

MODERN Justice Taskforce

Justice Reinvestment Initiative

Report: December 2023



The recommendations contained within this report received the unanimous approval of all Task Force members. However, many of these recommendations are merely conceptual, and continued Task Force support is dependent upon and subject to additional review of any proposed legislation, administrative rules, or policy changes that may be considered. These recommendations in no way endorse any specific proposals not fully vetted and approved by the Task Force.

Members of the MODERN Taskforce

The following individuals participated in Task Force meetings that informed this report's development and the recommendations included.

Tricia Everest – Task Force Chair and Secretary of Public Safety, Oklahoma Governor's Cabinet

Jari Askins – Administrative Director, Administrative Office of the Courts

Matt Ballard – District Attorney, District Twelve (Craig, Mayes, and Rogers Counties)

Rhonda Bear – Program Director, Stand in the Gap Ministries Women in Transition and Member, Board of Directors of Oklahoma Department of Corrections

Bret Bowling – Sheriff, Creek County Sheriff's Office

Kim Garrett – Founder and Chief Visionary Officer, Palomar: Oklahoma City's Family Justice Center

Tommie Johnson III – Sheriff, Oklahoma County Sheriff's Office

Brad Leverett – Retired District Judge, Third Judicial District Court (Greer, Harmon, Jackson, Kiowa and Tillman Counties)

Greg Mashburn – District Attorney, District Twenty-One (Cleveland, Garvin, and McClain Counties)

Bob Ravitz – Chief Public Defender, Oklahoma County Public Defender's Office

Carrie Slatton-Hodges – Commissioner, Oklahoma Department of Mental Health and Substance Abuse Services

Executive Summary

In August 2022, state leaders from all three branches of government - Governor Kevin Stitt, Senate President Pro Tempore Greg Treat, Speaker Charles McCall, and Court Administrative Director Jari Askins - requested technical assistance through the Justice Reinvestment Initiative (JRI) and established the Modernized Operations through Data and Evidence-based Restoration Now (MODERN) Justice Task Force (Task Force) to better understand and address the drivers of local jail populations and associated growing costs in Oklahoma. The Task Force, a working group composed of 11 criminal justice stakeholders, conducted a rigorous review of Oklahoma's jail system using a sample of jail data provided by six agencies across the state, evaluated current policies and programs across the state, discussed best practices and models from other states, and engaged in in-depth policy discussions. The Task Force reached consensus on a package of 15 policy recommendations to address jail populations, recidivism, cost-effectiveness, and public safety across Oklahoma.

Oklahoma has 77 counties and 75 county jails. Each operates independent of one another and of the state prison system. They house people arrested and held awaiting trial (pretrial) and people convicted of misdemeanors. They also hold people convicted of felonies who are awaiting transfer to the state prison system. Oklahoma's jail populations have not kept pace with national trends. According to the Census of Jails, the national jail incarceration rate declined 12 percent between 2005 and 2019. During this period, Oklahoma's jail incarceration rate decreased less than 1 percent, such that by 2019, Oklahoma had the 14th highest jail incarceration rate in the country. With 75 percent of individuals in Oklahoma's jails not yet convicted, Oklahoma's pretrial population was 10 percentage points higher than the national average at that time, ranking the state as 11th in the nation as of 2019.

While bookings into jail over time have been decreasing, the period of time someone is detained (length of stay) significantly impacts Oklahoma's jail incarceration rate. By 2019, jail admissions were nearly half of what they were just six years prior. As that decline evolved, though, the length of stay increased. In 2013, a person spent less than 2 weeks in jail. By 2019, that average length of stay grew to nearly 20 days—a 50 percent increase.

Finally, Oklahoma has one of the highest rates of mental illness and substance use disorder in the country, yet there are challenges in providing treatment both in communities and in most jails. Mental health and substance use treatment resources are similarly limited within county jails across the state. In fact, less than 10 percent of jails reported having substance use, alcohol abuse, or mental health/psychiatric treatment in 2019. Beds in county jails are often occupied by those with behavioral health needs who continue to cycle in and out of the jail system. These challenges prompted state leaders to take a closer look at jail data from across the state.

The Task Force's analysis of local jail data revealed:

As crime rates and arrest rates have fallen in Oklahoma over the last decade, bookings into jail have similarly decreased. Yet, despite newly created options to divert individuals who have behavioral health challenges away from the criminal justice system, the Task Force found that many jails currently house individuals who have an underlying mental health or substance use-related disorder.

In looking at who is released from jail, in 2022 more than 70 percent of individuals released from midsize jails, 83 percent from an urban jail, and nearly 96 percent of releases from rural jails were for pretrial reasons. Bail was the most prevalent reason for release in 2022, representing nearly half of all release

reasons in midsize and rural jails, and a third of release reasons in the urban jail. Not only is bail frequently utilized as the mechanism to release someone from jail, but bail amounts have consistently increased over time. By 2022, individuals had an average bail set at around \$10,500. While every county in Oklahoma is authorized to establish and fund a pretrial release program, the majority of counties in the state have no known pretrial supervision program and rely on a defendant posting bond as the main release mechanism.

While bookings have decreased over time, the average length of stay increased across all jail types, with this trend being particularly relevant for pretrial populations: in midsize and rural jail types, the average length of stay for pretrial releases increased by 37 percent and 60 percent, respectively. Perhaps the most significant contributor to this trend is that cases are now taking longer to proceed through the court system than they were in 2018. While discerning a single factor to blame for this delay is difficult, the Task Force found that various parts of the adjudicatory process could be made more efficient including the appointment of indigent defense attorneys, timelines in the court process, and waitlists for competency restoration.

Having reviewed these key findings, the Task Force made a series of recommendations to address the challenges in the local criminal justice systems across the state with the ultimate goal of creating more modernized processes to avoid the collateral consequences of incarceration, better address underlying behavioral health issues, and more efficiently deliver justice.

The Task Force recommends:

Increasing opportunities for individuals with behavioral health issues to receive treatment and be diverted from the criminal justice system when appropriate by:

- Expanding behavioral health diversion.
- Regionalizing behavioral health resources.
- Improving competency restoration processes.
- Expanding behavioral health treatment options in jail.

Expanding alternatives to arrest and incarceration in jail to preserve public safety and reserve jail beds for the most serious public safety risks by:

- Modifying current cite and release policies.
- Preventing arrests for failure to appear (FTA) when possible.

Creating more fair and efficient pretrial release processes that rely on evidence-based practices to safely reduce unnecessary pretrial incarceration by:

- Improving pretrial release decision-making by aligning current processes with best practice.

Streamlining adjudicatory processes to address increasing lengths of stay by:

- Establishing timelines to streamline the court process and strengthen speedy trial provisions.
- Authorizing the use of virtual hearings for an individual's initial appearance when they are held in a county other than that of the county with an active warrant.
- Improving the process through which indigent defendants are appointed counsel to avoid extended pretrial detention when appropriate.

Improving release processes and prioritizing jail beds for those who pose the greatest risk of flight or to the public by:

- Implementing policies that will improve release decisions by prioritizing safe reintegration to communities and connecting justice-involved individuals with appropriate services upon release.

Investing in and improving victim services to better serve victims and survivors of crime by:

- Investing funds directly and utilizing technology to better serve victims and survivors of crime and prevent future victimization.

Prioritizing the investment of funds to address hiring and retention challenges to ensure services across the jail systems can be provided appropriately by:

- Maximizing resources by adopting a regional approach for jails in rural and hard-to-hire areas of the state.
- Increasing funding and improving funding mechanisms for criminal justice stakeholders and operations.

Ensuring oversight and accountability by:

- Utilizing technology to standardize the collection and reporting of local criminal justice data and facilitate better justice outcomes for all those impacted by the system.

MODERN Justice Reinvestment Process

In August 2022, state leaders from all three branches of government, including Governor Kevin Stitt, Senate President Pro Tempore Greg Treat, Speaker Charles McCall, and Court Administrative Director Jari Askins, requested technical assistance through the [Justice Reinvestment Initiative](#) (JRI) to better understand and address the drivers of local jail populations and associated growing costs in Oklahoma. In July 2023, with JRI support, Governor Stitt established the Modernized Operations through Data and Evidence-based Restoration Now (MODERN) Justice Task Force (Task Force) and charged the group with conducting a review of the local criminal justice systems across the state and “taking concrete steps towards a safer, smarter, and more efficient justice system in Oklahoma.”ⁱ

The Task Force is a working group composed of 11 criminal justice stakeholders, including representatives from jail administration, law enforcement, mental health and substance use services, the judiciary, the prosecutorial and defense bars, formerly incarcerated individuals, and victim advocates.

First, Task Force members were asked to consider ways that technology and state resources can be applied more effectively to increase public safety. From August through December 2023, the Task Force conducted a rigorous review of Oklahoma’s jail data, evaluated current policies and programs across the state, discussed best practices and models from other states, and engaged in in-depth policy discussions.

Throughout the process, the Task Force received input from a wide range of stakeholders through interviews with prosecutors, defense attorneys, judges, law enforcement agencies, treatment providers, and behavioral health experts. Further, the Task Force received input through questionnaires from victims/survivors, sheriffs and jail administrators, and county commissioners, and held focus groups with directly impacted individuals to identify the priorities of these key stakeholder groups.

The Task Force received technical assistance from the Crime and Justice Institute as part of JRI, an intensive, collaborative, data-driven approach for states to develop and implement tailored solutions to address complex criminal justice challenges and maximize resources to achieve stronger and safer communities. JRI is funded by the BJA—with support from The Pew Charitable Trusts and Arnold Ventures—and utilizes experts to provide technical assistance to state partners interested in using data to analyze and improve their justice systems.

National, State, and Local Context

Between 2011 and 2020, Oklahoma’s crime rates dropped—despite a statewide population that has experienced a 5 percent growth—mirroring crime trends from across the country. Driven primarily by a decrease in property crimes supplemented by a stable rate of violent crime, national crime rates plummeted by nearly 30 percent, while Oklahoma has followed this pattern to a lesser degree, experiencing a 17 percent decline in crime.ⁱⁱ

As with other states across the country, the decline in crime rates experienced during the last decade was upended by the unprecedented onset of the COVID-19 pandemic. In a period marked by a global public health crisis and economic uncertainty, crime shifted in unexpected ways nationally—heightened by instances of violent crime and certain property offenses such as motor vehicle theft and nonresidential burglary. However, despite elevated occurrences of property crimes, the rates of most violent crime have begun to stabilize. By yearend 2022, rates of homicide and aggravated assault were down 4 percent from the year prior nationwide. Oklahoma has experienced similar declines—in 2021, the rate of violent crime was 4 percent lower than it was in 2020, and by 2022, it was down an additional 4 percent.ⁱⁱⁱ

As crime rates have fallen in Oklahoma over the last decade, a similar decrease in arrests would be expected. Indeed, Oklahoma’s arrest rate dropped by close to 40 percent, with nearly every county—71 out of 77—experiencing this decrease. Perhaps more notably, arrests have decreased across every reported offense category, including index crimes (like murder, rape, robbery, and theft), drug-related offenses, and alcohol-related offenses (including driving under the influence [DUI] and public intoxication).^{iv}

Despite reductions in both crime and arrest rates, Oklahoma’s jail populations have not kept pace with national trends. According to the Census of Jails, a nationwide census conducted every six to seven years by the federal Bureau of Justice Statistics, the national jail incarceration rate declined by 12 percent between 2005 and 2019. During this period, Oklahoma’s jail incarceration rate decreased by less than 1 percent, such that by 2019, Oklahoma had the 14th highest jail incarceration rate in the country.^v

The reasons for Oklahoma’s high jail incarceration rate are numerous and complex. However, the rate is attributable to above-average pretrial detention and increasing length of stay. Concerning pretrial detention, Oklahoma ranked 11th in the nation as of 2019. With 75 percent of individuals not yet convicted, Oklahoma’s pretrial population was 10 percentage points higher than the national average at that time. Length of stay is similarly a contributor to Oklahoma’s jail incarceration rate. One of the biggest shifts Oklahoma has experienced is in its admissions, which declined drastically. By 2019, jail admissions were nearly half of what they were just six years prior. As that decline evolved, though, the length of stay increased. In 2013, the average incarcerated person spent just shy of 2 weeks in jail in Oklahoma. By 2019, that average length of stay grew to nearly 20 days (about 3 weeks)—a 50 percent increase.^{vi}

The costs of detention systems in any jurisdiction are high, and a direct outcome of reliance on detention is the continuous need to secure funding to operate these systems. The financial burden of maintaining and expanding county jails falls almost entirely on local communities. In Oklahoma, funding increases must be approved by voters, and measures are often voted down. As a result, jails face the challenge of providing adequate healthcare, maintaining the upkeep of aging facilities, and offering competitive

salaries for staff on budgets that are strained by limited resources and often need to be supplemented by grants and other funding mechanisms.

The financial burden on counties has only been further exacerbated by lawsuits. Multiple counties across the state of Oklahoma are facing the payment of multimillion-dollar settlements from lawsuits, in many cases due to overcrowding and poor conditions in both rural and urban counties alike. With caps on the amount covered by insurance, the county taxpayers are most often the ones footing the bill.

Finally, Oklahoma has one of the highest rates of mental illness and substance use disorder prevalence in the country, yet there are challenges in providing treatment both in communities and in most jails. Over one out of five adults in Oklahoma experience mental illness and over one out of 10 adults have a substance use disorder; these rates place Oklahoma third and second respectively in the nation for mental illness and substance use disorder prevalence.^{vii} And yet, mental health and substance abuse services and resources are fragmented across the state. Of the nearly 843,000 Oklahomans in need of behavioral health services, the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) estimates there are approximately 100,000 people who are eligible for state-provided services but are not receiving them.^{viii} Every county in Oklahoma is experiencing a shortage of mental health professionals, according to 2023 data from the Rural Health Information Hub.^{ix}

Mental health and substance use treatment resources are similarly limited within county jails across the state. In fact, less than 10 percent of jails in Oklahoma reported having substance use, alcohol abuse, or mental health/psychiatric treatment in 2019.^x Beds in county jails are often occupied by those with behavioral health needs who continue to cycle in and out of the jail system. Access to diversion from the criminal justice system for those with behavioral health needs is limited, particularly in rural areas. Nonetheless, the state is limited in evaluating and identifying gaps in jails' service provision in part due to a lack of standardized data.

With this national and local context, the MODERN Justice Task Force investigated jail trends across the state, resulting in key findings outlined in the next section.

Key Findings

In accordance with its charge, the Task Force sought to better understand the reasons behind the increasing jail population in Oklahoma over the last decade. The Task Force acknowledged that the ramifications of this growth extend beyond the individuals detained and criminal justice partners, encompassing taxpayers and community members who are not experiencing the public safety benefit from the system they financially support. To comprehensively explore the drivers of the state's jail population, the Task Force examined community factors preceding arrest, trends in arrests, jail bookings, pretrial decision-making, the court process, and an individual's release from jail.

