

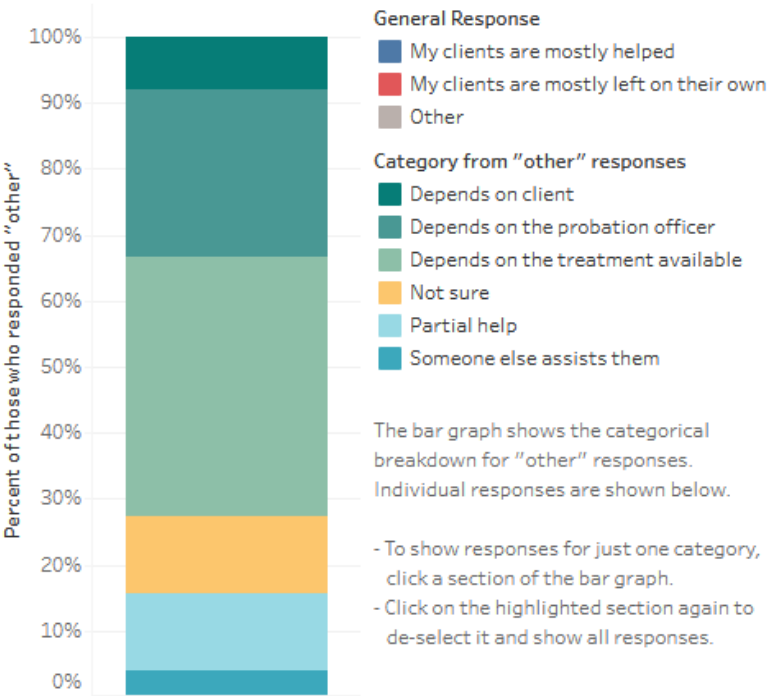
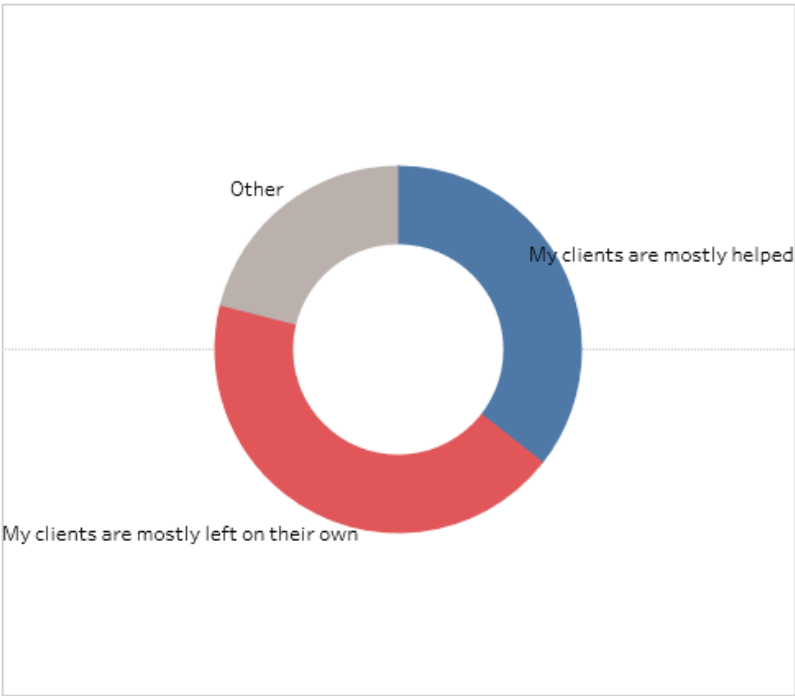
Appendix A

