

# Low/Moderate Risk Policy Change White Paper

## Administrative Office of the United States Courts Probation and Pretrial Services Office

An Overview of the Expansion of Low-Risk Supervision Standards  
February 1, 2023

**Editor's Note:** In March 2020, the Administrative Office of the U.S. Courts–Probation and Pretrial Services Office (PPSO) enacted a temporary change to its supervision practices in response to growing caseloads, budgetary pressures, and the COVID-19 pandemic. This change involved an expansion of the population eligible to be supervised under the low-risk supervision standards (LRSS). LRSS is geared towards supervisees classified on the lower end of the recidivism risk classification continuum and hence, persons placed on LRSS receive less monitoring and fewer restrictions and interventions compared to persons on regular supervision. The following report constitutes a White Paper that details the policy change with particular emphasis on the extent to which the federal supervision system's practices changed in response to this reform while simultaneously dealing with the COVID-19 pandemic. Importantly, the report also examines whether expansion of the LRSS population endangered community safety. We are publishing the report here in the belief that it will be of substantial interest to researchers, policymakers, and legal personnel (such as defenders, U.S. attorneys, and judges) involved in the federal supervision system.

### Part A: Introduction

The preceding fiscal years (i.e., 2020, 2021, and 2022) presented many challenges for the federal probation and pretrial services system. Specifically, research conducted on our system showed that budgetary reductions resulted in fewer officers being able to do the work involved in supervising persons placed on federal post-conviction supervision. In addition to reductions in officer staffing levels, there were substantial increases in the number of persons being placed on federal supervision because of early releases stemming from implementation of the First Step Act. There were also impacts from the COVID-19 pandemic, with officers dramatically reducing their in-person contacts with supervisees to reduce their potential exposure to this virus. The combined effects of budget cuts, staffing reductions, expanded caseloads, and the pandemic presented unparalleled challenges for the federal supervision system.

To alleviate these pressures on officers, the Judicial Conference Committee on Criminal Law (Criminal Law Committee) recommended that the federal supervision system increase the number of persons to be

supervised using low-risk supervision standards (LRSS). Persons placed on LRSS receive less monitoring and fewer restrictions and interventions compared to persons on regular supervision. LRSS has the benefit of improving officers' ability to strategically shift time and resources to higher risk supervisees who pose the greatest danger to the community, while simultaneously allowing officers to take on low-risk caseloads at higher volumes. This can help alleviate workload pressures on probation offices.

This initiative to implement the revised LRSS policy was enacted in March 2020. In response to this implementation, the Administrative Office of the U.S. Courts (AO) engaged in a research effort to assess (1) whether the federal system's practices changed in response to the LRSS policy and (2) whether these changes endangered community safety. Findings from this research show that federal supervision practices changed during the period examined, with in-person contacts for the LRSS group registering less of an increase in 2021 compared to the other risk classification categories. In addition, results show that community safety was not

negatively impacted by the implementation of LRSS expansion. The remainder of this report details how this research was conducted and covers the principal findings and conclusions.

### Part B: Criteria for Expanding Persons Eligible for Low-Risk Supervision

Before this expansion, LRSS was available only to supervisees whom the Post Conviction Risk Assessment (PCRA) categorized as low risk and whose supervision history showed no more than a low-severity violation.<sup>1</sup> In March 2020, the AO initiated a change in its supervision policies, allowing a new subset of supervisees to be placed on LRSS supervision. Specifically, the AO recommended that the federal supervision system increase the number of supervisees on LRSS supervision if they met the following criteria:

- The risk instrument used by federal

<sup>1</sup> For an overview of the PCRA and the original low-risk supervision standards, see *An Overview of the Federal Post Conviction Risk Assessment Instrument* (June 2018), AO. [https://www.uscourts.gov/sites/default/files/overview\\_of\\_the\\_post\\_conviction\\_risk\\_assessment\\_0.pdf](https://www.uscourts.gov/sites/default/files/overview_of_the_post_conviction_risk_assessment_0.pdf)

probation officers (i.e., the PCRA) designated them as low/moderate risk.

- Their probability of committing violent crimes was low (i.e., category 1 violence).
- Their PCRA scores placed them on the lower end of the low/moderate-risk continuum (i.e., PCRA raw scores of 6 or 7).
- They did not manifest high levels of criminal thinking.
- They were not convicted of sex offenses.
- They did not have an instant conviction offense for a violent felony and had not been previously convicted of two or more prior violent felonies.
- Their overall risk classifications had not increased by the second PCRA assessment. Typically, the second assessment takes place six months after the initial risk assessment.

Using these criteria, the Probation and Pretrial Services Office (PPSO) estimated that an additional 13,655 supervisees, or about 12 percent of the federal supervision population, could be placed on LRSS. They were recommended for LRSS supervision because they have relatively low recidivism rates. For example, about 8 percent were arrested for any offense within one year of their supervision start date, while fewer than 2 percent were arrested for violent crimes. In comparison, supervisees scoring on the higher end of the low/moderate-risk continuum manifested rearrest rates ranging from 13 to 14 percent for any offenses and approximately 2 percent for violent offenses. Moreover, supervisees who are designated as moderate or high risk witnessed general recidivism rates of 18 to 37 percent and violent recidivism rates for 6 to 13 percent.

With the advent of the LRSS expansion, it was important to assess the extent to which federal supervision practices changed in response to the new policy and to ascertain whether the change endangered community safety. A finding that officers contacted people meeting the LRSS eligibility criteria less frequently in 2020 and 2021, compared to earlier years when the expansion was not in effect (i.e., 2017, 2018, and 2019), supports the fact that the federal system changed in response to this expansion. Moreover, results showing that recidivism behavior for those placed on LRSS supervision after the expansion was similar to, or perhaps lower than, it was for people meeting the LRSS criteria before the expansion could indicate that community safety was not endangered. Hence, below are questions that form the main components of this analysis:

- What percentage of persons under federal supervision are eligible for LRSS supervision under the expansion? Are officers treating supervisees differently when they are eligible for LRSS supervision after the expansion (e.g., contacted less), compared to people who met the LRSS criteria before the enactment of this change?
- What does the recidivism behavior look like for supervisees who are eligible for LRSS supervision under the expansion? Are supervisees who are eligible for LRSS supervision after the expansion recidivating at elevated, similar, or lower levels compared to people who met the LRSS criteria before enactment of these changes?

## Part C: Data and Method

### *Impact of COVID-19 Pandemic on LRSS Research*

Before delving into this research, it is important to note the challenge that the COVID-19 pandemic presents to the current analysis. Specifically, the LRSS expansion was implemented at the start of the pandemic in March 2020. This made any pre/post assessment of supervisees meeting the revised LRSS thresholds somewhat problematic, since any changes in the contact or rearrest patterns of this group post expansion might be driven by the pandemic rather than by changes in officer supervision practices or supervisee criminal behavior. Research conducted by the AO shows that the pandemic was associated with substantial declines in officer in-person contact patterns and supervisee violation activity.<sup>2</sup>

### *Hybrid Pre-/Post-Analytical Approach*

The AO's research analysts addressed the methodological challenges presented by the COVID-19 pandemic by using a hybrid pre-/post-analytical framework. Specifically, AO researchers evaluated the contact and recidivism patterns not only for the LRSS group pre- and post-policy change, but also for the other PCRA risk groups pre- and post-policy change.

