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Recidivism

State's standard measure:

Individuals sentenced to more than one year of incarceration:

Who, after release, returned within three years.

For a new incarceration sentence of at least 90 days.

For an incarceration for a violation of supervision, where times served is at least 90 days.

Provides some but limited information.

This isn't generally what most people think of when we refer to recidivism. For example, in the pilot Accountability Docket in Chittenden County, none of those individuals with five or more offenses for low-level, high-impact crimes would be considered recidivists under our standard definition of recidivism.

That said, we can easily find our way down the rabbit hole if we are looking for the perfect definition. We always have to ask ourselves, what is this useful for? For government it's absolutely a performance measure. How are we doing on public safety? Is our rehabilitative incarceration system actually rehabilitative? Are

individuals in the community. on probation succeeding? How reliable is a DOC risk assessment?

My recommended changes would ideally capture more information. But I realize we need to keep this simple because who will collect and maintain this data is often the place where this conversation falls apart.

I became very interested in this issue when I realized there was a federal Department of Justice, Office of Justice Programs tracking recidivism of prisoners released in 34 states in 2012 with a five year follow up through 2017. At its most basic level, this report can tell me the percent of state prisoners released in 2012 who had a new arrest, a new conviction or a return to prison after release - by year- following release and that's in the first, second, third, 4th and 5th years after release. It tracks data by age, gender, race and crime type. I believe the triggering event is an initial incarceration sentence of at least one year. I provided Nate with links to the 2021 special report (2012-2017), and a subsequent special report on rearrests.

The data we have now may or may not show us any of that information because of its limitations.

Whatever the standard, this bill should improve on what we have now, be a collaborative process, and reflect existing resource constraints.

On page three of six in H. 410 (lines 18-19), **I recommend the definition of recidivism to be broader to capture “the rate at which a person returns to prison after conviction and following release.”** I believe a definition of a first conviction to a second conviction is too limited. **At the very least we should be**

capturing re-arrests, returns to prison for violations of probation and parole and returns to prison for new convictions.

On page 4, what is a “Violent offender”? (Lines 1-3)We have at least 4 standards for violent offender all in statute for different purposes. **I would like this to be crimes against a person (as opposed to property).** (Prohibited person, big 14, listed crimes, constitutional standard)

On page 5 starting with line 4, I support reporting on returns to prison within a period of years , but happy to start with 1, 3, 5 and 10.

But again, **I would like to capture re-arrests (both resulting in hold with or without bail and resulting in conditions of release, returns to prison for violations of probation and parole and returns to prison for new convictions. This data should be accompanied by data on age, gender, race and crime type**

On page 5, line 16, calculations, I support A and B; **I do not support the limitation to convictions in (C). Perhaps add clarity on the intent of (D).**

I also don't want to ignore the role of restorative justice, which is the “sentence” of first resort. Many recidivists first burn through restorative justice before even getting a sentence of probation. There is no data available on those who are repeat offenders who have received multiple referrals to restorative justice while continuing to harm victims and communities. We do have data showing us repeat offenders do not successfully complete diversion. Likewise there is no data on desistance and for what periods of time.

Now with pre-charge diversion I would like to see the data on individuals who succeed over 1,3,5 year periods or are subsequently charged and convicted.

Who will bell the cat?

DOC collects most of this data now

CRG can collect and report on re-arrests (Public Safety contract)

AGO on restorative justice