

Evaluating Oklahoma County's Progress on Reducing the Jail Population and Promoting Public Safety



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About the Crime and Justice Institute

The Crime and Justice Institute (CJI), a division of Community Resources for Justice, bridges the gap between research and practice with data-driven solutions that drive bold, transformative improvements in adult and youth justice systems. With a reputation built over many decades for innovative thinking, a client-centered approach, and impartial analysis, CJI assists agency leaders and practitioners in developing and implementing effective policies that achieve better outcomes and build stronger, safer communities. CJI works with local, state, tribal, and national justice organizations to provide nonpartisan policy analysis, implementation consulting, capacity-building assistance, and research services to advance evidence-based practices and create systems-level change.

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Executive Summary

In 2015, the Oklahoma County Detention Center (OCDC) was facing an overcrowding crisis.ⁱ This was compounded by a deteriorating facility, high incidences of violence within the jail, several high-profile lawsuits, and an overall lack of public trust in the county's justice system. The Greater Oklahoma City Chamber of Commerce (Chamber) in collaboration with community leaders created the Oklahoma County Criminal Justice Reform Task Force (Task Force) to assess the county's criminal justice system and make recommendations to safely reduce the jail population and create a more effective justice system. The assessment, conducted by the Vera Institute of Justice, culminated in six recommendations for the county to responsibly reduce the jail's population and promote public safety. These included the following, as well as several sub-recommendations within each broader category:

1. Create oversight and accountability mechanisms for the local justice system;

2. Reduce jail admissions for municipal violations and low-level misdemeanors;

3. Create a fair and efficient pretrial release process that safely reduces unnecessary pretrial incarceration;

4. Identify and address district court case processing delays that increase jail admissions and length of stay;

5. Expand meaningful diversion program options, focusing on those with mental illness and substance use disorder; and

6. Reduce the impact of justice system fines and fees as a driver of jail growth and recidivism.

In August 2022, the Oklahoma County Criminal Justice Advisory Council (CJAC) requested a follow-up study to identify what recommendations the county has and has not fully implemented as well as what further improvements in the system are necessary to achieve the Task Force's goals. To conduct this analysis, CJAC sought assistance from the Crime and Justice Institute (CJI), which analyzed data from the OCDC, reviewed state statutes and agency policies, and interviewed numerous system stakeholders. The result of this assessment included seven findings about the county's criminal justice system identified within this report. Overall, the county has achieved its primary goal of reducing its population to address overcrowding, as the population is down 46 percent since its peak in 2015.

Despite this success, the analysis yielded three main challenges that persist in the county's criminal justice system that will require the county's attention to resolve. First, while the overall jail population has decreased since 2015, including the total number of individuals detained pretrial, the ratio of sentenced individuals to pretrial individuals has remained steady. Looking at the composition of this population, a measurable number of individuals are being held for low-level offenses or violations such as traffic offenses. Second, Oklahoma has made significant progress in establishing diversion programs

by creating partnerships in the community to move individuals to treatment and supervision instead of custodial settings. However, procedural hurdles continue to delay the assessment and placement of individuals in noncustodial settings leading to increased length of stays for individuals in jail longer than 48 hours. And third, a closer examination of the jail data shows that while admissions overall have decreased, the percentage of Black individuals admitted to OCDC has increased. Although the overall population has declined, white admissions have declined at a faster rate than Black admissions (50% v 37%), increasing the overrepresentation of Black individuals admitted to the jail.

In sum, Oklahoma County made measurable progress since 2016 in addressing the jail population crisis at the time. This progress was driven by a combination of leaders in county government and the criminal justice system and was supported by community-based stakeholders who contributed greatly to components of the implementation plan. The county's interest in assessing how effective its efforts have been as well as understanding areas that remain problematic is commendable and the next steps toward expanding the progress made will require similar commitment from leaders and partners throughout the system.

Introduction

Oklahoma County is the most populous county in Oklahoma with just under 800,000 residents in 2020;ⁱⁱ furthermore, its jail population is the largest of county jails in the state. Similar to jail populations across the country that have grown significantly over the last few decades, Oklahoma County faced an overcrowding crisis in 2015. Since the county jail was built in 1991, with a design capacity of 1,200, its population has since peaked at close to 2,800 in 2015.^{iii,iv} In response, community members and criminal justice stakeholders have made a concerted effort to create a more fair and effective local justice system and incarcerate fewer individuals. As of June 26, 2023, the current jail population has declined to 1,467.^v In order to more fully understand what progress has been achieved and where further improvements can be made, CJAC sought the assistance of the CJI, resulting in this in-depth analysis of trends in Oklahoma County's local justice system since 2015.

Amid these efforts to improve the local justice system, a multitude of changes have occurred within the last seven years in Oklahoma County, impacting both the criminal justice system and jail. First, the operational and oversight responsibility of the jail shifted from the Oklahoma County Sheriff's Office to the Oklahoma County Criminal Justice Authority, often referred to as the Jail Trust, which went into effect July 1, 2020. The Jail Trust is comprised of nine members: a County Commissioner, the Sheriff, three members selected by the three county commissioners, and four members at large. The Jail Trust, in addition to holding public meetings, is responsible for hiring a chief executive officer (CEO) of the jail. In May of 2023, a new CEO was hired after the previous CEO resigned. Second, the 2020 general election brought forth a new sheriff and the 2022 general election resulted in the election of a new district attorney for Oklahoma County, after the previous district attorney retired following 16 years of service.

Third, in the 2022 election, Oklahoma voters approved the construction of a new jail with nearly 60 percent of the vote. The new construction project, anticipated to cost around \$300 million, is expected to be completed in 2026 or 2027. In the meantime, several concrete steps can be taken by Oklahoma County to continue its efforts to safely reduce its jail population and create a local criminal justice system that treats all individuals fairly.

Lastly, this report utilizes data from OCDC's data management system, Jail Tracker, while the Task Force report used data from the Oklahoma County Sheriff's Office. This limits direct comparisons that can be made, due to the different methods by which data were grouped between 2015 and 2022, with comparison data for 2015 being limited to demographics and length of stay. However, other data metrics from 2015 were able to be pulled from the original Task Force report to gauge progress as of 2022.

Overview of the Oklahoma County Detention Center¹

The 2022 Standing Jail Population²

OCDC is the largest jail in the state. As of July 1, 2022, 1,523 people were incarcerated at the jail, representing 53 percent of the jail's maximum rated capacity of 2,890; notably, a number of the cells remain unusable due to structural deficiencies and security concerns.^{vi,vii} This is a significant reduction from the jail's standing population in 2015 that peaked at almost 2,800 people, representing over 230 percent of the jail's original design capacity (1,200) and 97 percent of the maximum rated capacity limits (2,890).^{viii} In 2022, males comprised the majority of the population at 85.6 percent, which is comparable to national averages in 2021, and females comprised 14.4 percent, a reduction from 17.5 percent in 2015.^{ix} Black individuals accounted for the highest proportion of the population (43.6%), notably higher than the national average (34.8%), followed by white individuals (39.4%), and Hispanic individuals (11.1%).^x The average length of stay of individuals in custody on July 1, 2022 was 131 days while the median length of stay was 57.5 days. See (Figure 1) for length of stay by cumulative percent.

Admissions Cohort

Regarding those individuals entering OCDC, there were 16,603 unique individuals booked into the jail for a total of 21,979 admissions in 2022, which accounts for people being booked more than once into the jail during the year. This is a significant reduction from 2015, which saw 39,346 total bookings of 28,314 unique individuals. This represents a 44 percent decrease in admissions and a 41 percent decrease in unique individuals being booked since 2015. These declines are particularly noteworthy because Oklahoma County's population grew by 3.2 percent overall.³ Of those individuals admitted in 2022, 80 percent were booked into jail only once during the calendar year. The remaining 20 percent were booked at least twice, with 6.5 percent booked three or more times. Those individuals booked three or more times accounted for almost 20 percent of all admissions. See (Figure 2) for details. Similar to the standing population, admissions to OCDC were

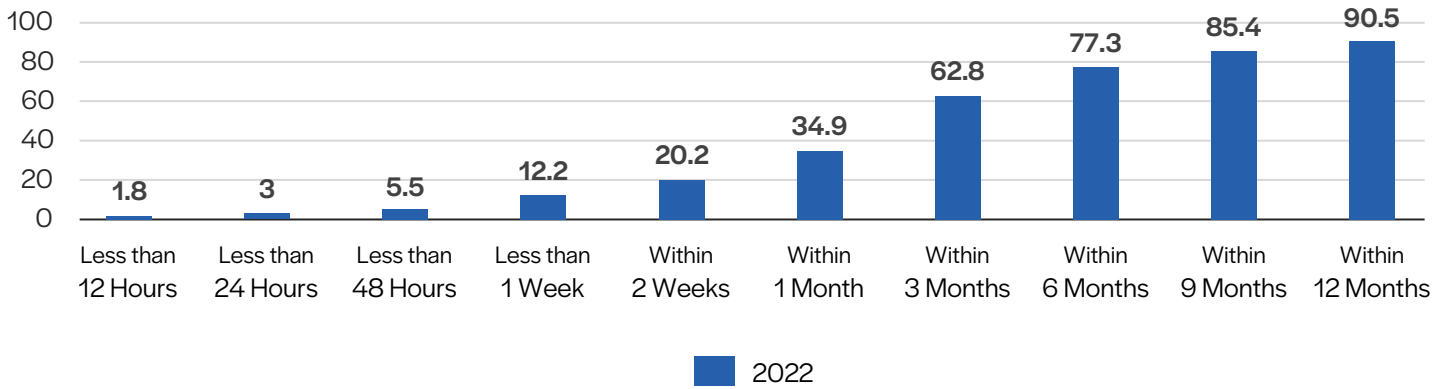
majority male, with about 26 percent of admissions female in 2022. Additionally, most 2022 admissions to OCDC were white,⁴ but admissions of Black individuals were disproportionately high when compared to the racial/ethnic makeup of Oklahoma County (Figure 3).

Release Cohort⁴

Looking at those individuals who were released from OCDC in 2022, the average length of stay prior to release was 24.7 days, while the median length of stay was 2.7 days.⁶ More than one-third of people released from OCDC in 2022 were released within one day of booking and the majority of individuals were released within one week (61.8%). However, for the half of individuals who did not get released within the median timeframe, the average length of stay doubled to 48.7 days. See (Figure 4) for more detailed information on time to release by cumulative percent.

2. The "standing population" represents those that are in the custody of the Oklahoma County jail on a given day. In this case, the standing population represents those booked prior to or on July 1, 2022 and released after July 1, 2022.

Figure 1 Time to Release by Cumulative Percent for Standing Population, 2022 (n=1,523)



Source: Oklahoma County Detention Center Jail Tracker

Figure 2 Bookings per Person and Admissions, 2022 (n=21,979)

	People	Admissions
People with 1 booking	13,234 (79.7%)	13,234 (60.2%)
People with 2 bookings	2,292 (13.8%)	4,584 (20.9%)
People with 3 or more bookings	1,077 (6.5%)	4,161 (18.9%)
Total	16,603 (100%)	21,979 (100%)

Source: Oklahoma County Detention Center Jail Tracker

Figure 3 Racial Makeup of 2022 Jail Admissions Cohort and Oklahoma County Population by Percent (n=21,976)^{7,8}

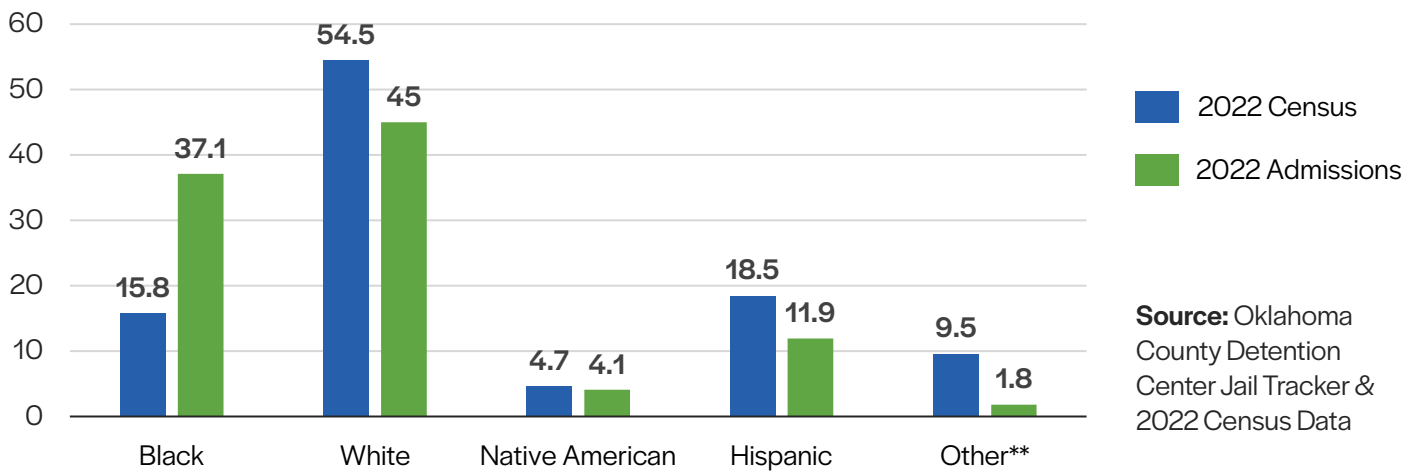
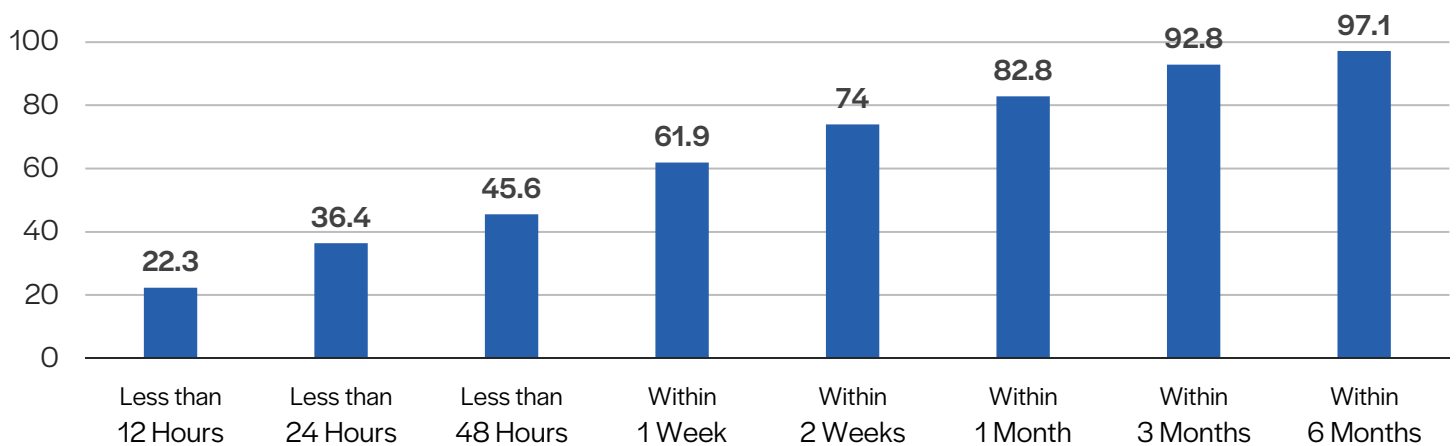


Figure 4 Time to Release for Release Cohort by Cumulative Percent, 2022 (n=22,066)



Source: Oklahoma County Detention Center Jail Tracker

Findings:

Changes within Oklahoma County's Justice Landscape since 2016

The following sections will present a detailed analysis of the Task Force recommendations that Oklahoma County has successfully executed and those that require further efforts for complete implementation. These findings were derived from analyzing trends in Oklahoma County's jail population over time and its standing population and examining policies and practices within the local justice system.

