

From: [ASCC New Claims](#)
To: [Tawnie Rowell \(DOC\)](#)
Cc: [Kathryn Irby](#); [Mika Tucker](#)
Subject: CLAIM: Jerry Ellis v. ADC, Claim No. 250103
Date: Tuesday, August 20, 2024 12:20:00 PM
Attachments: [Jerry Ellis v. ADC agency ltr .pdf](#)
[Jerry Ellis Claim - 250103.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

August 20, 2024

Ms. Tawnie Rowell
Arkansas Division of Correction
1302 Pike Avenue, Suite C
North Little Rock, Arkansas 72114

(via email)

RE: *Jerry Ellis v. Arkansas Division of Correction*
Claim No. 250103

Dear Ms. Rowell,

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: Jerry Ellis (ADC [REDACTED]), *Claimant* (w/ encl.)

Mrs. Nathan Irby, Arkansas State Claims
Commission, Director
101 East Capitol Avenue
Suite 410
Little Rock, AR
772-3823

7-16-24

Arkansas
State Claims Commission

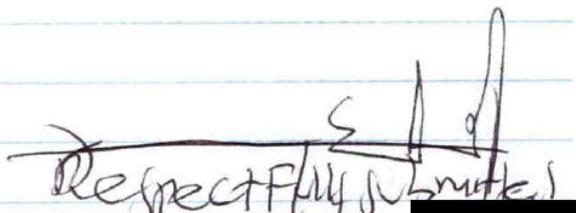
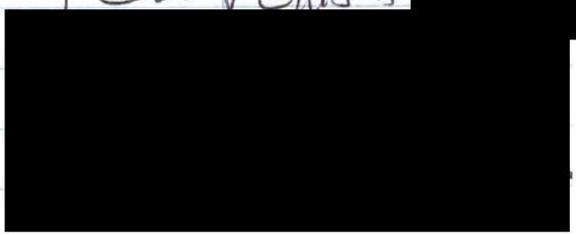
JUL 20 2024

RECEIVED

Dear Mrs. Irby,

I submit this
letter to you requesting that
you please return me and file
mark copy of my submitted claim
and exhibit in support of my
submitted claim. Thank you

Your cooperation is greatly
appreciated with the above


Respectfully submitted
Terry Ellis #


Arkansas State Claims Commission

JUL 20 2024

RECEIVED

Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION Of the State of Arkansas

- Mr. Mrs. Ms. Miss

Jerry Ellis (ADC [redacted]), Claimant

vs.

State of Arkansas, Respondent

Do Not Write in These Spaces. Claim No., Date Filed, Amount of Claim \$, Fund.

COMPLAINT

Jerry Ellis (ADC [redacted]), the above named Claimant, of [redacted] (Name) [redacted] (Street or R.F.D. & No.) [redacted] (City)

N/A (State) N/A (Zip Code) N/A (Daytime Phone No.) County of Lee represented by Pro Se (Legal Counsel, if any, for Claim)

of N/A (Street and No.) N/A (City) N/A (State) N/A (Zip Code) N/A (Phone No.) N/A (Fax No.) says:

State agency involved: A.D.C. Amount: \$15,000

Month, day, year and place of incident or service: 9-21-2023 [redacted] - Mex

Explanation: 1.) The Claimant states that the Arkansas State Claims Commission has jurisdiction over the Claimant's claim under Ark. Const. Art. 7, cited by Ark. Const. Art. 3, toward Section 9, supported by Ark. Code Ann. 16-103 of Article 1, per the Arkansas State Constitution of 2023 through 2024.

2.) The Claimant states that on the night of 9-21-2023, Co-DMs. Vilette Washington disregarded the Claimant's safety per the Revised 2023 Ar-12-33 policy cited by the Revised Ar-225 State Law Regulation of 2023. Due to Co-DMs. Vilette Washington's spit in the Claimant's face that could have infected the Claimant with hepatitis (etc) per their actions of intentionally negligence of approaching Claimant cell cell #12 of Mex - S and spit in the Claimant's face due to that her and the Claimant got into an argument about the Claimant's lawyer, which Co-DMs. Vilette Washington above actions was in the presence of the Claimant.

At parts of this complaint, the claimant makes the statements, and answers the following questions, as indicated: (1) Has claim been presented to any state department or officer thereof?

When? N/A; to whom? N/A; (Yes or No) N/A; and that the following action was taken thereon: N/A

and that \$ N/A was paid thereon: (2) Has any third person or corporation an interest in this claim? N/A if so, state name and address

and that the nature thereof as follows: N/A; and was acquired on N/A, in the following manner: N/A

THE UNDERSIGNED states on oath that he or she is familiar with the matters and things set forth in the above complaint, and that he or she verily believe that they are true.

Jerry Ellis (Print Claimant/Representative Name) [redacted] (Signature of Claimant/Representative) [redacted]

SWORN TO and subscribed before me at



on this 5th day of July, 2027 (Date) (City) (State) (Year)

My Commission Expires: 01 - 25 - 2027 (Month) (Day) (Year)

1.0 F.2

Form of Retaliation per to The Claimant
Submitted Grievance # 23-01529)

3. The Claimant States That his medical —
Records of 9-22-2023 Through 9-29-2023
Will Affirm The Claimant Claim Toward —
C/O Dr. Ms. Vinette Washington Intentionally
Negligence of The Night of 9-21-2023
Toward The Claimant.

Jerry Ellis
Claimant Name



Signature of Claimant

Sworn to and Subscribed before me at

_____ City _____ State

On This 5th day of July, 2024
date month year



25-2027

Notary Public
Stephen Lane Sr.

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center MAX

Name Terry Ellis

ADC# [redacted] Brks # max-5 Job Assignment R/H

10-4-23 (Date) STEP ONE: Informal Resolution

10-12-23 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally)

If the issue was not resolved during Step One, state why: max shift never return me my original step 1 job

(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm: emergency grievances are not for ordinary problems that are not of serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. In an Emergency, state why: Grievance sent to

19-34p-114 f/pq (8.1) to wvrl section 99

Is this Grievance concerning Medical or Mental Health Services? no If yes, circle one: medical or mental

BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print):

ON THE NIGHT OF 9-21-23 BETWEEN 8:35 PM TO 9:40 PM I WAS ASKED BY CO-IT MS. VINETTE WASHINGTON OF (A) MAX SHIFT FORMY LAUNDRY BY OFF THE TABLE OF MAX-5 AND SHE HIT THE FIRST TIER OF MAX-5 SHE ALREADY SHOWERED ON THE MORNING OF 9-21-23 WHICH CO-IT MS. VINETTE WASHINGTON REPLIED TO ME SAYING "ERRY ELLIS I GOT NOTHING FOR YOUR GRIEVANCE WRITING SWITCHING ALL BUT THEN SHE APPROACH MY CELL #12 OF MAX-5 AND BEING OVER MY CO-IT IN MY FACE AND SAID WRITE THAT UP BITCH WHICH CO-IT VINETTE WASHINGTON ABOVE ACTION WAS IN THE FORM OF REGULATION OF MY SUBMITTED GRIEVANCE 1523-21504 BUT I HAD WRITEN AGAINST HER AND ON THE MORNING OF 9-22-23 DUE TO LT. KING OF (A) MAX SHIFT IS CARRYING ME TO MY CELL ALL FOR A HYPOTHETICAL REVIEW WITH HIM OF THE ABOVE AND HE SAID I HAD TO WRITE A REVIEW MAX-5 CAMERA FOOTAGE OF THE ABOVE BUT NO AVOID

[Signature] Inmate Signature Date 10-4-23

If you are harmed, threatened because of your use of the grievance process, report it immediately to the Warden or designee.

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on 10-2-23 (date), and determined to be **Step One** and/or an Emergency Grievance (Yes or No). This form was forwarded to medical or mental health? no (Yes or No). If yes, name of the person in that department receiving this form: _____ Date _____

PRINT STAFF NAME (PROBLEM SOLVER) _____ ID Number _____ Staff Signature _____ Date Received _____
Describe action taken to resolve complaint, including dates: DEC 05 2023

FAILURE TO FOLLOW POLICY HAS RESULTED IN A REJECTION FOR THIS APPEAL AND MARKS THE END OF THE APPEAL PROCESS

INMATE GRIEVANCES SUPERVISOR ADMINISTRATION BUILDING

Staff Signature & Date Returned _____ Inmate Signature & Date Received _____

This form was received on 10-14-23 (date), pursuant to **Step Two**. Is it an Emergency? no (Yes or No).

Staff Who Received Step Two Grievance: Sof Tech Date: 10-14-23

Action Taken: Forwarded to Grievance Officer/Warden/Other Date: _____

If forwarded, provide name of person receiving this form: _____ Date: _____

DISTRIBUTION: YELLOW & PINK - Inmate Receipts; BLUE - Grievance Officer; ORIGINAL - Given back to Inmate after Completion of Step One and Step Two.

MAX 5 12
Attachment III
00

WARDEN'S/CENTER SUPERVISOR'S DECISION

INMATE NAME: Ellis, Jerry J.

ADC #: [REDACTED]

GRIEVANCE #: [REDACTED] 23-01758

WARDEN/CENTER SUPERVISOR'S DECISION:

Inmate Ellis, you stated in your grievance that, "On the night of 9-21-23 between 8:35 P?M toward 10:40 p/m due to me asking Co: Ms. Vinette Washington of (d) Max shift for my laundry bag off the table of Max_5 due to that the first tier of my 5 hallway she showered on the Monday of 9-21-23 which Co: Ms. Vinet Washington replied to me saying Jerry Ellis I got nothing for your grievances writing snitching ass bitch then she approach my cell # 12 of Max-5 and bend over in my face and said write that up bitch which CO: 1 Vinette Washington above actions was in the form of retaliation of my submitted grievance # 23-01591 that I had written against her and on the morning of 9-22-23 due to Lt. King of (d) Max shift coming Nurse Coleman to my cell #12 a/m pill call, I advise him of the above and he told me that he would review Max 5 camera footage of the a above but to no avail."

Corporal Washington is no longer employed with this agency; therefore, a complete investigation could not be conducted. Your grievance is without merit.

SIGNATURE OF WARDEN/SUPERVISOR OR DESIGNEE

[Handwritten Signature]

11/17/23
Date

Deputy Warden
Title

RECEIVED
DEC 05 2023

INMATE GRIEVANCES SUPERVISOR
ADMINSTRATION BUILDING

INMATE'S APPEAL

If you are not satisfied with this response, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director along with the Unit Level Grievance Form. Keep in mind that you are appealing the decision to the original grievance. Do not list additional issues, which are not part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE?

