

# Early Termination: Shortening Federal Supervision Terms Without Endangering Public Safety

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**IN THE FEDERAL** supervision system, courts have the discretion to grant early termination of supervision for persons on federal probation or terms of supervised release (i.e., TSR) under certain circumstances.<sup>2</sup> Specifically, 18 U.S.C. §§ 3564(c) and 3583(e)(1) allow the court to terminate terms of probation in misdemeanor cases at any time and terms of supervised release or probation in felony cases after the expiration of one year of supervision if the court is satisfied that such action is warranted by the supervisee's conduct and is in the interest of justice. In 2003 and 2005, the Judicial Conference promulgated policies that sought to increase the use of early termination to reduce officer workload burden and allow evidence to guide judicial decisions (Baber & Johnson, 2013). Specifically, in 2003, the Judicial Conference approved policies that encouraged officers to seek early termination whenever statutory eligibility was reached for those supervisees who

have satisfied their conditions of supervision, have successfully reintegrated into the community, and did not pose a foreseeable risk to public safety generally or to any individual third party (Baber & Johnson, 2013).

In 2005, the Judicial Conference further revisited the early termination policy by allowing supervisees with outstanding balances on fines and restitutions to be considered for early termination as long as they were otherwise suitable and in compliance with their payment schedule (Baber & Johnson, 2013). The Judicial Conference in 2005 further revised the early termination policy by recommending provisions modeled after the U.S. Parole Commission regulations. Of particular importance, the Judicial Conference created a presumption in favor of early termination for non-career and non-violent supervisees who 1) have been under supervision for at least 18 months, present no identified risk to the public or victims, and are free from any moderate- or high-severity violations; or 2) have been under supervision for at least 42 months and are free from any moderate- or high-severity violations (Baber & Johnson, 2013).

These policies remain in effect today; as such, early termination is a practice that holds a great deal of promise as a positive incentive for persons under supervision and as a measure to contain costs in the judiciary without compromising the mission of public safety. While early terminations afford an opportunity both to contain costs and to move persons who present a low risk of reoffending off federal supervision, relatively

little is known about how early terminations are implemented in the federal system and whether their application endangers community safety. The one study done on this topic is over ten years old and employed a relatively small number of matched cases ( $n = 2,872$ ) to examine the degree to which curtailing a person's supervision term represented threats to public safety (Baber & Johnson, 2013).

The current study seeks to provide a fuller picture of the application of early terminations in the federal system by using a larger and newer dataset and more sophisticated statistical techniques. Specifically, the extant research will focus on examining the application of early termination in the federal system by exploring who receives this form of case closure and how key criteria, including a supervisee's risk characteristics, most serious conviction offense, demographics, supervision time imposed, and district of case supervision might be associated with early termination. Then, the study will assess whether early termination endangers community safety by using matched samples of persons receiving early and full termination. Before delving into the study, a brief overview of early termination literature is provided.

## Literature on Early Termination

The concept of early termination is based on the framework of goals-based supervision (Robina Institute of Criminal Law and Criminal Justice, 2020). Under the goals-based supervision framework, success is defined by a supervisee's completion of specific

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<sup>2</sup> Supervised release refers to persons 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 a period of supervision without any imposed incarceration sentence (18 U.S.C. §3561).

requirements or programs rather than completion of an imposed supervision term that can last several years (Pew Charitable Trusts, 2020). A variety of terminologies fall under the goals-based supervision rubric, including “early termination, earned discharge, earned compliance, and earned time credit” (Petersilia, 2007; Robina Institute of Criminal Law and Criminal Justice, 2020: 1). The basic way these programs work is that the probation officer sets expectations that the supervisee will complete all program requirements and remain in compliance with all supervision conditions and that, should these expectations be met, the supervisee will be rewarded through the reduction of the probation/parole term (Jacobson et al., 2017; Pew Charitable Trusts, 2020; Robina Institute of Criminal Law and Criminal Justice, 2020; Smith et al., 2012). States that employ early termination programs do so through a variety of methods; in some states, a formula is used to shorten supervision terms, while other states allow reductions when a supervisee meets certain goals (e.g., successful program completion, payment of fines, fees, or restitution costs, etc.) (Pew Charitable Trusts, 2020; Robina Institute of Criminal Law and Criminal Justice, 2020). In most states where early termination is permitted, the discretion to grant an early discharge resides with judicial officials (Pew Charitable Trusts, 2020).

#### *State-Level Studies of Early Termination Programs*

Relatively few efforts to empirically evaluate early termination programs have occurred at the state level, and most have demonstrated that shortening supervision terms did not endanger community safety (Courtney et al., 2022; Jacobson et al., 2017; Pew Charitable Trusts, 2016). One notable study examined earned compliance in Missouri using an approach that compared the recidivism rates of supervisees who received early termination with a matched sample of supervisees discharged in that state prior to the policy’s implementation. Results showed no statistically significant differences in the recidivism rates between the early-terminated and comparison group; the policy reduced the supervision population by 18 percent (Pew Charitable Trusts, 2016). Another study conducted in New York City found that the aggressive implementation of early discharge policies generated an increase in the percentage of supervisees receiving this form of case closure from 3 percent to 17 percent; correspondingly,

the early-term cohort manifested rearrest rates that were lower than a similarly situated group serving their full supervision terms (Jacobson et al., 2017; New York City Department of Probation, 2013). Another study, which examined the feasibility of reducing supervision terms in Oregon and South Carolina, found that more than 90 percent of probationers could have spent less time on supervision without compromising community safety; in addition, had these supervisees served the shortest supervision terms needed to minimize reoffending, the two states’ average daily supervision populations could have been reduced by 32 percent or more (Pew Charitable Trusts, 2020). Last, some studies focused on implementation challenges have found that early termination programs can sometimes be obstructed either by local criminal justice actors or by requirements that all financial conditions be satisfied before early termination is granted (Courtney et al., 2022; Griffin et al., 2013; Minnesota Department of Corrections, 2017; Smith et al., 2012).

#### *Federal-Level Studies of Early Termination Programs*

At the federal level, a study on early termination was conducted by Baber and Johnson in 2013. This study encompassed an examination of 2,872 supervisees whose cases were either early or fully termed in 2008, and these individuals were matched on a variety of criteria associated with the risk of recidivism, including risk prediction index score, criminal history category, gender, age, and district of case supervision. In general, the study found that persons serving their entire supervision term were nearly two times more likely to receive an arrest for new crimes after supervision compared to the early-terminated cohort (19.2 percent vs. 10.2 percent, respectively). Moreover, the study showed that early-terminated supervisees remained crime free for slightly longer periods than their full-terminated counterparts (Baber & Johnson, 2013). Last, the study calculated that substantial savings could be realized through the application of early termination (Baber & Johnson, 2013).

While the Baber and Johnson (2013) study provided an important contribution to the understanding of early termination in the federal system, several key questions about this topic remain unanswered. Specifically, issues involving a profile of who receives early termination and how the application of early termination might vary by criteria associated with risk, conviction offenses, demographics,

supervision time imposed, and the district of case supervision need addressing. Last, statistical techniques that allow for matching approaches encompassing a larger group of covariates than Baber and Johnson (2013) used are required to ascertain the extent to which early termination does or does not endanger community safety.

