



Turning the Page

*Oklahoma's
Criminal Justice
Reform Story*





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Executive Summary

At the end of 2016, Oklahoma had the highest incarceration rate in the country, with Oklahomans 65% more likely to be in jail or prison than someone who lived in another state. Recognizing that these high rates of incarceration were not making Oklahoma safer, more just, or more productive, voters and policymakers started to make long overdue changes to the criminal justice system.

Since that time, Oklahoma has begun turning the page on more than two decades of explosive jail and prison growth that was out of step with evidence-based public safety strategies. Beginning with a citizen-led ballot initiative, a bipartisan movement for criminal justice reform has advanced policy changes that have reduced the prison population by more than 20% and helped thousands of Oklahomans reunite with their families and contribute to their communities. Policymakers in Oklahoma knew they needed to think differently about criminal justice and they have delivered.

Voters approved State Question 780 (SQ 780) by a margin of 58% to 42% in 2016, which reclassified simple drug possession and theft of less than \$1,000 from a felony to a misdemeanor. This was the first of many criminal justice reforms that have passed with the support of Republicans and Democrats, business and faith leaders, policy experts, and everyday Oklahomans who believe it is important to reduce the jail and prison population.

The legislature passed numerous bills aimed at safely reducing incarceration in 2018 and has followed up with important criminal justice reforms in all but one legislative session since. These reforms brought sentences for low-level drug and property crimes more in line with other states, streamlined the parole process for nonviolent offenses, and expanded opportunities for record expungement. Successive Republican governors Mary Fallin and Kevin Stitt have championed important reforms in the executive branch including commuting the sentences of hundreds of Oklahomans who were convicted of drug possession or minor theft offenses that no longer carry a prison sentence.

As a result of all these changes, Oklahoma's prison population has fallen by nearly 6,000 people, driven by reductions in admissions for drug offenses, property offenses, and supervision revocations. The number of people who are charged with a felony offense has fallen by one-third, meaning more than 15,000 people each year will now have an easier time finding and keeping a job, maintaining stable housing, and supporting their families. Higher parole grant rates and commutations also contributed to declines in the prison population for a brief period, and overall **Oklahoma's criminal justice system has gotten smaller, less expensive, more fair, and more just.**

MORE WORK TO DO

Even after all this progress, Oklahoma still has the third-highest overall imprisonment rate and the second-highest women's imprisonment rate in the country. Compared to other states, people sentenced to prison in Oklahoma spend nearly twice as long behind bars for property crimes such as larceny and fraud and more than twice as long for drug sale or trafficking convictions—35 months in Oklahoma compared to an average of 17 months in other states. Black people are nearly five times more likely to be in prison than white people and racial disparities are worse today than before this recent period of reform.

This stubborn reliance on increasing prison sentences rather than investing in common sense policy changes comes at a monumental cost to taxpayers. Oklahoma spends more than

\$552 million on the prison system each year without any real public safety benefits. If the state lowered its imprisonment rate to the level of its neighbors with similar crime rates, taxpayers would save anywhere from \$27 million each year (Arkansas) to more than \$270 million (New Mexico) to reinvest into their families and communities. Other states have shown a different path: from 2009 to 2019, crime fell faster in states that reduced their imprisonment rate—a 28% decline versus an 18% decline among states that increased imprisonment.

Oklahoma's criminal justice reform story continues to be written. The improvements that have been made to the criminal justice system in the last five years show that progress is possible. Voters and policymakers have demonstrated great leadership, but more work remains to reduce Oklahoma's incarceration rate and strengthen its economy, communities, and families.

KEY FINDINGS ON THE HARMS OF INCARCERATION ACROSS EVERY ASPECT OF OKLAHOMA'S SOCIETY INCLUDE:

ECONOMY

Oklahoma's criminal justice system has constricted the state's economic growth by removing people from the workforce, subjecting them to harsh sentences, and then imposing significant barriers to their return to work.

Local businesses across the state are struggling to find workers, and the criminal justice system continues to be one of the biggest drags on Oklahoma's economy.

- An estimated 1.2 million (more than 1 in 4) Oklahomans have a criminal record, about half of whom have at least one misdemeanor or felony conviction.
- Criminal convictions cost Oklahomans an estimated \$4 billion in lost earnings each year and Oklahoma is losing out on an additional \$182 million in annual tax revenue as a result.

Oklahoma's high imprisonment rate is driven by harsh sentencing laws and restrictive release policies.

- Prison sentences increased by more than two years (28 months) from FY 2016 to FY 2021. The average person in prison has been sentenced to 19.5 years, and the number of people in prison with a prison sentence that is 20 years or longer (8,027) is more than Oklahoma's entire prison population in 1984.
- Black Oklahomans are disproportionately impacted by long sentences, accounting for 32% of the people serving a sentence of at least 20 years despite making up just 7% of the state's population.

The biggest drivers of Oklahoma's prison population are the frequent application of enhanced punishments for people with prior convictions and an outdated law that prohibits many people from earning more than 15% off their sentence.

- Prosecutors sought an enhanced punishment for 86% of the people admitted to prison for a nonviolent offense with nonviolent priors in FY 2019. Those with an enhancement had sentences that were 60% (3.2 years) longer for drug offenses and 46% (1.8 years) longer for property offenses than those who didn't.
- More than half of the prison population (over 11,000 people) are required to serve 85% of their sentence without earning additional time off for following prison rules or participating in rehabilitation programs. For people who receive a 20 year prison sentence, this requirement means they will serve an extra eight years behind bars with fewer incentives to change.

COMMUNITY

Oklahoma's criminal justice system should be focused on keeping communities safe, but instead at every stage of the system it fails to prioritize rehabilitation, protect survivors, and strengthen community ties.

Oklahoma's overcrowded jails put lives at risk and make it harder for people to maintain community ties and successfully reintegrate once they are released.

- More than 9,000 people are incarcerated in Oklahoma's local jails on any given day and 70% have not yet been convicted of a crime. As a result, Oklahoma's jail incarceration rate is 41% higher than the national average.
- Oklahoma has the second-highest jail mortality rate in the country. According to one study, at least 148 people died while in custody from 2009 to 2019.

Oklahoma's reliance on an outdated cash bail system makes jails dangerously overcrowded, extracts wealth from communities, and unfairly punishes people who can't afford to buy their freedom.

- Most Oklahomans cannot afford cash bail and remain in jail pending the resolution of their case. This occurs despite overwhelming evidence that pretrial detention does not prevent crime and may make people *more likely* to be rearrested because of how destabilizing even short periods of incarceration are on a person's life.
- Oklahoma families who are already strapped for cash paid out more than \$13 million to bail bondsmen in just 11 of the state's 77 counties in 2021, including an estimated \$5 million paid by families on cases that were ultimately dismissed.

All Oklahomans are not treated the same by the criminal justice system and some people are unfairly punished because of where they live.

- The five most populous counties in Oklahoma account for the largest number of overall admissions to prison. Yet rural counties far surpass the big cities in sending more people to prison per capita. With a county population just under 27,000, Caddo County had the state's highest prison admissions rate, over double the rate of Oklahoma County.
- Black people are imprisoned at 4.6 times the rate of white people, accounting for 28% of the state's prison population.
- Sentence terms also vary dramatically from one district attorney district to another, creating a system of injustice by jurisdiction. People entering prison on a direct sentence or probation revocation from District 16 (Latimer and LeFlore counties) carried an average controlling sentence of around 4.5 years, while those convicted in District 5 (Comanche and Cotton counties) had average sentences of just over 10 years.

- Many areas lack high-quality alternatives to incarceration, meaning people in some counties (mostly Oklahoma and Tulsa) have greater access to treatment and support while the same person would be sent to prison in another county.

Instead of giving people a real second chance, Oklahoma traps people in a cycle of failure.

- Limited access to treatment in both prisons and the community sets people up to fail by not addressing their underlying mental health or substance use needs, and not providing educational opportunities.
- After release or conviction, people living in the community struggle to find housing, pay their fines and fees, and successfully move forward with their lives.
- Poverty, insurmountable debts, and the broader lack of support and treatment frequently lead to supervision failures that push people further into the system, including into prison.

FAMILY

The impact of incarceration extends beyond the person locked behind bars. Oklahoma's punitive approach to criminal justice and overreliance on incarceration is separating families and harming Oklahoma's children.

As the prison population grew over the last several decades, more and more families have experienced what it means to have an incarcerated loved one.

- Nearly half of all adults in the United States, about 113 million people, have had an immediate family member incarcerated. This number is even higher for certain groups, since race and socioeconomic status play a major factor in who is most harmed by familial incarceration.
- In Oklahoma, about 106,000 children, or 11% of children, have had an incarcerated parent or guardian, a substantially higher percentage than in the neighboring states of Kansas, Texas, Colorado, and Missouri.

At every stage of the system, families are separated and face pervasive barriers to maintaining critical family ties that foster successful reintegration and disrupt the cycle of incarceration.

- Parental and familial incarceration is associated with negative economic, educational, social, physiological, and emotional outcomes. One recent study found that having an incarcerated immediate family member results in an estimated 2.6-year reduction in life expectancy.
- Visitation and communication during a person's incarceration is associated with lower recidivism rates, but policies and practices in Oklahoma restrict access and compromise family reunification.

Oklahomans experience high rates of adverse childhood experiences, such as poverty, food insecurity, sexual abuse, and parental incarceration, that often serve as a pathway to incarceration.

- Incarcerated people and crime survivors are not mutually exclusive groups. Oklahoma sends women to prison at especially higher rates than other states instead of addressing the root causes of crime.
- For nearly three decades, Oklahoma had the highest women's imprisonment rate in the country. Oklahoma incarcerates women at a rate more than double the national average, driven by laws that unfairly punish survivors of domestic abuse and mothers living in poverty.

This report is the result of months of qualitative and quantitative research on the effect of five years of reforms, the ongoing drivers of Oklahoma's stubbornly high incarceration rates, and the personal stories of people who have been impacted by the criminal justice system. FWD.us and its partners in Oklahoma conducted interviews and focus groups with nearly 100 practitioners, experts, advocates, and directly impacted people, reviewed dozens of written submissions from currently incarcerated people, and analyzed several years of local and state corrections data as part of this research.

Contents

4	EXECUTIVE SUMMARY	
9	INTRODUCTION	
12	CHAPTER ONE: PROGRESS	
	Timeline	13
	Impact of Reforms	18
	Smaller, Better, Fairer, Safer	22
26	CHAPTER TWO: MORE WORK TO DO	
	Economy	28
	<i>Workforce</i>	29
	<i>Harsh Sentencing and Restrictive Release Policies</i>	35
	<i>Cost to State and Local Governments</i>	40
	Community	43
	<i>Pretrial Detention and Bail</i>	43
	<i>Conviction, Trial, and Sentencing</i>	48
	<i>Reentry, Rearrest, and Revocation</i>	55
	Family	61
	<i>The Scope of Familial and Parental Incarceration</i>	61
	<i>The Impact of Family Separation</i>	63
	<i>Punishing Poverty, Trauma, and Substance Use</i>	68
73	CHAPTER THREE: HOPE	
78	METHODOLOGY	
80	DATA APPENDIX	
85	ENDNOTES	

Introduction

From 1978 to 2016, Oklahoma's prison population skyrocketed by 615%, from slightly over 4,000 people in prison to almost 30,000.

This growth was steady from the early 1980s through the 1990s, slowed for a while in the early 2000s, and then took off again after 2012, even as the rest of the country, including conservative states, was beginning to reduce incarceration. It was only in 2017, seven years after the national prison population started to decline, that Oklahoma began to turn the page on this destructive story. (See Figure 1.)

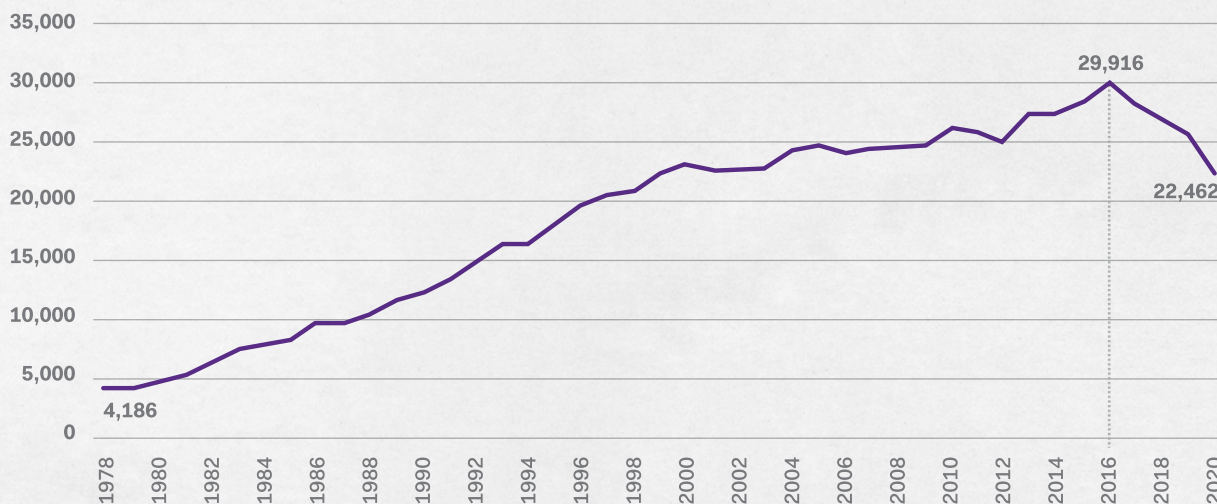
This massive growth in the prison population did not make Oklahoma safer, more productive, or stronger—instead, it drained

taxpayer dollars, weakened community ties, and broke apart families. Even though Oklahoma has begun the long journey to reform, all of these problems remain today.

Although Oklahoma's story of explosive prison growth is not unique, Oklahoma has locked more people up—and has grown that problem faster—than almost any state in the country. In 1978, Oklahoma's imprisonment rate (the number of people in prison for every 100,000 residents) was 21% higher than the national rate, giving it the 13th-highest imprisonment rate in the nation.

Figure 1: Oklahoma's prison population grew 615% from 1978 to 2016.

Oklahoma prison population, 1978 - 2020



Source: Bureau of Justice Statistics, National Prisoner Series

By 2016, the state was locking up 89% more people per capita than other states and had the second-highest imprisonment rate, as well as the highest incarceration rate when the jail population was included. In other words, someone in Oklahoma was almost twice as likely to be in prison as someone in another state. (See Figure 2.)

Much of this growth was driven by a massive increase in felony filings. Even as the reported crime rate declined 14% between 2008 and 2016, the number of felonies filed in the state rose 43%, from under 35,000 to almost 50,000.¹

Oklahoma's disproportionately high imprisonment rate is even worse for women and Black people. In 2016, the female imprisonment rate was almost 171 per 100,000 women in Oklahoma, compared to a national average of 57 per 100,000. That means women in Oklahoma were nearly three times as likely to be in prison as women in the rest of the country. The women's imprisonment rate in Oklahoma was the highest in the country from 1991 until 2019, a total of 28 years.

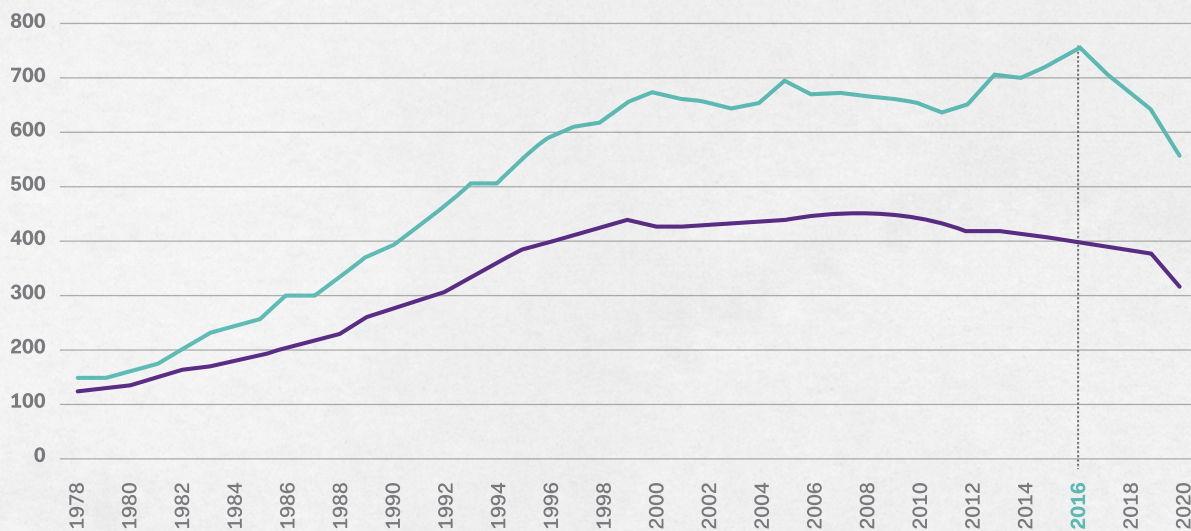
Black people are also far more likely to be incarcerated in Oklahoma than in the rest of the country. The overall imprisonment rate for Black people is 4.6 times higher than the white imprisonment rate, and Black women in Oklahoma are 2.7 times more likely to be imprisoned than white women. According to the U.S. Census, just over 7% of Oklahomans are Black or African American alone, while a stark 28% of the state's prison population is Black.

Growth in the prison population was accompanied by a massive increase in costs to taxpayers. Annual General Fund spending on Corrections nearly quadrupled from FY 1990 to FY 2020, growing from \$155 million² to more than half a billion dollars, \$552 million.³

These numbers are shocking, but they show only a small part of the story. They do not show the mother searching for housing so she can reunite with her children after being released from prison; the veteran sitting in jail for a year for a crime he was ultimately found not guilty of because he could not afford bail; the son struggling to stay sober when no one will give him a job; or the business

Figure 2: Oklahoma's imprisonment rate in 2016 was 89% higher than the national average.

Imprisonment rate per 100,000 residents, 1978 - 2020



Source: Bureau of Justice Statistics, National Prisoner Series

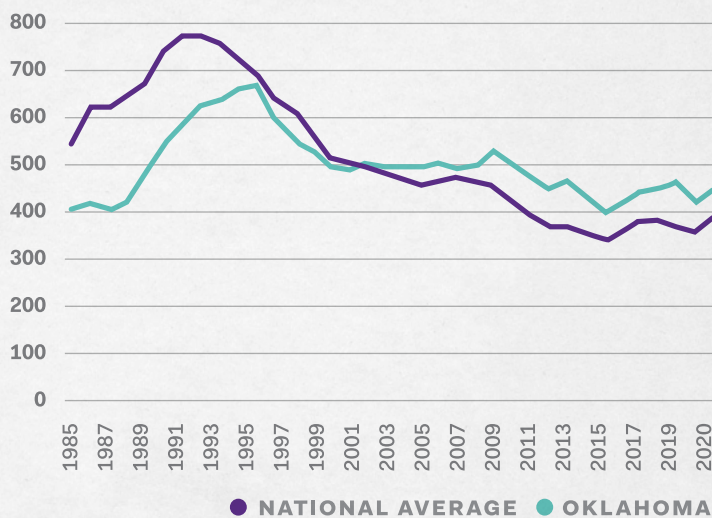
● NATIONAL AVERAGE ● OKLAHOMA

owner who has too many job vacancies and who pays too much in taxes—taxes that are used to lock up the very people who could be working for her on the outside.

None of these costs, fiscal or human, has made Oklahoma safer. Indeed, Oklahoma's violent crime rate increased above the national average only after its imprisonment rate began to skyrocket (see Figure 3) and the growth in the prison population was not due to high admissions for violent offenses. From 2010 to 2016, the number of people admitted to prison for crimes against a person grew by 11% compared to 16% growth for the number of people sent for property crimes, even as the number of property crimes declined. In other words, Oklahoma did not imprison more people because it had a higher violent crime rate; if anything, the higher crime rate followed the growth in imprisonment. Research shows that people are more likely to commit crime after being sent to prison, and that incarceration is among the least effective and most expensive approaches to crime prevention. **Other states have shown a different path: from 2009 to 2019, crime fell faster in states that reduced their imprisonment rate—a 28% decline versus an 18% decline among states that increased imprisonment.**

Figure 3: Oklahoma's violent crime rate diverged from the national average while imprisonment went up.

Violent crime rate, 1975 - 2020



Source: Federal Bureau of Investigation, Uniform Crime Reports

As voters and policymakers increasingly witnessed the harm caused by Oklahoma's high imprisonment rate and the ways in which it failed to make the state safer, things began to change. Beginning with a citizen-led ballot initiative and commitment from state leaders to address rising incarceration, a bipartisan movement for criminal justice reform began in 2016.

This report is the result of months of qualitative and quantitative research on the effect of recent reforms, the drivers of Oklahoma's stubbornly high incarceration rates, and the personal stories of people who have been impacted by the criminal justice system. FWD.us and its partners in Oklahoma conducted interviews and focus groups with nearly 100 practitioners, experts, advocates, and directly impacted people and analyzed several years of local and state corrections data as part of this research.

Chapter One of this report covers the common-sense reforms that have brought the prison population down over 20% and helped thousands of people come or stay home, reunite with their families, and live stronger, healthier lives. Chapter Two looks at where Oklahoma is now, and all the work that remains to do. Chapter Three concludes the report with messages of hope from women currently incarcerated in Oklahoma prisons.

Chapter One: Progress

“I started seeing not only were we on an unsustainable course financially as a state with the way we were doing incarceration, but we also were not maximizing Oklahomans potential and the social value of people being able to get work after a crime, to get drug treatment, to get mental health treatment.”

— Greg Treat, Oklahoma Senate President Pro Tempore, Sentencing Reform Interim Study, October 5, 2021

In the spring and summer of 2016, three bipartisan efforts kickstarted the modern era of criminal justice reform in Oklahoma.

First, more than 200,000 Oklahomans signed petitions to put two state questions on the November ballot. One, State Question 780 (SQ 780), would make the most common crime in Oklahoma's prison system, simple possession of a controlled substance, a misdemeanor rather than a felony; it would also raise the felony theft threshold from \$500 to \$1,000. The second, SQ 781, would capture the savings of those changes and redirect them to substance use and mental health treatment around the state.

Next, an inter-branch Justice Reinvestment Initiative working group was established by Republican Governor Mary Fallin with the support of the Speaker of the House, the Senate President Pro Tempore, and the Chief Justice of the Supreme Court of Oklahoma. The Oklahoma Justice Reform Task Force (OJRTF) was made up of 18 representatives of the legislature, the judiciary, executive agencies, local law enforcement, and treatment providers, with the goal of identifying policies that would safely reduce the prison population and taxpayer spending.

Around the same time, the Greater Oklahoma City Chamber Criminal Justice Task Force requested assistance from an outside agency to conduct a review of what was driving Oklahoma County's jail population and make recommendations for what

to do to safely reduce overcrowding and improve the terrible conditions that went with it at the county jail.

Why did these three parallel efforts arise at the same time? Because Oklahoma's prison and jail populations were soaring, and the state was on track to incarcerate more people per capita than anywhere in the world. In July of 2016, there were over 28,500 people either in or waiting to be transferred to state prisons and over 12,000 people were held in local jails. The consequences of this unprecedented level of incarceration were becoming clear: to taxpayers, to legislators, to local business owners, and to the thousands of people every year swept into an overly punitive system.

By early 2017, SQ 780 and 781 had passed with significant majorities, the Governor's Criminal Justice Reform Task Force had issued recommendations, and the Greater Oklahoma City Chamber Criminal Justice Task Force had released a report highlighting major issues within the Oklahoma County jail and recommendations for reform. These three efforts together would have lasting effects on the state.

This section will walk through a timeline of key reforms and progress from 2017 through today, along with new data illustrating the impact these efforts have had. Overall, the last five years of bipartisan criminal justice reform have worked to make Oklahoma's system smaller, less expensive, and safer.



Kevin, a formerly incarcerated man whose life without parole sentence was commuted, enjoys a barbecue with his family.

Timeline

July 2017

SQ 780 and SQ 781 go into effect

On July 1, 2017, SQ 780 and SQ 781 went into effect. SQ 780 reclassified simple drug possession and some low-level property offenses as misdemeanor crimes—making them offenses that can no longer be punished with a prison sentence. SQ 781 required funding to counties for mental health and substance use treatment based on the prison savings resulting from SQ 780. These important reforms were approved by large margins with a majority of Oklahoma voters choosing to reduce penalties and reinvest savings out of prison and into community treatment.

February 2018

The Oklahoma County Criminal Justice Advisory Council (CJAC) is formed

The council, formed based on the recommendations from the Chamber of Commerce's Criminal Justice Task Force, brought together a diverse group of business and community leaders, law enforcement, nonprofit service providers, attorneys, and judges to pursue and sustain meaningful, long-term reform. CJAC was tasked with finding data-driven solutions and implementing them throughout the county.

(timeline continues)

April 2018

Oklahoma legislators pass slate of sentencing, parole, and reentry bills

State legislators passed and Republican Governor Fallin signed seven reform bills based on recommendations of the OJRTF. The package of reforms brought sentences for low-level drug and property crimes more in line with other states, streamlined the parole process for nonviolent offenses, and expanded opportunities for record expungement. Together, the bills were expected to avert two-thirds of Oklahoma's projected prison growth.



Republican Governor Mary Fallin signs the Oklahoma Justice Reform Task Force bills.

May 2018

Project Commutation launched

Project Commutation was a push by community leaders, advocates across the ideological spectrum, and law students at the University of Tulsa to help individuals in prison with sentences that were excessive—those that would not be legal under current law or were clearly excessive by any moral standard—seek relief. This campaign culminated in the successful commutation of sentences for 28 people in December of 2018. Governor Fallin signed the commutations in time for them to return to their communities and families before the holidays. Project Commutation continues to help people facing excessive sentences.



