

# Oregon Recidivism Analysis

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# FOREWORD

This report marks the fourth semi-annual recidivism report<sup>1</sup> authored by staff at the Criminal Justice Commission (CJC) with the assistance of our state agency partners. The CJC was charged by the legislature to track this new definition of recidivism by the passage of House Bill 3194, known as the Justice Reinvestment Act. Section 45 of HB 3194 (codified in ORS 423.557) redefined recidivism for Oregon to include the arrest, conviction, or incarceration for a new crime.

Since publishing our previous report, the CJC has made recidivism rates across counties available on our website at <http://www.oregon.gov/cjc/data/Pages/recidivism.aspx>. With the launch of our recidivism dashboard, CJC staff has been freed up to look at interesting trends and topics within the recidivism data. This report marks a departure from past practice. In this report and in the future, we will use these semi-annual reports to explore deeper into the recidivism data, and answer and address topics that arise in the course of our work. If there are topics of interest to you within the recidivism data, please give us that feedback.

In this report, we analyze recidivism rates of those convicted of drug crimes, specifically of those convicted of Possession of a Controlled Substance (PCS) and Delivery and manufacturing of a controlled substance (DCS /MCS). As Oregon engages in discussion of de-felonization of PCS, we hope that this analysis can contribute to the conversation and address topics that are surely going to come up.

As always, we welcome and rely on your feedback to our approach in getting you useful and meaningful information, and we welcome new ideas for even more ways to understand this data.



**Mike Schmidt, Executive Director**  
Criminal Justice Commission

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<sup>1</sup> Links to our first two reports can be found on our website at: <http://www.oregon.gov/cjc/SAC/Pages/Recidivism.aspx>

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## Executive Summary

Historically, recidivism in Oregon has been tracked with a single definition: a new felony conviction within three years of release for incarceration or imposition of probation. Criminal justice stakeholders are well versed in this recidivism definition, and some are in the habit of referencing a single recidivism number from memory based on the latest recidivism analysis. The new definition essentially provides three measures of recidivism, and a richer context for recidivism analysis. Developing the analysis necessary to report recidivism using this new definition requires the merging of multiple criminal justice data systems on a scale never achieved before in Oregon.

This report is the fourth in a series of comprehensive statewide analysis<sup>2</sup> using the definition of adult recidivism in HB 3194 (codified in ORS 423.557). The most recent data available is included, and the statewide recidivism analysis is provided in this report. In addition, the CJC has released an interactive and online data dashboard to present the recidivism analyses<sup>3</sup>. This data dashboard includes many different filters and breakouts of the recidivism data, including results by gender, age, race, county, and risk to recidivate level. This dashboard is available to criminal justice stakeholders and members of the public as an interactive and online data sharing tool to provide recidivism analysis results.

Many factors can impact recidivism rates such as law enforcement resources and other criminal justice system resources, the risk profile of individuals in the system, changing emphasis on arrests or prosecutions, as well as the use of evidence based programs. This analysis does not attempt to explain why recidivism rates have changed over time, but simply displays the recidivism rates for offenders released from incarceration or sentenced to felony probation statewide.

This analysis shows the current statewide rates of recidivism:

For those released from prison or from a felony jail sentence in the first six months of 2013:

- 17% were re-incarcerated for a new felony crime within three years of release,
- 42% were convicted of a new misdemeanor or felony crime within three years of release, and
- 55% were arrested for a new crime within three years of release.

For those who started a felony probation sentence in the first six months of 2013:

- 13% were incarcerated for a new felony crime within three years,
- 41% were convicted of a new misdemeanor or felony crime within three years, and
- 49% were arrested for a new crime within three years.

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<sup>2</sup> <http://www.oregon.gov/cjc/SAC/Pages/Recidivism.aspx>

<sup>3</sup> <http://www.oregon.gov/cjc/data/Pages/main.aspx>

## Background

HB 3194 Section 45 (2013) (codified in ORS 423.557) provides a new statewide definition of recidivism. The definition includes the arrest, conviction, or incarceration for a new crime<sup>4</sup>.

Historically, the Oregon Department of Corrections (DOC) and the Oregon Youth Authority (OYA) defined recidivism as a felony conviction within three years of release from incarceration or imposition of probation. The data sources available to DOC and OYA allowed for tracking this measure of recidivism. The agencies did not have access to the necessary data systems to track a broader definition of recidivism, which would require access to raw data from the Oregon Judicial Department and Oregon State Police.

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 has expanded its capacity in terms of data available and also in techniques to merge data across different systems.

The recidivism analysis in this report is the third in a series of comprehensive statewide analysis using the definition of adult recidivism in HB 3194 (codified in ORS 423.557). Although there are limitations with the current available data, this analysis includes arrest, misdemeanor and felony conviction, and incarceration data in a single recidivism analysis.

## 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. DOC tracks recidivism for offenders starting felony probation and for offenders starting post-prison supervision or parole supervision in six month cohorts<sup>5</sup>. This analysis uses these same cohorts as the starting population to track recidivism.

The CJC combined data from DOC with circuit court case data from the Oregon Judicial Department (OJD), as well as arrest data from Oregon State Police (OSP) to track the three components of the new definition of recidivism in HB 3194 (codified in ORS 423.557).

This analysis provides historical information back to the first offender cohort in 1998 and is current through the first cohort of 2013. This provides historical data to track trends for the new definition of recidivism, and establishes a new baseline for future recidivism analysis. In the past a single definition of recidivism was tracked, which was a new felony conviction within three years of release from incarceration or imposition of probation.

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 criminal activity is handled informally, and is not entered into an electronic data system, then it is not captured as a recidivating event in this analysis.

The three components (incarceration, conviction, arrest) of this new recidivism analysis are tracked separately. A single offender can contribute to all three measures, or a subset depending on the criminal justice system's response to the new criminal activity committed.

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<sup>4</sup> 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>

<sup>5</sup> See appendix for full cohort definitions. A Parole-PPS cohort is comprised of all individuals release to parole or PPS in a six month period. A probation cohort is comprised of all individuals sentenced for the first time to felony probation during a six month period.

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 recidivism analysis of 30 states in April 2014 that does include federal and out of state records<sup>6</sup>. BJS released a follow up analysis in September 2015 that analyzes out of state arrest rates<sup>7</sup>. This analysis shows that for prisoners released in Oregon in 2005, the percent increase in the in-state arrest rate 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.

### Incarceration

Incarceration data is available from DOC and includes felony prison and felony jail sentences only. The data 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 incarceration or imposition of probation. Multiple incarceration events are not accounted for. The analysis captures whether an offender was or was not incarcerated within three years of release from prison or imposition of probation.

### Conviction

Conviction data available from OJD includes data from the new Odyssey case management systems. Earlier this year Oregon's 36 circuit courts finished a multi-year business transformation project converting from the legacy Oregon Judicial Information Network (OJIN) to Odyssey.

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 Odyssey where the SID number is missing; see the appendix for details.

The conviction rate presented shows the percentage of each cohort convicted for a new misdemeanor or felony crime within three years of release from incarceration or imposition of probation. Multiple convictions are not accounted for. The analysis captures whether an offender was or was not convicted of a new crime (misdemeanor or felony) within three years of release from incarceration or imposition of probation.

### Arrest

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. The arrest rate presented shows the percentage of each cohort arrested for a new crime within three years of release from incarceration or imposition of probation. Multiple arrests or multiple arrest charges are not included. The analysis captures whether an offender was or was not arrested for a new crime within three years of release from incarceration or imposition of probation.

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<sup>6</sup> Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010.

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

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

## Statewide Recidivism Rates

Figure 1 below shows the three recidivism measures for the parole and post-prison supervision (PPS) cohorts from 1998 to the first cohort of 2013. DOC defines cohorts of all individuals released to parole or PPS during a six month time period. In this 14 year time frame each recidivism measure shows a slightly declining overall trend from about 2000 and on. For the first cohort of 2013 the incarceration rate was 16.6%. This is a 1.4% drop over the incarceration rate of the second cohort of 2012 at 16.8%. Over a five year period, it is a 7.7% increase compared to the incarceration rate of the first cohort of 2008 at 15.4%. The conviction rate for the first cohort of 2013 was 41.7%. This is a 3.0% increase compared to the conviction rate of the second cohort of 2012 at 40.5%. It is a 5.5% increase over a five year period compared to the conviction rate of the first cohort of 2008 at 39.5%. The arrest rate for the first cohort of 2013 was 55.2%. This is a 0.7% increase compared to the arrest rate of the second cohort of 2012 at 54.8%. It is a 9.6% increase over a five year period compared to the arrest rate of the first cohort of 2008 at 50.4%.

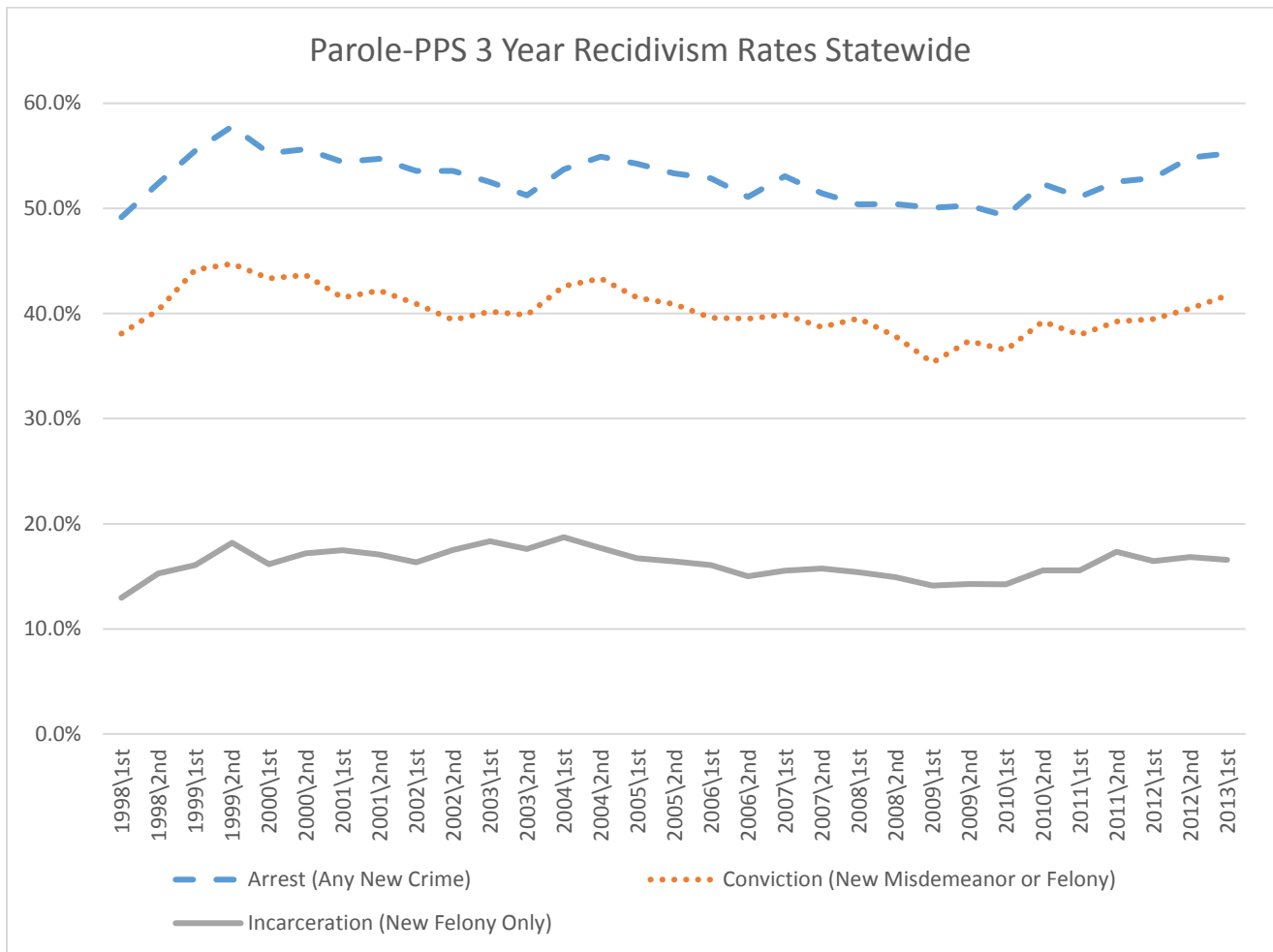


Figure 1: Parole-PPS 3 Year Recidivism Rates

Figure 2 below shows the three recidivism measures for the probation cohorts from 1998 to the first cohort of 2013. DOC defines the probation cohorts as comprising all individuals sentenced for the first time to felony probation during the six month period. Individuals sentenced to misdemeanor probation only are not included in the cohort. In this 14 year time frame the recidivism measures show a declining overall trend from about 2005 to 2009, and then a slight increase from 2009 to 2013. For the first cohort of 2013 the incarceration rate was 13.1%. This is a 2.5% increase over the incarceration rate of the second cohort of 2012 at 12.8%. Over a five year period, it is a 33.6% increase compared to the incarceration rate of the first cohort of 2008 at 9.8%. The conviction rate for the first cohort of 2013 was 40.8%. This is no change compared to the conviction rate of the second cohort of 2012 at 40.8%. It is a 13.2% increase over a five year period compared to the conviction rate of the first cohort of 2008 at 36.0%. The arrest rate for the first cohort of 2013 was 48.8%. This is a 2.9% increase compared to the arrest rate of the second cohort of 2012 at 47.4%. It is a 17.6% increase over a five year period compared to the arrest rate of the first cohort of 2008 at 41.5%.

