

TRANSCRIPT: Recidivism Definition Working Group Meeting

May 23, 2024

Attendance: Dave Wolfgruber (DOC-Parole), Greg Saiz (DOC-Parole board), Katie Ruske (CDPS-DCJ-OCC), Michael Campbell (University of Denver), Kellie Burmeister (CDHS-DYS), Jeff Wise (Remerg), Aaron Stewart (State Judicial)

DCJ Staff: Erin Crites, Linda Harrison, Jack Reed

Key Abbreviations:

42-CFR-Part 2—portion of federal law protecting information related to treatment for substance use disorders

CC-Community Corrections

CDOC-Colorado Department of Corrections (see also DOC)

CJI-Criminal Justice Information

ComCor-Community Corrections

DA-District Attorney

DOC-Department of Corrections

DYS-Division of Youth Services

HIPAA-Health Insurance Portability and Accountability Act

IRT-Intensive Residential Treatment

MOU-Memorandum of Understanding

WAGEES-Work and Gain Education & Employment Skills

Erin Crites 01:25 *[Note: timestamps are approximate.]*

So thanks, everybody, for joining us and making this time slot work. We'll try and jump in and make the most of this first hour before Michael has to go teach our next generation of criminologist. Criminal justice practitioners. And then we'll keep rolling with our agenda. And I think we can I don't know Jack, do we need to do introductions again? I think we have one new person joining us, but I think we can probably forego that for the time being.

Jack Reed - CDPS 02:06

I think we're okay. Actually, just Matthew can introduce himself. Okay. Oh,

Erin Crites 02:13

Let's do that.

Matthew Tullis - CDPS 02:16

All right. Hey, everyone, can you hear me?

Erin Crites 02:18

We can.

Matthew Tullis - CDPS 02:20

Oh, hi. I'm Matthew Thomas. I'm the statistical analyst for the Office of Community Corrections. Thanks for having me.

Erin Crites 02:29

Thanks for joining us. I'm sure this will be a relevant conversation for you. And we have our group of stakeholders on the call, as I'm guessing Katie has probably updated you on on the group here and who's involved. So, um, we were going to review the minutes from our last meeting, but they are still in draft form. So we will send those out via email for folks to provide comment once they're complete. Hopefully, by early next week, we'll be able to get those out to you all. And we'll do better about getting those in advance of our meetings. Jack and I have gotten a bit behind on some things this week with some other obligations. So we'll get those out to you. We do have the recording, we'll get that posted if it's

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not already posted. So that if any members of the public are interested in what occurred during the meeting, they can listen to the recording, even if the minutes are posted just yet. Alright. We'll just truck right along. So Jeff has put together a really in depth spreadsheet, who you talk to a lot of his connections and fills in a lot of gaps on the types of recidivism definitions that community partners are using to evaluate their programs, as well as created a really nice structure for us to kind of work within as we talk about what this definition might look like Jack put it in the chat. But I don't know if everybody has access to the chat from before they signed in. I don't know how that works on Zoom. You don't Okay. The row that there it is again. So it's a Google for or a Google Sheet. For folks who want to open it up, I think, Jeff, you might also have sharing permission if you want to screen share it as well. And so I will turn it over to you to tell us kind of what you found in your conversations. And then we'll go from there.

Jeff Wise 04:45

Right. Yeah, I'm going to try to share my screen. Let's see if this works. Work. Right. Yeah. Well, thank you. You'll see that perfect Um, yeah, so this, this was I was telling Jack and Erin, when I jumped on, this was a really interesting learning experience for me, I think I sent out, created a survey, Survey Monkey sent it out to about 19 different organizations, a lot of the ones that responded, we work with frequently, or we are working in parallel, so we have a relationship with them. But I heard back from about 13, which was pretty good, I would have liked to have gotten all of their input. And I'm still waiting. So I this, this document will continue to evolve, I think. And I want to encourage everyone on the committee too if there are, there's information that you guys can plug in or want to plug in, feel free to do so. I know, Latino coalition is interested in in sharing some insight, and so I'm going to be meeting with them in the next couple of weeks, hopefully. So I'll add that to the spreadsheet. If if there's one takeaway from this, I think that there really is no standard among reentry organizations. I think that was, what was really interesting to me, is just how diverse everyone's definition of recidivism is. And a lot of that is, I think, part partly because of the nature of their programs. So organizations like Breakthrough, for instance, begin working with their clients while they're still in prison. And so that that obviously makes their starting point a little bit different than an organization like Second Chance center, who's working with people when they get out. But the definition is different among organizations, the starting point is different, and then the ending point. Organizations like My Father's House, track, recidivism wall clients are in that program. So they're a transitional housing programs for people convicted of sex offenses. They only count recidivism, though, as people who go back to prison for a new offense. So that's an important distinction. Some organizations count, going back to any institutional setting as recidivism, some counted as only going back to prison. So I tried to capture all of that on this survey. And I think another thing to note here is that as I started getting responses back, I started thinking of more questions that we might want to know. So like things like, how many how many individuals are served per year? So if their recidivism is 8%, you know, how many? How many is that? So I think I'm definitely going to continue working on this, partly because I'm just curious. But I also think it's really important to capture as we're having these conversations. Hopefully, I think you all have access, so you can go through it. I won't go through each line. But I think another really interesting piece on this is that, as far as how are we, how do we know if somebody has recidivated? So every organization kind of does it differently. But like, I think it was Doing His Time right here. I think they had the most comprehensive tracking of any of the organizations that I talked to. So they actually track each of their clients for five years. And that entails going through DOC inmate locator, different local county jail websites, whatever it is. And one by one checking to see if that that individual has gone back basically and to me that just doesn't seem like a very efficient way of doing it. But I think that's the best way to do it. So every organization I talked to, that's basically what it what it entails. So if they stop hearing from a client, they go and check on the inmate locator to see if they're back in prison or back in custody. So I thought that was pretty interesting as well. One other piece is that a lot of these reentry organization's receive WAGEES funding. And I think we talked a little bit about that during our last meeting. But even among those WAGEES partners, there's no real standard, which I thought was kind of interesting. That's about it. If, if anyone has questions, I'm happy to answer them.

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Katie Ruske 10:28

I don't know that I have a question, I would say thank you, Jeff. That's all so much work. And that's amazing, really, that you were able to do that. I think I'm more of a placeholder for us, like sort of for that. The sort of end report, so to speak of, you know, how we want to clarify why you may not be able to compare, you know, when you use the same definition, and I feel like, for me, this is a really important place to do that, because of voluntary population is very different than a confinement population, like, you're always gonna have much lower recidivism numbers, because you're not counting individuals who choose to stop engaging with the program, right? There's not counted, and our individuals can't, they don't have that choice, or they don't get to, like, not work with us, which can lead to a negative outcome, obviously, for them and for us. So I think just, I would just love for us to find a way to sort of capture that because I do find, for our work personally in community corrections, that this is the population that they want to compare our data to. And it's the biggest struggle for us explaining why even if we don't have the same definition, even if we do have the same definition, you cannot compare? We are not, we are not the same.

Jack Reed - CDPS 12:02

Did when agencies were getting back to did I mean, I saw I don't know what the survey looked like, but did any of them express any, like, reservations about answering these questions? And is that maybe why Latino coalition is having a meeting with you rather than answering Survey Monkey or?

Jeff Wise 12:02

Great point. Yeah, you know, there's an interesting kind of takeaway, too, is there's a lot of reluctance initially. I think some organizations felt like I'm snooping around. And so that was part of part of my process was explaining to them that this isn't really to put any one organization on blast, but to get a census, and how, you know, how we're, how we in the community are tracking this stuff. So it could be why Servicio wants to meet in person. I, I think also just in general, we're looking at working with Servicio, or I'm sorry, Latino Coalition, a little bit more. So it's a dual, it'll be a dual purpose meeting. But yes, there was definitely some hesitancy. But I think by and large, people understand that this is important. This is really we need we need to get on the same page. Like Katie was saying, you know, if we're talking about seeing what's working, there should be some kind of standard, or at least at least a recommended standard. I think I think I'm maybe there's, maybe it's not the period, maybe, maybe it's that we should all come to a consensus on what does recidivism mean, as far as it is, is it going back to any sort of custody? Or is it just prison? Like those little things? I think we could. There could be more commonality. than anything else?

Jack Reed - CDPS 14:35

I mean, I guess from your perspective, do you think that that do you think that that commonality is something that like the, you're the group of community organizations kind of more broadly, that would find beneficial? Or do they like doing it their own way?

Jeff Wise 14:52

See, yeah, I think for some of them, it would be it could this could be just kind of contentious work because we could be screwing up how they're how they're their bread and butter, how they've been going about reporting. I think like, you know, there's some programs here that are only 90 days. So of course, it's I mean, to have a five or 9% recidivism rate in 90 days is not doesn't really say a whole lot. So that could be I mean, it could be a threat, maybe to some to some organizations, I mean, it could change their, what they're reporting on grants and things. So there could be pushback. But everyone I talked to, who I was able to talk to shared that this, they appreciate us having these conversations, you know, but I think it could start with WAGEES, WAGEES might be in a really good position to kind of maybe cajole organizations to, if we decide, recidivism is this maybe WAGEES could be the one to say, to implement that.

