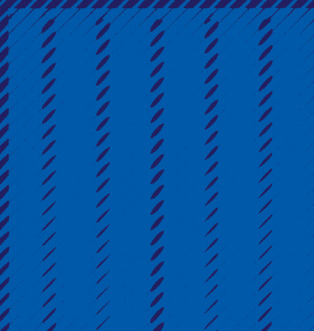


Blueprint *for Smart Justice* Oklahoma



Blueprint *for* Smart Justice Oklahoma

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Executive Summary

Over the past five decades, the United States has dramatically increased its reliance on the criminal justice system as a way to respond to drug addiction, mental illness, and poverty. As a result, the United States today incarcerates more people, in both absolute numbers and per capita, than any other nation in the world.¹ Millions of lives have been upended and families torn apart. This mass incarceration crisis has transformed American society, damaged families and communities, and wasted trillions of taxpayer dollars.

We all want to live in safe and healthy communities, and our criminal justice policies should be focused on the most effective approaches to achieving that goal. But the current system has failed us. It's time for the United States to end its reliance on incarceration, invest instead in alternatives to prison and in approaches better designed to break the cycle of crime and recidivism, and help people rebuild their lives.

The ACLU's Campaign for Smart Justice is committed to transforming our nation's criminal justice system and building a new vision of safety and justice. The Campaign is dedicated to cutting the nation's incarcerated population in half and combatting racial disparities in the criminal justice system.

To advance these goals, the Campaign partnered with the Urban Institute to conduct a two-year research project to analyze the kinds of changes needed to cut by half the number of people in prison in every state and reduce racial disparities in incarceration. In each state, Urban Institute researchers identified primary drivers of incarceration. They then predicted the impact of reducing prison admissions and length of stay on

state prison populations, state budgets, and the racial disparity of those imprisoned.

The analysis was eye-opening.

In every state, we found that reducing the prison population by itself does little to diminish racial disparities in incarceration—and in some cases would worsen them. In Oklahoma—where the per capita imprisonment rate for Black people in 2014 was the highest in the country, with one in 15 Black men age 18 or older imprisoned²—reducing the number of people imprisoned will not on its own reduce racial disparities within the prison system. This finding confirms for the Campaign that urgent work remains for advocates, policymakers, and communities across the nation to focus on efforts like prosecutorial reform that are specific to combatting these disparities.

In Oklahoma, the prison population has continued to grow. As of 2018, Oklahoma had the highest per capita incarceration rate in the world.³ Oklahoma also imprisons women at a higher per capita rate than any other state, and this gap has only widened in recent years.⁴

Drug offenses⁵ are a leading driver of incarceration in Oklahoma, with 32 percent of all admissions to prison related to drugs in 2015.⁶ While the passage of State Questions 780 and 781 in 2016 took aim at reducing admissions for low-level drug offenses, the Oklahoma prison population is still on an upward trajectory.⁷ Although Oklahoma lawmakers passed a justice reform package in 2018,⁸ this legislation fell far short of the state's Justice Reform Task Force recommendations and will only slow—not halt—Oklahoma's prison population growth.⁹

Severe sentencing laws and a lack of parole opportunities further contribute to the state's growing incarceration crisis. For example, Oklahoma's three strikes enhancement imposes harsh mandatory sentences for people with prior convictions, even for offenses that do not involve violence.¹⁰ Oklahoma is also one of only a few states where the governor must approve a parole grant for anyone convicted of certain offenses involving violence.¹¹ Because parole is infrequently granted, many "max out" their sentences, serving the maximum sentence in prison without community supervision afterward. In 2014, Oklahoma had one of the highest max-out rates in the country.¹²

So, what's the path forward? Any meaningful effort to reach a 50 percent reduction in incarceration in Oklahoma will need to implement evidence-based alternatives to imprisonment, like expanded treatment programs or mental health care for substance use disorders, which are often the underlying drivers of a multitude of offenses. The Oklahoma Legislature must also take further steps to reform—or even eliminate—various sentencing enhancements that allow harsh penalties for nonviolent offenses, as well as expand opportunities for parole.

The answer is ultimately up to Oklahoma's voters, policymakers, communities, and criminal justice reform advocates as they move forward with the urgent work of ending Oklahoma's obsession with mass incarceration.

