

MEMORANDUM

TO: Oklahoma State Legislature

FROM: Alyssa Kuhlwein, Criminal Justice Reform Advocate

DATE: 16 November 2018

RE: Reducing Oklahoma's Prison Population

Introduction

The state of Oklahoma has the highest incarceration rate in the country (Lewis, 2018). Unfortunately for both the state and Oklahoma citizens, this is a growing problem which will lead to a 25 percent increase in prisoners and a \$2 billion increase in costs over the next decade (England, Small, 2017). As legislators, your constituents are in one of two positions. They are either directly affected by mass incarceration through experiencing the system themselves, or they are seeing their hard-earned wages go down the drain. Whichever camp they fall in, it is certain they want this issue resolved.

To avoid this burdensome fate, the state of Oklahoma must implement evidence-based policies that focus on alternatives to incarceration for nonviolent offenders. This is a model that is practiced in Texas that, since its implementation in 2007, led to a decrease in recidivism by 25 percent, the lowest crime rates since 1973, and nearly \$2 billion in savings (England, Small, 2017). Between expanding parole and investing in rehabilitation programs, Oklahoma can have fewer prisoners and safer communities.

Oklahoma prison population and costs

The composition of Oklahoma's prison population presents clear opportunities for reducing mass incarceration. Drug offenses make up 32 percent of all prison admissions (Blueprint for Smart Justice: Oklahoma, 2018). In 2015, 75 percent of criminals entering Oklahoma prisons were nonviolent offenders (England, Small, 2017). Nationally, this number is 31 percent (Blueprint for Smart Justice: Oklahoma, 2018).

The price of incarcerating one person for a year is 13 times higher than probation or parole supervision. Oklahoma focuses heavily on incarceration for deterrence rather than alternate routes, leading to extraordinary spending. \$376 million of the state's general fund was spent on corrections in 2016 (Blueprint for Smart Justice: Oklahoma, 2018).

Alternatives to incarceration

Research shows that focusing on alternatives to incarceration reduces the likelihood of reoffending while reducing costs for the state (Chettiar, 2015). Oklahoma has ample opportunity to pursue non-traditional routes due to their high population of nonviolent prisoners. If the state invests in rehabilitation programs for drug-related offenses instead of limiting these cases to incarceration only, fewer people will be behind bars and money that is now focused on incarceration can be diverted either to treatment programs or other government initiatives that

have been put on the backburner. In addition to rehabilitation for addiction, mental health treatment should also be prioritized. Half of the prisoners suffer from mental health or drug addiction issues (Chettiar, 2015). Addressing drug offenders alone answers for nearly a third of prisoners (Blueprint for Smart Justice: Oklahoma, 2018). For the rest of the population, a focus on probation and parole instead of imprisonment would decrease incarceration rates.

The Texas model

All of these measures lead to success in Texas following the implementation of new reforms over a decade ago. In 2007, Texas was in the same situation that Oklahoma has found itself in today: a growing prison population with unjustifiable costs (England, Small, 2017). Instead of letting the criminal justice system spiral into overcrowded chaos, Texas legislators came together to propose an unprecedented expansion of diversion and treatment programs. The budget included funding for “800 new residential substance abuse treatment beds and 3,000 more outpatient substance abuse treatment slots” (Levin, Madden, 2016). Furthermore, in order to make parole more realistic for inmates, the budget added: “2,700 substance abuse treatment beds behind bars, 1,400 new intermediate sanction beds (a 90-day program for probationers and parolees with technical violations such as missing appointments), and 300 halfway-house beds” (Levin, Madden, 2016). More accessible treatment allows inmates to improve quicker in order to meet parole requirements, speeding up the process of getting out of prison. The new plan for the state focused resources on violent offenders while diverting nonviolent offenders to alternate routes (Cohen, Peterson, 2016). All Texans benefitted from this change. Data show that nonviolent offenders who were diverted to rehabilitation programs are less likely to offend after time was served compared to when these offenders were serving their time in general population cells with violent offenders (Cohen, Peterson, 2016). In addition to a safer community resulting from a 25 percent lower recidivism rate and lowest crime rates since 1973, Texas saved “nearly \$2 billion in averted prison costs” since the reforms began in 2007 (England, Small, 2017). Using Texas as a blueprint, Oklahoma needs to expand their own diversion programs in the same way.

The myth of “tough on crime” policies

Oklahoma shares striking similarities to pre-2007 Texas and Oklahoma can make the same positive changes to its criminal justice system. Legislators should not heed criticism that these reforms are “soft” on crime. This need to appear “tough on crime” has led to the dire situation that Oklahoma is in now. The droves of nonviolent offenders that got caught in the crossfire of mass imprisonment have drained the pockets of constituents without ensuring a safer community. For example, mandatory minimums for drug offenders put such high numbers of non-violent offenders into cells that prison administrators had to release “serious offenders” due to overcrowding (Lynch, Sabol, 2018). Examples like this prove that putting more lawbreakers behind bars in a one size fits all system is not the answer. Oklahoma, through strategic funding and planning that emphasizes keeping people out of prisons rather than inside them, can reduce crime and incarceration simultaneously.

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