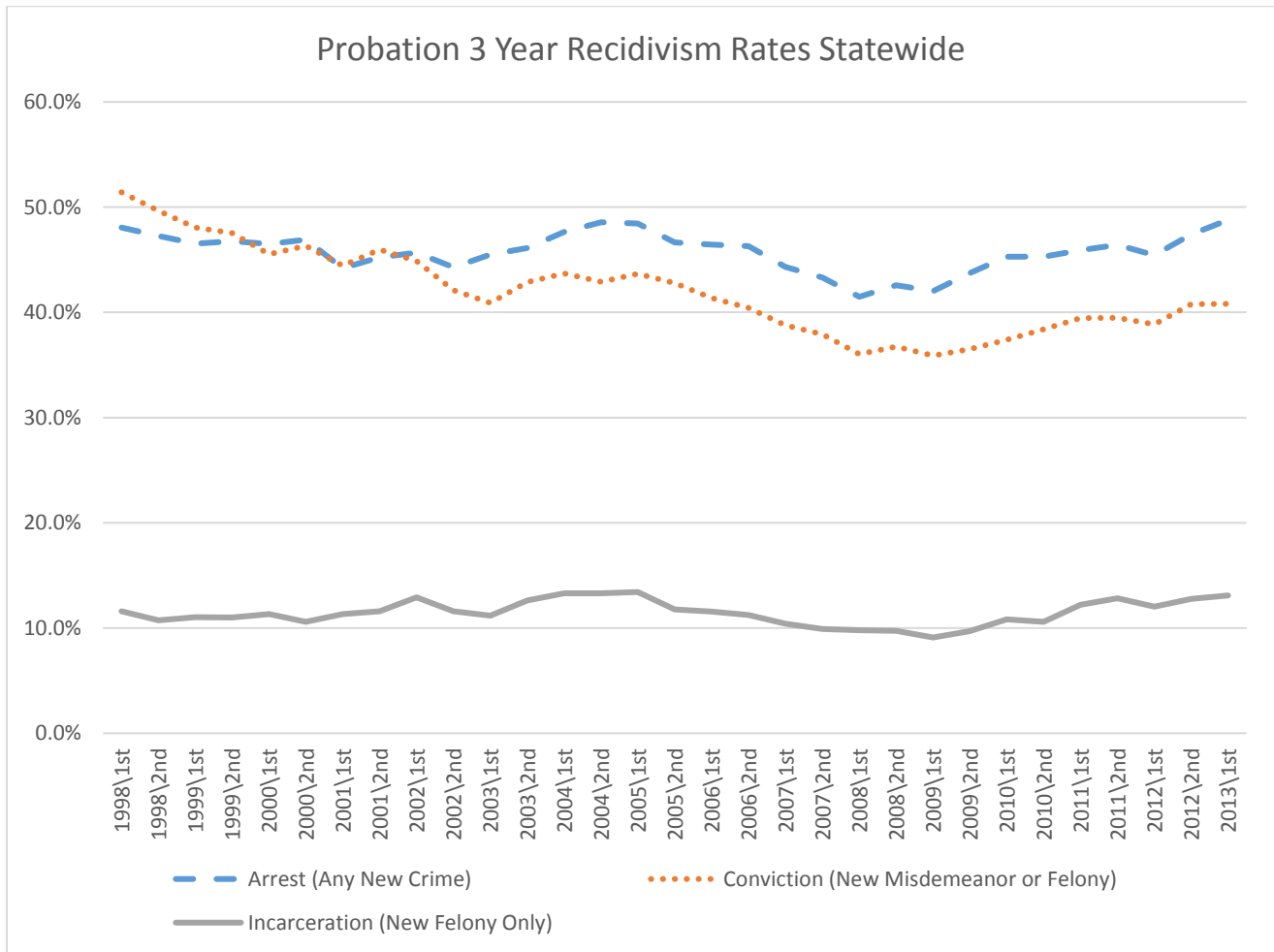


Figure 2: Probation 3 Year Recidivism Rates

## National and Oregon 5 Year Arrest Rates

In April 2014, the Bureau of Justice Statistics (BJS) released an extensive recidivism analysis that includes 30 states<sup>8</sup>. BJS released a follow up analysis in September 2015 that analyzes out of state arrest rates<sup>9</sup>. The recidivism rates displayed in these reports does not include a state specific comparison. BJS did not report the individual states' recidivism rates, and does not display a state comparison. BJS did provide a comparison of in-state and out of state arrest rates. For the 2005 prison releases, BJS provided the time to in-state arrest for the 30 states cohort. The CJC replicated the in-state arrest rate for Oregon data. CJC compiled prison releases in 2005 in Oregon, and calculated the time to in-state arrest based on the LEDS data from Oregon State Police.

Figure 3 below shows the time to in-state arrest for the 2005 prison releases, and compares the national rate as reported by BJS to the Oregon specific data compiled by the CJC. The time to arrest figures follow a similar trajectory, with Oregon slightly below the national rate. In Oregon, at 28 months after release just over 50% have been arrested. For the national rate, at 19 months after release just over 50% have been arrested. At 5 years after release, the Oregon cohort shows a 60.3% arrest rate, and the national rate shows a 71.9% arrest rate.

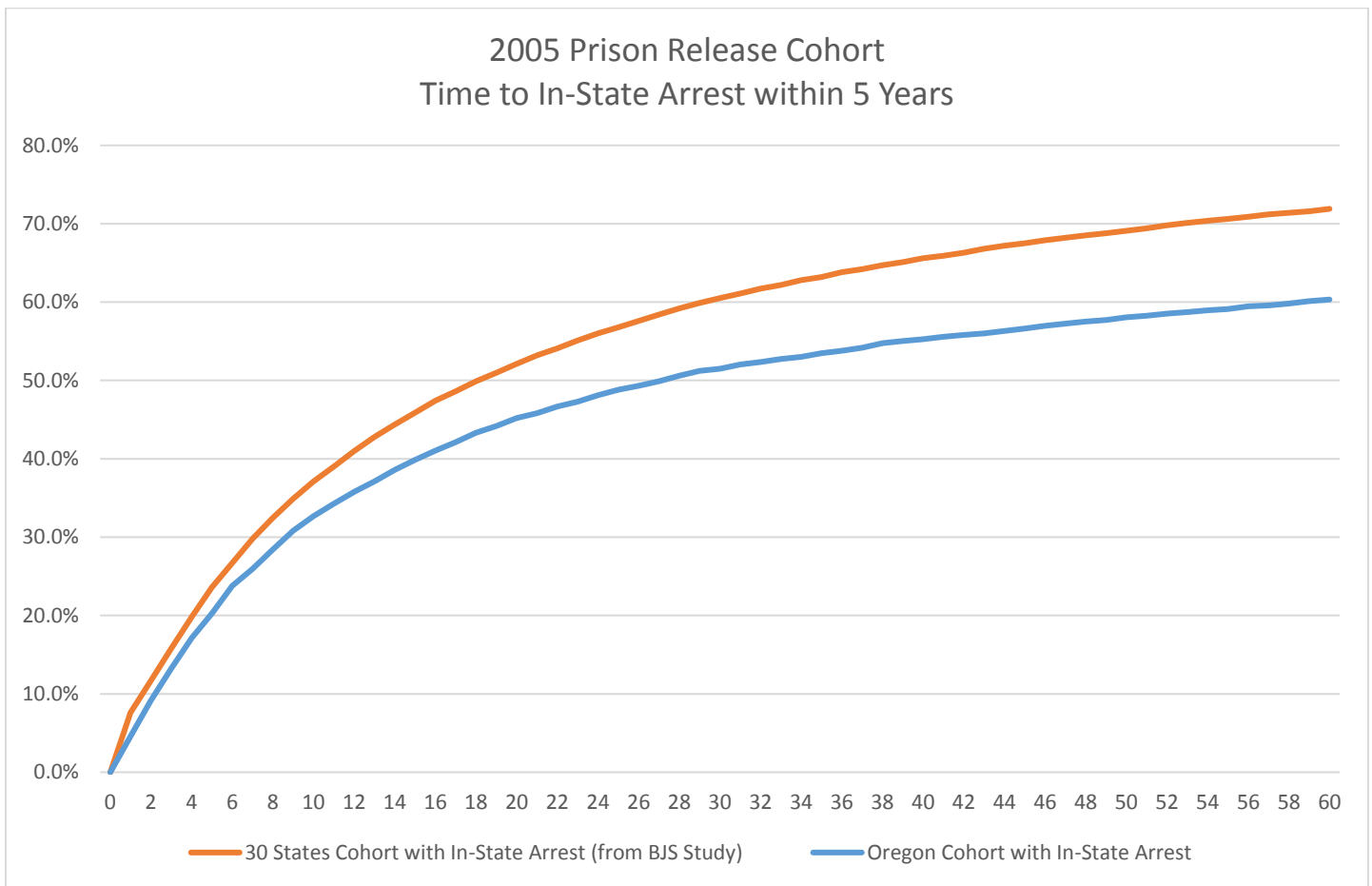


Figure 3: National and Oregon 5 Year Arrest Rates

<sup>8</sup> Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010.

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

<sup>9</sup> Multistate Criminal History Patterns of Prisoners Released in 30 States. <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5407>

## Conviction Rate: Misdemeanor and Felony Convictions

The recidivism rates displayed in Figures 1 and 2 above show the 3 year conviction rate as one of the recidivism measures. This conviction rate includes convictions for a misdemeanor or felony crime within 3 years. There has been interest by Oregon stakeholders to disaggregate this conviction rate by misdemeanor and felony crimes. The conviction data from OJD is available from the Odyssey data system. The CJC was able to compile this data by the penal code, which is entered in the Odyssey disposition data. All convictions within 3 years were compiled. If an individual had a felony conviction, then they were flagged as receiving a felony conviction within 3 years. If there was not a felony conviction, then all misdemeanor convictions were compiled. These individuals were flagged as having a misdemeanor conviction within 3 years, and no felony conviction.

Figure 4 below shows the conviction rates for the Parole-PPS cohorts. The overall conviction rate is the same values displayed in Figure 1. Below that are the rates for a new felony conviction, and a new misdemeanor conviction with no felony conviction. The felony conviction rate and the overall conviction rate show similar trends over time. Both have gradually increased from the first cohort of 2009 to the first cohort of 2013. The misdemeanor conviction rate has been fairly flat over this time period.

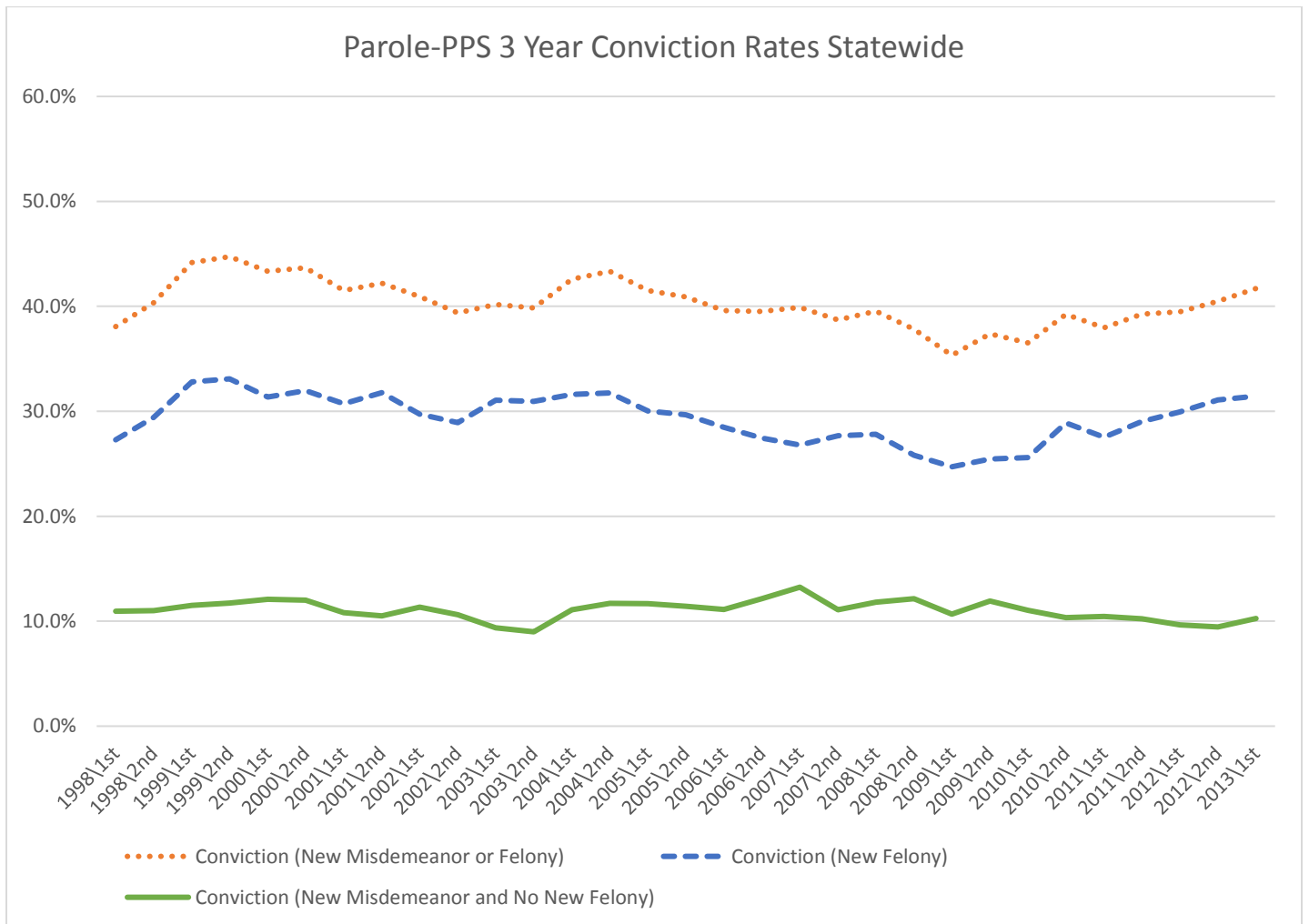


Figure 4: Parole-PPS 3 Year Conviction Rates Statewide

Figure 5 below shows the conviction rates for the Probation cohorts. The overall conviction rate is the same values displayed in Figure 2. Below that are the rates for a new felony conviction, and a new misdemeanor conviction with no felony conviction. The felony conviction rate and the overall conviction rate show similar trends over time. Both have gradually increased from the first cohort of 2009 to the first cohort of 2013. The misdemeanor conviction rate has slightly dropped over this time period.