The State of the Oklahoma Prison System

Oklahoma had the second-highest per capita imprisonment rate in the United States in 2016.¹³ When other types of confinement besides state prisons are factored in — such as jails, youth detention, and Oklahomans in federal prison—the state has the highest overall per capita incarceration rate in the world.¹⁴ Its prison population has grown nearly sixfold since 1980¹⁵ — reaching a peak of 28,895 people serving prison sentences in 2015.¹⁶ In recent years, Oklahoma’s prison population has remained high¹⁷ even as most states have reduced their prison populations.¹⁸ Even in light of recent reforms, Oklahoma’s prison population is expected to rise again by 2026.¹⁹

Since 1991, Oklahoma has had the highest women’s per capita imprisonment rate in the country — with

AT A GLANCE

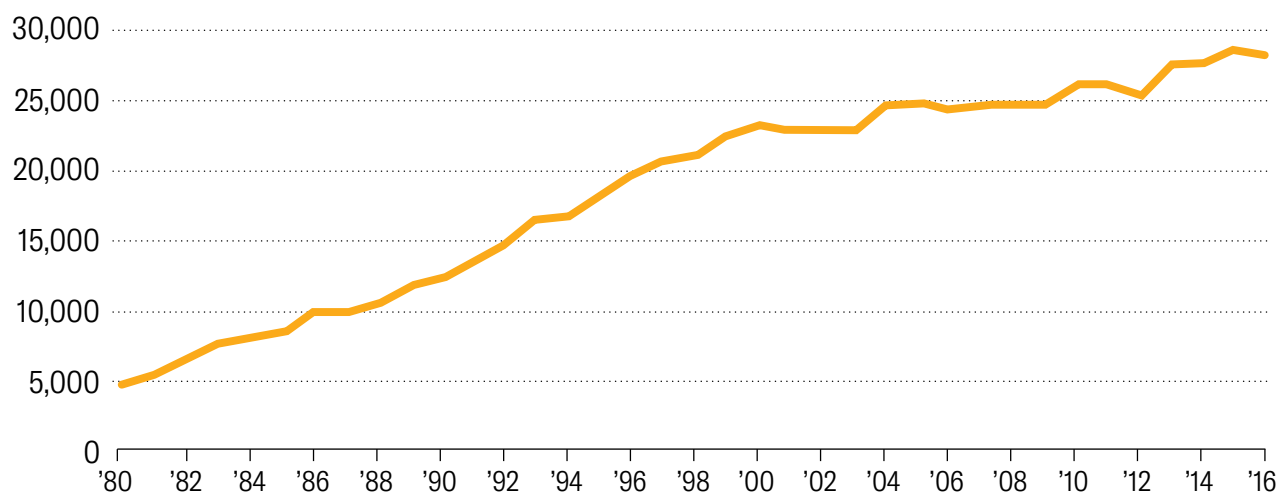
OKLAHOMA PRISONS

Since 1991, Oklahoma has ranked **first** in the per capita rate of women imprisoned.

As of 2016, Oklahoma has the **second-highest** per capita imprisonment rate in the country.

28,895 people were imprisoned in Oklahoma in 2015.

OKLAHOMA PRISON POPULATION



that rate growing faster than the national average in recent years. As of 2017, the number of women imprisoned in the state was expected to continue climbing over the next decade.²⁰

What Is Driving People Into Prison?²¹

A litany of offenses drive people into Oklahoma’s prisons — with drug offenses making up nearly one-third (32 percent) of all prison admissions. In 2015, three out of four people entering Oklahoma prisons had been sentenced for a drug, property, or other nonviolent offense.²² A 2017 analysis found that admissions for drug-related offenses have risen by 22 percent since 2011. More than half of those sentenced to prison for offenses that did not involve violence had little or no prior felony history.²³

Oklahomans took a big step toward reducing admissions into the prison system when they passed State Questions 780 and 781 in 2016. These ballot measures reclassified certain low-level offenses — including drug possession — as misdemeanors instead of felonies and directed the savings from this change to community programming, such as treatment services. Thanks to these reforms, thousands fewer will enter prisons in Oklahoma for low-level offenses every

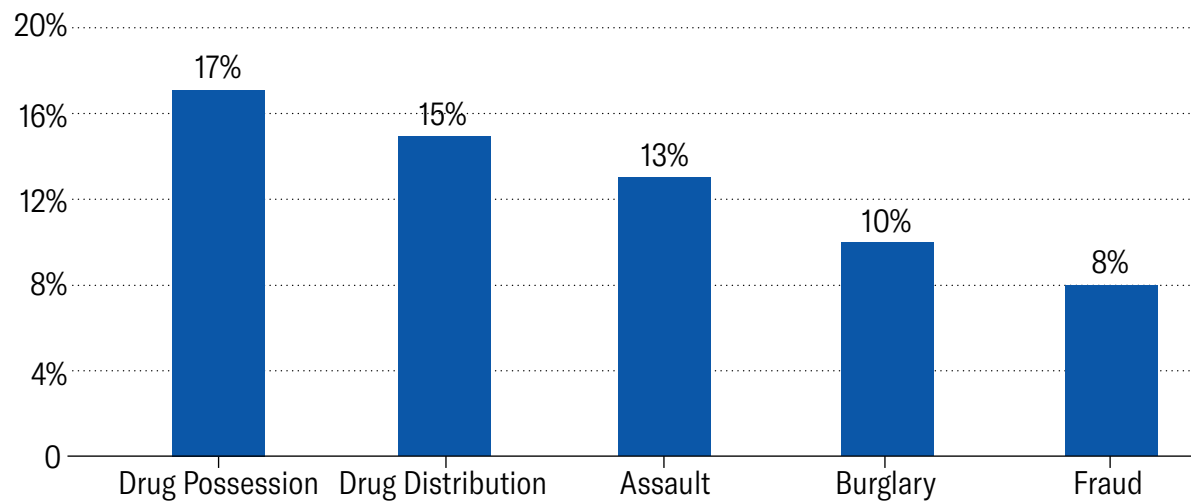
year. Many more will not carry the stigma of a felony conviction for the rest of their lives.

