

Memo

To: Breck Hopkins, Chief Counsel

From: Lloyd Warford, Investigator

CC: Diane O'Connell, Director, DCFS
Lisa McGee, Attorney

Date: 12/07/98

Re: INTERNAL AFFAIRS REVIEW OF THE DCFS 1993
INVESTIGATION OF ALLEGATIONS AGAINST JACK WALLS III

ALLEGATIONS

This review was initiated after Cledis Hogan made allegations of misconduct during the investigation. Mr. Hogan made many allegations against DCFS, the State Police, the local Prosecuting Attorney and others. There were three core allegations related to DCFS and DHS.

1. That the 1993 investigation of allegations made by Doug Hogan against Jack Wall III was not done in a timely manner.
2. That the 1993 DCFS investigation of allegations against Jack Wall III did not reach an accurate result.
3. That the problems with the 1993 investigation were the direct result of the political influence of Jack Walls' father, Judge Jack Wall, Jr.

BRIEF SUMMARY OF RELEVANT EVENTS

Jack Walls is a former Boy Scout leader from Lonoke County. It is undisputed at this point that Jack Walls is a pedophile who for a number of years used the Boy Scouts as a vehicle to gain access to young boys. Jack Walls III is incarcerated for life in the Arkansas Department of Corrections.

December 29, 1992

On December 29, 1992, there was a Boy Scout outing on the Jack Walls Farm, south of Lonoke, just off Hwy. 31.

December 30, 1992

In the early morning hours of December 30, 1992, Jack Walls offered wine to two juveniles in his care, Doug Hogan and Chris Houchens. Doug Hogan accepted the wine but has always maintained he did not drink it. Houchens refused the wine. After everyone else went to bed Walls solicited Hogan for sex and attempted to undo his belt.

A short time after the incident Doug Hogan woke up first Chris Houchens and then Mark McConnell. Chris Houchens indicated that, when Doug Hogan awakened him, Doug Hogan was breathing hard and was scared and that he did not initially want Chris to tell anyone. They all tried to leave in Hogan's truck but Walls stopped them and talked them into coming back to the campfire. According to all three boys' statements to the State Police, Jack Walls admitted asking Doug to "jack off" with him but tried to convince the boys that he was joking. He did not admit trying to take off Hogan's pants.

Early that morning Doug Hogan and Mark McConnell first reported the incident to Mark's stepmother and then to Doug's father. Mark's stepmother made the initial report to the hotline on December 30, 1992. The allegations were assigned to the DCFS local office in Lonoke for investigation as "abuse." The allegations were then assigned to Ken Murphy for investigation.

The original allegations were classified as an "abuse" complaint with the following notation: "Scout leader tried to get boy drunk and tried to get the boy's pants off. Scout leader gave the child several drinks of wine." The allegations concerning alcohol would have been "abuse." The allegations concerning trying to get Hogan's pants off would have been "sexual abuse" but were apparently ignored. The practical difference between the allegations being accepted as possible "abuse" rather than "sexual abuse" is that had the original complaint been considered "sexual abuse" it would have been immediately referred to law enforcement. Instead it was taken as an abuse allegation and referred to the local DCFS office for investigation.

When Ken Murphy was assigned the investigation, the law required Mr. Murphy to initiate an investigation within seventy-two hours and to complete the investigation within 30 days. This did not occur. It was 147 days before Murphy first attempted to contact the victim. Ken Murphy should have made every effort to interview the victim within 72 hours. It was 152 days before Murphy interviewed the victim. This did not occur. The legal requirements that governed this 1992 investigation are set out in Act 1208 of 1991.

December 31, 1992

The day after the incident Jack Walls sent the following letter to Cledis Hogan.

12/31/92

Cledis,

I want to apologize to all of you for the incident at camp Tuesday night. It showed a flaw in my character that must be corrected, and I must begin to do that immediately.

There is a great amount of trust placed in a man who works with young people as I did, and I violated it. I am ashamed of this as I have let everyone down from the Scouts through my own family. It is now up to me to change my life.

As of Tuesday I will have resigned all my positions with the Scouts and will exempt myself from future Scout activities. I will turn over the Philmont account to one of the other advisors as soon as I can find one to take it.

Jack Walls

January 14, 1993

The Boy Scouts reported the incident to DHS.

January 19, 1993

The Boy Scouts sent a letter to Ken Murphy with a summary of facts that clearly set out the sexual nature of the allegation and a copy of the letter from Walls to Hogan. Even if the initial failure to identify this as a sexual abuse case was acceptable, when Ken Murphy received this letter he had actual knowledge of the sexual nature of the allegations and should have immediately referred the investigation to law enforcement.

The Boy Scouts also informed Murphy that they were satisfied that there was enough evidence supporting the allegations to support terminating Walls as an eligible volunteer.

May 26, 1993

The allegations were reported to the hotline a second time on May 26, 1993. The second report was more specific as to the sexual nature of the allegations and was accepted as a sexual abuse allegation and referred that same day to the Lonoke County Sheriff and the local Prosecutor. The Prosecutor responded by requesting a State Police investigation.

On May 26, 1993, Murphy takes the first documented action on the allegation by sending a written notice to the victim's father, Cledis Hogan and took steps to locate and interview the

victim, Doug Hogan. The initial documented action by Murphy was taken only after there was a complaint made to his supervisor and after there had been a second report to the hotline.

The second report was more specific as to the sexual nature of the allegations and was accepted as a sexual abuse allegation and referred that same day to the Lonoke County Sheriff and the local Prosecutor.

May 28, 1993

Ken Murphy interviewed Cledis Hogan on May 28, 1993.

June 1, 1993

Ken Murphy interviewed Doug Hogan on the morning of June 1, 1993. According to Mr. Hogan, Ken Murphy was rude at the June 1, 1993, interview of his son, Doug Hogan and made it clear that he did not believe the allegations. Ken Murphy reportedly told Mr. Hogan he needed to teach his son to tell the truth. Ken Murphy acknowledges that Mr. Hogan was angry and that he questioned Hogan in a "very direct manner" but denies any misconduct.

On the afternoon of June 1, 1993, Investigator James Rainbolt met with the Prosecuting Attorney, Chip Welch and Cledis Hogan. That same afternoon Investigator Rainbolt opened an investigation on the allegations and interviewed the alleged victim, Doug Hogan.

July 28, 1993

Investigator Rainbolt interviewed Jack Walls.

August 13, 1993

A civil lawsuit was filed on behalf of Doug Hogan against Jack Walls and the Boy Scouts of America.

August 18, 1993

Investigator Rainbolt interviewed Chris Houchens.

August 27, 1993

Investigator Rainbolt interviewed Mark McConnell.

October 27, 1993

The State Police file makes no reference whatsoever to reviewing the facts for possible sexual crimes, other crimes against a minor or any kind of maltreatment. Investigator James Rainbolt indicated when interviewed that he did review the facts for sexual crimes

and contributing to the delinquency of a minor but in his opinion there was not enough evidence to support a criminal prosecution. He pointed out that at least initially the Prosecuting Attorney had agreed with him as he indicated when he closed his file on October 27, 1993.

