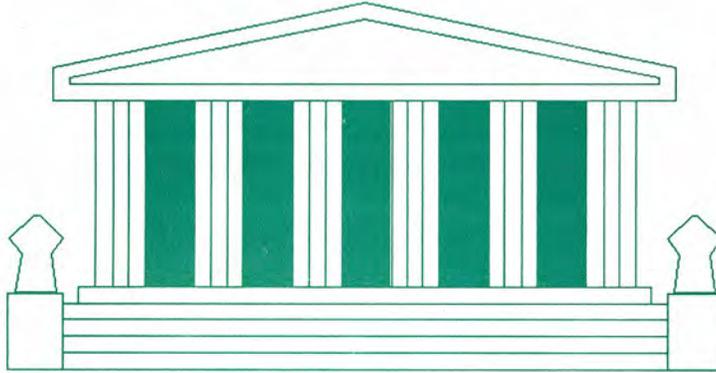


Equal Justice



**A Report
on the
Over-representation
of
Minority Children
in the
Oklahoma
Juvenile Justice System**

EQUAL JUSTICE UNDER LAW

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Oklahoma Juvenile Justice System

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Use of terms

*H*ow we see ourselves strikes at the very essence of who we are. Whether it should be this way or not, what we are called; how we are classified has an effect on our self image. Unfortunately when classifications become stereotypes, they often become demeaning or hurtful. This study refers to situations where the classification or stereotyping of groups is used as a justification for unfair treatment. Still, for consistency and clear communication, some classification is necessary.

Classifications related to race, culture, and ethnicity are complicated and at times confusing for many. Persons within specific racial, cultural, or ethnic groups do not always agree on the use of terminology when referring to themselves. In fact, there never has been any *one* designation decided by all as the correct way to address a group. Some prefer the term "minorities" others prefer "persons of color." Throughout this study, the terms minority children or children of color; African American children or Black children; and Hispanic children are used. And, although we use Indian children or Native American children, we fully understand that within the Indian community it is more precise to refer to someone by his/her Tribe, such as Kickapoo, Cherokee, or Potawatomi.

From the standpoint of common courtesy and as part of a civilized existence, it is of extreme importance that we inquire of an individual, particularly a child, what he or she would prefer when being addressed.

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INTRODUCTION AND OVERVIEW

Children of color are over-represented in the juvenile justice system in America as indicated by a number of studies some of which put forth causes. Adults of color are over-represented in the criminal justice system in America. Again, there are numerous studies that speak to this fact and suggest causes. Yet, while allegations of discrimination have been advanced for over four decades, Hindelang (1969); Hagan (1974); and Kleck (1981) suggest that race effects may be minimal within the criminal justice system. In a study of adult defendants, Kleck found no indication of "widespread overt discrimination." Nevertheless, he did find support for discrimination in some jurisdictions, with certain judges, and for specific crime types. There is disagreement regarding these findings and the controversy has yet to be resolved.

One of the foremost research efforts to identify studies of minority over-representation in the juvenile justice system was completed by Carl Pope and William Feyerherm in 1990. Their work concluded that there is substantial support for the statement that there are race effects, both direct and indirect, in operation within the juvenile justice system. Perhaps as Pope hypothesized the effects are a result of the informal, discretionary nature of the juvenile justice system. If so, this could be magnified in certain jurisdictions similar to what Kleck found in the adult study. In a study by Bishop and Frazier (1988), seriousness of offense, prior record and disposition produced the most compelling association for a referral to juvenile court. Furthermore, judicial disposition of those children who were adjudicated delinquent was most strongly correlated with prior record and disposition.

Other extralegal factors may impact on decisions made by juvenile justice system personnel. Depending on the decision maker, certain attributes such as the demeanor of the offender, type and condition of clothing, length or style of hair, jewelry, or tattoos may trigger suspicion. Studies by Hagan (1974) and Mann (1980) indicate that these may be taken into account in varying degrees when system personnel make decisions regarding children.

Although there is a fairly strong association between seriousness of offense and severity of punishment for male delinquents, there appears to be no such association for females (Brubeck, 1978). In fact, McEachern and Bauzer in a 1967 study noted that for serious offenses, females tended to be treated less harshly than males.

One of the factors that seem to plague children of color is the use of weapons in their delinquent activity. A number of researchers indicate that weapons offenses are treated more harshly by criminal justice officials. Survey data for this very study places the use of weapons as most important in the decision to process a child through the system. This holds true for responses of all groups surveyed. Fagen, Slaughter, and Hartstone (1987) document that African American children are arrested more frequently for offenses involving weapons and that those offenses result in harsher handling by the authorities.

Fagen et al. suggest that White children tend more to commit sexual offenses against

younger children, while children of color tend to use weapons against peers. Society has chosen weapon usage as the more serious offense whether or not bodily harm occurs. Fagen hypothesizes that while sexual offenses against younger children are not necessarily viewed as less serious, they are much more difficult to prove in court. Because of this the disposition will more likely be an unofficial agreement between prosecutors and the alleged offender. Because there may not be a weapon involved, White children are able somewhat to evade consequences despite the emotional harm done to their victims. Thus children of color face harsher treatment including institutionalization along with the stigma of being a serious offender.

When a child begins to have a record, the earliest decisions, such as whether to charge him/her with a felony rather than a misdemeanor or whether there should only be one charge or numerous charges can affect a child for years to come. The accumulation of offenses and the seriousness of those offenses results in a greater probability of referral to court intake, and in turn influences the decision to detain. Those decisions have a bearing on further decisions regarding detention, adjudication, disposition, custody, and placement. Kleck (1981) notes that sentencing studies which control for prior record have consistently shown that variable to be one of the strongest predictors of length of sentence. However, Kleck's study indicates that law enforcement personnel process serious offenders similarly across ethnic categories but refer less severe or one-time White offenders for informal services more often than minority children. Again, early decisions are important.

Another criticism of the juvenile justice system is that it sometimes nets children in rather than diverting them away. Burlington, et al notes concerns with the juvenile justice system, specifically, the lack of constitutional guarantees for referred children and the stigma attached to children with a history in the system. Professionals who honestly purport to be an advocate for a child still must report misdeeds. Children diverted into the system (as opposed to away from) are watched more closely even when the services are said to be voluntary. Thus, diversion may merely widen the net.

McCarthy and Smith (1986) note an "amplification effect." Their studies suggest that race effects may accumulate as minorities are processed through the system. In other words, children of color are more likely to be picked up initially, held longer and placed in more secure settings. They are not as likely to be diverted or put on probation and are more likely to be remanded to adult court. The amplification effect is also reported by Fenwick (1982); and by Fagen, Slaughter, and Hartstone (1987). In a study in 1984, Carl Pope notes that these effects are even more pronounced in the juvenile system. Pope (1990) suggests further that many decisions regarding juveniles may not be racially neutral. Race effects occur directly or indirectly at various decision points.

Federal Initiative

As the disproportionately high number of minorities in the juvenile justice system became painfully obvious across the nation, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) set forth an initiative to address this alarming trend. OJJDP, an Office within the U.S. Department of Justice, began the initiative in response to a 1988 amendment to the Juvenile Justice and Delinquency Prevention Act. The Act, in Subpart II Special Emphasis and Treatment

Programs Section 261(a)(8), gives the office the authority to grant funds to states for the purpose of:

"Address(ing) efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population." (42 U.S.C. 5665)

In 1992, the JJDP Act was further amended to include the issue of minority over-representation as a federal mandate {Section 223(a)(23)}. Any state participating in the Act must comply or lose federal formula grant funds {Section 223(c)(3)}.

State Responses

OJJDP funded five pilot studies, one each in Arizona, Florida, Iowa, North Carolina and Oregon. Initial results indicate over-representation within those states' juvenile justice systems in varying degrees. As part of the pilot study, each site is to recommend strategies to halt this trend.

The Juvenile Justice Specialist's training manual lists numerous activities already begun across the nation. States are implementing public awareness campaigns, cultural sensitivity training and public policy forums. JJDP Act funds are being used to fund direct service programs in areas of high over-representation. Many of these initiatives could be used as grist for the Oklahoma mill.

Oklahoma's Response

In Oklahoma, the Governor's State Juvenile Justice Advisory Group (SAG) is coordinating the initiative. The SAG oversees federal initiatives and administers dollars earmarked for Oklahoma by the JJDP Act. SAG members realize that to address the issue, will take not only the involvement but also the cooperation of all agencies in the state that provide juvenile justice services. In order to stop over-representation, all agencies must assess their policies and programs to ascertain whether they intensify or curtail injustices to Oklahoma's minority children and their families. Thus, the Oklahoma SAG established the Minorities Involved in Juvenile Justice (MIJJ) Committee. The purpose of the MIJJ Committee was to establish objectives, to gather data, to design a strategy, and to seek solutions to the over-representation of minorities in the Oklahoma juvenile justice system. The MIJJ Committee included representatives of the Oklahoma Association of Youth Services, the Urban League, the Oklahoma County District Attorney's Office, the Oklahoma Professional Hispanic Association, the Department of Human Services - Institutional Services Unit, the State Department of Health - Healthy Futures Project and the State Advisory Group.

The philosophy of the Committee mirrored that found in Pope's "Minority Status and Juvenile Justice Processing." That philosophy is that having once concluded that over-representa-

tion exists, it is not sufficient to simply say so; a strategy for addressing over-representation is imperative. However, such a strategy requires a responsible and systematic approach.

The MIJJ Committee prepared a preliminary report in 1991. The information in the report indicated problems within the state in terms of over-representation, data collection and data availability. After presentation of the report, the SAG voted to put out a request for proposal for a more in-depth study of over-representation at various decision points within Oklahoma's juvenile justice system. In 1992, an RFP was let and this study began.

The Problem in Oklahoma

The State Advisory Group's Minorities Involved in Juvenile Justice Committee gathered rudimentary data covering time periods from 1988/89 through 1989/90. Using information from various sources, the Committee reported along with other information:

* **Detention:** In Tulsa County, the average length of stay for African American children was 75% longer than for White children; 25% longer in Oklahoma County; and 67% longer in Pittsburgh County. In short term detention centers, the average length of stay for African American children was 10% longer in Garfield County; 60% longer in Craig County; 45% longer in Bryan County; and 55% longer in Pottawatomie County.

* **DHS Commitments - In Need of Treatment** commitments for fiscal year 1990 totaled 315. Of those children, 82% were White; 8.6% Native American; 6% were African American; 2.2% Hispanic; and 1% Asian Americans. Delinquent commitments for that same year totaled 425. Of those commitments, 51% were White; 39% were African American; 7% Native Americans; 2.3% Hispanic; and less than 1% Asian Americans.

* **Placement -** As of 6/89, placement of children at the L.E. Rader Center was 96% male. The ethnic breakdown was 48% African American; 42% White; and 8% Native American. Of Rader's four programs, New START was the only one whose population was predominantly White. The Rader Intensive Treatment Program had more children of color than White children - 47% versus 27%. The Intensive Treatment Program, also, held the highest proportion of violent offenders. Two-thirds of the Rader children from the two urban areas were minorities.

From the above trial data, further investigation of the Oklahoma juvenile justice system was most definitely warranted.

PURPOSE AND SCOPE OF STUDY

This study proposes to analyze data related to children age 10-17. Because of Oklahoma's racial and ethnic breakdown, the study will look at White children, Native American children, African American children, Hispanic children and Asian American children. Data for fiscal year 1991 was collected and compared with 1990 census data for geographic location, socioeconomic status, school drop out rates, and community. Other more system-related areas such as of-

fense, detention, adjudication, placement of new commitments and certification were examined. Adjudications include Delinquent, In Need of Supervision, and In Need of Treatment. (See definitions in Appendix A.)

Information was obtained from the Department of Human Services, the Oklahoma State Bureau of Investigation, the Department of Commerce, the Department of Corrections, the Oklahoma Commission on Children and Youth, and the three metropolitan Juvenile Bureaus. The information collected from those various entities addressed, for the most part, discreet areas or decision points within the system. Each entity had their own way of recording data and it was difficult if not impossible to track juveniles from contact with one entity or decision point to the next. Prior record was not always available for a specific set of data. Although data from the Tulsa County Juvenile Bureau was computerized, it was only made available for this study on hard copy by individual cases. Comanche County Juvenile Bureau information and JSU probation/parole data, for the most part, was available only by hand count. This paralyzing problem of data collection and collation could be overcome with the implementation of a statewide integrated database system. Thus, one recurring theme, that of a lack of clear data across decision points and across the system will lead to a strong recommendation for implementation of such a database as quickly as possible. A further recommendation will be that once on-line, the various players in the system be required to enter at least some data elements back to fiscal year 1990. The back entry of data will facilitate research for program and service planning.

Information collected for this study is as follows:

- 1) General population data;
- 2) Socio-economic data;
- 3) School dropout data.
- 4) Arrest data;
- 5) Detention data - both secure and non secure;
- 6) Adjudication data with regard to placement;
- 7) Placement data;
- 8) Certification data.