Finding #1:

Oklahoma County has established CJAC, a local criminal justice coordinating council, to provide oversight and increase transparency and collaboration among local justice system stakeholders.

In 2017, Oklahoma County joined many other local jurisdictions around the country by establishing CJAC, a local criminal justice coordinating committee (CJCC). CJCCs are generally considered a best practice in communities, and have existed for multiple decades, convening to identify system challenges and enable collaboration among justice system and community stakeholders to collectively improve the local justice system. CJAC was formed to provide oversight of Oklahoma's local justice system, fostering coordination among all relevant parties to continuously assess the jail's population and ensure transparency by reporting jail data to the public. Consistent with the National Institute of Correction's standards for CJCCs, CJAC is comprised of justice system actors and local business and community leaders. The body hosts regular public meetings to share data, monitor the local justice system's outcomes and establish priorities and strategies to address system challenges. CJAC hosts a **data dashboard online** to update the public in real time on key jail data metrics; however, the county still does not have a single data hub to allow for cohesive analysis or understanding of the multiple criminal justice system decision-making junctures that contribute to the jail population. The CJAC Data Subcommittee has recently developed a request for proposals for internet technology evaluation services to begin implementing projects to allow for the collection of system-wide data with access available to relevant parties.

Finding #2:

OCDC admissions have decreased by 44 percent since 2015, including drops in arrests for municipal charges and drug and alcohol-related misdemeanors.

The number of individuals admitted to OCDC has decreased substantially since 2015, with a 44 percent reduction in overall admissions and a 41 percent reduction in the number of unique individuals admitted to jail. In addition to the decline in number of admissions, there was a decline in the proportion of individuals

in jail whose arrest reason was a municipal charge. The data reported in 2015 demonstrates a large percentage of the jail population arrested for a municipal charge. Specifically, data from OCDC shows that in 2015 approximately 31.5 percent of bookings were due to a municipal charge compared to just 13.7 percent in 2022. This represents a 56.5 percent decrease in the proportion of bookings due to municipal charges.

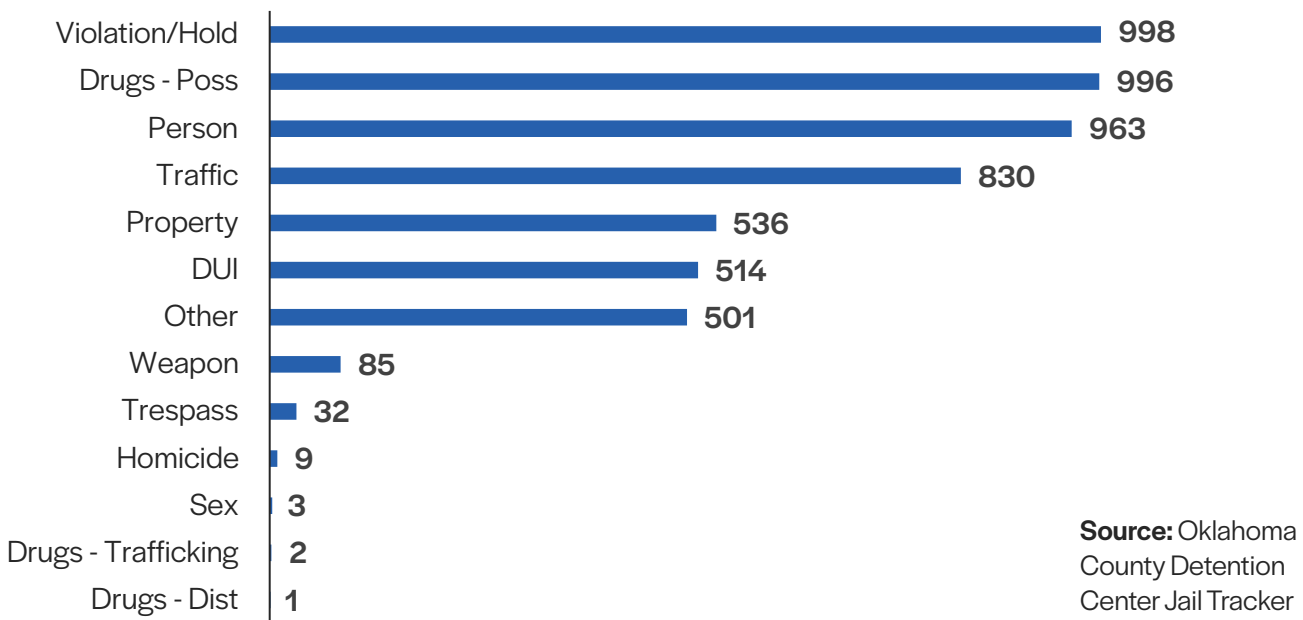
While this shift in reason for arrest is significant, a statistic worth highlighting is that the most serious charge for 22 percent of those admitted to OCDC in 2022 was a municipal offense. Thus, even though only 13.7 percent of arrest reasons were related to a municipal charge, one in five individuals in the jail had their most serious offense as a violation of the Oklahoma City Municipal Code. This could include someone arrested for a warrant, but the warrant is attached to a municipal case.

In 2015, the Task Force found that 69 percent of the top ten misdemeanor charges resulting in arrests were alcohol and drug related.^{xii} Further, the top three most common underlying offenses included possession of drug paraphernalia (nearly 8,000 individuals, double the amount of the next most common offense), possession of a controlled substance, and driving under the influence. The 2022 data demonstrates a departure to some degree from this emphasis on alcohol and drug related charges, with the top three categories of misdemeanor charges including violations/holds,⁹ possession of a controlled substance, and person¹⁰ offenses. At the misdemeanor level, the data indicates a 75 percent decrease in the number of individuals admitted for possession of a controlled substance and an 85 percent drop in individuals coming into jail for driving under the influence between 2015 and 2022.^{xiii}

9. Violations/holds refer to a variety of instances such as violation of a suspended or deferred sentence, parole/probation violation, violation of a protective order, hold for another county, hold for another state, etc.

10. Person offenses refer to crimes that cause bodily harm or the threat of bodily harm. It also includes other acts that occur against an individual's will, such as stalking.

Figure 5 Category of Charges for Misdemeanor Cases, 2022 (n=5,470)



Despite this shift, a significant number of individuals are still admitted to jail for lower-level offenses. More than 50 percent of misdemeanor admissions are for traffic violations (15%), possession of a controlled substance (18%), and violations/holds (18%) (Figure 5).

The Task Force also found that in 2015 a large percentage of the most common municipal charges were related to alcohol offenses (28%), with public drunkenness being the most common underlying municipal charge.^{xiv} Similar to the shift demonstrated in the data for misdemeanor charges, 2022 data shows a reduction in the number of alcohol-related municipal charges comprising jail admissions. In 2022, the most common municipal charges that resulted in a person being sent to OCDC included traffic (26%), property offenses (21%), and trespassing (13%) (Figure 6). Although the shift away from less serious alcohol related offenses is positive, the most common municipal offense at admission is a traffic offense, such as driving without a license.

Lastly, the Task Force found that in 2015 the presence of outstanding warrants played a significant role in determining who was booked into jail. The number of individuals who were arrested for a failure to appear (FTA)—one of the 10 most common arresting charges in 2015—decreased, dropping from 1,924 in 2015 to between 956 and 1,273 in 2022.^{xv} Despite the decline in the total number of FTA arrests, the proportion of people arrested for and booked for an FTA or FTA/failure to pay (FTP) warrant has

increased slightly over time. In 2015, between 3 and 5 percent of arresting charges were due to FTA violations,^{xvi} and in 2022, about 4 and 6 percent of arrests were related to FTA. While this is not a direct comparison due to the different methods by which data were grouped between 2015 and 2022, this finding demonstrates the need to look beyond declines in admissions to examine the change in admissions for FTA and FTA/FTP. For a detailed look at reasons for admissions, see (Figure 7).

Law enforcement has increased its use of citations.

To address the number of individuals admitted for municipal and low-level misdemeanor offenses, the Task Force recommended that law enforcement increase its use of citations in lieu of booking individuals into jail. Data shows that Oklahoma County Police Department (OCPD), the largest arresting agency in the county, has increased its use of cite and release by 61 percent since 2015. On average, OCPD will cite and release one out of every three arrests, compared to just one out of every five arrests in 2015.^{xvii} In response to various factors over the last seven years, such as the legalization of medical marijuana, several law enforcement agencies have modified internal policies around cite and release. For example, OCPD officers are required to cite and release for nine offenses;^{xviii} in Midwest City, officers are required to cite and release for petty larceny and marijuana possession, and in Edmond cite and release is the default response for marijuana Class A municipal offenses and all Class B offenses.

Figure 6 Category of Charges¹¹ for Municipal Cases, 2022 (n=4,803)

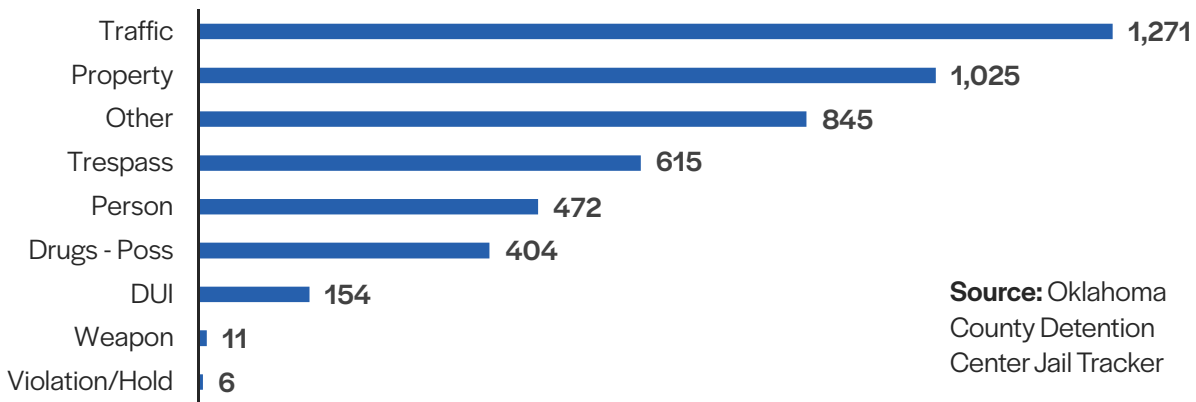


Figure 7 Arrest Reasons for All Admissions, 2022 (n=21,979)

	Number	Percent
New Charge	10,111	46.0%
Municipal Charge	3,010	13.7%
FTA/VSS/VDS/FNC/FTC/JDL Warrants ¹²	2,264	10.3%
Non-OTN ¹³ /Warrant	1,548	7.0%
OTN ¹³ /Warrant	1,118	5.1%
Temp Commitment	757	3.4%
Hold/Other Agency/Non-Warrant	855	3.9%
Fast Track	502	2.3%
Hold for Writ (with/without case)	288	1.3%
Missing	1,028	4.7%
Other (separately = <1%)	498	2.2%
Total	21,979	100%

Source: Oklahoma County Detention Center Jail Tracker

¹¹. Charge categories represent the type of most serious offense that someone has been charged with, in the case of this figure, at the municipal level.

¹². FTA/VSS/VDS/FNC/FTC/JDL Warrants include failure to appear, violation of suspended sentence, violation of deferred sentence, fines and costs warrants, failure to comply, and JDL warrants refer to warrants from unaddressed juvenile cases where the individual was arrested as a juvenile but did not report to court prior to turning 18.

¹³. OTN stands for “Offender Tracking Number” which refers to identification numbers assigned to individuals entering the jail who have committed OSBI “reportable” crimes.

Book and release policies are not being widely used.

For situations where citations are not appropriate, the Task Force suggested eliminating the 10/24 hour hold and replacing it with a book and release policy. The 10/24 hour hold practice stems from a 1997 Oklahoma City Municipal Court order requiring that anyone booked on municipal charges without a warrant be held for 10 hours for a Class A charge and 24 hours for a Class B charge, before being released on their own recognizance. Meanwhile, “book and release” refers to a policy where an individual is arrested and brought to jail, fingerprinted and background-checked, but released on their own recognizance with a citation and a future court date. While law enforcement agencies report using book and release policies, interviews suggest that their use is limited and that agencies have not entirely eliminated the 10/24 hour hold order. However, it is noteworthy that all agencies no longer require a 24-hour wait for any offenses. Midwest City reports using book and release for some municipal charges for individuals who would normally be field released but are unable to be identified in the field. In most cases, however, an individual will typically have to bond out before being released prior to arraignment. Similarly, OCPD reports using book and release for cases during which field release would be the norm but the person may not have identification, i.e. a first time failure to maintain insurance or trespassing. This practice does not apply in substance-use related cases, as a 10-hour waiting period is still required before an individual charged with such an offense is released.

Municipal Court has modified its practice relating to failure to appear and failure to pay charges.

In addition to suggesting changes to law enforcement practices, the Task Force recommended the court create a notification system to reduce the number of individuals receiving FTA warrants. While interviewees note the Municipal Court is working towards making changes to its notification system, including providing automated text message notification, the court still uses mail to notify a defendant of an upcoming court date. If an individual doesn’t appear for their court date for a traffic or criminal case, the case is automatically placed in a 14-day grace period status before an FTA warrant is issued. During the grace period, the Court Services Division mails a bright orange reminder postcard requesting they contact the court about an outstanding matter. It is a standing practice in the Municipal Court that if an individual comes in person to voluntarily address an outstanding warrant, the person will not be jailed.

