

A Tale of Two Counties: Oklahoma County Lags Behind Tulsa County in Advancing Criminal Justice Reform

ISSUE BRIEF

Introduction to *Turning the Page*

At the end of 2016, Oklahoma had the highest incarceration rate in the country, a shameful consequence of more than two decades of explosive jail and prison growth that failed to make Oklahoma safer, more just, or more productive. Since that time, Oklahoma voters and policymakers have begun turning the page on this marred history, making long overdue changes to the criminal justice system that have reduced the prison population by more than 20% and helped thousands of Oklahomans reunite with their families and return to their communities. Yet even after all this progress, Oklahoma still has the third-highest overall imprisonment rate in the country, thanks in part to the state's unyielding reliance on increasing prison sentences rather than investing in common sense policy solutions that foster healing and stronger families and communities.

Thankfully, Oklahoma's criminal justice reform story continues to be written. The improvements that have been made to the criminal justice system in the last five years show that progress is possible. Though a great deal of reform happens at the state level, Oklahoma's 77 counties can help control their own fates.

Oklahoma and Tulsa Counties, the state's two metropolitan centers, provide an instructive example of how differently the criminal justice system operates at the local level, and shed light on the immense power that elected judges and district attorneys wield to write the next chapter.

Turning the Page: Oklahoma's Criminal Justice Story (*Turning the Page*), a recent report from FWD.us, relied on months of qualitative and quantitative research to examine the impacts of five years of reforms, the ongoing drivers of Oklahoma's stubbornly high incarceration rates, and the personal stories of people who have been impacted by the criminal justice system. This issue brief continues that work, honing in on data and personal stories from the state's two metropolitan areas, and exploring why in the face of markedly similar populations, these regions have taken such disparate approaches to running their criminal justice systems, with Oklahoma County relying much more heavily on high bail amounts, long prison sentences, and state resources without seeing any added public safety benefits, like reduced crime rates or safer communities.

Why focus on Oklahoma's metropolitan areas? _____

More than one-third of Oklahomans live in one of the state's two major metropolitan areas, Oklahoma County and Tulsa County, and these two counties account for close to half of all prison admissions statewide. These two counties share many commonalities. Yet people navigating the state's criminal justice system firsthand in these two counties have experienced markedly different criminal justice reform outcomes over the last five years, and continue to experience different outcomes today.

When it comes to population characteristics, Oklahoma and Tulsa Counties have a lot in common. The counties have nearly identical age distributions, and very similar rates of

educational achievement and labor force participation. Tulsa County residents have slightly higher per capita incomes and comparable median household incomes, while Oklahoma County has a slightly higher share of people living in poverty.

According to the most recent U.S. Census population estimates, both counties are majority white but have higher Black and Latino populations than the state. Oklahoma County has a larger share of Black and Latino residents, while Tulsa County has a larger share of people who identify as American Indian and Alaska Native, and much of Tulsa County overlaps with two tribal nations.¹

Table 1: Oklahoma's major metropolitan areas share many similarities in overall demographics.

	Oklahoma County	Tulsa County	Statewide
Population	Approx. 800,000	Approx. 675,000	Approx. 4 million
Per capita income	\$32,165	\$36,303	\$29,873
Median household income	\$55,519	\$57,024	\$53,840
People in poverty	15.2%	12.8%	15.6%
Black/African American	15.8%	10.8%	7.8%
Hispanic/Latino	18.5%	13.9%	11.7%
American Indian and Alaska Native	4.7%	7.3%	9.7%
Two or more races	5.8%	6.6%	6.6%

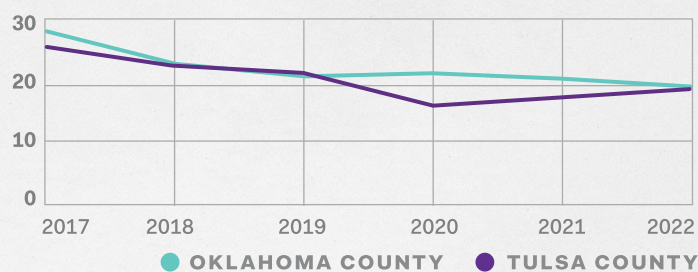
Source: U.S. Census Bureau, QuickFacts

Progress

Voters in Oklahoma and Tulsa Counties were a key part of ushering in important criminal justice reforms over the last five years. The 2017 enactment of State Question 780 (SQ 780), which reclassified simple drug possession and some low-level property offenses as misdemeanor crimes, spurred the recent spate of reform activity, followed by a package of legislation enacted in 2018 and 2019 that reduced sentences for certain nonviolent offenses. **Felony filings quickly declined, dropping by 37.4% (over 3,800 cases) in Oklahoma County and by 27.6% (nearly 2,200 cases) in Tulsa County. A dropoff in prison admissions followed.** Between FY 2017 and FY 2021, prison admissions for simple drug possession plummeted by 96% across the state, including similarly large declines in Oklahoma and Tulsa Counties.

