



# **State Plan for the Establishment Of Juvenile Detention Services**

# State Plan for the Establishment Of Juvenile Detention Services

## Resolution

WHEREAS, the Board of Juvenile Affairs is authorized by law to develop, adopt and implement a plan for the establishment of detention facilities and services known as the State Plan for the Establishment of Juvenile Detention Services (State Plan); and

WHEREAS, the State Plan may be amended or modified only by the Board of Juvenile Affairs as necessary and appropriate;

THEREFORE, BE IT RESOLVED, that the Board has not and will not delegate its authority to any person to act on its behalf or to make representations as to the Board's intent in determining the number or geographic location of beds to be included in the State Plan.

## History

Concern over the negative effects of incarcerating juveniles in adult jail facilities led the State of Oklahoma to begin to consider other options. Plans to remove juveniles from these adult facilities began in the 1970's. In 1978, then Governor David Boren, directed the Criminal Justice Services Division of the Department of Economic and Community Affairs to conduct a study of the State's detention practices for juveniles.

Court Related and Community Services, a branch of the Department of Human Services, participated directly in the study by providing all necessary information relating to the practice of placing juveniles in locked facilities. The outcomes of the study documented that in 1979, seven thousand eight hundred (7,800) juveniles were confined in locked facilities. Four thousand one hundred fourteen (4,114) or almost fifty-three percent (53%) of these juveniles were held in adult facilities. Data collected from the same geographic region in 1980 indicated that rural admissions of juveniles into adult jail facilities had increased to four thousand nine hundred (4,900). Incidents of abuse, mistreatment and loss of life by suicide increased with the rise of incarceration.

The Oklahoma Legislature passed reform legislation in 1980 that prohibited the jailing on juveniles who were alleged to be Deprived or In Need of Supervision. The restrictions for the use of adult jails broadened in 1982 when the legislature mandated that "after July 1, 1985, no child may be detained in any jail, adult lockup or other adult detention facility." Statutes gave a mandate to the Oklahoma Commission of Human Services in 1982 to "develop and implement a plan for juvenile detention services." The Commission approved the initial "Plan for Juvenile Detention Services" in February 1984. That document is the original "State Plan for the Establishment of Juvenile Detention Services."

Further legislation extended the 1985 deadline to July 1, 1987. The legislature again extended the jail removal deadline, setting a new deadline for January 1, 1988. The State of Oklahoma met the January 1, 1988 deadline by establishing contracts with county governments to provide secure regional detention programs.

The original plan called for a system of short-term and full-service facilities. The two (2) short-term facilities were to hold juveniles up to five (5) days, at which time the juveniles would be released or transferred to a full-service facility. The five-day time frame was later changed to fifteen (15) judicial days. Short-term facilities were not required to provide educational or recreation services. Once a juvenile was moved to a full-service facility, a variety of services including education and recreation were then provided.

The 1985 revised State Plan for the Establishment of Juvenile Detention Services authorized up to four additional short-term detention facilities. However, the plan never came to fruition. The concept of short-term centers bringing juveniles into the full-service centers so that a full range of services could be provided seldom became a reality, based upon the fact that those full-service facilities were typically at full capacity. The lack of bed availability at full-service facilities, coupled with the fact that every juvenile is entitled to a full array of services upon admission to detention, precipitated the two existing short-term facilities to be funded so that services equivalent to those offered at full-service facilities could be provided. The State Plan was again modified in 1994. Additional secure detention services were added and the two short-term facilities were converted to full-service facilities.

Each of the full-service detention facilities, now commonly referred to as juvenile detention centers, is required to be certified by the Office of Juvenile Affairs, Office of Public Integrity (OPI). Juvenile detention centers must meet standards for certification promulgated by the Board of Juvenile Affairs, the body responsible for juvenile detention facilities and services. The standards shall include, but are not limited to, screening for detention, providing education, providing recreational and religious programming, and providing emergency medical care including dental and mental health care.

Transportation services are an integral part of the State Plan. Legislation was passed in 1994 directing county sheriffs, their designee, private contractors, or juvenile court officers to provide transportation services to and from secure detention for the purposes of admission, inter-facility transfer, discharge, medical or dental attention, court appearance or placement designated by the Office of Juvenile Affairs (OJA).

In 1997, the Board of Juvenile Affairs authorized the Office of Juvenile Affairs to explore the need for additional secure detention beds in North Central and South Central Oklahoma. OJA examined the need for additional detention beds and at the time it appeared that although there were geographical gaps, there was not a need for additional beds and no new detention facilities were built.

The State Plan for the Establishment of Juvenile Detention Services was updated and revised, again, in 2008 to reflect changes in trends and recommending changes such as enhancing the OJA high-risk transportation system or allowing the detention centers to receive the current reimbursement rate (\$12.00 per hour, mileage reimbursement and \$6.00 for meals) that would result in the juveniles being transported more efficiently, with greater cooperation and collaboration among the detention centers. The expansion of transportation needs never came to fruition and will be explored.

In 2008, the trends indicated a need to either expand the six (6) bed centers or add an additional two (2) more detention centers based on arrest data and the number of admissions to detention. This expansion did not occur as OJA began an effort to diligently educate local Judiciary, District Attorneys and law enforcement to reduce the numbers of youth inappropriately placed in secure juvenile detention centers. Although youth are placed in secure detention through a judge's court order, OJA has been more active and vocal in recommending youth not be placed in detention if they do not meet the statutorily defined criteria. These efforts have helped reduce the inappropriate placement of these youth in juvenile detention centers.

Other recommendations, in 2008, included placing the Youthful Offender population on separate pod/units within juvenile detention centers so that they would not be housed with younger, non-violent or less aggressive offenders. New legislation, in 2016, prohibited status offenders from being detained solely on a status offense or violations of a valid court order. This legislation, coupled with increased education of stakeholders, has led to a reduction of low-level offenders being detained and, therefore, the need for separation is not as imperative as in 2008. The federal JJDP Act, reauthorized in 2018, will require Oklahoma to revise Youthful Offender statute regarding their eligibility for placement into adult jails.

Youth with mental health needs have placed additional stress on the detention centers, the youth and their families. The ability for these centers to obtain adequate mental health screenings and services plays a vital role. For youth, who have been determined to have a serious mental health need, efforts began to screen these youth out of detention into more appropriate settings. In addition, funding has been approved by the Board of Juvenile Affairs to initiate mental health services for youth in detention centers. Appropriate referrals should be made for mental health services to include: in-home crisis management, inpatient mental health services and wrap around services for the youth and their family in the community.

