

# House Bill 3078 (2017) Report

February 1, 2020

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## Oregon Criminal Justice Commission

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The mission of the Oregon Criminal Justice Commission is to improve the legitimacy, efficiency, and effectiveness of state and local criminal justice systems

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## Executive Summary

In the 2017 legislative session, the legislature passed and the Governor signed House Bill 3078. Section 10 of this bill requires the Oregon Criminal Justice Commission (CJC) to study the impact of this legislation on “prison utilization, recidivism and public safety,” and to report the results by February 1 of each year. This is the third annual report and first report after one full biennium of implementation.

The estimated prison bed impacts of the changes attributable to HB 3078 were included in the most recent Oregon Corrections Population Forecast prepared by the Office of Economic Analysis (October 1, 2019). The estimated impact is a significant reduction in prison utilization, particularly for the female prison population. Specifically, as of January 1, 2020, the female prison population dropped to 1,159 adults in custody and the October 2019 forecast predicts a population of 1,124 by September 1, 2029. Therefore, at this time, an additional female corrections facility will not be required within the 10-year window of the prison forecast. Similarly, as of January 1, 2020, the male population was 13,324 adults in custody and the October 2019 forecast predicts a population of 13,014 by September 1, 2029. Based on the October 2019 forecast, the additional male corrections facility in Junction City will not be required within the 10-year forecast window.

To accomplish reductions in the prison population, HB 3078 enacted several changes within the criminal justice system. First, Section 2 of the bill removed some of the restrictions that previously prevented otherwise eligible offenders from participating in the Family Sentencing Alternative Pilot Program (FSAPP) (applicable to sentences imposed on or after August 8, 2017). The statutory changes to FSAPP eligibility have contributed to an increased number of Oregon families benefitting from the unique opportunities, services, and support FSAPP provides. Since the inception of the pilot in January 2016, 203 individuals have participated in the program. Together, these participants are the primary caregivers to 373 minor children who would otherwise likely be involved in the foster system. The CJC has completed a preliminary analysis of the efficacy of FSAPP, and the results show that FSAPP participation was associated with lower rates of recidivating or revocation events.

Second, Sections 3 and 4 of HB 3078 increased the maximum amount of time that the DOC can grant short-term transitional leave (STTL) to offenders reentering the community from 90 days to 120 days (applicable to sentences imposed on or after January 1, 2018). In total, 217 females and 1,084 males have participated in the 120-day program. This number is expected to increase as more participants with sentences imposed on or after January 1, 2018 enter the STTL program.

Third, Section 5 of the bill changed sentences for Identity Theft and Theft in the First Degree for sentences imposed on or after January 1, 2018. Identity Theft and Theft in the First Degree were essentially removed from the sentencing structure created by Measure 57. This report provides a summary of prison intakes and average length of stay (LOS) in months for both crimes by gender. In general, first sentence length of stay for both crimes have decreased for males and females, indicating the sentencing change is having the intended impact.

Fourth, Sections 7 and 9 of the bill appropriated \$7 million in grant funds for downward departure prison diversion programs. These funds were distributed to counties through a grant program administered by the CJC with preference given to counties establishing programs after August 2017. The CJC created an application and review process and selected twelve counties to receive this supplemental Justice Reinvestment funding in the 2017-19 biennium. This report provides a summary of prison usage for the 12 counties for property, drug, and driving crimes by gender. While the data regarding the success of the grant in reducing prison usage is equivocal at an individual county level, collectively, the 12 supplemental counties have reduced prison usage more than counties not receiving this additional funding.

In summary, HB 3078 enacted a number of reforms designed to address prison usage in Oregon. As shown by the prison population trends and the predicted prison trends included in the October 2019 Prison Forecast, HB 3078 has reduced the prison population, particularly for females, and will continue to reduce the prison population in the years to come. The CJC will continue to monitor prison use and program participation trends to evaluate future impacts from HB 3078.

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## 1. Background

During the 2017 legislative session, the legislature passed and the Governor signed House Bill 3078. Section 10 of this bill required the Oregon Criminal Justice Commission (CJC) to study the impact of this legislation on “prison utilization, recidivism, and public safety,” and to report the results annually on February 1. This is the third annual report.

The prison bed impact of the changes is reflected in the most recent (October 1, 2019) Oregon Corrections Population Forecast<sup>1</sup> prepared by the Office of Economic Analysis. The estimated impact predicts an increased prison utilization reduction, particularly for the female prison population. Figures 1 and 2 below compare the Corrections Population Forecast with and without the estimated impact of HB 3078. The April 2017 Forecast represents the forecast before the passage of HB 3078, and the October 2019 Forecast is the most recent, with the HB 3078 changes factored in.

The figure below displays the female prison population and forecasts to 2029, ten years into the future. The Oregon State Penitentiary (OSP) Minimum facility is currently empty, and will need to become operational when the female population is consistently above 1,280 adults in custody. This threshold has been cited as the point at which the OSP Minimum facility would need to be brought online to accommodate the female prison population. As denoted in Figure 1, the actual female prison population crested the threshold of 1,280 adults in custody in April 2015 and remained above or close to above that line until September 2018. The months following September 2018 have seen a continued decline in the female prison population to 1,159 adults in custody as of January 2020, a level not seen since May 2012.

The October 2018 (not shown) forecast anticipated a similar decline in the female prison population and attributed the decline to changes as a result of HB 3078. The updated October 2019 forecast anticipates future declines with the female prison population leveling off around January 2023.

