

Final Report

Standardized Definition of Recidivism Working Group

Pursuant to 24-33.5-536, C.R.S.

October 2024

Prepared by
Erin Crites, Ph.D.

Colorado Department of Public Safety
Stan Hilkey, Executive Director

Division of Criminal Justice
Matthew M. Lunn, PhD

Office of Research and Statistics
Jack K. Reed, Research Director

700 Kipling, Denver, Colorado 80215
dcj.colorado.gov/dcj-offices/ors



COLORADO
Division of Criminal Justice
Department of Public Safety

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Recidivism Definition Working Group

Introduction and Background

During the 2023 Colorado legislative session the General Assembly created the [Recidivism Interim Study Committee](#) through [Interim Committee Letter 2023-06](#). That interim committee met during the summer of 2023 to review agency and department definitions of recidivism, examine approaches taken in other states and academic studies to define recidivism, identify other ways to measure program success, and align agency and department reporting to more clearly measure effectiveness. After hearing testimony from state agencies, statewide task forces, national experts, and advocacy groups the 15-member committee proposed three pieces of legislation to the General Assembly for the 2024 legislative session. The bills sought to establish a common definition of recidivism for state justice entities ([Senate Bill 2024-030](#)), identify alternative metrics for measuring criminal and juvenile justice system outcomes ([Senate Bill 2024-029](#)), and study how individuals proceed through the criminal and juvenile justice systems in the state ([Senate Bill 2024-027](#)). Both SB24-030 and SB24-029 were passed and became law.

The Recidivism Definition Working Group (RDWG) was established under SB24-030 and codified in 24-33.5(2)(a), C.R.S. This working group is made up of representatives of the Division of Youth Services (DYS), Judicial Department (Judicial), Department of Corrections (DOC), State Board of Parole (Parole Board), Office of Community Corrections (OCC), a member from an institution of higher education with expertise in the criminal legal system who has conducted relevant research regarding recidivism, and a representative of a community-based organization that works for criminal legal reform. Diversity within the membership of this group created opportunities to critically consider current and best practices in the measurement and reporting of recidivism within the charge of the statute. RDWG members (see Appendix A) were charged with developing a definition of recidivism that includes: 1) a clearly defined point to begin tracking; 2) a clear description of the cohort to track; 3) a clearly defined time period during which an event is considered recidivism. A recidivism event is defined in 24-33.5-536(2)(4)(c), C.R.S., as, “a new deferred agreement or an adjudication or conviction for a felony offense or misdemeanor offense, including all ‘Victim Rights Act’ crimes as defined in section 24-4.1-302(1).” The RDWG members met one to two times per month from May 2024 through September 2024. Meeting minutes, recordings and transcripts are available on the [RDWG webpage](#). The following sections summarize the work of the RDWG and document the specific components of Colorado’s statewide definition of recidivism effective July 1, 2025. A shared definition of the event, starting point to track, cohort, and length of time for tracking recidivism helps to ensure that when we say “recidivism” we are all talking about the same construct. This uniform standard increases the clarity, understanding and accuracy of conversations around base rates of recidivism and implementing practices to reduce recidivism. Although the same definition will be used across all state criminal and juvenile justice programs, these rates are not meant to be compared against each other. Each of these state entities (DYS, Probation, Community Corrections, DOC, and the Parole Board; see Appendix B) have a unique role and purpose in Colorado’s criminal/juvenile justice system, serve different populations with different levels of risk for recidivating, and include varying degrees of supervision, treatment and services that can impact the risk to reoffend. A subsequent section of this report describes in greater



detail the issues associated with cross-agency rate comparisons and why the Working Group strongly cautions against this type of practice.

Definitions

The first task of the working group was to identify the technical definitions of the event (already defined in statute), the point to begin tracking, the cohort to track, and the length of time to track recidivism. The technical definitions provide a general conceptual framework for the agencies to apply to their unique context and population.

Recidivism event: New deferred agreement, adjudication, or conviction for a felony or misdemeanor offense.

Point to begin tracking: when the individual is no longer under the authority of the state entity responsible for reporting recidivism. In other words, the point at which an agency is no longer “responsible” for an individual.

Cohort to track: all individuals who are released, discharged, terminated from and no longer under the authority of the agency in a fiscal year.

Time to track: cohorts will be tracked for three years. Recidivism reports will provide recidivism rates for the cohort at six months, 12 months, and 36 months as case finding data (e.g. deferred agreement, adjudication, conviction) become available.

