

Oregon Juvenile Justice System Recidivism Analysis

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Criminal Justice Commission

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Foreword

This report is the first time that Oregon has published a measurement of juvenile recidivism based on the criteria set forth for the adult system in HB 3194 (2013), codified in ORS 423.557. It also marks the first collaboration between the Criminal Justice Commission and our partners in the juvenile and adult systems to produce a comprehensive juvenile recidivism report. This report builds off of the Oregon Recidivism Analysis done on the adult offender population in conjunction with the Department of Corrections. This effort establishes a new measure of recidivism for the juvenile justice system by the Criminal Justice Commission, the Oregon Youth Authority, Oregon Juvenile Department Directors' Association and the Juvenile Justice System Data and Evaluation Committee. Each partner is fully invested in furthering the understanding of stakeholders by providing useful and timely information to statewide juvenile public safety decision makers.

As this is the first Oregon juvenile analysis of its kind, it is focused on the very basic application of the broader definition of recidivism to the juvenile adjudicated population as a whole. We look forward to future iterations of this report that will examine in more depth additional aspects of this data. We welcome feedback on ways that this report can be improved and areas where stakeholders would appreciate additional focus and analysis.

This report does not attempt to explain the underlying reasons for recidivism rates rising or falling over time or within specific jurisdictions or cohorts. The underlying reasons for recidivism rates and their fluctuation are myriad, and the subject of much ongoing research both here in Oregon and nationally. It is our hope that by performing this analysis and publishing the results on an annual basis we can shed some light on the outcomes of decisions made at all levels of the Juvenile Justice system. Stakeholders can then use this feedback to consistently critically evaluate and improve upon the work that they are doing.



Mike Schmidt, Executive Director, Criminal Justice Commission



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Executive Summary

Historically, the Oregon Youth Authority (OYA) has tracked recidivism using the same definition as the adult system- a felony adjudication from juvenile court, or a felony conviction from adult court, within three years of release from a youth correctional facility or imposition of probation. OYA has published reports tracking this recidivism measure for youth released from a youth correctional facility or on OYA probation¹. In addition, the juvenile justice system has also tracked recidivism for referred youth by tracking a new referral within 12 months². The new definition tracks all youth that were previously adjudicated regardless of if they were served by a county or a state.

The recidivism analysis in this report is the first comprehensive statewide analysis of youth recidivism using the newer adult definition found in ORS 423.557 as the guide³. There are limitations with the current available data, as well as challenges due to the differences in terminology, processes, and population across the adult and juvenile justice systems. There are also differences in the data used in the adult report compared to this report. This analysis starts from all youth previously adjudicated, and includes arrest, juvenile referral, misdemeanor and felony conviction, misdemeanor and felony adjudication, and incarceration and other sentence type data in a single recidivism analysis.

This analysis shows the current statewide rates of recidivism for all youth previously adjudicated:

For youth released from a youth correctional facility or on probation, either at the state or county level, between July 2010 and June 2011:

51% were referred or arrested for a new crime within three years,

38% were adjudicated or convicted of a new misdemeanor or felony crime within three years, and

7% were incarcerated for a new crime within three years.

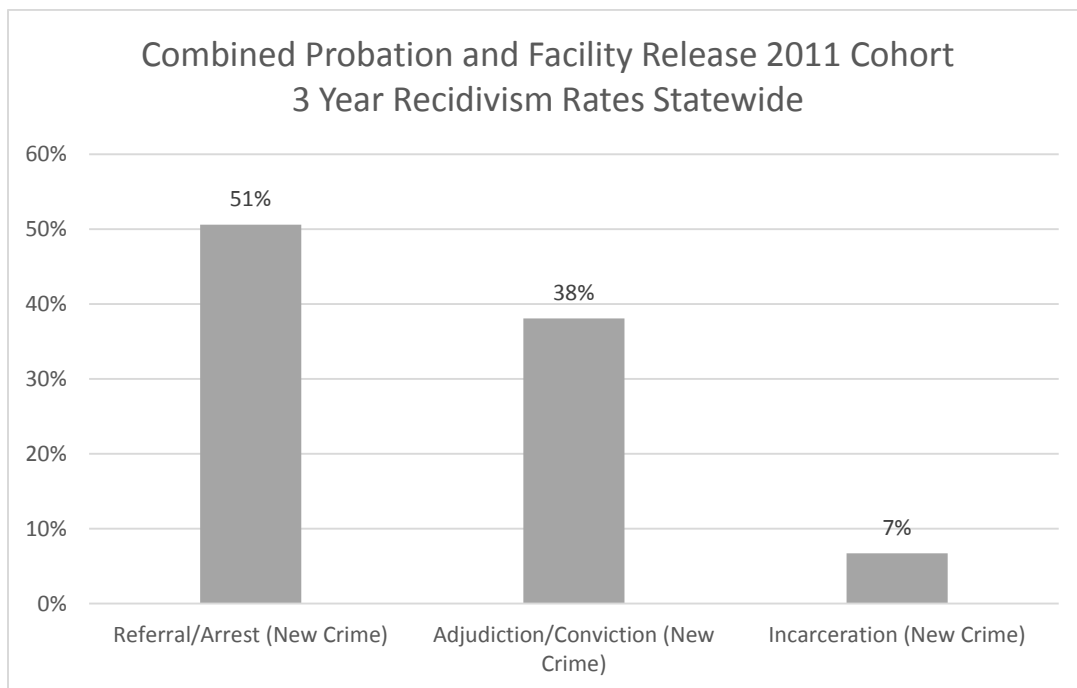


Figure 1: Combined Probation and Facility Release 2011 Cohort

¹ <http://www.oregon.gov/oia/docs/RecidivismFY01-FY13.pdf>

² [http://www.oregon.gov/oia/Pages/jjis_data_eval_rpts.aspx#Referral Based Recidivism](http://www.oregon.gov/oia/Pages/jjis_data_eval_rpts.aspx#Referral%20Based%20Recidivism)

³ <http://www.oregon.gov/cjc/SAC/Pages/Recidivism.aspx>

Background

In 1995, the Oregon Legislature directed the Oregon Youth Authority, in consultation with the Oregon Juvenile Department Director's Association, to adopt one or more definitions of recidivism designed to address juvenile justice outcomes, including community safety and rehabilitation, and to establish a recidivism reporting system applicable to youth offenders. (ORS 420A.012).

During the first year following this directive, the OYA convened a Juvenile Recidivism Task Force comprised of multiple state and local stakeholders to develop Oregon's first juvenile recidivism definition. The task force adopted the following definition which uses criminal activity as a gauge of community safety.

"As a measure of public safety, recidivism is defined as a new criminal referral. A referral is a law enforcement report to a juvenile department alleging one or more felony and / or misdemeanor acts (offenses).

As a baseline, the system has been reporting this measure using a 12-month tracking period for every juvenile referral cohort since 1996. This measure looks at the broadest measure of recidivism by tracking all youth referred to the juvenile justice system for a crime regardless of the disposition of the referral and tracks for a new criminal referral in the juvenile justice system. It is produced as a statewide metric at the county level and has recently been expanded to include a 36-month tracking period. Additionally, at the request of the legislature, OYA developed a measure for its populations to mirror the measure that the Department of Corrections used:

"Any felony adjudication (juvenile court) or felony conviction (adult court) with a disposition of formal supervision (e.g., probation, OYA commitment, DOC prison sentence, or local control jail sentence)."

This is generally referred to as OYA's recidivism measure as the cohort is limited to OYA youth. OYA's three cohorts included adjudicated youth placed on OYA probation and in a residential program, adjudicated youth released from a youth correctional facility on parole, and convicted youth placed under the legal jurisdiction of the Department of Corrections who were released from an OYA juvenile corrections facility on post-prison supervision. Limitations of this measure included the focus on adjudicated/convicted felony offenses only (a high threshold for new criminal behavior, especially for juveniles), and from a system perspective, the omission of county juvenile department populations which represent a majority of youth served in the juvenile justice system.

In 2013, the legislature passed HB 3194 known as the "Justice Reinvestment Act". Section 45 of HB 3194 (codified in ORS 423.557) provides for adults a new statewide definition of recidivism. The new definition was modeled after the national definition of recidivism for adults used by the Bureau of Justice Statistics. The definition includes the arrest, conviction, or incarceration for a new crime⁴.

"Recidivism means the arrest, conviction or incarceration of a person who has previously been convicted of a crime if the arrest, conviction or incarceration is for a new crime and occurs three years or less after the date the person was convicted of the previous crime; or three years or less after the date the person was released from custody, if the person was incarcerated as a result of the conviction for the previous crime."

For several years, the juvenile justice partners, OYA, the Oregon Juvenile Department Directors' Association (OJDDA), and the JJIS data and evaluation committee, have been exploring ways to expand recidivism reporting to address limitations of current measures and share a more comprehensive picture of juvenile justice outcomes in Oregon. The results of those discussions are the expansion of the referral cohort measure to 36-months and the addition of a

⁴ SB 366 (2015) removed the language that included recidivating events that occur for "any reason" Enrolled SB 366: <https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/SB366/Enrolled>

measure guided by the new adult measure. While HB 3194 did not mandate the use of the new definition for the juvenile system, since its passage the OYA and the CJC have worked towards merging data so that we could apply this definition to the juvenile population. The passage of a new statewide definition of adult recidivism and the subsequent adult data collection efforts, provided an opportunity for the OYA and the CJC to work towards merging data between the juvenile and adult systems. The following analysis and definition is the product of that joint effort.

“For the purpose of this report, juvenile recidivism means the referral or adult arrest, adjudication or conviction, commitment to a Youth Correctional Facility or incarceration, community supervision, or other disposition of a person who has previously been adjudicated or convicted of a crime. The qualifying event must be for a new crime which occurs three years or less after the start of the disposition for the previous crime; or three years or less after the date the person was released from a Youth Correctional Facility.”

