



Oregon Public Defense Caseload Forecast

October 2025

Department of Administrative Services

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Background

Oregon Revised Statute 151.235 authorizes the Department of Administrative Services to produce the public defense 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 15th and October 15th 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. In general, advice from the ad-hoc group 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. Group 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. Our office is working on creating an official advisory committee.

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 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

This October 2025 forecast marks the fourth edition of the Office of Economic Analysis' public defense forecast. It is also the second forecast employing the demographic style flow model enabling caseload output. The methodology and data compilation algorithm are still a work in progress; however, one should consider the forecast considerably more mature than prior editions.

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 several 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. The original impact estimates are still holding up based on data collected to date.
 - 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. Recent data indicate that these ancillary offenses (e.g., trespass, weapon possession, and failure to appear) are not spiking inordinately.
- 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 extent 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 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

As noted above, the forecast characterizes persons eligible for court-appointed counsel. It does not delve into whether the individual is appointed an attorney or not. As such, the complexity and nature of the public defense contracting and management system¹ should not affect the forecast. However, the availability of attorneys can impact case filings (i.e., a district attorney's office may choose not to file a

Table 1: Public Defense Forecast Detail

New Cases Eligible for Court-Appointed Counsel

Sept 2025 Forecast

		Biennium			
		2023-25	2025-27	2027-29	2029-31
Adult					
	Felony	43,643	45,308	46,637	47,503
	Misdemeanors	82,634	95,597	100,319	100,508
	Probation Violation	25,880	27,906	28,576	28,598
	Treatment Court	1,605	1,850	1,902	1,927
	Appellate	3,160	3,516	3,552	3,547
	Post-Conviction Relief	566	572	580	579
	Habeas Corpus	271	370	375	375
	Civil Commitment	4,775	5,453	5,477	5,469
Total Adults		162,534	180,571	187,418	188,506
Juvenile					
	Dependency*	17,471	18,890	18,482	18,133
	Delinquency**	5,860	6,140	6,076	6,021
	Probation Violation	4,137	4,118	4,197	4,127
	Treatment Court	306	353	354	348
	Appellate	609	629	617	605
Total Juveniles		28,383	30,130	29,725	29,233
Total New Eligibles		190,917	210,701	217,142	217,739

* Includes Parents and Guardians.

** includes Measure 11, Murder, and All Other

Source: Oregon Judicial Department, Oregon Office of Economic Analysis

¹ OPDC delivers attorney services through various models, including contracted and state-employed (hourly) attorneys.

case if the likelihood of dismissal is high), which would alter the number eligibles. This produces a delicate hydraulic that must be weighed as OPDC works to resolve the unrepresented caseload.

Table 1 presents the public defense forecast and historical detail, by case type, through the 2029-31 biennium. The adult eligible forecast increases significantly through the 2027-29 biennium, 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 the current biennium and exhibits a slight decreasing trend thereafter due to predicted declines in the “0-17” population.

This October 2025 forecast is not directly tied to a budget build step. However, it is an important touchstone in understanding the trends and patterns leading up to the next forecast (April 2026), which will tie to the Agency Request Budget development process. This interim between enactment of the 2025-27 Legislatively Adopted Budget and the April 2026 forecast is also an opportunity to continue to modify the data compilation process to better replicate real-world variables represented in the forecast.

Table 2: Eligibility Biennial Summary

Public Defense Forecast - New Eligibles Summary

Difference from previous forecast

		April 2025 Fcst	Sept 2025 Fcst	Change	Percent
Adult	Felony	46,340	45,308	-1,032	-2.2%
	Jessica's Law	222	178	-44	-19.8%
	Murder	285	232	-53	-18.6%
	Measure 11	3,948	3,963	15	0.4%
	Major Felony	7,967	8,192	225	2.8%
	Minor Felony	33,919	32,744	-1,175	-3.5%
	Misdemeanors	93,243	95,597	2,354	2.5%
	Probation Violation	27,343	27,906	563	2.1%
	Treatment Court	1,866	1,850	-16	-0.8%
	Appellate	3,565	3,516	-49	-1.4%
	Post-Conviction Relief	672	572	-100	-14.9%
	Habeas Corpus	210	370	160	76.0%
	Civil Commitment	5,496	5,453	-43	-0.8%
	TOTAL	178,735	180,571	1,836	1.0%
Juvenile		April 2025 Fcst	Sept 2025 Fcst	Change	Percent
	Dependency*	17,726	18,890	1,163	6.6%
	Delinquency**	6,718	6,140	-578	-8.6%
	Probation Violation	4,253	4,118	-135	-3.2%
	Treatment Court	338	353	15	4.4%
	Appellate	683	629	-54	-7.9%
	TOTAL	29,718	30,130	411	1.4%
Total New Eligible Cases		208,453	210,701	372	1.1%

