

The following is the response of the Arkansas Division of Youth Services to five incidents involving misuse of The Wrap, hogtying youths or pepper spraying them while in restraints that were identified in the Arkansas Democrat-Gazette's investigation of the Yell County Juvenile Detention Center.

Were we aware of these incidents?

No. Yell County had not been putting incident reports in Ritetrack, and to the best of our knowledge Yell County staff did not call these in to us (many DYS staff who were here in 2012 have since retired or left so there is a slim chance someone was notified, but given the fact that they did not call in other incidents, that seems unlikely). As part of our work with Yell County over the last few months, we asked that they input incident reports into our system for calendar year 2014. Our investigator has reviewed all of those reports.

What is our reaction to these reports?

Obviously we have real concerns about the incidents from 2012 and 2013. Today Interim DYS Director/DHS Deputy Director Keesa Smith talked with Capt. Foster and Sheriff Gilkey to express those concerns. During the calls, they indicated that county officials were discussing what options were available, including the possibility of requesting an independent investigation of the incidents. DHS supports such an investigation. Deputy Director Smith is awaiting additional information from the county on how they plan to proceed. We expect more information by Monday. Depending on the action taken by the county, all options are on the table for DHS, up to removing DYS youth from that facility.

Do incidents like this go beyond training? Should something more be done?

You asked me previously specifically about these two options ...

Discontinuing the use of the facility

This is a possibility given that there were very serious and inappropriate incidents of which DYS was never informed. The county's response to the latest incidents will drive our level of confidence in the commitment to systemic changes. The county has made several improvements already. Based on our visits and discussions, which have continued even this week, we do see a marked shift in the culture of the facility. Many of the staffers involved in these latest incidents and with the WRAP are no longer employed at the facility. In addition, staff that remains has or will go through 40 hours of training and re-training on de-escalation techniques, Handle with Care, and other topics. Providing them with these additional skills is critical to changing their interactions with the youth, and as a result, the overall culture of the facility.

And as we've said, we will continue to monitor the facility closely. That monitoring will include visits, review of incident reports, assisting in training and anything else we feel is necessary.

Criminal Charges

DYS is not a law enforcement entity so the division could not pursue criminal charges. If something rises to the level of causing us to have reasonable cause to suspect that child maltreatment may have occurred, then we would call it in to the child abuse hotline. If the hotline accepts a call for investigation, then the allegation would be investigated, depending on the nature of the allegation the investigation would fall either to the Division of Children and Family Services or the ASP Crimes against Children Division. The role of DCFS/CACD is to determine whether the

allegation is true. A true finding does not mean there will be criminal charges, though DCFS/CACD could turn information over to law enforcement and/or a prosecuting attorney to decide whether criminal charges should be brought in a given case. As you know, I am prohibited from discussing specific cases that may have been called into the hotline.