Money Spent by United States Probation and Pretrial Services

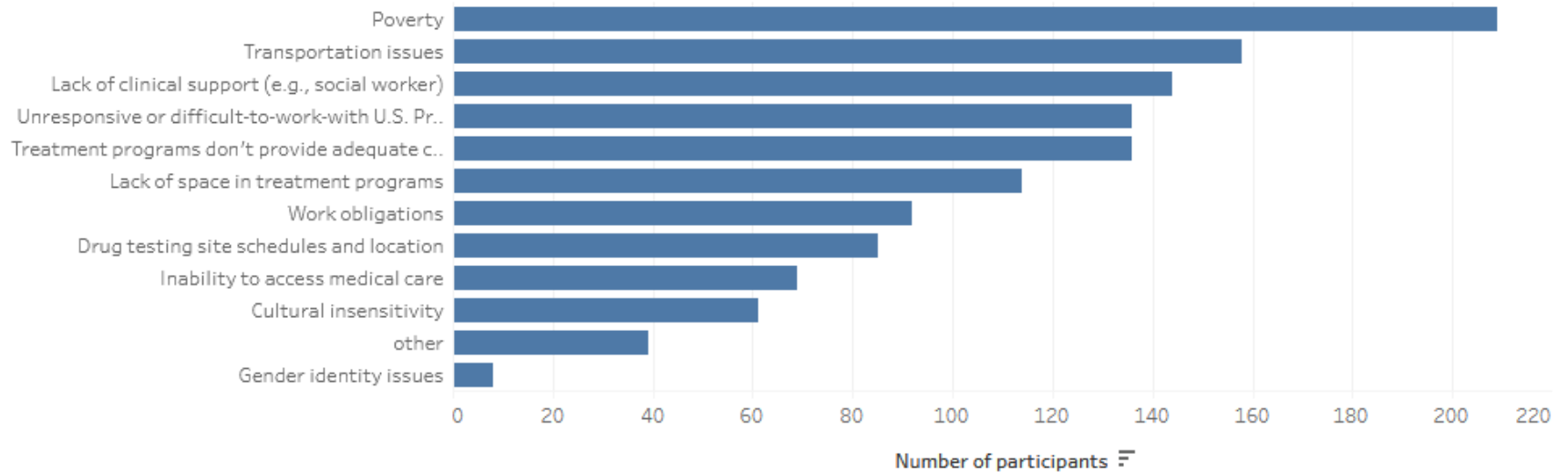
| | 2022 | 2021 | 2020 | 2019 | 2018 |
|---------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Substance Abuse Treatment | \$ 37,234,564.80 | \$ 39,606,533.88 | \$ 37,661,756.44 | \$ 46,724,565.32 | \$ 47,538,768.97 |
| Sex Offender | \$ 33,251,649.35 | \$ 33,098,312.80 | \$ 30,131,033.47 | \$ 29,927,234.68 | \$ 28,346,127.82 |
| Mental Health | \$ 29,070,754.25 | \$ 31,609,751.73 | \$ 27,158,933.87 | \$ 25,570,413.61 | \$ 22,903,952.95 |
| Location Monitoring | \$ 12,149,628.90 | \$ 12,762,169.44 | \$ 10,345,154.71 | \$ 8,547,729.13 | \$ 7,875,378.41 |
| Substance Abuse Testing | \$ 11,194,420.29 | \$ 10,603,419.68 | \$ 9,627,920.61 | \$ 12,962,801.87 | \$ 13,176,719.96 |
| Basic Services | \$ 6,644,759.46 | \$ 6,588,428.73 | \$ 6,835,198.94 | \$ 9,442,595.47 | \$ 7,811,418.70 |
| Life Skills | \$ 696,485.32 | \$ 642,201.07 | \$ 611,027.83 | \$ 608,852.18 | \$ 441,521.65 |
| Administrative Expenses | \$ 362,444.68 | \$ 330,890.90 | \$ 341,828.42 | \$ 531,698.92 | \$ 514,884.82 |
| Employment | \$ 117,461.24 | \$ 187,499.99 | \$ 482,792.30 | \$ 479,749.94 | \$ 288,174.17 |
| Education | \$ 9,699.00 | \$ 5,293.82 | \$ 12,697.09 | \$ 20,331.85 | \$ 34,675.20 |
| Total | \$ 130,731,867.29 | \$ 135,434,502.04 | \$ 123,208,343.68 | \$ 134,815,972.97 | \$ 128,931,622.65 |

* administrative costs are impacted by copays, which significantly reduce the cost to the government

