

# Oklahoma

WOMEN IN PRISON: 2,316 (12/99)<sup>i</sup>

## Custodial Sexual Misconduct

### *Custodial Sexual Misconduct – Statute*

§21-1111 – Rape

§21-888 – Forcible Sodomy

§21-1123 – Lewd or Indecent Proposals or Acts As to Child Under 16<sup>1</sup>

Oklahoma’s statutes are part of different Sexual Offenses parts of the Criminal Code. They specify which acts and which persons are prohibited.

Does the law impose a criminal penalty on the inmate?	No	The law does not penalize the inmate.
Does the statute covers all relevant forms of sexual abuse?	Yes	The amended laws cover all forms of sexual abuse.
Does the law allow an officer to claim an inmate consented to the sexual act(s) to avoid prosecution?	No	The laws do not allow an officer to claim a defense based on consent.
Does the statute cover all custodians and staff in contact with inmates?	Yes	The laws include all employees of state and local facilities as well as contract providers.
Does the statute cover all places where an inmate might be abused?	Yes	The amended laws cover all subdivisions, and are not concerned where the abuse took place.
Is the penalty a felony?	Yes	Violation of any of the prohibited acts is a felony.

### *Custodial Sexual Misconduct – Allegations and Incidents*

Indictments/Convictions (answer to AI letter requesting information) <sup>ii</sup>	Not known. Oklahoma Attorney General’s Office is not able to provide the information presently. However, a new system is being implemented which would allow this in the future. <sup>iii</sup>
Incidents reported in select media since 10/98	<ul style="list-style-type: none"> <li>- Tulsa Jail: Female inmates claim they were strip searched in front of male officers. <i>Tulsa World 01/27/01</i></li> <li>- Oklahoma City Federal Prison: Prison counselor Breavess McBride was found guilty of using threats and intimidation to force five female inmates to have sex with him. One woman became pregnant and was forced to have an abortion. One was still bleeding from giving birth when she was assaulted. He was indicted on eleven counts of sexual abuse, and faces up to 116 years in prison and \$2.75 million in fines. (Sentenced to 12 years) <i>The Daily Oklahoman 3/24/00, updated 11/00</i></li> <li>- Lincoln County Jail: State Bureau of Investigation investigated allegations of a jailer engaging in sexual conduct with a female inmate after the inmate complained. (<i>AP 02/17/00</i>)</li> <li>- Oklahoma County Jail: Jailer Kenneth Jackson faced two counts of rape for having sex with a female inmate. <i>The Daily Oklahoman, 02/10/00</i></li> </ul>

<sup>1</sup> The text of Oklahoma’s statute is reprinted at the end of this section.

	- Rodgers County Jail: charges of sexual misconduct against a former Rodgers County jailer failed to meet the legal definition of forcible sodomy. <i>The Tulsa World</i> , 2/13/99
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## ***Custodial Sexual Misconduct –Policies, Procedures and Practices of Guarding Specific to Women***

The following data is based on surveys performed by the National Institute of Corrections in 1996 and 2000, except in cases where further details have been available to AI from alternative sources.