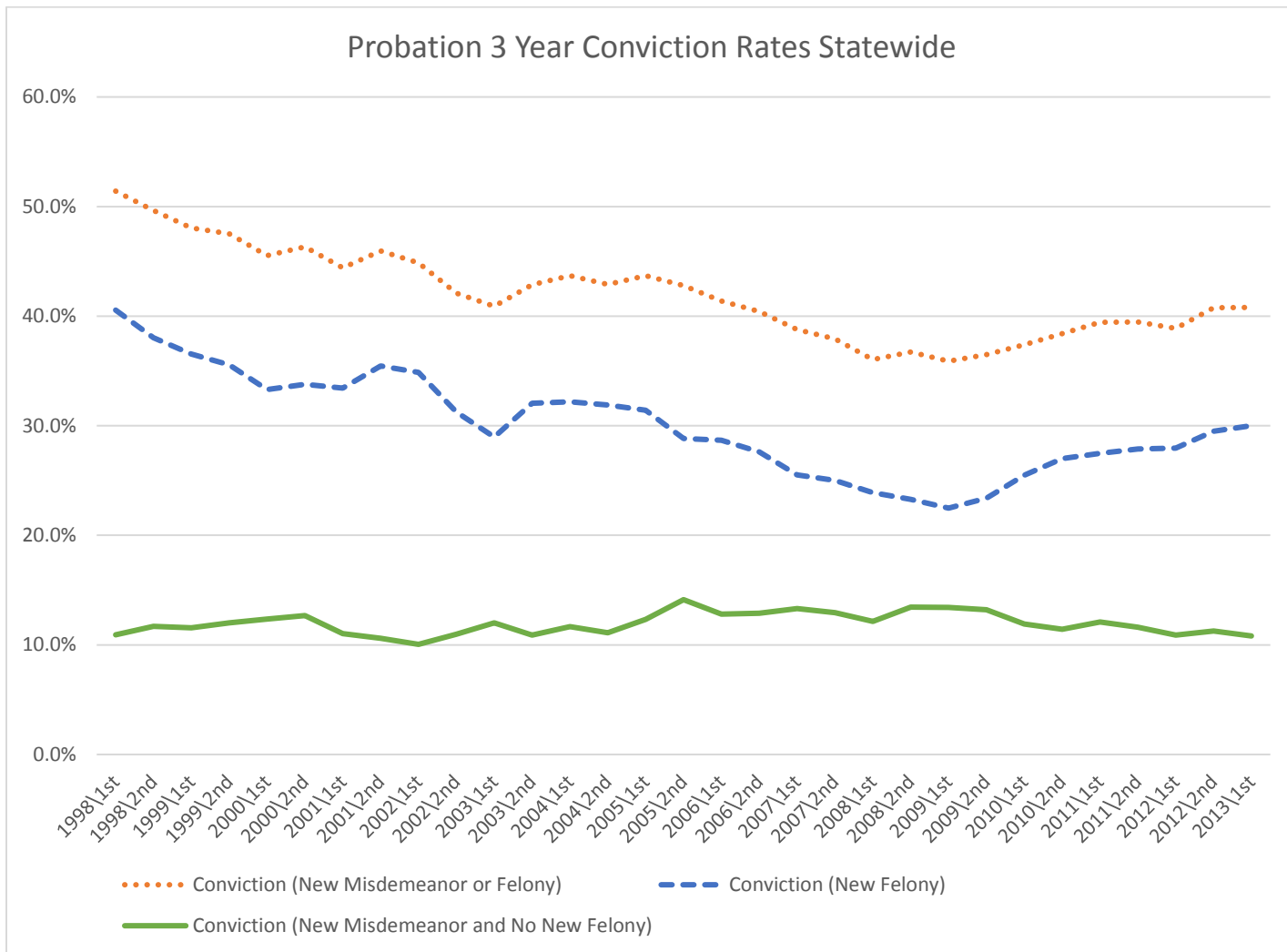


Figure 5: Probation 3 Year Conviction Rates Statewide

## Felony Drug Conviction Recidivism Analysis

The CJC has conducted an in-depth analysis of felony drug convictions in Oregon, and we will soon release an online data visualization to show the felony drug conviction trends. As drug laws have changed in Oregon and other states as well, there is an increasing need to understand the impact of felony drug convictions on Oregon’s criminal justice system. This section of the recidivism analysis is meant to complement the drug analysis by showing the three year recidivism rates for individuals convicted of felony drug crimes in Oregon. The following analysis shows the recidivism rates for individuals sentenced for felony drug convictions, including the possession, delivery, or manufacture of illegal drugs, from January 2012 to June 2013.

### Felony Drug Conviction Cohort Definitions

From the DOC data, CJC compiled felony drug convictions from January 2012 to June 2013. These include convictions for felony drug possession, delivery, and manufacture. These convictions are defined into two cohorts by sentence type. The Post-Prison Supervision (PPS) cohort includes those released from prison or a felony local control (jail) sentence for a felony drug crime. This cohort includes 857 individuals released from prison, and 974 individuals released from local control, for a total cohort size of 1831. The Probation cohort includes those sentenced to probation for a felony drug crime, and has a cohort size of 7913.

Table 1 below shows the cohorts by sentence type and drug conviction type. The PPS cohort includes prison and local control sentences. The majority of prison sentences are for a delivery or manufacturing conviction, and less than 6% are for a possession conviction. The majority of local control sentences are for a possession conviction, and 10% are for a delivery or manufacturing conviction. The probation cohort includes nearly 23% for a delivery or manufacturing conviction, and 77% for a possession conviction.

Drug Conviction Type	Felony Drug Conviction Cohorts January 2012 to June 2013							
	Post-Prison Supervision (PPS) Cohort				Probation Cohort		Total	
	Prison		Local Control (Jail)		Probation			
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Delivery or Manufacturing</b>	809	94.4%	101	10.4%	1790	22.6%	2700	27.7%
<b>Possession</b>	48	5.6%	873	89.6%	6123	77.4%	7044	72.3%
<b>Total</b>	857	100.0%	974	100.0%	7913	100.0%	9744	100.0%

Table 1: Felony Drug Conviction Cohorts

## Felony Drug Conviction Cohort Summary Measures

The following tables show the felony drug conviction cohorts by drug conviction type and demographic and summary measures. Table 2 below shows the PPS cohort demographic and summary measures. Those released from prison or local control for a delivery or manufacturing conviction show a higher proportion of males, a higher proportion of minority groups, and a slightly lower average age of half a year than compared to those with a possession conviction. The PSC (Public Safety Checklist)<sup>10</sup> 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. Those released from prison or local control for a delivery or manufacturing conviction show a higher proportion defined as low or medium risk, and a lower proportion defined as high risk than compared to those with a possession conviction.

<b>Felony Drug Convictions PPS Cohort Summary Measures</b>	<b>Delivery or Manufacturing Conviction (n=910)</b>	<b>Possession Conviction (n=921)</b>
Gender: Male	84.5%	77.7%
Ethnicity: Native American	1.3%	2.1%
Ethnicity: Asian	1.1%	0.2%
Ethnicity: Hispanic	24.7%	7.6%
Ethnicity: African-American	5.9%	5.5%
Ethnicity: Caucasian	66.9%	84.6%
Average Age	36.0	36.5
PSC: Low Risk to Recidivate Score	26.5%	11.5%
PSC: Medium Risk to Recidivate Score	44.7%	30.0%
PSC: High Risk to Recidivate Score	28.8%	58.5%

Table 2: Felony Drug Convictions PPS Cohort Summary Measures

<sup>10</sup> <https://risktool.ocjc.state.or.us/psc/>

Table 3 below shows the summary measures for the probation cohort. Those sentenced to probation for a delivery or manufacturing conviction show a higher proportion of males, a higher proportion of minority groups, a similar average age, and a higher proportion defined as low risk as compared to those with a possession conviction.

<b>Felony Drug Convictions Probation Cohort Summary Measures</b>	<b>Delivery or Manufacturing Conviction (n=1790)</b>	<b>Possession Conviction (n=6123)</b>
Gender: Male	76.4%	67.9%
Ethnicity: Native American	1.4%	1.9%
Ethnicity: Asian	1.5%	1.1%
Ethnicity: Hispanic	7.1%	4.3%
Ethnicity: African-American	6.9%	4.8%
Ethnicity: Caucasian	83.1%	87.9%
Average Age	33.7	33.5
PSC: Low Risk to Recidivate Score	57.8%	48.1%
PSC: Medium Risk to Recidivate Score	32.7%	33.5%
PSC: High Risk to Recidivate Score	9.5%	18.4%

Table 3: Felony Drug Convictions Probation Cohort Summary Measures

Of the 7,913 individuals in the probation cohort, 1,957 are on probation for a conditional discharge case. These individuals have plead guilty to a felony drug crime, and are on probation, but are not convicted of the crime unless they do not meet the conditions of the probation supervision. If they are successful with the conditions of the probation sentence, they are not convicted of the crime and the charges are dismissed. These individuals are included in the probation caseloads, and community corrections departments receive funding to supervise these cases. We have included them in the probation cohort, and have tracked the three year recidivism rates from the start of the supervision period. Table 4 below shows the outcome of the conditional discharge case by the drug type. The majority of the conditional discharge cases are for felony drug possession. Nearly 54% of conditional discharge cases show a successful completion, and the charges are dismissed. Nearly 43% did not complete the probation conditions, and received a felony conviction. Nearly 4% are still in progress at three years into the supervision period.

<b>Conditional Discharge Status</b>	<b>Probation Cohort, Conditional Discharges Cases by Drug Type</b>					
	<b>Delivery or Manufacturing</b>		<b>Possession</b>		<b>Total</b>	
	Number	Percent	Number	Percent	Number	Percent
<b>Complete</b>	60	63.2%	992	53.3%	1052	53.8%
<b>Fail</b>	33	34.7%	800	43.0%	833	42.6%
<b>In Progress</b>	2	2.1%	70	3.8%	72	3.7%
<b>Total</b>	95	100.0%	1862	100.0%	1957	100.0%

Table 4: Conditional Discharge Cases by Drug Type and Status

## Felony Drug Conviction Cohort 3 Year Recidivism Rates

Figure 6 below shows the three year recidivism rates for the felony drug conviction PPS cohort. For those released from prison or local control for a felony drug crime from January 2012 to June 2013, 60.2% were arrested for a new crime within 3 years. The PPS cohort shows that 47.6% were convicted for a new felony or misdemeanor crime, and 27.4% were incarcerated for a new felony crime.

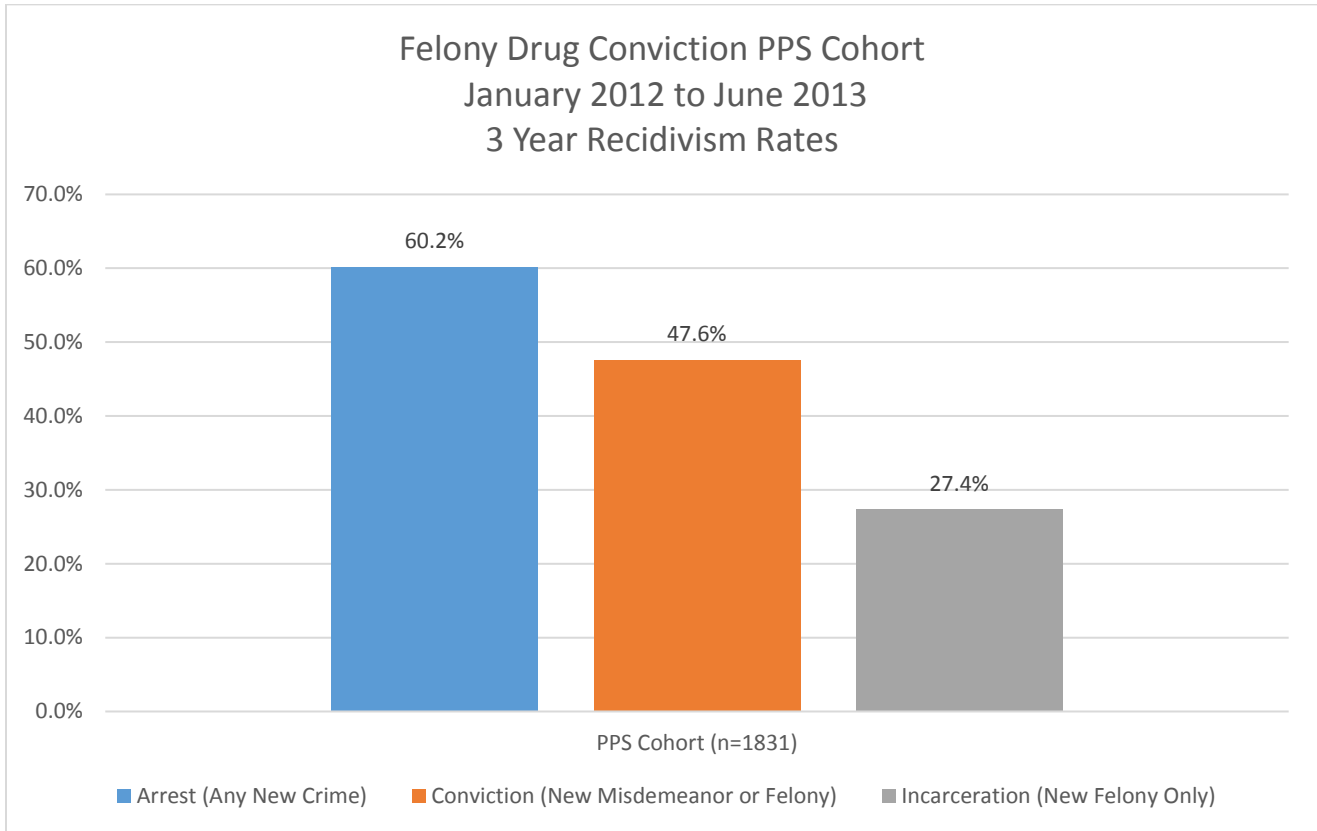


Figure 6: Felony Drug Conviction PPS Cohort, 3 Year Recidivism Rates

Figure 7 below shows the three year recidivism rates for the felony drug conviction PPS cohort by drug type. Those released from prison or local control for a felony possession drug crime from January 2012 to June 2013, show higher recidivism rates than those released for a drug delivery or manufacturing crime. Those with a felony drug possession conviction show an arrest rate of 74.2%, compared to 46.0% for those with a delivery or manufacturing conviction. The conviction rate is also higher at 60.6%, compared to 34.5%. The incarceration rate is 37.4% for those with a possession conviction, compared to 17.3% for those with a delivery or manufacturing conviction.

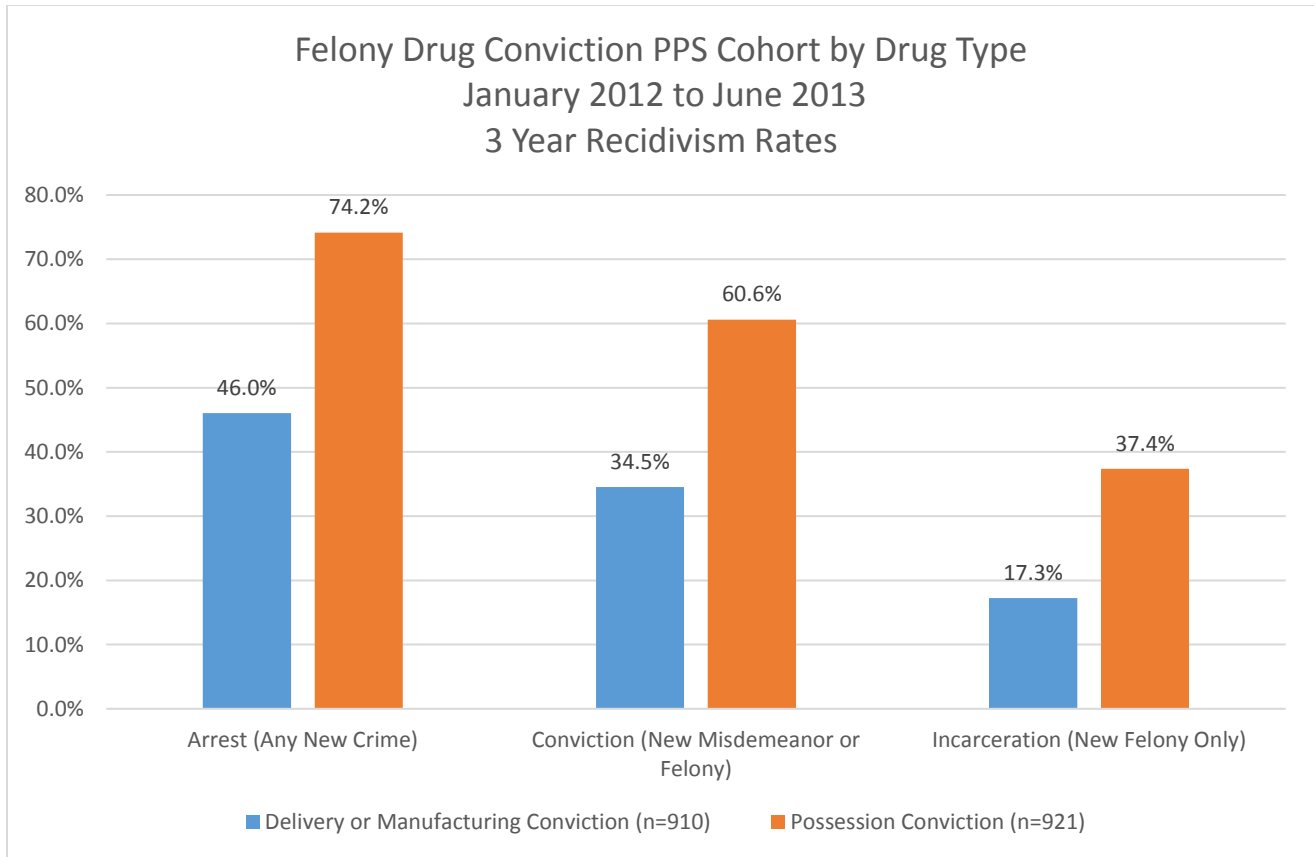


Figure 7: Felony Drug Conviction PPS Cohort by Drug Type, 3 Year Recidivism Rates

Figure 8 below shows the three year recidivism rates for the felony drug conviction probation cohort. For those sentenced to probation for a felony drug crime from January 2012 to June 2013, 55.3% are arrested for a new crime within 3 years. The probation cohort shows that 52.1% are convicted for a new felony or misdemeanor crime, and 13.6% are incarcerated for a new felony crime.

