

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

Name of Facility and Location: Westview Boys' Home
Hollis, Oklahoma

Date of Visit: April 22, 2008

Oversight Reviewer: Dana S. Holden, Oversight Specialist

Focus of Visit: Announced Oversight Visit

Date: May 22, 2008

Introduction

The Office of Juvenile System Oversight (OJSO) conducted an announced visit on April 22, 2008, to the Westview Boys' Home, located in Hollis, Oklahoma. The purpose of the visit was to assess compliance with established responsibilities and facility policy and procedures. The facility was licensed for eighty-eight male residents, ages six through eighteen, by the office of Oklahoma Child Care Services of the Department of Human Services (DHS). Westview Boys' Home is a non-profit child care agency supported by the Church of Christ. At the time of the OJSO visit, there were eighteen residents living on campus.

Persons Interviewed

- Entry interview and an exit conference with the facility counselor
- Two staff members
- Three residents

Documents Reviewed

- Two personnel files
- Files on three residents
- Most recent inspection reports by the Office of the Oklahoma State Fire Marshal, the Oklahoma State Department of Health, and the DHS office of Oklahoma Child Care Services

Findings

Interviews

The OJSO conducted an entry interview with the facility counselor. The counselor advised that since the OJSO's last inspection, the facility had hired all new houseparents. The OJSO informed the counselor of the oversight protocol and the materials that would be reviewed.

Two houseparents were interviewed. Both demonstrated familiarity with policy and procedures. One reported that the houseparents were not allowed to impose monetary fines for rule infractions. The other houseparent reported that monetary fines were allowed and spoke of a recent incident, in which a resident was fined \$2.00 for leaving a light on. The facility's practice of imposing monetary fines for rule infractions is concerning to the OJSO. No other concerns were noted from the staff interviews.

The OJSO interviewed three residents. All three residents reported feeling safe at the facility and described appropriate medical and dental care.

The concerns noted from the resident interviews were:

- All three residents stated they had received monetary fines for rule infractions and damage to facility property.
 - One resident reported he was fined \$10.00 for taking food from the pantry, \$12.00 for having cigarettes in his possession, and \$5.00 for missing the school bus. The resident stated that the houseparent had him stay at the residence to finish the chores he had not completed, and that the houseparent then imposed a fine for his missing the school bus.
 - Another resident reported he was fined \$10.00 for having "dip" tobacco and another \$10.00 for having cigarettes in his possession.
 - The remaining resident interviewed reported he was given a \$100 fine for breaking a video game. The resident stated that he had to work to repay the facility for the video game, and that he was paid \$2.00 per hour for his work. In addition, the resident reported that he received a fine of \$10.00 for failing to clean his room at the relief cottage and a fine of approximately \$38.00 for ordering pornographic movies. The resident stated that he waited for the houseparent to go to bed and then ordered the movies from a cable provider by telephone.

File Reviews

The OJSO reviewed two staff files. Documentation indicated that the staff members were current on all required training. The criminal record background checks were in order and were filed separately from the personnel files. No concerns were noted from the review of the staff files.

The files reviewed on three residents were complete and well-organized. Documentation in the three files indicated that the residents had been fined for rule infractions and/or damage to facility property. A review of the facility incident reports indicated:

- On November 28, 2005, a resident was fined \$5.00 for missing the school bus. The resident reported that the houseparents kept him at the house until he finished his chores and then imposed a fine for having to take him to school.
- On August 6, 2007, two residents got into an altercation. One resident was assigned the chore of moving wood, the other resident “chose seclusion over work.” Both continued their consequences until 2:30 p.m., when they were ready to shake each other’s hand. Even though the resident “chose” seclusion, the consequence violated the prohibitions of the behavior management standard, because it was punishment for a rule violation.
- On October 24, 2007, a resident was fined \$2.00 for not wearing his seatbelt in the van.
- On April 5, 2007, a resident was fined \$12.00 for having three cigarettes in his possession. The resident also received a fine of \$22.00 for breaking a resident’s toy.
- A resident was fined \$10.00 for having a bottle that contained “dip” tobacco.
- On September 2, 2007, a resident was fined \$10.00 for accidentally breaking a mirror.
- On October 31, 2007, a resident was fined \$100.00 for breaking a video game. The incident report stated that the game was not working properly, so the resident took it apart to fix it. When the resident was unable to fix the video game, he threw the parts away. The resident was required to work out the fine; the rate of pay was \$2.00 per hour.
- On March 7, 2008, a resident was fined \$38.72 for ordering pornographic movies through a cable TV provider. The incident report stated that two residents had called a cable provider and ordered the movies, after the houseparents went to bed. Each of the two residents involved was imposed a fine that amounted to one-half of the cable charges. It is concerning that the residents had unrestricted access to a telephone and were able to watch movies on the house television without the houseparents knowing about it.
- On April 7, 2008, a resident was fined \$10.00 for not cleaning his room.

