

CRIMINAL JUSTICE REFORM IN OKLAHOMA:

ANALYSIS OF THE
JUSTICE REINVESTMENT INITIATIVE
AND
RECOMMENDATIONS FOR
STEPS FORWARD



ADAM LUCK

2014 MICHAEL S. DUKAKIS GOVERNOR'S SUMMER FELLOW

HARVARD UNIVERSITY

JOHN F. KENNEDY SCHOOL OF GOVERNMENT

JULY 2014

TABLE OF CONTENTS

I. Executive Summary	4
Introduction.....	4
Report Structure	5
Methodology	6
Recommendations for Focus Area 1: HB 3052 Implementation	7
Recommendations for Focus Area 2: Finish JRI Process	8
Recommendations for Focus Area 3: Build on JRI	9
Recommendations for Focus Area 4: Fix the Reform Process	9
II. The Justice Reinvestment Initiative	11
The JRI Process	11
CSG Justice Center Findings	12
Oklahoma’s JRI Legislation: House Bill 3052	13
III. Next Steps for Reform in Oklahoma	19
Focus Area 1: Address HB 3052 Implementation	19
Intermediate Revocation Facilities.....	19
Post-imprisonment Supervision.....	21
The AG Law Enforcement Grant	21
Offender Screenings.....	22
Recommendations for Focus Area 1	22
Focus Area 2: Finishing the JRI Process	23
Strengthen Relationship with CSG Justice Center.....	25
Funding Successful Programs.....	25
Address Other JRI Recommendations	26
Recommendations for Focus Area 2.....	26
Focus Area 3: Build on JRI.....	27
Diverting from Incarceration.....	28
Ensure Success upon Reentry.....	29
General Recommendations.....	30
Recommendations for Focus Area 3.....	31

Focus Area 4: Improve the Reform Process.....	32
Recommendations for Focus Area 4	33
IV. Conclusion	37
V. Bibliography	38
VI. Appendix 1: CSG Justice Center JRI in Oklahoma Overview.....	40
VII. Appendix 2: CSG Justice Center Final Report Summary.....	44
VIII. Appendix 3: DOC “Facts at a Glance,” June 2014	49
IX. Appendix 4: ODMHSAS Offender Screening Data	52
X. Appendix 5: ODMHSAS “Smart on Crime” Plan	53
XI. Appendix 6: ODMHSAS Offender Screening Graphs	56
XII. Appendix 7: ODMHSAS Tulsa PD Transport Data	58
XIII. Appendix 8: JRI Legislation Summary	60

I. EXECUTIVE SUMMARY

INTRODUCTION

This assessment of the criminal justice system in Oklahoma was made possible through the Michael S. Dukakis Governor’s Summer Fellows Program at Harvard University, John F. Kennedy School of Government and through the funding provided by Calvin and Marilyn Gross.¹ I am humbled and grateful for the opportunity to return to Oklahoma in this capacity. Thank you for opening this door.

As a native Oklahoman I was thrilled with the opportunity to come back to Oklahoma with my family to work on such an important issue facing our great state. Before beginning my studies at the Harvard Kennedy School, I served five years on Active Duty in the US Air Force as a Korean Linguist. During my time in the Air Force I worked in many different intelligence roles, including work in Standardizations and Evaluations. I gained valuable experience with regulatory implementation and process reform. Given that my background is not focused on criminal justice, a process-based approach to this issue would prove useful in analyzing the many processes of various agencies, departments, and organizations to see where the most gains or improvements could be made.

In order to understand the scope and perspective of my assessment, it will be useful to understand the capacity in which I served this summer. The Dukakis Fellowship accepts applications from state Governor’s offices for a Fellow from the Harvard Kennedy School to come and work on a policy issue identified by the state. Students then apply to work in a state based on policy topics or locations of interest.

This assessment was focused on addressing the policy issue outlined by the Governor’s office in their application to the program:

“The Dukakis Fellow would be tasked with development of creative and innovative approaches for a ‘way-forward’ policy paper – in coordination with our Departments of

¹ The entirety of this report reflects the author’s views or those directly quoted and not necessarily those of the Harvard University, Council of State Governments, or any other entity.

Corrections and Mental Health – on justice reform efforts with special emphasis on the Oklahoma Justice Reinvestment Initiative. The Fellow would be required to consider legal, economic and policy impacts of any suggested approach and would thus be required to intensively coordinate with the Governor's General Counsel, Director of the Department of Corrections, Director of the Department of Mental Health and Governor's Senior Policy Advisors in the development of suggested reform initiatives.”²

Upon my arrival, this policy objective was reiterated as I was quickly briefed on the intricacies of the Justice Reinvestment Initiative (JRI) and given many points of reference from which I would begin my analysis. Having spent 10 weeks researching this topic and meeting with the many parties involved, I am impressed by the accuracy and truthfulness of the initial briefing by the Governor’s staff. Their honesty and willingness to facilitate my research would continue throughout this entire process.

REPORT STRUCTURE

The following segments of this section will cover the methodology of my analysis, followed by a summary of the recommendations. Section II will provide an overview of the Justice Reinvestment process, the conclusions of the 2012 JRI report, and the resulting laws from passage of House Bill (HB) 3052.

Section III will cover my recommendations, which I have divided into four Focus Areas. The first Focus Area addresses issues with HB 3052 implementation. These recommendations will focus on the intermediate revocation facilities, post-imprisonment supervision, the AG Law Enforcement Grant, and offender pre-sentencing screening. Focus Area 2 will address recommendations for finishing the JRI process, to include strengthening the relationship with the CSG Justice Center, funding successful programs, and addressing the remaining JRI recommendations. Focus Area 3 recommendations deal with building on JRI by focusing on diverting offenders from incarceration, ensuring success upon reentry, and will end with a set of general recommendations gleaned from my research and meetings. The final Focus Area will

² *Harvard Kennedy School of Government, Office of Career Advancement, Michael S. Dukakis Summer Fellows Program, Project Proposals 2014, Oklahoma.*

address recommendations for improving the reform process through identifying legislative leaders, forming a team, gathering public support, creating a coordinator position, and instituting training and enforcement measures.

METHODOLOGY

The criminal justice system in Oklahoma underwent an intensive, one-year investigation leading up to the publishing of the *Justice Reinvestment in Oklahoma: Analysis and Policy Framework* report written by the team of researchers and policy analysts at the Council of State Governments Justice Center.³ It was this analysis that informed the legislation that was written and passed as HB 3052 in the legislative session of 2012. Given that much of my task was centered on the status of these reforms, I relied heavily on the data and analysis presented in the 2012 JRI Report.⁴

I began my work with an initial two-week period of research, staff consultations, and interview preparation. During this time, my research was focused on general (national-level) prison reform, efforts specific to Oklahoma, and the Justice Reinvestment process dating back to 2010. I met with staff members in the Governor's office, in both the Policy and Legal Departments, to get an executive level perspective on the JRI process and also to get to know the individuals that had worked on this issue within the Governor's office. I also spent this time creating a list of key individuals involved in the Oklahoma criminal justice system and with direct experience related to the JRI development and implementation process.

Over the following seven weeks, I would conduct 18 meetings with 26 individuals directly related to JRI in addition to 21 meetings with 21 individuals that were involved in state government for a total of 39 meetings with 47 individuals. Among these individuals were administrative Directors for Department of Corrections (DOC) and Oklahoma Department of

³ This report and details of the Justice Reinvestment Initiative will be covered more in the following section.

⁴ The Council of State Governments Justice Center. *Justice Reinvestment in Oklahoma, Analysis and Policy Framework*. January 2012.

http://jrioklahoma.com/wp-content/uploads/2012/01/JR_OK_Analysis_Policy_Framework1.pdf (Accessed 27 May 2014).

Mental Health and Substance Abuse Services (ODMHSAS), representatives from the Office of the Attorney General, the Oklahoma County District Attorney's Office, Oklahoma Department of Career and Technology Education, and the Council of State Governments Justice Center. I also met with representatives from the Inasmuch Foundation, the George Kaiser Family Foundation, The Education and Employment Ministry (TEEM), and the female-focused recovery program Remergé. Finally, I was able to meet with current and former legislators, Secretaries of State, Speakers of the House of Representatives and President Pro Tempore of the Oklahoma Senate as well as Oklahoma judges, wardens, and representatives from private industry. Many of these meetings were accompanied by tours of DOC facilities, community corrections centers, halfway houses, alternative to incarceration and recovery programs, and non-profit organizations.

These meetings helped form the basis of the recommendations made in this report as they provided the frontline information on what changes have been made since JRI legislation passed. They also provided valuable insight into what the leaders and workers within these organizations believed should be done to address the issues within the Oklahoma criminal justice system.

While I believe I gained a well-rounded perspective of the issue, I understand there are many other parties whose perspective and ideas would have greatly benefitted this report. I readily acknowledge these unintended exclusions that resulted from the time and scheduling constraints of such a project and further recognize the impact they may have on the recommendations contained in this report.

RECOMMENDATIONS FOR FOCUS AREA 1: HB 3052 IMPLEMENTATION

- **Alleviate the pressure on existing facilities** and create the space needed to house all offenders recommended for intermediate revocation by designating parts of facilities as actual intermediate revocation facilities.
- **Consider funding DOC to provide intensive treatment** during the intermediate revocation for those identified as needing mental health or substance abuse treatment.
- **Consider moving the intermediate revocation sanction to the Community Corrections level** to alleviate pressure for bed space at the prison level while also more effectively using tax dollars to address probation violators.

- **Create clarification legislation** for how the post-imprisonment supervision is to be calculated and annotated on the Judgment and Sentence document.
- **Create system of accountability** to ensure post-imprisonment supervision is being included in Judgment and Sentence document and carried out upon offender release.
- **Earmark funding for Justice Reinvestment Grant Program** rather than relying on AG's office to fund out of agency budget.
- **Consider additional funding for ODMHSAS to train and certify screeners** in order to fulfill mandate of providing screening to all offenders prior to sentencing and create enforcement mechanism to ensure screening results are being incorporated into sanctions.

RECOMMENDATIONS FOR FOCUS AREA 2: FINISH JRI PROCESS

- **Show Oklahoma's commitment to the entire JRI process** and broader reform, thereby regaining credibility on this issue.
- **Establish an Executive Branch JRI implementation steering committee** with members from varying levels of state government and various agencies. Ensure collaboration and goals from the beginning, avoid any miscommunication as to the purpose and extent of authority for the committee, and ensure the administration is content with the mandate of the committee.
- **Strengthen relationship with Bureau of Justice Assistance** by renewing the dialogue on the JRI process in Oklahoma. Illustrate commitment to the process by showing the progress that has been made thus far and inquire as to what they would need for the process to move forward.
- **Consider accepting funding from the Bureau of Justice Assistance.** This funding comes with the sole requirement that the state maintain an active implementation steering committee and carries no obligation beyond the completion of the JRI process.
- **Consider funding programs that have demonstrated success** in reducing recidivism and providing alternatives to incarceration.

- **Consider addressing remaining recommendations from the JRI Report.** These recommendations remain the most informed policy options and are the most logical next step for reform efforts.

RECOMMENDATIONS FOR FOCUS AREA 3: BUILD ON JRI

- **Emphasize reform efforts that will divert offenders** to programs that meet substance abuse or mental health needs, which will cost less, reduce prison population, and better address recidivism.
- **Focus on successful reentry through Community Corrections** and the programs offered at this level of incarceration. **Consider an appeals process** allowing offenders an avenue to obtain professional licenses, driver’s licenses, and access to housing.
- **Consider converting the Judgment and Sentencing documentation process to an all-electronic system,** which would save DOC time and money in the form of manpower used to process this documentation. This would also expedite moving offenders from county jails to DOC facilities, saving on the per diem costs associated with county jails.
- **Take advantage of SB 1278** and create “Pay for Success” contracts with willing non-profit organizations to spur development of much-needed programs. The state only pays if certain outcomes are achieved, which if negotiated properly, will result in savings.
- **Explore sentencing reform** to create surety in sentencing, delineate dangerous versus non-dangerous crimes as well as violent versus nonviolent crimes, and simplify the time computation methods for prison sentencing.
- **Incentivize county level changes** as a means of lowering incarceration rates and holding counties accountable for the rate of offenders placed into DOC custody. Incentives would likely be monetary but, if tied to incarceration rates, could result in greater savings.

RECOMMENDATIONS FOR FOCUS AREA 4: FIX THE REFORM PROCESS

- **Identify legislative leaders** who are knowledgeable in the subject area, capable of building support within their body, and ready to support the proposed legislation.

- **Form a team of individuals** that will be central to the reform effort. Ensure that each member understands and agrees with the authority and mandate of the committee. Exercise oversight on member admittance through Chair appointments.
- **Gather public support** through proper messaging to both the ends of the political spectrum. Fiscal conservatives should understand tax dollars savings while social justice advocates should see the benefits of alternative and diversionary programming.
- **Consider creating a Coordinator position** centered in the executive office. This individual will coordinate with agencies and organizations to ensure support, facilitate communication, ensure legislative passage, and aid in implementation and enforcement.
- **Consider instituting training and enforcement measures** that will help involved parties understand what is expected and how they will be held accountable.

II. THE JUSTICE REINVESTMENT INITIATIVE

This section will begin by covering the JRI process in Oklahoma, followed by an outline of the findings and recommendations made by the CSG Justice Center in their 2012 Report. Following their recommendations, I will discuss new laws resulting from passage of HB 3052 and compare this legislation with the suggested changes made in their Report.