Investigator Rainbolt focused on the fact that no criminal act was completed. Doug Hogan said he did not drink the alcohol Walls gave him, no sexual act was completed and no force or threat of force was used either to obtain sex from Hogan or to force him to stay; therefore, there was no crime.

It does not appear that Investigator Rainbolt or the Prosecuting Attorney ever considered the possibility of charges based on an inchoate offense such as criminal attempt or criminal solicitation. While there are some very aggressive prosecutors and law enforcement officers that may have considered such a charge under these facts, in all fairness to Investigator Rainbolt and Prosecutor Cook, prosecutions for these crimes is rare. In any case, the State Police file was closed on October 27, 1993, and the file specifically indicates the allegations were unfounded. Whether Investigator Rainbolt's criminal investigation was sufficient is not part of what is being considered in this review.

November 22, 1993

After the State Police file was closed on October 27, 1993, an affidavit setting out the basic facts was signed by Doug Hogan and submitted to the local Municipal Judge on November 22, 1993. The Judge made a judicial finding that there was "probable cause" that Jack Walls committed Assault in the third degree and Contributing to the Delinquency of a Minor and issued two warrants for his arrest.

November 23, 1993

Ken Murphy contacted Investigator Rainbolt and was told that the allegations were unfounded. Murphy claims he never received a copy of the State Police file and simply relied on the State Police Investigator finding unounding the investigation. When Investigator Rainbolt told Ken Murphy that the allegations were "unfounded," Ken Murphy claims he had no choice but to accept that and close the file as "unfounded." If the police report said unfounded, as it did here, Ken Murphy believes he had not only no duty to inquire further but also no authority to question the State Police investigation. In short Murphy claims it was not his job to ensure the State Police understood what "unfounded" meant or that the State Police were even addressing the correct elements under the maltreatment statute with the lesser "some credible evidence" burden of proof.

Furthermore, Murphy denies he had knowledge at this point of the warrants or the judge's finding.

December 16, 1993

On December 16, 1993, Ken Murphy and his supervisor, Tonya Tackett formally unfounded the allegations against Jack Walls.

April 8, 1994

A trial was held in Carlisle Municipal Court and the judge found Jack Walls not guilty of the charges that were filed. Mr. Walls' attorney argued that even if everything that Doug Hogan said was true Walls was not guilty of the charges filed. The Judge stated on the record that based on the testimony "I personally believe that there may be other charges that may have been filed, but weren't." Walls for whatever reason was charged with crimes for which the elements were somewhat inconsistent with the facts Doug Hogan was alleging. Cledis Hogan alleges that this was intentional and has a copy of the original affidavit, which seems to show that other charges were initiated by police but were changed by the prosecutor or city attorney. Whether someone may have changed the charges to protect Walls from conviction is not a subject of this investigation other than it is clear that there is no evidence that any employee of the DHS had any known involvement in the charges that were filed.

April 29, 1994

A deposition was taken from Jack Walls by Attorney Chip Welch concerning the incident. The attorney for Hogan raised sufficient question about Jack Walls' version of events that the case was settled for an undisclosed but reportedly substantial amount.

1997

In 1997 Walls was convicted of raping several of the scouts that had been under his care. In addition to the four boys Walls pled guilty to abusing, the investigation revealed a number of other victims.

ISSUES AND FINDINGS

1. Whether the 1993 investigation of allegations made by Doug Hogan against Jack Walls, III was completed in a timely manner.

Ken Murphy was assigned to investigate the allegations made by Doug Hogan against Jack Walls sometime during the first week of January 1993. The allegation was assigned as an abuse investigation. The legal requirements that governed this investigation are set out in Act 1208 of 1991. The law required Mr. Murphy to initiate an investigation within seventy-two hours and to complete the investigation within 30 days. This did not occur. Ken Murphy should have made every effort to interview the alleged victim within 72 hours. This did not occur.

~~Ken Murphy did not make any effort to interview the victim until May 26, 1993, 147 days after the initial report to the hotline. Murphy acted then only after a second report was made~~

to the hotline and the victim's father complained to Murphy's supervisor. The alleged victim, Doug Hogan was not interviewed until the morning of June 1, 1993, 152 days after the first report to the hotline. Prior DCFS reviews of this matter have indicated that this was a law enforcement case from the start but that is not supported by the evidence. It probably should have been a law enforcement case from the beginning but DCFS and Mr. Murphy were completely responsible for the investigation for 147 days before it was formally referred to law enforcement.

Conclusion: The 1992 allegations against Jack Walls were not investigated in a timely manner.

2. Whether the 1993 investigation of allegations made against Jack Walls III reached an accurate result.

This investigator has reviewed all the information known to have been in the possession of Ken Murphy and Investigator Rainbolt. Based on the independent subsequent review there was "some credible evidence" that the maltreatment allegations made against Jack Walls in December 1992 were true. It is not hard to understand why a criminal investigator would not be willing to prosecute this case given the fact that there was no completed sexual act. At best, the facts constitute an inchoate offense such as criminal attempt or criminal solicitation.

What is difficult to understand is how anyone could have reviewed this file and found there was not "some credible evidence" of maltreatment, abuse or neglect. Doug Hogan's basic allegation was that while he was in the care of his scout leader Jack Walls, Walls gave him alcohol and asked him to engage in sexual activity. Chris Houchens and Mark McConnell both indicated Jack Walls admitted asking Doug to engage in sexual activity. Chris Houchens indicated that, when Doug Hogan woke him he was breathing hard and was scared and that he did not initially want Chris to tell anyone. This is all inconsistent with a juvenile making up an allegation. There was no evidence of any improper motive identified that would indicate that Doug Hogan or the other boys had reason to exaggerate or give a false statement against Jack Walls. The day after the incident Jack Walls sent a letter in which he admitted there was an "incident" that "showed a flaw in his character." Walls went on to say that "there is a great amount of trust placed in a man who works with young people as I did, and I violated it." Walls said, "it's now up to me to change my life." This does not sound like an innocent man. Walls attempted to explain this letter by claiming that he only wrote the letter because Hogan's father said he would blow his head off if he did not apologize and get out of scouting. Neither the State Police nor Murphy ever formally interviewed Mr. Hogan about his communications with Walls.

Conclusion: There does appear to be "some credible evidence" that the allegations against Walls were true and the 1993 investigation should have been founded.

3. Whether the problems with the investigation were the direct result of the political influence of Jack Walls' father, Judge Jack Walls Jr.

The belief of Cledis Hogan that inappropriate influence affected the outcome of the 1993 investigation is sincerely held and is certainly not irrational or unreasonable. There were a number of events related to this incident and its subsequent investigation and prosecution that circumstantially suggest inappropriate influence. Nevertheless, this investigation did not reveal substantial evidence of inappropriate influence by anyone that affected the actions of Ken Murphy or any DHS employee. All the evidence available indicates that Mr. Murphy simply did not work the investigation as required by law and DCFS policies.

