

## **TRANSCRIPT: Recidivism Definition Working Group Meeting**

September 19, 2024

### **Erin Crites 0:00**

All right. Thanks all for joining us. Um, we're going to jump in here. Um, we do have a couple of new faces. Um, there are folks on our team here at ORS, but, um, for their sake and for yours, let's do some quick intros, um, just so that everybody knows who everybody is, and then we have it in our recording and transcripts, so it's easier for us to also keep track of who's talking and what folks are saying? So, um, let's go ahead and start with our folks on the screen, and I'll just call out names, um, starting at the top. So, Mark,

### **Mark Allison 0:58**

Mark Allison, El Paso County, Justice Services.

### **Erin Crites 1:02**

Morgan.

### **Morgan Jacobson 1:05**

My name is Morgan Jacobson. I'm with the Office of Research and Statistics as a research, research analyst.

### **Erin Crites 1:13**

Greg.

### **Greg Saiz 1:15**

Hello everybody. Greg Saiz. I'm with the Colorado Board of Parole.

### **Erin Crites 1:20**

Katie.

### **Katie Ruske 1:24**

Hi everyone. I'm Katie rescue and the manager of the Office of Community Corrections.

### **Erin Crites 1:29**

Jeff.

### **Jeff Wise 1:32**

Good afternoon, everyone. I am the community representative, Jeff Wise, with an organization called Remergé.

### **Erin Crites 1:40**

And Michael.

### **Michael Campbell 1:43**

Hello everyone. Michael Campbell, I'm a criminology professor at the University of Denver, and I have to teach at two o'clock and leave at 1:45 so just a heads up.

### **Erin Crites 1:53**

Thanks. Lindsay,

### **Lindsay Compton 1:56**

Hello everyone. I'm Lindsey Compton. I am a statistical analyst for the Department of Corrections.

### **Erin Crites 2:02**

Thanks, Lindsey. Okay, you all know me. I'm Erin Crites with ORS, managing this group for now.

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### **Yolanda Alvarez-Montello 2:13**

And my name is Yolanda Alvarez. I am a behavioral health and criminal justice technician under the Office of Research and Statistics.

### **Aaron Stewart 2:23**

Aaron Stewart, I'm with Judicial.

### **Kelli Burmeister 2:26**

Hi, everybody. Kelly Burmeister with Division of Youth Services under the Department of Human Services.

### **Jack Reed - CDPS 2:32**

And Jack Reed, Research Director here with ORS.

### **Erin Crites 2:36**

Thanks, all. Appreciate it. Yes, we have Morgan and Yolanda with us, new to our team, um, and hanging out today to hear what's going on, on this work. So, I realized that I had the agenda posted on the website, but probably forgot to email it to you all because I had sent other stuff. I realized I didn't send the agenda. Our agenda is basically two things. One, any last-minute points of discussion. Just wanted to leave that open. And we do actually have one piece that we want to discuss. And then the second item on that agenda was to talk about the report. So, I sent out that draft. I received some feedback from folks haven't had a chance to look at it yet today, so feel free to keep sending that to me. But we can also talk about some pieces of that report, if folks would like, after we talk about some of the last and final decision points that we might need to make. So, one of the pieces that's left kind of on the table that we haven't necessarily talked about, but it's come up in some other discussions, is about lagging the reports. So, when we talk about using conviction as our measure that we are counting that takes time to occur. We have talked about, you know, count the event, what, as the event had occurred, so that on that offense date, whether that occurred within our time window, but we don't count it until it becomes a convicted offense, and that takes the time. And, so, I know that different agencies wait different amounts of time before they start producing their reports to allow for the courts to process criminal cases. So, realize that that wasn't something that we had talked about. How long do we kind of lag to find all of those pieces of information? So, wanted to talk about that generally, how we currently do it. And then part two, as with all of our discussions, how should we do that to get the most accurate, um, data reported out, and then decide kind of what we want to make an agreement around consistent in other areas. This wasn't one of our decision points, but it is a piece that's important for having our various reports consistent with one another, um, as well. So, start there. Lindsay, since you're here for DOC, how long do you all normally lag your reports to look for events for recidivism?

### **Lindsay Compton 5:46**

So, generally, we'll track one through five years, but our actual recidivism event occurs at three years.

### **Erin Crites 5:53**

Okay, okay, so you wait. Do you - to look for those events do you - Trying to see how I can phrase this, so I make sure I'm understanding and we have a shared understanding. So, if an event occurs within kind of that one-year window, but isn't identified in the system until year two, for example, would you capture that in your one-year rate or -

### **Lindsay Compton 6:30**

Ah, um, it's one year rolling from the time of release. So, we'll, we'll track it as a, as a one-year return. Pretty much the only lag there is, like, on a monthly basis, but it's year to date returns until it hits that full year, basically is how it works.

