

# Oregon Recidivism Analysis

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# FOREWORD

This report marks the sixth semi-annual recidivism report<sup>1</sup> authored by staff at the Criminal Justice Commission (CJC) with the assistance of our state agency partners. The CJC was charged by the legislature to track this new definition of recidivism by the passage of House Bill 3194, known as the Justice Reinvestment Act. Section 45 of HB 3194 (codified in ORS 423.557) redefined recidivism for Oregon to include the arrest, conviction, or incarceration for a new crime.

Since we began publishing these reports, the CJC has made recidivism rates across counties available on our website at <http://www.oregon.gov/cjc/data/Pages/recidivism.aspx>. With the launch of our recidivism dashboard, CJC staff has been freed up to look at interesting trends and topics within the recidivism data.

In this report, we focus on recidivism as a driver of prison cost. Since the passage of the Justice Reinvestment legislation (HB 3194 – 2013) Oregon has made large investments in programs aimed at reducing recidivism rates. Although the return on investment requires 3 years to determine, we still need to quantify system savings. Prison utilization is one easily quantifiable cost driver, although there are many system and victim costs associated with recidivating events. We hope that the results of this analysis will be useful to the practitioner as well as the policy maker as they consider their responsibilities, and that it may lead to more questions that help to further our understanding.

As always, we welcome and rely on your feedback to our approach in getting you useful and meaningful information, and we welcome new ideas for even more ways to understand this data.



**Mike Schmidt, Executive Director**  
Criminal Justice Commission

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<sup>1</sup> Links to our previous reports can be found on our website at: <http://www.oregon.gov/cjc/SAC/Pages/Recidivism.aspx>

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## Executive Summary

Historically, recidivism in Oregon has been tracked with a single definition: a new felony conviction within three years of release for incarceration or imposition of probation. Criminal justice stakeholders are well versed in this recidivism definition, and some are in the habit of referencing a single recidivism number from memory based on the latest recidivism analysis. The new definition essentially provides three measures of recidivism, and a richer context for recidivism analysis. Developing the analysis necessary to report recidivism using this new definition requires the merging of multiple criminal justice data systems on a scale never achieved before in Oregon.

This report is released twice a year in a series of comprehensive statewide analysis<sup>2</sup> using the definition of adult recidivism in HB 3194 (codified in ORS 423.557). The most recent data available is included, and the statewide recidivism analysis is provided in this report. In addition, the CJC has released an interactive and online data dashboard to present the recidivism analyses<sup>3</sup>. This data dashboard includes many different filters and breakouts of the recidivism data, including results by gender, age, race, county, and risk-to-recidivate level. This dashboard is available to criminal justice stakeholders and members of the public as an interactive and online data sharing tool to provide recidivism analysis results.

Many factors can impact recidivism rates such as law enforcement resources and other criminal justice system resources, the risk profile of individuals in the system, changing emphasis on arrests or prosecutions, as well as the use of evidence based programs. This analysis does not attempt to explain why recidivism rates have changed over time, but simply displays the recidivism rates for offenders released from incarceration or sentenced to felony probation statewide.

This analysis shows the current statewide rates of recidivism:

For those released from prison or from a felony jail sentence in the first six months of 2014:

- 18% were re-incarcerated for a new felony crime within three years of release,
- 41% were convicted of a new misdemeanor or felony crime within three years of release, and
- 55% were arrested for a new crime within three years of release.

For those who started a felony probation sentence in the first six months of 2014:

- 14% were incarcerated for a new felony crime within three years,
- 44% were convicted of a new misdemeanor or felony crime within three years, and
- 50% were arrested for a new crime within three years.

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<sup>2</sup> <http://www.oregon.gov/cjc/SAC/Pages/Recidivism.aspx>

<sup>3</sup> <http://www.oregon.gov/cjc/data/Pages/main.aspx>

## Background

HB 3194 Section 45 (2013) (codified in ORS 423.557) provides a new statewide definition of recidivism. The definition includes the arrest, conviction, or incarceration for a new crime<sup>4</sup>.

Historically, the Oregon Department of Corrections (DOC) and the Oregon Youth Authority (OYA) defined recidivism as a felony conviction within three years of release from incarceration or imposition of probation. The data sources available to DOC and OYA allowed for tracking this measure of recidivism. The agencies did not have access to the necessary data systems to track a broader definition of recidivism, which would require access to raw data from the Oregon Judicial Department and Oregon State Police.

For many years the Oregon Statistical Analysis Center (SAC), housed at the Oregon Criminal Justice Commission (CJC), has had access to statewide data systems. The SAC serves as a clearinghouse of criminal justice data, and has expanded its capacity in terms of data available and also in techniques to merge data across different systems.

The recidivism analysis in this report is released twice a year in a series of comprehensive statewide analysis using the definition of adult recidivism in HB 3194 (codified in ORS 423.557). Although there are limitations with the current available data, this analysis includes arrest, misdemeanor and felony conviction, and incarceration data in a single recidivism analysis.

