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TULSA WORLD

'Precious Doe' spurs DHS to change rules on births to incarcerated women

BY GINNIE GRAHAM World Staff Writer

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The murder and dismemberment of a 3-year-old girl known nationally as Precious Doe is leading to a new state process to protect babies born to incarcerated women.

A pending federal lawsuit settlement would require the state Department of Corrections to notify the Oklahoma Department of Human Services when officials find out a prisoner is going to give birth, according to a news release issued Wednesday.

DHS will be able to "interact" with the incarcerated mother about where to place the baby. If needed, DHS will supervise the placement and reunification with the mother.

Also, officials at OU Medical Center, which is where babies of incarcerated women are born, will ensure DHS has been contacted before an infant is released.

Before this lawsuit, no procedure was in place to assess or track the placement of infants born to women in prison.

More than 200 babies have been born to incarcerated mothers since 2007.

The lawsuit was filed in April 2010 by the girl's father, Larry Green, represented by Tulsa attorneys Paul DeMuro and Sarah Poston.

"We are grateful that the agencies involved were willing to adopt new policies that, hopefully, will ensure babies of incarcerated mothers are placed in a safe environment," stated the release by DeMuro and Poston.

"Now, DHS will interact with incarcerated mothers before the newborn leaves the hospital. That was the primary goal of this lawsuit."

Erica Michelle Marie Green was born in May 1997 at University of Oklahoma Medical Center to a mother incarcerated in an Oklahoma prison.

After the birth, the mother went back to prison and told officials to give the newborn to an acquaintance, who showed a driver's license and Sam's Club membership card to gain custody, according to the lawsuit.

Erica was found naked, wrapped in a blanket and beheaded in April 2001 in Kansas City. She was known as Precious Doe as the unsolved case received national attention, including broadcasts on "America's Most Wanted" and "Cold Case Files."

In May 2005, her identity was determined. Her mother, Michelle Johnson, and stepfather, Harrell Johnson, were arrested for the murder.

Michelle Johnson had multiple previous contacts by DHS, including one regarding drug use while pregnant with Erica.

She was eight months pregnant when entering prison for a conviction of larceny from a retailer. She was on suspended sentences, which were revoked and led to her incarceration, according to the lawsuit.

Johnson gave birth on May 15, 1997, at OU Medical Center in Oklahoma City and returned to Mabel Bassett Correctional Center in McLoud. The baby's father was in prison at that time for violating probation related to larceny and assault charges.

Prior to incarceration, Johnson lost custody of at least four children due to confirmed abuse and neglect in Illinois and Oklahoma. Two children were born testing positive for cocaine, the lawsuit states.

After Erica was born, Johnson told officials to release the infant to an acquaintance.

The one-page notarized form states the hospital and staff would be held "harmless" from any "claim or liability arising out of" turning the child over to the person.

When Johnson was released from prison in October 1997, DOC did not contact the acquaintance or DHS about the release. She then "sporadically" visited the baby unsupervised, the lawsuit states.

In April 2001, the Johnsons picked up the baby and went to Kansas City.

According to court records, Harrell Johnson was high on drugs and kicked the toddler on the side of the head, which led to her death. The couple did not seek medical treatment for fear of outstanding warrants.

The couple then took her body out of the house in a stroller to a wooded area, unclothed her and

used hedge clippers to decapitate her. Her body was found April 28, 2001.

In October 2008, Harrell Johnson was convicted of first-degree murder and sentenced to life in prison. About two weeks later, Michelle Johnson was sentenced to 25 years in prison, in exchange for testimony against her husband and a guilty plea to second-degree murder.

The new procedures will be called "Erica's Rules."

DeMuro said the name of the process is a "meaningful part of the settlement for the family."

The terms and amount of the settlement are confidential.

But, Demuro said Green will be able for the first time to visit his daughter's grave in Kansas City.

"He's working on putting his life back together, and he's doing that successfully," DeMuro said. "This is bittersweet."

Defendants made several motions to dismiss, including a challenge to the U.S. 10th Circuit Court of Appeals.

During this time, DHS underwent a change in leadership and overhaul of its divisions of child abuse and neglect and foster care.

The agency's oversight board was abolished by a public vote in November and a new director was hired late last year.

U.S. District Judge Gregory Frizzell of the Northern District of Oklahoma appointed DeMuro to the case.

"This case is a great example of why we need a strong, federal judiciary," DeMuro said.

The settlement is pending before Frizzell.

DeMuro and his partner Frederic Dorwart served as co-counsel in the federal class-action lawsuit against DHS filed by the nonprofit Children's Rights, which reached a settlement agreement in January 2012 to improve child welfare.

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Ginnie Graham 918-581-8376

ginnie.graham@tulsaworld.com (mailto:ginnie.graham@tulsaworld.com)

Associated Images:



Erica Michelle Marie Green is seen in this undated photo. Associated Press file

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