

Examining Overrides of Risk Classifications for Offenders on Federal Supervision

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THE FEDERAL PROBATION and pretrial services system employs approaches grounded on evidence-based practices to ensure community safety and reduce recidivism (Alexander & VanBenschoten, 2008; Cohen & VanBenschoten, 2014; Hughes, 2008). In order to meet these objectives, federal probation has adopted the risk, needs, and responsivity (RNR) model of correctional supervision practices (Alexander & VanBenschoten, 2008; Andrews, Bonta, & Hoge, 1990; Andrews & Bonta, 2010). One of the key events in federal probation's embrace of the RNR model was the decision to construct, develop, and implement the Post Conviction Risk Assessment instrument (PCRA). The PCRA is a dynamic actuarial risk assessment instrument developed for federal probation officers that incorporates most of the aspects of the RNR model into federal supervision. Through the PCRA, officers can classify offenders into different risk levels and identify those who are most likely to recidivate (the risk principle), ascertain dynamic criminogenic characteristics that if addressed could reduce reoffending behavior (the need principle) and tailor interventions and treatments that take into account

an offender's learning styles and potential treatment barriers (the responsivity principle) (AOUSC, 2011).²

The PCRA has been empirically shown to effectively predict the likelihood that an offender will recidivate during his or her supervision period (Johnson, Lowenkamp, VanBenschoten, & Robinson, 2011; Lowenkamp, Johnson, VanBenschoten, Robinson, & Holsinger, 2013; Lowenkamp, Holsinger, & Cohen, 2015). Moreover, several studies have shown the PCRA's efficacy at measuring change in an offender's recidivism risk factors over time and the relationship between change in actuarial risk and arrest outcomes (Lowenkamp et al., 2013; Cohen & VanBenschoten, 2014; Cohen, Lowenkamp, & VanBenschoten, 2016).

It is crucial to note that officers do not have to supervise offenders according to their original PCRA risk designations. Specifically, judicial policy allows officers the option of departing from the PCRA's risk classification scheme by changing the risk level originally assigned to the offender (*Guide to Judiciary Policy*, 2014). For example, offenders placed in the low-risk category by the PCRA could be overridden to a higher risk level for supervision purposes should the officer, upon reviewing the offender's profile, feel that in his or her professional judgment the PCRA

score underrepresents his or her risk to reoffend. This component of the risk classification process is referred to as professional discretion or supervision override and is one of the major principles of effective evidence-based supervision practices. The rationale for allowing overrides in risk assessment mechanisms is that actuarial scores cannot always capture the unique characteristics of individuals that officers can identify through various investigation techniques (Schmidt, Sinclair, & Thomasdottir, 2016). Professional overrides, hence, allow officers to depart from the actuarial score when the totality of an offender's characteristics suggests that the offender should be supervised at a level that diverges from the risk classification. The override function is woven not only into the PCRA but into many risk classification instruments (Andrews et al., 1990; McCafferty, 2015).

As we will subsequently discuss, judicial policy allows overrides for reasons we call policy-related if the offender meets the following specified criteria: sex offender, persistently violent, mental health issues, or serious youthful offender. Conversely, all other overrides are labeled "discretionary overrides." Although judicial policy gives officers the discretion to override, there have been few empirical efforts to examine officer overrides in the federal supervision system. This research will examine several key issues, including the overall prevalence of overrides for offenders under federal supervision, the types of overrides (i.e., policy or discretionary) used by officers, and

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² See Johnson, Lowenkamp, VanBenschoten, and Robinson (2011) and Lowenkamp, Johnson, VanBenschoten, Robinson, and Holsinger (2013) for information about the construction, validation, and implementation of the PCRA in the federal supervision system.

the rationales provided by officers when using discretionary overrides.

In this article we will also explore the adjustments in risk levels that occur as a result of overrides and whether offenders with overrides are supervised differently in terms of their monthly officer/offender contacts and treatment services compared to offenders without overrides. Last, we will examine whether offenders with overrides are recidivating at rates similar to their original or reclassified risk levels. In other words, are the recidivism rates for low-risk offenders reclassified for supervision purposes into high-risk levels similar to that of offenders initially classified as high risk, or are the arrest rates for these offenders more similar to those of low-risk offenders?

In the next section, we provide an overview of the federal supervision system's override policy. Afterwards, we detail the methodological framework used for this study.

Policy on Supervision Overrides

According to Volume 8E, §440, of the *Guide to Judiciary Policy* (the *Guide*), officers may diverge from the PCRA's risk classification scheme by placing offenders into different—higher or lower—risk levels. To understand how officers employ supervision overrides, we first detail the PCRA's risk classification mechanism. The PCRA assesses an offender's risk of recidivism through a process in which federal probation officers score offenders on 15 static and dynamic risk predictors related to an offender's criminal history, education/employment, substance abuse, social networks, and supervision attitude characteristics.³ Officers use these 15 predictors to generate a raw PCRA score ranging from 0 to 18, which translates into the following four risk categories: low (0-5 points), low/moderate (6-9 points), moderate (10-12 points), or high (13 or more points). These risk categories provide crucial information about an offender's likelihood of recidivism and inform officers about the appropriate levels of supervision intensity that should be allocated (AOUSC, 2011; Johnson et al., 2011; Lowenkamp et al., 2013).

The *Guide* incorporates the principle that officers should be able to use professional judgment when determining the most suitable levels of supervision intensity by providing guidance on when officers should exercise their discretion to override offenders (Andrews et al., 1990). According to the *Guide*, supervision overrides should occur in

cases where the officer believes that the PCRA has not adequately assessed an offender's risk of recidivism. The low-risk PCRA classification of an offender, for example, can be overridden to a higher risk level (e.g., moderate or high risk) if the officer thinks that the offender's likelihood of recidivism is being underestimated by the PCRA. Conversely, officers can override the classifications of higher-risk offenders into lower risk levels if they deem that the initial PCRA calculation overstated the offender's recidivism risk.

