House Bill 3078 (2017) Report

February 1, 2021



Oregon Criminal Justice Commission

Ken Sanchagrin
Executive Director

The mission of the Oregon Criminal Justice Commission is to improve the legitimacy, efficiency, and effectiveness of state and local criminal justice systems.

Table of Contents

Executive Summary iii

List of Figures and Tables v

1. Background 1

2. Individual Components of House Bill 3078 2

2.1. Family Sentencing Alternative Pilot Program (FSAPP) 2

2.2. Short-Term Transitional Leave (STTL) 4

2.3. Sentencing and Supervision for Property Offenses 6

2.4. Justice Reinvestment Supplemental Grant Fund 7

3. Conclusion 11

Appendix 13

Executive Summary

In the 2017 legislative session, the legislature passed and the Governor signed House Bill 3078. Section 10 of this bill requires the Oregon Criminal Justice Commission (CJC) to study the impact of this legislation on "prison utilization, recidivism and public safety," and to report the results by February 1 of each year. This is the fourth annual report and second report after one full biennium of implementation.

The estimated prison bed impacts of the changes attributable to HB 3078 were included in the most recent Oregon Corrections Population Forecast prepared by the Office of Economic Analysis (October 1, 2020). Beginning in March 2020, the COVID-19 pandemic has resulted in a substantial drop in prison intakes and the prison population. This impact is shown in the prison population and additional prison use measures in this report. The estimated impact of HB 3078 is a significant reduction in prison utilization, particularly for the female prison population. Specifically, as of January 1, 2021, the female prison population dropped to 912 adults in custody and the October 2020 forecast predicts a population below 1,100 over the next 10 years. Therefore, at this time, an additional female corrections facility will not be required within the 10-year window of the prison forecast. Similarly, as of January 1, 2021, the male population was 11,830 adults in custody and the October 2020 forecast predicts a population below 13,000 over the next 10 years. Based on the October 2020 forecast, the additional male corrections facility in Junction City will not be required within the 10 year forecast window.

To accomplish reductions in the prison population, HB 3078 enacted several changes within the criminal justice system. First, Section 2 of the bill removed some of the restrictions that previously prevented otherwise eligible offenders from participating in the Family Sentencing Alternative Pilot Program (FSAPP) (applicable to sentences imposed on or after August 8, 2017). The statutory changes to FSAPP eligibility have contributed to an increased number of Oregon families benefitting from the unique opportunities, services, and support FSAPP provides. Since the inception of the pilot in January 2016, 212 individuals have participated in the program. Together, these participants are the primary caregivers to 391 minor children who would otherwise likely be involved in the foster system. The CJC has completed a preliminary analysis of the efficacy of FSAPP, and the results show that FSAPP participation was associated with lower rates of recidivating or revocation events.

Second, Sections 3 and 4 of HB 3078 increased the maximum amount of time that the DOC can grant short-term transitional leave (STTL) to individuals reentering the community from 90 days to 120 days (applicable to sentences imposed on or after January 1, 2018). In total, 435 females and 2,267 males have participated in the 120-day program. This number is expected to increase as more participants with sentences imposed on or after January 1, 2018 enter the STTL program.

Third, Section 5 of the bill changed sentences for Identity Theft and Theft in the First Degree for sentences imposed on or after January 1, 2018. Identity Theft and Theft in the First Degree were essentially removed from the sentencing structure created by Measure 57. This report provides a summary of prison intakes and average length of stay (LOS) in months for both crimes by gender. In general, first sentence length of stay for both crimes have decreased for males and females, indicating the sentencing change is having the intended impact.

Fourth, Sections 7 and 9 of the bill appropriated $7 million in grant funds for downward departure prison diversion programs in the 2017-19 biennium and $7.26 million for the 2019-21 biennium. These funds were distributed to counties through a grant program administered by the CJC with preference given to counties with newly established programs. The CJC created an application and review process and selected twelve counties to receive this Supplemental Justice Reinvestment Funding in the 2017-19 biennium and 15 in the 2019-21 biennium. This report provides a summary of prison usage for the 15 counties for property, drug, and driving crimes by gender. While the data regarding the success of the

grant in reducing prison usage is equivocal at an individual county level, collectively, the supplemental counties have reduced prison usage more than counties not receiving this additional funding.

In summary, HB 3078 enacted a number of reforms designed to address prison usage, public safety, and recidivism in Oregon. As shown by the prison population trends and the predicted prison trends included in the October 2020 Prison Forecast, HB 3078 has reduced the prison population, particularly for females, and will continue to reduce the prison population in the years to come. The CJC will continue to monitor prison use, recidivism, and program participation trends to evaluate future impacts from HB 3078.

List of Figures and Tables

Figure 1. Female Prison Population and Forecasts 1

Figure 2. Male Prison Population and Forecasts 2

Figure 3. 2019-2020 Female STTL Participants 5

Figure 4. 2019-2020 Male STTL Participants 5

Figure 5a. JRI Prison Use Compared to Baseline (Large Counties) 9

Figure 5b. JRI Prison Use Compared to Baseline (Small Counties) 9

Figure 6a. JRI Prison Use by Convictions (Large Counties) 10

Figure 6b. JRI Prison Use by Convictions (Small Counties) 10

Figure 7. JRI Prison Use by Supplemental and Non-Supplemental Counties 11

Table 1. FSAPP Participants by County 3

Table 2. FSAPP Recidivism Outcomes 4

Table 3. 2016-2020 First Sentence Prison Intakes and Length of Stay by Gender 6

Table 4. 2016-2020 Probation Revocation Prison Intakes and Length of Stay by Gender 7

Table 5. Combined 2019-2020 Prison Intakes for Property, Drug, and Driving Crimes 8

Table A1. Female Justice Reinvestment Prison Usage 13

Table A2. Male Justice Reinvestment Prison Usage 13

Table A3. Justice Reinvestment Prison Use, Total Convictions, and Prison Use by Convictions 14

Table A4. JRI Prison Use by Supplemental and Non-Supplemental Counties 14

Table A5. 2016-2020 Female Prison Intakes and Length of Stay for Property, Drug, and Driving Crimes 14

Table A6. 2016-2020 Male Prison Intakes and Length of Stay for Property, Drug, and Driving Crimes 15