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### **Erin Crites 6:49**

That makes sense. And since you're capturing returns, you don't have to worry about as much data catch up as in other, other areas of our system, like when we use the court records. We have to wait for the court to process the case to find out whether that offense resulted in a conviction.

### **Lindsey Compton 7:07**

Yeah, it's a lot easier for us, cause of math, you know.

### **Erin Crites 7:12**

For now, right, Lindsay? Kelli, what about you all? How long is that lag for you?

### **Kelli Burmeister 7:23**

For us, it's exactly a two-year lag in between when our last youth and the fiscal year discharge, cohort discharges. We obviously give a year for them to reoffend for the one year to cohort, and then we pull the data, or Judicial matches and gives us the data sometime in October. So, I feel like there's four months given for adjudications or convictions to land in the system, and then our report goes out in July. So yeah, in between, when the last youth leaves our system to when we actually report the rate, it's two years lagged.

### **Erin Crites 8:07**

Okay.

### **Kelli Burmeister 8:09**

But I was going to ask, and this can be discussion for later, after we've heard from all the agencies, but it'd be great to know, and I bet we do know, like, what the average length of time is in between offense date and finding date that would be great to kind of help inform this group on the lag that we decide on.

### **Linda Harrison 8:33**

I know we have that information in our C and J case process.

### **Jack Reed - CDPS 8:37**

Oh, we do.

### **Erin Crites 8:38**

I was going to say, if not, I know - technically calculated.

### **Linda Harrison 8:43**

Yeah.

### **Kelli Burmeister 8:52**

But yeah -

### **Linda Harrison 8:53**

Do you want me to look that up?

### **Kelli Burmeister 8:54**

I think quick and dirty is two years.

### **Erin Crites 8:56**

Two years for you, yeah. But if you can look that up real quick, that would definitely help us move forward. And then, while you do that, Aaron, do you want to talk about Judicial's reporting?

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**Aaron Stewart 9:05**

Sure. Yeah. So Judicial is currently lagged one year, so for just finishing up the report for this year, for the fiscal year 23 termination cohort. So right around July, after a year, is when we'll start to take a look at that. So, pretty quick.

**Erin Crites 9:24**

Yeah, pretty quick - pretty quick turnaround on that one. And then for Community Corrections?

**Katie Ruske 9:32**

Yeah, you've gone beyond, I think, my knowledge, and Valerie wouldn't be here today. But, so I'm trying to put this in my non-statistical brain in ways that I might understand. But for performance-based contracting, we base the cohort that we're looking at on the fiscal year, like Kelly described, and then that two-year time frame. So. And then we're pulling the data, because for performance-based contracting, we're trying to do it as quick turnaround as possible for the legislature and funding, we're pulling that data about - Well, okay, let me think about this. So, we're looking at pulling the data of individuals who discharged full of - in a fiscal year full - a full two years prior, about six months after the current fiscal year. So, it's probably about like two-and-a-half years after the individual termed out of Community Corrections. Does that sort of answer your question? So, we're pulling the data.

**Erin Crites 10:54**

Of your terminations, or of their new offenses?

**Katie Ruske 10:58**

Of their new offense.

**Erin Crites 10:59**

Okay.

**Katie Ruske 11:00**

Okay.

**Erin Crites 11:01**

Yes. So, for your two-year rate, you may have if somebody had a new offense, right at the end of that two-year period, there's about a six-month kind of gap from when they may have committed that offense to when you might catch the conviction.

**Katie Ruske 11:24**

Yes, and we're looking just based off of convictions. So, if they commit a new offense in that time period, but haven't been convicted yet, they won't be in the data set.

**Erin Crites 11:35**

Yeah, okay.

**Katie Ruske 11:38**

But also, to answer that, I think, Kelli's question. This, I do know. When the Urban Institute was helping us come up with a measurement out of recidivism that would be good for performance-based contracting, they looked out way longer than two years for recidivism events, and found that about 70, to, I think, 7- I think, was actually 75% of recidivism events for the community corrections population happened in that two-year time frame with the conviction. So that's another reason we felt good about that definition was that we were, we knew we were catching most recidivism.

