



Justice Reinvestment in Oklahoma

Detailed Analysis

October 17, 2011

Council of State Governments Justice Center

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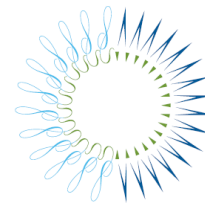
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Robert Coombs, Senior Policy Analyst

Funders and Partners

Justice Reinvestment

a data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease crime and strengthen neighborhoods.



Public Safety
Performance
Project

Oklahoma Justice Reinvestment Process

Analyze Data & Develop Policy Options

Collect & examine quantitative data

- Reported crime & arrests
- Court dispositions & sentencing
- DA supervision
- Probation and parole supervision
- Prison admissions, population & releases

June-October

Engage stakeholders

- Law enforcement
- Judges
- Prosecutors
- Defense bar
- Victim advocates/survivors
- County officials
- Supervision agencies
- Behavioral health & treatment providers

July-October

Develop & present a comprehensive analysis of the state's criminal justice system

Develop a framework of policy options that together would increase public safety and reduce/avert taxpayer spending

October-January

The Big Picture “Developing” From the Analyses

1.

Violent crime

is unacceptably high; the number of police per capita in three of the largest cities has declined.

2.

Supervision for felony offenders is declining:

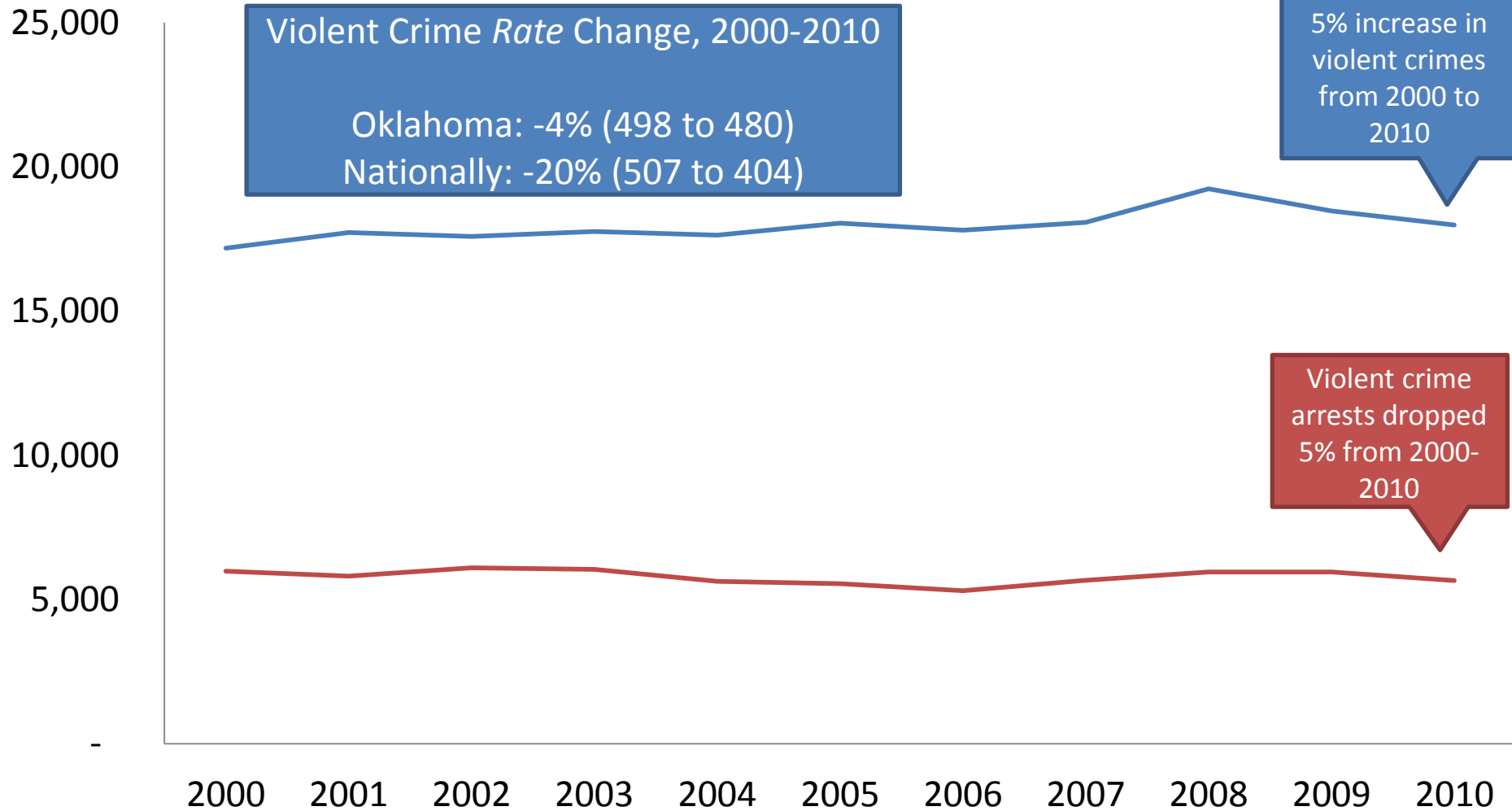
more are being placed on DA supervision and fewer are supervised after release from prison.

3.

The prison population is growing,

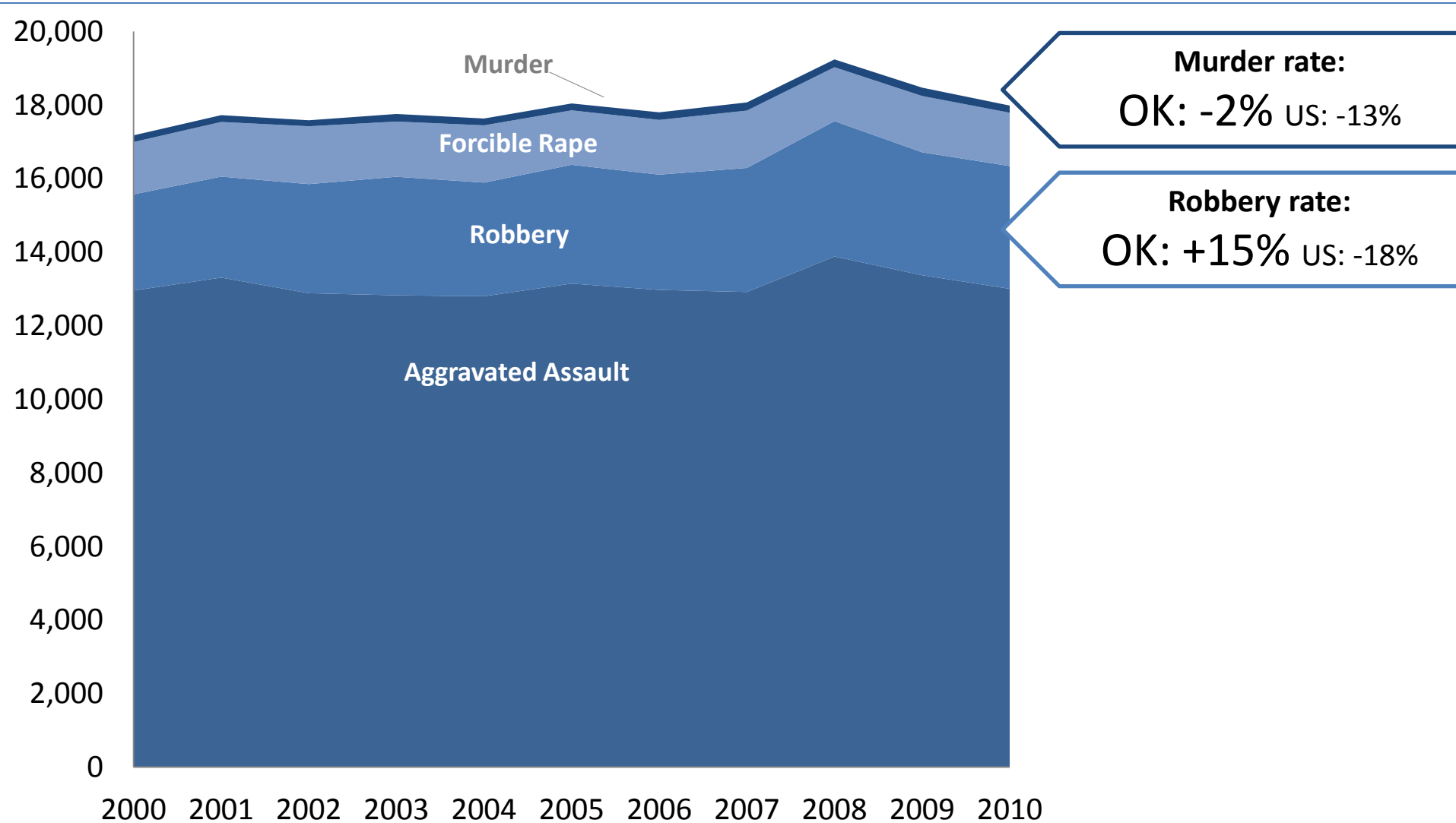
and more spending will be required to increase capacity unless the population growth is managed.

Violent Index Crimes Reported to Police in OK Remained High; Arrests Dropped



Source: United States Department of Justice, Federal Bureau of Investigation. (September 2011). Crime in the United States, 2000-2010. From <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2010/crime-in-the-u.s.-2010>.

Robbery Rate Increased Significantly Since 2000; Drop in Murder Rate is Far Outpaced by US



Source: United States Department of Justice, Federal Bureau of Investigation. (September 2011). Crime in the United States, 2000-2010. From <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2010/crime-in-the-u.s.-2010>.

Violent Crime Trends in Select Cities, by Type

	Enid			Lawton			Norman			Oklahoma City			Tulsa		
	2000	2010	+/-	2000	2010	+/-	2000	2010	+/-	2000	2010	+/-	2000	2010	+/-
Murder	0	2	--	3	3	0%	0	2	---	38	54	42%	33	54	64%
Forcible Rape	24	28	17%	55	60	9%	66	47	-29%	388	340	-12%	242	252	4%
Robbery	27	25	-7%	119	113	-5%	38	36	-5%	990	1,112	12%	737	1,381	87%
Aggravated Assault	165	171	4%	365	665	79%	105	53	-50%	2,535	3,798	50%	3,399	2,617	-23%
Violent Crime Total	216	226	5%	542	831	53%	209	138	-34%	3,951	5,304	34%	4,411	4,304	-2%

Oklahoma City and Tulsa account for 56% of murders in the state of Oklahoma.