### **Present Study**

The current study seeks to enhance the work begun by Baber and Johnson (2013) by exploring how early termination is being applied in the federal supervision system and examining whether the use of early termination could potentially endanger community safety. The initial part of this research is mostly descriptive and focuses on the ways that early termination is being applied for persons on federal community supervision (hereafter federal supervisees). The following issues form the main components of this research:

1. What percentage of federal supervisees with successful case closures (i.e., closed without a revocation or violation) receive an early termination, and has the early termination rate varied over time?
2. What is the profile of federal supervisees receiving early termination? To what extent does the granting of early termination vary by a supervisee’s risk characteristics as measured by the federal Post Conviction Risk Assessment (PCRA), most serious conviction offense, demographic characteristics (e.g., race/ethnicity, age, and gender), and supervision time imposed?
3. How much influence does the district of supervision have on the likelihood of early termination? Are supervisees in some districts more likely to receive an early termination than those in other districts?
4. How many months of supervision time are saved through the early termination process, and do the time savings vary by a supervisee’s risk profile, most serious conviction offenses, or supervision time imposed?

The second part of this research delves into whether supervisees who receive early termination are more, less, or equally likely to recidivate compared to their counterparts whose supervision terms ended through an expiration of their term. Using a matching approach (see methods) in which early- and full-terminated supervisees are matched on a

variety of criteria associated with the risk of recidivism, the following questions form this analysis:

1. Are persons who receive an early termination more or less likely to recidivate for any or violent offenses after completion of their supervision terms compared to a matched group of persons receiving full termination?
2. When rearrested, are early- and full-term supervisees rearrested for similar offenses?

## Method

### Sample

In order to address these questions, data were extracted from an administrative dataset maintained by the Administrative Office of the U.S. Courts (AO) that included 296,023 persons whose supervision terms were successfully closed in the 94 federal district courts during the ten-year period encompassing fiscal years 2014 through 2023. A successful closure means that the person either served the full term of supervision without any major violations resulting in a revocation (i.e., regular termination) or received an early termination of the supervision sentence (i.e., early termination). It should be noted that supervisees whose cases were closed unsuccessfully by revocation, violations, transfers, or other means were omitted from this study

( $n$  lost = 132,511).<sup>3</sup> Supervisees with unsuccessful terminations, particularly revocations, were excluded from this study because these persons are by definition ineligible for early termination. Moreover, early terminations based on compassionate grounds, which comprised less than 1 percent of all successful closures, were also removed from this analysis ( $n$  lost = 1,962). Last, persons placed on federal post-conviction supervision with successful case closures who were not U.S. citizens ( $n$  lost = 18,230) or for whom rap sheet data were unavailable ( $n$  lost = 9,051) were also removed from the study sample.

Table 1 (next page) provides a descriptive overview of the supervisees in the study sample. Among the population examined, 11 percent were rearrested for any offenses and 3 percent were rearrested for violent offenses within 24 months after their case closure date. About 37 percent of the study population comprised non-Hispanic White individuals, while Blacks accounted for similar portions of supervisees (36 percent). Hispanic individuals of any race comprised 23 percent of the study sample. Males accounted for 79 percent of the study population, and the average supervisee age was about 44 years ( $SD = 12.1$ ). The offense conviction types that accounted for the largest portion of supervisees involved

<sup>3</sup> About 85 percent of the unsuccessful closures involved a revocation from federal supervision.

drug (45 percent), property/white collar (22 percent), and weapons/firearms offenses (13 percent); together these three offense types comprised 80 percent of the study sample. In regard to the PCRA risk distribution, which places supervisees into one of four risk categories (low, low/moderate, moderate, or high) (see Lowenkamp et al., 2015), similar percentages of supervisees were classified as either PCRA lows (43 percent) or low/moderates (43 percent) at their final assessments, while the remainder were PCRA moderates (11 percent) or PCRA highs (2 percent). Table 1 also provides details on the percentage of supervisees testing positive for illicit substances during their supervision terms and the average number of supervision months imposed on the study population.

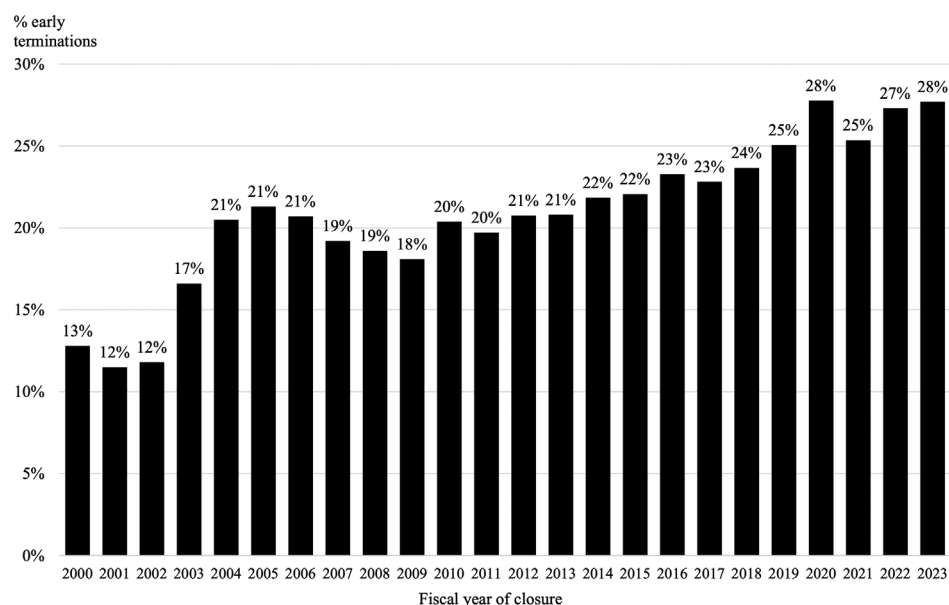
### Measures

#### Early Termination

Early termination refers to instances where the court approves a request to shorten an individual's supervision term. Although the request is typically initiated by the probation officer, it can also come from the federal defender. Though the general contours for early termination are provided by federal statute, the Judicial Conference in the early- to mid-2000s attempted to create a presumption in favor of early termination for supervisees meeting specified criteria (see Baber & Johnson, 2013). Among the 296,023 federal supervisees with successful case closures between fiscal years 2014 and 2023, 25 percent received an early termination (see Table 1).

Over time, the percentage of federal supervisees early termed has generally increased. Using administrative data that include all supervisees with successful case closures between fiscal years 2000 through 2023 (see Figure 1), the percentage of supervisees with early-term case closures increased from about 12–13 percent prior to the Judicial Conference changes (i.e., fiscal years 2000 through 2002) to 21 percent at the time when the Judicial Conference promulgated new policies about early termination (i.e., fiscal year 2005). During the 2005 to 2009 timespan, the percentage of supervisees placed on early termination declined from 21 percent to 18 percent; however, since then there has been a steady increase in the early termination rate, so that one year prior to the COVID-19 pandemic in 2019, 25 percent of supervisees had an early termination case closure. The early termination rate peaked at 28 percent during the COVID-19 pandemic year of 2020,

**FIGURE 1.**  
**Percentage of Successful Closures Ended by Early Termination, Fiscal Years 2000–2003**



Note: Includes persons whose cases were closed through a successful termination (early or regular). Excludes cases closed through revocation, transfer, or other means. Early terminations based on compassionate grounds not included in figure; these cases accounted for less than 1% of all terminations.

declined slightly in 2021, and then increased back to 28 percent in 2023.

