

March 25, 2009

Misti Jackson, Acting Program Supervisor
201 Veterans
Talihina, Oklahoma 74571

RE: Leflore County Juvenile Detention Center
OJSO Announced Visit

Dear Ms. Jackson:

The Office of Juvenile System Oversight (OJSO) conducted an announced visit at the Leflore County Juvenile Detention Center on October 29, 2008. During the oversight visit, the OJSO spoke with administrators, staff, and residents; and reviewed documents and files. During the exit conference, the OJSO discussed the concerns and violations that it had noted during the visit; those concerns and violations were the following:

1. An employee was hired that had previously resided in the states of Texas and Colorado. The employee had moved to Oklahoma in August 2008, and was hired by the facility on August 9, 2008. Criminal background checks were not requested in the two previous states of residence on behalf of the employee. During the exit conference, it was reported to the OJSO that the policy of the Leflore County Juvenile Detention Center was to seek criminal background checks from other states if the person had obtained a drivers license in the previous state of residence. The Office of Juvenile Affairs Administrative Rules, Chapter 3, Administrative Services, Subchapter 13, Office of Public Integrity, 377:3-13-43, Staff Requirements, (a), General provisions, (6), Criminal history investigation, states, "The facility shall comply with statutory requirements mandating a criminal history investigation for each applicant for employment [10 O.S. Section 404.1]." Although the facility is not subject to the Oklahoma Child Care Facilities Licensing Act, administrative rules require that detention centers comply with Section 404.1 of this statute. Oklahoma State Statutes, Title 10, Section 404.1, Criminal History Investigation, (A), (3), states:

If the adult has lived in Oklahoma for less than (1) year, a criminal history records search shall also be obtained from the previous state of residence. If the applicant is planning to establish or operate a child care facility or an employee or contract employee of the child care facility, or the contractor of the child care facility has resided in

Oklahoma for less than one (1) year, the criminal history records search shall also be obtained from such person's previous state of residence.

The statute does not state that the criminal history investigation is completed only if the person obtained a driver's license from the state they resided prior to Oklahoma. It should also be noted by the facility that this statute was superseded effective November 1, 2008, to extend the above time frame of one year to three years.

2. The OJSO reviewed three juvenile files. The files contained documentation that youth were in their rooms in excess of twelve hours per day. Documentation did not reflect safety concerns or incidents that resulted in room confinement. The files routinely documented juveniles were placed in their rooms for the evening at 2000 hours and the doors would remain closed until 0655. Combined with required time in their rooms for shift change or other activities, this practice resulted in the youth being in their rooms in excess of twelve hours her day. The Office of Juvenile Affairs Administrative Rules, Chapter 3, Administrative Services, Subchapter 13, Office of Public Integrity, 377:3-13-45, Program and services, (a), states, "Activities and services are available to juveniles outside their rooms at least 12 hours a day."

No other issues or concerns were noted during the visit. Facility records were well organized and information was readily available to the OJSO. The youth reported overall satisfaction with the facility and the juveniles made favorable comments about the food to the OJSO.

Please mail to the OJSO an original, signed response addressing the areas of concern and violations noted above, avoiding identification of any child or staff by name. Also, please send a non-scanned, electronic copy of your response to jsharp@okkids.org and lbaker@okkids.org for publication on the Oklahoma Commission on Children and Youth web page. We will wait thirty days to receive your response before publishing this correspondence on the web page; however, this correspondence has been sent to all appropriate state agencies.

Thank you for your assistance and cooperation in this matter. If you have any questions or comments concerning this correspondence, please call me at 405-606-4900. We apologize for the delay in this report.

Sincerely,

Ellen Harwell
Oversight Specialist

c: Mike Heath
Cheryl Carrol