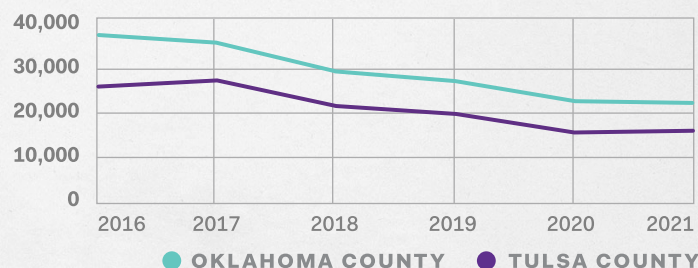
Figures 1 and 2: Jail incarceration rates and annual jail bookings declined significantly in both Oklahoma and Tulsa Counties.

Jail incarceration rates per 10,000 residents, 2017-2022



Source: ProsperOK

Annual jail bookings, 2016-2021



Source: ProsperOK

At the same time, the jails in each county also began seeing both fewer people booked into custody and lower jail populations overall. Between 2017 and 2021, overall bookings into Oklahoma and Tulsa county jails each declined by nearly 40%, while the average daily population of each county's jail declined by around 20%.

By 2022, the county jail incarceration rates relative to their local populations had declined substantially; today they are nearly equal. These trends have been impacted by the onset of the COVID-19 pandemic and the July 2020 U.S. Supreme Court ruling in *McGirt v. Oklahoma*, which are each discussed in more detail in *Turning the Page*. Amid this flurry of reforms and societal change, however, one fact remains clear: in the midst of these historic reductions in incarceration, overall crime rates have also continued to fall in both Oklahoma and Tulsa Counties, with crime declining three times as much in Tulsa County as it did in Oklahoma County between 2016 and 2020.²

Table 2: Crime declined three times as fast in Tulsa County, while both counties brought down felony filings and incarceration.

Signs of progress	Oklahoma County	Tulsa County
Decline in jail bookings, 2017 to 2021	-38.8%	-39.9%
Decline in jail population, 2017 to 2021	-20.4%	-19.7%
Decline in jail incarceration rate, 2017 to 2021	-21.6%	-22.8%
Decline in felony filings, FY 2017 to FY 2021	-37.4%	-27.6%
Decline in crime rate, 2016 to 2020	-3.8%	-11.6%

More Work to Do

Despite these improvements, more work remains to be done. This is particularly true for Oklahoma County, which sets higher felony bail amounts, sends more people to prison, and sentences them for longer than Tulsa County, costing taxpayers more money without improving public safety.

Charging and Bail Practices

In 2021, prosecutors in Oklahoma County filed 6,488 felony cases, while prosecutors in Tulsa County filed 5,429.³ Firearm charges were the most common felonies filed in both counties, but after that the type and number of felonies charged diverged significantly, with drug trafficking/possession with intent to distribute a controlled substance (PWID) being the next most common felony charged in Oklahoma County, but the seventh most common in Tulsa County. In FY 2021, prosecutors in Oklahoma County filed 50% more of these cases than those in Tulsa County. Prosecutors routinely work around SQ 780 by levying PWID charges to punish people who are carrying or selling small amounts to pay for their own drug use.

Each of the combined almost 12,000 felony charges in Oklahoma and Tulsa Counties come with the possibility of jail time, even before a person is convicted of any type of crime. When a person is arrested and charged, they are typically booked into a county jail, where a judge determines the monetary bail amount for their case based in part on local bail schedules which are created by the district court. People who cannot afford to pay the full bail amount outright rely on bail bonds agents who make a promise to the court to post the full amount so the person can go home. If the person cannot afford to pay either amount, they sit in jail until their case is resolved—either for a few days, a few months, or in some cases,



years. According to publicly available data, around 40% of people booked into the Oklahoma County jail are released within 24 hours. But for the other 60%, things get a lot more complicated.

Judges in Oklahoma County set significantly higher median bail on felony charges than their counterparts in Tulsa County, despite higher rates of poverty in Oklahoma County. In Oklahoma County, the median bond initially set by judges for a felony was \$10,000, double the median bond of \$5,000 for a felony charge in Tulsa County and twenty times as much as the \$500 median bond set on a misdemeanor charge in Oklahoma County. Because of this higher initial bond, Oklahoma County collected approximately \$20 million more in pretrial felony bonds (see Table 4A).