Advocates and families celebrate the release of Project Commutation clients.

October 2018

Tulsa County starts bond docket

In October 2018, Tulsa County began a dedicated pretrial bond docket to review bonds assigned to individuals arrested but not convicted of a crime. The docket expanded to seven days per week in 2019, including holidays. Arrested individuals who appear on the bond docket are represented by the public defender's office if they do not already have an attorney. Since the bond docket started in Tulsa County, the average daily population of the Tulsa County jail has decreased as well as the average length of incarceration for arrested individuals. The daily review of the circumstances of arrests in Tulsa County on the bond docket has led to an increase of up-front interventions, resolutions, and diversion of cases that would have otherwise been delayed or overlooked.

February 2019

New Pardon and Parole Board (PPB) members appointed

The appointment of two individuals with social work/treatment experience fulfilled requirements created by SB 185 (Floyd-D; West-R), one of the OJRTF bills passed in 2018 that mandated at least two PPB positions be filled by people with experience or training in mental health services, substance abuse services, or social work. Since these appointments, parole and commutation rates increased significantly.

May 2019

Legislature passes and governor signs HB 1269

HB 1269 (Echols-R, Dunnington-D, Bice-R) made SQ 780 retroactive. While SQ 780 addressed admissions for low-level drug and property crimes, thousands of people remained in prison serving sentences that would no longer be treated as felonies. The retroactive application of those reforms through HB 1269 sought to extend the relief to this population.

November 2019

Governor Stitt approves the release of over 400 people in prison for simple possession and low-level theft

On November 1, 2019, the Oklahoma PPB voted to recommend the commutation of sentences for hundreds of Oklahomans made eligible for a special commutation docket by HB 1269. This docket was promptly signed by Governor Kevin Stitt, which resulted in the release of 462 Oklahomans (a total of 1,931 years commuted) to be reunited with their families and communities.



Republican Governor Kevin Stitt commutes a historic number of sentences in a single day (left). A woman whose sentence was commuted embraces a family member outside of the prison gates (right).

(timeline continues)

March 2020

COVID-19 causes prison population reduction

In response to the COVID-19 pandemic, and the increased risk of transmission among incarcerated individuals in prison facilities, Oklahoma halted admissions to its state- and privately-run prison facilities for the second half of March and for all of April and May 2020. For several months thereafter, admissions resumed at a decreased rate.

May 2021

Oklahoma legislators pass release and reentry bills

State legislators passed and Governor Stitt signed two bills aimed at addressing the needs of individuals in and being released from prison. SB 320 (Garvin-R, McEntire-R) (Medical Parole) expanded the definition of “medically vulnerable” and “medically frail” to allow more people in prison to be put on a special medical parole docket for early release. HB 1679 (Stark-R, Weaver-R) (Sarah Stitt Act) required the Department of Corrections to coordinate with the Department of Public Safety to provide REAL ID noncompliant identification cards to all individuals being released from prison who do not have a current state-issued identification card or driver's license.

Tulsa County launches misdemeanor diversion program

The Tulsa County District Court launched a free six-month program in May 2021 offering participants with substance use disorders or mental health needs the opportunity to have their misdemeanor charges dismissed in exchange for engagement with the relevant treatment or services. Upon completing the program, most participants have their court fines and fees waived in addition to their charges dismissed. Unlike other alternatives to incarceration, the misdemeanor diversion program does not typically require judicial supervision, reporting to a probation officer, or regular drug testing, and has no charge-based restrictions. Moreover, the vast majority of participants are not required to enter a plea of guilty or no contest before enrolling.

Fall 2021

Oklahoma County launches misdemeanor diversion program

Oklahoma County launched a new three-month low-barrier misdemeanor diversion program in Fall 2021 that serves up to 85 people at a time and offers to dismiss participants' charges and court costs upon program completion. Similar to the Tulsa Court misdemeanor diversion program, Oklahoma County does not require sobriety for participation.

November 2021

Governor Stitt commutes Julius Jones' sentence

On November 18, 2021, Governor Stitt commuted the death sentence of Julius Jones hours before his scheduled execution. Jones was on death row for 19 years for a murder he has always maintained he had no part in. Compelling evidence points to his innocence, leading to a large, bipartisan campaign for clemency.

May 2022

Slate of reentry bills pass

State legislators passed and Governor Stitt signed a number of bills related to improving reentry, alleviating burdens on individuals coming home from prison, and reducing fines and fees for youth and their families.

June 2022

Oklahoma County voters approve funds for new jail

By a margin of 59% to 41%, Oklahoma County voters approved a \$260 million bond to build a new jail and mental health treatment facility to replace the dangerous and inhumane facility currently in use. A citizens' oversight committee will oversee the use of the funds and the construction of the new facility.

Impact of Reforms

“The most impactful changes come when the right leaders are in place in state agencies, operating with a shared vision.”

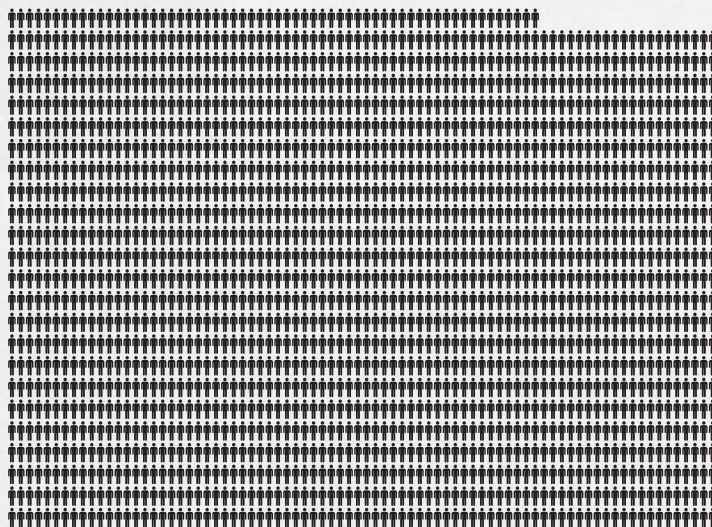
— Governor Kevin Stitt, Mass Commutation Press Conference, November 1, 2019

With so many reforms passed and implemented in five years it can be difficult to keep track of the impacts of individual policy and practice changes. This section explores available data about the effects of the most far-reaching reforms listed above.

SQ 780 was the first, and arguably the most important, reform to Oklahoma's criminal justice system. In each of the two years before SQ 780 was implemented, almost 50,000 felonies were filed in Oklahoma. After implementation, that plummeted to 35,598. Those 15,000 unnecessary felony cases led to 1,900 prison admissions for simple possession in FY 2017, falling to 78 in FY 2021. During this same period, annual admissions to prison for many of the most common property crimes declined by nearly half. Admissions for receiving or possessing stolen property dropped from over 350 in FY 2017 to 115 in FY 2021. Prison savings from SQ 780 were estimated to be \$10.6 million in FY 2020 and \$16.6 million in FY 2021.⁴ These calculations do not factor in the savings to thousands of individuals each year from avoiding felony records, the tax gains from having thousands of people working instead of in prison, or the impact on their families.

1,900

Admissions to prison for simple drug possession in FY 2017



78

Admissions to prison for simple drug possession in FY 2021



Two years after SQ 780 went into effect, seven bills that came out of the OJRTF also became law. These bills addressed long sentences for nonviolent crimes and technical violations of probation, streamlined parole processes and changed the requirements for people who sit on the PPB with the goal of safely reducing the prison population and saving taxpayer dollars. Here for the first time we break down the actual impacts of these bills.

PROPERTY SENTENCING BILLS

HB 2281 (O'Donnell-R, Treat-R) created a tiered penalty structure for felony property offenses by the value of the stolen property, established more severe penalties for higher-value property offenses, and brought down the maximum sentence for first time, low-level theft offenses to three years.

SB 649 (Treat-R, O'Donnell-R) removed certain property offenses from the "habitual offender" enhancement so that people charged with those crimes would no longer be subject to mandatory minimums or life sentences. It also changed the law so that prior convictions for possession of a controlled substance could no longer be used to enhance new sentences.

SB 786 (Shaw-R, Loring-D) distinguished breaking into a vehicle from burglary of a home or business and provided a lesser sentence for the less serious conduct.

IMPACT

Since these bills aimed at reducing excessive sentences for property crimes went into effect, average sentences for people directly sentenced to prison on property crimes fell by 12.3 months, a drop of 14%.

The reductions for people sentenced to prison on many of the most common property crimes went even further. Between FY 2018 and FY 2021, average sentence terms for burglary in the second degree dropped by 14.7 months, for larceny of an automobile or aircraft by 23.8 months, for grand larceny by 31.1 months, and for unauthorized use of a motor vehicle by 34.8 months. (See Figure 4.)

DRUG SENTENCING BILL

SB 793 (Treat-R, Kannady-R) reduced the penalties for some drug offenses. For example, people convicted of low-level sale or possession with intent to distribute (PWID) for the first time are now subject to a zero to seven year sentence instead of two years to life.

IMPACT

Average sentences for people sent directly to prison for PWID declined in length by nearly two years (23 months) from FY 2018 to FY 2021. (See Figure 4.)

PAROLE BILLS

HB 2286 (O'Donnell-R, Treat-R) created an administrative parole process for people convicted of nonviolent offenses who comply with their case plans while in prison and made them eligible for parole at 25% instead of 33% of the maximum sentence.

SB 185 (Floyd-D, West-R) required that PPB members be trained according to evidence-based practice, and that two members of the board have professional experience in the field of substance abuse and/or mental health treatment.

IMPACT

In the most recent 12 months of data available, the Oklahoma PPB considered 929 people on their administrative parole docket, granting parole to 76% or 706 individuals.

Since the appointment in 2019 of two individuals with social work/treatment experience, parole and commutation rates increased significantly. In FY 2018, just 298 people were released to parole—3% of all individuals released from prison. This number grew to 768 people in FY 2021, 10.7% of releases.

Commutation also became a more popular avenue for incarcerated Oklahomans seeking relief. Following the success of Project Commutation in 2018, applications for commutation more than tripled from 511 in 2018 to 1,830 in 2019.

TECHNICAL REVOCATIONS BILL

SB 689 (Treat-R, O'Donnell-R) capped the length of incarceration for technical violations of probation at six months and made it so people could no longer be incarcerated for failure to pay fines and fees. It also allowed people serving life without parole sentences for nonviolent crimes to petition for sentence modification.

IMPACT

The enactment of SB 689 in November 2018 triggered a decline in the share of prison admissions attributable to supervision revocations. Revocations as a portion of total prison admissions declined from 49% in FY 2017 to 36% in FY 2021. (See Figure 5.) The total number of people admitted to prison on a revocation of supervision was more than halved, dropping from nearly 4,700 to 2,160 over that same period.

Figure 4: The package of Oklahoma Justice Reform Task Force Bills led to significant reductions in sentences for common drug and property crimes.

Reduction in mean sentence length for select drug and property crimes for people sentenced directly to prison, FY18 vs. FY21



Despite the success of SQ 780, there were up to a thousand people still in prison for simple possession in the spring of 2019, almost two years after implementation. People continued to come into prison for violating probation on old simple possession sentences, using state prison beds in ways voters had deemed wasteful. **The legislature passed HB 1269, which created a special commutation process for people still in prison with crimes that had been defelonedized by SQ 780. It also banned probation violations for these crimes, stating that people should be resentenced under the new law rather than revoked and sent to prison. This legislation had an immediate effect, leading to the commutation and release of 462 people, with a total of 1,931 years commuted.** It also finally stopped the flow of revocations into prison for simple possession, which plunged from 1,040 in FY 2019 to 60 in FY 2021. Recent research shows that only five percent of those

released in the initial HB 1269 commutation docket had returned to prison within the first two years, compared to a national return-to-prison rate of 32%.⁵

Finally, two recent changes had significant impacts on the prison and jail population, even though they were unplanned and unintended. In 2020, the COVID-19 pandemic led to a shutdown in prison admissions and a slowdown in court proceedings, which translated to reductions in the state's prison population. Over the first 15 weeks of the COVID-19 pandemic, the state's prison population declined by nearly 900 people. (See Figure 6.) County jail populations also decreased dramatically from over 11,000 people to just over 9,000 as arrests slowed down and some counties attempted to release people so they could shelter more safely at home.⁶

Figure 5: SB 689 was associated with a significant decline in people entering prison for a revocation, from half of admissions to one-third.

Revocation admissions as a percentage of all prison admissions, FY17 vs. FY21

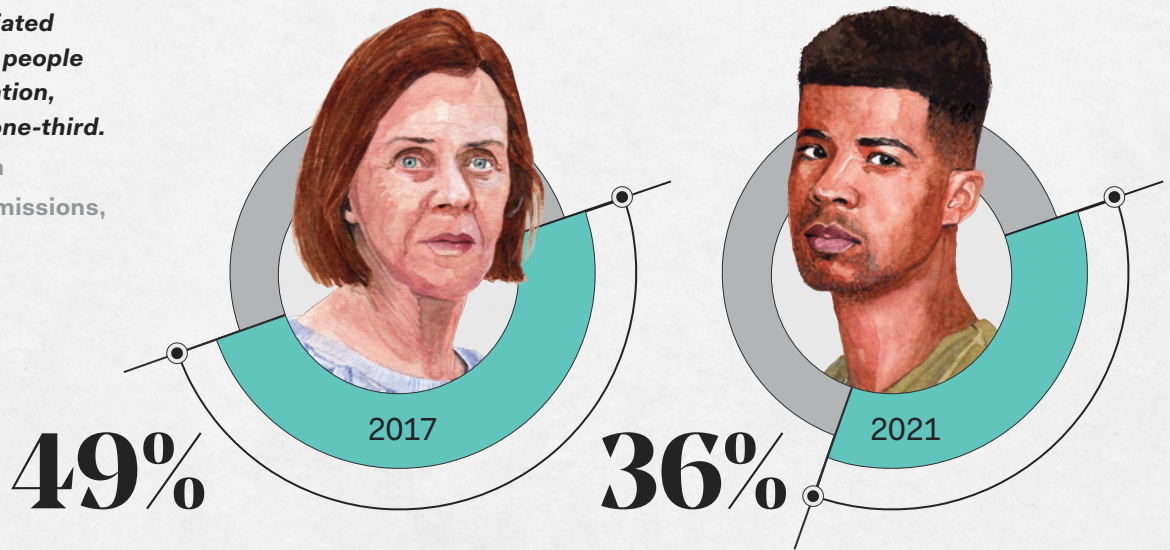
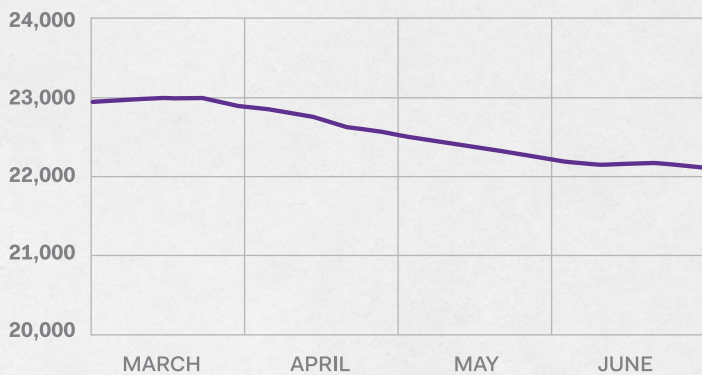


Figure 6: The DOC population dropped by nearly 900 people in the 15 weeks after the COVID-19 emergency declared.

Weekly prison population count (including county jail backup), March - June 2020



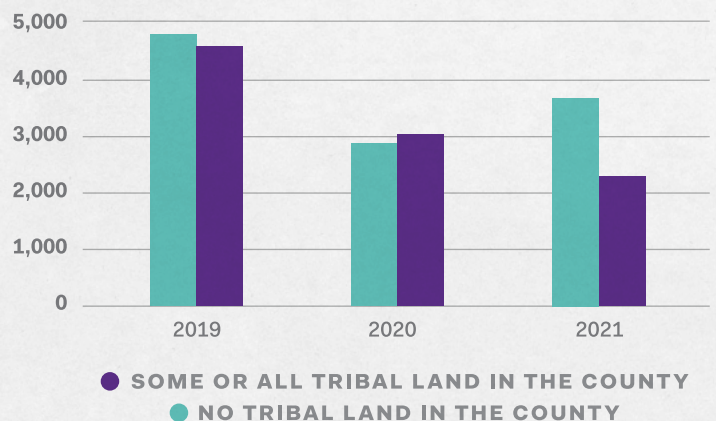
Source: Oklahoma Department of Corrections, Weekly Counts, March to June 2020

In July 2020, the U.S. Supreme Court ruled in *McGirt v Oklahoma* that Congress never formally disestablished the Muscogee (Creek) Nation's reservation so Oklahoma lacked jurisdiction to prosecute crimes committed within this historical territory, shifting responsibility to the federal government and/or the tribal government. This decision was later expanded to other tribal nations, impacting much of the state. The full effects of these changes on public safety and the prison population are not known; however, there does appear to have been a short-term effect on the prison population between 2020 and 2022. Between FY 2019 and FY 2021, prison admissions from counties unaffected by the *McGirt* ruling declined 23.6%, while admissions from counties whose territory included tribal land implicated by

the decision dropped 50.2%. (See Figure 7.) These trends may change based on the most recent Supreme Court ruling that restored jurisdiction to the state in situations where a non-tribal member commits a crime on tribal land.

Figure 7: McGirt decision reduces prison admissions in impacted counties by just under a quarter compared to non-impacted counties.

Prison admissions by county of conviction, FY19 - FY21



These are by no means the only changes that have impacted the prison and jail population in the last five years, nor are the effects of these changes limited to those populations. With Oklahoma's criminal justice system touching so many across the state, even small changes in one jurisdiction can ripple across the state changing families, changing businesses, changing lives. In the next section we turn to the big picture: what overall progress has been made in Oklahoma's criminal justice system when you put all these changes together?

Smaller, Better, Fairer, Safer

“Progress in Oklahoma is criminal justice reform that reflects Oklahomans and our values. What I love so much about Oklahoma is we really are a state of second chances and third chances. We believe in treating others how you would want to be treated. We believe in grace. Unfortunately, we don't see that a lot in our criminal laws here in Oklahoma. But we did see that in 780. It was just a starting point in criminal justice reform here.”

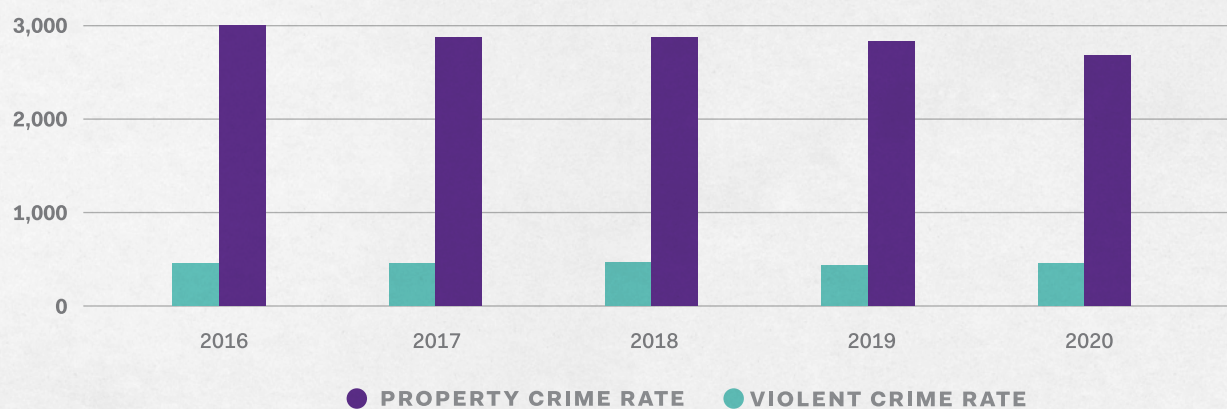
— Morgan, attorney and niece of formerly incarcerated man

The timeline above lays out policy and practice changes across the criminal justice system since 2016, some of which have had enormous impacts, changing the lives of thousands of Oklahomans, while others highlight the growing bipartisan consensus and sustained movement for criminal justice reform. The combined effect of these reforms is a smaller prison system with better public safety outcomes, which provides further evidence of the need to build on this progress and further reduce Oklahoma's imprisonment rate to bring it in line with other states.

Since the first major reforms were adopted in 2016, crime has continued to drop in Oklahoma. Between 2016 and 2020, crime fell 8.7%, driven by a 10% decline in the property crime rate. (See Figure 8.) Burglary rates dropped 18% during this period, while larceny rates dropped 12%. The total number of crimes also declined.

Figure 8: Crime in Oklahoma dropped 8.7% from 2016 to 2020.

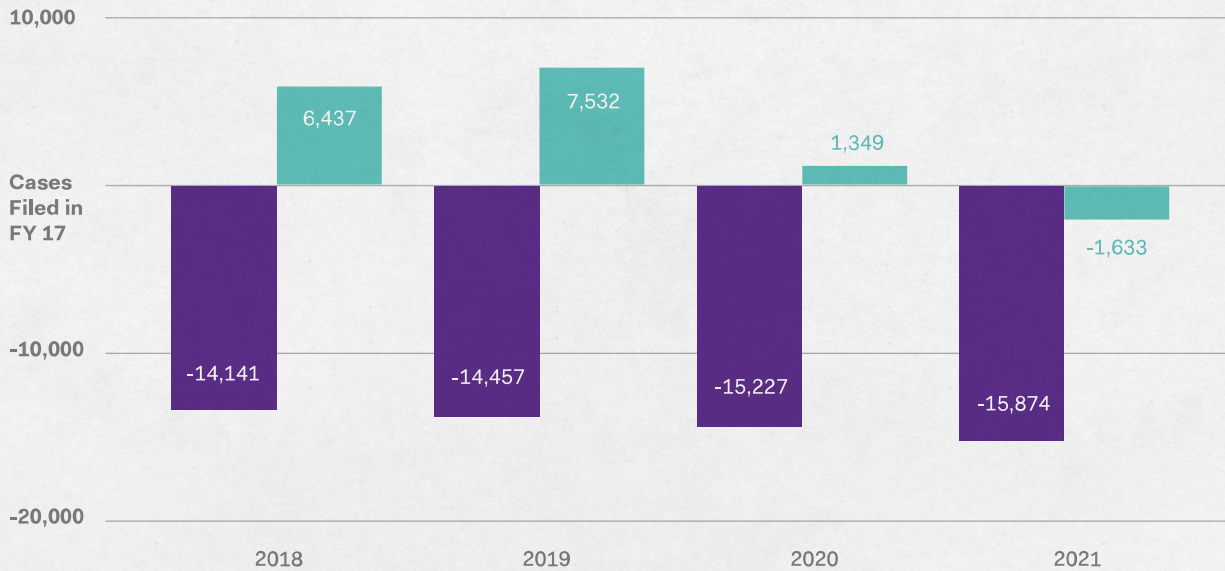
Index crime rate per 100,000 people, 2016-2020



Source: Federal Bureau of Investigation, Uniform Crime Reports

Figure 9: Since SQ 780 took effect, DAs have filed around 15,000 fewer felony cases each year, and are now filing fewer misdemeanor cases as well.

Change in annual criminal cases filed in FY18 - FY21 compared to FY17



Source: Open Justice Oklahoma

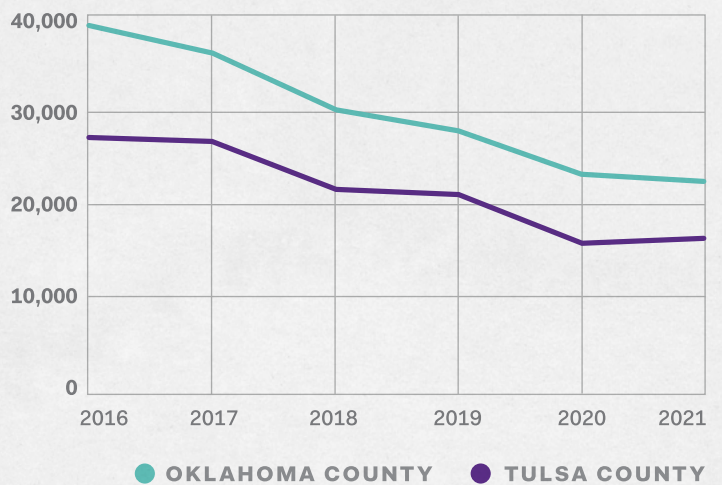
● FELONY CASES ● MISDEMEANOR CASES

In FY 2017 (ending June 30, 2017), district attorneys in Oklahoma filed 49,739 felony and 47,436 misdemeanor cases in District Courts, or almost 100,000 criminal cases, an all-time record high. Since then, the number of felonies charged each year has declined by almost one-third, or over 15,000 cases. (See Figure 9.) In the first year after SQ 780 went into effect the number of misdemeanor cases climbed, but since then it has also declined slightly. Overall, in FY 2021, there were 17,507 or 18% fewer criminal cases filed than in FY 2017.

The average daily Oklahoma County jail population, the largest in the state, fell 26% between 2016 and 2021, from 2,279 to 1,678, with reductions spurred by the work of the Oklahoma County Jail Trust as well as state-level changes. Bookings—the number of people coming into the jail, even if they do not stay long—fell even more dramatically, from 38,283 in 2016 to 21,619 in 2021, or a decline of 44%. (See Figure 10.) The average daily jail population and average monthly jail bookings in Tulsa County likewise declined by 17% and 41%, respectively, over this period.

Figure 10: Jails in Oklahoma County and Tulsa County reduced bookings significantly since 2016.