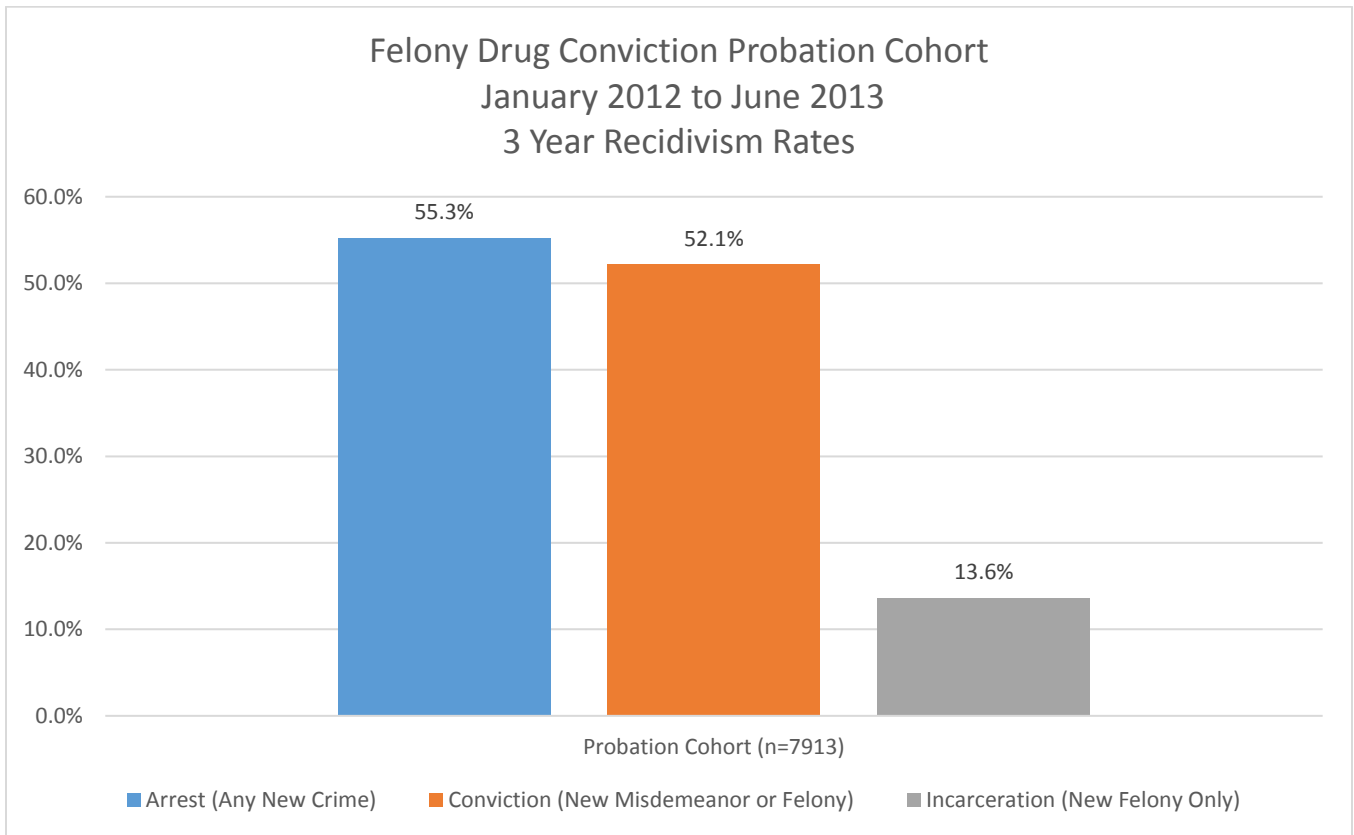


Figure 8: Felony Drug Conviction Probation Cohort, 3 Year Recidivism Rates

Figure 9 below shows the three year recidivism rates for the felony drug conviction probation cohort by drug type. Those sentenced to probation for a felony possession drug crime from January 2012 to June 2013, show higher recidivism rates than those released for a drug delivery or manufacturing crime. Those with a felony drug possession conviction show an arrest rate of 59.6%, compared to 40.6% for those with a delivery or manufacturing conviction. The conviction rate is also higher at 56.5%, compared to 37.3%. The incarceration rate is 14.6% for those with a possession conviction, compared to 10.2% for those with a delivery or manufacturing conviction.

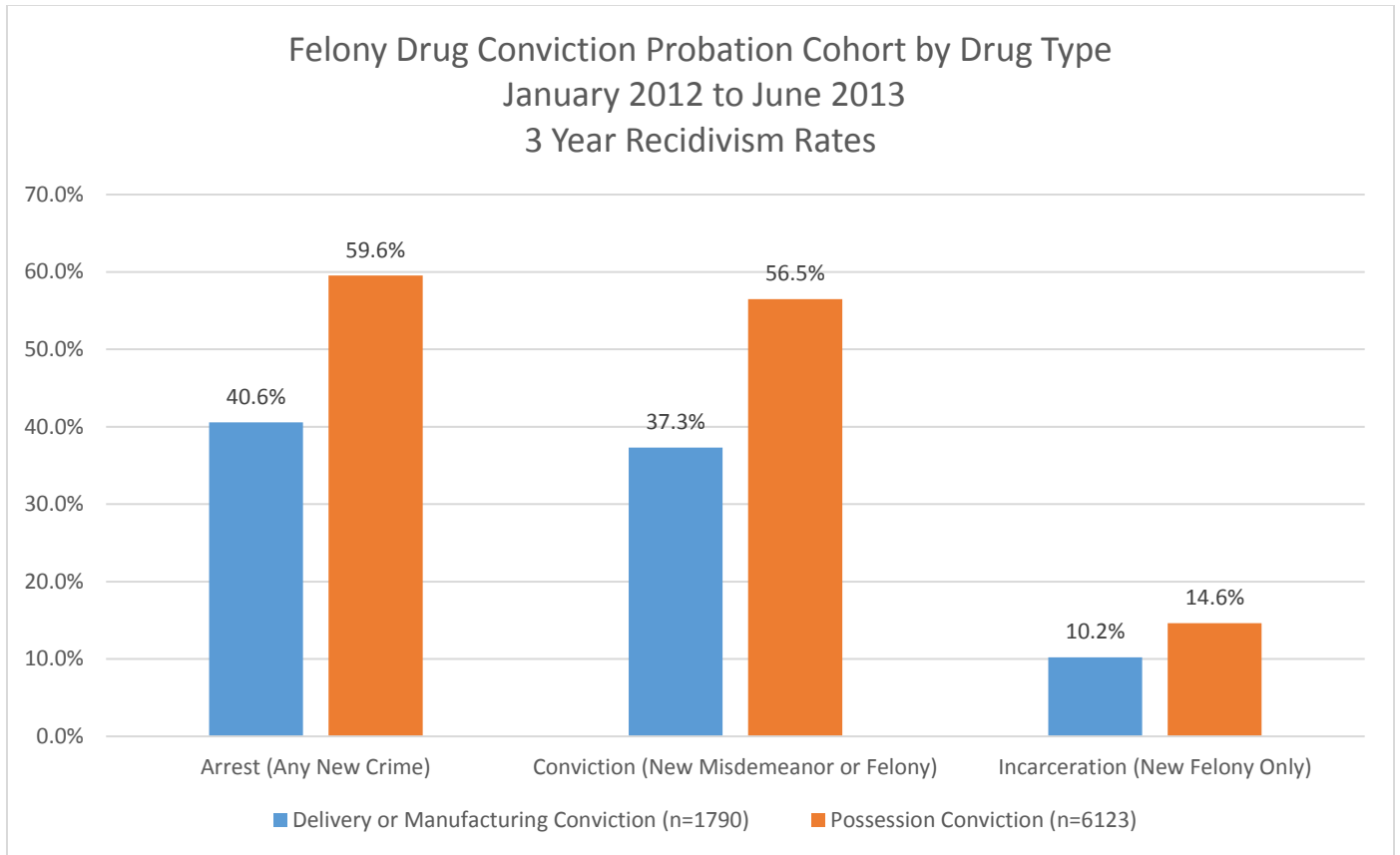


Figure 9: Felony Drug Conviction Probation Cohort by Drug Type, 3 Year Recidivism Rates

## Felony Drug Conviction Cohort Conviction Rates

The above section shows the three year recidivism rates for the felony drug conviction cohorts. This section shows the details of the conviction rates displayed above. The convictions were further analyzed to show whether the most serious conviction was for a misdemeanor crime, felony drug possession, felony drug delivery or manufacture, or another felony including property, other, person, or sex felonies. All convictions that occurred within three years were compiled, and the most serious was defined by these categories. The other felonies includes crimes such as failure to appear, felon with a weapon, failure to register as a sex offender, and weapon use.

Of the 1,831 individuals in the PPS cohort, 872 were convicted of a new misdemeanor or felony crime within 3 years for a conviction rate of 47.6%. Figure 10 below shows the conviction rate details for the PPS cohort. The most serious conviction for each individual was compiled, and is shown below. Of the new convictions, 19.7% were for a misdemeanor crime. Felony drug possession convictions account for 30.4% of the new convictions, and felony drug delivery or manufacturing accounts for 15.8%. The remaining 34.1% are for other non-drug crime felonies, and the most frequent crime type is felony property crime convictions at 19.0%. The other felony category compromises 10.9%, felony person is 3.3%, and felony sex crimes are 0.8%.

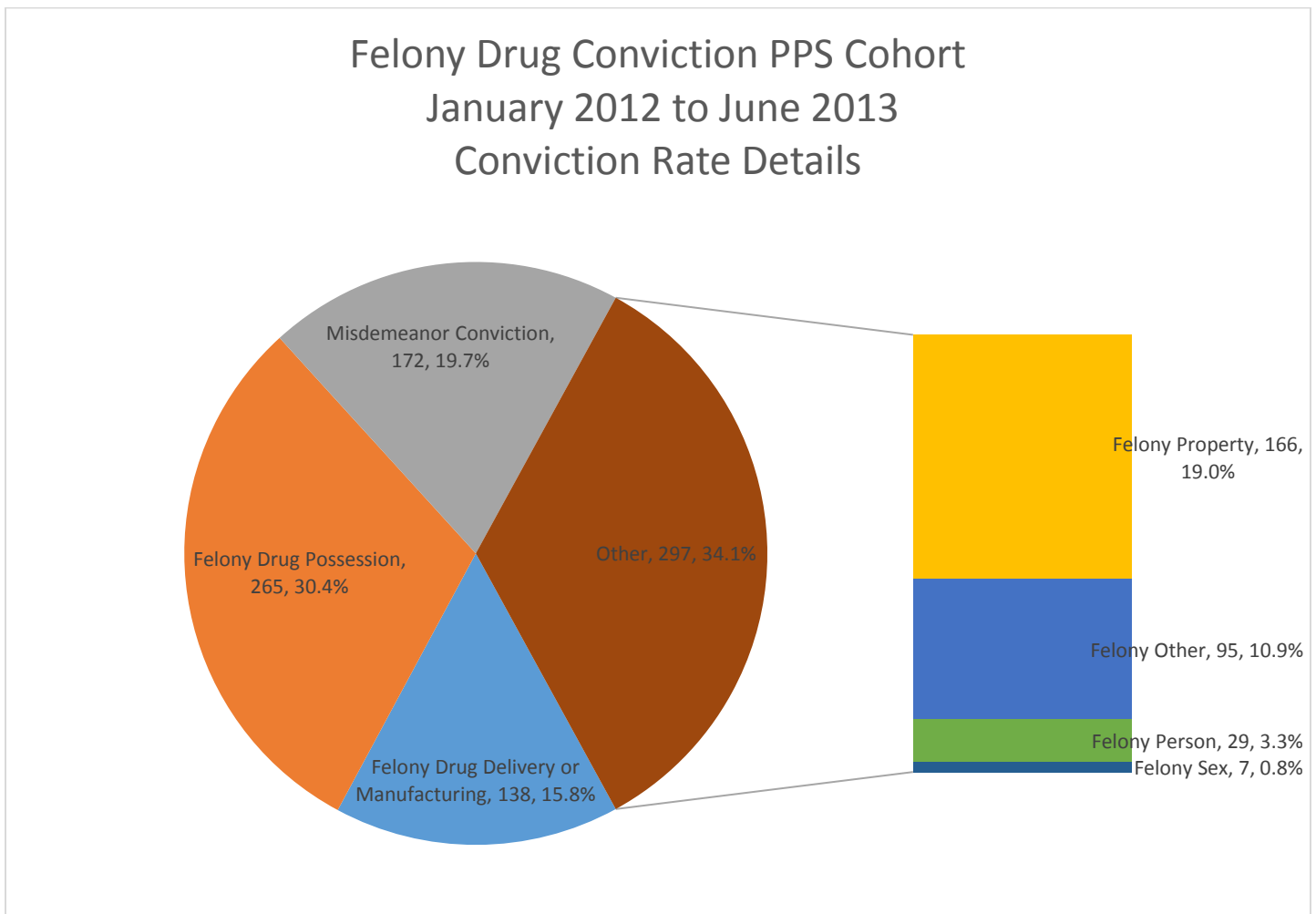


Figure 10: Felony Drug Conviction PPS Cohort, Conviction Rate Details

Of the 910 individuals in the PPS cohort for a drug delivery or manufacturing conviction, 314 were convicted of a new misdemeanor or felony crime within three years for a conviction rate of 34.5%. Figure 11 below shows the conviction rate details for the PPS cohort with a drug delivery or manufacturing conviction. The most serious conviction for each individual was compiled, and is shown below. Of the new convictions, 22.9% were for a misdemeanor crime. Felony drug possession convictions account for 23.2% of the new convictions, and felony drug delivery or manufacturing accounts for 27.1%. The remaining 26.8% are for other non-drug crime felonies, and the most frequent crime type is felony other crime convictions at 11.5%. The felony property category comprises 11.1%, felony person is 2.9%, and felony sex crimes are 1.3%.

