By the Numbers…

Criminal Justice in Oklahoma

Angie Woodrow, Research Director || Oklahoma Bureau of Narcotics
Overview

- Criminal Justice Reform
- Reform in Oklahoma
- SQ780
- Measuring Recidivism
Criminal Justice Reform
## Criminal Justice Reform

<table>
<thead>
<tr>
<th>1950’s &amp; 1960’s</th>
<th>1970’s</th>
<th>1980’s</th>
<th>1990’s</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Deinstitutionalization</td>
<td>- Nixon’s “War on Drugs”</td>
<td>- Public opinion shifted</td>
<td>- Violent crime peaks in 1991</td>
</tr>
<tr>
<td>- Campus Activism</td>
<td>- “Tough on Crime”</td>
<td>- Crack epidemic</td>
<td>- Oklahoma adopts TIS reforms (1997)</td>
</tr>
<tr>
<td>- Race Riots of 1967</td>
<td></td>
<td>- Increase in crime</td>
<td>- Sentencing Commission</td>
</tr>
<tr>
<td>- Nixon’s campaign slogan “law and order” (1968)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Criminal Justice Reform

- Statewide Felony Sentencing Reports
- Oklahoma Prison Population Projections
- Felony Sentencing: Recommendations to the Legislature
- An Analysis of Oklahoma Drug Courts
- Recidivism in Oklahoma: Examining the Problem
- Aging of the Oklahoma Prison Population: Implications for Healthcare
- First-Time Felons: the 1054 Project
- Estimated Prevalence of Felons among the Oklahoma Adult Population
Criminal Justice Reform

- Increase in prison population (2008)
- Increase in corrections costs
- State budget shortfalls (2007 to 2009)
- Poor outcomes for those leaving prison
- Paradigm shift from “nothing works” to rehabilitation
- Technological advancements
- Justice Reinvestment Initiative (2010)


Source: BJS
Criminal Justice Reform

Policy areas targeted for criminal justice reform:

- Sentencing/pretrial - laws instructing courts on how to sanction convicted defendants
- Release - laws determining the conditions for inmates’ departure from prison
- Community corrections – laws guiding the supervision of those on probation/parole
- Sustainability – laws tracking the progress of changes to the criminal justice system

Source: Pew Charitable Trusts
Criminal Justice Reform

Sentencing/Pretrial - laws instructing courts on how to sanction convicted defendants

- Percent of states that targeted reforms: 48.6%
- Reclassify/redefine drug and property offenses (17 states, including Oklahoma)
- Revise sentencing enhancements (11 states, including Oklahoma)

Release – laws determining the conditions for inmates’ departure from prison

- Percent of states that targeted reforms: 57.1%
- Revise parole hearings and/or eligibility standards (19 states, including Oklahoma)
- Establish parole board member qualifications (4 states, including Oklahoma)

Source: Pew Charitable Trusts
Criminal Justice Reform

**Community Corrections – laws guiding the supervision of those on probation/parole**
- Percent of states that targeted reforms: 71.4%
- Require/improve risk-needs assessment (25 states, including Oklahoma)
- Improve behavioral health interventions (24 states, including Oklahoma)

**Sustainability – laws tracking the progress of changes to criminal justice system**
- Percent of states that targeted reforms: 85.7%
- Require data collection/performance measures (30 states, including Oklahoma)
- Establish oversight council/boards/task forces (17 states, including Oklahoma)

*Source: Pew Charitable Trusts*
## Criminal Justice Reform

<table>
<thead>
<tr>
<th>State</th>
<th>Reform Efforts</th>
<th>Violent Crime Rate</th>
<th>Non-Violent Crime Rate</th>
<th>Arrest Rate</th>
<th>Incarceration Rate*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Texas</td>
<td>2007</td>
<td>-19.3%</td>
<td>-42.4%</td>
<td>-39.2%</td>
<td>-18.4%</td>
</tr>
<tr>
<td>Colorado</td>
<td>2007</td>
<td>14.3%</td>
<td>-11.1%</td>
<td>-13.8%</td>
<td>-25.6%</td>
</tr>
<tr>
<td>Arkansas</td>
<td>2009</td>
<td>5.2%</td>
<td>-22.7%</td>
<td>2.5%</td>
<td>14.1%</td>
</tr>
<tr>
<td>Louisiana</td>
<td>2010</td>
<td>-1.8%</td>
<td>-10.0%</td>
<td>34.2%</td>
<td>-17.2%</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>2011</td>
<td>2.1%</td>
<td>-14.6%</td>
<td>-29.9%</td>
<td>11.4%</td>
</tr>
<tr>
<td>Missouri</td>
<td>2011</td>
<td>12.3%</td>
<td>-20.0%</td>
<td>-31.4%</td>
<td>3.9%</td>
</tr>
<tr>
<td>Kansas</td>
<td>2012</td>
<td>23.8%</td>
<td>-16.2%</td>
<td>-47.0%</td>
<td>2.2%</td>
</tr>
<tr>
<td>New Mexico</td>
<td>2018</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>

* 2017 incarceration rates

Source: FBI and BJS
Reform in Oklahoma
Reform in Oklahoma

- Reclassified/redefined certain drug and property offenses (2016 and 2017)
- Revised sentencing enhancements and mandatory minimums (2015, 2016, and 2018)
- Adopted administrative parole (2018)
- Revised parole hearing procedures (2012 and 2018)
- Established mandatory re-entry supervision (2012)
- Implemented risk assessments (2012 and 2017)
- Established reform task forces (2017)
Criminal Justice in Oklahoma

- Violent Crime Rate: -2.5% from 2010 to 2018
- Non-Violent Crime Rate: -15.6% from 2010 to 2018
- Arrest Rate: -35.0% from 2010 to 2018
- Felony Filings: -2.6% from FY11 to FY18
- Misdemeanor Filings: -2.6% from FY11 to FY18
- Incarceration Rate: -5.3% from 2010 to 2020

Source: OSBI, AOC, DOC
The violent crime rate in Oklahoma decreased 2.5% from 2010 to 2018.
The non-violent crime rate in Oklahoma decreased 15.6% from 2010 to 2018.

