

*Partnerships  
in  
Corrections*



**Oklahoma**

*Community Sentencing Act  
Annual Report  
2002*

**Per 22 O.S.S. 988.3., the purposes of the Oklahoma Community Sentencing Act, according to 22 O.S.S. § 988.3., are to:**

- 1. Protect the public;**
- 2. Establish a statewide community sentencing system;**
- 3. Adequately supervise felony offenders punished under a court-ordered community sentence;**
- 4. Provide a continuum of sanctions to the court for eligible felony offenders sentenced to a community sentence within the community sentencing system;**
- 5. Increase the availability of punishment and treatment options to eligible felony offenders;**
- 6. Improve the criminal justice system within this state through public/private partnerships, reciprocal and interlocal governmental agreements, and interagency cooperation and collaboration; and**
- 7. Operate effectively within the allocation of state and local resources for the criminal justice system.**

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## **PREFACE**

The Community Sentencing Division of the Oklahoma Department of Corrections prepared this annual report in compliance with 22 O.S.S. § 988.15.13. It reflects community sentencing activities for calendar year 2002. Financial aspects of two fiscal years, 2002, which ended June 30, and 2003, which began July 1, are discussed. Pertinent information regarding assessment, sentencing, resource allocation, and prison reception trends is provided. The goals for community sentencing are also included.

## **INTRODUCTION**

The statewide community sentencing system authorized by the Oklahoma Community Sentencing Act has been operational for two full years. As the program entered fiscal year 2003, several planning councils reorganized and/or changed status. As of December 31, 2002, the statewide program included 36 funded local sentencing systems, 34 of which had sentenced offenders to the program, and 11 inactive councils. The funded systems encompassed 61 counties.

As the local systems continued to refine procedures and implement new services to enhance sentencing options for the courts, many worked through the issues that arose during the implementation phase of the program. Planning councils accepted the fact that resources were limited and instituted rigorous monitoring of expenditures on a regular basis to ensure budget allocations were not exceeded. They focused increased attention on targeting offenders for services. Councils imposed less expensive, yet effective, intermediate disciplinary sanctions to foster compliance with court orders.

The local stakeholders who served so diligently as council members demonstrated an ever-increasing ownership of community sentencing. Through their efforts, community members gained expanded knowledge of the criminal justice system. Planning councils continued to meet at regularly scheduled times to discuss



issues and recommend improvements for what had become “their” sentencing systems.

Service providers for the councils also became advocates of community sentencing. Most participated in the operation of the local systems as supervision and treatment agents as well as practitioners with genuine concern about changing offender behaviors and improving their communities.

The budget crisis in Oklahoma, accompanied by an unanticipated growth in prison receptions in 2002, focused additional attention on programs such as community sentencing. There was increasing expectation that community sentencing will have an impact on sentencing practices. Through this program non-violent offenders can be diverted from prison and receive treatment in the community to address their criminogenic needs. The benefits should be at least twofold. Treating offenders in the community is more cost effective than incarceration and the likelihood of reducing the future criminal behavior of participants enhances public safety. Improved targeting practices to select the most appropriate offenders must be emphasized, legislatively or administratively, to achieve these ends. Planning council members and Community Sentencing Division staff are poised to meet the challenges.



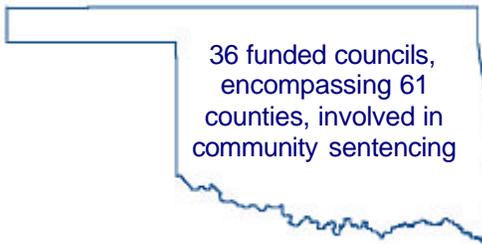
## **STATEWIDE GOALS FOR COMMUNITY SENTENCING**

- I. To Protect the Public
  - By accurately assessing the needs and risks of offenders and matching offenders to appropriate programs, sanctions, and punishments
  
- II. To Successfully Implement and Operate a Statewide Community Sentencing System
  - By providing appropriate training and education to planning councils
  - By creating, implementing, and evaluating contract services
  - By providing assessment and other data to stakeholders
  - By utilization of community sentencing management information systems
  - By developing local criminal justice systems in accordance with plans of planning councils
  - By securing appropriate funding through appropriations and grants
  
- III. To Reduce Crime
  - By addressing offender's criminogenic issues
  - By utilizing graduated sanctions
  - By providing a continuum of sanctions
  - By incapacitating offenders
  - Through application of deterrents
  
- IV. To Restore Victims
  - Through restitution
  - By utilizing mediation when appropriate
  - By facilitating victim input into sentencing and sanctions
  - By promoting other reparative options
  - Through community service
  
- V. To Reduce Recidivism
  - By targeting specific offenders for specific punishments
  - By evaluating programs to determine effectiveness
  - By addressing offender criminogenic issues
  - By allocating resources properly



## **IMPLEMENTATION**

The development of an active community sentencing program in Oklahoma faced many obstacles. Following legislatively imposed delays in 1997, 1998, and 1999, community sentencing began implementation during calendar year 2000. Six planning councils, which represented ten counties, were designated as pilot councils and received funds in March 2000 to put the program into practice. A second pilot group consisting of eight planning councils encompassing 15 counties began operations in May 2000. Statewide implementation was authorized in July 2000, and an additional 24 planning councils, representing 34 counties, elected to become involved in community sentencing and received funding. As calendar year 2000 concluded, only seven councils, which included 18 counties, had opted to not participate in community sentencing and demonstrated that decision by not requesting funding.



Calendar year 2001 represented the first full year of statewide implementation of the community sentencing program. Receiving funding through fiscal year 2002 were 38 community sentencing systems, which represented 59 counties. The seven councils not participating in the program in fiscal year 2001 remained uninvolved.

As the program entered fiscal year 2003, several planning councils reorganized and/or changed status. To enhance administrative efficiency and fiscal effectiveness, Choctaw, McCurtain, and Pushmataha counties, which previously operated as three single county active councils, combined and formed a new multi-county council identified as the 17<sup>th</sup> Judicial District Community Sentencing System Planning Council. Okfuskee County, unable to implement a program, chose not to submit a funding request and became an inactive council. Similarly, McIntosh County withdrew from active status. Beckham, Custer, and Roger Mills counties left the Beckham, Custer, Ellis, Greer, Harmon, and Roger Mills multi-county inactive council and developed an active planning council. Custer, Ellis, and Greer counties became single

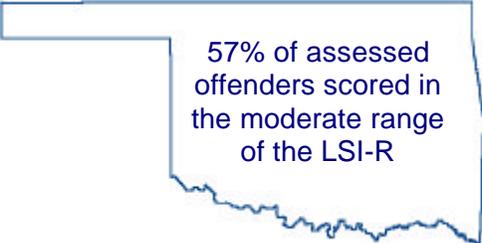


county councils and remained inactive. Stephens County separated from the inactive Jefferson and Stephens multi-county council and became an active sentencing system. Jefferson County remained inactive. Thus, as of December 31, 2002, the statewide program included 36 funded local sentencing systems, of which 22 were single county and 14 were multi-county councils, encompassing 61 counties. Of the 36 funded systems, 32 sentenced offenders to the program in 2002. Two other councils, Muskogee and Jackson counties, sentenced offenders in previous years but not during calendar 2002. A total of 11 councils remained inactive. Those councils, eight single county and three multi-county, represented 16 counties.

### **ASSESSMENTS**

The Level of Services Inventory-Revised (LSI-R) continued to be the assessment instrument selected by the Community Sentencing Division to determine offender eligibility for the program and to identify criminogenic needs. The Adult Substance Use Survey (ASUS) enhanced the information obtained through administration of the LSI-R and guided the selection of appropriate levels of treatment for participants. The EZAssess Assessment Management System, introduced in November 2001, remained the repository for information obtained during the administration of the LSI-R/ASUS instruments. EZAssess also captured LSI-R reassessment data. The resulting database was used by the Community Sentencing Division to ensure the administration of a quality assessment/reassessment process as well as to measure the progress of offenders in addressing their criminogenic needs.

Community Sentencing Division records reflected that assessments were ordered for 5,117 offenders during calendar year 2002.



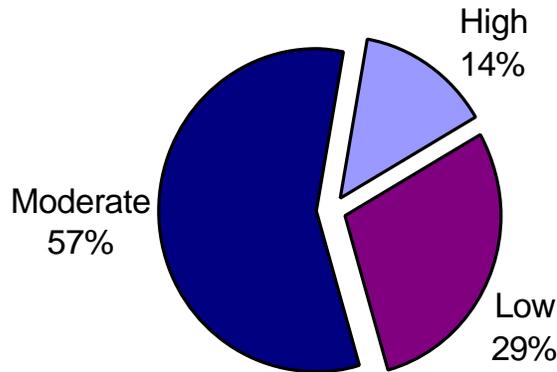
57% of assessed offenders scored in the moderate range of the LSI-R

Scores on the completed LSI-R instruments placed 57 percent of the assessed offenders in the moderate range on the LSI-R, thus qualifying them to receive a community sentence. Data further indicated that 29 percent scored in the low range and that 14 percent of those assessed were in the high range. **Figure 1** summarizes information pertaining to results



of LSI-R assessments ordered by the court to determine eligibility for the community sentencing program.

### LSI-R Assessment Scores



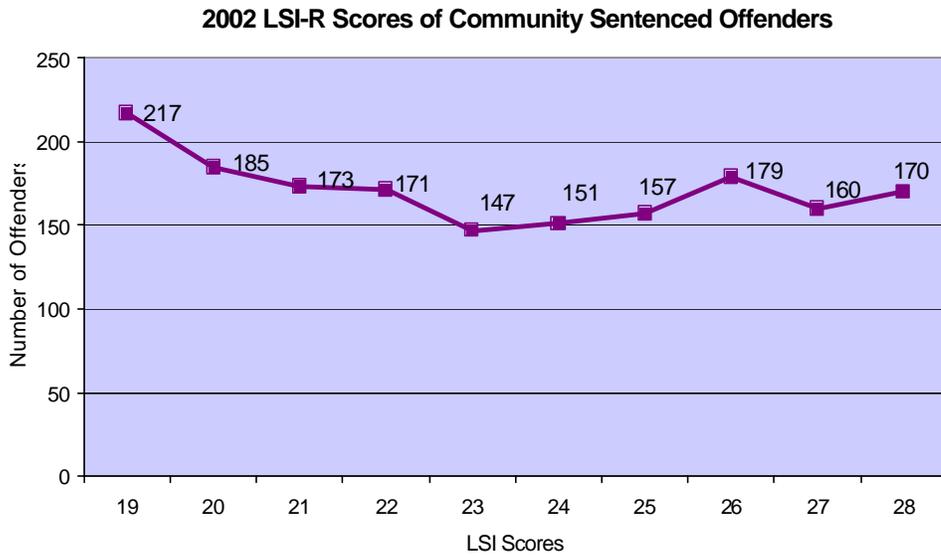
**Figure 1**

These results were quite consistent with assessment outcomes reported in the 2001 Community Sentencing Act Annual Report. That year, 58 percent of those assessed received a moderate score, 30 percent were low, and 12 percent appraised in the high range.

