

Arkansas
State Claims Commission

NOV 06 2024

RECEIVED

RICHARD DAVIS, [REDACTED]
[REDACTED]

STATE CLAIMS COMMISSION
ATTN: DIRECTOR
101 E. CAPITOL AVE., SUITE 410
LITTLE ROCK, ARKANSAS 72201-3823

RE: CLAIM FORM AND COMPLAINT

DEAR DIRECTOR:

PLEASE FIND ENCLOSED THE ORIGINAL AND
FOUR COPIES OF DAVIS' CLAIM FORM AND
COMPLAINT. DAVIS REQUESTS A FILE MARKED
COPY. THANKS.

I REMAIN,
Richard Davis

DEC. 30, 2024

10/10/2010 10:10:10

NOVA 8 U VON

RECEIVED

ARKANSAS CLAIMS COMMISSION

(501)682-1619
(501)682-2823 FAX



Questions? Send an email to
ascc.new.claims@arkansas.gov

101 EAST CAPITOL AVENUE, SUITE 410
LITTLE ROCK, ARKANSAS 72201-3823

Arkansas
State Claims Commission

CLAIM FORM

NOV 06 2024

RECEIVED

1. Claimant Information.

Mr. Davis Richard [REDACTED]
 (title) (last name) (first name) (ADC Number)
 [REDACTED]
 (address)
 [REDACTED]
 (city) (state) (zip)

2. Claimant's Legal Counsel.

An individual claimant may act as his or her own attorney (which is known as proceeding *pro se*). If a claimant is proceeding *pro se*, this section may be left blank.

(title) (last name) (first name) (email)
 (address) (AR bar number)
 (city) (state) (zip) (primary phone)

3. State Agency Involved.

The Commission can only receive claims against agencies of the State of Arkansas. Please review the Commission's jurisdictional statutes, including Ark. Code Ann. § 19-10-204 and Ark. Code Ann. § 21-5-701, for more information. This information is required for any claim filed at the Commission.

ARKANSAS DIVISION OF CORRECTIONS

4. Date of Incident JUNE 7, 2024

5. Location of Incident [REDACTED]

6. **Explanation of Incident.** Please provide an explanation of your claim, including why you believe the above-listed state agency is liable for your damages under Arkansas law. You may attach additional pages to this form. Please note that a claimant who is an inmate of the Division of Correction or the Division of Community Correction at the time the claim is filed is subject to the page limitations set forth on page 4 of this form (see Ark. Code Ann. § 19-10-208(f)).

ON JUNE 7, 2024, CLAIMANT DAVIS # [REDACTED]
 INCARCERATED AT THE [REDACTED]
 UNIT, WAS WRITTEN A MAJOR DISCIPLINARY
 REPORT DRAFTED BY CORPORAL TAMIA S. ROBINSON
 CHARGING DAVIS WITH RULE VIOLATIONS 04-4
 AND 05-3, RULE 04-4 STATES: "BATTERY ON
 STAFF. USE OF PHYSICAL FORCE UPON STAFF," RULE
 05-3 STATES: "ASSAULT. ANY WILLFUL ATTEMPT
 OR THREAT(S) TO INFLECT INJURY UPON ANOTHER,
 DIRECTLY OR INDIRECTLY, VERBALLY OR IN
 WRITING." THE RELEVANT PART OF THE REPORT
 DESCRIBED THE INCIDENT GIVING RISE TO
 THESE CHARGES AS FOLLOWS: CONTINUE.

7. Amount of Damages, if known: \$ 6,000.00

IMPORTANT!

A claim filed at the Commission is a lawsuit against a state agency. The Commission is the courthouse for these lawsuits. Please note that Commission staff can answer general questions about the claim process but cannot give legal advice. The Commission follows the Arkansas Rules of Civil Procedure and has its own rules of practice and procedure. Both sets of rules may be found in your law library.

"WHAT'S WRONG WITH YOU DAVIS," AS I TOUCH HIS SHOULDER WITH THE KEYS IN MY RIGHT HAND, I CPL. ROBINSON THEN STATED DAVIS ARE YOU ALRIGHT, INMATE DAVIS TURNED AROUND POINTED HIS FINGER IN MY FACE AND STATED COME ON NOW ROBINSON I DON'T PLAY LIKE THAT. AT THIS TIME INMATE R. DAVIS # [REDACTED] HIT ME IN THE FACE WITH HIS LEFT HAND OPEN," SEE: EXHIBIT A.

ON JUNE 18, 2024, CLAIMANT DAVIS APPEARED BEFORE THE MAJOR DISCIPLINARY COURT HELD BY RESPONDENT JANICE BLAKE. DAVIS ENTERED A PLEA OF NOT GUILTY TO RULE 04-4 BATTERY ON STAFF AND RULE 05-3 ASSAULT. AFTER BRIEF QUESTIONS, THE RESPONDENT BLAKE FOUND DAVIS GUILTY OF BOTH RULE VIOLATIONS, AND SENTENCED DAVIS TO GOOD TIME REDUCED FROM CLASS 1C TO CLASS 1V, 60 DAYS RESTRICTION OF COMMISSARY, PHONE, AND VISITATION. ADDITIONALLY, DAVIS WAS SENTENCED TO 19 DAYS PUNITIVE ISOLATION. SEE: EXHIBIT B.

SHORTLY THEREAFTER, A COPY OF THE DISCIPLINARY HEARING ACTION FORM WAS PROVIDED TO CLAIMANT DAVIS.

FACTUAL ALLEGATIONS

UNDER "FACTUAL BASIS OF DECISION:" THE RESPONDENT BLAKE GAVE A SHORT STATEMENT THAT, "INMATE HIT ANOTHER INMATE." THIS WRITTEN STATEMENT WAS NOT SUPPORTED BY THE F-1 STATEMENT FROM CHARGING OFFICER. CLAIMANT DAVIS ARGUES THAT THE RESPONDENT BLAKE STATEMENT IS WOEFULLY INADEQUATE; AND THE EVIDENCE SUPPORTS THE CHARGE OF BATTERY ON STAFF AND ASSAULT.

UNDER "EVIDENCE RELIED UPON:" THE RESPONDENT BLAKE LISTED THE, "F-1 STATEMENT FROM CHARGING OFFICER, DDS FROM STAFF SUPPORTING F-1 REPORT, WITNESS STATEMENTS, AND PHOTOS. CLAIMANT DAVIS ARGUES THAT NONE OF THESE INDIVIDUAL PIECES OF EVIDENCE STATES THAT DAVIS HIT ANOTHER INMATE. THE EVIDENCE SUPPORTS THE FACT THAT DAVIS HIT A STAFF.

UNDER "REASONS WHY INFORMATION PURPORTING TO EXONERATE INMATE WAS DISCOUNTED:" THE RESPONDENT BLAKE STATED, "STAFF REPORT IS ACCEPTED."

UNDER "REASONS FOR ASSESSMENT OF PUNISHMENT":
 THE RESPONDENT BLAKE STATED, "INMATE MUST
 LEARN NOT TO HIT ANOTHER INMATE." CLAIMANT
 DAVIS ARGUES THAT THE DISCIPLINARY HEARING
 ACTION FORM NEVER INDICATES THAT DAVIS
 HIT STAFF.

PURSUANT TO AR 831 AND AD 2024-04, THE
 POLICY STATES THAT, "THE DHU MUST SIGN
 AND DATE THE DISCIPLINARY FORM." CLAIMANT
 DAVIS ARGUES THAT THE DISCIPLINARY FORM
 WAS SIGNED BY HEARING OFFICER JANILE
 BLAKE. THE DATE WAS LEFT BLANK.

ON JUNE 26, 2024, CLAIMANT DAVIS WAS
 ASSIGNED TO RESTRICTIVE HOUSING (RH) BY
 THE CLASSIFICATION COMMITTEE. DAVIS MUST
 REMAIN DISCIPLINARY FREE FOR A MINIMUM
 OF 12 MONTHS. THE RH RELEASE PLAN
 INCLUDED A HANDWRITTEN NOTATION THAT
 STATED: "BATTERY ON STAFF."

RESTRICTIVE HOUSING (RH). A PLACEMENT
 THAT REQUIRES AN INMATE TO BE CONFINED
 TO A CELL AT LEAST TWENTY-TWO (22) HOURS
 PER DAY.

MAJOR DISCIPLINARY APPEAL

PURSUANT TO THE ARKANSAS DIVISION OF CORRECTIONS - INMATE DISCIPLINARY MANUAL POLICY AND PROCEDURE, THE CLAIMANT DAVIS FILED A MAJOR DISCIPLINARY APPEAL FORM (F-831-4), TO RESPONDENT MOSES JACKSON, POINTING OUT THE ERRORS IN THE HEARING OFFICERS WRITTEN DISPOSITION THAT STATED, "INMATE HIT ANOTHER INMATE, AND INMATE MUST LEARN NOT TO HIT ANOTHER INMATE." ON JUNE 26, 2024, RESPONDENT JACKSON AFFIRMED THE WARDEN'S DECISION. AN APPEAL WAS FILED TO RESPONDENT THOMAS ROWLAND WHO AFFIRMED THE DISCIPLINARY HEARING ADMINISTRATORS' DECISION. ON SEPTEMBER 9, 2024, DEXTER PAYNE UPHOLD THE GUILTY VERDICT OF RULE 04-4 BATTERY ON STAFF, AND MODIFIED THE RULE 05-3 ASSAULT TO READ NOT GUILTY.

THIS ENDS THE APPEAL PROCESS.

END OF STATEMENT

STOP HERE!

This signature page must be completed in the presence of a Notary Public. Do not sign until you are directed to do so by the Notary Public. If there is more than one claimant involved in this claim, each claimant must complete a separate signature page.

If you are an ARKANSAS-LICENSED ATTORNEY submitting a claim on behalf of your client, there is a different signature page that must be used. Please call (501)682-1619 and ask for an attorney signature page.

Signature Page for Claim Filed by an Individual Claimant

The undersigned certifies that to the best of my knowledge, information, and belief, this claim is not being presented for any improper purpose; this claim is warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law or for establishing new law; and the factual contentions have evidentiary support of, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.

Richard Davis

Claimant Signature

ACKNOWLEDGEMENT

State of ARKANSAS

County of LEE

On this the 17 day of Oct, 2024, before me, the undersigned notary, personally appeared RICHARD DAVIS known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument and acknowledged that he/she executed the same for the purposes therein contained.

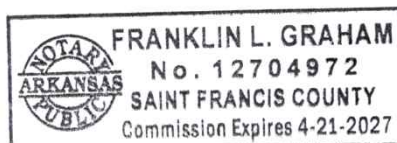
In witness whereof I hereunto set my hand and official seal.

Franklin L. Graham

Signature of Notary Public

[seal of office]

My Commission Expires: 4-21-2027



Ark. Code Ann. § 19-10-208(f)

- (1) A claimant who is an inmate in the Division of Correction or the Division of Community Correction at the time the claim or action is filed is limited to no more than:
 - (A) Five (5) pages of written factual allegations and legal argument in his or her complaint; and
 - (B) Five (5) additional pages of exhibits to accompany his or her complaint.
- (2)
 - (A) An inmate filing a claim or action may file a motion to allow him or her to file additional pages of factual allegations, argument, or exhibits in excess of the limitations under subdivision (f)(1) of this section.
 - (B) A motion filed under this subdivision (f)(2) may be granted only if the commissioners of the Arkansas State Claims Commission find that the inmate needs the additional pages to fully explain his or her claim or action or if the claim or action is sufficiently complex to warrant additional pages.
- (3)
 - (A) If an inmate files a claim or action that exceeds the page limitations under this subsection, the commission shall:
 - (i) Assign the inmate's claim a docket number; and
 - (ii) Consider the inmate's claim filed, but mail the inmate's complaint and any attached exhibits back to him or her and give the inmate forty-five (45) days to:
 - (a) Resubmit his or her complaint and any attached exhibits in compliance with this subsection; or
 - (b) File a motion requesting permission to file a complaint and accompanying exhibits that exceed the page limitations under this subsection.
 - (B) The forty-five-day time period under this subsection is excludable time in calculating the statute of limitations for the inmate's claim or action.
 - (C) The commission may dismiss an inmate's complaint without prejudice if the inmate fails to:
 - (i) Resubmit a complaint and attached exhibits that meet the page limitation requirements of this subsection; or
 - (ii) File a motion requesting permission to file a complaint and attached exhibits that exceed the page limitation requirements of this subsection.
 - (D)
 - (i) If the commission grants a motion for a complaint and accompanying exhibits that exceed the page limitation requirements of this subsection, the commission shall set out in the order granting the motion the revised timeline for the inmate to file his or her complaint and accompanying exhibits.
 - (ii) The commission may set a revised limit on the number of pages an inmate's complaint and accompanying exhibits may be.

Acts of 1949, Act 462, § 3; Acts of 1983, Act 470, § 3; Acts of 2019, Act 785, § 2, eff. July 24, 2019.

ISSR100

Arkansas Department of Corrections

MAJOR DISCIPLINARY

If the C.S.O. determines that the violation(s) described on this document are felonious; he/she must hand carry this document to the Unit Warden who must immediately notify the Director.

Inmate: Davis, Richard

ADC#: [REDACTED]

Assignment: AM:Restrictive Housing
PM:Administrative Review

Class: I-C is being charged by Robinson, Tamia S
with code violation(s):

Title: Corporal

04-4 Battery on Staff. Use of physical force upon staff (examples include, but are not limited to, staff, volunteers, vendors and/or contractors).
05-3 Assault. Any willful attempt or threat(s) to inflict injury upon another, directly or indirectly, verbally or in writing.

Date & Time: 06/07/2024 11:01 AM

Notice of Charges:

Incident Report Unit: [REDACTED]

Incident Report Date/Time: 06/07/2024/11:01:34 AM

Incident Report Number: 2024-06-053

Incident Report Comments By: Tamia S Robinson

On June 7, 2024, I, Cpl. T. Robinson was assigned to 13-20 Barracks at approximately 11:01am. I Cpl. T. Robinson was letting inmates in the barracks which was returning from 15 Barracks chow call. As Inmate R. Davis [REDACTED] (verified by eOMIS) returned from chow. I Cpl. T. Robinson was talking with other inmates. Inmate Davis stated while walking down the hallway, "Come on Rob. Come on Robinson let me in." as he waited on the wall. I then opened the door and while inmate Davis was walking in the barracks I replied, "What's wrong with you Davis," as I touch his shoulder with the keys in my right hand, I Cpl. Robinson then stated Davis are you alright, Inmate Davis turned around pointed his finger in my face and stated come on now Robinson I don't play like that. At this time Inmate R. Davis [REDACTED] hit me in the face with his left hand open. I Cpl. Robinson walked down the hallway and notified the area supervisor. upon the arrival of Captain Padilla, Inmate R. Davis was then giving a direct order to be placed in restraints to which he complied. Inmate R. Davis [REDACTED] now has actions against ADC and Unit Policy, therefore I, Cpl. Robinson am charging Inmate R. Davis [REDACTED] with following rule violations 4-4 and 5-3 pending DCR. End of Statement

(I affirm that the information in this report is true to the best of my knowledge)

Signature of Charging Officer

NOTIFICATION:

Officer

Sgt. B. King

Date & Time Notified

6-13-24

Witness Statements:

No ☒

If yes, list:

Inmate's Signature

EXHIBIT A

ISSR100

Arkansas Department of Corrections

MAJOR DISCIPLINARY

If the C.S.O. determines that the violation(s) described on this document are felonious; he/she must hand carry this document to the Unit Warden who must immediately notify the Director.

Inmate: Davis, Richard

ADC#: [REDACTED]

Assignment: AM:Restrictive Housing
PM:Administrative Review

C.S.O. Review:		Outcome:	Refer to Hearing Officer/Comm.	
		By:	Taylor, Scott A	Date 06/10/2024
Extension:	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	Has extension form been completed? <input type="checkbox"/>	
Presentation by Counsel - Substitute is required when it is determined that the inmate is illiterate or incompetent or that the issues are extraordinarily complex.				
Counsel-Substitute:		Assigned (Name) _____	Not Assigned _____	

I-17

ISSR101

Arkansas Department of Correction

DISCIPLINARY HEARING ACTION

Inmate: Davis, Richard

ADC#: [REDACTED]

Unit: [REDACTED]

Code Violation(s):

04-4 Battery on Staff. Use of physical force upon staff (examples include, but are not limited to, staff, volunteers, vendors and/or contractors).

05-3 Assault. Any willful attempt or threat(s) to inflict injury upon another, directly or indirectly, verbally or in writing.

Date/Time of Alleged Offense(s): 06/07/2024 11:01 AM

Hearing Date: 06/18/2024

Time: Start 8:20 AM

End 8:25 AM

Recorder: Blake, Janice

Tape#:

Side:

Meter: From

To

Plea: Not Guilty, Not Guilty

Attendance Waived: No

Has waiver form been completed? _____

Inmate's Statement:

He touch me on the shoulder with the keys and I touched him on his face with my hand.

I touched him

Signature of Inmate

Court Questions:

Do you have a statement?

Did you hit him in the face?

Sentencing Conditions:

Verdict: Guilty, Guilty

Restriction Days to Serve

Commissary:	60	Days Suspended:	0
Phone:	60	Days Suspended:	0
Visitation:	60	Days Suspended:	0
Punitive Isolation Days to Serve:	19	Days Suspended:	0
GT Class Reduced to:	IV	Class Suspended:	

EXHIBIT B

Disciplinary Hearing Action

06/18/2024 6:28 PM

Page 2

Inmate: Davis, Richard

ADC#: [REDACTED]

Unit: [REDACTED]

Additional Sanctions/General Comments:

Rh credit 11 days.

Factual Basis for Decision (This is a short synopsis of the facts as the Hearing Officer perceives them after reviewing all of the evidence.):

Inmate hit another inmate.

Evidence Relied Upon:

F-1 statement from charging officer.

005 from staff supporting F-1 report. Witness statements.Photos.

Reasons Why Information Purporting to Exonerate Inmate was Discounted:

Staff report is accepted.

Reasons for Assessment of Punishment:

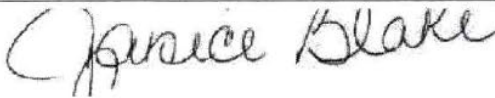
Inmate must learn not to hit another inmate.

I have read this report and understand that I may appeal to the Warden about any decision made in this matter within fifteen (15) working days by completing the "Disciplinary Appeal" form.

Inmate's Signature _____ Counsel-Substitute _____

I affirm that the information is true to the best of my knowledge.

Hearing Officer



Date _____

RECEIVED
13572
JUL 05 2024

F-831-3
ADMINISTRATOR
DISCIPLINARY
Major Disciplinary Appeal Form

Received

AUG 06 2024

RECEIVED
JUN 20 2024
BY: Kelly

4-17-18

Inmate Name RICHARD DAVIS

ADC#

Unit/Center

Punitive Isolation ☒ Yes ☐ No

Disciplinary (date) 6.7.2024 by (charging officer) TAMIA S. ROBINSON

6.18.24 Date Appealed to Warden/Center Supervisor: Note, if you do not agree with the decision of the Disciplinary Hearing Officer, you have 15 business days from receipt of disciplinary action to appeal to the Warden/Center Supervisor.

Warden's Decision: Affirm ☒ Reverse ☐ Modify ☐ (See attached if modified)

Signature: Supt Moses Jackson Date 6/27/24

6.28.24 Date Appealed to Disciplinary Hearing Administrator: Note, if you do not agree with the response of the Warden/Center Supervisor, you may appeal within 15 business days from receipt of the Warden/Center Supervisor's response to the Disciplinary Hearing Administrator.

DHA's Decision: Affirm ☒ Reverse ☐ Modify ☐ (See attached if modified)

Signature: T. Blake Date 6/28/24

8.2.24 Date Appealed to Director: Note if you do not agree with the Disciplinary Hearing Administrator's response, you may appeal within 15 business days from receipt of the Disciplinary Hearing Administrator's decision to the Director.

Director's Decision: Affirm ☒ Reverse ☐ Modify ☐ (See attached if modified)

Signature: Wanner Date 8/2/24

Notice to Inmate: This form is to be used for all appeal levels and responses. Briefly state reasons why conviction or punishment should be reversed or modified. This information will be considered at all three levels of appeal. Only information that is contained within this space on this form will be considered:

THE DISCIPLINARY HEARING OFFICER ERRONEOUSLY STATED UNDER THE "FACTUAL BASIS FOR DECISION," THAT THE INMATE HIT ANOTHER INMATE. THIS DECISION IS NOT SUBSTANTIATED BY THE F-1 STATEMENT FROM CHARGING OFFICER. FURTHERMORE UNDER "REASON FOR ASSESMENT OF PUNISHMENT," THAT INMATE MUST LEARN NOT TO HIT ANOTHER INMATE. THE DISCIPLINARY MANUAL STATES THAT "THE HEARING OFFICER MUST SIGN AND DATE THE DISCIPLINARY FORM; AND THE INMATE MUST BE PROVIDED A COPY OF THE FORM F-831-3." THIS INMATE APPEAL, ALLEGES THAT THE HEARING OFFICER (JANICE BLAKE), WILLFULLY VIOLATED AR 831, WHEREBY SHE NEGLECTED TO INCLUDE DATE ON DAVIS' F-831-3 FORM. FOR THE ABOVE STATED REASONS, DAVIS DID NOT RECEIVE AN IMPARTIAL DUE PROCESS HEARING PURSUANT TO PROCEDURES IN THE DISCIPLINARY MANUAL, THEREFORE DAVIS CONVICTION AND PUNISHMENT MUST BE REVERSED.