## Definitions and Limitations

Resource and technological limitations persist in Oregon, as they do in all states. Where we encountered data limitations we documented them in order to make this report as transparent and useful as possible. DOC tracks recidivism for offenders starting felony probation and for offenders starting post-prison supervision or parole supervision in six month cohorts<sup>5</sup>. This analysis uses these same cohorts as the starting population to track recidivism.

The CJC combined data from DOC with circuit court case data from the Oregon Judicial Department (OJD), as well as arrest data from Oregon State Police (OSP) to track the three components of the new definition of recidivism in HB 3194 (codified in ORS 423.557).

This analysis provides historical information back to the first offender cohort in 1998 and is current through the first cohort of 2014. This provides historical data to track trends for the new definition of recidivism, and establishes a new baseline for future recidivism analysis. In the past a single definition of recidivism was tracked, which was a new felony conviction within three years of release from incarceration or imposition of probation.

As with past statewide recidivism analyses, this data does not include federal or out of state data. New criminal activity must be entered into electronic data systems in order to be captured as a recidivating event. If new criminal activity is handled informally, and is not entered into an electronic data system, then it is not captured as a recidivating event in this analysis.

The three components (incarceration, conviction, arrest) of this new recidivism analysis are tracked separately. A single offender can contribute to all three measures, or a subset depending on the criminal justice system's response to the new criminal activity committed.

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<sup>4</sup> SB 366 (2015) removed the language that included recidivating events that occur for "any reason" Enrolled SB 366: <https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/SB366/Enrolled>

<sup>5</sup> See appendix for full cohort definitions. A Parole-PPS cohort is comprised of all individuals release to parole or PPS in a six month period. A probation cohort is comprised of all individuals sentenced for the first time to felony probation during a six month period.

The Oregon Statistical Analysis Center does not have access to federal and out of state data, however the Bureau of Justice Statistics (BJS) released an extensive recidivism analysis of 30 states in April 2014 that does include federal and out of state records<sup>6</sup>. BJS released a follow up analysis in September 2015 that analyzes out of state arrest rates<sup>7</sup>. This analysis shows that for prisoners released in Oregon in 2005, the percent increase in the in-state arrest rate when out of state arrests are included is 3.3% in 1 year, 4.9% in 3 years, and 5.3% in 5 years. The most common states where prisoners were arrested outside of Oregon were Washington, California, and Idaho.

### Incarceration

Incarceration data is available from DOC and includes felony prison and felony jail sentences only. The data does not include misdemeanor jail sentences or jail time served pre-trial. Oregon does not have a statewide data system that provides misdemeanor jail sentence information by conviction or county, and therefore misdemeanor incarceration data at the statewide level is not available. The incarceration rate presented shows the percentage of each cohort incarcerated for a new crime within three years of release from incarceration or imposition of probation. Multiple incarceration events are not accounted for. The analysis captures whether an offender was or was not incarcerated within three years of release from prison or imposition of probation.

### Conviction

Conviction data available from OJD includes data from the new Odyssey case management systems. In 2016 Oregon's 36 circuit courts finished a multi-year business transformation project converting from the legacy Oregon Judicial Information Network (OJIN) to Odyssey.

This data includes misdemeanor and felony convictions from Oregon's 36 circuit courts. It does not include convictions from municipal courts or justice courts, as those courts are not part of the unified state court system. An extensive data merging process was done for entries in Odyssey where the SID number is missing; see the appendix for details.

The conviction rate presented shows the percentage of each cohort convicted for a new misdemeanor or felony crime within three years of release from incarceration or imposition of probation. Multiple convictions are not accounted for. The analysis captures whether an offender was or was not convicted of a new crime (misdemeanor or felony) within three years of release from incarceration or imposition of probation.

### Arrest

Arrest data is available from OSP's Law Enforcement Data System (LEDS). This data includes arrests where the person was fingerprinted. It does not include arrests where the person was not finger-printed or other types of law enforcement contact not resulting in arrest. Fingerprinting is required in arrests for all felony crimes, and for misdemeanor drug and sex crimes. The arrest rate presented shows the percentage of each cohort arrested for a new crime within three years of release from incarceration or imposition of probation. Multiple arrests or multiple arrest charges are not included. The analysis captures whether an offender was or was not arrested for a new crime within three years of release from incarceration or imposition of probation.

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<sup>6</sup> Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010.

<http://www.bjs.gov/index.cfm?ty=pbdetail&iid=4986>

<sup>7</sup> Multistate Criminal History Patterns of Prisoners Released in 30 States. <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5407>

## Statewide Recidivism Rates

Figure 1 below shows the three recidivism measures for the parole and post-prison supervision (PPS) cohorts from 1998 to the first cohort of 2014. DOC defines cohorts of all individuals released to parole or PPS during a six month time period. For the first cohort of 2014 the incarceration rate was 18.4%. This is a 7.4% increase over the incarceration rate of the second cohort of 2013 at 17.1%. Over a five year period, it is a 21.3% increase compared to the incarceration rate of the first cohort of 2009 at 14.1%. The conviction rate for the first cohort of 2014 was 41.3%. This is a 1.3% increase compared to the conviction rate of the second cohort of 2013 at 40.7%. It is a 13.8% increase over a five year period compared to the conviction rate of the first cohort of 2009 at 35.8%. The arrest rate for the first cohort of 2014 was 55.1%. This is a 0.4% increase compared to the arrest rate of the second cohort of 2013 at 54.9%. It is a 9.9% increase over a five year period compared to the arrest rate of the first cohort of 2009 at 50.0%.

