



# Oregon Public Defense Caseload Forecast

**April 2025**

**Department of Administrative Services**

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## Background

Oregon Revised Statute 151.235 authorizes the Department of Administrative Services to produce the forecast. The Office of Economic Analysis (OEA) produces the semi-annual Oregon Public Defense Caseload Forecast which provides projections of populations eligible for public counsel. The forecast will be published April 15<sup>th</sup> and October 15<sup>th</sup> of each year. State agencies, in particular the Office of Public Defense Commission (OPDC) and the Oregon Criminal Justice Commission (CJC), are mandated to use the forecast for budgeting and policy development where public defense is concerned.

Currently there is no official advisory committee for the forecast, however our office has been working collaboratively with partner agencies in gathering and understanding caseload data, and in developing the forecast. Our office is working on creating an official advisory committee. In general, advice from the committee forms the basis for forecast assumptions regarding policy and practices in the public defense system and the impact of law and policy changes on public defense assignment and caseloads. Committee members bring to the forecast process decades of diverse experience in the criminal justice system. They meet prior to each forecast release to discuss forecast-related issues such as trends in crime, potential impact of new laws, changes in criminal justice practices, and to advise technical aspects of the forecast process.

The general forecast process, the publication of the forecast, and the technical aspects of developing the forecast, are managed by the Office of Economic Analysis, in partnership with the Criminal Justice Commission, and with substantial assistance from both the Oregon Public Defense Commission and the Oregon Judicial Department.

For more information or questions regarding the forecast please use the following contact information:

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## Forecast Summary

The Office of Economic Analysis was authorized to produce the public defense caseload forecast effective January 2024. This April 2025 edition marks the third iteration of the office's forecast publication. As such, the forecast output and the mechanics of producing the forecast are still in development. The methodology and output are revised significantly for this forecast. In addition to presenting eligible populations, the forecast now includes caseload metrics and episode lengths. The derivation of these metrics is discussed in depth in the "Methodology" section below. These metrics are delineated across thirteen case categories. The forecast extends out to the 2029-31 biennium for planning purposes. Monthly projections are included, as well as fiscal year forecasts by county for all case types.

While this forecast does not have a formal advisory committee as do the Corrections and Juvenile Corrections forecasts, the office did meet with members of the Office of Public Defense Services and the respective executive and legislative budget offices to discuss the forecast and the systems affecting it. Chief among the topics of conversation were:

- The passage of House Bill 4002 (2024) and the recriminalization of Possession of Controlled Substances. This significant law change has the capacity to affect the forecast in a number of ways. First, impact estimates for this bill have been incorporated into the respective case-type forecasts (Felony, Misdemeanor, and Probation Violation). To the degree that those estimates are truly forecasts subject to error, they introduce additional error into the model. Second, it is highly possible that increased detection of PCS will also increase ancillary detection, arrest and charging activity that could increase these eligibility caseloads above what is reflected in the current report.
- Criminal case filing is currently being impacted by the availability of public defense attorneys, according to advisors on the Corrections Population Forecast Advisory Committee. This is particularly true of lesser offenses. This has created a disconnect between broad measures of criminal offending and criminal justice system metric, such as arrests, cases filed, and intakes to incarceration. To the degree that the state addresses the public defense issue over the ensuing few years, caseloads could be affected in a way not depicted herein.
- As noted in the Methodology section, all of the case type forecasts are modeled on some population demographic in the long run. Currently, the outlook for population growth produced by the Office of Economic Analysis is very muted. Fertility rates in Oregon have slowed dramatically in recent years. This has even resulted in projected declines in the juvenile demographics in the outer years. To the extent that in-migration and/or fertility rates deviate from the current forecast, the caseload projections in this report will be subject to associated error.

## Newly Eligible Forecast Overview

Table 1 presents the public defense forecast and historical detail, by case type, through the 2031 fiscal year. The adult eligible forecast increases significantly over the forecast horizon, mostly because of House Bill 4002 and the recriminalization of possession of controlled substances. This can be seen in the Misdemeanor and Probation Violation case categories. The juvenile forecast takes a slight step up in fiscal year 2026 and exhibits a slight decreasing trend thereafter due to predicted declines in the “0-17” population.

