

Short-Term Transitional Leave Program in Oregon

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Background

In July 2013 the Oregon Legislature passed House Bill 3194, known as the Justice Reinvestment Act. Changes to short-term transitional leave (STTL) are described in Section 13 and 14 of the bill. The bill increases the amount of short-term transitional leave that an inmate may receive from 30 days to 90 days. This change is applicable to sentences imposed on or after August 1, 2013. The bill also changes language that describes how an inmate may apply for short-term transitional leave. Prior to HB 3194, the inmate had to submit a transition plan, and instigate the process of applying for short-term transitional leave. HB 3194 includes language that the Department of Corrections (DOC) shall identify inmates who are eligible for the program and assist in preparing a transition plan. This change has allowed DOC to increase the number of inmates who receive a maximum of 30 or 90 days leave.

In December 2013 DOC started to implement the new STTL program, and offenders were released under the new 90 day rule. The HB 3194 enrolled bill estimate from July 2013 estimated that 100 inmates per month would receive STTL and that by January 1, 2016 the program would account for 246 fewer prison beds. The number of offenders participating in the program has been approximately 100 inmates per month, and the associated prison bed savings on January 1, 2016 was 258 prison beds. DOC has tracked successful completions of STTL, as well as program failures. The program failure rate has been relatively low, at approximately 5%. These performance indicators show that the program has been working as estimated.

STTL Performance Measures

The following figures show utilization measures for the STTL program from December 2013 to December 2015. Figure 1 shows the number of inmates released to STTL each month. Initial projected bed savings for the various components of HB 3194 predicted that DOC would release 100 inmates per month to STTL.

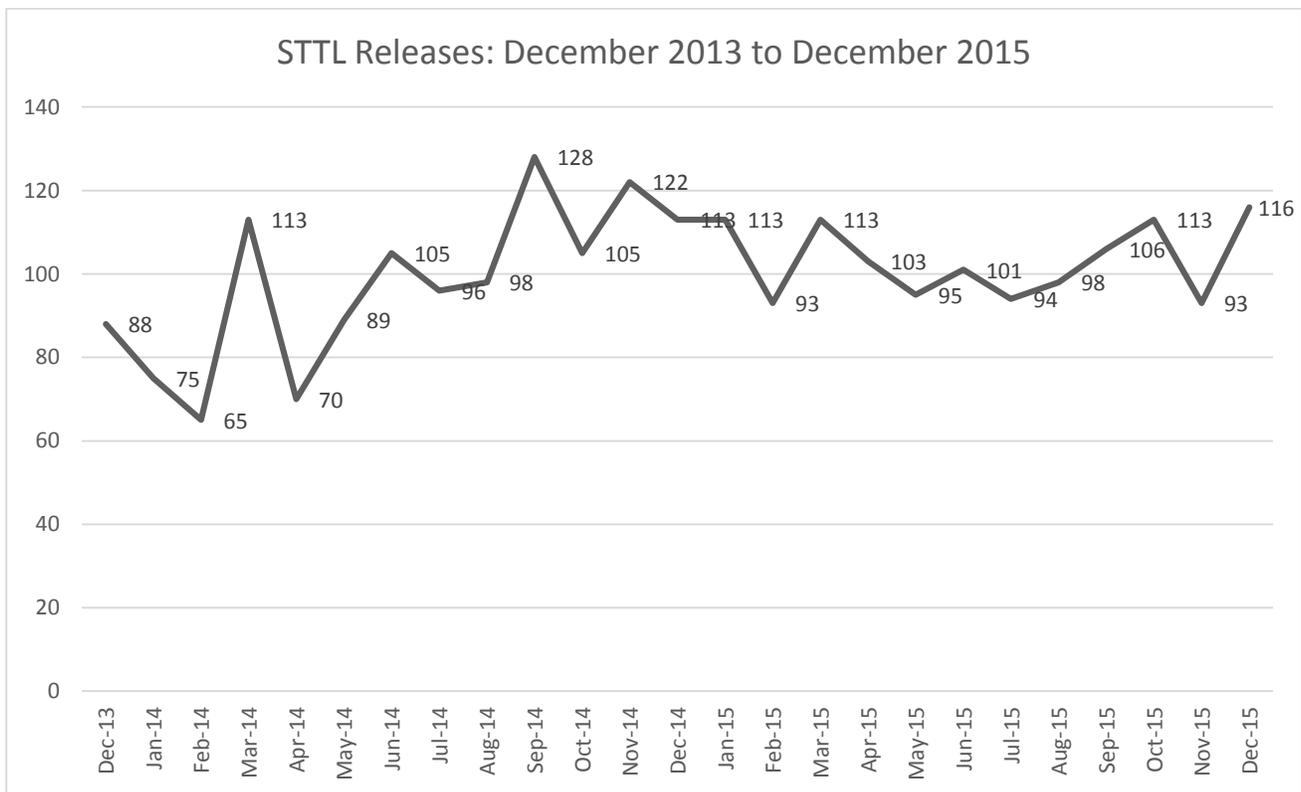


Figure 1: STTL Releases: December 2013 to December 2015

Figure 2 displays the number of STTL releases under the 30 day and 90 day rule. Those sentenced on or after August 1, 2013 are eligible for a maximum of 90 days of STTL. The number of releases under the 90-day rule has gradually increased, and now accounts for roughly 80% of the STTL release population.

