

OKLAHOMA COUNTY
**CRIMINAL
JUSTICE**
ADVISORY COUNCIL

Oklahoma County Criminal Justice
Advisory Council
Annual Report to Interlocal Partners

Fifth Annual Report for FY 2022-2023
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BACKGROUND

In response to the growing concerns about chronic overcrowding in Oklahoma County's jail facility, the Greater Oklahoma City Chamber announced the creation of a special task force to evaluate Oklahoma County's criminal justice system in December 2015. With collaboration and input from a diverse group of community members, the Chamber contracted with the Vera Institute of Justice to complete an initial analysis and make recommendations for reform of the Oklahoma County criminal justice system. Vera released their recommendations in December 2016. As a central recommendation of the report, an inter-local agreement between Oklahoma County, the City of Oklahoma City, the City of Edmond and the City of Midwest City created the Oklahoma County Criminal Justice Advisory Council (CJAC) in November 2017. The Advisory Council continued to evolve with the hiring of a full-time executive director in February 2018 to provide support to the CJAC's efforts. The creation of this permanent oversight body is key to implementing the proposed criminal justice reforms which can be summarized in these six key recommendations:

- Create oversight and accountability mechanisms for the local justice system.
- Reduce jail admissions for municipal violations and low-level misdemeanors.
- Create a fair and efficient pretrial release process that safely reduces unnecessary pretrial incarceration.
- Identify and address district court case processing delays that increase jail admissions and length of stay.
- Expand meaningful diversion program options, focusing on those with mental illness and substance abuse disorders.
- Reduce the impact of justice system fines and fees as a driver of jail growth and recidivism.

Although each of the six recommendations carries numerous challenges and barriers to improvement, the good news is that because of the cooperative effort of the Advisory Council's stakeholders, progress continues to be made on all six recommendations.

CJAC completed its fifth full fiscal year on June 30, 2023. CJAC's fifth birthday is an accomplishment in and of itself, signaling the commitment of central Oklahoma leaders to a more fair and effective justice system. As with previous years, this report is a tale of steps forward while simultaneously identifying challenges still unmet. The year was marked by major progress on several fronts: Expansion of mental health resources; early steps on new jail building; legislative progress on fines and fees plus county diversion funding; expanded fair chance hiring education; continued detention center improvements; and, continued drop in the jail population. Nevertheless, just as various system improvements advanced, other concerns persist. A multicounty grand jury delivered its report listing multiple concerns while the state health department examined deficiencies. Five years into this effort Oklahoma County now knows that constant vigilance is required to keep building on the foundations of progress toward more advanced system change.

LEGISLATURE PASSES IMPORTANT JUSTICE REFORM BILLS IN 2023 SESSION

The Oklahoma Legislature continues to make progress in various aspects of justice reform passing two, much needed bills in the 2023 session. First, the Legislature made an overdue investment in the State Question 781 fund with passage of Senate Bill 844. SB 844 directs the Oklahoma State Department of Mental Health and Substance Abuse Services to distribute \$12.5 million to counties based on a pro-rata population share. Counties can choose to partner with other counties and use their portion of the funds to support programs for mental health and substance abuse, health care, pretrial diversion, employment, education or housing.

ODMHSAS will release the proposal process in fall 2023 and counties can expect funding a couple of months after that. SQ 781 will allow Oklahoma County to further expand diversion programs that have been the key to the downward trend in safely reducing the jail population.

The second major legislative accomplishment, HB 2259, will significantly upgrade how justice system fines and fees are assessed or cleared. HB 2295 creates a court cost compliance program to allow a

justice-involved individual to set up a payment plan with the courts through the court clerk to avoid arrest, jail and/or prison. A payment plan could be as little as \$25 per month or another amount as agreed upon between the defendant and the court. In lieu of arrest, law enforcement officers will be able to issue a cite and release citation for the defendants that have outstanding failure to appear warrants for court costs. The court hearing determines a defendant's ability to pay and allows the court and the defendant to set up a payment plan. The court has discretion to reduce costs or waive remaining costs if the court finds it appropriate in light of the defendant's record of compliance. If the defendant becomes delinquent and does not seek a new cost adjustment hearing, the case will be turned over to collection agencies. This new program should substantially reduce the number of people that might be arrested and jailed for failure to pay warrants. Oklahoma County officials played a prominent role in finalizing the legislation with Court Clerk Rick Warren, and his staff, and District Judge Nikki Kirkpatrick serving on a drafting committee. Also, Special Judge April Collins participated to provide further clarity on the Cost Docket process in Oklahoma County.