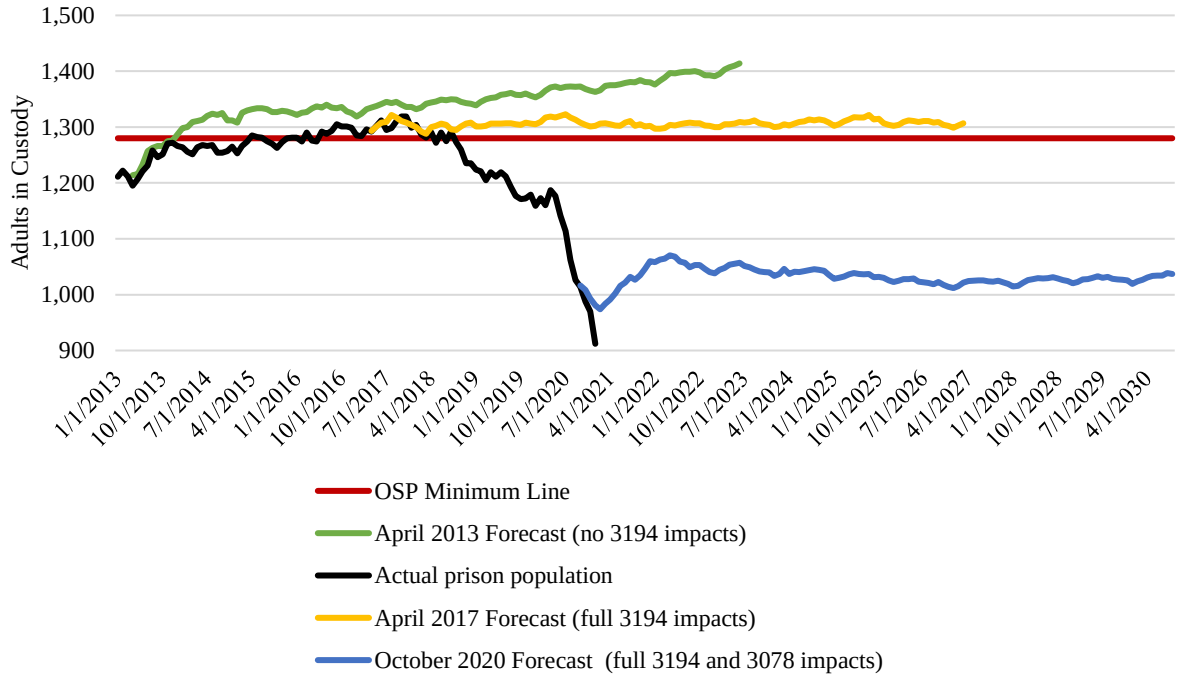
1. Background

During the 2017 legislative session, the legislature passed and the Governor signed House Bill 3078. Section 10 of this bill required the Oregon Criminal Justice Commission (CJC) to study the impact of this legislation on "prison utilization, recidivism, and public safety," and to report the results annually on February 1. This is the fourth annual report.

The prison bed impact of the changes is reflected in the most recent (October 1, 2020) Oregon Corrections Population Forecast[1] prepared by the Office of Economic Analysis. The estimated impact predicts an increased prison utilization reduction, particularly for the female prison population. Figures 1 and 2 below compare the Corrections Population Forecast with and without the estimated impact of HB 3078. The April 2017 Forecast represents the forecast before the passage of HB 3078, and the October 2020 Forecast is the most recent, with the HB 3078 changes factored in. Beginning in March 2020, the COVID-19 pandemic has resulted in a substantial drop in prison intakes and the prison population which is also reflected in the October 2020 Forecast.

The figure below displays the female prison population and forecasts to 2030, ten years into the future. The Oregon State Penitentiary (OSP) Minimum facility is currently empty, and will need to become operational when the female population is consistently above 1,280 adults in custody. This threshold has been cited as the point at which the OSP Minimum facility would need to be brought online to accommodate the female prison population. As denoted in Figure 1, the actual female prison population crested the threshold of 1,280 adults in custody in April 2015 and remained above or close to above that line until September 2018. The months following September 2018 have seen a continued decline in the female prison population to 912 adults in custody as of January 2021, a level not seen since 2004.

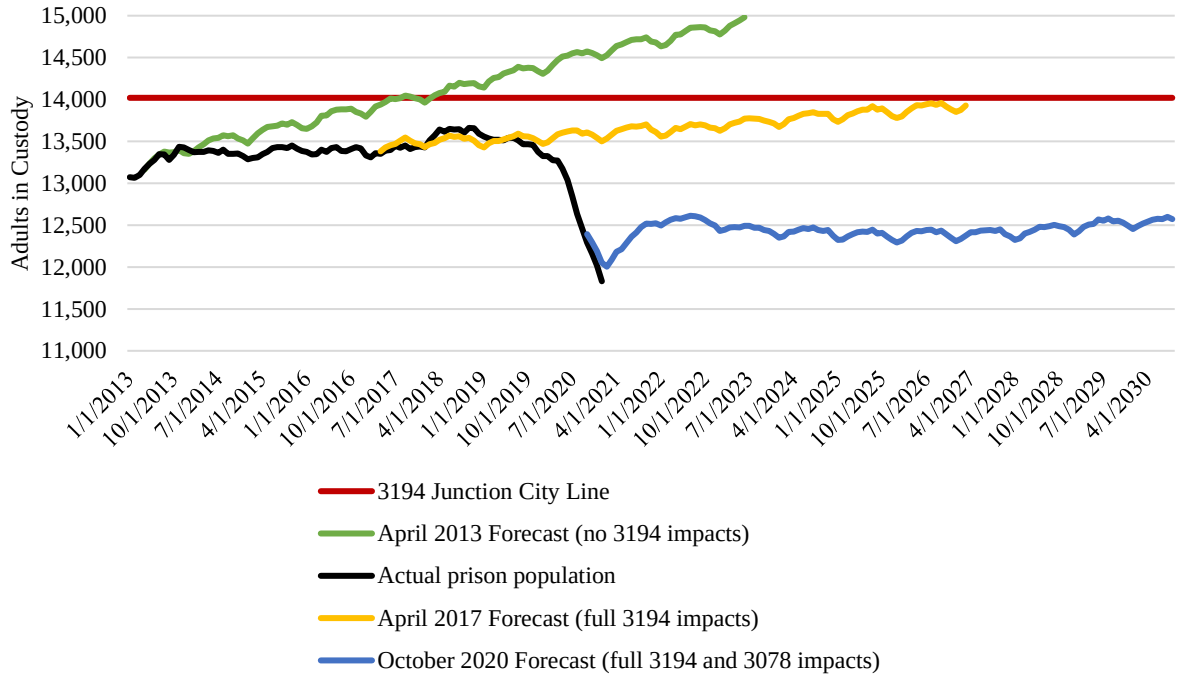
Figure 1. Female Prison Population and Forecasts



[1] https://www.oregon.gov/das/OEA/Documents/DOCForecast202010.pdf

Figure 2 displays the male prison population and forecasts. If the male population grows to 14,020, a facility in Junction City will need to become operational, which will require new prison construction. Based on the April 2013 forecast, the Junction City facility would have opened in September 2017. Based on the current actual prison population, as well as the predicted population found in the October 2020 forecast, the Junction City facility will not be required within the 10-year forecast window. Similar to the trends discussed previously for females, the population reduction in the October 2020 forecast for males is the result of the estimated prison bed savings of HB 3078, as well as the COVID-19 pandemic beginning in March 2020.