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Michael Campbell 16:22

I'm not sure when best to toss this into the pot. But I, this is making me somewhat Jeff is talking about here and this spreadsheet are making me think a little bit. So I did reach out to and spoke with Kyle Kaminski from Michigan with the help of Greg who provided some very useful contact information for me to be able to connect and the guy I spoke with Kyle is the DOC, MDOC legislative liaison in Michigan. So he's kind of he's definitely in the agency. But he's somebody who is very policy conscious and adept at really explaining kind of what's going on. He was on the commission that they had that did some of the stuff we're doing. And I asked him some questions about what they you know how they did go about this. About, defining recidivism and the way it impacts different agencies, different groups. And so I thought maybe I would just toss this in here while I'm in the meeting. And it seems like there's some space for maybe just putting this input in here before I have to go. But he said a couple of things that if that if they had had known ahead of time, that maybe we can start with by having a little more consciousness here. He said that, despite, you know, the, the logical value of a consistent measure of recidivism across agencies, he said that ultimately they decided that they're, you know, that the definitions, we're going to have to have some differences depending on agency needs. And I think community organizations, obviously, are just going to have some important differences. As Katie points out, you simply, you know, when you have voluntary clientele versus non voluntary, your outcomes, and you know, your measures, things are going to look quite different. But he did say, and I thought this was a useful kind of thinking about the end here at the beginning piece of advice. And that was that he said, it's really important to make sure whatever we decide, and however we define these things, that the people who are actually going to have to gather the data, organize the data and handle the data should be very central to the, to the ways that these things are set up from the beginning. Because he said that ultimately, and this makes perfect sense that if they aren't involved, and if people who are detached from these things come up with definitions that they can't really, that they can't really either implement, then you know, you're essentially going to have some garbage in garbage out problems where, you know, the people collecting the data simply aren't going to be able to put into the pot, the things that the those people on the other end want to see come out. And so I thought it was really helpful for him to make that point that, you know, obviously, there are going to be different interests involved, right, every group here has a different, a different way that inputting things here will work for them. They also have vested interests in the outcomes that this data is used to generate. But ultimately, I think that this is an important thing that we would want to kind of have sitting on the table here as we go ahead and just start, you know, start organizing our thoughts and deciding, you know, because I told him, you know, you know, what would you tell somebody like myself, who's kind of skeptical that doesn't want to spend a whole bunch of time over the course of the next year, doing something that no one really wants to do that ultimately isn't helpful. Because I don't you know, I don't think that's in anybody's interest, if you really care about , you know, improving outcomes across agencies here, which is what I think we should be doing. And I think that's a really good starting point is making sure that that is a kind of in the framework as we as we even begin going about the conversation. So I want to toss that out there. This seems like a moment where I think it would be useful because I do think it's relevant to what Jeff said. And I think it's something that's good to do first, rather than kind of think about it later.

Jack Reed - CDPS 16:22

Michael,

Erin Crites 20:30

Thanks, Michael, I think the one unfortunate piece for us is that one portion of our definition has been predefined in statute. And that's the what we're counting bit which is that new deferred agreement, adjudication or conviction. Upside those data are available, and we can access them. Downside, I think, to your point, Michael, and to your point, Jeff, is that that may not be the most meaningful thing to count for everyone at every point in time. And so I think we're in that unfortunate place of having to kind of live with that one piece, knowing that it may not be the preferred event for everyone. But the upside is, is that it isn't something that we can't access. So it is a measure that folks can get. It's in our

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it's in our state data. It's accessible to all of our analysts. But I think it's going to be really important at the end of all of this, to be sure to kind of voice those concerns. And those recommendations that while this was, you know, a portion of statute that was already in existence before this group met, it is something that is of a concern, and something of concern that was voiced at the front end. But nonetheless, we're kind of operating within that constraint still now, but I think it's worth restating, and our final report.

Kelli Burmeister 22:20

Yeah, I was just gonna say, Kyle, good point, as well. And I just want to second, that having the data people at the table is extremely important. And that will save time in the long run for sure. We can make some good decisions, but to be able to really be able to operationalize those and grab the points that we need. Absolutely. So I'm glad he had that foresight and shared that. Really good advice. Thanks, Jeff, for sharing that really detailed matrix. I think that was exactly what we were talking about at the last meeting.

Jack Reed - CDPS 23:00

And, and Michael, I totally agree that making sure that data people at the table. And so I guess this is kind of a question for Dave and Greg, then, because I'm Dave, I don't I guess I don't know you as well and exactly where you sit within DOC. But I know that OPA is certainly where the where the data is going to live. And, you know, they're not on this group. But I'm kind of wondering if there's perhaps somebody from OPA that you could try to loop into these meetings.

David Wolfsgruber 23:35

Yeah, absolutely. I can loop in Eddie Kaylee, who's our director of our kind of our business improvement group. I can definitely invite him is does he have it? Can I extend an invitation on behalf of the of the group? Alright, I'll do that for the next meeting. And I'll ensure that either he or someone else is involved. I'm the Director of the Division of Adult parole. So we have about 9500 individuals under supervision about 1100 of them are sex offenders. And unfortunately, we have about 1450 absconders which means they've gone missing from parole supervision. So to give you a little bit of perspective, from my prior life, I was executive director with the New Jersey state parole board that had 16,000 individuals under supervision about 9500 Sex Offenders because we are the unfortunately the home state of Megan Kanka who was murdered by a released sex offender across the street. So we've got some significant legislation in New Jersey that was the forerunner for Megan's Law internationally, and then we had about 250 absconders so I won't bore you all with some of the legislation that's impacted our world and parole as to how we can move forward on violations and how a lot of individuals because we don't have the ability to take immediate action and we've got to wait for the process to unfold and if it's substance use disorder, we can't necessarily issue a complaint ultimately becomes a parole. Warren put them in custody. That's the large majority of those cases end up absconding. And now that's the reason why we have 1450 absconders throughout the state. So we are kind of at the end product of those. And we have a lot of individuals that are not voluntary. They are mandated, but also under the wages contract is a requirement that they provide services to anyone that is released from a DLC facility within a year. So those individuals that are not mandated by parole to participate in WAGEES are the voluntary, so as you all aware, you know, recidivism, unfortunately, is what the program does not you know, individually decides, in some cases, what's in their best interest to report on. So I've got a report that I can share from the group what we've done in New Jersey, if anyone's interested in taking a look at it. It's any individual release to state parole board supervision and the Juvenile Justice Commission for three years and includes maxed out to kind of gets into a little bit about halfway house participation. It's signed on by the New Jersey Department of Corrections Juvenile Justice Commission, as well as probation to an extent. So if there's any value, anyone thinks there's some value, I'd absolutely send it to the group and it goes into the kind of the nationally accepted three years of data rearrest, reconviction, re incarceration to a DOC facility of a year or greater, I'm happy to share that, to kind of give a fuller picture of how we measured in New Jersey, and not that a square peg can be fit in the round hole of Colorado. I'm not suggesting that at all. But a little more insight as to how one state has taken their legislative mandate, and

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implemented it via a comprehensive report that's issued to the legislature. And then of course, as the person that was on the Hot Mic at answering those questions, is the executive director for New Jersey parole, how we would respond and answer those questions. Because we also have, we also have programs in New Jersey that I don't want to say selfishly, but report on that 90 days, of course, somebody in a program for 90 days, that's voluntarily going there, you would obviously expect that the recidivism rate be very low. And then we have others that don't define the measures from where they arrive at ridiculous numbers like a 3% recidivism rates. So it's sliced and diced, as folks see it. So that's why I have a lot of issues with the way that program outcomes are reported. And it's not the fault of the wages provider Latino coalition. And I've had conversations with Rich Marquez and some of the folks at the Latino coalition about how we can collaboratively look at real data not Wolfgruber was in the program for 90 days. Of course, the recidivism rates going to be low, because it doesn't measure anything outside of that. So I know that Rich is up to and Latino coalition is up for a more fuller conversation about real recidivism numbers, not just that snapshot within those 90 days where, of course the recidivism rate is going to be low. So I'd be happy to share that report. If there's interest from the group.

Erin Crites 28:19

David, I think that would be helpful. I saw a lot of head nods. So yeah, you can send that to Jack and myself. And we'll get it out to everybody. Thank you. I think that's the other piece too, to kind of keep in mind, Dave, to some of your points is around the difference between program outcomes and kind of this longer term definition of recidivism, and kind of trying to separate those maybe will help some of our conversations with stakeholders that I think this is, there's this one definition we're tackling as part before, again, my voice goes sorry, Jack, you may have to take over. There's a one definition that we're kind of having to own as part of our statutory obligation. But that's not to say that there aren't other measures that are important for business practice and other kinds of outcomes that folks might be interested in.