4. Whether any one actually reviewed the original investigation under the elements and burden of proof set out in the Maltreatment Statutes and whether this may indicate a flaw in the abuse reporting and investigation system.

In this case, Ken Murphy claims he never received a copy of the State Police file and simply relied on the State Police Investigator unbounding the investigation. According to Murphy, when Investigator Rainbolt told him that the allegations were "unfounded" he had no choice but to accept that and close the DCFS file as "unfounded." According to Murphy it was not his job to ensure the State Police understood what "unfounded" meant. He had no duty or authority to ensure that the State Police were addressing the correct elements under the maltreatment statute with the correct lesser burden of proof (some credible evidence) as set out in the maltreatment statute.

In this case, State Police Investigator Jim Rainbolt believed that it was up to DHS to handle their portion of the case. Rainbolt indicated he did not take part in the DHS maltreatment portion of the investigation. The following was taken from his statement.

WARFORD: Did Ken Murphy or anyone else from DCFS ever discuss with you the differences between a burden of proof in a criminal case and what they would need to found maltreatment or abuse or neglect?

RAINBOLT: Not that I remember.

WARFORD: Ok. Did Ken Murphy or anyone at DCFS ever ask you any questions as to whether or not there was any credible evidence of maltreatment, abuse, or neglect?

RAINBOLT: Not that I recall.

WARFORD: Do you ever recall any kind of discussion about the difference in whether or not there might be some evidence but not enough to prosecute?

RAINBOLT: The only discussion involved my part in the criminal investigation and I'm not—do not recall any discussion about DHS—uh DCFS' part in the investigation.

Everyone at both the State Police and DHS acknowledge that there are many occasions when there is "some credible evidence" but where the evidence is insufficient to support a "beyond a reasonable doubt" burden of proof for a criminal prosecution. The dispute and confusion

concerns who has the duty to draw that distinction? In addition to Investigator Rainbolt this issue was discussed with two other experienced State Police Investigators and they also believed they did the criminal investigation and turned their file over to DCFS for DCFS to make any necessary findings related to maltreatment. One of them pointed out that they are criminal investigators not social workers and they have no training in the maltreatment statutes and have no knowledge of what it takes to get on the registry.

When the same issue was discussed with individuals at DCFS, other than Ken Murphy they had several slightly different opinions. The prevailing view was that once the State Police took the file it was theirs. DCFS just waited for the State Police conclusion and had no duty or authority to ensure they applied the proper law.

In short it seem likely that no one reviewed these allegations under the elements and burden of proof set out in the Maltreatment Statutes. It is impossible to tell how often this confusion may have effected the outcome of a maltreatment investigation. The confusion may have been corrected when the DCFS Special Investigation Unit transferred to the State Police but it is highly recommended that the State Police and DCFS protocols be reviewed to ensure that they spell out specifically the individual who will make the maltreatment review after a criminal case is closed for whatever reason without prosecution. As well as the process that will ensure this has occurred.

ATTACHMENTS

1. October 14, 1998 – Statement of Investigator Jim Rainbolt.
2. November 20, 1998, Statement of Ken Murphy.
3. December 30, 1992 - CF-2023 Report - Documentation of December 30, 1992, Hotline report on Jack Walls.
4. December 31, 1992, letter from Jack Walls to Cledis Hogan.
5. January 14, 1993, Boy Scout Ineligible Volunteer Record on Jack Walls. Documentation the Boy scouts found there was sufficient evidence to remove Jack Walls from any scouting position.
6. January 19, 1993, letter from Boy Scout Executive, Jeffrie A. Herrman, to Ken Murphy concerning "Jack Walls" incident.
7. January 19, 1993, statement by Scout Executive, Jeffrie Hermann, of his knowledge and actions concerning the Jack Walls incident.
8. May 26, 1993 - CF-2023 Report - Documentation of May 26, 1993, Hotline report on Jack Walls.
9. May 26, 1993, Notice from Ken Murphy to Cledis Hogan of investigation and request for him to contact DHS office.
10. May 26, 1993, referral of second report on the Jack Walls incident to local sheriff and local prosecuting attorney.
11. October 8, 1993 – Arkansas State Police report on 1992 allegations against Jack Walls closed unfounded.
12. December 16, 1993 - Ken Murphy's 1993 case file and narrative reports closed unfounded.

STATEMENT OF INVESTIGATOR JIM RAINBOLT

October 14, 1998
State Police Headquarter

WARFORD: It's October 14, approximately 2:15. Present are Sergeant Jim Rainbolt, Arkansas State Police, and Lloyd Warford, Internal Affairs with DHS. If you would, just state your full name and where you're employed.

RAINBOLT: Jim Rainbolt, and I'm employed by Arkansas State Police.

WARFORD: And were you employed as an investigator in December of 1992?

RAINBOLT: Yes I was.

WARFORD: And in I guess May of '93?

RAINBOLT: Yes.

WARFORD: Did you have an occasion to work an investigation concerning Jack Walls during that time?

RAINBOLT: I sure did.

WARFORD: Ok. All the questions I'm going to be asking you will relate to that specific investigation and not to any investigation or complaint that happened thereafter. Did the state police ever receive a referral from DCFS, Lonoke County Sheriff's Department, or anyone else other than the prosecutor concerning that matter?

RAINBOLT: My first recollection of this accusation came from the prosecutor's office. I don't know if DCFS sent a referral to me and it got lost in the shuffle or not. I don't remember seeing one.

WARFORD: Ok. To what extent did you communicate or cooperate with Ken Murphy or anyone else from DCFS?

RAINBOLT: I talked to Ken on one occasion and maybe two occasions about the case and that conversation basically involved my part in the investigation.

WARFORD: Did you interview any of the other boys or adults that were at the camp that night other than the three identified in your file?

ATTACHMENT 1

RAINBOLT: No. Only the ones in my file were the ones I talked to.

WARFORD: Did Ken Murphy or anyone else from DCFS ever discuss with you the differences between a burden of proof in a criminal case and what they would need to found maltreatment or abuse or neglect?

RAINBOLT: Not that I remember.

WARFORD: Ok. Did Ken Murphy or anyone at DCFS ever ask you any questions as to whether or not there was any credible evidence of maltreatment, abuse, or neglect?

RAINBOLT: Not that I recall.

WARFORD: Do you ever recall any kind of discussion about the difference in whether or not there might be some evidence but not enough to prosecute?

RAINBOLT: The only discussion involved my part in the criminal investigation and I'm not—do not recall any discussion about DHS—uh DCFS' part in the investigation.

WARFORD: Did you ever investigate whether Jack Walls gave any of the juveniles alcohol?