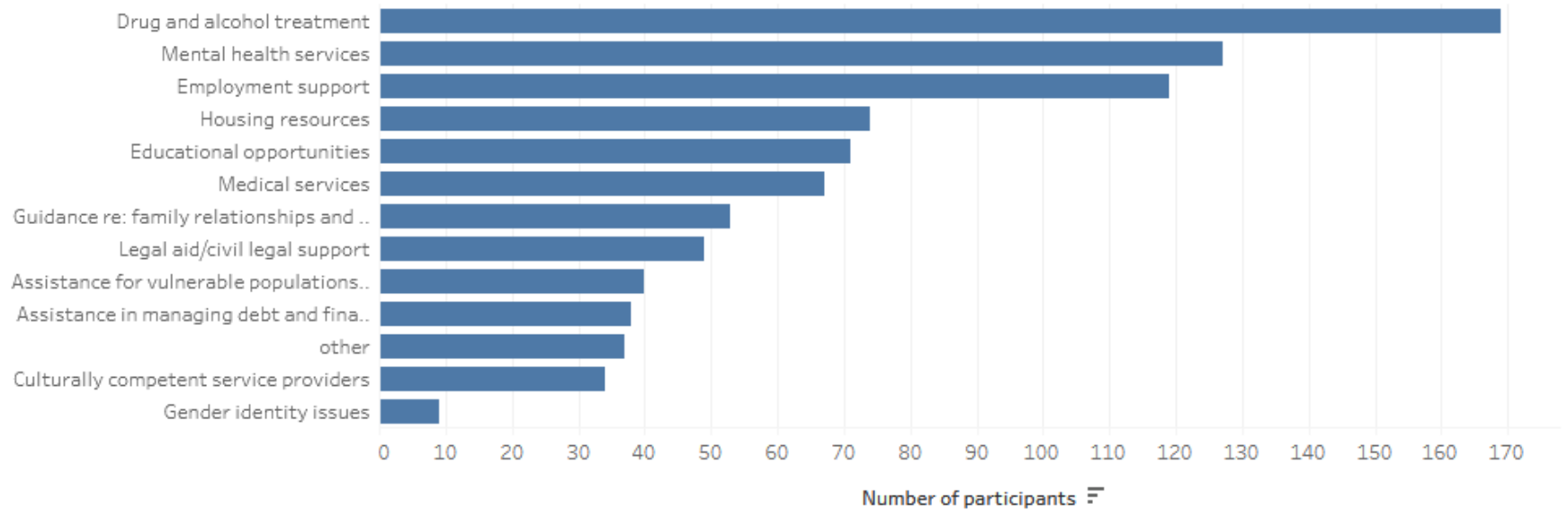
Does U.S. Probation / Pretrial Services mostly help your client arrange for support services or are your clients mostly left to arrange for them on their own?



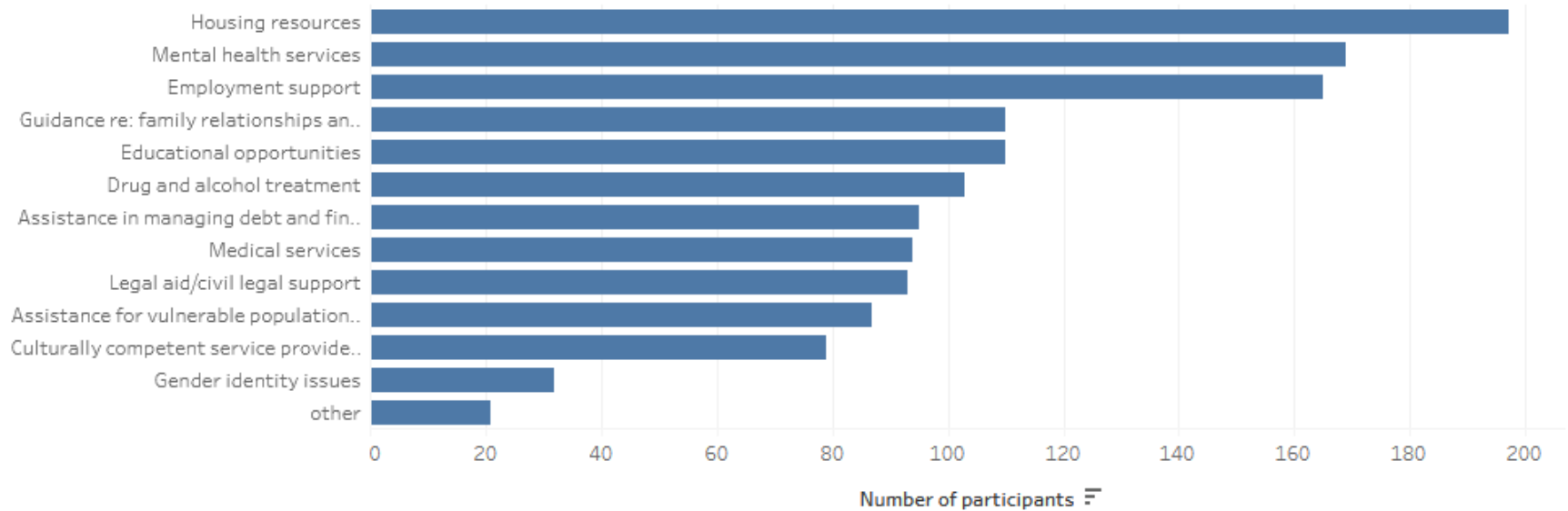
What are the most common structural obstacles to your clients' successful completion of supervision?



