

# Oregon Recidivism Analysis

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Criminal Justice Commission

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# FOREWORD

This report marks the third 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.

If you have read our two previous reports, you will immediately notice that this report reverts back to the bare definition of recidivism in the statute with no further analysis as was done in the inaugural publication. In our second report we began looking at recidivism rates by age, by gender, by race and ethnicity, crime type, and by level of risk to recidivate. We also looked at the amount of time that passed before recidivating events occurred. Feedback from stakeholders on the second publication was very positive. However, readers were limited to looking at this information in graphs that were static, and typically reflective of statewide, and not individualized county level information. We intend to change that.

It is our goal, that on July 1<sup>st</sup> 2016 any member of the public will be able to find up to date information on recidivism rates and trends in Oregon in an interactive data dashboard hosted on our website. This will allow practitioners from around the state to drill down into the data at the county level and quickly be able to draw comparisons to their wider region and to the state as a whole. It is our intention to continually add to and improve the ways that the data can be analyzed. The data dashboards will give public safety leaders the information they need to make informed decisions within their communities.

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

The new dashboard can be found here on July 1 2016: <http://www.oregon.gov/cjc/data/Pages/main.aspx>



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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 third 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 plans to release an interactive and online data dashboard to present the recidivism analyses<sup>3</sup>. This data dashboard will include many different filters and breakouts of the recidivism data, including results by gender, age, race, county, and risk to recidivate level. This dashboard will be 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 second six months of 2012:

- 17% were re-incarcerated for a new felony crime within three years of release,
- 41% 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 2012:

- 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
- 48% 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 second cohort of 2012. 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.

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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 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.

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. The incarceration data includes felony incarceration sentences only and 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 legacy Oregon Judicial Information Network (OJIN) and the new Odyssey case management systems. Oregon's 36 circuit courts are in the midst of a multi-year business transformation project converting from OJIN to Odyssey. At the time of this analysis there were 28 counties using Odyssey and 8 counties using OJIN; see the appendix for details.

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 OJIN and 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 second cohort of 2012. 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 second cohort of 2012 the incarceration rate was 16.9%. This is a 3.3% increase over the incarceration rate of the first cohort of 2012 at 16.3%. Over a five year period, it is a 7.0% increase compared to the incarceration rate of the second cohort of 2007 at 15.8%. The conviction rate for the second cohort of 2012 was 40.6%. This is a 1.8% increase compared to the conviction rate of the first cohort of 2012 at 39.9%. It is a 4.0% increase over a five year period compared to the conviction rate of the second cohort of 2007 at 39.0%. The arrest rate for the second cohort of 2012 was 54.9%. This is a 3.9% increase compared to the arrest rate of the first cohort of 2012 at 52.9%. It is a 6.5% increase over a five year period compared to the arrest rate of the second cohort of 2007 at 51.6%.