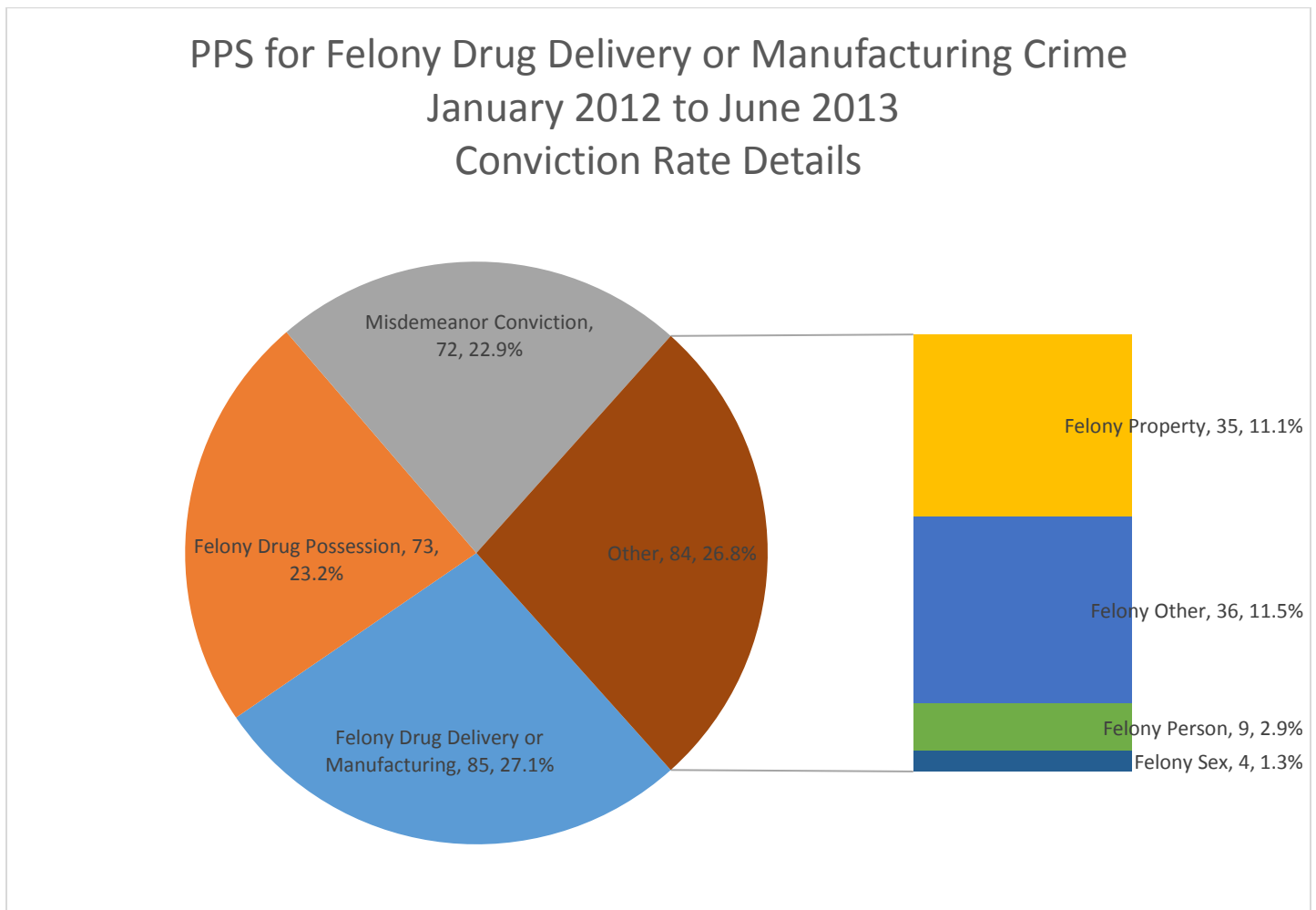


Figure 11: PPS for Felony Drug Delivery or Manufacturing Crime, Conviction Rate Details

Of the 921 individuals in the PPS cohort for a drug possession conviction, 558 were convicted of a new misdemeanor or felony crime within 3 years for a conviction rate of 60.6%. Figure 12 below shows the conviction rate details for the PPS cohort with a drug possession conviction. The most serious conviction for each individual was compiled, and is shown below. Of the new convictions, 17.9% were for a misdemeanor crime. Felony drug possession convictions account for 34.4% of the new convictions, and felony drug delivery or manufacturing accounts for 9.5%. The remaining 38.2% are for other non-drug crime felonies, and the most frequent crime type is felony property crime convictions at 23.5%. The felony other category comprises 10.6%, felony person is 3.6%, and felony sex crimes are 0.5%.

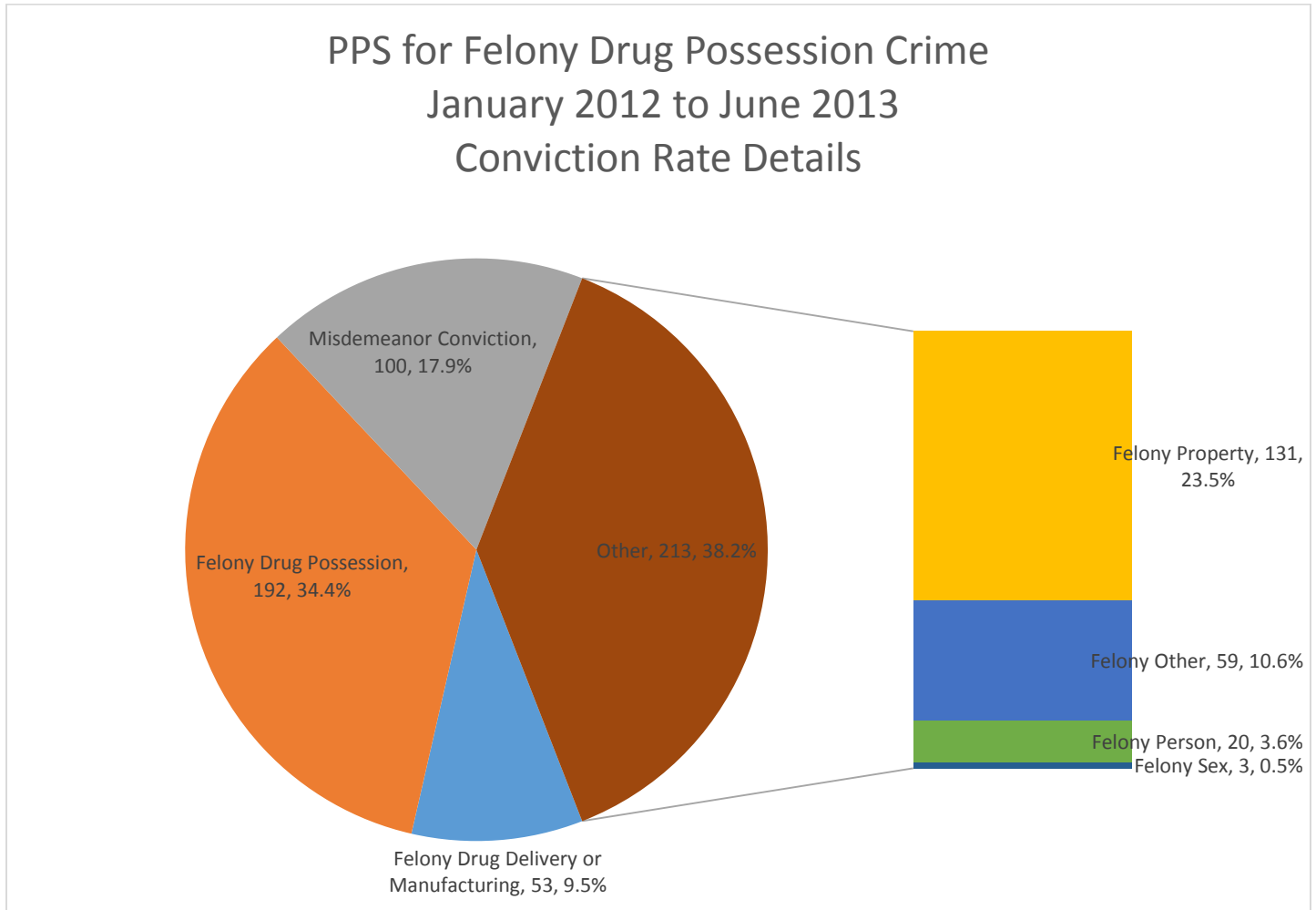


Figure 12: PPS for Felony Drug Possession Crime, Conviction Rate Details

Of the 7,913 individuals in the probation cohort, 4,126 were convicted of a new misdemeanor or felony crime within 3 years for a conviction rate of 52.1%. Figure 13 below shows the conviction rate details for the probation cohort. The most serious conviction for each individual was compiled, and is shown below. Of the new convictions, 27.5% were for a misdemeanor crime. Felony drug possession convictions account for 41.1% of the new convictions, and felony drug delivery or manufacturing accounts for 10.0%. The remaining 21.4% are for other non-drug crime felonies, and the most frequent crime type is felony property crime convictions at 11.3%. The other felony category comprises 6.9%, felony person is 2.7%, and felony sex crimes are 0.5%.

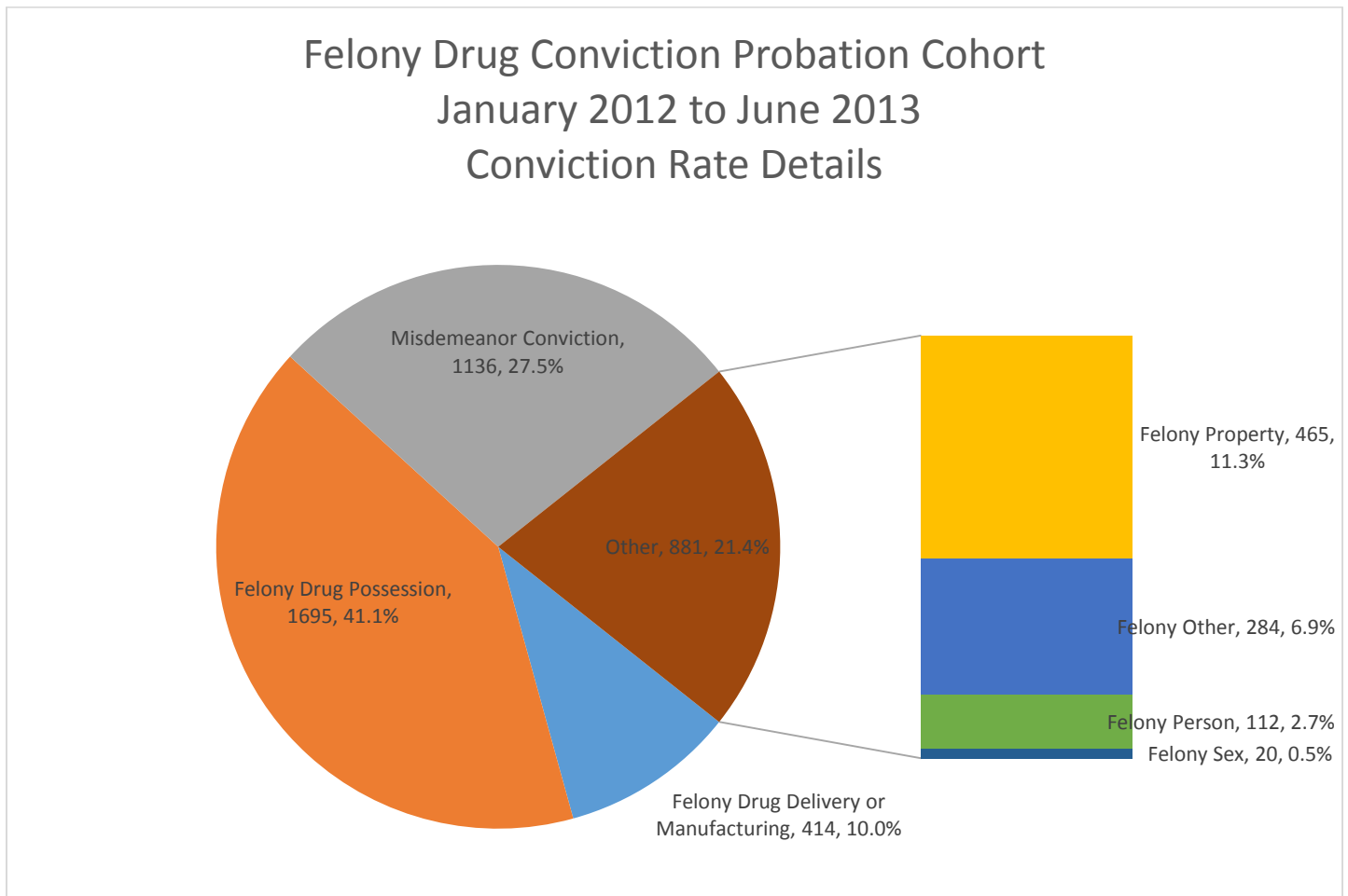


Figure 13: Felony Drug Conviction Probation Cohort, Conviction Rate Details

Of the 1,790 individuals in the probation cohort for a drug delivery or manufacturing conviction, 668 were convicted of a new misdemeanor or felony crime within 3 years for a conviction rate of 37.3%. Figure 14 below shows the conviction rate details for the probation cohort with a drug delivery or manufacturing conviction. The most serious conviction for each individual was compiled, and is shown below. Of the new convictions, 27.2% were for a misdemeanor crime. Felony drug possession convictions account for 19.5% of the new convictions, and felony drug delivery or manufacturing accounts for 37.6%. The remaining 15.7% are for other non-drug crime felonies, and the most frequent crime type is felony property crime convictions at 8.5%. The felony other category comprises 4.9%, felony person is 1.5%, and felony sex crimes are 0.7%.

