



# A Path Forward for Oklahoma

*Adam Luck*

*Member, Board of Corrections*

*Chair, Criminal Justice Reform Committee*

OKLAHOMA DEPARTMENT OF CORRECTIONS

<http://doc.ok.gov>

# A Stark Reality

Oklahoma has the highest incarceration rate in the United States, surpassing Louisiana in 2018

Oklahoma has the highest female incarceration rate in the United States for the 26th consecutive year

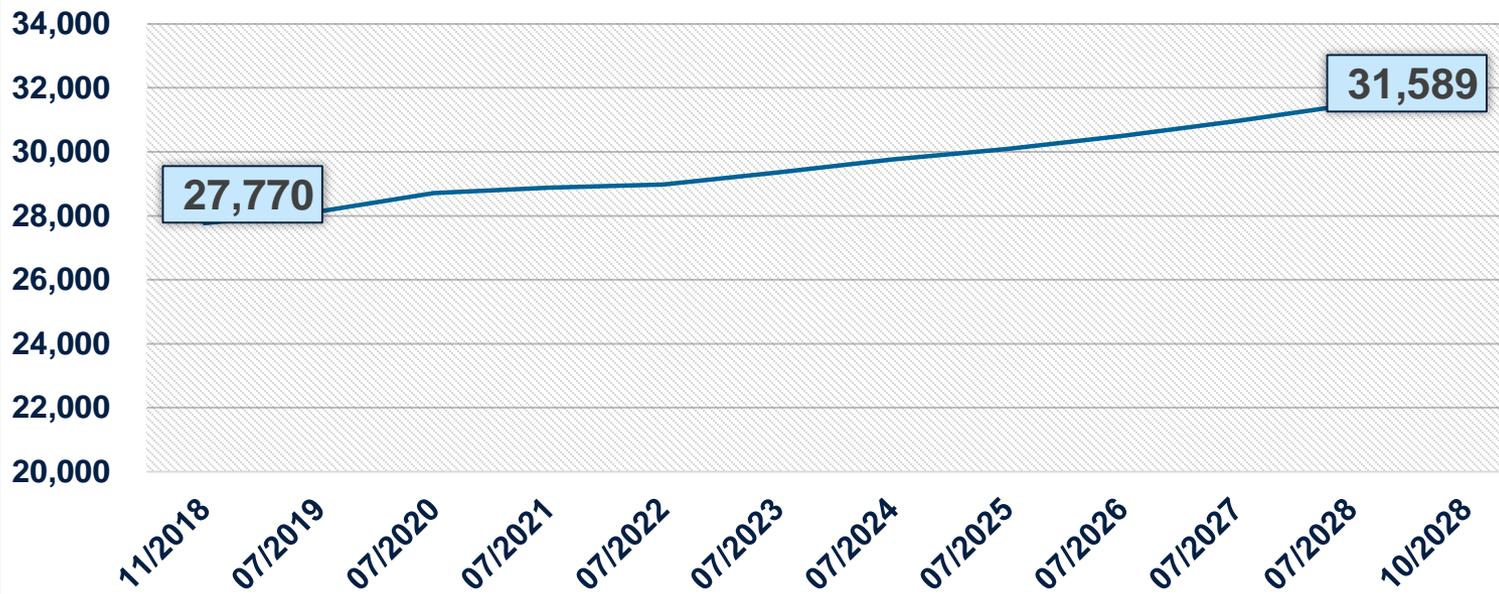
State prisons are currently at 113% of capacity

# A Stark Reality

Even with recent policy changes the prison population is projected to continue to grow

The cost of the growth restricts the DOC from focusing on rehabilitation

Prison  
Population  
Projection  
after 2018 Bill  
Package



Oklahomans for Criminal Justice Reform, FWD.US, Oklahoma's Ongoing Imprisonment Crisis, released 11/16/18

# 2017-2018 Progress

## **Passed into law:**

- Parole release streamlined
- Aging prisoner parole process
- Third degree burglary category
- Commercial drug penalties
- Tiered penalty structure for felony property offenses
- Expungement eligibility
- Training for law enforcement, courts, prosecutors, and public defenders