Additionally, Oklahoma State Statute, 10A O.S. § 2-7-401, addresses the Juvenile Detention Improvement Revolving Fund. OJA continues to recommend the Legislature appropriate monies to allow for capital improvements to juvenile detention centers.

## Oklahoma Law on Secure Detention

It is imperative to the people and the children of Oklahoma, that the use of secure detention for juveniles is utilized in accordance with Oklahoma law. When a child is taken into custody pursuant to the provisions of the Oklahoma Juvenile Code, the child shall be detained only if it is necessary to assure the appearance of the child in court or for the protection of the child or the public.

### **Lawful Use of Detention – Statutory Definitions**

10A O.S. § 2-3-101(A)(B)

"Secure detention" means the temporary care of juveniles who require secure custody in physically restricting facilities:

- a. while under the continuing jurisdiction of the court pending court disposition, or
- b. pending placement by the Office of Juvenile Affairs after adjudication;

Further:

No child shall be placed in secure detention unless:

1. The child is an escapee from any delinquent placement;
2. The child is a fugitive from another jurisdiction with a warrant on a delinquency charge or confirmation of delinquency charges by the home jurisdiction;
3. The child is seriously assaultive or destructive towards others or self;
4. The child is currently charged with any criminal offense that would constitute a felony if committed by an adult or a misdemeanor and:
  - a. is on probation or parole on a prior delinquent offense,
  - b. is on preadjudicatory community supervision, or
  - c. is currently on release status on a prior delinquent offense;
5. The child has willfully failed or there is reason to believe that the child will willfully fail to appear for juvenile court proceedings;
6. A warrant for the child has been issued on the basis that:
  - a. the child is absent from court-ordered placement without approval by the court,
  - b. the child is absent from designated placement by the Office of Juvenile Affairs without approval by the Office of Juvenile Affairs,
  - c. there is reason to believe the child will not remain at said placement, or

d. the child is subject to an administrative transfer or parole revocation proceeding

**Preadjudicatory or Predisposition Detention – 30 Day Limit**

10A O.S. § 2-3-101(B)

No preadjudicatory or predisposition detention or custody order shall remain in force and effect for more than thirty (30) days. The court, for good and sufficient cause shown, may extend the effective period of such an order for an additional period not to exceed sixty (60) days. If the child is being detained for the commission of a murder, the court may, if it is in the best interests of justice, extend the effective period of such an order an additional sixty (60) days.

**Detention Review Hearing – Every 15 Days**

10A O.S. § 2-3-101(A)(1)(b)

Whenever the court orders a child to be held in a juvenile detention facility, an order for secure detention shall remain in force and effect for not more than fifteen (15) days after such order. Upon an application of the district attorney and after a hearing on such application, the court, for good and sufficient cause shown, may extend the effective period of such an order for an additional period not to exceed fifteen (15) days after such hearing. The total period of preadjudicatory or predisposition shall not exceed the ninety-day limitation as specified in subparagraph a of this paragraph. The child shall be present at the hearing on the application for extension unless, as authorized and approved by the court, the attorney for the child is present at the hearing and the child is available to participate in the hearing via telephone conference communication. For the purpose of this paragraph, "telephone conference communication" means use of a telephone device that allows all parties, including the child, to hear and be heard by the other parties at the hearing. After the hearing, the court may order continued detention in a juvenile detention center, may order the child detained in an alternative to secure detention or may order the release of the child from detention.

**Detention Review Via Telephone**

10A O.S. § 2-3-101(A)(1)(b)

The child shall be present at the hearing on the application for extension unless, as authorized and approved by the court, the attorney for the child is present at the hearing and the child is available to participate in the hearing via telephone conference communication. For the purpose of this paragraph, "telephone conference communication" means use of a telephone device that allows all parties, including the child, to hear and be heard by the other parties at the hearing. After the hearing, the court may order continued detention in a juvenile detention center, may order the child detained in an alternative to secure detention or may order the release of the child from detention.

**NOTE:** Courts and detention centers are encouraged to use telephones, videoconferencing (i.e. Skype, FaceTime) when available to facilitate detention review hearings. This use of technology to facilitate court reviews is not only allowed by law, it was a recommendation of in the BKD Performance Assessment of the Office of Juvenile Affairs. “Due to the advancements in technology capacity, speed and mobility, there are a number of technology improvements that could be implemented to help OJA run more efficiently and save employees time. In particular, OJA should explore options to utilize audio/video technology including applications in education, rehabilitation, monitoring and coordination with other system partners (courts, district attorneys, defenders, department of human services, etc.) (BKD Performance Assessment of the Office of Juvenile Affairs, Top 10 Recommendations, December 2018, p.3).

**Priority Status/ “Bumping”**

10A O.S. § 2-3-101(D)

Priority shall be given to the use of juvenile detention facilities for the detention of juvenile offenders through provisions requiring the removal from detention of a juvenile with a lower priority status if an empty detention bed is not available at the time of referral of a juvenile with a higher priority status and if the juvenile with a higher priority status would be more of a danger to the public than the juvenile with the lower priority status.

**NOTE:** Detention Centers are required to have a priority status list of its current residents to be completed at intake and entered into JOLTS V4. Designated staff with OJA and Juvenile Bureau shall use the priority list in case there is a need for the release of juveniles with lower priority status. This list should also be utilized for continual assessment of whether or not a juvenile needs to remain in detention. The priority level should be reviewed and updated at minimum of five (5) days following admittance. The priority status and procedures for determining when a juvenile shall be “bumped” should be addressed in all county to county contracts to ensure uniform compliance to all eligible youth.

**Sanctions for Probation Violations- 5 DAYS**

10A O.S. § 2-2-503 (A)(7)(f)(g)

A. The following kinds of orders of disposition may be made in respect to children adjudicated in need of supervision or delinquent:

7. With respect to a child adjudicated a delinquent child, the court may:

f. sanction detention in the residence of the child or facility designated by the Office of Juvenile Affairs or the juvenile bureau for such purpose for up to five (5) days, order weekend detention in a place other than a juvenile detention facility or shelter, tracking, or house arrest with electronic monitoring, and

g. impose consequences, including detention as provided for in subparagraph f of this paragraph, for post adjudicatory violations of probation;

## State Plan for Alternative Detention Services

The development and support of community-based alternatives to detention programs played an important role in the formulation of the State Plan. OJA is currently exploring the capability to expand funding for existing community-based alternatives, to include: attendant care, electronic monitoring and youth services shelter care.