An opinion survey of system personnel was also completed. A survey used in the Pennsylvania over-representation study was tailored for use with this study. Survey results were received from DHS, Juvenile Bureaus, law enforcement, judges and district attorneys.

OKLAHOMA

The State

In the Choctaw language, Oklahoma means "land of the Red People." Because the state

was admitted to the Union on November 16, 1907, Oklahoma is a relatively young state. The land encompasses 69,957 square miles and is divided into 77 counties. The three most Western counties are called the Panhandle. Roughly 1,301 square miles of the state are covered by water. Oklahoma is bordered by six states: Texas, Kansas, New Mexico, Colorado, Missouri and Arkansas. From the lowest point of 300 feet near Idabel, in McCurtain County, the state slopes upward and westward to her highest elevation of 4,973 feet in the Panhandle at Black Mesa in Cimarron County. The climate is bright, sunny and often windy. Temperatures may dip below zero in the winter and soar above 100 degrees in the summer, but the annual average is 59.9 degrees.

The People

Oklahoma's people are as diverse as her geography. Contributing to her culture is a large concentration of Native Americans. Among these are the Choctaw, Chickasaw, Cherokee, Seminole and Creek (known as the Five Civilized Tribes). Also represented are Kiowa, Comanche, Cheyenne, Arapaho, Apache, Wichita, Caddo, the Western Tribes, Pawnee, Osage, Shawnee, Absentee Shawnee, Iowa, Sac and Fox, Kickapoo, Potawatomi, Quapaw, Peoria, Ottawa, Seneca, Modoc, and Wyandotte. Many of her African American citizens, descendants of the state's first settlers, have risen to national prominence. Other ethnic groups such as Czech, Italian, Hispanic, and more recently, people from Korea and Vietnam enrich the state with their culture. Various Tribal Pow-Wows are frequently held. Many of the other groups hold festivals with native food, song and dance to celebrate and perpetuate their special heritage.

According to 1990 Census data, 3,145,585 people reside in the state. Census data for the state show a total of 837,007 under the age of 18. This represents 26.6%. Population totals for those under age 18 are available for White children, Native American children, African American children, Hispanic children, Asian American children and an Other category of children. The total of all groups exceeds the total for the state. The reason being that Hispanic children may be included in more than one group. As shown below, White children comprise the majority of the population with Native American children the next highest. Because the scope of this study does not include Other, that category is not calculated in any information except in the main population chart. (See Appendix B.)

Oklahoma demographics by percent for those under the age of 18 are as follows:

White children	76.01%
Native American children	11.24%
African American children	9.59%
Hispanic children	4.13%
Asian American children	1.16%
Other children	1.97%

Metropolitan Statistical Areas

A Metropolitan Statistical Area (MSA) is a large population center of 50,000 or more persons. It also includes nearby communities which have a high degree of economic and social integration with that center. An MSA may consist of one or more entire counties. Metropolitan Statistical Areas are designated by the Office of Federal Statistical Policy and Standards, Bureau of Census. Oklahoma has five areas which compose or are a part of a Metropolitan Statistical Area. (See Appendix B) Oklahoma's Metropolitan Statistical Areas include:

- Oklahoma City MSA - Canadian, Cleveland, Logan, McClain, Oklahoma and Pottawatomie Counties;
- Tulsa MSA - Creek, Osage, Rogers, Tulsa, and Wagoner Counties;
- Lawton MSA - Comanche County;
- Enid MSA - Garfield County;
- Ft. Smith, Arkansas MSA - Sequoyah County.

Counties with the highest percentages of White persons are found in the Central and Northwestern areas of the state, while the lowest percentages (70% and below) are in the Eastern half and Southwestern portions of the state. Less than 1% difference exists for Whites between the Metropolitan Statistical Areas and non-Metropolitan Statistical Areas.

Native Americans reside mostly in the Eastern half of the state, ranging from 10% to 30% in some non-Metropolitan Statistical Area counties to as high as 55% of the population in a small, concentrated area located in extreme Eastern Oklahoma. The Western half of the state for the most part, includes fewer than 10% of the Native American population. This location of the Native American populations may be a result of the timing of the settlement of Indian Territories prior to statehood.

The highest percentage of the African American population is found in the Metropolitan Statistical Areas and in the extreme Southeastern and Southwestern corners of the state ranging from 10% to 29% of the population in these areas. The Panhandle and Northwestern portion of the state's population consists of less than 1% African American. This could be a result of northward and westward migrations following the Civil War into the lands opened during the land run.

The Panhandle, along with the Southwestern corner of the state, has the highest percentage of Hispanics, ranging from 10% to 29% of the population. The remainder of the state, for the most part, has less than a 4% Hispanic population. The distribution of Hispanic Oklahomans may be a result of the fact that for a number of years the initial entry point for persons from Mexico into Oklahoma tended to be via El Paso and Laredo Texas and, then, into Southwestern Oklahoma.

The Asian culture, although small in number, is found mainly in the larger Metropolitan Statistical Areas of Oklahoma, in large university communities, and in areas where there are military installations. Besides the location of Ft. Sill, one additional reason for the larger population of Asians in the Lawton Metropolitan Statistical Area may be a result of resettlement efforts by the Roman Catholic Church. All non-Metropolitan Statistical Areas of the state have less than

one-half of one per cent Asian Americans.

The largest proportional difference between the Metropolitan Statistical Area and non-Metropolitan Statistical Area minority populations exists in the Native American and African American populations. In the Metropolitan Statistical Areas, for Native American and African American populations, there is less than one-half of a percent difference between their Metropolitan Statistical Areas population percentages. However, in the non-Metropolitan Statistical Areas of Oklahoma, Native Americans (16.39%) outnumber African Americans (5.01%) by more than 3 to 1.

With regard to individual Metropolitan Statistical Areas, the highest percentage of White children can be found in the Enid MSA (89.48%), the lowest in the Lawton MSA (65.55%). The Ft. Smith MSA has the highest percentage of Native American children at 26.66%. The Enid MSA supports the lowest percentage of Native American children at 3.29%. The highest percentage of African American, Hispanic, and Asian American children can be found in the Lawton MSA at 21.5%, 7.99%, and 2.81 %, respectively. The lowest percentage of African American, Hispanic, and Asian American children is found in the Ft. Smith MSA (2.87%; 1.18%; and 0.24%, respectively). (See Appendix B.)

The percentage of White children and Native American children is greater in non-Metropolitan Statistical Area counties (76.19 and 16.39 percents respectively) while the percentage of African American, Hispanic and Asian American children is greater in MSA counties at 17.49%, 5.35%, and 1.93%. (See Appendix B.) African American children comprise 5.01% of the non-Metropolitan Statistical Area county population. Hispanic and Asian American children are represented in the population of non-MSA counties at 3.72% and 0.47%, respectively.

The Economy

Until recently, the economy of Oklahoma was largely dependent upon agriculture and oil. Today, the economy is relatively broad based. The gross state product is derived from manufacturing; wholesale and retail trade; finance, insurance and real estate; state, local and federal government; services; transportation and communications; mining (largely oil and natural gas); and agriculture. Per capita income received by Oklahomans during 1986 was \$12,368 which was 86% of the nation's per capita income of \$14,461. The median family income averaged \$28,554.00, and 13.04% of Oklahoma families were defined as below poverty level (\$14,343 per year for a family of four). Per capita income today remains at roughly 80% of the nation's per capita income. Oklahoma ranks 35 among the 50 states and the District of Columbia in per capita income.

There are 15 counties where over 20% of the families are below the poverty line. There are only 9 counties where less than 10% of the families are below the poverty line. Most of the counties having the highest percentage of families below the poverty line also have high percentages of minorities, mostly Native American but some have high African American populations. However, some counties with less than 10% of the population under the poverty line also have high African American populations. Hispanic populations in far Southwestern counties are located in areas where high percentages of families are below the poverty line, but Panhandle counties also with high percentages of Hispanic and Asian populations have fewer than 15% of the families below the poverty line.

THE OKLAHOMA JUVENILE JUSTICE SYSTEM

America's formal juvenile justice system has evolved since the late 1800's in Colorado with Judge Ben Lindsay's court and in the Cooke County Illinois juvenile court. *In Re Gault*, decided by the U.S. Supreme Court in 1967, capsulized the purpose of the system. In that decision, the Court stated that the purpose of the juvenile justice system is to provide rehabilitative treatment that is in the best interests of an individual child; treatment that is to be provided as close to the child's home and in the least restrictive manner possible. Like those of other states, Oklahoma's juvenile justice system attempts to take this greater purpose into account. The juvenile code for the state can be found in Title 10 of the Oklahoma Statutes. 10 O.S. 1101.1 defines "Child" or "Juvenile" as any person under 18 years of age. Exceptions are made for children 16 or 17 years of age who are charged with crimes specified in Subsection A of 1104.2, or who have been certified as an adult pursuant to Section 1112, both found in Title 10. A child who has been charged with a crime pursuant to 1104.2 or who has been certified as an adult pursuant to 1112 and is not convicted or is not placed on a deferred sentence, is again subject to jurisdiction of the juvenile court.

The intent of the Oklahoma legislature with regard to placement of children who are wards of the court and who are in DHS custody can be found in 10 O.S.1135. The intent is that the -

"care and guidance of the child, preferably in his home, will serve the spiritual, emotional, mental and physical welfare of the child and will preserve and strengthen the family ties of the child whenever possible, with recognition of the fundamental rights of parenthood and with recognition of the responsibility of the state to assist the family in providing necessary education and training and to reduce the rate of juvenile delinquency and to provide a system for the rehabilitation and reintegration of juvenile delinquents and the protection of the welfare of the general public."

Further, it is the intent of the legislature that a child be removed from the custody of his/her parent -

"only when the welfare of the child or the safety and protection of the public cannot be adequately safeguarded without removal; and when the child has to be removed from his or her family, to secure for the child custody, care and discipline consistent with the best interests and treatment needs of the child."

The Department is to review and assess each child committed to it to determine the type of placement consistent with the treatment needs of the child in the nearest geographic proximity to the home of the child and, in the case of delinquent children, the protection of the public. Such review and assessment is to include an investigation of the personal and family history of the child, and his or her environment, and any physical or mental examinations considered necessary. The

intent of the legislature as found in 10 O.S. 1138 is "to provide for the creation of all means and methods...for: 1) the prevention of delinquency, 2) the care and rehabilitation of delinquent children, and 3) the protection of the public." Further legislative intent requires the state via DHS to "establish, maintain and continuously refine and develop a balanced and comprehensive state program for children who are potentially delinquent or are delinquent."

Title 10 at Section 1138 requires the Department to provide for placement of children in their custody pursuant to any of seven options. These options although not prioritized, run the gamut from placement in state training schools to placement in other licensed private facilities, to placement in a the child's home. The decision of which option to invoke is left to DHS.

The Oklahoma juvenile justice system is composed of many differing entities. As found in 10 O.S. 1160.2, the following agencies are listed as part of the juvenile justice system:

- *"The Courts;*
- *District Attorney's Council and offices of the district attorney;*
- *State and local law enforcement agencies;*
- *Juvenile bureaus;*
- *Department of Human Services;*
- *DHS, Office of Juvenile Justice;*
- *Oklahoma Commission on Children and Youth;*
- *Criminal Justice Resource Center;*
- *Department of Corrections;*
- *Any other state agency responsible for the care, custody or supervision of children alleged to be adjudicated delinquent;*
- *Educational, treatment or residential services, local school districts and vo-tech schools, as well as public or private agencies or organizations which receive state funds or federal funds administered by the state, all of which must have responsibility for providing services to children alleged to be or adjudicated delinquent."*

The purpose of Oklahoma's juvenile justice system is implemented by these many agencies and organizations. The objectives of each agency should be aimed toward the goal of delinquency prevention and treatment. Each agency is in competition for scarce resources. Currently, the Oklahoma system is in a major state of flux.

Planning for and oversight of the entire Oklahoma children's service system is accomplished by a number of entities including both the Oklahoma Commission on Children and Youth and the Department of Human Services.

The legislative mandate of the Commission on Children and Youth (OCCY) with regard to planning is found in 10 O.S. 601. OCCY is to: 1) establish and maintain the Office of Planning and Coordination for Services to Children and Youth; 2) facilitate joint planning and service coordination among public and private agencies that provide services to children and youth; 3) review and report on the programs, policies and services of public and private agencies for children and youth with regard to compliance with state policy and progress toward goals identified in planning documents. The planning function took on a greater responsibility with the implementation of statewide planning districts in 1992. This expanded planning and coordinating function is overseen by the Office of Planning and Coordination for Services to Children and Youth. The Office is responsible for preparing, with the advice and assistance of the Oklahoma Planning and Co-

ordinating Council, as well as affected agencies, a state plan for services to children and youth. This plan must be approved by the OCCY. The Office is further mandated to review, monitor, and evaluate progress towards joint planning by all entities.