Oklahoma County and Tulsa County annual jail bookings, 2016-2021

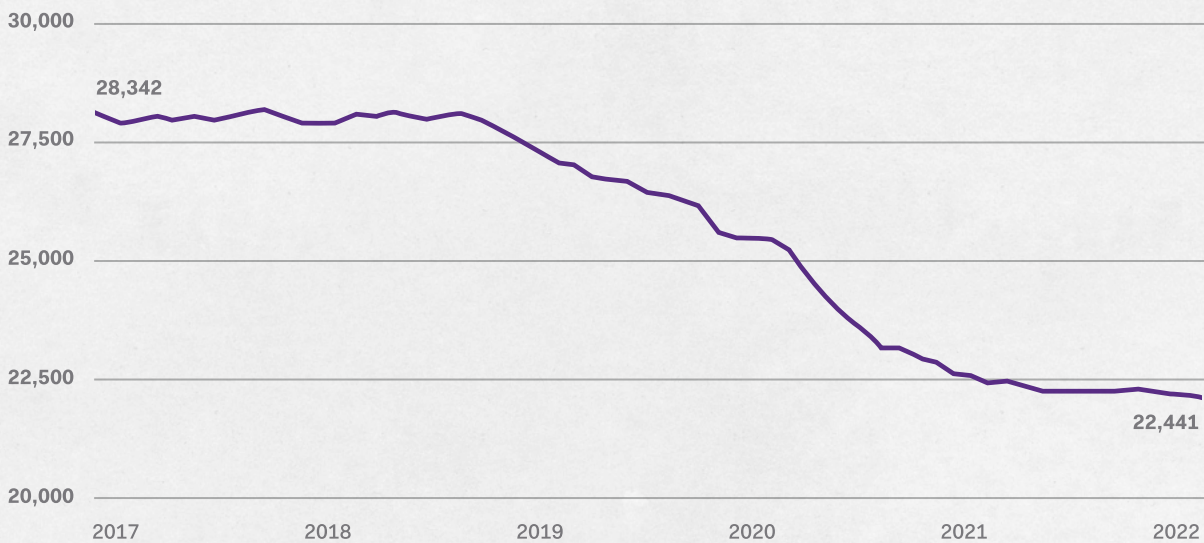


Source: ProsperOK

Oklahoma's prison population declined 21% or nearly 6,000 people between January 2017 and May 2022, from 28,342 to 22,441.⁷ (See Figure 11.) Most of that decline came in the last two years as recent law changes went into full effect, alongside the reductions that came with the COVID-19 pandemic and the *McGirt* decision.

Figure 11: Oklahoma's prison population declined 21% in five years.

Department of Corrections prison population, 2017-2022



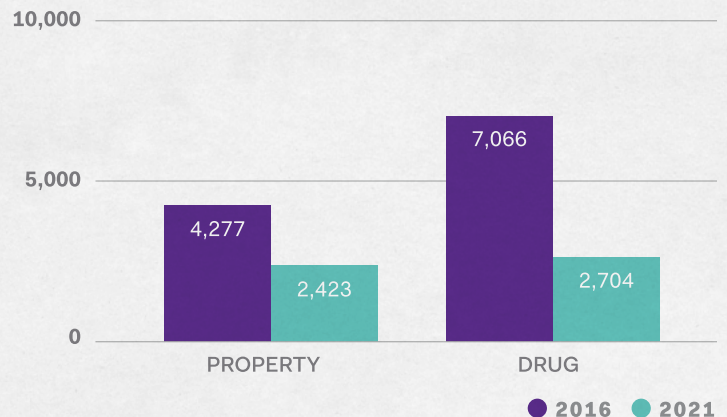
Source: Oklahoma Department of Corrections, Weekly Counts, January 2017 to May 2022

That decline was driven by a 62% reduction in people in prison for drug crimes, from over 7,000 people in July 2016 to just over 2,700 people in July 2021, and a 43% reduction in people in prison for property crimes, from almost 4,300 people to just over 2,400. (See Figure 12.)

While SQ 780 and the retroactive release of people in prison for drug crimes and theft under \$1,000 were the major drivers of these declines, the use of administrative parole, decreased revocations, and increased commutations also played significant roles in reducing the number of people in prison for property and drug crimes. The number of people in prison with life or virtual life sentences for drug and property crimes has also fallen by over 60%.

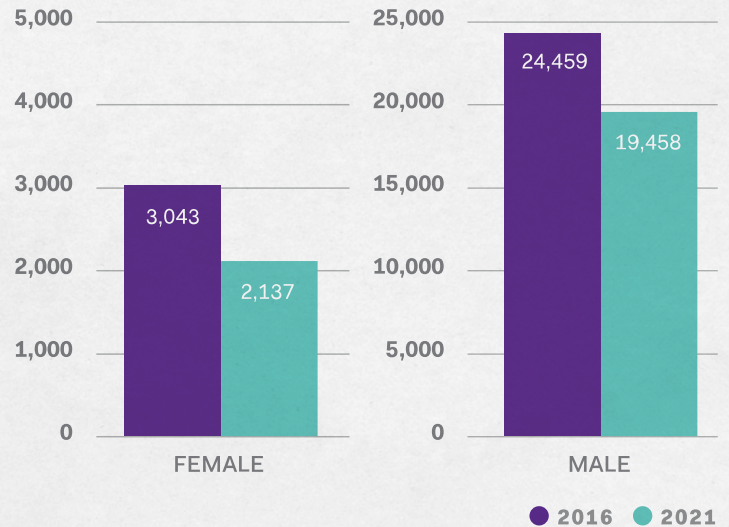
Figure 12: The number of people in prison for drug crimes declined 62% and for property crimes declined 43% in five years.

People in prison by controlling offense type, FY16 vs. FY21



Women are more likely to be in prison for nonviolent crimes, and this dramatic drop in imprisonment for drug and property crimes disproportionately impacted women, leading to a 30% decline in women in prison, compared to a 20% decline in men in prison. (See Figure 13.) This decline was the primary reason Oklahoma fell out of the number one spot for women's imprisonment in the country in 2019 for the first time since 1991.

Figure 13: Female prison population declined 30% since 2016.
People in prison by gender, FY16 vs. FY21



In just five years, Oklahoma has reduced crime, the number of unnecessary felony charges filed, the prison and jail populations, and the number of people in prison for nonviolent crimes, especially drug offenses. The improvements that have been made to the criminal justice system show that progress is possible.

The story of Oklahoma's journey to a truly fair, safe, and just system is long, though, and it is not over. Chapter Two of this report looks at how much more work lies ahead.

Chapter Two: More Work to Do

Voters, Republican leaders in Oklahoma's House and Senate, and Republican Governors Mary Fallin and Kevin Stitt have taken the first steps, but more work remains to reduce Oklahoma's incarceration rate and strengthen its economy, communities, and families.

The progress described in Chapter One has changed the trajectory of the criminal justice system in Oklahoma, but it hasn't fixed it. Oklahoma still has the third-highest overall imprisonment rate in the nation and continues to imprison more of its residents than neighboring states and the country as a whole. (See Figure 14.) Oklahoma also still has the second-highest women's imprisonment rate, surpassed only by Idaho, and high—and growing—racial and ethnic disparities in who goes to prison and for how long.

While Oklahoma did see declines in prison and jail populations during the COVID-19 pandemic, these were significantly smaller than in other states. From the end of 2019 to the end of 2020, the average state prison population decreased 15%, a 50% larger decline than experienced in Oklahoma's prison system.⁸

One of the key reasons Oklahoma's imprisonment rate is so persistently high, despite all the positive reforms seen above, is the very long time people in Oklahoma still spend in prison compared to those in other states. The median time served for people released in Oklahoma's prisons in FY 2021 was a full year longer than the national average.⁹

Figure 14: Oklahoma has the third-highest imprisonment rate overall and second-highest for women.
Imprisonment rates per 100,000 residents by state

Top 5 Imprisonment Rates Overall		Top 5 Imprisonment Rates for Women	
Mississippi	584	Idaho	110
Louisiana	581	Oklahoma	106
Oklahoma	559	South Dakota	96
Arkansas	529	Arizona	94
Arizona	495	Wyoming	91
State average	315	State average	42

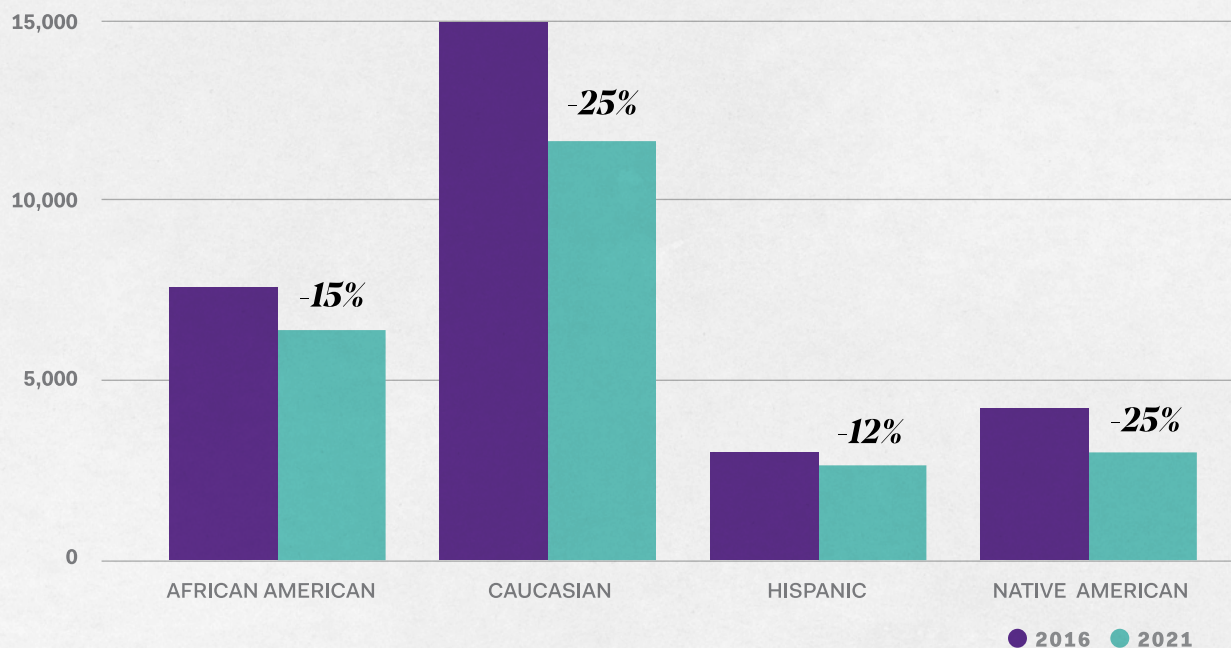
Source: Bureau of Justice Statistics, National Prisoner Series

There are other concerns with the progress that has been made. Black people are significantly overrepresented in Oklahoma's prisons, and though the decline in the prison population did positively impact them, the change did not impact them as much as it did white and Native American people. (See Figure 15.) Because of this, the overall disparity is slightly larger now than in 2016. This is in contrast to the national prison population decline over the last decade, which has reduced overall racial disparities in state prisons.¹⁰

The data tells us where to look, but it doesn't truly explain what is wrong or why. The stories shared by practitioners, policymakers, and directly-impacted people around the state emphasize and explain the many problems that remain in the system. We focus in the remainder of this chapter on understanding the problems within the criminal justice system and caused by that system for Oklahomans, first starting with reverberations in the state's economy, then exploring how the system impacts communities, and finally coming to the heart of Oklahoma: the state's families.

Figure 15: The decline in prison population was concentrated among white and Native American people and exacerbated, rather than reduced, racial and ethnic disparities in incarceration.

Prison population by race/ethnicity, FY16 vs. FY21





Economy

Local businesses across the state are struggling to find workers, and the criminal justice system continues to be one of the biggest drags on the economy. As a result of the thousands of people sent to prison every year, Oklahoma's businesses are understaffed, state and local governments are losing much-needed tax revenue, and everyday people are losing their ability to provide for themselves and their families. Oklahoma needs to find a way to hold people accountable while also giving them second chances to continue working and supporting their families.

This section uses data and stories to explore the ways in which Oklahoma's criminal justice system has constricted the state's economic growth by removing people from the workforce, subjecting them to harsh sentences, and then imposing significant barriers to their return to work. At the root of this problem is overcriminalization, coupled with unnecessarily harsh sentencing practices and release restrictions that lead people to spend far longer in prison than in much of the country, costing the state millions while offering taxpayers no more safety in return.

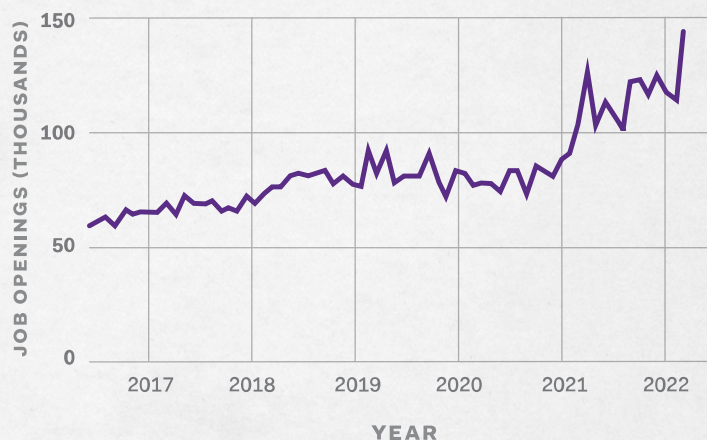
Workforce

“The only thing you care about is what I’ve done. You don’t care how far I’ve come past that?”
— Sherry, formerly incarcerated woman

Oklahoma’s economy proudly boasts a labor force of over 1.8 million people and an unemployment rate under 3%.¹¹ This is the largest labor force and lowest unemployment rate the state has seen in over a decade, a resounding rebound from the 12.6% unemployment rate just two years prior at the onset of the COVID-19 pandemic.¹² This resurgence of the labor force, however, has been insufficient to meet the needs of a growing Oklahoma. There are nearly 150,000 unfilled jobs across the state (see Figure 16), the highest number in over a decade.¹³ The state faces critical labor shortages in the skilled trades, especially in the electrical, plumbing, and engineering fields, as well as in a number of industries historically dominated by women, including education, nursing, and caregiving.¹⁴

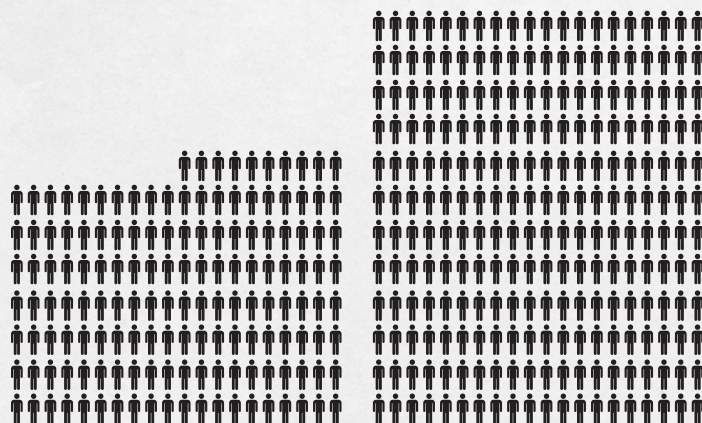
Figure 16: There are nearly 150,000 job openings in Oklahoma today, more than 2.5 times as many as there were in July 2016.

Monthly job openings in Oklahoma, July 2016 - March 2022



Bureau of Labor Statistics, seasonally adjusted nonfarm jobs

By sending too many people to prison and placing obstacles to work when they return, the state’s criminal justice system is keeping the economy from reaching its true potential. **In Oklahoma, an estimated 1.2 million people (more than 1 in 4 Oklahomans) have a felony or misdemeanor court charge or arrest on their record, about half of whom have at least one conviction.**¹⁵ Of those, an estimated 240,000 people living in the state have a felony conviction record—which can be both costly and requires years to expunge—and around 90,000 have been to prison.¹⁶



150k
monthly job
openings

240k
people with
felony records

The barriers people with criminal records face in returning to the workforce have direct implications for their earnings. People with a misdemeanor conviction earn an estimated \$5,100 or 16% less each year than those without that record, and people with a felony

People who have been to prison lose an estimated \$7,100, or 52% of annual earnings, following their incarceration.

Estimated annual earnings lost by type of criminal justice system involvement



Source: Estimates based on U.S. Census data, using methodology developed by Shannon et al. (2017), Craigie et al. (2020)

conviction earn an estimated \$6,400 or 22% less annually.¹⁷ A period of imprisonment is even more costly, with formerly imprisoned people earning an estimated \$7,100 or 52% less each year, taking home just \$6,700 annually.¹⁸

The individual and collective consequences of these records for the state and for Oklahomans are tremendous. **Research into the lives of millions of formerly incarcerated people nationwide has found that as a population, they experience unemployment rates of over 27%, nearly five times the rate for the general population and beyond the peak rates in the U.S. during the Great Depression.**¹⁹

A criminal record places people at a significant disadvantage in securing and holding onto stable jobs, critical to their ability to provide for themselves. Men and women who've been able to secure employment after incarceration are often turned away from the specialized fields they used to work in, and forced to accept employment at lower wages and in entry-level roles. Sharon, a mother and now a grandmother, was a certified nursing assistant before she spent 18 months in state prison for writing a bad check. Far from returning to the position she was trained

to perform, the only jobs she could find after her release from prison were in the fast food industry, making significantly lower pay. Meanwhile, Oklahoma's medical field today is severely understaffed and skilled workers like Sharon are in high demand.

Even behaviors that don't rise to the felony level can follow a person for decades, impacting their ability to secure work. Several people interviewed shared the story of an Oklahoma woman who, exhausted at the end of her shift working the register at a convenience store, accidentally did not check ID when selling a pack of cigarettes. Now 20 years later, she was turned away from a job because a police officer gave her a ticket that night, resulting in a misdemeanor criminal record.

Unfortunately, these stories are far from the exception. Even people who seek out every opportunity available to further their education and earn higher degrees are stymied both while behind bars and beyond their incarceration. As one woman explained, "When I was in the penitentiary, I had all the degrees they could offer." Seeking support from prison and reentry staff, she was dismissed at every step: "It was like, we couldn't

help you in there. And it's not going to help you on the way out."

Another woman, Sherry, a mother of three, decided to pursue training to become an architectural drafter, hoping to avoid the unpredictable layoffs she'd experienced when working odd jobs and trades work following her release from prison. She applied for a full-time yearlong program, submitted strong letters of recommendation, and yet was denied admission to the program on the basis of her felony conviction. It was as if "the only thing [they] care about is what I've done," Sherry said, and not "how far I've come past that. What did I do so bad that I cannot get an education?"

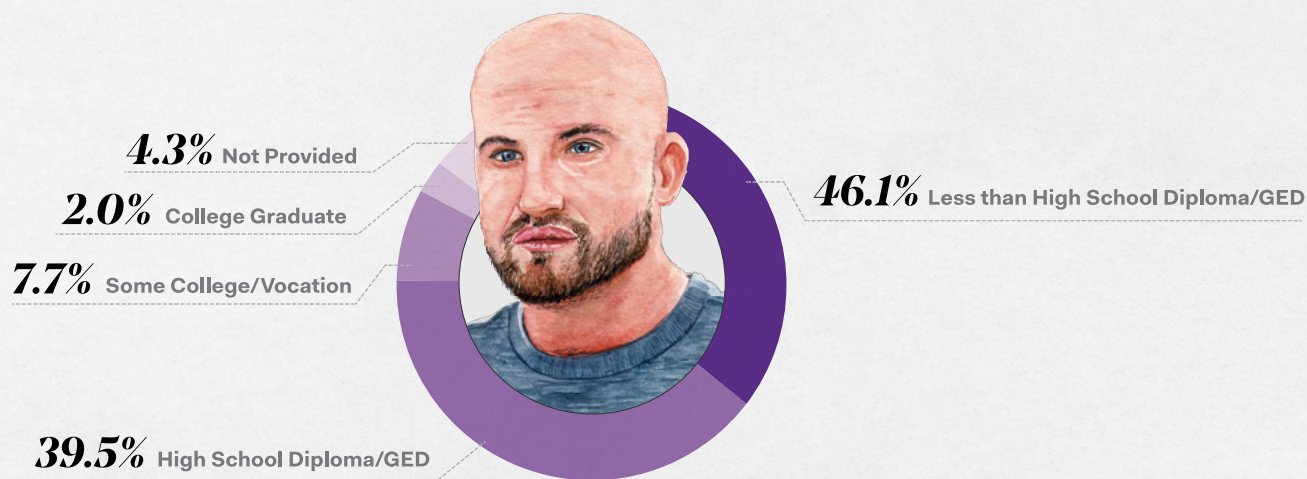
Luckily, Sherry's story didn't end there. Following a chance encounter at a social gathering with a staff member of the drafting school, and after enlisting her member of the Oklahoma House of Representatives to submit materials on her behalf, Sherry was able to pursue a formal appeals process to reverse her

denial. Upon enrolling in the training program, she built strong relationships with her teachers, leading to job opportunities in the field. Today she travels the country doing survey drafting work for corporate retail stores as they prepare to remodel.

Excluding people with felony records from accessing educational and vocational training programs punishes people with the fewest resources and least economic mobility, entrenching cycles of poverty and making it even more difficult for their families to get back on track. Of the more than 6,000 people admitted to state prisons in FY 2021, 46.1% had not completed high school, and 85.5% had no further education beyond a GED or high school diploma. (See Figure 18.) While women admitted to prison were twice as likely as men to have some college education or vocational training prior to their incarceration, just over 2% of people in prison overall had a college degree at the time of admission. For comparison, 88.6% of Oklahoma residents aged 25 or older are high school graduates, and 26.1% have a Bachelor's degree or higher.²⁰

Figure 18: Nearly half of the people entering Oklahoma state prisons have not completed a high school diploma, compared to 11.4% of Oklahoma residents.

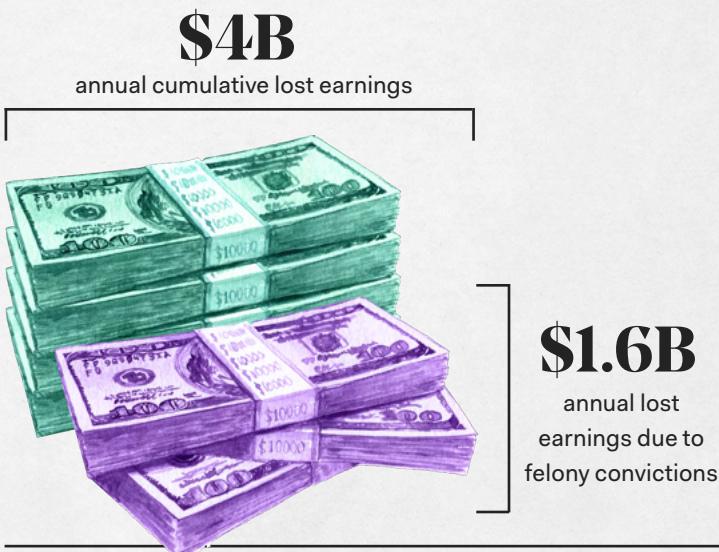
Oklahoma prison admissions by highest level of education completed, FY 2021



While the loss of earnings poses particular challenges in the immediate years after justice involvement, the cumulative effect over one's lifetime is to further entrench formerly incarcerated people and their families in poverty and exclude impacted populations from wage growth.

Over the course of their careers, people with a criminal conviction earn an estimated \$100,000 less than those without a conviction, and people who experienced imprisonment earn an estimated \$484,000 or nearly half a million dollars less than their counterparts who have not been behind bars. Moreover, as the researchers behind these calculations have noted, these setbacks do not even begin to "account for missed opportunities for additional wealth generation," from "Social Security benefits to accrued interest on retirement accounts to forgone investment opportunities."²¹

Considering the broad reach of Oklahoma's criminal justice system, these estimates suggest that criminal convictions cost people in Oklahoma an estimated \$4 billion annually in cumulative lost earnings, including \$1.6 billion each year just due to felony convictions.²² This estimate is based on the earnings losses in the early years of one's career, and does not account for the far greater disparities in mid- and late-career stages. The \$4 billion in lost earnings represents all the investments families could not make—toward the purchase of a home, the financing of a child's education, the payment of medical procedures, and assets to leave to future generations.



But it's not just individual people and families that lose out. If not for those conviction- and incarceration-related earnings losses, Oklahoma could be collecting another \$182 million each year in income tax revenue, funding that would serve the state's infrastructure, education, and healthcare needs.²³

Businesses also lose out on the opportunity to hire talented employees. As Doug, a second-chance employer who himself spent 21 years in prison, tells it, one of his best employees has a felony record: "His mother-in-law is the general manager of a very similar business to what I have. She couldn't hire him because most of the work they do is government work, so I hired him. He's worked for me for both of my companies now. He's the best driver, the most committed person that I've got. He's amazing. I wish I could clone him and have ten of him working for me. But he couldn't get a job anywhere else. And it's ridiculous that a person with his work ethic, and his desire to take care of his wife and his daughter, who's in college now, can't get gainful employment."

There is an even greater loss to the economy beyond the loss of dollars and cents: the loss of human capital that occurs when a state turns its back on a whole population of people. Enormous talent and potential lie within the men and women caught up in Oklahoma's criminal justice system, and the vast majority of it goes unrealized while people are locked away in prison. Communities with the fewest resources are tremendously resourceful, forced to rely on their ingenuity and tenacity in the absence of outside investment. When given the opportunity to access critically-needed support and to avoid incarceration, their true power shines through.

Four years ago, Maria experienced the unimaginable when she woke up in a bed in the local hospital's burn unit two days after a tragic fire overtook her family's home. She soon discovered that not only had she lost her beloved baby daughter, but she'd been accused of orchestrating her death. A survivor of domestic violence, Maria was insistent on having an opportunity to speak and share her story. Facing a 20-year prison term and an 85% minimum time served requirement, Maria sat in jail for ten months



Maria, a mother currently on probation, catering an event in May of 2021.

awaiting trial and praying that it was all a bad dream. "I realized I'm going to prison and I don't know why," she shared recently.