The *Guide* also states that overrides should be relatively rare and that officers should use overrides for only certain case types (in the case of policy overrides) or supply rationales for employing overrides (in the case of discretionary overrides). Policy overrides involve instances where officers move offenders into higher or lower supervision levels because the offenders meet one or more of the following criteria: (1) they are classified as sex offenders, (2) they evidence patterns of persistently violent behavior, (3) they manifest past or current indications of severe mental illness, or (4) they are youthful offenders with extensive criminal histories. In addition to policy overrides, the *Guide* provides officers with latitude to issue overrides for other reasons; in this case they are discretionary overrides. A comprehensive justification is required whenever the officer decides to override an offender for discretionary reasons. Regardless of whether an officer overrides for policy or discretionary reasons, any override request must be reviewed and approved by a supervising officer (AOUSC, 2011; *Guide to Judiciary Policy*, 2014).

Data and Methods

Participants

Data for this study were obtained from 94 U.S. federal judicial districts and comprised 58,524 initial PCRA assessments conducted between August 31, 2012, and December 30, 2013. These assessments were drawn from a larger dataset containing 182,927 initial PCRA assessments conducted within the time frame spanning August 1, 2010, through December 31, 2014.⁴ PCRA assessments prior to 2012 were excluded from this study because the

supervision override data were not electronically available until August 31, 2012 (n lost = 90,585). In addition, offenders with PCRA assessments occurring after 2013 were removed because our recidivism follow-up period ended on December 31, 2014 (n lost = 33,818). Since we wanted to track offender recidivism patterns for at least 12 months, we excluded offenders who received their PCRA assessments with fewer than 12 months of recidivism follow-up. Despite the omission of these offenders, the study population mirrors that of larger populations analyzed for other PCRA studies in terms of their overall risk factors and demographic characteristics (see Lowenkamp et al., 2015). Moreover, the percentage of offenders receiving professional overrides has been relatively stable over the past several fiscal years. Hence, the findings gleaned from these 58,500 offenders should be generalizable to the larger population of offenders currently under supervision in the federal system.⁵

The risk and demographic characteristics of offenders in the study population are provided in Table 1. According to the PCRA, 75 percent of offenders assessed within the study period were initially classified as either low (35 percent) or low/moderate (40 percent) risk, while the remaining 25 percent fell into the moderate (19 percent) or high risk (6 percent) classification categories. Interestingly, the risk distribution changes somewhat once supervision overrides are taken into account. After accounting for override adjustments, the percentage of offenders classified as low risk decreases from 35 percent to 31 percent, while the percentage placed in the highest risk category increases from 6 percent to 11 percent. Additional details on override adjustments will be provided in the findings section of this paper.

Regarding the study population's demographic characteristics, 57 percent were white and 37 percent were black. Hispanics comprised 24 percent of the sample. Over four fifths (84 percent) of these offenders were male and the average age was 39 years. Last, 85 percent were placed on supervised release, while the remainder had been directly sentenced to a term of probation.⁶

³ See AOUSC (2011) for a detailed discussion of the PCRA's recidivism predictors.

⁴ We used the initial PCRA assessment date rather than the actual supervision start date to anchor this study because when the PCRA was deployed, PCRA's were done on offenders who might have been well into their supervision term. Since our focus was on examining supervision overrides for all offenders receiving PCRA assessments, we were not concerned with restricting our study population to offenders with short time periods between their supervision start and PCRA assessment dates.

⁵ According to federal probation's internal reporting systems, a total of 135,468 offenders were on federal supervision as of 9/30/2015.

⁶ Supervised release refers to offenders sentenced to a term of community supervision following a period of imprisonment within the Federal Bureau of Prisons (18 U.S.C. §3583). Probation refers to offenders sentenced to a period of supervision without any imposed incarceration sentence (18 U.S.C. §3561).

TABLE 1.
*Characteristics of Federal Offenders
in Study Sample*

| Offender Characteristics | Descriptive Information |
|------------------------------------|-------------------------|
| Original PCRA Risk Levels | |
| Low | 34.9% |
| Low/Moderate | 40.3% |
| Moderate | 19.0% |
| High | 5.7% |
| Adjusted Supervision Levels | |
| Low | 30.7% |
| Low/Moderate | 38.5% |
| Moderate | 19.4% |
| High | 11.4% |
| Supervised Release | 85.0% |
| Male Offender | 84.3% |
| Race | |
| White | 57.2% |
| Black | 36.6% |
| Other | 6.2% |
| Hispanic Offender | 23.9% |
| Mean Age | 39.3 yrs. |
| Number of Offenders | 58,524 |

Note: Includes offenders with PCRA assessments that occurred between August 31, 2012, and December 31, 2013.

Measuring Discretionary Supervision Overrides

In this study, we explored the rationales provided by officers for discretionary overrides in greater detail. This research presented several challenges in that officers can, and often do, provide extensive written rationales in the text fields when justifying a discretionary override.

While these text fields provide rich information about an offender's risk characteristics, they do not lend themselves to quantifiable analysis. We addressed this issue by using text-mining techniques to categorize these rationales into broader groups such as substance abuse problems, evidence of noncompliant behavior, electronic monitoring, and gang activity, which could be used for analytical purposes. Ultimately, we were able to successfully classify 90 percent of the 3,121 discretionary overrides into broader categories. Interestingly, 45 percent of the 3,121 discretionary overrides were identified through this text-mining process as having occurred for policy reasons. In other words, officers had provided policy justifications (e.g., sex offender; offender has serious mental health issues) for the discretionary overrides.