Definitions and Limitations

Resource and technological limitations persist in Oregon, as they do in all states. Where we encountered data limitations we documented them in order to make this report as transparent and useful as possible. OYA, the County Juvenile Departments through the Oregon Juvenile Directors Association (OJDDA), the JJIS Data and Evaluation committee, and the Criminal Justice Commission, have worked to develop and analyze the data for the new definition. For many years the Oregon Statistical Analysis Center (SAC), housed at the Oregon Criminal Justice Commission (CJC), has had access to statewide data systems. The SAC serves as a clearing-house of criminal justice data and is able to merge data across different systems. The Juvenile Justice Information System (JJIS)⁵ is a single source of information about a youth’s referrals, contacts, and confidential case records with the state’s juvenile justice system. JJIS includes contact with local jurisdictions as well as with OYA. Data sources used for this report include Oregon’s Juvenile Justice Information System (JJIS) for juvenile referrals, adjudications, and juvenile incarcerations, Oregon State Police – Law Enforcement Data System (LEDS) for adult arrests, Oregon’s Judicial Department’s OJIN and Odyssey systems for adult convictions and sentences, and Department of Corrections for adult incarcerations.

This analysis looks at each of four cohorts plus the combined statewide cohort and displays separate charts of the new recidivism definition. A single youth can contribute to all measures, or a subset depending on the juvenile justice system’s response to the new criminal activity committed. Each measure includes recidivating events from the juvenile system (while the youth is under 18 years of age), and recidivating events from the adult system which occur after the youth has turned 18.

As with past statewide recidivism analyses, this data does not include federal or out of state data. New criminal activity must be entered into electronic data systems in order to be captured as a recidivating event. If new adult criminal activity is handled informally, and is not entered into an electronic data system, it is not captured as a recidivating event in this analysis. Expunged records have the identifying information removed from electronic data systems, and are not included in this analysis.

The Oregon Statistical Analysis Center does not have access to federal and out of state data, however the Bureau of Justice Statistics (BJS) released an extensive adult recidivism analysis of 30 states in April 2014 that does include federal and out of state records⁶. BJS released a follow up analysis in September 2015 that analyzes out of state arrest rates⁷. This analysis shows that for adult prisoners released in Oregon in 2005, the percent increase in the in-state arrest rate

⁵ http://www.oregon.gov/oia/docs/issue_briefs/IB_JJIS_2013-15.pdf

⁶ Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010.

<http://www.bjs.gov/index.cfm?ty=pbdetail&iid=4986>

⁷ Multistate Criminal History Patterns of Prisoners Released in 30 States. <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5407>

when out of state arrests are included is 3.3% in 1 year, 4.9% in 3 years, and 5.3% in 5 years. The most common states where prisoners were arrested outside of Oregon were Washington, California, and Idaho.

Referral or adult arrest

Juvenile referral data is available from JJIS. A juvenile criminal referral is a law enforcement report to a juvenile department alleging one or more felony or misdemeanor offenses.

Adult arrest data is available from OSP's Law Enforcement Data System (LEDS). This data includes arrests where the person was finger-printed. It does not include arrests where the person was not finger-printed or other types of law enforcement contact not resulting in arrest. Fingerprinting is required in arrests for all felony crimes, and for misdemeanor drug and sex crimes. Only arrests in LEDS that occurred when the youth was 18 years or older were included in the recidivism measure.

A juvenile referral and an arrest are not equivalent actions. An arrest requires a person to be taken into custody where a referral does not. Even if a youth is taken into custody, custody "shall not be deemed an arrest so far as the youth is concerned."⁸ However they both indicate a level of law enforcement contact. For the purpose of the recidivism measure, a criminal referral is used as a proxy for arrest.

The referral or arrest rate presented shows the percentage of each cohort referred or arrested for a new crime within three years of release from a youth correctional facility or imposition of probation (either with a county or OYA). Multiple referrals or arrests, or multiple arrest charges are not included, meaning a youth is only counted one time in the recidivism outcome. The analysis captures whether a youth was or was not referred or arrested for a new crime within three years of imposition of probation or release from a youth correctional facility.

Adjudication or conviction

Juvenile adjudication data is available from JJIS. A juvenile adjudication occurs with one or more hearings by a juvenile court, without a jury, to determine if a juvenile is found responsible for an act, which if done by an adult would constitute a crime, and is in the jurisdiction of the court. An adjudication by a juvenile court that a youth is within its jurisdiction is not a conviction of a crime or offense⁹. However, the measure is used in this report as a proxy for a conviction if the youth is under 18.

Adult conviction data available from OJD includes data from the legacy Oregon Judicial Information Network (OJIN) and the new Odyssey case management systems. Oregon's 36 circuit courts are in the midst of a multi-year business transformation project converting from OJIN to Odyssey. At the time of this analysis there were 11 counties using Odyssey and 25 counties using OJIN; see the appendix for details. This data includes misdemeanor and felony convictions from Oregon's 36 circuit courts. It does not include convictions from municipal courts or justice courts, as those courts are not part of the unified state court system. An extensive data merging process was done for entries in OJIN and Odyssey where the SID number is missing; see the appendix for details.

The adjudication or conviction rate presented shows the percentage of each cohort convicted or adjudicated for a new misdemeanor or felony crime (in either juvenile or adult court) within three years of release from a youth correctional facility or imposition of probation. Multiple convictions or adjudications are included. The analysis captures whether a youth was or was not "convicted" of a new crime (misdemeanor or felony) within three years of imposition of probation or release from a youth correctional facility.

⁸ Oregon Revised Statute 419C.091 https://www.oregonlegislature.gov/bills_laws/ors/ors419C.html

⁹ Oregon Revised Statute 419C.400(5) https://www.oregonlegislature.gov/bills_laws/ors/ors419C.html

Incarceration

Juvenile incarceration data is available from JJIS and includes youth incarcerated at a youth correctional facility for a felony or misdemeanor offense. It does not include time in detention.

Adult incarceration data is available from DOC and includes felony prison and felony jail sentences. The adult incarceration data includes felony incarceration sentences only and does not include misdemeanor jail sentences or jail time served pre-trial. Oregon does not have a statewide data system that provides misdemeanor jail sentence information by conviction or county, and therefore misdemeanor incarceration data at the statewide level is not available.

The incarceration rate presented shows the percentage of each cohort incarcerated for a new crime within three years of release from a youth correctional facility or imposition of probation. Multiple incarceration events are not included. The analysis captures whether a youth was or was not incarcerated within three years of release from a youth correctional facility or imposition of probation.

Community Supervision

Community supervision data is available from JJIS and DOC data, and includes youth receiving a disposition or an adult sentence with community based supervision, such as probation. This measure is not included in the definition of recidivism in ORS 423.557, however we have elected to include this additional measure to provide a more complete picture of juvenile system outcomes.

Other Disposition

An offender receiving a conviction or disposition other than incarceration or community supervision is included in the Other Disposition category. Examples of other dispositions include bench probation, straight jail time (misdemeanor or felony sentence), and conditional discharge with no formal supervision. This measure is not included in the definition of recidivism in ORS 423.557, however we have elected to include this additional measure to provide a more complete picture of juvenile system outcomes.

Juvenile Justice System and Process Overview

The purposes of the Oregon juvenile justice system from apprehension forward are to protect the public and reduce juvenile delinquency and to provide fair and impartial procedures for the initiation, adjudication and disposition of allegations of delinquent conduct. The system is founded on the principles of personal responsibility, accountability and reformation within the context of public safety and restitution to the victims and to the community. The system shall provide a continuum of services that emphasize prevention of further criminal activity by the use of early and certain sanctions, reformation and rehabilitation programs and swift and decisive intervention in delinquent behavior.” (ORS 419C.001)

Oregon’s juvenile justice system comprises a continuum of local and state services ranging from the entry point of first referral or contact with county juvenile departments to the most restrictive dispositional option of commitment to Oregon Youth Authority (OYA) for Youth Correctional Facility (YCF) placement.