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

Table 2 presents the latest eligibility forecast compared to the prior forecast. As discussed in the “Components of Change” section at the end of the document, departures from forecast for the recently added months explain most of the near-term change in the forecast (i.e., the 2025-27 biennium). Higher-than-expected eligibility rates for adult misdemeanors, adult probation violations and juvenile dependency contribute to increases in the forecast for these cohorts in the current biennium. Likewise, weaker-than-anticipated rates for adult felony and juvenile delinquency explain those forecast revisions. It should be noted that the percentage changes amount to just 1.1 percent for the eligible population as a whole.

Special Note: House Bill 2005 (2025) modified the definitions and circumstances surrounding involuntary commitment. In terms of the public defense forecast, the measure has the projected effect of increasing the number of persons eligible for court-appointed counsel in the civil commitment cohort, particularly going into the 2027-29 biennium and beyond. The Office of Economic Analysis will work with staff of the Public Defense Commission to estimate this impact to incorporate it into the April 2026 forecast. This will ensure that the measure's effect is adequately reflected for budgetary purposes for the ensuing developmental cycle.

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 measured². Due to more recent information, the imputation of biennial caseloads from monthly values in the caseload model can produce atheoretical results relative to the eligibility counts presented above.

Table 3: Caseload Biennial Summary

Public Defense Forecast - Caseload Forecast Comparison

Difference from previous forecast

	April 2025 Fcst	Sept 2025 Fcst	Change	Percent
Felony	60,810	59,555	-1,255	-2.1%
Jessica's Law	111	113	2	1.4%
Murder	589	595	5	0.9%
Measure 11	6,578	6,432	-145	-2.2%
Major Felony	11,732	11,465	-267	-2.3%
Minor Felony	41,800	40,950	-850	-2.0%
Misdemeanors	116,686	120,710	4,024	3.4%
Probation Violation	34,182	33,824	-358	-1.0%
Treatment Court	3,105	2,820	-285	-9.2%
Appellate	6,912	6,059	-853	-12.3%
Post-Conviction Relief	1,138	1,292	154	13.5%
Habeas Corpus	202	388	186	92.1%
Civil Commitment	5,284	5,543	259	4.9%
TOTAL	228,319	230,191	1,872	0.8%
	April 2025	September 2025	Change	Percent
Dependency*	28,399	30,020	1,621	5.7%
Delinquency**	9,114	7,361	-1,753	-19.2%
Probation Violation	5,123	4,499	-624	-12.2%
Treatment Court	506	538	32	6.3%
Appellate	1,147	936	-211	-18.4%
TOTAL	44,289	43,354	-935	-2.1%
Total Open Caseloads	272,608	273,545	937	0.3%

After discussion with members of the informal review committee, Tables 2 and 3 provide breakouts of the Adult Felony category into its subcomponents (e.g., Jessica's Law, Murder, etc.). Similar to the

² 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.

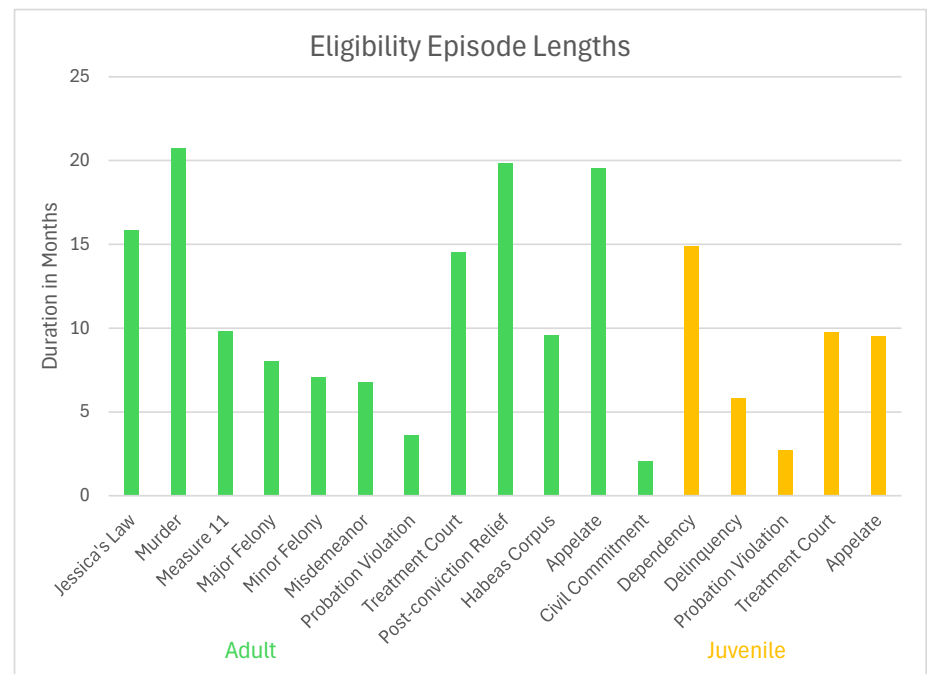
eligible counts above, misdemeanors and dependency exhibit increases relative to the prior forecast while adult felony and juvenile delinquency have declined. Again, the changes are small in percentage terms.