The Governor's State Advisory Group on Juvenile Justice and Delinquency Prevention (SAG) is mandated by federal law to prepare a 3-year plan. The plan must address among other issues, compliance with the mandates of the Juvenile Justice and Delinquency Prevention Act, gender specific services, mental health services and an analysis of juvenile crime. The SAG is to advise the Governor, legislature, state agencies as well as Congress, the President and the Department of Justice on juvenile justice and delinquency prevention services in Oklahoma. OCCY originally was charged by the legislature to fund test models and demonstration projects in the area of children's services. The mandate is still found in Title 10, however the legislature no longer appropriates funds for test models and demonstration projects. Since JJDP Act funds are passed through the Commission, in that respect, the mandate for test models and demonstration projects is met at least in the area of juvenile justice and delinquency prevention but not with state funding.

According to 10 O.S. 603.2, DHS is required to develop a 3 to 5 year plan for all children and youth services provided by the Department. The plan is to be reviewed regularly and can be modified as necessary. Each division and unit administrator is responsible for collaboration and interagency planning. DHS is specifically required by Section 603 to ensure that programs do not operate to the detriment of minority children and youth.

Department of Mental Health and Substance Abuse Services (DMHSAS) along with DHS, Health, Oklahoma State Department of Education (OSDE) and governor-appointed mental health providers are responsible for an annual plan of mental health services for children and youth (10 O.S. 601.50). The plan is to contain 3 to 5 year goals for implementing a comprehensive system of services and is to include a funding and implementation plan which provides for mental health services

The Serious and Habitual Offender Task Force (SHO) is responsible for planning for, reporting on, and implementing the Serious and Habitual Offender Program (10 O.S. 1160.5.E). Recently, the SHO group has written criteria for the detaining of juveniles.

The OCCY, Office of Juvenile Systems Oversight provides monitoring and oversight of all public and private facilities in the state. OJSO staff check for quality programming as well as report on misfeasance and malfeasance. Both announced and unannounced visits to facilities occur regularly. Special investigations occur when complaints are made. Findings are reported to OCCY and to affected agencies.

By statute the Oklahoma Public Welfare Commission is mandated to establish and maintain a system for the resolution of the grievances of all persons committed to the custody of DHS. These could be grievances regarding any written or unwritten policy, rule or regulation of the Department or of an agent or contractor of the Department. Grievances also may involve any decision, behavior or action by an employee, agent or contractor or by another person who is also in the custody of the Department. The statute further authorizes the Welfare Commission to employ such personnel as are necessary to carry out the purposes of the Office of Client Advocacy (OCA). The chief administrative officer is the Advocate General. The Advocate General, who must be an attorney, is selected from a list of three submitted by the Oklahoma Commission on Children and Youth.

Within the Office of the Advocate Defender, the Office of Client Advocacy (OCA) admin-

isters the Department's Ombudsman and Advocate Defender programs. Activities of the OCA include:

- Investigating and reviewing allegations of abuse, neglect, and mistreatment of clients who are in DHS custody and who are receiving services in a DHS operated facility, as well as children in residential placements above the level of foster care.
- Investigating allegations of abuse, neglect, and exploitation of members of the Hissom lawsuit who reside in the community.
- Coordinating and monitoring a grievance system for all clients receiving services from DHS.
- Monitoring for policy violations, unauthorized practices, and program deficiencies.

Findings and recommendations for corrective action are reported to the DHS Administration and to the Director of the Oklahoma Public Welfare Commission. The Advocate General is responsible for forwarding to the Director of the Office of Juvenile Systems Oversight copies of final reports of unresolvable complaints.

Advocate Defenders are housed on campus at the Central Oklahoma Juvenile Treatment Center and the Lloyd E. Rader Center. They are responsible for ongoing monitoring of the programs and practices of these facilities. In addition, when possible, OCA staff monitor private child care facilities under contract with the Department as well as county programs of Child Welfare and Juvenile Services.

Three of Oklahoma's 77 Counties, Oklahoma, Tulsa and Comanche, have statutorily constituted Juvenile Bureaus (10 O.S. 1201). The Director of each Bureau is under the general supervision of the Judge of the specific county in which each is located (10 O.S. 1203). (The other 74 counties operate under the umbrella of the Department of Human Services as part of the Office of Juvenile Justice, Juvenile Services Unit.) The authority for Bureau services is found in 10 O.S. 1201. Each statutory Juvenile Bureau provides at minimum intake and probation services. (JSU provides aftercare or parole services in the Bureau counties.) Bureaus predate JSU by many years. The Bureaus are entities in and of themselves and have the ability to create policies and procedures for handling children. Bureaus are aided in their work by Citizens' Advisory Committees. Members are appointed by the Judge for four-year terms. Bureaus and JSU both operate under Title 10; however, procedures and guidelines may differ. With regard to this study, it is important to note that Bureau staff collect their own statistics. Unfortunately, in fiscal year 1991, there was no common data collection process or common definition on categories between Bureaus or within the state for that matter.

Although the Bureau and non-Bureau counties provide roughly the same services, there are differences. Tulsa County Juvenile Bureau, for example, operates a residential treatment center for delinquents, Lakeside Home. The Oklahoma and Comanche County Bureaus do not operate such programs. DHS operates numerous residential centers both secure and non-secure. While state-run programs are open to all children of the state according to eligibility criteria, the Tulsa Juvenile Bureau residential center is not. During the 1991 fiscal year Lakeside Home staff provided residential and aftercare services to 63 adjudicated children and their families. Average monthly population in the residential program was 21 and for aftercare services it was 12. Average length of stay was 10 months with 7 months for aftercare services. The age range was 12 to 17.

The three main components of the Lakeside Home are: 1) treatment, 2) program and 3) educational planning. A parenting skills course is required for all parents during their child's stay at Lakeside Home. The four sessions address: 1) discipline; 2) boundaries; 3) consistency; and 4) communication.

All three Bureaus operate detention centers. Home bound detention is provided by the Tulsa and Oklahoma County Bureaus but not by the Comanche County Juvenile Bureau. When space is available, Bureau Centers may detain non-Bureau county juveniles. The Tulsa County Bureau and the Oklahoma County Bureau detention programs, for the most part however, are over capacity and are not readily available to children from other counties. Furthermore because of overcrowding, both the Oklahoma and Tulsa County Detention Centers have operated under provisional licenses for the past several years. Comanche County, however, does continue to take juveniles from outside of Comanche County at the discretion of the Comanche County Juvenile Court Judge.

The charge of Juvenile Services Unit, Office of Juvenile Justice is to provide intake and probation services for children in the 74 non-Bureau counties and to provide parole services in all 77 counties. Generally, each county has one or more workers whose responsibility it is to deal with juveniles who have been referred to the juvenile court for delinquent or status offenses and until June 30, 1993 for emotional disorders as defined under the In Need of Treatment category. Because the In Need of Treatment (INT) adjudication is being replaced with the "Inpatient Mental Health Treatment of Children Act," a new process for securing mental health treatment for children, it appears that those children will no longer be the responsibility of the DHS Office of Juvenile Justice. Instead, they will be handled by the Department of Mental Health and Substance Abuse Services. (The new process is based on the Oklahoma adult civil commitment process and affords children additional due process rights.) JSU also oversees home-bound and attendant care in some counties, while private entities subcontract with county government in others.

In fiscal year 1991, JSU was known as the Division of Court Related and Community Services (CRCS) and was in the DHS Division of Services to Children and Youth. CRCS was created in 1975 by Senate Joint Resolution 13 to provide for equality in processing juveniles who resided in the 74 non-Bureau counties. The separate but not always equal systems for Bureau and non-Bureau counties is an area of concern for many individuals working the Oklahoma juvenile justice system.

The DHS Office of Juvenile Justice came into being through legislation passed in 1992. The move into a separate division is predicted to be a precursor to the removal of all juvenile justice services from the Department of Human Services. The 1992 legislation was an attempt to give juvenile justice service providers more autonomy. Even so, many individuals working in the system do not believe that they will have that autonomy until there is a complete break from the Department of Human Services. Thus, it is anticipated that the push to make juvenile justice services a part of a separate children's agency will continue.

Prior to recent funding problems, the JSU (or CRCS as it was known) was seen as a progressive and well functioning Unit. However, because of Oklahoma's funding woes, positions within the Office of Juvenile Justice frequently remain vacant for long periods of time. The head of OJJ was "acting administrator" for almost a year. The ongoing lack of funding and support has led to a morale problem for some workers and may affect their ability to perform their duties with children and families. With the appointment of a permanent Administrator, some of those pressures should lessen.

OJJ operates several programs for adjudicated children. The Tecumseh facility was originally known as the State Industrial School for White Girls. The name was changed to Girls Town and served female juveniles adjudicated delinquent and placed in state custody. Later, it evolved into the Central Oklahoma Juvenile Treatment Center housing and working with children in state custody and adjudicated INT. In 1992, the focus of the facility changed once again. Although now codified, the change was a result of the consent decree to a class action lawsuit filed on behalf of children held in state institutions and training schools, known as the "Terry D Lawsuit." Today the Tecumseh program is mandated to serve four populations of state custody children. One program is a 24 bed non-secure facility for property offenders. A second program is a 16 bed non-secure facility for adjudicated delinquents with drug or alcohol problems. Another program is a 6 bed non-secure transitional living cottage. The fourth is a 32 bed medium-security training school. The law contemplates bed space and facilities for other programs consistent with statewide juvenile justice services and it is assumed consistent with state resources.

The Rader Center, located in Sand Springs on the outskirts of Tulsa, is also operated by OJJ. The Center has four separate programs within its purview. Each program takes children who are in state custody and have been adjudicated delinquent. The programs serve children who are serious law violators and who have run out of other options found within the juvenile justice system. The four programs are:

- Intensive Treatment Program (ITP) - This program is designed to hold juveniles who are considered to be Oklahoma's most serious offenders. These are children who commit serious and violent offenses and remain in the juvenile system. It is a maximum security program with 56 beds. Children stay an average of 627 days.
- Rader Treatment Program (RTP) - Another program found on the Rader campus is the Rader Treatment Program. RTP, like the facility in Tecumseh, is in the process of evolution. RTP is moving away from less serious and violent offenders and property offenders to becoming an overflow for ITP. RTP houses very few property offenders and in the past few years has seen a rapid growth in juvenile sex offender placements. This program is not designed to be as secure as ITP. RTP has 54 beds.
- Diagnostic and Evaluation Center (D&E) - The Rader Center also houses a diagnostic and evaluation program. This 30 day assessment program is available to newly committed and recommitted delinquents. D&E is designed to identify the needs and strengths of children and assists the field worker in placement planning when local evaluation resources are not available. There are 15 beds. Although admissions to the Center go through the Placement Section, the Center is not considered a placement alternative and is for evaluation only. D&E staff recommend which of the previously described programs will best serve the needs of juveniles placed at Rader. Or, program staff may recommend that a juvenile, instead, be sent to a group home or other program. D&E is considered to be state of the art and does extensive work in all aspects of a child's needs including: academic, medical, dental, and psychological. However, D&E staff indicate that the program is handicapped by the fact that it is overcrowded and serves as a backup for children

awaiting placement in ITP or RTP.

- **New START (Short Term Accelerated Residential Tracking)** - The most recent program at Rader is New START. This is a short-term high-impact program consisting of a three month residential stay in the training school followed by tracking and intensive field supervision. The program was designed specifically for Class III property offenders. New START has 32 beds. The 180 day program is designed to build self-esteem and to promote teamwork. New START consists of a 90 day institutional stay with 90 days of follow-up tracking in the home community. The institutional program includes a high degree of physical activity and group work. It teaches male juveniles practical life skills, such as securing employment, financial management and properly dealing with anger and frustration. During the 90 day tracking portion of the New START program, individuals check on the juvenile up to four times a day. The "tracker" determines whether the juvenile is where he is supposed to be and is engaged in legitimate activities. The juvenile also has a regularly assigned JSU worker. The JSU worker helps to supervise the juvenile and provides regular parole services.

DHS also operates the Tenkiller Youth Camp. Tenkiller is a 60-day program for DHS custody children adjudicated INS or delinquent but who are not institution eligible. The program is followed by a 90-day community tracking component.

Another group of services intimately involved with juvenile justice and delinquency prevention are the 41 statutory Youth Service Agencies. Youth Service Centers began circa 1969 and are defined in Title 10 Sections 607 and 609. An agency is designated as a Youth Services agency by meeting specific statutory criteria. Each agency is a separate, autonomous agency. Most are private non-profit; there are two which are quasi governmental - being either a part of county or a tribal government. Each agency is tailored to meet local needs and is readily adaptable to changing local conditions. Funding comes from a variety of sources - the Mental Health Department, the Health Department, the Governor's State Advisory Group on Juvenile Justice and Delinquency Prevention, Foundations, local donations and United Ways or Community Chests. The bulk of state funding is funneled through the DHS Office of Juvenile Justice, Community Based Youth Services Unit. There are 31 Youth Service shelters with 334 shelter beds available in the state.

Oklahoma law delineates a number of services which may be provided by each agency. Some provide temporary emergency shelter combined with counseling, others provide counseling only. A number of ancillary programs are umbrella'ed by Youth Service Agencies - delinquency prevention services, CASA projects, alternatives to detention, alternative schools, group homes, first time offender programs, misdemeanor programs, diversion services and detention centers. Most services are available for adjudicated juveniles both male and female and for either state custody or non-state custody children. These are the only delinquency prevention services provided on a continuing basis.