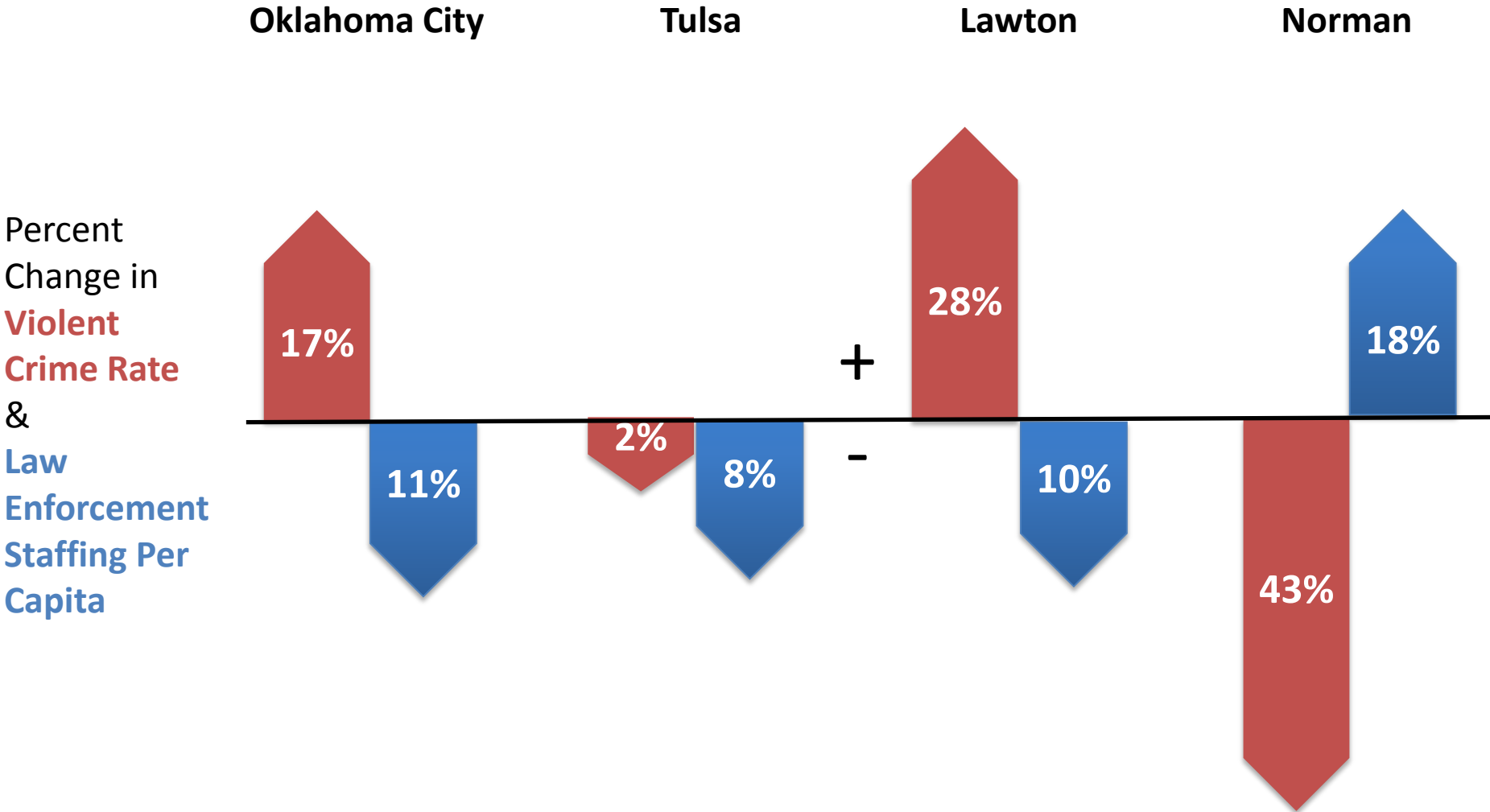
Robberies increased significantly in Tulsa.

Violent Crime increased in Enid, Lawton, and OKC despite a slight statewide drop.

Source: United States Department of Justice, Federal Bureau of Investigation. (September 2011). Crime in the United States, 2000-2010. From <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2010/crime-in-the-u.s.-2010>.

Violent Crime Rate & Law Enforcement Staffing Per Capita

2000-2010



Percent Change in
Violent Crime Rate
&
Law Enforcement Staffing Per Capita

Summary: Violent Crime

- **Violent index crime remains unacceptably high statewide.**
- **The number of robberies per capita has increased 15 percent statewide.**
- **The number of violent index crimes increased while the number of arrests decreased.**
- **The number of law enforcement officers per capita has declined in Oklahoma City, Tulsa, and Lawton.**

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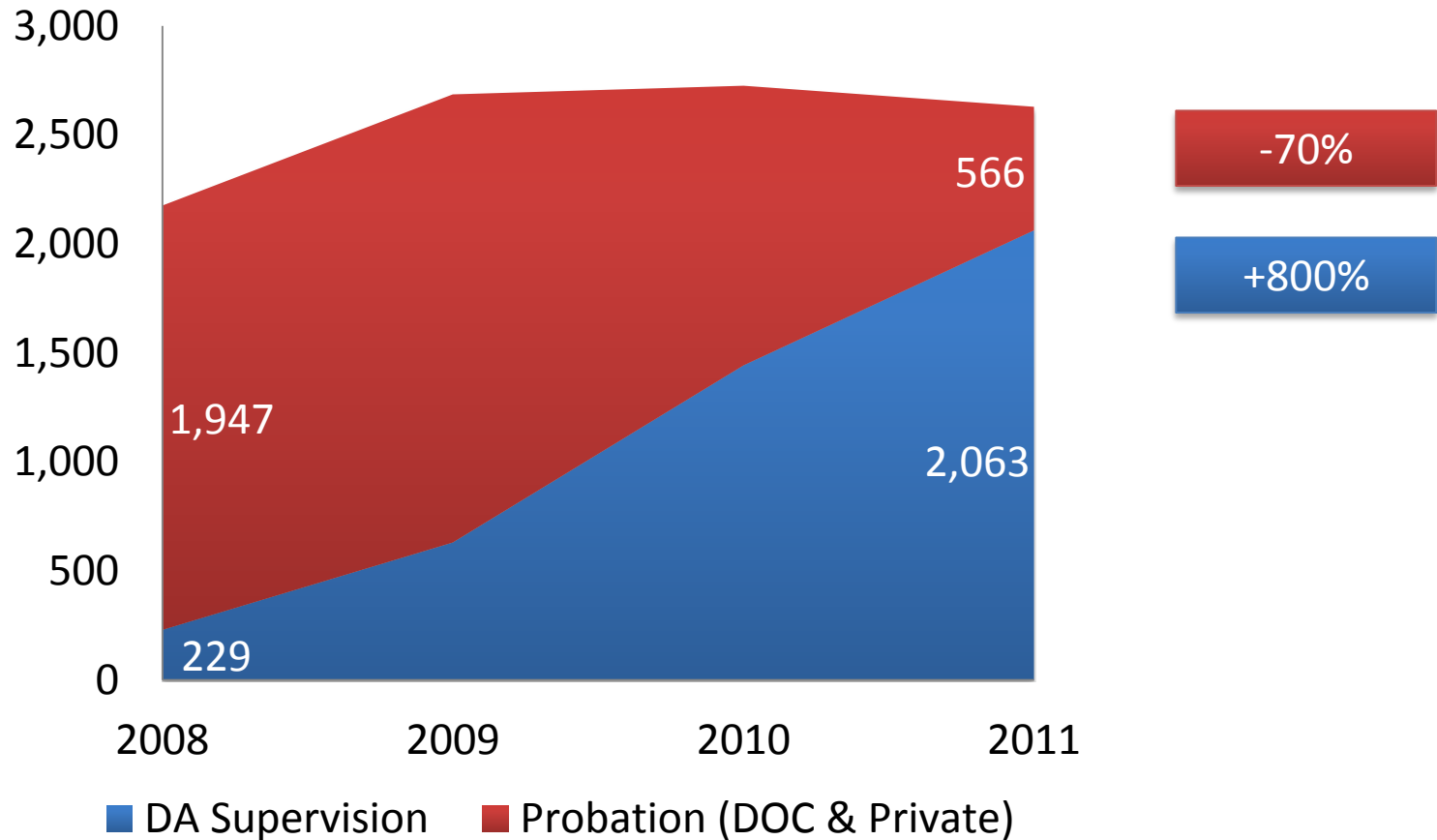
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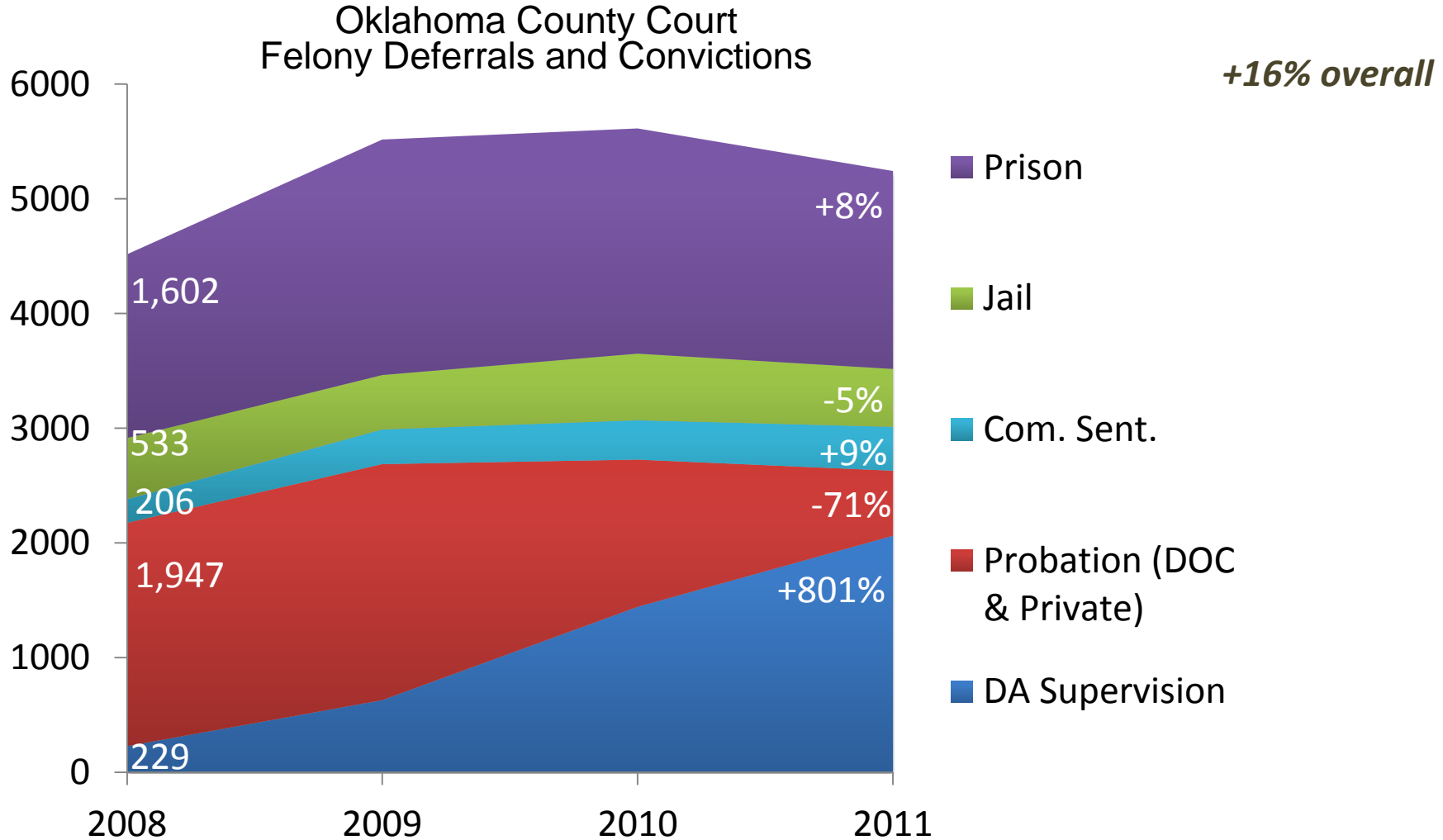
and more spending will be required to increase capacity unless the population growth is managed.

