

Interim Study



Determining Demographic Impact
OSBI Statistical Analysis Center

Statistical Analysis Center

- Created August 1, 1989
- Functions outlined in 22 O.S. § 1517
- Primary duties include:
 - Collecting and analyzing criminal justice data
 - Produce reports such as Crime in Oklahoma
 - Respond to requests for information
- When transferred to OSBI, staffed with 1 Statistical Research Coordinator and 4 Statistical Research Specialists
- Currently staffed with only 1 Statistical Research Specialist. Hiring process initiated for 1 more.



Sources of Data

- Uniform Crime Report (UCR)
 - Data submitted monthly by law enforcement agencies regarding crimes reported to them
 - Includes arrest data for:
 - Part I crimes such as homicide, rape, robbery, aggravated assault, burglary, human trafficking
 - Part II crimes such as forgery, fraud, embezzlement, vandalism, prostitution, drug crimes, liquor law violations
 - Data available for the entire state
 - Data limitations:
 - Hierarchy rule is used, so if an individual is arrested for multiple crimes, only the most serious offense is included in the report
 - Arrests are reported separately from offense reports, so there is no way to link which offenses had an arrest associated with them.



Sources of Data

- State Incident-Based Reporting System (SIBRS)
 - Will replace UCR by 2021
 - More detailed (eliminates hierarchy rule; arrests and clearance info linked to specific offense report)
 - Only available for agencies which have transitioned from UCR to SIBRS (91.4% of agencies; representing 68.4% of population)
 - Limited accessibility
 - Must view each report individually in order to access details such as demographic information



Other Possible Sources

- Criminal History Records
 - OSBI is state repository
 - Would include information about arrest, charge, and disposition
 - Currently limited to single name search (i.e. can't pull all demographics for individuals arrested for a specific crime)
- Outside OSBI
 - DOC records
 - Court records (convictions, sentencing)



Data Source Limitations

- Confidentiality
 - Many sources of data (even within the OSBI) are established by statute or operated in accordance with federal entities and have restrictions on how the data can be used or released.
- Accessibility
 - While much information may be contained in various databases, it may not be readily accessible.
 - Data housed with other agencies may require an MOU or other arrangements prior to access.
 - Databases also may not have export or querying capabilities which enable the data to be pulled in aggregate. (e.g. criminal histories are a single name search and SIBRS reports must be accessed individually to extract data elements)
- Completeness
 - Some records may not be available for the entire state.
 - Court records – not all counties use the same record management system; municipal courts are also separate from district courts

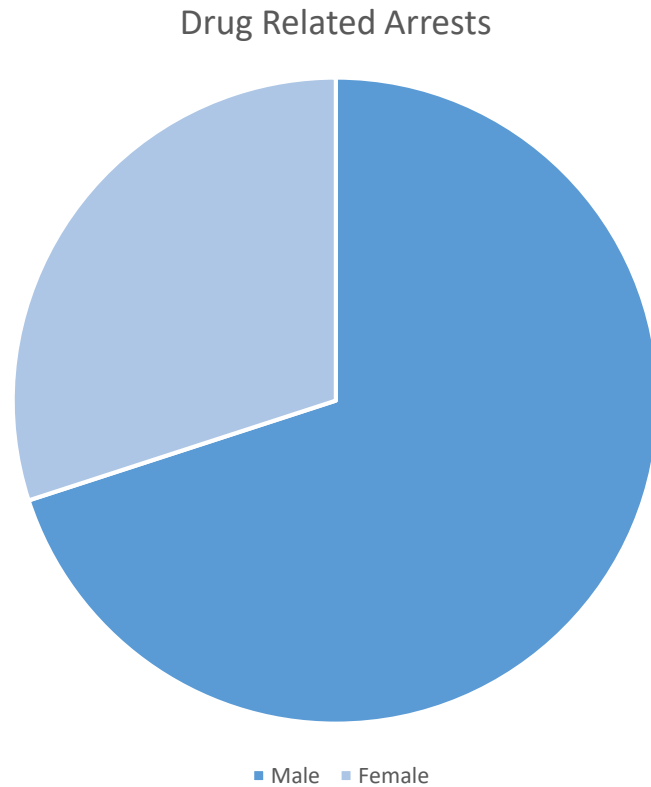


Responding to Requests

- Receive requests from other law enforcement, legislature, researchers, media, etc.
- Evaluate the request to ensure SAC can provide data
 - Have access to data
 - Data requested is eligible to be released (not restricted by confidentiality requirement)
 - Sufficient resources to gather data by any requested deadline
- Depending on the nature of the request, it could take a few hours to a few months (or more) worth of work to respond.
- For extensive requests, the SAC works with the requestor to provide what data can be reasonably gathered within the allotted time frame.
- When providing a partial response, the SAC communicates regarding the limitations of data provided.



