

STATE OF OKLAHOMA

Smart Justice Reform Act (SQ 781) FY 2020 Calculations Report



Created by
Office of Management and Enterprise Services



OKLAHOMA
Office of Management
& Enterprise Services

OMES SQ 781 FY 2020 Calculation Report

Summary:

- [57 O.S. § 632](#) requires the Office of Management and Enterprise Services to annually calculate the potential averted costs from the implementation of the Oklahoma Smart Justice Reform Act (SQ 780).
- OMES collaborated with personnel from the Oklahoma Department of Corrections, the Oklahoma Policy Institute and Oklahomans for Criminal Justice Reform to establish a methodology to best estimate the cost savings for FY 2020 for SQ 781.
- DOC estimates that the marginal daily inmate cost for FY 2020 was \$13.20.
- The updated methodology for calculating the estimated cost savings for FY 2020 relies on the marginal daily inmate cost data provided by DOC and a cost savings formula created by the Oklahoma Policy Institute and Open Justice Oklahoma.
- In FY 2020, it is estimated by this formula that the DOC averted approximately 804,394 days served in incarceration for offenders who were convicted of crimes directly affected by SQ 780.
- The cost savings to DOC is estimated by this report to be \$10.6 million for FY 2020.
- One of the key aspects regarding SQ 780 is that the law changes the classification of simple drug possession to a misdemeanor instead of a felony ([63 O.S. § 2-402](#)). It also affects the classification of property crimes by raising the dollar amount that makes them a felony or misdemeanor from \$500 to \$1,000.
- The majority of offenses in Oklahoma that were affected by SQ 780 were offenses related to simple drug possession.

Details:

Under [57 O.S. § 632](#), OMES is required to calculate the estimated averted costs from the implementation of the Oklahoma Smart Justice Reform Act (State Question 780; SQ 780). This act amended the statutory penalty for specific crimes.

SQ 781 requires OMES to calculate averted cost savings from SQ 780 annually. OMES worked with DOC and OPI to establish a methodology to calculate the estimated savings for FY 2020 and future fiscal years. OMES utilized OPI's court and prison data that they used to come up with the updated cost savings formula. Data was gathered from DOC, Oklahoma State Courts Network and On Demand Court Records. The formula utilized records of offenders admitted to DOC whose last case before entry *only* included charges affected by SQ 780. The research considered when the charges were filed and how long they were incarcerated at DOC in the fiscal year they were charged (Year 0) and the two following fiscal years. The 3-fiscal-year time period was used because research indicates that inmates serving time for SQ 780 offenses seldom served more than three years for offenses related only to SQ 780.

Figure No. 1: How many people avoided prison in FY 2018 and after due to SQ 780?

The table below shows the number of people who served time in DOC in the years after being convicted of only SQ 780 offenses. For instance, 747 people charged in FY 2015 served time in FY 2015; 1,560 people charged in FY 2015 served time in FY 2016; and 1,368 people charged in FY 2015 served time in FY 2017. (Research data provided by OPI.)

		People who served time in fiscal years after case filing		
		Year 0	Year 1	Year 2
Fiscal year of case filing	2015	747	1,560	1,368
	2016	781	1,541	1,440
	2017	681	1,594	1,507
	<i>Average</i>	<i>736</i>	<i>1,565</i>	<i>1,438</i>

Figure No. 2: How many days would they have spent in prison in each fiscal year?

The table below shows the total number of days served after being convicted of only SQ 780 offenses for people charged in fiscal years 2015 to 2017. (Research data provided by OPI.)

		Total number of days served in fiscal years after case filing		
		Year 0	Year 1	Year 2
Fiscal year of case filing	2015	87,260	396,167	325,645
	2016	100,598	365,864	344,044
	2017	76,701	370,349	358,779
	<i>Average</i>	<i>88,186</i>	<i>377,460</i>	<i>342,822</i>

FY 2020 Formula Methodology:

Estimated average of total days served in the same year of case filing (Year 0) by offenders whose last case included only SQ 780 offenses +
Estimated average of total days served in year one after case filing +
Estimated average of total days served in the second year after case filing =
Average total days averted in the third year of implementation x
Marginal cost per day of DOC inmate =
Total estimated cost averted

Figure No. 3: According to the DOC Chief Financial Officer Ashlee Clemmons, the marginal daily inmate cost for FY 2019 was \$13.20. This figure shows the components of that average daily cost calculation.

FY 2019		
Medical		9.85
Inmate Pay		0.40
Clothing/Shoes/Linens/Hygiene		0.32
Food		2.63
		13.20

Figure No. 4: Savings to DOC is estimated to be about \$10.6 million in FY 2020. It is anticipated the savings will likely level off at a slightly higher level of savings in future fiscal years.

		Estimated average days averted in FY		
		FY 2018	FY 2019	FY 2020
Fiscal year of case filing	2018			342,822
	2019			377,460
	2020			88,186
Total days				804,394
Total averted cost (Days x \$13.20/inmate per day)				\$10,618,001