

Committee Member:  
A&B Public Safety Subcommittee  
Public Safety  
Rural Development



Committee Chair:  
Criminal Justice and Corrections  
Conference Committee on Criminal  
Justice and Corrections

*Representative Justin JJ Humphrey*

## House District 19

December 11, 2023

Via Electronic Mail  
Attorney General Gentner Drummond  
Office of the Attorney General  
313 NE 21st Street  
Oklahoma City, Oklahoma 73105

Dear Attorney General Drummond:

I recently conducted an examination of the collection of probation fees by the states' district attorneys and discovered issues that appear very worrisome and possibly illegal. I am requesting that you examine the district attorneys' collection of probation fees to determine if my concerns are warranted.

It is my understanding that in approximately 2011, Cleveland County District Attorney Greg Mashburn filed a judicial complaint against Cleveland County Special Judge Stice. The basis of the complaint was that Judge Stice refused to place a DUI offender on DA probation. The DA believed Judge Stice did not have the authority to change a plea agreement. The lower court ruled that a judge is the sentencing authority and does have the right to determine the supervising authority. However, the District Attorney Council (DAC) appealed the lower court's decision. In November 2012, in the case of Mashburn v. Stice, the appellate court ruled the lower court was correct and that a judge does have the right to determine the supervising authority. Conversely, the court provided additional instructions, to wit.

**The \$40 dollar fee must be used for the actual act of supervision during the actual period of time the offender is on supervision.**

Despite the appellate court's ruling, the district attorney's continued to collect probation fees and use the fees to fund their offices. DAs were directly instructed, by the appellate court, that fees must be used for the actual act of supervision, but DA's knowingly, willfully and intentionally ignored the court's orders and illegally collected and misused probation fees.

In approximately 2019, I, State Representative Justin JJ Humphrey, filed legislation to force the district attorneys to stop misusing probation fees. It was my understanding the bill would be dropped, and the state would provide the DAC with additional funding of approximately \$19 million. This would allow DAs to get out of offender supervision. However, DAs continued to conduct offender supervision and collect offender supervision fees.

A review revealed that the district attorneys are continuing to collect probation fees in the same manner. However, these probation funds are now directed into a DAC general fund. I have been advised the DAC general fund is then directed to our state general budget. After being received by the state, it is then returned to the DAs. Because the state is providing the \$19 million back to DAs it can be used to fund their offices.

My fear is that the district attorney's across the state have illegally collected probation fees for approximately 11 years. The fees have never been applied to the actual act of supervision as the appellate court directly ordered. If my calculation is correct, that would mean district attorneys illegally have collected approximately \$209 million.

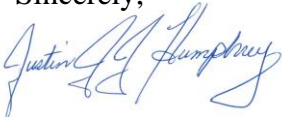
An additional fear is the technique used to move probation fees from the DAC general fund to our state general fund and then back to the DAs to be used for funding. This technique appears like a very calculated plan and absolutely appears to be along the lines of a money laundering scheme. The money appears to have been illegally collected, moved through several accounts, and then washed by transference.

A further concern: what is the probability that the prosecutorial arm of the government has knowingly, willfully and intentionally ignored a judgment of the court? Oklahoma has taken money from offenders and offered no behavioral change, no treatment and no supervision in return. The lack of criminal supervision has harmed all Oklahomans.

My final thoughts from a layman's viewpoint, if it walks like a duck and quacks like a duck, it is a duck.

I hope you will investigate this matter. It is time that Oklahoma stop forcing district attorneys to fund their office through illegal schemes and time that Oklahoma adopt a real plan to completely reform the Oklahoma Criminal Justice System.

Sincerely,



State Representative Justin JJ Humphrey

District 19

Chair, Criminal Justice and Corrections Committee