

CORRECTIONS SYSTEM

Support for an improved Oklahoma penal system

Laws, Agencies and Institutions: The League of Women Voters of Oklahoma (LWVOK) believes that the present correctional system of Oklahoma is inadequate and should be improved. The LWVOK believes that the following standards should be implemented:

- All administrative officers in the Department of Corrections should be required to have at least a degree in the behavioral sciences and experience in corrections. The “experience equivalent” clause should be deleted from the present statutes that establish the Oklahoma Department of Corrections.
- The Division of Inspection should be implemented under the Department of Corrections.
- A pre-sentence investigation should be required for every convicted felon.
- A centrally located diagnostic facility, staffed with professionally qualified personnel, should be established near a metropolitan area that can provide readily available expertise. The proper placement or assignment of convicted felons based on professional evaluation should be made from this facility.
- A centralized prisoner record system should be established, either at the diagnostic center or the Department of Corrections, where records would not be available to prisoners.

The State institutional facilities should include the following:

- one maximum-security facility for the state with the prisoner population limited to not more than 500,
- more medium-security facilities, limited in size and near metropolitan areas;
- more community treatment centers established as minimum security facilities, and
- more training and education programs for medium and minimum-security inmates.

The LWVOK supports utilization of community rehabilitation measures as effective means to decrease the present system of centralized imprisonment.

Consensus approved 1975

Sentencing: The LWVOK believes that the primary purpose of imposing criminal sanctions is for the protection of the public. Rehabilitation is one means of achieving this purpose. Sentences should be uniform throughout the state; there should be no gross disparity between sentences imposed for the same kind of crime. Sentences should be fair, provide certainty for the convicted, and be tied in a reasonable way to the crime.

Sentencing for criminal acts should be determined by judges instead of by juries.

Sentences imposed should be within specific guidelines established by the legislature or by a sentencing commission. Judges should be accountable for imposing sentences within the guidelines.

The LWVOK believes that any felony limits established should be reviewed and updated periodically.

Sentencing other than imprisonment should play a major role in the criminal justice system. A wide variety of alternative sentences closely tied to community resources and involvement should be used. Because they are most effective in economic and human terms for the protection of society, alternatives to incarceration must be an integral part of the sentencing process.

The community has the responsibility to be involved at all stages of the criminal justice system -- study, planning, education and policy-making -- and should provide support for a sound restitution program, reintegration of violators into community life, and prevention programs.

Consensus approved 1979

Parole: The LWVOK supports the creation of a State Pardon and Parole Board composed of three to five full time members. The LWVOK believes the Board should be the sole authority for the granting of paroles with the governor removed from any involvement in the parole granting process. Qualification requirements for Board members should include personal qualifications and integrity consistent with those expected of high judicial officers who command the trust and respect of the public. Educational requirements should be those that qualify the individual for professional status in such fields as criminology, education, psychology and other social sciences. Board members should also have experience in many fields of corrections that enable them to understand intimately the problems confronting both offenders and correctional officials. No member of the Pardon and Parole Board should be an officer of any political party or seek to hold elective office while a member of the Board. Members should serve staggered terms. The LWVOK believes that the method of appointing members of the Pardon and Parole Board should minimize partisan politics in the parole process.

An individualized parole plan based on uniform criteria should be developed for each inmate entering the prison system. The criteria should be clearly defined. A standard procedure should be developed for a systematic review of each inmate, and inmates should be provided with counseling periodically on their progress toward meeting the requirements of the parole plan. All parole investigations and reports should be done by professionally qualified personnel.

Prison rules and regulations should be clear, reasonable, and well defined. Every effort needs to be made to ensure prisoners understand the rules. Good time should be

vested with maximum limits set on the amount lost per infraction. In disciplinary action, due process must be protected. An ombudsman system should be established.

Parole officers should be professionally qualified and have reasonable caseloads. Rules and the period of supervision for parolees should be individualized and realistic.

Services need to be offered to bridge the gap between the institution and society.

The LWVOK believes that procedures for revoking parole should ensure that parolees are entitled to minimum requirements of due process. Parolees should have legal counsel and the right to subpoena witnesses.

Consensus approved in 1979

BACKGROUND

The LWVOK adopted the Oklahoma correctional system as a study in the spring of 1973 which proved timely as a major riot at McAlester state prison that summer focused state attention on the need for reform of Oklahoma prisons. The Legislature, prodded by the report of a special task force committee that investigated the riot, moved the state forward, improving the correctional system. However, the most significant development in correctional reform came, not from the actions by the Legislature or the executive branch, but from the judiciary in the form of a court order by U. S. District Judge Luther Bohanon. His orders to correct discrimination and unlawful actions mandated changes in these areas:

- racial discrimination in cell and job assignment,
- harsh disciplinary actions,
- harsh confinement and lack of exercise,
- use of chemical agents,
- meals,
- medical care,
- correspondence and subscriptions to publications,
- access to courts and legal books,
- religious freedom, and
- security and staffing.