Oklahoma

Felony

Median Bond: \$10,000

Misdemeanor

Median Bond: \$500



Tulsa

Felony

Median Bond: \$5,000

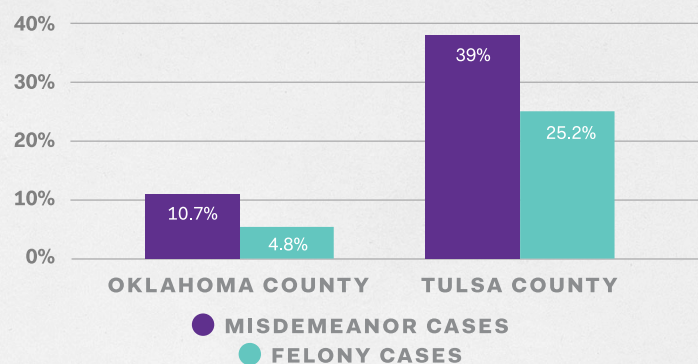
Misdemeanor

Median Bond: \$1,000

Tulsa has its own flaws when it comes to bail setting. Judges in Tulsa County set higher median bail on misdemeanor charges than those in the capital. In Tulsa County, the median bond set on a misdemeanor charge was \$1,000, twice that of Oklahoma County (\$500), which was the lowest across the 11 counties studied. Judges in Tulsa County set higher bonds for misdemeanors but also grant recognizance bonds, allowing people to be released without paying bail at all, at a much higher rate (39%) compared to Oklahoma County (11%). The lower median bond in Oklahoma County means more people can afford to bond out, but the court collects less. As a result, Tulsa County collected nearly \$1.2 million more in pretrial misdemeanor bonds than Oklahoma County (see Table 4B).

Figure 3: Tulsa County releases significantly more people on Personal Recognizance (PR) bonds.

Percent of cases with a personal recognizance bond, by county and charge type, 2021



Source: Open Justice Oklahoma

These bond-setting practices can have devastating consequences for people facing criminal charges, as well as for the families and communities that support them. Faced with high bail amounts, Oklahomans are forced to pay non-refundable fees to bail bonds agents, or sit in county jail, facing dangerous and sometimes deadly conditions inside. More than 9,000 people are in jails across the state, and more than two thirds of people in jail have not been convicted of a crime.⁴ **In Oklahoma County, a startling 85% of the jail population today is held pretrial, with the current population detained having spent an average of more than four months behind bars.**⁵ People detained at the Oklahoma County jail face particularly harmful conditions of confinement,

including but not limited to well-documented challenges like a high jail mortality rate, bed bug infestations, and staffing shortages.⁶

According to the Oklahoma County Detention Center Dashboard, around 14% of the pretrial jail population eligible for bond has a bond amount below \$5,000, meaning they were unable to pay bond or the non-refundable fee of 10% or \$500.⁷ (Equivalent data was not available for Tulsa County.) Surveys of financial wellbeing from the Federal Reserve have found that an estimated 32% of adults in the U.S. do not have cash or the equivalent to cover an unexpected \$400 expense were it to occur, and 11% of adults do not have the ability to cover it by any means.⁸

People who are unable to post bond face conditions that threaten their physical, psychological, and financial wellbeing as well as their family's wellbeing. One after another, advocates and families impacted by the criminal justice system share stories of lives changed by jail stays due to their inability to make bail. Chinique, a mother of seven, took a plea deal, including prison time, because it was the only way she saw to get out of jail when she could not afford her bond. Her only other choice was to stay in the Oklahoma County jail for another five months, away from her family. She explained her choice, saying,

“Five more months with no light, no outside. We were locked down like 23 hours a day. We weren't getting out to shower. ... We were having to bathe in the sink. ... I was afraid that something was going to happen to me.”

Maxine, a 34-year-old woman, was incarcerated in Oklahoma County jail while pregnant because she could not pay her bail. While there, she got a staph infection in her finger, was refused antibiotics, and had to have the finger partially amputated.

Others wait out their time in the hope of finally clearing their name. One veteran spent 18 months in Oklahoma County jail on a \$1 million bond before being found not guilty by a jury. He refused to accept a plea deal because he knew he was innocent and did not want to risk losing custody of his son. Maria, another young parent, spent nearly a year in Tulsa County jail as her mental health rapidly deteriorated. She explained,

“My attorney told me going to trial was the only way I’m going to get to tell my story. So I said let’s do it. I was in jail for 10 months. They wait you out.”