DA Supervision is Replacing Regular Probation as the Most Common Form of Supervision for Felons

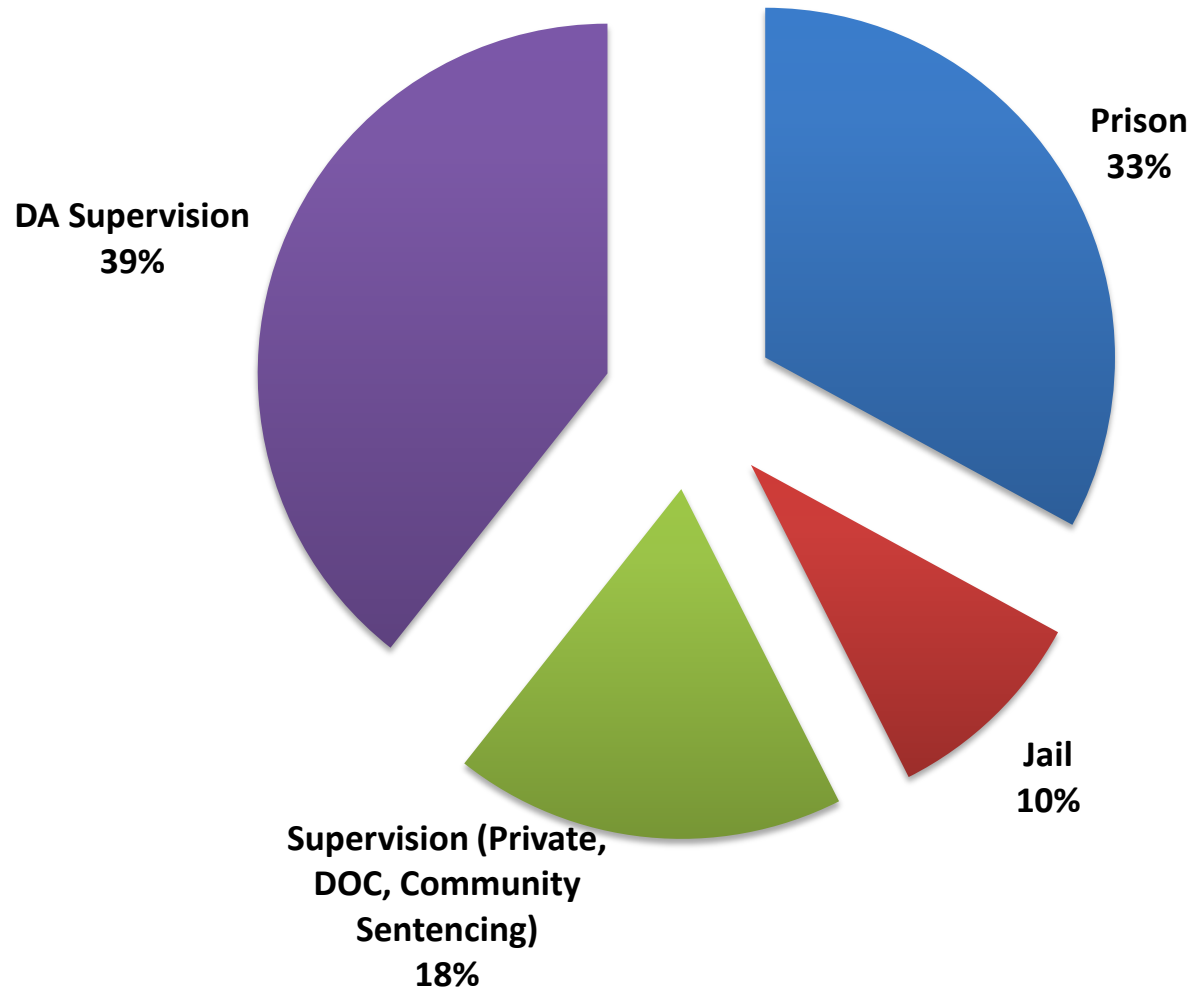
Oklahoma County Court
Felony Deferrals and Convictions



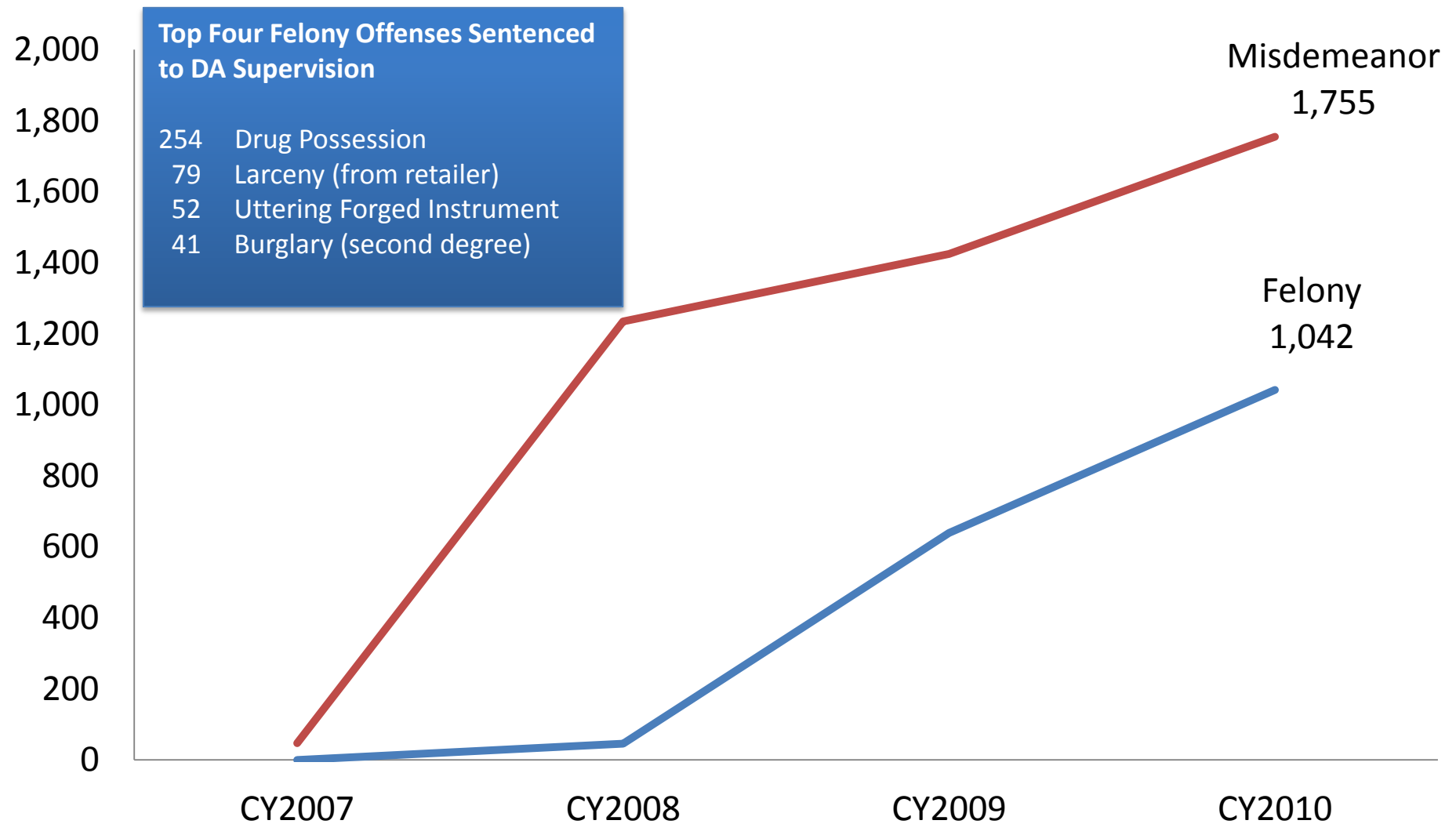
DA Supervision Even Appears to be Reducing Some of the Population Going to Prison or Jail



In Oklahoma County, More Felons Are Now Sentenced to DA Supervision than to Prison (FY2011)



DA Supervision Placements in Tulsa County Have Increased Dramatically for Both Misdemeanor and Felony Offenders