Both the post-riot Legislative Task Force and the Master Plan for Oklahoma Corrections gave top priority to reduction of the inmate population through the use of alternatives to incarceration. This has not taken place. Upon completion of two documents (*Laws, Agencies and Institutions* and *The Parole System in Oklahoma*) the LWVOK realized that other changes were needed. This led to the adoption at the 1977 Convention of a further study of parole and a new study of sentencing. The LWVOK continues to address these issues:

- prison overcrowding,
- alternatives to incarceration,
- over incarceration,
- disproportionate incarceration of women and minorities,
- training and education programs,
- under-utilization of parole,
- large-scale early releases and emergency releases,
- specialized treatment of categories of offenders such as drunk drivers and sex offenders,
- sentencing reform,
- siting of community treatment centers,
- full-time Pardon and Parole Board,
- community involvement, and
- education of the public on criminal justice issues.

Several League positions have been accomplished:

- All administrative officers in the Department of Corrections are required to have at least a degree in the behavioral sciences and experience in criminology. The “experience equivalent” clause has been deleted from the present statutes that establish the Oklahoma Department of Corrections.
- The Division of Inspection has been implemented under the Department of Corrections.
- A centrally located diagnostic facility, staffed with professionally qualified personnel, has been established at the Lexington facility. The proper placement or assignment of convicted felons, based on professional evaluation, is made from this facility.
- A centralized prisoner record system has been established.
- An individualized parole plan based on uniform criteria is developed for each inmate entering the prison system.
- All counties now have the option to use community service sentencing for offenders remaining in their home communities and making restitution.

The state added two new institutions in 1988 – one for women and one for young male offenders, and in 1990 added 350 more beds to the maximum-security facility at McAlester. However, overcrowding continues to be a major problem. The riot at Mack Alford Correction Center in Stringtown in 1988 was caused by overcrowding.

The programs offered by the Department of Corrections are excellent, but access is curtailed by unpredictable discharge dates and the heavy use of the early release programs caused by overcrowding.

Although the 1990 Legislature appropriated funds to staff three work camps, no funds are available to construct the work camps. Capital improvements are currently on hold with no new money appropriated for emergency repairs.

In 1988, a Criminal Justice System Task Force was appointed by the Governor to examine ways to reduce prison overcrowding. One member of the 18-member task force was a League member who held the Corrections Portfolio for several years.

Task force recommendations led to creation of two important committees: 1) Recodification of the Criminal Code Committee and 2) Sentencing and Release Policy Committee. Final recommendations were due by March 1992.

Rates of imprisonment for the United States and the State of Oklahoma began to climb in the mid-1970s and showed no sign of a decline. In 1993, Oklahoma was the state with the highest rate for incarceration of women and had the fourth highest incarceration rate for men. There were over 12,000 people serving sentences in correctional facilities in Oklahoma with 57.6% for non-violent crimes and 42.4% for violent crimes. The average sentence was 15 years; however, average time served was only 20 months. Individuals convicted of drug offenses, at 23%, constituted the fastest growing category of new receptions.

Due to increasing demand on the system and lack of resources to build new prisons, SB 565 (Prison Population Management Act) was passed in 1993. The Act provided for a system of supervised release when the population of the prison system exceeded 97.5% of capacity.

Only non-violent offenders within 24 months of qualifying for parole were eligible for release. The prisoner had to complete the required rehabilitation, education, or substance abuse program for her/his case. SB 565 also required active community supervision for inmates participating in the program. Although this bill was passed in 1993, by spring of 1994, the law had been challenged by public opinion and a court case.

As of 1996, there appeared to be both public and legislative momentum to plan comprehensive sentencing reform. Various reform groups in steering committees worked to write a balanced reform bill that focused on the need for truth in sentencing (and hence an end to early release) and to design alternative punishments that would be rehabilitative in nature but would have sufficient safeguards to protect the public. The bill, HB 1213, called the Truth-in-Sentencing and Community Corrections Act, addressed both problems in exhaustive detail. It passed with nearly a unanimous vote and was signed by the Governor at the end of the 1996 session.

As of 1999, the legislature had delayed implementation of HB 1213, had not funded any county to provide community services, and was unsure of the fate of the sentencing guidelines. At the same time, prison crowding was worse than ever with 20,000 in custody. Conditions in the institutions were deteriorating especially in the areas of

medical services, mental health services, and staff retention. There was decreasing commitment to the importance of family visitation, educational programs, and the need to prepare inmates for successful release into their communities. There was increasing commitment to the use of private prisons that charge more per diem, but while clean, new, and safe, do not provide much prisoner education or training.

In 2016, Oklahoma voters passed two state questions (SQ 780 and SQ 781) related to criminal justice reform. The goal of both questions was to reduce the prison population and to use the money saved to increase funds for drug prevention and behavioral health programs. There were attempts in the legislature the following year to pass laws that would essentially reverse the will of the people. However, in 2019, the legislature passed a bill that would allow SQ 780 to be applied retroactively. This opened the way for many people serving sentences for felonies to have their offenses reclassified as misdemeanors and to apply for commutation of their sentences.

11/2019