We anticipated that using this approach would show both the contact and recidivism rates declining across all PCRA risk categories at the pandemic's onset in 2020. However, we hypothesized that the LRSS group would experience contact and rearrest patterns that differed from the other PCRA risk groups as the system emerged from the pandemic in

<sup>2</sup> For information about the pandemic's impact on the federal supervision system, see the June 2021 special edition of *Federal Probation*.

2021. The specific hypotheses that oriented this research follow:

- The average number of monthly contacts between officers and supervisees should decline in 2020 for all PCRA risk groups. But in 2021, they should increase more slowly for the LRSS group compared to the other PCRA risk categories.
- The recidivism outcomes (including non-compliance, revocations, and rearrests) should decline across all PCRA risk groups in 2020. But in 2021, they should rise more slowly or not at all for the LRSS group compared to the other PCRA risk categories.

Before delving into the study's findings, it is important to understand the PCRA's risk classification groupings. For some background, the PCRA uses the following five-color-ordered risk scheme to measure a supervisee's likelihood of recidivism: blue, green, yellow, orange, and red. The degree of predicted risk increases with each change in color, with blue supervisees having the lowest failure probability and red supervisees having the highest failure probability.

Before the enactment of the LRSS expansion, only the PCRA blue group qualified for LRSS supervision. The expanded LRSS group is within the PCRA green category, with about half of the PCRA greens meeting LRSS eligibility and hence qualifying for low-risk supervision under the revised program.

Table 1 (next page) provides information about the PCRA risk groups analyzed pre- and post-LRSS expansion, including the number and percentage of supervisees who met the LRSS eligibility criteria by fiscal year of case supervision.

Ordinarily, most pre- and post- studies would place the fiscal years into specific groups. For example, the 2017-2019 cohort would be in the pre group, and the 2020-2021 cohort would be in the post group. However, as will be shown, the pandemic dominated officer contact activity so much in 2020 that placing that year and 2021 into one group is problematic. Hence, this hybrid pre- and post-approach examines officer contact activity and supervisee violation rates for each fiscal year separately.

### *Population Examined*

Several important aspects of the population examined should be noted. First, since the PCRA color-coded risk schematic was not implemented until early 2017, we decided to remove all supervisees received on supervision before that fiscal year. Supervisees who were

**TABLE 1.**  
**Percentage of Persons Under Supervision by PCRA Risk Levels, Supervision Year, and LRSS Classification**

PCRA Codes	Pre-LRSS Expansion						Post-LRSS Expansion			
	2017		2018		2019		2020		2021	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	18,985	100.0 %	55,923	100.0 %	92,020	100.0 %	117,086	100.0 %	128,210	100.0 %
Blue	4,054	21.4 %	11,615	20.8 %	18,777	20.4 %	23,562	20.1 %	25,281	19.7 %
<b>Green-LRSS</b>	<b>2,940</b>	<b>15.5</b>	<b>8,369</b>	<b>15.0</b>	<b>13,385</b>	<b>14.6</b>	<b>16,355</b>	<b>14.0</b>	<b>16,579</b>	<b>12.9</b>
Green-No LRSS	2,339	12.3	6,892	12.3	11,461	12.5	15,007	12.8	17,226	13.4
Yellow	4,145	21.8	12,544	22.4	20,872	22.7	26,964	23.0	29,977	23.4
Orange	2,829	14.9	8,237	14.7	13,723	14.9	17,734	15.2	19,824	15.5
Red	2,678	14.1	8,266	14.8	13,802	15.0	17,464	14.9	19,323	15.1

Note: Includes people received on supervision between fiscal years 2017 and 2021 with a PCRA 2.0 assessment. Those received on supervision before 2017 were omitted from the study. Each year encompasses persons under supervision with a PCRA assessment at any time during that fiscal year.

Persons under supervision for less than six months were omitted from the analysis.

**Bold** denotes that the supervisee was eligible for LRSS supervision under the new low-risk supervision category.

placed on supervision before fiscal year 2017 were omitted, because this study attempted to measure the average number of monthly contacts from the supervision start date until case closure or, if the case was still open, an anchor date of April 23, 2022. Including people who began supervision before 2017 would be problematic because the PCRA color-coded risk categories, including those meeting LRSS eligibility, were unavailable until 2017.<sup>3</sup>

In addition to removing people who were placed on federal supervision before fiscal year 2017, several other exclusionary criteria were employed. Since the color-coded PCRA risk schematic was implemented through a rolling deployment, not all people who were received on supervision during fiscal year 2017, and even 2018 had an initial PCRA assessment using the revised PCRA color-coded groups. Supervisees with an original assessment involving the older non-color-coded PCRA categories were removed for reasons similar to those that were used to exclude people who were placed on supervision before 2017. Also, the study cohort included only those with a minimum of two or more PCRA assessments. A baseline of two or more assessments was required because

one of the LRSS criteria was that there be no increase in a supervisee's overall risk classification between assessments.

Since the LRSS group required two or more risk assessments, it was important for consistency for the other color-coded risk groups to have similar assessment criteria. Moreover, cases had to be under supervision for six months or more for the purposes of following contact and recidivism activity. Last, all people who received supervision overrides were omitted. Removing supervisees who are placed into higher risk categories than originally classified allows for a more robust and clearer comparison of officer contact activity between the risk groups.<sup>4</sup>

#### Measures

This study uses two primary measures of interest: officer contacts and recidivism outcomes. Officer contacts with supervisees are used as a proxy to measure the extent to which the federal supervision system changed after implementation of the LRSS expansion. Three types of contacts were measured, including in-person, other-person, and collateral. In-person contacts include any contact between the officer and supervisee that involves an in-person interaction. These contacts typically take place between the officer and supervisee in the supervisee's home, neighborhood, place of employment, or federal probation office. An other-person contact means that the officer

contacted the supervisee through other—usually electronic—means, such as by telephone, voicemail, text message, and email. Last, collateral contacts refer to contacts between the officer and collateral sources, typically a treatment provider, employer, or law enforcement officer.

Recidivism outcomes are used to measure the extent to which the supervisee failed during or after supervision. The recidivism outcomes of interest for this study include any forms of noncompliance (e.g., positive drug tests, technical violations of supervision conditions), revocations from supervision, and rearrest for any new crimes or violent offenses.

## Part D: Results

### Characteristics of the LRSS Population

Table 2 (next page) provides descriptive information about people who were eligible for LRSS supervision before and after enactment of the policy expansion. A total of 21,259 people who were received on supervision during fiscal years 2017-2021 met the revised LRSS supervision criteria. More than half of these cases (54 percent) were convicted for drug offenses. The other most frequent conviction offenses included property (19 percent) and weapons/firearms (11 percent). Seventy-seven percent of the LRSS group comprised males; Hispanics, Whites, and Blacks accounted for relatively similar proportions of supervisees in the LRSS group.

Under the expansion, supervisees are not eligible for LRSS supervision unless their risk levels remain unchanged for a minimum of two PCRA assessments. Using these standards, many supervisees will have met the LRSS eligibility criteria by their second

<sup>3</sup> Before 2017, the PCRA used a four-tier risk classification scheme of low, low/moderate, moderate, and high. The PCRA was modified in 2017 to include a violence trailer, which resulted in the risk instrument generating the five color-coded risk categories. For more information about the original PCRA and the deployment of the PCRA violence trailer, see Johnson et al. (2011), *The Construction and Validation of the Federal Post Conviction Risk Assessment (PCRA)*, and Serin et al. (2016), *Using a Multi-Level Risk Assessment to Inform Case Planning and Risk Management: Implications for Officers*.