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### **Erin Crites 12:18**

Yes, yes. And I think that's why we're looking at kind of that three year outside. I think what we're trying to sort out is how long does it take from offense date to conviction date, so that we can determine how long we wait to basically match people in the Judicial data set to have the best chance of identifying a convicted offense. Recognizing that certain case types are going to take longer to process. I think, you know, we've been talking with the one year wanting like two-month lag. Sometimes that happens with the Judicial data is that if somebody committed an offense right at the end, you know, if they were terminated June 29 so they were captured in the fiscal year. The data gets pulled in September of just that next year, if they had recidivated in, you know, May of that year, we may not see a conviction, even though they would be a recidivist. We wait a few more months to help the courts have time to kind of process the data. So, that's kind of, I think what we're, what we're trying to sort out is, should there be an additional year tapped on for, I guess, a bit more consistent with DYS so that there's the full year follow up, plus a year for the courts to catch up, basically, before looking at for those recidivism events in the data.

### **Linda Harrison 13:57**

Something - Can I just throw in that? What I just found for adults, this could be criminal cases only a month. I'd have to do more digging, you know what I mean, to remember my logic. But it's 13.2 months on average offense to conviction.

### **Erin Crites 14:13**

Okay.

### **Kelli Burmeister 14:13**

Wow. Shorter.

### **Erin Crites 14:16**

Me too.

### **Linda Harrison 14:18**

Yeah, and, you know, probably because the maximums, I mean, you know.

### **Erin Crites 14:22**

Oh yeah, okay.

### **Linda Harrison 14:23**

It can take a really long time.

### **Erin Crites 14:26**

And that's a mean not a median?

### **Linda Harrison 14:27**

Yes.

### **Erin Crites 14:28**

Okay, so the median might be lower, which I think is what I've looked at in the past, yeah, given the outliers, okay?

### **Jack Reed - CDPS 14:40**

And I think one of the reasons we want to probably try to come to a conclusion about again, the consistency, because if we're looking at very different time lags, then you know Probation's recidivism is going to have another huge caveat on its own. It seems like pretty much, you know, most others who are doing conviction, are doing it with that two-year lag. And I think that that, given what I know about the DUI data, you know, within, within that two-year period, 95% of DUI has reached disposition. And then within one year, 85%. So, you know, I think it would be good if we could - This is not

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like Erin said, one of the tasks that we have, but I think, since you know, coming up with the uniform methodology is really important that we can come to some kind of agreement on, on that. And it seems like two years is generally where least DYS and OCC -

**Kelli Burmeister 15:53**

And just to clarify, our two years from the last kid discharging to actually submitting the report to the Legislature. But for, if we have a kid that recidivates almost a year out, then we're really only waiting four months to pull the conviction data or to see if they're in the conviction data. So, really that's not a very big lag at all. Consider the 12- 13-month average, but - And adult versus juvenile differ.

**Erin Crites 16:29**

Yeah.

**Kelli Burmeister 16:30**

But still, that's not very long to wait.

**Jack Reed - CDPS 16:34**

No -

**Kelli Burmeister 16:36**

So, for Probation, it's -

**Aaron Stewart 16:36**

Pretty short - truncated.

**Erin Crites 16:43**

Yeah.

**Katie Ruske 16:45**

Can I, just to make sure - I'm going to make sure I got this, so when I tell people, I've got it right. So, like, let's say someone discharged June 2024 the time frame is two years. June '26 for conviction, or new, whatever new, new felony, whatever it is definition we have. We're talking about the lag time before we pull the data, which may be like, if we're saying it takes that long for a conviction to go through, maybe June of '28 like for two years, right? I've got what we're talking about correctly?

**Erin Crites 17:19**

Yeah. So, it's the difference between what we're counting as recidivism when the event occurred versus when we actually pull the data.

**Katie Ruske 17:26**

Pull the data.

**Erin Crites 17:26**

To figure out whether that event did occur or not. And with convictions, we need a longer waiting period than if we use something like a filing that hits the court system much faster. Jeff, you had your hand up.

**Jeff Wise 17:45**

I had pretty much the same question as Katie. I want to make sure I understand what, what are we even talking about with the lag time? I think I get it now. So, yeah, thanks for that.

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**Erin Crites 17:57**

I need my whiteboard again. This is when I need my whiteboard.

**Jeff Wise 18:00**

The flow chart.

**Erin Crites 18:01**

So hard to explain, but. Yes, really, it's how much court processing time do we need to account for so that we're not artificially under reporting recidivism, because the courts take time to process cases, yeah.

**Linda Harrison 18:20**

You know that stat that I just threw out that was from our most recent C and J analysis.

**Erin Crites 18:25**

Okay.

**Linda Harrison 18:25**

Which it might not even be pulled down -

**Lindsay Compton 18:29**

Oh, and the courts went super slow.

