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Research and Recommendations on Mothers in the Tulsa County Criminal Justice System

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I. ABOUT THE CONTRIBUTORS

THE AUTHORS
Four students with the Lobeck Taylor Family Advocacy Clinic, Matthew Helberg, Alexandria Mayfield, Miles Taylor, and Rachael Want (the Research Team) developed this report for the George Kaiser Family Foundation in the fall of 2014. The Research Team looked into what happens to women and their children when they come into contact with the criminal justice system in Tulsa County. The Research Team conducted their research between September and December of 2014.

THE LOBECK TAYLOR FAMILY ADVOCACY CLINIC
The Lobeck Taylor Family Advocacy Clinic at The University of Tulsa College of Law is an intensive, one-semester course where student attorneys engage the skills and values of effective lawyering by solving real-life legal problems in a structured learning environment. Clinic student attorneys serve the community by providing representation that increases access to justice for low-income individuals and families, as well as advocacy, capacity-building, and systemic reform on behalf of non-profit organizations and community groups.
II. INTRODUCTION

In the fall of 2014, the George Kaiser Family Foundation asked our team, composed of law students working in the Family Advocacy Clinic at The University of Tulsa College of Law, to investigate what happens to women and their children when they come into contact with the criminal justice system in Tulsa County. We explored a range of issues beginning with a woman’s first contact with law enforcement through her potential incarceration in the Tulsa jail including: women and children’s experiences during arrest; issues related to child custody after arrest and during incarceration; and women’s access to information about, and ability to visit with, their children after arrest and during incarceration.

To research these issues, we reached out to individuals who work within the criminal justice and child welfare systems, as well as women who have been involved with those systems. We spoke with several law enforcement officers including a major and several sergeants with the Tulsa Police Department (TPD) and the Tulsa County Sheriff’s Office (TCSO). We interviewed several Child Protective Services (CPS) workers and a supervisor with the Oklahoma Department of Human Services (DHS), as well as Chief Judge Doris Fransein of the Tulsa County District Court’s Juvenile Division, and Kyle Felty, an attorney who represents mothers during termination of parental rights proceedings in the Juvenile Division. We visited the David L. Moss Criminal Justice Center (DLM), informally known as the Tulsa jail, where we spoke with several staff and deputies as well as two mothers incarcerated there. We also researched Oklahoma law and agency policy.

As the research progressed, we began to notice a pattern. The issues we were investigating seemed to be manifestations of a central problem: a lack of communication and coordination between the multiple agencies that make up the criminal justice and child welfare systems. This phenomenon, which we call institutional fragmentation, is the result of a two-track system within
the broader justice system. When a women is arrested or jailed, she is on the criminal justice track. This track is focused on law enforcement and detention of adult offenders. When that same woman is arrested, her child is put on a different track—one focused on child welfare. Our primary research showed that agencies on the criminal justice track and agencies on the child welfare track do not communicate sufficiently with each other. This fragmentation seems to drive undesirable and unnecessary outcomes for women and their children in Tulsa County, including mothers who have no way to learn the location of their child after arrest, or mothers who miss critical custody hearings because they were not transported to court from DLM.

Section II of this report introduces in greater detail the two tracks of the justice system, one focused on criminal justice and one focused on child welfare, and the nature of the institutional fragmentation in Tulsa. In Section III, we offer specific examples of how this two-track system affects mothers, children, and the agencies involved. We also offer recommendations for change. Finally, in Section IV, we present further questions for future research.
III. FRAGMENTATION OF THE JUSTICE SYSTEM

In Tulsa County, the broader justice system is fragmented in its treatment of mothers and their children. In this two-track system, one track is focused on the mother; agencies such as TPD, TCSO, and DLM concentrate almost exclusively on law enforcement and detention. The other track is focused on the child; agencies within this system such as DHS, and its sub-agency, CPS, focus almost exclusively on child welfare. Our research showed insufficient communication and cooperation between the agencies in the law enforcement and detention track and the agencies in the child welfare track—the result is a fragmented system that leads to unnecessary negative outcomes for women involved in the criminal justice system and their children.