I object to Deputy - Treatment Warden, B. Davis and Mrs. S. prite Grievance Administrator's response's due to that - Ex-(d) my shift Lt. J. King Jr, never reviewed my 5 camera footage about my complaint and neither did Deputy Warden B. Davis nor Mrs. S. prite

INMATE SIGNATURE

[Handwritten Signature]

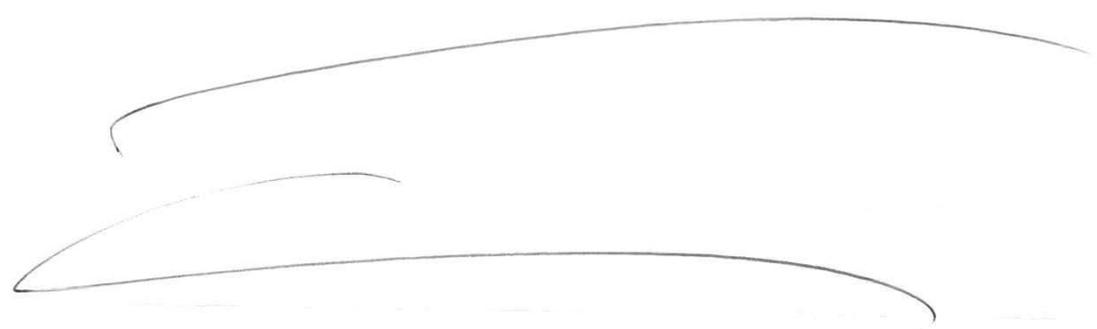
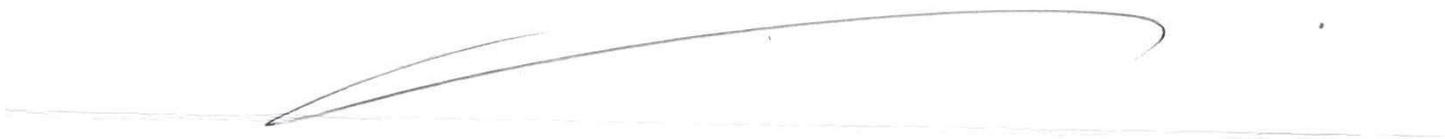
11-23-23
Date

See Reverse Side

FAILURE TO FOLLOW
POLICY HAS RESULTED IN
A REJECTION FOR THIS
APPEAL AND MARKS THE END
OF THE APPEAL PROCESS

If appealing, please submit both the Unit Level Grievance Form (Attachment I) and the Warden's Decision (Attachment III)

Guidance Coordinator reviewed my 5 camera
Footage regarding my complaint of (4, 2, 23)



MAHS-12

Attachment II
00

11-20-23

ACKNOWLEDGEMENT OR REJECTION OF UNIT LEVEL GRIEVANCE

EXHIBIT - A

TO: Inmate Ellis, Jerry J. **ADC#:** [REDACTED]
FROM: Mills, Debra A **TITLE:** ADC/ACC Program Specialist
DATE: 10/20/2023 **GRIEVANCE #:** [REDACTED] 23-01758

Please be advised, I have received your Grievance dated 10/04/2023 on 10/16/2023.
You should receive communication regarding the Grievance by 11/14/2023

SIGNATURE OF ADC/ACC PROGRAM SPECIALIST

Debra Mills

CHECK ONE OF THE FOLLOWING

- This Grievance will be addressed by the Warden/Center Supervisor or designee.
- This Grievance is of a medical nature and has been forwarded to the Health Services Administrator who will respond.
- This Grievance involves a mental health issue and has been forwarded to the Mental Health Supervisor who will respond.
- This Grievance has been determined to be an emergency situation, as you so indicated.

- This Grievance has been determined to not be an emergency situation because you would not be subject to a substantial risk of personal injury or other serious irreparable harm. Your Grievance will be processed as a Non-Emergency.
- This Grievance was REJECTED because it was either non-grievable (), untimely, was a duplicate of , or was frivolous or vexatious.

INMATE'S APPEAL

If you disagree with a rejection, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director. If you do not receive communication regarding your grievance by the date listed above, you may move to the next level of the process. To do so, indicate in the Inmate's Appeal Section below that you did not receive a response and mail it to the appropriate Chief Deputy/Deputy/Assistant Director within five working days. Keep in mind that you are appealing the decision to reject the original complaint. Address only the rejection; do not list additional issues, which were not a part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

INMATE SIGNATURE

[Empty signature box]

If appealing a rejection, please include both the Unit Level Grievance Form (Attachment I) and the Rejection (Attachment II)

1 - Wm. WILLIAM F. STOVALL DEPUTY DIRECTOR
EXHIBIT - B
Inmate Request Form

C/B 8 - all 38

This form is to be used by inmates in contacting staff with requests on issues. Staff should be given 5 working days to respond.

Name: Jerry Gill	ADC Number: [REDACTED]	Date: 6-17-24
Housing Assignment: Max-8	Job Assignment: 950 H	
To (Staff Member) Mr. W. Stovall	Office: Deputy Director	

I have a request concerning the following area (circle one):

- Classification Parole Visitation Medical Telephones Property
- Mail Law Library Commissary General Library Job Assignment
- Laundry Mental Health Grievance Office Other: _____

Detailed Reason for Request: I submit this inmate request to you to have my submitting inmate request of 6-5-24 and 6-3-24 which were again I request that you please provide me with a copy of Acknowledgment of my grievance appeal of 11-22-23 and a copy of your response per to my grievance appeal of 11-22-23 showing my grievance 23-1758 that you received in your CC (see reverse side) ELL 6-17-24

Inmate's Signature _____ Date _____

***** RECEIVED *****

Staff Member Responding:	Date: JUL 02 2024
--------------------------	-------------------

I have reviewed your request and my finding is as follows: _____

23-1758 WAS rejected due to
Untimely

RECEIVED
JUN 21 2024

Staff Signature _____

I am referring this request to: _____

Office on 12-5-23 because Mrs. Allison
 Bridges, Unit Law Library Supervisor copying
 Grievance Copy of Grievance # 23-1758 and
 your response and Grievance Acknowledgement
 of Appeal as well so I need those -
 Requested Grievance Documents to File
 in the Court Numbering Grievance # 23-1758
 Thank you Sir,

Your cooperation is greatly appreciated with the
 mentioned situation.

From: [Trent Rigdon \(DOC\)](#)
To: [Mika Tucker](#)
Subject: Jerry Ellis - Answer 250103
Date: Monday, August 26, 2024 10:16:25 AM
Attachments: [Jerry Ellis - Answer 250103.pdf](#)

Thank you,

Trent Rigdon
Deputy General Counsel
Office of the Secretary
479-746-1138
615 S Main St
Jonesboro, AR 72401

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION
JERRY ELLIS (ADC [REDACTED]) **CLAIMANT**

v. **NO. 250103**

ARKANSAS DEPARTMENT OF CORRECTIONS,
DIVISION OF CORRECTION **RESPONDENT**

ANSWER

COMES NOW the Respondent, Arkansas Department of Corrections, and for its Answer, states and alleges as follows:

1. Respondent denies liability in this claim and asserts it will hold the Claimant to strict proof on each allegation unless admitted by Respondent. Respondent reserves the right to plead further upon completion of an investigation by internal affairs, if warranted, and requests the matter be held in abeyance until the investigation is complete.
2. The applicable account information required by the Commission is:

a. Agency number: 0480	b. Cost Center: HCA 0100
c. Internal Order: 340301	d. Fund Center: 509
3. The Respondent states that the Arkansas State Claims Commission does not have jurisdiction to hear this matter pursuant to Ark. Code Ann. § 19-10-204.

WHEREFORE, for the reasons cited above, the Respondent prays that the claim be dismissed with prejudice and that Claimant take nothing or, in the alternative, that the matter be held in abeyance until completion of an investigation by Internal Affairs if warranted.

Respectfully submitted,

/s/ Trent Rigdon
Trent Rigdon Ark. Bar No. 2015227
Arkansas Department of Corrections
1302 Pike Avenue, Suite C
North Little Rock, AR 72114
479-746-1138 Office
Trent.Rigdon@doc.arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 26th day of August 2024, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Jerry Ellis (ADC 0 [REDACTED])
[REDACTED]
[REDACTED]

/s/ Trent Rigdon
Trent Rigdon

From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [Tawnie Rowell \(DOC\)](#)
Cc: [ASCC Pleadings](#); [Mika Tucker](#)
Subject: CORR: Jerry Ellis v. ADC, Claim No. 250103
Date: Wednesday, September 11, 2024 10:43:40 AM
Attachments: [Jerry Ellis v. ADC.pdf](#)

Ms. Rowell:

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

September 11, 2024

Mr. Jerry Ellis (ADC [REDACTED])
[REDACTED]

RE: *Jerry Ellis v. Arkansas Division of Correction*
Claim No. 250103

Dear Mr. Ellis,

Please be advised that the Arkansas Division of Correction (the "Respondent") in the above-styled claim filed an Answer disputing liability. When liability is contested by the Respondent, you have two options:

- 1) You may request a hearing before the Arkansas State Claims Commission (the "Claims Commission") in writing within fifteen (15) calendar days from the date of this correspondence.
- 2) You may do nothing. If this office does not receive any communication from you within fifteen (15) calendar days from the date of this correspondence, your claim will be dismissed by the Claims Commission for failure to respond.

Please note that even if you request a hearing on your claim, the filing of a dispositive motion (such as a Motion to Dismiss or a Motion for Summary Judgment) by the Respondent could result in dismissal of your claim before hearing. The failure of a party to file a timely response is sufficient basis for the granting of a motion by the Claims Commission.

It is your responsibility to know when responses are due to any motions or other pleadings filed in your claim. It is also your responsibility to notify both the Claims Commission and the Respondent if you have a change in mailing address.

Sincerely,

Mika Tucker

ES: msscott

cc: Tawnie Rowell, *counsel for Respondent* (via email)

Mrs. Kathryn Irby, Arkansas State Claims Commission, Director
101 East Capitol Avenue
Little Rock, AR 72201-3823
9-19-74

Re-Claim # 250103

Arkansas State Claims Commission

SEP 23 2024

RECEIVED

Dear Mrs. Irby, madam

I submit this letter to you requesting that you please forward me a file marked - copy of my submitted interrogatories and request for production of documents. Thank you madam

Your cooperation is greatly appreciated with the mentioned situation.

Respectfully submitted
Mrs. Terry Ellis
[Redacted]

Before The Arkansas State
Claims Commission

Jerry Ellis # [redacted] Claimant
v. Re-Claims # 50103
Arkansas Dept of Corrections

Respondent

Motion For Interrogatories
and Request For production of
Documents

Comes Now The Claimant Jerry Ellis # [redacted] and moves This Arkansas State Claims Commission, Director, Mrs. Kathryn Irby and The Respondent Attorney Mr. Trent Riddon Pursuant to Rule 33 and Rule 34 of The Arkansas civil procedure to answer Each individually interrogatories and produce Each individually Requested Document to The Claimant for his inspection within 30 Business days of service.

Interrogatory #1 The Claimant Request That The Respondent Attorney Mr. Trent Riddon to State what was Respondent's MS. V. Washington encounter with The Claimant on 10/6/07

The Night of 9-21-2023?

Interrogatory #2 The Claimant Request That The Respondent Attorney Mr. Trent Bigdon To Produce The Claimant With a Copy of The Respondent C-35 MS. V. Washington >> S Report of The Night of 9-21-2023?

Motion of Production of Document #1

The Claimant Request That The Respondent Attorney Mr. Trent Bigdon To Produce The Claimant with a Copy of The Respondent C-35 MS. V. Washington >> S Report of The Night of 9-21-2023 to be produced to The Claimant for his inspection

Interrogatory #3 The Claimant Request Was Respondent C-35 MS. V. Washington Employee at brickers Limit of The Night of 9-21-2023?

Interrogatory #4 The Claimant Request Was Respondent C-35 MS. V. Washington Employee at brickers Limit on 9-21-2023?
2 of 6

The Claimant For his inspection,

Motion For production of
Document #4

The Claimant Request That The Respondent Attorney Mr. Trent Riddon to produce The Claimant with a copy of An-836 State Law Regulations 9-21-2023 and An-836 Segregation State Law Regulations of 4-9-2024 to be produced to The Claimant For his inspection.