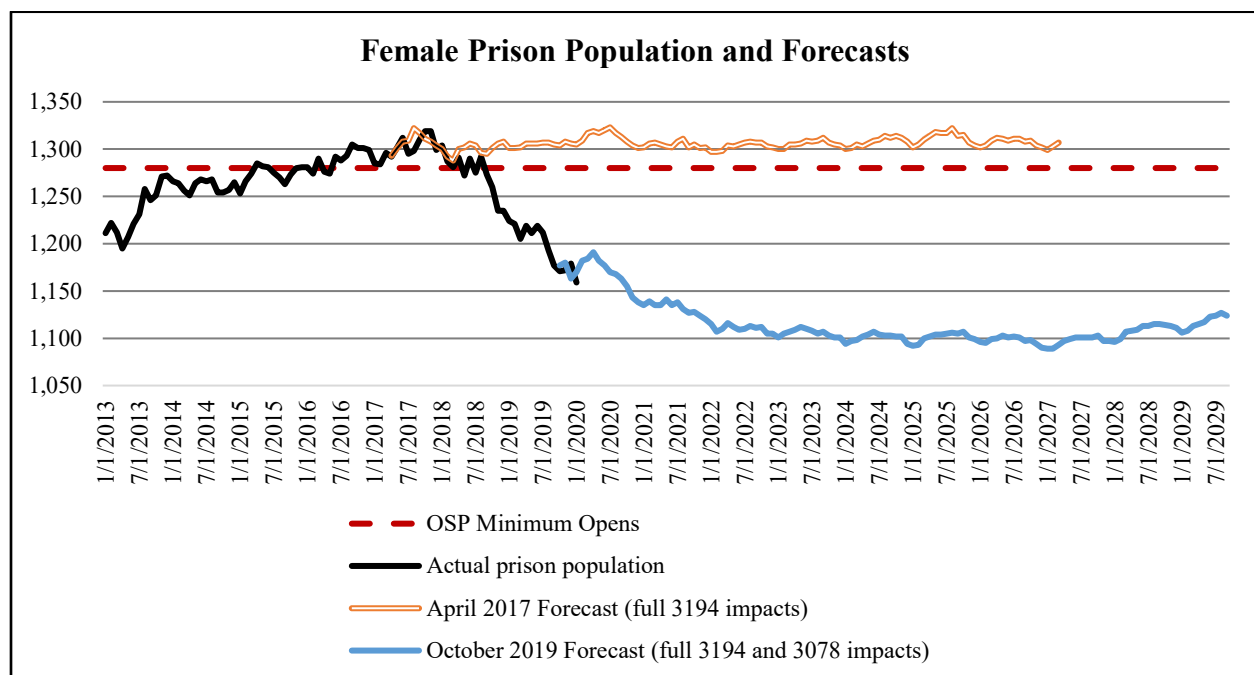


Figure 1. Female Prison Population and Forecasts

<sup>1</sup> <https://www.oregon.gov/das/OEA/Documents/DOCForecast201910.pdf>

Figure 2 displays the male prison population and forecasts. If the male population grows to 14,020 a facility in Junction City will need to become operational, which will require new prison construction. Based on the April 2013 forecast (not shown), the Junction City facility would have opened September 2017. Based on the current actual prison population, as well as the predicted population found in the October 2019 forecast, the Junction City facility will not be required within the 10-year forecast window. Similar to the trends discussed previously for females, the population reduction in the October 2019 forecast for males is the result of the estimated prison bed savings of HB 3078.

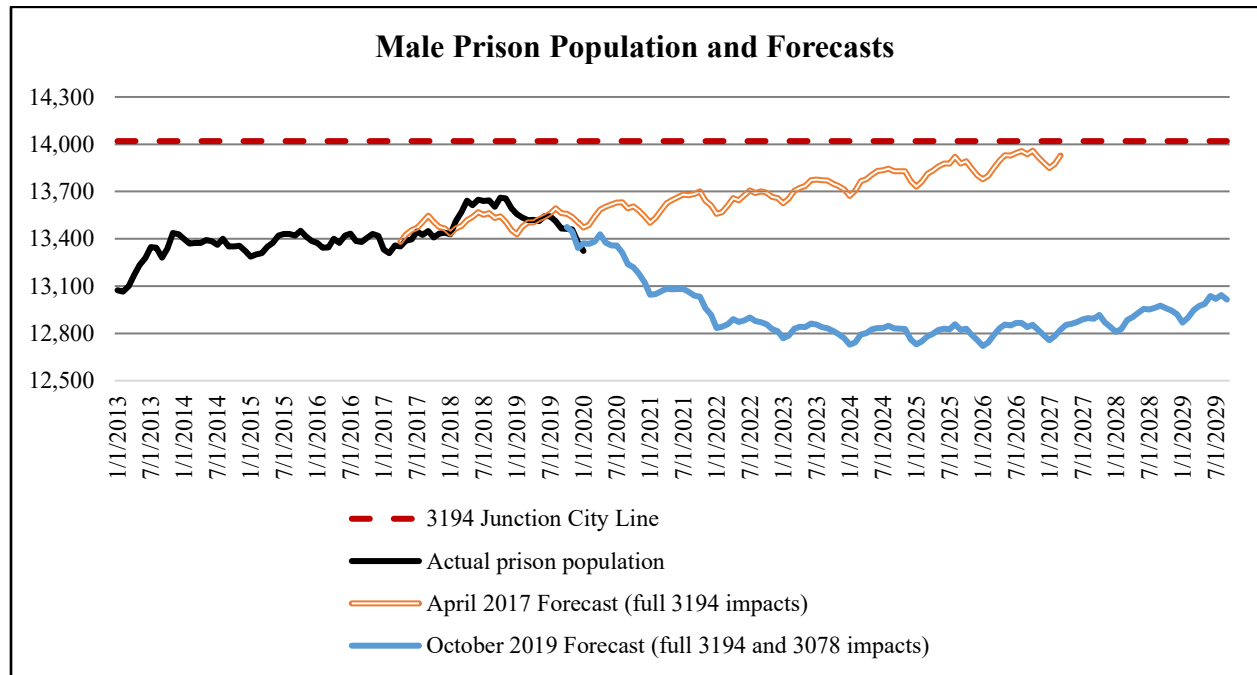


Figure 2. Male Prison Population and Forecasts

## 2. Individual Components of House Bill 3078

House Bill 3078 had several components designed to reduce prison utilization. First, it expanded two programs, the Family Sentencing Alternative Pilot Program (FSAPP) and the Short Term Transitional Leave (STTL) program. Second, the bill made several changes to sentencing and supervision for two property offenses, Theft in the First Degree and Identity Theft. Third, it created a supplemental Justice Reinvestment Grant program to be administered by the CJC. Each of these changes will be examined in turn below.

### 2.1. Family Sentencing Alternative Pilot Program (FSAPP)

House Bill 3503 (2015) established the Family Sentencing Alternative Pilot Program (FSAPP), a community supervision program for eligible non-violent individuals facing prison sentences who were also primary parents of minor children. The aim of FSAPP was to allow individuals to continue their parenting role by being diverted from prison and participating in intensive supervision, treatment, and programs geared toward parenting and families. Through this, the program promotes the unification of families, prevents children from entering the foster care system, and reduces the chances individuals and their children will become involved in the criminal justice system in the future. Five counties are participating in the pilot: Deschutes, Jackson, Marion, Multnomah, and Washington.