The Municipal Court has made changes in its response to individuals who fail to pay court fines and fees. As of 2016, with the issuance of Judicial Orders 16-08 and 16-09, the court no longer allows individuals to be jailed on FTP warrants. Instead,

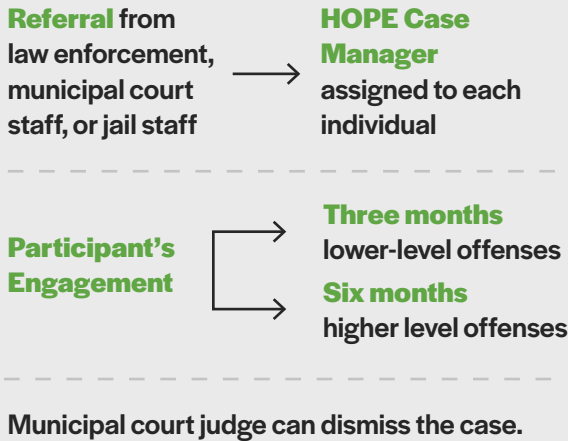
a compliance and enforcement team makes phone calls to remind individuals of the options available to pay their fines and court costs. Additionally, Judicial Order 16-06, issued in 2016, requires the court to automatically place individuals on a hearing docket to determine indigency. Indigency hearings - known as Rule 8 hearings - are embedded into the case process and scheduled before an individual begins making a payment, and after they default on a payment. If a defendant indicates that they are not able to pay the fines and court costs assessed, the case is docketed for a Rule 8 hearing. The defendant is given a packet with instructions on how to make payments and complete the enclosed financial disclosure form, and with a list of supporting documents required at the Rule 8 hearing.

Stakeholder collaboration and communication to reduce admissions for repeat low-level offenses has improved.

Critical to reducing the number of people being arrested for low-level offenses, the Task Force recommended greater collaboration among stakeholders to address individuals who continue to cycle through the system on low-level offenses. While a singular interdisciplinary team has not been formed to identify and develop targeted responses to all individuals with chronic low-level offenses, many community groups have stepped in to provide alternative options to respond to the specific needs of individuals who are chronically committing low-level offenses. The impact of these programs is evident in the data showing a reduction of repeat bookings between 2015 and 2022. In 2015, 2,303 individuals were booked three or more times, and in 2022 that number has been reduced to 1,083, a reduction of 53 percent ([Figure 8](#)).

These include the Court Ordered Outpatient Program (COOP), a partnership between District Court, the District Attorney’s Office, the Public Defender’s Office and the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) with providers including the Oklahoma County Crisis Intervention Center (OCCIC), Red Rock Behavioral Health Services, Hope Community Services, and NorthCare. Based on a similar program in Tulsa, COOP places individuals with a mental health need who repeatedly commit low-level offenses in treatment instead of jail. Any justice system stakeholder can refer an individual to COOP, and if approved, the individual engages in treatment for up to a year and their charges are dismissed.

The Opt Up program, run by HOPE Community Services, is an additional example where a community provider has partnered with the jail to address individuals who repeatedly commit low-level offenses, particularly those who have unmet behavioral health needs.



Companion charging by OCPD remains a consistent practice.

To similarly address the prevalence of low-level offenses, the Task Force recommended that OCPD eliminate the practice of charging both state and municipal charges for applicable offenses for the same criminal conduct. A suggested path to accomplish this was identified by the Task Force, including a review of charging practices and collaboration between OCPD and the District Attorney’s Office. These options have been considered by OCPD, and it was ultimately decided that these methods would not be implemented. Instead, OCPD is currently considering strategies that would streamline the charging process when both state and municipal charges are applicable, including through the use of improved technology.

Of note, individuals who receive identical state and municipal charges are not simultaneously charged with both charges, nor ultimately convicted of both charges. Rather, current OCPD practice involves an officer recording both charges initially, but state charge takes precedence over the municipal charge. The practice allows municipal charges to be brought if this state opts to decline charges, so the state and municipal charges are not occurring at the same time or being ‘stacked.’ OCPD reports that the purpose of this practice is to ensure accountability, as a person’s prior offenses are often a critical part of charging

decision-making. In the first third of 2023, about 43 percent of bookings by OCPD had both city and state charges, though these charges could be unrelated or related.^{xix}

Finding #3: Oklahoma County has not reduced the proportion of its population that is pretrial.

While the total number of individuals in OCDC custody who are pretrial has decreased, the proportion of the jailed population that are held pretrial has not changed over time. According to the CJAC Annual Report, the population incarcerated pretrial fluctuated between 80-90 percent in Fiscal Year 2022.^{xx} The most recent measure of the pretrial population in OCDC is about 84 percent, the same percentage reported in the 2016 Task Force report.¹⁴ The percent of incarcerated individuals who are not convicted has risen across the country over the last 10 years; however, OCDC’s pretrial population is still 13 percentage points higher than the national average of 71 percent (Figures 9 & 10).^{xxi}

One indicator as to why the pretrial population remains high in the county is that there are many offenses for which bail is not eligible. The data shows that the largest percentage of bond decisions made in 2022 were entered as ‘no bond is required’ (26%), meaning the offenses were ineligible for bond, such as warrants and violations (Figure 11). These offenses are distinct from charges for which bond can be issued but the judge decides that individuals charged will be held without bond, noted in the “held without bond” category below. The next most frequent bond decision was using cash or bail bond (22%), followed closely by municipal Ordered Releases (OR) (21%). Personal recognizance bond, the release of someone pretrial, with the promise that they will return to court and not engage in illegal activity - without additional formal supervision, is the least utilized release type, accounting for only .02 percent of bond decisions.

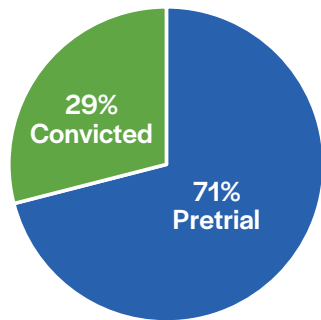
Another contributing factor to the high pretrial population may be that the most common reason for release is through a bondsman. This reason remains consistent with the Task Force finding that an individual’s ability to pay determines who stays in jail.^{xxii} The top 10 release reasons for the 2022 release cohort demonstrate that over one-third of individuals are only released through payment (Figure 12).

Figure 8 Bookings per Person and Admissions, 2015 & 2022 (n=39,347 & n=22,004)

	2015	2022	2015	2022
	People		Admissions	
People with 1 booking	21,506 (76%)	13,234 (79.7%)	21,506 (54.7%)	13,234 (60.2%)
People with 2 bookings	4,505 (15.9%)	2,292 (13.8%)	9,010 (22.9%)	4,584 (20.9%)
People with 3+ bookings	2,303 (8.1%)	1,077 (6.5%)	8,830 (22.4%)	4,161 (18.9%)
Total	28,314 (100%)	16,603 (100%)	39,346 (100%)	21,979 (100%)

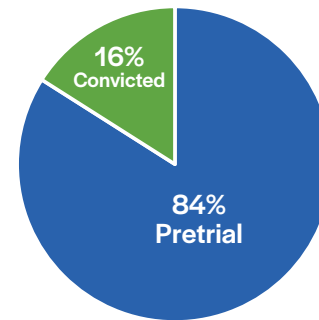
Source: Oklahoma County Detention Center Jail Tracker

Figure 9 National Standing Population by Pretrial Status



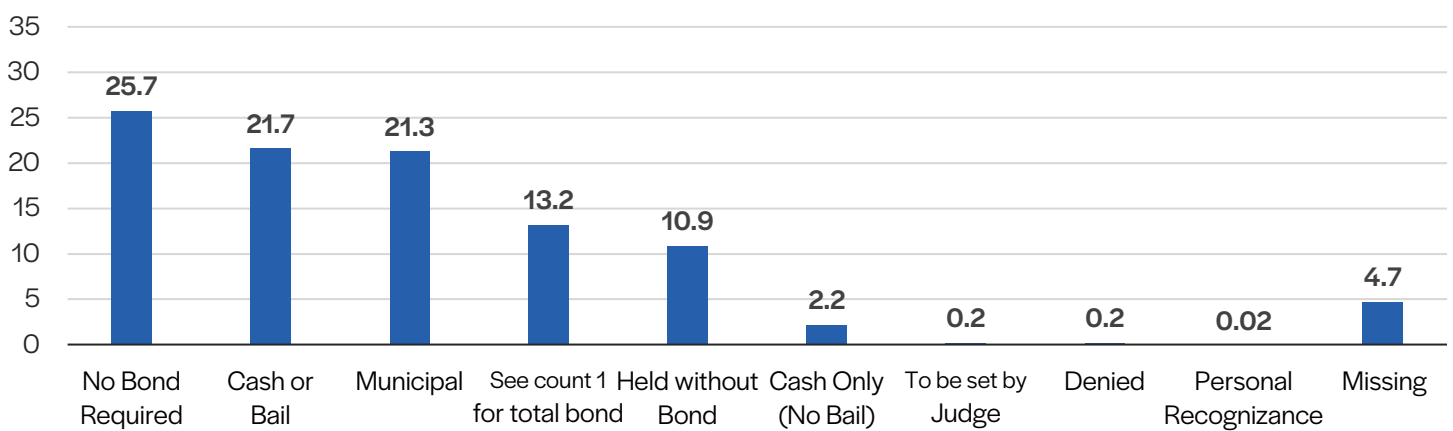
Source: BJA Census of Jails, 2021 Statistical Tables

Figure 10 Oklahoma County Standing Population by Pretrial Status



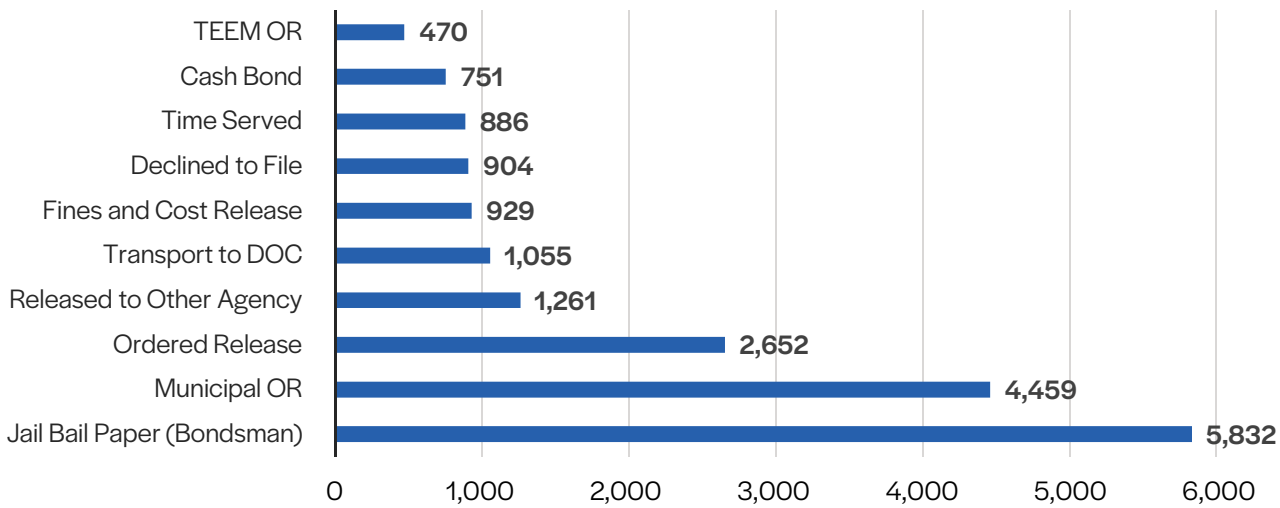
Source: Oklahoma County CJAC Dashboard as of 5/9/2023

Figure 11 Bond Decision for 2022 Admissions (n=21,979)



Source: Oklahoma County Detention Center Jail Tracker

Figure 12 Top 10 Release Reasons,¹⁵ 2022 Release Cohort (n=21,227)



Source: Oklahoma County Detention Center Jail Tracker

The number of Ordered Releases and Conditional Releases has increased since 2015.

To decrease the number of individuals held at OCDC who are detained pretrial, the Task Force recommended expediting the screening and assessment of individuals who qualify for release through ordered releases (OR) and conditional release (CR) bonds. While there is limited data on the length of time this process takes, both historically and currently, data does indicate that the proportion of individuals receiving OR and CRs through Court Services has increased 13.5 percent, from 3.7 percent in 2015 to 4.2 percent in 2022. The increase in individuals being released through nonfinancial options could indicate that the process has improved and more individuals are being screened effectively and efficiently but data was unavailable to determine the exact cause of this increase.

The Municipal Court made considerable changes to pretrial release as a result of the COVID-19 pandemic. Municipal Judicial Order 20-03, issued in March 2020, paused the issuance of municipal warrants and authorized any individual arrested on a municipal charge, who is not intoxicated,¹⁶ to be released on an OR release as soon as possible, provided that no other holds exist and they sign a promise to appear.¹⁷ In April of 2023 through Judicial Order 23-01, this policy was adjusted to require that a bond hearing occur within seven business days of municipal defendants' release. However, individuals with municipal bench warrants were no longer

eligible for OR bonds, and instead were required to be held in jail until their next available court date unless they posted a surety or cash bond.

In contrast, modifications to OR and CR bonds in District Court took place largely through the expansion of pretrial service providers. The two largest options include Court Services, the pretrial supervision agency that is funded by Oklahoma County, and the Education and Employment Ministry (TEEM), a nonprofit that provides multiple programs, including the Pretrial Release Initiative, which provides supportive services to eligible defendants. The combination of these programs, in addition to those noted later in this report, have enabled judges to release more individuals through nonfinancial means.

In addition to the growing number of pretrial supervision providers, interviews also suggest that the assessment and screening processes through which defendants enter these programs has improved. One improvement involves Court Services' ability to make OR and CR eligibility assessment results available prior to the probable cause hearings to dedicated judges. This practice ensures that release decisions are made at the first possible opportunity. However, one barrier identified by the Task Force that remains unaddressed is the need for space at intake in the jails for Court Services to

conduct the screenings simultaneously to booking. The space constraints are also compounded by staffing limitations in the jail that impact Court Services' ability to access defendants overnight. Court Services previously had added staff to conduct interviews overnight on Thursdays through Sundays. However, Court Services' overnight shift is no longer operating, due to jail staffing challenges and jail operation changes that occurred due to the COVID-19 pandemic. Consequently, the staff working the overnight shift have been moved to the daytime shift, which may contribute to the volume of individuals needing to be processed during the workday hours.

Eligibility criteria for OR and CR bond release remain the same.

