



## **PUBLIC SAFETY AND CORRECTIONS**

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### **Homeland Security**

Since September 11, 2001, no area of government has received more attention than that of Homeland Security. Because of the tragic events on that fateful Tuesday, lawmakers have been thrust into the position of creating and funding agencies to deal with Homeland Security, at the same time dealing with budget shortfalls. Other issues to come to the foreground have included new laws to make terrorism a state crime, the creation of a permanent Homeland Security Director, and assessments to determine the readiness of Oklahoma.

During the 2002 session, legislators approved the creation of the Office of Interim Oklahoma Homeland Security Director in SCR 42. The Director's duties include: representing the state with federal agencies; coordinating and preparing applications for federal funds; and other duties related to homeland security.

The Legislature also passed several bills aimed at Homeland Security.

Senate Bill 822 created the Oklahoma Antiterrorism Act. It criminalizes the acts of terrorism, terrorism hoax, biochemical assault, and manufacturing a substance with intent of terrorist activity. The act also provides that in addition to imprisonment, a person shall be ordered to make restitution to victims and to reimburse the cost of any emergency personnel, equipment, supplies, and other expenses incurred by the state and any political subdivision as a result of responding to the crime.

House Bill 2536 redirects 50% of the one cent (\$0.01) assessment per gallon of fuel to the Higher Education Facilities Revolving Fund up to \$38 million. Part of the revenue generated by the assessment and directed to the fund will be allocated to Oklahoma State University for funding the purchase of equipment and renovation of facilities on the campus of Oklahoma State University for work on the application of advanced sensor technology for the detection of chemical and biological threats to homeland security.

Senate Bill 1472 provides for the criminalization of persons who tamper with or disable security or surveillance cameras or security systems. The bill provides punishments for those acts committed during misdemeanors and felonies.

Although these were the only bills that passed during the 2002 session, other issues were heavily debated, including what additional emergency powers would fall under the Governor's and health official's purviews.

Since the creation of the Office of Interim Oklahoma Homeland Security Director, the Director has been extremely busy dealing with homeland security issues concerning Oklahoma:

- Vulnerability and threat assessments were conducted for state, local, and private industry;
- Needs and Capabilities assessments were conducted of fire departments, hazardous materials teams, law enforcement agencies, emergency medical services, hospitals, and public work agencies;
- Eight jurisdictions were created in order to develop Regional Weapons of Mass Destruction (WMD) Response Teams;
- Regional Advisory Groups, to serve in the eight Response Regions, comprised of various disciplines both public and private are being developed to assist in making recommendations for the placement of equipment for First Responders within their jurisdiction; and
- A Homeland Security Division is being established within the Department of Public Safety to assist in carrying out the duties of Interim Homeland Security Director. The personnel assigned to this division have the responsibility of oversight of federal grants, purchasing of equipment for First Responders, and coordinating required training and mock exercises across the state.

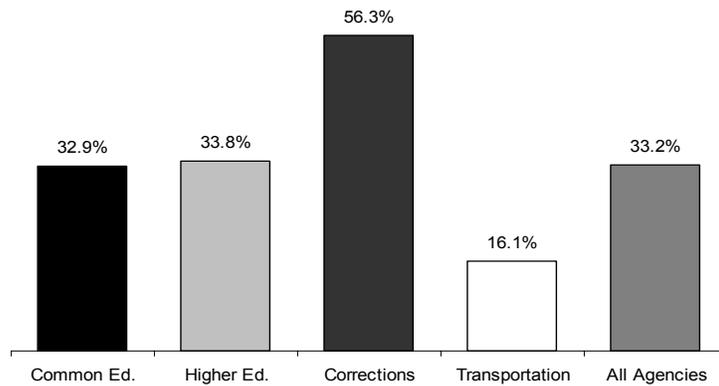
## **Department of Corrections**

No major area of state government spending has grown faster than the prison budget. The mission of the Department of Corrections is to protect the public, the employees, and the offenders. 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'97, the Department of Corrections budget has grown faster than every other major area of state government.