Mothers who are involved in the criminal justice system present a challenge to traditional models of criminal justice. Unlike fathers, mothers who are arrested or incarcerated are often the sole caretakers of their children, with studies showing that upwards of 75 percent of incarcerated mothers are sole caretakers, which leaves the children of incarcerated women effectively without a parent in their day-to-day lives.¹ The situation in Oklahoma is particularly grim; here, 85 percent of women in jails and prisons are mothers and the rate of female incarceration is approximately double the national average—a number that continues to rise each year.² In the last two decades, the rate of female incarceration has increased from 96 women per 100,000 to 136 per 100,000.³

When a woman is arrested or incarcerated, the action affects not only her and her children, but an entire social system, including grandparents, potential guardians, social welfare workers, non-incarcerated parents, and whole communities.⁴ The result of large-scale incarceration of women, particularly where they cannot have meaningful contact with their children, results in the unnecessary separation of families for non-violent offenses,⁵ mothers’ losing child custody due to a lack of resources while incarcerated,⁶ and major barriers to reunification between mothers and children.⁷ Oklahoma’s children are the “hidden victims” of women’s incarceration.⁸
Given the large numbers of women incarcerated in Oklahoma and in Tulsa County, we determined that there is insufficient communication and collaboration between the agencies in the law enforcement and detention track and the agencies in the child welfare track. Agencies responsible for law enforcement and detention should work to account for the reality of female involvement in the criminal justice system, in part by taking steps to recognize the unique position and needs of mothers. These agencies should also recognize the ways in which the mission of reducing crime can be facilitated through collaboration with the agencies in the child welfare track. Together, these agencies could take actions that help to stop the cycle of broken families caused by incarceration. In the same way, agencies in the child welfare track could be cognizant of the type and quality of information about family structure, mental state, and socio-cultural issues that law enforcement and detention agencies gain during their encounters with women, children, and families. The information gained by law enforcement and detention agencies could be a valuable resource for welfare organizations, but it is not currently being accessed.
IV. EXAMPLES OF FRAGMENTATION IN THE JUSTICE SYSTEM

Fragmentation in the justice system creates a number of different challenges for mothers and their children when mothers are arrested or incarcerated, including trauma to the child during arrest; confusion and stress to the mother about where her child is during the booking process; and a complete loss of control, and loss of the ability to be a parent, for mothers detained or incarcerated at David L. Moss.

A. Arrest

Some children experience unnecessary trauma when a mother is arrested by law enforcement—a challenge that is not unique to Tulsa, but shared by jurisdictions across the country. A recent report from the International Association of Chiefs of Police (IACP) stated that witnessing a “parental arrest . . . can have a negative impact on a child’s physical, mental, social and emotional well-being,” and “depending on the age and quality of the relationship with the parent, children may feel shock, immense fear, anxiety, or anger towards the arresting officer.” This experience “can increase a child’s risk of negative outcomes in adulthood, including alcoholism; depression; illegal drug use; domestic violence and other criminal behavior.”

In 2013, Oklahoma law enforcement agencies made 34,949 arrests of women 18 years of age and older. If the demographics of women who are arrested track those of the women who are later incarcerated, it is possible that in 2013, there were approximately 28,000 arrests involving women with children.

1. Variation in Police Practice

Our research suggests that police practices related to the treatment of children during arrest may vary widely. One mother told us about a lack of consistency in the actions of police officers that she has personally experienced. Some arresting officers took steps to keep her children from
seeing her in handcuffs. However, another arresting officer grabbed her teenage daughter out of her bedroom and dragged the daughter along the floor and down the hall before handcuffing the daughter. The daughter was not a suspect in the crime under investigation.18 Based on our interviews with TPD officers, it is clear that some officers are careful not to upset children by handcuffing a mother in front of her children, and some officers work to actively distract children. Other officers do not seem to place a priority on avoiding stress to children during a mother’s arrest and instead focus on safety or efficacy.19

Our primary research, including interviews with representatives from the Tulsa Police Department (TPD), suggests that TPD does not currently have a general policy or procedure governing the treatment of children during arrest. Our research also suggests that officers lack training on the complexities of dealing with the presence of children during an arrest and that officer discretion largely determines TPD practices in this area.20

Many police departments around the country are dealing with these same challenges, and there has been movement towards developing policies, practices, and training programs to address these complex issues.21 The IACP report found that “many, if not most, law enforcement agencies do not have policies, procedures, or training that specifically addresses actions that should be taken to reduce and prevent trauma associated with the arrest of a parent.”22 The IACP found that this lack of training increases the chance that even a well-intentioned officer may take actions that increase trauma to the child simply because that officer has not been properly trained to deal with the situation.23 Clearly, Tulsa is not alone in facing the challenge of how to deal with children at the time of arrest.