Screening guidelines were adopted by the Senate Joint Resolution (SJR) 13 Judicial Oversight Committee for the Oklahoma Supreme Court in 1984. These screening guidelines are crucial to the success of the detention plan for both alternative detention services and secure detention. These guidelines are used in each of the seventy-three (73) non-metro counties and are provided to the four (4) metropolitan counties (Oklahoma, Tulsa, Comanche and Canadian) where screening is conducted by juvenile bureau operators, or their designees. When juveniles are screened at the time of their apprehension, a better determination of the appropriateness of detention alternatives can be made. Juveniles being screened for detention shall be administered a standardized and approved OJA detention screening.

When deemed appropriate, a “promise to appear” contract may be initiated by law enforcement to release the juvenile to his/her parents or other responsible adult who will assure that the juvenile appears for an intake interview with the OJA or the juvenile bureau.

Crisis Intervention Centers (CIC) are short-term holding facilities used for juveniles taken into custody by law enforcement for an alleged law violation and for whom detention is unavailable or inappropriate. Juveniles may be held in a CIC for a maximum of twenty-four (24) hours prior to being released to a parent, guardian, attorney or responsible adult. The juvenile and his/her parent are required to sign a release or a “promise to appear” as described above. CIC’s are staff secure and are open twenty-four (24) hours a day, seven (7) days a week. CIC’s are funded through the municipalities, who they contract with, and are no longer funded by the OJA. It could be beneficial to explore rates to fund additional preventative services, which could be implemented in existing community Intervention Centers. CIC’s are currently located in Clinton, Enid, Muskogee, Oklahoma City and Tulsa.

Attendant care is a service designated to meet the needs of juveniles who require short-term supervision or crisis intervention. Attendant care must be authorized by the court and is administered in the local community. An attendant remains with the juvenile until the circumstances requiring the intervention no longer exists. This program has been ideal for alcohol and drug related offenses, juveniles who are flight risks, or juveniles who are exhibiting behaviors for which they would normally be returned home if a responsible adult could be located. Attendant care has worked well in smaller, rural areas and this is one of the community-based alternatives OJA would like to bring back into the array of services.



Electronic monitoring expands on the ability to account for the juvenile's whereabouts through the use of electronic equipment as well as a daily tracking schedule and itinerary. The use of an electronic monitor can be utilized as a condition of their release from detention or as an alternative to detention, ordered by the local Judge, during normal working hours. The use of electronic monitoring should be expanded, statewide, as an alternative to detention for youth who can be served in the community with added structure, accountability and services. The use of a universal assessment or screener could aid courts in determining potential candidates for this alternative.

Youth Service shelters are also used as alternatives to secure detention and provide structured, residential care to juveniles. Shelter programs provide around-the-clock staffing patterns and programming for crisis intervention, twenty-four (24) hours a day, seven (7) days a week. In a partnership with youth service agencies, OJA has been able to increase the use of these shelter beds with juvenile justice involved youth.

In certain rural areas, it may be determined that the best and most cost effective alternative is for OJA to provide enhanced transportation and/or law enforcement support either directly or by subcontracting with County Sheriffs.

These types of alternatives to detention play a vital role in the success in the State Plan by allowing certain youth to avoid admission or extended stays in a secure juvenile detention.

## State Plan for Secure Detention Services

The focus of the State Plan is to establish an effective balance between detention alternatives and secure detention services, while providing a statewide transportation network for the purpose of admission, discharge, and the safe delivery of youth to treatment facilities. Throughout the state, alternative programs are in place (although they need to be enhanced) and secure juvenile detentions exist in strategic geographic locations. This system helps to ensure adequate protection of the public from those juveniles who are violent, aggressive, habitual offenders and, also, helps ensure that youth considered to be flight risks appear for their scheduled court hearings.

The appropriate use of detention and detention alternatives safeguards against further traumatizing youth who have encountered law enforcement. Oklahoma children have the highest rates of Adverse Childhood Experiences (ACEs) in the country. (*Tulsa World "Special Report: Oklahoma leads the nation in childhood trauma. How does this affect our state and what can we do?" July 8, 2019*). Children that present in the juvenile justice system typically present with high ACE scores. One night in secure detention is itself an ACE score. It is imperative to the mental and physical health of Oklahoma's children and their future that the use of secure detention is limited to the children that meet statutory requirements for detention and that detention stays are continuously assessed for appropriateness and are as brief as possible.

There will always be a percentage of Oklahoma youth who require secure detention services, OJA's hope is that these numbers continue to decrease across the State. Every effort has been made, and will continue to be made, to establish a statewide system that will be neither be quickly outgrown nor overbuilt. The State of Oklahoma in conjunction with local county governments is committed to a cost-effective detention system that serves the public interest and provides a safe, humane environment for the population for whom it is designed to serve.

In conjunction with OPI, surveys were sent throughout the State to Judges, District Attorneys and Assistant District Attorneys, OJA staff, County Commissioners, and juvenile detention operators. The responses indicate a need for more immediate mental health/substance abuse interventions and treatment, specialized detention beds, capital improvements, specialized training opportunities and enhanced assessments and screenings. Those who responded felt that the challenges to implementing alternatives to detention were the implementation costs, public safety concerns and the lack of community support.

Mental health needs increase the likelihood of detention and youth of color experiencing mental health difficulties are even more likely to be detained (White, C. 2016). It is imperative youth who have mental health service needs receive those services within a treatment setting. Additional research has determined those suffering from mental health issues are victimized when they are combined in a population with those who have committed offenses and who are not suffering from mental health issues. To address these needs, the Board of Juvenile Affairs has approved rates for counseling services for youth receiving detention services. As always, the length of stay in detention should be minimized so the youth can receive services in the community or the least restrictive setting possible. OJA will continue to collaborate and develop strategies through our partnerships with the Department of Mental Health and Substance Abuse Services to address identified needs.

Research has also shown youth who have been detained experience long term effects of that detainment. The incidents of suicide among detained youth is demonstrated to be between three (3) and eighteen (18) times more prevalent, as youth in the general population. This range of prevalence is influenced by the gender, race, history of mental health problems or experience of maltreatment of each individual youth detained (Kerig, P. 2019). Further, detained youth have a demonstratively higher rate of self-injury (2019).

The goal of eliminating the use of detention as an option for lower level offenses is not unrealistic: programs which utilize community service work consequences, combined with placement in the community under supervision have not demonstrated increased risk to public safety (Raghavan, 2019).

## **BKD Performance Assessment**

In December of 2018, a Performance Assessment report was completed and published by BKD CPAs and Advisors, at the request of the Agency Performance and Accountability Commission. This assessment reviewed the current services provision methods of OJA. The recommendations regarding detention services, specifically “right-sizing” detention capacity, funding alternatives to detention and utilizing an objective evidence-based detention screening tool, are included within this State Plan.