# But It's Not Enough: Challenges Ahead

## **2018 reforms alone will not curb all the growth and associated costs**

- Continued growth in prison admissions for nonviolent crimes
- Continued growth in time served in prison
- Female population continues to climb
- Continued growth of inmates serving 85% offenses
- Cost and growth of aging inmate population

# Crucial Next Steps

## **Oversight body**

- Monitor progress and evaluate outcomes of reforms
- Ensure investment in treatment and programming

## **Agency implementation**

- Plan for and put into place changes in agency policy
- Train and coach key staff and other system players
- Ensure cross-agency coordination and communication
- Assess how implementation is progressing through performance measurement

# What's Next?

## REDUCE OKLAHOMA'S INCARCERATION RATE TO THE NATIONAL AVERAGE

- Keep public safety front and center
- Invest averted costs into treatment, supervision, law enforcement and victims services



# A 10-Year Pathway to the National Average

**Reaching the national average requires a decrease of 12,401 inmates**

## **Most impactful policies include:**

- Changes to classification and sentencing of Possession with Intent to Distribute convictions
- Restrictions on probation and parole revocations
- Lowering ranges for Habitual Offender enhancements
- Reducing 85% time-served requirement to 60%

# A 10-Year Pathway to the National Average: Property Offenses

**Raise felony theft threshold from \$1,000 to \$2,000**

**Change burglary sentence ranges**

- Burglary 1<sup>st</sup> to 10 year maximum sentence
- Breaking into unoccupied commercial building or outbuilding from Burglary 2<sup>nd</sup> to 3<sup>rd</sup>, with a 3 year maximum sentence
- Burglary 2<sup>nd</sup> to 5 year maximum sentence

# A 10-Year Pathway to the National Average: Drug Offenses

## Revise Possession with Intent to Distribute sentence lengths and conduct requirements

- **Sentence lengths**
  - 1<sup>st</sup> conviction: 3 year maximum
  - 2<sup>nd</sup> conviction: 7 year maximum
  - 3<sup>rd</sup> and subsequent conviction: 10 year maximum
- **Conduct requirements**
  - Possession of at least .25 grams or more of a controlled substance plus 3 factors
  - OR
  - Possession of more than 3 grams of a controlled substance

# A 10-Year Pathway to the National Average: Drug Offenses

## **Create tiered trafficking weight thresholds**

- **Proposed tier structure**

- <50 grams: can be charged as Possession with Intent to Distribute
- 50-100 grams: 10 year maximum sentence
- >100 grams: 20 year maximum sentence

# A 10-Year Pathway to the National Average: Other Offenses

**Exclude “failure to protect” and “situational neglect” conduct from the child abuse statute; create separate penalty with 5 year max**

## **Other:**

- Assault and Battery with Dangerous Weapon: 7 year max
- DUI APCV: 3 year max
- Unauthorized Use of Vehicle: Misdemeanor, 12 month max
- Convicted Felon Carrying Firearm: 5 year max
- Receive/Possess/Conceal Stolen Vehicle: Misdemeanor, 12 month max
- Robbery with Dangerous Weapon: 15 years max
- Larceny of Auto/Aircraft: 3 year max
- Using Offensive Weapon in Felony: 5 year max

# A 10-Year Pathway to the National Average: Habitual Offenses

## **Allow but reduce enhancements of sentence ranges for subsequent felonies:**

- Current offense is nonviolent and prior convictions are nonviolent: sentence increased 25%
- At least 1 violent conviction in criminal history or current offense is violent: authorized sentence increased by 33%
- Current offense is violent and at least 1 violent conviction in criminal history: authorized sentence increased by 50%

# A 10-Year Pathway to the National Average: Revocations of Supervision

## **Prohibit revocation to prison for technical violations of probation and parole**

- Define technical violations of supervision as any violation other than a new felony or misdemeanor conviction, absconding, or violation of a protective order

# A 10-Year Pathway to the National Average: Parole Eligibility

**Lower 85% time-served requirement to 60% requirement for current 85% list enumerated in 21 O.S. § 13.1**

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Thank you.

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