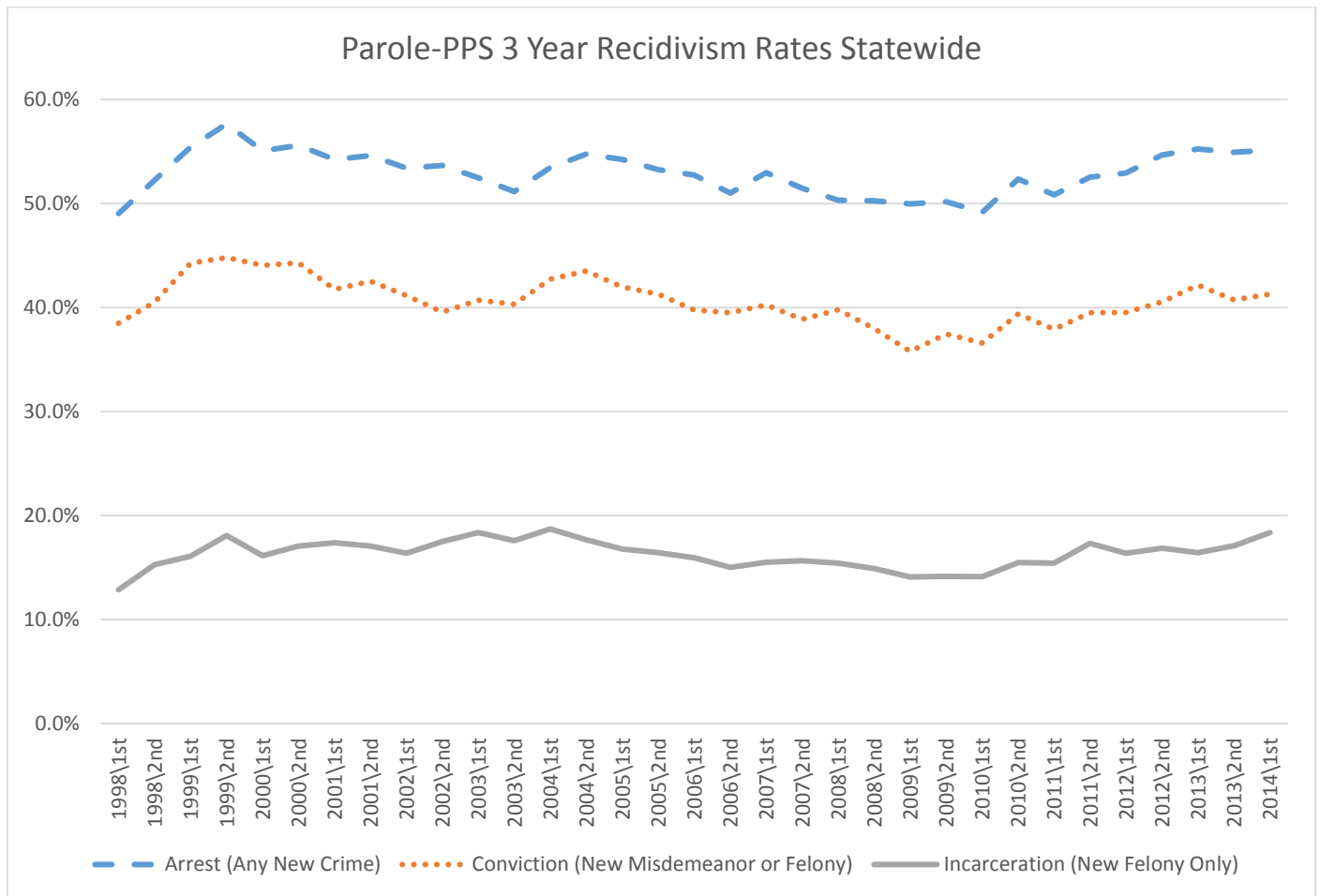


Figure 1: Parole-PPS 3 Year Recidivism Rates

Figure 2 below shows the three recidivism measures for the probation cohorts from 1998 to first cohort of 2014. DOC defines the probation cohorts as comprising all individuals sentenced for the first time to felony probation during the six month period. Individuals sentenced to misdemeanor probation only are not included in the cohort. For the first cohort of 2014 the incarceration rate was 14.1%. This is a 3.2% drop over the incarceration rate of the second cohort of 2013 at 14.6%. Over a five year period, it is a 56.6% increase compared to the incarceration rate of the first cohort of 2009 at 9.0%. The conviction rate for the first cohort of 2014 was 43.7%. This a 2.5% drop compared to the conviction rate of the second cohort of 2013 at 44.9%. It is a 21.4% increase over a five year period compared to the conviction rate of the first cohort of 2009 at 36.0%. The arrest rate for the first cohort of 2014 was 50.4%. This is a 1.3% drop compared to the arrest rate of the second cohort of 2013 at 51.0%. It is a 20.3% increase over a five year period compared to the arrest rate of the first cohort of 2009 at 41.9%.