<sup>4</sup> The PCRA gives officers discretion to depart from the risk instrument's original classification scheme. For more information about the role of overrides, see Cohen et al. (June 2016), *Examining Overrides of Risk Classifications for Offenders on Federal Supervision*.

assessment. However, others might not be eligible for LRSS supervision until their third or fourth assessment.

Figure 1 provides information about the assessment number when a supervisee became eligible for LRSS supervision. As expected, a majority of LRSS supervisees (72 percent) met the eligibility standards (meaning no changes in their risk levels) by their second assessment. However, about 24 percent of LRSS supervisees were not eligible for LRSS supervision until their third or fourth PCRA assessment. For example, these supervisees might have started in a higher supervision category at their initial PCRA assessment (e.g., yellow or orange) and moved into the LRSS green risk category by their second assessment. To qualify for low-risk supervision, the risk profiles for these people would need to remain unchanged from the second to the third PCRA assessment.

*Changes in Officer Contact Patterns with Supervisees Resulting from the LRSS Expansion*

Figures 2a-2c (next page) provide information on the average number of monthly contacts during a supervisee’s first 12 months of supervision by PCRA risk levels and fiscal year of case activation. It should be noted that this approach examines contacts that occurred only during a person’s first supervision year. The monthly contact numbers are calculated by summing the number of times that officers contacted supervisees within the first year of supervision and then dividing that total by 12. These calculations were performed separately for each of the fiscal years examined (i.e., cases activated in 2017-2021).

These figures illuminate trends in monthly in-person contacts (see Figure 2a), monthly other-person contacts (see Figure 2b), and monthly collateral contacts (see Figure 2c). In general, they show substantial declines in the average number of monthly in-person contacts for all supervisees when the pandemic started in 2020; these in-person contacts subsequently rebounded in 2021. Conversely, the average number of monthly other-person contacts increased for all risk levels in 2020 and then proceeded to decline. Last, collateral monthly contacts remained relatively stable during the time period examined. Though interesting, these figures do not support the contention that supervision practices changed for the LRSS population after implementation of the LRSS expansion.

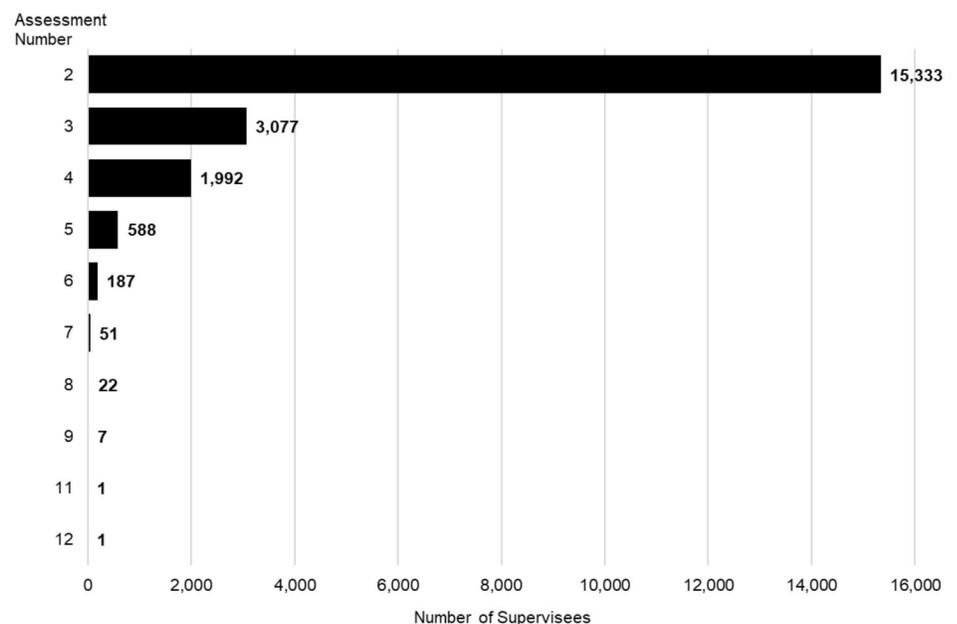
A more illuminating way to measure the

**TABLE 2.**  
**Characteristics of Supervisees Eligible for LRSS Supervision Under the LRSS Expansion**

Characteristics	Number	Percent or Average
<b>Most Serious Conviction Offense</b>		
Drugs	11,448	53.9 %
Property	4,032	19.0
Weapons/Firearms	2,398	11.3
Immigration/Customs	1,788	8.4
Violence	607	2.9
Traffic/DWI	493	2.3
Obstruction/Escape	279	1.3
Public Order	204	1.0
<b>Gender</b>		
Male	16,399	77.1 %
Female	4,860	22.9
<b>Race and Ethnicity</b>		
Hispanics, Any Race	7,091	33.5 %
Whites, Non-Hispanic	6,810	32.1
Blacks, Non-Hispanic	6,481	30.6
Asians/Pacific Islanders	416	2.0
American Indians/Alaska Natives	322	1.5
Other	78	0.4
<b>Age</b>	21,256	40.3
<b>Citizenship</b>		
U.S. or Naturalized Citizen	20,183	95.1 %
Legal Alien	605	2.9
Illegal Alien	426	2.0

Note: Includes only supervisees eligible for LRSS supervision under the expansion received on supervision between fiscal years 2017 and 2021. A total of 21,259 supervisees qualify for LRSS supervision.

**FIGURE 1.**  
**PCRA Assessment Number in Which Supervisee Became Eligible for LRSS Supervision Under the LRSS Expansion, Fiscal Years 2017–2021**



LRSS expansion's potential effects on the federal supervision system is to examine the percentage change in the average number of monthly contacts between the fiscal years of case activation (see Figures 3a-3c, next page). Figure 3a, for example, shows the percentage changes in the average number of in-person contacts for fiscal years 2017-18, 2018-19, 2019-20, and 2020-21 across the PCRA risk levels. Not surprisingly, this figure shows substantial declines in the average number of in-person contacts, irrespective of risk, during

2020. For example, the average number of in-person contacts for 2020 declined by 27 percent for the green LRSS group, but similar declines were witnessed for the green no-LRSS group (-27 percent) and the yellow group (-26 percent).

However, during 2021, in-person contacts for the green LRSS category diverged slightly from the other PCRA risk groups (see Figure 3a). Specifically, the green LRSS group witnessed smaller rises in the average in-person contact numbers (+4 percent) compared to

the other PCRA risk groups, which saw their in-person contacts increase in the range of 8-9 percent (except for the PCRA blues). The fact that the green LRSS group manifested less of an increase in the in-person contacts compared to the other PCRA risk categories provides some evidence in support of the LRSS expansion's impact on federal supervision practices.