Table 1: Public Defense Forecast Detail

This public defense forecast is a particularly important input into the budget development process for the 2025-27 Legislatively Adopted Budget. The April forecast will be the baseline for the Legislatively Adopted Budget. Table 2 presents information specific to the changes between the current biennium and the 2025-27 biennium.

Table 2: Eligibility Biennial Summary

## Public Defense Forecast - New Eligibles Summary

(April 2025 forecast)

	2023-25	2025-27	Change	Percent	
Adult	Felony	44,462	46,340	1,878	4.2%
	Misdemeanors	81,452	93,243	11,791	14.5%
	Probation Violation	25,231	27,343	2,112	8.4%
	Treatment Court	1,660	1,866	206	12.4%
	Appellate	3,206	3,565	359	11.2%
	Post-Conviction Relief	634	672	38	6.0%
	Habeas Corpus	198	210	12	6.0%
	Civil Commitment	4,781	5,496	715	14.9%
	<b>TOTAL</b>	<b>161,624</b>	<b>178,735</b>	<b>17,111</b>	<b>10.6%</b>
	2023-25	2025-27	Change	Percent	
Juvenile	Dependency*	17,356	17,726	370	2.1%
	Delinquency**	6,235	6,718	483	7.7%
	Probation Violation	4,095	4,253	158	3.9%
	Treatment Court	305	338	33	11.0%
	Appellate	640	683	43	6.7%
	<b>TOTAL</b>	<b>28,631</b>	<b>29,718</b>	<b>1,087</b>	<b>3.8%</b>
<b>Total New Eligible Cases</b>	<b>190,255</b>	<b>208,453</b>	<b>1,164</b>	<b>9.6%</b>	

\* Includes Parents and Guardians. \*\* includes Measure 11, Murder, and All Other

Significant increases can be seen in Adult-Misdemeanor and Adult-Probation Violation due to the incorporation of House Bill 4002 impacts. Adult-Felony is also affected by the law change, but not nearly to the same extent due to the nature of Possession of Controlled Substance charges. Other Adult case-types presents increases due to recent trends.

For juvenile caseloads, Juvenile-Treatment Court illustrates the largest expected percentage increases, mostly due to recent activity. Juvenile-Delinquency and Juvenile-Appellate also exhibit moderate bumps. Overall cases are anticipated to rise 3.8 percent, moderated by Juvenile-Dependency's significant fraction of the cohort total and tepid growth projection.

## Open Caseload Forecast Overview

As noted below, caseloads are measured on the first of each month. However, to summarize at the fiscal year and biennial level, cases are counted once during the period for each interval measured<sup>1</sup>.

The impact of House Bill 4002 on Adult-Misdemeanor and Adult-Probation Violation is evident in the caseload figures. Adult Civil Commitment also presents a significant increase in the next biennium due to recent increases in eligibility. For juvenile caseloads, the sheer volume of Juvenile-Dependency skews the overall changes. All other case-types exhibit double-digit increases.

Table 3: Caseload Biennial Summary

### Public Defense Forecast - Open Caseload Summary

(April 2025 forecast)

	2023-25	2025-27	Change	Percent	
Adult	Felony	59,025	60,810	1,785	3.0%
	Misdemeanors	103,167	116,686	13,519	13.1%
	Probation Violation	29,989	34,182	4,193	14.0%
	Treatment Court	2,983	3,105	122	4.1%
	Appellate	6,280	6,912	632	10.1%
	Post-Conviction Relief	1,259	1,138	-121	-9.6%
	Habeas Corpus	224	202	-22	-9.8%
	Civil Commitment	4,641	5,284	643	13.9%
	<b>TOTAL</b>	<b>207,568</b>	<b>228,319</b>	<b>20,751</b>	<b>10.0%</b>
Juvenile	Dependency*	32,019	28,399	-3,620	-11.3%
	Delinquency**	8,123	9,114	991	12.2%
	Probation Violation	4,464	5,123	659	14.8%
	Treatment Court	398	506	108	27.1%
	Appellate	992	1,147	155	15.6%
	<b>TOTAL</b>	<b>45,996</b>	<b>44,289</b>	<b>-1,707</b>	<b>-3.7%</b>
	<b>Total Open Caseloads</b>	<b>253,564</b>	<b>272,608</b>	<b>19,044</b>	<b>7.5%</b>