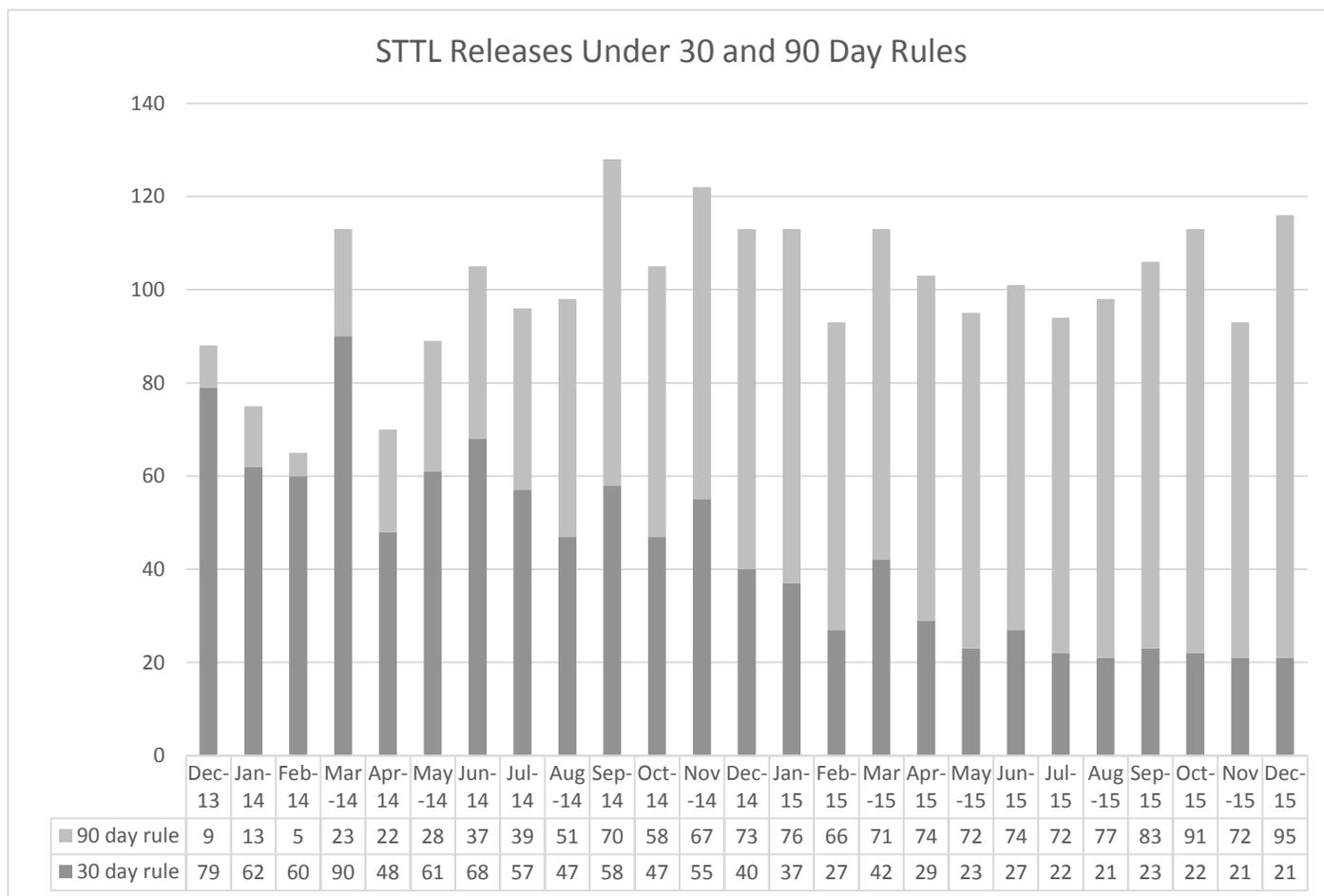


Figure 2: STTL Releases Under 30 and 90 Day Rules

Figures 3 and 4 show the STTL releases by gender and crime type. Male inmates account for 83% of STTL releases, while female inmates account for the other 17%. Females make up roughly 9% of the total DOC population, so they are over represented in the total STTL population likely due to a higher percentage of female inmates being statutorily eligible for STTL.

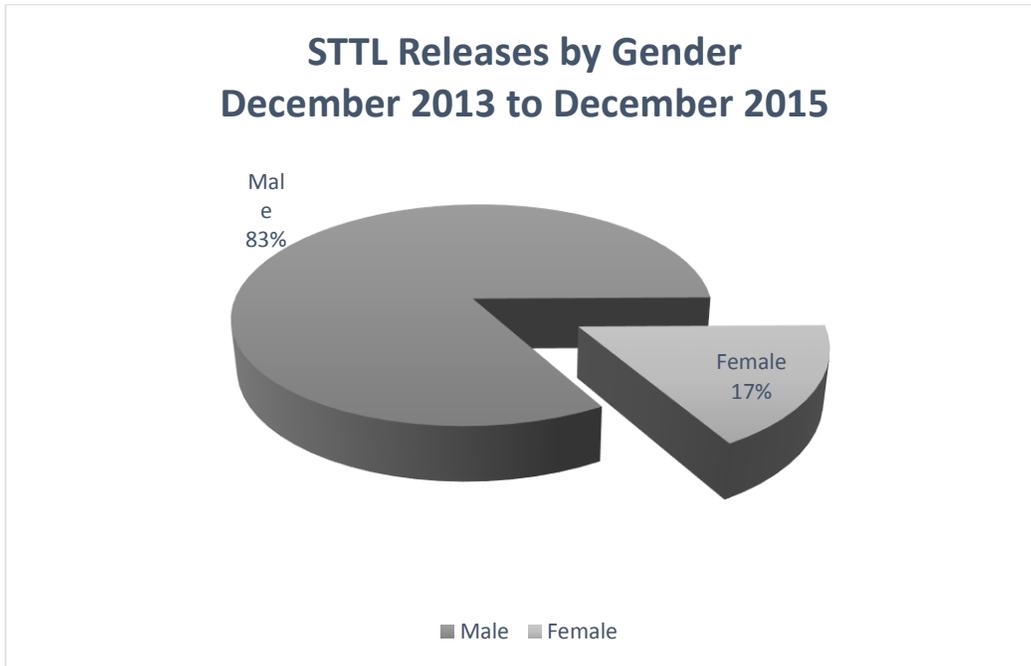


Figure 3: STTL Releases by Gender

Releases by crime type are nearly equal, with each crime type accounting for approximately one third of the STTL releases.