Jeff Wise 29:26

And I think the question that really came up in doing this work was gain like, well, how are you? How are you tracking this? And so maybe it's a larger conversation, maybe, maybe there's a lot of reasons why we don't have any way of, of tracking people but like we have, you know, I work with the Homeless Management Information System all the time, right. Why don't, why isn't there something like that for this population? I mean, maybe that maybe there's a reason there's not. But like, that's, to me, that was one of the glaring things that came out of this. Because it's all very subjective on, you know, like Dave was saying, you know, you it's kind of cherry picking almost. But if they're not if they're not going back and checking DOC data on a participant, and then the default is that they're still in the community that they haven't recidivated. So yeah. So maybe that's something to talk about, as well.

Jack Reed - CDPS 30:35

No, and I agree, and I think that that really comes down to that starts coming down to the question of data sharing. And, you know, who, what data can be shared? And who has to do the matching? So I think that those are, those are questions that I think will probably come more towards the end of this, because I think like, we know that we can all play together with the data that we have, because we're all in the state. But the folks outside of the state, I think, are more looking at MOUs and data sharing, like, how does that happen? I mean, I think the all of us, but I would really like to be able to, you know, to work with them to see how can we come to this single, um, at least, you know, way to track people and identify where they're at in the process, whether that's conviction, or return to return to DOC? Michael, actually, before we move on, was there, were there other things that that you got? Because I think you said you were going to talk to or look at a few different states. Were there other things that you?

Michael Campbell 32:01

Actually, I was just looking at Michigan, for now?

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Jack Reed - CDPS 32:06

Okay.

Michael Campbell 32:07

And was able, like I said that to have a good conversation with Kyle who offered to, you know, to be a repeat, discussant, and I, I guess, you know, one other thing I would add, because I, you know, I was kind of, I guess more of a research mindset, from my perspective, just kind of like, you know, well, what, what are some of the real positive outcomes that came from doing this, if any, you know, that came out of this process and doing it in Michigan. And he said that even though they're I think they had a lot of the things that we're already all kind of seeing some of the bigger issues with these definitions and how they vary and whatnot. But he said that, in the end, the discussions themselves, generated a lot more discussions about things that were very helpful. And so he said that, while recidivism may have been kind of the topic that was bringing people together, said that they're bringing together of people to talk about these things to just try to find better ways of doing things that that the process itself, he said, led to a lot of ancillary benefits that he didn't foresee of just different people in different agencies being able to kind of have a better grip on what was going on in other places, and make more sense of things. So I know that it's very ambiguous, but you know, but it's, but I do think it's helpful to know that these conversations, and I'm not wanting to just have meetings, either. So I'm not saying that. But I do think there's a lot to be gained from, you know, from his perspective, and I'd say research would confirm this, of keeping these discussions going, despite all the many problems that we all can kind of already kind of see on the table. That that it does, it does generate a lot of a lot of critical thinking about some things that have probably been acritically accepted across agencies and across a lot of different people's perspectives. And so I think, I think that's a positive note, to kind of keep the focus going that there's, there's an energy that comes out of this from his perspective of someone who did it. Who didn't have any reason to tell me anything that wasn't the truth. So I thought that was positive. And I thought that was reassuring that the process should have some benefits that we may not anticipate, as we go through here. So trying to be optimistic on this Thursday. You know, we're close to the weekend, I'm feel and feeling good about things.

Greg Saiz 34:41

Thanks, Michael. Thanks for reaching out to Michigan really glad you got to connect with him. And then he pointed you in the right direction. Question for him that I had some limited conversation so I for everybody's information. I know some of the board members from Michigan. That's Tim Flanagan, the guy I'm talking about now. Not relevant, but I want everyone to wonder who Tim was. Just carry that the rest of the day. But, Michael, I don't recall in speaking with the folks from Michigan last couple weeks ago, but did they go any further? And so by any further, I mean, did they step in into any of the other pieces that have been come up today, of course, we'll have the sort of back end piece to sort of define recidivism that not just knew what it is, but to find some alternative metrics. Of course, we will commit to that and to just point it to Jeff, you should have been there for the interim committee, because we talked all about data sharing, and it unfortunately kind of died on the vine. But did they make any headway there either?

Michael Campbell 35:35

Well, so he pointed me to the Commission, which the commission that he served on that did a lot of this work expired. I think it was in 20, maybe 2017, or 2018. And he suggested that I go through their minutes and some of the recommendations that they've made. So I've got that on my list here. But I think it's going to take a little time to work through because I'm kind of looking at it not simply at the recidivism but also just kind of looking at the broader mission that commission was engaged in as I'm going through these things. So I think I'll have a better answer to that, Greg, once I get through more of those materials. But they definitely mentioned that they, they had, you know, they to have this on the table. And it seems to me like there's got to be even more states that are doing these things. And I haven't, you know, Jack asked if I'd done some other stuff, I haven't had a chance yet to do those kind of, you know, a bit of a crazy

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time here with the end of the quarter, but I'm gonna keep my eyes open and looking at those. And I know that this conversation is going on, I know that that National Academy was it the National Academy report that we all talked about that I kind of presented on at the legislature. You know, there are lots of states, I took that report seriously, I know, Greg, you and I talked about that, you know, during and after the meeting. And so I think there's more work to be done here to make sure that we borrow from the people that have already been digging through this stuff as much as we can up front, it may fit in, you know, today's point about New Jersey and Colorado, maybe it'll fit maybe it won't, but I think I can probably do more to find more of those kinds of reports about these kinds of things that have happened. And I'll put that at the top of my list this, this time around for a couple of weeks from here. So just getting in touch with somebody in Michigan felt like a good, good start getting my eyeballs on this stuff. And now, you know, I think the next step here is to just kind of, you know, a lot of a lot of these states have these things online, they're accessible, you know, I'll try to I'll try to identify a few more and maybe put those on the table as well probably won't have time to go through all of them. But I can at least put them in a bucket here that we can reach it and grab when people think that it might be relevant.

Greg Saiz 37:54

Thanks for that, Michael. And I think off the top of my head, I think Missouri, surprised to me, I don't know, if it was worth it Pennsylvania, we're kind of at the cutting edge of some of that stuff. So I do know some folks in Missouri, at least I'm kind of the peers as far as parole boards go, I'll reach out to one contact I have there to see if he can point me in a direction where he can kind of get some additional info. And I can kind of cold call at least the board of Pennsylvania and see what they may have. So

Michael Campbell 38:24

Oh, sure. Yeah, I know, Pennsylvania. Well, I'm doing a lot of research actually on Pennsylvania and New Jersey. And, New Jersey was a pretty early reformer and the parole board, they made some changes in the early 2000s that were pretty significant. I actually spoke with Mario Paparozzi, who was the head of parole there I think in like 2001 A while back but a lot of the one of the things that's gonna be interesting here is trying to find a state that has maybe a similar trajectory to Colorado that is more on the spot that we're at some states are probably further along some states or maybe more where we're at. I'll look at Missouri as well. I know some folks there I was at Missouri before I was here. At the University of Missouri System but I don't know anybody in Pennsylvania so if you can point me to anybody there that'd be helpful.

Jack Reed - CDPS 39:28

Kelli

Kelli Burmeister 39:32

should just raise my hand. On the juvenile side. We have partnered that a little bit with Missouri and done some back and forth as far as how they look at recidivism. They were, yeah, that was kind of a model program. Off the top of the nation there for a while the Annie E Casey reports and stuff. But yeah, I can inform the group on that stuff. We did have a former Missouri director came out and did some contracting with us. Right when the juvenile justice reform stuff was happening here in Colorado, so we learned a lot. And I think we're probably, I don't want to say ahead of them and not forefront, but a lot of their recidivism data is actually dated. And yeah, there's some comparison issues there for sure. Like we see with the rest of the rest of the states in the nation. So, on the juvenile side, I think we're a little bit more advanced. But I would love to hear what they're doing on the adult side of the system as well, for sure.

Jack Reed - CDPS 41:11

Okay, so do I think next on our agenda was just, what we're going to start looking at was options for the point to begin tracking as kind of the first thing we need to define. And I think that Aaron and Kelli, both have, I think, I think that your

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point to begin tracking are pretty baked in at this point. So Aaron, do you want to talk about yours as the point to begin tracking? Points, I guess,

Aaron Stewart 41:51

Yeah, since we track both pre release and post release recidivism, our point to begin pre release is just when they start probation supervision. Thank you Michael. So when they begin probation, probation supervision for their pre release portion, that's where we begin tracking that as for post release, it's really just upon termination of probation. And kind of like we talked about last time for us, regardless of how they terminated probation, they still end up in our cohort. So that's our point at which we begin.

Jack Reed - CDPS 42:23

With so do you I mean, it seems like you would have the capability to know when like how they terminated, right, like that's in your dataset?

Aaron Stewart 42:35

Yeah, we have that data.

David Wolfsgruber 42:37

Have you broken that out? Or you look at termination reason and recidivism?

Aaron Stewart 42:44

Yeah, that is part of our annual report that we published, we look at the various reasons and yes,

Jack Reed - CDPS 42:49

okay. All right. But you're like, overall rate is for everybody? And then you break it down separately for different reasons.

Aaron Stewart 42:59

Yes, I'm Per overall rate. And we've been trying to think in the report if we report a general overall rate, I think we do based on adult or juvenile, but we don't really combine the populations, I think anywhere in the report, but there is one small portion of report where it talks about overall recidivism rates, but it really is trying to look at it from many different angles to try to understand what's going on with the population.