<sup>1</sup> The forecast does is not generated at the case level. To produce fiscal year and biennial summaries, averages of the monthly caseload values are taken. Historical ratios are measured relative to actual caseload metrics, which are then used to estimate the interval caseload values.

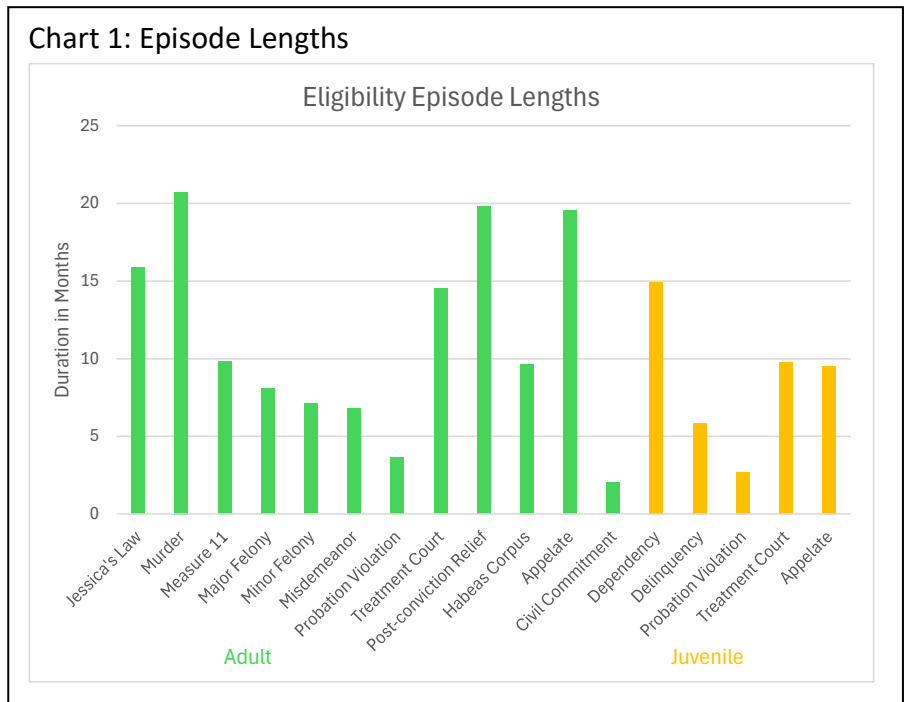


## Episode Lengths Overview

The chart to the right presents the average duration of eligibility episodes by case type. The most important caveat for criminal cases is that these episodes include both plead cases and those that go to trial. Thus, the variance can be quite large.

The longest eligibility episodes are associated with Jessica's Lay/Murder, Post-conviction Relief, and Appeals. Treatment Court and Dependency are also lengthy at just under 15 months on average. The shortest durations are observed for

Probation Violations and Civil Commitment. Episode duration is an important input in the budget process and an essential output from the caseload model.



## Forecast Methodology

### Data Sources

The primary input to the forecast consists of data from the Odyssey data system administered by the Oregon Judicial Department. Data characterize instances of eligibility for public counsel regardless of whether an attorney is appointed or not. Beginning and end dates of the eligibility episode support the caseload model.

Other inputs to the forecast process include Uniform Crime Report data provided by the Criminal Justice Commission, but originally collected by police departments and compiled by the Federal Bureau of Investigations.