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 pled 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.

Chart 1: Episode Lengths



Forecast Methodology

Data Sources

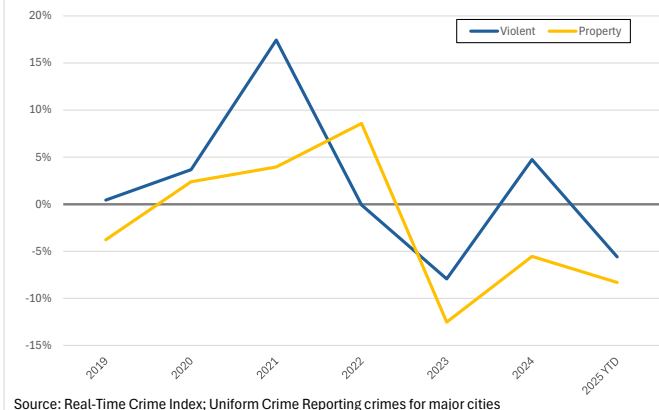
The primary input to the forecast consists of data from the Odyssey data system administered by the Oregon Judicial Department. Data characterize instances of eligibility for public counsel regardless of whether an attorney is appointed or not. Beginning and end dates of the eligibility episode support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

Other inputs to the forecast process include crime data compiled by the Real-Time Crime Index, but originally collected by police departments. These data reflect crimes reported to police for a subset of crimes including murder, robbery and theft.

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.

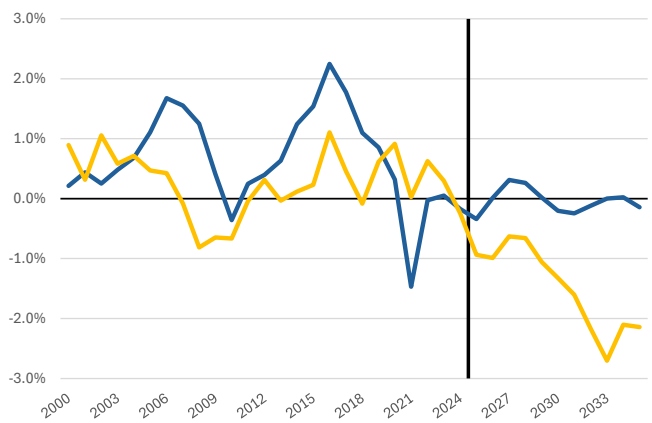
Chart 2: Descriptors

Crime Trends: Real-time Crime Index
(Year-over-year change)



Oregon At-Risk Population Forecast

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



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:

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

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: Model Mechanics

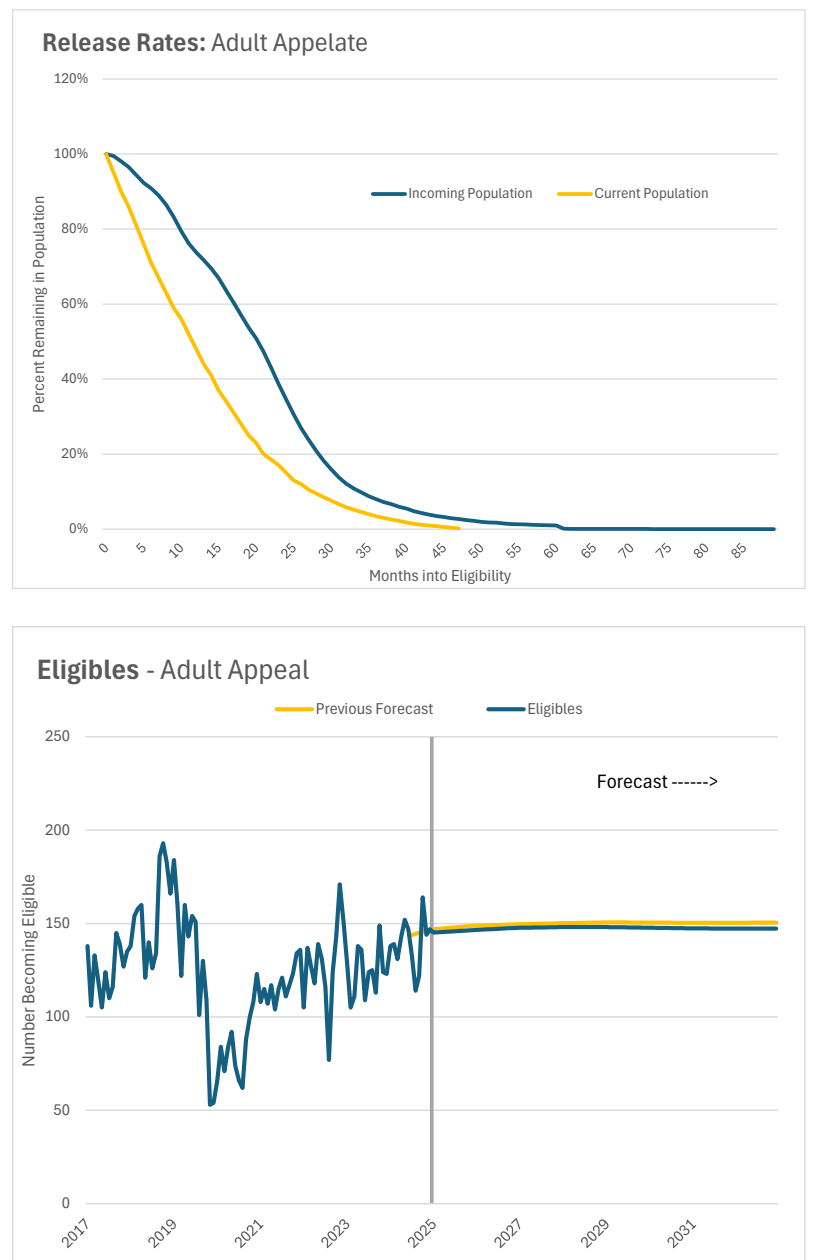
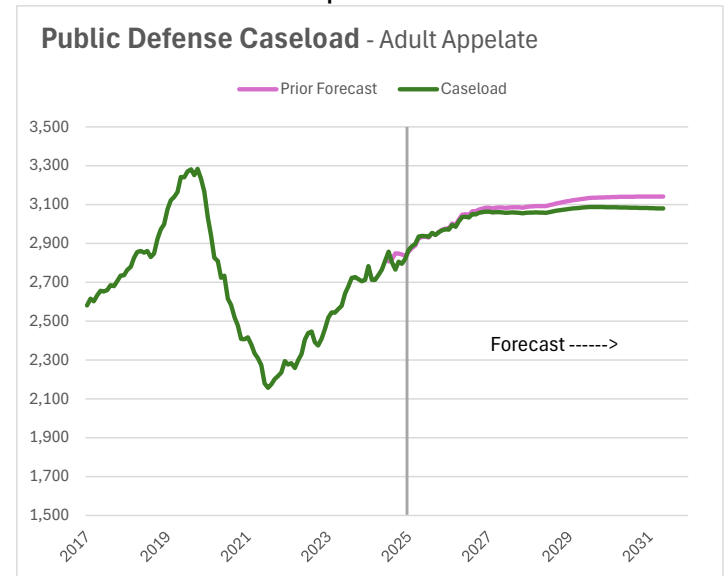


Chart 4 presents the caseload history and forecast for the Adult Appellate cohort. Note that the forecast represents individuals eligible on the first of each month. The hydraulics of caseloads models such as this one are that a steady state intake level will result in a steady state caseload level at 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 calculate a release profile.