Inmate's Signature: Mr. Richard Davis Date: 6.18.24

Original to be submitted for appeal; copies for inmate's use to proceed to next level if timely response not received.

EXHIBIT C

XZ-09

RESTRICTIVE HOUSING RELEASE PLAN

Date: 10-26-24

ADC Number: [REDACTED]

- ☒ Upon completion of the following steps, the above-referenced inmate may be returned to general population from a RH Assignment:
- ☐ Upon completion of the following steps, the above-referenced inmate may be removed from a Restrictive Recreation Placement:
 - ☒ Complete the sanction(s) imposed by the Disciplinary Court
 - ☐ Complete a Step-Down Program
 - ☐ Complete a/an _____ program
 - ☒ Other (must be specific):
remain disciplinary free for a minimum of 12 months.

6/24/24
Date

I have read, or have had read to me, this Release Plan. I understand that I may remain in RH or on Restrictive Recreation until this plan is completed.

12/26/74
Date

☐ I have reviewed the above and agree with the proposed Release Plan.

☐ I have reviewed the above and am referring this proposed Release Plan back to the Classification Committee.

Date _____

EXHIBIT D



Arkansas Department of Correction

MAJOR DISCIPLINARY APPEAL RESPONSE

[REDACTED]

Inmate Name: Richard Davis ADC: [REDACTED] Bks: Iso/77

Disciplinary Date: 6/7/24 By: Charging Officer: Cpl. T. Robinson

WARDEN/CENTER SUPERVISOR'S DECISION

You were written a Major Disciplinary on 6/7/2024 by Cpl. Robinson and it's been reviewed. On 6/7/24 at approx.: 11:01am Cpl. Robinson written (you) Inmate R. Davis ADC [REDACTED] for Battery use of force on staff, and assault verbal or written threat. I find you have not presented any new evidence that would merit a reversal or modification of this disciplinary. This type of behavior will not be tolerated here at the [REDACTED] Unit; therefore, I am affirming your appeal that the Disciplinary Hearing Officer's decision will be upheld. End of statement.

If you disagree with my decision you may appeal to the Hearing Administrator, at Central Office; within 15 days.

Moses Jackson, Jr.
Signature of Warden/Designee

Supt
Title

6/27/24
Date

EXHIBIT E



ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION
OFFICE OF THE DIRECTOR
DEXTER PAYNE

6814 Princeton Pike
Pine Bluff, AR 71602



MEMORANDUM

TO: Inmate Richard Davis, ADC [REDACTED]

FROM: Dexter Payne, Director *Dexter Payne*

RE: Major Disciplinary Appeal

DATE: September 9, 2024

Please be advised that I am in receipt of your disciplinary appeal regarding the major disciplinary you received 06/07/2024 at 11:01 am from Cpl. Robinson.

You stated in your disciplinary appeal that your punishment must be reversed.

Your disciplinary states, "On June 7, 2024, I, Cpl. T. Robinson was assigned to 13-20 Barracks at approximately 11:01am. I Cpl. T. Robinson was letting inmates in the barracks which was returning from 15 Barracks chow call. As Inmate R. Davis [REDACTED] (verified by eOMIS) returned from chow. I Cpl. T. Robinson was talking with other inmates. Inmate Davis stated whiling walking down the hallway, "Come on Rob. Come on Robinson let me in." as he waited on the wall. I then opened the door and while inmate Davis was walking in the barracks I replied, "What's wrong with you Davis," as I touch his shoulder with the keys in my right hand, I Cpl. Robinson then stated Davis are you alright, Inmate Davis turned around pointed his finger in my face and stated come on now Robinson I don't play like that. At this time Inmate R. Davis [REDACTED] hit me in the face with his left hand open. I Cpl. Robinson walked down the hallway and notified the area supervisor. upon the arrival of Captain Padilla, Inmate R. Davis was then giving a direct order to be placed in restraints to which he complied. Inmate R. Davis [REDACTED] knows has actions are against ADC and Unit Policy, therefore I, Cpl. Robinson am charging Inmate R. Davis [REDACTED] with following rule violations 4-4 and 5-3 pending DCR. End of Statement."

You stated during your disciplinary hearing "He touch me on the shoulder with the keys and I touched him on his face with my hand. I touched him."

After a thorough review of all the documents pertaining to this matter, I am upholding the guilty verdicts of rule violation 04-4/Battery-use of physical force upon staff. I am modifying 05-3/Assault-any threat(s) to inflict injury upon another, directly or indirectly, verbally or in writing to read not guilty; therefore, your disciplinary is modified.

DP:ls

cc: Warden / Inmate File / File

**BEFORE THE STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS**

Richard Davis (ADC# [REDACTED])

CLAIMANT

v.

No. _____

**State of Arkansas
Department of Corrections
Division of Correction**

RESPONDENT

COMPLAINT

Preliminary Statement

This is an Arkansas State Claims complaint filed by the ADC inmate, Richard Davis, who is presently incarcerated in the Arkansas Department of Correction Division of Correction, for punitive damages, alleging that state regulations were violated pursuant to the procedures established in the inmate disciplinary manual that requires that the disciplinary hearing officer must give a short statement of the facts as the disciplinary hearing officer perceives after reviewing all of the evidence. Under "Evidence Relied Upon", The Disciplinary Hearing officer failed to rely upon the F-1 statement from charging officer, 005 from staff supporting F-1 report, witness statements, and photos. These above mentioned evidence does not support the disciplinary officer "Factual Basis for Decision"; and "Reason for Assessment of Punishment", in violation of the Department of Corrections Ark. Admin. Code 004.03.1-831 Disciplinary Rules; and the Division of Correction Administrative Directive #2024-04, Inmate Disciplinary Manual.

CLAIMANT

1. Claimant, Richard Davis, is and was at all times mentioned herein a prisoner of the State of Arkansas in the custody of the Division of Correction, [REDACTED],
[REDACTED]

RESPONDANT

2. Respondent, Janice Blake, is the disciplinary hearing officer responsible for conducting major disciplinary court hearing on a major disciplinary. At all times mentioned in this complaint was employed by the Arkansas Division of Correction, Central Office, 6814 Princeton Pike, Pine Bluff, AR 71602.

3. Respondent, Moses Jackson III, is the Warden responsible for reviewing all major disciplinary appeals filed by inmates at the [REDACTED] At all times mentioned in this complaint was employed by the Arkansas Division of Correction, [REDACTED]
[REDACTED]

4. Respondent, Thomas Rowland is the disciplinary hearing administrator responsible for reviewing all major disciplinary appeals of the Warden's decision. At all times mentioned in this complaint was employed by the Arkansas Division of Correction, Central Office, 6814 Princeton Pike, Pine Bluff, AR 71602.

5. Respondent, Dexter Payne is the Director responsible for reviewing all major disciplinary appeals of the disciplinary hearing administrator's decision. At all times mentioned in this complaint was employed by the Arkansas Division of Correction, Central Office, 6814 Princeton Pike, Pine Bluff, AR 71602.

6. All respondents are sued individually. At all times mentioned in this complaint, all respondents acted under color of state law.

FACTS

7. On June 7, 2024, Claimant Davis was written a major disciplinary (ISSR 100) by Corporal Tamia Robinson, charging Davis with violations of rule 04-4 Battery on staff; and 05-3 Assault. Exhibit A.

8. The major disciplinary described the June 7, 2024 incident giving rise to these charges as follows: 'At this time Inmate R. Davis [REDACTED] hit me in the face with his left hand open'.

9. On June 18, 2024, Davis appeared before the major disciplinary court hearing on the violations of 04-4 battery on staff; and 05-3 assault. The disciplinary hearing officer Janice

Blake found Davis guilty of battery on staff, and assault, and as a result, Davis was sentenced to good time reduced to class IV, 60 days restriction or commissary, phone, and visitation privileges. Davis was also sentenced to 19 days punitive isolation with 11 days credit. Exhibit B.

10. On June 18, 2024, Davis was provided a copy of the disciplinary hearing action form (ISSR 101), under “Factual basis for decision”, the respondent Blake erroneously stated that, “Inmate hit another inmate”. Also under “Reason for Assessment of punishment,” stated that, “Inmate must learn not to hit another inmate”. Exhibit B.

11. On June 20, 2024, respondent, Moses Jackson received Davis’ major disciplinary appeal form (F-831-4). The appeal pointed out procedure violation in the disciplinary hearing action form, to include but not limited to the false written statement that Davis hit another inmate, and the failure of the hearing officer to date the form as mandated in the inmate disciplinary manual. Exhibit C.

12. On June 26, 2024, claimant Davis was assigned by the classification committee to restrictive housing, and must remain disciplinary free for a minimum of 12 months. (Restrictive Housing. A placement that requires an inmate to be confined to a cell for at least twenty-two (22) hours per day). Exhibit D.

13. On June 27, 2024, Respondent, Moses Jackson affirmed the disciplinary hearing officer’s decision, Exhibit E.

14. On July 8, 2024, Respondent, Thomas Rowland affirmed the disciplinary hearing administrator’s decision. Exhibit C.

15. On September 9, 2024, Respondent, Dexter Payne upheld the guilty verdict of rule violation 04-4 battery on staff, and modified 05-3 assault to read not guilty, the Director’s decision is final. Exhibit B, C.

LEGAL CLAIM

16. The actions of Respondent, Blake, of finding Davis guilty of battery on staff and assault did not support the evidence relied upon. Blake’s written statement did not support the finding “Inmate hit another inmate”, and provided an inadequate written disposition of the decision

violated Davis' rights under state regulation, Ark. Admin. Code 004.03.1-831, and administrative directive #2024-04.

17. The actions of Respondents, Jackson and Rowland, in refusing to reverse Davis' disciplinary conviction despite their knowledge of the above mentioned state regulations, violated Davis' rights under , Ark. Admin. Code 004.03.1-831, and administrative directive #2024-04.

18. The actions of respondent Payne in his failure to correct the inadequate written disposition as described in Davis' major disciplinary appeal violated Davis' rights under state regulation, Ark. Admin. Code 004.03.1-831 and administrative directive #2024-04.

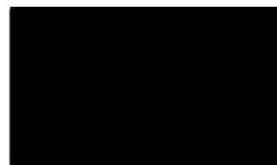
RELIEF REQUESTED:

Wherefore, Claimant respectfully prays that the Arkansas State Claims Commission enter Judgment:

- A. Punitive damages in the amount of \$3,000.00 against Respondent Blake.
- B. Punitive damages in the amount of \$1,000.00 each against respondent Jackson, Rowland, and Payne.
- C. Any additional relief deems just and proper.

OCTOBER 17, 2024
DATE

Respectfully Submitted,
/s/ Richard Davis
Richard Davis, pro se



STATE OF ARKANSAS)

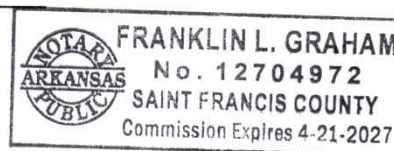
)§

COUNTY OF LEE)

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this

17 Day OF Oct, 20 24

Franklin L. Graham
 NOTARY PUBLIC

My Commission Expires: 4-21-2027**CERTIFICATE OF SERVICE**

I, Richard Davis, hereby certify that an exact copy of the foregoing complaint was mailed to Arkansas State Claims Commission, Director, 101 E. Capitol Ave. Suite 410, Little Rock, AR 72201, by U.S. Mail postage prepaid on this 30TH day of OCTOBER, 2024.

Respectfully Submitted,

/s/ Richard Davis
 Richard Davis, pro se.

WESTLAW

004.03.1-831. Disciplinary Rules

ARADC 004.03.1-831 Arkansas Administrative Code (Approx. 4 pages)

West's Arkansas Administrative Code
Title 004. Department of **Corrections**
Division 03. Office of the Secretary
Rule 1. Administrative Rules
Inmate and Program Management

Ark. Admin. Code 004.03.1-831
Formerly cited as AR ADC 004.00.2-831

004.03.1-831. **Disciplinary** Rules

Currentness

I. POLICY:

To ensure the orderly functioning of institutions and the safety of inmates and staff through the establishment and enforcement of rules governing inmate conduct.

II. GUIDELINES:

A. Rules are established and approved by the Director of the Arkansas Department of **Correction** subject to review by the Board of **Corrections**.

B. Rules and procedures are published to all staff and inmates through an *Inmate Discipline Manual* located in the law library, or otherwise available, in each facility. Rules are also made available to each inmate and staff member through the *Inmate Handbook*.

C. Every member of staff; employees of the Arkansas Department of **Correction** School District and Riverside Vo-Tech; and authorized agents of the Arkansas Department of **Correction**, such as staff of the medical services contractor, contract mental health and substance abuse staff, are vested with the authority and responsibility to see that the rules are followed.

D. Procedures are established in the *Inmate Discipline Manual* for notification of an alleged infraction and for fair and impartial determination as to fact and responsibility in a venue in which the charged inmate has the opportunity to present evidence, including witness statements. Should there be a demonstrable need, a counsel substitute and/or interpreter may be provided to ensure that the inmate fully understands the procedures.

E. All steps in the procedures are to be carried out in a timely fashion as specified in the *Inmate Discipline Manual*.

F. Ranges of penalties associated with findings of guilt, and interventions such as referral for treatment, are stated in association with each rule in the *Inmate Discipline Manual*. Generally, the severity of the penalty is correlated with the seriousness of the conduct and the frequency of repetition of rule infractions.

G. All steps in the **disciplinary** process are to be properly documented. Hearings will be audio, or video recorded and records of **disciplinary** actions will be maintained in accordance with the Department's records retention schedule.

H. An appeal process, as specified in the *Inmate Discipline Manual*, will allow the inmate to seek to **correct** errors in procedure or in findings of fact.

I. The Administrator of **Disciplinary** Hearings is charged with the responsibility of training **Disciplinary** Hearing Officers and with monitoring adherence to procedure.

III. STANDARDS:

7/5/24, 1:47 PM

004.03.1-831. Disciplinary Rules | WestlawNext

American **Correctional** Association; Standards for Adult **Correctional** Institutions,
Fourth Edition

Credits

Eff. Apr. 30, 2002. Amended Oct. 4, 2012.

Current with amendments received through May 15, 2024. Some sections may be more current, see credit for details.

Ark. Admin. Code 004.03.1-831, AR ADC 004.03.1-831

End of

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Document

Westlaw Next. © 2024 Thomson Reuters

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Thomson Reuters is not providing legal advice



ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION
OFFICE OF THE DIRECTOR
DEXTER PAYNE
6814 Princeton Pike
Pine Bluff, AR 71602



ADMINISTRATIVE DIRECTIVE

SUBJECT: Inmate Disciplinary Manual

NUMBER: 2024-04

SUPERSEDES: 22-12

APPLICABILITY: Inmates, All Employees, and Contractors

PAGE: 1 of 24

REFERENCE: AR 831 Disciplinary Rules and Regulations; AR 834 Procedure for Handling Alleged Disciplinary Infractions of Mentally Disordered Inmates; SD Prison Rape Elimination Act

APPROVED: Original signed by Dexter Payne

EFFECTIVE DATE: 04/01/24

I. POLICY:

It is the policy of the Arkansas Division of Correction (ADC) to ensure that the institutional rules and regulations are enforced through an unbiased and prudent fact finder and to provide appropriate due process throughout the disciplinary process. The behavior of offenders committed to the custody of the ADC shall be controlled in an impartial and consistent manner. Prior to the adoption of any changes to this policy, the proposed changes shall be posted in prominent locations (employee bulletin boards, inmate bulletin boards and electronic distribution) throughout ADC institutions at least thirty (30) days prior to the adoption of the changes. Inmates in Restrictive Housing will be provided a copy of the proposed changes by the Unit Disciplinary Officer. All comments shall be considered prior to adoption and shall be kept as part of the appropriate policy file documentation.

II. PURPOSE:

The ADC shall establish and designate authority to Major and Minor Disciplinary Officers who shall hear and adjudicate all reports of infractions of institutional rules and regulations. When inmate behavior requires discipline, the following procedures shall be followed to ensure that no unnecessary disciplinary actions are written and that:

- A. There is no bias in favor of the charging officer;
- B. There is no presumption of guilt;
- C. There is a reliable method of determining whether an infraction has in fact occurred;
- D. Blatant forms of partiality which can result from prior knowledge, involvement, bias, or personal interest in a particular case are minimized; and

and imposed and additional punishment pursuant to the subsequent disciplinary episode may also be imposed. The punishment may be made consecutive.

4. Guilty Verdicts. All disciplinary hearing report forms which render a verdict of guilty shall be transmitted and entered into the electronic offender file by the DHO. The Unit Records Supervisor shall make whatever changes are required regarding statutory good time, meritorious good time, parole interview date, and institutional status as part of the inmate's permanent file.

M. Major Disciplinary Forms The Major Disciplinary Forms consist of six (6) separate forms. The Major Disciplinary Form (F-831-1), the Disciplinary Hearing Action Form (F-831-2), and the Disciplinary Hearing Action Form (F-831-3) must be completed entirely pursuant to every Major Disciplinary Hearing, regardless of the verdict. Data related to each form should be entered and maintained electronically when available in the electronic offender file. The ISSR 100 electronic printed form shall contain all data found in F-831-1, F-831-2, and F-831-3 after data entry.

1. The Major Disciplinary Form (F-831-1)

- a. The charging person is responsible for providing the DHO with accurate reports of Rule Violations. All information pertaining to the charge(s) must be detailed by the charging person. The charging person must sign an affirmation regarding the accuracy of the charges.
- b. The Serving Officer/Notifying Officer must indicate his/her name and the time and date the inmate was notified of the impending major disciplinary action. The inmate may call Witnesses at the time of notification by informing the notification officer of those individuals he/she wishes to call as Witnesses. The Serving Officer/Notifying Officer should then list the Witnesses called and instruct the inmate to sign the form under "Witness Statements." If the inmate refuses to sign, such refusal should be noted with the initials of the Serving Officer/Notifying Officer.
- c. The CSO (Building or Field Majors or their designees) must review each DR prior to a hearing for screening purposes. After indicating the appropriate decision, the CSO must initial and date the form under "C.S.O. Review."
- d. There must be an indication of whether an Extension was granted and, if so, whether the Extension Form was completed.
- e. The DHO is reminded of the policy on Counsel Substitutes. When assigned, it should be so indicated and the name of the Counsel Substitute entered. When not assigned, the appropriate space should be marked.
- f. A copy of the Major Disciplinary Form (F-831-1 or ISSR 100) shall be forwarded to the inmate.

2. The Disciplinary Action Form (F-831-2)

- a. The DHO must ensure that all information at the top of the Disciplinary Action Form (F-831-2) is correct. Care should be taken to note the time when the hearing starts and stops. If the inmate refuses to attend, there is a reminder that the waiver form must be completed. In all cases, the inmate's plea will be entered accurately.
- b. Statements made by inmates in their defense or otherwise should be entered in as great detail as possible under "Inmate's Statement."
- c. Under "Questions," the DHO should indicate the general line of questioning pursued. The DHO should probe for any and all additional information which could aid in reaching a fair determination of fact.

- d. The DHO must indicate the verdict reached and, if applicable, the punishment assessed, and shall indicate the class that the inmate may be placed in.
 - e. Under "Factual Basis for Decision," the DHO must give a short statement of the facts as the DHO perceives them after reviewing all of the evidence. This section should not be confused with "Evidence Relied Upon" or "Reasons for Punishment." This should include a summary of the reasons for finding the inmate guilty or not guilty. In fulfilling this function, it is not sufficient to adopt and copy the exact wording of the DR.
 - f. The inmate must be given a copy of the Disciplinary Action form.
3. The Disciplinary Action Form (F-831-3)
- a. Under "Evidence Relied Upon," the DHO must include a list of the individual pieces of evidence that were relied upon in reaching a disposition. Shorthand phrases such as "Officer's Statement" will not be sufficient to perform this function. The evidence must not only be described, but must be explained. The content of any evidence relied upon should be given. Thus, if a charging person's report is to be relied upon, the DHO should so state and then proceed to explain exactly what it was in the person's report that the DHO relied upon. In cases where weapons or contraband are involved, a notation should be made in the proper slot indicating the form in which it was observed and further describing the item with particularity.
 - b. In any case where the DHO makes a finding of guilty notwithstanding the fact that there was some evidence which purported to exonerate the inmate, the DHO must include a statement indicating the reason why such evidence was discounted.
 - c. Under "Reasons for Assessment of Punishment," the DHO must state why he/she felt the particular disciplinary warranted the punishment assessed.
- It is not sufficient to state, "nature and seriousness of offense and past history." It is important that the DHO keep in mind that the purpose served is that of providing an independent reviewing authority with an adequate basis from which to determine why a particular inmate received the particular punishment imposed. Special care should be given to document reasons for differences in punishments given to different inmates in the same incident. Factors to be weighed in assessing the punishment should include, but not be limited to:
- 1. The seriousness of the offense and the extent to which the offense threatened institutional security;
 - 2. The number of major disciplinaries received by the inmate for similar offenses, the overall institutional record of the inmate;
 - 3. The attitude of the inmate including his/her willingness to cooperate fully with the DHO;
 - 4. Personal factors which may have influenced the inmate to behave poorly (e.g., death in the family);
 - 5. Inmate's willingness or lack thereof to return to work and perform as expected; any hostility which the inmate may have exhibited toward the DHO;
 - 6. Any remorse the inmate may show regarding his/her behavior; any effect a contemplated punishment may or may not have in impressing upon the inmate the need for behavior modification;
 - 7. Any effect a contemplated punishment may have in terms of rewarding the inmate with a second chance if the DHO believes behavior will improve as a result thereof;

8. The class status of the inmate should be kept in mind when assessing the punishment (punitive time may not be necessary for a Class I inmate if the DHO feels that a class reduction would sufficiently impress upon the inmate the prohibition against the particular behavior).

