

OREGON PUBLIC DEFENSE FORECAST

April 15, 2026

Betsy Imholt, DAS Director



Department of Administrative Services

155 Cottage Street NE

Salem, OR 97301

503-378-3104

oregon.gov/das

Table of Contents

Accessibility Statement	3
Executive Summary	4
Forecast Overview.....	5
Summary.....	5
Eligibility Forecast.....	6
Caseload Forecast.....	9
Episode Lengths	10
Forecast Detail	10
Forecast Methodology	12
Data Sources.....	12
Methodology.....	12
Margin of Error	15
Components of Change	16
Conclusion	16

Accessibility Statement

The Department of Administrative Services is committed to ensuring that all individuals have equitable access to our services, resources, and programs.

If you have a disability and require assistance to read this document, please email the DAS coordinator at das.accessibility@das.oregon.gov.

Executive Summary

This is the fifth forecast produced by the Office of Economic Analysis (OEA) since the legislature redirected the oversight of the forecast from the Oregon Public Defense Commission (OPDC) to OEA. While data compilation algorithms and forecast details are still being modified slightly, the forecast is becoming more routinized and stable. Nonetheless, in the wake of the Covid-19 pandemic the criminal and juvenile justice systems are still migrating to a new long-term equilibrium. House Bill 2005 (2025) is also affecting civil commitments. Substantive changes can be seen in a few of the cohorts, namely adult felony, civil commitment, and juvenile delinquency. Overall, however, the forecast for individuals eligible for public defense is only modestly changed from either the prior forecast or the April 2025 (budgetary baseline) forecast.

In addition to tracking the current biennium's progress, this April 2026 forecast will also factor into OPDC's 2027-29 Agency Request Budget development. As such, OEA met with staff from OPDC, the Oregon Judicial Department (OJD), and executive and legislative budget offices to discuss recent trends in the data and a preliminary forecast. The figures presented herein reflect the outcome of this conversation.

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.

For questions regarding this report, please contact Michael Kennedy at michael.kennedy@das.oregon.gov.

Forecast Overview

Summary

This April 2026 forecast updates the prior forecast using new data from July 2025 through January 2026. Most of the cohorts tracked very well with the prior edition, except for adult felony, adult misdemeanor, civil commitment, and juvenile delinquency. Factors affecting these subpopulations are itemized below:

- Circuit court cases filed for felonies declined 3.7 percent in calendar year 2025. This mirrors a trend discussed by the Corrections Population Forecast Advisory Committee as it reviewed the latest prison forecast (due to be published on April 1). Adults eligible for public defense tracked below the October 2025 forecast for the first seven months of the new fiscal year, consistent with declining overall cases filed.
- House Bill 4002, which rolled back Ballot Measure 110's decriminalization of possession of controlled substance penalties, was expected to increase misdemeanor cases significantly following its implementation. While adult eligible counts have exceeded the prior forecast somewhat, this is likely more due to downward departures for cases that would have gotten felony convictions prior to the public defense shortage.
- House Bill 2005 (2025) modified the definitions and circumstances surrounding involuntary commitment. The previous forecast did not include the impact of this measure. An effort has been made to incorporate the effects of the measure going forward. Recent actuals have exceeded the prior forecast significantly, however, this is a reflection of data compilation changes to fix undercounts in a couple of counties.
- Felony referrals to juvenile departments, like adult felony cases, fell in calendar year 2025. Part of the reason could be the decline in the 12-17 juvenile "at-risk" population. In addition, disposition towards youth offending appears to have changed materially since the pandemic. This trend is reflected in juveniles eligible for counsel, which fell below the prior forecast in recent months.

As discussed in the "Components of Change" section later, all cohort forecasts have been updated for recent actuals and changes to demographic descriptors. Table 1 presents the actual and projected counts of individuals eligible for public defense, by fiscal year and by case type. While the total number of eligible adults is expected to increase by 11 percent from fiscal year 2025 through fiscal year 2031, juvenile eligibility is only projected to grow 4.3 percent over the same timeframe. This is due to demographic differences, particularly Oregon's low and declining birthrate.

The following sections characterize the eligibility, caseload, and episode length aspects of the forecast.

