

Better Tomorrows

A LANDSCAPE ANALYSIS OF OKLAHOMA'S
YOUTH JUSTICE SYSTEM & SUGGESTED REFORMS



OKPOLICY
Oklahoma Policy Institute



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Oklahoma is experiencing bipartisan support for smart, data-driven justice reform. Now is the time to build on this ongoing movement and expand the same level of support to Oklahoma’s justice-involved children.

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Better Tomorrows: A Landscape Analysis of Oklahoma’s Youth Justice System and Suggested Reforms

This report and other resources can be accessed at OKPolicy.org/BetterTomorrows or by viewing the QR code on the right with your camera phone.



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Better Tomorrows: A Landscape Analysis of Oklahoma's Youth Justice System and Suggested Reforms


Introduction

Oklahoma ranks near the bottom on nearly all metrics of child well-being. Years of disinvestment in public services and programs mean Oklahoma families now carry a more significant economic, social, and emotional burden. In 2019, more than half of Oklahoma's children reported having experienced at least one adverse childhood experience, from neglect or abuse to the death of a caregiver.¹ All too often, the combination of these failures and shortcomings lead children to become justice-involved.

These factors should serve as an alarm that Oklahoma is not doing enough for its children. Historically, a lack of adequate funding and political attention to children's most pressing needs — such as quality education, accessible mental health services, and criminal justice reform — have placed too many of Oklahoma's children on a pathway to prison.

Oklahoma continues to rank as one of the nation's overall highest incarceration rates. Incarceration frequently leads to the removal of parents from the home, which causes a depletion of economic and social resources that children desperately need. Oklahoma's adult justice system perpetuates harmful outcomes for all Oklahoma children affected by it, especially for youth of color and youth from female-led households, increasing the chance that they will also become justice involved.

Oklahoma's history is stained with racial trauma, from the forced resettlement of American Indians in the 1830s to the passage of the most aggressively anti-immigrant state legislation in the 2000s, the impacts of which are still present today. In Oklahoma, Black and Latinx children are four times more likely and American Indian children are two times more likely to live in concentrated poverty than white children. Black schoolchildren are more than four times as likely to have a school-related arrest and six times more likely to be expelled compared to white students.² While rates of school-related arrests for American Indian students are comparable to that of white students, the penalties for them are more severe given their likelihood of incarceration once arrested.³ Ripple effects of these factors, combined with Oklahoma's high adult incarceration rates, traumatize children, rip apart families, and devastate communities.



Ripple effects of these factors, combined with Oklahoma's high adult incarceration rates, traumatize Oklahoma's children, rip apart families, and **devastate communities.**

While the obstacles Oklahoma children face may seem insurmountable, hope remains in the form of a growing criminal justice reform movement. In recent years, coalitions and individuals across the state have worked tirelessly to advocate for the justice-involved, from the passage of State Questions 780 and 781 to historic largest single-day commutation of people convicted of minor drug and property offenses. Oklahoma is experiencing bipartisan support for data-driven justice reform. Now is the time to build on this ongoing movement and expand the same level of support to Oklahoma's justice-involved children. There is an immediate need for analysis and reform within the systems serving Oklahoma children; without change, Oklahoma risks setting its children up to fail and continuing the intergenerational cycle of incarceration.

Purpose

Findings from this report will serve as a foundation for the Oklahoma Policy Institute's youth justice policy and advocacy work. This report is also intended to be an informational tool to inform local advocates, leaders, and grant-making decisions, as well as catalyze Oklahomans to ensure all children within the state have an opportunity to thrive.

Methods

Information compiled and summarized within this report provides an overview of Oklahoma's youth justice system. For this report, OK Policy analyzed available data, reviewed related policies, and consulted with subject matter experts. This research was accomplished through four key activities: 1.) listening sessions; 2.) informal interviews; 3.) secondary data analyses; and 4.) policy analyses. In addition, sections of this report were reviewed for accuracy by subject matter experts including those at the Oklahoma Office of Juvenile Affairs and other youth-serving agencies.

Listening Sessions & Informal Interviews

OK Policy organized five listening sessions that included youth directly affected by Oklahoma's youth justice system, tribal leaders, service providers, and advocates. OK Policy facilitated the listening sessions, guiding participants through reflections on the successes, challenges, and opportunities for youth in Oklahoma. OK Policy also conducted 17 informal interviews with youth justice leaders for their perspectives on the challenges and opportunities for youth justice in Oklahoma.

Responses from these interviews and the listening sessions consist of feedback from 52 individuals and are utilized throughout the report to provide examples and support for various sections.

Secondary Data Analyses

Secondary data were collected from various state and federal sources, including the U.S. Census Bureau, Office of Management and Enterprise System quarterly reports, and Oklahoma State Bureau of Investigation's Uniform Crime Report. Some unpublished data were obtained by request.

Policy Analyses

OK Policy analyzed Oklahoma's youth justice-related policies. Historical and current youth justice policies were reviewed, as well as the structure and function of Oklahoma's youth-serving agencies.

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Oklahoma's unique history echoes today in our current systems, demographics, and politics, and this historical context helps frame a deeper understanding of youth justice in Oklahoma.

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Chapter 1: Oklahoma's Unique & Tumultuous History

Oklahoma's History

It is necessary to provide historical context to understand the current state of affairs of Oklahoma's criminal justice system at large and the youth justice system in particular. These events echo today in the current systems, demographics, and politics, and this context will help frame a deeper understanding of youth justice in Oklahoma. Before the Indian Removal Act of 1830 and other legislated removals forced many tribes into Indian Territory, many other tribes already called the land that is now Oklahoma home. The Apache, Arapaho, Caddo, Comanche, Kiowa, Osage, and Wichita tribes all lived in present-day Oklahoma before removal and colonization, and they continue to live, work, govern, and celebrate there today.⁴

1830: U.S. Removal Act and Black Migration

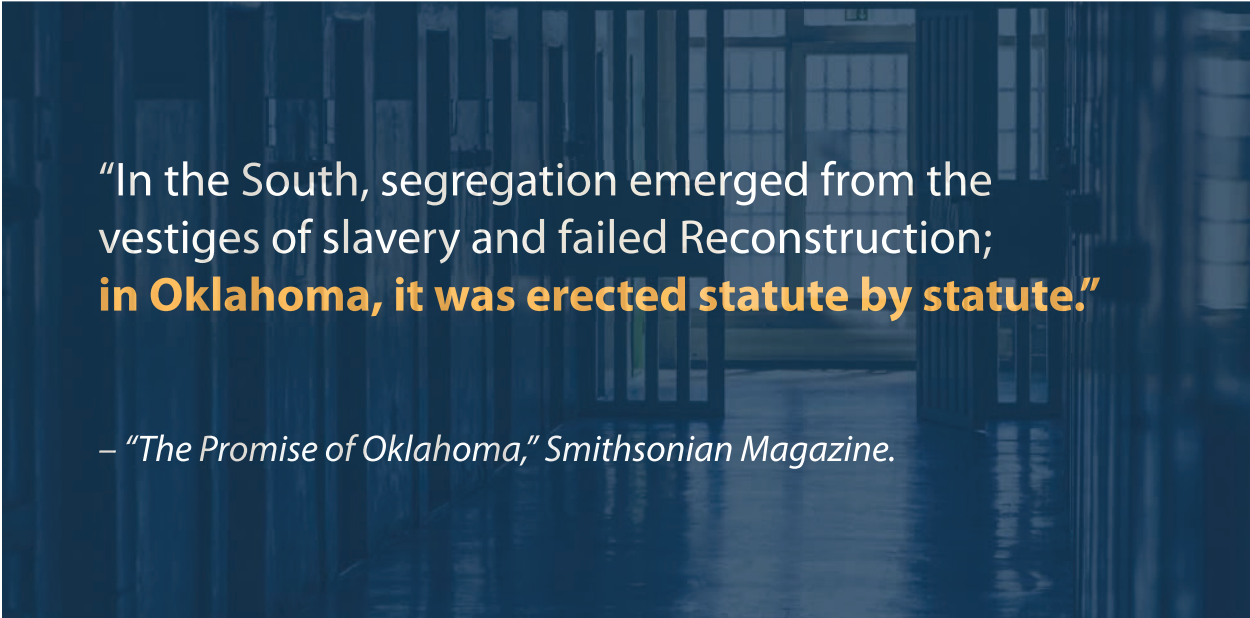
Although Native people already inhabited the land, the U.S. Indian Treaties and the Removal Act of 1830 forever changed the settlement of the land which is now Oklahoma.⁵ In one of the most infamous forced migrations, U.S. soldiers forcibly displaced tens of thousands of Native people from their Tribal lands as the federal government opened millions of acres of land east of the Mississippi to white settlers. The Cherokee, Muscogee (Creek), Choctaw, Chickasaw, and Seminole — colloquially known as the Five Tribes — were all marched out of their ancestral lands into present-day Oklahoma.⁶ The journeys lasted weeks and were typically more than 1,000 miles. The U.S. government did not provide enough supplies, and a shortage of wagons, horses, food, and other supplies made the marches difficult. Tribes faced additional hardships such as brutally harsh winters, disease, and malnutrition during the difficult journey. Estimates suggest that some 15,000 Native men, women, and children perished during their forced relocation west.⁷

The first Black people to settle in Oklahoma were enslaved by Native tribes and made the grueling journey alongside the tribal nations during forced resettlement. After the Civil War, most tribes "granted formerly enslaved people citizenship, autonomy, and a level of respect unheard of in the post-Reconstruction South."⁸ Between 1865 and 1920, more than 50 all-Black towns were established in Oklahoma. While Black individuals enjoyed a greater measure of peace and prosperity in these communities, Black people were being run out of town by white mobs in other parts of Indian and Oklahoma territories.⁹

1870s-1980s: Indian Boarding Schools

Indian boarding schools were established and funded by the U.S. government for the purpose of assimilation into white culture.¹⁰ In these schools, American Indian children were voluntarily or forcibly removed from their home and stripped of anything that would connect them to their traditional or cultural practices — including cutting their hair, wearing traditional clothing, and speaking their language. Deplorable conditions, rape, abuse, and other acts of violence at the schools resulted in the deaths of thousands of children,¹¹ and many others disappeared while enrolled or suffered psychological abuse. It was not until 1978, with the passing of the Indian Child Welfare Act, that Native parents gained the legal right to deny their children’s placement in off-reservation schools.¹²

In total, 83 Indian boarding schools operated in Oklahoma, the most of any state, according to the Native American Boarding School Healing Coalition.¹³ The connection between boarding schools that closed as a result of the Indian Child Welfare Act and youth justice systems in those counties is so far unexplored, although early data suggests a correlation. For instance, after Chilocco Indian School operated in Kay County from 1883 to 1980,¹⁴ Kay County remains one of the most punitive counties in the state, with youth arrest rates five times the state average.¹⁵ Some boarding schools, such as Riverside Indian School in Anadarko, remain open today, now operating as locations to build, not destroy, American Indian identity in their students.¹⁶



“In the South, segregation emerged from the vestiges of slavery and failed Reconstruction; **in Oklahoma, it was erected statute by statute.**”

– *“The Promise of Oklahoma,” Smithsonian Magazine.*

1889-1907: First Land Opening and Statehood

The first land opening in 1889 only further complicated racial tensions in present-day Oklahoma. As white settlers flooded into the territory, corruption and exploitation became ordinary and the new settlers swindled many American Indians out of their land.¹⁷ Colonization of both American Indians and their land represents yet another broken promise between the United States and American Indians.

The battle over Oklahoma's statehood highlighted the racism and exploitation of the time. Ignoring efforts by the Five Tribes — Cherokee, Muscogee (Creek), Choctaw, Chickasaw, and Seminole — to get Indian Territory accepted into the Union as its own state, Congress approved white leaders to assemble a constitutional convention for Oklahoma. Then as soon as statehood was secured, state leaders began to aggressively enact additional Jim Crow laws, starting with the very first law passed by lawmakers, segregating nearly every aspect of public life. "In the South, segregation emerged from the vestiges of slavery and failed Reconstruction; in Oklahoma, it was erected statute by statute."¹⁸

Once statehood was established, at least 58 "sundown towns" spread across the state,¹⁹ and lynchings of Black people became commonplace. Although only 50 cases of lynchings of Black people have been documented within Oklahoma's history, many more are likely to have taken place.²⁰

1920-1925: Osage Reign of Terror

Between 1920 and 1925, at least 24 members of the Osage Nation in Oklahoma were brutally murdered. Many of the deaths were mysterious or unsolved, yet a slew of private detectives and other investigators turned up nothing, and some were deliberately trying to sidetrack honest efforts.²¹ In March of 1923, the Osage Nation Tribal Council turned to the federal government, and agents from the Bureau of Investigation were sent to investigate.

The Bureau of Investigation, later renamed the Federal Bureau of Investigation (FBI), was still in its infancy and had a reputation for being corrupt.²² At the time, the Bureau was under a major restructuring with a focus on "scientific policing," which included fingerprint, handwriting, and ballistic techniques. The Osage murder case served as a pivotal moment in the history of U.S. law enforcement by helping transform the way they approached cases and establishing a need for a proper federal agency. In this way, the Osage Reign of Terror shaped modern policing in America.

The Osage murder investigations also revealed widespread corruption in the guardianship system. Under federal law, Osage individuals were as a class deemed to be incapable of managing their own affairs. Instead, their finances were handled by appointed white "guardians" leading to "a system for graft and exploitation" of Osage wealth — far from the protection guardianship supposedly enabled.²³ Taken together, the murders and the guardianship system resulted in the widespread theft of Osage land and oil rights, and therefore wealth, by white Oklahomans.

1921: Tulsa Race Massacre

In the wake of segregation policies, Black residents in the Tulsa neighborhood of Greenwood built one of the most thriving Black neighborhoods in the United States. A promising, vibrant, and economically prosperous community, Greenwood hosted Black-owned businesses, churches, and homes; eventually becoming known as America's Black Wall Street.²⁴

For decades, tensions rose between Black and white residents in Oklahoma, fostering an atmosphere for violence that erupted in 1921.²⁵ The Tulsa Race Massacre became one of the worst incidents of racial violence in American history, as armed white mobs set homes and businesses on fire and terrorized Black families at gunpoint. By the time order was restored, 35 square blocks that composed the city's entire Black community lay in ruins. The exact number of casualties is still unknown today, but estimates range anywhere from dozens to more than 300 Black Oklahomans were murdered during the Massacre. Irresponsible journalism, rumors, and fear kept many from openly discussing the Massacre for decades.²⁶ It wasn't until 2001, 80 years later, that Oklahoma officially apologized for the tragic event. Yet, as the community recently commemorated the 100th anniversary of the Tulsa Race Massacre, survivors and their descendants still fight for reparations.²⁷

Despite hostility, Black residents managed to rebuild the Greenwood District, but at their own expense, as they received no insurance compensation or assistance.²⁸ With their resources depleted and many former residents seeking the safety of all-Black towns elsewhere in Oklahoma, the odds were stacked against them. Ultimately, government policies such as redlining and urban renewal, including the construction of highways I-244 and US 75 in the 1960s, put an undue burden on Black residents and led to the area's long-term decline.²⁹ The effects of the Tulsa Race Massacre and continued discrimination persist in the present day. The mostly Black neighborhoods in the adjoining north Tulsa area remain under-resourced and underdeveloped.

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In the decades that followed the Tulsa Race Massacre, Oklahoma continued passing laws and maintaining policies that re-enforced racial disparities for Blacks, American Indians, and other non-white populations. These state and local measures included Jim Crow laws, redlining, sundown laws, and other measures that worsened segregation and prevented many Oklahomans from building economic wealth and political power.

