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THE COUNCIL OF STATE GOVERNMENTS

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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 4,061[3] to 3,574[4] 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.

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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

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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.

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

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

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

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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 Bettesworth, *Policy Analyst*
206-420-2714 • abettesworth@csg.org

justicecenter.csg.org