

Framework for Defining and Measuring Recidivism

Wisconsin Criminal Justice Coordinating Council (CJCC)

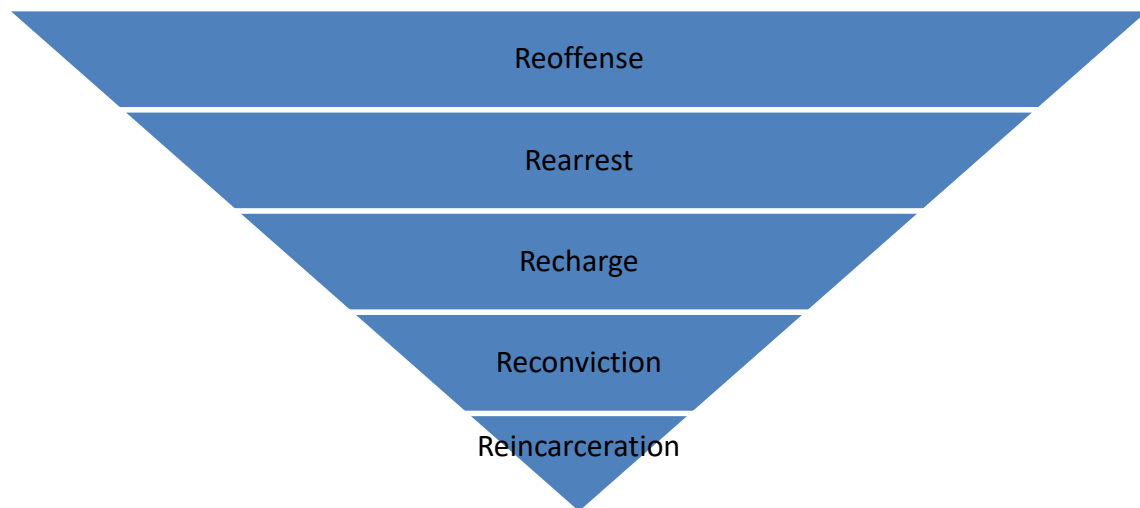
Data Sharing and Outcomes, Trends, and Indicators Subcommittee

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DEFINING RECIDIVISM

Recidivism refers broadly to reoffending, with the most common measurements including rearrest, recharge, reconviction, or reincarceration. Recidivism rates measure the frequency with which individuals reengage with the criminal justice system within a defined time period.¹

| | |
|------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| Rearrest recidivism: | measured on the basis of a new offense that resulted in a new arrest |
| Recharge recidivism: | measured on the basis of a new offense that resulted in new charges being issued by the District Attorney |
| Reconviction recidivism: | measured on the basis of a new offense that resulted in a new conviction and sentence to jail, prison, or probation |
| Reincarceration recidivism: | measured on the basis of a new offense or technical violation that resulted in a return to confinement (jail or prison) |



See the *Adult Criminal Justice System Key Definitions* for definitions of arrest, charge, conviction, and incarceration.

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.

¹Adapted from the Urban Institute, *Measuring Recidivism at the Local Level: A Quick Guide*. Retrieved from https://www.urban.org/sites/default/files/2015/02/11/recidivism-measures_final-for-website.pdf

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 individuals who are at risk to recidivate**, releasing from incarceration, supervision, or after completion of a program, 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 individuals 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 and percentages, particularly with small cohorts.
 - Individuals who could no longer recidivate before the end of their follow-up period should be removed from the cohort *where feasible*.
 - 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.

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 should be collected when possible. However, each event must be tracked separately for all members of the cohort.
 - e.g., rearrest, recharge, reconviction, and/or reincarceration.
 - 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 should be used if possible, regardless of whether the event is measured based on rearrest, recharge, reconviction, or reincarceration.
 - The event needs to be clearly defined as to whether it is general or specific.
 - e.g., for individuals convicted of a sex offense, measurement may include both overall recidivism for any crime (general), as well as recidivism for sex offenses only (specific).
 - The events should be identified and counted based on all available sources.
 - e.g., local, state, and national as available.