2007: Oklahoma Taxpayer and Citizen Act

Passed in 2007, the Oklahoma Taxpayer and Citizen Act, House Bill 1804, enacted a series of restrictions intended to limit access to jobs and public services for undocumented immigrants and expand the powers of state and local law enforcement to verify the legal status of those they encounter. Reports at the time deemed HB 1804 “among the most far-reaching of anti-immigrant laws enacted at the state level.”³⁰

Many of the provisions enacted with this legislation are largely preempted by federal law, especially when it comes to eligibility for public benefits and services. A controversial provision in HB 1804 that made it a state felony to harbor, shelter, and transport unauthorized immigrants has been exercised on very few occasions. However, tighter requirements to show proof of legal residency for all state residents for access to vital records (*e.g.*, death and birth certificates) and driver’s license renewals after expiration have led to additional hurdles for all Oklahomans.³¹

A less prominent section of HB 1804 that requires jails to verify the legal status of detained individuals has had more far-reaching consequences in triggering legal processes that can lead to deportation. In addition to these legal obstacles, the legislation provided an opening for anti-immigrant sentiment in the state and furthered anti-immigrant legislative proposals, creating a “culture of fear” within Oklahoma’s immigrant community, particularly among families and their children. It also further enmeshed immigration enforcement in local police departments and other law enforcement.

2020: *McGirt v. Oklahoma*

The 2020 U.S. Supreme Court ruling in the *McGirt v. Oklahoma* case represents a significant moment for tribal nations in Oklahoma and highlights ongoing struggles within the state. In the *McGirt* decision released on July 9, 2020, the U.S. Supreme Court reaffirmed that the treaties the United States signed with the Muscogee Nation remain binding — therefore reaffirming tribal sovereignty.

The court held that only Congress can disestablish an American Indian reservation and must do so explicitly. Put simply, neither the individual allotment of land nor the past dominating tactics by state governments can abolish reservations. The original U.S. Supreme Court decision affected the Muscogee Nation reservation, while later Oklahoma Court of Criminal Appeals rulings have expanded the ruling to include the Cherokee, Chickasaw, Choctaw, Seminole, and Quapaw Nations.³²

Although Oklahoma state and tribal leaders have worked together for decades, these relationships have often become strained, especially when resources or land sovereignty are in question. Unresolved issues from a long and challenging past began bubbling to the surface within post-*McGirt* Oklahoma. Gov. Kevin Stitt has claimed the Supreme Court's decision "represents an unprecedented assault on the sovereignty of Oklahoma."³³ The *McGirt* case has garnered national attention, and many have speculated on the impacts on criminal cases in Oklahoma.³⁴ But, the importance of the case cannot be overstated. Legal counsel representing the state of Oklahoma argued in court that a favorable decision for *McGirt* could fundamentally disrupt business; laws have been written and enforced with the assumption that the old treaty lands and the governing authority of the tribes were no longer valid. In addition, the state of Oklahoma has filed numerous petitions in the U.S. Supreme Court to overturn their *McGirt* decision claiming the decision has endangered public safety.³⁵

However, the case has a much different significance for tribal citizens. Time has elapsed since the forced resettlement and the horrific "Trail of Tears," but the impact of these events still resonates through stories or through the eyes of relatives as they recount the trauma of the past. Many were forced into Indian boarding schools, stripped of their language, customs, and culture.³⁶ The *McGirt* decision both reaffirmed that tribal land was never disestablished in Oklahoma and acknowledged centuries of injustice experienced by tribal citizens.³⁷

The background of the text box is a dark blue image of the Seal of the State of Oklahoma. The seal features a central figure holding a bow and arrow, surrounded by stars and the words "THE STATE OF OKLAHOMA".

The *McGirt* decision made it possible for tribal courts to **process youth justice cases for the first time.**

The *McGirt v. Oklahoma* U.S. Supreme Court ruling has created widespread impacts throughout the state as seen in litigation, surges of cases in tribal courts, and ongoing tensions between state and tribal leaders.³⁸ The impact on youth justice, however, is seldom mentioned. The *McGirt* decision made it possible for tribal courts to process youth justice cases for the first time.

As previously noted, tribal youth are far more likely to have justice involvement. In the past, youth justice cases were only handled by the state court system. This means tribes have had to focus their efforts on culturally appropriate healing methods either as prevention programming or post-justice involvement.³⁹ However, the *McGirt* decision returns jurisdiction to Oklahoma tribal nations in both adult and youth cases. Tribal

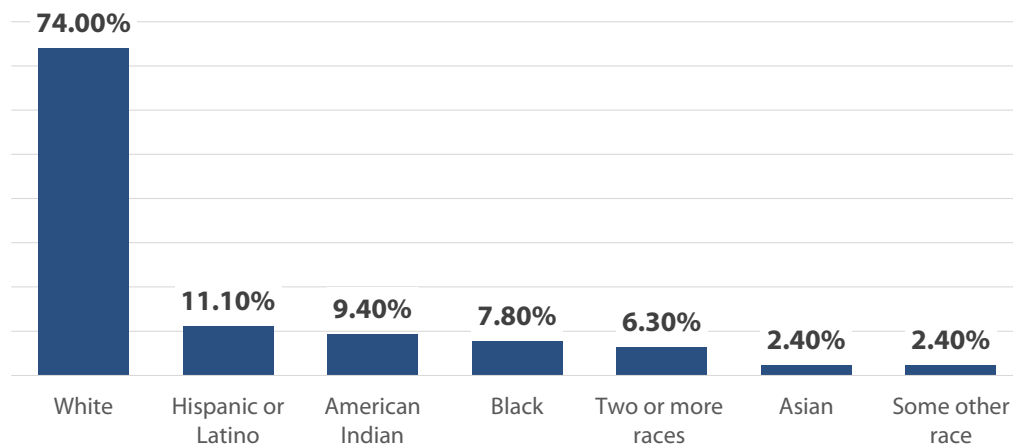
nations have started working with local courts and have coordinated with the Office of Juvenile Affairs (OJA) to facilitate taking over youth cases involving tribal youth. OJA has coordinated with tribal leaders to provide access to their digital case information system, known as JOLTS, and has advised tribes on the ability to contract with Juvenile Detention Centers for licensed but uncontracted beds. Meanwhile, tribal governments have worked to establish laws, procedures, and systems of support for tribal youth. The Cherokee Nation recently announced plans to build a juvenile court in Muskogee.⁴⁰

Present Day Oklahoma

Oklahoma has a population of approximately 3.9 million residents in its 77 counties.⁴¹ Oklahoma has a significant American Indian population — second largest only after New Mexico⁴² — and is home to 39 tribal nations, including 38 that are federally recognized and one that is recognized by the state. For the total number of Latinx, Black, and Asian residents, Oklahoma falls in the middle compared to other states, ranking between 23rd⁴³ and 28th.⁴⁴ According to the 2020 U.S. Census, approximately three in five (61 percent) Oklahomans live within the two largest metropolitan areas, Oklahoma City and Tulsa.⁴⁵

FIGURE 1

Oklahoma population by race



Source: U.S. Census Bureau, 2019

Nearly one-quarter, 24.1 percent (952,238), of Oklahomans are children under the age of 18. The youngest generation is demographically similar to the overall population with two major exceptions. For those younger than 18, there is a larger percentage of individuals who identify as Hispanic or Latinx (15.8 percent) or two or more races (12.5 percent), which makes the percentage of those under 18 who are white close to 50 percent.



These disparities are the legacies of racial and ethnic oppression, as well as **the result of present-day laws and practices.**

Oklahomans living in metro areas tend to be better off financially,⁴⁶ yet large disparities still exist between ZIP Codes within metro areas. Oklahomans of color generally make less money, have unequal access to quality education and medical care, and are more likely to live in communities that lack access to resources compared to white Oklahomans.⁴⁷ These inequalities leave youth of color at a disadvantage compared to their white peers and increase the chance that youth of color will become justice-involved.

- Black youth in Oklahoma are nearly **six times** more likely, and American Indian youth **twice** as likely, to live in concentrated poverty (neighborhoods where 30 percent or more of the population lives below the federal poverty line) when compared to white youth.⁴⁸
- The median income for white families in Oklahoma is \$76,000, compared to \$40,000 for Black families and \$43,000 for Latinx families.
- In 2019, 87 percent of Black and 81 percent of Latinx 4th grade public school students in Oklahoma were not proficient in reading, compared to 65 percent of white students.⁴⁹
- Black students in Oklahoma are **more than four times** as likely to have a school-related arrest and six times as likely to be expelled when compared to white students. While rates of school-related arrests for American Indian youth are comparable to their white counterparts, American Indian youth who are arrested are two and half times more likely to be incarcerated compared to white youth.⁵⁰
- One in every 15 Black men in Oklahoma is incarcerated.⁵¹
- Native women are over **three times** more likely to be incarcerated compared to white women.⁵²

These disparities are the legacies of racial and ethnic oppression, as well as the result of present-day laws and practices. Underfunded schools,⁵³ redlining⁵⁴ and discriminatory real estate practices,⁵⁵ lack of access to jobs⁵⁶, and other public policy choices have limited and continue to limit opportunities for Black, Latinx, and American Indian families in Oklahoma.

Youth needs and what Oklahoma provides

As the foundation of adulthood, adolescence is a unique period of challenge and opportunity and offers a chance to alter young people's trajectories toward more positive or negative long-term outcomes. While state services and programs for children in Oklahoma are typically geared towards those in their first few years of life, true investment in children throughout their adolescence is desperately needed.

Adolescence is a critical time in development, characterized by identity development, solidifying world views, and development of critical thinking and problem-solving skills. Depending on the resources and support provided to youth during this time, they can be set up for success or have the deck permanently stacked against them.

FIGURE 2

We develop many skills in adolescence



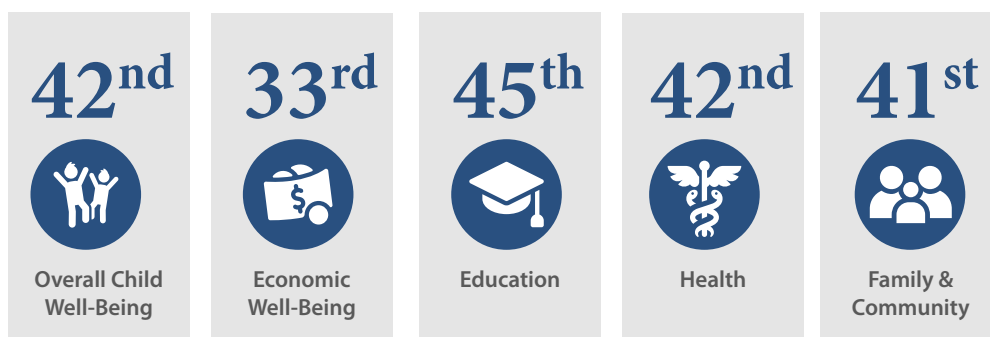
When youth experience trauma, discrimination, violence, or a host of other negative experiences during this critical period of development, it can cause mental health and substance use issues, which are highly related to youth justice involvement.⁵⁷ However, positive experiences in adolescence have the potential to redirect developmental pathways. Adequate support and services during this time have the potential to set young people up for long-term success.

Differences in opportunity are associated with striking differences in outcomes. Socioeconomic disparities profoundly affect all aspects of health: physical health, mental well-being, and cognitive development.⁵⁸ While Oklahomans experience some of the worst rates of trauma,⁵⁹ Oklahoma’s legislature consistently cuts budgets to supportive services and passes policies that keep incarceration rates among the highest in the nation.⁶⁰ These actions have resulted in multiple system failures, leaving Oklahomans struggling to break cycles of poverty and incarceration. According to the 2021 KIDS COUNT data report, Oklahoma ranks among the lowest on nearly every metric of child well-being:⁶¹

- **42nd** in health,
- **33rd** for economic well-being,
- **45th** in education, and
- **41st** for positive family and community supports.

FIGURE 3

Oklahoma lags most states in key measures of child well-being⁶²



Source: 2021 KIDS COUNT Data Book

Health

Oklahoma passed a successful Medicaid expansion ballot measure in 2020, ten years after other states began expanding Medicaid to cover low-income working-age adults. That decade had left more than 200,000 Oklahomans living without regular health care, including mental and behavioral health care. The state has historically had high rates of chronic disease⁶³, untreated mental illness⁶⁴, and death.⁶⁵ Many people did not have access to timely and regular mental health treatment, leading to a higher likelihood that mental illnesses reach the point of crisis often involving law enforcement, emergency rooms, or homelessness. During the same years Oklahoma failed to expand Medicaid, the state’s suicide rate increased by 45 percent⁶⁶ — and the pandemic has only worsened these effects. As the national suicide rate fell nearly six

percent in 2020, Oklahoma's suicide rate increased another 10 percent.⁶⁷ Growing up around adults struggling with their own mental health with inadequate resources has had an effect on young people in Oklahoma as well. A 2019 report found more than one in five Oklahoma school children reported seriously thinking about suicide within the past 12 months.⁶⁸

Expansion of Medicaid in Oklahoma resulted in more than 250,000 Oklahomans gaining access to health care coverage.⁶⁹ When parents can easily access high-quality, affordable health care, they are better able to care for their children, resulting in happier, healthier families.



When parents can easily access **high-quality, affordable health care**, they are better able to care for their children, resulting in **happier, healthier families**.

Education

Oklahoma spends less on education and pays teachers less than almost every state. In doing so, it reduces opportunities to increase student achievement and risks the ability to attract and retain the best possible teachers. Education budget cuts have led to a long list of issues within Oklahoma's education system, including overcrowded classrooms, reliance on teachers with emergency certification, and a lack of adequate counseling staff to support students.⁷⁰

Oklahoma's educational outcomes have worsened by virtually every measure during the last decade. While Oklahoma was once a national leader in early childhood education, only 57 percent of three- and four-year-olds are enrolled in preschool.⁷¹ Oklahoma school ranking on the multi-measure Education Week Quality Counts indicator has fallen from 26th in 2009 to 50th (of 51) in 2020.⁷²



Decades of disinvestment in rural areas has left citizens in these communities overburdened and **under-resourced.**

Differences in the Lived Experiences of Urban & Rural Youth

Living within a caring, resource-rich community is the ideal environment for youth to thrive. However, the challenges youth in Oklahoma face and the resources available to them are dependent on where they live. While young people from both rural and urban environments inevitably have some of the same experiences, listening session participants expressed different challenges based on their community.


RURAL OKLAHOMA YOUTH

When examining statewide data or even comparing data between counties, the everyday experiences of rural Oklahomans often get lost or forgotten. Services are often tailored to urban youth but nearly 63 percent of Oklahoma youth live outside the Oklahoma City and Tulsa metropolitan areas.⁷³ Rural Oklahomans lack access to crucial services and infrastructure needed to support their communities. A disproportionate number of rural residents lack access to mental health treatment, increasing the rates of substance abuse and suicide in rural communities.⁷⁴ Thus, OK Policy conducted two listening sessions with participants consisting solely of rural Oklahoma youth with previous youth justice system involvement. These sessions sought to identify challenges and opportunities facing rural youth to ensure they have the best chance at thriving throughout adulthood.

Decades of disinvestment in rural areas has left residents in these communities overburdened and under-resourced. This disinvestment is especially poignant for youth as they seek to establish their own worldview and place in their communities. A major theme from participant feedback is a general lack of engagement from state and local leaders, which greatly impacts families and local community. The funding that governments provide is what offers communities the power to better their conditions. State and local governments contribute significantly to this network of disengagement by cutting funding for public services and refusing to invest in infrastructure.

When children are denied the support they need early on, it can have far-reaching effects and trigger a cycle of despair. Oklahoma youth are able to see and recognize a multi-layered series of “writing off” students who underperform in school or create challenges for school officials. The lack of resources available to communities causes this effect and makes it worse. Students, responding to the lack of resources and adult investment around them, slack off or act out in schools, causing them to be written off as “bad kids.” As schools in a community write off more and more “bad kids,” the community develops a poor reputation and may be written off by outsiders as a “bad community.” Participants in OK Policy’s listening sessions noted that once these “bad communities” have this label, they are often written off by policymakers as unfixable and unworthy of resources, further fueling the cycle.

This cycle of despair leaves youth feeling unable to change their situations or unaware of the civic power they hold to transform their lives or communities. Providing a robust education that includes civic engagement and encourages youth to exercise their agency, are important steps in preventing future justice involvement. In rural communities where youth feel “trapped” and powerless, it is important to resist the narrative that success must equal escaping where you were raised. Relying on policy strategies that help individuals escape leaves behind the many youths who were unable to overcome the enormous challenges placed before them. Instead, solutions should engage the community members, especially the youth, in transforming their communities into places where youth are encouraged to thrive and provided the resources and support to do so.



Solutions should engage the community members, especially the youth, in transforming their communities into places where **youth are encouraged to thrive** and provided the resources and support to do so.

