



LAW ENFORCEMENT LEADERS

To Reduce Crime & Incarceration

February 2, 2017

Governor Mary Fallin
Oklahoma State Capitol
2300 N. Lincoln Blvd., Room 212
Oklahoma City, OK 73105

RE: Oklahoma Justice Reform Task Force Recommendations

Dear Governor Fallin:

As current and former leaders in law enforcement, we know protecting public safety is vital. Our experience has shown us that the country can reduce crime while also reducing unnecessary arrests, prosecutions, and incarceration. The recommendations in the Oklahoma Justice Reform Task Force Report represent commonsense measures that will help us achieve this goal.

Our group, [Law Enforcement Leaders to Reduce Crime and Incarceration](#), unites nearly 200 current and former police chiefs, sheriffs, district attorneys, U.S. Attorneys, and attorneys general from all 50 states. We are dedicated to fighting crime, understanding that it is in the interest of the entire country to vigilantly combat criminal activity.

We are proud that our efforts have helped reduce crime to historic lows. But we must continue to keep it down. To achieve this goal, our group seeks to replace ineffective criminal justice policies with new solutions that both reduce crime and incarceration. We focus on four policy priorities: 1) increasing alternatives to arrest and prosecution, especially mental health and drug treatment; 2) reclassifying criminal laws where appropriate; 3) reforming mandatory minimums; and 4) strengthening community and law enforcement ties.

Some believe more punishment keeps down crime. But research has shown that arbitrarily increasing time served in prison does not translate into increased public safety gains. Some studies have found that increasing incarceration has diminishing returns on crime, and played only a modest

role in the crime decline the country experienced since 1990.¹ Policing and economic factors have played a greater role.²

Excessive incarceration can actually increase crime in some cases. Criminologists often call prison “criminogenic,” meaning that it can increase the criminal behavior of prisoners upon release.³ Studies have shown that this effect is particularly powerful on low-level and nonviolent offenders.⁴ Once an individual enters prison, they are surrounded by other inmates who have often committed more serious and violent offenses. Upon release, that individual will likely have trouble finding employment and reintegrating into society due to legal barriers and social stigma. With limited options available, many ex-prisoners enter a cycle of repeat incarceration, committing more serious and violent offenses after release. Two-thirds of those who leave prison end up back in prison.⁵ For this reason, reducing recidivism is key to improving public safety.

Further, the fiscal costs spent imprisoning low-level offenders could be better used to arrest, convict, and incarcerate serious and violent offenders. Taxpayer dollars should primarily target the country’s most violent offenders, those who pose the most risk to public safety.

Many states have shown that it is possible to reduce crime and incarceration simultaneously. Michigan eliminated mandatory sentencing for most nonviolent drug offenses in 2002. Over the next decade, the state decreased its prison population by 14 percent while seeing a 16 percent decrease in the violent crime rate.⁶ In 2010, South Carolina ended mandatory minimum sentencing for drug possession and enacted other reforms, and in the next four years saw a 9 percent decrease in the prison population and a 17 percent decrease in violent crime.⁷ In fact, over the last decade, 27 states have reduced crime and incarceration together.⁸

The reforms proposed in the Justice Reform Task Force Report will strengthen Oklahoma’s justice system and reduce unnecessary incarceration. Specifically, increasing access to alternatives to incarceration, lower penalties for some non-violent offenses and reforming mandatory minimums through expanded application of a safety valve fall directly into Law Enforcement Leaders’ identified priority issues. By allowing law enforcement resources to focus on the most violent offenders these measures will also improve public safety. We commend you for your leadership and prioritization of this vital issue facing Oklahoma and our nation.

Respectfully yours,

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Former Police Chief, Nashville, Tennessee

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Brian Kozak
Police Chief, Cheyenne, Wyoming

Gary Raney
Former Sheriff, Ada County, Idaho

John Tharp
Sheriff, Lucas County, Ohio

Robert White
Police Chief, Denver, Colorado

¹ *See, e.g.*, STEVEN RAPHAEL & MICHAEL STOLL, THE HAMILTON PROJECT, A NEW APPROACH TO REDUCING INCARCERATION WHILE MAINTAINING LOW RATES OF CRIME (2014), <http://www.brookings.edu/research/papers/2014/05/01-reduce-incarceration-maintain-low-crime-rates-raphael-stoll>; NAT'L RESEARCH COUNCIL, THE GROWTH IN OF INCARCERATION IN THE UNITED STATES: EXPLORING CAUSES AND CONSEQUENCES 155 (Jeremy Travis et al. eds., 2014); OLIVER ROEDER ET AL., BRENNAN CTR. FOR JUSTICE, WHAT CAUSED THE CRIME DECLINE? (2015), <https://www.brennancenter.org/publication/what-caused-crime-decline>. *See also*

Vikrant P Reddy & Marc A. Levin, *The Conservative Case Against More Prisons*, THE AMERICAN CONSERVATIVE, Mar. 6, 2013, <http://www.theamericanconservative.com/articles/the-conservative-case-against-more-prisons>.