Eventually Maria pled guilty to a crime she did not commit in order to get out of jail and is serving ten years on probation as a result.

As a result of the frightening conditions and life-altering disruptions that jail poses, anyone who cannot afford bail but can afford to pay a 10% portion of it can work with a bail bonds agency, part of an extremely lucrative industry predicated on the unaffordability of monetary bail. **In a single year, people facing felony charges in Oklahoma County paid approximately \$5 million in fees to bail bonds agents for initial pretrial bonds on felony cases; in Tulsa County, people paid \$3 million in fees.** That’s \$2 million additional dollars collected from spouses, friends, aunts and uncles, pastors, and loved ones across Oklahoma County that is paid to bail bonds agents instead of spent in the local economy on housing, food, treatment, and meeting other basic needs.

Table 4A: People facing felony charges in Oklahoma County courts posted \$20 million more in bond and \$2 million more in fees paid to bail bonds agents in 2021 than people facing similar charges in Tulsa County courts.

Felony	Total Bond Posted	Total Fees Paid	Cases Assessed Bond	Average Bond Posted	Average Fees Paid
Oklahoma County	\$49,822,700	\$4,982,270	2849	\$17,488	\$1,749
Tulsa County	\$29,978,440	\$2,997,844	2915	\$10,284	\$1,028
Difference	+\$19,844,260	+\$1,984,426	-66	+\$7,204	+\$720

Table 4B: Conversely, people facing misdemeanor charges in Tulsa County courts posted around \$1.2 million more in bond and \$115,000 more in fees paid to bail bonds agents in 2021. Average bond posted and average fees paid were relatively similar across counties.

Misdemeanor	Total Bond Posted	Total Fees Paid	Cases Assessed Bond	Average Bond Posted	Average Fees Paid
Oklahoma County	\$4,049,660	\$404,966	2315	\$1,749	\$175
Tulsa County	\$5,204,490	\$520,449	3028	\$1,719	\$172
Difference	-\$1,154,830	-\$115,483	-713	\$31	\$3

The average person posting bond paid around \$1,750 in additional fees to bail bonds agents for a felony charge in Oklahoma County and just over \$1,000 in fees in Tulsa County, an amount that would otherwise cover a month of childcare in Oklahoma County or a month’s rent in Tulsa County.⁹ Even if their criminal charges are ultimately dismissed or they’re found not guilty at trial, that money will never return to them, their loved ones, or their communities. **In the course of just a single fiscal year (2021), people facing charges in Oklahoma County spent more than \$980,000 and people in Tulsa County spent nearly \$950,000 in fees paid to bail bonds agents on cases that ultimately resulted in dismissal.** The difference in the two counties is that Oklahoma County’s bond and therefore fees are higher per case, while in Tulsa County a substantially higher number and share of cases are ultimately dismissed.

Table 5: Almost \$1 million is paid each year in both Oklahoma and Tulsa Counties in bond fees for cases that are ultimately dismissed.

County	Estimate of Non-Refundable Fees Paid for Cases Ultimately Dismissed, FY 2021		Case Dismissals, FY 2021	
	Total Bond Posted	Total Non-Refundable Fees Paid	Total Cases Dismissed	Share of Cases Dismissed
Oklahoma County	\$9,834,100	\$983,410	1,041	12.1%
Tulsa County	\$9,476,620	\$947,662	3,153	31.2%
Combined	\$19,310,720	\$1,931,072	4,194	22.6%

Generations of discriminatory educational, financial, and criminal justice practices mean these especially high bail amounts disproportionately impact Oklahoma and Tulsa Counties' Black and Indigenous communities, and those consequences reverberate at every step of the state's criminal justice system.

In Oklahoma County, where just under 16% of the population identifies as Black or African American, around 36% of people booked into jail are Black, and 42% of the jail population is Black, meaning not only are Black people overrepresented at admission, but they spend longer in jail than others. Moreover, after the significant reductions in the jail populations following the recent state-level reforms, the share of Black people at the Oklahoma County jail grew higher, not lower, as the jail population reductions disproportionately benefited white residents.

Among the people in Oklahoma County jail served by The Bail Project, a non-profit that steps in to pay bail for people who cannot afford a bond of \$5,000 or under, 60% were Black, Indigenous, or other people of color. These groups are also overrepresented among the Tulsa County jail population, where jail data broken out by race was not available for this analysis. Forty-five percent of the people in Tulsa County whose bond The Bail Project posted were Black, Indigenous, or other people of color.

