

THE PENDULUM OF CHANGE:
OKLAHOMA'S JUVENILE
JUSTICE SYSTEM

By

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TABLE OF CONTENTS

Chapter	Page
I. INTRODUCTION.....	1
History of the Oklahoma Juvenile Justice System.....	4
II. THEORETICAL FRAMEWORK.....	20
III. METHODOLOGY.....	28
IV. ANALYSIS.....	31
V. CONCLUSION.....	36
SELECTED BIBLIOGRAPHY.....	41
APPENDIXES.....	
APPENDIX A – DEFINITIONS.....	42-43
APPENDIX B – 1995 ORGANIZATIONAL CHART.....	44
APPENDIX C – 1997 ORGANIZATIONAL CHART.....	45
APPENDIX D – 2005 ORGANIZATIONAL CHART.....	46
APPENDIX E – BED NUMBERS CHART.....	47
APPENDIX F – SUPPLY AND DEMAND OF BED AVAILABILITY CHART.....	48
APPENDIX G – LOCATION OF DETENTION CENTERS AND INSTITUTIONS ON MAP OF OKLAHOMA	49

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“The Office of Juvenile Affairs is a state agency entrusted by the people of Oklahoma to provide professional prevention, education, and treatment services as well as secure facilities for juveniles in order to promote public safety and reduce juvenile delinquency.”¹

INTRODUCTION

Scholars have agreed there is a tenuous balance between punishment and rehabilitation within the correctional component of a justice system. However, in an effort to understand this bias, there needs to be a disentanglement of the organizational balance. The juvenile justice system, henceforth the “system,” is by its very nature a duality. It is charged with the task of providing treatment or rehabilitation to youth who have committed crimes or are considered incorrigible, while at the same time it must protect the community at large. This charge is eloquently stated in the Mission Statement of the Office of Juvenile Affairs (see above). This system like any other is subject to breakdowns, which may or may not be influenced by political and/or personal agendas, miscommunication, funding shortfalls, morale issues, etc. Where are the breakdowns in this system and are they being addressed? If so, how? To what ends and through what means is this system being held accountable to the residents of the State of Oklahoma? These questions are the sustenance of this case study. The guiding research question is:

How has the Oklahoma Office of Juvenile Affairs balanced the punitive and rehabilitative (Crime Control and Due Process) models of juvenile justice? What are the treatment options and when are they utilized?

¹ The mission statement was taken from the Fiscal Year 2004 Annual Report

The importance of this case study is grounded in organizational structures, models of criminal justice systems, and types of bureaucratic systems. One goal of this case study is to add to the current literature in the area of the Juvenile Justice System in Oklahoma and a secondary goal is to chronicle the past eight years of a system that only came into existence ten years ago. This paper is a qualitative intrinsic case study and historical analysis of the Oklahoma Juvenile Justice System. The Office of Juvenile Affairs became an autonomous state agency on July 1, 1995. Although there are multiplicities of components in the juvenile justice system (law enforcement, judicial, private agencies, non-profit agencies, etc.), this case study will focus on The Office of Juvenile Affairs (OJA), more specifically, treatment options and facilities within it for youth who are placed in OJA Custody. Examining this piece of the juvenile justice system in Oklahoma will provide insight into the challenges and opportunities that exist in order to obtain effective balancing between the punitive and rehabilitative goals that characterize criminal justice systems.

In order to have a partial understanding of particular terminology while reading the paper, a brief description is offered at this time. OJA is the agency responsible for youth adjudicated Delinquent, Child In Need of Supervision (CHINS), and/or In Need of Treatment who are under the age of eighteen. The fourth category of youth served by OJA is the Youthful Offender (age thirteen to nineteen). A youth adjudicated Delinquent is one that has been found by the Court to have committed an offense that, if he/she were an adult, would have been found guilty of having committed either a misdemeanor or a

felony offense. Because, the youth is under the age of eighteen, the offenses are called delinquent acts and there is no differentiation as to the seriousness or type of offense.

A CHINS is a youth who has been found by the Court to (a) have runaway from home (without the intent to return), (b) been truant from school, (c) is beyond the control of his/her parent or guardian, and/or (d) has been served with a final protective order in relation to the Protection from Domestic Abuse Act. The first three (a-c) are only offenses in the juvenile system as they are not against the law for adults. A youth who has been found by the Court to be In Need of Treatment is one who is in need of mental health treatment in that they pose a danger either to themselves (suicide attempts, self-mutilation, drug overdose, walking in traffic, etc.) or to someone else (threatening to kill someone and having the means to carry out the threat, such as a knife, gun, baseball bat, etc.).

A Youthful Offender is a youth (age 13-17) who has been adjudicated to have committed very specific acts, such as Murder in the 1st Degree, Murder in the 2nd Degree, Kidnapping for the Purpose of Extortion, Robbery with a Dangerous Weapon or attempt thereof, etc. Due to the complexity of the Youthful Offender (YO) category and specificity as to treatment needs and requirements, the only reference to YO's beyond what is all ready given will be their impact on the Institutions (refer to Appendix A for in depth definitions of CHINS, Protection from Domestic Abuse Act, and Youthful Offender).

HISTORY OF THE OKLAHOMA JUVENILE JUSTICE SYSTEM

In order to understand the system as it is today, a foundation of knowledge of how it began and the changes it has made over the years is beneficial.

Although the Indian Territory now known as the State of Oklahoma was not granted statehood until 1907, there were at that time a few schools or institutions for the custodial care of wayward, abandoned, orphaned and hooligan youth. Those facilities were funded and managed by missionary, philanthropic, and private entities, each with their own set of rules and sense of what was proper and ethical.

The Oklahoma Association for Children's Institutions and Agencies, founded in the late 1930's, was the first group in the United States to unify both public and private child care agencies (DHS, 1982). "In 1935, the Institute for Government Research of the Brookings Institution wrote a report on a survey of Organizations and Administration of Oklahoma and submitted it to Governor E.W. Marland and published by the E.W. Marland Good Government Fund which stated, 'A Department of Public Welfare should be created for the management and control of all state welfare institutions and agencies and the performance of all state public welfare functions'" (DHS, 1982, p. 20).

It was not until 1936 that the voters of Oklahoma approved an amendment to the state constitution to create the Department of Public Welfare. That Department consisted of a nine-member commission and a director to carry out their mission which was to provide "relief and care of needy and aged persons who are unable to provide for

themselves, and other needy persons who, on account of immature age, physical infirmity, disability, or other cause, are unable to provide or care for themselves...”²

At that time, children considered to be dependent, neglected and/or delinquent were all living together in state institutions which were not only segregated, but the care of the children was purely custodial and at times brutal.

In 1948, it was recommended in a report by the Oklahoma Children’s Code Commission that “...the transfer of children’s institutions to the Department of Public Welfare would make possible better coordination of institutional and social services and assistance plans for children...” Eventually, commitment to the Department of Public Welfare rather than to any single institution (by the Court of record) would make a simple process of the transfer of a child to the institution or home best suited to his/her needs (Established by the 21st legislature and appointed by Governor Roy J. Turner and Submitted by James P. Melone, Chairman [DHS, August, 1982 p. 20]).

During the 1950’s and under the watchful eye of Welfare Director Lloyd E. Rader who was appointed by Governor Johnstone Murray in 1951, the Department of Public Welfare was able to significantly change their programs due to the influx of federal dollars and earmarked state funds. They were able to become an “umbrella” agency overseeing several social programs such as health care, social services, vocational programs and care for deprived, neglected, abused, and delinquent youth.

In 1958 “Apathy or Action: A Survey of Corrections in Oklahoma” recommended “that a statewide juvenile probation system be established.... to serve the juvenile courts.

² The mission statement was taken from an article entitled “Born of the Dust Bowl” from the Oklahoma Department of Human Services website. (www.okdhs.org)

Possible alternatives to inclusion of juvenile probation services in a Department of Corrections would be...in an existing state agency, such as the Department of Public Welfare” (DHS, 1982, p. 20). This also recommended that detention and aftercare be established and that the services as well as the probation and training school programs be assigned to a single agency. It further recommended that the employees be covered under the Merit System or Civil Service in order to ensure a more qualified staff (Submitted to Senator Bob A. Trent, Chairman, Special Committee on Institutional Rehabilitation, by the Oklahoma Citizens Committee on Delinquency and Crime of the National Probation and Parole Association. Hugh Garnett, Chairman). In 1959 the Oklahoma Merit System was established and provided for uniformity in classification of personnel, professional standards, and continuity in state service instead of political patronage (DHS, 1982). Before 1959 all administrators and personnel were “hand selected” by the political structure in place at the time, namely the Governor and his Cabinet. The Merit System was an effort to take employment out of the realm of politics and to allow it to be based on an individual’s abilities instead of who they knew in the system.

By 1961 the institutions were in a state of dilapidation and most of them were beyond repair. Examples of this include leaky roofs, four-inch pipe used for sewerage, walls smeared with human waste, yards littered with all types of trash and debris, etc. The children were found to be filthy, wearing tattered clothing, eating only two meals a day, and not all of them were hot meals. Infants in the nurseries at Taft and Whitaker were found standing in cribs, which were lined up in rows and crowded into the rooms.

The superintendent of Girls Town, located in Tecumseh, mandated that the females were to be clothed in uniforms that matched the color of their cottage (there were four cottages on campus). This was done so that if a staff member saw a girl jump the fence they would immediately know which cottage she was from because of the color of her uniform. Mr. Rader put an end to this practice and mandated that the females would be allowed to wear their own clothing (DHS Pub.No.82-48, 1982). It was also in 1961, that Senate Bill 316 and House Bills 883 and 884 called for “transferring two state children’s homes and four training schools from the board of managers of the State Board of Public Affairs to the Oklahoma Department of Public Welfare.” These bills were passed and enacted on July 1, 1961 (Enacted by the 28th Legislature, J. Howard Edmondson, Governor, Everett S. Collins, President Pro Tempore of the Senate, and J.D. McCarty, Speaker of the House of Representatives [DHS, 1982, p.20]).