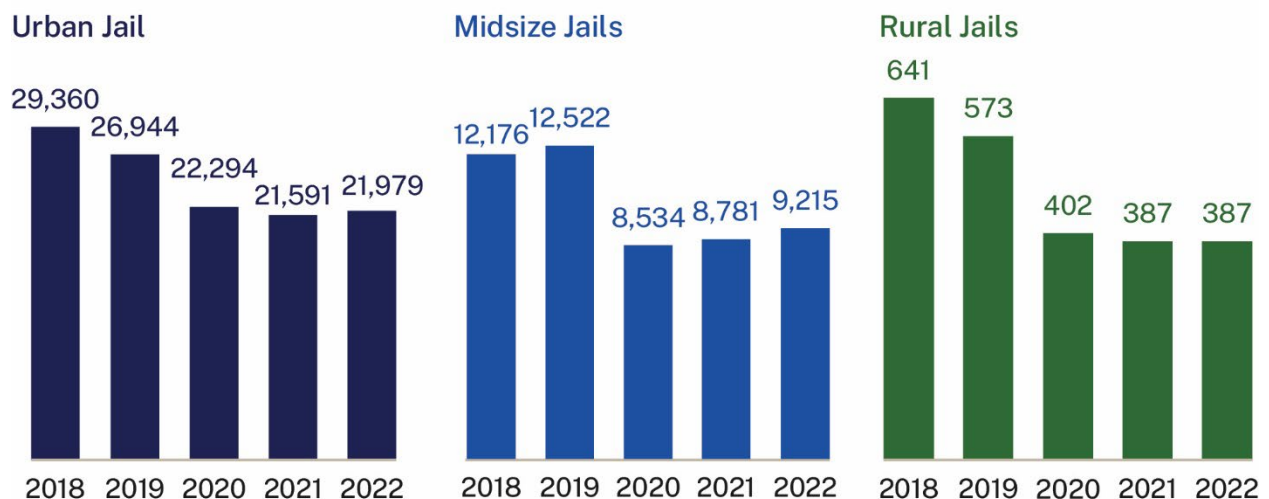
Jail Bookings

Essentially, the size of a jail population is determined by two factors: the number of individuals booked and the amount of time those individuals serve in jail prior to release. This section focuses on the first of those two factors: bookings into jail.

Using a sample of jail data provided by six agencies across the state representing urban (n=1), midsize (n=3), and rural (n=2) communities, analyses indicated that jail bookings have fallen between 2018 and 2022. Jail bookings decreased by 25 percent in sampled urban and midsize jails and by 40 percent in two rural jails. However, it is worth noting that the most pronounced drop in bookings occurred during the first year of COVID-19. Thus, while the number of bookings continues to decline, it is not to the same magnitude witnessed during the peak of the COVID-19 pandemic, as depicted in Figure 1 below.

Figure 1.

Number of Bookings 2018-2022



Source: Sample of six Oklahoma jails

Total Number of Bookings and Patterns by Demographics: Gender, Race, Age, and Tribal Jurisdiction

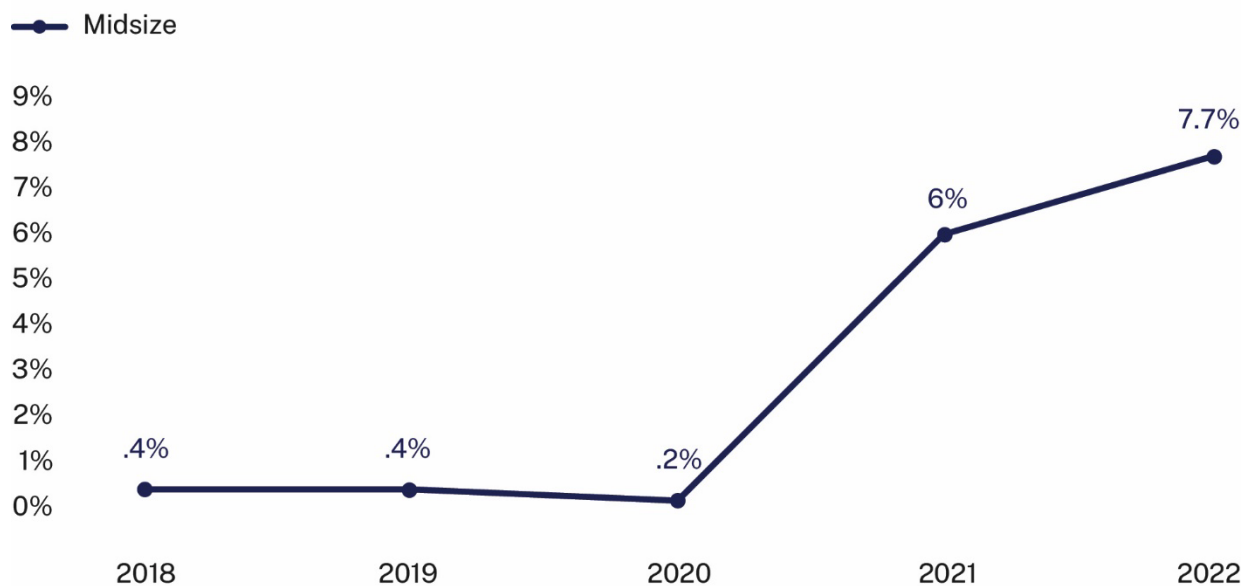
These sample data indicated that women represented about 28 percent of bookings in midsize jails and approximately a quarter of bookings in both urban and rural jails. The data also revealed that Black individuals were overrepresented in all jail bookings, but perhaps most notably in an urban jail where

the county population was 15 percent Black, but Black individuals constituted 45 percent of jail bookings in 2022. Another demographic characteristic examined was age. Interestingly, rural jails had the largest proportion of both young adults and 55 and older individuals of any jail size, although most individuals booked into jail fell somewhere between ages 25 and 44.

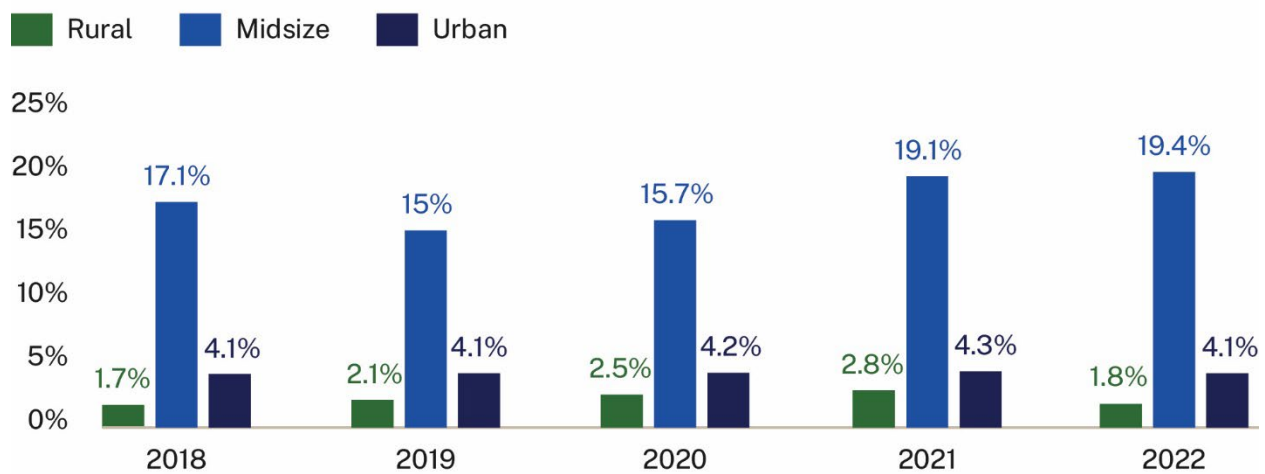
The Task Force expressed interest in better understanding bookings of individuals who may fall under tribal authority given the Supreme Court’s ruling in *McGirt v. Oklahoma* (2020), which limited the state’s authority to prosecute crimes committed by or against Oklahomans who are tribal members. Markers for tribal jurisdiction in the data were somewhat limited, but two attempts to capture such information were employed, as depicted in the figures below.

Figure 2.

Tribal Jurisdiction Flag 2018-2022 (%)



Percent of Admissions for Indigenous Individuals 2018-2022



Source: Sample of six Oklahoma jails

The graph on the left presents the percentage of bookings that were recorded with a noted tribal jurisdiction—a flag that was available in midsize jails and that showed an increase in tribal bookings post-2020. The graph on the right summarizes the percentage of admissions for individuals whose race was recorded as Indigenous. While race should not be conflated with tribal authority, if this marker is conceptualized as a proxy—that is, an estimate—it also indicates that bookings for Indigenous individuals increased in midsize jails, although they remained relatively stable for urban and rural jails.

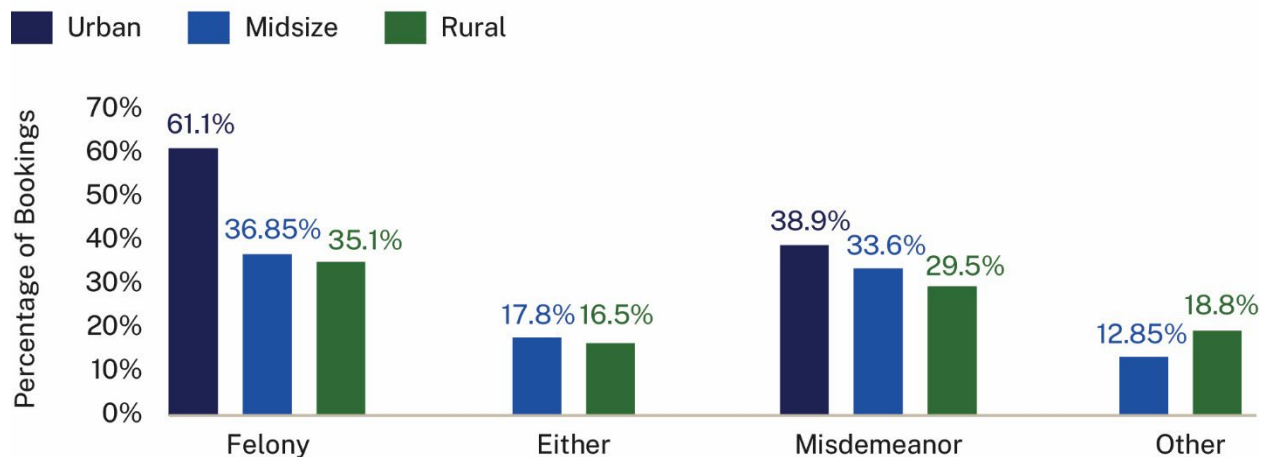
Bookings by Offense Severity: Law Class, Offense Category, and Most Serious Offense

Beyond demographic patterns, agency data were analyzed to identify the most serious offenses for which individuals were booked. In this sense, severity can be assessed using a few key metrics: 1) law class; 2) offense category, including person, property, drug, other, and traffic offenses; and 3) most serious individual offense, for example, DUI or theft.

Law class typically reflects felony and misdemeanor charges. In Oklahoma, the law also permits a classification called “either,” which refers to offenses that may be charged as either a felony or misdemeanor depending upon the severity of the underlying conduct.^{xi} For instance, theft charged at different monetary thresholds may exist at either level. Figure 3 below presents the distribution of these law classes across jail types, with the addition of a fourth category labeled “other” that captures jail bookings for warrants, violations such as FTA and community supervision revocations, and other reasons not ascribed to a new charge.

Figure 3.

Bookings by Law Class 2022*



‘Other’ reflects warrants, violations, holds, and other booking reasons not classified as a new charge.

Source: Sample of six Oklahoma jails

**Data for midsize facilities available for 2 out of 3 jails, urban jail does not include municipal bookings*

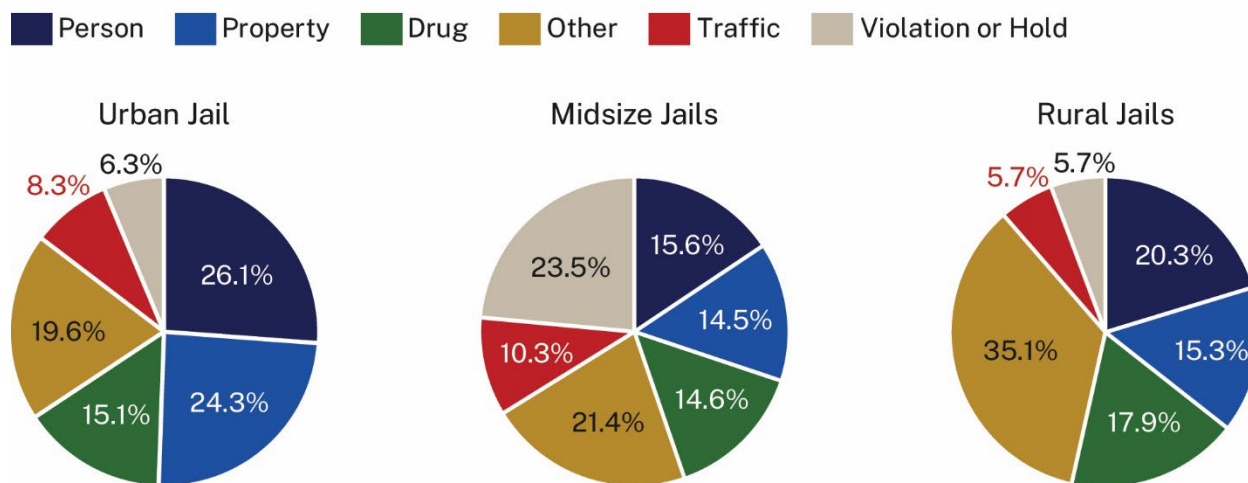
As depicted in the graph above, sampled jails varied in bookings by law class. It is worth noting that due to differences in data management systems, the urban jail in this analysis did not include municipal bookings, and its law class was restricted to felony and misdemeanor, whereas law classes in midsize and rural jails featured both the “either” and “other” classifications. In 2022, more than 60 percent of

bookings in the urban jail were due to felony charges. However, misdemeanors accounted for over a third of bookings in the urban jail as well as in midsize jails.

Apart from law class, bookings were also analyzed based on the most serious offense category. The distribution of bookings by offense category is presented below in Figure 4.

Figure 4.

Percent of Bookings by Offense Category 2022



Source: Sample of six Oklahoma jails

As evidenced in the graphs above, jails experienced a considerable amount of variation in the offense categories for which individuals were booked in 2022. In the urban jail, about a quarter of all bookings in 2022 were associated with a person-based offense, while in midsize jails, nearly a quarter of bookings were due to violations or holds. In rural jails, more than a third of all bookings were due to offenses classified as “other,” a category that frequently included charges such as DUI and public intoxication. In all jails, nearly 75 percent or more of bookings involved nonperson offenses.