Figure 2. Male Prison Population and Forecasts



2. Individual Components of House Bill 3078

House Bill 3078 had several components designed to reduce prison utilization. First, it expanded two programs, the Family Sentencing Alternative Pilot Program (FSAPP) and the Short Term Transitional Leave (STTL) program. Second, the bill made several changes to sentencing and supervision for two property offenses, Theft in the First Degree and Identity Theft. Third, it created a Supplemental Justice Reinvestment Grant Program administered by the CJC. Each of these changes will be examined in turn below.

2.1. Family Sentencing Alternative Pilot Program (FSAPP)

House Bill 3503 (2015) established the Family Sentencing Alternative Pilot Program (FSAPP), a community supervision program for eligible non-violent individuals facing prison sentences who were also primary parents of minor children. The aim of FSAPP was to allow individuals to continue their parenting role by being diverted from prison and participating in intensive supervision, treatment, and programs geared toward parenting and families. Through this, the program promotes the unification of families, prevents children from entering the foster care system, and reduces the chances individuals and

their children will become involved in the criminal justice system in the future. Five counties are participating in the pilot: Deschutes, Jackson, Marion, Multnomah, and Washington.

HB 3078 removed some of the restrictions that previously prevented otherwise eligible offenders from participating in the Family Sentencing Alternative Pilot Program (FSAPP). The changes to FSAPP apply to sentences on or after the effective date of HB 3078 on August 8, 2017. The statutory changes have contributed to an increased number of Oregon families benefitting from the unique opportunities, services, and support FSAPP provides.

FSAPP is intended to be a collaborative effort between the Oregon Department of Corrections (ODOC), Oregon Department of Human Services (ODHS), circuit courts, and community corrections agencies within the counties identified as participants in the program pilot. The pilot began in January of 2016. Data regarding program participants as of January 2021 are reported in Table 1. Since the inception of FSAPP, 212 individuals have participated in the program. In addition, these participants have a total of 391 children. DHS data from 2020 shows 91 percent of program participants had a child welfare referral/history, and 64 percent had a current open case with child welfare.

Table 1. FSAPP Participants by County

County	Participants	Children
Washington	Females: 43 Males: 12	107
Jackson	Females: 32 Males: 1	56
Deschutes	Females: 18 Males: 8	58
Marion	Females: 30 Males: 28	95
Multnomah	Females: 29 Males: 11	75
Total	Females: 152 Males: 60 Overall: 212	391

The CJC completed a statistical analysis in February 2020 of the efficacy of FSAPP based on a rigorous, matched comparison with non-FSAPP individuals. The conclusions of this preliminary evaluation may shift once the pilot program has concluded, the pilot program data set is complete, and the analysis is finalized. With these caveats in mind, the results suggest that the program is effective in reducing recidivism or revocation.

As seen in Table 2, FSAPP participation was associated with lower rates of recidivating or revocation events. The main results of the analysis are in the fourth column, entitled Average Treatment Effect. This may be interpreted as follows: if the FSAPP program were universally applied in each of the five pilot counties, the recidivism/revocation rate for non-violent, primary parents would be expected to decline by the given amount. These results were robust for both a 3-year and a 2-year outcome measure, for each of the two subsets evaluated: individuals who have been in FSAPP for at least 2 years and individuals who have been in FSAPP for at least 1 year. When using a 1-year outcome measure, the results become less statistically significant but remain negative across both subsets, which indicates a reduction in recidivism or revocations.

These results suggest that the FSAPP program appears to become more effective over time. In the first year after FSAPP entry, FSAPP participants are expected to have a lower recidivism/revocation rate than

the non-FSAPP control, but these differences are not as large as the 2-year and 3-year outcomes. The impact becomes greater and more statistically significant, however, with longer measures of recidivism/revocation.

Table 2. FSAPP Recidivism Outcomes

Outcome	Included in Evaluation Sample	FSAPP Participants Included in Analysis[†]	Average Treatment Effect	Non-FSAPP Predicted Mean	FSAPP Predicted Mean
3-year Recidivism or Revocation	2 years or more	118	-17.2%***	62.5%	45.3%
	1 year or more	160	-12.7%***	61.7%	48.9%
2-year Recidivism or Revocation	2 years or more	118	-13.5%***	57.2%	43.7%
	1 year or more	160	-9.6%*	57.7%	48.1%
1-year Recidivism or Revocation	2 years or more	118	-7.9%*	47.2%	39.3%
	1 year or more	160	-4.4%	48.3%	43.9%

*95% confidence level, **99% confidence level, ***99% confidence level

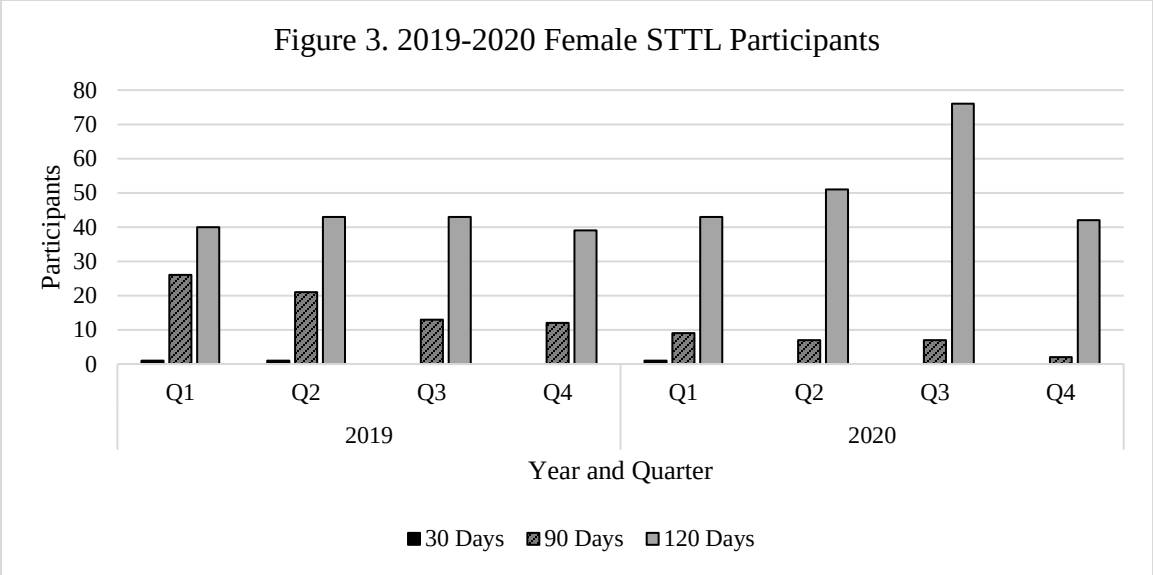
[†]At time of evaluation, the FSAPP spreadsheets were tracking 199 total participants since program inception in 2016

2.2. Short-Term Transitional Leave (STTL)

The Short-Term Transitional Leave (STTL) Program allows adults in custody to serve the final 30, 90, or 120 days of their prison sentence in the community. While the program has been in existence for some time, two significant changes were made by HB 3194 in 2013 (see Sections 13 and 14). First, HB 3194 increased the amount of time an individual spends on STTL from 30 to 90 days (applicable to sentences imposed on or after August 1, 2013). Second, HB 3194 also changed the process by which adults in custody apply for STTL. Prior to HB 3194, eligible adults in custody had to submit a transition plan and instigate the process of applying for short-term transitional leave on their own. HB 3194, however, required the Department of Corrections (DOC) to identify adults in custody eligible for STTL and to assist them in preparing their transition plans. This change has led to a significant increase in the number of participants in the program.