Table 1:

New Cases Eligible for Court-Appointed Counsel

April 2026 Forecast

	Actuals								Forecast					
	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
Adult														
Felony	28,404	26,445	23,542	21,708	20,909	22,266	21,978	21,681	21,776	22,676	22,885	23,067	23,240	23,408
Misdemeanors	45,877	46,847	38,551	33,438	34,453	36,626	38,188	44,423	47,120	48,969	49,910	50,398	50,523	50,636
Probation Violation	20,976	20,897	17,570	12,728	12,606	13,506	12,601	13,338	13,655	13,747	13,805	13,846	13,881	13,911
Treatment Court			433	692	727	867	829	783	826	917	927	933	938	940
Appellate	1,497	1,859	1,521	1,018	1,408	1,539	1,495	1,690	1,711	1,818	1,870	1,893	1,897	1,902
Post-Conviction Relief	231	236	226	544	247	346	297	269	291	303	304	305	305	306
Habeas Corpus	40	50	122	455	93	114	97	174	188	196	197	197	198	198
Civil Commitment	1,473	1,498	1,827	1,803	1,894	2,122	2,426	3,515	3,490	3,896	3,987	4,017	4,027	4,036
Total Adults	98,498	97,832	83,792	72,386	72,337	77,386	77,911	85,873	89,057	92,522	93,885	94,655	95,008	95,336
Juvenile														
Dependency*	16,347	14,510	12,180	10,426	9,559	8,997	8,780	8,681	9,617	9,905	9,795	9,693	9,597	9,505
Delinquency**	3,570	3,434	3,264	2,194	2,440	2,905	3,145	2,709	2,724	2,829	2,803	2,777	2,750	2,724
Probation Violation	2,803	2,832	2,485	1,734	1,638	1,892	1,993	2,147	1,944	1,969	1,951	1,931	1,912	1,894
Treatment Court			26	71	87	107	137	168	188	201	200	198	196	194
Appellate	377	364	320	368	342	295	313	296	286	299	295	292	289	287
Total Juveniles	23,097	21,140	18,275	14,793	14,066	14,196	14,368	14,001	14,759	15,202	15,044	14,892	14,745	14,604
Total New Eligibles	121,595	118,972	102,067	87,179	86,403	91,582	92,279	99,874	103,816	107,724	108,930	109,547	109,754	109,941

* Includes Parents and Guardians.

** includes Measure 11, Murder, and All Other

Source: Oregon Judicial Department, Oregon Office of Economic Analysis

Eligibility Forecast

As noted above, the forecast characterizes individuals 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 case if the likelihood of dismissal is high), which would alter the number individuals eligible for public defense. This produces a delicate hydraulic that must be weighed as OPDC works to resolve the unrepresented caseload.

Table 2 presents a comparison of the latest eligibility forecast to the April 2025 forecast, which was the basis for the 2025-27 Legislatively Adopted Budget. The changes reflect the

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

points noted in the summary, including the shift from felonies to misdemeanors and the impact of House Bill 2005 on civil commitments. Juvenile dependency is also exceeding original expectations, while delinquency is down.

Table 2:

Public Defense Forecast - 2025-27 Eligibility Comparison

Difference from budgetary baseline

	April 2025 Fcst	April 2026 Fcst	Change	Percent
Adult				
Felony	46,340	44,453	-1,888	-4.1%
Jessica's Law	222	251	29	13.1%
Murder	285	231	-54	-18.9%
Measure 11	3,948	3,813	-135	-3.4%
Major Felony	7,967	8,033	66	0.8%
Minor Felony	33,919	32,124	-1,795	-5.3%
Misdemeanors	93,243	96,089	2,846	3.1%
Probation Violation	27,343	27,402	60	0.2%
Treatment Court	1,866	1,744	-122	-6.5%
Appellate	3,565	3,529	-36	-1.0%
Post-Conviction Relief	672	593	-78	-11.7%
Habeas Corpus	210	384	174	82.6%
Civil Commitment	5,496	7,386	1,890	34.4%
TOTAL	178,735	181,579	2,845	1.6%
Juvenile				
Dependency*	17,726	19,522	1,796	10.1%
Delinquency**	6,718	5,554	-1,165	-17.3%
Probation Violation	4,253	3,913	-340	-8.0%
Treatment Court	338	388	50	14.9%
Appellate	683	584	-98	-14.4%
TOTAL	29,718	29,961	243	0.8%
Total New Eligible Cases	208,453	211,541	3,087	1.5%

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

While tracking the performance of the forecast for the current biennium is a key issue, budget development for the 2027-29 biennium is also just getting underway. Table 3 presents current and next biennium totals for eligibility, as well as the biennium-to-biennium growth in actual and percentage terms. Differences in growth rates are generally attributable to both variation in recent trends for each cohort and demographic underpinnings. Legislative changes can also affect projections, as in the case of House Bill 2005 on civil commitments.