THE JRI PROCESS

Justice Reinvestment is a process created by the Council of State Governments Justice Center, a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government.⁵ The Justice Reinvestment process is something that states choose to participate in and is funded primarily by the Bureau of Justice Assistance, U.S. Department of Justice and the Pew Charitable Trusts' Center on the States. It is a strategy described by CSG as a “data-driven approach to contain corrections spending and reinvest a portion of the savings generated in strategies that will increase public safety.”⁶

To begin the process, states are required to demonstrate active support through letters of intent from different levels of state government, including the Office of the Governor. In May 2011, the proposal was approved and work began in June 2011 to collect and analyze large amounts of data related to the criminal justice system in Oklahoma. The scope of this work was immense; in the span of six months their team analyzed over 700,000 individual records and took part in over 100 in-person meetings with close to 350 individuals.⁷

Once their research was complete, they presented their findings in the 2012 JRI Report, which outlined the suggested legislative measures to be taken by the state and the implementation steering committee. Once this report is published, it is up to the state government and legislators to craft legislation based on these recommendations. Once legislation is passed, the CSG Justice Center offers technical support and funding to states to aid in implementation

⁵ The Council of State Governments Justice Center homepage: <http://csgjusticecenter.org/> (Accessed 27 May 2014).

⁶ See note 4 at p. 1.

⁷ Ibid.

provided the state continues to use the implementation steering committee.⁸ In fact, according to the CSG this remains the only requirement to gain access to funding throughout the rest of the Justice Reinvestment process.

CSG JUSTICE CENTER FINDINGS

The CSG Justice Center summarized their report by highlighting three main challenges: 1) the high rate of violent crime, 2) inadequate supervision and treatment, and 3) growing prison population. They formulated three strategies to combat these challenges, which influenced the drafting of HB 3052. The following are the final recommendations made in their report:

1. Fight Crime and Enhance Public Safety

1(A): Help local law enforcement prevent violent crime with state funding for technology, overtime, crime analysis, and community partnerships.

1(B): Prioritize and fund additional community-based psychiatric crisis stabilization beds throughout the state.

1(C): Allocate dedicated funding to each DA's office for the purpose of enhancing victim/witness services and securing more convictions.

2. Strengthen Supervision

2(A): Require every prison sentence include a period of post-release supervision of no less than nine months.

2(B): Provide probation with additional resources to strengthen supervision.

2(C): Conduct a presentence risk and need screen on all people admitted to county jails who have been charged with a felony.

2(D): Utilize swift and certain intermediate sanctions when people violate conditions of supervision.

2(E): Improve access to treatment for high-risk/high-need people sentenced to supervision.

3. Contain Prison Costs

⁸ Funding is made up primarily from CSG Justice Center through federally allocated funds to U.S. DOJ and other private organizations. Lee Ann Duran (CSG Justice Center), personal communication, 21 Jul 2014. A list of funders can be found at <http://csgjusticecenter.org/jr/funders-partners/>.

3(A): Provide a graduated approach to sentencing people convicted of drug possession based on a person’s risk of reoffending, criminal history, and substance abuse.

3(B): Require people convicted of the most serious and violent offenses to serve 85 percent of their sentence in prison before they are able to apply banked good behavior and/or achievement credits.

3(C): Permit a longer period after conviction for judges to modify sentences.⁹

OKLAHOMA’S JRI LEGISLATION: HOUSE BILL 3052

In February 2012, Speaker of the House Kris Steele, Senate President Pro Tempore Brian Bingman, and several coauthors wrote House Bill 3052. In the following months it passed both the House of Representatives and Senate by wide margins. It was subsequently signed into law on May 9, 2012.¹⁰ The following are excerpts, by section, of the legislative changes made in HB 3052, along with a summary and the corresponding recommendation in the JRI Report.¹¹

Section 1:

(New Law, 22 O.S. 2012, Section 210)

“Any person found guilty of a felony offense shall, prior to sentencing, be required to submit to an approved risk, mental health and substance abuse assessment and evaluation which shall be administered and scored by assessment personnel certified by the Department of Mental Health and Substance Abuse Services.”¹²

Summary: Requires all felons to submit to a risk assessment and mental health and substance abuse evaluation prior to sentencing.

Corresponding JRI Recommendation: 2(C)

Section 2:

(Amendatory, 22 O.S. 2011, Section 471.2)

⁹ See note 4 at p. 3.

¹⁰ Oklahoma State Legislature. *Bill Information for HB 3052 (2011-2012), History of HB 3052.* <http://www.oklegislature.gov/BillInfo.aspx?Bill=HB3052&Session=1200>. (Accessed 24 Jul 2014)

¹¹ See Appendix 8: JRI Legislation Summary.

¹² Oklahoma State Legislature House Bill 3052, p. 3. Can be accessed electronically at: http://webserver1.lsb.state.ok.us/cf_pdf/2011-12%20ENR/hB/HB3052%20ENR.PDF.

“The eligibility form shall describe the drug court program for which the offender may be eligible, including, but not limited to... 8. A clear statement that during participation in the drug court program should the offender fail to comply with the terms of the agreement, the offender may be sanctioned to serve a term of confinement of six (6) months in an intermediate revocation facility operated by the Department of Corrections. An offender shall not be allowed to serve more than two separate terms of confinement in an intermediate revocation facility.”¹³

Summary: Allows for Drug Court participants who violate the terms of their probation to be sanctioned to an Intermediate Revocation Facility (IRF) for up to six months.

Corresponding JRI Recommendation: 2(D)

Section 3:

(Amendatory, 22 O.S. 2011, Section 982a)

“Any time within twenty-four (24) months after the initial sentence is imposed or within twenty-four (24) months after probation has been revoked, the court imposing sentence or revocation of probation may modify such sentence or revocation by directing that another sentence be imposed...”¹⁴

Summary: Allows presiding Judge to modify an offender’s sentence for up to 24 months and requires District Attorney approval if the modification takes place after 12 months.

Corresponding JRI Recommendation: 3(C)

Section 4:

(New Law, 22 O.S. 2012, Section 991a-21)

“For persons convicted and sentenced on or after November 1, 2012, the court shall include in the sentence of any person who is convicted of a felony and sentenced to a term of confinement with the Department of Corrections, as provided in Section 991a of Title 22 of the Oklahoma Statutes or any other provision of the Oklahoma Statutes, a term of post-imprisonment supervision. The post-imprisonment supervision shall be for a period of not less than nine (9) months nor more than one (1) year following confinement of the person and shall be served

¹³ Ibid. See note 12 at pp. 4-5.

¹⁴ Ibid. See note 12 at p. 7.

under conditions prescribed by the Department of Corrections. In no event shall the post-imprisonment supervision be a reason to reduce the term of confinement for a person.”¹⁵

Summary: Mandates a 9-12 month post-imprisonment supervision for all felons and allows for a six month sanction to an IRF for any violation during this supervision.

Corresponding JRI Recommendation: 2(A), 2(D)

Section 5:

(Amendatory, 22 O.S. 2011, Section 991b)

“The sentencing judge may authorize any recommended sanctions, which may include, but are not limited to: ... a one-time referral to a term of confinement of six (6) months in an intermediate revocation facility operated by the Department of Corrections; provided, upon approval of the district attorney, a person may be sanctioned to serve additional terms of confinement in an intermediate revocation facility.”¹⁶

Summary: Allows for a one-time six-month referral to an IRF as a sanction for probation violations.

Corresponding JRI Recommendation: 2(B), 2(D)

Section 6:

(Amendatory, 57 O.S. 2011, Section 138)

“No earned credit deductions shall be credited or recorded for any person who is referred to an intermediate revocation facility for violating any of the terms and conditions of probation.”¹⁷

Summary: Prohibits earned credits during IRF sanction.

Corresponding JRI Recommendation: Clarification of 2(D).

Section 7:

(Amendatory, 57 O.S. 2011, Section 502)

“‘Intermediate revocation facility’ means a corrections center operated by the Department of Corrections or a private facility or public trust operating pursuant to contract with the

¹⁵ Ibid. See note 12 at p. 8.

¹⁶ Ibid. See note 12 at p. 9.

¹⁷ Ibid. See note 12 at p. 12

Department of Corrections which provides housing and intensive programmatic services for offenders who have violated the terms or conditions of probation as determined by a supervising probation officer. ‘Intensive programmatic services’ offered by the Department of Corrections includes, but shall not be limited to, alcohol and substance abuse counseling and treatment, mental health counseling and treatment and domestic violence courses and treatment programs.”¹⁸

Summary: Provides definition for intermediate revocation facilities and outlines use of intensive programmatic services.

Corresponding JRI Recommendation: 2(D), 2(E)

Section 8:

(Amendatory, 57 O.S. 2011, Section 517)

“If it is determined that the facts [of a probation violation] justify disciplinary sanctions, the Department shall issue a warrant for the arrest of the probationer and the warrant shall have the force and effect of any warrant of arrest issued by a district court in this state. The probationer shall, after arrest, be immediately incarcerated in the nearest county jail or intermediate sanction facility to await action by the court as to whether disciplinary sanctions shall be imposed. Upon approval of the court and the Department of Corrections, the probationer shall be placed in an intermediate revocation facility for disciplinary sanction and intensive programmatic services in lieu of a first revocation. Repeated violations by the probationer of the terms and conditions of probation may result in a revocation proceeding.”¹⁹

Summary: Allows for use of intermediate revocation facility. Provides probation officers with flexibility to avoid a full revocation of the offender’s probation.

Corresponding JRI Recommendation: 2(B), 2(D)

Section 9:

(New Law, 57 O.S. 2012, Section 628)

“The Department of Corrections is hereby authorized to establish facilities to be designated as intermediate revocation facilities for the purpose of temporarily confining

¹⁸ Ibid. See note 12 at pp. 22-23.

¹⁹ Ibid. See note 12 at pp. 24-25.

offenders who have violated the terms and conditions of probation. A period of confinement in an intermediate revocation facility shall be for six (6) months. An offender who is referred to an intermediate revocation facility shall not be eligible to receive any earned credits pursuant to the provisions of Section 138 of Title 57 of the Oklahoma Statutes.”²⁰

Summary: Authorizes DOC to establish intermediate revocation facilities.

Corresponding JRI Recommendation: Requirement of 2(D)

Section 10:

(Amendatory, 63 O.S. 2011, Section 2-402)

“Any Schedule III, IV or V substance, marijuana, a substance included in subsection D of Section 2-206 of this title, or any preparation excepted from the provisions of the Uniform Controlled Dangerous Substances Act and who, ten (10) or more years following the date of completion of the execution of any sentence or deferred judgment for a violation of this section, commits a second or subsequent violation of this section shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not less than one (1) year nor more than five (5) years and by a fine not exceeding Five Thousand Dollars (\$5,000.00).”²¹

Summary: Provides another punishment option for second or subsequent marijuana possession offenses.

Corresponding JRI Recommendation: 3(A)

Section 11:

(New Law, 20k O.S. 2012, Title 74)

“There is hereby established the Justice Reinvestment Grant Program. Contingent upon the provision of appropriate funds designated for Justice Reinvestment grants, the Office of the Attorney General is authorized to award one or more such competitive grants to local law enforcement agencies for the purpose of providing funding for new initiatives and strategies to combat violent crime as proposed by local law enforcement agencies. Funds shall be used for local initiatives, technical assistance, law enforcement training, law enforcement equipment,

²⁰ Ibid. See note 12 at p. 25.

²¹ Ibid. See note 12 at p. 27.

crime victim services, contractual support and information systems for criminal justice purposes.”²²

Summary: Establishes the Justice Reinvestment Grant program through the Attorney General’s office and provides procedure through which the grant will be awarded.

Corresponding JRI Recommendation: 1(A)

Section 12:

(New Law, 201 O.S. 2012, Title 74)

“The Office of the Attorney General shall have the authority to collect information sufficient to meet its responsibilities related to the auditing of justice reinvestment initiatives in this state... A detailed report of the data analysis shall be provided by the Attorney General to the Governor, the Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the Oklahoma State Senate by January 1, 2017.”²³

Summary: Gives the Attorney General’s office the responsibility of tracking changes related to the Justice Reinvestment Initiative and establishes a January 1, 2017, deadline for reporting this data analysis.

Corresponding JRI Recommendation: Reporting mechanism.

Of the 11 recommendations made by the JRI Report, HB 3052 attempts to directly address six. Of these, four main areas appear to have received the most focus: the creation and use of intermediate revocation facilities (IRFs), mandating 9-12 months of post-release supervision, the creation of the Justice Reinvestment Grant, and mandating the use of a risk assessment, mental health, and substance abuse evaluation. In addition to exploring how these main reforms have been implemented, Section III will present my recommendations for what should be next in addressing criminal justice reform in Oklahoma.

²² Ibid. See note 12 at p. 28.

²³ Ibid. See note 12 at p. 30.

III. NEXT STEPS FOR REFORM IN OKLAHOMA

I have chosen to organize my recommendations around four Focus Areas:

- 1) Addressing HB 3052 implementation
- 2) Finishing the JRI process
- 3) Building on JRI
- 4) Fixing the reform process

My recommendations begin with the status of the 2012 reforms passed in HB 3052, followed by steps for improving the effectiveness of these reforms. I will then present an outline of remaining, untapped potential of the JRI Process. Next, I will address what steps can be taken to build on the JRI-based reforms and present a set of general recommendations assembled from my analysis and meetings with the many stakeholders in the criminal justice system of Oklahoma. I will finish my recommendations by suggesting changes designed to improve the reform process.