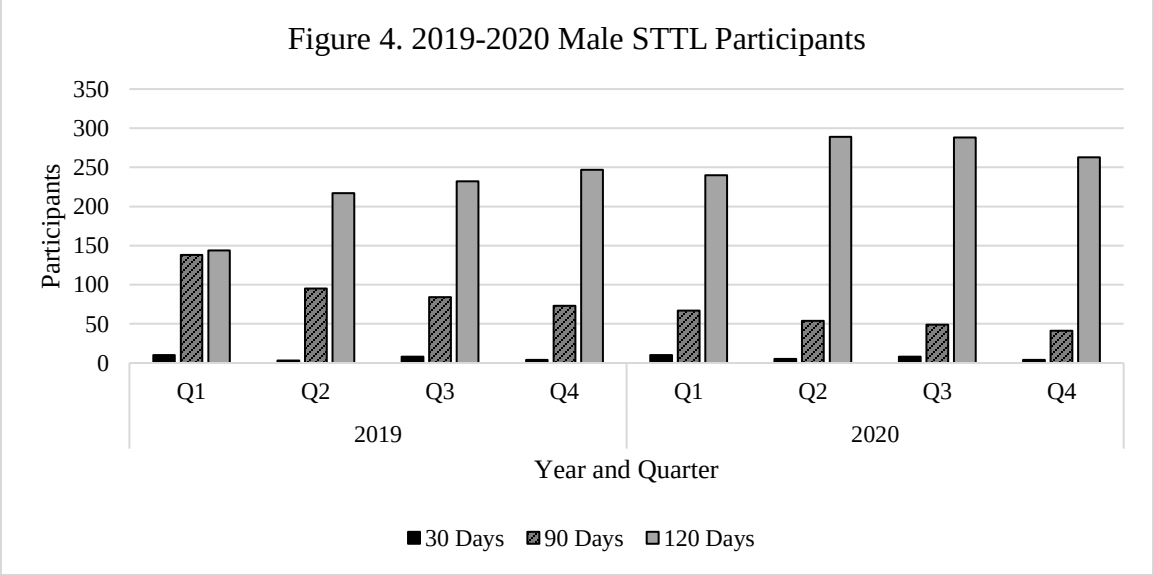
HB 3078 in 2017 made further changes to STTL by increasing the maximum amount of STTL time from 90 days to 120 days (applicable to sentences imposed on or after January 1, 2018). HB 3078 also provided some restrictions on STTL eligibility by mandating that STTL is not allowed for individuals sentenced under: ORS 137.690 (Major Felony Sex Crimes), ORS 164.061 (Aggravated Theft 1 from a victim over 65), ORS 475.907 (Drug Delivery to a Minor), ORS 475.925 and ORS 475.930 (Substantial Drug Quantity Delivery), or ORS 813.011 (Felony DUII).

Figure 3 shows quarterly female participants in the STTL program by the 30-, 90-, and 120-day rules. In total, 435 females have participated in the 120-day program, and that figure is expected to continue to increase as more participants sentenced on or after January 1, 2018 are released from custody. Notably, as of January 1, 2021 there were 73 fewer female adults in custody at a DOC institution as a result of the STTL program (including all participants for the entirety of the program).



As shown in Figure 3, although sentencing is now taking place under the 120-day rule, people who received long enough sentences before August 1, 2013 are still receiving 30- day releases at the end of their sentences, and people who received long enough sentences before January 1, 2018 are still receiving 90-day releases at the end of their sentences. This is due to the difference in individual sentence lengths. Therefore, it is expected that the program will continue to see individuals released on these different STTL program lengths into the future. As expected, the number of participants in the 120-day release has increased as more participants are eligible, having been sentenced on or after Jan 1, 2018.

Figure 4 reports quarterly male participants in the STTL program by the 30-, 90-, and 120-day rules. In total, 2,267 males have participated in the 120-day program and this is expected to increase as more participants are released who were sentenced on or after January 1, 2018. As of January 1, 2021 there were 397 fewer male adults in custody at a DOC institution as a result of STTL (including all participants for the entirety of the program).



Similar to Figure 3, Figure 4 shows that 30- and 90-day releases are still present in the distribution of releases for male STTL participants. 30-day releases remain low and steady, due again to the existence of longer sentences decided before August 1, 2013. 90-day releases seem to be decreasing as 120-day releases have become more common. The CJC expects, however, that the data will continue to show 90-day releases into the near future.

For more detailed information, the CJC maintains an interactive data page for STTL that is updated monthly.[2] State and county figures display the number of participants, successful completions, prison bed days saved, and jail bed days used. Further, the CJC also releases an annual report examining recidivism for STTL participants, the most recent of which was released on January 31, 2020.[3]

2.3. Sentencing and Supervision for Property Offenses

HB 3078 made several changes to the sentences for Theft in the First Degree (ORS 164.055) and Identity Theft (ORS 165.800) (applicable to sentences on or after January 1, 2018). In short, these two offenses were essentially removed from the sentencing structure created by Measure 57. Tables 3 and 4 show female and male prison intakes and average length of stay (LOS) for these two crimes from 2016 to 2020, respectively. Beginning in March 2020, the COVID-19 pandemic has resulted in a substantial drop in prion intakes and this impact is reflected in the tables below. The changes through 2019 are discussed below.

Table 3. 2016-2020 First Sentence Prison Intakes and Length of Stay by Gender

	Intakes					Length of Stay (Months)				
	2016	2017	2018	2019	2020	2016	2017	2018	2019	2020
Female										
ID Theft	43	46	29	33	15	20.1	17.6	16.3	11.6	11.2
Theft 1	49	36	27	26	11	18.1	14.6	11.8	11.7	12.0
Male										
ID Theft	86	119	86	55	30	20.9	20.0	17.9	13.7	10.7
Theft 1	115	136	115	85	49	19.8	19.7	15.0	10.3	10.7

Table 3 shows first sentence female and male prison intakes and lengths of stay for Identity Theft and Theft in the First Degree. For females, first sentence prison intakes for ID Theft increased from 29 intakes in 2018 to 33 intakes in 2019. While this does reflect a year-on-year increase this is likely due to the fact that yearly counts are fairly low and are variable. The number of intakes in 2019 is still considerably lower than it was in 2016. The average length of stay in months (LOS) for first sentence prison intakes of females for ID Theft has decreased from 16.3 in 2018 to 11.6 in 2019. For females, first sentences for Theft in the First Degree have decreased considerably from 2016 to 2019. The yearly counts are fairly low and have more variability, but this initial summary measure shows a trend of fewer first sentence prison intakes for Theft in the First Degree for females, as would be expected with the law change in HB 3078. The average LOS for first sentences has steadily decreased from 2016 to 2019 as would be expected with the sentencing changes in HB 3078.