URBAN OKLAHOMA YOUTH

Racial divisions in Oklahoma's history remain alive today. Where a family lives has profound implications for their access to opportunity. Neighborhoods are the entry points to schools, transportation, jobs, health care, parks, and other local amenities. Addresses determine our daily interactions, from professional networks and classmates to casual social interactions. Geographically segregated metropolitan areas are the legacies of racial and ethnic oppression, as well as the result of present-day laws and practices. Meanwhile, [data on economic mobility](#) shows that segregation of poor communities has a strong correlation with poverty continuing across generations.⁷⁵ Concentrated poverty and limited public transit systems mean that for too many Oklahomans, job opportunities simply aren't accessible, while underfunded schools and lack of access to after-school activities robs future generations of Black, Latinx, and American Indian families of the American dream. Oklahoma's future prosperity depends on finding a way to help Oklahomans of all races access better opportunities.⁷⁶

High adult arrest rates within these neighborhoods have detrimental effects on their residents as well.⁷⁷ Residents of neighborhoods with high incarceration rates endure disproportionate stress since these communities face disrupted social and family networks, loss of working-age adults in the community, and shifting public resources from health and social supports to the penal system. Recent environmental-health research examines incarceration essentially as an environmental toxin in order to examine the less direct effects on communities. This research concluded that incarceration and supervision rates impact community well-being, especially mental health.⁷⁸ Visibility of parole officers, the tone of their relationships with community members, and inordinate police scrutiny have damaging results on residents' mental health, even for those not involved with the justice system.⁷⁹ Research findings suggest that harsher sentencing hinders progress towards the intended goal of decreasing crime, creating safer communities, and maximizing justice to the state, victim, and offender.



Oklahoma's future prosperity depends on finding a way to help Oklahomans of **all races access better opportunities.**

“

Recent years have seen improvements in the treatment of youth as well as concerted efforts to improve the culture of rehabilitation within Oklahoma's Office of Juvenile Affairs.

”



Chapter 2: Oklahoma’s Youth Justice System

Youth courts in the United States began when judges and lawmakers recognized the need to treat children differently from adults. The youth justice system implemented a legal system specifically designed for the support and rehabilitation of youth, which remains the guiding premise today. However, many of the procedures and protections within the adult criminal justice system were left out of youth court systems. Recent years have seen improvements in the treatment of youth as well as concerted efforts to improve the culture of rehabilitation within Oklahoma’s Office of Juvenile Affairs.

History of Oklahoma’s Youth Justice System

Historically, Oklahoma has fallen on the side of punishment rather than rehabilitation and has only implemented important protections for children in its justice system when legal action has specifically required it to do so.

1909: Oklahoma Juvenile Court Established

The second legislature following statehood in 1907 passed the Oklahoma Juvenile Court law establishing a special juvenile court docket within each of Oklahoma’s 77 counties. The law applied to all children under 16 years of age who were determined to be delinquent, dependent, or neglected. The courts were authorized to commit the child to the custody of a probation officer, a “suitable” family, a training school, an industrial school, or to a city, county, or state institution. The child remained a ward of the court at the judge’s discretion or until reaching the age of 21.⁸⁰

1912: Oklahoma Supreme Court Upholds Juvenile Court Law

The Oklahoma Commission on Charities and Corrections provided initial oversight for Oklahoma’s youth courts.⁸¹ In the Commission’s 1911 annual report, it was noted that several counties had not appointed probation officers, the training school was not yet operational, and many rural judges refused to comply with the new juvenile law. In 1911, the constitutionality of the new Juvenile Court Law was challenged in *Sullins v. The State of Oklahoma ex. Rel. Barnard*. The Oklahoma Supreme Court ultimately ordered judges to comply with its provisions.

1936: Oklahoma Department of Public Welfare Established

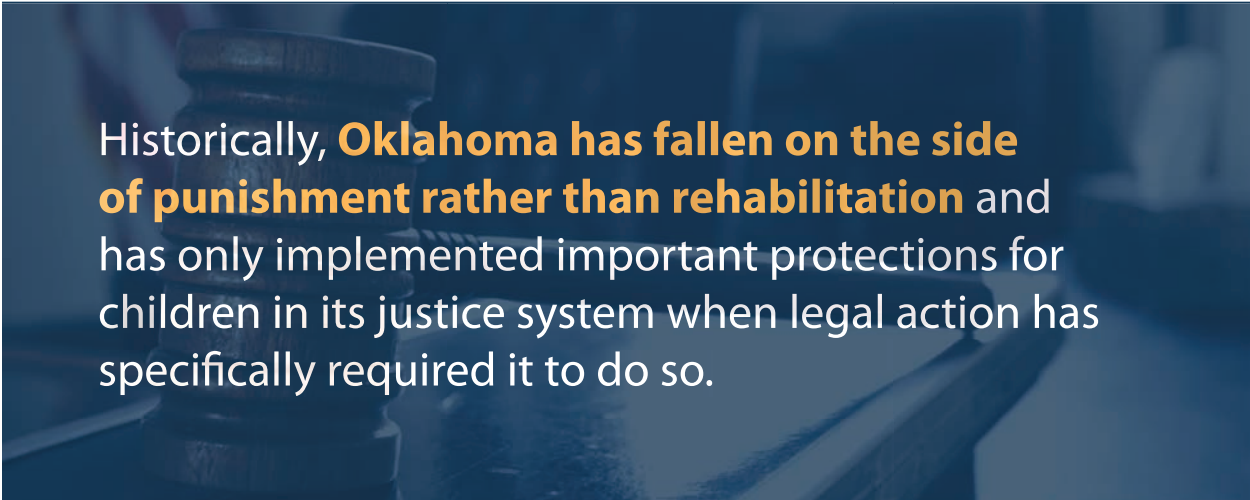
The Oklahoma Department of Public Welfare, which eventually became the Oklahoma Department of Human Services, was established in 1936.⁸² This department would be responsible for the management and control of all state welfare institutions and agencies. At the time, children considered to be dependent, neglected, or delinquent were all living together in state institutions that were racially segregated. In addition, the care of children was described as “purely custodial and at times brutal.”⁸³

1950s and 1960s: Department of Public Welfare Expands

Throughout the 1950s and 1960s, the Department of Public Welfare was able to significantly expand its programs due to an influx of federal dollars and earmarked state revenue streams.⁸⁴ The Department of Public Welfare began overseeing social services and vocational programs. In 1961, the Legislature passed a series of bills that transferred the management of the remaining children’s homes and training schools to the Department of Public Welfare. In 1962, repair and renovations began on the state’s original facilities, which by this time were in a state of dilapidation and disrepair. Reports detailed examples of leaky roofs, burst sewage pipes, yards littered with debris, and children found in filthy conditions.

1969: Oklahoma Children’s Code

The Oklahoma legislature passed the Oklahoma Children’s Code in 1969. It provided that youth be committed directly to the Department of Public Welfare for an indeterminate period and appropriate placement; provided for probation, parole, and aftercare services; established the Child In Need of Supervision category within Oklahoma courts; and provided assurance of due process for each youth.⁸⁵



Historically, **Oklahoma has fallen on the side of punishment rather than rehabilitation** and has only implemented important protections for children in its justice system when legal action has specifically required it to do so.

1972: L.E. Rader Diagnostic & Treatment Center Opens

The L.E. Rader Diagnostic & Treatment Center (Rader) opened in Sand Springs in 1972. Only two years later, in 1974, Congress passed the Juvenile Justice and Delinquency Prevention Act (JJDP), making federal funds available to states that agreed to a number of reforms. Oklahoma was one of only six states that refused to accept the grants at the time, reportedly to shield the state from federal scrutiny and refusal to comply with federal regulations.⁸⁶ Oklahoma would not accept federal delinquency prevention funds until 1996.⁸⁷

1978: Terry D. Case Lawsuit Filed and 1984 Federal Court Issues Consent Decree

In 1978, four years after the passage of the JJDP, a lawsuit was filed on behalf of seven teenage plaintiffs in the custody of the Oklahoma Department of Human Services.⁸⁸ Known as the “Terry D. case,” the lawsuit discovered instances of abuse and generally horrific conditions faced by Oklahoma children in state custody and cared for by institutions. Six state facilities were included in the lawsuit, including Rader.

In 1984, the federal court issued a consent decree listing rules for how the state would treat youth in state custody from then on. The decree cost the state millions to correct widespread abuse of youth and to provide adequate programs and required the abolition of certain practices, such as hog-tying, corporal punishment, and solitary confinement. It closed several facilities by reducing the number of secure detention beds the state could operate from 1,200 to 220. It also banned the state from housing youth who are justice-involved with youth who are not.

1994: Youthful Offender Act

Oklahoma lawmakers passed the Oklahoma Youthful Offender Act (YOA) in 1994. Prior to the YOA, youth under the age of 18 were initially charged in juvenile court regardless of their offense.⁸⁹ District attorneys could still petition the court to have the youth “certified” to stand trial as an adult based on the seriousness of the offense and the likelihood of the youth’s rehabilitation. At the time, news coverage of certain high-profile cases led to public dissatisfaction and the impression that there was no accountability for Oklahoma youth. Thus, the YOA was created providing a mechanism for prosecutors to transfer youth to the adult system after their initial adjudication if they do not comply with treatment.

Youth convicted as youthful offenders begin their sentence within the youth system and facilities. Once they reach adulthood, the court then reviews all their records and decides whether they will be released or required to serve a sentence in adult prison. The crimes that qualify a youth to be charged as a youthful offender depends on their age and nature of the crime. Serious violent offenses are included, as well as robbery with a dangerous weapon, robbery in the first degree, burglary in the first degree,


attempted burglary in the first degree, trafficking in or manufacturing of illegal drugs, and residential burglary in the second degree after two or more adjudications.

1995: Creation of Oklahoma Office of Juvenile Affairs

Previously, the Oklahoma Department of Human Services (OKDHS) was responsible for youth who were in foster care as well as youth who were justice-involved. As a result of the Terry D. lawsuit, a separate state agency, Oklahoma Office of Juvenile Affairs (OJA), was established in 1995 to treat youth involved in the justice system. After several more years of federal court monitoring, the Terry D. case was officially closed in 1998.⁹⁰

2004: Second Lawsuit and Closure of the Rader Center

By 2004, less than six years after the conclusion of Oklahoma's Terry D. lawsuit, the Civil Rights Division of the United States Department of Justice again investigated the Rader Center concerning multiple claims of physical and sexual abuse. A little over a year later, the federal investigation had made little progress, which resulted in the Civil Rights Division sending a 16-page letter to Oklahoma's Governor documenting the "mixed" level of cooperation from Oklahoma's Office of Attorney General (OAG),⁹¹ detailing OAG's inability to share reports needed to assess the severity of injuries that both youth and staff had suffered and their refusal "to allow the United States the opportunity to tour the Rader facility to observe operations and interview staff and residents." The federal investigation eventually led to lengthy and costly litigation, *United States v. State of Oklahoma*.⁹² Records showed that juveniles and staff members at Rader reported 1,277 assaults during a span of just three years.⁹³ There were also many documented suicide attempts, claims of sexual assaults among juveniles, and inappropriate sexual relationships among juveniles and staff members.

A photograph showing the lower legs and feet of two people walking away on a paved path. The person on the left is wearing light-colored pants and white shoes, while the person on the right is wearing dark pants and dark shoes. The background is a blurred green field. Overlaid on the image is text in white and orange.

Many of the **procedures and protections** within the adult criminal justice system **have been left out of youth court systems.**

In 2007, OJA executive director Gene Christian was concerned the state wouldn't have the funds to make adequate improvements to the Rader Center building or provide the additional staff necessary to keep youth in the facility safe.⁹⁴ In January 2008, Oklahoma's OJA and U.S. Justice Department officials began a court-ordered settlement conference. Ultimately, the L.E. Rader Center would close in September 2010, more than six years after the second investigation began.⁹⁵

2010: Oklahoma Juvenile Justice Reform Committee Established

In 2010, House Joint Resolution 1065 established the Oklahoma Juvenile Justice Reform Committee⁹⁶ to thoroughly and systematically study the efficiency and effectiveness of the state's juvenile justice system as well as provide recommendations for revision to the Oklahoma Juvenile Code. After two years of study, the finished product of the committee was a best practice modification to Oklahoma's juvenile code. Although the committee made other recommendations such as expanding evidence-based community programs, effective mental health and substance abuse treatment, and life skills training programs, ultimately, budget cuts rendered most improvements impossible, while simultaneously requiring the reduction of supports already in place for youth.⁹⁷

2015: Oklahoma Implements Juvenile Competency Requirements

In 2015, Oklahoma became the last state in the nation to allow juveniles in the criminal justice system to undergo competency evaluations.⁹⁸ Although competency to stand trial for adults was reaffirmed as a part of due process in the 1960 U.S. Supreme court case *Dusky v. United States*, competency for youth was not mentioned explicitly.⁹⁹ Thus, the interpretation of the law and determination of the applicability in the youth justice system was left up to states. It was not until the late 1980s that defense attorneys across the country began to raise questions of competency in youth cases. In 1989, the Oklahoma Court of Criminal Appeals case *GJI v. State* ruled that the juvenile justice system is rehabilitative in nature, determining that it was "neither appropriate nor necessary" that a youth understand a case against them," the Court ruled that Oklahoma's competency statute was not applicable to juvenile proceedings.¹⁰⁰

Due process requires that those accused of crimes be competent to stand trial. This means that if an individual's ability to comprehend or participate in legal proceedings is questioned, the district attorney or the child's attorney may file a motion for competency to be assessed by a trained forensic evaluator. A child may be considered incompetent because of developmental immaturity, an intellectual disability, or mental illness. If a child is suspected or believed to be incompetent, a forensic evaluator would examine the child to determine whether the child is fit to go through legal proceedings, and if not, whether competency can be restored.



Although it was the last state to pass juvenile competency legislation, **Oklahoma now leads the way in this area of law**, having added “developmental immaturity” as one of the reasons for finding a juvenile incompetent.

Although it was the last state to pass juvenile competency legislation, Oklahoma now leads the way in this area of law, having added “developmental immaturity” as one of the reasons for finding a juvenile incompetent. However, one major issue with juvenile competency remains. Typically, when an accused juvenile offender is found incompetent and the forensic evaluator determines that competency can be restored, remediation services are provided to improve the juveniles’ capacity in order to return to court.¹⁰¹ To date, Oklahoma still lacks remediation services for youth found incompetent.

2015: Leadership Resigns Pending Looming Budget Cuts

Just as Oklahoma was finally making progress in juvenile justice practices, OJA’s Director and Chief of Staff resigned in December 2015.¹⁰² At the time, the agency was facing the prospect of 5- to 10- percent budget cuts as the legislature grappled with huge budget shortfalls and revenue failures. In addition, the Legislature was considering a plan to consolidate OJA with either the Department of Corrections, Department of Mental Health and Substance Abuse Services, or the Department of Human Services as a cost-saving measure. Ultimately, the Legislature decided against consolidation.

2020: Oklahoma Passes Juvenile Justice Protection Bill

In 2020, Oklahoma passed the Juvenile Justice Protection Bill. This bill amended the law to prohibit children 12 years of age or younger from being placed in a state juvenile detention facility “unless all alternatives have been exhausted and the child is currently charged with a criminal offense that would constitute a felony if committed by an adult and it has been indicated by a risk-assessment screening that the child requires detention.”¹⁰³

2020 and 2021: Most Recent Reforms

Oklahoma continues to make gradual progress on youth justice issues. The 2020 and 2021 legislative sessions saw two key youth justice bills passed. House Bill 1799, passed in 2021, establishes a process for juvenile expungement.¹⁰⁴ The second, HB 1282, passed in 2020, prohibits the detainment of youth in adult facilities except under extreme conditions, but hearings and certain findings must occur before the child is confined in an adult facility.¹⁰⁵ This most recent change comes in the wake of the death of a 16-year old who was being held in Oklahoma County jail in 2019.¹⁰⁶ At the time, youth charged as “Youthful Offenders” or adults were allowed to be held in county jails if separated from adults.



Oklahoma continues to make gradual progress on youth justice issues.

The 2020 and 2021 legislative sessions saw two key youth justice bills passed.



