

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

Report Release Date: April 16, 2010

**Review of the Death of Davi-Angela Harber
of Garfield County, Oklahoma**

Dates and Outcome of Investigations and Actions Taken by the Oklahoma Department of Human Services; Actions Taken by the District Attorney; and Dates and Summary of Judicial Proceedings and Rulings of the Court

General Information

On November 14, 2008, the Office of Juvenile System Oversight (OJSO) received an inquiry regarding the death of Davi-Angela Harber, a two-year-old child who was taken in critical condition to an emergency room by her biological mother. On September 10, 2009, a first degree murder charge was filed against Deangela Rochella Harber, the biological mother. The following is a summary of the actions taken by the Oklahoma Department of Human Services (OKDHS); the actions taken by the district attorney; judicial proceedings; and the rulings of the court, as authorized by 10A O.S., Section 1-6-105, B, D, and E (previously numbered as 10 O.S., Section 7005-1.9) below.

Authorization

Title 10A, Section 1-6-105, B, D and E, of the Oklahoma Statutes, states:

B. When a person responsible for a child has been charged by information or indictment with committing a crime resulting in the death or near death of the child, there shall be a presumption that the best interest of the public is served by public disclosure of certain information concerning:

1. The circumstances of the investigation of the death or near death of the child; and
2. Any other investigations concerning that child, or other children while living in the same household, within:
 - a. three (3) years of the death or near-death, and
 - b. one (1) year after the death or near-death.

D. 1. At any time subsequent to seven (7) days after the date the person responsible for the child has been criminally charged, the Oklahoma Commission on Children and Youth shall, upon request, release certain information to the public within sixty (60) days of the request as follows:

a. a confirmation shall be provided by the Commission as to whether a report of suspected child abuse or neglect has been made concerning the alleged victim or other children while living in the same household and whether an investigation has begun,

b. confirmation shall be provided by the Commission as to whether previous reports of suspected child abuse or neglect have been made and the dates thereof, a summary of those previous reports, the dates and outcome of any investigations or actions taken by the Department [OKDHS] and the Commission in response to any previous report of child abuse or neglect, and the specific recommendation made to the district attorney and any subsequent action taken by the district attorney,

c. the dates of any judicial proceedings prior to the death or near death of the child,

d. recommendations submitted by the Department [OKDHS] and the Commission shall be provided in writing including recommendations made at the hearing as they relate to custody or placement of a child, and

e. the rulings of the court.

2. Specific recommendations made by the Commission described in any progress reports of a pending case submitted to the court may be disclosed by the Commission.

E. Any disclosure of information pursuant to this section shall not identify or provide an identifying description of any complainant or reporter of child abuse or neglect, and shall not identify the name of the child victim's siblings or other children living in the same household, the parent or other person responsible for the child, or any other member of the household, other than the person criminally charged.

Identifiers:

Child's Name: Davi-Angela Harber
Date of Birth: March 1, 2006
Date of Death: October 26, 2009

Alleged Perpetrator: Deangela Rochella Harber

Siblings: Child 2, this younger sibling and Davi have the same biological parents.
Date of Birth: November 27, 2007

Child 3, this older sibling has the same biological mother; the biological father was not documented in the OKDHS records.
Date of Birth: April 14, 1992

Child 4, this adult sibling has the same biological mother; the biological father was not documented in the OKDHS records.
Date of Birth: March 1, 1988

Child 5, this adult sibling has the same biological mother; the biological father was not documented in the OKDHS records.
Date of Birth: January 31, 1986

The Oklahoma Commission on Children and Youth (OCCY) became aware of this case on November 14, 2008, through an OKDHS Initial Report of Death.

Summary of Actions Taken by the Oklahoma Department of Human Services; Actions Taken by the District Attorney; Judicial Proceedings; and the Ruling of the Court:

[Title 10A, Section 1-6-105, B, of the Oklahoma Statutes, authorizes disclosure of information concerning the circumstances of the investigation of a child's death within three years of the death; therefore, the information provided below is within the three-year time period.]