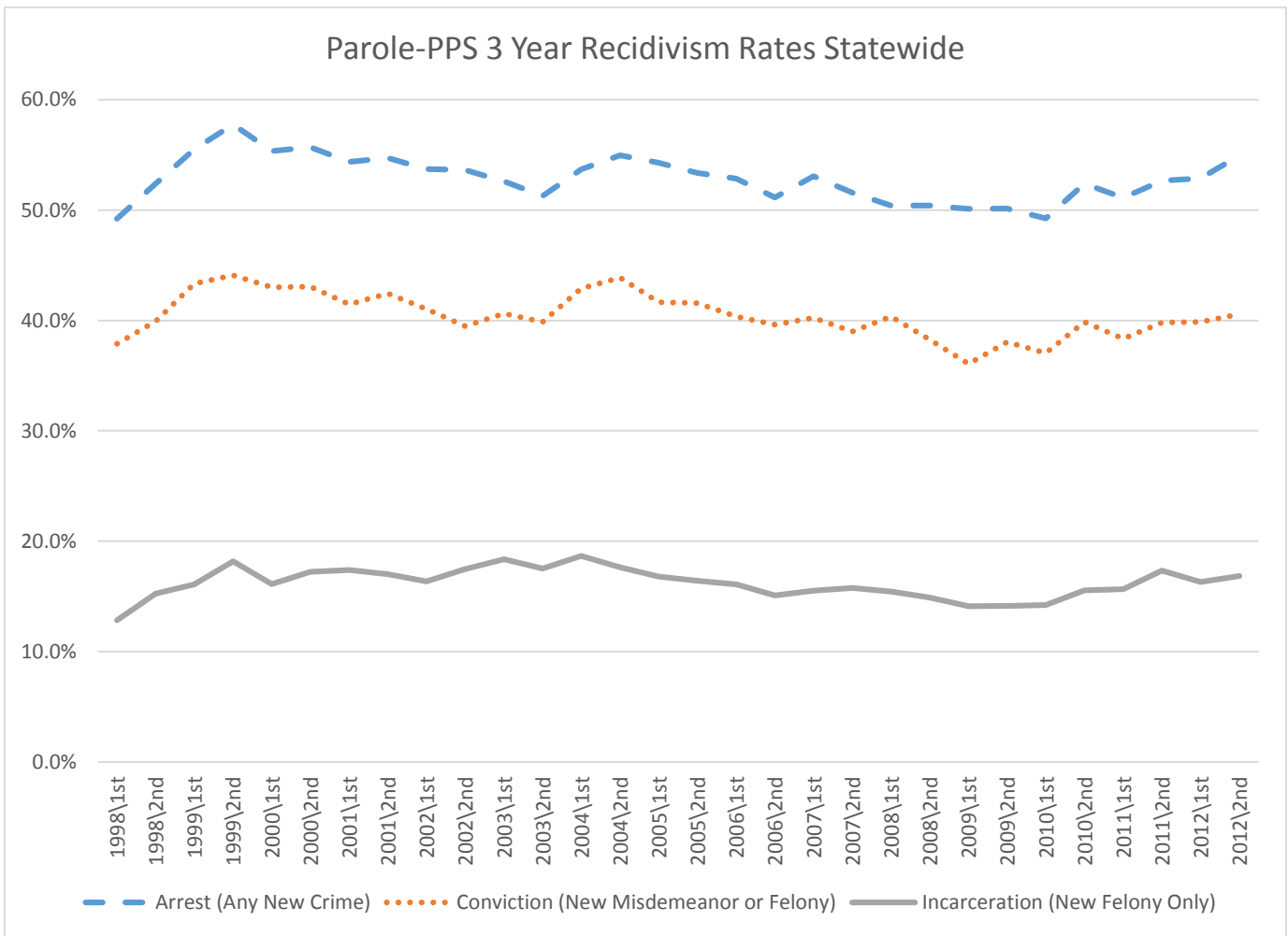


Figure 1: Parole-PPS 3 Year Recidivism Rates

Figure 2 below shows the three recidivism measures for the probation cohorts from 1998 to the second cohort of 2012. 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 2012. For the second cohort of 2012 the incarceration rate was 12.7%. This is a 5.6% increase over the incarceration rate of the first cohort of 2012 at 12.0%. Over a five year period, it is a 27.7% increase compared to the incarceration rate of the second cohort of 2007 at 9.9%. The conviction rate for the second cohort of 2012 was 40.9%. This is a 4.1% increase compared to the conviction rate of the first cohort of 2012 at 39.3%. It is a 5.3% increase over a five year period compared to the conviction rate of the second cohort of 2007 at 38.8%. The arrest rate for the second cohort of 2012 was 47.5%. This is a 4.2% increase compared to the arrest rate of the first cohort of 2012 at 45.6%. It is a 9.9% increase over a five year period compared to the arrest rate of the second cohort of 2007 at 43.3%.

