



OKPOLICY.ORG

Oklahoma Policy Institute

OKLAHOMA NEEDS MORE CRIMINAL JUSTICE REFORM

Faulty implementation and issues not covered by the Justice Reinvestment Initiative leave more work to be done to protect public safety while reducing incarceration in Oklahoma.

by **Gene Perry, Policy Analyst**

In 2012, the Oklahoma Legislature approved a much-heralded criminal justice reform bill in HB 3052. The new law was the result of Oklahoma's participation in the Justice Reinvestment Initiative (JRI), which seeks data-driven ways to reduce incarceration and put the savings back into crime reduction efforts. However, roadblocks to implementation of the law and reforms left undone mean that Oklahoma has more to do if we are to rein in high levels of costly incarceration. This fact sheet summarizes the current state of criminal justice reform in Oklahoma.



The Justice Reinvestment Initiative did not address the central drivers of Oklahoma's high incarceration rates: long sentences and a lack of alternatives for low-risk offenders.

The JRI law concentrated on reducing recidivism in Oklahoma by improving post-release supervision. Yet before the reforms, Oklahoma already had the third lowest rate recidivism rate in the nation.¹ Because Oklahoma incarcerates offenders at a much higher rate, our low recidivism rate is largely caused by low-risk offenders who in other states would never have gone to prison in the first place. The rate of Oklahomans serving prison terms for drug possession is more than twice the national average, and non-violent offenders made up 71 percent of new Oklahoma prison admissions from 2005 to 2010.²

For more serious crimes, a growing number of "85 percent offenders" (who are required to serve at least 85 percent of their terms without any chance of probation or parole) are creating a long-term cost burden for taxpayers. Over the past two decades, the length of time served by Oklahoma prisoners grew by 83 percent, the third highest increase in the nation. This increased sentence length cost Oklahoma taxpayers more than \$200 million in 2009.³

Besides leaving out seriously needed reforms, the JRI law has faced roadblocks to implementation of the reforms that it did contain. The following page lays out the provisions of this law and what has been done (or not done) to implement them.

¹ 26.4 percent for offenders released in 2004, according to the Pew Center on the States, April 2011, "State of Recidivism."

² Oklahoma Policy Institute, March 2013, "Action Items for Oklahoma: Criminal Justice."

³ Pew Charitable Trusts, June 2012, "Time Served in Oklahoma."

HOW THE JUSTICE REINVESTMENT INITIATIVE REFORMS HAVE BEEN IMPLEMENTED

JRI Reform	What's Been Done
<p>Establish “intermediate revocation facilities” (IRF) for alternative sentencing of drug court and probation violators. Provide judges and district attorneys an option to sentence those who violate the terms of a drug court program or probation to 6 months at an IRF rather than sending them back to prison.</p>	<p>The Department of Corrections (DOC) has not been funded to build new facilities for this purpose. Some funds were budgeted to provide drug and mental health treatment for IRF offenders at existing facilities, but these funds have not been used because judges and district attorneys are not taking advantage of the new option. As of May 2013, only 2 offenders had been placed in the program.</p>
<p>Require a probation period of at least 9-months to be included with any sentence and develop a sentencing matrix for probation violations.</p>	<p>This provision was intended to reduce recidivism by expanding supervision of ex-felons just out of prison. However, the DOC has not been funded to pay for that increased supervision. The number of probation and parole officers employed by the Department has dropped 20 percent since 2008 and is at its lowest level in at least a decade. The end result may be the opposite of what the law intends – with growing caseloads and too few probation officers, meaningful supervision of offenders will actually decrease.</p> <p>That hasn't happened yet, but only because Oklahoma judges are not enforcing the new law. According to the DOC, only 9 offenders have had the requirement placed on them since the law went into effect, out of 1,621 who were eligible.</p>
<p>Reduce the sentence for a second drug conviction occurring more than ten years after a previous conviction to one to five years, instead of two to ten years.</p>	<p>Data on recidivism typically only covers those who return to prison within three years of release, so it does not tell us how many are affected by this change. But because recidivism decreases dramatically with age and with longer times out of prison, it is safe to say that the number is tiny.</p>
<p>Require assessment of anyone convicted of a felony for mental health and substance abuse problems.</p>	<p>The Department of Mental Health and Substance Abuse Services received additional funding this year to upgrade computer systems related to this assessment. If courts utilize this information to shift offenders into treatment instead of incarceration, and if Oklahoma continues to boost investments to make that treatment available, then it could have a long-term impact.</p>
<p>Extend the eligibility for sentence modification from 12 to 24 months after conviction.</p>	<p>This reform was in response to long waiting lists that often make it impossible for offenders to get into treatment programs within 12 months of sentencing. However, with the Department of Corrections severely understaffed and set to receive flat funding, it is highly unlikely that the waiting lists will get any shorter.</p>
<p>Create the Justice Reinvestment Grant Program for law enforcement agencies to develop new strategies to combat violent crime.</p>	<p>Attorney General Scott Pruitt has so far declined to award any grant funds.</p>

***For more on what Oklahoma can do to achieve real criminal justice reform, go to:
<http://okpolicy.org/action-items-for-oklahoma-criminal-justice>***