

# DisabilityRights

## ARKANSAS

Tom Masseau, Executive Director

April 24, 2018

Betty Guhman, Director  
Arkansas Division of Youth Services  
P.O. Box 1437, Slot S-501  
Little Rock, AR 72203-1437  
betty.guhman@dhs.arkansas.gov

Re: Dermott Juvenile Treatment Center and Dermott Juvenile Correctional Facility

Ms. Guhman,

Per your request for information from our advocates' monitoring visits, I wanted to let you know about our latest visit to the Dermott Juvenile Treatment Center (DJTC) and the Dermott Juvenile Correctional Facility (DJCF).

In speaking with the youth at the DJTC, some of them believe that the staff on second and third shift are terrified of the other youth, and accordingly have no control over them. Some of the youth described incidents wherein several residents broke into the cafeteria on more than one occasion in the previous months. In addition, at least one youth recalled a chemical irritant being used by outside police to subdue him. Our advocates also observed an individual wearing leg shackles. Staff told them he previously tried to escape.

Has DYS made any progress toward adopting an official restraint and seclusion policy? Is there any policy regarding the use of chemical irritants on the youth at either facility?

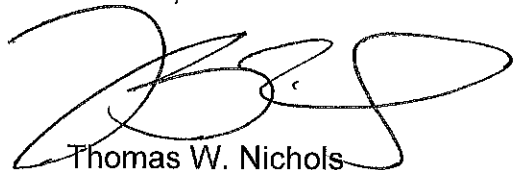
In addition, some of the youth mentioned to us that outside police (we are unsure whether it is County or City) are frequently being called to the facilities to address disruptions over the weekends; specifically the consensus was Thursday through Saturday. The youth uniformly state that the disruptions are typically escalated over the weekend due to a lesser staff presence.

Also, with regard to the use of Virtual Arkansas at both facilities, we understand that classroom staff spends the majority of their time ensuring that the youth are not surreptitiously accessing the internet, or using programs in an unauthorized way. I, on more than one occasion, expressed that surely the state could supply an IT solution as opposed to continuous monitoring for unauthorized activity, but they did not seem to think it would be possible. Has DYS attempted to supply software to prevent unauthorized use of internet functions while the youth are in class? This would free classroom staff to provide academic support, instead of merely monitoring.

With regard to the DJCF, uniquely, the youth who have obtained their GEDs spend significant amounts of unproductive time in their dorm common areas. They are not offered meaningful opportunities for vocational training, or even physical activities at the times we've visited.

We shared all of these concerns with the Administrators at the facilities, but wanted to share them with you as well. Please let me know if you have any questions or comments.

Thanks,

A handwritten signature in black ink, appearing to read 'T. Nichols', with a large, stylized flourish extending from the end.

Thomas W. Nichols  
Managing Attorney



## Division of Youth Services

Betty Guhman, Director

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May 1, 2018

Thomas Nichols, Managing Attorney  
Arkansas Disability Rights Arkansas  
400 West Capitol Avenue, Suite 1200  
Little Rock, Arkansas 72201

Re: Recent Site Visit to Dermott Facilities

Dear Mr. Nichols,

Thank you for your letter dated April 24, 2018, regarding Disability Rights Arkansas' recent site visit to Dermott Juvenile Treatment Center (DJTC) and Dermott Juvenile Correctional Facility (DJCF). It is very helpful to get immediate feedback.

Your questions and concerns seem to fall into three areas: 1) staffing ratios and training, 2) policies governing restraint and use of local police and 3) education programming.

### **1. Staffing ratio and training**

All staff are trained to address problematic behaviors of youth and to deescalate and respond to incidents at the facility. Many of the staff at DJTC are newly hired (less than 90 days) and, as a result, are still learning how to properly address negative behaviors. DJTC Director Dailey has adjusted staff schedules, re-positioned staff, and placed a shift supervisor with more experience on the weekend to address weekend behaviors. While the administrative staff is off on the weekend, the remaining staff levels remain at the same levels over the weekend as they stand during the week. The same direct care ratio is maintained seven days per week. On Wednesday, April 25, 2018, DYS central office staff provided training for facility staff, including DJTC and DJCF staff, on verbal de-escalation and physical intervention. We will continue offering training designed to help staff deal with disruptive behaviors.

### **2. Policies governing use of physical restraints and local law enforcement**

Regarding your noted concerns about law enforcement responding to the facility, please note that the incident referenced involved youth that had been engaging in extremely disruptive behavior, including threatening staff. The Division of Youth Services (DYS) is currently undergoing a comprehensive policy review, addressing all policies which affect treatment of youth. DYS has determined the use of restraints, including chemical irritants, is a priority area for standardizing and promulgating policy and subsequent staff training. DRA and other advocates will have the opportunity to review and comment on new policies being promulgated.

Due to the specific challenges and behaviors of youth placed at the Dermott facilities, these sites have historically called in local law enforcement when a disruption escalates. In the particular incident referenced in your letter, a youth at DJCF was threatening staff with a metal pole. DYS is will address these issues as part of the comprehensive policy review.

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### **3. Education Programming**

The DYS technology and Virtual Arkansas software team has created a fix for disrupting students access to the internet through Virtual Arkansas and Zoom programming. It has been successfully deployed to all student computers. In addition, an updated computer monitoring software has been purchased and will be installed statewide.

We are currently addressing the need for additional programming for youth who have completed their GED. DJCF is currently interviewing for a Facility Services Liaison position. This staff position exists to assist with programming at the facility and has been effective in improving the services at other DYS facilities. In the meantime, facility staff have moved these youth to a centralized location, and they are in the process of beginning physical education classes during the day. We have also cleared an IT hurdle to stream Amazon Prime to the facilities, and this tool will be used to develop an enrichment programming menu for the youth during the day.

Again, we appreciate your visit and noting the issues in your letter. We look forward to updating you on additional efforts to improve programming at the Dermott facilities. I welcome the opportunity to meet with you and your staff at any time.

Sincerely,



Betty Guhman  
DYS Director

Cc: Tom Masseau, Arkansas DRA  
Phyllis Bell, Arkansas Governor's office  
Keesa Smith, Arkansas DHS, Deputy Director  
April Hannah, DYS Facility Operations  
Marq Golden, DYS Assistant Director  
Jonathan Brown, DYS Deputy Director  
Adam Baldwin, DYS Reform Coordinator