There are three Tribal shelters in the state. One is located in Concho, the Cheyenne Arapaho Youth Shelter with 7 beds; another, in Apache, the Fort Sill Apache Emergency Youth Shelter with 6 beds; and the third, in Carnegie, the Kiowa Emergency Youth Shelter with 15 beds. These shelters provide services to Native American children only. Each is overseen by Tribal

government.

Group homes represent another type of service that fits into Oklahoma's juvenile justice system. Group homes are operated by both public and private organizations. The public facilities are operated by the Office of Juvenile Justice. There are 9 such programs with 77 beds. The private facilities run the gamut from church operated facilities to private non-profit programs to for-profit facilities. There are 24 with a total of 1,048 beds. Some of the private facilities have been serving children for well over 20 years.

OJJ staff have classified residential facilities by level with Level E being the most secure. The level system is as follows:

*** Level E Facilities -**

60 beds, male only

Children generally appropriate for referral into these programs are considered a danger to themselves or others and require staff intensive, highly structured treatment in addition to 24-hour awake supervision. These are children for whom the only other alternative is a locked psychiatric facility or a locked training school.

*** Level D Facilities and DHS Operated Group Homes**

182 Level D Beds - up to 86 females; 182 males

DHS Operated Group Homes - 60 beds: 29 female; 31 male

Children generally appropriate for referral into these programs are considered a danger to themselves or others and require 24-hour awake supervision both for the child's protection and for the protection of the community. Although children appropriate for referral generally exhibit the following behaviors, not all Level D or DHS-operated group homes can programmatically respond to all of these treatment needs:

1. multiple failed placements;
2. difficulty in school;
3. problems with authority;
4. verbal aggression;
5. physical aggression;
6. sexual aggression;
7. runaway behavior;
8. involvement in misdemeanor and/or felony activities;
9. emotional behavior difficulties which can be dealt with outside of a residential psychiatric facility;
10. behaviors which are a result of long-standing deprivation and/or abuse;
11. involvement with substance abuse.

*** Specialized Community Homes**

132 beds - 40 female; up to 92 male

Specialized Community Homes are facilities that serve up to four children in a private

contractor's own home. The children generally appropriate for placement in a Specialized Community Home have many of the same behavioral treatment needs as the children appropriate for referral to Level D and DHS-operated group homes with the exception that they must be capable of functioning within a family setting. Children appropriate for these placements generally are not as physically aggressive as children referred for Level D and DHS operated residential care. These children do not require 24-hour awake supervision.

*** Level C Facilities -**

32 beds - up to 6 female; up to 30 male

Children generally appropriate for referral into a Level C facility are not considered a danger to themselves or others and do not require 24-hour awake supervision. Children appropriate for referral generally exhibit behaviors such as:

1. truancy;
2. runaway risk;
3. noncompliance;
4. impulsive and manipulative behavior;
5. verbal aggression;
6. peer interaction problems;
7. school difficulties;
8. behaviors which are a result of long standing deprivation and/or abuse;
9. multiple failed placements in less-structured settings.

*** Level B Facilities**

9 beds - up to 9 male or female

Children generally appropriate for referral into a Level B facility are children who are experiencing difficulty in the home, school or the community but who have minimal emotional or adjustment disorders. These children may have experienced a number of failed foster care placements and cannot function within the closeness of the foster family setting.

*** Therapeutic Foster Care**

61 beds - up to 61 male or female

Therapeutic foster care is generally available for children who continue to require intensive psychiatric out-patient counseling services or for children who are coming out of a residential psychiatric center placement and can function within the closeness of a one-on-one foster family setting.

*** Residential Maternity Service Programs**

6 beds; 2 infant beds

This program serves both DHS custody and non-custody pregnant children, regardless of age, who exhibit problems related to the stress of pregnancy and who cannot remain at

home due to serious family stresses, abuse or neglect. Children referred to this program require a supportive living environment with positive direction and guidelines. Residents' behaviors may be reflective of social deprivation; however foster care is not appropriate due to the child's difficulty in sustaining relationships with parental figures. Children who are not appropriate for this program are those who may be violent or destructive to self, others or property; engage in criminal, delinquent or acting out behaviors; or require intensive supervision and/or services. Twenty-four hour supervision is not provided in this program.

*** Department of Mental Health Contract Group Homes**

8 beds - male or female

Children generally appropriate for these placements are experiencing emotional difficulties and require a group home placement as a diversion from residential psychiatric care or who are exiting residential psychiatric care and require community-based group home placement with continued therapeutic treatment. Children referred into these programs generally carry an INT adjudication with outpatient criteria.

*** Supervised Apartment Living**

8 beds

The Supervised Apartment Living program is designed to serve children who require a supervised and supportive environment as a prelude to independent living. Children are placed in a single or shared apartment for a period of not more than 6 months during which time they receive independent living services.

Results from the survey of workers indicated a concern by JSU workers that some residential facilities are not prepared to work with the more difficult child. Group homes were noted as needing training, staff, and facilities to deal with unacceptable behaviors of the Delinquent, INS or INT child. Also, a need for staff secure shelters or an intermediate care facility to hold behaviorally difficult children awaiting placement was mentioned several times.

Oklahoma has a statewide detention program mandated in 10 O.S. 1108 B. Currently, there are 11 detention centers with a total of 156 beds. By law these centers are the responsibility of county government. Most detention centers are county operated, however, some are contracted out by the county. Each program receives a portion of the daily detention rate from DHS. The county placing juveniles in a center must pay the remaining amount. The detention system, planned in 1978, was designed to preclude the placing of juveniles in adult jails and lockups. As a result, Oklahoma is in compliance with the jail removal mandate of the JJDP act.

Some counties have a range of secure detention and non-secure detention options, such as home bound detention, attendant care, shelter, court shelter homes, and electronic monitoring. Others do not. Secure detention is currently under much duress in many areas due both to demand and the lack of alternative services. This situation is exacerbated by a lack of services in the middle of the system. The lack of services causes a backlog of detainees awaiting placements which may be filled by children who could receive services in their home. State law (10 O.S. 1138) requires DHS to put first priority on placement of children out of detention. There are also

statutory criteria (10 O.S. 1107.D.) for placing a child in detention in the first place. However, it often appears that decisions to detain are based on factors such as the availability of a bed rather than on those specific statutory criteria. In an effort to address this, the SHO Task Force, as stated earlier, designed detention criteria for use in decisions to detain. The process is not totally implemented, as yet.

As a result of a class action lawsuit filed on behalf of Oklahoma's children in 1978 and a concomitant agreement or consent decree, Oklahoma is under the supervision of a federal court monitor until 1995. The consent decree requires that a range of services be implemented between now and 1995. The Court Monitor has placed a cap on any expansion of secure beds. The Oklahoma Children's Initiative, or OCI as it is called, anticipates the implementation of home based services, both in and out patient drug/alcohol services, day treatment, educational advocacy, reintegration services and independent living services. Community mental health centers are involved in providing Title 19 reimbursable services within the parameters of the OCI contract. Youth Service Centers are involved in providing services called for in OCI, as well. There is much concern across the state about the structure for the provision of services under OCI. Workers are concerned that in some areas a referral must pass through six persons before a service is directly provided to a child. With Oklahoma's diminishing resources, the financial implications are of great concern.

Local courts play a major role in the system. District attorneys prosecute, attorneys represent, and judges adjudicate. Most juvenile cases are handled by the associate district judge, although the practice varies. Bureau counties sometimes use court referees and some district judges hear juvenile cases. District attorneys almost always tend to delegate juvenile court responsibilities to an assistant, and usually to the newest employees in the district attorney's office. Some counties have public defenders' offices. Those public defenders represent juveniles throughout the various hearings. In counties without a public defenders' office, the Oklahoma Indigent Defense System provides court appointed attorneys for juveniles. Of course, neither the public defender's system nor the Indigent Defense System precludes a parent or child, for that matter, from obtaining an attorney if income allows. Survey information indicates that most children are represented by a court appointed attorney rather than by a privately hired attorney. Some respondents to the survey questioned whether children actually receive quality representation especially when the attorney makes contact with the juvenile for only a few minutes and just before court. Some counties have Court Appointed Special Advocate or CASA programs. Recently, those programs have been allowed by law to assign trained citizen volunteers to the cases of children adjudicated In Need of Supervision, Delinquent or In Need of Treatment. Survey data revealed that although possible, children seldom have a CASA volunteer in court for adjudications other than for those adjudicated as Deprived. Under Oklahoma law, children may request a jury during the adjudicatory hearing. The jury is composed of six persons as compared to the usual twelve person jury. Jury trials though rarely used in rural areas are frequent in metropolitan courts.

Oklahoma law allows a judge to place children in DHS custody, but he or she cannot place children into specific state operated facilities. Instead, the DHS Placement Section is responsible for making the decision regarding placements for children in DHS custody. Placement makes referrals to community-based programs and authorizes placement of children in treatment centers and training schools.

In Oklahoma, a child may be certified to stand trial as an adult pursuant to one of two pro-

cesses both of which are found in Title 10. One process is known as certification; the other is known as reverse certification. They are found in 1104.2 and 1112, respectively. Both statutes provide guidelines for consideration by the court in deciding whether to certify a child.

Post Adjudication Review Boards, (or Foster Care Review Boards as they were called in 1991) provide citizen review of the care received by every adjudicated child. The review is to occur every six months. The Post Adjudication Review Boards files a written report with the court, and their report must be acknowledged by the court. There are 65 Boards in 73 counties. Recently, the Boards took on the responsibility of reviewing the cases of children adjudicated Delinquent, In Need of Supervision and In Need of Treatment. They did not do so in 1991. There is some concern regarding the addition of those adjudications and the number of volunteers it will take to thoroughly review cases. New boards are proposed to meet this mandate.

As outlined above, many entities comprise the Oklahoma juvenile justice system. (There are in fact so many that some were left out of this discussion.) All have input in varying degrees to decisions affecting children touched by the system. (See Appendix C.) Many times decision makers may be at odds with each other over what is the "best" decision in terms of the child or what will protect society. Thus, many decisions may be made which involve extra-legal factors. Survey data indicates that agencies compete with each other for scarce resources. Jurisdictional questions (who is responsible for which child) sometimes arise. Factors which can effect outcomes for children within the system or on the verge of entering the system are often dependent not on the child but instead on how the various agencies interact with each other. Decisions are sometimes made based on how different personalities interact; on how well each decision maker understands their role and function and on the approach-ability of other agencies; as well as on available services.

ACCESSING THE SYSTEM

Oklahoma children receive services via four distinct juvenile justice systems. DHS is mandated by statute to provide intake, probation and parole services for juveniles in 74 of Oklahoma's 77 counties. Children in Oklahoma, Tulsa, and Comanche Counties receive services from separate statutory Juvenile Bureaus. JSU, a division within DHS is responsible for offering services in all 74 remaining counties. This section discusses how the system is accessed. Similarities and differences concerning intake, casework and probation procedures between JSU and the Oklahoma and Comanche County Juvenile Bureaus Districts were examined. For the most part, policies and procedures are quite similar, however, some differences do exist. Policy and procedure material for the Tulsa County Juvenile Bureau was not available.

Children are most usually referred to the system by law enforcement for commission of an offense - status, delinquent, traffic, or misdemeanor. However, according to JSU policy, parents, educators, and public or private agency personnel can also refer children. Such "non-law enforcement" referrals are to be made directly to the court intake worker.

The authority for law enforcement to apprehend a juvenile is found in Oklahoma law at 10 O.S. Section 1107. In cities and towns, this will be a city police officer. In larger cities this may be an officer whose only responsibility is juvenile matters. In rural areas, it will most likely be the

sheriff or a deputy. A child who is 16 or 17 years old and is alleged to have committed at least 1 of some 15 crimes is considered an adult and is processed as an adult. Upon apprehension by law enforcement, a decision is made of whether to question and release or to proceed further. Survey results indicate that the most important factor involved in processing decisions for law enforcement is whether a weapon was involved. Other factors included whether the victim was injured, whether the juvenile was on probation or parole and whether the juvenile was a known user of drugs/alcohol. Demeanor and respect for authority were noted as important but not as much as those factors listed above.

If an officer decides to make a formal report, he or she may take the child home or the officer may make a recommendation for secure or non-secure detention directly to the a judge. The judge can deny the request for detention or order placement in a detention center, home-bound detention, attendant care or shelter care. The decision to detain is based upon criteria listed in 10 O.S. section 1107.1 (B). The criteria are related to the seriousness of offense, status of child in terms of prior probation or parole, and assaultiveness of child, as well as whether the child is on escape status from a placement. Once the child is physically placed in detention or shelter, the Judge may order the child released to a custodian on a Promise to Appear as found in 10 O.S. 1107 (B).