FOCUS AREA 1: ADDRESS HB 3052 IMPLEMENTATION

HB 3052 created four main reforms to the criminal justice system in Oklahoma: the creation of the intermediate revocation facility, establishing a mandatory post-imprisonment supervision period of 9-12 months, instituting a law enforcement grant through the Attorney General's office, and mandating the use of a risk assessment, mental health, and substance abuse evaluation.

INTERMEDIATE REVOCATION FACILITIES

The intermediate revocation facility, or IRF, was a common recommendation among other states that have participated in the JRI process. The rationale behind such a recommendation, and the reason it is common among other states, is that it provides the criminal justice system with a tool to punish offenders that violate probation by sending them back to prison for six months instead of an additional sentence (hence the name: intermediate revocation

rather than full revocation). A sanction resulting in six months spent at one of these facilities is called an intermediate revocation sanction.

From the period beginning November 1, 2012 (the effective date of HB 3052) to June 23, 2014, Oklahoma Division of Community Corrections Probation and Parole Districts recommended a total of 252 individuals be sentence to intermediate revocation facilities. Of those 252 recommendations, 47 were sanctioned to six months at an IRF.²⁴ This 18 percent acceptance rate into IRFs is low, given that a small percentage of overall probation offenders are recommended for placement into an IRF.²⁵

The reason for this relatively low admittance rate into IRF is due in part to the fact that Oklahoma's designation of certain beds within existing facilities as "IRF Beds" rather than designations of entire facilities or parts of facilities as solely for IRF offenders. As a result, the designation of "IRF Bed" becomes a small part within a much larger system that is already pressed for bed space. At best, this results in a low number of beds available for an "IRF Bed" designation, and at worst causes facilities that already operate at maximum capacity to be forced to keep these "IRF Beds" open in the event that one is needed.

Additionally, IRFs are typically operated as a completely different system, outside the normal county and state level system that identifies open beds at these facilities. This separation relieves the pressure on facilities to keep these beds open for IRF offenders. HB 3052 simply added an additional designation into the existing system that identifies availability of beds.

Consideration should be given to moving the intermediate revocation sanction down to the Community Corrections level rather than having these sentences served at the prison level. These offenders are being sanctioned as a result of violating the terms of their probation, which will take them directly from living in the community to serving a six-month sentence in prison and then sending them directly back into the community. This leaves the individuals facing the exact same issues upon their return that likely lead them to violate the terms of their probation in the first place. Moving this sanction to the Community Corrections level would allow for the same level of monitoring, while also providing administrators with the opportunity to address the

²⁴ Reporting provided by DOC. (Accessed June 11, 2014)

²⁵ James Rudek, personal communication. June 11, 2014.

potential causes of the individual’s probation violation. Community Corrections offers access to various programs (work release, job training, counseling) that would be a better use of tax dollars for sanctioning a probation violator while still maintaining the effectiveness of sending the offender to prison for six months (tool for probation officers, deterrent effect, reality check). Rather than sending an offender from the community to prison and then back to the community, the offender could be sent from the community to a Community Corrections facility and back to the community after addressing issues that lead to their violation. This approach still provides the impact of having served six months in DOC custody.

POST-IMPRISONMENT SUPERVISION

Post-imprisonment supervision was a main recommendation of the JRI Report and became one of the four main reforms passed in HB 3052. In the two-year period following the effective date of HB 3052, it remains unclear how many offenders have completed or been sentenced to complete this supervision. While Section 4 of HB 3052 is clear that “For persons convicted and sentenced on or after November 1, 2012, the court shall include in the sentence... a term or post-imprisonment supervision,” there is uncertainty as to how this 9-12 month period is calculated into the sentence.²⁶ Further complicating this mandate is the uncertainty surrounding how this post-imprisonment supervision is to be annotated on the Judgment and Sentence documentation. The Department of Corrections cannot diverge from what is written on the Judgment and Sentence document and therefore cannot assign post-imprisonment supervision if it is not clearly stated on the document.²⁷

THE JUSTICE REINVESTMENT GRANT

This competitive grant was established “for the purpose of providing funding for new initiatives and strategies to combat violent crime as proposed by local law enforcement agencies.”²⁸ The office of the Attorney General created the criteria and procedures for awarding

²⁶ Ibid. See note 12 at p. 8.

²⁷ Robert Patton, Reginald Hines, personal communication. June 6, 2014.

²⁸ Ibid. See note 12 at p. 28.

these grants, as well as a training program that law enforcement agencies must complete to be eligible for consideration. These grants are awarded based on the violent crime rate within the agency's jurisdiction, guaranteeing those with the highest rates are most competitive.

The AG's office was given an additional \$2 million in their annual budget for the purpose of this grant, beginning in 2013.²⁹ As a result of recent budget cuts, this amount has decreased by half.³⁰ The value of this program has been demonstrated to the extent of the AG's office allocated the remaining \$1 million from their agency budget. Increasing budget cuts and competing priorities will prevent the continuation of funding for this grant program at the current levels.

OFFENDER SCREENINGS

Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) was tasked with carrying out Section 1 of HB 3052, which requires "Any person found guilty of a felony offense shall, prior to sentencing, be required to submit to an approved risk, mental health and substance abuse assessment and evaluation."³¹ As of April 2014, ODMHSAS has certified screeners in 18 counties, performed 2,965 offender screenings, and recorded 1,640 final dispositions that have resulted from these screenings.

Individual county level data shows remarkable improvements among many metrics as a result of these screenings. The length of time offenders spent in jail between arrest and sentencing decreased by 87 percent, from 31 days to 4. The amount of time from arrest to admission into drug court showed a similar decrease of 72 percent, from 222 days to 62. Based on the established per diem costs of housing offenders in county jails, ODMHSAS estimates a cost savings of over \$2.2 million.³²

While this data represents only one county and not the overall averages, it is clear that these screenings have major impacts on the amount of time and tax dollars that can be saved by

²⁹ Melissa Houston, personal communication. July 18, 2014.

³⁰ Ibid.

³¹ Ibid. See note 12 at p. 2.

³² ODMHSAS data. See Appendix 6.

gaining a better understanding of offender needs and what programs they are eligible for. Despite this demonstrated success, ODMHSAS is limited on the number of screeners they are able to certify, which prevents implementation of this reform in the remaining 59 counties in Oklahoma.

RECOMMENDATIONS FOR FOCUS AREA 1: HB 3052 IMPLEMENTATION

- **Alleviate the pressure on existing facilities** and create the space needed to house all offenders recommended for intermediate revocation by designating parts of facilities as actual intermediate revocation facilities.
- **Consider funding DOC to provide intensive treatment** during the intermediate revocation for those identified as needing mental health or substance abuse treatment.
- **Consider moving the intermediate revocation sanction to the Community Corrections level** to alleviate pressure for bed space at the prison level while also more effectively using tax dollars to address probation violators.
- **Create clarification legislation** for how the post-imprisonment supervision is to be calculated and annotated on the Judgment and Sentence document.
- **Create system of accountability** to ensure post-imprisonment supervision is being included in Judgment and Sentence document and carried out upon offender release.
- **Earmark funding for Justice Reinvestment Grant Program** rather than relying on AG's office to fund out of agency budget.
- **Consider additional funding for ODMHSAS to train and certify screeners** in order to fulfill mandate of providing screening to all offenders prior to sentencing and create enforcement mechanism to ensure screening results are being incorporated into sanctions.

FOCUS AREA 2: FINISHING THE JRI PROCESS

The Justice Reinvestment process does not end with the report and recommendations from the CSG Justice Center. Once these recommendations have been passed into law (in some form) the state then becomes eligible to receive funding through the Bureau of Justice Assistance, U.S. Department of Justice and the Pew Charitable Trusts' Center on the States. As mentioned previously, this funding comes with the sole requirement the state-created implementation steering committee stay in place to ensure appropriate levels of agency and executive involvement in the implementation process.

To date, 21 states have begun the Justice Reinvestment process. Of these states, 17 have reached the funding stage of the process.³³ Of the states partnered with the CSG Justice Center, Oklahoma is the only state to reach this stage and declined to pursue funding.³⁴

There is significant potential left in the JRI process for Oklahoma. The state is still eligible to receive this funding. However, deliberate steps must be taken by the administration to restart this process with the CSG Justice Center. Funding is split into two stages; the first being immediately after JRI legislation is passed in the state. As mentioned previously, states need only to form an implementation steering committee comprised of individuals representing all levels of state government and stakeholder parties in the criminal justice system. The purpose of this oversight body is to ensure collaboration and transparency between the implementers on the ground level and the state government leadership.³⁵

This funding is different from typical federal grants because it is very broad in scope. CSG Justice Center views these funds as going to entities (states) that have proven their commitment by advancing to this stage of the process and, thus, is more trusting of fund usage. The next stage grants were made available through an increase in funding from Congress to the Bureau of Justice Assistance. This allowed the CSG Justice Center to offer states follow-up funding after the initial round. This funding is also available to any state that has enacted

³³ The Council of State Governments Justice Center, States: <http://csgjusticecenter.org/jri/>. (Accessed July 20, 2014)

³⁴ Lee Ann Duran, CSG Justice Center, personal communication. July 22, 2014.

³⁵ Ibid.

legislation and has a working implementation team, but does require a higher level of specificity on funding usage.

STRENGTHEN RELATIONSHIP WITH CSG JUSTICE CENTER

The first step in gaining access to this funding is to strengthen the state's relationship with the Bureau of Justice Assistance and the CSG Justice Center. Once contact has been made and interest has been expressed in continuing the process, the next step will be to establish the implementation steering committee. The state can then demonstrate to the CSG Justice Center which recommendations have been implemented thus far, which data monitoring methods have been used in the process, and additional steps that have been taken to further the Justice Reinvestment process in Oklahoma.³⁶

While I would strongly advise the state to take advantage of this funding through the CSG Justice Center, the remaining recommendations do not hinge on accepting this funding.

FUND SUCCESSFUL PROGRAMS

At this point, there is clear evidence as to what programs are working within the criminal justice system in Oklahoma. The state should invest in programs that have demonstrated success and usefulness in combating the challenge areas outlined in the JRI Report. Focus should be placed on programs that have demonstrated strong success but have been limited in their scalability due to funding shortfalls.

In Oklahoma, there are several alternatives to incarceration and recovery that have proved successful at reducing recidivism and ending the cycle of incarceration. Women in Recovery, Remerge, The Education and Employment Ministry, and to a large extent, the Community Corrections division within DOC represent programs that appear to excel in these areas. With the exception of Community Corrections, these programs rely heavily on funding from foundations and other non-profit organizations. While some do receive limited funding from DOC, these programs would greatly benefit from more stability through state funding.

³⁶ Lee Ann Duran, CSG Justice Center, personal communication. July 22, 2014.

ADDRESS OTHER JRI RECOMMENDATIONS

HB 3052 was the first step in the right direction for criminal justice reform. It is now time to address the other recommendations made in the JRI Report. These recommendations will be the easiest for the state to address because they are backed by the research and data provided by the CSG Justice Center and are familiar to many in the state who are involved with the criminal justice system.

One recommendation of prominence is 3(B), that suggests allowing those convicted of 85 percent crimes to accrue earned credit during their sentence but not be permitted to use these credits until they have served 85 percent of their sentence. Currently, these offenders can only accrue earned credit after they have served 85 percent of their sentence. This leaves these offenders serving closer to 93-95 percent of their sentence.³⁷

This recommendation attempted to address what a 2007 audit of the Department of Corrections identified as a major contributing factor to Oklahoma's growing prison population. The audit performed by MGT of America, Inc. states, "MGT found that virtually all of the projected growth is a consequence of longer periods of imprisonment associated with the '85 percent' sentencing laws, accompanied by a very low parole grant rate."³⁸

Not only could this recommendation help address the growing prison population, but it could also provide an incentive for good behavior that these offenders currently lack. House Bill 2732 attempted to readdress this recommendation made by the JRI Report, but was ultimately voted down 26-62 by the House.⁴⁰

³⁷ Director Robert Patton, ODOC, personal communication. June 6, 2014.

³⁸ *Performance Audit of the Department of Corrections for the Legislative Service Bureau of the Oklahoma Legislature, Final Report*. MGT of America, Inc. December 31 2007. Accessed at: <http://www.okhouse.gov/Documents/OKRVSDFinalReport080103.pdf>. (Accessed July 25, 2014).

³⁹ Perry, Gene. *Reforming Criminal Justice: What the latest bill does and what stands in the way*. Oklahoma Policy Institute. March 27, 2012. <http://okpolicy.org/reforming-criminal-justice-what-the-latest-bill-does-and-what-stands-in-the-way>. (Accessed May 30, 2014).

⁴⁰ Oklahoma State Legislature, Bill Information for HB 2732. March 2014. (Oklahoma State Senate Communications Division, 2014)

The remaining recommendations made in the JRI Report are broader in their mandate, but remain the most viable options for reform. These recommendations provide the administration with the research necessary to inform policy, while also allowing for state interpretation as to exact methodology used for reform.

