

— Evaluating the —

# MULTNOMAH COUNTY JUSTICE REINVESTMENT PROGRAM

Outcomes, Measurement, and  
Future Evaluations

November 2018



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# ACKNOWLEDGEMENTS

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This report was developed by the Multnomah County Justice Reinvestment Data and Evaluation Sub-Committee. The committee is comprised of trained data analysts from Multnomah County's Sheriff's Office, Department of Community Justice, District Attorney's Office and the Oregon Judicial Department. Members collaborate to collect, analyze and report information about the Justice Reinvestment program.

## Data and Evaluation Sub-Committee

**Kimberly Bernard, Ph.D.** | Department of Community Justice, Director of Research & Planning

**Joel Bruhn** | Oregon Judicial Department, Multnomah Circuit Court, MCJRP Court Coordinator

**Molly Christmann** | Multnomah County District Attorney's Office, Data Technician

**Jon Harms Mahlandt** | Multnomah County Sheriff's Office, Director of Planning and Research

**Theresa Marchetti** | Department of Community Justice, Operations Manager

**David Schwager** | Department of Community Justice, Senior Data Analyst

**Barbara A. Sharp, Ph.D.** | Oregon Judicial Department, Multnomah Circuit Court, Data Analyst

**Samuel Taylor** | Local Public Safety Coordinating Council, Research Project Manager

**Lily Yamamoto** | Local Public Safety Coordinating Council, Justice Reinvestment Program Manager

## Contributing Analysts

**Wendy Lin-Kelly** | Multnomah County Sheriff's Office, Data Analyst

**Mae Swisher** | Multnomah County Circuit Court, Data Analyst

**Carol Young** | Multnomah County District Attorney's Office, Data Analyst

## Other Contributors

**Corie Michaels** | Department of Community Justice, Data Visualization Designer

## Past and Current Voting Members Multnomah County Justice Reinvestment Program

### ***Citizen Representatives***

[David VanSpeybroeck](#) | Sussman Shank LLP, Partner and MCJRP Steering Committee Chair

### ***Law Enforcement and Detention***

[Mike Reese](#) | Multnomah County Sheriff's Office, Sheriff

[Katie Burgard](#) | Multnomah County Sheriff's Office, Senior Manager

[David Hendrie](#) | Portland Police Bureau, Commander

[Mathew Wagenknecht](#) | Portland Police Bureau, Assistant Chief

### ***District Attorney's Office***

[Rod Underhill](#) | Multnomah County District Attorney's Office, District Attorney

[Caroline Wong](#) | Multnomah County District Attorney's Office, Deputy District Attorney

### ***Oregon Judicial Department***

[Honorable Cheryl A. Albrecht](#) | Multnomah County Circuit Court, Chief Criminal Judge

[Honorable Stephen K. Bushong](#) | Multnomah County Circuit Court, Presiding Judge

[Barbara B. Marcille](#) | Oregon Judicial Department, Multnomah Circuit Court, Trial Court Administrator

### ***Community Justice***

[Truls Neal](#) | Multnomah County Department of Community Justice, Director

[Erika Preuitt](#) | Multnomah County Department of Community Justice, Deputy Director

### ***Defense***

[Honorable Edward Jones](#) | Metropolitan Public Defenders, Executive Director (interim)

[Kati Dunn](#) | Metropolitan Public Defenders, County Director

### ***Senior Treatment Provider***

[Tim Hartnett](#) | CODA Inc., Executive Director

### ***Victims' Rights Representative***

[Meg Garvin](#) | National Crime Victim Law Institute, Executive Director & Clinical Professor of Law

The Data and Evaluation Sub-Committee would like to recognize to the following individuals who have transitioned from their previous roles in which they were essential to the formation and implementation of the Multnomah County Justice Reinvestment Program:

**Lane Borg** | Metropolitan Public Defenders, Executive Director [former]

**Scott Taylor** | Multnomah County Department of Community Justice, Director [retired]

**Honorable Nan Waller** | Multnomah County Presiding Judge

**Honorable Julie Frantz** | Multnomah County Judge [retired]

**Suzanne Hayden** | Citizens Crime Commission

**Ginger Martin** | Multnomah County Department of Community Justice, [former] Deputy Director

## Outcomes Report Workgroup

This report would not be possible without collaboration between the Data and Evaluation Sub-Committee and the Policy Steering Committee. The following individuals are recognized for their service on a workgroup which provided stakeholder review and input into the final publication.

**Abbey Stamp** | Multnomah County Local Public Safety Coordinating Council, Executive Director

**Truls Neal** | Multnomah County Department of Community Justice, Director

**Erika Preuitt** | Multnomah County Department of Community Justice, Deputy Director

**Caroline Wong** | Multnomah County District Attorney's Office, Deputy District Attorney

**Kate Molina** | Multnomah County District Attorney's Office, Deputy District Attorney

**Barbara B. Marcille** | Oregon Judicial Department, Multnomah Circuit Court,

Trial Court Administrator

**Honorable Cheryl A. Albrecht** | Multnomah County Circuit Court, Chief Criminal Judge

**Honorable Edward Jones** | Metropolitan Public Defenders, Executive Director (interim)

# FOREWORD

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The Multnomah County Justice Reinvestment Steering Committee is excited to share its Outcomes Report. This is the second program analysis report since justice reinvestment efforts began in our county and builds on the foundation set out in the Implementation Report published in November 2016. Both reports rely on the expertise of the analysts who comprise the Multnomah County Justice Reinvestment Program (MCJRP) Data and Evaluation subcommittee.

We are pleased that MCJRP continues to reduce prison sentences and contributes to avoided costs of new prison construction. It is notable that the MCJRP participants are not more likely than similarly situated defendants to recidivate in the first year of supervision despite the fact that more defendants classified as *high* or *very high* risk are placed on probation. Even more noteworthy is the 8% decrease in recidivism for MCJRP participants during a two-year time frame versus defendants in the comparison group. The analysis also affirms our belief that accountability in the form of restitution payments to victims is more likely to occur if a defendant is sentenced to MCJRP probation versus prison.

The Steering Committee continues to gather more data on how local jail use and MCJRP affect crime and public safety. We will use that data to monitor any negative trends in these areas and take steps to ameliorate those effects. As more data is collected, we will be able to study the impact of program improvements that are already underway, such as the reduction in racial disparity with Ballot Measure 11 youth offenders. We also look forward to future evaluations that delve deeper into specific aspects of the program, including available treatment options, how treatment dosage affects success, whether additional resources have increased supervision success for women and young adults, and the sufficiency of services offered to victims.

Compiling this Outcomes Report has helped us to identify what's going well, what can be improved, and where there are system gaps. While there will always be more to accomplish, we are confident this vetted and comprehensive program will improve the lives of many people involved in the criminal justice system now and into the future.

We wish to express our appreciation for the tremendous effort put forth by the Data Team and extend our thanks to all who have contributed to this report. Thank you for your continued dedication to evaluating outcomes from the MCJRP, the robust nature of the analysis, and for the quality of the work produced.

**– The Multnomah County Justice Reinvestment Steering Committee**

# EXECUTIVE SUMMARY

## MCJRP participants are less likely to be sentenced to Oregon State prisons than the comparison group

In conjunction with previous findings, the Multnomah County Justice Reinvestment Program (MCJRP) has successfully reduced the number of cases sentenced to prison over the last three years, which have translated into reduced imprisonment rates at the state level. Based on an analysis of MCJRP participants, the MCJRP group was 0.66 times less likely than the comparison group to be imprisoned with the Oregon Department of Corrections within one year of sentencing. However, sentence length remained unchanged.

Analyses of MCJRP cases revealed similar trends. The rate of initial prison sentences of MCJRP-eligible cases was 32% over three years, compared to the rate of 54% for prison sentences observed in the pre-MCJRP comparison group cases, a 41% reduction. 60% of the cases in the comparison group were revoked to prison within 12 months after being sentenced to community supervision; and this percentage rose to 65% within 24 months following sentencing. Meanwhile, the prison rate for MCJRP cases – including those cases revoked to prison within the first 24 months – that were sentenced during the first year of the program stands at 45.7%. These rates are still far below the comparison group initial prison rate of 54%.

## MCJRP participants are not more likely to recidivate than the comparison group

The majority of MCJRP participants (71%) were not arrested on new criminal charges in the 12 months following their initial sentence. Though we found no significant differences in the 12-month arrest rate between MCJRP participants and the comparison group, some preliminary evidence suggests that MCJRP participants may be significantly less likely than the comparison group to be arrested 24 months following their initial sentence. Whereas 42% of the comparison group were arrested on new criminal charges within 24 months of their sentence, only 36% of MCJRP participants were arrested on new criminal charges. However, existing sample sizes for these outcomes are small and further analysis is required in subsequent years of the program to understand this trend.

## MCJRP participants use fewer local jail beds for new crimes than the comparison group

In addition, MCJRP participants were less likely than the comparison group to be booked into Multnomah County jail on new criminal charges. Twelve months following their initial start of supervision, the booking recidivism rate among MCJRP participants was 7% lower than the rate among the comparison group.

### MCJRP participants supervised in the community are more likely to pay restitution

The likelihood of payment of restitution is significantly higher for MCJRP-eligible cases when the participants are sentenced to community supervision. The payment rate on cases where the defendant was sentenced to community supervision was 7.8% compared to 1.4% on cases where the defendant was sentenced to prison. Those who remained in the community were responsible for 77.5% of all restitution paid on cases in the MCJRP program.

### MCJRP participants sentenced to the START Court program have lower revocation rates

The START Court program is a drug court that includes intensive supervision and treatment for adults who have been convicted of one or more property or drug offenses, and who have been diagnosed with substance abuse disorders. The participants with MCJRP-eligible cases who were initially sentenced to the START treatment court program had the lowest revocation rate (26.9%) of the three groups. The participants who transferred into the START program had a revocation rate of 30.2%. This rate was also much lower than the START court participants in the comparison group, whose revocation rate was 45.3%.



# INTRODUCTION

## Purpose of the Program

Justice Reinvestment Initiatives, generally, seek to limit incarceration expenses and devote corrections resources to alternative sentencing options that have been shown to curb recidivism while promoting a high standard of public safety.<sup>1</sup> To embrace justice reinvestment, Multnomah County has adopted a highly collaborative data-informed, justice-systems strategy.

The Oregon Legislature's House Bill 3194, enacted in 2013, outlined the directive and provided funding for justice reinvestment initiatives in Oregon. The legislation gave each county discretion and local control over the programming design to meet the goals of Justice Reinvestment in their local communities. Though their implementation plans would differ according to the needs of individual jurisdictions, criminal justice partners across the state committed to the four main goals of HB3194:

- |                                      |                                      |
|--------------------------------------|--------------------------------------|
| <b>1. Reduce costly prison usage</b> | <b>3. Protect public safety</b>      |
| <b>2. Reduce offender recidivism</b> | <b>4. Hold offenders accountable</b> |

Central to the goals of HB3194 is the need for criminal justice partners to agree on policy direction, data collection strategies, and the project's measurable outcomes. Representatives of the local public safety system collaborated on many levels to design, implement, measure, and maintain the Multnomah County Justice Reinvestment Program (MCJRP). The criminal justice partners formed three committees with a focus on policy and steering, operations, and evaluation:

### **1. MCJRP Policy Steering Committee:**

This body includes voting members representing the collaborating agencies and is responsible for making decisions that affect the direction of the program. Each agency participating in MCJRP signed a formal commitment to collaboration.

### **2. MCJRP Operations Sub-Committee:**

This body includes supervisors and field staff in the participating agencies who are responsible for the implementation of the MCJRP model on a daily basis. The Operations Sub-Committee is responsible for identifying operational challenges, carrying out the directives set forth by the Steering Committee, and providing timely feedback on the effectiveness of MCJRP operations.

### **3. MCJRP Data and Evaluation Sub-Committee:**

This body includes analysts from participating agencies who collect and analyze data as a strategy for sharing performance feedback on the initiative. The data team conducts internal peer review of the data findings and develops evaluation plans to assess MCJRP program and procedural elements.

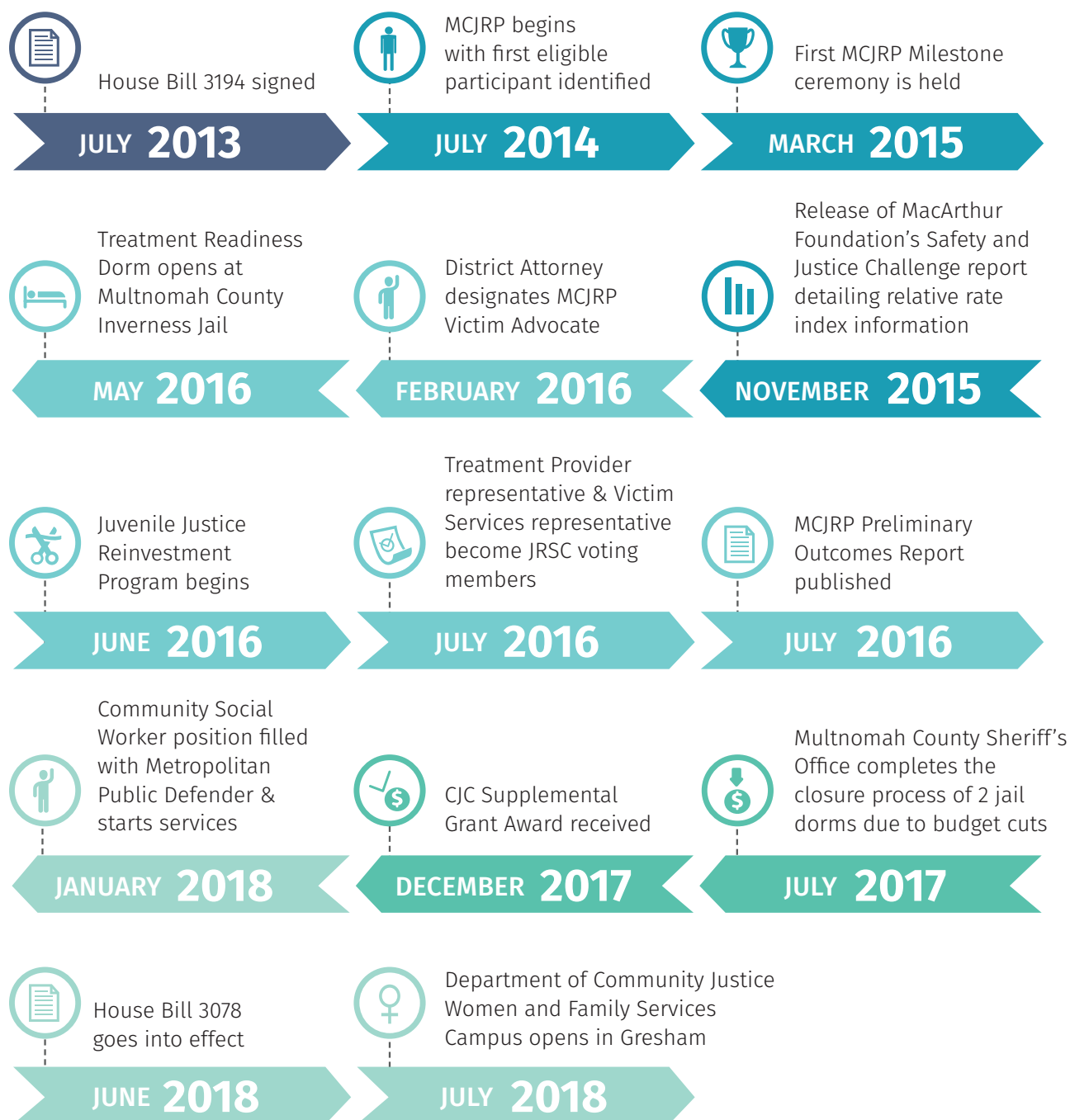
<sup>1</sup> The general justice reinvestment definition was adapted from the U.S. Department of Justice Bureau of Justice Assistance.

The program depends on a shared dedication to data-driven decision-making and more efficient management of criminal justice resources, with a long-term goal to reduce prison populations while investing in more effective and responsive community-based alternatives. In addition to the four principles of HB3194, several more areas of emphasis are important to incorporate in the unique criminal justice climate of Multnomah County. MCJRP seeks to incorporate victims' voices, to provide better information to all entities involved in sentencing decision-making, and to reduce racial and ethnic disparity.

## Program Implementation

The second year of MCJRP implementation has continued to benefit from a robust collaborative effort of the agencies involved. Since the last report, the program has continued to evolve, marking new successes and challenges.

FIGURE 1



## Implementation Successes

### Improvements in Procedural Fairness

The MCJRP process has created more opportunities for participants to tell their personal story and for Criminal Justice professionals to consider and adopt individualized approaches to each case and circumstance.

### Launch of Treatment Readiness Dorm

Improved collaboration and creativity led to innovative programming in the local jail. The Treatment Readiness Dorm is a 78-bed dorm at Inverness Jail for MCJRP participants overseen by staff of the Multnomah County Sheriff's Office and Volunteers of America. The dorm is designed to engage participants in evidence-based programming that has shown promise for reducing individuals' risk of re-offending. The Treatment Readiness Dorm model rethinks how jail time can be served and challenges the system to enhance support for participants with substance abuse needs.

### Enhanced Collaboration and Coordination of System Partners

Regular communication and recurring meetings continued amongst the MCJRP policy, operations, and data teams. A dedicated project manager was retained to help coordinate reviews of current operational procedures and explore potential program adjustments.

### Data Informed Decision-making

The data team continued to provide analyses and routine performance reports to support policy and operational decision-making. Meeting agendas routinely include data presentations on topics requested by policymakers. Additionally, two of the collaborating agencies hired their first data analysts to support the reporting capabilities of the project's data team.

### Implementation of Evidence-Based and Best Practices

MCJRP has successfully implemented a variety of best practices into routine case processing. This includes the collection and use of pre-sentence risk assessments, the proliferation of Judicial Settlement Conferences with multiple agency representatives, the personalization of case plans based on identified risks and needs, and inclusion of crime victim voice in the process.

### Continued Resource Investments

Based on the early successes of this and other Justice Reinvestment Programs, state and local funding for MCJRP continued into subsequent fiscal years. Funding continues to sustain the majority of the core program components of the model.

## Implementation Challenges

### Budget and Resource Uncertainty

While funding has continued as noted in the previous section, resources remain grant administered and have not yet been integrated into base level funding for our agencies. This creates disruptions in policy and program activities to continue to advocate for funding renewals as well as uncertainty for service contracts and infrastructure investments.

### Loss of Institutional Memory

There has been significant turnover in the composition of the MCJRP policy, operations, and data teams. Several of the early champions of the program are no longer with the County. New members need time to become educated of the program's policies and terminology, goals, and how best to fulfill their roles in the partnership. Agency commitments to the collaboration need to be continually renewed.

### Ongoing Program Adjustments

A quick glance at the annotated timeline in Appendix A reveals significant system changes that MCJRP stakeholders – particularly operations staff – have to adjust to as they implement the model.

### Racial and Ethnic Disparities

Despite incremental improvements, demonstrated progress has been slow and uneven to different demographic groups being served in MCJRP. Racial and ethnic disparities in the public safety system persist.

### Managing Organizational Strain

MCJRP pushes agencies to fully collaborate and participate in operational activities outside the scope of their constitutional mandates and mission statements. This creates challenges for agency leaders who must effectively inspire and communicate these changes. It also is a challenge in a climate of growing resource constraints whether to prioritize these new responsibilities at the possible expense of long-established roles and responsibilities.

### Negotiating System Changes

As one aspect of the public safety system evolves and innovates, it creates unanticipated impacts on other programs within the system. MCJRP has impacted the processing of defendants into Treatment Courts, traditional probation units, and residential treatment services, among others. MCJRP partners are working with expanding sets of stakeholders to create new process alignments.

### Data Challenges

Multiple data system conversions and upgrades create challenges for linking data and reporting cumulative trends and other findings. Some areas for analysis lack viable data sources entirely. For example, there is a lack of adequate data sources to describe and identify the needs of crime victims. Additionally, the high frequency of program adjustments introduces sources of error in trying to isolate program effects.

### Communication and Public Awareness

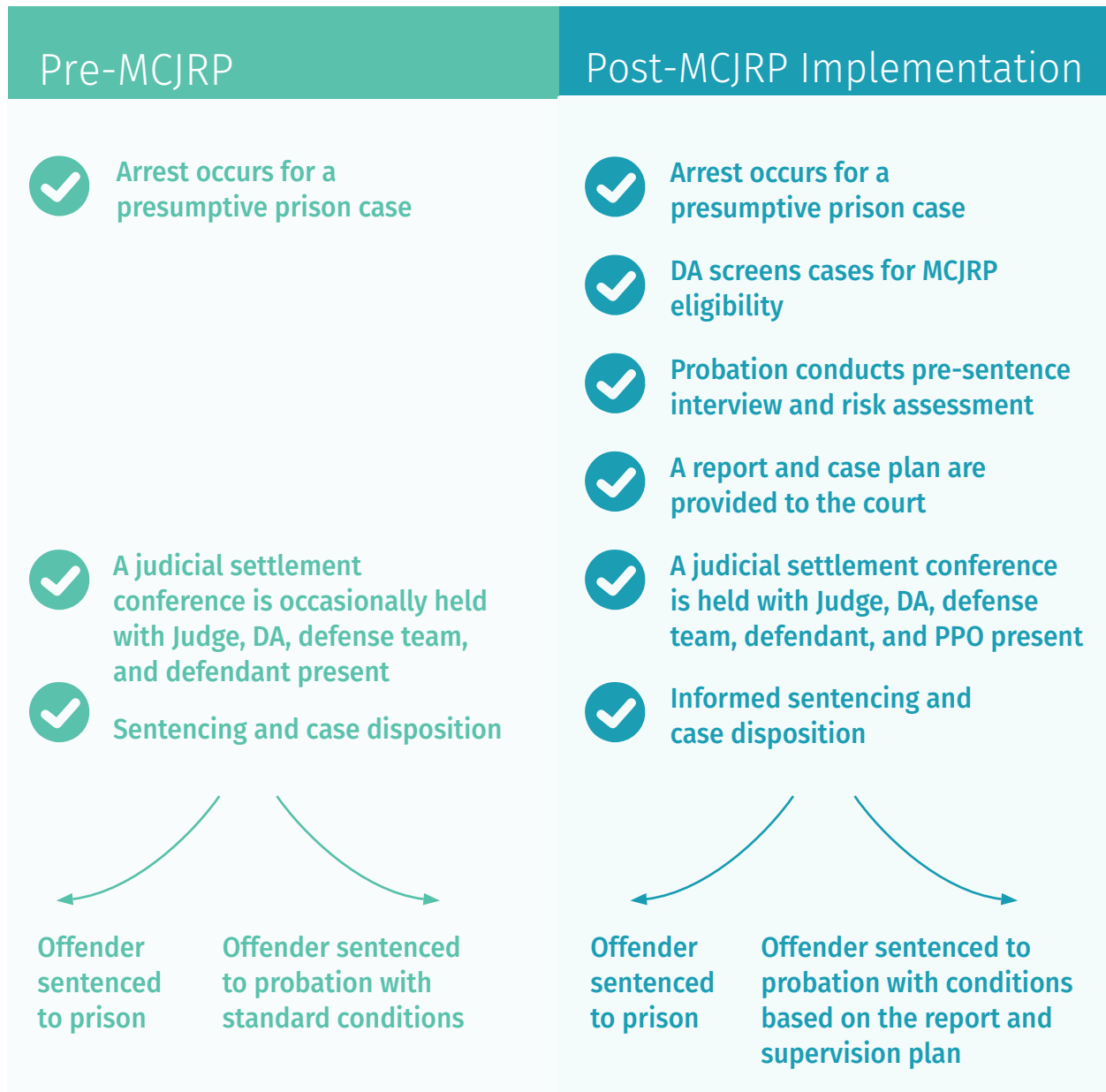
Efforts to tell the story of MCJRP and share the positive impacts are often hampered by the complexity of the program. It is difficult to effectively describe the waterfront of changes implemented by MCJRP in just a few talking points or communicate the longer-term system impacts of the program.

## Program Participants

MCJRP participants' cases are processed differently than those that are not eligible for the program. Figure 2 displays an overview of criminal proceedings, both before and after MCJRP.

FIGURE 2

### Comparison of Criminal Proceedings Pre- and Post-MCJRP Implementation



Informed sentencing is at the heart of the MCJRP model. There are several critical considerations that go into assessing the proper disposition for a MCJRP case. Considerations that inform professional judgment include accountability, victim input and impact, risk, any aggravating or mitigating circumstances surrounding the offense, and the needs of the offender. We have identified below some of the key points that set the justice reinvestment process apart from the traditional criminal justice tract:

#### **A. Determination of a MCJRP-eligible crime**

When a case is filed with the court, the charging instrument is marked to indicate the defendant's program eligibility. Excluding severe felony offenses (please see Appendix B for a list of charges that were determined by the MCJRP Policy and Steering Committee to not be eligible for the program) most felonies with a presumptive prison sentence are eligible. The DA's Office determines MCJRP eligibility through a screening process that accounts for the severity of the current charge as well as the defendant's criminal history.

#### **B. Pre-sentence assessment of the defendant's risk**

When a defendant begins the process, they meet with a probation officer to evaluate the person's risk to re-offend. The risk assessment is provided to the criminal justice stakeholders, including the judge, district attorney, and defense team.

#### **C. Development of a case plan based on risk, need, and responsivity**

Depending on the defendant's needs, a probation officer customizes a detailed supervision and treatment plan based on the assessment outcome. If necessary, the defendant is provided with additional services proven to reduce recidivism. The case plan is made available before sentencing, at the judicial settlement conference, where it is further tailored to the defendant's risk and needs.

#### **D. Collaboration among stakeholders at the judicial settlement conference**

A judicial settlement conference is held, where a judge and parties meet to discuss a sentencing plan and assessment. MCJRP includes the participation of a specialized probation officer in the settlement conference. If the parties agree that MCJRP probation is the most effective approach, the supervision plan may include: housing, residential or outpatient alcohol and drug treatment, mental health services, mentoring, parenting services, employment, and education services. To ensure consistently collaborative and effective judicial settlement conferences, a team of participants conducted training for all justice system partners involved.

#### **E. Development of supervision conditions informed by risk, need, and responsivity**

The parties use several tools to help inform the sentence plan including, but not limited to, the defendant's criminal history and risk assessment. If the MCJRP participant is sentenced to probation, the supervision conditions are informed by the pre-sentence report and align with their criminal risks and needs. The offender is then monitored with frequent check-ins over the prescribed supervision timeframe. During this time period, the offender is connected with services described in the case plan. After their probationary period, they are re-assessed for risks and needs, and may continue to be monitored by community corrections at the appropriate level of supervision.

The supervision plan for MCJRP participants differs from that of traditional supervision. For MCJRP participants sentenced to a Specialty Court, more information can be found on the circuit court web pages.<sup>2</sup> For those supervised by the DCJ probation and parole department, the differences can be distinguished by four general categories: case planning, contact standards, targeted resources, and sanctioning. Please visit Appendix C for specific information about how MCJRP offenders are supervised.

<sup>2</sup> [http://courts.oregon.gov/Multnomah/General\\_Info/Criminal/Pages/ProblemSolvingCourts.aspx](http://courts.oregon.gov/Multnomah/General_Info/Criminal/Pages/ProblemSolvingCourts.aspx)

# METHODOLOGY IN BRIEF

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The aim of this evaluation report was to provide policymakers the ability to assess whether the goals of the program are being met. To fully make use of this report, readers should be aware of the following:

## Evaluation Design

We adopted a quasi-experimental approach in which a comparison group was developed to help compare and contrast the outcomes of MCJRP implementation on program participants. All cases in both the MCJRP group and the comparison group had presumptive prison court cases, and defendants were determined to be similar in terms of demographics, criminal history, and risk of recidivism.

Comparison group approaches can help meet this aim by comparing the outcomes of one group of service users with the outcomes of a different group to demonstrate whether an intervention has achieved its intended outcomes. For example, the recidivism rate of a group of MCJRP offenders can be compared to the recidivism rate of similar offenders in the comparison group. If the two groups were established to be similar at case issuance and the only procedural difference between them is MCJRP, then it is likely that MCJRP contributed to any observed changes in recidivism rates.

While a quasi-experimental study cannot definitely establish MCJRP as the cause of any observed differences (as a random control trial might), it can help determine whether the program is producing the results desired by policy-makers, namely a reduction in the number of prison sentences without compromising public safety.

## Units of Analysis: Cases and People

This report includes two unique views of the MCJRP program: one through the experience of the participants and one through the processing of court cases. Both sections take advantage of the comparison group for interpreting outcomes. The Cases Section of the report, developed by the Oregon Judicial Department, is comprised of three chapters that explore sentencing outcomes, restitution, and the overlap with START Treatment Court outcomes.

In the chapter on **Sentencing Outcomes** within the Cases Section, the comparisons are between:

- **The MCJRP Group** contains 2,625 cases that were disposed with a conviction and sentenced between 7/1/2014 and 6/30/2017.
- **The Comparison Group** contains 1,159 cases that were disposed with a conviction and sentenced between 7/1/2012 and 8/31/2015.



There is also a brief summary of the MCJRP opt-outs group, which contains 111 cases where the defendant chose to opt out of the MCJRP between 7/1/2014 and 6/30/2017.

In the chapter on **Restitution Outcomes** within the Cases Section, the comparisons are between:

- **The MCJRP Group** contains 882 cases that had orders of restitution imposed on the sentences. These 882 cases with restitution orders were sentenced between 7/1/2014 and 9/30/2017. Restitution can be added to a case up to 90 days following sentencing, which extended the sentencing window to 9/30/2017 in order to capture all orders of restitution.
- **The Comparison Group** contains 384 cases that had orders of restitution imposed on the sentences. These cases were disposed with a conviction and sentenced between 7/1/2012 and 8/31/2015.

In the chapter on **START Treatment Court Outcomes** within the Cases Section, there are three distinct groups being assessed. The comparisons are between:

- **The first MCJRP Group** contains 173 cases that were sentenced directly to the START Drug Court following the conviction of the case with MCJRP-eligible offenses. These cases were disposed with a conviction and sentenced between 7/1/2014 and 9/30/2017. These cases may have transferred or been revoked through 12/31/2017.
- **The second MCJRP Group** contains 68 cases that were initially sentenced to MCJRP Probation Supervision and were later transferred into the START Drug Court. These transfer cases were disposed with a conviction and sentenced initially to MCJRP Probation Supervision between 7/1/2014 and 6/30/2017, and may have transferred or been revoked through 12/31/2017.
- **The Comparison Group** contains 67 cases that were sentenced to the START Drug Court program. These cases may have completed the program, been transferred, or been revoked through 12/31/2017.

In the Person Section of the report, developed by the Department of Community Justice and the Multnomah County Sheriff's Office, the comparisons are between:

- **The MCJRP Group** contains 2,276 participants who were determined to be eligible for the program, where at least one eligible case was issued between 7/1/14 and 6/30/16.
- **The Comparison Group** contains 1,091 participants who would have been determined eligible for the program had it been available, where at least one eligible case was issued between 7/1/12 and 6/30/13. The comparison group was derived from case information found in the CRIMES, the District Attorney's Office database system.