First Report Received by the OKDHS (March 29, 2006)

The OKDHS received the first report regarding Davi-Angela Harber on March 29, 2006. The reporter was concerned regarding the safety and well-being of Davi-Angela Harber, an infant born to a mother incarcerated at Mabel Bassett Correctional Center. The report documented that the child was placed with her maternal grandmother. The report also documented that the mother had another child who was in temporary custody with the OKDHS.

The OKDHS accepted the report as a Priority I investigation. OKDHS documentation indicated failed attempts to initiate the investigation on March 30, 2006; March 31, 2006; April 3, 2006; April 4, 2006; and April 5, 2006, and initiation of face-to-face contact with the newborn on May 22, 2006. The report contained no information regarding the father of the child.

The OKDHS investigation included interviews with the maternal grandmother and four collateral witnesses, visual observations of the three-month-old victim and a two-year-old cousin of the victim, and statements by the investigating child welfare worker.

The OKDHS documented that the grandmother stated during an interview that her rights to her own children had been terminated, but that the injury that resulted in the removal of her children had been an accident. The OKDHS further documented that the grandmother stated that after the termination she “[s]till raised her children[,] and when they began going to prison[,] her grandchildren.”

The OKDHS overall finding was Services Recommended. The documentation in the Summary/Recommendation section of the Report to the District Attorney stated that the grandmother had begun the process of obtaining legal guardianship for the children through the court system. The OKDHS recommended that the grandmother complete this process; the OKDHS found that no other OKDHS services were needed at that time.

Second Report Received by the OKDHS (October 25, 2008)

The OKDHS received the second report regarding Davi-Angela Harber on October 25, 2008. The report documented that the child had a subdural hematoma and subarachnoid hematoma. The admitting diagnoses for the child were severe traumatic brain injury and stroke. The biological mother reported no history of trauma. The report also documented that the biological mother was incarcerated when the child was born, but that the biological mother had been out of prison for one year. The mother regained custody of this child approximately three months prior to the incident reported in this referral 2. The OKDHS documented the mother reported she had been incarcerated for possession of a controlled dangerous substance.

The report further stated that the biological mother reported that the maternal grandmother, several other children, and she all were in the home when the child was discovered unresponsive at 11:30 p.m. the previous night.

The OKDHS accepted the report as a Priority I investigation. The OKDHS overall finding was Confirm-Court Intervention Requested. During the investigation, the OKDHS interviewed the mother, the father, and eight collateral witnesses, and the OKDHS documented a visual observation of the surviving younger sibling.

The Summary/Recommendation section of the Report to the District Attorney documented that Davi-Angela Harber was mediflighted to a metropolitan hospital on October 24, 2008, where her admitting diagnoses were respiratory failure, cerebral edema, subdural hematoma, intraparenchymal hemorrhage, and cerebral infarction. Photographs of the child’s injuries documented a bruise on her forehead above her right eyebrow, a bruise on her jaw-line below her right ear, and a cut approximately one-half

to one-inch long on her scalp. Davi-Angela Harber died on October 26, 2008, as a result of her injuries. The biological mother denied any knowledge of the injuries and had no explanation for them. The Medical Examiner's finding was documented by OKDHS as Blunt Force Trauma–Homicide.

Third Report Received by the OKDHS (October 26, 2008)

The OKDHS received the third report regarding Davi-Angela Harber on October 26, 2008. This report also documented that the surviving sibling was with the mother. The OKDHS screened-out the report as a duplicate.

Protective Custody of Surviving Sibling (October 27, 2008)

The surviving sibling in the home, Child 2, was placed in protective custody on October 27, 2008.

Emergency Custody Hearing (October 29, 2008)

The emergency custody hearing regarding Child 2 was held on October 29, 2008.

Child Abuse Charge Filed (September 10, 2009)

On September 10, 2009, a criminal felony charge, HMII, Murder-First Degree, was filed against Deangela Rochella Harber, the biological mother of Davi-Angela Harber.