The initial detention screening may be handled by law enforcement or another entity designated by the court. When this occurs, the judge makes his/her decision based on information from the screener. The screener gathers information on the offense from law enforcement and anyone else involved in the situation. The screener may or may not speak directly with the child. The judge may be contacted or the screener may have the authority to place the child in detention pending a show cause hearing the next judicial day. Whether the child actually stays in detention often depends on intake processing; court dockets; available slots both in detention and in alternative to detention programs; and, of course, on the protection of the child and the public.

A child may be held at a police station or sheriff's office (sight and sound separated from adults) for up to 6 hours pending processing. Once detained in either non-secure or secure detention, the child shall not be detained in custody beyond the next judicial day; or for good cause shown due to transportation problems, beyond the next two judicial days. The child is taken before a judge for a detention or shelter hearing. This hearing is also known as a "show cause" hearing. At the hearing, information is provided to the court to "show cause" as to why the child was removed from his/her home. The show cause hearing is usually held following an intake. In Oklahoma, hearings may be open or closed at the discretion of the judge. According to survey data, 30% of the respondents say the children are always represented by an attorney at this hearing. However, 30% indicated that children were seldom to never represented by an attorney. The district attorney represents the state. The court worker recommends to the court via the district attorney continued detention or release. The child may be held for up to five judicial days pending filing of a petition. Once a petition is filed, a child may be held in secure or non-secure detention or placed back home pending adjudication. A detention hearing must be held every 10 days for children in secure detention. {10 O.S. 1107.1 (A)(1)(b)}.

The formal intake or preliminary inquiry is accomplished by Juvenile Bureau staff in the 3 Juvenile Bureau Counties and by the Juvenile Services Unit in the 74 non-Bureau Counties. A parent or custodian must be present during the intake and the child and parent must be informed of their rights under the law. Survey responses by both JSU and Bureau workers note that a child is seldom represented by an attorney at intake. During the intake, information is gathered from

both child and parent. Demographic data, tribal affiliation, socio-economic, academic, and behavioral information, as well information on the alleged offense is gathered. Survey responses by workers indicate that whether a weapon is involved and whether there is an injured victim are important factors in processing decisions. Other factors deemed important are whether the juvenile is currently on parole; is a known drug/alcohol abuser; or is currently on probation. Based on information derived from the intake, the intake worker makes a recommendation to the district attorney. District attorney survey responses indicate that whether the use of a weapon is involved; whether the victim was injured; and whether the juvenile was on probation or parole are important considerations when making decisions. According to JSU guidelines, the recommendation to the district attorney from intake could be one of the actions listed below.

- No action;
- Decline/Dismiss;
- Defer action for up to 30 days unless restitution is involved and then for up to 60 days. At this point, JSU services with parental consent can include counseling and supervision by JSU; referral; mediation; monetary restitution or community service;
- Divert the child away from the system. JSU services under this decision may include: voluntary services from JSU; referral to another agency; written agreement to defer action for 18 months or less pending completion of restitution; or a written agreement to defer pending receipt of services within 18 months. The district attorney can proceed with the recommendation of the worker; investigate further or take another action.

JSU guidelines require the intake worker to advise the referral source of actions taken. It is the policy of the Oklahoma County Juvenile Bureau to notify victims of juvenile offenders within 24 hours of receipt of referral. The Juvenile Bureau uses one of two form letters to notify victims. One is used when the referral is for a possible diversion alternative for a first-time offender. The other letter is used when the crime involves a repeat offender.

The decision to make any one of the above recommendations to the district attorney rests with the intake worker and depends on the information gleaned from the child and parent during the preliminary investigation. Factors considered in making a recommendations to the district attorney regarding disposition at intake may include:

- Seriousness of the offense;
- Duration and chronicity of the behavior;
- Sufficiency of evidence;
- Jurisdictional standards;
- Degree of consensus regarding the child's behavior;
- Social information;
- Service availability;
- Amenability of the child and parent toward services;
- Desire of the referral source regarding prosecution.

The Juvenile Bureau also prepares an "Order of Release" to be signed by the judge/referee

when the district attorney declines or dismisses a case. It is kept in all closed cases files. This is not mentioned in the JSU policy manual.

According to JSU guidelines, the preliminary investigation is relatively the same for both Delinquent and In Need of Supervision offenses. With regard to a child referred for In Need of Treatment, the process is slightly different and will continue to evolve until the final effective date of 10/1/93 for the new "Inpatient Mental Health Treatment of Children Act." However, in 1991 the intake worker also had to confirm evidence that as a result of a demonstrable mental illness, the child would: 1) seriously injure him/herself or another person; or 2) suffer serious harm due to his/her inability to attend to basic needs. JSU policy outlined procedures for the provision of services if the parent/custodian was unable or unwilling to obtain needed services. An evaluation by an independent mental health professional was to be included with the recommendation to the district attorney.

Oklahoma law required that the evaluation be administered by a qualified mental health professional. A referral for emergency services could be made to the DMHSAS when emergency care appeared necessary. According to JSU guidelines for the crisis stabilization process to occur, the child had to exhibit one or more of the following behaviors:

- psychotic;
- suicidal or homicidal;
- out-of-control (irrational or combative indiscriminately directed behaviors).

Factors considered by the JSU intake worker in making a recommendation to the district attorney regarding disposition of an INT intake included the following:

- psychological evaluation;
- jurisdictional standards;
- observations of the child by the intake worker;
- social information;
- service availability;
- amenability of child and parents to services;
- capacity of the family to make provisions for services.

When an INT petition was contemplated, the following action may be recommended to the district attorney:

- No action;
- Diversion from the system with the parent agreeing to take care of treatment;
- Filing of a petition.

Again, the district attorney could agree, decline, or take other action. A reminder that the process will change substantially through October 1993. Further study is recommended once the new system is implemented especially in light of the fact that children whose families have insurance may be treated in a private facility and indigent children will be placed in a state-operated facility.

One difference between JSU and the Oklahoma County Juvenile Bureau is in the prepara-

tion of petitions. In the 74 JSU counties, the district attorney is responsible for approval and preparation of the petition, as well as all other proceedings. In Oklahoma County, the district attorney approves the filing of a petition and all information is returned to the Juvenile Bureau, for preparation of the petition. The intake counselor proofs and signs the petition. In the case of extreme emergencies when there is no time to prepare an individual petition, Juvenile Bureaus use a shell or fill-in-the-blank petition.

Whenever a petition for adjudication of any category is filed, an adjudicatory or "fact finding" hearing is set. Oklahoma law requires that the hearing take place within 30 days. Pre-adjudicatory orders of custody remain in effect for not more than 30 days unless extended for an additional 60 days by the court for good cause {10 O.S. Section 1107.1 (A)(1)(a)}. The child may request that the hearing take place with a six-person jury making the adjudication decision rather than a judge. Hearings may be open or closed depending on the discretion of the judge. According to the survey, 80% of the respondents report that children are always represented at this hearing by an attorney. The attorney usually is a court-appointed attorney. During the adjudicatory hearing, one of several actions may occur. After consideration of the evidence, the court may dismiss all allegations. DHS policy indicates that the court may decide that jurisdiction of the case should be transferred within the state to another county or outside of the state to another state's court. There appears to be no statutory provision for inter state transfer of jurisdiction. However, 10 O.S. 1102.A. allows for intra state or inter county transfer of jurisdiction. After consideration of all evidence the court or jury may adjudicate the child INS, Delinquent, INT or a combination of those categories. Survey respondents noted concern that attorneys meet with the child right before court and then only for a few minutes. They do not believe that children get quality representation. Also, a child may, through his/her attorney, "stipulate" to the facts. Even though 10 O.S. 1111 (c) requires the court to make an independent inquiry into the child's understanding of the stipulation, it is unclear whether a child fully understands what stipulation actually is. Some judges ask the child to explain back to him or her what stipulation means. Other judges only inquire of the child's attorney, if at all. Judges make decisions based on the information put before them. Although a judge may make independent inquiry during the course of the hearing (and some do), he or she cannot make any extra-judicial investigation of the facts.

The juvenile court process in Oklahoma is a bifurcated process. Thus, after the adjudicatory hearing, a dispositional hearing is set. This hearing has been called the heartbeat of the juvenile justice system. As with all hearings in the juvenile justice system, it may be open or closed. The dispositional hearing to a large degree determines the level to which a child penetrates the system. It is possible to go into the dispositional stage directly from the adjudicatory stage in what is called an *instanter* disposition. This occurs when all parties agree to do so. Although the juvenile must agree via his or her attorney, there is concern whether it is an informed decision. Usually, however, the dispositional hearing takes place within 30 days of the adjudicatory hearing.

During the interim between hearings, a JSU worker completes a home study on the child and the home situation. In Comanche and Oklahoma Counties, history sheets on juveniles are completed by Juvenile Bureau staff in lieu of the court study required of JSU. Also prior to the dispositional hearing in Oklahoma County, the Bureau requires the juvenile to participate in the LINK drug testing program if he or she is thought to be involved with drugs. The home history or social study provides a snapshot of the child's situation and culminates in a recommendation for further action that is in the best interests of the child. The report includes family history, prior law enforcement or court contact and social and academic functioning. Survey respondents indicate

that when making decisions to proceed further, workers place emphasis on whether a weapon was involved or whether a victim was injured. Survey responses indicate that at the dispositional hearing, the child is almost always represented by an attorney, again court appointed. The state is represented by the district attorney. As stated earlier, district attorney survey responses revealed that whether weapons were involved; whether the victim was injured; and whether the juvenile was on probation or parole tied as most important when making processing decisions. Recommendations by JSU may include:

- Dismissal of the case;
- Deferring disposition pending some action on the part of the child and parent/guardian;
- Probation;

Based on the evidence brought before them, judges make the decision as to place a child in the custody of the Department of Human Services. Surveyed judges consider victim injury; weapon usage; and a history or drug/alcohol abuse as important considerations when making processing decisions. The location of a placement is decided by the DHS Placement Section. According to DHS policy, the Placement Section utilizes the recommendation of the judge, the district attorney and the worker as communicated by the worker to the Placement Section. Interestingly, some judges were unaware of the Placement Section policy which utilizes the recommendation of the judge. According to DHS policy, the objective of custody is to provide rehabilitative services in the least restrictive placement that is closest to the child's home, and takes into consideration the protection of the community.

When a youth is committed to the custody of the Department, the JSU worker after meeting with the child and family is to:

- Staff the case with immediate supervisor;
- Assess classification, if delinquent;
- Complete and submit the placement worksheet;
- Arrange for temporary care of child pending placement;
- Confirm placement decision with Placement Unit;
- Consider transportation needs;
- Make referral to Medical Services Division, Child Support Enforcement Division, and Family Support Services Division;
- Develop the Plan of Services with youth and when appropriate, his/her family;
- Explain and complete the grievance process;
- Obtain medical number, birth verification, social security number, clothing, child support, school records and immunization records;
- Compile and complete a social history.

Placement of custody children involves an administrative process for all placements above the level of foster care. All new commitments, recommitments, revocations and administrative transfers, as well as change of placement above the foster care level are submitted to the Placement Section. The Placement Section is responsible for making referrals to community-based programs and for authorizing placement in treatment centers and training schools.

Placement plans for custody youth are accomplished via a staffing between the worker and supervisor. Recommendations to remove a child from his/her home are to be submitted only after reasonable efforts have been made by the parents to fulfill the parental role. Any decision for removal is made after consideration of the needs of the youth, the family, and the community and only after all alternatives to maintain the child in the home have proven unsuccessful.

If disagreements arise between the field and the Placement Section regarding any placement, the case is staffed with the district supervisor who may request a review by the Placement Team. The Team is composed of the unit supervisors of the Juvenile Services Unit, the Institutional Services Unit, and Child Welfare Services.

The placement becomes effective only after a child has been placed in the program. If the placement is above the foster care level, the placement supervisor must authorize the placement. Once placement is finalized, all Title XIX eligible custody youth receive an examination through the Early and Periodic Screening, Diagnosis and Treatment program. Receipt of this screening makes a child eligible for Medicaid services.

The JSU worker can make decisions for changes of placement which occur at or below the foster care level (own home, relatives' home, Job Corps, independent living, foster care) and if the change is not a result of a new commitment, recommitment, revocation or administrative transfer. When this happens, the Placement Section is notified in writing.

Within 30 days of a custody child being removed from the home, the worker files a report with the court. A portion of the information is given to the placement provider. Each time the child's placement is changed, the information is updated. If the placement remains the same, it is updated every six months.

The Rader Diagnostic and Evaluation Center is available to newly committed and re-committed delinquents for a 30-day assessment to assist the field in placement planning when local evaluation resources are not available. Although admissions to the Center go through the Placement Section, the Center is not considered a placement alternative since it is for evaluation only. Children may not stay at the Center beyond 30 days. Placement decisions are made subsequent to the evaluation. Professional insight gained from the evaluation is used in reaching a placement decision.

In terms of the disposition of a child adjudicated Delinquent, the following recommendations are possible:

- Probation with intensive supervision;
- Probation with normal supervision;
- Probation with minimum supervision;
- Custody vested with DHS;
- Custody with DHS and extension of wardship up to age 19.