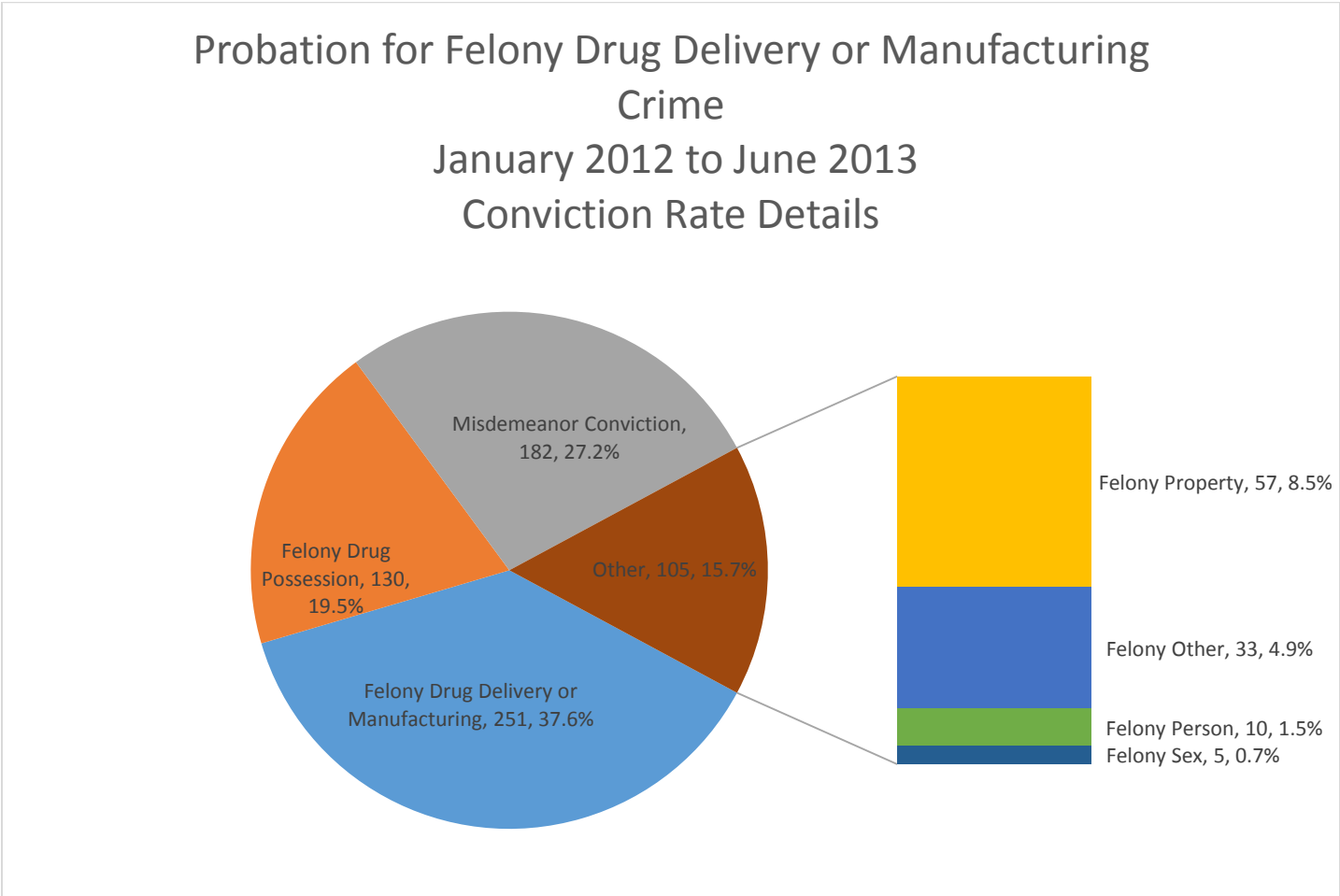


Figure 14: Probation for Felony Drug Delivery or Manufacturing Crime, Conviction Rate Details

Of the 6,123 individuals in the probation cohort for a drug possession conviction, 3,458 were convicted of a new misdemeanor or felony crime within three years for a conviction rate of 56.5%. Figure 15 below shows the conviction rate details for the probation cohort with a drug possession conviction. The most serious conviction for each individual was compiled, and is shown below. Of the new convictions, 27.6% were for a misdemeanor crime. Felony drug possession convictions account for 45.3% of the new convictions, and felony drug delivery or manufacturing accounts for 4.7%. The remaining 22.4% are for other non-drug crime felonies, and the most frequent crime type is felony property crime convictions at 11.8%. The felony other category comprises 7.3%, felony person is 2.9%, and felony sex crimes are 0.4%.

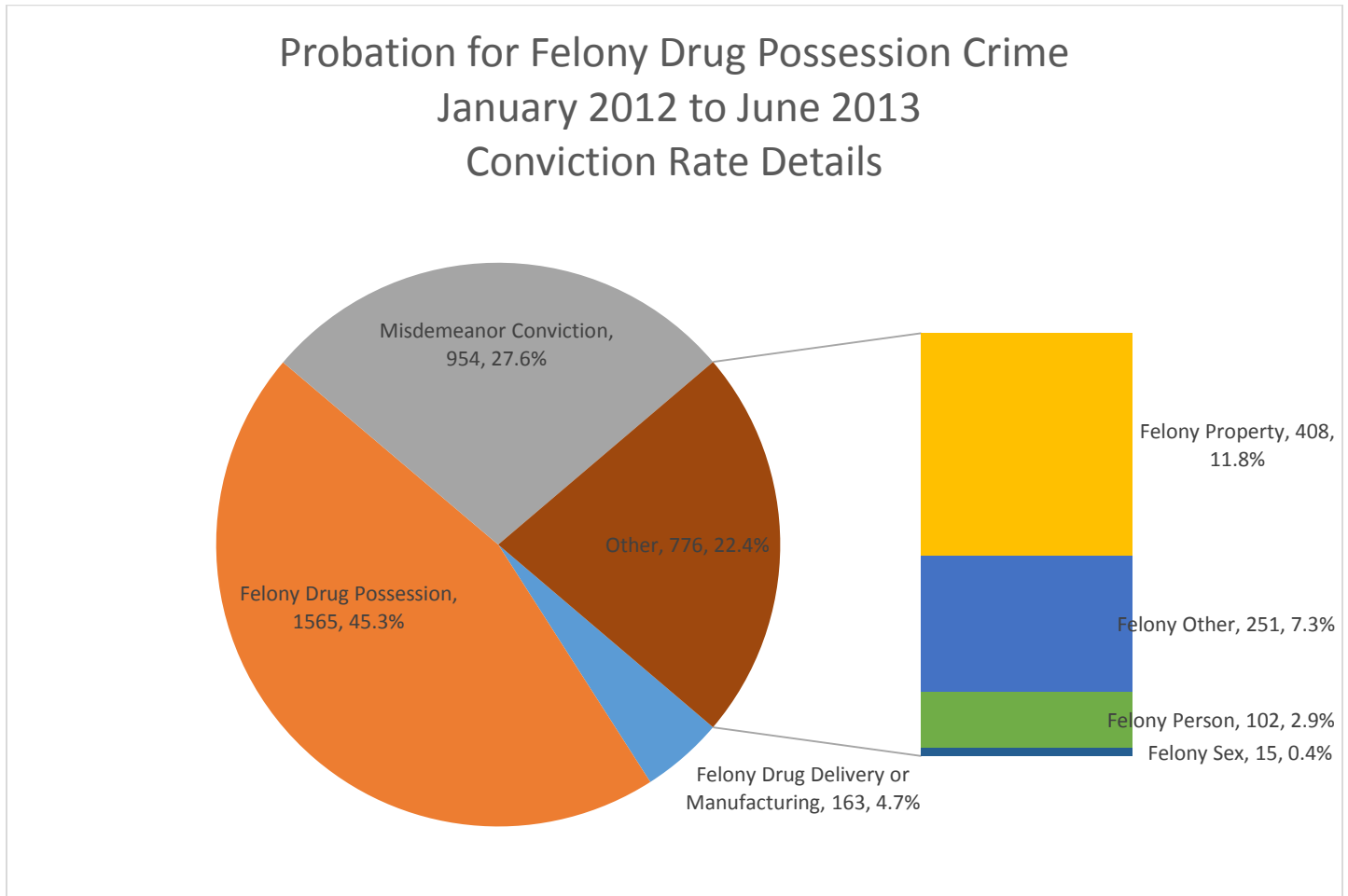


Figure 15: Probation for Felony Drug Possession Crime, Conviction Rate Details

The above analysis shows the most serious conviction in three years for the felony drug conviction cohorts. The figures below further aggregates this information to show conviction recidivism that is for a crime more serious than the original conviction. This shows the level of “graduated” criminal activity; that is individuals who reoffend with a more serious offense than the original conviction.

For those in the drug delivery or manufacturing cohorts, a more serious conviction includes felony property, felony other, felony person, or felony sex crimes. A conviction for felony drug delivery or manufacturing, felony drug possession, or a misdemeanor conviction is not considered a more serious conviction. Figure 16 below shows the conviction rates for more serious crimes than the original conviction. The overall conviction rate for the PPS cohort for felony drug delivery or manufacturing crimes is 34.5%. The conviction rate for a more serious crime drops to 9.2%. The overall conviction rate for the PPS cohort for felony drug possession crimes is 60.6%. The conviction rate for a more serious crime drops to 29.2%.

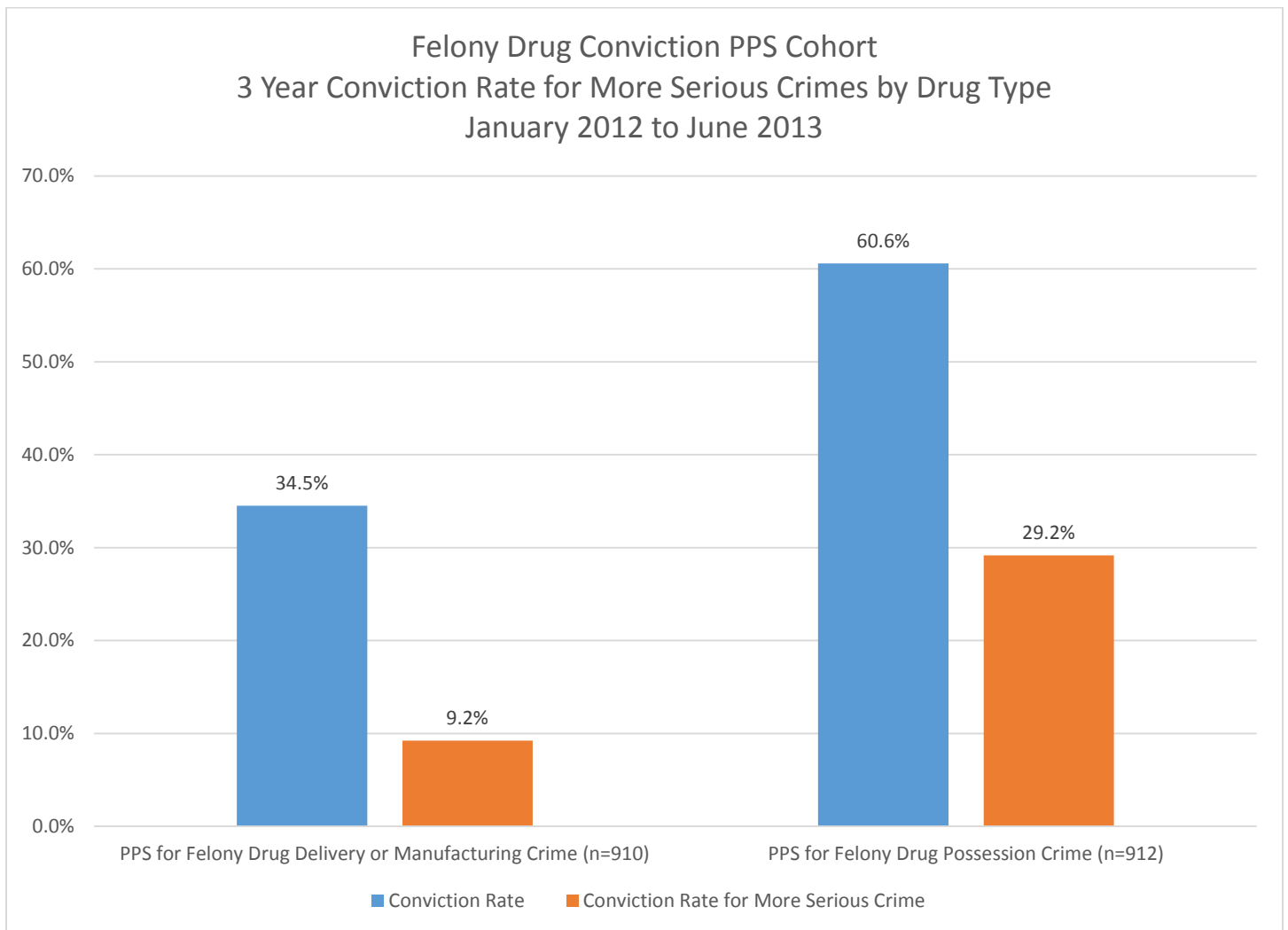


Figure 16: Felony Drug Conviction PPS Cohort, Conviction Rate for More Serious Crimes

For those in the drug possession cohorts, a more serious conviction includes felony drug delivery or manufacturing, felony property, felony other, felony person, or felony sex crimes. A conviction for felony drug possession or a misdemeanor conviction is not considered a more serious conviction. Figure 17 below shows the conviction rates for more serious crimes than the original conviction. The overall conviction rate for the probation cohort for felony drug delivery or manufacturing crimes is 37.3%. The conviction rate for a more serious crime drops to 5.9%. The overall conviction rate for the probation cohort for felony drug possession crimes is 56.5%. The conviction rate for a more serious crime drops to 15.3%.