For consistency purposes, we recoded these discretionary departures into the appropriate policy override categories. Hence the percentage of offenders with policy and discretionary overrides reported in this study will differ from that shown in federal probation's internal reporting systems.⁷

Finally, in certain sections of this paper we combined the policy overrides involving history of persistently violent behavior, evidence of severe mental illness, or youthful offenders with extensive criminal histories into an "other" policy override category. We combined these override types into one category because, as will be shown, there were relatively few offenders overridden for these specific policy types.

Offender Recidivism Outcomes

Recidivism is defined in this study as the arrest of an offender for either a felony or misdemeanor offense (excluding arrests for technical violations) within one year after the PCRA reassessment date. In addition to measuring any arrests, we also identified arrests for violent offenses committed within one year after the initial PCRA assessment. Violent arrests were defined using the definitions from the National Crime Information Center (NCIC), which included homicide and related offenses, kidnapping, rape and sexual assault, robbery, and assault. The recidivism data were gathered through the NCIC and Access to Law Enforcement System databases (ATLAS).⁸

Analytical Plan

The current study uses descriptive statistics to explore overrides for offenders on federal supervision. It examines the overall frequency of overrides and investigates the types of overrides (e.g., policy or discretionary) employed by officers, with specific inquiries into the rationales used for discretionary overrides. This research also explores the adjustments in risk levels that result from overrides and whether officers deliver supervision services commensurate with the reclassified risk level. The research then analyzes whether the recidivism rates for offenders with overrides are

⁷ See Decision Support Systems (DSS) report #1193 on policy and discretionary override rates.

⁸ ATLAS is a software program used by the Administrative Office of the U.S. Courts that provides an interface for performing criminal record checks through a systematic search of official state and federal rap sheets. It is widely used by probation and pretrial services officers to perform criminal record checks on defendants and offenders for supervision and investigation purposes (Baber, 2010).

comparable to those offenders classified at their original or adjusted risk levels.

Findings

Overall Prevalence of Professional Overrides

We initially focus on the prevalence of overrides for offenders under federal supervision. Overall, 9 percent of the 58,524 offenders in our study population received supervision overrides (see Table 2). Among offenders with overrides, officers overrode about two-thirds (68 percent) for policy reasons, while discretionary overrides accounted for the remainder of supervision adjustments. Examining the relationship between officer overrides and initial PCRA risk levels shows that overrides occurred more frequently for low- than high-risk offenders. For instance, 13 percent of low-risk offenders were overridden to another risk level compared to 9 percent of low/moderate and 8 percent of moderate-risk offenders. Less than 1 percent of offenders initially classified in the high-risk category were overridden to a lower supervision level. A combination of sex offender policy and discretionary overrides drove the override rates for lower-risk offenders. Interestingly, other-policy overrides were slightly more frequent for moderate (3 percent) than for low-risk (1 percent) offenders.

Table 3 shows override rates by an offender's most serious conviction offense and demographic characteristics. The override rate was highest for sex offenders; over three-fourths of these offenders (77 percent) were placed into supervision levels that differed from their initial PCRA risk classifications. In addition, the override rates for offenders convicted of firearms (12 percent) and violent offenses (11 percent) were slightly higher than the 9 percent baseline override rate. The fact that most sex offenders were overridden to higher risk levels is not surprising, since policy provides officers with discretion to adjust the supervision levels for these offenders upwards at the beginning of supervision while the officer thoroughly assesses the offender (*Guide to Judiciary Policy*, 2014). Offenders convicted of firearms and violent offenses also garnered overrides at higher rates, because they are more likely to have characteristics that would justify policy overrides for persistently violent behavior.

TABLE 2.
Percent of Federal Offenders with Any, Policy, or Discretionary Overrides

| Initial PCRA risk | Number of offenders | All overrides | Policy Overrides | | | Discretionary Override |
|-------------------|---------------------|---------------|------------------|--------------|-------|------------------------|
| | | | Any | Sex offender | Other | |
| Total | 58,524 | 9.4% | 6.5% | 4.6% | 1.8% | 2.9% |
| Low | 20,439 | 12.5% | 8.2% | 6.8% | 1.4% | 4.3% |
| Low/Moderate | 23,599 | 8.5% | 5.9% | 3.8% | 2.1% | 2.6% |
| Moderate | 11,130 | 8.4% | 6.5% | 3.8% | 2.7% | 1.9% |
| High | 3,356 | 0.2% | 0.0% | 0.0% | 0.0% | 0.2% |

Note: Other policy includes mental health, persistently violent, and youthful offender overrides.

TABLE 3.
Percent of Federal Offenders with Policy or Discretionary Overrides, by Offense Type and Demographic Characteristics

| Offense & Demographics | Number of Offenders | Percentage of Offenders with | | |
|---------------------------|---------------------|------------------------------|--------|---------------|
| | | Any Override | Policy | Discretionary |
| Conviction offense | | | | |
| Sex Offense | 2,268 | 76.6% | 75.9% | 0.7% |
| Firearms | 8,667 | 12.4% | 9.9% | 2.5% |
| Violence | 2,809 | 10.5% | 7.2% | 3.3% |
| Other | 2,829 | 8.7% | 4.7% | 4.0% |
| White Collar | 10,963 | 6.1% | 2.5% | 3.6% |
| Drug | 26,865 | 5.0% | 2.0% | 3.0% |
| Immigration | 2,581 | 3.4% | 1.6% | 1.8% |
| Public Order | 1,417 | 3.5% | 1.1% | 2.5% |
| Gender | | | | |
| Male | 49,326 | 10.1% | 7.2% | 2.9% |
| Female | 9,198 | 5.6% | 2.5% | 3.1% |
| Race | | | | |
| Other | 3,600 | 11.8% | 9.7% | 2.1% |
| White | 33,382 | 11.1% | 8.0% | 3.1% |
| Black | 21,385 | 6.4% | 3.6% | 2.8% |
| Ethnicity | | | | |
| Not Hispanic | 43,887 | 10.7% | 7.6% | 3.1% |
| Hispanic | 13,749 | 5.3% | 2.9% | 2.4% |

Note: Offense types excludes offenders convicted of escape/obstruction, technical violations, and other offenses.