**Linda Harrison 18:32**

- could be huge.

**Erin Crites 18:33**

Okay. What do folks, I'm just gonna throw this out there if we - What do folks think about us, kind of coming to what we think might be a good answer in abstract, which, again, is not my favorite thing to do as a data person, but makes good use of our time here? And then maybe we see if Aaron can pull a more recent - from the most recent data, what that median range looks like. And then we can determine whether we're close enough with what we think is a good practice, and then make some tweaks to it, if we need to, based on the data that Aaron can provide, Yeah, Michael.

**Michael Campbell 19:21**

I can say with a lot of confidence that I have no confidence in my ability to contribute anything meaningful to this, because this is about the agencies, their data, their management. This is about y'all, and I don't have any idea, so I'm just listening. I'm glad I don't have to figure this out. I wish you well, and just let me know if I can add anything constructive.

**Erin Crites 19:45**

Thank you. You're right. This isn't a this isn't a theoretical conversation. It's not a philosophical one. It really is, how long did the courts take to, to process the data?

**Michael Campbell 19:56**

But obviously, extremely important, because if the data are all skewed by arbitrary choices of timing, then it's worthless to anybody doing research. It's very important. I'm not making light of it. I'm just saying, if you don't know what's going on in all these different agencies, to some degree, there's no way to have any idea what's reasonable. So, sounds like you all are very well equipped to do that, and I'll vote for that.

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### **Erin Crites 20:19**

No wrench in the process this time. Awesome. Okay, well, so for - it sounds like, from what I'm hearing, a 12-year, 12-year, 12-month lag might be what we're looking at, but we want to confirm that in the data, and then figure out how we frame that, because it will change the cadence of reporting.

### **Jack Reed - CDPS 20:58**

Just to clarify. We're saying, here we're saying like so we're giving a person. So, let's for example. So, our one-year recidivism, you know, is they term'ed in FY 25, we pull the - When do we pull the data? Because if we're giving them a full year till June of 2026, then, so that's the year they have to commit recidivism, and we're giving it another year. So, it would be June of 2027, that we would pull recidivism data for people that terminated in FY 25.

### **Kelli Burmeister 21:37**

To start working on.

### **Erin Crites 21:38**

Yes, I know. That's the challenge. So, it'll be lagged even farther than people are used to.

### **Jack Reed - CDPS 21:46**

Which, but it would be consistent.

### **Kelli Burmeister 21:49**

Yeah, but it would be consistent. Yes.

### **Erin Crites 21:56**

That is true.

### **Katie Ruske 21:57**

Can, can I ask a question about it, just to make sure?

### **Erin Crites 22:00**

Go ahead.

### **Katie Ruske 22:02**

So, we typically pull a four, a whole fiscal year cohort at once. So, are we lag timing for the end of that fiscal year? So, people who terminated early in that fiscal year, they're actually going to have more than a two-year lag time. Or do you see what I'm saying? Like, I think -

### **Erin Crites 22:28**

Yeah. So, you think - So yes. I mean, you still pull your cohort as one cohort at the end of the fiscal year. What we're talking about is when the court data would be considered final for matching, and that would be a full two fiscal years after the last date of that cohort?

### **Katie Ruske 22:52**

Yeah.

### **Erin Crites 22:53**

And that would, but you'd still only look for offenses with an offense date, you know, 365 days from that individual's termination date. I need my whiteboard.

### **Katie Ruske 23:07**

Uh-hum.



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### **Erin Crites 23:08**

To be able to count right so you can still use that person's termination date as their start point, and the offense date as whether the offense was within the time frame? We're just trying to give enough time for that conviction to occur to make that offense date eligible to be counted.

### **Jack Reed - CDPS 23:27**

And you're right, Katie, looking at the DUI data, because that's the one that I've seen. You know, the people who've had a full year, 95% have reached disposition, and it goes down to those - it goes down to 85% over the course of the offense within a given year. So, you know, yeah, there's, there's a pretty significant like decline in - in the recidivism conviction events we're going to capture. But I think that's just what we're - what we've got to live with. And this would give it more time anyway than a lot of folks are currently taking. So that would improve it overall.

