50,046	\$2,000	4,335	\$548,136	\$55,800	4,294	\$780,935	\$68,545
2013	2,999	\$16,137	\$2,000	4,386	\$649,946	\$61,114	4,889	\$828,933	\$64,404
2014	3,062	\$30,830	\$2,000	4,461	\$554,189	\$76,894	4,210	\$2,914,723	\$78,457
2015	1,993	\$17,204	\$2,000	2,929	\$982,220	\$85,090	3,246	\$1,040,297	\$90,950
<b>Moderate Risk</b>									
2009	2,105	\$4,540	\$1,000	1,962	\$56,956	\$8,338	2,118	\$77,903	\$6,750
2010	2,078	\$2,582	\$1,000	1,960	\$67,390	\$8,243	2,088	\$118,963	\$11,861
2011	2,277	\$2,976	\$1,000	1,970	\$152,472	\$8,501	2,540	\$99,636	\$10,809
2012	2,035	\$2,943	\$1,000	1,821	\$94,423	\$10,000	1,937	\$165,627	\$10,491
2013	1,952	\$6,191	\$1,000	1,846	\$95,683	\$9,369	2,014	\$164,676	\$11,925
2014	1,831	\$2,810	\$1,000	1,781	\$131,154	\$9,800	2,026	\$225,532	\$14,143
2015	1,305	\$2,906	\$1,000	1,277	\$167,494	\$10,978	1,556	\$254,819	\$15,253
<b>High Risk</b>									
2009	1,217	\$2,337	\$1,000	1,627	\$31,875	\$4,930	1,652	\$30,772	\$6,300
2010	1,215	\$5,651	\$1,000	1,671	\$30,805	\$4,600	1,656	\$28,958	\$5,027
2011	1,316	\$2,129	\$1,000	1,736	\$29,727	\$4,976	1,718	\$45,776	\$6,198
2012	1,235	\$3,082	\$1,000	1,746	\$50,457	\$5,312	1,660	\$44,930	\$7,000
2013	1,215	\$2,845	\$1,000	1,731	\$39,692	\$5,001	1,564	\$50,342	\$6,001
2014	1,255	\$2,045	\$1,000	1,631	\$37,152	\$4,763	1,784	\$33,049	\$5,060
2015	878	\$2,056	\$1,000	1,262	\$40,939	\$4,834	1,262	\$59,908	\$5,818

