

SB24-030 Recidivism Definition Working Group

Meeting Minutes

May 23, 2024 | 10:00am-12:00pm

Location: Hybrid - 700 Kipling, 3rd Floor DCJ Conference Room / Zoom

Attendance: Kelli Burmeister (Division of Youth Services), Katie Ruske (Office of Community Corrections), Greg Saiz (Parole Board), Aaron Stewart (Judicial), Jeff Wise (Remerg), Dave Wolfsgruber (DOC-Parole)

Staff: Erin Crites, Jack Reed, Linda Harrison

Guest: Matthew Tullis

Meeting Timeline/Minutes

- 1:00-1:05 Welcome
- 1:05-1:10 Introductions
- 1:10-1:30 Review minutes from previous meeting
- 1:30-1:45 Presentation from Jeff Wise
 - Significant variation between agencies
 - Katie-volunteer population is very different from a sentenced cohort
 - Jeff-There was hesitancy providing this information. Could seek more commonality in definition. Could potentially start with WAGEES to come to a more consistent definition
 - Michael-Spoke with Kyle from MI DOC. Was on the commission that did this same work. Lessons: Despite the logical value of consistent measure they decided there needed to be different definitions based on agency needs. Important that people who will have to deal with the data need to be central from the beginning. There will be different interests and vesting in the outcomes.
 - What were the positive outcomes? In the end, the discussions themselves were really helpful. While recidivism was the topic, the process of bringing people together had ancillary benefits. Allows for more critical examination of the process
 - Jack: Can Parole bring someone from OPA to the table? Yes, will bring in ??, head of business intelligence unit
 - Dave: Individual programs will decide what will be the best definition for them. Will share information from NJ in regards to how they define parole.
 - Jeff: How are you tracking this?
 - Greg: Did MI look into some of the other issues, (data sharing,). MC: Suggested going through MI commission's minutes to see more about the process. Need to make sure we borrow as much as possible from others when it makes sense.
 - Greg: MO and PA were also at cutting edge of some of this work
 - Michael: NJ was an early reformer on parole board.
 - Kelli: Have done some partnering with MO on juvenile side and how they defined. There are comparison issues when looking at how things are defined though.
- 1:45-2:30 Discussion of options for "point to begin tracking"
 - Aaron: Prerelease. When individuals start probation supervision. Post release: upon termination from probation regardless of how they terminate. They then break down by termination type. Juvenile justice reform required new methodology and they decided to just do one different methodology.
 - Erin: CSG brought in some key points and creating consistency was emphasized. Took DYS definition and expanded to other entities.

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- Kelli: Pre-discharge: starts from date of commitment and Post-discharge rates calculated separately. DYS serves detained and committed but only do recidivism on committed youth. Post-discharge: clock starts at when they discharge entirely from DYS, not just when they are done with supervision. Done with residential care, 6 month parole period (which can be extended up to 21 months). Do this up to 3 years. Trying to align with as many comparable states as possible. Switched from new filing to new conviction/adjudication due to white paper which suggested juvenile agencies go this route. There is a wave of states moving to new conviction/adjudication. Cohort and length of time is where we're seeing biggest difference. Adding 5 more states to this comparable group.
 - Jack: If you could change something about the definition, what would you change?
KB: Best to not have the event to count specifically set in statute. As of right now, there is a wave of state switching to adjudication/conviction as the recidivism event.
- Katie: Have multiple different client types just in residential Community Corrections. For Performance Based Contracting (PBC), worked with Urban Institute to use entry into program. 1. With other community-based programs they start at entry because that's when they're in the community. 2. PBC is incentive based, so providing information as close to the service as possible.
 - Pre-release new event during residential. If an individual is there for a condition of parole/probation, they will be tracking them. Need to break out for different types
 - Direct sentence-non-residential until judge releases. Transition—release to ISP-I or parole. COP goes back to probation or parole. Could only report on those who go to non-res.
 - Greg: Parole does track all movement data
 - Aaron: When send to CC they put them into admin status but don't know how they term.
 - Usually report out on the populations separately. Other agencies are also tracking Community Corrections participants.
 - Greg: DOC tracks transition clients in CC but the data are not easily accessible for analysis
 - Need some strong disclaimers in the final report about what pre/post release recidivism means. In program rates will be super low due to level of supervision and length of stay.
- The specific definition of pre-release and post-release might change depending on the population and program structure.
 - Community Correction's termination type for PBC is start date, ORS uses successful exit, probation and DYS use discharge of any type
 - unsuccessful discharges are a challenge methodologically because the opportunity to commit and be convicted of a new crime is different if the individual goes to DOC.
 - Parole: filing of paperwork to revoke to get back to DOC is discharge—parole has tried to be intentional about who goes back to DOC and focus on more egregious violations

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- Jeff: Why does CC use new felony convictions for outcome measure? Katie: because the focus of PBC is on cost savings and felony convictions often lead to DOC sentences which is where this cost savings is realized.
- Jack: from your perspective Katie, is successful termination the fairest starting point? Katie: Community Corrections gets grief for using successful terminations only. If we do this, might have to leave out DOC clients.
- Could focus on all terminations and then separately disaggregate successful terminations for this common definition purpose. As long as we are consistent it could be ok.
- Greg: would be a valuable argument to exclude the technical violations. Clearer and more digestible picture of recidivism rates. Statutory release folks have a bit of a wrinkle in that process due to not being on parole, but there aren't that many.
 - Linda: for parolees could focus on new crime
 - Want to get OPA onboard since they do the DOC study.
- Jack to Jeff: Is there anything that reentry stakeholders want us to know? Jeff: provided the opportunity but didn't get any specific feedback related to that question. They do want this to be a continuing discussion and conversation where they are included. Community-based programs use program entry as their starting point. Anyone going back to prison matters to them. Decrease in TVs has changed DOC's recidivism rate.
- 2:30-2:45 Public Comment--No members of the public in attendance wished to comment
- 2:45-3:00 Wrap-up and Adjourn

MANDATES. Pursuant to 24-33.5-536, C.R.S. (Senate Bill 2024-030)

The working group shall:

- Be appointed no later than September 15, 2024.
- Develop a definition of recidivism no later than January 15, 2025.
- Provide a definition of recidivism to each state entity identified by DCJ and the working group pursuant to 24-33.5-536(1)(b) CRS no later than January 31, 2025.
- Conclude its meetings by January 31, 2025.

The working group is required to develop a recidivism definition consistent with statute that includes:

- A clearly defined measurement point to begin tracking the recidivism event defined in 24-33.5-536(2)(4)(c).
- A clear description of the cohort to be tracked.
- A clearly defined time period during which an event is considered a recidivism event that is consistent with best practices for measuring recidivism.
- The recidivism event is a new deferred agreement or adjudication or conviction for a felony or misdemeanor offense, including "Victim Rights Act" crimes.
- In order to promote the use of consistent definitions by various state entities, the working group may develop definitions or data points related to recidivism or the desistance from crime that state entities may use as applicable.