As mentioned, the above are suggested factors to take into consideration when assessing punishment and are by no means exhaustive. The DHO should stay alert to any mitigating or aggravating circumstances associated with a particular disciplinary episode. The DHO must initial the "Reason for Punishment" in the appropriate space.

- d. The DHO must credit the inmate with any time spent in Restrictive Housing as a result of the behavior which is the subject of the disciplinary against any assessed Punitive Isolation sanction. For example, an inmate assigned to Punitive Housing when the behavior occurred does not get any credit; but an inmate who is assigned to Restrictive Housing from general population as a result of the behavior that result in the disciplinary being written will be given credit for the number of days in Restrictive Housing at the time the sanctions are issued. This credit does not extend the number of days of Punitive Housing that may be assessed. (Nor does the lack of Punitive Housing days determine whether an inmate may be assigned to Restrictive Housing pursuant to that policy.)
 - e. A reminder is included regarding the proper procedures for informants and alleged malingers.
 - f. The inmate, having been informed of the right to appeal, is instructed to sign the form indicating that he/she understands the right to appeal. If a Counsel Substitute has been assigned, he/she should also sign. If an inmate refuses to sign, the DHO should indicate by initialing the slot reserved for the inmate's signature.
 - g. The DHO must sign and date the disciplinary form.
 - h. The inmate must be provided a copy of Disciplinary Action Form (F-831-3).
4. The Major Disciplinary Appeal Form (F-831-4)
 - a. The Major Disciplinary Appeal Form is self-explanatory. The inmate is to check yes beside "Punitive Housing" if the appeal is in reference to a finding of guilty on a particular disciplinary episode which resulted in the imposition of Punitive Housing as a disciplinary measure. This is designed to aid the inmate who has been sentenced to a relatively lengthy isolation period and who may have a valid appeal pertaining to guilt and/or punishment. The Warden should prioritize these appeals.
 - b. Inmates serving short periods of punitive time should not be discouraged from utilizing the procedure, as their appeals will be expedited by the procedure. Inmates not serving punitive time are not permitted to mark yes beside "Punitive Appeal".

Appeal Forms will be available with carbon copies, and the original shall be submitted for the appeal. The copies remain with the inmate and will be submitted if the original is not returned within the policy's timeframes.

5. The Disciplinary Extension Form (F-831-5)

The Disciplinary Extension Form enumerates six (6) legitimate reasons for granting an Extension. If the DHO or Warden grants the Extension, a copy of the signed Form F-831-5 must be forwarded to the inmate.

6. The Waiver of Disciplinary Hearing Form (F-831-6)

Mika Tucker

From: ASCC New Claims
Sent: Thursday, January 16, 2025 8:28 AM
To: Kris Higdon (DOC); Yolanda Charles (DOC)
Cc: Kathryn Irby; Mika Tucker
Subject: CLAIM: Richard Davis v. ADC, Claim No. 250749
Attachments: Richard Davis v. ADC agency ltr .pdf; Richard Davis Def ltr re initial filing, updated claim form and supporting docs (combined) - 250749.pdf

Please see attached. Contact Mika Tucker with any questions.

Thank you,
Caitlin

Caitlin McDaniel

Administrative Specialist II

Arkansas State Claims Commission

101 East Capitol Avenue, Suite 410

Little Rock, Arkansas 72201

(501) 682-1619

January 16, 2025

Mr. Kris Higdon
Arkansas Division of Correction
1302 Pike Avenue, Suite C
North Little Rock, Arkansas 72114

(via email)

RE: ***Richard Davis v. Arkansas Division of Correction***
Claim No. 250749

Dear Mr. Higdon,

Enclosed please find a copy of the above-styled claim filed against the Arkansas Division of Correction. Pursuant to the Arkansas Rules of Civil Procedure, as well as Claims Commission Rule 2.2, you have **thirty days from the date of service** in which to file a responsive pleading.

Your responsive pleading should include your agency number, fund code, appropriation code, and activity/section/unit/element that this claim should be charged against, if liability is admitted, or if the Claims Commission approves this claim for payment. This information is necessary even if your agency denies liability.

Sincerely,

Mika Tucker

ES: cmcdaniel

cc: Richard Davis (ADC [REDACTED]), *Claimant* (w/ encl.)

ARKANSAS STATE CLAIMS COMMISSION

(501) 682-1619
FAX (501) 682-2823



KATHRYN IRBY
DIRECTOR

101 EAST CAPITOL AVENUE
SUITE 410
LITTLE ROCK, ARKANSAS
72201-3823

December 3, 2024

Richard Davis (ADC [REDACTED])
[REDACTED]

RE: **Claim No. 250749 – deficient filing**

Dear Mr. Davis,

Your claim has been filed but has not been transmitted to the Arkansas Department of Correction because the claim exceeds the page limitations set out in Ark. Code Ann. § 19-10-208(f). The text of this subsection is set out on the following page for your review. I am also enclosing your filing for your convenience.

Pursuant to Ark. Code Ann. § 19-10-208(f)(3)(A)(ii), you have forty-five days from the date of this letter to resubmit your complaint in compliance with the statute or to file a motion for leave to exceed the page limitations. Failure to do so will result in the dismissal of your claim without prejudice. Ark Code Ann. § 19-10-208(f)(3)(C).

Sincerely,

Mika Tucker

ES: cmcdaniel

Enclosures (claim form and supporting documents file-marked 10/11/2024)

Ark. Code Ann. § 19-10-208(f)

- (1) A claimant who is an inmate in the Department of Correction or the Department of Community Correction at the time the claim or action is filed is limited to no more than:
 - (A) Five (5) pages of written factual allegations and legal argument in his or her complaint; and
 - (B) Five (5) additional pages of exhibits to accompany his or her complaint.
- (2)
 - (A) An inmate filing a claim or action may file a motion to allow him or her to file additional pages of factual allegations, argument, or exhibits in excess of the limitations under subdivision (f)(1) of this section.
 - (B) A motion filed under this subdivision (f)(2) may be granted only if the commissioners of the Arkansas State Claims Commission find that the inmate needs the additional pages to fully explain his or her claim or action or if the claim or action is sufficiently complex to warrant additional pages.
- (3)
 - (A) If an inmate files a claim or action that exceeds the page limitations under this subsection, the commission shall:
 - (i) Assign the inmate's claim a docket number; and
 - (ii) Consider the inmate's claim filed, but mail the inmate's complaint and any attached exhibits back to him or her and give the inmate forty-five (45) days to:
 - (a) Resubmit his or her complaint and any attached exhibits in compliance with this subsection; or
 - (b) File a motion requesting permission to file a complaint and accompanying exhibits that exceed the page limitations under this subsection.
 - (B) The forty-five-day time period under this subsection is excludable time in calculating the statute of limitations for the inmate's claim or action.
 - (C) The commission may dismiss an inmate's complaint without prejudice if the inmate fails to:
 - (i) Resubmit a complaint and attached exhibits that meet the page limitation requirements of this subsection; or
 - (ii) File a motion requesting permission to file a complaint and attached exhibits that exceed the page limitation requirements of this subsection.
 - (D)
 - (i) If the commission grants a motion for a complaint and accompanying exhibits that exceed the page limitation requirements of this subsection, the commission shall set out in the order granting the motion the revised timeline for the inmate to file his or her complaint and accompanying exhibits.
 - (ii) The commission may set a revised limit on the number of pages an inmate's complaint and accompanying exhibits may be.

Acts of 1949, Act 462, § 3; Acts of 1983, Act 470, § 3; Acts of 2019, Act 785, § 2, eff. July 24, 2019.

Arkansas
State Claims Commission

DEC 16 2024

RECEIVED

RICHARD DAVIS, [REDACTED]
[REDACTED]

STATE CLAIMS COMMISSION
DIRECTOR KATHRYN IRBY
101 E. CAPITOL AVE., SUITE 410
LITTLE ROCK, ARKANSAS 72201

RE: CLAIM NO. 250749
CLAIM NO. 250581

DEAR DIRECTOR,

ON OCT. 11, 2024, CLAIMANT DAVIS FILED CLAIM NO. 250581, BUT THE CLAIM WAS RETURNED BECAUSE THE CLAIM EXCEEDED THE PAGE LIMIT. CLAIMANT RESUBMITTED THE CLAIM IN COMPLIANCE WITH A.C.A. §19-10-208(F)(3)(A)(ii)(A).

ON NOV. 4, 2024, CLAIMANT DAVIS FILED CLAIM NO. 250749, THIS CLAIM WAS ALSO RETURNED BECAUSE THE CLAIM EXCEEDED THE PAGE LIMIT. IT'S IMPORTANT TO NOTE THAT THIS CLAIM FORM WAS NOT FILE-MARKED 10.11.2024, AS RECORDED.

IT'S IMPOSSIBLE FOR CLAIM NO. 250749 TO BE FILED - MARKED 10, 11, 2024, WHEN THE COMMISSION RECEIVED THE DOCUMENTS ON MAY, 4, 2024,

PURSUANT TO A.C.A. § 19-10-208(F)(3)(A) (ii)(A), CLAIMANT IS RESUBMITTING CLAIM NO. 250749, WHICH IS WITHIN FORTY-FIVE DAYS OF THE DEC. 3, 2024, LETTER RECEIVED. CLAIMANT WISH TO WITHDRAW HIS PREVIOUS MOTION FOR LEAVE TO EXCEED THE PAGE LIMITATION,

THE DIVISION OF CORRECTION HAS A NEW POLICY THAT REQUIRES ALL LEGAL MAIL TO BE COPIED, AND THE ORIGINAL COPIES, SHREDED,

PLEASE FIND ENCLOSED FOUR (4) COPIES OF CLAIM NO. 250749,

I REMAIN,
Richard Davis

DEC. 13, 2024

DEC 16 2024

RECEIVED

Questions? Send an email to
ascc.new.claims@arkansas.gov

ARKANSAS CLAIMS COMMISSION

(501)682-1619
(501)682-2823 FAX101 EAST CAPITOL AVENUE, SUITE 410
LITTLE ROCK, ARKANSAS 72201-3823Arkansas
State Claims Commission

NOV 16 2024

RECEIVED

CLAIM FORM

1. Claimant Information.

Mr. Davis Richard [REDACTED]
 (title) (last name) (first name) (ADC Number)
 [REDACTED]
 (address)
 [REDACTED]
 (city) [REDACTED]

2. Claimant's Legal Counsel. An individual claimant may act as his or her own attorney (which is known as proceeding *pro se*). If a claimant is proceeding *pro se*, this section may be left blank.

(title) (last name) (first name) (email)
 (address) (AR bar number)
 (city) (state) (zip) (primary phone)

3. State Agency Involved. The Commission can only receive claims against agencies of the State of Arkansas. Please review the Commission's jurisdictional statutes, including Ark. Code Ann. § 19-10-204 and Ark. Code Ann. § 21-5-701, for more information. This information is required for any claim filed at the Commission. ARKANSAS DIVISION OF CORRECTIONS4. Date of Incident JUNE 7, 2024

5. Location of Incident [REDACTED]

6. **Explanation of Incident.** Please provide an explanation of your claim, including why you believe the above-listed state agency is liable for your damages under Arkansas law. You may attach additional pages to this form. Please note that a claimant who is an inmate of the Division of Correction or the Division of Community Correction at the time the claim is filed is subject to the page limitations set forth on page 4 of this form (see Ark. Code Ann. § 19-10-208(f)).

ON JUNE 7, 2024, CLAIMANT DAVIS # [REDACTED]
 INCARCERATED AT THE [REDACTED]
 UNIT, WAS WRITTEN A MAJOR DISCIPLINARY
 REPORT DRAFTED BY CORPORAL TAMIA S. ROBINSON
 CHARGING DAVIS WITH RULE VIOLATIONS 04-4
 AND 05-3, RULE 04-4 STATES: "BATTERY ON
 STAFF. USE OF PHYSICAL FORCE UPON STAFF." RULE
 05-3 STATES: "ASSAULT. ANY WILLFUL ATTEMPT
 OR THREAT(S) TO INFLECT INJURY UPON ANOTHER,
 DIRECTLY OR INDIRECTLY, VERBALLY OR IN
 WRITING." THE RELEVANT PART OF THE REPORT
 DESCRIBED THE INCIDENT GIVING RISE TO
 THESE CHARGES AS FOLLOWS: CONTINUE.

7. Amount of Damages, if known: \$ 6,000.00

IMPORTANT!

A claim filed at the Commission is a lawsuit against a state agency. The Commission is the courthouse for these lawsuits. Please note that Commission staff can answer general questions about the claim process but cannot give legal advice. The Commission follows the Arkansas Rules of Civil Procedure and has its own rules of practice and procedure. Both sets of rules may be found in your law library.

"WHAT'S WRONG WITH YOU DAVIS," AS I TOUCH HIS SHOULDER WITH THE KEYS IN MY RIGHT HAND, I CPL. ROBINSON THEN STATED DAVIS ARE YOU ALRIGHT, INMATE DAVIS TURNED AROUND POINTED HIS FINGER IN MY FACE AND STATED COME ON NOW ROBINSON I DONT PLAY LIKE THAT. AT THIS TIME INMATE R. DAVIS [REDACTED] HIT ME IN THE FACE WITH HIS LEFT HAND OPEN," SEE: EXHIBIT A.

ON JUNE 18, 2024, CLAIMANT DAVIS APPEARED BEFORE THE MAJOR DISCIPLINARY COURT HELD BY RESPONDENT JANICE BLAKE. DAVIS ENTERED A PLEA OF NOT GUILTY TO RULE 04-4 BATTERY ON STAFF AND RULE 05-3 ASSAULT. AFTER BRIEF QUESTIONS, THE RESPONDENT BLAKE FOUND DAVIS GUILTY OF BOTH RULE VIOLATIONS, AND SENTENCED DAVIS TO GOOD TIME REDUCED FROM CLASS 1C TO CLASS 1V, 60 DAYS RESTRICTION OF COMMISSARY, PHONE, AND VISITATION, ADDITIONALLY, DAVIS WAS SENTENCED TO 19 DAYS PUNITIVE ISOLATION. SEE: EXHIBIT B.

SHORTLY THEREAFTER, A COPY OF THE DISCIPLINARY HEARING ACTION FORM WAS PROVIDED TO CLAIMANT DAVIS.

PAGE 2-A

FACTUAL ALLEGATIONS

UNDER "FACTUAL BASIS OF DECISION:" THE RESPONDENT BLAKE GAVE A SHORT STATEMENT THAT, "INMATE HIT ANOTHER INMATE." THIS WRITTEN STATEMENT WAS NOT SUPPORTED BY THE F-1 STATEMENT FROM CHARGING OFFICER. CLAIMANT DAVIS ARGUES THAT THE RESPONDENT BLAKE STATEMENT IS WOEFULLY INADEQUATE; AND THE EVIDENCE SUPPORT THE CHARGE OF BATTERY ON STAFF AND ASSAULT.

UNDER "EVIDENCE RELIED UPON:" THE RESPONDENT BLAKE LISTED THE, "F-1 STATEMENT FROM CHARGING OFFICER, DDS FROM STAFF SUPPORTING F-1 REPORT, WITNESS STATEMENTS, AND PHOTOS. CLAIMANT DAVIS ARGUES THAT NONE OF THESE INDIVIDUAL PIECES OF EVIDENCE STATES THAT DAVIS HIT ANOTHER INMATE. THE EVIDENCE SUPPORTS THE FACT THAT DAVIS HIT A STAFF.

UNDER "REASONS WHY INFORMATION PURPORTING TO EXONERATE INMATE WAS DISCOUNTED:" THE RESPONDENT BLAKE STATED, "STAFF REPORT IS ACCEPTED."

PAGE 2-B

UNDER "REASONS FOR ASSESSMENT OF PUNISHMENT" THE RESPONDENT BLAKE STATED, "INMATE MUST LEARN NOT TO HIT ANOTHER INMATE." CLAIMANT DAVIS ARGUES THAT THE DISCIPLINARY HEARING ACTION FORM NEVER INDICATES THAT DAVIS HIT STAFF.

PURSUANT TO AR 831 AND AD 2024-04, THE POLICY STATES THAT, "THE DHU MUST SIGN AND DATE THE DISCIPLINARY FORM." CLAIMANT DAVIS ARGUES THAT THE DISCIPLINARY FORM WAS SIGNED BY HEARING OFFICER JANILE BLAKE. THE DATE WAS LEFT BLANK.

ON JUNE 20, 2024, CLAIMANT DAVIS WAS ASSIGNED TO RESTRICTIVE HOUSING (RH) BY THE CLASSIFICATION COMMITTEE. DAVIS MUST REMAIN DISCIPLINARY FREE FOR A MINIMUM OF 12 MONTHS. THE RH RELEASE PLAN INCLUDED A HANDWRITTEN NOTATION THAT STATED: "BATTERY ON STAFF."

RESTRICTIVE HOUSING (RH). A PLACEMENT THAT REQUIRES AN INMATE TO BE CONFINED TO A CELL AT LEAST TWENTY-TWO (22) HOURS PER DAY.

MAJOR DISCIPLINARY APPEAL

PURSUANT TO THE ARKANSAS DIVISION OF CORRECTIONS - INMATE DISCIPLINARY MANUAL POLICY AND PROCEDURE, THE CLAIMANT DAVIS FILED A MAJOR DISCIPLINARY APPEAL FORM (F-831-4), TO RESPONDENT MOSES JACKSON, POINTING OUT THE ERRORS IN THE HEARING OFFICERS WRITTEN DISPOSITION THAT STATED, "INMATE HIT ANOTHER INMATE, AND INMATE MUST LEARN NOT TO HIT ANOTHER INMATE." ON JUNE 26, 2024, RESPONDENT JACKSON AFFIRMED THE WARDEN'S DECISION. AN APPEAL WAS FILED TO RESPONDENT THOMAS ROWLAND WHO AFFIRMED THE DISCIPLINARY HEARING ADMINISTRATORS' DECISION. ON SEPTEMBER 9, 2024, DEXTER PAYNE UPHELD THE GUILTY VERDICT OF RULE D4-4 BATTERY ON STAFF, AND MODIFIED THE RULE D5-3 ASSAULT TO READ NOT GUILTY, THIS ENDS THE APPEAL PROCESS.

END OF STATEMENT

PAGE 2-D

STOP HERE!

This signature page must be completed in the presence of a Notary Public. Do not sign until you are directed to do so by the Notary Public. If there is more than one claimant involved in this claim, each claimant must complete a separate signature page.

If you are an ARKANSAS-LICENSED ATTORNEY submitting a claim on behalf of your client, there is a different signature page that must be used. Please call (501)682-1619 and ask for an attorney signature page.

Signature Page for Claim Filed by an Individual Claimant

The undersigned certifies that to the best of my knowledge, information, and belief, this claim is not being presented for any improper purpose; this claim is warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law or for establishing new law; and the factual contentions have evidentiary support of, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.