Table 3:

Public Defense Forecast - New Eligibles Summary

(April 2026 forecast)

	2025-27	2027-29	Change	Percent	
Adult	Felony	44,453	45,952	1,499	3.4%
	Misdemeanors	96,089	100,308	4,219	4.4%
	Probation Violation	27,402	27,651	249	0.9%
	Treatment Court	1,744	1,861	117	6.7%
	Appellate	3,529	3,763	234	6.6%
	Post-Conviction Relief	593	609	15	2.6%
	Habeas Corpus	384	394	10	2.6%
	Civil Commitment	7,386	8,004	618	8.4%
	TOTAL	181,579	188,541	6,961	3.8%
	Juvenile	Dependency*	19,522	19,488	-35
Delinquency**		5,554	5,580	27	0.5%
Probation Violation		3,913	3,883	-30	-0.8%
Treatment Court		388	398	9	2.4%
Appellate		584	588	3	0.6%
TOTAL		29,961	29,936	-25	-0.1%
Total New Eligible Cases	211,541	218,477	6,936	3.3%	

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

Caseload Forecast

In addition to counts of individuals newly becoming eligible for counsel, the forecast model (outlined in detail under Forecast Methodology) also produces a caseload metric that tabulates the number of individuals with open eligibility on the first of every month. Separate algorithms are run to count caseloads by fiscal year and biennium, as well. An additional algorithm is used to convert forecasts of monthly caseloads into yearly and biennial counts for forecast periods. This algorithm is based on the historical relationship between average monthly counts and yearly/biennial counts, which makes it sensitive to changes in that relationship over time. Finally, circuit court data are very dynamic. Data elements are subject to modification with significant lag time, changing caseload figures up to six months after the fact.

Table 4:

Public Defense Forecast - 2025-27 Caseload Comparison

Difference from budgetary baseline

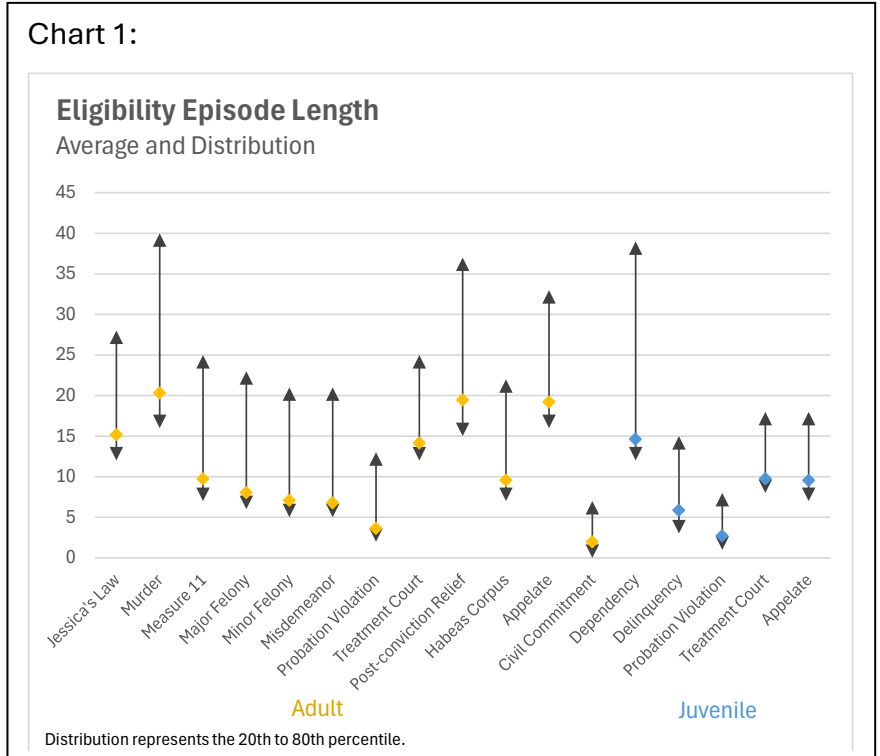
	April 2025 Fcst	April 2026 Fcst	Change	Percent
Adult				
Felony	60,810	61,476	666	1.1%
Jessica's Law	122	388	266	217.6%
Murder	627	556	-71	-11.3%
Measure 11	7,380	5,711	-1,669	-22.6%
Major Felony	11,524	11,127	-397	-3.4%
Minor Felony	41,157	43,695	2,538	6.2%
Misdemeanors	116,686	127,316	10,630	9.1%
Probation Violation	34,182	31,990	-2,192	-6.4%
Treatment Court	3,105	2,801	-304	-9.8%
Appellate	6,912	6,235	-677	-9.8%
Post-Conviction Relief	1,138	1,383	245	21.5%
Habeas Corpus	202	415	213	105.4%
Civil Commitment	5,284	7,892	2,608	49.4%
TOTAL	228,319	239,508	11,189	4.9%
Juvenile				
Dependency*	28,399	32,134	3,735	13.2%
Delinquency**	9,114	6,779	-2,335	-25.6%
Probation Violation	5,123	4,275	-848	-16.6%
Treatment Court	506	592	86	17.0%
Appellate	1,147	851	-296	-25.8%
TOTAL	44,289	44,631	342	0.8%
Total Open Caseloads	272,608	284,139	11,531	4.2%