### **PCRA and Other Independent Variables**

The recidivism risk profile for supervisees receiving early and regular termination was measured through several PCRA risk domain scores. The PCRA is an actuarial risk assessment instrument used by federal officers to gauge a supervisee's likelihood of being rearrested both during and after supervision. This instrument is a fourth-generation risk tool that can identify changeable dynamic risk factors and ascertain whether those factors have changed over multiple assessments (see Cohen et al., 2016; Johnson et al., 2011; Lowenkamp et al., 2013, 2015; Luallen et al., 2016). Implemented in 2009, the PCRA has nearly universal usage rates and has been shown to be a valid predictor of a supervisee's risk of recidivism. Specifically, the PCRA risk tool manifests AUC-ROC scores in the .73-.74 range for any offenses and the .76-.77 range for violent offenses (see Lowenkamp et al., 2015). These scores mean that the PCRA provides "good" to "excellent" predictive capacities (Desmarais & Singh, 2013) and hence can be used as a risk classification measure for this research.

In this study, each supervisee's risk profile was accounted for by controlling for several domain scores embedded within the PCRA instrument generated at the final assessment, including the criminal history (scores range 0-9), education/employment (scores range 0-3), substance abuse (scores range 0-2), social networks (scores range 0-3), and cognitions (scores range 0-1). In addition, the supervisee's risk level at final assessment encompassing whether the supervisee was low, low-moderate, moderate, or high was incorporated as an additional risk control metric. Also included was the extent to which a supervisee's risk categorization grouping changed between the first and final assessments that are measured to include either no changes or increases/decreases of plus or minus one or two risk levels. Last, the score produced by the offender section of the PCRA that measures a supervisee's general criminal thinking levels was included as another risk metric. The general criminal thinking score is based on the Psychological Inventory of Criminal Thinking Styles (PICTS), which has been shown to be a valid predictor of recidivism, with AUC scores in the .65 range (Walters & Lowenkamp, 2016).

In addition to the PCRA, the supervisees'

age in years, drug use during supervision (both number of positive drug tests and positive tests for polysubstance use), fiscal year of case closure, most serious conviction offenses, number of conditions imposed, sex, supervision time imposed in months, and race/ethnicity were used as additional covariates for the current analysis. With the exception of age, number of positive drug tests, number of conditions imposed, and supervision time imposed, which are continuous variables, the

remaining factors are captured using dummy (0/1) variable coding.

### **Outcome Measures**

The primary outcome of interest involves whether a supervisee was rearrested within 24 months after the supervision case was closed. Rearrests for new criminal activity, which are also referred to as recidivism, were obtained from the National Crime Information Center (NCIC) and Access to Law Enforcement

**TABLE 1.**  
**Descriptive statistics of federal supervisees in study sample**

| Variables   | % (n)          | M (SD)      |
|---|----------------|-------------|
| <b>Dependent variables</b>                              |                |             |
| Rearrest any offense within 2 years of case closure     | 11.0 (32,641)  |             |
| Rearrest violent offense within 2 years of case closure | 3.1 (9,060)    |             |
| <b>Independent variables - selected</b>                 |                |             |
| <b>Early termination</b>                                | 24.7 (73,155)  |             |
| <b>Race/ethnicity</b>                                   |                |             |
| White, not Hispanic                                     | 36.7 (107,985) |             |
| Black, not Hispanic                                     | 35.5 (104,575) |             |
| Hispanic, any race                                      | 23.0 (67,798)  |             |
| Other race  | 4.8 (13,967)   |             |
| <b>Male</b>   | 78.8 (233,393) |             |
| <b>Age at supervision end date (in years)</b>           | (296,023)      | 43.5 (12.1) |
| <b>Most serious conviction offense</b>                  |                |             |
| Drugs   | 44.6 (131,917) |             |
| Property/White Collar                                   | 21.7 (64,050)  |             |
| Weapons/Firearms  | 13.3 (39,384)  |             |
| Public order  | 8.5 (25,137)   |             |
| Immigration   | 4.5 (13,233)   |             |
| Violence  | 4.2 (12,354)   |             |
| Sex offense   | 2.8 (8,384)    |             |
| All other   | 0.4 (1,133)    |             |
| <b>Misdemeanor or infraction conviction</b>             | 5.9 (17,584)   |             |
| <b>Final PCRA risk categories</b>                       |                |             |
| Low   | 43.4 (128,515) |             |
| Low/Moderate  | 43.3 (128,199) |             |
| Moderate  | 11.2 (33,155)  |             |
| High  | 2.1 (6,154)    |             |
| <b>Drug use during supervision</b>                      |                |             |
| None  | 73.6 (217,948) |             |
| Tested positive one substance                           | 16.7 (49,474)  |             |
| Tested positive multiple substances                     | 9.7 (28,601)   |             |
| <b>Supervision time imposed (in months)</b>             | (295,675)      | 40.8 (20.9) |

Note. Includes 296,023 federal supervisees with cases closed successfully between fiscal years 2014 through 2023 with PCRA assessments. PCRA = Post Conviction Risk Assessment. Other race includes Asians, Pacific Islanders, Native Americans, Alaska Natives, and other non-identified races.

Systems (ATLAS). ATLAS is a software program used by the AO that provides an interface for performing criminal record checks through a systematic search of official state and federal rap sheets (Baber, 2010). Recidivistic events were defined to include arrests for either any (excluding arrests for technical violations) or violent offenses within 24 months of case closure. Violent arrest activity includes the following offenses: assault (including sexual), arson, kidnapping, murder, attempted murder, rape, robbery, or threats.

### Analytical Plan

Descriptive statistics encompassing primarily crosstabs, means, and medians were used to examine the application of early termination for supervisees on federal post-conviction supervision. Statistical tests including chi-squares and ANOVAs were used to test for differences in the use of early termination across several covariates; moreover, effect sizes are reported when feasible to measure the magnitude of these relationships.

In addition to examining who receives early termination and how many months were saved through this method of closing cases, an assessment of the recidivism rates for the early- and full-termed supervisees was conducted. When comparing the percentage of early- and regular-termed supervisees rearrested for new offenses after case closure, it is important to acknowledge that these two groups of supervisees differ in many ways

on key domains associated with recidivism (see Figures 2 and 3, Table 2, and Appendix). Accounting for these differences is crucial when attempting to assess whether the use of early termination endangers community safety, and this issue was addressed through the application of propensity score matching (PSM) techniques to generate matched groups of supervisees who received early and regular termination. PSM has become a commonly employed technique to estimate treatment effects when randomized assignment is unavailable and it becomes necessary to account for covariates that could influence the outcome of interest (Rosenbaum & Rubin, 1983, 1985).