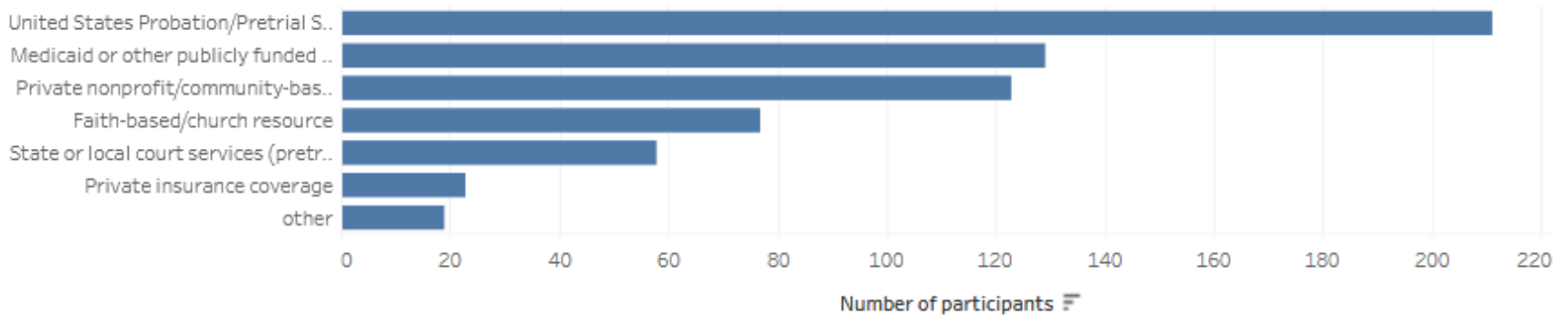
What direct services do your clients need the most while on probation or supervised release that are available and adequate in your district?



What direct services do your clients need the most while on probation or supervised release that are either unavailable or inadequate in your district?



Where do your clients receive support services while on supervision in your jurisdiction?





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JOHN J. FITZGERALD
Chief
Probation and Pretrial Services Office

December 12, 2022

MEMORANDUM

To: Kathryn A. Robinette, Senior Counsel, Office of Legal Policy, U.S. Department of Justice
Christina Smith, Senior Counsel for Access to Justice, U.S. Department of Justice

Thru: John J. Fitzgerald, Chief, Probation and Pretrial Services Office, Administrative Office of the U.S. Courts

From: Thomas H. Cohen and Vanessa L. Starr, Social Science Analysts, Probation and Pretrial Services Office, Administrative Office of the U.S. Courts

RE: INFORMATION ON SUPERVISION REVOCATIONS IN RESPONSE TO EXECUTIVE ORDER 14074

This memo provides information in response to Executive Order 14074, “Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety.” The relevant section for the Administrative Office of the U.S. Courts (AO) is Section 15, “*Supporting Alternatives to Arrest and Incarceration and Enhancing Reentry*,” and in particular paragraph 15(h), which instructs the Attorney General, in consultation with the AO, to publish a report on the following data:

The number of probationers and supervised releasees revoked, modified, or reinstated for Grade A, B, and C violations, disaggregated by demographic data and the mean and median sentence length for each demographic category.

In response to this request, the AO has prepared this memo, which shows several aspects of revocations according to supervisees’ demographic characteristics, including their race/ethnicity, gender, and age, for cases closed during fiscal years 2021 and 2022. Our analysis included an examination of the revocation rates, the types of revocation (i.e., technical violation, new arrest charge), the average and median sentences resulting from revocations, and the pattern of persons placed back onto federal supervision after being revoked. Information about the types of grade violations (that is, A, B, and C) was unavailable.

Before delving into the findings from this analysis, we provide background information about federal revocations. In the federal system, people placed on supervision (i.e., a term of supervised release or probation) can have their supervision term revoked for either failure to comply with supervision conditions or an arrest for new criminal activity. When a person under supervision fails to comply with release conditions (which in the community corrections context is labelled a technical violation), that person can be sent back to federal prison.

Technical violations encompass a range of activities in which a supervisee violates the terms of release but does not commit new crimes. Examples include failing to report to a probation officer; failing a drug test; refusing to engage in mandated substance abuse, mental health, or sex offender treatment; and possessing weapons or other forms of contraband, such as illegal drugs. Conduct leading to a technical violation is not always minor and in some instances may present a risk to public safety.

Note also that some cases closed by revocation may have both technical violations and new criminal conduct. Specifically, the court may have revoked supervision based upon a finding that a technical violation occurred; however, the conduct that resulted in the technical violation may have involved the commission of new criminal offenses. Moreover, some revocations for technical violations may occur after the court and/or the probation office has already used a series of lesser sanctions and interventions for a pattern of violations. Therefore, the characterization of a violation as being “technical” in nature needs to be considered in this broader context.