RECOMMENDATIONS FOR FOCUS AREA 2: FINISH JRI PROCESS

- **Show Oklahoma’s commitment to the entire JRI process** and broader reform, thereby regaining credibility on this issue.
- **Establish an Executive Branch JRI implementation steering committee** with members from varying levels of state government and various agencies. Ensure collaboration and goals from the beginning, avoid any miscommunication as to the purpose and extent of authority for the committee, and ensure the administration is content with the mandate of the committee.
- **Strengthen relationship with Bureau of Justice Assistance** by renewing the dialogue with them on the JRI process in Oklahoma. Illustrate commitment to the process by showing the progress that has been made thus far and inquire as to what they would need for the process to move forward.
- **Consider accepting funding from the Bureau of Justice Assistance.** This funding comes with the sole requirement that the state maintain an active implementation steering committee and carries no obligation beyond the completion of the JRI process.
- **Consider funding programs that have demonstrated success** in reducing recidivism and providing alternatives to incarceration.
- **Consider addressing remaining recommendations from the JRI Report.** These recommendations remain the most informed policy options and are the logical next step for reform efforts.

FOCUS AREA 3: BUILD ON JRI

This set of recommendations will focus on building on the JRI reforms. The efforts that most warrant attention will be aimed at keeping offenders in need of mental health or substance abuse treatment, or non-violent offenders with drug-related charges in programs that will help address their need instead of resorting to incarceration. The second area that should be emphasized is the Community Corrections division within the Department of Corrections, as this remains the greatest opportunity to prepare individuals for reentry into society and mitigates the risk of recidivating. Finally, I will present general recommendations for improvements to the criminal justice system that have come from my research and consultations.

DIVERTING FROM INCARCERATION

According to documentation presented by the ODMHSAS, Oklahoma Department of Corrections estimates “that nearly 12,000 inmates have a history of, or are currently exhibiting, symptoms of severe mental illness.”⁴¹ Of the inmates that have been diagnosed with a mental illness (79 percent of female inmates, 46 percent of male inmates) 57 percent have been incarcerated for non-violent offenses.⁴² Additionally, of all inmates in DOC custody, “33 percent were imprisoned for drug and alcohol offenses and at least 50 percent were incarcerated for a crime related to substance abuse.”⁴³

The JRI Report attempted to address this growing concern through many of their recommendations. 1(B) recommended Oklahoma “prioritize and fund additional community-based psychiatric crisis stabilization beds throughout the state” (in part to address the amount of time and funds police departments spend transporting individuals to the sparse Inpatient/Crisis Stabilization Units in Oklahoma).⁴⁴ 2(C) recommended the creation of the presentencing offender screening designed to help navigate offenders to the most appropriate services. 2(E)

⁴¹ Oklahoma Department of Mental Health and Substance Abuse Services. *Smart on Crime: A Better Choice*. Departmental Publication. See Appendix 5.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ ODMHSAS Departmental Publication. See appendix 7.

recommended “improving access to treatment for high-risk/high-need people sentenced to supervision.” Finally, 3(A) recommended providing “a graduated approach to sentencing people convicted of drug possession based on a person’s risk of reoffending, criminal history, and substance abuse.”⁴⁵

It is clear Oklahoma spends valuable resources incarcerating individuals who would be better served, and at a lower cost, through programs designed to address their substance abuse or mental health needs. ODMHSAS has outlined in detail their intended approach, given the appropriate funds. Given their success implementing the offender screening program, allocating more funds to help identify and divert these offenders will create major returns on these investments.⁴⁶

SUCCESS UPON REENTRY

The Community Corrections Division within the Department of Corrections serves as the last stop before inmates transfer to halfway houses or go directly back into the community. It is here that the DOC has the greatest opportunity to ensure success upon reentry into the community through work-release programs, job training, and counseling. Programs like Second Chance offer classes that aim to help inmates reintegrate into society and better understand the impacts of their decisions, relationships, and environment.

Throughout my conversations with professionals within the Department of Corrections and those working in various non-profit organizations, the main obstacles mentioned in successful reentry are employment, transportation, and housing. Community Corrections offers the greatest potential intervention point for resources to be dedicated to helping offenders obtain professional licenses, acquire the necessary documentation to drive a vehicle, or obtain housing. Organizations like The Education and Employment Ministry have created extremely successful models to aid offenders approaching release to achieve these important outcomes.

In addition to allocating additional resources to the Community Corrections level to better prepare inmates for reentry, reforms can be made as to how individuals released from

⁴⁵ Ibid. See note 4 at p. 3.

⁴⁶ For a detailed report of the ODMHSAS “Smart on Crime” FY14 Diversion Points and Goals, see Appendix 5.

prison go about obtaining professional and driving licenses, as well as qualify for federal or state subsidized housing programs. There are many professions in which a felony conviction will prevent offenders from obtaining the licensing necessary to perform their trade. Offenders approaching release also find difficulty in obtaining a driver's license, which can become a major impediment to finding employment, especially in areas that lack a robust public transportation system. Housing can be an equally difficult task for offenders convicted of felonies, as they are not legally allowed to reside in publicly subsidized housing.

An appeals process allowing individuals convicted of a felony to apply for certain professional licenses (unrelated to their crime), a driver's license, or subsidized housing would alleviate some of the challenges faced by nonviolent offenders attempting to reintegrate into society. The Community Corrections level would be the most logical place for this process to be implemented, although final approval may rest with a higher authority.

GENERAL RECOMMENDATIONS

This subsection will cover general recommendations and insights gained from the various meetings and interviews conducted throughout this process. The topics discussed are the digitalization of the Judgment and Sentence documentation, the "Pay for Success" model, sentencing reforms, and incentivizing county level changes to the criminal justice system.

- JUDGMENT AND SENTENCE DOCUMENTATION

The judgment and sentencing documentation, as discussed earlier, provides DOC with the final decision by the judge and initiates the transfer of the offender from county jurisdiction to DOC custody. It is the judgment date on this documentation that begins the per diem pay that DOC is required to reimburse county jails for holding what has now become a DOC inmate. There is currently no requirement for when these documents are sent to DOC once the judgment is complete. In FY2013, Department of Corrections paid approximately \$22 million to county jails for housing "DOC Ready" inmates while they awaiting admittance to a DOC processing

center.⁴⁷ While this amount represents individuals who would still incur costs while staying at a DOC facility, the cost for DOC would be substantially lower than what it costs county jails.

Upon completion by the county, the judgment and sentencing documentation is sent the DOC processing facilities (Lexington Assessment and Reception Center for males, Mabel Bassett Correctional Center for females). This documentation is sent by regular mail or electronically through email or fax. Once received, these documents must be sorted and entered by hand into the DOC information management system. These documents are often sent more than once, through different means, requiring more manpower to sort and confirm receipt. Additionally, there is not one standard form; judgment and sentencing documentation format varies by county.

These judgment and sentencing documents should be transferred to an all-electronic system by which counties can immediately enter data on a common form, eliminating the need for paper copies, and thereby streamlining the process. A process such as this with major expenses within the DOC budget would benefit from a simplified, more precise way of receiving these important documents.

- “PAY FOR SUCCESS” MODEL

Senate Bill (SB) 1278 was signed into law during the 2014 legislative session. This bill gave the state the ability to enter “Pay for Success” contracts with non-profit organizations in which the state can negotiate for specific outcomes as a condition of providing funding. The non-profit will cover the upfront costs of the program. Once the agreed upon outcomes have been achieved, the state will pay the contract.⁴⁸

This type of contract will allow the state to explore programs that would otherwise be too expensive to fund without guaranteed outcomes. Effort should be made to take advantage of this new legislation and explore programs that could be eligible for such contracts.

⁴⁷ Emily Hysmith, Coordinator Facility Classification, DOC, personal communication. June 24, 2014.

⁴⁸ “*Bill to lower Oklahoma’s female incarceration rate signed into law.*” Communications Division, Oklahoma State Senate, April 30, 2014. http://www.oksenate.gov/news/press_releases/press_releases_2014/pr20140430c.htm. (Accessed July 25, 2014)

- SENTENCING REFORM

The topic of sentencing reform arose in multiple meetings with state agency representatives and non-profit organization throughout this process. While this report does not attempt to advise how this reform could be brought about, there are common areas that have garnered the most suggestions. These include creating more surety in sentencing, creating definitions for dangerous versus non-dangerous crimes and violent versus nonviolent crimes, and simplifying the time computation methods for prison sentences.

- INCENTIVIZE COUNTY LEVEL CHANGES

Throughout my research, I was struck by how critical the county level administration is to the implementation of criminal justice reforms. Many individuals suggested some method of keeping counties accountable for the amount of offenders they cycle into the state prison system. Counties differ by wide margins on the rate of offenders sentenced to DOC custody. While the state could pursue a method of punitive measures for counties that imprison above the state average, it would be more beneficial for the state to incentivize counties to lower their incarceration rates through whatever method best fits the needs of the counties. These incentives would likely be monetary, which could be tied to the money saved from lower incarceration rates to maintain the states return on this type of investment.

RECOMMENDATIONS FOR FOCUS AREA 3: BUILD ON JRI

- **Emphasize reform efforts that will divert offenders** to programs that meet substance abuse or mental health needs, which will cost less, reduce prison population, and better address recidivism.
- **Focus on successful reentry through Community Corrections** and the programs offered at this level of incarceration. **Consider an appeals process** allowing offenders to obtain professional licenses, driver's licenses, and access to housing.
- **Consider converting the Judgment and Sentencing documentation process to an all-electronic system**, which would save DOC time and money in the form of manpower

used to process this documentation. This would also expedite moving offenders from county jails to DOC facilities, saving on the per diem costs associated with county jails.

- **Take advantage of SB 1278** and create “Pay for Success” contracts with willing non-profit organizations to spur development of these much-needed programs. The state will only pay if certain outcomes are achieved, which if negotiated properly, will result in tax dollars saved.
- **Explore sentencing reform** to create surety in sentencing, delineate dangerous versus non-dangerous crimes as well as violent versus nonviolent crimes, and simplify the time computation methods for prison sentencing.
- **Incentivize county level changes** as a means of lowering incarceration rates and holding counties accountable for the rate of offenders placed into DOC custody. Incentives would likely be monetary but, if tied to incarceration rates, could result in greater savings.

FOCUS AREA 4: IMPROVE THE REFORM PROCESS

These recommendations center on creating a reform process that effectively manages the necessary changes that need to take place in the criminal justice system. Lessons can be learned from the JRI process and applied to any effort that attempts to address these issues in the future. To begin, legislative leaders and advocates must be identified, followed by the formation of a team of individuals, gathering public support, creating a coordinator position, and ensuring training and enforcement once the reform is complete.

The reform process begins with identifying legislative leaders who are knowledgeable in the subject area, capable of building support within their respective chamber, and ready to support the proposed legislation. The success of any reform effort must be dispersed among the shoulders of policy-makers capable of engaging in debate and making every effort to ensure passage. It is unlikely for the more controversial or misunderstood reforms to be passed without significant support and representation by capable legislators.

Once these primary leaders have been identified, work should begin on forming the team of individuals that will be central to the reform effort. While the number of members and occupational requirements of these committees will vary, it is vital to ensure that each member understands and agrees with the authority and mandate of the committee. Effort should be made to oversee member admittance into these committees by appointing chair positions.

Public support will be critical to success of future reform efforts within the criminal justice system. Much of the resistance to what some characterize as “soft on crime” reforms is due to a lack of information and improper messaging. For fiscal conservatives, the message of properly used tax dollars will resonate. The cost of incarceration must be clearly described and extrapolated to show future costs of current trends. Those advocating for reform from the social justice perspective should be shown the benefits of alternative to incarceration programs and how the reform better addresses the substance abuse or mental health needs of the offender. Proper messaging can lead to greater public support for reform efforts in the future.

Future reforms will depend on coordination among many agencies, departments, and organizations. The entire reform process would benefit greatly from a coordinator position within the Governor’s office. This individual would perform much of the same work that has

been conducted through this report: meeting with agencies, understanding their needs, and facilitating communication to and from the executive office. This position's main purpose should be to coordinate in the months before the upcoming legislative session in which these reforms are planned to ensure support, passage in both the House and Senate, as well as aid in implementation and enforcement. While the position may perform other roles, the coordinator would be most successful if this were their primary duty.

The final step that should be addressed in the reform process is the training and enforcement stage. One concern voiced from individuals affected by HB 3052 was the lack of training that followed the bill's passage. While there were significant changes made through this bill, there was little training given to judges, DAs, or any state agency personnel to address how these changes were to be implemented (as mentioned previously, annotation on the judgment and sentence documentation for post-imprisonment supervision is an example of this). Enforcement is also a key to any reform effort. Currently the only enforcement mechanism for the changes made in HB 3052 will be the report published by Attorney General's office due by January 1, 2017. As more reforms preceding the AG's report are likely, some enforcement mechanism should be established. This responsibility could fall on the coordinator position within the executive office or could be assigned to members of the implementation steering committee.

RECOMMENDATIONS FOR FOCUS AREA 4: FIX THE REFORM PROCESS

- **Identify legislative leaders** who are knowledgeable in the subject area, capable of building support within their body, and ready to support the proposed legislation.
- **Form a team of individuals** that will be central to the reform effort. Ensure that each member understands and agrees with the authority and mandate of the committee. Exercise oversight on member admittance through Chair appointments.
- **Gather public support** through proper messaging to both the ends of the political spectrum. Fiscal conservatives should understand tax dollars savings while social justice advocates should see the benefits of alternative and diversionary programming.

- **Consider creating a Coordinator position** centered in the executive office. This individual will coordinate with agencies and organizations to ensure support, facilitate communication, ensure legislative passage, and aid in implementation and enforcement.
- **Consider instituting training and enforcement measures** that will help involved parties understand what is expected and how they will be held accountable.

