



**U.S. Department of Justice**  
**Civil Rights Division**

TP:SB:SYC:BOT:DD:MJD:MM:VH:JVY:YD  
DJ 168-9-42; DJ 168-10-4; DJ 168-10-5  
DJ 168-9-43; DJ 168-10-6

*Special Litigation Section - PHB*  
*950 Pennsylvania Avenue, NW*  
*Washington, DC 20530*

February 26, 2010

**Via Electronic and U.S. Mail**

Ms. Lori Freno  
Senior Assistant Attorney General  
Arkansas Attorney General's Office  
323 Center Street, Suite 200  
Little Rock, Arkansas 72201

**Re: Document Request for March 2010 Tours of Arkadelphia and Alexander  
Human Development Centers**

Dear Ms. Freno:

At the outset, we write to thank you for the courtesy and cooperation you have extended to us in the past few weeks. We look forward to continuing to work with you and other Arkansas Officials on our shared goal of ensuring the safety and care of the residents of the Arkansas Human Development Centers consistent with federal law.

We also write to request documents for our upcoming March tours of Arkadelphia and Alexander Human Development Centers. This is to confirm that you have accepted our request to tour the Arkadelphia and Alexander Centers on March 22-26, 2010. Our plan is to tour Arkadelphia on March 22-23, 2010, Alexander on March 24-25, 2010, and conduct an exit conference for both centers at Alexander on March 26, 2010.

As you are aware, our practice in investigations of this type is to request and review documents from the centers as well as visit the centers accompanied by subject-matter consultants. We anticipate bringing six consultants to tour the Arkadelphia and Alexander Centers, and have attached their curricula vitae for your convenience. During our visit, our consultants will want to view the centers, view documents, observe the functioning of programs and operations, and meet with and interview staff members of varying ranks, including the center director, some center management personnel, and staff in the relevant fields that the consultants represent. As we discussed on our February 23, 2010, telephone conversation, one of our

Discharge Planning and Community Integration consultants, Robert Gettings, would like to interview some higher level State Officials at the Alexander Center. Pursuant to your request, we have attached a list of these State Officials.

We have also attached a document request. As we discussed, we wanted to give you as much time as possible to provide and compile the requested documents and information. Unless otherwise specified, our request includes documents created or modified from July 1, 2009, to the present. Unless otherwise specified, requests for information include the same time period. We also request that you produce the documents particular to Arkadelphia and Alexander in separate sets. Please contact us if any request appears unreasonably burdensome. We welcome, and prefer where practicable, you to produce any of this information in electronic format. As the attached request indicates, we request that you provide certain documents on site only. For all other items, we request that you send them to us by March 15, 2010, or on a rolling basis before that date.

For shipping documents to our office via UPS, FedEx or other courier, please use the following address:

David Deutsch  
United States Department of Justice  
Civil Rights Division  
Special Litigation Section  
601 D Street, N.W., Room 5630  
Washington, D.C. 20004

Thank you for your continued cooperation in our investigation of the Arkansas Human Development Centers. Please do not hesitate to contact me at (202) 514-6270, or Matthew Donnelly at (202) 305-1502, if you have any questions or concerns about this request.

Sincerely,



David Deutsch  
Senior Trial Attorney  
Special Litigation Section

Attachments



THE ATTORNEY GENERAL  
STATE OF ARKANSAS  
DUSTIN McDANIEL

Lori Freno  
Senior Assistant Attorney General

Direct dial: (501) 682-1314  
E-mail: lori.freno@arkansasag.gov

March 4, 2010

**VIA FACSIMILE: (202) 514-6273**

David Deutsch, Esq.  
U.S. Department of Justice  
Civil Rights Division  
Washington, D.C. 20530

**RE: Investigation of Arkansas's Human Development Centers: Alexander  
and Arkadelphia.**

Dear Mr. Deutsch:

This past Friday you provided a lengthy list of documents that the DOJ wants the Alexander and Arkadelphia Human Development Centers to produce either during or prior to DOJ's visit to the centers on the week of March 22. Pursuant to your request, the centers anticipate having the pre-tour documents ready for mailing on or before March 15, and plan to have the remaining documents available on-site during your visit. Because you have requested that the documents be shipped to your office via Federal Express, would you please provide us with your Fed Ex billing number? The vast majority of these documents will be produced in hard copy (versus electronic) form.

You also had asked what the shifts are at the centers. At Arkadelphia, the shifts generally are 6 a.m. to 2:00 p.m., 2:00 p.m. to 10:00 p.m., and 10:00 p.m. to 6:00 a.m., with variation among some employees. At Alexander, the shifts are 7 a.m. to 3:00 p.m., 3:00 p.m. to 11:00 p.m., and 11:00 p.m. to 7:00 a.m.

If you have any questions or need further information, please feel free to call me at (501) 682-1314.

Best regards,



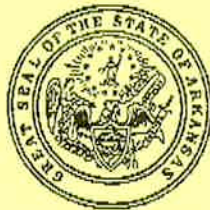
Lori Freno  
Sr. Assistant Attorney General

cc: Dr. James C. Green  
James Brader, Esq.  
Breck Hopkins, Esq.

TRANSMISSION VERIFICATION REPORT

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NAME : ARATTYGEN  
FAX : 5016822591  
TEL : 5016822591  
SER. # : BROK8J871057

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STATE OF ARKANSAS  
OFFICE OF THE ATTORNEY GENERAL  
DUSTIN McDANIEL

**FAX COVER SHEET**

DATE: March 4, 2010

TO: David Deutsch, Esq.

FROM: Lori Freno

FAX: (202) 514-6273

DIRECT DIAL: (501) 682-1314

RE: Arkansas's HDCs

TOTAL NO. OF PAGES (inc. cover): 3

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COMMENTS: If you have any questions, please feel free to call me at (501) 682-1314.

If you have any problems with the transmission, please contact Lori at (501) 682-1314.

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Civil Rights Division

*Office of the Assistant Attorney General*

*Washington, D.C. 20530*

DEC 14 2009

The Honorable Mike Beebe  
Governor of Arkansas  
Office of the Governor  
State Capitol Room 250  
Little Rock, Arkansas 72201

Re: Investigation of Alexander Human Development Center, Arkadelphia Human Development Center, Booneville Human Development Center, Jonesboro Human Development Center, and Southeast Arkansas Human Development Center, Arkansas

Dear Governor Beebe:

This is to inform you that the United States Department of Justice is commencing an investigation to determine whether residents of the Alexander Human Development Center ("HDC"), Arkadelphia Human Development Center, Booneville Human Development Center, Jonesboro Human Development Center, and Southeast Arkansas Human Development Center in Alexander, Arkadelphia, Booneville, Jonesboro, and Warren, Arkansas, respectively, are being served in the most integrated setting appropriate to their needs, pursuant to our authority under Title II of the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12132. We are also commencing an investigation of conditions of residents' care and treatment at the Alexander, Arkadelphia, Booneville, Jonesboro, and Southeast Arkansas HDCs pursuant to our authority under the Civil Rights of Institutionalized Persons Act, ("CRIPA"), 42 U.S.C. § 1997.

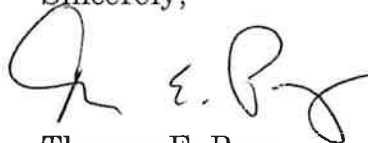
In conducting the CRIPA investigation, we are obliged to determine whether there are systemic violations of the Constitution or other laws of the United States in the conditions at the Alexander, Arkadelphia, Booneville, Jonesboro, and Southeast Arkansas HDCs. Our investigation will focus on placement of residents in the most integrated setting as required by the Americans With Disabilities Act ("ADA"), 42 U.S.C. §§ 12132-34, and its implementing regulations, as well as the protection of residents from harm, behavioral treatment and habilitation, medical and nursing care, physical and nutritional management.

We have not reached any conclusions about the subject matter of the investigations. We believe that you and other State officials want to operate the Alexander, Arkadelphia, Booneville, Jonesboro, and Southeast Arkansas HDCs consistent with the requirements of the Constitution and other federal law. During the course of our investigation, we will consider all relevant information, particularly the efforts the State has undertaken to ensure compliance with federal law. We also will offer to provide recommendations on ways to improve conditions at the HDCs, when appropriate. If we conclude that there are not violations of constitutional or other federal rights, we will notify you that we are closing the investigation.

If, on the other hand, we conclude there are such violations, we will provide detailed, written findings and identify the minimum measures we believe are necessary to remedy the violations. In addition, we will identify any financial, technical, or other assistance the United States may be able to provide to assist the State in correcting the identified deficiencies. In over 25 years of enforcing the Civil Rights of Institutionalized Persons Act and in over 10 years of enforcing Title II of the ADA, the good faith efforts of State or local jurisdictions working with us have enabled us routinely to resolve our claims without resort to contested litigation.

We encourage the State to cooperate with our investigations and can assure you that we will seek to minimize any potential disruption our efforts may have on the operations of these facilities. Our Special Litigation Section will be handling the investigation and will contact the Arkansas Attorney General's office to discuss the next steps. The Chief of the Section, Shanetta Y. Cutlar, may be reached at (202) 514-6255.

Sincerely,



Thomas E. Perez  
Assistant Attorney General

cc: The Honorable Dustin McDaniel  
Attorney General  
State of Arkansas

John M. Selig  
Director  
Arkansas Department of Human Services

James C. Green, Ph.D.  
Director  
Division of Developmental Disabilities Services

Traci Harris  
Superintendent  
Alexander Human Development Center

Margo Green  
Superintendent  
Arkadelphia Human Development Center

Judy Storey  
Superintendent  
Booneville Human Development Center

Forrest Steele  
Superintendent  
Jonesboro Human Development Center

Judy Adams  
Superintendent  
Southeast Arkansas Human Development Center

The Honorable Jane Duke  
United States Attorney  
Eastern District of Arkansas

The Honorable Deborah J. Groom  
United States Attorney  
Western District of Arkansas





THE ATTORNEY GENERAL  
STATE OF ARKANSAS  
DUSTIN McDANIEL

Lori Freno  
Senior Assistant Attorney General

Direct dial: (501) 682-1314  
E-mail: lori.freno@arkansasag.gov

February 21, 2010

**VIA FACSIMILE: (202) 514-6273**

David Deutsch, Esq.  
U.S. Department of Justice  
Civil Rights Division  
Washington, D.C. 20530

**RE: Investigation of Arkansas's Human Development Centers: Alexander and Arkadelphia.**

Dear Mr. Deutsch:

The human development centers at Alexander and Arkadelphia can accommodate your visit during the week of March 22, 2010. In response to your question about the number of individuals served at each facility, Alexander currently serves 110 and Arkadelphia currently serves 132. Please call me at your earliest convenience so that we can discuss the specifics of your visit.

If you have any questions, always feel free to call me at (501) 682-1314.

Best regards,

A handwritten signature in blue ink, appearing to read "Lori Freno".

Lori Freno  
Senior Assistant Attorney General

cc: Dr. James C. Green  
James Brader, Esq.  
Breck Hopkins, Esq.  
Ms. Traci Harris  
Ms. Margo Green

TRANSMISSION VERIFICATION REPORT

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DUSTIN McDANIEL

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