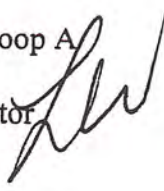


**DEPARTMENT OF HUMAN SERVICES
OFFICE OF CHIEF COUNSEL**

MEMORANDUM

TO: Sgt. Jim Rainbolt
Arkansas State Police, Troop A

FROM: Lloyd Warford, Investigator 

RE: Jack Walls

DATE: October 14, 1998

I am a special investigator with the Department of Human Services (DHS), Office of Chief Counsel (OCC). I am investigating allegations that the Division of Children and Family Services (DCFS) within DHS failed to investigate, in a proper and timely manner, allegations that Charles (Jack) Walls III abused Douglas Hogan in December, 1992.

Employees of DCFS are maintaining that you were working the case on a referral from DCFS and that they relied on your investigation and findings when they unfound the allegations of maltreatment made by Doug Hogan. I have reviewed your investigative file and found it does not mention maltreatment nor does it, at least on its face, seem to support their claims.

Records I have obtained indicate that you conducted a criminal investigation of this incident. According to your case file, you were trying to determine if Jack Walls committed the crime of False Imprisonment. I have taken the liberty of summarizing the evidence related to that charge.

- Doug Hogan indicated he awoke and told first Chris and then Mark. They decided to leave, but Jack stopped them and talked them into coming back to the campfire. Doug did not indicate that Jack used or threatened force to keep them from leaving.
- Chris Houchens indicated that Jack did not officially prevent them from leaving.
- Mark McConnell indicated Jack stopped them and talked them into returning to the campfire, but Jack did not physically prevent Doug or anyone else from leaving.
- Jack Walls indicated he did not force the boys to stay at the camp.

It seems abundantly clear that there was no evidence to support a charge of false imprisonment and that you and the prosecutor were correct in unounding that allegation.

What is not clear is how the State Police became involved in the case and exactly what your role was in this matter. I am not sure what, if any, training you have had in maltreatment investigations or if you know what it takes for an allegation to be founded and the perpetrator placed on the child abuse registry so let me explain. In order for an allegation to be founded as abuse or neglect, we only need to be able to show "some credible evidence". To put this in perspective, this is the lowest possible burden of proof. It is generally considered to be the same or slightly less than "probable cause". It is far below the "beyond a reasonable doubt" burden that you are used to dealing with in criminal court. Given this very low burden of truth under the maltreatment statutes and the statements and information in your file it is very hard to understand why we did not find that there was "some credible evidence" and place Mr. Walls on the child abuse registry.

Please understand that I am not trying to second-guess any judgements you may have made at the request of DCFS. What I need to know is whether these allegations were investigated from not only a standpoint of whether there was enough evidence to support a criminal prosecution but from the standpoint of whether there was any credible evidence of a violation as defined by the maltreatment statutes?

If DCFS was going to rely on your investigation as they claim to have, they should have asked you questions like was there any credible evidence that Jack Walls attempted to engage in sexual activity with Doug Hogan or any other juvenile? Was there any credible evidence that Jack Walls asked or solicited Doug Hogan to engage in sexual activity? Was there any credible evidence that Jack Walls asked Doug Hogan or any other juvenile under his care to consume alcohol?

In order for me to complete my investigation in this case, I need to interview you. I would of course want you to review your file prior to the interview. The following is a list of the questions I intend to ask.

1. Did Ken Murphy or anyone else from DCFS ask you any questions as to whether there was "any credible evidence" of maltreatment?
2. Did you ever investigate whether the juveniles in Jack Walls care were given alcohol?
3. Did you ever make a finding or tell anyone at DCFS that in your opinion there was "no credible evidence" that the boys were given alcohol.
4. Did you ever investigate whether Jack Walls asked Doug Hogan to engage in sexual activity?
5. Did you ever make a finding or tell anyone at DCFS that in your opinion there was "no credible evidence" that Jack Walls asked Doug Hogan to engage in sexual activity.
6. Did you ever investigate whether Jack Walls attempted to unbuckle Doug Hogan's belt in order to engage in sexual activity?
7. Did you ever make a finding or tell anyone at DCFS that in your opinion there was "no credible evidence" that Jack Walls attempted to unbuckle Doug Hogan's belt in order to engage in sexual activity.
8. Did the state police ever receive a referral on this case from DCFS, the Lonoke County Sheriff or anyone else other than the prosecutor?

9. To what extent, if any, did you communicate or cooperate with DCFS.
10. Did you interview any other adults or boys that were present that night or who was part of Jack Walls' Scout Troop?

I would appreciate your cooperation in resolving this matter. If you will give me a call, I can take a statement from you over the phone or I could come to your office at your convenience. In either case, please respond as quickly as possible. I can be reached at 683-6737 or at 682-1358.