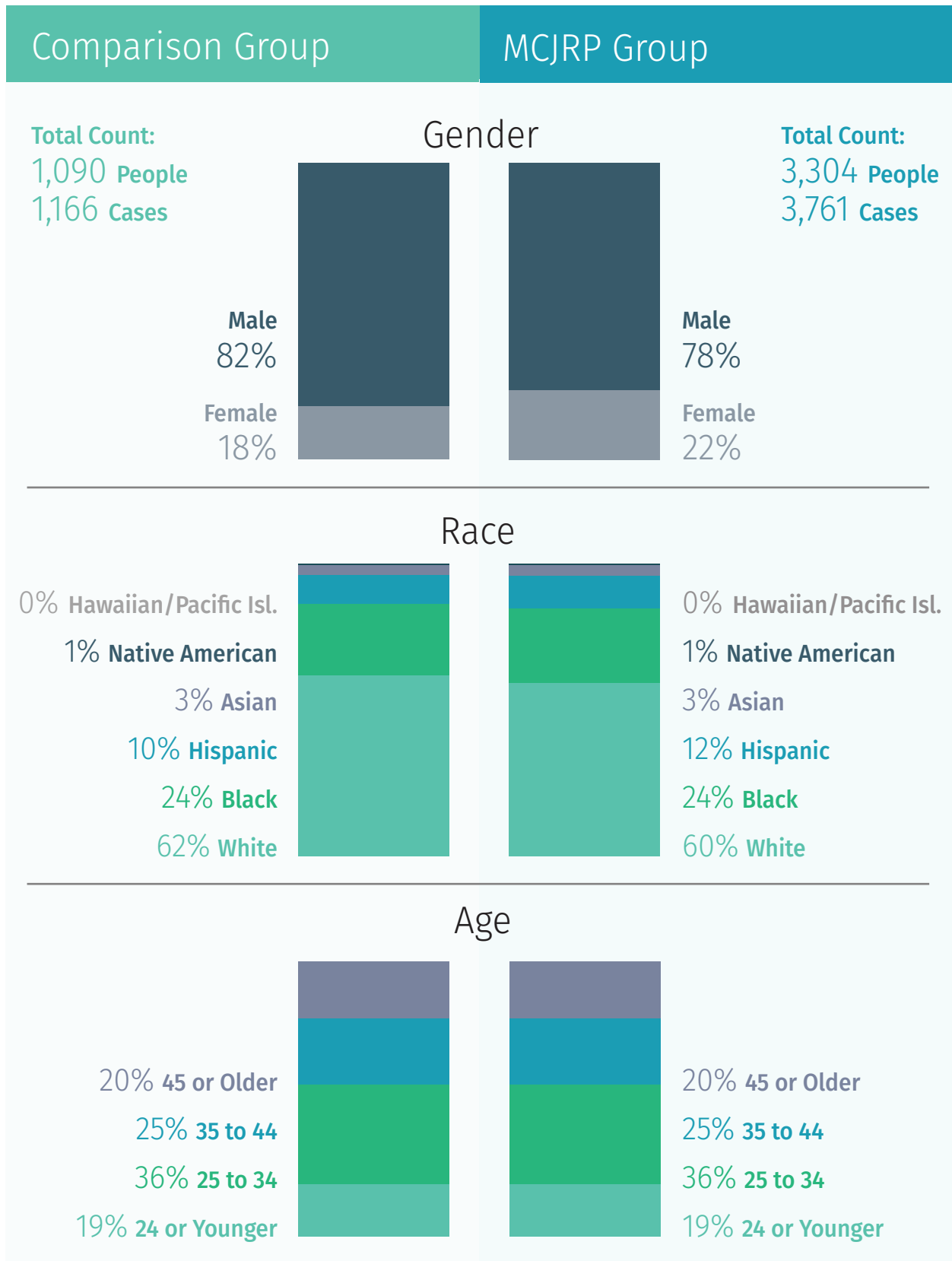
# CASE OUTCOMES

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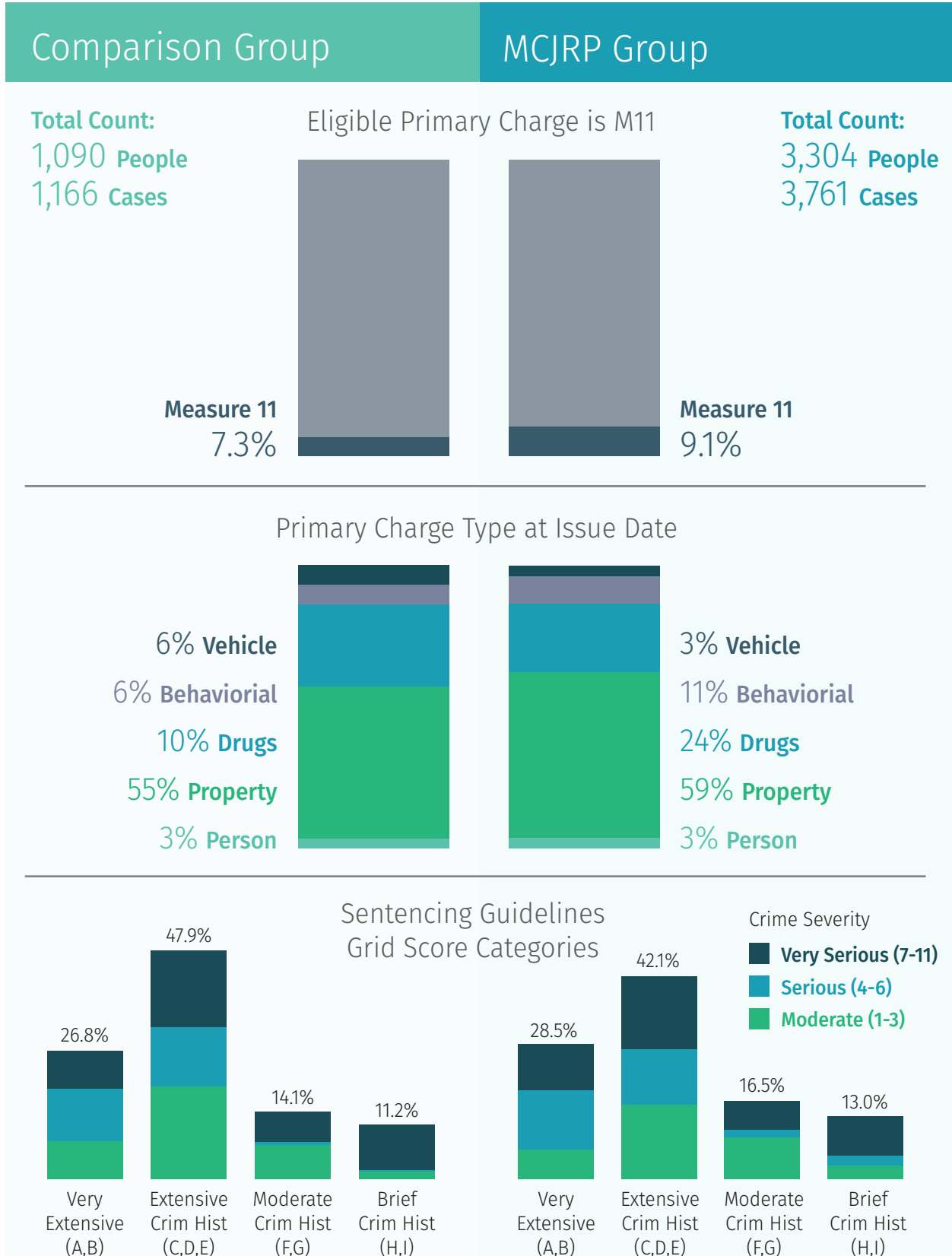
Case Outcomes was developed by  
Oregon Judicial Department



## Descriptives of Pre-MCJRP Comparison Group to MCJRP Group



## Descriptives of Pre-MCJRP Comparison Group to MCJRP Group



# SENTENCING OUTCOMES

The number of inmates housed in Oregon’s prisons reached 14,676 in September 2015. The Oregon Corrections Population Forecast, a report published by the Office of Economic Analysis (OEA) of the Oregon State Government in October 2015, estimated that the prison population in Oregon would grow by 727 inmates, or an approximate 5.0 increase over the next decade. This measured increase is the result of several innovative strategies employed by the legislature to slow down the growth rate of the prison population. The passage of the state’s Justice Reinvestment Program, or HB 3194, in 2013 has played a pivotal role in this strategy. The goals of Justice Reinvestment are to reduce recidivism, decrease prison use, and protect the public through the efficient distribution of resources which meet the varied needs of offenders. Given that prison is the costliest alternative in the spectrum of available sanctions, careful planning on the capacity, implementation, and use of state prisons and local jails, as well as community corrections programs, is a practical necessity.

## Summary

The Multnomah County Justice Reinvestment Program (MCJRP) has successfully reduced the number of cases sentenced to prison over the last three years, which have translated into reduced imprisonment rates at the state level. The rate of initial prison sentences of MCJRP-eligible cases was 32% over three years, compared to the rate of 54% for prison sentences observed in the pre-MCJRP comparison group cases. This difference represents a 41% reduction. Regarding second sentencing outcomes, 60% of the cases in the comparison group were revoked to prison within 12 months after being sentenced to community supervision; and this percentage rose to 65% within 24 months following sentencing. Meanwhile, the prison rate for MCJRP cases, including those cases revoked to prison within the first 24 months, that were sentenced during the first year of the program stands at 45.7%. These rates are still far below the comparison group initial prison rate of 54%. Overall, the cumulative impact of the MCJRP process has definitively reduced the likelihood of prison outcomes for defendants with MCJRP-eligible cases.

The goals of Justice Reinvestment are to reduce recidivism, decrease prison use, and protect the public through the efficient distribution of resources which meet the varied needs of offenders.

**MCJRP has reduced the rate of sentences to prison for three years.**

Overall, the cumulative impact of the MCJRP process has definitively reduced the likelihood of prison outcomes for defendants with MCJRP-eligible cases.

## How We Measured Sentencing Outcomes and Its Effects on Prison Usage

**Who?** All convicted and sentenced cases from the comparison group were compared to all convicted and sentenced cases that were eligible for MCJRP as designated by officials in the Multnomah County District Attorney's office. The MCJRP-eligible population excludes those cases where the defendant in the case opted out of MCJRP through formal notification to the court. Electronic case tags were added to all MCJRP-eligible cases in the court's case management system, permitting the MCJRP Court Coordinator to track the progress of the case and categorize the case based on the sentencing outcome. A complete list of these electronic tags and their definitions are located in the Appendix of this report.

### Description of the Comparison Group

In the comparison group, there were 1,083 defendants with convictions in 1,159 cases. There were also 7 cases in this group where the defendant was acquitted; these cases have no sentencing outcomes. The case characteristics and defendant demographics of the comparison group are very similar to the MCJRP-eligible population.

### Description of the MCJRP-Eligible Dataset

In the three years since the program was established, the MCJRP-eligible population has grown to 3,304 defendants, and 3,761 cases have been initiated in the court to try these defendants for felony charges associated with a presumptive prison sentence. After removing the 111 cases where the defendant opted out of the program, the remaining 3,650 MCJRP-eligible court cases were treated as MCJRP cases during the court process. However, not all of these cases were convicted nor were all of the convicted cases sentenced to MCJRP Probation Supervision.

The study period permitted us to analyze three consecutive years of sentencing outcomes, and we quickly noticed that a small group of defendants was being convicted for more than one case. Sometimes the cases were resolved on the same day, or within days or weeks of each other. For other cases with the same defendant, the intervals between cases were marked in months or years. There were 577 cases convicted and sentenced in the first 12 months of the MCJRP program. Of these 577 cases, 39 (6.8%) were subsequent cases for a defendant who had already been charged with a MCJRP-eligible case earlier within the same year. During the second 12-month time frame in which 1,101 cases were convicted and sentenced, there were 115 subsequent cases (10.4%) where the defendant had been previously convicted of a MCJRP-eligible case. This trend continued during the third 12-month time frame of the program where 118 (12.5%) of the 947 cases that were convicted and sentenced had a defendant with a previous conviction for a MCJRP-eligible case.

In presenting information on sentencing outcomes, it is important to note that we used "cases" as the unit of analysis. Each case outcome is distinct; for example one defendant might have one case dismissed, a second case sentenced to probation, and a third case sentenced to prison. After three years of MCJRP, 386 defendants have two or more cases in the MCJRP program. Since

there are more cases than people, it must be acknowledged that a small portion of defendants are counted more than once since they were sentenced on multiple cases. For instance, if a person is sentenced to probation on a MCJRP case in one year and is sentenced to prison on a second MCJRP case in another year, both MCJRP case outcomes are included in the counts of sentencing outcomes. Therefore, readers are strongly cautioned not to assume that counts of cases are equivalent to counts of individual people in the MCJRP program. The impact of subsequent cases on outcome measures will be addressed in greater depth later in this chapter.

**TABLE 1. | How many defendants have more than one MCJRP case?**

Number of Defendants	Number of MCJRP Cases	Percent of Total
2,918	1	88.3%
323	2	9.8%
55	3	1.7%
8	4	0.2%
<b>3,304</b>	<b>3,650</b>	<b>100.0%</b>

This same phenomenon of defendants with multiple cases was observed in the comparison group. The comparison group was made up of 1,090 defendants and 1,166 cases. There were 71 defendants with two cases and five defendants with three cases in the comparison group.

**TABLE 2. | How many defendants have more than one case in the comparison group?**

Number of Defendants	Number of MCJRP Cases in Comparison Group	Percent of Total
1,014	1	93.0%
71	2	6.5%
5	3	0.5%
<b>1,090</b>	<b>1,166</b>	<b>100.0%</b>

It is also important to keep in mind that most of the individuals with MCJRP-eligible cases have been convicted before and possess criminal histories that have exposed them to the criminal justice system. An individual who is charged with a felony that makes the case MCJRP-eligible may already have been convicted for felonies or other misdemeanors in the past. Although this varies by crime type, first-time offenders are more the exception than the rule in MCJRP.

In the first three years of the MCJRP program, there were 2,625 MCJRP-eligible cases disposed with a conviction. Several other cases were disposed, but without a conviction. These other case dispositions for MCJRP-eligible cases include acquittals (5), deferred sentences (14), dismissed cases (209), dismissed by civil compromise (10), and found guilty except for insanity (5). In addition,



there were 782 cases that were not disposed prior to June 30, 2017, many of which are on active warrant status, and will be considered “not yet sentenced” for the purposes of the present report.

Of the 3,761 MCJRP-eligible court cases initiated during the study period, 111 were not sentenced under the MCJRP program due to the defendant exercising his/her right to “opt out” of the MCJRP program. The sentencing outcomes for these 111 opt-out cases should not be used for comparison purposes with the other MCJRP-eligible cases in the dataset. The opt out group consists primarily of cases on both extremes of the spectrum—those who are headed for prison and the defendant does not want to be assessed for treatment options since a community probation program is not an option, and those who have a good chance of getting felony charges reduced as a condition of the plea agreement and are only being sentenced to probation.

## Conviction Rates

Nearly all of the cases in the comparison group were disposed with a conviction. Of the 1,166 cases in the comparison group, 1,159 (99.4%) were convicted and seven were acquitted. The overall conviction rate for the cases sentenced in the first three years of the MCJRP program was 91.5%. Among the 111 cases where the defendant opted out of MCJRP, 108 cases have been disposed. The opted-out group has a slightly lower conviction rate of 88% since 95 cases were convicted and 13 cases had other dispositions. Among MCJRP-eligible cases, offenses categorized in the “Behavioral” group had the lowest conviction rate across the three years of MCJRP dispositions. The most common crimes in this category are “unlawful use of a weapon” and “felon in possession of a firearm”. Vehicular offenses had the highest conviction rate, followed by BM-11 crimes with the second-highest conviction rate.

**TABLE 3. | Comparison of Criminal Proceedings Pre- and Post-MCJRP Implementation**

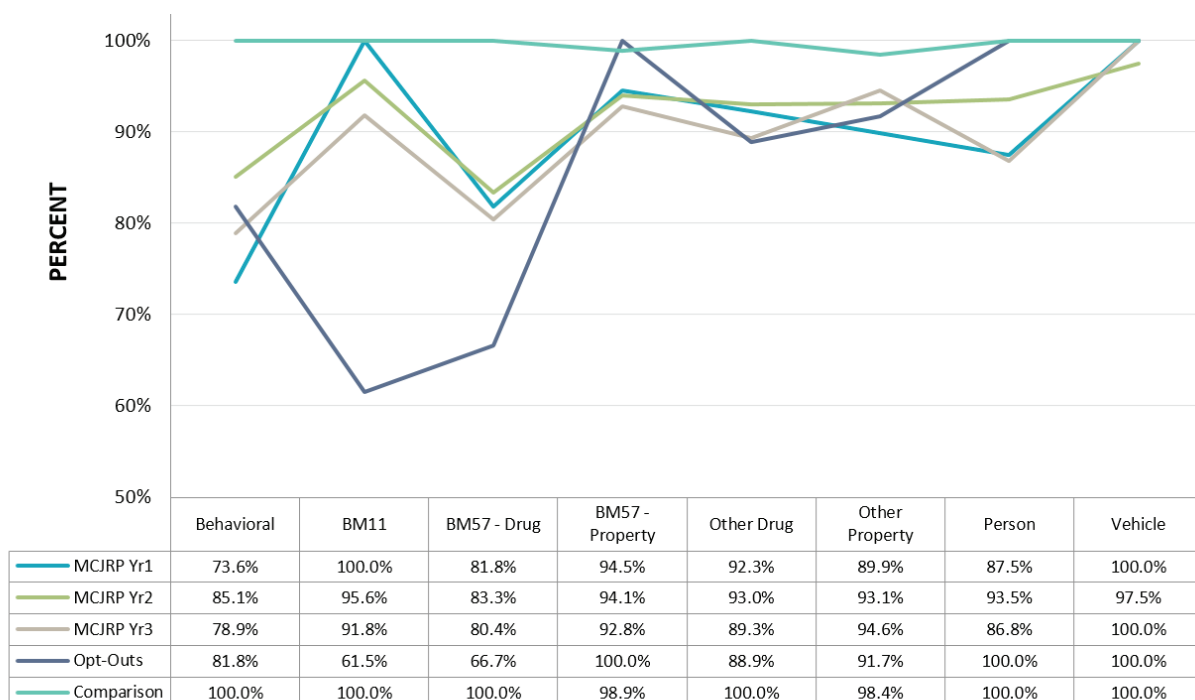


Table based on numbers of disposed cases: MCJRP Year 1 = 630 cases; MCJRP Year 2 = 1,192 cases; MCJRP Year 3 = 1,048 cases. Opt-outs = 108 cases. Comparison Group = 1,166 cases.

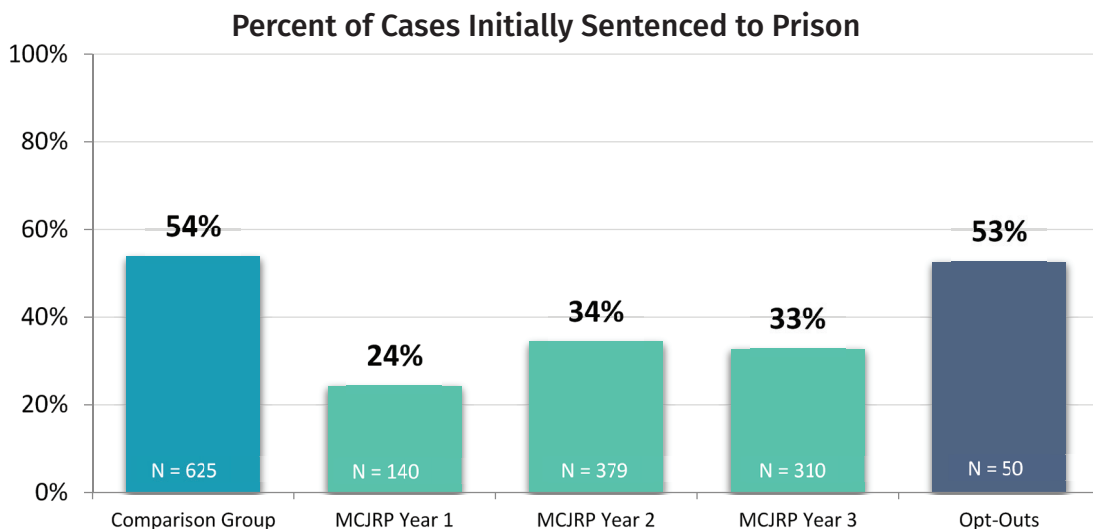
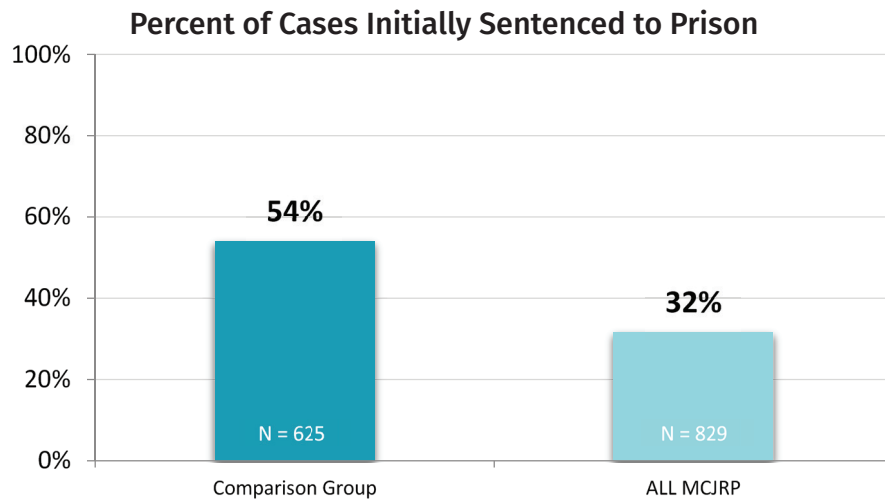


## MCJRP-Eligible Cases with a Convicted Disposition

In the first year of MCJRP, upon conviction, approximately one in four cases was sentenced to prison and the other three-quarters of convicted cases were sentenced to terms of community probation supervision. The rate of cases sentenced to prison has changed to approximately one in three convicted cases sentenced during the second and third years of the MCJRP program for an overall average of 32% across all three years.

Table 4 compares the prison rate of the comparison group to the combined three-year rate of the MCJRP cases. Next, in Table 5, the three years of sentencing for MCJRP cases are separated out, showing that the rate of cases being sentenced to prison has increased slightly since the program's first year of implementation.

TABLES 4 & 5. | Prison Rates for the Study Groups

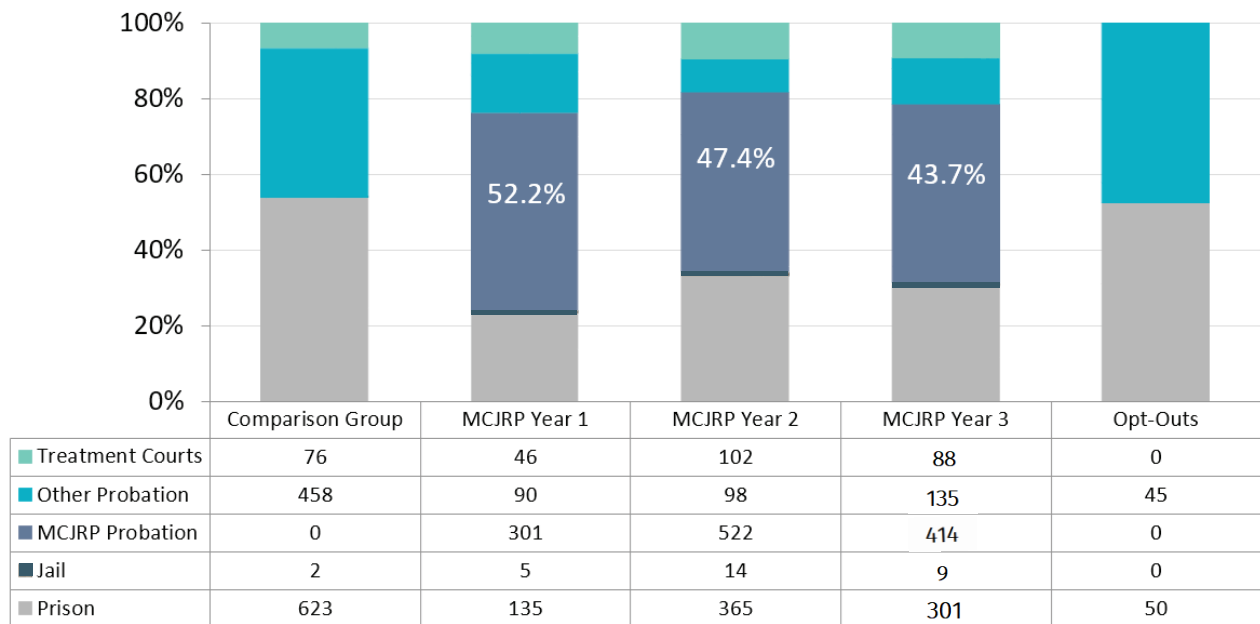


The prison rates in years two and three are likely impacted by recidivating defendants who are returning to court on a subsequent MCJRP-eligible case. In such circumstances, the likelihood of receiving a prison sentence for a subsequent MCJRP-eligible case is much greater in comparison to a first-time MCJRP defendant. Among the MCJRP population, there were 272 subsequent cases convicted during the second and third years of the program. The rate of prison sentences in these instances increased from 29.1% on the first case to 53.3% on subsequent cases convicted in the MCJRP program. We witnessed a similar phenomenon in the comparison group. There were 76 subsequent cases in that group, and the rate of sentences to prison increased from 52.5% on the first case to 73.7% on subsequent cases.

In order to test the impact of subsequent cases on the prison rate, we removed the subsequent cases and calculated the percent of cases that were initially sentenced to prison for only first-time MCJRP cases. The exclusion of subsequent cases reduced the overall percent of cases sentenced to prison during the first three years of the program from 32% down to 29.1%. The year-to-year trend followed a similar pattern as when all cases were included, but each later year had lower prison rates than when the subsequent case outcomes were included. Those cases sentenced to prison in the first year remained at 24%, then increased to 32.2% in year two, but fell to just 28.5% in year three, demonstrating the impact of subsequent cases on the prison rate in later years of the program.

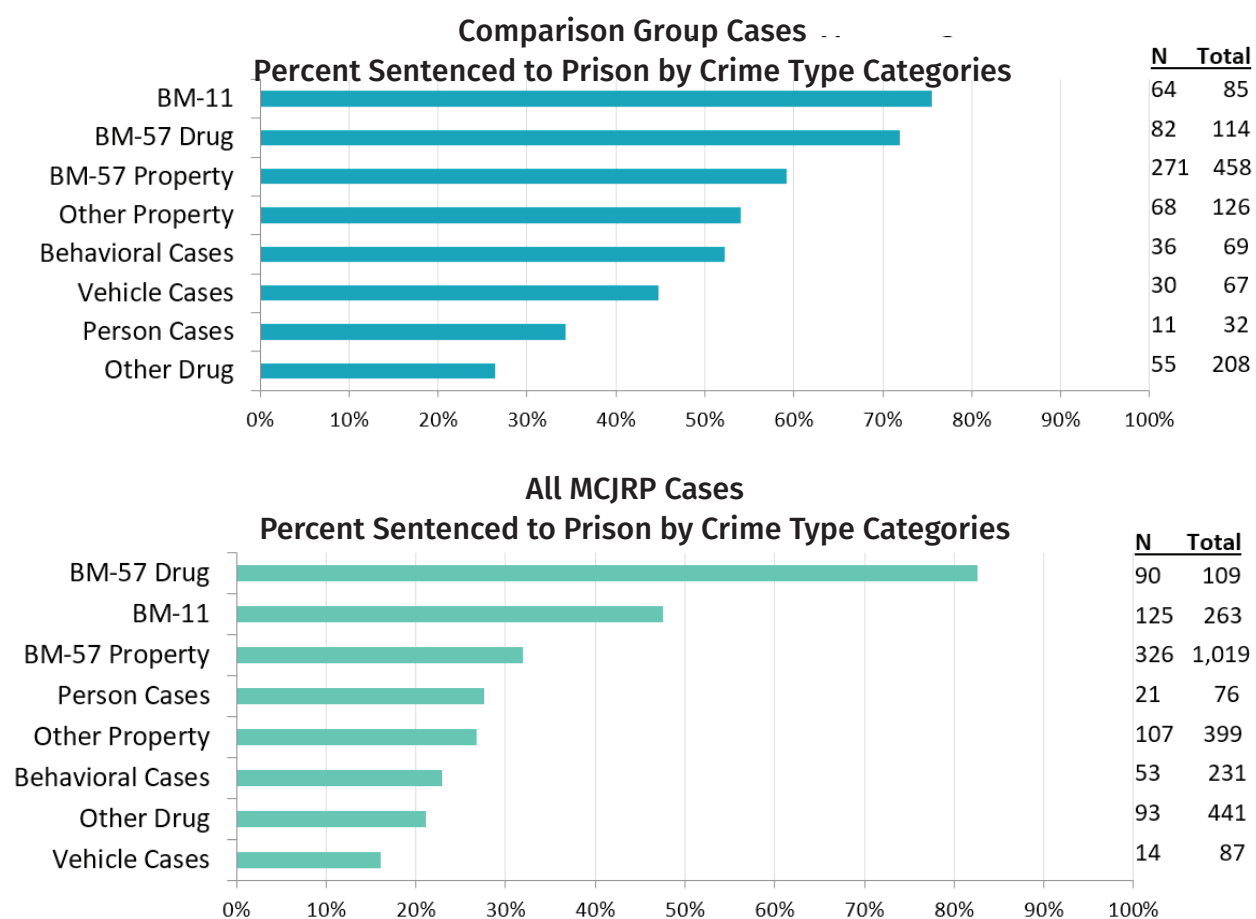
The change in the rate of prison sentences for MCJRP cases over these three years has impacted the percentage of cases referred to the probation unit in the Department of Community Justice (DCJ) that administers probation supervision of MCJRP defendants. The percent of cases sentenced to MCJRP Probation Supervision was slightly lower in the second and third years of implementation of the MCJRP program as a consequence of increased prison rates.

**TABLE 6. | Sentencing Outcomes for the Cases in Each Study Group**



The change in the prison rate from the first year of implementation to the second and third years of the MCJRP program appears to be the result of cases in one particular category—BM-57 Drug offenses. Cases in all other crime categories have experienced decreases in prison rates when matched with the comparison group. In fact, five of the eight crime type categories in the MCJRP population have prison rates lower than 30%, whereas only one crime type category had a prison rate under 30% in the comparison group.

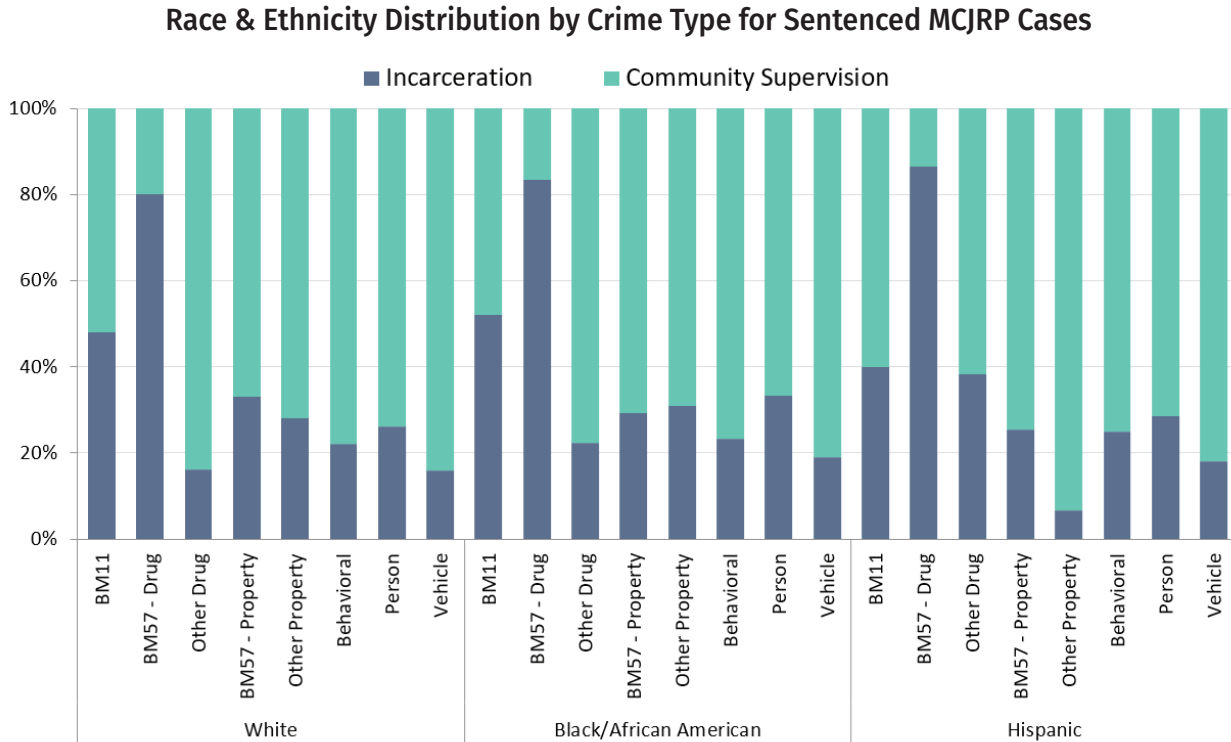
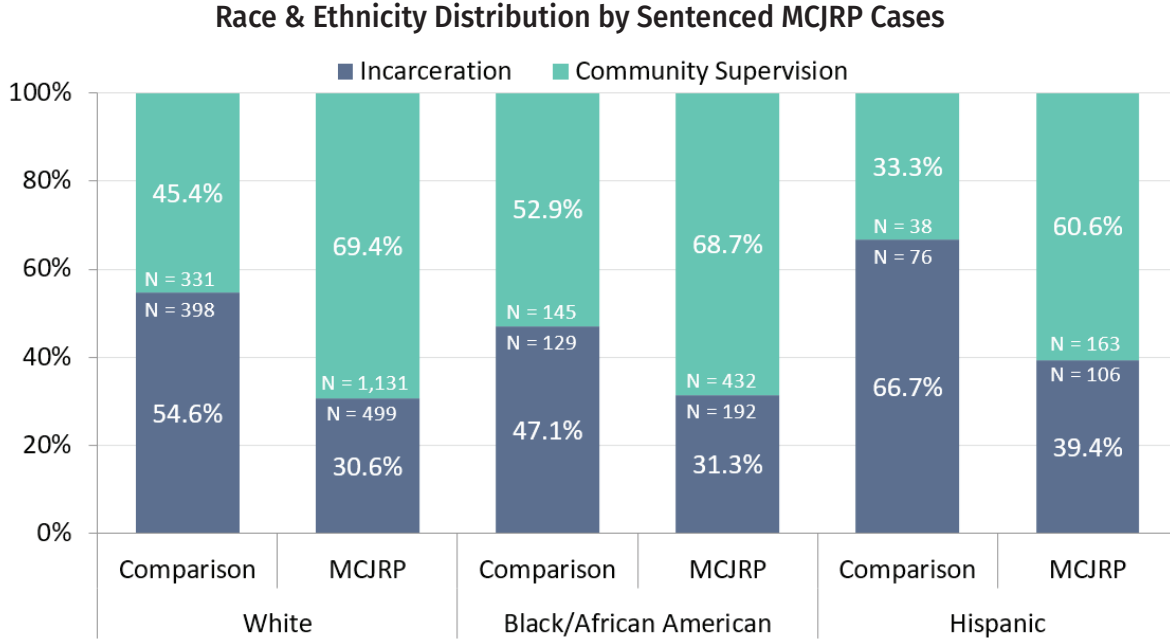
TABLES 7 & 8. | Prison Rates by Crime Type (from highest to lowest prison rate)



The charts on the next page show that cases with Hispanic defendants had the highest prison rate, both prior to the implementation of MCJRP and during the first three years of cases sentenced within the MCJRP program. There was a 41% decrease in the Hispanic prison rate between those sentenced in the comparison group and those sentenced under the MCJRP program. The percent change would have to decrease by an additional 9% to be equivalent to the prison rate for cases with White defendants.