Statewide sentencing dispositions for the 57 percent of offenders who scored in the moderate range on the LSI-R in 2002 showed that 58 percent received a community sentence. Thus, per 100 eligibility assessments conducted in 2002, 33 offenders received a community sentence.

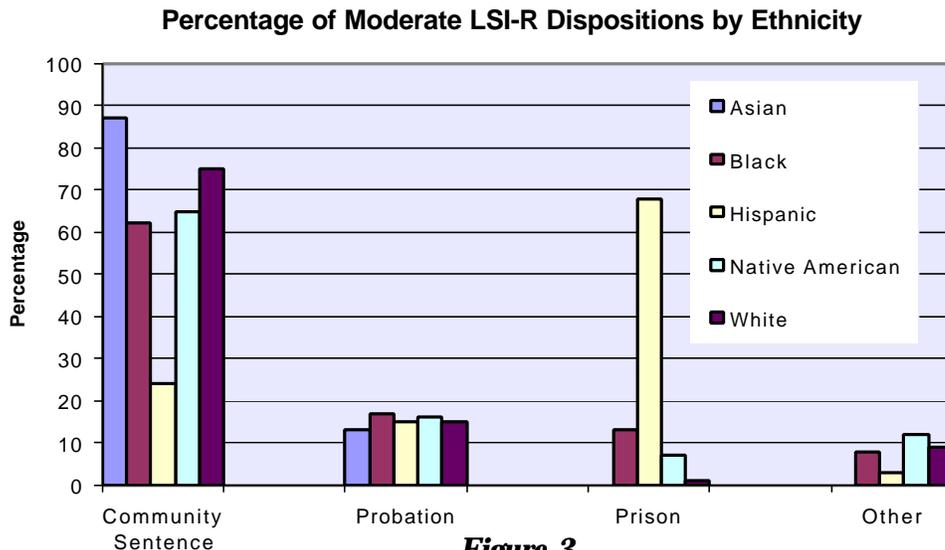
These numbers were somewhat diminished from 2001 when it was reported that 66 percent, or 38 offenders per 100 assessments, of those scoring in the moderate range received a community sentence. **Figure 2** displays the assessment scores of the 1,710 offenders receiving a community sentence in 2002. With the exception of peaking at the eligibility entry score, offenders were evenly placed within the range of qualifying scores, 19 to 28.

1,710 offenders, 58% of those assessed moderate, received a community sentence



**Figure 2**

The proportion of offenders with a moderate score on the LSI-R receiving a sentence other than community sentencing was: ten percent, incarceration; 15 percent, traditional probation; nine percent, “other,” which included drug court, DUI court, county jail; and nine percent, pending disposition. Sentencing outcomes, by ethnicity, in 2002 for offenders with a moderate LSI-R score are portrayed in **Figure 3**. Asians and Caucasians with a moderate assessment score were most likely to receive a community sentence, 83 percent and 75 percent, respectively, while Hispanics were most likely to be sentenced to incarceration, 68 percent.

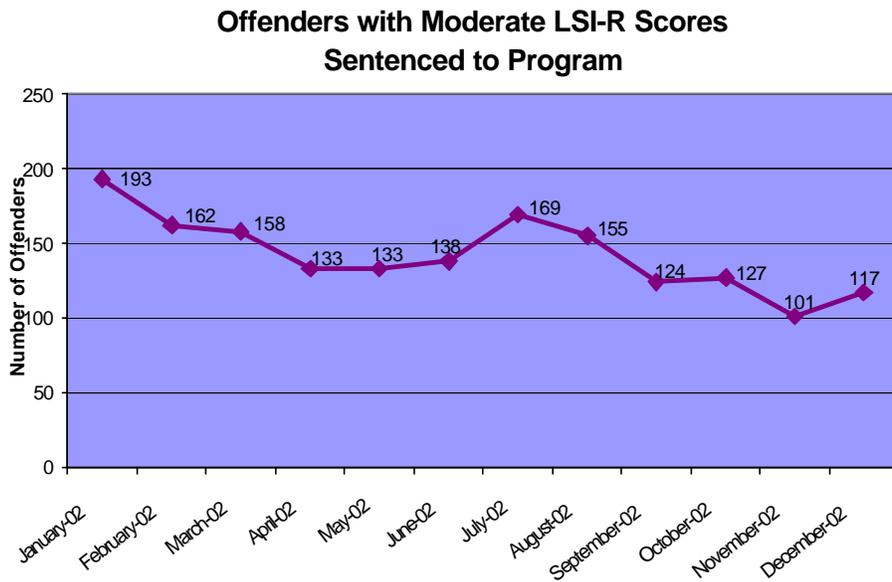


**Figure 3**



**2002 SENTENCING PRACTICES**

From January 1, 2002, to December 31, 2002, 1,710 qualifying offenders received a community sentence. The number of moderate offenders receiving a community sentence each month is shown in **Figure 4**. Community sentences were ordered by 32 local sentencing systems; the number for each is shown in **Figure 5**. Four of the listed councils sentenced their first offenders during 2002. These included the single county systems of Adair County and Okmulgee County and the multi-county systems of Beckham, Custer, Roger Mills and Haskell, Latimer, LeFlore counties. Two other systems, Muskogee and Jackson counties, sentenced offenders in previous years but not during calendar 2002. The 1,710 offenders receiving a community sentence in 2002 is less than the 2,065 sentenced in 2001.



**Figure 4**



Moderate Offenders Sentenced 2002

Planning Council	Total	Planning Council	Total
Adair	15	Haskell, Latimer, LeFlore	2
Alfalfa, Major, Woods	7	Hughes, Pontotoc, Seminole	69
Beckham, Custer, Roger Mills	4	Kay	33
Blaine, Garfield, Grant, Kingfisher	16	Lincoln, Pottawatomie	17
Bryan	25	Noble	4
Caddo	11	Nowata, Washington	14
Canadian	8	Oklahoma	681
Carter, Johnston, Love, Marshall, Murray	1	Okmulgee	1
Cherokee	44	Osage	4
Choctaw, McCurtain, Pushmataha	52	Pawnee	1
Cleveland	43	Payne, Logan	56
Craig, Rogers, Mayes	31	Pittsburg	32
Creek	114	Stephens	3
Dewey, Woodward	7	Tillman	1
Garvin, McClain	6	Tulsa	340
Grady	19	Wagoner	49

Total 1,710

Figure 5

As in previous years, offenders received a community sentence for a wide range of offenses. Figure 6 indicates, by percent, the offense categories for which a community sentence was ordered during calendar year 2002.

Offense Categories

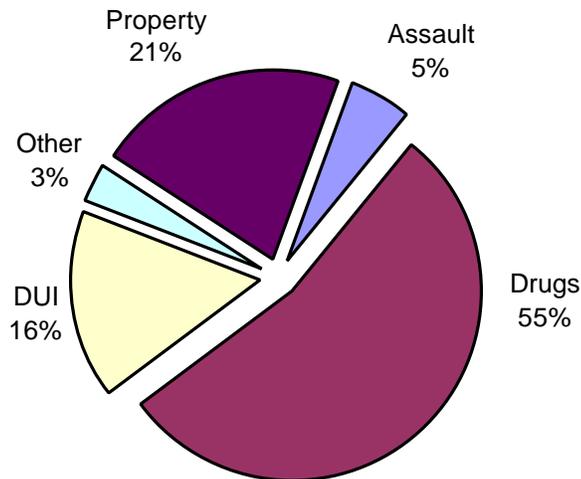
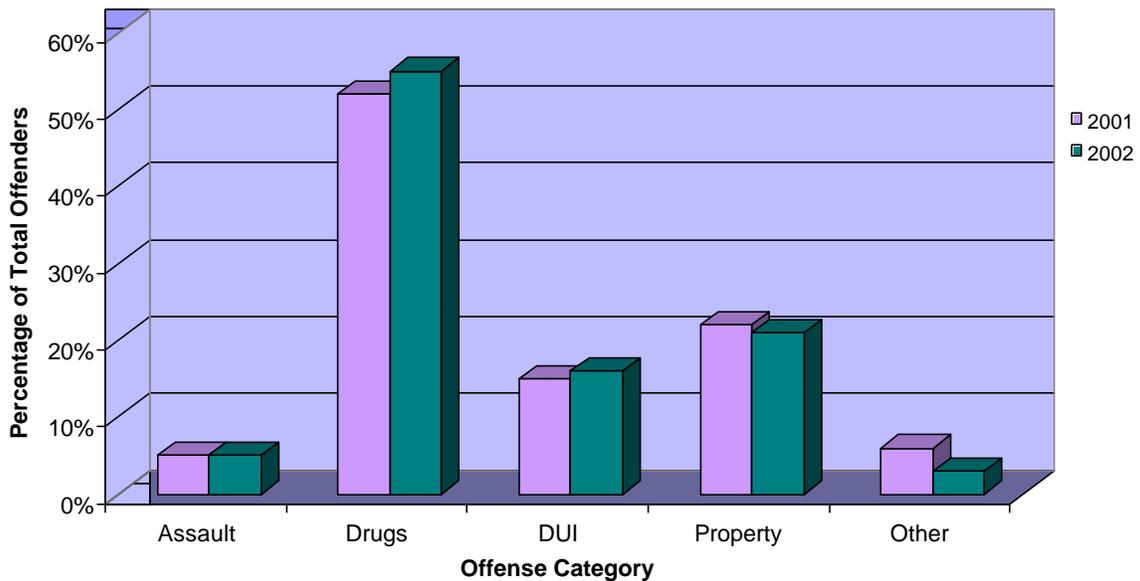


Figure 6



The percentage of community sentences ordered for substance abuse related offenses continued to increase and far exceeded other crimes. During 2002, with 55 percent of community sentences ordered for drug offenses and 16 percent for DUI offenses, substance abuse related offenses comprised a total of 71 percent of community sentences. Substance abuse related offenses represented 67 percent of community sentences ordered in 2001. Property offenses, which encompass crimes such as Uttering a Forged Instrument and Larceny of Merchandise, were reported in 21 percent of community sentences. Three percent of community sentenced offenders committed an offense categorized as “other,” including crimes such as Perjury, Harboring a Fugitive, and False Impersonation. Although community sentencing is a program for non-violent offenders, those who commit certain types of violent crimes are statutorily eligible with the consent of the prosecutor. During calendar 2002, assaultive offenses were reflected in five percent of community sentences. This category included crimes such as Assault and Battery, Arson I, and Burglary I. **Figure 7** depicts a comparison of 2002 and 2001 community sentences by offense category.