² See, e.g., Jeff Godown, *The CompStat Process: Four Principles for Managing Crime Reduction*, POLICE CHIEF, Dec. 2014, <http://bit.ly/15vPx6k> (associating Compstat with “the positive outcome of recurring incremental reductions in crime”); FRANKLIN E. ZIMRING, THE CITY THAT BECAME SAFE: NEW YORK’S LESSONS FOR URBAN CRIME AND ITS CONTROL 113, fig.5.5 (2011) (crediting the decreasing crime in New York City to changing policing tactics); *Where Have All the Burglars Gone*, THE ECONOMIST, July, 20, 2013, <http://www.economist.com/news/briefing/21582041-rich-world-seeing-less-and-less-crime-even-face-high-unemployment-and-economic>.

³ See, e.g., BRUCE WESTERN, PUNISHMENT AND INEQUALITY IN AMERICA 161 (2006).

⁴ See, e.g., Lynne M. Vieraitis et al., *The Criminogenic Effects of Imprisonment: Evidence from State Panel Data, 1974–2002*, 6 CRIMINOLOGY & PUB. POL’Y 589, 593 (2007).

⁵ MATTHEW DUROSE, ET AL., BUREAU OF JUSTICE STATISTICS, RECIDIVISM OF PRISONERS RELEASED IN 30 STATES IN 2005: PATTERNS FROM 2005 TO 2010 31 (2014), <http://www.bjs.gov/content/pub/pdf/rprts05p0510.pdf>.

⁶ See generally GREGORY NEWBURN, AM. LEGISLATIVE EXCH. COUNCIL, THE STATE FACTOR (Mar. 2016), <https://www.alec.org/app/uploads/2016/03/2016-March-ALEC-CJR-State-Factor-Mandatory-Minimum-Sentencing-Reform-Saves-States-Money-and-Reduces-Crime-Rates.pdf>. Compare PAIGE M. HARRISON & ALLEN J. BECK, BUREAU OF JUSTICE STATISTICS, PRISONERS IN 2002 4 tbl.4 (Jul. 2003), <http://www.bjs.gov/content/pub/pdf/p02.pdf> (showing 50,591 prisoners incarcerated Michigan in 2002) with E. ANN CARSON & DANIELA GOLINELLI, BUREAU OF JUSTICE STATISTICS, PRISONERS IN 2012 23 tbl.17 (2014), <http://www.bjs.gov/content/pub/pdf/p12tar9112.pdf> (showing 43,594 prisoners incarcerated Michigan in 2012). UCR Data Online, UNIF. CRIME REPORTING STATISTICS, <http://www.ucrdatatool.gov/index.cfm> (providing crime statistics from 1960 to 2012, and showing the Michigan violent crime rate per 100,000 people was 540.7 in 2002 and 454.5 in 2012).

⁷ See generally GREGORY NEWBURN, AM. LEGISLATIVE EXCH. COUNCIL, THE STATE FACTOR (Mar. 2016), <https://www.alec.org/app/uploads/2016/03/2016-March-ALEC-CJR-State-Factor-Mandatory-Minimum-Sentencing-Reform-Saves-States-Money-and-Reduces-Crime-Rates.pdf>. Compare PAUL GUERINO, ET AL., BUREAU OF JUSTICE STATISTICS, PRISONERS IN 2010 14 app. tbl.1 (2011), <http://www.bjs.gov/content/pub/pdf/p10.pdf> (showing 23,578 prisoners incarcerated in South Carolina in 2010) with E. ANN CARSON, BUREAU OF LABOR STATISTICS, PRISONERS IN 2014 3 tbl.2 (2015), <http://www.bjs.gov/content/pub/pdf/p14.pdf> (showing 21,401 prisoners incarcerated in South Carolina in 2014). Compare UCR Data Online, UNIF. CRIME REPORTING STATISTICS, <http://www.ucrdatatool.gov/index.cfm> (providing crime statistics from 1960 to 2012 and showing the South Carolina violent crime rate was 602.2 per 100,000 people in 2010) with UCR Data Online, CRIME IN THE UNITED STATES, 2014 tbl.5 (2015), <https://ucr.fbi.gov/crime-in-the-u.s/2014/crime-in-the-u.s.-2014> (showing the South Carolina violent crime rate was 497.7 per 100,000 people in 2014).

⁸ See BUREAU OF JUSTICE STATISTICS, CORRECTIONS STATISTICAL ANALYSIS TOOL (CSAT) – PRISONERS, <http://www.bjs.gov/index.cfm?ty=np> (providing prison population data by state from 2005-2015); FED. BUREAU OF INVESTIGATION, UNIFORM CRIME STATISTICS, 2015 (2016), <https://ucr.fbi.gov/crime-in-the-u.s/2015/crime-in-the-u.s.-2015> (providing crime and population data by state from 2005-2015).