

**Oklahoma Department
of Corrections
Study**

**Submitted to Governor Frank Keating
by
Michael Quinlan**

December 2, 1996

Table of Contents

Preface	1
Chapter 1 - Overview	3
Chapter 2 - Oklahoma DOC Population\Projected Growth\Classification	13
Chapter 3 - Capacity	25
Chapter 4 - Parole\Early Releases	35
Chapter 5 - Community Resources\ Probation and Parole	41
Chapter 6 - Staffing\Organization	49
Chapter 7 - Budgets	53
Chapter 8 - Recommendations	57
Chapter 9 - General Concluding Comments	61
Attachment A	63
Attachment B	73
Attachment C	85



A15306318990

Table of Contents

Preface 7

Chapter 1 - Overview 9

Chapter 2 - Oklahoma DOC Population/Rejected
Growth/Classification 13

Chapter 3 - Capacity 25

Chapter 4 - Parole/Early Releases 35

Chapter 5 - Community Resources/
Probation and Parole 41

Chapter 6 - Staffing/Organization 49

Chapter 7 - Budget 53

Chapter 8 - Recommendations 57

Chapter 9 - General Concluding Comments 61

Attachment A 68

Attachment B 73

Attachment C 85

Preface

This study was conducted at the request of Governor Frank Keating in response to concerns about bed space capacity and appropriateness of classification, staffing and budgeting of the Oklahoma Department of Corrections (DOC). While conducting this study, I came across other issues such as organization of the DOC and the parole process which have also been addressed in this report. During the course of this study, I visited several DOC facilities, Oklahoma State Penitentiary, Joseph Harp Correctional Center, Lexington Assessment and Reception Center, Oklahoma State Reformatory, Jackie Brannon Correctional Center, James Crabtree Correctional Center, Ouachita Correctional Center, Bill Johnson Correctional Center and Mabel Bassett Correctional Center. The Probation and Parole Office in Oklahoma City was visited, and I had the opportunity to attend two meetings of the Oklahoma Board of Corrections. I also met with members of the Oklahoma legislature, representatives of the Governor's Cabinet, Board of Corrections members, as well as law enforcement representatives and staff of the DOC. I received total cooperation from all the people that I spoke with and the support I received from the Department of Corrections and the office of the Commissioner of Public Safety was absolutely outstanding. Interim Director James Saffle could not have been more supportive in ensuring that I receive all the information that I requested in a timely and forthright way. He made key staff available to me so that I was able to accomplish this report in an efficient way. It is always difficult to single out individuals in this type of situation, but I would be less than fair if I did not say how important George Lindley and Charlene Smith have been in helping me get the information I needed while preparing this report and Kevin Ward for getting me where I needed to be.

This study was conducted at the request of Governor Frank Keating in response to concerns about bed space capacity and appropriateness of classification, staffing and budgeting of the Oklahoma Department of Corrections (DOC). While conducting this study, I came across other issues such as organization of the DOC and the parole process which have also been addressed in this report. During the course of this study, I visited several DOC facilities: Oklahoma State Penitentiary, Joplin, Fairbault Correctional Center, Austin Assessment and Reception Center, Oklahoma State Reformatory, James Watson Correctional Center, James C. Davis Correctional Center, Oklahoma Correctional Center, Bill Johnson Correctional Center and White Earth Correctional Center. The Probation and Parole Office in Oklahoma City was visited and had the opportunity to attend two meetings of the Oklahoma Board of Pardons. I also met with members of the Oklahoma legislative representatives of the Governor's Cabinet, Board of Corrections members, as well as law enforcement representatives and staff of the DOC. I received total cooperation from all the people that I spoke with and the support I received from the Department of Corrections and the Office of the Commissioner of Public Safety was absolutely outstanding. James Watson James Parole Office could not have been more supportive in ensuring that I receive all the information that I requested in a timely and efficient way. He made my staff available to me so that I was able to accomplish the work in an efficient way. It is always difficult to single out individuals in this situation, but I would be less than fair if I did not say how important George Lindsey and Christine Zeman have been in helping me get the information I needed while preparing this report and Kevin Ward for getting me where I needed to be.

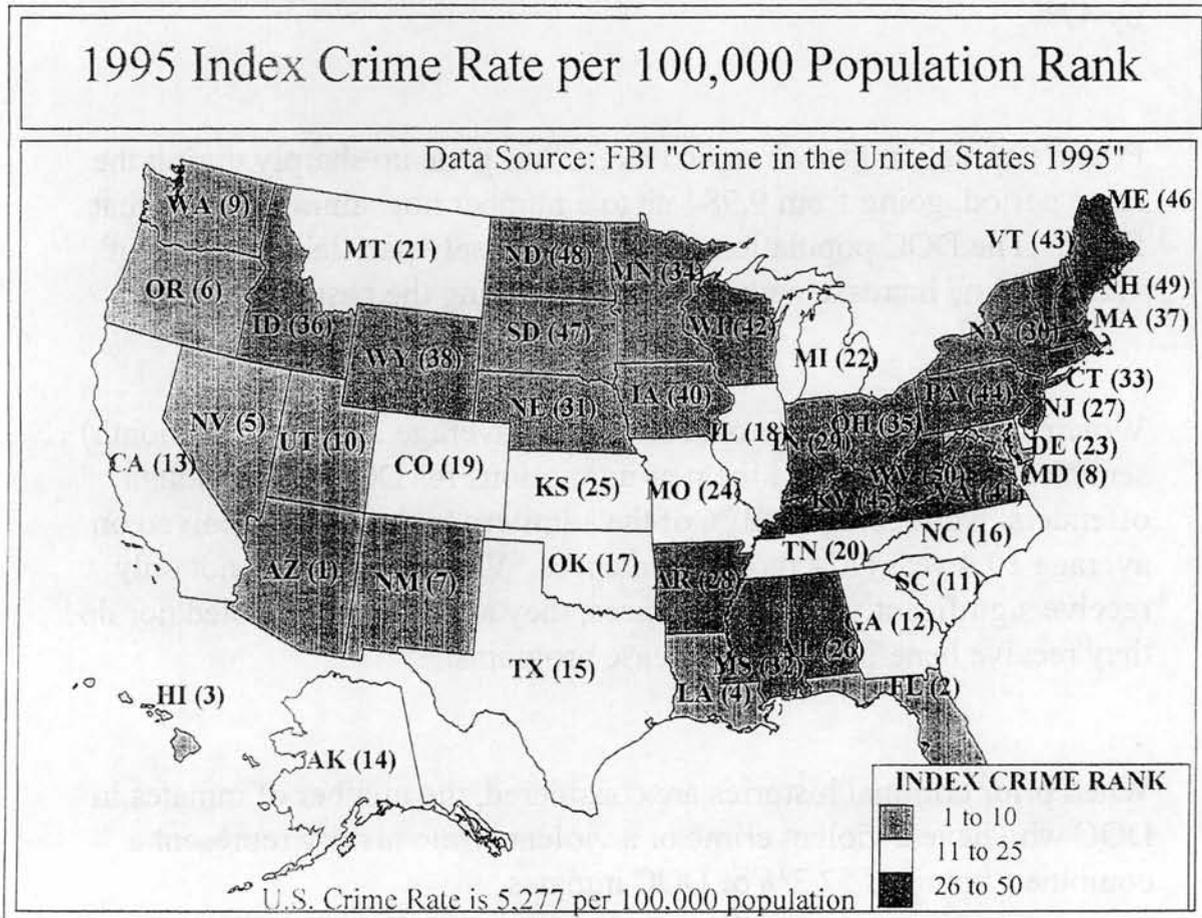
Chapter 1 - Overview

Key Findings

1. The overall crime rate in Oklahoma has in the past eight years been relatively unchanged. However, violent crime has gone up dramatically by 47%.
2. Prison population growth in Oklahoma has gone up sharply during the same period, going from 9,984 up to a number now almost double that figure. The DOC population growth has closely paralleled the rate of violent crime increase within Oklahoma during the past eight years.
3. Violent criminals in Oklahoma receive on average 24 year (288 month) sentences and are 40% of the new admissions for DOC. Non violent offenders, who represent 60% of the admitees to the DOC, received on average 10.4 year (124 month) sentences. Violent offenders not only receive significantly higher sentences, they are often not paroled nor do they receive benefits of early release programs.
4. When prior criminal histories are considered, the number of inmates in DOC who have a violent crime or a violent crime history represent a combined figure of 52.3% of DOC inmates.
5. Prison growth in Oklahoma has closely paralleled growth of prisoners nationwide. According to the U.S. Department of Justice, there are now more than 1.1 million persons in prisons in the United States, up from 560,459 at the end of 1987.

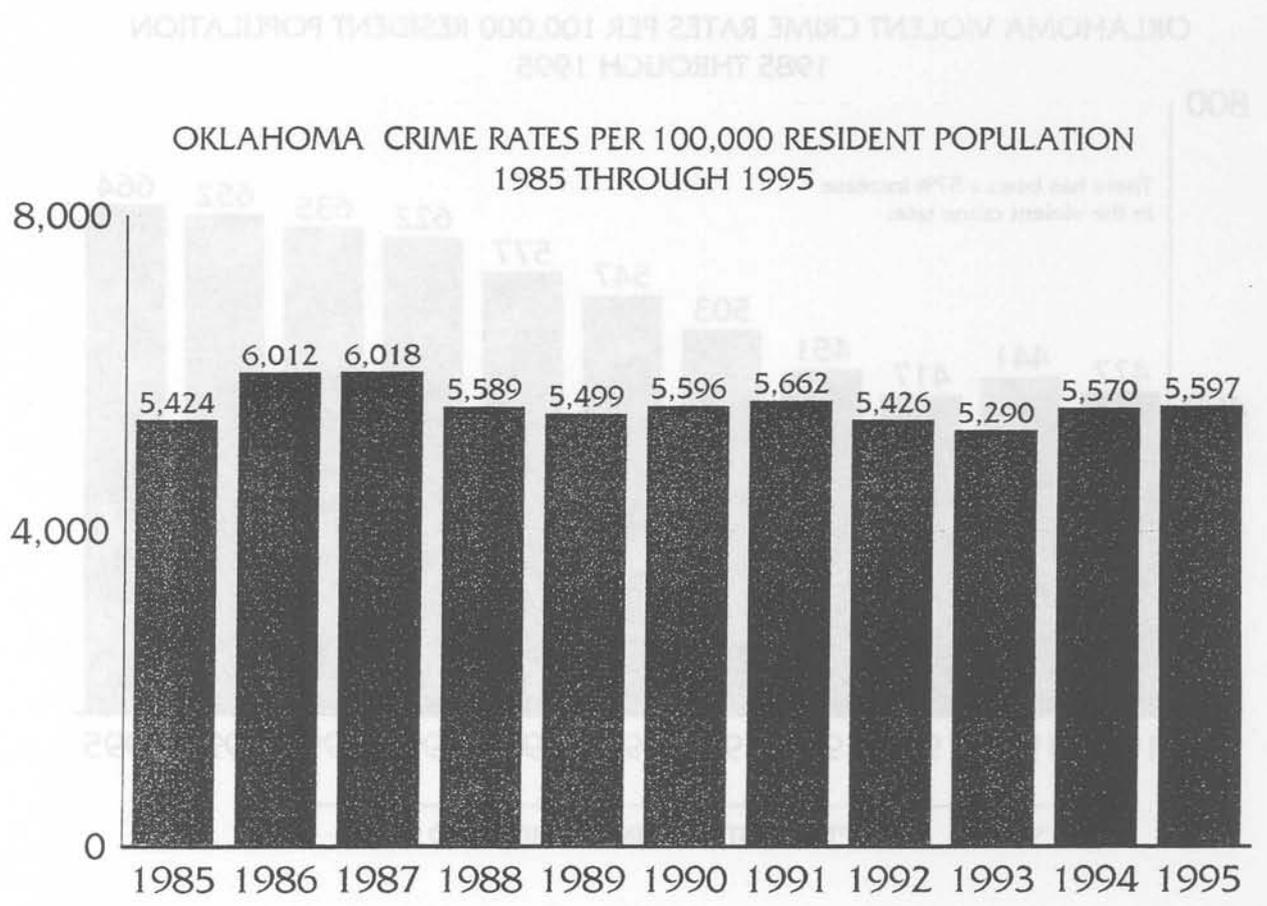
Crime and Violent Crime

Oklahoma ranks 17th in the nation for total crime as reported by the FBI Uniform Crime Report, released October 13, 1996.



At the national level overall crime rates have declined from 1988-1995, but violent crime, which represents 13% of the overall crime rate, has risen during the same period. The numbers on the following table are instructive:

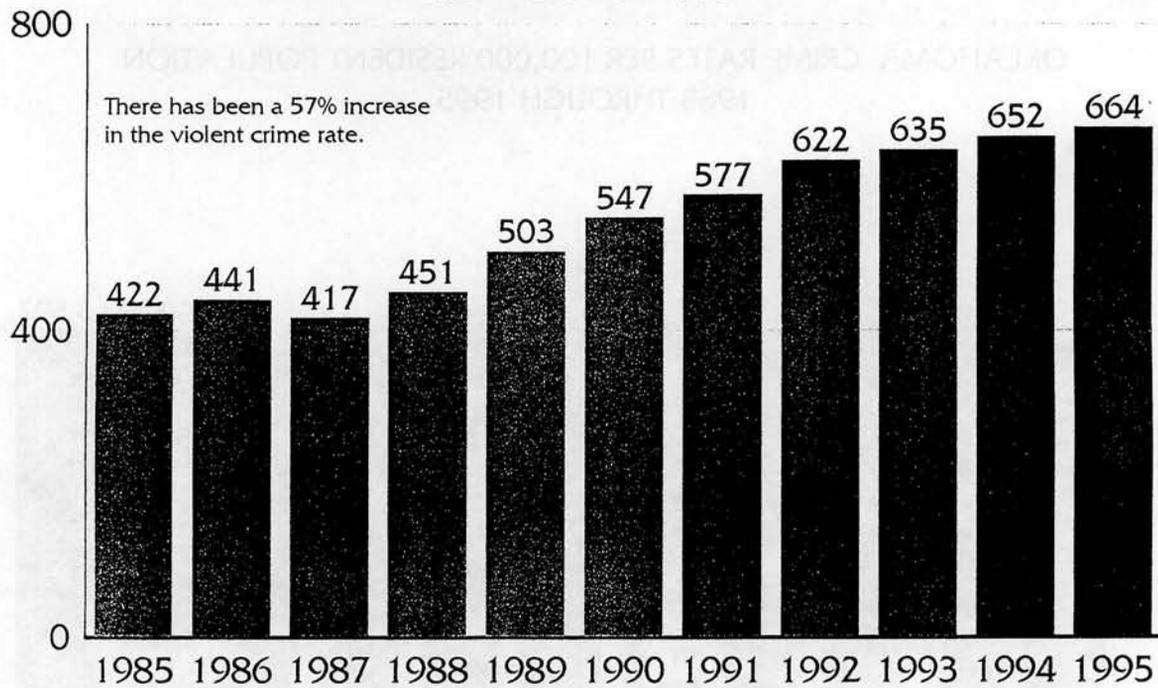
	U.S. overall crime	U.S. overall crime rate (per 100,000)	Oklahoma rate (per 100,000)
1988	13,923,100	5,664	5,589
1995	13,867,100	5,278	5,597
		-9.3%	+ .0015%



SOURCE: U.S. DEPT. OF JUSTICE, "CRIME IN THE UNITED STATES - 1995"

	U.S. violent crime	U.S. overall crime rate (per 100,000)	Oklahoma rate (per 100,000)
1988	1,566,220	637	451
1995	1,798,790	685	664
		+7.4%	+47.2%

OKLAHOMA VIOLENT CRIME RATES PER 100,000 RESIDENT POPULATION
1985 THROUGH 1995



SOURCE: U.S. DEPT. OF JUSTICE, "CRIME IN THE UNITED STATES - 1995"

See Attachment A

Despite the fact that Oklahoma's overall crime rate has not changed significantly in the past eight years, Oklahoma's violent crime rate has been moving upward steadily, increasing 47% in the same period.

