



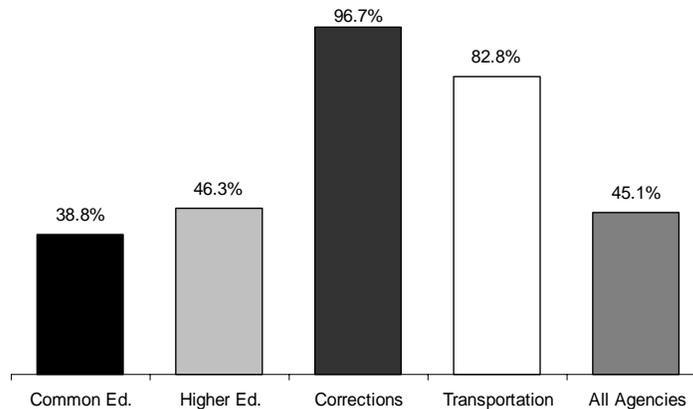
CORRECTIONS

No major area of state government spending had grown faster than the prison budget. Spending more money each year to house and feed criminals frustrates most policymakers, who would rather focus tax dollars on more roads and better schools. Nonetheless, law breakers keep showing up at the doorstep of prisons in record numbers, forcing prison spending increases. This chapter describes the state's prison system, summarizes recent concerns and initiatives, and discusses benchmarks with other states.

DEPARTMENT OF CORRECTIONS BUDGET

Since FY'95, the Department of Corrections budget has grown faster than every other major area of state government.

Percent Change in Appropriations to Select Agencies
FY'95 to FY'01

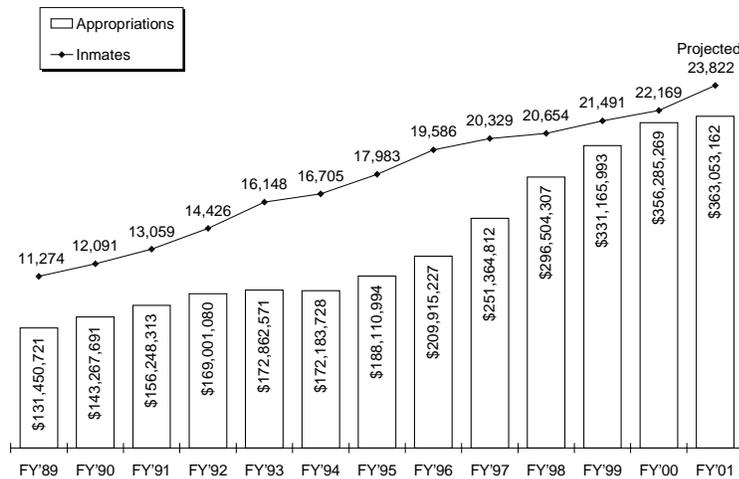


Funding has nearly doubled from FY'95 to FY'01. Over that period, 11 cents of every new tax dollar appropriated by the Legislature has gone to lock up criminals.

Appropriations and Inmate Count History

Since FY'89, the number of inmates in DOC custody has nearly doubled, while appropriations have nearly tripled.

History of DOC Appropriations and Inmates
FY'89 to FY'01



Source: Inmate Count from DOC End of FY "Inmate Population Analysis

Prison system funding growth would have been much higher if DOC had its way. For each of the past three years, DOC has requested an average \$100 million funding increase – roughly one-third of all new funds available for all government functions. The Legislature and Governor have been far less generous, almost always appropriating well under the amount DOC requests. For example, in FY'00 51% of requested funds for housing inmates were ultimately appropriated; in FY'01, 6.2% of requested housing funds were initially appropriated.

DOC can fairly accurately predict its bed needs years in advance, and its projections have recently been within 2% of the ultimate inmate population. However, because of initial shortages in appropriations, prison funding demands are typically presented as an emergency. In 6 of the last 11 years, emergency supplemental appropriations have been approved in mid-fiscal year.

Sources of Funding

Almost all funding for DOC comes from state appropriations. Revolving funds are generated from sales of products and services to inmates (canteen sales), and from sales of inmate-produced products and services to internal and external purchasers. Federal funds are generally grants for specific treatment or rehabilitation programs.

FY'01 DOC Budget by Source

Appropriated Funds	\$364,253,162	89%
Revolving Funds	36,117,860	9%
Federal Funds	<u>8,277,179</u>	<u>2%</u>
Total Funding	\$408,648,201	100%

Costs of the Prison System

Almost all (91.7%) of the funds spent by DOC go toward housing inmates in various settings. The remaining 8.3% represents administrative costs. Cost per inmate varies widely by type of facility and program.