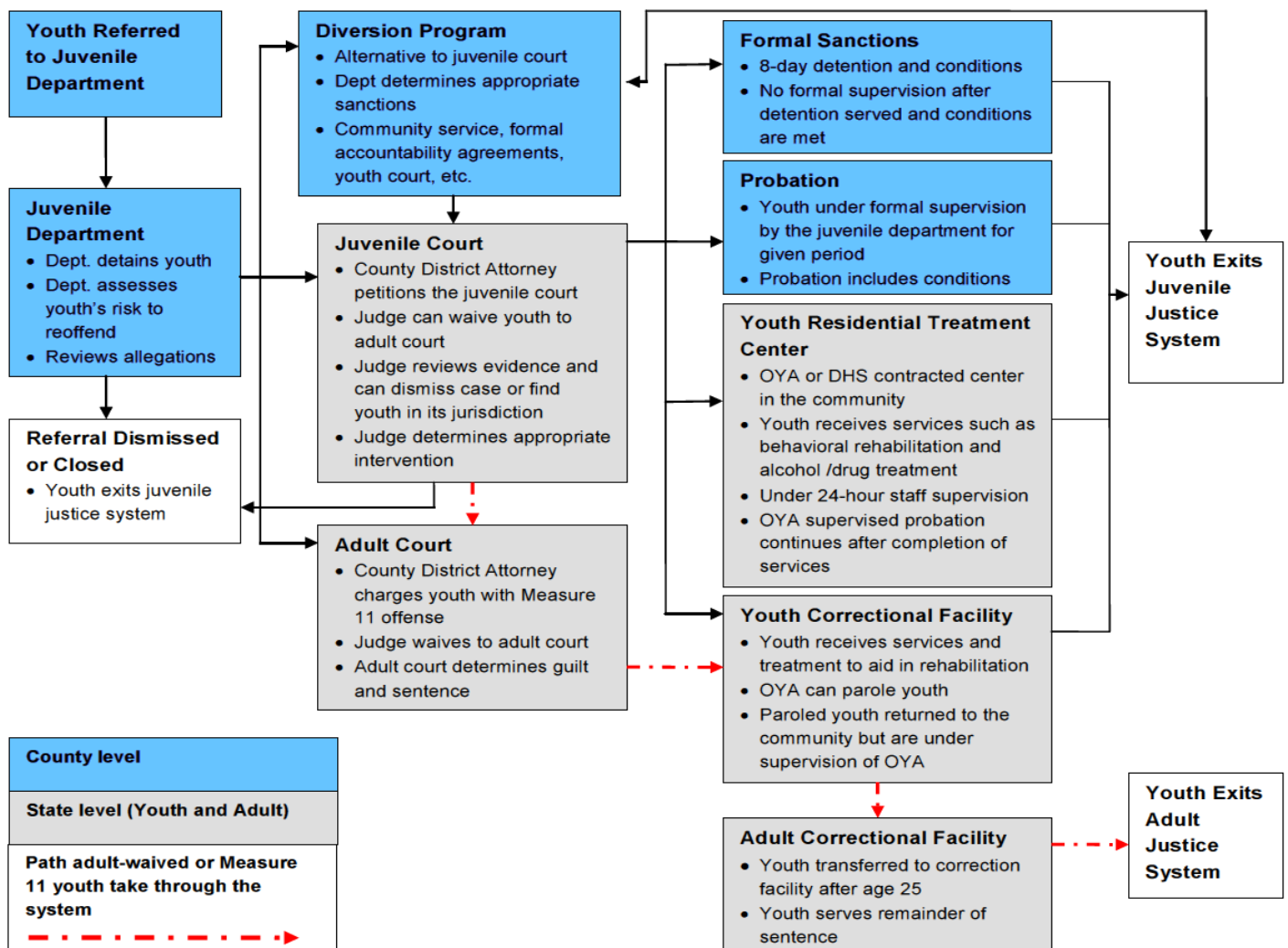


Figure 2: Oregon Juvenile Justice System Flow Chart^{10 11}

¹⁰ <http://sos.oregon.gov/audits/Documents/2016-07.pdf>

¹¹ Youth serving an adult sentence who are released from a Youth Correctional Facility before the age of 25 are supervised by the adult justice system.

Referral

Juveniles, under the age of 18, who commit acts which are violations or crimes if committed by adults, are referred to the juvenile justice system by law enforcement agencies. Youth are referred for a wide range of delinquency behaviors – ranging from status offenses like runaway to serious criminal behavior. A very small number of youth (less than one percent) are referred for crimes that are automatically transferred to adult court.

A referral represents the first point of contact with the juvenile justice system. Under Oregon statute, law enforcement agencies may take a youth into custody under certain criteria, or may release a juvenile to the custody of their parents or guardians and issue a citation. Either action will result in a referral to the juvenile department.

Detention

When a crime is committed, law enforcement may take youth into custody and deliver them to a county juvenile detention facility. Statutorily eligible youth may be admitted to detention pending district attorney and judicial review of their case. Detention may also be ordered following a youth's failure to appear at any court proceeding, a violation of conditional release, or to provide reasonable protection of a victim. Per federal regulation, detained juveniles must be kept separate in sight and sound from adults.

Intake & District Attorney Review

Juvenile departments conduct intake services for cases referred. Intake may occur in detention or if the youth has not been detained, review will occur at the juvenile department following the receipt of the referral. During intake a juvenile counselor or probation officer reviews the case, interviews the youth and family if appropriate, and conducts risk and needs assessments. County juvenile departments have implemented a common statewide risk and needs assessment tool, called the Juvenile Crime Prevention Risk Assessment (JCP) which helps assess a youth's social, medical, psychiatric, psychological, educational history, as well as factors indicating the probability of the juvenile engaging in future delinquency. Other assessments may also be conducted.

Based on a number of factors such as the seriousness of the alleged offense, a youth's age, delinquency history, mental health status, and risks and needs, a decision will be made to proceed either informally in lieu of formal court action or formally, via a petition filed with the court. For certain sex offenses, weapons offenses, and repeat felony offenses, district attorney authorization of the filing decision is mandated by statute. The juvenile department and district attorney engage collaboratively in determining how a case will move forward, but in this limited classification of more aggravated cases, district attorney discretion may affect the outcome. Referrals can be rejected by the district attorney at this point for legal insufficiency and closed following intake. Other types of referrals closed at intake are runaway referrals where the youth's whereabouts are unknown or minor violations and status offenses that result in a diversion to a community agency.

Informal Dispositions

The majority of youth referred to juvenile departments are referred for misdemeanors, violations, and status offenses. Consequently, the majority of referrals remain and are managed at the county juvenile department level either through information dispositions or probation.

When it is determined that a youth's case does not require formal court action, the juvenile department may impose an informal disposition and sanctions through a variety of authorized diversion programs. Often the expectations regarding

participation in these programs are delineated in a Formal Accountability Agreement, which is a voluntary contract between a youth and a juvenile department.¹²

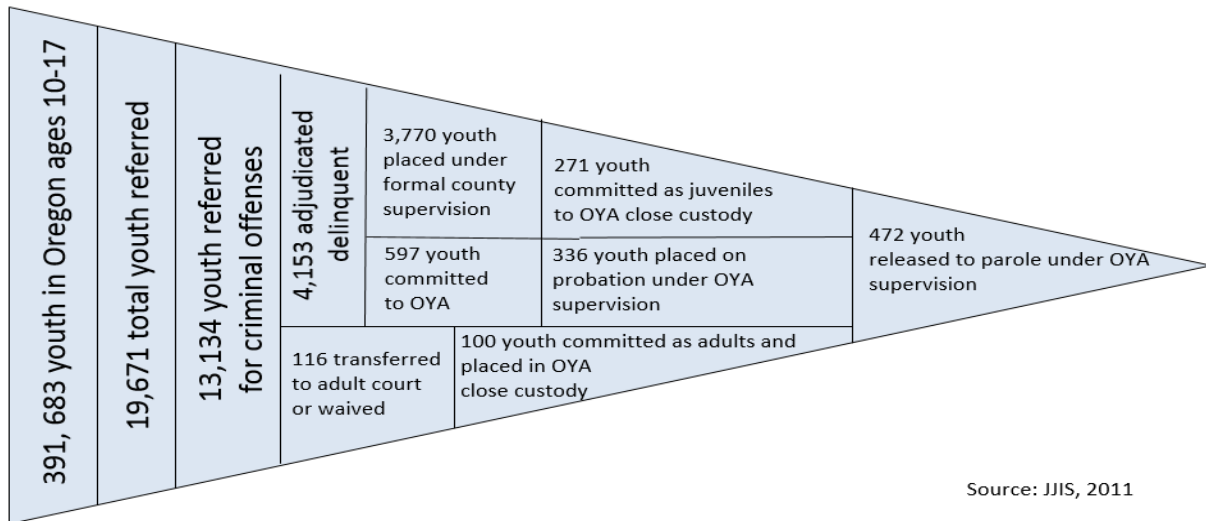
Adjudication & Formal Disposition

In cases of youth referred for more serious offenses or those with chronic referrals, juvenile departments and local district attorneys work to file delinquency petitions in the juvenile court, moving toward adjudication.

Should the juvenile court judge establish jurisdiction, (determine a person who is under 18 years of age responsible for an act that is a violation, or that if done by an adult, would constitute a violation of a law or ordinance) the judge may place the youth on probation or assign other formal dispositions and conditions. Youth offenders on probation are subject to sanctions and requirements that are designed to prevent further penetration into the juvenile justice system and include a range of supervision, accountability, and reformation services. Most of the juveniles formally supervised in the juvenile justice system in Oregon are on county level probation.

In addition, the juvenile court may place a youth offender who is at least 12 years of age in the legal custody of OYA for care, placement and supervision. OYA, the state’s juvenile corrections agency, administers state level community residential programs, community supervision, and youth correctional facilities. The juvenile court may commit youth to the OYA for community residential placement in addition to probation or to OYA for confinement in a youth correctional facility. The small number of youth who are convicted in adult court will serve part or all of their prison sentence in a youth correctional facility under transfer from the Department of Corrections (DOC) which maintains legal but not physical custody of the youth.

2011 Oregon’s Juvenile Justice System



Source: JJIS, 2011

Figure 3: 2011 Oregon Juvenile Justice System Population Sizes

¹² A Formal Accountability Agreement may require participation in or referral to counseling, a period of community service, drug or alcohol education or treatment, vocational training or any other legal activity which in the opinion of the counselor would be beneficial to the youth. (419C.236). Informal community service or restitution might also be required.

Cohort Definitions

System Wide Youth Cohort

The majority of youth cases handled by the juvenile justice system in Oregon do not result in formal adjudication or conviction. For purposes of this report we focus on those cases that were managed formally through formal court adjudication by county juvenile supervision, or by OYA. The system wide youth cohort is the combination of the four cohorts that we are measuring in this report, aggregated in order to get a single statewide measure of recidivism. We then break out each of the four cohorts individually, in order to distinguish between the varying types of formal supervision.