Motion For production of
Document #5

The Claimant Request That The Respondent Attorney Mr. Trent Riddon to produce The Claimant with a copy of his submitted sick call complaint of 9-22-2023 to have The Respondent - with Mr. V. Washington Actions of The Night of 9-21-2023 to be produced to The Claimant For his inspection.

Motion For production of
Document #6

The Claimant Request That The Respondent Attorney Mr. Trent Riddon to produce The Claimant with a copy of his submitted sick call complaint of 9-22-2023 to have The Respondent - with Mr. V. Washington Actions of The Night of 9-21-2023 to be produced to The Claimant For his inspection.

Interrogatory #5 The Claimant -
Request That The Respondent Attorney -
Mr. Trent Bigdon to produce The -
Claimant with a copy of The -
Respondent Case # 05 M.J.V. Washington
Employee Work Sheet Report sent to
The Claimant Case # 23-1758

Motion For production of
Document #2

The Claimant Request That The -
Respondent Attorney Mr. Trent Bigdon -
to produce The Claimant with a -
copy of The Respondent Case # M.J.V.
Washington Grievance Employee -
Work Sheet toward The Claimant -
Grievance # 23-1758 to be -
produced to The Claimant for his -
inspection.

Motion For production of
Document #3

The Claimant Request That The -
Respondent Attorney Mr. Trent Bigdon
to produce The Claimant with a -
copy of Ex-Ad-2007-27 policy and
copy of Ad-2004-07 Revised policy -
of 4-9-2004 to be produced to -
4-16

to produce The Claimant with and
copy of Anup Ms. T. Bennett -
medical opinion of 9-24-2023 per
to The Claimant submitted with
Call Complaint of 9-22-2023 to be
produced to The Claimant for his
inspection,

Furthermore The Claimant Request
That Rule (45) of The Arkansas Rules
of Civil Procedures to be met toward
The Claimant submitted information
and motion for production of Document's
per to Rule 33 and Rule 34 of The
Arkansas Rules of Civil Procedures.

Certificate of Service

I, Jerry Elliot # [redacted] pro, se,
certify that he has mailed Mrs. -
Kathryn Irby Arkansas State Child
Commission, Director and The
Resident Attorney Mr. Trent Ryden
with and copy of The Claimant said
motion of information and
request for production of Document's
on this 19th day of September
2024)

to be served

Respectfully Submitted
 Mrs. Je. Terry Ellis



0 > f 6

From: [Kris Higdon \(DOC\)](#)
To: [ASCC Pleadings](#)
Cc: [Tawnie Rowell \(DOC\)](#)
Subject: RE: Jerry Ellis v. ADC, 250103
Date: Friday, November 8, 2024 1:03:10 PM
Attachments: [Response to Motion to Compel.pdf](#)

Please ignore the prior email, I attached the wrong document.

Kris Alan Higdon (Mr.)
Attorney at Law
Office of the Secretary
1302 Pike Ave., Suite C
North Little Rock, AR 72114
Phone: 501-682-9593
Kris.a.higdon@doc.arkansas.gov

From: Kris Higdon (DOC)
Sent: Friday, November 8, 2024 1:01 PM
To: ASCC Pleadings <ASCCPleadings@arkansas.gov>
Cc: Tawnie Rowell (DOC) <Tawnie.Rowell@doc.arkansas.gov>
Subject: Jerry Ellis v. ADC, 250103

Please see attached response to motion to compel

Kris Alan Higdon (Mr.)
Attorney at Law
Office of the Secretary
1302 Pike Ave., Suite C
North Little Rock, AR 72114
Phone: 501-682-9593
Kris.a.higdon@doc.arkansas.gov

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JERRY ELLIS (ADC # [REDACTED])

CLAIMANT

V.

CLAIM NO. 250103

ARKANSAS DIVISION OF CORRECTION

RESPONDENT

**RESPONSE TO MOTION FOR AN ORDER COMPELLING DISCOVERY AND
MOTION FOR PRODUCTION OF DOCUMENTS**

COMES NOW the Respondent, Arkansas Department of Corrections, and for its Response to Motion to Compelling Discovery and Motion for Production of Documents, states:

1. Respondent denies each and every allegation set forth in Claimant's Motion not specifically admitted herein.

2. In his motion, Claimant states that he sent discovery requests to the Arkansas Department of Correction, which Respondent admits to receiving.

3. Respondent responded to Claimant's discovery on October 15, 2023.

4. Respondent has not received any correspondence from Claimant seeking to resolve this dispute without Commission's intervention.

5. In his Motion, Claimant states that he sent discovery to the attorney for and employee he identifies as Ms. V. Washington. The undersigned is not the attorney for any employee of the Respondent, nor is any employee a proper party before this Commission.

6. Respondent cannot make out what exactly is best in stated in paragraphs 1 through 5 of Claimant's Motion, with the exception of that set out in paragraph 5 above. Therefore, Respondent denies the same.

7. Respondent specifically denies that Claimant is entitled to an order compelling discovery responses.

WHEREFORE, for the reasons cited herein, Respondent respectfully requests that Claimant’s Motion to Compel Discovery be denied, and that Claimant’s claim be dismissed with prejudice and that Claimant take nothing.

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 8th day of November 2024.

Jerry Ellis (ADC) [REDACTED]

/s/ Kris Alan Higdon
Kris Alan Higdon

Mrs. Kathryn Irby, Arkansas State
 Claims Commission Director
 101 East Capitol Avenue
 Suite 410
 Little Rock, AR

Arkansas State Claims Commission
 NOV 30 2024
 RECEIVED

11-18-24

72201-3823

Re-Claim # 25-1-3

Dear Mrs. Irby

I submit this letter
 to you requesting that you please
 forward me and file marked copy of
 my submitted object's of 11-18-24
 per to the respondent attorney
 Mrs. Kris A. Hydon Reggale of
 November 8th 2024 Thank you
 madam.

Your cooperation is greatly
 appreciated with the above


 Respectfully Submitted
 Mike Jerry Ellis



Before the Arkansas State
Claims Commission

Arkansas
State Claims Commission

NOV 30 2024

Jerry Ellis # [REDACTED]

Claimant RECEIVED

V. Re- [REDACTED] 25103

Arkansas Dept of Corrections

Respondent

Claimant object to The Respondent
Attorney Mr./Mrs. Kris A. Hydon Response
of November 8th 2024

comes now The Claimant Jerry Ellis [REDACTED] pro se states that he request this Arkansas State Claims Commission pursuant to rule (37)(a) and (4) of the Arkansas rules of civil procedure to order the Respondent Attorney Mr./Mrs. Kris A. Hydon to answer the Claimant second set of interrogatories and provide the Claimant with his second set of production of documents due to that the a/c Respondent Attorney Mr./Mrs. Kris A. Hydon never fully answered the Claimant first set of interrogatories of 1) through (5) nor providing the Claimant with each of his requested production of documents of September 14th 2024 for the Claimant to prove his claim toward Costly Mr. Vinette Washington actions of the night of 9-21-2023
1.024

2. The Claimant States That The Respondent Attorney Mr. / Mrs. Kris A. Hydon - Response per to The Claimant Submitted Information and Motion for production of documents of October 15th 2024 that The Claimant received on the night of October 17th 2024 is most due to that Mr. / Mrs. Kris A. Hydon Attorney Name was in the Under signed document as The Respondent and C Attorney for C-14 Mr. Vinette Washington per to The Claimant Claim # 25-1037-Sub C-14 Ms. Vinette Washington actions of The night of 9-11-2023 toward The Claimant

3. The Claimant States That due to me met The Arkansas State Claims Commission Requirement of Rule 2.2 and The Respondent's Mr. / Mrs. Kris A. Hydon and Mr. Trent Hydon never met The above Requirement above pleading per to The Arkansas State Claims Commission Rule 2.2 toward They answers of August 26th 2024 then any other further pleading is most per to Rule 2.2 of the above per to The Claimant Claim # 25-1037

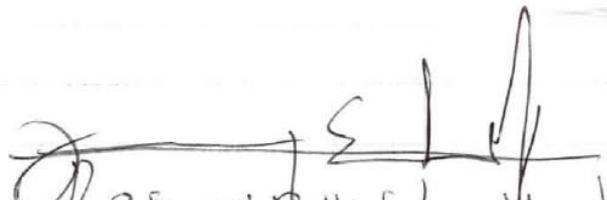
4. The Claimant States That he believes that The Arkansas State Claims Commission to order The Respondent Attorney Mr. Trent 2 of 4

Rigdon and Mrs. Louis A. Higdon
 to meet the requirement of Rule
 37 (e) and (f.) of The Arkansas
 Rules of Civil procedure pursuant
 to Rule (33.) and Rule (34) of the
 The Claimant second set of
 Interventions and motion for
 production of documents and/or
 pay the Claimant the full amount of
 his claim over and over to Mrs. Vivette
 Washington actors of the night of
 9-11-2001 toward the Claimant

Therefore; The Claimant cited the
 that the a.d.c Respondent Attorney
 Mr./Mrs. Louis A. Higdon response of
 November 8th 2004 be denied
 and the Claimant claim be set for
 and hearing

Certificate of Service

I, Jerry Ellist [redacted] pro. se,
herabyl. Certif. that one true
Copy of The Claimant's object's
has been mailed to Mrs. Kathryn
Inst. Arkansas State Claims Commission
Director and Mr. / Mrs. [redacted] A. Hyden
Attorney on This 18th day of November
2024


Respectfully Submitted
pro. se, Jerry Ellist [redacted]
[redacted]

4 - FH

From: [Kris Higdon \(DOC\)](#)
To: [ASCC Pleadings](#)
Cc: [Tawnie Rowell \(DOC\)](#)
Subject: Jerry Ellis v. ADC, 250103
Date: Tuesday, December 3, 2024 7:47:18 AM
Attachments: [ADC responses to 2nd RFP.pdf](#)

Please see attached responses to RFP

Kris Alan Higdon (Mr.)
Attorney at Law
Office of the Secretary
1302 Pike Ave., Suite C
North Little Rock, AR 72114
Phone: 501-682-9593
Kris.a.higdon@doc.arkansas.gov

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JERRY ELLIS (ADC # [REDACTED])

CLAIMANT

V.

CLAIM NO. 250103

ARKANSAS DIVISION OF CORRECTION

RESPONDENT

ADC RESPONSES TO REQUEST FOR PRODUCTION

COMES NOW, Respondent, and for its responses to Requests for Production, states:

Request for Production 1: The claimant request that *[illegible]* Ms V Washington respondent Attorney Mr. Kris A Higdon to produce the claimant with and copy of an AR-836 segregation statue law. Regulation of 2024 pen to AD-2024-02 policy for claimant inspection toward claimant claim #250103.

RESPONSE: Respondent objects to this request as it is addressed to a non-party and the attorney for Respondent. Subject to this objection, please see attached AD 2024-02 and AD-836.

Request for Production 2: The claimant request that *[illegible]* Ms. V Washington Attorney Mr. Kris A Higdon to produce the claimant with and copy of AR-836 segregation state law regulation of 2022-2021 toward AD-2022 policy for claimant inspection per to his claim #250103.

RESPONSE: Respondent objects to this request as it is addressed to a non-party and the attorney for Respondent. Respondent further objects to the extent it is duplicative. Respondent does not have a policy AD-2022.