### Percent Change in Appropriations to Select Agencies FY'97 Through FY'03

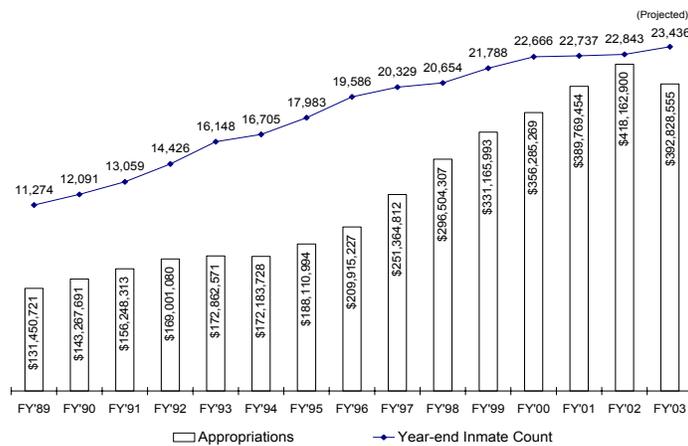


Funding has increased over 50% from FY'97 to FY'03.

### Appropriations and Inmate Count History

Since FY'89, the number of inmates in DOC custody has doubled, while appropriations have tripled. The FY'03 DOC budget comprises 7% of the total state appropriated budget. In FY'89, the DOC state appropriated budget comprised 5.9% of the total state appropriated budget.

### History of DOC Appropriations and Inmate Count FY'89 Through FY'03



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

## 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'03 DOC Budget by Source

Appropriated Funds	\$392,828,555	90%
Revolving Funds	36,865,430	9%
Federal Funds	<u>4,811,600</u>	<u>1%</u>
Total Funding	\$434,505,585	100%

## Costs of the Prison System

Almost all (93%) of the funds spent by DOC go toward housing inmates in various settings. The remaining 7% represents administrative costs. Cost per inmate varies widely by type of facility and program.

### FY'01 Costs and Counts of DOC Programs By Program Type, From Lowest to Highest Security

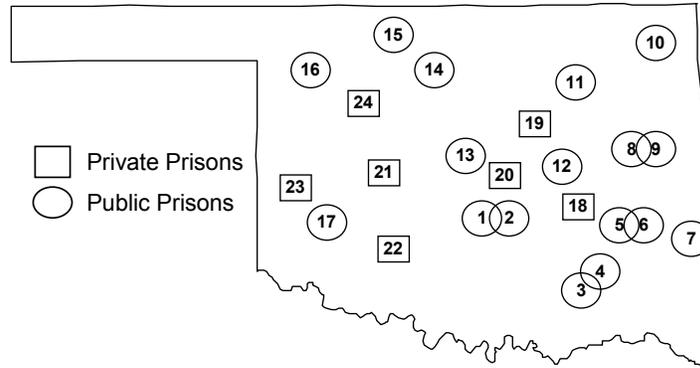
Program	Average Offender Count	Percent of Total	Total Annual Expenditures	Percent of Total	Cost Per Day
Probation and Parole	32,329	59.2%	\$22,100,822	5.6%	\$1.87
Halfway Houses	896	1.6%	\$12,184,487	3.1%	\$37.26
Community Work Centers	979	1.8%	\$11,176,932	2.8%	\$31.28
Community Corrections Centers	572	1.0%	\$10,328,948	2.6%	\$49.47
Minimum Security Prisons	5,348	9.8%	\$91,822,140	23.3%	\$47.04
Medium Security State Prisons	6,702	12.3%	\$112,805,008	28.6%	\$46.11
Medium Security Private Prisons	6,036	11.0%	\$100,796,427	25.5%	\$45.75
Co. Jail Beds - Contract	322	0.6%	\$4,184,102	1.1%	\$35.60
Maximum Security Prisons	1,444	2.6%	\$29,272,420	7.4%	\$55.54
TOTAL	<u>54,628</u>		<u>\$394,671,286</u>		

Source: DOC "Statement of Operating Costs," based on FY'01 actual expenditures. Costs include administrative and central services, which are apportioned by inmate counts.