If custody is placed with DHS, the Placement Unit decides between the following placements:

- A supervised community placement with a parent or other individual and with or without probation;
- A private institution/agency;
- A DHS operated program such as, regular or specialized foster care; group home; or state training school.

In terms of the disposition of a child adjudicated INS, the following recommendations are possible. An adjudication exclusively based on truancy cannot result in removal from the home.

- Court supervision with intensive supervision;
- Court supervision with normal supervision;
- Court supervision with minimum supervision;
- Supervised community placement;
- Custody vested with DHS.

If custody is placed with DHS, the Placement Unit decides between the following placements:

- Private institution/agency;
- DHS operated program, such as, regular or specialized foster care or group home.

In terms of a disposition of a child adjudicated INT, the following recommendations are possible until full implementation of the "Inpatient Mental Health Treatment of Children Act."

- Court ordered supervision with intensive supervision;
- Court ordered supervision with normal supervision;
- Court ordered supervision with minimum supervision;
- Court ordered placement in a private placement;
- Custody vested with DHS.

If custody is placed with DHS, the Placement Unit may choose:

- Out-patient treatment with placement in one of the following: child's home, relative's home, foster home, or community based facility;
- In-patient treatment in one of the following: private mental health facility; DMH-SAS facility; DHS mental health treatment facility.

With regard to probation, Comanche County procedures differ slightly from JSU. Comanche County probation supervisors staff all probation cases with the assigned worker on a monthly basis rather than on a quarterly basis which is JSU policy. JSU workers must contact the youth and family within 24 hours concerning formal court probation or supervision, whereas Comanche County Juvenile Bureau workers have 48 hours to do so. The Oklahoma County Juvenile Bureau uses electronic monitoring for probationary supervision of a child when the family is without a telephone. Electronic monitoring of a child cannot exceed 30 days. At this time, JSU does not offer this service. Intensive homebound supervision is required for a juvenile on court probation.

State law {10 O.S. 1138 (B)} permits placement in a state training school if consistent with the child's treatment needs and if the child has:

- Exhibited seriously violent, aggressive or assaultive behavior; or
- Committed a serious felony constituting violent, aggressive and assaultive behav-

- ior; or
- Habitually committed serious delinquent acts; or
- Committed multiple serious delinquent acts such that it is necessary for the protection of the public.

Under Oklahoma law, a review hearing must be held every six months while the child is a ward of the court despite custody. The purpose of the review hearing is to determine if the service plan is working; if court orders are being followed; and whether all parties are fulfilling their responsibilities. The court worker prepares a written report reviewing progress on the above. Slightly less than half of the respondents to the survey said the child is represented by an attorney during this type of hearing. Yet, appellate case law that holds that this is a critical stage and requires provision of an attorney during this stage. The district attorney represents the state. Possible actions are to update and continue the current plan of service; to modify the original dispositional order; or to change or terminate jurisdiction.

The Post Adjudication Review Board also reviews cases of children under the purview of the court every six months. Again the court worker files a written report. The child and family, although not precluded, may or may not attend this review. In some counties, even foster parents are encouraged to attend. In others, the review takes place without the parent, child or foster parent in attendance. In still others, children are required to attend and parents are strongly encouraged to attend. Although a separate process, the Board review may coincide with the judicial review hearing. Findings and recommendations of the Board are based on information contained in the court file, verbal statements of the parent or child and the worker's written report.

In Oklahoma, a child may be certified to stand trial as an adult pursuant to one of two processes both of which are found in Title 10. One process is known as certification the other is known as reverse certification, found in 10 O.S 1112, and 10 O.S 1104.2, respectively. Both statutes provide guidelines for consideration by the court in deciding whether to certify a child.

An intake worker may recommend certification to the District Attorney or the District Attorney may decide to seek certification after reviewing charges and intake information. When a decision is made to certify a child, a preliminary hearing is held. During this, the first stage of the certification process, the court hears evidence on the offense to determine if there is prosecutive merit to the accusation. Although the phrase "prosecutive merit" is somewhat unclear, it comes closest to meaning a finding of probable cause that an offense has been committed. At the conclusion of the hearing and after considering all the evidence, the court may:

- find prosecutive merit does not exist and dismiss the petition;
- find prosecutive merit for a misdemeanor offense and proceed to an adjudicatory hearing on that offense;
- find prosecutive merit for the felony offense or for a felony other than the one charged and proceed to the next stage, the certification hearing.

Prior to the certification hearing, the court may request a certification study that includes a psychological evaluation. The certification study should address the six factors listed below.

The purpose of the certification hearing is to determine the reasonable prospects of rehabilitation within the juvenile justice system. State law outlines six guidelines for consideration by the court when deciding on certification. The guidelines contemplate:

1. seriousness of the offense;
2. whether the offense was against persons or property with greater weight being given to crimes against persons;
3. whether the juvenile can distinguish right from wrong;
4. prior record and history of the juvenile;
5. prospects for protection of the public; and
6. likelihood of rehabilitation if treated in the juvenile system.

JSU guidelines state that the JSU worker, during the hearing, is to provide the court, either in writing or through testimony, with a description of programs available for delinquent children. At the conclusion of the certification hearing, the juvenile may be certified as an adult or may remain in the juvenile justice system. If criminal proceedings are not begun within 30 days of certification, unless stayed by an appeal, the certification is null and the court will consider the juvenile petition.

Once a juvenile is certified and convicted or certified and judgment is deferred, he/she is no longer subject to the juvenile court.

A child who is 16 or 17 and commits one of 15 specific felonies must prove whether he or she should be processed as a juvenile. Those offenses are: 1) murder; 2) kidnapping; 3) robbery with a dangerous weapon; 4) rape in the first degree; 5) rape by instrumentation; 6) use of fire arm or other offensive weapon while committing a felony; 7) arson in the first degree; 8) burglary with explosives; 9) burglary in the first or second degree after three or more adjudications for committing either burglary in the first degree or second degree; 10) shooting with intent to kill; 11) discharging a firearm, cross-bow or other weapon from a vehicle pursuant to Subsection B. of Section 652 of Title 21 of the Oklahoma Statutes; 12) intimidating a witness; 13) manslaughter in the first degree; 14) non-consensual sodomy; 15) manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense a controlled dangerous substance (10 O.S. 1104.2).

This process begins when a child is arrested for one of the offenses listed above. An information is filed and an arrest warrant is prepared. The arrest warrant sets forth the rights of the accused and of the custodian, including the right to have an attorney present. The warrant also explains that an application for certification as a child can be made to the juvenile division of the district court. The warrant along with a certified copy of the information is served personally to the accused person and the custodian.

Prior to the start of the preliminary hearing, the accused person, through his/her attorney, may file an application or motion for certification as a child. Upon the filing of such a motion, the complete juvenile record of the accused is made available to the district attorney and to the accused person.

In the reverse certification process, the court conducts a regular preliminary hearing. At the conclusion, a hearing on the defendant's motion to be certified as a juvenile is held. In deciding the motion, the court considers the following in order of importance:

1. whether the alleged offense was committed in an aggressive, violent, premeditated or willful manner;
2. whether the offense was against persons or property, greater weight being given for re-

taining the accused person within the adult criminal system for offenses against persons, especially if personal injury resulted;

3. the record and past history of the accused person, including previous contacts with law enforcement agencies and juvenile or criminal courts, prior periods of probation and commitments to juvenile institutions; and,

4. the prospects for adequate protection of the public if the accused person is processed through the juvenile system.

Prior to the start of the preliminary hearing, the court may request a reverse certification study. Along with this study, the worker is to provide the court with a copy of the defendant's entire juvenile record. The study addresses the four factors listed above. JSU is required to provide the court, in testimony or in writing, with a description of the delinquent programs available.

At the conclusion of the certification hearing, the court makes a finding. If certified as a child, all adult court records relative to the process are destroyed and any mention of the child is removed from public record. The case is then continued in juvenile court. If the juvenile is certified as an adult, he/she is proceeded against in the adult court system. At this point, Department of Corrections procedures take over.

When a juvenile is convicted, he/she comes under the purview of the adult system. Once this occurs, the Department of Corrections makes reports, supervises probationers, and may take custody if the juvenile is incarcerated.

Juvenile Bureau or JSU staff will only become involved if the child is reverse certified and remanded back to the juvenile system.

An order certifying a juvenile either as a child or as an adult is a final order and may be appealed.

In summary, children access the system via referral by parent, school or other agency, or for the commission of an offense. What happens to that child as he/she courses through that system is largely dependent upon information gleaned by the various players involved in the system. Because of the subjective and sometimes confidential nature of the proceedings, reasons for decisions are not always clear.

THE SURVEY

In conjunction with the data obtained on children, opinion data was obtained from juvenile justice decision makers regarding their perception of how and why decisions are made. An opinion survey prepared for use with the Pennsylvania study was tailored to address the Oklahoma juvenile justice system. The survey was sent to line staff, district attorneys, judges, and law enforcement personnel. Line staff included individuals employed by the Juvenile Bureaus and the DHS Office of Juvenile, Justice Juvenile Services Unit. There were 302 total responses to the survey. Of those responding, 211 were line staff from the Oklahoma and Comanche County Bureaus and the DHS Juvenile Services Unit. The remaining 91 were either law enforcement (38), district attorneys (18), or judges (35).

The most notable characteristic of the respondents is that 79% were White, 59% were

male, and 37% had experience of three years or less working in the juvenile justice system. Less than 10% had more than 20 years experience. There was one African American from law enforcement. Native Americans were represented in all areas: law enforcement - 5; district attorney's offices - 2; the judiciary - 5; and JSU/Bureau staff - 18. These figures cause concern from the perspective of the under-representation of minorities in critical decision-making positions. Further study is needed to ascertain whether these figures are representative of the population as a whole in each field. If not, further study is needed to ascertain why minority persons did not respond to the survey and now to obtain their input.

Not all survey items are discussed in this section. Many responses were incorporated into other sections of the study and the researchers felt it would be redundant to cover them again in this section. Appendix D contains additional information on responses.

The findings of the survey are both encouraging and revealing. For instance, none of the groups surveyed felt that minority children were more likely than other groups to be involved in weapons offenses. Yet, the reality is that minority children, particularly African American children, are disproportionately arrested for weapons offenses.

Another interesting finding concerns which group is perceived to have the most influence on dispositional outcomes. With the exception of judges, all groups chose the judge as having the most influence. Judges chose the child first, the parent or family second, and reserved third place for themselves. There must be a greater understanding by workers, prosecutors, and law enforcement that children and families have the greatest influence. Only then will system personnel work to empower children and families to shape their own destiny.

All agreed on the need for more treatment programs within the juvenile justice system in Oklahoma. The item stating that treatment teaches juvenile offenders right from wrong is supported by all groups. A contrast found between law enforcement and JSU/Bureau staff is whether punishment teaches juveniles the difference between right and wrong. Law enforcement regarded that as mostly a true statement while JSU/Bureau staff predominately rejected it. Judges and district attorneys were evenly divided. This particular item mirrors the philosophical division in society on the role of punishment in the juvenile justice system. Some focused discussions on the differing philosophies might enable system players to better understand each other and thereby work more like a team.

There was a lot of agreement that effective treatment programs could turn juvenile offenders around. However at the same time, detention beds, secure institutional beds, and boot camps, in that order, were noted as what the Oklahoma system needed to be more effective. Law enforcement saw detention beds as the most needed facility while workers noted a need for more secure beds.

Another contrast in the survey is the overwhelming perception by law enforcement respondents "that the Supreme Court has gone too far in protecting the rights of juvenile offenders." There was just one respondent from law enforcement who did not agree with that statement. Judges, on the other hand, rejected the statement by a 25 to 9 margin and line staff disagreed, but the margin was more narrow, 103 to 97.

Juvenile justice personnel are innovative in developing resources for bilingual staff. There were 123 respondents who had found a way to meet this particular need. Persons speaking languages as diverse as Spanish, Greek, and Kickapoo were available. Sign language for the hearing impaired was available in some places.

Of the 260 respondents, 67% responded negatively to the question concerning the ability

of the system to meet their top priorities. This is another indication of the frustrations found within the system by juvenile justice professionals. Yet, it can be a motivating factor for individuals seeking better solutions for the children of Oklahoma.

The following presents responses found on individual surveys from specific groups.

Responses from District Attorneys:

"This survey has missed the BOAT! Look for help for kids and the people who work with kids - some kids are criminals and should be treated as such. Others can be helped - they need help - each kid regardless of race or gender. A liberal attitude will not help these kids but people will."

Responses from Judges:

"We need full-time, community service work supervisors so that the juveniles can be supervised at the local level and therefore can perform symbolic restitution more effectively."

"There are not enough readily available treatment facilities for alcohol/drug abuse. Some type of sabbatical leave should be devised and implemented to avoid burn-out among Juvenile Service workers."

"(The services for juveniles in Oklahoma are) better than they were, but more work on rehabilitation in the way of wrap-around services and much more work on prevention - breaking the cycle (is needed)."