In a memorandum, dated May 6, 2005, the executive director placed limits on fines and listed four instances in which fines were permissible. Item 3 stated that fines were permissible “to recover the cost of a special trip caused by a boy’s carelessness, i.e., missing the bus, forgetting textbooks, etc. (\$3.00 per trip on the South and West campus, \$4.00 per trip on the North campus).” The above incident dated November 28, 2005, exceeded the amount stated in the memorandum. In addition, the OJSO noted that in five of the nine incidents in which fines were imposed and approved by the executive director, residents were fined for rule violations that were not allowable for fines under the current agreement. The OJSO viewed the practice of fining residents as punitive and counterproductive to the residents’ care.

The facility's resident handbook states that a resident may be fined for certain activities or damages or thefts for which he was responsible. The handbook also states that only the boys on Level 2 (sixth grade and below) and Level 3 or 4 (seventh grade and above) may receive monetary allowances. According to the handbook, allowances for residents on Level 3 and Level 4 are \$3.00 and \$5.00, respectively, per week; the handbook does not list the amount of allowance for residents on Level 2.

In the exit conference, the counselor stated that the purpose of the fines was to teach the residents that there were consequences to their actions when they did not follow the rules. The counselor used this example: A van driver could be cited by law enforcement for a resident not wearing his seat belt. The counselor further stated that when a child leaves a light on, the child should pay the cost of the electricity for the unnecessary light. The OJSO was informed that when a resident did not have a sufficient balance in his account to pay a fine, the resident was required to work off the fine, at a pay rate of \$2.00 per hour. The counselor stated that residents can do work other than facility chores to earn money to pay their fines.

No other concerns than those regarding fines were noted from the file reviews.

Concerns

1. The facility should ensure that residents are advised that if they are required to perform work to pay off fines that the rate of pay is \$2.00 for every hour of work completed.
2. A resident receiving a fine is not afforded any formal recourse to dispute either the amount or the reason for the fine.

Findings

The OJSO reported the following findings to the DHS office of Oklahoma Child Care Services and the DHS Office of Client Advocacy for review.

1. Residents were fined for rule violations. Facility policy, dated May 6, 2005, states that fines permissible are "fines to recover costs of a special trip caused by a boy's carelessness, i.e., missing the bus, forgetting textbooks, etc."
2. A resident with insufficient money in his account was required to work off a fine at \$2.00 per hour for work completed. DHS licensing standards, Section 154.2, Behavior management, (b), Prohibitions, in part, states, "Facility policy prohibits: (4) work tasks that are degrading or unnecessary and inappropriate to the resident's age and ability."
3. One resident was placed in seclusion for a rule violation. DHS licensing standards, Section 154.2, Behavior management, (b), Prohibitions, in part, states, "Facility policy prohibits: (7) seclusion."

Summary

The OJSO reviewed the most recent Oklahoma State Department of Health inspection report, dated July 25, 2006. An inspection by the health department was overdue; however, the OJSO was advised that the licensing unit of the DHS office of Oklahoma Child Care Services was responsible for scheduling those inspections. The OJSO reviewed the DHS licensing unit's most recent inspection report, dated April 3, 2008. The DHS licensing report did not note that an inspection by the health department was more than eight months past due. The report listed minor repairs needed for one cottage, which had been corrected. In addition, the report cited the facility for three files that did not contain documentation of an Oklahoma State Bureau of Investigation records check before hire; four employee files that did not contain documentation of a tuberculin test; two employees files that did not contain the required number of reference checks to be obtained before hire; and one employee file that did not contain documentation of first aid training and cardiopulmonary resuscitation (CPR) certification. The facility had submitted a corrective action plan to the DHS licensing unit, and the plan had been approved. The most recent inspection report by the Oklahoma State Fire Marshal was also reviewed; minor deficiencies were listed that had been corrected prior to the OJSO's visit.

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