In 1962 repair and renovation programs were started in order to meet compliance with fire, safety, sanitation and building codes. Remodeling of institutional facilities, which included 200 buildings on 3,600 acres of land at six campuses, was initiated to meet child care standards. With regards to treatment programs, social workers, psychologists, nurses, speech and hearing clinicians, special education teachers and recreational aides were either hired or reassigned from other department programs.

In 1964 during the administration of President Lyndon B. Johnson, the details of his social reform program and a set of domestic programs known as “The Great Society” were finalized and became law in January 1965. There were several parts to Johnson’s

plan, but the one which is apropos to this case study was his intent for control and prevention of crime and delinquency by providing federal funds to state governments.

Oklahoma used this funding to develop the Department of Children and Youth. At that time, aftercare services were initiated with the help of referrals to child welfare and county workers. In 1965 the aftercare services, which consisted of fifteen field youth counselors, were working in 22 counties. This had a direct impact on significantly reducing the rate of recommitments to the Department. Further, juvenile supervisory staff training expanded as well as the organization of training for houseparents (DHS, August, 1982, p. 20).

During 1967, the National Council on Crime and Delinquency recognized, through a study entitled "Corrections in Oklahoma," the progress made by the Department in the administration of the training schools and the quality of the staff. The Council recommended a statewide system of juvenile probation and aftercare services be established under the administration of the Department. The Child Welfare League of America completed a companion study of the state homes, and a pilot group home and evaluation center opened in Oklahoma City (DHS, August, 1982, p.21).

In 1968, State question 463 provided for capital improvements at state institutions, including \$1 million for a new juvenile diagnostic center. The Juvenile Delinquency Prevention and Control Act of 1968 was signed into law by President Lyndon B. Johnson.

The year of 1969 was a pivotal year for children's services. Racial segregation was ended at all state homes and schools by closing the Taft Training School for Girls

and relocating the youth to Girls Town in Tecumseh. Oklahoma was one of the first states to apply for and receive a grant through the Juvenile Delinquency Prevention and Control Act of 1968. The grant provided the funding to establish the Oklahoma Council on Juvenile Delinquency, which served as a state advisory group to develop a comprehensive statewide plan for the prevention and control of juvenile delinquency, as well as to serve as an advisory group to DISRS. 1969 was also the year the Oklahoma Legislature passed the Children's Code, which provided for youth to be committed directly to the Department for an indeterminate period and appropriate placement. It also provided for juvenile probation, parole and aftercare services, and established the Child In Need of Supervision category. Perhaps one of the most important provisions of the Code was the assurance of due process for each youth. It was through this Code that the provision for the development of a network of public, private, and community-based services was established. Also at this time, a second group home was opened in Oklahoma City.

The 1970's were known as the "Due Process" era. In 1970, "the Department of Public Welfare became known as the Department of Institutions, Social and Rehabilitative Services (DISRS) and was designated as the state agency responsible for delinquency prevention and planning through the executive orders of Governors Henry Bellmon and Dewey Bartlett and by Oklahoma statutes" (DHS, August 1982, p. 12). The unit responsible for supervision of delinquent and in need of supervision children officially became known as Aftercare Services. Senate Bill 455 called for the transfer of the Oklahoma Children's Center, South Campus, (formerly Taft State Mental Hospital) to

DISRS. That facility served as an outpatient Diagnostic and Evaluation Center, which provided psychological evaluations for youth placed in the custody of DISRS (DHS, August, 1982, p. 20). It was also during 1970 that the first Youth Services centers and Shelters opened in Tulsa and Norman

In 1972, the Oklahoma Crime Commission (OCC) had the major responsibility of distributing federal funds, which were administered by the Law Enforcement Assistance Administration. It was a function of the Council to screen and monitor grants and the OCC to fund projects. Approximately 25% of funds distributed by the OCC were allocated to juvenile justice programs. This effort by the Council, along with the comprehensive plan developed and published by them called "Youth in Trouble," "led federal officials to designate Oklahoma as a model state in juvenile delinquency prevention, and to offer the first federal grant for an interagency delinquency prevention project" (DHS, 1982, p. 12). It was also in this year that the L.E. Rader D&E Center was opened in Sand Springs and DISRS opened the Boy's Group Home and the Girl's Group Home in Tulsa. Further, in 1972, Senate Bill 455 raised the juvenile age of males from sixteen to eighteen. This increase in the age limit had a definite impact on the system, as it was already at that time "stretched to the limit." The age for juvenile females remained at the age of eighteen as it had previously been established.

In 1975, Aftercare Services officially became Court Related and Community Services (CRCS). The 'Court Related' portion provided the Intake, Probation, and Parole services, and the 'Community Services' portion was provided through a contract with Youth Services which provided counseling and shelters. CRCS and Child Welfare

Services (CWS) and Children's Adoptive Services constituted the Division of Children's Services (DCYS) within the DISRS. Senate Joint Resolution 13, under contract with the Oklahoma Supreme Court, mandated statewide juvenile Intake, Probation and Parole services in each of the 77 counties. The exceptions were Tulsa, Oklahoma, and Comanche counties because they had their own county operated juvenile bureaus that provided the Intake and Probation services. CRCS provided Intake and Probation services in the remaining 74 counties as well as Parole services in all 77 counties. CRCS was the first division of this type in the United States. The Supreme Court also established the Juvenile Oversight Committee to monitor and guide the development of CRCS. These three, SRJ 13, the Supreme Court and the Juvenile Oversight Committee were 'lovingly known as the Unholy Alliance.' "Marian Opala was a member of the OCC and the JD Council as well as the court administrator for the Supreme Court and is considered to have had a great impact on the development of Oklahoma law relating to children" (DHS, August 1982, p.13). He later became a Supreme Court Justice and was ultimately appointed as Chief Justice of the Oklahoma Supreme Court.

In the mid 1970's, The Oklahoma Association of Youth Services (OAYS), which consisted of each separate Youth Services Agency, was formed and became an active part, along with the Oklahoma Association for Children's Institutions and Agencies (OACIA) of the JD Council.

The year 1976 brought even more changes for the juvenile system. The Juvenile Intake, Probation and Parole Review Board was organized under Supreme Court guidelines; the Law Enforcement and Corrections Minicabinet, appointed by Governor

David L. Boren, recommended more community group homes and funding for Youth Service Centers was authorized by SJR 56. Between the years 1976 and 1981, the populations in the institutions dropped by almost two-thirds due to the legislative mandate to develop a uniform statewide system of juvenile intake, probation and parole services (CRCS).

In the late 1970's, the JD Council decided that it was time to look to the future and develop another planning document for the 1980's era. They began a three-year process of developing and producing "Youth in Trouble, Vol. II." During those three years, the network of services to children continued to expand and became more of a single system. That sense of "unity" allowed the agencies to pull together and support each other so they could continue working together instead of competing against each other for the meager resources that were being made available. When the questioning of institutional programs began, first in the case of Terry D., and later in the media, they recognized that "an attack on one part of the system represented an attack on all of them.... The attack failed to recognize the continuity of care which they were developing..." (DHS, August, 1982, p. 14).

In 1977, a juvenile restitution program was begun by CRCS under provisional rule of Supreme Court guidelines. That program provided a method for the juveniles to be held accountable for damage and/or loss incurred by the victims of their crimes by the use of federal funds in conjunction with non-profit agencies. The youth would perform job duties at the non-profit agency and earn minimum wages, which were paid through the federal funds, thus providing monetary restitution to their victims.

The next major change in CRCS occurred in 1978 with the filing in Federal District Court of the Terry D. class action lawsuit. This lawsuit changed forever the fate of children's institutions in the State of Oklahoma. The lawsuit was filed against L.E. Rader et.al. on behalf of Terry D., Romondo P., David L., Roger V., Byron C., Jeffery H., Laura C., and Rebecca G., by Steven A. Novick of Legal Aid of Western Oklahoma, and Richard L. Weldon which challenged conditions and child care practices at state children's institutions, specifically Helena State School for Boys, Boley State School for Boys, Girls Town, Oklahoma Children's Center (Taft-North and South Campuses) and Whitaker State Children's Home. The lawsuit not only represented the aforementioned youth and institutions but all youth who were placed in institutions at that particular time and for any youth who would be placed in a facility/institution in the future and/or were to be placed in the care and custody of the Department at a future date. Further, not only were the aforementioned institutions involved, the lawsuit took into account any future institution and/or placement facility. The lawsuit culminated in what is known today as "The Consent Decree," a twenty-eight-page summation document issued by Judge Ralph G. Thompson of the United States District Court for the Western District of Oklahoma on May 31, 1984.

In 1979, Girls Town in Tecumseh changed from a girl's training school to a co-educational treatment center now known as Central Oklahoma Juvenile Center or COJC. This opened more beds for boys while cutting beds that had previously been provided for girls. However, due to fact that males outnumbered females in the system, this was seen as a much needed and positive change.