Despite variation in the proportion of bookings associated with different offense categories, jails of all sizes shared common underlying offenses within those categories. For example, all jails shared domestic assault and battery as their most prevalent person-based offenses, possession as the most common drug offense, and driving with a suspended, revoked, or canceled license as the most frequent traffic offense. Within the violation and hold category, which includes violations such as FTA or outstanding warrants and holds for other jurisdictions, holds occurred most frequently regardless of jail type.

Behavioral Health Diversion Options

While reviewing admissions to jail, the Task Force recognized that many jails currently house individuals with an underlying mental health or substance use-related disorder. To understand what drives jail admissions for low-level and behavioral health-related offenses, the Task Force examined the diversion options available in Oklahoma and found successful and innovative initiatives to support the needs of diverted individuals as well as opportunities for improvement.

Recent successes include ODMHSAS's rollout of the 988 Suicide and Crisis Lifeline and mobile crisis teams. The 988 hotline and mobile crisis teams offer individuals in crisis and their families an option for immediate support instead of calling 911, thereby avoiding potential justice system involvement for emergent behavioral health challenges. Over the first year of the 988 hotline's implementation, which Oklahoma launched in the summer of 2022, call volume reached nearly 40,000 calls.^{xii}

ODMHSAS has also partnered with law enforcement agencies to provide iPads to front-line staff, giving officers the ability to directly connect individuals struggling with mental health symptoms with mental health professionals for de-escalation and assessment. Mobile crisis units of officers specially trained to respond to mental health crises and the transportation support program rideCARE are also available, although inconsistently, across the state, with concentrated resources in urban areas.

All of these resources would benefit from additional funding to better educate the public and law enforcement about the nature and availability of programming and to expand coverage to divert more individuals with mental health issues away from the court and into treatment. Additionally, these initiatives are connection points to treatment, and thus their success ultimately depends on the availability of mental health services, which in many areas of the state are sparse.

Beyond the 988 line, the iPad program, and mobile crisis units, pre-arrest diversion or deflection resources are scarce in Oklahoma. Upon encountering an individual in crisis or engaged in a low-level behavior such as trespassing and loitering charges often associated with homelessness, officers report having few options apart from disengaging from the situation or arresting the individual.

Opportunities exist for expanded investment to address gaps in program scale, regional coverage, and availability of services. The [Oklahoma Opioid Abatement Revolving Fund](#), which was established to distribute the state's share of monies awarded from opioid settlement agreements through grants, represents a recent development that counties and municipalities can take advantage of. The grants specifically can be used for treatment and recovery programs and prevention strategies for opioid use disorders and co-occurring disorders, and thus can help the state fill gaps in access and availability of services. In August 2023, the Attorney General released a notice of intent to issue funding, with an estimated \$23 million in available funding, to be awarded to eligible groups beginning in 2024.

Post-Booking Diversion

With an understanding of who is being booked into jail, the Task Force took a closer look at the process of booking an individual into jail, noting that it is a juncture that offers an opportunity to divert an individual from additional criminal justice involvement. The first opportunity for post-booking diversion in Oklahoma jails is through a book-and-release procedure, which allows quick release of an individual on their own recognizance (ROR) with a future court date after they've been booked into jail. Typically, this takes place if law enforcement encounters an individual who would be a suitable candidate for receiving a citation instead of being booked into jail (through a process referred to as cite and release), but the individual's identity cannot be confirmed in the field. In other cases, it has historically been utilized for cost warrants, when the court gives jail authorization to release an individual on ROR through an administrative order. While book-and-release is intended to allow for release for individuals who are booked and processed at the jail due to lack of identification, the process is reported to be time-intensive.

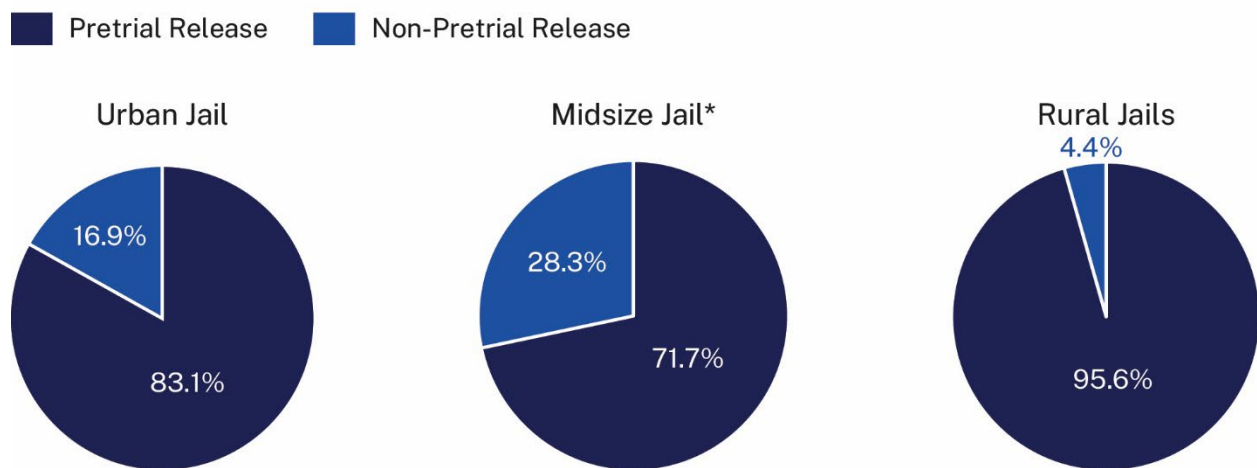
There are additional post-booking diversion opportunities that occur later in the justice system but still enable an individual to avoid a longer jail stay. This can be done through deferred prosecution agreements, where a participant is released on the condition that they will receive treatment, with reports from the treatment provider to the court when the defendant is noncompliant. More structured programs are also available, including misdemeanor and felony treatment courts, which can include regular court appearances, case management, supervision, and treatment. Drug court is largely available across the state, while other treatment courts are located sporadically throughout the state, although all district and municipal courts are statutorily authorized to establish treatment court programs.^{xiii}

Pretrial Release

While pretrial detention is typically thought of as a decision point at the front end of the system (meaning it is a determination of whether to hold an individual in custody prior to arraignment), an analysis of pretrial detention was conducted using release, rather than booking, cohorts. Individuals released on bail or cash bond, released on ROR, for time served, by a judicial release order, or those who were transferred to other law enforcement agencies (including those transferred to DOC custody) were considered released pretrial.

Figure 5.

Percentage of Pretrial Releases 2022



Source: Sample of six Oklahoma jails

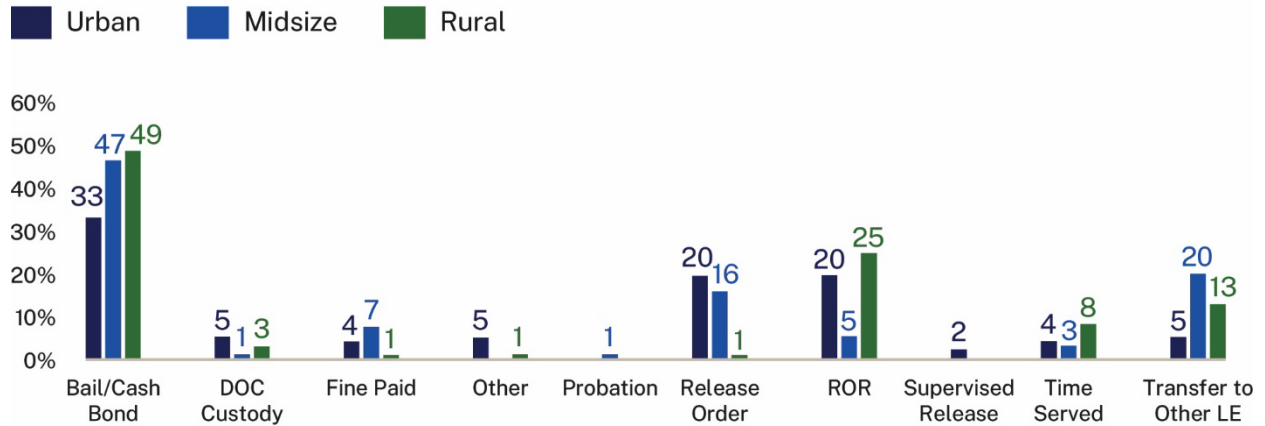
*Data on release reasons available in one of three midsize jails

As shown in the graphs above, regardless of jail size or location, releases were overwhelmingly for pretrial reasons. In 2022, more than 70 percent of individuals released from midsize jails were for pretrial reasons, while that composition increased to 83 percent in an urban jail, and to nearly 96 percent of releases from rural jails.

One of the most prevalent reasons for release was bail or cash bond. In 2022, bail or cash bond represented a third of release reasons in the urban jail and nearly half of all release reasons in midsize and rural jails.

Figure 6.

Percentage of Releases by Release Reason 2022*



Source: Sample of six Oklahoma jails

While the data indicate nonfinancial pretrial release is limited, at the other end of the spectrum, outright bail denials are also limited in Oklahoma; both of these system characteristics contribute to the central role financial bail plays in determining whether an individual either remains detained or is released pretrial. The prevalence of bail as a pretrial release or detention mechanism in Oklahoma may be attributable to broad eligibility for bail, limited bail alternatives, and inconsistent bail reviews.

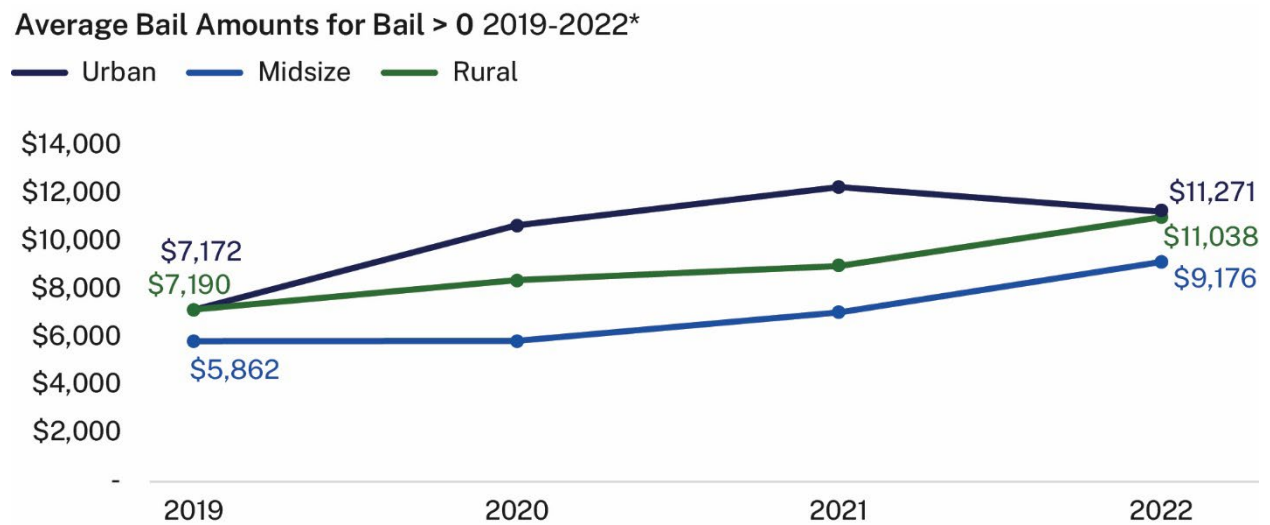
In 1980, as part of the Bail Reform Act, the Oklahoma Constitution was amended to expand the list of bail-ineligible offenses beyond capital offenses to a list of other offenses including violent offenses, offenses where the maximum sentence may be life or life without parole, felony offenses where the person charged has two or more felony convictions from different occurrences, and controlled drug offenses where the maximum sentence is at least 10 years. Despite this expansion, most offenses are bail eligible. For a judge to deny bail, there must be a hearing immediately after the initial appearance when the proof of guilt is evident or the presumption great, and “on the grounds that no condition of release would assure the safety of the community or any person.”^{xiv}

While every county in Oklahoma is authorized to establish and fund a pretrial release program, the majority of counties in the state have no known pretrial supervision programs and rely on a defendant posting bond as the main release mechanism.^{xv} Specifically, fewer than one in 10 counties have an operating pretrial supervision program. The requirements of such a program, as established by statute, are minimal – meaning the few existing programs differ substantially. A defendant’s eligibility for a pretrial supervision program depends on both a list of exclusionary offenses in statute and the individual program’s requirements. Additional exclusions include when private bail has been furnished, meaning anyone who has made bail is ineligible for participation in a pretrial program. For entry into a pretrial supervision program, the program must conduct a National Crime Information Center criminal background check before making a recommendation to the court of any special supervisory conditions for pretrial release, though ultimately, the decision for release is the judge’s to make. The extent of the evaluation depends on the individual pretrial supervision program; at least one program in the state uses a validated pretrial risk assessment to determine the appropriate pretrial release conditions for an individual.

Finally, bail review processes in Oklahoma are inconsistent and do not adhere to any strict timelines. Some counties have implemented a practice to allow judges to review bail for defendants who remain jailed for lower-level offenses after bail has been set, following a certain number of days. But in most other counties, judges only review bail when a motion has been filed to either increase or decrease bail by the defense or prosecution.

The Task Force sought to better understand the impact of how these practices for setting bail impacted bail amounts and found that bail amounts have consistently increased over time. By 2022, individuals had an average bail set at around \$10,500, as shown in Figure 7 below.

Figure 7.



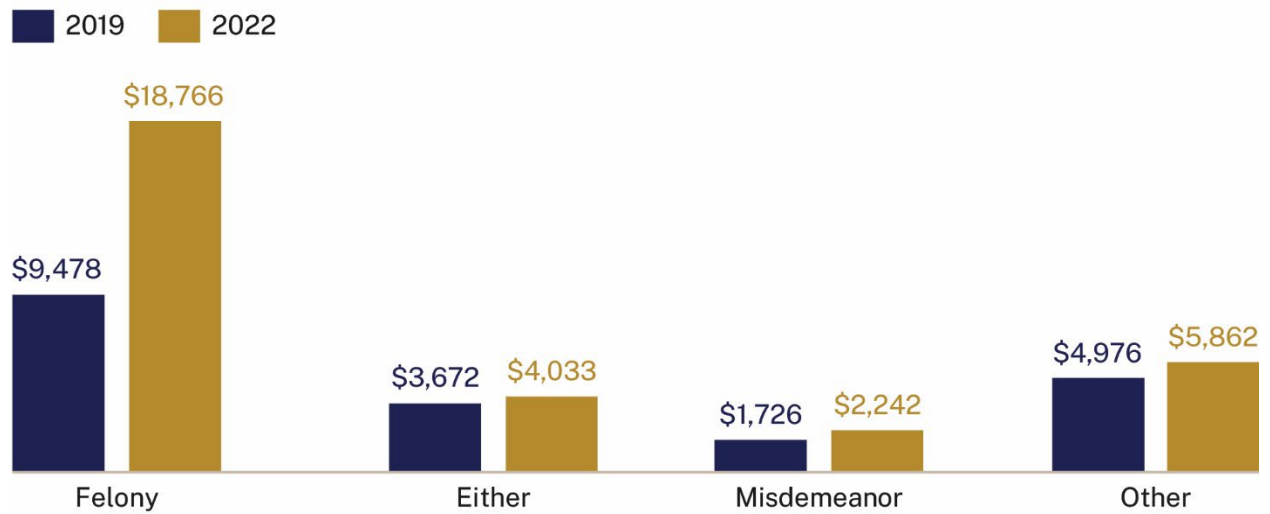
Source: Sample of six Oklahoma jails

**Note: Bail amounts based on data from one midsize jail.*

Recognizing that bail amounts will vary depending on the severity of the underlying charges, further analysis was conducted to better understand trends in average bail by law class. The findings of this analysis are highlighted in Figure 8 below.