After returning home, a startling 29% of The Bail Project's Tulsa clients and 15% of Oklahoma City clients served had all open cases against them dismissed. If not for the bail assistance provided, those clients may have spent weeks, months, or even years incarcerated for charges the state ultimately threw out, just because they didn't have the money to buy their freedom.

Oklahoma's county jails are also the second deadliest in the country, driven in large part by the egregiously high rates of death in Oklahoma County, which are more than triple the national average.¹⁰ One study by Reuters News shows that 80 people died in the Oklahoma County jail and 35 died in the Tulsa County jail between 2008 and 2019. Black people accounted for 29% of deaths in the Tulsa County jail over this period, compared to just 11% of the county population. Similarly in Oklahoma County, 25% of the people who died in the jail were Black, compared to 16% of the county population. **Across the 115 people who perished in these two jails during this period, 90% of those with a recorded conviction status were awaiting trial and had not been convicted of a crime.**

Pretrial detention has little or no public safety benefits for the vast majority of cases.¹¹ Although bail is meant to establish an incentive and oversight structure to ensure that people return to court on time, research has shown that people released to pretrial services or on their own recognizance have lower rates of recidivism than those released via cash bail.¹² People who are detained pretrial are more likely, rather than less, to be rearrested in the future—likely because of the loss of jobs, housing, and the mental and physical impacts that leave them worse off than they went in.¹³ It also costs counties millions each year. Even the new Oklahoma County jail, which may improve some conditions behind bars, will come at a cost of \$300 million and will not solve the fundamental issue—that people who have not been convicted of a crime should be free to work, take care of their families, and fight their case as best they can.

Sentencing Practices

For many, jail is just the beginning of a person's path through the criminal justice system. If a person's case results in a guilty verdict—whether through a plea process or, in rare cases, through a trial—prosecutors submit a recommendation for sentencing and judges issue their final sentence. These sentences typically involve a term in prison, on probation, or both. Once someone is sentenced to prison, they are the responsibility of the state, and taxpayers across the state foot the bill, meaning these local decisions drive state spending and weigh on everyone, not just people in those jurisdictions.

In FY 2021, Oklahoma County sent nearly three times as many people to prison as Tulsa County did, despite overall admissions declines in both counties. Put another way, one in every three people entering an Oklahoma prison in FY 2021 was convicted in Oklahoma County, while one in ten were convicted in Tulsa County. These divergent admissions trends are similarly stark when compared to their population sizes. **The prison admission rate of 24.5 per 10,000 residents in Oklahoma County was well beyond double the rate for Tulsa County of 9.8 per 10,000 residents.**

Following the passage and implementation of SQ 780 at the start of FY 2017, admissions to prison from Oklahoma County began to decline, narrowing the gap substantially. In FY 2021 that trend had reversed itself, and admissions to prison from Oklahoma County climbed up once again. A recent report from the Oklahoma County Criminal Justice Advisory Council (CJAC) shows a substantial decline in prison admissions from Oklahoma County from FY 2021 to FY 2022.¹⁴ It is also possible that Tulsa County's FY 2021 prison admissions were artificially lowered by the implementation of *McGirt v. Oklahoma*, a Supreme Court case diverting members of certain Tribes who commit crimes on reservation land into the federal or state system. This case went into effect at the beginning of the fiscal year, and impacted Tulsa County but not Oklahoma County. Given that this case was partially reversed in the summer

1 in 3

people admitted to
prison were convicted in
Oklahoma County

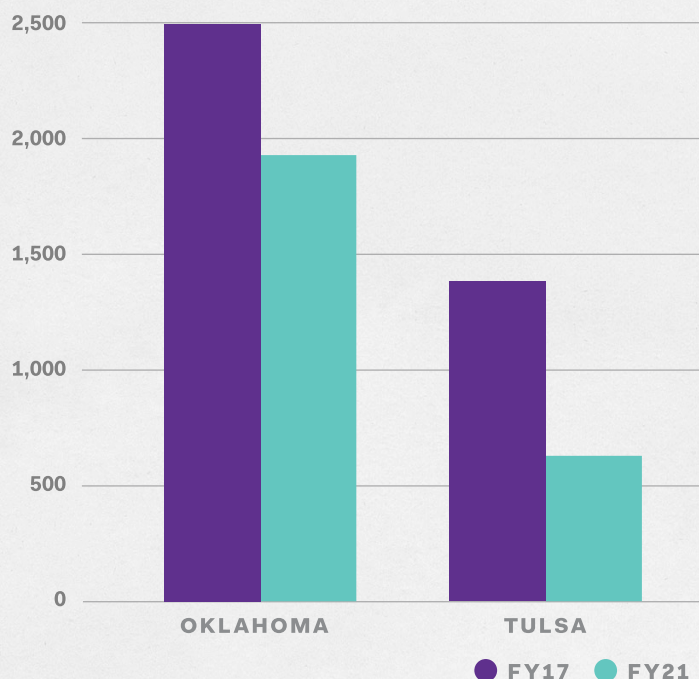
1 in 10

people admitted to
prison were convicted in
Tulsa County

of 2022, Tulsa County may see an increase in admissions in the future, but FY 2022 data for Tulsa County was not yet available.