## **Best Practice Philosophies**

OJA strongly believes we can address the needs and obstacles by continuing to use best practice philosophies throughout the State Plan. Some of the interventions and best practices include:

1. All juvenile detention centers have been provided with the Youth Crisis Mobile Response Unit’s toll free number (1-833-885-CARE (2273)) to assist with those youth who are actively displaying mental health needs.
2. Within twenty-four (24) hours of admission into a juvenile detention center, the youth shall be administered the MAYSI-2. This is a mental health screening tool composed of fifty-two (52) questions designed to assist early identification of youth who may have mental health needs. For youth who score moderate or high, a referral to the Youth Crisis Mobile Response Unit will be made and local JSU staff/liaisons notified for further assistance and location of available beds.
3. Within forty-eight (48) hours of admission, and prior to a detention hearing in front of a Judge, a standardized and OJA approved detention screening shall be completed on youth. This will give all parties the level of risk the youth poses to the community and if further detention is necessary or appropriate. Low risk youth should not remain in detention.
4. A counseling rate has been established and approved by the Board of Juvenile Affairs for local youth service agencies to provide much needed treatment to youth in need of services while in detention, including crisis intervention.
5. Education must be provided to youth in accordance with the State Department of Education minimum standards and not less than four point twelve (4.12) hours per school day or as required by the State Board of Education. The local school district or an OJA approved alternative is responsible for providing educational programming. Detention centers are only required to provide summer school if the local school district provides this to the community as a whole. The recommendation in this area is to establish criteria for a daily rate for those centers who provide additional accredited educational opportunities during the summer months.
6. In collaboration with local social service agencies, each juvenile detention center shall develop a Resource List for their communities to distribute to youth and families upon discharge from their facility.

7. All juvenile detention centers are participating in an Emergency Preparedness Grant so that they can respond quickly and efficiently if a natural disaster occurs in their community.
8. Collaboration of shared, informational and meaningful training opportunities between social service agencies and juvenile detention operators.
9. The Board of Juvenile Affairs shall perform a comprehensive review of this plan at a minimum of five (5) years from date of last approval.

## Current Site Locations and Capacities

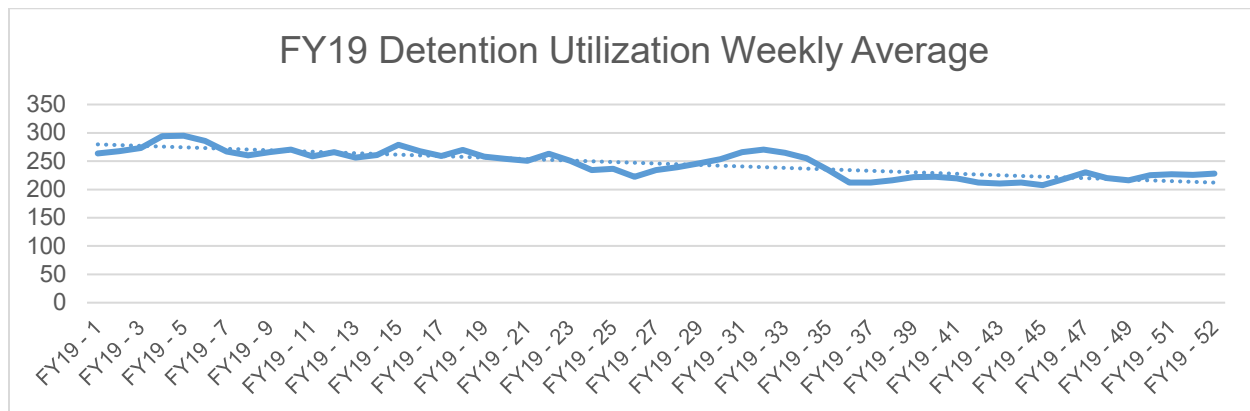
The State Plan outlines a system of secure juvenile detention facilities strategically located throughout the state. The following chart depicts the licensed beds, along with the current contracted beds.

Detention Center	Licensed Beds	Contracted Beds
Beckham County	6	6
Bryan County*	0	0
Canadian County	28	10
Cleveland County	26	26
Comanche County	25	25
Craig County	18	18
Creek County*	16	0
Garfield County	11	10
Le Flore County	10	10
Muskogee County*	0	0
Oklahoma County	78	72
Pittsburg County	10	10
Pottawatomie County	14	12
Lincoln County	42	12
Texas County	6	6
Tulsa County	55	55
Woodward County	10	8

\* Bryan County was previously certified for 6 beds

\* Creek County is certified by the OJA/OPI but does not currently contract with OJA.  
 \* Muskogee County contract is currently under suspension.

## Formula to Determine Annual Contracted Bed Need



In recent years, OJA has paid for excess capacity due to no clear plan for periods of declining need. This section of the State Plan will establish a method of determining need for budget, contracting and planning purposes by using data collected from the prior budget cycle. Although, longer time periods should be studied to identify trends and compare inputs to outcomes, a shorter time frame is more accurate for projecting current and short term need.

The following formula will be used with variations depending on if use is declining, increasing or holding steady.

Projected Need determined by analysis of prior budget cycle (process is described below)

**Less**

Number of beds used during the prior budget cycle that according to JOLTS data were not eligible for detention

**Plus**

Adjustment for known changes to the system that will increase bed demand (pending changes in rules and/or law)

**Plus**

5 to 10% cushion to account for temporary fluctuations as a conservative factor

**Less**

Adjustment for implementation of alternatives to detention as outlined in the Plan

**Less**

Adjustment for youth detained awaiting OJA placement – reallocate funding from detention to therapeutic placements.

Process for determining “Projected Need” as used in the above formula

- If prior year demonstrates a decline in need, projected need shall be the average demand of the last ninety (90) days.

- If prior year demonstrates an increase in need, projected need shall be the average demand for the last thirty (30) days plus an escalation of beds by quarter equal to the amount suggested by the statistical slope of the trend line based on a bed utilization time-line plotted in Cartesian coordinates. If need exceeds available capacity and budget, then the normal process of seeking additional resources will be employed.
- If need is relatively stable, based on the trend line, then the prior year plan will be continued

This formula is summarized as follows:

Projected Need – unlawful use + pending need (law/rule changes) – allowance for utilization of alternatives – average number of beds used for youth waiting placement up to the amount of new therapeutic placements created = Number of Fixed Capacity Beds Contracted.

To account for temporary upward fluctuations in this formula, OJA may also contract for additional beds on an as needed basis. If a detention center has certified beds that are not part of the standing capacity contracted by OJA, OJA may elect to contract for one (1) or more of these beds. Payment for these beds shall not exceed the daily rate established for the detention center and will only be paid if the bed is utilized.

