

SB24-030 Recidivism Definition Working Group

Meeting Minutes

June 20, 2024 | 1:00-3:00pm

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

Attendance: Kelli Burmeister (Division of Youth Services), Michael Campbell (University of Denver), Jeff Wise (Remerg), Dave Wolfsgruber (DOC-Parole)

Absent: Greg Saiz (DOC-Parole Board), Katie Ruske (Office of Community Corrections), Aaron Stewart (State Judicial)

DCJ Staff: Erin Crites, Linda Harrison, Jack Reed

Guest: none

Meeting Minutes

- Finalize “point to begin tracking” and “cohort to track”
 - The group discussed the various options for the point to begin tracking and the cohort to track for recidivism.
 - Decision to frame the **point to begin tracking** around when the agency (DOC, Parole, Community Corrections, Division of Youth Services, and Probation) are no longer responsible for the individual.
 - Practically this means when the individual is released/discharged from one of these agencies. For each of the agencies, this may look like:
 - DOC: when individuals leave "Inmate (I)" status
 - Parole: when individuals are discharged from parole supervision
 - Community Corrections: when individuals are discharged from community corrections
 - DYS: when a youth is fully discharged from DYS supervision
 - Probation: when an individual is terminated from probation supervision
 - Additional discussion was had around inmates in community corrections. They are technically in the community and at risk to commit new crimes. Current data suggests that in-program new crime rates for DOC transition clients is very low. While this would be a potential “miss” of DOC recidivism, the complexity of adding this one “inmate” group to the cohort may not add large value from a systems perspective. So called “in-program” or “pre-release” recidivism could be captured as an additional measure outside of the standard definition.
 - For the parole (and probation) populations, there was concern about how to address those on lifetime supervision. These individuals, if the point to begin tracking is at discharge/termination, will not be included in the recidivism cohort for their community supervision time. They would be captured in the DOC recidivism cohort if they served a DOC sentence. The number of these folks on active supervision is increasing as releases from DOC to parole for these cases increases and the number of individuals who can complete supervision is small. About 1100 lifetime parolees. Could consider an in-program or pre-release recidivism count for this group too and/or be clear about the limitation of including this population in this definition because they have not left supervision but are still including in DOC’s recidivism rate for the purposes of this definition.
 - The **cohort to track** for each agency will include all individuals who are released/terminated/discharged from the facility/program/supervision.
 - DOC: ALL individuals who are moved from "I" to "P" status in a fiscal year

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- Parole: ALL individuals terminated from parole supervision in a fiscal year
 - Community Corrections: ALL individuals released from a community corrections facility in a fiscal year.
 - DYS: ALL youth terminated from DYS supervision in a fiscal year
 - Probation: ALL adults and juveniles terminated from probation supervision in a fiscal year
- The group discussed whether to focus on a successful cohort or all individuals who were released/discharged/terminated. While individuals who successfully complete supervision are most clearly at risk in the community, not all unsuccessful terminations return to a custodial setting. A fair number of youth from DYS and probationers will be terminated for a technical violation or low level new crime and be released to the community or serve only a very short time in jail. Challenge with using the entire terminated population is identifying who ends up in the community. Many ways for a person to leave and not be at-risk (deport, die, move out state, etc).
 - Group wants to consider making a methodological agreement or requirement that even though the whole termination population is tracked, agencies will report rates separately for those who were successful and those who were not. Disaggregating the data, and considering ways to estimate the number of individuals who leave the cohort at risk during the time frame would be beneficial to understanding the broader recidivism picture.
 - It may be more important to account for these areas of slippage in time at risk for some populations (parole for example) compared to others (i.e. probation) because of the seriousness of crimes committed.
 - All agencies currently have the capacity to disaggregate reporting to include these different types of discharges.
 - Success is also not universally defined. Example provided of a parolee who was revoked back to DOC and then released from DOC without supervision due to completion of the original sentence. Is this considered success? Are we trying to identify perfection because there will be a lot of messiness? It's also important to consider system accountability and technical violations are one measure of how folks are doing on supervision. General consensus is that we have to leave the definition of "success" to the agencies as this is something they already have made policy decisions around and outside the scope of this group's charge.
 - Within the scope of this group's work is to determine the time to begin tracking the recidivism event, the cohort to track, the length of time to track the cohort, and related data points. That means we can include the need for agencies to disaggregate data in certain ways. We can also make recommendations around future data collection, interoperability, and sharing to facilitate better identification of time at risk.
- Public Comment [no members of the public were in attendance]
 - Wrap-up and Adjourn

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Statutory Mandates

Pursuant to 24-33.5-536, C.R.S. (Senate Bill 2024-030) the working group shall:

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

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

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