NEW JAIL CONSTRUCTION PROCESS STILL ON TRACK

One year after voters strongly approved a bond to build a new jail, progress on the numerous necessary steps before a groundbreaking are still on track. To start the process, a promise was kept to voters to increase transparency and accountability in the design and construction process. The first step was appointing a public oversight board to provide Oklahoma County residents and taxpayers with a higher level of information on the process than what was shared 30 years ago when the current facility was being built. The Board of County Commissioners unanimously created the Oklahoma County Citizens' Bond Oversight Advisory Board for the Construction of a New Oklahoma County Detention Center. It includes seven talented community members all with extensive experience in the construction industry, procurement process and/or public works process. Each commissioner appointed one member and then four members at-large were chosen:

- **Sandino Thompson**—Commissioner Carrie Blumert Appointee
- **Xavier Neira**—Commissioner Myles Davidson Appointee
- **Patrick McCoy**—Commissioner Brian Maughan Appointee
- Appointees at-large: **Steve Mason**, chair; **Larry Stevens**, vice-chair; **Joanne Davis**; and **Mike Mize**.

The oversight board has been busy. After an extensive public bidding process, the architect team of the national firm, HOK, and local OKC firm, Rees Associates, were selected. The county completed its contract with HOK/Rees and began the program space planning process. The architect will also assist



Pictured from left to right: Xavier Neira, Sandino Thompson, Steve Mason, Joanne Davis, Mike Mize, Larry Stevens, Pat McCoy (photo courtesy of The Oklahoman)

in land site selection. More than 10 land parcels were submitted from public and government entities. The oversight board has already whittled that list down to five but is re-opening the process for the public or government entities to submit additional land parcels. The first set of \$45 million bonds were sold to facilitate contracting the design architect, purchasing land and other initial items. Fortunately, the bond market responded positively to the bond sale offering, bringing in an interest rate of 3.23% APR. That 3.23% APR is lower than the new jail bond campaign projected at 4.5% and much lower than the 10% that critics of the new jail bond falsely promoted.

The process has also been assisted by the federal government as the National Institute of Corrections, an agency under the U.S. Department of Justice, came to Oklahoma City to conduct a training, Planning of New Institutions (PONI). The PONI training session included 19 participants including county officials, jail trustees, bond oversight advisory board members and the architect team. The PONI training is conducted nationwide for governments that are starting the new jail/prison planning process. The intensive three-day training covered numerous topics including space planning, program function planning, transition planning, staffing challenges and more.

The next steps are to finalize the site selection, work on the medical/behavioral healthcare center and design other areas of the jail including intake, diversion and secured areas.

DUAL INVESTIGATIONS RESULT IN SUBSTANTIAL REFORMS, NO CRIMINAL CHARGES

Despite the numerous signs of progress at the Oklahoma County Detention Center in the last year, two major investigations presented serious challenges. In the end, both produced numerous policy recommendations for improvement without criminal indictments or budget-crippling fines.

In March 2023, the state's Multicounty Grand Jury delivered its long-awaited report on the operations at the Oklahoma County Detention Center and oversight by the Oklahoma County Criminal Justice Authority, or Jail Trust. The grand jury cited numerous concerns with operations and oversight at the detention center but did not return any criminal indictments of trustees or staff. In fact, the grand jury noted that the Trust Authority and staff "cooperated fully" and "readily provided" information, "including information that was potentially inculpatory or embarrassing to the Trust." The grand jury report determined that trustees were "honest, earnest" and support "the best interests of the OCDC."