State Question 780, which went into effect in July 2017, should ensure that admissions to prison for simple drug possession will cease. Other drug offenses, like distribution and manufacturing, will remain substantial drivers of admissions to Oklahoma prisons without continued reform.

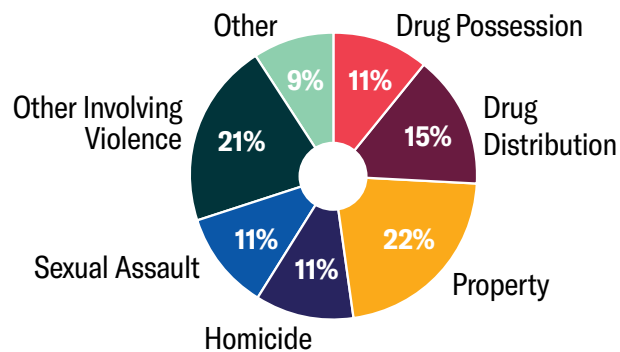
Oklahoma underutilizes alternatives to prison like probation, parole, and other forms of community supervision. Many people with little to no criminal history are sent to prison for low-level offenses,²⁴ contributing to the growth of the prison population over time.

In 2015, more than half (54 percent) of people under correctional control for a felony were behind bars (instead of on supervision outside prison) compared with 31 percent nationally. Between 2011 and 2015, the number of people sent to prison grew 20 percent. In 2015, 75 percent of people admitted to prison were convicted of offenses that did not involve violence.²⁵

OKLAHOMA COURT COMMITMENTS BY TOP OFFENSE TYPES (2015)



OKLAHOMA PRISON POPULATION BY TOP OFFENSE TYPE (FY 2015)



The Current Prison and Jail Population

According to the latest data from 2015, Oklahoma incarcerates an estimated 12,096 people in county jails. Nearly 70 percent of those serving time were awaiting trial and had not been convicted of a crime.²⁶ Between 1980 and 2015, Oklahoma's per capita jail incarceration rate grew more than fivefold. As of 2015, people entered Oklahoma jails at a per capita rate that was more than twice the national average.²⁷

As the state prison population has grown, Oklahoma has increasingly relied on private prisons. In 2015, Oklahoma spent \$92.7 million on private prisons — an increase of nearly 30 percent since 2006. As a consequence of rising costs, the Oklahoma Department of Corrections has been forced to delay infrastructure improvements and has failed to meet programmatic and staffing needs.²⁸

As of 2015, more than half of people in Oklahoma's prisons were convicted of an offense that did not involve violence. Drug-related offenses constituted about one-quarter (26 percent) of the population. More than 1 in 5 people in prison (22 percent) were serving time for a property offense.²⁹

AT A GLANCE

OKLAHOMA JAIL AND PRISON POPULATION

12,096 people were incarcerated in county jails in Oklahoma as of 2015.

In 2015, **nearly 70 percent** of people in county jail had not been convicted of a crime.

More than half of Oklahoma's prison population in 2015 was convicted of an offense that did not involve violence.

26 percent of people in Oklahoma's prisons in 2015 were imprisoned for a drug-related offense.

Why Do People Stay in Prison for So Long?

Between 2000 and 2015, the average amount of time served in Oklahoma prisons ticked upward — likely driven by a steep rise in time served for certain offenses involving violence. Although the average amount of time served for drug offenses remains largely unchanged, the average amount of time served for property offenses fell between 2000 and 2015.³⁰ The reduction in average time served for property offenses during this period may be the result of a higher number of people sentenced to shorter terms.

A combination of harsh sentencing laws, low parole rates, and a lack of smart release options, especially for people admitted for crimes involving violence, contribute to why people are imprisoned for so long. Smart release options are ways in which someone can earn time against his or her sentence — normally through participation in reentry programs like education or treatment. These options are limited in Oklahoma.³¹

Severe sentences: Oklahoma's sentencing laws trigger longer sentences for many offenses. For

AT A GLANCE

LENGTH OF IMPRISONMENT

In 2014, Oklahoma had one of the **highest per capita max-out rates** in the country.