Youth Justice Agencies and Organizations

The Oklahoma youth justice system has evolved over the years to include the Oklahoma Commission on Children and Youth (OCCY), the Office of Juvenile Affairs (OJA), four county-level juvenile bureaus, and 39 youth-serving agencies (YSAs) across the state.

OCCY serves as a watchdog-type agency to provide oversight and accountability to Oklahoma's child and youth-serving systems. OJA is the Oklahoma state agency responsible for the care and treatment of adjudicated youth. Oklahoma's four Juvenile Bureaus are county-level agencies that assist in providing assessments and supervision for youth within Oklahoma's four most populous counties: Canadian, Comanche, Oklahoma, and Tulsa. Lastly, Oklahoma's 39 YSA's are not-for-profit direct service providers which conduct prevention and diversion services throughout the state.

Oklahoma Commission on Children and Youth

In 1982, House Bill 1468 established the Oklahoma Commission on Children and Youth (OCCY) as a result of the conditions detailed within the Terry D. lawsuit. OCCY serves to provide accountability and oversight for children and youth-serving systems. OCCY was created as an independent agency to serve as a watchdog for Oklahoma's child-serving systems through independent monitoring and other legislative requirements.¹⁰⁷ OCCY's work consists of five separate programs:

- **Office of Juvenile System Oversight** – The OJSO provides comprehensive and independent monitoring of Oklahoma's child and youth-serving systems by investigating claims of mistreatment and providing regular inspection of state-run facilities. In addition, the team conducts complaint-specific reviews of all privately operated child-serving residential facilities.
- **Child Death Review Board** – The CDRB is a multidisciplinary team that reviews child deaths in Oklahoma by collecting and reviewing statistical data and system failure information.
- **Freestanding Multidisciplinary Teams** – These teams consist of professionals from district attorney's offices, law enforcement, Child Welfare Services, medicine, mental health, domestic violence, and other related fields. Teams conduct formal case reviews to immediately share information as it is obtained and avoid duplication of work.
- **Post Adjudication Review Board** – The purpose of PARB is to ensure the best interests of children categorized by state serving systems as "deprived" or "delinquent" are being met. Review boards are intended to provide an unbiased review of each case and provide recommendations for the court.
- **Office of Planning and Coordination** – P&C works at the community level with public and private entities to convene stakeholders and facilitate joint planning and coordination of services.

OCCY's rule-making body consists of 19 commissioners (for a list of current commissioners see Appendix B)¹⁰⁸ that meet to consider proposals, approve budgets, hear staff reports, and make appointments to councils and committees. The commissioners also submit recommendations to the Governor, Legislature, Supreme Court, and agencies responsible for developing or improving services for Oklahoma children and youth.

OKLAHOMA OFFICE OF JUVENILE AFFAIRS

The Oklahoma Office of Juvenile Affairs (OJA) was created through legislation and became an autonomous state agency in 1995. Previously, services for Oklahoma's in-need-of-supervision and delinquent youth were provided by the Oklahoma Department of Human Services (OKDHS). OJA's legislatively mandated role is to "promote public safety and reduce delinquency." To fulfill these statutory requirements, OJA must pursue its purpose through means that are "fair and just, that:

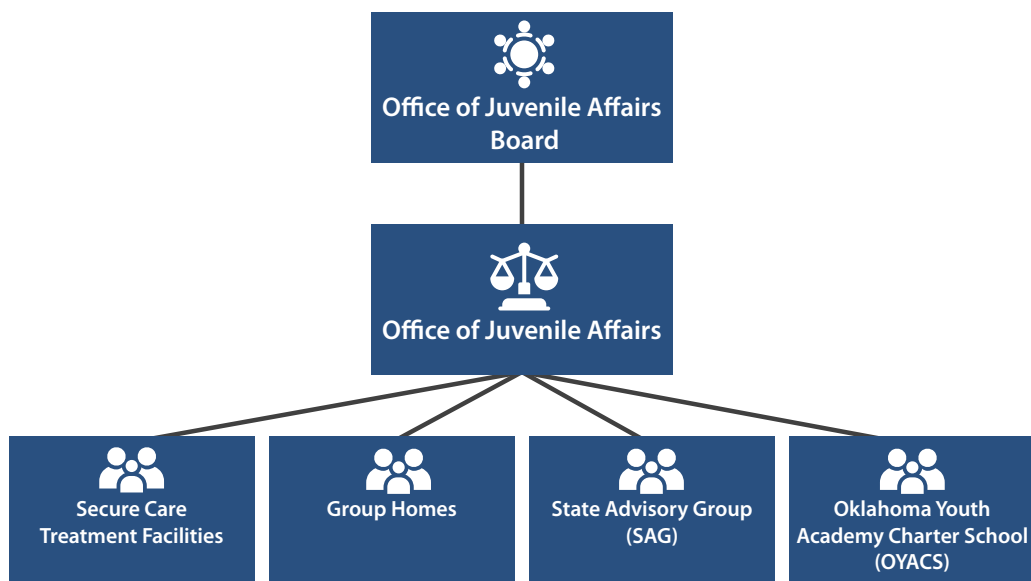
1. Recognize the unique characteristics and needs of juveniles;
2. Give juveniles access to opportunities for personal and social growth;
3. Maintain the integrity of substantive law prohibiting certain behavior and developing individual responsibility for lawful behavior;
4. Provide a system relying upon individualized treatment and best practice for the rehabilitation and reintegration of juvenile delinquents into society;
5. Preserve and strengthen family ties whenever possible, including improvement of home environment;
6. Remove a juvenile from the custody of parents if the welfare and safety of the juvenile or the protection of the public would otherwise be endangered;
7. Secure for any juvenile removed from the custody of parents the necessary treatment, care, guidance and discipline to assist the juvenile in becoming a responsible and productive member of society; and
8. Provide procedures through which the provisions of the law are executed and enforced and which will assure the parties fair hearings at which their rights as citizens are recognized and protected."¹⁰⁹



The Oklahoma Office of Juvenile Affairs' legislatively mandated role is to **"promote public safety and reduce delinquency."**

FIGURE 4

Oklahoma Juvenile Affairs (OJA) Organizational Chart



The Board of Directors for OJA consists of nine members: five members appointed by the Governor, two members appointed by the President Pro Tempore of the Senate, and two members appointed by the Speaker of the House. The Board is responsible for reviewing and approving the budget, assisting planning activities related to the priorities and policies of the agency, providing a public forum for receiving comments and disseminating information to the public, and establishing contracting procedures, and guidelines for rates of payment for services provided by contract. As a result of HB 2821, passed in 2019, the Director of OJA is now appointed by the Governor. The Governor now holds sole discretionary power on decisions to appoint or remove the Director of OJA, essentially altering the role of OJA's board to be mostly advisory.¹¹⁰

State Advisory Group

Oklahoma's State Advisory Group (SAG) is a federal-state partnership housed within OJA. The idea behind the creation of SAG is based on the consensus that children, youth, and families involved with the juvenile and criminal courts should be protected by federal standards for care and custody while also upholding the interests of community safety and the prevention of victimization.¹¹¹ Their role is to advise OJA, the governor, and the legislature on best practices for at-risk youth or those involved in the juvenile justice system and to facilitate monitoring and support regarding four key federal requirements:

- 1. Deinstitutionalization of Status Offenders:** A status offender is a youth charged with or adjudicated for an offense that would not be considered illegal for an adult (*e.g.*, truancy, running away). The primary JJDPa focus is on alternatives to detention for status offenses.
- 2. Adult Jail and Lock-up Removal:** This requirement focuses on removing youth from adult jails and detention facilities.
- 3. Sight and Sound Separation:** This requirement ensures that accused and adjudicated delinquents, status offenders, and non-offending youth are not detained or confined in any institution where they may have contact with adult inmates.
- 4. Racial and Ethnic Disparities:** This requirement focuses on helping states address and eliminate racial and ethnic disparities within the juvenile justice system.¹¹²

Oklahoma Youth Academy Charter School

Oklahoma Youth Academy Charter School (OYACS) was established by OJA's Board of Directors in 2015¹¹³ and is the first charter school sponsored by the Oklahoma State Department of Education. Operated by OJA, OYACS provides education to youth placed in secure treatment facilities with campuses being established at both Central Oklahoma Juvenile Center and Southwest Oklahoma Juvenile Center. OYACS has formed community partnerships with the Department of Rehabilitation Services, VocRehab, and CareerTech to assist students in meeting their educational goals.

Oklahoma Juvenile Bureaus

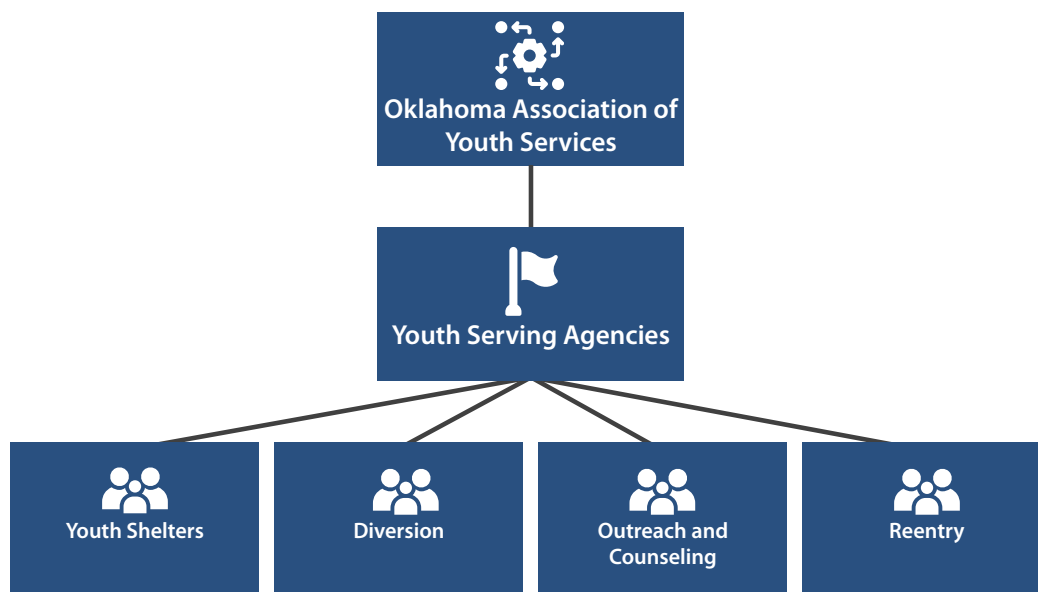
Juvenile bureaus are county-level agencies that provide assessments, intakes, supervision, and services for justice-involved young people in their counties. Oklahoma's four most populous counties — Canadian, Comanche, Oklahoma, and Tulsa — operate their own juvenile bureaus, working in conjunction with both county-level government and OJA to provide these services. For counties without an established Juvenile Bureau, OJA provides these services through their Juvenile Services Division.¹¹⁴

Oklahoma Association of Youth Services

Oklahoma Association of Youth Services (OAYS) is comprised of 39 not-for-profit youth-serving agencies (YSAs) throughout Oklahoma.¹¹⁵ OJA provides state funds on an annual basis to YSAs for prevention and diversion services. OJA and OAYS collaborate to prioritize needs, implement targeted interventions, evaluate outcomes, and promote community ownership. YSAs provide a variety of programming for adolescents and young adults throughout Oklahoma and additional community services, not only those funded through OJA, depending on funding and community need. In many cases, they are the only provider of these types of services. Their budget for delinquency prevention and diversion programs is reliant on funds allocated from the state-appropriated budget then routed through OJA. These agencies can access additional funding through grants and donations, but the expertise and capacity to do so varies widely from agency to agency.

FIGURE 5

Oklahoma Youth Services Organizational Chart



Juvenile Bureaus are county-level agencies that assist in providing assessments and supervision for youth within Oklahoma’s four most populous counties.

Youth Shelters

Youth Shelters are used as alternatives to secure detention and provide structured, residential care to juveniles. Shelter programs provide staffing and programming for crisis intervention, twenty-four hours a day, seven days a week. Oklahoma has 23 youth shelters statewide, all of which are run by youth-serving agencies.

FIGURE 6

Youth Shelters in Oklahoma¹¹⁶

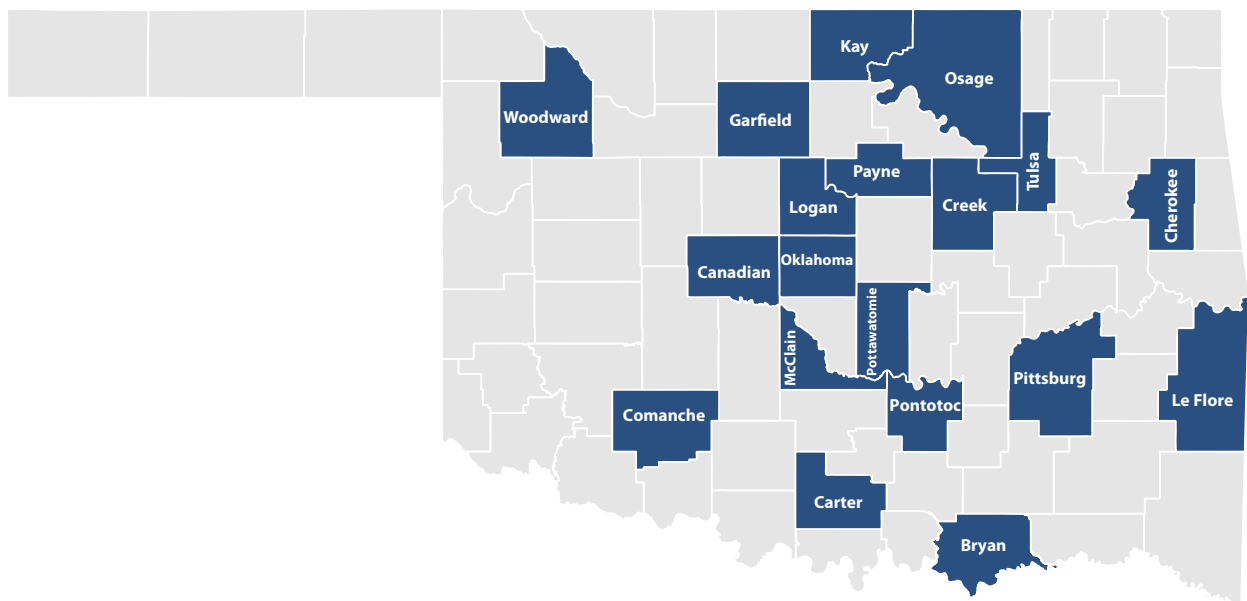


TABLE 1

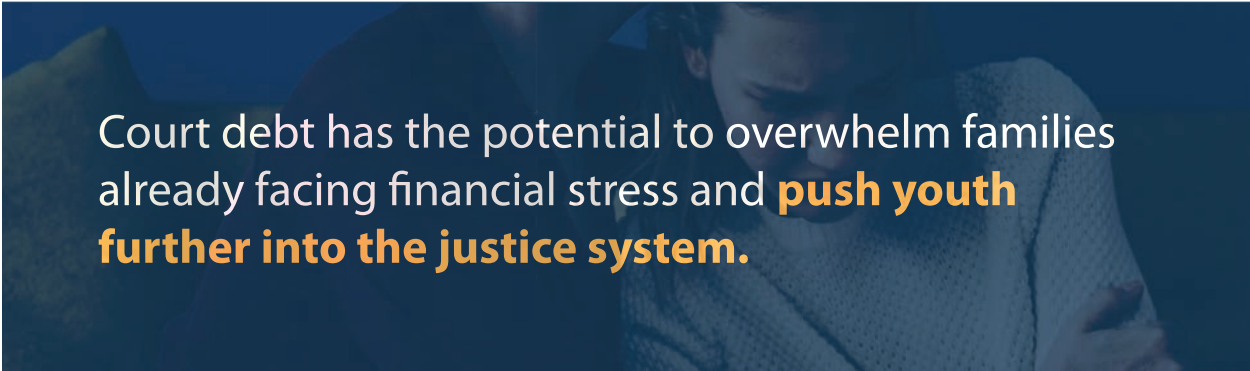
Commission membership is established by statute (§10-601.1) to include:

Position	Appointed by
The Director of Oklahoma Department of Human Services	Standing
Oklahoma State Commissioner of Health	Standing
Commissioner of the Oklahoma Department of Mental Health and Substance Abuse Services	Standing
Oklahoma State Superintendent of Public Instruction	Standing
Administrator of the Oklahoma Health Care Authority	Standing
Director of the Oklahoma State Department of Rehabilitation Services	Standing
Chair of the SJR 13 Oversight Committee	Standing
Senate Joint Resolution (SJR) 13 Judicial Oversight Committee for the Oklahoma Supreme Court	Standing
The Executive Director of Oklahoma Office of Juvenile Affairs	Standing
Oklahoma Children’s Agencies and Residential Enterprises	Governor
Statewide Association of Youth Services	Governor
Oklahoma Bar Association	Governor
Oklahoma District Attorney Association	Governor
CASA Association	Governor
Metropolitan Juvenile Bureaus	Governor
Business or industry	Governor
One member selected from recommendation from the Post-Adjudication Review Board	Governor
Representative with a demonstrated interest in improving children’s services who is not employed by a state agency or a private organization that receives state funds	Senate President Pro Tempore
Representative of OCCY-Partnership Board	Senate President Pro Tempore
Parent of a child with special needs	Speaker of the House

Key Legal and Financial Impacts of the Court

Legal representation

Many Oklahoma youth and families struggle to obtain legal representation, despite the fact that all individuals have the fundamental right to counsel when charged with a crime, regardless of ability to pay.¹¹⁷ Oklahoma provides legal counsel to those charged with crimes who cannot afford an attorney on their own, through a combination of county and state public defender offices.¹¹⁸ The two most populous counties — Oklahoma and Tulsa counties — have established their own public defender offices funded through the county. All other counties are served by Oklahoma's Indigent Defense System (OIDS), which provides representation through its satellite trial offices or through agreements with private attorneys. In order to obtain a public defender, a youth's legal guardian is required to complete an application and pay a fee. These application fees are either \$15 in Tulsa and Oklahoma counties or \$40 in all other counties. Listening session participants reported, in some cases, parents have to pay multiple application fees due to errors in their applications. Parents are completing applications with no assistance from legal counsel and then are forced to pay additional application fees if a mistake is made.