Prior to each budget year OJA will issue the Projected Need calculation in August for the previous fiscal year. This data will be used in production of the budget request for the upcoming year. A second Projected Need calculation shall be conducted prior to the budget work program being filed in June or July. If the projected need indicates changes to the number and location of beds for the detention system and if contracts have already been issued for the next fiscal year, modifications to the contracts will be issued. The below table represents the calculations for FY2020

FY2020 Formula for Determining Contracted Bed Needs	
Projected Need based most recent trend line	228
Plus 10% normalizing/conservative factor	23
Less unlawful detention stays (status offenses - adjusted for accuracy)	-3
Plus estimated beds needed for Youthful Offenders being moved from adult lockup to detention	41
Less youth that would be better served in alternatives to detention of misdemeanors and judicial orders (adjusted for accuracy)	-23
Less increase in therapeutic beds up to average youth in detention waiting placement	0
Projected Secure Detention Bed Need for FY2020	266

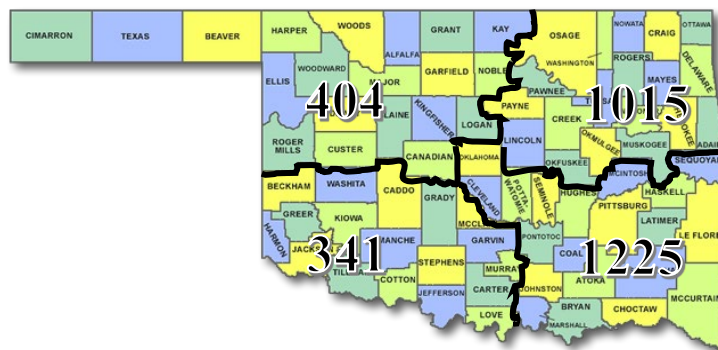
## Capital Needs Revolving Fund

OJA will seek permanent sources of funding for the statutory “detention revolving fund” referenced in Title 10A. For FY2020, OJA will program \$50,000 of carryover into the fund and will do so each fiscal year as long as surplus funds are available. These funds will be dispersed based on prioritization of need based on written proposals from the detention centers.

## Regional Use and Proposed Bed Allocation

Juvenile detention center sites are determined by a number of factors. Those factors include arrest data, analysis of the juvenile population, and the number of admissions to detention, geographic factors such as access to major transportation arteries and distance from other detention centers, community support and services, number of existing detention beds, adequate funding and other factors of need.

The map below show the number of detention beds utilized in each region for the 2019 Fiscal Year.



Based on the formula to determine detention bed needs, the table below allocates the beds to the following existing Secure Detention Centers.

<b>FY 2021 Proposed Bed Allocation</b>			
<b>County</b>	<b>Licensed/Certified Beds</b>	<b>FY 2020 Contracted Beds</b>	<b>FY 2021 Proposed Contracted Beds</b>
Beckham County	6	6	6
Bryan County	6	6*	0
Canadian County	28	10	10
Cleveland County	26	26	26
Comanche County	25	25	25
Craig County	18	18	16
Creek County	16	0	0
Garfield County	11	10	10
Le Flore County	10	10	10
Muskogee County	10	10	0
Oklahoma County	78	72	60
Pittsburg County	10	10	10
Pottawatomie County	14	12	12
Lincoln County	42	12	12
Texas County	6	6	6
Tulsa County	55*	55	55
Woodward County	10	8	8
<b>Total</b>	<b>371</b>	<b>296</b>	<b>266</b>

\*Bryan County Commissioners chose to no longer provide juvenile detention services.

\*Tulsa County will increase to a 60+ bed licensed facility following the certification of their new center in late December, 2019.



## Statistical Data

The following statistics are offered to assist in establishment of benchmarks for measuring progress toward reaching goals and objectives and to identify areas of concern that should be addressed.

### Number of Youth detained in secure setting and type of offenses

	# of Youth	Felony	Judicial Order	Misdemeanor	Status Offense
<b>FY17</b>	3998	1691 – 42.30%	1623 - 40.60%	641 – 16.03%	41 – 1.03%
<b>FY18</b>	3459	1480 – 42.79%	1377 - 39.81%	605 – 17.49%	35 – 1.01%
<b>FY19</b>	3306	1413 – 42.74%	1298 - 39.26%	552 – 16.20%	45 – 1.38%

Statistics by County are listed in Table 1.

### Length of Stay (LOS)

	Average LOS	# and % over 60 Days	# and % over 90 Days
<b>FY17</b>	28.02 days	525 – 13.14%	279 – 6.98%
<b>FY18</b>	34.01 days	663 – 18.96%	332 – 9.49%
<b>FY19</b>	31.30 days	499 – 15.09%	248 – 7.50%

See Table 2 for detailed data by County for LOS.

### Age of Detainees in years

	Average Age	13 or less	14	15	16	17 or older
<b>FY17</b>	16.16	308 7.70%	533 13.33%	829 20.74%	1115 27.89%	1213 30.34%
<b>FY18</b>	16.13	297 8.49%	478 13.67%	744 21.28%	926 26.48%	1067 30.51%
<b>FY19</b>	16.17	282 8.52%	464 14.03%	705 21.31%	931 28.14%	1001 30.26%

### Race/Ethnicity

	White	Black	Native American	Asian	Hispanic Latino	Other
<b>General Youth Population</b>	56.67%	6.99%	8.20%	1.65%	14.61%	11.90%
<b>FY19 Secure Detention</b>	39.90%	30.01%	15.91%	.85%	11.71%	1.63%

See Table 3 for detailed data by county for Age and Race/Ethnicity



## **2. OJA Custody Youth Awaiting OJA Placement**

OJA shall pay one hundred percent (100%) of the approved rate for all OJA custody youth currently on the OJA Placement waiting list for an out-of-home placement. If OJA, as the placement authority, determines the youth will not be placed in an OJA contracted or operated facility, and the youth continues to be held in detention, OJA will recoup costs of continued detainment at a 100% from the county of jurisdiction.

## **3. Independent Financial and Programmatic Audit of Detention Center Operations**

Authorization for OJA to perform (at OJA's cost) an independent financial and programmatic audit of the detention center operations. This will allow for a more accurate analysis which will aid in the development of fair and equitable rates and standards for secure detention.

## **4. Continuity of Services**

If a county with a functioning detention center is unable or unwilling to sign their regional secure detention contract within thirty (30) days of receiving the contract or within thirty (30) days of the start of the contract period, then specific statutory provisions automatically apply.

The provision of the previously signed contract with the exception of payment will automatically be extended while Secure Detention Services are provided. Payment will be based on the current daily rate applied to detention beds utilized by youth who are lawfully detained. No other payment will be required in the absence of a signed contract.