The 1980's brought about an era in the decline of federal monies. OCC South Campus closed and transferred to Department of Corrections. The Intensive Treatment Center located at the L.E. Rader Center in Sand Springs was opened for the treatment of violent and aggressive delinquent offenders. OCC North Campus rebuilt and opened at the old Taft Children's Home (DHS, August, 1982, p.20). In 1980, "Public Care and Control of Youth," an assessment by William C. Stephens, recommended closing two department institutions and funding more community services. Group homes expanded in OKC, Tulsa and Lawton to a capacity of 80 beds, thus providing care for about 225 juveniles every year. 1980 also brought another name change, DISRS was now named The Department of Human Services (DHS).

In 1981, the revised Oklahoma Supreme Court Guidelines for CRCS were published. Juvenile detention was redefined and jailing of deprived and in need of supervision children was prohibited by Senate Bill 574.

In March of 1982, the Oklahoma Commission for Human Services adopted appropriate national standards for children and youth programs and directed application for accreditation of juvenile intake, probation and parole services, community, residential and institutional services, by the American Correctional Association. SB 560 called for the transfer of Helena State Training School and its facilities to the Department of Corrections in April, 1982.

June 10, 1982 was the last meeting of the Oklahoma Council on Juvenile Delinquency. The OCJD ended after 12 years of functioning as a delinquency planning

and prevention advisory council for DHS. It published “Youth In Trouble: A Shared Concern, Volume II” for the purpose of planning recommendations for the 1980’s.

The Terry D. class action lawsuit settlement, as negotiated and proposed by plaintiffs and the Department, was delayed for further agreement among all parties, including the Attorney General. The Oklahoma Commission for Human Services reaffirmed provisions of the stipulated agreement and adopted them as policy for operation of institutions. An additional group home opened in Tulsa, and CRCS was under the “watchful eye” of the Supreme Court Oversight Committee in which Judge Carter and Judge Couch were members.

1982 also marked the opening of the L.E. Rader Diagnostic and Evaluation Center that provided outpatient services to the Intensive Treatment Center, the CRCS Group Home in Tulsa, Frances Willard Home, Salvation Army Home, Whitaker State Children’s Home, as well as others. Programs for youth diagnosed with borderline or actual psychosis would be served by the in-patient unit once it was built. Programs were developed at Boley State School, Central Oklahoma Juvenile Treatment Center and Whitaker State Children’s Home for other types of emotional disorders in an effort to not duplicate services (DHS, August, 1982). The Oklahoma Children’s Center at Taft, with a maximum bed capacity of 90, opened its doors on July 22, 1982 with six males and five females, making it a co-educational facility for delinquent youth. Prior to this date, the Center had been a home for youth who had been adjudicated as deprived or in need of supervision. Effective October 1, 1982, youth adjudicated as In Need of Supervision or

Deprived were no long placed in DHS institutions. This is also the year that Helena School for Males was closed and transferred to DOC.

House Bill (HB) 1468, written by Rep. Don McCorkell, D-Tulsa, signed into law by Governor George Nigh on May 28, 1982, effected the most extensive revision of the Oklahoma Children's Code since it was developed and signed into law in 1969. To mention a few of its revisions, HB 1468 added 15 new sections, amended 24 existing sections, incorporated 23 existing sections as well as repealed six sections of the Oklahoma Children's Code in Title 10 of the Oklahoma State Statues. It also created the Oklahoma Commission on Children and Youth. The OCCY was comprised of 13 members appointed by Governor Nigh who were responsible for planning and coordinating with public and private agencies for the improvement of the juvenile system. OCCY appointed 25-50 members to the Oklahoma Council on Juvenile Justice, which made recommendations to the Commission. Further, the Commission had the responsibility of establishing the Office of Juvenile System Oversight (OJSO). The OJSO was given the responsibilities of investigation, inspection and evaluation of the juvenile service system to insure effectiveness and compliance with established responsibilities (DHS, 1982).

Further major impacts of HB 1468 included (1) making the Office of Advocate Defender in the Department of Human Services a statutorily created entity to monitor and investigate grievances and allegations of abuse and neglect of youth in it's custody; (2) statutory authorization for civil actions by the Office of the Attorney General with regards to enforcing the Act; (3) mandated that the Department establish "diversity" in

placement alternatives to Institutions for youth which stressed the use of the least restrictive environment based upon the youth's treatment needs; (4) created a statute forbidding the use of jails, adult lockup or other adult detention facilities for the purpose of detaining youth; (5) mandated the development of a statewide detention plan for all counties, with the exception of Oklahoma, Comanche and Tulsa counties (which all ready had detention centers) as well as restricting the general use of detention; (6) mandated that the Department establish and maintain one or more rehabilitative facilities exclusively for custody youth found to be In Need of Supervision; (7) prohibited institutional placement of youth adjudicated In Need of Supervision and/or Deprived; (8) created a new adjudicatory category of Child In Need of Treatment for youth requiring mental health services; (9) and authorized subsidy payments to licensed non-profit child care institutions (DHS Pub. No. 82-48, August, 1982). HB 1468 mandated the creation of the Oklahoma Council on Juvenile Justice (OCJJ), which succeeded the defunct Oklahoma Council on Juvenile Delinquency. The OCJJ was designated as the advisory body to the major state agencies, which provided services to children. These agencies included DHS, the Department of Education, the Department of Health, and the Department of Mental Health. This Council also had the responsibility of reporting to the Governor, the leaders of legislature and the Chief Justice of the Supreme Court.

In 1994, the Legislature passed H.B.2640, also known as the Juvenile Reform Act. On July 1, 1995, Court Related and Community Services separated from DHS and became a separate state agency know as The Department of Juvenile Justice, Office of Juvenile Affairs (OJA), and the county offices were known as Juvenile Services Unit.

The Board of Juvenile Affairs is the governing body for OJA as set forth in Title 10, Oklahoma State Statute 7302-1.1. The Board is comprised of seven men/women appointed by the governor and with the consent of the Oklahoma Senate. The Board's selection for the first Director of OJA was Mr. Ken Lackey (07/95-02/97). As the Director of OJA, he also served as the Secretary for Health and Human Services, a Cabinet appointment by Governor Frank Keating. A portion of Mr. Lackey's prior work experience included President and Director of Flint Industries, Inc., a Tulsa based oil and gas services and commercial construction company; Vice-President and Treasurer of Kin-Ark Corporation and Financial Analyst and Assistant Treasurer of Skelly Oil Company of Tulsa. One of the primary foci of Mr. Lackey's administration was the relocation of the county Juvenile Services Units from buildings housing DHS and into their own office buildings. This relocation was a mandate of legislature in 1994 when they were considering the separation of CRCS from DHS. As a new agency, Mr. Lackey had the monumental responsibility for total organizational structure. The first "Organizational Chart" for the Office of Juvenile Affairs is located in Appendix B.

The next Director of OJA was Jerry Regier (02/97-09/2000). He served in the previous administration as Mr. Lackey's Deputy Director. Mr. Regier's prior experience included administrator of the federal Office of Juvenile Justice and Delinquency Prevention in the U.S. Department of Justice, acting Director for three years of the Bureau of Justice Assistance in the Department of Justice, and Associate Commissioner for the Department of Health and Human Services for the Administration of Children, Youth and Families. As Director of OJA, his attention was on designing and developing

new resources. Those resources included the first juvenile boot camp in Oklahoma, the first Community Intervention Centers, and the first community-based Graduated Sanctions program. His philosophy of increased accountability and earlier consequences for juvenile offenders in order to create safer neighborhoods and begin building a “Wall of Prevention” became his mantra. Among the goals he set for himself and the agency included increasing residential resources to hold youth accountable and to reduce the placement waiting list, establish the OJA Training Academy in Norman, and emphasizing the priority of obtaining federal dollars, which had not been pursued prior to the beginning of the new agency. For FY’97, OJA brought in more than \$2.6 million, an 18% increase over the first year of operation. Mr. Regier’s organizational chart can be found in Appendix C.

The third, and most recent Director was Mr. Richard DeLaughter. He served from 09/2000 to 03/2006. His prior experience included Assistant Police Chief for the Oklahoma City Police Department, and for a short time, Interim Chief of Police. His experience has centered in law enforcement since 1965. Mr. DeLaughter’s goals as Director of OJA included providing safety for the citizens while ensuring the best rehabilitative services available at reasonable cost to the taxpayer; the agency’s ability to provide program outcomes based on a study by the Office of Planning and Research in order to assure successful programs; increased emphasis on substance abuse prevention, treatment and aftercare for delinquent youth; and increased supervision of and better risk assessment procedures for juvenile sex offenders. Mr. DeLaughter was terminated as the Executive Director and from OJA in toto “allegedly” due to an investigation involving an

alleged \$12 million of the agency's funds. His organizational chart may be found in Appendix D.

THEORETICAL FRAMEWORK

The theoretical framework, or literature review, begins with a specific theory on Crime Control vs. Due Process models (treatment oriented) in the field of corrections. To address the question "how to balance the system between punishment and/or treatment models" posited in this case study, the first theorist to be considered is Herbert L. Packer and ends with a "Master of Sociology" Max Weber. Weber's theory sets the tone for this case study.

In his work, Packer (1968) theorized that the criminal process was comprised of two models: the Crime Control Model and the Due Process Model. He described these as models because he believed that "models are normative in character and distortions of reality" (Parker, pg.153). One aspect of the Crime Control Model is its preponderance for determent. The legislature's intent for defining each crime and a punishment commensurate with the crime was to first educate the public with 'what is a crime' and secondly to 'set the penalty or punishment' in such a way that the person would decide that the 'crime was not worth the time.' Further, the guidelines would enable the judges to provide an equitable sentence for all who committed a specific crime. The Due Process Model has as one of its primary goals the limiting of official power. That is to say that due in part to the 'process,' there are uniform steps to be taken in each and every case, and in doing so, the misuse of power is equalized, or at the very least, nominalized. Packer's theory on Crime Control and Due Process models are relevant to this case study

in that they apply to both the adult and juvenile systems. Both systems make efforts to deter future criminal activity and both have mandates, whether judicial or legislative, which are set to limit abuse of power and strive for equity in justice.