In this memo we present data on several aspects of revocations according to supervisees’ demographic characteristics (including their race/ethnicity, gender, and age) for fiscal years 2021 and 2022. First, we examine cases closed by revocation and the types of revocation (see Tables 1a, 1b, 2a, and 2b). Next, we explore the average and median sentences resulting from revocations (see Tables 3a and 3b). Last, we examine the pattern of persons placed back onto federal supervision after being revoked (see Tables 4a and 4b).

Revocation rates by demographic characteristics

- For the nearly 60,000 cases closed during fiscal year 2021, almost 28% were terminated through a revocation (see Table 1a). Fiscal year 2022 saw a slight increase in revocations, at just over 30% for over 57,000 cases (see Table 1b). In both fiscal years 2021 and 2022, the revocation rates ranged from a high of 57% - 59% for the category of American Indians/Alaska Natives to a low of 17% for Asians/Pacific Islanders, for both fiscal years.
- In fiscal years 2021 and 2022, males were nearly two times more likely to be revoked than females.
- Revocation rates declined by age. For example, federal supervisees under the age of 20 with cases closed in 2021 were about three times more likely to have a revocation (47%) than persons 50 and older (15%). Similar patterns of age and revocation rates manifested themselves in 2022.

Table 1a. Percent of cases closed by revocation and demographic characteristics, fiscal year 2021

| Supervisee demographic characteristics | Number closed | Types of closures | | |
|--|---------------|-------------------|------------|-------|
| | | Revoked | Successful | Other |
| All supervisees | 59,062 | 27.5% | 58.6% | 13.9% |
| Race and ethnicity | | | | |
| American Indians/Alaska Natives | 2,336 | 56.8% | 30.6% | 12.6% |
| Asians/Pacific Islanders | 1,303 | 16.5% | 73.8% | 9.7% |
| Black, not Hispanic | 20,772 | 26.6% | 59.1% | 14.3% |
| Hispanics, any race | 15,452 | 27.1% | 58.6% | 14.3% |
| White, not Hispanic | 18,840 | 26.2% | 60.2% | 13.7% |
| Gender | | | | |
| Female | 9,288 | 17.8% | 70.6% | 11.6% |
| Male | 49,773 | 29.3% | 56.3% | 14.4% |
| Age | | | | |
| Under 20 | 375 | 46.7% | 43.2% | 10.1% |
| 20 - 29 | 11,610 | 37.6% | 50.3% | 12.1% |
| 30 - 39 | 19,502 | 33.1% | 55.8% | 11.0% |
| 40 - 49 | 14,504 | 24.1% | 63.8% | 12.1% |
| 50 and older | 12,058 | 14.5% | 70.1% | 15.5% |

Note. Includes cases closed during fiscal year 2021. Successful closures include both early and regular terminations. "Other" closures include those closed by death, transfers, unsuccessful terminations, and other not classified. Persons in the "other" not classified race category not shown but included in totals. Data may not sum to 100% due to rounding errors.

Table 1b. Percent of cases closed by revocation and demographic characteristics, fiscal year 2022

| Supervisee demographic characteristics | Number closed | Types of closures | | |
|--|---------------|-------------------|------------|-------|
| | | Revoked | Successful | Other |
| All supervisees | 57,020 | 30.2% | 57.4% | 12.4% |
| Race and ethnicity | | | | |
| American Indians/Alaska Natives | 2,305 | 59.4% | 32.0% | 8.6% |
| Asians/Pacific Islanders | 1,192 | 16.6% | 72.2% | 11.2% |
| Black, not Hispanic | 20,030 | 29.8% | 57.7% | 12.4% |
| Hispanics, any race | 15,255 | 30.8% | 57.2% | 12.0% |
| White, not Hispanic | 17,913 | 27.5% | 59.3% | 27.5% |
| Gender | | | | |
| Female | 9,293 | 19.8% | 70.0% | 10.2% |
| Male | 47,726 | 32.2% | 55.0% | 12.8% |
| Age | | | | |
| Under 20 | 345 | 38.3% | 47.5% | 14.2% |
| 20 - 29 | 11,279 | 39.2% | 50.8% | 10.0% |
| 30 - 39 | 18,903 | 35.9% | 53.5% | 10.6% |
| 40 - 49 | 14,176 | 27.3% | 61.5% | 11.2% |
| 50 and older | 11,700 | 17.0% | 68.7% | 14.3% |

Note. Includes cases closed during fiscal year 2022. Successful closures include both early and regular terminations. "Other" closures include those closed by death, transfers, unsuccessful terminations, and other not classified. Persons in the "other" not classified race category not shown but included in totals. Data may not sum to 100% due to rounding errors.

