



Data Briefing

Oregon Criminal Justice Commission

7 November 2023

Key Takeaway

At three years post-exit, individuals completing or graduating from a specialty court have a recidivism rate of 25 percent. This is a lower rate than those who participate in a specialty court, but are discharged or terminated (59 percent), and lower than the rate for those who are referred, but do not enter a specialty court program (65 percent).

Recidivism in Oregon Specialty Courts

This is the first recidivism analysis for specialty court participants in Oregon, authored by the Oregon Criminal Justice Commission (CJC) with the assistance of state agency partners. Specialty courts provide an alternative to incarceration through court-directed supervision and mandated treatment for individuals with substance use or mental health issues underlying their involvement in the criminal legal system.

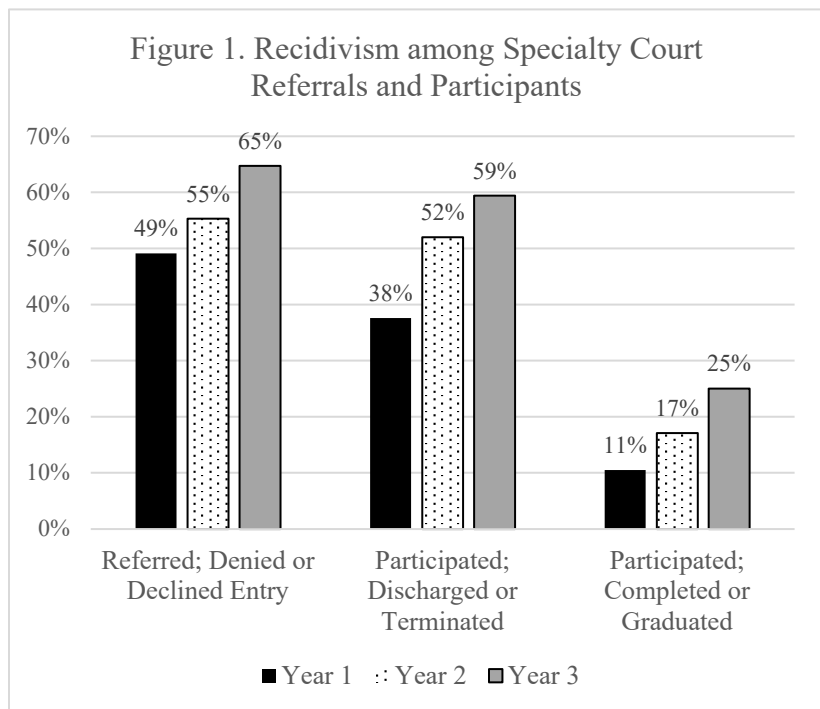
ORS 423.557 defines recidivism as the arrest, conviction or incarceration of a person who has previously been convicted of a crime, if the arrest, conviction, or incarceration is for a new crime and occurs: (a) Three years or less after the date the person was convicted of the previous crime; or (b) 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.

The CJC uses data from the Oregon State Police (OSP), the Oregon Judicial Department (OJD), and the Oregon Department of Corrections (DOC) to analyze recidivism. Law Enforcement Data Systems (LEDS) data from OSP allows the CJC to query arrests for which the individual was fingerprinted, which is required in arrests for felony crimes, drug crimes, as well as sex offenses. Importantly, arrests that do not require fingerprinting are omitted from the CJC's recidivism analysis. Data from OJD includes circuit court data, allowing the tracking of misdemeanor and felony convictions. OJD also provided the list of identified specialty court participants and their SID numbers, pursuant to data use agreements, as these individuals constitute the population analyzed within this report and these identifying details being necessary to link individuals across data streams. Finally, DOC data allows the CJC to track incarceration and supervision for individuals.

For the purposes of this analysis, exiting a specialty court is equated to a release from custody, as it represents the end of the specialty court program's oversight as well as the end of court-facilitated treatment for an individual. For the purposes of this analysis, the CJC analyzed the following groups: (1) the first group contains those individuals referred, but who declined entry or who were denied entry into a local program; (2) the second group contains those individuals who were referred and participated, at some level in a program, although they were discharged or terminated from the program before completion; and (3) the third group contains those who were referred, participated, and ultimately completed or graduated from a specialty court program. Importantly, a limitation exists with this methodology, as the CJC cannot determine reasons individuals were denied entry to a specialty court or terminated from a program early. Some courts, for example, may be unable to accept a client due to the severity or type of their charge, or for another reason such as the individual referred having absconded. As a result, care should be taken in generalizing comparisons made within this analysis, as comparisons are provided as important context for current findings only.

Referrals and participants who exited an Adult Drug Court, Mental Health Court, DUII Court, or Veteran’s Treatment Court on or after January 1, 2020, are included in this analysis and these results are likely influenced by reductions in traffic stops, arrests, and other public safety touchpoints during the COVID-19 pandemic¹. Further, the implementation of Oregon’s Measure 110 in February 2021 may also have played a role in modifying recidivating events common to the specialty court population in Oregon, although the effect does not completely account for the broader downturn in recidivism across other tracked cohorts in the state². The CJC tracks recidivism cohorts for those individuals released from incarceration or sentenced to probation, with these outcomes approximating the criminal justice system trajectory of many specialty court participants, but for their participation in the program. Individuals may overlap between these tracked cohorts and the grouping of specialty court referrals in this analysis who were referred but then either denied entry or declined to participate, and as a result, can be understood as a subset of the larger recidivism cohorts.

Turning to overall recidivism rates, Figure 1 illustrates rates of recidivism for each group under review, (1) those who were referred but did not enter a specialty court program, (2) those who participated in a specialty court program but were discharged or terminated early, and (3) those who participated and completed or graduated from a specialty court program. At three years post-exit, those individuals who participated and completed or graduated from a specialty court program have the lowest recidivism rate, at 25 percent, which is lower than the recidivism rate for those who participated but did not complete a specialty court



program (59 percent) and lower than the rate of the group of individuals referred but not entering a specialty court program (65 percent). Stated another way, about 75 percent of the individuals who graduated from a specialty court or completed a specialty court program without graduating did not have a recidivating event in the three-year period following their exit from the specialty court.

¹ https://www.oregon.gov/cjc/CJC%20Document%20Library/COVID_impacts_part1.pdf

² https://www.oregon.gov/cjc/CJC%20Document%20Library/Recidivism_Report_May_2023.pdf