RAINBOLT: It came up in the investigation that Jack Walls provided a cup of wine to Doug Hogan but in the investigation Doug Hogan stated he poured it out. And that's as far as I investigated the alcohol part.

WARFORD: Ok. Did you ever investigate whether or not Jack Walls asked Doug Hogan to engage in sexual activity?

RAINBOLT: That was the whole basis of the investigation, and it was kind of "if-y" on whether it was solicitation or not. After I completed my investigation I turned it over to the prosecutor's office, and he determined that there was no criminal act—or no prosecutable criminal act done. And that's where I closed the case.

WARFORD: Did you ever make any finding that there was no credible evidence or that—c: did you ever indicate to anyone at DCFS that in your opinion there was no credible evidence that Jack Walls attempted to do any of these things?

RAINBOLT: I don't recall—what the discussion with Ken Murphy was. I just don't know. I'm sure I advised them or instructed them that the prosecutor's not going to prosecute due to lack of evidence or whatever. But I really don't recall.

WARFORD: Ok. Now, we've discussed the difference between the burden and the fact that there's only required to be some credible evidence for maltreatment where in the criminal case

ATTACHMENT 1

you have to have probable cause and beyond a reasonable doubt. Was there any kind of discussion of that at the time?

RAINBOLT: I really don't—I don't recall. I really don't. I would say that there wasn't but that wouldn't be a real fair answer because I just don't remember.

WARFORD: Ok. If you—and I know hind sight's 20/20, but looking back on this, do you think there was some credible evidence at that time that there was a solicitation—that alcohol was provided to minors—anything that might be considered maltreatment?

RAINBOLT: In looking back—probably everyone that had ever been in Jack Walls' troop should have been questioned and talked to. But I'm basing that purely on what I know now. At the time I felt like we went as far as we needed to go with this investigation.

WARFORD: Is there any point in time where you felt like that either yourself or from your observation Ken Murphy or anyone else was being inappropriately influenced because of who Jack Walls was and who his relatives were?

RAINBOLT: No. The only influence if any at all was it was not hushed up. It was not blasted out in the newspaper or anything—probably out of respect to Jack Walls' dad. But as far as the investigation being hushed up—you know—

WARFORD: It didn't affect the outcome of your investigation?

RAINBOLT: No, it didn't.

WARFORD: If there was a finding made based upon your case file that there was no credible evidence—would that—could you say that wasn't something you took part in?

RAINBOLT: You mean—when you're talking about credible evidence—are you talking about the malpractice?

WARFORD: Maltreatment—

RAINBOLT: ~~Maltreatment.~~ No. I didn't take any part in that. On the criminal aspect of it, yes I had a part in that finding that there was no evidence of any criminal act. But the maltreatment—no.

WARFORD: Ok. Is there anything you think you need to add that is relevant to this?

RAINBOLT: I can't think of anything.

WARFORD: Ok. This concludes this statement.

ATTACHMENT I

was raising a fuss and he had called and they wanted somebody to go out there and interview the kid right then. They didn't want to wait for the police (inaudible) at that point in time.

LLOYD WARFORD: Ok. Were you aware that the second—were you aware when you went out to interview Mr. Hogan and his son that this second accusation had been made? Were you aware of the second accusation? Or were you still working on the first case file?

KEN MURPHY: I'm thinking that it came in the same day that I went out on that so I'm pretty sure that's what instigated it

LLOYD WARFORD: Ok. So both calls from Mr. Hogan to the supervisor there as well as the second accusation came in the 26th of May? Initiated the (inaudible)

KEN MURPHY: Yeah. I'm gonna say that. I don't know exactly when Mr. Hogan called. I'll be honest with you.

LLOYD WARFORD: Ok. Had you spoken with Mr. Hogan—Cledis Hogan or Doug Hogan—prior to that?

KEN MURPHY: I can't remember that I ever had.

LLOYD WARFORD: Ok. To your recollection did you attempt to make any contact with them prior to that?

KEN MURPHY: Not to my recollection.

LLOYD WARFORD: Ok. Did you make an attempt to contact Jack Walls prior to that?

KEN MURPHY: No.

LLOYD WARFORD: Did you ever contact or have communications with Jack Walls?

KEN MURPHY: I never had contact or communication with Mr. Walls. No.

LLOYD WARFORD: Do you know Jack Walls?

KEN MURPHY: No I do not. I do not. I've never met Mr. Walls.

LLOYD WARFORD: You are aware that he—I explained to you that he--listed you as a possible witness on some documents that were found in his home in '97? Do you have any

ATTACHMENT 2

reason or understanding why he would know of you—know what you might testify to or have a belief that your testimony might help him?

KEN MURPHY: Well. In my narrative which I just read—and if he had a copy of that narrative—it said that I got information from the police that Mr. Walls had a reasonable explanation for the incidents that occurred and he may have been using that—I don't know.

LLOYD WARFORD: But you—

KEN MURPHY: But I never interviewed Mr. Walls.

LLOYD WARFORD: You never interviewed him—never spoke with his attorneys—

KEN MURPHY: See. If I knew who his attorneys was—I may have spoken to them—but I don't remember speaking to them in context with this case. But—there's just very few attorneys over there in that area that deal with this and uh so I'm sure I've had contact with most of the attorneys over there at one time or the other but as far as in context with Mr. Walls no.

LLOYD WARFORD: After the state police began to investigate on June 1st did you take any investigative steps after that?

KEN MURPHY: No I did not.

LLOYD WARFORD: And when did you—when you received back the report when you talked to the state trooper—did you actually receive a copy of the file at that time? ←

KEN MURPHY: No I did not.

LLOYD WARFORD: Did you make any—did you believe at that time that it was part of your job to review the officer's findings in the case file?

KEN MURPHY: No I did not.

LLOYD WARFORD: Ok. So you didn't review a statement from Jack Walls or the other boys that were there? ←

KEN MURPHY: No.

LLOYD WARFORD: Other than that conversation you had on the phone with Wayne (inaudible) on the 23rd of November you didn't have any other information--file—

ATTACHMENT 2

KEN MURPHY: Not that I know of—not that I remember—no.

LLOYD WARFORD: Ok. In this narrative dated 11-23 of '93—in the middle of the highlighted portion—it says, "Mr. Walls had a reasonable explanation of events that supposedly took place and the police investigated and interviewed him and others also feel that no sexual abuse took place or was intended."

KEN MURPHY: That's correct.

LLOYD WARFORD: Who were the others? Who other than the trooper had you talked to?
KEN MURPHY: Well I think—I was talking about the trooper had interviewed others—had interviewed Mr. Walls and others.

LLOYD WARFORD: Ok. So—the trooper indicated to you that he had talked to people other than the witnesses and they didn't feel there was sexual abuse.

KEN MURPHY: Right.

LLOYD WARFORD: Did he indicate who those people were?

KEN MURPHY: No.

LLOYD WARFORD: But he had communicated to people other than the kids that were there—

KEN MURPHY: Right. He might have been talking about the kids.