**TABLE 7.**  
*Repayment Ratio and Amount While Under Supervision Pre and Post Policy*

Payment types	Pre-Low Risk Policy					Post-Low Risk Policy				
	Number	Payment Rate		Amount Paid		Number	Payment Rate		Amount Paid	
		Mean	Median	Mean	Median		Mean	Median	Mean	Median
<b>Low Risk</b>										
<b>Fines</b>										
Under One Year of Supervision	2,305	93%	100%	\$4,114	\$500	2,193	91%	100%	\$5,388	\$500
One to Two Years of Supervision	1,148	91%	100%	\$9,356	\$1,318	2,457	83%	100%	\$29,870	\$1,858
Two to Three Years of Supervision	448	92%	100%	\$11,250	\$2,000	1,131	79%	100%	\$7,694	\$2,200
<b>Joint/Several Restitution</b>										
Under One Year of Supervision	312	19%	3%	\$19,625	\$2,102	569	15%	1%	\$20,451	\$1,400
One to Two Years of Supervision	440	24%	7%	\$34,441	\$3,368	1,948	14%	2%	\$46,231	\$2,913
Two to Three Years of Supervision	351	19%	4%	\$35,155	\$3,820	1,553	13%	2%	\$27,418	\$4,680
<b>Restitution</b>										
Under One Year of Supervision	1,131	49%	38%	\$35,682	\$1,276	1,667	37%	7%	\$18,493	\$1,260
One to Two Years of Supervision	1,341	49%	28%	\$26,601	\$2,316	4,429	28%	5%	\$17,438	\$2,366
Two to Three Years of Supervision	784	40%	15%	\$32,426	\$3,622	2,944	23%	4%	\$18,270	\$3,428
<b>Moderate Risk</b>										
<b>Fines</b>										
Under One Year of Supervision	1,505	83%	100%	\$838	\$375	1,143	74%	100%	\$681	\$300
One to Two Years of Supervision	674	80%	100%	\$1,468	\$532	1,345	63%	76%	\$1,272	\$540
Two to Three Years of Supervision	310	85%	100%	\$2,172	\$1,000	826	66%	78%	\$1,469	\$950
<b>Joint/Several Restitution</b>										
Under One Year of Supervision	326	24%	9%	\$5,830	\$949	326	15%	3%	\$3,591	\$511
One to Two Years of Supervision	378	24%	7%	\$6,132	\$873	988	18%	4%	\$8,285	\$888
Two to Three Years of Supervision	229	27%	8%	\$4,408	\$1,375	660	19%	6%	\$4,633	\$1,578
<b>Restitution</b>										
Under One Year of Supervision	682	37%	13%	\$2,223	\$589	610	30%	7%	\$1,467	\$400
One to Two Years of Supervision	591	42%	20%	\$2,670	\$830	1,532	28%	7%	\$4,966	\$751
Two to Three Years of Supervision	369	43%	23%	\$3,546	\$1,350	1,039	31%	9%	\$3,348	\$1,240
<b>High Risk</b>										
<b>Fines</b>										
Under One Year of Supervision	638	61%	70%	\$809	\$328	1,143	74%	100%	\$681	\$300
One to Two Years of Supervision	466	67%	96%	\$1,071	\$500	1,345	63%	76%	\$1,272	\$540
Two to Three Years of Supervision	204	74%	100%	\$1,061	\$793	826	66%	78%	\$1,469	\$950
<b>Joint/Several Restitution</b>										
Under One Year of Supervision	395	19%	5%	\$2,140	\$403	326	15%	3%	\$3,591	\$511
One to Two Years of Supervision	266	23%	10%	\$2,408	\$692	988	18%	4%	\$8,285	\$888
Two to Three Years of Supervision	129	27%	8%	\$2,379	\$918	660	19%	6%	\$4,633	\$1,578
<b>Restitution</b>										
Under One Year of Supervision	824	34%	13%	\$1,399	\$404	610	30%	7%	\$1,467	\$400
One to Two Years of Supervision	595	37%	15%	\$1,514	\$580	1,532	28%	7%	\$4,966	\$751
Two to Three Years of Supervision	255	46%	25%	\$1,929	\$879	1,039	31%	9%	\$3,348	\$1,240



the collection of court-owed fines despite the fact that less time and resources were being expended on the low-risk population. Restitution payments, however, did decrease noticeably under the low-risk policy. This finding could indicate that low-risk offenders are less amenable to paying restitution under a policy that minimizes their contacts with officers. It's important to note that restitution has historically been paid at lower rates than fines, and that this was true prior to the low-risk policy. Hence, while payment of restitution has decreased among post-policy low-risk offenders, the payment rate has always been less than for fines.

Among higher risk offenders, the expected increase in officer/offender contacts did not completely occur. Specifically, moderate-risk offenders recorded slight decreases in their median contacts while high-risk offenders saw some rise in their contact activity. Changes in collateral contacts accounted for most of the increases in contact activity for high-risk offenders. Conversely, personal contacts remained essentially unchanged for offenders in the highest risk category. It is crucial to note that the number of offenders per officer increased by an average of 15 offenders during the time period covered by this study. Moreover, the federal system has received an increase in the proportion of higher risk offenders. According to a recently published report, the average PCRA scores rose from 5.09 to 6.55 between 2005 and 2011 (Baber, 2015). The increase in the number of offenders being supervised per officer, combined with a rise in the risk level, may explain why median contacts have remained unchanged for these high-risk offenders. Lastly, some of the declines in contact activity for low-, low/moderate-, and moderate-risk offenders may be explained by budget sequestration, which resulted in cutbacks in officer services for all levels of offenders.