Reporting agencies will identify how these definitions are best reflected in their populations using the data available in their respective data management systems. The RDWG decided to focus on “post-discharge” recidivism for uniform definition purposes and reporting relating to 24-33.5(2)(a), C.R.S. Some agencies will continue to produce and report “pre-discharge” recidivism rates (e.g. recidivism that occurs while an individual is under the custody/supervision/responsibility of the reporting agency), which will be in addition to the rates described per the decisions of this working group.

Methodological Agreements and Other Considerations

In addition to defining the three components of recidivism beyond the event measured, the working group identified additional methodological considerations and agreements to further the goal of creating consistency in recidivism reporting. Since the event required in statute to be counted as recidivism is a new deferred agreement, adjudication, or conviction for a misdemeanor or felony offense, data from the Judicial Department’s case management system will be utilized by each of the reporting agencies. The OCC, DYS, and Probation all currently have access to Judicial Department data and the DOC will establish a memorandum of understanding with Judicial to access these data.

Throughout the course of the RDWG’s conversations, members identified best practices for conducting these studies and considerations to be made by those consuming them. First, to increase consistency in the methodology, agencies will all match events using the same dataset provided by the Judicial Department. To assist in the accuracy, enough time needs to elapse between the cohort termination date and the extraction of the court data to ensure that cases to be included in the recidivism search have reached a resolution. From the most recent full year of data the median amount of time from



offense date to finding date (e.g. entering of a dismissal, acquittal, adjudication/conviction) in the court system is 291 days (mean=480 days) for felony cases and 188 days (mean=326 days) for misdemeanors. For felony cases, 59.1 percent of cases are resolved within 12 months, 82.8 percent are resolved within 24 months and 91.4 percent within 36 months. For misdemeanors, 75.8 percent are resolved at 12 months. Therefore, adding 12 months to the follow-up period before extracting the court data is the minimum adequate time to capture the majority of dispositions. The two- and three-year reports will better capture the full extent of one-year recidivism because the cases filed in that first year will have more time to reach disposition. As a result of this agreement, agencies who currently wait less than 12 full months following the end of the cohort's tracking period (i.e. up to 24 months post release) will need to adjust their process and further lag reporting. This means their next reports produced in fiscal year 2026 would be an update to the fiscal year 2025 report which provides recidivism rates for the 2024 cohort.

Second, each agency will clearly identify and document their methodology for matching individuals to court records. This process of data matching would benefit from additional state investment. Seeking more advanced data management systems that will allow agencies to better leverage business intelligence tools and more efficient data matching procedures will increase accuracy and reduce the time required to produce these recidivism reports. In doing so, the state agencies could move towards using dynamic dashboards to display data in a more timely manner. Dashboards and timelier data reporting increase access to relevant information for a wider audience.

The standardized definition will apply to all releases, terminations, and discharges; and agencies will report the rate of the event by the type of termination or discharge. Recidivism rates will be reported for the entire cohort, and for each distinct type of termination (e.g. successful, technical violation, new crime, abscond, etc.) based on relevant agency definitions or classifications. Individuals serving indeterminate supervision sentences will be included in the cohort when they are released from their supervision sentence. Each agency will work to create a technical manual for their internal staff to ensure that the study is conducted in a consistent manner each year regardless of the staff assigned to produce. In addition to creating procedures for the creation of the standardized definition, each agency may also choose to report additional outcome measures for similar or distinct cohorts to meet business needs and which are consistent with historical reporting practices. These additional outcomes may include measures of pre-discharge recidivism or focus on an intake, rather than a termination, cohort. These measures may be reported in addition to the agreed upon standardized definition.

Another important consideration is that rates between agencies should not be compared. Comparing rates across agencies promotes a false equivalency and is not scientifically appropriate or defensible. A nuance to this important consideration is that while rates *across* populations/agencies should not be compared, rates *within* a population/agency could be compared over time. There are a host of methodological and practical reasons as to why within-population comparisons may be appropriate, but between-population comparisons are not. First, individuals may be represented within multiple cohorts. For example, a person who exits DOC and then serves a short term of parole supervision will be included in both the DOC and the parole recidivism cohort and studies. In a similar manner, individuals who participate in Community Corrections programs may have recently left DOC and may also be under the



supervision of parole or be under probation supervision in a diversion case. These individuals would be counted in each of these recidivism studies. Second, although some of these studies will include overlapping individuals, the agency populations include individuals with different criminal risk profiles, protective factors, service provision, and community support. Comparing the recidivism rate of probationers, who are generally lower risk to recidivate, to a Community Corrections population, which is generally higher risk, will not provide meaningful insight into their effectiveness. Instead, comparing probation's recidivism from year to year can help identify the impact of policy, legislative or programmatic changes on that specific population. The same can be said for DYS, Community Corrections, DOC, and Parole.