In this study, the “treated” supervisees constituted those who received early termination, while the “control” supervisees encompassed those with cases concluded through regular termination. Supervisees were matched on their final PCRA criminal history, education/employment, substance abuse, social networks, and cognition domain scores as well as their final risk levels (low, low/moderate, moderate, or high), and general criminal thinking scores. Moreover, supervisees were matched according to the extent to which their PCRA risk levels changed from their first to final assessments; this was one way to control for the presence of noncompliance between these two groups. Another way to account for noncompliance involved an effort to match early- and full-termed supervisees

by the number of times they tested positive for any illegal substances and whether these supervisees tested positive for multiple substances (i.e., they were polysubstance users) during supervision. In addition to accounting for these recidivism risk criteria, supervisees were matched by most serious conviction offenses, felony vs. misdemeanor conviction, supervision time in months imposed, number of supervision conditions imposed, demographic characteristics (i.e., age, race/ethnicity, and sex), and fiscal year of case closure. It should be noted that matching by supervision district was explored, but ultimately not used because too many cases would have been lost by matching on this criterion and the results did not appreciably differ when supervision district was included in the matching algorithm. Last, a subset of the larger sample of early- and full-termed supervisees whose recidivism activity could be tracked for two years after case closure ( $n = 244,941$ ) was applied to the recidivism section of this research.

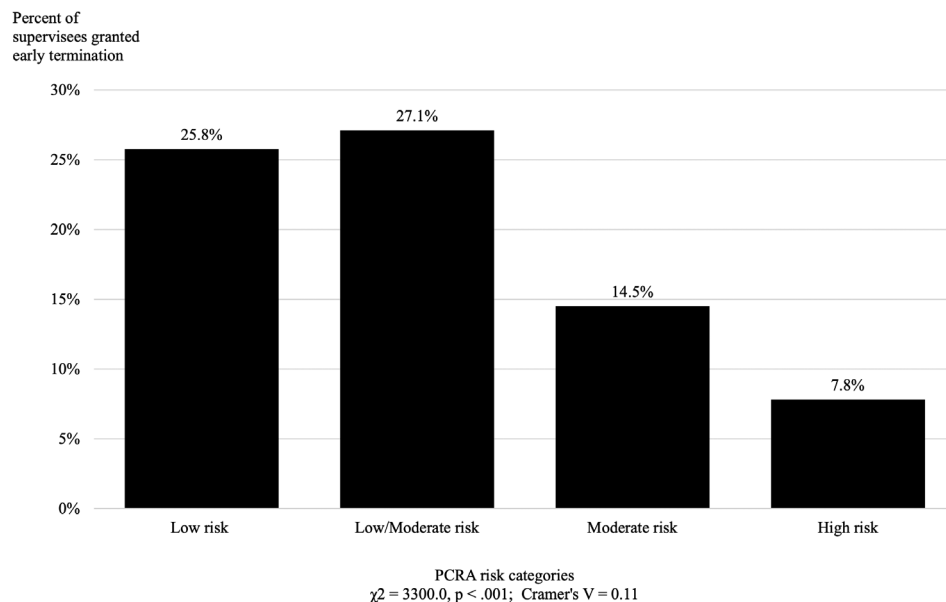
A two-step process was employed in the matching model. First, logistic regression was employed, in which the likelihood of a supervisee receiving an early termination was used to estimate the propensity scores. Then, the estimated likelihood scores were used to match the early termination group to a comparison group of supervisees with regular terminations, applying one-to-one nearest neighbor matching with a .0001 caliper setting (Guo & Fraser, 2014). This method resulted in matches being found for 77 percent of supervisees receiving an early termination. Results from the matching procedures (shown in the appendix) display the balance obtained between the early- and regular-termed supervisees. This appendix shows that the matching procedures generated early- and regular-termed groups of supervisees, showing strong balance on the key covariates of interest. Last, a more conservative alpha level of .001 was used to denote statistical significance because of the large sample sizes analyzed in this study.

## Findings

### Profile of Who Receives Early Termination

A fuller profile of persons receiving early termination by their PCRA risk designation, along with statistical tests of significance and effect sizes, is provided in Figure 2. Regarding the relationship between risk and early termination outcomes, persons designated by the

**FIGURE 2.**  
Percentage of Supervisees Who Received Early Termination by the Final PCRA Risk Groups



Note: PCRA = Post Conviction Risk Assessment.

PCRA in the lowest risk category at their final assessment were about three times more likely to receive early termination (26 percent early termed) than people who were classified in the PCRA highest risk category (8 percent early termed). However, the relationship between risk and early termination was less substantial for people whom the PCRA placed in the low- and low/moderate-risk categories. For example, the percentage of supervisees with early termination in these risk categories was nearly the same, ranging from 26 percent for PCRA lows to 27 percent for PCRA low/moderates.

A profile of the application of early termination across selected covariates, including statistical tests and effect size metrics, is provided in Table 2. Across the major offense categories, persons convicted of drug offenses were about two times more likely to receive this closure method (34 percent early termed) than persons convicted of other major offenses, including weapons/firearms (20 percent early termed), public order (19 percent early termed), or property offenses (16 percent early termed). Given the statute's language favoring early terminations for persons convicted of misdemeanor offenses, it is interesting to note that supervisees with felony convictions were more likely to be early termed (25 percent) than their misdemeanor counterparts (15 percent).

The use of early termination varies somewhat across the demographic categories of race/ethnicity, age, and gender. By race/ethnicity, there was a 4-percentage-point difference between the group most likely to receive early terminations (non-Hispanic Whites – 26 percent) and Hispanics, who were least likely to be early termed (22 percent); however, the data show little variation in the use of early terminations by non-Hispanic Whites (26 percent) and Blacks (25 percent). Moreover, there were essentially no differences in the use of early terminations of male (25 percent) and female (24 percent) supervisees. Last, about 25 percent of supervisees 50 and older received early terminations, compared to 19-20 percent of supervisees under the age of 30.

Unlike demographics, there exists a moderate relationship between early termination and supervision months imposed. For example, over a third of supervisees (36 percent) sentenced to a supervision term of four years or more and more than half (53 percent) of supervisees sentenced to a supervision term of more than five years were early termed from federal supervision. In comparison, about a

**TABLE 2.**  
**Profile of persons with successful closures who received an early termination by selected covariates**

| Selected covariates                           | Number of supervisees | Percent early terminations | X <sup>2</sup> | Cramer's V |
|---|-----------------------|----------------------------|----------------|------------|
| <b>Most serious conviction offense</b>        |                       |                            |                |            |
| Drugs   | 131,917               | 33.5 %                     | 10000.0*       | 0.18       |
| Weapons/Firearms                              | 39,384                | 20.2                       |                |            |
| Public order                                  | 25,137                | 19.2                       |                |            |
| Sex offense                                   | 8,384                 | 17.8                       |                |            |
| Property/White Collar                         | 64,050                | 16.4                       |                |            |
| Immigration                                   | 13,233                | 15.9                       |                |            |
| All other                                     | 1,133                 | 15.4                       |                |            |
| Violence                                      | 12,354                | 15.3                       |                |            |
| <b>Conviction severity</b>                    |                       |                            |                |            |
| Felony  | 278,405               | 25.3 %                     | 910.0*         | -0.06      |
| Misdemeanor or infraction                     | 17,584                | 15.2                       |                |            |
| <b>Race/ethnicity</b>                         |                       |                            |                |            |
| White, non-Hispanic                           | 107,985               | 26.3 %                     | 538.7          | 0.04       |
| Black, non-Hispanic                           | 104,575               | 25.2                       |                |            |
| Other   | 13,967                | 23.8                       |                |            |
| Hispanic any race                             | 67,798                | 21.5                       |                |            |
| <b>Gender</b>                                 |                       |                            |                |            |
| Male  | 233,393               | 24.9 %                     | 26.3*          | 0.01       |
| Female  | 62,628                | 23.9                       |                |            |
| <b>Age at supervision end date (in years)</b> |                       |                            |                |            |
| Under 20                                      | 143                   | 18.9 %                     | 601.3*         | 0.05       |
| 20 - 29                                       | 34,694                | 20.0                       |                |            |
| 30 - 39                                       | 88,153                | 24.2                       |                |            |
| 40 - 49                                       | 85,866                | 26.6                       |                |            |
| 50 and older                                  | 87,167                | 25.2                       |                |            |
| <b>Supervision time imposed</b>               |                       |                            |                |            |
| Less than 12 months                           | 23,217                | 5.3 %                      | 18000.0*       | 0.25       |
| 12 months - 23 months                         | 44,033                | 14.6                       |                |            |
| 24 months - 35 months                         | 124,079               | 21.7                       |                |            |
| 36 months - 47 months                         | 25,621                | 30.2                       |                |            |
| 48 months - 59 months                         | 65,028                | 35.7                       |                |            |
| 60 months or more                             | 13,697                | 52.9                       |                |            |