Types of Policy and Discretionary Overrides

Next, we examine the types of policy and discretionary overrides used by officers. Figure 1 focuses on policy overrides. This figure includes overrides that were originally submitted as discretionary before being re-coded into policy overrides. Nearly three-fourths (72 percent) of policy overrides were for offenders who met the sex offender criteria. The remainder of policy overrides involved severe mental illness (16 percent) and persistently violent behavior (12 percent).

Figure 2 displays the most common discretionary overrides. In over a third (35 percent) of discretionary overrides, the officer cited the offender's substance abuse problems as a reason for adjusting the supervision level. Evidence of noncompliant behavior accounted for 17 percent of discretionary overrides, while 10 percent or more occurred because the officer indicated that issues related to location monitoring (13 percent), employment (12 percent), criminal history (11 percent), or financial penalties (10 percent) necessitated a supervision adjustment.⁹

It is notable that some of the justifications provided by officers for discretionary overrides are already being measured through the PCRA. For example, evidence of non-compliant behavior and criminal history are currently measured in the PCRA's criminal history section, while employment issues and substance abuse problems are scored in its education/employment and substance abuse domains. Moreover, other rationales such as location monitoring and the collection of financial penalties suggest that issues related to workload and case activity might be driving the override decision rather than enhanced recidivism risk. Substantial amounts of officer

⁹ Because officers write their rationales for overrides, multiple reasons could be attributed to one offender.

FIGURE 1.

Override Types for Federal Offenders with Policy Overrides

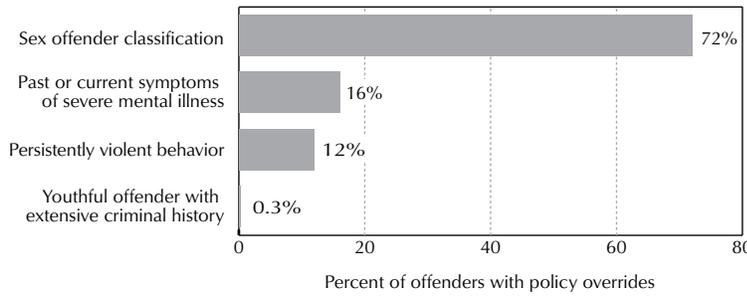
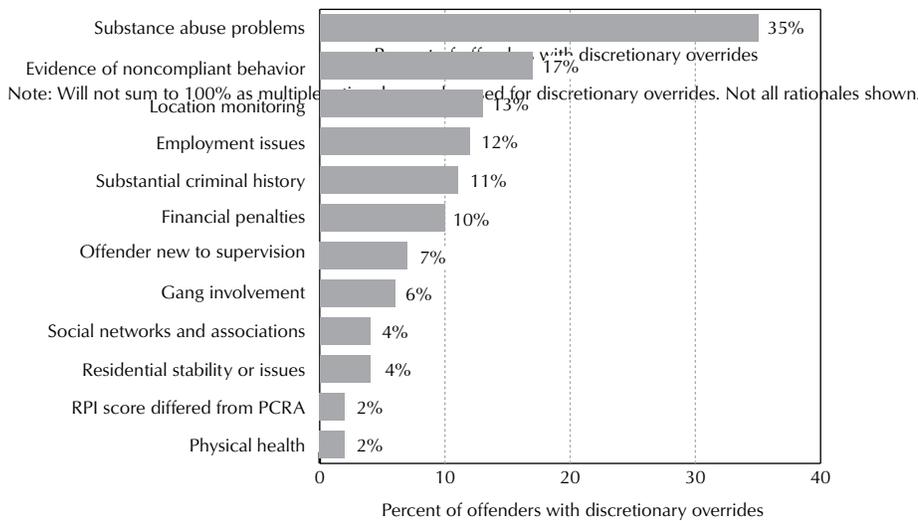


FIGURE 2.

Override Rationales for Federal Offenders with Discretionary Overrides



Note: Will not sum to 100% as multiple rationales can be used for discretionary overrides. Not all rationales shown.

time, for instance, can be involved monitoring offenders with location monitoring conditions, and hence officers might be responding to these additional workload demands by adjusting risk levels upwards.

Adjustments in Risk Levels for Offenders with Overrides

Tables 4 and 5 examine the adjustments in risk levels that result from supervision overrides. In general, overrides are upward adjustments of an offender’s risk levels. Of the roughly 5,500 offenders with overrides, only 2 percent were adjusted downwards. The decision to override an offender often meant that they were reclassified into the highest risk level. For example, half of the low risk and three-fifths of the low/moderate risk offenders with overrides were reclassified into the high risk category.