Although violent crime represents only a small percent of overall crime (13% nationally; 11.9% in Oklahoma) the offenders who commit violent crimes are generally the prisoners with the longer sentences and they often do not receive the benefit of early release or parole. In fact, the average sentence length for violent offenders in Oklahoma is 24 years or 288 months, while the average non-violent offender is serving 10.4 years or 124 months. The long term effect of the increasing number of violent offenders who stay longer on the Oklahoma DOC has undoubtedly caused the continuing upward pressure on inmate population.

In 1995, juveniles accounted for 19.1% of persons arrested (29,551) for all crimes in Oklahoma. Juvenile arrests increased 23.5% from 1988 to 1995.

Juvenile arrests for violent crime in Oklahoma and nationally have increased dramatically over the past nine years. In 1987, there were 711 juveniles arrested for a violent crime in Oklahoma - in 1995 that number had grown to 1,510, a 112% increase. The juvenile arrests were most frequently for robbery and felonious assault. Nationally, there were 72,829 arrests of juveniles for violent crimes in 1987 and by 1995 that number had grown to 115,592; a 59% increase.

Violent crime is an act involving force or the attempted use of force against another. Examples of this type of crime are most frequently murder, manslaughter, sex offenses, assault, robbery, or attempts at such behavior.

TOTAL CRIME IN OKLAHOMA (Rate is per 100,000 of population)

	Rate		Number
1988	5,589	↑	182,373
1995	5,597	↑	183,463

Comprised of:

1. Violent (12% of Crime)

1988	451	↑	14,000
1995	652	↑	22,000

Of Which:

Murder

1988		↓	243
1995		↓	220

Rape

1988		↑	1,229
1995		↑	1,460

Robbery

1988		↑	3,428
1995		↑	3,786

Aggravated Assault

1988		↑	9,278
1995		↑	16,102

2. Non Violent (88% of Crime)

1988	5,155	↓	168,000
1995	4,919	↓	162,000

Of Which:

Burglary

1988		↓	54,000
1995		↓	42,000

Larceny

1988		↑	96,000
1995		↑	104,000

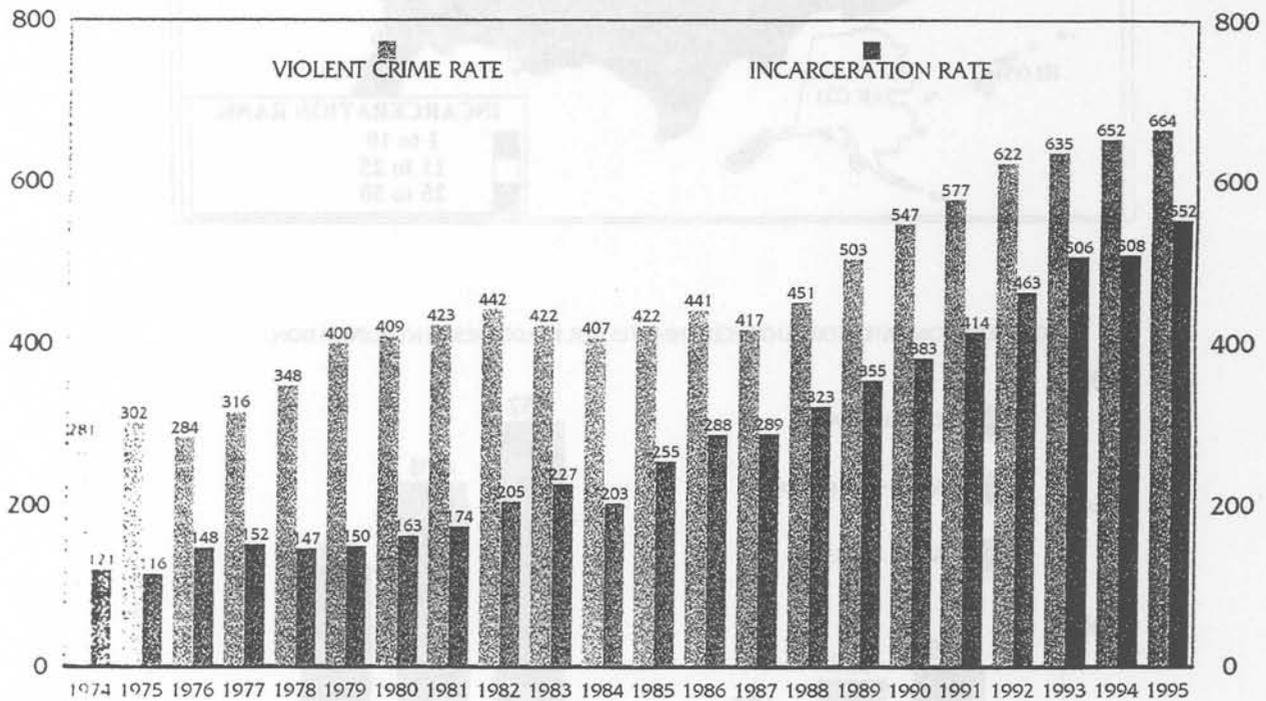
Auto Theft

1988		↓	18,000
1995		↓	16,000

Oklahoma incarcerated 552 persons per 100,000 residents in 1995, according to the Bureau of Justice Statistics of the U.S. Department of Justice. This number has grown steadily from 323 per 100,000 in 1988 to the current figure. This is despite the fact that Oklahoma's total number of crimes has not grown significantly, but the number of violent crimes has significantly increased to 664 per year per 100,000 residents; up from 451 per 100,000 eight years ago.

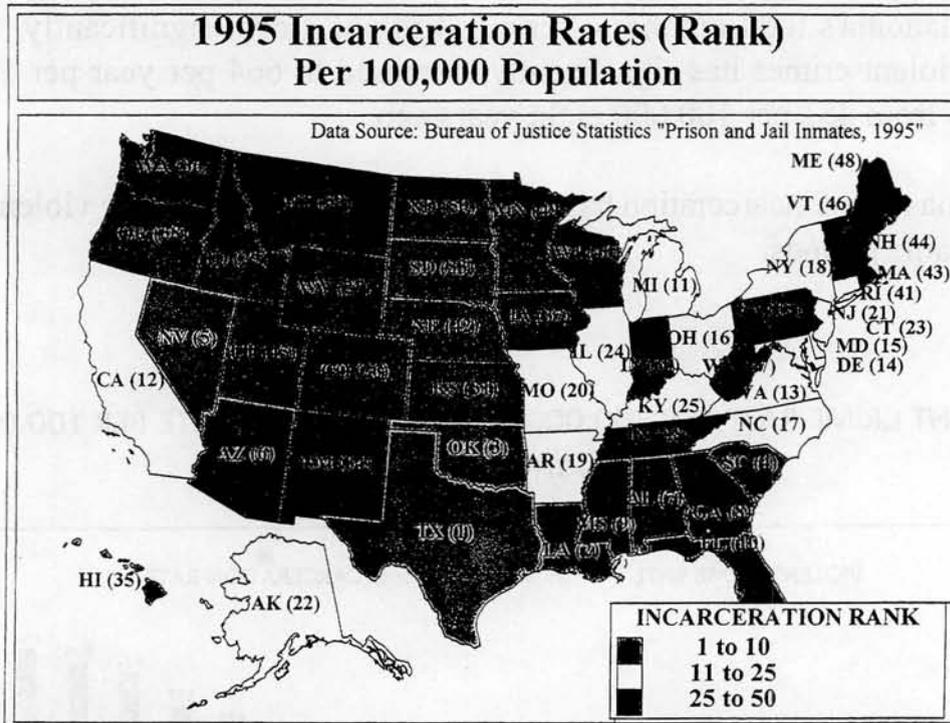
The Oklahoma rate of incarceration has very closely paralleled the state violent crime rate for the same periods.

VIOLENT CRIME RATE PER 100,000 - INCARCERATION RATE PER 100,000
1974 THROUGH 1995

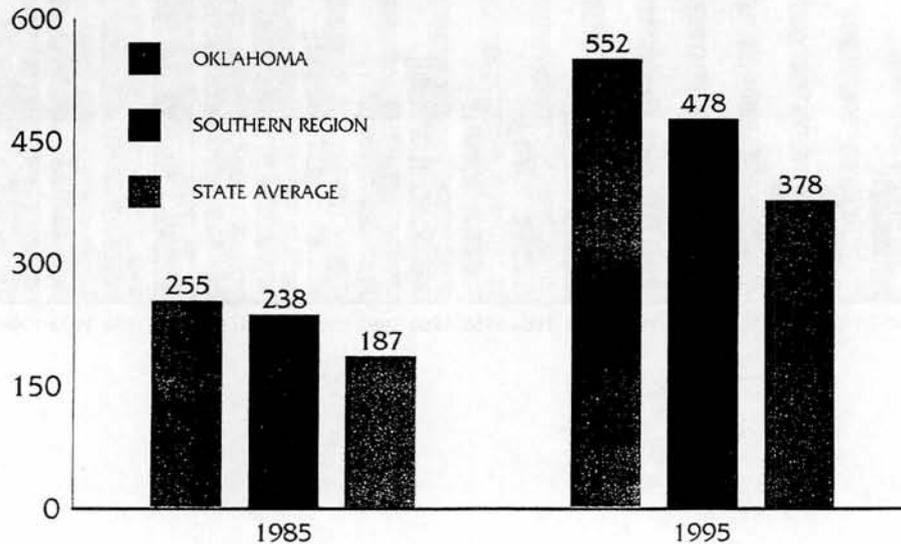


The implications of this data are clear - that Oklahoma has, over the past eight years, had to contend with a significantly higher number of violent crimes and the resultant increase in long term violent offenders in the Oklahoma DOC.

During this same time period Oklahoma has gone from 7th in the nation in 1988 to 3rd in the nation now for incarcerated inmates per 100,000 residents.



INCARCERATION RATES FOR SENTENCED INMATES PER 100,000 RESIDENT POPULATION

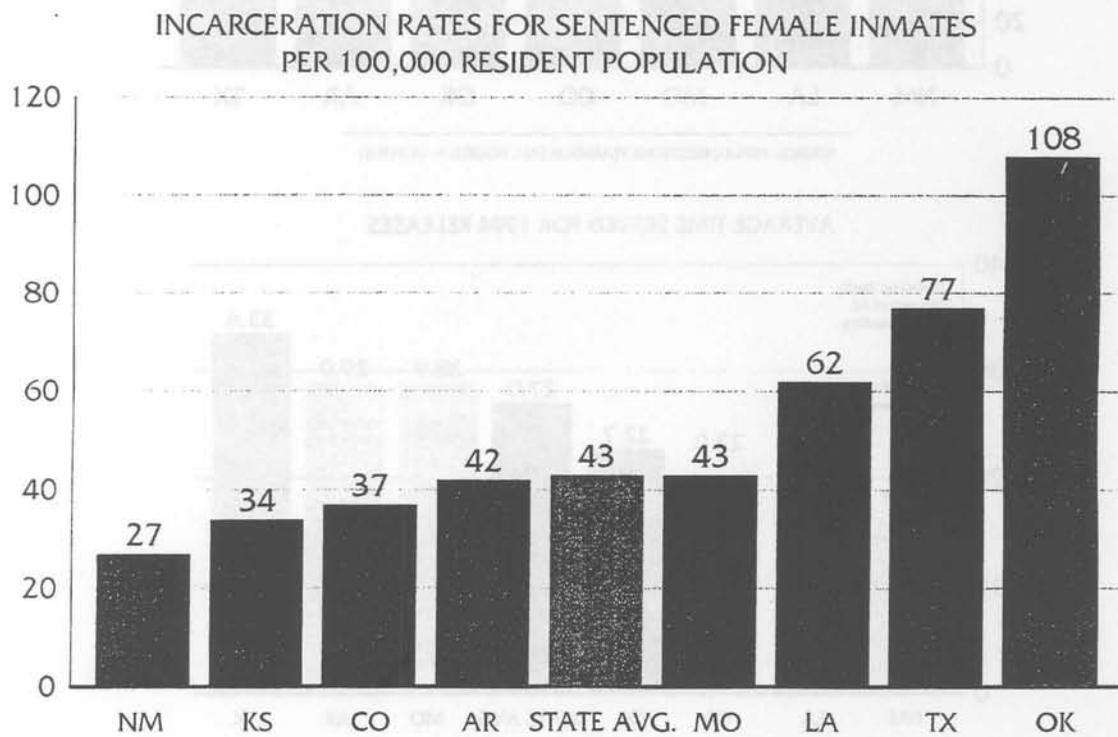


SOURCE: BUREAU OF JUSTICE STATISTICS, "PRISONERS IN 1985" & "PRISONERS IN 1995"

*Note that almost all southern states ranked in the top 10 states for their rates of incarcerations. Research indicates that one possible explanation is that a southern subculture of violence exists. See footnote below.

Footnote: The author of an article (“An Eye for an Eye? A note on the Southern Subculture of Violence Thesis”, *Social Forces*, V. 69, N 4, June 1991, page 17) contends that a southern subculture of violence exists. Based on data from the 1983 General Social Survey, the current research indicates that native southerners are disproportionately inclined to condone defensive or retaliatory forms of violence. The results are partially consistent with arguments that interregional migration and cohort substitution attenuate regional differences in views toward violence. The fact that younger southern natives are considerably less supportive of violence than are elderly natives seems to validate earlier predictions that the regional subculture of violence will decline with national integration and economic development.

The rate of females incarcerated in Oklahoma is 108 per 100,000 residents, the highest in the nation. The average of all states is 43 per 100,000.

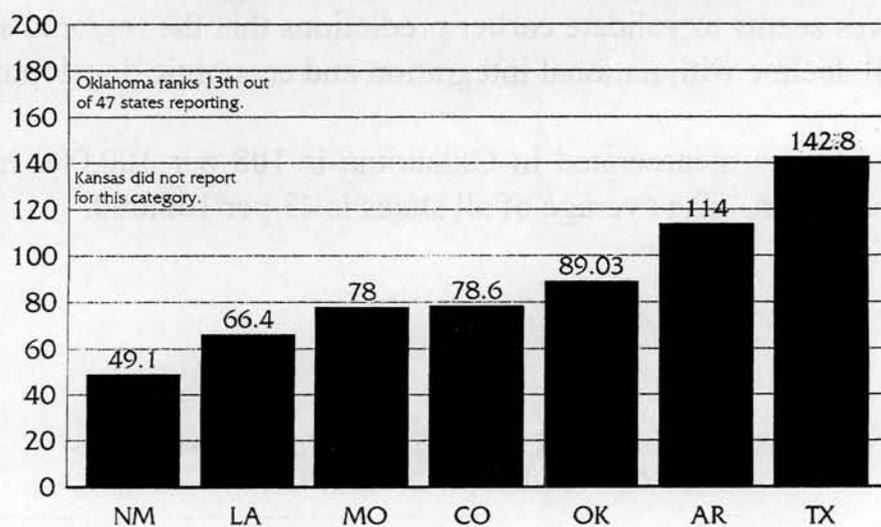


SOURCE: BUREAU OF JUSTICE STATISTICS, "PRISONERS IN 1995"

According to the 1995 Corrections Yearbook, Oklahoma ranked 13th in the nation with an average sentence length of 89.03 months for new inmate receptions in 1994. Nationally offenders received in 1994 served 36% of their sentences. Actual time served statistics for 1994 show that Oklahoma was 28th in the nation on time served with offenders serving 22.7 months.