HB 3078 removed some of the restrictions that previously prevented otherwise eligible offenders from participating in the Family Sentencing Alternative Pilot Program (FSAPP). The changes to FSAPP apply to sentences on or after the effective date of HB 3078 on August 8, 2017. The statutory changes have contributed to an increased number of Oregon families benefitting from the unique opportunities, services, and support FSAPP provides.

FSAPP is intended to be a collaborative effort between the Oregon Department of Corrections (ODOC), Oregon Department of Human Services (ODHS), circuit courts, and community corrections agencies within the counties identified as participants in the program pilot. The pilot began in January of 2016. Data regarding program participants is reported in Table 1. Since the inception of FSAPP, 203 individuals have participated in the program. In addition, these participants have a total of 373 children. DHS data from 2018 shows 84 percent of program participants had a child welfare referral/history, and 42 percent had a current open case with child welfare.

**Table 1. FSAPP Participants by County**

<b>County</b>	<b>Participants</b>	<b>Children</b>
Washington	Females: 43 Males: 12	104
Jackson	Females: 30 Males: 1	52
Deschutes	Females: 18 Males: 8	58
Marion	Females: 28 Males: 24	84
Multnomah	Females: 28 Males: 11	75
<b>Total</b>	Females: 147 Males: 56 Overall: 203	373

The CJC completed a statistical analysis of the efficacy of FSAPP based on a rigorous, matched comparison with non-FSAPP individuals. The conclusions of this preliminary evaluation may shift once the pilot program has concluded, the pilot program data set is complete, and the analysis is finalized.<sup>2</sup> With these caveats in mind, the results suggest that the program is effective in reducing recidivism or revocation.

As seen in Table 2, FSAPP participation was associated with lower rates of recidivating or revocation events. The main results of the analysis are in the fourth column, entitled Average Treatment Effect. This may be interpreted as follows: if the FSAPP program were universally applied in each of the five pilot counties, the recidivism/revocation rate for non-violent, primary parents would be expected to decline by the given amount. These results were robust for both a 3-year and a 2-year outcome measure, for each of the two subsets evaluated: individuals who have been in FSAPP for at least 2 years and individuals who have been in FSAPP for at least 1 year. When using a 1-year outcome measure, the results become less statistically significant but remain negative across both subsets, which indicates a reduction in recidivism or revocations.

<sup>2</sup>Typically, program efficacy in Oregon for programs like FSAPP is evaluated on a 3-year period. Thus a further, more complete evaluation should be completed in the future.



These results suggest that the FSAPP program appears to become more effective over time. In the first year after FSAPP entry, FSAPP participants are expected to have a lower recidivism/revocation rate than the non-FSAPP control, but these differences are not as large as the 2-year and 3-year outcomes. The impact becomes greater and more statistically significant, however, with longer measures of recidivism/revocation.

**Table 2. FSAPP Recidivism Outcomes**

<b>Outcome</b>	<b>Included in Evaluation Sample</b>	<b>FSAPP Participants Included in Analysis<sup>†</sup></b>	<b>Average Treatment Effect</b>	<b>Non-FSAPP Predicted Mean</b>	<b>FSAPP Predicted Mean</b>
3-year Recidivism or Revocation	2 years or more	118	-17.2%***	62.5%	45.3%
	1 year or more	160	-12.7%***	61.7%	48.9%
2-year Recidivism or Revocation	2 years or more	118	-13.5%***	57.2%	43.7%
	1 year or more	160	-9.6%*	57.7%	48.1%
1-year Recidivism or Revocation	2 years or more	118	-7.9%*	47.2%	39.3%
	1 year or more	160	-4.4%	48.3%	43.9%

\* 95% confidence level, \*\* 99% confidence level, \*\*\* 99.9% confidence level

<sup>†</sup> At time of evaluation, the FSAPP spreadsheets were tracking 199 total participants since program inception in 2016

## 2.2. Short-Term Transitional Leave (STTL)

The Short-Term Transitional Leave (STTL) Program allows adults in custody to serve the final 30, 90, or 120 days of their prison sentence in the community. While the program has been in existence for some time, two significant changes were made by HB 3194 in 20-9.613 (see Sections 13 and 14). First, HB 3194 increased the amount of time an individual spends on STTL from 30 to 90 days (applicable to sentences imposed on or after August 1, 2013). Second, HB 3194 also changed the process by which adults in custody apply for STTL. Prior to HB 3194, eligible adults in custody had to submit a transition plan and instigate the process of applying for short-term transitional leave on their own. HB 3194, however, required the Department of Corrections (DOC) to identify adults in custody eligible for STTL and to assist them in preparing their transition plans. This change has led to a significant increase in the number of participants in the program.

HB 3078 in 2017 made further changes to STTL by increasing the maximum amount of STTL time from 90 days to 120 days (applicable to sentences imposed on or after January 1, 2018). HB 3078 also provided some restrictions on STTL eligibility by mandating that STTL is not allowed for individuals sentenced under: ORS 137.690 (Major Felony Sex Crimes), ORS 164.061 (Aggravated Theft 1 from a victim over 65), ORS 475.907 (Drug Delivery to a Minor), ORS 475.925 and ORS 475.930 (Substantial Drug Quantity Delivery), or ORS 813.011 (Felony DUII).

Figure 3 shows quarterly female participants in the STTL program by the 30-, 90-, and 120-day rules. In total, 217 females have participated in the 120-day program, and that figure is expected to continue to increase as more participants sentenced on or after January 1, 2018 are released from custody. Notably, as of January 1, 2020 there were 66 fewer female adults in custody at a DOC institution as a result of the STTL program (including all participants for the entirety of the program).