The cases with defendants in the Race category of Black/African Americans had the lowest prison rate in the comparison group; these types of cases experienced a smaller percent change in the reduction of the rate of cases sentenced to prison during the MCJRP program than both the cases with White defendants (44%) and cases with Hispanic defendants (41%). Overall, MCJRP cases with White defendants and MCJRP cases with Black/African American defendants were sentenced to prison at a near similar rate.

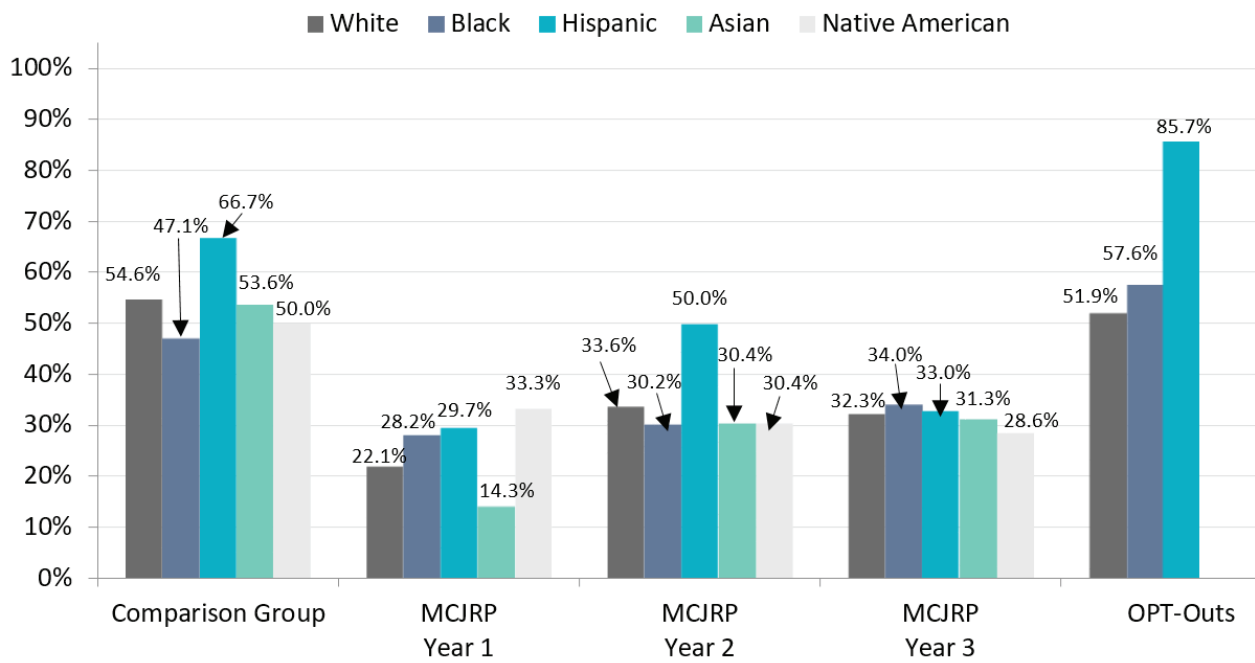
TABLES 9 & 10. | Race & Ethnicity Characteristics of MCJRP-Eligible Cases



As Table 10 shows, BM-57 Drug Offenses have the highest prison rates. This is true for cases with White, Black/African American, or Hispanic defendants. Hispanic defendants have the highest overall percentage for this crime type category as well as a significantly higher prison rate for drug offenses without mandatory minimum sentences. The contribution of this particular crime type is exacerbated

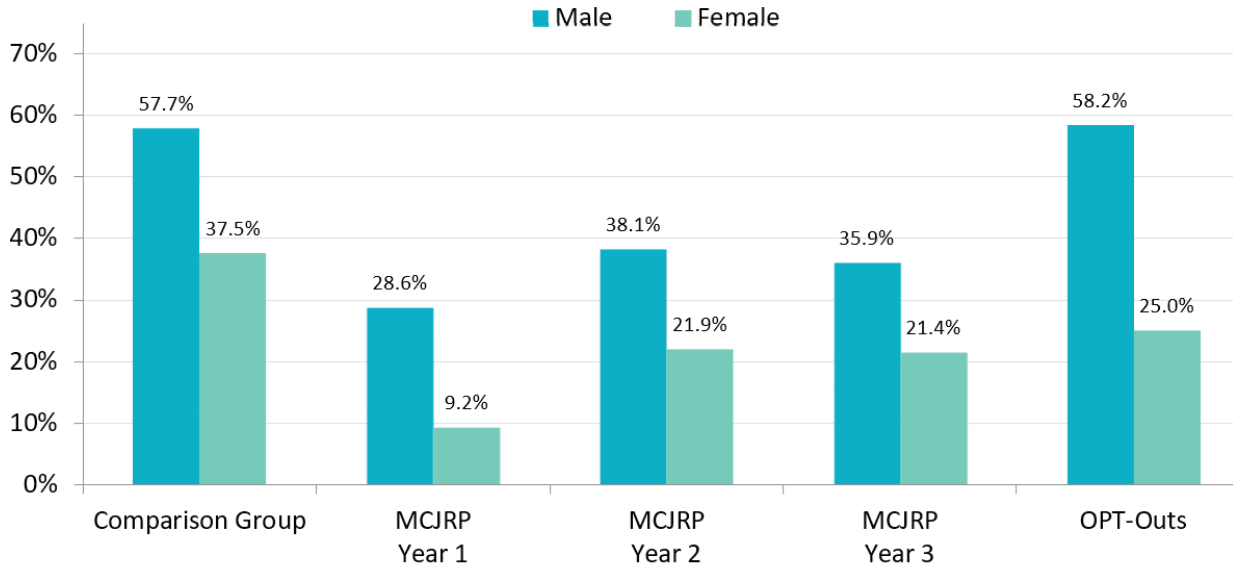
in the population of cases with Hispanic defendants because the majority of cases with Hispanic defendants are charged with drug crimes. Of the 106 cases with Hispanic defendants sentenced to prison, 66 of those cases (62.2%) were categorized as drug crime cases. This contrasts significantly with cases with White and Black/African American defendants, which are distributed much more broadly across the different crime categories.

**TABLE 11. | Race & Ethnicity Distribution of Cases Sentenced to Prison**



As this chart shows, the rate of prison sentences for convicted cases varied by race and ethnicity from year-to-year and from group-to-group. Cases with Hispanic defendants had the highest prison rate in the comparison group as well as across the sum total of the three years of the MCJRP program. A greater percent of cases with Hispanic defendants that opted out of the MCJRP program were sentenced to prison than cases with either White or Blacks/African American defendants. When the cases convicted and sentenced within the MCJRP program are separated out into a three-year window, the cases with Hispanic defendants have a significantly higher rate of prison in Year Two of MCJRP. In Year Three of MCJRP, cases with Black/African American defendants had a slightly higher rate of prison than cases with White or Hispanic defendants.

TABLE 12. | Gender Distributions of Cases Sentenced to Prison



Numbers used in Chart:

Comparison Group: Males, 544 out of 943; Females, 81 out of 216.

MCJRP Year 1: Males, 128 out of 447; Females, 12 out of 130.

MCJRP Year 2: Males, 325 out of 854; Females, 54 out of 247.

MCJRP Year 3: Males, 266 out of 741; Females, 44 out of 206.

Opt-Out Group: Males, 47 out of 76; Females, 5 out of 19.

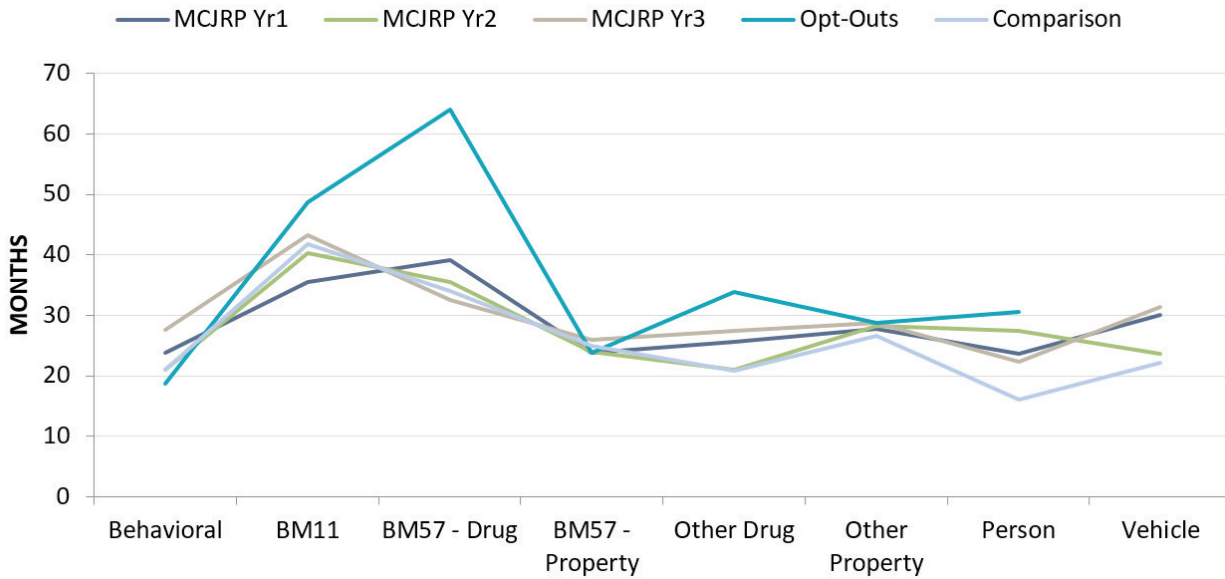
An upward trend in the prison rates at the initial sentencing outcome was observed for cases with female defendants in the MCJRP groups. Among those cases sentenced in years two and three of the MCJRP program, the prison rate was double the rate for cases with female defendants sentenced to prison as in the first twelve months of the program. The prison rate for cases with female defendants increased at a higher pace than cases with male defendants over the three years of the MCJRP program.

## Lengths of Stay Ordered for Cases Sentenced to Prison

The overall average length of stay in prison ordered by the court at sentencing for MCJRP cases that were sentenced to prison within the Oregon Department of Corrections was 28.6 months. BM-11 cases and BM-57-Drug cases received the longest average sentences and cases in the crime categories of Person, BM-57-Property, and Behavioral received the shortest average sentences. In the comparison group, six categories of cases received prison sentences with lower average lengths of stay than in the MCJRP group.

There are many factors that may contribute to the finding of shorter average lengths of stay for the cases in the comparison group. The cases sentenced within the MCJRP program were sentenced to community supervision programs at a much higher rate instead of being sentenced to prison like they would have been had they been in the comparison group. Therefore, the smaller proportions of cases that are being sentenced to prison in MCJRP are the most serious, and are convicted of crimes with mandatory minimum sentences.

TABLE 13. | Average Length of Stay in Months by Crime Type Category

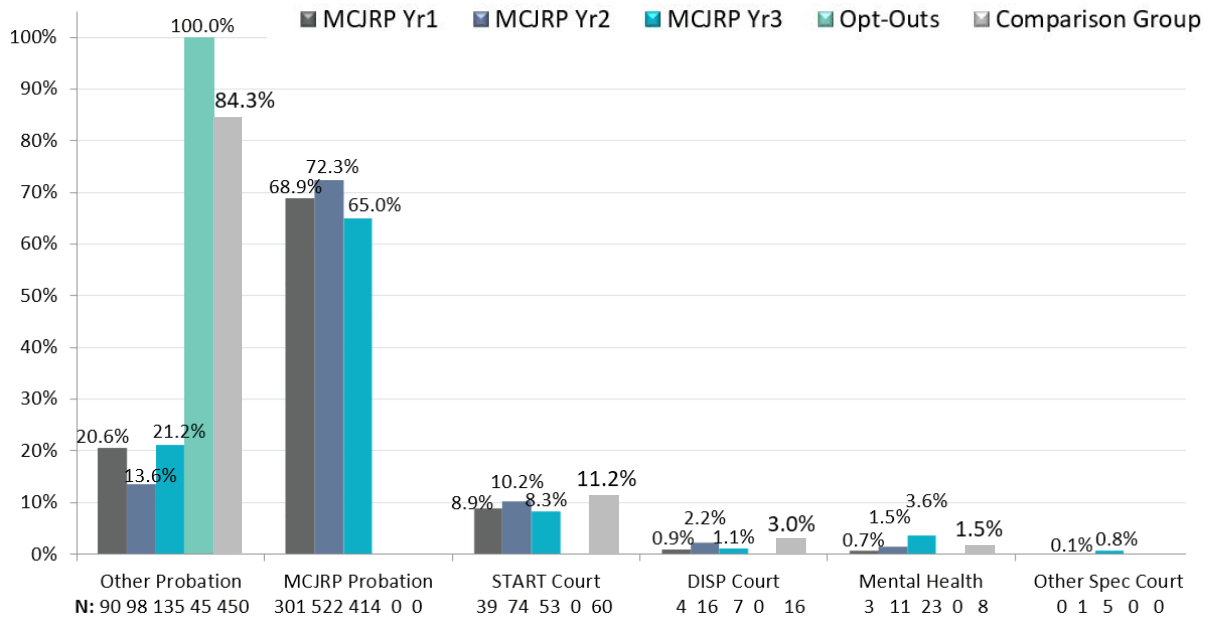


## Community Supervision Sentences (Non-Prison Sentences)

As mentioned at the beginning of this chapter, there are several sentencing options available to the court to keep the defendant in the community including, but not limited to, MCJRP Probation Supervision. MCJRP-eligible cases can be sentenced to MCJRP Probation Supervision, but they can also be sentenced to other traditional probation, bench probation, a treatment court program such as DUII Intensive Supervision Program (DISP) treatment court program, Success Through Accountability, Restitution, and Treatment” (START) drug court program, Mental Health Court, or another specialty court, or a combination of these programs depending upon the risks of re-offending and treatment needs of the defendant.

Table 14 shows that sentences to MCJRP Probation Supervision account for more than two-thirds of all cases sentenced to non-prison outcomes in the MCJRP program over three years. The second largest category is for cases sentenced to other traditional supervised probation. The START Court intensive drug treatment program accounts for another substantial portion of sentenced cases. Although comparatively small, an interesting trend to take note of is the steady rise in cases sentenced to Mental Health Court over the three years of MCJRP.

TABLE 14. | Community Supervision Outcomes (Non-Prison Outcomes)



## Second Sentencing Outcomes (Revocations)

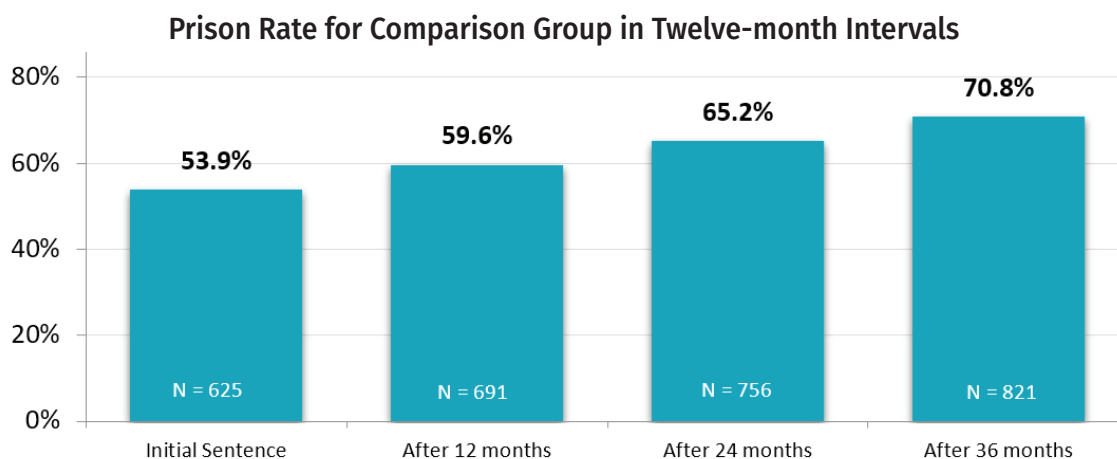
Since the comparison group consists of cases that were filed and sentenced prior to the MCJRP program, the defendants sentenced to community supervision have been in the community one to two years longer than the cases in the MCJRP program. As mentioned earlier in this chapter, there were 1,159 convicted cases in the comparison group. Just over one-half of the cases (625, 53.9%) were sentenced to prison and the remaining cases (534, 46.1%) were sentenced to community supervision programs. We followed the cases sentenced to community supervision programs over time to see how many of these cases were revoked to prison.

Within the first twelve months following the date of sentencing, 66 of the cases in the comparison group sentenced to community supervision programs were revoked to prison. During the second twelve month cycle (between 13-24 months), another 65 cases were revoked to prison. In the third and final twelve-month period (between 25-36 months), another 65 cases were revoked to prison. Hence, the prison rate for the comparison group increased from 625 at the time of initial sentencing to 691 after 12 months (59.6%), to 756 after 24 months (65.2%), and to 821 after 36 months (70.8%). The prison rate changed from 53.9% at initial sentencing to 70.8% after 36 months, owing to the 196 cases revoked to prison throughout the three years following sentencing.

During the first twelve months following sentencing, there were 534 cases on probation in the comparison group. The proportion of cases revoked (n=66) is 12.4%. Beginning with the second twelve month period, there were 468 cases on probation. The proportion of cases revoked during this second time frame (n=65) is 13.9%. During the third and final period, there were 403 cases on probation. The proportion of cases revoked (n=65) was 16.1%. Therefore, the proportion of cases revoked from probation to prison rose just slightly, but not significantly, over the three years following sentencing.



**TABLE 15. | Change in the Prison Rate for the Comparison Group Cases over Time (due to revocations to prison of cases where the defendant was initially sentenced to probation)**



## MCJRP Revocations

### Cases Sentenced in Year 1

During the first twelve months of the MCJRP program (July 2014 – June 2015), there were 577 cases convicted and sentenced. Of those 577 MCJRP cases, 140 were sentenced to prison (24.3%) and 437 were sentenced to community probation programs (75.7%). We followed the 437 cases sentenced to probation commencing with the date of sentencing on the case. During the first twelve-month period, 60 of the 437 cases sentenced to probation were revoked (13.7%). During the second twelve-month period, from 13-24 months, another 64 cases were revoked from the remaining 377 cases on probation (17%). The prison rate changed from 140 cases out of 577, to 200 cases after the first twelve months (34.7%), to 264 cases after the second twelve months following the sentencing date (45.8%).

These findings coincide with the previous report, namely that probationers in the MCJRP program are not re-offending at a higher rate than the comparison group, this time as evidenced by their rate of revocations. Moreover, since the prison rate started out lower in the MCJRP population than in the comparison group, the prison rate after 24 months was still significantly lower in the MCJRP group than in the comparison group.

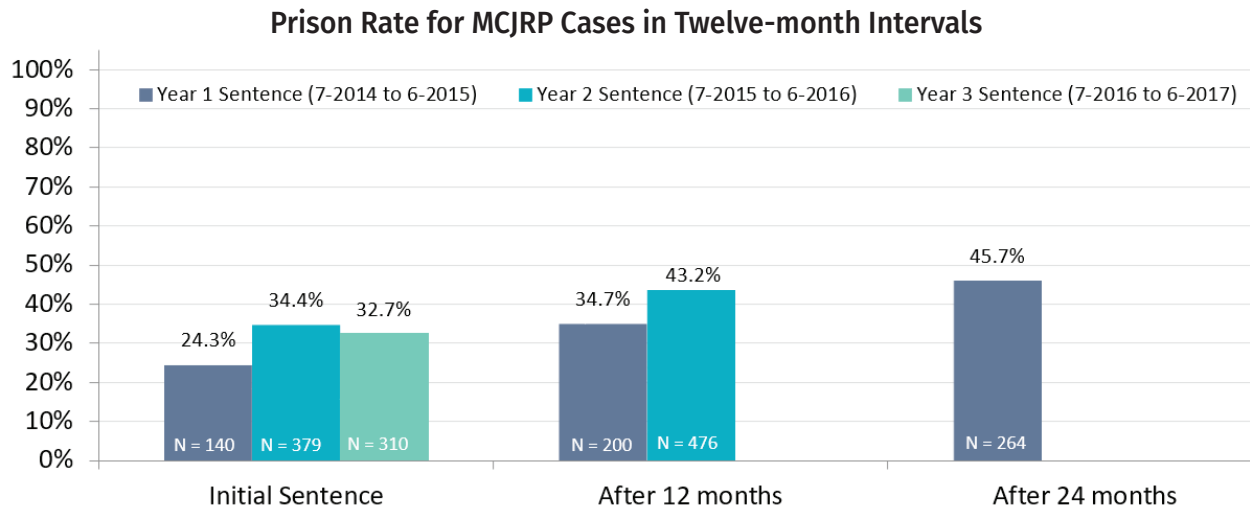
### Cases Sentenced in Year 2

During the second twelve-month period of the MCJRP program (July 2015-June 2016), there were 1,101 cases convicted and sentenced. At the initial sentencing, 379 cases were sentenced to prison (34.4%) and 722 cases were sentenced to community probation programs (65.6%). We followed these cases for a twelve-month period following sentencing and found that 97 cases were revoked to prison within 12 months of being sentenced to probation. These 97 cases represent 13.4% of the cases that were initially sentenced to community probation programs. The prison rate for this group rose to 43.2% after twelve months.

Less than one-half of the MCJRP cases sentenced during this time frame were sentenced to probation more than 24 months prior to the end of this study. There were just 278 cases on community probation programs that met these criteria. Of these 278 cases, 43 cases were revoked (15.5%) during the 13-24 month time frame.

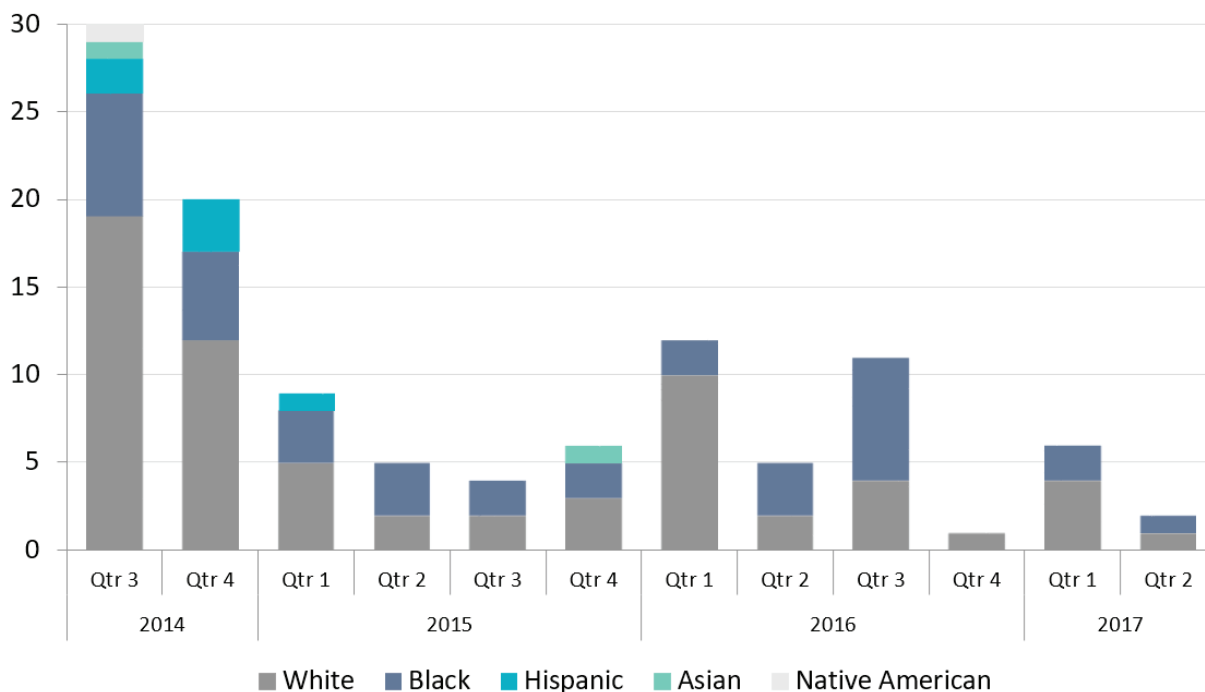
In comparing the revocation rates of MCJRP cases sentenced during the first twelve months of the program to cases sentenced during the second twelve-month period, the percent of cases revoked from probation programs to prison within 12 months of sentencing was strikingly similar: 13.7% of those initially sentenced to probation in the first year of the MCJRP program and 13.4% of those initially sentenced to probation in the second year of the MCJRP program. From initial trends, the percent of cases revoked from probation programs to prison within 13-24 months of sentencing for these two groups are projected to have similar outcomes.

**TABLE 16. | Change over Time in the Prison Rate for the MCJRP Groups Sentenced Each Year (due to revocations to prison of cases where the defendant was initially sentenced to probation)**



## Summary of Cases that Opted Out of the MCJRP Program

TABLE 17. | Number of Cases Opted out of MCJRP by Race & Ethnicity (July 2014 – June 2017)\*



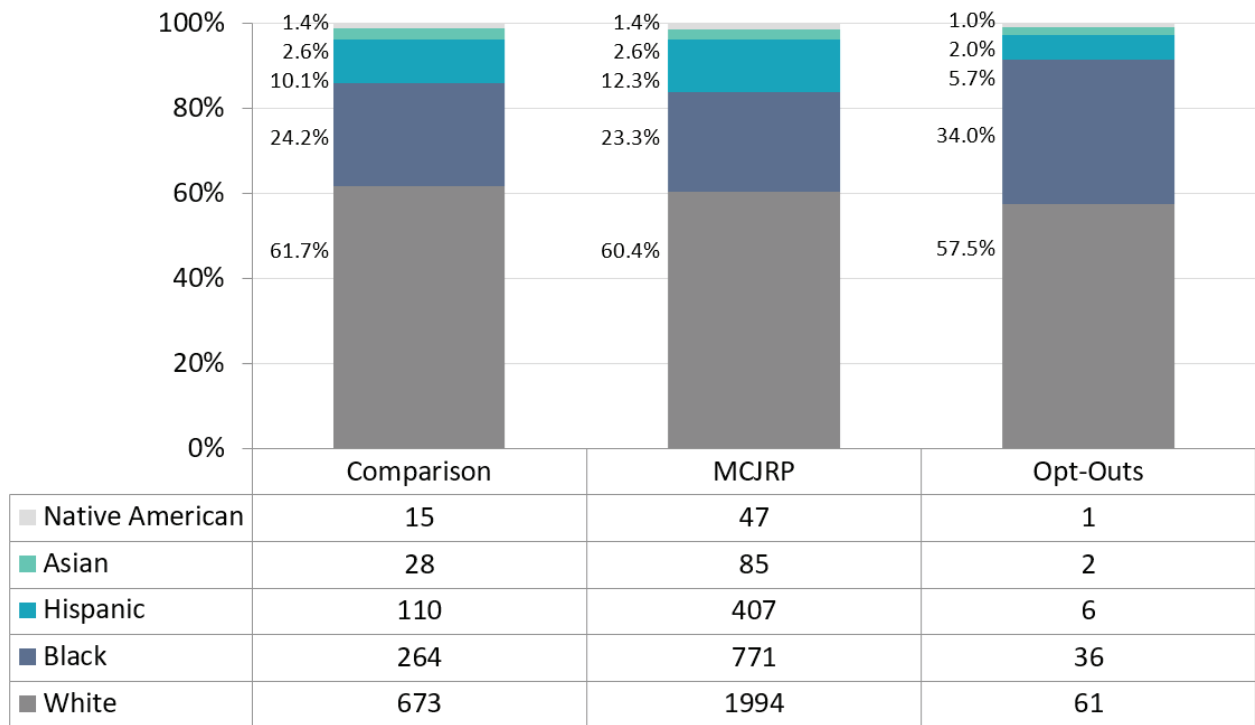
\*Based on Issue Date (not opt out date). N=111 cases

There were a total of 111 cases that opted out of the MCJRP program. The majority of cases that opted out of the MCJRP program were in cases initiated in 2014 when the program began. There were 91 cases with male defendants (82%) and 20 cases with female defendants (18%). The two largest racial categories among the cases that opted out of the MCJRP program were cases with White defendants (n=65; 58.6%) and cases with Black/African American defendants (n=37; 33.3%). The cases with Black/African American defendants were the only cases with defendants of people of color that were overrepresented in the opt-out group.

Among the cases with White defendants that opted out of the MCJRP program, 25 cases were sentenced to probation (48%) and 27 cases were sentenced to prison (52%). Among the cases with Black/African American defendants, 14 were sentenced to probation (42%) and 19 were sentenced to prison (58%). Among the very small number of cases with Hispanic defendants that opted out, one was sentenced to probation and six were sentenced to prison. For both the cases with Asian defendants (n=2) and the cases with Native American defendants (n=1) who opted out, all were given probation.

## Sentencing Outcomes Chapter Appendix

TABLE A. | Race & Ethnicity Distributions by Study Group\*



\*Comparison Group (N=1,090 people) | MCJRP Eligible Population (N=3,304 people) | Opt-Outs (N=106 people)

# RESTITUTION | Oregon Judicial Department

The Oregon Revised Statutes mandate payment to crime victims when there is evidence presented to the court that a victim suffered economic damages as a result of the criminal offense. These financial reparations are intended to equal the full amount of the victim's economic damages. At the time of sentencing, the victim or a designated representative has the right to express any views concerning the crime, the person responsible, the impact of the crime on the victim, and the needs for restitution or compensatory fines. After reviewing the evidence, the court decides the issue of the defendant's liability for economic damages to the victim. The District Attorney for Multnomah County assigns Victim Advocates to each MCJRP case who are tasked with staying in contact with the victim(s) throughout the case. The MCJRP program prioritizes the rights of crime victims and holds offenders accountable after their conviction and throughout the duration of their supervision.

## Summary

The likelihood of payment of restitution is significantly higher for MCJRP-eligible cases when the participants are sentenced to community supervision. The payment rate on cases where the defendant was sentenced to community supervision was 7.8% compared to 1.4% on cases where the defendant was sentenced to prison. Those who remained in the community were responsible for 77.5% of all restitution paid on cases in the MCJRP program. Likewise, they made up the majority of cases (107 out of 125; 86%) that had paid their restitution orders in full.

The assessment of restitution is based on the victim's actual loss rather than on the offender's ability to pay, and this is a pivotal point to keep in mind when analyzing the massive imbalance between the amount of restitution ordered and the amount of restitution paid. The overall payment of restitution for cases in the MCJRP program is 3.8%, although this varies by crime category as well as by sentencing outcomes. In other words, for every dollar in restitution ordered on MCJRP cases, less than four cents have been paid. The payment rate is a consequence of the largest restitution orders accompanying sentences to prison. More than 60% of the total amount of restitution ordered was on cases sentenced to prison. While serving a sentence of prison in the state's Department of Corrections, the ability to pay restitution rapidly diminishes. This phenomenon is not limited to defendants in the state of Oregon.