For males, first sentences prison intakes for ID Theft have decreased from 86 in 2018 to 55 in 2019. The average LOS for first sentences has steadily decreased as well from 2016 to 2019. For males, prison intakes of first sentences for Theft in the First Degree have decreased from 115 in 2018 to 85 in 2019. Intakes for both ID Theft and Theft in the First Degree continued to drop and the 2019 numbers are the

[2] https://www.oregon.gov/CJC/SAC/Pages/sttl.aspx
[3] https://www.oregon.gov/cjc/CJC%20Document%20Library/2020STTLReport.pdf

lowest in this five-year window. The average LOS for first sentences for Theft in the First Degree has decreased from 15.0 months in 2018 to 10.3 months in 2019.

Table 4. 2016-2020 Probation Revocation Prison Intakes and Length of Stay by Gender

	Intakes					Length of Stay (Months)				
	2016	2017	2018	2019	2020	2016	2017	2018	2019	2020
Female										
ID Theft	25	36	18	20	8	17.0	17.5	10.8	12.9	20.1
Theft 1	23	27	21	13	17	14.5	13.3	13.5	14.7	14.4
Male										
ID Theft	50	49	42	29	20	20.3	17.2	15.4	21.0	14.3
Theft 1	80	81	69	40	20	14.8	14.7	14.2	13.3	12.5

Table 4 shows probation revocation female and male prison intakes and lengths of stay for Identity Theft and Theft in the First Degree. While a change in probation revocations is not expected as a direct result of the law change, it's an important function of prison use for these specific crimes. Given the drop in first sentences from the law change, probation revocations are displayed to ensure that a comparable increase is not occurring for probation revocations. For females, probation revocations for ID Theft have increased slightly from 18 in 2018 to 20 in 2019. Despite the year-on-year increase, 20 intakes in 2019 for ID Theft is considerably lower than the high of 36 in 2017. It is worth noting that this overall decline was not an expected impact of the law change with only one year of implementation, but could be due to additional programming in the community through Justice Reinvestment efforts and/or the FSAPP program. The probation revocation LOS for Theft in the First Degree increased from 10.8 months in 2018 to 12.9 months in 2019, which is below the average LOS in 2016 of 17.0 months. For females, probation revocations for Theft in the First Degree decreased from 21 in 2018 to 13 in 2019, quite a bit lower than the 23 intakes in 2016. However, probation revocation LOS for females for Theft in the First Degree increased from 13.5 months in 2018 to 14.7 months in 2019. While the average LOS for female Theft in the First Degree and ID Theft increased from 2018 to 2019, the number of intakes decreased or leveled off thereby continuing a reduction of prison usage.

For males, probation revocations for ID Theft have decreased significantly from 42 in 2018 to 29 in 2019. The probation revocation LOS for ID Theft increased in 2019 to 21.0 months after a decline of several years, returning to a range similar to the LOS in 2016 of 20.3 months. However, given the drop in intakes, an uptick in LOS still results in a reduction in prison usage. Finally, for males, probation revocations for Theft in the First Degree have decreased from 69 in 2018 to 40 in 2019, half the total in 2016. Male probation revocation LOS decreased from 14.2 months in 2018 to 13.3 in 2019.

2.4. Justice Reinvestment Supplemental Grant Fund

In addition to programmatic and sentencing changes, in 2017 HB 3078 appropriated $7 million in the 2017-19 and $7.26 million in the 2019-21 biennium in Supplemental Grant Funds for downward departure prison diversion programs. Through a grant program administered by the Criminal Justice Commission, these funds were distributed to counties with preference given to counties establishing new downward departure programs. The CJC created an application and review process and twelve counties were ultimately selected for funding in 2017-19 biennium and fifteen counties were selected in the 2019-21 biennium. For more detail on these funds, the Commission publishes an interactive data page that shows the funding by county and program area.[4] The CJC also publishes an interactive data page that displays Justice Reinvestment prison usage by county and gender[5]. Prison intake and length of stay

[4] https://www.oregon.gov/CJC/SAC/Pages/jri.aspx
[5] https://www.oregon.gov/CJC/SAC/Pages/jri-prison.aspx

information for property, drug, and driving crimes is compiled and displayed by county and baseline comparison.[6] In 2019, $7.26 million of Supplemental Funding was allocated for downward departure prison diversion programs to 15 counties.

The 2019-2020 prison usage for property, drug, and driving crimes for the 15 counties that received grant funds in the 19-21 biennium for downward departure prison diversion programs is summarized in Table 5. Prison intakes and the average length of stay (LOS) in months are displayed by gender and county.

Table 5. Combined 2019-2020 Prison Intakes for Property, Drug, and Driving Crimes

County	Female		Male	
	Intakes	Average LOS	Intakes	Average LOS
Columbia	4	17.0	27	22.3
Crook	10	18.3	40	19.9
Deschutes	22	15.7	134	13.7
Douglas	30	12.7	137	20.3
Jackson	36	18.5	230	23.2
Josephine	23	22.3	141	23.7
Klamath	8	12.8	36	20.2
Lane	48	17.8	245	24.0
Lincoln	18	22.0	62	21.5
Marion	58	22.5	221	26.5
Multnomah	64	15.3	357	17.5
Polk	11	16.5	50	22.8
Wasco	2	11.4	25	13.8
Washington	70	14.2	323	17.1
Yamhill	10	18.4	67	19.8