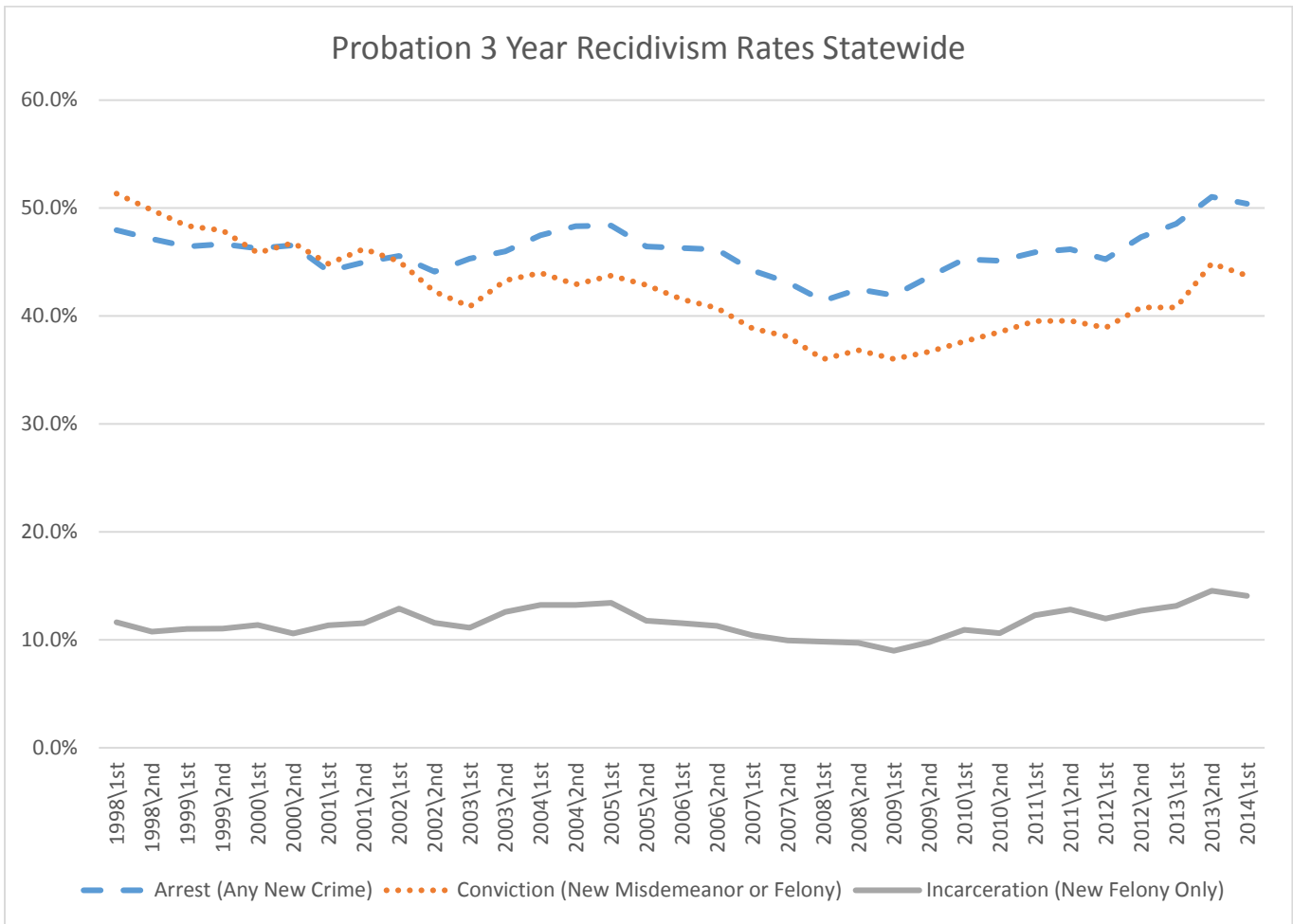


Figure 2: Probation 3 Year Recidivism Rates



## Prison Intakes and Recidivating Events

Oregon’s recidivism definition and the rates displayed in the previous section show the rates of reoffending for a new arrest, conviction, or incarceration. This is useful in showing trends over time, and understanding the percentage of individuals who reoffend. However, it is fairly limited in showing the impact of recidivating events on prison intakes specifically. Recidivating events that result in a prison sentence are arguably the most severe, and have a larger impact on the criminal justice system. The following analysis shows 2013 prison intakes, and the proportion that are attributed to recidivating events.