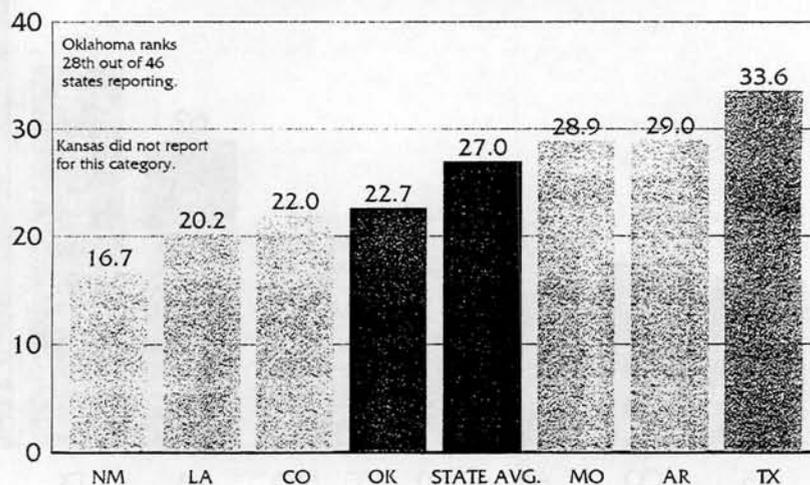
In Oklahoma the percentage of sentences served has declined from 53.4% in the 1960-1969 time frame to 32.9% in the 1970-1979 period, 24.4% from 1980 to the early 1990's. (Source: Connolly and Holley; Basic Trends in Sentence Length and Time Served in Oklahoma Corrections, 1900-1992)

AVERAGE SENTENCE LENGTH FOR 1994 RECEPTIONS



SOURCE: 1995 CORRECTIONS YEARBOOK (ALL FIGURES IN MONTHS)

AVERAGE TIME SERVED FOR 1994 RELEASES



SOURCE: 1995 CORRECTIONS YEARBOOK (ALL FIGURES IN MONTHS)

Chapter 2 - Oklahoma DOC Population\Projected Growth\ Classification of Inmates

Key Findings

1. The Department of Corrections reported its population on November 4, 1996 as 20,050. I believe it is more appropriately stated at 17,642. This number excludes early releasees and inmates currently not in facilities (i.e. out to court, out to local hospital).
2. DOC currently manages in its facilities or in privately run facilities under contract 8,615 secure male inmates, 5,176 male minimum inmates, and 2566 male community custody inmates. DOC also manages 692 secure female inmates, 581 female minimum, and 235 female community custody inmates.
3. Inmate classification, or the assignment of offenders to the most appropriate security level facility, is a critical element in corrections management. Oklahoma has been using an inmate classification system since the early 1980's that has not been significantly revised and that has significant deficiencies. Oklahoma has developed a new classification method and it should be implemented as soon as possible.
4. The affect of the revised classification system on the secure bed needs of the DOC would be an increased need for maximum and medium (secure) beds of 1,185 for males and 166 for females. The inability to immediately arrange secure bed space for this increased need should be tempered with an overall phase-in implementation schedule of this new classification system that permits a gradual implementation over the next two years.

5. DOC should consider establishing a security classification between medium and minimum to enable them to quickly and cost effectively increase the number of offenders who will be assigned to institutions with fence security.
6. Population projections of the DOC are that inmate growth will continue to drive the need for expanded capacity at least for the next ten years.

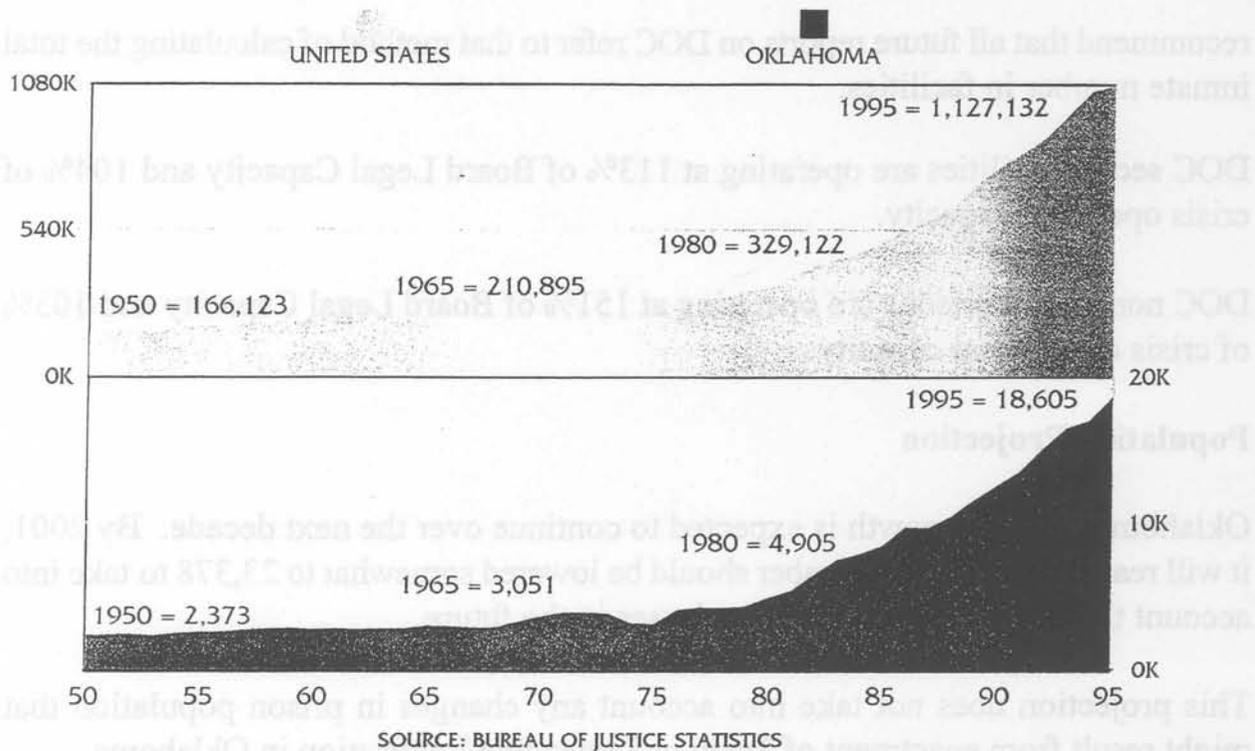
Prison Population

According to the DOC there were 20,050 offenders in the DOC on November 4, 1996, an increase of almost 2000 from the end of FY 95 (September 30, 1995). In the past ten years, the DOC has more than doubled from 9,884 at the end of FY 87.

However, 2,408 of these 20,050 are not in a ODOC facility nor in a ODOC contract facility, but rather under probation supervision as an early releasee or on an out count (out to court on writ or in a local hospital). It is not clear that DOC should report them as part of the ODOC prison population number. When the facility number of inmates (17,642) is used the ODOC growth over the past 10 years has been 79% rather than 103% and would compare fairly closely with the national increase of 96% in prison population during the same period.

Nationally prison systems have grown at a record pace in the past ten years. According to the U.S. Department of Justice, Bureau of Justice Statistics, there were 1.1 million people incarcerated in prisons; up from 560,459 at the end of 1987, a 96% increase.

GROWTH OF NATIONAL AND STATEWIDE INMATE POPULATIONS
 END OF YEAR COUNTS FROM 1950 THROUGH 1995



Prison populations have grown significantly nationally primarily driven by increased prosecution of drug offenses, tougher sentencing practices (i.e. mandatory minimums), and abolition of parole in many states.

DOC 11/04/96

	Population	Board Capacity	Crisis Capacity
DOC Facilities			
-Secure	6,647	5883	6363
-Non-Secure	8,270	5486	7997
Total	14,917	11,369	14,360
Contract Facilities	2,725		
Total in Prison	17,642*		

*DOC reaches their total inmate count of 20,050 on 11/04/96 by adding to the total 1,655 inmates on early release programs in the community and 753 inmates classified as "out count" who are not actually in DOC facilities. As indicated above, the most accurate number to be used by DOC for inmate counts is 17,642 and I would

recommend that all future reports on DOC refer to that method of calculating the total inmate number in facilities.

DOC secure facilities are operating at 113% of Board Legal Capacity and 104% of crisis operation capacity.

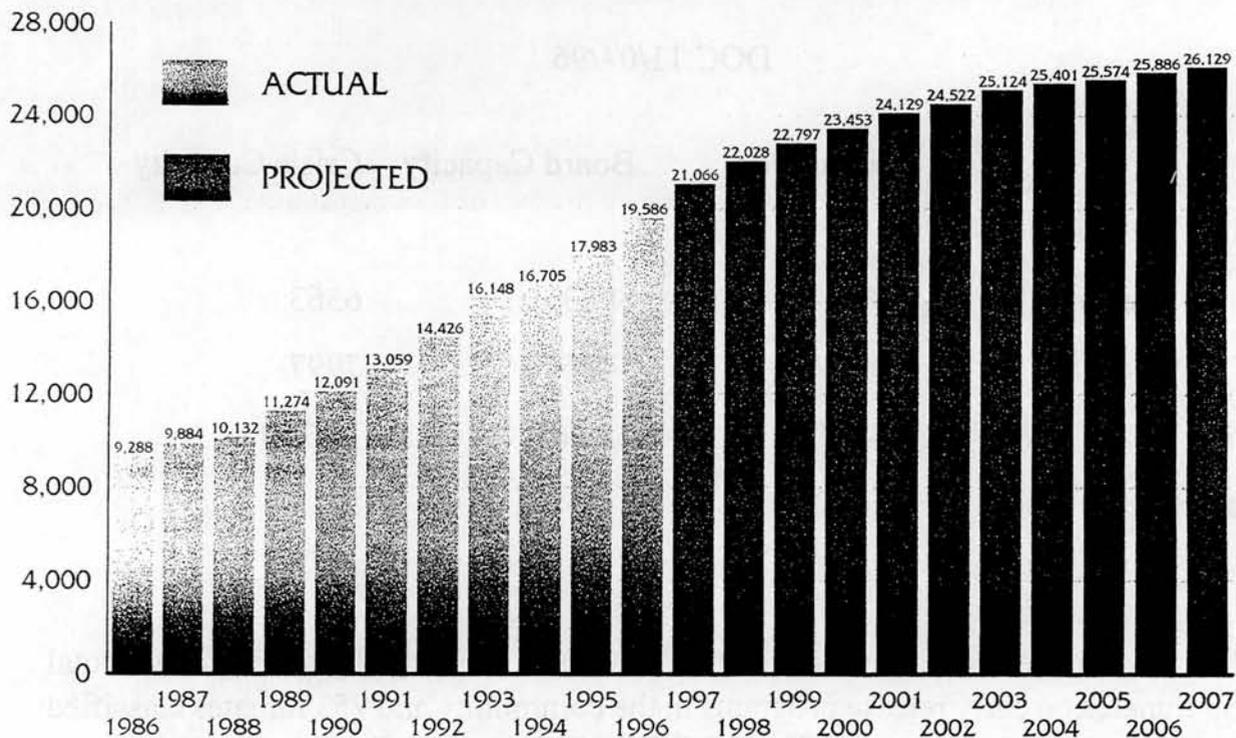
DOC non-secure prisons are operating at 151% of Board Legal Capacity and 103% of crisis operational capacity.

Population Projection

Oklahoma's prison growth is expected to continue over the next decade. By 2001, it will reach 24,129. This number should be lowered somewhat to 23,378 to take into account the non-counting of early releases in the future.

This projection does not take into account any changes in prison population that might result from enactment of Truth in Sentencing Legislation in Oklahoma.

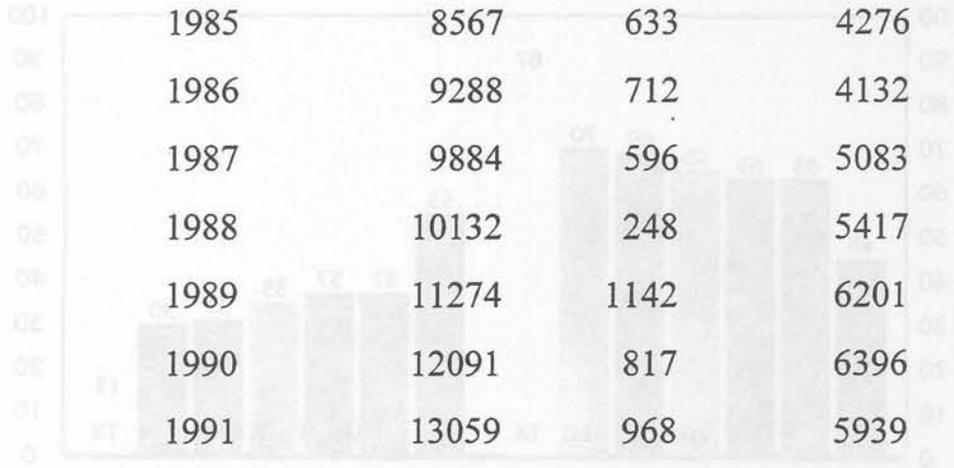
ENDING FISCAL YEAR INMATE POPULATION



SOURCE: RESEARCH & EVALUATION

New inmate receptions into DOC have grown from 5,083 in FY 1987 to 7,396 in FY 96, a 46% increase. This upward trend is likely to continue over the next ten years at least.

	Fiscal Year	Ending System Population	Net Growth	Fiscal Year Receptions
Actual	1980	4595		2801
	1981	5069	474	3083
	1982	6481	1412	3288
	1983	7122	641	3942
	1984	7934	812	3991
	1985	8567	633	4276
	1986	9288	712	4132
	1987	9884	596	5083
	1988	10132	248	5417
	1989	11274	1142	6201
	1990	12091	817	6396
	1991	13059	968	5939
	1992	14426	1367	6489
	1993	16148	1722	6783
	1994	16705	557	6457
	1995	17983	1278	6893
	1996	19586	1603	7396



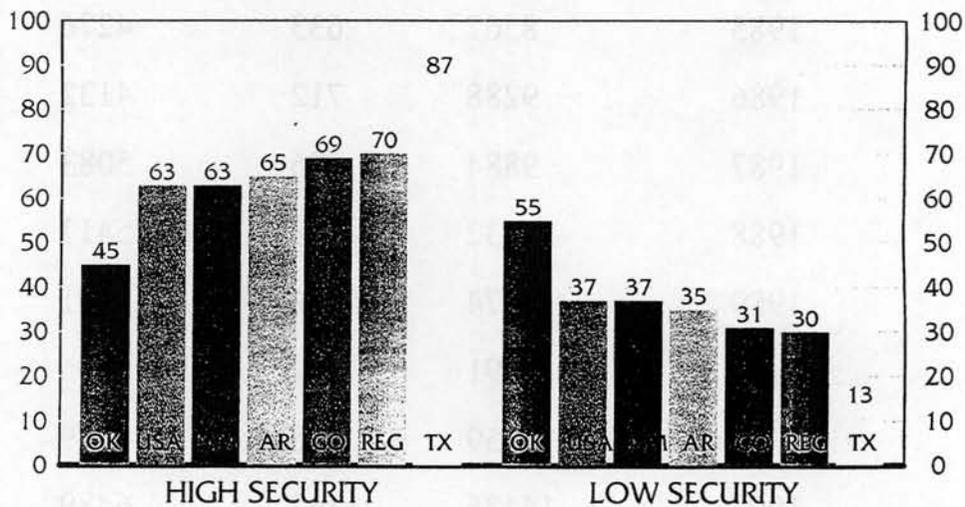
Inmate Classification

The classification of inmates is critical in corrections to insure public safety, security of institutions, and the safety of staff and inmates. Oklahoma DOC has recognized

the deficiencies of the current inmate classification system which has been in place since 1982. The current system allows for inmates to be reclassified within 120 days of being received by DOC and the inmate's prior criminal record is not necessarily considered at that time. (A DOC warden can ask that the prior record be considered in making the reclassification decision). This can lead to improper classification and significant risks to public safety and institution security.

Nationally, over 65% of inmates are held in maximum or medium security institutions. In Oklahoma, only 42% are classified for maximum or medium security under the current system. If Oklahoma was at the national average, 11,467 inmates of the 17,642 currently in Oklahoma facilities would be in secure facilities.

SELECTED DISTRIBUTION OF BEDSPACE BY SECURITY LEVEL
(All figures are percentages)



SOURCE: ODOC CLASSIFICATION SYSTEM REPORT

Forty-eight percent of Oklahoma's available beds are secure and 52% are non-secure. This is not in line with most correctional departments in the U.S. As the chart reflects, the national average was 63% secure and 37% non-secure in 1994 and was 65% secure in 1995 (Corrections Yearbook 1996).

Approximately 40% of Oklahoma's inmates are serving time for a violent crime. However, many of the 60% who are "non-violent" have violence in their background. The total of violent current offenders and non-violent offenders with a prior violent

conviction is approximately 10,000 or 52.3% of DOC's 19,991 inmates housed in DOC operated facilities and on the outcount.