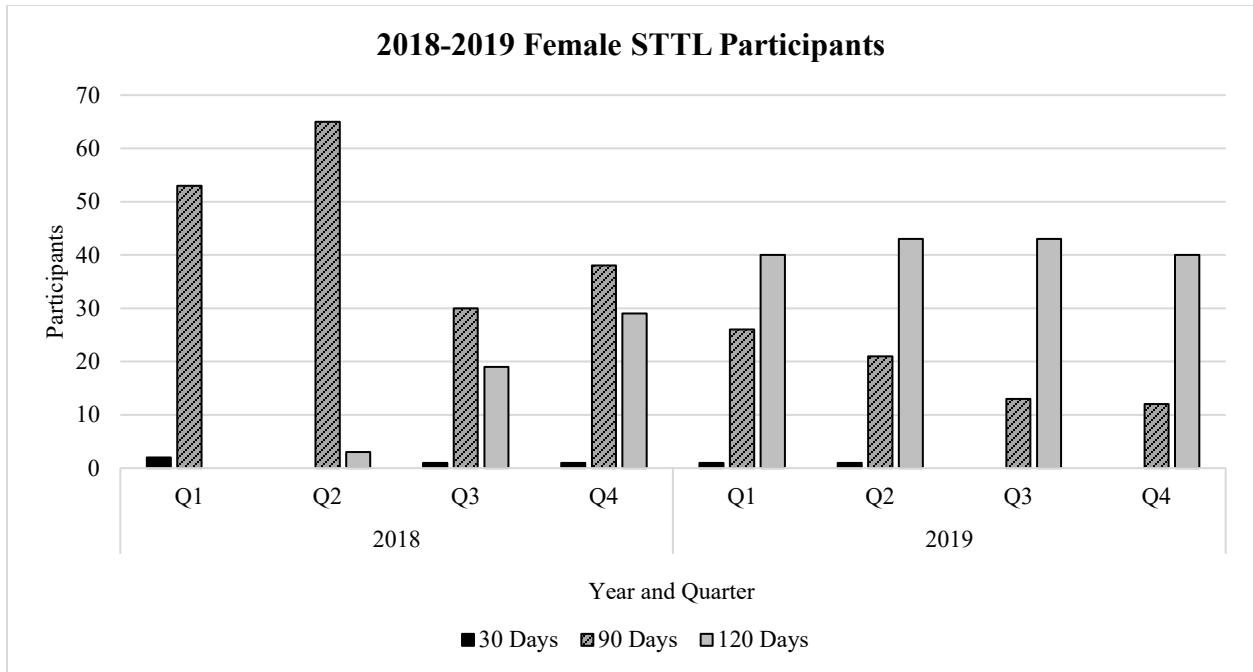


Figure 3. 2018-2019 Female STTL Participants

As shown in Figure 3, 30-day releases still occur throughout the year despite the fact that 90-day releases were introduced in 2013. Although 30-day releases are infrequent, they continue to appear due to the difference in individual sentence lengths. Similarly, although sentencing is now taking place under the 120-day rule, people who received long enough sentences before August 1, 2013 are still receiving 30-day releases at the end of their sentences, and people who received long enough sentences before January 1, 2018 are still receiving 90-day releases at the end of their sentences. Therefore, it is expected that the program will continue to see individuals released on these different STTL program lengths into the future. As expected, the number of participants in the 120-day release has increased as more participants are eligible, having been sentenced on or after Jan 1, 2018.

Figure 4 reports quarterly male participants in the STTL program by the 30-, 90-, and 120-day rules. In total 1,084 males have participated in the 120-day program and this is expected to increase as more participants are released who were sentenced on or after January 1, 2018. As of January 1, 2020 there were 401 fewer male adults in custody at a DOC institution as a result of STTL (including all participants for the entirety of the program).

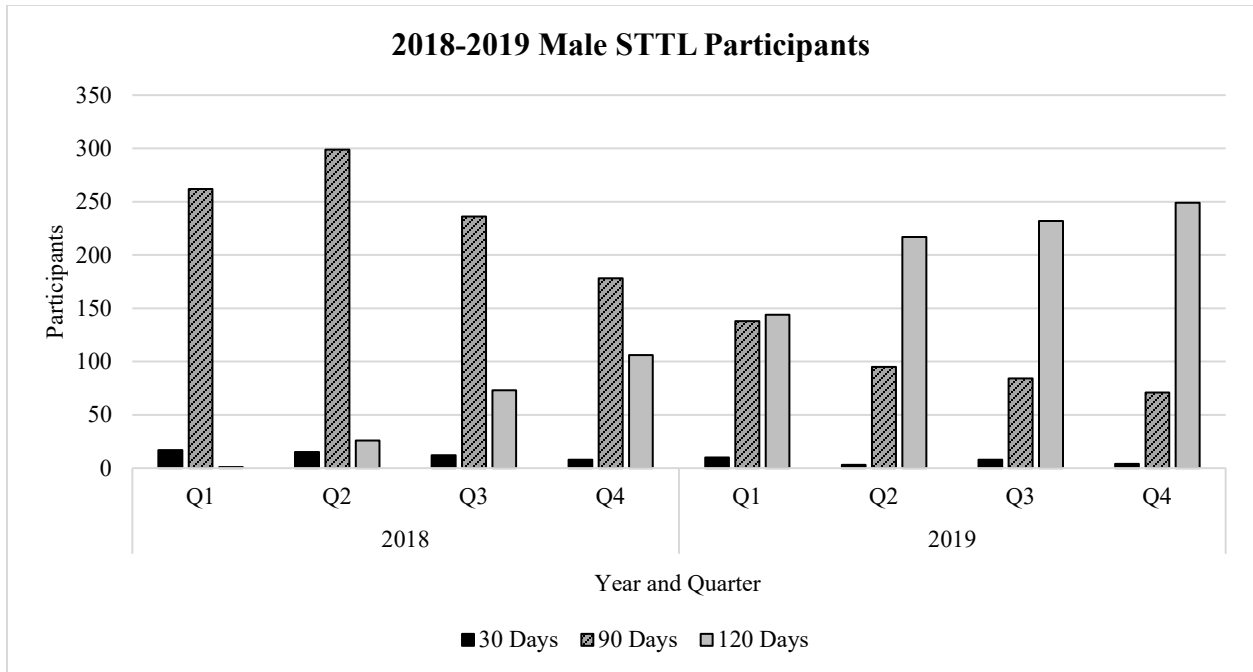


Figure 4. 2018-2019 Male STTL Participants

Similar to Figure 3, Figure 4 shows that 30- and 90-day releases are still present in the distribution of releases for male STTL participants. 30-day releases remain low and steady, due again to the existence of longer sentences decided before August 1, 2013. 90-day releases seem to be decreasing as 120-day releases have become more common. The CJC expects, however, that the data will continue to show 90-day releases into the near future.

For more detailed information the CJC maintains an interactive data page for STTL that is updated monthly.<sup>3</sup> State and county figures display the number of participants, successful completions, prison bed days saved, and jail bed days used. Further, the CJC also releases an annual report examining recidivism for STTL participants, the most recent of which was released on January 31, 2020.<sup>4</sup>

### 2.3. Sentencing and Supervision for Property Offenses

HB 3078 made several changes to the sentences for Theft in the First Degree (ORS 164.055) and Identity Theft (ORS 165.800) (applicable to sentences on or after January 1, 2018). In short, these two offenses were essentially removed from the sentencing structure created by Measure 57. Tables 3 and 4 show female and male prison intakes and average length of stay (LOS) for these two crimes from 2015 to 2019, respectively.