Figure 8.

Average Bail Amounts by Law Class All Jail Types 2019 & 2022



Source: Sample of six Oklahoma jails

*Urban excludes municipal bookings due to data limitations; Bail amounts based on data from one midsize jail

As illustrated in the graphs above, average bail amounts for felonies nearly doubled between 2019—the earliest year for which data were available—and 2022. In 2019, the average bail for a felony charge fell between \$8,000 and \$10,000. Four years later, that average bail was between \$16,000 and \$23,000. Interestingly, average bail amounts for misdemeanors remained relatively consistent over time with each type of jail. However, variation remained in average bail amounts across jail types. In rural and urban jails, the average bail for misdemeanor charges was about \$1,800, compared to approximately \$3,000 in a midsize jail in 2022.

Looking beyond law class, individuals released on person offenses generally had the largest bail amounts, and those amounts increased over time across all jail types. However, there were also substantial increases in bail amounts for individuals released on nonviolent offenses, particularly for drug and property offenses. The average bail amounts for individuals charged with drug offenses in an urban jail increased by nearly \$5,000—a 66 percent increase—between 2019 and 2022, while the average for drug offenses in a midsize jail rose by 22 percent, or roughly \$2,100. Similarly, the average bail amounts for individuals charged with property offenses in an urban jail rose by 47 percent (approximately \$1,900), and in midsize jails, the increase was more than 80 percent (approximately \$3,300).¹

Finally, increases in bail amounts were particularly concentrated for individuals who were released after spending a week or more in jail—in most cases, the average bail for someone detained at least a week doubled between 2019 and 2022. In addition to length-of-stay changes for those detained, there were also increases in average bail for individuals who spent 48 hours or less in jail. Across urban and midsize

¹ While average bail amounts also grew in rural jails, there were too few releases per year to accurately capture the percentage change of that growth

jails, in nearly every time frame up to 48 hours (a measure covering individuals released after 12, 24, or 48 hours), average bail grew by more than \$1,000 and in some cases, by several thousand dollars.

Pretrial Practices

After an individual is booked into a local county jail in Oklahoma, they will typically have a bail set. Oklahoma law outlines both the process for setting bail and for which offenses an individual is eligible for bail.^{xvi} Individuals are ineligible for bail if they are charged with any of the serious crimes enumerated in both the Oklahoma Constitution and statute. In Oklahoma, a judge must consider the following factors when determining bail: the nature and circumstances of the offense charged, the weight of the evidence against the person, the person's history and characteristics, the person's criminal justice involvement at the time of the offense or arrest, and the nature and seriousness of the danger posed to any person or to the community by release.^{xvii}

In practice, bail may be set as soon as an individual is booked into a county jail before they have appeared before a judge, if the jail is authorized by the presiding judge to use a "Jail Bail Schedule". In counties where this practice is prevalent, a "Jail Bail Schedule" attaches certain booking charges to corresponding temporary bail amounts, which will be utilized until the defendant's case can be reviewed by a judge. Often the use of this schedule ensures that individuals booked into the jail over the weekend can have a bail amount set and be released upon paying it without having to wait to appear in front of a judge.

Following an individual's arrest and booking into jail, a probable cause hearing takes place during which a judge reviews the probable cause affidavit written by the arresting officer, to ensure that the officer had sufficient evidence or "probable cause" to arrest the defendant. Probable cause reviews should happen within 48 hours of arrest, as established by the U.S. Supreme Court and Oklahoma case law^{xviii}, but this standard is not strictly adhered to. In some jurisdictions, individuals are provided a probable cause review within 24 hours, whereas in others, more than 2 days may pass before an individual receives a probable cause review.

Following a probable cause review, interviews illustrate that a judge will typically make a pretrial release determination during the defendant's initial appearance which may usually be held anywhere from 24 hours after an arrest to beyond a week after an arrest; the statute establishing when the initial appearance must take place mandates just that it occur "without unnecessary delay".^{xix} In making the decision to detain or release a defendant, a judge has many options, including denying bond outright, setting a financial bond amount (often requiring the services of a bondsman), or releasing an individual on a nonfinancial bond. Within this last category, there again are multiple options for judges to release an individual without requiring financial bond.

The individual may be released on a conditional bond, during which they must agree to a series of nonfinancial conditions prior to release; they may be released on a personal recognizance or ROR bond, with a signed promise to return to court; or they may be released to be supervised by a pretrial program. If an individual either makes bond or is otherwise released, they will return to court for their formal arraignment hearing, at which charges are officially filed. While the pretrial release options are similar across the state, the degree to which they are utilized and the method by which they are selected vary significantly.

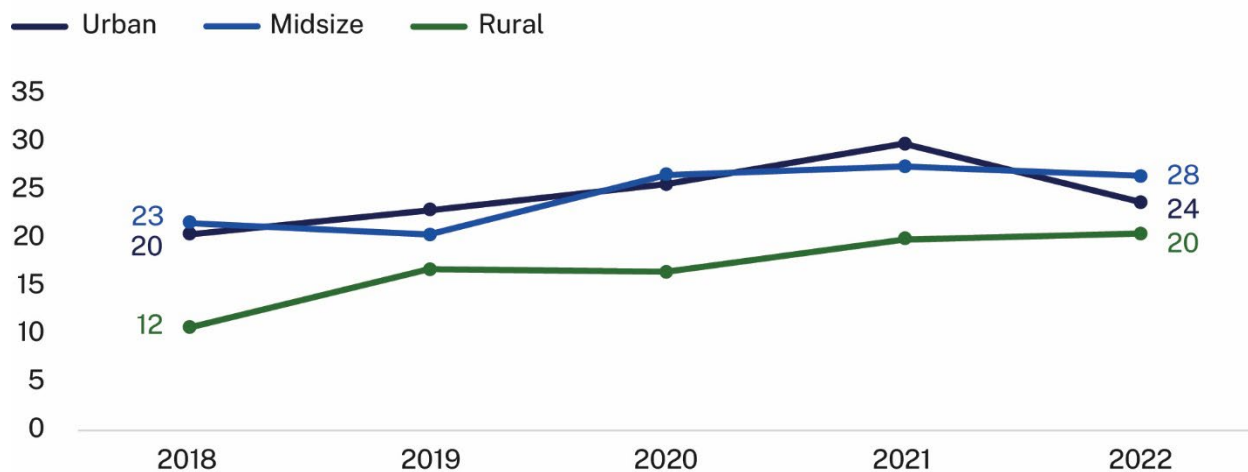
Likewise, the nature of pretrial release determinations varies across the state. The U.S. Supreme Court has found that bail decisions must be both individualized to the circumstances of each person facing charges and nonarbitrary, requirements that are included in both the Oklahoma Constitution and state statute.^{xx} In practice, the information relied upon by the judge for pretrial release determinations varies significantly. In some counties, a judge may only have the probable cause affidavit to make a pretrial determination. While in other counties judges continue to use a bail schedule for making this decision. The degree of reliance on a schedule may depend on the day of the week, meanwhile, some jurisdictions may not rely on a bail schedule at all. In Oklahoma, because the utilization of the bail schedules themselves is not consistent across the state, individuals may receive different bail amounts for the same offense, depending on the jurisdiction in which they were arrested.

Length of Stay

Together with the number of bookings, length of stay informs the size of jail populations. Because many factors will influence how long individuals are detained in jail, the Task Force was interested in gaining a deeper understanding of trends and variations in length of stay. Across a sample of urban, midsize, and rural jails, length of stay increased between 2018 and 2022. These trends are summarized in Figure 9 below.

Figure 9.

Average Length of Stay (In Days) 2018 to 2022



Source: Sample of six Oklahoma jails

As illustrated in the figure above, the average length of stay increased across all jail types. In 2018, the average length of stay in an urban jail was 20 days, a number that steadily climbed to a peak of one month in 2021, before landing at 24 days in 2022. Midsize jails generally had among the greatest lengths of stay across jail types, starting with an average of 23 days in 2018 which rose to 28 days by 2022. Despite having shorter lengths of stay than their urban and midsize counterparts, rural jails nevertheless experienced the most substantial growth—approximately 70 percent—from an average of 12 days in 2018 to 20 days 5 years later.

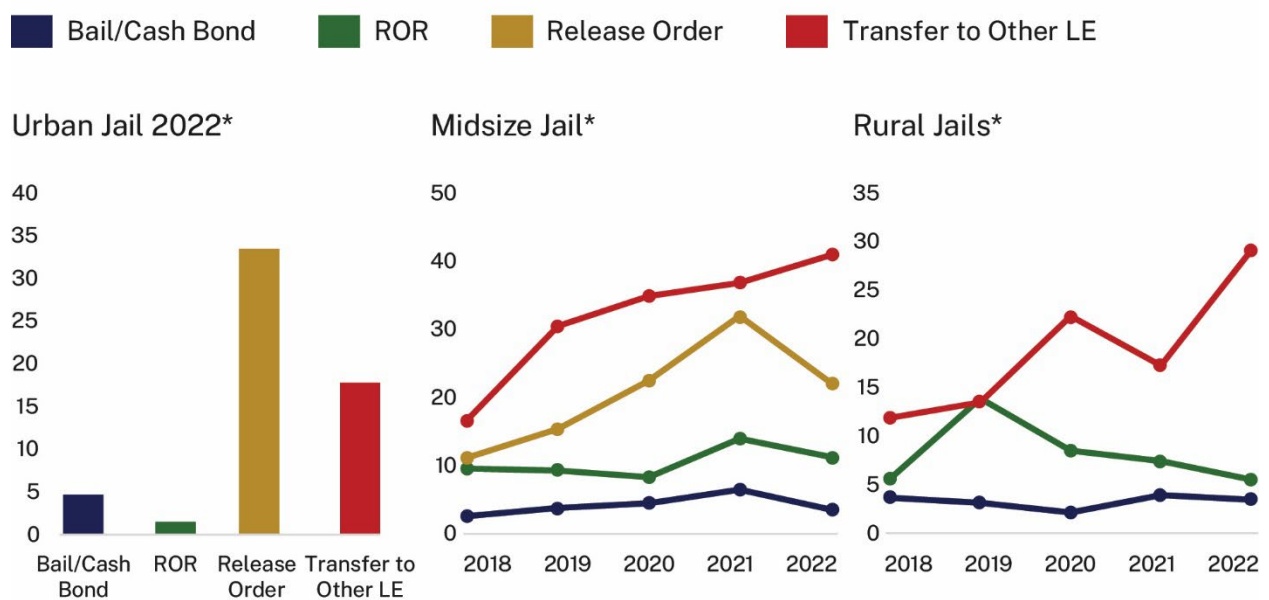
Previous analyses indicated that individuals detained pretrial constituted most releases between 2018 and 2022. As such, an understanding of how the length of stay changed for those persons held pretrial is

important to better determine how jail populations have shifted over time. In two jail types, midsize and rural, the average length of stay for pretrial releases increased by 37 percent and 60 percent, respectively. While historical data were not available for an urban jail, in 2022, individuals released for pretrial reasons had an average length of stay of 13 days, which was comparable to the average pretrial length of stay in rural jails and 3 days longer than the average in midsize jails.

Individuals detained pretrial may be released for many different reasons, including by posting bail or cash bond, being released ROR, via judicial release order, or through transfer to another law enforcement agency. Collectively, these four reasons constituted three-quarters of all releases in 2022 and the average length of stay associated with each type varied considerably, as seen in Figure 10 below.

Figure 10.

Average Length of Stay (In Days) by Release Reason



Source: Sample of six Oklahoma jails

**Release reasons based on data from one midsize jail; release reasons not available for urban jail before 2022; 'Release Order' excluded from rural jails due to a small number of cases.*

Among the four most common release reasons in 2022, individuals who posted bail or bond had the shortest length of stay, ranging from 3 days in rural jails to 5 days in an urban jail. ROR releases had the second shortest length of stay, from an average of 1.5 days in an urban jail and 5 days in rural jails to a high of 11 days in a midsize jail. By comparison, the average length of stay was substantially longer for individuals released via a judicial release order or by transfer to another law enforcement agency (excluding individuals transferred to the Department of Corrections [DOC]). For each of these reasons, the average length of stay exceeded 2 weeks, and in many instances, approximately 1 month in duration. Transfers to law enforcement agencies, in particular, contributed to the overall growth in the length of stay experienced in midsize and rural jails, increasing by 75 percent between 2018 and 2022.

Another area where concentrated increases in length of stay were observed pertained to the law class with which someone was initially charged. As would be expected, the length of stay was shortest for

individuals charged with misdemeanors. On average, the length of stay for misdemeanors ranged from 3 to 7 days in 2022, terms that did not change drastically from 2018. Alternatively, there was notable growth in the average length of stay for individuals charged with felonies. In 2022, individuals charged with a felony in an urban jail spent an average of 41 days detained, compared to 37 days in 2018. In midsize jails, the average lengths of stay for felony charges rose from 39 to 69 days, and in rural jails, the average time grew from 20 to 38 days, which equated to 75 percent and 90 percent growth, respectively.

In seeking to better understand the factors driving increasing lengths of stay in jail populations, the Task Force investigated aspects of court processing systems across the state that may be contributing to this trend. In a sample of 13 counties, the average time for case processing increased 70 days between 2018 and 2022, illustrating the impact that court efficiency has on the jail population.^{xxi} The Task Force investigated the factors that may be contributing to this deceleration in court processing times, including the indigent defense system, timelines in the adjudicatory process, and competency restoration delays.

Indigent Defense

Despite some recent expansions and improvements to the Oklahoma Indigent Defense System (OIDS), indigent defense remains disjointed, underfunded, and struggling with challenges related to recruitment and retention. The Indigent Defense Act established OIDS, which is comprised of one main office with as many satellite offices as necessary for proper representation of indigent defendants.^{xxii} While OIDS is subject to appointment to provide criminal trial representation in 75 of Oklahoma's 77 counties, OIDS staff attorneys do not have coverage across the state. Some counties are served by an OIDS office located within the county (called a satellite office) or in a neighboring county, while other counties with no OIDS satellite office provide indigent defense by private attorneys under contract with OIDS. Based on high caseloads and relatively low attorney salaries, some OIDS offices struggle to recruit and retain attorneys, particularly in rural areas.