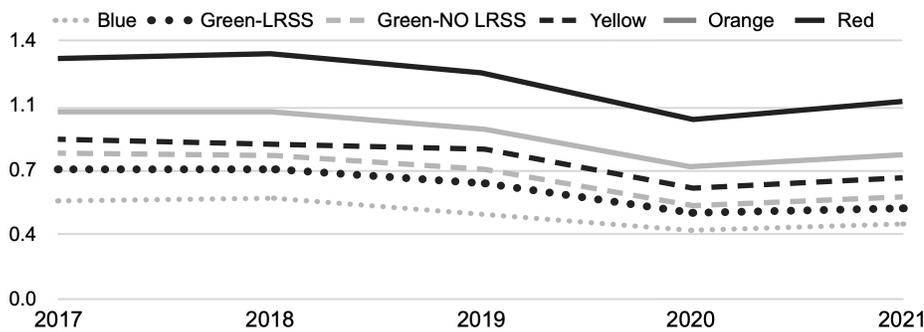
Examining the other contact types (i.e., other-person and collateral) presents a mixed picture in terms of implementing LRSS expansion. The percentage change in other-person contacts was not appreciably different for the green LRSS group compared to the other PCRA risk categories (see Figure 3b). Regarding collateral contacts, the green LRSS supervisees were the only group witnessing declines in their average monthly collateral contacts during 2020 (-3 percent), while the other risk categories saw no changes in their monthly collateral contacts (PCRA blues) or increases in their monthly collateral contacts (green no-LRSS, yellow, orange, or red) (see Figure 3c).

Figures 4a-4c (page 51) provide information about the percentage change in the number of in-person, other-person, and collateral contacts in a somewhat different format. Specifically, they illuminate changes in contacts by supervision year rather than in the first 12 months under supervision. Using supervision year allows us to count contacts for all persons under federal supervision for that particular year examined, regardless of their start date or the amount of time they were under supervision during that year. Hence, a person who started supervision in 2017 and was still under supervision in 2020 would have monthly contact numbers counted for each individual year while under federal supervision (i.e., 2017, 2018, 2019, and 2020).

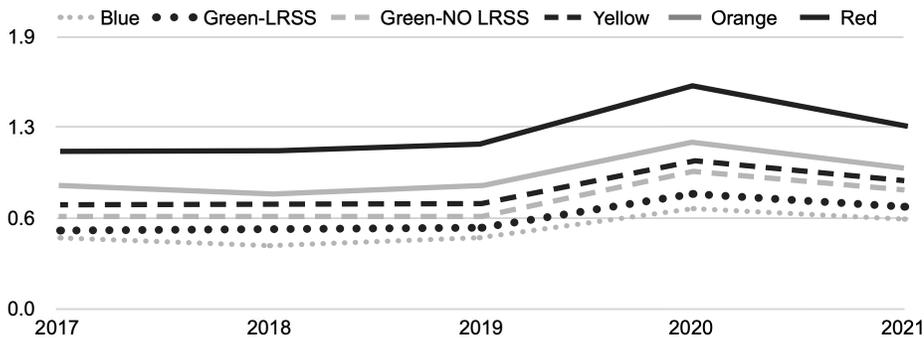
In the above example, this person's per-year contact numbers would be calculated by totaling the number of contacts made by officers for each year and then dividing the total number of contacts by 12 per year. Unlike the prior approach, which counted contacts only during the first 12 months of supervision, this method can ascertain a supervisee's monthly contact numbers for a more extended time period.

Examining the percentage changes for in-person contacts by supervision year lends further support to the contention that officer supervision practices changed for people who were placed on LRSS supervision. In Figure

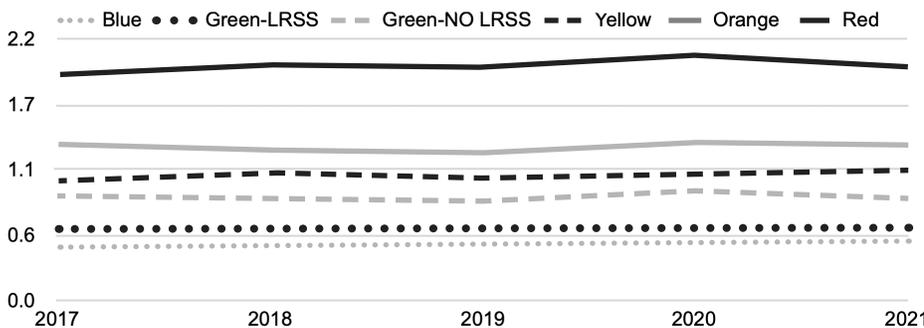
**FIGURE 2A.**  
Average Number of In-Person Monthly Collateral Contacts Within 12 Months of Case Activation, by PCRA 2.0 Risk Levels, Fiscal Years 2017-2021



**FIGURE 2B.**  
Average Number of Other-Person Monthly Collateral Contacts Within 12 Months of Case Activation, by PCRA 2.0 Risk Levels, Fiscal Years 2017-2021



**FIGURE 2C.**  
Average Number of Monthly Collateral Contacts Within 12 Months of Case Activation, by PCRA 2.0 Risk Levels, Fiscal Years 2017-2021



4a, for example, the average number of in-person monthly supervision contacts declined for all risk levels in 2020. However, 2021 showed larger declines for the green LRSS group (-15 percent) compared to the other risk categories, where declines for in-person contacts ranged from -3 percent to -6 percent.

Similar to the prior analysis, the patterns of other-person contacts for the green LRSS group did not differ appreciably from those of the other PCRA risk categories. Last, the monthly collateral contacts for green LRSS supervisees manifested declines in 2020 and 2021 that exceeded nearly all PCRA risk categories, except for the PCRA blue group.

In addition to highlighting yearly contact numbers, it can be interesting to examine monthly contact patterns. A month-to-month analysis of contacts can highlight how people who were eligible for LRSS supervision before the enactment of the expansion were treated compared to similarly situated persons post expansion.

Figures 5a and 5b (page 52) provide information about the average number of monthly in-person contacts for the fiscal year before the enactment of the low-risk expansion (2019) and for the fiscal year after the expansion's enactment (2021). During 2019, the green LRSS group manifested monthly in-person contact rates similar to those of the green no-LRSS group. This pattern of contact activity is expected since, before the expansion, officers had no reason to treat supervisees who were classified in the green PCRA category differently, irrespective of whether they met the LRSS eligibility standards. In 2021, however, those who met the green LRSS criteria manifested contact patterns that diverged from the green no-LRSS group and somewhat mirrored supervisees with a PCRA blue risk classification.

*Analysis of the LRSS Expansion's Effect on Community Safety*

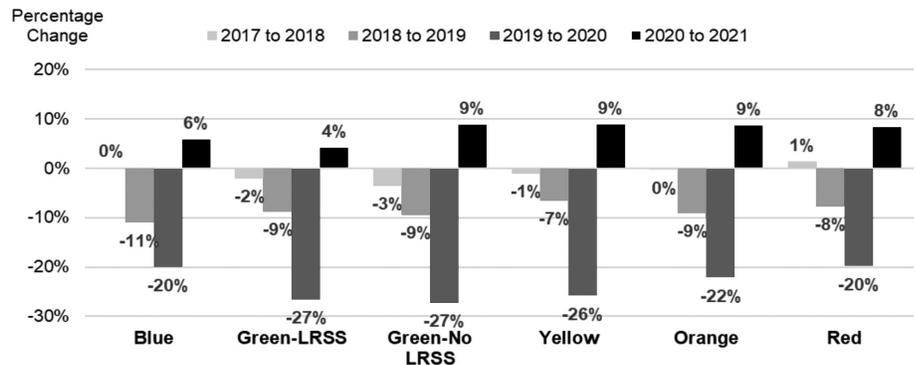
In the remaining part of this analysis, we examine whether enactment of the low-risk expansion endangered community safety. This analysis was conducted by exploring the recidivism activity of federal supervisees across all PCRA risk categories yearly. Recidivism includes any form of noncompliance, revocations from supervision, and rearrests for any crime or violent crimes. Supervision year encompasses any form of noncompliance, revocations, or rearrests that occurred for persons under supervision for the specific year examined.