**MCJRP participants who stay in the community have higher repayment rates.**

The likelihood of payment of restitution is significantly higher for MCJRP-eligible cases when the participants are sentenced to community supervision.

The assessment of restitution is based on the victim's actual loss rather than on the offender's ability to pay, and this is a pivotal point to keep in mind when analyzing the massive imbalance between the amount of restitution ordered and the amount of restitution paid.

In February 2018, the U.S. Government Accounting Office (GAO) released the findings of their study on restitution in the federal criminal justice system. The GAO study found that 15% of federal case convictions contained restitution orders during fiscal years 2014-2016. This translates into 33,158 convicted offenders who were ordered to pay \$33.9 billion in restitution. Of the \$33.9 billion ordered on federal cases from fiscal years 2014 through 2016, the U.S. DOJ had collected only \$1.5 billion (4%). In addition, the GAO found that, at the end of fiscal year 2016, \$110 billion in restitution was outstanding (for cases convicted over the last 20 years), and they estimated that \$100 billion of that debt was “uncollectible”. The report concluded that collection action is eventually suspended because many offenders have little ability to pay the debt. Similar methods are employed in the federal system as in Oregon to collect restitution, such as wage garnishment, payment plans, and collections agencies. However, several officials in U.S. Attorneys offices told GAO staff that these practices cannot mitigate the fact that many offenders lack the ability to pay restitution because they lack assets and income.<sup>3</sup>

## How We Measured Cases with Restitution Orders and the Likelihood and Quantity of Repayment

**Who?** All convicted and sentenced cases from the comparison group with an accompanying restitution order were compared to MCJRP-eligible cases that were convicted and sentenced and ordered to pay restitution as part of the sentence, whether sentenced to either prison or community supervision. The analysis looks first at the cases with restitution orders, in other words, where restitution is *imposed*. The analysis then turns to an examination of the cases where restitution is or is not being *paid*.

There are more cases with restitution orders in the MCJRP-eligible group than in the comparison group, but they are proportionately similar. One-third of MCJRP-eligible cases were ordered to pay restitution and one-third of the comparison group cases were ordered to pay restitution. The primary distinguishing feature between the two groups in this analysis is that the cases in the comparison group were convicted earlier and therefore the defendants have had one to two years more than the defendants in the MCJRP-eligible population to pay off the orders of restitution on their cases. To compensate for the comparison group’s temporal advantage, we treated the cases in the comparison group as a baseline measure indicating what the payment rate should be after two years under normal circumstances.

### Restitution Description for Both Study Groups

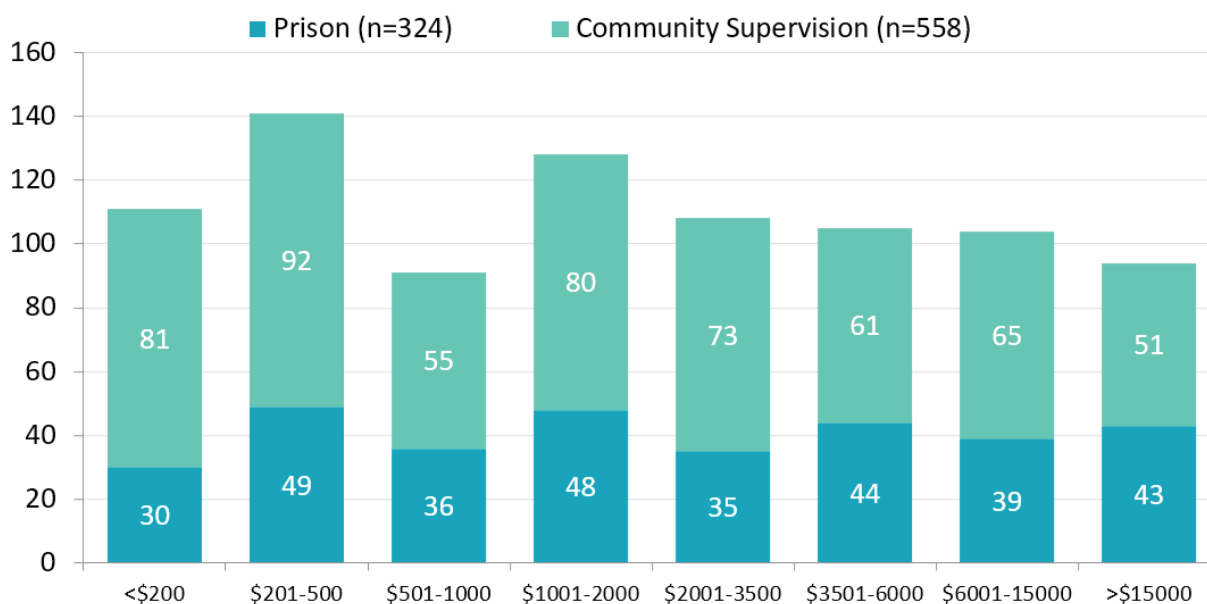
Study Groups	Number of Cases	Restitution Imposed	Restitution Paid	Percent Paid of Imposed
MCJRP-eligible Group	882	\$9,942,478.48	\$379,304.44	3.8%
Comparison Group	384	\$2,609,374.07	\$149,211.52	5.7%

<sup>3</sup> Federal Criminal Restitution: Most Debt is Outstanding and Oversight of Collections Could Be Improved. GAO-18-203. United States Government Accountability Office, Report to Congressional Committees. February 2018.

## Description of MCJRP-eligible Cases with Restitution Orders

In the first three years of the program, one-third of the sentences of convicted MCJRP-eligible cases contained an order of restitution. The sum of the orders of restitution imposed on these 882 cases totals nearly \$10 million dollars. There was a wide range of restitution amounts ordered on these cases. The case with the smallest restitution amount was for \$215. The case with the largest restitution amount was for \$914,124. Approximately one-half of the cases with restitution orders had amounts imposed of less than \$2,000. Cases in the crime category “BM-57 – Property Offenders” were ordered to pay more than one-half of all the restitution ordered on MCJRP cases. When combined with cases in the “Other Property” crime category, the restitution orders in these two categories accounts for over 80% of the total restitution ordered on MCJRP cases. The cases in the BM-11 crime category had the third highest number of restitution orders.

**TABLE 18. | Distribution of MCJRP Cases with Restitution Orders by Sentencing Outcome (n=882)**



As illustrated in Table 18, restitution orders ranging from small to large amounts were spread across cases sentenced to both prison and community probation supervision.

## Description of Comparison Group Cases with Restitution Orders

Of the 1,159 cases in the comparison group, there were 384 cases with restitution orders. The sum of the restitution imposed on these 384 cases totals just over \$2.6 million. The orders for restitution on these cases ranged from \$5.00 to \$298,473. When distributed by crime type category, the comparison group is very similar to the cases in the MCJRP program. There were 242 cases in the crime category “BM-57 – Property Offenders” that were ordered to pay nearly \$1.18 million. Combined with the “Other Property” crime category, the sum of these two crime type categories accounts for 301 cases with restitution orders totaling \$1.5 million. The restitution orders in these two categories account for 60% of the total

restitution ordered on cases in the comparison group. Also, there were 45 cases in the “BM-11” crime category with restitution orders totaling nearly \$450,000.

Although 384 cases were ordered to pay restitution in the comparison group, 193 cases (50.3%) have not made any payments. The other half of the cases that have paid at least some or all of the restitution ordered have paid a sum total of \$149,211.52, which represents 5.7% of the overall \$2.6 million owed to victims. The cases in the comparison group that resulted in the defendant being sentenced to prison were responsible for paying orders of restitution totaling nearly \$2.2 million (83.2%) of all restitution ordered. These cases have paid a total of just under \$97,000 dollars towards the \$2.2 million (4.5%). On the other hand, cases in the comparison group where the defendant was sentenced to probation were only ordered to pay \$439,000 (16.8%) of the total restitution ordered. Although, the actual amount paid on these cases is small, having paid just over \$52,000, this translates into 35% of all restitution paid on these cases and represents a payment rate of 11.9%, more than twice the payment rate of cases where the defendant was sentenced to prison.

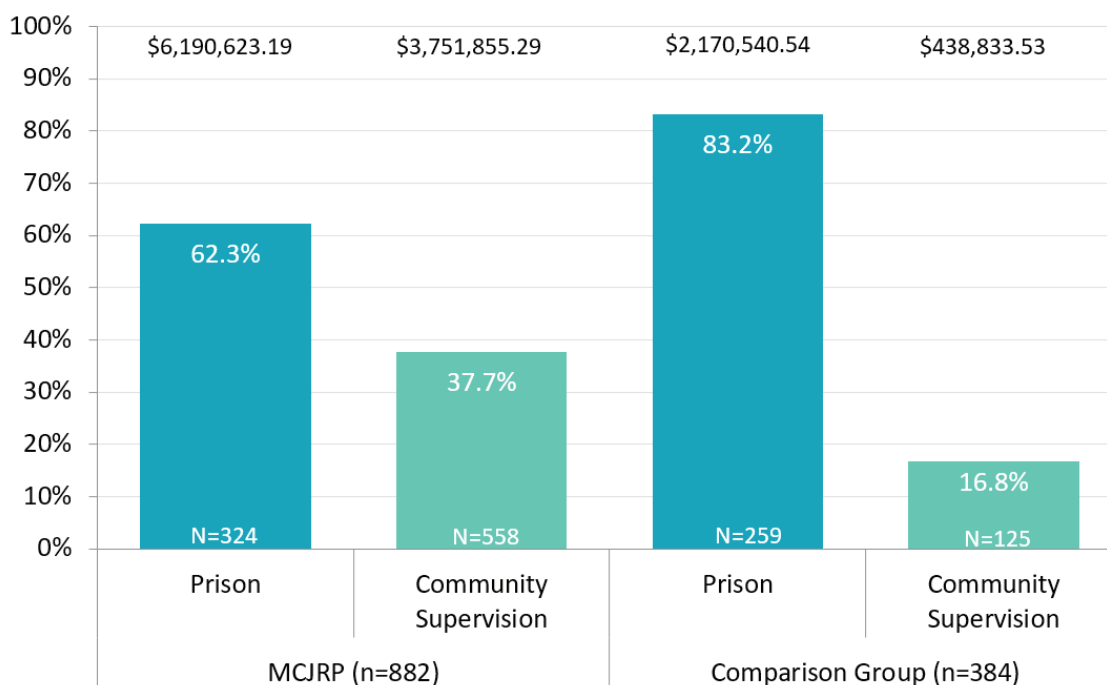
**TABLE 19. | Distribution of Comparison Group Cases with Restitution Orders by Sentencing Outcome (n=384)**



Although the MCJRP program has reduced the number of cases being sentenced to prison, the amount of restitution imposed on cases is a penalty still carried largely by cases with prison sentences. In the comparison group, 83.2% of the amount of restitution imposed was ordered on cases sentenced to prison, notwithstanding that these cases accounted for 67% of cases with restitution imposed. In the MCJRP Group, 62.3% of the amount of restitution imposed was ordered on cases sentenced to prison, notwithstanding that these cases accounted for just 37% of cases with restitution imposed.



TABLE 20. | Percentages of the Amount of Restitution Imposed on MCJRP &amp; Comparison Group Cases



## Restitution Paid by Cases in the MCJRP-Eligible and Comparison Groups

The concept of restitution appeals to the ideals of justice by holding the offender accountable for the damages inflicted on the victim through the perpetration of the crime. At the same time, the collection of restitution is often limited by the offender's ability to pay. As a result, many victims may wait years before they receive any restitution, and they may never receive the full amount of restitution ordered. The payment of restitution is commonly a condition for successful completion of probation or parole. An offender may have his/her wages garnished and may be sued by collection agencies to obtain the restitution. Notwithstanding these efforts, the overall payment rate remains quite small.

Proponents of restitution programs may hypothesize that these percentages should improve significantly over time, but that conclusion was not found in this study. The comparison group contains cases that are at least one to two years older than the cases in the MCJRP population, but the cases in the comparison group have paid less than \$150,000, or 5.7%, of the total amount of restitution ordered (\$2.6 million). This rate is not significantly different from the overall payment rate of 5.9% for MCJRP cases in the first year of the program.

Thus far, cases sentenced in the MCJRP program with orders of restitution have paid only 3.8% of the total restitution ordered. The total restitution paid on the 882 cases amounts to just \$379,304.44 of the nearly \$10 million ordered for MCJRP cases (payment information was downloaded from the court's case management system in September 2017). The payment percentage varies slightly between crime categories. The restitution payment rate is lowest for cases in the BM-57 – Property Crimes category

(3.0%) where restitution orders are the largest. This negative correlation also exists at the opposite end of the range. Cases in crime categories with smaller orders of restitution have higher payment rates, although still quite low. Cases in the “Behavioral” crime category had the highest payment rate (8.6%) and cases in the “Other Drug” crime category had the second highest payment rate (7.4%). None of the crime categories exceeded 10% paid of the total restitution amount ordered.

## Does Staying in the Community Affect the Rate of Payment of Restitution?

We separated those cases sentenced with restitution orders into two groups—one group contained the cases sentenced to prison and the other group contained the cases sentenced to community supervision, which includes MCJRP Probation Supervision and other community-based supervision programs.

**The payment rate was indeed higher among those cases where the defendant was sentenced to community supervision.**

The payment of restitution is normally a condition of probation, and DCJ probation officers may assist probationers with setting up payment plans and monitoring these payments. DCJ even offers a community service program where the earnings of the workers are used as payments on restitution.

For cases sentenced during the first year of the MCJRP program, cases sentenced to prison have only paid 2.5% of the restitution ordered (\$36,460 out of \$1,464,687)

**Cases sentenced to community supervision had paid 11.6% of the restitution ordered (\$98,994 out of \$850,751).**

Cases sentenced in the second year of the program have had less time to pay the restitution ordered, but the difference between the two groups remained significant. Cases sentenced to prison in the second year have only paid 0.7% of the restitution ordered (\$21,190 out of \$3,246,151) while cases sentenced to community supervision have paid 10.5% of the restitution ordered (\$145,065 out of \$1,379,250).

Finally, the cases sentenced in the third year of the program have had the least amount of time to pay orders of restitution, but there was still a difference between groups. Cases with sentences to prison have paid 1.9% (\$27,543 out of \$1,479,785) while cases sentenced to community supervision have paid 3.3% (\$50,052 out of \$1,521,854). The overall rate of restitution paid on MCJRP-eligible cases for all three years combined is 1.4% for sentences to prison and 7.8% for sentences to community supervision. Finally, by excluding cases that have made \$0 payments from the sum amount imposed reduces the total to \$4,011,966.78 and the overall payment rate in this scenario would be 9.5%.

A similar phenomenon was observed when the comparison group was split into two groups based on sentences to prison and sentences to community supervision to determine which

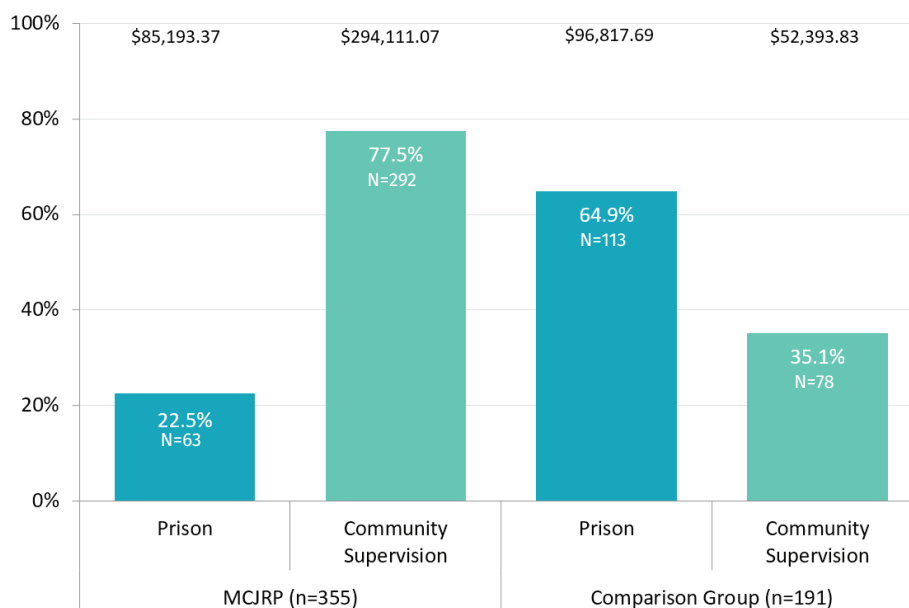
group’s cases have paid more of the restitution imposed, notwithstanding the fact that cases in the comparison group have had more time to pay the restitution ordered on their cases. Among cases in the comparison group that were sentenced to prison, only 4.5% of the amount of restitution imposed on that group has been paid. In contrast, the comparison group cases that were sentenced to community supervision had paid 11.9% of the amount of restitution imposed.

**TABLE 21. | Cases with Restitution Imposed and Paid by Type of Initial Sentence**

Initial Sentence	MCJRP Cases			Comparison Group Cases		
	Number of Cases	Restitution Imposed	Restitution Paid	Number of Cases	Restitution Imposed	Restitution Paid
DOC Prison	324	\$6,190,623.19	\$85,193.37	259	\$2,170,540.54	\$96,817.69
Percent	36.7%	62.3%	22.5%	67.4%	83.2%	64.9%
Community Supervision	558	\$3,751,855.29	\$294,111.07	125	\$438,833.53	\$52,393.83
Percent	63.3%	37.7%	77.5%	32.6%	16.8%	35.1%
<b>Total</b>	<b>882</b>	<b>\$9,942,478.48</b>	<b>\$379,304.44</b>	<b>384</b>	<b>\$2,609,374.07</b>	<b>\$149,211.52</b>

The cases sentenced to prison in the comparison group were ordered to pay almost \$2.2 million in restitution, whereas the cases sentenced to community supervision were order to pay nearly \$440,000, so the difference in the percentages of dollars paid is somewhat misleading. Since the cases sentenced to prison were ordered to pay 83.2% of the restitution imposed, and 4.5% of nearly \$2.2 million equals \$96,817.69. This actual amount is larger than the 11.9% of the nearly \$440,000 imposed on cases sentenced to Community Supervision, which equals just over \$52,000.

**TABLE 22. | Percentages of the Amount of Restitution Paid on MCJRP & Comparison Group Cases**



## Does the Amount of Restitution Affect the Payment Rate?

The size of the restitution amount has only a slight effect on the payment rate. This was an unexpected finding of the study. It was hypothesized that a negative linear relationship would exist between the amount of restitution imposed and the amount of restitution paid. In other words, we tested the hypothesis that the smallest amounts of restitution imposed would have the highest payment rates, and the largest amounts of restitution imposed would have the lowest payment rates. However, our findings did not confirm this assertion.

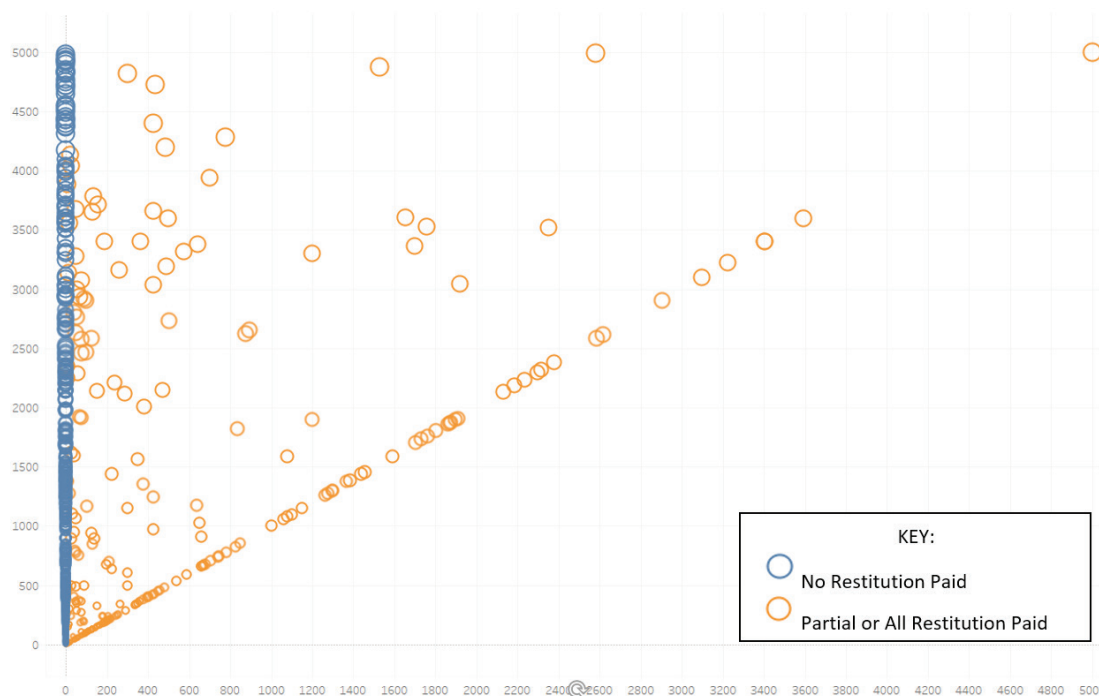
No matter the category, from the smallest to the largest amounts of restitution imposed, there were a large percentage of cases with defendants who had made no payments. At the same time, when we grouped the amount of restitution into larger categories, we noted that the payment rate did seem to exhibit the best results when the restitution ordered was under \$500. There were smaller numbers of payments made on restitution orders up to \$3,500. However, restitution orders above \$3,500 experienced a much more diminished payment rate.

Our analysis of payment data showed that natural cliffs appear where the number of cases that have made full payments drops off. The first cliff occurs after \$500 and the second cliff occurs after \$3,500 dollars. The payment of restitution appears to depend to a large degree on the defendant's access to available funds at the time the case is resolved.

**If the defendant is financially able to pay the restitution when the case is resolved, or shortly thereafter, then the likelihood of restitution being paid is good.**

Unfortunately, this happens in less than 15% of the cases where restitution was imposed, as demonstrated by the 125 cases that have paid in full. The overall payment rate of 3.8% reveals that the majority of defendants in these cases do not have access to funds when the case is resolved, lowering the probability that the restitution will be paid in a timely manner.

TABLE 23. | Scatterplot of MCJRP Cases with Restitution Orders Imposed up to \$5000 (n=653)



**TABLE 23 LEGEND:**

Blue circles represent cases where no restitution has been made (N=407; 62.3% of cases).

Orange circles represent cases where some or all payment has been made (Partial payment cases N = 130; 20%). Circles on the diagonal line are cases paid in full (N=116; 17.7%).

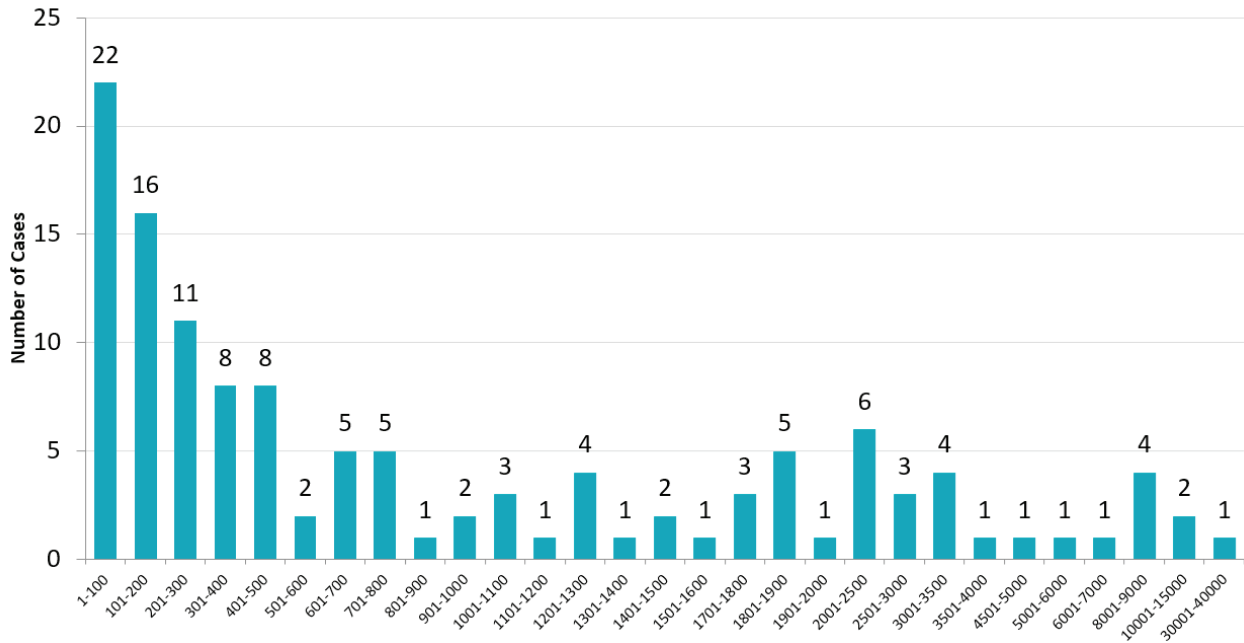
The size of the circle represents the amount of restitution imposed (smaller circles = smaller restitution amounts imposed; larger circles represent larger amounts of restitution imposed).

## MCJRP-Eligible Cases that have “Paid-in-Full” the Restitution Order

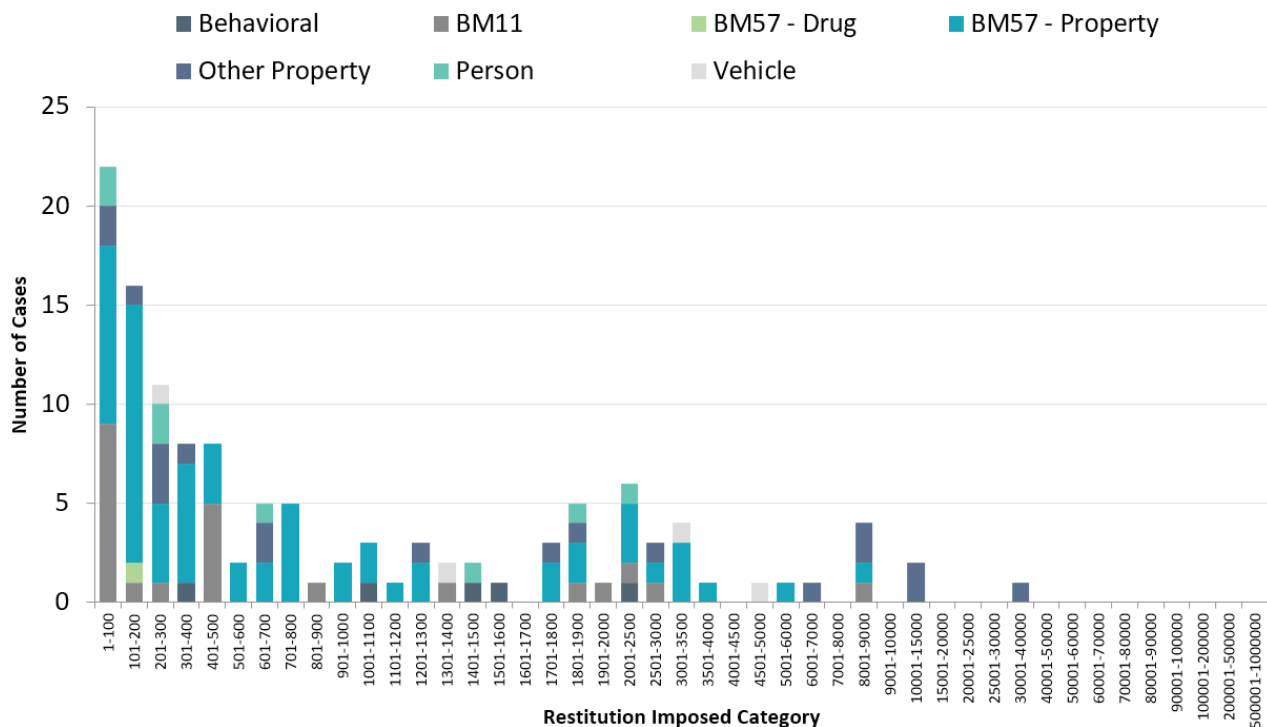
Among the 355 MCJRP-eligible cases (40.2% of the 882) that have made at least some payment toward the restitution ordered in the sentence, each case has paid an average \$1,071 (median) toward the overall payment total of \$379,304. Perhaps the most important group in the analysis consists of those cases that have completely paid the restitution orders. There were 125 cases where the payment is equal to the full restitution amount ordered. These 125 cases have paid \$195,237, or 51% of all the payments made on all the restitution ordered in the MCJRP population. At the same time, these 125 cases represent just 14.2% of the 882 cases with restitution orders.

The first characteristic of the cases with defendants who have paid the full restitution amount is that the majority received sentences of community supervision rather than prison (107 out of 125; 86%). The second important characteristic is the majority of the amounts were less than \$1,900. Of the 125 cases with restitution paid in full, 100 of these cases had restitution orders of less than \$1,900 in each case. The total restitution paid by these 100 cases was \$53,628. Another 18 cases each had restitution orders between \$1,900 and \$7,000. The total restitution paid on these 18 cases was \$57,021. The remaining seven cases had restitution orders ranging between \$8,000 and \$30,000. The total restitution paid on these seven cases was \$84,588.

**TABLE 24. | Distribution of 125 Cases with Restitution Paid-in-Full by Category of Restitution Imposed**



**TABLE 25. | MCJRP Cases with TOTAL Paid in Full of Restitution by Crime Type Category (n=125)**



## Likelihood of Payment of Restitution

We examined the proportion of cases with defendants who had not yet made any payments to the orders of restitution on their sentences at the time of this study. First, we looked at the comparison group cases with \$0 payment toward restitution orders. In the comparison group, 50.3% of the cases (n=193) have not made any payment on the ordered restitution. When we divide the comparison group into the two main types of sentencing outcomes, the 56.4% (n=146) of the cases sentenced to prison had made no payments to date and 37.6% (n=47) of the cases sentenced to community probation supervision had not yet made any payments on the ordered restitution.

There were nearly three times as many cases that were sentenced to prison with zero payments as those cases that were sentenced to community probation supervision. The 146 prison cases have restitution orders totaling \$843,652. The restitution orders on these 146 cases where the defendant was sentenced to prison range from \$5.26 to \$128,240.36. In contrast, the restitution orders on the 47 cases where the defendants were sentenced to community probation supervision have restitution orders totaling \$108,305. The restitution orders on these 47 cases where the defendants were sentenced to community probation supervision range from \$27 to \$16,029.

Next, we looked at MCJRP-eligible cases that were convicted and ordered to pay restitution. The MCJRP population did not show a significant difference between groups sentenced to the two types of outcomes when examining the percentage of cases with no payments on the orders of restitution. This finding was not unexpected, given the more recent sentences in these cases. There were 527 cases out of the total of 882 cases with restitution orders that had made zero payments to the case, which is 59.8% of the cases with restitution orders. The total restitution amount ordered on these 527 cases was \$5,930,511.70.

Approximately one-half of these cases were sentenced to prison (261) although these cases account for over \$4 million, or two-thirds of the restitution ordered that has zero payments. The restitution orders on these 261 cases where the defendant was sentenced to prison range from \$22.49 to \$914,124. In contrast, the other one-half of cases that have zero payments were sentenced to community supervision (266) and the amount of restitution ordered on these cases totaled just under \$2 million. The restitution orders on these 266 cases where the defendants were sentenced to community probation supervision range from \$3.33 to \$548,836.61.

Overall, we found that cases resulting in more damage are ordered to pay higher amounts of restitution and are more likely to receive a sentence of prison, which lowers the likelihood of payment and consequently extends the time farther out into the future when the defendant is released back into the community to find employment and begin to pay back the restitution.

