

Oklahoma

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Oklahoma's prison population grew 17 percent and its corrections spending increased 41 percent between 2000 and 2010. To address the growing prison population, state leaders enacted many reforms through the Justice Reinvestment Initiative (JRI), including setting aside space for technical supervision violators to take risk reduction programs and instituting risk and needs assessments to inform sentencing decisions. JRI reforms are projected to slow prison population growth by six percentage points over nine years, saving taxpayers \$120 million. Oklahoma invested \$3.7 million of its projected savings into various public safety improvement programs.

Impetus for Justice Reinvestment

Oklahoma's prison population grew by 17 percent between 2000 and 2010, with a 41 percent increase in corrections spending over the same time period. In 2009, the state had the third-highest incarceration rate in the country and the highest incarceration rate for women. Despite the wide use of and increased spending on corrections, Oklahoma had not seen a corresponding reduction in crime; the rates of violent crime and property crime were higher in Oklahoma than the national average. To address these issues, Oklahoma applied for JRI technical assistance (TA) in January 2011 and began receiving TA from the Council of State Governments Justice Center (CSG Justice Center).¹

Establish Interbranch Bipartisan Working Group

Before applying to participate in JRI, key stakeholders sought a legislative champion with demonstrated interest in and knowledge of the criminal justice system. The Speaker of the House was identified as such a champion, because he had sponsored previous criminal justice legislation, including bills involving community corrections and incarcerated women.² State leaders established a bipartisan and inter-agency working group, co-chaired by the Speaker and the chairman of the Oklahoma Christian University Board of Trustees. A senior program officer from the George Kaiser Family Foundation (GKFF) played a key role in engaging stakeholders in the initiative and served on the working group. Members of this working group represented several government entities, including the legislature, Oklahoma District Attorneys Council, attorney general's office, governor's office, Department of Mental Health and Substance

HIGHLIGHTS

- Oklahoma's prison population grew 17 percent between 2000 and 2010.
- JRI legislation set aside space for risk-reduction programming for technical supervision violators and for instituting risk and needs assessment to inform sentencing decisions.
- JRI reforms are projected to slow the growth of Oklahoma's prison population by 6 percentage points over nine years.
- Slowing the growth of the prison population is estimated to save Oklahoma \$120 million.
- Oklahoma reinvested \$2 million for the law enforcement grant program, \$0.7 million for a felony jail screening tool, and \$1 million in probation improvements.

Abuse Services (DMHSAS), Pardon and Parole Board, Court of Criminal Appeals, Department of Corrections (DOC), and Sheriff's Association. The working group first convened in June 2011 and met an additional four times through January 2012.³

Engage Stakeholders

The CSG Justice Center and the members of the working group also met and conducted focus groups with an array of criminal justice stakeholders, including police chiefs and officers, sheriffs, Oklahoma DOC staff, members of the Pardon and Parole Board, judges, public defenders and members of the defense bar, district attorneys, victims' advocates, and behavioral health and treatment providers.⁴ The working group also sought input from the public through three town hall meetings across the state in

October 2011. GKFF provided support for media, policy-maker, and public engagement.⁵

Analyze Data and Identify Drivers

With the help of the CSG Justice Center, the working group used data from the courts, the DOC, law enforcement, and district attorneys' offices to analyze crime trends, sentencing, and rates of incarceration and community supervision. The group conducted an online survey of probation officers regarding their supervision practices. From these analyses, the working group identified several drivers of the state's high incarceration rate. For instance, over half the prison population had been convicted of nonviolent offenses. In addition, the population was expected to grow owing to an accumulation of serious and violent offenders who were required by law to serve at least 85 percent of their sentences but who were serving longer than the 85 percent requirement.⁶

The working group also found that more than half of the offenders being released from prison were released unsupervised. This, coupled with the fact that the number of law enforcement officers per capita had decreased in many of the state's major cities, contributed to the above-average crime rate in Oklahoma.⁷