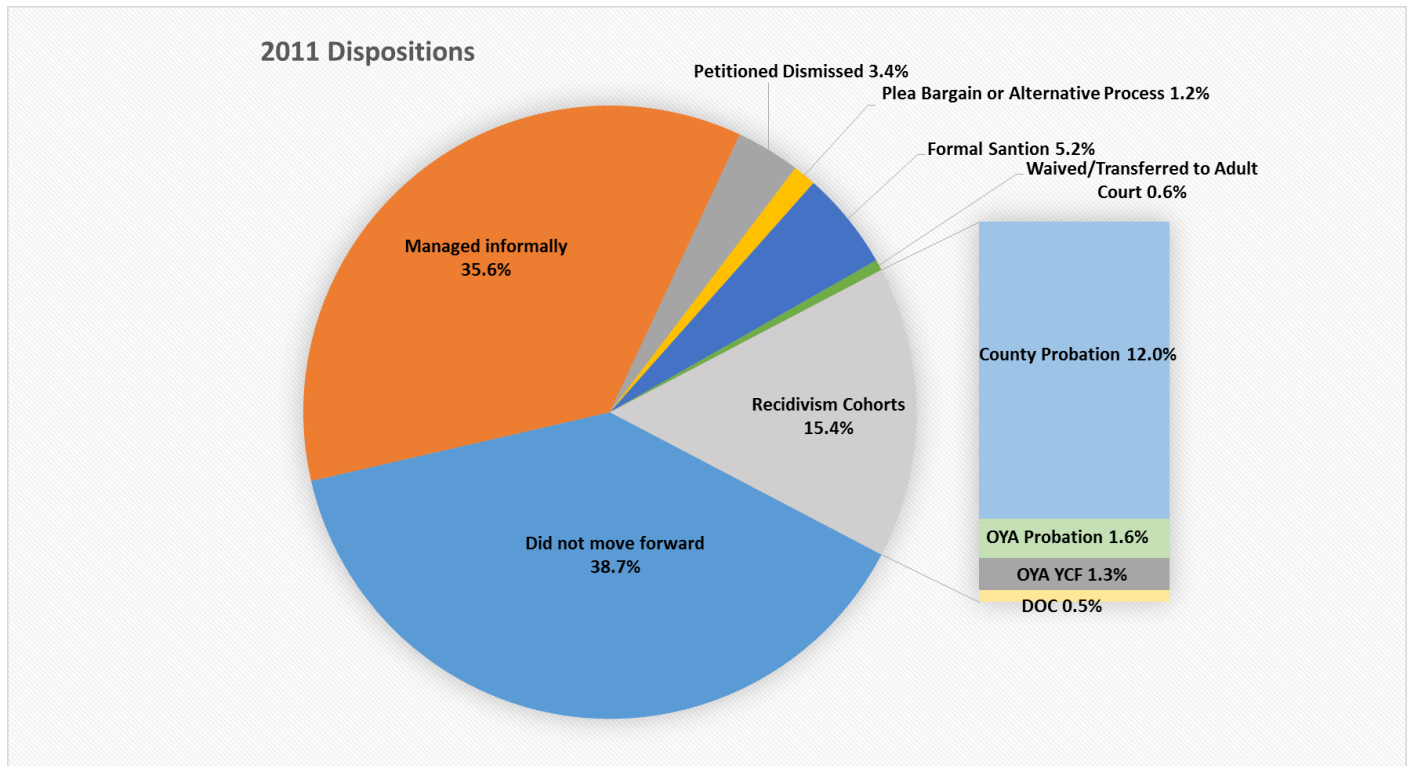


Figure 4: Juvenile Justice System 2011 Dispositions

The recidivism cohorts tracked in this report comprise only 15.4% of the total juvenile justice population handled by the juvenile justice system. The remaining 84.6% of youth encountered by the system are not included in the recidivism cohorts in this report. Nearly 40% of youth referred to the juvenile justice system have cases that were reviewed and closed, or received a warning, or had cases that were rejected by the District Attorney's office. Another 35% of youth cases were managed informally; including diversions and formal accountability agreements. The remaining 10% of youth cases were disposed of by petitioned dismissal, plea bargain or alternative process, a formal sanction, or transferred to adult court and not yet processed by the adult court.

Cohort 1: County Probation

A juvenile court can place a youth on probation when they determine it is in the best interest and welfare of the youth offender. Youth on probation generally remain living in the community, under the supervision of the county juvenile department. The court may impose restrictions on the youth and may impose other requirements such as paying restitution, performing community service or service to the victim, serve a period of time in detention, complete skill building classes, or participate in treatment activities. A juvenile department counselor or juvenile probation officer supervises the youth while on county probation. Recidivating events for county probation youth are tracked for 3 years from the date the youth received a disposition for probation.

Cohort 2: OYA Probation

OYA Probation youth are committed to OYA for case, placement, and supervision by a juvenile court judge, who places the youth in OYA's legal custody for supervision in a community setting. An OYA probation youth is typically placed in an out of home placement – a residential treatment program or an OYA-certified foster home. An OYA Juvenile Parole/Probation Officer provides ongoing case management and supervision until the youth terminates from OYA custody. Recidivating events for OYA probation youth are tracked for 3 years from the date the youth received a disposition for probation.

Cohort 3: OYA Parole

A juvenile court can commit a youth to OYA for placement in a youth correctional facility. OYA staff provide these youth with a range of treatment and education programs designed to address the factors that contributed to their criminal behavior. After progressing in treatment and demonstrating stable behavior, the youth may be recommended for release to parole. Once paroled, an OYA Juvenile Parole/Probation Officer continues to supervise the youth for a period of time in the community. Recidivating events for OYA parole youth are tracked for 3 years from the date of release from a youth correction facility to a community setting.

Cohort 4: Department of Corrections Youth

Youth who are convicted of crimes through an adult court can be placed in an OYA youth correction facility until age 25; however, these youth remain in the legal custody of the Department of Corrections (DOC). OYA tracks recidivism for DOC youth released directly to post-prison supervision from an OYA facility. Recidivating events for DOC youth are tracked for 3 years from the date of release from a youth correction facility to a community setting. When released, DOC youth are not supervised by county juvenile departments or OYA, they are supervised by the adult community corrections system. DOC youth who are released from a DOC facility are not tracked in this report. They are tracked in the adult recidivism report.

Youth Age by Cohort

Crime research often refers to the “age-crime curve”. The age crime curve refers to “the prevalence of offending tends to increase from late childhood, peak in the teenage years (from 15 to 19) and then decline in the early 20s. This bell-shaped age trend, called the age-crime curve, is universal in Western populations.”¹³ As shown in the charts below, the cohorts of youth have different age ranges which may affect the recidivism rate for the cohort. The ages of youth on probation are younger than youth being released from facilities. Based on the age-crime curve, the youth on probation may recidivate at a higher rate than youth released from a facility because the cohort has a larger percentage of younger youth.

2011 Youth by Age - Percent of Cohort							
Cohort	12 and under	13 years	14 years	15 years	16 years	17 years	18 and older
County Probation	3.3%	7.9%	15.4%	21.8%	23.6%	23.9%	4.2%
OYA Probation	1.2%	4.7%	17.4%	22.4%	27.9%	22.9%	3.5%
OYA Parole	0.7%	0.3%	5.7%	10.4%	19.1%	30.5%	33.2%
DOC Release	0.0%	0.0%	0.0%	0.0%	0.0%	8.0%	92.0%

Table 1: 2011 Youth by Age - Percent of Cohort

Figure 5 below displays the size of the 2011 cohorts by the age of the youth. The County Probation cohort is substantially larger than the other cohorts, and is followed in size by the OYA Probation cohort. Both the County Probation and OYA Probation are comprised of more than 40% of youth who are 15 years old or younger. The OYA Parole and DOC Release cohorts are smaller in size, and are comprised of relatively older youth compared to the probation cohorts. The OYA Parole cohort is comprised of more than 80% of youth who are 16 years of age or older. The DOC Release cohort is comprised of more than 90% of youth who are 18 year of age or older.

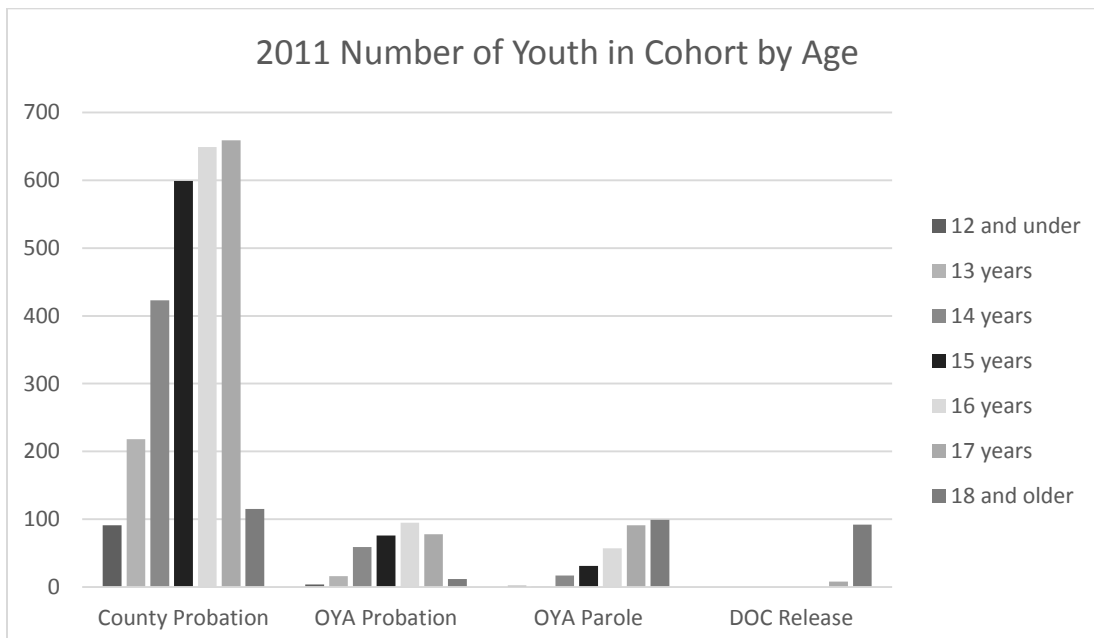


Figure 5: FY 2011 Number of Youth in Cohort by Age

¹³ <http://www.nij.gov/topics/crime/Pages/delinquency-to-adult-offending.aspx>

Recidivism Analysis

The CJC has published three reports on recidivism in the adult justice system since the passage of HB 3194 in 2013. As noted earlier, this report marks the first attempt at documenting the juvenile justice recidivism rates using the new definition that was made applicable to the adult system. There are many differences between the adult and juvenile justice systems. Referrals are not arrests. Adjudications are not convictions. The juvenile cohorts are not binary as they are in the adult system. The adult cohorts comprise individuals starting felony probation or post-prison supervision on parole. However, the youth cohorts include youth adjudicated for a felony or a misdemeanor which is a broader cohort. These differences make applying the Oregon adult recidivism definition to the juvenile justice system a more nuanced exercise. Strictly applying the adult definition by correlating referrals to arrests, and adjudications to convictions, as well as combining all cohorts into one overall cohort yields the following chart.