Finally, and of utmost importance, is the Office of Economic Analysis' demographic forecast. Different demographic breakdowns are utilized depending on the specific eligibility population being modeled.

### Methodology

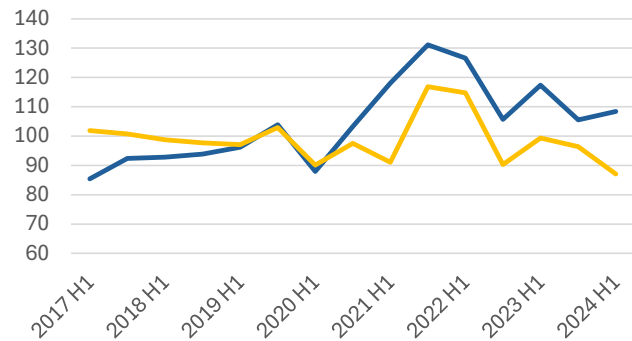
The methodology for producing the public defense forecast is significantly changed for this April 2025 edition. In discussions with stakeholders, it was determined that additional metrics were needed to inform the budget process. The Office of Economic Analysis and the Oregon Judicial Department augmented the compilation of the data such that caseload metrics could be produced. The Office of Economic Analysis is well versed in caseload forecasting as the Corrections and Youth Corrections models are caseload models. These models are the basis for the methodology outlined below.

The nature of these caseload models is a demographic-style flow model with the specification:

$$\text{Population}_T = \text{Population}_{T-1} + \text{Admissions}_{T-1} - \text{Releases}_{T-1}$$

### Oregon Uniform Crime

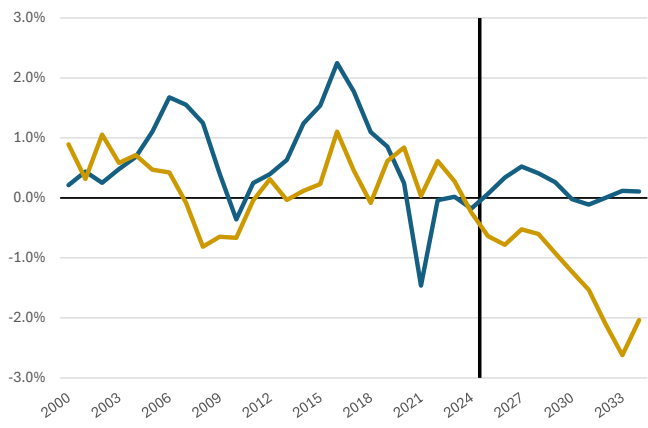
Cities over 100,000 population; Index (2019 = 100)