2. Absence of a General Policy for Dealing with Children

Through our conversations with TPD officers, we learned that there is no general policy regarding the treatment of children during the arrest of an adult caretaker. TPD arrest policies for
certain offenses, such as domestic violence arrests and arrests related to methamphetamine production, do include specific guidance for the officer to follow if children are present. However, in most circumstances, officer discretion ultimately determines what occurs when an officer encounters children during an arrest. As a result, there may be a lack of guidance for officers navigating these complex situations. As discussed above, this lack of a general policy is not unique to Tulsa County as “many, if not most, law enforcement agencies” lack such general policies when dealing with children.

3. Officer Discretion and Training

We learned that TPD officers are not currently trained on how to avoid causing trauma to children or even why avoiding such trauma is desirable. TPD officers informed us that safety is the main consideration for officers responding to calls, and stated that officer discretion is the best method to ensure safety. The thinking is that there are too many variables when an officer arrives on the scene to be able to restrict how they deal with children and still allow them to pursue their main purpose of protecting public safety. Representatives from TPD told us that while officers often do think about how a child will perceive the officer’s actions, the personal safety of the officer and others involved will override these concerns. For example, if an officer believes a child to be a threat based on size and demeanor, that officer is more likely to treat the child like an adult.

We learned that while some officers will independently make efforts to reduce stress during the encounter such as avoiding handcuffing the mother in front of her child, other officers may not feel compelled to undertake such actions. This is not just an issue in Tulsa. Recently, a nationwide study found that “70 percent of children who are present at arrest watch that parent being handcuffed. Nearly 30 percent are confronted with drawn weapons.”
4. **Recommendations**

Our findings suggest two recommendations for further investigation. First, law enforcement agencies in Tulsa could create an umbrella policy and procedure that covers interactions between police and mothers when children are present. The TPD can design this policy to allow for officer discretion while providing officers with the framework they need to reduce unnecessary trauma to children when their mothers are arrested.\(^{31}\) An IACP model policy for situations in which a mother is arrested, released in 2014, may be a helpful starting point for the TPD.\(^ {32}\)

Second, TPD could require that officers complete training and continuing education in handling situations where mothers and children are present. Some classes on this topic are currently available for TPD officers, but must be requested by an individual officer.\(^ {33}\) A critical concept in the IACP model policy report is the requirement of co-training between law enforcement officers and a childhood trauma specialist.\(^ {34}\) Such training would help the officers understand what effect the arrest is having on the children and how to meet their other goals while considering this effect.\(^ {35}\)

B. **Booking**

The next challenge that mothers and children face relates to information about where the child has been placed after arrest and during booking at DLM. Currently, this information, typically known by an arresting officer, is not transferred to the booking officer at DLM or to the mother.\(^ {36}\) The process of booking can take a couple of hours. This means that a woman can go a long time without knowing where her child is, who is looking after her child, or where to find this information.\(^ {37}\)

1. **No Transfer of Information**

When a TPD officer arrests a woman and there is no other parent present to take her child,
the officer will typically ask the mother for names of family members and friends who may be able to look after the child.\textsuperscript{38} TPD policy states that the officer must then call the Department of Human Services (DHS) and request they perform a welfare check, which consists of finding out whether the individual has an open case with DHS or has previously been the subject of a DHS investigation, to determine which person is eligible to take the child.\textsuperscript{39} Depending on the seriousness of the situation and how difficult it is to determine the appropriateness of the potential placement, the officer may need to take the mother to DLM before DHS can complete their check.\textsuperscript{40}

At DLM, the arrested woman is turned over to the custody of a detention officer and the arresting officer fills out a “booking sheet.”\textsuperscript{41} This sheet contains basic demographic information about the woman as well as a brief narrative about why she was arrested.\textsuperscript{42} After the arresting officer fills out that information, he leaves.\textsuperscript{43} The booking sheet does not require the arresting officer to note where children have been placed, if at all, or the name of the DHS officer handling any placement through DHS.\textsuperscript{44}