There are limitations in this study that could be addressed by additional research. In sum, this is a descriptive analysis that examines how the low-risk policy is related to the contact patterns and the recidivism rates for offenders classified as low risk. It suggests that implementation of the low-risk policy resulted in less intense supervision practices and that the minimization of contacts with low-risk offenders has not jeopardized public safety. More rigorous research approaches could be used to further understand how officers are modifying their supervision strategies under the low-risk policy and the effect of this policy on supervision outcomes of arrests and revocations. Specifically, methods including propensity score matching and regression discontinuity could be applied to introduce statistical controls. Also, subsequent research could examine other aspects of supervision practices, including whether the provision of substance abuse and mental health treatment services and monitoring services such as drug testing have declined for low-risk offenders.

## References

- Administrative Office of the U.S. Courts. (AOUSC) (2011). *An Overview of the federal Post Conviction Risk Assessment*. Washington, D.C.: Administrative Office of the U.S. Courts.
- Alexander, M., & VanBenschoten, S. (2008). The evolution of supervision in the federal probation system. *Federal Probation, 72*(2), 15-21.
- American Bar Association. (2016). Federal court funding at [http://www.americanbar.org/advocacy/governmental\\_legislative\\_work/priorities\\_policy/independence\\_of\\_the\\_judiciary/federal-court-funding.html](http://www.americanbar.org/advocacy/governmental_legislative_work/priorities_policy/independence_of_the_judiciary/federal-court-funding.html)
- Andrews, D. R., Bonta, J., & Hoge, R. D. (1990). Classification for effective rehabilitation: Rediscovering psychology. *Criminal Justice and Behavior, 17*, 19-52.
- Andrews, D. R., & Bonta, J. (2010). *The psychology of criminal conduct (5<sup>th</sup> edition)*. Cincinnati, OH: Anderson Publishing.
- Baber, L. (2015). Inroads to reducing federal recidivism. *Federal Probation, 79*(3) 3-8.
- Cohen, T., & VanBenschoten, S. (2014). Does the risk of recidivism for supervised offenders improve over time?: Examining changes in the dynamic risk characteristics for offenders under federal supervision. *Federal Probation, 78*(2), 15-21.
- Hughes, J. (2008). *Results-based management in federal probation and pretrial services*. *Federal Probation, 72*(2), 4-14.
- Johnson, J., Lowenkamp, C., VanBenschoten, S., & Robinson, C. (2011). The construction and validation of the Federal Post Conviction Risk Assessment (PCRA). *Federal Probation, 75*(2), 16-29.
- Lowenkamp, C., Johnson, J., VanBenschoten, S., Robinson, C., & Holsinger, A. (2013). The Federal Post Conviction Risk Assessment (PCRA): A construction and validation study. *Psychological Services, 10*(1), 87-96.
- Lowenkamp, C., Flores, A., Holsinger, A., Markarios, M., & Latessa, E. (2010). Intensive supervision programs: Does program philosophy and the principles of effective interventions matter? *Journal of Criminal Justice, 38*(4): 368-375.
- Lowenkamp, C., Latessa, E., & Holsinger, A. (2006). The risk principle in action: What have we learned from 13,676 offenders and 97 correctional programs? *Crime and Delinquency, 51*(1): 1-17.
- Lowenkamp, C., & Latessa, E. (2004). Increasing the effectiveness of correctional programming through the risk principle: Identifying offenders for residential placement. *Criminology and Public Policy, 4*(2): 263-290.
- The Administrative Office of the U.S. Courts. (2012). *Guide to judiciary policy: Volume 8, probation and pretrial services*. Washington, DC: Administrative Office of the U.S. Courts.
- WilsonElser. (2013). *Joint and Several Liability: 50 State Survey*. Washington, DC: WilsonElser.