The type of override often influenced whether the offender’s supervision category

was adjusted by one or multiple levels. Sex offender policy overrides, for example, almost always resulted in offenders being placed in the highest risk category, irrespective of their initial PCRA risk designation. Over 80 percent of low risk and nearly 90 percent of low/moderate risk offenders with sex offender overrides were reclassified into the highest risk category. The reclassification of lower risk sex offenders into the highest risk levels should not be too surprising, as policy recommends that sex offenders initially be placed into the highest risk category while officers conduct a thorough review of the offender’s proclivities for aggressive sexual behavior. After completing this assessment, the *Guide* recommends that officers reclassify those sex offenders deemed not at the highest risk into a lower risk category (*Guide to Judiciary Policy*, 2014).

Other-policy and discretionary overrides resulted in less substantial adjustments in risk levels. About 60 percent of low-risk offenders with other-policy overrides, for example, had their risk levels adjusted upwards by only one level. Moreover, approximately three-fourths of low and two-thirds of low/moderate risk offenders with discretionary overrides were placed into risk categories one level higher than their original levels.

TABLE 4.

Adjustments in Supervision Levels for Federal Offenders with Overrides, by Initial Risk Level

| Initial Risk Levels | Number with Overrides | Adjusted Supervision Levels | | | |
|---------------------|-----------------------|-----------------------------|--------------|----------|-------|
| | | Low | Low/Moderate | Moderate | High |
| Low | 2,558 | — | 36.3% | 14.0% | 49.7% |
| Low/Moderate | 2,006 | 3.1% | — | 39.2% | 57.7% |
| Moderate | 933 | 0.6% | 2.1% | — | 97.2% |
| High | 6 | 0.0% | 16.7% | 83.3% | — |

Note: Includes only offenders with supervision overrides.

TABLE 5.
Adjustments in Supervision Levels for Federal Offenders with Overrides, by Initial Risk Level and Override Types

| Initial Risk Levels | Number with Overrides | Adjusted Supervision Levels | | | |
|----------------------------|-----------------------|-----------------------------|--------------|----------|--------|
| | | Low | Low/Moderate | Moderate | High |
| Policy-Sex Offender | | | | | |
| Low | 1,393 | — | 6.5% | 12.1% | 81.3% |
| Low/Moderate | 898 | 0.0% | — | 10.6% | 89.4% |
| Moderate | 426 | 0.0% | 0.0% | — | 100.0% |
| High | 0 | 0.0% | 0.0% | 0.0% | — |
| Policy-Other | | | | | |
| Low | 285 | — | 59.3% | 26.3% | 14.4% |
| Low/Moderate | 492 | 0.6% | — | 58.3% | 41.1% |
| Moderate | 297 | 0.0% | 1.0% | — | 99.0% |
| High | 1 | 0.0% | 0.0% | 100.0% | — |
| Discretionary | | | | | |
| Low | 880 | — | 75.9% | 13.0% | 11.1% |
| Low/Moderate | 616 | 9.6% | — | 65.8% | 24.7% |
| Moderate | 210 | 2.9% | 7.6% | — | 89.5% |
| High | 5 | 0.0% | 20.0% | 80.0% | — |

Note: Includes only offenders with supervision overrides.
Other policy includes mental health, persistently violent, and youthful offender overrides.

Comparing Supervision Intensity for Offenders with and without Overrides

In this section, we explore whether offenders with overrides were supervised more intensively by probation officers than offenders without overrides. Supervision intensity is measured by the average number of monthly officer/offender contacts and the provision of treatment services.

Table 6 depicts the average number of monthly officer/offender contacts for offenders with and without supervision overrides. The bold font indicates offenders without override adjustments. Officer/offender contacts are categorized into any contacts, personal contacts, and collateral contacts. Personal contacts involve direct interactions between officers and offenders and typically take place in an officer’s office or an offender’s home. Collateral contacts involve officers interacting with persons familiar with the offender such as treatment providers, law enforcement officers, employers, or family members.

Examining the average number of monthly officer/offender contacts shows that override offenders were contacted at rates nearly equaling their adjusted rather than their original risk categories. For example, the average

TABLE 6.
Average Number of Monthly Total, Personal, or Collateral Contacts, by Original and Adjusted Risk Levels

| Initial Risk Levels | Adjusted Supervision Levels | | | | | | | |
|--|-----------------------------|------------------|---------------|------------------|---------------|------------------|--------------|------------------|
| | Low | | Low/Moderate | | Moderate | | High | |
| | Number | Average Contacts | Number | Average Contacts | Number | Average Contacts | Number | Average Contacts |
| Average Total Monthly Contacts | | | | | | | | |
| Low | 17,458 | 1.1 | 924 | 1.6 | 358 | 2.1 | 1,271 | 3.1 |
| Low/Moderate | 57 | 1.0 | 21,285 | 1.7 | 780 | 2.3 | 1,151 | 3.3 |
| Moderate | 6 | — | 20 | 1.3 | 10,055 | 2.5 | 888 | 3.7 |
| High | 0 | — | 1 | — | 5 | — | 3,259 | 3.3 |
| Average Personal Monthly Contacts | | | | | | | | |
| Low | 17,458 | 0.7 | 924 | 1.0 | 358 | 1.2 | 1,271 | 1.8 |
| Low/Moderate | 57 | 0.6 | 21,285 | 1.1 | 780 | 1.3 | 1,151 | 1.8 |
| Moderate | 6 | — | 20 | 0.8 | 10,055 | 1.4 | 888 | 1.8 |
| High | 0 | — | 1 | — | 5 | — | 3,259 | 1.7 |
| Average Collateral Monthly Contacts | | | | | | | | |
| Low | 17,458 | 0.3 | 924 | 0.5 | 358 | 0.9 | 1,271 | 1.4 |
| Low/Moderate | 57 | 0.4 | 21,285 | 0.6 | 780 | 0.9 | 1,151 | 1.5 |
| Moderate | 6 | — | 20 | 0.5 | 10,055 | 1.1 | 888 | 1.8 |
| High | 0 | — | 1 | — | 5 | — | 3,259 | 1.6 |

Note: Bold font denotes that no override occurred.
Officer/offender contact data available for 98% of offenders.
— Not enough cases to produced statistically reliable estimates.

number of total monthly contacts for low-risk offenders placed into the high supervision category (3.1 monthly contacts) approximates that of high-risk offenders without overrides (3.3 monthly contacts). Similar patterns were observed for the personal and collateral contacts. For instance, low/moderate risk offenders overridden into the high supervision category received about the same number of monthly personal contacts (1.8 personal contacts per month) as offenders with an initial high risk classification (1.7 personal contacts per month).