The grand jury report noted numerous irregularities related to internal investigations including death investigations, cooperation with drug investigations from other agencies and in-house counsel's modification of reports before being presented to the district attorney, among other related issues. To quickly address the concern, the district attorney's office has taken over legal representation of the Jail Trust so investigation and charging decisions go directly to the DA's office. The grand jury report also highlighted staffing concerns and recommended an additional 100 staff be added. To respond to this, the detention center has continued its outreach through job fairs and increasing the number of applicants in training academies. Nevertheless, staffing continues to be one of the jail's top challenges, not unlike other correctional facilities nationwide. Finally, the grand jury noted the passage of the new jail bond proposal stating that they believed, "some of the problems that the OCDC has encountered are directly correlated to a poor jail design..." OCDC staff continue to assess and implement other policy recommendations. A few weeks after the grand jury report, the regulatory

compliance process initiated by the Oklahoma State Department of Health (OSDH) also concluded with a large fine. OSDH noted numerous health deficiencies in multiple repeat inspections dating back to early 2021 and then filed an administrative compliance order to force the jail to correct them. Those deficiencies covered everything from missed health and safety site checks by staff, to unclean areas throughout the facility, to bed bugs and contraband problems. Through a court-administered negotiated settlement, the OSDH fine totaled \$175,000. In a positive twist, the OSDH did not take payment to benefit its own budget but instead required the detention center to use that same amount to fix the deficiencies and comply with state regulations, requiring that the detention center "shall invest the total sum...for the sole purpose of using the funds to achieve substantial compliance with" the state's jail standards regulations. OCDC will have to show a final accounting of all expenditures.

The OCDC has already taken steps to improve compliance. This includes purchasing thicker, high-quality mattresses made of ripstop material with an integrated pillow. These new mattresses have 100% sealed seams to prevent odors and contaminants, including bed bugs. Alongside the mattress upgrade, the facility has implemented a comprehensive bed bug control strategy utilizing new chemicals. They've also conducted thorough top-to-bottom spraying twice since the settlement was finalized.



FIFTH ANNUAL REPORT HIGHLIGHT—MENTAL HEALTH TREATMENT AND DIVERSION OPTIONS EXPANDING IN OKLAHOMA COUNTY

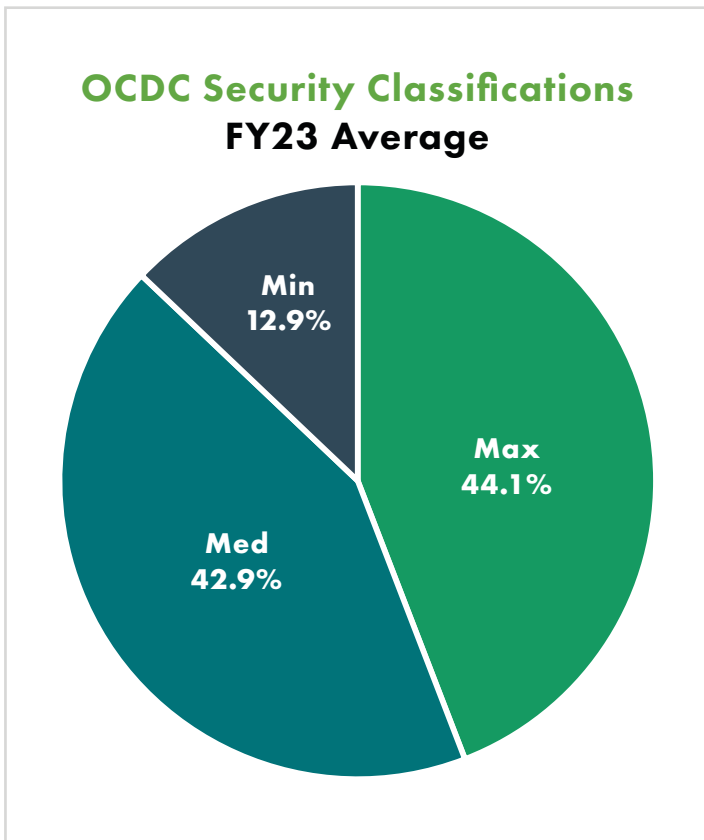
For several years, advocates have been calling for an expansion of behavioral health and substance abuse treatment services in Oklahoma County in general but also to specifically to address the intersection between the criminal justice system and behavioral health challenges. Fortunately, numerous players in Oklahoma County have been working to directly address this problem.