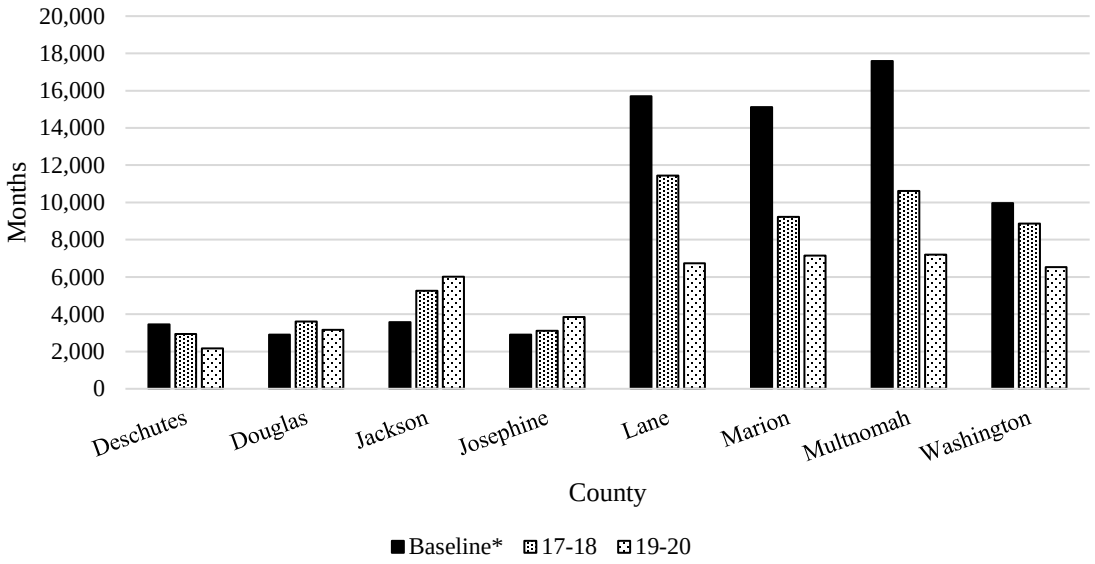
Figures 5a and 5b compares each participating county's prison usage to their historical baseline, which is the 3 year average from July 2012 to June 2015 for prison usage for property, drug, and driving crimes in that county, scaled to two years.[7] The figures also display biennial prison usage for 2017-18 and 2019-20 to provide a comparison as a means for assessing the impacts of Supplemental Grant, which did not begin in earnest until 2018. Prison usage over time is the total months calculated by adding the estimated length of stay in months for all prison intakes for property, drug, and driving crimes (for further detail, particularly for counties with small counts, please see accompanying tables A1 and A2 in the appendix).

Figures 5a and 5b show the Justice Reinvestment prison usage comparison for the 15 counties that received funds allocated by HB 3078 in the 2019-21 biennium. For example, the highest volume counties of Multnomah, Marion, and Lane show a drop compared to their baselines.

[6] https://www.oregon.gov/cjc/data/Pages/jri-prison.aspx

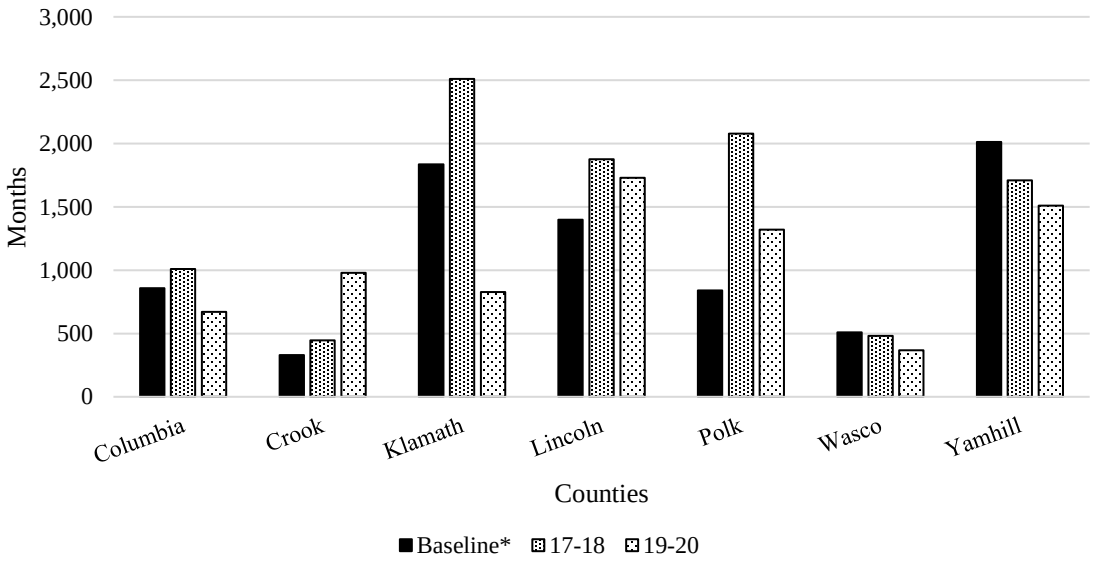
[7] In July 2019, Justice Reinvestment prison usage, as tracked by the CJC, was modified to exclude level eight or nine Burglary in the First Degree (ORS 164.225) intakes.

Figure 5a. JRI Prison Use Compared to Baseline (Large Counties)



*3 year average from July 2012 to June 2015 scaled to two years

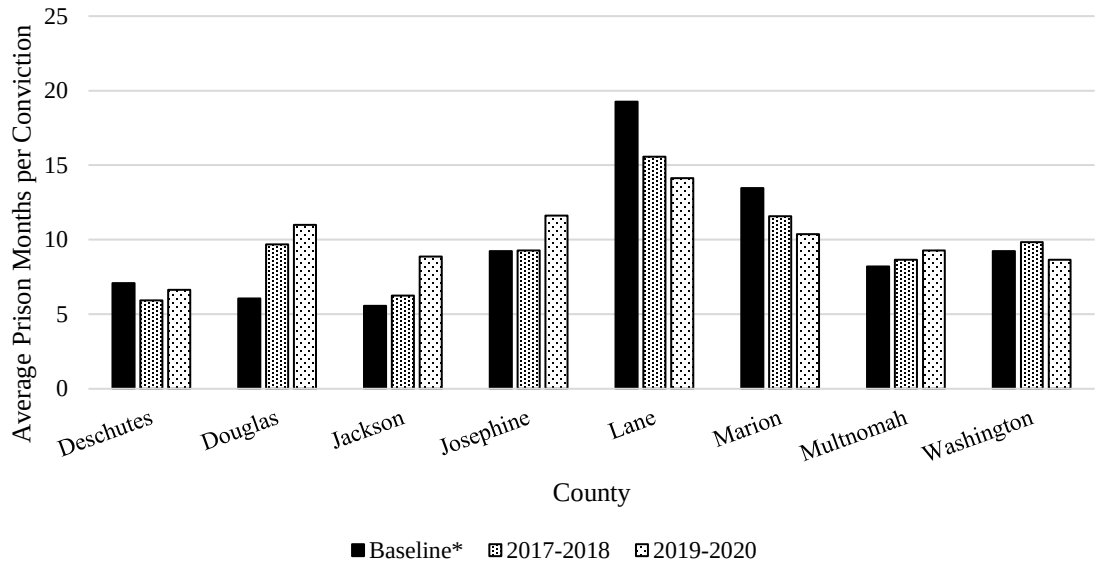
Figure 5b. JRI Prison Use Compared to Baseline (Small Counties)