The percentage of supervisees who engaged in noncompliance, separated into PCRA risk levels and supervision year, is highlighted in Table 3 (page 53). For all fiscal years examined, people who were eligible for LRSS supervision have noncompliance rates higher than the PCRA blues but lower than the other PCRA risk categories, including the green no LRSS, yellow, orange, or red. As anticipated, the noncompliance rates declined in 2020

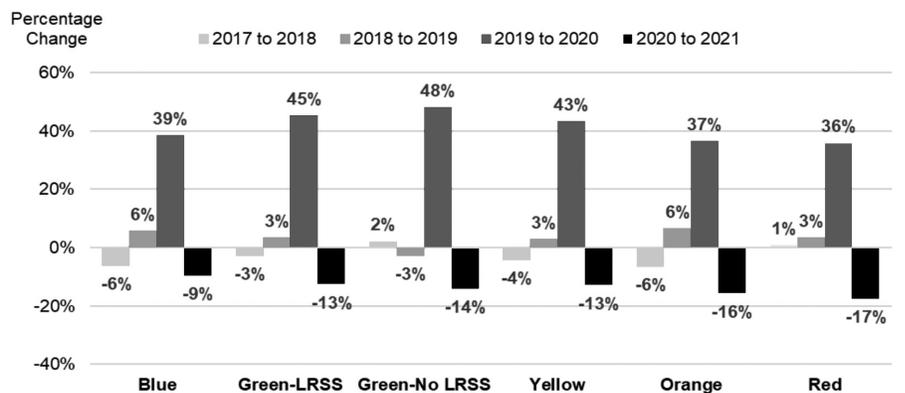
and then rose irrespective of the PCRA risk levels. While the percentage of persons with noncompliance increased for the green LRSS category in 2021, the reported increase was similar to that manifested by some of the other risk groups, including the green no LRSS, yellows, and reds.

The percentage of people revoked from supervision, separated into fiscal year and PCRA risk classification, is reported in Table

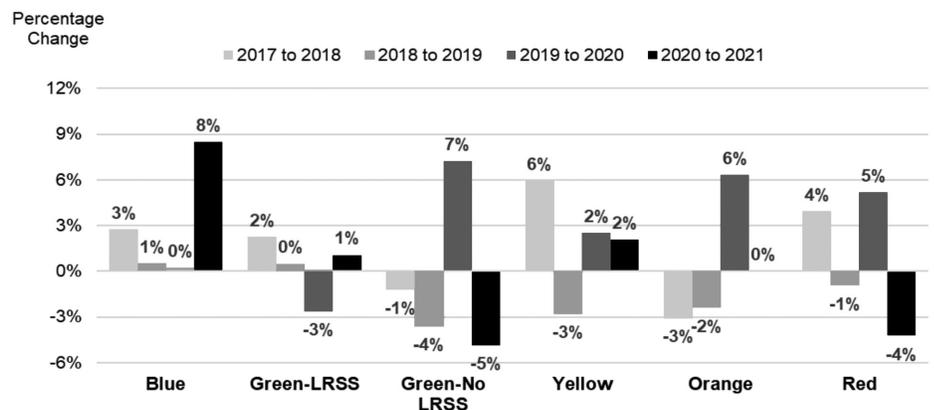
**FIGURE 3A.**  
Percentage Change for In-Person Monthly Contacts Within 12 Months of Case Activation



**FIGURE 3B.**  
Percentage Change for Other-Person Monthly Contacts Within 12 Months of Case Activation



**FIGURE 3C.**  
Percentage Change for Monthly Collateral Contacts Within 12 Months of Case Activation



4 (page 53). Similar to the noncompliance analysis, the revocation rates for people meeting the LRSS classification criteria were lower than all PCRA risk categories, except for the lowest risk classification group (PCRA blues). Although the revocation rates for the green LRSS group rose by 1 percentage point between 2020 and 2021, this increase was

smaller than that manifested in the PCRA yellow, orange, and red groups. Among these three risk categories, the revocation rates increased by two to three percentage points between 2020 and 2021.

*Rearrest Analysis*

Information on the recidivism rates of people

eligible for LRSS supervision is presented in Tables 5, 6, and 7. Tables 5 and 6 present information on the percentage of supervisees rearrested for any offense or violent offenses within the first 12 and 24 months of their supervision start dates. Rearrest rates are shown for all PCRA risk categories, though the discussion will focus on people with a green LRSS classification.

In general, results show that the rearrest rates for LRSS supervisees have remained markedly stable, even after implementation of the new low-risk expansion. For example, the percentage of LRSS supervisees who were rearrested for any offenses within 12 months of their supervision start date declined from 8 percent for people placed on supervision in 2017 to 6 percent for those placed on supervision in 2021 (see Table 5, page 53).

The 24-month rearrest rates (any offense) for this group also declined from 14 percent to 12 percent (see Table 6, page 54). The violent rearrest rates for the LRSS group never exceeded 3 percent, irrespective of the follow-up time or the supervision start year examined (see Tables 5 and 6). Last, LRSS supervisees recidivated at rates lower than nearly all PCRA risk groups, except for PCRA blues.

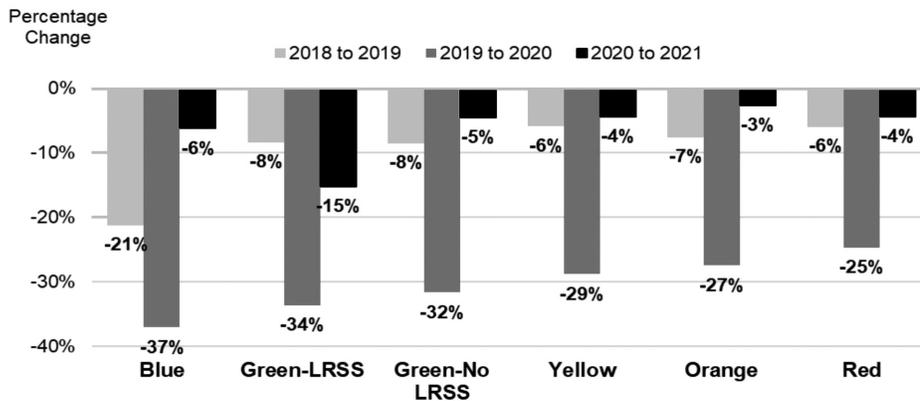
Table 7 (page 54) covers the rearrest activity for persons under federal supervision. Unlike the prior tables (i.e., 5 and 6) that examined the percentage of persons rearrested within 12 and 24 months after their supervision start dates, this analysis explores the percentage of persons under supervision for a particular fiscal year who were rearrested for any offense or violent offenses.

Overall, results continue to show stability in the rearrest rates pre- and post-expansion of the LRSS supervision group. Specifically, the percentage of LRSS-eligible people who were rearrested for any offense was essentially unchanged, at about 5 to 6 percent for each supervision year examined. Moreover—and perhaps more important—relatively few LRSS-eligible people (about 1 percent) were rearrested for violent offenses during the supervision years examined.