The newest program is the Court Ordered Outpatient Treatment Program or Co-op. Co-op provides mental health treatment services in the community through court-ordered judicial supervision for defendants who are in jail but would be better served in the community. The level of coordination is high as it takes the judiciary, DA’s office, public defender’s office, OCDC, ODMHSAS, law enforcement and community behavioral health providers to make it all work. Once

the jail identifies good candidates and a mental health assessment is completed, the DA’s office works with their charges to allow a community-based placement. Then, parties coordinate the out-of-custody treatment regimen. Law enforcement helps with picking up clients that are noncompliant and need to be seen at a community provider. Since starting the program in spring 2023, more than 75 clients have left jail custody for community services. Oklahoma County Special Judge Sara Bondurant has led the effort from the judiciary, while Jeff Massey and Kelly Basey have led the effort for the DA’s office. Madison Melon and Cooper Eppes have led the effort from the public defender’s office. CJAC is grateful for all the community partners that have worked with government officials to give this new program a successful start.

However, Co-op is not the only expansion of services in Oklahoma County. The new 988 mental health lifeline, launched in July 2022, gives anyone in the state direct access to a trained behavioral health professional. Instead of calling 911 for a law enforcement response, residents can dial 988 and talk to a mental health professional. The professional can then determine if resources are needed for the person or loved one. Options include connecting them to a mobile crisis team, requesting transportation to an urgent care center or crisis intervention center, and helping with follow-up appointments. The service has been heavily utilized in Oklahoma County with more than 6,800 calls occurring in the first year.

In addition to service delivery expansion, behavioral health service infrastructure is also expanding in Oklahoma County. The more than \$40 million OKC MAPS 4 investments in behavioral health and addiction services continue to make progress. It is expected that construction will begin in early 2025 on the Restoration Center. It will focus on the overlap in people with both mental health and substance abuse addiction needs, including detox services plus



transitional housing. Following construction on the Restoration Center will be design and construction on a new mental health urgent care center which will also include crisis stabilization services.

The infrastructure expansion will continue when the state of Oklahoma builds a new mental health hospital in Oklahoma County. The 330-bed facility will also include 55 beds for adolescent patients. Funding comes from a mix of City of OKC, Oklahoma County and state ARPA funding along with funding from the sale of the existing Griffin Memorial hospital in Norman. The Arnall Family Foundation also made a sizable contribution to the project.

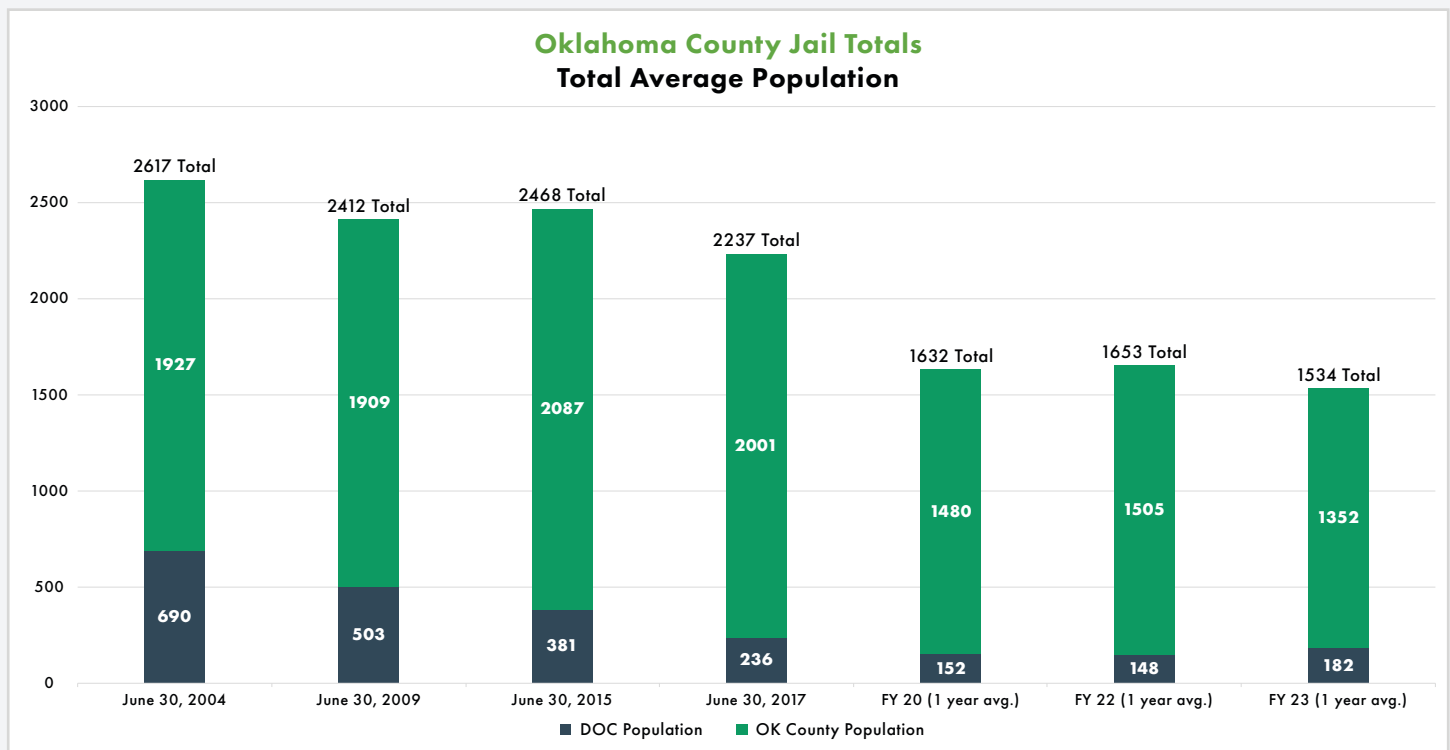
Infrastructure expansion will also be coming to Edmond with the opening of the new Edmond Urgent Recovery and Outpatient Clinic. The purpose of the facility is