Note. Includes 296,023 federal supervisees with cases closed successfully between fiscal years 2014 through 2023 with PCRA assessments. Successful closures include those supervisees with regular or early terminations. PCRA = Post Conviction Risk Assessment. "Other" race includes Asians, Pacific Islanders, Native Americans, Alaska Natives, and other non-identified races.

\*  $p < .001$

**TABLE 3.**  
Differences between imposed and actual supervision sentences  
for persons with early and regular terminations

| Supervision term    | Number of closures | Imposed term (months) |        | Served term (months) |        | Months saved |        |
|---------------------|--------------------|-----------------------|--------|----------------------|--------|--------------|--------|
|                     |                    | Mean                  | Median | Mean                 | Median | Mean         | Median |
| Early termination   | 72,845             | 49.8                  | 47.9   | 30.8                 | 27.8   | 19.0         | 15.6   |
| Regular termination | 222,830            | 37.8                  | 35.9   | 37.8                 | 35.9   | 0.0          | 0.0    |

Note. Numbers won't match those of Table 1 because of missing data. Data on supervision time imposed and served available for over 99% of the total study sample.

fifth (22 percent) of persons placed on supervision for 2 – 3 years, constituting the largest federal supervision sentencing time frame, were early termed from federal supervision.

Information on the application of early terminations across the federal judicial system is provided in Figure 3. Overall, Figure 3, which deidentifies the federal judicial districts, shows that there is substantial disparity regarding the use of early terminations at the district level, and these differences hold even when they are adjusted to account for factors driving the use of early termination, including PCRA risk scores, most serious conviction offenses, and supervision times imposed. The districts on the far right of the chart close over 50 percent of their cases by early termination; in comparison, the districts on the left side of the chart resolved less than 10 percent of their cases through early termination. The disparity

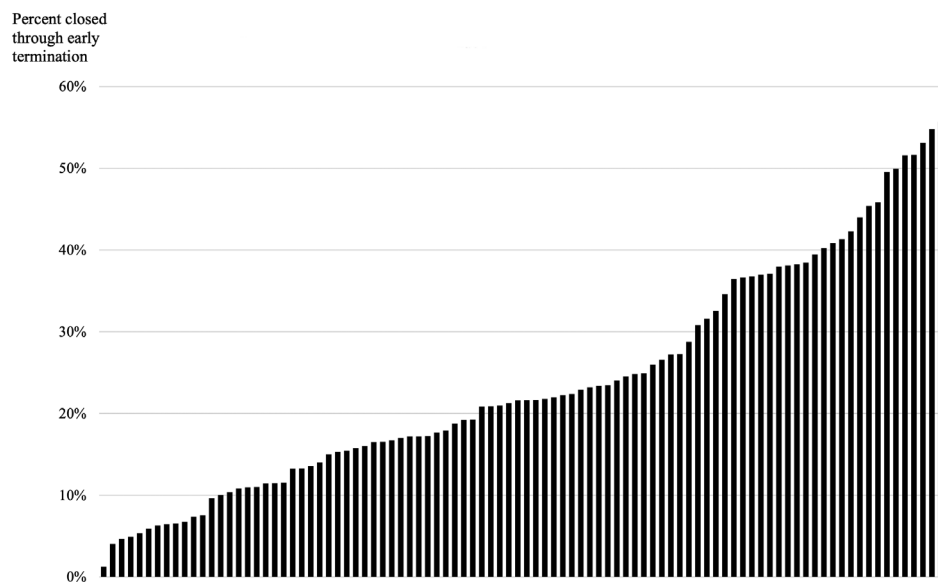
in the application of early terminations across the federal judicial system is most likely the result of cultural differences and policy preferences about how this method of case closure should be applied at the local level.

#### *Supervision Months Saved Through Early Termination*

Early-termed supervisees were sentenced to supervision terms that were on average about 12 months longer than those of supervisees who completed a full term of supervision (50 months vs. 38 months, respectively) (see Table 3). Although early-termed supervisees had longer supervision sentences, on average they were on supervision 7 months fewer than persons with full terms (31 months to 38 months, respectively). Overall, half of supervisees with early terminations had their supervision sentences reduced by 16 months or more.

Table 4 provides information on the average reduction in supervision sentences resulting from early termination and the relationship between these sentencing reductions and several covariates.<sup>4</sup> In general, the supervision time imposed and most serious conviction offense had the strongest relationship with early termination sentencing reductions. Specifically, persons convicted of sex and drug offenses who were early termed witnessed the largest reductions; their supervision sentences were reduced by 37 months and 22 months, respectively. Conversely, supervisees convicted of property or public order sentences saw their supervision terms shortened by less than 15 months. The average supervision sentences imposed at the time of sentencing also had a substantial bearing on early termination reductions. For example, supervisees sentenced to terms of 4 – 5 years witnessed drops in their supervision sentences of about two years (23 months). Moreover, persons sentenced to five years or more of supervision received reductions of about 4 years (47 months) when early termination was applied. Interestingly, there was a relatively weak correlation between risk as measured by the PCRA and early-term sentencing reductions, with the low-risk supervisees receiving slightly higher sentencing reductions (18 months) than their higher risk counterparts (15 months).

**FIGURE 3.**  
Percentage of Successful Closures Ended through Early Termination by Judicial District (De-identified)



Note: Percentages adjusted to take into account Post Conviction Risk Assessment scores, most serious conviction offenses, and supervision time imposed. Federal judicial districts de-identified in figure.

#### *Early Termination and Community Safety*

The next part of this analysis explored whether the policy of early terminations represented a threat to community safety. Specifically, the focus here was on whether persons receiving early terminations recidivated at higher, similar, or lower rates compared to persons serving their full supervision terms. To reiterate, recidivism is defined by rearrest activity involving any or violent offenses that occurred within 24 months after the expiration of a person's supervision term. Moreover, PSM matching techniques were employed to create "like" groups of persons receiving early and regular termination to examine their post-supervision recidivism rates (see Methods section and Appendix Table 1).

