Criminal Justice Policy in Oklahoma

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Mysteries of Criminal Justice

Why is the prison population so high?

Why does justice cost so much?
What’s the difference?

**Misdemeanor**
- Maximum penalty of up to one year in jail (no prison)

**Jail**
- County facilities, less serious crimes

**VS**

**Felony**
- Punishable by prison time

**Prison**
- State and federal facilities, more serious crimes
Oklahoma's Prison Population Continues to Grow

Source: Bureau of Justice Statistics
Incarceration Rate per 100,000 adults, 2013

Source: Bureau of Justice Statistics
Oklahoma isn’t second highest in crime
What is the sequence of events in the criminal justice system?

Source: Adapted from The challenge of crime in a free society. President’s Commission on Law Enforcement and Administration of Justice, 1967. This revision, a result of the Symposium on the 30th Anniversary of the President’s Commission, was prepared by the Bureau of Justice Statistics in 1997.
You’re doing time.

I’m doing the time of my life.
Oklahoma

- Violent: 48.3%
- Drug: 26.1%
- Non-violent: 23.1%
- Alcohol: 2.48%

All State Prisons

- Violent: 52.9%
- Non-violent: 16.8%
- Drug: 16.8%
- Other: 1.4%

What is the sequence of events in the criminal justice system?

Entry into the system
- Reported and observed crime
- Investigation
- Arrest
- Charges filed
- Initial appearance
- Preliminary hearing
- Bail or detention hearing
- Charges dropped or dismissed
- Grand jury

Prosecution and pretrial services
- Refusal to indict
- Information
- Information
- Misdemeanors
- Diversion by law enforcement, prosecutor, or court
- Waived to criminal court
- Formal juvenile or youthful offender court processing
- Adjudication
- Released or diverted
- Informal processing diversion

Adjudication
- Arraignment
- Trial
- Guilty plea
- Charge dismissed
- Acquitted
- Reduction of charge
- Sentencing
- Convicted
- Intermediate sanctions
- Probation
- Parole
- Prison
- Release
- Revocation
- Probation or parole nonresident
- Probation
- Release
- Revocation
- Parole

Sentencing and sanctions
- Appeal
- Sentencing
- Convicted
- Sentence
- Reduction of charge
- Acquitted
- Intermediate sanctions
- Probation
- Parole
- Prison
- Release
- Revocation
- Probation or parole nonresident
- Probation
- Release
- Revocation
- Parole

Corrections
- Probation
- Parole
- Pardon and capital clemency
- Punishment
- Out of system

Note: This chart gives a simplified view of caseloads through the criminal justice system. Procedures vary among jurisdictions. The weights of the lines are not intended to show actual size of caseloads.

Source: Adapted from The challenge of crime in a free society. President's Commission on Law Enforcement and Administration of Justice, 1967. This revision, a result of the Symposium on the 30th Anniversary of the President's Commission, was prepared by the Bureau of Justice Statistics in 1997.
Figure 12: Estimate of Growth in Prison Population (Driven by Stacking of the 85% Offenders)\textsuperscript{75}

85% Population
Assumes 1% increase in annual admissions for 85% crimes, but population growth is driven by stacking as offenders serve much longer than they have historically.

Non-85% Population
Assumes the annual population of offenders incarcerated for non-85% offenses remains the constant at 2011 levels.

This is not a projection of the non-85% population, but rather a static estimate. This share of the population may increase or decrease depending on any chance in admissions or length of stay of this population.

Source: Council of State Governments
FY 2016 Appropriations to Ten Largest Agencies

Total Appropriations: $7,138.9M

Total Ten Largest: $6,442.0M (90.2%)

- Higher Education: $963.4M (13.5%)
- Common Education: $2,484.9M (34.8%)
- OHCA (Medicaid): $971.1M (13.6%)
- Human Services: $678.9M (9.5%)
- Corrections: $484.9M (6.8%)
- Mental Health: $340.7M (4.8%)
- Transportation: $184.9M (2.6%)
- Career Tech: $133.9M (1.9%)
- Public Safety: $100.3M (1.4%)
- Juvenile Affairs: $99.0M (1.4%)
- All Other Agencies: $696.9M (9.8%)
“Jails now have become the mental health hospitals of yesterday. And that's sad. Because it was never intended for jails (to be) a mental health facility, but today we have somewhere in the neighborhood of 350 inmates upstairs that have at least a mental health Type 1 diagnosis who are being treated by a full-time psychiatric staff.”

- Oklahoma County Sheriff John Whetsel
Reform measures passed the Legislature this year.

• Reduce mandatory minimums for drug crimes
• Raise the felony threshold
• Expand prosecutorial discretion
• Expand access to drug courts and other alternatives
• SQ 780: Reduce all drug possession crimes from felonies to misdemeanors

• SQ 781: Invest savings in crime prevention, substance abuse and mental health treatment
Expansion of Legal Financial Obligations
<table>
<thead>
<tr>
<th>Cost Description</th>
<th>1992</th>
<th>2016</th>
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<tbody>
<tr>
<td>Fine</td>
<td>$30.00</td>
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<tr>
<td>Court Costs</td>
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<td>CLEET Penalty Assessment</td>
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<td>Automated Fingerprint Identification System</td>
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</tr>
<tr>
<td>Sheriff’s Fees</td>
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<tr>
<td>Clerk’s Fees</td>
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<td>Oklahoma Court Information System</td>
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<tr>
<td>Trauma Care Assistance Fund</td>
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<tr>
<td>Sheriff’s Fee for Courthouse Security</td>
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<td>Court Clerk Administrative Fee on Collections</td>
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<td>Child Abuse Multidisciplinary Account</td>
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<tr>
<td>Attorney General Victims Services Unit</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$107.00</strong></td>
<td><strong>$251.50</strong></td>
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Dozens of agencies rely on criminal fees to operate

District Courts collected $152 million in fees in 2014

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<th>2014 Court Fee Totals</th>
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<tr>
<td>District Courts</td>
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<tr>
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<td>PHONE:</td>
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**COURT CLERK: CM**

**DISTRICT COURT FILED JUL 08 2016**

**SALLY MORE SMITH COURT CLERK STATE OF OKLA TULSA COUNTY**

**IS TO BE PAID ON OR BEFORE**

| $95.00 | IS TO BE PAID ON OR BEFORE 08/05/16 AND A PAYMENT DUE ON THE 5TH DAY OF EACH MONTH CONTINUING UNTIL THE CASE(S) IS PAID IN FULL. |

**TOTAL:** $3,407.50
“I think the collection rate for criminal court costs is between 5 and 11 percent, is what you should expect.”

-Special Judge Don Easter, Oklahoma County
29 percent of Tulsa County Jail bookings were for failure to pay in July 2013.
Two-tiered justice system
Mysteries Solved! (Sort of)

Why is the prison population so high?

Why does justice cost so much?
Oklahoma is 31st in the rate of people under correctional control (Prison, Probation, Parole, and Jail)
I got 3 months for stealing billions on Wall Street.

I got 3 years for possession of a few joints.