



Oklahoma Justice Reform Task Force

Policy Recommendations Summary

*This is not a comprehensive list of the OJRTF policy recommendations; see Final Report for full details.

If adopted, the Task Force's recommendations are projected to reduce the prison population by 9,267 beds from the projected growth. These recommendations will avert all of the projected growth in the next 10 years and reduce the prison population by seven percent, averting an estimated \$1.9 billion in capital and operating costs through 2026.

Stronger and More Effective Supervision and Treatment

Establish evidence-based standards for supervision practices based upon the mandatory risk and needs assessment

- Require that all supervision providers use the validated risk and needs assessment tool to identify an individual's risk of recidivism and use the results to guide decision-making related to supervision intensity and case planning in the community.
- Require the DOC to establish guidelines for the use of risk and needs-based supervision to be used by all vendors that supervise felony offenders.
- Require judgment and sentence orders to include a condition that any offender involved in a domestic violence offense receive a full batterer's assessment through a certified professional.

Establish a system of earned compliance credits on supervision

- Establish a system of earned compliance credits for probationers and parolees who comply with the conditions of supervision allowing probationers and parolees to reduce the period of supervision and the term of the probation sentence (not including parolees) for good behavior and compliance with the case plan while on supervision.

Expand the use of graduated responses to offender behavior

- Develop and implement graduated sanctions that allow probation and parole officers to respond in a swift, certain, and proportional manner to violations of conditions of supervision in order to interrupt adverse behavior and decrease the likelihood that negative conduct will escalate.
- Develop incentives to encourage and reward positive behavior and prosocial activities.
- Establish specialized training to properly address violations committed by offenders involved in domestic violence.
- Reduce the length of time a probationer may be revoked to prison for a technical violation: up to 15 days for the first revocation; up to 30 days for the second; up to 60 days for the third; and, no more than five years for a fourth and subsequent revocation. A judge may depart from these caps for offenders on probation for 85% crimes.

Streamline revocation hearings for probationers and parolees

- Streamline revocation hearings when an application for revocation is made to the court or Parole Board to ensure that probation or parole violators are held no longer than 10 days unless a public safety threat exists.

Establish specialty court eligibility criteria

- Codify DMHSAS contract requirements to ensure only appropriate offenders participate in drug court programs as determined by a screening assessment.

Minimizing financial barriers to successful reentry

- Minimize financial barriers by establishing affordable payment plans and incentivizing payments through participation in workforce development programs.
- Absent willful nonpayment, eliminate the extension of supervision for failure to pay.



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Establish a certificate of rehabilitation and an expungement of offenders who successfully complete supervision

- Allow offenders who are compliant with supervision conditions and are released on administrative parole, or placed directly on probation supervision, to apply for a certificate of rehabilitation that can be used to reduce the obstacles to obtaining an employment certification.
- Allow offenders to expunge records of nonviolent convictions after seven years without a new conviction and records of violent convictions after ten years without a new conviction.

Sentencing Modifications for Statutorily Defined Nonviolent Crimes

Modify Drug Sentencing

- Adjust penalties for possession with intent to distribute, distribution, manufacture, and related crimes.
- Create tiered sentencing for trafficking based on weight, focusing long sentences on high-volume drug traffickers

Expand levels of burglary to distinguish lower-level burglary offenses and adjust sentences

- Expand burglary levels to distinguish lower-level burglary offenses and adjust sentences based on severity, with repeat burglary offenses subject to the habitual offender law.
- Reduce mandatory minimum sentences for 1st and 2nd degree burglary
- Reclassify burglary of a vending machine as larceny.

Expand access to alternatives to incarceration

- Expand eligibility for alternatives to incarceration such as Community Sentencing and deferred and suspended sentencing to ensure effective supervision and treatment.

Revise the habitual offender statute to focus the most severe punishments on violent offenders

- Revise the enhancement sentencing structure so that offenders with a nonviolent current offense and nonviolent criminal history are punished less severely than offenders with violent offense convictions.
- Exclude simple drug possession convictions from being used to enhance subsequent sentences.

Expand the application of the justice safety valve

- Change criteria to allow a judge to depart from a mandatory sentence to focus on public safety.
- Allow a reduction in the sentence to be no less than 25 percent of the mandatory term.
- Expand the list of offenses to which the safety valve applies to any nonviolent or non-person offense, excluding first degree Trafficking.

Reserve 85% crime requirements for violent offenses

- Maintain nonviolent, non-person offenses in the 85% category, but allow the person to be transferred to electronic monitoring when 70% of the sentence has been served.

Revise Property Sentences to Match Felony Theft Threshold

- Adjust penalties for low-level property offenses to match the felony theft threshold established by the Governor's 2016 bill.
- Create a tiered penalty structure for property and theft offenses based on property value.



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Strengthened Release Practices

Develop case plans for all DOC inmates in order to reduce the risk of recidivism upon release based upon the mandatory risk and needs assessment

- Upon admission to the DOC, develop individualized case plans that focus on addressing the characteristics that led to the person's criminal behavior and increase the likelihood that the person will become crime-free and employable once back in the community.

Establish an administrative parole process for individuals serving sentences for nonviolent crimes

- Establish a parole process for parole-eligible individuals serving sentences for nonviolent crimes that encourage inmates to satisfy the conditions of the case plan. Parole hearings will be heard for these individuals if the person does not comply with the case plan, if a victim of the offense requests a hearing or if the person committed a serious infraction while incarcerated.

Implement a parole option for long-term, geriatric inmates

- Establish a parole process that allows inmates who have aged out of criminal behavior to become eligible for parole consideration at age 50, after serving 10 years; excluding: felony sex offenses, sentences of death, and Life without the possibility of parole.
- Establish a process of administrative parole for inmates who have served 10 years and:
 - Have reached the age of 65 or older; or
 - Are serving a sentence for a nonviolent offense and have reached the age of 55; or,
 - Upon reaching age 55 or older, has been determined to be medically frail by the medical director of the Department of Corrections.

Change Pardon and Parole Board qualifications and training

- Require that at least two members of the Board have five years of training and/or experience in clinical psychology, substance abuse services, or social work.
- Require that annual Board training include training in proven recidivism-reduction practices.

Expand GPS program eligibility and affordability

- Allow eligible inmates who have 24 months or less remaining on their sentences to be released on GPS supervision.
- Prohibit the exclusion of an inmate from the GPS program based on an inability to pay GPS monitoring fees.

Provide better support to victims of crime

- Establish more effective responses to victims of domestic violence including lethality assessments.
- Establish a broad certification program for individual assistance professionals to ensure all victim/survivor services are provided by certified, victim-centered and trauma-informed providers.

Additional Task Force recommendations:

- Establish an oversight council to monitor the performance and implementation of the Task Force recommendations to ensure they are meeting expectations.
- Provide enhanced training for criminal justice practitioners.
- Provide adequate funding to support community treatment and alternatives to incarceration