Court debt has the potential to overwhelm families already facing financial stress and **push youth further into the justice system.**

Court Debt

Families of justice-involved youth can face significant financial costs, which can have a disproportionate impact on low-income Oklahomans. Court debt has the potential to overwhelm families already facing financial stress and push youth further into the justice system. Even seemingly minimal payments may require families to choose between buying basic necessities such as groceries or paying court-ordered fees. The financial strain can also negatively impact the siblings of justice-involved youth. When family resources are going towards legal costs, parents will inevitably have fewer resources for other children living in the household.

Court costs charged to youth and families can vary greatly from county to county, as well as based on the discretion of individual prosecutors and judges. Given the confidential nature of youth cases, records on fines and fees assessed are not publicly available for analysis. Oklahoma state statute sets a range of costs that can be charged, which include:

- **Cost of counsel** – Legislation requires the Oklahoma Indigent Defense System to charge a nonrefundable \$40 application fee at the time of filing.¹¹⁹ The application fee in Tulsa¹²⁰ and Oklahoma¹²¹ counties, which have their own public defender’s offices, are significantly less at \$15.
- **Supervision or probation fees** – These fees can be up to \$25 per month.¹²²
- **Diversion fees** – This is a drug court program “user fee” of up to \$20 per month.¹²³ Other charges are determined by judicial discretion and can include drug court program costs such as court costs, treatment costs, drug-testing costs, and supervision fees.
- **Cost of care fees** – These costs, sometimes referred to as child support, residential fees, or detention costs, can also include costs for physical and mental health care while the youth is in custody.¹²⁴ In Oklahoma, the judge for each individual case sets the charges for youth and families. Since the treatment and care of each child is unique, Oklahoma statute does not specify a range for these charges. For fiscal year (FY) 2021, OJA reported the collection of over \$160,000 in child support for 766 detained youth for an average of about \$200 per person.¹²⁵
- **Fines** – In Oklahoma, youth involvement in the justice system can result in fines being charged to youth as well as parents.
 - Parents or guardians can be charged:
 - » \$1,000 if juvenile sex offender fails to register,¹²⁶
 - » \$500 or up to six months in jail for parents if their child is released into their care and fails to come to return for court hearings.
 - Youth can be charged the following fines:
 - » All adult criminal fines and fees if charged as an adult,
 - » Various fees for specific offenses: purchasing or possessing tobacco underage, transmission of child pornography, possessing a prohibited item in a juvenile facility, and violating the sex offender registry act,
 - » Victims’ compensation for certain offenses, ranging from \$30-\$2,000.¹²⁷
- **Restitution** – Restitution charges vary greatly as they are decided by individual judges. Legislation does not specify an amount or range for restitution. However, Oklahoma law specifies that ability to pay be considered, as well as gives the option for community service to be given instead of restitution charges.¹²⁸

TABLE 2

Examples of fines and fees in youth justice system

Type of cost	Amount or range	Charged to	Note
Cost of counsel	\$15 or \$40	Parents	However, youth can not be appointed an attorney without parents filing, or being declared deprived.
Supervision fees	\$25 per month	Youth	
Diversion fee	\$20 per month	Youth	Other charges are determined by judicial discretion and can include drug court program costs such as court costs, treatment costs, drug-testing costs, and supervision fees.
Cost of care fee	Not specified	Parents	Sometimes referred to as child support, residential fees, or detention costs. These costs can also include costs for physical and mental health care while the youth is in custody. In Oklahoma, the judge for each individual case sets the charges for youth and families. Since the treatment and care of each child is unique, Oklahoma statute does not specify a range for these charges. For fiscal year (FY) 2021, OJA reported the collection of over \$160,000 in child support for 766 detained youth for an average of about \$200 per person.
Fines	Varies	Both	
Restitution	Not specified	Youth	



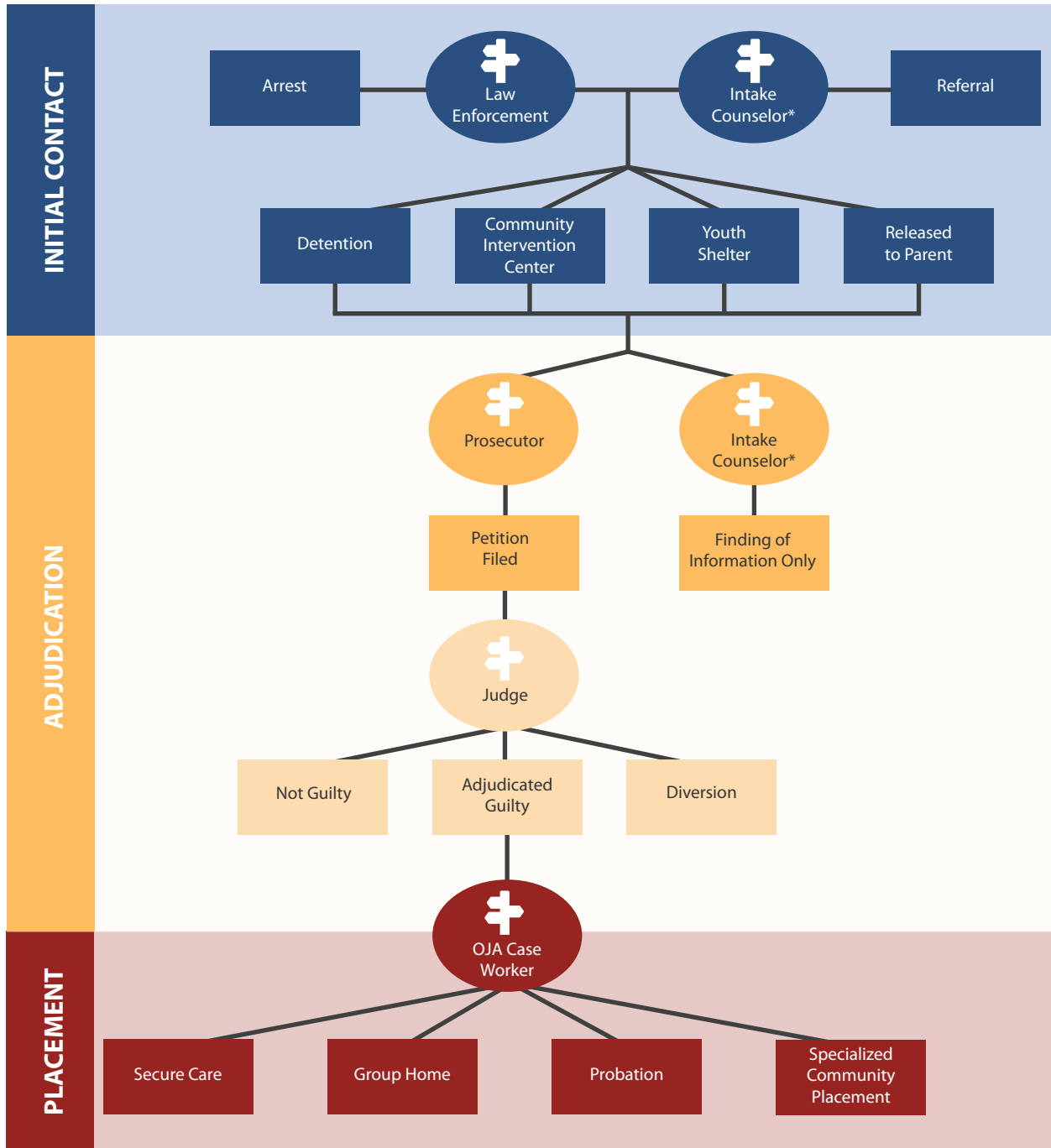
Oklahoma's Present-Day Youth Justice System

Throughout Oklahoma's youth justice system are a series of decision points that determine if a youth continues further into the system or is diverted. Decision points include:

- arrest,
- referral,
- diversion,
- detention,
- petition,
- adjudication,
- disposition,
- placement, and
- reentry.

FIGURE 7

Pathways in Oklahoma's Youth Justice System



* Intake counselors are OJA employees, unless within one of four counties with a Juvenile Bureau.

Arrest

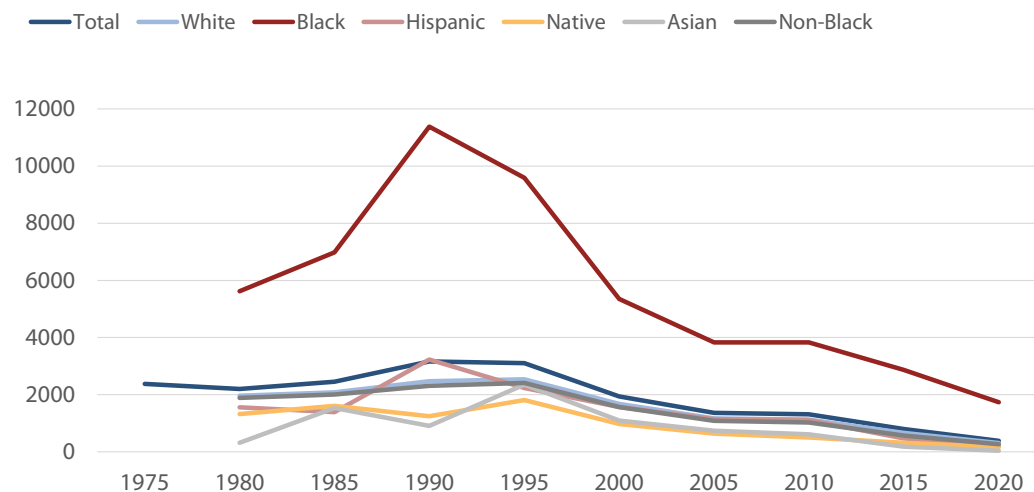
The most common way for young people to come into contact with the justice system is through law enforcement. An arrest takes place when a youth is taken into custody by law enforcement for allegedly committing a misdemeanor or felony offense. Each arrest may include more than one charge.

Since their peak in the 1990s, total arrests for Oklahoma youth have fallen by two-thirds, and the rate of homicide deaths have been cut in half. From 1990 to 2018, youth arrest rates for serious offenses declined by 86 percent.¹²⁹

Despite these encouraging trends, severe racial disparities remain and, in some cases, have grown worse. Black youth remain about twice as likely to be arrested for a drug offense and three times more likely to be arrested in comparison to white youth. As in other aspects of the justice system, racial disparities grow worse at each point in the system. Disparate arrest rates are amplified when it comes to incarceration, as Black youth are 6.4 times more likely to be incarcerated than white youth. Similarly, American Indian youth who are arrested are much more likely to be incarcerated than other races.

FIGURE 8

Criminal arrests and violence are plummeting among Oklahoma’s children and youth¹³⁰



Source: Oklahoma State Bureau of Investigations (OSBI)

Referral

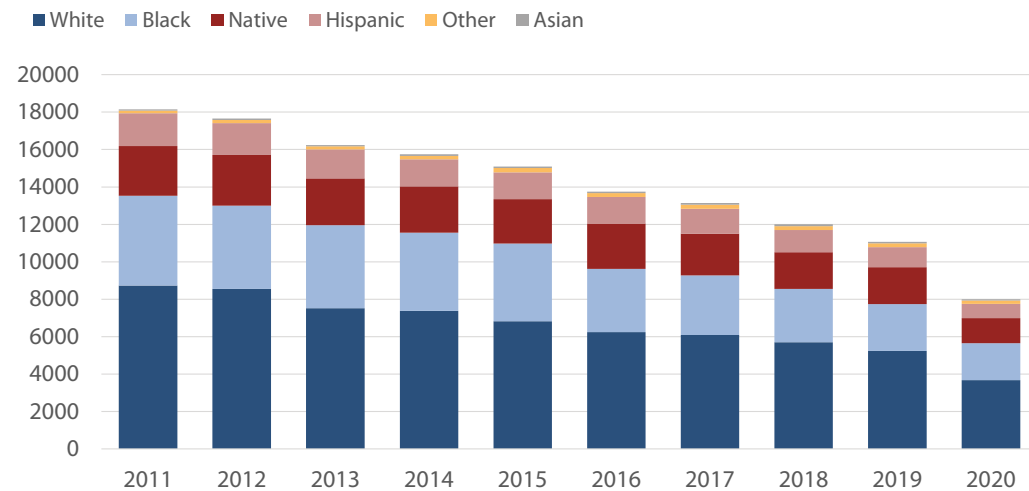
A key difference between the youth and adult justice systems is the way in which individuals enter the system. Some youths are involved in crime, arrested, and formally processed through juvenile courts, while other youth enter the system through referrals from social service agencies, schools, or parents,¹³¹ similar to the referral process in the child welfare system.

When law enforcement officers encounter a young person for referral, the officer may take the youth home, to an emergency shelter or Community Intervention Center, or make a request for secure detention.

Utilizing referral data from 2011-2020 obtained from the OJA, OK Policy’s analysis shows racial and geographic disparities remain within Oklahoma’s youth justice system. Although the overall number of youth referrals has significantly declined during the past decade, there are still a disproportionate number of referrals made for youth of color. Black youth make up 25 percent of total referrals yet are only around eight percent of the population. In Fiscal Year 2020, Black youth were almost three times more likely to be arrested compared to white youth.¹³² Similarly, American Indian youth are nearly twice as likely to be arrested when compared to white youth.

