

## SB24-030 Recidivism Definition Working Group

### Meeting Minutes

August 15, 2024 | 1:00-3:00pm

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

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

DCJ Staff: Erin Crites, Linda Harrison, Jack Reed, Laurence Lucero, Kaylynn Duncan

Guests: Sally Hill (CDHS-DYS), Matthew Olah (State Judicial), Mark Allison (El Paso County Justice Services)

### Meeting Minutes

- Agency discussion of execution of the new definition
  - Each agency group reported on how their meetings with other agency folk and data analysts about the execution of the new definition and what, if any, challenges were raised from those.
  - The group all agreed that with retooling time frames or changing where their data comes from, that there should be no problem working within the new definition.
    - DYS advised they already begin tracking from the point that was decided for the definition. They will have a couple of other rates to report but other than that not really any changes to their current reporting.
    - Judicial advised there isn't a whole lot that they would need to change. The point to begin tracking is already where they start. The cohort is pretty much the same.
      - They also provided information on their data as it was decided that Judicial's data will be used to define the recidivism event.
      - They have been working with SPSS for the data as it is such a large data set going back seven years. For those who do not have access to SPSS or do not want to use it, there is the possibility of a CSV file, however, with the size of the data file, that could become unmanageable.
      - They could set up similar data agreements with other agencies if necessary like the one they already have with DYS.
      - They have a data agreement with Denver where they are able to get Denver misdemeanor convictions once a year. The ability to share that data with other agencies is included under the MOU with Denver. It was decided to look at this more in-depth at a later time to discuss options for data matching.
    - Parole advised that they had no concerns with being able to retool the system that they currently use for recidivism statistics to meet the objectives of the new definition. Will be confirming that there is an understanding that they would be using Judicial's data for the report instead of what they currently use.
    - DOC would be the same as Parole with the need to confirm the data used.
    - Community Corrections advised that the definition is different than what they currently use but that it is totally doable. They did bring up some nuances that they wanted to clarify in regards to the definition.

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- The group then discussed the different nuances that each agency currently has such as reject after accept, deceased, deported, closed, other, vacated. There is a consensus within the group to ensure all are on the same page in reference to the nuances.
- Agreement on similarities in the nuances but different terms are used in each agency for much the same thing as in reject after accept or vacated. Group also discussed that, for the most part, these nuanced groups amount to a very small percentage that might be more of a burden to include them in the data. The thought would be to exclude these little groups or exceptions as they did not receive services for whatever reason.
- Timing of the reports was also discussed as to whether this would be a yearly report or biyearly and would it be a centralized report or each agency separately. Discussing the statute, it affects how each individual agency reports on their recidivism and not really working to compare the recidivism rates with each other. ORS already brings much, if not all, of the information on its site, so could continue to exist on the dashboard as separate agency reports instead of a collective. The believed goal is to have a standard definition so that no matter which agency submits a report or testifies at hearing the definition for recidivism is the same across the board.
- Confirmation to the group that the timing of event is the date of the crime not conviction. If that date is not in the data, then it should be arrest date then filing date.
- The group also discussed creating a technical manual so that even with turnover, any data analyst in the future knows the answer to questions and is looking at the data consistently in the same manner.
- Expunged records were also discussed and the issues that created initially in the juvenile world with all the records disappearing. Unless or until the legal interpretation changes, the data is accessible for research and reporting purposes.
- Data matching could be an issue to solve. There is an opportunity for the group to make a recommendation that there be another path for data matching that isn't Judicial creating the initial data set and every agency then having to go in and do its own data matching. There was discussion about the possibility of using the Link Project or other alternatives to data matching to work around every agency having to do a ton of manual matching. The group agreed this should be a recommendation in the report as this group obviously couldn't tackle in the allotted time period but something that needs to be considered.
- The group discussed how Parole and DOC now handle recidivism events in regards to those inmates who are deported or deceased or those where the parole supervision ends because of a sentence recalculation. There are also those that are on parole 10 to 20 years to life and where those offenders would fall under recidivism. Do they fall under the definition as they are still being tracked and have not been released?
- The group talked about what this would like in a dream world if everything lined up perfectly. There is a need to ensure that this is very transparent for people on a committee or the legislature to see the logic behind the decisions and outlining the obstacles that made this difficult. Technology is changing and just pointing out the consistencies and differences across the agencies. Make is so that someone on the outside of this is able to see those differences and consistencies. Who is going to use this and what are they going to use it for?

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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.