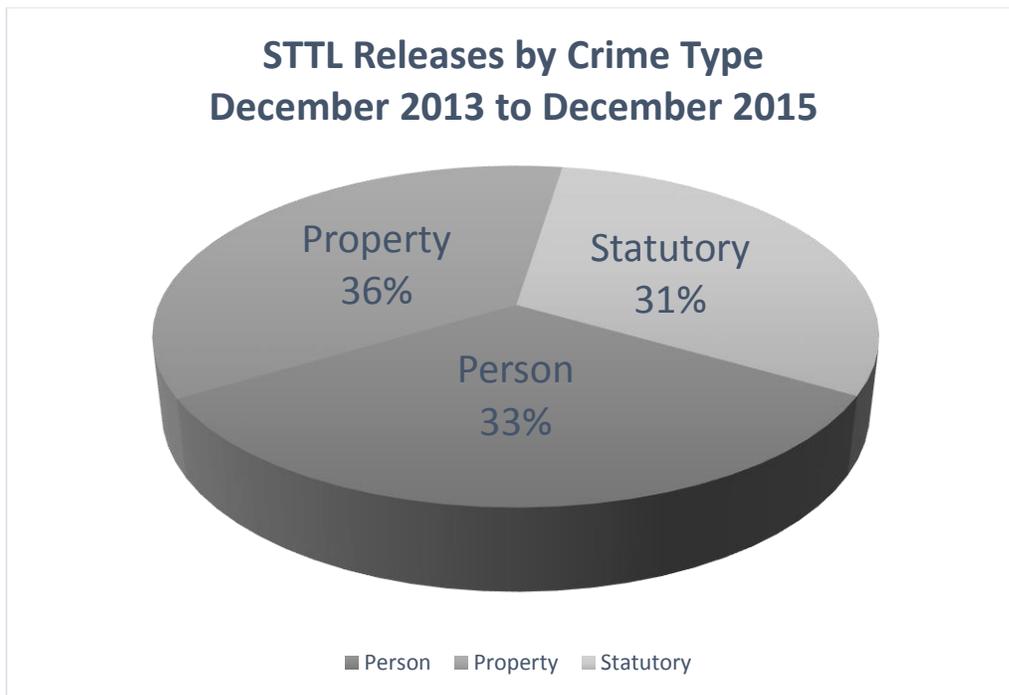


Figure 4: STTL Releases by Crime Type

Figure 5 shows that 95% of STTL releases have successfully completed the program. Those that failed the program returned to DOC, and account for 5% of STTL releases, or 114 inmates released.

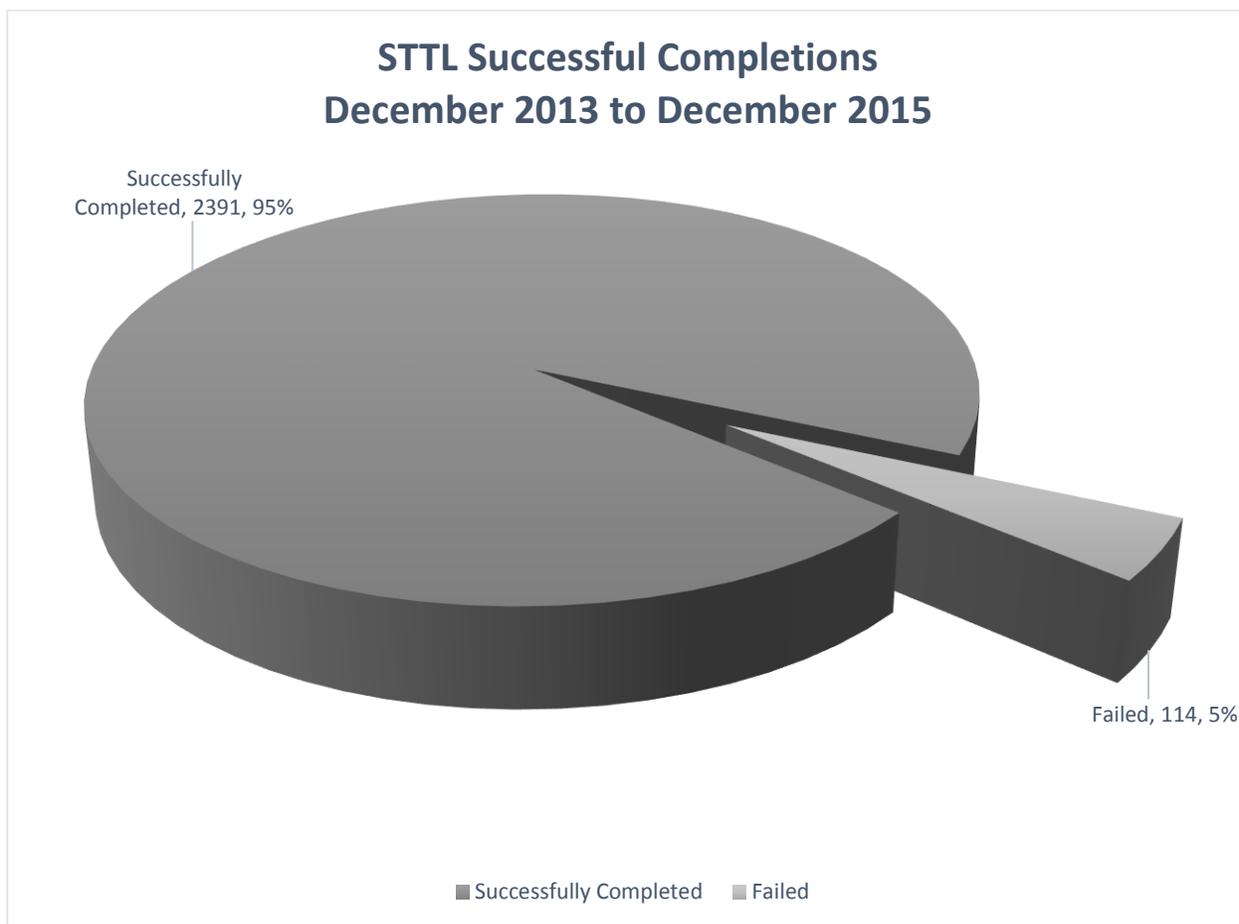


Figure 5: STTL Successful Completions

Figure 6 shows that 91% of STTL releases completed the program without receiving a jail sanction. 195 participants did receive a jail sanction which accounts for 9% of offenders released on STTL.