FY'99 Costs and Counts of DOC Programs By Program Type, From Lowest to Highest Security

Program	Average Offender Count	% of Total	Total Annual Expenditures	% of Total	Cost Per Day
Probation and Parole	31,375	59.9%	\$22,700,167	6.6%	\$1.98
Community Svc Sentencing Program	251 *	0.5%	\$2,806,141	0.8%	\$30.63
Halfway Houses	621	1.2%	\$8,154,842	2.4%	\$35.98
Community Work Centers	735	1.4%	\$9,496,104	2.7%	\$35.40
Community Corrections Centers	741	1.4%	\$12,132,680	3.5%	\$44.86
Minimum Security Prisons	5,231	10.0%	\$82,163,262	23.8%	\$43.03
Medium Security State Prisons	6,406	12.2%	\$97,438,245	28.2%	\$41.67
Medium Security Private Prisons	4,562	8.7%	\$76,293,980	22.1%	\$45.82
Co. Jail Contracts for Secure Beds	399	0.8%	\$3,787,695	1.1%	\$26.01
Co. Jail Back-up Beds	541	1.0%	\$4,765,061	1.4%	\$24.13
Maximum Security Prisons	<u>1,478</u>	2.8%	<u>\$26,075,486</u>	7.5%	\$48.34
TOTAL	52,340		345,813,663		

* In total, 971 CSSP enrollees in FY'99 served an average 93 days in county jail under the program. Average offender count is based on annual full-time-equivalent enrollees.

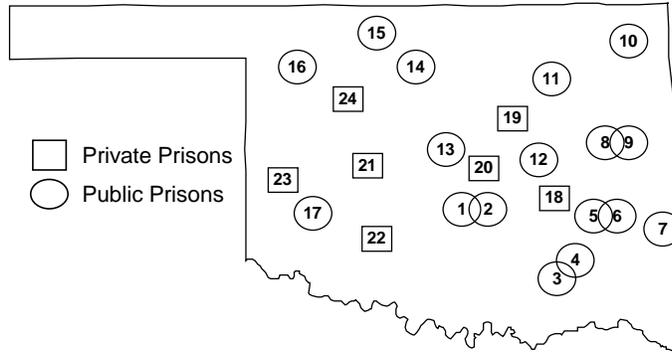
Source: DOC "Statement of Operating Costs," based on FY'99 actual expenditures. Costs include administrative and central services, which are apportioned by inmate counts.

The costs include about \$8.6 million in programs designed to rehabilitate the offender, which amount to about 2.1% of total spending.

Organization of the Prison System

There are 24 prisons – 17 public and 7 private – scattered throughout the state.

Location of Oklahoma Prisons



- | | |
|--|---------------|
| 1. Lexington Assessment and Reception Center | Lexington |
| 2. Joseph Harp Correctional Center | Lexington |
| 3. Howard McLeod Correctional Center | Atoka |
| 4. Mack Alford Correctional Center | Stringtown |
| 5. Oklahoma State Penitentiary | McAlester |
| 6. Jackie E. Brannon Correctional Center | McAlester |
| 7. Ouachita Correctional Center | Hodgen |
| 8. Eddie W. Warrior Correctional Center | Taft |
| 9. Jess Dunn Correctional Center | Taft |
| 10. Northeast Oklahoma Correctional Center | Vinita |
| 11. Dick Conner Correctional Center | Hominy |
| 12. John Lilly Correctional Center | Boley |
| 13. Mabel Bassett Correction Center | Oklahoma City |
| 14. James Crabtree Correctional Center | Helena |
| 15. Bill Johnson Correctional Center | Alva |
| 16. William S. Key Correctional Center | Fort Supply |
| 17. Oklahoma State Reformatory | Granite |
| 18. Davis Correctional Facility (private) | Holdenville |
| 19. Cimarron Correctional Facility (private) | Cushing |
| 20. Central Oklahoma Correctional Facility (private) | McLoud |
| 21. Great Plains Correctional Facility (private) | Hinton |
| 22. Lawton Correctional Facility (private) | Lawton |
| 23. Northfork Correctional Facility (private) | Sayre |
| 24. Diamondback Correctional Facility (private) | Watonga |