With regards to “warehousing youth,” to the “era of social working courts,” to a “legalistic (punitive) system,” H. Warren Dunham (1972) wrote that the nineteenth century saw the beginnings of the juvenile institutions in the United States. With the ‘Age of Industrialization’ in the early to mid-nineteenth century, the United States was the site of a massive influx of immigrants ‘looking for a better life.’ This influx was of such a magnitude that it caused an immense strain on an already overburdened correctional system. The language barrier of the immigrants led in part to the child ‘hooligan’ being housed away from the public in some type of institution with the sole purpose being to ‘protect the community at large.’ Those youth were given meager portions of food, very little clothing and were merely ‘warehoused.’ The deprived, abused, orphaned and ‘hooligan’ children were all placed together in these ‘warehouse’ institutions. There was no concern for their physical, emotional, or educational needs. This treatment of children began to change in the late nineteenth and early twentieth centuries. The first juvenile court was established on July 1, 1899 in Cook County Illinois, and with it came the start of the punishment versus treatment philosophy of the ‘handling’ of children offenders.

The shift from ‘warehousing’ children to addressing their needs and whatever else was deemed in their best welfare began in 1912 with the creation of the Children’s Bureau. Durham (1972) called this “the Social-Agency Image of the Court.” The

Children's Bureau was housed in the U.S. Department of Labor. There were five contributing factors to this 'new era' of the treatment of children. First, the emphasis was on social work, which was carried out by the employing of professional social workers. They, as well as probation officers with casework training, addressed the physical, mental, educational and social needs of the children within the purview of the juvenile court. In short, the juvenile court would be a social-work agency designed to meet the needs of the child. Secondly, during this time, the juvenile courts were acting as "parens patriae" (en lieu of the parent), in order to address what was in the best "welfare" of the child. This allowed the line between delinquent children (those having committed a crime) and the dependent/neglected children (abused, neglected, abandoned by parents), to continue to be "blurred," thus treating the delinquent as a "maladjusted" child who needed to be "saved from further delinquency"(pg. 386). Thirdly, the growth of social work into a bonafide profession through the institutions of high learning with the development of undergraduate, graduate and post-graduate degrees has "strengthened the social-agency image of the juvenile court" (pg. 387). Fourth, certain decisions made by the juvenile courts were being challenged and the constitutionality of the legislation, which created the juvenile court, " was being tested by such cases as Commonwealth v. Fisher, whereby the defendant claimed that he had been denied certain constitution rights" (pg. 387). Lastly, the mere image of the juvenile court was that a child brought before it "must be treated for his problem, rather than be punished for his crime" (pg. 387). This opened the door for individual treatment plans, which addressed such areas as "biological, psychological, and sociological" factors in the child's life. The

Children's Bureau was phased out in 1956. With regards to the "punishment" philosophy or "legalistic orientation" of the juvenile court, the first 'problem' has traditionally been with defining the jurisdiction of the court, where it stood in relation to other courts and what type of cases it would hear. Secondly, there is no uniform agreement among different juvenile courts with regards to 'handling cases unofficially' or the use of diversionary processes. Thirdly, the delicate balancing of doing what is in the best welfare of the child while at the same time addressing the issue of protection of the community was established. Lastly, the limitation was recognized that an individualized treatment plan may have within the authoritative setting of the juvenile court in that no matter what treatment option the judge may order, it will still appear to the child and parent that it is punishment. Durham (1972) concludes his article by saying that the first sixty years of the juvenile court process was that of a "social-agency" but now the swing is towards the legalistic side. Dunham's theory is apropos to this case study in several ways. First, he spoke specifically about the juvenile system. Secondly, by addressing issues in 1972 that are still being addressed today, such as jurisdictional matters, especially in the area of the Youthful Offender; does the juvenile court or the adult court have jurisdiction of the case? The "swing" of the pendulum from the courts acting as "social agencies" to the courts being more legalistic or "corrections oriented" can be seen from the number and type of placement facilities (beds) available in Oklahoma in 1994, 224 secure beds out of 588 total bed, to those available in 2005, 380 secure beds out of 691 total beds.

Packer may have chosen to call his models “Crime Control” and “Due Process” based upon the recent Supreme Court ruling, *In Re Gault*. Alan Neigher, in his article “The Gault Decision: Due Process and the Juvenile Courts” (1967), wrote a synopsis of the decision rendered by the U.S. Supreme Court on May 15, 1967. In essence, the rule (decision) stated that juveniles were to be provided the same basic protection of constitutional rights as those provided for adults. For instance, juveniles had the right to receive notice of the charges that have been filed against them (a juvenile petition), that there be a record of the court proceedings, and that juveniles had the right to have an attorney to represent them. The Decision further ruled that the juvenile courts must grant these procedural protections. This decision had an impact of monumental proportion on the juvenile court system. *In Re Gault* relates to this case study in that it changed the way in which juvenile offenders were processed. Although the Decision was appropriate and “just,” it called for specific steps to be taken which lengthened the prior process; it also had the potential to create “bottlenecks” in the juvenile system such as the timeliness by the prosecutor in filing petitions, the amount of time spent in the courts by the juvenile and his/her family based upon the availability and preparedness of an attorney, the length of the court dockets, etc.

In regards to addressing the secondary focus of this case study, the organization of the juvenile system, there are a multitude of typologies or approaches on the subject. Roethlisberger and Dickson (1939), known as the “founders of the human relations school,” believed that the way in which employees related to one another was a result of the systems, rules, policies and regulations of the organization, defined as a “formal

organization.” On the other hand, they described the “informal organization” as one in which the employees reacted to one another in a less structured and less formal protocol than an organization chart would have us to believe. There is less emphasis on the proverbial “chain of command.” They continue their rationale by stating that the formal structure is centered on the “logic” of cost and efficiency, whereas the informal structure supports the “logic” of attitude. They conclude this thought with “...the social structure of an organization is not comprised of the formal structure plus the idiosyncratic beliefs and behaviors of individual participants but of a formal structure and an informal structure: informal life is itself structured and orderly”(Scott, pg. 83). In the Historical Background of this case study, we are able to see how the change of administrators has had a direct effect on the employees and on the basic structure of OJA. This is amply identified by the separation of OJA from DHS and OJA becoming a new and separate state agency.

Amitai Etzioni’s (1964), took into consideration the work of Roethlisberger and Dickson’s concept of “the human relations school” when developing their perspective of a structuralist approach as the amalgamation of the classical/rationalist schools and the human relations/natural schools. Rationalist theorists’ analysis of control is focused on the distribution of power among the organizational positions, while the naturalist theorists’ insists that raw power only alienates. In order for control to be effective, the subordinates of the organization must accept the power, thus legitimizing the power. Etzioni’s typology is based on power and the way in which the individuals within the organization respond to (or accept) it. He concluded his theory by the integration of

rational and natural perspectives in the final scrutiny of the core issue of power. He took into consideration the formal and informal structure, the relationship of informal groups to one another both inside and outside of the organization, as well as the interaction of the organization and its environment. This theory is very important to this case study in that it solidifies previous theories on organizational structure. The structure is determined by the Director regardless of what type of structure may have existed before his appointment. “The way we’ve always done it” has no meaning or effect on the Director because his is the “new regime.” The only boundaries the Director has are those set by the legislature and by law. And even those boundaries can be “stretched” if those in control chose to stretch them.

Morstein Marx (1957) expounded on the work of Max Weber and identified four types of bureaucracies: Guardian, Caste, Patronage, and Merit. For the purpose of this case study only the latter two will be addressed. He described “patronage” bureaucracy as one in which the person holding the highest position in the organization and the “management team” is appointed or selected not on their merits but on political criteria, as a reward for their political service and loyalty. In a “merit bureaucracy,” the person’s appointment or office is based upon objective standards within the organization in which all those within it have knowledge of what the standards are and the objective qualifications for meeting those standards. This theory by Marx is a keystone for this case study in that the definition of a “merit bureaucracy” provides a blueprint for the organizational structure of OJA.

In an effort to help us understand the inner workings of organizational structures, we are lead last but by no means least to one of the “Masters of Sociology,” Max Weber. Weber (1864-1920) developed the concept of rational-legal authority. This concept provides a stable foundation for establishing permanent administrative structures, which are secured in formal rules that have been set forth by the judicial and/or legislative system. The Rational-legal authority is based on a belief in legal patterns of normative rules and the right of those at the “helm” of the organization as authoritative figures to have the right and responsibility to issue commands and directives. Weber believed that this type of authority and traditional authority (authority based on the purity of custom) “...inheres in particular persons who may either inherit it or be invested with it by a higher authority” were the only two types which provided significantly stable basis for any type of permanent administrative structure (Coser, pg. 227). However, these structures are not flexible enough to adapt to rapid changes such as those often seen when politics and/or personal agendas are involved. In times such as those, people will seek out specific individuals within the organization who they believe possess specific talents or gifts, who will stand up for what they believe in. Therefore, the shift from an old administration to one in which the leader has been “hand chosen” or “selected” will reap the total support of their colleagues as well as those who may serve or be employed in a subordinate status. Weber’s third type of authority is charismatic authority. This type of authority “...rests on the appeal of leaders who claim allegiance because of their extraordinary virtuosity, whether ethical, heroic, or religious” (Coser, pg. 227). Finally, Weber, in his outline of bureaucracy and conceptualization of its relation with capitalism,

was an inspiration for contemporary and future sociologists to expound on his work through their own contributions to the field. Without the work of Weber, there would be no theoretical basis for this case study, especially as it relates to the organization structure of OJA and its predecessor, CRCS. Weber's theory sets the tone for the entire case study.