Unknown Speaker 43:20

Okay. And, and can you I don't know, if you are Erin, want to give a little bit of background on how you all came to that, because I think that that has probably has a little bit of benefit, just so people know why it's so big. And if people there might be people on the call that don't.

David Wolfsgruber 43:43

Aaron Stewart 43:44

Yeah, I can start and then I'll let Erin fill in the gaps. But so functionally, when the juvenile justice reform came through, there were a lot of components that were predetermined based on that legislation. And someone brilliant, who used to work in my position, kind of saw around some corners and realized if we're going to be looking at juvenile populational differently, and legislation and how we are looking at recidivism, we really need to do the same for adults to pick one methodology because our data systems are a bit complex in the way that we're able to retrieve data. So if doing two

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separate methodologies would not only be a little bit confusing for any consumer of a report, but also functionally quite difficult to execute.

Erin Crites 44:29

Yeah, Aaron's being kind, I basically said I wasn't doing two recidivism studies. But at first a little bit of backstory on the juvenile justice reform, so CSG came in and did this whole big, improving outcomes for youth project and had some kind of key points that they were hoping to accomplish as part of those efforts. And one of them was about creating some consistency in our measures of recidivism. So this very same conversation, but because their emphasis was only on juveniles, the partners at the table, were focused on juveniles with the exception of probation, because we don't, we don't necessarily look at our population, our I say that the probation population isn't looked at completely separately, because folks, you know, moved from the juvenile to the adult side. And both are supervised in the same departments with the exception of Denver, where they're completely split. Um, so, as part of that work, the group was tasked with coming up with a consistent definition of recidivism that all of our juvenile entities, so diversion, probation, and DYS would use and report out on. And so largely because at probation, we had been having this conversation about changing the definition. And DYS 's definition was much more squarely set in statute already, we kind of have started from what DYS was operating with, as is. So we wouldn't have to have a huge statutory change, as well as a huge shift in historical reporting for them. And so kind of took the definition, largely that was used in DYS and expanded it to the other entities. So that's kind of how the juvenile side ended up with it. And again, because probation was one analyst previously, me now Aaron Stewart doing that recidivism study, just generalized that definition across the population. So the study could happen in one piece, rather than two completely distinct studies. So yeah, that's the historical context of it there. And so that definition was presented to the interim committee as kind of a conversation that had happened. I think the hope had been that we could get that pulled out of statute, so that there would be a bit more flexibility for definitions moving forward. And instead it got further solidified in statute. And so yeah, that's, I think, the general historical context if there any specifics? Kelli was also part of that she and I have played this game together for the last five years. So yeah.

Jack Reed - CDPS 47:46

Kelli, I think since you are also the other one who have pretty much all of this baked into your statute. Can you like, can you talk about when your point of when to begin? And I mean, Erin talked about it a little bit as to why but the conceptual reasons why for you, it makes sense to just start at that point.

Kelli Burmeister 48:12

Absolutely. And I'm just realizing through other comments here that my responses were pertaining to our post discharge recidivism rates and our main post discharge study that we do. So I would have to go back through and add in our responses for our pre-discharge recidivism rates that we also track. We just don't do a full evaluation of that. But we do each year, calculate the rate per JJRC agreements that all of our agencies agreed upon. We agreed upon doing both and having those rates out there. So yeah. And I do want to clarify to that do is does serve, detained and committed populations of youth and our recidivism studies focus exclusively on the committed youth. We have never done a recidivism study on our detained youth. And I'm not sure I believe everyone on the call knows the difference. But the detained is more like more akin to jail on the adult side, and committed youth are more equivalent to adults in prison on the adult side. So we do a full blown evaluation that are committed youth that have never produced a recidivism rate for our detainees. So we're committed youth are clock start is the day they discharged completely from DYS supervision. Not to be confused with discharging from a secure Youth Center or from a residential Youth Center, a lot of states do start the clock when they leave a secure or residential Youth Center. Our clock starts when they are completely done with supervision, supervision, so they have completed their commitment sentence, they are done with residential care, there is a six month mandatory parole period for our youth so the clock starts after they're completely done without parole period, which can be extended. I'm forgetting how long, but up to 21 months, how long you can be on parole here in

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Colorado. So clock start is when commitment sentence and parole sentence have concluded. That is their DYS discharge date. And we do track all of those clients that discharge for periods of one, two, and three years and produce the corresponding rates for those timeframes. Yeah, for pre discharge, it would be their date of commitment. That's when their custody is transferred to CDHS. And their commitment sentence starts. And then their end date for pre discharge recidivism would be their discharge date as well. Let me know if there's questions then I guess I will reiterate that discharge youth that is in statute for us as well. So that's part of the reason why we use a discharge cohort, we always have a new start at discharge date. And we are trying to align ourselves with as many comparable agencies in the States as possible. So I have to look back at the year but I believe, I won't even guess without looking. But we switched from new filing to new adjudication and conviction per a recommendation and a white paper put out by the CJCA, at the time. It's now the CJA organization. But that that was the recommendation that juvenile agencies go with as far as the most common way of defining the recidivism action.

Jack Reed - CDPS 52:57

I know you can't really change anything about it. But I just kind of want to know like, what, if you could change something? What would that be? Um, in regards to how pre discharge and post discharge are defined as starting points for tracking?

Kelli Burmeister 53:15

Not sure. I'm open and flexible, but I'm not sure I would change anything about those specific elements. What I would change is having the specifics set forth and solidified in statute and don't believe I feel like when we when we try to make things more broad and less restrictive and statute, it ends up going in the opposite direction, kind of against the will some of some of the state agencies. So I would prefer to not have these stipulated in statute. But I mean, our hands are crossed there. At this point, it would be nice to have some flexibility and to really have these discussions inform what the best event is, for instance. So yeah, I'll do more thinking on that. I don't. I think there is a wave of states on the juvenile side that are we are seeing more and more states convert to the new adjudication and conviction definition for the recidivism event. There's still obviously work to do on which cohort, you're tracking how long and all the population differences. So there's definitely some comparison issues there. But more and more states are moving towards that adjudication conviction for the year we're able to add probably think we're adding about five more states this year to recidivism comparative group that we do when we take a look up across the nation each year, it's been pretty limited over time, but we're seeing more move towards that.

Jack Reed - CDPS 55:18

Okay, thank you. So Katie, I know that we like we have part of it. And you have part of that when it comes to the start of community corrections where we are time to start. So if you can talk about what you all use for the purposes of like PBC and how you came to that, and if you see any advantages or disadvantages to how that's being used right now?

Katie Ruske 55:52

Yeah, of course, Jack, I'm happy to do that. And also, I want to point out, listening to Kelli, Jack reminded me that I don't think at any point either, I have clarified that we have several different populations in community corrections. So we have DOC inmates, condition of parole clients, condition of probation clients, and direct sentences from the court. And so their trajectories, after their completion of residential community corrections, there's another piece of this is very different, where they head next so. But for the purposes of performance based contracting, we worked with the Urban Institute, to look at what might be a good and valuable definition of recidivism, just for the purposes of doing that incentivizing. What we talked with them about, and what we decided on is to start from entry into the program. The reason that we selected entry into the program, were really two main reasons. The first reason was in working with the Urban Institute, they stated that with other community based programs that they work with, many of them do start

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tracking recidivism from entry into the program because of the client's community access. And so they recommended that we do that so that we have a look at recidivism that's maybe a little bit more comparable to perhaps other similar residential based programs across the country. And then the other reason that we did from entry is because performance based contracting is an incentive based program. I'm talking to a bunch of professionals who know this, but obviously, you want to provide the incentive as soon as possible from when the work was done. And so this allowed us to have a definition that got the money to the program's closer to when they actually would have worked with that client and provided services to them that would have had an impact on their future and on their behavior. So that is why we went with start from start or entry into program. But for the purposes of this, I would say we're, you know, we don't you know, we're happy to do whatever, I don't think we have necessarily a strong opinion about where the start is. I think it's more about once we define the start, who then is included. So like if we were to decide upon termination for us, we would have to think about what that what that looks like, like, do you include all types of termination, just successful terminations? And then for us, there's a lot of considerations of double counting with other agencies.

Jack Reed - CDPS 59:10

Double counting, I mean, they're triple counting, we'll be quadruple counting, and probably some places so they could really be in all of our systems at the same time pretty, pretty easily. And so I think, what I do want to. So in regards to start versus termination, it really seems like, you know, the question about pre discharge versus discharge that like probation and DYS, and then when we get to like DOC and parole, that differentiation between new crime are recidivism within those two different time periods. For the purposes of consistent reporting. Is that, I mean, what do you how do you feel about that? I mean, we'll just, we'll go with like the idea of like, pre-termination or, or pre-residential termination, maybe, I don't know what we would call that? As one of our starting points, Katie?

Katie Ruske 1:00:04

Oh, as prior to termination.

Jack Reed - CDPS 1:00:08

Yeah, yeah. So similar to like how probation and DYS are doing it. So they're, you know, they're still considered to be within the program. They're still under DYS supervision, and they're still under probation supervision. And so it would be similar to your PBC, PBC, or just the definition of the event would be different. And then the end point would be when they actually like, leave the like, potentially the facility, we can talk about that.