Crime Type	Percentage	Crime Type	Percentage
Sex Offenses	9.5	Drugs	22.2
Murder	7.7	DUI	4.5
Robbery	9.7	Fraud	5.7
Assault	6.2	Larceny	10.4
Burglary II	7.4	Other Non-violent	5.4
Other Violent	11.0	Unknown	0.1

Breakdown of 10/31/96 Offenders into Crime Type Based on All Convictions

	Number	Percent
Non-Violent	9,544	47.7
Violent*	10,447	52.3
Total	19,991**	100.0

*current or prior violent offenses

**includes outcount numbers

In 1994, DOC retained a recognized expert in the field of inmate classification and he made several significant recommendations. These recommendations have not yet been implemented because of a shortage of secure prison beds in Oklahoma, but Interim Director Saffle intends to begin a partial implementation in early 1997. I strongly encourage this implementation. The effect of the revised classification system on Oklahoma's current inmate population would, if fully implemented, require approximately 9,307 male and female secure beds now and 10,292 secure beds by June 30, 1997. There are currently 8,582 secure beds available in Oklahoma and no additional DOC beds are expected to be available by June 30, 1997.

The numbers of inmates that would be assigned to each security level through a full implementation of the classification system are as follows:

Projected Population:

Males - 15,983 (November 12, 1996)

Secure	Percent	Current	6/30/97	6/30/98	6/30/99	6/30/00	6/30/01
Maximum	12.4	1982	2175	2378	2464	2537	2612
Medium	39.5	6313	6929	7574	7847	8080	8320
Reception	2	320	351	384	397	409	421
Subtotal	53.9	8615	9455	10336	10708	11026	11353
Non-Secure							
Minimum	33.7	5176	5912	6462	6695	6894	7099
Community	12.4	2566	2175	2378	2464	2537	2612
Subtotal		7742	8087	8840	9159	9431	9711

Females

Secure	Percent	Current	6/30/97	6/30/98	6/30/99	6/30/00	6/30/01
Maximum	4.4	66	80	93	88	99	102
Medium	38.5	581	702	810	769	865	804
Reception	3.0	45	55	63	60	67	69
Subtotal	46.3	692	837	966	917	1031	975
Non-Secure							
Minimum	38.5	581	702	810	769	865	891
Community	15.6	235	284	328	312	351	361
Subtotal		816	837	966	917	1031	1062

Totals - Male and Female

Secure	Current	6/30/97	6/30/98	6/30/99	6/30/00	6/30/01
Maximum	2048	2255	2471	2552	2636	2714
Medium	6894	7631	8384	8616	8945	9124
Reception	365	406	447	457	476	490
Subtotal	9307	10292	11302	11625	12057	12328
Non-Secure						
Minimum	5757	6614	7272	7464	7759	7990
Community	2801	2459	2706	2776	2888	2973
Subtotal	8558	9073	9978	10240	10647	10963
Grand Total	17865	19365	21280	21866	22704	23291

Assuming DOC implements the new classification system, the short fall of beds available currently to DOC for the above periods are:

Secure	Demand	Available			Total Shortfall
		In DOC	On Contract	Total	
1/1/97	9307	6363	1923	8286	1021
6/30/97	10,292	6363	1923	8286	2006
6/30/98	11,302	6363	1923	8286	3016
6/30/99	11,625	6363	1923	8286	3339
6/30/00	11,997	6363	1923	8286	3711
6/30/01	12,415	6363	1923	8286	4130

Non-Secure	Demand	Available			Total Shortfall
		In DOC	On Contract	Total	
1/1/97	8558	8115	825	8940	overage 382
6/30/97	9073	8115	825	8940	shortage 133
6/30/98	9978	8115	825	8940	1034
6/30/99	10,240	8115	825	8940	1300
6/30/00	10,647	8115	825	8940	1707
6/30/01	10,963	8115	825	8940	2023

*Based on Board Legal Capacity

Under the new classification system an offender's prior criminal history becomes a factor in the assignment to the most appropriate security level facility. Currently, inmates with a current non-violent offense, but with violence convictions in their prior criminal history, can be assigned to a non-secure facility. With the implementation of the new classification system in early 1997, this practice will hopefully end.

Classification System Comparisons

New Classification System Factors	Old Classification System Factors
Severity of Current Conviction	Severity of Current Conviction
Serious Offense History	Serious Offense History (initial only)
Escape History	Escape History
Prior Felony Convictions	Prior Felony Convictions (initial only)
Disciplinary History (initial Number of Disciplinary Convictions)	Disciplinary History

Most Serious Disciplinary Conviction	
Substance Abuse (initial) Program Participation	
Adjustment	Adjustment
Age	

In Attachment B, there are examples of inmates with the various classifications to give the reader more of a feel for which types of inmates are placed in the different types of facilities under current classification criteria.

A percentage of Oklahoma inmates who are currently assigned to minimum and community correctional center facilities clearly would not classify for those facilities if prior criminal history were taken into account. With the implementation of a classification system, these offenders should be the first priority for the DOC to move into more appropriate facilities.

New Security Level

In order to expedite the implementation of the new classification system, I would also recommend a new security level of institutions be created from existing resources within the DOC. At the federal level, and in some states, a low security category of security is utilized. This is a category that is between minimum and medium security inmates. These facilities are typically not as secure as medium facilities and hold offenders who would otherwise be eligible for medium security, but have a significant period of good adjustment during the service of their prison sentence. I would recommend that initially one and possibly two facilities that would accommodate up to 600 low security offenders each be created from existing minimum security facilities. The DOC within the past year considered making the John Lilley Correctional Center into a medium security facility and that would seem to be a likely choice for the first low security facility. I would also recommend that James Crabtree Correctional Center be considered for similar modification because of its dormitory housing. The DOC could carve out from the new classification system a percentage of cases which I believe could eventually include up to 10% of the medium security bed requirements.

What Security Level?	Adjustment
Substance Abuse (Special)	Adjustment
Program Participation	Adjustment
What Security Level? (Special)	Adjustment

In Attachment B, there are examples of inmates with the various classifications in the various types of facilities. The various types of inmates are placed in the different types of facilities based on their classification criteria.

A percentage of Oklahoma inmates who are currently assigned to minimum and maximum correctional center facilities clearly would not classify for these facilities. If your original inquiry was taken into account, with the implementation of a classification system, these inmates should be the first priority for the DOC to move into more appropriate facilities.

Low Security Level

In order to expedite the implementation of the new classification system, I would also recommend a new security level of inmates be created from existing facilities within the DOC. At the low level, and in some states, a low security category is security level 1. This is a category that is between minimum and medium security inmates. These inmates are typically not as secure as medium inmates and hold offenders who would otherwise be eligible for medium security, but have a significant record of good adjustment during the course of their prison sentence. I would recommend that initially one and possibly two facilities that would accommodate up to 500 low security offenders each be created from existing minimum and medium facilities. The DOC would be responsible for creating the facilities. Correctional Center for a medium security facility, and that would be to be a high priority for the low security facility. I would also recommend that the Correctional Center be considered for similar modification because of its current housing. The DOC could save out from the new classification system a percentage of cases which I believe could eventually include up to 10% of the medium security level inmates.

Chapter 3 - Capacity

Key Findings

1. DOC currently looks at prison capacity generically, i.e. a bed is a bed, although only a portion of the beds are available in any particular security level facility. Capacity should be governed by security level. Higher levels of crowding can be managed in lower security institutions, i.e. minimum and community corrections and work centers.
2. Secure maximum and medium male and female institutions in Oklahoma are virtually at the safe level of their capacity. Temporary assignment of inmates to a triple bunk in a double bunked cell or room, or a bed set up in a common area or recreational area may be effectively managed depending upon the local warden's judgment. Expansion of capacity in this way might be handled on a limited basis for a short period of time. This should be considered only in facilities where core areas such as medical and food service, water supply and lagoon capacity can support the expansion, and where inmate idleness does not put additional strain on the staff's ability to maintain control. In a few secure institutions, such as Bill Johnson Correctional Center, an additional housing unit could be constructed to permanently expand capacity by 200 at a low per bed expansion cost.
3. Non secure facilities, which generally have no fences and where doors, by necessity (safety) are many times not locked, can be more crowded than secure facilities.
4. Secure facilities are primarily cells or rooms. Non secure facilities generally primarily utilize dorms. A recent DOC study on inmate housing space showed that male minimum inmates have on average 95.6 sq. feet of living space. Females have on average 94.0 sq. feet of living space.

5. Writer recommends that housing unit gross square footage in minimum and community custody facilities be divided by an average of 70-75 sq. feet per occupant. DOC should evaluate each non secure facility to determine what the most appropriate capacity figure is within this guideline. It might choose to exceed the 75 sq. feet rule if significant local institutional issues warrants it. Such a change, if adopted, would result in a capacity for males of 6,424 to 6,883 at minimum security, and a capacity of 2,144 to 2,297 at community security. The female capacity would increase from 679 to 727 at minimum security and from 339 to 363 at community security. To put this in perspective, the count as of November 4, 1996, was 5,291 for male minimum security, 2,003 for male community security, 656 for female minimum security, and 320 for female community security.

6. DOC's utilization of Board Legal Capacity should be modified to reflect a capacity as described in this report.

Oklahoma's 17,642 inmates were assigned to facilities as follows on November 4, 1996:

Secure Facilities:

Maximum	2082
Medium	4565
Contract Medium	1720
County Jail Program	215
Total	8582

Non Secure Facilities:

Minimum	5947
Community (including: work centers)	2323
Halfway House (contract)	631

Residential Programs (contract)	159
Total	9060
Grand Total	17,642

Board (Legal) Capacity and Crisis Operational Capacity

Board (Legal) Capacity - Board capacity designates the number of inmates that can be confined in a facility according to state statutes. These totals were re-set by the Board of Corrections for all facilities in January 1995. DOC believes that for a change to be made new construction must be completed. Facilities have capacities set for the whole facility, not for a security level. Contract beds are not included in capacity totals.

Crisis Operational Capacity - This capacity reflects the total number of inmates that can be held in a facility as authorized by the DOC Director. Totals are set for the facility and for designated units within a facility. These totals were reviewed and revised in August 1995. For a change to be made a request must be initiated by the facility, approved by the regional director and submitted to the administrator of Population Management. The administrator of Population Management will schedule the capacity change request for the next available executive staff meeting. After approval of the executive staff and the director, the DOC Daily Count sheet will be changed to reflect the new capacity. Contract beds are not included in capacity totals.

The Board Legal Capacity, together with current contract beds yields a system wide legal capacity of 14,241, which is 24% below the number of Oklahoma inmates on November 4, 1996 (17,642).

DOC facilities currently generally operate above the capacity authorized by state law (11,369) and above the DOC "crisis operation capacity" of 14,388. The breakdown is presented on the next four pages.

Facility	Security Level	Inmate Legal Capacity	Inmate Count	Percent [%] Over or Under Capacity	Type of Housing			Staffing	
					Cells	Rooms	Dorms	Authorized FTE	Funded FTE
MALES									
Lexington Reception	Maximum	388	276	71%	140		1	233	222.5
Oklahoma State Penitentiary	Maximum	1528	1618	106%	721			563	520.6
TOTAL MAXIMUM (M)		1916	1894	99%	861		1	796	743.1
Joseph Harp Corr. Center	Medium	856	960	112%	480			246	230.9
Lexington Reception	Medium	564	655	116%	240	82		233	222.5
Dick Conner Corr. Center	Medium	873	1000	115%	480			224	218.9
James Crabtree Corr. Center	Medium	469	572	122%	84		4	181	174.7
Mack Alford Corr. Center	Medium	576	541	94%	227			212	199
Oklahoma State Reformatory	Medium	425	718	169%	288			195	185.9
TOTAL MEDIUM (M)		3763	4446	118%	1799	82	4	1291	1231.9
Lexington Reception	Minimum	182	235	129%		86			
Dick Conner Corr. Center	Minimum	197	172	87%		80			
Jess Dunn Corr. Center	Minimum	473	865	183%			5	168	167.2
John Lilley Corr. Center	Minimum	500	602	120%			5	121.5	114.2
N. E. Oklahoma Corr. Center	Minimum	300	430	143%	74	36	1	169	149.7
Bill Johnson Corr. Center	Minimum	300	310	103%			2	109	102.3
James Crabtree Corr. Center	Minimum	132	181	137%			1		
William S. Key Corr. Center	Minimum	172	518	301%			6	121	114.7

Facility	Security Level	Inmate Legal Capacity	Inmate Count	Percent [%] Over or Under Capacity	Type of Housing			Staffing	
					Cells	Rooms	Dorms	Authorized FTE	Funded FTE
Howard McLeod Corr. Center	Minimum	303	576	190%		142	1	123	123
Jackie Brannon Corr. Center	Minimum	159	370	233%			2		
Mack Alford Corr. Center	Minimum	163	236	145%		113			
Ouachita Corr. Center	Minimum	457	546	119%		366		119	111.5
Oklahoma State Penitentiary	Minimum	46	68	148%		23			
Oklahoma State Reformatory	Minimum	100	182	182%		91			
TOTAL MINIMUM (M)		3484	5291	152%	74	937	18	930.5	882.6
Para Waters Corr. Center	Comm.	175	212	121%		36	1	32	32
Oklahoma City Corr. Center	Comm.	118	206	175%		44		31	30.4
Muskogee Corr. Center	Comm.	47	88	187%		20	1	29	27.1
Tulsa Corr. Center	Comm.	54	108	200%			1	32	31.3
Beaver Comm. Work Center	Comm.	45	45	100%			1	9	8.2
Enid Corr. Center	Comm.	37	106	286%		10		31	30.4
Elk City Comm. Work	Comm.	75	86	115%			1	12	10.9
Sayre Comm. Work Center	Comm.	55	59	107%		59		9	8.2
Earl Davis Comm. Work	Comm.	84	82	98%			1	11	10.1
Idabel Comm. Work Center	Comm.	80	78	97%			1	10	9.1
Jackie Brannon Corr. Center	Comm.	89	197	221%			1	131	128.9

Facility	Security Level	Inmate Legal Capacity	Inmate Count	Percent [%] Over or Under Capacity	Type of Housing			Staffing	
					Cells	Rooms	Dorms	Authorized FTE	Funded FTE
Altus Comm. Work Center	Comm.	80	95	119%			1	12	11
Ardmore Comm. Work	Comm.	80	99	124%			2	13	11.9
Frederick Comm. Work	Comm.	30	29	97%			1	15	13.7
Healdton Comm. Work	Comm.	30	40	133%			1	8	7.3
Hobart Comm. Work	Comm.	50	59	118%			2	9	8.2
Lawton Comm. Corr.	Comm.	41	147	359%		22		38	38
Madill Comm. Work	Comm.	50	46	92%			1	8	7.3
Mangum Comm. Work	Comm.	50	58	116%		15		9	8.2
Walters Comm. Work	Comm.	60	83	138%			1	10	9.1
Waurika Comm. Work	Comm.	80	80	100%			4	9	8.2
TOTAL COMM/WORK CTR. (M)		1410	2003	142%	0	206	21	468	449.5
FEMALES									
Lexington Reception	Maximum	48	40	83%	20				
Mabel Bassett Corr. Center	Maximum	77	148	192%	42			119	110.1
TOTAL MAXIMUM (M)		125	188	150%	62			119	110.1
Mabel Bassett Corr. Center	Medium	79	119	151%					
TOTAL MEDIUM (F)		79	119	151%	62				
Mabel Bassett Corr. Center	Minimum	25	90	360%	65		1		

Facility	Security Level	Inmate Legal Capacity	Inmate Count	Percent [%] Over or Under Capacity	Type of Housing			Staffing	
					Cells	Rooms	Dorms	Authorized FTE	Funded FTE
Eddie Warrior Corr. Center	Minimum	376	566	151%			7	118	111.1
TOTAL MINIMUM (F)		401	656	164%	65		8	118	111.1
Kate Barnard Corr. Center	Comm.	97	164	169%		34		29	29
Tulsa Comm. Corr.	Comm.	54	116	215%			1	32	31.3
Hollis Comm. Work	Comm.	40	40	100%			1	8	7.3
TOTAL COMM/WORK (F)		191	320	168%	0	34	2	69	67.6

*Staffing is inclusive for all components of the institution.

Prison management is very much based on the staff's ability to maintain a sense of control in a closed environment over persons held against their will. Since inmates always out number staff, when that control or balance is lost serious risk to staff and inmate safety, as well as to public safety, can occur. Secure maximum and medium male and female institutions in Oklahoma are virtually at the safe level of their capacity. Temporary assignment of inmates to a triple bunk in a double bunked cell or room, or a bed set up in a common area or recreational area may be effectively managed depending upon the local warden's judgment. Expansion of capacity in this way might be handled on a limited basis for a short period of time. This should be considered only in facilities where core areas such as medical and food service, water supply and lagoon capacity can support the expansion, and where inmate idleness does not put additional strain on the staff's ability to maintain control. In a few secure institutions, such as Bill Johnson Correctional Center, an additional housing unit could be constructed to permanently expand capacity by 200 at a low per bed expansion cost.

