

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

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**Name and Location of Facility:** Southwest Oklahoma Juvenile Center  
Manitou, Oklahoma

**Dates of Visit:** December 6, 7, and 16, 2010

**Oversight Reviewer:** Harold Jergenson, Oversight Specialist

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

**Date:** April 12, 2011

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### **Introduction**

The Office of Juvenile System Oversight (OJSO) began an unannounced visit on December 6, 2010, at the Southwest Oklahoma Juvenile Center (SWOJC), located in Manitou, Oklahoma. The OJSO resumed the visit on December 7, 2010, and completed the visit on December 16, 2010. The purpose of the visit was to assess compliance with established responsibilities. The facility is a secure rehabilitation program for male juveniles who are adjudicated Delinquent or Youthful Offender and in the custody of the Office of Juvenile Affairs (OJA). The SWOJC was licensed by the division of Office of Public Integrity (OPI) of the Office of Juvenile Affairs (OJA) for seventy-nine juveniles. Senate Bill 595, which became effective November 1, 2009, charged the OJA with certification responsibilities for all secure juvenile facilities. The facility census was fifty-five on the initial day of oversight.

### **Interviews Conducted**

- Entry interview with the superintendent
- Exit conference with the superintendent, deputy superintendent, and the chief of security
- Four youth guidance specialists
- Eight residents

### **Documents Reviewed**

- Census for the facility, including review of the residents' birthdates and admission dates
- Office of the Oklahoma State Fire Marshal report dated March 30, 2010
- Oklahoma State Department of Health Food Inspection report dated May 10, 2010
- Grievance logs from June 1, 2010, through November 30, 2010
- Office of Public Integrity (OPI) logs from June 1, 2010, through November 30, 2010
- Use of Force logs from June 1, 2010, through November 30, 2010
- Nine resident files

## Findings

### Resident Interviews

The OJSO interviewed eight residents. The interview questions pertained to the residents' perceptions regarding safety, program services, resident rights, discipline practices, and other residential program issues. The OJSO noted:

- Six of the eight residents interviewed reported that they did not believe that the grievance procedures worked adequately.
- Five of the eight residents interviewed reported that they had witnessed staff using profanity in their presence.

### Staff Interviews

Four staff members were interviewed. The interview questions pertained to the staff members' perceptions regarding resident rights, discipline policies, and other residential program issues. No concerns were noted from the staff interviews.

### Resident File Review

Nine resident files were reviewed. No concerns were noted. The resident files were listed as a program strength at the facility exit.

### Grievances

The OJSO reviewed grievance logs from June 1, 2010, through November 30 2010. Appealed grievances were assigned to either the superintendent or the deputy superintendent. The OJSO noted:

#### *June 2010*

- A total of forty-one grievances had been filed.
- Three of the forty-one grievances did not meet the five-day time frame for resolution.

#### *July 2010*

- A total of thirty-six grievances had been filed.
- One of the thirty-six grievances did not meet the five-day time frame for resolution.

#### *August 2010*

- A total of fifty-five grievances had been filed.
- Three of the fifty-five grievances did not meet the five-day time frame for resolution.

#### *September 2010*

- A total of fifty-five grievances had been filed.
- One of the fifty-five grievances did not meet the five-day time frame for resolution.

#### *October 2010*

- A total of sixty-four grievances had been filed.
- One of the sixty-four grievances did not meet the five-day time frame for resolution.

#### *November 2010*

- A total of fifty-six grievances had been filed.
- Three of the fifty-six grievances did not meet the five-day time frame for resolution.

### Office of Public Integrity (OPI) Logs

The OJSO reviewed the OPI logs from June 1, 2010, through November 30, 2010. The OJSO noted:

- A total of forty-seven referrals had been called in to OPI during this time.
- Thirty-six were returned to the facility as caretaker conduct reviews (CCRs).
- Three were returned to the facility as refer to the administration.
- Eight were accepted as OPI investigations.

No concerns were noted from the OPI call logs.

### Use of Force Logs

The OJSO reviewed the Use of Force logs from June 1, 2010, through November 30, 2010. The OJSO noted:

#### *June 2010*

- Documentation recorded fifty-nine incidents of use of physical force involving one or more residents during June 2010. Mechanical restraints were used on fifty-four residents in those fifty-nine incidents. The reasons indicated for the use of physical force were:
  - > danger to self/others, forty-six incidents;
  - > fighting, three incidents;
  - > assault on staff, one incident; and
  - > assault on peers, nine incidents.