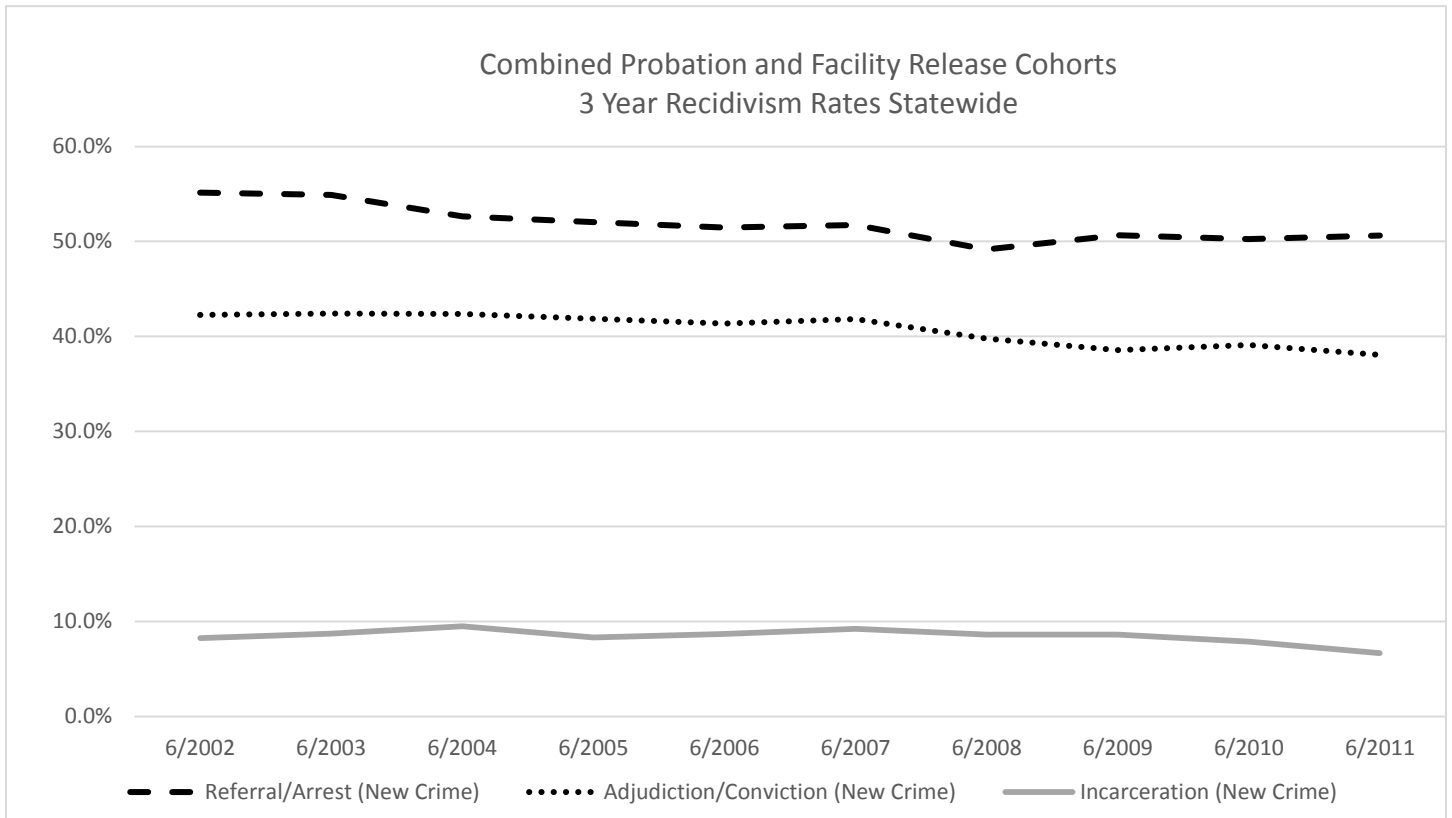


Figure 6: Combined Probation and Facility Release Cohorts - 3 Year Recidivism Rates Statewide

The above figure shows recidivism data consistent with how it is displayed in the CJC adult recidivism reports. However, by partnering with OYA and the County Juvenile Directors we were able to develop an enhanced version of this chart that we are confident supplies the reader with more information while staying true to the spirit of the definition codified in ORS 423.557. The following charts allow the reader to observe changes in the overall cohort sizes as well as the rates at which adjudications and convictions break down into probation, incarceration and other dispositions.

Like Figure 6 above, Figure 7 displays the combined cohort for all youth. However, in figure 7 you are able to observe the dramatic shifts in the overall cohort sizes. The overall youth cohort size went from 5,495 in 2002 to 3,492 in 2011, representing a 37% decrease. Likewise, figure 7 allows the reader to observe the shifts in the percentage of the cohorts that received community supervision as a recidivating outcome, as compared to incarceration and other disposition. The conviction recidivating outcome is divided into three subcategories comprising community supervision, incarceration, and other disposition. The sum of these three subcategories is the overall conviction rate. The other disposition rate increased from 4.0% in 2002 to 4.8% in 2011, which is a 20.5% increase. The community supervision rate dropped from 30.1% in 2002 to 26.6% in 2011, which is an 11.5% decrease. The incarceration rate dropped from 8.2% in 2002 to 6.7% in 2011, which is a 19.1% decrease.

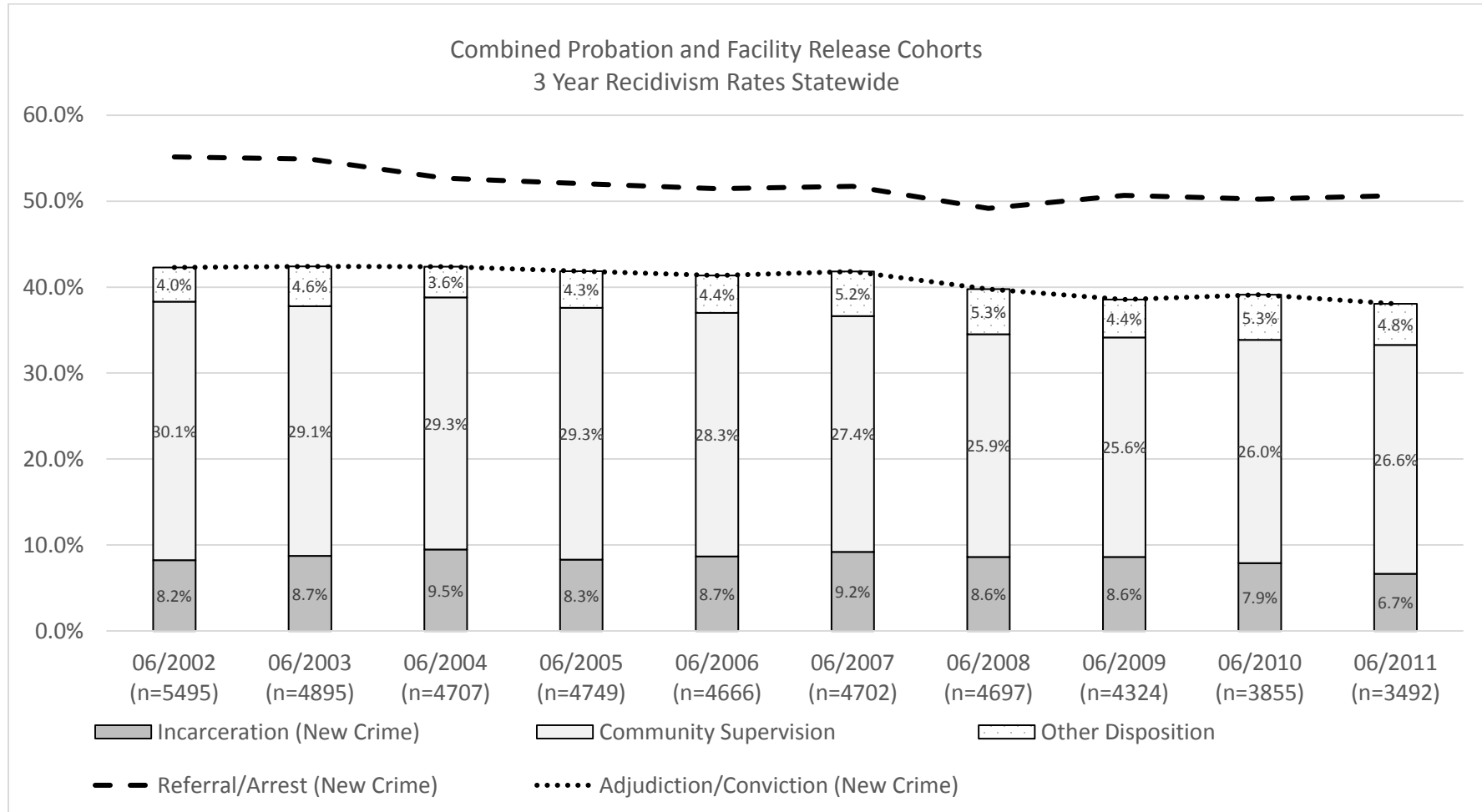


Figure 7: Combined Probation and Facility Release Cohorts - 3 Year Recidivism Rates Statewide

Cohort 1: County Probation

Figure 8 displays the recidivism results for the County Probation cohort. The cohort size went from 4,395 in 2002 to 2,754 in 2011, representing a 37% decrease in the cohort size. The referral/arrest rate dropped from 55.5% in 2002 to 50.6% in 2011, which is an 8.8% decrease. The adjudication/conviction rate dropped from 42.0% in 2002 to 37.7% in 2011, which is a 10.3% decrease. The other disposition rate increased from 4.0% in 2002 to 4.1% in 2011, which is a 1.9% increase. The community supervision rate dropped from 31.9% in 2002 to 28.8% in 2011, which is a 9.7% decrease. The incarceration rate dropped from 6.1% in 2002 to 4.8% in 2011, which is a 21.1% decrease.