² Note this document provides two examples of recidivism measures, specifically for post-release or post-program recidivism, as well as in-program recidivism. There are other situations where the framework could be applied to different circumstances for measuring recidivism.

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 individuals who engage in at least one recidivist event during the follow-up period, out of the total individuals in the cohort who have completed the follow-up period.
 - Both raw numbers and percentages should be reported, particularly for small cohorts.
 - 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 individuals who are at risk to recidivate**, while participating in a program and 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 should be collected when possible. However, each event must be tracked separately for all program participants.
 - e.g., rearrest, recharge, reconviction, and/or reincarceration.
 - 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 should be used if possible, regardless of whether the event is measured based on rearrest, recharge, reconviction, or reincarceration.
 - The event needs to be clearly defined as to whether it is general or specific.
 - e.g., for individuals convicted of OWI, measurement may include both overall recidivism for any crime (general), as well as recidivism for OWI offenses only (specific).
 - The events should be identified and counted based on all available sources.
 - e.g., local, state, and national as available.

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.
- There are additional measures that may be of interest when trying to understand behavioral change our program outcomes:
 - Desistance: Although there are variations in the definition and measurement, this is the concept that criminality or engagement in criminal behavior declines over the life-course and may be impacted by criminal justice interventions. Although often measured by the number or percent of individuals who do not have additional contact with the criminal justice system after release or program participation, there are arguments for using surveys to measure desistance, as well as indicators of desistance such as intervals between offenses and changes in offense severity.^{3,4} Although often measured by the number or percent of individuals that do or do not have additional contact with the criminal justice system after release or program participation, there are arguments for using surveys to measure desistance, as well as indicators of desistance such as intervals between offenses and changes in offense severity.^{5,6}

³ Klingele, Cecelia M., Measuring Change: From Rates of Recidivism to Markers of Desistance (March 15, 2018). 109 *Journal of Criminal Law and Criminology* 769 (2019), Univ. of Wisconsin Legal Studies Research Paper No. 1441, Available at SSRN: <https://ssrn.com/abstract=3142405> or <http://dx.doi.org/10.2139/ssrn.3142405>

⁴ Michael Rocque, "But What Does It Mean? Defining, Measuring, and Analyzing Desistance From Crime in Criminal Justice," NCJ 301498, in *Desistance From Crime: Implications for Research, Policy, and Practice* (Washington, DC: U.S. Department of Justice, National Institute of Justice, 2021), NCJ 301497.

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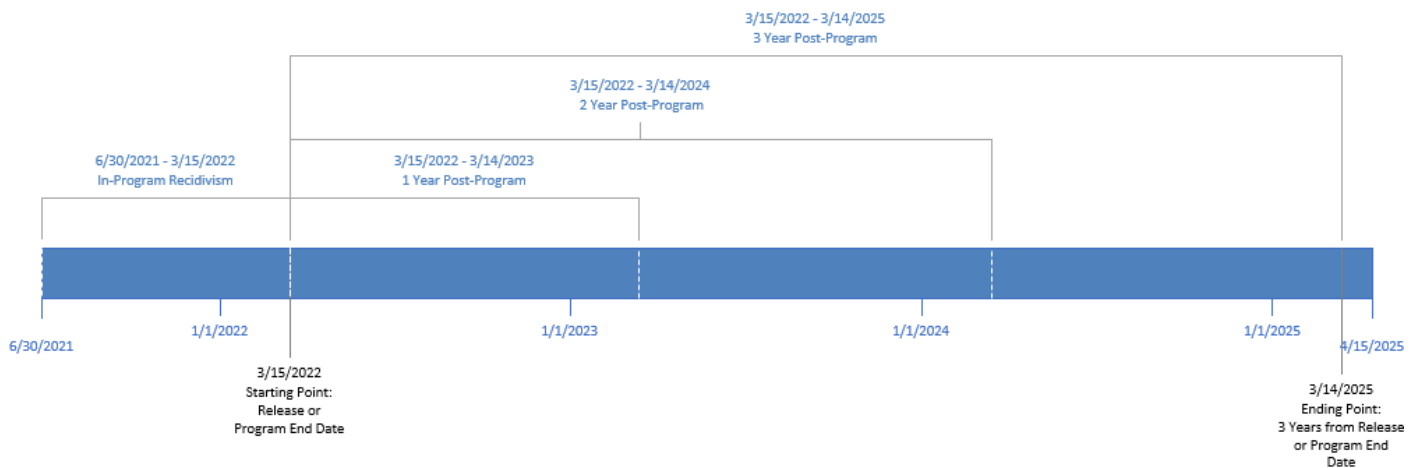
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- Time to events: Amount of time to the first recidivist event or between recidivist events as additional measures of change rather than just whether an individual had at least one recidivist event.⁶
- Severity: Changes in offense severity, as a potential indicator of change rather than just whether an individual had at least one recidivist event.⁷
- Other measures of program or post-release success should also be considered with recidivism.⁸