Source: FBI, Oregon Office of Economic Analysis

### Oregon At-Risk Population Forecast

Annual percent change in Adult (18-39) and Juvenile (12-17) population



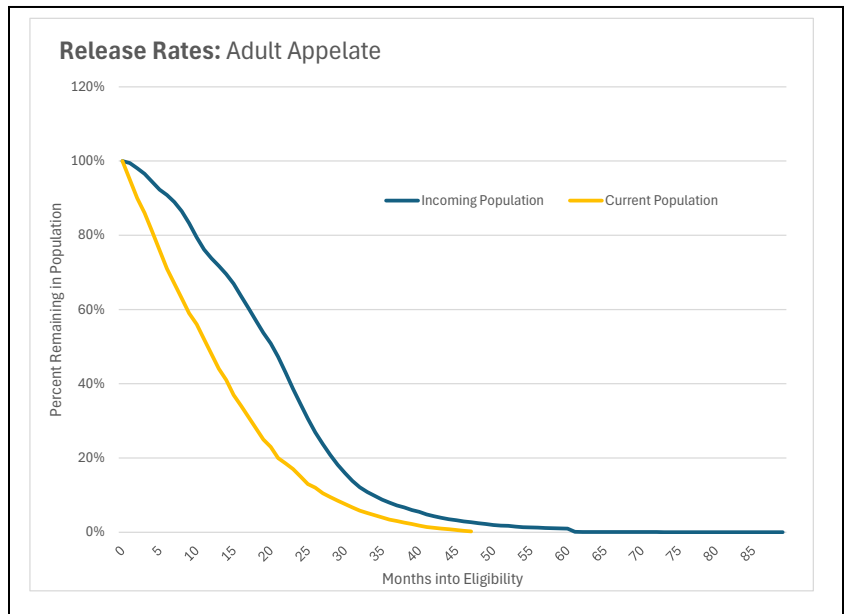
Where

T is the first of the month in question

T - 1 is the first of the previous month

The model can be viewed in three components: (1) the current population and its release characteristics, (2) a projection of incoming eligibles, and (3) the release characteristics of future incoming cohorts.

The attendant chart presents the release profiles of both the current and future cohorts taken from the adult appellate cohort. Because individuals are at varying intervals within their eligibility, the current cohort's release profile is steeper than that of the incoming cohort.



The chart to the right presents the intake, or “becoming eligible”, forecast. Forecasts for each case type are constructed based on historical patterns and trends and incorporate demographic forecasts to model the long-term profiles for all cohorts.

The three components are compiled to produce the caseload forecast. It should be noted that the release characteristics of the existing population drive the profile of the near-term forecast, while the intake forecast and future release characteristics drive the profile of the long run forecast.

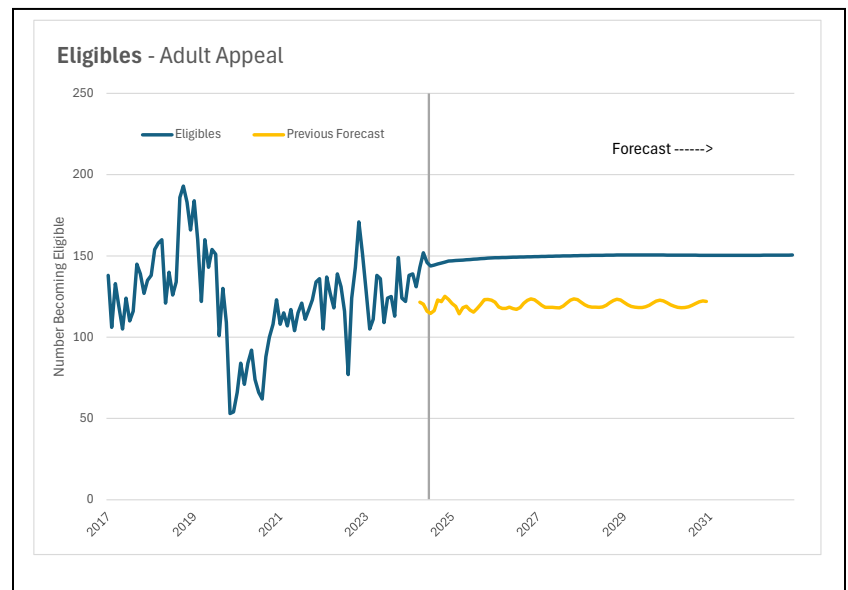
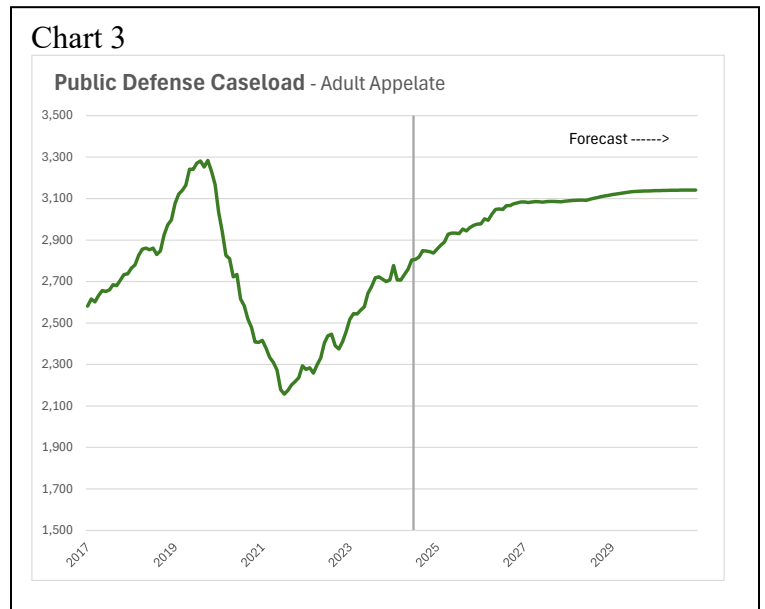