Request for Production 3: The claimant request that *[illegible]* Ms. V. Washington Attorney Mrs. Kris A Higdon to produce the claimant with and copy of AR-836 segregation state law regulation of 2021 and 2022 toward Ad-2022-25 policy for claimant inspection pen to his claim #250103

RESPONSE: Respondent objects to this request as it is addressed to a non-party and the attorney for Respondent. Respondent further objects to the extent it is duplicative. Subject to this objection, see attached policy AD-2022-25

Request for Production 4: The claimant request that *[illegible]* Ms. V. Washington Attorney Mr. Kris A Higdon to produce the claimant with and copy of AR-836 segregation state law regulation of 2011 pen to AD-17-31 policy for claimant inspection pen to the claimant claim #250103

RESPONSE: Respondent objects to this request as it is addressed to a non-party and the attorney for Respondent. Respondent further objects to the extent it is duplicative. Subject to this objection, see AD-17-31.

Request for Production 5: The claimant request that respondent *[illegible]* Ms. V Washington Attorney Mr. Kris A Higdon to produce the claimant with and copy of max-7 cell block roster of 2-1-2022 for his inspection per his claim #250103.

RESPONSE: Respondent objects to this request as it is addressed to a non-party and the attorney for Respondent. Respondent further objects as it seeks information that would place inmates, staff, and the facility at risk.

Request for Production 6: The claimant request that *[illegible]* Ms. V. Washington Attorney Mr. Kris A Higdon to produce the claimant with and copy of AR-225 state law regulation of 2024, 2023,2022 and 2021 for his inspection per to his claim #250103.

RESPONSE: Respondent objects to this request as it is addressed to a non-party and the attorney for Respondent. Respondent further objects to the extent it is duplicative.

Request for Production 7: The claimant request that *[illegible]* Ms. V Washington Attorney Mr. Kris A Higdon to produce the chimes with and copy of AD-15-29 revised PERA policy pen to 2024 through 2020.

RESPONSE: Respondent objects to this request as it is addressed to a non-party and the attorney for Respondent. Respondent further objects as irrelevant and not likely to lead to the discovery of admissible information.

Request for Production 8: The claimant request that *[illegible]* Ms. V. Washington Attorney Mr. Kris A Higdon to produce the claim with and copy of AR-226 revised state law

regulation per to AD-19-12 policy and Ex-AD-15-29 policy for his inspection per the chimes claim #250103.

RESPONSE: Respondent objects to this request as it is addressed to a non-party and the attorney for Respondent. Respondent further objects as irrelevant and not likely to lead to the discovery of admissible information.

Request for Production 9: The claimant request that [illegible] Ms. V. Washington Attorney Mr. Kris A Higdon to provide the Claimant with and copy of AD-18-16 revised behavior control policy of 2022 through 2024 per to AR-834 state law regulation for Claimant inspection per to Claimant claims #250103.

RESPONSE: Respondent objects to this request as it is addressed to a non-party and the attorney for Respondent. Subject to this objection, see attached policy AD-18-16

Respectfully submitted,

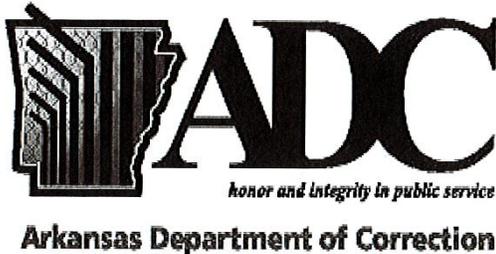
/s/ Kris Alan Higdon
Kris Alan Higdon #2004115
Deputy General Counsel
Arkansas Department of Corrections
1302 Pike Ave., Suite C
North Little Rock, AR 72114
Telephone: (501) 682-9593
Kris.a.higdon@doc.arkansas.gov

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 3rd day of December 2024.

Jerry Ellis (ADC # [redacted])
[redacted]

/s/ Kris Alan Higdon
Kris Alan Higdon



PO Box 8707
 Pine Bluff, AR 71611-8707
 Phone: 870-267-6200
 Fax: 870-267-6244
 www.adc.arkansas.gov

ADMINISTRATIVE DIRECTIVE

SUBJECT: Behavior Control

NUMBER: 18-16

SUPERSEDES: 14-42

APPLICABILITY: All Inmates and Staff

REFERENCE: AR 403, 833 and 836

PAGE: 1 of 4

APPROVED: Original signed by Wendy Kelley

EFFECTIVE DATE: 4/13/18

I. POLICY:

It is the policy of the Department of Correction to set forth a guideline for use of Behavior Control. This policy requires that a correctional officer observe all special management inmates at least every 30 minutes on an irregular schedule. Behavior Control status shall be used only when staff counseling, the disciplinary process, special controls, and other management techniques have failed to control overt negative behavior.

II. DEFINITIONS:

As used in the policy, the following will apply:

Assaultive Behavior: examples include, but are not limited to throwing food, bodily fluids, and/or attempting to physically harm others.

Behavior Control: a behavior modification status to discourage an inmate's specific inappropriate behavior through systematic reinforcements.

Disruptive Behavior: a behavior that threatens the security and/or operations of the facility, encourages or incites a disruptive atmosphere, or creates a serious health hazard.

Self-Injurious Inmates: inmates who, through their behavior or by assessment of staff, demonstrate a reasonable indication that they are likely to engage in self-injurious behavior.

Sexual Misconduct: the display of genitalia to another person and/or masturbation in the presence or direct vision of another person. Sexual misconduct may also include written or verbal communication expressing sexually inappropriate conduct with staff.

III. PROCEDURES:

A. Preparation

An inmate shall be placed on Behavior Control for any assaultive, disruptive, or self-injurious behavior and/or acts of sexual misconduct. This conduct must be well documented by staff, recommended by the shift supervisor to the Duty Warden (Warden, Assistant Warden or Chief of Security), and reflect that the use of other management tools to correct the documented behavior has been ineffective, such as staff counseling, the disciplinary process, special controls (supervisor restrictions) and other management techniques that have failed to control overt negative behavior.

B. Activation

Behavior Control is activated when the inmate's inappropriate behavior meets the criteria stated in this policy.

The Behavior Control status shall include the following:

1. A cell with only a blanket (no mattresses), appropriate undergarments, a paper gown, and a small quantity of toilet paper.
2. Staff shall observe an inmate on Behavior Control status at least every thirty (30) minutes and document this information.
3. All personal property shall be removed from the cell/living area, searched, inventoried, and placed in the property room.
4. No Privileges (general correspondence, commissary, telephone, library, visiting, programs) and no instruments of harm such as razors, nail clippers or cleaning supplies will be allowed.

5. Regular meals are served, except when on an alternative meal program. Inmates on an alternative meal program will be served on a styrofoam tray.
6. Only legal and/or privileged mail will be delivered while on Behavior Control Status. There will be no general correspondence, magazines, newspapers, and/or books delivered while on behavior control. All undeliverable mail will be maintained in the mailroom until such privileges can be permitted.
7. Inmates on Behavior Control Status with upcoming court deadlines who need legal materials must make that request to staff and provide proof to support their need.
8. Cells occupied by Behavior Control Status inmates will be inspected daily by security staff and these actions will be documented.
9. Behavior Control Status remains in effect for a period of seventy-two (72) hours or less when acceptable behavior has returned.

C. Deactivation

Deactivation of Behavior Control Status shall include the following:

1. After completion of each seventy-two (72) hour time period, the inmate shall be offered a shower, clean undergarments, jump suit, toothbrush and toothpaste.
2. Depending on condition of behavior, the inmate may be offered nail clippers, razor, and cleaning supplies for his living area.
3. Upon deactivation and completion of Behavior Control Status, the inmate will be reassigned to previous status, D.C.R. or Punitive status with all allowable personal property returned to inmate.
4. Delivery of all mail, magazines, books and newspapers except where prohibited by policy, status, or classification will be returned.

D. Reactivation

Upon completion of the seventy-two (72) hour time period, if the inmate is not demonstrating acceptable behavior and compliance with the provisions of the program, the behavior control status may be reactivated. All procedures of preparation and activation begin anew.

E. Behavior Control Use of Restraints for Medical/Mental Health Treatment Services

1. Any inmate who has threatened or engaged in any type of assault against Medical/Mental Health staff may be restrained with handcuffs behind the back or secured with belly chains prior to receiving medical/mental health treatment. Leg irons may also be used at the discretion of security staff, or at the request of the individual rendering treatment. If the treatment requires physical contact with the inmate, the inmate is to be removed from the cell into an area where resistance can be handled with minimum risk to treatment and security staff. In addition, a Correctional Officer must remain in the immediate area to provide assistance as requested while treatment is being rendered. Correctional Officers shall maintain confidentiality of what is discussed during treatment.
2. Mechanical means of restraint will not be used as punishment. No mechanical restraints will be placed about the neck of an inmate, nor will restraint equipment be applied in any way so as to inflict physical pain or to restrict blood circulation or breathing.
3. Annual reviews shall be conducted by the Warden and Treatment Staff of each inmate who has threatened or engaged in any type of assault against treatment staff. This review will determine if restraints for treatment will continue or will be discontinued.

 <p style="text-align: center;">ADMINISTRATIVE RULES STATE OF ARKANSAS BOARD OF CORRECTIONS</p>	Section Number:	Page Number:
	834	1 of 2
	Board Approval Date: 5/11/2018	
	Supersedes: AR-834	Dated: 5-11-2018
	Reference: N/A	Effective Date: 5-21-2018
SUBJECT: Procedure for Handling Disciplinary Infractions of Mentally Disordered Inmates		

I. AUTHORITY:

The authority of the Board of Corrections to promulgate this Administrative Rule is A.C.A. 12-27-105.

II. PURPOSE:

To ensure that policies and procedures for management of inmate behavior adequately take into account serious mental illness. Also to ensure that appropriate treatment interventions are considered and made accessible to reduce the likelihood of future misbehavior. And these treatment interventions are consistent with treatment goals so as not to cause regression or deterioration of the inmate's mental condition.

III. APPLICABILITY:

To all inmates identified as having a history of serious mental illness, or suspected at any point to be developing serious mental illness. To all staff involved in the disciplinary process, supervising inmates in segregated areas, or involved in health and correctional programs.

IV. DEFINITIONS:

- A. **Evaluation:** A mental health evaluation performed under the supervision of a licensed practitioner, and which includes, at a minimum, direct contact with the inmate.
- B. **Recommendations:** Statements made and signed by a licensed clinician may include, but are not limited to, the following: a strategy for preventing future repetitions of the misbehavior while maintaining the mental health of the inmate; suggestions for placement of the inmate; and treatment plan considerations for the inmate.
- C. **Serious Mental Illness:** This is defined as symptoms of a diagnosable mental disorder that impairs an individual's functioning and disrupts the capacity to cope with the ordinary demands of life.

V. POLICY:

It is the policy of the Arkansas Department of Correction and a goal of the correctional process to teach self-control and personal responsibility for behavior to all inmates in its custody. It is recognized that inmate behavior may be influenced by **serious mental illness**, and that such influences must be taken into account in pursuing the goals set out in this policy.

VI. PROCEDURES:

- A. At intake an **evaluation** will be done on all inmates entering the Arkansas Department of Correction and a mental health classification will be assigned as recommended by licensed mental health staff, and documented in the appropriate records.
- B. This classification will be reviewed and updated during the inmate's incarceration.
- C. Inmates who are identified as **seriously mentally ill** shall, at the time disciplinary charges are filed, be referred for an **evaluation**. At any point during the disciplinary process, an inmate suspected of being mentally ill can be referred for an **evaluation**.

AR 834
07Feb21



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

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.

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.