## **5. Unlawful Use of Detention Beds**

If it is determined, by OJA, that detention beds were utilized for unlawful detention services, OJA may recoup or withhold payment for the daily rate of the bed. If a third party provides detention services for the county, and payment is assigned to the third party, OJA will pay the daily rate to the third party provider and then charge the county for the unlawful use of the bed. If the county operates the detention center, payment will be reduced on the next claim after discovery of the unlawful use of the secure detention bed.

## **6. Training Expectations**

All parties, to include but not limited to: County Commissioners, Judiciary, District Attorney, and the Detention Center Administrator shall attend OJA Detention Use training annually.

## **7. Tele-Court Ability**

In order to be eligible for a Secure Detention Contract, the Detention Center, in conjunction with the originating county, must have the ability to allow tele-court as an option.

## **8. Specialty Detention Centers**

Based on need and willingness of specific detention centers, OJA will give consideration to the creation of a specialty detention center or designating specific beds for special

needs.

**9. Six (6) Bed Facility Rate**

No six (6) bed center shall be paid a rate higher than the established rate for an eight (8) bed detention center.

## Conclusion

As the state of Oklahoma's juvenile justice system continues the transition into a research based, data driven, service provision system it is imperative that we right size the number of detention beds and ensure those beds are being used appropriately. This will lead to better outcomes for youth, families and their communities. OJA will develop and require all youth meet eligibility criteria on an evidence based detention screening tool prior to placement in detention. OJA will continue to work with detention providers to ensure public safety, education and mental health needs are met for youth requiring detention services.

Adopted by the Board of Juvenile Affairs the 18<sup>th</sup> day of December, 2019.

## References

Kerig, P.J., (2019) Linking childhood trauma exposure to adolescent justice involvement: the concept of post traumatic risk seeking. *Clinical Psychology; Science and Practice* 11/20 Mendel, No Place for Kids: The Case for Reducing Juvenile Incarceration (Baltimore: Annie E. Casey Foundation, 2011), 19-22, <https://perma.cc/KBV7-6HYD>

Oklahoma Office of Juvenile Affairs Performance Assessment, Agency Performance and Accountability Commission (December 2018). BKD CPAs and Advisors

Raghavan, P. (2018). Criminal Justice Solutions: Model State Legislation. Brennan Institute at the New York University School of Law.  
<https://www.brennancenter.org/publication/criminal-justice-solutions-model-state-legislation>

White, C. (2016). Incarcerating youth with mental health problems: a focus on the intersection of race, ethnicity, and mental illness. *Youth Violence and Juvenile Justice*, 14(4), p.426–447. <https://doi.org/10.1177/1541204015609965>

## **Appendix A**

### **Update to FY2021 Data**

Since the Board of Juvenile Affairs' approval of the State Plan for the Establishment of Juvenile Detention Services in December of 2019, there have been significant changes in the juvenile detention service area.

The Office of Juvenile Affairs (OJA) received a letter dated March 20, 2020 from the Board of Beckham County Commissioners terminating their contract for Regional Secure Detention. Beckham County Juvenile Detention was contracted for six (6) beds. All youth detained were moved and the Contract was terminated on April 3, 2020 when services were ended.

In September 2019, the contract for juvenile secure detention for the Muskogee County Juvenile Detention Center was suspended. The suspension was lifted and the center began receiving youth in March of 2020. On May 1, the subcontractor for the Muskogee County Commissioners notified OJA that they have decided to end their contract with the Commissioners. The last youth detained in that center was removed on May 7, 2020. We are awaiting a formal letter from the Commissioners at this time indicating the closure of their detention center and termination of their contract. Muskogee County was not included in the FY21 proposed bed allocation adopted by this Board in December 2019.

The COVID-19 pandemic gave the Office of Juvenile Affairs an opportunity to engage with local judiciary and district attorneys to request assistance in reducing our footprint and relieving pressure in our congregate care populations across the state, specifically in secure juvenile detention centers. OJA asked for assistance in these areas:

1. Evaluation of all youth currently detained and determine if they would be appropriate for community release.
2. Minimize new detention admits to youth who are alleged to have committed serious, violent crimes and are an imminent threat to themselves or the community.
3. Closely monitor all detention admits and not utilize detention for probation violations, drug court violations, misdemeanor charges or status offenders.

The local judiciary and district attorneys were proactive in working with OJA and the population dropped dramatically at all juvenile detention centers. Please refer to Table A for utilization rates encompassing the last six (6) months and for April 2020.

As the pandemic continues, OJA anticipates staffing shortages in congregate care settings. Staffing shortages may necessitate shutdowns. Unfortunately, this came to

fruition when OJA was notified that due to staffing shortages, the Texas County Juvenile Detention Center would not be accepting new admissions into the detention center beginning March 31, 2020. Although the detention center was able to reopen on May 1, 2020, they have not had an admission as of the writing of this update.

In recognition that detention usage has decreased over 40% due to statewide cooperation between OJA, and local judiciary and district attorneys, the fact that the pandemic is still ongoing and the absolute reality of state budget cuts for FY21, it is incumbent on OJA to reassess the state plan for detention at this time. The detention population on March 18 was 215. The population on May 6 was 125. OJA recognizes that this past month, the numbers are historically low so we did calculate the past six (6) months of use. Utilizing the formula previously adopted by the Board for the state plan and the detention utilization rate from the last 6 months (Oct. 2019 - March 2020) the adjusted numbers project we have the ability to reduce the total number of detention beds by 35 beds. Please refer to Table B for FY2021 Proposed Bed Allocations.

Formula to determine Projected Need determined by analysis of prior budget cycle

**Less**

Number of beds used during the prior budget cycle that according to JOLTS data were not eligible for detention

**Plus**

Adjustment for known changes to the system that will increase bed demand (pending changes in rules and/or law)

**Plus**

5 to 10% cushion to account for temporary fluctuations as a conservative factor

**Less**

Adjustment for implementation of alternatives to detention as outlined in the Plan

**Less**

Adjustment for youth detained awaiting OJA placement – reallocate funding from detention to therapeutic placements.

With detention utilization rates in decline across the state, OJA has continued its plan to explore opportunities for alternatives to detention. Though still in the early stages of development, we are currently reviewing potential ideas for development and the possible repurposing of detention center(s) where able. This would not only relieve the use of secure detention for probation and drug court violations, but also provide short term early intervention, in a less restrictive environment, which our data supports can help youth from further penetrating the juvenile justice system.