"I have only been on the bench about two months. I am still learning juvenile law. I believe our children are very important and that we can prevent our children from growing up to be offenders if we counsel and treat the children and their families before it is too late."

"Oklahoma needs a "Youthful Offender Act."

(Question #22f - Good public education, better housing, and parenting classes would dramatically reduce our juvenile crime problem -- marked 'True') "would do more to address the problems this survey was funded to research and is the most true of any statement on this questionnaire."

Responses from Law Enforcement:

(Question: Is the juvenile justice system able to meet your top 5 priorities?)

"No, because of lack of money, political pressures"

"No, because prevention services should be improved"

"We need the ability to easily lock up repeat juvenile offenders. Current system allows juveniles to get away with too much before they can be locked up. By then, they have already become set in their way of criminal conduct."

"The juvenile system in Oklahoma is a joke. Kids know that unless they rape or kill someone they can and do get away with practically anything. In fact some get by with so much they forget their 18th birthday and end up in jail."

"Same old story - parent involvement, caring. The youth has no respect for the laws and people in general."

"The family needs to be more involved."

"From a law enforcement point of view, I am basically very disappointed with prosecution and dispensation of juveniles. Juveniles do much property damage, much theft, much bodily harm and the system is much too willing to excuse due to age."

"Unfortunately the juvenile justice system is controlled and monitored by the DHS. Hopefully the dissection of this agency will result in improvements in our system."

"The juvenile justice system in Oklahoma has far too long been too easy and not showing that to commit a crime there is a punishment."

"Repeat offenders should be held more accountable than they presently are. Too many repeat offenders are back on the streets to re-repeat!!"

"I believe that by the time a juvenile reaches the age of roughly 10 years that they can determine right from wrong and should be firmly handed to correct problems. Many we encounter change their behavior after reaching 18 years indicating a fear of punishment once they are accountable."

"We need more detention centers and beds to partly cope with ever-increasing juvenile crimes."

"More juvenile workers, a change in juvenile laws."

"We need a system that processed juvenile offenders swiftly. make offenders accountable for their actions - victims are compensated, community service programs increased. The more violent or repeat offenders must be dealt with through detention, boot camps, rehabilitation programs and training schools. Parents must be held accountable for discipline of their children. Need to be more involved in supervising and raising their children."

"Juveniles need to be overhauled."

Responses from JSU/Bureau Staff:

"We have too many resources and personnel who aren't really prepared or committed to working with this population, i.e. shelters, contracted treatment programs. Kids get discharged, moved too much due to "unacceptable behavior" - they're delinquents, INS or INT, after all!"

"Parents/caretakers need to be made responsible for their actions or lack of action."

"Juvenile services in Oklahoma are failing in most areas - not only is the system abusive to clients but employees - The system is no longer concerned with justice or right or wrong is win/lose preferential treatment is in all areas of service."

"Make a decision, do you want social workers or do you want probation officers who can supervise the implementation of DPA's and court probation cases. (It doesn't make sense to mandate a curfew and then not allow or for that matter even enforce the curfew. This applies to all probation rules)."

"There are no services for INS girls - Private placements are too difficult for most families (we deal with) to access. Parenting classes/counseling need to be taken advantage of by parents of toddlers."

"In Southwest Oklahoma there are very few preventive services. Those services that can be accessed are overburdened with clients. Secure beds are also continuously filled. There is a critical need for female residential programs."

"Need stiffer programs that can be accessed for first time offenders to get their attention

and keep them from becoming four and five time repeat offenders who eventually end up in custody and placed out of the home."

"Child protective services are dismal in Oklahoma. Many of our JSU clients are former child welfare clients who received no protection or services early on in their deprived, abused, and neglected lives."

"Need shorter time from time of crime to disposition. Need more coalition between Juvenile Justice, Law Enforcement, Public Schools, etc."

"Make parents more accountable for children's supervision. Tougher laws for juveniles."

"Many services in rural areas far from family - make it difficult for re-unification."

"Agencies often seem reluctant to offer services to "difficult" cases, resulting in those youth who are in need of the most intensive services being offered the fewest educational, counseling, and therapeutic services."

"Need more sex offender programs, a transitional secure facility where child can be placed after disposition for both educational, and psychological testing - This would be for custody children awaiting placement."

"The state is in need of more early prevention/diversion resources. There is a need for secure beds, additional group homes and specialized community home beds."

"Give up the INS; INT category."

"Need more resources in rural areas of the state."

"Many programs are in shoddy, rundown condition and in bad neighborhoods. "Some staff do not present good role models with appropriate language."

"We have got to keep juveniles in school. I believe this is the biggest contributor to delinquency. Alternative schools. We're seeing fifth and sixth graders drop out of school because they know little will be done."

"It is apparent that district attorneys judges and law enforcement personnel have lost confidence in the system's ability to deal with severe offenders."

"I don't know how we can (to any real extent) change the negative influence the families are, too often being a productive citizen is not part of their value system."

"I believe we should concentrate our efforts of supervision & rehabilitation on the serious repeat offenders (JSU) We should not be involved in truancy and INS situations Youth Services should handle these type of cases. Most juveniles who are street smart look at probation as a 'joke' I believe JSU should be separate and apart from DHS."

"We need the restitution program back as soon as possible."

"Not enough programs for rural communities, services need to be separate from DHS; time deadlines for placements to occur."

"The juvenile bureau system is flawed because it creates a breach between probation and probation services in non-metro counties."

"Housing for youth, waiting placement"

"Due to the lack of treatment institutional bed space available I feel we have lost too many juveniles to the adult system."

"Too few services for delinquent developmentally disabled youth. Too few resources for youth with no family resources"

"The caseloads and case obligations are also increasing BUT the number of workers isn't. We are overworked."

"The children of Cleveland County may have a court appointed attorney, but these lawyers

do not represent the children - they rarely make contact with the juvenile until a few minutes before court."

"We need staff secure shelters alternatives to detention and diversion services."

"Sanctions' type programs made available for non-custody court involved youth could help prevent many youth from removal from home and placement in DHS custody. Treatment plans and the power to place youth needs to be based on their need not the number and or severity of offenses. Current court appointed attorney system is a farce. Kids are poorly represented because they have minimal contact with their attorneys."

"There are private run group homes in Oklahoma in which residents receive inadequate diets, supervision, education and counseling. There needs to be Wilderness camp programs available to females - equal to those for males. RE: problems in group homes - there needs to be a regular on site monitoring system which makes frequent checks on food (diets), supervision, etc. to assure to program meets standards and contracts."

"We are torn between the demands of a court order and the conflicting political whims of state government."

"Juvenile offenders are treated by the public as a whole as young criminals more attention of awareness of juvenile offenders should be brought to the public as well as fund resources good and interagency coordination."

"The juvenile Justice System and our youth in general are not being given top priority."

"(1) JSU Shelter with no right or refusal & will keep the juveniles;(2) INT category given to DMH - this is a mental health category and the mental health department should be working with them."

"There needs to be much better coordination among the different agencies involved in the juvenile justice system."

"(1) Parents should pay child support. It's amazing how quickly children are "cured" when parents pay. As long as DHS takes care of the child at no expense to the family, we seem to have the child forever; (2) Youth should pay restitution on all appropriate cases from the first charge/offense."

"We need DHS run shelters for delinquents private shelters are too quick to kick our kids out or refuse to admit them at all."

"The system is overloaded & the front line is just trying to keep their head above water."

"Some of our kids in secure lock ups would rather be in jail or a detention center than be at home - that has got to change."

"(1) JSU needs an early prevention program; (2) Laws need to change allowing JSU to deal adequately with repeat offenders (also help meet public expectations of JSU regarding gangs, drive by shootings, etc.)"

"Guardian Ad Litem system for INS and delinquent kids funded for all counties make judges and district attorney's all get trained and stay trained in juvenile matters Get juvenile matters out of the basement and out in the front yard. Get real, get mean and get effective. Failing that get lost."

THE DATA

Because of the many problems associated with data collection, only summary data and percentages of totals are used. Percentages are derived from a discreet population in a specific geographic location at a particular decision point. While some of the data collection problems were discussed earlier, others will be discussed at the beginning of each section. However, enough data was obtained to show whether over-representation exists, in which areas of the state and at which decision points.

School Drop Out Data

The following data was provided by the Oklahoma State Department of Education (OSDE) through the 1990-91 "Oklahoma School Indicators Report." The OSDE report is based on "event" reporting. This is done by counting the number of children who begin school in any one year and then counting those in attendance at the end of the year. The data provides only a rough estimate. Counting the official rate of dropouts by this method leaves out two important segments of the school-age population. It does not count children who enter a school's jurisdiction but do not enroll; nor does it count children who leave the district but do not enroll in another district. This procedure for counting continues, however, because reimbursement for students is based on a school's ability to maintain enrollment numbers. Thus, a school is not penalized for students over whom they have no knowledge or control. Unfortunately, this leaves a gap in actual numbers of children who do not continue their education.

Census data indicates that roughly 26% of Oklahoma's eligible population do not receive a high school diploma. As research indicates, children who drop out of school are more at risk of committing offenses than those who do not. In Oklahoma, a 16 or 17 year old child may, with the permission of his/her parent and the school superintendent, drop out of school. In grades 9 through 12, there were a total of 5,993 dropouts. Of this total, 73.7% were White children; 12.06% were African American children; 10.23% were Native American children; 3.30% were Hispanic children; and .7% were Asian American children.

The total population of high school dropouts (grades 9-12) in the combined MSA school districts totaled 3,845 students or 64% of the total for the state. Of this total, 73% were White students; 16% were African American students; 6.88% were Native American students; 3.11% were Hispanic students; and 1.01% were Asian American students.

In non-MSA counties, the number of dropouts totaled 2,148, or 35.83% of the total for the state. Of this total, 75.04% were White students; 16.2% were Native American students; 5.03% were African American students; 3.59% were Hispanic students; and .14% were Asian American students.

When comparing the difference in percentages between the Metropolitan Statistical Areas and non-Metropolitan Statistical Area dropout rates, the largest shift between the non-MSA

county and the MSA county groups appears to be with African American and Native American students. The total high school dropout rate for Native Americans is only 6.88% in MSA schools, but increases to 16.2% in non-MSA schools. On the other hand, in the non-MSA schools, the high school dropout rate for African American students is only 5.03%, but this percentage more than tripled to 16% in the MSA school districts.

The number of White high school dropouts in Oklahoma totaled 4,417 students. Of this total, 64.17% were from MSA schools, while 35.83% were from non-MSA schools. The high school dropout rate for African American students was 723 with 85.08% attending MSA schools and only 14.93% of the total attending non-MSA schools. The number of Native American students who dropped out was 613. Roughly 56% of this total attended non-MSA schools, while 43.26% were enrolled in a school district within an MSA. The total number of dropouts for Hispanic students was 197. Of this number, 60.93% attended MSA schools, and 39.07% attended non-MSA schools. The number of Asian American students who dropped out was 42. Almost 93% of this total attended MSA schools, while roughly 7% attended non-MSA schools.

Oklahoma City MSA schools comprised 31.04% of the total high school dropouts for the state. Roughly 36% of the state total of African American high school dropouts and 31.65% of the state total of White high school dropouts attended Oklahoma City MSA schools. Oklahoma City MSA schools also comprised 57.14% of the total Asian American high school dropouts in Oklahoma. Of the total high school dropouts who were Hispanic, 32.49% attended Oklahoma City MSA schools. Roughly 18% of the state total of Native American high school dropouts also attended Oklahoma City MSA schools.

Tulsa's MSA school districts, which include 5 counties, contained 25.92% of the state high school dropout population. Roughly 40% of the state's African American dropouts and 25.02% of the states White dropouts attended Tulsa MSA schools. Roughly 28% of the state's Asian American high school dropouts attended Tulsa MSA schools. The total of Hispanic high school dropouts attending school within the Tulsa MSA was 28. This represented 14.22% of the state's Hispanic high school dropouts. Roughly 19% of Oklahoma's total number of Native American students who were high school dropouts attended schools within the Tulsa MSA.

Districts within the Lawton MSA contained 4.66% of the states total high school dropout population. Less than 10% of each of the state totals of African American, White, Native American, and Asian American high school dropouts attended Lawton MSA schools. However, 12.18% of the state total of Hispanic high school dropouts attended school in the Lawton MSA.

Districts in both the Enid and Ft. Smith Metropolitan Statistical Areas contained less than 2% each of the state total of high school dropouts and less than 10% of the total state high school dropout population were represented by each race/ethnic group. Over-representation exists in Oklahoma's schools. It is most apparent among African American students in MSA counties and highest among Native American students in both MSA and in non-MSA counties.

Arrest Data

The authority for law enforcement to apprehend a juvenile is found in Oklahoma law at 10 O.S. 1107. A child who is 16 or 17 and alleged to have committed one of some 15 crimes is con-

sidered an adult and, although listed in this data, would be processed in the adult system.