IV. CONCLUSION

These recommendations are intended to serve as a starting point for steps forward in continuing meaningful criminal justice reform in Oklahoma. Each focus area is intended to provide a concentrated set of recommendations aimed at accomplishing a specific step in the process.

Throughout my research, I was consistently impressed by the level of talent, professionalism, and commitment among the state agency employees with whom I came into contact. I was equally impressed by the unbelievable amount of support and dedication exhibited by the non-profit organizations working tirelessly to help Oklahoma address this important issue. While the order remains quite tall for Oklahoma, I am confident there exists the will, people, and resources necessary to continue changing the way Oklahoma approaches incarceration.

V. BIBLIOGRAPHY

MGT of America, Inc. (2007). *Performance Audit of the Department of Corrections for the Legislative Service Bureau of the Oklahoma Legislature: Final Report*. Austin, TX: MGT of America, Inc. .

Oklahoma State Legislature. (2012, May). *Oklahoma State Legislature Bill Information*. Retrieved June 2014, from Bill Information for HB 3052 (2011-2012):
<http://www.oklegislature.gov/BillInfo.aspx?Bill=HB3052&Session=1200>

Oklahoma State Legislature. (2012, May). *Oklahoma State Legislature Bill Information*. Retrieved May 2014, from House Bill 3052, Enrolled (Final Version):
<http://www.oklegislature.gov/BillInfo.aspx?Bill=HB3052&Session=1200>

Oklahoma State Legislature. (2014, March). *Oklahoma State Legislature Bill Information*. Retrieved July 2014, from Bill Information for HB 2732:
<http://www.oklegislature.gov/BillInfo.aspx?Bill=hb2732&Session=1400>

Oklahoma State Senate Communications Division. (2014, April 30). *Oklahoma State Senate Communications Division*. Retrieved July 2014, from Bill to lower Oklahoma's female incarceration rate signed into law.:
http://www.oksenate.gov/news/press_releases/press_releases_2014/pr20140430c.htm

Perry, G. (2012, March 27). *Oklahoma Policy Institute*. Retrieved May 2014, from Reforming Criminal Justice: What the latest bill does and what stands in the way. :
<http://okpolicy.org/reforming-criminal-justice-what-the-latest-bill-does-and-what-stands-in-the-way>

The Council of State Governments Justice Center. (2012). *Justice Reinvestment in Oklahoma: Analysis and Policy Framework*. Bureau of Justice Assistance, U.S. Department of Justice. New York: Council of State Governments Justice Center.

The Council of State Governments Justice Center. (2012, September 15). *Justice Reinvestment*. Retrieved June 2014, from Justice Reinvestment in Oklahoma: Strengthening Supervision and Reinvesting in Efforts to Reduce Violent Crime:

<http://csgjusticecenter.org/jr/oklahoma/publications/justice-reinvestment-in-oklahoma-strengthening-supervision-and-reinvesting-in-efforts-to-reduce-violent-crime/>

The Council of State Governments Justice Center. (2013, April 29). *Justice Reinvestment*. Retrieved June 204, from Lessons from the States: Reducing Recidivism and Curbing Corrections Costs Through Justice Reinvestment:

<http://csgjusticecenter.org/jr/kansas/media-clips/lessons-from-the-states-reducing-recidivism-and-curbing-corrections-costs-through-justice-reinvestment/>

The Council of State Governments Justice Center. (2014). *Justice Reinvestment*. Retrieved July 2014, from Justice Reinvestment Funders and Partners:

<http://csgjusticecenter.org/jr/funders-partners/>



Justice Reinvestment in Oklahoma

Overview

Oklahoma's incarceration rate is among the highest in the nation and spending on corrections has increased 41 percent over the past decade, yet crime rates have fallen less than most other states. This suggests that additional public safety benefits are not being generated despite Oklahoma's increased investment in corrections. To address this challenge, the Oklahoma legislature recently enacted House Bill 2131, a bill designed to make the criminal justice system more efficient and cost-effective. The combined elements of the bill are anticipated to save money; however, a comprehensive analysis of the criminal justice system is needed to determine the full impact of the legislation and what will happen to the prison population and costs to taxpayers with the new law in place. Furthermore, policymakers are interested in conducting an extensive evaluation to identify additional policies for holding offenders accountable in a way that uses tax dollars efficiently and, most importantly, improves public safety.



To address these issues, Governor Mary Fallin, Speaker of the House Kris Steele, Senate President Pro Tempore Brian Bingman and Supreme Court Justice James Edmondson expressed interest in employing a justice reinvestment strategy, which is a data-driven approach to reduce corrections spending and reinvest a portion of the savings generated in strategies that will increase public safety. To this end, Oklahoma sought assistance from the Bureau of Justice Assistance, a division of the U.S. Department of Justice, and the Pew Center on the States. The state leaders agreed to establish a bipartisan, interbranch working group comprised of leading state officials which would receive intensive technical assistance from the Council of State Governments Justice Center in partnership with the Pew Center on the States. The CSG Justice Center will assist the working group in analyzing data and developing a comprehensive set of policy options.

WORKING GROUP

Speaker Kris Steele, Co-Chair
Oklahoma House of Representatives

Don Millican, Co-Chair
Chairman, Oklahoma Christian University
Board of Trustees

Senator Patrick Anderson
Oklahoma Senate

Trent Baggett
Assistant Executive Coordinator,
Oklahoma District Attorneys Council

Currie Ballard
Member, Oklahoma Pardon and Parole Board

Representative Lisa Billy
Oklahoma House of Representatives

Allyson Carson
Victim Services Coordinator,
Oklahoma Attorney General's Office

Secretary Terry Cline
Oklahoma Department of Health

Rebecca Frazier
Assistant General Counsel,
Oklahoma Office of the Governor

Director Howard Hendrick
Oklahoma Department of Human Services

Representative Scott Inman
Oklahoma House of Representatives

The Honorable Arlene Johnson
Presiding Judge, Oklahoma Court of Criminal Appeals

Director Justin Jones
Oklahoma Department of Corrections

Melissa McLawhorn Houston
Policy Director and Assistant Attorney General,
Oklahoma Attorney General's Office

Ken McNair
Executive Director,
Oklahoma Sheriffs' Association

Senator Jonathan Nichols
Oklahoma Senate

Senator Andrew Rice
Oklahoma Senate

Amy Santee
Senior Program Officer,
George Kaiser Family Foundation

Commissioner Terri White
Oklahoma Department of Mental Health
and Substance Abuse Services

Criminal Justice Trends in Oklahoma

Oklahoma's violent crime rate is high; it has not decreased since 2000.

- In 2009, Oklahoma had the eleventh highest rate of violent crime in the U.S., with 501 reported crimes per 100,000 residents.¹
- While Oklahoma's violent crime rate increased slightly, by almost one percent, between 2000 and 2009, violent crime rates nationally declined 15 percent; 36 states experienced a drop in their violent crime rates during this time period.²
- Between 2000 and 2009, the property crime rate dropped 12 percent in Oklahoma, from 4,061³ to 3,574⁴ reported crimes per 100,000 residents. Despite this decline, Oklahoma's property crime rate remains above the national average; it is the thirteenth highest in the nation.⁵

Oklahoma's incarceration rate is one of the highest in the nation, particularly for women.

- Oklahoma's incarceration rate remained relatively unchanged from 2000 to 2009. In 2009, the state's incarceration rate—657 people incarcerated per 100,000 residents—was the third highest in the U.S.⁶
- In 2009, Oklahoma incarcerated 132 women per 100,000, which is nearly double the national average of 68 per 100,000. This incarceration rate for women is the highest among the 50 states and 43 percent higher than Texas, which ranked number two at 92 women per 100,000 incarcerated.⁷
- Oklahoma incarcerated 2,760 females during FY 2010, an increase of 21 percent over the 2,289 females incarcerated in FY 2000.⁸

The state prison population increased significantly, along with state spending on corrections, between FY 2000 and FY 2010.

- From FY 2000 to FY 2010, the state's prison population grew 15 percent, from 22,621 to 25,935. If the people sentenced to state prison but held in local jails are included in that calculation, the population increased 17 percent, from 23,258 to 27,283.⁹
- During the same period, the annual appropriation for the Oklahoma Department of Corrections increased 41 percent, from \$356 million in FY 2000 to \$503 million in FY 2010.¹⁰
- Utilization of jail bed backups increased 41 percent from 637 to 1,348 beds.¹¹

Oklahoma policymakers do not currently receive a data-driven projection that forecasts the growth of the state's prison population.

- Prison population projections are based on trends in prison admissions, releases, and lengths of prison stay, in addition to trends in other parts of the criminal justice system. In 2007, two-thirds of states used an advanced simulation projection methodology for this purpose.¹² Currently, however, Oklahoma has no official state projection to forecast future growth in the prison population or to estimate the impact of recent corrections policy changes.
- Assuming that the prison population continues to grow, policymakers currently do not have information to guide decisions about how much to appropriate for additional prison space.

A majority of people released each year from prison are not supervised.

- After release from prison, a person can be released to probation (due to a split sentence), parole or without any supervision because they have finished serving their sentence.
- Of those released from prison in FY 2010, 51 percent were released without any supervision, nine percent were released to parole and 40 percent were released to probation.¹³

The Justice Reinvestment Approach

STEP 1

Analyze data and develop policy options

The CSG Justice Center will comprehensively analyze Oklahoma’s crime, arrest, conviction, jail, prison, behavioral health and probation and parole supervision data. This analysis will include a system-wide examination of the prison population, drivers of prison growth, and strategies used currently by policymakers to increase public safety.

The CSG Justice Center will assist the Justice Reinvestment Working Group in reviewing analyses and developing data-driven policy options that increase public safety and reduce spending on corrections.

In collaboration with the Justice Reinvestment Working Group, which will review analysis and share recommendations, the CSG Justice Center will develop data-driven policy options that increase public safety and reduce spending on corrections.

STEP 2

Adopt new policies and put reinvestment strategies into place

Once the policy options have been enacted, Oklahoma policymakers will need to verify that the policies are adopted effectively. Policymakers may request continued assistance from the Bureau of Justice Assistance to help translate the new policies into practice and ensure that related programs and system investments achieve projected outcomes.

STEP 3

Measure Performance

Finally, the CSG Justice Center will ensure that Oklahoma officials receive brief, user-friendly, and up-to-date information that explains the impact of enacted policies on jail and prison populations, and on rates of reincarceration and criminal activity. Typically, this includes a “dashboard” of multiple indicators that make it easy for policymakers to track—in real time—the changes in various components of the criminal justice system.

1. United States Department of Justice, Federal Bureau of Investigation. (September 2010). Crime in the United States, 2009. Retrieved (May 1, 2011), from <http://www.fbi.gov/ucr/09cius.htm>.
2. Ibid and United States Department of Justice, Federal Bureau of Investigation. (September 2001). Crime in the United States, 2000. Retrieved (May 1, 2011), from <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2000/toc00.pdf>.
3. United States Department of Justice, Federal Bureau of Investigation. (September 2001). Crime in the United States, 2000. Retrieved (May 1, 2011), from <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2000/toc00.pdf>.
4. United States Department of Justice, Federal Bureau of Investigation. (September 2010). Crime in the United States, 2009. Retrieved (May 1, 2011), from <http://www.fbi.gov/ucr/09cius.htm>.
5. Ibid.
6. U.S. Department of Justice, Bureau of Justice Statistics, Prisoners in State and Federal Institutions. (December 21, 2010). Prisoners in 2009. Retrieved (May 25, 2011), from <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=2232>
7. US Department of Justice, Bureau of Justice Statistics. (2010). Prisoners in 2009, Bulletin NCJ 231675. Retrieved (March 15, 2011) from <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=2232>.
8. Oklahoma Department of Corrections: Division of Female Offender Operations. (2011). Fiscal Year 2010 Annual Report. Retrieved (June 7, 2011) from <http://www.doc.state.ok.us/field/female/Fiscal%20Year%202010%20Annual%20Report%20Final.pdf>.
9. Oklahoma Department of Corrections, Evaluation and Analysis. (2011). The State of Corrections in Oklahoma: Fiscal Year, 2010. Retrieved (May 1, 2011) from <http://www.doc.state.ok.us/newsroom/annuals/2010/annualreport2010.pdf>.
10. Oklahoma Department of Corrections. Legislative Budget Briefing, January 2011.
11. Oklahoma Department of Corrections, Evaluation and Analysis. (2011). The State of Corrections in Oklahoma: Fiscal Year, 2010. Retrieved (May 1, 2011) from <http://www.doc.state.ok.us/newsroom/annuals/2010/annualreport2010.pdf>.
12. Pew Center on the States, Public Safety Performance Project. (Revised June 2007). Public Safety, Public Spending: Forecasting America's Prison Population 2007-2011. Retrieved (June 13, 2011) from <http://www.pewcenteronthestates.org/uploadedFiles/Public%20Safety%20Public%20Spending.pdf>.
13. Oklahoma Department of Corrections, Evaluation and Analysis. (2011). The State of Corrections in Oklahoma: Fiscal Year, 2010. Retrieved (May 1, 2011) from <http://www.doc.state.ok.us/newsroom/annuals/2010/annualreport2010.pdf>.

JUSTICE CENTER

THE COUNCIL OF STATE GOVERNMENTS

To learn more about the justice reinvestment strategy
in Oklahoma and other states, please visit:
justicereinvestment.org



This project was supported by Grant No. 2010-RRBX-K071 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice.

