OREGON PUBLIC DEFENSE FORECAST

October 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 11

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

The Office of Economic Analysis (OEA) has now produced three years of public defense eligibility forecasts. Forecast-to-forecast changes are moderating, both due to refinements in data compilation and modeling as well as distance from the initial turbulence of the Covid-19 pandemic. For this October 2026 forecast, most cohort forecasts are only nominally changed from the prior forecast. Nonetheless, systemic changes such as the Roberts decision and House Bill 2005 (2025) are still impacting population levels.

This forecast serves both to inform current biennial execution and well as updates to budget development for the 2027-29 biennium. As is customary, 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

The October 2026 forecast incorporates the latest circuit court data to update the public defense eligibility and caseload models. Most of the cohorts tracked very well with the prior edition, except for adult felony. The significant downward departure in this cohort is likely due to the unanimous Oregon State Supreme Court decision in State v. Roberts that requires that an attorney be appointed within two months for misdemeanor cases and three months for felony cases. Due to the nature of the supporting data, Post-conviction Relief and Habeas Corpus cases are combined in one subpopulation model and then split once a combined forecast is created. Due to shifts between the two case types in recent months, an increase in Post-conviction Relief is evidenced while Habeas Corpus declined.

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 10.5 percent from fiscal year 2025 through fiscal year 2031, juvenile eligibility is only projected to grow

Table 1:

New Cases Eligible for Court-Appointed Counsel

October 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	21,980	21,683	21,070	22,451	22,697	22,877	23,049	23,215
Misdemeanors	45,877	46,847	38,551	33,438	34,453	36,626	38,184	44,419	47,067	48,811	49,711	50,197	50,322	50,434
Probation Violation	20,976	20,897	17,570	12,728	12,606	13,506	12,605	13,361	13,729	13,870	13,861	13,902	13,937	13,968
Treatment Court			433	692	727	867	829	784	826	917	927	933	938	940
Appellate	1,497	1,859	1,521	1,018	1,408	1,539	1,496	1,690	1,666	1,810	1,836	1,859	1,863	1,867
Post-Conviction Relief	231	236	226	544	247	346	297	270	312	324	323	324	325	326
Habeas Corpus	40	50	122	455	93	114	97	174	183	190	190	190	191	191
Civil Commitment	1,473	1,498	1,827	1,803	1,894	2,122	2,426	3,515	3,392	3,734	3,893	3,970	3,998	4,007
Total Adults	98,498	97,832	83,792	72,386	72,337	77,386	77,914	85,896	88,245	92,107	93,440	94,254	94,623	94,949
Juvenile														
Dependency*	16,347	14,510	12,180	10,426	9,559	8,997	8,780	8,673	9,296	9,604	9,572	9,494	9,417	9,338
Delinquency**	3,570	3,434	3,264	2,194	2,440	2,905	3,145	2,706	2,781	2,928	2,877	2,850	2,823	2,796
Probation Violation	2,803	2,832	2,485	1,734	1,638	1,892	1,993	2,148	2,021	1,965	1,984	1,964	1,944	1,926
Treatment Court			26	71	87	107	137	167	188	201	200	198	196	194
Appellate	377	364	320	368	342	295	313	296	335	356	327	323	320	317
Total Juveniles	23,097	21,140	18,275	14,793	14,066	14,196	14,368	13,990	14,621	15,054	14,960	14,830	14,700	14,571
Total New Eligibles	121,595	118,972	102,067	87,179	86,403	91,582	92,282	99,886	102,866	107,161	108,400	109,083	109,323	109,520

** Includes Parents and Guardians.*

*** includes Measure 11, Murder, and All Other*

Source: Oregon Judicial Department, Oregon Office of Economic Analysis

4.2 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.

Eligibility Forecast

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 system[1] 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 2026 forecast. The changes reflect the points noted in the summary, including the decline in adult felonies and the shift between post-conviction relief and habeas corpus. Civil commitments and child dependency cases are also down.