Non secure facilities, which generally have no fences and where doors are by necessity (safety) many times left unlocked, can be more crowded than secure facilities. A recent DOC study on inmate housing space showed that male minimum inmates have on average 95.6 sq. feet of living space. Females have on average 94 sq. feet of living space. Non secure institutions typically provide supervised work crews in the community, as well as a variety of institutional activities that can be accessed easily by inmates. The amount of time that a non secure inmate must spend in his or her housing area is much less than a typical secure inmate would be required to spend. In addition, if a fire or other emergency were to occur, inmates on their own can exit the housing areas of a non secure facility very quickly. Therefore, I believe greater crowding of Oklahoma minimum and community custody is feasible.

The key issue in the National Fire Protection Association's Life Safety Code for building occupancy is egress in times of emergency. NFPA's Life Safety Code 15-1.7 has been misinterpreted to require 120 sq. feet of space per occupant. According to the National Safety Office of the Federal Bureau of Prisons, that section only governs egress from an area. I feel that in a non secure correctional environment that crowding can therefore be accommodated at a much higher level than in a secure facility where doors are kept locked and where staff must open these doors in case of an emergency. In light of these differences, I believe that the non secure housing areas in Oklahoma could be divided on an average by 70-75 sq. feet per occupant.

Capacity of non secure facilities should not be expanded, in my view, until the new classification system has been put in place and all inappropriate offenders are removed from minimum and community custody facilities. Also, any expansion of capacity based on this recommendation should be on a very gradual basis, and should be incorporated with an increase in the number of correctional officers based on an equitable standard, as well as other support staff, such as case managers, and treatment and education staff so that the current staff is not totally overwhelmed with the increase in population.

DOC currently uses two capacities. The Board Legal Capacity was discussed earlier. The other capacity used is Crisis Operational Capacity. This capacity has changed frequently over the last several years as the prison capacity has expanded. It is in effect a moving target in as one crisis capacity is exceeded it then becomes the standard. I believe that DOC should discontinue use of the crisis operational capacity numbers. First of all, I think the term "crisis" is not necessarily the best term. Second of all, I think that the only* other capacity figures that should be used other than the modified legal capacity figures is a temporary capacity that is drawn up from the temporary utilization of beds in either secure or non secure facilities. Within this temporary capacity I would include all cells in RHU (which are restricted housing units for disciplinary cases), any beds set up in an institution for clinic or hospital utilization, any beds set up on a triple bunk temporary basis, beds in common areas, beds in day rooms and other recreational areas. When the temporary capacity is in excess of the Board capacity, plans should be put into effect by the DOC to expand their capacity. The reason for this is the beds in these identified areas are not and should not be considered part of the overall capacity of the DOC. (*This should not discourage the efforts that have been put into establishing "emergency quartering spaces", a concept developed by the Board of Corrections which would be used only for 90 days after a significant disturbance, natural disaster, or other such emergency.)

I believe that legislation should be sought to modify the correctional facility legal capacity. It should be noted that a resurvey of DOC facilities in January 1995 showed that legal capacity should be reduced to 10,980. (See Attachment A)

It is important that Oklahoma not utilize the East and West cell houses at OSP and OSR, unless they are thoroughly remodeled. These facilities are old and the plumbing and locks do not function properly. Electrical limitations give me additional concern. Interim Director Saffle has announced a plan to close the East cell house at OSP by December 1, 1996.

Capacity of non secure facilities should not be expanded, in my view, until the new classification system has been put in place and all appropriate criteria are reviewed from minimum and maximum capacity facilities. Also, any expansion of capacity based on the recommendation should be on a very gradual basis and should be reported with an increase in the number of correctional officers based on an equivalent standard as well as other support staff such as case managers, and treatment and education staff so that the current staff is not totally overwhelmed with the increase in population.

DOC currently has two capacities. The Board Legal Capacity was discussed earlier. The other capacity used is Excess Operational Capacity. This capacity has changed frequently over the last several years. The prison capacity has expanded. It is in effect a moving target in as one state capacity is exceeded it then becomes the standard. I believe that DOC should discontinue use of the excess operational capacity number. Just as I think the term "crisis" is not necessarily the best term. Second of all I think that the only other capacity figures that should be used other than the board legal capacity figure is a temporary capacity that is drawn up from the temporary utilization of beds in either secure or non secure facilities. Within this temporary capacity I would include all cells in BWH (which are restricted housing units for disciplinary cases) any beds set up in an institution for clean or partial utilization any beds set up in a single built temporary block beds in certain areas, beds in day rooms and other recreational areas. When the temporary capacity is in excess of the board legal capacity, plans should be put into effect by the DOC to expand their capacity. The reason for this is the beds in these restricted areas are not and should not be considered part of the overall capacity of the DOC. This should not be considered the effort that have been put into establishing "emergency" quarters, a compartment added by the Board of Correction which would be used only for 90 days after significant disturbance, natural disaster, or other such emergency.

I believe that legislation should be sought to modify the conditional facility legal capacity. It should be noted that a revision of DOC facilities in January 1992 showed that legal capacity should be taken to 10,000. (See Attachment A)

It is important that Oklahoma not utilize the Texas and West cell houses at OSI and OSI houses that are thoroughly renovated. These facilities are old and the remodeling and tools to the maximum capacity. Physical limitations give me additional concern. (Attachment B) This has introduced a plan to class the first cell house at OSI by the end of 1990.

Chapter 4 - Parole\Early Release

Key Findings

1. The percentage of eligible Oklahoma inmates granted parole release has declined substantially during the past eight years. In 1988, 20.1% were granted and in 1995, only 8.2% were granted. In November 1996 hearings, only 11.4% of eligible inmates were recommended by the Parole Board for parole. This is despite the termination of early release programs.
2. Oklahoma should consider making the Oklahoma Parole Board a full time board, unless sentencing reform occurs within Oklahoma and less disparity between sentence length and time served is achieved.
3. The Department of Corrections staff should not have the authority to recommend an inmate's early release.
4. The Pre-Sentence Investigation (PSI) is a critical document for the court in sentencing and also for the Department of Corrections and the Parole Board. Legislation should be considered that would remove the defendant's ability to waive the preparation of the Pre-Sentence Investigation.
5. All inmates eligible for release on parole should be given a parole hearing within 120 days of receipt into the DOC. The Board should have discretion to grant a presumptive parole release date subject to the inmate's positive adjustment and completion of any programs that they feel are essential. The Board should also make any decisions with regard to early release of the offender at that time or at any subsequent point prior to release.

6. The fact that the Governor of Oklahoma must sign paroles and early releases is contrary to the opinions of many criminal justice experts. Oklahoma may be the only state that requires such an approval. The final decisions on early release and paroles should be made by a full time parole authority. The Oklahoma legislature should consider modifying the constitution on this issue.

7. The early release mechanisms for inmates sentenced in Oklahoma are numerous and extremely generous. They have been adopted over the last decade or so to help the DOC deal with an ever increasing population. They have lead in my view to the fact that in Oklahoma the average sentence received is 172 months, the highest in the United States. The mechanisms that have been established, such as earned credit (up to 44 days per month), achievement credit (up to 90 days per year), meritorious credit (up to 100 days per event), the emergency time credit (up to 360 days per year off the sentences of non-violent offenders), the early release programs of pre-parole conditional supervision, the electronic monitoring programs, and specialized supervision programs (SSP) should be limited to a much smaller scope by legislation. They should be reviewed in conjunction with an overall reform of sentencing practices in Oklahoma.

During the period November 1994, through October 1995, 6397 inmates were released from DOC by discharge completion of sentence (189), parole (1230), PPCS (1550), EMP and SSP (46.8). These releases averaged 533 per month.

During November 1995 to July 1996 these types of releases declined to 466 per month and in the past three months following the Lamont Fields incident, releases have dropped to 338 per month. This decline in releases adds greatly to DOC's population problems.

Obviously, the incident involving Lamont Fields required a swift and certain tightening of releases. This, however, should be reviewed with the following modifications suggested:

DOC should have no responsibility for deciding who gets released early. This function is totally contrary to the proper functioning of a Department of Corrections. It places DOC staff in positions of both keeper and judge.

Pre-Sentence Investigations (PSIs) should be required by all state judges on cases that are likely to result in a sentence in excess of 1 year. Oklahoma statutes already require these investigation reports which contain vital information about the offender's experience, skills, family situation and drug or alcohol dependency. Additional probation and parole officers may be necessary to insure those PSIs are accomplished in a timely manner.

Prison sentences generally are served until the offender is paroled or the sentence is fully serviced. Oklahoma, like most other states, has an earned credit provision sometimes referred to as good time or gain time that applies to all inmates who have a positive adjustment during every thirty day period of incarceration. The Oklahoma earned credit system is one of the most generous in the nation, permitting offenders to receive up to 44 days credit per month on every month served. This is augmented by provision allowing for up to 90 additional days per year for achievement credits which are awarded for example for an inmate receiving a GED; and meritorious credits which can be up to 100 days per event which would be awarded when an inmate was able to help prevent a fire, a significant injury to staff or another inmate, or if a serious weapon is turned in to staff. Because of crowding pressures within the DOC, the number of offenders who are receiving the full 44 days per month is higher than undoubtedly would be under other conditions. The statutes provide that inmates may be awarded 0, 22, 33, or 44 days credit per month, but in actuality the 44 days number is used most frequently. The decision on the award of credit is made based on a recommendation from the unit team.

As can be seen in the chart on the next page, the number and percent of paroles granted has declined substantially over the past eight years. This is partially explained by the fact the legislature has enacted early release provisions which have taken the incentive away from the Parole Board to release offenders who are already in the community. They then do not have to share any of the responsibility for the decision to put the particular inmate into the community.

Year	Paroles Considered	Paroled to the street	Paroled to detainer	Percent Granted
1985	3,469	465	23	14.0
1986	3,247	533	31	17.3
1987	2,948	517	27	18.4
1988	2,601	509	16	20.1
1989	4,660	1,127	67	25.6
1990	6,647	1,692	74	26.5
1991	7,414	1,646	89	23.4
1992	7,999	847	317	14.5
1993	8,278	749	90	10.6
1994	8,956	939	77	11.3
1995	9,191	661	100	8.2
Average	5,946	880	83	

Oklahoma has enacted several laws over the past decade to relieve the pressure on the DOC of an expanding prison population. The release programs such as the emergency time credit program (which non-violent offenders can receive up to 360 days off of their sentence per year), the pre-parole conditional supervision program, the electronic monitoring program, and the specialized supervision program have all been developed with authority given to the DOC to make recommendations to the Governor for grant of an award. In my view, the Department of Corrections should not be involved in the decisions to release an offender early. With the exception of earned good time recommendations which are based on institutional adjustment, all of the decisions which result in the early release of an offender should be made by an authority appointed by the Governor and approved by the legislature, such as the Parole Board. I believe it is a conflict of interest for the DOC to be involved in the process of recommending early releases. I think it is the responsibility of the DOC to provide the key information to the parole authority, such as information about the inmate's adjustment and completion of any programs that may have occurred during their incarceration. That information, along with the Pre-Sentence Investigation,

should be the basis for the decisions on early release and parole that might be made by a Parole Board.

I believe, the Oklahoma Parole Board should be considered by the legislature to be a full time board. This comment and recommendation would be unnecessary if Oklahoma were to adopt sentencing reform which would include the elimination of the wide disparity between sentence length and time served. It is very difficult for a part time board to spend the time that needs to be spent evaluating the high number of cases that are to be considered each year in Oklahoma. In 1995, over 9,000 cases were considered for parole by the Oklahoma Parole Board. This is a serious responsibility and should not be delegated to a part time board.

I feel equally strongly that the Governor of the state should not be required to sign off on parole decisions of a full time Board, nor should the Governor be required to approve early releases that had been recommended by a full time paroling authority. These decisions which obviously entail a degree of risk should not be shouldered by a political elected official. The elected official is too often unable to take legitimate correctional risks with people who are being considered for these programs.

The Parole Board should consider all inmates who eligible for parole for release within 120 days within their receipt into the DOC. They should consider at that time the Pre-Sentence Investigation that should be in existence for all cases, and an assessment of inmate program needs that would be prepared by the DOC, as well as the case plan. If the Board feels that a parole release is possible at the eligibility date, a presumptive release date can be set subject to the inmate's continued positive adjustment and on the completion of essential prison programs that the Parole Board feels are necessary for the offender's successful reintegration to the community. The Parole Board should also consider at this initial hearing any potential early release opportunities that should be made available to the inmate. This early release decision can be deferred to a later time and would not necessarily be required in all cases, nor would a hearing be required prior to the grant of an early release at a later time.

should be the basis for the decision on early release and parole and should not be made by a parole board.

I believe the Oklahoma Parole Board should be considered by the legislature to be a full time board. For comment and recommendation would be necessary if Oklahoma were to adopt sentencing reform which would include the elimination of the wide disparity between sentence length and time served. It is very difficult for a parole board to spend the time that needs to be spent evaluating the high number of cases that are to be considered each year in Oklahoma. In 1995, over 9,000 cases were considered for parole by the Oklahoma Parole Board. This is a serious inconsistency and should not be delegated to a part time board.

I feel equally strongly that the Governor of the state should not be required to sign off on parole decisions of a full time board, nor should the Governor be required to approve early release that has been recommended by a full time parole authority. These decisions which involve a high degree of risk should not be considered by a political elected official. The elected official is too often unable to make the most beneficial decisions with people who are being considered for these programs.

The Parole Board should consider all inmates who eligible for parole for release within 120 days within their respective DOC. They should consider at the time of the sentence investigation that should be in existence for all cases, and an assessment of inmate program needs that would be required by the DOC, as well as the cost of the program. If the board feels that a parole release is possible at the existing time, a parole release can be set which to the inmate's continued positive adjustment and on the completion of essential prison programs that the Parole Board has the necessary for the offender's successful reintegration to the community. The Parole Board should also consider other factors before any parole or early release option for the inmate should be made available to the inmate. The early release decision should be a last resort and would not be used in all cases. It would be required prior to the grant of an early release in a later time.

Chapter 5 - Community Resources\Probation and Parole

Key Findings

1. Since 1988, Oklahoma had a statute 57 OS 991a-4, that provides state judges with the authority to place criminal defendants who do not have a conviction for a violent crime and who have no more than two previous felonies to be placed into the Community Service Sentencing Program. This program provides for placement of offenders in the community under structured stipulations (such as participation in work, education, or treatment programs) or night time or weekend incarceration. In FY 1995, 2,297 offenders were placed under the Community Service Sentencing program, and another 1,687 were assigned to night time or weekend incarceration.
2. Oklahoma judges do not sentence offenders directly into community correctional centers or community work centers, unlike many states. Legislation should be considered to modify the community service sentencing program to allow Oklahoma sentencing judges to also sentence directly to DOC community correctional centers or community work centers. These facilities should also still be available for offenders about to be released from DOC.
3. The DOC spearheaded model programs in Enid and Muskogee involving community learning centers and day reporting centers should be expanded and incorporated into the programs of probation and parole, community correctional centers, and work center programs. These innovative programs involving both DOC resources and community resources are cutting edge programs, and will greatly help alleviate the future potential crowding of low risk, non-violent offenders that is likely to occur in the DOC. They should be expanded statewide.

4. DOC should annually prepare and distribute a judges handbook of Oklahoma options for sentencing, including the full range of community and DOC resources.
5. The report of the Governor's Performance Review Team recommended that probation and parole officers be taken out from under the DOC (Public Safety section, recommendation #4, page 409). This was primarily driven by a sense on the part of some of the personnel in the probation and parole program of DOC that they were not being given clear direction. I would recommend that strong consideration be given by the DOC to the probation and parole program not be taken out of DOC, but rather taking this function out from under the regionalization aspect of the DOC and be centralized in Oklahoma City headquarters of DOC.
6. DOC must quickly adopt a clear mission statement and policy on the role of the probation and parole officer within the DOC. The fact that such a mission statement has not been previously provided has created a great deal of uncertainty and frustration among the probation and parole officers.
7. Consideration should be given by DOC to placing community correctional centers and community work centers under the same division in DOC that would have for probation and parole. In addition, the district supervisors of probation and parole should be given the authority to manage the community correctional centers and community work centers.
8. The budget for probation and parole and the community corrections portion of the DOC budget should be managed totally from the headquarters DOC division if they are reorganized as I suggest be considered.

