

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

Report Release Date: February 2, 2012

**Review of the Death of Klisha Brown
of Pittsburg County of Oklahoma**

General Information

On June 9, 2011, the Office of Juvenile System Oversight (OJSO) received a request for a public report pursuant to Title 10A Section 1-6-105 in regard to the death of four-month-old Klisha Brown, who died on June 2, 2011. The alleged perpetrator, Damon Landry, the boyfriend of a relative, who was babysitting the child at the time of her death, was charged with First Degree Murder on June 7, 2011.

The following is a summary of the actions taken by the Oklahoma Department of Human Services (OKDHS); the dates and outcome of investigations and actions taken by the OKDHS; the actions taken by the district attorney; the dates and summary of judicial proceedings; and the rulings of the court, as authorized by 10A O.S. Section 1-6-105 (below).

Authorization

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

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

1. The circumstances of the investigation of the death or near death of the child; and
2. Any other investigations concerning that child, or other children while living in the same household.

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

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

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

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

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

e. the rulings of the court.

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

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

Identifiers:

Child's name: Klisha Brown
Date of Birth: February 4, 2011

Alleged Perpetrator: Damon Landry

Sibling 1 Two-years-old

Sibling 2 One-year-old

The Oklahoma Commission on Children and Youth did not become aware of this case until after Klisha's death.

Case History

Report 1 (October 28, 2009)

The Pittsburg County OKDHS office received the first report in regard to this family on October 28, 2009. The report alleged that four adults and six children all under the age of five lived in a one bedroom house. The report further alleged that the parents did not supervise the children properly, there was no electricity in the home at times and that the infant was left alone for hours at a time.

The OKDHS accepted the report as a Priority I Assessment. Those persons documented in the Assessment as offering information included the parents, two collaterals, and a visual observation of the child. The OKDHS documented that all adults denied the allegations of the child being left unattended, that they were ever without utilities, or that anyone else resided in the home. The OKDHS documented that the infant appeared to be clean and wearing appropriate clothing.

The OKDHS documented that the parents appeared to be capable of meeting the infant's basic needs. The OKDHS documented in the Assessment of Child Safety that the baby was safe but did make the recommendation that the parents ensure that the children were properly supervised at all times.

Report 2 (November 25, 2009)

The Pittsburg County OKDHS received a second report on November 25, 2009. The report alleged that a relative took the seven-month-old baby into a bar. It was further alleged that the person with the relative left her three small children in the car, after dark, while the adults were in the bar.

The OKDHS accepted the report as a Priority II Assessment, with ten days in which to initiate contact with the child victim. Those persons documented as having participated in the Assessment included the parents, a relative, three collaterals, and visual observation of the child.

The OKDHS documented that all allegations were denied by the adults. The OKDHS also documented that the child appeared healthy and clean and that the home was clean and free of safety hazards. The OKDHS did recommend to the parents that they properly supervise the child and that the parents complete Parent Aide services. The parents signed the Voluntary Service Agreement on January 15, 2010, to receive services. The OKDHS documented in the Assessment of Child Safety that the child was safe.

Report 3 (March 4, 2010)

The Pittsburg County OKDHS received the third report, on March 4, 2010. The report alleged that the mother had left a ten-month-old child with the father and that when the mother returned the child was alone. The mother repeatedly left the child with the father which resulted in the child being left alone on more than one occasion. It was also alleged the father had been using marijuana.

The OKDHS accepted the report as a Priority I Investigation. Those persons interviewed during the investigation included the parents, nine collaterals, and a visual observation of two children as the mother gave birth to her second child during the OKDHS investigation.

The OKDHS documented that the father admitted to leaving the child in the home alone for approximately two hours, however, denied the use of marijuana.

The OKDHS set up a Protective Plan that the father would not be left unsupervised with the child and placed Comprehensive Home Based Services (CHBS) in the home. The OKDHS made an overall finding that the allegations were Substantiated and Services were recommended.

The OKDHS documented in the Assessment of Child Safety that the child was safe. It was further documented in the Assessment that the parents agreed to participate in the CHBS services and that the mother would not allow the father to have unsupervised contact with the children. The OKDHS and parents further agreed that another relative would check on the family weekly.