The 2013 prison intakes were defined into four categories. Probation revocations occur when an individual has received a downward dispositional departure, and was not successful on probation. The revocation results in a prison sentence. This is not counted as a recidivating event, because there was not a new crime. The recidivating event occurs when an individual receives a prison sentence for a new crime within 3 years of either starting probation or releasing from prison or local control. A category was defined to capture when an individual has a prior Oregon felony conviction, but the prison sentence is not a recidivating event. This would occur if the prison sentence is more than 3 years from either starting probation or releasing from prison or local control. The final category shows if the prison sentence is for the individual’s first Oregon felony conviction.

Figure 3 below shows 2013 prison intakes by the categories described above. About 20%, or 1,004 prison intakes, were probation revocations in 2013. Nearly 23%, or 1,133 prison intakes, were considered recidivating events. The prison sentence occurred for a new crime within 3 years of either starting probation or releasing from prison or local control. The largest category is for individuals with a prior Oregon felony and the prison sentence is not counted as recidivating event. Nearly 35%, or 1,729 prison intakes, fit this criteria. About 22%, or 1,120 prison intakes, show the prison sentence as the first felony conviction in Oregon.

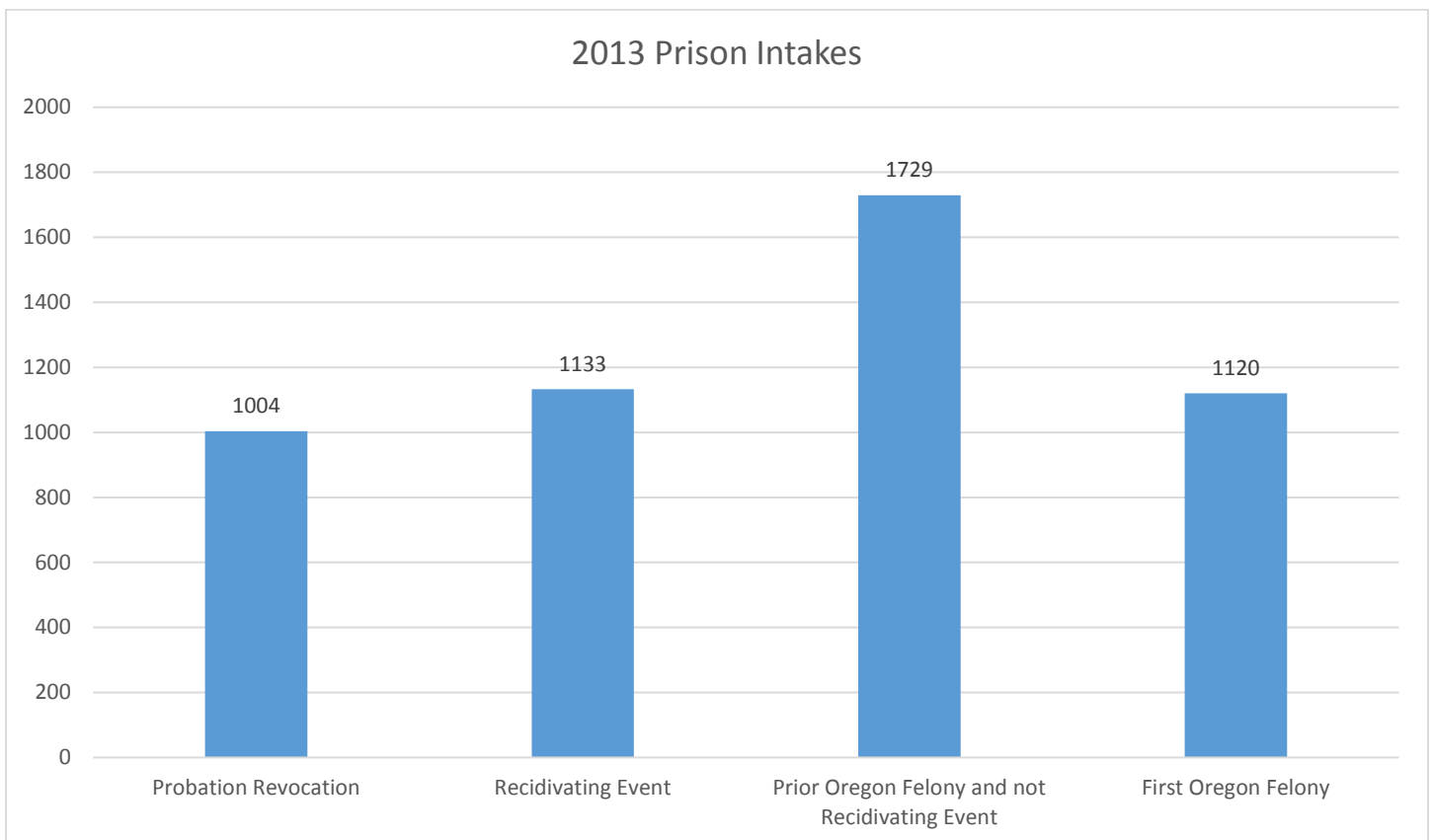


Figure 3: 2013 Prison Intakes

Figure 4 shows the 2013 prison intakes by crime type and the categories described above. The driving, drug, and property crime types are used to track prison use trends for Justice Reinvestment outcomes. Property prison intakes show the most intakes for probation revocations compared to the other crime types (n=383). Property prison intakes also show the most intakes that are recidivating events (n=531). The highest category is for property intakes where the individual has a prior Oregon felony and the prison sentence is not a recidivating event (n=673). Person and sex crime intakes show the highest number of individuals for the first Oregon felony compared to the other crime types.