increasing access to and availability of services for behavioral health and substance abuse disorder treatment. The facility has unique features related to its use as a 24/7 crisis intervention facility including a specialized police entrance to allow for rapid drop-off and release to NorthCare. The space will include special furnishing in crisis areas, waiting rooms, therapy offices, group therapy areas and the medical clinic. Each area will have ligation prevention measures in place to reduce the risk of suicide.

Each of these projects on their own would be significant. Combined, these projects demonstrate that Oklahoma County is on the cusp of a significant transformation in behavioral health community resources. Not only will the community benefit, but these added resources can also play a substantial role in keeping more people out of jail.

FY23 AVERAGE JAIL POPULATION CONTINUES RECENT DOWNWARD TREND

As the chart shows, the chronic jail overcrowding that has plagued the OCDC for more than two decades has receded significantly in recent years. The trend continued in FY23 with a new low of 1,534.



HOMELESS POINT-IN-TIME COUNT RENEWED FOR DETENTION CENTER

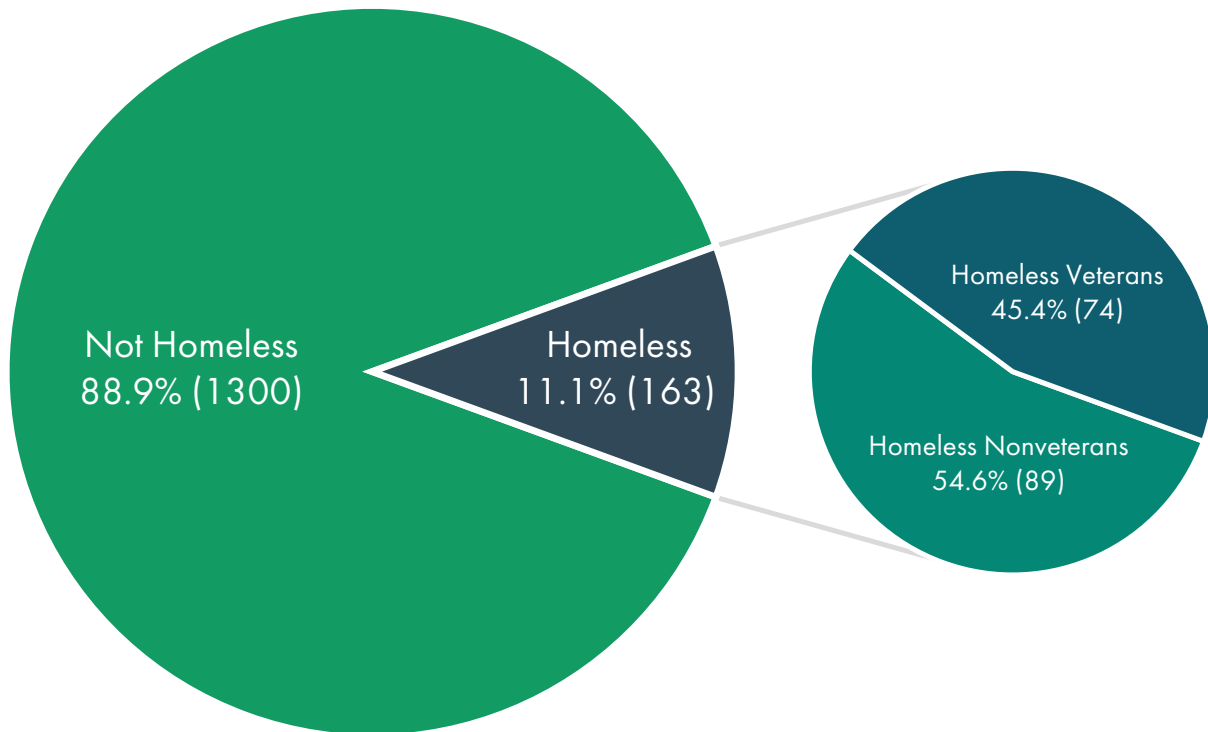
The U.S. Department of Housing and Urban Development (HUD) mandates that all communities receiving federal funds through assistance grants conduct a Point-in-Time (PIT) count, which is a count of sheltered and unsheltered people experiencing homelessness on a single night. Each community is required to individually plan and carry out its PIT count on a single day during the last 10 days in January, at least every other year. Oklahoma City conducts the count annually, and this year it took place on January 26.

In previous years, the PIT count included numbers of homeless people who were in jail but when COVID hit,

that count stopped. However, for 2023, the PIT count was renewed for the Oklahoma County Detention Center through a collaboration between CJAC data analysts, CJAC member Dan Straughan of the Homeless Alliance and diversion liaisons imbedded in the jail. The result of the collaborative effort discovered that there were 163 people in the jail on Jan. 