



Oregon

Tina Kotek, Governor

Board of Parole and Post-Prison Supervision

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February 18, 2025

The Honorable Representative Evans, Co-Chair
The Honorable Senator Broadman, Co-Chair
Members of the Joint Committee on Ways and Means Subcommittee on Public Safety

Re: Follow Up to HB 5027 Public Hearing

Co-Chair Evans, Co-Chair Broadman, and Members of the Subcommittee:

Below are the Board's responses to questions asked by the Committee during the public hearing for HB 5027, relating to the agency and budget overview on February 17, 2025:

1. What percent of sex offender registrants are not eligible for the Static99-R risk assessment (Sen. Campos)?

A: From 2020 to 2024 approximately 9.7% of the registrants assessed were not eligible for the Static99-R and required an in-person evaluation.

2. What is the most serious crime that can be committed, and a registrant be leveled as level 1? What crimes are ineligible for relief from the obligation to registry (Rep. Lewis)?

A: As Oregon's classification law is based on an individual's risk to reoffend sexually, and is not charge based, anyone convicted of a crime listed in ORS 163A.005 could be classified into any one of the three levels. This means, someone who was convicted of Sex Abuse 3 could be classified as a Level Three (highest risk) registrant, or someone convicted of Rape 1 could be classified as a Level One (lowest risk) registrant, based on their risk to reoffend sexually.

Convictions that prohibit someone from being eligible for a relief hearing are listed in ORS 163A.125(1): *(a) Rape in the first degree; (b) Sodomy in the first degree; (c) Unlawful sexual penetration in the first degree; (d) Kidnapping in the first degree as described in ORS 163.235 (1)(e) or when the victim is under 18 years of age; or (e) Burglary in the first degree when committed with the intent to commit any of the offenses listed in ORS 163A.005 (5)(a) to (x).*

Additionally, a person classified as a level three sex offender, is not eligible for relief.

3. How many individuals actually recidivated to give the Board a 4.6% recidivism rate? How many people is the Board considering in that calculation (Sen Broadman, Rep Chotzen)?

A: The KPM measures the percentage of individuals released by the Board, who were sentenced as dangerous offenders, matrix offenders (those sentenced for crimes that occurred prior to 11/1/1989), or those sentenced for Aggravated Murder, who were convicted of a new

felony within three years of initial release. Due to difficulties in collecting reliable data from the DOC400 system, the data was hand-pulled, and automation was not possible. Thus, the collection includes those released over the course of a year who were in the community long enough to have had the opportunity to recidivate within the specified three-year period of time. The data sample included 22 individuals paroled and released by the Board from July 1, 2020, through July 1, 2021. Out of this cohort, one individual was convicted of a felony within three years of initial release.

4. For the individuals who recidivated, what types of crimes did that person commit (Rep. Evans)?

A: The individual included in the KPM results who recidivated was convicted of Assault in the Fourth Degree and Harassment.

5. What are the SONL recidivism rates compared to non-sex offenders (Rep Chotzen)?

A: Question 6 below looks at the recidivism rate of individuals in Oregon's sex offender registry system. For information concerning a comparison of that population to the non-sexual offender population, the Criminal Justice Commission is likely to have more responsive data.

6. What is the SONL recidivism rate by Level (Rep Chotzen)?

A: The below is a report authored in March 2023, and provided by the Criminal Justice Commission analyzing recidivism rates of both classified and unclassified registrants. Tables 1 and 2 show the general recidivism rates, while tables 3 and 4 show the rates specific to sex crime recidivism, which is what the leveling system is designed to capture. As specified at the agency presentation, tables 3 and 4 show the unleveled registrant population has a lower sexual offense recidivism rate than the current level 1 classified population.

1. NATURE OF THE REQUEST

The Board of Parole and Post-Prison Supervision (BOPPPS or Board) requested recidivism information for individuals required to register on the Oregon Sex Offender Registration (SOR) and who have received a notification level.

Oregon State Police (OSP) provided the Board and CJC with sex offender registration data that includes the original registration date and the notification level. There are three Sex Offender Notification Levels that are based on the assessment of an individual's likelihood to reoffend for a sex crime. In addition, CJC compiled recidivism rates for individuals who currently do not have a level. Individuals with multiple offenses have been removed.

CJC compiled recidivism data for these individuals using Oregon’s definition of recidivism^[1], as well as additional measures to show a conviction or incarceration for a sex crime, person crime, or other crime within three years of the registration date.

2. DATA REQUEST RESULTS

The tables below display 3-year and 5-year recidivism rates for individuals registered on the SOR by the Sex Offender Notification Level. Table 1 includes individuals with an original registration date prior to July 1, 2019, to allow for a 3-year follow up period to track recidivism outcomes. Individuals with multiple offenses have been removed. Table 1 shows the Oregon recidivism definition, and Table 2 shows additional 5-year recidivism rates. Table 2 includes individuals with an original registration date prior to July 1, 2017, to allow for a 5-year follow up period.