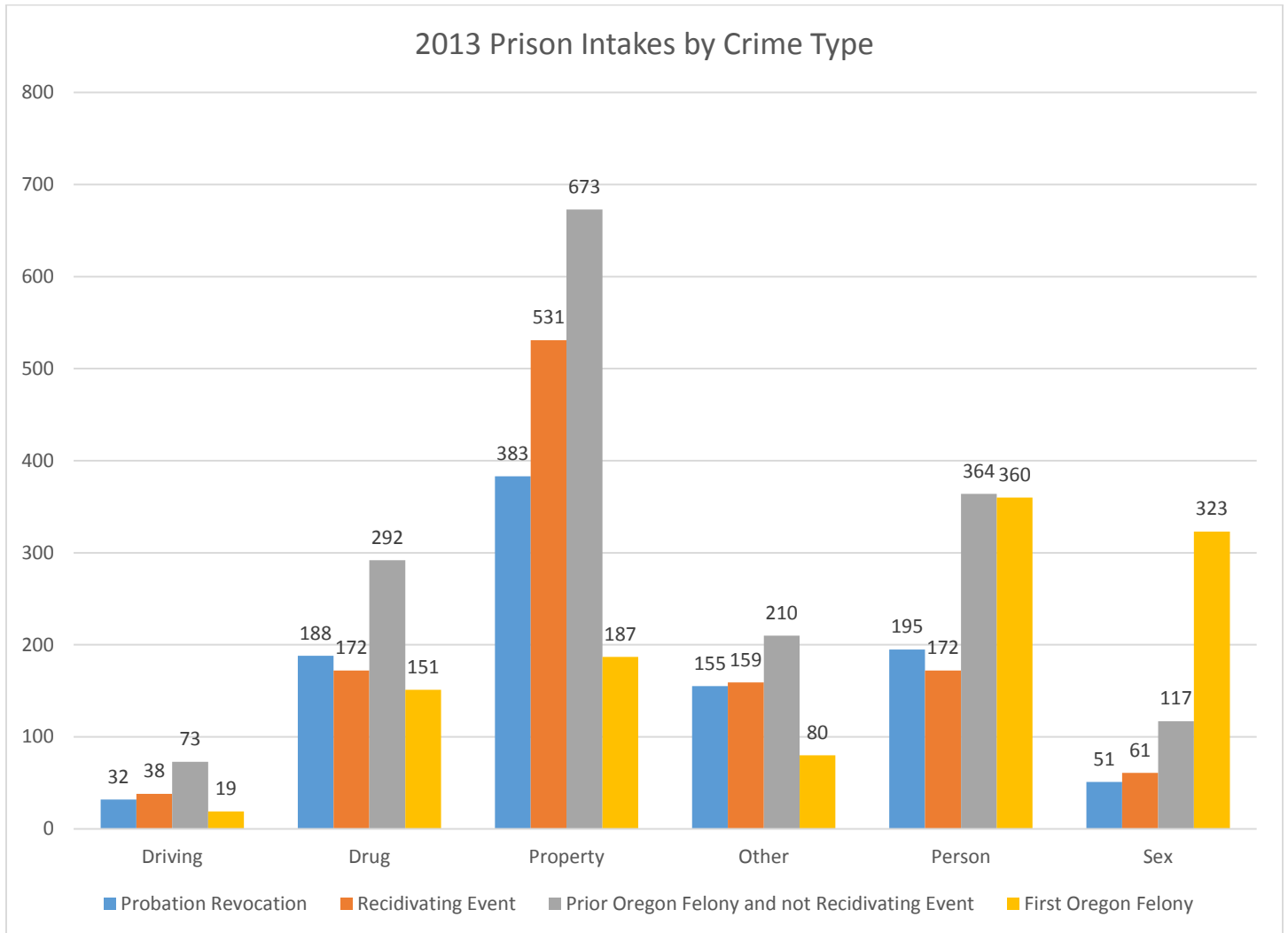


Figure 4: 2013 Prison Intakes by Crime Type

## Appendix

### Department of Corrections Cohorts

The Department of Corrections defines the Parole-PPS cohort as comprising all individuals released to parole or PPS during a six month period. It excludes those released from prison following a revocation from parole/PPS. Inmates initially released on temporary or transitional leave are also included as of their parole or PPS date.