When she was accepted into Just The Beginning, a diversion program for justice-involved women, Maria's path began to change. Prior to the fire, Maria had enrolled in culinary school, quickly rising to become a star student and an award-winning chef. After her release from jail, she picked back up where she left off, this time with the support she so dearly needed in the wake of the devastating fire. She said, "Now I'm three years sober, and I started a business and a nonprofit in my daughter's name." Maria's nonprofit offers healthy cooking classes and helps victims of house fires rebuild their lives, while her catering business has flourished.

When the pandemic began, Maria pivoted to wholesale baking for She Brews Coffee House, a local coffee shop in Tulsa owned by Rhonda Bear, who has also experienced incarceration and seeks to support others. Once events picked up again, Maria was able to

return to catering. Maria's successful catering business also seeks to pay the support she received forward: "I hire women coming out of incarceration and train them in the culinary field," Maria explains. In the three years since her release from jail, Maria's culinary skills have led her to cater for government officials—police officers included—and to be featured at the Southern Hills Country Club where she was chosen as a chef to lead culinary demonstrations at the KitchenAid Fairway Club for a recent PGA Golf Tour. As one satisfied guest remarked at Maria's very first catering job, her food "tastes like it was cooked with love."

She is proud of all she's accomplished, "but I know women personally who didn't do anything, so they took their case to trial, and got 30 years." Moreover, in order to secure her release from jail to the diversion program, Maria accepted a ten-year probation term, for which she will pay monthly supervision fees, and has a felony conviction on her record despite being the victim, rather than the perpetrator, of a tragedy.

HOW DID WE GET TO THIS POINT?

Oklahoma charges an enormous number of behaviors and activities as felony crimes, disrupting people's lives and leading to devastating economic consequences. Far from deterring crime, many offenses in Oklahoma come as a surprise to its residents. As one woman who was recently released from a four-year prison sentence described it, "You get locked up with people and," after learning their stories, "think 'that's a crime? I had no idea.'" A person who finds a lost smartphone and fails to make reasonable attempts to return it may be convicted of larceny of lost property and sentenced to prison.²⁴ A telemarketer who fails to identify themselves on the phone multiple times may be convicted of a felony in Oklahoma and sentenced to two years in state prison.²⁵ A farmer who fells a tree on another person's land could be sentenced to five years in prison and fined \$10,000 for the crime of wrongful injuries to timber if the lumber is worth more than \$200.²⁶ And if a person accepts a chicken or other domestic fowl that they know is stolen, they face a felony conviction and up to five years in prison for grand larceny of a stolen fowl.²⁷

These examples may seem like rare occurrences, but Oklahoma law codifies over 1,100 crimes as felonies and any one of them can result in a prison sentence and permanent criminal record.²⁸ Nearly a quarter of a million felony cases were filed in the state between FY 2016 and FY 2021, including nearly 34,000 in FY 2021 alone.²⁹ The majority of people in Oklahoma living with a felony conviction on their records faced system involvement for low-level offenses, and many of those behaviors would not constitute a felony in other states. Yet long after a prison or probation sentence has ended, the collateral consequences of a criminal conviction—particularly for jobs in need of an occupational license—remain.

Oklahoma requires occupational licenses for 380 distinct occupations, including for over 40% of lower-income occupations surveyed in a recent study.³⁰ Licenses are required to become a barber, a cosmetologist, a hair braider, a plumber, an HVAC contractor, an athletic trainer, or to sell security cameras.³¹ These licenses pose significant barriers to people seeking stable employment. In order to secure a license, a person must pay fees and meet the education, work experience, and training requirements, which may carry burdensome application costs of their own. Even fees on the lower end of the spectrum will prove prohibitive for many who exit prison and face their own accumulated debts for fines, fees, and court costs related to their conviction.

Beyond the obstacles faced by every aspiring professional, a number of professions explicitly refuse to license Oklahomans with a felony conviction, even when it has nothing to do with the role or responsibilities of the job. As of 2019, there were at least 50 professions with permanent licensing bans for anyone with a felony record, and over 50 more for which a felony record could be grounds for disqualification.³² Driver's education instructors, interior designers, racehorse trainers, and landscape architects are among the professions with complete bans on people with felony records. Real estate brokers, veterinarian technicians, drug and alcohol counselors, and physical therapy assistants are among

those who may lose their licenses or be disqualified from licensing due to a felony record.

Amid historic labor shortages in the wake of the COVID-19 pandemic, business leaders and the Oklahoma state legislature have begun to take notice. In May 2022, Republican Governor Stitt signed into law SB 1691, legislation to reduce some of the harm caused by exclusionary policies that allowed state licensing boards to reject applications due to an individual's criminal record. When the new law takes effect on November 1, occupational licensing and certification authorities will no longer be able to deny applications due to prior involvement in the criminal justice system, unless that involvement "substantially relates" to the role and "poses a reasonable threat to public safety, health or welfare."³³ Moreover, it prohibits authorities from denying applications on the basis of arrests not leading to conviction, sealed or expunged convictions, or convictions and incarceration stays after five years. It remains to be seen how this law will be implemented or if people who have already been denied licenses will reapply under the new rules.

Harsh Sentencing and Restrictive Release Policies

“I took a plea deal because my lawyers were afraid.”

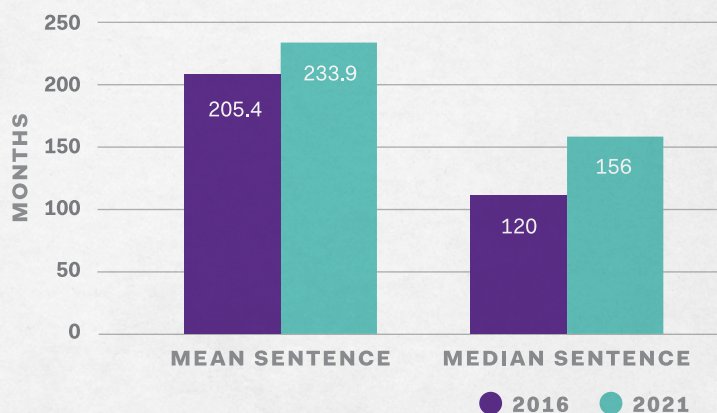
- Larissa, woman currently on probation

Oklahoma's harsh sentencing laws and restrictive release policies are driving over-incarceration and worsening economic outcomes for people across the state. Research has long found that harsher sentences do nothing to deter future crime, and may in fact increase recidivism.³⁴ Yet the criminal code continues to allow, and prosecutors and judges continue to embrace, extraordinarily punitive sentence terms for all sorts of behavior. The repercussions of these long sentences and resulting prison stays will reverberate for decades.

Prison sentences in Oklahoma are extremely punitive, and they're getting longer by the day. In FY 2021, the average person in the state prison system had a 233.9-month (19.5-year) sentence, a 28-month increase from FY 2016.³⁵ (See Figure 19.) In fact, as

Figure 19: Prison sentences have grown significantly since FY 2016, with mean sentences increasing by 28 months to 19.5 years and median sentences increasing by 36 months to 13 years.

Prison population snapshot by mean and median sentence in months, FY16 vs. FY21



of July 2021 there were 8,027 people imprisoned on sentences of 20 years or more—higher than Oklahoma's entire prison population in 1984. Black Oklahomans disproportionately bear the burden of these long sentences, accounting for 32% of all people serving sentences of at least 20 years despite making up just over 7% of the state population.

But harsh sentences stretch far beyond the 20-year mark. A startling 3,774 people in prison are facing the prospect of spending the rest of their days behind bars as they serve out life or virtual-life sentence terms.³⁶ One in every 10 women and 1 in every 6 men in prison as of July 2021 have been sentenced to die in prison. More than a third of those people serving life or virtual-life sentences right now are Black, and more than a third of them are already 55 years old or older.

In one case that went to trial in Oklahoma City, a person received a 100-year sentence for what was essentially a high-speed chase in which no one was hurt. In another instance, a man got into a fight and beat up another man at a party. The victim is fine now, but the person who started the fight was issued a 200-year sentence.

WHY ARE SENTENCES SO LONG?

Felony sentences are impacted both by the extremely high number of offenses eligible for life sentences, and the frequent application of an enhanced punishment for individuals with a prior conviction. A remarkable 1 in 10 of the state's 1,105 felonies explicitly provide for the possibility of a life sentence.³⁷

Unlike other states, Oklahoma does not organize its criminal code into any standard classification system with proscribed sentencing ranges for each class or category.³⁸ Every crime and every sentence is thus listed individually across the criminal code, laying the foundation for a chaotic system of sentencing ranges that are arbitrary, harsh, and wasteful. Even if the ultimate sentence ordered by a judge does not reach a life term, the threat of spending a life imprisoned is enough to compel all but the most well-resourced people to accept plea bargains rather than risk their futures by going to trial.

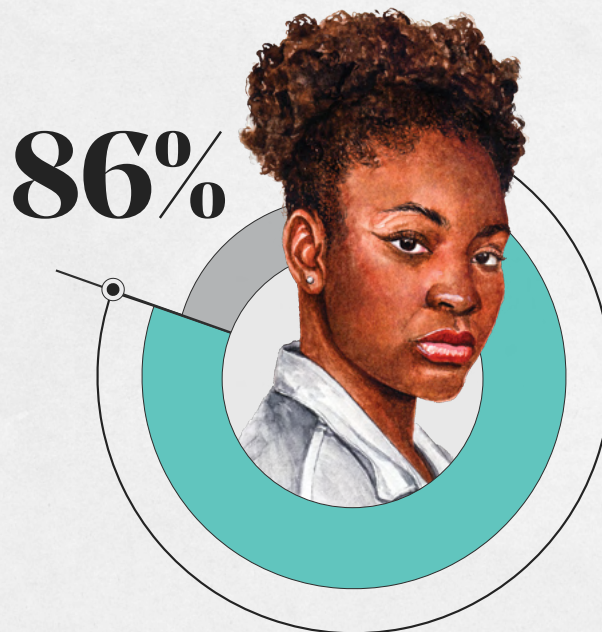
Yet sentencing ranges for individual crimes do not alone explain Oklahoma's unusually long prison sentences. Rather, the severe sentences requested by district attorneys and ordered by judges are a direct result of the state's expansive use of harsh sentence enhancements for all types of offenses, violent and nonviolent alike. These enhancements allow district attorneys to recommend sentences that begin at double or triple the minimum term otherwise assigned to that crime, and range up to sentences of life in prison for all but a handful of the most common felonies.³⁹ **Nearly any person who commits a felony within ten years of completing a prison, probation, or parole sentence is eligible for a sentencing enhancement under the state's enhanced punishment statute, 21 Okla. Stat. § 51.1.**

That's how 24-year-old Horace was sentenced to ten years for possessing drug paraphernalia and marijuana with the intent to distribute. It's how 40-year-old Army veteran Jared was issued a 12-year sentence for stealing while dealing with a substance use disorder. And it's how 47-year-old Charles was issued a life sentence for burglarizing two empty houses. Each had at least one nonviolent prior conviction, mostly for similar drug and property offenses, and each faced prosecution to the full extent of the law.

Though the use of the enhanced punishment is not required, research into its prevalence for even the lowest-level felony offenses found that DAs seek these sentence enhancements

in the vast majority of cases where they are applicable. A case-file review of a randomized sample of 528 people admitted to prison in FY 2019 for a nonviolent offense and with at least one nonviolent prior conviction found that the enhancement penalty was requested in 86% of these eligible cases and applied in 80% of eligible sentences.

District attorneys seek sentence enhancement penalties reflexively, requesting the enhancement in 86% of cases sampled involving nonviolent offenses.

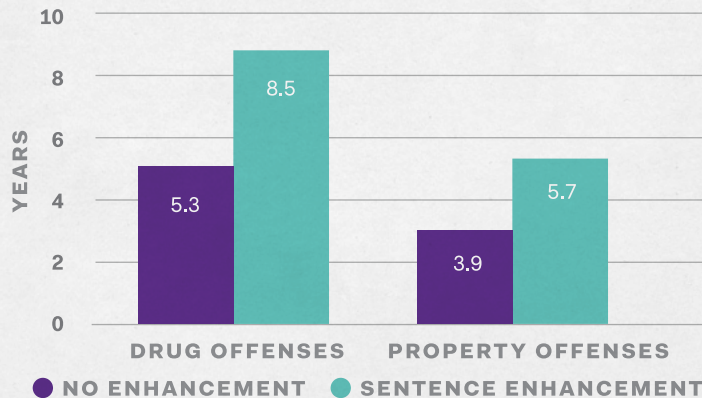


The consequences for the resulting sentence terms are stark. These additional penalties led to sentence terms that were 60% (3.2 years) longer on average for people convicted of drug crimes. For people convicted of property crimes, their sentence terms were 46% (1.8 years) longer. (See Figure 20.)

Oklahoma's restrictive mechanisms for release from prison—including an 85% time served requirement and a historic reluctance to parole individuals—exacerbate the impact of long sentences and the enhancements that increase them.

Figure 20: The application of sentence enhancement penalties dramatically increased average sentence terms in a randomized case sample, with sentences for drug and property offenses growing by 60% and 46%, respectively.

Prison admissions for nonviolent offenses by type of offense, average sentence in years, and use of sentence enhancement, FY 2019



Source: Sample of 528 randomly selected people admitted to prison for a nonviolent offense with one or more nonviolent prior offenses

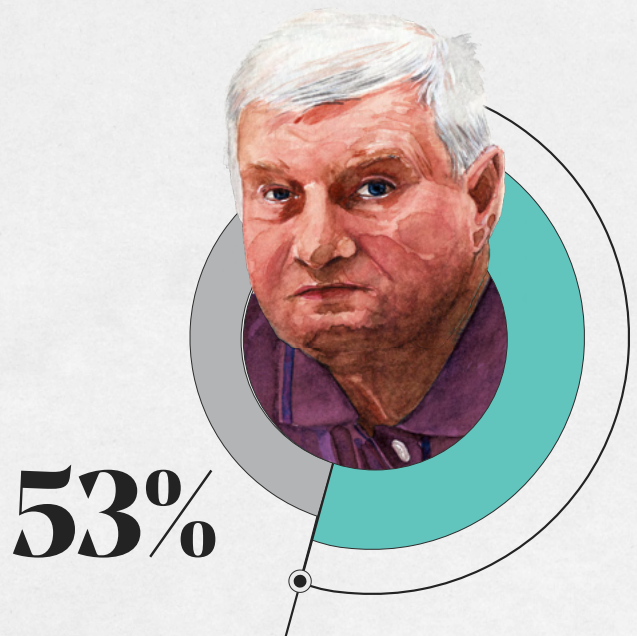
The state's "85% rule," enshrined in 21 Okla. Stat. § 13.1, is one of the policies most responsible for aggravating the over-incarceration crisis and resulting in decades-long prison stays. The law outlines 22 so-called "85% offenses," serious or violent offenses that carry an 85% minimum time served requirement. Unlike the rest of the general prison population, people convicted of one of these 22 offenses are not eligible to benefit from credits toward an early release by participating in programming, treatment, or other institutional opportunities until they've crossed that 85% threshold. As one woman shared recently, she was with her boyfriend when he robbed a convenience store, and despite not participating in the crime, "I was guilty by association." Facing a life sentence, she accepted a plea for a 20-year sentence, including ten years in prison and another ten years on probation, and is now subject to the 85% rule.

The vast majority of Oklahomans leaving prison are released to a period of probation after completing their term of incarceration. On average, people leaving prison in FY 2021 either at the

completion of their sentence or to begin a probation sentence had spent 51% of their sentence behind bars. Predictably, however, the individuals that were required by law to serve a minimum of 85% had spent exactly 85% of their sentence behind bars. For a 20-year sentence, that meant serving an extra eight years longer than their peers with 20-year sentences who had not been subject to the 85% rule, and an extra eight years before returning to the workforce.⁴⁰ For a 40-year sentence, that meant an extra 16 years behind bars and away from their families.

While individuals sentenced on other types of offenses are released, those with an 85% requirement continue to languish behind bars, growing to an ever-greater share of the population. As of July 2021, over 11,000 Oklahomans, or more than half of the people currently in prison, are required to serve 85% of their term behind bars, up from 37% of the population in July 2016. With sentence terms growing and over 1,000 people each year admitted for 85% crimes, the share of the population required to serve until that threshold will only continue to climb.

Just over half (53%) of the people in prison are subject to the 85% minimum time served requirement, up from 37% of the prison population in FY 2016.



Oklahoma currently spends approximately \$455,000, or nearly half a million dollars, to hold a single person in prison for 20 years. As a result of Oklahoma's harsh sentencing practices, taxpayers will spend an estimated \$3.7 billion to hold the 8,027 people currently in prison with sentences of 20 or more years.⁴¹



This is particularly true for women in prison today. Nonviolent crimes make up four of the top ten crimes for women in prison in FY 2021, and the other six top offenses for women are classified as either violent and/or 85% offenses, meaning women with these convictions must serve the vast majority of their prison sentence before they are eligible for release. These crimes include child abuse or neglect and manslaughter in the first degree, two crimes that women are frequently charged for violence committed by others or accidents involving young children. The overuse of those charges is discussed in greater detail in the *Family* section below.

People in prison for offenses classified as “violent” are excluded from accessing some of the limited programming available in

prison, and people required to serve 85% of their sentence are often at the bottom of program waitlists, as slots are prioritized for people with upcoming release dates. As one currently incarcerated person explained, “Personally, I feel that the justice system doesn't really give those with long sentences the opportunity to help themselves, and those with short sentences [don't get] the tools needed to keep them from coming back. It feels like some are just occupying space.”

By restricting eligibility for early release until people serve 85% of their term, these policies also remove the positive incentives many states have relied upon to encourage positive behavior while in prison and help people successfully reenter society after release. The same is true for those serving life sentences. An incarcerated

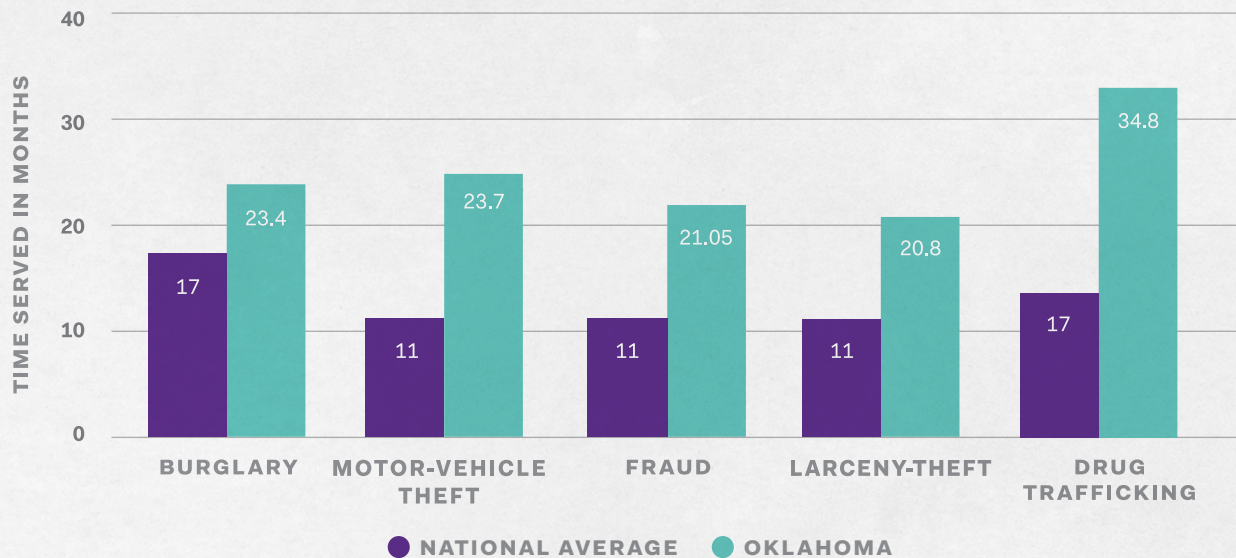
woman noted, “I feel ‘lifers’ ought to get a chance to show the justice system that we are not what people say we are when we never got a chance to do so.”

Parole, the most common mechanism for early release from prison in states across the country, is remarkably absent from the release story in Oklahoma. For those who are not subject to the 85% requirement, a release to parole provides an opportunity for people to earn an earlier return home under certain restrictions of parole supervision. Yet despite widespread eligibility in Oklahoma, just 11% of people released from prison are released to parole.

Long sentences combine with the state’s restrictive release policies to produce substantially longer prison stays than in states across the country. People in Oklahoma spend nearly twice as long incarcerated for common property crimes like larceny and fraud, and more than twice as long for motor vehicle theft, than the typical state in the U.S. (See Figure 21.) Oklahomans spend more than twice as long for drug sale or trafficking convictions—35 months in Oklahoma compared to an average of 17 months in other states. Moreover, for violent crimes carrying the longest sentences, Oklahomans spent 21% longer behind bars.

Figure 21: People in Oklahoma spend around 90% longer in prison for larceny, theft, and fraud, 105% longer for drug sale and trafficking, and 115% longer in prison for motor vehicle theft than in the average state.

Median time served in months for common property and drug crimes in Oklahoma vs. national average



Source: Bureau of Justice Statistics, National Corrections Reporting Program, 2018; Oklahoma Department of Corrections, FY 2021

Cost to State and Local Governments

“Oklahoma taxpayers deserve a return on their investment and our current criminal justice system hasn’t delivered.”

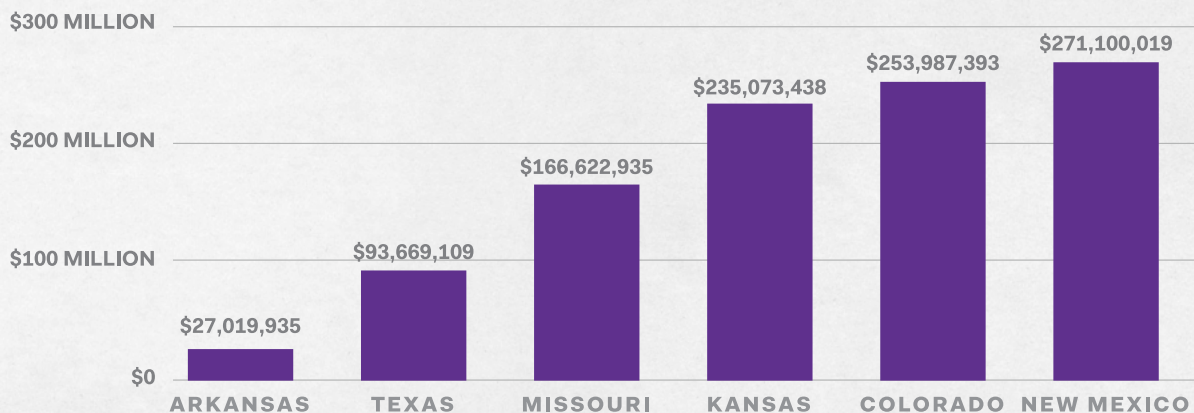
— Jon Echols, Oklahoma House Majority Floor Leader

This overreliance on imprisonment comes at a monumental cost to taxpayers. The state spent \$22,750 on average to imprison a person in their custody in FY 2020, and that figure soared to over \$39,500 for people in maximum security prisons. Using those figures, the state can expect to spend between \$455,000 and \$790,000 on a single person’s 20-year prison stay, without accounting for inflation and rising medical costs of an aging population. A 40-year stay in prison quickly rises to \$910,000, and grows from there. When faced with the cumulative cost of a single person’s prison term, it becomes a lot harder to comprehend the return on spending \$400,000 or \$900,000 to lock up a single person for decades.

Oklahoma’s lengthy sentences take an extraordinary amount of capital to sustain. The state of Oklahoma spends \$552 million—or more than half a billion dollars annually—to run its prison system. Thanks to the critical reforms passed in recent years (described in *Chapter One: Progress*), Oklahoma has made important headway in reducing its overreliance on imprisonment. Yet Oklahoma still has the third-highest overall imprisonment rate in the nation, imprisoning 77.5% more people relative to its population than the average state. Oklahoma also has the second-highest women’s imprisonment rate in the country, imprisoning more than twice as many women than the average state. If the state used its prison system in the ways that neighboring states do, the state could save anywhere from \$27 million (Arkansas) to more than \$270 million (New Mexico) each year. (See Figure 22.)

Figure 22: Oklahoma would save \$271 million annually if it had the imprisonment rate of New Mexico.

Annual savings if Oklahoma imprisoned people at the rate of neighboring states



Source: Bureau of Justice Statistics, U.S. Census, Department of Corrections 2020 actual expenditures on a per-person basis



This spending is in addition to the estimated \$4 billion dollars of earnings lost each year in the workforce due to criminal records and \$182 million in annual tax revenue losses outlined above. Moreover, it does not include the costs of running the local jails where people are held pretrial, nor the costs to operate the court system.

The statewide labor shortages affect not just local businesses but also the very agencies tasked with administering the criminal justice system. As of December 2021, Oklahoma's Department of Corrections was experiencing a staffing shortage of nearly 500 people.⁴² As a result of understaffing, the state spent \$17.3 million on overtime pay in FY 2021, and a total of \$80.8 million over the last five fiscal years.⁴³ In 2021, the state legislature appropriated \$8 million to retain more correctional officers by increasing pay or offering bonuses.⁴⁴ Desperate to recruit new employees, the department also pursued legislation that would lower the minimum age required to work in state prisons from 20 years old to 18.