METHODOLOGY

The design of this study is a qualitative intrinsic case study. According to Stake (1975), an intrinsic case study is one in which a particular subject is identified, such as an agency, and that agency becomes the case. It is intrinsic because of the specificity of the subject matter, -just that one particular agency. By studying that one agency we are not proclaiming that all agencies are like the one in our study, nor are we trying to generalize that any two or more agencies are the same. This type of case study is used because we are specifically looking at one agency, the Office of Juvenile Affairs, and more specifically the treatment options for custody youth. The qualitative method consists of both primary and secondary content analysis. The data were garnered from organizational newsletters, annual reports prepared by the Research and Planning Unit of the Office of Juvenile Affairs, Internet resources, memos, professional articles, and books. For illustrative purposes, a portion of the data will be presented in the form of graphs and charts. These data will cover the fiscal years of '97 through '04 with more in-depth detail given specifically to FY'97 and FY'04. Due to the lack of consistency in reporting standards for the compilation of the OJA Annual Reports, I was not able to adequately compare variable to variable those variables, which were of the most interest

to me. For example, The Annual Report for FY'97 provides the numbers and percentages of juvenile dispositions (out of 10,987, 5,266 or 47.9% received Informal Probation; 3,334 or 30.4% received Court Probation; and 2,387 or 21.7% were in OJA custody). Of the 2,387 custody youth, 793 of those youth were New Commitments and the other 1,594 youth were "carry over" custody youth from previous years. Of the 793 new custody commitments, the number and percentage of youth placed into a "correctional facilities" were: 16 or 2.0% placed at the Rader Intensive Treatment Program, 34 or 4.3% placed at SWOJC in Manitou, 16 or 2.0% placed at COJC in Tecumseh, 59 or 7.4% placed at the Rader Treatment Program, and 112 or 14.1% placed in the Secure New START Program. With regards to "treatment programs," 219 or 27.6% were allowed to remain in their own homes with services within their home communities, 90 or 11.3% were placed into Youth Wilderness Camps, 42 or 5.3% were placed into Boot Camp, 75 or 9.5% were placed into Level E Group Homes, 8 or 1.0% were placed into Level D+ Group Homes, 57 or 7.2% were placed into Group Homes Levels B, C, D; 23 or 2.9% were placed into Specialized Community Homes, 34 or 4.3% were placed into Therapeutic Foster Homes and 8 or 1.0% were placed into regular Foster Homes. The Annual Report for FY'04 combines numbers from OJA and the four Juvenile Bureaus (Tulsa, Oklahoma City, Lawton, and El Reno). However, when addressing the number of juveniles referred, it is not clear if that number is also a combination of juveniles referred to OJA and bureaus or strictly the number of juveniles referred to OJA. Further discrepancies in reporting data involved in FY'04 included juveniles referred for the first time, juveniles referred for violent crimes, number of

referrals dismissed, motion to Certify as Adult, types of adjudications (Delinquent, Violent Delinquent, In Need of Supervision, Youthful Offender), Dispositions (juveniles transferred to adult criminal courts), Dispositions of Violent Juvenile Offenders (violent juvenile offenders transferred to adult courts, number of violent juveniles placed in OJA custody, number of violent juveniles placed on Probation). The only consistent number reported both in FY'97 and FY'04 was the number of juveniles in OJA custody. For FY'04, there were 1,162 in OJA custody. It is not known if the number placed on Court Probation is comparable due to the fact that we do not know if in FY'04 that number includes the Juvenile Bureaus or just OJA. Another major difference between reporting standards of FY'97 and FY'04 is with regards to the division of the Units. In FY'97, Residential and Institutional Services included the three State Institutions, Tenkiller Adventure Program, OJA group Homes, Detention and Sanctions, Oklahoma Children's Initiatives Contracts, and Residential Services Contracts. In FY'04, the Custody and Residential Unit included program consultation, review, monitoring, coordination and planning for Community Residential contracts statewide, Level E Group Homes, the Regimented Juvenile Training Program (Thunderbird Youth Academy), and statewide Juvenile Detention services. Further in FY'04, the Family-Based Treatment Unit had responsibility for monitoring and program direction for Foster Care Homes, Therapeutic Foster Care Service Contracts, and Specialized Community Homes. Finally in FY'04, the Institutional Services Division operated and was responsible for the three state institutions, COJC in Tecumseh, the Lloyd E. Rader Center that operated both a medium secure and maximum secure facilities in Sand Springs, and SWOJC in Manitou.

Therefore, I chose to limit my scope to the type and number of placement beds available because of the impact this issue has on other areas of the system (waiting lists, pending lists, and detention beds). Appendix E is a table that contains the type and number of placement beds available by year, beginning with FY'94 (one year before OJA became a separate agency) to FY'05. Appendix F is a graph of "Supply and Demand of Bed Availability." The majority of the information presented in this case study is available to the general public. However, the information provided by memo is only available because I have worked in the system for 21 years as a juvenile probation and parole officer for CRCS/OJA.

ANALYSIS

This case study centers on the Oklahoma Juvenile Justice System, specifically the Office of Juvenile Affairs, its structure, its purpose and responsibility, and most importantly, its provision of services. Where and/or are the services in the system more of the "crime control model" or "due process model" or are the services approximately equal in the models? In FY'97, the detention centers and institutions were sometimes referred to as "correctional centers." At that time, there were a total of 15 detention centers spread throughout Oklahoma's 77 counties (including Tulsa, Oklahoma and Comanche counties which had designated OJA contract beds). The centers were located from Vinita to Lawton to Hooker to Durant and 11 points in between for a total of 240 detention beds (refer to Appendix G for map with identified locations of detention centers and the three state institutions). The point being made is that there were *only* 240 detention beds available for the non-metropolitan areas of Oklahoma, a total of 74 rural

counties. Therefore, it was extremely possible and often probable that for a youth in a rural county to be detained, he/she would be in a detention center at least 25 miles from his/her community and parents. More often than not, the distance was much further than 25 miles. For example, for a youth from Payne County, the nearest detention center is in Stroud, which is 48 miles from Stillwater. If there was not a bed available in Stroud, then the next closest detention center is in Shawnee, 59 miles from Stillwater. Due to the lack of sufficient detention beds in the state, it has been necessary to place a Payne County youth as far away as Hooker, which is 266 miles one-way. Therefore, to adequately serve the population of youth who need to be placed in a detention facility within a reasonable proximity to their home community and their family, the State of Oklahoma needs to implement and develop more detention centers. For FY'97, there were a total of 2,593 youth detained out of a total of 19,897 youth referred to OJA.

Staying within the “correctional model” and with regards to institutional settings, the three institutions owned and run by OJA included Southwest Oklahoma Juvenile Center at Manitou with 56 medium-secure training school program beds for males, 8 medium-secure training school program beds for females, and 6 non-secure transitional living program beds; Central Oklahoma Juvenile Center in Tecumseh contained 32 medium-secure training school program beds, 32 regimented training medium secure program beds, and 6 non-secure transitional living cottage beds; and the Lloyd E. Rader Children’s Center in Sand Springs contained a medium-secure adolescent female program with 12 beds, a maximum secure intensive treatment program for males with 56 beds, a medium-secure Rader Treatment Program with 95 beds and a non-secure

transitional living program with 6 beds. For FY'97, there were a total of 2,387 youth placed into the custody of OJA. Although only a portion of these youth met the requirements for institutional settings, due to the minimal number of beds, youth waiting for an institutional placement had to remain in or await placement in a detention centers. This added stress on an already exacerbated system in that it made finding a detention bed often impossible for a newly arrested youth, because the bed was already filled with a youth awaiting placement.

Focusing now on the "treatment/due process model," community based or non-institutional beds for FY'97 included 33 OJA operated group home beds, 153 contracted levels of care group home beds, 8 specialized community homes with 4-5 beds in each home, 45 foster home beds, 90 therapeutic foster home beds, 3 supervised independent living homes and 60 Boot Camp beds. Again, there were a total of 2,387 youth placed into OJA custody during FY'97. Youth placed in OJA custody met criteria for one of these three "levels of care": safely remain in their own homes by utilizing local services and resources, identified for community based or residential services outside of their home community, or placement in one of the three state institutions. The largest group among these three "levels of care" was identified for community based/residential services, and again, due to a lack of sufficient beds for this population, those youth awaited placement in detention centers in order to provide protection to their local communities or were placed on an alternative to secure detention, which is called "Homebound Detention." This alternative is administered through the Court of jurisdiction by a Court Order, which states that the youth is to be at school or at work or

otherwise under the *direct supervision* of a parent/guardian at all times. If the youth violates this order then he/she is sent to secure detention, providing that there is a bed available at the time.

In FY'04, there were a total of 23,630 referrals in all 77 counties that involved 15,714 juveniles. Out of the 15,714 juveniles involved, JSU (74 counties) had 11,319. From 11,319 juveniles who received Intake services, 4,364 resulted in some type of informal probation cases, 1,789 resulted in Court Probation cases, and 2,387 resulted in OJA Custody cases. The remaining Intakes, which were not specifically accounted for, possibly, resulted in diversionary programs, 30-day Deferred Decision cases or dismissal.

The budget for FY'97 was \$91.8 Million. Residential and Institutional Services portion of the budget was 48.7% or \$44,706,600.00, and of that percent, 52.3% or \$23,378,100.00 was used for the three institutions; 23.5% or \$10,504,500.00 funded Residential Services Contracts, OJA Group Homes and the Tenkiller Adventure Program. The Detention Centers budget was roughly 20.8% of this budget, which is equal to approximately \$9,297,600.00. This is the budget for what could be considered the "correctional model."