9. It was estimated by one probation officer that seventy-five percent of the time of probation and parole officers is currently being spent on monitoring activities of early releasees. With the rapid decline in this population and expected low level of early releases even if continued in the future under a new model as recommended above, probation and parole officers will have additional time made available for other duties. One of the duties would obviously be to fulfill the recommendation made earlier that a Pre-Sentence Investigation be completed in all felony cases that are expected to lead to incarceration. In addition, I believe that probation and parole officers should be providing to certain high and medium risk offenders a higher level of probation supervision, commonly referred to intensive probation supervision in many jurisdictions. This type of supervision will greatly enhance the ability of the probation and parole authorities to protect public safety and ensure that the programs outlined for the various probation offenders are closely adhered to.

Utilization of Community Resources

On November 4, 1996, of 17,642 inmates managed by DOC, 2,323 were in community centers or community work center. In addition, 1,655 were under probation and parole supervision as early releasees and 28,585 were under probation supervision and another 2,799 were under parole supervision. All 2,323 inmates confined in community centers or community work centers were initially processed through the DOC Lexington Assessment and Reception Center (LARC). Unlike many other states none of the offenders in the community work center or community centers were directly committed by the sentencing judges. Many states utilize community correctional facilities and resources through their probation and parole officers without utilizing the DOC resources. In many states the community corrections offenders are not even counted within numbers of offenders who are under DOC management, particularly those who are committed to the community centers directly by the court. I believe that if this resource was available to judges directly in Oklahoma a significant number of the 2,323 current residents in those centers would have been handled directly by courts and would have reduced the level of incarceration and the rate of incarceration in Oklahoma.

Oklahoma statute 57 O.S. 991a-4 which was enacted in 1988 permits state sentencing judges to place criminal defendants who have no violent convictions on their record and who have two or fewer prior felony convictions to be placed directly into a community service sentencing program. The program permits judges to assign offenders to the community under structured stipulations (such as participation in a work program for the community or a drug education or treatment program, or an education program, or other community driven resource program). The statute also permits for night time or weekend incarceration. In FY 95, 2,297 offenders statewide were placed in the community correctional services program, and in addition, 1,687 were placed in county jails for night time or weekend incarceration. This is a tremendous resource which should be continued and expanded if possible to give judges more flexibility in determining which non-violent offenders should be sent to prison.

In addition judges are unable currently to place offenders directly into community correctional centers or community work centers which is true in many other states. This also should be modified

In my view, community corrections represents an excellent use of available resources in the criminal justice system. Where it is appropriate, i.e. where public safety is not going to be placed at risk, eligible offenders can be kept within the local community for education or treatment, and/or community punishment. This is not only cost effective, but allows the offender a much greater opportunity to successfully complete the punishment and be successfully integrated back into the community. As correctional costs have increased over the past ten to fifteen years, more and more states are looking to these type of community sanctions as the best and most efficient use of the criminal justice resources for those offenders who qualify. Obviously not all offenders qualify, but the offenders who have been identified by Oklahoma legislature in the 1988 statute on community service sentencing programs I think makes enormous sense. If the number of offenders who qualify for this type of program continues to increase it will be very helpful to the DOC in their quest to manage the projected increases in their population.

Model Community Programs

Since 1993, DOC has in conjunction with the Enid community been operating a community learning center. This type of facility I believe is a model for the type of programs that should be developed throughout the nation. The Enid Learning Center

primarily focuses on family literacy and job development, work place skills development, educational assessment and evaluation, and GED preparation. In the past three year 900 offenders who were serving sentences in local Enid community correctional or work centers have completed academic programs at the center. In addition, during that same period 900 members of the local Enid community who were not part of the DOC offender community were able to participate in the same programs.

In January 1996, a new program was commenced in Muskogee called the Topeka Place Day Reporting Center. This also was spearheaded by the DOC and is focused on offenders who are having compliance problems, in need of treatment for drug or alcohol abuse, as well as a higher level of supervision while serving a probation and parole supervision sentence. In addition to probation and parole staff the Day Reporting Center is serviced by the Department of Human Services for social service needs of offenders, the Oklahoma Employment Security Commission provides staff to assist on an as needed basis, and the probation and parole officer has his or her office located at the Center.

In my view the combination of the Muskogee Day Reporting Center and the Enid Learning Center would make a tremendous community resource addition to the state. I believe that a number of these centers should be set up around the state, obviously in the high population areas, but also in the areas where a high number of criminal defendants generally come from.

Probation and Parole Officers

The DOC has within its organization 329 probation and parole officers. In 1991, when the DOC regionalized it placed the six probation and parole districts within the regions under the authority of the regional directors. There are currently five DOC regional directors. There is some frustration among the probation and parole officers over what they perceive to be a lack of consistent direction on probation and parole matters. They focus primarily on the issue of whether they are supposed to be law enforcement officers or social workers. It is imperative that clear direction be provided to these probation and parole officers since they provide such an important service to the criminal justice community.

Within the last year the Governor's Performance Review Team completed a report on a number of key governmental organizational issues. Within that report a section

on the organization of the probation and parole office is discussed. They recommend that the function be moved out of the DOC into a separate stand alone agency. I do not feel that that recommendation is necessary. I believe that DOC should consider placing the probation and parole responsibility directly under the DOC headquarter division. I believe that because of the unique responsibilities of the probation and parole officers that they require direct line of authority to the Oklahoma City headquarters through their district supervisors.

The mission statement that the DOC has been working on for probation and parole should be finalized within the next thirty days. This is an extremely high priority because when it is completed it will provide to the probation and parole officers the guidance that they need to carry out their responsibilities. I encourage DOC staff to continue that effort to finalize that policy.

Because the community corrections centers and the community work centers could be so closely integrated to the work of the probation and parole officers, and in addition to the state's sentencing judges, I believe that the community correctional centers and community work centers should be considered for placement under the district supervisors for probation and parole and the assistant director for that responsibility in Oklahoma City. With this realignment of responsibilities, I believe there will be a much better utilization of the resources available to the state and the community corrections centers and the work centers, the probation and parole responsibility areas, and the community service sentencing program area.

I also believe that the state should undertake to expand the number of day reporting centers, coupled with the community learning centers in as many areas of the state where the population wants it. I would particularly focus on those areas in the beginning that are the source of the highest number of criminal defendants. These program are very cost effective and can provide the sentencing judges with options that would otherwise require the utilization of DOC bed space.

With the recommended changes on the reorganization of DOC relative to probation and parole and community correctional centers and work centers, I would also recommend that the appropriate budget amounts and authority be centralized within that same line of authority.

Intensive Probation Supervision

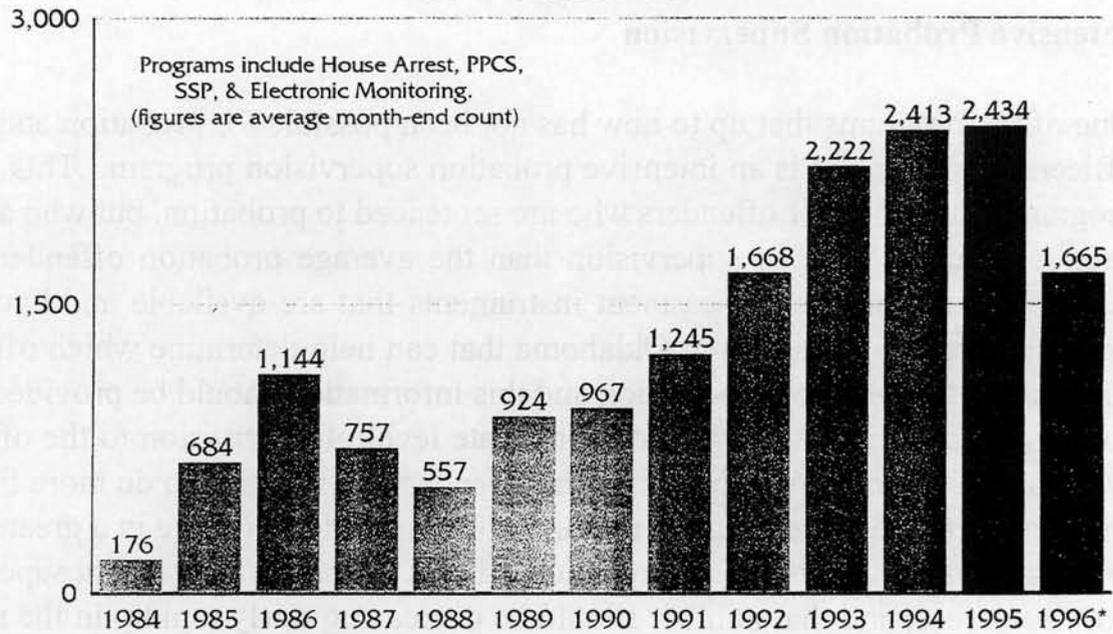
One of the programs that up to now has not been possible for probation and parole officers to implement is an intensive probation supervision program. This type of program is designed for offenders who are sentenced to probation, but who actually need a greater degree of supervision than the average probation offender might require. There are risk assessment instruments that are available and have been developed specifically here in Oklahoma that can help determine which offenders need the greater level of supervision and this information should be provided to the courts so that they can assign the appropriate level of supervision to the offender. With intensive probation supervision the offenders are required to do more frequent checking, provide more frequent urinalysis testing and participate in a greater level of programming. Since 75% of probation officers time is currently spent supervising early releasees, and that number should be decreasing fairly rapidly in the months ahead, the probation and parole officers will have sufficient time to manage the offenders on an intensive probation supervision arrangement. In addition, probation officers will have sufficient time to do the required Pre-Sentencing Investigations, particularly since I strongly recommend that these PSIs not be waived by criminal defendants who are going to be coming into the custody of the DOC.

Oklahoma's high rate of incarceration per 100,000 residents is partially also explainable by the absence of a high level of community sanctions available to courts at the county level as happens in many other states. As a result, offenders who would have gone to a residential substance abuse treatment program or to a halfway house for a non violent offense tend to come into the DOC and go many times into one of DOC's community programs, and thereby distort the state incarceration rate.

Although it is hard to compare sentencing practices in states because of divergent policies, it does seem clear that Oklahoma has most likely expedited release of offenders to provide space for incoming new offenders. In fact, the number of Oklahoma's prisoners in community programs is significantly above the national average. This policy has clearly been the focus of laws enacted in Oklahoma in recent years to enable DOC to continue functioning without expanding capacity.

Up until August 1996, Oklahoma's number of inmates in community programs due to overcrowding has been growing. With the August 1996 tragedy caused by the early release of Lamont Fields, the rate of early releases has dropped sharply.

**INMATES IN COMMUNITY PROGRAMS DUE TO OVERCROWDING
1984 THROUGH 1996**



SOURCE: DAILY COUNT SHEETS - *1996 DATA IS AS OF OCTOBER 31, 1996

Chapter 6 - Staffing\Organization

Key Findings

1. Although DOC is authorized a total of 5,034 positions in its FY 97 budget and a survey completed October 31, 1996, only 4,546 persons were employed within the DOC. Part of this shortfall is caused by the fact DOC is only funded for 4,747 positions or 94.3% of authorized positions.
2. A comparison of Oklahoma correctional officer positions authorized with national average correctional officer per inmate ratios reflects that Oklahoma has 486 fewer correctional officers than would be warranted if the national average were in effect in Oklahoma.
3. Total DOC staff compares favorably on a per inmate ratio comparison with national average standards for total staff to inmates.
4. DOC should consider reducing its regional offices from five to two or three to save resources and improve communications.
5. DOC should adopt an annual strategic planning system with measurable objectives. Agency accountability will be enhanced.
6. DOC should consider obtaining the services of a corrections expert on information technology to help establish meaningful objectives for the future.

The Oklahoma legislature, similar to the practice followed by the U.S. Congress, does not fund government positions at 100%. This is done because practice has shown agencies cannot keep 100% of their positions filled and thus the term full time equivalence is used to reflect the number of positions which can be kept filled all year. This typically is at approximately 97% of the authorized positions. In the Oklahoma Department of Corrections over the past three years the level between authorized positions and positions filled has been as follows: FY 94 89.9%, FY 95 89.4%, FY 96 89.4%. In FY 97, 94.3% are funded.

In FY 96, DOC was authorized 4,985 positions, but was funded only for 4,482 positions, or 89.9% of the authorized positions.

The following chart indicates the long range view of the percentage of authorized positions that have been filled by DOC:

Fiscal Year	Authorized	Funded	Actual*	Difference of Actual versus Filled
FY 97	5,034	4,747	4,546	
FY 96	4,985	4,482	4,459	23 .5%
FY 95	4,780	4,307	4,273	34 .7%
FY 94	4,558	4,246	4,097	149 3.5%
FY 93	4,558	4,284	4,219	65 1.5%
FY 92	4,443	4,178	4,228	50 1.2%
FY 91	4,172	4,021	4,079	58 1.4%
FY 90	4,038	3,885	3,985	100 2.5%
FY 89	4,004	3,873	3,812	61 1.5%

*Actual represents the number of employees paid on regular payroll at the end of the fiscal year.

The FY 97 number of authorized correctional officers is 2,087.

Note: The actual number of FTE on the payroll will vary due to separation or turnover rates, length of time required to fill positions, funding remaining in individual facility budgets, lag time in reporting new hires from field units to Payroll, and the budgetary requirement to leave positions vacant to fund accrued annual leave payments. The actual count represent the number of employees on board at a specific point in time. The authorized number and funded numbers represent an average over a 12 month period.

The Corrections Yearbook is published annually by the Criminal Justice Institute in Salem, New York. The 1996 yearbook which will be published in early December, 1996 will contain information that reflects that the average nationwide ratio of inmates to correctional officers is 5.6 inmates to 1 correctional officer. In Oklahoma the ratio is 6.5 inmates to 1 correctional officer. In order to bring the Oklahoma ratio down to the national level would require an additional 486 positions being authorized.

When looking at overall total staff ratios, using the same source, The Corrections Yearbook reflects that the Oklahoma ratio is exactly comparable to the nationwide average of 3.1 inmates to each total staff position. This assumes the exclusion of probation and parole staff from the calculation. The number of authorized probation and parole staff in Oklahoma is 519 (329 officers).

DOC should consider whether some administrative position could be converted to correctional officer position. The shortfall between what is able to be transferred from administrative positions to correctional officers to reach the nationwide ratio of 5.6 inmates to 1 correctional officer should be carefully considered by the Oklahoma legislature. Additional officer shortfall can be overcome by increasing the funding level for correctional officers to 97% which is more in keeping with what DOC could effectively keep filled at any one time. This would allow the filling of 56 additional correctional officer positions. I am particularly concerned about that correctional officer ratio in light of the recommendations that I am making in regard to capacity of non secure institutions. With the increased population in minimum and community center facilities, the need for additional staff surveillance of activities is mandatory. In fact, the greatest shortfall in correctional officers occur in Oklahoma at the minimum and community correctional center locations. Obviously those are the inmates who theoretically would pose the least risk to public safety should they escape or cause other problems. However, with the nature of inmates changing over the last several years with more and more violent offenders in the populations, it is

important that sufficient staff be provided to manage institutions so that problems are kept to a minimum. The ratio of inmates to correctional officers at secure institutions is just slightly better than the national average, it is 5.5 versus 5.6 inmates per correctional officer. Nationally, the non secure institutions have ratios of 12.8 inmates per correctional officer in minimum and 20.7 inmates per correctional officer in community and work center facilities.

DOC has asked in their FY 98 budget request for 998 additional positions.

Another issue which gives me concern is the turnover rate of staff in Oklahoma DOC. In FY 96 the agency wide turnover was 7.9% of all staff. The turnover percentage of probation and parole officers in that year was only 5.5%, but the correctional officer turnover was 12.1%. I would recommend that the Director of DOC do an analysis of the reasons that staff are leaving DOC employment and try to identify a strategy that can be used to cut that turnover level to a much more manageable figure. High turnover levels generally indicate either salary deficiencies, morale concerns, or better opportunities in other lines of employment. The high turnover rate causes a significantly higher expenditure for staff training.