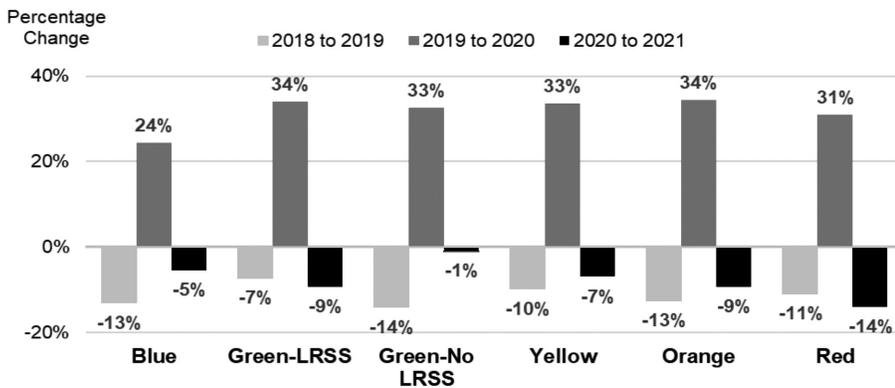
The remaining analyses (see Figures 6 and 7, page 55) explore the types of offenses for which LRSS-eligible supervisees were rearrested. Two-thirds of LRSS supervisees who recidivated were rearrested for public order (27 percent), drug (21 percent), or property (18 percent) offenses, while 12 percent were rearrested for crimes of violence (see Figure 6).

Among the LRSS-eligible supervisees who were rearrested for violent offenses, 87 percent

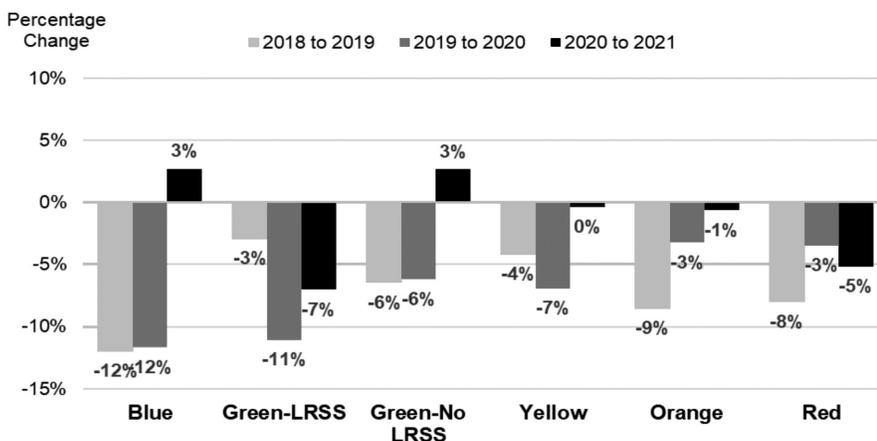
**FIGURE 4A.**  
Percentage Change for In-Person Monthly Contacts by Supervision Years



**FIGURE 4B.**  
Percentage Change for Other-Person Monthly Contacts by Supervision Years



**FIGURE 4C.**  
Percentage Change for Monthly Collateral Contacts by Supervision Years



were arrested for assault. The remaining 13 percent involved a combination of attempted or actual homicide, kidnapping, robbery, etc.

**Part E: Conclusions**

This study sought to examine expansion of the LRSS group, which the AO instituted in March 2020. In general, evidence produced by this study somewhat supports the contention that federal supervision practices changed for the LRSS group after enactment of the low-risk expansion. Specifically, the pattern of monthly in-person contacts for the LRSS supervisees diverged from that of the other PCRA risk groups in two substantial ways during the period after the expansion went into effect and the federal system began to recover from the pandemic.

First, our examination of the average number of in-person contacts during a person’s first supervision year shows that these contacts increased less substantially for the LRSS group compared to the other risk groups in 2021. Second, our analysis of in-person contacts by supervision year demonstrates that LRSS supervisees manifested larger declines post expansion—especially in 2021—than people in the other risk categories. Officer contacts with collateral sources also manifested more substantial declines for the LRSS group once the expansion took effect.

Though these results are promising, it is important to note that the results that support system change are somewhat mixed. Unlike the in-person and collateral contacts, contacts involving electronic means of communication (e.g., other-person) did not differ appreciably between the LRSS group and the other groups. Moreover, while the post-expansion pattern of in-person and collateral contacts for the LRSS group differed somewhat from that of the other PCRA risk categories, the differences were not as extensive as initially anticipated. Additional years of officer contact activity will be required to assess whether any of these observed changes are transitory or permanent.

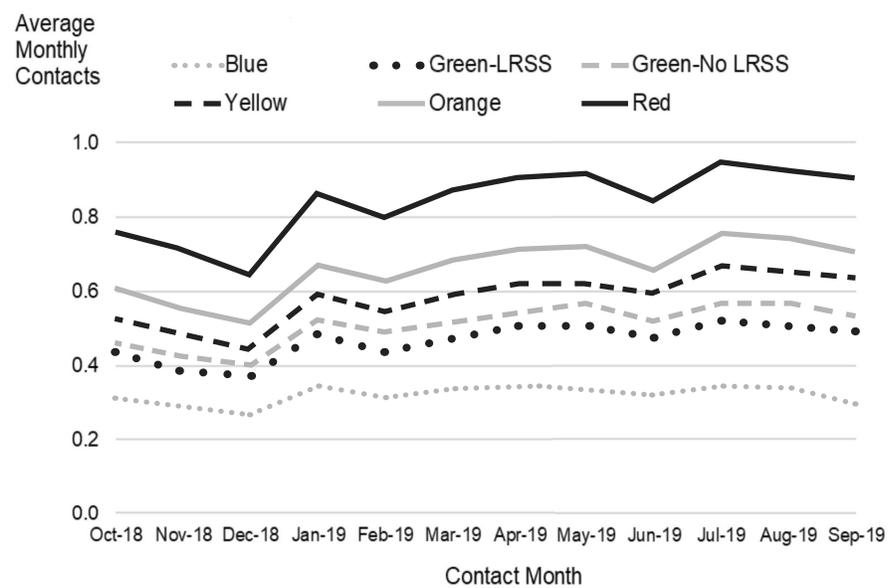
Given that there seems to be some indication that the federal system changed in response to enactment of the LRSS expansion, the next crucial factor to be examined was whether this expansion resulted in threats to community safety. Here the results are less ambiguous. Essentially, there is no evidence that community safety was endangered by implementation of the LRSS expansion. Specifically, while there was a slight increase in the noncompliance and revocation rates for the LRSS group post expansion, these

increases were relatively negligible and did not supersede those of the other risk categories. Moreover, and this is important, the rates of noncompliance and revocations for the LRSS group were consistently lower than those of all other PCRA risk classifications, except for the blue classification group. Stated differently, changing the way that the LRSS group was supervised did not generate any appreciable increases in failure rates beyond those already predicted by the PCRA.