The degree of understaffing makes the staff and the people imprisoned alike particularly vulnerable to harm through violence and other types of emergencies. As one legislator warned, the understaffing creates unsafe environments for everyone in the facilities and "could even result in ODOC being deemed criminally negligent for continuing to tolerate, with reckless disregard, a correctional officer shortage."⁴⁵

In many ways, even the turnover among non-uniformed supportive staff can result in bureaucratic failures that cause real harm and serious deprivations of liberty. Dawn, a 47-year-old woman convicted of property and drug crimes, found this out firsthand when she was held in the Oklahoma City Community Corrections Center, where caseworkers are in short supply, paperwork is often misplaced, and individuals struggle to access the support needed to get released from custody. For Dawn, that combination of high turnover and poor recordkeeping meant spending an extra *eight months* incarcerated because the caseworker she was assigned did not believe she was supposed to be discharged.

Alongside a strained labor force, the cost of policing, prosecuting, and ultimately imprisoning people in Oklahoma has likewise grown in recent years. Since FY 2016, the state's public safety budget appropriations have grown by nearly \$186 million to over \$953 million in FY 2023. Over this period, the DOC's budget has grown by 13.9%, and it remains by far the largest state expenditure on public safety, accounting for 58% of state public safety dollars.

The state's district attorneys and District Attorneys Council received one of the largest raises for public safety between FY 2016 and FY 2023, increasing their budget by 82.2%, from nearly \$39 million to nearly \$71 million. Funding for the Oklahoma Indigent Defense System (OIDS), which provides legal counsel to those too poor to afford it, grew by less than \$9 million during this same period, from just over \$16 million to just under \$25 million in FY 2023. When combined with appropriations via the Court Fund to public defender offices in Oklahoma County and Tulsa County, the state's public defenders received just under \$36 million—barely half of the funds afforded to prosecutors across the state. Moreover, that disparity does not account for the more than \$9 million in federal funds that were granted to district attorney offices across Oklahoma over the last three years.

District attorneys' state budget grew more than three times faster than the OIDS budget.

Oklahoma Indigent Defense System

+ **\$9 million**

since 2016



Despite these significant expenses, these state-level budget figures do not begin to account for the costs to localities of administering municipal and county criminal justice systems and jails. Proposals to construct a new jail facility in Oklahoma County, for instance, have estimated construction costs of around \$300 million,⁴⁶ and those bills must be paid before a single person is hired to work in the facility or jailed there. With nearly a billion dollars spent each year on the state's public safety agencies and little to show for it, it's clear that Oklahoma is over-incarcerating, spending too much money, and not getting the public safety return taxpayers deserve.

Oklahoma District Attorneys

+ **\$32 million**

since 2016



Community

It can be easy to think of Oklahoma's criminal justice system as something that happens somewhere else—in courtrooms, treatment programs, and prison cells hundreds of miles away. But the reality is that this system is intimately entwined with Oklahoma's communities across the state. There are over 200,000 jail bookings a year, many of which last only a day or two before someone comes home and tries to get their life back on track. Over 95% of people who go to prison will come home someday.

Yet meaningful opportunities to help people get back on track, to offer treatment and resources, and to heal are rarely offered.

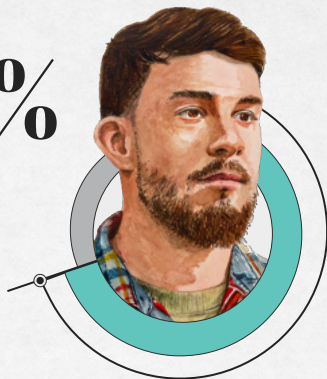
Oklahoma's criminal justice system should be focused on keeping communities safe, but instead at every stage of the system it fails to rehabilitate, protect victims and survivors, or strengthen community ties. This section walks through the major parts of the system, from pretrial detention, to sentencing, to reentry, highlighting the ways the system fails to serve Oklahomans.

Pretrial Detention and Bail

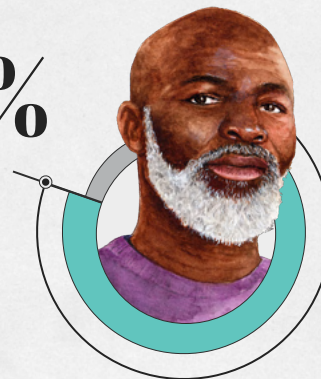
“The absolute worst thing is being poor and getting arrested.”

— Mona, incarcerated woman

70%



85%



Over two-thirds of people in jail statewide (70%) have not been convicted of a crime, and that number rises to 85% for people jailed in the Oklahoma County Detention Center.⁴⁷

Over 9,000 people are held in county jails throughout Oklahoma on any given day, leading to a jail incarceration rate of 366 per 100,000, or 41% higher than the national average of 259 per 100,000.

These jails are locally funded (often underfunded) and locally run. Oklahoma Watch reported that in 2020 more than four dozen jails across the state were cited for health and safety violations.⁴⁸

Oklahoma has the second-highest jail mortality rate in the country behind West Virginia. A study from Reuters News found that 148 detained people died in custody at Oklahoma's 11 largest county jails from 2009 through 2019.⁴⁹ The jails combined had an average annual mortality rate of 2.16 deaths per 1,000 people in jail. Of the 148 people who died in Oklahoma jails identified in the Reuters investigation, 141 were awaiting trial and had not been convicted of a crime.

Oklahoma County jail has been particularly egregious. From 2016 through 2019, the jail had 40 deaths and an average annual mortality rate of 4.77 deaths per 1,000 people in jail. The national average is 1.46 deaths per 1,000 people in jail. In 2021, Oklahoma County jail had 14 deaths in 2021, and there have been 12 in just the first seven months of 2022.

Sha'Nika, a 31-year-old mother, described the month she spent in Oklahoma County jail as "horrible." She said,

“For weeks at a time we didn’t take showers, when we did it was moldy. The kitchen was molded out so it was nothing but sack lunches. Your water is brown. You’re sleeping on the floor because they’re overpacked. ... I will never forget those 35 days.”

The impacts of pretrial detention on an individual's health and safety can be profound. Maxine, a 34-year-old woman, was incarcerated in Oklahoma County jail while pregnant. While there, she got a staph infection in her finger, was refused antibiotics, and had to have the finger partially amputated.

These effects go beyond just physical health, as even just a few days of pretrial incarceration can have a long lasting impact—a person can lose their job, their housing, their belongings, and contact with their children. Research shows impacts on employment and income from pretrial detention that can last years into the future.⁵⁰

Pretrial detention has little or no public safety benefits for the vast majority of cases. Research shows that people who are detained pretrial are more likely, rather than less, to be rearrested in the future—probably because of the loss of jobs, housing, and the mental and physical impacts that leave them worse off than they went in.⁵¹ It also costs counties millions each year. Even the new Oklahoma County jail, which will hopefully alleviate the worst problems of the current jail, will come at a cost of \$300 million and will not solve the fundamental issue—that people who have not been convicted of a crime should be free to work, take care of their families, and fight their case as best they can.

Why are there thousands of people behind bars across the state who have not been convicted of a crime? Because Oklahoma relies on a system of monetary bail to determine who is released pretrial and who is held.

Someone who is arrested and charged with a crime generally has a monetary bail amount set for their case—a dollar figure determined by the judge based on a “bail schedule” or list of bail amounts set by the county and connected to the charges brought by the district attorney. People who cannot afford to pay the full bail amount outright rely on bail bondsmen to post the full amount so the person can go home. Generally, the person or their family must pay the bail bondsmen a nonrefundable 10% fee to post bail—for example, if bail is set at \$10,000, the person or their family pays \$1,000. This money is not returned, even if the charges are ultimately dismissed. An analysis by partners at Open Justice Oklahoma estimates that statewide, people pay between \$5.1 and \$5.9 million each year to bail bondsmen in non-refundable fees for cases in which charges are eventually dismissed.

Although bail is meant to establish an incentive and oversight structure to ensure that people return to court on time, research has shown that people released to pretrial services or on their own recognizance have lower rates of recidivism than those released via cash bail.⁵² In Oklahoma, a pretrial services officer reported that bail bondsmen sometimes told their clients the wrong day for court so they would miss their hearing and the bondsmen could collect additional fees.

Many people cannot afford even 10% of their bail, and therefore stay in jail until their case can be resolved. This may be weeks, months, or even years. Teri, a bail bondswoman, was inspired to enter the field because her son was involved with drugs and got arrested with his bail set at \$50,000. “Nobody would help me. I didn't have \$5,000,” Teri recalled, “it was like them telling me he was in jail all over again. How am I going to get my son out? I had no money. You know, I was a nail tech.”

Partners at Open Justice Oklahoma looked at bonds set in 11 counties in 2021, including Oklahoma and Tulsa Counties. The median bond amount for people accused of misdemeanors varied from a low of \$500 in Oklahoma County to a high of \$2,000 in Canadian and Logan Counties. (See Figure 23 and Data Appendix.) The median bond amount for people accused of felonies ranged from a low of \$5,000 in Cleveland and Tulsa Counties to as high as \$25,000 in Roger Mills County.⁵³ For people charged with low-level misdemeanors driven by poverty, homelessness, or substance use, even \$50 may be impossible to pay.

In some cases bond is pushed higher by factors unrelated to the individual's risk to the community or of failing to appear in court. Morgan, a mother of three, had a \$178,000 bond set when she was arrested for being in a car with alleged gang members where drugs were found, even though it was not her car and they were not her drugs.

In Oklahoma County, the median bond for a felony is \$10,000, which is the same price as a used car.



When people are able to afford a bail bondsman, the cost may compound beyond the original 10% because of fees, interest, and additional charges as the case progresses. Open Justice Oklahoma estimates that Oklahoma families from just 11 out of 77 counties paid more than \$13 million to bail bondsmen in 2021.

Judges in Oklahoma do have other options besides setting monetary bail—they can release individuals on their own recognizance (without monetary bail) or to pretrial services in places that have it. However these options are rarely used

compared to bail, and the use is not systematically tracked across the state.

Any slip can result in detention. A woman defending herself on domestic assault charges was given the wrong court date by her attorneys. When she discovered that the date had passed she put together evidence to explain why she missed the date and took it to court, but the judge doubled her bond to \$50,000. Unable to pay, she was kept in custody while her child was left alone in a hotel waiting for her to come back from court.

Figure 23: Median bond amounts for people accused of a felony ranged from a low of \$5,000 to a high of \$25,000. As a result of high bond amounts, people paid more than \$13 million in bond fees to bail bonds agents in just one year across 11 counties.

Canadian

Felony

Median Bond: \$7,000

of Cases: 374

Approx. Fees Paid: \$702,568

Misdemeanor

Median Bond: \$2,000

of Cases: 412

Approx. Fees Paid: \$122,639



Garfield

Felony

Median Bond: \$7,500

of Cases: 272

Approx. Fees Paid: \$367,791

Misdemeanor

Median Bond: \$1,500

of Cases: 561

Approx. Fees Paid: \$105,125



Tulsa

Felony

Median Bond: \$5,000

of Cases: 2915

Approx. Fees Paid: \$2,997,844

Misdemeanor

Median Bond: \$1,000

of Cases: 3028

Approx. Fees Paid: \$520,449



Oklahoma

Felony

Median Bond: \$10,000

of Cases: 2849

Approx. Fees Paid: \$4,982,270

Misdemeanor

Median Bond: \$500

of Cases: 2315

Approx. Fees Paid: \$404,966

Median bond and estimated fees paid by county, 2021. Full 11-county breakdown can be found in the Data Appendix.

Source: Open Justice Oklahoma

The result is that most people, despite not being convicted of a crime, either pay nonrefundable fees for bail bondsmen to post their bail, or remain in jail awaiting trial. In FY 2018, 1 in 4 people accused of nonviolent misdemeanors in Pushmataha and Logan Counties remained in jail until their case was closed. One in 3 people accused of nonviolent felonies in Canadian and Payne Counties, and 2 in 5 people in Tulsa County, remained in jail until the disposition of their cases.⁵⁴

If someone is able to post their bail, it may impact their ability to be assigned a public defender. In 2018, SB 1021 (Paxton-R, Osborn-R, and Blancett-D) removed a rebuttable presumption that the ability to post bail meant a person was not indigent for the sake of being assigned a low or no-cost attorney. However, the law still allows judges to consider whether someone posted bail in determining indigency, and multiple people noted that it is still common to deny people public defenders if they have posted bail. One domestic violence advocate told a story about a client whose family bailed her out in order to be home for her child's birthday; the judge then denied her a public defender because they said she had enough money to afford a lawyer. This leaves many people charged with crimes with the choice between posting bail and having to fight their case without an attorney, or sitting in jail so they can be assigned a public defender.

In FY 2018, people accused of nonviolent misdemeanor offenses spent on average two to six weeks in jail before their case was resolved if they could not afford their bond. In some counties, the average person accused of a nonviolent felony spent nearly six months in jail.⁵⁵

Some cases are ultimately dismissed or they serve the maximum of their sentence for misdemeanors and are released without ever having a chance to fight their case. One veteran spent 18 months in Oklahoma County jail on a \$1 million bond before being found not guilty by a jury. He refused to accept a plea deal because he knew he was innocent and did not want to risk losing custody of his son.

Many people do not have the option or the ability to hold out for their trial. People held in jail because they cannot afford their bond are substantially more likely to plead guilty, and to receive a felony conviction, even if they did not commit the crime.⁵⁶ Staying in jail to wait for trial means being separated from one's children, job, and housing, leading to enormous pressure to accept whatever deal is offered rather than hold out to try to prove one's innocence. Chinique, a mother of seven, took a plea deal including prison time because cases were being delayed by five months and she knew she could not take another five months in jail. She explained her choice, saying,

“Five more months with no light, no outside. We were locked down like 23 hours a day. We weren't getting out to shower. ... We were having to bathe in the sink. ... I was afraid that something was going to happen to me.”

Felony convictions, potentially coerced through the torture of pretrial detention, can have devastating lifelong consequences. Before people can even reckon with the difficulties of rebuilding their life after pretrial detention, they must first face the next stage of the system: sentencing and punishment.

Conviction, Trial, and Sentencing

“It seems like some counties make their own laws.”

— Sabrina, incarcerated woman

Oklahoma's systems of sentencing and punishment are far more punitive than its neighbors or the nation as a whole, and communities suffer because of it. Research has found time and again that incarcerating people in prison or jail has either no impact on their likelihood to commit future crimes or may in fact make people *more likely* to commit crimes after their release.⁵⁷ But in the face of abundant evidence that locking people up has no public safety benefit, Oklahoma continues to convict, sentence, and imprison thousands of people each year. Due to Oklahoma's unfair sentencing system, powerful district attorneys, and the lack of high-quality alternatives, the type and length of the sentences people are issued vary dramatically across communities based on who you are, what you look like, and where you live.

The five most populous counties in Oklahoma—led by Oklahoma and Tulsa Counties—account for by far the largest number of overall admissions to prison. Yet despite substantial variation across these more populous areas, rural counties far surpass the big cities in sending more people to prison per capita. With a county population just under 27,000, Caddo County had the state's highest prison admissions rate, over double the rate of Oklahoma County. Harmon County and Jefferson County each sent people directly to prison at five times the rate of Tulsa in FY 2021, and Jackson County wasn't far behind. (See Figure 24.)

Figure 24: Rural counties, led by Harmon and Jefferson, send people to prison at much higher rates than Oklahoma and Tulsa County. Oklahoma County sends people to prison at 2.5 times the rate of Tulsa County.

Prison admission rates for new court commitments per 10,000 residents by county, FY 2021



Source: U.S. Census, Oklahoma Department of Corrections

COUNTY

One reason for these differences is the outsized power of district attorneys. District attorneys exert vast discretion throughout the justice system in choosing which cases to prosecute, which charges to bring, what plea bargains to offer, whether to request a sentence enhancement penalty, and ultimately which sentence to recommend. Critically, district attorneys in Oklahoma also act as de facto gatekeepers with the power to grant or deny access to diversion and alternative court programs. District attorneys must first waive application of the sentence enhancement in order for a person to qualify for alternatives to incarceration, due to a policy that makes anyone facing a sentence enhancement penalty ineligible for diversion, probation, or any other alternative to prison. Though the use of these enhancements are not required by law, district attorneys reflexively seek and apply these penalties even for the lowest-level cases that are eligible (see the *Harsh Sentencing and Restrictive Release Policies* section above for further discussion), shutting the door for many to access alternatives to prison.

The high level of control Oklahoma affords its district attorneys breeds unequal outcomes.

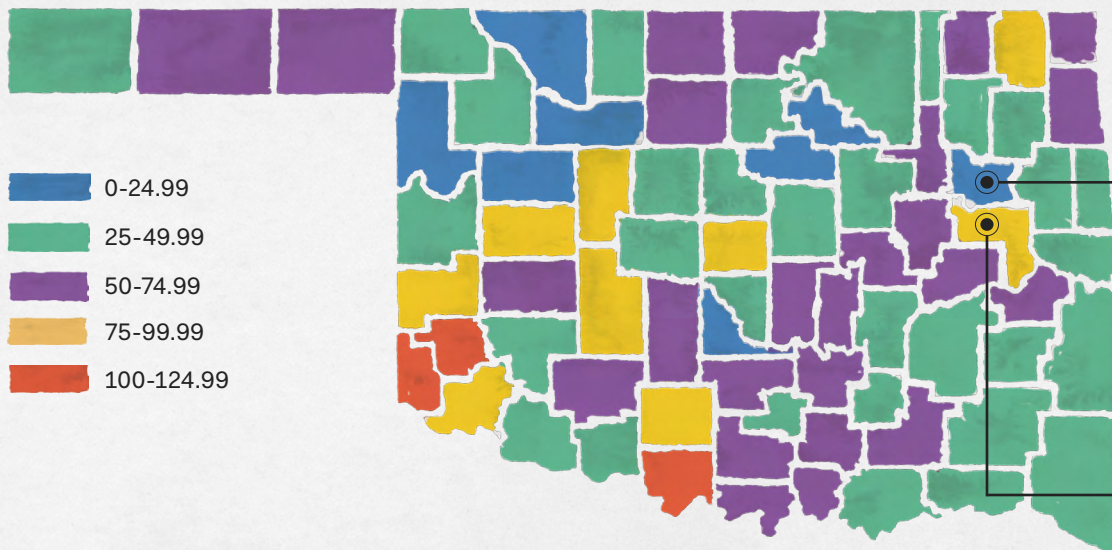
One woman who is serving a 17-year sentence for drug trafficking—her first felony conviction—described her shock at meeting a woman with a similar conviction but facing less than half the time in prison. “It seems like some counties make their own laws,” she said.

As noted above, Black people are imprisoned at 4.6 times the rate of white people. Black people admitted to prison for the most serious types of offenses had also received substantially longer sentences than their peers entering prison—seven months longer than the average white person admitted for a similar crime.

Black people from rural communities are particularly overrepresented at every stage of the state’s prison system. In the far northeast and northwest reaches of the state, DA Districts 12 and 1, respectively, have the highest admission rates for any racial group in any region in the state, admitting 115 and 112 people for every 10,000 Black Oklahomans in FY 2021 compared to a rate of 53 people statewide.

Figure 25: Imprisonment rates vary widely across the state, with rural counties disproportionately responsible for people in state prisons.

Number of people in state prison per 10,000 residents, FY 2021



Wagoner:

17.0

people in prison
per 10,000 residents

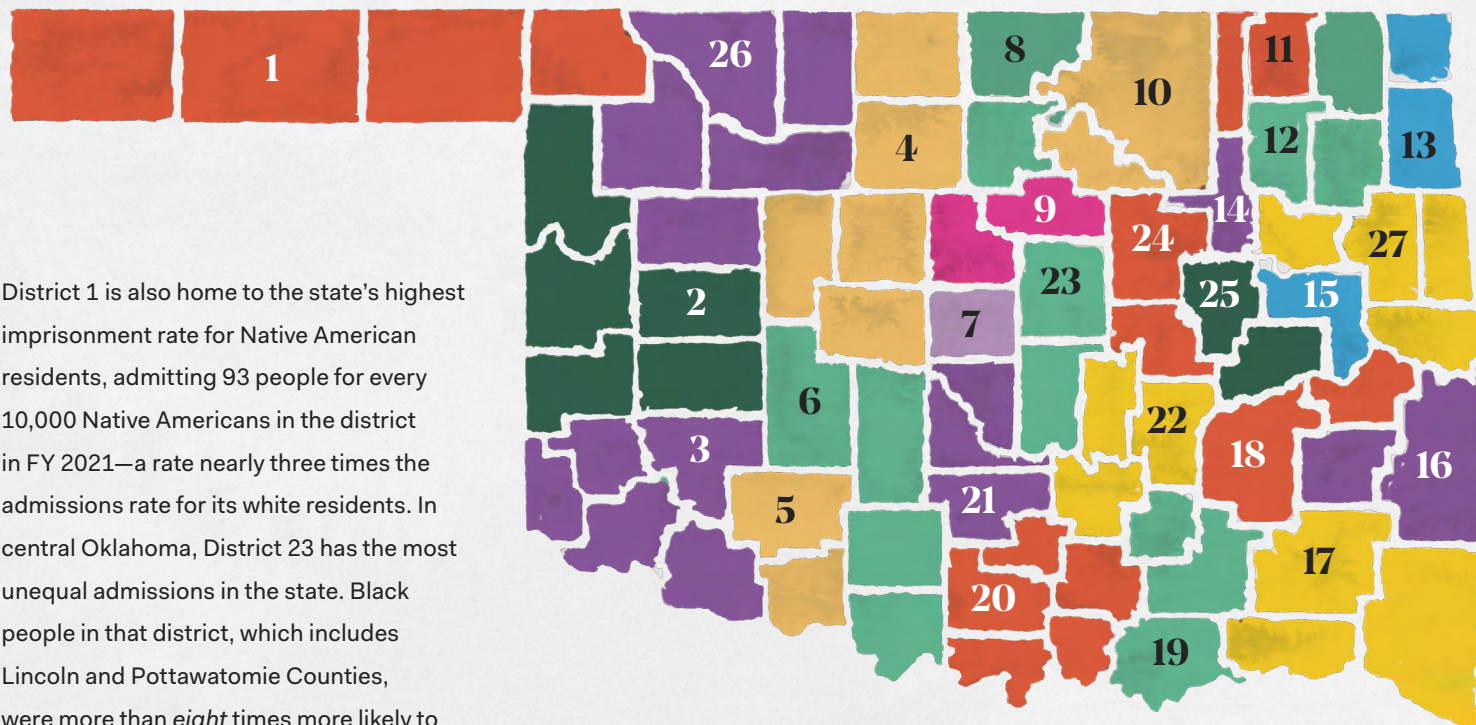
Muskogee:

93.5

people in prison
per 10,000 residents

Imprisonment rates by county and DA district can be found in the Data Appendix.

27 elected district attorneys and corresponding districts in Oklahoma cover the state's 77 counties.



District 1 is also home to the state's highest imprisonment rate for Native American residents, admitting 93 people for every 10,000 Native Americans in the district in FY 2021—a rate nearly three times the admissions rate for its white residents. In central Oklahoma, District 23 has the most unequal admissions in the state. Black people in that district, which includes Lincoln and Pottawatomie Counties, were more than *eight* times more likely to be sentenced to prison or revoked from probation than their white neighbors.

Another clear consequence of this discretion is regional variation in admissions to prison for drug and property offenses. As we saw in *Chapter One*, after voters passed SQ 780, the number of people admitted annually to prison for simple drug possession and many common property crimes plummeted, an overall decline of 31.4% in drug admissions and 9.8% in property admissions between FY 2016 and FY 2019. **Yet a key minority of the state's 27**

DA districts bucked this trend and sent more people to prison for drug and property crimes during this period in the form of both direct sentences as well as revocation of suspended sentences. Six especially punitive districts increased the incarceration of people for drug crimes, led by a 62% increase in admissions to prison from District 8.⁵⁸ Eleven DA districts (including Tulsa) also sent more people to prison for property crimes in FY 2019 than FY 2016, led by a 70% jump in admissions from District 9.⁵⁹ Across the state, there were four DA

Figure 26: Despite statewide reductions following the passage of SQ 780, four DA Districts sent more people to prison for drug offenses and for property offenses in FY 2019 than FY 2016.

Growth in admissions to prison for drug offenses and for property offenses by DA District

District	District Attorney	Growth in Drug Admissions (FY16-FY19)	Growth in Property Admissions (FY16-FY19)
District 27	Jack Thorp	41%	63%
District 16	Jeff Smith	29%	29%
District 21	Greg Mashburn	23%	26%
District 13	Kenny Wright	7%	8%

districts that sent more people to prison for *both* property and drug crimes in FY 2019 than in FY 2016. (See Figure 26.) District 27 led the pack, with 41% growth in admissions for drug offenses and 63% growth in admissions for property offenses.⁶⁰ (For a full table of admission trends by county and DA district, see the Data Appendix.)