LLOYD WARFORD: Ok. Did you make this note at that time? This is a (inaudible) note.

KEN MURPHY: Probably made it when I filed the whole thing together. I made written notes but uh—

LLOYD WARFORD: Ok. It was in the state police file—as best we can determine it's part of the file—you're indicating you never received it.

KEN MURPHY: Right.

LLOYD WARFORD: Ok. So you based your final judgment on that phone conversation with the trooper.

KEN MURPHY: Right.

ATTACHMENT 2

LLOYD WARFORD: Ok. Based upon your training and the way you were handling cases at that time did you have any duty or obligation to review the trooper's investigation to assure that you had interviewed the right people—that you'd asked the right questions—that you'd _____ with the right issues—that the determination that he was making was consistent with what DCFS' normal determination would be—things of that nature?

KEN MURPHY: Uh. That's a long question. Normally—and unless we're running a parallel investigation—which this time there was none—if the trooper says they found no sexual abuse then we would unfound on that. Since they have the same report that we get. So their issues should be or would have been the same as our issues—which would have been the sexual abuse or whatever—and neglect. Uh. When I was told that there was no reason to believe that there was sexual abuse I assumed that the trooper had interviewed all the people that he needs to interview.

LLOYD WARFORD: Is that what the trooper told you in this case?

KEN MURPHY: He said—basically yeah. Nothing for sexual base.

LLOYD WARFORD: Ok. Did—under what circumstances did you run a parallel investigation?

KEN MURPHY: Uh. Sometimes we start off with an investigation and the police take over. Sometimes—you know—if we're on call for example and we initiate it the police will go out on it and interview everybody and it might be a police issue. And they go back and re-interview--whatever.

LLOYD WARFORD: Did you ever consider the fact that the burdens of proof that the police officer has are substantially higher than what you'd be looking at for credible evidence or some credible evidence?

KEN MURPHY: At that point in time, no.

LLOYD WARFORD: So procedurally at that time it was the policy that if it became a law enforcement investigation--

KEN MURPHY: and law enforcement dealt with it—

LLOYD WARFORD: and they dealt with it as a criminal matter—

KEN MURPHY: No. I'm saying that when we give it to law enforcement and it's assigned to law enforcement, basically unless they found it, DCFS pretty much lets them do their own investigation.

ATTACHMENT 2

LLOYD WARFORD: You understand. State police have absolutely no idea what maltreatment is or what founding is. What they say is it's either a prosecutable case or it isn't a prosecutable case.

M. Mm hmm. You explained that to me.

LLOYD WARFORD: But at that time there was no—if they said this is not a case we can prosecute—there was no second look—

KEN MURPHY: What I'm saying is if they use the word this is not a case we can prosecute—there may be—may be a second look. If they say that they unfounded it because there was no reasonable evidence or something like that then we probably would unfound it also.

LLOYD WARFORD: And. I guess what I'm trying to find out is procedurally—set aside this case for just a second—~~just this one question~~—procedurally—when did you take a second look at a case and when did you not?

KEN MURPHY: Ok. Like for example very seldom when law enforcement was dealing with a case did we take a second look at it unless they found there was something that they thought there was something they would contact us about. You know like they'd think there was something out there you know but they can't prove it. But they'd say (inaudible) there's something going on we'd take a second look at that. But once DCFS interviews somebody and validates the officer's interview—for example a perpetrator—because we don't read their rights to them—so they don't like us to do any interviews at all really. Sometimes they'll ask us to do the kids' interview because we deal more with kids than they do. But normally that's about it.

LLOYD WARFORD: Ok. I don't know if you didn't answer my question or if there isn't an answer. But—is there a rule or is there a procedure—is there a method by which you decide when you take a second look at a state police or a law enforcement investigation?

KEN MURPHY: There's not a rule.

LLOYD WARFORD: It's just a case by case determination?

KEN MURPHY: right.

LLOYD WARFORD: And what factors would you consider to determine whether you need to take a second look at that?

ATTACHMENT 2

KEN MURPHY: You begin with what the allegation was. You know. The age of the child. You know, what had happened. It's just different things for different cases.

LLOYD WARFORD: But there were some cases where the state police say we can't prosecute this case, but y'all will take a look at it and say, well, there is some credible evidence but there's not enough.

KEN MURPHY: Right. Right.

LLOYD WARFORD: That did happen.

KEN MURPHY: Right. And a lot of that's the terminology that they used. If they would say, we're not gonna prosecute this case—that's one thing. But if they'd say they unfounded it, to us unfounded means that it didn't happen. It's a terminology thing, basically. And that—uh—depending on what the allegation was. If you take a four year old child that has a ruptured vagina or a two year old child that can't talk that has a ruptured vagina and the cops say, well, we can't interview the kids consequently we can't prosecute. Ok? We can still—because of the injury—we can still open the case. Solely because of the injury—not on who did it—but because the child was injured.

LLOYD WARFORD: Ok. And you could be founded and put on the register?

KEN MURPHY: What we would found was unknown perpetrator.

LLOYD WARFORD: Ok. Unknown perpetrator.

KEN MURPHY: And then found it with an unknown perpetrator.

LLOYD WARFORD: Ok. Were you in the Lonoke County office in '94 when Mr. Hogan was attempting to get a copy of the file?

KEN MURPHY: Yes. I was in the office.

LLOYD WARFORD: Did you have anything to do with putting together or collecting up the documentation that would go to Mr. Hogan?

KEN MURPHY: No.

LLOYD WARFORD: Who did that?

ATTACHMENT 2

KEN MURPHY: Uh. Well, the supervisor would pull the case or have the clerk pull the case. Uh. And I don't know who the clerk was at that point in time.

LLOYD WARFORD: Ok. Do you have any knowledge of why the letter from the Boy Scouts to you—I don't remember what that document was—why some of the documents weren't in the file?

KEN MURPHY: No. I do not.

LLOYD WARFORD: Do you have any knowledge of who had—well tell me—who had access to the file other than yourself?

KEN MURPHY: Uh. Once it was filed away—once we founded it and filed it away—or unfounded it whatever it was—anybody in the office had access to it. Basically. There was no controls on it.

LLOYD WARFORD: Ok. Do you have any knowledge or even suspicion as to who in the office may have obtained copies of certain documents in that file and given them to Mr. Hogan?

KEN MURPHY: No. No. See I didn't live in that area. I lived in Jacksonville.

LLOYD WARFORD: Ok.

KEN MURPHY: I don't live in Lonoke. You know that.

LLOYD WARFORD: Ok. Was—one of the other things that I went over with you in some detail but just for the tape—on February 2, 1998, you received a phone call from Marsha Smith in which you had a fairly good recollection of the facts--

KEN MURPHY: Mm hmm.

LLOYD WARFORD: in this case. And indicated to her—made a specific indication to her. Then on March 3, '98, Ms. Billie Burke contacted you and asked some of the same types of questions and at that time you didn't—according to her notes—you indicated you had no recollection of the case. Uh. That you had no recollection of being contacted by the Boy Scouts or the letter from Mr. Harriman.