**MCJRP-eligible cases sentenced to prison have a nearly 2-to-1 probability of receiving a restitution order compared to those cases sentenced to community supervision.**

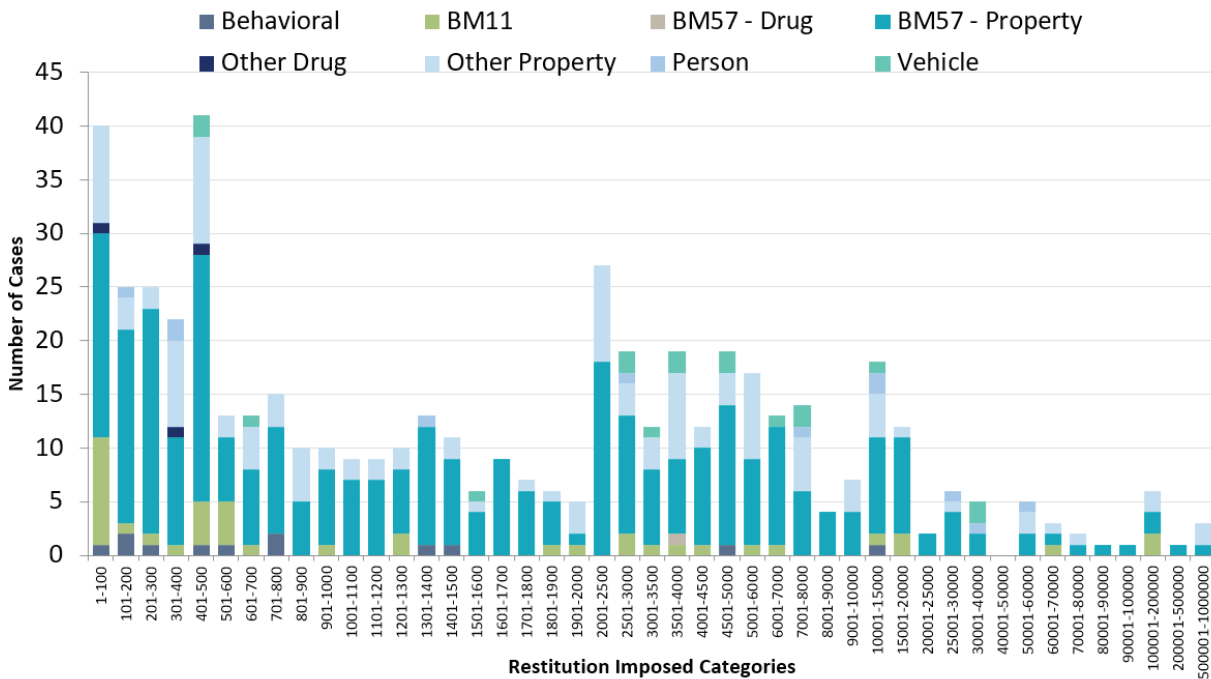
Meanwhile, there is a negative relationship with cases where the restitution is being paid. In other words, more than three-quarters of the restitution that has been paid has been on cases that were

sentenced to community supervision. Among the MCJRP-eligible cases with defendants who have not paid any amount toward the restitution orders (n=527), 261 (49.5%) were sentenced to prison and 266 (50.5%) were sentenced to community probation supervision. Hence, for these cases with little likelihood of payment, the type of sentencing outcomes make little to no difference for defendants who are completely unable to pay any restitution.

TABLE 26. | Cases that have \$0 Paid in Restitution

Crime Type Category	MCJRP Cases		Comparison Group Cases	
	Number of Cases	Restitution Imposed	Number of Cases	Restitution Imposed
Behavioral Crimes	12	\$20,778.17	3	\$5,485.43
BM-11 Crimes	40	\$447,638.01	18	\$142,954.98
BM-57 – Drug Crimes	1	\$3,549.50	1	\$4,964.05
BM-57 – Property Crimes	323	\$3,016,117.65	134	\$611,100.08
Other Drug Crimes	3	\$768.27	2	\$3,682.70
Other Property Crimes	120	\$2,153,895.27	24	\$88,855.29
Person Crimes	11	\$162,372.80	7	\$50,683.07
Vehicle Crimes	17	\$125,392.03	4	\$44,232.13
<b>Grand Total</b>	<b>527</b>	<b>\$9,942,478.48</b>	<b>193</b>	<b>\$951,957.73</b>

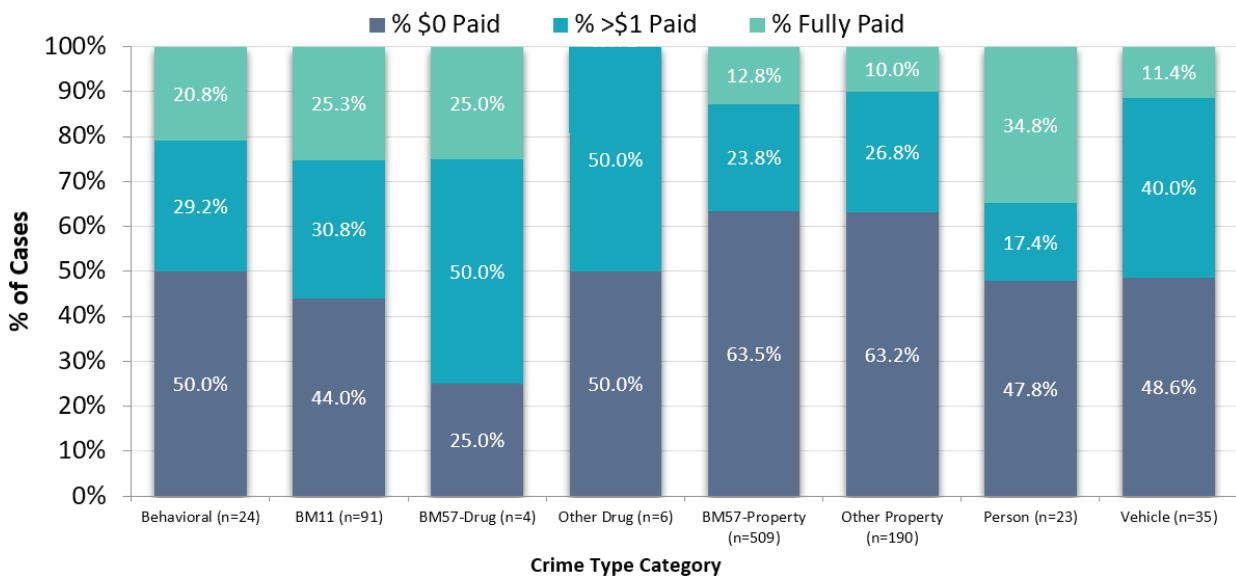
TABLE 27. | MCJRP Cases with \$0 Paid in Restitution by Crime Type Category (n=527)



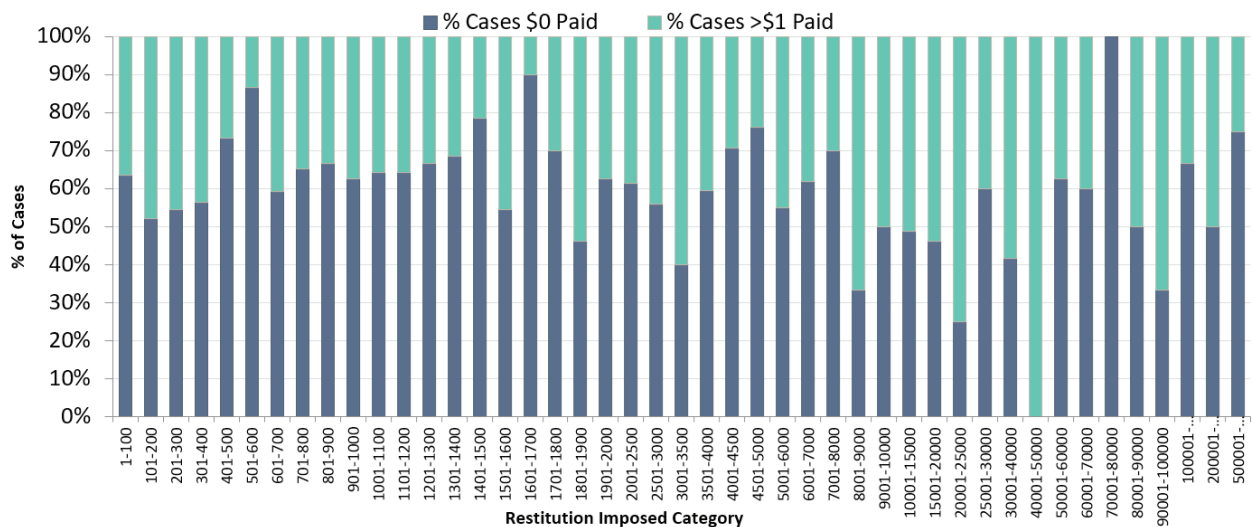


The next two charts illustrate the percentages of MCJRP-eligible cases that have or have not made payments to the restitution orders. The graph in Table 28 shows that there are four crime type categories where 50% or more of the cases have made no payments towards the orders of restitution. The other four crime type categories range from 52-75% of cases with some or all payments towards the orders of restitution. The graph in Table 29 shows the payment percentages based on 45 categories of restitution imposed. Out of these 45 categories, there is only one category that does not have any cases with zero restitution payments. The other 44 categories have distributions which range from 25-100% of cases that have not made any payments on the restitution ordered.

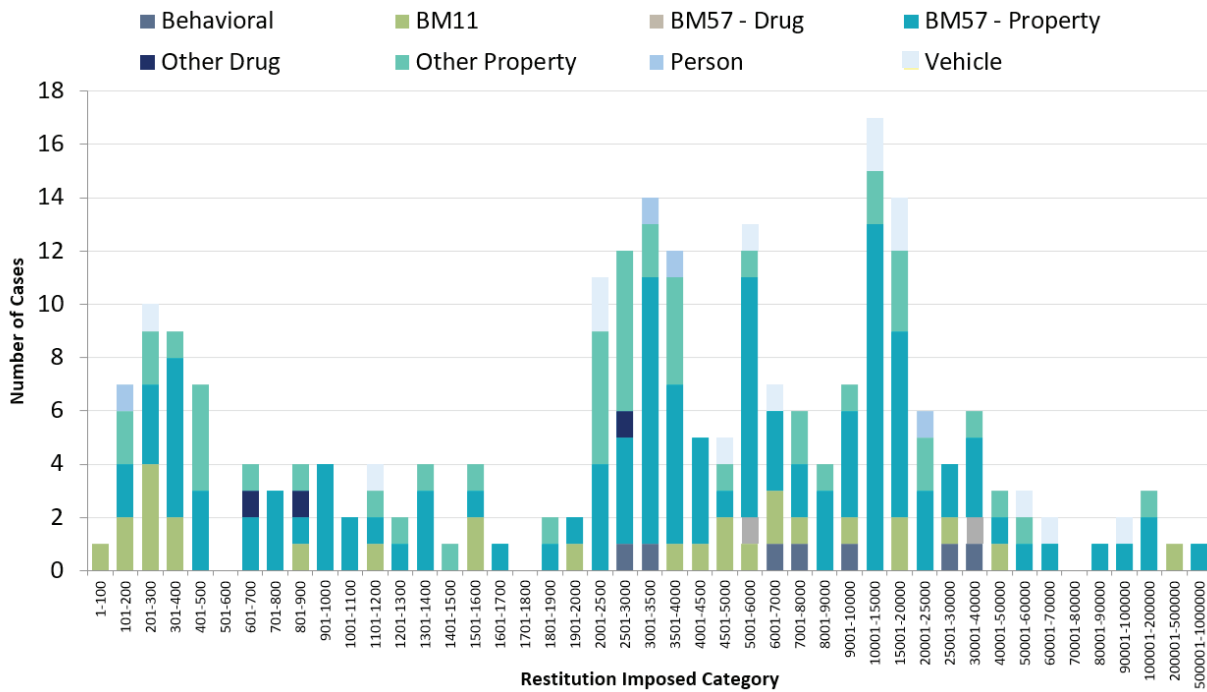
**TABLE 28. | Distribution of Payment Percentages by Crime Type Category for MCJRP Cases (n=882)**



**TABLE 29. | Distribution of Payment Percentages by Restitution Imposed Categories for MCJRP Cases (n=882)**



**TABLE 30. | MCJRP Cases that have paid >\$1, but not fully paid Restitution by Crime Type Category (n=230)**



## Are there Racial and Ethnic Differences in Restitution Imposed?

Although imposing orders of restitution is not a discretionary decision in the state of Oregon, we did examine these cases to determine the extent, if any, of racial or ethnic differences. Our analysis found that there are differences in the rates of restitution imposed and paid when comparing cases with defendants of different races and ethnicities. The majority of restitution orders were handed out to MCJRP cases with White defendants (n=603), comprising 37% of all cases convicted with a White defendant. Cases with Black/African American defendants received the second largest number of restitution orders (n=166). Cases with Black/African American and Hispanic defendants both had orders of restitution imposed on their sentences in 27% of convicted cases, 10% less than cases with White defendants. The number of cases with Native American and Asian defendants was too small to perform any analysis.

Comparison group cases with restitution orders followed a similar pattern when compared to MCJRP cases with orders of restitution. As with MCJRP cases, approximately one-third of the convicted comparison group cases contained a restitution order. Cases with White and Black defendants had nearly similar proportions of restitution orders as the cases in the MCJRP group. In contrast, there were fewer cases with Hispanic defendants that were ordered to pay restitution in the comparison group. Again, the number of cases with Asian and Native American defendants was too small, which made any results inconclusive.

We will continue to monitor restitution ordered and paid for racial and ethnic disparities as the MCJRP population grows in the coming years.

## Conclusion

In summary, cases sentenced to community supervision have higher repayment rates than cases sentenced to prison. MCJRP-Eligible cases in the behavioral crime type category have the best repayment rates (8.6%), and cases in the BM-57 property category have the lowest payment rates (3%). There are cases with zero payments in almost every category of restitution ordered, from the smallest to the largest amounts. Cases with restitution orders of less than \$3,500 have slightly better payment rates than larger restitution orders.

# START TREATMENT COURT OUTCOMES

Oregon Judicial  
Department

## Introduction

The Multnomah County Circuit Court operates several Problem Solving Courts which specialize in providing treatment and accountability services to select segments of defendants. These Problem Solving Courts have overlapped with the MCJRP program during the first three years that the MCJRP program has been in operation. The largest overlap is with the “Success Through Accountability, Restitution, and Treatment” (START) program. The START Court program is a drug court that includes intensive supervision and treatment for adults who have been convicted of one or more property or drug offenses, and who have been diagnosed with substance abuse disorders. The MCJRP program also overlaps with a few other treatment courts, namely the Driving Under the Influence of Intoxicants (DUII) Intensive Supervision Program (DISP), the Mental Health Court, and the Veterans’ Court. However, the frequency of overlap is much smaller in these other treatment court programs, and they do not have an adequate number of participants to determine the significance of the outcomes of the MCJRP-eligible cases that overlap with these programs.

START Court involves frequent court appearances, random drug testing, intensive supervision by a probation officer from the Multnomah County Department of Community Justice (DCJ), group and individual counseling sessions, and accountability for any fines, fees, or orders of restitution. In addition to outpatient treatment, the defendant may spend time in a residential treatment program. The court follows best practices endorsed by the National Association of Drug Court Professionals (NADCP) to implement incentives or sanctions with celerity to facilitate behavioral changes and solidify law-abiding habits. Examples of incentives may include gift cards, expedited court appearances, applause, or award certificates. Examples of sanctions may include brief stays in jail, electronic monitoring, writing assignments, or other methods recommended to the court by DCJ.

Certainly, these alternatives to prison are a long-term investment, permitting the defendant to remain in the community where they can continue to work and cultivate supportive family relationships. START Court clients move progressively through five phases defined by the intensity and types of treatment participation and programming. Successful completion of all general and special conditions of this probation results in a “graduation” from the START Court program. However, if a defendant is unable to comply with the rules of the START Court program, the defendant will be terminated from the program and the original presumptive sentence of prison will be imposed.

**URL: START Treatment Court**

<https://www.courts.oregon.gov/courts/multnomah/programs-services/Pages/treatment-courts.aspx>

## Summary

This analysis focused on three groups: MCJRP-eligible cases sentenced directly to the START Court program, MCJRP-eligible cases sentenced to MCJRP Probation Supervision but then transferred into START following a probation violation, and cases from the comparison group that were sentenced to the START Court program. The participants with MCJRP-eligible cases who were initially sentenced to the START treatment court program had the lowest revocation rate (26.9%) of the three groups. The participants who transferred into the START program had a revocation rate of 30.2%. This rate was also much lower than the START court participants in the comparison group, whose revocation rate was 45.3%.

## How We Measured Outcomes for MCJRP Defendants in the START Treatment Court Program

The START treatment court program is administered by a Program Coordinator who is a court employee. This START Program Coordinator adds tags to each START case to identify case details of interest to the court, in particular the date of program entry and the manner of exiting the program. These electronic tags exist in the court's case management system. The tags were used to identify cases for the present study as well as to assist in determining the outcomes of the cases.

*Who?* Cases with defendants convicted and sentenced to START Court in the comparison group were extracted from the overall comparison group to compare outcomes with all the cases in the MCJRP-eligible population where the case was convicted and the defendant was sentenced either directly to START at the initial plea and sentencing hearing, or was transferred into the START program at a later point during their probation supervision as an outcome of a probation violation (PV) hearing.<sup>4</sup>

For the sake of convenience throughout this chapter, the three study groups will be referred to as:

- **“START Initial Sentenced”** cases when a MCJRP-eligible case was sentenced directly into the START Court program,
- **“START Transfer”** cases when a MCJRP-eligible case was transferred into the START Court program following at least one probation violation from the MCJRP Probation Supervision, and
- **“Comparison Group START”** cases to signify those cases from the comparison group that entered START before the MCJRP program had commenced.

START Court participants often have several cases for which they are serving concurrent probation sentences. If an individual is participating in START Court and has multiple cases, at least one of those cases has been sentenced to START. It is not uncommon for START Court participants to have multiple coinciding START court cases. For this reason, there is not a 1-to-1 match of cases to people in any of the three groups used in the present study.

<sup>4</sup> We recognize that different cases may contain different numbers of charges stemming from varying numbers of criminal actions; however, in the interests of time and generalizability of findings, using a “case” as the unit of measure was deemed sufficient to meet the requirements of our methodology rather than separating out indicted or convicted charges or attempting to count unique criminal actions.

There were 67 cases in the comparison group that were sentenced to START Court. There were 63 unique defendants in this group; four defendants had two cases each. Among the MCJRP-eligible cases, there were 173 cases corresponding to 160 people who were initially sentenced to the START program following a conviction. Another 68 cases representing 63 people were transferred into the START program after having received an initial sentence to community supervision. We determined to keep the two groups of MCJRP-eligible cases (“Initials” and “Transfers”) separate during our analysis since the entry of the 68 transfer cases followed one or more incidents where probation conditions were violated, suggests that these cases were at a much higher risk for revocation when they were oriented into the START Treatment Court program.

All START Court participants possess one consistent characteristic. They have all been screened and assessed as being at very high risk to re-offend, more so than the average defendant with a MCJRP-eligible case. These participants have been rigorously evaluated using therapeutic tools to measure their addictions. The results of these therapeutic assessments indicate that the participants have very high prognostic needs for substance abuse treatment and pose a high risk of continued criminal behavior. In other words, they have a very high risk of failing to respond to standard interventions. Therefore, these participants merit the most intensive level of treatment services.

**TABLE 31. | Summary of Three Study Groups in the START Court Drug Treatment Program**

Three Study Groups		
START Initial from MCJRP	START Transfer from MCJRP	Comparison Group START
173 cases (160 people)	68 cases (63 people)	67 cases (63 people)

## Description of the MCJRP Defendants Participating in the START Treatment Court Program

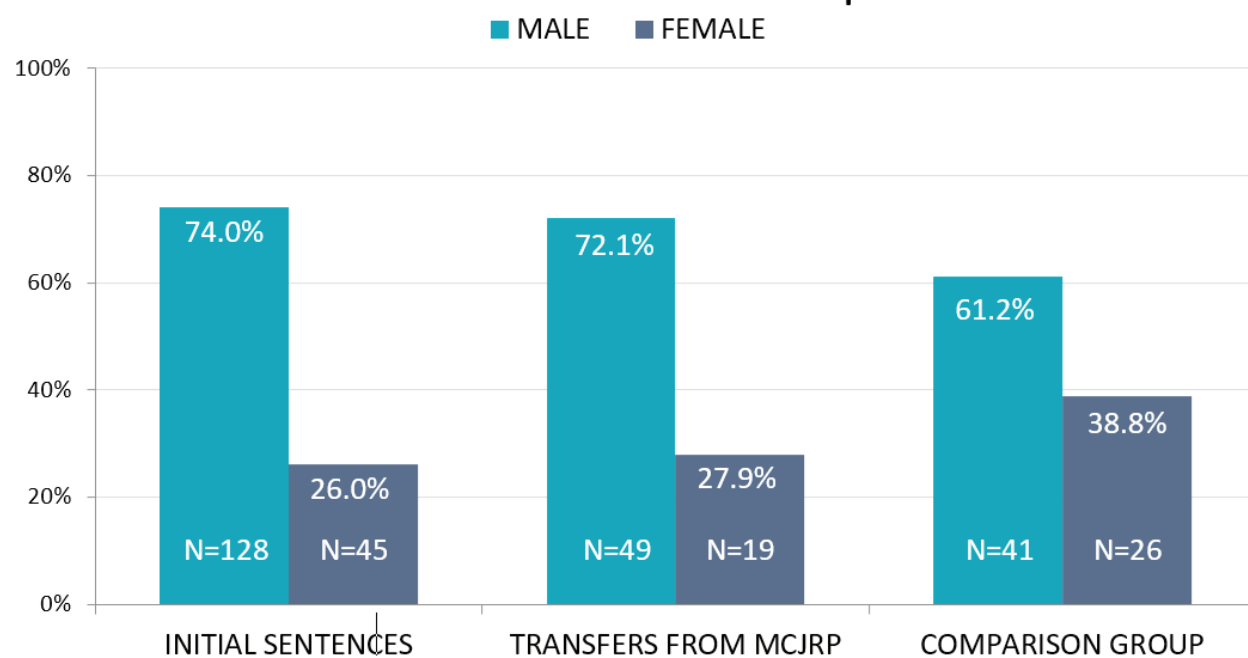
Among the START Initial group, the majority of participants had just one case (n=146). There were 12 individuals with 2 cases and 1 individual with 3 cases that were initially sentenced into the START treatment court program (173 cases; 160 people) from the MCJRP-eligible population. It is very likely that many of the participants with one START case had additional simultaneous cases, although the cases were misdemeanors or non-eligible felony convictions. There were also a handful of people with more than one MCJRP-eligible case in the group of individuals who were transferred into the START treatment court program (68 cases; 63 people).

The defendants with MCJRP-eligible cases that were sentenced to START, or were transferred into the START program, are not a representative sample of the overall MCJRP-eligible population. The case characteristics of these subsets are significantly different. For example, drug and property crimes account for approximately 75% of the overall MCJRP-eligible population, and the other 25% is divided among BM-11, behavioral, person, and vehicular crimes. In contrast, the START Initial group is composed

of 91.6% drug and property crime cases. The START Transfer group is composed of 84% drug and property crime cases. There are very few individuals in the START program who have been convicted of a MCJRP-eligible offense such as BM-11, person, or vehicular crimes.

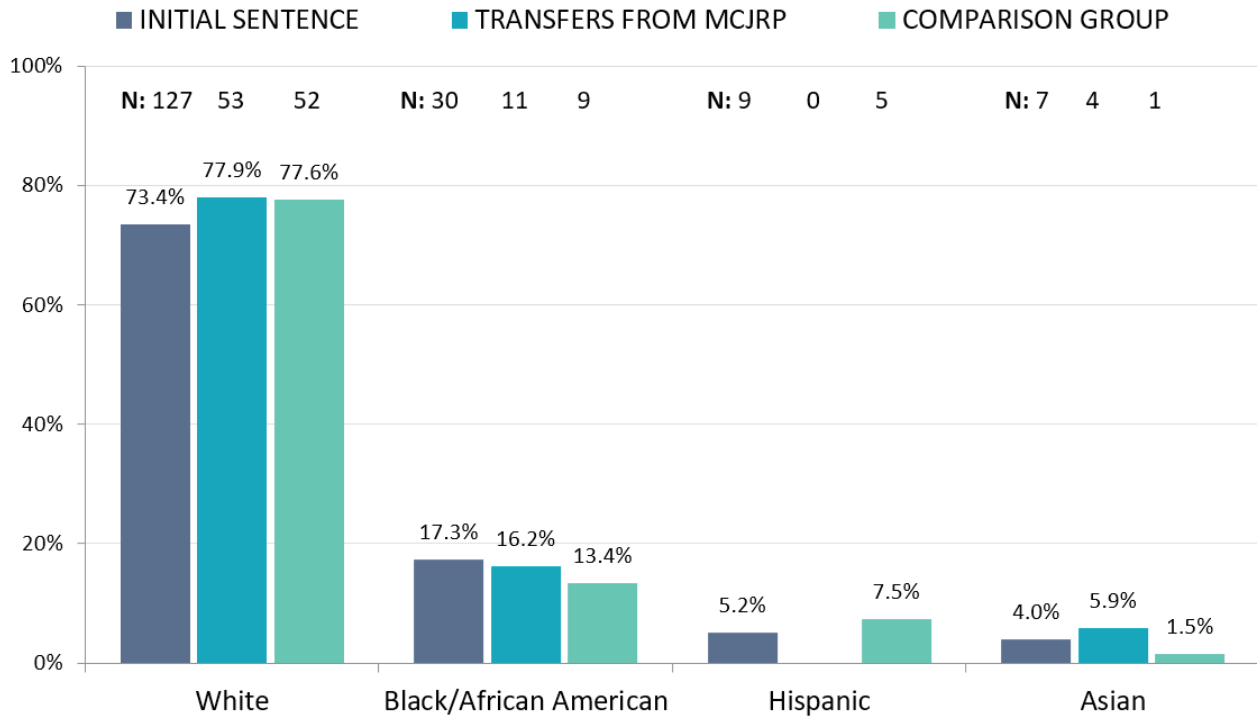
The gender distribution of START Court cases is not quite representative of the overall MCJRP-eligible case population. There were 78.4% of cases with a male defendant in the MCJRP-eligible case population. The male population in the START Transfer group and START Initial group was 72% and 74% respectively, indicating that cases with female defendants had a greater likelihood than cases with male defendants of being sentenced to START court.

**TABLE 32. | Gender Distribution of Cases in the three START Groups**



The proportions of cases with male defendants to cases with female defendants were very similar in the START Initial and START Transfer groups, but were significantly different from the cases in the START comparison group. One reason for having more cases with female defendants in the earlier START comparison group may be due to the paucity of alternative sentencing options available at that time. Prior to the implementation of MCJRP, START Drug Court was the only option available for intense supervision probation combined with drug treatment therapy.

**TABLE 33. | Race & Ethnicity Distribution of Cases in the three START Groups**



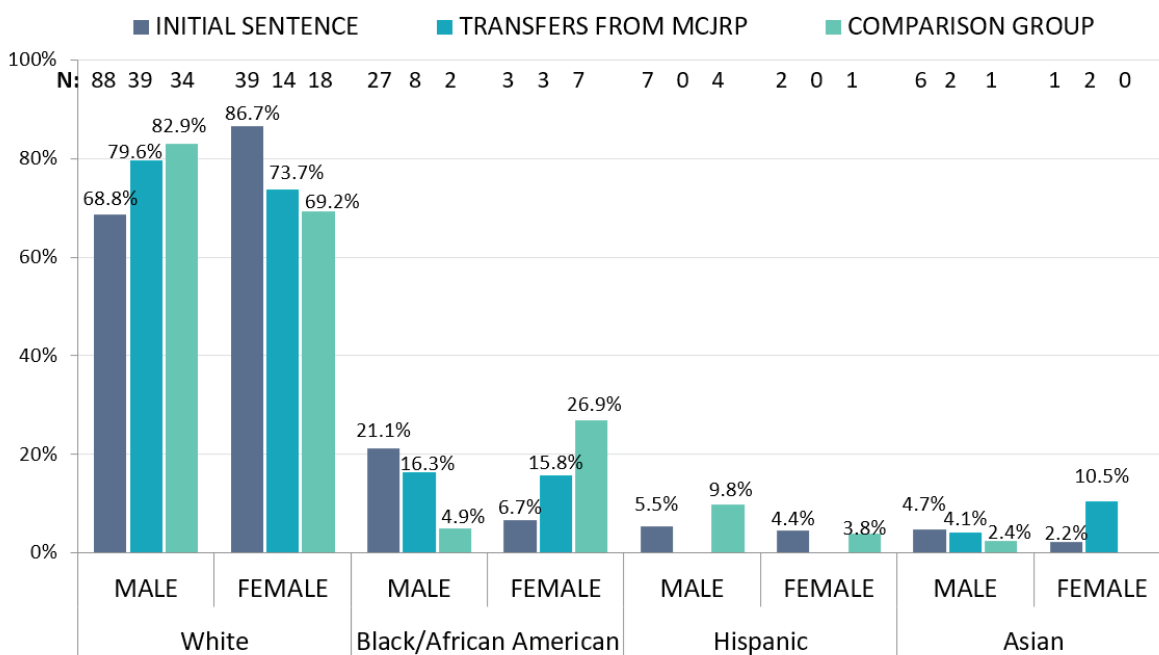
Among the three START study groups, the racial and ethnic distribution is very similar for Whites and Blacks/African Americans. Slight differences appear in the Hispanic group, but the actual numbers are very small. However, there were noticeable differences between the racial and ethnic distributions of the participants in the START court program compared to the overall MCJRP-eligible population.

While cases with White defendants made up 60.2% of the MCJRP-eligible case population, they made up 73.4% of the START Initial group and 78% of the START Transfer group. Cases with Black/African American defendants declined proportionately from 24% in the MCJRP-eligible case population to 17.3% in the START Initial group and 16.2% in the START Transfer group. The decline, however, appears to be a result of cases with Black/African American female defendants. There were four times as many cases with Black/African American male defendants in the START Initial Group as there were in the START comparison group. Cases with Hispanic defendants were rarely sentenced to START court (5.2% of the START Initial cases), although they comprised 12% of the cases in the MCJRP-eligible population. And no MCJRP-eligible cases with Hispanic defendants were transferred into the START program from MCJRP Probation Supervision. Among the MCJRP-eligible cases, those with Hispanic defendants are overwhelmingly under-represented in START Court.

Cases with Black/African American male defendants account for two-thirds of the people of color in the START initial group and three-quarters of the people of color in the START Transfer group. The cases in the START Initial Group appear to be the most racially and ethnically diverse of the three groups. The comparison group had significantly less cases with Black/African American male defendants, although they did have more cases with Black/African American female defendants.



TABLE 34. | Gender Distribution by Race & Ethnicity of Cases in the Three START Groups\*



\*The sum of Gender Percentages across the four Race & Ethnicity categories add up to 100%

## Description of START Cases in the Comparison Group

There were 64 unique individuals with 68 cases in the comparison group that went through the START Court program. All START Court participants from the comparison group had exited the program by the time this evaluation took place—either through completion of all program requirements, by revocation, or by transferring out to another community supervision program—since they had two to three years longer to be in the program than the MCJRP population. This temporal difference places the two MCJRP study groups at a disadvantage since they have had less time to finish or be revoked. Participants who completed the START Court program were there for an average of 708.7 days, ranging from a minimum of 126 days to a maximum of 1,457 days (almost four years). Participants who were revoked to prison from the START Court program had been in the program for an average of 575.1 days, ranging from a minimum of 61 days to a maximum of 1,469 days (almost four years).

Although the comparison group START cases are being used as a baseline measure in order to gauge the effectiveness of the MCJRP-eligible cases that are sent to the START Court, we cannot say with absolute certainty that comparison group START case are truly “comparable” to the later START cases that were sentenced to the START Court after being sorted into various treatment paths by the MCJRP program. The START cases in the comparison group were sentenced between mid-year 2012 to mid-year 2013, prior to the commencement of the MCJRP. The comparison group was not created with the purpose of including all START cases from that time period. Hence, there may be cases that were involved in the START Court during the time period, but not included in the comparison group. For a more detailed description of how the comparison group was created, refer to Appendix I.

## Description of the Two MCJRP-Eligible Groups in the Dataset

The two groups of MCJRP-eligible participants, those who were initially sentenced to START Court and those who were later transferred into the START Court program from MCJRP Probation Supervision, have had much less time to finish their programs. There were 46.2% of the START Initials and 42.6% of the START Transfers still actively participating in the START Treatment Court Program when this evaluation commenced. Therefore, the outcomes reported, and any conclusions drawn from them, should be considered preliminary until a larger proportion of the participants have exited the program. Similar to the comparison group, the participants with MCJRP-eligible cases also exited the program by completing all requirements for successful graduation, by revocation to prison, or by transferring out to another probation supervision program.

It is important to emphasize here that if there were no START Transfers group, these cases would have eventually been revoked to prison from MCJRP probation supervision. The behavior of the defendants with cases in the START Transfer group was approaching the level of being at risk for revocation. In an effort to match the needs of the individual with a more responsive treatment regime, various court actors and probation officers recommended sending the individual to START Court and, if possible, to find a better fit with the appropriate level of supervision and treatment dosage. Therefore, the successful completion of any case from the START Transfer group can be viewed as one less potential revocation from the overall MCJRP-eligible population.

The following table shows the three study groups and the proportions that are still actively involved in the START Court program as well as the number that transferred out of the program prior to finishing or graduating successfully. Those cases where the defendant was transferred out of the START program prior to completion or revocation were excluded from the analysis.