Chart 3 presents the caseload history and forecast for the Adult Appellate cohort. Note that the forecast is representing individuals eligible on the first of each month. The hydraulics of caseloads models such as this one are that a steady state intake level will result in a steady state caseload level at some point given that lengths of eligibility remain the same.

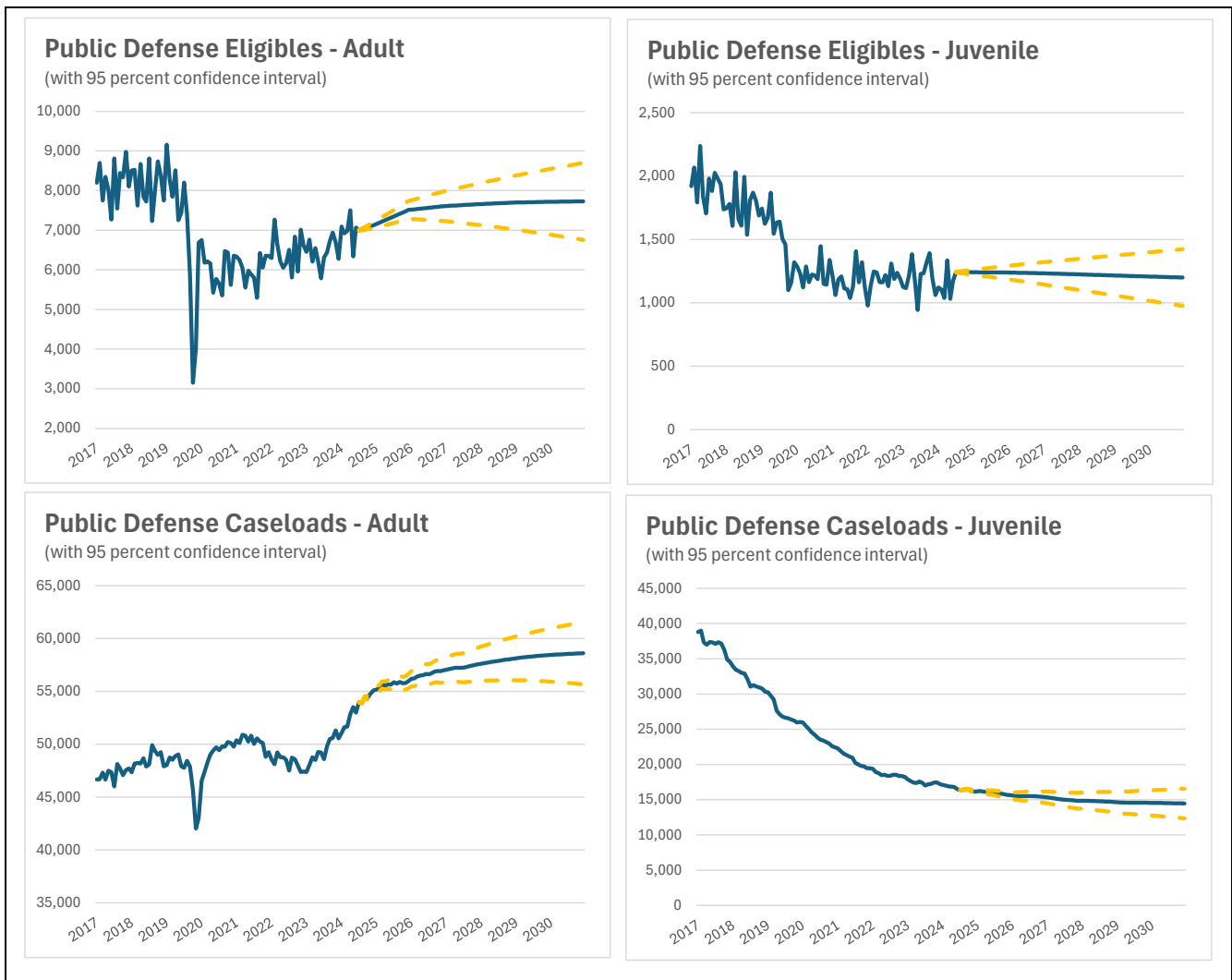
As noted above, one additional metric emanating from caseload mechanics is the length of eligibility, which is a necessary component to calculating the release profiles.