### **Erin Crites 24:10**

Yeah, so I think that the tradeoff here is increased accuracy, right, and allowing convictions to, to have been processed. But also, then this greater lag between when the individuals were terminated, were supervised, terminated, and then when that recidivism rate is reported. And so, kind of, I think this always brings me back to Michael's question around like accuracy as part of the utility question, but sometimes also so is that time - timeliness piece. And you know, how - how do we balance those two things so that the data reported are timely enough for us to make adjustments in how we operate to improve outcomes for folks, but also ensure that our data are accurate enough that we're making adjustments based on the best source of truth that we can. And where kind of is that tipping point for us? And I think recognizing that, you know, depending on how long it takes cases to process, we could catch 85% or 95% I think most of our data works in the room would always take the 95%, but that will also require being upfront about the fact that we have to potentially wait an extra six months for folks to see outcomes reported than they might be used to.

### **Linda Harrison 26:00**

Just to throw it out there, that stat that I threw out there that we wish we had a median that was CY 9 - 19. CY 19.

### **Erin Crites 26:11**

Oh, okay. That actually is probably not too crazy. Yeah, I still for sure.

### **Linda Harrison 26:25**

I always do medians too, and I don't know why I wasn't on that particular little thing.

### **Erin Crites 26:30**

Cool, so just from kind of a decision management standpoint, and because I know that we're coming up to, I think, what everyone is hoping is the end of our meetings on this topic, mostly, so we can move on to talking about alternative metrics in our next group is, are we comfortable? And I can send this out via email as well. But are we comfortable kind of making a decision based on what the court data are telling us, particularly with a median length of time from offense date to conviction? Are folks who aren't in the data comfortable with that decision being made by, by what the court data tell us, instead of kind of a philosophical conversation here. Chat's getting covered up by our captions here. So that's okay, all right, got some thumbs up. Greg's smiling, so I'm going to assume that's a yes. Cool. Jeff, are you comfortable with that as well? Yeah, seems reasonable, okay. Dave or Lindsay, any concerns from your standpoint around kind of making that determination based on Judicial's data?

### **Lindsay Compton 27:55**

No, I think it makes complete sense.

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### **Erin Crites 27:57**

Okay, okay, so expect a follow up email, kind of talking about what those numbers look like, and confirming, kind of where we all stand. And that'll get tossed into the report before the final version, and you all will see another version before it's final, so that you can see how comments and edits were incorporated.

### **David Wolfsgruber 28:23**

Erin, I'm sorry for jumping in. I'm in and out of the western slope, heading to our office in Montrose. I just want to say I'm fine with it, but I'm, I'm going in and out. So, I just wanted to say that before I went out again.

### **Erin Crites 28:36**

Dave, we're going to get you a satellite phone for these meetings.

### **David Wolfsgruber 28:40**

No kidding. The Man in the Moon wouldn't let me borrow it, so it's the best I can do.

### **Erin Crites 28:46**

Fair enough. Thanks for doing what you can.

### **David Wolfsgruber 28:48**

Yeah, I got the tinfoil going, so I'm okay for now.

### **Erin Crites 28:56**

Okay, all right, so look forward to that. Aaron, you and I will connect and look at the data.

### **Aaron Stewart 29:03**

Yeah, is there any specific time frame we want to look at, like the last fiscal year, two years, or -

### **Erin Crites 29:08**

Probably two years, and then we can - if you feel compelled to go into the 19 data and see how it connects to what Linda found in 19.

### **Linda Harrison 29:18**

And then I'm sure there are caveats. This was a long time ago, right?

### **Erin Crites 29:29**

I mean, unfortunately for Aaron, I know what data he has access to, a decade worth of data he could run.

### **Aaron Stewart 29:38**

Yeah, but what makes the most sense seems to be the most proximal. So.

### **Erin Crites 29:42**

I would say that concerning, lots changed in the courts' operation since the pandemic. Yeah, I would say that's fine.

### **Linda Harrison 29:50**

And I'm saying, like, what I just did was calendar year 19, but I don't even know what the time frame was. Those were filings. And you know what I mean, so I don't even know -

### **Erin Crites 29:59**

Okay.

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**Linda Harrison 30:00**

- how long that could have been.

**Erin Crites 30:05**

Yeah, okay, we can chat and see what you think might make the most sense from court data, and go from there. Okay.

**Aaron Stewart 30:14**

Easy.

**Erin Crites 30:15**

Cool, all right.

**Katie Ruske 30:19**

I do think, just like for awareness sake, it will mean that, because the law requires us to use, like publish this definition with our other definitions, that if we're using a different lag time for our other definitions, it'll be two different fiscal years of data next to each other, which will be confusing for outsiders, but is what it is. Obviously, we all know that, but yeah.

