

Recidivating Patterns of Individuals Commuted in 2020

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

As a result of the COVID-19 pandemic and its spread in congregate settings like prisons and jails, Governor Brown commuted the sentences of 963 adults in custody in seven distinct rounds of commutations. These individuals were released from July 2020 through October 2021. Table 1 displays the number of individuals who received commutations and the type of commutation they received. Individuals received one of three types of commutations: two months or less remaining in sentence, six months or less remaining in sentence, or medically vulnerable. 63 percent of all commutations were medically vulnerable, but the types and number of commutations varied by round. Round 6 was the largest round of commutations, with 257 commutations, 75 percent of which were medically vulnerable. Round 2 was the smallest round, where 51 individuals were commuted, 84 percent of whom received 2-month commutations.

Table 1: Details on Commutation Type and Timeline

Round #	Type of Commutation			Total	Range of Release Months
	2-Month	6-Month	Medically Vulnerable		
1	0	0	57	57	July 2020-April 2021*
2	43	0	8	51	October- December 2020
3	41	0	138	179	November 2020-July 2021**
4	0	23	100	123	January-June 2021
5	0	163	11	174	February-May 2021
6	0	63	194	257	March-October 2021
7	0	21	101	122	May-October 2021
Total	84 9%	270 28%	609 63%	963 100%	July 2020-October 2021

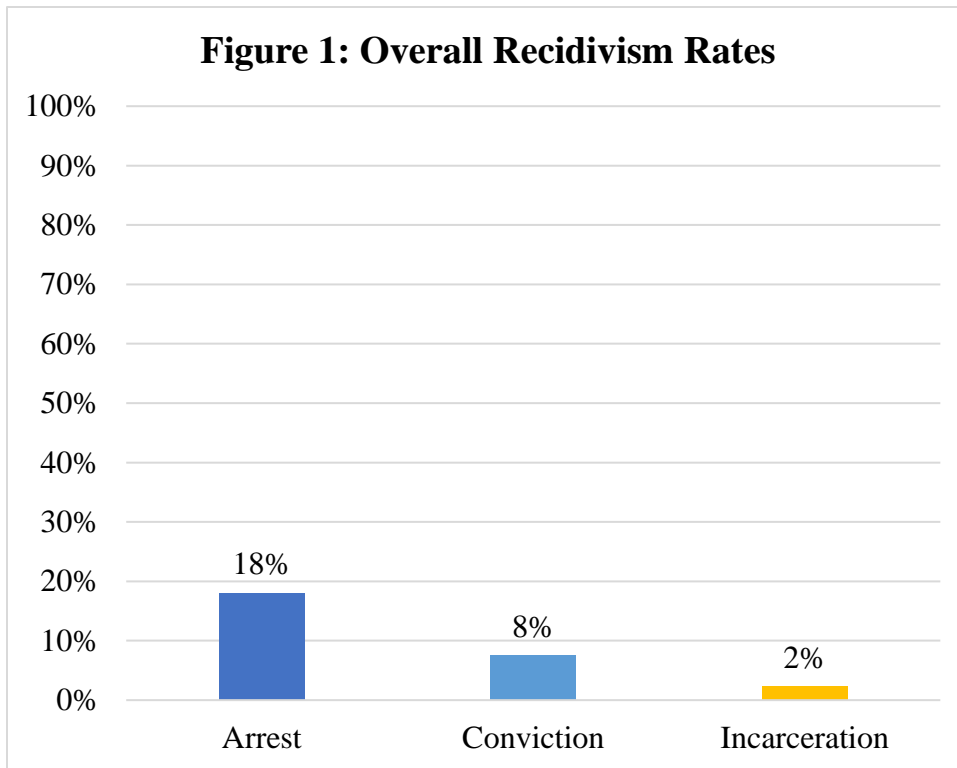
*One individual was released in April 2021

**20 individuals were commuted in Round 3 and released in 2021

This report examines the recidivism outcomes for the first 266 individuals who were commuted and then released in 2020. These 266 individuals were released in one of the first three rounds of commutations¹ and reach the threshold of at least one post-release year in which recidivism outcomes could be observed at the time analysis was completed; 70 percent received medically vulnerable commutations. To calculate recidivism rates, the Criminal Justice Commission (CJC) employed its standard approach used in its [biannual recidivism reports](#).

