Arkansas
State Claims Commission
OCT 11 2024
RECEIVED

OCT. 8, 2024

RICHARD A. DAVIS
ADC # [redacted]
[redacted]

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

DEAR DIRECTOR:

PLEASE FIND ENCLOSED THE ORIGINAL AND FOUR COPIES OF THE CLAIMANT'S CLAIM FORM, AND RELEVANT DOCUMENTS. THE CLAIMANT REQUESTS A FILED MARKED COPY.

THANKING YOU IN ADVANCE.

I REMAIN,
Richard Davis

ARKANSAS CLAIMS COMMISSION

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

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

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

CLAIM FORM

1. **Claimant Information.**

Mr. Davis Richard [redacted]
(title) (last name) (first name) (ADC Number)

(add[redacted]

(city[redacted]

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

(title) (last name) (first name) (email)

(address) (AR bar number)

(city) (state) (zip) (primary phone)

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

4. **Date of Incident** JUNE 7, 2024

5. **Location of Incident** [redacted]

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

ON JUNE 7, 2024, THE CLAIMANT DAVIS WAS RETURNING TO HIS BARRACK AT TH[redacted] THE RESPONDENT ROBINSON OPEN THE DOOR TO J5 BARRACK, AND AS DAVIS WAS ENTERING THE BARRACK, ROBINSON USED THE METAL TURN-KEYS TO VICIOUSLY STRIKE DAVIS WITH A WEAPON IN HIS SHOULDER AREA. UNDER ARKANSAS LAW, THE POLICY PROHIBITS AN EMPLOYEE OF THE DEPARTMENT OF CORRECTION FROM THE USE OF CORPORAL PUNISHMENT UPON AN INDIVIDUAL FOR THE PURPOSE OF CAUSING PAIN OR DISCOMFORT. AS SUCH, THE DIVISION OF CORRECTION IS LIABLE FOR ACTIONS COMMITTED BY ITS EMPLOYEES, AND SHALL BE HELD RESPONSIBLE FOR DAMAGES UNDER ARKANSAS LAW. CONTINUE.

7. **Amount of Damages, if known:** $3,000.00

IMPORTANT!

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

CONTINUE

ON JUNE 7, 2024, THE CLAIMANT DAVIS WAS ESCORTED TO THE MAXIMUM SECURITY UNIT, WHERE HE WAS PLACED ON BEHAVIOR CONTROL BY RESPONDENTS TAYLOR AND RICHARDSON. HERE, DAVIS WAS FORCED TO SLEEP ON THE FLOOR IN ISOLATION #3 DAYROOM WITH ONLY A SLEEPING BAG FOR SEVEN DAYS IN DEPLORABLE LIVING CONDITIONS CONTRARY TO HUMANE STANDARDS OF SAFETY AND PROFESSIONAL CORRECTIONAL PRACTICES WHICH MANDATES PURSUANT TO STATE REGULATION THAT EACH CELL IN PUNITIVE SHALL HAVE A BUNK. RESPONDENT TAYLOR AND RICHARDSON ARE RESPONSIBLE FOR THE LIVING CONDITIONS OF INMATES HOUSED IN THE MAXIMUM SECURITY UNIT, AND THE DEPRIVATION OF A BUNK VIOLATES ARKANSAS LAW, AND TAYLOR AND RICHARDSON SHALL BE HELD LIABLE FOR DAMAGES.

STOP HERE!

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

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

Signature Page for Claim Filed by an Individual Claimant

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

Richard Davis
Claimant Signature

ACKNOWLEDGEMENT

State of ARKANSAS
County of ST. FRANCIS

On this the 2 day of Oct, 2024, before me, the undersigned notary, personally appeared RICHARD DAVIS known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument and acknowledged that he/she executed the same for the purposes therein contained.

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

Franklin L Graham
Signature of Notary Public

[seal of office]

My Commission Expires: 4-21-2027

NOTARY PUBLIC ARKANSAS
FRANKLIN L. GRAHAM
No. 12704972
SAINT FRANCIS COUNTY
Commission Expires 4-21-2027

Ark. Code Ann. § 19-10-208(f)

(1) A claimant who is an inmate in the Division of Correction or the Division of Community Correction at the time the claim or action is filed is limited to no more than:
- (A) Five (5) pages of written factual allegations and legal argument in his or her complaint; and
- (B) Five (5) additional pages of exhibits to accompany his or her complaint.