In 2017, people convicted of second-degree burglary served an average time of **5.5 years**.

instance, in 2017, people convicted of second-degree burglary³²—one of the most common offenses at admission—served an average of 5.5 years.³³ Although Oklahoma lawmakers reduced the maximum penalties for low-level burglary offenses in 2018, these sentences remain much longer than those in neighboring states like Texas, where similar offenses are misdemeanors with maximum sentences of one or two years.³⁴

Sentencing enhancements: For decades, Oklahoma’s three strikes-style enhancements have imposed severe mandatory sentences on people with prior convictions, including offenses that do not involve violence. These enhancements are one of the reasons people in Oklahoma, on average, have been handed longer prison sentences than those in neighboring states.³⁵

Low parole rates: Although many are eligible for parole after serving one-third of their sentence, most people within the Oklahoma prison system have been held in prison much longer. However, in 2018, Oklahoma lawmakers established an administrative parole process allowing people convicted of nonviolent offenses to become eligible for parole after serving one-fourth of their sentence.³⁶ Still, Oklahoma is one of only a handful of states where the governor must approve parole for people admitted for certain offenses that involve violence, a process that may lead to reduced use of parole for those offenses.³⁷ Because Oklahoma uses parole so sparingly, many people who leave Oklahoma prisons have served their maximum prison sentence. Rather than transitioning back into the community through parole and probation, people who max out their prison sentences are released directly to the

streets without the opportunity to serve some of their sentence in the community or receive reentry support. In 2014, Oklahoma had one of the highest max-out rates in the country.³⁸

Restrictions on release: Oklahoma requires that people convicted of certain serious offenses serve at least 85 percent of their sentences before they can be released, regardless of their participation in programming, rehabilitation, or readiness for release.³⁹ Because of these restrictions, many people who may otherwise be returned to their communities stay in prison for years, if not decades.

Who Is Imprisoned

Black Oklahomans: A 2014 analysis found that Oklahoma ranked first in the country in the per capita rate of Black people imprisoned, with one out of 29 Black adults behind bars. For Black men, the per capita rate was even worse, with one in 15 Black men imprisoned in Oklahoma.⁴⁰

Female Oklahomans: Oklahoma’s per capita rate of imprisonment for women is extremely high — and shows no sign of slowing down. Between 2006 and 2015, the number of women in Oklahoma prisons rose by nearly 28 percent and by nearly 6 percent between 2014 and 2015 alone.⁴¹ The vast majority of women imprisoned in Oklahoma are convicted of offenses that do not involve violence. In 2013, the top two offenses for imprisoned women were drug possession and distribution.⁴²

Older Oklahomans: Oklahoma’s prison population is also rapidly aging. The prison population older than 50 years has skyrocketed since 1980 — increasing from 85 people in 1980 to more than 5,455 in 2015.⁴³ This trend is inconsistent with the overwhelming evidence showing that people older than 50 years pose a negligible risk to public safety and are the least likely to return to prison for new offenses upon release.⁴⁴

Indigenous people:⁴⁵ The number of indigenous people in Oklahoma’s prison population is on the rise. Between 2008 and 2015, that number increased by 46 percent.⁴⁶ In 2015, indigenous persons were

AT A GLANCE

PRISON DEMOGRAPHICS

Oklahoma ranks **first** in the country in the per capita rate of Black people imprisoned.

1 in 15 Black men in Oklahoma are imprisoned.

The number of women imprisoned increased by nearly **28 percent** from 2006 to 2015.

The number of indigenous people imprisoned increased by **46 percent** from 2008 to 2015.

imprisoned at a rate of 1,405 per 100,000 adults—nearly twice the rate for white people.⁴⁷ While they made up only 8 percent of the state’s adult population in 2015,⁴⁸ indigenous persons comprised 11 percent of Oklahoma’s total prison population.⁴⁹

People with low levels of education: As of 2013, more than half of Oklahoma’s prison population had less than a high school education.⁵⁰

People With Mental Health and Substance Use Disorders

Mental health and substance use disorders are prevalent among people in Oklahoma prisons. Women in Oklahoma’s prisons are more likely than men to suffer from substance abuse and mental health challenges, often stemming from past trauma.⁵¹ In 2016, the Oklahoma Department of Corrections found that nearly 70 percent of imprisoned women have an “actively managed or serious” mental illness compared with 44 percent of men.⁵²

AT A GLANCE

SPENDING ON CORRECTIONS

General fund spending on corrections has increased by **79 percent** since 1987.

Oklahoma spent **\$376 million** of its general fund on corrections in 2016.

AT A GLANCE

MENTAL HEALTH AND SUBSTANCE USE DISORDER

70 percent of the 2016 female prison population suffered from mental illness.

44 percent of the 2016 male prison population suffered from mental illness.