Richard Davis
Claimant Signature

ACKNOWLEDGEMENT

State of ARKANSAS
County of LEE

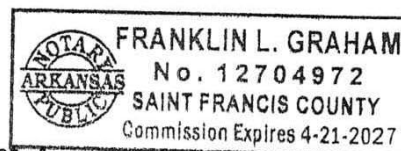
On this the 17 day of Oct, 2024, before me, the undersigned notary, personally appeared RICHARD DAVIS known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument and acknowledged that he/she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Franklin L. Graham
Signature of Notary Public

[seal of office]

My Commission Expires: 4-21-2027



Ark. Code Ann. § 19-10-208(f)

- (1) A claimant who is an inmate in the Division of Correction or the Division of Community Correction at the time the claim or action is filed is limited to no more than:
 - (A) Five (5) pages of written factual allegations and legal argument in his or her complaint; and
 - (B) Five (5) additional pages of exhibits to accompany his or her complaint.
- (2)
 - (A) An inmate filing a claim or action may file a motion to allow him or her to file additional pages of factual allegations, argument, or exhibits in excess of the limitations under subdivision (f)(1) of this section.
 - (B) A motion filed under this subdivision (f)(2) may be granted only if the commissioners of the Arkansas State Claims Commission find that the inmate needs the additional pages to fully explain his or her claim or action or if the claim or action is sufficiently complex to warrant additional pages.
- (3)
 - (A) If an inmate files a claim or action that exceeds the page limitations under this subsection, the commission shall:
 - (i) Assign the inmate's claim a docket number; and
 - (ii) Consider the inmate's claim filed, but mail the inmate's complaint and any attached exhibits back to him or her and give the inmate forty-five (45) days to:
 - (a) Resubmit his or her complaint and any attached exhibits in compliance with this subsection; or
 - (b) File a motion requesting permission to file a complaint and accompanying exhibits that exceed the page limitations under this subsection.
 - (B) The forty-five-day time period under this subsection is excludable time in calculating the statute of limitations for the inmate's claim or action.
 - (C) The commission may dismiss an inmate's complaint without prejudice if the inmate fails to:
 - (i) Resubmit a complaint and attached exhibits that meet the page limitation requirements of this subsection; or
 - (ii) File a motion requesting permission to file a complaint and attached exhibits that exceed the page limitation requirements of this subsection.
 - (D)
 - (i) If the commission grants a motion for a complaint and accompanying exhibits that exceed the page limitation requirements of this subsection, the commission shall set out in the order granting the motion the revised timeline for the inmate to file his or her complaint and accompanying exhibits.
 - (ii) The commission may set a revised limit on the number of pages an inmate's complaint and accompanying exhibits may be.

Acts of 1949, Act 462, § 3; Acts of 1983, Act 470, § 3; Acts of 2019, Act 785, § 2, eff. July 24, 2019.

ISSR100

Arkansas Department of Corrections
MAJOR DISCIPLINARY

If the C.S.O. determines that the violation(s) described on this document are felonious; he/she must hand carry this document to the Unit Warden who must immediately notify the Director.

Inmate: Davis, Richard

ADC#: [REDACTED]

Assignment: AM:Restrictive Housing
 PM:Administrative Review

Class: I-C is being charged by Robinson, Tamia S
 with code violation(s):

Title: Corporal

04-4 Battery on Staff. Use of physical force upon staff (examples include, but are not limited to, staff, volunteers, vendors and/or contractors).
 05-3 Assault. Any willful attempt or threat(s) to inflict injury upon another, directly or indirectly, verbally or in writing.

Date & Time: 06/07/2024 11:01 AM

Notice of Charges:

Incident Report Unit: [REDACTED]

Incident Report Date/Time: 06/07/2024/11:01:34 AM

Incident Report Number: 2024-06-053

Incident Report Comments By: Tamia S Robinson

On June 7, 2024, I, Cpl. T. Robinson was assigned to 13-20 Barracks at approximately 11:01am. I Cpl. T. Robinson was letting inmates in the barracks which was returning from 15 Barracks chow call. As Inmate R. Davis [REDACTED] (verified by eOMIS) returned from chow. I Cpl. T. Robinson was talking with other inmates. Inmate Davis stated while walking down the hallway, "Come on Rob. Come on Robinson let me in." as he waited on the wall. I then opened the door and while inmate Davis was walking in the barracks I replied, "What's wrong with you Davis," as I touch his shoulder with the keys in my right hand, I Cpl. Robinson then stated Davis are you alright, Inmate Davis turned around pointed his finger in my face and stated come on now Robinson I don't play like that. At this time Inmate R. Davis [REDACTED] me in the face with his left hand open. I Cpl. Robinson walked down the hallway and notified the area supervisor. upon the arrival of Captain Padilla, Inmate R. Davis was then giving a direct order to be placed in restraints to which he complied. Inmate R. Davis [REDACTED] knows has actions are against ADC and Unit Policy, therefore I, Cpl. Robinson am charging Inmate R. Davis [REDACTED] with following rule violations 4-4 and 5-3 pending DCR. End of Statement

(I affirm that the information in this report is true to the best of my knowledge)

Signature of Charging Officer

NOTIFICATION:

Officer

Sgt. B. King

Date & Time Notified 6-7-24

Witness Statements:

No ☒

If yes, list:

Inmate's Signature

EXHIBIT A

I-77

ISSR101

Arkansas Department of Correction

DISCIPLINARY HEARING ACTION

Inmate: Davis, Richard

ADC#: [REDACTED]

Unit: [REDACTED]

Code Violation(s):

04-4 Battery on Staff. Use of physical force upon staff (examples include, but are not limited to, staff, volunteers, vendors and/or contractors).

05-3 Assault. Any willful attempt or threat(s) to inflict injury upon another, directly or indirectly, verbally or in writing.

Date/Time of Alleged Offense(s): 06/07/2024 11:01 AM

Hearing Date: 06/18/2024

Time: Start 8:20 AM

End 8:25 AM

Recorder: Blake, Janice

Tape#:

Side:

Meter: From

To

Plea: Not Guilty, Not Guilty

Attendance Waived: No

Has waiver form been completed? _____

Inmate's Statement:

He touch me on the shoulder with the keys and I touched him on his face with my hand.

I touched him

Signature of Inmate _____

Court Questions:

Do you have a statement?

Did you hit him in the face?

Sentencing Conditions:

Verdict: Guilty, Guilty

Restriction Days to Serve

Commissary:	60	Days Suspended:	0
Phone:	60	Days Suspended:	0
Visitation:	60	Days Suspended:	0
Punitive Isolation Days to Serve:	19	Days Suspended:	0
GT Class Reduced to:	IV	Class Suspended:	

EXHIBIT B

Disciplinary Hearing Action

06/18/2024 6:28 PM

Page 2

Inmate: Davis, Richard

ADC#: [REDACTED]

Unit: [REDACTED]

Additional Sanctions/General Comments:

Rh credit 11 days.

Factual Basis for Decision (This is a short synopsis of the facts as the Hearing Officer perceives them after reviewing all of the evidence.):

Inmate hit another inmate.

Evidence Relied Upon:

F-1 statement from charging officer.

005 from staff supporting F-1 report. Witness statements. Photos.

Reasons Why Information Purporting to Exonerate Inmate was Discounted:

Staff report is accepted.

Reasons for Assessment of Punishment:

Inmate must learn not to hit another inmate.

I have read this report and understand that I may appeal to the Warden about any decision made in this matter within fifteen (15) working days by completing the "Disciplinary Appeal" form.

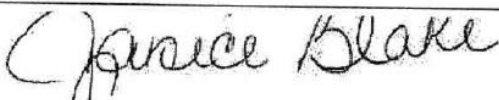
Inmate's Signature _____

Counsel-Substitute _____

I affirm that the information is true to the best of my knowledge.

Hearing Officer _____

Date _____



RECEIVED
JUL 05 2024

ADMINISTRATOR
DISCIPLINARY APPEAL FORM

Inmate Name RICHARD DAVIS

ADC# [REDACTED]

Unit/Center [REDACTED]

Punitive Isolation ☒ Yes ☐ No

Disciplinary (date) 6.7.2024 by (charging officer) JAMIA S. ROBINSON

6.18.24 Appealed to Warden/Center Supervisor: Note, if you do not agree with the decision of the Disciplinary Hearing Officer, you have 15 business days from receipt of disciplinary action to appeal to the Warden/Center Supervisor.
Warden's Decision: Affirm ☒ Reverse ☐ Modify ☐ (See attached if modified)
Signature: Supt Moses Jackson Date 6/27/24

6.28.24 Appealed to Disciplinary Hearing Administrator: Note, if you do not agree with the response of the Warden/Center Supervisor, you may appeal within 15 business days from receipt of the Warden/Center Supervisor's response to the Disciplinary Hearing Administrator.
DHA's Decision: Affirm ☒ Reverse ☐ Modify ☐ (See attached if modified)
Signature: T. R. R. R. Date 6/28/24

8.2.24 Appealed to Director: Note if you do not agree with the Disciplinary Hearing Administrator's response, you may appeal within 15 business days from receipt of the Disciplinary Hearing Administrator's decision to the Director.
Director's Decision: Affirm ☐ Reverse ☐ Modify ☐ (See attached if modified)
Signature: W. Sanner Date 9/9/24

Notice to Inmate: This form is to be used for all appeal levels and responses. Briefly state reasons why conviction or punishment should be reversed or modified. This information will be considered at all three levels of appeal. Only information that is contained within this space on this form will be considered:

OFFICER ERRONEOUSLY STATED UNDER THE "FACTUAL BASIS FOR DECISION" THAT THE INMATE HIT ANOTHER INMATE. THIS DECISION IS NOT SUBSTANTIATED BY THE F-1 STATEMENT FROM CHARGING OFFICER. FURTHERMORE UNDER "REASON FOR ASSESSMENT OF PUNISHMENT," THAT INMATE MUST LEARN NOT TO HIT ANOTHER INMATE. THE DISCIPLINARY MANUAL STATES THAT "THE HEARING OFFICER MUST SIGN AND DATE THE DISCIPLINARY FORM; AND THE INMATE MUST BE PROVIDED A COPY OF THE FORM F-831-3." THIS INMATE APPEAL, ALLEGES THAT THE HEARING OFFICER (JANICE BLAKE), WILLFULLY VIOLATED AR 831, WHEREBY SHE NEGLECTED TO INCLUDE DATE ON DAVIS' F-831-3 FORM. FOR THE ABOVE STATED REASONS, DAVIS' DID NOT RECEIVE AN IMPARTIAL DUE PROCESS HEARING PURSUANT TO PROCEDURES IN THE DISCIPLINARY MANUAL, THEREFORE DAVIS' CONVICTION AND PUNISHMENT MUST BE REVERSED.

Inmate's Signature: Mr. Richard Davis Date: 6.18.24

Original to be submitted for appeal; copies for inmate's use to proceed to next level if timely response not received.

EXHIBIT C

004.03.1-831. Disciplinary Rules

ARADC 004.03.1-831 Arkansas Administrative Code (Approx. 4 pages)

West's Arkansas Administrative Code
 Title 004. Department of **Corrections**
 Division 03. Office of the Secretary
 Rule 1. Administrative Rules
 Inmate and Program Management

Ark. Admin. Code 004.03.1-831
 Formerly cited as AR ADC 004.00.2-831

004.03.1-831. Disciplinary Rules

Currentness

I. POLICY:

To ensure the orderly functioning of institutions and the safety of inmates and staff through the establishment and enforcement of rules governing inmate conduct.

II. GUIDELINES:

A. Rules are established and approved by the Director of the Arkansas Department of **Correction** subject to review by the Board of **Corrections**.

B. Rules and procedures are published to all staff and inmates through an *Inmate Discipline Manual* located in the law library, or otherwise available, in each facility. Rules are also made available to each inmate and staff member through the *Inmate Handbook*.

C. Every member of staff; employees of the Arkansas Department of **Correction** School District and Riverside Vo-Tech; and authorized agents of the Arkansas Department of **Correction**, such as staff of the medical services contractor, contract mental health and substance abuse staff, are vested with the authority and responsibility to see that the rules are followed.

D. Procedures are established in the *Inmate Discipline Manual* for notification of an alleged infraction and for fair and impartial determination as to fact and responsibility in a venue in which the charged inmate has the opportunity to present evidence, including witness statements. Should there be a demonstrable need, a counsel substitute and/or interpreter may be provided to ensure that the inmate fully understands the procedures.

E. All steps in the procedures are to be carried out in a timely fashion as specified in the *Inmate Discipline Manual*.

F. Ranges of penalties associated with findings of guilt, and interventions such as referral for treatment, are stated in association with each rule in the *Inmate Discipline Manual*. Generally, the severity of the penalty is correlated with the seriousness of the conduct and the frequency of repetition of rule infractions.

G. All steps in the **disciplinary** process are to be properly documented. Hearings will be audio, or video recorded and records of **disciplinary** actions will be maintained in accordance with the Department's records retention schedule.

H. An appeal process, as specified in the *Inmate Discipline Manual*, will allow the inmate to seek to **correct** errors in procedure or in findings of fact.

I. The Administrator of **Disciplinary** Hearings is charged with the responsibility of training **Disciplinary** Hearing Officers and with monitoring adherence to procedure.

III. STANDARDS:

Mika Tucker

From: Kris Higdon (DOC)
Sent: Friday, February 7, 2025 10:40 AM
To: ASCC Pleadings
Cc: Tawnie Rowell (DOC)
Subject: Richard Davis v. ADC, 250749
Attachments: Rule 12(b)-MTD.pdf

Please see attached motion to dismiss.

Kris Alan Higdon (Mr.)
Deputy General Counsel
1302 Pike Ave., Suite C
North Little Rock, AR 72114
Cell: (870) 643-1364
Kris.a.higdon@doc.arkansas.gov

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RICHARD DAVIS ([REDACTED]

CLAIMANT

v

NO. 250749

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

RESPONDENT

RULE 12(b)(6) MOTION TO DISMISS

Comes Now the Respondent, Arkansas Department of Corrections (ADC), for its Motion to Dismiss, states:

1. The inmate's claim should be dismissed pursuant to the Arkansas Rules of Civil Procedure (ARCP) 12(b)(6) as it fails to state facts upon which relief can be granted.

2. On a motion to dismiss pursuant to Rule 12(b)(6) of the Arkansas Rules of Civil Procedure the courts treat the facts alleged in complaints as true and view them in the light most favorable to the plaintiff. Dockery v Morgan, 2011 Ark. 94.

3. "However, [Arkansas's] rules require fact pleading, and a complaint must state facts, not mere conclusions, in order to entitle the pleader to relief." *Id.* The Court should "treat only the facts alleged in the complaint as true but not the plaintiff's theories, speculation, or statutory interpretation." *Id.*

4. An "important mechanism for weeding out meritless claims [is a] motion to dismiss for failure to state a claim." Fifth Third Bancorp v. Dudenhoeffer, 573 U.S. 409, 425 (2014).

5. Legal conclusions, unsupported conclusions, and unwarranted inferences must be ignored and fail to withstand a Rule 12(b)(6) motion. *See Farm Credit Svcs. v American State Bank*, 339 F.3d 764 (8th Cir. 2003).

6. A pleading must contain a “short and plain statement of the claim showing that the pleader is entitled to relief. Ashcraft v Iqbal, 556 U.S. 662 (2009).

7. Although detailed factual allegations are not required, more than “unadorned, the-defendant-unlawfully-harmed-me-accusations” are required. Id.

8. To survive a motion to dismiss, a complaint must contain sufficient factual matter that, when accepted as true, state a claim to relief that is plausible on its face. Id.

9. A claim is facially plausible “when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” Id.

10. Pro Se parties are not given special treatment and are held to the same standard as a licensed attorney. Pressler v. Ark. Publ. Serv. Comm’n, 2011 Ark. App. 512, at 9, 385 S.W.3d 349, 355 (citing Elder v. Mark Ford & Assocs., 103 Ark. App. 302, 288 S.W.3d 702 (2008)).

11. Whether a plaintiff is represented by counsel or is appearing pro se, his complaint must allege specific facts sufficient to state a claim. *See* Martin v Sargent, 780 F.2d 1334, 1337 (8th Cir. 1985).

12. A complaint must state facts, not mere conclusions, in order to satisfy the requirements of Rule 8 of the Arkansas Rules of Civil Procedure. Doe v Weiss, 2010 Ark. 150.

13. In cases of adjudication, any person, except an inmate under sentence to the custody of the Division of Correction, who considers himself or herself injured in his or her person, business, or property by final agency action shall be entitled to judicial review of the action under this subchapter. A.C.A. § 25-15-212(a).

14. The only limitation on this exception is for constitutional claims. Clinton v. Bonds, 306 Ark. 554, 816 S.W.2d 169 (1991).

15. When an inmate challenges a disciplinary proceeding and prison officials' implementation of ADC policy, the petition must allege a constitutional question sufficient to raise a liberty interest. Smith v. Hobbs, 2014 Ark. 270.

16. Because the doctrine of sovereign immunity does not bar plaintiff from litigating his 42 U.S.C. § 1983 claim against defendant individually in state or federal courts of general jurisdiction, the Arkansas Claims Commission has no jurisdiction over the constitutional claim. Smith v. Johnson, 779 F.3d 867 (8th Cir. 2015).

17. In this matter, Claimant does not specifically raise constitutional claims, the law is clear that in order to seek relief from the disciplinary matter he complains of would be to raise such a claim.

18. As this Commission does not have jurisdiction to hear constitutional claims, this matter must be dismissed.

WHEREFORE, Respondent prays that the motion be granted, the complaint dismissed, and all other just and proper relief to which it may be entitled.

Respectfully submitted,

/s/ Kris Alan Higdon

Kris Alan Higdon #2004115
Arkansas Department of Corrections
1302 Pike Ave., Suite C
North Little Rock, AR 72114
Telephone: (501) 682-9593
Kris.a.higdon@doc.arkansas.gov

CERTIFICATE OF SERVICE

I, Kris Alan Higdon, hereby certify that a true and correct copy of the foregoing has been served upon persons set out below, via first class mail, on this 7th day of February 2025.

RICHARD DAVIS ([REDACTED]
[REDACTED]

/s/ Kris Alan Higdon

Kris Alan Higdon

Mika Tucker

From: Miles S. Morgan
Sent: Tuesday, March 4, 2025 9:03 AM
To: ASCC Pleadings
Cc: Trent Rigdon (DOC); Yolanda Charles (DOC)
Subject: Richard Davis v. ADC 250749
Attachments: ADC's response to 2nd RFA (002).pdf; ADC's response to RFA.pdf; scan_kshigdon_2025-02-28-11-40-03.pdf

I believe Kris forgot to file these last Friday which was his last day with the department.

ADC Responses to Request for Production and Requests for Admissions.

Thanks,



MILES S. MORGAN
DEPUTY GENERAL COUNSEL
OFFICE OF THE SECRETARY

1302 Pike Avenue, Suite C
North Little Rock, Arkansas 72114
Phone: (501) 682-9540 (Office)
Miles.S.Morgan@doc.arkansas.gov

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Richard Davis [REDACTED]

CLAIMANT

v

NO. 250749

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

RESPONDENT

ADC RESPONSES TO REQUEST FOR ADMISSIONS

COMES NOW, Respondent and for its responses to request for admissions, states:

REQUEST FOR ADMISSIONS NO. 1: Admit or deny that the major disciplinary form (ISSR 100) provided with claim #250749 are genuine documents.

RESPONSE: Admit

REQUEST FOR ADMISSIONS NO. 2: Admit or deny that the disciplinary hearing action form (ISSR 101) provided with claim #250749 are genuine documents.

RESPONSE: Admit

REQUEST FOR ADMISSIONS NO. 3: Admit or deny that the Major disciplinary appeal from (F-831-4) provided with claim #250749 are genuine documents.

RESPONSE: Admit

REQUEST FOR ADMISSIONS NO. 4: Admit or deny that Arkansas Administrative Code 004.03.1-831 (Disciplinary Rules) provided with claim #250749 are genuine documents of the Department of Corrections.

RESPONSE: Admit

REQUEST FOR ADMISSIONS NO. 5: Admit or deny that Administrative Directive #2024-04 (Inmate Disciplinary Manual) served with this request for inspection in relevant part are genuine documents of the Arkansas Department of Corrections.

RESPONSE: Deny

REQUEST FOR ADMISSIONS NO. 6: Admit or deny that the major disciplinary (ISSR-100) written on June 7, 204, by corporal Tamia S Robinson charged inmate Richard Davis #89568 with violations of rule 04-4 Battery on staff; and 05-3 assault in violation of ADC and unit policy.

RESPONSE: Respondent objects to this request as duplicative.

REQUEST FOR ADMISSIONS NO. 7: Admi or deny that the disciplinary hearing officer (Janice Blake), conducted a disciplinary hearing on June 18, 2024, whereby Davis was found guilty of battery on staff and assault. Davis was sentenced to 19 days punitive isolation; 60 days commissary, phone, and visitation restriction. Admit that Davis was reduced from good time class IC to good time class IV.

RESPONSE: Respondent objects to this request as duplicative.

REQUEST FOR ADMISSIONS NO. 8: Admit or deny that on the disciplinary hearing action form (ISSR 101), under “Factual Basis for decision”, that the hearing officer stated that “Inmate hit another inmate,”

RESPONSE: Respondent objects to this request as duplicative.

REQUEST FOR ADMISSIONS NO. 9: Admit and deny that on the disciplinary hearing action form (ISSR 101), under “Reasons for assessment of punishment,” that the hearing officer stated that “inmate must learn not to hit another inmate.”

RESPONSE: Respondent objects to this request as duplicative.

REQUEST FOR ADMISSIONS NO. 10: Admit or deny that the disciplinary report (ISSR 101), written by Corporal Tamia S Robinson started in part that “inmate R. Davis [REDACTED] hit me in the face with his left hand open.”

RESPONSE: Respondent objects to this request as duplicative.

REQUEST FOR ADMISSIONS NO. 11: Admit or deny that inmate R. Davis [REDACTED]

hit Corporal Robinson in the face, and not another inmate.