2. No Access to Information

After the arresting officer hands the woman over to the detention officers at DLM, she goes through a booking process designed to get the information that is needed to safely place her into the general population of DLM.\textsuperscript{45} If she asks where her child is located, the detention officer has no information to share because it is not the policy at DLM for the detention officer to keep track of or look for that information.\textsuperscript{46} If she asks how to find out where her child is located, the detention officer similarly has no information to share because arresting officers do not tell the detention officers who took custody of the child after the arrest.\textsuperscript{47}

At one point in the booking process, an arrestee at DLM has unlimited opportunities to make phone calls using a bank of phones typically used to make bail or call attorneys. Arrestees
cannot use their personal cell phones. Therefore, a woman in search of her child can only call numbers that she has memorized or the numbers of bail bonds agencies and attorneys that DLM provides.

Additionally, a mother may have no idea of who to call. If she is lucky and has a number, she can contact the people with whom she attempted to get the child placed. However, if she did not recommend anyone or if DHS did not approve any of the people she recommended, then she has no one to call for help or information. In this situation, many women have no means of accessing information about their children. If she can make bail before entering general population and get out of DLM, she will have a chance to find the number for DHS and talk to investigators in order to find her child. However, if she does not make bail and enters general population, she will not receive a phone call from DHS or the arresting officer informing her of the location of her child. If DHS places the child, the agency will mail her written notice of where her child was placed.

3. Recommendations

a. Transfer of Information from Law Enforcement to DLM

Our findings suggest a number of recommendations for further investigation. First, the arresting officer could provide information about child placement in the DLM booking sheet. This information could then be passed on to the mother by DLM staff. In most cases where DHS is involved in child placement, the arresting officer has access to the name of the DHS staff person with information about the child.* If DHS does not become involved in child placement, an arresting officer will be the one to place the child with one of the individuals the mother

* Law enforcement has a special hotline for contacting DHS concerning child welfare checks. This hotline goes directly to a CWS investigator. The CWS investigators take turns being on call for this service. The investigator that answers is the investigator for the entirety of the placement and investigation of the child’s case. Therefore, officer gets the name of the investigator for the entire placement and case when he makes that phone call. Interview with Child Protective Services Workers and Supervisor, OKDHS (Nov. 19, 2014) (notes on file with authors).
By adding a few questions to the booking sheet, arresting officers would be able to give the DLM staff specific information about the location and placement of a child whose mother was arrested and booked at DLM. This information could include the name and contact information of the appropriate DHS investigator or the name and contact information of the friend or family member with whom the child was placed. Then, during the booking process, a DLM detention officer could give this information to the mother. This would allow a mother to obtain meaningful information about the location and well-being of her child.

b. Transfer of General Information to the Mother

DLM could also give mothers general information about child placement. At the point in the booking process when any arrested person can make phone calls, it would not take much effort for DLM to list a special number for DHS that a mother could call and receive information about where her child has been placed.

C. Time in DLM

Another set of problems arise for the mother if she is not bailed out and becomes part of DLM’s general population. DLM houses approximately 1800 inmates—around 300 of which are women. Inmates may be awaiting trial, serving misdemeanor sentences, or awaiting transport to a Department of Corrections facility. While there is no hard number identifying how many of the women in DLM are mothers, a study performed in 2010 about Oklahoma incarcerated women

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* CPS would give information to the mother about where the child is if she contacts them. Interview with Child Protective Services Workers and Supervisor, OKDHS (Nov. 19, 2014) (notes on file with authors).

** Currently, the purpose of the phones is for a prisoner to be bailed out of jail before entering general population. This is why DLM provides numbers for attorneys and bail bondsmen. Interview with Sergeant with the Tulsa County Sheriff’s Department (Sept. 26, 2014) (notes on file with authors).

*** As of December 2, 2014, the facility housed 1,748 people, 308 of which were women. Inmate Population Report: December 2, 2014, DAVID L. MOSS CRIMINAL JUSTICE CENTER available at http://iic.tulsacounty.org/reports/reportviewer.aspx (last visited December 2, 2014); Interview with Sergeant with the Tulsa County Sheriff’s Department (Sept. 26, 2014) (notes on file with authors).
found that 85.4 percent were mothers.\textsuperscript{53}

When a mother is transferred into DLM’s general population she may be left without a way to reach her child or even get info about him or her.\textsuperscript{54} In addition, she is often not able or aware of how to do anything to protect her rights to her child while inside David L. Moss.\textsuperscript{55} There are also areas of concern connected with the content and purpose of the initial interview conducted by DHS. Finally, children at or under the age of 14 cannot visit their mother in DLM.