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 Plan

MENTAL 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 _____

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: _____

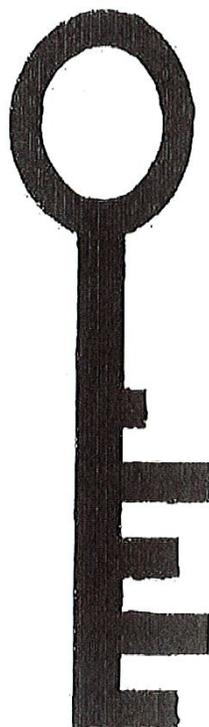
Date: _____

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

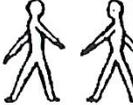
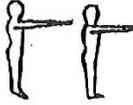
Developed By Medical Training and Continuing Education Texas Department of Criminal Justice
Institutional Division

INTRODUCTION

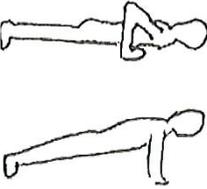
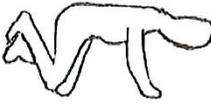
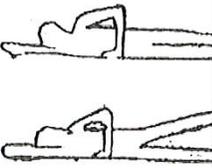
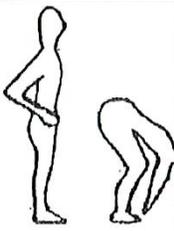
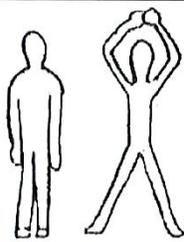
This pamphlet gives a basic in-cell exercise program which will help you maintain strength and endurance. There are three parts of this workout. These include warm-up/stretching, conditioning, and cool down. It is VERY IMPORTANT THAT YOU WORK AT YOUR OWN PACE AND THAT YOU DO NOT PUSH YOURSELF TO THE 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.

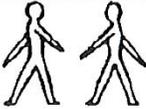
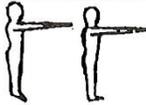
CONDITION (15-20 min.)

					
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.

 <p style="text-align: center;">ADMINISTRATIVE REGULATIONS</p> <p style="text-align: center;">STATE OF ARKANSAS</p> <p style="text-align: center;">BOARD OF CORRECTIONS</p>	Section Number: AR 836 DOC AR 7.15 DCP	Page Number: 1 of 2
	Board Approval Date: 4/28/94	
	Supersedes: AR 836 DOC 7.15 DCP Emerg.	Dated: 12/30/81 1/19/94
	Reference:	Effective Date: 5/18/94
SUBJECT: SEGREGATION		

I. AUTHORITY:

The Board of Correction and Community Punishment is vested with the authority to promulgate Administrative Regulations by Act 50 of 1968, Extraordinary Session, as amended; Acts 548 and 549 of 1993, Regular Session (Ark. Code Ann §§16-93-1203 and 12-27-105 of 1993).

II. PURPOSE:

To describe conditions under which offenders may be held in segregation.

III. APPLICABILITY:

To all employees, especially those involved in the operation of segregation, and all offenders.

IV. POLICY:

It shall be the policy of the Department of Correction and the Department of Community Punishment to provide secure and safe housing to offenders who require a higher degree of physical control or who staff otherwise find necessary to remove from the general population of the facility.

V. DEFINITIONS:

- A. Offenders: Persons sentenced to the Department of Correction or persons sentenced to the Department of Correction for judicial transfer to the Department of Community Punishment, and persons confined within a Community Punishment center as a condition of probation, suspended imposition of sentence, or post prison transfer.
- B. Segregation: The confinement of an offender to an individual cell or holding facility that is separated from the general population.

VI. PROCEDURES:

- A. An offender may be confined in segregation for, but not limited to, the following reasons:

1. The offender is potentially dangerous to himself or others;
 2. The offender poses a serious escape risk;
 3. The offender requests protection or is deemed by staff to require protection.
 4. The offender requires immediate mental health evaluation and cannot be in contact with general population offenders;
 5. The offender requires medical isolation and medical housing is not otherwise available;
 6. Any other circumstances where, in the judgement of staff, the offender may pose a threat to the security of the facility; or
 7. The offender is in transfer status to a higher security institution.
- B. Segregation of an offender shall not be used as punishment.
- C. Specific procedures to be followed for the operation of segregation shall be listed in the appropriate administrative directive(s).

AR836



ARKANSAS DEPARTMENT OF CORRECTIONS
Division of Correction – Director’s Office

6814 Princeton Pike
 Pine Bluff, Arkansas 71602
 Phone: (870) 267-6200 | Fax: (870) 267-6244

ADMINISTRATIVE DIRECTIVE

SUBJECT: Restrictive Housing

NUMBER: 2022-25

SUPERSEDES: 2021-15

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; and SD Prison Rape Elimination Act; AD Meritorious Good Time; AD Inmate Disciplinary Manual

PAGE: 1 of 7

APPROVED: Original signed by Dexter Payne

EFFECTIVE DATE: 10/13/2022

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.
7. Confinement of pregnant inmates or inmates who are Seriously Mentally Ill (SMI) in Extended RH is prohibited.
8. An inmate will not be placed in RH based on Gender Identity alone.
9. 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.
10. Inmates with AM Assignments to 'Restrictive Housing' or 'Extended Restrictive Housing' may have one (1) of the following PM Assignments:
 - a. Direct Threat (Self/Others)
 - b. Direct Threat (Safe/Secure Operations)
 - c. Administrative Review
 - d. Punitive

- e. Disciplinary Court Review (DCR)
- f. Investigative Status
- g. Protective Custody
- h. PREA
- i. Quarantine

11. 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.

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 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. For clothing allowed for females, refer to McPherson Unit policy and Hawkins Unit Policy. Thermal undergarments will be issued when appropriate.
- 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.
- t. All inmates assigned to RH, excluding those inmates assigned due to protective custody or medical concerns (e.g. quarantine), will keep any Meritorious Good Time that they have upon

placement but will not earn any more for the duration of their confinement in Restrictive Housing.

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.

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 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



ARKANSAS DIVISION OF CORRECTION

RESTRICTIVE HOUSING PLACEMENT

Attachment I

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.



ARKANSAS DIVISION OF CORRECTION

RESTRICTIVE RECREATION PLACEMENT

Attachment II

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.



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 Plan

MENTAL 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 _____



ARKANSAS DIVISION OF CORRECTION Attachment IV

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:
 - Achieve Class II status or better
 - 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



ARKANSAS DIVISION OF CORRECTION

Attachment V

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: _____

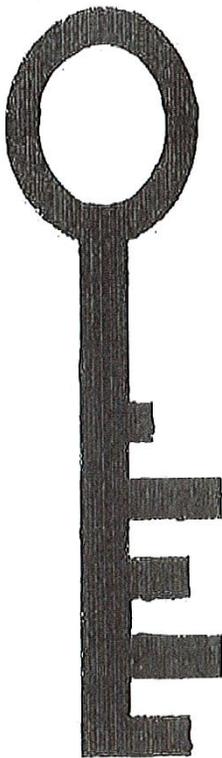
Witness Name (Please print): _____

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

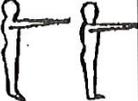
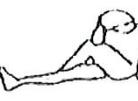
INTRODUCTION

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 ts 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,

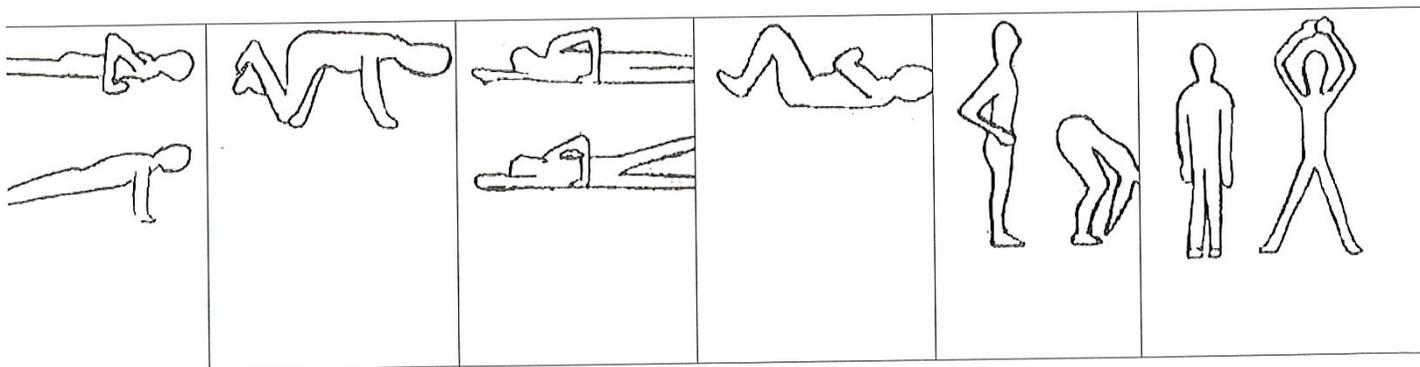
WARM-UP/STRETCH (5-8 min.)

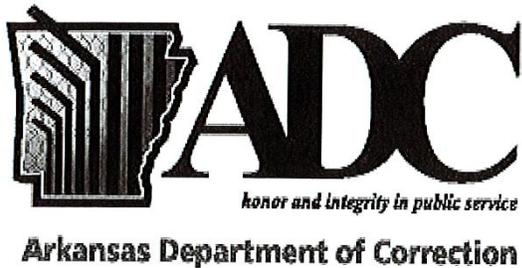
It is important to stretch before each workout. This series of exercises will prepare the body for physical exertion. Without proper warm up, soreness, muscle pulls or some other injury may occur. Be safe, and properly go through the warm-up stretch period. Do stretches in the order listed. Do each stretch 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.)





PO Box 8707
 Pine Bluff, AR 71611-8707
 Phone: 870-267-6999
 Fax: 870-267-6244
 www.adc.arkansas.gov

ADMINISTRATIVE DIRECTIVE

SUBJECT: Restrictive Housing

NUMBER: 17-31

SUPERSEDES: AD 2017-02

APPLICABILITY: Director, Deputy/Assistant Directors,
 Warden/Center Supervisors, Employees
 involved in Segregation, and Inmates

REFERENCE: AR-836 Segregation;

PAGE: 1 of 14

AD 2014-08 Disciplinary Court Review;
 AD 2016-20 Punitive Segregation-Restriction;
 and AD 2017-03 Step-Down Program

APPROVED: Original Signed by Wendy Kelley

EFFECTIVE DATE: 11/6/17

I. POLICY:

It is the policy of the Arkansas Department of Correction (ADC) to provide secure, safe housing to inmates who require a higher degree of physical control or who staff otherwise 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 when it is used while maintaining a safe environment within the institutions.

Note: The use of “segregation” or administrative segregation” in existing policies also applies to inmates in “Restrictive Housing” or “Extended Restrictive Housing” unless this poses a conflict with this policy.

II. EXPLANATION:

The Institutional Classification Committee or, in an emergency, the Warden/Center Supervisor or designee may place an inmate in Restrictive Housing (RH) if his/her continued presence 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.

III. DEFINITIONS:

1. **Administrative Status** – Separation from the general population by the classification committee or other authorized authority 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 also can be included. While this status may be in restrictive housing, it is a temporary status and a release plan is not required while in this status.
2. **Restrictive Housing (RH)** – A placement that requires an inmate to be confined to a cell at least twenty-two (22) hours per day.
3. **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 thirty (30) days or longer for the safe and secure operation of the facility. A 48-hour relief does not end Extended Restrictive Housing because the inmate is not returned to general population during this time.
4. **Restrictive Recreation** – An 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 Restricted Housing 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.
5. **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.
6. **Step-Down Program** – A system of review that establishes criteria to prepare an inmate for transition from restrictive housing 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.
7. **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 restrictive housing due to this status alone. Inmates placed in restrictive housing must be transferred out of restrictive housing within three (3) business days when placement is due to protective custody status alone absent approval by the appropriate Deputy Director.