26 who met the criteria of homeless at intake. The total jail population count on Jan. 26 was 1,463, thus making the homeless count 11.1% of the jail's population. The data also revealed that of those 163, 45% of them were veterans. The total PIT count for OKC was 1,339 in 2022, which is higher than both 2018 and 2019 pre-COVID.

The ability to identify veterans who are in custody allows them to be connected to existing veteran diversion programs. If they qualify, they can also be released to Veteran's Treatment Court. Additionally, coordination can occur with the City of Oklahoma City as it embarks on a new strategy to address homelessness.

Homelessness Point-in-Time Count OCDC Jan 26, 2023 (Total 1463)



CJAC WELCOMES SEVERAL NEW FACES, RECOGNIZES JUSTICE CHAMPION ROY WILLIAMS



Roy Williams

CJAC stands on the shoulders of numerous justice champions who served and worked on previous commissions, taskforces and working groups. One of those champions is **Roy Williams**, former president and CEO of the Greater Oklahoma City Chamber who left CJAC in FY23. Williams was instrumental in criminal justice reform even before the Vera

Institute of Justice's report in December 2016, which led to the creation of the CJAC. Williams provided critical leadership to form, and later support, the original Greater OKC Chamber Criminal Justice Task Force. As a leading member of the American Association of Chamber of Commerce Executives, Williams was often asked to speak at national conferences on why Chambers should be involved in the work. Not only do Chambers have an interest in community development, but they also have an interest in workforce development. He pointed out, "I think I am speaking for the Oklahoma business community when I say we support reforms. This impacts our workspace and our workforce in multiple ways. Locking people up for low-level offenses is really crippling our workforce because these people should be at work, and our employers need them." CJAC and its community express our deepest appreciation for Williams' important service. His insight and hard work are reflected in the progress being made in our county toward more fair and effective justice.