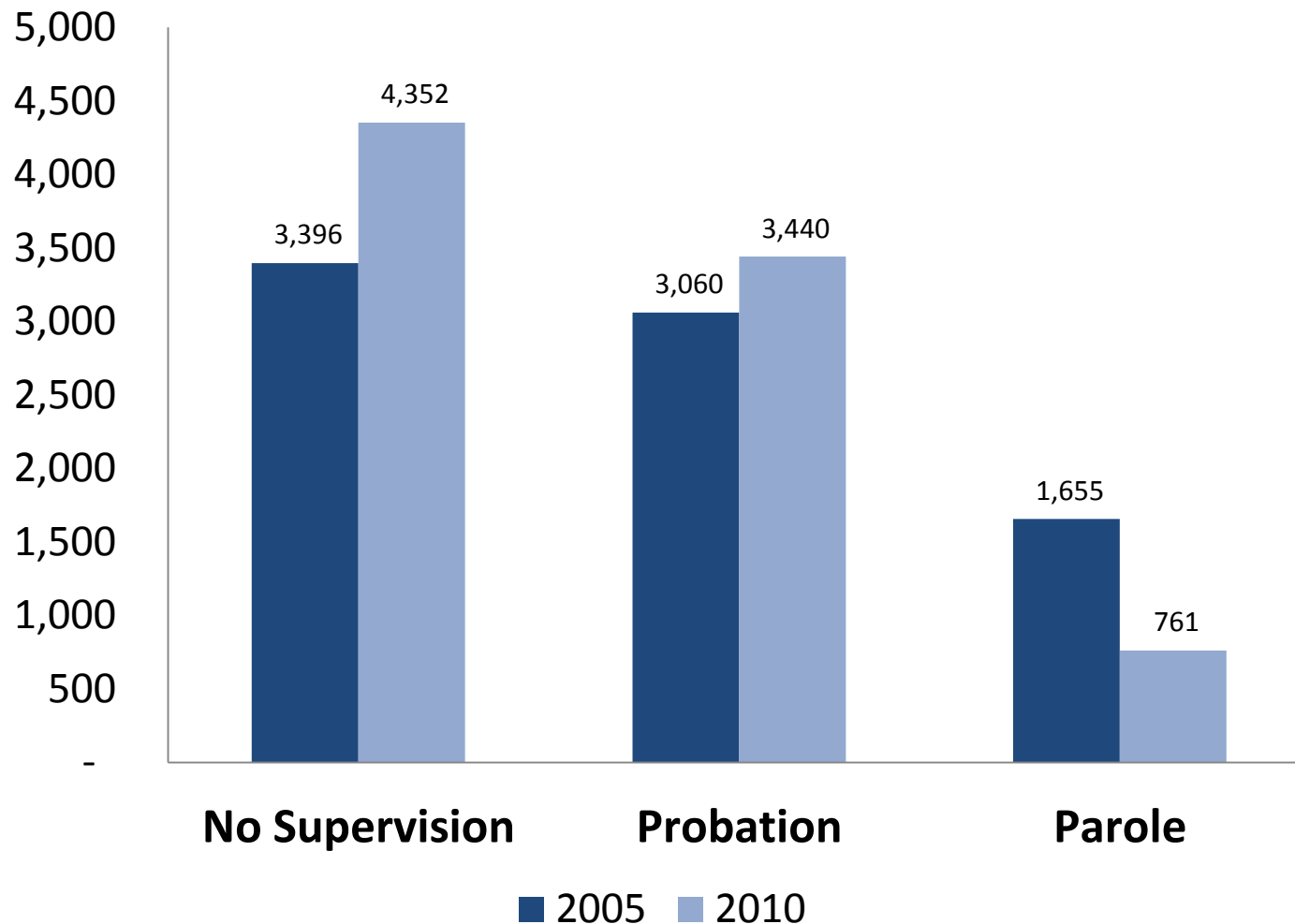


DA Supervision Termination Outcomes in Tulsa County

Terminations by Calendar Year	2008	2009	2010
Completed	21	780	999
Failed	17	280	549
N/A	1	10	48
Total	39	1,070	1,586
% Failed	44%	26%	35%

34%
Average Failure Rate

After Prison, More and More People Are Being Released Unsupervised



51%
released
unsupervised in
2010

The number of
offenders released
to parole
dropped in half

Current Law Hinders Supervision After Prison For Higher Risk Offenders

1st Felony Conviction

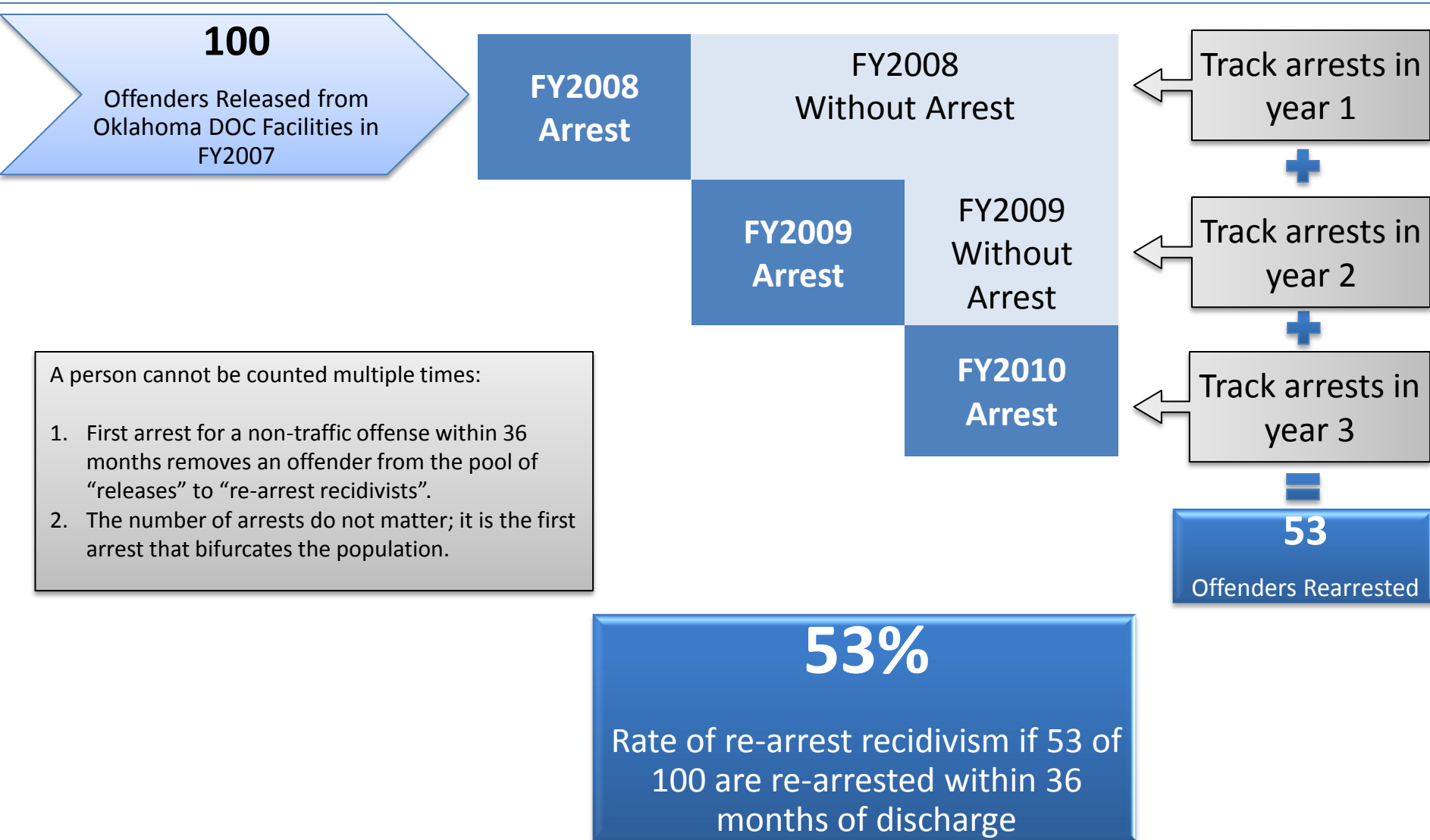
Post-Prison Suspended Sentence Allowed

3rd or Subsequent Felony Conviction

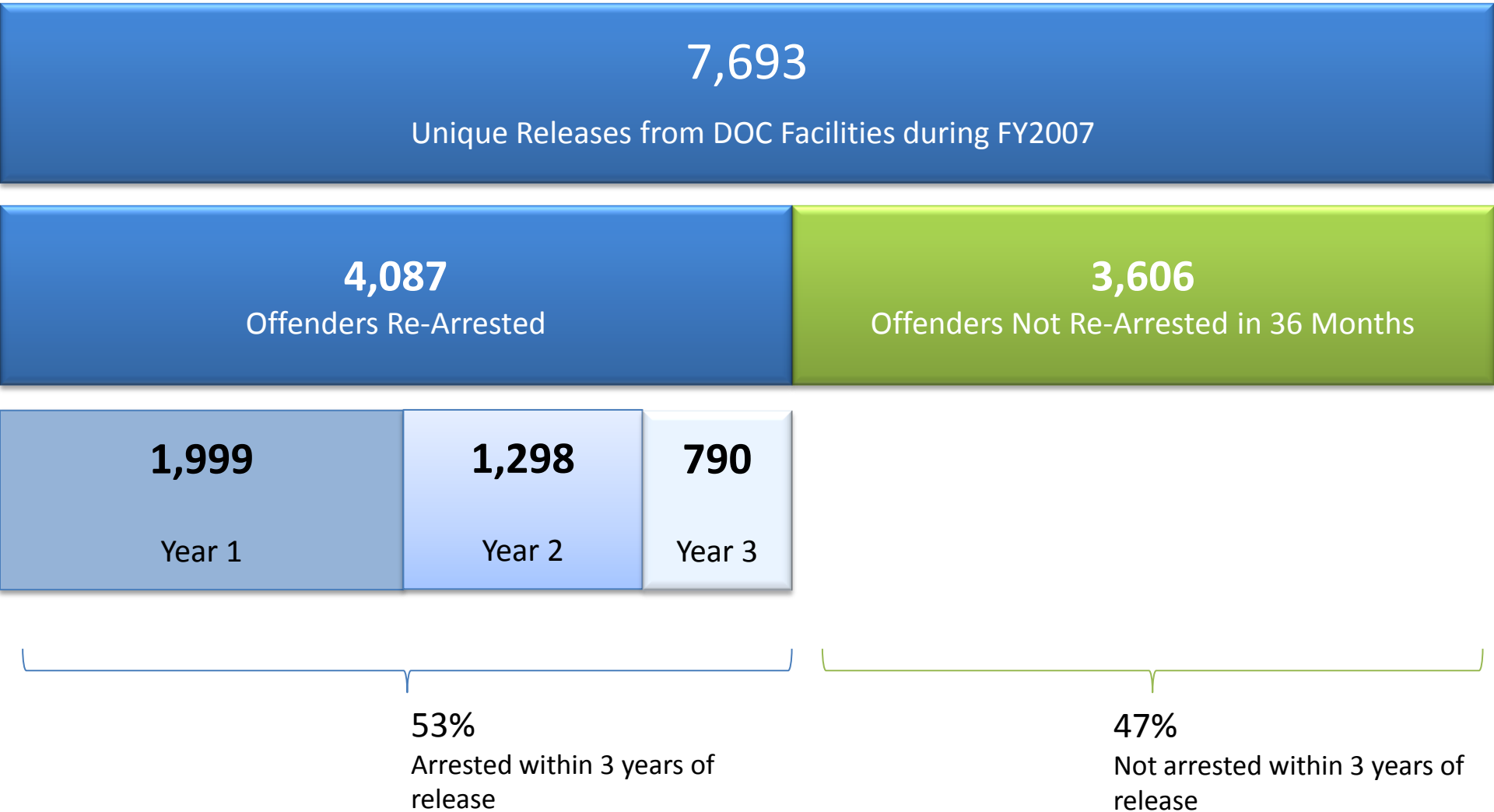
Post-Prison Suspended Sentence Prohibited Unless Permitted By District Attorney