To learn more about the Bureau of Justice Assistance, please visit: <http://www.ojp.usdoj.gov/BJA/>.

Points of view, recommendations, or findings stated in this document are those of the authors and do not necessarily reflect the official position or policies of The Pew Charitable Trusts, Council of State Governments Justice Center, or the Council of State Governments' members.

Suggested citation: Council of State Governments Justice Center, *Justice Reinvestment in Oklahoma: Overview* (New York: Council of State Governments Justice Center, 2011).

Council of State Governments Justice Center

The Council of State Governments Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. The Justice Center provides practical, nonpartisan advice and consensus-driven strategies, informed by available evidence, to increase public safety and strengthen communities.

PROJECT CONTACT:

Anne Bettsworth, Policy Analyst
206-420-2714 • abettsworth@csg.org

justicecenter.csg.org



Research and analysis described in this report has been funded in part by the Public Safety Performance Project of The Pew Charitable Trusts' Center on the States. Launched in 2006 as a project of the Pew Center on the States, the Public Safety Performance Project seeks to help states advance fiscally sound, data-driven policies and practices in sentencing and corrections that protect public safety, hold offenders accountable, and control corrections costs.

To learn more about the Public Safety Performance Project, please visit: <http://www.pewpublicsafety.org/>.

Justice Reinvestment in Oklahoma

Analysis and Policy Framework



Background

IN JANUARY 2011, GOVERNOR MARY FALLIN, Speaker of the House Kris Steele, Senate President Pro Tempore Brian Bingman, and Supreme Court Justice James Edmondson expressed interest in employing a justice reinvestment strategy, which is a data-driven approach to contain corrections spending and reinvest a portion of the savings generated in strategies that will increase public safety. These state leaders wrote to the Bureau of Justice Assistance (BJA), a division of the U.S. Department of Justice, and the Pew Center on the States (Pew) seeking intensive technical assistance, which was approved by BJA and Pew in May 2011. As a result, the Council of State Governments Justice Center (CSG Justice Center)—the technical assistance provider working in partnership with BJA and Pew—launched a comprehensive analysis of the state’s criminal justice system.

To guide the CSG Justice Center’s work, state leaders established a bipartisan, inter-branch working group co-chaired by Speaker Kris Steele (R-Shawnee) and Don Millican, Chairman of the Oklahoma Christian University Board of Trustees. Other members of the working group include state lawmakers, state agency directors, members of the judiciary, district attorneys, and other stakeholders in the criminal justice system. The full working group met on five occasions between June 2011 and January 2012 to review data analyses and discuss policy options that would address the challenges facing the state’s criminal justice system.

The CSG Justice Center collected and analyzed vast amounts of state criminal justice, mental health, and substance abuse data, drawing on information systems maintained by the Oklahoma Department of Corrections (OKDOC), the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS), the Oklahoma State Bureau of Investigation (OSBI), the Administrative Office of the Courts, and the Federal Bureau of Investigation’s Uniform Crime Reports. In total, the Justice Center analyzed over 700,000 individual records across these information systems.

In addition to these quantitative analyses, the CSG Justice Center convened focus groups and meetings with district attorneys (DAs), the defense bar, behavioral health and substance abuse treatment providers, faith and community leaders, victim advocates and survivors, judges, probation officers, the parole board, law enforcement executives, members of the business community, and others. Between June 2011 and January 2012, the Justice Center convened over 100 in-person meetings with nearly 350 individuals.

This report summarizes the CSG Justice Center’s findings and provides state leaders with a policy framework to address key issues that emerged from the quantitative and qualitative analyses. Policy options are organized around three strategies: 1) reducing violent crime, 2) improving supervision of people on probation, and 3) containing state spending on prisons.

Summary of Challenges

1. High rate of violent crime; public safety resources are stretched beyond their limits

- Violent index crime in Oklahoma is higher than national violent index crime. Three of the four largest urban areas in Oklahoma experienced significant increases in homicides and robberies over the past decade. At the same time, the per capita number of law enforcement staff in these cities declined.
- The insufficient law enforcement resources available to local governments are stretched further by recent reductions in mental health services and crisis stabilization beds. Police today spend considerably more time transporting individuals in mental health crisis to an appropriate facility than they did just 2 years ago.
- Prosecutor-based victim/witness services are limited because of scarce resources, impacting the involvement of victims, including victims of violent crime, in the criminal justice system and the prosecution of crime.

2. Inadequate supervision and treatment

- Fewer and fewer people exiting prison have some form of post-release supervision.
- Risk and need assessments are not used consistently to inform sentencing and non-OKDOC supervision decisions.
- Insufficient resources and burdensome processes make it difficult for probation officers to respond quickly and appropriately when someone violates a condition of supervision.
- Treatment is frequently unavailable to people who are on supervision and battling addiction, even though compliance with supervision conditions often depends on participation in such treatment.

3. Growing prison population

- As Oklahoma's prison population has increased over the past 10 years, so has state spending on this budget item; this growth is expected to continue.
- Many people charged with felony drug possession are diverted to community-based supervision and services that are more effective than prison in changing behavior. But drug possession is still the most common felony offense among people admitted to Oklahoma state prisons. When it comes to how supervision and treatment should be used for people convicted of low-level drug felonies, state laws are silent.

Justice Reinvestment Policy Framework

Strategies	1. Fight Crime and Enhance Public Safety	2. Strengthen Supervision	3. Contain Prison Costs
Policies	<p>1(A): Help local law enforcement prevent violent crime with state funding for technology, overtime, crime analysis, and community partnerships.</p> <p>1(B): Prioritize and fund additional community-based psychiatric crisis stabilization beds throughout the state.</p> <p>1(C): Allocate dedicated funding to each DA's office for the purpose of enhancing victim/witness services and securing more convictions.</p>	<p>2(A): Require that every prison sentence include a period of post-release supervision of no less than 9 months.</p> <p>2(B): Provide probation with additional resources to strengthen supervision.</p> <p>2(C): Conduct a presentence risk and need screen on all people admitted to county jails who have been charged with a felony.</p> <p>2(D): Utilize swift and certain intermediate sanctions when people violate conditions of supervision.</p> <p>2(E): Improve access to treatment for high-risk/high-need people sentenced to supervision.</p>	<p>3(A): Provide a graduated approach to sentencing people convicted of drug possession based on a person's risk of reoffending, criminal history, and substance abuse.</p> <p>3(B): Require people convicted of the most serious and violent offenses to serve 85 percent of their sentence in prison before they are able to apply banked good behavior and/or achievement credits.</p> <p>3(C): Permit a longer period after conviction for judges to modify sentences.</p>

Projected Impact of Policy Framework

Objectives

Unless policymakers take action, the state’s high violent crime rate will likely remain unchanged, thousands of people will continue being released from prison unsupervised each year, and state spending on prisons will increase by more than a quarter billion dollars over the next decade. The policy framework below outlines the following objectives to avoid this situation:

- Target a 10 percent reduction in violent crime by 2016 by providing law enforcement with the tools and resources necessary to use data-driven strategies for increasing public safety, making additional crisis stabilization beds available, and improving victim/witness services;
- Strengthen supervision by requiring a period of supervision to follow every term of incarceration and increasing resources available to reduce recidivism while holding offenders accountable; and,
- Manage prison growth to contain spending by slowing the population increase currently projected.

Savings

As a package, the policies described in this report could generate significant savings for the state of Oklahoma. By averting growth in the state prison population between fiscal year (FY) 2013 and FY 2021, the policy framework avoids an estimated \$249 million in additional spending that would otherwise be needed to accommodate prison population growth.

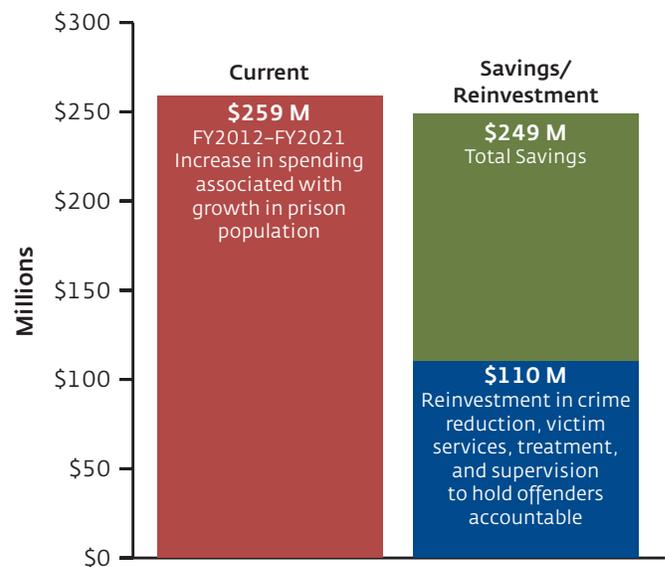
Reinvestment

To achieve these outcomes and generate the savings described above, Oklahoma must reinvest \$110 million in their criminal justice system between FY 2013 and FY 2021. Additional details are listed below.

FIGURE 1: REINVESTMENT DETAILS

POLICY	FY 2013	FY 2014 & FUTURE	TOTAL REINVESTMENT: FY 2013–FY 2021
1(A): Violent Crime Reduction	\$2 M	\$5 M	\$42 M
1(C): Victim/Witness Services	\$500 K	\$1 M	\$8.5 M
2(B): Probation Improvement	\$1 M	\$2 M	\$17 M
2(C): Felony Jail Screen	\$500 K	\$1 M	\$8.5 M
2(E): Substance Abuse Treatment	\$2 M	\$4 M	\$34 M
TOTAL	\$6 M	\$13 M	\$110 M

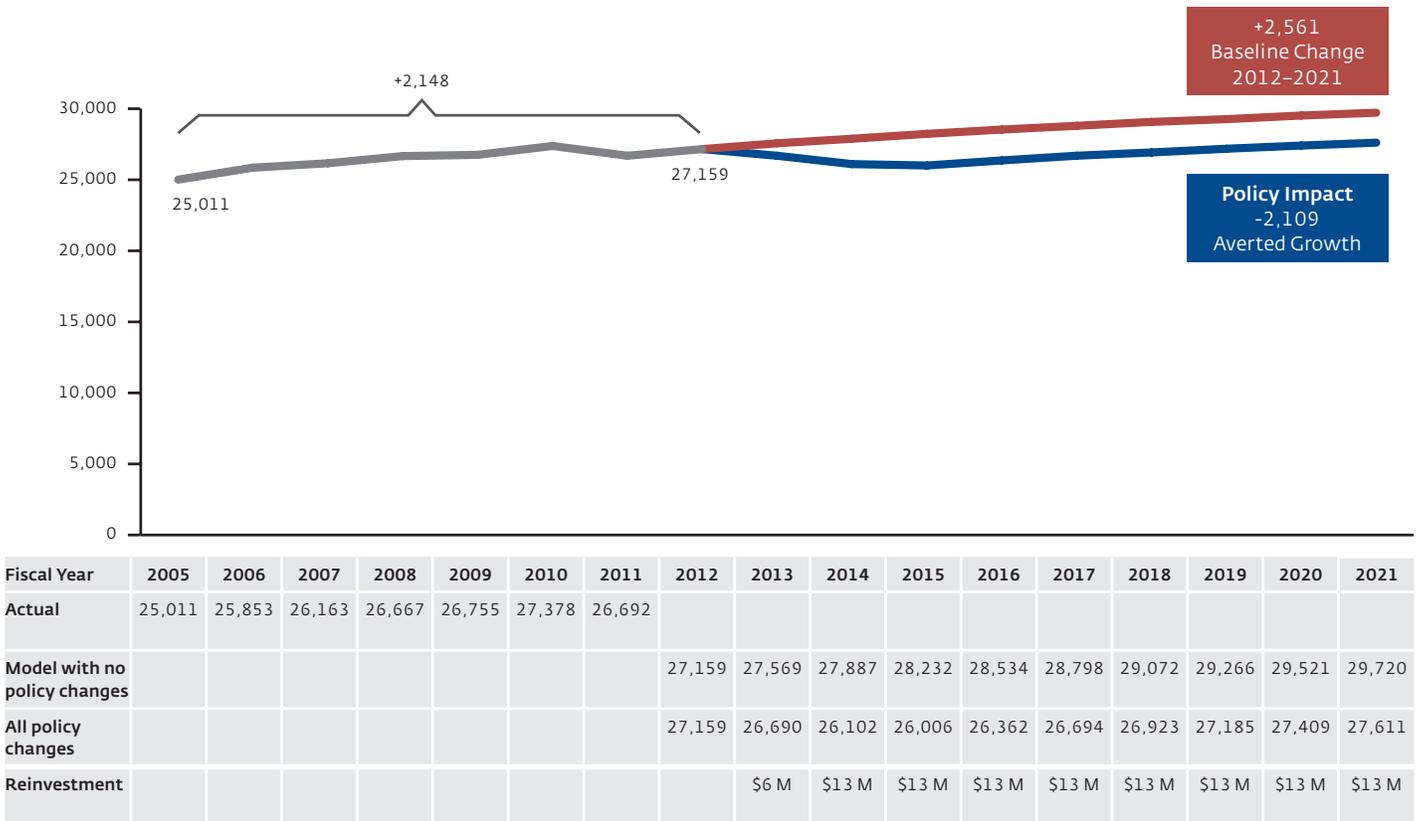
FIGURE 2: COMPARISON OF SPENDING AND PROPOSED SAVINGS/REINVESTMENT (FY 2012–FY 2021)



Assumptions

The following analysis projects the policy framework’s impact on an offender base of 26,692—the prison population at the start of FY 2012.¹ The model assumes policy implementation begins in FY 2013 and will be completely phased in by FY 2015. The base prison population projection demonstrates the accumulation of the 85 percent offender population (per the effects of current policy), but holds other admission types and jail backlogs static. Cost savings and proposed levels of reinvestment are based on projected savings as calculated by the CSG Justice Center after consultation with OKDOC.