Budget Strains

As Oklahoma’s imprisoned population has risen, so has the cost burden. In 2016, Oklahoma spent \$376 million of its general fund on corrections—a 79 percent increase since 1987. General fund spending on corrections in Oklahoma has far outpaced growth in spending on other priorities, like education.⁵³ The state’s overreliance on prisons comes with a high price tag: In Oklahoma, the cost of incarcerating people for one year is 13 times higher than probation or parole supervision.⁵⁴

Ending Mass Incarceration in Oklahoma: A Path Forward

There are many potential policy changes that can help Oklahoma end its mass incarceration crisis, but it will be up to the people and policymakers of Oklahoma to decide which changes to pursue. To reach a 50 percent reduction, policy reforms will need to reduce the amount of time people serve in prisons and/or reduce the number of people entering prison in the first place.

Reducing Admissions

To end mass incarceration, Oklahoma must break its overreliance on prisons to hold people accountable for their crimes. In fact, evidence indicates that prisons seldom offer adequate solutions to wrongful behavior. At worst, imprisonment can be counterproductive — failing to end cycles of misbehavior and violence or to provide rehabilitation for incarcerated people or adequate accountability to the survivors of crime.⁵⁵ Here are some strategies:

- **Alternatives to incarceration:** Offer alternative programs that provide substance abuse treatment, mental health care, employment, housing, health care, and vocational training. Such programs — often with some community service requirement — can significantly cut recidivism rates for participants. For crimes involving violence, restorative justice programs — designed to hold those responsible accountable and support those who were harmed — can be promising. When they are rigorous and well-implemented, these strategies have been shown to reduce recidivism⁵⁶ and decrease symptoms of post-traumatic stress in survivors of crime.⁵⁷

By embracing these approaches, prosecutors and judges may be able to achieve better results for public safety and better support crime survivors in their healing than imprisonment. Other successful models⁵⁸ include programs that divert people to treatment and support services before arrest, and programs led by prosecutors that divert people before they are charged.

- **Expanded treatment:** Substance abuse disorders can be underlying drivers of a substantial number of crimes, including more serious offenses like burglaries, robberies, and assaults. The clearest path to reducing the incidence of these crimes is more effectively addressing this underlying driver. Similarly, mental health treatment and supervision can provide a more productive alternative for many offenses, minor and more serious, and could be more effective in improving overall public safety in the long term.
- **Judicial discretion:** Judges must also have a variety of options at their disposal besides imprisonment, allowing them to require treatment, mental health care, restorative justice, or other evidence-based alternatives to incarceration. These programs should be available to the court in all or most cases, regardless of the severity of the offense or someone's prior criminal history. The court, not the Legislature, should be in a position to decide whether one of these options is appropriate in individual cases.

Reducing Time Served

Reducing the length of time people spend in prison, even by just a few months, can lead to thousands of fewer people in Oklahoma's prisons. Here's how:

- **Sentencing reform — general:** The Oklahoma Legislature can amend Oklahoma's criminal code to reduce sentencing ranges, including and especially for drug offenses, burglary, assault, robbery, and public order offenses, like disorderly conduct.
- **Sentencing reform — enhancements:** The Legislature could also reform or eliminate Oklahoma's various sentencing enhancements — especially its habitual enhancements, triggered by prior felonies, and mandatory minimum sentences for drug offenses. Legislators can opt to eliminate many of these harsh enhancements or work to reduce their impact. Modifications could include reducing the severity of the enhancements, giving judges more discretion at sentencing, or limiting the number of people affected by enhancements by significantly reducing the number of situations in which they apply.
- **Parole reform:** Improving parole and release policies and practices to ensure that more eligible people are released earlier from prison is another key way to reduce the amount of time served. For example, Oklahoma can take steps to fully implement and expand presumptive parole policies that can streamline and speed up the release of imprisoned people who have demonstrated good behavior and have served their minimum sentences.
- **Earned time/credit reform:** Similarly, the state can eliminate or address eligibility restrictions that prevent thousands of people from earning credits against their prison sentences through participation in educational, vocational, and other opportunities while in prison. Finally, it will be critical to address the severe release restrictions attached to Oklahoma's "85 percent" offenses.

TAKING THE LEAD

Prosecutors: They decide on what charges to bring and which plea deals to offer. They can decide to divert more people to treatment programs (for example, drug or mental health programs) rather than send them to prison. And they can decide to charge enhancements that require the imposition of prison sentences.

State lawmakers: They decide which offenses to criminalize, how long sentences can be, and when to take away judges' discretion. They can change criminal laws to remove prison as an option when better alternatives exist, and they can also fund the creation of new alternatives.

Parole boards: They decide when to allow people to leave prison. In Oklahoma, the parole board is an especially important player when it comes to reforming how long people spend in prison.

Judges: They often have discretion over pretrial conditions imposed on defendants, which can make a difference. For example, individuals who are jailed while awaiting trial are more likely to plead guilty and accept longer prison sentences than people who are not held in jail pretrial. Judges can also have discretion in sentencing and should consider alternatives to incarceration when possible.