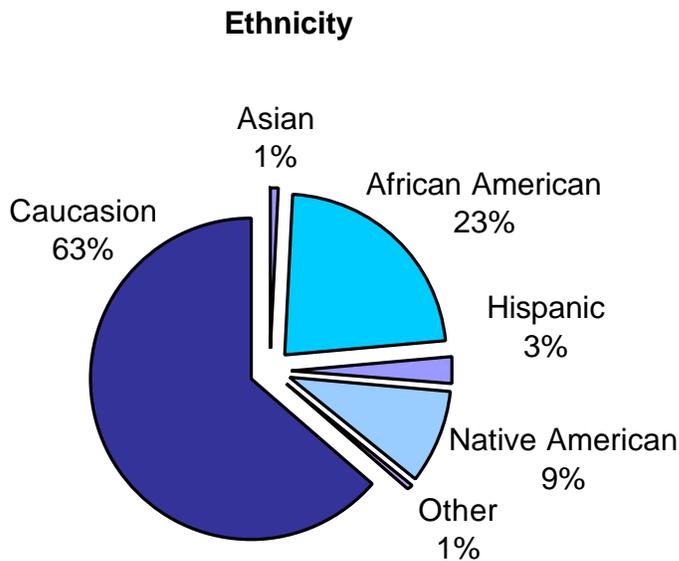
### Comparison



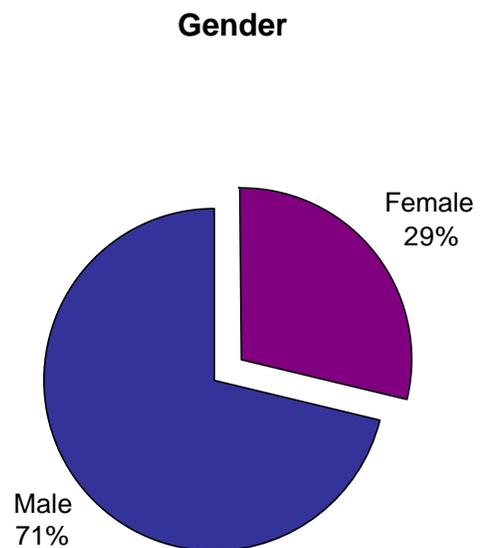
**Figure 7**



The racial composition of offenders receiving a community sentence in 2002 remained consistent with that of previous years. Caucasians were the most frequently represented ethnic group and comprised 63 percent of the total community sentences ordered. The percentage of African Americans increased from twenty percent of community sentences in 2001 to 23 percent in 2002. Native Americans represented nine percent of 2002 community sentenced offenders, Hispanics three percent, and Asians and “Other” each one percent. Community sentenced offenders were more likely to be male, 71 percent in 2002 compared to 67 percent in 2001, than female, 29 percent in 2002 and 33 percent in 2001. The ethnicity and gender of offenders receiving a community sentence in 2002 are reflected in **Figure 8** and **Figure 9**, respectively.



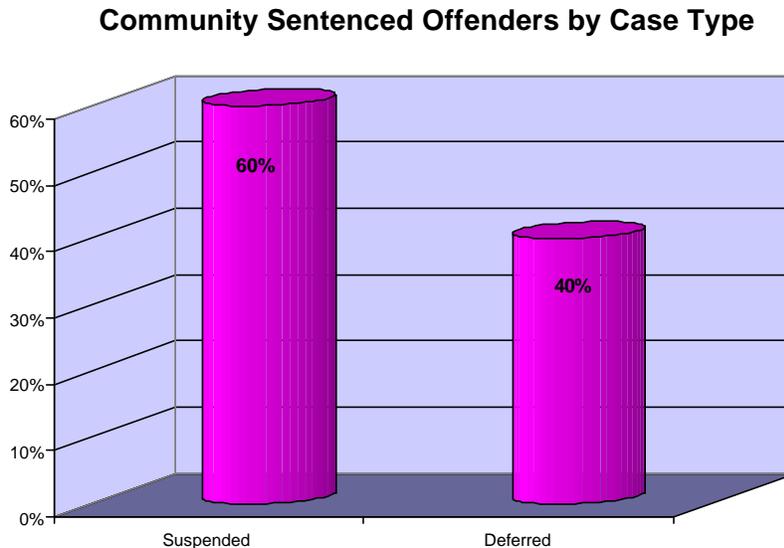
**Figure 8**



**Figure 9**



Statutorily, a community sentence is a condition of a probationary sentence. **Figure 10** demonstrates that in 40 percent of the cases a community sentence was ordered as a condition of a deferred sentence while it was a condition of a suspended sentence for 60 percent of offenders sentenced to the program in 2002.



**Figure 10**

These proportions varied slightly from 2001 data, which reported community sentences were reported as a condition of a deferred sentence in 37 percent of cases and a condition of a suspended sentence in 63 percent.

A new sentencing trend in community sentencing became apparent during 2002. Increasing numbers of offenders entered the program following a period of incarceration. Some were given a split sentence with the probationary period to be a community sentence while others returned to the community through the judicial review process. These sentencing practices were accompanied by issues related to tracking prison release dates, in the case of split sentences, and determining eligibility, in the case of judicial reviews.



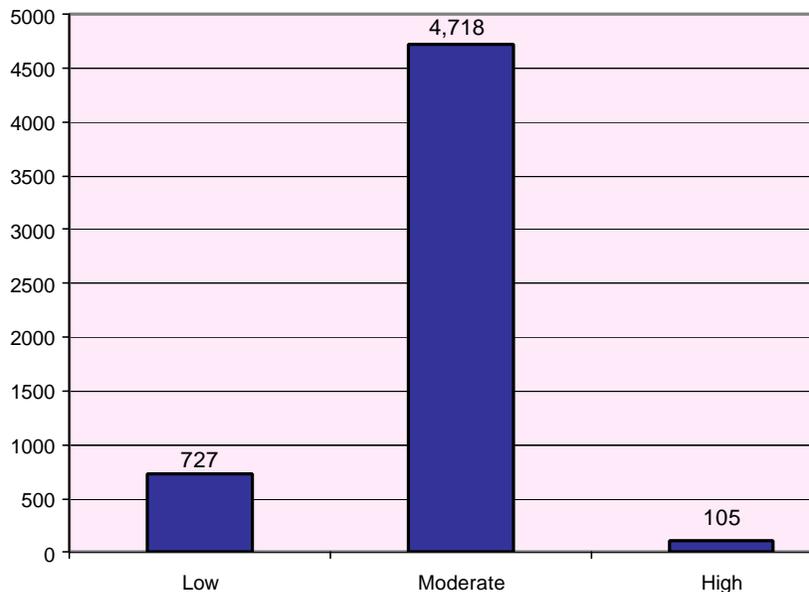


## SENTENCING DATA SINCE PROGRAM INCEPTION, MARCH 2000 TO DECEMBER 2002

With completion of the second year of statewide implementation, the community sentencing program in Oklahoma became a recognized sentencing option. Sentencing trends became increasingly pronounced. Nonetheless, because planning council participation in community sentencing and judicial sentencing to it are optional, the future direction of the young program remained difficult to identify with certainty.

The Oklahoma Community Sentencing Act prohibits purchasing services with State funding for offenders who fail to meet the eligibility criteria and score requirements of assessment instruments (22 O.S.S. § 988.8.A.). However, several systems continued to order community sentences for offenders who scored outside the moderate range of the LSI-R assessment tool. If services were not available in the community at no cost, offenders with an ineligible assessment score who received a community sentence were responsible for paying for participation in any court-ordered treatment programs. **Figure 11** specifies the total number, since the inception of the community sentencing program in March

**Total Number of Community Sentences  
by LSI-R Level Since Inception**

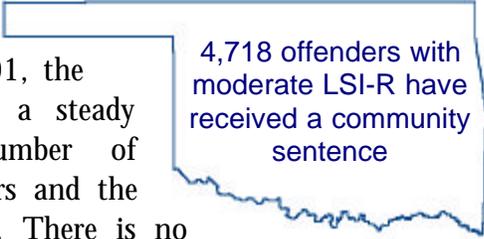


**Figure 11**



2000, of offenders who received a community sentence with scores in the indicated ranges of the LSI-R.

While the number of community sentences ordered was less in 2002 than in 2001, the program continued to show a steady increase in both the number of community sentenced offenders and the number of active participants. There is no specific explanation for the slowing growth although several possibilities exist. Most of the councils participating in the program began sentencing offenders in previous years. It is probable that councils will reach a maximum number of community sentenced offenders because of exhausting the eligibility pool and/or resources. Perhaps some councils reached that point. Certain offenders had received drug court as a condition of their community sentences. Contracts for fiscal year 2003 eliminated that practice, which could have resulted in a reduced number of community sentences ordered in counties with both community sentencing and drug court funding. Some councils also slowed sentencing when budget deficits surfaced to protect the likelihood of programmatically supporting existing offenders.



4,718 offenders with moderate LSI-R have received a community sentence

As additional offenders entered the community sentencing program, others exited for a variety of reasons. Thus, the total number of active offenders is smaller than the number of those sentenced to the program. **Figure 12** reflects, by planning council, the total number of community sentences ordered since the council began participating and the number of active offenders for each at the conclusion of 2002.



3,948 remained active in community sentencing as of December 31, 2002



Planning Council	Total Sentenced	Current Active
Adair	15	14
Alfalfa, Major, Woods	8	8
Beckham, Custer, Roger Mills	4	4
Blaine, Garfield, Grant, Kingfisher	57	44
Bryan	55	35
Caddo	33	31
Canadian	24	21
Carter, Johnston, Love, Marshall, Murray	14	14
Cherokee	153	119
Choctaw, McCurtain, Pushmataha	64	53
Cleveland	109	80
Craig, Rogers, Mayes	128	109
Creek	302	267
Dewey, Woodward	26	19
Garvin, McClain	76	54
Grady	161	132
Haskell, Latimer, LeFlore	2	2

Planning Council	Total Sentenced	Current Active
Hughes, Pontotoc, Seminole	244	169
Jackson	3	3
Kay	64	58
Lincoln, Pottawatomie	80	48
Muskogee	4	2
Noble	8	4
Nowata, Washington	21	20
Oklahoma	1,585	1,503
Okmulgee	1	1
Osage	12	9
Pawnee	8	4
Payne, Logan	163	112
Pittsburg	96	47
Stephens	3	3
Tillman	12	7
Tulsa	1,017	835
Wagoner	166	117

**Total Offenders Receiving a Community Sentence      4,718**  
**Offenders Remaining Active in Community Sentencing      3,948**

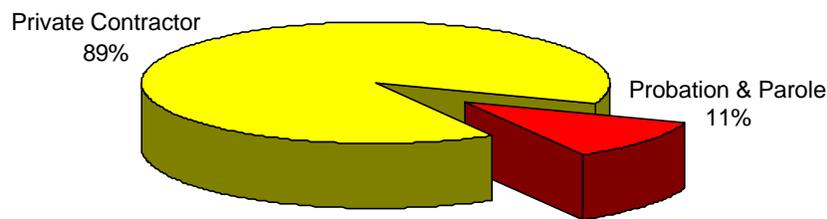
**Figure 12**

The Oklahoma Community Sentencing Act permits each local sentencing system the option of providing supervision for its offenders by state probation and parole officers or by another qualified source of the council’s choosing. State probation and parole officers provided supervision services at no cost to the councils. If the local system elected to supervise offenders through a private provider, the contractor was reimbursed for the services through the planning council’s allocated funds. Some local systems chose to combine the options, supervising certain offenders, sometimes by risk level or by programmatic need, through state probation and parole officers while monitoring others with a private entity. Private supervision providers generally fell into the following categories: a governmental agency such as a county probation department, a sheriff’s department, or a



prosecutor's office; a non-profit corporation; or a for-profit business. A private entity was selected by 42 percent of the planning councils to provide supervision while state probation officers were chosen by 29 percent of the planning councils elected to provide offender supervision through a combination of a private entity and state probation and parole. Although only 71 percent of the councils chose private supervision providers to deliver all or a portion of supervision, at the end of 2002 contractors supervised a total of 89 percent of active offenders. This was likely the result of the two councils with the greatest numbers of offenders, Oklahoma and Tulsa, choosing to provide private supervision for the majority of their offenders. Outlined below in **Figure 13** is the percentage of active offenders supervised by private providers and by state probation and parole officers. The percentage of offenders under private supervision decreased minimally. In 2001, 90 percent of active community sentencing offenders were supervised by a private entity.