FIGURE 3: FULL IMPACT OF POLICIES WILL AVERT GROWTH OF MORE THAN 2,000



1. This number includes people awaiting transfer to OKDOC.

VIII. APPENDIX 3: DOC “FACTS AT A GLANCE,” JUNE 2014

Population As of June 30, 2014		Population continued As of June 30, 2014	
Maximum Security	Count	Community	Count
Lexington A and R	511	Clara Waters	274
Mabel Bassett A and R	102	Oklahoma City CCC	222
Oklahoma State Penitentiary	726	Enid CCC	98
Mabel Bassett Death Row	1	Kate Barnard CCC	250
Total Count	1,340	Lawton CCC	149
Capacity	1,423	Union City CCC	216
		Total Count	1,209
Medium Security	Count	Capacity	1,223
Dick Conner CC	1,063		
James Crabtree CC	959	Work Centers	Count
Joseph Harp CC	1,457	Altus	110
Lexington CC	637	Ardmore	98
Mabel Bassett CC	796	Beaver	45
Mack Alford CC	652	Davis	83
Oklahoma State Reformatory	913	Elk City	89
Total Count	6,477	Frederick	112
Capacity	5,924	Carter	100
		Hobart	84
Minimum Security	Count	Hollis	50
Charles E. “Bill Johnson CC	739	Idabel	90
Dick Conner CC	236	Madill	98
Eddie Warrior CC	921	Mangum	88
Howard McLeod CC	689	Sayre	63
Jackie Brannon CC	732	Walters City	84
James Crabtree CC	219	Waurika	57
Jess Dunn CC	1,124	Total Count	1,251
Jim E. Hamilton CC	727	Capacity	1,267
John Lilley CC	832		
Lexington CC	262		
Mabel Bassett CC	356		
Mack Alford CC	263		
Northeast Oklahoma CC	522		
Oklahoma State Reformatory	225		
William S. Key CC	1,074		
Total Count	8,921		
Capacity	8,577		
Contract Facilities	Count		
County Jail Program	569		
Halfway Houses	1,285		
Contract Prisons	5,822		
Total	7,676		
Out Count	687		

SYSTEM SUMMARY	
Type	Count
Facility Total	19,198
Contract Facilities	7,676
Out Count	687
Community Programs*	600
Probation	21,586
Parole	3,204
System Total	52,951
<i>*Community Programs include EMP, GPS, and PPCS</i>	
EMPLOYEES	
FTE Filled	Count
Correctional Officers	1,591
Probation and Parole Officers	290
Other	2,072
Total	3,953

**GENERAL INFORMATION
As of June 30, 2014**

PROGRAM PARTICIPATION	
Type of Program	Count
*Substance Abuse	1,492
Thinking for a Change Program	812
Education Programs	2,846
Completed GED Program	78
*Includes support groups & education programs	

TOP FIVE CRIMES	
Controlling Offense	Percentage
Distributing Controlled Dangerous Substance	15.9%
Assault	12.3%
Possession or Obtaining Controlled Dangerous Substance	10.3%
Robbery	8.1%
Murder I	7.1%
Nonviolent Offenses	51.7%
Violent Offenses	48.3%

RESTITUTION AND FEES		
Type of Restitution	FY2013	FY2014 (YTD)
Restitution Collected	\$1,244,704	\$1,197,561
Restitution Distributed to Victims	\$1,270,299	\$1,143,689
Probation, Parole, PSI, and EMP Fees Collected	\$3,486,082	\$3,404,568

OFFENDER RECEPTIONS	
Offender Receptions during the Month of March	872
Offenders Received for Fiscal Year to Date	10,720
Recidivism Rate (within 3 years)	21.2%

COMMUNITY SENTENCING	
Number of Offenders Receiving Community Sentence*	22,502
Number of Offenders with Active Community Sentence	3,031
*Cumulative number from March 2000 implementation of program	

Oklahoma Department of Corrections
Executive Communications
Director's Office
3400 Martin Luther King Avenue
Oklahoma City, OK 73111
(405) 425-2513
www.doc.state.ok.us

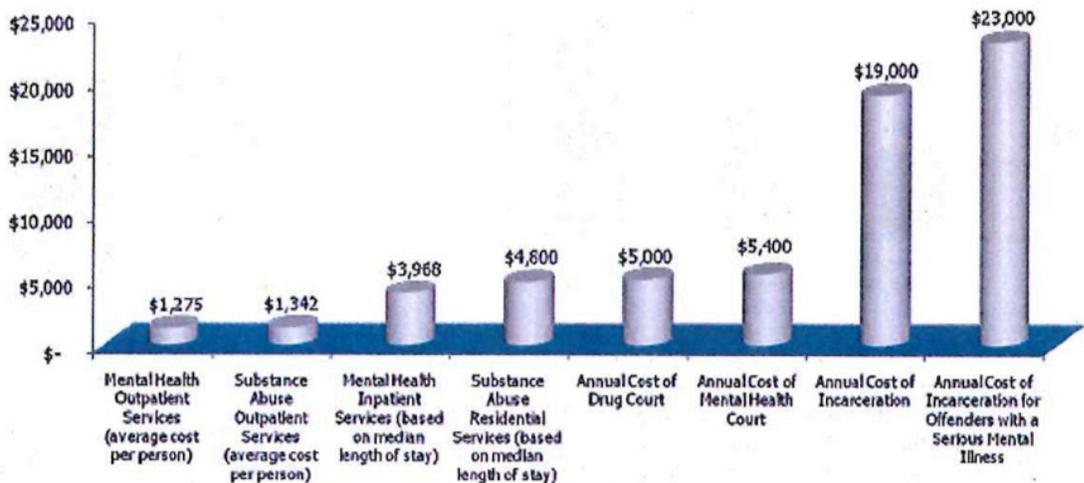
Smart on Crime: A Better Choice

The Oklahoma Department of Mental Health and Substance Abuse Services is advocating a "Smart on Crime" legislative package that targets treatment services to at-risk populations, reduces crime and incarceration rates, and saves tax dollars. Smart on Crime, endorsed by the Oklahoma Sheriff's Association and the Oklahoma District Attorney's Council, uses evidence-based programs in the areas of criminal justice diversion, pre-sentencing engagement, and reintegration to reduce recidivism and decrease demand for correctional beds. The department has a tremendously successful track record with the operation of these innovative programs, which makes Smart on Crime an even better investment for the people of Oklahoma. Implementation of Smart of Crime requires funding and not statutory changes.

We know that untreated mental illness and substance abuse costs our state millions of dollars every year. It costs individuals and their families (divorce, suicide, teen pregnancy and unemployment); Oklahoma businesses (absenteeism, lost productivity, higher medical expenses); along with communities and state government services (increased demand on law enforcement and local emergency rooms, juvenile delinquency, in-school disruptions and dropouts, and increased engagement of the foster care system). The greatest expense, however, related to untreated mental and addictive disorders exists in our criminal justice system.

Out of 25,000 inmates, the Oklahoma Department of Corrections estimates that nearly 12,000 have a history of – or are currently exhibiting – symptoms of severe mental illness. There are 79% of female inmates and 46% of male inmates who have been diagnosed with a mental illness. Of these individuals, 57% were incarcerated for non-violent offenses. Out of all inmates in DOC custody, 33% were imprisoned for drug and alcohol offenses and at least 50% were incarcerated for a crime related to substance abuse.

Cost of Services for Oklahoma Department of Mental Health Services versus Oklahoma Department of Corrections Stay



Putting people with mental illness or addiction behind bars is not effective in either reducing crime or helping these individuals recover from their illness. The fact is that treatment works. Non-violent offenders would be better served, economically and medically, with treatment in their communities.

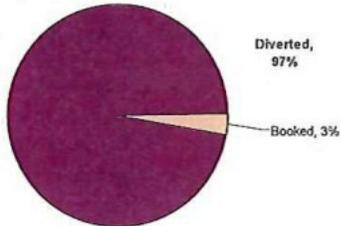
The average cost to maintain an inmate in prison is \$48 per day. For someone on a prison mental health unit, the cost jumps to approximately \$175 per day. Providing appropriate mental health services to someone in the community to keep them from entering the criminal justice system costs approximately \$25/day; and, providing appropriate substance abuse services to someone in the community to keep them from entering the criminal justice system costs less than \$15/day.

The 'Smart on Crime' package would include placing **non-violent offenders**, whose primary issue is an untreated mental or addictive disorder, in a closely monitored program such as drug court, mental health court, a day reporting program or a jail diversion program, or other proven programs that proactively address the problem and reduce incarceration.

The proposed cost for full implementation of the "Smart on Crime" package is estimated at \$95.6 million annually. By the third year of full implementation, it is expected that the cost of the program will be offset by cost savings, resulting in an annual net gain to the state every year after.

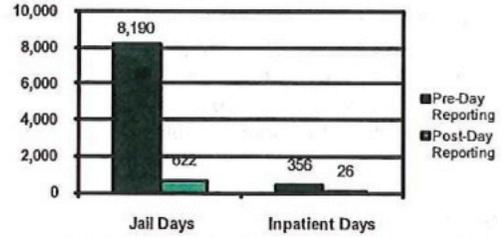
Smart on Crime: A Better Choice

Tulsa's Jail Diversion Program



Family & Children's Services Community Outreach Psychiatric Emergency Service teams (COPES) partners with local law enforcement in a pre booking jail diversion program, which for a recent three year period has **diverted 97% of non-violent criminal offenders from incarceration**. From 2004 to 2006, the program had 4,751 contacts, with 4,623 of those diverted.

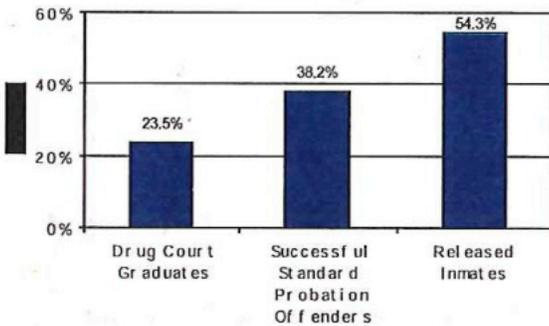
OK County Day Reporting



In partnership with Northcare Community Mental Health Center, day reporting is a post-booking program that keeps participants in the community while they are awaiting trial. **Jail days were decreased by 92.4% and inpatient days were reduced by 92.7%.**

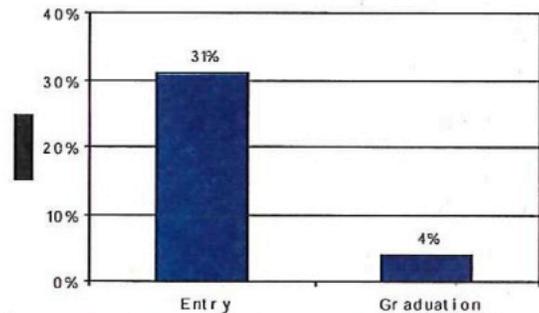
Drug Courts and Mental Health Courts

A comparison of Re-arrest Rates for Drug Court



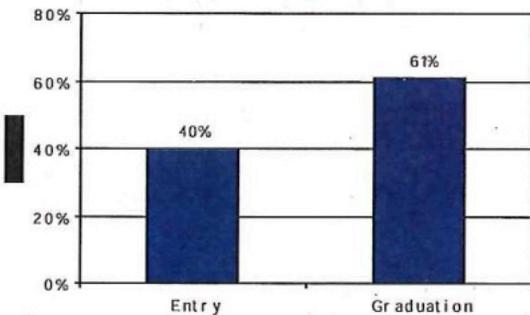
At the end of July 2009, there were 4,501 active participants in 41 adult drug and DUI courts in Oklahoma. **The annual estimated cost of DOC incarceration is \$19,000; the cost for drug court is \$5,000.** A another positive characteristic of drug court is its ability to reduce re-arrest. **The re-arrest rates for drug court graduates after four years are less than 1/2 of released inmates.**

Reduction in Unemployment for Drug Court



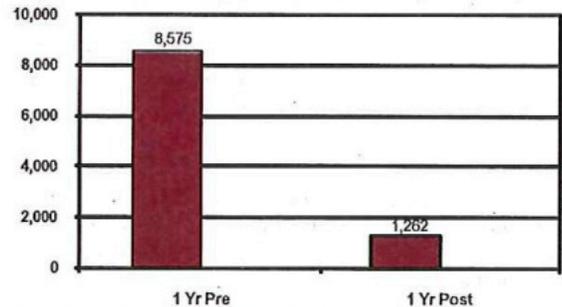
One of the aspects of Drug Court's success in Oklahoma is the support participants receive in seeking, gaining and maintaining employment. At entry, 31% of the participants were unemployed, compared to 4% at graduation. This is a **reduction in unemployment of 87.1%.**