Source: FBI
The arrest rate in Oklahoma decreased 35% from 2010 to 2018.

Source: OSBI
Criminal filings in Oklahoma decreased 2.6% from FY11 to FY18.

Source: AOC
The number of inmates in Oklahoma decreased 5.3% from 2010 to 2020.

Source: ODOC
Male receptions for top controlling offenses decreased 18.6% from FY18 to FY19.

Source: ODOC
Female receptions for top controlling offenses decreased 26.1% from FY18 to FY19.

Source: ODOC
Over half (55.3%) of those in DOC custody are now under supervision.
State Question 780
SQ780

- Effective July 1, 2017
- Reclassified certain drug and property crimes as misdemeanors (19 crimes)
- Eliminated sentencing enhancements for previous drug charges
- SQ781 also passed (savings and reinvestment of funds)
- 18 months of data are available
- Cautionary statement
Reported larcenies decreased 1.4% from 2016 to 2018.

Source: OSBI
Overall, arrests for SQ780 offenses decreased 11.2% from 2015 to 2018.

<table>
<thead>
<tr>
<th>Crime</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>% Change 2015 to 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Larceny</td>
<td>15,876</td>
<td>13,190</td>
<td>11,368</td>
<td>11,539</td>
<td>-27.3%</td>
</tr>
<tr>
<td>Forgery</td>
<td>594</td>
<td>696</td>
<td>626</td>
<td>569</td>
<td>-4.2%</td>
</tr>
<tr>
<td>Fraud</td>
<td>1,747</td>
<td>1,701</td>
<td>1,553</td>
<td>1,420</td>
<td>-18.7%</td>
</tr>
<tr>
<td>Embezzlement</td>
<td>507</td>
<td>384</td>
<td>416</td>
<td>362</td>
<td>-28.6%</td>
</tr>
<tr>
<td>Stolen Property</td>
<td>2,538</td>
<td>2,827</td>
<td>2,920</td>
<td>3,045</td>
<td>20.0%</td>
</tr>
<tr>
<td>Drug Possession</td>
<td>16,572</td>
<td>20,142</td>
<td>18,630</td>
<td>16,676</td>
<td>0.6%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>37,834</td>
<td>38,940</td>
<td>35,513</td>
<td>33,611</td>
<td>-11.2%</td>
</tr>
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Source: OSBI
Overall, filings for SQ780 crimes decreased 22.4% from FY16 to FY19.

<table>
<thead>
<tr>
<th>Crime</th>
<th>FY16</th>
<th>FY17</th>
<th>FY18</th>
<th>FY19</th>
<th>% Change FY16 to FY19</th>
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<tr>
<td>Embezzlement</td>
<td>436</td>
<td>400</td>
<td>390</td>
<td>300</td>
<td>-31.2%</td>
</tr>
<tr>
<td>Obtaining Cash/Merchandise by Bogus Check</td>
<td>1,810</td>
<td>1,719</td>
<td>1,244</td>
<td>1,221</td>
<td>-32.5%</td>
</tr>
<tr>
<td>Knowingly Concealing Stolen Property</td>
<td>2,156</td>
<td>2,201</td>
<td>1,772</td>
<td>1,657</td>
<td>-23.1%</td>
</tr>
<tr>
<td>Larceny from Retailer</td>
<td>1,880</td>
<td>1,518</td>
<td>1,166</td>
<td>1,234</td>
<td>-34.4%</td>
</tr>
<tr>
<td>False Declaration of Ownership in Pawn</td>
<td>312</td>
<td>262</td>
<td>94</td>
<td>116</td>
<td>-62.8%</td>
</tr>
<tr>
<td>Possession of CDS</td>
<td>13,546</td>
<td>14,596</td>
<td>12,357</td>
<td>11,100</td>
<td>-18.1%</td>
</tr>
</tbody>
</table>

Source: Interim Study 19-032
Measuring Recidivism
Recidivism

- Defined: The tendency of a convicted criminal to reoffend.

- Measuring recidivism

- Caution against comparison
  - Three years? Six years? Nine years?
  - New crime vs. technical violation
  - Re-arrest vs. return to incarceration
Recidivism

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<tr>
<td>Kansas</td>
<td>33.9%</td>
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<tr>
<td>Missouri</td>
<td>42.7%</td>
</tr>
<tr>
<td>New Mexico</td>
<td>49.2%</td>
</tr>
<tr>
<td>Colorado</td>
<td>49.5%</td>
</tr>
<tr>
<td>Arkansas</td>
<td>57.4%</td>
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**Arkansas**
Includes revocations

**Texas**
Does not include revocations
Recidivism – What Works?

- Adopt risk and needs assessments to inform case management
- Establish evidence-based programs
- Implement programs with fidelity
- Adopt community supervision policies that promote successful reentry
Summary

- Criminal justice reform in Oklahoma started in 2011.
- Several factors influence data – it is too soon to know the impact of reform efforts.
- Reported crimes, arrests, and criminal filings have decreased in Oklahoma.
- The incarceration rate has decreased in Oklahoma.
- There is no single definition of recidivism – compare with caution.
- What is the most important action we can take to move reform forward in Oklahoma?