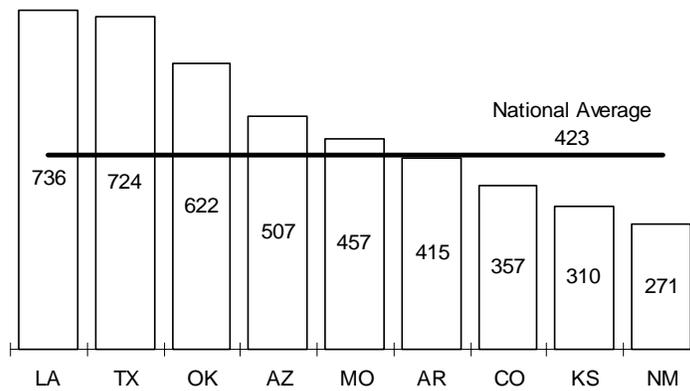
Of the seven private prisons, four hold Oklahoma inmates exclusively, two mix Oklahoma and out-of-state inmates and one holds exclusively out-of-state inmates. Four of the private prisons are owned by Corrections Corporation of America and one each are owned by Cornell Corrections Corporation, Wackenhut Corporation and Dominion Management Inc.

In addition to prisons, the Department of Corrections also operates 22 community-security facilities (these, along with most minimum-security prisons, have no secure fences). Fifteen are work centers and seven are community corrections centers. The department also contracts with 10 privately operated halfway houses.

Cost Comparisons with Other States

Oklahoma has consistently incarcerated a greater percentage of its residents than almost every other state. In 1998, according to U.S. Census data, Oklahoma imprisoned 622 inmates for each 100,000 residents (or 0.6% of the population), which is 147% of the national average rate of 423 prisoners per 100,000 residents. Only the states of Louisiana (736 per 100,000) and Texas (724 per 100,000) incarcerate more of their population.

State Prisoner Incarceration Rates, 1998
Rates per 100,000 Population



Source: Bureau of Justice Statistics.

Some of the gap in incarceration rate can be explained by Oklahoma's higher crime rate. Oklahoma's 1997 crime rate of 5,495 per 100,000 residents is 11.7% higher than the national average of 4,923. While that might explain one-third of the statistical divergence in incarceration, the

other two-thirds is speculative. Many sociologists point to similarities of Louisiana, Texas and Oklahoma: they are Southern states, which have a general emphasis on retribution vs. rehabilitation, they share low per-capita income, and have low per-capita educational attainment.

One would think Oklahoma, with its extraordinary rate of imprisonment, would spend much more on prisons than other states. However, that is not the case. The main reason is that Oklahoma's prisons are run cheaply. There are two ways to compare Oklahoma's prison spending with other states: Costs per inmate and cost per capita.

Per-Capita State and Local Expenditures for Corrections – In 1995, the latest year for which data is available, Oklahoma ranked 36th among the 50 states, spending \$79.76 per citizen for state, county and city incarceration. The amount is 58% of the national per-capital spending of \$136.46. (Source: U.S. Census 1998 report, "Government Finances: 1994-1995")

Per-Inmate Spending: – In FY'98, the latest year for which data is available, Oklahoma ranked 46th in the nation in spending per state prisoner. Oklahoma spent \$13,450 per inmate in that year, which was 58% of the national average of \$22,966.

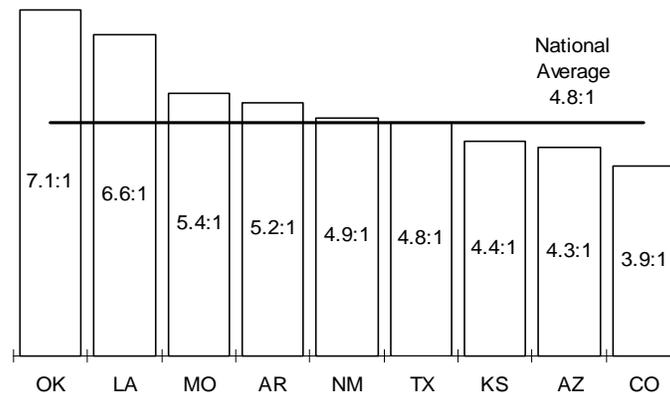
Low spending does not always translate into efficiency. Oklahoma's system has been criticized for being too frugal for rehabilitation programs, which might help reduce crime and imprisonment. Also, Oklahoma prisons pay low salaries to workers, which has led to manpower shortages, diminished enforcement of institutional rules and morale problems.

Staffing Ratio

The Department of Corrections has had problems recruiting and retaining employees to work in prisons. The result is that Oklahoma has the second-worst staffing ratio in the nation.