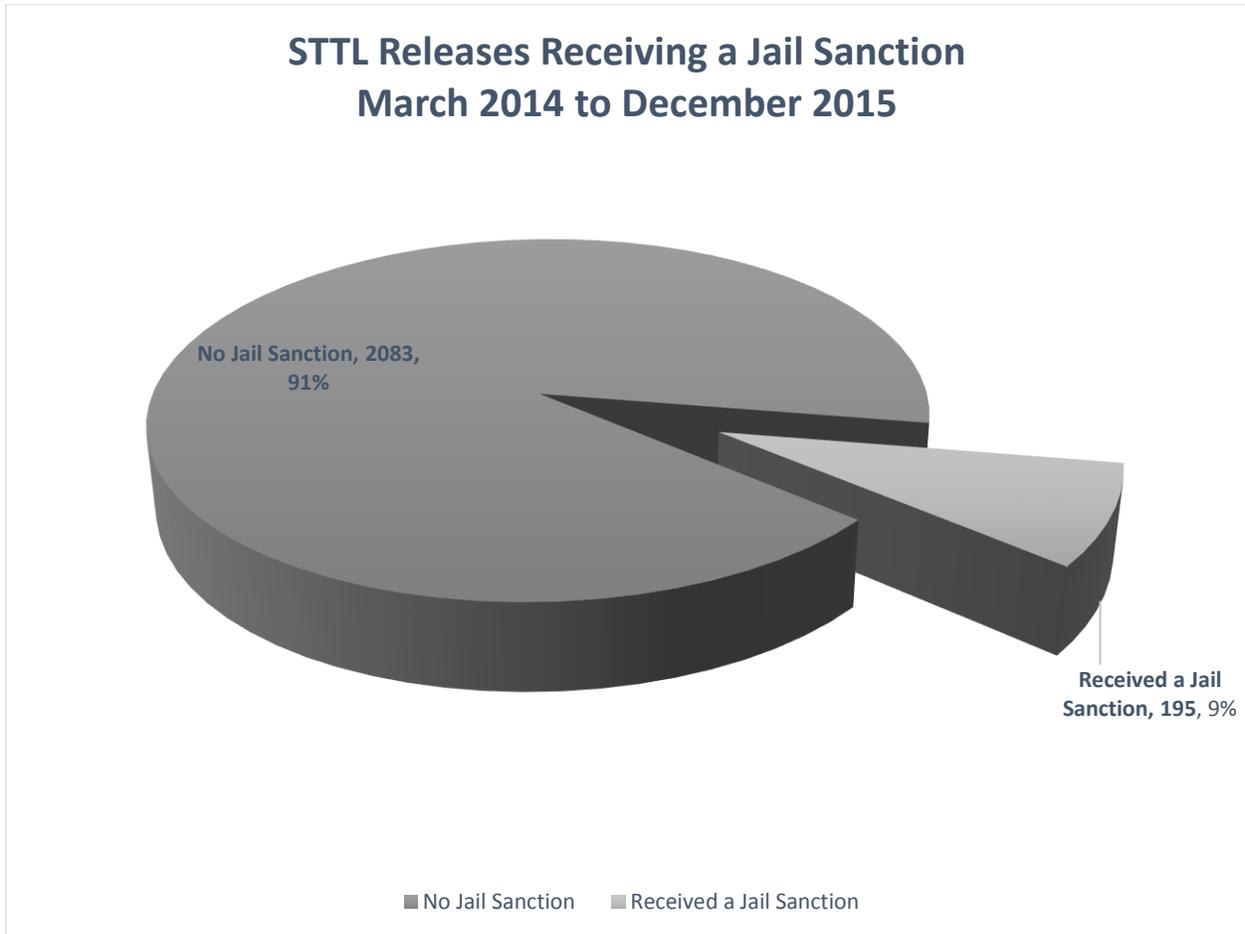


Figure 6: STTL Releases Receiving a Jail Sanction

Figure 7 shows the number of jail bed days used as sanctions for those on STTL, compared to the number of prison bed days saved for those participating in the program. From March 2014 to December 2015 there were 227 jail sanctions, with an average length of nearly 16 days, resulting in 3,112 jail bed days used. The 2,277 STTL releases account for 125,822 prison bed days saved from March 2014 to December 2015.