Types of revocations

- Among those cases revoked for 2021 and 2022, about two-thirds (66% and 68%) had a revocation resulting from a technical violation, while the remainder were revoked because they engaged in criminal conduct with a new arrest charge (33% and 31%) or had criminal conduct which did not result in new arrest charges (2% for both years).
- American Indians/Alaska Natives were the most likely to be revoked for technical violations. For each fiscal year 2021 and 2022, there were approximately 1,300 revoked in the category of American Indians/Alaska Natives; 80% - 82% were revoked for technical violations and 19% - 17% had revocations resulting from new arrest charges. Conversely, Blacks had the lowest rates of revocations due to technical violations. For those Blacks with revocations,

56% - 57% were revoked for technical violations, while the remaining 42% in both years were revoked because of new criminal conduct.

- Nearly four-fifths of revocations of females occurred because of technical violations, while about two-thirds of revocations of males resulted from technical violations.
- Revocations resulting from new criminal conduct that generated arrest charges occurred most frequently among persons between the ages of 20 and 29; of these supervisees, 33% - 36% were revoked due to criminal conduct that resulted in new arrest charges. In comparison, persons 50 and older had the lowest rates of being revoked because of criminal conduct that resulted in new arrest charges (26% - 24%).

Table 2a. Types of revocations by demographic characteristics, fiscal year 2021

| Supervisee demographic characteristics | Number of closures with revocation | Types of revocations | | |
|--|------------------------------------|----------------------|------------------------------------|-----------------------------------|
| | | Technical violation | Criminal conduct-new arrest charge | Criminal conduct-no arrest charge |
| All supervisees | 16,237 | 66.0% | 32.5% | 1.5% |
| Race and ethnicity | | | | |
| American Indians/Alaska Natives | 1,327 | 79.9% | 18.8% | 1.4% |
| Asians/Pacific Islanders | 215 | 79.1% | 19.5% | 1.4% |
| Black, not Hispanic | 5,529 | 56.2% | 42.2% | 1.7% |
| Hispanics, any race | 4,182 | 68.3% | 30.7% | 0.9% |
| White, not Hispanic | 4,929 | 70.8% | 27.3% | 1.9% |
| Gender | | | | |
| Female | 1,653 | 78.3% | 20.6% | 1.1% |
| Male | 14,583 | 64.6% | 33.8% | 1.6% |
| Age | | | | |
| Under 20 | 175 | 65.7% | 33.7% | 0.6% |
| 20 - 29 | 4,363 | 62.9% | 35.6% | 1.5% |
| 30 - 39 | 6,460 | 65.3% | 33.2% | 1.5% |
| 40 - 49 | 3,496 | 68.6% | 30.2% | 1.2% |
| 50 and older | 1,743 | 71.5% | 26.4% | 2.1% |

Note. Includes cases closed by revocation during fiscal year 2021. Persons in the "other" not classified race category not shown but included in totals. Data may not sum to 100% due to rounding errors.

Table 2b. Types of revocations by demographic characteristics, fiscal year 2022

| Supervisee demographic characteristics | Number of closures with revocation | Types of revocations | | |
|--|------------------------------------|----------------------|------------------------------------|-----------------------------------|
| | | Technical violation | Criminal conduct-new arrest charge | Criminal conduct-no arrest charge |
| All supervisees | 17,201 | 67.5% | 31.0% | 1.6% |
| Race and ethnicity | | | | |
| American Indians/Alaska Natives | 1,369 | 82.1% | 17.1% | 0.8% |
| Asians/Pacific Islanders | 198 | 79.3% | 18.7% | 2.0% |
| Black, not Hispanic | 5,977 | 56.5% | 41.5% | 2.1% |
| Hispanics, any race | 4,699 | 72.8% | 26.5% | 0.6% |
| White, not Hispanic | 4,921 | 71.2% | 26.6% | 2.2% |
| Gender | | | | |
| Female | 1,840 | 79.1% | 19.7% | 1.3% |
| Male | 15,360 | 66.1% | 32.3% | 1.6% |
| Age | | | | |
| Under 20 | 132 | 68.9% | 31.1% | 0.0% |
| 20 - 29 | 4,421 | 65.1% | 33.4% | 1.4% |
| 30 - 39 | 6,782 | 66.6% | 31.9% | 1.5% |
| 40 - 49 | 3,876 | 68.5% | 29.9% | 1.6% |
| 50 and older | 1,990 | 73.6% | 24.1% | 2.3% |

Note. Includes cases closed by revocation during fiscal year 2022. Persons in the "other" not classified race category not shown but included in totals. Data may not sum to 100% due to rounding errors.