Regionalization\Organization

For the number of institutions in Oklahoma and the size of the state, a fewer number of regional offices would enhance communications and eliminate potential policy divergence. I believe two or three regional offices would be desirable.

Strategic Planning

DOC needs to establish an annual Strategic Plan with input from the Corrections Board and the Commissioner of Public Safety, as well as from all levels of DOC staff. The DOC plan should identify the core values of DOC and the overarching long term goals. Within each goal, measurable annual objectives should be agreed upon and regular review of these objectives should be done to ensure progress is being made.

Information Technology

DOC also needs to seek outside guidance to establish an appropriate Information Management portion of the DOC Strategic Plan. It is unclear why Oklahoma DOC has not achieved a higher level of technological advancement in the past, but every available resource should be aimed at bringing the DOC into the information technology age.

Chapter 7 - Budget

Key Findings

1. The Oklahoma DOC operating budget for FY 97 is \$275 million, up 21.9% from the previous fiscal year. DOC has requested an additional supplemental budget of \$25.4 million to handle expanded prison population. The DOC budget has grown 122% since FY 88.
2. DOC's capital budgets for the past eleven years (FY 87 to FY 97) have totaled just under \$50 million. There are no capital funds provided in the FY 97 budget. In the past eleven years, capital expansion has been relatively small in comparison to the growth of the DOC. According to the most recent report from the National Association of State Budget Officers, in fiscal 1995 the average of all state's budgets spent on corrections was 6.5%. In Oklahoma the report reflects that 6.03% of the general fund was spent on corrections.
3. Based on the FY 96 budget, not including a supplemental request, Oklahoma's average cost of incarcerating an offender within a DOC institution is \$13,339 or \$36.55 per day for operating expenses only.

DOC Budget

Operating budgets in Oklahoma have grown from \$108 million in FY 87 to \$275 million in FY 97; a 129% increase.

Corrections receives 6.03% of the total state appropriation for DOC operating expenses. This has increased steadily since FY 80 when DOC's share was 3.20 % of the state budget. Nationally, states now spend \$20 billion per year for prison operations, or an average of 6.5% of their operating budget on expenses related to

corrections - up from just under 2% in 1980. (Source: National Association of State Budget Offices)

From the chart below, it is clear that the DOC in Oklahoma has received increasingly significant operating budgets over the past ten years. DOC has requested a \$25.4 million supplemental to cover the costs for increased population.

Comparative Budget Analysis

	Actual Work Program	% Change Work Program from Previous
FY 88	\$123,780,564	2.7
FY 89	\$145,478,340	17.5
FY 90	\$160,705,137	10.5
FY 91	\$175,018,058	8.9
FY 92	\$188,090,018	7.5
FY 93	\$195,082,293	3.7
FY 94	\$196,856,954	0.9
FY 95	\$210,126,330	6.7
FY 96	\$225,562,490	7.3
FY 97	\$274,992,456	21.9

There is a significant difference, however, between the type of financial support the DOC has received for operating and the capital budgets over the past eleven years. In that period of time (FY 87 to FY 97) the DOC has received just under \$50 million in capital expansion funding. This funding permitted the opening of an H unit at McAlester, a new death row; the rebuilding of the damaged housing units at the Mack Alford Correctional Center; the construction of the Bill Johnson Boot Camp facility with 300 beds; the construction of minimum security units at Dick Conner and Mack Alford which provided an additional 197 and 163 beds respectively. There is no capital funding provided in the FY 97 budget.

In contrast, the Corrections Yearbook for 1996, which will be published in December, reflects that the state's have 93,239 prison beds under construction at a total cost of \$4.2 billion.

Comparison of Capital Appropriations

	Capital Appropriation	Bond Funds
FY 87	0	0
FY 88	0	0
FY 89	11,287,000	0
FY 90	16,250,000	0
FY 91	0	0
FY 92	2,300,000	0
FY 93	0	0
FY 94	0	6,500,000
FY 95	0	12,420,000
FY 96	1,000,000	1,000,000
FY 97	0	0

According to the Corrections Yearbook, new construction costs \$79,770 for maximum security, \$51,299 for medium security, and \$30,753 for minimum security bed space.

The DOC budget for FY 97 is broken down as follows:

	Figures rounded to nearest \$000
Facilities	\$119,991
Community Corrections	15,917
Probation and Parole	21,747
Prison Industries	20,804
Contracted Facility Beds	34,122
Health Services	16,263
Offender Programs	11,704
Computer Equipment	1,985
Workers Compensation/Personnel Board	8,550
Administration and Agency-Wide Costs	21,401
Backup at \$24/day	2,508
Total	\$274,992

Not including the costs of Oklahoma State Industries (OSI), contract beds, or jail backup costs from the above list, the average operating cost of maintaining an offender in a DOC facility for FY 97 is \$13,339 or \$36.55 per day. DOC costs do not include Oklahoma costs for prison Vo-Tech programs.

Chapter 8 - Recommendations

1. DOC should not include "outcount" offenders in overall DOC inmate count. Actual DOC inmate count for DOC facilities and contract beds was 17,642 on November 4, 1996 (DOC calculation was 20,050).
2. A new inmate classification system which has been developed by outside experts should be implemented as soon as possible. DOC intends implementation in early 1997. The new system will take into account prior inmate criminal history when making decisions as to appropriate assignment of offenders to institutions.
3. In order to quickly implement the new classification system, DOC should consider creating a new security level of institutions, called low security. These facilities, between the current medium and minimum security facilities, would provide a higher level of security at very little expense. Placement of offenders in these types of facilities would include those who are currently at minimum or community custody, but who deserve higher classification based on their prior criminal histories. These facilities would be converted by adding fence security and staff to current minimum or other sites.
4. Full implementation of the new classification system will require an additional 4,130 secure beds by June 30, 2001. (Non secure bed needs would increase by 2,023 by June 30, 2001, based on DOC space calculations. However, see recommendation #6 below.)
5. DOC should calculate prison bed capacity based on secure and non secure inmate divisions of institutions. Higher levels of crowding can be permitted at lower non secure facilities.
6. In a few secure institutions, such as Bill Johnson Correctional Center, an additional housing unit could be constructed to permanently expand capacity by 200 at a low per bed expansion cost.
7. DOC should utilize 70-75 sq. feet per occupant for calculation of space in non secure living areas. This should be used rather than the 120 sq. feet figure that has been used in the past. (It should be noted that the average DOC offender

currently only has 94 sq. feet in non secure facilities.) The utilization of this lower square foot capacity figure will allow DOC to add 1,215 to 2,000 non secure inmate beds to the non secure inmate count on November 4, 1996. This change cannot be made until the new classification system has been implemented.

8. DOC should only report a modified Board Legal capacity number when reporting on their level of crowding. The reporting of other capacity numbers, i.e. crisis capacity, is confusing. Internally DOC should use a "temporary" capacity number in addition to the Board Legal capacity to reflect the beds that are temporarily made available to accommodate each inmate who comes into DOC custody.
9. Oklahoma is encouraged to consider making the Oklahoma Parole Board a full time board, unless sentencing reform occurs within Oklahoma and less disparity between sentence length and time served is achieved. In addition, consideration should be given by the legislature to modifying the constitution to take the Governor out of the parole decision making process.
10. The Department of Corrections should have no authority in the area of deciding which inmates should be released early. This is a function which should be handled only by an authority such as the Pardon and Parole authority.
11. The Oklahoma legislature should consider modifying the current law that allows criminal defendants to waive their right to a pre-sentence investigation, particularly in those cases where the sentencing judge believes that a prison term in excess of one year is anticipated. Pre-Sentence Investigations are essential to the court in sentencing, to the DOC, and to the Parole Board. These reports would include a full listing of prior criminal histories.
12. If a full time Parole Board were appointed, inmates should be given initial parole hearings within 120 days of their receipt into DOC facilities. At that time the Parole Board can set a presumptive release date which would be subject to the offender's completion of the prison term without serious violation of institutional rules. Prospective early release program participation can also be set by the Board at that time or at any later date based on information received from the DOC.

13. Early release programs should be examined in light of their significant impact on sentence length and considered along with an overall review of sentencing practices in Oklahoma.
14. The Oklahoma legislature should consider modifying Oklahoma statute 57 O.S. 991a-4 to allow sentencing judges broader authority to sentence non-violent offenders to community corrections programs, including community correctional centers and community work centers operated by the DOC.
15. Oklahoma should consider expanding statewide the model Day Reporting Center that has been opened in Muskogee by DOC, and possibly combining this concept with the model community learning center that has been operating for the last three years in Enid.
16. DOC should prepare and distribute to all sentencing judges on a regular basis a handbook of sentencing options that are available to the court including a full range of community based and institutional options.
17. DOC should consider centralizing Probation and Parole responsibilities within the DOC headquarters. I do not believe that regionalization of this function is appropriate. In addition, DOC should consider placing the responsibilities for community correctional centers and community work centers under the centrally organized probation and parole division. If so organized, budget responsibilities for these areas should also be centralized under that division.
18. DOC should quickly promulgate a clear mission statement and policy on the role of the probation and parole officers. (DOC has prepared and will consider a draft policy on the role of probation and parole officers at an upcoming December meeting.)
19. Intensive probation supervision programs should be developed within the probation and parole division to provide a greater level of community supervision to high risk offenders. With the adoption of this recommendation and recommendation #11 on the requirement of a pre-sentence investigation in all cases, it may be necessary to increase the number of probation and parole officers.

20. DOC should consider obtaining the services of a corrections information technology expert to help design an operational framework for utilization of computer technology within DOC.
21. Efforts should be made to lower the ratio of inmates to correctional officers to approximate the national average. Estimates of the shortfall of officers currently are 486. DOC should consider whether existing administrative positions, particularly in the headquarters and regional offices, can be converted to correctional officer positions to help reduce the shortfall.
22. DOC should attempt to determine the reason for the high level of staff turnover and with that information, design proactive programs to help address this problem.
23. The existing Criminal Justice Resource Center which operates within Oklahoma should be refocused to include a mandate to help the entire criminal justice system identify and coordinate their short and long term needs and set priorities for all within reasonably anticipated state funding levels.
24. Higher priority and funding should be placed on inmate drug testing.

Chapter 9 - General Concluding Comments

During the course of my visits, I gathered the following information on the scope of responsibility and status of the corrections system:

- Oklahoma DOC operates 17 facilities (maximum, medium and minimum) and 7 community centers and 15 work centers.
- In addition to the Department of Corrections operated facilities, inmates are in contract facilities (private prisons, county jails, halfway houses and residential centers).
- Oklahoma DOC also has responsibility for Probation and Parole Supervision. This represents another 33,000 inmates under DOC authority.
- The facilities I visited were all well run and staff were working hard to accomplish the mission of the DOC to maintain safe, secure correctional facilities in a humane way.
- Oklahoma was the first state in the nation to achieve accreditation status through the American Correctional Association statewide. This is very impressive. This occurred in 1982 and is indicative of the pride that DOC staff have in their facilities.
- Male offenders represent 89.1% of DOC offenders and females are 10.1%. The average age of offenders is 34.5, 54% of Oklahoma inmates are white, 35.3% African-American, 6.6% Native American, and 3.6% Hispanic American.
- Prisoner Public Works crews provide a variety of services ranging from maintenance to roadside cleanup for various state, county, and municipal entities throughout the state. On a typical day there are 2,419 inmates working on these supervised crews.
- DOC has 5,034 authorized positions; 4,296 in field institutional locations, 49 authorized positions in five regional offices, and 170 authorized positions in

Oklahoma City headquarters. In addition, there are 329 authorized positions for DOC as probation and parole officers.

During my institution tours, I was particularly impressed with:

1. The boot camp and substance abuse programs at Bill Johnson Correctional Center in Alva. These types of facilities should become more the norm in corrections nationally.
2. VoTech programs at many DOC facilities.
3. The general high priority for inmate education coupled with excellent educational programs.
4. Topeka Place Day Reporting Center in Muskogee
5. Community Learning Center in Enid.
6. A very impressive staff training program.
7. Overall high quality of staff.

Attachment A

INMATE CAPACITY SURVEY

FOR THE

**OKLAHOMA
BOARD OF CORRECTIONS**

JANUARY 1995

CLIMATE CAPACITY SURVEY

FOR THE

OKLAHOMA
BOARD OF CORRECTIONS

JANUARY 1982

FORMAT

B.O.C. CAPACITY SURVEY, JANUARY 1995

1. The Oklahoma Statute, Title 61 was used to determine the allowable square feet per person. The allowable square feet per person is quoted by state statute per adopted code as 120 gross square feet per occupant.
2. Title 61, § 209 requires the adoption of rules and regulations for buildings by the Department of Central Services. RE: Attachment #1.
3. The Department of Central Services Sub-Chapter 5, adopts minimum codes and standards for buildings for public agencies. RE: Attachment #2.
4. The NFPA 101 Life Safety Code was adopted by the Department of Central Services subchapter as the code of precedence in January 1987.
5. The NFPA 101 Life Safety Code requires that the occupant load for existing correctional facilities not to exceed 120 gross square feet per occupant. This occupant load definition is based on NFPA case histories and research which established the criteria to safely occupy and exit a building without creating an imminent threat to life and health. RE: Attachment #3.
6. The BOCA Building Code was also adopted at the same time. This code also requires 120 gross square feet per occupant. However, this code qualifies the requirement as sleeping areas within the means of egress requirements. RE: Attachment #4.
7. The ACA requires the precedent of following state, local and federal regulations for building codes. This is shown in the chapter on physical plant requirements. RE: Attachment #5.
8. The attached housing survey was sent to each facility, completed and returned for data analysis. The control date for completion and return of the survey was November 1994. RE: Attachment #6.
9. The attached sample of computerized floor plans was sent to each facility with the survey. The floor plan was used to calculate actual field dimensions. These dimensions were used to establish gross floor area of sleeping areas which are supervised by DOC personnel. RE: Attachment #7.
10. The data analyzed from the housing survey was set in a line item format. The format identifies the location of the facility, i.e., region, the facility, the level of detention, the required occupant load, the actual occupant load, and a minus or plus column. The minus or plus column indicates overcrowded as a minus and per statute as a plus. RE: Attached capacity survey.
11. The data was analyzed for similar comparisons of detention areas. The areas were located on the facility premises.

CAPACITY

1. The inmate capacity survey is based on adherence to the Oklahoma State Statutes for occupancy.
2. Areas that were separated from the data were those that represent an unusual occupancy. The OSP H Unit was found to be 30% higher in similar comparison. Therefore, it was not considered in the calculation of similar comparisons. However, it was added to the final calculation as a given constant. This was also applied to NOCC, DOWC, Work Centers and the JHCC MHU as it would be populated with a general population occupancy.

Facility Inmate Capacity	9362
NOCC	146
Work Centers	954
OSP H Unit	392
JHCC MHU (Converted to GP)	<u>126</u>
Total Inmate Capacity	10980

SURVEY

JANUARY 1995

1. Definitions: A) Occupancy. The purpose for which a building or portion thereof is used or intended to be used. B) Occupant Load. The total number of persons that might occupy a building or portion thereof at any one time. C) (E) indicates number of employees included in the actual occupancy number.
2. Plus (+) = occupancy is within the limit established by statute, to safely occupy the premises without an imminent threat to life and health of the employees and inmates.
3. Minus (-) = overcrowded.