RESPONSE: Admit

REQUEST FOR ADMISSIONS NO. 12: Admit or deny that inmate R. Davis [REDACTED]

did not receive a fair and impartial determination of facts.

RESPONSE: Deny

Respectfully submitted,

/s/ Kris Alan Higdon
 Kris Alan Higdon #2004115
 Deputy General Counsel
 Arkansas Department of Corrections
 1302 Pike Ave., Suite C
 North Little Rock, AR 72114
 Telephone: (501) 682-9593
 Kris.a.higdon@doc.arkansas.gov

CERTIFICATE OF SERVICE

I, Kris Alan Higdon, hereby certify that a true and correct copy of the foregoing has been served upon persons set out below, via first class mail, on this 28th day of February.

Richard Davis ([REDACTED])
 [REDACTED]
 [REDACTED]

/s/ Kris Alan Higdon
 Kris Alan Higdon

Richard Davis (████████)

CLAIMANT

V

NO. 250749

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

RESPONDENT

ADC RESPONSES TO REQUEST FOR ADMISSIONS

COMES NOW, Respondent and for its responses to request for admissions, states:

REQUEST FOR ADMISSIONS NO. 1: Admit or deny that on June 7, 2024, that Davis was transferred from general population to the [REDACTED].

RESPONSE: Deny

REQUEST FOR ADMISSIONS NO. 2: Admit or deny that Daivs was written a major disciplinary (ISSR-100), on June 7, 2024, by Corpora Tamia S Robinson charging Daivs with battery on staff and assault.

RESPONSE: Admit

REQUEST FOR ADMISSIONS NO. 3: Admit or deny that Daivs appeared before respondent Janice Balke for a major disciplinary court hearing on June 18, 2024.

RESPONSE: Admit

REQUEST FOR ADMISSIONS NO. 4: Admit and deny that the respondent Blake found Davis guilty of battery on staff and assault and sentenced Davis to good time reduced to Class IV, 19 days punitive isolation, and 60 days restriction of commissary, phone and visitation.

RESPONSE: Admit.

REQUEST FOR ADMISSIONS NO. 5: Admit or deny that on the disciplinary hearing action for (ISSR-100), under “Evidence Relied Upon,” that respondent Blake stated: “F-

1 report from charging officer, 005 from staff supporting F-1 report, witness statement and photos.”

RESPONSE: Admit.

REQUEST FOR ADMISSIONS NO. 6: Admit or deny that on the disciplinary hearing action form (ISSR 101), under “Factual basis for decision, “that respondent Blake stated, “Inmate hit another inmate.”

RESPONSE: Admit

REQUEST FOR ADMISSIONS NO. 7: Admit or deny that on the disciplinary hearing action form (ISSR 101), under “reasons for assessment of punishment, “that respondent Blake stated; “Inmate must learn not to hit another inmate.”

RESPONSE: Admit

REQUEST FOR ADMISSIONS NO. 8: Admit or deny that Davis hit Corporal Tamia Robinson and not another inmate as alleged in respondent Blake written statements.

RESPONSE: Admit

REQUEST FOR ADMISSIONS NO. 9: Admit or deny that respondent Blake signed the disciplinary hearing action form (ISSR 101) affirming that the information is true to the best of my knowledge, and that she failed to date the form in violation of AD # 2024-04 (Inmate Disciplinary Manual).

RESPONSE: Admit

REQUEST FOR ADMISSIONS NO. 10: Admit or deny that Davis major disciplinary appeal form (F-831-4), was affirmed on June 27, 2024, by respondent Moses Jackson.

RESPONSE: Admit

REQUEST FOR ADMISSIONS NO. 11: Admit or deny that Davis major disciplinary appeal for (F-831-4), was affirmed on July 8, 2024, by respondent Thomas Rowland.

RESPONSE: Admit.

REQUEST FOR ADMISSIONS NO. 12: Admit or deny that Davis major disciplinary appeal for (F-831-4), was modified on Sept. 9, 2024, by respondent Dexter Payne.

RESPONSE: Admit.

REQUEST FOR ADMISSIONS NO. 13: Admit or deny that Arkansas Administrative Code 004.03.1-831 (Disciplinary Rules), is the actual document of the department of correction and is a genuine document describes in this request.

RESPONSE: Respondent cannot admit or deny this request, and therefore denies the same.

Respectfully submitted,

/s/ Kris Alan Higdon
 Kris Alan Higdon #2004115
 Deputy General Counsel
 Arkansas Department of Corrections
 1302 Pike Ave., Suite C
 North Little Rock, AR 72114
 Telephone: (501) 682-9593
 Kris.a.higdon@doc.arkansas.gov

CERTIFICATE OF SERVICE

I, Kris Alan Higdon, hereby certify that a true and correct copy of the foregoing has been served upon persons set out below, via first class mail, on this 28th day of February.

Richard Davis ([REDACTED])
 [REDACTED]
 [REDACTED]

/s/ Kris Alan Higdon
 Kris Alan Higdon

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Richard Davis [REDACTED]

CLAIMANT

v

NO. 250749

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

RESPONDENT

ADC RESPONSES TO REQUEST FOR PRODUCTION

COMES NOW, Respondent and for its responses to request for production, states:

REQUEST FOR PRODUCTION NO. 1: Any and all video footage of the incident on June 7, 2024 in reference to grievance #EAM24-01335. That respondent permit claimant to view the video footage, and/or provide photo copies of video footage.

RESPONSE: Respondent objects to this request as it seeks information that would put the health and safety of inmates, staff and the facility at risk.

REQUEST FOR PRODUCTION NO. 2: Any and all Major disciplinary report of the June 7, 2024 incident, to include but not limited to incident report number 2024-06-053, F-1 statement from charging officer, 005 from staff supporting F-1 report, photos, and witness statements.

RESPONSE: Respondent objects to this request to the extent it seeks information that is confidential and personal. Respondent will supplement with responsive documents.

REQUEST FOR PRODUCTION NO. 3: Any and all written disciplinary actions contained in correctional Officer Tamia S Robinsons employee Human Resources file of the June 7, 2024 incident.

RESPONSE: Respondent objects to this request as it seek information that is confidential and not likely to result in the discovery of admissible information.

REQUEST FOR PRODUCTION NO. 4: Any and all rules, regulations, directive, and unit policies of the Arkansas Division of Correction about Employee Conduct Standards.

RESPONSE: See attached

REQUEST FOR PRODUCTION NO. 5: Any and all rules, regulations, directive, and unit policies of the Arkansas Division of Correction about Restrictive Housing.

RESPONSE: See attached

REQUEST FOR PRODUCTION NO. 6: Any and all medical records of the claimant from January 2024 to December 2024.

RESPONSE: Respondent will comply with policy regarding inmate's access to medical records.

Respectfully submitted,

/s/ Kris Alan Higdon

Kris Alan Higdon #2004115
Deputy General Counsel
Arkansas Department of Corrections
1302 Pike Ave., Suite C
North Little Rock, AR 72114
Telephone: (501) 682-9593
Kris.a.higdon@doc.arkansas.gov

CERTIFICATE OF SERVICE

I, Kris Alan Higdon, hereby certify that a true and correct copy of the foregoing has been served upon persons set out below, via first class mail, on this 28th day of February 2025.

/s/ Kris Alan Higdon

Kris Alan Higdon



ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION
OFFICE OF THE DIRECTOR
DEXTER PAYNE
6814 Princeton Pike
Pine Bluff, AR 71602



ADMINISTRATIVE DIRECTIVE

SUBJECT: Restrictive Housing

NUMBER: 2024-02

SUPERSEDES: 2022-27

APPLICABILITY: Director, Chief Deputy/Deputy Directors, Wardens, Work Release Center Supervisors, Employees involved in Segregation, and Inmates

REFERENCE: AR 839 Punitive Segregation; AD Disciplinary Court Review; AD Punitive Housing-Restriction; AD Step-Down Program; SD Prison Rape Elimination Act; AD Meritorious Good Time; AD Inmate Disciplinary Manual

PAGE: 1 of 8

APPROVED: Original signed by Dexter Payne

EFFECTIVE DATE: 03/15/24

I. POLICY

It is the policy of the Arkansas Division of Correction (ADC) to provide safe and secure housing to inmates who require a higher degree of physical control, or who staff find necessary to remove from the general population of the facility. The policy is to limit the use of Restrictive Housing to the shortest period of time possible while maintaining a safe environment within the institutions. Restrictive Housing is a form of incarceration that requires an inmate to be confined to his or her cell for 22 hours a day or longer, regardless of the inmate's particular barrack's assignment or the reason an inmate is being held in restrictive housing (i.e. subsequent to a mental health order, medical provider's order, punitive days, etc.).

The use of "segregation" or administrative segregation" in existing policies also applies to inmates in "Restrictive Housing" or "Extended Restrictive Housing" unless such use poses a conflict with this policy. The Institutional Classification Committee or, in an emergency, the Warden or designee may place an inmate in Restrictive Housing if his/her continued presence in the general population poses a direct threat to the safety of other inmates and staff or is a clear threat to the safe and secure operations of the facility.

II. DEFINITIONS

- A. Administrative Status. Separation from the general population by the classification committee or shift supervisor when the continued presence of the inmate in the general population poses a direct threat to the safety of persons or a clear threat to the safe and secure operations of the facility. Inmates pending investigation by the unit or law enforcement, pending trial on a criminal act, pending disciplinary court review, or pending transfer. While this status may be in restrictive housing, it is a temporary status, and a Release Plan is not required while in this status.
- B. Assignment. A decision by the Institutional Classification Committee that RH is appropriate.

- C. Disciplinary Court Review (DCR). The confinement of an inmate in RH until a disciplinary hearing is completed due to an alleged disciplinary infraction.
- D. Extended Restrictive Housing. Placement in housing that separates the inmate from contact with general population while restricting an inmate to his/her cell for twenty-two (22) hours per day and for longer than thirty (30) days for the safe and secure operation of the facility. A 48-hour relief does not end Extended RH because the inmate is not returned to general population during this time.
- E. Meritorious Good Time. The reduction of an inmate's parole or transfer eligibility date based on good discipline, behavior, work practices, job responsibilities and involvement in rehabilitative activities while under the control and supervision of the Department of Correction.
- F. Placement. Removal of an inmate from general population to a RH Assignment.
- G. Protective Custody. Form of separation from the general population for inmates requesting or requiring protection from other inmates for reasons of health or safety. The classification committee reviews the inmate's status periodically. Inmates assigned to Protective Custody are not assigned to RH due to this status alone.
- H. Reentry Plan. A pre-release assessment and plan that includes at a minimum a review of parole stipulations and program referrals, transportation to the inmate's closest commercial pick-up point, information on community services available in the area, and information on how to reinstate voting rights upon discharge of their sentence.
- I. Release Plan. The steps the inmate needs to take to be released to general population which may include one or more of the following: a certain number of disciplinary free days, completion of disciplinary sanctions, completion of anger management, thinking errors, and/or a Step-Down Program.
- J. Restrictive Housing (RH). A form of incarceration in which an inmate is required to be confined to his/her cell for 22 hours a day or longer, regardless of the inmate's particular barrack's assignment or the reason an inmate is being held in restrictive housing (i.e., subsequent to a mental health order/physician's order, punitive days, etc.).
- K. Restrictive Recreation. A status Assignment allowing the Classification Committee or Warden to assign an inmate to be kept in full restraints during the inmate's scheduled recreation period if his/her actions pose a direct threat to the safety of persons or a clear threat to the safe and secure operations of the facility. These actions include but are not limited to tampering with, or blocking, any lock or locking device; tampering or manipulating any recreation enclosure or RH recreation area; running from, avoiding, or otherwise resisting apprehension; aggravated battery to include attempted battery or battery on staff or inmates; and attempts to remove or manipulate restraints.
- L. Serious Mental Illness. Psychotic, Bipolar, and Major Depressive Disorders and any other diagnosed mental disorder (excluding substance use disorders) associated with serious behavioral impairment as evidenced by examples of acute decompensation, self-injurious behaviors, and mental health emergencies that require an individualized treatment plan by a qualified mental health professional.
- M. Step-Down Program. A system of review that establishes criteria to prepare an inmate for transition from RH to general population or the community. A classification committee made up of a multidisciplinary team (medical, mental health, security, and others determined by the Warden) will determine which individual inmates enter the program.
- N. Warden. Means warden, superintendent, or work release center supervisor.
- O. Youthful Inmate. Any inmate under the age of eighteen (18). Note: Refer to the Youthful Inmate Administrative Directive for procedures pertaining to the housing of Youthful Inmates.

III. PROCEDURES

A. Initial Placement

1. Upon the determination that the inmate poses a direct threat to the safety of persons or a clear threat to the safe and secure operations of the facility, the Chief Security Officer on duty (shift supervisor) may place the inmate in RH.
2. Inmates placed in RH must be transferred out of RH within three (3) business days when Placement is due to Protective Custody status alone unless approved by the appropriate Deputy Director.
3. When a PREA incident (sexual abuse/assault) has occurred or is alleged to have occurred, victims shall be separated from the accused as soon as possible. If the victim is placed in RH, the Placement should not exceed 24 hours, unless necessary to protect the victim from further harm or other security concerns. For further guidance in post-allegation housing of victims of sexual abuse/assault, refer to Secretarial Directive Prison Rape Elimination Act (PREA).
4. Any inmate Placement in RH will be approved, denied, or modified within twenty-four (24) hours by an appropriate and higher authority who was not involved in the initial Placement. The higher authority shall, after reviewing the inmate's status, either release him/her from the RH area or retain him/her in the RH area and refer the inmate to the next regularly scheduled meeting of the Classification Committee. The inmate will receive written notification of the hearing not less than twenty-four (24) hours prior to the hearing.

B. Institutional Classification Committee Procedures for Assignment to RH

1. The Classification Committee will hold the hearing to determine Assignment within seven (7) days of Placement and after the inmate has received written notice.
2. The inmate will be allowed to appear before the committee to make any relevant statement, and to present related documentary evidence.
3. Assignment to RH will be made by a majority vote of the committee.
4. The inmate will be advised of the reasons for his/her Assignment to RH and the steps he/she needs to take to be released to general population which may include a Step-Down Program. Both the reason for Assignment and the method to earn release will be provided to the inmate in writing and a copy of the reasons will be maintained in the inmate's electronic file. All decisions may be subject to review and approval or disapproval by the Warden or his/her designee.
5. Prior to any other actions (excluding bed assignments) being taken in the electronic offender record, an Incident Report must be entered in the electronic offender record within 24-hours of an inmate being placed in RH.
6. Any inmate who is potentially dangerous to his or her own person shall immediately be placed in RH and evaluated by Mental Health Staff the same business day or within four (4) hours.
7. Any inmate who exhibits chronic unruly behavior shall be evaluated by the Mental Health Staff upon request by the Warden or his/her designee. The results of the evaluation shall be considered by the Classification Committee in determining the RH status of the inmate.
8. Confinement of pregnant inmates or inmates who are Seriously Mentally Ill (SMI) in Extended RH is prohibited.
9. An inmate will not be placed in RH based on gender identity alone.
10. All inmates assigned to RH for thirty (30) days or less will have Restrictive Housing listed as their AM Assignment. This AM Assignment will be automatically generated in the offender electronic record following the entry of the Incident Report and Restrictive Housing Placement Offender Standard Form.

11. Inmates with AM Assignments to 'Restrictive Housing' or 'Extended Restrictive Housing' may have one (1) of the following PM Assignments:
 - a. Direct Threat (Self)
 - b. Direct Threat (Safe/Secure Operations/Others)
 - c. Administrative Review
 - d. Punitive
 - e. Disciplinary Court Review (DCR)
 - f. Investigative Status
 - g. Protective Custody
 - h. PREA
 - i. Quarantine
 - j. Step Down Levels I-II
 - k. Supermax Levels I-V
 12. If the Warden or designee decides to move an inmate from RH, but the inmate refuses to leave, the inmate will be moved to Extended RH on the 31st day, unless the RH sanction has expired. The inmate shall be written a major disciplinary for failure or refusal to leave RH and return to population. An incident report must be completed to start the RH sanction over again.
 13. Assignment of Youthful Inmates to Extended RH is prohibited.
- C. Administrative Status.** An inmate that poses a direct threat to the safety of persons or a clear threat to the safe and secure operations of the facility, can be placed in RH on Administrative Status due to one (1) of the following:
1. Pending trial on a criminal act; Placement is not to exceed three (3) business days following a court decision;
 2. Pending DCR; Placement is not to exceed fourteen (14) days. If the disciplinary action is dismissed prior to a disciplinary hearing, the inmate must be released from DCR status and appropriately reassigned;
 3. Pending transfer to another unit; Placement is not to exceed three (3) business days absent approval from the appropriate Deputy Director; or
 4. Pending investigation by unit staff, Internal Affairs, or Arkansas State Police not to exceed three (3) business days which may be extended by the Warden or designee. The extension approved by the Warden or Deputy Warden may not exceed five (5) working days per extension. If there are more than four (4) extensions, they must have the approval of the Director. Extensions can only be made for one (1) of the following reasons:
 - a. An inmate who is suspected of having information which would aid in the resolution of the investigation is unavailable for interview by appropriate authorities;
 - b. Awaiting information, documents and/or decisions which would aid in the resolution of the investigation, from appropriate authorities; or
 - c. The case requires more extensive investigation.
 5. For inmates on Administrative Status, these procedures will be followed except that this status is temporary, and a Release Plan is not necessary while in this status.

6. Inmates who have been in restrictive housing for longer than thirty (30) days are to maintain the AM Assignment to "Extended Restrictive Housing" regardless of disciplinary court review or punitive status.

D. Control Precautions and Privileges while in Restrictive Housing

Controls and privileges do not govern inmates serving punitive restriction, participating, or assigned to Step-Down Units, Death Row, and other special housing areas including Residential Programming Unit (RPU), VSM Program, infirmaries, and the hospital.

1. Control Precautions

- a. The inmate will be housed in a separate area of the institution determined by the Warden.
- b. Inmates will receive regular mail privileges as inmates housed in population.
- c. Visits may be in a separate visiting room and will be conducted in the presence of an officer.
- d. Inmates will have the opportunity for exercise, a minimum of one (1) hour of exercise per day, five (5) days per week, unless security or safety dictates otherwise. Opportunities may be available to exercise outdoors, weather permitting. Reasons for the imposition of any constraints should be documented in the log and justified in writing.
- e. Regularly scheduled meals may be served in cells instead of the chow hall.
- f. Chaplains will visit the RH area at least weekly and upon request.
- g. Although no razors will be allowed, inmates will have the opportunity to groom facial hair and shower a minimum of three (3) times per week. Barbering and hair care services should be available on the same basis as general population except that no razors will be allowed. Exceptions to the schedule are permitted when found necessary by the shift supervisor on duty. All exceptions will be recorded in the log and justified in writing.
- h. Requests for medical, dental, or mental health services are the same as general population. The requests can be through sick call/health services request or by staff for medical emergencies. Inmates in RH are provided medication as prescribed.
- i. Commissary purchases will be limited to \$10 weekly due to security requirements on inmates in RH. Items not allowed include:
 - i. Ice cream;
 - ii. Cups/Tumblers;
 - iii. Razors;
 - iv. Any sharp objects;
 - v. Canned items/drinks;
 - vi. Nail clippers; and
 - vii. Others as designated in writing by unit policies.
- j. Clothing allowed to male inmates in RH while inside their cells are limited to a t-shirt and boxers. All inmates will be allowed to have one (1) jumpsuit in their possession while in the cell during winter months. Jumpsuits will be issued between September 1 and October 15 of each year depending on temperatures. Jumpsuits will be removed from the cells between April 1 and May 15 of each year depending on temperatures. For clothing allowed for females, refer to McPherson Unit policy and Hawkins Unit Policy.
- k. Inmates in RH will be issued jumpsuits prior to exiting his/her cell when being escorted outside of the barracks. Jumpsuits will be taken by staff upon return to the inmate's cell.
- l. Canvas shoes will be issued. No shoes with strings will be allowed in RH.

- m. A reasonable amount of reading material and educational material approved by the Arkansas Correctional School District.
- n. Bedding is to be changed weekly and weekly laundry services are to be provided.
- o. Access to legal materials upon request and in accordance with unit policy.
- p. Access to attorney of record via legal mail and telephone.
- q. Inmates leaving or entering the RH unit must be thoroughly searched. Those on RH status shall be escorted by two (2) officers and will be in restraints to and from their destination.
- r. RH inmates are personally observed by a correctional officer twice per hour, but no more than forty (40) minutes apart, on an irregular schedule. Inmates who are mentally disordered or who demonstrate unusual, bizarre, or self-injurious behavior receive more frequent observation as determined by a qualified mental health professional (minimal to constant); suicidal inmates are under continuous observation (directly or by monitored camera) while on treatment precautions. Observation shall be documented in a log.
- s. Inmates assigned to RH, excluding those assigned due to protective custody or medical concerns (i.e. quarantine), will not be eligible for class promotion, to earn meritorious good time, or be considered for the restoration of lost good time.