Table 7 examines the provision of contractual treatment services for federally supervised offenders with and without overrides. Offenders received contractual treatment services if substance abuse, mental health, or sexual offending services were provided through contracts held by the probation office. In general, this means that the probation office paid for all or part of the services delivered. It should be noted that non-contractual treatment services are frequently provided to federally supervised offenders, meaning that officers are by policy encouraged to procure community services where available. Non-contractual treatment services are typically not reported in federal probation's data system and hence are unavailable for analytical purposes.

Table 7 shows offenders with overrides receiving contractual treatment services at substantially higher rates than their counterparts without overrides. For instance, the percentage of low-risk offenders with supervision overrides receiving contractual treatment services (55 percent) was five times higher than low-risk offenders without supervision adjustments (10 percent). The use of contract treatment services was particularly evident for sex offenders with policy overrides. The percentage of low/moderate or moderate risk sex offenders with policy overrides receiving contract treatment services equaled or exceeded 70 percent; moreover, 80 percent of low-risk sex offenders with policy overrides received treatment services. Offenders with other-policy or discretionary overrides were also more likely to receive treatment services commensurate with their adjusted risk classifications than offenders without supervision adjustments.

TABLE 7.

Percent of Offenders Provided with Contract Treatment Services, by Initial PCRA Risk Level and Override Types

| Original & Adjusted Risk Levels | Number | Any Treatment Service/a | |
|---|---------------|-------------------------|---------------------|
| | | Percent Receive | Avg Hours Per Month |
| Low Risk—No Adjust | 17,881 | 10.3% | 1.3 |
| <i>Low Risk with Overrides</i> | | | |
| All Overrides | 2,558 | 55.3% | 4.1 |
| Policy-Sex Offender | 1,393 | 80.8% | 4.7 |
| Policy-Other/b | 285 | 31.2% | 1.3 |
| Discretionary | 880 | 22.7% | 1.7 |
| Low/Moderate Risk—No Adjust | 21,593 | 24.7% | 1.7 |
| <i>Low/Moderate Risk with Overrides</i> | | | |
| All Overrides | 2,006 | 52.4% | 3.3 |
| Policy-Sex Offender | 898 | 73.3% | 4.0 |
| Policy-Other/b | 492 | 38.2% | 2.1 |
| Discretionary | 616 | 33.3% | 2.0 |
| Moderate Risk—No Adjust | 10,197 | 39.5% | 2.0 |
| <i>Moderate Risk with Overrides</i> | | | |
| All Overrides | 933 | 57.7% | 3.1 |
| Policy-Sex Offender | 426 | 70.0% | 3.8 |
| Policy-Other/b | 297 | 50.8% | 2.1 |
| Discretionary | 210 | 42.4% | 2.3 |
| High Risk—No Adjust | 3,350 | 49.2% | 2.3 |

Note: Excludes high-risk offenders with downward adjustment because there were too few of these offenders (N=6) to provide statistically reliable estimates.

a/Any treatment services includes offenders receiving contract services for sex offender, substance abuse, or mental health treatment.

b/Policy-other includes overrides for mental health, persistently violent, or youthful offenders.

Examining the Recidivism Rates for Offenders Receiving Supervision Overrides

The next series of tables and figures focuses on the relationship between supervision overrides and recidivism. Specifically, we examined whether offenders overridden into another risk category recidivated at rates that were consistent with either their original or their adjusted risk levels. Stated differently, this section explores whether low-risk offenders, for example, placed into the high-risk category exhibited reoffending behavior similar to that of their initial (e.g., low risk) or adjusted (e.g., high risk) risk classification.

Table 8 examines the overall arrest rates for offenders by their initial and adjusted PCRA risk levels. Offenders whose risk levels were not adjusted through supervision overrides are identified by bold font. In general, this table shows that offenders with upward overrides reoffended at rates comparable to their original rather than adjusted risk levels.

For example, the recidivism rates for low-risk offenders overridden into supervision categories of low/moderate (4 percent arrest rate), moderate (5 percent arrest rate), or high (4 percent arrest rate) risk were essentially the same as low-risk offenders without overrides (4 percent arrest rate). Similar patterns of offenders with upward overrides also held for low/moderate and moderate risk offenders.

Unlike the upward overrides, offenders with downward overrides reoffended at rates nearly equivalent to their adjusted rather than initial risk levels. For instance, the 20 moderate risk offenders adjusted into the low/moderate category recidivated at rates (10 percent arrest rate) similar to that of offenders originally designated low/moderate risk (11 percent arrest rate). The relatively few numbers of offenders with downward overrides implies that these findings should be interpreted with some degree of caution.

An examination of the relationship between supervision overrides and rearrests for violent offenses reveals similar findings

(see Table 9). Basically, the violent arrest rates for offenders overridden into higher risk levels were nearly identical to their original as opposed to adjusted risk levels. For instance, low/moderate offenders placed into the moderate or high supervision levels exhibited arrest rates for violent offenses (2 percent to 3 percent violent arrest rate) similar to low/moderate risk offenders without overrides (2 percent violent arrest rate).