**Unintended Consequence:
Offenders with criminal histories that suggest a higher likelihood of reoffending are much less likely to be on supervision after prison**

What is Re-Arrest Recidivism?

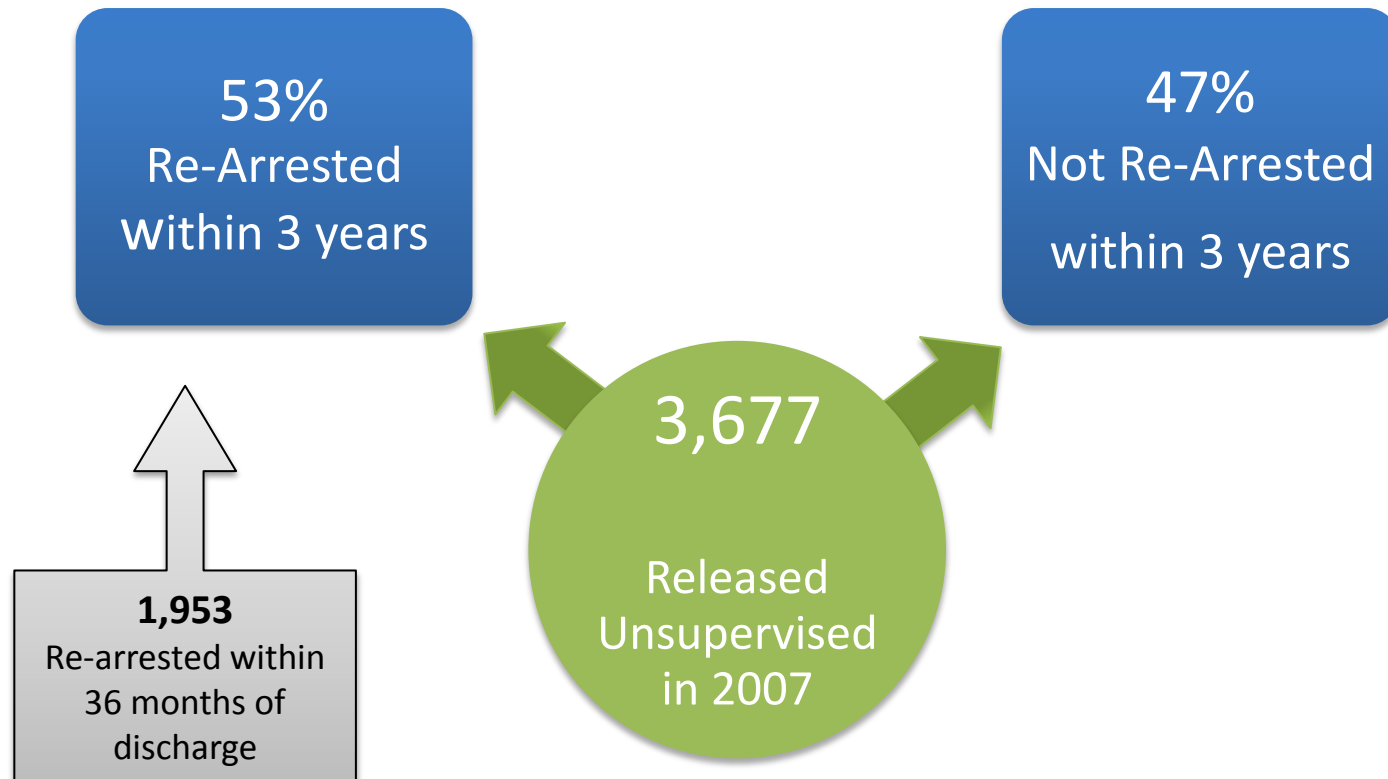


Re-Arrests Within 36 Months of Release



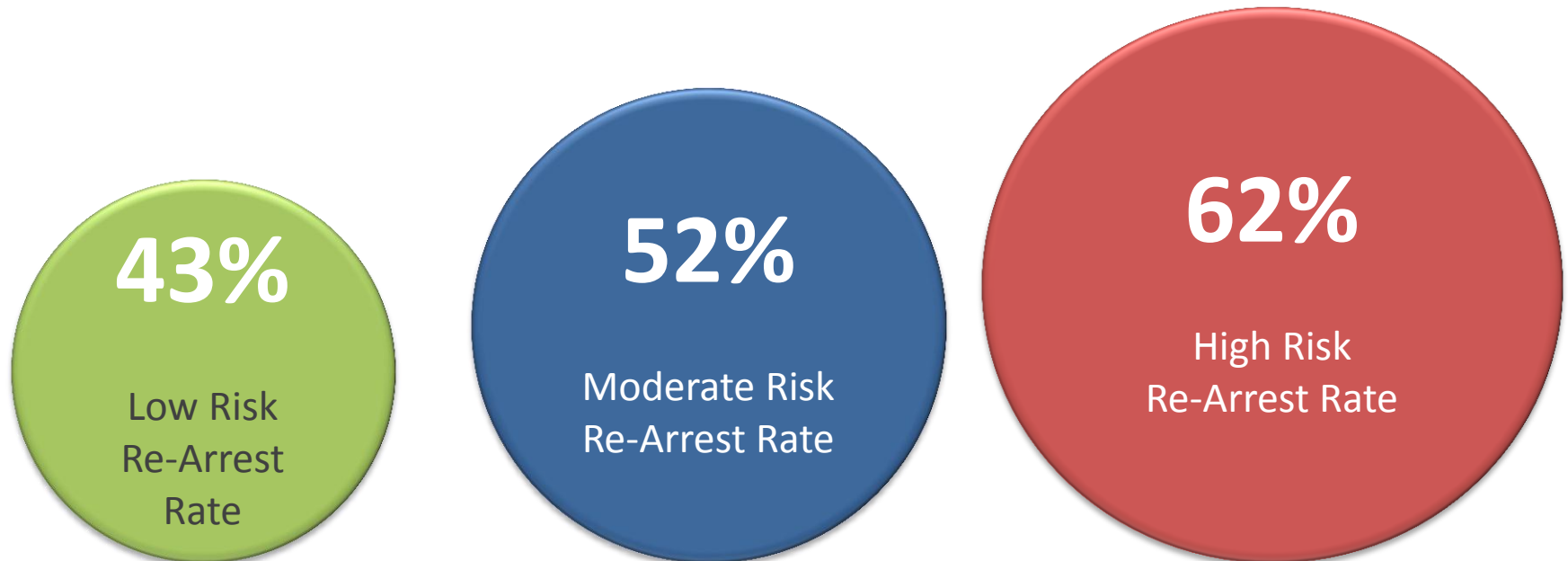
OKDOC and OSBI raw data files of 2007 Prison Releases

Re-Arrest Rate of Unsupervised Releases



Individuals Released from Prison with High Risk Assessment Scores Were More Likely to be Re-Arrested

Three Year Re-Arrest Rate by Risk Categories as Defined by the LSI-R



Summary: People Under Supervision

- **In Oklahoma County, DA supervision is becoming the dominant felony disposition.**
- **DA supervision may be insufficient for offenders assessed as high or medium risk on the LSI-R or other risk assessment.**
- **More and more offenders are being released from prison unsupervised; current law encourages that trend.**
- **53 percent of offenders released are re-arrested for a non-traffic/ticket offense within three years.**
- **The LSI-R is predictive of the likelihood of re-arrest.**