FIGURE 9

Youth referrals have decreased significantly from 2011 -2020

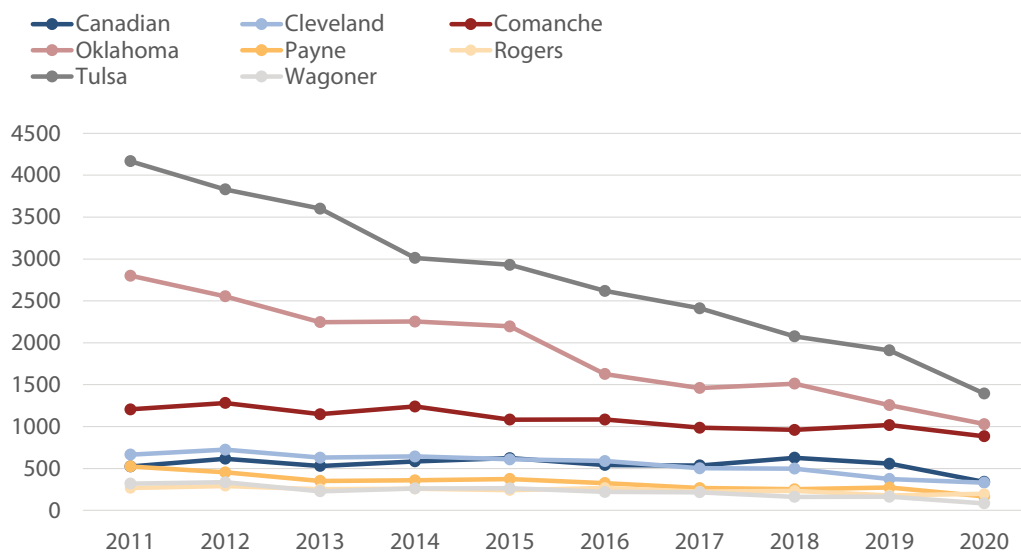


Source: Oklahoma Office of Juvenile Affairs

OJA’s most recent report, published in 2016, indicates that Tulsa County — with 17 percent of the state’s youth and 13 percent of juvenile arrests — accounts for 20 percent of referrals to OJA facilities. In contrast, Oklahoma County — with 20 percent of youth and 21 percent of youth arrests — accounts for just nine percent of referrals to OJA. However, recent referral data obtained from OJA shows that Tulsa County referral rates have significantly declined in recent years. From 2011-2020, Tulsa County decreased their referral rate by about 10 percent more than the state average over the same time period. Tulsa County saw a decrease in referrals of 66 percent, while the state as a whole saw a decrease of 56 percent.

FIGURE 10

Yearly OJA Referrals by County



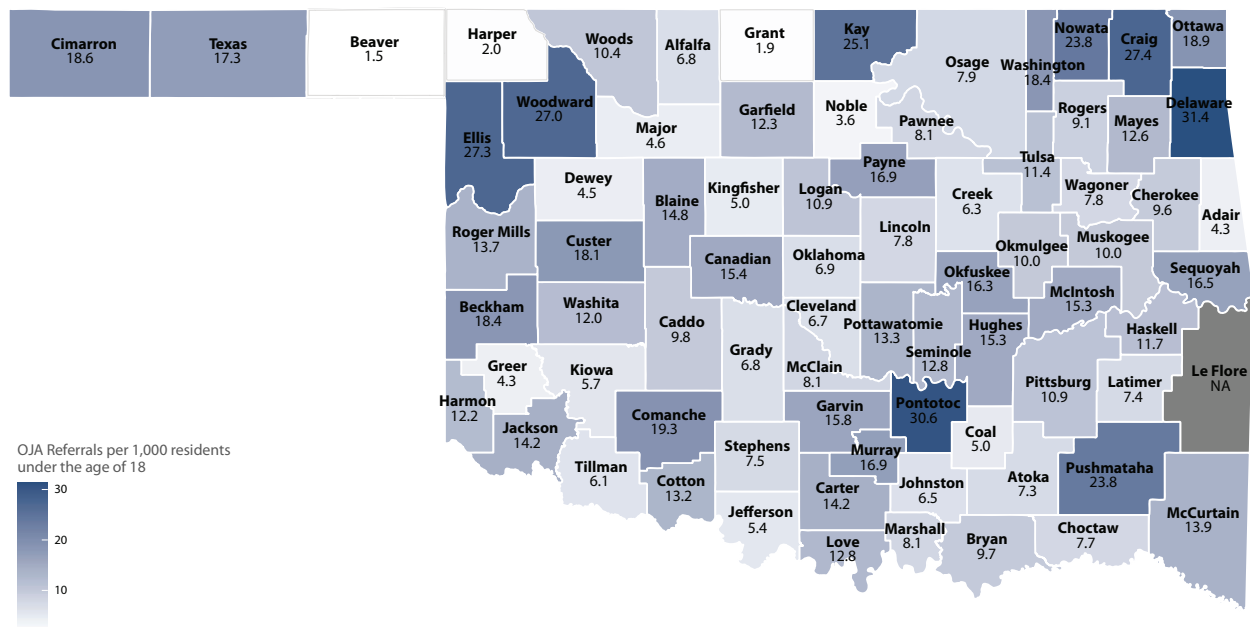
Source: Oklahoma Office of Juvenile Affairs

Racial disparities remain a problem. For example, in Tulsa County, Black youth make up only 10 percent of the youth population but account for 27 percent of OJA referrals. By comparison, white youth make up 45 percent of the youth population in Tulsa County but account for only 22 percent of youth referrals, according to OK Policy analysis of Office of Juvenile Affairs and Census Bureau data.

The vast majority of the referrals are concentrated in largely urban counties like Tulsa, Oklahoma, and Comanche counties. However, when examining referrals per capita, Comanche County still ranks among the counties with the highest rates, but more rural counties have high rates as well. County-level referral rates per 1,000 youth range from 1.5 in Beaver County, which had two referrals during 2019, to almost 31.4 referrals in Delaware County. Other counties with high referrals per capita included Ponotoc, Craig, and Ellis counties. Overall, there appears to be little correlation between OJA referrals per capita and whether a county is urban or rural.

FIGURE 11
Referrals across the state

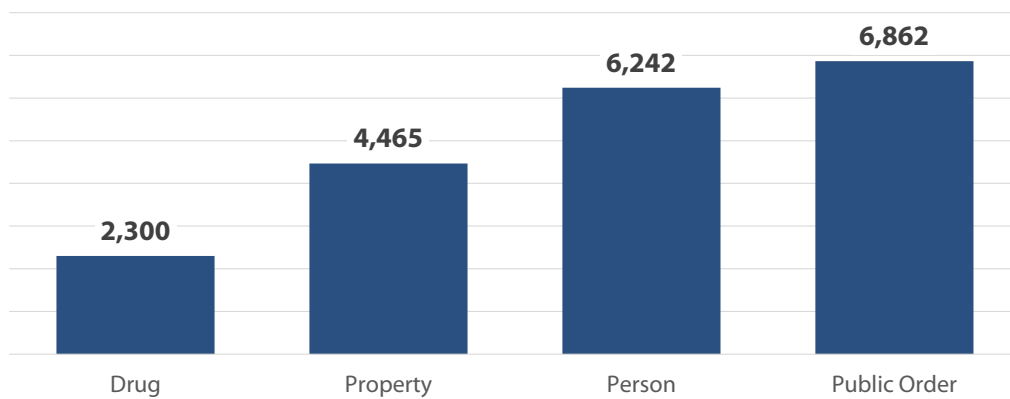
OJA Referrals per 1,000 residents under the age of 18 by county, includes all OJA referrals from FY 2019



Utilizing referral data obtained from OJA for Fiscal Years 2019-2021, referrals were grouped into types of arrests utilizing the U.S. Department of Justice Uniform Crime Reporting guide:¹³³ drug, person, property, and public order. Public order offenses — a wide range of charges related to incidents harming the public good or going against public decency — receive the largest number of referrals for each year 2019-2021 with drug offenses receiving the fewest number of referrals each year.

FIGURE 12

Youth referrals to Oklahoma Office of Juvenile Affairs, by type



Source: Referral data obtained from OJA for Fiscal Years 2019

Crisis Intervention Centers

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. Youth may be held in a CIC for a maximum of 24 hours prior to being released to a parent, guardian, attorney, or responsible adult. CICs are open 24 hours a day, seven days a week and are funded through contracts with county governments. Currently, there are four CICs in Oklahoma, located in Clinton, Enid, Oklahoma City, and Tulsa.

TABLE 3

Crisis Intervention Centers in Oklahoma

City	Operating agency
Clinton	Multi-county youth services
Enid	Enid Police Department
Oklahoma City	Pivot
Tulsa	Tulsa County Juvenile Bureau

Diversion

Oklahoma's 39 youth-serving agencies provide pre-court intervention services such as diversion, deferred filing, and informal adjustments (deferred prosecution agreements). Additionally, OJA uses state funds to support Community Accountability Boards to administer graduated sanctions programs in rural communities.¹³⁴ These programs divert low-level offenders from the juvenile justice system and provide needed accountability and access to local treatment resources. The services offered are based on individual treatment plans but vary widely from county to county based on capacity and funding. In FY 2020, OJA reports 2,297 young people were formally diverted from the system. Similar to other data, the demographic group most adversely affected are Black youth. White youth were more than half as likely to receive a diversion program compared to Black youth. OJA reports the success rate for both their deferral and informal adjustment programs at over 80 percent for FY 2021.

Diversion program services vary widely from county to county **based on capacity and funding.**

Detention

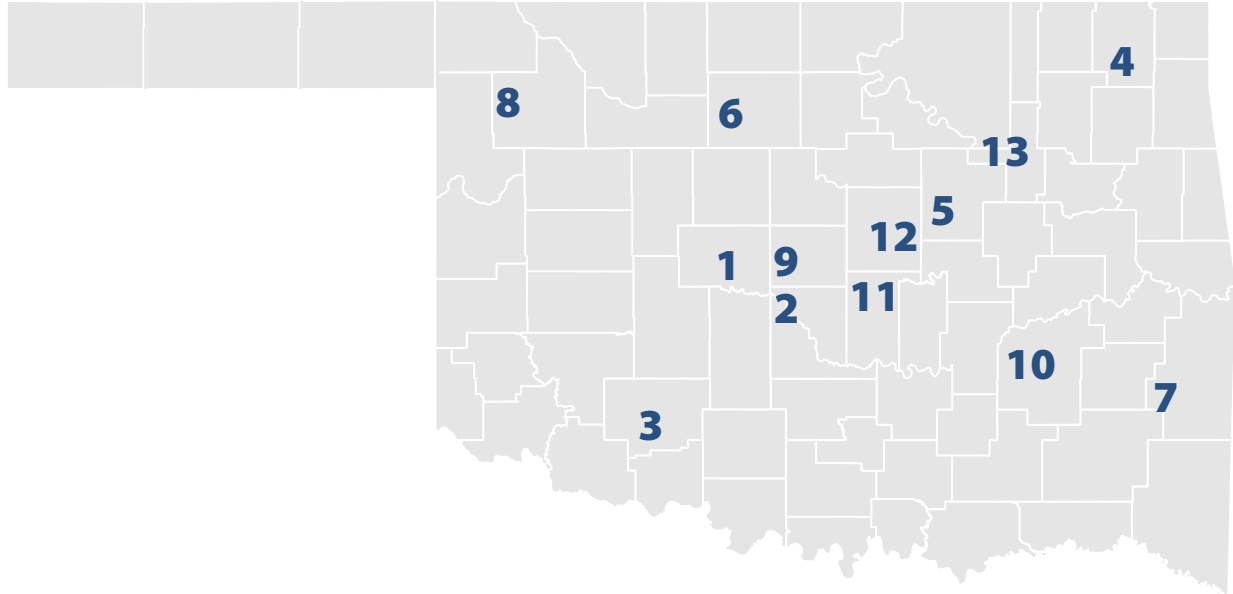
For cases formally processed in juvenile court or when an arresting officer makes a request, the next decision is whether to detain the young person or release them into the custody of a legal guardian. In Oklahoma, this decision is made by the judge presiding over the court case. After a detention screening, a judge may order a youth to be held in detention for up to five judicial days pending the filing of a petition.¹³⁵ Once a petition is filed, the judge must review and make a recommendation for detention every 15 days.

Detention is short-term confinement, primarily used after youth have been arrested but before their case is processed. A smaller number of young people are in detention centers after adjudication while awaiting a space to come available at their formal placement facility. Best practice recommends pretrial detention is appropriate only when a court believes a youth to be at risk of committing crimes or fleeing.¹³⁶

Oklahoma has 13 youth detention centers across the state. The four counties with established Juvenile Bureaus, along with nine additional counties contract with OJA to provide secure detention services. They are similar to county-level jails within the adult system, however, the OJA licenses every juvenile secure detention bed and determines the number of contracted beds in each facility.

FIGURE 13

Juvenile Detention Centers in Oklahoma



There are 13 juvenile detention centers within Oklahoma:

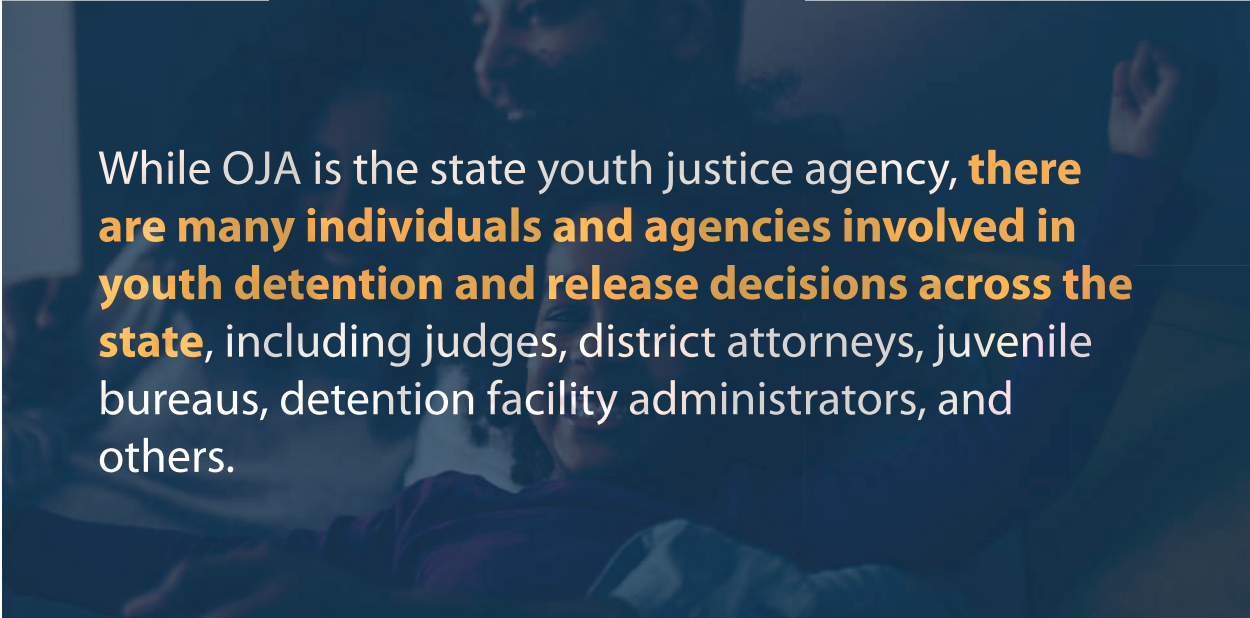
1. Canadian County Juvenile Detention Center
2. Cleveland County Regional Juvenile Detention Center
3. Comanche County Juvenile Detention Center
4. Craig County Juvenile Detention Center
5. Creek County Juvenile Detention Center
6. Garfield County Juvenile Detention Center
7. LeFlore County Juvenile Detention Center
8. Northwest Oklahoma Juvenile Detention Center
9. Oklahoma County Juvenile Detention Center
10. Pittsburg County Juvenile Detention Center
11. Pottawatomie County Juvenile Detention Center
12. Sac and Fox Detention Center
13. Tulsa County Detention Center

While OJA is the state youth justice agency, there are many individuals and agencies involved in youth detention and release decisions across the state, including judges, district attorneys, juvenile bureaus, detention facility administrators, and others. Between July 2019 and August 2020, 2,345 young people were held in detention throughout Oklahoma. Black and Latinx youth were both nearly one and half times more likely to be detained compared to their white counterparts.¹³⁷

Petitions

Petitions are when documents are filed for formal processing of a young person's case within the juvenile court system, similar to receiving a charge in the adult system. Between July 2019 and August 2020, 3,499 youth received petitions statewide. While the number of youth petitions has declined overall, Black, American Indian, and Latinx youth are all nearly 1.5 times more likely to have a petition filed than their white counterparts.

Black youth are more than 1.5 times as likely to have a petition filed, less likely to receive a delinquent filing or probation, and more than three times as likely to have their case result in secure confinement. Data show Latinx youth follow a similar pattern, except they are nearly twice as likely to receive secure confinement. Between July 2019 and August 2020, OJA reports 12 cases involving youth were transferred to the adult court,¹³⁸ half of which were American Indian youth. Of the remaining six cases, four were white youths and two were Black youths.