Next, we restricted our analysis to only those offenders receiving overrides and examined their recidivism rates first by their initial (see Figure 3) and then by their adjusted risk levels (see Figure 4). Specifically, we sought to explore the extent to which the relationship between the PCRA's risk categories and recidivism changes once the initial risk groups have been adjusted to account for supervision overrides. We also explored these relationships for the individual override types of policy-sex offender, policy-other, and discretionary.

Figure 3 shows the association between rearrest rates and initial PCRA risk categories

for each of the override types. In general, the recidivism rates increase incrementally by original PCRA risk levels irrespective of the officer's basis for override. Among sex offenders with policy overrides, for example, the arrest rates involving any offense increased from 4 percent for low risk to 9 percent for low/moderate and 21 percent for high-risk offenders. Similar patterns of monotonically increasing arrest rates by initial PCRA risk category also held for offenders with policy-other and discretionary overrides.

Figure 4 displays the relationship between rearrest rates and adjusted risk levels for each of the override types. Unlike the previous analysis, this figure shows a diminishment in the relationship between recidivism rates and PCRA risk categories once the offender's risk levels have been adjusted by an override. This is particularly true for sex offenders, where the arrest rates were essentially the same across the four adjusted risk levels of low/moderate (5 percent arrest rate), moderate (5

percent arrest rate), and high (9 percent arrest rate) risk.

In comparison to sex offenders, there was a closer relationship between adjusted risk levels and recidivism outcomes for offenders with other policy or discretionary overrides. The percentage of other-policy offenders arrested for any offense increased in the following incremental pattern: 6 percent low/moderate risk, 11 percent moderate risk, and 19 percent high risk. Among offenders with discretionary overrides, those in the lower adjusted risk categories (e.g., low or low/moderate supervision levels) were less likely to be rearrested than those in the higher adjusted risk categories; however, the recidivism rates for offenders reclassified into the moderate (12 percent arrest rate) or high (14 percent arrest rate) risk levels were relatively similar.

In general, the recidivism analysis shows offenders with upward overrides being rearrested at rates comparable to their original rather than adjusted risk levels. These findings, however, were not uniform across the

TABLE 8.
Twelve-Month Arrest Rates for Federal Offenders with Overrides, by Initial Risk and Adjusted Supervision Levels

| Initial Risk Levels | Adjusted Supervision Levels | | | | | | | |
|---------------------|-----------------------------|------------------|---------------|------------------|---------------|------------------|--------------|------------------|
| | Low | | Low/Moderate | | Moderate | | High | |
| | Number | Percent Arrested | Number | Percent Arrested | Number | Percent Arrested | Number | Percent Arrested |
| Low | 17,881 | 4.0% | 928 | 3.6% | 358 | 4.8% | 1,272 | 4.2% |
| Low/Moderate | 62 | 6.5% | 21,593 | 10.9% | 787 | 12.6% | 1,157 | 10.8% |
| Moderate | 6 | — | 20 | 10.0% | 10,197 | 21.0% | 907 | 21.0% |
| High | 0 | — | 1 | — | 5 | — | 3,350 | 32.0% |

Note: Bold font denotes that no supervision override occurred.
Percentages show arrest rates within 12 months of first PCRA assessment.
— Not enough cases to produced statistically reliable estimates.

TABLE 9.
Twelve-Month Violent Arrest Rates for Federal Offenders with Overrides, by Initial Risk and Adjusted Supervision Levels

| Initial Risk Levels | Adjusted Supervision Levels | | | | | | | |
|---------------------|-----------------------------|-------------------------|---------------|-------------------------|---------------|------------------|--------------|-------------------------|
| | Low | | Low/Moderate | | Moderate | | High | |
| | Number | Percent Violent Arrests | Number | Percent Violent Arrests | Number | Percent Arrested | Number | Percent Violent Arrests |
| Low | 17,881 | 0.6% | 928 | 0.5% | 358 | 0.6% | 1,272 | 0.6% |
| Low/Moderate | 62 | 0.0% | 21,593 | 2.2% | 787 | 2.3% | 1,157 | 2.7% |
| Moderate | 6 | — | 20 | 0.0% | 10,197 | 5.3% | 907 | 5.3% |
| High | 0 | — | 1 | — | 5 | — | 3,350 | 8.7% |

Note: Bold font denotes that no supervision override occurred.
Percentages show arrest rates for violent offenses within 12 months of first PCRA assessment.
— Not enough cases to produced statistically reliable estimates.

FIGURE 3.
Percent of Offenders with Overrides Arrested for Any Offense, by Initial PCRA Risk Classifications and Override Types

