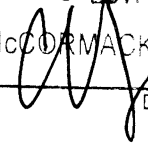


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS

MAY - 5 2017

JAMES W. MCCORMACK, CLERK  
By:  DEP CLERK

UNITED STATES OF AMERICA )  
 )  
v. )  
 )  
WILL RAY, )  
THOMAS J. FARRIS, and )  
JASON BENTON )  
Defendants. )

No. 4:17CR *00109 BRW*  
18 U.S.C. §§ 2, 241, 242, and 1519

**INDICTMENT**

THE GRAND JURY CHARGES:

**Introduction**

At all times relevant to this Indictment:

1. The White River Juvenile Detention Center (“White River”), also known as the Independence County Juvenile Detention Center, was a facility operated by Independence County and located in Batesville, Arkansas.
2. White River held juvenile inmates from across Arkansas, and was responsible for the care, custody, control, and safety of the juveniles detained there.
3. White River held juveniles between five and twenty-one years old who fit into one of two major categories:
  - a. Juveniles who have been alleged to be or have been adjudicated delinquent.
  - b. Juveniles who have engaged in behaviors such as habitually skipping school, running away from home, or failing to obey a parent or guardian.
4. Juveniles and families in this second category are referred to as “families in need of services” or “FINS.” FINS juveniles are not detained because they have been accused or convicted of any crime. Delinquent juveniles are juveniles who are ten years old or older

who have committed an act that, if it had been committed by an adult, would have been considered a crime.

5. Peggy Kendrick was employed as the Captain at White River. As the Captain, she was the first-in-command at White River.
6. Dennis Fuller was employed at White River as a Lieutenant, the rank directly below Captain.
7. Defendants WILL RAY, THOMAS FARRIS, and JASON BENTON were correctional officers employed at White River.
8. Correctional officers A and B, persons known to the grand jury, were correctional officers employed at White River.
9. G.D. was a fourteen-year old boy who had been adjudicated delinquent and was being held at White River.
10. J.H. was a seventeen-year-old boy who had been adjudicated delinquent and was being held at White River.
11. M.E. was a sixteen-year-old boy who had been adjudicated delinquent and was being held at White River.
12. G.B. was a fifteen-year-old boy who had been adjudicated delinquent and was being held at White River.

**Count One**

On numerous occasions on or between June 2012 and July 2014, in the Eastern District of Arkansas, the defendants,

**WILL RAY,  
THOMAS J. FARRIS, and  
JASON BENTON,**

along with others known and unknown to the grand jury, while acting under color of law, willfully combined, conspired, and agreed with each other, to injure, oppress, threaten, and intimidate juveniles held at White River, including G.D., J.H., M.E, and G.B. in the free exercise and enjoyment of rights and privileges secured to them by the Constitution of the United States, namely the right to be free from cruel and unusual punishment and the right not to be deprived of liberty without due process of law.

**Manner, Means, and Object of the Conspiracy**

1. The objects of the conspiracy were to violate the rights of juvenile inmates at White River (1) to be free from cruel and unusual punishment by one acting under color of law and (2) not to be deprived of liberty without due process of law.
2. It was part of the manner and means of the conspiracy to unjustifiably assault, injure, and physically punish juvenile inmates at White River who were compliant, not physically resisting, and posing no threat, including by spraying them with oleoresin capsicum ("O.C.") or pepper spray, and using excessive physical force and Tasers.
3. It was further part of the manner and means of the conspiracy to shut compliant and unresisting juvenile inmates in their cells after spraying them with O.C. or pepper spray in order to "let them cook," or to continue suffering the effects of the pepper spray in order to punish them, rather than immediately decontaminating them.