## 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       |

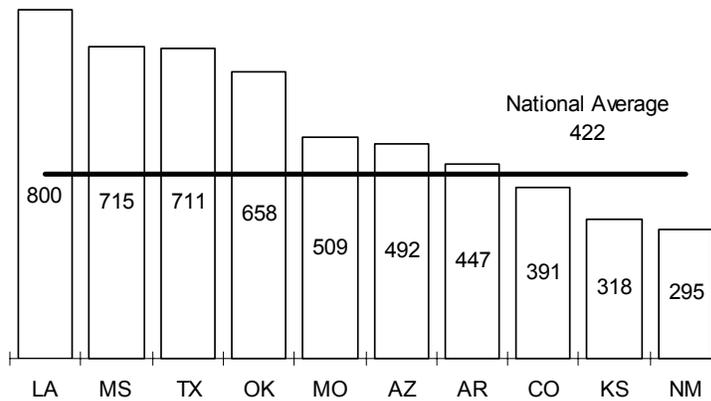
Of the seven private prisons, four hold Oklahoma inmates exclusively, two mix Oklahoma and out-of-state inmates and one holds out-of-state inmates exclusively. Four of the private prisons are owned by Corrections Corporation of America and one each are owned by Cornell Corrections Corporation, Wackenhut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

In addition to prisons, the Department of Corrections also operates 20 community-security facilities (these, along with most minimum-security prisons, have no secure fences). Fifteen are work centers and five are community corrections centers. The department also contracts with eight 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 2001, according to Bureau of Justice data, Oklahoma imprisoned 658 inmates for each 100,000 residents (or 0.66% of the population), which is 156% of the national average rate of 422 prisoners per 100,000 residents. Only the states of Louisiana (800 per 100,000), Mississippi (715 per 100,000), and Texas (711 per 100,000), incarcerate more of their population.

State Prisoner Incarceration Rates, 2001  
Rates per 100,000 Population



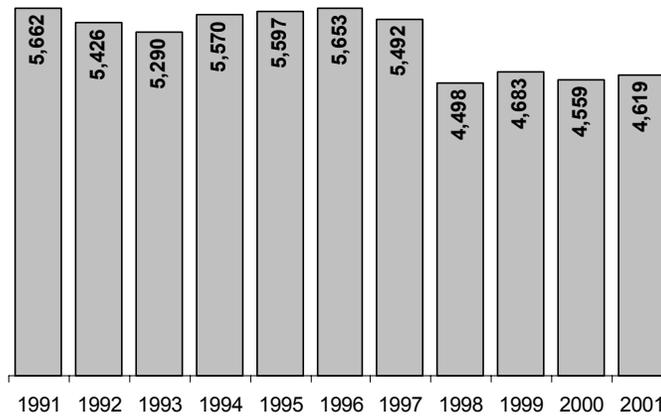
Source: Bureau of Justice Statistics, "Prisoners in 2001"

Some of the gap in the incarceration rate can be explained by Oklahoma's higher crime rate. Oklahoma's 2000 crime rate of 4,559 per 100,000 residents is 10.5% higher than the national average of 4,124. 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, Mississippi, 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.

While the crime rate in Oklahoma has dropped 24% from its high in 1987, the incarceration rate during the period has more than doubled, increasing 169%. (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).

Oklahoma Crime Rate 1991-2001  
Rates per 100,000 Population



Source: OSBI "Uniform Crime Reports"

4,079 or 67% of the 6,050 people entering prison in FY'01 were first-time offenders, these offenders are generally the best candidates for rehabilitation. Most of these offenders committed non-violent crimes.

With Oklahoma's extraordinary rate of imprisonment, many Oklahomans might think that much more is spent on prisons than in other states. However, that is not the case. 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 1999, the latest year for which data is available, Oklahoma ranked 30th among the 50 states, spending \$133 per citizen for state, county and city incarceration. The amount is 80% of the national per-capital spending of \$167. (Source: U.S. Census 2001 report, "Government Finances: 1998-1999")

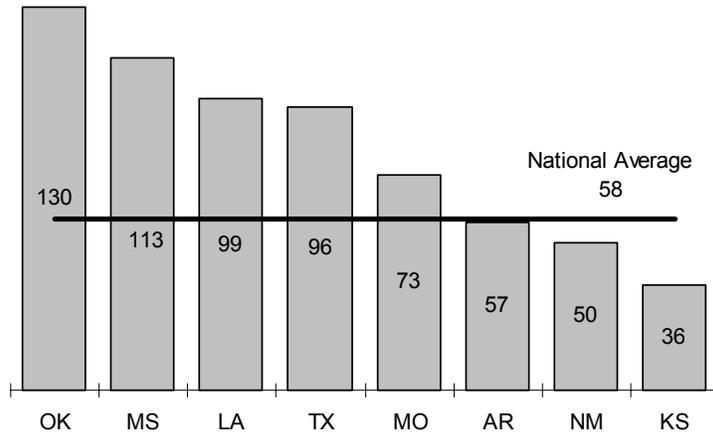
Per-Inmate Spending: – In 1999, the latest year for which data is available, Oklahoma ranked 40th in the nation in spending per state prisoner. Oklahoma spent \$42.36 per day or \$15,461 per inmate in that year, which was 73% of the

national average of \$57.92 per inmate per day or \$21,141. (Source: 2000 Corrections Yearbook)