While Court Services oversees the pretrial release program in Oklahoma County, the eligibility criteria is established by state statute.¹⁸ The criteria have become more restrictive since 2016 and still includes a list of 40 offenses, some of which are unrelated to public safety, such as possession and unauthorized use of a motor vehicle, or recently added exclusions for more serious offenses like stalking. The Task Force noted that many individuals are being excluded from eligibility for pretrial release despite not being charged with prohibited offenses. The Task Force recommended that stakeholders examine data to see why individuals were being excluded when they were not charged with a prohibited offense. To date, this inquiry has not occurred. It is important to note, that while statute outlines eligibility criteria with exclusionary offenses, Court Services staff still have the ability to complete paperwork for defendants whose offense is excluded, and judges may approve their pretrial release to Court Services on a case-by-case basis.

Beyond offense type, the Task Force noted that the lack of a validated risk and needs assessment to predict a person's likelihood of not returning to court is a significant gap in eligibility determination. This gap persists, as neither Court Services nor the court has made progress using this additional tool to establish eligibility. While the implementation of the Ohio Risk Assessment System (ORAS) was considered by the Court Services Advisory Board, the Board ultimately agreed not to implement the system. Furthermore, Court Services uses a nine-question survey that asks about a person's background and community ties for OR consideration. While components of this survey are similar to aspects of a pretrial risk assessment, it does not amount to an evidence-based, validated risk and needs assessment.

Lastly, the Task Force also recommended a standing order to allow judges to consider pretrial release at the probable cause hearing, instead of relying solely on Court Services

determination. At the hearing, the judge has the original probable cause affidavit, the police report, an Oklahoma State Courts Network background summary, and the list of those deemed ineligible for OR and CR release through Court Services. Interviews suggest that judges are still not authorized to make pretrial release decisions at the probable cause hearing.

Options for non-financial release have increased.

Beyond Court Services, judges' nonfinancial pretrial release options have increased significantly since 2016. However, these programs are primarily geared toward individuals charged with low-level offenses.

One of the expanded pretrial programs includes TEEM, which, in 2015, began providing pretrial bonds primarily for those in jail on nonviolent misdemeanors or traffic violations. By 2022, this program has increased its capacity and was referred nearly 3,500 individuals for TEEM pretrial services.^{xxiii} TEEM uses a risk and needs assessment to establish eligibility; after an individual is released to TEEM, they will be provided a case worker to help them navigate the court process and assist them in finding treatment and other supportive services and resources. Of those on a TEEM bond in 2022, 83 percent appeared for their court dates. Only 5 percent of individuals had their bond revoked for failure to comply and only 2 percent were convicted for a new crime while on TEEM pretrial release.^{xxiv}

83%

of those on a TEEM bond appeared for their court dates.

The Bail Project is another organization that allows defendants to be released from jail at no cost to the individual. The Bail Project pays the bail for low-income people for low-level offenses, and helps provide support services for client-identified needs while the defendant is in the community. Between March 2020 and August 2022, the Bail Project posted bail for an average of 12 people per month in Oklahoma County, with a 90 percent return to court rate. Further outcome data shows about one-fifth of participants had their case(s) dismissed, and 91 percent did not require any additional incarceration.^{xxv}

Most bail amounts are for the highest charge, but some are still calculated cumulatively.

Outside of nonfinancial release options, the average bond for bail-eligible individuals is about \$11,424, while the median bond amount is \$5,000. As noted previously, the most common release mechanism is through a bondsman (27%), for which individuals would need to pay at least 10 percent of their bond to be released; this is a nonrefundable premium. Bail amounts can be calculated either based on the highest charge or cumulatively if there are multiple charges. In 2019, Administrative Order AO7-2019-26 was issued, establishing whether bail be set based on the highest charge or cumulatively. The order requires that for cases with only misdemeanor offenses, the bond must be based on the charge with the highest bond; for cases with misdemeanor and felony offenses, the bond must be based on the sum of the bonds for each felony offense; and for cases with only felony offenses, the bond be based on the total sum of the bond amounts for each felony offense. In practice, bail amounts are not calculated cumulatively for misdemeanor charges. For individuals with a felony charge and multiple misdemeanor counts, bond will usually be set on the felony count alone. For violent offenses, bond amounts are calculated cumulatively or stacked. See (Figure 13) for detailed information on bond amounts for those granted cash or bail or cash-only bonds.

There is still no requirement for bail review.

To address high bail amounts, the Task Force recommended requiring bail reviews at arraignment. Such reviews—during which the court reexamines the original pretrial release decision or bail amount—have not been formally implemented in Oklahoma County through an administrative order. Typically, once a charge has officially been filed, the case is passed to a special judge who oversees initial appearances. At this point, bail is reviewed by the special judge, but this practice has not been institutionalized with an administrative order. Thereafter, the case is passed to one of four special judges who handle felony and misdemeanor hearings. At this stage, the original bond amount is typically maintained, as bail reviews are not done at this stage unless a public defender has filed a motion to lower bond, or the prosecution files a motion to increase bond.

Counsel is now available at probable cause hearings.

To help reduce the pretrial population, the Task Force recommended providing counsel at probable cause hearings, as this could reduce bail amounts and ensure individuals are properly assigned to the case, avoiding delays in case processing. In 2016, the Public Defender's Office was piloting a program in collaboration with TEEM to fund counsel at probable cause hearings. This pilot program has since been fully implemented, with counsel generally accessible at

probable cause hearings. However, of note, the public defender present at probable cause hearings will not be the attorney who takes the defendants' case; that attorney is assigned by formal arraignment once charges are officially filed by the District Attorney's Office—usually three to four weeks out from initial appearance if the defendant is out of custody and typically 10 days if the defendant is in custody. In 2016, the Task Force recommended that funding for TEEM's pretrial services come from a more sustainable source; stakeholders note this is still not the case, with funding coming primarily from philanthropic donors. Despite the lack of funding, TEEM has not put a cap on the number of individuals they can serve.

Further education is still needed about the purpose of bail.

Another responsive strategy suggested by the Task Force to reduce high bail amounts and pretrial detention was to educate stakeholders on pretrial detention best practices. This would include education targeting the judiciary, defense attorneys, the Prosecutor's Office, and the public at large. The National Association of Pretrial Services Agencies (NAPSA), an association for pretrial release and diversion professionals, has established evidence-based standards for pretrial release. These standards outline guiding principles that should be adhered to for pretrial decision making – both release and detention – and the essential elements of a pretrial justice system.

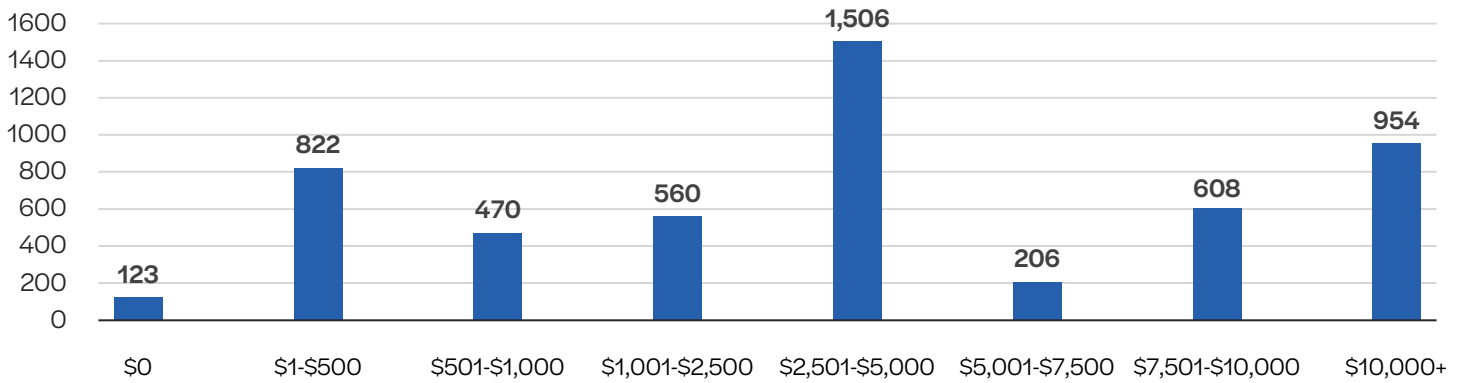
Overall, Oklahoma County lacks comprehensive educational opportunities and structured training protocols for criminal justice system stakeholders focused on pretrial risk and evidence-based practices in pretrial decision making. Court actors also mentioned in interviews that there are limited training opportunities in evidence-based practices. Generally, attorneys and judges vary in their exposure to the latest pretrial research regarding the causes of FTAs, best practices in reducing them, as well as accurate measures of public safety risks. Encouragingly, many court actors expressed interest in receiving educational opportunities on these topics.

Finding #4:

Overall length of stay has decreased since 2015, but is most pronounced for those released within the first 48 hours.

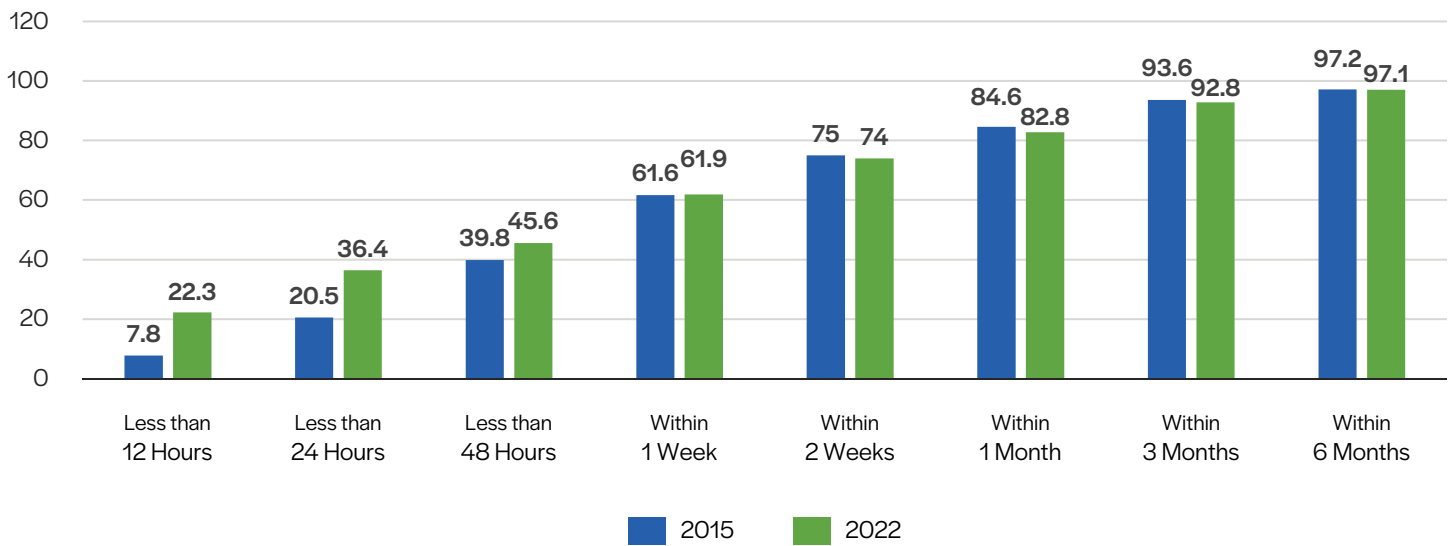
The amount of time individuals are staying in jail prior to release is decreasing. Data indicates that more than one-third of people released from OCDC were released within one day in 2022, compared to just one-fifth of people in 2015 (Figure 14). This is a 78 percent increase in the portion of people who are released within 24 hours of booking. Regarding time periods beyond one day, most individuals were released within one week (61.9%), which is comparable to 2015-time frames.

Figure 13 Bail/Bond Amounts for People Assigned Cash or Bail & Cash-Only Bonds, 2022 (n=5,249)



Source: Oklahoma County Detention Center Jail Tracker

Figure 14 Time to Release for Release Cohort by Cumulative Percent, 2015 & 2022 (n=39,407 & n=22,066)



Source: Oklahoma County Detention Center Jail Tracker

Overall, the median length of stay in 2022 was 2.7 days compared to 3.4 days in 2015 with the average length of stay remaining largely the same between 2022 and 2015 (24.7 days and 25.6 days respectively). While the speed at which individuals are released has increased substantially in the first 48 hours, the release speed has not changed for those individuals detained longer than 48 hours. For individuals who did not get released within the median timeframe, the average length of stay doubled to 48.7 days. Considering the vast majority of those in OCDC are pretrial, this finding suggests delays in court processing persist; this is demonstrated by the increases in length of stay for detention of individuals who do not bail out or get released quickly through an alternative release option within that first 48 hours. The finding that many of these individuals do eventually get released, but only after a two week or one month period, indicates that they may be good candidates for some form of pretrial release but are not being processed quickly; however, without court data to analyze case processing times, the cause of this delay is difficult to determine definitively.

There is an Administrative Order in place to address charging delays.

To address case processing delays, the Task Force suggested that the District Attorney focus on expediting the time to charging. This included suggestions such as increasing staffing, relying on senior attorneys to make filing decisions, open communication between law enforcement and the district attorney's office, and earlier case conferences. The District Attorney's Office reports having increased staffing to allow more Assistant District Attorneys to make charging decisions, with senior attorneys making filing decisions on more serious felony offenses. Additionally, Administrative Order AO7-2019-21, established in 2019, requires in-custody defendants to be released from jail if charges have not been filed within 10 days of their detention date. This was originally an informal agreement between the District Attorney's Office and the Public Defender's Office, established to ensure in-custody defendants—especially those who might be eligible for pretrial release—would not be sitting in jail for long periods of time due to a delay in charging by the District Attorney's Office. Lastly, a 48-hour policy for reviewing charging packets received from law enforcement and making charging decisions was implemented in January 2023, within the District Attorney's first month in office.

FTA and FTP notification processes remain outdated.

In 2015, data showed that 3.2-4.8 percent of arrests were for an FTA, representing 1,924 people.^{xxvi} In response to this finding, the Task Force recommended the District Court implement an updated court notification system to improve case resolution

and reduce FTAs. However, at this time the court has not updated its court notification system. In 2022, 2,264 people, or about 10 percent of arrests, were related to warrants.¹⁹ Distilling this finding further, at least 956 of those individuals were arrested for an FTA with an additional 317 individuals arrested for FTA/FTP. Therefore, at least 4.3-5.8 percent of admissions were due to an FTA, suggesting the proportion of FTA arrests were slightly higher than in 2015, indicating that by not implementing a court notification system, the county may have missed an opportunity to reduce FTA arrests.

Defendants are currently provided with their court dates on a piece of paper, which is given to defendants following their hearing. If they lose this paper, they can check the Oklahoma State Court Network (OSCN), the county's online information network, or call the Court Clerk's office to learn when their next court date is. However, this notification system only functions once there is a case in progress. The Task Force highlighted this critical gap in notification: if a defendant is released from jail before the District Attorney files charges, there is no notification from the court once those charges are filed. If a person's charges have not been filed, but they are released through bail or a pretrial program, they are required to attend a hearing after 60 days to learn if their charges have been filed. If no charges are filed, this hearing is followed by another initial appearance set 30 days out. If an individual is out on bail and a charge is filed against them in between hearings, they will find out at the next hearing; however, if the individuals miss that hearing, they will receive an FTA. If someone is administratively released after the ten days via AO7-2019-21, the individual must check the OSCN website or call the Court Clerk's office to hear the status of their charges. Interviewees noted that often a person will only find out their charges have been filed once they are arrested due to this warrant.