The Department of Corrections defines the probation cohort as comprising all individuals sentenced for the first time in a custody cycle to felony probation during the six month period. Some offenders may have been sentenced to probation more than once. Each new probation admission is considered a separate case. The cohort does not include offenders sentenced to felony bench or court probation who are not supervised by a county community corrections department.

The cohort definitions are separated by county, to allow for county level analysis. To prevent a single individual from being included in multiple counties, DOC defines a county's release cohort as individuals under the county's supervision at the end of the three year period following release from incarceration. A county's probation cohorts are defined as offenders under the county's supervision at the end of the three year period following admission to probation.

### Incarceration

The incarceration recidivism measure is compiled from the Department of Corrections data and includes prison sentences and felony local control sentences for a new crime. It typically does not include a jail sentence without any subsequent supervision, which is rarely used as a sentencing option for offenders. It does not include misdemeanor jail sentences, or jail time served pre-trial. Oregon does not have a statewide jail data system, and jail sentences in the circuit court case data are incomplete at the statewide level.

### Conviction

The conviction recidivism measure is compiled from data collected from the Oregon Judicial Department (OJD) from the Odyssey case management system. This dataset provides misdemeanor and felony conviction data from Oregon's 36 circuit courts. For records where a SID (State Identification) number is missing, an extensive data merging process was followed to match records on name and date of birth; see the Data Merging Methodology section below.

The Oregon Judicial Department (OJD) transmits criminal case data using a secure file transfer to the Criminal Justice Commission (CJC) upon request. The CJC makes such a request of the OJD on approximately a quarterly basis. The data transmitted to the CJC includes information on:

- The defendant, such as the defendant's name, date of birth, address, demographic information (gender, race, etc.), driver license number, SID number, fingerprint and control number;
- The case event(s);
- The charge(s);
- Disposition of charge(s); and
- Sentence(s) imposed by the court.

This data is only from cases filed in circuit courts. The OJD sends data on all – not just new – cases every time data is sent to the CJC. OJD does not have access to information on cases filed in justice or municipal courts, as OJD does not have administrative control over those courts.

In 2016, the OJD completed a significant information technology project – Oregon eCourt. Oregon eCourt involves an

integrated system that includes electronic filing, case management, document access, and ePayment. As part of Oregon eCourt, circuit courts transitioned from the Oregon Judicial Information Network (OJIN) to a new case management system, Odyssey.

## Arrest

Arrest data is available from the Law Enforcement Data System (LEDS) maintained by Oregon State Police (OSP). This includes arrests where the person was fingerprinted. It does not include arrests where the person was not fingerprinted or other types of law enforcement contact not resulting in arrest. Fingerprinting is required in arrests for all felony crimes, and for misdemeanor drug and sex crimes. Some law enforcement agencies fingerprint more arrests than are required, but the minimum should include the required crimes. OSP collects a bio-metric identifier, or fingerprint record, for all arrest records entered into LEDS. Unfortunately, arrest records are not separated into misdemeanor or felony crimes.

## Data Merging Methodology

The majority of data merging across the different data systems used in the analysis was done using the SID number. The DOC data includes a SID number for all records. The LEDS data also includes a SID for all records, and is the source of the SID number creation by linking each SID with finger-print records on file at OSP. The court case data needs a more complex data merging process due to missing SID numbers in the records. If the SID number was included in Odyssey, then the same SID number matching was used. For entries where the SID number was missing, name and date of birth matching was used.

## Odyssey

The SID number in Odyssey was missing for 17% of felony and misdemeanor conviction records. For these entries name and date of birth matching was used. Alias names and dates of birth were compiled, and these were used to match records where the SID number was missing. A test matching scenario was run on the 2010 cohorts. The name and date of birth matching using all aliases available resulted in 2.1% fewer matched entries than the SID number matching. This is likely due to name changes that are not entered as alias names, or data entry errors in the name and date of birth fields in Odyssey.