**Supervision Provider for Active Community Sentencing Offenders**



**Figure 13**



## RESOURCE ALLOCATION

In fiscally difficult times, the importance of various programs and services becomes increasingly evident through funding levels. The commitment of both the legislature and the Department of Corrections to community sentencing was demonstrated during 2002.

The Community Sentencing Division received fiscal year 2002 line itemed appropriations of \$5 million to fund local community sentencing systems. The Department of Corrections augmented the line itemed appropriation with approximately \$800,000 from the agency's base funding. As fiscal year 2002 drew to a

313 contracts awarded in FY02 to provide various services

close, the state's revenue shortfall increased and agencies were required to cut budgets. Neither the legislature nor the Department of Corrections required that funding for community sentencing be reduced. Community sentencing received fiscal year 2003 line itemed appropriations from the legislature and additional monies from the department in the same amount as the previous year while decreased levels of support for most programs were mandated.. As of December 31, 2002, most of those funds were allocated to the 36 funded planning councils for their fiscal year 2003 activities.

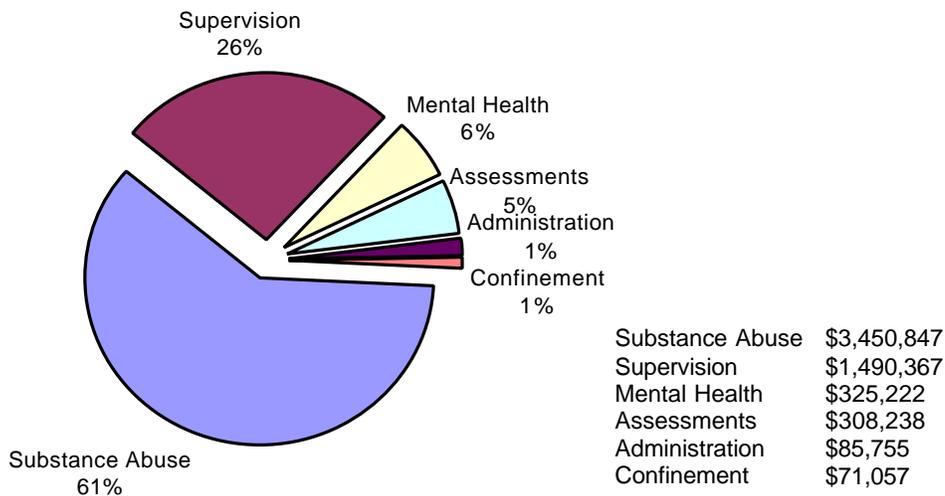
In fiscal year 2002, the Community Sentencing Division awarded 313 contracts to provide the various services requested by the local systems. Local sentencing system expenditures for fiscal year 2002 totaled \$5,634,241 in appropriated funds. Also, to further community sentencing goals in fiscal year 2002, the sentencing systems spent an additional \$131,788 in administrative fees collected from offenders participating in the program. Total fiscal year 2002 expenditures by planning council are detailed in **Appendix A-1**.

FY02 expenditures totaled \$5,766,029, annualized cost of \$2,059 per active offender



The percentage of total expenditures allocated to the various services purchased by the local systems in fiscal year 2002 is displayed in **Figure 14**.

### Expenditures Fiscal Year 2002



Money was spent on Community Service, Transportation, Career, and Education in amounts that made up less than 1% of total expenditures.

**Figure 14**

Spending patterns were very similar to those in fiscal year 2001 with the bulk of expenditures related to substance abuse/mental health services. In fiscal year 2002, substance abuse/mental health treatment comprised 67 percent of expenditures compared to 63 percent in fiscal year 2001. Costs associated with supervision also increased slightly in 2002 to 26 percent of total expenditures from 23 percent in fiscal year 2001. The increases in these areas were offset by a reduction in the proportion of total funds expended for assessments. In 2002, assessments accounted for five percent of expenditures rather than the nine percent recorded in 2001. Payment for confinement as a sanction accounted for one percent of expenditures in both fiscal year 2002 and fiscal year 2001. It should be noted that education services, such as literacy and GED,

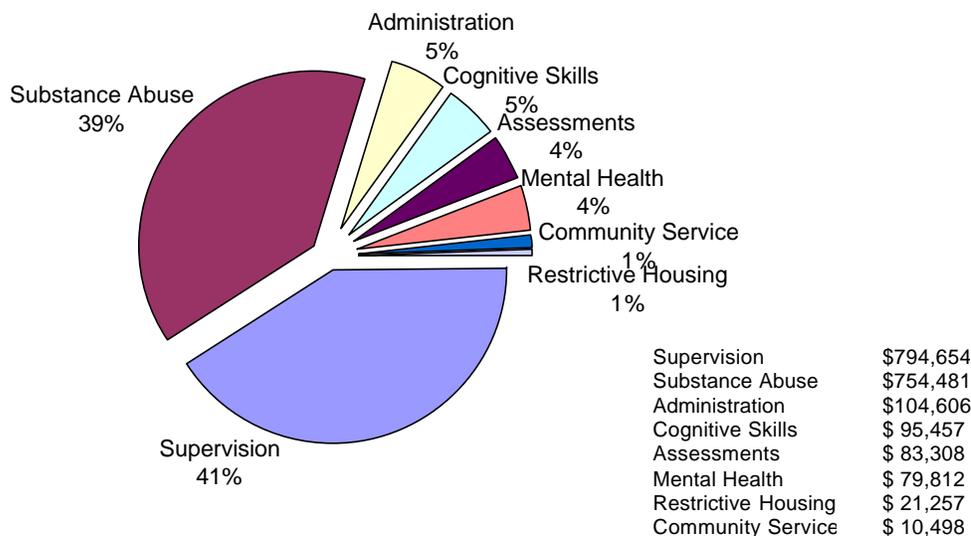


were frequently ordered for offenders but were generally provided in the local community at no cost.

Through the mid-point of fiscal year 2003, the Community Sentencing Division executed 321 contracts on behalf of local sentencing systems. The majority of contracts continued to be for substance abuse services, including detoxification, in-patient and out-patient treatment, group and individual counseling, and urinalysis. Paid invoices submitted by 192 contractors totaled \$1,844,579. An additional \$103,629 in administrative fees was expended by the councils to further the goals of community sentencing. Posted expenditures, however, did not reflect the entire cost of operation of the councils during that time period because some contractors did not invoice promptly. Information for each sentencing system regarding expenditures through the mid-point of fiscal year 2003 is located in **Appendix A-2**.

Expenditures through mid-point fiscal year 2003 by service category are illustrated in **Figure 15**. Reflected are posted expenditures of State appropriated funds and administrative fees.

### Expenditures Fiscal Year 2003



**Figure 15**



Definite changes in spending patterns were observable. The percentage of funds expended for substance abuse/mental health services, 43 percent, showed a sharp decrease from earlier years; the percentage of monies spent for supervision services increased dramatically to 41 percent. Assessments decreased slightly to four percent from the five percent reflected for fiscal year 2001. Administrative costs increased from one percent in 2001 to five percent in 2002.

321 contracts for services executed through mid-point FY2003

Fiscal record keeping now permits increased specificity of individual services within the broader categories. This allowed the costs of cognitive skills programming to appear for the first time as a charted expenditure,

comprising five percent of total expenditures. Expenditures for cognitive programming had previously been incorporated in the "other" category.

While certain aspects of the altered spending patterns were anticipated, the extent of the changes was not. It was predicted that the purchase of increased units of supervision would accompany the growing number of offenders in the program because 89 percent of active offenders are supervised, either totally or partially, by a private entity. While an increased amount, \$794,654 at mid-point fiscal year 2003 compared to \$614,177 at mid-point fiscal year 2002 was, indeed, spent for supervision services, the increase in the percentage of overall expenditures was heightened by a significant decline in spending for substance abuse/mental health treatment services. At mid-point fiscal year 2002, \$1,713,851 had been spent for those services while only \$834,293 had been spent at mid-point fiscal year 2003. Because the number of offenders participating in the program at the end of December 2002 was larger than the number in December 2001, the difference in expenditures was even more pronounced.

Decreased spending in substance abuse/mental health services was not a surprise because councils, in an effort to be more fiscally effective after experiencing financial difficulty in fiscal year 2002, were trying to slow expenditures. Councils implemented increased monitoring and programmatic decisions

Mid-point FY2003 expenditures showed spending increased for supervision



limiting quantity and duration of services. Larger co-payments for treatment services were required of increased numbers of offenders to defray overall costs. The fiscal year 2003 removal of drug court offenders from community sentencing also impacted expenditures for substance abuse/mental health services because drug court offenders were involved in expensive programming. Additionally, the posted expenditures through December 31, 2002, did not include pending payments, many of which were from substance abuse/mental health treatment providers. Therefore, expenditures for this service category through mid-point fiscal year 2003 will likely increase considerably following processing of pending invoices. These emerging trends warrant continued examination. Community sentencing must maintain a delicate balance between fiscal responsibility and properly addressing criminogenic needs of participating offenders.

Although the brief period of time community sentencing has been operational on a statewide basis precluded a reliable analysis of its long-term cost effectiveness, patterns began to surface. Sentencing practices and associated expenditure rates for fiscal year 2002 indicated an annualized cost of \$2,059 for each of the 2,800 average active offenders per month compared to a fiscal year 2001 annualized cost of \$2,418 per offender. Fiscal year 2003 expenditures through December 31, 2002, including administrative fees and pending payments, showed an annualized cost of \$1,300 per offender. When fiscal year 2002 spending was spiraling out of control in many councils, community sentencing staff developed and implemented a computerized fiscal monitoring

A blue-outlined callout box with a jagged bottom edge, containing the text: "Enhanced fiscal controls likely to result in reduced FY2003 cost per offender".

program. Local planning councils and community sentencing staff gained the ability to identify exactly how much funding was spent on individual offenders by provider and service, as well as total expenditures by service and/or provider. This tool

allowed councils to gain control of the financial aspects of their resource-limited systems and to make proactive decisions concerning spending. The fiscal monitoring program contributed greatly to the reduced annualized cost per offender, to date, in fiscal year 2003.