Figure 4: Oklahoma County sent nearly three times as many people to prison in FY 2021 as Tulsa County.

Prison admissions by county, FY17 vs FY21

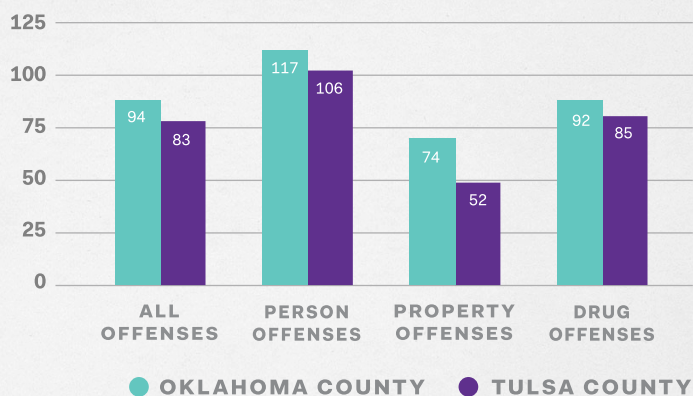


Not only are Oklahoma County judges sending more people to prison than Tulsa County judges are, but they are also handing down substantially longer sentences.

In FY 2021, people entering prison from Oklahoma County had average sentences that were nearly 11 months longer than their counterparts in Tulsa County. This trend defies expectations: jurisdictions that send more people to prison typically have shorter average sentences, not longer. **Yet Oklahoma County both managed to send more people to prison and for longer terms than Tulsa County.** Property offenses were the most unequal across the metro areas, with Oklahoma County sentences averaging 22.7 months, or close to two years, longer than those from Tulsa County. Sentences for individuals entering prison on crimes against a person averaged 11 months longer when originating in Oklahoma County than Tulsa County, and drug sentences averaged 6.7 months longer. Though sentence lengths in Oklahoma County for crimes that did not fall into any of those categories declined in recent years, they nevertheless also remained 10.8 months longer than those in Tulsa County.

Figure 5: Oklahoma County also sentences people to longer prison terms than Tulsa County, particularly for property crimes.

Average sentence in months for new court commitments sentenced in Oklahoma vs Tulsa Counties, FY 2021



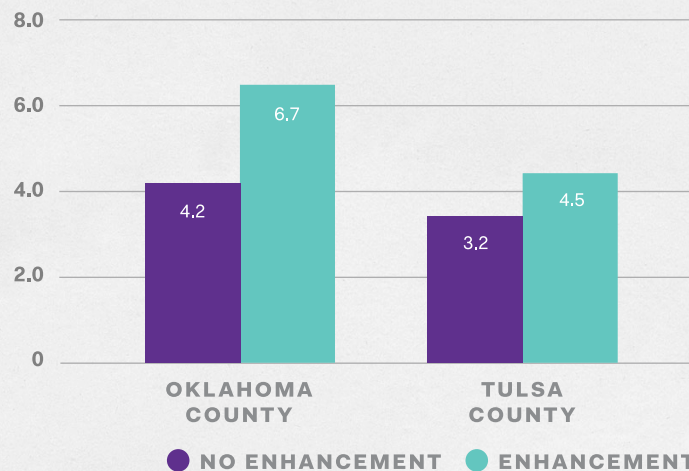
Felony sentences are impacted both by the extremely high number of offenses eligible for life sentences, and the frequent application of an enhanced punishment for individuals with a prior conviction.¹⁵ Though the use of the enhanced punishment

statute is not required, a case-file review of a randomized sample of people admitted to prison in FY 2019 for a nonviolent offense and with at least one nonviolent prior conviction found that the enhancement penalty was requested in 94% and 93% of eligible cases in Tulsa and Oklahoma Counties, respectively, compared with 79% in the rest of the state. Enhancements can be requested and then dismissed as part of a plea deal, but the review found that the penalty was applied in 88% of eligible sentences in Tulsa County and 85% of eligible sentences in Oklahoma County, compared to 74% of eligible sentences in the rest of the state.