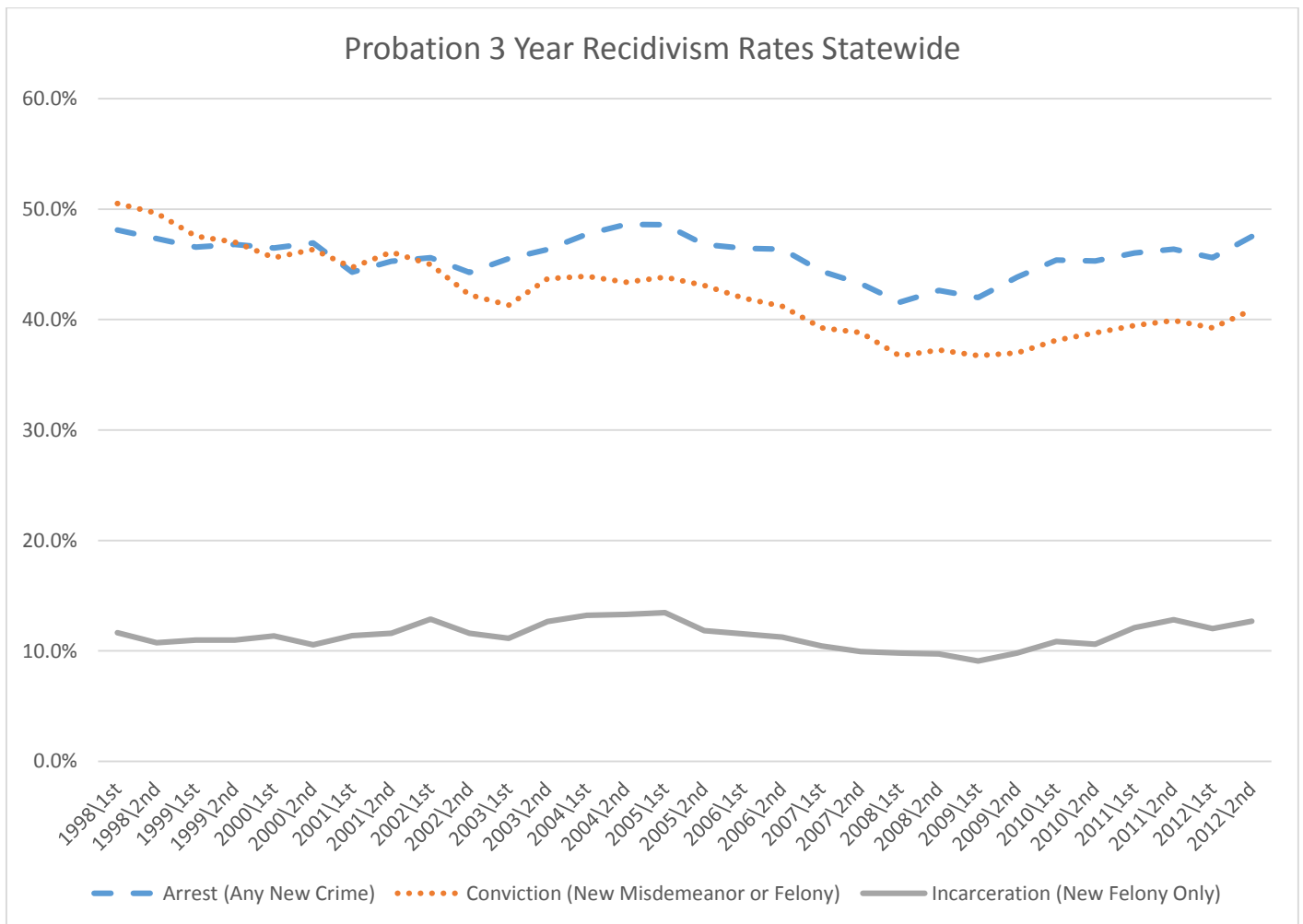


Figure 2: Probation 3 Year Recidivism Rates



## 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 both OJIN (Oregon Judicial Information Network) and Odyssey case management systems. These datasets provide 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.

The OJD is currently in the middle of 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 are transitioning from the Oregon Judicial Information Network (OJIN) to a new case management system, Odyssey. By June 2016, all circuit courts will have transitioned to Odyssey. Information provided to courts through OJIN utilizes a case number-based system. Under Oregon eCourt, all case information will be digitally organized by a person's name or names.

## 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 OJIN or 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.

## OJIN

At the time of analysis there were 8 counties using the OJIN data system. The OJIN counties were Baker, Grant, Harney, Malheur, Morrow, Umatilla, Union, and Wallowa. The SID number in OJIN was missing for 24% 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 OJIN.

## Odyssey

At the time of analysis there were 28 counties using the Odyssey data system. The Odyssey counties were Benton, Clackamas, Clatsop, Columbia, Coos, Crook, Curry, Deschutes, Douglas, Gilliam, Hood River, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Sherman, Tillamook, Wasco, Washington, Wheeler, and Yamhill. The Odyssey data extract that the CJC receives from OJD has been updated to include the SID number as well as the full date of birth. For entries missing the SID number, name and date of birth matching was used.