*3 year average from July 2012 to June 2015 scaled to two years

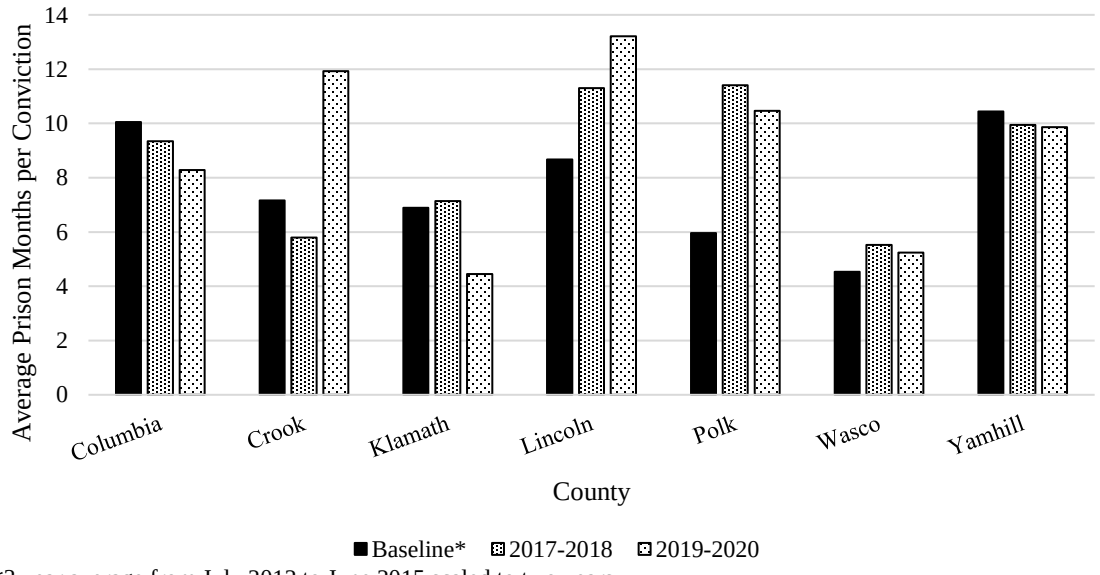
Despite the additional investment, not every Supplemental Grant county reduced their prison usage. Other factors could be affecting local prison usage outside of the increased Justice Reinvestment funding. In particular, it is difficult to account for changes in county level criminal justice system trends such as law enforcement resources, volume of cases referred, jail bed capacity, and other resources. Jackson County, as an example, saw more than a 40% increase in the number of cases referred from 2016 (287) to 2019 (423). To account for an increase in number of case referrals we have scaled appropriately to the number of convictions in each county as shown in Figures 6a and 6b.

Figure 6a. JRI Prison Use by Convictions (Large Counties)



*3 year average from July 2012 to June 2015 scaled to two years

Figure 6b. JRI Use by Convictions (Small Counties)

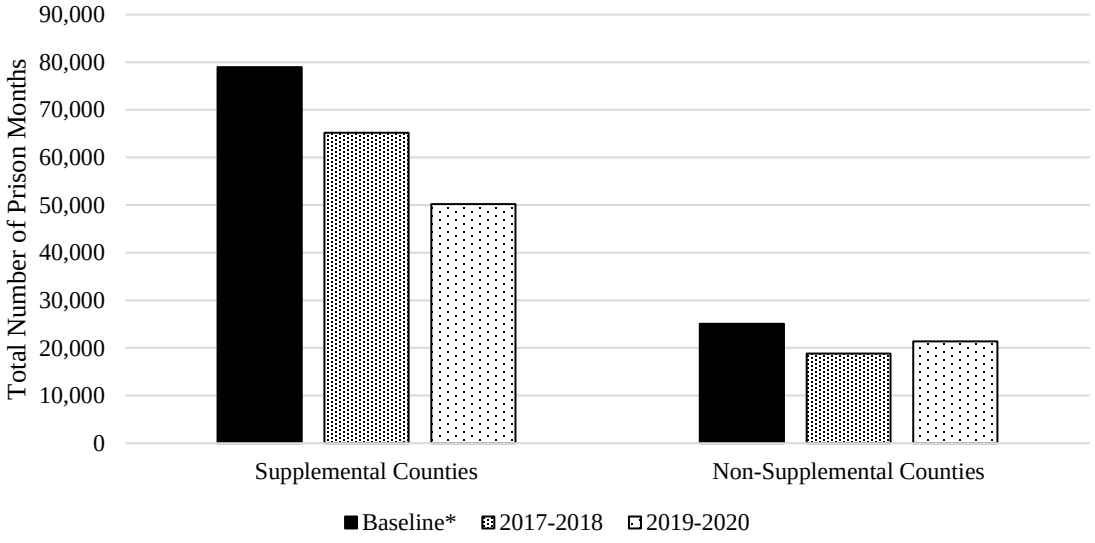


*3 year average from July 2012 to June 2015 scaled to two years

As displayed in Figures 6a and 6b, each county, regardless of population, is measured using the same scale of average prison months per conviction of felony first sentence property and drug crimes (excluding possession of a controlled substance). This measure scales prison use to the conviction volume for the county over the same time period. Compared to the data presented in Figures 5a and 5b several changes are manifest in this scaling. For example, Jackson County's prison growth in Figure 5a becomes more muted. Looking at both Figure 5a and Figure 6a together, Multnomah County's prison change is consistent with the drop in convictions over time. While the total prison months dropped substantially, the number of convictions dropped at the same rate in Multnomah County. Lane County shows a drop in total prison months in Figure 5a, and a drop in average prison months per conviction in Figure 6a. However,

Figure 6a also shows that Lane County continues to have a higher rate of average prison months per conviction than the other supplemental counties. The rise and fall in the number of convictions in a county is certainly a contributing factor in a county's prison usage, but is not robust enough to draw holistic conclusions about the Supplemental Grant Program.

Figure 7. JRI Prison Use by Supplemental and Non-Supplemental Counties



*3 year average from July 2012 to June 2015 scaled to two years

Figure 7 separates Oregon's 36 counties into two cohorts: one with the 15 counties that received the Supplemental Grant for the 2019-20 biennium and the other for the remaining 21 counties that did not receive additional Justice Reinvestment funds. As displayed in Figure 7, the collective of supplemental counties have reduced their prison usage from 2017-18 to 2019-20 and reduced prison usage considerably from the three-year average baseline. In contrast, counties that did not receive Supplemental JRI Funding have slightly increased their prison usage in 2019-20 when compared to 2017-18. It is, however, difficult to attribute decreases in prison usage solely to Supplemental Funds because the grant's goals overlap with the main, formula Justice Reinvestment grant. Both grants—formula and Supplemental—fund downward departure programs that reduce prison usage so it is hard to identify which grant funding ultimately caused the reduction.

3. Conclusion

In summary, HB 3078 enacted a number of reforms designed to address prison usage in Oregon. These changes took various forms, including programmatic changes to the Family Sentencing Alternative Pilot Program and the Short-Term Transitional Leave program, sentencing changes for ID Theft and Theft in the First Degree, and the creation of a Supplemental Grant Program that funds downward departure prison diversion programs. As shown by the prison population trends and the predicted prison trends included in the Prison Forecast, HB 3078 has and is expected to continue to reduce the prison population, particularly for females.

With regard to the programmatic changes, preliminary results indicate lower three-year recidivism outcomes for FSAPP participants compared to similarly situated non-participants. Since 2014, over 9,000 persons have participated in STTL, equaling over 697,000 prison bed days saved.