## Margin of Error

ORS 151.235 Section 3 (b) directs the Office to identify the forecast’s margin of error for the adult and juvenile populations separately. In due time, a suitable number of prior forecast iterations will allow for a history of errors from which to calculate a predicted confidence interval for future forecasts. With only a handful of prior forecast observations, a margin of error is not available via these methods. Therefore, another method is necessary.

Looking at the historical variation in the eligible population provides an indication for how the actual population might deviate from the forecast. The period from January 2022 through the latest actual in December 2024 is examined and the variance around the trend is calculated. Two standard deviations should approximate a ninety-five percent confidence interval for the forecast. The charts below exhibit the calculated margins for error for the adult and juvenile population forecasts.



## Components of Change

ORS 151.235 Section 3 (c) directs the Office to “attribute growth or decline in the forecast, relative to previously issued forecasts, to specific policies or to specific components of the baseline underlying the forecast.” The changes in the forecast can be delineated into four main categories:

- Changes in the compilation logic producing the historical data
- Remediation of modeling errors in prior forecasts
- The inclusion of recent actuals into the model
- Updates to descriptors such as criminal activity and population growth.

Changes in compilation logic:

Given the nascency of the OEA forecast, the logic producing the underlying data are still being tweaked to accurately characterize individuals becoming eligible for public counsel. For this forecast, two updates are evident in the data: (1) individuals on warrant status for more than six months that return and gain eligibility are coded as a new instance of eligibility; and (2) some events during a probation violation that were inadvertently triggering a new instance of eligibility have been weeded out.

Remediation of modeling errors:

The impact estimates for House Bill 4002 (2024) were incorrectly applied to the April 2024 and October 2024 forecasts. The impact estimates are caseload estimates characterizing individuals actively in a population in each month. However, the prior eligibility forecasts represented counts of individuals becoming eligible. The former should not have been added to the latter on an apples-to-apples basis. Reincorporating the impact estimates in the new caseload model in the proper fashion results in significant declines in the eligibility forecasts for misdemeanor and probation violation eligibility.

In addition, prior forecasts for the Post-conviction Relief and Habeas Corpus cohorts included records that were counted in other case types. The April 2025 forecast strictly counts cases in only one case type. This correction reduces the historical counts in the PCR and Habeas Corpus cohorts and affects those forecasts, as well.

Inclusion of recent actuals:

The October forecast was based on data through July 2024. For the latest forecast, August through December data were added. For the remainder of the models, the incorporation of new actuals explains nearly all the change in the forecast.

Updates to descriptors:

As described in the methodology above, demographic data affect the outer years of each model. Due to how demographic data are released and the nature of population changes over time, significant changes in the forecast due to these descriptive inputs should not occur very frequently.

## Appendix

### Forecast Values

A more detailed spreadsheet is available in Excel spreadsheet format from the Office of Economic Analysis web site, along with a copy of this report.

<https://www.oregon.gov/das/oea/Pages/Public-defense-caseload-forecast.aspx>