Develop Policy Options

In January 2012, the working group developed policy recommendations that focused on strengthening supervision, containing prison costs, and improving public safety. To strengthen supervision, the group proposed mandatory supervision for all offenders leaving prison, and presentence risk and needs assessment for all individuals in county jails charged with felonies. They also recommended providing additional resources and improved access to treatment for supervision. Policy options for containing prison costs included allowing judges a longer period to modify an individual's sentence after conviction and changing the way good time is calculated for inmates who are required to serve 85 percent of their sentence, allowing them to earn credits before they reach the required 85 percent. Money saved on prison beds would primarily be used to improve public safety by funding a law enforcement grant program, increasing substance abuse treatment, and strengthening probation supervision. The working group also recommended funding for crisis stabilization beds for people with mental health needs, to minimize burdens on law enforcement.⁸

Codify and Document Changes

Many of the policies developed by the working group were codified into law in Oklahoma House Bill (HB) 3052, championed by the House Speaker. The bill was signed into law by the governor in May 2012. HB 3052 required all offenders to receive at least nine months of supervision after their release from prison and created intermediate revocation facilities that would provide substance abuse treatment for probationers and parolees who violate the terms of their supervision. The bill also instituted risk and needs assessments to inform sentencing decisions for felonies; established a grant program for local law enforcement that could provide as much as \$40 million over 10 years; and allowed judges to alter sentences two years after conviction if the offender meets certain conditions. The legislation did not include the working group's recommendations to modify drug offense sentences and the rules regarding applying good time credits to time served for those required to serve 85 percent of their sentences.⁹ The bill also did not include the crisis stabilization centers, but that effort was pursued separately and funding was secured for the DMHSAS services.¹⁰

The enacted legislation is projected to slow the growth of Oklahoma's prison population by six percentage points over nine years (see figure 1). Without JRI reforms, the prison population is projected to grow from 27,176 in FY 2012 to 29,788 in FY 2021. The reforms are estimated to reduce the FY 2021 population to 28,029 and save \$120 million.¹¹