Katie Ruske 1:00:37

Yeah, I didn't, we're already looking at from start for our PBC definition. So that's not a problem.

Jack Reed - CDPS 1:00:43

Okay. So, from your breath, and then this is also for the group. I mean, so do you. Would you be then so the time would stop though, for that for pre release when they when they actually like release to, either to non-residential, I guess, right. Would be that would put us in with the others? I think.

Katie Ruske 1:01:21

Yeah, we track those term reasons already. We don't verify them with court data. But we would in this instance, so it's not an issue.

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Jack Reed - CDPS 1:01:31

Okay. And then the one thing that you brought up was just the question of, you're dealing with like, four or five totally different types of populations who are just in residential. And I mean, I want your perspective, but then I also I'm just kind of curious from the group, like, do you think they need to be differentiated? As we're reporting out?

Katie Ruske 1:02:13

Often we will. I mean, it depends on what we're doing. So I think that the biggest area like I want to chat, and I think he had to jump off, I wanted to chat with DOC, about their thoughts specifically for their clients and Aaron, for conditional probation clients. Because for the for the pre recidivism, right, if we're talking about that, like while they're still in the program, if they're there for a condition of parole, parole is also probably tracking them in data and tracking any new sentence that they're gonna get while they're in our program. If they are, they're on inmate status, DOC does a little bit of tracking, but they do less data tracking on community corrections clients, and they leave that more up to us. So I'd be curious, like sort of their perspective, same with like a condition of probation client, Aaron I don't know how much you guys track them while they're in community corrections for their short stay and what that would look like for you all. For both of us, would it be a pre release recidivism event? I would assume so I guess, and then we're both reporting it in our numbers. So from that perspective, it might be beneficial, I guess, Jack to make a long story short to have it broken out. So people can see that and kind of maybe see that comparison to the data that the other agencies are releasing.

Jack Reed - CDPS 1:04:00

Okay, Greg.

Greg Saiz 1:04:01

Thanks, Jack. And, of course, Dave could speak to this with a little more clarity. But having been a longtime DOC employee, I can't tell Katie particularly on the movement sides for the whole movement unit, they do track all of the inmate data, especially those folks who are transitioning to parole, I'm sorry to community corrections placements as inmates. So that's all tracked as far as the reporting goes, I think it gets just kind of lumped in with everything else. But I do know that it's very clearly broken out. So tracking that wouldn't be so hard, but figuring out how to report it most effectively with sort of delineation which I think is really important because we see a lot of transition clients and we're not tracking true outcomes. Some do great, some don't right? It's kind of a black hole there. But that's really more of a reporting issue, which is why you know that so I know for a fact it's well 12 collected but it sits somewhere on a desktop in a folder I don't work for them. So I don't do anything. But I would love for them to share everything they have.

Jack Reed - CDPS 1:05:12

Yeah, that would be fantastic. So Katie, I guess, going back to like, DYS's definition. So, you know, so people leave community they leave residential and then most of them go to non residential or they're just on parole, right?

Katie Ruske 1:05:35

Correct. Yeah, so direct sentence clients from the courts will move to non residential status, which is still supervised by the community corrections program, but it's very similar to like a probation or parole supervision until their sentence ends or their judge releases them from their sentence on a reconsideration or early termination. And then, for those individuals that come from the Department of Corrections on the transition inmate side, they will release to either ISPI or parole. And then for individuals who come just as a condition of their probation or parole, they'll just go back to their normal status on either probation or parole. You know, so occasionally, someone might totally term their sentence while in community corrections, but I would guess that that is pretty rare. We do keep a data points on where someone goes upon termination, like where they're released to. And typically it is to some type of community supervision or they're back into custody, because they've gotten a technical violation.

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Jack Reed - CDPS 1:06:43

Okay, so I guess what I'm wondering about now is, do we want I mean, and this is where the question of like, what pre release means from community corrections? Because does it mean they've left the facility? Or does it mean, kind of more similar to what Kelli is using, they've left all of your supervision?

Katie Ruske 1:07:08

Yeah, if it's that I think Jack is where you and I've had some side conversations about where this might get tricky for us and community corrections. So if it's them releasing from all supervision, then we would be able to report that for our direct sentence clients and report on that recidivism? I don't I don't know how we would do that for individuals that release back to parole or probation, because we wouldn't know when they terminate from parole or probation. So someone else would have to do that data for us.

Jack Reed - CDPS 1:07:49

Right. I honestly think that they're, they're going to be doing it anyway. Right. So Greg, I don't like and maybe you know, this. And this. I do think this might be where it would be good to have some data folks from DOC but with parole, if they're on if they're on community corrections, like, where do they fit into the like the parole cohort that's being tracked?

Greg Saiz 1:08:19

Yeah, that depends. Just kind of like, as Katie said, if they're if their condition of parole placements or, you know, out of prison or coming back from supervision to get some stability and structure and then re released back to parole. That's kind of, I think, maybe it was to Jeff and Michael's points. That's where things can get kind of sliced and diced without clear, clear ownership. It depends, right? And that's the hard part.

Jack Reed - CDPS 1:08:51

Okay.

Katie Ruske 1:08:53

I'm curious, Aaron, would you all have a weigh in probation of knowing, like if someone came to community corrections as a condition of probation, and then released back onto probation? Did like sort of separate them out to look at recidivism?

Aaron Stewart 1:09:08

I'm trying to think about that. Because I know whenever we send folks to community corrections, we generally have an admin status. And when they terminate from community corrections, the funny thing about that is we don't know how they terminated from community corrections, we just know that they've terminated so it's kind of the same. The same invisibility for us but generally speaking, if we get them back onto probation, we should see continued supervision on our end at least so we should be able to determine if somebody was in community corrections and came back and got on probation supervision. Yeah.

Jack Reed - CDPS 1:09:41

So Aaron, does their time at risk and kind of like toll for that period that they're in admin status, like when they're an admin status, they are would they still be considered under your pre release cohort for purposes of oversight of recidivism

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Aaron Stewart 1:10:00

Technically, yes. So if they're still even on, even when they're in our admin status, so they're still on somebody's caseload, technically, it's just a very low workload value, because their tracking is pretty minimal in terms of what they're doing. But they are still technically within that cohort.

Erin Crites 1:10:15

So Jack, those admin folks could be in residential treatment, they could be in ComCor, they could be in what's like some districts have called unsupervised probation, which doesn't actually exist, but they kind of have that. So that that status is really not very specific, it's more about the workload credit that they're going after than it is about where the person is in the system.

Jack Reed - CDPS 1:10:50

Okay. So I don't know how you like, it just doesn't seem like you should be put on the hook, once they leave residential for parole or probation for recidivism point of view. Like they said, maybe for non-res, I don't know, it would put it would put them in different like, groups as to when they were really released from community corrections to when they actually were no longer under your supervision at all.

Katie Ruske 1:11:24

Yeah, if we're talking truly about any type of programming, and supervision, then we would definitely do that for the direct sentence population. And we absolutely could. And would, I think where it gets sticky is whether or not what people would still want us to report on in terms of recidivism for those other individuals who are not moving on the supervision with us that are moving on to other types of supervision. In terms of, you know, looking at recidivism, obviously, we're gonna keep doing the things we are doing, but in terms of this working group, and what we're looking at.

Jack Reed - CDPS 1:12:03

Right. So then I guess, okay, this will get confusing them. This is all confusing. I mean, so Katie, in that case, it could be that the pre release status for people that are direct sentence wouldn't end until they were totally off of non res, but pre release for all of the other types would end once they left the facility. Does that make sense to folks? So they, I mean, because those are the...they're not under your supervision anymore? At all, at that point, when they go

Katie Ruske 1:12:41

Yeah, correct. I think though, it goes back to then it would need another strong disclaimer in the final report. Because our it may make our recidivism numbers look better than other agencies, and better than they really are. Because they're under a higher level of supervision. When we're, if that makes sense, right, during that time period, and we're not in we're ending the clock or starting the clock, depending on when we decide for, for in program recidivism, when they're still moving on to another version of supervision. If that makes sense, right, and so like our in program, given our length of stay, and given the level of supervision that they get, like our in programmers recidivism rates, or if you're defining recidivism, as new crime, or even, like, arrest are super low, they're so low. So like, I wouldn't want anyone to compare that number to someone who is like looking at in program recidivism through a continuum of services.

Jack Reed - CDPS 1:14:04

Right. Well, I mean, the but I mean, I don't know how people think I think the bigger focus is on post program, recidivism, not so again, program recidivism, I think is the bigger concern for folks because this is like, this is what this is what you prepared them for in the world and this is how well they did after supervision. So I guess I mean, I the other option, Katie, I guess would be you know, a pre residential discharge and then pre non residential discharge, and have those as

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two separate I don't know how complicated that would make things for you all. For you for just the diversion inmates or clients?

Katie Ruske 1:15:07

I'm not sure. I'd really have to think about that and what that really means.

Jack Reed - CDPS 1:15:17

Have you ever done? Have you ever looked at the in program recidivism for non residential?