<u>LOCATION</u>	<u>AREA</u>	<u>MAXIMUM OCCUPANT LOAD PER STATUTE</u>	<u>ACTUAL OCCUPANCY</u> (E)	<u>MINUS</u>	<u>PLUS</u>
<u>CENTRAL REGION</u>					
LARC:					
Min	RTMU	188	202 (6)	-14	0
Med	#6	145	179 (7)	-34	0
	#5	144	162 (2)	-18	0
	#4	144	162 (2)	-18	0
	#3	144	162 (2)	-18	0
Max	A&R II	226	220 (8)	0	+6
	A&R I	226	260 (8)	-34	0
MBCC:					
	Admin	31	92 (6)	-61	0
	East	84	114 (5)	-30	0
	South	84	130 (7)	-46	0
JHCC:					
Med	A	144	162 (2)	-18	0
	B	144	162 (2)	-18	0
	C	144	162 (2)	-18	0
	D	144	162 (2)	-18	0
	E	144	162 (2)	-18	0
	RHU	22	21 (2)	0	+1
KBCCC:					
	Comm	97	166 (0)	-69	0
OKCCCC:					
	Comm	118	204 (0)	-86	0
CWCCC:					
	Comm	175	204 (0)	-29	0
<u>WESTERN REGION</u>					
OSR:	Unit A	113	126 (6)	-13	0
Med	Unit B	113	167 (7)	-54	0
	Unit C	113	167 (7)	-54	0
	Unit D	113	167 (7)	-54	0

Min	MSU	108	190 (8)	-82	0
-----	-----	-----	---------	-----	---

<u>LOCATION</u>	<u>AREA</u>	<u>MAXIMUM OCCUPANT LOAD PER STATUTE</u>	<u>ACTUAL OCCUPANCY</u> (E)	<u>MINUS</u>	<u>PLUS</u>
-----------------	-------------	--	------------------------------------	--------------	-------------

JCCC:					
Med	Unit 1	29	45 (3)	-16	0
	Unit 2	59	88 (4)	-29	0
	Unit 3	59	104 (6)	-45	0
	Unit 4	140	196 (8)	-56	0
	Unit 5	140	192 (8)	-52	0
	Unit 6	211	174 (8)	0	+37

WKCC:	Min	199	443(27)	-244	0
-------	-----	-----	---------	------	---

ECCC:	Comm	37	104 (0)	-67	0
-------	------	----	---------	-----	---

LCCC:	Comm	41	133 (0)	-92	0
-------	------	----	---------	-----	---

SOUTHEASTERN REGION

JBCC:					
Min	Unit A	66	107 (6)	-41	0
	Unit B	108	238 (9)	-130	0
	CCU	92	163 (3)	-71	0

OCC:					
Min	Unit I	145	170 (7)	-25	0
	Unit II	145	183 (7)	-38	0
	Unit III	188	179 (7)	0	+9

MACC:					
Med	Unit A	246	208 (8)	0	+38
	Unit B	246	208 (8)	0	+38
	Unit C	110	109(10)	0	+1
MSU	#5	33	57 (7)	-24	0
	#1-4	145	174 (8)	-29	0

HMCC:					
Min	Phoenix	145	182 (8)	-37	0
	Odyssey/ Cosmos	180	423(14)	-243	0

OSP:					
	Unit A	266	239(15)	0	+27
	Unit C	266	238(14)	0	+28
	Unit D	89	82 (7)	0	+7
	Unit E	89	84 (5)	0	+5
	Unit F	350	340(43)	0	+10
	Unit G	107	54 (4)	0	+53
	Unit I	59	127 (0)	-68	0

THMU	51	53 (7)	-2	0
------	----	--------	----	---

<u>LOCATION</u>	<u>AREA</u>	<u>MAXIMUM OCCUPANT LOAD PER STATUTE</u>	<u>ACTUAL OCCUPANCY</u> (E)	<u>MINUS</u>	<u>PLUS</u>
<u>NORTHEASTERN REGION</u>					
DCCC:	MSU	204	167 (7)	0	+37
	A&C	144	162 (2)	-18	0
	D&F	144	162 (2)	-18	0
	G&J	144	162 (2)	-18	0
	K&M	144	162 (2)	-18	0
	N&O	144	162 (2)	-18	0
	V&W	144	162 (2)	-18	0
	RHU	13	21 (1)	-8	0
	S&O RHU	10	17 (1)	-7	0
EWCC:	REG	57	80 (6)	-23	0
	#2 & RHU	57	44 (1)	0	+13
	#3	57	83 (4)	-26	0
	#4	57	85 (3)	-28	0
	#5	57	76 (3)	-19	0
	#6	57	75 (3)	-18	0
	#7	57	76 (3)	-19	0
JLCC:	Paris	140	185 (2)	-45	0
	Monte Carlo	140	187 (6)	-47	0
	London	235	232 (7)	0	+3
JDCC:	Orient. A.	26	78 (0)	-52	0
	Unit A	92	170 (5)	-78	0
	Unit B	85	178 (5)	-93	0
	Unit C	108	198 (6)	-90	0
	D-East	95	115 (7)	-20	0
	D-West	97	147 (7)	-50	0
TCCC:	Comm	108	189 (0)	-81	0
MCCC:	Comm	47	87 (0)	-40	0
TOTALS		<u>9,812</u>	<u>12464</u> (450)	<u>-2965</u>	<u>+313</u>
Less Employees		<u>(450)</u>			
Total Inmate Occupants		9362			

Attachment B

Attachment B

Attachment B

Description of Inmates with Various Security Level Points

Summary

A selection of 10 inmates assessed and assigned to each security level was chosen to provide a brief description of inmates at varying point levels. Since points are grouped into categories that guide classification assignment, inmates were selected from each of the groupings. Two inmates were selected from maximum (13 or more points), medium (8 to 12 points), and minimum (2 to 7 points) security, respectively. Four were selected from community security (0 to 1 point); two represent community work centers, and two represent community release programs such as Preparole Conditional Supervision, Specialized Supervision, and Electronic Monitoring. Three inmates additional inmates were selected as examples of classification overrides. More examples of overrides were selected to illustrate the variety of reasons that classification assessments are overridden.

Information for this summary was collected from inmate Reclassification Assessments, the offender automated system, and staff interviews when necessary.

MAXIMUM SECURITY (13 or more points)

Example 1: 26 Points

Assigned to Okla. State Penitentiary

- Offense information

Controlling case: Murder II - 25 year sentence, received 8-1-86
Consecutive cases: Murder I - Life without Parole
Murder I - Life without Parole
Possession of Firearm AFCF - 135 years

- Assessment Information

A sentence of Life Without Parole within three years of the reception date earns 13 points. (Inmate was sentenced on consecutive cases in 1995.)

Inmate escaped from a medium security facility during this incarceration earns another 13 points.

Example 2: 13 Points

Assigned to Okla. State Penitentiary

- Offense information

Controlling case: Murder I - Life without Parole, received 12-22-95

- Assessment Information

A sentence of Life Without Parole within three years of the reception date earns 13 points. (Inmate was received in 1995.)

MEDIUM SECURITY (8 - 12 points)

Example 3: 9 Points

Assigned to Joseph Harp CC

- Offense information

Controlling case: Robbery with a Firearm - 25 year sentence, received 10-2-92

Concurrent cases: Burglary (three counts), Felonious Possession of Firearm, Robbery with a Firearm (three additional counts)

- Assessment Information

Inmate had 7,433 days remaining on a violent offense. Time left to serve on a violent offense which is greater than 5,479 days earns nine points.

Example 4: 9 Points

Assigned to Okla. State Reformatory

- Offense information

Controlling case: Murder I - Life, received 9-11-91

Consecutive case: Burglary I - 20 year sentence

- Assessment Information

Inmate had a life sentence plus 7,300 days remaining on a violent offense. More than three years have passed since his reception; therefore, he earns nine points.

MINIMUM SECURITY (2 - 7 points)

Example 5: 4 Points

Assigned to John Lilley CC

- Offense information

Controlling case: Larceny of Merchandise - 10 years, received 5-26-93

Consecutive cases: Larceny of Merchandise - 5 years

- Assessment Information

Inmate had 3,961 days remaining on a nonviolent offense. He would normally qualify for one point, but he has security conduct points. He earns three points.

Inmate has a class A misconduct for Individual Disruptive Behavior, a positive urine test, within six months, which earns another point.

Example 6: 7 Points

Assigned to Dick Connor CC- MU

- Offense information

Controlling case: Robbery I - 25 year sentence, received 6-6-86

Consecutive case: Robbery I (use of force, fear, weapon) - 25 years

- Assessment Information

Inmate had 11,628 days left on a violent offense, earning nine points. Inmate has served more than 20 percent of his sentence for a violent crime and has maintained earned credit level 4 for 12 consecutive months. The results in a positive adjustment removing two points.

COMMUNITY SECURITY (0 - 1 points)

Housed at Work Centers

Example 7: 1 Point

Assigned to Idabel Work Center

- Offense information
 - Controlling case: Illegal Distribution of CDS - 15 year sentence, received 8-31-95
- Assessment Information
 - Inmate had 4,866 days remaining on a nonviolent offense. With less than 6,000 days and no security points, he earns one point.
 - Inmate has no misconducts or escapes of the severity required or within time constraints of the instrument.

Example 8: 1 Point

Assigned to Holdenville Work Center

- Offense information
 - Controlling case: Illegal Possession of CDS - 15 year sentence, received 3-3-95
- Assessment Information
 - Inmate had 4,743 days remaining on a nonviolent offense. With less than 6,000 days and no security points, he earns one point.
 - Inmate has no misconducts or escapes of the severity required or within time constraints of the instrument.

COMMUNITY SECURITY (0 - 1 points)

Housed in Community Release Programs

Example 9: 0 Points

Assigned to Electronic Monitoring

- Offense information

Controlling case: Illegal Possession of CDS - 2 year sentence, received 11-14-95

- Assessment Information

Inmate had about 700 days remaining on a nonviolent offense. With less than 2,192 days, he earns no points.

Inmate has no misconducts or escapes of the severity required or within time constraints of the instrument.

Example 10: 0 Points

Assigned to Preparole Supervision

- Offense information

Controlling case: Illegal Distribution of CDS - 5 year sentence, received 4-2-96

- Assessment Information

Inmate had 1,334 days remaining on a nonviolent offense. With less than 2,192 days, he earns no points.

Inmate has one class B misconducts within the past six months for failing to obey a staff order, but it earns no points.

CLASSIFICATION OVERRIDES

Example 11: 1 Point

Assigned to NE Okla. CC

- Offense information

Controlling case: DUI, 2nd Offense - 4 year sentence, received 5-2-95

- Assessment Information

Inmate had 1,325 days remaining on a nonviolent offense. With less than 2,192 days, he earns no points.

Inmate absconded from probation supervision in the last year, earning one point.

- Override Justification

Although inmate was assessed at community security, he was participating in the Treatment Alternatives to Drunk Driving program, located at minimum security. He completes the program in 39 days, then is recommended to transfer to a community corrections center.

CLASSIFICATION OVERRIDES

Example 12: 1 Point

Assigned to Okla. State Penitentiary

- Offense information

Controlling case: Lewd or Indecent Acts/Proposals to a Child Under 16, two counts - 20 year sentence, received 8-31-87

- Assessment Information

Inmate had 2,776 days remaining on a violent offense. With less than 4,000 days, he earns one point.

- Override Justification

None of this inmate's misconducts are severe enough or within time frames of the instrument to earn security points. However, the inmate has had 39 misconducts in nine years, varying in severity from unexcused absences from programs, work, or school, to disobedience to orders. Most recently, he has received six misconducts for destruction of property. He has not met OSP's requirement of one year clear conduct to transfer to lower security.

CLASSIFICATION OVERRIDES

Example 13: 0 Points

Assigned to Ouachita CC

- Offense information

Controlling case: Rape I - 15 year sentence, received 10-5-90

- Assessment Information

Inmate had 1,027 days remaining on a violent offense. With less than 1,461 days, he earns no points.

Inmate has no misconducts or escapes of the severity required or within time constraints of the instrument.

- Override Justification

This is a mandatory override. Department policy requires that offenders who have ever been convicted of a sex crime be housed at no lower than minimum security. This inmate is housed at minimum security.

CLASSIFICATION OVERRIDES

Assigned to Working C

2 days 13 07 points

Offense information

Controlling use - Rape I - 12 year sentence received 10-5-03

Aggravated assault

Inmate had 1,027 days remaining on a violent offense. With less than 1,500 days to serve no points.

Inmate has the labor sheet or escapes of the severity required or within this component of the minimum.

Override justification

This is a mandatory override. Department policy requires that inmates who have ever been convicted of a sex crime be housed at no lower than minimum security. This inmate is housed at minimum security.

Attachment C

Attachment C

*74052 Const. Art. 6, Sec. 10

OKLAHOMA STATUTES ANNOTATED
CONSTITUTION OF THE STATE OF
OKLAHOMA [ANNOTATED]
ARTICLE VI.--EXECUTIVE DEPARTMENT
GOVERNOR

Current with amendments received through 9/1/95

Sec. 10. Reprieves, commutations, paroles and pardons

There is hereby created a Pardon and Parole Board to be composed of five members; three to be appointed by the Governor; one by the Chief Justice of the Supreme Court; one by the Presiding Judge of the Criminal Court of Appeals or its successor. An attorney member of the Board shall be prohibited from representing in the courts of this state persons charged with felony offenses. The appointed members shall hold their offices coterminous with that of the Governor and shall be removable for cause only in the manner provided by law for elective officers not liable to impeachment. It shall be the duty of the Board to make an impartial investigation and study of applicants for commutations, pardons or paroles, and by a majority vote make its recommendations to the Governor of all deemed worthy of clemency. Provided, the Pardon and Parole Board shall have no authority to make recommendations regarding parole for convicts sentenced to death or sentenced to life imprisonment without parole.

The Governor shall have the power to grant, after conviction and after favorable recommendation by a majority vote of the said Board, commutations, pardons and paroles for all offenses, except cases of impeachment, upon such conditions and with such restrictions and limitations as he may deem proper, subject to such regulations as may be prescribed by law. Provided, the Governor shall not have the power to grant paroles if a convict has been sentenced to death or sentenced to life imprisonment without parole. The Legislature shall have the authority to prescribe a minimum mandatory period of confinement which must be served by a person prior to being eligible to be considered for parole. The Governor shall have power to grant after conviction, reprieves, or leaves of absence not to exceed sixty (60) days, without the action of said Board.

He shall communicate to the Legislature, at each regular session, each case of reprieve, commutation, parole or pardon, granted, stating the name of the convict, the crime of which he was convicted, the date and place of conviction, and the date of commutation, pardon, parole and reprieve.

CREDIT(S) *74053

1981 Main Volume

Amended by State Question No. 309, Referendum Petition No. 86, adopted at election held July 11, 1944; State Question No. 525, Legislative Referendum No. 219, adopted at election held Nov. 7, 1978.

1996 Interim Update

Amended by State Question No. 593, Legislative Referendum No. 257, adopted at election held on Nov. 4, 1986; State Question No. 664, Legislative Referendum No. 298, adopted at election held on Aug. 23, 1994.

HISTORICAL NOTES

1996 Interim Update

Amendment proposed by 1994 H.J.R. No. 1013, Sec. 1.

Amendment proposed by Laws 1985, p. 1670, S.J.R. No. 27, Sec. 1.

1981 Main Volume

Prior to the 1944 amendment, this section read as follows:

"The Governor shall have power to grant, after conviction, reprieves, commutations, paroles, and pardons for all offenses, except cases of impeachment, upon such conditions and with such restrictions and limitations as he may deem proper, subject to such regulations as may be prescribed by law. He shall communicate to the Legislature, at each regular session, each case of reprieve, commutation, parole, or pardon, granted, stating the name of the convict, the crime of which he was convicted, the date and place of conviction and the date of commutation, pardon, parole, or reprieve."

SECTION 1
All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for a Term of six Years; and each Senator shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Section 4. The Times, Places and Manner of holding the Elections of Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may, by Law, alter or change in any or all these Particulars.

Section 5. The Congress shall assemble at least once in every Year, and such Meeting shall begin at noon on the 3d day of January, but they may adjourn to other Days, not exceeding three Days in any one Instance, and may, by Law, alter the Time of holding the same.

SECTION 2

1901 Main Volume

Section 1. The Congress shall assemble at least once in every Year, and such Meeting shall begin at noon on the 3d day of January, but they may adjourn to other Days, not exceeding three Days in any one Instance, and may, by Law, alter the Time of holding the same.

SECTION 3

Section 1. The Congress shall assemble at least once in every Year, and such Meeting shall begin at noon on the 3d day of January, but they may adjourn to other Days, not exceeding three Days in any one Instance, and may, by Law, alter the Time of holding the same.

HISTORICAL NOTES

1901 Main Volume

Section 1. The Congress shall assemble at least once in every Year, and such Meeting shall begin at noon on the 3d day of January, but they may adjourn to other Days, not exceeding three Days in any one Instance, and may, by Law, alter the Time of holding the same.

1901 Main Volume

Section 1. The Congress shall assemble at least once in every Year, and such Meeting shall begin at noon on the 3d day of January, but they may adjourn to other Days, not exceeding three Days in any one Instance, and may, by Law, alter the Time of holding the same.