Staffing ratio has worsened over the past decade, due largely to a strong economy that offers better jobs than correctional officer (CO). Current starting salary for a CO is \$16,742, slightly more than \$8 per hour. After three years on the job, the average a CO makes \$21,244 annually. Average CO pay in Oklahoma trails surrounding states by 18%. The Legislature has approved various retirement benefits over the past few years to recruit and retain COs, but the annual turnover among officers remains above 25%.

Ratio of Inmates to Security Staff
Counts as of Jan. 1, 1999



Source: 1999 Corrections Yearbook

County Jails

Because of funding and space shortages, DOC pays county jails for housing between 500-700 prisoners at any given time. Jails are different from prisons in that they are designed to hold suspects awaiting trial and offenders sentenced to less than one year confinement. Felons sentenced to more than one year confinement become DOC's responsibility. DOC pays jails under two programs:

- "Contract Beds" to hold medium-security inmates after they have been received to the prison system; and
- "Back-up Beds" to hold convicted felons until DOC has the space to receive them into the prison pipeline.

In October 2000, DOC was paying 14 county jails to house about 350 prisoners in contract beds at a rate of \$31/inmate/day. DOC was paying various counties \$24/day for each of the 500 "backed-up" inmates in October 2000. Jails are paid below the \$43/inmate/day rate paid to private prisons, but jails do not offer the quality or quantity of services (education, recreation, law library access, jobs) typically provided in a prison setting.

Battles Lawsuit

Much of DOC's spending demands are driven by the *Williams v. Saffle* federal lawsuit, formerly known as the *Battle v. Anderson* (named for the

original inmate, Bobby Battle, who represented the class of inmates now headed by Robert Michael Williams, and the DOC directors when the suit was filed in 1972 and amended in 1999). The federal class-action suit generally alleges inhumane treatment of prisoners in Oklahoma. The lawsuit's original complaint centered on racial and religious discrimination (which precipitated the 1973 riot at the Oklahoma State Penitentiary). Over the suit's three-decade history, however, plaintiffs' focus has turned to crowding (triple-celling occurred as recently as the early 1990s), fire hazards and, most recently, inmate medical care.

Between 1976 and 1983, when the U.S. Department of Justice joined the plaintiffs in a case known as *Battle II*, federal Judge Luther Bohanon demanded more prison spending to ensure compliance with court orders. State leaders complied by increasing annual spending four-fold, from \$21 million in 1976 to \$90 million in 1983. The court's role since then has generally been to enforce settlement agreements that have been reached between plaintiffs attorneys (lead by Lou Bullock) and the department. The most recent settlement agreement, approved by the court in June 1999, included a plan to greatly expand DOC's inmate health care program. The budget for medical services has increased from \$16.6 million in FY'97 to \$38.5 million in FY'01, a 132% increase over four years.

In 1999, DOC began seeking dismissal of the lawsuit. Abandoning the settlement agreement, the agency contends inmates are now receiving constitutionally appropriate medical care and confinement. DOC's motion is pending as of October 2000.

Community Sentencing Alternatives

The most recent addition to expand DOC's capacity to handle offenders has come in the agency's Community Sentencing Division. In FY'01, the Legislature provided \$7 million so that DOC can begin providing treatment and supervision of moderate-risk offenders who might otherwise have been sentenced to prison. DOC has estimated that community sentencing, once it becomes operational statewide, might divert 1,000 low-risk offenders annually from prison, reducing by about 14% the number of people booked into prison in an average year.

Community sentencing is the latest in a long line of programs that have sought alternatives to prison for low-risk offenders. Recently, two statistics have ignited skepticism that more prisons are the answer to Oklahoma's criminal justice problems:

- 2,600 or 37% of the 7,000 people entering prison in FY'99 were first-time offenders, who are generally the best candidates for rehabilitation. Most of these offenders committed non-violent crimes.
- While the crime rate in Oklahoma has dropped 25% from its high in 1986, the incarceration rate during the period has more than doubled, increasing 115%. (The crime rate is measured in index crimes: murder, non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft and arson).

PROFILE OF OKLAHOMA PRISONERS

The typical Oklahoma prisoner is a 35-year-old white male who dropped out of school after the 10th Grade. He is being imprisoned after his 1st or 2nd conviction, and is serving his first prison term. His crime was non-violent, most likely drug-related. He is a heavy user of drugs or alcohol. He will serve slightly more than two years in prison, about 40% of a five-year sentence.