Arrest data was retrieved on disk from the Oklahoma State Bureau of Investigation (OSBI). OSBI obtains data from law enforcement agencies on a monthly basis in compliance with the Oklahoma Uniform Crime Reporting program. Arrest data is collected by gender for offense and age and by gender for offense and race. Racial and ethnic groupings (R/E) are White, Native American, African American, Hispanic, Asian and non-Hispanic. Records for all but non-Hispanic are used. Age groupings are: Under 10 years; 10-12 years; 13-14 years; 15 years; 16 years; and 17 years. All but Under 10 years were used. One limitation of the data is that age and race cannot be compared. It is impossible to ascertain repeat arrests. A juvenile is counted each time he/she is arrested in a particular month. Thus, if apprehended more than once during a month, a juvenile could be counted more than once during that month. If a juvenile is arrested for several different offenses at the same time, the arrest is shown only for the highest offense committed at that time. If several juveniles are arrested for one offense, each child could conceivably be charged with the same offense.

Offenses are categorized in the following manner:

- Part 1 arrests include murder, rape, robbery and burglary;
- Part 2 arrests include other assaults, weapons offenses, alcohol offenses, stolen property, sex offenses and drug offenses;
- Status offenses include curfew, loitering and runaway.

(See appendix for a complete listing of offenses.)

For fiscal year 1991 under age groupings, there were 24,542 arrests entered into the system for those 10-17 years of age. There were 18,162 males and 6,380 females. Under R/E groupings a total of 26,304 arrests were logged in. There were 17,600 White children; 1,361 Native American children; 6,576 African American children; 679 Hispanic children; and 88 Asian American children arrested. Appendix E contains additional data on arrests.

On a statewide basis, the data for arrests of juveniles indicates that African American juveniles are the only minority that is over represented. African American juveniles represent 9.59% of the juvenile population in Oklahoma yet comprise 25% of all juvenile arrests. Other R/E groupings are under-represented. statewide, Native American juveniles comprise 11.24% of the juvenile population yet only 5.17% of the total arrested; Hispanic juveniles encompass 4.13% of the eligible juvenile population yet only 2.58% of the total arrests. Lastly, Asian American juveniles represent 1.16% of the eligible population and account for only 88 arrests, less than .33% for the entire fiscal year.

According to Oklahoma data, African American children are arrested almost three times as often as they are represented in the total eligible population. The Metropolitan Statistical Area Counties account for a large percentage of the arrests of African American children. The three largest Metropolitan Statistical Areas in the state: Oklahoma City, Tulsa, and Lawton account for the largest portion of this over-representation. One might expect the MSA counties to have a slightly higher rate due to the higher percentage found in the population, but not this much. It is impossible to know how many, if any, of these arrests are a result of gang-related activities. The survey indicated respondents believe most gang related crimes are committed by minorities. The MSA, especially Oklahoma City and Tulsa, receive a lot of press concerning gang activity. And, most of the reports concern African American gang members. Yet, gangs in those areas have

been reported in all racial and ethnic groups.

The Lawton MSA has the highest arrest percentage for African American juveniles; 40.85% of all juveniles arrested are African American. Lawton is significant in that it has a larger proportion of African American juveniles than found in other areas of the state. The African American juvenile population in Lawton represents 21.5% of the total juvenile population for that area. The Oklahoma City MSA has an arrest percentage of 29.02% for African American juveniles while the African American juvenile population is only 13.82%. The percentage of African American juveniles arrested in the Tulsa MSA is 10.61%, while African American juveniles represent 32.66% of those arrested. In the Enid MSA, 11.41% of those arrested are African American juveniles yet those children only represent 4.76% of the juvenile population. The Ft. Smith MSA is perhaps an anomaly. All of the 22 juveniles arrested in fiscal year 1991 were White.

In non-MSA counties, African American children are arrested at a higher rate than they are found in the non-MSA population, but at a lower rate than the three MSA's mentioned above. The non-MSA percentage of African American children is 5.01% while the arrest rate is 13.84%, considerably lower than the state percentage of 25.13%. The percentage of Native Americans arrested in non-MSA counties is 9.2%. For Hispanic children, the percentage is 2.8%, and for Asian American children .15%.

Part 1 arrests reveal an even higher rate of over-representation for African American children. African American children accounted for 31.8% of all Part 1 arrests, White children 60.15%; Native American children 4.64%; Hispanic children 3.03%; and Asian American children .3%. This percentage dramatizes the fact that African American children are not only arrested more often but are arrested for more serious crimes. In the MSA counties, African American juveniles represent 36.5% of all Part 1 arrests. When one looks at the non-MSA arrest rate for Part 1 crimes, the percentage drops to 18.04%.

Looking strictly at Part 1 offenses against persons as compared to Part 1 property crimes, again African American children are over-represented significantly. For the state, African American children represent 44.7% of all Part 1 arrests against persons and 29.6% for Part 1 property crimes.

Nationally, the Native American population has a higher arrest rate for public drunk than any other group. In Oklahoma, Native American children represented 17.46% of arrests for public drunk. They represent 11.24% of the total juvenile population. In non-MSA counties, 23% of the arrests for public drunk were of Native American children. In non-MSA counties, it was 16%.

Detention Data

Secure Detention

In Oklahoma, children may be placed in secure detention pursuant to 10 O.S. 1107. To be eligible, a child must meet certain criteria related to offense, escape status, assaultive/destructive behavior of child and probation/parole status.

The data contained in this section was collected for use by the Oklahoma Commission on Children and Youth in monitoring Oklahoma's compliance with the jail removal mandate of the

JJDP Act. Detention center staff completed logs on detained juveniles and the data was sent to OCCY for input into a system housed in the Department of Commerce. OCCY contracted with the Commerce Department to receive, store and retrieve the data. For the purposes of this study, the data was retrieved on disk from the Department of Commerce.

Offenses are categorized into four groups -

- Status offenses - which include such offenses as curfew, truancy and runaway offenses.
- Misdemeanor offenses - which include among other offenses disturbing the peace, public drunk and petit larceny.
- Felony offenses - such as murder, rape, burglary, and car theft.
- Other offenses - as a category contains miscellaneous offenses such as protective custody, awaiting transfer, and warrant unspecified.

(See Appendix F for a complete listing of detention offenses.) "Warrant - Unspecified" is not a statutory charge, however, it is listed as the reason for detaining a large number of children especially in the Tulsa Metropolitan Statistical Area. Warrant - Unspecified may be listed for a variety of reasons not related to a child. Detention center staff may neglect to ask for or to note an actual charge. Law enforcement may have taken a child into custody pursuant to 10 O.S. 1107 but not be prepared to indicate a charge at the time of detention. One other possibility is that the court may have issued a bench warrant or pick up order and the presenting party may not be aware of the initial charge.

Records for a total of 3,604 juveniles were logged into the system during fiscal year 1991. The scope of this study and some minor errors in data allowed for a total of 3,537 records to be examined for racial/ethnic (R/E), gender and age groupings. Appendix F gives additional information on detention. Limitations in the data are as follows:

- Inability to ascertain multiple charges;
- Inability to ascertain prior record;
- Inability to ascertain who made the initial screening decision;
- Difficulty in identifying an actual charge, especially in the Tulsa MSA;
- Difficulty in identifying repeat detainees, especially in the Tulsa MSA;
- Asian American children were not listed in the detention data. It is conceivable that although 87 Asian American children were arrested none were detained;
- Inability to ascertain at what point the detention occurs.

Statewide, a child is most likely to be charged with Burglary II, to be male and 16 years of age. He is 45% likely to be African American. The child will average 12 days in detention.

A juvenile from a Metropolitan Statistical Area county is more likely to be detained for Warrant - Unspecified and to be a 16 year old male child. This juvenile is 49% likely to be African American. He will stay in detention an average of 11 days.

The typical non-MSA county juvenile is detained for Burglary II but is a 17 year old male. He is likely to be White 64% of the time and will stay in detention an average of 21 days.

African American juveniles are detained at a higher rate than that found in the state's pop-

ulation. African American juveniles represent 9.59% of Oklahoma's population, yet 45.2% of all juveniles detained were African American. They were over-represented in non-MSA counties but not as dramatically as in MSA counties [(non-MSA pop 5.01%; detained 21%) (MSA pop 12.61%; detained 49.8%)]. In both the Tulsa and Oklahoma City MSA for felony offenses and in the Lawton MSA for both misdemeanor and other offenses, African American juveniles represented over 50% of those detained.

Native American juveniles were over-represented in MSA counties for status offenses and in non-MSA counties for other offenses. Both Native American and Hispanic juveniles were over-represented in Enid for felony offenses and in Lawton for misdemeanor offenses.

Females, particularly White females, were detained for status offenses at higher rates than were males. The average length of stay for females generally was 5 days, but it was 10 days for African American females.

Although 15 is the average age, juveniles age 16 are detained in higher numbers, especially White and African American male juveniles. Female juveniles tended to be younger than males both in average age and in peak age.

Children stayed longer in detention in MSA than in non-MSA counties. By and large, lengths of stay were longer in the Oklahoma City MSA for all children of color. For White children, the average lengths of stay were longer in the Enid MSA (23 days) and in the Ft. Smith MSA (13 days). Except for Hispanic juveniles, children in non-MSA counties tended to have longer average lengths of stay. One Native American juvenile spent 50 days in detention in a non-MSA county for larceny of an auto. The average length of stay was longest for African American juveniles in non-MSA counties at 27 days for all offenses. When looking at offenses in MSA counties alone, the average length of stay for White juveniles was longer by three days than for any other group. In the Enid MSA, White children tended to stay longer for felony offenses.

Non-Secure Detention

In Oklahoma, alternatives to detention or non-secure detention, consists of promise to appear (PTA); court-ordered shelter care; attendant care; and homebound detention. This data was retrieved on disk from the Department of Commerce. It, too, is collected for jail removal monitoring. The data is from JSU only. Bureau data is reported to OCCY in another format. Within JSU, however, limitations of data are:

- Inability to ascertain prior record;
- Inability to ascertain who made the screening decision;
- Difficulty in identifying an actual charge;
- Difficulty in identifying recidivists;
- Asian American children were not listed.

Shelter care, one of the major alternatives to detention, is not included in this report because of a lack of reliable data. The discrepancy between JSU data provided to OCCY and Youth Services data was so high that both sets of data are suspect.

The Promise to Appear, the most frequently used alternative, was not recorded as an action and although discussed is also suspect.

One can approximate the percent of juveniles not placed in secure detention by adding the recorded detentions and the recorded alternatives to detention and subtracting that number from the number of arrests. The total number of juveniles arrested in fiscal year 1991 were 26,304. The number of children placed in detention, court shelter care, homebound, and attendant care was 4,886. This means that, excluding Bureau Counties, 81.42% of all children arrested were not placed in secure detention. Of this 81%, some were placed in alternatives while other juveniles were released to a custodian on a Promise to Appear. Further study is required in this area; specifically a study of the criteria for the use of the PTA. Because of the limitations of the data, caution should be taken in interpretation.

Two of the Bureau counties, Oklahoma and Tulsa, developed statistics which were not collected in the same manner as those described herein. Therefore, unless otherwise stated, they are not included in the following data. Except for the PTA, Comanche County Bureau does not provide alternatives to detention. According to the above definitions, Tulsa and Oklahoma County utilize three forms of alternative detention. Both counties exercise growing homebound programs and use the PTA and shelter care. Tulsa uses shelter care often times to the detriment of the Tulsa shelter.

Tulsa County's homebound program for calendar year 1991 received 284 referrals and had a carryover from calendar year 1990 of 9 cases. This was an increase of 54 cases over their previous high. According to the Tulsa County Juvenile Bureau annual report, African American children represented roughly 51% of the total children placed on homebound detention; White children 44.5%; and Native American children 3.5%. This data compares with secure detention data when considering the percent of children incarcerated in detention during this same time frame: White children 45.8%; African American children 48.98%; and Native American children 4.29%. If one looks solely at the percentage of children detained in Tulsa County and compares that with the number placed on homebound, it appears that minority children are placed on homebound at approximately the same rate as they are detained. Obviously, the problem with that comparison is that the number of African American children referred to detention to begin with is vastly over-represented.

The Oklahoma County Juvenile Justice Bureau annual report indicated that the homebound detention was used with 298 juveniles during fiscal year 1991. Oklahoma County statistics are based on fiscal year 1991, but their report does not indicate the race of those placed on homebound. Without data reflecting the racial/ethnic breakdown of these children, it is impossible to draw valid conclusions concerning the over-representation of minorities in this area. During FY 1991, the Oklahoma County program was expanded to include electronic monitoring for high-risk runaways and habitual offenders. Criteria for use and the breakdown by race of those placed on electronic monitoring is an area for further study.

The alternatives to detention program provided services to 298 juveniles eligible for secure detention. Of the 298 juveniles placed on homebound detention, 38 or 12% were referred back to secure detention. Of the 38 referred back to secure detention, six had committed new offenses.

Data for the rest of the state reveals 734 children placed in one of the three alternatives to detention options (attendant care, court shelter homes, and homebound detention). This data indicates that White children made up 67% of those placed in these alternatives; Native American children represented 18.9%; African American children 10.5% and Hispanic children 3% of the total. Native American children were over-represented in this area.