8. **Disciplinary Court Review (DCR)** – The confinement of an inmate in restrictive housing until a disciplinary hearing is completed due to an alleged disciplinary infraction.
9. **Placement** – Removal of an inmate from general population to a restrictive housing assignment. (twenty-four (24) hour review required)
10. **Assignment** – A decision by the Institutional Classification Committee that restrictive housing is appropriate.
11. **Release Plan** – The steps the inmate needs to take to be released to general population which may include one or more of the following as examples: a certain number of disciplinary free days, completion of disciplinary sanctions, completion of anger management, thinking errors, and/or a step-down program.
12. **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.

IV. **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 Restrictive Housing.
2. Any inmate placement in restrictive housing 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 Restrictive Housing area or retain him/her in the Restrictive Housing area and refer the inmate to the next regularly scheduled meeting of the Classification Committee.
3. The Classification Committee will hold the hearing to determine assignment within seven (7) days of placement and after the inmate has received written notice, along with other provisions listed above.

B. Institutional Classification Committee Procedures for assignment to Restrictive Housing:

1. The inmate will be given a meaningful hearing before the Classification Committee within seven (7) days of placement in restrictive housing.
2. The inmate will receive written notification of the hearing not less than twenty-four (24) hours prior to the hearing.

3. The inmate will be allowed to appear before the committee, to make any relevant statement, and to present related documentary evidence.
4. Assignment to restrictive housing will be made by a majority vote of the committee.
5. The inmate will be advised of the reasons for his/her assignment to restrictive housing 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.
6. Any inmate who is potentially dangerous to himself/herself shall immediately be placed in Restrictive Housing 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 Restrictive Housing status of the inmate.
8. Confinement of the following inmates in Extended Restrictive Housing is prohibited:
 - a. Inmates under the age of eighteen (18) years of age;
 - b. Pregnant inmates; and
 - c. Inmates who are Seriously Mentally Ill (SMI)
9. An inmate will not be placed in Restrictive Housing based on Gender Identity alone.

C. Administrative Status:

1. 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 restrictive housing on administrative status due to one of the following:
 - a. Pending trial on a criminal act, placement is not to exceed three (3) business days following a court decision.
 - b. Pending disciplinary court review, 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.

- c. Pending transfer to another unit, placement is not to exceed three (3) business days absent approval from the appropriate Deputy Director.
 - d. 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/Assistant Warden may not exceed five (5) working days per extension. If there are more than four extensions, they must have the approval of the Director. Extensions can only be made for one of the following reasons:
 - i. An inmate who is suspected of having information which would aid in the resolution of the investigation is unavailable for interview by appropriate authorities.
 - ii. Awaiting information, documents and/or decisions which would aid in the resolution of the investigation, from appropriate authorities.
 - iii. The case requires more extensive investigation.
 - 2. 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.
- D. Controls and Privileges while in Restrictive Housing:
- 1. Housing in a separate area of the institution determined by the Warden.
 - 2. Work duties, if assigned, within the limits of the inmate's medical classification/restrictions.
 - 3. Regularly scheduled meals - may be served in cells.
 - 4. Television, radio, MP4, and/or tablet privileges may be denied only upon documentation of the reason(s) in each inmate's record. (Note: 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.
 - 5. Institutional activities as approved by the Warden.
 - 6. Regular mail privileges.
 - 7. Chaplains will visit the restrictive housing area at least weekly and upon request.
 - 8. Visits may be in a separate visiting room and will be conducted in the presence of an officer.

9. Although no razors will be allowed, inmates will have the opportunity to groom facial hair and shower a minimum of three 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 senior officer on duty. All exceptions will be recorded in the log and justified in writing.
10. Referrals to medical, dental or mental health services are the same as general population; the referrals can be through sick call/health services request or by staff for medical emergencies. Inmates in Restrictive Housing are provided medication as prescribed.
11. 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 to exercise outdoors, weather permitting. Reasons for the imposition of any constraints should be documented in the log and justified in writing. Inmates who have out-of-cell work assignments are not required to receive the one-hour exercise period.
12. Commissary purchases will be limited to \$10 weekly due to security requirements on inmates in restrictive housing. Items not allowed include ice cream, razors, sharp objects, canned items, and others as designated in writing by unit policies.
13. Appropriate clothing is to be issued. Jumpsuits may replace pants/tops due to strings or belts necessary for pants and other security concerns.
14. A reasonable amount of reading material and educational material approved by the Educational Department.
15. Bedding is to be changed weekly and weekly laundry services are to be provided.
16. Access to legal materials upon request and in accordance with unit policy.
17. Access to attorney of record via legal mail and telephone.
18. Inmates leaving or entering the restrictive housing unit must be thoroughly searched. Those on restrictive housing status shall be escorted by two officers and under normal circumstances will be in restraints to and from their destination.
19. This list of controls and privileges does 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.
20. Restrictive Housing 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.

- E. Review of Restrictive Housing Status:
1. The Classification Committee or authorized staff must review the status of every inmate assigned to restrictive housing 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 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 restrictive housing 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 Unit Warden or designee will review all committee recommendations for possible transfer to general population within five (5) days.
 4. No inmate shall remain in a Restrictive housing for more than one 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 a Restrictive housing, 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 Restrictive Housing hearing will not change if that inmate transfers to another unit and remains in restrictive housing.
 6. Inmates assigned to Restrictive housing 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 Arkansas Department of Correction will attempt to ensure that inmates are not released directly into the community from Restrictive or Extended Restrictive Housing. In the event that the release of an inmate directly from Restrictive Housing into the community is imminent, the Unit Warden or designee will document the justification and receive approval from the appropriate Deputy Director. Additionally:
 - Classification will have verified that a Reentry Plan is in the Department's electronic offender management information system (eOMIS) at least one-hundred twenty (120) days prior to release. The Reentry Plan will be tailored to specific needs of the inmate. This does not apply to court orders for immediate release.
 - Notification of release to local law enforcement where the inmate intends to reside, and/or local law enforcement where the Department releases the inmate from custody.
 - Notify releasing inmate of applicable community resources as part of the Reentry Plan.
 - 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.

Note: 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.

Note: Upon release from restrictive housing an inmate will automatically be released from restrictive recreation status.

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: _____

SUBJECT: _____ A.D.C. _____ is/was placed in restrictive housing 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 restrictive housing for more than three (3) days)

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 restrictive housing.

SIGNATURE

DATE

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

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 NAME: _____ 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.

**RESTRICTIVE HOUSING STATUS REVIEW
RECORD OF RELEASE CONSIDERATION**

Facility
Inmate's Name
ADC#

07 Day Review	<input type="checkbox"/>	Warden's Review	<input type="checkbox"/>
30 Day Review	<input type="checkbox"/>	Director's Review	<input type="checkbox"/>
60 Day Review	<input type="checkbox"/>	Special Consideration	<input type="checkbox"/>

Date of Review _____

Date of Initial Assignment _____

REASON FOR INITIAL ASSIGNMENT

- Poses a direct threat to the safety of themselves or others
- 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 ()

INMATE'S STATEMENT CONCERNING RELEASE OR CONTINUED SEGREGATION

ACTION/REASON

- | | |
|---|--|
| <input type="checkbox"/> Continue Restrictive Housing (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):

_____ | <input type="checkbox"/> 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 Restrictive Housing

<input type="checkbox"/> Release pending completion of Restrictive Housing Restrictive Release Plan |
|---|--|

MENTAL 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

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 restrictive housing assignment:
- Upon completion of the following steps, the above-referenced inmate may be removed from a restrictive recreation placement.
 - Achieve Class II status or better
 - 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 restrictive housing 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

RESTRICTIVE HOUSING CLASSIFICATION COMMITTEE WAIVER

DATE OF REVIEW: _____

I, Inmate _____, ADC# _____
Hereby waive or refuse to appear before the Restrictive Housing 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 Restrictive Housing 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: _____

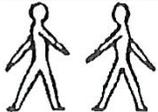
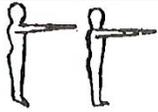
Date: _____

PUSH-UPS	OR KNEE PUSH-UPS	LEG RAISER	ABDOMINAL CURL (SIT-UPS)	TOE TOUCH	JUMPING JACKS
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.	Get on your hands and knees, lowering the upper body to the floor by bending the arms, then push back up, (10 times)	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,	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)	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.	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.

						
<p>WALK</p> <p>Walk slowly in place to cool down.</p>	<p>CALF/ACHILLES STRETCH</p> <p>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.</p>	<p>BODY BENDER</p> <p>Stand erect with hands locked behind neck. Bend trunk of body from side to side.</p>	<p>TRUNK TWISTER</p> <p>Stand, feet apart, with arms extended out from sides palms down. Slowly twist from side to side</p>	<p>ANKLE STRETCH</p> <p>Stand erect with weight on balls of feet. Raise and lower heels repeatedly.</p>	<p>SPINAL STRETCH</p> <p>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</p>	<p>SHOULDER STRETCH</p> <p>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.</p>

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

January 7, 2025

Mr. Jerry Ellis (ADC [REDACTED])
[REDACTED]

RE: *Jerry Ellis v. Arkansas Division of Correction*
Claim No. 250103

Dear Mr. Ellis,

As requested, please find enclosed file-marked copies of your September 23, 2024, and November 30, 2024, filings. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

From: [Kris Higdon \(DOC\)](#)
To: [ASCC Pleadings](#)
Cc: [Tawnie Rowell \(DOC\)](#)
Subject: Jerry Ellis v. ADC, 250103
Date: Monday, January 13, 2025 7:13:03 AM
Attachments: [ADC Response to Second Motion to Compel.pdf](#)

Please see attached response to second motion to compel.

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

JERRY ELLIS (ADC # [REDACTED])

CLAIMANT

V.

CLAIM NO. 250103

ARKANSAS DIVISION OF CORRECTION

RESPONDENT

RESPONSE TO SECOND MOTION TO COMPEL

Respondent, Arkansas Department of Correction (ADC), for its reply, states:

1. Respondent denies each and every allegation contained in Claimant's motion unless specifically admitted herein.
2. Respondent states affirmatively that Claimant's motion is illegible in parts.
3. Respondent denies it has failed to respond timely to any interrogatories propounded by Claimant.
4. Respondent does not know what document Claimant is seeking when he asks for AR-836. Respondent provided Claimant with a copy of AD-836.
5. Respondent denies is has previously received a request for production seeking any documents set out in paragraphs 3-5 of Claimant's motion. Respondent objects to this request coming for the first time in a motion to compel.
6. Respondent stands by its objections to the request set out in paragraphs 6-8 of Claimant's motion.
7. Respondent denies it has ever received discovery requests as set out in Claimant's motion. The only letter received from Claimant alleges that Respondent failed to respond at all to the discovery requests.

WHEREFORE, Respondent prays that this motion be denied and all other just and proper relief to which they may be entitled.

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, on this 13th day of January 2025.