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

Table 2:

Public Defense Forecast - 2025-27 Eligibility Comparison

Difference from budgetary baseline

		April 2026 Fcst	October 2026 Fcst	Change	Percent
Adult	Felony	44,453	43,521	-932	-2.1%
	Jessica's Law	251	264	13	5.2%
	Murder	231	223	-8	-3.5%
	Measure 11	3,813	3,914	101	2.6%
	Major Felony	8,033	8,440	407	5.1%
	Minor Felony	32,124	30,679	-1,445	-4.5%
	Misdemeanors	96,089	95,878	-211	-0.2%
	Probation Violation	27,402	27,599	196	0.7%
	Treatment Court	1,744	1,744	0	0.0%
	Appellate	3,529	3,476	-53	-1.5%
	Post-Conviction Relief	593	636	43	7.2%
	Habeas Corpus	384	373	-11	-2.8%
	Civil Commitment	7,386	7,126	-259	-3.5%
	TOTAL	**181,579**	**180,352**	**-1,227**	**-0.7%**

		April 2026 Fcst	October 2026 Fcst	Change	Percent
Juvenile	Dependency*	19,522	18,900	-622	-3.2%
	Delinquency**	5,554	5,709	155	2.8%
	Probation Violation	3,913	3,986	74	1.9%
	Treatment Court	388	388	0	0.0%
	Appellate	584	691	107	18.2%
	TOTAL	**29,961**	**29,675**	**-287**	**-1.0%**
	Total New Eligible Cases	**211,541**	**210,027**	**-1,514**	**-0.7%**

* 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 and House Bill 4002 on adult misdemeanors and probation violations.

Table 3:

Public Defense Forecast - New Eligibles Summary

(October 2026 forecast)

		2025-27	2027-29	Change	Percent
Adult	Felony	43,521	45,575	2,054	4.7%
	Misdemeanors	95,878	99,908	4,030	4.2%
	Probation Violation	27,599	27,763	165	0.6%
	Treatment Court	1,744	1,861	117	6.7%
	Appellate	3,476	3,695	219	6.3%
	Post-Conviction Relief	636	648	12	1.8%
	Habeas Corpus	373	380	7	1.8%
	Civil Commitment	7,126	7,864	738	10.4%
	TOTAL	**180,352**	**187,694**	**7,342**	**4.1%**

		2025-27	2027-29	Change	Percent
Juvenile	Dependency*	18,900	19,066	166	0.9%
	Delinquency**	5,709	5,728	19	0.3%
	Probation Violation	3,986	3,948	-38	-1.0%
	Treatment Court	388	398	9	2.4%
	Appellate	691	650	-41	-5.9%
	TOTAL	**29,675**	**29,790**	**115**	**0.4%**
	Total New Eligible Cases	**210,027**	**217,483**	**7,457**	**3.6%**

* 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 2026 Fcst	Oct. 2026 Fcst	Change	Percent
Adult	Felony	61,476	60,685	-791	-1.3%
	Jessica's Law	125	423	298	238.4%
	Murder	634	526	-108	-17.0%
	Measure 11	7,462	5,746	-1,716	-23.0%
	Major Felony	11,652	11,750	98	0.8%
	Minor Felony	41,604	42,242	638	1.5%
	Misdemeanors	127,316	126,557	-759	-0.6%
	Probation Violation	31,990	31,416	-574	-1.8%
	Treatment Court	2,801	2,802	1	0.0%
	Appellate	6,235	6,215	-20	-0.3%
	Post-Conviction Relief	1,383	1,425	42	3.0%
	Habeas Corpus	415	428	13	3.1%
	Civil Commitment	7,892	7,455	-437	-5.5%
	TOTAL	**239,508**	**236,983**	**-2,525**	**-1.1%**

		April 2026 Fcst	Oct. 2026 Fcst	Change	Percent
Juvenile	Dependency*	32,134	32,220	86	0.3%
	Delinquency**	6,779	6,967	188	2.8%
	Probation Violation	4,275	4,234	-41	-1.0%
	Treatment Court	592	590	-2	-0.3%
	Appellate	851	926	75	8.8%
	TOTAL	**44,631**	**44,937**	**306**	**0.7%**
	Total Open Caseloads	**284,139**	**281,920**	**-2,219**	**-0.8%**