**Erin Crites 30:50**

Yes, I think these initial, the initial reports drafted, will have some of those caveats around, like, here's when the data were pulled for this particular purpose, and what that looks like, along with the definitional difference in the event and which cohort is being tracked in those different things. And Kelli had mentioned, kind of in her I saw one of your comments in the feedback around kind of this group's decision to focus on that post-release recidivism definition, and that's really where our attention was focused on that lots of other - each of the agencies will report a pre-release to suit different needs of the of the agency. But that when we say recidivism, we are talking about post-release this, this definition of the event, and these time frames for this cohort with this flag and the data to ensure capturing of convictions, right? So, I think all of that will be part of the kind of discussion of what this definition actually means. And I think that's, that'll be a note for me when I draft, redraft the report, make edits, is to come up with some kind of streamlined statement combining all of this into one kind of chunk of, of words that explains exactly all of these pieces that and hopefully that'll be helpful in the explanations of this definition for others who haven't had these conversations for the last many months. So, I will do that, Katie as well, which hopefully will be helpful. And have you all tell me what needs to be fixed so that it makes more sense. Okay, see, Jack, it wasn't terrible. Less than 40 minutes. He thought for sure we were going to go down the rabbit hole on this one. Okay, so the report draft, I know I didn't give you all, all that much time to review it, and my apologies for that. Took me longer to get to it and get it drafted than I anticipated. But anything on folks' minds from reviewing that, that they want to discuss or feedback you want to provide verbally, so you don't have to type it into a Word document. Can't put it in Google, because not everybody has Google, and then it goes sideways. Or if you haven't read it yet, no worries. What would you want to be in there? And I will just pretend that it's new information and either add it or know that it's already there. Yeah. Greg.

**Greg Saiz 33:55**

Erin, just want to say thank you for putting that together the way you did. It looks great. I really appreciate this sort of look to the future, most future considerations. I know that during our summer session, Senator Gonzalez wasn't able to get that data sharing piece put together, but there's a nice framework to use as a jumping off point to eventually make that happen in a healthy way. And you know, MOUs between Judicial and DOC are a start. You know, I think it's something we can continue to build on. So, I really appreciate that. Really appreciate the succinct nature of the report too. This could have been a 40 pager, uh, given everything, and thankfully the legislative bodies, thank you I'm sure when they read this. So, I think that, um, it's a great, great piece. I think that it really encapsulates the work that's been done here. And it's going to be clunky for a few years, right? Or we're kind of upending the apple cart pretty, in a pretty big way, but it's going to be eventually a much smoother process that's going to lead to more consistent outcomes. I can

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hear Jack's heart racing a little faster with consistency and data reporting. So, I know that's your language Jack, but it's gonna be great for everybody. So really excited about the progress that's been made.

### **Erin Crites 35:07**

Thanks, Greg. Yeah, I've been around too long to write a 40-page report for a legislatively mandated working group. I know better than that. Yeah. Michael.

### **Michael Campbell 35:20**

Yeah, I was about to raise my hand when Greg did to say very much, very similar things. I thought the report really captured what we talked about this summer. I also appreciate it being succinct, digestible. And in doing that, I think Erin you, you prevented what could have been, you know, misinterpretations of just over, over, explaining things where people might have gotten the wrong idea about what we are and aren't trying to say the group talked about. And I also appreciate the incorporation here of some language, kind of nudging legislators to think more about better, newer ways to manage all of these data, which you know, could, in many ways, offset the need for a lot of the discussion that we just had by thinking, having a more forward-thinking way of looking at data. You know, we did have that discussion. I don't know that everybody's having those discussions, but I think it's important that it's in here, because it might trigger one among people that have the resources to make a difference. So, oh, that was good as well. And then it just echoes what Greg said. I just really thought it captured the gist of the stuff we've done, and I thought it was well done. So, don't take my lack of input here as one of saying I didn't read it. I did. But nobody wants an academic to really provide a whole lot of input on -

### **Erin Crites 36:46**

I'm academic enough in my head. Michael, so I had to rein it in.

### **Michael Campbell 36:50**

Yeah, if you think, if you think the courts are slow, wait till you see what us academics are capable of.

### **Erin Crites 36:55**

Five years for a peer reviewed article, right from the date that the thing finally was finished, been there, done that. Well, thank you. I appreciate the feedback on that. I think one of the things we really did want to do is make this report succinct and digestible, because all of these meetings have been recorded. They are available. If people want to dive into every last detail of our conversations, they can read the transcripts. They can listen to the recordings. I felt like we had done our due diligence there, and putting that time into the recordings and the transcripts meant that we could really focus on presenting a report that was helpful to our legislative partners and to describing the outcome of this group without getting too lost in in the detail, which is also, I didn't put my terrible word art in there, if you all noticed that was absent, that was intentional. Those things were so complicated I could never quite figure out how to make them make sense, which I think was enough in and of itself. And so, I decided, for all of our sakes, to leave those out.