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

The first thing to note is that an issue regarding coding for Jessica’s Law cases is being resolved. This is causing an increase in those cases relative to prior forecasts. Significantly more misdemeanors and juvenile dependency cases appeared in the data, as well. Offsetting these increases is the noted drop in juvenile delinquency.

Episode Lengths

The chart to the right presents the average duration and distributional characteristics 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. Note that the distribution of episode lengths is skewed, with long tails to the right. A few very long episodes raise the average relative to the median (the middle case). This can be seen in chart 1, where the average point is quite close to the 20th percentile and far from the 80th.



The longest eligibility episodes are associated with Jessica’s Law/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 Detail

Attachments are available breaking out 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 monthly counts, both eligibility and caseloads, for each cohort.
- Episode Lengths: This attachment provides the average episode length for each cohort.

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

Forecast Methodology

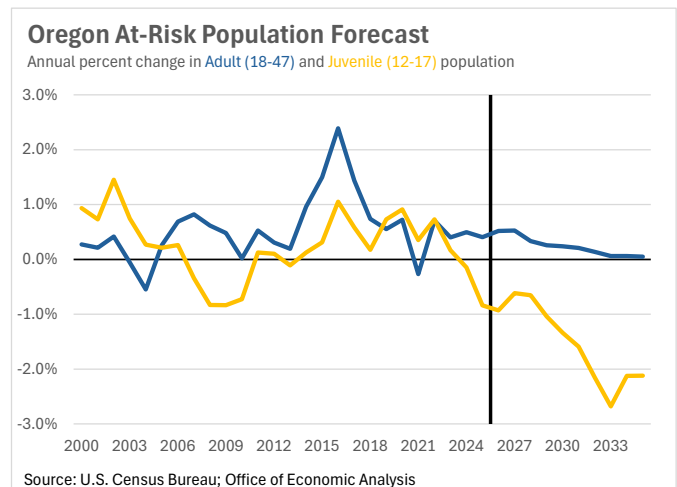
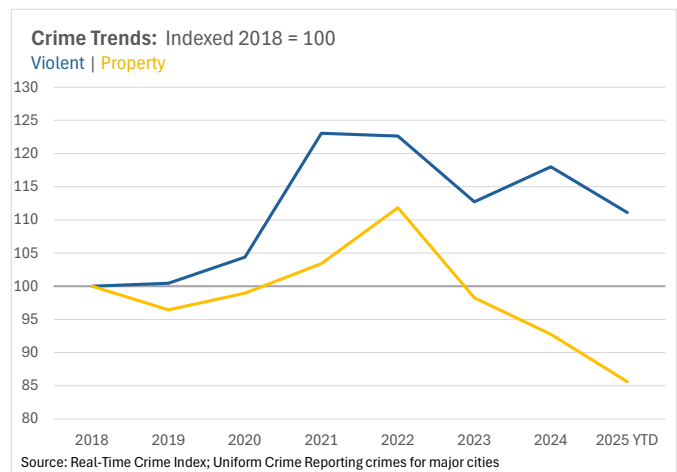
Data Sources

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:



Methodology

The methodology for producing the public defense forecast was 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 time T is the first of the month in question and time T+1 is the first of the following 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

Chart 3:

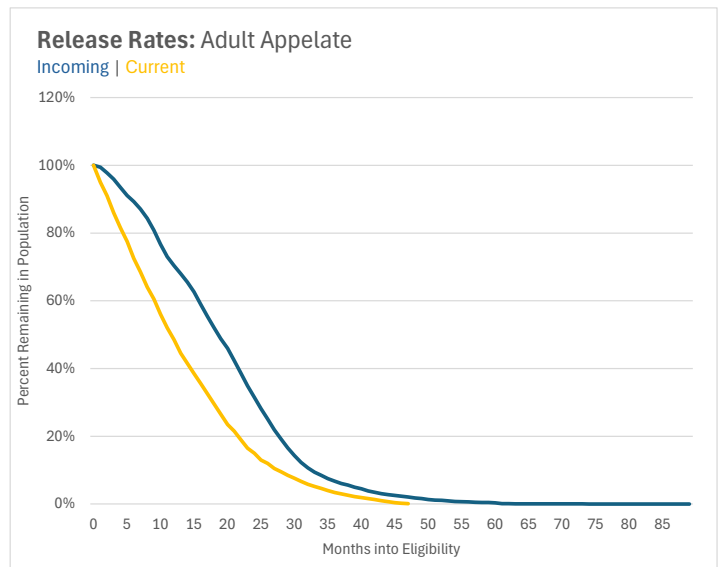
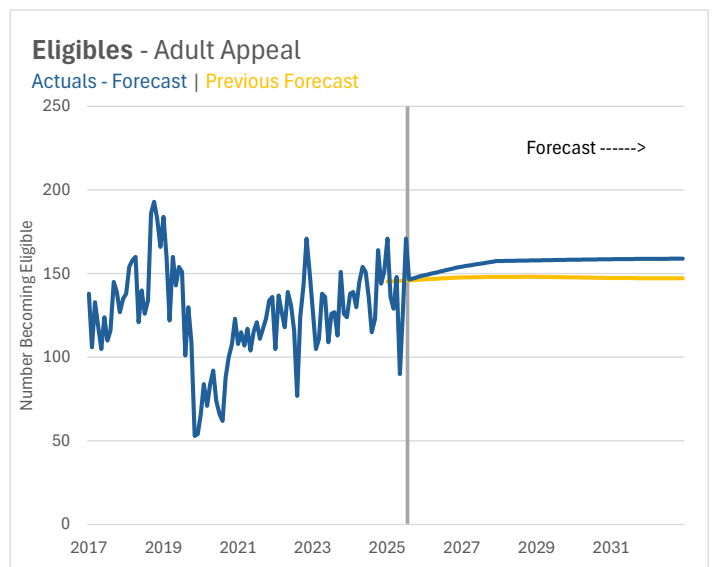


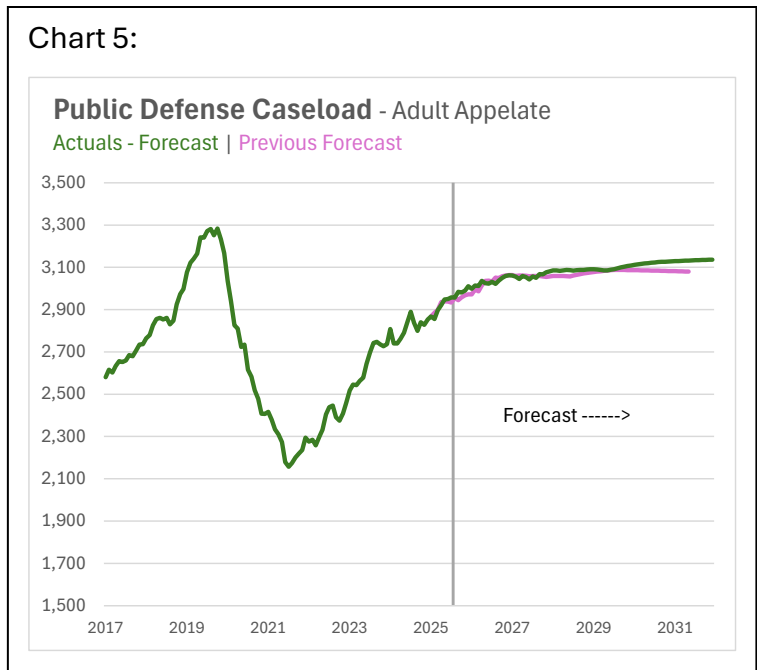
Chart4:



near-term forecast, while the intake forecast and future release characteristics drive the profile of the long run forecast.

Chart 5 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.