Chart 4: Caseload Output

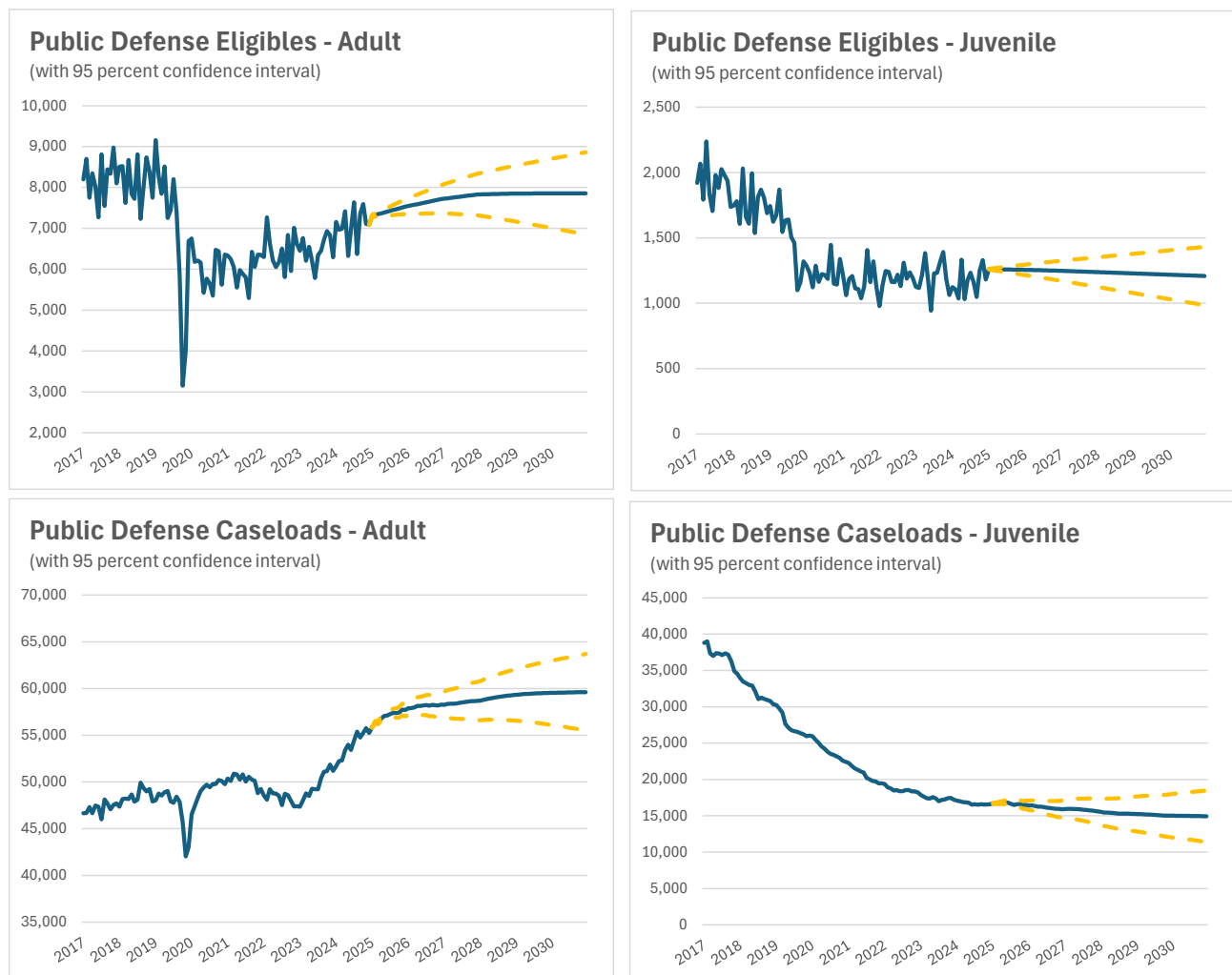


Margin of Error

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 June 2025 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.

Chart 5: Margin of Error



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 two main categories:

- The inclusion of recent actuals into the model, and
- Updates to descriptors such as criminal activity and population growth.

Inclusion of recent actuals:

The April 2025 forecast was based on data through December 2024. For the latest forecast, January through June data were added. In the near-term of every subpopulation forecast, the incorporation of new actuals explains nearly change relative to the prior forecast.

Updates to descriptors:

Demographic variables drive the long-run growth path of every subpopulation model. Changes to these forecasts explain virtually all the revision in the outer years.

Appendix

Forecast Values

Attachments are available the breakout the public defense forecast in numerous ways:

- Eligibility Detail: This attachment provides a summary of the thirteen cohorts by fiscal year, as well as county-level detail for each cohort.
- Caseload Detail: This attachment provides a summary of the thirteen cohorts by fiscal year, as well as county-level detail for each cohort.
- Monthly Detail: This attachment provides both eligibility and caseload monthly counts for each cohort.
- Episode Lengths: This attachment provides the average episode length for each cohort.

Note: it has come to our attention that Jessica’s Law cases may not be getting coded appropriately (e.g., instead being coded as “Murder”) in Multnomah County. The Judicial Department is working with Multnomah County on this issue. While OEA understands the issue, it cannot arbitrarily depart from the standing methodology for parsing the statewide forecast down to the county level until the issue is rectified in the data.

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