Mean and median sentences imposed from revocations

- The average incarceration sentence resulting from revocations was about 10 months. Half of persons with revocations were sentenced to incarceration terms of 6 or 7 months or more.
- American Indians/Alaska Natives received the shortest sentences resulting from revocations (7 months), and Blacks received the longest sentences (11 to 12 months).
- On average, Blacks received incarceration sentences generated from revocations of about 11 to 12 months, while non-Hispanic Whites with revocations were sentenced to incarceration terms of 9 to 10 months.
- On average, revoked males were sentenced to 10 months of incarceration, while revoked females received 7 months of incarceration.
- The average incarceration terms resulting from revocations increased with age. Persons under 20 revoked from supervision received average sentences of 6 months; in comparison, persons

50 and older revoked from supervision received incarceration terms of 12 months for FY 2021 and 11 months for FY 2022.

Table 3a. Mean and median sentence imposed from revocation, fiscal year 2021

| Supervisee demographic characteristics | Number of revocations with sentence | Sentence length | |
|--|-------------------------------------|-----------------|--------|
| | | Mean | Median |
| All supervisees | 22,100 | 9.7 | 7.0 |
| Race and ethnicity | | | |
| American Indians/Alaska Natives | 1,691 | 7.1 | 6.0 |
| Asians/Pacific Islanders | 322 | 7.7 | 6.0 |
| Black, not Hispanic | 7,530 | 11.3 | 8.0 |
| Hispanics, any race | 5,742 | 8.6 | 6.0 |
| White, not Hispanic | 6,740 | 9.6 | 7.0 |
| Gender | | | |
| Female | 2,368 | 6.6 | 5.0 |
| Male | 19,731 | 10.1 | 7.0 |
| Age | | | |
| Under 20 | 200 | 6.3 | 5.2 |
| 20 - 29 | 5,635 | 8.3 | 6.0 |
| 30 - 39 | 8,472 | 7.0 | 7.0 |
| 40 - 49 | 4,826 | 10.1 | 7.0 |
| 50 and older | 2,590 | 12.3 | 7.0 |

Note. Includes revocations that resulted in an incarceration sentence for fiscal year 2021. About 99% of all revocations resulted in an incarceration sentence. The number of revocations with sentences will not match the number of cases closed with a revocation because, one person can have multiple revocations with incarceration sentences. Persons in the "other" not classified race category not shown but included in totals.

Table 3b. Mean and median sentence imposed from revocation, fiscal year 2022

| Supervisee demographic characteristics | Number of revocations with sentence | Sentence length | |
|--|-------------------------------------|-----------------|--------|
| | | Mean | Median |
| All supervisees | 21,927 | 9.5 | 6.0 |
| Race and ethnicity | | | |
| American Indians/Alaska Natives | 1,629 | 6.5 | 6.0 |
| Asians/Pacific Islanders | 275 | 10.3 | 6.0 |
| Black, not Hispanic | 7,652 | 11.5 | 8.0 |
| Hispanics, any race | 5,924 | 7.8 | 6.0 |
| White, not Hispanic | 6,405 | 9.3 | 6.6 |
| Gender | | | |
| Female | 2,389 | 6.6 | 5.0 |
| Male | 19,537 | 9.8 | 7.0 |
| Age | | | |
| Under 20 | 173 | 5.5 | 5.0 |
| 20 - 29 | 5,491 | 8.0 | 6.0 |
| 30 - 39 | 8,439 | 9.6 | 7.0 |
| 40 - 49 | 4,834 | 10.2 | 7.0 |
| 50 and older | 2,617 | 10.9 | 6.0 |

Note. Includes revocations that resulted in an incarceration sentence for fiscal year 2022. About 99% of all revocations resulted in an incarceration sentence. The number of revocations with sentences will not match the number of cases closed with a revocation, because one person can have multiple revocations with incarceration sentences. Persons in the "other" not classified race category not shown but included in totals.

Persons placed back on federal supervision after revocation

- About 67% of revoked persons were sentenced to a new supervision term; half of those re-sentenced to a new supervision term received a sentence of 24 months or more.
- In 2021, 70% of non-Hispanic whites, 73% of American Indians/Alaska Natives, and 77% of Asians/Pacific Islanders with revocations were sentenced to new supervision terms; conversely, 61% of Blacks with revocations received new supervision terms. Similar patterns of persons being placed back onto federal supervision by a supervisee’s race/ethnicity also manifested themselves in 2022.