Lags in the OIDS or private attorney application and appointment processes cause delays and longer case processing times for indigent individuals and may cause indigent defendants to appear for early hearings such as bail determinations without legal representation. Pauper's affidavits, required to initiate the application process for indigent representation, are often not provided to incarcerated individuals until their first court appearances. In some jurisdictions, it was reported in interviews that indigent counsel is not appointed for as long as 90 days after the individual's arrest date, meaning defendants do not have representation at their initial appearance. Without a clear and efficient process that establishes defense counsel for the defendant, court processes are clogged with unrepresented individuals sitting in jail for extended periods without an attorney to advise them on their case.

Speedy Trial and Continuances

Oklahoma's district court process includes multiple stages at which resolution of a case may be hindered. The timely progression of cases through the pretrial phase is often impeded by frequent requests by attorneys for continuances. Reasons for these continuances vary, with recurrent turnover within defense, prosecution, and jail staff reported as contributing factors. Further, attorneys in some counties reported that the completion of discovery procedures within the statutorily stipulated 10-day period prior to trial is inadequate, and the inability to meet this deadline results in frequent continuances. Stakeholders additionally underscored challenges related to state laboratory capacity for evidence analysis and delays

in obtaining medical examiner reports driving continuances that prevent expeditious case proceedings, especially for more serious cases.

Competency Hearings and Restoration

Lastly, competency restoration emerged as a recent obstacle resulting in delays in court processing times. From 2017 to 2022, the state has encountered a 652 percent increase in the number of individuals waiting for treatment at the Oklahoma Forensic Center (OFC) in Vinita.^{xxiii} While the total amount of time individuals held in jail while on the waitlist to receive competency restoration at OFC is not a metric that is tracked, defense attorneys, prosecutors, judges, and behavioral health providers all noted an increased need for restoration services. ODMHSAS has recently received additional funds from the legislature to increase capacity and initiate medication management prior to full competency restoration services in county jails to address these delays. The impact of these recent measures on wait times for competency restoration has yet to be assessed.

Jail Releases

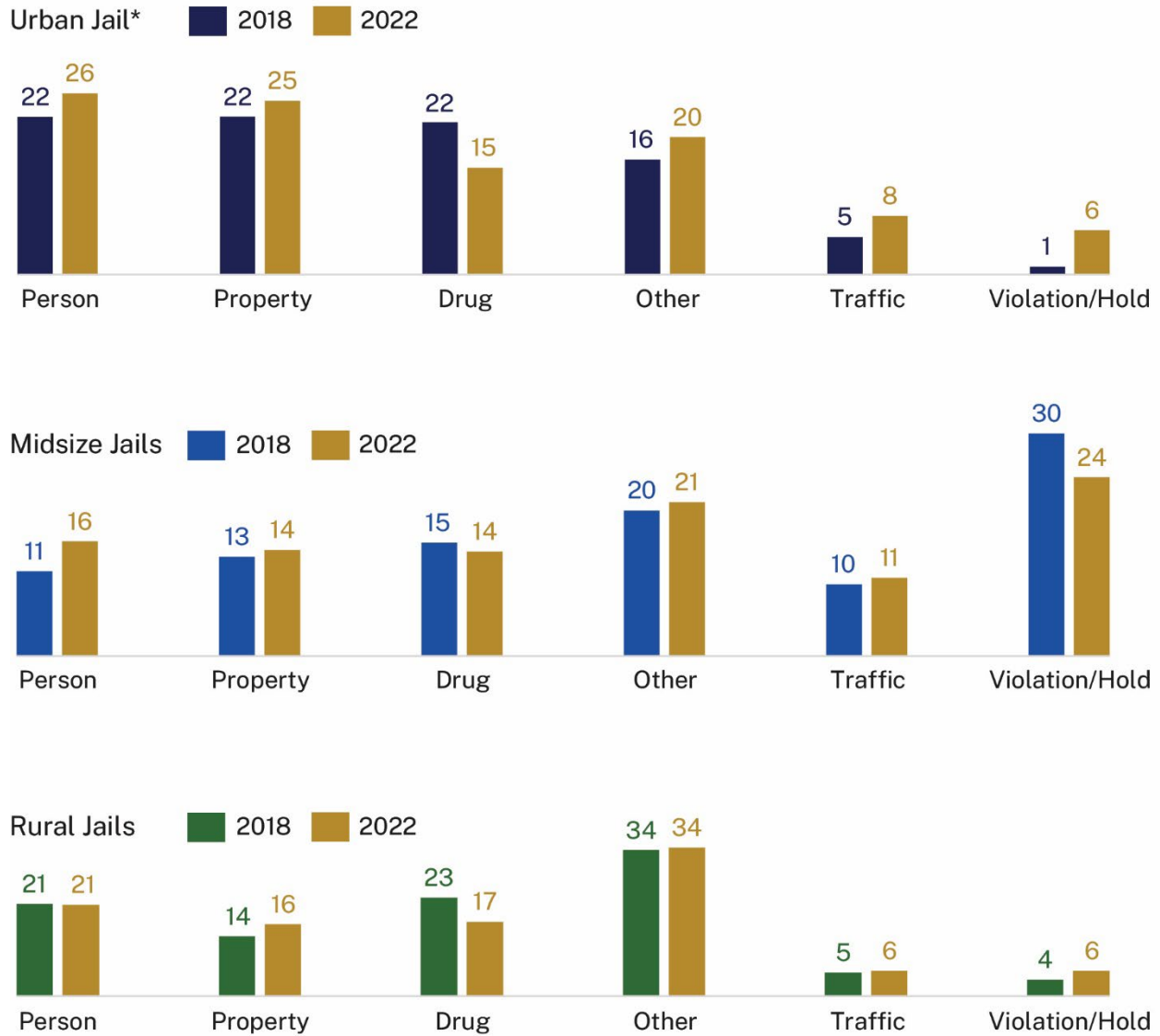
Having examined findings that pertain to bookings, pretrial populations, and court processes contributing to the length of stay, the final set of analyses focused on release trends between 2018 and 2022. This section of the report summarizes jail releases as they relate to law class and offense severity as well as how bookings and releases contribute to the size of standing populations, defined as individuals detained in jail on the last day of the fiscal year (June 30).

Of those released in 2022, more than 30 percent were for misdemeanor offenses, a percentage that has grown across all jail types. The increase was smallest for midsize jails, where misdemeanors constituted 31 percent of releases in 2018 and 34 percent in 2022. In the urban jail, less than a quarter of individuals released in 2018 were for misdemeanors, a proportion that grew to nearly 40 percent by 2022. In rural jails, the proportion of misdemeanor releases nearly doubled, from roughly 16 percent of releases in 2018 to 30 percent by 2022.

Analyses of jail releases also revealed variations in the types of offenses for which individuals were released, as depicted in Figure 11 below. In 2022, on average, less than a quarter of individuals released from jail were charged with person-based offenses. This composition remained constant within rural jails over time, although it did reflect an approximate 5 percentage point increase in urban and midsize jails. Such changes largely corresponded with declines in the proportion of individuals released on drug offenses, particularly within urban and midsize jails. There were also notable increases in the share of releases for property, other, and traffic offenses in the urban jail, as well as higher proportions of releases for violations and holds in urban and rural jails. Despite declines in the percentage of releases due to violations or holds, midsize jails continued to have the largest share of such releases of any jail type.

Figure 11.

Releases by Offense Type



Source: Sample of six Oklahoma jails

In addition to law class and offense categories, data were examined to understand the charges for which individuals were booked and ultimately released. While there was variation in the most frequent charges across jail types, the most common charges were overwhelmingly consistent. In the urban jail, possession of a controlled substance was the most frequent charge for individuals released in 2018 and 2022. Similarly, warrants and holds were most common in midsize jails, and possession of a controlled substance (CDS) and DUI remained among the most frequent offenses at release in 2022 as they were in 2018 for rural jails. A complete list of the top five most frequent charges in each jail type can be found in Figure 12 below.

Figure 12.

Urban

	2018	2022
1.	Possession of CDS	Possession of CDS
2.	Possession with Intent to Distribute	Unauthorized Use of Vehicle
3.	DUI	Domestic Assault and Battery
4.	Burglary, 2 nd Degree	Hold
5.	Unauthorized Use of Vehicle	Distribution of CDS

Midsize

	2018	2022
1.	Warrant	Warrant
2.	Hold	Hold
3.	Possession of CDS	Possession of CDS
4.	Driving with License Revoked, Suspended	Public Intoxication
5.	Misdemeanor Value – False Pretense	Driving with License Revoked, Suspended

Rural

	2018	2022
1.	Possession of CDS	DUI
2.	DUI	Possession of CDS
3.	Failure to [comply, register]	Domestic Assault and Battery
4.	Assault and Battery	Hold
5.	Public Intoxication	Burglary, 2 nd Degree

Source: Sample of six Oklahoma jails

Release and Reentry

To better understand the full scope of the release data, the Task Force looked more closely at the mechanisms through which an individual is released from jail. According to Oklahoma statute, upon an order for any kind of pretrial release, an individual must be released from custody “without undue delay.”^{xxiv} In practice, Task Force members and stakeholders alike report that individuals have at times waited over a day to be released from jail following the issuance of a release order or payment of bond. These challenges have been attributed both to jails’ technological and staffing limitations and case processing delays.^{xxv}

In addition to delays in prompt releases, jail release procedures often include minimal reentry planning, with no statute providing specific guidance to jails. Oklahoma law requires the State Department of Health (DMH) to develop and ensure compliance with standards for jails, including uniform release

procedures.^{xxvi} DMH requires that an individual in a city or county jail be positively identified, have their authority for release verified, and have their property returned before release.^{xxvii} In other words, there is no statewide requirement for county jails to support an individual being released from jail and focus attention on the person's future employment, housing, education, mental health, and substance use treatment. While robust reentry planning in the jail setting is harder to facilitate than in a prison setting, many states across the country have begun implementing transitional procedures to ensure the success of an individual upon release, by connecting people to services or providing medication upon release. In addition, both Task Force members and formerly incarcerated individuals reported that individuals are occasionally released from county jails past midnight, often facing immediate barriers to accessing transportation and housing. Stakeholders in Oklahoma County report the nonprofit Diversion Hub schedules pick-ups for individuals released from the local jail to connect them with much-needed resources, but no such service exists at a statewide level.

Funding and Technology Challenges

Two of the MODERN Justice Task Force goals included applying resources toward high-performing strategies to increase public safety and increasing the cost-effectiveness of Oklahoma's state and local justice systems through expanding the use of technology. Task Force members contemplated ways to utilize existing resources efficiently and improve outcomes for those who are justice-involved.

Funding

Oklahoma's counties rely heavily on their tax base to provide necessary government functions and services. With limited resources and several important priorities, including infrastructure and education, county jails are often left to operate with small budgets supported mostly through ad valorem taxes.^{xxviii} To avoid operating in the red, many jurisdictions supplement budgets with sales tax increases; however, this is an unsustainable, and often unattainable^{xxix}, source of revenue as the public must approve the initial increase and maintain the increase every few years on the ballot. Additionally, budgets are often supplemented through civil asset forfeiture collections.^{xxx} Though this has afforded various jurisdictions across the state the ability to purchase necessary items for jail operations, this revenue stream is also unreliable as it fluctuates and is split amongst other justice system stakeholders.

Unable to raise salaries to keep pace with current economic demands, sheriffs and jail administrators across the state are struggling to hire and retain staff. Jail staff and deputies continue to leave the county for better paying opportunities with municipal law enforcement, state corrections, Oklahoma Highway Patrol, and other professions.^{xxxi} The result poses a serious threat to public safety both in and out of jail facilities. Operating with vacancies can result in fewer deputies available to respond to issues in the community and in the jail.

Justice system funding issues are not exclusive to county law enforcement; OIDS, public defenders, district attorneys, courts, and behavioral health providers across the state expressed serious concerns with hiring, retention, and the availability of services and treatment options. While the state helps support these systems and progress has been made, including the realization of a 13 percent increase in the district courts' FY24 budget allocation, district attorneys saw only an 8 percent increase, and OIDS did not see an increase in funding from FY23 to FY24.^{xxxii}

During the 2023 legislative session, funds from savings realized through [State Questions 780 and 781](#), approved by voters in 2016, were authorized for distribution to Oklahoma's counties through the County

Community Safety Investment Fund.^{xxxiii} To receive funding, counties must submit an application to ODMHSAS, and funds must be used for mental health and substance use treatment programs or other health care programs, pretrial diversion programs, employment programs, education programs, or housing programs. However, qualification for funding is based on total available funds and county population, and the number of awards and allocation totals are left up to the discretion of ODMHSAS, leaving room for funds to be dispersed inconsistently across the state.

Technology and Data

Finally, the Task Force identified challenges throughout this process due to the inconsistent collection of data in jails across the state and because there is no standard information exchange protocol. This leaves policymakers and the public with little knowledge of the challenges jails are facing or where to best invest resources to ensure better outcomes for stakeholders and individuals who are justice-involved. There are minimal data tracking and reporting requirements, and jail population data is not collected for or regularly shared at the state level for analysis. Counties collect and track different data items and use different variable codes making it difficult to assess multiple county characteristics and performance. Data, including as a unique identifier, often do not follow an individual through various justice system points, making it nearly impossible to understand how an individual moves through the system.

The Task Force noted that the utilization of technology to interact with those who are justice-involved is limited. Court date notifications are not widely utilized, with no known county-wide court reminder systems across the state, resulting in higher FTA rates. While some counties like Oklahoma and Tulsa provide court date reminders, these are for subset defendant populations like those served by the public defenders' offices or on pretrial supervision. Further, the technology being utilized is not uniform, with some counties using the more advanced option of automated text messaging, while other systems are using phone calls to reach clients. The Task Force found that Oklahoma could better utilize automated text message reminders to create a more efficient system. Similarly, while the pandemic sparked the increased use of remote appearances, which created more efficiencies when employed, this technology has not adapted to all its potential uses. The data demonstrate that individuals being held in one county jail due to a warrant in another county impact the length of stay significantly. Task Force members discussed that the use of remote appearances could help alleviate some of the challenges these situations present.

Recommendations

Having reviewed the key data findings, the Task Force convened in November and December 2023 to identify possible solutions to address jail populations across the state of Oklahoma and the myriad challenges identified throughout its study. During policy development discussions, the Task Force reviewed the most pertinent data findings and analyzed examples of policies and practices implemented in other states that have sought to address similar jail system challenges.

Increase opportunities for individuals with behavioral health issues to receive treatment and be diverted from the criminal justice system when appropriate.

Recommendation 1: Expand behavioral health diversion.