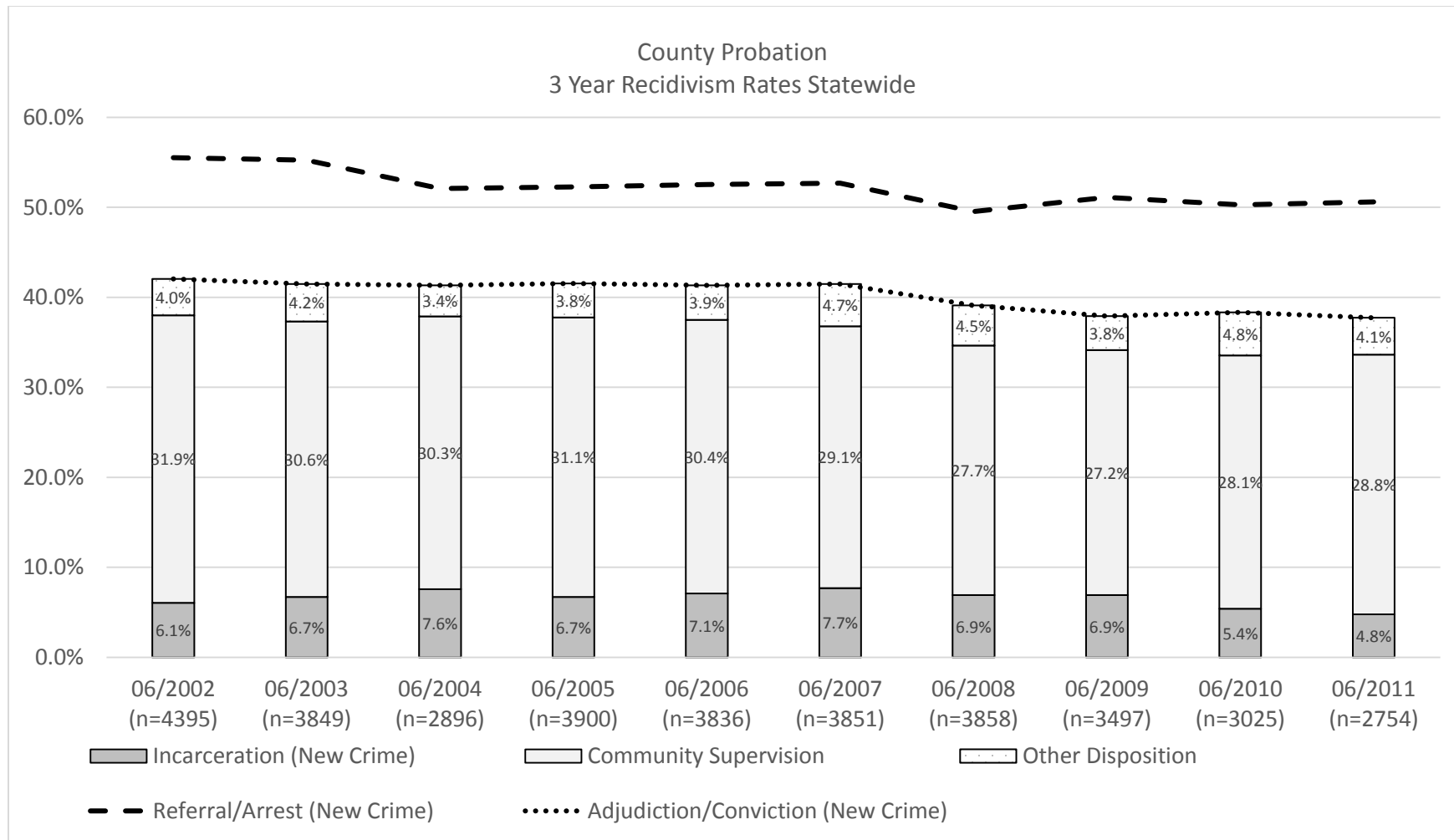


Figure 8: County Probation - 3 Year Recidivism Rates

Cohort 2: OYA Probation

Figure 9 displays the recidivism results for the OYA Probation cohort. The cohort size went from 646 in 2002 to 340 in 2011, representing a 47% decrease in the cohort size. The referral/arrest rate dropped from 56.2% in 2002 to 47.9% in 2011, which is a 14.7% decrease. The adjudication/conviction rate dropped from 41.3% in 2002 to 39.7% in 2011, which is a 3.9% decrease. The other disposition rate increased from 1.9% in 2002 to 3.2% in 2011, which is a 74.2% increase. The community supervision rate dropped from 25.1% in 2002 to 23.2% in 2011, which is a 7.3% decrease. The incarceration rate dropped from 14.4% in 2002 to 13.2% in 2011, which is an 8.1% decrease.

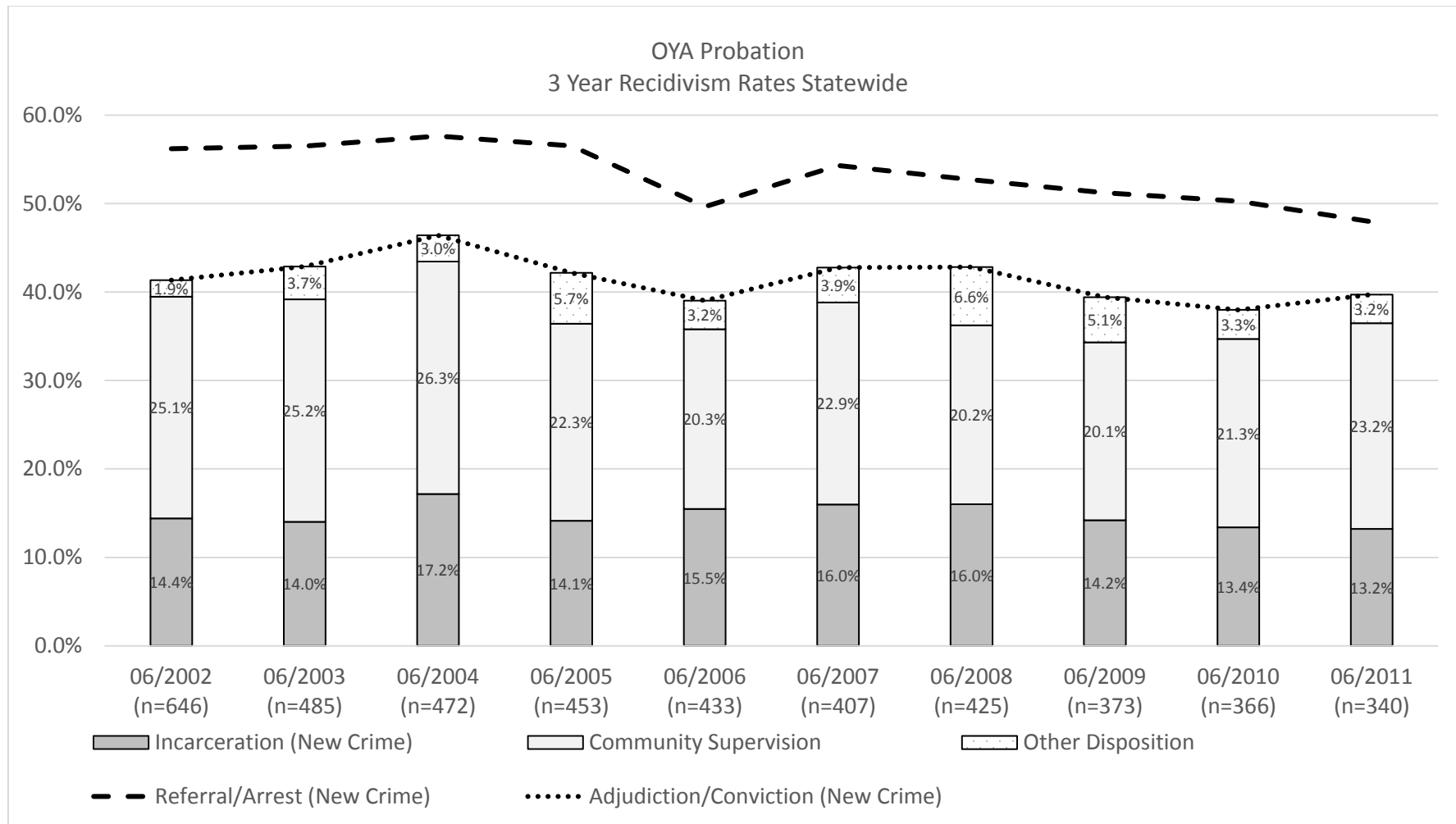


Figure 9: OYA Probation - 3 Year Recidivism Rates

Cohort 3: OYA Parole

Figure 10 displays the recidivism results for the OYA Parole cohort. The cohort size went from 388 in 2002 to 298 in 2011, representing a 23% decrease in the cohort size. The referral/arrest rate increased from 53.1% in 2002 to 54.7% in 2011, which is a 3.0% increase. The adjudication/conviction rate dropped from 49.2% in 2002 to 38.3% in 2011, which is a 22.3% decrease. From 2005 to 2008 the adjudication/conviction rate is higher than the arrest/referral rate. This is due to convictions in the adult justice system where the person is not finger-printed for the associated arrest. Without the finger-print records, the arrest is not entered into the LEDS system, but the conviction information is available in the adult circuit court data. The other disposition rate increased from 7.2% in 2002 to 9.4% in 2011, which is a 30.2% increase. The community supervision rate dropped from 19.6% in 2002 to 13.8% in 2011, which is a 29.8% decrease. The incarceration rate dropped from 22.4% in 2002 to 15.1% in 2011, which is a 32.7% decrease.