1. Lack of Access to Information

When a woman is housed at DLM, she does not have a clear view of what is happening with her child and what, if anything, she can do to protect her parental rights and ensure reunification.\textsuperscript{56} She does not have access to the internet for research and, unless DHS has moved to take custody of her child, she does not have access to an attorney.\textsuperscript{*} She is completely dependent on friends and family outside of DLM for support.\textsuperscript{57} Even access to those contacts can be problematic if the mother is poor because the phones that she has access to cost money to use.\textsuperscript{**} If the mother has no friends or family, she is left with no one to help.\textsuperscript{58}

a. Lack of Access to Information about Children

We spoke to two mothers inside DLM, “Jennifer” and “Katie.”\textsuperscript{***} DHS was not asking the courts to terminate either of the mother’s parental rights.\textsuperscript{****} DHS placed Jennifer’s children with a foster family that was taking steps to push the mother out of the child’s life. The family had already won a protective order against Jennifer’s extended family, and they were attempting to

\textsuperscript{*} If DHS starts a full investigation into the safety of the child and determines that the parent is not taking proper care of the child, it is possible that the case goes to the juvenile court in what is known as a reunification case. When this happens, the state may provide the mother with an attorney to assist with the case. Interview with Kyle Felty, attorney, (Nov. 7, 2014) (notes on file with authors); Interview with Sergeant with the Tulsa County Sheriff’s Department (Sept. 26, 2014) (notes on file with authors).

\textsuperscript{**} $3.40 for a twenty minute local phone call. Interview with Sergeant with the Tulsa County Sheriff’s Department (Sept. 26, 2014) (notes on file with authors).

\textsuperscript{***} The names of the two women have been changed to protect anonymity.

\textsuperscript{****} “Moving for termination” refers to the filing of a petition for the termination of parental rights by the District Attorney. Interview with Kyle Felty, attorney, (Nov. 7, 2014) (notes on file with authors).
limit contact between the children and Jennifer while she was in DLM. Katie’s children were living with their father at the time of the arrest. After she was arrested, the father began taking steps towards gaining full custody of the children.\textsuperscript{59}

Both women received little information about their children from the people with whom their children are living. In addition, both custodians of the children were using the mother’s incarceration to limit the mother’s involvement with the children after she leaves DLM. The custodian of Jennifer’s children is doing so by using a protective order to keep the children away from Jennifer’s family. The father of Katie’s children is attempting to gain custody of the children while she is incarcerated. Katie told us that she requested that DLM transport her to the hearings held in connection with the father’s attempt to gain custody of the children. However, when the hearing days came, DLM never provided transportation, and she has missed a few hearings this way.\textsuperscript{60}

The stories of Jennifer and Katie illustrate the lack of information mothers face while inside DLM, but the problem of mothers not being able to access information about their children is not limited to DLM or Tulsa County. In jurisdictions across the county, the non-incarcerated parent or guardian “may block collect calls, refuse to accept calls, or place strict limits on the number and/or duration of calls” and may attempt to end all contact with the incarcerated parent under the assumption that they are protecting the child from the trauma of a having a parent who is incarcerated.\textsuperscript{61}

In addition, because DHS was not actively involved in Jennifer and Katie’s cases, there was no official source of information about their children. When DHS is investigating the mother’s case or overseeing placement (such as foster care or the shelter), the CPS investigator meets with the child once a week and can keep the mother informed about the child’s status.\textsuperscript{62} Of course, it may also be true that many mothers will not call DHS, even when that option is available, due to
fears about the agency’s power over their children. However, when DHS is not involved—either because there is no open case or because the agency takes a hands-off approach after making a temporary placement—the mother has no meaningful way to compel information from the people who are caring for the child.

**b. Lack of Access to Information about the Legal Process**

Jennifer and Katie’s stories highlight some of the challenges facing mothers inside DLM. Neither mother knew what her legal rights were or how to assert those rights. Katie did not have legal representation, money to pay for a lawyer, or any other sources of knowledge to help her in the custody battle started by her children’s father. Even without such knowledge or representation, if Katie was not housed in DLM, she would have at least been able to show up for custody hearings.