<sup>3</sup> <https://www.oregon.gov/CJC/SAC/Pages/sttl.aspx>

<sup>4</sup> <https://www.oregon.gov/cjc/CJC%20Document%20Library/2020STTLReport.pdf>

**Table 3. 2015-2019 First Sentence Prison Intakes and Length of Stay by Gender**

	Intakes					Length of Stay (Months)				
	2015	2016	2017	2018	2019	2015	2016	2017	2018	2019
<i>Female</i>										
ID Theft	54	43	46	29	35	23.2	20.4	17.8	16.7	13.0
Theft 1	51	49	36	27	26	21.0	18.2	14.8	12.0	12.8
<i>Male</i>										
ID Theft	144	86	119	86	55	23.5	21.1	20.1	17.8	13.8
Theft 1	158	114	135	116	86	22.4	19.9	19.8	15.7	11.5

Table 3 shows first sentence female and male prison intakes and lengths of stay for Identity Theft and Theft in the First Degree. For females, first sentence prison intakes for ID Theft increased from 29 intakes in 2018 to 35 intakes in 2019. While this does reflect a year-on-year increase this is likely due to the fact that yearly counts are fairly low and are variable. The number of intakes in 2019 is still considerably lower than it was in 2015. The average length of stay in months (LOS) for first sentence prison intakes of females for ID Theft has decreased from 16.7 in 2018 to 13 in 2019. For females, first sentences for Theft in the First Degree have decreased considerably from 2015 to 2019. The slight increase from 2018 (12) to 2019 (12.8) is unremarkable given the small sample size. The yearly counts are fairly low and have more variability, but this initial summary measure shows a trend of fewer first sentence prison intakes for Theft in the First Degree for females, as would be expected with the law change in HB 3078. The average LOS for first sentences has steadily decreased from 2015 to 2019 as would be expected with the sentencing changes in HB 3078.

For males, first sentences prison intakes for ID Theft have decreased from 86 in 2018 to 55 in 2019, a low point for the five-year period. The average LOS for first sentences has steadily decreased as well from 2015 to 2019. For males, prison intakes of first sentences for Theft in the First Degree have decreased from 116 in 2018 to 86 in 2019. Intakes for both ID Theft and Theft in the First Degree continued to drop and the 2019 numbers are the lowest in this five-year window. The average LOS for first sentences for Theft in the First Degree has decreased from 15.7 months in 2018 to 11.5 months in 2019.

**Table 4. 2015-2019 Probation Revocation Prison Intakes and Length of Stay by Gender**

	Intakes					Length of Stay (Months)				
	2015	2016	2017	2018	2019	2015	2016	2017	2018	2019
<i>Female</i>										
ID Theft	28	25	36	18	20	15.0	18.1	17.8	10.8	14.8
Theft 1	25	23	27	21	13	13.7	14.6	13.5	14.3	18.7
<i>Male</i>										
ID Theft	54	50	49	42	29	22.1	20.3	17.7	15.4	20.6
Theft 1	87	80	82	69	39	17.7	14.9	14.8	14.4	14.0

Table 4 shows probation revocation female and male prison intakes and lengths of stay for Identity Theft and Theft in the First Degree. While a change in probation revocations is not expected as a direct result of the law change, it's an important function of prison use for these specific crimes. Given the drop in first sentences from the law change, probation revocations are displayed to ensure that a comparable increase is not occurring for probation revocations. For females, probation revocations for ID Theft have increased slightly from 18 in 2018 to 20 in 2019. Despite the year-on-year increase, 20 intakes in 2019 for ID Theft is considerably lower than the high of 36 in 2017. It is worth noting that this overall decline was not an expected impact of the law change with only one year of implementation, but could be due to additional programming in the community through Justice Reinvestment efforts and/or the FSAPP program. The probation revocation LOS for Theft in the First Degree increased from 10.8 months in 2018 to 14.8 months in 2019, which is similar to the average LOS in 2015 of 15 months. For females, probation

revocations for Theft in the First Degree decreased from 21 in 2018 to 13 in 2019, quite a bit lower than the 25 intakes in 2015. However, probation revocation LOS for females for Theft in the First Degree increased from 14.3 months in 2018 to 18.7 months in 2019. While the average LOS for female Theft in the First Degree and ID Theft increased from 2018 to 2019, the number of intakes decreased or leveled off thereby continuing a reduction of prison usage.

For males, probation revocations for ID Theft have decreased significantly from 42 in 2018 to 29 in 2019. The probation revocation LOS for ID Theft in 2019 of 20.6 months, after a decline of several years, however, returned to a range similar to the LOS in 2015 of 22.1 months. However, given the drop in intakes, an uptick in LOS still results in a reduction in prison usage. Finally, for males, probation revocations for Theft in the First Degree have decreased from 69 in 2018 to 39 in 2019, less than half the total in 2015. Male probation revocation LOS decreased from 14.4 months in 2018 to 14 in 2019.

#### 2.4. Justice Reinvestment Supplemental Grant Fund

In addition to programmatic and sentencing changes, in 2017 HB 3078 appropriated \$7 million in supplemental grant funds for downward departure prison diversion programs. Through a grant program administered by the Criminal Justice Commission, these funds were distributed to counties with preference given to counties establishing programs after August 2017. The CJC created an application and review process and twelve counties were ultimately selected for funding. For more detail on these funds, the Commission publishes an interactive data page that shows the funding by county and program area.<sup>5</sup> The CJC also publishes an interactive data page that displays Justice Reinvestment prison usage by county and gender. Prison intake and length of stay information for property, drug, and driving crimes is compiled and displayed by county and baseline comparison.<sup>6</sup> In 2019, \$7.26 million of supplemental funding was allocated for downward departure prison diversion programs to 15 counties. Because of the recent nature of this new round of supplemental funding this report will focus on the outcomes of the 12 counties funded with the 2017-19 supplemental funding.

The 2018-2019 prison usage for property, drug, and driving crimes for the 12 counties that received grant funds for downward departure prison diversion programs is summarized in Table 5. Prison intakes and the average length of stay (LOS) in months are displayed by gender and county.

