

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

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**Name and Location of Facility:** L.E. Rader Center  
Sand Springs, Oklahoma

**Date of Visit:** June 2, 3, 7, and June 8, 2010

**Oversight Reviewer:** Dana S. Holden, Oversight Specialist IV

**Focus of Visit:** First Biannual Visit, 2010

**Date:** July 28, 2010

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### **Introduction**

The Office of Juvenile System Oversight (OJSO) began an unannounced visit on June 2, 2010, at the L.E. Rader Center (LERC) located in Sand Springs, Oklahoma. The OJSO resumed the oversight on June 3 and 7, and completed the visit on June 8, 2010. The focus of the visit was to assess the facility's compliance with established policy and procedures; response to resident grievances; use of restraints; and use of solitary confinement.

The facility is a secure rehabilitation program for male juveniles adjudicated Delinquent or Youthful Offender who are in the custody of the Office of Juvenile Affairs (OJA). The LERC was licensed by the division of Office of Public Integrity (OPI) of the Office of Juvenile Affairs (OJA) for seventy-two juveniles. The facility census was fifty-nine on the initial day of oversight.

### **Interviews Conducted**

- Entry interview with the facility superintendent
- One juvenile security officer (JSO)
- Two youth guidance specialists (YGS)
- Seven residents
- Exit conference with the facility superintendent

### **Documents Reviewed**

- Eleven resident files
- Three personnel files
- LERC Institutional Daily Census Log dated May 27, 2010
- OKDHS OCCS Residential Child Care Facility Inspection report dated September 17, 2009

- Tulsa Health Department Inspection report dated November 9, 2009
- Office of the Oklahoma State Fire Marshal report dated December 8, 2009
- LERC Use of Physical Force Log from January 1, 2010, through May 31, 2010
- LERC Solitary Confinement Log from January 1, 2010, through May 31, 2010
- LERC grievance log from January 1, 2010, through May 31, 2010
- Electronic correspondence between OJA State Office and institutional superintendents dated July 13, 2009

## Findings

### Resident Interviews

The OJSO interviewed seven residents. An eighth resident refused to be interviewed. The residents were questioned regarding their perceptions of safety, program services, resident rights, discipline practices, grievance procedures, and other residential care issues. The OJSO noted the following from the resident interviews:

- Three residents reported they felt safe at the facility, one stated he felt unsafe, and three felt safe part of the time. The resident who felt unsafe stated it was because staff allowed other juveniles to enter his room and steal his property. This issue was addressed with the superintendent during the exit conference. The superintendent stated he would review the video of the unit and advise the OJSO what his findings were. On June 22, 2010, the assistant superintendent advised the OJSO that the video showed that two juveniles entered the resident's room and when staff attempted to get into the room they were blocked by one of the juveniles. The assistant superintendent advised procedures are for the door to be locked anytime a resident is in their room. The staff member failed to lock the door. This incident has since been reported to the OPI for investigation.
- Three of seven residents reported staff did not explain the facility policies regarding visitation, mail, discipline, and grievances when they were admitted.
- Four of seven residents reported they had grievances that had not been resolved.
- Four of seven residents reported they were not allowed to have input into the development of their treatment plan. The residents stated that their psychologist wrote the plan then brought it to them for their signature.
- Two residents reported they were denied telephone calls to their attorneys by their case manager. This issue was discussed with the superintendent. The OJSO was advised by the assistant superintendent on June 22, 2010, that documentation indicated that both residents were asked if they wanted to contact their attorney the day before the oversight began and both residents refused. Both residents have been allowed to contact their attorney.

There were no other issues noted from the resident interviews.

### Staff Interviews

The OJSO interviewed one JSO and two YGSs. The questions pertained to the staff's perceptions of training, safety of staff, improving the life of residents, and morale of staff and residents. The OJSO noted the following:

- All staff reported they felt they needed more training to do their job more effectively.
- One staff reported they usually felt safe at work, one reported they felt safe about half of the time, and one stated they seldom felt safe.
- Two of three staff reported the morale of the kids as low. They felt this was due to the uncertainty caused by the upcoming reduction in force (RIF).
- All staff reported the morale of staff to be low. The staff reported the reason to be the budget cuts and upcoming RIF. Staff reported they did not feel there was enough staff to keep the facility secure, and one reported staff are not doing their job.

### Resident File Review

The OJSO reviewed eleven resident files. The resident files were well organized and complete. There were no concerns noted from the resident file reviews. The resident files were listed as a program strength on the facility exit.

### Personnel File Review

The OJSO reviewed three personnel files. The files were complete and well organized. There were no concerns noted from the personnel file reviews. The personnel files were listed as a program strength on the facility exit.

