



REVIEW OF DEATH OF STEVEN POWERS, III
OF WAGONER COUNTY, OKLAHOMA
Report Release Date: July 26, 2022

Overview

This review is regarding the death of four-year-old Steven Powers, III. A felony charge of Manslaughter in the First Degree was filed by the Wagoner County District Attorney on August 26, 2019, against the biological father, Steven Powers, II. His case was passed to March 28, 2022. A felony charge of Murder in the Second Degree was filed by the Wagoner County District Attorney on August 26, 2019 against the stepmother, Tina Powers. Her case was dismissed on April 6, 2021 without prejudice to re-filing in Federal or Tribal Court of appropriate jurisdiction.

Identifiers:

Child's Name: Steven Powers, III
Date of Birth: August 15, 2015
Date of Death: August 15, 2019

Person(s) Responsible for the Child (PRFC):
• Steven Powers, II
• Tina Powers

Step-Sibling One: Twelve years
Step-Sibling Two: Fourteen years
Relative One: Three years

Actions

The release of the following summary of the actions taken by the Oklahoma Department of Human Services (OKDHS) and the proceedings in the District Court is authorized by 10A O.S. Section 1-6-105

The OJSO did not become aware of this case until after the death of Steven Powers, III.

Child Death Incident

The child death report was received by the Wagoner County OKDHS on August 13, 2019. Reportedly, the family was at the lake and three-year-old Steven Powers, III was found in the lake. Steven had been under the water for about fifteen minutes. The location of the parents was unknown. Steven was on a ventilator and had no purposeful neurological activity.

The OKDHS accepted this report as a Priority II Investigation.



Investigation

The persons interviewed during the investigation included the biological father, Steven Powers; the stepmother, Tina Powers; and various collaterals.

The OKDHS documented that when they initiated the investigation on August 14, 2019, Steven was at a medical facility in a medically induced coma and on a ventilator. The OKDHS documented that a medical professional stated Steven was stable, pupils were reactive, and there were no signs of bruising to the outside of his body. The medical professional stated it appeared Steven was having mini seizures as his eyes were fluttering. The medical professional was worried about phenomena due to the lake water being in his lungs. The medical professional stated that if Steven survived, he would be on a ventilator for at least a week. The OKDHS was notified that Steven passed away on August 15, 2019, which was his fourth birthday.

The OKDHS documented they met with Mr. Powers and Mrs. Powers at the medical facility with Steven. They stated the family was fishing when Mrs. Powers left to go to the store to get drinks. Mr. Powers was left at the lake with Steven, Step-Sibling One, Step-Sibling Two, and Relative One.

The OKDHS documented that Step-Sibling One and Step-Sibling Two stated they went to the dock to swim after lunch. Step-Sibling One and Step-Sibling Two stated they decided to walk home after swimming. They stated the rest of the family was at the opposite side of the lake fishing. As Step-Sibling One and Step-Sibling Two were walking home, they stated they saw the first responders' vehicle lights. While Step-Sibling One and Step-Sibling Two were running towards the lights, Mr. Powers walked over to them and stated, "Don't go down there, he is dead." Step-Sibling One and Step-Sibling Two stated they ran to the bank and grabbed Relative One and took Relative One away. Step-Sibling One and Step-Sibling Two stated there was a man giving Steven cardiopulmonary resuscitation (CPR). Step-Sibling One and Step-Sibling Two stated when they got to the bank, Mrs. Powers was wet; however, Mr. Powers was not. They stated that Mr. Powers and Steven had been on opposite ends of the bank.

The OKDHS documented Mr. Powers stated he heard Steven tell Relative One, "Let's go deeper." Mr. Powers stated he told them no and then turned his attention to his fishing pole for only a few moments. Mr. Powers stated they were on the bank of the lake. Mr. Powers stated he turned back around, and Steven was gone. Mr. Powers stated he jumped in the water to search for Steven. Mrs. Powers was called by a collateral witness and she immediately returned to the lake. Steven was eventually located underwater. Mrs. Powers performed CPR until the paramedics arrived. This information was different from what the children had told the OKDHS.

The OKDHS documented Mr. Powers admitted to taking four Xanax prior to taking the children to the lake. The OKDHS documented that during Mr. Powers' interview he stated, "Do you know how many times I have been high and cared for the children?" The OKDHS documented Mrs. Powers admitted that she knew Mr. Powers had taken the Xanax, yet Mrs. Powers still left Mr. Powers alone to care for the children.

The Medical Examiner's (ME) report stated the Probable Cause of Death was Drowning and the Manner of Death was an Accident.

The OKDHS made a Substantiated Finding of Neglect/Death by Steven Powers, II, and Tina Powers to

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Steven Powers, III. The OKDHS requested a deprived petition be filed on behalf of Step-Sibling One, Step-Sibling Two, and Relative One, due to the negligence of Steven Powers, II and Tina Powers which led to the death of Steven Powers, III. The OKDHS documented that “Mr. Powers chose to take four Xanax which diminished his protective capacity to care for the children. Mrs. Powers chose to leave the children in the care of Mr. Powers knowing he was under the influence of narcotics.”

Prior Involvement of the PRFC with the Oklahoma Department of Human Services

The OJSO identified one pertinent report of child abuse and neglect prior to the child death of four-year-old Steven Powers, III.

The pertinent report involved two older siblings that were no longer in the parents' care. The report was received by the Wagoner County OKDHS on May 10, 2013. Reportedly, a child was brought into the emergency room unconscious. A medical professional stated Mr. Powers heard a “thud” in the other room and ran to see what happened and saw the child was unconscious. It was reported that Mr. Powers immediately took the child to a medical facility.

The OKDHS accepted this report as a Priority I Investigation.

During the investigation, the OKDHS stated the child was treated, recovered, and released. The child and the sibling were placed in an out of home safety plan with a relative until a determination could be made as to the cause of the injury. Mr. Powers was made aware that he could have no unsupervised contact with the children.

The OKDHS documented that Mr. Powers was wearing a neck brace. The OKDHS documented Mr. Powers broke his neck in March after he wrecked his car while intoxicated and under the influence of Xanax.

On May 19, 2013, the safety plan was broken when Mr. Powers took the children from the safety monitor's home. The OKDHS documented the children were placed in emergency custody when the children were recovered on May 20, 2013.

The OKDHS documented in the Assessment of Child Safety, on May 24, 2013 that Mr. Powers “had a drug problem,” and was known to keep the “children housed where drugs are manufactured.” The OKDHS documented a concern regarding the ability to keep the children safe and make the right decisions for the children.

The OKDHS made a Substantiated Finding of Abuse/Other by Steven Powers, II to a child. The OKDHS made a Substantiated Finding of Failure to Protect by a relative to a child. The OKDHS requested a deprived petition on behalf of the children.

Judicial Proceedings Prior to the Child's Death

The OJSO identified one relevant judicial proceeding prior to the child death incident. The proceeding involved two older siblings that were no longer in Mr. Powers' care. Those children were removed from the care of Mr. Powers and placed in OKDHS custody in May 2013. The petition filed stated the reasons for

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removal of the children were failure to provide supervision, threat of harm, unsafe shelter, and substance abuse. The petition stated, “The natural father has a history of substance abuse which impacts his ability to care for his minor children, the natural father engages in substance abuse in the presence of his minor children.”

Mr. Powers failed to complete his Individual Services Plan (ISP). The children were placed in the care and custody of a relative.