For many nonviolent crimes, an enhanced sentence goes up to life in prison, leaving enormous leeway for the prosecutor and judge to decide on a longer sentence. In Oklahoma County, the application of enhancements to nonviolent crimes added 2.5 years on average compared to similar sentences that did not receive an enhancement. In Tulsa County, the enhancement penalty was about half as long, or 1.3 years. Those are years these Oklahomans can't work, can't take care of their families, and can't be productive members of their communities.

Figure 6: While both counties use enhancements for people charged with nonviolent crimes who have only nonviolent priors, Oklahoma County imposes a significantly higher penalty using those enhancements.

Average sentence length in years by enhancement status for nonviolent crimes with nonviolent priors in Oklahoma vs Tulsa Counties, FY 2019



Source: File review

One reason for these differences is the divergent ways district attorneys across the state apply the law. District attorneys exert vast discretion throughout the criminal justice system in choosing which cases to prosecute, which charges to bring, how much bail is requested, what plea bargains to offer, whether to request a sentence enhancement penalty, and ultimately which sentence to recommend. Critically, district attorneys in Oklahoma also act as de facto gatekeepers with the power to grant or deny access to diversion and alternative court programs. District attorneys must first waive application of the sentence enhancement in order for a person to qualify for alternatives to incarceration, due to a policy that makes anyone facing a sentence enhancement penalty ineligible for diversion, probation, or any other alternative to prison. Though the use of these enhancements is not required by law, district attorneys often reflexively seek and apply these penalties even for the lowest-level cases that are eligible, shutting the door for many to access alternatives to prison.

As one local advocate described, “It’s frustrating how simple it is for a DA to flip a wrist or turn their head from 15 years in prison to a suspended sentence [on probation]. So simple, and yet for the person sitting on the bench, that’s their whole life. So much of that power sits with the DA’s office, especially in Oklahoma County. Did you catch them on a good day?” An Oklahoma County public defender agreed: “There’s no coherent policy behind sentencing decisions. ... Depending on what judge and DA takes your case, someone could get probation or 20 years [in prison].”

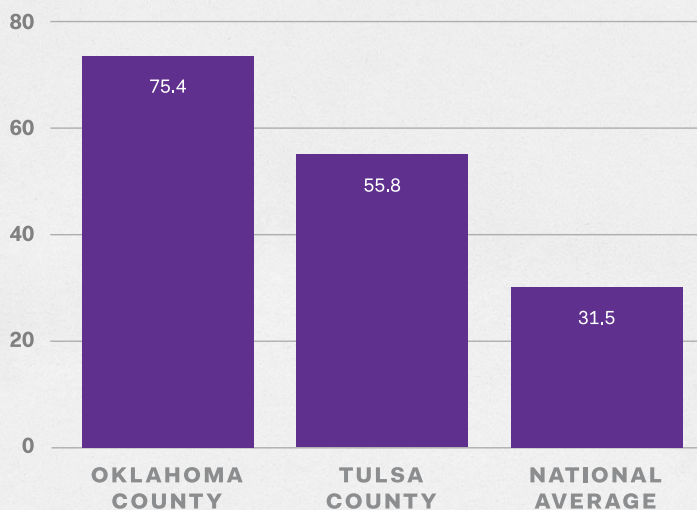
When a person decides to take their case to trial, instead of accepting a guilty plea offer from a prosecutor, they often find themselves facing a longer sentence recommendation. One formerly incarcerated mother was offered a plea deal of 10 years in prison, but when she decided to go before a judge instead, the district attorney recommended a 15-year sentence. She said, **“You could tell [the district attorney] knew nothing about me at all and I was just a case on her desk. ... And that’s why she wouldn’t try to offer me no program and hadn’t seen that I had never been in trouble before. ... Then she jumped back up to 15 years.”**

Unfortunately, none of these decisions or outcomes are systematically tracked or transparently shared with the public, making it difficult to know exactly why Oklahoma County sends so many more people to prison than Tulsa County. Neither county, nor the state as a whole, tracks the number and type of sentences handed down, the use of alternatives to prison, or the rate of revocations from those alternatives for technical violations, making it difficult to know what drives these decisions and the subsequent disparities.

With few resources, overly broad sentencing ranges, and dangerous jail conditions, people are forced to accept plea deals rather than press their luck at trial and face a possible life sentence. Yet, as a result of the accumulation of those decisions over time—with higher bail set, lengthy jail stays, higher prison admissions, and longer prison sentences issued across all types of offenses—it should come as no surprise that Oklahoma County imprisons people at a rate 35% higher than Tulsa County. Both Oklahoma and Tulsa County imprison people at considerably higher rates than the national rate of 31.5 per 10,000 residents.