In addition, neither woman had a clear view of what the legal process to regain or retain custody of their children would entail or what their responsibilities would be during that process. Jennifer had a vague idea about what would be required of her once she left DLM, but she did not know what the process would entail or what her first step should be upon leaving DLM. When asked how she planned to regain custody of her children, Katie said she believed that once she left DLM the children’s father would simply give the children back to her. She had no idea what she would do if the father resisted giving the children back to her.

**c. No Information about ISP Process**

Another issue that we discovered is that the dual purpose of the initial interview with CPS workers can cause serious problems for mothers if termination of parental rights proceedings are initiated. The initial purpose of the interview is to gather information and develop a safety plan

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* The beginning stages of termination proceedings are also referred to as “reunification proceedings.” Individuals who work in the legal system sometimes use this term because until the prosecutor moves for termination, which could take years, if it at all, the goal of the proceedings is reunification. The proceedings are typically called
to avoid reaching the stage requiring court intervention resulting in termination. What we found is that a CPS investigator conducts the interview and usually does it after an investigation has already determined that there is a problem. However, the Permanency Planning department of DHS uses the information gained from this interview in court proceedings to develop an Individual Service Plan (ISP). This ISP lays out the conditions that need to be addressed in order for reunification to occur, and prescribes mandatory steps the parent must take in order to prevent the termination of parental rights. If the mother does not follow the ISP, it can result in termination of her parental rights. Often, the steps contained in an ISP can be difficult for mothers to meet, particularly while incarcerated. Therefore, the interview ideally has a therapeutic and family strengthening component, but it may also become the basis for a quasi-criminal action where rights are taken away later on.* If mothers were aware that the interview could be used in such a way and had a better understanding of their legal rights, they may take more care during them.

2. Lack of Visitation

Currently, DLM does not allow visitation with children who are 14 years old or younger. To address this problem, a pilot program testing the feasibility of conducting contact visitations with children was completed in 2014 and was widely supported by inmates, detention officers, as well as officials within DLM. One participant in the program reported that when she left DLM both she and her three-year-old daughter transitioned more easily back into the role of mother and daughter, and the grandmother, who was taking care of the three-year-old daughter, reported that the visits helped to reduce the stress of her absence from the mother.

termination proceedings from the point when the prosecutor files a motion for termination. Interview with Kyle Felty, attorney, (Nov. 7, 2014) (notes on file with authors).

* “There are rare instances when the harm to the child is so egregious . . . [that] reasonable efforts are not required. . . . Even in these circumstances it is critical that the worker seek whenever possible to engage the family, helping the family understand the decision making process and determine if the child can have an ongoing relationship with any of the family members.” (emphasis added). See The Oklahoma Department of Human Services Child Welfare Model Practice Guide, OKDHS 23-24 (2008).
The pilot program was widely seen as a success within DLM. The three rooms have been designated to be used for visitations, and the program is ready to be implemented. The only obstacle to its implementation is funding, as DLM will need to hire one extra detention officer or deputy to monitor the visitation rooms.

3. Recommendations

a. "Know Your Rights" Classes or Educational Material

Based on our research, we offer several recommendations. There is a need for some form of legal education on custody issues for mothers moving through the criminal justice system. This legal education could consist of an explanation of a person’s legal rights to their children, how to get DLM to transport you to court hearings, and what DHS’s purposes and methods of investigation are, among other things. While a class at the prison might be the best way to convey the information, a written guide or handout could at least give some of the information to mothers. If mothers had information, they might be better equipped to navigate some of the challenges involving custody.

b. Advocates for Women with Children

Another solution worth investigating is the presence of advocates at DLM for women with children. An advocate could come into DLM and speak with mothers to figure out what assistance they need. With the help of an advocate, a mother could avoid the problems associated with receiving assistance over the phone; the advocate would either know the information that she needed or be able to connect her to resources.