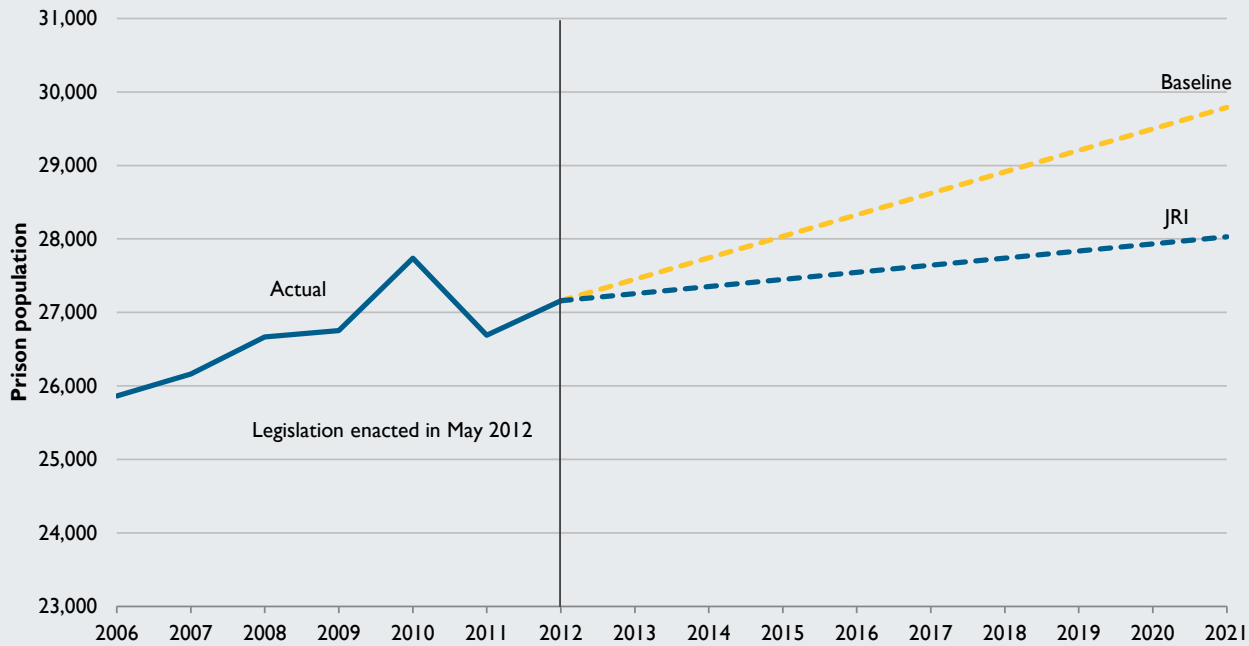
Implement Policy Changes

After HB 3052 passed, Oklahoma created an implementation working group to facilitate implementation of the bill. The group was co-chaired by the former Speaker (who was no longer eligible to serve in the State House because of term limits) and a district attorney, and began the process of coordinating implementation. In February 2013, the governor declined to request subaward funding for implementation and has not submitted a written request for technical assistance to the CSG Justice Center. The implementation group discontinued meeting in March 2013.¹²

The departments responsible for implementing each provision of the bill have continued implementation without an interagency implementation group. DMHSAS has begun to train employees in 17 counties to conduct risk and needs assessments. The attorney general's office released a re-

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FIGURE I
Oklahoma Prison Population



Source: JRI and baseline population projection data are from Council of State Governments Justice Center, email message, July 19, 2013.
Note: Dotted lines represent projections.

quest for proposals for the FY 2013 law enforcement grants and awarded the initial grants in August 2013. The DOC has designated beds in existing corrections facilities to serve as intermediate revocation facility beds, but the beds are being used at a lower rate than expected. Mandatory post-release supervision has been included in the sentences for only a small percentage of eligible offenders.¹³

Reinvest Savings

Without any changes, Oklahoma's prison population was expected to grow by 9 percent between 2013 and 2021, with a corresponding increase of \$259 million in corrections spending during this period. The provisions in HB 3052 were projected to reduce prison population growth to 2 percent, saving the state up to \$120 million. The working group proposed that \$110 million be reinvested over 10 years into the law enforcement grant program, probation improvement, victim/witness services, a felony jail screen, and substance abuse treatment.¹⁴ For FY 2013, Oklahoma appropriated \$2 million for the law enforcement grant program, \$0.7 million for the felony jail screen, and \$1 million in probation improvements.¹⁵

Measure Outcomes

The departments responsible for implementing JRI changes, including the DOC and DMHSAS, are collecting data to measure the utilization rate of JRI policies and their effects on the prison population. HB 3052 mandated that the attorney general's office collect relevant data to assess the impact of JRI in Oklahoma.¹⁶

Although it is too early to assess the impact of HB 3052, preliminary discussions with Oklahoma stakeholders suggest that the utilization rate of JRI policies has been much lower than expected. Stakeholders believe more training and information sessions for key decisionmakers across the state are needed to fully implement HB 3052.¹⁷

Notes

1. Council of State Governments Justice Center. 2011. Justice Reinvestment in Oklahoma: Overview. New York: Council of State Governments Justice Center.
2. Oklahoma JRI stakeholder interviews, June 21, 2012.
3. Council of State Governments Justice Center. 2012. Justice Reinvestment in Oklahoma: Analysis and Policy Framework. New York: Council of State Governments Justice Center.
4. Ibid.
5. Oklahoma JRI stakeholder interviews, June 21, 2012.
6. Council of State Governments Justice Center (2012).
7. Ibid.
8. Ibid.
9. Oklahoma HB 3052, 2012.
10. Oklahoma JRI stakeholder interviews, July 8, 2013.
11. Council of State Governments Justice Center. Email message. July 19, 2013.
12. Oklahoma JRI stakeholder interviews, July 8, 2013.
13. Ibid.
14. Council of State Governments Justice Center (2012).
15. Oklahoma Department of Corrections Director Justin Jones. "JRI Phase II Letter of Interest." 2012.
16. Oklahoma HB 3052, 2012.
17. Oklahoma JRI stakeholder interviews, July 8, 2013.

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