



Dignity. Respect. Advocacy.

June 24, 2024

Chief Hubanks:

On May 25th, 2024, Disability Rights Arkansas (DRA) received body worn camera (BWC) footage from the Fordyce Police Department of an incident in which Sgt. #1 struck a child in the face a total of three times while the child was handcuffed in the back of a police vehicle. Sgt. #1 then went on to antagonize, taunt, and threaten the child with further physical violence.

On December 18th, 2023, Sgt. #1, Officer #1, and Officer #2 from the Fordyce PD were dispatched to Millcreek Behavioral Health, a psychiatric residential treatment facility for youth aged 6-17 years with psychiatric and developmental disabilities, to aid in the search for an eloped resident. The 15-year-old resident was found near a field on Millcreek property and placed on the ground in the prone position by Millcreek staff and officers. Officer #1 claims that the child attempted to grab his taser from his holster around this time. However, his BWC had fallen to the ground and there was no footage of this moment. A Millcreek staff member handed Officer #1 his BWC back and he put it back on.

The child was handcuffed behind his back and escorted by Officer #1 and Sgt. #1 to the police car. While walking him to the vehicle, Officer #1 provided confusing commands saying, "keep going or I'm gonna tase you, dude" and then, "do not fucking move," immediately after.

Once they reached the police vehicle and the child entered, BWC footage shows **Sgt. #1 yelling, "Get the fuck in!" and "Shut the fuck up!" before striking the child in the face twice as he is seated, handcuffed in the back seat.** Sgt. #1 then attempted to buckle the child's seatbelt and can be heard saying, "**Shut the fuck up before I hit you again,**" before the child replies, "Do it!" **Sgt. #1 then strikes the child in the face a third time.** Officer #1 places his hand on Sgt. #1's back saying, "Hey, Sarg," seemingly in an attempt to pull the sergeant off the child. Officer #1 says, "Hey, look at me. Calm down! Calm down!" At the same time, Sgt. #1 screams to the child, "Shut the fuck up!" The child yells back at Sgt. #1, but the video does not show him spitting, attempting to headbutt, or kicking while Sgt. #1 is attempting to buckle his seatbelt, all allegations later made by Sgt. #1 and Officer #1. His hands remained handcuffed

behind his back, and he remained seated in the vehicle. Officer #1 then placed his taser against the child's arm until Sgt. #1 closed the door to the vehicle.

The child was then transported to the Dallas County Detention Center, which does not house juveniles. The three officers responding to the call were made aware of this by the jailers, who informed them that they could not take the child into their custody. While at the Detention Center, Sgt. #1 placed leg shackles on the child. Prior to opening the door to do this, one of the jailers voiced concerns about the officers threatening to tase the child, advising, "You can't tase him in handcuffs." To which Sgt. #1 responded, "If he starts bucking them off, **I'm gonna slap the fuck out of him.**" After opening the door to the vehicle, **Sgt. #1 stated to the child, "I'm gonna hit you again."** Sgt. #1 then volunteered to ride with Officer #1 to transport the child back to Millcreek. Throughout the ride to the facility, **Sgt. #1 can be heard antagonizing the child and making fun of the way he speaks.** This is when the child "threatens" the officers, stating that his dad will "come down here and kill your bitch ass," and "I'm gonna shoot you motherfuckers."

DRA's review of this incident has left us with several serious concerns related to the actions of Fordyce PD officers, primarily Sgt. #1, and Fordyce PD's subsequent action or inaction.

1. Sanctions and corrective action taken by Fordyce PD are not proportionate to the actions of the officers.

- a. In response to the incident, Sgt. #1 was placed on a three-day suspension and required to undergo internal "Use of Force" training with a Fordyce PD Lieutenant.
- b. Sgt. #1 kept his rank as Sergeant, despite appearing to have been promoted a mere two days before this incident.
- c. During our phone conversation, when asked why Sgt. #1 was not demoted following the internal investigation into the incident, it was stated that you all "have to take a lot of things into consideration."
 - i. In contrast to Sgt. #1, the child faced serious consequences. The Fordyce PD currently have two warrants out on him for felony charges stemming from his interactions with the officers, Battery – 2nd Degree and Terroristic Threatening.
- d. Officers #1 and #2 were untruthful in their statements detailing the incident (as detailed below), a fact we agreed on during the phone conversation between DRA and Fordyce Police Chief, Chief Hubanks.
 - i. We were informed the two officers received written warnings that will remain in their files. These officers were not suspended.