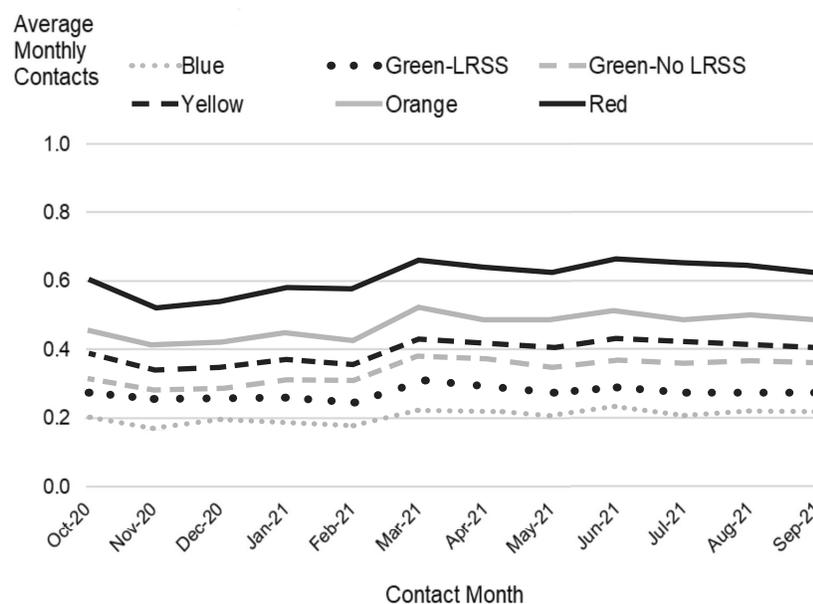
An examination of rearrest activity for LRSS-eligible supervisees also showed no

evidence that this expansion put the community’s safety at risk. Overall, rearrest rates remained markedly stable, even after this expansion was implemented. For example, the percentage of LRSS supervisees who were rearrested for any offenses within 12 or 24 months after their supervision start dates declined slightly between the pre- and post-expansion periods. Perhaps more important, the percentage of LRSS supervisees who were rearrested for violent offenses was essentially unchanged during the 2017-2021 time period and never exceeded 3 percent.

**FIGURE 5A.**  
Average Number of In-Person Monthly Contacts by Supervision Month, Fiscal Year 2019



**FIGURE 5B.**  
Average Number of In-Person Monthly Contacts by Supervision Month, Fiscal Year 2021



**TABLE 3.**  
**Percentage of Supervisees with Noncompliance by Fiscal Year of Case Supervision and PCRA Risk Levels**

	2018			2019			2020			2021		
	Noncompliance			Noncompliance			Noncompliance			Noncompliance		
	Number	Any	Average									
All	53,268	40.7 %	6.9	87,405	38.9 %	6.9	110,903	34.1 %	6.4	120,812	35.3 %	6.5
Blue	9,407	19.7 %	4.1	14,769	17.4 %	4.3	18,099	14.8 %	4.1	18,632	15.4 %	4.2
<b>Green-LRSS</b>	<b>7,897</b>	<b>29.8</b>	<b>4.5</b>	<b>12,788</b>	<b>28.7</b>	<b>4.9</b>	<b>16,000</b>	<b>23.1</b>	<b>4.8</b>	<b>17,053</b>	<b>24.2</b>	<b>5.0</b>
Green-No LRSS	7,709	40.0	6.1	12,692	37.0	6.0	16,293	31.5	5.9	17,968	33.1	6.0
Yellow	12,235	43.8	6.9	20,387	41.9	6.9	26,206	37.1	6.3	28,959	37.7	6.4
Orange	7,739	50.3	7.7	12,956	48.3	7.5	16,830	42.6	6.8	18,872	43.9	6.8
Red	8,281	62.3	9.0	13,813	59.9	8.7	17,475	54.0	7.8	19,328	54.2	7.8

Note: Includes persons under supervision anytime during fiscal years 2018, 2019, 2020, and 2021. Noncompliance information available for 95% of people placed on supervision between fiscal years 2018 and 2021. Information on people placed on supervision in fiscal year 2017 not shown because there were too few persons under supervision at that time period, and the follow-up times were too short.

**TABLE 4.**  
**Percentage of Supervisees Revoked by Fiscal Year of Case Supervision and PCRA Risk Levels, Fiscal Years 2019–2021**

	2019		2020		2021	
	Number	Percent Revoked	Number	Percent Revoked	Number	Percent Revoked
All	83,714	6.4 %	106,199	5.7 %	115,750	7.3 %
Blue	13,910	1.2 %	17,031	1.1 %	17,582	1.3 %
<b>Green-LRSS</b>	<b>13,163</b>	<b>1.7</b>	<b>16,102</b>	<b>1.7</b>	<b>16,351</b>	<b>2.7</b>
Green-No LRSS	10,433	6.2	13,588	5.4	15,577	6.1
Yellow	19,513	6.8	25,257	6.1	28,111	8.0
Orange	12,902	8.3	16,768	7.3	18,819	9.4
Red	13,793	13.7	17,453	11.6	19,310	14.5

Note: Includes persons under supervision anytime during fiscal years 2019, 2020, and 2021.

Revocation information available for 91% of people placed on supervision between fiscal years 2019 and 2021.

Revocation information for people placed on supervision in fiscal years 2017 and 2018 not shown because there were too few persons under supervision at that time period, and the follow-up times were too short.

**TABLE 5.**  
**Percentage of Supervisees Rearrested Within 12 Months of Fiscal Year Supervision Start Date for any Offense or Violent Offenses by PCRA Risk Levels**

	2017 - Start Date			2018 - Start Date			2019 - Start Date			2020 - Start Date			2021 - Start Date		
	Percent Arrested			Percent Arrested			Percent Arrested			Percent Arrested			Percent Arrested		
	Number	Any Offense	Violent												
All	20,019	14.1 %	3.1 %	38,979	14.3 %	3.1 %	42,206	13.4 %	3.0 %	39,980	12.5 %	3.0 %	9,343	11.4 %	2.6 %
Blue	4,054	5.8 %	0.5 %	7,564	6.1 %	0.4 %	7,872	6.0 %	0.6 %	7,097	5.0 %	0.4 %	1,678	5.8 %	0.6 %
<b>Green-LRSS</b>	<b>2,940</b>	<b>7.9</b>	<b>1.1</b>	<b>5,430</b>	<b>8.0</b>	<b>0.9</b>	<b>5,339</b>	<b>7.3</b>	<b>1.0</b>	<b>4,205</b>	<b>6.3</b>	<b>0.8</b>	<b>842</b>	<b>6.1</b>	<b>0.6</b>
Green-No LRSS	2,339	15.9	2.4	4,555	13.3	2.3	5,089	12.1	1.8	5,235	10.8	2.1	1,325	9.1	1.5
Yellow	4,145	15.1	3.4	8,406	15.9	3.3	9,169	14.7	3.0	9,027	13.5	3.1	2,094	10.8	2.1
Orange	2,829	19.2	4.9	5,409	19.8	5.5	6,107	17.7	4.7	6,049	15.5	4.3	1,420	14.5	4.4
Red	2,678	26.3	7.7	5,594	25.8	7.4	6,414	24.1	7.7	6,320	23.7	7.5	1,488	20.6	6.4

Note: Includes persons received on supervision for fiscal years 2017, 2018, 2019, 2020, and 2021. Arrest activity tracked for 12 months from supervision start date for any offense or violent offenses. Arrest activity for people received on supervision for fiscal year 2021 is limited because fewer persons could be followed for up to 12 months.

