

**OKLAHOMA COUNTY JUVENILE BUREAU
POLICY AND PROCEDURE MANUAL**

CHAPTER SEVEN - COURT SERVICES – PROBATION SERVICES

POLICY 7.3-5: CERTIFICATION STUDIES

PAGE 1 OF 4

I. POLICY:

The Probation Services Unit (PSU) conducts certification studies upon the finding of the court that prosecutive merit exists, as authorized by 10A § 2-2-403. The certification study shall assist in the determination of whether or not a youth should be held accountable for the acts as if he/she were an adult.

II. DEFINITIONS:

- A. **Absent Without Leave (AWOL):** As specified in 10A O.S. §2-7-605, the status of a youth under the supervision of the Oklahoma County Juvenile Bureau whose whereabouts are unknown to his/her probation officer and/or parent/legal guardian/custodian.
- B. **Certification:** A process through which the court determines if a youth, charged with a delinquent act which would constitute a felony if committed by an adult, will be retained in the juvenile justice system or will be transferred to the adult system.
- C. **Certification Hearing:** A hearing at which the court determines if a youth, charged with a delinquent act which would constitute a felony if committed by an adult, will be retained in the juvenile justice system or will be transferred to the adult system.
- D. **Certification Study:** A report submitted to the court composed of information about a youth's involvement with the juvenile justice system, a psychological evaluation, an assessment of the youth's family and community involvement, and an assessment of any physical or mental impairment that affects the youth's functioning that is used in the certification process.
- E. **Certified:** A youth has been legally classified as an adult and will stand trial as such as authorized by 10A O.S. § 2-5-204 and 10A O.S. § 2-5-205.
- F. **Office of Juvenile Affairs (OJA):** An agency of the state of Oklahoma, headquartered in Oklahoma City, that is responsible for planning and coordinating statewide juvenile justice and delinquency prevention services. OJA is also responsible for operating juvenile correctional facilities in the state.
- G. **Probation Services Unit (PSU):** A division of the Court Services department that is responsible for the supervision of adjudicated youth.

- H. **Prosecutive Merit:** The judicial finding of whether or not probable cause to certify a youth as an adult exists. If probable cause is not found, the case can be dismissed or remain in the juvenile system.

III. PROCEDURE:

- A. Assignment to Conduct the Certification Study:
1. Assignment to conduct a court ordered certification study shall be made to a probation officer, by a probation supervisor of the Probation Services Unit (PSU), unless the youth is or has been under the supervision of the Office of Juvenile Affairs (OJA).
 - a. When possible, the cases of youth who have been supervised by the OCJB PSU in the past will be assigned to the former probation officer.
 2. All court ordered certification studies to be conducted for youth that are currently in the custody of the OJA and/or have been under the supervision of the OJA in the past shall be forwarded to the OJA liaison by the Chief of Court Services.
- B. Conducting the Certification Study:
1. When the court requests that a psychological evaluation be conducted as a part of the certification study, the officer shall:
 - a. Submit the request to the Chief of Court Services who ensures the psychological evaluation is scheduled and conducted by a person qualified to perform such testing (**2-7199**) and that the evaluation includes:
 - i. A diagnosis of the youth's mental and emotional maturity;
 - ii. An assessment of the youth's capability of distinguishing right from wrong;
 - iii. Whether the youth's maturity is consistent with his/her chronological age;
 - iv. Any physical or mental impairment that affects the youth's functioning;
 - v. An assessment of the youth's family and community environment to include family relationships, peer associations, academic development, employment history, and outside interests;
 - vi. Whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner;
 - vii. Whether the offense was committed against a person and if personal injury resulted;
 - viii. The prospects for adequate protection of the public if the accused youth is processed through the youthful offender system or the juvenile system;

- ix. The likelihood of reasonable rehabilitation of the accused youth if he/she is found to have committed the alleged offense; and
 - x. A prognosis for future behavior.
 - 2. The officer conducting the certification study shall:
 - a. Conduct interviews with the youth and his/her parent/legal guardian/custodian utilizing the "YLS/CMI Interview Guide," Attachment D of Policy 7.3-2 "Disposition Study," and additional questions, if necessary, to gather social information and include the following information within a narrative certification study:
 - i. The youth's circumstances leading to the involvement with the juvenile court system and/or any court action taken;
 - ii. A summary of all previous contacts with the court;
 - iii. A summary of all referrals made and the outcome of those referrals;
 - iv. A description of any emergency and/or residential placements the youth has been in, to include dates;
 - v. Whether the youth has any Absent Without Leave (AWOL) history;
 - vi. A description of the youth's family situation to include how the youth responds to household rules, whether the parent/legal guardian/custodian is employed, and what type of discipline is being used; and
 - vii. A statement in which the officer states the facts as recorded from the case file information, school records, psychological summaries, any other records examined, and any information obtained through interviews and makes a recommendation as to whether the youth should be certified to stand trial as an adult or maintain the status of a juvenile.
 - 3. The officer shall submit the completed certification study to his/her immediate supervisor for review, approval, and signature in accordance with the court and the supervisor's established due dates **(2-7129)**.
- C. Distribution of the Certification Study:
 - 1. The officer shall distribute the original certification study to the judge on record and copies of the certification study to:
 - a. The Assistant District Attorney on record;
 - b. The youth's attorney;
 - c. The youth and/or his/her parent/legal guardian/custodian; and
 - d. The youth's field file.

- D. The officer shall attend the certification hearing and be prepared to answer any questions the judge may have pertaining to the case.
- E. If the judge determines that the case shall remain in the juvenile justice system with the OCJB, the probation officer shall be assigned to the case and proceed with the disposition study **(2-7126)**.

Approved:


Jame Overstreet, Chief of Court Services


Date