2. The police report documenting the incident contained false statements by Sgt. #1, Officer #1, and Officer #2.

- a. Sgt. #1 stated he attempted to do a “brachial plexus stun with an open hand to gain control” but “caught [the child] in the left side of his face due to [the child] thrashing around” while he was trying to buckle his seat belt. He then stated that he tried to do the brachial plexus nerve stun two more times and missed.
 - i. The footage clearly shows Sgt. #1 striking the child’s face, with no clear attempts to perform a brachial plexus nerve stun.
 - ii. Sgt. #1 appeared to make multiple admissions that he hit the child including telling him, “Shut the fuck up before I hit you again,” and, “I’m gonna hit you again.”
 - iii. The child is not seen “thrashing around” as described.
- b. Sgt. #1’s statement is that “Ofc. #1 called over the radio that the juvenile was trying to take control of Ofc. #1 taser.”
 - i. Officer #2’s statement is that “[m]illcreek staff notified [them] that [the juvenile] attempted to take Officer #1 Taser out of its holster.”
 - ii. Officer #1 does not indicate in his statement that he called this out over the radio.
- c. Officers #1 and #2 witnessed the event but lied and/or omitted information in an apparent attempt to protect either themselves from Sgt. #1 or Sgt. #1 from accountability.
 - i. Officer #1’s narrative makes no mention of Sgt. #1 striking the child at all.
 - ii. Officer #2’s narrative claims that Sgt. #1 attempted to perform the brachial plexus stun on the child, which is untrue.

3. Fordyce PD officers provided false statements to investigator investigating allegations of child abuse (called in by Millcreek Behavioral Health) and failed to fully cooperate with investigation.

- a. Sgt. #1 told the child abuse investigator that after he “attempted to grab [the juvenile] at his brachial plexus” and missed and hit him in the face he “stepped back and asked for assistance.”
- b. Officer #1 stated he did not see Sgt. #1 hit the child. He did not mention an attempted brachial plexus or that he witnessed Sgt. #1 making any contact with the child’s face.
- c. Officer #1 stated that “once they got him into the car, that [the juvenile] was throwing his head around like he was trying to “head but[t] them.” The BWC footage does not support this.

- d. Officer #1 refused to provide a copy of the police report related to this incident to the investigator, citing an “open investigation” as the reason for the refusal.

4. The department was not able to articulate or provide a policy for the use of body worn cameras, including when they should be activated.

- a. When asked what the policy for BWC was, Chief Hubanks stated, “It’s supposed to be activated every call...” He then went on to state, “We do tend to sometimes forget about getting them turned on. Some of them turn them on a little bit later. As far as our policy for Fordyce Police Department...we have our cameras and we’re supposed to be using them. We do understand that there are times that they may get turned on a little bit late.”
- b. Three officers responded to and were present for a significant period of time during this call.
 - i. We received BWC footage for Sgt. #1 that begins after the child is transported to the detention center, after he struck the child multiple times.
 - ii. We received BWC footage from what is believed to be Officer #1’s camera. It begins with Officer #1 arriving at the scene, where the child is on the ground outside of the facility. The BWC was briefly placed or fell on the ground while he assisted in placing the child in handcuffs, preventing us from seeing the moment the child allegedly tried to grab the officer’s taser.
 - iii. No BWC was received or reportedly captured by the third officer.

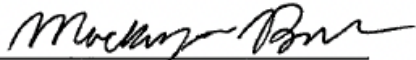
5. No one from Fordyce PD reported the child abuse allegations to the Child Abuse Hotline, despite being mandated reporters.

6. The department failed to comply with the Freedom of Information Act (FOIA).

- a. DRA was notified of this incident by Millcreek Behavioral Health in January of 2024 and began correspondence with the Fordyce Police Department on January 29th, 2024, to obtain the police report and BWC footage of the incident through FOIA. Since that time, DRA contacted Fordyce PD an additional 10 times regarding the request.
- b. Sgt. #1 himself acted as a point of contact at one point, despite the obvious conflict of interest. On March 19th, Sgt. #1 emailed a copy of a police report requested by DRA concerning another incident but failed to provide the report for this incident.

- c. On April 9th, Lt. #1, who had been one of our previous points of contact, stated that he had retired and provided us with Sgt. #1's email address. On April 12th, Sgt. #1 stated that they were awaiting the software to redact the child's face and would let us know when it was ready but gave no estimated timeline.
- d. Finally, we received the BWC footage six days after requesting the video under our Federal Access Authority, in which the child's face did not need to be blurred. The FOIA request was never fulfilled.

In light of the information obtained by DRA, we are disappointed that this incident was not treated with the gravity which it deserves. Law enforcement should always uphold the highest standards of conduct and sufficiently reprimand the officers that do not. Sgt. #1's temperament and actions throughout the encounter do not align with that of an officer who has taken the oath to protect "the weak against oppression or intimidation." Sgt. #1 demonstrated physical violence against a child on the grounds of a mental health facility while the child was restrained in handcuffs. He threatened, yelled, and cursed at a child possibly experiencing a mental health crisis. Even if it were possible to accidentally hit a child in the face three times, he should and could have removed himself from the situation after that. Instead, he reinitiated contact with the child to place the leg shackles and then voluntarily placed himself in the vehicle with the child and another officer, where he antagonized and made fun of the child while transporting him back to the mental health facility.



Mackenzie Bell, Abuse and Neglect Project Assistant



Reagan Stanford, Abuse and Neglect Managing Attorney