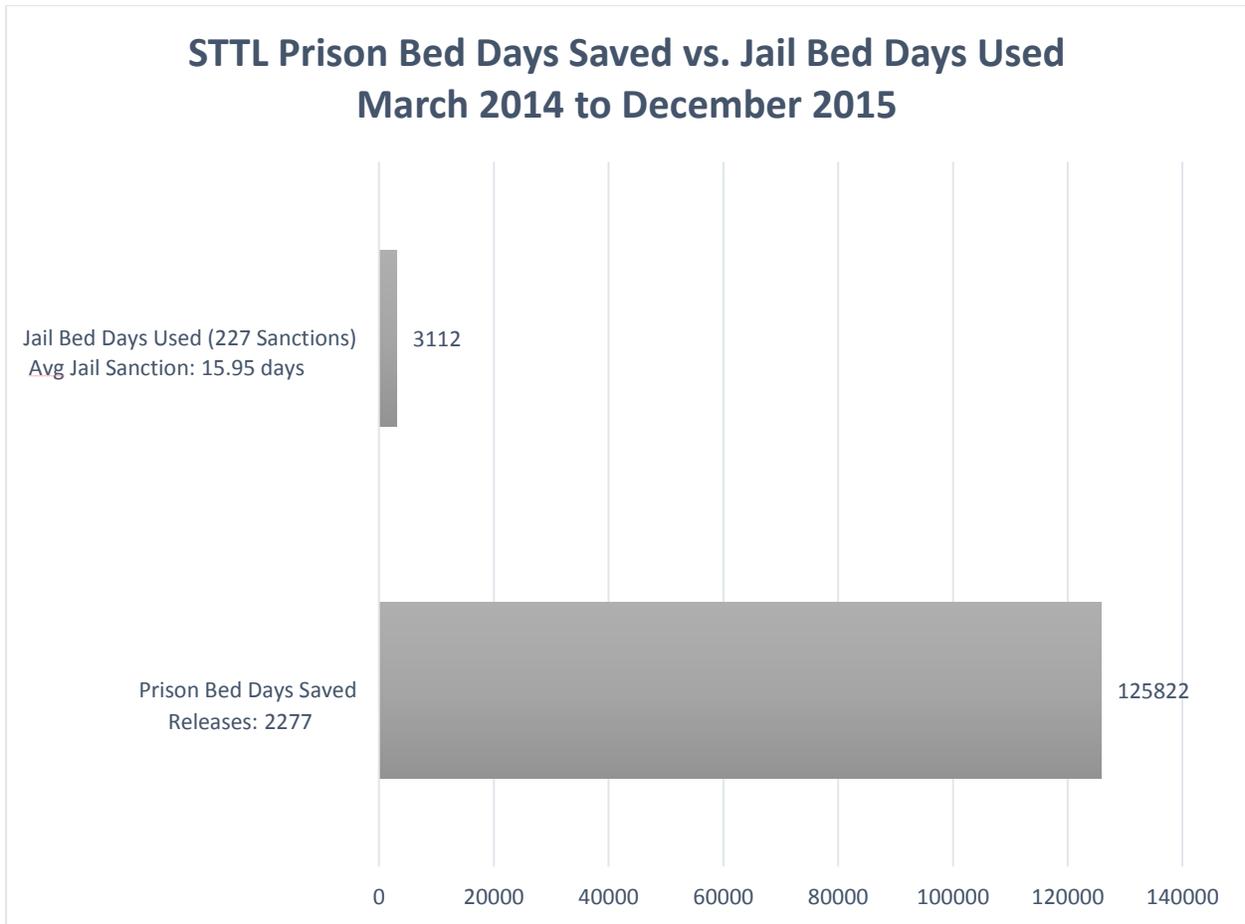


Figure 7: STTL Prison Bed Days Saved and Jail Bed Days Used

STTL Recidivism Analysis

Although HB 3194 went into effect in August of 2013, the first offenders eligible to benefit from the changes to the STTL program were not eligible for release until December of 2013. By aggregating all offenders who received STTL starting from that first month of eligible offenders and going out until October of 2014 we are able to evaluate a significant cohort of offenders in the community in order to determine if they are more, less or similarly likely to commit new crimes as compared to those that do not receive STTL. A longer term recidivism analysis of those in the STTL program is not yet possible to complete as enough time has not yet elapsed to evaluate the entire 3-year period necessary to fulfill the definition of recidivism contained in HB 3194.

Group Summary Statistics

The results in Table 1 compare summary statistics for those who participated in the STTL program to those who did not participate. STTL releases from December 2013 to October 2014 are included, and account for 1,033 inmates released to STTL. This group combines releases for the 30 and 90 day rules. A comparison group was comprised of inmates statutorily eligible for STTL who did not participate in the program. This includes releases from December 2013 to October 2014 and accounts for 2,312 releases. Inmates who are released after a mandatory minimum sentence are not eligible for STTL, and were not included in the comparison group. Additionally inmates who participated in the AIP (Alternative to Incarceration) program were not included in the comparison group. There are a wide range of factors that can result in an inmate not participating in STTL when they are statutorily eligible. Examples include discipline and behavior issues within the institution, treatment or other program failure in the institution, detainers, inadequate housing upon release, victim safety concerns, and inmate refusal to participate. DOC is in the process of updating their data system to capture the specific reasons of why an inmate does not participate in the STTL program. Currently this capability is not available, and there is not a way to determine the specific reasons of why an inmate was not able to participate.

The two groups displayed in Table 1 are the STTL releases, and the non-STTL releases who were statutorily eligible. These two groups are expected to be different, since there are specific reasons or circumstances as to why those in the statutorily eligible group did not participate in the program.

The summary statistics displayed in Table 1 include gender, ethnicity, average age, average PSC score, and crime type. The PSC (Public Safety Checklist)¹ score is a risk to recidivate score. The PSC is a static, automated risk assessment tool that was developed to predict the likelihood of a new felony conviction within three years of release from incarceration or imposition of probation. The PSC uses criminal history and demographic data to calculate a risk to recidivate score. Community Corrections Departments in Oregon started using the PSC in 2012 as an initial triage tool to define low, medium, and high risk to recidivate populations. Low risk to recidivate is defined as a score less than 25. Medium risk to recidivate is defined as a score greater than or equal to 25 and less than 42. High risk to recidivate is defined as a score greater than or equal to 42. The crime type variable identifies the crime type of the most serious conviction associated with the prison admissions. Crimes included in the other crime type include weapon use, felony DUII, and failure to appear.

This report displays statistical significance results based on statistical modeling and hypothesis testing. Statistical significance is determined by a probability threshold called a p-value. A p-value indicates the probability that an observed difference would have occurred due to chance. A low p-value indicates a low probability that an observed difference occurred by chance. A low p-value also results in the conclusion of a statistically significant difference. In this

¹ <https://risktool.ocjc.state.or.us/psc/>

report the statistical significance threshold is a p-value less than 5%, and the marginal significance threshold is a p-value less than 10%.

The results displayed in Table 1 show that the two groups are significantly different on the specific summary measures. The non-STTL releases group has a higher proportion of males, a high proportion of minority groups, a lower average age of about two years, and a higher average PSC score of almost two points. The non-STTL group also has a higher proportion of sex offenders, and to a lesser extent a higher proportion of property offenders. The difference between all of the measures is statistically significant, meaning that the difference observed is highly unlikely to have happened by chance.