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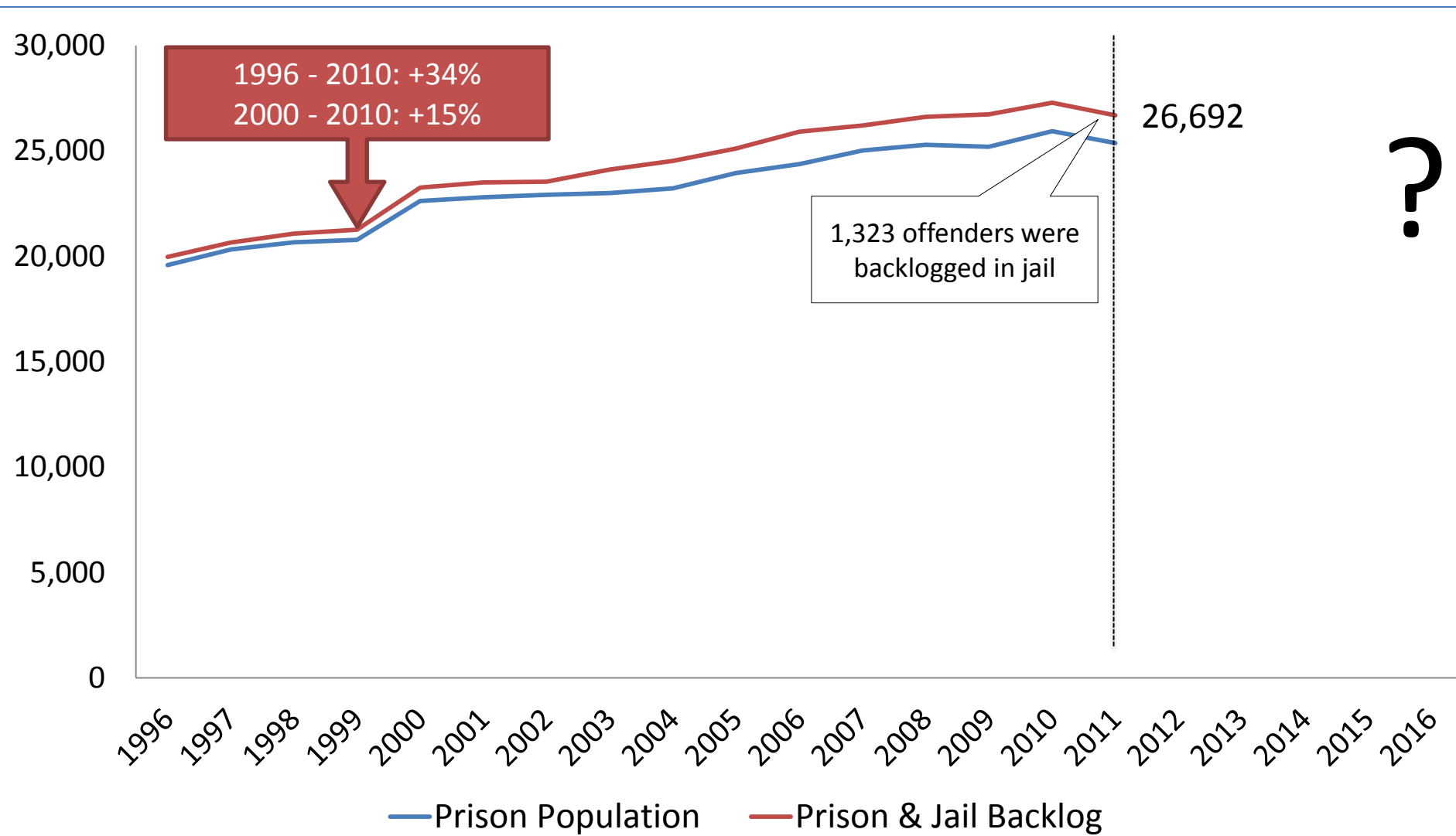
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The prison population is growing,

and more spending will be required to increase capacity unless the population growth is managed.

Oklahoma's Prison Population is Growing

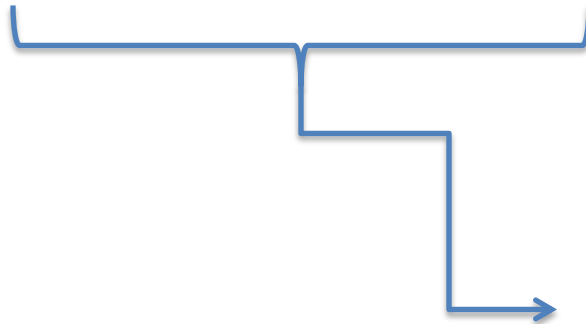


Two Key Questions from the Last Meeting

- Is the prison population projected to increase?
- Do Oklahoma's "non-violent" offenders have arrests for violent crimes or lengthy criminal histories?

Analysis of Change in Admissions: Fairly Stable

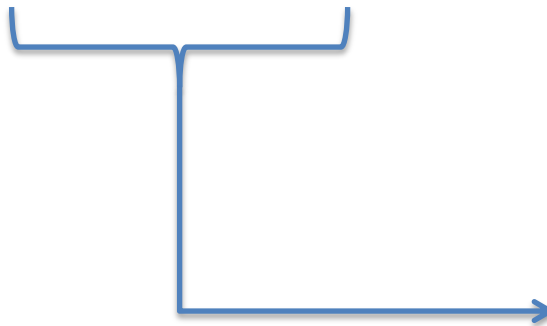
FY	Total Admissions	New Receptions	Probation (new charge)	Probation Revocation (w/o new charge)	Parole Violators	Not Specified
2005	8,730	6,057	1,066	1,106	494	0
2006	8,423	5,708	1,016	1,182	473	41
2007	8,903	6,141	1,171	1,061	367	156
2008	8,763	6,054	1,066	1,103	273	260
2009	8,707	6,076	1,116	1,137	182	184
2010	9,373	6,614	1,148	1,204	198	206
2011	8,354	5,866	1,040	1,071	127	246
%	-4%	-3%	-2%	-3%	-74%	



FY	85% New Sentences*	Non-85% New Sentences
2005	826	7,403
2006	727	7,179
2007	872	7,501
2008	871	7,352
2009	894	7,435
2010	979	7,987
2011	846	7,131
%	2%	-4%

Analysis of Length of Stay in Years: 85% Offenders LOS Increasing as Expected

FY	All Releases	New Receptions	Probation (new charge)	Probation Revocations (w/o new charge)	Parole Violators
2005	2.8	2.4	2.1	1.7	3.7
2006	2.9	2.3	2.2	1.9	3.3
2007	2.9	2.6	2.4	1.9	3.2
2008	3.0	2.7	2.5	1.9	3.6
2009	3.1	2.7	2.6	1.9	4.3
2010	3.2	2.8	2.8	1.9	3.8
%	14%	17%	33%	12%	3%



	85% New Sentences	Non-85% New Sentences
2005	2.6	2.4
2006	3.1	2.3
2007	3.7	2.6
2008	3.7	2.7
2009	3.9	2.7
2010	4.4	2.8
%	+69%	19%

What did we plug into the math equation?

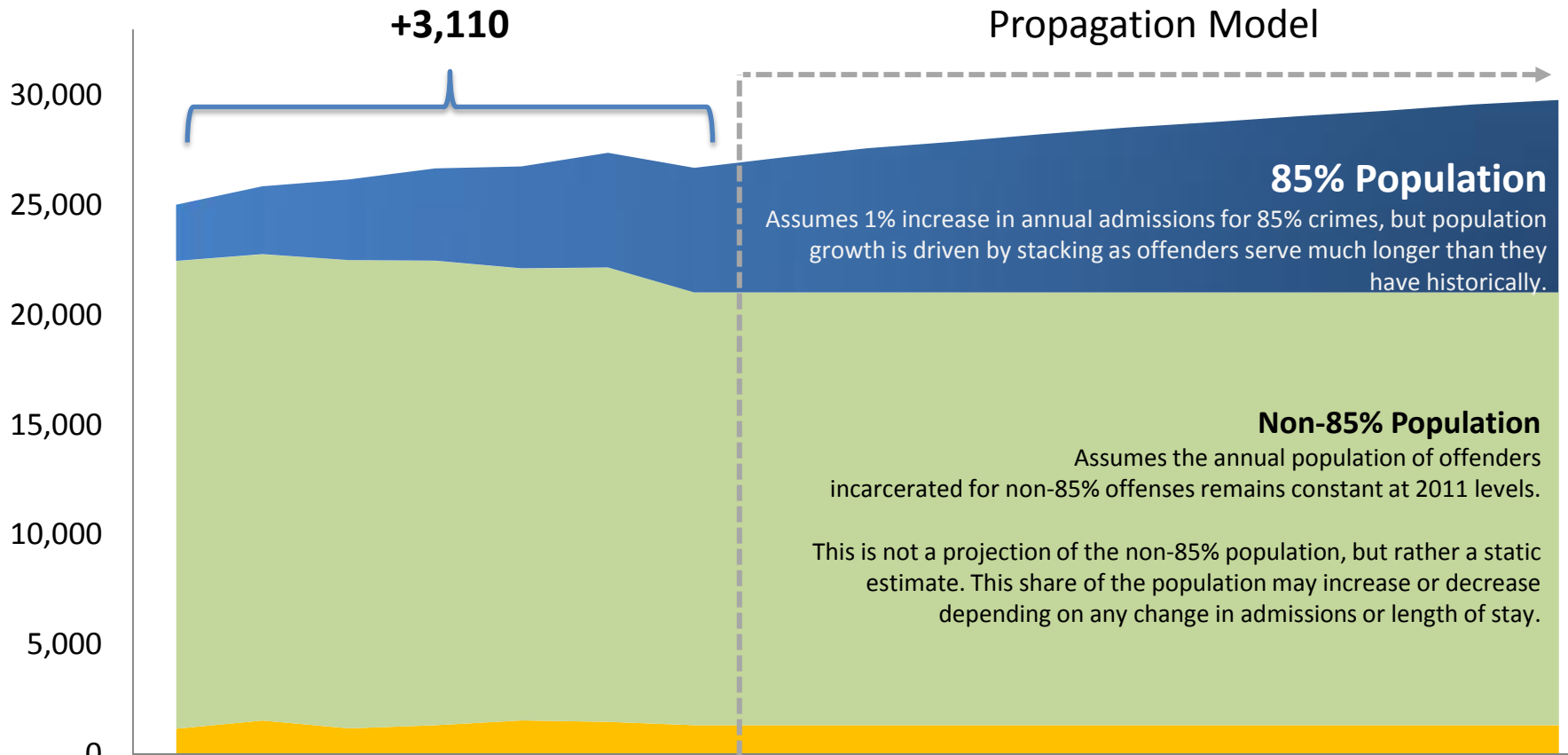
	2005-2011	2012-2021
Admissions Of 85% Offenders	1% Average Annual Increase	1% Average Annual Increase
Length of Stay of 85% Offenders	It is what it is	Used actual length of stay by cohort calculated with 2005-2010 exits
Non-85% Population	Despite a 7% decrease in admissions of non-85% offenders and a 14% percent increase in average length of stay, we assumed the population of non-85% offenders remains constant at the 2011 level.	