On the "treatment model" side, Juvenile Services Unit portion of the budget was 26.0% or \$23,800,000.00. Of that amount, 32.6% or \$7,758,800.00 was used for non-residential contracts and OCI contracts (community counseling contracts).

Due to the lack of consistency in reporting requirements from one fiscal year to the next, the data are not commensurate. However, in an effort to compare what is similar, the following is apropos. In FY'04, the "corrections model" included a total of

17 detention centers in Oklahoma with 256 OJA contracted beds. That was 2 more detention centers and 16 more beds in FY' 04 than in FY'97. The three institutions owned by and run by OJA included Southwest Oklahoma Juvenile Center at Manitou with 78 medium secure institutional program beds for males (an increase of 8 beds for males and a reduction to 0 beds for females from FY'97); Central Oklahoma Juvenile Center in Tecumseh contained 60 medium-secure institutional program beds for males, 20 medium secure institutional program beds for females, 20 medium secure intensive drug and alcohol program beds for males and 16 bed sex offender unit for males (28 additional medium secure beds, 20 new beds for females, 20 new drug and alcohol beds for males, 16 new sex offender beds for males, and the abolition of 6 transitional living beds for); and the Lloyd E. Rader Center in Sand Springs contained 120 bed medium secure institutional treatment program for males, 12 bed medium secure institutional treatment program for females, 42 maximum security institutional treatment program for males, 14 bed mental health stabilization unit for males, and a 15 bed unit for behavior management (14 less maximum secure beds for males, 25 less medium secure beds for males, abolition of 6 transitional living beds, addition of 14 mental health stabilization beds for males and addition of 15 behavior management beds for males as compared to). The total number of secure institutional beds in FY'04 was 38 less than in FY'97.

In FY'04 the community based (treatment model) or non-institutional beds included 9 contracted (Level E) group homes that include 12 beds for males supplying substance abuse treatment, 24 beds for males supplying sex offender treatment, 26 beds for females, 12 beds for emotionally disturbed delinquent males, and 133 beds for

delinquent males, 32 regimented juvenile treatment program beds for males and females that are rotated 3 times a year thus accommodating 96 youth a year, and 9 acute care inpatient psychiatric care beds and 12 residential psychiatric care beds. There is no way to provide a comparison from FY'97 to FY'04 for the community-based beds due to the inconsistent reporting methods of these two years. There were a total of 1,162 youth in OJA custody for FY'04 as compared to 2,387 in FY'97.

The budget for FY'04 was \$104,139,686.00, an increase of \$123,396.86 from FY'97. Residential Services (which included Institutional Services) portion of the budget was 41.75% or \$43,478,318.91, compared to 48.7% or \$44,706,600.00 in (a decrease of 6.95% or \$1,228,281.09 from FY'97). For FY'04, Detention Centers were removed from The Residential Services, thus removing it from the "correctional model." Once again, at this point there are no options for comparing the remainder of the FY'04 budget to that of FY'97 due to the inconsistency in reporting requirements.

The remainder of the budget for Detention Centers and Community-Based Treatment was placed in the categories of Non-Residential Services and Community-Based Services. Their combined portion was 49.49, which was approximately equal to \$51,538,729.00. This portion was appropriated for OJA Group Homes, the Tenkiller Adventure Program, Detention Centers, non-residential contracts and OCI contracts (community counseling contracts). This would be considered the "treatment model."

CONCLUSION

The historical background on the development of the juvenile justice system in Oklahoma and specifically the Office of Juvenile Affairs was provided in order to not

only add to the existing literature on the subject, but also to lay a foundation for the remainder of the case study. It provided us the opportunity to see the trials and tribulations of developing a system not only with what works but also with what doesn't. As was noted, the State of Oklahoma was a forerunner and example to other states for the strides and innovations made in the juvenile justice system. We as a state set precedent for others to follow.

With regards to the theoretical framework, beginning with Packer and progressing to Weber allowed for emphasis on the specific and most apropos theory regarding the guiding question of this case study, "crime control model or due process model;" the Office of Juvenile Affairs is charged through its mission statement to provide both. Not only does OJA have the responsibility for providing life-changing treatment for the youth, but it is also charged with the responsibility of protecting the community from further delinquent acts by the youth. The theories of Packer and Dunham address the "crime control/due process models." Neigher enlightens the "due process model" by his discussion of *In Re Gault* and the impact of the Supreme Court decision on the juvenile justice system. Roethlisberger and Dickson, Etzioni, Morstein Marx, and Weber provide the foundation to address the issues of organizational structures, management styles and employee satisfaction. Over time, it has been agreed upon by analysts of the natural system approach that highly developed and formalized structures of organizations have proven to be ineffective because of the lack of acknowledgement, utilization of input, recognition of intelligence and the self-propelled initiative of its employees.

In addressing the primary research question of this case study, “how has the Oklahoma Office of Juvenile Affairs balanced the ‘crime control and due process’ models of juvenile justice,” the first obstacle or “limitation” is in the wording of the question. At the time the juvenile system in Oklahoma was “created,” the legislature made a concerted effort in phrasing the statutes in different language than the adult system. Verbiage in the adult system is “crime, punishment, rehabilitation, correctional facilities, crime control model, etc.” However, in the juvenile system, the verbiage is “delinquent act, accountability, treatment, treatment centers, centers, etc.” The intent for this specific wording is that when the youth applies for a job, he/she can honestly answer the question of “have you ever been convicted of a felony?” with a “no,” because the juvenile system does not deal in felonies or misdemeanors, only delinquent acts. However, for the purpose of this case study, regarding the “crime control model” of the question, detention beds are used to protect the community from further delinquent acts by the youth until an appropriate bed in the system that addresses the treatment needs of the youth becomes available, whether the needs of the youth can be met in one of the three institutions or in a less restrictive environment. Regarding the “due process model,” due to the fact that there are only a certain number of beds available to meet the needs of youth in this less restrictive environment, there is a waiting list for the beds and this causes a delay in placing the youth in treatment. For example, the waiting list for the week of March 22, 2006 contained 1 youth awaiting a bed opening at the maximum secure unit at the L.E. Rader Center; 20 youth awaiting a bed opening at one of the medium secure state institutions (L.E. Rader Center, COJC, or SWJC) and 85 youth

awaiting a bed opening at some type of residential facility. This type of a 'waiting list' is not uncommon given the number of treatment beds available. Therefore, given the constraints of available resources, the system errs on the side of caution, emphasizing the protection of the community via the 'crime control model'. However, the pendulum of change is swinging at this point in time to the 'due process model' in that new community resources are being developed to meet the treatment needs of the system involved youth at the community level in an effort to deter the youth from further penetration into the system.

In addressing the secondary question of this case study as to where the breakdowns of the system occur, there are definite communication problems in that information at the 'top of the system' rarely makes it down to the front line workers; the administration has had problems that have resulted in organizational restructuring; and the lack of funding by the legislature has resulted in an increase in staff turnover rates and lack of beds in the system to meet the treatment needs of the youth that are served.

Some of the comments I have heard over the years from the public at large include: "nothing's going to happen to him/her because he's/she's a juvenile; the worst thing he'll/she'll get is a slap on the wrist; he'll/she'll be back out on the street before I can get my report written; why can't you just lock them up in kiddy jail; they're just letting those kids get away with murder; what if it was one of their kids that got beat-up/ripped off/called a "name," I bet they'd do something about it then."

So what does all this data tell us? OJA is under-funded, under-staffed, and lacks the number of beds to adequately provide treatment for the youth not only in custody,

but also for the system involved non-custodial youth while at the same time providing protection for the communities. Due to the lack of beds available, there is an inordinate number of youth at the “back of the system” occupying detention beds which are critically needed for recently arrested youth at the “front of the system.” The system would benefit from increased beds in both the medium and maximum secure facilities; increase in residential drug and alcohol beds (for both males and females); re-establishing residential diagnostic and evaluation centers in order to assess the youth holistically, (psychologically, physically, educationally, vocationally, etc.) in order to make the best informed recommendation as to treatment and/or placement; transitional as well as independent living programs.

With regards to how the system is being held accountable to the citizens of Oklahoma, OCCY (Oklahoma Commission on Children and Youth) continue their role as an advisory group to the Governor on the Office of Juvenile Affairs as well as the other agencies, which make up the components of the juvenile system.

Future research topics could include longitudinal studies of Youthful Offenders; longitudinal studies on OJA custody youth and/or OJA involved youth (including those youth diverted out of the system/on a deferred decision to file/deferred prosecution agreement/on deferred adjudication status/formal court probation), and political analysis of state agencies.

