

**OKLAHOMA COMMISSION ON CHILDREN AND YOUTH
OFFICE OF JUVENILE SYSTEM OVERSIGHT**

**Report of a Complaint Investigation
Office of Juvenile Affairs**

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Report written by Roger Conway and Lisa Smith, Assistant Director

Introduction

The Office of Juvenile System Oversight (OJSO) received a complaint on February 28, 2007, alleging an Office of Juvenile Affairs' (OJA) staff member assigned parole board duties was unqualified for the position and OJA-custody youth were not receiving due process when being transferred to higher levels of care or when being administratively paroled. Each issue will be discussed separately.

Persons Interviewed

- OJA Chief of Staff
- OJA supervisor
- Student Defender of the facility's Intensive Treatment Program
- Director of the Office of Personnel Management

Documents Reviewed

- OJA policy
- OJA emails
- List of OJA Parole Board members for 2007

Findings

Probationary Staff Member Assigned as a Parole Board Member

The specific allegation was that an OJA staff member, who was assigned parole board duties, did not have the required education and training for the position. The OJSO requested the names of the official members of the OJA Parole Board. The OJA provided a list of the 2007 members (attached), and the staff person in question was not listed as a member of the OJA Parole Board for 2007. On April 26, 2007, the OJSO contacted the OJA Chief of Staff, who confirmed that the staff member had been

assigned parole board duties. He also stated that the staff person had received training from OJA legal staff. The staff member was employed by OJA in the position of Administrative Programs Officer responsible for inventory control. On April 26, the OJSO also contacted the director of the Office of Personnel Management regarding the issue of a probationary employee being required to perform duties inconsistent with the employee's job class title. The director stated that a policy violation could be occurring. The OJSO was unable to locate any written qualifications for staff serving on the parole board.

On May 4, 2007, the OJSO contacted the OJA supervisor of the staff member who was assigned parole board duties. The supervisor stated that he had not been consulted prior to the staff member being assigned the duties. The supervisor had received a copy of the staff member's email message, dated February 27, 2007, to the division administrator, in which the staff member had expressed concerns regarding his/her qualifications and background experience for being a member of the parole board. The supervisor confirmed to the OJSO that the staff member did not have a bachelor's degree or prior work experience in the juvenile justice field.

Formal Hearings for OJA-Custody Youth

It was alleged that residents at the L. E. Rader Center were encouraged, some under duress, to waive their rights to a formal hearing when they were being transferred to a higher level of care. On April 27, 2007, the OJSO contacted the student defender of the Intensive Treatment Program at the Rader Center, who stated that no residents had waived their rights to due process hearings in the past year.

Administrative Paroles

Another issue raised involved the process of administrative paroles. According to OJA documents, there is no distinction for when the administrative parole process or the parole board process is used. The OJA document reviewed by the OJSO indicated that administrative paroles were decided by the OJA Executive Director and the executive team.

Summary

Decisions reached by the OJA Parole Board impact the mission of OJA to ensure rehabilitation of juveniles and the protection of the public. Staff serving on the OJA Parole Board should have knowledge and experience in the field of juvenile justice.

OJA policy regarding administrative parole allows the OJA Executive Director or his/her designee to grant an administrative parole for a juvenile exiting a program with a projected length of stay. OJA policy does not specify the reason the Executive Director or his/her designee would grant the administrative parole instead of the parole board.

Recommendations

1. OJA should develop minimum qualifications of parole board participation to ensure decisions are made by qualified staff and that decisions made by the parole board meet standards of professional service delivery.
2. OJA should develop criteria for determining when to use the parole board process or the administrative parole process.

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