Jerry Ellis (ADC [REDACTED])
[REDACTED]

/s/ Kris Alan Higdon
Kris Alan Higdon

From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [Kris Higdon \(DOC\)](#)
Cc: [ASCC Pleadings](#); [Yolanda Charles \(DOC\)](#); [Mika Tucker](#)
Subject: ORDERS: Jerry Ellis v. ADC, Claim Nos. 250103 and 250959
Date: Monday, February 10, 2025 1:04:00 PM
Attachments: [Jerry Ellis v. ADC.pdf](#)
[Jerry Ellis-order250103.pdf](#)
[Jerry Ellis-order250959.pdf](#)

Mr. Higdon:

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

February 10, 2025

Mr. Jerry Ellis (ADC [REDACTED])
[REDACTED]
[REDACTED]

Mr. Jerry Ellis (ADC [REDACTED])
[REDACTED]
[REDACTED]

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

(via email)

Re: ***Jerry Ellis v. Arkansas Division of Correction***
Claim Nos. 250103 and 250959

Dear Mr. Ellis and Mr. Higdon:

Enclosed please find the Orders entered on February 6, 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

JERRY ELLIS (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 250103

ARKANSAS DIVISION OF
CORRECTION

RESPONDENT

ORDER

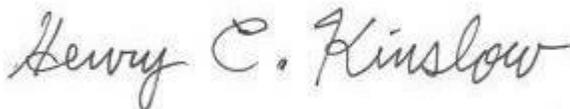
Now before the Arkansas State Claims Commission (the “Commission”) is the claim filed by Jerry Ellis (the “Claimant”) against the Arkansas Division of Correction (the “Respondent”). Based upon a review of the filings, the arguments made therein, and the law of Arkansas, the Commission hereby finds as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

1. Claimant filed his claim on July 20, 2024, seeking \$15,000.00 in damages related to his allegations that Respondent’s employee spit in his face.
2. Respondent filed an answer.
3. Claimant requested a hearing, then filed motions relating to discovery.
4. In reviewing the filings in this matter, the Commission notes that Claimant’s claim may be outside the jurisdiction of the Commission. The Commission finds it to be prudent and efficient to address any jurisdictional concerns now to avoid any surprises after the parties and the Commission have expended more time and resources. **Therefore, the Commission directs the parties to file briefs within 40 days of this Order, addressing whether the Commission has jurisdiction over this claim. This claim will be placed in abeyance until the Commission enters an order on the jurisdictional issue.**
5. The Commission declines to set this claim for hearing or rule on the pending motions at this time.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Dee Holcomb



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow, Chair



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris

DATE: February 6, 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).

From: [Miles S. Morgan](#)
To: [ASCC Pleadings](#)
Cc: [Yolanda Charles \(DOC\)](#)
Subject: Jerry Ellis v. ADC 250103
Date: Tuesday, March 4, 2025 11:09:09 AM
Attachments: [Brief JX Ellis.pdf](#)
[image001.png](#)

Brief on Jurisdiction.

Thanks,



BEFORE THE ARKANSAS STATE CLAIMS COMMISSION**JERRY ELLIS (ADC [REDACTED])****CLAIMANT****CLAIM NO. 250103****ARKANSAS DIVISION OF CORRECTION****RESPONDENT****BRIEF IN SUPPORT OF DISMISSAL**

COMES NOW, Respondent, and for its Brief in Support of Dismissal, states:

1. Claimant filed a claim with this Commission on July 20, 2024, seeking \$15,000 in damages related to his allegations that Respondent's employee spit in his face.
2. Respondent filed a timely response, denying responsibility.
3. Claimant's claim alleges a use of force by Respondent's employee that may be excessive and/or cruel and unusual.
4. "After incarceration, only the unnecessary and wanton infliction of pain constitutes cruel and unusual punishment forbidden by the Eighth Amendment." Jackson v. Gutzmer, 866 F.3rd 969, 974 (8th Cir. 2017).
5. The core judicial inquiry in an excessive force claim is whether the force was used in a "good faith effort to maintain or restore discipline, or was instead used maliciously and sadistically to cause harm." Flemons v. Devane, 779 Fed. Appx. 423, 425 (8th Cir. 2019) (per curiam) (citing Wilkins v. Gaddy, 559 U.S. 34, 36-39 (2010)). In making this inquiry, courts consider: "the need for application of force, the relationship between the need and the amount of force that was used, and the extent of the injury inflicted...." Jackson, 866 F.3d at 974.

6. Pain inflicted during a prison security measure is not cruel and unusual punishment only because in hindsight the degree of force used for security purposes was unreasonable. Ward v. Smith, 844 F.3d 717, 721 (8th Cir. 2016) (quoting Whitley v. Albers, 475 U.S. 312, 319 (1986)). Rather, guards will be liable only “if they are completely unjustified in using force, i.e., they are using it maliciously and sadistically.” Id. (internal citation omitted).
7. “Whether the force used was reasonable is ‘judged from the perspective of a reasonable officer on the scene’ and in the light of the particular circumstances.” Story v. Norwood, 659 F.3d 680, 686 (8th Cir. 2011) (quoting Graham v. Conner, 490 U.S. 386, 396-97 (1989)).
8. The Inmate’s allegations that he sustained damages after one of Respondent’s employees spit in his face is a claim for a court of competent jurisdiction to analyze whether the force that was used by Respondent’s employee was in a “good faith effort to maintain or restore discipline, or was instead used maliciously and sadistically to cause harm.”
9. The Inmate is claiming that the force used by Respondent’s employee was excessive and/or cruel and unusual that may constitute a violation of federal law which is not barred by the doctrine of sovereign immunity.
10. The Arkansas State Claims Commission does not have jurisdiction over Constitutional matters such as a violation of the 8th Amendment. Ark. Code Ann. § 19-10-204.
11. This is a matter that is only for a Court of competent jurisdiction to hear as it involves alleged Constitutional violations.

WHEREFORE, the ADC prays that the matter be dismissed; for their attorney’s fees and costs, and for all other just and proper relief to which they may be entitled.

Respectfully submitted,

BY: /s/ MILES S. MORGAN
Miles S. Morgan, Ark. Bar No. 2017049
Deputy General Counsel
Arkansas Department of Corrections
1302 Pike Avenue, Suite C
North Little Rock, AR 72114
(501) 682-9540
Miles.S.Morgan@doc.arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 4th day of March 2025 on the below Claimant by placing a copy of the same in the U.S. Mail, regular postage to:

Jerry Ellis (ADC [REDACTED])
[REDACTED]
[REDACTED]

/s/ Miles S. Morgan
Miles S. Morgan

Mr. J. Nathaniel Irby, Arkansas State
Claims Commission, Director
171 East Capitol Avenue
Little Rock, Arkansas Suite 410
72201-3823

Arkansas
State Claims Commission

MAR 08 2025

RECEIVED

Dear Mr. Irby

I submit this letter to you to forward my motion for reconsideration, which I request that you please forward me a file marked copy of my submitted motion per the claimant claim # 25103. Thank you very much.

Your cooperation is greatly appreciated with the above

Respectfully Submitted
Terry Ellis
[Redacted Signature]

Before the Arkansas State
Claims Commission

Jerry Elliot # [redacted]
V. Claim # 25-103
Arkansas Dept's of Connections

Claimant

Arkansas
State Claims Commission

MAR 08 2025

RECEIVED

Respondent

Motion For Reconsideration

The Claimant states that the Arkansas
State Claims Commission committee
member's opinions of Feb, 6, 2025
as it pertains toward the Claimant Claim #
25-103 as follows:

1. The Claimant states that per the
Ark. Code Ann § 14-10-204 (a) cited
by Ark. Code Ann § 16-60-103 (3) —
Article 1 (etc) toward the Arkansas
State Constitution the Arkansas —
State Claims Commission has jurisdiction
over all claims that deal with the
following as of 1) State Department
2) State Institutions and 3) State
Agencies of the State of
Arkansas and due to the above
cited by Arkansas State Statutes
pertaining to § 276 The Arkansas
State Claims Commission has
jurisdiction over the Claimant Claim #
25-103

2. The Claimant States That due to The Arkansas State Claims Commission has Jurisdiction over all State Department's, State Institutions and State Agencies Then The Arkansas State Claims Commission is liable toward it's State Agencies and/or Intentionally Negligence toward The Claimant Claims 25123 per to it's State Agency Actions toward The Claimant of Sept. 21, 2023

3. The Claimant States That due to The and/or based by it's own policy and State Law Regulations Then The Arkansas State Claims Commission is liable toward it's State Agency Intentionally Negligence toward The Claimant see Service v. Miles, 354 U.S. 363 1957 and see Hudson v. Palmer, 468 U.S. 517-530 1984 and well see Coffey v. Fook, 55 W. 31 290/2021 Cited by Smith v. Johnson 774 F.3d 867 2015

4. The Claimant States That due to The Arkansas State Claims Commission
2024

4. The Claimant States That due to
 The Arkansas State Claims —
 Commission has Jurisdiction over
 all State Departments, State Institutions
 and State Agencies The Arkansas
 State Claims Commission Committee
 members' opinions of Feb, 6, 2025
 as most forward The Claimant claim
 15-1-3

Therefore, The Claimant Request
 That The Arkansas State Claims
 Commission Committee members
 opinions of Feb, 6, 2025 be
 set aside and a hearing be
 granted per The Claimant Claim
 25-1-3. The Claimant can prove
 all Allegations forward his Claims
 25-1-3



I, Jerry E. [Redacted] Service
 Claimant
 do hereby certify that 3 copies of
 Claimant motion for reconsideration
 has been mailed to Mrs. Kathryn Ruby
 Arkansas State Claims Commission
 Director at 101 East Capitol
 Avenue Suite 410 Little Rock,
 AR 72204-3823 on the 3rd day
 of March 2025

Respectfully submitted
 Jerry E. [Redacted]
 [Redacted]

Mr. Kathryn V Irby, Arkansas State Claims
Commission, Director
101 East Capitol Avenue
Little Rock, AR 72201-3823
Suite 413

Re - Claim # 25-103

3-13-25

Arkansas
State Claims Commission

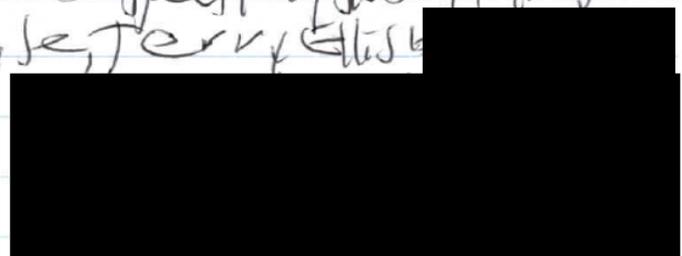
MAR 24 2025

RECEIVED

Dear Mrs. Irby

I submit this letter to you requesting that you please forward the claimant civil file marked copy of his submitted response of 3-13-25 that he is willing to you and the respondent attorney Mrs. Miles S. Morgan. Thank you very much.

Your cooperation is greatly appreciated with the above.