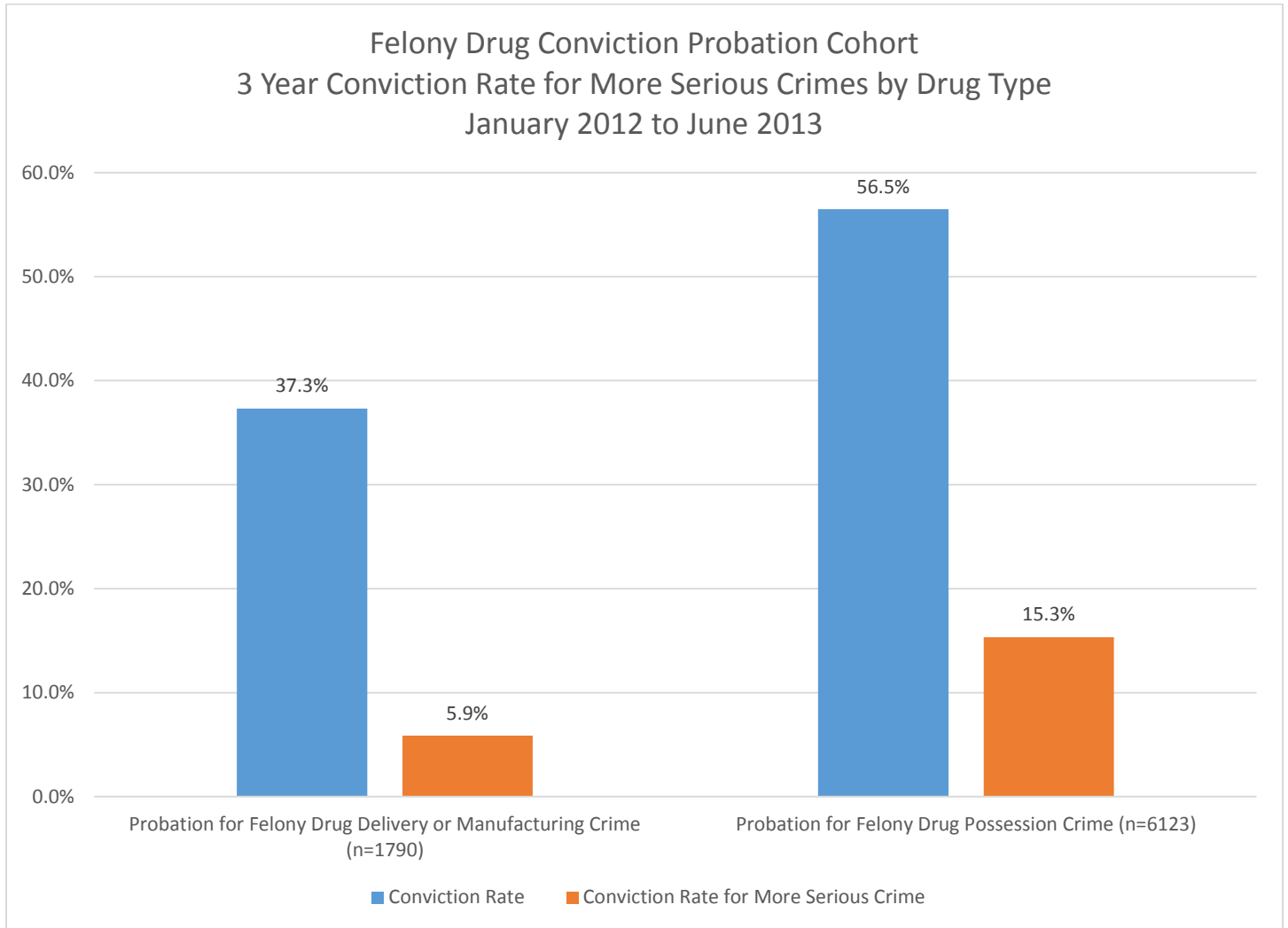


Figure 17: Felony Drug Conviction Probation Cohort, Conviction Rate for More Serious Crimes

## Felony Probation Drug Possession Recidivism Rates

In November 2016 the Oregon Sheriffs and Chiefs of Police announced their support for user-amount drug possession convictions to be treated as misdemeanors instead of felonies<sup>11</sup>. This section displays more of the recidivism details of those sentenced to felony probation for a drug possession conviction. The three year recidivism rates are displayed below by risk to recidivate level and by criminal history categories.

Figure 18 below shows the three year recidivism rates for the felony drug possession probation cohort by risk to recidivate level. The risk to recidivate level is determined by the PSC (Public Safety Checklist)<sup>12</sup> 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. Those identified as high risk to recidivate show an arrest rate of 87.8%, compared to 69.7% for medium risk, and 41.7% for the low risk to recidivate group. The conviction rate is 83.5% for the high risk to recidivate group, compared to 65.3% for medium risk, and 40.0% for the low risk to recidivate group. The incarceration rate is 34.0% for the high risk to recidivate group, compared to 16.7% for medium risk, and 5.8% for the low risk to recidivate group.

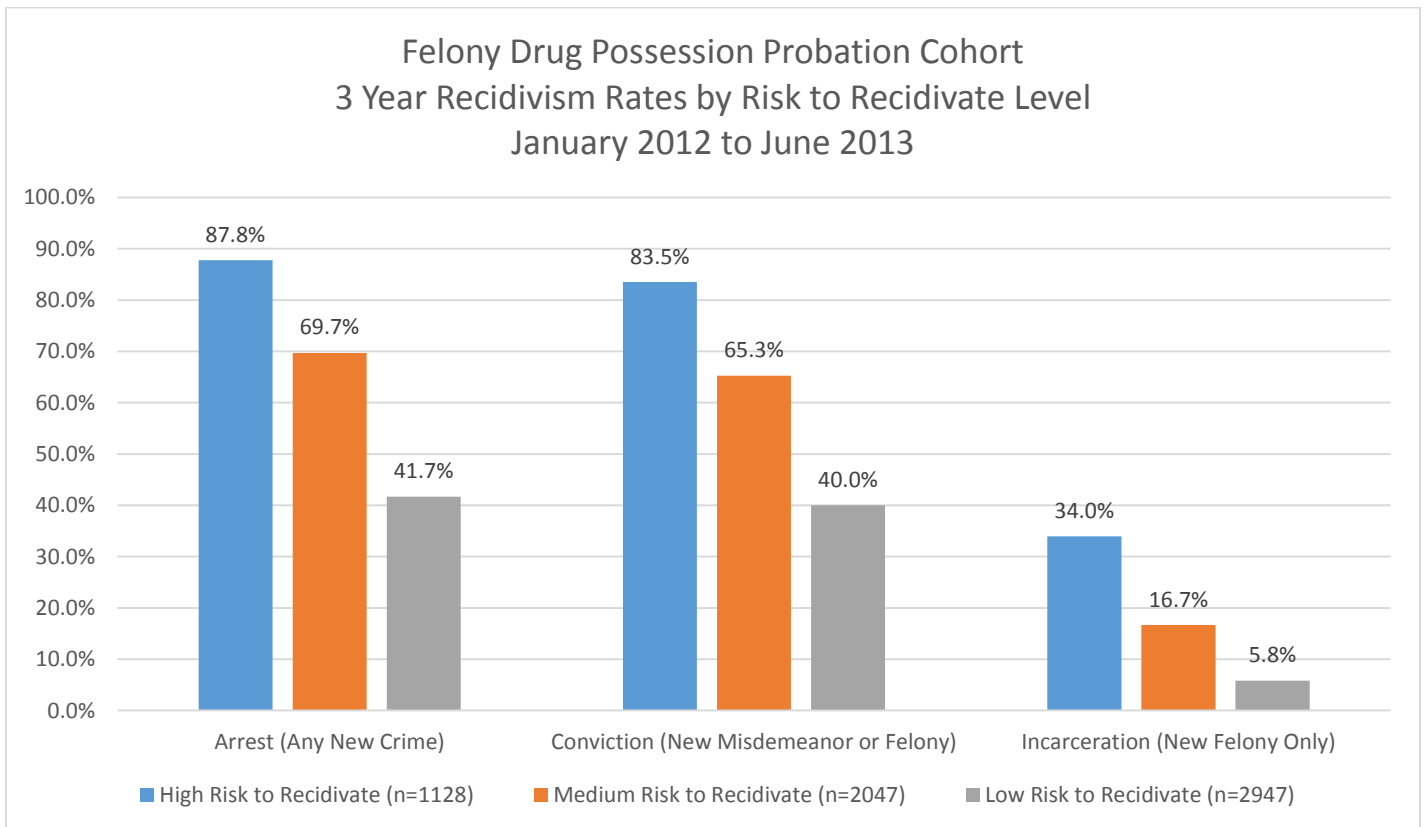


Figure 18: Felony Drug Possession Probation Cohort: 3 Year Recidivism Rates by Risk to Recidivate Level

<sup>11</sup> <http://oregonsheriffs.org/news/press-releases/oregon-sheriffs-and-chiefs-of-police-support-a-new-approach-to-drug-possession-crimes/>

<sup>12</sup> <https://risktool.ocjc.state.or.us/psc/>

Figure 19 below shows the conviction rate for more serious crimes than the original conviction. This shows the level of “graduated” criminal activity; that is individuals who reoffend with a more serious offense than the original conviction. A more serious conviction for the felony drug probation cohort includes a conviction for felony drug delivery or manufacturing, felony property, felony other, felony person, or felony sex crimes. A conviction for felony drug possession or a misdemeanor conviction is not considered a more serious conviction. The overall conviction rate for the high risk to recidivate group is 83.5%, and this drops to 29.2% for a more serious crime. For the medium risk to recidivate group the overall conviction rate is 65.3%, and this drops to 18.5% for a more serious crime. The overall conviction rate for the low risk to recidivate group is 34.0%, and this drops to 7.8% for a more serious crime.

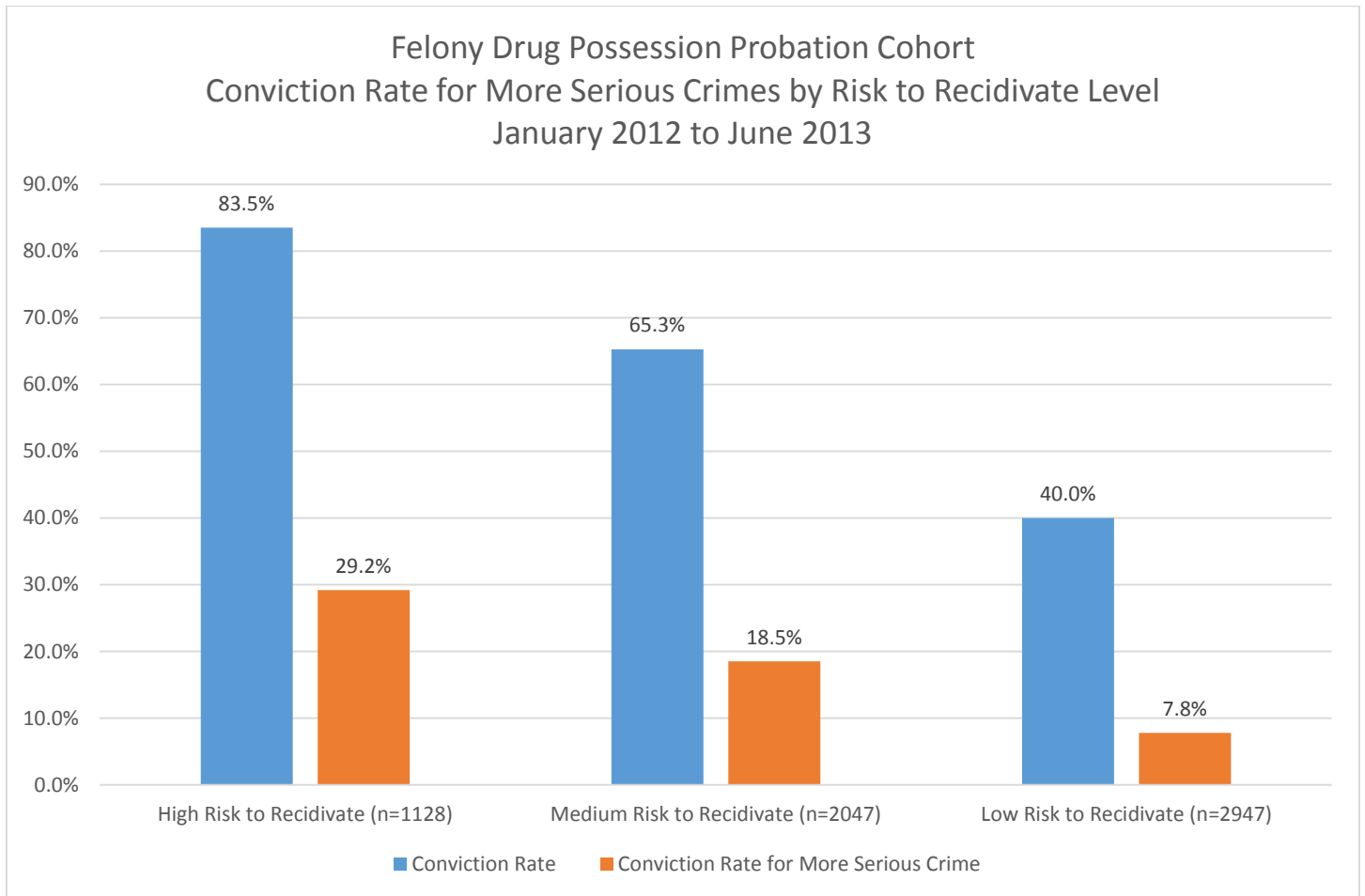


Figure 19: Conviction Rate for More Serious Crimes by Risk to Recidivate Level

Figure 20 below shows the 3 year recidivism rates for the felony drug possession probation cohort by criminal history categories. The first time Oregon felons are those who received their first felony conviction in Oregon for the drug possession crime. A subset of this group is also shown as those with a first time Oregon felony and no prior arrests. This group shows zero or one arrests in LEDS prior to the felony probation sentence for drug possession. Those sentenced to felony probation for drug possession show a three year arrest rate of 59.6%. For first time felons the arrest rate is 47.6%, and for those with no prior arrests the arrest rate is 33.9%. The conviction rate for all drug possession probationers is 56.5%. For first time felons the conviction rate is 45.0%, and for those with no prior arrests the conviction rate is 32.2%. The incarceration rate for all drug possession probationers is 14.6%. For first time felons the incarceration rate is 8.1%, and for those with no prior arrests the incarceration rate is 4.7%.

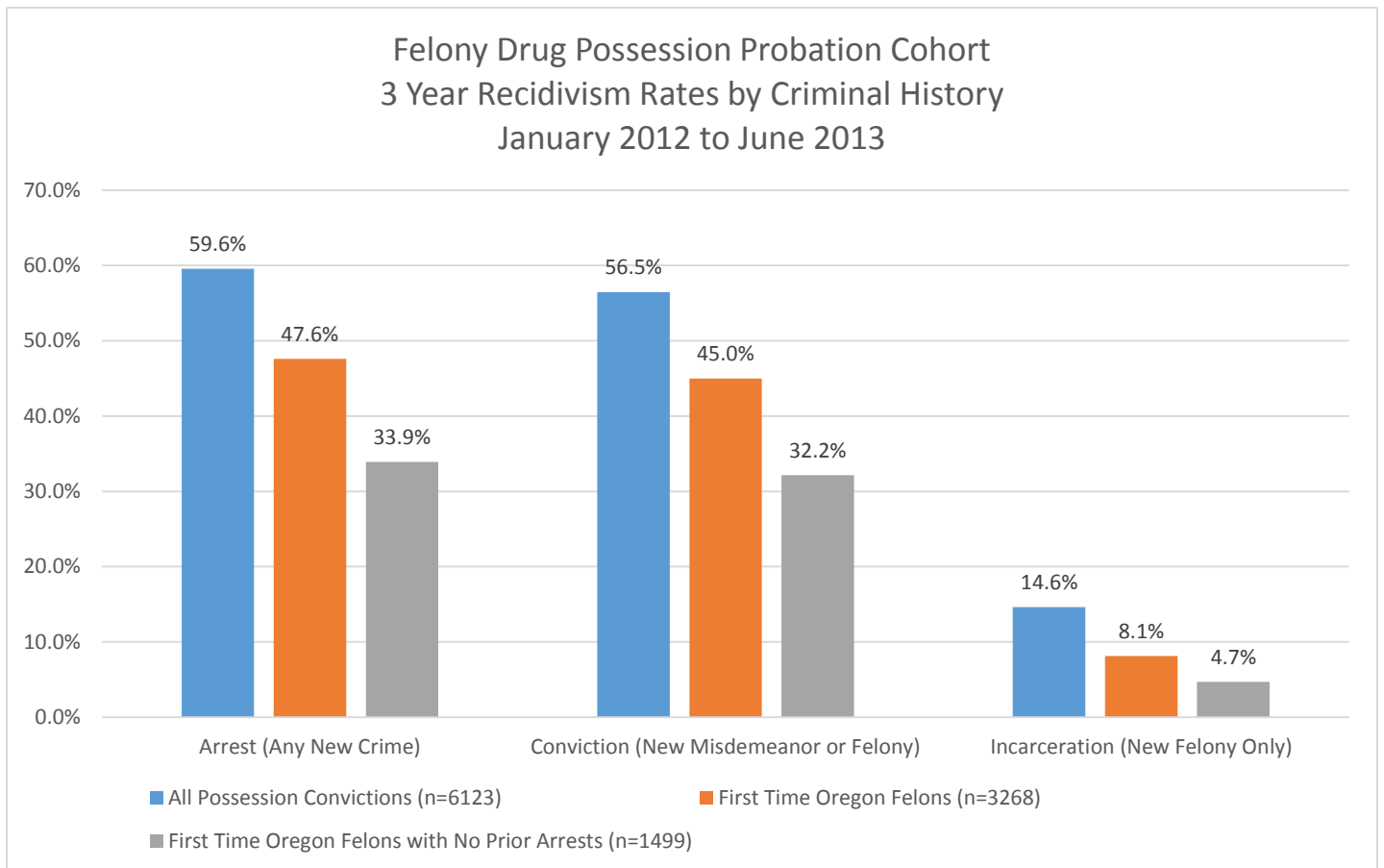


Figure 20: Felony Drug Possession Probation Cohort: 3 Year Recidivism Rates by Criminal History

Figure 21 below shows the conviction rate for more serious crimes than the original conviction. This shows the level of “graduated” criminal activity; that is individuals who reoffend with a more serious offense than the original conviction. A more serious conviction for the felony drug probation cohort includes a conviction for felony drug delivery or manufacturing, felony property, felony other, felony person, or felony sex crimes. A conviction for felony drug possession or a misdemeanor conviction is not considered a more serious conviction. The overall conviction rate for all felony drug PCS convictions sentenced to probation is 56.5%, and this drops to 15.3% for a more serious crime. The overall conviction rate for first time Oregon felons is 45.0%, and this drops to 11.2% for a more serious crime. For first time Oregon felons with no prior arrests, the overall conviction rate is 32.2% and this drops to 6.7% for a more serious crime.