“Merely reducing sentence lengths, by itself, does not disturb the basic architecture of the New Jim Crow. So long as large numbers of African Americans continue to be arrested and labeled drug criminals, they will continue to be relegated to a permanent second-class status upon their release, no matter how much (or how little) time they spend behind bars. The system of mass incarceration is based on the prison label, not prison time.”⁶⁴

— From *The New Jim Crow*, Michelle Alexander

Reducing Racial Disparities

Reducing the number of people who are imprisoned in Oklahoma will not on its own significantly reduce racial disparities in the prison system.

People of color (especially Black, Latino, and Indigenous People) are at a higher risk of becoming involved in the justice system, including living under heightened police surveillance and being at higher risk for arrest. This imbalance cannot be accounted for by disparate involvement in illegal activity, and it grows at each stage in the justice system, beginning with initial law enforcement contact and increasing at subsequent stages such as pretrial detention, conviction, sentencing, and postrelease opportunity.⁵⁹ Focusing on only one of the factors that drives racial disparity does not address issues across the whole system.

Racial disparity is so ingrained in the system that it cannot be mitigated by solely reducing the scale of mass incarceration. Shrinking the prison population across the board will likely result in lowering imprisonment rates for all racial and ethnic populations, but it will not address comparative disproportionality across populations. For example, focusing on reductions to prison admissions and length of stay in prison is critically important, but those reforms do not address the policies and practices among police, prosecutors,

and judges that contribute greatly to the racial disparities that plague the prison system.

New Jersey, for example, is often heralded as one of the most successful examples of reversing mass incarceration, passing justice reforms that led to a 26 percent decline in the state prison population between 1999 and 2012.⁶⁰ However, the state did not target racial disparities in incarceration and, in 2016, Black people in New Jersey were still more than 12 times as likely to be imprisoned as white people — the highest disparity of any state in the nation.⁶¹

Ending mass incarceration is critical to eliminating racial disparities, but insufficient without companion efforts that take aim at other drivers of racial inequities outside of the criminal justice system. Reductions in disparate imprisonment rates require implementing explicit racial justice strategies.

Some examples include:

- Ending overpolicing in communities of color
- Evaluating prosecutors’ charging and plea-bargaining practices to identify and eliminate bias
- Investing in diversion/alternatives to detention in communities of color
- Reducing the use of pretrial detention and eliminating wealth-based incarceration
- Ending sentencing enhancements based on location (drug-free school zones)
- Reducing exposure to reincarceration due to revocations from supervision
- Requiring racial impact statements before any new criminal law or regulation is passed and requiring legislation to proactively rectify any potential disparities that may result with new laws or rules
- Fighting discriminatory gang sentencing enhancements that disproportionately target people of color

- Addressing any potential racial bias in risk assessment instruments used to assist decision making in the criminal justice system
- Shifting funding from law enforcement and corrections to community organizations, job creation, schools, drug and mental health treatment, and other social service providers

Policy Note

Following a months-long investigation of the prison system, the Oklahoma Justice Reform Task Force proposed a package of reforms for consideration in the 2017 legislative session that, if adopted, was projected to avert continued growth and reduce the prison population by 7 percent. The package, outlined in the task force's final report,⁶² included a number of reforms that would have been first steps in some of the broad policy projects outlined above.

The package included reforms designed to reduce the number of and length of incarcerations due to technical violations of supervision, adjust Oklahoma's severe drug and burglary sentencing laws, expand opportunities for alternatives to incarceration, make revisions to sentencing enhancements, and improve the parole process. Unfortunately, the substantial majority of the reforms included in the package did not pass the Legislature that year. Instead, lawmakers passed a much more modest package of reforms in 2018⁶³ that represent only a small first step toward the drastic reform that Oklahoma needs.

Forecaster Chart

There are many pathways to cutting the prison population in Oklahoma by 50 percent. To help end mass incarceration, communities and policymakers will need to determine the optimal strategy to do so. This table presents one potential matrix of reductions that can contribute to cutting the state prison population in half by 2025. The reductions in admissions and length of stay for each offense category were selected based on potential to reduce the prison population, as well as other factors. To chart your own path to reducing mass incarceration in Oklahoma, visit the interactive online tool at <https://urbn.is/ppf>.