The Math Worksheet Using These Numbers

	85% Population at Start of Fiscal Year		85% Admissions During Fiscal Year		Modeled Exits During Fiscal Year		Left During Year from 12/31/2010 On Hand Population		85% Population Incarcerated	Non-85% Population	County Jail Backup	Total Population	85% as Percent of Total Population			
FY2005									2,560	+	21,285	+	1,166	=	25,011	10%
FY2006									3,094	+	21,223	+	1,536	=	25,853	12%
FY2007									3,669	+	21,313	+	1,181	=	26,163	14%
FY2008									4,205	+	21,139	+	1,323	=	26,667	16%
FY2009									4,643	+	20,570	+	1,542	=	26,755	17%
FY2010									5,226	+	20,675	+	1,477	=	27,378	19%
FY2011									5,670	+	19,699	+	1,323	=	26,692	21%
FY2012	5,670	+	857	-	2	-	382	=	6,143	+	19,699	+	1,323	=	27,165	23%
FY2013	6,143	+	865	-	51	-	395	=	6,562	+	19,699	+	1,323	=	27,584	24%
FY2014	6,562	+	873	-	184	-	391	=	6,860	+	19,699	+	1,323	=	27,882	25%
FY2015	6,860	+	883	-	229	-	312	=	7,202	+	19,699	+	1,323	=	28,224	26%
FY2016	7,202	+	892	-	290	-	297	=	7,507	+	19,699	+	1,323	=	28,529	26%
FY2017	7,507	+	900	-	367	-	283	=	7,757	+	19,699	+	1,323	=	28,779	27%
FY2018	7,757	+	910	-	406	-	242	=	8,019	+	19,699	+	1,323	=	29,041	28%
FY2019	8,019	+	915	-	445	-	222	=	8,267	+	19,699	+	1,323	=	29,289	28%
FY2020	8,267	+	927	-	466	-	177	=	8,551	+	19,699	+	1,323	=	29,573	29%
FY2021	8,551	+	937	-	555	-	167	=	8,766	+	19,699	+	1,323	=	29,788	29%

Estimate of Growth in Prison Population

(Driven by Stacking of the 85% Offenders)



	FY05	FY06	FY07	FY08	FY09	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21
85% Population	2,560	3,094	3,669	4,205	4,643	5,226	5,670	6,143	6,562	6,860	7,202	7,507	7,757	8,019	8,267	8,551	8,766
Non-85% Population	21,285	21,223	21,313	21,139	20,570	20,675	19,699	19,699	19,699	19,699	19,699	19,699	19,699	19,699	19,699	19,699	19,699
Jail Back-Up	1,166	1,536	1,181	1,323	1,542	1,477	1,323	1,323	1,323	1,323	1,323	1,323	1,323	1,323	1,323	1,323	1,323

Will this really happen?

What could cause the population from increasing less than we estimated?

- A reduction in crime and offenders convicted for 85% offenses
- An increase in plea bargains for 85% offenses down to non-85% offenses
- The non-85% population declines due to decreased admissions or reduced length of stay

What could cause the population from increasing more than we estimated?

- An increase in offenders convicted for 85% offenses
 - More arrests and convictions for current 85% offenses
 - Additional types of crimes added to the 85% statute
- An increase in admissions or length of stay for non-85% offenses

Two Key Questions from Last Meeting

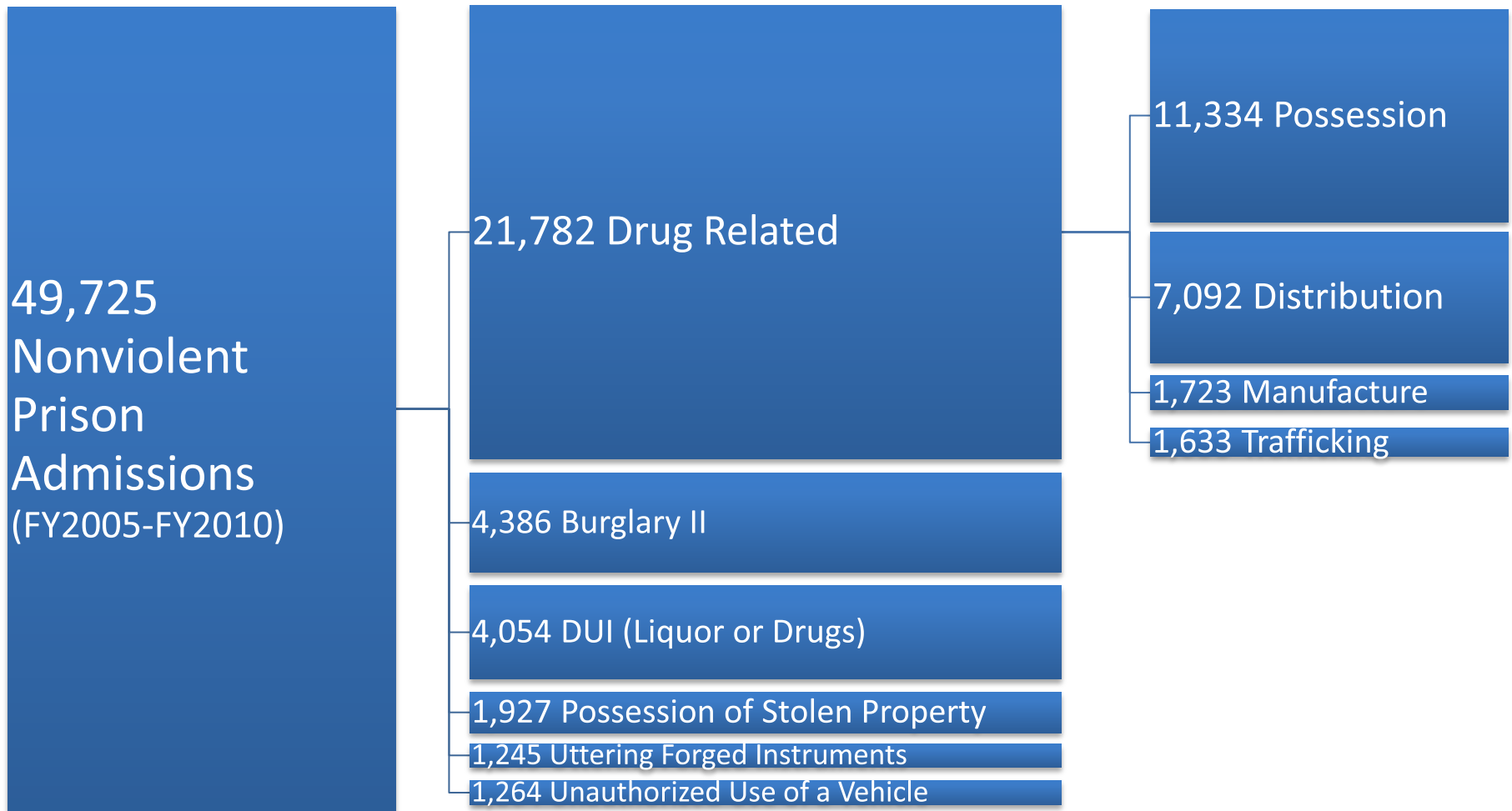
- Is the population projected to increase? **YES**
- Do Oklahoma's "non-violent" offenders have arrests for violent crimes or lengthy criminal histories?

Most People Admitted to Prison in 2010 Had Many Prior Arrests, But Some Had Relatively Few

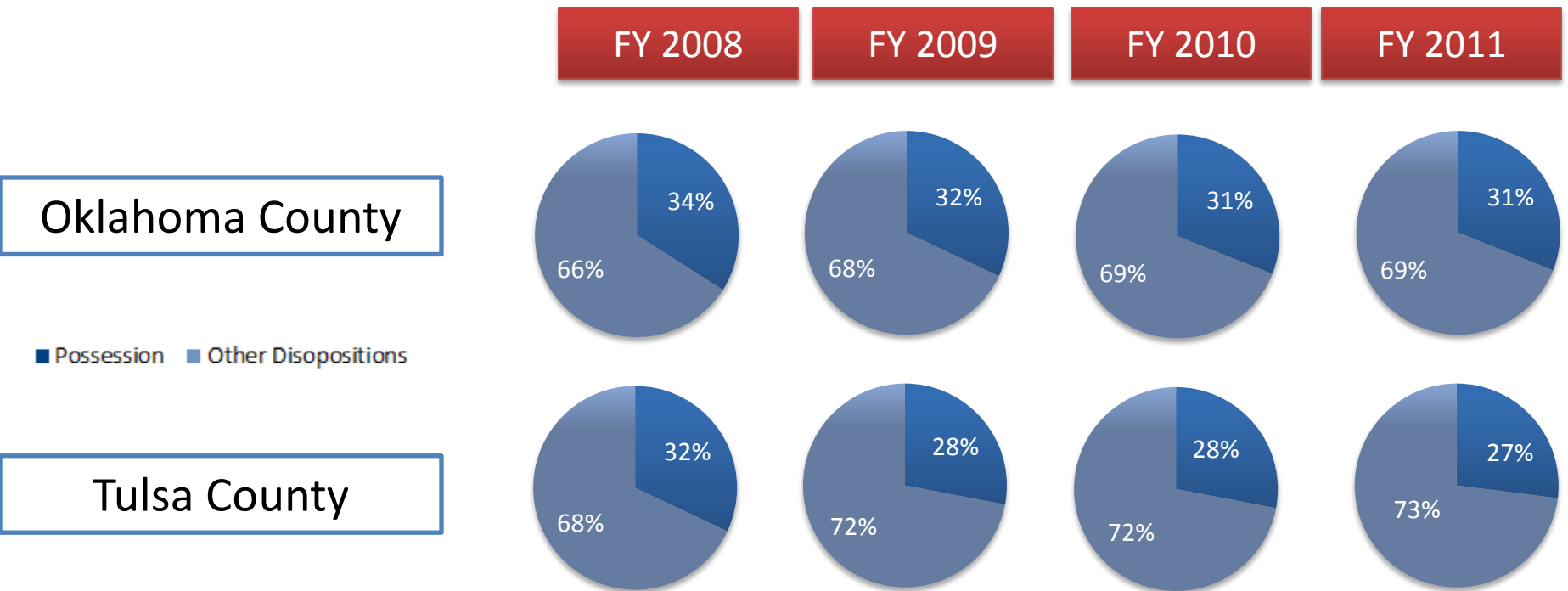
**2010
Oklahoma DOC Admissions**

Oklahoma Statute Defined Violent Crimes	506	1,151	60
Property and Other Public Order Crimes	369	3,149	335
Drug Crimes	423	2,779	306
	1-3	4-16	17 or more
	Lifetime Arrest Events (including current arrest)		