KEN MURPHY: Mm hmm. I do remember the letter from the Boy Scouts. I just don't remember what the content was.

ATTACHMENT 2

LLOYD WARFORD: Ok. Any explanation for why the change in your memory?
M. No. Unless a different kind of question was asked. I can't even remember the conversations. That was six or seven months ago.

LLOYD WARFORD: You did indicate to Ms. Burke that you didn't remember the case or you didn't?

KEN MURPHY: That I didn't remember specifics of the case.

LLOYD WARFORD: You did not attempt to mislead her?

KEN MURPHY: No.

LLOYD WARFORD: In any way about your knowledge?

KEN MURPHY: No. No. I don't really remember the first lady calling me.

LLOYD WARFORD: You know Marsha Smith?

KEN MURPHY: No.

LLOYD WARFORD: Child advocate?

KEN MURPHY: No.

LLOYD WARFORD: You don't really recall her calling and asking questions about the case?

KEN MURPHY: No I don't.

LLOYD WARFORD: The other document that came in was the letter from Cledis—to Cledis Hogan from Jack Walls—

KEN MURPHY: Mm hmm.

LLOYD WARFORD: Both of those weren't—you don't know how either one of those didn't end up in the file

KEN MURPHY: No. They was in the file.

LLOYD WARFORD: They were in a file?

KEN MURPHY: Mm hmm.

ATTACHMENT 2

LLOYD WARFORD: But you didn't put together the file that went to Mr. Hogan?

KEN MURPHY: No.

LLOYD WARFORD: Do you know who did put together that file?

KEN MURPHY: No.

LLOYD WARFORD: So you have no idea of why he didn't receive that letter as well as that

KEN MURPHY: No.

LLOYD WARFORD: From Mr.—those two documents right here. The letter from the Boy Scouts to you and the letter to Cledis Hogan from Jack Walls?

KEN MURPHY: No. I have no knowledge of that.

LLOYD WARFORD: But they were in the file when you turned it in?

KEN MURPHY: Yeah.

LLOYD WARFORD: Ok. I'm just reviewing my notes here. Ok. The—prior to (inaudible) Mr. Hogan requesting the files on or about November 30th, Mr. Walls requested—apparently requested—a copy of the files. Did you put together the file or information—the things that were given to Mr. Walls?

KEN MURPHY: No.

LLOYD WARFORD: Did you—that was done out of—apparently out of central records?

KEN MURPHY: Inaudible. Yeah.

LLOYD WARFORD: But they apparently had to make a request to your office for a copy of the file?

KEN MURPHY: What they'd do is they'd call and they'd say they wanted a certain-certain file. We'd tell the clerk that she needed to make a copy of the file and she'd send it on in to the central registry.

LLOYD WARFORD: Do you recall who—I mean—the file at that point would be in your possession, right? It hasn't been closed yet.

ATTACHMENT 2

KEN MURPHY: What date was it—November 30th? I thought I closed it out on November, 23rd?

LLOYD WARFORD: Well, you did your narrative on the 23rd. The documents were actually signed off on December 16th.

KEN MURPHY: Was that my signature documents? Or was the supervisor's signature documents?

LLOYD WARFORD: It may have been the ones you turned in to the supervisor. It was dated the 16th of December. You may have done it earlier. I don't know.

KEN MURPHY: Right. That's what I'm saying. I more than likely did you know turn them in and then she would review them as she got three or four or five at the same time. Then she would sit down and review all of them at the same time. There could have been a lapse (inaudible). But everything I had was turned in at the same time.

LLOYD WARFORD: Who made the request for the file for Mr. Walls?

KEN MURPHY: I have no idea.

LLOYD WARFORD: Did it come in to your office or did it come in to the hotline? How did that

KEN MURPHY: I don't know. That's what I'm saying. I don't know. I never did--I didn't do anything to assist in getting it copied or anything like that. I didn't pull the record. I didn't copy it. I didn't know really that they were copying it that day. Or that a request had been made.

LLOYD WARFORD: You're not aware of it going at all to Mr. Walls?

KEN MURPHY: No.

LLOYD WARFORD: Were you aware of it going to Mr. Hogan?

KEN MURPHY: No.

LLOYD WARFORD: So. When these files were being copied to go to these people you had no knowledge of that at all.

KEN MURPHY: I don't copy _____. We had a secretary that was working with us and a part-time. They would do that kind of stuff.

ATTACHMENT 2

LLOYD WARFORD: Tom Winberry or no one else at central records called you and discussed with you

KEN MURPHY: They could have called me and I would have told the clerk to pull the record and copy it. Or told my supervisor and she would have told the clerk to pull the record and copy it

LLOYD WARFORD: But if you—you have no recollection of discussing this with Tom Winberry or anyone else from central records?

KEN MURPHY: I don't. I mean it could have happened but I don't remember it.

LLOYD WARFORD: Ok. Did you feel like there was—I know you didn't—but did you ever consider the need to go and interview all the scouts in the troops that were involved here?

KEN MURPHY: Not at that time. No.

LLOYD WARFORD: Normally when you do an investigation and there's an allegation on one kid in a home—

KEN MURPHY: Mm hmh.

LLOYD WARFORD: you'd interview all the kids.

KEN MURPHY: Right.

LLOYD WARFORD: Or one kid in a nursery school classroom, you'd investigate whether or not—I mean, we generally get a broader scope.

KEN MURPHY: Right. But because this was a law enforcement investigation I did the initial interview and then turned it over to the law.

LLOYD WARFORD: Ok. Normally you wouldn't do even the initial interview. Is that correct?

KEN MURPHY: That's correct. Unless they requested—unless we were requested—or unless I'm told to do it.

LLOYD WARFORD: Did you ever make any effort prior to May 26th to get that file referred to law enforcement?

KEN MURPHY: I don't remember. I think I did. I think I discussed it with Mr. Tappan when it first came in but it didn't look like one of ours for some reason. I don't remember it. You know I mean I can't tell you for sure.

ATTACHMENT 2

LLOYD WARFORD: Let me stop the tape and collect my thoughts for a minute.

KEN MURPHY: Ok.

LLOYD WARFORD: Ok. I've turned the tape back on. I think I've covered everything I need to. I will call you—I may call you if I have additional questions to come up. But I just want—I know I've hit this a couple of times but I want to clarify this again. Did you make any independent judgment or feel like it was part of your training or your job to make independent judgment after this case was assigned to law enforcement?

KEN MURPHY: No, I did not. Law enforcement had my narrative—a copy of my narrative of my interviews of the kids and the dad. And it indicated what had happened on that and I figured they would do their investigation based on that.

LLOYD WARFORD: Ok. So this wasn't a case where you took the state police file and looked at what Walls told them and looked at what the other kids said and then you would have had to make an independent judgment. The way things were done—at least at that time—once the trooper told you over the phone it was unfounded, that was it.