CUTTING BY 50%: PROJECTED REFORM IMPACTS ON POPULATION, DISPARITIES, AND BUDGET

Impact Compared to 2025 Baseline*				
Offense category**	Policy outcome	Prison population impact	Impact on racial and ethnic makeup of prison population***	Cost savings****
Drug offenses	<ul style="list-style-type: none"> Reduce average time served for drug distribution by 60% (from 3.27 to 1.31 years). Institute alternatives that reduce admissions for drug distribution by 60% (897 fewer people admitted). Institute alternatives that end all admissions for drug possession (2,204 fewer people admitted). 	22.56% reduction (7,790 fewer people)	White: 0.5% increase Black: 0.5% increase Hispanic/Latino: 12.8% decrease Indigenous People: 5.2% increase***** Asian: 5.7% decrease Hawaiian/Pacific Islander: 16.5% increase Other: 7.2% decrease	\$128,508,372
Assault	<ul style="list-style-type: none"> Reduce average time served by 50% (from 2.19 to 1.10 years). Institute alternatives that reduce admissions by 40% (664 fewer people admitted). 	7.12% reduction (2,458 fewer people)	White: 1.0% increase Black: 0.8% decrease Hispanic/Latino: 1.6% increase Indigenous People: 4.3% decrease Asian: 0.1% decrease Hawaiian/Pacific Islander: 1.4% increase Other: 3.6% increase	\$28,431,304
Burglary	<ul style="list-style-type: none"> Reduce average time served by 50% (from 2.45 to 1.22 years). Institute alternatives that reduce admissions by 30% (368 fewer people admitted). 	5.35% reduction (1,848 fewer people)	White: 0.4% decrease Black: 0.3% increase Hispanic/Latino: 1.8% increase Indigenous People: No change Asian: 3.9% increase Hawaiian/Pacific Islander: 5.6% decrease Other: 1.6% increase	\$20,837,697

Impact Compared to 2025 Baseline*				
Offense category**	Policy outcome	Prison population impact	Impact on racial and ethnic makeup of prison population***	Cost savings****
Fraud	<ul style="list-style-type: none"> Reduce average time served by 60% (from 1.93 to 0.77 years). Institute alternatives that reduce admissions by 60% (631 fewer people admitted). 	4.82% reduction (1,664 fewer people)	White: 0.9% decrease Black: 1.4% increase Hispanic/Latino: 1.9% increase Indigenous People: No change Asian: No change Hawaiian/Pacific Islander: 11.2% decrease Other: 2.4% increase	\$20,641,388
Robbery	<ul style="list-style-type: none"> Reduce average time served by 50% (from 5.89 to 2.94 years). Institute alternatives that reduce admissions by 30% (111 fewer people admitted). 	3.21% reduction (1,109 fewer people)	White: 1.3% increase Black: 3.2% decrease Hispanic/Latino: 0.3% increase Indigenous People: 1.0% increase Asian: 1.4% decrease Hawaiian/Pacific Islander: No change Other: 2.2% decrease	\$10,844,250
Public order offenses*****	<ul style="list-style-type: none"> Reduce average time served by 50% (from 1.88 to 0.94 years). Institute alternatives that reduce admissions by 80% (406 fewer people admitted). 	2.48% reduction (855 fewer people)	White: 0.4% decrease Black: 0.7% increase Hispanic/Latino: 0.9% increase Indigenous People: 0.4% decrease Asian: 0.7% increase Hawaiian/Pacific Islander: 2.5% increase Other: 0.7% increase	\$11,006,777
Theft	<ul style="list-style-type: none"> Reduce average time served by 60% (from 1.69 to 0.68 years). Institute alternatives that reduce admissions by 60% (337 fewer people admitted). 	2.30% reduction (794 fewer people)	White: 0.3% decrease Black: 0.4% increase Hispanic/Latino: 0.8% increase Indigenous People: 0.3% decrease Asian: 0.6% decrease Hawaiian/Pacific Islander: 2.4% increase Other: 0.8% increase	\$10,229,977

Impact Compared to 2025 Baseline*				
Offense category**	Policy outcome	Prison population impact	Impact on racial and ethnic makeup of prison population***	Cost savings****
DWI	<ul style="list-style-type: none"> Reduce average time served by 70% (from 1.42 to 0.43 years). Institute alternatives that reduce admissions by 70% (243 fewer people admitted). 	1.30% reduction (450 fewer people)	White: 0.1% decrease Black: 0.7% increase Hispanic/Latino: 0.1% increase Indigenous People: 1.1% decrease Asian: 1.3% increase Hawaiian/Pacific Islander: 3.6% decrease Other: 0.3% decrease	\$6,425,551
Weapons offenses*****	<ul style="list-style-type: none"> Reduce average time served by 50% (from 2.73 to 1.36 years). 	0.98% reduction (338 fewer people)	White: 0.3% increase Black: 0.6% decrease Hispanic/Latino: 0.4% decrease Indigenous People: 0.2% increase Asian: 1.1% decrease Hawaiian/Pacific Islander: 1.0% increase Other: 0.3% decrease	\$3,707,754

* The baseline refers to the projected prison population based on historical trends, assuming that no significant policy or practice changes are made.

** The projections in this table are based on the offense that carries the longest sentence for any given prison term. People serving prison terms may be convicted of multiple offenses in addition to this primary offense, but this model categorizes the total prison term according to the primary offense only.