While the court has not implemented a notification system, community groups and Court Services have created court reminders, including automated text reminders and live calls. For example, the Bail Project reported using a service called Twilio and Court Services described using Connexis Cloud to reach out to individuals and notify them of their court date. Moreover, through Diversion Hub's dedicated FTA reduction program, at the judge's discretion, justice navigators reach out to individuals who have failed to appear prior to a warrant being issued. Judges opt into the program and typically have their staff send a list of the eligible individuals for the program via email for Diversion Hub to initiate outreach. Once Diversion Hub's staff make contact, they set them up with a new court date and no warrant is issued. Of the people who Diversion Hub contacts, 60 percent avoid an FTA warrant in the first half of 2022.^{xxvii}

The Task Force also suggested the creation of a court-based reminder system to alert individuals behind on payments and refer them to a court date with a cost docket. There is currently no substantial county-wide court reminder system for payment. The Court Clerk's Office will call individuals at least once a year who are behind on payments to remind them, but an automated text messaging reminder system has not been implemented. A new law, effective November 2023, will require court clerks to review cases for delinquency at least once every six months, which stakeholders hope will help reduce FTPs.^{xxxviii}

Despite the lack of advance reminders, individuals are not typically arrested for failure to pay. Before a warrant is issued, the general practice is for law enforcement to call the Public Defender's Office to alert dedicated staff focused on assisting individuals with outstanding fines and fees. Staff will not only alert them of the outstanding payment and court date but will also help them establish new payment plans, clear warrants, and schedule a Rule 8 hearing to determine if any amount owed can be waived or stayed. Staff within the Public Defender's Office also provide court reminders, but only for those with hearing dates that they've worked with.

OCDC has not facilitated earlier access to attorneys.

In addition to the notification of case dates and case updates, the Task Force recommended regular and consistent access to counsel to help expedite the court process. While efforts have been made, interviews illustrate access to counsel in the jail remains a challenge, as there are still barriers like the structure of the jail, extremely limited jail staffing, and jail elevator issues. As the county begins to design and construct a new detention facility, these barriers should be taken into consideration.

There is no formal case triaging to expedite cases.

In addition to recommending notification and access to counsel to reduce case process delays, the Task Force recommended the court adopt a system to sort cases to identify those that can be fast-tracked or diverted. Interviews with system stakeholders did not reveal the existence of this process or any investigation taken by the court to try and create such a process. Neither the District Attorney nor Public Defender Offices have established a team dedicated to reducing delays nor established any practices that would speed up the process such as agreeing on certain case types that could be resolved soon after arraignment. Similarly, there is no designated docket for resolving cases or expedited discovery dates. Lastly, stakeholders interviewed do not know of any "rocket docket" or backlog docket designated for clearing or setting dates for cases lingering in courts too long, as was suggested by the Task Force in 2016. While there are no formal processes to

expedite cases, interviews indicate that there are a few informal mechanisms to accelerate the process for defendants charged with misdemeanors or those with mental health issues through the newly established COOP program.

Fewer individuals are being surrendered on bond, despite no adherence to specific recommendations.

To help reduce delays caused by bond surrender, the Task Force recommended stakeholders learn more about the circumstances of bond surrender. Approximately 138 individuals were admitted for surrendering bond in 2022 as compared to the 1,441 individuals surrendered on bond in 2015, as reported in the Task Force report.^{xxix} Bond surrender occurs when a defendant is released pretrial through a bondsman, and the bondsman brings the defendant back to jail. While this process can occur at any time for a variety of reasons, surrender typically occurs because a bondsman suspects the defendant will not comply with their pretrial conditions or appear for court. There have been shifts in the process for bond surrender since 2016. In February of 2019, then-Presiding Judge issued Administrative Order A07-2019-09, requiring that bondsmen surrendering a defendant file a Notice of Intent to Surrender with the court to ensure that these defendants were docketed. With these changes in practice and procedures for bond surrender since the Task Force, data shows that incidents of bond surrender have decreased. A formal system for notification for all court actors regarding bond surrender, as recommended by the Task Force, remains unaddressed. While the County Trial Court Administrator receives notice that a bondsman has surrendered a person's bond, there is no system-wide notification that someone has been returned to custody, which can cause confusion and further case delays.

No self-surrender program is available for district court cases.

The Task Force also recommended creating opportunities for individuals who have failed to appear to self-surrender and get their case back on track to reduce open warrants and subsequent case delays. This strategy has not been implemented, and similarly, the District Court has not established a periodic warrant resolution program. However, interviews indicate that "walkthroughs" are available for people with warrants for new or old charges; "walkthroughs" involve a pretrial service agency or a bondsman bringing an out of custody client into the jail to resolve an outstanding warrant. When an individual reports for a walkthrough, they are photographed and fingerprinted, before completing their paperwork in a designated "fast-track" area within the jail. OCDC data shows that about 504 individuals were brought in for walkthroughs in 2022.

One program to highlight that isn't exclusive to resolving warrants but does function to resolve outstanding cases is the Oklahoma City Municipal Court Penalty Reduction Program. As part of this program, implemented in 2019 and extended in June 20, 2023, individuals are encouraged to contact municipal court and have their case resolved and their remaining debt suspended, on the condition that they pay a reduced amount of approximately \$155, which will recall the warrant and dismiss the FTA case if applicable. As a result of this program, 10,460 tickets have been paid, leading to the collection of \$1,239,108.00 as of May 8, 2023.^{xxx}

10,460

tickets have been paid as a result of the Penalty Reduction Program

Findings #5:

Access to and use of diversion programs has increased considerably in Oklahoma County.

To address a growing jail population and overcrowding challenges, the Task Force suggested increasing the number of diversion options available. Presently, there are now a number of community organizations, as well as services run by the county itself, to reduce the number of individuals serving time in jail. These include previously mentioned organizations such as Diversion Hub and TEEM, in addition to ReMerge, the Arnall Family Foundation, and Treatment Court programs.

While it is difficult to ascertain how many individuals have been entirely diverted from the system, data collected from several community organizations who provide diversion programs and services indicates a sizable number of individuals have been served. For example, Diversion Hub started serving individuals in 2020 with about 1,500 clients and has grown to serve just over 2,400 clients in 2022.^{xxxii}

Participants are identified for diversion earlier in the criminal justice process.

The Task Force suggested that participants be identified for diversion and treatment courts earlier in the criminal justice process, as prolonged enrollment into treatment courts at that time contributed to longer jail stays and delays in receiving

treatment. All relevant parties have made strides to implement this recommendation over the last seven years. The most recent efforts include the new jail diversion referral team, an idea originally conceived by CJAC's interdisciplinary team, and is now funded by the Arnall Family Foundation. It established a new position called diversion liaisons to identify those who could be eligible for diversion and pretrial services earlier. The liaisons, who work in the jail's booking area, gather key information through a survey about the individual and provide the results to a judge at arraignment.

While the addition of diversion liaisons is helpful, in practice, there are several barriers to their effectiveness. Due to the lack of jail staff, the high volume of individuals needing to be assessed, as well as narrow eligibility requirements, diversion liaisons are only able to screen a small portion of those booked into jail. Out of the 1,584 admissions in December 2022, diversion liaisons were able to survey about 20 percent (or 322 people).^{xxxiii} In addition, defense attorneys report that their staff who are present at arraignments are usually unable to review the survey answers in great depth before the initial appearance, thus reducing the effectiveness of flagging people eligible for diversion earlier in the process.

Another practice that has improved the early identification of those eligible for diversion is the expansion of the defendant screening program within the jail, which is distinct from the diversion liaison program. Previously, each diversion program required a separate assessment and interview to be completed to determine if an eligible person was a good candidate for the program. Now, all individuals admitted to the jail with eligible offenses for pretrial release are screened using a risk assessment, which indicates which diversion program is most appropriate. The assessment used is the Ohio Risk Assessment System (ORAS) and it is administered by Oklahoma's Department of Mental Health and Substance Abuse Services (ODMHSAS) certified treatment providers in the jail. All of the diversion programs base their eligibility criteria off of the assessment results.

In addition to suggesting improved identification and enrollment for diversion, the Task Force also proposed these processes be expedited for treatment court. Interviews suggest that early enrollment in treatment court continues to be limited in some instances. The reasons cited include court and outpatient provider capacity, limited judicial resources, and physical space all contributing to longer lengths of stay. Data illustrating this are hard to decipher, as release to a treatment court is not maintained in OCDC's records unique from deferred or suspended sentences, which are typical decisions for entering treatment court. However, stakeholders report that over three months may

pass before an individual gets into treatment court following arrest. For mental health court, for instance, stakeholders estimate that around 80 percent of individuals plea into the program while in-custody, meaning most participants have to stay in jail until being released to the program.

Limited judicial resources were noted with particular frequency as a factor preventing enrollment from being conducted earlier. While treatment courts have expanded their capacity considerably over the past seven years, the time treatment court judges can offer has reached its cap for many programs. Stakeholders have made suggestions that additional judges take on treatment court dockets; however, there is not current capacity to do so. One reason contributing to this may be judicial resources in the state were originally established based on total county population and not on total number of case filings (both civil and criminal). While the legislature provided funding for two additional special judges during the 2023 legislative session, interviews suggest that additional factors such as the total number of judges, court staff such as court reporters and bailiffs, and physical space in the courthouse limit expediency.

Oklahoma County has invested in a continuum of diversion programming.

To address the reoccurrence of people coming into jail, especially those with behavioral health challenges, the Task Force recommended that Oklahoma County invest in a continuum of diversion programming; Oklahoma County has made significant progress in this area in a multitude of ways.

With respect to responding to individuals in crisis, several improvements have been made. First, due to the rollout of the 988 hotline spearheaded by ODMHSAS, law enforcement officers are no longer required to be the first responders on calls purely related to mental-health crises. The 988 hotline is a nationwide initiative, established to improve access to crisis services, and to promote stabilization and care in the least restrictive or invasive manner. In Oklahoma County, law enforcement officers may utilize iPads provided by ODMHSAS to identify if someone is in crisis and enable citizens to directly connect to therapists via telehealth when appropriate. In addition, mobile crisis teams can be dispatched to assist an individual in crisis through 988 instead of law enforcement.

Second, OCPD has 172 Crisis Intervention Team officers who specifically are called for mental health crises, with an additional 359 active officers who have undergone the 40-hour Crisis Intervention Training.^{xxxiii} This represents that 52 percent of OCPD has training in mental health awareness and crisis

intervention. Additionally, Oklahoma County Sheriff's Office reports that all of its patrol officers are CIT certified. These developments allow law enforcement to engage in pre-arrest diversion opportunities, by equipping them to connect people they encounter with treatment as opposed to arresting them.

Third, stakeholders have reported that changes in mental health transports are another factor contributing to improvements in pre-arrest diversion for individuals with a behavioral health need. In recent years, law enforcement officers no longer handle the transportation of individuals self-presenting with mental health crises at a hospital to a crisis center. Instead, Oklahoma Ride CARE, funded by ODMHSAS, is responsible for such transportation; the program was implemented in November 2021 and drivers are all specially trained to handle the needs of their riders. According to stakeholders, this reduces the likelihood of potentially violent encounters between individuals in crisis and law enforcement officers that could possibly lead to felony charges down the line and allows deputies and officers to allocate resources to other aspects of their job like crime prevention. Other stakeholders working within behavioral health report that this shift still presents potential public safety concerns for those transporting individuals who exhibit violent behavior.

Despite these changes, the Task Force had suggested that Oklahoma County create a robust pre-arrest diversion program, such as Law Enforcement Assisted Diversion. A plan to create a Law Enforcement Assisted Diversion (LEAD) program was never officially implemented after a several-year process that involved significant planning and the securing of funding through the Arnall Community Funds at the Oklahoma City Community Foundation and a federal BJA grant for LEAD technical assistance. Additionally, while pre-booking diversion options currently exist through the Oklahoma County Crisis Intervention Center and detox centers, such as the public inebriate alternative, they are limited in their capacity to hold someone on emergency detention.

In addition to assessing pre-arrest diversion opportunities, post-arrest diversion options have also expanded in recent years. Chiefly, the Court Ordered Outpatient Program (COOP) and Opt-Up programs divert those with state and municipal charges. COOP, which started in the beginning of 2023, identifies those whose mental health issues underly their charges—whether felony or misdemeanor charges—and provides them with the opportunity to voluntarily participate in a year-long outpatient mental health provider program. Meanwhile, Opt Up, which started in January 2023 and is currently in its pilot phase, diverts high utilizers with municipal charges and underlying

behavioral health issues from jail. Between January and April of 2023, the program received 114 referrals.

Specifically targeting fines and fees, Community Court, created in March 2020, allows participants with outstanding municipal fines and costs to participate in a program with Homeless Alliance, after which their charges are dismissed or amended with no fines. The Homeless Alliance operates several employment and housing programs, conducts outreach to connect individuals with services, and operates a multiagency homeless resource campus providing health clinics, veterans services, as well as legal and budgeting assistance.

Another recently created program is Diversion Hub's Misdemeanor Diversion program, which started in August of 2021. In this program, individuals can have their charges dismissed after 90-days of engagement. Since August 2021, the program has had 547 individuals engage with 426 (78%) of them successfully getting their charges dismissed.^{xxxiv} Recent statistics show that of those that engaged in the program, 99 percent did not receive a new conviction while in the program, and every individual who engaged made 100 percent of their court appearances.^{xxxv}

Other longer standing programs like TEEM's Community Sentencing Program and Diversion Hub's Second Chance Probation program have likewise expanded in recent years. TEEM's Community Sentencing Program – codified in 2000 – utilizes a Risk-Need-Responsivity (RNR) assessment of individuals to establish eligibility and case managers connect clients with a myriad of treatment options, including mental health and substance use treatment.

Diversion Hub's Second Chance Probation program, which started in the fall of 2018, provides an alternative to incarceration for those who violate their terms of probation. Individuals that violate probation are contacted by Diversion Hub staff, who will provide a case manager to work with the individual to return them to compliance with their probation by connecting them with needed resources and services to satisfy the outstanding court requirements. When the individual becomes compliant again, the District Attorney will dismiss the application to revoke or to accelerate, and an arrest warrant will be avoided. Of the folks Diversion Hub contacts, just over half are successfully brought back into compliance.^{xxxvi}



COOP: This program is unique in that it does not uniformly disqualify individuals with violent offenses; however, individuals charged with stalking and DUI offenses will typically be excluded. After an individual agrees to participate, the District Attorney drops the charges, with the acknowledgement that if the participant is not successful, the charges may be refiled. The program requires the individual participate in outpatient treatment, and the provider gives monthly status updates to the court, defense, and prosecution. As of April 2023, 21 individuals were released from jail and are active in the program.

