

OFFICE OF
District Attorney



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On Friday, October 29th, Bartlesville Police interviewed a 17 year old suspect in connection to the death of a nearly two year old child that occurred early in October. The officers, having gathered sufficient information to warrant the arrest of the juvenile suspect for causing the death, began searching for a specific juvenile detention facility in which to put him. This was necessary due to the fact that the State cannot prosecute him because he is Cherokee.

The process began Friday evening and the Officers were in contact with both Federal authorities and the Cherokee Tribe. Due to the Federal legal system not being designed to routinely handle juvenile offenders, it became clear that the Cherokee Tribe needed to hold the juvenile until at least today in order to allow the Federal authorities the time required to work through their process.

Despite the efforts of the Bartlesville Investigators, Washington County Prosecutors, Federal Agents and Prosecutors, and Cherokee Officials it was determined that a suspected juvenile child abuser and murderer must be turned loose on the streets of Bartlesville for lack of a Cherokee juvenile holding facility. A facility had open beds in Vinita Oklahoma, but Cherokee tribal beds were full and therefore could not be utilized. The Investigators had great concern for the safety of the deceased child's mother with whom the suspect was in a relationship and the safety of the suspect given his knowledge that he will be prosecuted for murder. He was served with an Order of Protection issued by a Washington County Judge before his release to remain away from the Mother.

Thereafter, the juvenile suspect was released to the care of a convicted felon (non-family member) in Bartlesville. Less than 24 hours later he was arrested in the Mother's apartment where he had been ordered to remain away from. The Mother was not present. He was taken to a facility in far Eastern Oklahoma. Federal authorities are preparing to charge him as soon as possible.

This is the direct effect that the U.S. Supreme Court's ruling in McGirt in July of last year is having on our communities. But for McGirt, the Bartlesville Police would have delivered the suspect to a juvenile detention center in Vinita, and he would be before a Washington County Judge today. Instead, despite all the dangers of releasing a 17 year old who knows his romantic relationship is ending and that he will be charged with child abuse and murder, he is turned

loose on our streets because the Cherokee Tribe has run out of room to put such tribal members. Although it may not be the intention of Native American Tribes to divide Oklahomans, the clear effect of the McGirt decision is to create two separate systems in which Oklahomans are treated, charged and punished by two different sets of rules. In this instance it only created a public safety disaster.

A handwritten signature in black ink, appearing to read 'K D Buchanan', written over a horizontal line.

Kevin D. Buchanan, District Attorney
11th Judicial District
Washington and Nowata Counties