Finally, it is essential to recognize that some categories of releases (successful, technical violations, new crime, absconding, etc.) will have varying opportunities and time at risk for committing new offenses and for those offenses to be detected and prosecuted in the state. Individuals who are discharged for a technical violation may be returned to DOC or sentenced to jail, thus reducing their time at risk in the community for a new conviction during the study period. Due to data integration limitations in Colorado, it is not currently possible to fully determine and account for time at risk. Individuals who have absconded outside the state of Colorado may also reflect a "false negative" for recidivism since these studies will only include events that have been processed in the Colorado or Denver County court systems.

While it is important to maintain a proper understanding of the limitations of a consistent definition of recidivism, the work of this group will provide valuable clarity in conversations related to recidivism in Colorado.

Recommendations for the Future

In addition to addressing the specific legislative charges, the working group also identified some recommendations for the future to further support consistency and accuracy in recidivism reporting. Specific recommendations include:

The recommendations within this report should not be construed as formal budget requests of any state agency.

1. Explore data management systems that allow for efficient data matching across systems. This will improve accuracy, reduce staff time, save agency resources, and increase accessibility of the data.
2. Leverage business intelligence technology to create data dashboards to make data accessible to broader audiences including county jails and locally run programs.
3. Identify best practices in criminal case management and seek to implement strategies to resolve cases within 12 months.
4. Maintain a standing body of data and system experts to sustain these decisions and work towards improvements in the system to address recommendation 1 and 2 above. This group would also serve to address any needed updates or adjustments to these definitions and agreements as needed.



Appendix A: Working Group Members

Appointed Members

Pursuant to 24-33.5-536 (2) (a), C.R.S., the working group consists of the following members:

(i) A representative of the Judicial Department, appointed by the State Court Administrator

Aaron Stewart, Analyst, Division of Probation Services, Colorado Judicial

(ii) a representative of the Department of Corrections (DOC), appointed by the Executive Director of the DOC

Dave Wolfsgruber, Director of Parole, CDOC

(iii) a representative of the Division of Youth Services (DYS) in the Department of Human Services (DHS), appointed by the Executive Director of the DHS

Kelli Burmeister, Director of Data Management and Analysis, DYS/CDHS

(iv) a representative of the state board of parole, appointed by the Chair of the Colorado State Board of Parole

Greg Saiz, Parole Board Member, Colorado State Board of Parole

(v) a representative of the department of public safety with expertise in community corrections, appointed by the Executive Director of the Department of Public Safety (CDPS)

Katie Ruske, Manager, Office of Community Corrections, Division of Criminal Justice/CDPS

(vi) a member from an institution of higher education with expertise in the criminal legal system who has conducted relevant research regarding recidivism, appointed by the Executive Director of the DPS

Michael Campbell, PhD, Professor, University of Denver

(vii) a representative of a community-based organization that works for criminal legal reform and supports consistent data collection, appointed by the Executive Director of the CDPS

Jeff Wise, Director of Grants and Operations, Remerg

Staff to Working Group

Erin Crites, PhD, Policy Advisor, Division of Criminal Justice, CDPS
Linda Harrison, Statistical Analyst, Division of Criminal Justice, CDPS
Jack Reed, Research Director, Division of Criminal Justice, CDPS



Appendix B: Affected State Entities

- Colorado Department of Human Services (CDHS)
 - Division of Youth Services
- Department of Corrections (DOC)
 - Division of Parole
- Office of Planning and Analysis (OPA)
 - Youthful Offender System
- Colorado Department of Public Safety (CDPS)
 - Domestic Violence Offender Management Board
 - Office of Adult and Juvenile Justice Assistance (Juvenile Diversion)
 - Office of Community Corrections
 - Office of Research and Statistics
 - Sex Offender Management Board
- Judicial Department
 - Division of Probation Services (Adult and Juvenile)
 - Problem Solving Courts
 - Adult Diversion
- Bridges of Colorado