**EFFECTIVENESS OF COMMUNITY SENTENCING**

Discussion continued among stakeholders regarding the definition of success for the community sentencing program, the offenders who participate, and the contractors who provide services. In fact, the rhetoric intensified as the revenue shortfall descended and the rising number of prison receptions for non-violent offenders became a fiscal concern for policymakers. No consensus developed, and the definitions remained varied.

Programmatic success was sometimes linked with diverting from incarceration offenders who qualified for a community sentence but were, nonetheless, prison-bound. With the exception of 97 offenders who, in 2002, violated an active probationary sentence and received a community sentence rather than acceleration or revocation to prison, as depicted in **Figure 16**, it was difficult to determine with any certainty whether or not community sentencing diverted offenders from prison.

**Offenders Diverted from Probation  
Revocation to Community Sentencing**

Counties	Number	Counties	Number
Caddo	3	Hughes, Pototoc, Seminole	3
Carter, Johnston, Love, Marshall, Murray	2	Kay	4
Cherokee	2	Noble	3
Choctaw, McCurtain, Pushmataha	1	Nowata, Washington	2
Cleveland	1	Oklahoma	32
Craig, Rogers, Mayes	1	Osage	6
Creek	2	Payne, Logan	18
Delaware, Ottawa	1	Pittsburg	1
Grady	7	Stephens	3
Haskell, Latimer, LeFlore	1	Tulsa	3
		Wagoner	1

**Total 97**

**Figure 16**

This number was somewhat reduced from 2001 when 116 offenders fell into this category. Also, in 2002, a pattern of ordering offenders to a community sentence following a period of incarceration developed. These offenders either received a split



sentence with the probationary portion a community sentence or returned to the community from prison following judicial review. While some said the secondary community sentence diverted these offenders from prison, others felt that was not the case since the offender went to prison as part of the sentence.

Examination of community sentencing crimes and the numbers of prior felony convictions recorded for the offenders lead to some possible conclusions as to the diversion of those offenders from prison. **Figure 17** presents information pertaining to the prior felony convictions of the 1,710 offenders sentenced in 2002.

**Prior Felony Convictions of Community Sentenced Offenders**

Counties	0 Priors	1 Prior	2 Priors	3 or More Priors
Adair	53%	33%	13%	0%
Alfalfa, Major, Woods	57%	14%	14%	14%
Beckham, Custer, Roger Mills	50%	0%	25%	25%
Blaine, Garfield, Grant, Kingfisher	38%	31%	19%	13%
Bryan	52%	24%	16%	8%
Caddo	18%	18%	27%	36%
Canadian	63%	0%	13%	25%
Carter, Johnston, Love, Marshall, Murray	100%	0%	0%	0%
Cherokee	82%	11%	5%	2%
Choctaw, McCurtain, Pushmataha	44%	29%	19%	8%
Cleveland	44%	23%	7%	26%
Craig, Rogers, Mayes	42%	19%	19%	19%
Creek	61%	18%	11%	11%
Dewey, Woodward	57%	43%	0%	0%
Garvin, McClain	67%	17%	0%	17%
Grady	21%	32%	16%	32%
Haskell, Latimer, LeFlore	0%	50%	50%	0%
Hughes, Pontotoc, Seminole	43%	38%	12%	7%
Kay	70%	12%	6%	12%
Lincoln, Pottawatomie	71%	18%	6%	6%
Noble	50%	25%	25%	0%
Nowata, Washington	29%	14%	36%	21%
Oklahoma	30%	19%	21%	31%
Okmulgee	0%	100%	0%	0%
Osage	50%	50%	0%	0%
Pawnee	0%	0%	0%	100%
Payne, Logan	45%	27%	18%	11%
Pittsburg	63%	13%	19%	6%
Stephens	67%	0%	0%	33%
Tillman	100%	0%	0%	0%
Tulsa	61%	22%	10%	8%
Wagoner	69%	14%	10%	6%
<b>TOTALS</b>	<b>45%</b>	<b>21%</b>	<b>16%</b>	<b>18%</b>

**Figure 17**



Both the percentages of offenders with no prior felony convictions and of those with three or more priors increased from 2001. In 2002, 45 percent of offenders receiving a community sentence had no prior felony convictions while in 2001, 41 percent had none; in 2002, 18 percent of offenders receiving a community sentence had three or more prior felonies, and 15 percent had three or more priors in 2001. The percentage of offenders with one prior felony decreased considerably in 2002 from 2001, 21 percent compared to 28 percent. The percentage of offenders with two prior felony convictions was fairly consistent both years with 16 percent indicated for 2002 and 15 percent reflected for 2001.

The prior felony conviction data is depicted in **Figure 18** by offense category and gender for offenders with a moderate LSI-R score receiving a community sentence since the program's inception. The sum of each "Total All Crimes" entries for each prior conviction category equals 100% for each gender.

Prior Felony Convictions by Crime Category								
Crime Category	0 Priors		1 Prior		2 Priors		3 or More Priors	
	Male	Female	Male	Female	Male	Female	Male	Female
Assault	8%	5%	4%	4%	5%	4%	4%	2%
Drugs	49%	64%	51%	64%	49%	52%	44%	56%
DUI	15%	4%	21%	10%	26%	14%	28%	12%
Other	3%	3%	3%	3%	3%	6%	3%	3%
Property	25%	25%	22%	20%	17%	25%	20%	27%
<b>Total All Crimes</b>	<b>42%</b>	<b>53%</b>	<b>23%</b>	<b>21%</b>	<b>15%</b>	<b>12%</b>	<b>20%</b>	<b>14%</b>

**Figure 18**

The purposes and goals of the Oklahoma Community Sentencing Act set forth another definition of programmatic success. The local sentencing systems were mandated to endeavor to reduce future criminal behavior by targeting appropriate offenders for specific punishments. The resources allocated each funded council provided a range of services to meet the needs of the court for sentencing eligible offenders. The assessment process assisted in the identification and prioritization of the criminogenic needs of each offender so the court could impose conditions appropriate to individual circumstances. Offenders were then referred to effective



programs. **Figure 19** demonstrates the number of community sentenced offenders actively participating in substance abuse and mental health sanctions as December 2002 drew to a close.

Program Participation December 31, 2002				
	Substance Abuse		Mental Health	
	In-Patient	Out-Patient	In-Patient	Out-Patient
Cognitive Based Programs	9	614	0	48
Other Programs	137	563	0	111
Total Program Participation	42	1,177	0	159

**Figure 19**

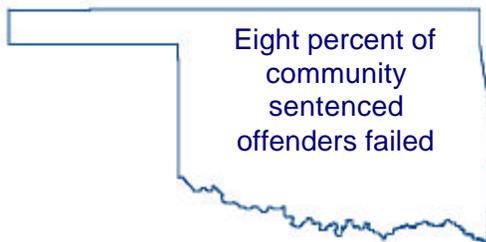
The mental health category included programs such as domestic violence and family/parenting counseling, anger management, life skills, stress management, and “Thinking for a Change.” Additionally, 219 offenders were involved in education programs, and 2,151 program participants were employed. The numbers of offenders participating in substance abuse/mental health programs were less than reported in 2001. This was consistent with the reduced spending for these services reflected the first half of fiscal year 2003. Improved monitoring of referrals, council policy decisions to limit the duration of treatment, particularly in-patient, and the prohibition of drug court offenders from participating in community sentencing, likely resulted in fewer participants in the services.

Pursuant to the Community Sentencing Act, a community sentence shall not require active supervision, programs, or services for more than three years (O.S.S. § 988.22.E.). Since some of the local sentencing systems have been active for two full years, exits from the program are expected to increase soon. During 2002, 294 offenders with a moderate LSI-R score fulfilled the conditions ordered by the court and, thus, successfully completed the program; 14 participants died. Of the 4,718 qualifying offenders receiving a community sentence since the first pilot programs were implemented in March 2000, 3,948 remained active participants in the program on December 31, 2002. A total of 355 offenders with a moderate LSI-R, 7.5 percent of moderate



offenders ever receiving a community sentence, have successfully completed the program. Eighteen offenders died while participating in the program.

There have not been enough releases from community sentencing within a meaningful time period for a recidivism study to have significance. Therefore, failure continued to be defined as a community sentenced offender who, while participating in the program, received a prison sentence because of a new conviction or



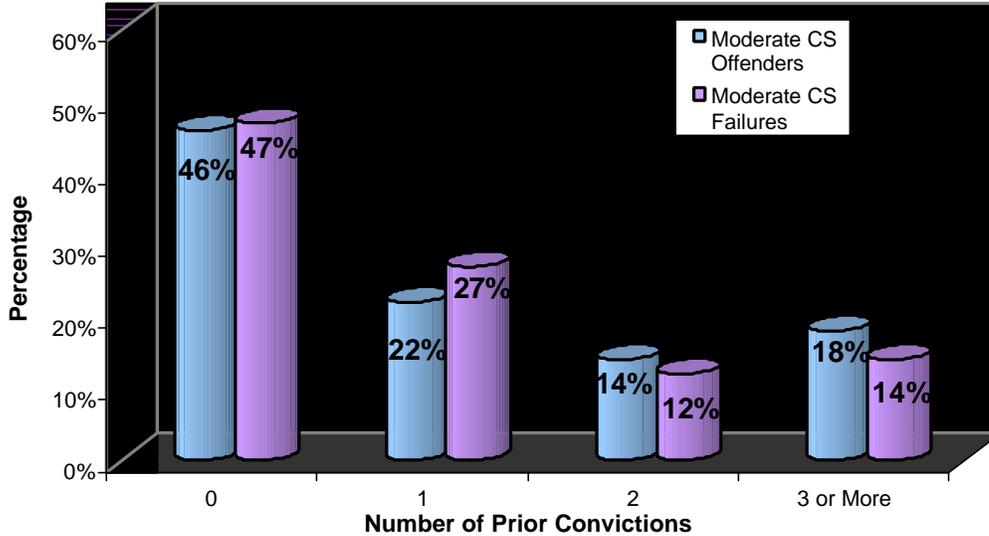
technical violation of the conditions of the community sentence. During 2002, the local sentencing systems reported that 240 offenders with a moderate LSI-R score had been accelerated or revoked to prison and identified as program failures.

Through December 31, 2002, a total of 396 moderate offenders, eight percent of those ever receiving a community sentence, had been removed from the program and sentenced to prison. At the conclusion of 2001, only five percent of those receiving a community sentence had failed. This increase in the percentage of failures was likely as the program aged.

**Figure 20** compares the percentages of the indicated numbers of prior felony convictions of all moderate community sentenced offenders with those of the failed community sentencing offenders. Noteworthy is the fact that offenders with two or more felony convictions are represented less frequently in the failed population than in the total community sentenced population. Offenders with three or more prior felony convictions comprised 18 percent of the community sentenced population but only 14 percent of the failed offenders. Similarly, offenders with two prior felonies constituted 14 percent of the total offenders and 12 percent of the failures. On the other hand, offenders with no or one prior felony were represented more often in the failed population than in the total community sentenced population. Offenders with no prior felony made up 46 percent of the total but 47 percent of the failed population; offenders with one prior felony composed 22 percent of the total population yet formed 27 percent of the failed population. Thus, it appeared that offenders with fewer prior felonies failed at a disproportionately high rate while those with higher numbers of



### Prior Convictions of Sentenced Population and Failed Population



**Figure 20**

prior felonies failed at a disproportionately low rate. Gender, ethnicity, type of sentence, and supervision provider comparisons between the total offender and failed populations resulted in no significant differences.