**Table 5. Combined 2018-2019 Prison Intakes for Property, Drug, and Driving Crimes**

	Female		Male	
	Intakes	Average LOS	Intakes	Average LOS
Columbia	9	12.6	33	23.8
Douglas	34	14.5	159	20.1
Jackson	50	19.7	248	20.5
Josephine	35	21.0	156	23.4
Klamath	25	15.6	76	22.5
Lake	4	34.4	5	16.6
Lane	74	19.7	341	25.0
Lincoln	19	20.0	71	21.4
Marion	76	22.6	285	26.5
Multnomah	82	17.0	504	17.0
Washington	83	17.8	367	19.0
Yamhill	13	26.4	77	18.4

<sup>5</sup> <https://www.oregon.gov/cjc/data/Pages/jri.aspx>

<sup>6</sup> <https://www.oregon.gov/cjc/data/Pages/jri-prison.aspx>

Figure 5 compares each participating county’s prison usage to their historical baseline, which is the 3 year average from July 2012 to June 2015 for prison usage for property, drug, and driving crimes in that county, scaled to two years.<sup>7</sup> The figures also display biennial prison usage for 2016-17 and 2018-19 to provide a comparison as a means for assessing the impacts of Supplemental Grant, which did not begin in earnest until 2018. Prison usage over time is the total months calculated by adding the estimated length of stay in months for all prison intakes for property, drug, and driving crimes (for further detail, particularly for counties with small counts, please see accompanying tables in the appendix).

Figure 5 shows the Justice Reinvestment prison usage comparison for the 12 counties that received funds allocated by HB 3078 in the 2017-19 biennium. For example, the highest volume counties of Multnomah, Marion, and Lane show a drop compared to their baselines. Marion shows an increase in 2018-19 compared to 2016-17; however, it is a substantial drop when compared to the baseline.

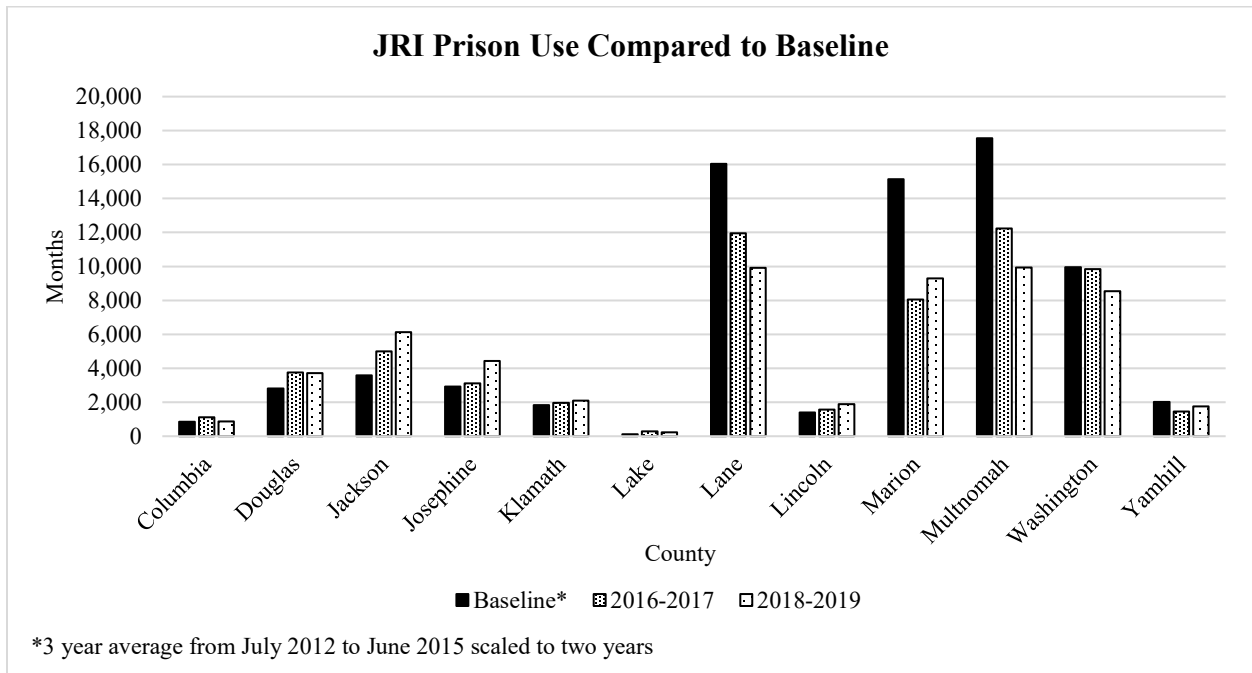


Figure 5. JRI Prison Use Compared to Baseline

Despite the additional investment, not every supplemental grant county reduced their prison usage. Other factors could be affecting local prison usage outside of the increased Justice Reinvestment funding. In particular, it is difficult to account for changes in county level criminal justice system trends such as law enforcement resources, volume of cases referred, jail bed capacity, and other resources. Jackson County, as an example, has seen more than a 40% increase in the number of cases referred from 2016 (287) to 2019 (423). To account for an increase in number of case referrals we have scaled appropriately to the number of convictions in each county as shown in Figure 6.

<sup>7</sup> In July 2019, Justice Reinvestment prison usage, as tracked by the CJC, was modified to exclude level eight or nine Burglary in the First Degree (ORS 164.225) intakes.