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Appendix A

“Child or juvenile in need of supervision: means a juvenile who:

- a. has repeatedly disobeyed reasonable and lawful commands or directives of the parent, legal guardian, or other custodian,
- b. is willfully and voluntarily absent from his/her home without the consent of the parent, legal guardian, or other custodian for a substantial length of time or without intent to return,
- c. is willfully and voluntarily absent from school, as specified in Section 10-106 of Title 70 of the Oklahoma Statutes, if the juvenile is subject to compulsory school attendance, or
- d. has been served with an ex parte or final protective order pursuant to the Protection from Domestic Abuse Act.” (West’s, p. 145)

“As used in the Protection from Domestic Abuse Act and in the Domestic Abuse Report Act, Sections 40.5 through 40.7 of this title and Section 150.12B of Title 74 of the Oklahoma Statutes:

1. “Domestic abuse” means any act of physical harm, or the threat of imminent physical harm which is committed by an adult, emancipated minor or minor child thirteen (13) years of age or older against another adult, emancipated minor or minor child who are family or household members or who are or were in a dating relationship:
2. “Stalking” means the willful, malicious, and repeated following of a person by an adult, emancipated minor, or minor thirteen (13) years of age or older, with the intent of placing the person in reasonable fear of death or great bodily injury;
3. “Harassment” means a knowing and willful course or pattern of conduct by an adult, emancipated minor, or minor thirteen (13) years of age or older, directed at a specific person which seriously alarms or annoys the person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial distress to the person. “Harassment” shall include, but not be limited to, harassing or obscene telephone calls in violation of Section 1172 of Title 21 of the Oklahoma Statutes and fear of death or bodily injury...” (West’s, p.313, 314)

Youthful Offender

For the purposes of the Youthful Offender Act:

“Youthful offender” means a person:

- a. thirteen (13), fourteen (14), fifteen (15), sixteen (16), or seventeen (17) years of age who is charged with murder in the first degree and certified as a youthful offender as provided by Section 7306-2.5 of this title,
- b. fifteen (15), sixteen (16), or seventeen (17) years of age and charged with a crime listed in subsection A of Section 7306-2.6 of this title, to-wit:
 1. Murder in the second degree;
 2. Kidnapping for the purpose of extortion;
 3. Manslaughter in the first degree;
 4. Robbery with a dangerous weapon or attempt thereof;
 5. Robbery with a firearm or attempt thereof;
 6. Rape in the first degree or attempt thereof;
 7. Rape by instrumentation or attempt thereof;
 8. Forcible sodomy;
 9. Lewd molestation;
 10. Arson in the first degree or attempt thereof;
 11. Shooting with intent to kill; or
 12. Discharging a firearm, crossbow or other weapon from a vehicle pursuant to subsection B of Section 652 of Title 21 of the Oklahoma Statutes, shall be held accountable for his/her acts as a youthful offender.
- c. sixteen (16) or seventeen (17) years of age and charged with a crime listed in subsection B of Section 7306-2.6 of this title, to-wit:
 1. Burglary in the first degree or attempted burglary in the first degree;
 2. Aggravated assault and battery of a police officer;
 3. Intimidating a witness;
 4. Trafficking in or manufacturing illegal drugs;
 5. Assault or assault and battery with a deadly weapon;
 6. Maiming;
 7. Residential burglary in the second degree after two or more adjudications that are separated in time for delinquency for committing burglary in the first degree or residential burglary in the second degree;
 8. Rape in the second degree; or
 9. Use of a firearm while in commission of a felony,

Shall be held accountable for his/her acts as a youthful offender if the offense was committed on or after January 1, 1998... (West’s, p.203, 206)

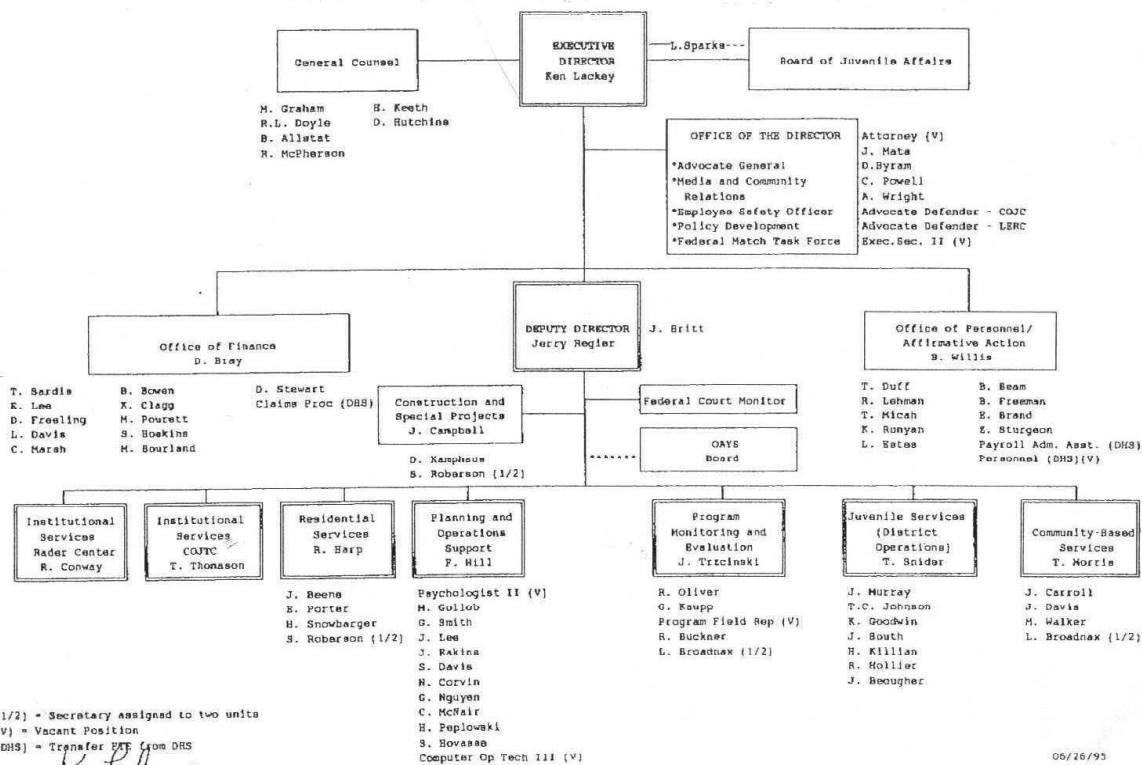
Appendix B

OFFICE OF JUVENILE AFFAIRS

Rev 7/9

JUN-26-1995 17:42

OJJ RSU



{1/2} = Secretary assigned to two units
 (V) = Vacant Position
 (DHS) = Transfer PAF from DHS

TOTAL P. 01

APPROVED: *Ken Lackey*
 Ken Lackey, Executive Director

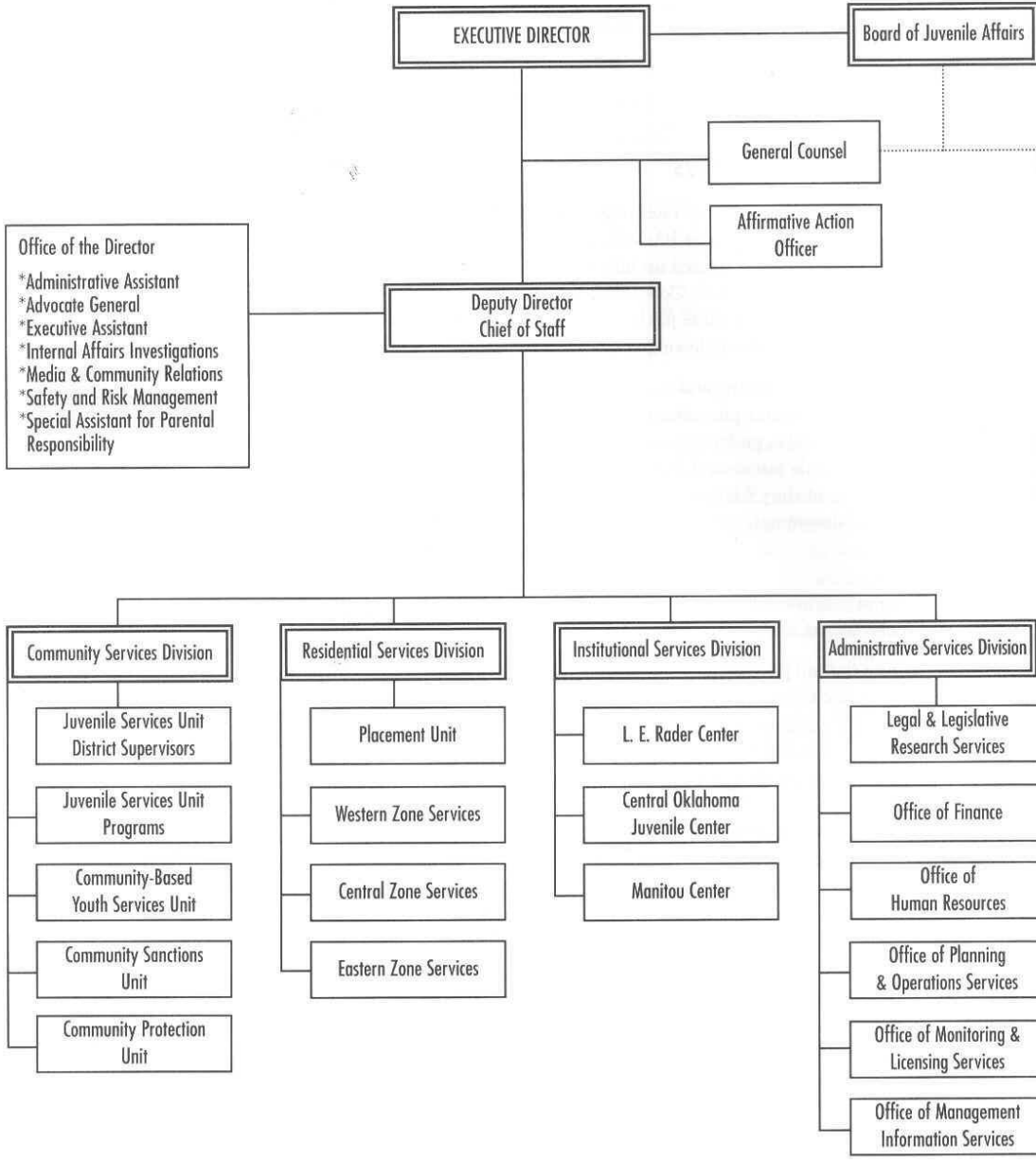
Jerry Regier
 Jerry Regier, Deputy Director