## 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	1971	970	49.2%	747	37.9%	253	12.8%
1998\2nd	2254	1181	52.4%	900	39.9%	344	15.3%
1999\1st	2282	1267	55.5%	989	43.3%	367	16.1%
1999\2nd	2443	1411	57.8%	1077	44.1%	444	18.2%
2000\1st	2432	1346	55.3%	1046	43.0%	392	16.1%
2000\2nd	2399	1336	55.7%	1033	43.1%	413	17.2%
2001\1st	2560	1392	54.4%	1062	41.5%	445	17.4%
2001\2nd	2609	1428	54.7%	1107	42.4%	444	17.0%
2002\1st	2438	1310	53.7%	1000	41.0%	399	16.4%
2002\2nd	2751	1476	53.7%	1086	39.5%	481	17.5%
2003\1st	2580	1357	52.6%	1048	40.6%	474	18.4%
2003\2nd	2543	1304	51.3%	1014	39.9%	446	17.5%
2004\1st	2753	1478	53.7%	1181	42.9%	514	18.7%
2004\2nd	3072	1689	55.0%	1348	43.9%	542	17.6%
2005\1st	2847	1546	54.3%	1186	41.7%	478	16.8%
2005\2nd	3006	1604	53.4%	1250	41.6%	494	16.4%
2006\1st	2993	1582	52.9%	1208	40.4%	482	16.1%
2006\2nd	3029	1549	51.1%	1200	39.6%	457	15.1%
2007\1st	2944	1562	53.1%	1185	40.3%	457	15.5%
2007\2nd	3021	1558	51.6%	1178	39.0%	476	15.8%
2008\1st	2902	1463	50.4%	1171	40.4%	448	15.4%
2008\2nd	2824	1424	50.4%	1081	38.3%	421	14.9%
2009\1st	2766	1386	50.1%	998	36.1%	390	14.1%
2009\2nd	3278	1644	50.2%	1247	38.0%	464	14.2%
2010\1st	2886	1421	49.2%	1069	37.0%	410	14.2%
2010\2nd	2946	1543	52.4%	1175	39.9%	458	15.5%
2011\1st	2912	1489	51.1%	1117	38.4%	456	15.7%
2011\2nd	3029	1595	52.7%	1206	39.8%	525	17.3%
2012\1st	2960	1565	52.9%	1180	39.9%	483	16.3%
2012\2nd	2983	1639	54.9%	1210	40.6%	503	16.9%

### 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	4798	2308	48.1%	2424	50.5%	559	11.7%
1998\2nd	4811	2277	47.3%	2387	49.6%	517	10.7%
1999\1st	4815	2242	46.6%	2289	47.5%	529	11.0%
1999\2nd	4642	2172	46.8%	2182	47.0%	510	11.0%
2000\1st	4918	2286	46.5%	2242	45.6%	558	11.3%
2000\2nd	4387	2059	46.9%	2034	46.4%	463	10.6%
2001\1st	4826	2138	44.3%	2158	44.7%	550	11.4%
2001\2nd	4424	2003	45.3%	2040	46.1%	513	11.6%
2002\1st	4782	2180	45.6%	2152	45.0%	616	12.9%
2002\2nd	4538	2009	44.3%	1917	42.2%	527	11.6%
2003\1st	4140	1885	45.5%	1710	41.3%	462	11.2%
2003\2nd	4204	1948	46.3%	1837	43.7%	533	12.7%
2004\1st	4627	2209	47.7%	2032	43.9%	612	13.2%
2004\2nd	4474	2175	48.6%	1941	43.4%	595	13.3%
2005\1st	4953	2406	48.6%	2171	43.8%	667	13.5%
2005\2nd	4978	2330	46.8%	2145	43.1%	589	11.8%
2006\1st	5417	2517	46.5%	2272	41.9%	625	11.5%
2006\2nd	4794	2223	46.4%	1975	41.2%	540	11.3%
2007\1st	4992	2215	44.4%	1960	39.3%	521	10.4%
2007\2nd	4354	1883	43.2%	1690	38.8%	433	9.9%
2008\1st	4535	1885	41.6%	1665	36.7%	445	9.8%
2008\2nd	4068	1735	42.6%	1515	37.2%	396	9.7%
2009\1st	4315	1812	42.0%	1585	36.7%	392	9.1%
2009\2nd	3881	1701	43.8%	1435	37.0%	381	9.8%
2010\1st	4089	1856	45.4%	1559	38.1%	444	10.9%
2010\2nd	4246	1924	45.3%	1647	38.8%	451	10.6%
2011\1st	4209	1937	46.0%	1661	39.5%	510	12.1%
2011\2nd	4189	1943	46.4%	1672	39.9%	537	12.8%
2012\1st	4534	2068	45.6%	1780	39.3%	545	12.0%
2012\1st	3925	1865	47.5%	1604	40.9%	498	12.7%