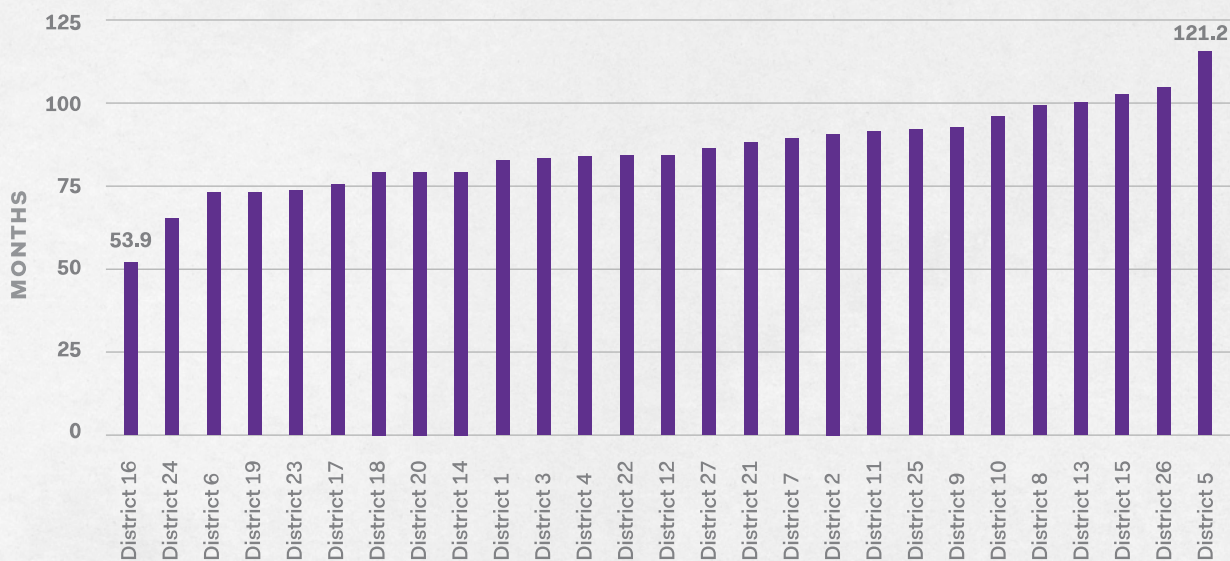
Even among those people who receive a prison sentence, the sentence terms that judges order vary dramatically from one DA district to another, creating a system of injustice by jurisdiction. People entering prison on a direct sentence or probation revocation from District 16 carried an average controlling sentence of around 4.5 years, while those convicted in District 5 had average sentences of just over 10 years. (See Figure 27 and Data Appendix.) The disparities for women entering prison were just as stark, with those convicted in District 26 facing sentences over six years longer on average than the women convicted in District 24.

Similar variation in sentencing can be found for any type of crime in the state. District 22 issued sentences of nearly seven years, on average, for those entering prison in FY 2021 for crimes against a person, while sentences in District 5 averaged over 13.5 years. People convicted of property crimes in District 25 carried sentences that were nearly four years longer than those in District 17. For drug crimes, District 12 was the most punitive on average, sending people to prison with sentences that were 8.5 years longer than their counterparts in District 10.

Although DAs are vested with expansive authority and power to influence the criminal justice system, most DA elections are non-contested in Oklahoma and across the country. A recent national study found that 74% of DA contests in counties with under 100,000 residents (which includes 72 out of Oklahoma's 77 counties) were uncontested.⁶¹ In 2022, just one out of 27 DA districts will feature a competitive general election race and only five held competitive primaries, putting Oklahoma lower than the already-low national average.

Figure 27: Average prison sentences vary dramatically across DA Districts, with sentence terms for people convicted in District 5 more than twice as long as those issued in DA District 16.

Mean controlling sentence term in months for new court commitments by DA District, FY 2021



Another reason that people are sent to prison at such different rates across the state is that many areas lack high-quality alternatives to incarceration. The limited alternative options and treatment programs that are available are not able to reach the full populations in need, due to jurisdictional and charge-based restrictions as well as resource limitations.

By far the most common approach used by judges who want to avoid issuing a direct prison sentence is to give a deferred or suspended sentence. These sentences typically require a person to plead guilty and require a term to be served on probation. **For many people—especially those who were prosecuted for crimes of poverty or crimes related to their substance use—a probation term frequently becomes just another pathway to prison.** While on probation, a person must pay \$40 each month in supervision fees and comply with a set of onerous restrictions on their day-to-day lives. Probation conditions may include curfews, limits on where one can live or who one can see, frequent check-ins at a central office during the workday and attendance at mandatory classes or treatment sessions, both of which present transportation challenges for many and make it difficult to find and keep a job. The likelihood of probation failure is particularly high after spending time incarcerated pretrial, as the experience of jailing can further destabilize a person's economic and family lives while the dangerous and unhygienic conditions in local jails can cause lasting psychological and physical harm.

Probation sentences, however, do little or nothing to address the underlying circumstances and trauma that may have preceded a person's arrest and system-involvement. Alternative court programs seek to fill this void, offering people with particular needs or backgrounds an opportunity to avoid prison by completing intensive, years-long programming under the supervision of a judge and facing severe sanctions like jail stays for noncompliance. These courts often require a felony charge or conviction to participate, and frequently are used as part of a longer suspended sentence.

Drug courts are the most common form of alternative court, with 59 drug courts available across the state.⁶² Access to courts is limited to individuals with eligible non-violent felony charges, and participants must be able to pay for regular drug testing, which can cost as much as \$100 a month in the early phases. The panhandle—whose teens and adults have above-average rates of substance use disorder—is the one region in the state without any access to a drug court.⁶³ The operations and effectiveness of the courts in the rest of the state vary greatly from one jurisdiction to another.

According to data collected by the Oklahoma Department of Mental Health and Substance Abuse Services, 2,012 people successfully completed drug court programs statewide during FY 2020 and FY 2021, accounting for 68.9% of participants admitted during FY 2018. Completion rates range far and wide, however, with just 22.2% of participants successfully completing drug court in Pittsburg County compared to over 80% of participants graduating in Garfield County.

Those who successfully graduate from a drug court program are typically more economically stable, including more likely to be employed, and with higher incomes, and more likely to be living with their children than when they entered the program.⁶⁴ Unfortunately, these programs are not available to everyone and are not the right fit for every person who may need help. Charge-based limitations and high costs exclude countless people actively seeking the treatment and supportive services that could best serve them. As one woman who is currently incarcerated explained,

“I made it all the way to phase five in drug court but was unable to pay the cost, so they held me and then terminated me.”

Even those who meet the eligibility criteria and are able to pay the costs of participation are often wary of the programs, which operate distinctly across the state. In certain counties, participants are given few opportunities to rebound from the inevitable relapses on the road to recovery, and they face even more severe incarceration terms when unable to successfully complete the intensive program. As one young mother of two noted,

“I come from Stephens County and you don’t sign up for any of those programs—you just take your time and do it,” because “if you fail they’ll double your sentence.”

In other counties, although drug courts are available, the underlying treatment programs and supportive services are hard to find.

One reason that treatment services are in such short supply is that the voter mandated funding for locally-based treatment services has not materialized in the six years since the passage of SQ 781 (see the *Progress* section for more details). Medicaid expansion in Oklahoma has increased available funding for medical treatment programs, however the circumstances of the pandemic and health-care shortages have limited program availability.

Community Sentencing is another incarceration alternative funded and run by the state at the county level. Community Sentencing brings together criminal justice and community stakeholders to oversee a program that provides intensive services to people in need. Community Sentencing is currently running in 52 out of 77 Oklahoma counties and serves approximately 2,300 at any given time (compared to almost

20,000 people on probation).⁶⁵ Unfortunately, Community Sentencing is currently inactive in the panhandle, most of western Oklahoma, and parts of southern Oklahoma—the very areas of the state with the highest admission rates to prison.

Outside of the court system, there are a handful of non-profit resources and successful diversion programs that offer participants the opportunity to achieve stability, work toward sobriety, and stabilize in their professional and personal lives.

In Oklahoma County, ReMerge offers mothers of young children who are facing nonviolent felony charges a host of wrap-around services to break the interconnected cycles of incarceration, poverty, and substance use dependency trapping many Oklahoma women. The ReMerge model provides safe and supportive housing, food, transportation, therapy, recovery support, and dedicated staff to help mothers pursue education, employment, and reunification with their children. Upon completion of the program, mothers are eligible for dismissal of their charges.

In Tulsa County, Women in Recovery (WIR) offers an outpatient approach for women facing long prison terms specifically for drug-related felony charges. WIR participants receive treatment, training, and support to recover from substance use dependency and trauma, and to rebuild their personal and professional lives. WIR supports women through family reunification with the goal of breaking the cycle of intergenerational incarceration, and has earned recognition and funding at the local and national level. The program was the first awardee under Oklahoma’s Pay for Success funding program, authorized under SB 1278, and under the agreement it will receive state funds for its work keeping women out of prison.⁶⁶

Less intensive models like The Education and Employment Ministry (TEEM) and the Diversion Hub, both in Oklahoma County, offer case management services, assistance navigating the legal system, as well as connections to education, job training, employment resources, and social services.

These holistic programs allow their participants time and space for reflection, learning, and growth, while providing for material needs to ensure their stability. As Morgan, a 35-year-old mother of three and ReMerge participant, explained, “For me the program was not just to avoid prison. I feel like this program has changed my whole life. Before I was on a very destructive path. I’ve learned to put the pieces of my life back together. My kids are proud of me. My dad is proud of me. He trusts me again. My kids have faith in me.” Laycee, a 32-year-old mother of two from rural Oklahoma agreed: “ReMerge changed my life—taught me coping skills, how to deal with trauma, and how to live life as a normal human being, and that’s one thing prison doesn’t do.” Since becoming involved with the program, she has gotten her kids back in her life, received a Section 8 housing voucher, and obtained a car, all firsts for her.

Unfortunately, these innovative new programs have limited capacity and typically only serve individuals who are facing charges in the jurisdiction they operate in—often Tulsa and Oklahoma Counties. Addicted to painkillers after she was diagnosed with cancer, Laura eventually turned to using heroin and meth. Recognizing that she needed help, she attempted to get into treatment programs and detox, but her open warrants made her ineligible. She turned herself in to Rogers County, but Laura was not able to access any programs based on her lengthy criminal history. Then Tulsa County reopened an old case against her. Facing the prospect of a 25-year sentence, she suddenly qualified for WIR. In and out of prison on property, drug, and firearm charges, mother of five Melanie had similarly struggled to get help in her rural county. A subsequent charge for drug trafficking in Tulsa County eventually led her to WIR: “That’s what saved my life. I learned a lot about my traumas and why I self-sabotage. ... I learned how to put myself before others.”

There are far more people in the state in need of these opportunities for introspection, support, and healing than currently are able to access them. Many do not qualify due to their charge, their county, or their criminal history. As one public defender explained, “The designation of violent crimes

hurts impacted people from accessing services and resources. People are excluded without looking at the underlying facts or recognizing what else is happening.”

The lack of high-quality treatment service providers and other supportive groups in rural Oklahoma means residents miss out on critical opportunities to access services, receive much-needed support, and avoid harsh prison sentences. As one local advocate put it, until there are accessible, reliable alternatives that judges trust, “to every hammer there’s a nail. To every judge or a law enforcement official, there’s a jail.” There’s no telling how different Oklahoma might be if these types of life-changing treatment and diversion programs were available to the thousands of Oklahomans making their way through the court system each year.

Reentry, Rearrest, and Revocation

“Nearly everyone will be released. If they fail, we all fail.”

— Kelly, advocate

Oklahomans believe in second chances. But second chances don't always come easy. Instead of supporting those chances and helping people turn their lives around, Oklahoma's system traps people in a cycle of failure.

Inside prisons there is a severe lack of treatment resources to help solve the underlying issues that drove people to criminalized behavior in the first place. In an FY 2019 budget request, DOC acknowledged that of all people released from prison with an assessed substance use need, only 28% had received programming before their release. The numbers were even worse for those with cognitive behavioral or reentry needs, with only 27% and 23% of people with assessed needs receiving appropriate help before release.⁶⁷ Given the lack of available programs, DOC prioritizes them for people who are close to their release date, meaning that many with long sentences wait years and years to be able to access programs. By the time they are considered close enough to release, they may no longer qualify for the programs available. One woman in prison said that out of 700 women there, only 44 women every 6 months are selected to participate in programs.

Volunteer programs have tried to fill this gap, but they can't take everyone and they rely on continued outside funding. The leader of one program, Poetic Justice, which helps incarcerated women process trauma through writing, notes that “Reentry should start the minute you are pulled over! You should've started reentry a long time ago, the shame will undo you. Unless it's dealt with early on it will trip you up when you get out.” Another outside organization that is running a successful program for women at Dr. Eddie Warrior

Correctional Center, one of two prisons for women in Oklahoma, says the program is ending because their funding ran out. Even fewer of these volunteer or non-state-funded programs are available for men in prisons.

After people are convicted of crimes, whether they are put on probation or released from prison, they struggle to pay their fines and fees, find and keep housing, and deal with other collateral consequences of their convictions.

Housing is a particularly important problem for people coming out of prison in Oklahoma. **Nationally, people coming out of prison are almost 10 times as likely to experience homelessness as the general public and the impact is compounded by race and gender.**⁶⁸ Some people in Oklahoma are able to enter sober living homes for a period of time to help with the transition, but these mostly are for single people only and do not allow people to reunite with their children. This is especially rare for men with children or for couples who want to find safe housing together. One reentry coordinator from Oklahoma City said, “We have people who are fathers who want to be with their children and there are very few options for men who want a safe space to be with their children.”

Once people are ready to live on their own, it can be difficult to find an affordable place to live, or a landlord who will accept someone with a criminal record. Shannon, who now works as a coordinator at a drug court, shared that it was very difficult for her to find housing even with a Section 8 voucher to help with the cost. She

had to go through an appeals process and submit 25 letters of recommendation and bank statements for a year and a half in order to qualify for an apartment even though she has been sober for four years.

In addition to the difficulty of getting a job with a criminal record described in the section above, everyone convicted of a crime in the state of Oklahoma has to contend with often heavy fines and fees. More than 100 statutory fines and fees exist at the state level in Oklahoma, in addition to other fines and fees at the municipal level. Examples of these fees include: District attorney supervision fees, drug testing fees, driver license reinstatement fees, failure to pay warrant fees, and many more. In addition, parents may be forced to pay for drug testing, psychological evaluations, parenting classes, and more to regain custody of their children.

Oklahoma's fines and fees system is particularly cruel, since it primarily punishes those who already are suffering economically;

about 80% of criminal defendants are indigent and eligible to receive a public defender.⁶⁹ In effect, Oklahoma is taking money from individuals who need it the most. As a result of this heavy use of fines and fees, many Oklahomans are trapped in the criminal justice system and face serious economic barriers to reentry.

A key reason for Oklahoma's massive fines and fees system can be traced back to government agencies' reliance on collections as a substantial source of revenue. Since FY 2007, between 66% to 90% of annual district court funding came from court collections.⁷⁰ The reliance on fees as revenue is not unique to local courts. Between FY 2007 and FY 2017, nearly \$590 million in fees was sent to programs not related to the district courts. Overall, one third of collections are distributed to state and local executive branch agencies. This means many parts of Oklahoma's state and local government rely on punitive criminal justice costs for funding.



A restaurant server in Oklahoma would need to work four and a half years in order to earn \$100,000, before taking into account income taxes and living expenses.

About \$100K in fines, fees, and court costs



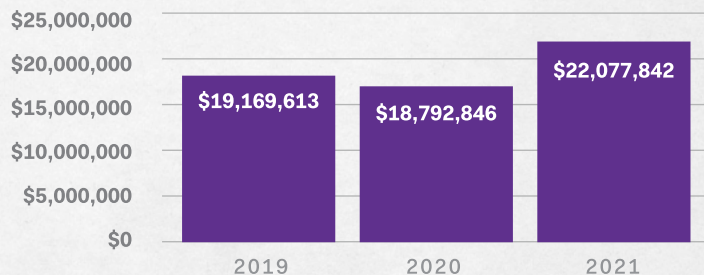
A restaurant server's salary for 4.5 years



Unfortunately, Oklahoma's fines and fees system shows little sign of slowing down; fines, fees, and court costs assessed to defendants have grown 27% since FY 2007⁷¹ and FY 2021, an estimated \$41 million was collected from felony and misdemeanor cases across the state, with the majority (\$22 million) coming from less serious misdemeanor cases, an increase of 15% from 2019. (See Figure 28.) Because courts and other agencies rely on fines and fees for funding, they are less likely to support much-needed reform to this callous system. As long as Oklahoma continues to rely on collections to fund courts and other government agencies, Oklahomans who interact with the criminal justice system will continue being crushed under the financial burden of fines and fees, and will have little chance to start the next chapter of their lives.

Figure 28: The amount of misdemeanor collections rose 15% from FY 2019 to FY 2021, now totalling more than \$20 million.

Estimated court collections for misdemeanor cases, FY19 - FY21



Source: Open Justice Oklahoma

A reentry provider described a client being released from prison who owed over \$100,000, even though she had never in her life held a formal job. She had struggled with substance use and unhealthy relationships and never was able to stand on her own. The service provider compared her client's situation to hers:

“I didn’t have that much debt coming out of college, and she’s coming out of prison.”

In addition to being cruel, Oklahoma's fines and fees system is also ineffective and a substantial barrier to reentry. Across the state, 85% of court-imposed fines and fees go uncollected.⁷² An important element in this failure to collect is the fact that many individuals simply cannot afford to pay the fines and fees handed down to them. Individuals who already are financially struggling are expected to find a way to pay fines and fees which can often be thousands of dollars.

Unfortunately if individuals cannot pay their fines and fees, the consequences can include new criminal charges for failure to pay, a bench warrant, or having their driver's license suspended. In 2018 alone, 19,280 driver's license suspensions were issued in Oklahoma for failure to pay.⁷³ Without a driver's license individuals will not have reliable transportation to their job, court dates, supervision appointments, or other common aspects of the reentry process.

Further adding to the cruelty, many of the consequences for failure to pay will result in additional fines and fees or potential incarceration. Of the state's outstanding bench warrants, 41% are for overdue fines and fees.⁷⁴ In Tulsa County, failure to pay was the fourth most common reason for admission to jail in 2016.⁷⁵

To make matters worse, some individuals have reported accepting plea deals without being told the amount of fines and fees they would be expected to pay. While they may think they have accepted a reasonable probation term, it can come with many thousands of dollars of unanticipated fines. These fines, fees, and costs force people to make hard decisions between paying their fines and fees, feeding their families, putting gas in their car, and paying rent.

Although the median cost associated with a court case may not sound high—\$1,120 for a felony case and \$886 for a misdemeanor case in FY 2021—the costs can easily snowball.⁷⁶ Jeffrey, a 58-year-old veteran, was arrested on a 21-year-old warrant for \$90 in unpaid fines and fees. He spent 21 days in jail and came out owing \$1,200 on the case because of jail stay fees. In total he owes \$7,000 across two counties. He makes \$10 per hour at his current job and pays \$50 per month to each case.

Fines and fees can be forgiven. The Tulsa County Public Defender's office recently started staffing the county cost docket which addresses people's outstanding fines and fees owed to the courts. Since they began staffing the docket, their attorneys have helped with reducing or dismissing fines and fees that added up to around \$500,000 in just 10 months. A research

study in Oklahoma County randomized individuals convicted of a misdemeanor into a group who had all their fines, fees, and related costs forgiven or paid by the study versus those who had to pay as normal. On average, these people faced just over \$1,100 in costs for a single misdemeanor conviction. **Those who had their fines and fees waived were less likely to be charged or convicted of a new crime in the first three months after their misdemeanor conviction. They were also significantly less likely to accumulate additional debt, have a warrant issued for their arrest, or go into debt collection within the first year of their misdemeanor conviction.**⁷⁷

Another form of relief for the collateral consequences of a criminal conviction is expungement. Unfortunately, expunging one's criminal conviction is a costly and cumbersome process to navigate. Because of numerous limitations, waiting periods, eligibility restrictions, and associated costs, only 6.5% of people eligible for expungement under current law in Oklahoma have actually received expungement. A recent bill, Clean Slate Oklahoma, will alleviate much of this burden for people convicted of misdemeanors or crimes that have been reduced to misdemeanors, such as simple possession of a controlled substance. However, this bill does not address other felony convictions, which have the largest negative impact on people's ability to work, find housing, and pay down their debt.

These collateral consequences weigh heavily not just on people's ability to reintegrate into their communities, but also on their ability to stay free. For too many men and women without adequate support, probation terms become just one more pathway back to jail or prison. Since FY 2016, more than 20,000 people have entered prison as a result of failing supervision.⁷⁸ Some began their sentences in the community, while others spent years in prison before being released to probation. Yet they all ran into the same problems that thousands of people encounter every year when faced with an onerous set of conditions to abide by, while living in the same or worse personal circumstances than when their involvement in the criminal justice system began.

People's debts, poverty, and the lack of support and treatment in the system frequently lead people to fail supervision and get pushed further into the system, including into prison. That's what one 43-year-old woman from Bethany experienced after receiving a deferred sentence for drug offenses. After a severe injury, Jana had become addicted to pain pills, and eventually began using other drugs. Her driver's license suspension made it hard for her to make it to meetings with her probation officer, and her felony record made it all the more difficult to find employment. "They want us to stop selling drugs, but then they put us in a system where we're having to pay fines and fees and all this kind of stuff," Jana said in a recent interview, adding, "How do you want me to pay it when I can't find employment?"

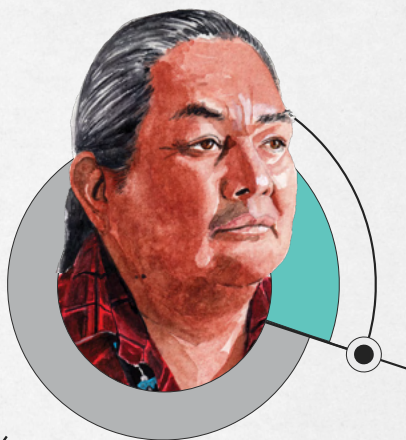
Jana's struggle is anything but rare. One in 3 men and 1 in 2 women entering prison during FY 2021 were sent there not as a direct sentence but because a judge revoked their probation

terms. (See Figure 29.) Many more find themselves in and out of jails trying to fight the escalation of a technical violation like a positive drug test into a full blown prison term.

By pulling people out of their jobs, homes, and lives for crimes of poverty, these responses make people less safe, not more. Old warrants, including for failure to pay, can follow people for decades, appearing on background checks to rent an apartment or get a job. In some cases, they even function to pull victims of crime into the system when they've sought out law enforcement support. In one recent case, a Tulsa man called 911 after his home was burglarized. The police didn't make an arrest on the burglary, but they ran the victim's information and found a warrant for decades-old unpaid costs amounting to \$400, and arrested him instead. Deterring system-impacted people from reporting crimes is just one example of the ways these collateral consequences make all of us less safe.

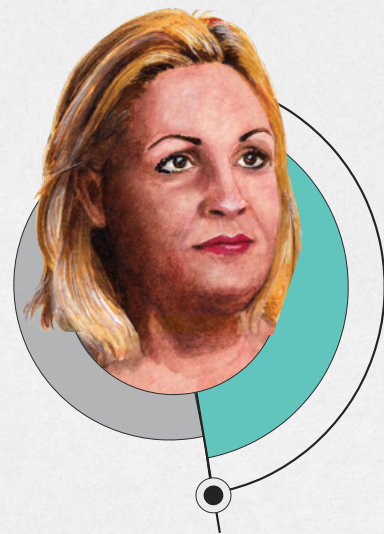
Figure 29: Probation revocations are a leading pathway to prison, responsible for 34% of men admitted to prison and 47% of women admitted to prison in FY 2021.

Prison admissions for men and women by admission type, FY 2021



34%

of men admitted to prison in Oklahoma came by way of a probation revocation



47%

of women admitted to prison in Oklahoma came by way of a probation revocation

People also routinely face revocation from alternatives to incarceration like drug court programs. Much like the gentleman from Tulsa, Brady thought he was doing the right thing when he called the police to come to his home, just two weeks from his graduation from drug court. His stepbrother had appeared at his home with alcohol and wouldn't leave, so Brady called the cops to get him removed. But as his mom described it, "because alcohol was on the premises they revoked his drug court and put him in prison." He spent six years in state prison on an 18-year sentence for drug and property crimes tied to his substance use.

Brady's story is just one of many stories behind the approximately 1,370 people who were sent to prison after being removed from drug court between FY 2019 and FY 2021. Tulsa sent by far the most people to prison from drug court or related alternatives during this period, although Tulsa also admitted many more people into these programs. Many smaller counties failed more than half the people who entered drug court programs. With a completion rate of just 22.2%, Pittsborough County's drug courts were the least successful in the state, according to outcome data collected by the Oklahoma Department of Mental Health and Substance Abuse Services. (See Figure 30.)

Even those who are not ultimately revoked experience the trauma and instability of jailing as a type of formal or informal sanction for any mistakes or misfortunes that occur over the course of the years-long programs. In one recent drug court session, the punishment for a participant who had a single beer was a night in jail, and that person left the court in handcuffs and in tears. For another woman in an alternative to incarceration program, the trouble began with a flat tire. As a program coordinator explained, "She had just regained custody of her son the day before, and had been doing great when she got a flat tire while going to get her registration and tag. A police officer stopped to help her, and ended up arresting her on a two-year-old warrant that had not been canceled" even though her case managers had been working to get it dismissed. "They held her for a week and a half because she had not paid her fines and fees," before releasing her in the middle of the night at the start of an ice storm. "Luckily her sister was able to take care of the baby," the program coordinator noted, or her young son would have been taken into state custody, all because of a flat tire.

Figure 30: Six counties saw fewer than 50% of people admitted during FY 2018 graduate from the drug court program by FY 2021. Drug court completion rate, number of drug court graduates, and number of prison admissions following a drug court termination, based on FY18 drug court admissions, FY20 and FY21 drug court graduations, and FY19-FY21 prison admissions

Note: Prison admissions may not capture all individuals entering prison as a result of a revocation from alternative court programs. These figures were determined by identifying terminations in court case records associated with prison admission.

Source: Oklahoma Department of Mental Health and Substance Abuse Services, Open Justice Oklahoma, Oklahoma Department of Corrections

County	Drug Court Completion Rate	Drug Court Graduates	Admissions to Prison from Drug Court
Muskogee	47.2%	39	51
Cherokee	45.5%	8	12
Creek	42.9%	39	64
Wagoner	41.4%	18	Missing Data
McIntosh	40.0%	17	27
Pittsburg	22.2%	11	17

Family

Families are the backbone of thriving communities. Oklahoma's punitive approach to criminal justice and overreliance on incarceration is ripping families apart and harming Oklahoma's children. **When a person is incarcerated, every aspect of family life is affected.** With the loss of caregivers and all the financial and emotional support that comes with them, incarceration only further destabilizes families that may already be struggling to cope with trauma and poverty and forces them into a cycle of debt. Oklahoma needs to remove roadblocks to family unity by providing the opportunities and tools necessary to repair, rebuild, and flourish.