In Oklahoma, the availability and utilization of behavioral health diversion resources vary greatly between jurisdictions. Across the state, law enforcement professionals, judges, and attorneys expressed that jail is often not the best intervention for individuals struggling with behavioral health challenges who have committed low-level offenses. Some areas, like Oklahoma and Tulsa counties, have established programs for these instances, including assisted outpatient treatment diversion programs. While other parts of the state—particularly rural counties—have few alternatives to the traditional criminal justice process for unwell or intoxicated individuals.

Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) has made significant progress in addressing these challenges by expanding behavioral health diversion options, including the expansion of urgent recovery centers run by Certified Community Behavioral Health Clinics and the rollout of the 988 lifeline and mobile crisis units. By July 2024, there will be an urgent recovery center in every county with a population of 20,000 or more, and in counties smaller than 20,000 without an urgent recovery center in a larger contiguous county. However, greater collaboration between the courts, law enforcement, district attorney (DA) offices, and behavioral health professionals is critical to effectively utilizing existing behavioral health diversion options and expanding programming to meet demand regardless of location.

Beyond the 988-crisis lifeline and the use of mobile crisis units, pre-arrest diversion resources are scarce in the state. Upon encountering an individual in crisis who may be engaged in a low-level crime such as trespassing, public intoxication, or loitering, law enforcement officers reported in interviews that they have few options apart from arresting the individual. Pre-arrest diversion is underutilized in the limited areas where it is available and is not significantly impacting the intended population as many people with mental health issues are still admitted to jail. For example, nearly half of the 2,200 people with low-level offenses screened by diversion liaisons at the Oklahoma County jail between October 2022 and June 2023 reported current or past mental health needs.^{xxxiv}

Task Force members indicated that arrest and booking may be perceived as necessary to connect those with unmet behavioral health needs to treatment and supportive services. To respond to this very dilemma, several states have initiated both pre- and post-arrest diversion programs to divert individuals to community-based, harm-reduction interventions for low-level offenses driven by unmet behavioral health needs.^{xxxv}

The Task Force Recommends:

- a) Establishing a behavioral health own-recognition (ROR) option, following the medical ROR model, through which ODMHSAS and the DA collaborate to divert someone from jail who has behavioral health issues.
 - Ensuring that ODMHSAS notifies the DA when someone who has been diverted is released from a facility, so that the DA may delay filing charges to determine whether to dismiss the case.
- b) Increasing the use of Assisted Outpatient Treatment diversion programs beyond Oklahoma and Tulsa counties.
- c) Providing education for law enforcement, DAs, defense attorneys, and judges about the availability of services in their community and diversion opportunities, including:
 - Encouraging the use of iPads in all law enforcement units; and
 - Expanding behavioral health training (other than Crisis Intervention Team [CIT] training) for law enforcement officers.

Recommendation 2: Regionalize behavioral health resources.

The small populations of many Oklahoman counties reduce the economies of scale for creating behavioral health resources and drive up the cost per patient of providing treatment services. Additionally, in the context of mental health professional shortages across the state,^{xxxvi} staffing rural mental health and substance misuse treatment centers can be particularly challenging. Behavioral health providers in rural areas expressed facing challenges in recruiting and retaining qualified professionals.

With funding from the opioid settlements and State Question 781 now being available for distribution to county treatment programs across the state, the Task Force recognizes that the time is right for the establishment of regionalized services so that smaller counties can utilize funding efficiently and effectively to increase access to behavioral health services.

The Task Force Recommends:

- a) Continuing growth of regional crisis centers and mental health facilities.
- b) Expanding and increasing the utilization of sobering centers.

Recommendation 3: Improve competency restoration processes.

Similar to other states across the country, the COVID-19 pandemic upended Oklahoma's competency restoration process. As jails and treatment centers worked to control disease spread, the movement of incarcerated people and evaluation processes slowed, leading to a backup of competency evaluations and a growing waitlist for competency restoration at the OFC in Vinita. Although ODMHSAS has made progress towards reducing this backlog, Oklahoma has yet to fully recover from this disruption, and jails across the state struggle to safely care for individuals awaiting restoration at the OFC. Law enforcement and court professionals across the state expressed frustration with the long restoration wait times, while ODMHSAS works to implement a variety of solutions in the face of continued high rates of competency restoration orders.

The Task Force Recommends:

- a) Encouraging the use of outpatient competency restoration for an enumerated list of felonies.
- b) Requiring the judge make a finding that civil commitment has been considered by all parties (judge, defense counsel, DA) before moving forward with competency restoration for all misdemeanors.
- c) Establishing a rebuttable presumption of not requiring competency restoration for misdemeanor offenses with sentences of 90 days or less, and instead encouraging civil commitment as an alternative after the determination that an individual is incompetent.

Recommendation 4: Expand behavioral health treatment options in jail.

Nationally, one in five adults experience mental illness each year. In correctional settings, the prevalence of behavioral health needs doubles. An estimated 44 percent of individuals detained in local jails report a history of mental illness.^{xxxvii} Despite these high rates, in 2019, less than 10 percent of jails in Oklahoma reported that their facilities serve a behavioral health function, signaling that there may be thousands of Oklahomans in custody who cannot access critical services.^{xxxviii} Without access to appropriate treatment services, severely mentally ill and addicted individuals sit in Oklahoma jails for long periods of time without adequate treatment, often decompensating, while causing significant challenges for jail staff who are ill-equipped to manage their behaviors. Evidence also suggests that individuals struggling with mental illness who do engage with treatment are less likely to commit serious offenses upon reentry.

The Task Force Recommends:

- a) Establishing a Medicaid Waiver for jail-based mental health and substance use disorder treatment, while maintaining current Medicaid coverage for hospital-based treatment of individuals in jail or state custody.

Expand alternatives to arrest and incarceration in jail in order to preserve public safety and reserve jail beds for the most serious public safety risks.

Recommendation 5: Modify current cite and release policies.

In Oklahoma, law enforcement officers have statutory authority to issue a citation to an individual and release them at the scene, in lieu of booking the person into jail for certain offenses. Officers have the discretion to cite and release individuals with misdemeanor charges and violations of city ordinances. Beyond providing the authority to issue a citation, the law does not provide additional guidance on when citations are appropriate, but a recent law change authorizes officers to issue a verbal warning in lieu of arrest when they encounter an individual with a misdemeanor arrest warrant from another county. However, the implementation of this legislation has been stalled due to discrepancies in its interpretation.

Law enforcement leaders and officers expressed interest in maintaining discretion to use cite and release practices in lieu of booking an individual into jail. Officers described the time-intensive nature of the booking process and acknowledged their desire to have more tools to manage their time. Cite and release practices could provide officers with an option other than arrest and detention, but their

utilization is largely dependent on local-level policymaking, the decisions of law enforcement leadership from county to county, availability of cite and release dockets, and the discretion of individual officers.

The Task Force Recommends:

- a) Adding clarifying language to 22 Okl. St. § 177, to ensure that law enforcement officers maintain the ability to arrest on misdemeanor warrants from other counties.
- b) Creating judicial dockets specifically for cite and release cases.
- c) Authorizing the presumption of cite and release for certain offenses.

Recommendation 6: Prevent arrests for failure to appear when possible.

When an individual fails to appear in court for a hearing, interviews indicate that general practice in Oklahoma involves the court issuing a bench warrant for that person's arrest. Upon arrest for FTA, individuals will typically be booked into jail. Some jurisdictions require that individuals who fail to appear be guilty of a misdemeanor, as is authorized by statute, while practice in other counties does not include adding this additional charge.^{xi} According to data from a sample of midsized jails across the state, 14.4 percent of jail bookings in 2022 had an FTA charge associated with that booking.

Evidence-based court notification systems that use call and text reminders have been shown to reduce failures to appear, in some cases by as much as 31 percent, thus increasing case processing efficiency, and saving on FTA-related costs.^{xii} The Task Force noted that there is no centralized statewide court date reminder notification system in Oklahoma. For those few counties that provide court date reminder systems, such as Tulsa County, stakeholders have observed that the FTA rate has reduced significantly as a result.^{xiii} However, quantifiable FTA reductions in Tulsa, for instance, are not available as no benchmark FTA rate prior to the system's implementation was established.

The Task Force additionally noted that for individuals who have already failed to appear but present a minimal public safety threat, opportunities to resolve their warrants in the community may prevent unnecessary incarceration. Outside of Oklahoma and even within certain Oklahoma counties, jurisdictions provide noncarceral approaches to FTAs, including opportunities to resolve FTA warrants in the community and to receive a summons for initial FTAs.^{xliii}

The Task Force Recommends:

- a) Creating and investing in a statewide court date notification system.
- b) Establishing statewide amnesty opportunities for individuals with FTA warrants.

Create more fair and efficient pretrial release processes that rely on evidence-based practices to safely reduce unnecessary pretrial incarceration.

Recommendation 7: Improve pretrial release decision-making by aligning current processes with best practices.

With 75 percent of individuals detained in Oklahoma jails not yet convicted, Oklahoma's pretrial population was 10 percentage points higher than the national average as of 2019.^{xliv} When investigating

the state’s pretrial population further, the Task Force noted only 5 percent of all jail releases for a sample of midsize jails in 2022 were released on ROR or personal recognizance bonds, while release on bail or cash bond represented nearly 50 percent of all releases in midsize and rural jails in 2022. Further, since 2019 the average bail amounts across jail types have increased substantially.

The increase in bail amounts has coincided with an increase in length of stay across all jail types, including a 70 percent increase in rural jails. Most jail administrators and sheriffs surveyed in 2023 attributed an individual’s inability to pay bail as a factor contributing to increased lengths of stay. Alternatives to bail are limited, with most counties having no known pretrial supervision programs. The statutory guidance on the structure of these programs is minimal, and of the few pretrial programs in the state, most have substantial eligibility restrictions.^{xlv}

Meanwhile, studies show that pretrial detention negatively impacts employment and earnings over time and leads to more continued involvement in the criminal justice system and longer sentences, compared to those individuals not held in pretrial detention.^{xlvi} Additionally, research has shown that money bond does not increase court appearance, is associated with a higher likelihood of rearrest, and results in disproportionate rates of detention for Black individuals and those with limited financial means.^{xlvii}

In response, several states, including Tennessee, Arizona, and Nebraska have adopted a presumption or requirement of release under the least restrictive conditions to assure return to court and no criminal conduct.^{xlviii} Many states have also implemented pretrial systems that use pretrial risk assessment tools, that focus on the risk a person poses to return to court or engage in criminal conduct, rather than whether the person can afford to buy their way out of detention. Pretrial risk assessments that have been validated on the target population on which they are used have been shown to result in more accurate and appropriate release decisions resulting in higher court appearance rates and lower rates of rearrest across both lower and higher risk groups.^{xlix} Lastly, to develop buy-in for the use of pretrial release programs, several states and local jurisdictions have also formalized training for court actors on evidence-based pretrial decision-making.¹

The Task Force Recommends:

- a)** Examining the feasibility of establishing a statewide pretrial release program through a continuation of the MODERN Justice Task Force, with a report and recommendations for state leaders by July 1, 2024.
 - As a part of this study, require the MODERN Justice Task Force review pretrial research and best practices related to requiring the least restrictive release conditions.
- b)** Establishing guidelines for pretrial release programs operating across the state that:
 - Utilize the results of a validated pretrial risk assessment to establish an appropriate supervision level;
 - Provide graduated sanctions and incentives as a guide for responding to behavior on supervision;
 - Ensure programs are utilizing technology where appropriate; and
 - Ensure programs provide wrap-around services to increase success on supervision, including drug testing, voluntary mental health and substance use treatment, assistance with transportation, etc.
- c)** Expanding use of real-time global positioning system (GPS) monitoring for pretrial release, including smartphone technology to remove barriers of ankle monitoring.

Streamline adjudicatory processes to address increasing lengths of stay.

Recommendation 8: Establish timelines to streamline the court process and strengthen speedy trial provisions.

Pretrial lengths of stay have increased in Oklahoma, with case processing times now taking longer to reach disposition in 2022 than in 2018 in many counties across the state. For instance, in Roger-Mills County, the period from the opening of the case until final disposition increased 61.5 percent and Adair County experienced a 49 percent increase.ⁱⁱ

With a multitude of hearings and steps in the adjudicatory process, delays at each phase slow the progression of the case through the court system. Stakeholders across the state report that case processing times are impacted specifically by discrepancies in timelines for charges being filed across counties, the timely completion of discovery, and the frequency of continuances.

The Task Force Recommends:

- a) Establishing a 5-day time frame (including weekends and holidays unless the 5th day is a weekend or holiday) for filing charges after arrest unless the DA requests an extension.
- b) Providing formal opportunities for discovery to be provided by both parties earlier in the adjudicatory process by:
 - Requiring police reports to be provided by the DA to defense counsel as soon as they are received by the DA and no later than 3 days before the preliminary hearing.
 - Requiring the defense counsel and DA confer at formal arraignment to establish a discovery deadline, and absent agreement from parties, the 10-day deadline shall stand. The judge is still authorized to establish the discovery deadline of their preference.
- c) Establishing time frames for court processes, to ensure cases are processed in a timely fashion by:
 - Limiting the total number of continuances to one continuance each for defense and prosecution, absent extenuating circumstances stated on the record.
Limiting the period of a continuance to 20 days.
 - Requiring continuance requests be made in person by an attorney, with a written explanation.
 - Requiring data to be collected on the total number of continuances, the reason for a continuance, and the hearing for which the continuance was requested and reported to the Administrative Office of the Courts.
 - Limiting extension of a preliminary hearing to no more than 30 days beyond the prior hearing date.
 - Prohibiting an attorney or firm of record from requesting withdrawal or removal from a case after the preliminary hearing, absent an appealable conflict.
 - Establishing a statewide accelerated docket for certain victimless offenses, including cases that do not involve witnesses or extensive discovery.

Recommendation 9: Authorize the use of virtual hearings for an individual’s initial appearance when they are held in a county other than that of the county with an active warrant.

When detained individuals have an active warrant from a different jurisdiction, they must be transported to the original county for an initial appearance. This process is not only time-consuming for officers, but is also costly, inefficient, and leads to increases in an individual's length of stay.

The Task Force Recommends:

- a) Utilizing virtual hearings for initial appearances before the magistrate of the county with the active warrant when an individual is held in a different county when technology allows.

Recommendation 10: Improve the process through which indigent defendants are appointed counsel to avoid extended pretrial detention when appropriate.

Stakeholder interviews indicate that length of stay is also impacted when an indigent defendant requires counsel to be appointed. Outside of the two major metropolitan areas, Oklahoma’s indigent defense process does not automatically provide defendants with counsel for initial appearances, when the defendant’s liberty is at risk. Without representation at the bail determination, defendants are more likely to face extended pretrial detentionⁱⁱⁱ. Interviews indicate that defendants receive the application for indigent defense at inconsistent points in the pretrial phase – with some receiving the application at jail booking, while most others do not receive the paperwork until after the initial appearance, which can sometimes cause delays in an individual’s pretrial release.