Respectfully Submitted
Mrs. Je. Terry Elisk


Before The Arkansas State
Claims Commission

Jerry Ellis # [redacted] Claimant
V. Claim # 25-103
Arkansas Dept of Corrections

Respondent

Claimant Response to The
Respondent Attorney Motion to Dismiss

Comes now The Claimant Jerry Ellis #
78658 pr >, se, States The Follows:

1. The Claimant States That The Respondent
Motion to Dismiss his Claim # 25-103 as
Moot per to paragraphs 3) Through 9) due
to The Claimant Never Alleged Those
Allegations of his Claim # 25-103 Against
any State Employee neither any State
Agent see Harrett v Taylor, 459 U.S.
527 (1981) and see Hudbn v Palmer, 468
U.S. 530 (1984) and see Davidson v -
Cannon, 478 U.S. 327 (1986) cited by
Service v. Diles 354 U.S. 363 (1957)

2. The Claimant States That he Alleged
in his State Claim # 25-103 That on The
Night of 9-21-2023 Co-# MS, Vinita
Washington disregard The Claimant
1-OF-4

Safety per to The Revised 2023 Ad-
 17-33 policy cited by The Revised Ar-
 2025 State Law Regulation of 2023 due to
 C-314 Ms. Vinette Washington spit in The
 Claimant Face That could have infected The
 Claimant with hepatitis (etc) per to
 her actions of intentionally —
 negligence of approaching claimant cell
 cell #12 of map-5 and spit in The
 Claimant Face due to That her and The
 Claimant got into and Agreement about
 The Claimant Laundry bag, which C-314 Ms,
 Vinette Washington above actions —
 was in The Form of Retaliation per to
 The Claimant Submitted Grievance
 23-1529 ~~and~~ as well The
 Claimant medical records of 9-27-2023
 through 9-29-2023 will Affirm The Claimant
 Claim toward C-314 Ms. Vinette Washington
 and due to The Arkansas State Claims
 Commission is liable toward it's State
 Department and State Agents see
 The Citing case in support of The
 Claimant claim of paragraph V. Taylor,
 459 U.S. 527 (1981), Hudson v. Palmer, 468
 U.S. 530 (1984), Davidson v. Cannon, 478
 U.S. 327 (1986) Franklin v. Ark. Dept. of
 Human Service, 897 S. 2d 262 (1995)

Carroll v. Howard, 109 F.3d 430 8th Cir
1997) Smith v. Johnson, 774 F.3d 867
2017) Cited by Service v. Diles, 354 U.S.
363 (1957)

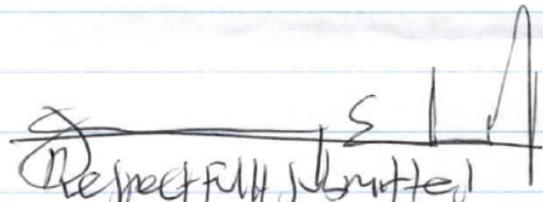
3. The Claimant States That per to Ark.
Code Ann § 16-62-24 The Arkansas
State Claims Commission have Jurisdiction
over The Claimant Claim # 25-103 and see
Nichols v. Norris, 80 S.W.3d 331 2002
Cited by Ark. Code Ann § 16-62-103 & F 215

4. The Claimant States That The Arkansas
State Claims Commission is Liable toward
it's State Department and State Agents
See Wright v. Arkansas State Plant
Board, 842 S.W.2d 47 (1992) cited by
Service v. Diles, 354 U.S. 363 (1957)

Therefore The Claimant Request That
The Responder Motion to Dismiss be
denied and a hearing Grant so The
Claimant can prove all Alleged
Allegations toward his Claim #
25-103

Certificate of Service

I, Jerry Ellis [redacted] do, do, certify
That he has mailed Mrs. Kathryn Iuby,
Arkansas State Claims Commission -
Director and The Respondent Attorney
Mr. Miles S. Morgan (me.) copy of
his response of This day of March 13,
2025


Respectfully Submitted
Mrs. Jerry Ellis [redacted]

4 - 214

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

March 25, 2025

Mr. Jerry Ellis (ADC ([REDACTED]))
[REDACTED]
[REDACTED]

RE: ***Jerry Ellis v. Arkansas Division of Correction***
Claim No. 250103

Dear Mr. Ellis,

As requested, please find enclosed file-marked copy of your March 8, 2025, filing. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

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

April 11, 2025

Mr. Jerry Ellis (ADC [REDACTED])
[REDACTED]
[REDACTED]

Mr. Jerry Ellis (ADC [REDACTED])
[REDACTED]
[REDACTED]

RE: *Jerry Ellis v. Arkansas Division of Correction*
Claim No. 250103

Dear Mr. Ellis,

As requested, please find enclosed a file-marked copy of your March 24, 2025, filing. Our office notes that you have used two different addresses in your filings. Please provide correspondence to our office, with a copy to the ADC, that provides your correct address. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

cc: Tawnie Rowell, Miles Morgan, and Trent Rigdon, counsel for Respondent (without enclosure)

From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [Tawnie Rowell \(DOC\)](#); [Miles S. Morgan](#); [Trent Rigdon \(DOC\)](#); [Taylor Reavis \(DOC\)](#)
Cc: [Yolanda Charles \(DOC\)](#); [ASCC Pleadings](#); [Mika Tucker](#)
Subject: ORDER: Jerry Ellis v. ADC, Claim No. 250103
Date: Monday, July 28, 2025 3:05:34 PM
Attachments: [Jerry Ellis v. ADC250103.pdf](#)
[Jerry Ellis-order6.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

July 28, 2025

Mr. Jerry Ellis (ADC [REDACTED])
[REDACTED]

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

(via email)

Re: ***Jerry Ellis v. Arkansas Division of Correction***
Claim No. 250103

Dear Mr. Ellis, Ms. Rowell, Mr. Morgan, Mr. Rigdon, and Ms. Reavis:

Enclosed please find an Order entered on July 18, 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

JERRY ELLIS (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 250103

ARKANSAS DIVISION OF
CORRECTION

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Commission”) is the claim filed by Jerry Ellis (the “Claimant”) against the Arkansas Division of Correction (the “Respondent”). Based upon a review of the filings, as well as the argument of the parties and the law of the State of Arkansas, the Commission hereby finds as follows:

1. Claimant filed his claim on July 20, 2024, seeking \$15,000.00 in damages related to his allegations that Respondent’s employee spit in his face.
2. Respondent filed an answer.
3. Claimant requested a hearing, then filed motions relating to discovery.
4. In its February 6, 2025, order, the Commission noted that Claimant’s claim may be outside the jurisdiction of the Commission and found it prudent and efficient to address any jurisdictional concerns before the parties and the Commission expended more time and resources. The Commission directed the parties to file briefs addressing whether the Commission has jurisdiction over this claim within 40 days of the order.
5. Respondent filed a brief in response to the Commission’s directive, arguing, *inter alia*, that Claimant alleges excessive force by an employee that raised federal law claims, which are outside of the Commission’s jurisdiction.

6. Claimant filed a “Motion for Reconsideration” and “Response to Respondent[’s]... Motion to Dismiss” arguing, *inter alia*, that his claim was related to “intentional[] negligence” and that Respondent’s employee spit in his face and retaliated against him.

7. The Commission agrees with Respondent that Claimant’s claim is premised upon alleged violations of federal law by the employee. If Claimant believes he has federal law claims against individual employees of Respondent, those claims can be brought in a court of general jurisdiction. The Commission does not have jurisdiction to hear such claims. *See Ark. Code Ann. § 19-10-204.*

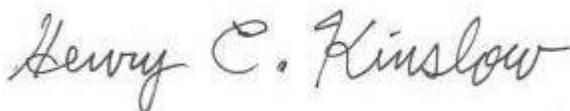
8. As such, Claimant’s claim is DISMISSED.

9. Any pending motions are denied as moot.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Dee Holcomb



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow, Chair



ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: July 18, 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).

Mr S. Kuffman Insur, Arkansas State
Claims Commission, Director
19 East Capitol Avenue
Little Rock, AR

8-22-25

722-3823

Arkansas
State Claims Commission

AUG 25 2025

RECEIVED

Dear Mr. Insur

I submit this
Letter to you requesting
that you please forward me
and file marked copy of my
submitted notice of appeal
Thank you very much

Yours cooperatively highly
Appreciated with The above

Respectfully submitted
Prof. Terry Ellis

Before The Arkansas State
General Assembly

Jerry Ellis # [redacted] Claimant

V.
Arkansas Dept of Corrections
Re-claim # 25-1-3 Respondent

Notice of Appeal

Toward The Arkansas State Claims
Commission opinion of July 18, 2025

Comes [redacted] The Claimant Jerry —
Ellis # [redacted] pr, se, states the
follows:

1 The Claimant states that The —
Arkansas State Claims Commission
does have Jurisdiction over The
Claimant claim per Ark. Code
ANN § 19-10-24 cited by 16-1-6-
01 Citing Perratt v. Taylor, 454 U.S.
527 1981, Davidson v. Cannon, 478
U.S. 327 1986, Garner v. HW,
409 F.3, 1430 8th Cir 1997, Henry
V. Arkansas State Claims Commission
970 S.W. 2d 98 1998 cited by
Service v. Diles, 354 U.S. 363
4457

2 The Claimant States That The Respondent Attorney Mr. Miles Morgan Toward his brief motion to Dismiss Claimant Claim is most Toward Paragraph (3.) Through paragraph (a) due to The Claimant Under Alleged any Excessive Use of Force Claim Toward The Respondent State Employee of The Night of 9-21-2023 Toward The Claimant Claim, which The Claimant Claim is bound by Parratt v. Taylor, 459 U.S. 527 1981, Davidson v. Cannon, 478 U.S. 327 1986 Citing Gar, Lee v. Harlow 409 F.3d 430 8th Cir 1997, Hilly v. Arkansas State Claims Commission, 970 S.W. 2d 48 1998 Cited by Service v. Dulles, 354 U.S. 363 1957

3, The Claimant States That on March 4, 2025 he filed a motion for Reconsideration per to The Respondent Attorney Mr. Miles Morgan Mailed a brief motion to Dismiss The Claimant Claim. but The Claimant Claim is bound by Ark. Code Ann § 24-10-204, § 26-2-6-1 Citing Parratt v. Taylor, 459 U.S. 527 1981, Davidson v. Cannon, 478 U.S. 327 1986

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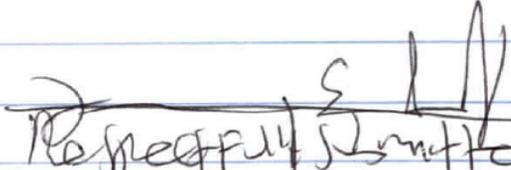
1986 City Gardner v. Howard 109 F.3d
 430 8th Cir 1997, Hudby v. Arkansas State
 Claims Commission, 970 S.W.2d 98
 1998 cited by Service v. Miles, 354
 U.S. 363 1957 Howard The Respondent
 Attorney Mr. Miles Morgan Arguments
 of Paragraph (3.) Through Paragraph (6.) of
 The above

4. The Claimant States That The —
 Arkansas State Claims Commission
 Committee opinion of July 18, 2025
 is in conflict with The Arkansas
 State Claims Commission opinion
 of February 6, 2025 See Ark
 Code, Ann's 24-12-204, 16-126
 10 City of Pratt v. Taylor 454 U.S.
 527 1981 Davidson v. Cannon, 478
 U.S. 327 1986, Gardner v. Howard
 109 F.3d 430 8th Cir 1997, Hudby
 v. Arkansas State Claims Commission
 970 S.W.2d 98 1998 cited by
 Service v. Miles, 354 U.S. 363
 1957

Therefore, The Claimant prays That
This Arkansas State General -
Assembly Committee Reverse and
Remain The Arkansas State
Claims Commission Committee
of 11/18/2025

Certificate of Service

I, Jerry Ellis [redacted] Pro, Se, -
Certify That Claimant has mailed
Mrs. Kathryn Erby, Arkansas State
Claims Commission, Director at
201 East Capitol Avenue Suite
410 Little Rock, AR 72201-3823
(3) Copies of his notice of Appeal
on this 22nd day of August 2025


Respectfully Submitted
Pro, Se, Jerry Ellis [redacted]