*** Racial and ethnic disproportionality is traditionally measured by comparing the number of people in prison—of a certain race—to the number of people in the state's general population of that same race. For example, nationally, Black people comprise 13 percent of the population, while white people comprise 77 percent. Meanwhile, 35 percent of people in state or federal prison are Black, compared to 34 percent who are white. While the proportion of people in prison who are Black or white is equal, Black people are incarcerated at nearly three times their representation in the general population. This is evident in Oklahoma, where Black people make up 26 percent of the prison population but constitute only 8 percent of the state's total adult population.

**** Cost impact for each individual policy change represents the effect of implementing that change alone and in 2015 dollars. The combined cost savings from implementing two or more of these changes would be greater than the sum of their combined individual cost savings, since more capital costs would be affected by the population reductions.

***** This category includes people identified as Native American in the data from the National Corrections Reporting Program.

***** Some public order offenses include drunk or disorderly conduct, escape from custody, obstruction of law enforcement, court offenses, failure to comply with sex offense registration requirements, prostitution, and stalking, as well as other uncategorized offenses.

***** Some weapons offenses include unlawful possession, sale, or use of a firearm or other type of weapon (e.g., explosive device).

Total Fiscal Impact

If Oklahoma were to carry out reforms leading to the changes above, 17,306 fewer people would be in prison in Oklahoma by 2025, a 50.12 percent decrease. This would lead to a total cost savings of \$615,743,316 by 2025.

Methodology Overview

This analysis uses prison term record data from the National Corrections Reporting Program to estimate the impact of different policy outcomes on the size of Oklahoma's prison population, racial and ethnic representation in the prison population, and state corrections spending. First, trends in admissions and exit rates for each offense category in recent years are analyzed and projected out to estimate a baseline state prison population projection through 2025, assuming recent trends will continue. Then, a mathematical model is used to estimate how various offense-specific reform scenarios (for example, a 10 percent reduction in admissions for drug possession or a 15 percent reduction in length of stay for robbery) would change the 2025 baseline projected prison population. The model allows for reform scenarios to include changes to the number of people admitted to prison and/or the average length of time served for specific offenses. The model then estimates the effect that these changes would have by 2025 on the number of people in prison, the racial and ethnic makeup of the prison population, and spending on prison. The analysis assumes that the changes outlined will occur incrementally and be fully realized by 2025.

All results are measured in terms of how outcomes under the reform scenario differ from the baseline projection for 2025. Prison population size impacts are measured as the difference between the 2025 prison population under the baseline scenario and the forecasted population in that year with the specified changes applied. Impacts on the racial and ethnic makeup of the 2025 prison population are measured by comparing the share of the prison population made up by a certain racial or ethnic

group in the 2025 baseline population to that same statistic under the reform scenario and calculating the percent change between these two proportions. Cost savings are calculated by estimating the funds that would be saved each year based on prison population reductions relative to the baseline estimate, assuming that annual savings grow as less infrastructure is needed to maintain a shrinking prison population. Savings relative to baseline spending are calculated in each year between the last year of available data and 2025, and then added up to generate a measure of cumulative dollars saved over that time period.

Endnotes

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- 3 Prison Policy Initiative, *States of Incarceration: The Global Context*, 2018.
- 4 Oklahoma Justice Reform Task Force Final Report, 2017.
- 5 Offense breakdowns in this Blueprint are based on the most serious, or “controlling,” offense for which a person in prison is serving time. Some people in prison are serving time for multiple convictions, and are categorized here only under the controlling offense types.
- 6 Urban Institute analysis of National Corrections Reporting Program data, 2015.
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- 12 Pew Charitable Trusts, *Max Out: The Rise in Prison Inmates Released Without Supervision*, 2014.
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- 27 Vera Institute of Justice, *Incarceration Trends*.
- 28 Oklahoma Department of Corrections, 2015 Annual Report.
- 29 Urban Institute Analysis of National Corrections Reporting Program data, 2015.
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- 31 Oklahoma Department of Corrections, 2015 Annual Report.
- 32 In Oklahoma, first-degree burglary is defined as breaking and entering into a home with a person present. Until 2018, second-degree burglary was defined broadly as breaking and entering into any building, vehicle, or vending machine. A 2017 analysis by the state’s Justice Reform Task Force found that only half of second-degree burglaries were of residences, and people who had burglarized a vehicle or outbuilding received longer average sentences than those who had burglarized residences or commercial properties (Oklahoma Justice Reform Task Force Final Report, 2017). SB 786, passed in 2018, eliminates mandatory minimum sentences for second-degree burglary and designates breaking into a vehicle as a third-degree burglary offense with a maximum sentence of five years.
- 33 Oklahoma Justice Reform Task Force Final Report, 2017.
- 34 Oklahoma Justice Reform Task Force Final Report, 2017.
- 35 Oklahoma Justice Reform Task Force Final Report, 2017.
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- 37 The Sentencing Project, *Delaying a Second Chance*, 2017; Oklahoma Constitution, article VI, section X.
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