Further, while the law ensures that a defendant posting bond cannot disqualify them from receiving an indigent defense attorney, stakeholder interviews indicate implementation of this change is not occurring uniformly across the state.

The Task Force Recommends:

- a) Each district court reviews its bond paperwork, to ensure that the denial of indigent defense counsel is not based on the defendant’s ability to post bond.
- b) The Administrative Office of the Courts provide education for judges regarding the recent statute change, which prohibits ability to pay bond from being the sole basis for denying an individual an indigent defense attorney.
- c) Ensuring that a person unable to post bond be appointed a public or OIDS attorney without applying for indigency.

Improve release processes and prioritize jail beds for those who pose the greatest risk of flight or to the public.

Recommendation 11: Implement policies that will improve release decisions by prioritizing safe reintegration into communities and connecting justice-involved individuals with appropriate services upon release.

Sheriffs and jail administrators across the state expressed a need for modifications to how individuals are released from jail and for additional mechanisms to safely reduce populations. Individuals released from jail often encounter barriers to successful reintegration such as limited reentry planning and releases in

the middle of the night. Thus, many individuals return to their communities with few resources and unprepared to succeed.

Additionally, when overcrowding persists, jail staff in some counties report sending names of individuals with low-level offenses or low bail amounts who remain in jail to judges for reconsideration of bail, in order to ensure sufficient jail beds for those with the most serious charges or risk of flight. Though the law entitles those incarcerated in county jails to earn 5 days off their sentence for every 4 days that rules and regulations are followed, Oklahoma jails do not utilize earned time credits, missing opportunities to incentivize safe and compliant behavior in detention and help manage crowded jail conditions.

The Task Force Recommends:

- a) Ensuring safe, efficient reintegration to communities by:
 - Establishing jail reentry resources to immediately connect people being released from jail with services.
 - For individuals who are sentenced to jail, requiring their discharge from jail occurs between 9 a.m. and 6 p.m. on the day of discharge.
 - When individuals receive a judicial order of release, authorizing an individual to opt into being released directly from court following the judge's release order.
- b) Authorizing an individual to pick up clothes and property from jail after being released.
- c) Ensuring jails establish credit-earning procedures that encourage good behavior from detainees and ensure jail space for high-risk individuals.
- d) Authorizing jail administrators and sheriffs to petition the court, with DA approval, to release an individual pretrial.

Invest in and improve victim services in order to better serve victims and survivors of crime.

Recommendation 12: Invest funds directly and utilize technology to better serve victims and survivors of crime and prevent future victimization.

Within the jail data analyzed by the Task Force, domestic assault and battery was the most frequent person-based offense at admission to jails in 2022. The proportion of person-based offenses varied across jails of different sizes, ranging from 26 percent of admissions in the urban jail to 16 percent of admissions in the mid-sized jails in 2022. In June 2023, the District Attorney's Council, which already allocates funding for at least one victim witness coordinator in every judicial district, voted to add additional victim services staff to their funding formula. As such, moving into the next budget cycle each DA's office is presumed to not only require at least one victim witness coordinator but additional victim services staff as well, regardless of population in recognition of the central role that victims play. This investment in victim services comes at a critical time, as funding for victim services in the community has been declining over time. Federal grants for organizations in the community, like nonprofits, serving crime victims have been declining over time, dropping over 50 percent since 2018.^{liii} The Task Force recognizes both the need to cement these positive changes in funding and the opportunity to continue to invest in and modernize how the local justice systems across the state serve victims and survivors of crime.

The Task Force Recommends:

- a) Modernizing funding for victims and survivors by:
 - Codifying the current funding practice by the District Attorney’s Council for Victim Witness Coordinators and victim services in statute as a part of the District Attorney’s Council’s duty to establish an equitable distribution plan for allocation of any funds for state prosecution.
 - Establishing stable and annual funding for programs that serve victims of domestic violence as a line item in the budget, distinct from the victim witness coordinator funding within DAs’ offices.
- b) Identifying barriers to completion of lethality assessments by law enforcement to assist victims and prevent future victimization by tracking data on the results of lethality assessments.
- c) Establishing a database for law enforcement to access the assessment’s results:
 - Where the Lethality Assessment Protocol determines the subject of the assessment to be at moderate or high risk for further violence, the information that has been collected by law enforcement through the lethality assessment is separately reported, through a database to which the DAs and judges across the state may have access. This information should be used to determine if further assessment of the victimizer is necessary to understand the nature and severity of the threat.
- d) Utilizing technology to better serve victims:
 - Invest in a centralized, interactive victim resource portal.
 - More easily facilitate remote appearances for victims of crime.

Prioritize investments to address hiring and retention challenges to ensure necessary and appropriate services across jail systems.

Recommendation 13: Maximize resources by regionalizing the delivery of vital services for jails in rural and hard-to-hire areas of the state.

Jails across the state are struggling to hire and retain deputies and jail staff. In 2012, Oklahoma enacted HB 2499, permitting counties to jointly create a regional jail by resolution of their governing boards. The regional jail commissions are composed of the sheriff and presiding county commissioner from each county within the district. With finite resources to address challenges, some Oklahoma counties have begun partnering with neighboring counties to provide detention services.

The Task Force Recommends:

- a) Counties consider adopting a regional approach for custodial and/or treatment services to maximize staffing potential and provide the best quality of care for those in their custody.

Recommendation 14: Increase funding and improve funding mechanisms for criminal justice stakeholders and operations.

Another way to increase hiring and retention rates for sheriff departments is to prioritize salaries; however, with the funding of jails so heavily reliant upon the county's taxpayers, and with the unavoidable expenses that come with running a jail facility, there is little room in department budgets to increase pay of deputies or staff. Adding to that strain, the state's jails are not reimbursed by the state for the actual cost of holding state inmates. Jails are often also unable to provide adequate healthcare or maintain the upkeep of facilities, with most jails having failed health department inspections in 2022.

During interviews with stakeholders across the state, the staffing challenges in law enforcement are matched by the challenges of attracting and retaining DAs, OIDS attorneys, and county court staff. Sheriff and DA budgets are often supplemented with civil asset forfeiture dollars to obtain necessary equipment or to supplement salaries. Additionally, due to a lack of investments, mental health and substance use services and resources are limited and fragmented across the state.

The Task Force Recommends:

- a) Requiring the statutorily established DOC reimbursement rate to be updated to more accurately reflect the cost to incarcerate an individual awaiting DOC custody.
- b) Matching funding for public defender offices to OIDS office funding.
- c) Supplementing budgets for law enforcement officers, attorneys, and courts through alternative funding sources, including opioid abatement settlement dollars or the sale of front license tags.

Ensure oversight and accountability.

Modernizing Oklahoma's local justice systems will require careful implementation and oversight. Legislative and administrative changes may be needed after implementation to enable the state to realize the goals of justice reinvestment. Data analysis has been a vital component of the Task Force process and has been necessary in order to develop the recommendations. The ongoing collection and analysis of data and performance measures to ensure what is anticipated actually occurs is a necessary component for implementation of these changes. The lack of detailed data collection and inadequate integration capabilities currently prevent state and local leaders from being able to regularly assess local criminal justice system outcomes. Data in Oklahoma at the county level, including from district courts, court clerks, local law enforcement, and jails, are not consistently collected or tracked across the state.

Recommendation 15: Utilize technology to standardize the collection and reporting of local criminal justice data and facilitate better justice outcomes for all those impacted by the system.

The implementation of these recommendations will be complex and will require coordination and management. Several states that have enacted similar comprehensive reform packages have established oversight councils to track implementation, report on outcomes, and recommend adjustments if necessary.

The robust analysis of data is a critical component of tracking outcomes and measuring performance of justice systems. Of the 77 counties, there is no uniform data management software that is utilized,

causing disparate tracking of data. Specifically, counties collect different data variables, use different offense codes, and even use different formats while attempting to track similar data. The data systems within the county are asynchronous, meaning there are challenges integrating datasets within a county, not to mention at the statewide level. It is critical that decision makers at the state and local levels are able to access key data metrics, to monitor the performance and outcomes of the local justice system.

The Task Force noted multiple instances where quantifiable outcomes would have greatly improved decision-making had they been available. For instance, when discussing the number of continuances or improvements in FTA rates following Tulsa County's implementation of a court notification system, having better data would have enabled leaders to make more informed decisions about what is and is not functioning well in the state.

The Task Force Recommends:

- a) Establish the MODERN Justice Task Force as a standing oversight body to oversee the legislative and implementation processes for policies passed based on recommendations, support ongoing collaboration among local and state justice system stakeholders, and conduct further study on establishing a statewide pretrial services agency in Oklahoma.
 - Charging the MODERN Justice Task Force with conducting follow-up studies on establishing a statewide pretrial services agency, a law enforcement-assisted diversion program in Oklahoma, and a pilot program to review the use of lethality assessments.
 - Requiring data collected by various state and local agencies be reported to the Task Force, which will review data trends, assess outcomes, and identify gaps that should be addressed, possibly through future legislation or administrative changes.
 - Requiring standardized submission of data from local criminal justice stakeholders.

Acknowledgments

The Oklahoma MODERN Justice Task Force would like to thank the following agencies, associations, and individuals for their assistance throughout the Justice Reinvestment Initiative process:

Office of Juvenile Affairs

Executive Director Jeffrey Cartmell

Comanche County Detention Center

Jail Administrator Bill Hobbs
Sandy MacDonald

Comanche County Sheriff's Department

Sheriff Kenny Stradley
Undersheriff Doyle Tosh

Rogers County Sheriff's Office

Undersheriff Jon Sappington
Chief Deputy Zack Starkey
Lieutenant Brandon Masingale

Sequoyah County Sheriff's Office

Sheriff Larry Lane
Undersheriff Charles House
Deputy Jeremy Day

Harmon County Sheriff's Office

Former Sheriff Leslie Orr
Acting-Sheriff Kirk Wade

Woods County Sheriff's Office

Sheriff Rudy Briggs
Undersheriff Keith Dale

Seminole County Detention Center

Jail Administrator Amanda Windle

Okmulgee County Jail Trust

Executive Director Shannon Clark
Deputy Executive Director Christopher Cook

Okfuskee County Sheriff's Office

Sheriff Jim Rasmussen

Major County Sheriff's Office

Jail Administrator Kaylee Hulsey
Undersheriff Wes Mongold

Garfield County Detention Center

Former Jail Administrator Ben Crooks

Oklahoma County Sheriff's Office

Major Charles Avery
Captain Shawn Shelby
Lieutenant Gene Bradley

Oklahoma County Detention Center

CEO Brandi Garner
IT Director Jeff Ama
IT Specialist Isaac Derksen

Turnkey Health Services

Donna Hanson

Claremore City Police Department

Chief Steve Cox

Sallisaw Police Department

Chief Terry Franklin
Captain Herbert Hutchinson

Oklahoma City Police Department

Chief Wade Gourley
Deputy Chief Jason Clifton
Captain Jason Bussert

District Court

The Honorable David Guten
The Honorable Scott Meaders
The Honorable Grant Sheperd
The Honorable Douglas Golden
The Honorable Don Andrews
The Honorable Kenneth Stoner
The Honorable Heather Coyle
The Honorable Stephen Pazzo
The Honorable Kyle Waters
The Honorable Lara Russell
The Honorable Kevin McCray
The Honorable Catherine Burton
The Honorable April Collins
The Honorable Sara Bondurant
The Honorable Martha Oakes
The Honorable Perry Hudson

Municipal Court

Oklahoma City Municipal Court Administrator
LaShawn Thompson

Oklahoma Problem-Solving Courts

ADA Stephanie Younis – Tulsa County
Tina Edwards – Sequoyah County
Chrisie Stone – Rogers County
Donna Seymour – Rogers County

County Court Clerk's Offices

Court Clerk Gina Cox – Sequoyah County
Court Clerk Rick Warren – Oklahoma County
Mike Sullivan – Oklahoma County
Rick Buchanan – Oklahoma County
Jennifer Bowen – Oklahoma County
Gay Williams – Oklahoma County
Retha Chamberlain – Oklahoma County

Oklahoma Department of Mental Health and Substance Abuse Services

Nisha Williams
Kimberly Biard

Pretrial Service Providers

Julia Curry – Cleveland County
Grant Billingsley – Oklahoma County
Robin Wright – Oklahoma County
Mary McDonald – Tulsa County
Christopher King – Tulsa County
Sherri Carrier – Tulsa County

Public Defender's Office

Jacob Benedict, Oklahoma County
Madison Melon, Oklahoma County
Nicole Burns, Oklahoma County
Deputy Public Defender Glen Blake, Tulsa County

District Attorneys' Offices

ADA Corey Miner – District 21
ADA Blake Johnson – District 15
ADA Cindy Cunningham – District 14
Sara Ramey – District 14
Matt Riordan – District 14
DA Vicki Behenna – District 7
ADA Kelly Basey – District 7

Oklahoma Indigent Defense System Attorneys

Deputy Division Chief Debbie Maddox – Comanche and Stephens Counties
Jennifer Douglas Marsh – Canadian County
Chief of the Non-Capital Trial Division Kevin Finlay
Deputy Division Chief Rick Yohn – Woodward, Woods, Major and Dewey Counties

Family Children's Services

Katherine Ronnow

County Commissioners

Commissioner Josh Powers – Comanche County
Commissioner Marc Bolz – Garfield County
Commissioner Leon Warner – Creek County
Commissioner Heath Dobrovolny – Kingfisher County
Commissioner Jim Rogers – Sequoyah County
Commissioner Karen Keith – Tulsa County
Chief Deputy James Rhea – Tulsa County
Commissioner Marlon Miller – Lincoln County
Commissioner Carrie Blumert – Oklahoma County
Commissioner Brian Maughan – Oklahoma County
Commissioner Myles Davidson – Oklahoma County

Oklahoma Appleseed

Founding Executive Director Colleen McCarty
President Michael Chipman
Vice President Jerry Brittain

Association of County Commissioners of Oklahoma

Executive Director Chris Schroder
President Jim Rogers
Joe Koerner
Dusty Birdsong

Oklahoma Policy Institute

Former Research Director Ryan Gentzler
Research Director Brancen Gregory
Andrew Bell

Arnall Family Foundation

President Sue Ann Arnall
Austin Mayden
Perrin Duncan
Tina Brown
Mable Dixon-Shelton