KEN MURPHY: That's it.

LLOYD WARFORD: Ok. And you had no knowledge of the fact that he had actually been arrested and that the judge had found there was probable cause?

KEN MURPHY: No I did not.

LLOYD WARFORD: If—do you recall when you became aware of the fact that there was even going to be a trial in Carlisle?

KEN MURPHY: Several months ago my ex-supervisor said that Jack Walls was on television—do I remember that case? And then she said somebody had called her about it. She was still working in Pulaski County at the time. And uh somebody had called her about it and asked her about it and then she asked me what I knew about it—what I remembered about it and I said, well, I don't remember much. And that's what—that was the last—first indicator that I even knew that he had been arrested.

LLOYD WARFORD: Ok. You're saying you didn't know about the case over in Carlisle or—

KEN MURPHY: Well, I knew that the trooper had said he had taken it to the court over in Carlisle and the judge—or that it was dismissed. Ok? I assumed that he took it to a judge and the judge had seen it or looked at it and said it wasn't a case. And you've told me he had in fact taken it to the prosecutor in Carlisle. As far as a trial in Carlisle—no, I was not aware of that.

ATTACHMENT 2

LLOYD WARFORD: You were not aware there was a trial in Carlisle.

KEN MURPHY: No. I was never subpoenaed--never notified or anything.

LLOYD WARFORD: Ok. You said you weren't aware that he was actually charged in '93--late '93.

KEN MURPHY: No.

LLOYD WARFORD: Actually before you closed your case file.

KEN MURPHY: Well, actually--like I say--actually before the case was closed. If I'm not mistaken, I did my narrative on the 23rd of November and it got closed on the (inaudible) December, I think it was. Uh. Normally what I do is I turn it in to my supervisor and my supervisor reviews it and signs off on the different paperwork or whatever and sends out the notices. So there may have been a time lapse from the time I turned the case file in to the time the supervisor sent it out.

LLOYD WARFORD: Ok. But you didn't know there was a trial in April of '94?

KEN MURPHY: No. I did not know that.

LLOYD WARFORD: Were you aware that the Boy Scouts--that there was a lawsuit against the Boy Scouts and Walls?

KEN MURPHY: Uh. There was--Mr. Hogan had made mention that he was suing somebody. I don't know if it was suing the Boy--That's when he was on one of these trades when he called back to the agency. I don't know--he didn't even talk to me--I don't think Mr. Hogan's talked to me more than once or twice during all this time. (Inaudible) personal interview. Normally he'd talk to my supervisor or talk to somebody else. And normally the supervisor--you know, I'm gonna sue this--and I'm gonna do that and you're gonna get it from me and then make a comment to me like, what are you gonna sue this or do that-- and sometimes I wouldn't hear the whole story. But as far as him calling me and saying, I'm gonna do this and this and this--no I wasn't aware of it.

LLOYD WARFORD: Ok. I'm thinking of some things I need to ask you about obviously. That day when you interviewed Doug Hogan, did you make--Mr. Hogan has alleged that you were rude to him and his son--that you made statements to him concerning his son that weren't truthful. That--you know--basically, you said that his son was not telling the truth. That you were rude to him.

KEN MURPHY: No.

ATTACHMENT 2

LLOYD WARFORD: How do you recall the relationship with Mr. Hogan on that day?

KEN MURPHY: Mr. Hogan didn't like me because I you know—just because I didn't do exactly what he wanted and when he wanted it.

~~LLOYD WARFORD~~. Was he angry because you hadn't been out there before?

KEN MURPHY: I don't know. He was angry, yeah.

LLOYD WARFORD: Ok. And did y'all have words that day?

KEN MURPHY: No. But now my method of interviewing is—I'm very straightforward. I'm very direct. I don't believe in—you know, when I'm talking to another adult I don't believe in leading them. I don't believe in couching suggestions or something like that in my conversation. I ask direct questions. I'm very straightforward. I mean when I ask questions, I like to get an answer. If I don't get an answer I'll go back to it later on.

LLOYD WARFORD: Do you feel like he was evasive?

KEN MURPHY: No.

LLOYD WARFORD: Or I mean was it a confrontational (inaudible)?

KEN MURPHY: No. He was not a happy camper. I mean he wasn't happy. But as far as being—as far as me taking the information from him, I got the information from him.

LLOYD WARFORD: He was angry at the system but there wasn't any specific thing that day that y'all had

KEN MURPHY: No. Not that I can remember. No. Other than him saying you know that this should have been done. That something else should have been done. Or whatever.

LLOYD WARFORD: He was complaining because different things hadn't been done?

KEN MURPHY: Mm hmm.

LLOYD WARFORD: Do you have anything else that you think might be beneficial to you or helpful to you in my investigation?

LLOYD WARFORD: I'm sorry, but I forgot to ask you one of the most important things. Going through all these other things. Did anyone inside or outside of DCFS—did anyone ever—anyone—ever put pressure on you to dispose of this case in this particular manner?

ATTACHMENT 2

KEN MURPHY: No.

LLOYD WARFORD: Did you ever have any contact with Judge Walls or with attorneys or anyone that was pressuring you—that you felt was pressuring you?

KEN MURPHY: No. Uh. Judge Walls I had had contact with when he went to the—as a Chancery Court Judge but that was during cases that had nothing to do with personal—had nothing to do with this case—

LLOYD WARFORD: No one like that has ever communicated with you about this case?

KEN MURPHY: No.

LLOYD WARFORD: During the time that you were—that this was being investigated—did anyone from DHS central office or DHS or DCFS central office—kind of any of the downtown folks ever call you and question you about this case? Or anything of that nature?

KEN MURPHY: Not that I can recall. They may have called my supervisor but not that I can recall personally.

LLOYD WARFORD: Were they—did your supervisor make inquiries of you that indicated in any way that this was a special case or these are special people you are dealing with?

KEN MURPHY: No.

LLOYD WARFORD: Ok. Was there any discussion in the office about this being a judge's son or—

KEN MURPHY: It might have been mentioned but at that point in time I didn't know who the judge was. I didn't know Judge Walls. I'd only run into Judge Walls way later when he became a chancery judge.

LLOYD WARFORD: At that time he was a municipal judge?

KEN MURPHY: Right.

LLOYD WARFORD: All right. Did you have—to the—did you have any indication that the trooper was being pressured or contacted in any way? (Inaudible)

KEN MURPHY: No.

LLOYD WARFORD: To the best of your knowledge—whether it was the right answer or the wrong answer—did the results of this investigation come from an honest assessment of the facts rather than pressure or inappropriate contact from the outside?

ATTACHMENT 2

KEN MURPHY: As far as I'm concerned, yes.

LLOYD WARFORD: Ok. Well thank you.

KEN MURPHY: Mm hmm.

ATTACHMENT 2

140111

Cladis.