Differences in the post-supervision rearrest rates for matched persons with early and regular terminations are shown in Figure 4. Even though both groups have similar

<sup>4</sup> Table 4 also includes ANOVA statistical tests and effect size metrics.

risk profiles through the matching process, supervisees with early termination were 2 percentage points less likely to recidivate (10 percent rearrested) than their regular termination counterparts (12 percent rearrested). These differential arrest rates widened from a 1-percentage-point difference for PCRA lows with early termination (4 percent) and regular termination (5 percent) to a 4-percentage-point difference for PCRA moderates with early termination (24 percent) and regular termination (28 percent). Among high-risk supervisees, the post-supervision arrest rates for regular and early terminations were essentially the same. While for the most part the early- and full-terminated supervisees manifested rearrest rates that statistically differed at the .001 level, it is important to note that the effect size metrics (see Cramér's V scores) show the magnitude of these differences being relatively negligible.

In regard to recidivism for a violent offense, people whose supervision sentences were terminated early garnered violent arrest charges (2.9 percent) at rates similar to those receiving full supervision terms (3.2 percent) (see Figure 5). By risk level, there were no statistically significant differences in the violent rearrest rates for persons ending supervision with PCRA risk designations of low, low/moderate, or high. Only the persons in the moderate risk category manifested statistically different violent arrest rates, with the early-terminated group witnessing a violent arrest rate two percentage points lower (8 percent) than the regular-terminated group (10 percent); however, the magnitude of these differences as shown by the Cramér's V score indicates a relatively marginal effect size.

Information on the most common rearrest offenses for early- and regular-terminated supervisees who recidivated was also examined (data not shown). The rearrest patterns for both groups are similar, with drugs accounting for the largest re-offense category, followed by violence, public-order, and property offenses. The majority of arrests for violent offenses involved assault-type crimes (85 percent) for both groups.

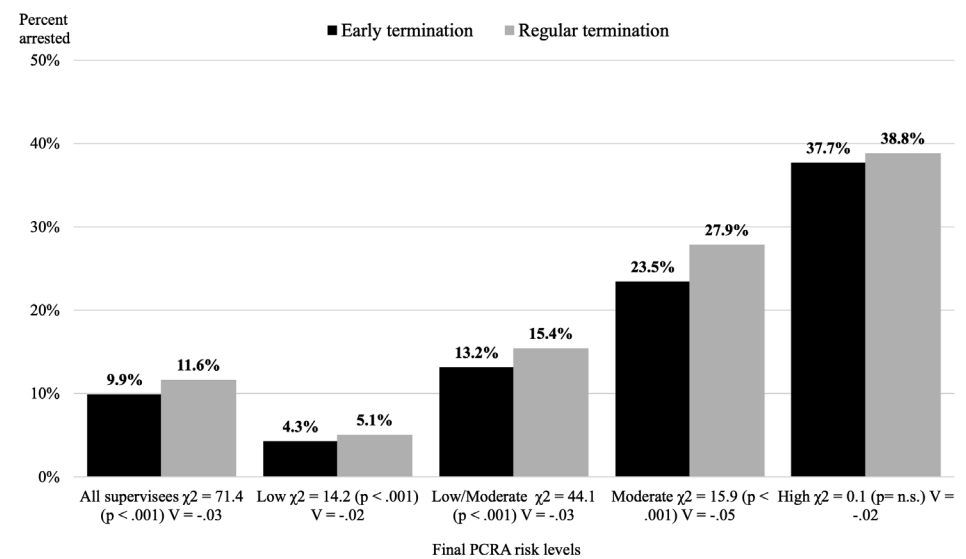
## Discussion

The current analysis examined the application of early terminations in the federal supervision system. Specifically, it provided a profile of who was most likely to receive early terminations, explored district-level differences in the use of early terminations, assessed the time saving garnered by using

early terminations, and analyzed whether early terminations endangered community safety. Overall, the research found that early terminations have been increasing, with about 1 out of 4 successful closures over the last 10 years occurring through early termination of the supervision sentences. Regarding who receives early terminations, the research showed that this closure type was moderately

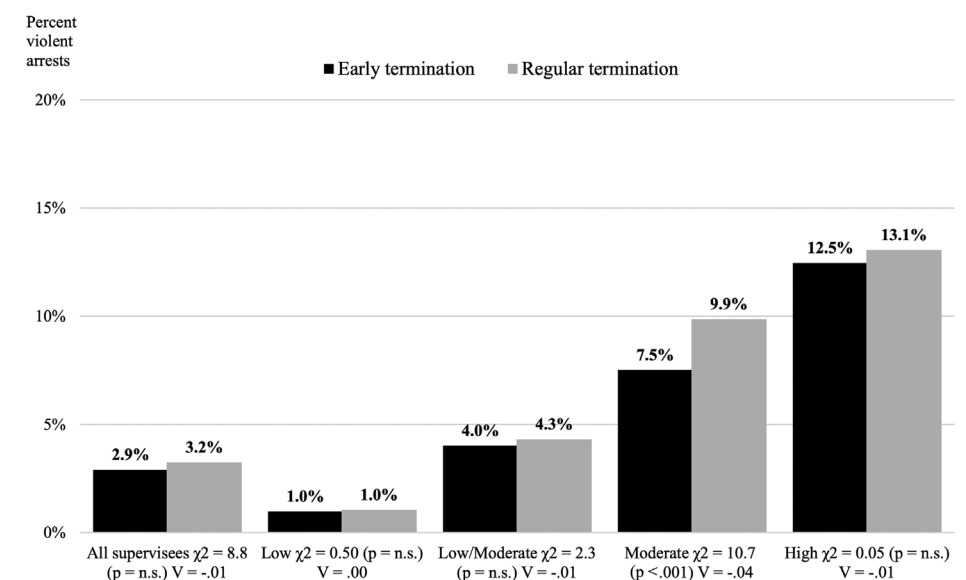
correlated with a supervisee's risk profile and that other factors—particularly the number of supervision months imposed and (most important) the district of case closure—had the greatest bearing on whether a case would end by early termination. While persons who received early termination were sentenced to longer supervision terms than their regular-terminated counterparts, on average they were on

**FIGURE 4.**  
Percentage of Early and Regular Term Supervisees Re-arrested for Any Offense Within 24 Months of Their Supervision End Dates by Final Risk Categorization



Note: Early- and regular-terminated supervisees matched on a variety of criteria - see appendix table. PCRA = Post Conviction Risk Assessment.

**FIGURE 5.**  
Percentage of Early and Regular Term Supervisees Re-arrested for Violent Offenses Within 24 Months of Their Supervision End Dates by Final Risk Categorization



Note: Early- and regular-terminated supervisees matched on a variety of criteria - see appendix table. PCRA = Post Conviction Risk Assessment.