Table 1. Sex Offender Registration 3-Year Recidivism Rates by Level

| Notification Level | Number of Individuals | Arrest | | Conviction for Any Crime | | Incarceration for Any Crime | |
|--------------------|-----------------------|--------|-------|--------------------------|-------|-----------------------------|-------|
| | | Number | Pct | Number | Pct | Number | Pct |
| Level 1 | 6,592 | 1,301 | 19.7% | 1,105 | 16.8% | 321 | 4.9% |
| Level 2 | 1,311 | 620 | 47.3% | 561 | 42.8% | 255 | 19.5% |
| Level 3 | 1,036 | 559 | 54.0% | 509 | 49.1% | 269 | 26.0% |
| No Level | 12,998 | 3,464 | 26.7% | 2,811 | 21.6% | 752 | 5.8% |

Table 2. Sex Offender Registration 5-Year Recidivism Rates by Level

| Notification Level | Number of Individuals | Arrest | | Conviction for Any Crime | | Incarceration for Any Crime | |
|--------------------|-----------------------|--------|-------|--------------------------|-------|-----------------------------|-------|
| | | Number | Pct | Number | Pct | Number | Pct |
| Level 1 | 5,649 | 1,611 | 28.5% | 1,374 | 24.3% | 421 | 7.5% |
| Level 2 | 1,129 | 691 | 61.2% | 637 | 56.4% | 339 | 30.0% |
| Level 3 | 961 | 649 | 67.5% | 614 | 63.9% | 356 | 37.0% |
| No Level | 12,233 | 4,428 | 36.2% | 3,666 | 30.0% | 1,058 | 8.6% |

Individuals that have been assessed at a Level 1 (the lowest notification level) show the lowest recidivism rates for the arrest, conviction, or incarceration for any new crime. Table 3 shows two additional measures for the conviction or incarceration for a sex crime within 3 years of the registration date, and Table 4 shows the 5-year recidivism rates. For sex crime recidivism specifically, individuals assessed at a Level 1 show one percent are convicted of a sex crime, and 0.8 percent are incarcerated for a sex crime, within three years of the registration date. Individuals with no level show similarly low sex crime recidivism rates, with 0.9 percent convicted of a sex crime and 0.7 percent incarcerated for a sex crime with three years. Level 2 and 3 individuals show higher 3-

year sex crime recidivism rates. Nearly 6 percent of Level 2 individuals, and 11 percent of Level 3 individuals, are incarcerated for a sex crime within 3 years.

Table 3. Sex Offender Registration 3-Year Sex Crime Recidivism Rates by Level

| Notification Level | Number of Individuals | Conviction for Sex Crime | | Incarceration for Sex Crime | |
|--------------------|-----------------------|--------------------------|-------|-----------------------------|-------|
| | | Number | Pct | Number | Pct |
| Level 1 | 6,592 | 66 | 1.0% | 56 | 0.8% |
| Level 2 | 1,311 | 93 | 7.1% | 78 | 5.9% |
| Level 3 | 1,036 | 141 | 13.6% | 118 | 11.4% |
| No Level | 12,998 | 114 | 0.9% | 92 | 0.7% |

Table 4. Sex Offender Registration 5-Year Sex Crime Recidivism Rates by Level

| Notification Level | Number of Individuals | Conviction for Sex Crime | | Incarceration for Sex Crime | |
|--------------------|-----------------------|--------------------------|-------|-----------------------------|-------|
| | | Number | Pct | Number | Pct |
| Level 1 | 5,649 | 76 | 1.3% | 72 | 1.3% |
| Level 2 | 1,129 | 126 | 11.2% | 102 | 9.0% |
| Level 3 | 961 | 207 | 21.5% | 167 | 17.4% |
| No Level | 12,233 | 129 | 1.1% | 114 | 0.9% |

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<https://www.oregon.gov/cjc/CJC%20Document%20Library/Recidivism%20Report%20November%202022.pdf>

7. Do you know how the transition from VINE to VISOR is working and how will the Board make the transition (Rep. Helfrich)?


A: Feedback from victims is that the transition from VINE to VISOR was smooth.

Once VISOR is implemented for the Board, Victims Services will discontinue registering people in the old system and direct them to VISOR. The Board will keep both systems so that existing registered victims do not have to re-register. There may be some services related to notification that the Board’s Victim Services Specialist will continue to provide.

Thank you. If there are any additional questions, please let us know.

Respectfully,


John Bailey, Chairperson


Dylan Arthur, Executive Director