More than one reason for the use of physical force was documented for some of the incidents.

#### *July 2010*

- Documentation recorded twenty-three incidents of use of physical force involving one or more residents during July 2010. Mechanical restraints were used on twenty residents in those twenty-three incidents. The reasons indicated for the use of physical force were:
  - > danger to self/others, fourteen incidents;
  - > fighting, five incidents;
  - > assault on staff, two incidents; and
  - > assault on peers, two incidents

More than one reason for the use of physical force was documented for some of the incidents.

#### *August 2010*

- Documentation recorded thirty-seven incidents of use of physical force involving one or more residents during August 2010. Mechanical restraints were used on forty-one residents in those thirty-seven incidents. The reasons indicated for the use of physical force were:
  - > danger to self/others, twenty-seven incidents
  - > fighting, five incidents

- > assault on staff, four incidents
- > assault on peers, one incident

More than one reason for the use of physical force was documented for some of the incidents. The OJSO noted:

- During a physical escort on August 11, 2010, the resident “started to slow down,” at which time the juvenile security officer (JSO) physically prompted the resident, escalating the situation to the point of a physical restraint.

#### *September 2010*

- Documentation recorded thirty-two incidents of use of physical force involving one or more residents during September 2010. Mechanical restraints were used on thirty-five residents in those thirty-two incidents. The reasons indicated for the use of physical force were:
  - > danger to self/others, twenty-four incidents;
  - > fighting, two incidents;
  - > assault on staff, two incidents; and
  - > assault on peers, four incidents.

More than one reason for the use of physical force was documented for some of the incidents.

#### *October 2010*

- Documentation recorded fifty-eight incidents of use of physical force involving one or more residents during October 2010. Mechanical restraints were used on fifty-nine residents in those fifty-eight incidents. The reasons indicated for the use of physical force were:
  - > danger to self/others, forty incidents;
  - > fighting, five incidents;
  - > assault on staff, six incidents; and
  - > assault on peers, seven incidents.

More than one reason for the use of physical force was documented for some of the incidents.

#### *November 2010*

- Documentation recorded thirty-two incidents of use of physical force involving one or more residents during November 2010. Mechanical restraints were used on thirty-four residents in those thirty-two incidents. The reasons indicated for the use of physical force were:
  - > danger to self/others, twenty-five incidents;
  - > fighting, one incident;
  - > assault on staff, five incidents; and
  - > assault on peers, one incident.

More than one reason for the use of physical force was documented for some of the incidents.

## **Exit Conference**

The OJSO held an exit conference on December 16, 2010, with the SWOJC superintendent, deputy superintendent, and the chief of security. All areas of concern and violations were discussed with the SWOJC superintendent and a copy of the Facility Exit Conference Checklist was provided to the superintendent.

## **Areas of Concern**

1. Five of the eight residents interviewed reported that they had witnessed staff using profanity in their presence.
2. Six of the eight residents interviewed reported that they did not believe that the grievance procedures worked adequately.

## **Violations**

1. Grievances that exceeded the five-day time frame for resolution were noted in each of the six months reviewed. OJA policy, OAC 377:3-1-28, General grievance procedure, (a), Informal grievances, (5), states, "If the grievance is not resolved within (3) three working days, the juvenile may appeal to the supervisor." OJA policy, OAC 377:3-1-28, General grievance procedure, (a), Informal grievances, (2), in part, states, "A juvenile shall try to informally resolve his or her grievance by talking with the Social Service Inspector, supervising employee or other appropriate staff within three (3) working days, excluding weekends and holidays, of the incident. If the issue is not resolved the juvenile may submit in writing a brief description of the problem and what efforts have been made to resolve the issue within (7) seven working days, excluding weekend and holidays, of the incident." At the same cite, paragraphs (5) and (6), state, "If the grievance is not resolved within (5) five working days (excluding weekends and holidays), the juvenile may seek review by the supervisor. The supervisor shall have (10) ten working days (excluding weekends and holidays) from receipt of the review to resolve the grievance."
2. During a physical escort on August 11, 2010, the resident "started to slow down," at which time the juvenile security officer (JSO) physically prompted the resident, escalating the situation to the point of a physical restraint. Facility policy, Procedure SW20100.23, Security, Use of Force, VIII, Escorting, states, "If a use of force is required during movement of any type, all required reports will be submitted prior to the end of shift. Caution will be exercised prior to touching any juvenile. If the juvenile is complying, regardless of speed, he is complying. Touching juveniles, even lightly, may result in escalating the situation."