**TABLE 4.**  
Reduction in average number of supervision months for persons  
with early terminations by selected covariates

| Selected covariates   | Number with early terminations | Average supervision terms |        | Mean term reduction |
|---|--------------------------------|---------------------------|--------|---------------------|
|   |                                | Imposed                   | Served |                     |
| PCRA 1.0 risk categories  |                                |                           |        |                     |
| Low   | 32,921                         | 47.0                      | 29.5   | 17.5                |
| Low/Moderate  | 34,653                         | 52.8                      | 32.2   | 20.6                |
| Moderate  | 4,794                          | 48.1                      | 29.7   | 18.3                |
| High  | 477                            | 43.7                      | 29.0   | 14.7                |
| Significance $F[3, 72841] = 210.6; p < .001; \omega^2 = .009$   |                                |                           |        |                     |
| Most serious conviction offense (not all offense types shown)   |                                |                           |        |                     |
| Public order  | 4,813                          | 33.4                      | 21.1   | 12.3                |
| Property/White Collar   | 10,514                         | 39.2                      | 25.3   | 13.9                |
| Violence  | 1,870                          | 42.6                      | 27.9   | 14.8                |
| Weapons/Firearms  | 7,918                          | 41.8                      | 26.8   | 15.0                |
| Drugs   | 44,098                         | 55.4                      | 33.7   | 21.7                |
| Sex offense   | 1,271                          | 90.7                      | 53.8   | 37.0                |
| Significance $F[7, 72755] = 828.8; p < .001; \omega^2 = .074$   |                                |                           |        |                     |
| Race/ethnicity  |                                |                           |        |                     |
| Other race  | 3,306                          | 43.4                      | 27.5   | 15.9                |
| Hispanic, any race  | 14,572                         | 49.0                      | 31.4   | 17.6                |
| White, not Hispanic   | 28,162                         | 47.0                      | 29.0   | 18.0                |
| Black, not Hispanic   | 26,355                         | 54.1                      | 32.8   | 21.4                |
| Significance $F[3, 72391] = 288.3; p < .001; \omega^2 = .012$   |                                |                           |        |                     |
| Gender  |                                |                           |        |                     |
| Female  | 14,975                         | 44.5                      | 28.2   | 16.3                |
| Male  | 57,870                         | 51.2                      | 31.4   | 19.7                |
| Significance $F[1, 72843] = 504.7; p < .001; \omega^2 = .007$   |                                |                           |        |                     |
| Supervision time imposed  |                                |                           |        |                     |
| Less than 12 months   | 1,236                          | 11.3                      | 7.1    | 4.2                 |
| 12 months - 23 months   | 6,446                          | 23.0                      | 15.5   | 7.5                 |
| 24 months - 35 months   | 26,958                         | 35.8                      | 23.3   | 12.4                |
| 36 months - 47 months   | 7,747                          | 47.5                      | 30.5   | 17.0                |
| 48 months - 59 months   | 23,212                         | 59.7                      | 37.1   | 22.6                |
| 60 months or more   | 7,246                          | 103.3                     | 56.0   | 47.3                |
| Significance $F[5, 72839] = 10556.8; p < .001; \omega^2 = .420$ |                                |                           |        |                     |

Note. Includes 72,845 federal supervisees with cases closed through early terminations and with complete information on number of supervision months saved. Some categories may not sum to totals because of missing data. With exception of PCRA risk categories, data sorted from smallest to highest involving reductions in mean supervision terms. PCRA = Post Conviction Risk Assessment.

supervision for seven fewer months than persons who served their full supervision terms. In general, the greatest reduction in supervision sentences through the application of early termination was reserved for those convicted of drugs and sex offenses or for those sentenced to supervision sentences of four years or more. It is notable that sex offenders receiving early termination manifested the greatest sentencing reductions, because these persons tend to receive longer supervision terms compared to the average supervisee (USSC, 2012).

In findings mirroring research conducted by Baber and Johnson (2013) and work focusing on early termination at the state level (Courtney et al., 2022; Jacobson et al., 2017; Pew Charitable Trusts, 2016), this study found that early terminations did not endanger community safety. Specifically, when matched on a range of criteria associated with the risk of recidivism, supervisees with early terminations manifested post-supervision arrest rates that were two percentage points lower for any offenses than those of their regular-termed counterparts. Moreover, the post-supervision rearrest rates for violent offenses were relatively similar for the early- and regular-termed groups. While the current study produced findings showing a narrower band in the recidivism rates between the early- and regular-termed supervisees than that highlighted by Baber and Johnson (2013), these differences might be explained by the fact that the extant research uses more rigorous statistical approaches (e.g., propensity score matching) and matches on a greater range of variables than prior studies on federal early termination. Another recidivism finding was that the types of post-supervision arrest offenses between the two groups was essentially the same.

#### *Directions for Future Research*

Several directions for future research could be undertaken on the topic of early termination. Specifically, additional research could attempt to apply approaches that allow for more rigorous causal inferences to be drawn on the relationship between early termination and community safety. While the propensity-scoring models generated similar groups of regular- and early-termed individuals matched on several recidivism risk characteristics, it is possible that factors unaccounted for (such as drug addiction severity) could potentially explain the differences in the rearrest rates between the early- and regular-termed supervisees. If these unmeasured factors were included in the matching models, it is

possible that the differences in rearrest outcomes between the early- and regular-termed individuals might change. Although methods that would allow for causal inferences, including random assignment of early termination, are probably infeasible, it might be possible to apply techniques such as interpreted time series designs to take advantage of those districts that decided to move from using early termination sparingly to making more extensive use of this closure method. Such efforts would allow for further exploration of whether early termination might be endangering the community.

Another potential avenue for future research could be delving into the differential use of early terminations at the district level. Methods that are more qualitatively oriented, including the use of focus groups or surveying judges, U.S. attorneys, federal defenders, or executive probation staff, on their attitudes or policies towards early termination would be required to better understand the disparities in the use of early termination across the judicial districts. The AO is seeking to collaborate with the Federal Judicial Center on conducting a more qualitative approach to better understand the use of early termination at the district level. It is anticipated that these efforts will illuminate district-level differences in early termination and perhaps suggest methods for bringing greater levels of uniformity to this technique of case closure.

## Conclusion

Although the early termination research agenda could be further expanded, it is essential to highlight the compelling findings presented here. These results demonstrate that supervisees granted early termination under current policies pose no greater risk to the community than those who serve a full term of supervision (Baber & Johnson, 2013). These findings reaffirm the notion that early termination policies empower officers to make responsible decisions about which persons are suitable candidates for an early termination of their supervision term.

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## Statutes

- 18 U.S.C. § 3561 (1984) *Sentence of probation*
- 18 U.S.C. § 3564(c) (1984) *Running of a term of probation – early termination*
- 18 U.S.C. § 3583 (1984) *Inclusion of a term of supervised release after imprisonment*
- 18 U.S.C. § 3583(e)(1) (1984) *Inclusion of a term of supervised release after imprisonment – modifications of conditions*