Courts could allow an advocate to come to hearings and inform the judge that the mother is in DLM and cannot be transported to the courthouse. Perhaps judges would be willing to grant continuances, knowing that a party is not able to come to hearings for reasons outside of their control.
Another way that the advocate could assist is in obtaining and transmitting information about the child. For mothers who cannot locate their children at all, and whose children are in DHS custody, an advocate could attempt to locate the child by reaching out to friends and family. For mothers with children in DHS care, DHS could allow an advocate to speak with the child.

c. Expansion of Visitation

Currently, DLM policy prohibits visitation by children 14 years old and younger. The lack of opportunities for visitation does not merely affect the emotional wellbeing of the mother, but the absence of contact with the mother may compromise the wellbeing of the children. A 2008 study found that “maintaining contact with one’s incarcerated parent appears to be one of the most effective ways to improve a child’s emotional response to the incarceration and reduce the incidence of problematic behavior.” In light of the success of the pilot program earlier this year, a full program of contact visitation between mothers and children should be implemented at DLM.
V. CONCLUSION AND FUTURE RESEARCH

Over the course of three months in the fall of 2014, we researched the criminal justice system in Tulsa with the goal of understanding how women and their children experience the system from the moment of arrest through incarceration in David L. Moss. We identified a system that is fragmented, dividing mothers and children into two separate tracks and preventing mothers from having contact with and obtaining information about their children. Our recommendations for improving the existing system are a starting point, but by no means an exhaustive exploration of the possibilities for change. In light of this, we have made recommendations for future research:

- Developing an effective strategy to educate mothers in DLM about their parental rights and how to maintain contact with and custody of their children
- Determining the viability of a non-lawyer advocacy program to assist mothers jailed at DLM in maintaining contact with and custody of their children.
- Developing guides for women transitioning out of DLM and back into the community, such as materials on parental rights and custody, housing, transportation, employment, and other re-entry issues.
- Assessing the impact that incarceration in an Oklahoma Department of Corrections facility has on mothers and children.
VI. REFERENCES


3 Carson, supra note 2; OKLAHOMA POLICY INSTITUTE, supra note 2; Vespa, supra note 2; Wright, supra note 2.

4 See Jeremy Travis et al., Families Left Behind: The Hidden Cost of Incarceration and Reentry, URBAN INSTITUTE JUSTICE POLICY CENTER (2005).


6 Sergeant Stacie Holloway, Tour of David, L. Moss Criminal Justice Center (Nov. 3, 2014) (notes on file with authors).

7 Id.


9 Interview with Representatives from Tulsa Police Department (Oct. 10, 2014) (notes on file with authors).

10 Id.; Interview with Sergeant with the Tulsa County Sheriff’s Department (Sept. 26, 2014) (notes on file with authors); Interview with Child Protective Services Workers and Supervisor, OKDHS (Nov. 19, 2014) (notes on file with authors).


12 Id. at xi.

13 Id. at 1.

14 Id. at xi.


16 Female Incarceration: Breaking the Cycle, OKLAHOMA POLICY INSTITUTE (2014) (citing Susan F. Sharp & Emily Pain, Oklahoma Study of Incarcerated Mothers and Their Children, OKLAHOMA COMMISSION ON CHILDREN & YOUTH (2010)).

17 Meeting with Women in Recovery Staff and Participant (Sept. 10, 2014) (notes on file with authors).

18 Id.

19 Representatives, supra note 9; Interview with Officer with Tulsa Police Department (Oct. 21, 2014), (notes on file with authors).

20 Representatives, supra note 9; Officer, supra note 19.

21 See INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, supra note 11, at 1.

22 Id.

23 Id. at 14-15.

24 Representatives, supra note 9.

25 INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, supra note 11, at 1.

26 Representatives, supra note 9.

27 Id.

28 Id.

29 Id.

30 INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, supra note 11, at 14, 15.

31 Id. at 8. (Overarching Policy).

32 Id. at 19.

33 Representatives, supra note 9.
34 INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, supra note 11, at 11, 12.
35 Id.
36 Meeting with Women in Recovery Staff and Participant (Sept. 10, 2014) (notes on file with authors);
Sargent, supra note 10.
37 Recovery Staff, supra note 36; Sargent, Supra note 10.
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39 Id.; Children Protective Services, supra note 10.
40 Officer, supra note 19.
41 Sergeant, supra note 10.
42 Id.
43 Id.
44 Id.
45 Id.
46 Id.
47 Id.
48 Id.
49 Id.
50 Child Protective Services, supra note 10.
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