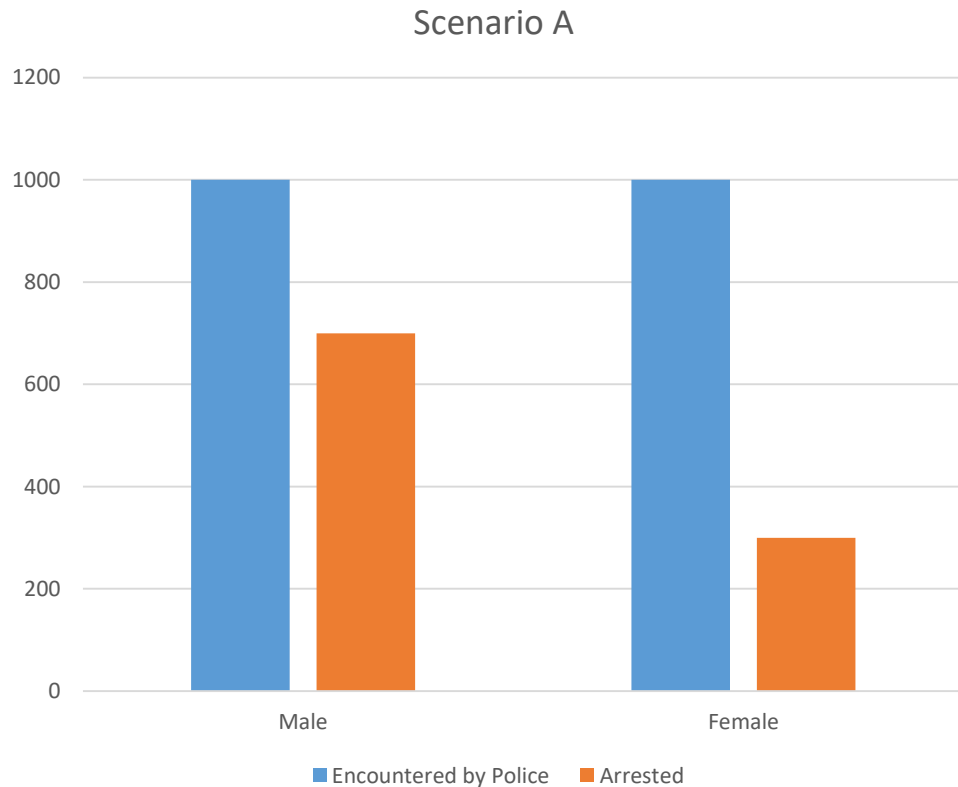
Example



- Based on this data, are men more likely to be arrested for drug related offenses than women?



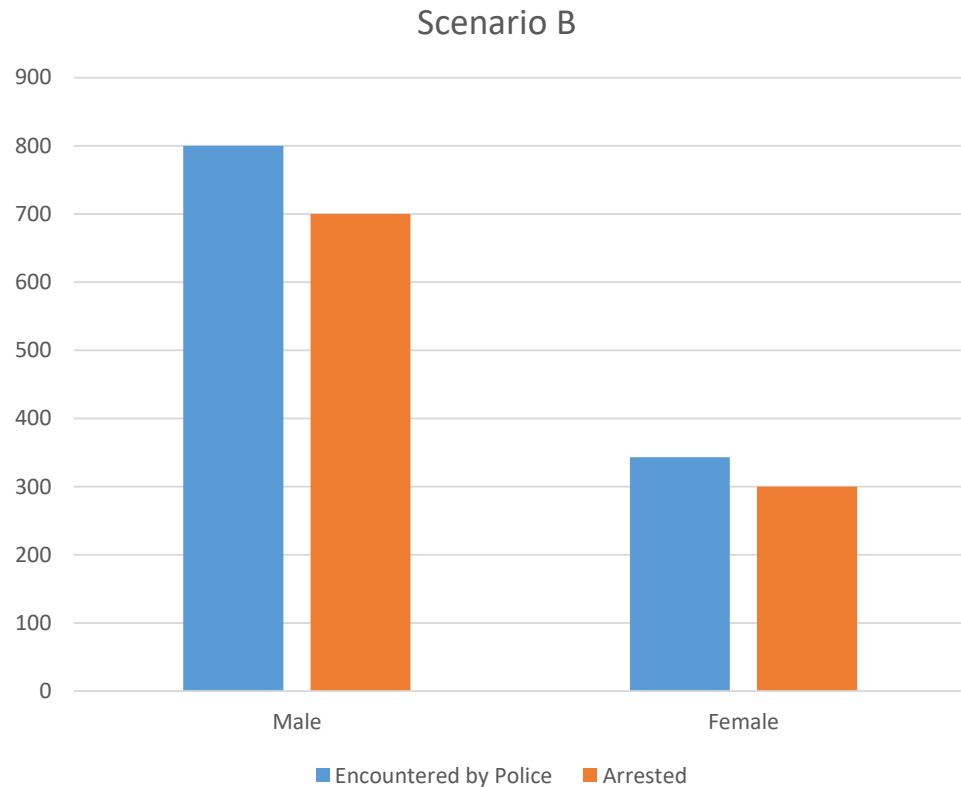
Maybe . . .