**TABLE 35. | Cases Still Active in START Court Program & Cases Transferred Out of START**

Cases still Active in the START Court Program		
START Initial from MCJRP	START Transfer from MCJRP	Comparison Group START
46.2% 80 out of 173 cases	42.6% 29 out of 68 cases	0.0% 0 out of 67 cases
Cases Transferred out of the START Court Program		
START Initial from MCJRP	START Transfer from MCJRP	Comparison Group START
6.4% 11 out of 173 cases	10.3% 7 out of 68 cases	14.9% 10 out of 67 cases

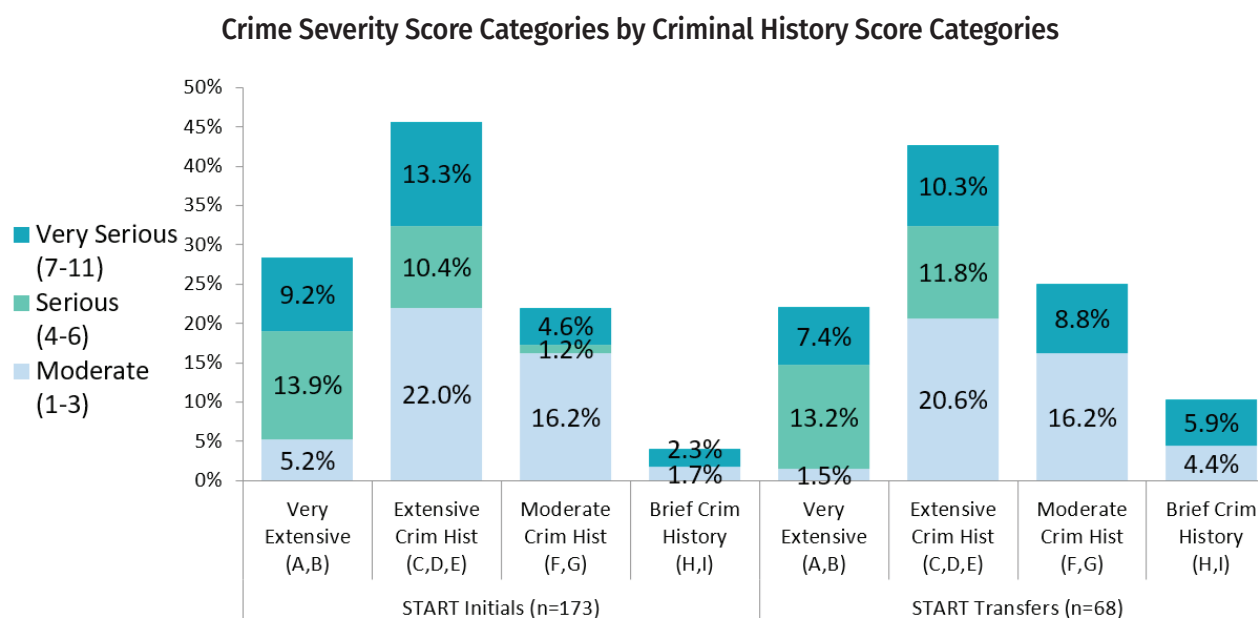
Thus far, the participants in the START Initial group have taken an average of 549 days (median = 476 days) to complete the program, ranging from a minimum of 211 to a maximum of 1,050 days (n=33). START Initial participants who ended the program through revocation to prison did it on an average of

414 days (median = 399 days) into the program, ranging from a minimum of 50 days to a maximum of 940 days (n=43). Participants in the START Transfer group have the lowest number of participants who have exited the program (n=9) by completion. The START Transfers who completed the program did it in an average of 502 days (median = 474 days), with a range of 371 to 705 days. Meanwhile, the START Transfer participants who were revoked to prison did it in an average of 362 days (median = 299 days), with a range of 71 to 881 days (n=19). If the total time on probation is taken into account, rather than just the time within the START Court program, START Transfers who were revoked were on probation for an average of 653 days (median = 663 days), with a range of 372 to 976 days.

The last attributes analyzed between the START groups and compared with the overall MCJRP-eligible population were grid scores drawn from the Sentencing Guidelines. In particular, the distributions of stipulated grid scores from the Sentencing Guidelines for the START Initial and START Transfer groups were compared to the overall distributions for all MCJRP-eligible cases. The Sentencing Guidelines grid scores were grouped into 12 categories. Crime severity scores (on the y-axis) were grouped into “Moderate,” “Serious” or “Very Serious.” Criminal history scores (on the x-axis) were grouped into “Brief,” “Moderate,” “Extensive,” or “Very Extensive.”

The stipulated grid scores from the Sentencing Guidelines scores of Crime Severity and Criminal History of the START Initials and START Transfers were very similar to the distributions for the convicted MCJRP-eligible cases and comparison group cases overall. That is, the largest percent of cases fell in the “Extensive Criminal History” category. Similarly, for the START Initials, the next largest category was in the “Very Extensive Criminal History” category. However, for the START Transfers, the second largest group was in the “Moderate Criminal History” category, followed closely by the “Very Extensive Criminal History” category.

**TABLE 36. | Stipulated Sentencing Guidelines Grid Score Categories for START Initial and Transfer Groups**



## START Court Participation and Payment of Restitution

Participation in the START Court program improves rates of restitution payments. Approximately one in three cases in the START Initial group had restitution orders imposed at sentencing. These 63 cases were ordered to pay a total sum of \$124,558.38, ranging from \$2 to \$18,465. Less than one-half of the cases have paid part or all of the restitution imposed. These 29 cases have paid a total of \$17,458.73. Payment amounts ranged from \$2 to \$2200. Although 34 cases have not yet paid any money toward their restitution orders, those who have paid account for 14% of the total amount of restitution imposed. This percentage is nearly double the percentage of 7.8% paid by all MCJRP-eligible cases sentenced to community supervision programs.

Likewise, in the START Transfer group, there were 18 cases with restitution orders totaling \$80,876.92. The amounts imposed on these cases ranged from \$343 to \$25,173. Eleven of the 18 cases have paid some amount toward the restitution ordered, and two cases have paid in full. The total amount paid on these 18 cases is \$8,502.81, or 10.5%. Again, this payment rate is still higher than the rate paid by all MCJRP-eligible cases sentenced to community supervision programs (7.8%), although not quite as high as the rate of the START Initial group.

Lastly, there were 22 cases in the comparison group START that were ordered to pay restitution at sentencing. The total amount imposed was \$119,514.61 and ranged from \$25 to \$80,665. Although this group has had longer time to make payments on the restitution imposed on their cases, they have actually paid only \$5,586.96, or 4.7% of the total amount imposed. Fourteen cases have paid at least some amount, and eight of these 14 have paid the entire amount of restitution imposed. Overall, it appears that factors such as being sentenced to community probation supervision rather than prison and participating in START Court have a greater influence on payment of restitution than time itself.

## Completion Outcomes of the Three START Groups

Both groups of cases from the MCJRP-eligible population had lower completion rates than the comparison group. Participants are active in the START drug court program for approximately two to four years. Almost one-half of the defendants from the MCJRP-eligible cases are still in the program while all of the defendants in the comparison group have completed the program. The cases from the comparison group were filed in 2012-2013. The MCJRP-eligible cases that participate in START Court were filed in 2014-2016. Hence these “completion” rates are too premature to draw conclusions.

TABLE 37. | **Completion Rates Among the People in the Three START Groups**

Completion Rates		
START Initial from MCJRP	START Transfer from MCJRP	Comparison Group START
20.6% (33 out of 160 people)	14.3% (9 out of 63 people)	38.1% (24 out of 63 people)

Although the completion rates are very premature, the revocation rates are more definitive since the majority of revocations occur in the initial stages of the program. As time passes, the likelihood of revocation declines. In this study, we found that those MCJRP-eligible cases with defendants sentenced directly to START had the lowest revocation rate of all three groups. The MCJRP-eligible cases with defendants that transferred into START from MCJRP Probation Supervision had a slightly higher revocation rate. However, the revocation rates for both of these groups were superior to the START participants from the comparison group.

## Completion & Revocation Outcomes for Cases Sentenced to START in Year 1 of MCJRP

We took a sub-sample of MCJRP-eligible cases from the START Initial group that was sentenced to the START Court Treatment Program during the first 12 months of MCJRP (July 2014 – June 2015). There were 35 cases in this sample. Notwithstanding the fact that these 35 cases were initially sentenced in 2014-2015, there are six cases that are still “Active” in the START program. Another six cases were transferred out of the program to another community supervision program. By excluding these 12 cases, the total number of cases remaining in the sample is 23. Of these 23 cases, 13 cases successfully completed the program (56.5%) and 10 cases were revoked to prison (43.5%). Although this sample is too small to draw any inferences, the completion rate is better than the corresponding rate in the comparison group.

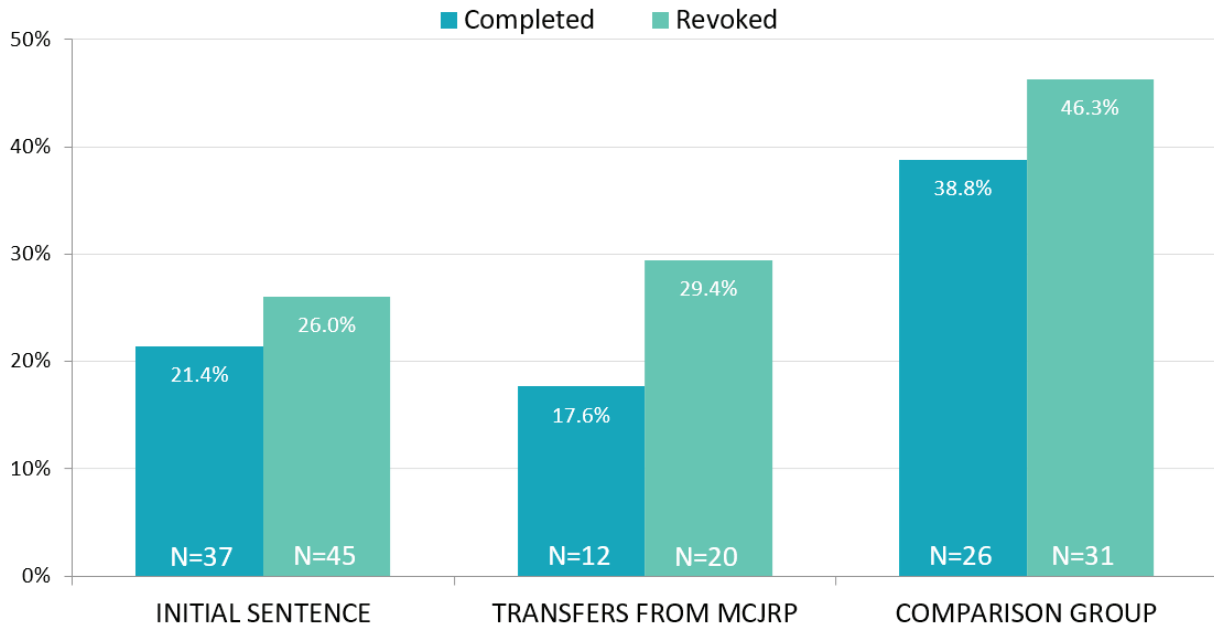
## Revocation Outcomes of the Three START Groups

TABLE 38. | **Revocation Rates Among the People in the Three START Groups**

Revocation Rates		
START Initial from MCJRP	START Transfer from MCJRP	Comparison Group START
26.9% (43 out of 160 people)	30.2% (19 out of 63 people)	46.0% (29 out of 63 people)

The percent of participants who were revoked from the two MCJRP groups is substantially lower than the comparison group, notwithstanding the different sample sizes. If this trend continues over time, it would add support to the benefits of the MCJRP program with pre-trial assessments, settlement conferences, and informed sentencing by the judiciary.

TABLE 39. | Percent of Cases Completed and Revoked for the Three START Groups



The ratio of completions to revocations is most divergent in the START Transfer group. This is probably due to the time problem mentioned earlier. Participants in the START Transfer group are the most recent participants in the START Court program, having transferred into START after first being sentenced to MCJRP Probation Supervision. The majority of revocations happen in the initial phases of the program. As time passes, the MCJRP-eligible cases with defendants who are active in the START Court program will complete the phases and finish the program. It is anticipated that the completion rate will surpass the completion rate of the comparison group START participants over time, and will likely have a revocation rate in between the comparison group and the START Initial Sentence group.

## Differences in Time to Revocation by Race and Ethnicity

The number of MCJRP-eligible cases for people of color who were revoked out of the START program was quite small in all three groups within the current study (comparison group, START Initial sentence, and START Transfers). The number of White defendants with MCJRP-eligible cases who were revoked out of the START program was two to three times higher in each of the three groups. Although these differences in group size limited our ability to discern the strength of the relationship between race and time to revocation across groups, it did reveal some interesting differences.

In both of the MCJRP-eligible groups of Initials and Transfers, cases with Black defendants had significantly less time to revocation than the cases with White defendants. In the START Initial sentence group, cases with White defendants (n=25) were in the START program for an average of 466 days before revocation (median = 462 days); cases with Black/African American defendants (n=13) were revoked after an average of 349 days (median = 311 days). In the START Transfer group, cases with White defendants (n=15) were in the START program for an average of 398 days before revocation (median =

399 days); cases with Black/African American defendants (n=4) were revoked after an average of 189 days (median = 199 days). These results were not shared with the START cases from the comparison group. In the comparison group, cases with White defendants (n=25) were in the START program for an average of 469 days (median = 358 days) before revocation; the average time to revocation for cases with Black/African American defendants (n=4) was 785 days (median = 699 days).

**TABLE 40. | Completion & Revocation Rates within each Race & Ethnicity Category for the 3 groups**

Numbers of Case Counts for the Completion and Revocation Rate				
Race & Ethnicity	Outcome	START Initial from MCJRP	START Transfer from MCJRP	Comparison Group START
White	Completed	30	9	20
	Revoked	25	15	26
Black/African American	Completed	6	0	4
	Revoked	13	4	4
Hispanic	Completed	0	0	1
	Revoked	5	0	1
Asian	Completed	1	3	1
	Revoked	2	1	0

## Conclusion

In summary, this study examines the outcomes of defendants with MCJRP-eligible cases that were sentenced to the START court program or transferred into the START court program after being sentenced to MCJRP Probation Supervision. These two groups were then compared to a small cohort of the comparison group who attended the START court program prior to the commencement of MCJRP. While it is too early to determine the true completion rate, the lower revocation rates of the defendants with MCJRP-eligible cases suggests that these defendants are benefitting from the MCJRP treatment process which is positively impacting their participation in the START court program. Lastly, they have better repayment rates for restitution imposed on their cases.

Since not all START court participants have been convicted of MCJRP-eligible crimes, these findings should not be extrapolated to the overall START drug court program. These results are specific and exclusively relevant to those cases that overlap both the MCJRP and START court programs.

# START OUTCOMES CHAPTER APPENDIX

## Supplemental Tables

TABLE 1. | Gender Distribution in Race & Ethnic Categories of Cases in Three START Groups

Percent Male & Female by Race & Ethnicity for Three Study Groups				
Race & Ethnicity	Gender	START Initial from MCJRP	START Transfer from MCJRP	Comparison Group START
White	Male	88 (69.3%)	39 (73.6%)	34 (65.4%)
	Female	39 (30.7%)	14 (26.4%)	18 (34.6%)
Black/African American	Male	27 (90.0%)	8 (72.7%)	2 (22.2%)
	Female	3 (10.0%)	3 (27.3%)	7 (77.8%)
Hispanic	Male	7 (77.8%)	0	4 (80.0%)
	Female	2 (22.2%)	0	1 (20.0%)
Asian	Male	6 (85.7%)	2 (50.0%)	1 (100%)
	Female	1 (14.3%)	2 (50.0%)	0 (0.0%)

TABLE 2. | Race & Ethnicity Distribution by Gender of Cases in the three START Groups

Percent of Total by Gender and by Race & Ethnicity for Three Study Groups				
Race & Ethnicity	Gender	START Initial from MCJRP	START Transfer from MCJRP	Comparison Group START
White	Male	50.9%	57.4%	50.7%
	Female	22.5%	20.6%	26.9%
Black/African American	Male	15.6%	11.8%	3.0%
	Female	1.7%	4.4%	10.4%
Hispanic	Male	4.0%	0.0%	6.0%
	Female	1.2%	0.0%	1.5%
Asian	Male	3.5%	2.9%	1.5%
	Female	0.6%	2.9%	0.0%
Total		100.0%	100.0%	100.0%

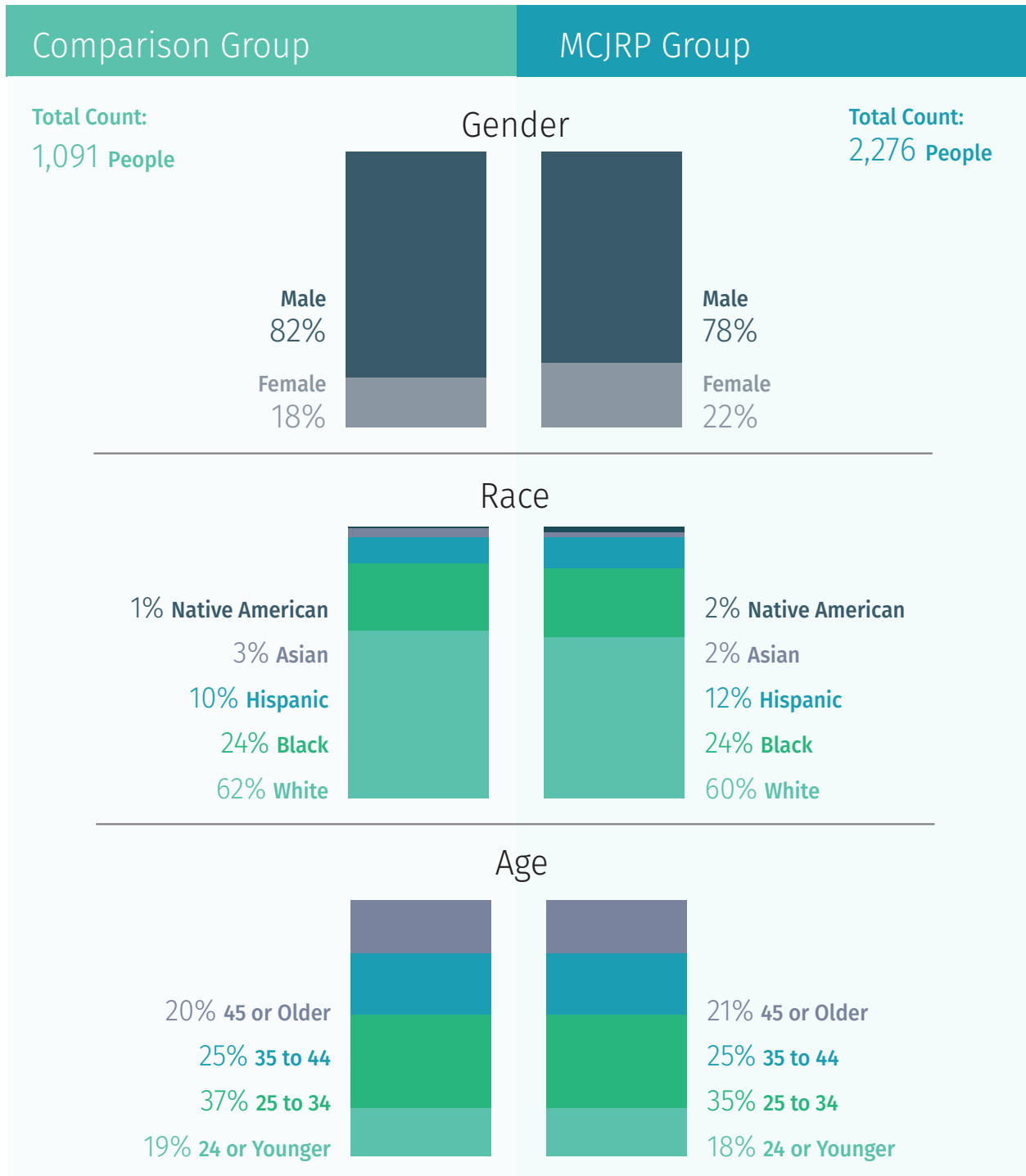


# PEOPLE OUTCOMES

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People Outcomes was developed by the Department of Community Justice & Multnomah County Sheriff's Office

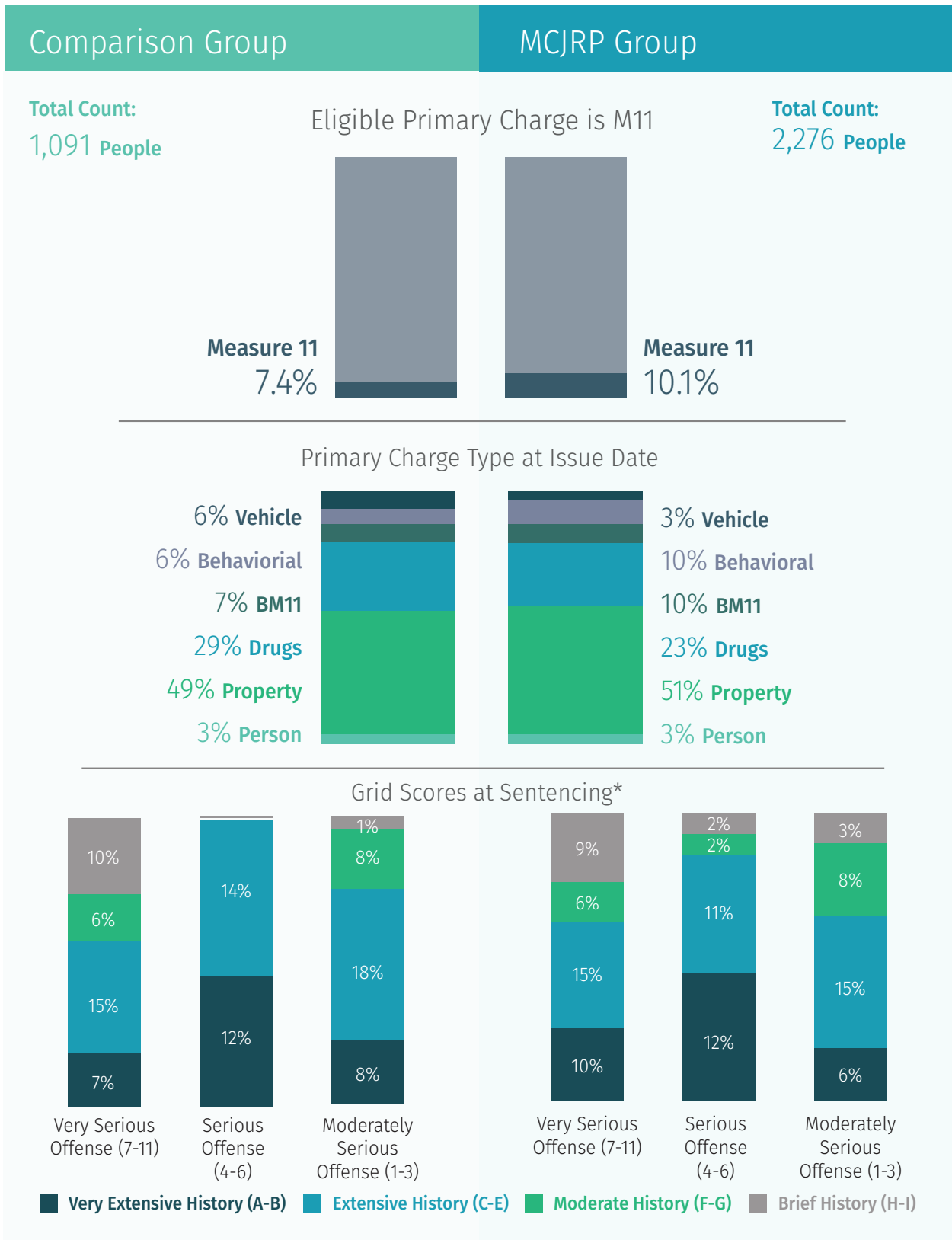
## Descriptives of Comparison Group<sup>5</sup> to MCJRP Group<sup>6</sup>



<sup>5</sup> **The Comparison Group** contains 1091 participants who would have been determined eligible for the program had it been available, where at least one eligible case was issued between 7/1/12 and 6/30/13. The comparison group was derived from case information found in the CRIMES, the District Attorney's Office database system.

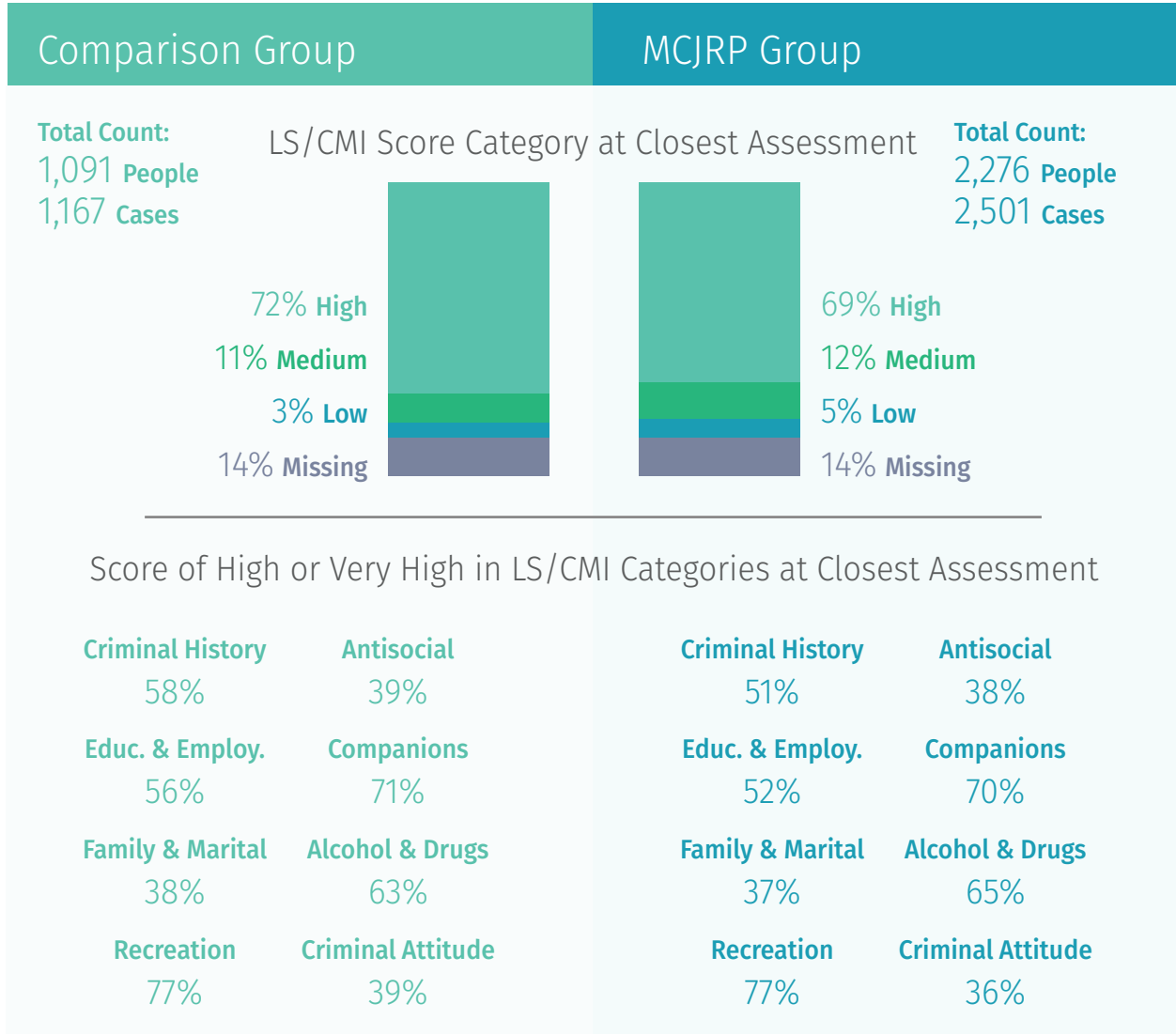
<sup>6</sup> **The MCJRP Group** contains 2276 participants who were determined to be eligible for the program, where at least one eligible case was issued between 7/1/14 and 6/30/16. These dates were chosen so all participants could have at least one year of outcome data as of 6/30/17, when the data for this report was collected.

## Descriptives of Comparison Group<sup>5</sup> to MCJRP Group<sup>6</sup> cont.



\*These numbers come from the final judgement and include both stipulated and actual grid scores.

## Descriptives of Comparison Group to MCJRP Group cont.



	Comparison	MCJRP
Average Days Out of Custody in Year before Issue Date	328	336
Average Fingerprinted Arrests in Year before Issue Date	0.67	0.69
Average Bookings in Year before Issue Date	1.41	1.48

# MCJRP PARTICIPANTS & PRISON USAGE

Department of  
Community Justice

## Introduction

Concerns over escalating prison costs have been one of the drivers for reform and justice reinvestment programming. Between 2000 and 2010, Oregon's prison rate increased by nearly 50%, growing to 14,000 inmates with a total biennial corrections budget over \$1.4 billion. Prior to Justice Reinvestment in 2013, the prison forecast for May 2017 was anticipated to be 15,308. After Justice Reinvestment, the prison population was actually 14,691 in May, 2017.<sup>7</sup> This section examines whether the local Multnomah County Justice Reinvestment Program (MCJRP) has contributed to the observed statewide decreases in prison intakes as well as any observed variations over time.

## Key Findings in this Chapter

**After two years, prison intakes of MCJRP participants continue to be consistently below the rates for those in the comparison group.**

Overall, the MCJRP group was 0.66 times less likely than the comparison group to be imprisoned within one year of sentencing. However, the imprisonment rate has dropped for all DA primary charge categories with the exception for drug charges (see BM-57 Drug and Other Drug charges). Although MCJRP has changed the frequency of prison sentences, it has not changed their length.

Relative to prison usage, there were also some observed differences in the experiences of different demographic and other sub-groups. Women, whites, and adults with a high risk in the LS/CMI alcohol and drug domain had a significantly lower relative rate index, indicating that they benefitted more from the implementation of MCJRP than other groups. Men, African Americans, and drug offenders (BM-57 and other) had a significantly higher RRI, indicating that they benefitted less from MCJRP implementation than other groups. There are significant racial differences observed within charge categories. Hispanics are dramatically overrepresented in the BM-57 Drug Offender category, which is one of the two charge types where MCJRP is failing to reduce prison usage.

<sup>7</sup> Oregon Criminal Justice Commission, <http://www.oregon.gov/cjc/data/Pages/main.aspx>

## How We Measured Prison Usage

**Who?** We compared all defendants who were sentenced in the comparison group<sup>8</sup> with all defendants who were sentenced in the MCJRP group.<sup>9</sup>

**What?** We examined three measures of prison usage:

- **Imprisoned after sentencing:** When a defendant is held in a DOC prison facility for any reason within 12-24 months of the initial MCJRP sentence date. The usual reasons for imprisonment are the initial sentence, revocation, or a new case.
- **Imprisoned after probation start:** When a defendant is held in a DOC prison facility for any reason within 12-24 months of starting DCJ probation supervision. To start DCJ probation supervision, the defendant must be convicted, sentenced to probation, not in custody (jail or prison), and assigned to active DCJ supervision at least two days after the initial sentence date. This measure is similar to “imprisoned after sentencing,” but since it only includes defendants not initially sentenced to prison, the reasons for imprisonment do not include the initial sentence.
- **Length of prison sentences received:** If released from the DOC prison facility, the actual length of time spent in prison. If not yet released from prison, an estimate of how long they will spend in prison, determined by Department of Correction’s sentencing calculation department. An estimate is needed because time served, time off for good behavior, and Short Term Trans Leave can all change the actual release date.

**For how long?** Both the MCJRP and comparison group histories were followed for either 24 months or until 6/30/17 (when the data for this report was pulled), whichever came first. Only defendants with complete data (either 12 or 24 months, depending on analysis) were kept. MCJRP Year 1 is comprised of all MCJRP defendants who had an issue date between 7/1/14 and 6/30/15. MCJRP Year 2 is comprised of all MCJRP defendants who had an issue date between 7/1/15 and 6/30/16. Defendants with an issue date after 7/1/16 had no chance for a complete 12 months of data on any measure, so they will be examined in future reports.

<sup>8</sup> The group of all people with cases issued between 7/1/12 and 7/1/13 who the DA determined would have been eligible for the MCJRP if it had been available before 2014.

<sup>9</sup> The group of all people eligible for MCJRP probation supervision during the programs existence (regardless of eventual sentence to prison or community), minus those who opted out of it.