In the OKDHS Voluntary Safety Plan it was documented that Damon Landry who resided with the grandmother would be available for the mother if she ever needed time to herself or had to run errands and was unable to watch the children. He was also documented as being responsible for implementing safety plan components.

Report 4 (May 28, 2010)

The Pittsburg County OKDHS received a fourth report on May 28, 2010. The report alleged that a one-year-old child was found alone in the middle of the street with no adult supervision. Allegedly a twelve and thirteen year old, were watching the two-month-old and the one-year-old. The reporter alleged the adults in the home used drugs.

The OKDHS accepted the report as a Priority I Investigation. Those persons interviewed during the investigation included the parents, two live-in friends, four collaterals, and a visual observation of the two children.

The OKDHS documented an overall finding of Unsubstantiated with Services Recommended. The parents and collaterals denied that the children had been left with the father or any teen aged children. The OKDHS also documented a recommendation that the family continue to participate in the CHBS services and that the father have no unsupervised contact with the children.

The OKDHS documented that the children were safe and stated that "Based on the safety assessment, there is a determination that the child(ren) below is in an environment without any safety threats."

Report 5 (August 4, 2010)

The Pittsburg County OKDHS received a fifth report on August 4, 2010. The report alleged CHBS was in the home and that the mother continued to leave the children alone with the father. It was alleged that the mother kept the children with her for two or three days, then sent them to a relative due to being stressed out and that the children were left with another relative for weeks at a time. The report alleged the children had dirty hair and dried food all over their hands and face.

It was also alleged that there was no gas in the mother's home for some time as well as no running water in the home. In addition, that the house was dirty with trash everywhere.

The OKDHS documented that the CHBS worker stated the last time the family was seen was on July 22, 2010, but that she had appointments with the family scheduled for the last two Wednesdays and the family was not home for either appointment.

The OKDHS documented that the CHBS worker stated that Sibling 2 spit up all the time and usually smelled like formula. The provider was further documented as having stated that the home had clothes all over and the family slept on a mattress on the floor.

The OKDHS documented that the service provider did not have concerns about the care the mother provided to the children and felt like CHBS would be able to assess the situation and address any concerns without OKDHS coming back into the home. The CHBS case was scheduled to close September 24, 2010, and the service provider was documented to have said that if things got worse she would call OKDHS. The OKDHS documented that the mother was pregnant again.

The OKDHS screened the report out as not child abuse or neglect and documented that CHBS was in the home providing services to the family and reported no concerns in regard to the children's hygiene, conditions of the home, or lack of utilities. It was further documented that the CHBS provider had never seen the children left with the father.

Report 6 (August 20, 2010)

The Pittsburg County OKDHS received a sixth report on August 20, 2010. The report alleged there was no food or water in the home and that Sibling 1 had a bruise on the child's face. The family allegedly was using jugs of water from outside sources in order to make bottles for Sibling 2.

The OKDHS documented contacting the Service Provider who reported they had last seen the family three weeks ago and there was no water in the home but the children were staying with another relative. It was further documented the family had missed three appointments with the Service Provider who planned to staff the case with her supervisor to see if OKDHS needed to be contacted.

The OKDHS accepted the report as a Priority II Investigation with seven days in which to initiate contact with the child victims. Those persons interviewed during the investigation included the parents, three collaterals, and a visual observation of both children.

The OKDHS documented an overall finding of Substantiated with Services Recommended. The OKDHS documented that the Comprehensive Home Based Services case was closed the past week due to noncompliance. The OKDHS documented that the mother at one time appeared to have protective capacities but that had diminished. The children were at a relative's house and the mother wanted them back in her home. The mother denied she had missed appointments with the CHBS provider and stated the worker had not been to her home but did admit to not being at home the past two weeks.

The OKDHS documented that the parents were not able to meet the children's basic needs of shelter and food as they were currently being evicted. The OKDHS

documented that a relative was in the process of obtaining guardianship of the children and a hearing was set for October 20, 2010. The OKDHS recommended that the parents participate in a Family Service Centered case. The parents signed the Voluntary Service Agreement on October 15, 2010. The OKDHS also documented that due to the parent's history of non-compliance they recommended that the relative follow through with guardianship to assure the safety of the children.