4. It was further part of the manner and means of the conspiracy that Captain Kendrick required and encouraged White River correctional officers to “make their reports look good,” by writing incident reports that falsely justified uses of force and contained misleading or inaccurate accounts describing the use of force, what led to the use of force, and the immediate aftermath.
5. It was further part of the manner and means of the conspiracy that Kendrick rewarded correctional officers for punishing juveniles including by giving officers desirable assignments, failing to discipline them for using unjustifiable force against juveniles, and re-hiring them back to work at White River after they left.
6. It was further part of the manner and means of the conspiracy that Captain Kendrick and Lt. Fuller perpetuated an environment at White River that allowed the defendants to unlawfully assault juvenile inmates without consequence.
7. It was further part of the manner and means of the conspiracy that, at Captain Kendrick’s direction, and by her permission, the defendants and other officers, known and unknown to the grand jury, subjected juvenile inmates to punishment by: (1) placing them on lockdown in their cells, known as “special management,” for minor infractions that did not warrant it; (2) taunting them and threatening them; (3) placing them in a cell known as Max 1, that became extremely cold in the winter and hot in the summer; and (4) placing them in the emergency restraint chair for lengthy periods and without justification.
8. It was further part of the manner and means of the conspiracy that Captain Kendrick accepted juvenile inmates from other Arkansas facilities for a “timeout,” or to punish those inmates that other juvenile facilities considered to be problems. The actions the defendants and other officers, known and unknown to the grand jury, took to punish the juveniles in

their care established White River's reputation as a tough facility and carried out the promised "timeouts."

**Overt Acts**

In furtherance of the conspiracy, and to accomplish its objectives, defendants WILL RAY, THOMAS J. FARRIS, JASON BENTON, and others known and unknown to the grand jury, committed the following overt acts, among others, at White River:

- (a) On or about November 6, 2013, Lt. Fuller and defendant WILL RAY assaulted G.D. with pepper spray. When Lt. Fuller, correctional officer A, and defendants WILL RAY and THOMAS FARRIS entered G.D.'s cell, G.D. was lying down asleep on his bunk. When G.D. sat up, facing away from the officers, defendant WILL RAY grabbed G.D. and turned him to face Lt. Fuller. Lt. Fuller then sprayed G.D. in the face with pepper spray while defendant WILL RAY continued to hold G.D. Lt. Fuller assaulted G.D. again by spraying G.D. a second time once G.D. fell to the floor. At the time of the assault, G.D. was not posing a physical threat to anyone or physically resisting in anyway.
- (b) On or about November 21, 2013, defendants WILL RAY and THOMAS J. FARRIS, acting with Captain Kendrick's knowledge and permission, physically assaulted J.H. by pepper spraying him in the face while J.H. was not posing a physical threat to anyone or physically resisting in any way.
- (c) On or about November 21, 2013, Captain Kendrick and defendants WILL RAY and THOMAS J. FARRIS left J.H. "to cook" in his cell after they had pepper sprayed him in order to punish him.
- (d) On or about June 6, 2012, defendant JASON BENTON physically assaulted M.E. by pulling M.E. up from his seated position on bunk, and grabbing, shoving, choking,

slamming, and otherwise assaulting him. At the time of the assault, M.E. was not posing a physical threat to anyone or physically resisting in anyway.

- (e) On or about June 6, 2012, defendant JASON BENTON falsified an incident report documenting his use of force against M.E. by falsely claiming that M.E. had swung at him, and omitting any description of defendant JASON BENTON's grabbing, shoving, choking, slamming, and otherwise assaulting M.E.
- (f) After other employees filed grievances about defendant JASON BENTON's actions toward M.E., Captain Kendrick permitted defendant JASON BENTON to resign and then rehired him a little more than one month later.
- (g) On or about May 19, 2013, defendant JASON BENTON physically assaulted G.B. by pepper spraying him in the face while G.B. was not posing a physical threat to anyone or physically resisting in any way.
- (h) On or about May 19, 2013, defendant JASON BENTON falsified an incident report documenting his use of force against G.B. by falsely claiming that G.B. dropped his mattress and attempted to lunge at defendant JASON BENTON with hands clenched.

All in violation of Title 18, United States Code, Section 241.