Opt Up: The purpose of the program is to target high utilizers who commit relatively low-level offenses, reduce emergency room and jail admissions, and provide individuals with much needed housing and employment through case management. The program typically serves those charged with offenses such as larceny and public intoxication. The individuals can be referred by the court, community liaisons, probation, and law enforcement. First, Opt Up will conduct a basic needs assessment, which assesses an individual's housing, transportation, and food stamp needs. The person then engages in treatment through Hope Community Services for 90 to 180 days on a more intensive case management level, receiving transitional housing or employment, for instance. At that point, they will be transitioned to general outpatient care, which can meet their deeper treatment needs. Participants are reviewed on a quarterly basis; their cases will be resolved and charges dismissed after three months of consistent engagement for less serious offenses and after six months of engagement for more serious offenses.

Icon: Adrien Coquet from the Noun Project

Lastly, ReMerge is a program that diverts high-risk, high-need women with children charged with nonviolent offenses. ReMerge works with the District Attorney’s Office to accept eligible women to the program, who have received an ORAS assessment ensuring the individual fits ReMerge’s criteria of being high-risk, high-need. Participants must enter a guilty plea, and upon graduation of the program, participants’ charges are eligible to be dismissed and fines and fees are often waived. Since its launch in 2011, ReMerge has graduated close to 200 women who parent a total of 455 minor children, and reports having saved the state of Oklahoma more than \$44 million dollars by providing an alternative to incarceration. ReMerge received over \$3.8 million in appropriations in May of 2023 to expand its program in the Oklahoma City area and into rural parts of the state.^{xxxvii}

In addition to these community driven diversion programs, court resources have been devoted towards expanding the capacity of existing treatment courts. The current existing treatment courts, Drug Court, DUI Court, Mental Health Court, and Veterans Diversion Court all existed prior to 2016. Changes since then include the establishment of Veterans Court in 2018 and for a time, the separation of DUI court from Drug Court, with a new judge overseeing the docket, however that change has since been reversed with DUI and Drug Court being overseen by the same judge again. In August 2022, Drug Court eligibility was expanded to those committing violent offenses as well as those arrested (but not charged) with trafficking due to statutory changes.^{xxxviii} Finally, Mental Health Court has continually expanded, growing by about 180 participants, from 105 to 280, just this past year, representing a 167 percent increase.^{xxxix}

Finding #6:
Oklahoma County has reduced the impact of justice system fines and fees on jail growth and recidivism.

Oklahoma County has made significant progress in reducing its reliance on court fines and fees. The percent of admissions to OCDC for arrests related to FTP are low, between 0.07 and 1.5 percent. In 2022, of the 2,264 individuals arrested and admitted to OCDC for violation warrants, only 16 individuals were there specifically for FTP, although an additional 317 individuals were flagged as having FTP and/or FTA, showing that arrests *exclusively* for FTP are low. Additionally, the Task Force reported that those individuals arrested for FTP and/or FTA were detained two weeks longer than the general population in 2015;^{xl} presently, those arrested for FTP and/or FTA are being released more quickly—within 21.2 days—than the general population—24.7 days. Moreover, those who are booked on FTP and/or FTA are released within 5 days, on average, with a median stay of about 12 hours.

Indigency hearings are occurring earlier in the process; however, fines and fees waivers are currently limited until November 2023, when HB 2259 becomes effective.

One suggestion made by the Task Force to reduce the impact of fines and fees was ensuring that indigency determinations, or Rule 8 hearings, take place earlier in the court process. Now indigency hearings can be conducted upon the request of an individual as soon as they have pled to a crime; individuals also have the option to seek an indigency hearing anytime thereafter, including after they fail to pay. If individuals solely owe court costs, a formal indigency hearing is usually not necessary, as the individual can inform the clerk directly after taking a plea that they cannot afford that amount. In these instances, the clerk will send them to the cost docket judge, who will conduct an informal indigency hearing and discuss a payment amount that the individual can afford. Standing dockets occur every Tuesday and Wednesday afternoon for defendants who want to adjust their payments or put them on hold for a short time due to extenuating circumstances. For individuals who owe other monies besides court costs, they must file a motion, providing notice to the District Attorney and setting a court date for a formal Rule 8 hearing, which is held weekly. During this formal hearing, counsel is provided and the individual testifies regarding their finances.

As of the publication of this report, there are statutory limitations that prevent the Oklahoma County cost docket judge from waiving costs due to indigency.^{xli} Instead of waiving state debt, the judge who oversees the cost docket currently places a person’s payment plan on hold. The only current statutory exception allowing costs to be waived applies solely to defendants who have served time in prison and requires an individual to pay consistently for 24 months, after which time the judge may waive the remainder of their fees, provided they have not reoffended.^{xlii} However, HB 2259, which goes into effect on November 1, 2023, will allow more waivers to be administered, payment holds to be issued, and give individuals the option of community service instead of making payments.²⁰ HB 2259 also codifies the existing practice in Oklahoma County that if an individual continues to make payments on at least one of their cases, they will stay in compliance. This new law will allow individuals to be relieved of their court-related debt through a hardship waiver if found by the court to be unable to pay.

Alternatives to cost warrants are becoming available.

The Task Force recommended that the District Court develop an alternative to arrest and booking for cost warrants, to avoid incarcerating individuals purely for inability to pay. While such an alternative will not exist until HB 2259 comes into effect on

November 1, 2023, a few current practices seek to address this issue. Presently, when a payment is missed, a warrant is put out for that person's arrest. However, intermediary steps take place, with the goal of preventing a person's incarceration, until stakeholders have no other options.

The Oklahoma County Court Clerk checks once a year to assess who is behind on payments and to investigate the status of those individuals. Although a significant number of cases are reviewed daily, the manual review process and software limitations result in many individual payment plans only being reviewed annually. Defendants working closely with the cost docket judge are often set for significantly shorter reviews, typically every 30 days. The cases falling into the annual audit process are generally those defendants who are not making any attempt to comply with the terms of the payment plan. The Clerk's office will send warrants to the cost docket judge for individuals who have failed to pay in the last 90 days, though they will not be acted on right away. Staff funded by the Arnall Family Foundation in the Public Defender's office then call the individuals and provide both reminders to pay and payment plan options. After two weeks, the Court Clerk's office will investigate the status of those individuals one more time and if they are still not paying their court costs, the arrest warrants will only then become active. In addition to this Arnall-funded program, stakeholders report that Diversion Hub has also been instrumental in getting individuals on payment plans they can afford to avoid cost warrants.

The cost docket judge reports that further efforts have been made to reduce the number of individuals brought into jail on cost warrants. Administrative Order AO7-2019-35 issued in 2019 mandates that an individual picked up on a cost warrant receive an OR bond and be released upon signing a paper that says they will report to the cost docket judge within 10 days. Additionally, HB 2259 will require all court clerks to review cases for delinquency every six months, as opposed to once a year, and upon finding delinquency, the clerk will issue a summons as opposed to an arrest warrant two weeks before the cost hearing. An arrest warrant may only be issued if the person fails to appear at the cost hearing or is notified by law enforcement of a cite and release warrant. Furthermore, if law enforcement sees an individual has an outstanding cite and release warrant for failure to pay, they will notify the court and issue a summons to appear to the clerk within 10 days of release; they will not hold the person in detention. HB 2259 will also allow for outstanding cost-related warrants within a jurisdiction to be recalled with a mutually agreeable payment plan and a down payment set at the minimum of \$100, or other amount set by the cost docket judge. The efforts that the Court Clerk, Diversion Hub staff, and the

Arnall-funded staff have made to remind individuals to pay are laudable. However, due to limited financial and software resources, the Court Clerk's office only audits each payment plan once a year, and once HB 2259 becomes effective, will only perform the audit twice a year. In addition, Diversion Hub and the Arnall-funded staff at the Public Defender's Office only serve those individuals whose cases they are assigned. A county-wide court cost reminder notification system—with live callers, automated text messaging, or automated postcards—does not currently exist and could succeed at preventing failures to pay up front in addition to reaching all individuals with court-related debt rather than just some.

While the Task Force recommendations were directed at the District Court, the Municipal Court no longer issues cost warrants and instead only issues warrants for failure to appear at a municipal court hearing.

Financial obligations have been made easier to pay since 2016; however, comprehensive information on all criminal justice-related debt and a standardized method of paying such debt is lacking.

To address the impact of fines and fees on the system, the Task Force suggested that financial obligations be made easier to pay. While some changes have been made, there is still not a single platform through which defendants can pay their various costs, as each office or agency calls for different payment options. For court costs, stakeholders report that a case must be completely closed on OSCN for the Court Clerk's office to see the total amount owed; thus, individuals are often confused when they find out the total amount owed. Stakeholders note that individuals can pay their court costs online without any convenience fee and if they can't pay online, or prefers to pay via money order or check, the individual can drop off or mail these methods of payment.

Meanwhile, restitution, probation costs, electronic monitoring costs, drug testing, and additional medical costs may all arrive at varying times throughout the criminal process and be owed by the defendant to multiple different entities, ranging from the District Attorney to OCDC. Specifically for cost warrants, upon attending the cost docket, a person receives a court date on paper and a payment plan with directions on how to pay court costs. The only other information included on this document is a statement that if individuals do not pay their court costs, a warrant will be issued and a warrant fee will be added to the amount owed, along with a 30 percent collection fee. This information is not comprehensive, as the payment plan is for paying court costs only and does not include information on criminal justice debt from other sources. In addition, this

document does not include the legal basis for various costs, as most information must be input manually while other agencies update information in real time, thus creating delays for the court in collecting information from other agencies. Stakeholders also report that defendants usually get the bottom layer of a carbon copy, four pages down; due to this fact, the document can be difficult to read.

Finally, stakeholders report that options for paying off criminal justice debts have been established for individuals who have financial obligations. The Start Helping Impacted Neighborhoods Everywhere program (SHINE) is for people who commit low-level non-violent offenses sentenced to community service in organized work crews, saving millions in jail costs. Individuals can work SHINE hours or other community service hours and have their court costs reduced.

Finding #7:

Racial disparities have increased within OCDC.

Though not explicitly addressed by the Task Force in 2016, the recent data analysis shows Black individuals continue to be overrepresented in the jail with increased disparity. There were about 19,700 white people and about 12,900 Black people in jail in 2015; in 2022, those numbers changed to 9,900 and 8,200, respectively. As a result, the number of Black individuals being admitted to jail decreased 36.9 percent and the number of white individuals being admitted to jail decreased 49.8 percent. Thus, both populations saw a relatively large decrease in the number of people being admitted to jail, but the white population decreased at a much higher rate which ultimately increased the race disparity. When looking at the racial makeup of OCDC compared to the racial makeup of Oklahoma County it becomes clear that Black individuals were disproportionately present in the jail. The charts on the next page, show a comparison between admissions by race in 2015 and 2022 (Figure 15), as well as a comparison of the racial makeup of the 2022 admissions cohort and Oklahoma County in general (Figure 16).

This is also true when looking at the standing population from 2015 to 2022, which has become increasingly made up of Black individuals. While the race of the standing population remained similar for other groups, the proportion of the standing population for Black and white individuals ultimately reversed – increasing the Black population while decreasing the white population (Figure 17).

Figure 15 Proportion of Admissions by Race, 2015 & 2022 (n=39,346 & n=21,976)

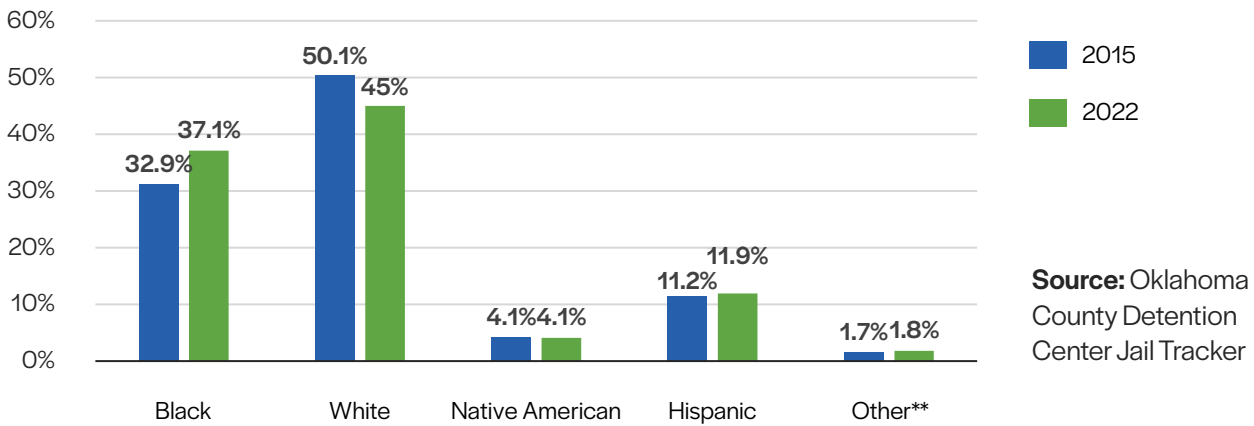


Figure 16 Racial Makeup of 2022 Jail Admissions Cohort and Oklahoma County Population by Percent (n=21,976)^{21,22}

