

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

Report Release Date: February 10, 2010

**Review of the Death of Eli Johnson
of Oklahoma County, Oklahoma**

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

General Information

On September 17, 2009, the Office of Juvenile System Oversight (OJSO) received an inquiry regarding the death of Eli Johnson, a three-year-old child who was taken to a hospital emergency room in critical condition by his biological mother and her boyfriend. On October 7, 2009, first degree murder charges were filed against the child's mother, Tye N. Johnson, and her boyfriend, Eddie E. Valdez. The following is a summary of the actions taken by the Oklahoma Department of Human Services (OKDHS); the actions taken by the district attorney; judicial proceedings; and the rulings of the court, as authorized by 10A O.S., Section 1-6-105, B, D, and E (previously numbered as 10 O.S., Section 7005-1.9) below.

Authorization

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

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

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

D. 1. At any time subsequent to seven (7) days after the date the person responsible for the child has been criminally charged, the Oklahoma Commission

on Children and Youth shall, upon request, release certain information to the public within sixty (60) days of the request as follows:

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

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

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

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

e. the rulings of the court.

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

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

Identifiers:

Child's Name: Eli Kevin Johnson
Date of Birth: January 26, 2006
Date of Death: September 16, 2009

Alleged Perpetrators: Tye Nicole Johnson
Eddie Everado Valdez

Sibling: Child 2, a two-year-old child

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

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

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

The OJSO reviewed the child welfare history on the family that occurred prior to the child's death. The OKDHS had documented one referral regarding the child's family.

First Report Alleging Abuse/Neglect Received by the OKDHS (November 6, 2008)

The OKDHS received the first referral regarding the family on November 6, 2008. The report alleged that Eli Johnson had been injured while in the care of his biological mother. The reporter stated that the child's buttocks were covered with bruises after he had been with his mother. The reporter was uncertain what the mother had used to spank the child. The caller reported that the father had taken the child to the doctor and that the doctor had recommended that the father file a police report. The police report was dated November 3, 2008. Reportedly, the police took photographs of the bruises, and the bruises were at the stage of turning green.

The OKDHS accepted the report as a Priority I investigation. The OKDHS documented contact with Eli and his younger sibling on November 8, 2008, after consecutive attempts to contact on November 6, 2008, and November 7, 2008.

The OKDHS documented interviewing the mother, father, paternal great-grandmother, and three collateral witnesses. The OKDHS also documented observing Eli and his sibling.

OKDHS documentation stated that the worker had observed "faded marks on both cheeks of his (Eli's) buttocks and in the middle of his back . . . [and] a faint healing mark on the right side of his face around his eye." The OKDHS documented that a physician had observed bruising on both buttocks with "what appears to be finger length projections extending onto the right buttock and another separate small yellow bruise over the right SI area" and a "small superficial laceration over the lateral left eyelid." The doctor documented, "Unknown etiology."

The OKDHS finding was Confirm-Services Recommended. The OKDHS documented that the mother agreed to participate in preventive services; however, according to an OKDHS case contact note dated December 11, 2008, the service provider reported they had not received a referral to provide the services. An OKDHS case note dated

January 7, 2009, stated that a counselor had been working with the mother for three weeks on anger management and that the mother had another session with the counselor on January 8, 2009. This was the last case contact documented until September 17, 2009, which was after Eli's death.

The OKDHS case contact note dated November 8, 2008, further documented instructing the father not to allow the children to go back to the mother's home until the OKDHS investigation was completed and preventive services were placed in the mother's home. The OKDHS documented informing the mother that supervised visitation would occur until she had completed most of the preventative services, at which time the regular custody schedule would resume. The mother had signed the voluntary services agreement.

An OKDHS contact note dated December 11, 2008, stated that following communications with the district attorney's office, the current safety plan would need to be amended to comply to the court order granting visitation between the mother and the children.

Another OKDHS case contact note dated December 11, 2008, documented that the mother had notified the OKDHS that she had not yet initiated preventive services. According to documentation, the OKDHS did not request court intervention at that time; however, the OKDHS case closure summary for November 15, 2008, through December 5, 2008, documented that the district attorney's office had declined to file a deprived petition regarding the children.

An OKDHS case contact note dated December 12, 2008, documented the amended safety plan. The children would visit in the mother's home during the day in accordance with the visitation schedule of the court order if another adult was present, as the mother was not to be left alone with her children or her boyfriend's child. The mother's children were to return to their father's home during sleeping hours. The children's mother and father both agreed to the mother's boyfriend or his sister supervising the mother's visits with the children. OKDHS documentation did not indicate that the district attorney's office was made aware of the amended safety plan.

Second Report Alleging Abuse/Neglect Received by the OKDHS (September 16, 2009)

The OKDHS received a report on September 16, 2009, notifying the OKDHS of the death of Eli Johnson. The caller reported that Eli's two-year-old sibling was removed from their mother's custody and placed in police protective custody, due to allegations of physical and sexual abuse of both children. The report alleged that Eli had bruises and abrasions all over his body and that pubic hair had been found on his genitals and in his underwear. The report also alleged that the two-year-old sibling had multiple small bruises on the body and that the child possibly had abrasions on the left thigh beneath the buttock and bug bites on the body. Eli had died on arrival at a hospital emergency room.

The OKDHS accepted the report as a Priority I investigation. The OKDHS documented interviewing the biological parents, the mother's boyfriend and his wife, and four relatives and eight persons of professional capacity as collateral witnesses.

The OKDHS documented observing the deceased child and his sibling on that same date. The deceased child was observed as having multiple bruises of varying stages and sizes all over his body, an open sore or cut on his lips, and a reddened color in the hip and genital areas. The child possibly had injury to the anus.

The two-year-old sibling was observed as having bruises on the arms, legs, upper stomach, face, forehead, and genital area.

The OKDHS documented from an interview conducted with the biological mother on September 16, 2009, that the mother said that a year earlier she had reported that she had left Eli with Valdez while she was at work and that Eli had bruises when she returned home. She said that Valdez told her that Eli had fallen. The OKDHS documented that the mother said that she was supposed to attend anger management and parenting classes and had started the classes, but that she had not completed them. As a result, the mother's contact with her children was supposed to be supervised. The OKDHS approved Valdez and his sister to supervise those visits. The OKDHS also documented the biological mother had stated that "there was also a time when Eddie (Valdez) left bruises on Eli's butt but she told DHS she did it."

The OKDHS overall finding was Confirm-Court Intervention Requested, with a determination of shocking and heinous, which included a recommendation by the OKDHS for termination of the biological mother's parental rights to the younger sibling.

Protective Custody (September 16, 2009)

OKDHS documentation indicated that the younger sibling was placed in protective custody on September 16, 2009.

Murder Charges Filed (October 7, 2009)

First degree murder charges were filed against the children's mother, Tye N. Johnson, and the mother's boyfriend, Eddie E. Valdez, on October 7, 2009.