## Statewide Recidivism Tables

## Statewide Parole-PPS Recidivism Rates

Cohort	Cohort Size	Arrest for a New Crime within 3 Years of Release		Conviction for a New Crime within 3 Years of Release		Incarceration for a New Felony Crime within 3 Years of Release	
		Number Arrested	Percent Arrested	Number Convicted	Percent Convicted	Number Incarcerated	Percent Incarcerated
1998\1st	1974	968	49.0%	760	38.5%	254	12.9%
1998\2nd	2251	1176	52.2%	912	40.5%	344	15.3%
1999\1st	2279	1263	55.4%	1009	44.3%	367	16.1%
1999\2nd	2446	1410	57.6%	1096	44.8%	442	18.1%
2000\1st	2429	1338	55.1%	1070	44.1%	392	16.1%
2000\2nd	2400	1334	55.6%	1063	44.3%	410	17.1%
2001\1st	2559	1388	54.2%	1068	41.7%	445	17.4%
2001\2nd	2607	1424	54.6%	1109	42.5%	445	17.1%
2002\1st	2437	1301	53.4%	1003	41.2%	399	16.4%
2002\2nd	2753	1477	53.7%	1089	39.6%	482	17.5%
2003\1st	2580	1354	52.5%	1050	40.7%	474	18.4%
2003\2nd	2548	1303	51.1%	1027	40.3%	448	17.6%
2004\1st	2753	1472	53.5%	1176	42.7%	515	18.7%
2004\2nd	3071	1682	54.8%	1336	43.5%	543	17.7%
2005\1st	2851	1546	54.2%	1197	42.0%	478	16.8%
2005\2nd	3004	1600	53.3%	1240	41.3%	494	16.4%
2006\1st	2996	1580	52.7%	1191	39.8%	478	16.0%
2006\2nd	3031	1546	51.0%	1197	39.5%	455	15.0%
2007\1st	2944	1559	53.0%	1185	40.3%	457	15.5%
2007\2nd	3020	1554	51.5%	1174	38.9%	473	15.7%
2008\1st	2905	1462	50.3%	1156	39.8%	448	15.4%
2008\2nd	2823	1419	50.3%	1072	38.0%	421	14.9%
2009\1st	2772	1385	50.0%	992	35.8%	391	14.1%
2009\2nd	3279	1645	50.2%	1228	37.5%	464	14.2%
2010\1st	2888	1420	49.2%	1057	36.6%	408	14.1%
2010\2nd	2947	1543	52.4%	1161	39.4%	456	15.5%
2011\1st	2911	1480	50.8%	1104	37.9%	449	15.4%
2011\2nd	3027	1590	52.5%	1196	39.5%	525	17.3%
2012\1st	2969	1572	52.9%	1174	39.5%	486	16.4%
2012\2nd	2979	1629	54.7%	1208	40.6%	503	16.9%
2013\1st	2865	1583	55.3%	1208	42.2%	471	16.4%
2013\2nd	3039	1669	54.9%	1238	40.7%	520	17.1%
2014\1st	3079	1697	55.1%	1271	41.3%	566	18.4%

## Statewide Probation Recidivism Rates

Cohort	Cohort Size	Arrest for a New Crime within 3 Years of Imposition of Probation		Conviction for a New Crime within 3 Years of Imposition of Probation		Incarceration for a New Felony Crime within 3 Years of Imposition of Probation	
		Number Arrested	Percent Arrested	Number Convicted	Percent Convicted	Number Incarcerated	Percent Incarcerated
1998\1st	4788	2297	48.0%	2458	51.3%	557	11.6%
1998\2nd	4808	2267	47.2%	2395	49.8%	517	10.8%
1999\1st	4811	2234	46.4%	2326	48.3%	529	11.0%
1999\2nd	4634	2162	46.7%	2221	47.9%	511	11.0%
2000\1st	4917	2275	46.3%	2254	45.8%	560	11.4%
2000\2nd	4376	2037	46.5%	2047	46.8%	463	10.6%
2001\1st	4823	2130	44.2%	2162	44.8%	548	11.4%
2001\2nd	4420	1988	45.0%	2043	46.2%	511	11.6%
2002\1st	4772	2175	45.6%	2150	45.1%	615	12.9%
2002\2nd	4536	2001	44.1%	1917	42.3%	525	11.6%
2003\1st	4131	1872	45.3%	1689	40.9%	460	11.1%
2003\2nd	4199	1931	46.0%	1818	43.3%	529	12.6%
2004\1st	4620	2194	47.5%	2033	44.0%	611	13.2%
2004\2nd	4469	2160	48.3%	1918	42.9%	591	13.2%
2005\1st	4944	2392	48.4%	2163	43.8%	664	13.4%
2005\2nd	4971	2309	46.4%	2131	42.9%	585	11.8%
2006\1st	5407	2503	46.3%	2247	41.6%	624	11.5%
2006\2nd	4793	2212	46.2%	1952	40.7%	541	11.3%
2007\1st	4990	2207	44.2%	1939	38.9%	520	10.4%
2007\2nd	4352	1877	43.1%	1658	38.1%	433	9.9%
2008\1st	4533	1877	41.4%	1632	36.0%	445	9.8%
2008\2nd	4067	1728	42.5%	1498	36.8%	395	9.7%
2009\1st	4307	1805	41.9%	1551	36.0%	387	9.0%
2009\2nd	3880	1693	43.6%	1423	36.7%	379	9.8%
2010\1st	4081	1847	45.3%	1537	37.7%	446	10.9%
2010\2nd	4243	1915	45.1%	1634	38.5%	450	10.6%
2011\1st	4210	1933	45.9%	1664	39.5%	517	12.3%
2011\2nd	4188	1934	46.2%	1657	39.6%	537	12.8%
2012\1st	4528	2049	45.3%	1762	38.9%	542	12.0%
2012\2nd	3924	1857	47.3%	1601	40.8%	498	12.7%
2013\1st	4240	2058	48.5%	1730	40.8%	557	13.1%
2013\2nd	4116	2101	51.0%	1847	44.9%	599	14.6%
2014\1st	4411	2223	50.4%	1929	43.7%	621	14.1%