Concerning the sentencing changes enacted by HB 3078, in general, prison intakes and length of stay for ID Theft and Theft in the First Degree have decreased. As a result, the expected prison savings from these sentencing changes appear to be occurring.

Finally, concerning the Supplemental Grant Funding provided by HB 3078, the results are mixed. It is challenging to measure the prison utilization impact of the Supplemental Grant in addition to the Justice Reinvestment Grant Fund. It is also difficult to account for changes in county level criminal justice system trends such as law enforcement resources, volume of cases referred, jail bed capacity, and other resources. Some counties have experienced a prison reduction from 2017-18 to 2019-20, but others have seen experienced an increase. Similarly, while some counties are below their historic baseline, others are above it. While the data regarding the success of the grant at an individual county is equivocal, collectively, the 15 supplemental counties have reduced prison usage more than counties not receiving this additional funding. In the future, as more data are collected with the expansion of Supplemental Funds, the CJC intends to analyze outcomes for the Supplemental Grant counties in greater detail and depth.

Appendix

Table A1. Female Justice Reinvestment Prison Usage

County	Baseline	2017-2018	2019-2020
Columbia	101	149	68
Crook	51	40	183
Deschutes	485	501	346
Douglas	410	765	382
Jackson	560	809	665
Josephine	383	706	514
Klamath	302	453	102
Lane	2,596	1,893	853
Lincoln	237	372	396
Marion	3,130	1,398	1,304
Multnomah	2,540	1,634	977
Polk	70	557	181
Wasco	102	53	23
Washington	1,549	1,687	994
Yamhill	441	250	184

Table A2. Male Justice Reinvestment Prison Usage

County	Baseline	2017-2018	2019-2020
Columbia	756	860	603
Crook	278	406	795
Deschutes	2,969	2,443	1,828
Douglas	2,494	2,844	2,783
Jackson	3,025	4,451	5,344
Josephine	2,521	2,400	3,342
Klamath	1,534	2,058	726
Lane	13,102	9,555	5,886
Lincoln	1,162	1,503	1,334
Marion	11,986	7,827	5,846
Multnomah	15,050	8,989	6,231
Polk	768	1,519	1,138
Wasco	406	428	344
Washington	8,408	7,177	5,531
Yamhill	1,571	1,460	1,325

Table A3. Justice Reinvestment Prison Use, Total Convictions, and Prison Use by Convictions

County	Baseline	17-18	19-20	Baseline	17-18	19-20	Baseline	17-18	19-20
Columbia	857	1009	671	85	108	81	10.0	9.3	8.3
Crook	329	446	978	46	77	82	7.2	5.8	11.9
Deschutes	3,453	2,944	2,175	487	496	328	7.1	5.9	6.6
Douglas	2,904	3,610	3,165	479	373	288	6.1	9.7	11.0
Jackson	3,585	5,260	6,009	645	840	677	5.6	6.3	8.9
Josephine	2,904	3,106	3,856	315	335	332	9.2	9.3	11.6
Klamath	1,836	2,511	828	267	352	186	6.9	7.1	4.5
Lane	15,697	11,448	6,739	815	735	477	19.3	15.6	14.1
Lincoln	1,399	1,875	1,730	161	166	131	8.7	11.3	13.2
Marion	15,115	9,225	7,150	1,123	797	689	13.5	11.6	10.4
Multnomah	17,590	10,624	7,209	2,142	1,228	777	8.2	8.7	9.3
Polk	839	2,077	1,319	141	182	126	6.0	11.4	10.5
Wasco	508	481	367	112	87	70	4.5	5.5	5.2
Washington	9,957	8,864	6,525	1,079	901	753	9.2	9.8	8.7
Yamhill	2,011	1,710	1,509	193	172	153	10.4	9.9	9.9

Table A4. JRI Prison Use by Supplemental and Non-Supplemental Counties

	Baseline	2017-2018	2019-2020
Supplemental	78,987	65,189	50,230
Non-Supplemental	25,097	18,814	21,351

Table A5. 2016-2020 Female Prison Intakes and Length of Stay for Property, Drug, and Driving Crimes

County	Intakes					Average Length of Stay (Months)				
	2016	2017	2018	2019	2020	2016	2017	2018	2019	2020
Columbia	6	3	8	1	3	12.1	15.7	12.8	10.8	19.1
Crook	1	1	1	8	2	24.0	12.4	28.0	12.3	42.2
Deschutes	20	28	10	16	6	14.3	12.9	14.0	16.4	14.1
Douglas	20	28	10	16	6	19.7	19.9	12.6	12.4	13.1
Jackson	14	16	27	24	12	21.8	19.4	18.5	18.9	17.5
Josephine	12	18	17	17	6	14.1	20.2	20.1	20.4	27.9
Klamath	9	12	19	6	2	16.8	13.4	15.4	11.0	18.1
Lane	38	54	45	29	19	21.1	18.9	19.4	17.4	18.4
Lincoln	8	10	8	10	8	18.9	22.8	18.0	19.6	25.1
Marion	26	33	39	37	21	21.2	20.3	18.7	24.1	19.6
Multnomah	59	55	47	35	29	12.8	14.9	17.3	14.8	15.8
Polk	4	12	7	7	4	10.8	30.0	28.2	16.6	16.3
Wasco	6	2	4	1	1	13.6	11.6	7.5	8.4	14.4
Washington	51	63	43	45	25	16.8	14.2	18.4	14.0	14.6
Yamhill	8	6	6	7	3	12.4	17.0	14.6	22.7	8.4

Table A6. 2016-2020 Male Prison Intakes and Length of Stay for Property, Drug, and Driving Crimes

County	Intakes					Average Length of Stay (Months)				
	2016	2017	2018	2019	2020	2016	2017	2018	2019	2020
Columbia	15	22	20	13	14	34.8	21.4	19.5	25.3	19.6
Crook	8	8	15	18	22	29.5	10.8	21.3	16.4	22.7
Deschutes	99	93	80	70	64	13.0	14.7	13.5	11.7	15.8
Douglas	67	81	69	89	48	19.3	19.6	18.2	19.7	21.5
Jackson	93	113	108	139	91	20.6	21.6	18.7	22.1	25.0
Josephine	71	59	66	90	51	20.7	18.2	20.1	25.1	21.3
Klamath	37	51	53	22	14	18.3	18.3	21.2	21.8	17.6
Lane	194	200	198	143	102	25.1	24.9	23.1	24.0	24.1
Lincoln	17	29	34	37	25	28.4	24.3	23.5	17.0	28.2
Marion	128	121	171	119	102	26.1	26.9	26.8	25.4	27.7
Multnomah	299	287	254	245	112	18.7	17.3	15.9	16.7	19.2
Polk	35	40	31	31	19	20.0	21.5	21.3	26.0	17.5
Wasco	13	16	11	11	14	14.0	15.5	16.4	12.8	14.5
Washington	197	198	177	188	135	21.5	19.5	19.0	17.7	16.4
Yamhill	28	35	39	40	27	18.7	20.6	19.0	18.6	21.6