Katie Ruske 1:15:25

Like for the time that they're in nonres? Yeah. Just the time they're in nonres. We do have data like term, a term reason data. And so like, if they were termed for that reason, then we know, it's still pretty low, but a little bit higher. I probably have it in front of me, actually. I mean, so I'll look. Oh, but yeah. We do have it, we haven't. But again, like, that's just the reported data from our programs. We haven't done an actual study where we've like, verified it with court data. And probably a long time probably Linda's done that before for us in our history, I'm sure. Yeah. We have not done it recently.

Linda Harrison 1:16:14

Yes, we Yes.

Erin Crites 1:16:15

I think Jack, one of the things this is bringing up and we've had this conversation a bit at the juvenile level, but it was slightly easier, because of the populations we were talking about was why we tried to use these broad terms of pre release and post release, and then left it to kind of each of the agencies to determine what that meant based on their business. And they're kind of model of supervision or model of programming. And for DYS, which part of the system we were talking about. Because we did start down this path when we initially talked about can we define these things. And it became really tricky, kind of as this conversation is evolving around, you know, it means different things in different parts of each of our systems. And so we kind of took the defined but not defined approach of we'll do a pre release we'll do a post release DYS we'll define what those mean for them as appropriate for each part of their system. And probation would do the same. I know that gets really complicated for comcor, given that they have even more parts of their system, relatively speaking. But I wonder if that's not kind of an approach to say, right, but we just define them as distinctly for each of the each of the groups. And then comcor can kind of determine what that what makes the most sense in each of those situations.

Jack Reed - CDPS 1:18:02

Okay, so just to make sure, so we say you're going to, you're going to, you're going to do like a pre release cohort, and then a post release cohort. And then Katie, gets to decide exactly what that means for her business processes. Okay

Erin Crites 1:18:19

It can be declared right, as part of the report like at this point in time, based on how comcor operates, here's how pre release, the pre release cohort would be defined. But if something were to change, and how comcor is structured and operated, then that definition could be shifted a little bit. We talked about what population we're studying, because it might make sense to have it look different if the model changes for some reason. Or by cohort when we go down that twisty path later, Kelli

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Kelli Burmeister 1:19:04

I agree. Erin. I mean, it makes a lot of sense. And I just wanted to play devil's advocate, because just knowing our pre release cohort, I feel like right now we do produce a pre discharge rate per our agreement. You know, with all the juvenile justice reform agreements that were made. However, I feel like our pre discharge parole, recidivism, right, like only looking at the parole period is much more applicable to adult parole, juvenile probation. You know, it seems like such a better yeah, a more similar population as far as supervision and being out the community. So I can see both sides of the coin, but yeah, there's lots of rabbit holes to go down if we don't allow people to kind of define and setup. Yeah, the only specifics for that pre discharge or in program period. It's, it'll be very complicated. So I think that is an option that this group keep in mind moving forward that we may or may have to do that

Jack Reed - CDPS 1:20:29

okay, so Katie, the to the second part of what we're discussing, is termination type. And so we'll just look at this as like residential termination type. So right now, for PBC, you just use new entry as your as your start time. I know we use successful termination as our as the start time in regards to community corrections clients, and probation. It sounds like you all use everybody who discharges and Kelli it sounds like DYS uses everybody that discharges. So I guess what I'm wondering is does any discharge to because that would what would what would make Comcor kind of come into line with the others would be looking at any discharge?

Katie Ruske 1:21:35

If you're asking me if I have a problem with that I don't, it's gonna make our numbers look really great. Because if we're including our negative terms for technical violations, they have no opportunity to, to be in the community to commit a new crime. And so it's gonna Yeah, I mean, because I on the problem with it, just hopefully, no one thinks that we're trying to inflate our numbers by doing that, but yeah.

Jack Reed - CDPS 1:22:05

No, I yeah, that's, that's, I guess, kind of my, my question to this group is, which path do you think would be better if we're gonna go that kind of like normalization? So Kelli,

Kelli Burmeister 1:22:20

just kind of goes back to the point that Michael made earlier, like, are we doing this just to do it? And if so, it's a waste of time to have that type of recidivism rate out there. That's just meaningless. So yeah, it's hard to it's hard to decide in that regard. But yeah, that would seem like not a great approach for that program. And not worth the time, or the effort to even calculate that, you know.

Jack Reed - CDPS 1:22:51

So question, though, for DYS, when you're when you say you, you're calculating? It's post discharge for anybody who discharges entirely from DYS? What if they? What if they, what if they're okay, sorry. I'm confused. I'm not sure why.

Kelli Burmeister 1:23:17

Because I put two rows in there.

Jack Reed - CDPS 1:23:19

no, no, no, I'm unlikely the key I'm trying to figure out my notes, which is probably even worse, I should just try to figure out your notes. I'm just what I'm what I'm wondering is, so if they if they discharged unsuccessfully from DYS they're still in your cohort, right?

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Kelli Burmeister 1:23:43

They are. Everyone's included, which does? Yeah, that brings up methodology questions, because we can have a youth can successfully discharge doesn't even go on parole goes straight to the DOC and is going to serve an adult sentence. So technically, yes, they could pick up additional charges while you know assault, assault the staff member or the like while in DOC, so they could recidivate while they're in DOC or in other placements, but they it's not the same as having opportunity out in the community to commit a new crime, so but yes, we include everyone, regardless of where they go, I mean, I don't want to be grotesque, but even kids that pass away from parole in our care, they discharge and they're included in the cohort like we include everyone.

Jack Reed - CDPS 1:24:47

Okay, and Aaron, you're the same way, right?

Aaron Stewart 1:24:51

Yeah, it's very, very similar. Okay.

Erin Crites 1:24:54

Not deaths. No deaths aren't included in the cohort. Those get taken out

Aaron Stewart 1:24:59

Yeah, I don't believe we have deaths in there. I think we do have a standard set of terminations. But that one's a little off. I don't think we include deportations either, if I remember correctly, so there's a couple that we have pulled out of it. But the vast majority of terminations that we have those already represent very small percentages anyway, that wouldn't really change the overall rate for the numbers we're talking about. But, yes,

Katie Ruske 1:25:22

we, we also pull out what we call neutral terminations in our data. So we also have an additional thing where individuals will move between programs. So we pull those out, and we pull out deaths and things like that.

Jack Reed - CDPS 1:25:41

Kelli, so do you have a sense of how many people terminate to? I mean, they do they terminate negatively and end up going to DOC? Or some other place? They can't, they're not in community anymore?

Kelli Burmeister 1:25:57

I can bring that. I don't it in hand, but just shortly, I'll have it.

Jack Reed - CDPS 1:26:03

Okay. I guess what I what I'm what I'm thinking of is like, and Katie, I'm not I'm not saying this to make your numbers look better. I'm just saying like, if we're trying to come to a consistent definition. And consistently people are saying, any kind of discharge. I mean, Aaron, from you all, do you know how many are unsuccessful? So you know, how many are on successfully discharging? And do you know where they're going? Are they and are they ending up in jail then?

Aaron Stewart 1:26:45

Yeah, that is another part of what we're what we report where they end up going, whether it's to, to jail to DLC or wherever else they may end up? So that is something that we track.

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Jack Reed - CDPS 1:26:59

When you when you do your like your recidivism number, do you report those different like trajectories out? Or is it just

Aaron Stewart 1:27:11

like, that's the complicated part for us, I suppose is the report that we have is sliced and diced in so many ways that we're able to see all the different folks where they're going and look at what their numbers look like, regardless. And I wouldn't say that there's even one number where we just report this thing out the report is published, and we send it and it does, you could look at it and you could look at what piece of recidivism, you want to based on this, the most basic one is probably just looking at the adult population of the juvenile population as a total, but we can also look at who was successful and what they were sort of recidivism rates were, what the recidivism rates were for people that went to these different sentencing options. All of these things are reported. So we don't there's no part of the report where we just say our recidivism rate is x, if that makes sense.

Jack Reed - CDPS 1:28:19

No, that does. And so then Katie, I guess it would be like we would we would report the top level on everything and then report for each. Each type, each specific release type?

Katie Ruske 1:28:33

Yeah, Can I make sure I'm like, I'm trying...I keep getting myself confused. So for Kelli, and Aaron is it is a technical violation, a termination for you in the way that you're defining things, so maybe not for you, Aaron, but like Kelli, like so if someone is technically violated on parole back to the facility, is that a termination or not a termination because they're still under your all supervision?

Kelli Burmeister 1:28:45

Depends on if they're on post commitment parole or pre commitment parole. So if they've completed their there's their sentence and pick up a new charge on parole, they will discharge back into a brand new DYS new commitment. But if they're if they're on pre commitment parole, and they pick up the technical violation, then they're just recommitted. But it's the same commitment case. Usually just time is tacked on to their sentence. So yeah, it depends. You know, to Jack's question earlier, we have like 17% each year that discharged to either the DOC or they're in adult jail facing new charges upon discharge. You know, they turned 21 and are not our youth anymore. You know, we have the kids, the kids that pass away, we have kids that are deported. So we just have all these circumstances. So I think we just throw up our hands and said, we're including everyone, like, so there's, there's always special circumstances, especially with deportation. And obviously death, going right back into a new DYS sentence or going straight to DOC. So there's just too many scenarios to fairly and uniformly keep up. I feel like so that's why we just say everyone.