### Grievance Log Review

The OJSO reviewed the grievance logs from both ITP and RTP for the period of January 1, 2010 through May 31, 2010. There were 158 grievances filed during this time period for the ITP, and 180 grievances filed for the RTP. The OJSO noted the following during the ITP grievance log review:

- Forty-one of the 158 grievances filed were not resolved.
- Sixty-nine of the 158 grievances were not resolved within the required time frame.

The OJSO noted the following during the RTP grievance log review:

- Fifty-four of the 180 grievances were left unresolved.
- Seventy-two of the 180 grievances were not resolved during the required time frame.

Information received from residents indicates they are being told information about the grievance process that does not follow policy. One resident stated that the Grievance Coordinator advised him his appeal "should be back from state office in about three

months.” One resident reported he has filed three grievances to the superintendent; however, he hasn’t heard anything about his appeals.

One grievance coordinator stated that he notifies the superintendent by e-mail of any grievances that were not resolved or that were not turned in by the required time limit. The other grievance coordinator stated that if he doesn’t get the grievance back within the required time frame he sends a memo to the superintendent. If he does not get it back after that it is left unresolved. The grievance coordinator stated it isn’t his responsibility to ensure the grievances are filled out completely. If they aren’t, he sends the superintendent a memo.

The grievance procedures in place allow for residents to file grievances; however, they do not specify who is responsible for ensuring the grievances are resolved, or meet the specified time frames.

There were no other concerns noted during the grievance log reviews.

#### LERC Solitary Confinement Log

The OJSO reviewed the LERC Solitary Confinement Log from January 1, 2010, through May, 31, 2010. The OJSO noted the following:

- According to the log, solitary confinement had been used a total of fourteen times during the time period reviewed.
- Four log entries did not list the date the resident was released from solitary confinement.

#### LERC Use of Physical Force Log

The OJSO reviewed the use of physical force log for the period of January 1, 2010, through May 31, 2010. There was a total of sixty-three incidents of physical force used during this time period. The OJSO noted the following:

- From January 1, 2010, through May 31, 2010, mechanical restraints were applied fifty-seven times in the sixty-three incidents of physical force. The OJSO noted that in the four months prior to January 2010, residents were placed in mechanical restraints sixty-six percent of the time. In the five months of January 2010 through May 2010, residents were placed in mechanical restraints ninety percent of the time.
- There were twelve incidents of residents being placed in mechanical restraints that were being cooperative with staff and not displaying aggressive behavior. In four incidents, the resident was not placed in mechanical restraints at the time of the incident, but after security staff later returned to the unit to escort the resident to CMC. The OJSO noted there were three incidents where juveniles who were threatening staff, or being aggressive, were not placed in mechanical restraints prior to being escorted off the unit.
- The OJSO noted that the OJA has adopted a policy of placing all residents being taken to CMC or solitary confinement in mechanical restraints whether the

resident is acting aggressively or not. This has resulted in a significant rise in the incidents of use of force against residents. The OJSO was able to document twelve instances where mechanical restraints were placed on residents who were compliant and posed no threat to staff or other residents. It is concerning to the OJSO that OJA has adopted a policy requiring the use of mechanical restraints even though the resident posed no threat.

There were no other concerns noted in the use of physical force log review.

### **Exit Conference**

The OJSO held an exit conference on June 8, 2010, with the LERC Superintendent. All areas of concern and violations were discussed with the LERC Superintendent and a copy of the Facility Exit Conference Checklist was provided to the superintendent.

### **Areas of Concern**

1. Staff failed to secure the door to a resident's room, allowing two residents to enter the room and steal the resident's property.
2. Four of the seven residents interviewed stated they were not allowed to provide input into the development of their individual service plan.
3. The majority of the staff interviewed felt they needed to have more training to adequately do their job.
4. The majority of the staff interviewed felt staff morale was low due to the reduction in force.
5. Residents taken to CMC or solitary confinement from September 2009 through December 2009 were placed in mechanical restraints sixty-six percent of the time.
6. Residents taken to CMC or solitary confinement from January 2010 through May 2010 were placed in mechanical restraints ninety percent of the time, an increase of twenty-four percent.
7. The grievance procedures in place allow for residents to file grievances; however, they do not specify who is responsible for ensuring the grievances are resolved, or meet the specified time frames.

### **Violations**

1. Documentation indicates grievances turned in by residents were left unresolved. OJA policy, 377:3-1-28, General Grievance Procedure, (a), Informal grievances, (4), states, "The assigned staff shall review each grievance and attempt to resolve the grievance with the juvenile."
2. Documentation indicates staff was not resolving grievances within the required time limits. OJA policy, 377:3-1-28, General Grievance Procedure, (a), Informal grievances, (5), states, "If the grievance is not resolved within (5) five working days, the juvenile may seek review by the supervisor."