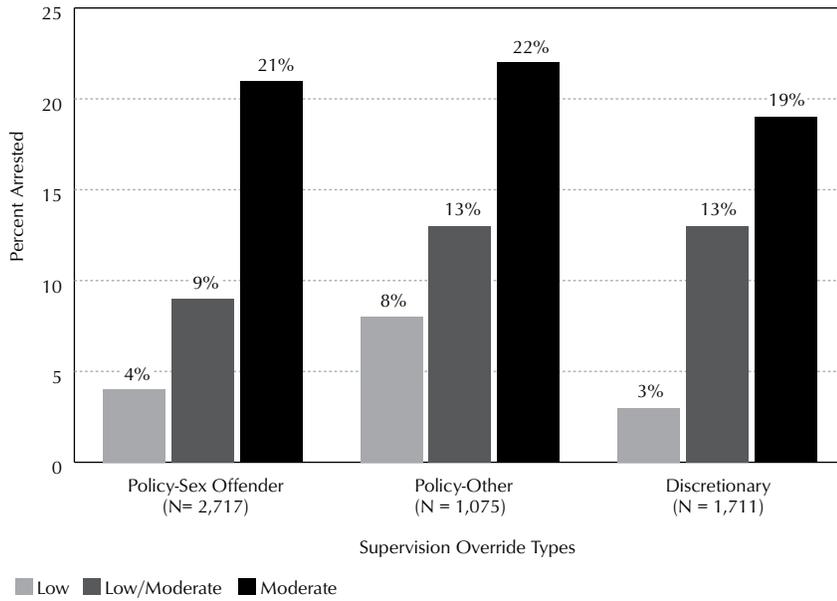
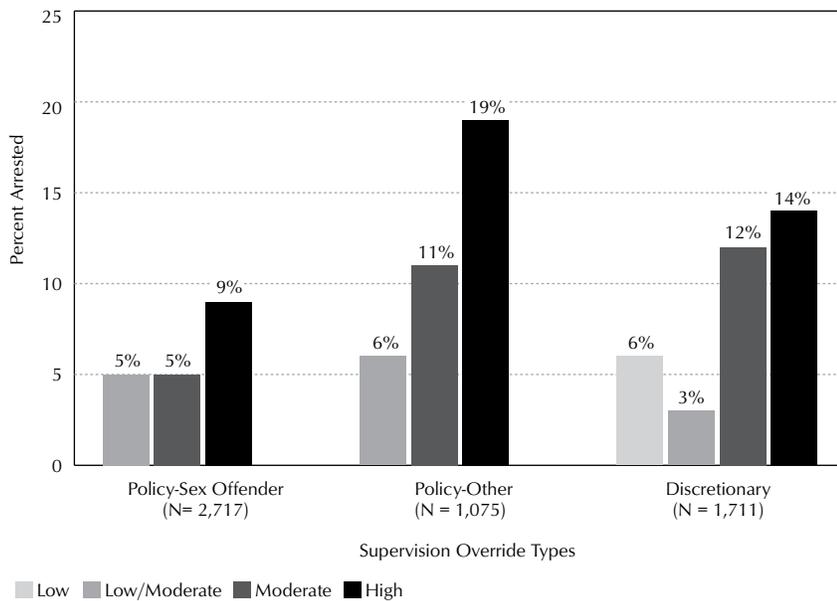


FIGURE 4.
Percent of Offenders with Overrides Arrested, by Adjusted PCRA Supervision Levels and Override Types



override types. The relationship between the reclassified risk levels and recidivism diminished the most for the sex offender overrides. Part of this pattern can be explained by the fact that most sex offenders are overridden because of judicial policy into one supervision category (i.e., high risk), hence negating the PCRA's ability to adequately differentiate between sex offenders who are at high or low risk to reoffend. Although policy dictates that officers should override sex offenders into the highest risk category while an assessment of their overall dangerousness is being conducted, it also states that officers should reclassify these offenders into lower risk categories if it is determined that they do not represent a serious danger (*Guide to Judiciary Policy*, 2014). In regards to the other-policy and discretionary overrides, since most of these offenders are adjusted by only one risk level, the research shows a continual close relationship between the rearrest rates and adjusted risk levels for these override types.

Conclusion

This research examined professional overrides for offenders under federal supervision. In general, officers used the override option infrequently, with almost 10 percent of the 58,500 PCRA assessments in our study population being overridden. Two-thirds of adjustments involved policy rather than discretionary overrides. Among the policy overrides, nearly three-fourths (72 percent) were because the offender is a sex offender, while the remainder involved rationales for persistently violent behavior or severe mental illness. Unlike the policy overrides, officers are required to provide written justifications for their decision to exercise discretionary overrides. The most common discretionary rationales cited involved issues related to substance abuse problems, evidence of noncompliant behavior, location monitoring, employment issues, substantial criminal history, and financial penalties. Some of these rationales cited are already measured by the PCRA (e.g., substance abuse problems, criminal history), while others, including location monitoring and financial penalties, are indicative of increased workload and case activity.

Almost all overrides were an upward adjustment, with the offender being placed into a risk level higher than that designated by the PCRA. Offenders with policy-sex offender overrides received the largest adjustments; they tended to be placed in the highest risk levels irrespective of their initial risk designation.

Conversely, offenders with other-policy or discretionary overrides were more likely to be reclassified into a risk category one level higher than their original risk level. Overrides also influenced actual supervision practices, with overridden offenders being contacted by officers and receiving treatment services at higher rates than those without overrides. Finally, this research shows offenders with overrides recidivating at rates consistent with their initial as opposed to adjusted risk levels.

In general, the findings detailed in this paper are on par with the relatively small number of studies examining professional overrides in correctional systems. Specifically, the 10 percent override rate for federal offenders is within the range reported in other studies that show override rates of 7 percent to 17 percent for non-sex offenders.¹⁰ Similar to the current research, nearly all of the professional override studies have demonstrated a weaker correlation between the adjusted risk levels and recidivism compared to the original risk levels (McCafferty, 2015). In addition to examining these issues, this research has extended our knowledge of professional overrides by examining why officers decide to use overrides and the relationship between overrides and supervision intensity. Future research on this topic might want to further investigate the correlation between specific types of discretionary overrides and recidivism as well as employ multivariate techniques to obtain a better understanding of how adjustments in risk are correlated with recidivism net of statistical controls.

¹⁰ For a review of supervision overrides in other community correctional systems see McCafferty (2016); Vaswani and Merone (2014); Wormith, Hogg, and Guzzo (2012); and Wormith, Hogg, and Guzzo (2015).

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