While OJA is the state youth justice agency, **there are many individuals and agencies involved in youth detention and release decisions across the state**, including judges, district attorneys, juvenile bureaus, detention facility administrators, and others.

Adjudication

The next step in the court process is adjudication. Similar to a guilty verdict in the criminal court system, adjudication is the formal finding by the juvenile court that a young person has committed the act for which they are charged. The vast majority of cases in the juvenile court are not contested. Instead, they are resolved with plea agreements where the youth admits to a lesser charge or consent decrees and the prosecutor agrees to defer prosecution while the young person adheres to specific conditions.

Disposition

Oklahoma's youth court has a bifurcated process. This means that adjudication (judgment) and disposition (sentencing) hearings happen separately.¹³⁹ The treatment needs and placement level of youth are determined at disposition hearings. The objective of custody within Oklahoma's youth justice system is to "provide rehabilitative services in the least restrictive placement that is closest to the young person's home and takes into account protection of the community."¹⁴⁰ Thus, youth are given a treatment plan to complete versus sentencing. Adjudicated youth are placed on probation with supervision or in the custody of OJA.

Probation

OJA provides probation services in the 73 counties without a Juvenile Bureau, and services in Canadian, Comanche, Oklahoma, and Tulsa Counties are provided by their local Juvenile Bureau.¹⁴¹ Probation allows a young person to remain in the community under supervision while requiring compliance with probation rules and individualized treatment plans.¹⁴²

Placement

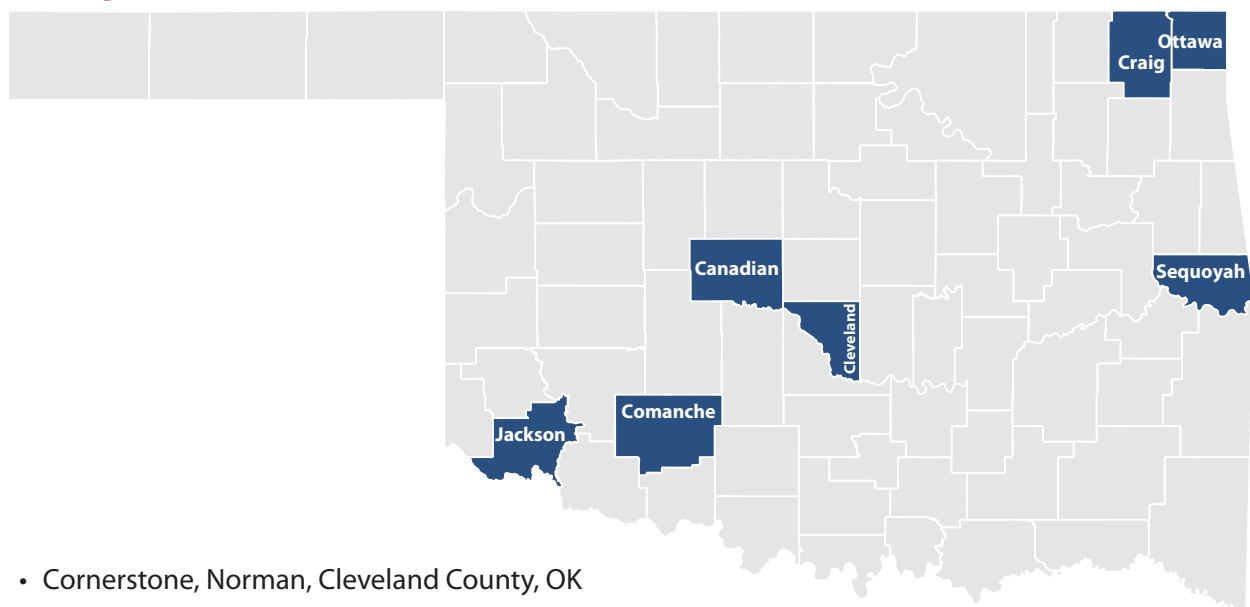
Group Homes

There are two main placement types for youth in OJA custody: secure care and group homes. Group homes are designated as less restrictive environments than secure care while providing a highly structured environment where youth receive treatment and services.

OJA currently contracts with 11 group homes throughout the state to deliver services in residential settings.

FIGURE 14

Group Homes in Oklahoma



- Cornerstone, Norman, Cleveland County, OK
- Lawton Boys Group Home, Lawton, Comanche County, OK
- Lighthouse, Norman, Cleveland County, OK
- Mustang Treatment Center, Mustang, Canadian County, OK
- People Inc., Sallisaw, Sequoyah County, OK
- ROCMND, Miami, Ottawa County, OK
- Scissor Tail Landing, Norman, Cleveland County, OK
- Scissor Tail Pointe, Norman, Cleveland County, OK
- Thunder Ridge, Norman, Cleveland County, OK
- Welch Skill Center, Welch, Craig County, OK
- Dash SCH, Altus, Jackson County, OK¹⁴³

Secure Care Treatment Facilities

The most restrictive type of placement occurs within OJA's secure treatment facilities. Currently, OJA operates two secure facilities: the Central Oklahoma Juvenile Center (COJC) in Tecumseh and the Southwest Oklahoma Juvenile Center (SWOJC) in Manitou. In 2017, the state approved plans that allowed OJA to build a new treatment facility. OJA is renovating the COJC site to create its "Next Generation Campus," which will serve as the single secure care facility as it plans to centralize operations from two other centers onto the new campus. This campus is scheduled to have 144 beds and is expected to be complete in fall 2022.

TABLE 4

Youth Placement at a Glance

Agency	Facility	Placement Type	Number of Facilities Statewide	Number of Contracted Beds
Youth Service Agencies	Youth Shelters	Detention Alternative	23	NA ¹
Counties / Juvenile Bureau	Community Intervention Centers (CIC)	Detention Alternative	5	2,070 ²
District Court/ Juvenile Bureau	Detention Centers	Temporary hold facility	4	266
OJA	Group Homes	Secure residential facility	11	167
OJA	Secure Care Treatment Facilities	Secure treatment facility	2	132
<p>1 A bed count for Youth Shelters is not reported by the state. 2 Capacity for CICs is not calculated via beds as CICs are not used for 24-hour cycles; the approximate number of youth CICs are capable of holding is given instead</p>				

Reentry

Young people leaving the care of the youth justice system face many challenges as they transition back to their community, home, school, and occasionally, the workforce.¹⁴⁴ Many youths struggle to remain in school, and lack the skills needed for employment upon leaving secure care placement. Furthermore, the majority of youth involved in the juvenile justice system have a mental health disorder, and it can be difficult to arrange support services in their home communities.

Utilizing discharge data from Fiscal Years 2019-2021 obtained from OJA, OK Policy's analysis shows that each year, approximately 500 youth across the state are returning to the community from OJA placement.

Successful community reentry is proven to reduce recidivism and increase public safety.¹⁴⁵ The federal Office of Juvenile Justice and Delinquency Prevention recommends programs that establish clear goals, utilize needs assessments, begin before youth leave the facility, and involve family and community support.¹⁴⁶ Successful reentry programs and practices should foster improved family relationships, reintegration into school, and mastery of independent life skills¹⁴⁷ and have the potential to build positive youth development and youth resiliency.

Various factors should be considered when planning for reentry:

- **Family:** What services and supports are needed to ensure family and home stability, skill development, and healing of damaged relationships?
- **Substance abuse:** What are the services and supports that promote a reduction or cessation of substance use and/or abuse?
- **Peer association/friends:** What services and supports need to be in place to promote positive use of leisure time, prevent gang involvement, and discourage association with peers engaged in delinquent activities?
- **School conflict and achievement:** What services are in place to promote the transfer of educational records and placement in the appropriate school settings that will support educational success and achievement?
- **Mental, behavioral, and physical health:** What services and supports are in place to address mental health, social/behavioral concerns, and/or chronic health problems?¹⁴⁸

In Oklahoma, youth reentry services are provided by the Juvenile Services Unit (JSU) within OJA. The JSU provides parole and reintegration services for youth in all 77 counties.¹⁴⁹ Publicly available information on the exact programming available is limited. Information specific to Tulsa’s reentry program is available through an implementation analysis by the Urban Institute.¹⁵⁰

Oklahoma was able to secure federal grant funding to provide comprehensive reentry services through a partnership between Youth Services of Tulsa (YST) and OJA. Services include:¹⁵¹

- **Pre-release** – YST Case managers are assigned to each youth upon referral from OJA. Youth receive monthly visits throughout their placement that focus on experiences in placement and reentry planning. Approximately 30 days before release, intensive family service therapists visit the youth and conduct phone calls with families.
- **Post-release** – Youth returning home participate in an eight-hour orientation program focused on conflict resolution, decision making, anger management, sexual health, substance use relapse prevention, and employment and independent living skills. Case managers visit the youth once a week for six months after their release and assist youth with obtaining identification cards, fulfilling license requirements, and accessing educational and employment services.

A critical issue identified by case managers was the variation and complexities of youth’s home situations, which greatly impacts their life path post-release. The reentry program in Tulsa has been able to sustain funding for post-release services but noted difficulty in access to funding for reentry services.¹⁵²



Successful community reentry is proven to **reduce recidivism and increase public safety.**

A smiling man's face is visible in the background, partially obscured by the text and quotation marks. The man has dark hair and is wearing a dark shirt. The background is a solid blue color.

“

Oklahoma’s historical legacy continues in the form of ongoing disinvestment in communities and families, while simultaneously cutting tax revenue that could be invested in children’s futures.

While Oklahomans continue to endure these hardships, residents have increasingly advocated for meaningful systems change.

”

Chapter 3: Recommendations

Solutions

Oklahoma's historical legacy continues in the form of ongoing disinvestment in communities and families, while simultaneously cutting tax revenue that could be invested in children's futures.¹⁵³ While Oklahomans continue to endure these hardships, residents have increasingly advocated for meaningful systems change. In recent years, Oklahoma citizens have used the initiative petition process to pass important ballot measures ensuring the expansion of Medicaid coverage¹⁵⁴ and critical criminal justice reforms.¹⁵⁵ Oklahoma remains near the bottom in all measures of child well-being, and rising mental health concerns and suicide rates among Oklahoma youth indicate an ongoing crisis.¹⁵⁶ The following recommendations would focus and expand supports to justice-involved children.

Policy and Advocacy



Eliminate youth fines and fees. One national survey found that 62 percent of youth or their families reported difficulty paying probation fees, which caused heightened juvenile justice system involvement and increased court contact, family debt, driver's license issues, and family strain.¹⁵⁷ Families reported that additional court visits alone led to missed school and work, family debt, inability to obtain an expungement, and placement for the youth who was charged.

Research has shown that strengthening family supports leads to better outcomes for youth who have been involved with the juvenile justice system.¹⁵⁸ When parents face incarceration or mounting debt for unpaid youth justice charges, they have even fewer resources to devote to their children. Legal financial obligations may burden youth well into adulthood, hindering their education and potential employment opportunities.

In June 2021, more than 180 organizations signed on to recommendations submitted to the U.S. Department of Justice requesting the elimination of youth fines and fees.¹⁵⁹ The groups contend that fines and fees charged to youth and families are unconstitutional, impact a youth's access to legal representation, and heighten racial disparities.



Ensure quality legal counsel for youth. Despite reforms, Oklahoma's incarceration crisis and inadequate funding continue to place heavy stress on Oklahoma's public defender system.¹⁶⁰ When indigent defense systems are strained, public defenders are much more likely to convince their clients to accept plea deals.¹⁶¹ The added requirements of regular review hearings within youth cases put further strain on their public defenders. National research also notes that public defenders' salaries pale in comparison to those of private attorneys or prosecutors.¹⁶² Ensuring access to, and quality of, counsel for every young person who enters the youth justice system is required to provide young people a fair and just system.

One possible option for state leaders to explore is partnering with the National Juvenile Defense Center (NJDC) for a state assessment of Oklahoma's juvenile defense system. The NJDC offers technical assistance and resources to improve quality defense for youth.¹⁶³ Currently, the NJDC has provided in-depth state assessments for 28 states including several neighboring states like Texas, Kansas, Missouri, and Colorado.¹⁶⁴ These assessments include gathering data and information related to the timing of the appointment of counsel, the frequency with which children waive their right to counsel and the conditions when they do, resource allocation, attorney compensation, supervision and training, and access to investigators, experts, social workers, and support staff.



Establish a minimum age of criminal responsibility. The United States remains an outlier in that there is no established minimum age of prosecution. With no federal laws establishing a minimum age of prosecution, the responsibility is left to state governments and Oklahoma currently has no set minimum age of criminal responsibility. Listening session participants reported children as young as eight years old being charged with minor offenses in Oklahoma. The United Nations has deemed the establishment of a minimum age of criminal responsibility a central pillar of human rights for children.¹⁶⁵

Advances in imaging technology and neuroscience research have proven that while children under age 14 may understand they should not break the law, they do not fully grasp what it means to break the law or fully understand the legal and moral implications.¹⁶⁶ Thus, children 14 or younger are not legally culpable for their behavior in the same way as adults. Research consistently finds exposure to the youth justice system dramatically increases the likelihood of future offending, regardless of a young person's home or community environment. Although the U.N. recommends a minimum age of prosecution in juvenile courts be set at 14, no states currently align with this recommendation.¹⁶⁷ Therefore, the National Juvenile Justice and Delinquency Prevention Coalition has recommended that states begin by establishing a minimum age of 12 years for youth justice jurisdiction.

There should be **equal accountability** of the systems responsible for youth.



Increase transparency and accountability. Just as youth involved in the justice system must be accountable to those providing rehabilitation, there should be equal accountability of the systems responsible for youth, by:

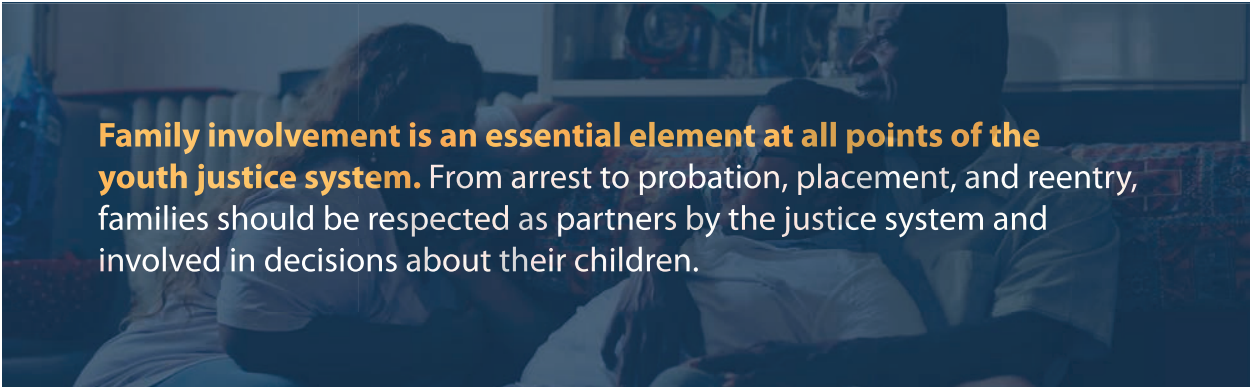
- Requiring youth- and child-serving systems to clearly define and measure success,
- Implementing fully integrated data systems across state systems and ensuring OCCY has access to such a system for investigations, and
- Ensuring regular state reporting on multiple measures of success by demographics.

Although Oklahoma's youth justice system utilizes a comprehensive database and case management system, JOLTS, for all youth who are justice-involved, data sharing and transparency are limited. Releasing aggregate data will allow advocates, researchers, policymakers, and others to access important data without compromising youth privacy.



Develop authentic family engagement. While momentum is growing among Oklahoma's youth justice systems to embrace families and recognize that family engagement is required for positive youth outcomes, more work remains to be done.

Listening session participants highlighted an overall culture of blame towards families for youth justice involvement or delinquent behavior. These negative stereotypes and perceptions about families, however, ignore that families can also play other, more positive roles in young people's lives and increase their chances of success. Research on the positive impact families can have for young people dates back to the 1970s. Supportive family contact during incarceration is associated with improved behavior while incarcerated, better parole outcomes, reduced recidivism, and even reduced rates of sibling involvement in the justice system.¹⁶⁸



Family involvement is an essential element at all points of the youth justice system. From arrest to probation, placement, and reentry, families should be respected as partners by the justice system and involved in decisions about their children.