During 2002, the Community Sentencing Division contracted with the Oklahoma Criminal Justice Resource Center for the evaluation of two of the initial pilot councils and their services. These evaluations will afford the local planning councils and their service providers objective appraisals of the quality and effectiveness of the interventions selected to impact the likelihood of reoffending. The budget crisis may preclude comprehensive evaluations of other sentencing systems. Staff may use LSI-R/ASUS reassessment outcomes to analyze the effectiveness of the various programs.

### **DEPARTMENT OF CORRECTIONS RECEPTION TRENDS**

The Oklahoma Department of Corrections experienced unanticipated growth in its prison population in 2002. Data



maintained by the department indicated 5,961 prison receptions during calendar year 1999 for non-violent offenses. Because the Department of Corrections was in the process of converting to a new automated Offender Management System (OMS), prison reception information for calendar year 2000 was compiled by the agency’s Population Office. That office reported the calendar year 2000 reception of 6,483 non-violent offenders. The new OMS, fully operational in 2001, generated non-violent prison reception numbers which totaled 6,025, a 7.1 percent decrease from 2000 numbers. However, in 2002, non-violent prison receptions were again rising. According to OMS, there was a 6.9 percent increase from 2001 with a total of 6,441 receptions. The statewide statistics are summarized in **Figure 21**.

DEPARTMENT OF CORRECTIONS NON-VIOLENT RECEPTIONS by CALENDAR YEAR			
1999	2000	2001	2002
5,961	6,483	6,025	6,441

**Figure 21**

Because several councils reorganized in 2002, some changing from single to multi-county and others from multi-county to single county composition, direct comparisons of council non-violent prison receptions in 2001 with receptions in 2002 were not attempted. However, **Figure 22**, indicates the number of calendar year 2002 non-violent prison receptions for each active council.

An explanation is not readily available for Oklahoma’s significant increase in non-violent prison receptions, which is occurring despite the continued growth of programs such as community sentencing, drug courts, mental health courts, and DUI courts. The Oklahoma State Bureau of Investigation’s “Uniform Crime Reports” indicated very similar non-violent crime rates per 100,000 resident population in 2000 and 2001, 4,061 and 4,105, respectively. It does not appear, therefore, that non-violent crime rates are a significant contributing factor to the prison increase. Policymakers will surely examine sentencing practices as they seek cost-saving solutions to the current budget crisis. The effectiveness of the existing discretionary community sentencing program will be debated.



NON-VIOLENT RECEPTIONS FROM COUNTIES PARTICIPATING IN COMMUNITY SENTENCING by CALENDAR YEAR				
Planning Council	1999	2000	2001	2002
Adair	***	***	***	16
Alfalfa, Major, Woods	*	11	8	7
Bryan	*	66	56	50
Caddo	*	64	58	71
Canadian	*	66	46	67
Carter, Johnston, Love, Marshall, Murray	*	117	172	185
Cherokee	7	11	37	34
Choctaw, McCurtain, Pushmataha	**	**	**	113
Cleveland	113	100	110	130
Creek	105	135	126	136
Delaware, Ottawa	***	***	***	107
Garfield	92	117	118	176
Garvin, McClain	34	48	33	29
Grady	90	75	78	80
Haskell, Latimer, LeFlore	***	***	***	97
Hughes, Pontotoc, Seminole	109	125	99	138
Jackson	***	***	***	51
Kay	*	59	53	65
Lincoln, Pottawatomie	170	185	150	166
Logan, Payne	104	131	147	174
McCurtain	*	69	40	54
Muskogee	*	135	126	100
Noble	*	22	14	32
Oklahoma	1,697	1,785	1,486	1,413
Osage	*	47	51	28
Pawnee	*	22	16	22
Pittsburg	56	49	64	71
Rogers, Craig, Mayes	160	101	113	152
Sequoyah	****	****	****	****
Stephens	***	***	***	182
Tillman	7	4	9	9
Tulsa	1,424	1,376	1,406	1,469
Wagoner	31	48	55	49
Washington, Nowata	*	103	91	132
Woodward, Dewey	26	35	24	21
<b>TOTAL</b>	<b>4,225</b>	<b>5,106</b>	<b>4,786</b>	<b>5,060</b>

- \* Councils not active in 1999
- \*\* Councils combined in 2002
- \*\*\* Councils with first offender in 2002
- \*\*\*\* Funded councils with no offenders

**Figure 22**



## **COUNCIL NARRATIVES**

The following brief narratives reflect the activities of each local community sentencing system planning council during 2002. Included are general statements regarding the status of the council, positive aspects of the sentencing system, and difficulties, if any, with which the council has dealt. Innovative programs are also highlighted.

### **ADAIR**



The Adair County Community Sentencing System Planning Council became active in 2002. Richard Gray was elected as the new district attorney and took office in January 2003. He will continue to be supportive of the community sentencing program.

The program has been working extremely well under Associate District Judge Elizabeth Brown and District Attorney Jeff Jones. The judicial system works closely with the local administrator.

The council has chosen to utilize a private entity to provide probation supervision. The system now includes 16 offenders and is growing rapidly. Adair County has partnered with a provider who offers long-term treatment for six months to a year, at *no cost* to the system for some offenders. During the program, GED classes are ongoing, and AA/NA meetings are continued on a regular basis. In addition, offenders are referred to the local college or Oklahoma Department of Career and Technology Education and prepare for enrollment, when possible.

Adair has a committed council and supportive providers. Sanctions will be provided at the new Adair County jail in lieu of revocation to prison. Adair County will continue to make every effort to provide the needed services locally without jeopardizing safety to the community.



### **ALFALFA, MAJOR and WOODS**



Upon assuming the role as chairman of the planning council, Judge Mickey Hadwiger increased the number of offenders participating in community sentencing. The previously under-utilized sentencing system has grown into a viable network of service providers which includes probation and parole and various private entities. The targeted population includes offenders with substance abuse treatment needs, and the treatment regimen utilized relies on cognitive behavioral interventions. The system also enjoys the benefits of citizen volunteers who provide mentoring and tutoring services to offenders.

Judge Hadwiger has demonstrated a willingness to become personally invested in the success of community sentencing. He requires strict accountability in the areas of service provision and offender attendance at regularly scheduled court dockets. Sanctions are used to foster compliance with court orders and incentives reward positive performance.

### **BECKHAM, CUSTER and ROGER MILLS**



The local planning council for Beckham, Custer and Roger Mills counties began meeting in the spring of 2002 and received funding to implement their local sentencing plan for the current fiscal year. Under the leadership of Judge Jill Weeden, this multi-county system has been proactive in gaining the support of local stakeholders to design the sentencing practices and treatment interventions necessary for implementation.

The planning council and treatment providers representing the local system are enthusiastic about the advantages of offering services and sanctions that offer the courts alternatives to traditional sentencing practices. Judge Weeden is dedicated to maintaining strict accountability through the use of regular court dockets and monitoring by Community Corrections Division.



## **BLAINE, GARFIELD, GRANT and KINGFISHER**



The local planning council representing this multi county sentencing system has demonstrated dedication to community sentencing from inception. The district attorney and district judges have participated in the development of the local system and have initiated numerous refinements to enhance the quality of the services and sanctions offered.

The planning council is exploring the possibility of combining some aspects of community sentencing with the Community Service Sentencing Program to improve local criminal justice system operations. The system has been operational for two years and the council is noting a number of successful completions.

The local system uses the Community Corrections Division officers for offender assessments and supervision. Sentenced offenders also take advantage of the local "learning center" established by a consortium of community groups.

## **BRYAN**



The Bryan County Community Sentencing System Planning Council has met continuously to monitor the progress of the program.

The collaborative efforts of county and state supervision have proven effective. The council contributes the success of supervision to utilizing county deputies for home visits and urinalysis and more individualized monitoring of offenders which includes employment seeking and daily living skills assistance. The private and state supervision entities work closely with treatment providers and meet regularly to discuss offender progress.

The council has expanded mental health services for the offenders. Referrals for mental health services are based on the LSI-R assessment score, and all offender referrals are screened for Medicaid eligibility.



The council continues to remain dedicated to providing effective services to the offenders.

## **CADDO**



The Caddo County Community Sentencing Planning Council continued to demonstrate its commitment to the program during 2002. Targeting offenders charged with crimes involving substance abuse remains the highest priority. It is also worth noting that 70 percent of offenders participating in community sentencing are Native Americans.

The council is proud of its focus on offenders with prior felony convictions as 60 percent of those sentenced have previous felony convictions. This has resulted in an emphasis on accountability and intensive treatment options.

The local system has been creative in incorporating the Community Service Sentencing Program and "in lieu of prison" sentences into sentencing options.

## **CANADIAN**



The members of the local planning council continue to work together to facilitate the operation of the local sentencing system. Attendance at regularly scheduled meetings has been exceptional since the inception of community sentencing. District Judge Cunningham has been most supportive of modifying system practices and improving operations.

The Community Corrections Division provides assessment and supervision services. This relationship has proven to be beneficial to the local system and effective in meeting the needs of the court.



## **CARTER, JOHNSTON, LOVE, MARSHAL and MURRAY**



The South Central Community Sentencing System Planning Council has met consistently since 1997 and has created a sentencing system that has continued to evolve.

The council is currently working on an innovative idea to improve supervision of offenders. The council intends to employ a supervision system that involves sheriffs, city police, and state probation and parole. Several of these entities throughout the five county area have contracted to provide services in the areas of supervision, drug testing, community service, and sanctioning. It is anticipated that this offender supervision system will provide an aggressive level of supervision if deemed necessary by the courts and the council.

The sentencing system has been slow to develop and will require more intense involvement by the courts in regard to sentencing of offenders in order to test the new system design. As a result of the slow start, a small amount of funding has been expended by the council resulting in smaller appropriations each year. Most expenditures have funded substance abuse treatment and offender assessments.

The council encourages the use of sanctions including fines, varying levels of supervision, community service, electronic monitoring, and 24-hour confinement. In addition, the council recommends the use of incentives to encourage positive offender behavior. While it is too early to tell what impact the sentencing system is going to have on the local criminal justice system, the council remains committed to the task presented to them by the legislature.

## **CHEROKEE**



The Cherokee county program is growing and anticipates 130 offenders by the conclusion of 2003. With many offenders successfully completing the program, the local system is able to provide services to the growing number of new participants without exceeding the allocated budget.



Previously, a number of offenders with LSI-R assessment scores outside the moderate range were sentenced to the program; however, those offenders will be routed in a different direction in the future allowing the community sentencing program to focus only on offenders with moderate LSI-R scores. Supervision is provided by a private entity at this time. Space in the county jail is limited, which in turn restricts the court's use of jail time as a sanction.