2. Privileges

- a. Inmates in RH will attend institutional activities only with prior written approval from the Warden.
- b. Television, radio, MP4, and/or tablet privileges may be denied only upon documentation of the reason(s) in each inmate's record. Separate documentation is not required when class status required for the privilege does not exist, or a disciplinary restriction is in the inmate's record.
- c. Special projects or holiday packages will not be allowed. Exceptions will be made by the Director for inmates housed on Death Row.

E. Review of RH Status

- 1. The Classification Committee or authorized staff must review the status of every inmate assigned to RH classification every seven (7) days for the first sixty (60) days, and every thirty (30) days thereafter to determine if the reason(s) for Assignment continues to exist. At every other thirty (30) day review, the inmate will be personally interviewed by the Classification Committee or authorized staff. All reviews will be documented utilizing the appropriate segregation form, and all refusals by inmates will be signed by the inmate and at least one (1) member of the classification committee who confirmed the refusal by speaking with the inmate. Any inmate who advises the classification member that he/she did not refuse will be assigned to the next regularly scheduled classification meeting.
- 2. A mental health practitioner/provider completes a mental health appraisal and prepares a written report on all inmates placed in RH within seven (7) days of Placement. If confinement continues beyond thirty (30) days, a behavioral health assessment by a mental health practitioner/provider is completed at least every thirty (30) days for inmates with a diagnosed behavioral health disorder and more frequently if clinically indicated. For inmates without a diagnosed behavioral health disorder, an assessment is completed every ninety (90) days and more frequently if clinically indicated. The evaluation will be conducted in a confidential area.
- 3. The Warden or designee will review all committee recommendations for possible transfer to general population within five (5) days.
- 4. No inmate shall remain in RH for more than one (1) year unless the Warden has personally interviewed him/her at the end of the year and approves the Assignment. At the end of the second and each additional

year that an inmate remains in RH, the Warden and the Deputy Director shall personally interview the inmate and determine whether the Assignment is necessary and appropriate.

5. The calculation and scheduling of an inmate's RH hearing will not change if that inmate transfers to another unit and remains in RH.
6. Inmates assigned to RH have the opportunity to participate in the Step-Down Program to assist with reintegration of the inmate into general population in accordance with his/her Release Plan or to the community in accordance with his/her Reentry Plan.
7. The ADC will attempt to ensure that inmates are not released directly into the community from RH or Extended RH. In the event that the release of an inmate directly from RH into the community is imminent, the Unit Warden or designee will document the justification and receive approval from the appropriate Deputy Director. Additionally, the following must be met:
 - a. Classification shall verify that a Reentry Plan is in the Division's electronic Offender Management Information System (eOMIS) at least one-hundred twenty (120) days prior to release. The Reentry Plan will be tailored to the specific needs of the inmate. This does not apply to court orders for immediate release.
 - b. Notice is required of release to local law enforcement where the inmate intends to reside, and/or local law enforcement where the ADC releases the inmate from custody.
 - c. Notify releasing inmate of applicable community resources as part of the Reentry Plan.
 - d. Victim Information and Notification Everyday (VINE) is made to those victims who have current information in VINE or eOMIS.

F. Restrictive Recreation

A. Initial Placement

1. Upon determination that the inmate poses a direct threat to the safety of persons or a clear threat to the safe and secure operations of the facility, the shift supervisor will notify the Warden, Deputy Warden, or Chief of Security to recommend an inmate's Placement on Restrictive Recreation Status. The recommendation shall include all pertinent information regarding the request and be forwarded to the Warden for review and approval unless the Warden approved the initial Placement.
2. Once the Warden initially approves the use of Restrictive Recreation for an inmate, the Warden will contact the appropriate Deputy Director or the Duty Director, requesting final authorization. The request for authorization will be made within twenty-four (24) hours of the initial Placement of an inmate on Restrictive Recreation Status and documented.
3. Any inmate placed on Restrictive Recreation Status will be scheduled to appear before the next regularly scheduled meeting of the unit's Classification Committee for review.

B. Institutional Classification Committee Procedures for Continued Placement on Restrictive Recreation Status

1. The inmate will be allowed to appear before the Classification Committee to make any relevant statements, and to present related documentary evidence. An inmate's refusal to appear before the committee will be documented in writing.
2. Continued placement will be made by majority vote of the committee.
3. The inmate will be advised in writing of the reasons for continued placement and the steps the inmate must take to be removed from Restrictive Recreation Status.
4. The inmate will be on staff restricted movement of a Lieutenant or above for the duration of the placement. The Lieutenant or above restriction will begin with the initial placement.

5. The Restrictive Recreation Status will be documented in the Case Notes Section of the inmate's electronic record and a Restrictive Recreation Precaution will also be entered. A handout on in-cell exercise shall be provided to the inmate upon request.
6. All decisions of the Classification Committee will be subject to review and approval or disapproval by the Warden or his/her designee.

C. Review of Restricted Recreation Status

1. The Classification Committee or authorized staff, at the rank of Major or above, must review the status of each inmate placed on Restrictive Recreation every sixty (60) days following the initial Classification Committee Review. The status review will be documented in the Classification Committee Action Section of the inmate's electronic record.
2. The Warden or his/her designee will review all recommendations for possible release from Restrictive Recreation status.
3. Upon release from RH an inmate will automatically be released from Restrictive Recreation status.

IV. ATTACHMENTS:

- I. Restrictive Housing Placement
- II. Restrictive Recreation Placement
- III. Restrictive Housing Status Review Record of Release Consideration
- IV. Restrictive Housing Release Plan
- V. Restrictive Housing Classification Committee Waiver
- VI. Restrictive Housing in Cell Recreation Handout

Attachment I

ARKANSAS DIVISION OF CORRECTION
RESTRICTIVE HOUSING PLACEMENT

Any Placement requires a finding that this inmate's continued presence in the general population poses a serious threat to life, property, self, staff, other inmates, or to the security of the Unit.

TO: _____

FROM: _____

DATE: _____

Inmate _____ ADC # _____ is/was placed in RH on
 _____ at _____ for the following reason(s):

☐ **Administrative Status (Temporary):**

- ☐ pending trial for a criminal act
- ☐ pending disciplinary court review
- ☐ pending transfer to another unit
- ☐ pending investigation (Note: PREA victims cannot be placed in RH for more than twenty-four hours (24) unless necessary to protect the victim from further harm or other security concerns)

Review required within twenty-four (24) Hours of Placement

- ☐ I was not involved in the initial Placement and have reviewed the reasons for the Placement. I find the Placement appropriate.
- ☐ I find the inmate should be moved to _____ rather than remain in RH.

 SIGNATURE

 DATE

Note: If the inmate's Placement in RH is approved, he/she shall appear before the Classification Committee for possible Assignment within seven (7) days.

Attachment II

ARKANSAS DIVISION OF CORRECTION

RESTRICTIVE RECREATION PLACEMENT

Any Placement requires a finding that this inmate's continued actions pose a direct threat to the safety of persons or a clear threat to the safe and secure operations of the facility. These actions include but are not limited to: tampering with or blocking any lock or locking device; tampering or manipulating any recreation enclosure or Restricted Housing recreation area; running from, avoiding or otherwise resisting apprehension; aggravated battery to include attempted battery/battery on staff or inmate(s); and attempts to remove or manipulate restraints.

TO: _____

FROM: _____

DATE: _____

Inmate _____ ADC# _____ is/was placed on Restrictive

Recreation on _____ at _____ for the following reason(s):

- ☐ Tampering with, or blocking, any lock or locking device.
- ☐ Tampering or manipulating any recreation enclosure.
- ☐ Running from, avoiding, or otherwise resisting apprehension.
- ☐ Aggravated battery to include attempted battery on staff or inmate(s).
- ☐ Attempts to remove and/or manipulate restraints.
- ☐ Other: _____

Review required within twenty-four (24) hours of placement

I have reviewed the reasons for the Placement and find that the inmate ☐ **should** ☐ **should not** remain on Restrictive Recreation status.

Warden Signature_____
Date

I have reviewed the reasons for the Placement and find that the inmate ☐ **should** ☐ **should not** remain on Restrictive Recreation status.

Deputy/Duty Director_____
Date

Note: If the inmate's Placement on Restrictive Recreation status is approved, he/she shall appear before the next Classification Committee for review and every sixty (60) days thereafter.

Attachment III

ARKANSAS DIVISION OF CORRECTION

RESTRICTIVE HOUSING STATUS REVIEW RECORD OF RELEASE CONSIDERATION

Facility: _____

☐ 7 Day Review ☐ Warden's Review

Inmate: _____

☐ 30 Day Review ☐ Director's Review

ADC #: _____

☐ 60 Day Review ☐ Special Consideration

Date of Review _____

Date of Initial Assignment _____

REASON FOR INITIAL ASSIGNMENT

☐ Poses a direct threat to the safety of themselves or other☐ Poses a direct threat to the safe and secure operations of the facility☐ Administrative Status due to: _____

COMMITTEE MEMBERS	VOTE	
	REMAIN ()	RELEASE ()
	REMAIN ()	RELEASE ()
	REMAIN ()	RELEASE ()
	REMAIN ()	RELEASE ()
	REMAIN ()	RELEASE ()
	REMAIN ()	RELEASE ()
	REMAIN ()	RELEASE ()
	REMAIN ()	RELEASE ()
	REMAIN ()	RELEASE ()

INMATE'S STATEMENT CONCERNING RELEASE OR CONTINUED SEGREGATION

ACTION/REASON

☐ Continue RH (Describe how the inmate continues to pose a direct threat to safety of persons or a clear threat to the safe and secure operations of the facility):

☐ Inmate is not a threat to the security of persons or a clear threat to the safe and secure operations of the facility, and should be released from RH☐ Release pending completion of RH Restrictive Release PlanMENTAL HEALTH APPRAISAL REPORT: Completed ☐ Yes ☐ No

WARDEN'S REVIEW

☐ I have reviewed the above and agree with the Committee's decision.☐ I have reviewed the above and am referring this back to the Committee.

WARDEN OR DESIGNEE SIGNATURE _____

DATE _____

Attachment IV

ARKANSAS DIVISION OF CORRECTION

RESTRICTIVE HOUSING RELEASE PLAN

Facility Name: _____ Date: _____

Inmate Name: _____ ADC Number: _____

- ☐ Upon completion of the following steps, the above-referenced inmate may be returned to general population from a RH Assignment:
- ☐ Upon completion of the following steps, the above-referenced inmate may be removed from a Restrictive Recreation Placement:
- ☐ Complete the sanction(s) imposed by the Disciplinary Court
 - ☐ Complete a Step-Down Program
 - ☐ Complete a/an _____ program
 - ☐ Other (must be specific):

Classification Committee Member Signature

Date

INMATE ACKNOWLEDGEMENT

I have read, or have had read to me, this Release Plan. I understand that I may remain in RH or on Restrictive Recreation until this plan is completed.

Inmate's Signature

Date

WARDEN'S REVIEW

- ☐ I have reviewed the above and agree with the proposed Release Plan.
- ☐ I have reviewed the above and am referring this proposed Release Plan back to the Classification Committee.

Warden or Designee's Signature

Date

Attachment V

ARKANSAS DIVISION OF CORRECTION

RESTRICTIVE HOUSING CLASSIFICATION COMMITTEE WAIVER

Date of Review: _____

I, Inmate _____, ADC# _____

Hereby waive or refuse to appear before the RH Classification Committee (RHCC).

My waiver or refusal to appear before the RHCC is done freely and voluntarily without threat or coercion from any person(s). I understand that my refusal to appear before the RHCC will result in the review of my RH or Restrictive Recreation Status in my absence and a decision without any comments or statements from me.

Inmate Name (Please print): _____

Inmate Signature: _____

Date: _____

RHCC Member Name (Please print): _____

RHCC Member Signature: _____

Date: _____

Witness Name (Please print): _____

Witness Signature: _____

Date: _____

Attachment VI



Unlock Your Potential With EXERCISE

Exercise is a key to:

- EMOTIONAL WELL BEING
- CARDIOVASCULAR HEALTH
- WEIGHT MANAGEMENT
- MUSCLE TONING
- ENHANCED RELAXATION





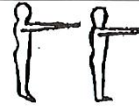
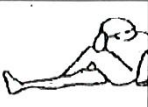

Developed By Medical Training and Continuing Education Texas Department of Criminal Justice
Institutional Division

INTRODUCTION

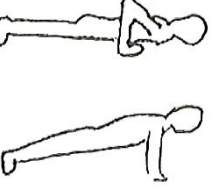

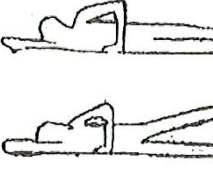

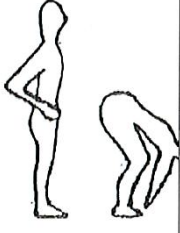
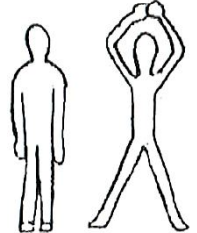
This pamphlet gives a basic in-cell exercise program which will help you maintain strength and endurance. There are three parts of this workout. These include warm-up/stretching, conditioning, and cool down. It is VERY IMPORTANT THAT YOU WORK AT YOUR OWN PACE AND THAT YOU DO NOT PUSH YOURSELF TO THE POINT OF PAIN. It is also a good idea to place your mattress under you to use as padding as this will make you more comfortable and lessen your chance of injury,

WARM-UP/STRETCH (5-8 min.)

It is important to stretch before each workout. This series of exercises will prepare the body for physical exertion. Without proper warm up, soreness, muscle pulls or some other injury may occur. Be safe, and properly go through the warm-up stretch period. Do stretches in the order listed. Do each stretch only to the point before it becomes painful, do not bounce during stretching; instead hold each stretch for 10 seconds. Try to relax the muscles being stretched.

						
Stand erect, balanced on the balls of your feet. Begin walking briskly - around a room will do nicely. The walk is a good warm-up	CALF/ACHILLES STRETCH Standing three of your foot lengths from the wall, place your forearms on the wall. Place your forehead on the back of your hands. Keeping one leg straight and the heel on the floor bring the other leg toward the wall and lean in. As you lean in you will feel the stretch. Repeat with the other leg.	BODY BENDER Stand erect with hands locked behind neck. Bend trunk of body from side to	TRUNK TWISTER Stand, feet apart, with arms extended out from sides palms down. Slowly twist from side to side.	ANKLE STRETCH Stand erect with weight on balls of feet. Raise and lower heels repeatedly.	SPINAL STRETCH Sit on the floor with your right leg straight and the left leg crossed over the right leg with the left foot on the floor. Place the right arm so that the right elbow presses against the outside of the left knee. Press against the knee and twist the upper body. Repeat on the other	SHOULDER STRETCH With your arms over your head, hold the elbow of one arm with the hand of the other arm. Slowly pull the elbow behind your head. Do not force. Hold. Repeat on the other side.





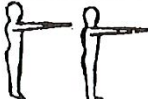


CONDITION (15-20 min.)


					
PUSH-UPS This exercise strains your back, do knee push-ups. See the next frame.) Lie flat on the floor, hands under your shoulders. Keeping the body and legs straight, push up. lower your body until your chest almost touches the floor. Repeat 10 times.	OR KNEE PUSH-UPS Get on your hands and knees, lowering the upper body to the floor by bending the arms, then push back up, (10 times)	LEG RAISER Lie on your side with your head on your arm. Use your other hand to brace yourself. Keep your leg straight and lift it as far 'IS possible. Do 10 times each side,	ABDOMINAL CURL (SIT-UPS) Lie on your back with your feet on the floor, knees bent, arms folded across the chest. Raise head and shoulders off the floor about inches and return to the floor, (ten times)	TOE TOUCH Stand with feet together, arms at side. Keep the knees slightly bent, lean forward and gently stretch hands toward the toes or floor return and repeat, Do 10 times.	JUMPING JACKS Stand with arms at sides, jump spreading feet to the side and at the same time swing the arms overhead, then swing the arms down and Jump back to the start position. Do 10 times.

This series of exercises will increase one's strength, flexibility, agility, tone, and endurance. Major muscles can be toned through the conditioning period. Do each set of exercises ten times, and then repeat at your own pace, for a total time of fifteen to twenty minutes.

COOL DOWN (5-8 min.)

The cool down exercises help your body to gradually return to its resting state. They also help to stretch out muscles and tendons which may have been tightened during conditioning exercises. Please note that the cool down phase of the workout is simply a repetition of the warmup/stretch phase.

						
WALK	CALF/ACHILLES STRETCH	BODY BENDER	TRUNK TWISTER	ANKLE STRETCH	SPINAL STRETCH	SHOULDER STRETCH
Walk slowly in place to cool down.	Standing three of your foot lengths from the wall, Place your forehead on the back of your hands. Keeping ones leg straight and the heel on the floor bring the other leg toward the wall and lean in. As you lean in you will feel the stretch. Repeat with the other leg.	Stand erect with hands locked behind neck. Bend trunk of body from side to side.	Stand, feet apart, with arms extended out from sides palms down. Slowly twist from side to side	Stand erect with weight on balls of feet. Raise and lower heels repeatedly.	Sit on the floor with your right leg straight and the left leg crossed over the right leg with the left foot on the floor. Place the right arm so that the right elbow presses against the outside of the left knee. Press against the knee and twist the upper body, Repeat on the other	With your arms over your head, hold the elbow of one arm with the hand of the other arm. Slowly pull the elbow behind your head. Do not force. Hold. Repeat on the other side.

	ARKANSAS DEPARTMENT OF CORRECTION		NUMBER:	3.07.0	PAGE NUMBER 1 of 3
	EAST ARKANSAS REGIONAL UNIT		SUPERSEDES:		ISSUING EMPLOYEE:
	POLICY AND PROCEDURES		DATE:	04-01-94	WARDEN Richard T. Ball
CHAPTER:	Personnel		SUBJECT:	Employee Conduct Standards/ Code of Ethics	
Revised on These Dates	7-2-19	7-20-20			
Annual Review on These Dates	7-25-17 8-3-23	6-21-18 8-1-24	10-21-21	7-28-22	

I. AUTHORITY: The Warden's authority to issue this document is contained in Administrative Regulation 001. This policy shall supplement all related Administrative Regulations and Departmental Policies.

II. PURPOSE: To advise all employees of the requirement for ethical conduct of employees and the disciplinary actions which will be taken if rules on proper conduct are not adhered to, as required by the Unit and Departmental Policies.

III. APPLICABILITY: To all full-time employees, part time employees, volunteers, and contractors during business at or with the Unit, especially to employees of the Unit's Personnel and Training Section.

IV. DEFINITIONS: As used in this policy, the following definitions shall apply:

- A. Code of Ethics: A set of rules describing acceptable standards of conduct for all employees.
- B. Conflict of Interest: Any employee's action which adversely affects the interest of the Unit such as undue pressure brought by outside concerns on an employee's decision making process for personal gain either directly or indirectly.

V. POLICY: Unit employees will be required to maintain the highest possible level of conduct which promotes the protection of the Unit and facilitates the recruitment and retention of high caliber employees. These high standards shall be maintained by requiring compliance with the following conditions:

A. Employee Conduct:

1. Employees will present a positive image of their profession, not only by their appearance but in their contact and involvement in community activities. While on duty employees will follow all Federal and State Laws, Administrative Regulations, Unit and Departmental policies and Unit standards operating procedures.
2. Employees will not disclose unauthorized, classified or other non-public information.

POLICY AND PROCEDURES	POLICY NO.: 3.07.0	PAGE NUMBER: 2 of 3
SUBJECT: Employee Conduct Standards/ Code of Ethics	SUPERSEDES:	EFFECTIVE DATE: 04-01-94

3. All employees will report for duty at the time directed and shall not leave their official post or duty station prior to obtaining permission of their immediate supervisor.
 4. Employees will not be permitted to assume their duties if there is reason to believe that they appear to be under the influence of alcohol. No employee will consume any alcoholic beverage while on duty or if scheduled to be "On Call" for duty. At no time will an employee be permitted to sleep on duty.
 5. who report to work while under the influence of any hallucinatory drug or similar products will be dismissed Employees. If an employee is required to take medicine or narcotics prescribed by a licensed physician, the warden or his designee must be notified. The Unit **Drug Test Coordinator** may be consulted to determine if an employee should allowed be to work under these circumstances. (AD 12-33, Employee Conduct Standards and Discipline).
 6. Employees, when on duty, are expected to devote full-time to their responsibilities and are not permitted to engage in any unauthorized activities that would prevent them from providing proper supervision of fulfilling their duties and responsibilities.
 7. Employees shall at all times, maintain a quiet but firm demeanor in their dealing with inmates (see AR 210, Relationships and Transactions with Inmates). The use of racial slurs, indecent, abusive or profane language (verbal or non-verbal) is forbidden. No employee shall strike an inmate unless it is necessary to protect individuals from harm, to protect state property, to prevent the commitment of a felony or to prevent an escape. In such cases only the amount of force necessary to accomplish the desired results is permitted (see AR 409, Use of Force).
 8. Employees shall guard against incurring debts beyond their ability to pay. Employees who Allow themselves to become heavily involved in debt to the extent of having their salary Garnished shall be counseled and disciplined according to AD 12-33 Employee Conducts Discipline.
 9. No employee of the Unit may have any financial interest, directly or indirectly, in any business where the Unit is a party. Neither shall any employee receive, directly or indirectly, any fee, commission, or present from any person or corporation tendering or furnishing supplies to or doing business with the Unit, nor shall any employee accept any fees or any form of payment from anyone having business with any inmate (see AR 107, Conflict of Interest).
 10. Employees of the Unit shall not engage in sexual contact for the purpose of sexual gratification with any person in the custody of the Department of Correction. Consent of the person in custody is not defense to this charge.
- B. **Disciplinary Actions:** All formal disciplinary actions taken against an employee shall be progressive in nature, except when an action(s) adversely affect security and good order at Unit. The principle of progressive discipline requires warning or progressive penalties and assistance to be given in improving unacceptable behavior. Progressive disciplinary action May include:
1. Oral Warnings can be issued by Lieutenant, Captain, or above without being forward

POLICY AND PROCEDURES	POLICY NO.: 3.07.0	PAGE NUMBER: 3 of 3
SUBJECT: Employee Conduct Standards/ Code of Ethics	SUPERSEDES:	EFFECTIVE DATE: 04-01-94

2. To Employee Review Committee.
Written Warnings can be issued by Lieutenant, Captain, or above without being forward To Employee Review Committee.
3. Suspension will be forward to the Warden
4. Termination will be forward to the Warden
5. Any combination of the above

VI. PROCEDURES:

Each employee of the Unit shall be made fully aware of Administrative Regulation 225, Administrative Directive 12-33 Employee Conduct Standards/Discipline. Newly hired CO-1's will be trained at the Training Academy and issued an Employee Handbook. Non -Security personnel will be issued Employee Handbooks by the Human Resource Staff.