## Analysis Results

TABLE 41. | **Percent of Adults with a Prison Intake Following Their Initial Sentence Date**

	12 mos	24 mos	% Difference	Sig Level at Yr 1
<b>Comparison Group</b>	58% (N=1,083)	63% (N=1,082)	19.9%	<0.001
<b>MCJRP Combined</b>	38% (N=1,596)	44% (N=591)		
<b>MCJRP Year 1</b>	38% (N=1,010)	44% (N=591)	0.3%	0.76
<b>MCJRP Year 2</b>	38% (N=586)	- (N=0)		

TABLE 42. | **Average Prison Sentence Length among Adults Imprisoned within One Year of Issue Date**

	Total Prison Days Imposed Per Year	Ave LOS	Sig Level
<b>Comparison Group</b>	428,754	763 Days (N=562)	0.472
<b>MCJRP Combined</b>	231,901	706 Days (N=657)	
<b>MCJRP Year 1</b>	248,263	709 Days (N=350)	0.877
<b>MCJRP Year 2</b>	215,538	702 Days (N=307)	

### Summary of Tables 41 & 42:

- After two years, prison intakes of MCJRP participants continue to be consistently below the rates for those in the comparison group. Although we cannot attribute this effect to any individual parts of MCJRP (pre-trial assessments, judicial sentencing conferences, etc.), it is clear that as a whole MCJRP is dramatically lowering prison usage.
- The 12-month MCJRP imprisonment rate is 38%, which is higher than the 33% number from last year's report. This is because time has passed, allowing a more complete dataset to be generated, especially from individuals who were sentenced after longer periods of time between case issue date and sentence date. See Appendix D for how more advanced techniques can give more accurate estimates.
- There were no significant differences in the rate of prison intakes between the first and second year of MCJRP. In fact, the imprisonment rate for MCJRP has been remarkably consistent.
- MCJRP has changed the frequency of prison sentences but it has not changed their length. Even though the length of sentences has not changed significantly, the smaller number of sentences has drastically reduced the number of prison days imposed per year.



**TABLE 43. | Among all those imprisoned within one year of sentence date, including first sentences and revocations, what crime categories were they charged with?**

DA Primary Charge Categories	Comparison	Total MCJRP	P-Value	MCJRP Year 1	MCJRP Year 2	P-Value
BM-57 - Property Offender	280 (45%)	237 (39%)	0.050	166 (43%)	71 (32%)	0.012
Other Drug	63 (10%)	85 (14%)	0.040	60 (16%)	25 (11%)	0.177
Other Property	62 (10%)	79 (13%)	0.092	38 (10%)	41 (19%)	0.002
BM-11	61 (10%)	76 (13%)	0.124	45 (12%)	31 (14%)	0.448
Behavioral	36 (6%)	49 (8%)	0.116	25 (6%)	24 (11%)	0.063
BM-57 - Drug Offender	82 (13%)	56 (9%)	0.036	34 (9%)	22 (10%)	0.661
Person	14 (2%)	14 (2%)	0.999	10 (3%)	4 (2%)	0.594
Vehicle	29 (5%)	11 (2%)	0.006	9 (2%)	2 (1%)	0.340
Total	627 (100%)	607 (100%)	-	387 (100%)	220 (100%)	-

**TABLE 44. | Among all those charged with each crime category, how likely were they to be imprisoned, including first sentences and revocations, within one year of sentence date?**

DA Primary Charge Categories	Comparison	Total MCJRP	P-Value	MCJRP Year 1	MCJRP Year 2	P-Value
BM-57 - Property Offender	413 (68%)	572 (41%)	0.000	393 (42%)	179 (40%)	0.576
Other Drug	206 (31%)	305 (28%)	0.549	205 (29%)	100 (25%)	0.498
Other Property	114 (54%)	244 (32%)	0.000	124 (31%)	120 (34%)	0.583
BM-11	81 (75%)	160 (48%)	0.000	94 (48%)	66 (47%)	0.999
Behavioral	67 (54%)	148 (33%)	0.005	83 (30%)	65 (37%)	0.476
BM-57 - Drug Offender	106 (77%)	67 (84%)	0.343	44 (77%)	23 (96%)	0.082
Person	31 (45%)	49 (29%)	0.151	32 (31%)	17 (24%)	0.740
Vehicle	65 (45%)	51 (22%)	0.011	35 (26%)	16 (13%)	0.469
Total	1083 (58%)	1596 (38%)	0.000	1010 (38%)	586 (38%)	0.789

### Summary of Tables 43 & 44:

- The types of DA primary charge categories held by the prisoner population from Multnomah County have not meaningfully changed between the comparison and MCJRP groups.
- However, the imprisonment rate has dropped for all DA primary charge categories with the exception of drug charges (see BM-57 Drug and Other Drug charges).
- Although the imprisonment rate for “other drug” charges was and remains low (about 30%), it is not being reduced by the MCJRP program.
- The imprisonment rate for BM-57 – Drug Offenders was and remains high (about 80%), and it is not being reduced by the MCJRP program.
- There is no statistically significant difference in imprisonment rates post-sentence between MCJRP year 1 and year 2, meaning the program is having consistent effects over time.



TABLE 45. | Adults Imprisoned Within One Year of Sentence Date

		Total # of Sentenced Adults		# of Adults Imprisoned		RRI	P-Value
		Comparison	MCJRP	Comparison	MCJRP		
<b># Within 1 Year of Sentence Date</b>		1083	1596	627	607	0.66	
<b>Gender</b>	Male	884	1235	535	516	0.69	0.018
	Female	199	361	92	91	0.55	0.018
<b>Race</b>	White	668	1005	400	360	0.60	0.004
	Black	264	355	132	143	0.81	0.005
	Hispanic	109	173	74	83	0.71	0.533
	Other**						
<b>Age</b>	24 or Younger	204	286	100	109	0.78	0.117
	25-34	397	558	227	217	0.68	0.999
	35-44	266	384	186	165	0.61	0.153
	45 or Older	216	311	114	116	0.71	0.624
<b>Grid Score - Crime Seriousness*</b>	Moderately Serious (1-3)	376	521	240	215	0.65	0.603
	Serious (4-6)	284	406	128	137	0.75	0.087
	Very Serious (7-10)	420	634	258	252	0.65	0.539
<b>Grid Score - Criminal History*</b>	Brief (H-I)	127	227	42	53	0.71	0.495
	Moderate (F-G)	156	264	75	80	0.63	0.671
	Extensive (A-B)	508	633	329	281	0.69	0.379
	Very Extensive (A-B)	290	437	181	190	0.70	0.380
<b>LS/CMI Overall</b>	Missing**						
	Very Low and Low**						
	Medium	118	192	61	70	0.71	0.458
	High	440	653	273	248	0.61	0.131
	Very High	345	542	246	262	0.68	0.495
<b>High or Very High in LS/CMI Domain</b>	Criminal History	546	753	387	366	0.69	0.189
	Education & Employment	527	784	333	344	0.69	0.100
	Family & Marital	354	556	239	225	0.60	0.100
	Leisure & Recreation	721	1129	464	486	0.67	0.293
	Companions	668	1050	435	459	0.67	0.299
	Alcohol & Drug	586	991	388	398	0.61	0.009
	Procriminal Attitude	363	540	263	259	0.66	0.817
	Antisocial Pattern	367	565	247	262	0.69	0.295
<b>DA Primary Charge Categories</b>	BM-57 - Property Offender	413	572	280	237	0.61	0.184
	Other Drug	206	305	63	85	0.91	0.000
	Other Property	114	244	62	79	0.60	0.360
	BM-11	81	160	61	76	0.63	0.740
	Behavioral	67	148	36	49	0.62	0.651
	BM-57 - Drug Offender	106	67	82	56	1.08	0.002
	Person**						
	Vehicle	65	51	29	11	0.48	0.158

\*These numbers come from the final judgement and include both stipulated and actual grid scores

\*\*Sample size too small for RRI calculations.

## Summary of Table 45:

For both the comparison and MCJRP groups, Table 45 displays the total number of adults sentenced, how many of those sentenced were imprisoned, and the Relative Rate Index (RRI) between the comparison and MCJRP group. The RRI is the percent of adults imprisoned in the MCJRP group divided by the percent of adults imprisoned in the comparison group. It is the ratio (if sample sizes were equal) of how many adults were imprisoned in the comparison group to how many were imprisoned in the MCJRP group.

Overall, the MCJRP group had an RRI of 0.66, which means that an adult in the MCJRP group was 0.66 times less likely than an adult in the comparison group to be imprisoned within one year of sentencing. In other words, for every 100 adults who were imprisoned in the comparison group, only 66 were imprisoned in the MCJRP group. Consistent with previously stated findings, this confirms that MCJRP is showing significant prison reductions for participants.

Table 45 shows this information for all demographic groups, allowing us to examine whether the benefits of MCJRP are being equally distributed to everyone. To assist us in this, the p-value column shows whether each demographic has a significantly different RRI than the rest of the population. For example, the p-value for “ages 24 or younger” is 0.117, indicating that the change in likelihood of imprisonment caused by the MCJRP program for adults aged 24 or younger is not significantly different from other ages.

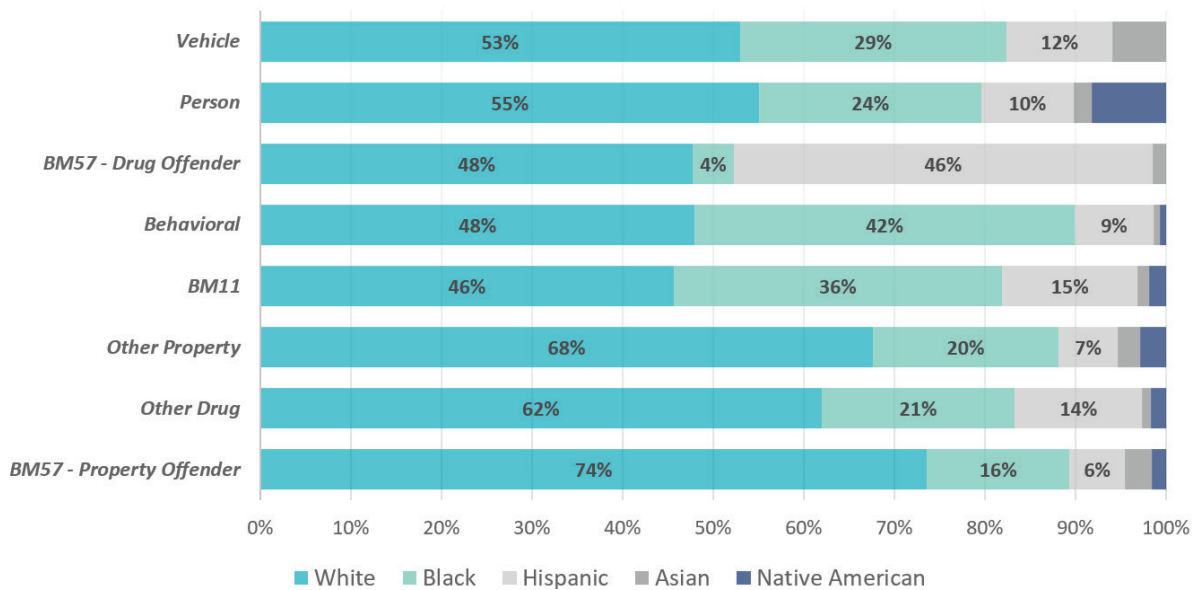
Most demographic groups benefitted about equally from the reduction in prison caused by MCJRP. We used RRI because it accounts for the fact that some demographics are more likely to receive prison time; for instance, adults with “Brief” criminal history were about half as likely to be imprisoned as those with “Very Extensive” criminal history. RRI accounts for these differences and only looks to see whether the reduction in prison from MCJRP is spread proportionally. The RRIs for most demographic groups did not have a statistically significant difference from the overall RRI of 0.66. However, there are some notable exceptions when further examining the relative rates of groups:

- Women, whites, and adults with a high risk in the LS/CMI alcohol and drug domain had a significantly lower RRI than 0.66, indicating that they benefitted more from MCJRP than other groups.
- Men, African Americans, and drug offenders (BM-57 and other) had a significantly higher RRI than 0.66, indicating that they benefitted less from MCJRP than other groups.
- Further exploration of how prison usage varies by race within specific charge categories continues in Tables 46 & 47.

TABLE 46. | MCJRP Group Sentenced Adults by Race and Charge Category

	Total	BM-57 - Property Offender	Other Drug	Other Property	BM-11	Behavioral	BM-57 - Drug Offender	Person	Vehicle
Total	1596 (100%)	572 (100%)	305 (100%)	244 (100%)	160 (100%)	148 (100%)	67 (100%)	49 (100%)	51 (100%)
White	1005 (63%)	421 (74%)	189 (62%)	165 (68%)	73 (46%)	71 (48%)	32 (48%)	27 (55%)	27 (53%)
Black	355 (22%)	90 (16%)	65 (21%)	50 (20%)	58 (36%)	62 (42%)	3 (4%)	12 (24%)	15 (29%)
Hispanic	173 (11%)	35 (6%)	43 (14%)	16 (7%)	24 (15%)	13 (9%)	31 (46%)	5 (10%)	6 (12%)
Asian	34 (2%)	17 (3%)	3 (1%)	6 (2%)	2 (1%)	1 (1%)	1 (1%)	1 (2%)	3 (6%)
Native American	29 (2%)	9 (2%)	5 (2%)	7 (3%)	3 (2%)	1 (1%)	0 (0%)	4 (8%)	0 (0%)

TABLE 47. | MCJRP Group Sentenced Adults by Race and Charge Category



### Summary of Table 46 and Figure 47:

- Tables 46 & 47 focus on members of the MCJRP group exclusively – combining Year 1 & Year 2 participants. Table 47 is a graphical representation of table 46, to help better visualize the racial differences between charge types.
- There are significant racial differences in charge category. Hispanics are dramatically overrepresented in the BM-57 Drug Offender category, which is one of the two charge types where MCJRP is failing to reduce prison usage.
- African Americans are overrepresented in the BM-11 and Behavioral categories; however, MCJRP is actively reducing the imprisonment rate in those categories.

# MCJRP PARTICIPANTS & RECIDIVISM

Department of  
Community Justice

## Introduction

Public safety is a core value of Justice Reinvestment. Accordingly, recidivism is monitored closely to ensure that program participants can be diverted safely out of the prison system and remain in their local communities. Recidivism is influenced by a variety of factors such as individuals' risks and needs, the impact of community corrections programs, and the availability of State/County resources (such as drug treatment, housing, and mental health programs). In 2013, HB3194 redefined recidivism for the State of Oregon as a new arrest, conviction, or incarceration of a person within three years of his/her release from incarceration or imposition of probation. This report is a preliminary view of recidivism using a 24-month outcome window.

## Key Findings in this Chapter

**A clear majority of MCJRP participants do not recidivate. MCJRP participants do not recidivate at a higher rate and pose no greater threat to the community than those who were being sentenced to the community prior to MCJRP implementation. Looking at the arrest rates in LEDS, we see no statistically significant differences in the 12-month recidivism rates of comparison group probationers, comparison group post-prisoners, MCJRP group community probationers, and MCJRP probation supervision probationers.**

We do begin to see some differences in the 24-month recidivism rate, as MCJRP probation supervision probationers begin to have a statistically significant decrease in recidivism. However, this should be interpreted with caution as the sample size is much smaller and may not be representative of the larger MCJRP population; in particular, MCJRP probationers overall are not significantly different from comparison group probationers.

When MCJRP probation supervision probationers recidivate, the list of most frequent primary charges is dominated by theft and drug charges. However, no single charge dominates the field: even the most frequent recidivating charge – possession of methamphetamine – was only 19% of all charges.

Many demographic factors show some ability to predict recidivism in MCJRP probation supervision probationers, although the accuracy of those predictions is limited. The best predictor of recidivism is the defendant's LS/CMI score - a validated risk tool that was designed to predict recidivism. Other available measures of criminal history and crime seriousness were not found to make discerning predictions of subsequent behavior.

## How We Measured Recidivism

**Who?** In this section, we compare different groups of people described below:

- **Comparison Group – Sentenced to Community:** All adults from the comparison group who would have been eligible for MCJRP, their initial sentence was to a community-based setting, and they began DCJ probation (includes traditional probation, START and STOP court). This would not include bench probation.
- **MCJRP Group – Sentenced to Community:** All adults who were eligible for MCJRP, went through the MCJRP process, their initial sentence was to a community-based setting, and they began DCJ probation (includes traditional probation, START & STOP court). This would not include bench probation.
- **Comparison Group – Post-Prison Supervision:** This is a special sub-group of the comparison group. These are adults who would have been eligible for MCJRP, were sentenced to prison, have been released from a DOC facility and have now started post-prison supervision.
- **MCJRP Probation Supervision:** This is a special sub-group of the MCJRP Group. This includes only those participants who went through the MCJRP process and were initially sentenced to the MCJRP probation supervision program. We can also distinguish Year 1 and Year 2 cohorts. Cohort membership is based on the MCJRP case issue date: if a person's first case is issued in the first year of the program, that person is classified as part of MCJRP Year 1 for all future events (sentencing, recidivism, etc.), even if those future events occur in later years. This maximizes the comparability between cohorts, and is consistent with the interpretation that MCJRP is an ongoing process that begins when the adult first touches the criminal justice system, and has continuing ramifications throughout future criminal justice experiences.
- **MCJRP Eligible Non-MCJRP Probation:** This is a special sub-group of the MCJRP Group. This includes only those participants who went through the MCJRP process and were initially sentenced to community supervision other than the MCJRP probation supervision program. This consists of mostly traditional DCJ probation and specialty courts.

**What?** We primarily look at recidivism, which we measure as any LEDS arrest for new crime within 12-24 months of starting active DCJ supervision. We also look briefly at revocations within 12-24 months of starting probation. Revocations are a decision that the probation has failed, and the originally suspended prison sentence should be enforced.

To start DCJ probation supervision, the defendant must be convicted, sentenced to probation, not in custody (jail or prison), and assigned to active DCJ supervision at least two days after the initial sentence date. To start DCJ post-prison supervision, the defendant must be convicted, sentenced to prison, and then later released from prison and assigned to active DCJ supervision.

**For how long?** Both the MCJRP and comparison defendant histories were followed for either 24 months or until 6/30/17 (when the data for this report was pulled), whichever came first. Only defendants with complete data (either 12 or 24 months, depending on analysis) were included in the analyses that follow.

## Analysis Results

TABLE 48. | Pre and Post Comparison of Recidivism Measures\*

	Comparison Group – Sentenced to Community	MCJRP Group – Sentenced to Community	P-values: Comparison Community vs MCJRP Community
% Arrested within <b>12</b> mos.	29% (N=489)	29% (N=1039)	0.949
% Arrested within <b>24</b> mos.	42% (N=488)	36% (N=376)	0.123
Avg Number of Days to first arrest of those arrested within <b>12</b> months	138.1 (N=489)	133.5 (N=1039)	0.646
Avg Number of Days to first arrest of those arrested within <b>24</b> months	258.6 (N=488)	203.8 (N=376)	<b>0.014</b>
Avg Number Arrests within <b>12</b> mos.	0.41 (N=489)	0.40 (N=1039)	0.825
Avg Number Arrests within <b>24</b> mos.	0.73 (N=488)	0.63 (N=376)	0.203

\*Statistically significant differences appear in bold.

### Summary of Table 48:

- This table compares the recidivism rates of members of both the comparison group and the MCJRP Group who were sentenced to community-based settings. Consistent with the statewide definition of recidivism, these participants had more freedom to commit crimes as compared to adults in custody.
- Examining the MCJRP Group, the clear majority of MCJRP participants are successful and are not arrested for a new crime within two years. This is consistent with the success rates observed in the first preliminary outcomes report.
- **MCJRP has not increased any public safety risks to the community.** There are no significant differences between the one-year LEDS arrest recidivism of people in the comparison group sentenced to community supervision, and the MCJRP group sentenced to community supervision. The numbers are virtually identical between the two groups.
- The MCJRP community group two-year recidivism numbers appear slightly better than the comparison community group, although the difference is not statistically significant due to the small sample size.

TABLE 49. | Percent of Probationers Revoked to Prison - Measured from supervision start date

	Comparison Group – Sentenced to Community	MCJRP Group – Sentenced to Community	P-values: Comparison Community vs MCJRP Community	MCJRP Group – Year 1 Community	MCJRP Group – Year 2 Community	P-values: MCJRP Year 1 vs Year 2
% Revoked within <b>12</b> mos.	12% (N=489)	13% (N=1039)	.746	12% (N=658)	15% (N=381)	.126
% Revoked within <b>24</b> mos.	21% (N=488)	24% (N=376)	.251	24% (N=376)	NA	NA
Avg number of days to revocation of those revoked within <b>12</b> months	217.7 (N=489)	205.5 (N=1039)	.366	209 (N=658)	200.9 (N=381)	.593
Avg number of days to revocation of those revoked within <b>24</b> months	336.5 (N=488)	368.6 (N=376)	.212	368.6 (N=376)	NA	NA

### Summary of Table 49:

- Revocations rates are another indicator of success of the participant in the community. Focusing first on the MCJRP group, the vast majority of participants are do not have their probation revoked.
- Overall, there are no statistically significant differences in 12- or 24-month revocation rates between the comparison and MCJRP groups.
- MCJRP has also not significantly hastened the speed of revocations. If a probationer is revoked within the first year, it usually takes about 200 days.
- As the program continues to mature, we see no statistically significant differences in 12-month revocation rates between the Year 1 and Year 2 MCJRP cohorts.

TABLE 50. | Recidivism Rates for Comparison Group Post-Prisoners

	Comparison Group – Post-Prison Supervision	Comparison Group – Sentenced to Community	MCJRP Group – Sentenced to Community	P-values: Comparison Post-Prison vs Comparison Community	P-values: Comparison Post-Prison vs MCJRP Community
% recidivated 12 mos.	29% (N=462)	29% (N=489)	29% (N=1039)	0.889	0.906
% recidivated 24 mos.	46% (N=393)	42% (N=488)	36% (N=376)	0.244	<b>0.010</b>

## Summary of Table 50:

- The majority of comparison group post-prisoners are successful and are not arrested for a new crime within two years.
- There is no statistically significant difference between the 12-month recidivism rates of comparison group post-prisoners, comparison group probationers, or MCJRP group community probationers.
- However, comparison group post-prisoners do have a statistically significant increase in 24-month recidivism rates compared to MCJRP group community probationers. We recommend caution in these results until the increased sample size gives us more certainty.

**TABLE 51. | Recidivism Rates for MCJRP Probation Supervision - Measured from supervision start date\***

	MCJRP Probation Supervision	MCJRP Eligible Non-MCJRP Probationer	P-values: MCJRP Probation vs Non-MCJRP	MCJRP Probation Supervision Year 1	MCJRP Probation Supervision Year 2	P-values: MCJRP Probation Yr 1 vs Yr 2
% recidivated 12 mos.	26% (N=736)	36% (N=303)	<b>0.003</b>	25% (N=443)	29% (N=293)	0.184
% recidivated 24 mos.	33% (N=246)	44% (N=130)	<b>0.030</b>	33% (N=246)	NA	NA

\*Statistically significant differences appear in bold.

## Summary of Table 51:

- As a reminder, this is not a perfectly clean comparison, as it is based solely on initial sentence. Probationers can be transferred between these programs – especially between START Court and MCJRP probation supervision – without changing the sub-group they were assigned to based on their initial sentence.
- The clear majority of MCJRP group community probationers are successful and are not arrested for a new crime within two years.
- MCJRP eligible non-MCJRP probationers have significantly higher recidivism rates than MCJRP probation supervision probationers. However, it remains to be seen whether this is due to a difference between the programs or between which newly sentenced probationers are being chosen for each program.
- We see no statistically significant differences in the recidivism rates of probationers who started in the first year of the program versus those who started in the second year of the program. MCJRP probation supervision has been able to maintain success as the program matures.



**TABLE 52. | Most Frequent Primary Charges on MCJRP Probation Supervision Probationers**  
**New Arrests date\***

Number of MCJRP probation supervision probationers with at least one year of supervision	736
Number of MCJRP probation supervision probationers who recidivated within one year of supervision	194
<b>Most Frequent New Charges</b>	
POSSESS METH	36
UNAUTHORIZED USE VEHICLE	28
POSSESS HEROIN	16
THEFT II	11
THEFT I	9
BURGLARY I	6
FIREARM - FELON POSSESS	5
DRIVE SUSPENDED/REVOKED FELO	4
DELIV/MANU CONT SUB - SCH I	4
POSSESS COCAINE	4
ASSAULT IV	4
ROBBERY I	4

### Summary of Table 52:

- The high majority of MCJRP probation supervision probationers are successful and are not arrested for a new crime.
- When MCJRP probation supervision probationers recidivate for new crimes, the list of most frequent primary charges is dominated by theft and drug charges.
- No single charge dominates the field: the most frequent recidivating charge – possession of methamphetamine – was 19% of all charges.

**TABLE 53. | Comparing Crime Types Committed by Recidivists in Different Time Periods**

		Comparison Group – Sentenced to Community	MCJRP Group – Sentenced to Community	MCJRP Group – Sentenced to Community Year 1	MCJRP Group – Sentenced to Community Year 2
1-12 Months	All Recidivists	141 of 489	302 of 1039	189 of 658	113 of 381
	Property	27% (N=141)	33% (N=302)	35% (N=189)	30% (N=113)
	Person	15% (N=141)	15% (N=302)	15% (N=189)	16% (N=113)
	Statutory <sup>3</sup>	57% (N=141)	50% (N=302)	48% (N=189)	53% (N=113)
	Other / Unknown	1% (N=141)	2% (N=302)	3% (N=189)	1% (N=113)
13-24 Months	All Recidivists	63 of 488	26 of 376	26 of 376	NA
	Property	21% (N=63)	31% (N=26)	31% (N=26)	NA
	Person	14% (N=63)	23% (N=26)	23% (N=26)	NA
	Statutory <sup>3</sup>	63% (N=63)	46% (N=26)	46% (N=26)	NA
	Other / Unknown	2% (N=63)	0% (N=26)	0% (N=26)	NA

### Summary of Table 53:

- This analysis examines whether different types of crimes are being committed by recidivists who first recidivate the first year of the program versus those who do not recidivate until the second year. We found the comparison group to be remarkably similar between first and second year recidivists, and to the first year recidivists of the MCJRP group.
- Second year recidivists of the MCJRP program appear different from first year recidivists, with fewer statutory and property crimes, but we again caution on reading too much into this difference given the small sample size.
- We saw no statistically significant differences in the types of crimes that were driving recidivism in MCJRP year 1 versus MCJRP year 2.

<sup>3</sup> Statutory crimes are generally behaviors with no specific victim, but which have been legislated as undesirable by society. This includes crimes such as public indecency and drug possession.

TABLE 54. | LEDS Arrest Recidivism within 12 Months of Supervision Start Date

Factors	Level	N	% Recidivated	Sig Test*
<b>Total</b>	All MCJRP Probation Supervision Probationers	736	26%	
<b>Gender</b>	Male	531	29%	<b>0.015</b>
	Female	205	20%	
<b>Race</b>	White	471	25%	0.136
	Black	166	33%	
	Hispanic	67	24%	
	Other	32	22%	
<b>Age</b>	24 or Younger	150	24%	0.089
	25-34	280	29%	
	35-44	173	30%	
	45 or Older	133	19%	
<b>Crime Seriousness</b>	Moderately Serious (1-3)	240	34%	<b>0.001</b>
	Serious (4-6)	191	27%	
	Very Serious (7-10)	305	20%	
<b>Criminal History</b>	Brief (H-I)	135	17%	<b>0.027</b>
	Moderate (F-G)	141	31%	
	Extensive (A-B)	271	26%	
	Very Extensive (A-B)	189	30%	
<b>LS/CMI Overall</b>	Missing	23	4%	<b>&lt;0.001</b>
	Very Low and Low	51	2%	
	Medium	100	21%	
	High	314	28%	
	Very High	248	34%	
<b>High or Very High in LS/CMI Domain</b>	Criminal History	319	33%	<b>0.002</b>
	Education & Employment	367	31%	<b>0.013</b>
	Family & Marital	266	29%	0.296
	Leisure & Recreation	533	29%	0.134
	Companions	500	30%	<b>0.002</b>
	Alcohol & Drug	505	29%	0.176
	Procriminal Attitude	236	30%	0.202
	Antisocial Pattern	246	35%	<b>0.001</b>

\*The sig test column shows the p-value for a significance test that all groups within that demographic have the same recidivism rate. In other words, the first 0.015 in gender means that men and women have a statistically significant difference in recidivism rate, with a p-value of 0.015.

## Summary of Table 54:

- Many demographic factors show some ability to predict recidivism in MCJRP probation supervision probationers, although the utility of those predictions is limited.

- Most demographics show significant differences in recidivism rates, although the relationship is not always linear or intuitive (for instance, the highest recidivism rates by age is 25-44 year olds, while those 45 or older and 24 or younger have the lowest recidivism rates).
- The best predictors of recidivism are defendants' LS/CMI scores. Measures of crime seriousness are related to actual recidivism but in the opposite intended direction. The data shows participants are more likely to recidivate if their crime is less serious.
- Of the three metrics used to categorize an offender's risk to the community, only the LSCMI is making sound recidivism predictions.

# MCJRP PARTICIPANTS & RECIDIVISM

Multnomah County  
Sheriff's Office

## Introduction

One way to measure recidivism is to identify bookings into jail on new criminal charges.

**During their first two years of community supervision, individuals on MCJRP probation are less likely to be booked into jail and have fewer total bookings than similar pre-MCJRP individuals (“comparators”).**

On average, MCJRP probation participants that are booked into jail have a greater number of days on supervision before their first booking for a new crime than comparators.

## Key Findings in this Chapter

Using a significance value of  $p=0.05$  for both 12- and 24-month groups, individuals on MCJRP probation group were significantly less likely to be booked into jail than those in the comparison group.

## How We Measured Recidivism

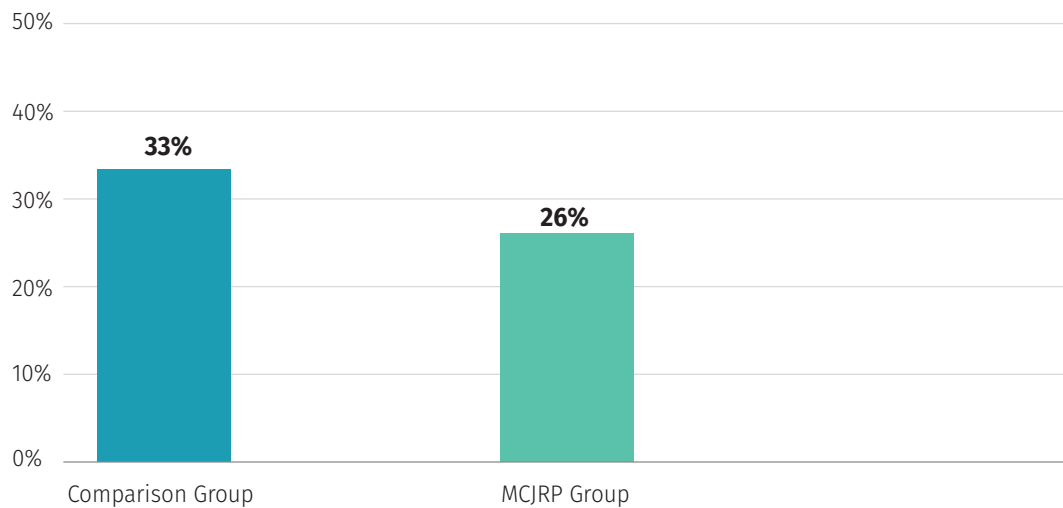
**Who?** The analyses in this section focused on MCJRP probation participants and comparators who were sentenced and supervised in community-based settings. For purposes of the present analysis, the study sample was divided into two groups - a 12-month group including all individuals with at least 12 months of community supervision and a 24-month group including all individuals with at least 24 months of community supervision.

**What?** Offender recidivism was measured by identifying bookings into jail on new criminal charges.

**For how long?** Analyses identified individuals with a booking on new criminal charges 12 or 24 months following their community supervision start date, the average number of subsequent bookings, and the average number of days between the supervision start date and the first booking.