P. 01

06/26/95

Appendix C

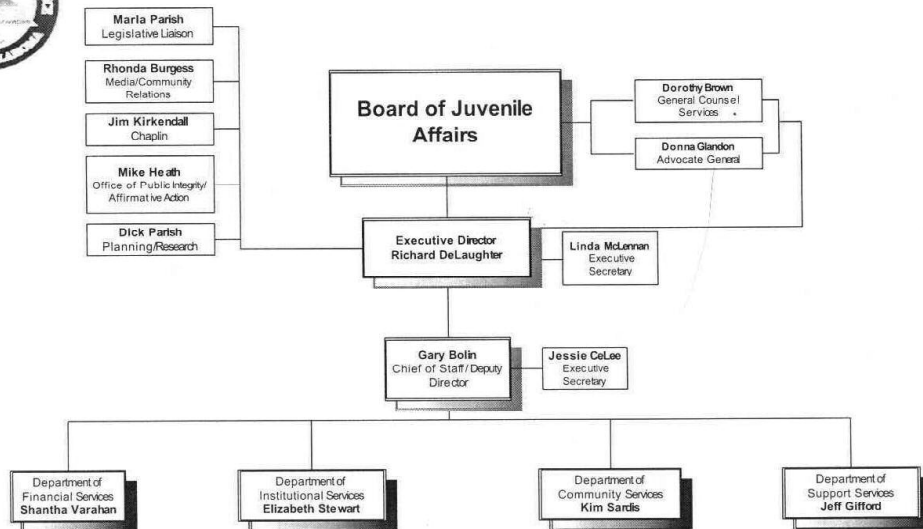
2 ORGANIZATIONAL CHART



Appendix D



Office of Juvenile Affairs

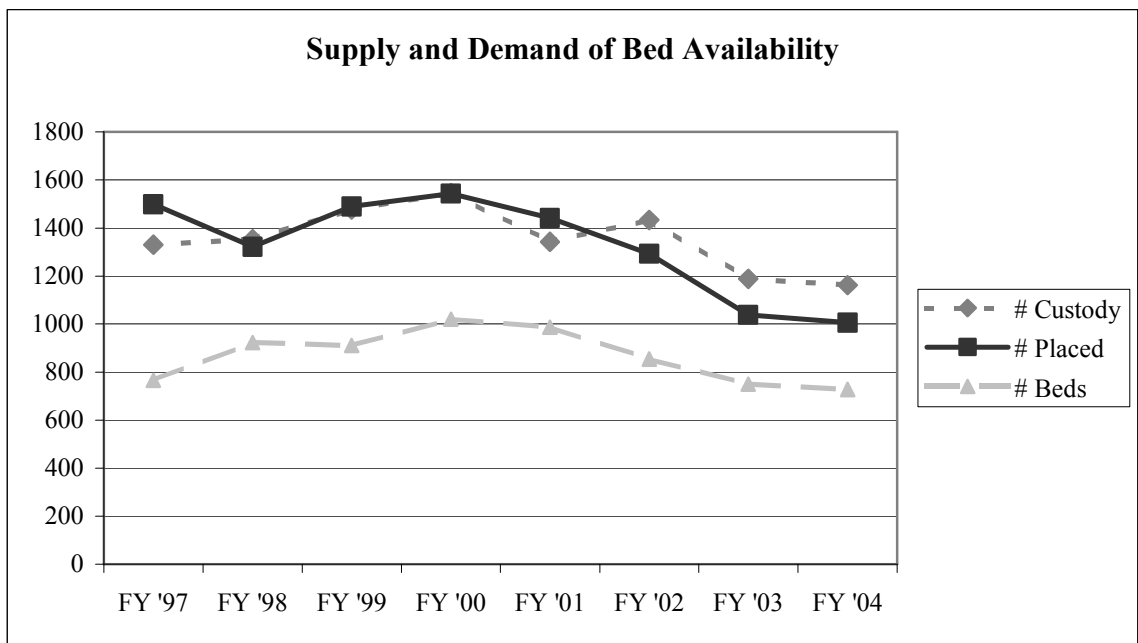


Appendix E

BED NUMBERS

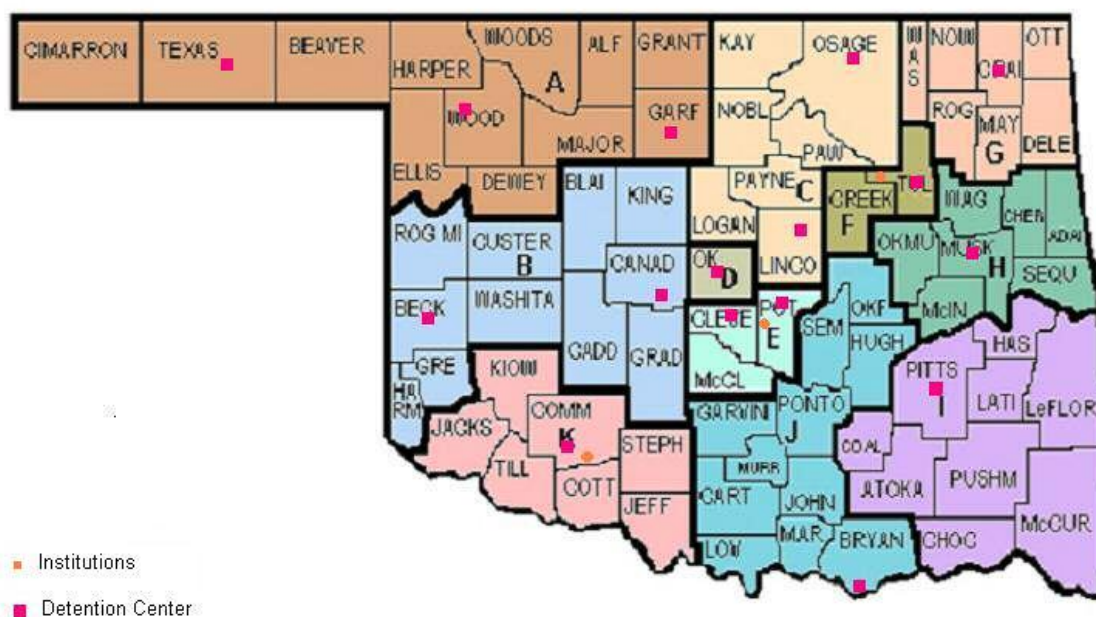
	Secure	Community Based	Bootcamp	Diagnostic/ Evaluation	Total
FY – 94	224	337	0	27	588
FY – 95	224	352	0	16	592
FY – 96	294	415	0	16	725
FY – 97	309	381	60	16	766
FY – 98	325	482	100	16	923
FY – 99	338	473	100	0	911
FY – 00	451	469	100	0	1,020
FY – 01	455	421	100	12	988
FY – 02	436	307	100	12	855
FY – 03	418	292	40	0	750
FY – 04	397	291	40	0	728
FY – 05	380	279	32	0	691

Appendix F



Executive Directors:
 '96-'99: Regier
 '00-'04: DeLaughter

Appendix G



VITA

Jan Wallace Belusko

Candidate for the Degree of

Master of Science

Thesis: THE PENDULUM OF CHANGE: OKLAHOMA'S JUVENILE JUSTICE SYSTEM

Major Field: Sociology

Biographical:

Personal Data: Born in Arkansas City, Kansas, On January 5, 1954, the daughter of Oda Dale and Etta Jane (Gardenhire) Wallace

Education: Graduated from Will Rogers High School, Tulsa, Oklahoma in May 1972; received Bachelor of Art degree in Criminal Justice from the University of Tulsa, Tulsa, Oklahoma in May 1976. Completed the requirements for the Master of Science degree with a major in Sociology at Oklahoma State University in May, 2006.

Experience: Began working in the field of juvenile justice in 1975 at Lakeside Home in Tulsa, Oklahoma. Employed by the Tulsa County Juvenile Bureau in Tulsa, Oklahoma, as an Intake Counselor from 1978 to 1980. Employed by the State of Oklahoma, Office of Juvenile Affairs as Senior Juvenile Justice Specialist in Probation and Parole from 1985 to 1999 in Bartlesville, Washington County, Oklahoma, and in Stillwater, Payne County, Oklahoma from 1999 to the present.

Professional Memberships: American Sociology Association; International Consortium of Certified Professional Drug and Alcohol Counselors; Oklahoma Drug and Alcohol Professional Counselors Association.

Name: Jan Wallace Belusko

Date of Degree: May, 2006

Institution: Oklahoma State University

Location: Stillwater, Oklahoma

Title of Study: THE PENDULUM OF CHANGE: OKLAHOMA'S JUVENILE
JUSTICE SYSTEM

Pages in Study: 49

Candidate for the Degree of Master of Science

Major Field: Sociology

Scope and Method of Study: The purpose of this study was to provide an historical summary of the development of the juvenile justice system in Oklahoma and to determine if the system was a "crime control model" or "due process model". The methodology was a qualitative intrinsic case study and primary and secondary content analysis.

Findings and Conclusions: It was determined that the Oklahoma Juvenile Justice System is at times both "crime control and due process models" with more emphasis on the "due process model" or treatment approach. The parts of the system which were considered "crime control model" were the detention centers and the state institutions and the "due process model" or treatment approach were the community-based residential services and the local community resources.

ADVISER'S APPROVAL Dr. Elizabeth Caniglia

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By

Jan Wallace Belusko

May, 2006