### **Michael Campbell 38:19**

On that note, I do have to depart, so I'll review the comments and everything. So, let me know if anything else comes up. I'm happy to kick in a little what I can.

### **Erin Crites 38:28**

Thank you.

### **Michael Campbell 38:28**

Thanks. Take care, everybody.

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### **Katie Ruske 38:31**

We also reviewed it and didn't have anything really significant. Erin, I think if I only had one thing, it would just be for the example around varying termination types and their limited opportunities. Instead of making it about a new offense, I probably, personally, would make it the example a technical violation, just because there's a lot more technical violations than there are new offenses, and that's probably the biggest impact on making that data be skewed.

### **Erin Crites 39:05**

That's really helpful. Yes, okay, it's easy. Thank you. I appreciate that. All right.

### **Lindsay Compton 39:18**

DOC, I don't I didn't have any edits. I can't speak for Dave. I think he dropped, but I, I know that I didn't - I thought it was also well done. So, thank you for, for that.

### **Erin Crites 39:27**

Awesome thanks, Lindsey, appreciate it.

### **Kelli Burmeister 39:39**

Was a little heavy handed. Maybe on the I just want readers to know that they should not be comparing those rates.

### **Katie Ruske 39:48**

I appreciate those areas there.

### **Kelli Burmeister 39:53**

That's just my suggestion, but maybe a little heavy handed there. So however, you would like to proceed, I. Support.

### **Erin Crites 40:01**

I appreciate that.

### **Jack Reed - CDPS 40:03**

That's where the word art comes in.

[Laughing]

### **Erin Crites 40:06**

Do not.

### **Linda Harrison 40:07**

In a sidebar.

### **Erin Crites 40:10**

Don't do it. I appreciate that. The one other thing too that we, I think, had talked about, but I forgotten by the time I got to writing the report, is some of it when we talk about the future, being able to incorporate some of our county partners in this conversation. And it's not something that was in the statute or that we can do right now, but that's something about making data more accessible allows us to include some of those local agencies in this work and to create consistency and reporting from our jails, from some of the diversion programs that operate kind of those county levels that don't have reporting requirements necessarily right now, but would be really helpful for understanding our system as a whole. So that's another piece that I plan to kind of add back in there, that I know we kind of talked about in a roundabout kind of way, but I had neglected to include in the reasons for that future thinking and cost savings. Thanks, Kelli.

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**Erin Crites 41:14**

That was yours like your-

**Erin Crites 41:15**

- and it's less expensive, so maybe that -

**Kelli Burmeister 41:18**

We can focus on other things.

**Erin Crites 41:21**

Yes, instead of spending three months matching data, we can do all kinds of other things.

**Kelli Burmeister 41:28**

In light of today's conversation. I don't know if we need to add it or if we should add it. Something on the lag -

**Erin Crites 41:34**

Yes.

**Kelli Burmeister 41:34**

- for the pulling of court data?

**Erin Crites 41:36**

Absolutely. Yeah, that will go in there.

**Kelli Burmeister 41:38**

I also just wanted to ask too if, do we need to come to an agreement on the lag of actual reporting. I mean, I know that's probably too restrictive for agencies. And like for us, we have a statute saying that we have to publish on July 1. It doesn't say which discharge cohort we have to publish. But, yeah, we might think of talking about the lag to actual reporting, but that may be something that is different for every agency.

**Erin Crites 42:14**

I think it is because I don't, again, Aaron, I know your report you try to get done to align with SMART act.

**Aaron Stewart 42:24**

Yeah that's generally what we're looking at.

**Erin Crites 42:27**

Yeah, that makes sense. So, I - maybe that one we, and I think DOC probably has some differences in their reporting, and same for Community Corrections. So, I wonder if that's when we kind of just leave to what's required for each agency, or by practice for each agency.

**Jack Reed - CDPS 42:49**

Maybe we could note that though.

**Erin Crites 42:50**

Yeah.

**Kelli Burmeister 42:53**

Some are tied to statute, and some are tied to like, agency SMART act processes and such.

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### **Erin Crites 43:01**

Yeah, so with each agency's reporting timelines are tied to legislative or operational needs.

### **Jack Reed - CDPS 43:20**

Um, so Katie asks we're still considering separate technical manual directions for data analysts.