Williams was replaced by **Christy Gillenwater** who started her tenure as president and CEO of the Greater OKC Chamber in January. Gillenwater



Christy Gillenwater

previously served as President & CEO of the Chattanooga Chamber of Commerce. Prior to Chattanooga, she led two chambers – the Southwest Indiana Chamber and the Greater Bloomington Chamber – to win the National Chamber of the Year by the Association of Chamber of Commerce Executives (ACCE) as well as the Indiana Chamber of the Year by the Indiana Chamber Executives Association. Gillenwater currently serves as the Chair-elect of the ACCE Board of Directors and also serves on the U.S. Chamber of Commerce Committee of 100.

Since the majority of CJAC members are appointed or elected officials, the makeup of the 19 members fluctuates from year to year. In 2022, the November elections resulted in two new CJAC members.



Brian Maughan

First, **Brian Maughan**, Oklahoma County Commissioner for District 2, is the newly designated CJAC member from the Board of Oklahoma County Commissioners. Although Commissioner Maughan is new to CJAC, he is not new to county government. He was first elected in 2008 then re-elected three more times either with no

opposition or solid victory margins, making him one of the longest-serving commissioners in Oklahoma County history. He is also not new to the Oklahoma County justice system. Maughan created SHINE, Start Helping Impacted Neighborhoods Everywhere, a program to organize work crews made up of low-level, nonviolent offenders sentenced to community service. The program has saved millions in jail costs.

Another new CJAC member is newly elected Oklahoma County District Attorney **Vicki Behenna**. Behenna is new to elected politics but not new to the courtroom, having served 25 years as an Assistant United States



Vicki Behenna

Attorney for the Western District of Oklahoma. She also served as executive director of the Oklahoma Innocence Project at the Oklahoma City University School of Law. Her noteworthy prosecutions include federal charges against Oklahoma City bomber Timothy McVeigh. Behenna has jumped right in helping the CJAC Courts Subcommittee work on issues

related to medical and mental health own recognizance bonds so jail residents can be better served in the community, creating a Death Penalty Review Committee, and supporting the graduation of more than 175 participants through the Oklahoma County Treatment Courts.

CJAC also welcomed new Oklahoma County Detention Center CEO Brandi Garner who replaced founding CEO Greg Williams. Williams served a critical role transitioning the OCDC under the Trust’s leadership and guiding OCDC through the covid pandemic. Fortunately, Garner worked at the OCDC for a year before she was promoted. Her familiarity with policies and procedures allowed for a seamless transition. Previously, Garner worked in various roles for the Cleveland County Sheriff’s Office, where she was integral in collaborating with internal and external stakeholders to build trust and provide accountability.

CEO Garner hit the ground running, developing numerous positive community relationships and

interactions. Additionally, she worked with staff to renew the detention center’s mission, vision and core values which can be summed up in the acronym **PRAISE**.

Core Values

Professionalism: Competency, character, or skill that is expected of a professional.

Respect: Having a high regard for someone.

Accountability: Being responsible for what you do and able to give a satisfactory reason for it.

Integrity: The quality of being honest and having strong moral principles.

Service: Being of help or assistance to others.

Empowerment: Giving or delegating power or privilege through encouragement.

CJAC also extended a warm welcome to Erika Ashby, our new community outreach manager and grants coordinator. Erika’s previous work with prison ministries and addiction recovery services has given her a profound understanding of the justice system. Erika’s predecessor, Lyn Jackson, is now the chief operating officer for OKC Metro Alliance. We deeply appreciate Lyn’s contributions to CJAC and her assistance with Erika’s transition.

CJAC welcomes the new members and looks forward to working with them to improve the county’s justice system.

CONCLUSION

The first five years of CJAC has taken Oklahoma County to a new level of coordination, innovation and transparency in the justice system that it has never experienced before. There are numerous areas where progress is evident while other areas still need significant upgrades. But the systems for more open communication, planning and implementation are in place as evidenced by programs like Co-op, which went from idea to execution in weeks. With additional

legislative funding for diversion programs, expanded behavioral healthcare services and infrastructure, the opportunity for further success is tangible. Yet, tangible opportunities can only be realized through unified action. The Oklahoma County Criminal Justice Advisory Council stands ready to assist the county’s justice system and its players to achieve a more fair and effective justice system.

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