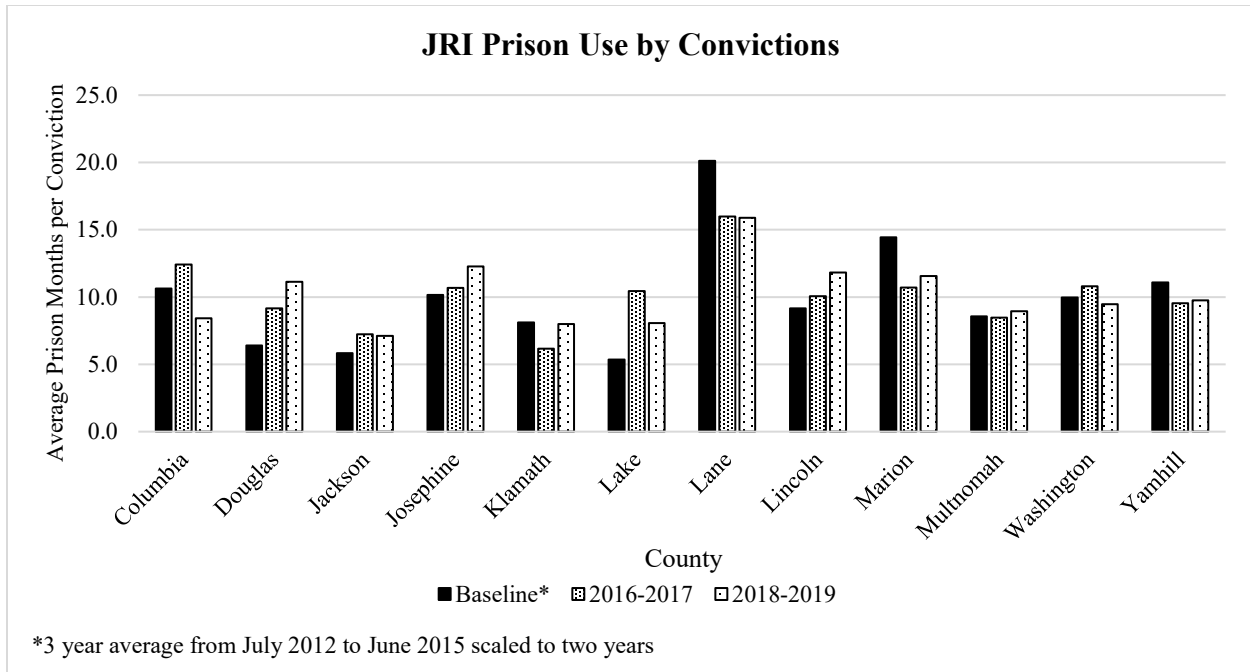


Figure 6. JRI Prison Use by Convictions

As displayed in Figure 6, each county, regardless of population, is measured using the same scale of average prison months per conviction of felony first sentence property and drug crimes (excluding possession of a controlled substance). This measure scales prison use to the conviction volume for the county over the same time period. Compared to the data presented in Figure 5 several changes are manifest in this scaling. For example, Jackson County’s prison growth in Figure 5 becomes more muted and actually results in a slight decrease over the period they received supplemental JRI funding (2018-19). Specifically, while Jackson County’s average prison months per conviction is higher compared to its baseline, a slight reduction occurred between 2016-2017 and 2018-2019 with a drop from 7.2 prison months per conviction to 7.1. This indicates that the increase in prison months from 2016-2017 to 2018-2019 was at a slightly lower rate than the conviction increase for Jackson County. Looking at both Figure 5 and Figure 6 together, Multnomah County’s prison change is consistent with the drop in convictions over time. While the total prison months dropped substantially, the number of convictions dropped at the same rate in Multnomah County. Lane County shows a drop in total prison months in Figure 5, and a drop in average prison months per conviction in Figure 6. However, Figure 6 also shows that Lane County continues to have a higher rate of average prison months per conviction than the other supplemental counties. The rise and fall in the number of convictions in a county is certainly a contributing factor in a county’s prison usage, but is not robust enough to draw holistic conclusions about the supplemental grant program.

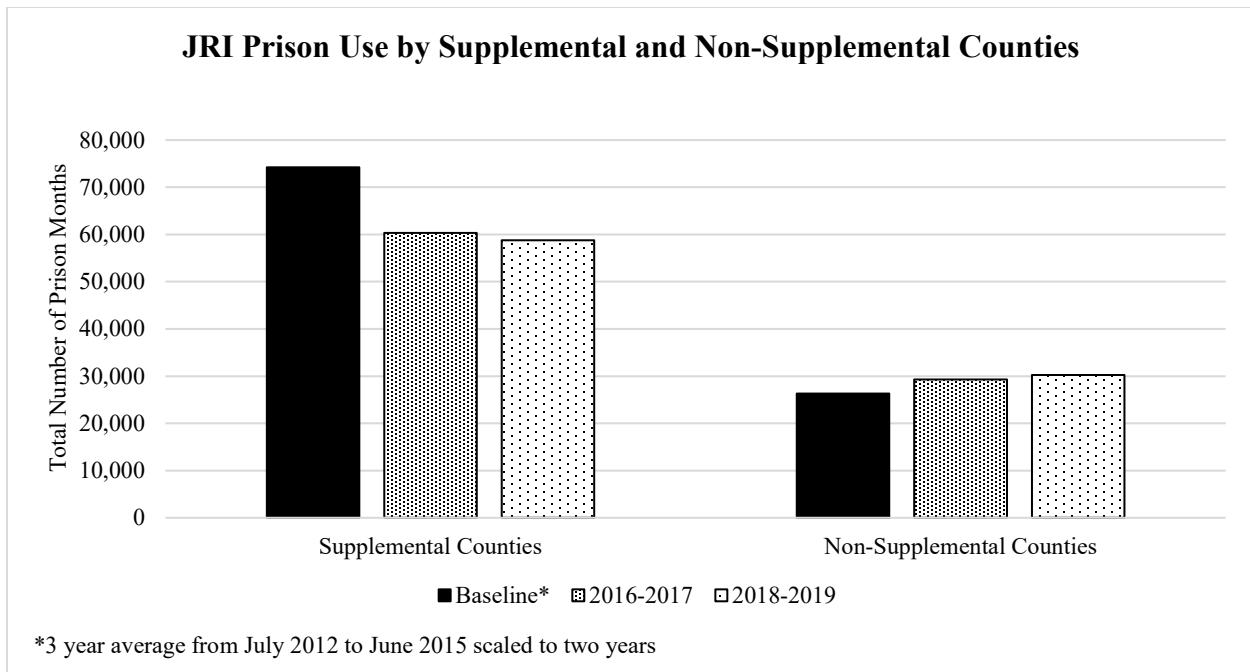


Figure 7. JRI Prison Use by Supplemental and Non-Supplemental Counties

Figure 7 separates Oregon’s 36 counties into two cohorts: one with the 12 counties that received the supplemental grant for the 2017-19 biennium and the other for the remaining 24 counties that did not receive additional Justice Reinvestment funds. As displayed in Figure 7, the collective of Supplemental Counties have slightly reduced their prison usage from 2016-17 to 2018-19 and reduced prison usage considerably from the three-year average baseline. In contrast, counties that did not receive supplemental JRI funding have increased their prison usage over time. It is, however, difficult to attribute decreases in prison usage solely to supplemental funds because the grant’s goals overlap with the main, formula Justice Reinvestment grant. Both grants—formula and supplemental—fund downward departure programs that reduce prison usage so it is hard to identify which grant funding ultimately caused the reduction.

### 3. Conclusion

In summary, HB 3078 enacted a number of reforms designed to address prison usage in Oregon. These changes took various forms, including programmatic changes to the Family Sentencing Alternative Pilot Program and the Short-Term Transitional Leave program, sentencing changes for ID Theft and Theft in the First Degree, and the creation of a supplemental grant program that funds downward departure prison diversion programs. As shown by the prison population trends and the predicted prison trends included in the Prison Forecast, HB 3078 has and is expected to continue to reduce the prison population, particularly for females.