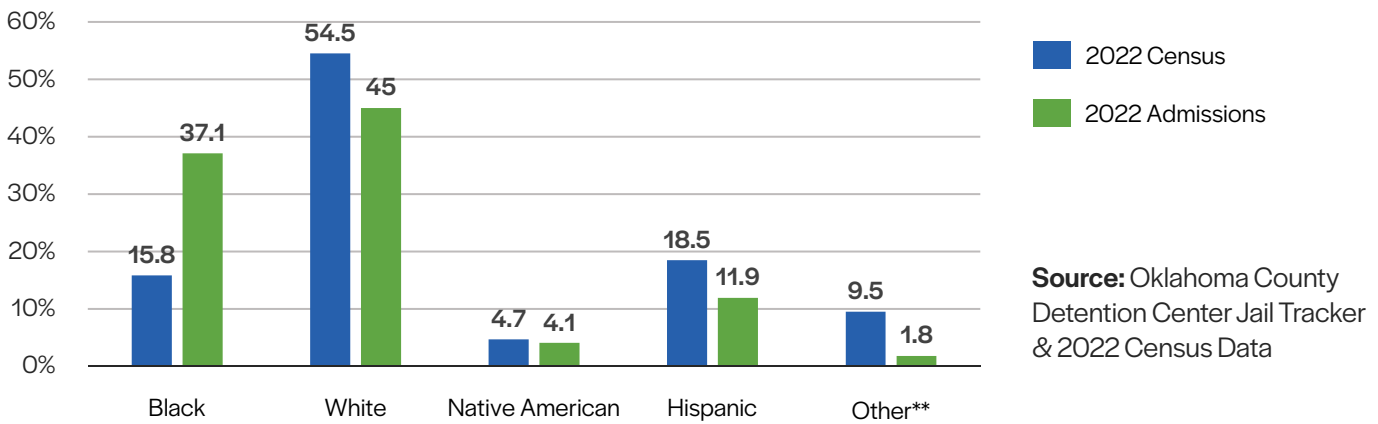
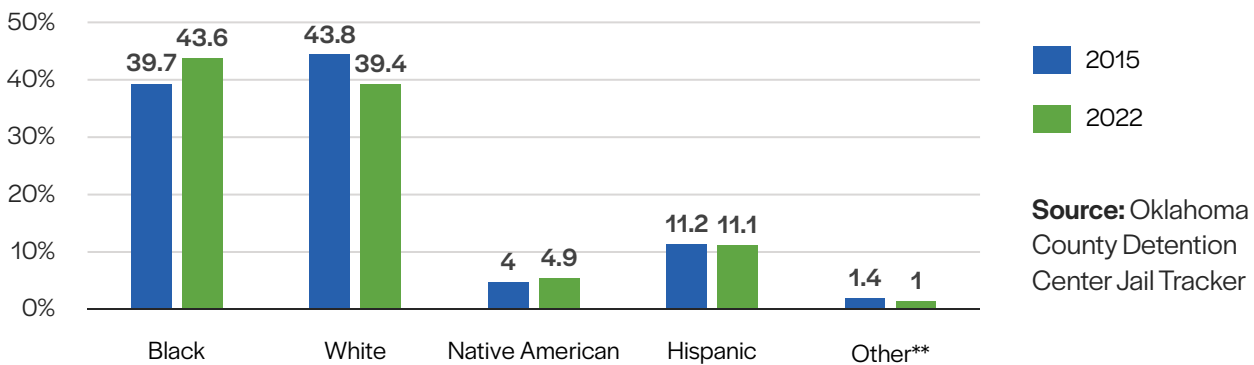


Figure 17 Race Trends in Jail Population as of July 1, 2015 & 2022 (%) (n=2,414 & n=1,523)



*Other includes Asian/Pacific Islander, Native Hawaiian/Pacific Islander, Middle Eastern, and Unknown.

Policy and Practice Recommendations

Oklahoma County has made measurable strides in implementing the Task Force recommendations. This is evident by the reduction in the jail population, as well as the number of individuals who are sent to jail for low-level offenses. Despite these successes, Oklahoma County's pretrial population remains unchanged and higher than the national average. Further, system inefficiencies have increased the length of stay for individuals not immediately released and while admissions have declined, the proportion of admissions for individuals who are Black has increased. Opportunities remain for the county to continue its dedication to a more just and effective local criminal justice system, both by implementing some of the 2016 recommendations that remain unfulfilled and responding to persistent challenges with a new approach. These recommendations are outlined below, drawing on the exact language used in the 2016 report.

2016 Task Force Recommendations:

The analysis for this report found that several recommendations from the 2016 report have yet to be implemented and these have likely impacted the findings. The reasons behind the failure to implement them range from lack of resources and staffing capacity to disagreement about their utility. Additionally, as noted above, some of the goals driving the specific recommendations may have been accomplished by other practices and as a result individual strategies were not prioritized since the need was less pressing. However, to fully achieve the goals identified by the Task Force, Oklahoma County should prioritize fully implementing them. The body of the report discusses each of these recommendations in detail and describes the existing gaps in implementation. While this report does not delineate a priority order in which the recommendations should be addressed, it outlines all those that remain unimplemented as they correspond to an existing challenge. These include:

2016 Recommendation 1: Create oversight and accountability mechanisms for the local justice system.

(Fully implemented)

2016 Recommendation 2: Reduce jail admissions for municipal violations and low-level misdemeanors.

Despite the jail's reduction in admissions, a significant number of individuals are still being admitted to jail for low-level offenses unrelated to public safety. Twenty-two percent of those admitted to OCDC in 2022 had their most serious charge as a municipal offense.

Unimplemented Strategies:

- **Strategy 2b:** Eliminate the 10/24-hour hold order.
- **Strategy 2c:** Institute a court date notification system in the municipal court.
- **Strategy 2e:** Eliminate the practice of companion (dual) charging for applicable offenses.

2016 Recommendation 3: Create a fair and efficient pretrial release process that safely reduces unnecessary pretrial incarceration.

While the total number of individuals in OCDC custody who are detained pretrial has decreased, the proportion of the jailed population that are held pretrial has not changed over time. Currently, the pretrial population in OCDC makes up about 84 percent of the OCDC population, the same percentage reported in the 2016 Task Force report.

Unimplemented Strategies:

- **Strategy 3a:** Expedite screening and assessment of those in jail who appear to qualify for OR or CR release.
- **Strategy 3b:** Expand eligibility for OR/CR bond release.
- **Strategy 3d:** Calculate bail amounts based on the highest charge, not cumulatively.
- **Strategy 3e:** Expand the use of personal recognizance bonds.
- **Strategy 3f:** Institute a bail review at formal arraignment.
- **Strategy 3g:** Develop a comprehensive understanding among Oklahoma County criminal justice system stakeholders of pretrial risk and evidence-based practices in pretrial decision making.
- **Strategy 3h:** Identify and implement a pretrial risk assessment tool to guide judges' decisions about pretrial release.

2016 Recommendation 4: Identify and address district court case processing delays that increase pretrial jail admissions.

While overall length of stay has decreased between 2015 and 2022, this decline is concentrated among individuals who are in custody for less than 48 hours. For individuals who did not get released within the median timeframe of just over two days in 2022, the average length of stay doubled. Considering the vast majority of those in OCDC are pretrial, this finding suggests delays in court processing persist.

Unimplemented Strategies:

- **Strategy 4b:** Notify out-of-custody defendants once charges have been filed.
- **Strategy 4c:** Develop a capacity to sort cases, identifying those that can be fast tracked or diverted.
- **Strategy 4d:** Consider implementing proven strategies for reducing case backlogs.
- **Strategy 4e:** Implement a court notification system in the district court to reduce failure to appear.
- **Strategy 4f:** Prioritize access to counsel in the jail.
- **Strategy 4g:** Review practices and procedures for bond surrender.
- **Strategy 4h:** Institute a periodic warrant resolution program.

2016 Recommendation 5: Expand meaningful diversion program options, focusing on those with mental illness and substance use disorders.

Oklahoma County has implemented the majority of strategies suggested to expand access to diversion. The one area identified by interviewees that remains a challenge is the length of time it takes to participate in a treatment court program.

Unimplemented Strategies:

- **Strategy 5a:** Identify and enroll participants in treatment courts earlier in the criminal justice process.

2016 Recommendation 6: Reduce the impact of justice system fines and fees as a driver of jail growth and recidivism.

Oklahoma County has reduced the impact of justice system fines and fees on jail growth and recidivism, however interviewees identified that there is no place for individuals to find the comprehensive information on all their criminal justice-related debt.

Recommendations from 2023 Analysis:

Beyond implementing the recommendations made previously, there are additional steps Oklahoma County can take both to address the challenges that have persisted since 2016 as well as to tackle new challenges revealed in this analysis. First, the fact that OCDC's pretrial proportion hasn't shifted despite several changes made since 2016 indicates additional approaches should be considered. Second, while Oklahoma has increased its diversion options, inefficiencies have increased the time incarcerated for those staying beyond 48 hours. Lastly, while admissions have decreased, the percentage of Black individuals admitted to OCDC has increased since 2016. These new challenges must be addressed for Oklahoma County to satisfy its goal of creating a just and efficient criminal justice system. The following recommendations are intended to focus on these key challenges and complement the implementation of the recommendations noted above.

Priority - Reduce the pretrial population at OCDC.

Recommendation 1: Ensure criminal history information is available to pretrial release decision-makers.

Many stakeholders report that decision-makers often have incomplete criminal record information during the pretrial release or detention determination. Criminal history information is a key factor in determining detention or release as well as eligibility for a pretrial release program. Without this information decision-makers are more likely to detain a defendant. Criminal history information should be provided to the judge and Court Services in a timely fashion to ensure relevant information is available and individuals are not inappropriately detained.

Recommendation 2: Create a presumption for release on personal recognizance with conditions.

While the data show an increase in the use of OR and CR bonds, which require supervision, many stakeholders report personal recognizance bonds, which allow release without pretrial supervision, are rarely used. Oklahoma County should create a presumption of release for all individuals with certain exceptions based on the charges, the risk of not returning to court, or public safety. Several jurisdictions have adopted presumptive release options with certain triggers for a detention hearing based off of seriousness of the offense, risk score, or additional factors.²³

Recommendation 3: Eliminate procedural barriers that delay an individual's pretrial release.

Interviews suggest that individuals are being held longer than necessary in pretrial detention due to procedural delays for pretrial release. These include an inability for attorneys to meaningfully review the case prior to the initial hearing and screen for eligibility for diversion programs, as well as delays in releasing individuals from custody upon acceptance into a diversion program. The creation of the diversion liaison program, funded by the Arnall Foundation, is a significant step forward in improving the expeditious processing of detained individuals.

However, the delays could be further minimized with additional steps such as:

- A. Providing sufficient space and staffing for attorney-client interactions to occur prior to the initial hearing, including reliance on virtual meetings if needed.
- B. Ensuring defense counsel has adequate time to review the results of the diversion referral team's survey before initial appearance.
- C. Requiring that release occurs immediately after first appearance by setting a time standard through administrative order.

Recommendation 4: Conduct subsequent release eligibility review after initial decision to detain an individual pretrial.

Currently no practice exists to reevaluate an individual's eligibility for release with supervision, release with conditions, or other diversion options. Circumstances can change while a person is detained pretrial. For example, their charges can be amended, or their behavioral health needs could be heightened, among other factors, which could impact eligibility criteria for release. Some jurisdictions have begun creating such an automatic review process.²⁴ This review process should exist distinct from any bail appeal procedure as suggested in the 2016 recommendations. The court and/ or jail should establish a policy that periodically reviews the circumstances that led to an individual's pretrial detention to assess opportunities for release that did not originally exist.

Recommendation 5: Allow bond to be set for offenses where "no bond is required."

The data show that the largest percentage of bond decisions made in 2022 were entered as "no bond required." This does not include offenses where bail is not eligible due to the offense severity, but offenses such as violations and warrants that do not require bond to be set. Many jurisdictions do allow warrants and violations to have a bond set, allowing individuals to be released pending the resolution of these offenses that are not a new crime.²⁵ Oklahoma County should consider requiring bond be set for such circumstances to allow these individuals the opportunity to be released.

Recommendation 6: Establish pre-arrest deflection and diversion programs.

While the 2016 Task Force made several recommendations to reduce arrests for low-level offenses in the form of expanding the use of citations as well as book and release policies, the county primarily expanded community-based post-arrest diversion programs. Several jurisdictions have seen law enforcement create a pre-arrest diversion program that allows a person who successfully completes the program to avoid arrest.²⁶ Oklahoma County should consider investing in diversion opportunities exclusively at the pre-arrest phase of the criminal process.

Recommendation 7: Create more alternatives for individuals with a substance use disorder who are not high-risk.

In 2022, drug possession was one of the top three misdemeanor offenses at admission. This indicates many individuals are still entering jail with an untreated substance use disorder. While drug court is available as an alternative to incarceration, it is only appropriate for high-risk, high-need individuals. Other

jurisdictions have established programs to address individuals whose needs do not meet the threshold for drug court but who need interventions.²⁷ To provide diversion opportunities for defendants across the spectrum of risk and needs, the County should supplement their existing programs with one that is targeted for low and medium-risk individuals.

Priority - Remove system inefficiencies to reduce the length of stay for individuals not released within 48 hours.

Recommendation 8: Create strict deadlines throughout the adjudicatory process that ensure individuals are not detained beyond their appropriate release date.

When asked about delays in court processing, several interviewees referenced delays in many court processes. Some pointed to the 10-day period in which the District Attorney can file charges to be the source of delays while others suggested it related to delayed delivery of discovery causing the need to request continuances and additional motions. Some jurisdictions that have experienced similar process challenges have created strict deadlines for most processes including filing, discovery, motions, speedy trial limits, case resolution, and even overall time between each court date.²⁸ Delays identified by stakeholders indicate individuals are being detained longer than necessary due to procedural hold ups rather than their risk if released. If these procedural delays are reduced, unnecessary detention will be avoided, and the pretrial population will be reduced.

Recommendation 9: Create a more streamlined competency restoration process.

Many interviewees noted the significant role the competency restoration process has in court delays in Oklahoma County. State law allows for two years to attain competency, meaning someone could be attempting to attain competency for two years after they are transferred to the Oklahoma Forensic Center. Moreover, interviewees note that more individuals are entering the system with a need for competency determination. Many solutions are available to reduce the time for restoration and the time requirements that individuals are evaluated for competency. In addition, allowing individuals to receive treatment in the community while awaiting competency review will lessen the burden on understaffed jails to transfer individuals to court and treatment.²⁹ Oklahoma County should establish shorter deadlines for determining competency and, when needed, provide treatment to regain competency.

Priority - Reduce disparity within OCDC's jail.

Recommendation 10: Ensure criminal justice stakeholders track data on racial demographics.

Data demonstrates that despite decreases in admissions to the OCDC, the proportion of individuals entering the jail who are Black has increased while those who are white have decreased. The proportion of admissions in 2015 that were Black individuals was 32.9 percent and increased to 37.1 percent in 2022, compared to 50.1 percent of white individuals in 2015 dropping to 45 percent in 2022. Identifying the extent and breadth of the disparity is helpful to addressing unconscious bias and other practices that may unintentionally be occurring. While research on the impact of policies on racial disparities is limited, some studies exploring the impact of data collection and analysis on system inequities have shown a positive correlation.³⁰ Oklahoma County should consider tracking racial demographic data among all system stakeholders, apart from the jail, to be able to respond to this increased disparity. Appendix A in the Task Force report provides a list of key data indicators, including metrics aimed at improving racial data collection efforts, which may provide guidance for implementing this recommendation.

Recommendation 11: Require regular analysis and reporting of racial demographics in the local criminal justice system to county and state leaders.