Oklahomans for Criminal Justice Reform

Executive Director Damion Shade

Healthy Minds Policy Initiative

Executive Director Zack Stoycoff
Brittany Hayes

Center for Employment Opportunities

Valerie Greenhagen
Leah Bacon
Emily Ray
Greg Martin

Oklahoma State Department of Health District 5

Regional Director Brandi X Combs
Diann Delgado-Wauqua

Shortgrass Community Health Center

Ginger Creech

People's Inc. Sallisaw

Crystal Stimac

Grand Mental Health

Amber McDonald

CREOKS Children's Services Sallisaw

Mindy Hanson

HOPE Community Services

Director of Justice Services Robert Scott

Red Rock Behavioral Health Services

James Bridwell

Ariel Bryan

Cyd Oakes

NorthCare

Rachael Picon

Oklahoma County Crisis Intervention Center

Ron Sims

Lauren Stover

Michelle Muglia

OKC Metro Alliance

Executive Director Jennifer Francis

Community Stakeholders

James Moody

Jimmy Tachawwilkah

Kelly Wynn

Michael Brown

Kymala Hubbard

Ryan Mukes

Kimberly Love

Donna Parsons

Charles Rogers

Diversion Hub

Executive Director Meagan Taylor

Sydney Woods

John Parker

Camila Galeano

JusticeLink

Program Director Nathan Rhea

Women in Recovery

Chief Program Officer Mimi Tarrasch

Rachel Delcour

Lani Burns

TEEM

Executive Director Kris Steele

Jaime Patterson

The Bail Project

Nicole Zayas Manzano

Hannah Meadows

Lily Gleicher

Palomar

CEO Hillary Burkholder

Anden Bull

Nicole Sukenis

Charlotte Vanover

ReMerge

Executive Director Jenna Morey

Shiann Copeland

Melissa Walton

US Department of Justice, Bureau of Justice Assistance

Ben Shelor

Jeffrey Locke

Crime and Justice Institute

Noah Atchison

Carrie Chapman

Colby Dawley

Yasmin Eriksson

Len Engel

Will Isenberg

Jeanine Johnson

Mackenzie Kushner

Maura McNamara

Nikki Miguel

Ashley Neufeld

Melanie Pitkin

Molly Robustelli

Rachel Schmidt

Ellen Spolar

Shannon Streisel

Vanessa Thompson

Josh Veza

Maja Vlajnic

Mei Yang

-
- ⁱJRI Invitation Letter Signed 8/24/22 by Governor Stitt, Senate President Pro Tem Treat and Speaker McCall
- ⁱⁱ Federal Bureau of Investigation, Crime Data Explorer, *Estimated Crimes 1979 to 2020*. [CDE \(cjis.gov\)](https://cde.cjis.gov)
- ⁱⁱⁱ Rosenfeld, R., Boxerman, B., & Lopez, E. (2023). *Pandemic, Social Unrest, and Crime in U.S. Cities, Year-End 2022 Update*; Federal Bureau of Investigation, Crime Data Explorer, [CDE \(cjis.gov\)](https://cde.cjis.gov)
- ^{iv} Oklahoma State Bureau of Investigation, *Crime in Oklahoma, 2011-2020*. [Crime Statistics | Oklahoma State Bureau of Investigation](https://www.oksb.gov/crime-statistics)
- ^v Zeng, Z., & Minton, T.D. (2021). Census of Jails, 2005-2019-Statistical Tables. Bureau of Justice Statistics. [Census of Jails, 2005–2019 – Statistical Tables \(ojp.gov\)](https://www.ojp.gov/census-of-jails)
- ^{vi} Ibid.
- ^{vii} White, Terri. n.d. “Mental Illness and Addiction: A Community Concern.” Oklahoma Department of Mental Health and Substance Abuse Services. Accessed November 16, 2023. <https://oklahoma.gov/content/dam/ok/en/odmhsas/documents/a0001/mental-illness-and-addiction-a-community-concern.pdf>
- ^{viii} Legislative Office of Fiscal Transparency. 2022. “Priority Program Evaluation Delivery of Mental Health Services.” Oklahoma Legislative Office of Fiscal Transparency. August 2022. <https://okloft.gov/reports/delivery-of-mental-health-services/report-resources>
- ^{ix} RHIhub. 2023. “Map of Health Professional Shortage Areas: Mental Health, by County, 2022 - Rural Health Information Hub.” www.ruralhealthinfo.org. 2023. <https://www.ruralhealthinfo.org/charts/7>
- ^x Zeng, Z., & Minton, T.D. (2021). Census of Jails, 2005-2019-Statistical Tables. Bureau of Justice Statistics. [Census of Jails, 2005–2019 – Statistical Tables \(ojp.gov\)](https://www.ojp.gov/census-of-jails)
- ^{xi} Example: 21 Okl. St. § 1705 (2023)
- ^{xii} Fieldcamp, Brett. “Rising Numbers, Promising Results for 988 Helpline’s First Year in OK.” Oklahoma City Free Press , 6 Aug. 2023, <https://freepressokc.com/rising-numbers-promising-results-for-988-helplines-first-year-in-ok/>
- ^{xiii} 22 Okl. St. § 472 (2023)
- ^{xiv} Okl. Const. Art. 2, § 8 (2023)
- ^{xv} Okl. St. § 1105.3 (2023)
- ^{xvi} 22 Okl. St. § 1101 (2023) – Offenses for which bail may be denied are capital offenses, violent offenses, offenses where the maximum sentence may be life imprisonment or life without parole, felony offenses when the defendant has been convicted of two or more felony offenses arising out of different transactions, and controlled dangerous substances offenses where the maximum may be at least ten years’ imprisonment.
- ^{xvii} Brill v. Gurich, 1998 OK CR 49, 965 P.2d 404 (Okla. Cr. 1998)
- ^{xviii} County of Riverside v. McLaughlin. 1991., Gerstein v. Pugh. 1975., Black v. State. 1994., Darks v. State. 1998., Dimsdle vs. State. 1969., and Saunders v. State. 1970.
- ^{xix} 22 Okl. St. § 181 (2023)
- ^{xx} Stack v. Boyle. 1951. § 55. Qualification Rules for Court-appointed Attorney, 20 Okl. St. § 55. (2023).
- ^{xxi} Data provided by the Oklahoma Policy Institute on May 24, 2023.
- ^{xxii} 22 Okl. St. § 1355.9 (2023)
- ^{xxiii} “Delivery of Mental Health Services.” Oklahoma Legislative Office of Fiscal Transparency. August 30, 2022. <https://okloft.gov/reports/delivery-of-mental-health-services/report-resources>
- ^{xxiv} 22 Okl. St. § 1105.2 (2023)
- ^{xxv} Elyse, Hunter. 2023. “Release of Inmates Delayed due to System Upgrade.” *KFOR.com Oklahoma City*, November 2, 2023. <https://kfor.com/news/local/release-of-inmates-delayed-due-to-system-upgrade/>; Burger, Jason. 2023. “Man Acquitted of Murder Released after Spending Extra Night in Oklahoma County Jail.” *KOCO*, September 19, 2023. <https://www.koco.com/article/oklahoma-man-acquitted-murder-released-spending-extra-night-jail-ronald-bledsoe/45197803>
- ^{xxvi} 74 Okl. St. § 192 (2023)
- ^{xxvii} *Unofficial Rules TITLE 310. OKLAHOMA STATE DEPARTMENT of HEALTH CHAPTER 670. CITY and COUNTY DETENTION FACILITY STANDARDS*. 2019. <https://oklahoma.gov/content/dam/ok/en/health/health2/documents/jail-standards.pdf>
- ^{xxviii} Wood, Mindy. “Sheriffs Ask Legislature for Money to Offset Staffing Shortage, Boost Deputy Pay.” Oklahoma Voice. September 25, 2023. <https://doi.org/https://oklahomavoice.com/2023/09/25/sheriff-deputies-ask-legislature-for-money-to-offset-staffing-shortage-boost-deputy-pay/>
- ^{xxix} McKendrick, Kelci. “Voters Reject Proposed County Sales Tax Increase to Expand, Renovate Jail.” Enid News & Eagle. August 23, 2022. https://doi.org/https://www.enidnews.com/news/voters-reject-proposed-county-sales-tax-increase-to-expand-renovate-jail/article_83362d74-2356-11ed-b68b-2721864804ce.html
- ^{xxx} “Public Safety.” Oklahoma Senate. September 25, 2023. Video, <https://oksenate.gov/live-chamber>

-
- xxxⁱ Ibid.
- xxxⁱⁱ 2023 Bill Text OK H.B. 1004x (2023)
- xxxⁱⁱⁱ 2023 Bill Text OK S.B. 844 (2023)
- xxx^{iv} Kayla Branch, "People with mental illness are more likely to die in jail. A new Oklahoma County program puts them in treatment instead," *The Frontier*, August 31, 2023, <https://www.readfrontier.org/stories/people-with-mental-illness-are-more-likely-to-die-in-jail-a-new-oklahoma-county-program-puts-them-in-treatment-instead/>
- xxx^v "Lead National Support Network", LEAD Support Bureau, accessed August 2, 2023, <https://www.leadbureau.org>; Streisel, Shannon, Christy Visher, Daniel J. O'Connell, and Steven S. Martin, "Using law enforcement to improve treatment initiation and recovery," *Fed. Probation* 83 (2019): 39.
- xxx^{vi} Health Minds Policy Initiative, *Greatest needs of Oklahoma's behavioral health workforce* (Oklahoma: Healthy Minds Policy Initiative, November 2023), https://assets-global.website-files.com/638f97e13417b746d0eb3763/654a4dd894e8b362b831bce5_Greatest%20needs%20of%20Oklahoma%27s%20behavioral%20health%20workforce%20Nov%202023%20FINAL.pdf
- xxx^{vii} Mental Health by the Numbers, National Alliance on Mental Illness, accessed 11.30.23, [Mental Health By the Numbers | NAMI: National Alliance on Mental Illness](https://www.nami.org/About-NAMI/NAMI-Statistics/Mental-Health-by-the-Numbers)
- xxx^{viii} Zeng, Z., & Minton, T.D. (2021). Census of Jails, 2005-2019-Statistical Tables. Bureau of Justice Statistics. [Census of Jails, 2005-2019 – Statistical Tables \(ojp.gov\)](https://www.ojp.gov/bjs/census-of-jails)
- xxx^{ix} Kristin M. Zgoba et al, "Criminal Recidivism in Inmates with Mental Illness and Substance Use Disorders," *American Academy of Psychiatry and the Law* Volume 48, Number 2 (2020) <https://jaapl.org/content/jaapl/early/2020/02/12/JAAPL.003913-20.full.pdf>
- xⁱ 1-11-27 Citations; Failure to Comply. City Code of Skiatook Oklahoma § 12-77 and § 12-78. 1991.
- xⁱⁱ Schnacke, Timothy R., Michael R. Jones, and Dorian M. Wilderman, "Increasing court-appearance rates and other benefits of live-caller telephone court-date reminders: The Jefferson County, Colorado, FTA pilot project and resulting court date notification program," *Ct. Rev.* 48 (2012): 86. Matt O'Keefe, "Court Appearance Notification System: 2007 Analysis Highlights" (Portland, O.R., Multnomah County Local Public Safety Coordinating Council, June 2007); Nice, Matt. "Court Appearance Notification System: Process and Outcome Evaluation" Multnomah County, OR: *Budget Office Evaluation* (2012); Bornstein, Brian H., Alan J. Tomkins, and Elizabeth M. Neely, "Reducing Courts' Failure to Appear Rate: A Procedural Justice Approach," *US Department of Justice* (2017).
- xⁱⁱⁱ McCoy, Evelyn F., Azhar Gulaid, Nkechi Erondy, and Janeen Buck Willison, "Removing Barriers to Pretrial Appearance," *Urban Institute* (2021).
- x^{liii} L. C. Cr. P. Art 211 (2023) (Illionis); Molly Sarnogyi. Outreach Court Program Presentation. May 2023. <https://ptacollaborative.org/wp-content/uploads/2018/08/Tallahassee-Leon-ACC-Four-Year-Report-Final-1.pdf>; Carol Robinson, "Didn't show up for court? Jeffco DA offers amnesty for failure to appear on non-violent crimes," *AL.com*, June 10, 2021, <https://www.al.com/news/birmingham/2021/06/didnt-show-up-for-court-jeffco-county-da-offering-amnesty-for-non-violent-offenders-failure-to-appear-warrants.html>
- x^{liiv} Zeng and Minton. "Census of Jails, 2005-2019 – Statistical Tables," *Bureau of Justice Statistics*. <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/cj0519st.pdf>
- x^{lv} 22 Okl. St. § 1105.3 (2023); 22 Okl. St. § 1105.2 (2023)
- x^{lvi} Will Dobbie, Jacob Goldin, and Crystal S. Yang. "The effects of pretrial detention on conviction, future crime, and employment: Evidence from randomly assigned judges." *American Economic Review* 108, no. 2 (2018): 201-40.
- x^{lvii} Jake Monaghan, Eric Joseph van Holm, and Chris W. Surprenant, "Get Jailed, Jump Bail? The Impacts of Cash Bail on Failure to Appear and Re-arrest in Orleans Parish," *American Journal of Criminal Justice* (2020): 1-19, <https://doi.org/10.1007/s12103-020-09591-9>. Megan T. Stevenson, "Distortion of Justice: How the Inability to Pay Bail Affects Case Outcomes," *The Journal of Law, Economics, and Organization* 34, no. 4 (2018): 511-542, <https://doi.org/10.1093/jleo/ewy019>
- x^{lviii} Neb. Rev. St. § 29-901 (2023); Tenn. Code Ann. § 40-11-115 (2023); Ariz. R. Crim. P. 7.2(a) (2023)
- x^{lix} "Pretrial Release: Risk Assessment Tools" National Conference of State Legislatures, accessed December 1, 2023, <https://www.ncsl.org/civil-and-criminal-justice/pretrial-release-risk-assessment-tools>; Samantha A. Zottola and Sarah L. Desmarais, "Comparing the Relationships Between Money Bail, Pretrial Risk Scores, and Pretrial Outcomes," *Law and Human Behavior* 46, no. 4 (2022): 277, <https://doi.org/10.1037/lhb0000487>; Advancing Pretrial Policy & Research, Public Safety Assessment (Center for Effective Public Policy, 2021), <https://advancingpretrial.org/improving-pretrial-justice/app-resources/pretrial-research-summaries/>
- ^l "Court Programs Established by the Wisconsin Court System," Wisconsin Court System, Accessed Jul. 31, 2023, <https://www.wicourts.gov/courts/programs/pretrial.htm>; "Pretrial Decisions in Mecklenburg County: What Judges Need to Know," <https://rise.articulate.com/share/q5hNWQf-l1D6SWJtaCKGpYAoVhW1xLSO#/>; New Jersey Courts, 2017 Report to the Governor and the Legislature (2017), 3, 10, <https://www.njcourts.gov/sites/default/files/2017cjrannual.pdf>

^{li} Data provided by Oklahoma Policy Institute

^{lii} Shamera Anwar et al., "The impact of defense counsel at bail hearings. *Sci. Adv.*9, eade3909 (2023).
<https://www.science.org/doi/10.1126/sciadv.ade3909>

^{liii} Data provided to the Task Force by Palomar: Oklahoma City's Family Justice Center