### **Erin Crites 43:29**

Yeah, so I don't know that that's something we want to attach to this report. I will say for two reasons, from my perspective, but I want to, I'm curious what other folks think as well. One that would be a whole lot of detail, which is just hard for folks to digest to sometimes, you know, I'm having visions of the Wizard of Oz, given that I grew up in Kansas, when you pull back that curtain, things can, can get confusing for folks and not be what they expect, and not that we're hiding anything because we're not, but that it's just so complicated and different than what people think to actually do the technical work that it might create more confusion than help. But that's not to say that we don't have conversations between some of the data folk, like, hey, how do you handle this? How could we handle it? And create that documentation internally based on each organization's kind of process for doing that work.

### **Katie Ruske 44:42**

Yeah, I wasn't suggesting it for the report, but just, I just wanted to see if it was still on the table. I just know we've had struggles in the past where, when a new person has come on, where we, you know, thought we had given them enough information to replicate something and do it correctly, and we had not, and, and then it sort of defeats the whole purpose of this work. So just -

### **Erin Crites 45:10**

You can ask Aaron about how much direction I didn't leave him.

### **Aaron Stewart 45:15**

She left me directions that were longer than the report so -  
[laughing]

### **Linda Harrison 45:20**

But I think it's key to talking [inaudible].

### **Jack Reed - CDPS 45:24**

Yeah, and Katie, to your point, I mean, you know, each, like Erin said, each agency's methodology at this point, there's going to be some variation, and I think maybe that would be something we look at, at a future time where we the data folks come together, maybe try to come to a more consistent methodology for the matching, and then that could become part of the technical that an agency or program.

### **Erin Crites 45:58**

Yeah, ideally, at that time, we'd be leveraging some better technology for matching, which would help everyone. Okay. Awesome, all right, what else do we need to consider in this final report?

### **Linda Harrison 46:29**

Well I do have a little update based on some other analysis and everything was violent crimes took longer. 8.2 months between filing and sentencing, and 6.6 for nonviolent. That's much different. That's based on cases closed.

### **Erin Crites 46:53**

Okay

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**Linda Harrison 46:54**

CY 19.

**Erin Crites 46:56**

Okay. Filing to sentencing? Okay.

**Jack Reed - CDPS 47:01**

So, is that? Does that include misdemeanor, felonies together?

**Linda Harrison 47:07**

Pretty, all criminal.

**Jack Reed - CDPS 47:10**

Okay. All right. Let's [inaudible]-

**Erin Crites 47:14**

Okay, cool. Well, yeah, we'll follow up with the Judicial data and see what, what it tells us like in determination, that makes sense, and then go from there, but I will make sure to add into the report a summary of this discussion on lagging, the pulling of the data, to account for time for case processing, as well as kind of that, then that additional lag to produce the reports, and that the timing of those reports are really based on statute or other kind of organizational requirements for reporting in different places. And that, that will just be another piece to kind of see how it plays out in the future, given that it's outside the scope of what we were mandated to kind of determine. But we can definitely identify that, that will be just part of the nuances of these reports, and yet another reason why they ought not to be compared. So, all right. What else? I know Jeff has a hard stop in six minutes. You all know how to find me via email and phone. If something comes up after this meeting related to the report or things we may have missed, I will definitely send out another kind of more final draft for folks review and approval before we consider it final, as well as an email about what looking at for the time lag once we see some judicial data. Otherwise -

**Jack Reed - CDPS 47:40**

Do we need to have one final meeting, even if it's just virtual, to formally approve the report, rather than just have everyone come out -?

**Erin Crites 49:19**

I think yeah, given that Open Meetings requirement on our group, I think that's a good idea. So because I am going to give myself enough time to actually turn this around, maybe we will look at October for our final meeting, and we'll just plan something that's 30 to 45 minutes for a final approval of the report should give me enough time to edit the draft and get it out, and try to give folks two weeks to review this time, and then we'll do kind of that brief virtual meeting just to put on the record approval of the report, and then we can all move on to the next thing.

**Kelli Burmeister 50:11**

That's great.

**Erin Crites 50:13**

All right. Thank you all for your participation. One more meeting, and we will be done with our Definition of Recidivism Working Group and -

**Linda Harrison 50:27**

Part one.



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**Ern Crites 50:28**

Yes, part one, yes, the alternative metrics is up next. If you folks, your agency is appointed to that one as well, and we're pulling the list for appointments in the other areas as well. All right. Thanks. Everyone. Enjoy the extra hour back in your afternoon, and I will see you in about a month.

**Jack Reed - CDPS 50:49**

Excellent.

**Lindsay Compton 50:50**

Thank you.

**Erin Crites 50:50**

Bye.

Transcribed by <https://otter.ai>

### 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.