Releases from December 2013 to October 2014	Non-STTL Releases, Statutorily Eligible (n=2312)	STTL Releases (n=1033)	Statistical Significance
Gender: Male	89.9%	81.4%	**
Ethnicity: Native American	2.6%	1.7%	**
Ethnicity: Asian	1.7%	1.2%	
Ethnicity: Hispanic	13.9%	5.3%	
Ethnicity: African-American	9.0%	11.2%	
Ethnicity: Caucasian	72.8%	80.5%	
Average Age	36.0	37.9	
Average PSC Score	31.7	29.9	**
Crime Type: Drug	15.2%	16.7%	**
Crime Type: Other	19.9%	21.4%	
Crime Type: Person	18.5%	19.6%	
Crime Type: Property	36.5%	35.7%	
Crime Type: Sex	10.0%	6.5%	

* marginal significance ($p < 0.10$)

** statistical significance ($p < 0.05$)

Table 1: Group Summary Statistics

The ethnicity category with the largest disparity across the STTL program is the Hispanic population. In order to better understand this disparity, detainer information was provided by the Department of Corrections. The most common detainers or holds that disqualify participation in the STTL program are out of state and immigration detainers. Table 2 below shows immigration holds by the ethnicity category. The immigration holds have the largest impact on the Hispanic population. Of the 322 Hispanic inmates that were statutorily eligible for the program, but did not participate, 186 had an immigration hold that prevented program participation. This accounts for the majority of the disparity in the Hispanic program across STTL program participation.

Releases from December 2013 to October 2014	Non-STTL Releases, Statutorily Eligible (n=2312)		STTL Releases (n=1033)	
	Immigration Hold	No Immigration Hold	Immigration Hold	No Immigration Hold
Ethnicity: Native American	0	59	0	18
Ethnicity: Asian	11	29	0	12
Ethnicity: Hispanic	186	136	0	55
Ethnicity: African-American	4	203	0	116
Ethnicity: Caucasian	20	1663	0	832

Table 2: STTL Program Participation and Immigration Holds

The results in Table 3 compare the ethnicity populations with the immigration holds removed for those who participated in the STTL program to those who did not participate. The difference across ethnicity is not statistically significant when those with an immigration hold are removed from the Non-STTL release group, meaning that differences observed are more likely to be by chance in our sample size.

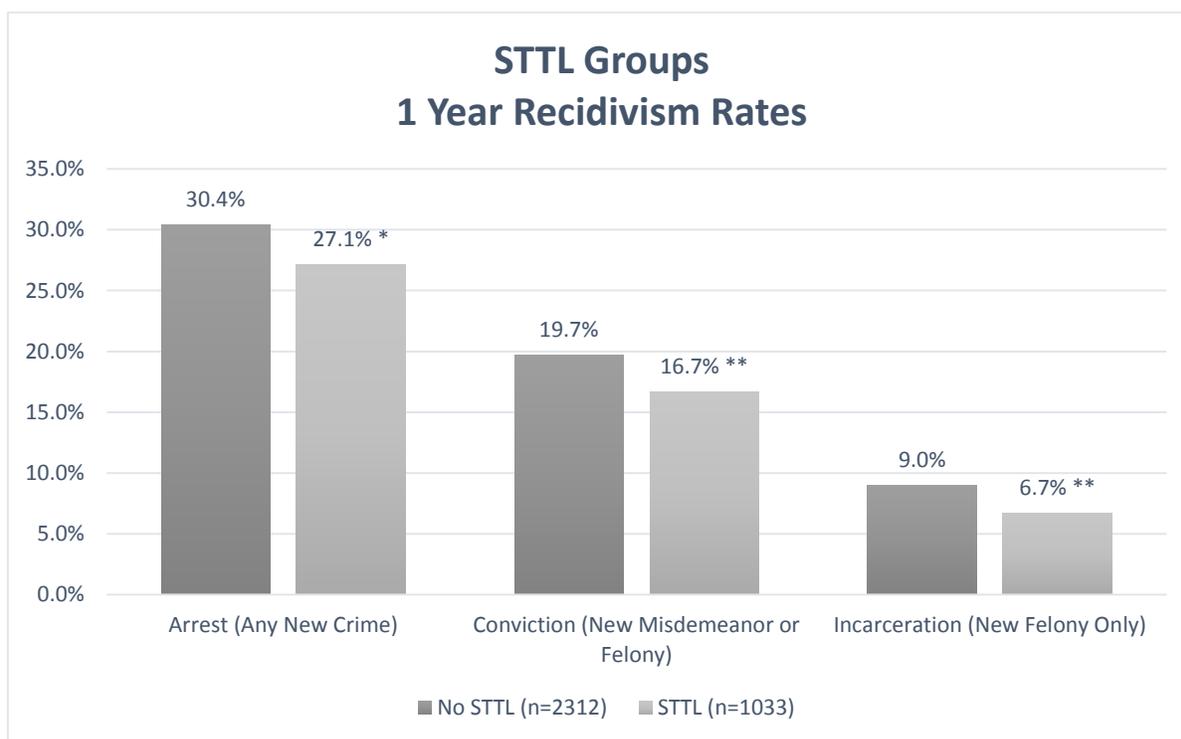
Releases from December 2013 to October 2014 Immigration Holds Removed	Non-STTL Releases, Statutorily Eligible (n=2090)	STTL Releases (n=1033)	Statistical Significance
Ethnicity: Native American	2.8%	1.7%	
Ethnicity: Asian	1.4%	1.2%	
Ethnicity: Hispanic	6.5%	5.3%	
Ethnicity: African-American	9.7%	11.2%	
Ethnicity: Caucasian	79.5%	80.5%	

Table 3: STTL Program Participation by Ethnicity with Immigration Holds Removed

STTL Groups Recidivism Results

Figure 8 shows the 1-year recidivism outcomes for the STTL groups. The previous section highlights the important differences between the groups. The differences in gender, ethnicity, age, average PSC score, and crime type are all statistically significant. The groups are also inherently different in that the reasons or circumstances that an inmate did not receive STTL are not accounted for in this data. The recidivism outcomes displayed reflect the statewide Oregon recidivism definition from House Bill 3194². The statistical tests for the recidivism outcomes do not account for the differences between the two groups in gender, ethnicity, age, average PSC score, and crime type.