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.

SAMPLE TIMELINE



⁶ Adapted from the Urban Institute, *Measuring Recidivism at the Local Level: A Quick Guide*. Retrieved from https://www.urban.org/sites/default/files/2015/02/11/recidivism-measures_final-for-website.pdf

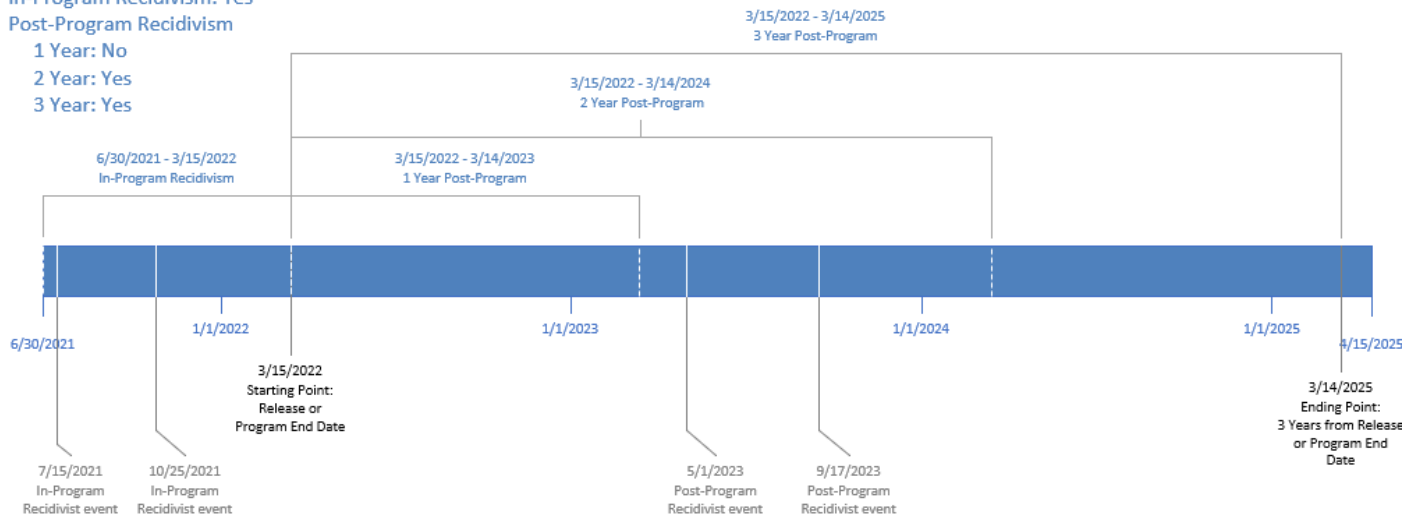
⁷ Adapted from the Urban Institute, *Measuring Recidivism at the Local Level: A Quick Guide*. Retrieved from https://www.urban.org/sites/default/files/2015/02/11/recidivism-measures_final-for-website.pdf

⁸ National Academies of Sciences, Engineering, and Medicine 2022. *The Limits of Recidivism: Measuring Success After Prison*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/26459>.