Katie Ruske 1:30:30

Yeah, I feel like this gets really complicated for us. But, you know, we're open to, to being accommodating, in the sense that it seems like it might be easier to try to come to a common definition of termination that makes sense. Because like, you know, what, what will what will affect our numbers with every termination compared to everyone else's, is that for us, because when we're terminating them, when we're technically violating them, they're not staying with us. Every technical violation is a termination. And so if there's some definition that we can get to that, like, you know, maybe that makes sense for the direct sentence population, that we're counting technical violations as terminations, because then it's up to the court where they go and what happens to them, but maybe for the DOC population. We don't count those as terminations, because they're going back to DLC and sitting for, you know, five years because I would assume, Greg DOC if we, you know, we're working on this and doing this, they would say, well, technical violation isn't a termination from DOC. So we wouldn't count them in that cohort, because they're going, you know, they're still with DOC. They're

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just changing which part of DLC is supervising them? I would? Yes. And that stuff is sort of tracked two ways. To your point, Katie. While the numbers do look really high in terms of recidivism that most of those do include revocations of parole. Yeah, yeah. How you guys do it currently? Yeah.

Greg Saiz 1:32:05

But they're not actually new commitments, generally. Right? There are some that makes up probably five to 10% of the returns to DOC of parolees, if I had to venture a guess. I mean, I saw three this morning and revocation hearings. But that generally the ones that come back, let me back that up, filings of, Jeff, and I'm sorry, I'll be brief and your hands been up for a while. filings of paperwork to revoke someone's supervision vastly outweigh folks actually getting to the Department of Corrections, right, that sort of tracks and what we'd see on the streets. Parole has made a very concerted effort throughout all of its arms to be very intentional about who goes back to DOC. And it's generally for more egregious technical violations, which is probably most of what we're seeing. And so when I say those, I mean, cutting off ankle monitors, absconding, anything that in possession of a deadly weapon that doesn't necessarily rise to a new offense of conviction, brass knuckles, things like that. Anything that falls under those definitions, that is the majority of what we see. So to your point, Katie, those aren't new crimes. Yeah, they shouldn't be counted as recidivism in my opinion. And I love the idea of what a lot of folks are doing. And DOC reports it in a weird way. But when you do one, two, and three, they do one and two years, but 1, 2, 3 year markers that a lot of folks are using because I think that creates not only a clearer picture of what has worked, but also where we need to allocate perhaps more resources, right, where do things start to fall down? And Aaron, just reading through the probation report? Aaron Stewart, sorry, to many Aaron's on the call. Will both of you you'll know, the probation recidivism report is amazing because it's broken down by risk level, right, which gives us a little bit of a peek into what folks promotive and protective factors are. And I know I'm getting into sort of the next phase of this talking about this stuff. But it all matters and it plays into it. So I don't know. Yeah, I'm just sorry. One way to go to answer your question, Katie, is the recidivism numbers for DOC are I think, a little bit high based upon revocations.

Katie Ruske 1:34:13

Right, of course, well, I'm this a definition that includes a definition where the marker for recidivism event is a new charge, that's a misdemeanor or a felony. But terminations that are technical and violations are included, will make your guyses numbers look even better than my numbers. So, you know, I think it becomes about who's maybe it just becomes about what the definition of a termination is for the post recidivism. But, Jeff, please, so sorry.

Jeff Wise 1:34:51

No, are you okay? With waiting, maybe my question would be answered, but I might have missed this. So Why? Why does community corrections define recidivism as a new felony conviction? Why just the felony? Why not also misdemeanor?

Katie Ruske 1:35:10

Yeah. So first of all, this is a great question, Jeff. And first, let me say we look at recidivism a bunch of different ways. So like ORS also looks at it for us. This is just for performance based contracting. For performance based contracting, we defined it the event as a new felony conviction. Because the goal of performance based contracting is to get better quality services and better outcomes, but with the long term goal of really saving the state money. That's really what community corrections does, because we're an alternative to prison for felony offenders. So if someone completes community corrections, and they never commit another felony, they're still saving the state general fund dollars in terms of keeping them out of prison. And so that's why we defined it in that way, just for performance based contracting, we still think it's extremely valuable to also look at all new convictions as a as a recidivism event.

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Jeff Wise 1:36:09

That makes sense.

Linda Harrison 1:36:12

Is my microphone muted?

Jack Reed - CDPS 1:36:13

No, you're we can hear you. Okay,

Linda Harrison 1:36:16

great. I couldn't tell ya, like Katie said, ORS or office does, in the past has looked at new filings and included both misdemeanors County and district filings. So much broader definition than CC uses with their performance based contracting metric. I also wanted to mention that we have done a continuum of care analysis, I had to kind of look to see when we did it, it was over a decade ago, tracking the flow of community corrections clients through the various modalities, short term residential, non res, IRT and looking at the outcomes for people had different paradigms of the continuum of care. There was kind of an interesting study. But you mentioned whether we had done such a thing before, and I wasn't sure when it was, so I had to look.

Jack Reed - CDPS 1:37:34

Okay, so it's I mean, from, from your perspective then Katie, I mean, do you think that, do you think that successful termination is really like, if we're going to look at termination, the fairest one to look at when it comes to? And the problem is, then that if the other probation and, and do is don't also look at? And I'm Kelli, Kelli, I'm sorry, did you say 17% terminated?

Kelli Burmeister 1:38:11

Yes, between 17 and 20%, every year, but that includes youth that are going to DOC or went directly to DOC. That also leads youth still residing in adult jail upon discharge.

Jack Reed - CDPS 1:38:29

Okay.

Kelli Burmeister 1:38:32

But there are we have another measure of whether or not they were successfully discharged. And I mean, for the vast majority, I would say all youth discharging to adult jail or court corrections would be unsuccessful. But it is a different measure of how well they did on parole before they're discharged is really our measure of success or unsuccess at discharge.

Jack Reed - CDPS 1:39:03

Okay.

Erin Crites 1:39:06

Jack, I mean, there is the possibility that if this group wants more consistency, that successful termination piece could be part of the recommended, you know, point at which we start tracking post release recidivism? Because I think, Kelli correct me if I'm wrong, you all already report it. Probation already reports it. It's a bit more streamlined for common core. So from a statewide definitional standpoint, that may not be a bad thing, but knowing that for Thanks, Kelli, on your note, but knowing that for like probation, in particular, folks get terminated for a technical violation, they do this

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weird like 30 days in jail thing and then they're done and they're in the community. So effectively, they're just terminated from probation and in the community, free to be successful or recidivate. Once again, which is why for probation, it made sense to continue to follow those folks. Because unless they specifically went to jail, or DOC, they're likely and their jail sentences are usually very short. And they often don't even actually serve them, they get time served. So I think that's why that sits for that population. But we could really talk about that successful term population, if that consistency is of high value for that part of the definition. And I don't think it would be a huge piece of labor for the agencies. It would just be reporting on one snippet of the already fairly comprehensive studies that are done.

Jack Reed - CDPS 1:40:59

Kelli

Kelli Burmeister 1:40:59

Yeah, I was just gonna say we could continue to track all your I mean, we don't I don't think anyone in our agency would have an opposition to just looking at our successful discharges. Yeah, helps are recidivism, right. And I was trying to mind my P's and Q's earlier about Missouri. Many, many legislative sessions ago, they were asked why Missouri's recidivism rate was so much better. And there was a lot of smoke and mirrors there, we couldn't get a lot of clear answers and come to find out. They were only tracking their successful discharges. So we just took our cohort and we did the exact same thing for the legislature for an example, we said, well, if we only looked at our successful kids, yeah, our recidivism rate would be a lot better. So we presented that to the JBC, in response to some of those questions coming at us about Missouri. So I don't think anyone in our agency would specifically be opposed, especially if that helps this group with uniformity and being more consistent in our approach, I don't think it will be a problem.

Katie Ruske 1:42:37

Yeah, I will say everyone should be cautioned, we get a lot of flack from people about that. I mean, I know it's not the one that we're using for performance based contracting, but in terms of the reporting through, ORS and the other ways that we report recidivism, we get a lot of criticism from the community about basing it on successful program completion. I think what they don't realize, though, is that if, if we based it on all terminations, our numbers would actually look a lot better, because most of those people that are going to DOC and they don't have access to the community. And so it's, you know, it's hard. It's hard. I mean, if you don't understand the system, it's hard for you to understand that. So I won't say that it doesn't come without its challenges that definition. And if there is a way, you know, to, to do all terminations, but easily maybe exclude, somehow maybe technical violators who are going to be sitting in prison for the next, you know, two years, so that they make our numbers look great. You know, we will be open to that too. And I think that would probably just be us. Not doing it for the DOC, inmate population that we serve, and letting them just be counted in DOC's numbers. You don't know people may not like that either. So

Jack Reed - CDPS 1:43:51

well, people aren't gonna like anything in the I mean, there's gonna be some people who don't like who don't like, whatever we come up with. So I mean, so Okay, so right now then, like, it would kind of be like, Did you successful it would be So Aaron, you already produce it. It's just you already produced this as it exists out there. And Kelli, you have it, it's just like that you don't use it? Because that's just the decision you made. I mean, I guess the other the other option would be to, to do it. I mean, I know they want a consistent definition. But if we wanted to do it, since we're already we have all the data, you could do it so that it was like all terminations, and then successful terminations. So that then people are cuz, you know, it's like, we've got all of that data already. It's not, you know, it's not that difficult for us to look at. And I think that, you know, if we're being consistent about it, as long as we're being consistent, and providing both of those pieces of information but I think could be okay.

