

# Establishing a Framework for Defining and Measuring Recidivism

Wisconsin Criminal Justice Coordinating Council (CJCC)

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**DRAFT**

## DEFINING RECIDIVISM

Recidivism refers broadly to re-offending, with the most common measurements including re-arrest, re-conviction, and/or re-incarceration. Recidivism rates measure the frequency with which individuals re-engage with the criminal justice system\* within a defined time period.\*\*

## MEASURING RECIDIVISM

### FRAMEWORK PRINCIPLES

- You can only count what you can count.
- You should only report on what you can count.
- You should only report on what you can count that is valid, defensible, and can be independently replicated.
- The method for measuring and reporting recidivism should be consistent over time.

### POST-RELEASE OR POST-PROGRAM RECIDIVISM

#### STARTING POINT

- ☑ A **date on which a criminal justice event occurs** that starts the measurement period
  - ☑ Must be defined clearly and measured consistently for all individuals in the cohort.
    - e.g., date of arrest, date of conviction, date of release from jail or prison, date of admission or discharge from supervision, date of program completion, etc.

#### COHORT

- ☑ A **group of offenders who are at risk to recidivate**, tracked over a consistent period of time.
  - ☑ The parameters of the cohort must be clearly defined.
    - e.g., all participants who were discharged from drug court during a particular year; all offenders released from DOC custody in a particular year, etc.
  - ☑ The cohort size (N) must be large enough to be meaningful.
    - Often best to report both the raw numbers, particularly with small cohorts.
  - ☑ Individuals who could no longer recidivate before the end of their follow-up period should be removed from the cohort.
    - e.g., individuals who die, move out of state, are extradited, are incarcerated during the entire follow-up period, etc.
  - ☑ An individual should only be counted once in a cohort.

\*For the purpose of this framework, the “criminal justice system” in Wisconsin does not include municipal courts, which primarily address traffic, parking, and local ordinance violations for adults.

\*\*Adapted from the Urban Institute, *Measuring Recidivism at the Local Level: A Quick Guide*. Retrieved from [http://www.urban.org/sites/default/files/recidivism-measures\\_final-for-website.pdf](http://www.urban.org/sites/default/files/recidivism-measures_final-for-website.pdf)

## **RECIDIVIST EVENT**

- ☑ A **criminal justice event during the follow-up period** that can be reliably and validly counted based on official records, and is clearly defined and consistently measured for all individuals in the cohort.
  - ☑ More than one type of recidivist event may be collected. However, each event must be tracked separately for all members of the cohort.
    - e.g., re-arrest, re-charge, re-conviction, and/or re-incarceration
  - ☑ The event must take place during the follow-up period.
    - e.g., if the follow-up period is 3 years, an event that occurs in year 4 would not be included
  - ☑ The event must have an associated date and the date must be collected consistently for all members of the cohort.
    - e.g., offense date may be used, regardless of whether the event is measured based on re-arrest, re-charge, re-conviction, or re-incarceration
  - ☑ The event needs to be clearly defined as to whether it is general or specific.
    - e.g., for sex offenders, measurement may include both overall recidivism for any crime (general), as well as recidivism for sex offenses only (specific)

## **FOLLOW-UP PERIOD**

- ☑ From the starting point, the **time period** in which the individuals in the cohort have the opportunity to engage in a recidivist event.
  - ☑ Must be the same amount of time for every individual in the cohort, based on their starting point.
    - e.g., if the follow-up period is 1 year, data should be tracked on all individuals in the cohort for 1 year from their individual starting point.
  - ☑ Must be a minimum of 6 months long.
  - ☑ Common measurement periods are 6 months, 1 year, 2 years, 3 years, and 5 years (or longer).
  - ☑ Recidivism is typically calculated as the percent of offenders who engage in at least one recidivist event during the follow-up period, out of the total offenders in the cohort who have completed the follow-up period.
  - ☑ Tracking can include the first or last recidivist event and/or the total number of recidivist events in the follow-up period.

## IN-PROGRAM RECIDIVISM

### STARTING POINT

- ✓ A **date on which a criminal justice event occurs** that starts the in-program measurement period and is clearly defined and consistently measured for all program participants.
  - e.g., admission date to treatment court, entry date to a program, etc.

### PROGRAM PARTICIPANTS

- ✓ A **group of offenders who are at risk to recidivate**, during the period of program participation

### RECIDIVIST EVENT

- ✓ A **criminal justice event during the program period** that can be reliably and validly counted based on official records, and is clearly defined and consistently measured for all program participants.
  - ✓ More than one type of recidivist event may be collected. However, each event must be tracked separately for all program participants.
    - e.g., re-arrest, re-charge, re-conviction, and/or re-incarceration
  - ✓ The event must take place during the program period.
    - e.g., an event that occurs after the program has ended would not be included
  - ✓ The event must have an associated date and the date must be collected consistently for all program participants.
    - e.g., offense date may be used, regardless of whether the event is measured based on re-arrest, re-charge, re-conviction, or re-incarceration
  - ✓ The event needs to be clearly defined as to whether it is general or specific.
    - e.g., for OWI offenders, measurement may include both overall recidivism for any crime (general), as well as recidivism for OWI offenses only (specific)

### ENDING POINT

- ✓ An **event that ends the in-program measurement period** and is clearly defined and consistently measured among all program participants.
  - e.g., discharge date from treatment court, completion date for a program, etc.
- ✓ The starting and ending points of the program define the time period in which the individual has the opportunity to engage in a recidivist event.
  - Length of measurement period depends on program length
- ✓ In-program recidivism is typically reported as the percent of participants who engaged in a recidivist event during the program time period.

## WHAT RECIDIVISM IS NOT

- ☑ In most cases, recidivism does not include:
  - ☑ Non-criminal justice events
    - e.g. treatment episodes/failures, civil violations, ordinance violations, etc.
  - ☑ Events that do not result in direct criminal justice action, where there is no arrest, charge, or conviction
    - e.g. contacts with police, positive drug tests, etc.
  - ☑ Absence of an event
    - e.g. failure to appear, failure to submit to a drug test, etc.

## DOCUMENTATION

- ☑ All steps of the recidivism analysis should be clearly documented including the starting point, cohort description, recidivist event(s), and follow-up period or ending point
- ☑ Documentation should also include:
  - ☑ Methodology for counting the recidivist events
    - e.g. how arrest, charge, conviction, and/or incarceration events are counted and what is included or excluded
  - ☑ Data source(s) and known limitations
  - ☑ Information that is or is not included in the recidivism analysis
    - e.g. whether the analysis includes out of state arrests or convictions, technical violations or revocations, misdemeanors and felonies, etc.