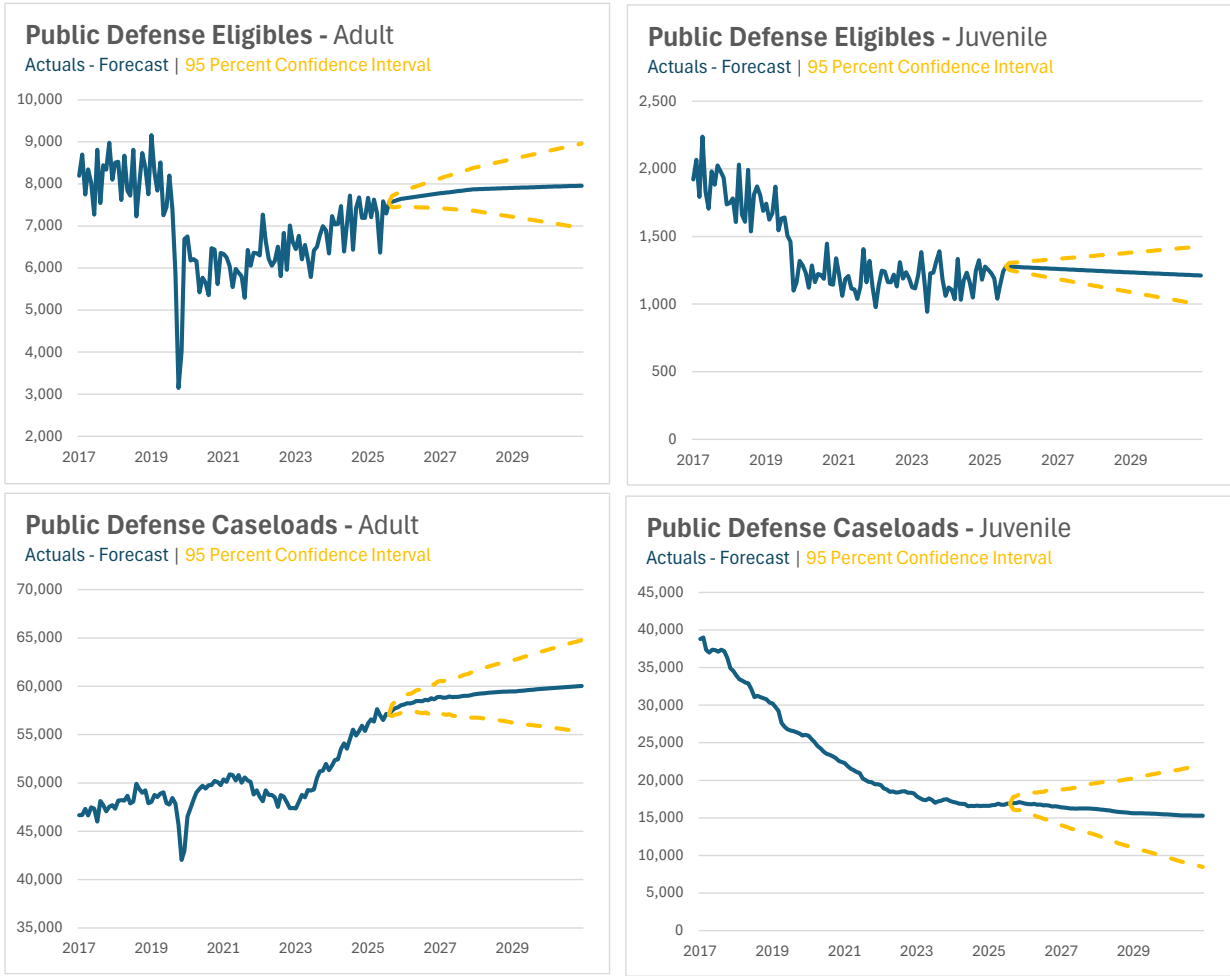


Margin of Error

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 January 2026 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 6:



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 three main categories:

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

Inclusion of recent actuals:

The October 2025 forecast was based on data through June 2025. For the latest forecast, data from July 2025 through January 2026 were added. In the near-term of every subpopulation forecast, the incorporation of new actuals explains nearly every 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.

Legislative change:

House Bill 2005 modified the definitions and circumstances surrounding involuntary commitment. This law change was incorporated into the April 2026 forecast, increasing the eligibility forecast for 2025-27 by approximately 2,000 individuals.

Conclusion

While there were some significant changes to certain subcomponents of the eligible population, namely adult felony, civil commitment, and juvenile delinquency, the overall change to the forecast for 2027-29 was 2.5 percent. This is nominal considering the dynamism of the data and the public defense system. As the data compilation and forecast modeling get more refined and the turbulence caused by the Covid-19 pandemic recedes further into the past, forecast changes should normalize going forward.