Figure 7: Oklahoma County imprisons 35% more people per capita than Tulsa County, and both imprison far more people than the national average.

Imprisonment rate (per 10,000 residents), July 2021



Source: U.S. Census Bureau, 2021 Population Estimates; Bureau of Justice Statistics, Prisoners in 2020

Conclusion

Geography plays an irrefutable role in the administration of Oklahoma's criminal justice system. Geography and jurisdictional borders determine which practitioners will have a voice in a person's future as they make their way through the legal system, from the decisions made prior to a person's arrest, to the discretion district attorneys use in determining charges and requesting enhanced punishments, and the power judges wield to set monetary bail and ultimately issue prison sentences. Those actors don't just play a dominant role in these individual cases, they will also collectively be a part of writing the next chapter of Oklahoma's criminal justice reform story.

Since the passage of SQ 780 in 2016, the state has made important strides in reversing decades of unbridled growth in the state's jail and prison populations. Oklahoma's major metropolitan areas have likewise made important progress, reducing the sheer

number of felony cases filed, the number of people booked into county jails, and the number of people held in jail relative to the population, all while lowering the overall crime rate.

But critical chapters of this story remain to be written, and the outcomes in Oklahoma and Tulsa Counties reveal the distinct ways in which system actors like judges and district attorneys can hinder, or propel, life-changing reforms. Despite enforcing the same criminal code and representing similar populations, Oklahoma County today sets higher felony bail amounts, issues longer prison sentences, and sends three times as many people to prison as Tulsa County, an even greater disparity than at the start of the reform period. All the while, Tulsa County's crime rate has declined at three times the pace of Oklahoma County, just one more sign that community safety is not advanced by an increased reliance on incarceration.

Methodology

The qualitative research for this issue brief is based on conversations with 95 people through a series of focus groups and individual and group interviews conducted between February and July of 2022, and a review of written submissions from dozens of people currently incarcerated in women's prisons in Oklahoma. Each person provided verbal or written consent to publish the stories shared in this report. To ensure privacy, stories are anonymized or pseudonyms are used for some directly impacted people.

The quantitative research for this report is based on analysis of data from the Department of Corrections, as well as data collected and analyzed by several partner organizations, including Open Justice Oklahoma, ProsperOK, and The Bail Project. Additional analysis uses data from publicly available sources, including the U.S. Census Bureau, the U.S. Department of Justice's Bureau of Justice Statistics, and the Oklahoma State Bureau of Investigation's Uniform Crime Reports.

All quantitative data not otherwise cited comes from analysis of individual-level data files provided by the Oklahoma Department of Corrections tracking all people admitted to or released from state prisons for the years between FY 2016 and FY 2021, and on annual snapshots of the prison population taken on July 1 of each year.

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ABOUT FWD.US

FWD.us is a bipartisan political organization that believes America's families, communities, and economy thrive when everyone has the opportunity to achieve their full potential. For too long, our broken immigration and criminal justice systems have locked too many people out from the American dream. Founded by leaders in the technology and business communities, we seek to grow and galvanize political support to break through partisan gridlock and achieve meaningful reforms. Together, we can move America forward.

For additional content related to the *Turning the Page* report, visit [FWD.us/TurningThePage](https://fwd.us/TurningThePage).

Endnotes

- 1 The racial demographics here are not fully representative of the actual population, as the U.S. Census group-specific racial breakdown does not include those who identify as more than one race.
- 2 Oklahoma State Bureau of Investigation, Uniform Crime Reports, <https://osbi.ok.gov/publications/crime-statistics>. Retrieved September 27, 2022.
- 3 All court data from Open Justice Oklahoma unless otherwise noted.
- 4 Vera Institute of Justice, Incarceration Trends: Oklahoma, <https://trends.vera.org/state/OK>. Retrieved June 29, 2022, last updated March 24, 2022.
- 5 Open Justice Oklahoma and Oklahoma County Criminal Justice Advisory Council, Oklahoma County Detention Center Dashboard, <https://cjac-dashboard-isk53p4yuq-uc.a.run.app/>. Retrieved August 29, 2022, last updated August 22, 2022.
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- 11 Charles E. Loeffler and Daniel S. Nagin, "The Impact of Incarceration on Recidivism," *Annual Review of Criminology* 2022 5:1, 133-152; Paul Heaton, Sandra G. Mayson, and Megan Stevenson, "The Downstream Consequences of Misdemeanor Pretrial Detention," *Stanford Law Review* 2017 69:711.
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