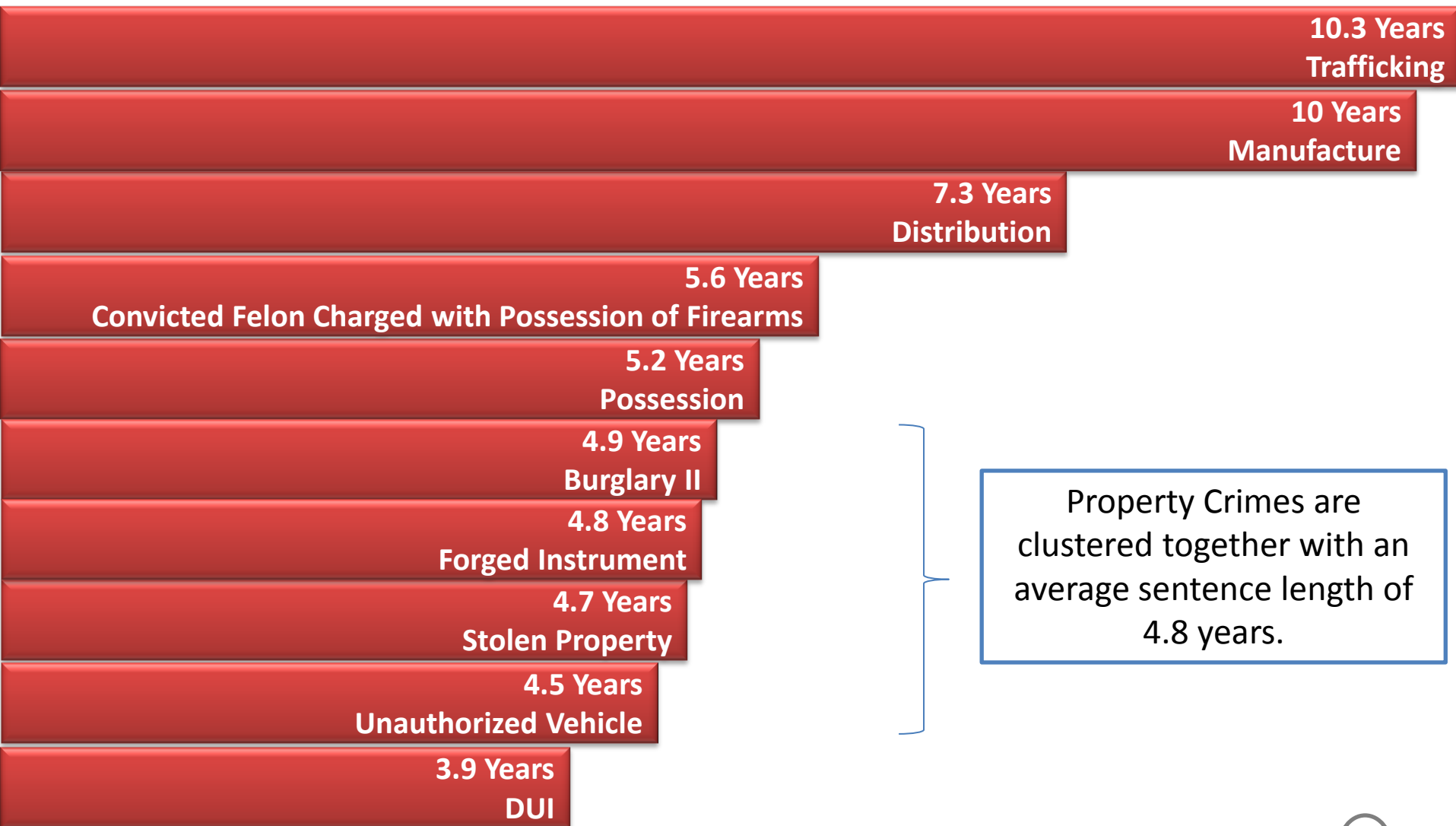
Top “Nonviolent” Prison Admissions (Cumulative FY05-FY10)



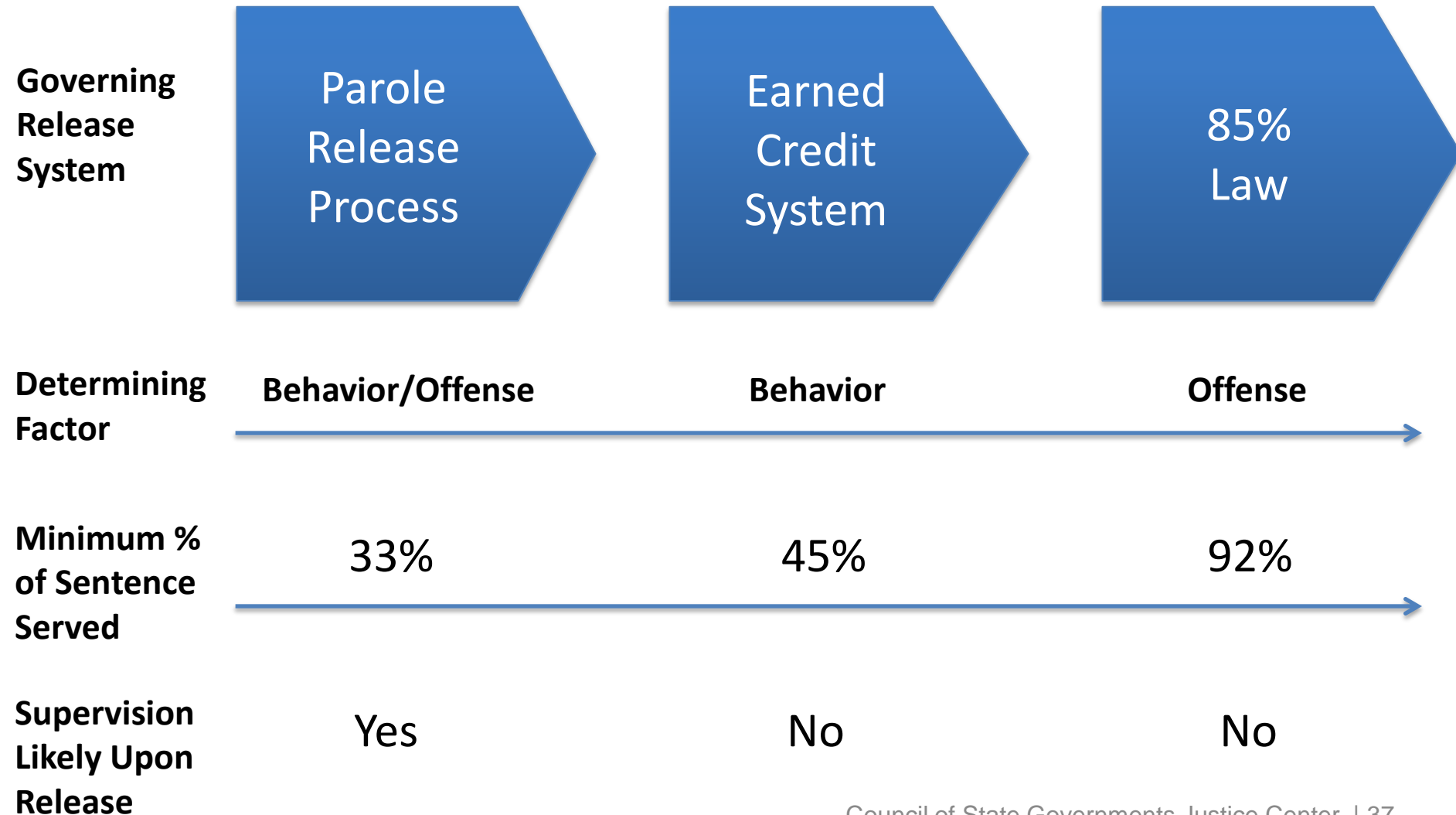
Possession Cases Are Around 30% of Court Dispositions in Oklahoma and Tulsa Counties



Average Sentences for Top “Nonviolent” Admissions



Oklahoma's Sentencing Policy is Evolving



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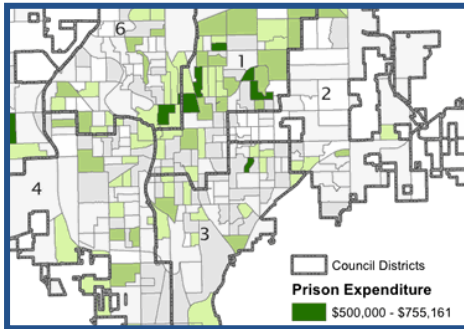
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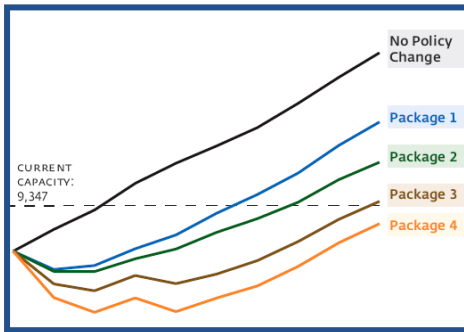
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Upcoming Site Visits

<u>Dates</u>	<u>Activity</u>
October 17-19	<ul style="list-style-type: none">• Working Group Meeting• Town Hall Meetings: Enid, Lawton & Muskogee• Stakeholder Engagement
November 2-3	<ul style="list-style-type: none">• Stakeholder Engagement
November 16-17	<ul style="list-style-type: none">• Stakeholder Engagement
December 7-8	<ul style="list-style-type: none">• Stakeholder Engagement
December 12	<ul style="list-style-type: none">• Working Group Meeting
January ?	<ul style="list-style-type: none">• Working Group Meeting

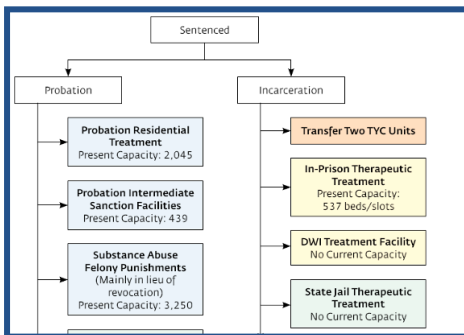


Thank You



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JUSTICE CENTER
THE COUNCIL OF STATE GOVERNMENTS



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