### **Female Offenders**

Over the past several years, Oklahoma has ranked number one in incarcerating women. 2001 was no different. Oklahoma incarcerates 130 females per 100,000 people. This incarceration rate is 124% above the national average (58 per 100,000 people).

**Female Incarceration Rates, 2001**  
*Rates per 100,000 Population*



Source: Bureau of Justice "Prisoners in 2001"

Female offenders represented 14.9% of all receptions for DOC in 2001. A majority of these receptions stem from drugs and alcohol.

Another major issue concerning the female inmate population in Oklahoma is the plan to move all female inmates at Mabel Bassett into the Central Oklahoma Correctional Facility (COCF) in McLoud. Along with the move, DOC plans to transfer female inmate processing from Lexington Assessment and Reception Center to McLoud. To facilitate this transition, DOC plans to enter into a 20-year lease-purchase agreement with Dominion Management to operate COCF as a state facility. In order to make this move revenue neutral, DOC is relying on revenue generated from housing female inmates, who already reside at COCF, from Hawaii and Wisconsin.

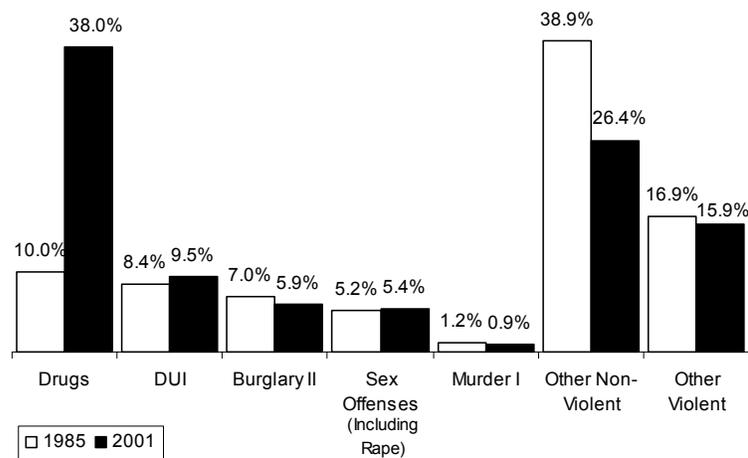
## PROFILE OF OKLAHOMA PRISONERS

The typical Oklahoma prisoner is a white male, 33 years of age, and who has dropped out of school after the 10th Grade. He is being imprisoned after his first or second 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 six-year sentence.

### Changes in Crimes Committed

Four out of ten 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 16 years between 1985 and 2001, the percentage of inmates remanded to prison on drug charges nearly quadrupled, from 10.0% to 38%. In 2001, more than 2,967 inmates came into the prison system on drug convictions, versus 429 in 1985.

Trends in Prison Receptions by Crime Type  
Percent of Total Receptions, 1985 vs. 2001



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.

### 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 40% of the system's 22,000 inmates have been identified as having a substance abuse

problem – a total of 9,997 inmates. In FY'02, 2,473 inmates (25% 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 5.2% of inmates tested positive for illegal drugs during FY'01. The incidence of dirty tests was slightly higher in private prisons – 5.6% in private medium security prisons. Of the 31,000 inmates on parole or probation, an average of 8.7% of sampled subjects tested dirty for drugs over the survey period. Since the inception of random testing in FY'99, the percentage of positive tests has dropped from 9.8% to 5.6%.

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

## **Education**

Of new inmates entering the prison system in FY'02, about 61% read below the eighth-grade level and 71% did not have a high school degree. Education programs are available at every prison, but not all inmates qualify to use the programs. In FY'02, 7,563\* inmates participated in general education programs. Job training programs are available at more than half of DOC facilities in conjunction with career education (vo-tech) schools.

\* This number includes double counting for inmates who participated in more than one educational program.