Totals include a category of supervisees—green LM1s—who were ineligible for LRSS supervision because they did not meet certain criteria (e.g., did not have two assessments, sex offender). The rearrest rates for these people are not shown.

Nearly 9 out of 10 LRSS supervisees who committed crimes of violence were arrested for assault offenses. Last, LRSS supervisees consistently recidivated at levels lower than those in the other PCRA risk categories, except for the PCRA blues.

While the study's findings are promising concerning implementation of the LRSS expansion, some limitations to this research should be noted. First, the study is relatively exploratory, meaning that descriptive statistics served as a basis for this research. And while

this study is informative, more robust techniques, including multivariate analyses, will be required to further assess the expansion's efficacy.

Another issue involves the relatively short time period during which the LRSS expansion has been in effect (i.e., about 24 months) and the occurrence of the pandemic at the same time as the expansion (i.e., 2020), potentially diluting the results. Additional years of contact and recidivism data will be required to assess the permanency of this report's findings.

While important, these caveats do not take away from the principal findings highlighted in this research:

1. That the federal supervision system changed in response to the LRSS expansion.
2. That this expansion did not threaten community safety.

The AO will continue to track the LRSS policy expansion's implementation and monitor impacts on community safety.

**TABLE 6.**  
Percentage of Supervisees Rearrested Within 24 Months of Fiscal Year Supervision Start Date for Any Offense or Violent Offenses by PCRA Risk Levels

	2017 - Start Date			2018 - Start Date			2019 - Start Date			2020 - Start Date		
	Number	Percent Arrested		Number	Percent Arrested		Number	Percent Arrested		Number	Percent Arrested	
		Any Offense	Violent									
All	20,019	24.1 %	6.0 %	38,979	23.4 %	6.0 %	42,206	22.1 %	6.0 %	10,406	22.3 %	6.4 %
Blue	4,054	9.8 %	1.1 %	7,564	9.3 %	0.9 %	7,872	8.4 %	1.1 %	1,901	7.7 %	0.9 %
<b>Green-LRSS</b>	<b>2,940</b>	<b>14.3</b>	<b>2.8</b>	<b>5,430</b>	<b>13.9</b>	<b>2.1</b>	<b>5,339</b>	<b>12.6</b>	<b>2.3</b>	<b>1,193</b>	<b>12.4</b>	<b>1.7</b>
Green-No LRSS	2,339	26.5	5.1	4,555	22.6	4.6	5,089	20.3	3.8	1,348	20.1	4.8
Yellow	4,145	27.5	6.7	8,406	26.3	6.6	9,169	24.5	6.1	2,305	24.6	6.8
Orange	2,829	33.0	10.0	5,409	33.3	10.4	6,107	30.3	9.9	1,522	28.5	9.9
Red	2,678	42.2	13.5	5,594	40.9	13.9	6,414	39.0	14.1	1,598	41.7	14.9

Note: Includes people received on supervision for fiscal years 2017, 2018, 2019, and 2020. Arrest activity tracked for 24 months from supervision start date for any offense or violent offenses. Arrest activity for people received on supervision for fiscal year 2020 is limited because fewer persons could be followed for up to 24 months.

Persons received onto supervision in fiscal year 2021 not shown because none could be followed for 24 months.

Totals include a category of supervisees—green LM1s—who were ineligible for LRSS supervision because they did not meet certain criteria (e.g., did not have two assessments, sex offender). The rearrest rates for these people are not shown.

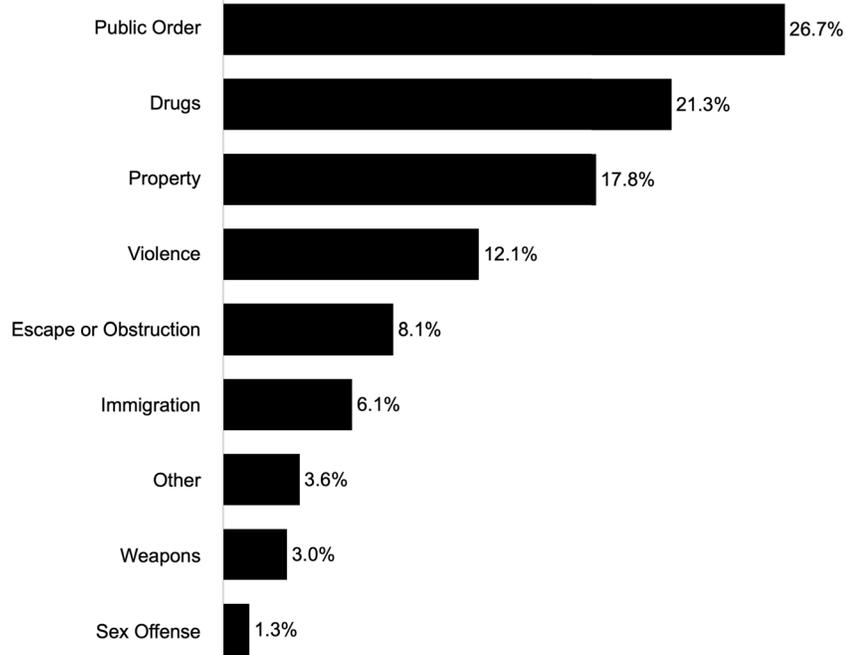
**TABLE 7.**  
Percentage of Supervisees Rearrested for Any Offense or Violent Offenses by Fiscal Supervision Year and PCRA Risk Levels

	2018 - Supervision Year			2019 - Supervision Year			2020 - Supervision Year			2021 - Supervision Year		
	Number	Percent Arrested		Number	Percent Arrested		Number	Percent Arrested		Number	Percent Arrested	
		Any Offense	Violent									
All	58,978	9.8 %	2.0 %	97,087	10.8 %	2.3 %	123,546	9.2 %	2.3 %	135,338	8.6 %	2.3 %
Blue	11,615	3.9 %	0.3 %	18,777	4.4 %	0.4 %	23,562	3.1 %	0.3 %	25,281	2.7 %	0.4 %
<b>Green-LRSS</b>	<b>8,369</b>	<b>5.3</b>	<b>0.8</b>	<b>13,385</b>	<b>6.0</b>	<b>0.8</b>	<b>16,355</b>	<b>5.3</b>	<b>0.9</b>	<b>16,579</b>	<b>5.3</b>	<b>1.0</b>
Green-No LRSS	6,892	10.1	1.5	11,461	10.4	1.8	15,007	8.3	1.4	17,226	7.7	1.7
Yellow	12,544	10.9	2.1	20,872	12.2	2.5	26,964	10.5	2.6	29,977	9.8	2.5
Orange	8,237	13.5	3.3	13,723	15.0	3.9	17,734	13.1	3.8	19,824	12.1	3.7
Red	8,266	18.0	5.2	13,802	19.2	5.4	17,464	17.4	5.7	19,323	15.6	5.0

Note: Includes people supervised during fiscal years 2018, 2019, 2020, and 2021. Arrest activity covers whether a person was arrested for each supervision year shown for any or violent offenses.

Totals include a category of supervisees—green LM1s—who were ineligible for LRSS supervision because they did not meet certain criteria (e.g., did not have two assessments, sex offender). The rearrest rates for these people are not shown.

**FIGURE 6.**  
**Most Common Offense Types for LRSS People Who Recidivated**



**FIGURE 7.**  
**Types of Violent Offenses Committed by People Eligible for LRSS Supervision**