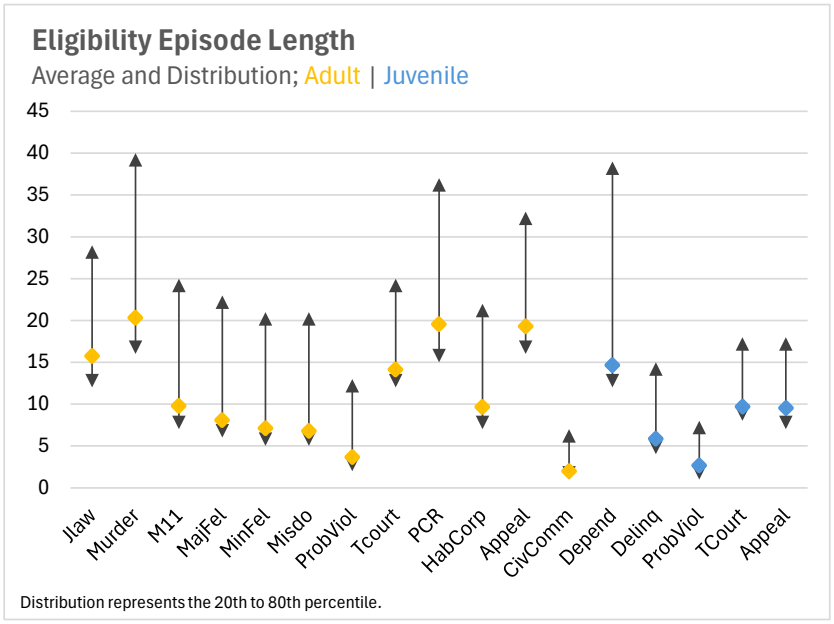
* Includes Parents and Guardians. ** includes Measure 11, Murder, and All Other

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. Most other case types exhibit nominal changes as highlighted in the executive summary.

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.

Chart 1:



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

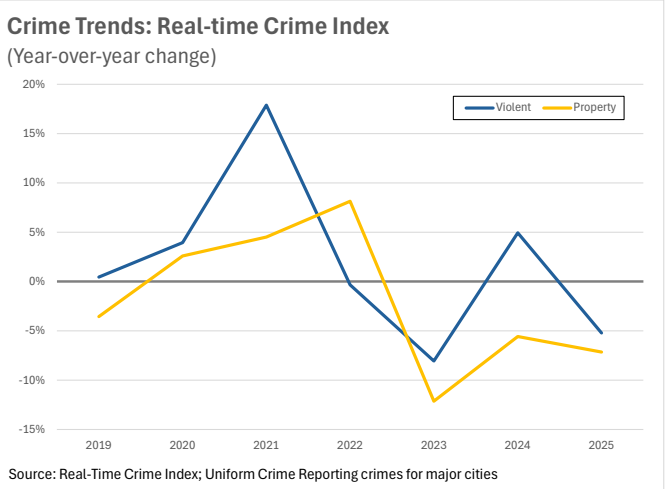
Data Sources

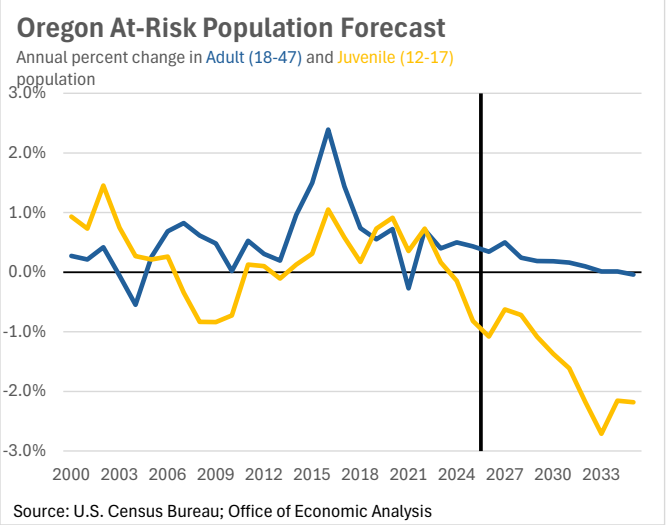
The primary input to the forecast consists of data from the Odyssey data system administered by the Oregon Judicial Department. Data characterize instances of eligibility for public counsel regardless of whether an attorney is appointed or not. Beginning and end dates of the eligibility episode support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

PopulationT = PopulationT-1 + AdmissionsT-1 - ReleasesT-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:

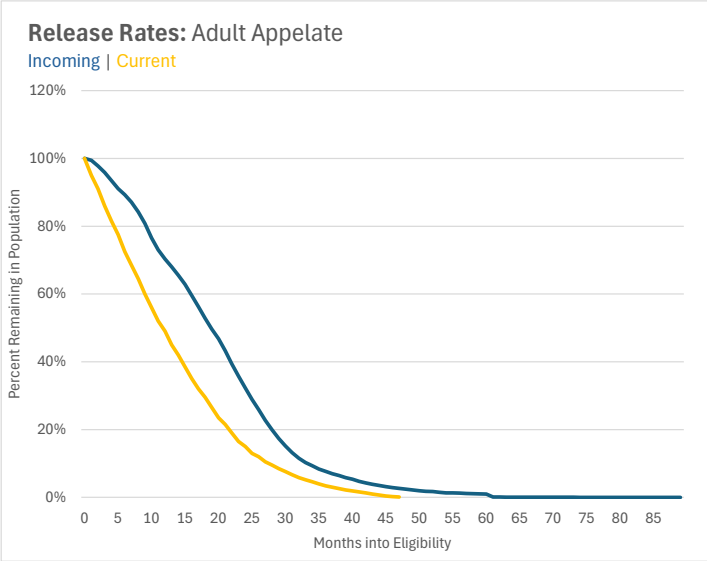
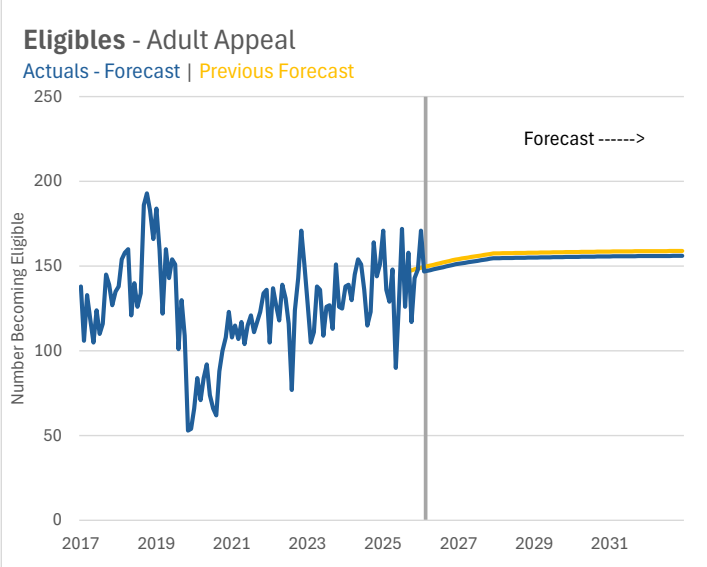


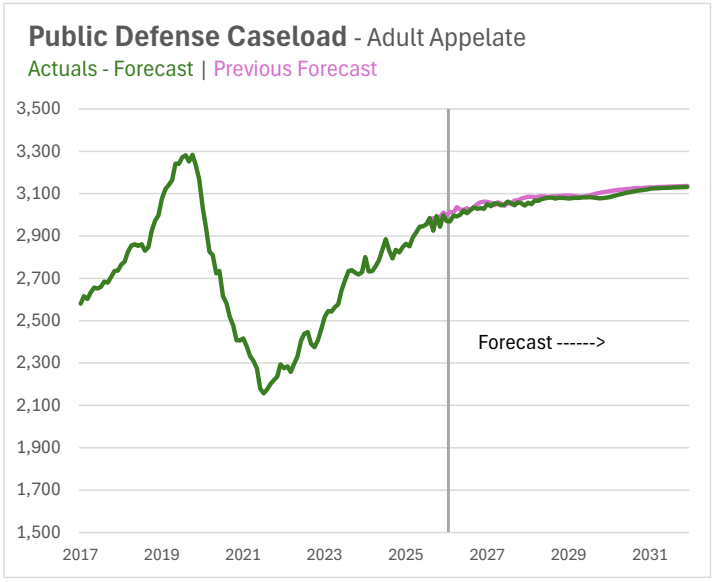
Chart4:



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.