Recidivism: the Revolving Door

Oklahoma's three-year recidivism rate is about 28%, meaning that 28 out of each 100 inmates released from the prison system are reincarcerated after three years. The rate is about the same as the national average.

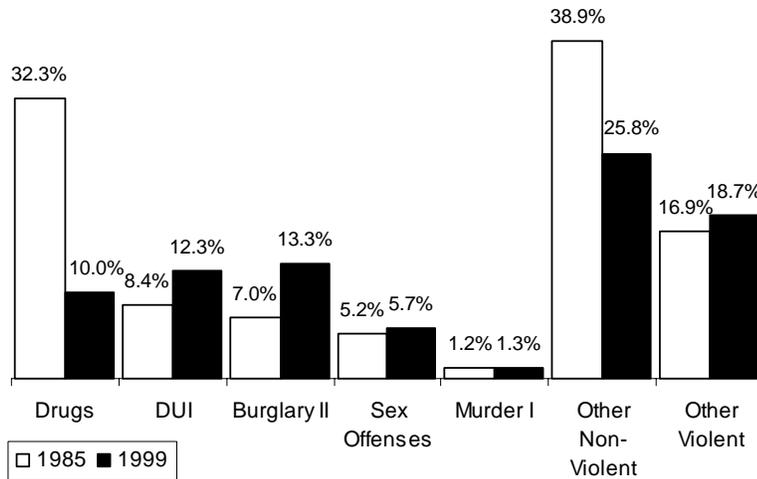
Rehabilitation programs attempt to prevent inmates from returning to prison after release. DOC spends about \$8.6 million on rehab programs, which accounts for 2.1% of total spending. One-third of rehabilitation funding comes from federal grants. To encourage inmates into rehabilitation programs, DOC awards achievement earned credits for successful completion of approved programs. Such credits count directly against an inmate's sentence – each credit subtracts one day from the sentence they must serve. Credits are 90 for completion of high school or General Educational Development (GED) program, 25 for a substance abuse program, and 10 for literacy training.

DOC uses a cognitive therapy program, "Thinking for a Change," as the system-wide program to change the criminal mindset. Perhaps 20% of the total inmate population will partake in the program. Most DOC facilities offer other, more specific rehabilitation programs, such as sex offender therapy and anger management.

Changes in Crimes Committed

Four out of 10 prisoners entering DOC's custody are convicted on drug or DUI charges. The war on drugs, begun in the 1980s, has impacted the prison system more than any other policy initiative. In the 14 years between 1985 and 1999, the percentage of inmates received to prison on drug charges tripled, from 10.0% to 32.3%. In 1999, more than 2,300 inmates came into the prison system on drug convictions, versus 429 in 1985.

Trends in Prison Reception by Crime Type
Percent of Total Reception, 1985 vs. 1999



Source: Department of Corrections calendar year reception statistics

Oklahoma is not unique in the trend of imprisoning more drug offenders. Nationally, the proportion of drug law violators grew from 8.6% in 1985 to 22.8% in 1995.

Education

Of new inmates entering the prison system, about 29% read below the eighth-grade level and 67% have not graduated high school. Education programs are available at every prison, but not all inmates qualify to use the programs. In FY'98, 6,547 inmates participated in general education programs (representing 33% of all inmates and 54% of inmates who did not graduate high school). Job training programs are available at more than half of DOC facilities, in conjunction with career education (vo-tech) schools.

Drug Abuse

Drug and alcohol abuse is a main cause of criminal activity, and increased sentence lengths for these crimes contribute to overcrowding. More than two-thirds of the system's 22,000 inmates have been identified as having a substance abuse problem – a total of 14,500 inmates. In FY'98, 640 inmates (5% of those estimated with a need) participated in DOC drug abuse programs.

Drug abuse continues among inmates, even within prison walls. System-wide random drug testing of inmates shows that 5.3% of inmates tested positive for illegal drugs during a 17-month period beginning in 1998. If the sample was random, the survey indicates that 1,200 of the 22,000 inmates in the system are under the influence of drugs at any given time (the tests do not detect alcohol, which is probably more commonly abused in prison). Interestingly, the incidence of dirty tests was three times higher in private prisons -- 12% in private medium security prisons, versus 4% in public medium-security prisons. Of the 31,000 inmates on parole or probation, an average of 18% of sampled subjects tested dirty for drugs over the survey period.

The chapter Mental Health and Substance Abuse includes discussion of Drug Courts, which seek to divert addicts from prison.