**APPENDIX 1.****Equivalent groups generated by propensity score matching – early terminations**

| Matching covariates                     | Panel A: Pre-matching group differences |  |             |         | Panel B: Post-matching group differences |   |             |         |                  |
|---|---|--|-------------|---------|--|---|-------------|---------|------------------|
|   | Persons with early term (n = 59,026)    | Persons without early term (n = 185,915) | T-statistic | p Value | Persons with early term (n = 45,251)     | Persons without early term (n = 45,251) | T-statistic | p Value | % Bias reduction |
| <b>Race</b>                             |   |  |             |         |  |   |             |         |                  |
| Black                                   | 0.37                                    | 0.36                                     | 4.55        | 0.000   | 0.35                                     | 0.36                                    | -0.98       | 0.327   | 71.3             |
| White                                   | 0.39                                    | 0.36                                     | 12.50       | 0.000   | 0.39                                     | 0.39                                    | 0.14        | 0.892   | 98.5             |
| Other                                   | 0.05                                    | 0.05                                     | -2.26       | 0.024   | 0.05                                     | 0.05                                    | -0.24       | 0.814   | 86.1             |
| Hispanic, any race                      | 0.20                                    | 0.23                                     | -18.56      | 0.000   | 0.21                                     | 0.21                                    | 1.11        | 0.266   | 92.2             |
| <b>Sex</b> (male = 1)                   | 0.81                                    | 0.81                                     | 0.59        | 0.552   | 0.81                                     | 0.81                                    | 0.25        | 0.799   | 42.6             |
| <b>Average age</b> (in years)           | 41.50                                   | 40.30                                    | 20.77       | 0.000   | 41.10                                    | 41.20                                   | -0.73       | 0.463   | 95.3             |
| <b>Most serious conviction offense</b>  |   |  |             |         |  |   |             |         |                  |
| Drugs                                   | 0.63                                    | 0.41                                     | 88.22       | 0.000   | 0.57                                     | 0.58                                    | -2.44       | 0.015   | 96.3             |
| Weapons/Firearms                        | 0.10                                    | 0.14                                     | -21.86      | 0.000   | 0.12                                     | 0.12                                    | 1.49        | 0.137   | 91.4             |
| Immigration                             | 0.03                                    | 0.04                                     | -19.06      | 0.000   | 0.03                                     | 0.03                                    | 0.45        | 0.652   | 97.3             |
| Property/White Collar                   | 0.14                                    | 0.23                                     | -47.43      | 0.000   | 0.16                                     | 0.16                                    | 1.17        | 0.241   | 97.0             |
| Sex offense                             | 0.02                                    | 0.03                                     | -18.00      | 0.000   | 0.01                                     | 0.01                                    | 0.17        | 0.868   | 99.1             |
| Violence                                | 0.02                                    | 0.05                                     | -23.68      | 0.000   | 0.03                                     | 0.03                                    | -0.18       | 0.856   | 99.2             |
| Public order                            | 0.06                                    | 0.09                                     | -17.69      | 0.000   | 0.07                                     | 0.07                                    | 1.05        | 0.294   | 92.5             |
| All other                               | 0.00                                    | 0.00                                     | -6.67       | 0.000   | 0.00                                     | 0.00                                    | -0.77       | 0.444   | 86.9             |
| <b>Misdemeanor conviction</b>           | 0.03                                    | 0.06                                     | -25.91      | 0.000   | 0.04                                     | 0.04                                    | 1.06        | 0.291   | 95.4             |
| <b>Average final PCRA domain scores</b> |   |  |             |         |  |   |             |         |                  |
| Total score                             | 5.74                                    | 6.22                                     | -31.31      | 0.000   | 5.69                                     | 5.70                                    | -0.42       | 0.672   | 98.3             |
| Criminal history                        | 4.09                                    | 4.10                                     | -1.43       | 0.153   | 4.00                                     | 4.02                                    | -1.03       | 0.305   | 5.2              |
| Employment/education                    | 0.64                                    | 0.82                                     | -41.22      | 0.000   | 0.66                                     | 0.66                                    | 0.43        | 0.667   | 98.7             |
| Drugs/Alcohol                           | 0.12                                    | 0.23                                     | -45.03      | 0.000   | 0.13                                     | 0.13                                    | 0.49        | 0.627   | 98.8             |
| Social networks                         | 0.84                                    | 0.95                                     | -31.42      | 0.000   | 0.85                                     | 0.85                                    | 0.88        | 0.380   | 96.6             |
| Cognitions                              | 0.04                                    | 0.12                                     | -51.78      | 0.000   | 0.05                                     | 0.05                                    | 0.30        | 0.767   | 99.5             |

*Appendix continued next page*

# APPENDIX 1. (continued)

| Matching covariates  | Panel A: Pre-matching group differences |  |             |         | Panel B: Post-matching group differences |   |             |         |                  |
|--|---|--|-------------|---------|--|---|-------------|---------|------------------|
|  | Persons with early term (n = 59,026)    | Persons without early term (n = 185,915) | T-statistic | p Value | Persons with early term (n = 45,251)     | Persons without early term (n = 45,251) | T-statistic | p Value | % Bias reduction |
| <b>PCRA risk levels</b>                                      |   |  |             |         |  |   |             |         |                  |
| Low  | 0.45                                    | 0.42                                     | 13.06       | 0.000   | 0.46                                     | 0.46                                    | 0.93        | 0.354   | 90.4             |
| Low/Moderate   | 0.48                                    | 0.43                                     | 20.36       | 0.000   | 0.46                                     | 0.46                                    | -1.10       | 0.271   | 92.7             |
| Moderate   | 0.06                                    | 0.13                                     | -40.79      | 0.000   | 0.07                                     | 0.07                                    | 0.26        | 0.793   | 99.3             |
| High   | 0.01                                    | 0.02                                     | -26.62      | 0.000   | 0.01                                     | 0.01                                    | 0.25        | 0.804   | 99.3             |
| <b>Changes PCRA risk levels first to final assessment</b>    |   |  |             |         |  |   |             |         |                  |
| Minus two or more  | 0.01                                    | 0.01                                     | 2.82        | 0.005   | 0.01                                     | 0.01                                    | 0.17        | 0.863   | 91.7             |
| Minus one  | 0.21                                    | 0.17                                     | 17.20       | 0.000   | 0.20                                     | 0.20                                    | -0.99       | 0.320   | 92.0             |
| No change  | 0.75                                    | 0.74                                     | 4.62        | 0.000   | 0.76                                     | 0.75                                    | 1.35        | 0.178   | 61.8             |
| Plus one   | 0.03                                    | 0.07                                     | -34.93      | 0.000   | 0.03                                     | 0.03                                    | -1.09       | 0.277   | 96.9             |
| Plus two or more   | 0.00                                    | 0.00                                     | -10.93      | 0.000   | 0.00                                     | 0.00                                    | -0.30       | 0.765   | 97.9             |
| <b>General criminal thinking</b>                             | 90.00                                   | 91.7                                     | -16.96      | 0.000   | 90.00                                    | 90.1                                    | -0.99       | 0.320   | 92.5             |
| <b>Drug use during supervision</b>                           |   |  |             |         |  |   |             |         |                  |
| None   | 0.82                                    | 0.71                                     | 54.93       | 0.000   | 0.81                                     | 0.81                                    | 0.15        | 0.879   | 99.7             |
| Tested positive one substance                                | 0.13                                    | 0.18                                     | -30.33      | 0.000   | 0.14                                     | 0.13                                    | 0.31        | 0.756   | 98.7             |
| Tested positive multiple substances                          | 0.05                                    | 0.11                                     | -43.32      | 0.000   | 0.05                                     | 0.06                                    | -0.73       | 0.464   | 98.3             |
| <b>Average number positive drug tests during supervision</b> | 0.74                                    | 1.40                                     | -30.46      | 0.000   | 0.81                                     | 0.81                                    | -0.04       | 0.970   | 99.9             |
| <b>Average supervision time imposed (in months)</b>          | 49.60                                   | 37.80                                    | 120.22      | 0.000   | 44.50                                    | 44.30                                   | 1.48        | 0.140   | 98.6             |
| <b>Average number of conditions</b>                          | 6.70                                    | 7.50                                     | -35.24      | 0.000   | 6.70                                     | 6.70                                    | -0.16       | 0.876   | 99.5             |

Note: Nearest neighborhood matching with Caliper 0.0001 was used. A total of 13,775 persons with early terminations were lost through an inability to match with control group. In addition to matching on the above covariates, persons were matched on the fiscal year of case closure (not shown in table). Propensity score matching applied to a subset of supervisees (n = 244,941) whose rearrest activity could be tracked for a minimum of two years after case closure.