Is the current DOC policy on custodial sexual misconduct language explicit?	<b>Yes</b>	The policy includes direct and specific language about the nature of the sexual behaviors prohibited. <sup>iv</sup>
Allow cross-gender pat-down searches?	<b>Yes</b>	Facility practice is for same-sex searches, with a provision for cross-sex searches in emergencies - “emergency” not defined. <sup>v</sup>
Restrictions on the duties of male guards?		Not known.
Was there staff training on sexual misconduct in 1996?	<b>Yes</b>	All staff are provided with training on sexual misconduct within a block of training on employee conduct; consisting of eight pre-service hours and six annual in-service hours. <sup>vi</sup>
Has staff training been developed 1996-2000?	<b>Yes</b>	A new lesson plan entitled “Working Successfully with Female Offenders” was approved 09/28/00. <sup>vii</sup>
Were there special procedures for investigating allegations of sexual misconduct in 1996?	<b>No</b>	Oklahoma is not specifically mentioned in the National Institute of Corrections report. However, it is noted that most DOCs use standard investigatory procedures with no special considerations for the nature of the complaint. <sup>viii</sup>
Have new investigation procedures been introduced 1996-2000?	<b>Yes</b>	Since 1998, the Oklahoma DOC has contracted with a retired local police sex-crimes investigator to provide a training session to agency investigators. <sup>ix</sup> Oklahoma DOC sent employees to attend National Institute of Corrections “Investigation of Staff Sexual Misconduct of Inmates” training in September 2000. <sup>x</sup>
Were inmates informed of agency policies about sexual misconduct in 1996?	<b>Yes</b>	Policies are covered in specific training presentation; in standard inmate orientation; in inmate handbook; and are available in library. <sup>xi</sup>
Have procedures on informing inmates about sexual misconduct been revised 1996-2000?	<b>Yes</b>	The Oklahoma DOC has developed an Offender Orientation Manual, which explicitly defines and prohibits over-familiarization and sexual misconduct between staff and inmates. <sup>xii</sup>

## ***Custodial Sexual Misconduct –Legislative Proposals 2000-01***

2000 HB 2121 <sup>2</sup> Signed by Governor May 3, 2000 Effective November 1, 2000 2000 Chapter Law 175	Added ‘forcible sodomy’ and ‘sexual battery’ to the prohibited acts.
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# **Parenting and Pregnancy in Custody**

## ***Pregnancy - Relevant Statutes/Administrative Rules***

Legislation banning shackling in the third trimester or during labor	<b>No</b>	Oklahoma has no legislation limiting the use of shackling on pregnant inmates.
Administrative rules concerning pregnancy and delivery		Not known.

<sup>2</sup> The relevant text of this bill has been incorporated into the statute reprinted at the end of this section.

## ***Pregnancy and Parenting - Policies, Procedures and Practices***

Use of restraints in third trimester	<b>Yes</b>	Pregnant women are housed at the Mabel Bassett Correctional Center; facility policy states restraints shall be applied unless the medical condition of the inmate make restraints unnecessary or harmful, as determined by Health Services. <sup>xiii</sup>
Restraints during transport	<b>Yes</b>	Oklahoma DOC policy states that all offenders under transport are restrained at minimum with handcuffs and belly chain; maximum and medium security level inmates also require leg irons and cuff-covers. All inmates are escorted by two armed guards. There is no specific mention of pregnant inmates. <sup>xiv</sup> At the Mabel Bassett Correctional Center, practice is to apply the most effective and secure restraint but also the most humane in the light of the inmate's condition." <sup>xv</sup>
Restraints during labor	<b>Yes</b>	Oklahoma DOC policy states that all minimum and higher security level patients will wear leg restraints unless the attending physician, in agreement with the head of the medical facility and the head of the correctional facility, determine that such restraints would be harmful to the inmate. <sup>xvi</sup> At the Mabel Bassett Correctional Center, practice is that no restraints are applied during labor. <sup>xvii</sup>
Officer in delivery room	<b>Yes</b>	Oklahoma DOC stated policy requires that a same-sex corrections officer is present. The policy further stipulates that a same-sex corrections officer is responsible for all searches, including visitors, and collection of urine specimens. <sup>xviii</sup>
Parenting programs specific for women	<b>Yes</b>	Mabel Bassett Correctional Center and Eddie Warrior Correctional Center offer parenting programs. The Kate Barnard Community Corrections Center and the Altus Community work center do not offer parenting programs. <sup>xix</sup>
Special visitation rights for women	<b>Yes</b>	Mabel Bassett Correctional Center and Eddie Warrior Correctional Center offer special mother/child visiting programs. The Kate Barnard Community Corrections Center and the Altus Community work center do not offer special mother/child visiting programs. <sup>xx</sup>
State Mother and Child Residency Program	<b>No</b>	Oklahoma DOC has no residential program for inmate mothers and their infants/children. <sup>xxi</sup>