**Count Two**

On or about November 6, 2013, in the Eastern District of Arkansas, the defendant,

**WILL RAY,**

aiding and abetting others known and unknown to the grand jury, while acting under color of law, assaulted G.D., a juvenile inmate at White River, thereby willfully depriving G.D. of the right, secured and protected by the Constitution and the laws of the United States, to be free from cruel and unusual punishment by one acting under color of law, by holding G.D. while Lt. Fuller sprayed G.D. in the face with pepper spray. This assault resulted in bodily injury to G.D.

All in violation of Title 18, United States Code, Sections 242 and 2.

**Count Three**

On or about November 21, 2013, in the Eastern District of Arkansas, the defendant,

**THOMAS FARRIS,**

aiding and abetting others known and unknown to the grand jury, while acting under color of law, assaulted J.H., a juvenile inmate at White River, thereby willfully depriving J.H. of the right, secured and protected by the Constitution and the laws of the United States, to be free from cruel and unusual punishment by one acting under color of law, by spraying J.H. in the face with pepper spray. This assault resulted in bodily injury to J.H.

All in violation of Title 18, United States Code, Sections 242 and 2.

**Count Four**

On or about June 6, 2012, in the Eastern District of Arkansas, the defendant,

**JASON BENTON,**

while acting under color of law, assaulted M.E., a juvenile inmate at White River, thereby willfully depriving M.E. of the right, secured and protected by the Constitution and the laws of the United States, to be free from cruel and unusual punishment by one acting under color of law, by grabbing, shoving, choking, slamming, and otherwise assaulting M.E. This assault resulted in bodily injury to M.E.

All in violation of Title 18, United States Code, Section 242.

**Count Five**

On or about June 6, 2012, in the Eastern District of Arkansas, the defendant,

**JASON BENTON,**

acting in relation to and in contemplation of a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States, did knowingly alter, conceal, cover up, falsify,

and make false entries in a record and document with the intent to impede, obstruct, and influence the investigation and proper administration of that matter. Specifically, defendant JASON BENTON wrote and submitted a false and misleading incident report in which he stated that “[a]s I reach[ed] to escort him, Inmate [M.E.] began to swing at me. Officer [B] and I then placed said inmate in the floor of the cell, placed hand restraints on him, and escorted him to the ERC.” Defendant BENTON’s report was false because in truth and in fact, as defendant BENTON knew at the time, M.E. did not begin to swing at defendant BENTON, was not acting aggressively, and did not pose a physical threat. Defendant BENTON’s report was also false because in truth and in fact, as defendant BENTON knew at the time, defendant BENTON grabbed M.E. by the neck, shoved M.E., choked M.E., slammed M.E. to the ground, and otherwise assaulted M.E., and defendant BENTON omitted any mention of these acts from his incident report.

All in violation of Title 18, United States Code, Section 1519.

**Count Six**

On or about May 19, 2013, in the Eastern District of Arkansas, the defendant,

**JASON BENTON,**

while acting under color of law, assaulted G.B., a juvenile inmate at White River, thereby willfully depriving G.B. of the right, secured and protected by the Constitution and the laws of the United States, to be free from cruel and unusual punishment by one acting under color of law, by spraying G.B. in the face with pepper spray. This assault resulted in bodily injury to G.B.



All in violation of Title 18, United States Code, Section 242.

**Count Seven**

On or about May 20, 2013, in the Eastern District of Arkansas, the defendant,

**JASON BENTON,**

acting in relation to and in contemplation of a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States, did knowingly alter, conceal, cover up, falsify, and make false entries in a record and document with the intent to impede, obstruct, and influence the investigation and proper administration of that matter. Specifically, defendant JASON BENTON wrote and submitted a false and misleading incident report in which he stated that G.B. “dropped his mat, turned towards me, and attempted to lunge at me, with his hands clenched.” Defendant BENTON’s report was false because in truth and in fact, as defendant BENTON knew at the time, G.B. did not attempt to lunge at defendant BENTON with his hands clenched, was not acting aggressively, and did not pose a physical threat.

All in violation of Title 18, United States Code, Section 1519.

[SIGNATURES CONTINUED ON NEXT PAGE]