

February 22, 2010

Yvonne Brancroft, Assistant Superintendent
Beckham County Juvenile Detention Center
1200 East Highway 66
Elk City, Oklahoma 73644

Dear Ms. Brancroft:

The Office of Juvenile System Oversight (OJSO) received the Beckham County Juvenile Detention Center's response dated December 3, 2009, to the OJSO's oversight report dated October 22, 2009. This letter is to further clarify the findings contained in the OJSO report. Below, the facility's response to two of the violations listed in the OJSO report is addressed.

1. OJSO finding: Residents were not afforded outdoor recreation time on a regular basis.

Facility response: "Residents do go outside regularly when there is enough staff available and the weather is permitting."

Clarification: Office of Juvenile Affairs (OJA) policy, OAC 377:3-13-42, Juvenile rights, (5), specifically states that residents "shall have access to on-site recreational opportunities, including daily outdoor exercise, weather permitting." As indicated, OJA policy does allow for the facility to forego outdoor recreation during inclement weather; however, OJA policy does not allow for the facility to use inadequate staffing as a reason to forego outdoor recreation. This is especially significant if staff shortage is a chronic problem. It is the facility's responsibility to have enough staff on-duty to allow the residents to participate in daily outdoor recreation on a regular basis.

2. OJSO finding: Staff did not document the disciplinary reason for separating a resident from the general population.

Facility response: "Residents may be placed in their room or be seated away from the other residents due to their level. At less structured times they may sit a distance away from the others to prevent harm to them or someone else but they continue with group activities together with others according to their level." The facility response also stated that the resident referred to in the OJSO report was doing his level appropriate activity in his room with door open due to lack of floor space."

Yvonne Brancroft, Assistant Superintendent
Page Two
February 22, 2010

Clarification: OJA policy has specific guidelines for separating residents from the general population. Office of Juvenile Affairs policy, OAC 377:3-13-44, Security and control, (c), (12), Procedures for separation from general population and/or general activities for disciplinary reasons, in part, states, "If a juvenile is separated from the general separation, the reasons for the separation and length of time shall be documented in the written daily observation of the juvenile. The separation should not be in excess of 60 minutes. . . . The juvenile shall be released when staff determines that he or she can safely be returned to the group." A level system should not be used in a way that could be interpreted as circumventing OJA policy. The facility's response indicated that a resident was placed on a lower level due to the resident's behavior; therefore, placing the resident in his/her room constituted a disciplinary action that needed to be documented. Also, it is the OJSO's position that adequate floor space for level-appropriate activities should not be an issue in a six-bed facility that has a large dayroom.

The OJSO appreciates your assistance with this matter. This reply letter will be posted to the OCCY web page, along with the OJSO report and the facility response. If you would like to submit an additional response, we will post it to the OCCY web page as well.

Should you have any questions regarding this letter, please contact my office. Please take note of our new address below; our telephone remains the same, (405) 606-4900.

Sincerely,

Dana S. Holden
Oversight Specialist IV

DSH:JS