**TABLE A**

<b>Detention Center</b>	<b>Utilization Rate (Oct. 2019- Mar. 2020)</b>	<b>Utilization Rate April 2020</b>
<b>Beckham County Det.</b>	68.73%	6.67%
<b>Canadian County Det.</b>	83.46%	38.33%
<b>Cleveland County Det.</b>	75.09%	46.15%
<b>Comanche County Det.</b>	84.50%	49.87%
<b>Craig County Det.</b>	75.91%	40.93%
<b>Creek County Det. *</b>	41.70%	35.62%
<b>Garfield County Det.</b>	82.20%	68.33%
<b>Le Flore County Det.</b>	85.80%	35.33%
<b>Muskogee County Det.</b>	3.93%	51.33%
<b>Oklahoma County Det.</b>	69.83%	59.83%
<b>Pittsburg County Det.</b>	89.65%	41.67%
<b>Pottawatomie County Det.</b>	75.71%	55.00%
<b>Lincoln County Det.</b>	80.51%	7.69%
<b>Texas County Det.</b>	40.65%	0.00%
<b>Tulsa County Det.</b>	63.53%	21.52%
<b>Woodward County Det.</b>	31.44%	89.58%
<b>Overall Average</b>	<b>69.91%*</b>	<b>45.80%</b>

\* Creek County has no OJA Contracted beds and the Utilization Rate is based on number of licensed beds.

\*\*Overall Average (Oct. 2019 - Mar. 2020) calculated without Muskogee County, as it did not have an active contract until March 2020.

\*\*\*Overall Average (April 2020) calculated without Beckham and Texas County, as they were not in operation.



**TABLE B**

<b>FY 2021 Proposed Bed Allocation</b>				
<b>County</b>	<b>Licensed/Certified Beds</b>	<b>Previously Proposed FY 2021 Contracted Beds</b>	<b>Current Formula Proposed Beds</b>	<b>Recommended Contracted Beds</b>
Beckham County	6	6	4.12	0
Bryan County	0	0	0	0
Canadian County	28	10	9.35	10
Cleveland County	26	26	22.12	26
Comanche County	25	25	23.63	25
Craig County	18	16	15.4	16
Creek County	16	0	0	0
Garfield County	11	10	9.22	10
Le Flore County	10	10	9.58	10
Muskogee County	10	0	1.39	0
Oklahoma County	78	60	57.27	50
Pittsburg County	10	10	9.97	10
Pottawatomie County	14	12	10.28	12
Lincoln County	42	12	10.86	12
Texas County	6	6	3.44	0
Tulsa County	63	55	40.44	40
Woodward County	10	8	3.15	8
<b>Total</b>	<b>371</b>	<b>266</b>	<b>230.22</b>	<b>229</b>

OJA remains committed to our mission to work with detention providers as we adjust and adapt through this time, while also ensuring the safety and well-being of those we serve. We believe the adopted formula continues to be predictive of our detention needs throughout the state, and the reduction in beds would ensure the continued fiscal responsibility and rightsizing of our detention plan moving forward.

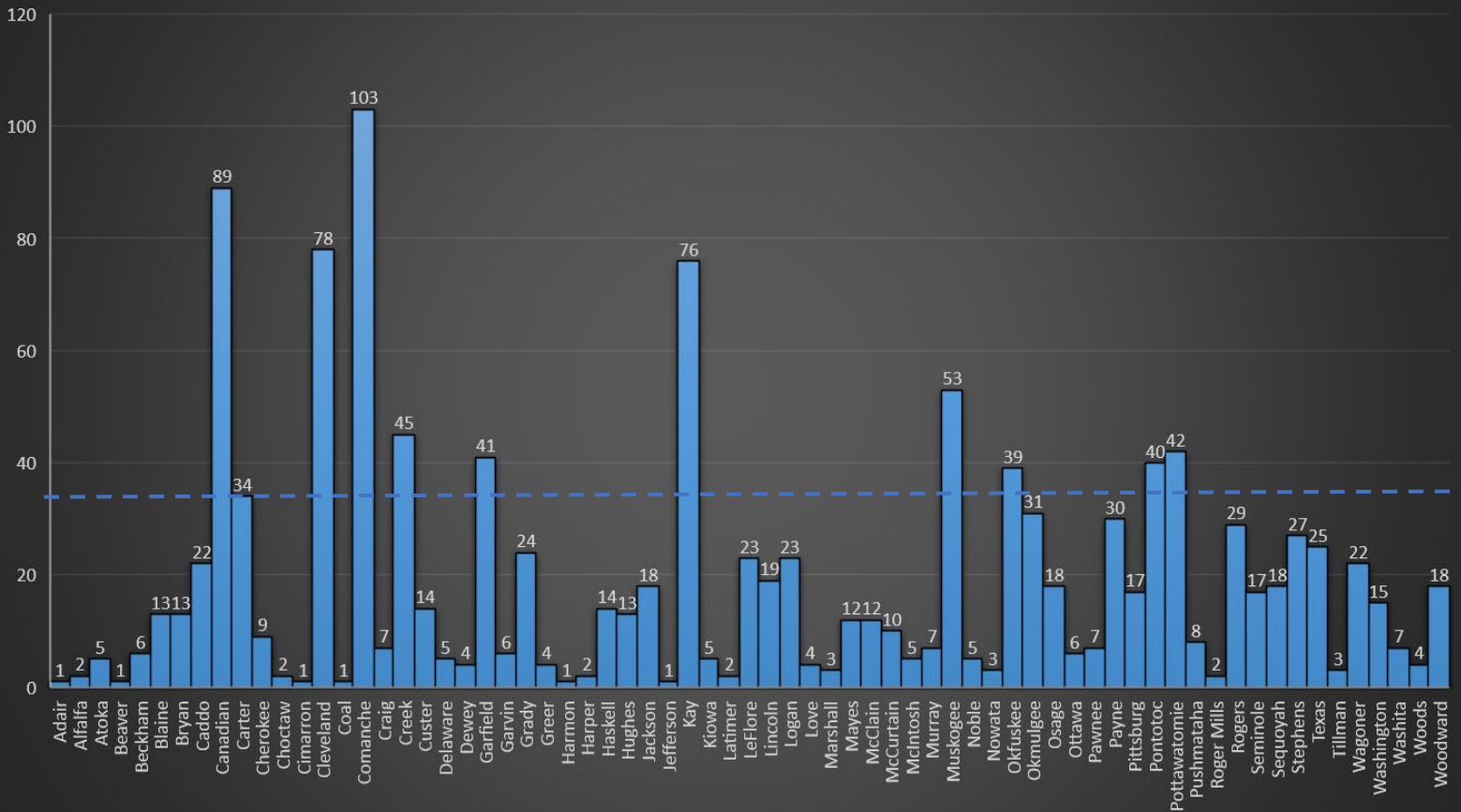
County	Total Detention Admissions
Adair	1
Alfalfa	2
Atoka	5
Beaver	1
Beckham	6
Blaine	13
Bryan	13
Caddo	22
Canadian	89
Carter	34
Cherokee	9
Choctaw	2
Cimarron	1
Cleveland	78
Coal	1
Comanche	103
Craig	7
Creek	45
Custer	14
Delaware	5
Dewey	4
Garfield	41
Garvin	6
Grady	24
Greer	4
Harmon	1