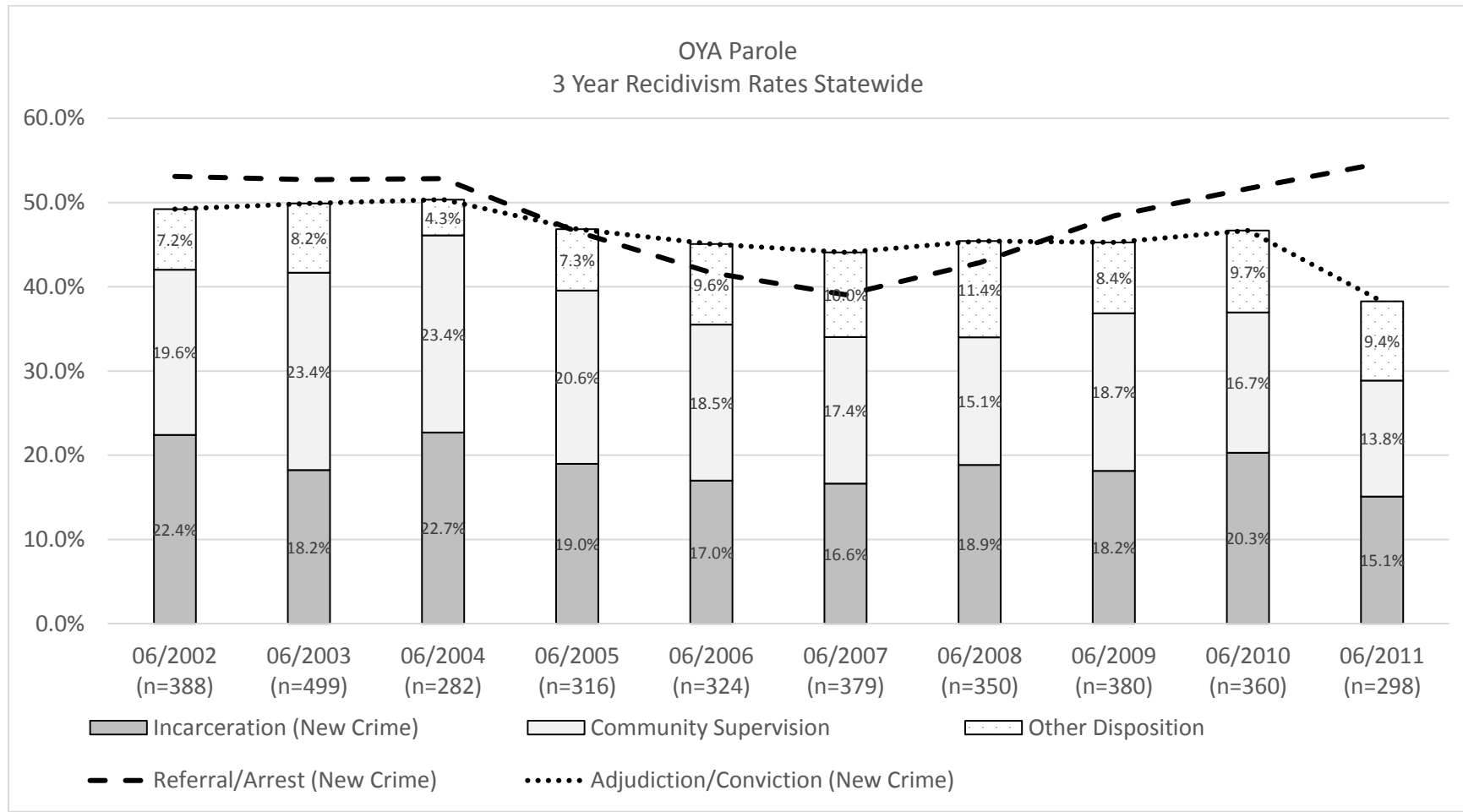


Figure 10: OYA Parole - 3 Year Recidivism Rates Statewide

Cohort 4: Department of Corrections Youth

Figure 11 displays the recidivism results for the Department of Corrections Youth cohort. The size of the cohorts are relatively small and vary from a low of 57 youth in 2004 to a high of 104 youth in 2010. The cohort is defined by the population of DOC Youth who release from an OYA youth correction facility each year. The recidivism rates show more variability due to the smaller cohort sizes. The referral/arrest rate increased from 31.8% in 2002 to 48.0% in 2011, which is a 50.9% increase. The adjudication/conviction rate increased from 25.8% in 2002 to 41.0% in 2011, which is a 59.2% increase. The other disposition rate increased substantially from 1.5% in 2002 to 15.0% in 2011. The community supervision rate dropped slightly from 15.2% in 2002 to 15.0% in 2011, which is a 1.0% decrease. The incarceration rate increased from 9.1% in 2002 to 11.0% in 2011, which is a 21.0% increase.

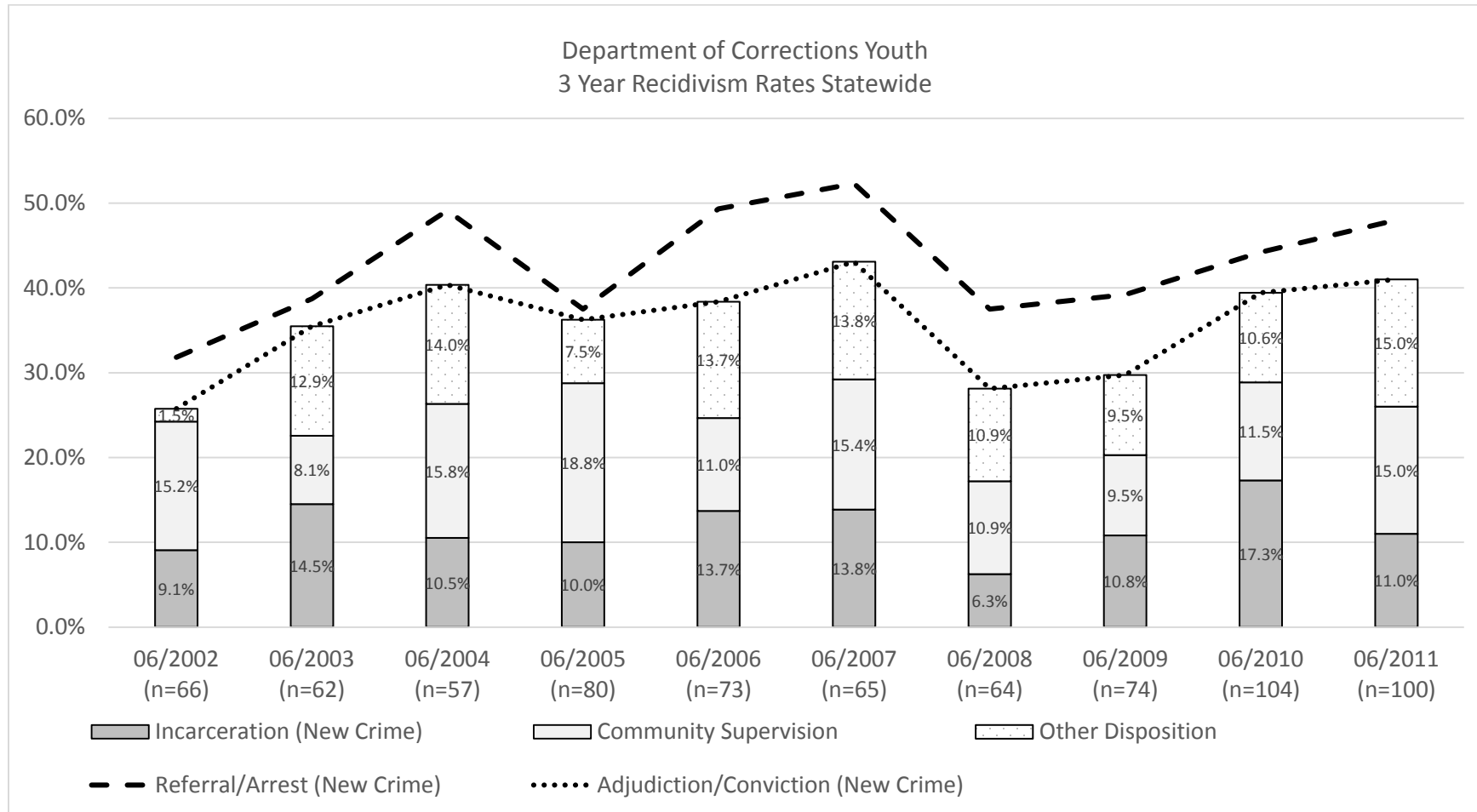


Figure 11: DOC Releases - 3 Year Recidivism Rates Statewide

Appendix

Data Merging Methodology

The majority of data merging across the different data systems used in the analysis was done using the SID number. The JJIS data system includes SID numbers for the majority of youth entered. The DOC data includes a SID number for all records. The LEDS data also includes a SID for all records, and is the source of the SID number creation by linking each SID with finger-print records on file at OSP. The court case data needs a more complex data merging process due to missing SID numbers in the records. If the SID number was included in OJIN, then the same SID number matching was used. For entries where the SID number was missing, name and date of birth matching was used.