Chart 5:



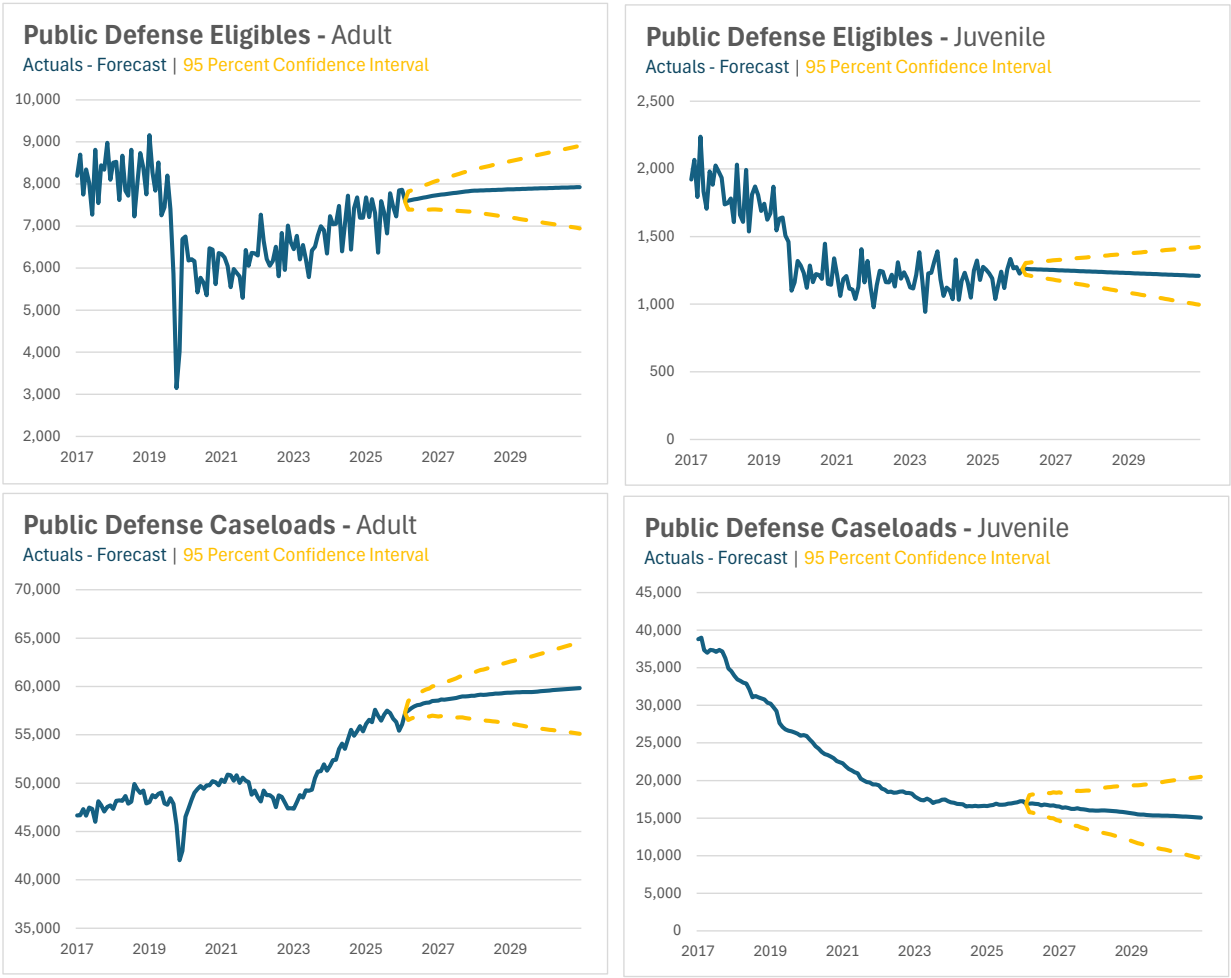
As noted above, one additional metric emanating from caseload mechanics is the length of eligibility, which is a necessary component to calculate a release profile.

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 July 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 April 2026 forecast was based on data through January 2026. For the latest forecast, data from February 2026 through July 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:

No legislative changes occurred between the prior forecast and the current forecast

Conclusion

The State v. Roberts decision and its impact on felony and misdemeanor case dismissals had a significant impact on caseloads, although not an appreciable impact on initial episodes of eligibility. House Bill 4002's recriminalization of possession of controlled substances is also still phasing into the data and the full impact will not be know for a few more years. The overall changes to eligible populations, both for 2025-27 and 2027-29 are quite small, making the impact on budget execution and development modest at best. The next forecast, to be published on April 15th, 2027, will be the definitive basis for the 2027-29 Legislatively Adopted Budget.