Penalties for violation of standards shall be administered in a neutral, consistent, even-handed and non-discriminatory manner. Good judgment in determining the seriousness of violations and the disciplinary penalties is to be used by those metering out discipline. All mitigating circumstances must be considered before taking final action. Attachment 1 is a listing of Conduct Standards and Penalties for non- compliance. For additional information concerning the phases of progressive discipline and time frames, see Administrative Directive 12:33, Employee Conduct Standards/Discipline.

Each employee of the Unit shall receive a copy of AD 12:33 and shall be required to complete a form stating that they have received a copy of the ADC Employee Conduct Standards and that they understand the standards and consequences for violation of such standards.

Copies of all Oral disciplinary action will be placed in the supervisor's employee file. Written disciplinary actions will be placed in both the employee's personnel file and the supervisor's employee file. The employee receiving disciplinary action shall receive a copy of all written documents that pertain to his/her disciplinary action if requested, and must sign a receipt of his acknowledgement. Any employee, who the disciplinary and/or termination action has been taken against, may appeal such action as appropriate through the Employee Grievance/Appeal procedure. Employees within their initial one-year probationary period have no appeal rights, except in cases of alleged discrimination.

REFERENCE: ACA Standard 5-1C-4069
ADC AR-107, 210, 225 and 409
Act 208 of 1995 Amended ACA 5-14-109 (3)
Employee Handbook



OFFICE OF THE SECRETARY

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SECRETARIAL DIRECTIVE

SUBJECT: Employee Conduct Standards and Discipline

NUMBER: 2022-17

SUPERSEDES: SD 2020-09

APPLICABILITY: All Department of Corrections employees

REFERENCE: A.C.A. §§ 25-43-103, 25-43-105, 25-43-108, 25-43-403; SD on Code of Ethics, SD on Employment

PAGE: 1 of 5

APPROVED: Original signature on file

EFFECTIVE DATE: 12/16/2022

I. **POLICY:**

As the executive head of the Arkansas Department of Corrections (Department), it is the responsibility of the Secretary of Corrections (Secretary) to administer the various rules, orders, or directives issued by the Department. This directive is consistent with Department policies governing employee conduct and discipline in addition to all Arkansas state laws, rules, and policies. The purpose of this policy is to establish consistent employee Conduct Standards and disciplinary procedures throughout the Department. The Conduct Standards are intended to identify common problems associated with employee conduct and are intended as a guide for actions the Department considers to constitute a conduct violation. Specific violations listed in this directive are not intended to be a comprehensive list. This policy does not create a contract of employment or any legally enforceable interest, nor does it limit the Secretary's authority to establish or revise Department policies or affect their right to terminate employment pursuant to the at-will employment doctrine.

II. **DEFINITIONS:**

- A. **Conduct Standards.** Standards of acceptable behavior for Department employees while on or off duty, including by not limited to those found in this Secretarial Directive.
- B. **Contraband.** Under this Secretarial Directive, Contraband is defined as any article or item that is prohibited by law, rule, or Department policy.
- C. **Decision-Making Supervisor.** An individual over the daily operations and decision-making processes of any Department owned or operated Entity including the Secretary, Chief of Staff, Division Directors, Deputy Directors, Superintendents, Wardens, Center Supervisors, Superintendents, Area Managers, Assistant Area Managers, Administrators, or their designee.
- D. **Disciplinary Probation.** A period of time for the Department to evaluate and help employees correct negative behavior and achieve success. The length of the probation period is determined by the disciplinary violation.
- E. **Entity.** Any office, unit, center, or facility operated by the Department to include programs, farm and industry facilities, construction sites, administrative offices, area offices, jails, work release centers, pre-release centers, and private prisons operated on behalf of the Department

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- F. Initial Probation. A (1) one-year probationary period from the date of initial hire with the Department. This probationary period is established as a time for the Department and its divisions to evaluate and help employees adjust to their new positions.
- G. Multiple Violations. Two or more conduct violations by an employee that are active at the same time but resulted from separate incidents.
- H. Offender. Individuals under the custody or supervision of a division of the Department including, but not limited to, inmates of a correctional facility, residents of a community correction center, residents of a reentry center, parolees, and probationers.
- I. Personnel File. The official record of employment of all Department staff maintained by the Central Human Resources office.
- J. Supervisor's File. A record of an employee's performance, including any counseling, verbal warnings, or other disciplinary measures taken, which is maintained by an employee's supervisor. The Supervisor's File is not the same as a Personnel File and may contain additional performance and disciplinary records.

III. PROCEDURES:

A. General Procedures

1. The Central Human Resources Office or Local Human Resource Offices will make this Secretarial Directive available to all employees. Policy distribution will be documented by the employee by signing an Acknowledgment of Receipt of Policy form (Attachment #2) or by signing a virtual acknowledgement through EASE. The signed acknowledgement will be placed in the employee's Personnel File. All employees shall be notified of any changes made to this policy.
2. This Secretarial Directive may be used as a reference for all Department policy violations in conjunction with the Secretarial Directive on Code of Ethics, the Secretarial Directive on Employment, and any other policies that outline expectations of employees.

B. Responsibilities

1. Employees are responsible for being knowledgeable of Department policies outlining Conduct Standards and will be held accountable for violations of those policies pursuant to this directive. Employees can seek clarification of the standards with their supervisor or human resources manager if they are unsure of whether specific conduct may result in a violation.
2. Employees may be required to participate in administrative investigations into conduct violations. It is their responsibility to do so in good faith. Employees should report suspected violations to their supervisors.
3. Related to this policy, employees that are Decision-Making Supervisors have the responsibility to those under their supervision to:
 - a. promptly provide their staff with any changes to this policy;
 - b. promote and enforce a work environment that is consistent with the Conduct Standards; and
 - c. administer disciplinary actions for violations of Conduct Standards in a consistent and objective manner.

C. Disciplinary Action, Violations, and Prohibited Conduct

1. Progressive discipline is intended to impose discipline at the level that is appropriate for the offense and progress through the disciplinary grid when further violations of the applicable Conduct Standards are committed. Progressive discipline also recognizes that some violations of the Conduct Standards are so serious that the level of discipline imposed may exceed the level recommended on the disciplinary grid. The frequency and proximity of violations to previous violations can be grounds to increase the penalty imposed.
2. Progressive disciplinary action will be taken where appropriate, and the Secretary and Division Directors may intervene in conduct violation situations when warranted. Progressive disciplinary action may not be taken when a conduct violation adversely affects the security and good order of Department operations.

3. The Conduct Standards should be applied consistently. This goal is accomplished with a fair and thorough investigation prior to the imposition of disciplinary action. The consistency being sought does not require management or Decision-Making Supervisors to administer the exact disciplinary guidelines indicated in the Conduct Standards in every case. Some circumstances, facts, and details of a disciplinary violation may cause disciplinary action to deviate from the recommended standards. However, the Department will promote consistency in disciplining employees for similar violations whenever possible.
4. Corrective counseling is an option and should be considered prior to any disciplinary action as well as between various steps of progressive discipline. Corrective counseling is a tool used to communicate and define expectations to an employee. Corrective counseling is not discipline, however, it should be documented and placed in the Supervisor's File for the counseled employee. Employees may be given opportunity to alter negative behavior using constructive corrective action in a reasonable manner within the scope of the provisions outlined in this policy.
5. All employees of the Department are expected to abide by the Employee Conduct Standards Table (Attachment #3) which are established as guidelines to give a measure of consistency in the administering of discipline with the Department. Other Conduct Standards may be subsequently adopted by the Department. Following each standard are examples of conduct which violate the standard and the disciplinary action which should follow for a typical occurrence.
6. The Employee Conduct Standards Table (Attachment #3) is intended to be a guide for such actions the Department considers unacceptable but are not intended as an inclusive list.
7. Violations of this Secretarial Directive in addition to any of the policies set forth by the Department may result in conduct violations and Disciplinary Action. Employees are responsible for being knowledgeable about Department policy. Employees must seek clarification from their supervisor if they are unsure or do not understand any of the policies maintained by the Department.

D. Penalties

1. Penalties for violation of Conduct Standards shall be administered by supervisors in a consistent, objective, good faith, and non-discriminatory manner. Decision-Making Supervisors are expected to use good judgment in determining the seriousness of violations and the disciplinary penalties. Supervisors must document facts in each case and make sure the penalty is appropriate. All circumstances must be considered before taking final action.
2. The penalty imposed for violating a rule or policy must take into consideration all relevant circumstances. All relevant circumstances taken into consideration when determining a penalty must be clearly stated and well documented. An employee may be disciplined for violating more than one rule or policy arising out of the same incident. In all cases, any mitigating and aggravating circumstances, including Multiple Violations, must be considered in determining the appropriate level of discipline.
3. The following penalties are not intended to be a comprehensive list, as some Conduct Standards violation penalties may be imposed at the discretion of an employee's Decision-Making Supervisor based on circumstantial details. These penalties are meant to serve as a general guide to common disciplinary actions an employee may face when they are found to be in violation of a Conduct Standard:
 - a. Verbal Warning. A verbal warning is a notice to inform an employee that they have violated a conduct standard. Verbal warnings may be used as the basis for future Disciplinary Action.
 - i. Documentation of the verbal warning will be placed in the employee's Supervisor File. A copy of the documentation will not be placed in the employee's Personnel File.
 - ii. An employee shall not be placed on Disciplinary Probation as a result of a verbal warning.
 - iii. Upon the employee's written request and the supervisor's approval, documentation of a verbal warning may be removed from the employee's Supervisor's File after one (1) year from the date of the warning provided

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- that no other incidents have occurred.
 - iv. When an employee is reassigned to a different supervisor, the Supervisor's File will be forwarded to their new supervisor.
 - b. Written Warning. The written notification of a disciplinary violation will include the violation and date the incident occurred. An employee receiving a written warning is automatically subject to a minimum six (6) month Disciplinary Probation period which may be longer depending on the nature of the violation and its impact on Department operations. If a subsequent written warning is received within a one (1) year period from the initial written warning, a minimum nine (9) month disciplinary Probation period will be imposed. A copy of the written warning will be placed in the employee's Personnel File.
 - c. Suspension. A suspension is used for major violations of Conduct Standards, repeated violations of Conduct Standards, or when it is determined that the violation, its impact on the operations of the Department, or the circumstances surrounding the incident warrants the immediate removal of an employee for a specified period. Suspensions are accompanied by an automatic twelve (12) month probationary period. A copy of the suspension document will be placed in the employee's personnel file.
 - i. A recommendation to suspend an employee may be made by the immediate supervisor after a thorough and documented review of the situation, but the final decision to suspend must be made by the appropriate Decision-Making Supervisor. The dates of Suspension are to be scheduled soon as possible following the imposition of the penalty. Suspension shall be without pay for a minimum of (1) one working day but not to exceed (10) ten working days (80 hours).
 - ii. Pursuant to the Arkansas Vehicle Safety Policy, in cases where an employee's driver's license is suspended, suspension from their duties may be up to fifteen (15) working days (120 hours). For timekeeping and payroll purposes, the number of hours worked plus the hours of a suspension will not exceed the number of the employee's regularly scheduled work period.
 - d. Demotion. An action to be imposed against an employee for a serious violation that reduces their rank, position, or job title. An employee must be qualified for the position to which demoted. Demotion is accompanied by an automatic twelve (12) month Disciplinary Probation period. A copy of the demotion document will be placed in the employee's Personnel File. A demotion may be imposed in conjunction with a suspension.
 - i. A recommendation to demote an employee may be made by their immediate supervisor after a thorough and documented review of the situation, but the final decision to demote must be made by the appropriate Decision-Making Supervisor and reviewed by the Human Resource Administrator to ensure an appropriate position placement.
 - ii. Re-assignment may occur for non-disciplinary reasons. If re-assignment does not result in a loss of pay, the re-assignment does not constitute a disciplinary action.
 - e. Termination. Termination is an action to be used for major violations of a Conduct Standard affecting the security and good order of Department operations or when the accumulation of violations has exhausted every other available disciplinary action.
 - i. A recommendation to terminate an employee may be made by their immediate supervisor after a thorough and documented review of the situation, but the final decision to terminate must be made by the appropriate Decision-Making Supervisor.
- 4. A more severe disciplinary action should be taken if an equal or more substantial violation occurs within (6) six months from the date of the initial verbal or written warning.
- 5. A more severe disciplinary action should be taken if an equal or more substantial violation occurs within (12) twelve months of the date of suspension or demotion.

E. Documentation.

1. Supervisors are responsible for documenting each disciplinary action taken. The Acknowledgement of Disciplinary Action Form (Attachment #1) must be completed by the supervisor and employee charged with the conduct violation.
2. Supervisors are responsible for forwarding the Acknowledgement of Disciplinary Action form (Attachment #1) and any supporting documentation to the appropriate Human Resources Administrator and Central Office Human Resources.
3. After the Disciplinary Probation period has expired, disciplinary action should not be used as a consideration for further progressive discipline. However, documentation regarding an incident will remain in an employee's Personnel File unless ordered to be removed pursuant to the employee grievance process or as a result of an internal investigation concluding that the violation never occurred.
4. Documentation should include detailed descriptions of factual statements. Documentation shall include the following information at a minimum:
 - a. Standards which have been violated;
 - b. Disciplinary Action taken;
 - c. Assistance or advice given to the employee to bring conduct into acceptable standards;
 - d. Consequences if standards are not followed in the future; and
 - e. Acknowledgment of Disciplinary Action (Attachment #1) signed by the supervisor, employee, and a witness (if applicable).
 - i. If the employee refuses to sign the Acknowledgment of Disciplinary Action form (Attachment #1), a third party shall witness the refusal by signing the appropriate place.
 - ii. A copy of the documentation of all disciplinary actions shall be placed in the Supervisor's File.
 - iii. A copy of the documentation shall be placed in the employee's Personnel File, except for documentation of verbal warnings which will only be placed in the Supervisor's File.
5. If authorized in writing by the Secretary, disciplinary records of senior executive employees (assistant director and above) may be retained outside of Central Human Resources.

F. Probationary Period.

1. All disciplinary actions, except a verbal warning, are accompanied by an automatic Disciplinary Probation Period. A Disciplinary Probation Period will commence on the day an employee receives official notification of disciplinary action. Official notification should be hand-delivered or mailed to the employee.
2. Employees are automatically subject to an Initial Probation period during their first year of employment or six (6) months following a promotion. This Initial Probation period may be extended by the appropriate Decision-Making Supervisor in lieu of disciplinary action with written notification.
3. Employees who are disciplined during the Initial Probation period who then do not show improvement may be terminated.

IV. ATTACHMENTS:

Attachment 1. Acknowledgement of Disciplinary Action Form
 Attachment 2. Acknowledgement of Receipt of Policy
 Attachment 3. Employee Conduct Standards Table



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Acknowledgment of Disciplinary Action

I have reviewed the Employee Conduct Standards with _____ (employee). They are aware of the conduct violation, disciplinary action to be imposed, and potential consequences if the action is repeated.

 Supervisor Name

 Supervisor Signature

 Date

This is to certify that the attached letter, which is being placed in my Personnel File, has been discussed with me. I have been given a copy of the attached letter. I have been notified that providing my signature does not necessarily indicate my agreement with the attached letter.

 Employee Name

 Employee Signature

 Date

Employee refused to sign ☐

 Witness

 Date

NOTE: THIS FORM SHOULD BE COMPLETED FOR ANY LETTER OR FORMAL DISCIPLINARY ACTION. BOTH SHOULD BE PLACED IN THE EMPLOYEES PERSONNEL FILE.

ATTACHMENT #2

**OFFICE OF THE SECRETARY**

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Acknowledgement of Receipt of Policy

I have been provided a copy (digital or physical) of the Department of Corrections Employee Conduct Standards and Discipline policy. I understand that it is my responsibility to understand and read this policy. My signature below indicates that I acknowledge receipt of the policy and that I have read and understand the information it outlines regarding Conduct Standards and discipline.

Employee Signature

AASIS #

Date

Employee Conduct Standards and Prohibited Conduct Table

The following standards are guidelines created to give a measure of consistency in the administration of discipline throughout the Department of Corrections (Department). The standards listed below are not an exhaustive list of prohibited conduct. The Department may adopt and enforce additional standards.

Each conduct standard is labeled numerically and in bold text. Below each standard is a list of conduct which violates the standard, as well as the disciplinary action which should result from a typical occurrence of the conduct violating the standard. Instances which are less or more serious than a typical occurrence of prohibited conduct may be subject to departures from the presumptive disciplinary actions for a prohibited conduct.

The list of prohibited conduct is intended only as a guide in determining which actions the Department considers unacceptable. Nothing in this list creates any legally enforceable interest or limits the authority of the Secretary or Division Directors to terminate any employee at will.

To determine the presumptive appropriate disciplinary action for a specific prohibited action, locate the conduct on the chart. There are four (4) progressive levels of discipline located to the right of the chart. An X in the column for a level of discipline indicates that the particular level of discipline is recommended for the listed conduct.

Occasionally, an X will be followed by an asterisk (*), which indicates that further guidance regarding that level of discipline should be located in the table cell detailing the prohibited conduct. Supervisors should consider this guidance prior to finalizing any disciplinary decisions.