OJIN

At the time of analysis there were 25 counties using the OJIN data system. The OJIN counties were Baker, Clackamas, Coos, Curry, Deschutes, Douglas, Gilliam, Grant, Harney, Hood River, Josephine, Klamath, Lake, Lane, Lincoln, Malheur, Marion, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, Wheeler, and Washington. The SID number in OJIN was missing for 24% of felony and misdemeanor conviction records. For these entries name and date of birth matching was used. Alias names and dates of birth were compiled, and these were used to match records where the SID number was missing. A test matching scenario was run on the 2010 cohorts. The name and date of birth matching using all aliases available resulted in 2.1% fewer matched entries than the SID number matching. This is likely due to name changes that are not entered as alias names, or data entry errors in the name and date of birth fields in OJIN.

Odyssey

At the time of analysis there were 11 counties using the Odyssey data system. The Odyssey counties were Benton, Clatsop, Columbia, Crook, Jackson, Jefferson, Linn, Multnomah, Polk, Tillamook, and Yamhill. The Odyssey data extract that the CJC received from OJD did not include the SID number or the day for the date of birth. For Odyssey records matching were done on the first name, last name, month of the date of birth, and year of the date of birth. Alias names and dates of birth were compiled, and these were used to match the Odyssey records. A test matching scenario was run on the 2010 cohorts. The matching technique using the first name, last name, month of the date of birth, and year of the date of birth resulted in an additional 1.5% matched entries than the matching technique using the full name and date of birth. This is likely due to common names that are over-matched using this method.

Recidivism Tables

Combined Probation and Facility Release Cohorts Recidivism Rates											
Cohort	Cohort Size	Referral/Arrest for a New Crime within 3 Years		Adjudication/Conviction for a New Crime within 3 Years		Incarceration for a New Crime within 3 Years		Community Supervision for a New Crime within 3 Years		Other Disposition for a New Crime within 3 Years	
		Number Referred/Arrested	Percent Referred/Arrested	Number Adjudicated/Convicted	Percent Adjudicated/Convicted	Number Incarcerated	Percent Incarcerated	Number Community Supervision	Percent Community Supervision	Number Other Disposition	Percent Other Disposition
06/2002	5495	3030	55.1%	2323	42.3%	453	8.2%	1652	30.1%	218	4.0%
06/2003	4895	2687	54.9%	2076	42.4%	427	8.7%	1422	29.1%	227	4.6%
06/2004	4707	2478	52.6%	1994	42.4%	446	9.5%	1380	29.3%	168	3.6%
06/2005	4749	2471	52.0%	1988	41.9%	394	8.3%	1392	29.3%	202	4.3%
06/2006	4666	2401	51.5%	1929	41.3%	405	8.7%	1321	28.3%	203	4.4%
06/2007	4702	2432	51.7%	1967	41.8%	433	9.2%	1290	27.4%	244	5.2%
06/2008	4697	2309	49.2%	1868	39.8%	405	8.6%	1216	25.9%	247	5.3%
06/2009	4324	2191	50.7%	1667	38.6%	372	8.6%	1105	25.6%	190	4.4%
06/2010	3855	1937	50.2%	1508	39.1%	304	7.9%	1001	26.0%	203	5.3%
06/2011	3492	1768	50.6%	1329	38.1%	233	6.7%	929	26.6%	167	4.8%

County Probation Cohorts Recidivism Rates

Cohort	Cohort Size	Referral/Arrest for a New Crime within 3 Years		Adjudication/Conviction for a New Crime within 3 Years		Incarceration for a New Crime within 3 Years		Community Supervision for a New Crime within 3 Years		Other Disposition for a New Crime within 3 Years	
		Number Referred/Arrested	Percent Referred/Arrested	Number Adjudicated/Convicted	Percent Adjudicated/Convicted	Number Incarcerated	Percent Incarcerated	Number Community Supervision	Percent Community Supervision	Number Other Disposition	Percent Other Disposition
06/2002	4395	2440	55.5%	1848	42.0%	267	6.1%	1404	31.9%	177	4.0%
06/2003	3849	2126	55.2%	1597	41.5%	259	6.7%	1178	30.6%	160	4.2%
06/2004	3896	2029	52.1%	1610	41.3%	295	7.6%	1181	30.3%	134	3.4%
06/2005	3900	2038	52.3%	1620	41.5%	262	6.7%	1211	31.1%	147	3.8%
06/2006	3836	2015	52.5%	1586	41.3%	273	7.1%	1165	30.4%	148	3.9%
06/2007	3851	2029	52.7%	1598	41.5%	296	7.7%	1121	29.1%	181	4.7%
06/2008	3858	1911	49.5%	1509	39.1%	267	6.9%	1070	27.7%	172	4.5%
06/2009	3497	1787	51.1%	1326	37.9%	242	6.9%	952	27.2%	132	3.8%
06/2010	3025	1521	50.3%	1160	38.3%	164	5.4%	851	28.1%	145	4.8%
06/2011	2754	1394	50.6%	1039	37.7%	132	4.8%	794	28.8%	113	4.1%

OYA Probation Cohorts Recidivism Rates

Cohort	Cohort Size	Referral/Arrest for a New Crime within 3 Years		Adjudication/Conviction for a New Crime within 3 Years		Incarceration for a New Crime within 3 Years		Community Supervision for a New Crime within 3 Years		Other Disposition for a New Crime within 3 Years	
		Number Referred/Arrested	Percent Referred/Arrested	Number Adjudicated/Convicted	Percent Adjudicated/Convicted	Number Incarcerated	Percent Incarcerated	Number Community Supervision	Percent Community Supervision	Number Other Disposition	Percent Other Disposition
06/2002	646	363	56.2%	267	41.3%	93	14.4%	162	25.1%	12	1.9%
06/2003	485	274	56.5%	208	42.9%	68	14.0%	122	25.2%	18	3.7%
06/2004	472	272	57.6%	219	46.4%	81	17.2%	124	26.3%	14	3.0%
06/2005	453	256	56.5%	191	42.2%	64	14.1%	101	22.3%	26	5.7%
06/2006	433	215	49.7%	169	39.0%	67	15.5%	88	20.3%	14	3.2%
06/2007	407	221	54.3%	174	42.8%	65	16.0%	93	22.9%	16	3.9%
06/2008	425	224	52.7%	182	42.8%	68	16.0%	86	20.2%	28	6.6%
06/2009	373	191	51.2%	147	39.4%	53	14.2%	75	20.1%	19	5.1%
06/2010	366	184	50.3%	139	38.0%	49	13.4%	78	21.3%	12	3.3%
06/2011	340	163	47.9%	135	39.7%	45	13.2%	79	23.2%	11	3.2%

OYA Parole Cohorts Recidivism Rates

Cohort	Cohort Size	Referral/Arrest for a New Crime within 3 Years		Adjudication/Conviction for a New Crime within 3 Years		Incarceration for a New Crime within 3 Years		Community Supervision for a New Crime within 3 Years		Other Disposition for a New Crime within 3 Years	
		Number Referred/Arrested	Percent Referred/Arrested	Number Adjudicated/Convicted	Percent Adjudicated/Convicted	Number Incarcerated	Percent Incarcerated	Number Community Supervision	Percent Community Supervision	Number Other Disposition	Percent Other Disposition
06/2002	388	206	53.1%	191	49.2%	87	22.4%	76	19.6%	28	7.2%
06/2003	499	263	52.7%	249	49.9%	91	18.2%	117	23.4%	41	8.2%
06/2004	282	149	52.8%	142	50.4%	64	22.7%	66	23.4%	12	4.3%
06/2005	316	147	46.5%	148	46.8%	60	19.0%	65	20.6%	23	7.3%
06/2006	324	135	41.7%	146	45.1%	55	17.0%	60	18.5%	31	9.6%
06/2007	379	148	39.1%	167	44.1%	63	16.6%	66	17.4%	38	10.0%
06/2008	350	150	42.9%	159	45.4%	66	18.9%	53	15.1%	40	11.4%
06/2009	380	184	48.4%	172	45.3%	69	18.2%	71	18.7%	32	8.4%
06/2010	360	186	51.7%	168	46.7%	73	20.3%	60	16.7%	35	9.7%
06/2011	298	163	54.7%	114	38.3%	45	15.1%	41	13.8%	28	9.4%

Department of Corrections Youth Cohorts Recidivism Rates

Cohort	Cohort Size	Referral/Arrest for a New Crime within 3 Years		Adjudication/Conviction for a New Crime within 3 Years		Incarceration for a New Crime within 3 Years		Community Supervision for a New Crime within 3 Years		Other Disposition for a New Crime within 3 Years	
		Number Referred/Arrested	Percent Referred/Arrested	Number Adjudicated/Convicted	Percent Adjudicated/Convicted	Number Incarcerated	Percent Incarcerated	Number Community Supervision	Percent Community Supervision	Number Other Disposition	Percent Other Disposition
06/2002	66	21	31.8%	17	25.8%	6	9.1%	10	15.2%	1	1.5%
06/2003	62	24	38.7%	22	35.5%	9	14.5%	5	8.1%	8	12.9%
06/2004	57	28	49.1%	23	40.4%	6	10.5%	9	15.8%	8	14.0%
06/2005	80	30	37.5%	29	36.3%	8	10.0%	15	18.8%	6	7.5%
06/2006	73	36	49.3%	28	38.4%	10	13.7%	8	11.0%	10	13.7%
06/2007	65	34	52.3%	28	43.1%	9	13.8%	10	15.4%	9	13.8%
06/2008	64	24	37.5%	18	28.1%	4	6.3%	7	10.9%	7	10.9%
06/2009	74	29	39.2%	22	29.7%	8	10.8%	7	9.5%	7	9.5%
06/2010	104	46	44.2%	41	39.4%	18	17.3%	12	11.5%	11	10.6%
06/2011	100	48	48.0%	41	41.0%	11	11.0%	15	15.0%	15	15.0%