Family involvement is an essential element at all points of the youth justice system. From arrest to probation, placement, and reentry, families should be respected as partners by the justice system and involved in decisions about their children. For youth in the youth justice system, family is best defined broadly to include biological family members, extended and chosen family (including godparents and foster siblings), and other important people such as mentors, faith leaders, teachers, and coaches. Research on the role of family involvement is growing and findings demonstrate that youth with strong and diverse support systems have better outcomes.¹⁶⁹

Youth justice systems are making strides to better identify and engage family members and other people who support youth. Many of these efforts mirror parent engagement activities in school settings. For example, facilities can hold orientation sessions or tours for families, or make sure parents receive report cards and adequate transportation to participate in parent-teacher conferences. Other strategies, like including families — in-person or by telephone or video call — in regular treatment meetings and counseling sessions, help to increase families' knowledge and skills in supporting their loved one's treatment and reentry plans in the facility and upon returning home. The creation of a family coordinator staff position brings in the expertise of family members whose children have been in the juvenile justice system to help families navigate the system and stay better connected to their loved ones.



Establish a youth justice policy advocacy coalition. In gathering research for this report, multiple stakeholders identified lack of communication and coordination by youth-serving entities as a significant issue within the youth justice system. There is a current lack of stakeholder engagement outside of state agencies or contractors. Developing and staffing a coalition of organizations invested in policy change in the youth justice system would build trust and opportunities for collaboration between those organizations while also creating capacity for those organizations to push for needed administrative and legislative policy change.

Invest in Oklahomans

Policies that support low-income families improve the well-being of children, serving as the earliest and most basic form of crime prevention. Research shows that improving the financial well-being of families creates healthier and economically thriving communities. Listening session participants revealed that some of their earliest crimes were taking food from stores because they did not have enough at home. In order to support children, a whole-family support strategy is needed.



Make early investments in youth and families. Based off OK Policy's expertise in policy change that improves economic opportunity for low- and moderate-income families, the organization recommends the following specific policy changes:

- Create a state minimum wage that grows to at least \$15 per hour and keeps up with inflation.
- Shape the state's budget and tax systems so that Oklahoma can make meaningful, sustained investments in public services that provide equal opportunities for all residents to thrive.
- Expand Oklahoma's Earned Income Tax Credit (EITC). Lawmakers restored refundability of the state's EITC during the 2021 session but decoupled the state credit from the federal credit, ensuring the state credit will lose value each year as costs of living increase while the rate stays stationary. The current rate of the state credit is five percent of the federal credit, putting Oklahoma in the bottom five states with the lowest credit amounts.¹⁷⁰
- Create a renter credit for the income tax equal to the value of the homestead exemption. The average homeowner receiving the homestead exemption saved \$109 in property taxes in 2018. Rental property owners pay property taxes too, and they include the cost of taxes in rents.

Oklahoma remains near the bottom in all measures of child well-being, and rising mental health concerns and suicide rates among Oklahoma youth **indicate an ongoing crisis.**



Invest in education. Deep funding cuts to education over the years have impacted all aspects of education, leading to larger class sizes, few course offerings, and fewer services.¹⁷¹ In 2018, Oklahoma gained national attention from a statewide teacher walkout¹⁷² as tens of thousands of teachers gathered at the state Capitol, demanding larger raises and more funding for their schools. Teachers cited deteriorating work conditions as a significant factor in their decision to leave the classroom.¹⁷³ Despite resulting funding gains for teacher pay, Oklahoma school funding remains low.¹⁷⁴ The effects of the pandemic have only worsened the burden on Oklahoma educators¹⁷⁵ and Oklahoma youth living in rural areas — already struggling with a lack of access to services and resources — are particularly affected. Overall investment in education is needed to reduce stress and strain on teachers and staff. More direct solutions for Oklahoma youth to help reduce problem behaviors and racial disparities include aligning discipline responses in schools to children’s age to keep young people from entering the youth justice system, prevention-focused approaches by schools such as restorative justice, and increased partnerships with local organizations to counsel and mentor youth.



Extend and expand support services, particularly in rural areas.

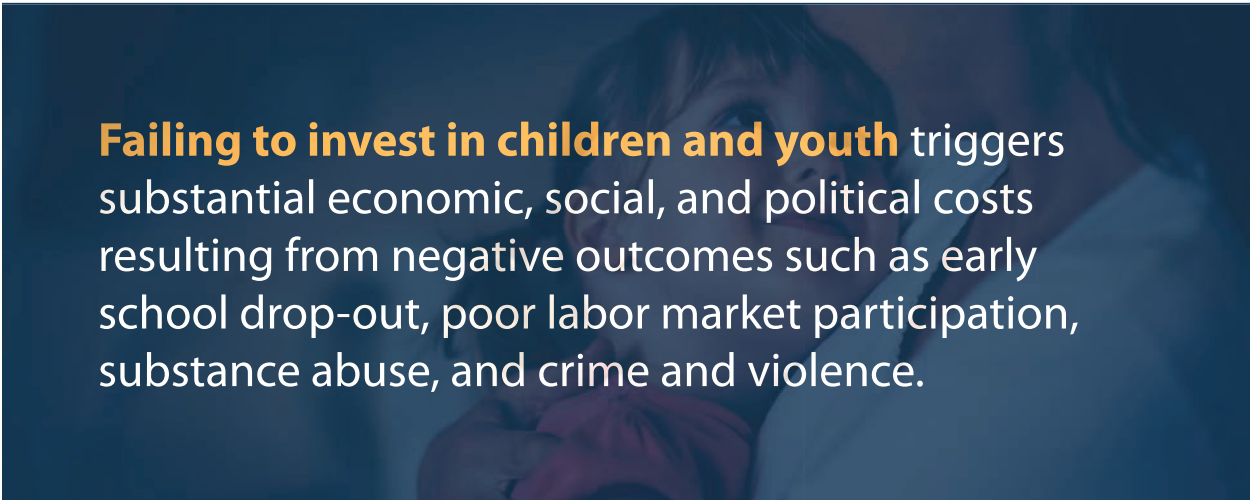
- Strengthen community-based alternatives to incarceration that can also be implemented prior to charging a child with an offense, and make options that are currently available more accessible and well-funded.
- Engage communities in developing a plan to address the drivers of justice involvement and increase early interventions, such as extracurricular activities and youth employment opportunities.
- Engage impacted families in planning to better understand prevention and early intervention opportunities and to reflect the strengths and needs of the community that has been negatively impacted.

Oklahoma needs to invest in expanding the number of high-quality, timely community-based supports for youth, with a particular emphasis on grief counseling and trauma-informed practices. Unequal service implementation remains an issue despite the commitment of providers. Direct services in Oklahoma are tailored to urban populations. Funding mechanisms leave rural communities depleted of resources, while local philanthropic efforts continue to favor supporting only the communities in which they are located — primarily urban centers — Oklahoma City and Tulsa, leaving rural children denied the support they need.

Funding

Without a fully funded budget to perform their required duties, agencies aren't able to adequately carry out the services they are required to perform by law. State appropriations in Oklahoma have repeatedly been cut over the past decade leading to budget cuts for core government services.¹⁷⁶ The state must begin by investing in its residents to truly support all Oklahomans — which in turn prevents justice involvement.

Failing to invest in children and youth triggers substantial economic, social, and political costs resulting from negative outcomes such as early school drop-out, poor labor market participation, substance abuse, and crime and violence. Preliminary research shows that preventable negative youth behaviors reduce economic growth by two percent annually¹⁷⁷ — and that's not including other costs such as psychological distress, poorer health, less civic participation, or intergenerational effects. As the state continues to have one of the highest incarceration rates in the nation, an increasing amount of state funds are spent on adult incarceration. Providing the same amount of funding for Oklahoma children as is provided for adults would mean that Oklahoma lawmakers must begin to fill decades of budget holes within Oklahoma's child-serving systems. Oklahoma's Office of Commission on Children and Youth, Oklahoma's state's watchdog agency, has never been fully funded in the agency's history.¹⁷⁸ Meanwhile, OJA — the state agency responsible for secure care for youth, delinquency prevention, intervention, and youth reentry services — is only appropriated about \$93 million a year, compared to the Oklahoma Department of Corrections (DOC) appropriation of nearly \$540 million dollars annually. Relying on a piecemeal funding model has left youth across the state without reliable support. One-off programs have replaced long-term investment affecting the consistency and quality of program delivery for youth across the state.



Failing to invest in children and youth triggers substantial economic, social, and political costs resulting from negative outcomes such as early school drop-out, poor labor market participation, substance abuse, and crime and violence.

Conclusion

Oklahoma's youth justice system is bureaucratically complex and largely opaque. Its current state of affairs has been shaped by Oklahoma's unique history as well as policy decisions that have failed to center the long-term well-being of justice-involved children and their families.

The hundreds of Oklahoma youth who become entangled in the justice system each year find themselves at the mercy of a system that is historically punitive and under-resourced. What few protections that do exist for children within the system have largely been forced by litigation, as in the Terry D. lawsuit and the closing of the L.E. Rader Juvenile Detention Center. Efforts to bring about reform have been hamstrung by Oklahoma's structural budget deficit, as was the case with the Oklahoma Juvenile Justice Reform Committee's recommendations.

It is clear that the current youth justice system is not working for the children it is meant to serve. In fact, the system is magnifying broader inequities. Children of color, particularly Black and American Indian children, are overrepresented in every part of the system, mirroring what happens within the adult justice system. Children and their caretakers become entangled in the system through an onerous assessment of fees and fines to fund even basic operations, a situation brought about by state budget constraints. This strips essential dollars from households, strains family relationships, and increases criminal behavior — just as happens in the adult justice system. But unlike in the adult justice system, children do not have access to counsel who have adequate training on the laws specific to them. In the adult justice system, widely accessible data has been key in developing needed reforms, but basic data on the youth justice system is largely inaccessible.

As this report has illustrated, a wide array of organizations are responsible for caring for Oklahoma's youth. As such, Oklahoma's youth justice system's faults do not rest with any organization or individual. Oklahoma's youth justice agencies are staffed by passionate, hardworking people committed to the well-being of the children in their care. Every actor in the youth justice system must grapple with the state's present circumstances, while also recognizing the decisions made by *their* predecessors in response to their contemporary circumstances.

The youth justice system exists to provide opportunities for youth to learn from their mistakes and provide them the tools and resources to become productive members of society. By nearly every metric, Oklahoma's youth justice system is not delivering on that promise. **By giving youth justice system the support it needs, Oklahoma can begin to truly support the children and their families within it.**



“

The state must begin by investing in its residents to truly support all Oklahomans — which in turn prevents justice involvement.

”

Glossary of Terms

Adjudication – The court process that determines if a young person committed the act for which they are charged. The term “adjudicated” is analogous to “convicted” and indicates that the court concluded the young person committed the act.

Advocate General – A representative of a youth in matters involving deprivation of liberty. He or she aids in the resolution of grievances and allegations of mistreatment of the youth.

Amenability – The likelihood of reasonable rehabilitation of a young person by the use of procedures and facilities currently available to the Juvenile Court.

Arraignment – A hearing in which a youth appears in court to answer to the allegations of a petition.

AFC – Absent From Care

Certification – The process of transferring a young person’s case from the juvenile court to the adult court for trial.

Custody – The right or responsibility for a young person’s care and control, carrying with it the duty of providing food, shelter, medical care, education, and treatment. OJA custody is temporary.

Delinquent act – An act committed by a young person for which an adult could be prosecuted in a criminal court, but when committed by a youth is within the jurisdiction of the juvenile court. Delinquent acts include crimes against persons, crimes against property, drug offenses, and crimes against public order, when juveniles commit such acts.

Disposition – After adjudication, a plan for each adjudicated delinquent young person is formulated. This plan will include a set of rules to follow. This may include the young person being placed on probation or into the custody of OJA.

Diversions – A referral to services outside of the juvenile court system.

Felony – A serious crime, generally punishable by imprisonment for a minimum of one year.

Juvenile Bureau – Counties with populations of 100,000 or more providing intake (preliminary inquiry) and probation services to youth. Counties with Juvenile Bureaus in Oklahoma consist of Comanche, Canadian, Oklahoma and Tulsa.

Juvenile court – Any court that has jurisdiction over matters involving juveniles.

Misdemeanor – A crime less serious than a felony, usually punishable by a fine or incarceration for less than one year.

OJA – The Office of Juvenile Affairs.

Petition – A document filed in juvenile court alleging that a juvenile is a delinquent and asking that the court assume jurisdiction over the juvenile or asking that an alleged delinquent be waived to criminal court for prosecution as an adult.

Preliminary Inquiry or Intake – A mandatory, pre-adjudicatory interview of the young person and, if available, the parents, legal guardian, or other custodian of the young person, which is performed by a duly authorized individual to determine whether a young person comes within the purview of the Oklahoma Juvenile Code, whether non adjudicatory alternatives are available and appropriate, and if the filing of a petition is necessary.

Probation – A disposition which allows the youth to remain in the community under the supervision of a Juvenile Bureau probation officer or an OJA juvenile justice specialist and requiring compliance with probationary rules and individualized treatment plans.

Reintegration – The process of returning the youth to his/her family and/or community following an out-of-home placement.

Revocation – A hearing process by which parole status may be terminated or in some cases, probation status terminated and the youth placed in custody.

Status Offense – Non-criminal misbehavior(s) which would not be criminal if committed by an adult, for example: truancy, curfew violation, runaway, and in need of supervision. These are not statutorily detainable offenses.

Stipulation – After agreement between the attorneys in a case, entered in court, allowing a certain fact to be established into evidence without the necessity for further proof. Depending on the nature of the proceedings, stipulations may be either written or oral.

Youthful Offender – It is the purpose of the Youthful Offender Act (YO) to better ensure the public safety by holding youths 15, 16 and 17 years old accountable for the commission of serious crimes, while affording courts methods of rehabilitation for those youths in the custody or supervision of OJA. Jurisdiction can be extended to 18.5 years old for crimes committed before November 1, 2018 and until 19 years old for crimes committed after November 1, 2018.

Appendix A

Current board members for OJA. As of 03/10/22.

Member	Appointed by
Karen Youngblood	Governor
Dr. Stephen Grissom	Governor
Dr. Mautra S. Jones	Governor
Judge Janet Foss	Governor
Jenna Worthen	Speaker of the House of Representatives
Dr. Amy Emerson	Governor
Timothy Tardibono	Senate President Pro Tempore
Dr. Sidney Ellington	Senate President Pro Tempore
Bartlett Bouse	Speaker of the House of Representatives

Appendix B

Current board members for OCCY. As of 03/10/22.

Member	Appointed by	Appointed by
Lindsay Laird	A member with a demonstrated interest in improving children services who is not employed by a state agency or a private organization that receives state funds	Senate President Pro Tempore
Jacqueline Aaron	Representing a statewide court-appointed Special Advocate Association	Governor
Justin Brown	Director of Human Services	
Kevin Corbett	Administrator of the Oklahoma Health Care Authority	
Melinda Freundt	Director of the State Department of Rehabilitative Services	
Keith Reed	Interim State Commissioner of Health	
Jonathan Hall	Member representing business or industry	Governor
Ginarie Harrington	Member representing Oklahoma Children's Agencies and Residential Enterprises	Governor
Supt. Joy Hofmeister	State Superintendent of Public Instruction	
Rachel Holt	Executive Director of the Office of Juvenile Affairs	
Dr. Kalie Kerth	Representing the Post Adjudication Review Boards	Governor
Jason M. Hicks	Representing the Oklahoma District Attorneys Council	Governor
Brenda Myers	Representing the Metropolitan Juvenile Bureaus	Governor
John Schneider	Representing a Statewide Association of Youth Services	Governor
Carrie Slatton-Hodges	Commissioner for the Oklahoma Department of Mental Health and Substance Abuse Services	
Judge Mike Warren	Chair of the SJR 133 Oversight Committee	
Bradley Wilson	Representing the Oklahoma Bar Association	Governor
Vacant	A member who represents a community partnership board	Governor
Vacant	A parent of a child with special needs	Speaker House of Representatives

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