Standards & Prohibited Conduct					
1.	Employees shall conduct themselves in a professional manner. Employees shall be patient, courteous, and respectful.				
	Verbal	Written	Suspension/ Demotion	Termination	
a. Loitering, visiting, or excessive personal use of the telephone.	X	X	X	X	
b. Disruptive horseplay or practical jokes, not resulting in injury or property damage.	X	X	X	X	
c. Disruptive horseplay or practical jokes resulting in injury or property damage. *Employee may be required to reimburse the Department for injury or property damage		X	X	X	
d. Use of language or gestures that are inappropriate, insolent, violent, or profane in nature while on duty, in uniform that depicts a Department logo, or on Department property.		X	X	X	
e. Unnecessary or excessive use of force against a member of the public or another employee.			X	X	
f. Introduction or possession of contraband in any amount within a secured perimeter or a security post of a Department entity.				X	

g.	Unauthorized possession of a cell phone or its components within a secured perimeter or a security post of a Department entity. *Suspension may only be utilized when the employee did not possess the phone for purposes of illicit behavior.			X*	X
h.	Bribery				X
i.	Failure to report an offer of a bribe or gratuity from offenders or anybody working on behalf of an offender.			X	X
j.	Careless or unsafe handling of vehicular equipment. *Employee may be required to reimburse the Department for injuries or property damage.		X	X	X
k.	Careless or unsafe handling of a firearm. *Employee may be required to reimburse the Department for injuries or property damage.		X	X	X
l.	Unauthorized possession of firearms, explosives, or other weapons during work hours.			X	X
m.	Sexual conduct with staff, offenders, or the public while on duty, within the secured perimeter of a Department entity, in Department office buildings, or in state vehicles.			X	X
n.	Refusal to submit to a polygraph or voice stress analysis when required by Department policy.				X
o.	Violation of established uniform dress codes. *Employee may be sent home to change attire or appearance.	X	X	X	X
p.	Willful destruction of evidence of an employee by converting such evidence to his or her own use, manufacturing, concealing, falsifying, destroying, removing, tampering with, or withholding any property or evidence.				X
q.	Violation of Department or Division level published policies other than those for which appropriate discipline levels are prescribed in this document. *Severity of discipline depends on severity of the policy violation and the effect on the Department.	X*	X*	X*	X*
r.	Accepting any gifts, compensation, donations, etc. for services rendered by employees or inmates other than those that may be acceptable under law or policy.		X	X	X
s.	Association or membership in a security threat group, including but not limited to, the Bloods, Crips, Mexican Mafia, and Ku Klux Klan.				X
t.	Purchase of lottery tickets, gambling, or visiting a casino restaurant or store while in uniform or on duty. For the purposes of this standard, uniform includes any clothing or personal item with a logo representing the Department or any of its divisions.		X	X	X
u.	Failure to notify supervisor and Human Resources of any changes in telephone or address within 72 hours of the change.	X	X	X	X
v.	Engaging in behavior that prohibits an employee from maintaining a required professional certification.			X	X
2.	Employees shall always conduct themselves in a manner that reflects favorably on the Department of Corrections, both on and off the job.				

a.	Conduct unbecoming of a public employee- conduct which damages the Department image as a government, law enforcement, and criminal justice agency, reflects discredit on the character of the employee or the Department, or impairs Department operations.	X	X	X	X
3.	Employees shall not engage in inappropriate use of social media, including inappropriate use which occurs outside of work. Employees will be held accountable for content appearing on their social networking sites, whether posted by the employee or not.				
a.	Posting content that is inconsistent with Department policy.	X	X	X	X
b.	Posting confidential information or information restricted by state law or rule, Department policy, or Division policy.	X	X	X	X
c.	Cyberbullying – using information and communication technologies to support deliberate and hostile behavior by an individual or group with the intention of harming another person.	X	X	X	X
d.	Posting information or pictures on social media which actually or potentially compromise staff, compromise public safety, undermine operations, or cause disruptions in the workplace.	X	X	X	X
e.	Posting, transmitting, or disseminating unauthorized information (such as texts, pictures, files, video, audio, etc.) to the internet or any other public or private forum in a manner that discredits or reflects unfavorably on the Department as a whole.	X	X	X	X
f.	Creating an unauthorized site or platform that appears to be an official Department site or platform.	X	X	X	X
g.	Posting images of logos, emblems, badges, and patches which specifically identify the Department in a manner that would lead a viewer to believe that the site or platform is sanctioned by the Department.	X	X	X	X
4.	<p>Employees shall not violate Arkansas state law prohibiting nepotism.</p> <p>State law prohibits relatives of employees from being placed within the same line of supervision whereby one relative is in a supervisory position over the other or is able to hire, fire, make pay adjustment, or other personnel actions. For purposes of this policy, relative is defined as family members such as husband, wife, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, stepsister, half-brother, half-sister, brother-in-law, sister-in-law, daughter, son, stepson, stepdaughter, daughter-in-law, son-in-law, uncle, aunt, first cousin, nephew, or niece.</p>				
a.	Employee's failure to report their relationships violating the nepotism policy. *This conduct may result in demotion, reassignment, or both, which may result in loss of pay or grade		X*	X	X
b.	Supervisor's failure to take direct action after an employee's report of relationships violating the nepotism policy.		X	X	X
5.	Employees shall not engage in activity which compromises professional relationships and causes a disruption to the work environment.				
a.	Sexual or personal relationships between a supervisor and a subordinate.		X	X	X
b.	Employment relationships between a supervisor and a subordinate outside of Department employment in which the subordinate is hired by the Department supervisor in a non-Department job, such as a contractor.		X	X	X

c.	Participating in hiring or promotional decisions with any applicant or employee with whom there exists an intimate relationship.				X	X
d.	Any business enterprise, partnership, or joint venture between a supervisor or subordinate. *This conduct may result in demotion, reassignment, or both, which may result in loss of pay or grade.				X*	X
e.	Engaging in any activity with another employee which compromises professional relationships. *This conduct may result in demotion, reassignment, or both, which may result in loss of pay or grade.				X*	X
6.	Employees shall: (1) report immediately to their supervisor when unable to be at work or training, (2) get approval prior to being away from duty station, and (3) strictly observe working hours and lunch periods. For purposes of this policy, each action is considered an independent violation. A physician's statement to verify illness may be required by a supervisor at any time, subject to applicable laws.					
a.	Unauthorized absence from work, training, or physical assessment.			X	X	X
b.	Verified misuse of sick leave.			X	X	X
c.	Failure to adhere to work hours or lunch periods.	X		X	X	X
d.	Failure to provide a medical provider's statement when requested.			X	X	X
e.	Failure to call or report to supervisor for three (3) consecutive working days.					X
f.	Failure to log or clock in or out as directed.	X		X	X	X
g.	Clocking in or out for another employee.					X
h.	Abandonment of post or job.					X
7.	Employees shall perform job duties at a level commensurate with job specifications, performance standards, and other duties as assigned.					
a.	Unsatisfactory work performance. *This conduct may result in demotion, reassignment, or both, which may result in loss of pay or grade.	X		X	X*	X
b.	Unsatisfactory work performance resulting in injury, property damage, or both. *Employee may be required to reimburse the Department for injuries and property damage. *This conduct may result in demotion, reassignment, or both, which may result in loss of pay or grade.			X	X*	X
c.	Inadequate work performance *This violation may warrant a greater disciplinary action based on the impact the violation or error has to Department operations.	X		X	X	X
8.	Employees shall abide by the Department's Code of Ethics policy that governs employee ethics, solicitation, and anti-fraud practices. Violations of these standards may be in violation of state law and subject to prosecution.					
a.	Selling to or solicitation of employees during work time without authorization of the Secretary or Division Director.	X		X	X	X
b.	Selling to or solicitation of offenders.				X	X

c.	Violation of public employee ethical standards set forth in the Code of Ethics policy.	X	X	X	X	X
d.	Posting personal items, altering, or removing business notices on Department property without authorization of the Secretary or Division Director.	X	X	X	X	X
9.	Employees shall come to the assistance of another employee or offender, including but not limited to aiding a person who is being physically assaulted or when force is being used in a manner inconsistent with Department or Division Policy.					
a.	Failure to respond or assist in situations resulting in or likely to result in physical injury or property damage. *Employee may be required to reimburse the Department for injuries or property damage.			X*	X	X
10.	Employees shall abide by Department and Division Drug Free Workplace Policies. All positions at the Department of Corrections are designated as security sensitive positions.					
a.	Purchase, use, sale of, or distribution of alcoholic beverages while in uniform or on duty. For the purposes of this standard, uniform includes any clothing or personal item with a logo representing the Department or any of its divisions. *This violation may warrant a greater disciplinary action based on the impact the violation or error has to Department operations.		X*	X*	X*	X*
b.	Reporting to or on duty with an alcohol level at or above .02 but less than .04. *Suspension must be accompanied by a referral to the Employee Assistance Program			X*	X	X
c.	Reporting to or on duty with an alcohol level at or above .04.				X	X
d.	Possession (in any amount), use, sale of, or distribution of any illegal drug or drug paraphernalia.				X	X
e.	Refusing to provide a urine specimen when required, proving an adulterated specimen, or providing or attempting to provide another person's urine.				X	X
f.	A positive result in a specimen provided by the employee used to identify illegal drug use or unauthorized prescription drug use as determined by the Department's toxicologist.				X	X
11.	Employees shall be law-abiding citizens. Progression of discipline for conduct with multiple discipline options will depend on the extent of the adverse impact on the Department, offenders, or other employees.					
a.	A conviction, plea of guilty, or plea of nolo contendere to a felony.					X
b.	A conviction, plea of guilty, or plea of nolo contendere to a Class A misdemeanor or any misdemeanor violations of the Omnibus DWI Act. *This conduct may result in demotion, reassignment, or both, which may result in loss of pay or grade.			X*	X	X
c.	A conviction, plea of guilty, or plea of nolo contendere to a misdemeanor that is not a Class A misdemeanor or a violation of the Omnibus DWI Act, including unclassified misdemeanors. *This conduct may result in demotion, reassignment, or both, which may result in loss of pay or grade.		X	X*	X	X

d.	Failure to report incidents of arrest on felony charges, filing of felony information, issuance of a felony warrant, or indictment on a felony.		X	X	X
e.	Failure to report moving traffic violations in a state or personal vehicle. *This conduct may result in demotion, reassignment, or both, which may result in loss of pay or grade.	X	X	X*	X
f.	Failure to maintain the ability to carry a weapon or drive a state vehicle in positions that are required to do so. *This conduct may result in demotion, reassignment, or both, which may result in loss of pay or grade.			X*	X
g.	Unauthorized use of authority, identification, or emergency equipment.			X	X
h.	Employee arrest for a charge that impairs their ability to perform their job duties.				X
12.	Employees shall maintain a courteous and respectful demeanor in communicating with co-workers, subordinates, offenders, and members of the public. Level of discipline will depend on the extent of the adverse impact on the Department, offenders, or other employees.				
a.	Discourteous treatment of others.	X	X	X	X
b.	Presumptuous and insulting manner of speech which is rude and disrespectful to employees or members of the public.		X	X	X
13.	Employees shall not engage in harassment or discriminatory conduct based on a person's race, color, sex, religion, national origin, age, disability, or any other protected class. The Department has a zero-tolerance policy for all forms of sexual abuse or sexual harassment.				
a.	Harassment.			X	X
b.	Discrimination.				X
c.	Retaliation against employees or offenders who have filed lawsuits or grievances or who have otherwise engaged in protected activity.			X	X
14.	Employees shall always remain alert and vigilant while at work. For purposes of this policy, sleeping while on duty may be substantiated by firsthand witness testimony or circumstantial evidence which shows that the employee's actions were so significantly failing to meet standards of being alert that there can be no substantive difference between the alleged behavior of one who would be found asleep under the same circumstances.				
a.	Sleeping while on duty not resulting in escape, injury, or property damage.			X	X
b.	Sleeping while on duty resulting in escape, injury, or property damage.				X

c.	Inattentiveness on duty. *Level of discipline will depend on the extent of the adverse impact on the Department, offenders, or other employees.	X	X	X	X
d.	Failure to inform supervisor when taking medications which may impair performance.		X	X	X
15.	Employees shall exercise reasonable and responsible care of Department equipment, materials, property, and facilities. Employees shall not be in the possession Department property without approval from their supervisor.				
a.	Unauthorized possession, misuse, or abuse of equipment, vehicles, materials, property, or facilities. *Employees may be required to reimburse the Department for damage or loss.		X	X	X
b.	Unauthorized entry into state property, including unauthorized entry outside of assigned work hours.		X	X	X
c.	Unauthorized entry into restricted areas.			X	X
16.	Employees shall report any injuries of employees or offenders according to Department and Divisional policies.				
a.	Failure or delay in reporting injuries of employees or injuries or illness of offenders.	X	X	X	X
b.	Failure to report a known or suspected PREA incident.			X	X
17.	Employees shall perform work assignments within the scope of their assigned roles and follow requests and instructions by supervisors.				
a.	Failure to perform or carry out work related instructions when such instructions are reasonable, within the employee's ability to perform, and would not pose a safety or welfare hazard to the employee. *This violation may warrant a greater disciplinary action based on the impact the violation or error has to Department operations.	X*	X*	X*	X*
b.	Insubordination - deliberate refusal to carry out reasonable work requests or instructions.			X	X
18.	Employees shall give clear, complete, and accurate information in completing applications, work records, verbal statements, written statements, inmate records, investigations, and claims for reimbursement. For purposes of this policy, intentional omission of significant information done with the intent to falsify or deceive is considered falsification.				
a.	Falsification of work records, employment applications and supporting documentation, or other forms or applications.				X
b.	Falsification of written or verbal statements.				X
c.	Fraudulent claims for reimbursements or benefits. *Written warnings, suspension, or demotion can only be considered when the employee has admitted to previously falsified information to assist officials engaged in an ongoing investigation.		X*	X*	X
19.	Employees shall respect state property and the property of others. Employees shall handle all Department funds as required by the Department and State accounting and applicable budgetary procedures.				
a.	Mishandling of Department funds or assets.		X	X	X

b.	Theft of property or mishandling of Department funds or assets for personal gain.					X
20.	<p>Employees shall observe rules and regulations regarding confidential information in Department records. Employees shall not use records and other confidential information for purposes other than to conduct Department business.</p> <p>Unauthorized disclosure of ACIC, NCIC, Justice Exchange, eOMIS, and other information may be a criminal offense and subject to prosecution.</p>					
a.	<p>Unauthorized access, release, or disclosure of information, records, or documents- including but not limited to human resource records, offender records, facility or center security information, recordings, emails, and photographs.</p> <p>*Severity of disciplinary action depends on the severity of the policy violation and its effect on Department operations.</p>			X*	X*	X*
b.	<p>Misuse, mishandling, or unauthorized use of information, records, or documents such as that information contained in, but not limited to, eOMIS, ACIC, NCIC, and Justice Exchange.</p> <p>*Severity of disciplinary action depends on the severity of the policy violation and its effect on Department operations.</p>			X*	X*	X*
21.	<p>Employees shall always maintain a courteous and professional demeanor in their associations with offenders, their families, and friends. Employees shall abide by the Department's regulations concerning appropriate relationships between employees and offenders, their families, and friends.</p> <p>Unavoidable relationships due to marriage, family relationships, etc. should be reported to a supervisor immediately.</p>					
a.	Engaging in gambling with an offender.					X
b.	Soliciting or accepting a bribe from an offender.					X
c.	Verbal abuse of an offender, their family, or friends.	X		X	X	X
d.	<p>Unnecessary or excessive force against an offender, their family, or friends.</p> <p>*Disciplinary action may escalate if injury is involved.</p>			X	X	X
e.	Physical abuse used to punish or harass an offender, their family, or friends.					X
f.	<p>Engaging in sexual contact of any type with an offender, their family, or friends. Sexual conduct includes, but is not limited to kissing, sexual intercourse, etc.</p> <p>*Engaging in sexual conduct with an offender, their family, or friends may be a criminal offense and subject to prosecution in addition to the conduct being a violation of this directive.</p>					X
g.	Entering into a private business relationship or partnership involving financial transactions with an offender, their family, or friends, unless the employee is related to the individual with whom the business relationship is entered.				X	X
h.	Development of a non-professional relationship with offenders, their family, or friends, including but not limited to sexual relationships, personal letters, phone calls, social media communications, and visiting.					X
i.	Failure to report the incarceration of an immediate or distant family member, friend, or acquaintance after initial employment.	X		X	X	X
j.	Trafficking or unauthorized trading with an offender, their families, or friends.					X
k.	Failure to report criminal activity involving an offender outside of work.	X		X	X	X

ATTACHMENT #3

1.	Employee's failure to report an existing relationship with an offender, whether or not that offender is in custody at the time of their initial employment or is remanded to Department custody during any point of their employment. *This conduct may result in demotion, reassignment, or both, which may result in loss of pay or grade.			X*	X
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Mika Tucker

From: Misty Scott on behalf of ASCC Pleadings
Sent: Wednesday, May 7, 2025 3:15 PM
To: Tawnie Rowell (DOC); Miles S. Morgan; Trent Rigdon (DOC)
Cc: Yolanda Charles (DOC); ASCC Pleadings; Mika Tucker
Subject: ORDER: Richard Davis v. ADC, Claim No. 250749
Attachments: Richard Davis v. ADC .pdf; Richard Davis-order2.pdf

Dear Counselors:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

Misty

Misty Scott
Arkansas State Claims Commission

ARKANSAS STATE CLAIMS COMMISSION

(501) 682-1619
FAX (501) 682-2823



KATHRYN IRBY
DIRECTOR

101 EAST CAPITOL AVENUE
SUITE 410
LITTLE ROCK, ARKANSAS
72201-3823

May 7, 2025

Mr. Richard Davis (ADC [REDACTED])
[REDACTED]
[REDACTED]

Ms. Tawnie Rowell
Mr. Miles Morgan
Mr. Trent Rigdon
Arkansas Division of Correction
1302 Pike Avenue, Suite C
North Little Rock, Arkansas 72114

(via email)

Re: ***Richard Davis v. Arkansas Division of Correction***
Claim No. 250749

Dear Mr. Davis, Ms. Rowell, Mr. Morgan, and Mr. Rigdon:

Enclosed please find an Order entered on May 1, 2025, by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RICHARD DAVIS (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 250749

ARKANSAS DIVISION OF
CORRECTION

RESPONDENT

ORDER

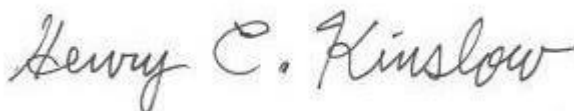
Now before the Arkansas State Claims Commission (the “Commission”) is a motion filed by the Arkansas Division of Correction (the “Respondent”) to dismiss the claim of Richard Davis (the “Claimant”). Based upon a review of the motion, the arguments made therein, and the law of Arkansas, the Commission hereby finds as follows:

1. Claimant filed his original claim on December 16, 2024, seeking \$6,000.00 in damages related to Respondent’s employee issuing him a disciplinary.
2. Respondent filed a motion to dismiss, arguing, *inter alia*, that Claimant is challenging a disciplinary proceeding and that the Commission does not have jurisdiction over the claim.
3. Claimant did not file a response to the motion to dismiss.
4. The Commission agrees with Respondent that this claim is inexorably entwined with a disciplinary incident, and it is beyond the scope and purpose of the Commission to consider disciplinary issues or to insert itself into Respondent’s disciplinary process.
5. Respondent’s motion to dismiss is GRANTED pursuant to Ark. Code Ann. § 19-10-204 and Ark. R. Civ. P. 12(h), and Claimant’s claim is DISMISSED.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Dee Holcomb



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Chair

DATE: May 1, 2025

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from transmission of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the transmission of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

TO: ARKANSAS STATE CLAIMS COMMISSION

FROM: RICHARD DAVIS, [REDACTED]

Arkansas
State Claims Commission

RE: CLAIM NO. 250749

JUN 02 2025

DATE: MAY 29, 2025

RECEIVED

DEAR DIRECTOR;

PLEASE FIND ENCLOSED THE ORIGINAL AND THREE (3) COPIES OF THE CLAIMANT'S NOTICE OF APPEAL.

THE CLAIMANT REQUESTS A COPY OF THE NOTICE OF APPEAL. THANKING YOU IN ADVANCE,

I REMAIN,

Richard Davis

Arkansas
State Claims Commission

JUN 02 2025

RECEIVED

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RICHARD DAVIS, [REDACTED]

CLAIMANT

VS.

CLAIM # 250749

ARKANSAS DIVISION

OF CORRECTION,

RESPONDENT

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT RICHARD DAVIS,
APPEALS TO THE GENERAL ASSEMBLY OF ARKANSAS
FROM THE FINAL ORDER OF THE ARKANSAS STATE
CLAIMS COMMISSION, ENTERED MAY 1, 2025.

APPELLATE JURISDICTION

THE APPELLANT JURISDICTION OF THE ARKANSAS
STATE CLAIMS COMMISSION IS INVOLVED PURSUANT
TO ARK. CODE ANN. § 19-10-211 (2024).

DESIGNATION OF RECORD

CLAIMANT HEREBY DESIGNATE THE ENTIRE
RECORD, AND ALL PROCEEDINGS, EXHIBITS,

EVIDENCE, AND DOCUMENTS INTRODUCED IN
EVIDENCE TO BE CONTAINED IN THE RECORD ON
APPEAL.

MAY 29, 2025
DATE

RESPECTFULLY SUBMITTED,
BY Richard Davis
RICHARD DAVIS, [REDACTED]

VERIFICATION

I, RICHARD DAVIS, THE CLAIMANT HEREIN, AND IN
SUPPORT OF MY NOTICE OF APPEAL, AFTER FIRST
BEING DULY SWORN, DO HEREBY SWEAR THAT THE
STATEMENTS, MATTERS, AND THINGS CONTAINED IN
MY NOTICE OF APPEAL ARE TRUE AND ACCURATE
ACCOUNT TO THE BEST OF MY KNOWLEDGE, INFORMATION,
AND BELIEF AND FOR THE PURPOSE HEREIN STATED, SET
FORTH, AND CONTAINED.

Richard Davis
CLAIMANT, PRO SE

CERTIFICATE OF SERVICE

I, RICHARD DAVIS, HEREBY CERTIFY THAT A
TRUE COPY OF THE FOREGOING HAS BEEN SERVED UPON
PERSON SET OUT BELOW, VIA FIRST CLASS MAIL, ON
THIS 29TH DAY OF MAY, 2025.

By Richard Davis

CLAIMANT, PROSE

STATE OF ARKANSAS
COUNTY OF _____

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY
PUBLIC, ON THIS 24 DAY OF May, 2025.



By Franklin L. Graham
NOTARY PUBLIC

ARKANSAS STATE CLAIMS COMMISSION

(501) 682-1619
FAX (501) 682-2823



KATHRYN IRBY
DIRECTOR

101 EAST CAPITOL AVENUE
SUITE 410
LITTLE ROCK, ARKANSAS
72201-3823

June 19, 2025

Mr. Richard Davis (ADC 089568)
Post Office Box 970
Marianna, Arkansas 72360

RE: ***Richard Davis v. Arkansas Division of Correction***
Claim Nos. 250581 and 250749

Dear Mr. Davis,

As requested, please find enclosed file-marked copies of your June 2, 2025, filings. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott