

**ALLEGATION OF ABUSE
AT ALEXANDER JUVENILE CORRECTIONAL FACILITY**

The information which follows was obtained from evidence received to date in DRC's investigation of an allegation of abuse of a fourteen year old African American male with mental illness. DRC's investigation into this allegation is currently ongoing and cannot be finalized until the DHHS Division of Youth Services and G4S release the remaining evidence requested by DRC.

3/19/07 DRC received a phone call from a confidential informant, stating that it was possible a juvenile had received a fracture to his arm in a restraint event at Alexander Juvenile Correctional Facility.

9:45am The DRC Advocate/Investigator, Dee Blakley, called Alexander and asked to speak to the Facility Administrator (FA) to inform him that DRC would begin an investigation into the allegation of abuse immediately. Blakley spoke with the FA on her speakerphone, with Senior Staff Attorney Dana McClain present. Blakley informed the FA that DRC had received an allegation of abuse of a juvenile at Alexander. The FA asked Blakley the nature of the allegation and she told him that DRC had been told the juvenile's arm had allegedly been fractured in a restraint event. She also told him that she would arrive on campus very shortly to start the investigation.

Blakley arrived at Alexander shortly before 10:30 am and was directed to the FA's office. They discussed the allegation received by DRC and Blakley's concern that even as everyone was aware that the juvenile had a broken arm, there appeared to have been no attempt to investigate how that occurred. The FA said he had talked with the juvenile and the juvenile had told him it happened during an altercation with a peer. However, the FA reported no investigation was conducted into that alleged altercation.

The FA and one of the Assistant Facility Administrators (AFA #1) asked Blakley to try and pinpoint the date of the alleged restraint, which was not possible since she had not yet talked with the juvenile. In an effort to facilitate getting to the date, Blakely asked that all restraint documents on the juvenile since G4S assumed operation of Alexander (January 21, 2007) be pulled for her review. AFA #1 and the FA agreed to begin searching for documents and the juvenile was brought to Blakley for interview.

During Blakley's initial interview of the juvenile, he told her that in late January or early February, he had trouble with peers throwing rocks at him, and male staff #1 had come to talk to him about it. According to the juvenile, male staff #1 wanted to talk to him outside, but the juvenile asked if they could talk inside. They went into the art room and the juvenile said he wanted to talk to female staff #1, but male staff #1 refused, telling him, "You are the kid and I am the staff." The juvenile said he began to curse at male staff #1, who then placed him in a physical restraint with his right arm behind his back. The juvenile was struggling against the hold and female staff #1 then entered the room, took his left arm and she and male staff #1 took him to the floor. The juvenile stated that

his arm made a “popping” noise and female staff #1 said he should be taken to the infirmary. The juvenile told Blakley that his right arm was broken for at least two full weeks before he was taken to see the doctor who put his cast on – that Alexander infirmary staff had put an Ace wrap on it, and he had put in at least one sick call request, complaining of pain and swelling in the arm and wrist. He also stated that he had been restrained by his right arm behind his back after the arm was broken and prior to the cast being applied, as well as afterward, adding that during one restraint which occurred in his dorm, the staff who placed his right arm (with cast) behind his back was told by another staff not to do that.

Blakley went back to the FA to tell him that she had narrowed down dates of when the alleged abuse could have occurred, and also told him what the juvenile told her about timing. No documents had yet been produced, so Blakley went into town to get some lunch.

When Blakley returned at approximately 1:05 p.m., she was directed to AFA #2’s office, where documents were on his desk. She inquired as to whether the program had hotlined the allegation, and AFA #2 responded that it had been hotlined right after Blakley called the FA earlier that morning. Blakley asked for documentation of the hotline call, which was provided to her by AFA #2, who was the reporter. According to the documentation, the hotline was contacted at approximately 10:33 am and the Hotline Operator took the call. AFA #2’s accompanying statement (attached to the hotline report) stated:

On March 19 approximately 10:10 am, I, [name redacted], was notified by FA [name redacted] that student [name redacted] or someone on [name redacted] behalf notified DRC of an allegation of abuse. Specifically that student [name redacted] received a fracture to his arm while being restrained by staff member [name redacted]. No additional information is available at this time. The allegation will be investigated.

Of course, the problem with that was that DRC did not know the identity of the alleged perpetrator until after the juvenile was interviewed by Blakley, which occurred *after* the hotline call was made. Based upon the evidence reviewed to date, the only conclusion that DRC can reach is that G4S was well aware of the allegation and had done nothing to address it.

In AFA #2’s office, Blakley, AFA#2 and AFA #1 interviewed female staff #1, whom the juvenile told Blakley restrained his left arm during the restraint event. Female staff #1 responded emphatically to them that she had never participated with male staff #1 in restraining any juvenile, so the event as related by the juvenile could not have occurred. In response to questions by Blakley, female staff #1 said she had noticed the juvenile on the campus within the last month with an Ace wrist wrap and had asked him what happened. He said he had been injured during a restraint. She later saw that he had a cast on his arm and said she guessed the arm had been broken. She did not report the juvenile’s allegation that he had been injured during a restraint.

The juvenile was then brought back into AFA #2's office for follow-up interview. Incident reports dated 2/2/07 and 2/7/07 had been gathered which included some of the individuals mentioned by the juvenile, but not all the individuals on the same date. The juvenile stated again that male staff #1 and female staff #1 restrained his arms, and added that male staff #2 restrained his legs. According to the juvenile, the incident arose after other peers in class were throwing small rocks at him, and he left the classroom. He stated that female staff #1 had followed him to talk to him, and he continued to walk away. She then called for security and male staff #1 responded to the call. AFA #2, AFA #1 and the juvenile all agreed that the incident occurred on the date the juvenile shoved computer equipment around on a desk in the classroom. Neither the 2/2 nor the 2/7 incident reports made any mention of anything to do with computer equipment, and that detail seemed to be very significant to the G4S staff in the room, one of whom had responded to a call for assistance in connection with the behavior incident. Neither male staff #1 (who was on his day off) nor male staff #2 (who was transporting juveniles) were available for interview by Blakley on this date.

Blakley obtained copies of documents which support the juvenile's contention that he was denied medical care for a broken arm. In a new G4S practice, each time a juvenile is physically restrained, s/he is taken to the infirmary for completion of a Marks card. Text on Marks cards for this juvenile note the following:

2/10/07 No new markings noted. Complains of pain to right wrist.
2/15/07 Patient escorted to medical for assessment following restraint. Upon exam a superficial scratch is noted on inner left forearm – approx ½” in length – no bleeding or bruising noted. Patient denies any further injury and upon exam no new injury noted other than inner left arm. Neosporin oint applied to scratch. Given Motrin 200 mg tabs PO for complaint of right wrist pain – wrist brace on.
2/20/07 Juvenile complains of right wrist pain with mild swelling, no redness, bruising, bleeding, abrasions or scratches noted
2/21/07 Staff reports patient was placed in upper torso and hook and carry. No marks noted. Patient states wrist hurt – prior injury. Full range of motion to both arms. Ibuprofen 400 mg PO administered.
2/22/07 No marks noted. Patient did not have his wrist brace on. Complains of wrist discomfort, NO staff member has hold of his wrist during this situation. No swelling noted, no redness noted. Juvenile is able to move his hand and wrist without problem.

By Physician's Order dated 2/22/07, the G4S contract pediatrician instructed medical staff to get the next available appointment at Ortho Arkansas for the juvenile for "evaluation of right forearm pain and swelling times two weeks." The doctor's Progress Note stated in relevant part, "14 year old black male complains of about 2 weeks ago (noted a Marks sheet 2/15/07 right wrist pain) a staff twisted his wrist. Complains of increased pain and swelling since. . . No paresthesia, no palsy. Complains of pain to right forearm during suspension (?). . . left handed. . . Right upper extremity plus 2 red(ness) plus edema/tenderness radial ___ of distal forearm (radius). No stiffness but tender.

Hand from, increased pain with support (?) No elbow tenderness, no ecchymosis. Wrist pain, right forearm, probable contusion v. fracture. Get ortho consultation.”

The juvenile was transported to Ortho Arkansas on 2/27/07, where he was seen by a medical doctor there. The medical doctor diagnosed “minimally angulated, undisplaced right distal radius fracture” subsequent to “an altercation approximately 3-4 weeks ago.” The medical doctor recommended “closed treatment of this fracture without manipulation” and the juvenile was fitted with a long arm cast with instructions to keep the cast clean and dry and return to the clinic in three weeks for follow-up x-rays and removal of the cast.

INITIAL FINDINGS

At present, DRC finds that an adjudicated male juvenile with a disability was denied appropriate medical treatment. Evidence confirmed that for at least two weeks after the arm was fractured, the juvenile continued to complain of pain and staff continued to restrain the juvenile on multiple occasions. DRC therefore substantiates abuse of this juvenile with respect to failure to provide appropriate medical treatment.

DRC finds that G4S and DYS failed to initiate an investigation into the manner in which a juvenile received a fractured arm. But for the DRC investigation, no internal investigation would have been undertaken and the entire incident would have been covered up.

DRC finds that G4S failed to notify the child abuse hotline as prescribed by Arkansas law. But for the DRC investigation, no hotline notification would have been made.

DRC finds that adjudicated juveniles at the Alexander Juvenile Correctional Facility (AJCF) continue to be abused and neglected, despite the assurances of the new contractor that things will be better and state assurances that “it’s a new day at DYS.” Continued frequent monitoring of AJCF by DRC demonstrates that AJCF should be closed and a better continuum of evidence based services developed for children in the community with the technical assistance of experts who have successfully achieved these reforms in other states.

As stated previously, DYS and G4S have not provided all evidence requested by DRC, which includes documentary, video/audio surveillance and additional staff interviews. A final report will be issued when DRC’s investigation is complete.