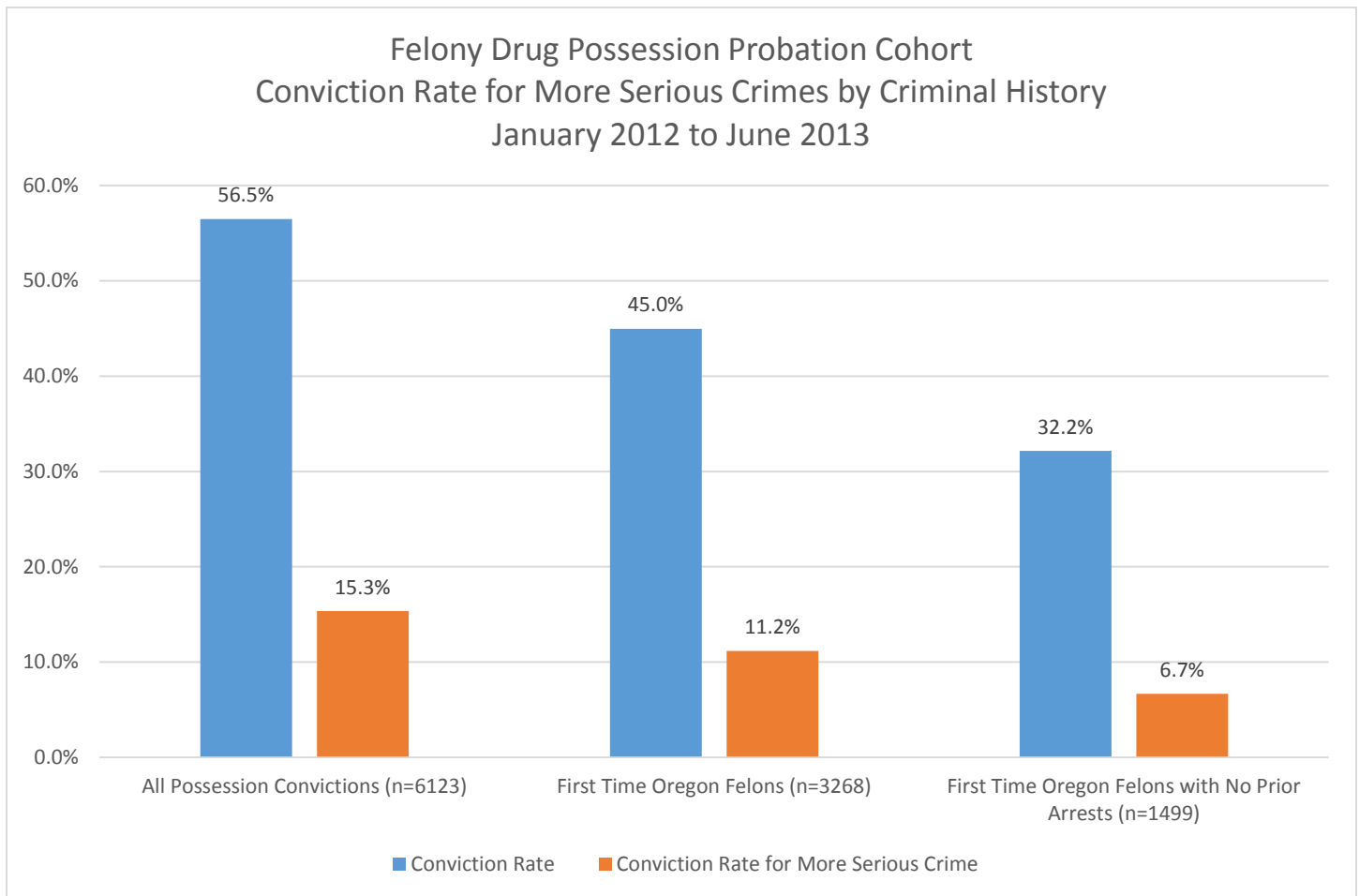


Figure 21: Conviction Rate for More Serious Crimes by Criminal History

## Appendix

### Department of Corrections Cohorts

The Department of Corrections defines the Parole-PPS cohort as comprising all individuals released to parole or PPS during a six month period. It excludes those released from prison following a revocation from parole/PPS. Inmates initially released on temporary or transitional leave are also included as of their parole or PPS date.

The Department of Corrections defines the probation cohort as comprising all individuals sentenced for the first time in a custody cycle to felony probation during the six month period. Some offenders may have been sentenced to probation more than once. Each new probation admission is considered a separate case. The cohort does not include offenders sentenced to felony bench or court probation who are not supervised by a county community corrections department.

The cohort definitions are separated by county, to allow for county level analysis. To prevent a single individual from being included in multiple counties, DOC defines a county's release cohort as individuals under the county's supervision at the end of the three year period following release from incarceration. A county's probation cohorts are defined as offenders under the county's supervision at the end of the three year period following admission to probation.

### Incarceration

The incarceration recidivism measure is compiled from the Department of Corrections data and includes prison sentences and felony local control sentences for a new crime. It typically does not include a jail sentence without any subsequent supervision, which is rarely used as a sentencing option for offenders. It does not include misdemeanor jail sentences, or jail time served pre-trial. Oregon does not have a statewide jail data system, and jail sentences in the circuit court case data are incomplete at the statewide level.

### Conviction

The conviction recidivism measure is compiled from data collected from the Oregon Judicial Department (OJD) from the Odyssey case management system. This dataset provides misdemeanor and felony conviction data from Oregon's 36 circuit courts. For records where a SID (State Identification) number is missing, an extensive data merging process was followed to match records on name and date of birth; see the Data Merging Methodology section below.

The Oregon Judicial Department (OJD) transmits criminal case data using a secure file transfer to the Criminal Justice Commission (CJC) upon request. The CJC makes such a request of the OJD on approximately a quarterly basis. The data transmitted to the CJC includes information on:

- The defendant, such as the defendant's name, date of birth, address, demographic information (gender, race, etc.), driver license number, SID number, fingerprint and control number;
- The case event(s);
- The charge(s);
- Disposition of charge(s); and
- Sentence(s) imposed by the court.

This data is only from cases filed in circuit courts. The OJD sends data on all – not just new – cases every time data is sent to the CJC. OJD does not have access to information on cases filed in justice or municipal courts, as OJD does not have administrative control over those courts.

Earlier this year, the OJD completed a significant information technology project – Oregon eCourt. Oregon eCourt involves an integrated system that includes electronic filing, case management, document access, and ePayment. As part of Oregon eCourt, circuit courts transitioned from the Oregon Judicial Information Network (OJIN) to a new case management system, Odyssey.

### Arrest

Arrest data is available from the Law Enforcement Data System (LEDS) maintained by Oregon State Police (OSP). This includes arrests where the person was fingerprinted. It does not include arrests where the person was not fingerprinted 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. Some law enforcement agencies fingerprint more arrests than are required, but the minimum should include the required crimes. OSP collects a bio-metric identifier, or fingerprint record, for all arrest records entered into LEDS. Unfortunately, arrest records are not separated into misdemeanor or felony crimes.

### Data Merging Methodology

The majority of data merging across the different data systems used in the analysis was done using the SID number. 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 Odyssey, then the same SID number matching was used. For entries where the SID number was missing, name and date of birth matching was used.

### Odyssey

The SID number in Odyssey was missing for 17% 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 Odyssey.

### Statewide Recidivism Tables



## Recidivism Rates Statewide

Statewide Parole-PPS Recidivism Rates							
Cohort	Cohort Size	Arrest for a New Crime within 3 Years of Release		Conviction for a New Crime within 3 Years of Release		Incarceration for a New Felony Crime within 3 Years of Release	
		Number Arrested	Percent Arrested	Number Convicted	Percent Convicted	Number Incarcerated	Percent Incarcerated
1998\1st	1975	971	49.2%	752	38.1%	256	13.0%
1998\2nd	2251	1179	52.4%	908	40.3%	344	15.3%
1999\1st	2278	1264	55.5%	1006	44.2%	366	16.1%
1999\2nd	2448	1415	57.8%	1095	44.7%	445	18.2%
2000\1st	2432	1344	55.3%	1054	43.3%	393	16.2%
2000\2nd	2398	1334	55.6%	1047	43.7%	412	17.2%
2001\1st	2564	1395	54.4%	1064	41.5%	448	17.5%
2001\2nd	2609	1428	54.7%	1101	42.2%	445	17.1%
2002\1st	2436	1305	53.6%	997	40.9%	398	16.3%
2002\2nd	2753	1475	53.6%	1084	39.4%	482	17.5%
2003\1st	2580	1355	52.5%	1037	40.2%	473	18.3%
2003\2nd	2547	1305	51.2%	1015	39.9%	448	17.6%
2004\1st	2751	1478	53.7%	1172	42.6%	515	18.7%
2004\2nd	3071	1687	54.9%	1331	43.3%	543	17.7%
2005\1st	2855	1549	54.3%	1185	41.5%	477	16.7%
2005\2nd	3007	1604	53.3%	1230	40.9%	494	16.4%
2006\1st	2993	1582	52.9%	1185	39.6%	481	16.1%
2006\2nd	3038	1552	51.1%	1200	39.5%	456	15.0%
2007\1st	2945	1563	53.1%	1175	39.9%	458	15.6%
2007\2nd	3024	1556	51.5%	1171	38.7%	476	15.7%
2008\1st	2904	1463	50.4%	1148	39.5%	447	15.4%
2008\2nd	2824	1424	50.4%	1068	37.8%	421	14.9%
2009\1st	2768	1386	50.1%	978	35.3%	391	14.1%
2009\2nd	3280	1649	50.3%	1226	37.4%	468	14.3%
2010\1st	2889	1424	49.3%	1055	36.5%	411	14.2%
2010\2nd	2947	1542	52.3%	1156	39.2%	459	15.6%
2011\1st	2918	1491	51.1%	1108	38.0%	454	15.6%
2011\2nd	3024	1589	52.5%	1187	39.3%	524	17.3%
2012\1st	2963	1567	52.9%	1170	39.5%	487	16.4%
2012\2nd	2984	1636	54.8%	1208	40.5%	502	16.8%
2013\1st	2853	1575	55.2%	1190	41.7%	473	16.6%

### Statewide Probation Recidivism Rates

Cohort	Cohort Size	Arrest for a New Crime within 3 Years of Imposition of Probation		Conviction for a New Crime within 3 Years of Imposition of Probation		Incarceration for a New Felony Crime within 3 Years of Imposition of Probation	
		Number Arrested	Percent Arrested	Number Convicted	Percent Convicted	Number Incarcerated	Percent Incarcerated
1998\1st	4789	2302	48.1%	2462	51.4%	555	11.6%
1998\2nd	4807	2272	47.3%	2386	49.6%	516	10.7%
1999\1st	4815	2241	46.5%	2314	48.1%	531	11.0%
1999\2nd	4633	2166	46.8%	2202	47.5%	509	11.0%
2000\1st	4915	2286	46.5%	2238	45.5%	556	11.3%
2000\2nd	4379	2054	46.9%	2029	46.3%	464	10.6%
2001\1st	4818	2130	44.2%	2140	44.4%	546	11.3%
2001\2nd	4419	1999	45.2%	2031	46.0%	512	11.6%
2002\1st	4776	2181	45.7%	2143	44.9%	617	12.9%
2002\2nd	4536	2008	44.3%	1910	42.1%	526	11.6%
2003\1st	4134	1880	45.5%	1691	40.9%	462	11.2%
2003\2nd	4198	1936	46.1%	1800	42.9%	530	12.6%
2004\1st	4622	2203	47.7%	2020	43.7%	615	13.3%
2004\2nd	4470	2171	48.6%	1917	42.9%	594	13.3%
2005\1st	4941	2393	48.4%	2158	43.7%	663	13.4%
2005\2nd	4969	2318	46.6%	2126	42.8%	585	11.8%
2006\1st	5413	2514	46.4%	2240	41.4%	625	11.5%
2006\2nd	4786	2216	46.3%	1935	40.4%	538	11.2%
2007\1st	4989	2211	44.3%	1934	38.8%	519	10.4%
2007\2nd	4349	1883	43.3%	1649	37.9%	431	9.9%
2008\1st	4535	1881	41.5%	1634	36.0%	444	9.8%
2008\2nd	4065	1731	42.6%	1493	36.7%	395	9.7%
2009\1st	4310	1810	42.0%	1547	35.9%	392	9.1%
2009\2nd	3879	1696	43.7%	1416	36.5%	376	9.7%
2010\1st	4081	1848	45.3%	1526	37.4%	442	10.8%
2010\2nd	4245	1923	45.3%	1630	38.4%	449	10.6%
2011\1st	4205	1931	45.9%	1659	39.5%	514	12.2%
2011\2nd	4191	1945	46.4%	1654	39.5%	538	12.8%
2012\1st	4531	2059	45.4%	1761	38.9%	545	12.0%
2012\2nd	3917	1857	47.4%	1597	40.8%	500	12.8%
2013\1st	4250	2073	48.8%	1734	40.8%	556	13.1%