County	Total Detention Admissions
Harper	2
Haskell	14
Hughes	13
Jackson	18
Jefferson	1
Kay	76
Kiowa	5
Latimer	2
Le Flore	23
Lincoln	19
Logan	23
Love	4
Marshall	3
Mayes	12
McClain	12
McCurtain	10
McIntosh	5
Murray	7
Muskogee	53
Noble	5
Nowata	3
Okfuskee	39
Oklahoma	561
Okmulgee	31
Osage	18
Ottawa	6

County	Total Detention Admissions
Pawnee	7
Payne	30
Pittsburg	17
Pontotoc	40
Pottawatomie	42
Pushmataha	8
Roger Mills	2
Rogers	29
Seminole	17
Sequoyah	18
Stephens	27
Texas	25
Tillman	3
Tulsa	468
Wagoner	22
Washington	15
Washita	7
Woods	4
Woodward	18
Total Detention Admissions	2295
Average Admissions	29.81

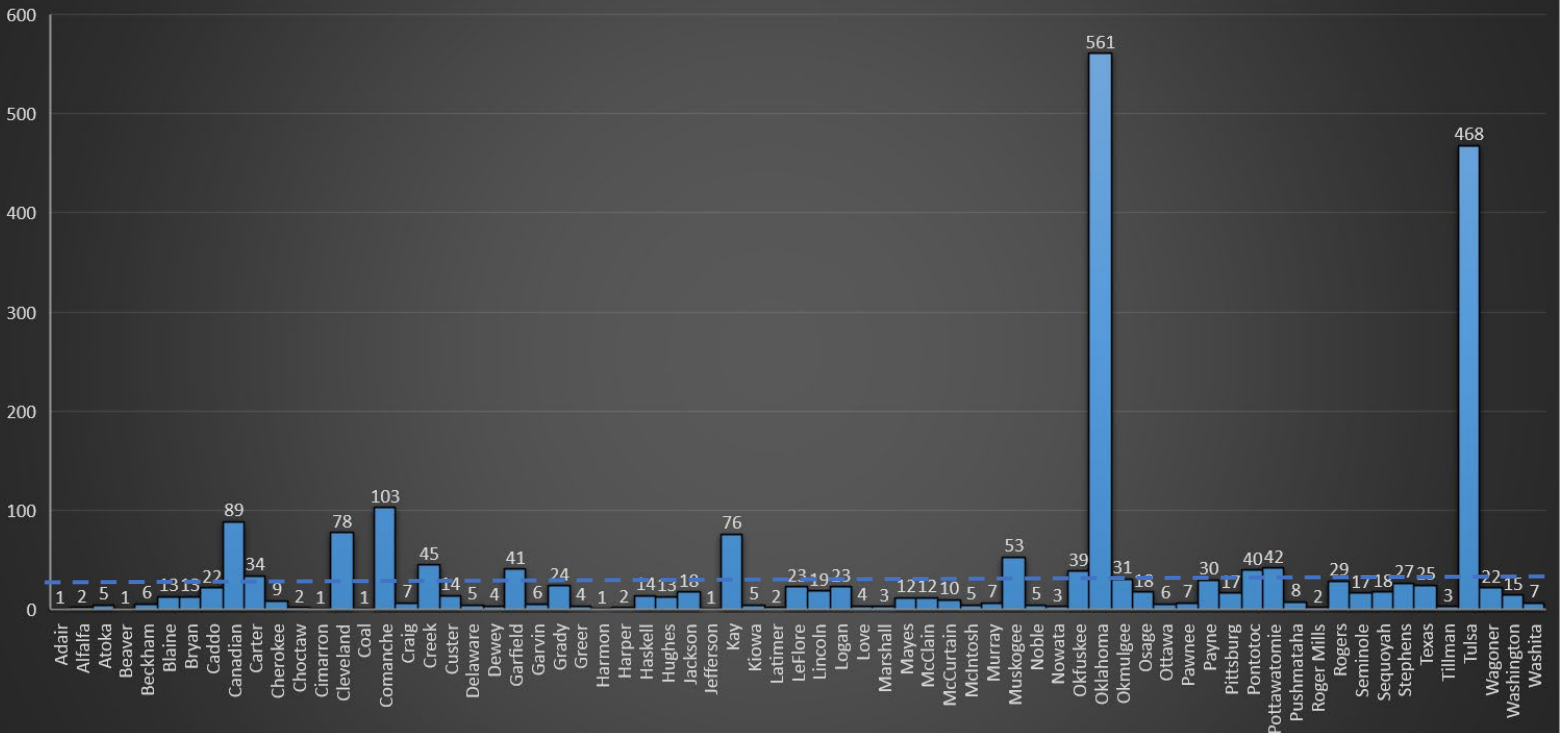
*FY 20- Total Detention Admissions by County (July 01, 2019- April 27, 2020)*

### FY 2020- State Detention Admissions by County (Excluding OK & Tulsa County)



Numbers are representative of July 01, 2019- April 27, 2020

### FY 2020- State Detention Admissions by County



Adopted by the Board of Juvenile Affairs the 12<sup>th</sup> day of May, 2020.

### FY2022 Bed Allocation

County	Licensed Beds	FY22 Contracted
Canadian County	28	10
Cleveland County	26*	26
Comanche County	25	25
Craig County	18	16
Creek County	16	0
Garfield County	11	10
Le Flore County	10*	10
Oklahoma County	78	50
Pittsburg County	10	10
Pottawatomie County	14	12
Lincoln County	42*	12
Tulsa County	63	40
Woodward County	10	8
<b>TOTAL</b>	<b>351</b>	<b>229</b>

Amended FY2023 Bed Allocation

County	Licensed Beds	FY21/22 Contracted	FY23 Proposed
Canadian County	28	10	10
Cleveland County	26*	26	26
Comanche County	25	25	25
Craig County	18	16	16
Creek County	16	0	6*
Garfield County	11	10	10
Le Flore County	10*	10	0*
Oklahoma County	78	50	50
Pittsburg County	10	10	10
Pottawatomie County	14	12	12
Lincoln County	42*	12	0*
Tulsa County	63	40	30
Woodward County	10	8	8
<b>TOTAL</b>	<b>351</b>	<b>229</b>	<b>213</b>