## **Contact information**

### **OKLAHOMA DEPARTMENT OF CORRECTIONS**

<b>Director: James Saffle</b> 3400 Martin Luther King Avenue Oklahoma City, OK 73111 Phone: (405) 425-2500	Website: <a href="http://www.doc.state.ok.us/">http://www.doc.state.ok.us/</a> email public information officer: <a href="mailto:prjerry@doc.state.ok.us">prjerry@doc.state.ok.us</a>
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### **OKLAHOMA DEPARTMENT OF CORRECTIONS FACILITIES FOR WOMEN**

<b>Eddie Warrior Correctional Center</b> <i>Female Inmates: 627<sup>xxii</sup></i> P.O. Box 354 Taft, OK 74463-0485 Phone: (918) 683-8365 Fax: (918) 687-3962 Eric Franklin, Warden <a href="mailto:Eric.franklin@doc.state.ok.us">Eric.franklin@doc.state.ok.us</a>	<b>Altus Community Work Center</b> <i>Female Inmates: 83<sup>xxiii</sup></i> 308 West Broadway Altus OK 73521-3806 Phone: (580) 482-0790 Fax: (580) 477-4073 Captain Warren Ross	<b>Kate Barnard Community Corrections Center</b> <i>Female Inmates: 157<sup>xxiv</sup></i> 3200 NW 39 <sup>th</sup> Street Oklahoma City, OK 73112-6298 Lila Parker, District Supervisor <a href="mailto:Lila.parker@doc.state.ok.us">Lila.parker@doc.state.ok.us</a>
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<p><b>Lexington Assessment and Reception Center</b>  <b>Maximum sec</b>  <i>Female Inmates: 76<sup>xv</sup></i>  Box 260  Lexington, OK 73051-0260  Phone: (405) 527-5676  Fax: (405) 527-9892  <a href="mailto:lxcc@doc.state.ok.us">lxcc@doc.state.ok.us</a>  Reginald Hines, Warden  <a href="mailto:reginald.hines@doc.state.ok.us">reginald.hines@doc.state.ok.us</a></p>	<p><b>Mabel Bassett Correctional Center</b>  <i>Maximum Security –</i>  <i>Female Inmates: 316<sup>xvii</sup></i>  P.O. Box 11491  Oklahoma City, OK 73136-0491  Phone: (405) 425-2900  Fax: (405) 425-2919</p> <p><i>Minimum Security –</i>  <i>Female Inmates: 154<sup>xviii</sup></i>  315 West I-44 Service Road  Oklahoma City, OK 73118  Neville Massie, Warden  <a href="mailto:neville.massie@doc.state.ok.us">neville.massie@doc.state.ok.us</a></p>	<p><b>Private prison</b>  <b>Central Oklahoma Correctional Facility</b>  <i>Female Inmates: 584<sup>xviii</sup></i>  Medium Security  29501 Kickapoo  McCloud, OK 74851  Phone: 405-964-3020  Fax: 405-964-3014  Vicki Shoecraft, Warden</p>
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## **OKLAHOMA EXECUTIVE**

<p><b>Governor Frank Keating [R]</b>  Room 212  State Capitol Bldg.  Oklahoma City, OK 73105  Phone: (405) 521-2342  Fax: (405) 521-3353  <a href="mailto:governor@gov.state.ok.us">governor@gov.state.ok.us</a></p>	<p>Homepage:  <a href="http://www.governor.state.ok.us/">http://www.governor.state.ok.us/</a></p> <p>email: <a href="mailto:governor@gov.state.ok.us">governor@gov.state.ok.us</a></p>
<p><b>Attorney General W. A. Drew Edmondson [D]</b>  Office of the Attorney General  2300 N. Lincoln Blvd, Ste 112  Oklahoma City, OK 73105  405.521.3921  Tulsa Office: 918.581.2885</p>	<p>Homepage:  <a href="http://www.oag.state.ok.us/oagweb.nsf">http://www.oag.state.ok.us/oagweb.nsf</a></p> <p>Online form:  <a href="http://www.oag.state.ok.us/feedback.nsf/feedback">http://www.oag.state.ok.us/feedback.nsf/feedback</a></p>

