

July 1, 2024

The Honorable Vicki Behenna
Oklahoma County District Attorney
211 N. Robinson, Ste. N700
Oklahoma City, Oklahoma 73102

Sent via E-Mail and Hand Delivery

Re: Oklahoma County Detention Center June 27, 2024, Statement of
Deficiencies

Dear Ms. Behenna:

I am in receipt of the June 28, 2024, letter from Assistant District Attorney Aaron Etherington, wherein your office makes broad sweeping and wholly unsupported conclusions regarding the Department of Health's ("OSDH") authority to inspect the Oklahoma County Detention Center ("OCDC"). I am concerned and troubled by your office's unsupported position.

OSDH is both obligated and authorized under Titles 63 and 74 of the Oklahoma Statutes to conduct inspections of city and county jail facilities to ensure they are operating in compliance with Oklahoma Administrative Code Title 310, Chapter 670. This includes the authority to conduct unannounced inspections. We take this responsibility seriously as noncompliance with the applicable regulatory standards has a direct impact on the health and safety of facility inmates and staff. A fact demonstrated by the countless number of ongoing health and safety issues documented at OCDC.

As you may know, OSDH brought an administrative action against OCDC because of its persistent pattern of noncompliance, endangering the health and safety of those detained and working at the facility. As part of the settlement of the action, OCDC agreed to make investments in the current facility to achieve basic compliance with the applicable standards. This includes meeting basic staffing levels to ensure the facility is operating safely.

Based on the information available to us, that does not appear to be the case. In fact, it appears OCDC has acknowledged it did not have adequate staff available on Tuesday, June 25, 2024, to facilitate an inspection. This is troubling considering OCDC's documented history of staffing issues, detainee deaths, and population of over a thousand (1,000) detainees. It is especially concerning the facility did not have adequate jail staff or administrative leadership present on-site during normal business

hours on a weekday to facilitate two OSDH jail inspectors during a routine inspection.

Keith Reed, MPH,
CPH Commissioner of
Health State of
Oklahoma



Page 1 of 2

Office of the Commissioner

OCDC has long been a picture of noncompliance with basic health, safety, and sanitary standards. OSDH has tried repeatedly, to the extent of its authority, to bring this facility into compliance. As Oklahoma County District Attorney, you may have chosen to represent OCDC, but your office has a statutory obligation under Title 74 to ensure this facility comes into and maintains compliance with statutory and duly authorized regulatory standards.

All legal arguments and statutory responsibilities aside, assuming Oklahoma County is truly committed to improving jail conditions, and has any interest in rebuilding public trust, then unannounced visits should be welcome. The regulatory function provided by OSDH offers an unbiased, objective assessment of jail operations. As such, it should be embraced as an invaluable part of the county's commitment to continuous process improvement. As it stands now, the county is simply communicating its desire to stage conditions for inspections, manipulating circumstances to bear the most favorable, even if inaccurate, results. This is deeply concerning.

Going forward, this Agency will continue to conduct unannounced inspections of the OCDC. We will not be deterred from obtaining an accurate understanding of how the facility operates on a day-to-day basis and decline your invitation for a planned and potentially curated inspection.

We fully expect and appreciate your office's full cooperation as we work to ensure the facility is and remains compliant with the basic public health and safety standards.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Reed", is written over a white background.

Keith Reed, MPH, CPH | Commissioner of Health
Oklahoma State Department of Health

cc: Mykel Fry, First Assistant District Attorney
Oklahoma County District Attorney's Office