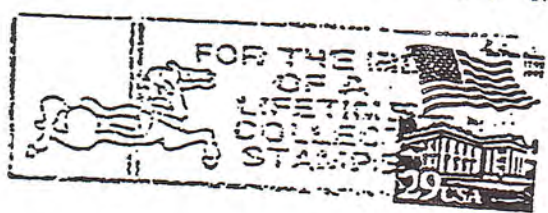
I want to apologize to all of you for the incident at camp Tuesday night. It showed a flaw in my character that must be corrected, and it must begin to do that immediately.

There is a great amount of trust placed in a man who works with young people as I did, and I violated it. I am ashamed of this as I have let everyone down from the Scouts through my own family. It is now up to me to change my life.

As of Tuesday I will have resigned all my positions with the Scouts and will exempt myself from future Scout activities. I will turn over the Philmont account to one of the other advisers as soon as I can find one to take it.

Sachwald

Jack Walls
108 Hamberg
Wonske A 72086



Cladis Hogan
P.O. Box 89
Carlisle A. 72024

276
R.R. 46
90-804-93

Ineligible Volunteer Record Sheet

REGISTRATION SERVICE BOY SCOUTS OF AMERICA

Date: January 14, 1993

Full name Jack Walls, III (BSA ID # 032906) Social Security no. _____

Address 108 Hamburg

City Lonoke State AR ZIP code 72086

Date of birth 10/29/46 (This is important: it should be exact.)

Approximate age _____ (To be used ONLY when date of birth is not known.)

Religion Protestant Nationality (citizen of) USA

Occupation Employed by Remington Arms

Education _____

Weight 175 Height 5'11" Race White Color of hair Brown Color of eyes _____

Distinguishing physical characteristics Slightly Balding

Hobbies or special interests Outdoor Sports

Married Single Name of spouse Pamela K. Walls

Children: Number 3 Names and ages Carey-17, Sarah 14, Molly 12 (all girls)

SCOUTING CONNECTIONS:

Unit no.	City	State	Position	Date registered	Date resigned
Post 160	Lonoke	AR	EA	Approx. 1973	

Chartered organization _____

Special recognitions Silver Beaver, OA Vigil, District Award of Merit

Incident: Type 1 Date 12/29/92 Resolution Suspended 1 & 5

RECEIVED
MAY 12 1993

DAVID K. PARK

Resolution

- ① Scouting related
- 2. Not Scouting related
- 3. Homosexual (not specifically involving youth)

- ① Internal (only BSA members know)
- 2. Criminal action
- 3. Court action
- 4. Probationary status
- ⑤ Reported to state agency

CONFIDENTIAL

JAN 21 1993

F STARON
205

Check-off list of attached documentation

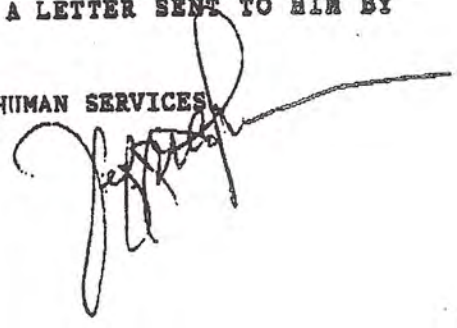
1001 004 4100 NOV 24 00 1993 1100

"AT ABOUT 1 AM, JACK WALLS, DOUG, CHRIS AND ONE OTHER SCOUT WERE LAYING NEXT TO THE CAMPFIRE TALKING. CHRIS ANNOUNCED THAT HE WAS GOING TO BED, GOT UP AND WENT TO SLEEP IN DOUG'S TRUCK. JACK THEN TOLD THE OTHER BOY TO GO TO BED. JACK LAID DOWN NEXT TO DOUG, UNBUCKLED HIS PANTS (DOUG'S) AND TOLD HIM HE WANTED TO HAVE SEX WITH HIM. DOUG GOT UP AND WENT TO HIS TRUCK AND LOCKED HIMSELF IN. JACK DEMANDED THAT ALL OF THE SCOUTS COME BACK TO THE CAMPFIRE AND NO ONE WAS ALLOWED TO LEAVE CAMP. THE BOYS COMPLIED BECAUSE THEY KNEW JACK HAD A GUN AND THEY THOUGHT HE MIGHT USE IT. BACK AT THE CAMPFIRE, JACK WANTED TO KNOW WHAT DOUG TOLD THE BOYS ABOUT WHAT HAPPENED. DOUG TOLD THE STORY AND JACK TOLD THE BOYS IT WAS JUST A JOKE AND FORGET ABOUT IT."

ON JANUARY 8, BAKER KURRUS SENT ME INFORMATION ABOUT ARKANSAS CHILD ABUSE REPORTING STATUTES AND RECOMMENDED I CONTACT THE DEPARTMENT OF HUMAN SERVICES.

ALSO ON JANUARY 8, CLEDIS HOGAN DELIVERED A COPY OF A LETTER SENT TO HIM BY JACK WALLS.

ON JANUARY 14, 1993, I CONTACTED THE DEPARTMENT OF HUMAN SERVICES

A handwritten signature in black ink, appearing to be "J. K. ...", written over the end of the text in the previous block.

BOY SCOUTS  OF AMERICA
QUAPAW AREA COUNCIL, INC. A program for Cub Scouts, Scouts, and Explorers

Jeffrie A. Herrmann
Scout Executive

January 19, 1993

Mr. Ken Murphy
Department of Human Services
P.O. Box 236
Lonoke, Arkansas 72086

PERSONAL AND CONFIDENTIAL

Mr. Murphy,

Please find enclosed copies of information concerning the Jack Walls incident, as per our phone conversation today, Tuesday, January 19, 1993.

Jeffrie A. Herrmann
Scout Executive

Enclosures

*Not in DHS Files sent
to me.*

Evidence Against Jack Walls in the 1992 Incident

Evidence discovered during the investigation that should have been considered in determining if there was "some credible evidence" of maltreatment, abuse or neglect.

Doug Hogan's basic alleged that Jack Walls asked him to engage in sexual activity.

_____ and _____ both indicted Jack Walls admitted asking Doug to engage in sexual activity. _____ said Jack indicated he was playing.

_____ ; indicated that, when Doug Hogan awakened him, Doug Hogan was breathing hard and was scared and that he did not initially want _____ to tell anyone.

No evidence of any improper motive was identified that would indicate the boys had reason to exaggerate or give a false statement against Jack Walls.

The day after the incident Jack Walls sent a letter in which he admitted there was an incident that showed a flaw in his character. He went on to say that "there is a great amount of trust placed in a man who works with young people as I did, and I violated it."

After the ASP investigation of false imprisonment was closed, a judge reviewed an affidavit from Doug Hogan and found that there was "probable cause" to believe that an assault had occurred and that there had been contributing to the delinquency of a minor.

Finally, at the trial, the judge found Jack Walls not guilty of the charges that were filed but said in effect that he believed there was something sexual that occurred that night and that other charges could have been filed.