This section discusses the expansive yet often unacknowledged and undercounted impact of familial and parental incarceration, taking stock of the number of people touched by incarceration, the myriad harms associated with having an incarcerated loved one, the benefits of and barriers to maintaining family ties, and the social issues and punitive approaches that drive Oklahoma's aberrant incarceration rate.

The Scope of Familial and Parental Incarceration

“The children, the family, the friends. They don't realize they're not just destroying one person, they're destroying everybody.”

— Teri, mother of a formerly incarcerated son

The impact of incarceration extends beyond the person locked behind bars. As the prison population grew over the last several decades, more and more families have experienced what it means to have an incarcerated loved one. Nearly half of all adults in the United States, about 113 million people, have had an immediate family member incarcerated.⁷⁹ This number is even higher (64%) when including extended family, like grandparents and cousins.⁸⁰ The same is true in Oklahoma, where recent research similarly found that 43% of Oklahoma voters have either been incarcerated themselves or have had a family member or close friend incarcerated.⁸¹



Family incarceration touches 1 in 2 adults in the United States.

Estimates of how many adults in the United States have had a close family member spend 1 night or more in jail or prison, 2018

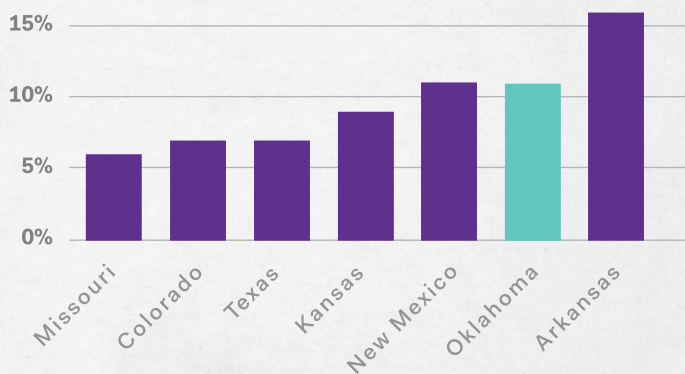
Source: FWD.us, Every Second: The Impact of the Incarceration Crisis on America's Families

However, all families are not impacted the same. Socioeconomic status and race play a major factor in which families have experienced incarceration. For instance, Black adults are 50% more likely to have had an incarcerated family member and three times more likely to have had a family member spend more than a year in prison, compared to their white peers.⁸² A product of overpolicing in communities of color, some Black people have endured multigenerational contact with the criminal justice system, like a formerly incarcerated Black woman from Oklahoma City, whose mother, sister, and brother have all been to prison.

Children, too, have incarcerated loved ones, and parental incarceration is considered an adverse childhood experience. About 70% of adults with incarcerated loved ones who were surveyed in one national study reported that they were caring for minor children⁸³ and nearly half of people incarcerated in state and federal prisons in the U.S. reported being parents with a minor child, leaving approximately 1.5 million children at home.⁸⁴ In Oklahoma, about 106,000 children, or 11% of children, have had an incarcerated parent or guardian, a substantially higher percentage than in the neighboring states of Kansas, Texas, Colorado, and Missouri.⁸⁵ (See Figure 31.) A study of women in Oklahoma prisons found that 26.4% had an incarcerated parent when growing up.⁸⁶

Figure 31: Eleven percent of children in Oklahoma have had an incarcerated parent or guardian.

Percent of children who have had an incarcerated parent, Oklahoma and neighboring states, 2018 - 2019



Source: The Annie E. Casey Foundation Kids Count Data Center



Just like adults, not all children are impacted the same. Those who are Black, poor, or live in rural areas are more likely to have lived with a parent who was sent to jail or prison.⁸⁷ One in 9 Black children has experienced parental incarceration, compared to 1 in 17 white children; children in poverty experienced parental incarceration at a rate more than three times that of children in families earning two times or more above the poverty level.⁸⁸

While most incarcerated parents are fathers, a larger proportion of women in prison are mothers with minor children⁸⁹ and are more likely to have lived with their child prior to their incarceration.⁹⁰ A 2014 study of women in Oklahoma prisons found that around 85% had children and 68% had minor children.⁹¹ About 66% were living with their children at the time of their arrest and nearly 75% of their children were no longer living with a parent after their mother's incarceration.⁹² Because mothers often had custody before their incarceration, their children are more likely to end up with another family member (such as the child's grandmother), placed in the foster system, or left to fend for themselves.

This type of disruption can have lasting effects on a child's wellbeing long into adulthood. Indeed, the average age of a child with a parent in state prison is nine years old, and nearly 1 in 4 minor children (22%) are only four years old or younger.⁹³ This means that a substantial number of children are separated from their parents during their most pivotal stages of development.

The Impact of Family Separation

“My children love me and they are still wounded by me being gone.”

— Lacrechia, formerly incarcerated mother

At every stage of the system, families are separated and face pervasive barriers to maintaining critical family ties that foster successful reintegration and disrupt the cycle of incarceration.

When a parent is incarcerated, they miss milestones in their children's lives. Several mothers shared just how much they missed while they were behind bars. Chinique, a mother of seven, whose daughter was only six months old when she was sent to prison, said,

“I missed my daughter crawling. I missed her first teeth. I missed her first words. I missed her walking.”



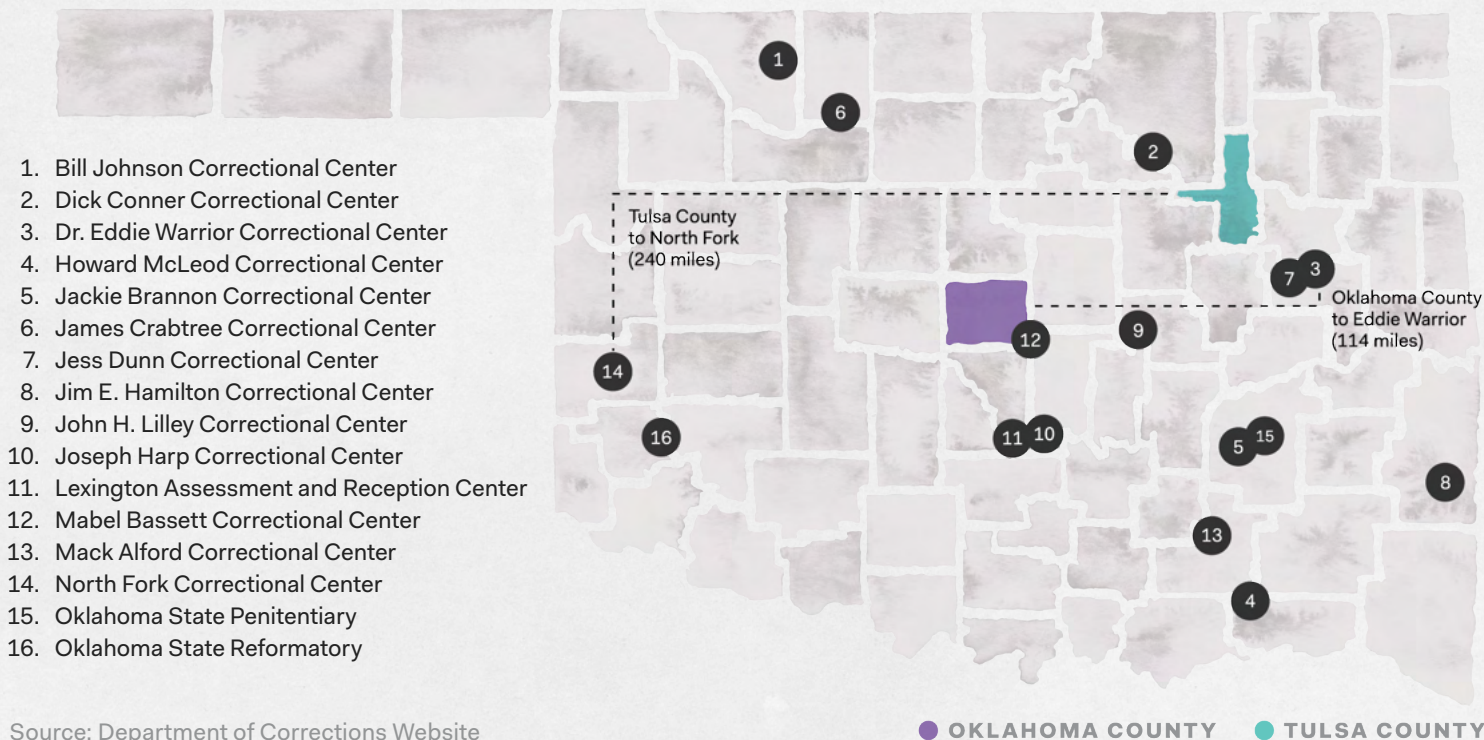
With lengthy prison sentences, more memories are made in a parent's absence. Laycee, who also had an infant when she was sent to prison, missed the first 4 years of her son's life, in which she “missed all his everything.” Felicia, a mother of five, wasn't able to physically see her children regularly so she “had to watch [her] kids grow through pictures.” A currently incarcerated woman shared that she “missed all of [her] child's high school career, prom, graduation, the birth of a nephew, countless anniversaries and birthdays and celebrations and losses that [she] can never get back.”

Visits, phone calls, and letters become lifelines for parents and children. Research shows that keeping in contact with family strengthens bonds, improves behavior in prison, and lowers recidivism rates.⁹⁴ However, visitation and communication policies, practices, and costs make it difficult to keep in touch. Some facilities in Oklahoma prohibit the receipt of photographs and holiday cards, do not allow visits from minor children or limit the number of children who can visit, and others prohibit physical contact entirely.⁹⁵ **Restrictive policies can make visitation a traumatic experience that people with incarcerated loved ones in a national study described as horrible, terrible, degrading, dark, restrictive, hell, scary, uneasy, and cold.**⁹⁶

Driving to rural prisons or placing regular phone or video calls can easily cost a family hundreds of dollars each month. (See Figure 32.) A 15-minute phone call in Oklahoma prisons costs \$3, meaning that talking to a family member in prison every day costs approximately \$90 per month. Meanwhile, phone calls from Oklahoma jails cost on average twice as much as phone calls from state prisons.⁹⁷ For families that are already struggling to make ends meet, these extra expenses are cost prohibitive.

Figure 32: Visiting family members in Oklahoma prisons can require long and expensive drives.

Current maximum, medium, and minimum security prisons in Oklahoma
Distance from Tulsa County to North Fork and Oklahoma County to Eddie Warrior



While there are a few specialized visitation programs for parents and their children in Oklahoma, not every facility has one of these programs and some incarcerated parents are ineligible because their parental rights have been terminated. For parents who were able to benefit from visitation, mail was delayed and access to jails and prisons was shut down as COVID-19 began to spread. Incarcerated parents panicked, contacting program coordinators asking, “how do I see my kids?” In some facilities, tablet computers or phones across housing units are available but in short supply, which makes it nearly impossible to ensure equal access to vital communication tools, and virtual contact is not an adequate substitute for physical touch.

These barriers to communication only further the major disruptions that children with an incarcerated parent face. Lachreshia’s ten children were separated from each other when she was sent to prison. She said,

“They had to move around from house to house, and they realized the feeling of abandonment. ... I was a mother but I couldn’t parent physically. ... What does that do to them?”

The toll of a parent’s incarceration can have a lasting impact, which can result in negative educational, emotional, psychological, and physical outcomes, including depression, anxiety, behavioral problems, school expulsions, and poor grades.⁹⁸ When Laycee, a mother of two, was sent to prison for a drug conviction, her youngest son was just three months old and his father was in prison too. Now, at the age of six, he has been in and out of behavioral

centers. "I'd call him [in the behavioral center] and he'd say he was standing in line for the shower. He's six. That's what I did in prison." Laycee fears that her son will be caught up in the same cycle she fought her way out of. Her oldest son also struggles with PTSD after enduring years of separation from his mom and recently told her that he cried almost every day she was gone. She said, "It affected my children tremendously, me being gone. They are two completely different children" now that she has regained custody.

Another mother also shared how her arrest and prosecution greatly traumatized her son, who was just five years old when he was called to testify against his parents. She said, "he was terrified and ran to us. They took him away to the chambers and he cried and cried. And he just told me he still remembers that."

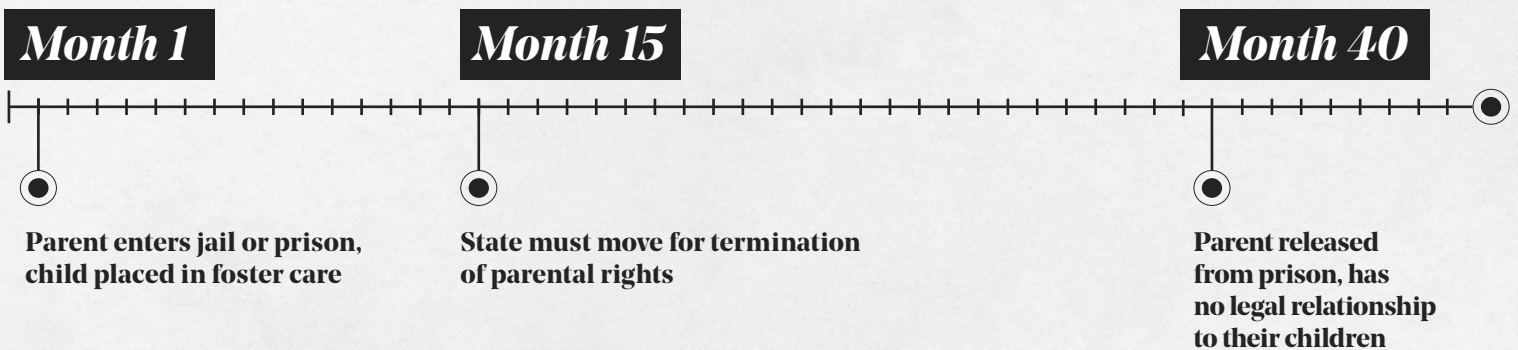
Similarly, adults with incarcerated loved ones face increased risk of physical and mental health issues and one study found that nearly 2 in 3 families (65%) with an incarcerated relative were unable to meet their family's basic needs. Forty-nine percent struggled with food insecurity and 48% had trouble getting and keeping housing because of the financial costs of having an incarcerated family member.⁹⁹ From the cost of bail and hiring a defense attorney to traveling for a prison visit and the loss of an incarcerated person's income, the financial strain can be debilitating. This is especially pronounced for grandparents living on fixed incomes and now responsible for the full-time care of their grandchildren. Research has found that a person with an immediate family member incarcerated has an estimated life expectancy that is 2.6 years shorter than those without an immediate family member behind bars.¹⁰⁰

In addition to navigating family separation brought on by the criminal justice system, families may also have to navigate the foster system. The foster system is supposed to operate in the best interest of the child but children are often put in harm's way.

Shannon, a domestic violence survivor, shared that her 18-year-old daughter refuses to leave the house as a direct result of being removed from her home twice when she was a toddler. Children who experienced foster system involvement are also at a higher risk of being incarcerated themselves.¹⁰¹ Many women in Oklahoma prisons reported experiencing some form of foster system involvement growing up. About 40% reported receiving foster system services, 13% had been removed from their home, and 8.4% were in a foster placement or lived with non-relatives.¹⁰²

A truly heartbreaking reality of incarceration is the risk of becoming a legal stranger to your children. As one incarcerated woman shared, "Incarcerating young women who have children, women losing rights to their children forever, being over-sentenced and not being able to raise their children. I feel that's the biggest injustice in Oklahoma."

Long stays in jails and prisons put detained and incarcerated mothers at particular risk of permanently losing their parental rights. As previously mentioned, incarcerated women are more likely to have been the primary or sole caregiver to their minor children prior to their incarceration. A federal law, the Adoption and Safe Families Act, established a reunification timeline where states must move for the termination of parental rights if a child



is in a foster placement for 15 out of the last 22 months.¹⁰³ These timelines can also be expedited, especially when infants and toddlers are in the state's care,¹⁰⁴ and when a person is expected to serve more than a year behind bars. For the vast majority of people facing felony charges, it can take several months, a year, or more before their case is decided and the average length of stay in Oklahoma prisons in FY 2021 was 40 months. Thus, many parents have their parental rights on the line if the Oklahoma Department of Human Services (DHS) is involved.

Fighting criminal charges and termination proceedings at the same time is incredibly stressful. Larissa, a mother of three, had her world turned upside down when her eight-month-old son fell from a bed and was injured. Hospital personnel speculated, without evidence, that this terrible accident was caused by abuse. While her son was fighting for his life, hooked up to breathing tubes, Larissa was treated as if she did something wrong and all of her children were removed from her home. Her husband was told that if Larissa didn't admit to abusing their son,

“You'll never see your children again.”

Almost immediately, termination proceedings were initiated. For six months, she endured attacks on her parenthood, attended parenting classes, and went to court on a nearly daily basis, all while remaining the unsanctioned primary caregiver to her other children who were placed in the home of a relative. Even though she “did everything they asked [her] to do,” she was only allowed to visit her baby in the hospital for two hours per day and was also facing up to life in prison for child abuse despite medical evidence to the contrary. Afraid that a judge and jury wouldn't be able to understand the complex medical history of her son, she decided to take a plea for a seven-year probation term to better her chances at regaining full custody of her young children.

The high number of people detained pretrial in Oklahoma, discussed in the previous section, contributes to the high rate of terminations because parents face barriers meeting reunification requirements, such as taking parenting classes, getting tested for drugs, attending court proceedings, and keeping in touch with their children within a short window of time while they are in jail. In one case, a woman was arrested on a warrant for unauthorized use of a motor vehicle when she was seven months pregnant. After delivering her baby in jail, she immediately gave custody to a friend but DHS was beginning to move to terminate her parental rights. Luckily, a diversion program was able to get her released immediately to stop the termination process.

Communication is even more challenging when a child is placed in the foster system and also contingent upon the parent's relationship with their child's caregiver. Parents in prison and jail who are unable to afford phone calls to case managers, foster parents, and other caregivers can lose all contact, which is especially difficult where relationships had been strained prior to incarceration and where support is needed to rebuild trust and consistency amid red tape and financial hurdles.

Among mothers who lived with their children prior to their incarceration in Oklahoma, nearly one-third did not talk on the phone, 16.5% never received a letter, and 38% never got a visit from their children.¹⁰⁵ A formerly incarcerated mother shared that she worked 12 to 13 hours per day for \$1.45 per hour while in prison so that she could afford to contact her children and send them birthday gifts.

Unfortunately, even if a parent is able to comply with a reunification plan, sometimes it just isn't enough. Lacroshia, a mother of ten, was facing a charge for child abuse and neglect and was actively working to regain custody of her children by attending court proceedings and paying \$20 for parenting classes while out on bond. She was offered a five-year deferred sentence and was planning to accept the plea offer. After many months of being separated from her children, the youngest of whom was just four years old, Lacroshia drove to a mental health facility in Texas,

violating a condition of her pretrial release. After weeks at the mental health facility, Lacreshia went to court thinking she would be going home with a deferred sentence and resuming her life with her children. Instead, the judge sentenced her to seven years in prison. Shortly after being admitted to prison for abuse she did not inflict, Lacreshia lost her parental rights in a case manager's office—left to process her pain without support.

When a custodial parent is jailed, families are stepping in to fill the void. While many grandparents take on the caregiving role while a parent is incarcerated, they may face difficulty taking on that responsibility. Living on a fixed income, the financial burden is substantial, as discussed above, and some are prevented from taking custody because of a prior conviction. Sharon, a formerly incarcerated woman and grandmother, recalled how her grandchild almost ended up in the foster system because DHS wouldn't approve her as a kinship placement due to her felony record. She said,

“So you would take my grandchild and give him to somebody else because I wrote a bad check in 2006? It's 2020.”

When a parent is released from incarceration, barriers to regaining custody and resuming caregiving responsibilities are erected in ways that do not serve a public safety purpose. The overwhelming fear of losing parental rights creates a chilling effect on seeking and getting the support a parent may need. Sonya, a mother of three, struggled with substance use for decades after being molested and placed in the foster system as a child. At one point, she was homeless and living in her car with her oldest son. She did not seek out supportive services “because I didn't want nobody to take him, ... at this point that was the only thing I was holding on to.”

Participating in a diversion program is not a cure all for family separation. Many people are waiting in jail for several months before they can get into a program, like Maria, who was in the Tulsa County jail for six months awaiting trial when she was told it would take a year or more to get her day in court. She started seeking out diversion programs so she could get home sooner but it took several more months before a program would accept her. She spent a total of ten months in jail. Programs also have requirements that do not allow a mother to have physical custody of their child in earlier stages, which can have lasting consequences if someone doesn't have a family member who can temporarily take on caregiving responsibilities.

Furthermore, the termination of parental rights can make a person ineligible for diversion programs designed specifically to reunite parents with their children. One mother facing prison time was not able to participate in a diversion program because she had already lost custody of her children. As one attorney mentioned, juries involved in termination proceedings seldom realize what it means when they vote to terminate the parent-child relationship. In one case, a juror spoke with the parent's attorney immediately after the jury's verdict to terminate the mother's parental rights. The juror said “oh, but she'll always be their mom,” not understanding that the mother no longer has any legal rights to see, raise, or care for her own children.

In situations such as this, parents can end up spiraling back into a cycle of substance use and despair knowing that they have forever lost what matters to them the most and the biggest motivator for recovery—their children.

Punishing Poverty, Trauma, and Substance Use

“It makes the process harder when this justice system wants to punish you instead of letting you correct it.”

— Sonya, formerly incarcerated woman

Oklahomans have high rates of adverse childhood experiences, which are traumatic events that can affect a child's wellbeing through adulthood. Children living in poverty are even more likely to experience trauma, with more than 1 in 7 Oklahomans living below the federal poverty line.¹⁰⁶ A recent study ranked Oklahoma the worst place to live for women, taking into account the share of women living in poverty and their lower life expectancy at birth.¹⁰⁷ Oklahoma also ranks 46th in the country for its high level of food insecurity¹⁰⁸ and around 30% of women in Oklahoma prisons did not have enough to eat at some point growing up.¹⁰⁹ One incarcerated woman shared that she “lived moment to moment, meal to meal” when she was a child.

Because the criminal justice system's first response is to punish, a person's effort to cope with trauma can lead to involvement in the criminal justice system. Indeed, incarcerated people and crime survivors are not mutually exclusive groups. Most people in prison, especially women, are survivors of physical and sexual violence and other forms of abuse and neglect.

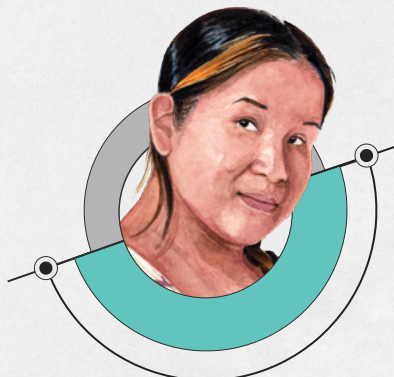
A study of women in Oklahoma prisons found that as children, 57% experienced sexual abuse, 47% physical assault, 70% experienced either, and 35% experienced both.¹¹⁰ Nearly half (46%) had a father who was violent in the home, with around 23% reporting that violence was directed at them, and 26% had a

Figure 33: Most women in prison are survivors of physical and sexual violence and other forms of abuse and neglect.
Experiences of women in Oklahoma prisons



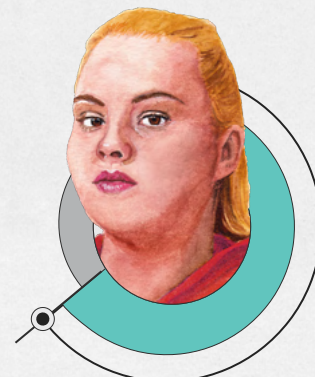
57%

Sexually abused as a child



47%

Physically assaulted as a child



66%

Experienced intimate partner violence within a year of incarceration

Source: Sharp, Jones, and McLeod, 2014

mother who was violent. As adults, about 46% experienced at least one rape, and 66% experienced physical abuse by a partner within a year before prison. (See Figure 33.)

Several women shared that they witnessed domestic violence in their home and were sexually abused by siblings, fathers, grandparents, uncles, and strangers, sometimes for years. One woman was molested by a great uncle and no one would believe her so she started partying and using drugs as a teen to cope. Another woman recalled being transported from Texas to Oklahoma at nine years old and sold for \$500 to a 64-year-old man who raped her with a firearm. She eventually ran away as a child, like 55% of women in Oklahoma prisons.

In addition to physical and sexual violence, many also experienced multiple challenges in their home life. More than half (53%) grew up in a household where someone had a drug problem, and nearly two-thirds (62%) lived with someone who had an alcohol problem. Like Chinique, a mother of seven, who was born with drugs in her system and generations of family struggle with alcoholism—an illness Chinique would later become all too familiar with. Another woman said that she was highly medicated as a child and when access to medications dwindled while in the foster system as a teenager, she transitioned to using illegal drugs with a boyfriend.

Given this, it is no surprise that system-impacted women have higher rates of mental health problems and substance dependence. Around 45% of women in Oklahoma prisons had someone in their home who lived with depression or other mental illness. A national survey found that women in prisons and jails had higher rates of mental health problems than men in prisons (73% of women in state prisons compared to 55% of men; 75% of women in local jails compared to 63% of men).¹¹¹ This same study also found that women in prison who had a mental health problem were more likely than those without to meet criteria for substance use disorder (74% compared to 54%).¹¹²

Drug use for many began at a very young age, often instead of receiving the support needed to address traumatic experiences and manage mental health conditions.

As one currently incarcerated woman said,

“The trauma I experienced led me searching for ways to cope. Drugs made me feel nothing, and nothing was better than the pain I felt in my soul.”

Another incarcerated woman shared that she was “unstable with my bipolar, up and down, self-medicating with drugs as an attempt to reach a manic state.”