The council has a well-developed membership base bringing a variety of backgrounds and viewpoints. The local administrator's office monitors accounting procedures and expenditures. Expenditure reports that monitor trends are provided to the council monthly to avoid shortfalls.

### **CHOCTAW, McCURTAIN and PUSHMATAHA**



In an effort to develop a more effective program, the judicial districts of Choctaw, McCurtain, and Pushmataha merged in July to create a multi-county system. Since the merger, the program has experienced rapid growth. To date there are four active substance abuse groups. The program has improved services with the addition of a specialized probation officer and a rehabilitation specialist that assists clients with daily living skills and employment. The officer and rehabilitation specialist have become part of the provider team that reviews offender progress on a monthly basis. The program is using sanctioning to address offender infractions.

The 17<sup>th</sup> Judicial District Community Sentencing System Planning Council has made great strides this year. The council remains dedicated to the progress of community sentencing.



## **CLEVELAND**



The Cleveland County Community Sentencing System Planning Council noted increased activity during 2002. After the first year of full system implementation, the council concentrated on improving systemic components of the system and revising the policies and procedures to meet current expectations. The improvement efforts were undertaken in collaboration with the courts, district attorney's staff, sheriff's office, community sentencing staff, supervising authorities and treatment providers.

Key areas for improvement included the enhancement of offender monitoring procedures and communication among the various elements of the local system. The chief mechanism for achieving these goals is a multi-disciplinary staffing group that meets weekly to conduct case reviews and determine the need for sanctions and incentives.

The court established an incentive docket during 2002. Offenders who consistently demonstrated compliance and progress had their sentence conditions reduced by the court. Incentives included a reduction in fines, and time reduced from the period of supervision.

## **CRAIG, MAYES and ROGERS**



All defendants eligible for a community sentence under the Oklahoma Community Sentencing Act are offered the opportunity for a LSI-R assessment and consideration for a community sentence. Upon completion of the assessment, the prosecutor's office considers the appropriateness of each case and makes sentencing recommendations.

Many offenders in this program successfully completed treatment, the required periods of supervision, or both during the past year. The average cost per offender in the program has been reduced and costs are being monitored more closely than in past years, allowing for more judicious expenditure of state funds.

The judges in the 12<sup>th</sup> Judicial District believe that the community sentencing program has resulted in a decrease in the number of



criminal trials being conducted and in the number of offenders sentenced to incarceration. It is expected that the number of offenders participating in the program will reach a maximum by the end of the current fiscal year.

### **CREEK**



The major program change this year involved the assessment process. Assessments are accomplished by independent parties that do not provide supervision or treatment services to the local system. A single provider continues to provide supervision, community service, drug testing, substance abuse and mental health treatment services.

### **DELAWARE and OTTAWA**



The 13<sup>th</sup> Judicial District Community Sentencing System Planning Council has not sentenced any offenders under the Community Sentencing Act. Essential participants in the local criminal justice system have been unable to agree on important factors such as targeting criteria, requirements of a community sentence and methods and responsibilities for maintaining records.

The November election resulted in a new district attorney who has expressed an interest in starting a community sentencing program. Local probation and parole officers have also indicated the need for a community sentencing program in this area.

### **DEWEY and WOODWARD**



The Dewey and Woodward local sentencing system enjoys the strong support of the district court. District Judge Collier requires offenders who receive a community sentence to comply with a detailed calendar of activities and treatment interventions and requires assigned probation and parole officers to ensure that the offenders are compliant. The judge conducts regular "night court" dockets to monitor compliance and impose sanctions and incentives as necessary. He



encourages a behavioral modification approach coupled with the use of the cognitive behavioral program, "Thinking for a Change."

The local administrator, probation and parole supervisor and treatment providers, meet weekly to staff cases and monitor compliance and behavioral changes.

### **GARVIN and McCLAIN**



The Garvin and McClain planning council continues to actively support the community sentencing program. The planning council members have been fiscally responsible for the operation of the system during a financially challenging year.

The council expanded the target population from drug/alcohol and domestic violence cases to include property crimes. More emphasis is being placed on offenders with prior felony convictions. The intention is that this change will expand the system.

The council has implemented a new sanction fee, which requires the offenders to make payments for sanctions resulting from technical rule violations. This approach addresses the shortfall of revenue while increasing the level of offender responsibility for negative actions.

The planning council members attended the 2002 graduation ceremony for the offenders who successfully fulfilled all of the conditions of their community sentence. The remarks of changed lives from both offenders and family members re-affirmed the council's determination and commitment toward providing sentencing alternatives for non-violent offenders in a community.



## **GRADY**



Faced with the realization that offenders addicted to methamphetamines require intensive services, the local planning council developed a unique 'in house' intensive outpatient treatment program that targets the needs of these offenders. The program is modeled on the successful California matrix model and is administered by certified alcohol and drug counselors.

The cognitive based program, "Thinking for a Change," has shown remarkable promise during the year. The local planning council has noted that many of those individuals placed in the program over a year ago have completed the course and have been awarded incentives for their accomplishments.

The planning council has arranged for offenders confined for disciplinary sanctions to continue receiving counseling and treatment services. This is an important development to reduce the risk of reoffending.

## **HASKELL, LATIMER and LEFLORE**



The Haskell, Latimer and LeFlore Community Sentencing System Planning Council currently has nine members. The majority of the members are new to the council. The council meets on a consistent basis and is committed to developing an effective community sentencing system. The council has a new program coordinator who is employed through the LeFlore district attorney's office. The county coordinator provides supervision and drug testing. The Community Corrections Division conducts assessments.

## **HUGHES, PONTOTOC and SEMINOLE**



The 22<sup>nd</sup> Judicial District Community Sentencing System Planning Council has demonstrated great perseverance in establishing an efficient and effective program. Adjustments are a continuous part of refining the program to acquire the greatest positive effect on the offender



population. This includes routine assessment and evaluation of treatment alternatives and available providers. The council has established a strong supervision system utilizing state probation and parole services.

The council has worked toward stability in spending patterns to address the difficulty of resource-limited funding. More selective sentencing is occurring to limit the number of offenders in the program and to ensure the appropriateness of participants. Other methods have been utilized to assist with funding such as accessing no cost services, lowering offender supervision levels and collecting administrative fees.

The system is well entrenched and appears to be successful. Expenditure of funds has been primarily in the areas of offender assessments, substance abuse services, drug testing, supervision, and sanctions. LSI-R reassessments indicate that community sentencing is having a positive impact on offenders.

## **JACKSON**



The Jackson County Community Sentencing System Planning Council continues to meet on a regular basis, however, it does not appear that the system is being fully utilized. The district attorney has chosen not to order assessments for eligible offenders despite the encouragement of the local planning council. It is possible that this is a temporary situation and that the arrival of additional staff in the district attorney's office will result in an increased use of community sentencing.

## **KAY**



District Judge Boyd has been an ardent supporter of community sentencing. He has been proactive in ordering LSI-R assessments and requiring that offenders participate and complete treatment programs in the community. The population targeted for services includes young offenders between the ages of 18 and 21 who have a documented



need for substance abuse treatment, vocational training and education.

The local planning council continues to meet on a regular basis and has taken interest in developing methods to increase the amount of fees and other revenue sources that can be utilized to support the local system. The council has been proactive in monitoring the service providers.

### **LINCOLN and POTAWATOMIE**



The Lincoln and Pottawatomie Community Sentencing System Planning Council for has 12 members. The program coordinator is an employee of the Pottawatomie County Commissioners Office and is responsible for pre-screenings, community service, and coordinating the community sentencing program.

One of the strong aspects of this council is the level of commitment and involvement of the council members. The council monitors the progress and success of both the participating offenders and the services for which it contracts. The council maintains positive relationships and communication with the service providers.

Overall, the council has developed a system that appears to be working well and having an impact on the criminal justice system. Because of the length of offender sentences and program requirements, offenders have only recently begun to successfully complete community sentences. There has been a demonstrated decrease in criminal behavior by participants and several offenders have stated that this program has saved lives.



## **LOGAN and PAYNE**



The Logan and Payne Community Sentencing System Planning Council continued its steady development during 2002. As a result of the increase in offenders receiving community sentences, the Community Corrections Division provides supervision. All providers serving the local system have been effective in ensuring that appropriate referrals are made and that offenders are participating in treatment programs.

A concern of the local planning council is the length of time between the identification of a need for residential treatment and the actual placement of the offender in treatment. Individuals awaiting placement participate in intensive outpatient services.

## **MUSKOGEE**



The Muskogee County Community Sentencing Planning Council has 11 members. The program coordinator is an employee of the district attorney's office and is responsible for coordinating and ensuring quality programs.

There has not been a sufficient number of sentence completions to evaluate the success of the program. However, the program appears to be having an impact on those involved.

## **NOBLE**



The targeted population in the Noble County Community Sentencing System Planning Council are offenders with documented substance abuse needs.

The local planning council is committed to ensuring that allocated funds and any additional monies accrued be dedicated to providing effective treatment for the population targeted by the court. Every effort is being made to collect administrative fees and to devote that revenue to the treatment of offenders. The local planning council



continues to meet on a regular basis and is in the process of recruiting additional members.

### **NOWATA and WASHINGTON**



The 11<sup>th</sup> Judicial District Community Sentencing System Planning Council grew dramatically during 2002. The success of program participants, to date, is encouraging. Some offenders with lengthy criminal histories and numerous treatment and educational needs have received community sentences and have been very successful.

The council is interested in developing contracts and community resources in the areas of literacy, post GED education and vocational and/or technical training for offenders.

### **OKLAHOMA**



The Oklahoma County Community Sentencing System Planning Council, which operates its own probation department, continued to grow. The mission of the community sentencing probation department is to provide services and guidance to increase pro-social behavior and reduce criminogenic needs of offenders. The rapid increase in the number of community sentencing offenders necessitates ongoing refinement of procedures to manage the operation of the system and meet the needs of the various stakeholders.

The council targeted offenders who have substance abuse related crimes, have more than one prior felony conviction, and/or are facing revocation from traditional, State supervised probation. The council focuses on the use of intermediate sanctions as punishments for violations of community sentencing conditions. Further, the planning council recently made a decision to not accept offenders with a split sentence into the community sentencing system. The council felt that the program was not intended for that purpose, and the probation department was finding it very difficult to monitor prison release dates for the offenders.



Planning council members are influential in the community and criminal justice system. They remain very active and promote the program with judges, treatment providers, stakeholders, and the legislature. The Oklahoma County Community Sentencing System Planning Council is fiscally responsible and proud of the effective sentencing program it has created.

## **OKMULGEE**



The Okmulgee County Community Sentencing System Planning Council utilizes the Community Corrections Division for supervision services. Private entities provide substance abuse and mental health services.

The sentencing program has been slow to develop and will require more intense involvement by the courts. Although it is difficult to determine success with the limited number of offenders participating in the local program, it does appear that the program is making an impact on those involved.