The STTL group, or inmates released to STTL from December 2013 to October 2014, show a lower 1-year recidivism rate than the group that did not receive STTL. The 1-year incarceration rate for the non-STTL group is 9.0%, and for the STTL group it is 6.7%. This is a 25.4% drop in the 1-year recidivism rate for the STTL compared to the non-STTL group. This difference is statistically significant. The 1-year conviction rate for the non-STTL group is 19.7%, and for the STTL group it is 16.7%. This difference is also statistically significant shows and a 15.6% drop in the 1-year conviction rate for the STTL group compared to the non-STTL group. The 1-year arrest rate for the non-STTL group is 30.4% compared to 27.1% for the STTL group. This is an 8.4% drop in the recidivism rate, and is marginally significant.



* marginal significance ($p < 0.10$)

** statistical significance ($p < 0.05$)

Figure 8: STTL Groups 1 Year Recidivism Rates

² http://www.oregon.gov/cjc/justicereinvestment/Documents/Recidivism_Report_Nov_2015_Final.pdf

Matched Group Summary Statistics

The summary statistics comparing the two groups in Table 1 shows significant differences in gender, ethnicity, average age, average PSC score, and crime type. In order to control for these known variables a matched analysis was performed to see what difference that may make in our initial recidivism analysis of those receiving STTL compared to the non-STTL group. The disaggregation by these factors continues to show a statistically significant difference in statewide recidivism rates³. To account for these known differences between the two groups, a matching algorithm was used to find a “twin” for each STTL release in the non-STTL group. The group was matched on all of the summary measures, and out of 1033 STTL releases, matches were found for 983 inmates. Table 4 below shows the comparison between the two groups. Each group has the same proportion by gender, ethnicity, and crime type. The average PSC score is also the same, and the average age shows less than half a year difference. None of the differences in the summary measures are statistically significant. Even after this matching process the two groups are still inherently different due to the factors or circumstances that prevented those in the non-STTL group from participating in the program.

Releases from December 2013 to October 2014	Non-STTL Releases, Statutorily Eligible Matched Group (n=983)	STTL Releases (n=983)	Statistical Significance
Gender: Male	84.0%	84.0%	
Ethnicity: Native American	1.7%	1.7%	
Ethnicity: Asian	0.6%	0.6%	
Ethnicity: Hispanic	5.3%	5.3%	
Ethnicity: African-American	10.1%	10.1%	
Ethnicity: Caucasian	82.3%	82.3%	
Average Age	37.5	37.7	
Average PSC Score	30.2	30.2	
Crime Type: Drug	16.5%	16.5%	
Crime Type: Other	21.4%	21.4%	
Crime Type: Person	19.6%	19.6%	
Crime Type: Property	36.2%	36.2%	
Crime Type: Sex	6.3%	6.3%	

* *marginal significance (p<0.10)*

** *statistical significance (p<0.05)*

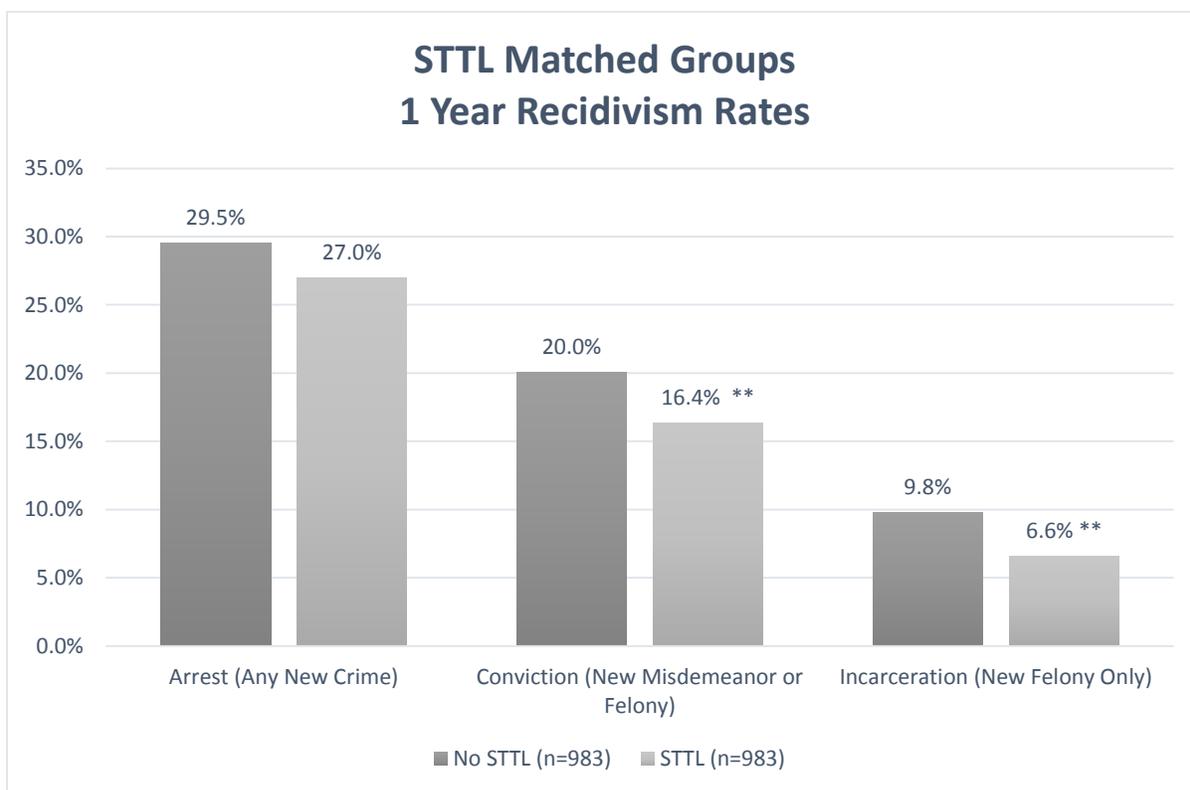
Table 4: Matched Group Summary Statistics

³ http://www.oregon.gov/cjc/justicereinvestment/Documents/Recidivism_Report_Nov_2015_Final.pdf

Matched STTL Groups Recidivism Results

Figure 9 shows the 1-year recidivism outcomes for the matched STTL groups. The groups have been matched on gender, ethnicity, age, average PSC score, and crime type, but are still inherently different because the reasons or circumstances that an inmate did not receive STTL are not accounted for in this data.