Increase in Children Living With Their Parents for Drug Court

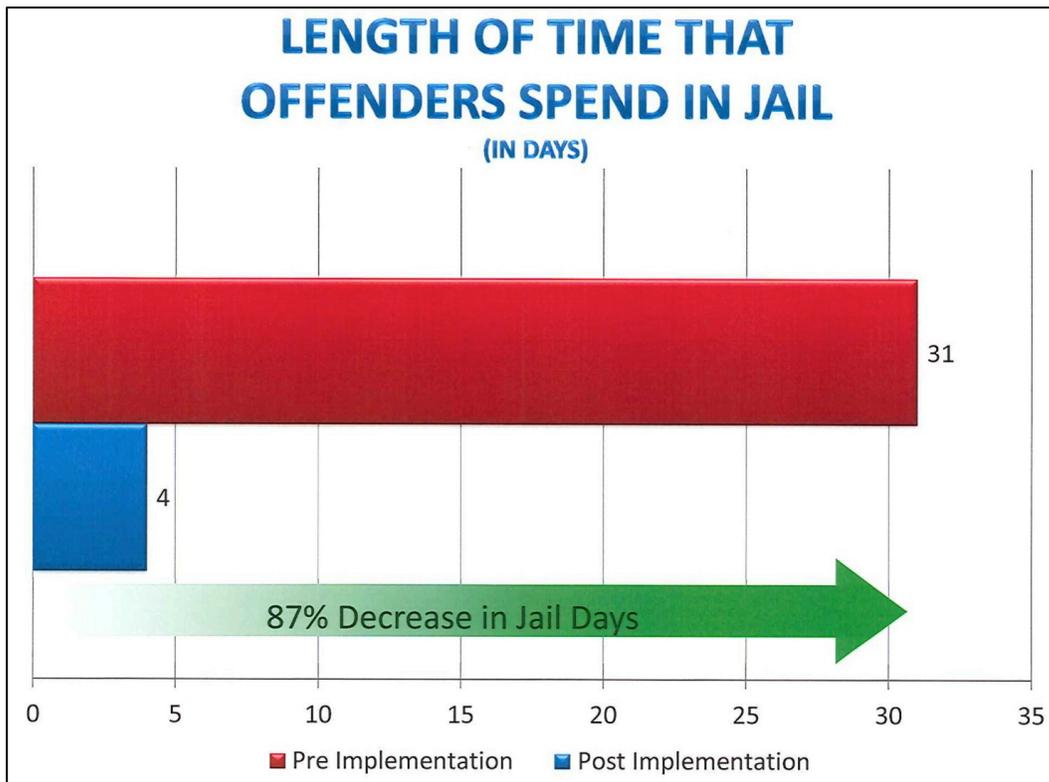
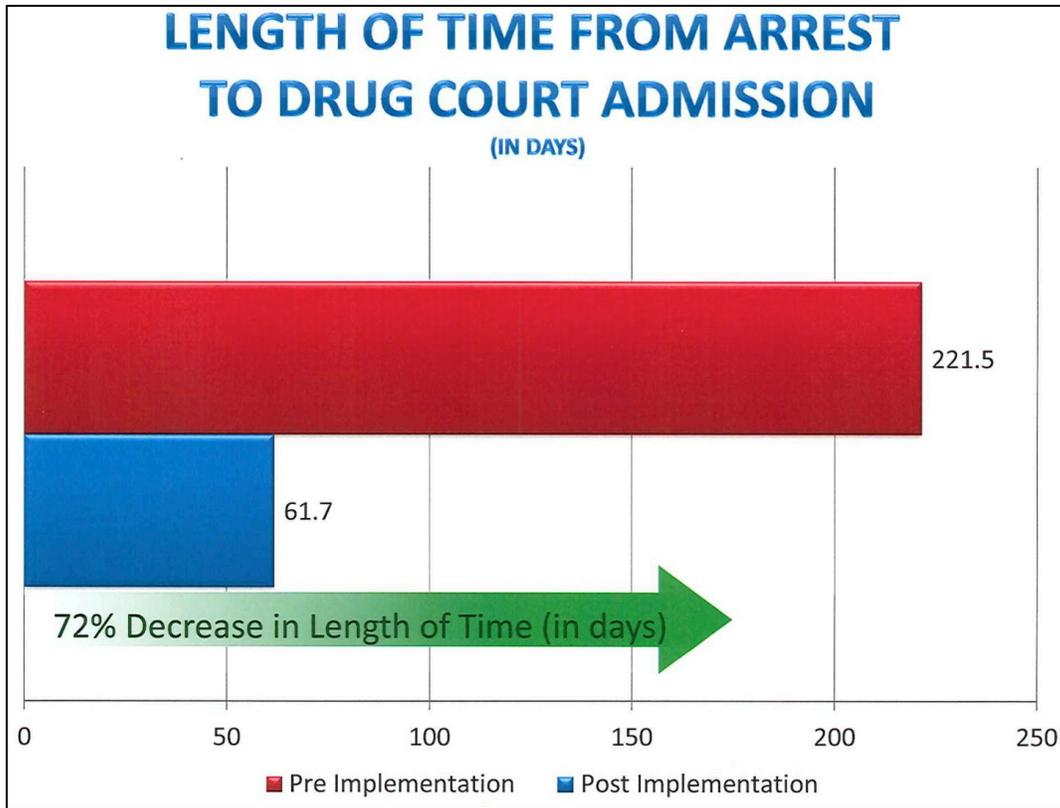


Another success of Drug Court is reuniting children with their parents. At entry, 40% of children of drug court participants were living with their parents compared to 61% at graduation. This is an **increase in children living with their parents of 52.5%.**

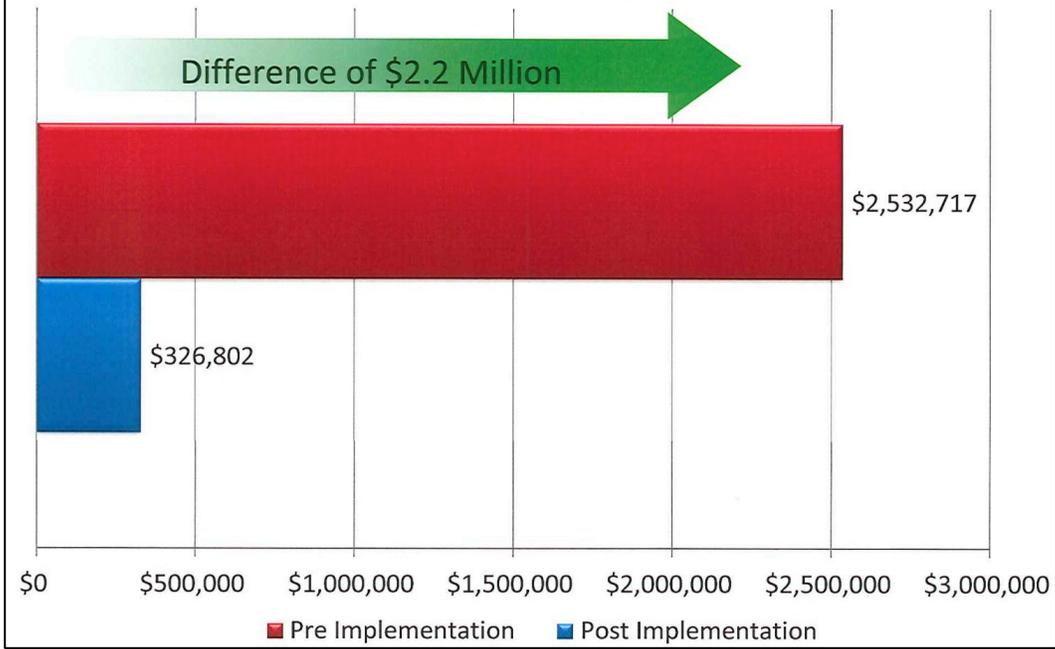
Jail Days Reduction for Mental Health Court



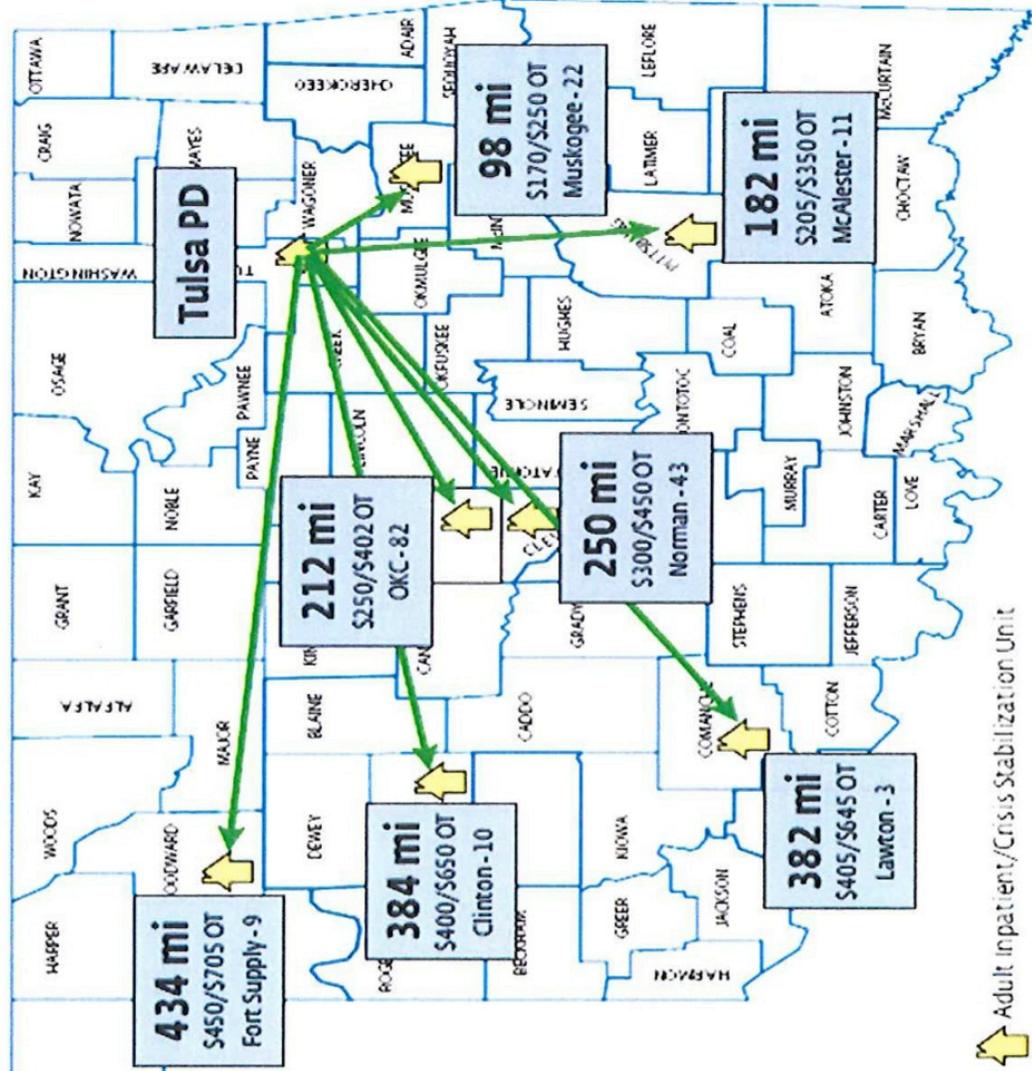
Mental health courts currently exist in 14 counties, including Oklahoma, Cleveland, Seminole, Hughes, Rogers, Craig, Wagoner, Cherokee, Tulsa, Pontotoc, Creek, Okfuskee, Comanche and Okmulgee counties. Effectiveness of courts can be demonstrated in the **reduction in the number of jail days, which was a 90% reduction in the past year.**



COST OF INCARCERATING OFFENDERS



Tulsa Police Department Mental Health Transports



↑ Adult Inpatient/Crisis Stabilization Unit

180
 Transports from Tulsa to Adult Inpatient/Crisis Stabilization Units. Each transport required two officers.

Average:
 229 miles round trip
 \$270-\$425 in regular and OT pay

KEY
Roundtrip Distance
 Regular/Overtime Cost
 Location - # of Transports

**Justice Reinvestment Legislation
HB3052**

Section 1.

- Requires all felons to submit to a risk assessment and mental health and substance abuse evaluation prior to sentencing.

Section 2.

- Can sanction Drug Court participants to intermediate revocation facility for up to 6 months, if they violate probation.

Section 3.

- Permits judge to modify sentence for up to 24 months. DA approval needed if beyond 12 months.

Section 4.

- Requires all felonies in DOC custody to have post- release supervision for at least 9 months
- Failure during this timeframe could result in IRF

Section 5.

- Creates new sanctions for probation violations: adds a one-time referral for up to six months in an intermediate revocation facility

Section 6.

- No earned credits during intermediate revocation

Section 7.

- Defines intermediate revocation facility

Section 8.

- Gives probation officer more flexibility – does not require full revocation for technical violations

Section 9.

- Authorizes DOC to establish intermediate revocation facilities

Section 10.

- Changes punishments for second and subsequent marijuana possession offenses

Section 11.

- Establishes the Justice Reinvestment Grant Program in the AG's office. Provides grant procedure.

Section 12.

- AG will track information relating to JRI for auditing purposes.
- Submit report by January 2017

BIG CHANGES

- Assessments/evaluations of all incoming felons to be used for sentencing
- Intermediate revocation facilities will be utilized for technical violations.
- Post-imprisonment supervision