## **OSAGE**



The Osage County Community Sentencing System Planning Council is meeting as required and has agreed to target offenders with substance abuse needs for services. The council has emphasized that violations should be addressed with the use of timely sanctions. Offender supervision is provided by the Osage Nation TASC program.

## **PAWNEE**



Pawnee County Community Sentencing System Planning Council continued to work toward full implementation. Sentencing has been slow to date. The district judge continues to be an active supporter of community sentencing. Recent elections resulted in changes in the district attorney and sheriff's positions and slowed the council's momentum. As new council members take office and complete training, it is anticipated that sentencing will increase.



## **PITTSBURG**



The Pittsburg County Community Sentencing System Planning Council has continued to progress and is particularly effective in the areas of supervision, treatment, and sanctioning.

The program has been enhanced by the participation of a specialized probation officer. The officer is a part of the provider team which includes treatment providers, mental health providers, Work Force Oklahoma representatives and the local administrator. The team meets on a monthly basis to review client progress and program adherence. A continuum of sanctions is utilized for infractions.

The "Thinking for a Change" cognitive based program has graduated five groups of offenders this year. The council has implemented a substance abuse group for women entitled, "Better Choices for Women", which is based on the California matrix model and addresses issues specific to females.

Resources for clients have expanded with a rehabilitative specialist that assists clients with daily living skills, employment, self-care, and social skills. The program has continued to develop, and the council, judiciary and district attorney's office are committed to its continued growth.

## **SEQUOYAH**



Sequoyah County Community Sentencing System Planning Council has not sentenced any offenders. The Sequoyah County council has voted unanimously to participate in the program. The local administrator and the district attorney's office reviewed cases for potential community sentencing clients, however, none were sentenced to the program in 2002. LSI-R assessments are now being ordered to identify potential participants. Sequoyah County recently built a new jail facility, which will enhance the availability of sanction beds for community sentencing.



The county has recently elected a new district attorney, who is supportive of community sentencing and will work with the local administrator to initiate the program. One judge in Sequoyah County has been dedicated to community sentencing.

## **STEPHENS**



This single county local sentencing system was created in July 2002. It was the court's desire to implement alternatives to incarceration for offenders with a history of substance abuse problems who are facing revocation of suspended sentences. This represents a significant intervention as 40 offenders with substance abuse convictions were revoked to prison for technical violations during the previous year.

The Community Corrections Division provides assessment and supervision services.

## **TILLMAN**



The local planning council continues to demonstrate support for community sentencing. Now that the sentencing system has been operational for two years, a number of offenders are nearing the completion of their sentences. Council members have begun examining the practices that have been implemented with the intention of making changes that will improve the quality of system operations.

The district court has initiated an incentive process that allows offenders who are current on financial obligations, administrative fees and treatment requirements and have demonstrated changes in reassessment scores to have the conditions of their sentence modified.



## TULSA



The Tulsa County Criminal Justice Planning and Policy Council, which encompasses the duties of the local planning council, noted a year of increased activity. Realizing the complexity of operating a sentencing system in a large metropolitan county, the council created several sub-committees to improve system operations. These sub-committees include the finance and oversight, minority, and pre-trial committees. A member of the planning council serves as chair of each sub-committee. In addition to other members of the council, sub-committees have benefited from the participation of a variety of stakeholders involved in the local criminal justice system as well as local community members.

The National Institute of Corrections awarded Tulsa a technical assistance grant to address the needs of female offenders in the criminal justice system. This project has been exceptionally well received by the council and the courts and will serve as a model for other jurisdictions in Oklahoma.

The planning council initiated an internal evaluation of the effectiveness and efficiency of the current system as it relates to community sentencing. The current practice is for all seven district court judges to sentence offenders. In addition, each district court judge has a contingent of district attorneys assigned to him/her. Consideration is being given to streamlining this system to foster increased sentencing and accountability.

The council is to be commended for managing the allocated funds in a cost effective and efficient manner. A great deal of time and attention was given to the budget during the year. A fiscal accountability system was implemented that has served Tulsa well.



## WAGONER



The Wagoner County council remains focused on the needs of the offender. New and innovative ideas are being discussed by the council for further support of the offender family unit.

Wagoner County administers the community sentencing program through the services of a local coordinator. With the successful completion of many offenders, the local system is able to provide services to the growing number of participants without exceeding the allocated budget. The new Wagoner County jail will have space for offenders in need of sanctions.



The following councils have chosen to not seek funding for services and sanctions to implement local sentencing systems:

- ❖ Atoka and Coal
- ❖ Beaver, Cimarron, Harper, and Texas
- ❖ Comanche and Cotton
- ❖ Ellis
- ❖ Greer
- ❖ Harmon
- ❖ Jefferson
- ❖ Kiowa
- ❖ McIntosh
- ❖ Okfuskee
- ❖ Washita



# Appendix A

## Resource Allocation



**FY 02 COUNCIL ALLOCATIONS AND EXPENDITURES**

PLANNING COUNCIL	ALLOCATION	EXPENDITURES	ADMIN. FEE FUNDS	EXPENDITURES AS OF 6-30-02
ADAIR	\$10,000	\$5,913	\$0	\$5,913
ALFALFA/MAJOR/WOODS	\$10,000	\$3,010	\$0	\$3,010
BECKHAM/CUSTER/ROGER MILLS			\$0	\$0
BLAINE/GARFIELD/GRANT/KINGFISHER	\$67,500	\$7,202	\$0	\$7,202
BRYAN	\$40,500	\$39,293	\$0	\$39,293
CADDO	\$47,700	\$43,243	\$0	\$43,243
CANADIAN	\$19,200	\$17,832	\$0	\$17,832
CARTER/JOHNSTON/LOVE/MARSHALL/MURRAY	\$90,000	\$2,131	\$0	\$2,131
CHEROKEE	\$144,750	\$144,750	\$1,815	\$146,565
CHOCTAW	\$10,000	\$1,020	\$1,055	\$2,075
CLEVELAND	\$133,300	\$133,300	\$11,855	\$145,155
CRAIG/ROGERS/MAYES	\$269,300	\$269,300	\$0	\$269,300
CREEK	\$247,750	\$247,750	\$4,000	\$251,750
DELAWARE/OTTAWA	\$10,000	\$0	\$0	\$0
DEWEY/WOODWARD	\$30,000	\$16,881	\$0	\$16,881
GARVIN/McCLAIN	\$181,550	\$181,550	\$2,497	\$184,047
GRADY	\$347,300	\$344,200	\$13,590	\$357,790
HASKELL/LATIMER/LeFLORE	\$10,000	\$0	\$0	\$0
HUGHES/PONTOTOC/SEMINOLE	\$331,100	\$384,446	\$0	\$384,446
JACKSON	\$12,600	\$10,477	\$0	\$10,477
KAY	\$67,750	\$67,614	\$1,001	\$68,615
LINCOLN/POTTAWATOMIE	\$71,100	\$68,156	\$1,000	\$69,156
LOGAN/PAYNE	\$222,450	\$221,971	\$4,255	\$226,226
McCURTAIN	\$24,000	\$8,160	\$0	\$8,160
McINTOSH	\$10,000	\$0	\$0	\$0
MUSKOGEE	\$10,000	\$9,097	\$0	\$9,097
NOBLE	\$10,000	\$7,602	\$0	\$7,602
OKFUSKEE	\$10,000	\$0	\$0	\$0
OKLAHOMA	\$1,607,750	\$1,607,743	\$73,791	\$1,681,534
OKMULGEE	\$10,000	\$0	\$0	\$0
OSAGE	\$26,550	\$22,134	\$0	\$22,134
PAWNEE	\$11,250	\$7,793	\$0	\$7,793
PITTSBURG	\$67,350	\$46,222	\$0	\$46,222
PUSHMATAHA	\$10,000	\$2,253	\$0	\$2,253
SEQUOYAH	\$10,000	\$0	\$0	\$0
STEPHENS			\$0	\$0
TILLMAN	\$38,500	\$33,434	\$0	\$33,434
TULSA	\$1,484,900	\$1,500,845	\$4,658	\$1,505,503
WAGONER	\$169,350	\$169,350	\$12,271	\$181,621
WASHINGTON/NOWATA	\$27,000	\$9,569	\$0	\$9,569
<b>TOTAL</b>	<b>\$5,900,500</b>	<b>\$5,634,241</b>	<b>\$131,788</b>	<b>\$5,766,029</b>



**FY 03 COUNCIL ALLOCATIONS AND EXPENDITURES**

PLANNING COUNCIL	ALLOCATION	EXPENDITURES	ADMIN. FEE FUNDS	PENDING PAYMENTS	EXPENDITURES AS OF 12-31-02
ADAIR	25,000	19,498		1,801	21,299
ALFALFA/MAJOR/WOODS	10,000	5,800		1,035	6,835
BECKHAM/CUSTER/ROGER MILLS	25,000	0		0	0
BLAINE/GARFIELD/GRANT/KINGFISHER	50,000	6,234		3,028	9,262
BRYAN	40,500	17,411	440	3,008	20,859
CADDO	47,000	13,694		108	13,802
CANADIAN	24,000	300		3,600	3,900
CARTER/JOHNSTON/LOVE/MARSHALL/MURRAY	24,200	444		0	444
CHEROKEE	175,000	71,138		9,875	81,013
CHOCTAW/ McCURTAIN/PUSHMATAHA	44,000	31,999		10,000	41,999
CLEVELAND	133,000	47,182	3,928	19,221	70,331
CRAIG/ROGERS/MAYES	184,800	50,130		13,880	64,010
CREEK	297,330	107,946	4,600	66,129	178,675
DELAWARE/OTTAWA	10,000	814		0	814
DEWEY/WOODWARD	30,000	5,093		570	5,663
GARVIN/McCLAIN	165,000	43,494		5,581	49,075
GRADY	290,000	71,393	6,720	2,104	80,217
HASKELL/LATIMER/LeFLORE	10,000	175		158	333
HUGHES/PONTOTOC/SEMINOLE	301,400	99,957	2,000	6,785	108,742
JACKSON	12,600	1,500		240	1,740
KAY	67,750	16,081		3,230	19,311
LINCOLN/POTTAWATOMIE	71,100	33,067		9,992	43,059
LOGAN/PAYNE	222,450	51,890		12,279	64,169
MUSKOGEE	10,000	1,619		215	1,834
NOBLE	10,000	200		0	200
OKLAHOMA	1,670,750	472,642	56,565	223,353	752,561
OKMULGEE	10,000	1,325		1,400	2,725
OSAGE	26,550	4,943		0	4,943
PAWNEE	10,000	1,194		127	1,321
PITTSBURG	67,350	23,766		5,022	28,788
SEQUOYAH	10,000	0		0	0
STEPHENS	25,000	1,510		100	1,610
TILLMAN	38,500	2,892		108	3,000
TULSA	1,484,900	571,093	28,581	96,863	696,537
WAGONER	192,325	66,955		9,339	76,294
WASHINGTON/NOWATA	27,000	1,200	794	180	2,174
<b>TOTAL</b>	<b>5,842,505</b>	<b>1,844,579</b>	<b>103,629</b>	<b>509,330</b>	<b>2,457,538</b>