Instead of getting help, people face barriers to treatment and are placed in a web of incarceration. As one advocate noted, “When you’re ready to access treatment and have to wait months or years to get it, a lot can happen in the meantime.” Laura reached rock bottom after years of struggling with substance use. With 29 felonies for drug-related offenses and dozens of other felonies for “bail jumping,” and after losing custody of her daughter for missing a court date, she was ready for substance use treatment. But when she showed up to a treatment center she was denied access because of an open warrant, and was told to turn herself into the police instead. Those seeking mental health treatment are met with a similar experience. Advocates shared that if someone has a pending charge, it is difficult to get mental health treatment outside of jail; in-patient, short-term mental health treatment “doesn’t exist.”

Incarceration only exacerbates harm, with continued access to illicit drugs, the lack of mental and physical healthcare, violence in facilities, and other deplorable conditions of confinement that result in deaths in custody. From 2020 to 2021, there was a 22% increase in overdose deaths in the state, according to the CDC,¹¹³ and overdoses and suicides contribute to Oklahoma County’s high jail mortality rate. The reality is, trauma isn’t talked about or addressed. As one formerly incarcerated woman said, “We don’t talk about the trauma, ... the trauma that’s faced prior to

incarceration, ... and we don't talk about the trauma that's incurred while incarcerated, ... but we expect people to be able to come back and survive and thrive without addressing the trauma and everything else."

For those with children, unaddressed trauma coupled with their status as a parent or caregiver can be another pathway to incarceration. Several women interviewed had their first child when they were children themselves. Oklahoma has the fourth-highest rate of teen births in the country.¹¹⁴ Women in Oklahoma prisons reported that nearly 29% had their first child before their 18th birthday, with 16 being the most common age.¹¹⁵

One formerly incarcerated mother, who had her first child at 16, began using methamphetamine after her son was removed from her care because of abuse by her boyfriend. She said, "Ever since then, my life had just really went downhill. I didn't really care about nothing, I didn't have my son. I dropped out of school. I quit my job. I lost my house." Being separated from her child, she started to spiral and began selling drugs, leading to a prison sentence.

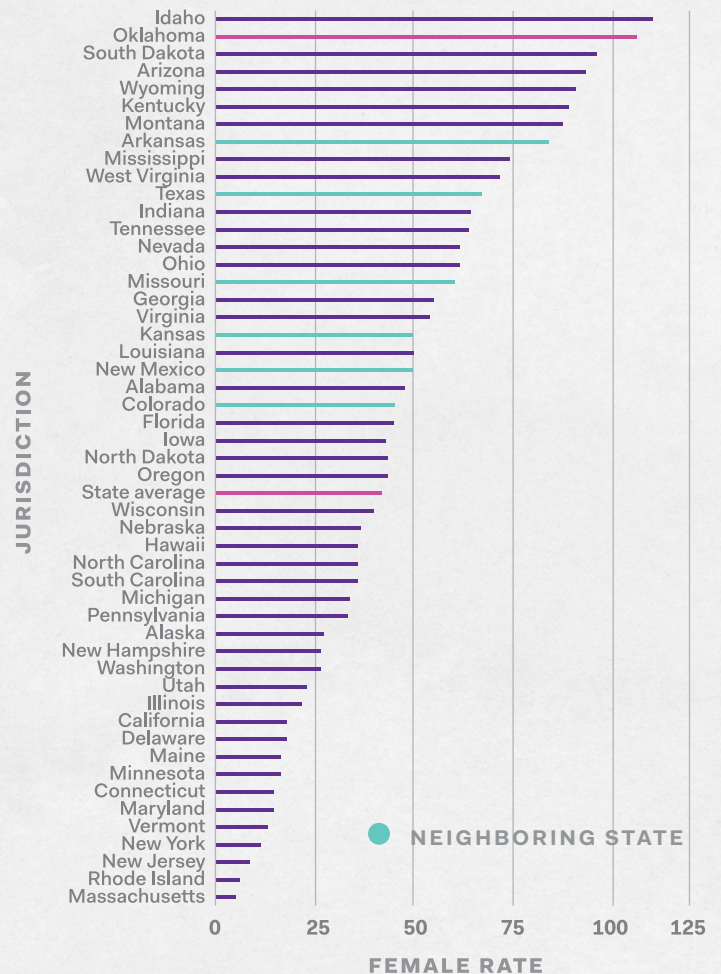
When on probation, the demands of parenthood can result in incarceration for minor violations of conditions of release. One mother said that she was sentenced to spend weekends in county jail for a low-level offense. She missed a court date because her child was sick and was sent to jail for the remainder of her sentence (18 days). Several others shared that they accepted a guilty plea, despite wanting to fight their case, in order to return home to their children sooner. A mother with an infant child at the time of her arrest said, "I went ahead and settled so I could go home, not knowing it was going to haunt me my whole life."

Confronted with a similar dilemma, Sherry, a mother of three, also accepted a guilty plea, weighing the moments she would miss with her children if she fought her case and lost. She is a survivor of domestic violence and was prosecuted for discharging her weapon in self-defense. Although her attorneys were confident she would beat the case, she was facing 10 years in prison. She thought to herself, "You've got three kids. ... Do I even want to risk the 10

years, even if I know I'm in the right? Or do you take just 18 months and you still get to come home and see your last one graduate?" Mothers navigating the possible termination of their parental rights also described accepting a plea to better their chances of retaining custody. Larissa said, "I had to sit here and say, how long am I going to be waiting for my kids? And at the same time I was in an abusive relationship. Not physically anymore, but emotionally. So when I signed for them seven years [on probation], I knew I was going from one prison to another. But I did it anyway, because to be there physically for my children it's what I had to do."

Figure 34: Oklahoma's female imprisonment rate is more than twice as high as the average state.

Female imprisonment rate per 100,000 residents, 2020



Source: Bureau of Justice Statistics, National Prisoner Series

Even programs that are designed to keep people out of prison often do not take into account the specific needs of participants navigating trauma. In one case, a survivor of domestic violence asked to be placed in a drug court program in another county to avoid running into the person who had abused her. The judge and district attorney refused to accommodate such a request. Another survivor noted that she was forced to take psychotropic medications while in a diversion program. When she disclosed suicidal and homicidal ideation to a program therapist, she was sanctioned by the diversion court and kicked out of the program. Reflecting on this experience, she said, “My life’s always just been ... a coping skill. That’s what they taught me to cope with, the system. Then they ate me alive.”

By punishing substance use, poverty, and trauma, families are ripped apart. Instead of using resources to invest in high quality mental health and financial services, the punitive approach of the criminal justice system has made Oklahoma the capital of women’s imprisonment in the world. For nearly 30 years Oklahoma incarcerated more women per capita than anywhere else. Today, Oklahoma has the second-highest rate of women’s imprisonment, locking up more than twice as many women in prison per capita than the average state, and imprisoning women at a far higher rate than any of its neighbors. (See Figure 34.)

Vast sentence ranges for many offenses, including child abuse and neglect, are leveraged against people in ways that result in guilty pleas and lengthy sentences. **One in every 10 women in Oklahoma prisons is currently serving a life sentence, up from 1 in 15 in 2016, including nearly two dozen women serving on child abuse and neglect or related charges.** As of July 2021, nearly 60 women in Oklahoma had been sentenced to die in prison as a result of a life without parole or death sentence.



One in every six women in Oklahoma prisons is serving a child abuse or neglect sentence, making it the most common charge for women in prison in the state. (See Figure 35.) Far from protecting children from abusive homes, however, Oklahoma’s child abuse and neglect statute is routinely used to criminalize survivors of domestic violence, punish women for the actions of their abusers, and scapegoat mothers struggling in the wake of devastating accidents.

Figure 35: One in every six women in Oklahoma prisons is serving a child abuse or neglect sentence, making it the most common charge for women in prison in Oklahoma.

Top ten offenses for women in Oklahoma’s prisons, FY 2021

Controlling Offense	Number of Women	Percent of Women in Prison Population
Child Abuse/Neglect/Failure to Protect	342	16.04%
Murder First Degree	190	8.91%
Trafficking in Illegal Drugs	180	8.44%
Distribution of Controlled Dangerous Substance/PWID	144	6.75%
Manslaughter First Degree	105	4.92%
Murder Second Degree	101	4.74%
Robbery or Attempted Robbery with a Dangerous Weapon	92	4.32%
Assault and/or Battery with a Dangerous Weapon	67	3.14%
Burglary Second Degree	61	2.86%
False Personation	60	2.81%

If not for diversion programs available in Tulsa and Oklahoma Counties, geared specifically at reuniting women and their children, many more would end up in prison for decades. This was the case for one survivor of domestic violence who faced up to life in prison for failing to protect her child from the very abuse she endured. The district attorney in her case agreed to let her enter into ReMerge, a diversion program in Oklahoma City. She has since graduated from the program and is thriving.

However, the process of putting the pieces back together begins well before a case is decided, which can take years and cause severe anxiety and fear in the meantime. One mother, who recently had a baby, said, "I was doing good but I still got this recent case from right when I found out I was pregnant. I had decided I was changing my life but I'm still fighting this case." Sonya, a mother of three, who also has pending cases, has since regained custody of her children, has a wonderful job, and her own apartment. She said, "that hurts more to lose now than if I would have went [to prison] then." Depending on the outcome of their cases, all the progress they worked so hard to make is put in jeopardy. A currently incarcerated woman shared that she had been working, in recovery, and receiving counseling for three years. Despite this, she was sent to prison.

As one currently incarcerated woman noted,

“When women under 25 years old get sentenced to more years than they’ve been alive. When you sit at a table with six women under 40, five out of the six have 25 years or more at 85%, six of six have been physically or sexually abused and six of six had drug or alcohol addictions upon incarceration. Why didn’t the state take the time to help any of us but lock us away when there still is no hope or reform?”



Chapter 3: Hope

Change is not easy. Oklahoma's story of mass incarceration was written over forty years, and it will take time to close that book and open a new one. As this report shows, that work has begun: over the last five years, Oklahoma has successfully lowered the prison population by 21% while reducing the crime rate, showing that reforms are working to make Oklahomans and their families and communities stronger.

The momentum must continue. It is easy, reading the stories of pain, trauma, frustration, and failure, to feel helpless. But hope for a better and fairer future must endure. Dozens of people currently incarcerated in women's prisons in Oklahoma shared what gives them hope. Several of these poems and essays are excerpted

below and in the online version of this report. If they, condemned to spend years, decades, and even life in prison, can find hope, the least we can do is listen and find our own.

One recurring theme in these essays, and throughout this report, is the hope change brings. The change that has already been made in Oklahoma's criminal justice system shows that progress is possible. Voters and policymakers have taken important first steps, but further reforms are needed to grow Oklahoma's economy, protect families, make communities safer, and give people a real second chance. Oklahoma can make these meaningful changes.

Hope sits. Hope waits. Hope
wants to believe.

Hope dreams of walking on carpet barefoot, on sand barefoot, in the grass barefoot. Honestly, Hope dreams of walking anywhere. And horseback riding. And jumping once more out of a perfectly good airplane. Hope dreams of family feasts, of intimate meals, of standing in front of a refrigerator absolutely clueless what to choose.

It is left to Hope to call home, even when tears will follow the termination of the connection. It is the craftiness of Hope that knits layettes, that paints orchards on canvas, that stitches together scrap quilts to keep loved ones warm. Hope learns something new each day and tries to share that knowledge with others. Hope handwrites cards and letters to children and grandchildren, to friends and would-be lovers, to those who walked out the gates without Forgetting.

Hope craves eight straight hours of darkness -- and a silence that rings in the ears. It wants soft beds and softer pillows swallowing every remnant tremor of the past. Hope hasn't slept a night through in two decades, and age doesn't seem likely to ever allow it again but Hope would like to try.

Hope prays for an end to the ache of abiding loneliness, an end to separation, an end to mind-numbing sameness. The cessation of power games played by petty people on both sides of prison's Great Divide, us vs. them, would answer a thousand of Hope's prayers. Hope calls out for true and lasting Justice for All.

Hope sits. Hope waits. Hope
wants to believe.

- Jax, incarcerated woman

What Gives Me Hope Is...

Top ten themes from writing submissions from incarcerated women



Quotes from selected writing submissions

Hear longer excerpts at
[FWD.us/TurningThePage](https://www.fwd.us/TurningThePage)



Litha

"Having hope is everything to a person in prison. Hope of love, hope that you have a life outside of prison, hope that you will have a relationship with your children."

Bryanna

"I pray earnestly and hope beyond all other things that I get the chance to make amends with my family."

(quotes continue)

Geneva

"Change gives me hope. Reform and those who promote programs which rehabilitate, train, and responsibly decarcerate the system. Those who offer opportunities and second chances give me hope."

Crystal

"I know that I'm destined for greater things than wearing orange for the rest of my life. ... Hope is what keeps me striving to be a better person, because when they finally open the front doors of this prison and allow me to walk free, I want to be ready."

Belinda

"For the first time I believe I can do anything. So I'm saying my past is my past. My actions will define my future. ... Failure is not fatal and it's never final."

Sonia

"Everyday I am reminded that even behind these fences, what I do matters. Who I am matters. Who I am becoming matters, and who I am helping other people become matters."

Doreatha

"The fundamental principle of hope is that by enduring, the outcome will somehow be altered from its original context."

Cordette

"Hope is deep within one's heart. It gives courage to know that the impossible is possible."

Courtney

"There is hope to be found in every day marked off my calendar, one less day to serve. ... I feel my heart swell with hope with every phone call home to my family, as we make plans for my release."

Holly

"Hope means life goes on for those of us that society has condemned—that we may return from the rubble victorious. ... things can always come back from the lowest point, but can never get lower."

Methodology

The qualitative research for this report is based on conversations with 95 people through a series of focus groups and individual and group interviews conducted between February and July of 2022, and a review of written submissions from dozens of people currently incarcerated in women's prisons in Oklahoma.

Each person provided verbal or written consent to publish the stories shared in this report. To ensure privacy, stories are anonymized or pseudonyms are used for some directly impacted people.

The quantitative research for this report is based on analysis of data from the Department of Corrections, as well as data collected and analyzed by several partner organizations.

FOCUS GROUPS

Twelve focus groups were organized in Tulsa and Oklahoma City in collaboration with the George Kaiser Family Foundation and Women in Recovery. The focus groups were attended by service providers, attorneys, advocates, and directly impacted people from across the state. A total of 61 people participated, some attending more than one group, and representing 30 organizations and agencies.

INTERVIEWS

Individual and group interviews were conducted with a total of 32 directly impacted persons in attendance. An additional two interviews were conducted with family members who have a formerly incarcerated loved one. These interviews were primarily held in-person in collaboration with diversion and reentry programs in Tulsa and Oklahoma City (Block Builderz, Center

for Employment Opportunities, Just the Beginning, Project Commutation, ReMerge, and TEEM). All directly impacted people who met with us in person for an individual or group interview received a small token of appreciation for their time in the form of a gift card.

POETIC JUSTICE WRITING EVENT

In partnership with Poetic Justice, a creative writing program located in several Oklahoma prisons, we solicited written submissions from people currently incarcerated in women's prisons in the state. The theme of the writing prompt was hope. We received 29 submissions between April and June 2022. Each incarcerated person received a small token of appreciation for their time.

OCJR SURVEY REVIEW

In partnership with Oklahomans for Criminal Justice Reform, we reviewed a sample of surveys received from people in women's prisons in Oklahoma from the summer of 2021. In total, we reviewed 45 submissions.

OPEN JUSTICE OKLAHOMA

Partners at Open Justice Oklahoma provided analysis of a variety of county and state data sources in support of the findings presented in this report. That analysis included the identification of people admitted to prison following a probation revocation or drug court termination, determined by matching available case data in prison admission files to court data; the average monthly jail populations for Oklahoma County and Tulsa County; annual case filing totals by criminal charge dating back to 2008; the

median court fines and fees assessed by the state's four most populous counties; statewide estimates of court collections based on an analysis of 13 counties; the median bond amounts set, posted, and estimated fees paid by charge type for 11 counties; and statewide estimates of bail bond fees posted for cases ultimately resulting in dismissal.

PROSPER OK

Partners at ProsperOK provided annual aggregate booking data for the Tulsa County and Oklahoma County jails for the years between 2016 through 2021, and projected 2022 aggregate bookings based on year-to-date information.

TULSA COUNTY ALTERNATIVE COURTS PROGRAM

The Tulsa County Alternative Courts Program provided data for the populations served by the misdemeanor diversion and felony specialty courts.

OKLAHOMA DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

The Oklahoma Department of Mental Health and Substance Abuse Services provided data tracking completion rates and outcomes for participants admitted to county-run drug courts.

PUBLICLY AVAILABLE DATA

Additional analysis uses data from publicly available sources, including the Oklahoma Pardon and Parole Board, the Oklahoma Department of Corrections public extract, the U.S. Census Bureau, the U.S. Department of Justice's Bureau of Justice Statistics, the U.S. Bureau of Labor Statistics, and the Federal Bureau of Investigation's Uniform Crime Reporting Program.

All quantitative data not otherwise cited comes from analysis of individual-level data files provided by the Oklahoma Department of Corrections tracking all people admitted to or released from state prisons for the years between FY 2016 and FY 2021, and on annual snapshots of the prison population taken on July 1 of each year.

ABOUT FWD.US

FWD.us is a bipartisan political organization that believes America's families, communities, and economy thrive when everyone has the opportunity to achieve their full potential. For too long, our broken immigration and criminal justice systems have locked too many people out from the American dream. Founded by leaders in the technology and business communities, we seek to grow and galvanize political support to break through partisan gridlock and achieve meaningful reforms. Together, we can move America forward.

To view additional content related to the report, visit [FWD.us/TurningThePage](https://www.fwd.us/turningthepage)

Data Appendix

The following table lists median bond amounts for people accused of a misdemeanor or felony in counties across Oklahoma, as well as the total amount of bond posted and estimated fees paid on that bond. As a result of high bond amounts, people in Oklahoma paid more than \$13 million in bond fees to bail bonds agents in just one year across these 11 counties.

County	Case Type	Median Bond	Total Cases	Total Bond Posted	Total Fees Paid
Canadian	Felony	\$7,000	374	\$7,025,680	\$702,568
Canadian	Misdemeanor	\$2,000	412	\$1,226,390	\$122,639
Cleveland	Felony	\$5,000	712	\$8,300,819	\$830,082
Cleveland	Misdemeanor	\$1,000	984	\$2,185,667	\$218,567
Comanche	Felony	\$20,000	207	\$3,908,500	\$390,850
Comanche	Misdemeanor	\$1,000	288	\$413,450	\$41,345
Garfield	Felony	\$7,500	272	\$3,677,910	\$367,791
Garfield	Misdemeanor	\$1,500	561	\$1,051,246	\$105,125
Logan	Felony	\$10,000	136	\$2,453,000	\$245,300
Logan	Misdemeanor	\$2,000	231	\$603,185	\$60,319
Oklahoma	Felony	\$10,000	2849	\$49,822,700	\$4,982,270
Oklahoma	Misdemeanor	\$500	2315	\$4,049,660	\$404,966
Payne	Felony	\$7,500	255	\$3,462,600	\$346,260
Payne	Misdemeanor	\$1,500	363	\$1,076,475	\$107,648
Pushmataha	Felony	\$15,000	64	\$1,103,000	\$110,300
Pushmataha	Misdemeanor	\$1,500	86	\$165,225	\$16,523
Roger Mills	Felony	\$25,000	9	\$351,500	\$35,150
Roger Mills	Misdemeanor	\$1,000	36	\$46,929	\$4,693
Rogers	Felony	\$5,500	369	\$5,515,185	\$551,519
Rogers	Misdemeanor	\$1,500	409	\$1,052,639	\$105,264
Tulsa	Felony	\$5,000	2915	\$29,978,440	\$2,997,844
Tulsa	Misdemeanor	\$1,000	3028	\$5,204,490	\$520,449

The following table lists imprisonment rates, average sentence terms, and the change in admissions to prison for drug and property crimes following the enactment of SQ 780 for each of Oklahoma's 77 counties. Values have been excluded for counties with fewer than ten admissions to prison in FY 2016. N/A is listed for counties where there were no relevant admissions from which to calculate average sentences.

County	Total imprisonment rate per 10,000 residents, FY21	Mean sentence term in months for new court commitments, FY21	Change in prison admissions for drug and property crimes, FY16-FY19*
Adair	44.6	59	156.3%
Alfalfa	35.1	126	Excluded
Atoka	54.4	67.8	-75.9%
Beaver	65.4	140	-21.1%
Beckham	75.0	114.7	-43.3%
Blaine	79.0	75.3	-37.9%
Bryan	45.6	79.9	-16.7%
Caddo	88.0	52.4	40.8%
Canadian	28.2	86.5	13.3%
Carter	69.8	79.9	-13.3%
Cherokee	26.6	124.5	42.3%
Choctaw	37.3	54.8	-33.3%
Cimarron	47.9	N/A	Excluded
Cleveland	27.2	97	6.8%
Coal	28.5	69	Excluded
Comanche	56.9	122.1	-44.9%
Cotton	47.0	102.6	-60.0%
Craig	86.5	100.9	86.7%
Creek	39.0	59.8	-55.0%
Custer	78.6	90.2	-48.6%
Delaware	52.0	89.8	28.0%
Dewey	8.9	N/A	Excluded
Ellis	24.0	66	Excluded
Garfield	65.9	86.6	-55.4%
Garvin	68.2	76.2	37.5%
Grady	53.3	77.6	-29.3%
Grant	50.4	105.4	Excluded
Greer	112.9	53.5	-64.0%
Harmon	124.6	63.3	-40.0%
Harper	36.7	51.7	-76.9%
Haskell	63.1	54.8	52.0%
Hughes	40.4	76.4	-75.7%
Jackson	94.0	97.6	-57.3%
Jefferson	121.8	67.6	-8.3%

(table continues)

County	Total imprisonment rate per 10,000 residents, FY21	Mean sentence term in months for new court commitments, FY21	Change in prison admissions for drug and property crimes, FY16-FY19*
Johnston	55.5	134.7	Excluded
Kay	71.9	106.8	29.7%
Kingfisher	48.7	99.7	-87.1%
Kiowa	37.6	81	-9.1%
Latimer	38.1	53.9	Excluded
Le Flore	45.7	58.3	15.6%
Lincoln	42.1	147.6	-63.5%
Logan	33.1	92.5	18.2%
Love	53.2	59.4	-3.1%
Major	11.6	156	Excluded
Marshall	74.5	80.5	38.7%
Mayes	40.5	99.6	20.9%
McClain	23.8	95	211.1%
McCurtain	47.1	84.1	-13.6%
McIntosh	70.2	90	-42.9%
Murray	37.4	72.4	-35.5%
Muskogee	93.5	107.8	7.9%
Noble	33.0	85.5	Excluded
Nowata	59.0	65.6	-37.5%
Okfuskee	65.4	120.7	-16.7%
Oklahoma	75.4	93.8	-31.0%
Okmulgee	64.8	101.5	-57.1%
Osage	35.8	106.5	4.2%
Ottawa	62.7	120.9	-7.2%
Pawnee	20.6	66	-60.0%
Payne	23.0	102.7	5.3%
Pittsburg	47.3	88.3	-58.8%
Pontotoc	72.8	113	-37.9%
Pottawatomie	52.3	64.2	-51.2%
Pushmataha	34.2	86.7	-12.5%
Roger Mills	32.0	102	Excluded
Rogers	44.1	80.7	-15.4%
Seminole	67.5	67.3	-50.7%
Sequoyah	42.8	93.5	33.3%

(table continues)

County	Total imprisonment rate per 10,000 residents, FY21	Mean sentence term in months for new court commitments, FY21	Change in prison admissions for drug and property crimes, FY16-FY19*
Stephens	75.6	105.8	-33.9%
Texas	61.3	80.6	-6.7%
Tillman	41.6	56.1	-60.0%
Tulsa	55.8	83	0.7%
Wagoner	17.0	95.1	41.4%
Washington	47.1	103.1	-48.5%
Washita	56.8	89.3	-68.2%
Woods	17.4	56.4	-38.5%
Woodward	46.4	111.5	69.2%
Total	54.3	90.5	-21.2%

*Values have been excluded for counties with fewer than ten admissions in FY16.

**N/A listed for counties where there were no relevant admissions from which to calculate mean sentences.

The following table lists imprisonment rates, average sentence terms, and the change in admissions to prison for drug and property crimes following the enactment of SQ 780 for each of Oklahoma's 27 DA Districts.

DA District	Total imprisonment rate per 10,000 residents, FY21	Mean sentence term in months for new court commitments, FY21**	Change in prison admissions for drug and property crimes, FY16-FY19*
District 1	58.4	87.1	-20.8%
District 2	68.7	95.3	-47.8%
District 3	80.2	87.5	-53.8%
District 4	41.3	88	-36.2%
District 5	56.5	121.2	-45.9%
District 6	70.7	76.6	-16.1%
District 7	75.4	93.8	-31.0%
District 8	64.1	105	25.0%
District 9	26.8	97.3	8.9%
District 10	31.9	101.2	-14.7%
District 11	48.9	96	-46.3%
District 12	47.2	89	2.3%
District 13	56.6	105.3	7.6%
District 14	55.8	83	0.7%
District 15	93.5	107.8	7.9%
District 16	44.5	53.9	28.6%
District 17	42.1	79.1	-18.2%
District 18	50.6	82.9	-33.6%
District 19	46.1	77	-34.9%
District 20	62.7	83.3	-6.4%
District 21	29.7	92.7	24.6%
District 22	65.3	88.6	-51.1%
District 23	49.1	77.6	-55.7%
District 24	42.6	68.7	-49.7%
District 25	66.7	96.3	-53.4%
District 26	30.4	109.9	-3.2%
District 27	27.7	90.8	51.1%
Total	54.3	90.9	-21.2%

Endnotes

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