The 266 individuals who were released in 2020 exhibited the recidivism rates depicted in Figure 1.

¹ Though 287 total adults in custody were commuted in Round 1, 2, and 3, 21 of them were released in 2021, and thus do not meet the one-year threshold.



18 percent (48 individuals) were arrested within one year of their commutation, 8 percent (20 individuals) were convicted of a new misdemeanor or felony crime, and 2 percent (6 individuals) were reincarcerated. These recidivism rates are lower than the most recent one-year recidivism rates reported by the CJC. Table 2 compares the recidivism of the commuted cohort to the recidivism of

those in the late 2019 Parole-PPS cohort who were released from prison. Individuals released from prison in late 2019 exhibit the historically lowest one-year recidivism rates of any cohort since 1998; 20 percent were arrested, 8 percent were convicted of a new crime, and 3 percent were incarcerated within one year of release. The comparison between the two cohorts is imperfect. The late 2019 Parole-PPS, Prison releases cohort is 6 times the size of the commuted cohort. The cohort of commuted individuals exhibits a higher risk profile than the 2019 cohort; the average Public Safety Checklist (PSC) score of a commuted individual is 39.4, higher than the average risk score of an individual in the late 2019 cohort, 34.8. Additionally, the timeframe in which the commuted cohort and the late 2019 cohort completed their one-year follow-up periods are different. The late 2019 cohort's one-year follow up was partially during the COVID-19 pandemic. The corresponding time frame for the commuted individuals was entirely during the pandemic, which has caused changes in the overall criminal justice system related to law enforcement activity, crime case processing backlogs, and a myriad of other system impacts. In addition, Measure 110 which decriminalizes most drug possession violations, became effective February 1, 2021². Thus, there are many factors that may contribute to the recidivism rates differences displayed in Table 2.

² CJC calculated the recidivism rates of the late 2019 Parole-PPS prison release cohort as if Drug Possession was no longer a recidivating offense and found that the rates are similar to those reported in Table 2. These estimates are available upon request.

Table 2: Comparison of Recidivism of Commuted and Late 2019 Cohort

Recidivism Type	Recidivism Rates by Cohort	
	2020 Commutations	Late 2019 Parole-PPS, Prison Releases
Arrest	48	345
	18%	20%
Conviction	20	132
	8%	8%
Incarceration	6	44
	2%	3%
Total Cohort	266	1,685

Of the commuted individuals who recidivated, most did not recidivate for a person crime. 10 individuals were arrested for a person crime within one year of their commutation. Of these 10 individuals the most common person crime was menacing, followed by recklessly endangering another person, assault in the fourth degree, and robbery in the second degree. There was one arrest for assaulting a public safety officer and one arrest for robbery in the first degree. However, the most common crime resulting in arrest was a conditional release violation. 22 percent of all arrests within the first year after commutation were for a conditional release violation.

Table 3 displays the most serious conviction and incarceration crime categories by individual within one year of commutation. The most common crime category is “Other” which includes driving with a suspended license, possession of a weapon as a felon, criminal mischief in the second degree, eluding police, harassment, and driving while intoxicated. There is one person-crime conviction and incarceration which are both for the same crime, Manslaughter in the Second Degree.

Table 3: Conviction and Incarceration Crimes

Crime Category	Conviction	Incarceration
Drug*	2	1
	10%	17%
Drug Possession	2	0
	10%	0%
Other	12	2
	60%	33%
Person	1	1
	5%	17%
Property	3	2
	15%	33%
Total	20	6

*This includes drug delivery and manufacturing, and specifically excludes drug possession.

Future reports will more closely examine the recidivating patterns of the 266 people included in this report using longer follow-up periods. In upcoming reports, initial recidivism rates for other commuted individuals as they reach the threshold of one, two, and three years after their commutation will also be examined.