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Katie Ruske 1:45:02

Yeah, I mean it. It could be interesting jack to even do a sample and the report we turn in because then they could see what that does for each of our agencies when you change that definition from all terminations to successful terminations. And that might help highlight that you can't really compare our systems this way, because they're so different.

Jack Reed - CDPS 1:45:32

Okay. So Greg parole

Greg Saiz 1:45:44

Yeah. It's yeah, it's tough, right, because? Well, I don't know how tough it is. I mean, if you were to say, Everybody after prison for three years, great, you know, that would artificially deflate some of those numbers, of course. Right. But if we're tracking what is in place on parole, I would personally think that it'd be there'd be some argument to exclude the technicals. I think that's I think we're chasing stuff that isn't really informative that way, especially, it's kind of the constraints of the pen that this has been put or that we're in right now. In terms of starting points. I think that would be a clearer and more digestible picture of the OSI is true recidivism rates and broken up between parole while under parole supervision, and then following parole discharge. Absolutely. The only wrinkle would be some of those folks who I think discharge, their statutorily discharged their sentences from DOC that would be following revocation. Of course, it depends on the revocation is like if it's a new offense, they'd have a new MRD, all of that the statutory becomes a little bit easier. But there's a wrinkle there, right? That's not exactly apples to apples, but there aren't that many that do that. So I think. I think if nothing else, it would lend a lot of clarity and help people better understand true recidivism numbers from the DOC perspective. I'm on board, but the parole board just uses DOC's definition. So wherever we land, that's where I'll be right, throw my support behind it

Linda Harrison 1:47:26

that it'd be useful to have a parole study unto itself. You know, it's always people get discharged from DC and maybe what 10% are direct discharges with the restaurant parole, if we just looked at the new crime bit, whether they've returned to DOC during that time or not, but then post parole, it would be, I think, very useful to have post supervision entirely. Is a lot of the people included in the DOC recidivism study are still going to be on parole, all after three years.

Greg Saiz 1:48:02

Some Yeah, highest Well, there are some lifetime paroles is a relatively few. The five year Pearl tail generally actually equals a max of about three on a calendar. And so it'd be kind of in the ballpark, at least on that high end. But you're right, that there may be some that aren't fully captured on both sides. But well, well, I think we'll get the big swath and that Venn diagram, it's pretty, pretty, pretty well covers everybody.

Jack Reed - CDPS 1:48:32

Okay, so Greg, I don't know if you can, if you can obligate the other folks who aren't on the call, in regards to the point to begin tracking? So maybe that's, that's not a fair question for you. So is that something you might want to go and talk more with Dave and maybe with some of the other folks at like business and business intelligence or OPA? Or something about what the most sense for you all?

Greg Saiz 1:49:10

Yeah, I'd be happy to start with Dave and put him on to that I, we can't even get our conditions of supervision followed Jack. So I don't know how much stroke we have around the DOC. I'm guessing not too much. That being said, we're

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entirely different. So I will run that by Dave and I'm just working with him a little bit knowing kind of where he's from and what he wants to see it makes a lot of sense. So yeah, getting OPA on board would be tremendously helpful.

Jack Reed - CDPS 1:49:46

Yeah, I think that we've I think that Michaels statement at the beginning for I mean, because yeah, I think that was just incredibly useful. Okay, I think we have maybe a little bit more clarity. Now. So I except for so the idea of like, you know, pre release discharge, post release discharge and probably post release being based on two different cohorts, the all terminations cohort and the successful terminations cohort. I mean, that seems to make the most sense to me, or does that. Does that seem like we're at generally for position or time to start? Okay. Cool. And then the exact specifics of Katie, when in regards to community corrections, and then Greg in regards to like DOC and parole, we can we can sort out. But I think having that differentiation, those differentiations kind of sorted out helps us a lot.

Katie Ruske 1:51:17

Yeah, I was just thinking, I hope someone's taking notes.

Jack Reed - CDPS 1:51:23

Erin is I was I was and then Erin decided she couldn't talk anymore. And so then she started. I think we're taking notes on different documents, though. So that's never that's a whole mess. Yeah, I know is like that. I don't know about merge documents in Google.

Erin Crites 1:51:51

I don't take notes in Google. I don't, trust Google. It's fine, I'll retype them.

Jack Reed - CDPS 1:51:58

No, no, no, we're good. We're fine. Okay, cool. So then I don't think there's anybody from the general public here. Jeff, I do want to give you a chance really quick. Did you have any of the folks you talked to say, Hey, I would like the group to know this. You know, even if they're not here, I think if they're trying to pass that along to us by you, that would also be good to know.

Jeff Wise 1:52:33

No. And I, I provided that opportunity. Like, is there anything else you want us to know, I made some notes. I included some notes on there. But, I, my hope is that some of these, some of the this will be an ongoing conversation. So I welcome that input, because I cannot I'm not going to speak on behalf of all these organizations. I can I can be the messenger though. So.

Jack Reed - CDPS 1:53:06

Okay.

Jeff Wise 1:53:09

So no, I will say, you know, for I think, by and large, everyone begins tracking their recidivism cohorts upon program enrollment, which makes total sense. I think it's a lot simpler with community based reentry. So, yeah.

Jack Reed - CDPS 1:53:33

So how are you feeling about where we're kind of like landing? I just wanted it because?

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Jeff Wise 1:53:40

Yeah, I, I, it's complex, so complicated. I know, especially for parole. You know, one of the things that we the technical violations really do matter, you know, people going back to custody for any reason. That's, that's what I think, as far as at least a remerge. We pay a lot of attention to that. I mean, I know DOC's recidivism has gone down from like, the 50% to whatever it is now 23%. And a lot of that had to do with a decrease in the technical violations. And so that's, that's significant. That's something we want. We want to know. Like, that's a positive I think, a lot of the time. So that would be my position is that I think it should I think we should be counting everything. If somebody goes back and leaves custody goes back into custody doesn't matter what that is, that should be that should be counted. I guess that's my thought and that more. Maybe in a perfect world, because I know it's so complicated, but

Katie Ruske 1:54:52

I want to assure you, Jeff. We absolutely count them and track that data. And it's very important to us. The issue we're highlighting is that because recidivism event is defined as a misdemeanor or a felony, they won't they they'll show up technical violations will show up as a success in that data set because they won't get a new charge and what I'm really saying is they shouldn't be a success. Just like you're saying, right, they shouldn't be a success. And so just trying to figure that out.

Jeff Wise 1:55:26

Totally.

Jack Reed - CDPS 1:55:29

Yeah. And I mean, I think I don't think, you know, the other part of the law is like, but you can still report it, how you're doing it now. And I think I don't think DOC is going to change how they, you know, report, return to custody. So, just because there's, you know, they're not going to for all sorts of reasons. So I don't think that that's going to drop off as drop off as a metric that we can look at. I just, you know, the since the legislature did decide to define it, define the event. Then I that's, that's, I mean, for the purposes of like, okay, this is what all this means, then that's kind of what we're going to be reporting on, but I don't think anybody's going to stop reporting on technicals. Because parole sees it and DOC sees it is so important to

Linda Harrison 1:56:15

national standard that DOC adheres to there. I don't see them dropping that

Kelli Burmeister 1:56:20

will help them predict their projections of future populations.

Jack Reed - CDPS 1:56:26

Yeah. Okay, well, I know we're coming up to time. And so our next our next meeting is on the Oh, no, the sixth. There we go. So we'll be posting the recording from the last meeting and this meeting to the website. And we'll be getting out the notes from the last meeting and this meeting to you all. And I think, Greg, if you can kind of wrangle your folks and see what they what they think about the you know, pre like pre release versus post release. And then the question about successful just because successful and then all terminations as the two different ways of starting. All right. Well, thanks. And we if anybody is interested, we will probably be back in our little office in 700 the next time so if you want to come, you're always welcome. So I'm here. That's right. You're on the second floor where they have carpet in the hallways. Well, I think we all have to feel most sorry for Aaron who doesn't have a building. What's that? Aaron Stewart here doesn't have.

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Aaron Stewart 1:58:07

sad for us, but we are persevering as best we can.

Greg Saiz 1:58:10

He's still there. It's just you know, a little still.

Jack Reed - CDPS 1:58:16

It's still a little bit of a hazmat scene.

Aaron Stewart 1:58:20

high hopes for a return at some point.

Jack Reed - CDPS 1:58:22

Yeah, no, I know. All right. Cool, y'all. Thank you so much. Thanks. Yep. Bye.

Katie Ruske 1:58:31

Thanks, everybody. Take care

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