Report 7 (February 11, 2011)

The Pittsburg County OKDHS received a seventh report on February 11, 2011. The report alleged that one-year-old Sibling 2, was taken to an emergency room this date with a burn the size of a quarter on the back of the child's hand. The mother reported the two-year-old child knocked the younger child into an electric heater on February 9, 2011. The child was taken to a local emergency room and the family was told to take the child to a Tulsa burn center as soon as possible. The reporter stated that at the time of the injury the child was in the care of a relative.

The OKDHS screened out this report and documented that it was not child abuse or neglect but that there was a history with this family in regard to lack of supervision, however, in this instance the children were supervised by a relative.

Report 8 (May 26, 2011)

The Pittsburg County OKDHS received an eighth report on May 26, 2011. The report alleged that all three children were at staying with a relative for the past couple of weeks due to no electricity, food, or running water in the family's home. It was also alleged that one night the four-month-old baby was ill and the mother was at a bar. It was further alleged the child was yellow, had Respiratory Syncytial Virus (RSV), and a low oxygen level.

The OKDHS accepted the report as a Priority I Investigation. Those persons interviewed during the investigation included three persons responsible for the child, five collaterals, and visual observation of the three children. The OKDHS made an overall finding of Unsubstantiated with Services Recommended.

The OKDHS documentation reflected the children were residing with a relative due to plans made by the family before the OKDHS was involved, but when the worker went to the home on May 26, 2011, the children were eating food off the floor, that there were clothes all over the home, a broken window, no electricity or running water and that the mother refused to allow the worker to look inside the family refrigerator. The mother was documented to have told the worker that there was no food as the children had been staying with relatives.

The OKDHS worker also documented a strong odor of marijuana in the home and that there was a strong odor of feces and urine in the bathroom with dirty diapers all over the floor. The mother reported to the OKDHS that Klisha had been taken to a hospital for Respiratory Syncytial Virus (RSV) about two weeks earlier, and that the child had lost weight due to the virus.

The OKDHS documented that during this open investigation, another report was received due to the death of Klisha. That report was also documented by the OKDHS to have resulted in the removal of her siblings from the home. The OKDHS recommendation documented was that all recommendations in the new investigative report be followed.

Report 9 (June 2, 2011)

The Pittsburg County OKDHS received a ninth report, on June 2, 2011. The report alleged that three-month-old Klisha Brown was transferred from the McAlester Regional Medical Center to a children's hospital in Tulsa due to trauma to her head and retinal hemorrhage in both eyes. The child also had bruises which included the left lower abdominal area, the right rib area, and three round bruises above the umbilical cord area. The bruises were described as purplish in color.

The child was documented by OKDHS in the report as having been admitted to a medical facility in May of 2011 for respiratory issues and a diagnosis of Failure to Thrive. OKDHS accepted the report as a Priority One investigation. Those persons interviewed during the investigation included four PRFC's, four collaterals, and visual observations of three children.

The OKDHS documented in the Summary/Recommendation portion of the Report to the District Attorney that the investigation was ruled Substantiated with Court Intervention Recommended. The OKDHS also documented that the mother admitted that she was aware that Damon Landry had "disappeared" two or three weeks prior to the child's death due to allegedly using methamphetamine and marijuana. The mother was documented to also have acknowledged that Damon Landry was "crazy" and would kick things when he was angry; and that he had allegedly blackened a relative's eye previously. The mother continued to allow her children to be kept by Damon Landry knowing he was allegedly violent and allegedly used drugs.

The OKDHS documented that Damon Landry initially stated that Klisha had stopped breathing, that he administered CPR, and denied that he had injured the child. The OKDHS also documented that he later told the police that he was feeding the baby and she threw up on him. He then admitted that he shoved the child off of his lap and she landed on the floor.

The OKDHS documented that medical professionals stated that Klisha had extreme retinal hemorrhages in both eyes and detached retinas which could only have occurred due to violent shaking. Medical professionals also reported that the child was brain dead and the life support would be turned off.

The OKDHS recommended that the guardianship by the relative of the surviving siblings be dismissed and that both children be placed in OKDHS custody. The OKDHS further documented that the children were unsafe in the home. The OKDHS documented there was extensive family history with the OKDHS. The OKDHS also documented the condition of the family's home had been a continual problem, that both parents were aware that Damon Landry was babysitting the children, and that the mother had knowledge of his alleged violent behaviors and alleged drug use.