## **POLICY ISSUES AND PROGRAMS**

### **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'03, the Legislature earmarked at least \$5 million, and DOC added another \$3.7 million, so that DOC can provide treatment and supervision of moderate-risk offenders who might otherwise have been sentenced to prison.

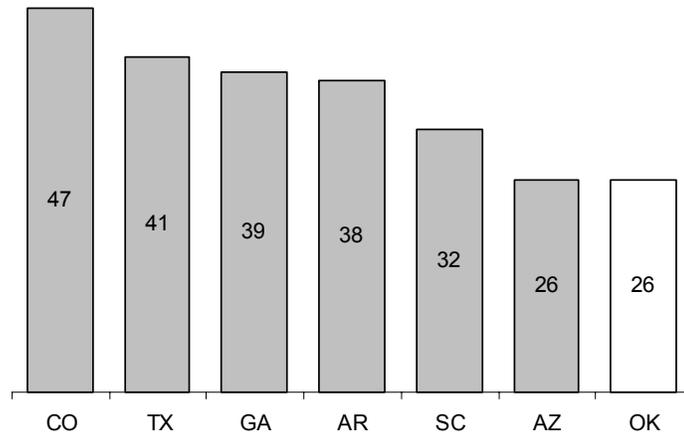
While community sentencing is still in its infancy, it has proven to be a very worthwhile program. In calendar year 2001, 2,065 qualifying offenders received a community sentence. Before community sentencing, this population would have been remanded to a correctional institution at a cost of \$18,000/year. Instead, these offenders stay in the community at a substantially lower cost than the state average price. While in the community, the offender is employed, receives treatment, and pays restitution and court-ordered fees.

Community sentencing is now in 38 funded local sentencing systems, which covers 59 counties. Of the over 2,800 qualifying offenders who have received a community sentence since March 2000, 2,672 remain active participants. Forty-seven offenders have successfully completed the program.

## Recidivism: the Revolving Door

Oklahoma's three-year recidivism rate is about 26%, meaning that 26 out of each 100 inmates released from the prison system are reincarcerated after three years. The rate is comparable to the national average.

Three-year Recidivism Rate



Source: 2000 Corrections Yearbook

Rehabilitation programs focus on reducing recidivism and helping inmates become economically self-sufficient law-abiding citizens. 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, 70 for a long-term substance abuse program, 30 for the short-course substance abuse program and 30 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.

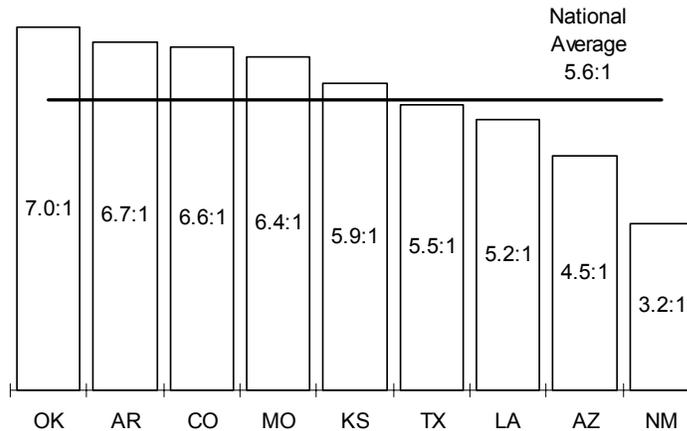
## Staffing Ratio

The Department of Corrections has had problems recruiting and retaining employees to work in prisons.

The current starting salary for a correctional officer (CO) is \$20,671, slightly more than \$10 per hour. After 18 months on the job, the average annual salary

for a CO is \$23,443. Average CO pay in Oklahoma trails surrounding states by 12%. The Legislature approved a pay raise in 2001 and various retirement benefits over the past few years to recruit and retain COs, but the annual turnover among officers remains above 15.4%.

### Ratio of Inmates to Correctional Officers Counts as of Jan. 1, 2000



Source: 2000 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 September 2002, 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 over 500 "backed-up" inmates in September 2002. Jails are paid below the \$45.75/inmate/day rate paid to private prisons, but jails do not offer the quality or quantity of services (education, recreation, law library access or 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 *Battle v. Anderson*. 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*, the federal court 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 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. In 2001, the medical portion of the lawsuit was ruled in favor of DOC. The remaining issues were dismissed after stipulations were issued from the Department of Justice.