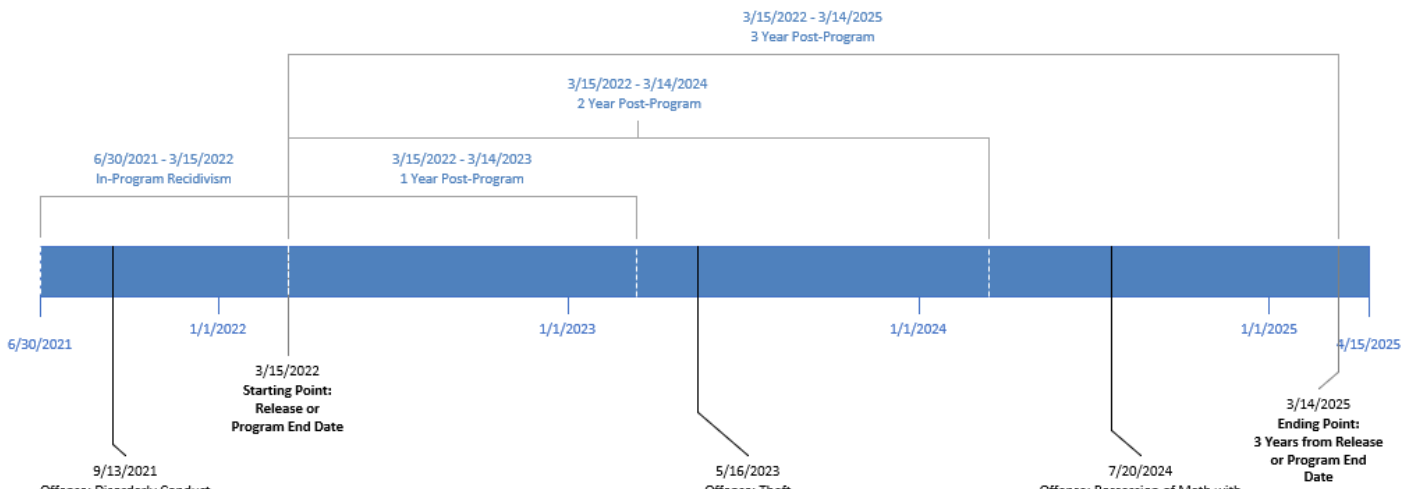
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SAMPLE TIMELINE WITH RECIDIVIST EVENTS

In-Program Recidivism: Yes
 Post-Program Recidivism
 1 Year: No
 2 Year: Yes
 3 Year: Yes



SAMPLE TIMELINE WITH DETAILED EVENTS



| | New Arrest | New Charge | New Conviction | New Incarceration |
|--------------------------------|------------|------------|----------------|-------------------|
| In Program Recidivism | | | | |
| Any Crime Type | Yes | No | No | No |
| Drug Crime | No | No | No | No |
| Post Program Recidivism | | | | |
| 1 Year | | | | |
| Any Crime Type | No | No | No | No |
| Drug Crime | No | No | No | No |
| Property Crime | No | No | No | No |
| 2 Year | | | | |
| Any Crime Type | Yes | Yes | Yes | No |
| Drug Crime | No | No | No | No |
| Property Crime | Yes | Yes | Yes | No |
| 3 Year | | | | |
| Any Crime Type | Yes | Yes | Yes | Yes |
| Drug Crime | Yes | Yes | Yes | Yes |
| Property Crime | Yes | Yes | Yes | Yes |

The date for each recidivist event should be based on the underlying offense date, if possible, as they are each ways of measuring reoffending. The individual events (arrest, charge, conviction, incarceration) may occur at points in time after the offense date and may even be outside of the follow-up period used to measure the cohort, even if the offense date is within in the follow-up period. For example, the conviction and incarceration dates for the Possession offense occur after the end of the 3-year post recidivism cut-off date, but the offense date was within the follow-up period so these would be counted as recidivist events.

Legend:
 Offense
 Arrest
 Charge
 Conviction
 Incarceration