## **OKLAHOMA LEGISLATIVE INFORMATION**

<p><b>House:</b>101 members, 2-year term (8 years limit)  <b>Senate:</b> 48 members, 4-year term (8 years term-limit)</p> <p><b>Legislative Session:</b> Meets in odd numbered years on the first Tuesday after the first Monday in January for a single day, reconvenes on the first Monday in February and ends the last Friday in May. In even numbered years, the first Monday in February and ends the last Friday in May. Bills may carry over.</p>	<p>State homepage  <a href="http://www.oklaosf.state.ok.us/">http://www.oklaosf.state.ok.us/</a>  Bill search  <a href="http://www3.lsb.state.ok.us/default.htm">http://www3.lsb.state.ok.us/default.htm</a>  Legislature  <a href="http://www.state.ok.us/osfdocs/leghp.html">http://www.state.ok.us/osfdocs/leghp.html</a>  Bill information phone number:  House: (405) 521-2711 ext. 387  Senate: (405) 521-5642</p>
<p><b>Senate</b>  State Capitol Building.  Oklahoma City, OK 73105</p>	<p>Homepage:  <a href="http://www.lsb.state.ok.us/senate/welcome.html">http://www.lsb.state.ok.us/senate/welcome.html</a></p>
<p><b>House of Representatives</b>  State Capitol Building  Oklahoma City, OK 73105</p>	<p>Homepage:  <a href="http://www.lsb.state.ok.us/house/ohorpage.htm">http://www.lsb.state.ok.us/house/ohorpage.htm</a></p>

## **WOMEN IN PRISON - NGO RESOURCES**

The organizations listed are not endorsed by or affiliated with Amnesty International

<p>Oklahoma-CURE  P.O. Box 9741  Tulsa, OK 74157-0741  Phone: (918) 744-8037</p>
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ACLU of Oklahoma  
3012 N. Lee, Suite A  
Oklahoma City, OK 73103  
Phone: (405) 524-8511  
Web site: <http://www.mindspring.com/~acluok>

## Oklahoma's Custodial Sexual Misconduct Statute

*Excerpt*

### §21-1111. Rape

A. Rape is an act of sexual intercourse involving vaginal or anal penetration accomplished with a male or female who is not the spouse of the perpetrator and who may be of the same or the opposite sex as the perpetrator under any of the following circumstances:

...

7. Where the victim is under the legal custody or supervision of a state agency, a county, a municipality or a political subdivision and engages in sexual intercourse with a state, county, municipal or political subdivision employee or an employee of a contractor of the state, a county, a municipality or a political subdivision that exercises authority over the victim.

### 21- § 888 Forcible Sodomy

A. Any person who forces another person to engage in the detestable and abominable crime against nature, pursuant to Section 886 of this title, upon conviction, is guilty of a felony punishable by imprisonment in the State Penitentiary for a period of not more than twenty (20) years. Any person convicted of a second violation of this section, where the victim of the second offense is a person under sixteen (16) years of age, shall not be eligible for probation, suspended or deferred sentence. Any person convicted of a third or subsequent violation of this section, where the victim of the third or subsequent offense is a person under sixteen (16) years of age, shall be punished by imprisonment in the State Penitentiary for a term of life or life without parole, in the discretion of the jury, or in case the jury fails or refuses to fix punishment then the same shall be pronounced by the court.