With regard to the programmatic changes, preliminary results indicate lower three-year recidivism outcomes for FSAPP participants compared to similarly situated non-participants. Since 2014, over 8,000 persons have participated in STTL, equaling over 544,000 prison bed days saved.

Concerning the sentencing changes enacted by HB 3078, in general, prison intakes and length of stay for ID Theft and Theft in the First Degree have decreased. As a result, the expected prison savings from these sentencing changes appear to be occurring.



Finally, concerning the supplemental grant funding provided by HB 3078, the results are mixed. It is challenging to measure the prison utilization impact of the supplemental grant in addition to the Justice Reinvestment Grant Fund. It is also difficult to account for changes in county level criminal justice system trends such as law enforcement resources, volume of cases referred, jail bed capacity, and other resources. Some counties have experienced a prison reduction from 2016-2017 to 2018-2019, but others have seen experienced an increase. Similarly, while some counties are below their historic baseline, others are above it. While the data regarding the success of the grant at an individual county is equivocal, collectively, the 12 supplemental counties have reduced prison usage more than counties not receiving this additional funding. In the future, as more data are collected with the expansion of supplemental funds to 15 counties in 2019-21, the CJC intends to analyze outcomes for the supplemental grant counties in greater detail and depth.

## Appendix

**Table A1. Female Justice Reinvestment Prison Usage**

County	Baseline	2016-2017	2018-2019
Columbia	101	120	114
Douglas	388	845	488
Jackson	560	619	981
Josephine	385	542	738
Klamath	302	319	404
Lake	0	48	138
Lane	2,691	1,880	1,470
Lincoln	237	381	384
Marion	3,156	1,288	1,709
Multnomah	2,557	1,584	1,405
Washington	1,549	1,755	1,577
Yamhill	441	204	341

**Table A2. Male Justice Reinvestment Prison Usage**

County	Baseline	2016-2017	2018-2019
Columbia	756	986	761
Douglas	2,416	2,908	3,220
Jackson	3,015	4,387	5,139
Josephine	2,530	2,566	3,694
Klamath	1,536	1,636	1,689
Lake	111	235	88
Lane	13,342	10,078	8,452
Lincoln	1,162	1,190	1,508
Marion	11,987	6,762	7,577
Multnomah	14,986	10,654	8,539
Washington	8,413	8,090	6,973
Yamhill	1,571	1,256	1,415

**Table A3. Justice Reinvestment Prison Use, Total Convictions, and Prison Use by Convictions**

County	Prison Usage			Total Convictions			Prison Use by Convictions		
	Baseline	16-17	18-19	Baseline	16-17	18-19	Baseline	16-17	18-19
Columbia	857	1,106	875	81	89	104	10.6	12.4	8.4
Douglas	2,803	3,752	3,708	438	410	333	6.4	9.2	11.1
Jackson	3,575	5,006	6,119	614	691	860	5.8	7.2	7.1
Josephine	2,916	3,107	4,431	287	291	361	10.1	10.7	12.3
Klamath	1,838	1,955	2,093	227	317	262	8.1	6.2	8.0
Lake	111	282	226	21	27	28	5.4	10.4	8.1
Lane	16,033	11,958	9,922	797	748	625	20.1	16.0	15.9
Lincoln	1,399	1,571	1,891	153	156	160	9.2	10.1	11.8
Marion	15,144	8,049	9,285	1,049	752	803	14.4	10.7	11.6
Multnomah	17,543	12,239	9,944	2,049	1,445	1,111	8.6	8.5	9.0
Washington	9,963	9,845	8,549	1,000	911	902	10.0	10.8	9.5
Yamhill	2,011	1,460	1,756	181	153	180	11.1	9.5	9.8

**Table A4. JRI Prison Use by Supplemental and Non-Supplemental Counties**

	Baseline	2016-2017	2018-2019
Supplemental	74,193	60,330	58,801
Non-Supplemental	26,311	29,262	30,242

**Table A5. 2015-2019 Female Prison Intakes and Length of Stay for Property, Drug, and Driving Crimes**

	Intakes					Average Length of Stay (Months)				
	2015	2016	2017	2018	2019	2015	2016	2017	2018	2019
Columbia	2	6	3	8	1	44.8	12.1	15.7	12.8	12.3
Douglas	17	15	27	18	16	19.1	20.1	20.1	12.9	16.0
Jackson	16	14	16	27	23	13.1	21.8	19.6	19.3	20.0
Josephine	5	12	18	17	18	18.2	14.1	20.7	20.8	21.3
Klamath	7	9	12	19	6	17.2	16.8	13.6	16.8	14.3
Lake	0	2	2	2	2	N/A	14.8	9.0	38.3	30.5
Lane	47	38	54	45	29	24.4	21.8	19.4	20.8	18.5
Lincoln	4	8	10	8	11	45.9	18.9	23.0	19.2	20.9
Marion	77	26	33	39	37	21.0	21.8	21.0	19.5	25.7
Multnomah	63	59	55	47	35	18.7	12.8	15.1	17.7	16.4
Washington	53	51	62	43	46	19.5	17.0	14.3	19.4	16.1
Yamhill	11	8	6	6	7	20.6	12.4	17.5	28.0	24.8

**Table A6. 2015-2019 Male Prison Intakes and Length of Stay for Property, Drug, and Driving Crimes**

	Intakes					Average Length of Stay (Months)				
	2015	2016	2017	2018	2019	2015	2016	2017	2018	2019
Columbia	22	15	22	20	13	20.2	34.4	21.4	20.4	27.1
Douglas	75	67	81	70	89	20.5	19.4	19.9	18.7	21.5
Jackson	106	92	113	108	140	18.8	20.6	21.7	18.8	22.2
Josephine	56	71	59	66	90	17.9	21.4	18.4	21.0	25.7
Klamath	24	37	51	54	22	21.9	18.8	18.5	21.9	23.0
Lake	2	3	9	2	3	40.2	20.2	19.4	10.9	22.2
Lane	189	195	200	198	143	31.5	25.8	25.3	23.9	26.0
Lincoln	34	17	29	34	37	25.3	28.4	24.4	23.5	19.2
Marion	215	128	121	171	114	24.9	26.2	27.5	27.2	25.7
Multnomah	303	299	288	259	245	19.0	18.8	17.6	16.7	17.3
Washington	217	196	198	179	188	20.7	21.5	19.5	19.7	18.3
Yamhill	33	28	35	39	38	22.5	18.9	20.7	19.5	17.3