Once collected, demographic data should be analyzed to determine whether similarly situated defendants of different races, ethnicities or genders are receiving similar treatment. These findings should be shared with leaders to understand the impact of policies and practices and guide changes that will reduce disparities. Some states have taken this analysis a step further and require corrections' fiscal notes to include information on gender and race data.³¹ Other states have made it a priority of their Sentencing Commissions to produce racial impact reports. While these examples suggest a range of analysis, Oklahoma County should require ongoing analysis and reporting of the racial demographics it tracks to ensure leaders have the tools necessary to address the inequity within the system.

Recommendation 12: Increase data capacity by hiring more staff and streamlining the collection of data among multiple stakeholders.

The County's current capacity to analyze and utilize data is limited in many ways. First, the current system lacks consistency across variables, does not have accessible historical data, and there is no central area where data is defined. OCDC should develop a codebook and define data entry protocols. Additionally, CJAC should identify key metrics that are necessary to track the progression of OCDC and work backwards to ensure that data is being collected in a usable format for future analyses.

Communication between systems also impacts the expediency of the system and causes bottlenecks. For example, the District Attorney may decline to file a charge, but OCDC may not process this release for a few days as it is a paper document that gets brought to the jail and needs to be processed. By automating this process and creating electronic notifications in real time, the release could be expedited. The County should assess which workflows can be electronic to increase efficiency and expedite booking and release processes, which includes creating interagency communications channels to send decisions in real time to OCDC.

Lastly, the OCDC network is under the control of an external entity rather than through a localized network. This means that IT needs to contact third party vendors when trying to create accounts issues. Establishing control of the network within OCDC would expedite the completion of tasks that can streamline the overall process.

Conclusion

Since 2015, the Oklahoma County jail population has undergone a steep decline, from over 2,500 to now just over 1,550 people. Local stakeholders from across both the justice arena and general community have committed themselves to nurturing a safer, more fair criminal justice system so that Oklahoma County is a better place to live for all its residents. It is critical that this commitment and momentum endure, as the County looks to build on its recent strides and continue to improve its local policies and practices. After all, there is still work to do to fully implement the recommendations made in 2016. The last seven years have demonstrated that Oklahoma County stakeholders can and will address the challenges they face with the required determination to succeed.

Appendix: Methodology

In August 2022, CJI began conducting a comprehensive examination of data, policies, and practices in Oklahoma County related to case processing, with a specific focus on reducing jail admissions and length of stay.

For the quantitative portion of the assessment, CJI collected and analyzed data from Oklahoma County Detention Center that covered years 2015-2022. These data were collected at the case-level and included the following information:

- Demographics
- Booking date
- Release date

An additional report was created by the head of IT at OCDC that included more robust variables for 2022, such as:

- Booking details
- Charges information
- Bond decision and amount
- Release details

This more robust information was not consistently available for years prior to 2022, limiting certain analyses to 2022 in many cases. This limitation was due to inconsistent data entry, as well as implementing a new data management system at OCDC which uses a different recall language where information entered prior to 2021 is not accessible in such great detail within the time span of this project.

Quantitative Methodology

This assessment involved analyses of three different cohorts: admission, release, and standing population. Admissions cohorts consisted of anyone admitted into OCDC in a given calendar year, release cohorts consisted of anyone released from OCDC in a given calendar year, and the standing population cohorts consisted of anyone who was present in the jail on July 1st of a given calendar year. The admissions and release cohorts were pulled directly from Jail Tracker and exported into an excel spreadsheet. Overall, there were 317,913 observations in the dataset. The standing population was calculated from all bookings and releases to include anyone who was in the jail on July 1st of a given year.

There was also a subset of data that had additional detailed information, such as booking details, charge information, bond information, and release details. This detailed subset was only available within the 2022 data due to a change in data collection practices and database limitations. Within this data,

about 1,041 observations had missing information, or just under 5 percent, which is a relatively small proportion. There was no pattern associated with when this data was missing or available.

Data was also received from Court Services, Diversion Hub, The Bail Project, TEEM, the Jail Diversion Referral Program, Oklahoma City Police Department, and Drug Court in aggregate form to add high-level metrics to the criminal justice diversion landscape in Oklahoma County.

System Assessment Methodology

Along with the data analysis, CJI reviewed relevant laws and written policies related to case processing. The CJI team conducted group and individual interviews with stakeholders to develop a more nuanced understanding of how cases are processed through the district and municipal court systems, as well as jail processing practices. Several different stakeholder groups were interviewed over the course of the project including:

- Community Organizations
- County Commissioners
- Court Services
- Jail IT Staff
- Judges
- Law Enforcement
- Office of the Clerk of the Court
- Prosecutors in the District Attorney's Office
- Public Defenders
- Treatment Court Staff

Endnotes

Cover Image: Photo by Justin Prine on Unsplash

1. A note about 2015 data: The data presented for the year 2015 may not perfectly align with data included in the, “**Greater Oklahoma City Chamber Criminal Justice Reform Task Force Report and Recommendations**” (the 2016 Task Force Report). The discrepancies are due to different data sources as the 2016 report used admissions data from the Oklahoma County Sheriff’s Office while the current report uses admissions data from the jail.

3. Many other counties across the country with urban centers have similarly seen a decline in the jail population while the overall county population has grown, including Clark County, Nevada, Salt Lake County, Utah and Maricopa County, AZ” With citation at the end of the footnote: County Population Totals: 2010-2020,” U.S. Census Bureau, accessed June 15, 2023, <https://www.census.gov/programs-surveys/popest/technical-documentation/research/evaluation-estimates/2020-evaluation-estimates/2010s-counties-total.html>; “What Jails Cost: A Look at Spending in America’s Large Cities,” The Vera Institute of Justice, accessed June 15, 2023, <https://www.vera.org/publications/what-jails-cost-cities>.

4. In OCDC data, Hispanic is entered as a race instead of an ethnicity. As such, white, Black, Hispanic, and other races are all analyzed as separate racial groups.

5. In this section, we compare the 2015 release cohort with the 2022 release cohort as reported in OCDC Jail Tracker. We also present a snapshot of who was in OCDC on July 1, 2015 and July 1, 2022.

6. The median length of stay represents the middle point in the data while the average takes into account every value in the data set. In the case of jail data, if there are individuals who have been in jail for a very long time, this can skew the average higher; as such both median and average are presented.

7. OK County data is from 2022 Census data.

8. Other includes Asian/Pacific Islander, Native Hawaiian/Pacific Islander, Middle Eastern, Unknown in the Jail data and Native Hawaiian or Other Pacific Islander, Asian, Two or more Races in the county census data.

11. Traffic offenses include such violations as driving without a license, property offenses refer to acts against another person’s property or belongings (e.g., larceny of merchandise), “other” includes offenses that were not captured within the specific groups and were not common enough to warrant separate categories (e.g., false declaration of ownership in a pawn shop, transporting an open liquor container), trespass represents unlawful presence on private property, person offenses refer to cause bodily harm, or the threat of bodily harm (e.g., assault and battery), Drugs – Poss. refers to offenses where an individual has a controlled substance or related paraphernalia in their possession, DUI includes offenses when an individual was operating a vehicle under the influence, weapon offenses include instances when a weapon was in possession, and violation/holds account for variety of instances such as violation of a suspended or deferred sentence, parole/probation violation, violation of a protective order, hold for another county, hold for another state, etc.

14. Pulled from CJAC Dashboard on 5/9/2023.

15. Ordered Release include releases ordered by a judge, such as release after a charge is not filed within 10 days, release to a treatment court, or other instances where a judge would release someone. Release to another agency includes such releases to any transporting agency for example, TEEM or Diversion HUB, to another county, to NorthCare, etc.

16. Intoxicated or inebriated individuals were required to be held for at most ten hours before release.

17. Individuals who were intoxicated or inebriated were required to be released within 10 hours, provided they were cleared for release by jail staff.

18. §22-1105

19. Data sourced for 2022 has been grouped to include: failure to appear, violation of suspended sentence, violation deferred sentence, fines and costs, failure to comply, and judicial warrants.

20. Currently, defendants are able to use community service hours as a replacement for payments, however this has been based on case law and now will be codified in statute.

21. OK County data is from 2022 Census data.

22. Other includes Asian/Pacific Islander, Native Hawaiian/Pacific Islander, Middle Eastern, Unknown in the Jail data and Native Hawaiian or Other Pacific Islander, Asian, Two or more Races in the county census data.

23. Data received from OCPD

24. Philadelphia, PA has established an automatic “Early Bail Review” for all individuals who have bail set under a certain amount.

25. These include Memphis, Tennessee, and Shreveport, Louisiana.

26. The Hero Help Addiction Assistance program is an example in Delaware where individuals can either self-present to the police station or be enrolled in lieu of arrest, thereafter, receiving streamlined care through a 23-hour bed observation facility before referral to a next level of care.

27. The Tennessee T-ROCS program (Recovery Oriented Compliance Strategy) is a drug court diversion program designed for individuals with mental illness or substance use disorder who are low to moderate risk.

28. New York has a bench card that outlines all the process deadlines identified in state statute and court rules for the case to occur within 24 weeks for resolution. The two-page document describes timelines for filing, discovery, speedy trial, and bail review, among others.

29. In Logan County, Oklahoma, NorthCare administers a competency restoration program, treating individuals awaiting competency in that jurisdiction.

30. In 2007 Iowa had the largest ratio of Black to White incarceration in the nation. In response, state leaders passed legislation requiring a racial impact analysis for any bills that changed a penalty or created a new offense. As a result, analysis in 2017 shows a decrease in the disparity within Iowa’s criminal justice system.

31. These include Colorado, Maine, and Iowa among others. Additionally, Florida announced a partnership in July 2019 “between the Florida Senate and Florida State University’s College of Criminology & Criminal Justice to analyze racial and ethnic impacts of proposed legislation.”

Endnotes

- i. Kyle Schwab, "Overcrowding, its effects are 'new normal' for Oklahoma County Jail," *The Oklahoman*, September 12, 2015, <https://www.oklahoman.com/story/news/local/oklahoma-city/2015/09/12/overcrowding-its-effects-are-new-normal-for-oklahoma-county-jail/60723509007/>.
- ii. QuickFacts, Oklahoma County, Oklahoma," U.S. Census Bureau, accessed June 15, 2023, <https://www.census.gov/quickfacts/fact/table/oklahomacountyoklahoma#>.
- iii. JaNae Williams, "Reports detail ongoing health and safety issues at Oklahoma County Jail," *The Oklahoman*, November 22, 2021, <https://www.oklahoman.com/story/news/2021/11/22/reports-detail-ongoing-health-safety-issues-oklahoma-county-jail/6404217001/>.
- iv. Keaton Ross, "Oklahoma County Jail remains dangerously overcrowded," *The Journal Record*, April 14, 2021, <https://journalrecord.com/2021/04/14/oklahoma-county-jail-remains-dangerously-overcrowded/>.
- v. Oklahoma County Criminal Justice Advisory Council, "Oklahoma County Detention Center Dashboard," Accessed on 7/3/2023, <https://www.okcountycjac.com/oklahoma-county-detention-center-population-dashboard>.
- vi. Williams, "Reports detail ongoing."
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- viii. Ross, "Oklahoma County Jail."
- ix. Zhen Zeng, *Jail Inmates in 2021—Statistical Tables*, NCJ 304888 (Washington, D.C.: U.S. Department of Justice Bureau of Justice Statistics, 2022), <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/ji21st.pdf>.
- x. Zeng, *Jail Inmates in 2021*.
- xi. Eberly, Thomas, *National Standards for Criminal Justice Coordinating Councils* (Washington, D.C.: 2023), <https://nicic.gov/resources/nic-library/all-library-items/national-standards-criminal-justice-co%E2%80%A6#:~:text=The%20standards%20cover%20thirteen%20elements,12%20administration%2C%20and%2013>
- xii. Nancy Fishman et al., *Greater Oklahoma City Chamber Criminal Justice Task Force: Report and Recommendations* (New York, NY: Vera Institute of Justice, 2016), 17, <https://www.vera.org/downloads/publications/OK-chamber-final-report.pdf>.
- xiii. Fishman et al., *Oklahoma City Chamber Criminal Justice Task Force*, 18.
- xiv. Fishman et al., *Oklahoma City Chamber Criminal Justice Task Force*, 17.
- xv. Fishman et al., *Oklahoma City Chamber Criminal Justice Task Force*, 16.
- xvi. Ibid.
- xvii. Data provided by OCPD.
- xviii. Oklahoma City Police Department, *Operations Manual* (Oklahoma City, OK: 2023), 168, <https://www.okc.gov/home/showpublisheddocument/34227/638162797491530000>. Municipal violations eligible for Field Release: 1. Assault and battery offenses with no complaint of injury, no visible injury and no domestic relationship; 2. Disorderly conduct; 3. Trespassing on private property; 4. Destruction of property with no prior arrests or convictions for this offense or an equivalent Oklahoma state offense; 5. Possession of drug paraphernalia; 6. Larceny of merchandise with no prior arrests or convictions for this offense or an equivalent Oklahoma state offense; 7. No state driver's license/ driving under suspension/ driving under revocation with no prior arrests or convictions for this offense or an equivalent Oklahoma state offense; 8. Possession of marijuana; or 9. Failure to maintain insurance.
- xix. Data provided by OCPD.
- xx. Tim Tardibono, *Oklahoma County Criminal Justice Advisory Council Annual Report to Interlocal the Partners* (Oklahoma City, OK: Oklahoma County Criminal Justice Advisory Council, 2022), <https://www.okcountycjac.com/post/annual-report-for-fy-2021-22>.
- xxi. Zeng, *Jail Inmates in 2021*
- xxii. Fishman et al., *Oklahoma City Chamber Criminal Justice Task Force*, 36.
- xxiii. Data provided by TEEM.
- xxiv. Data provided by TEEM.
- xxv. Data provided by The Bail Project.
- xxvi. Fishman et al., *Oklahoma City Chamber Criminal Justice Task Force*, 16.
- xxvii. Data provided by Diversion Hub, based on metrics January 2022-June 2022.
- xxviii. Oklahoma H.B. 2259 (2023).
- xxix. Fishman et al., *Oklahoma City Chamber Criminal Justice Task Force*, 16.
- xxx. Data received from Oklahoma City Municipal Court.
- xxxi. Data provided by Diversion Hub, based on metrics January 2020-June 2022.
- xxxii. Data received from the Jail Diversion Referral Team.
- xxxiii. Data received from OCPD.
- xxxiv. Data provided by Diversion Hub, reflecting participation since 2021.
- xxxv. Data provided by Diversion Hub, reflecting participation in first half of 2022.
- xxxvi. Ibid.
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- xxxviii. 22 OS 471.1 (C) and 22 OS 471.2.
- xxxix. Data received from Mental Health Court.
- xl. Fishman et al., *Oklahoma City Chamber Criminal Justice Task Force*, 55.
- xli. Okl. Stat. § 28-153 (2022)
- xlii. Okl. Stat. § 22-983a (2022)