- The median supervision terms imposed in 2021 and 2022 for Blacks, Hispanics, and non-Hispanic Whites was 24 months. During the same time frame, American Indians/Alaska Natives received median supervision terms of 27 - 28 months, and Asian/Pacific Islanders were sentenced to median supervision terms of 28 - 29 months.
- In comparison to the median sentences, data on average supervision sentences shows wider levels of variation by supervisee race/ethnicity. For example, in 2021, non-Hispanic Whites and American Indians/Alaska Natives received average supervision sentences of about 70 months, while Blacks and Hispanics were sentenced to supervision terms of about 32 months. Similar patterns manifested themselves in 2022.
- Females were 5 to 6 percentage points more likely to receive new supervision terms than males. Average supervision sentences were nearly two times higher for males (50 months) than females (28 months).
- New supervision terms were imposed at relatively equal rates ranging from 66% to 69% for all age categories in fiscal years 2021 and 2022.

Table 4a. Persons placed back on federal supervision after revocation, fiscal year 2021

| Supervisee demographic characteristics | Number of revocations | Percent placed back on supervision | Supervision sentence length | |
|--|-----------------------|------------------------------------|-----------------------------|--------|
| | | | Mean | Median |
| All supervisees | 22,260 | 66.9% | 47.3 | 24.0 |
| Race and ethnicity | | | | |
| American Indians/Alaska Natives | 1,697 | 73.4% | 69.6 | 28.0 |
| Asians/Pacific Islanders | 325 | 77.2% | 40.9 | 28.0 |
| Black, not Hispanic | 7,603 | 61.1% | 31.5 | 24.0 |
| Hispanics, any race | 6,790 | 68.5% | 31.6 | 24.0 |
| White, not Hispanic | 5,769 | 69.9% | 70.5 | 24.0 |
| Gender | | | | |
| Female | 2,398 | 71.6% | 27.6 | 24.0 |
| Male | 19,861 | 66.3% | 49.9 | 24.0 |
| Age | | | | |
| Under 20 | 204 | 67.2% | 22.9 | 24.0 |
| 20 - 29 | 5,690 | 65.5% | 32.7 | 24.0 |
| 30 - 39 | 8,515 | 66.4% | 42.4 | 24.0 |
| 40 - 49 | 4,854 | 68.8% | 50.5 | 24.0 |
| 50 and older | 1,812 | 69.2% | 89.2 | 29.0 |

Note. Includes all revocations including those with and without a sentence for fiscal year 2021. About 99% of all revocations resulted in an incarceration sentence. The number of revocations with sentences will not match the number of cases closed with a revocation because one person can have multiple revocations with incarceration sentences. Persons in the "other" not classified race category not shown but included in totals.

Table 4b. Persons placed back on federal supervision after revocation, fiscal year 2022

| Supervisee demographic characteristics | Number of revocations | Percent placed back on supervision | Supervision sentence length | |
|--|-----------------------|------------------------------------|-----------------------------|--------|
| | | | Mean | Median |
| All supervisees | 22,056 | 68.0% | 47.4 | 24.0 |
| Race and ethnicity | | | | |
| American Indians/Alaska Natives | 1,633 | 78.2% | 71.3 | 27.0 |
| Asians/Pacific Islanders | 275 | 80.7% | 35.0 | 29.0 |
| Black, not Hispanic | 7,707 | 60.2% | 31.6 | 24.0 |
| Hispanics, any race | 5,946 | 70.8% | 31.1 | 24.0 |
| White, not Hispanic | 6,450 | 71.7% | 72.0 | 24.0 |
| Gender | | | | |
| Female | 2,418 | 73.7% | 27.8 | 24.0 |
| Male | 19,637 | 67.3% | 50.0 | 24.0 |
| Age | | | | |
| Under 20 | 176 | 65.9% | 23.7 | 24.0 |
| 20 - 29 | 5,528 | 67.9% | 33.8 | 24.0 |
| 30 - 39 | 8,479 | 68.0% | 41.6 | 24.0 |
| 40 - 49 | 4,858 | 68.2% | 51.2 | 24.0 |
| 50 and older | 2,640 | 69.0% | 88.6 | 30.0 |

Note. Includes all revocations including those with and without a sentence for fiscal year 2022. About 99% of all revocations resulted in an incarceration sentence. The number of revocations with sentences will not match the number of cases closed with a revocation because one person can have multiple revocations with incarceration sentences. Persons in the "other" not classified race category not shown but included in totals.