B. The crime of forcible sodomy shall include:

...

4. Sodomy committed by a state, county, municipal or political subdivision employee or a contractor or an employee of a contractor of the state, a county, a municipality or political subdivision of this state upon a person who is under the legal custody, supervision or authority of a state agency, a county, a municipality or a political subdivision of this state.

### §21 - 1123 . Lewd or Indecent Proposals or Acts As to Child Under 16

B. No person shall commit sexual battery on any other person. "Sexual battery" shall mean the intentional touching, mauling or feeling of the body or private parts of any person sixteen (16) years of age or older, in a lewd and lascivious manner and without the consent of that person or when committed by a state, county, municipal or political subdivision employee or a contractor or an employee of a contractor of the state, a county, a municipality or political subdivision of this state upon a person who is under the legal custody, supervision or authority of a state agency, a county, a municipality or a political subdivision of this state.

C. Any person convicted of any violation of this subsection shall be deemed guilty of a felony and shall be punished by imprisonment in the State Penitentiary for not more than five (5) years.

<sup>i</sup> *Prisoners in 1999*, Bureau of Justice Statistics Bulletin, August 2000 NCJ 183476

<sup>ii</sup> The information does not reflect prosecutions or convictions under rape statutes.

<sup>iii</sup> Letter from the Office of the Attorney General State of Oklahoma, Tom Gruber, First Assistant Attorney General, August 25, 2000

<sup>iv</sup> US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Remedies, and Incidence," National Institute of Corrections, Colorado, May 2000

<sup>v</sup> Facsimile updates provided by Oklahoma Department of Corrections, Directors Office, 2/15/01

<sup>vi</sup> US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Agency Response, and Prevention," National Institute of Corrections, Colorado, November 1996

<sup>vii</sup> Facsimile updates provided by Oklahoma Department of Corrections, Directors Office, 2/15/01

<sup>viii</sup> US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Agency Response, and Prevention," National Institute of Corrections, Colorado, November 1996

<sup>ix</sup> US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Remedies, and Incidence," National Institute of Corrections, Colorado, May 2000

Facsimile updates provided by Oklahoma Department of Corrections, Directors Office, 2/15/01

<sup>xi</sup> US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Agency Response, and Prevention," National Institute of Corrections, Colorado, November 1996

<sup>xii</sup> US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Remedies, and Incidence," National Institute of Corrections, Colorado, May 2000

<sup>xiii</sup> Facsimile updates provided by Oklahoma Department of Corrections, Directors Office, 2/15/01

<sup>xiv</sup> Oklahoma Department of Corrections, -OP-040111, "Transportation of Offenders" Attachment A

<sup>xv</sup> Phone conversation with the Warden's office, Mabel Bassett Correctional Center, 02/22/2001

<sup>xvi</sup> Oklahoma Department of Corrections, OP-040114 "Security of Inmates on Non-Prison Hospitals" (I.C.c.)

<sup>xvii</sup> Facsimile updates provided by Oklahoma Department of Corrections, Directors Office, 2/15/01.

<sup>xviii</sup> Oklahoma Department of Corrections, OP-110201 Addendum-01 (section III.B.3) pages 1-3

<sup>xix</sup> Facsimile updates provided by Oklahoma Department of Corrections, Directors Office, 2/15/01

<sup>xx</sup> Facsimile updates provided by Oklahoma Department of Corrections, Directors Office, 2/15/01

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<sup>xxi</sup> General Accounting Office, "Managing Female Inmate Populations," GAO/GGD-00-22, 2000  
<sup>xxii</sup> Facsimile updates provided by Oklahoma Department of Corrections, Directors Office, 2/15/01  
<sup>xxiii</sup> Facsimile updates provided by Oklahoma Department of Corrections, Directors Office, 2/15/01  
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<sup>xxviii</sup> Facsimile updates provided by Oklahoma Department of Corrections, Directors Office, 2/15/01