The STTL group, or inmates released to STTL from December 2013 to October 2014, shows lower 1-year recidivism rates than the matched group that did not receive STTL. The 1-year incarceration rate for the non-STTL group is 9.8%, and for the STTL group is 6.6%. This is a 32.3% drop in the 1-year recidivism rate for the STTL compared to the non-STTL group. This difference is statistically significant. The 1-year conviction rate for the non-STTL group is 20.0%, and for the STTL group is 16.4%. This difference is also statistically significant and shows an 18.3% drop in the 1-year conviction rate for the STTL group compared to the non-STTL group. The 1-year arrest rate for the non-STTL group is 29.5% compared to 27% for the STTL group. This is an 8.6% drop in the recidivism rate, however this difference is not statistically significant.



* marginal significance ($p < 0.10$)

** statistical significance ($p < 0.05$)

Figure 9: STTL Matched Groups 1 Year Recidivism Rates

Conclusion

Inmates who participate in the STTL program show lower 1-year recidivism rates than inmates who were statutorily eligible and did not participate. The 1-year conviction and incarceration rates are significantly lower for those who participated in the program. The 1-year arrest rates are not significantly different, but are directionally lower for those who participated in the program.

This report does not attempt to analyze the reason(s) why a lower recidivism rate is observed among those inmates who are eligible and receive STTL. Although it is possible that there are aspects of the STTL program itself that reduce recidivism, (e.g., the existence of the STTL program being an incentive for offenders to engage in better behavior and programming inside DOC institutions, or assuring that offenders transitioning back into the community have acceptable housing) it would be premature to arrive at that conclusion. However, it is certainly an area that may warrant studying further as the difference in recidivism rates is significant one year into the program. It should only be concluded from this report that inmates who meet the eligibility and qualification criteria to receive STTL have a lower recidivism rate than those who do not.

In the context of the passage of HB 3194, where the STTL program was expanded in order to curb increases in the DOC population, but to do so in a way that was responsible and in keeping with the goals of protecting the public and holding offenders accountable while decreasing recidivism rates among released offenders, it can be concluded that the STTL program has been a success.

Appendix

Releases from December 2013 to October 2014	Non-STTL Releases, Statutorily Eligible (n=2312)	STTL Releases (n=1033)	p-value	Statistical Significance	Statistical Significance Test
Gender: Male	89.9%	81.4%	<0.0001	**	Chi-Square Test
Ethnicity: Native American	2.6%	1.7%	<0.0001	**	Chi-Square Test
Ethnicity: Asian	1.7%	1.2%			
Ethnicity: Hispanic	13.9%	5.3%			
Ethnicity: African-American	9.0%	11.2%			
Ethnicity: Caucasian	72.8%	80.5%			
Average Age	36.0	37.9	<0.0001	**	T-test
Average PSC Score	31.7	29.9	<0.0001	**	T-test
Crime Type: Drug	15.2%	16.7%	0.0175	**	Chi-Square Test
Crime Type: Other	19.9%	21.4%			
Crime Type: Person	18.5%	19.6%			
Crime Type: Property	36.5%	35.7%			
Crime Type: Sex	10.0%	6.5%			

* marginal significance (p<0.10)

** statistical significance (p<0.05)

Releases from December 2013 to October 2014	Non-STTL Releases, Statutorily Eligible (n=983)	STTL Releases (n=983)	p-value	Statistical Significance	Statistical Significance Test
Gender: Male	84.0%	84.0%			
Ethnicity: Native American	1.7%	1.7%			
Ethnicity: Asian	0.6%	0.6%			
Ethnicity: Hispanic	5.3%	5.3%			
Ethnicity: African-American	10.1%	10.1%			
Ethnicity: Caucasian	82.3%	82.3%			
Average Age	37.5	37.7	0.7648		T-test
Average PSC Score	30.2	30.2	0.9798		T-test
Crime Type: Drug	16.5%	16.5%			
Crime Type: Other	21.4%	21.4%			
Crime Type: Person	19.6%	19.6%			
Crime Type: Property	36.2%	36.2%			
Crime Type: Sex	6.3%	6.3%			

* marginal significance (p<0.10)

** statistical significance (p<0.05)

1 Year Recidivism Rates Releases from December 2013 to October 2014	Non-STTL Releases, Statutorily Eligible (n=2312)	STTL Releases (n=1033)	p-value	Statistical Significance	Statistical Significance Test
Arrest (Any New Crime)	30.4%	27.1%	0.0528	*	Chi-Square Test
Conviction (New Misdemeanor or Felony)	19.7%	16.7%	0.0355	**	Chi-Square Test
Incarceration (New Felony Only)	9.0%	6.7%	0.0272	**	Chi-Square Test

* marginal significance ($p < 0.10$)

** statistical significance ($p < 0.05$)

1 Year Recidivism Rates Releases from December 2013 to October 2014	Non-STTL Releases, Statutorily Eligible (n=983)	STTL Releases (n=983)	p-value	Statistical Significance	Statistical Significance Test
Arrest (Any New Crime)	29.5%	27.0%	0.0210		Chi-Square Test
Conviction (New Misdemeanor or Felony)	20.0%	16.4%	0.0354	**	Chi-Square Test
Incarceration (New Felony Only)	9.8%	6.6%	0.0108	**	Chi-Square Test

* marginal significance ($p < 0.10$)

** statistical significance ($p < 0.05$)