## Analysis Results

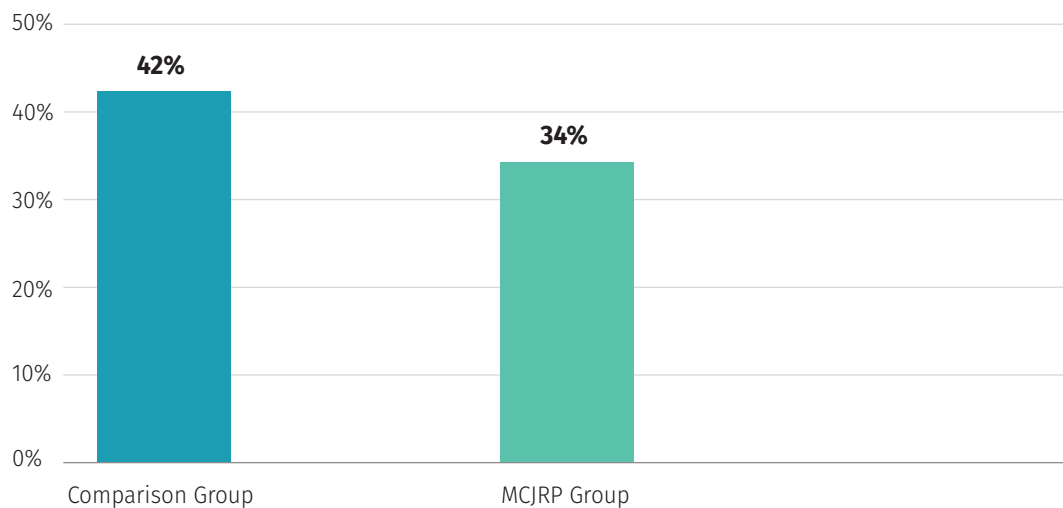
FIGURE 3. | Comparing 12-Month Booking Recidivism Rates Following Supervision Start



### Summary of Figure 3:

- The recidivism rates after 12 months of supervision in the MCJRP probation group (n=736) are 7% lower than those of the comparison group (n=489; significant at  $p < .05$ ).

FIGURE 4. | Comparing 24-Month Booking Recidivism Rates Following Supervision Start



## Summary of Figure 4

- The recidivism rates after 24 months of supervision in the MCJRP probation group (n=246) are 8% lower than the comparison group (n=488; significant at  $p < .05$ ).

**TABLE 55. | Post-Supervision Bookings on New Charges for MCJRP Probation and Comparison Groups**

Booking Recidivism Category	Supervised Individuals w/MCJRP Eligible Charges		
	Community Supervision (Traditional/MCJRP Intensive)		
	Comparison Group 12 month: n=489 24 month: n=488	MCJRP Probation Group 12 month: n=736 24 month: n=246	P-Value
% Booked in 12 months	33%	26%	0.010
% Booked in 24 months	42%	34%	0.030
Avg. number of bookings in 12 months	.54	.33	0.000
Avg. number of bookings in 24 months	.87	.52	0.001
Average number of days to first booking within 1 year	131	138	>.05, ns
Average number of days to first booking within 2 years	215	237	>.05, ns

## Summary of Table 55:

- The 12-month and 24-month recidivism rates of the MCJRP probation group are significantly ( $p < .05$ ) lower than those of the comparison group under traditional supervision.
- The MCJRP probation group had a significantly ( $p < .05$ ) lower average number of bookings per individual for both the 12- and 24-months groups versus the comparison groups.
- Although the MCJRP probation group had more time on supervision until their first booking, this difference was not statistically significant.

**TABLE 56. | Demographics and Statistically Significant Differences in Post-Supervision Bookings on New Charges for MCJRP Participants Who Did and Did Not Recidivate**

Demographic Category	MCJRP Probation Participants		
	Recidivated 12 month: n=192 24 month: n=83	Did Not Recidivate 12 month: n=544 24 month: n=163	P-Value
Gender: 12 Month Group	82% male	69% male	.001
Gender: 24 Month Group	82% male	67% male	.012
Race: 12 Month Group	.55% white 30% black 15% other	67% white 20% black 13% other	.002
Race: 24 Month Group	49% white 35% black 16% other	66% white 17% black 17% other	.001
Age: 12 Month Group	14% <=24 46% 25-34 22% 35-44 18% 45+	22% <=24 36% 25-34 23% 35-44 18% 45+	>.05, ns
Age: 24 Month Group	17% <=24 years 43% 25-34 years 20% 35-44 years 19% 45+ years	19% <=24 years 38% 25-34 years 23% 35-44 years 20% 45+ years	>.05, ns

**Summary of Table 56:**

- Males make up a significantly ( $p < .05$ ) higher proportion of those who recidivated compared with those that did not recidivate in both the 12- and 24-month time periods.
- The racial breakdown of the MCJRP probation participants that recidivated and did not recidivate were significantly ( $p < .05$ ) different in both the 12- and 24-month time periods. African-American participants are represented at a greater rate in the recidivated status for both time periods.
- Differences between MCJRP probation participants who recidivated and did not recidivate are not statistically significant by age group.



# FUTURE EVALUATIONS

As the Multnomah County Justice Reinvestment Program (MCJRP) matures, new research directions and evaluations will permit us to understand the program's successes and challenges. The MCJRP Data and Evaluation Sub-Committee anticipates that the MCJRP population will increase in successive years of the program, providing new data and larger sample sizes that will enhance our evaluation and analytical activities. Future reports will also evaluate other important outcomes to determine the programs impact on equity, system efficiency, and treatment impact.

## Future evaluations may look at:

- **Crime and Public Safety:** The program's dual goals of reducing recidivism and protecting public safety are critical to its sustainability. What, if any, impact has MCJRP had on crime and public safety in Multnomah County? What impact has MCJRP had on overall public safety? This question has gone largely unaddressed, due in part to the availability of data and the complexity of the program.
- **Victims:** The program emphasizes victims' rights by holding offenders accountable for damages associated with MCJRP-eligible crimes. In the future, we hope to take a closer look at this important group. What are the crime-associated costs to these victims? Are the services currently offered to victims meeting their needs? Do victims report satisfaction with the program? What is the demographic make-up of the victim population for MCJRP and are there racial or ethnic disparities among this group?
- **Recidivism:** Differences in recidivism rates are examined in this report. However, given that the MCJRP population is comprised of various participant cohorts, total recidivism rates will require additional years of data to evaluate. Future evaluations will continue to closely monitor recidivism rates for all MCJRP cohorts to determine the program's effect on recidivism at annual intervals beyond year three. In addition, we anticipate that future evaluations will examine recidivism rates among subgroups of the overall MCJRP population.
- **Treatment:** MCJRP participants respond differently to the various treatments offered by the program. Is the treatment provided to MCJRP participants meeting their needs? What is the optimal "dosage" for a participant in a MCJRP treatment? Do the people who participate in the Treatment Dorm have higher treatment completion rates in community treatment programs? Understanding how the available treatments align with the population's needs is critical to the success of the program.
- **Racial and Ethnic Disparities:** Reducing known disparities remains an important goal of the MCJRP program. Future evaluations will continue to assess whether the program has reduced disparities in areas such as sentences to prison, program opt-outs, and recidivism.
- **Sentencing:** Reducing the use of prison as a sentencing outcome is at the core of MCJRP. Has MCJRP generally reduced the use of prison as a sentencing outcome? Further evaluations of sentencing outcomes should focus on determining the impact of the Judicial Settlement Conference as well as answering how sentencing outcomes are changing over time. Has the use of prison been reduced across all crime categories and demographic groups? Is there variation in recidivism rates by sentencing

outcomes? How much correlation exists between the crimes convicted in a participant's first MCJRP case and subsequent criminal offenses? What are the impacts of revocation sentences on the program?

- **Law Enforcement:** We know very little about law enforcement contacts among the MCJRP population. What type of interactions do the police have with MCJRP-eligible individuals? Does prior contact with law enforcement influence MCJRP enrollment or non-enrollment?
- **Resources and Costs:** The success of a program like MCJRP can depend largely on the availability of resources to adequately fund treatment options and meet program objectives. How do partner agency's resource priorities affect the program at an operational level? What are the cost savings to Multnomah County and the State of Oregon associated with MCJRP?

# APPENDIX A | Chronology of Key MCJRP Implementation Events

Year	Month	Event Description
2013	July	House Bill 3194 signed
2013	August	Agencies signed a letter of intent to participate in the program
2014	May	District Attorney's Office implements Juvenile Second Look Policy
2014	July	MCJRP begins
2014	July	First MCJRP-eligible client identified
2014	September	First 120-day supervision started
2014	October	MCJRP partnership with Bridges to Change begins
2014	November	First round of "Listening Sessions" begins (several sessions throughout Nov & Dec)
2014	November	Multnomah County Sheriff's Office detail assigned to MCRJP (deputies permanently assigned)
2014	December	Client "Opt Out" period extended from 21 to 28 days
2014	December	Historical reports are introduced
2014	December	First round of "Listening Sessions" concludes
2015	January	Time to provide criminal history reports to participants is restricted to within 15 days
2015	March	First MCJRP milestone ceremony is held
2015	March	Tier 3 supervision initiated
2015	March	Judicial Settlement Conferences (JSC) are set at arraignment on indictment
2015	March	Three additional judges are made available to hear JCSs
2015	September	First "JSC Task Force" collaboration

2015	October	Second round of "Listening Sessions" occur (several sessions throughout month)
2015	November	First Safety and Justice Challenge/Relative Race Index report is presented
2016	January	One full time court administrative specialist, dedicated to MCJRP, is hired
2016	January	Family Sentencing Alternative Program (FSAP) (House Bill 3503) begins
2016	February	Department of Community Justice incorporates Google Hangouts video-conferencing in interviewing process
2016	February	District Attorney designates MCJRP Victim Advocate
2016	April	MCJRP participants are assigned interview dates, not scheduled
2016	April	Level of Service/Case Management interview scheduling is limited to a window of 42 days
2016	April	Tier 3 ends <sup>10</sup>
2016	May	First victim "Listening Sessions" occur (several sessions throughout month)
2016	May	Treatment Readiness Dorm opens at Multnomah County Inverness Jail
2016	June	District Attorney's Office implements Tier II Ballot Measure 11 policy for juvenile offenders
2016	June	Juvenile Justice Reinvestment Program begins
2016	June	Defense Coordinator position ends
2016	July	Treatment Provider representative and Victim Services representative become JRSC voting members
2016	July	Second "JSC Task Force" collaboration (Probation Violation Task Force) begins
2016	July	Multnomah County Inverness Jail limits number of interview rooms for MCJRP to three rooms

<sup>10</sup> Tier 3 was implemented in March 2015 to expedite resolution for cases the DA's Office determined would usually be resolved with a probationary sentence. While Tier 3 did expedite the process, unforeseen issues arose. The lack of a pre-adjudication risk assessment interview resulted in missed opportunities for rapport building between defendants and POs. Additionally, the lack of information about defendants' Risks/Needs and supervision history did not allow DCJ to have a supervision plan in place at the time of sentencing. Tier 3 ended April 2016.

2016	July	Department of Community Justice North Office closes - PPOs are relocated to MEAD building
2016	July	MCJRP Preliminary Outcomes Report published
2016	August	Phase 1 supervision (i.e., risk-based supervision) initiated
2016	October	Multnomah County Sheriff's Office closes dorm due to budget cuts
2017	April	Multnomah County Sheriff's Office Warrant Strike Team ends
2017	June	Earned Discharge Policy commences
2017	July	Multnomah County Sheriff's Office closes second dorm due to budget cuts
2017	July	Emergency Population Releases begin
2017	November	Start of Preliminary Hearings
2017	December	CJC Supplemental Grant Award received
2017	December	Probation Violation / Administrative Sanctions Policy updated
2018	January	Second Sentence Deputy District Attorney position begins
2018	January	Community Social Worker position filled with Metropolitan Public Defender and starts caseload
2018	January	House Bill 3078 goes into effect: Expands Short Term Transitional Leave (STTL) to 120 days; Lowers prison terms and changes prison enhancement criteria for Identity Theft and Theft I charges; Charges FSAP criteria
2018	March	Multnomah County District Attorney implements new UUMV/PSMV Policy
2018	May	First Department of Community Justice Community Health Worker hired
2018	May	Department of Community Justice Women and Family Services Campus opens in Gresham

## APPENDIX B | Ineligible MCJRP Crimes

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Per the Multnomah County Justice Reinvestment Program Guideline and Policy Manual, the following charges are not eligible for the program:

- **Aggravated Murder and Murder**
- **Attempted Aggravated Murder and Attempted Murder**
- **Manslaughter in the First Degree and Second Degree**
- **Criminally Negligent Homicide**
- **Aggravated Vehicular Homicide**
- **Failure to Perform the Duties of a Driver (Death involved)**
- **Any other Death involved offense (including Len Bias cases)**
- **Burglary in the First Degree (Determinant Sentence/Denny Smith only)**
- **Arson in the First Degree (BM-11 Only)**
- **Assault in the First Degree**
- **Kidnapping in the First Degree**
- **Robbery in the First Degree**
- **Domestic Violence involved Offenses**
- **Child Victim under age 14**
- **Sex crimes/offenses (including failure to register)**

## APPENDIX C | How MCJRP Participants are Supervised

### The following is a description of how MCJRP participants are currently supervised

MCJRP participants are supervised in a fashion that differs from that of traditional supervision. Differences can be distinguished into five general categories: **case planning; contact standards; resource access; sanctioning, and supervision.**

In contrast to traditional supervision, case planning with MCJRP participants is timelier as it begins shortly after a participant has been deemed MCJRP eligible. Eligible participants are approached by a MCJRP-specific Probation/Parole Officer (PPO) during the Pre-Adjudication process. The PPO conducts a detailed interview designed to assess the participant's risks and needs. Information collected during this interview process is compiled into a participant-specific case plan that outlines supervision strategies, treatment/service designs, and conditions of supervision based on their individual risks and needs. This **case plan** is presented during a participant's Judicial Sentencing Conference (JSC), during which it is further tailored to the participant through a discussion with the participant, the participant's lawyer, the assigned District Attorney, the presiding Judge, a MCJRP Probation/Parole Officer, and whenever possible, a victim representative.

Participants sentenced in open court to MCJRP intensive supervision have more frequent contact with their PPOs than participants on a traditional supervision caseload. **Contact standards** (i.e., the expectation of how frequently a client and his/her PPO should check-in) require MCJRP high-risk participants to see their PPO twice a month with monthly home visits, as opposed to traditional supervision participants who are only required to see their PPO at least once a month in addition to regular home visits. MCJRP contact standards have recently been amended to specifically reflect the client's risk level (i.e., higher risk necessitates more frequent contact).

In addition, MCJRP participants may have more frequent interactions with Law Enforcement Officers as there are specific officers assigned to assist MCJRP PPOs with MCJRP participants. Typically, Law Enforcement support is requested by a MCJRP PPO to assist with transportation of the participant and in-field follow-up if a participant has not been in regular communication. This involvement with Law Enforcement has two advantages: 1) Officers become more actively involved in case planning by sharing information learned about the participant; and 2) Greater contact means greater opportunity for positive rapport with the MCJRP participant as well as the community at-large.

MCJRP participants, like their traditional supervision counterparts, have access to a variety of **community resources**. However, MCJRP participants are generally accepted into community resources in a shorter interval following sentencing to probation; this is due to MCJRP participants receiving the case plan built during the pre-adjudication process upon sentencing (traditional supervision participants have their case plan built following sentencing to probation). Additionally, the community resources received by MCJRP participants are delivered in an enhanced PPO/provider relationship environment. The implementation of MCJRP has resulted in various new county/provider partnerships with clean and

sober housing, alcohol and drug treatment, and other outpatient and residential treatment facilities. As such, there is regular collaboration between the MCJRP participant's PPO, community providers, and other service providers such as counselors or mentors. The collaborative team meets frequently to discuss case plan compliance as well as amendments to case plans, as needed.

Both traditional and MCJRP PPOs follow the same structured **sanctioning** procedures to ensure swift and certain responses to participant violations. However, in contrast to traditional probation, MCJRP specifies four supervision violations that require a participant to return to court for reassessment of supervision conditions and a determination of appropriate violation response. The four violations are:

- 1) Participant has *absconded* – procedures were recently amended to allow MCJRP POs to sanction absconders of less than 60 days after staffing with the designated Deputy DA;
- 2) Participant has *willfully failed to pay restitution*;
- 3) Participant has *committed a new offense*; and
- 4) Participant has had *contact with his/her victim(s)*.

Participants sentenced to MCJRP probation are typically assigned to a MCJRP Phase I PPO for the first 4-12 months, depending on risk and need of their supervision course. The primary goal for this Phase I period is to design and establish a specially-tailored plan that will enhance the supervisee's opportunity to succeed in community supervision and to foster pro-social development and behavior change. Upon completion of the Phase I period, MCJRP participants are transferred to a MCJRP Transition PPO for the remainder of their **supervision**; this accomplishment is generally celebrated during a County-hosted Milestone Ceremony.

The primary function of the MCJRP Transition PPO is to maintain (or amend, as needed) the specially-tailored case plan set in motion by the Phase 1 PPO, and to see it to successful completion. Similar to their MCJRP Phase 1 counterparts, MCJRP transition PPOs are able to grant participants the same level of access to community resources. In addition, they maintain regular, consistent communication and coordination with treatment/community providers and judicial/law enforcement professionals; MCJRP participants are therefore likely to have interacted with their MCJRP Transition PPO before their transfer. The primary distinction between MCJRP Phase 1 PPOs and MCJRP Transition PPOs is the contact standard: MCJRP Transition PPOs do not see their participants as frequently as MCJRP Phase 1 PPOs. However, MCJRP Transition PPOs often see their participants more frequently than Traditional PPOs.



## APPENDIX D | Special Curves

Survival analysis is a tried and true, verified best practice statistical method used across many fields, including the medical and engineering industries. Survival analysis displays the probability over time of a subject having experienced the specified event, whether that event is a car engine failing, death of a cancer patient, or criminal recidivism. Survival analysis has many advantages<sup>11</sup>, but the one we are most interested in here is the ability to include observations of different lengths of time: for instance, recidivism outcomes for one MCJRP probationer who began probation six months ago and another MCJRP probationer who began probation 2 years ago.

Normally, it is not statistically valid for a MCJRP probationer who began probation six months ago to be simply grouped together with a different MCJRP probationer who began probation 2 years ago. The second probationer has been on supervision four times as long, and thus would have four times as many chances to recidivate. To be statistically valid, we would need to ignore all outcomes after six months, grouping together only the first six months of each probationer because those six months are all they have in common.

Survival analysis, however, is a way around this. It is designed to include all cases regardless of how long their outcomes have been observed, using the outcomes of six-month probationers to adjust the estimate of how probationers will recidivate after a full 24 months. In short, survival analysis maximizes the use of all available information to arrive at more accurate estimates than simple counting methods.

Often, survival analysis will not make a large difference. However, when it does, it is a more accurate prediction of where the simple counting methods will end up when they have accumulated more data.

As an example, we can look at the 2016 MCJRP Outcomes Report data for the percent of MCJRP eligible defendants imprisoned within 12 months of sentence date. Here we see the survival analysis estimate was more accurate once more complete data came in the next year:

<b>Estimate of % of MCJRP eligible defendants imprisoned within 12 months of sentence date, using simple counting methods on 2016 data:</b>	33%
<b>Estimate of % of MCJRP eligible defendants imprisoned within 12 months of sentence date, using survival analysis on 2016 data:</b>	39%
<b>Estimate of % of MCJRP eligible defendants imprisoned within 12 months of sentence date, using simple counting methods on more complete 2017 data:</b>	38%

<sup>11</sup> Advantages such as strong support for non-parametric methods and the ability to see differential trends at any point in time.

This same difference throws doubt on the LEADS recidivism results of MCJRP probation supervision probationers. While we do not yet know what the recidivism rate will be with more complete 2018 data, there is every reason to believe it will be close to the survival analysis estimate:

Estimate of % of MCJRP probation supervision probationers arrested within 24 months of probation start date, using simple counting methods on 2017 data:	33%
Estimate of % of MCJRP probation supervision probationers arrested within 24 months of probation start date, using survival analysis on 2017 data:	38%
Estimate of % of MCJRP probation supervision probationers arrested within 24 months of probation start date, using simple counting methods on more complete 2018 data:	TBD

## APPENDIX E | Collecting Race and Ethnicity Data at Multnomah County

The racial and ethnic groupings in this report are consistent with other county reports on racial and ethnic disparities, including the Safety-Justice Challenge’s Racial and Ethnic Disparities and the Relative Rate Index report and the Multnomah County Health Department’s 2014 Report Card. The groupings are shown below.

Grouping	Included in Grouping	Source Data Grouping
White	Non-Latino White	White
Hispanic	Hispanic and/or Latino	Hispanic
Asian	Non-Latino Asian and/or Pacific Islander	Asian, Vietnamese
Black	Non- Latino Black and/or African American	Black
Native American	Non-Latino Native American and/or Alaska Native	Native American, Indian

While current criminal justice data collection can align with these groupings, they are not the same terms or groupings currently used in county data. The source data for offender race in this report uses the groupings White, Black, Hispanic, Asian, and Native American. Ethnicity data is not collected separately from race and there is currently no category for some racial groupings. It is unclear how people who identify as Middle Eastern, (sub continental) Indian, or multiracial descent are represented.

Offender race is determined through a systematic algorithm that reconciles the race across the various data sources that comprise the public safety data warehouse, Decision Support System – Justice (DSS-J).

The current race data collected by Multnomah County, while not perfect, is sufficiently reliable to draw some conclusions with regard to racial and ethnic disparity.

## APPENDIX F | Description of Outcome Measures

The following table summarizes the outcome measures analyzed in this report and links them to the data source where the information originated. MCJRP is a multi-agency collaborative requiring the sharing and linking of public safety variables across jurisdiction.

Data Source	Variable Name	Description
LEDS	Arrest	LEDS tracks arrests if and only if they have an associated fingerprinting event
	Time to Arrest	The number of days between the start of the outcome window and the first time an individual is arrested.  Averages are calculated only for offenders with at least one arrest during the outcome window.
SWIS	Booking	The process of entering an individual into the jail system for any reason. This process may result in an immediate release from custody, so a booking does not guarantee any actual jail bed days are used.
	New Crime	The case was added to the booking as a new case and was the original reason for the arrest.
DOC	% Imprisoned	The percent of individuals who were ever in prison at any point during the outcome window.
	Prison Sentence Length	The estimated judicial sentence length of all charges in the first new conviction that occurs during the outcome window. Actual amount of time spent in prison is likely to be significantly less, due to time off for good behavior and other such programs.  Averages are calculated only for offenders with at least one new prison sentence during the outcome window.
	Treatment Referral	Counts any official referral by PPOs to DCJ-funded services, both internal and external, that are recorded in DOC. Offenders do receive additional services not logged in DOC. Data tracking does not distinguish integrated services separately such as dual diagnosis treatment.
	Probation Start Date	The first day after sentencing where an individual is on community supervision, not in jail, and not in prison.

DOC	Post-Prison Start Date	We start by finding the first day an individual sentenced to prison actually serves in prison after their sentence date. The post-prison start date is the first day after that where the individual is on community supervision.
	Abscond	An event where the PPO issues an abscond warrant for an offender in response to a lack of contact with the supervising officer for an extended period of time.
	Revocations	Occurs when a probation sentence is ended early due to infractions, and the probationer receives a prison sentence as a result. This does count cases where the prison time received from the revocations is redundant (e.g., the probationer was already in prison due to the committal of a new crime). This does not count cases where a probation sentence is ended early due to infractions but the probationer receives a punishment less severe than prison (e.g., jail time).
CRIMES	Issue Date	Date the District Attorney's Office officially issues charges against an offender. The alternative would be the DA's office declining to issue, or rejecting, a case.
Reconciled Race	Offender Race	Offenders are categorized into race groupings including White, Black, Hispanic, Native American, Asian, and Other. Often based on the assigned race at previous stages of the criminal justice process (e.g., the race written on the arresting officer's report on in the booking information). For more information on race data collections see Appendix E.
Odyssey	Opt Out Date	The date when a MCJRP eligible defendant registers their desire to not participate in the MCJRP program.
	Opt Back in Date	The date when a MCJRP eligible defendant who had previously registered their desire to not participate in the MCJRP program registers their desire to participate in the MCJRP program after all.
	Assessment Date	The date when the MCJRP pretrial assessment report is delivered to the court.
	Initial Sentence	Based on what is written in the original judgment or Uniform Criminal Judgment (UCJ).
	Sentence Date	The date when the sentencing hearing is held.
	Expungement	Expunged cases, where a criminal conviction and/or arrest is erased from court records, were removed from this analysis.

## APPENDIX G | Description of MCJRP Tags

The following table summarizes the status, or TAG, of MCJRP candidates through the program.

TAG Name	TAG Description
<b>Pre-Adjudication Tags</b>	
MCJRP – Eligible	Added to the case either at case issue date or the date on which the DA’s Office notifies the court of eligibility. Eligibility is determined by the DA’s Office. Eligibility is noted on the case initiation documents.
MCJRP – No Longer Eligible	Added to a case to indicate a case previously tagged “eligible” is no longer eligible. For example, when an Indictment cannot proceed and the case is dismissed, or when an Information expires (grand jury does not return an indictment within the allotted time).
MCJRP – Opted Out	Added to a case when a “Notice of Intent to Opt Out of MCJRP” is filed by the defense with the court.
MCJRP – Enrolled	Added to a case when these criteria are met: 1. Case is MCJRP Eligible, 2. LS/CMI Risk Assessment interview completed, 3. LS/CMI report submitted to MCJRP Court Coordinator, and 4. Judicial Settlement Conference (JSC) held and all parties present.
<b>Pre-Adjudication Tags</b>	
MCJRP – Intensive Supervision	Added when the case is disposed with a conviction and the defendant is sentenced to MCJRP Intensive Supervision.
MCJRP – Restitution	Added after the case is disposed and there is a restitution order on the case. If restitution was imposed, this tag is added to all cases tagged MCJRP-eligible, regardless of sentence type.
MCJRP – START	Added when the defendant is sentenced directly to START court supervision or later, if the defendant is transferred to START from an initial sentence to MCJRP intensive supervision.
MCJRP – DISP	Added when the defendant is sentenced to DISP court supervision directly or later transferred to DISP from an initial sentence to MCJRP intensive supervision.
MCJRP – MHC	Added when the defendant is sentenced to MHC court supervision directly or later transferred to MHC from an initial sentence to MCJRP intensive supervision.
MCJRP – Other Specialty Court	Added when the defendant is sentenced to Veterans Court (or other future court treatment program) supervision.

MCJRP – Prison	Added if the case is disposed with a conviction and the defendant is sentenced to the Department of Corrections (DOC) for a period of incarceration of 366 days or more.
MCJRP – Local Control	Added if the case is disposed with a conviction and the defendant is sentenced to the Department of Corrections (DOC) for a period of incarceration of 1 year or less.
Non-MCJRP Sentence	Added if a defendant is sentenced to Bench Probation, Supervised Probation, straight jail time or a sentence of discharge. This usually occurs when a felony charge is reduced to a misdemeanor during plea negotiations. The case is convicted, but not on the original charge that carried a presumptive prison sentence.
MCJRP – Revoked	Added exclusively to any case previously tagged MCJRP – Intensive Supervision and later probation is revoked. This tag is not used to track revocations from other supervision programs.
MCJRP – Acquittal	Added if the defendant is found not guilty by a jury or judge. The case is disposed without a conviction or sentence.
MCJRP – Dismissed	Added to MCJRP-eligible cases resolved by a post-indictment dismissal. The case is disposed by dismissal of all counts and there are no counts with a conviction or sentence.

## APPENDIX H | Description of the Comparison Group

Comparison group members were selected on the criteria that these defendants would have been eligible for the MCJRP program had it been in existence at the time. The selection dates for the comparison group allowed for at least a 1-year follow-up period with no overlap in the MCJRP recruitment or outcome window. This 12-month follow-up period allowed for modest outcome tracking while reducing the opportunity for other large-scale system changes to occur and effect the interpretability of the comparisons.

### Formation of the Comparison Group

The comparison group was derived from case information found in CRIMES, the District Attorney's Office database system. Each of the 4470 felony cases issued during Fiscal Year 2013 and disposed as of November 2015 was examined to discover if the defendant would have been eligible for the county's Justice Reinvestment process at issuance. The results of an exhaustive search produced 1171 cases that would have been eligible for MCJRP, had the program been in place at the time the cases were issued.

The DA file was then de-duplicated at the case level to reflect the first case in the study eligibility year. This process mirrors the methodology of de-duplicating cases in the MCJRP sample. This resulted in a final sample size of 1095 members.

Comparison group defendants may have multiple cases that also place them in the MCJRP program. Consistent with an intent-to-treat methodology used in applied settings, these defendants were kept in both groups. The decision to include these offenders in both groups was re-examined at multiple points in the analysis and was found to have no significant impact on the interpretation of results.

### Overlap between MCJRP Study Group and Comparison Group

Since MCJRP commenced, people are coming into the MCJRP program who were also in the comparison group. This overlap grows each year.

Year	People who were also in the comparison group
MCJRP 2014 (July to December)	18
MCJRP 2015	59
MCJRP 2016	53
MCJRP 2017 through June 30	26



In total, there are 156 people who have cases in both the comparison group and the MCJRP Group among MCJRP-eligible cases initiated through June 30, 2017. Since there are only 1,190 people in the comparison group, 156 accounts for 13.1%, or approximately 1 in 8 people in the comparison group are also in the MCJRP Group.

However, only about 14 people (or 1.3%) have overlapping outcome windows. Only if the outcome windows overlap would it be possible for the same event to be counted as an outcome for both the comparison and MCJRP Groups.

We must balance loss of statistical validity due to loss of sample independence against loss of statistical validity due to removing or altering our sample. Repeat offenders are common in the criminal justice system, and for now – because of the small number of overlapping outcome windows – we opted not to remove any people from our data set.

## Study Group Attrition

It was noted during the study that a small segment of both the MCJRP population and the comparison group are no longer available for recidivism analyses. The reasons for this attrition include such circumstances as death, deportation, convictions being reversed by appellate courts, and by expungement. Since the individuals in each group are involved in equivalent high-risk behaviors and other similarities in lifestyle, we found it was reasonable to assume that the attrition rates for both groups would be similar over time and would not produce a significant effect on the comparability of the outcomes.

## APPENDIX I | Description of Crime Classification Categories

Crime type categories used in this report (Behavioral, Drug, Person, Property, Vehicle, BM-11, BM-57 – Drug, BM-57 – Property) are assigned by the Multnomah County District Attorney’s Office based on an individual’s most severe indicted charge. Therefore, these categories are not necessarily reflective of the charges for which an individual might actually have been convicted. It is not uncommon for an individual to be convicted of a lesser charge than the one for which they were indicted, and in some instances, a charge quite different from the indicted offense altogether. A list of common types of charges used for case categorization stemming from the indicted charges is given below.

Certain charge types may appear in multiple classification categories depending on the circumstances of the offense and the history of the defendant. Crimes that would otherwise be classified as drug, property, or person offenses may fall under the scope of either Ballot Measure 11 or Ballot Measure 57, changing their sentencing guidelines. If a case has any charge that falls into one of these Ballot Measure groups, it will be classified under that Ballot Measure instead of a general property, drug, or person category.

Oregon's Ballot Measure 11, approved by voters in 1994, establishes mandatory minimum sentences for people convicted of certain person crimes and requires that juveniles age 15 and older be processed in adult court for these offenses. Ballot Measure 57, approved by voters in 2008, establishes mandatory minimum sentences for people convicted of certain drug or property crimes. Drug charges involving the delivery or manufacture of heroin, cocaine, methamphetamine, or ecstasy are subject to presumptive prison sentences when the amounts involved exceed defined quantities or certain situational factors are present, such as delivery to a minor. For certain property crimes, an individual's property offense conviction history determines the presumptive prison sentence imposed upon conviction.

Classification Category	Crimes
Behavioral	Aggravated Harassment Felon in Possession of a Firearm Making a False Claim for Health Care Payment Unlawful Possession of a Firearm Unlawful Use of a Weapon
Drug	Unlawful Delivery of Cocaine Unlawful Delivery of Heroin Unlawful Delivery of Methamphetamine Unlawful Possession of Cocaine Unlawful Possession of Heroin Unlawful Possession of Methamphetamine
Person	Assault in the Second Degree Assault in the Third Degree Assaulting a Public Safety Officer

Property	<p>Aggravated Theft in the First Degree                  Burglary in the First Degree                  Burglary in the Second Degree                  Identity Theft                  Robbery in the Second Degree                  Robbery in the Third Degree                  Theft in the First Degree                  Unauthorized Use of a Vehicle</p>
Vehicle	<p>Criminal Driving While Suspended                  Driving Under the Influence of Intoxicants                  Failure to Perform Duties of Driver to Injured Persons                  Felony Driving Under the Influence of Intoxicants</p>
BM-11	<p>Assault in the Second Degree                  Robbery in the Second Degree</p>
BM-57 – Drug	<p>Unlawful Delivery of Cocaine                  Unlawful Delivery of Heroin                  Unlawful Delivery of Methamphetamine</p>
BM-57 – Property	<p>Aggravated Identity Theft                  Aggravated Theft in the First Degree                  Burglary in the First Degree                  Burglary in the Second Degree                  Criminal Mischief in the First Degree                  Forgery in the First Degree                  Identity Theft                  Possession of a Stolen Vehicle                  Robbery in the Third Degree                  Theft in the First Degree                  Unauthorized Use of a Vehicle</p>