- In this scenario, police encounter an equal number of men and women they suspect to have committed a drug related offense. However, 70% of men are arrested, and only 30% of women are arrested.
- This is obviously disproportionate and supports the statement that men are more likely to be arrested for drug related offenses.



Maybe not . . .



- In this scenario, the number of men and women arrested for drug related offenses has not changed.
- The demographics of individuals encountered by police has changed such that approximately 88% of men encountered are arrested and 88% of women encountered are arrested.
- While we have access to demographic data on arrests, this may not be enough information to determine if there is a disproportionate impact on a particular sex, age, race, or ethnic group.



Request for Information

- Received request on March 11, 2019 to conduct a Racial Impact Study on SB 711
- SB 711 proposed the following:
 - Amend 21 O.S. 2011, Section 856, to include the following criminal activities to the definition of a “criminal street gang”:
 - “Soliciting, inducing or enticing another to commit an act of prostitution as defined by Section 1030 of this title;
 - Human trafficking, as defined by section 748 of this title; or
 - Possession of a firearm after former conviction of a felony, as defined by section 1283 of this title.”
 - Amend 57 O.S. 2011, Section 582 to specify the provisions of the Sex Offenders Registration Act shall apply to:
 - Individuals convicted of a crime provided for in Title 21, section “856, if the offense involved child prostitution or human trafficking for commercial sex.”
 - Individuals residing, working, or attending school within Oklahoma who have been convicted in another court (e.g. another state, federal, Tribal, military, etc) if the crime would have violated Title 21, section “856, if the offense involved child prostitution or human trafficking for commercial sex” had it occurred in Oklahoma.



Demographic Impact Study

- A study or analysis to determine if a proposed bill or policy poses a disproportionate impact on any one specific group of individuals.
- There is no set methodology, as there will be different variables and data which require analysis depending on what the bill or policy proposes.



Demographic Impact

- Evaluated SB 711 to determine what might be needed to determine if the bill posed a disproportionate impact or not and concluded there were too many variables and not enough data available to conduct a proper racial impact analysis.
 - Are there specific gang(s) known to commit these particular crimes? What are the demographics of the gang(s)?
 - What are the demographics of those arrested for these crimes? What percentage of individuals arrested for these crimes are also prosecuted for violation of Title 21, section 856.D or section 856.3 (additional felony conviction and up to 5 year sentence on top of any sentence imposed for the initial crime – soliciting, prostitution, human trafficking, etc.)?



Information Provided

- Since there were many variables that required data the SAC did not have immediate access to, the SAC provided what information was available.
 - Estimates for Oklahoma's population demographics
 - Demographics of arrests for offenses already listed in Title 21 O.S. § 856
 - Demographics of arrests for offenses listed in Title 21 O.S. § 856 if SB 711 passed
 - Percent change in demographics if SB 711 passed

Oklahoma's Population	
Population Estimate*	3,943,079
Race	
White	74.30%
Black/African American	7.8
American Indian	9.2
Asian	2.3
Hawaiian	0.2
Two or More Races	6.1
Hispanic Origin	
Hispanic or Latino	10.6
Non-Hispanic	65.7

* As of July 1, 2018

Oklahoma State Bureau of Investigation - Office of Criminal Justice Statistics				
Uniform Crime Report, 2017 - All Arrests Race & Ethnicity Distribution				
Percent Change if SB 711 is Approved				
		21 O.S. § 856 %	SB 711 %	% Change
Race	White	69.1%	68.9%	-0.2%
	Black	23.7	23.8	0.1
	American Indian	6.6	6.6	0.0
	Asian	0.6	0.7	0.1
	Hawaiian	0.0	0.0	0.0
Ethnicity	Hispanic	7.2	7.2	0.0
	Non-Hispanic	92.8	92.8	0.0
Total		100.0	100.0	0.0



Questions?