(2) (A) An inmate filing a claim or action may file a motion to allow him or her to file additional pages of factual allegations, argument, or exhibits in excess of the limitations under subdivision (f)(1) of this section.
- (B) A motion filed under this subdivision (f)(2) may be granted only if the commissioners of the Arkansas State Claims Commission find that the inmate needs the additional pages to fully explain his or her claim or action or if the claim or action is sufficiently complex to warrant additional pages.

(3) (A) If an inmate files a claim or action that exceeds the page limitations under this subsection, the commission shall:
  - (i) Assign the inmate's claim a docket number; and
  - (ii) Consider the inmate's claim filed, but mail the inmate's complaint and any attached exhibits back to him or her and give the inmate forty-five (45) days to:
    - (a) Resubmit his or her complaint and any attached exhibits in compliance with this subsection; or
    - (b) File a motion requesting permission to file a complaint and accompanying exhibits that exceed the page limitations under this subsection.

  - (B) The forty-five-day time period under this subsection is excludable time in calculating the statute of limitations for the inmate's claim or action.

  - (C) The commission may dismiss an inmate's complaint without prejudice if the inmate fails to:
    - (i) Resubmit a complaint and attached exhibits that meet the page limitation requirements of this subsection; or
    - (ii) File a motion requesting permission to file a complaint and attached exhibits that exceed the page limitation requirements of this subsection.

  - (D) (i) If the commission grants a motion for a complaint and accompanying exhibits that exceed the page limitation requirements of this subsection, the commission shall set out in the order granting the motion the revised timeline for the inmate to file his or her complaint and accompanying exhibits.
    - (ii) The commission may set a revised limit on the number of pages an inmate's complaint and accompanying exhibits may be.

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

UNIT LEVEL GRIEVANCE FORM (Attachment I)

F[redacted]SE ONLY
GRV[redacted] 24-01335
Date Received: 6-14-24
GRV. Code #: 305

Unit/Center [redacted]

Name RICHARD A. DAVIS

ADC [redacted] **Brks #** 150-3 **Job Assignment** U/A

6.10.24 (Date) STEP ONE: Informal Resolution

6.13.24 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)
If the issue was not resolved during Step One, state why: _____

_____, (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: _____

Is this Grievance concerning Medical or Mental Health Services? _____ *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): UNDER THE CORPORAL PUNISHMENT STATUTE AS DEFINED IN ARKANSAS ADMINISTRATE CODE 004.03.1-830, THE POLICY PROHIBITS THE STRIKING, PUSHING OR SHOVING OF AN INDIVIDUAL FOR THE PURPOSE OF CAUSING PAIN OR DISCOMFORT DIRECTED TOWARDS THE INMATE, AND IS PROHIBITED BY AN EMPLOYEE OF THE DEPARTENT OF CORRECTION. THIS COMPLAINT ALLEGES THAT ON JUNE 7, 2024, ADC DEPUTY WARDEN RICHARDSON OBSERVED THE VIDEO FOOTAGE OF THE INCIDENT WHEREBY ADC CORRECTIONAL OFFICER ROBINSON (ZONE 3), PHYSICALLY ASSAULTED ADC INMATE RICHARD DAVIS, BY ILLEGALLY STRIKING MR. DAVIS WITH FOUR (4) METAL TURN-KEYS FOR THE PURPOSE CAUSING PAIN AND/OR DISCOMFORT IN VIOLATION OF PROHIBITED CONDUCT. THIS COMPLAINT IS TO COMPEL A INTERNAL AFFAIRS INVESTIGATION AND APPROPRIATE DISCIPLINARY ACTION.

Mr. Richard Davis — JUNE 10, 2024
Inmate Signature — Date

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 6-10-24 (date), and determined to be **Step One** and/or an Emergency Grievance _____ (Yes or No). This form was forwarded to medical or mental health? _____ (Yes or No). If yes, name of the person in that department receiving this form: _____ Date _____

Sgt. B. King	[redacted]	Sgt. B. King	6-10-24
PRINT STAFF NAME (PROBLEM SOLVER)	ID Number	Staff Signature	Date Received

Describe action taken to resolve complaint, including **dates:** This matter is being investigated and the appropriate actions will take place - EGS

RECEIVED JUL 22 2024 ADC GRIEVANCE SUPERVISOR ADMIN. BUILDING

Staff Signature & Date Returned Sgt. B. King 6-13-24 — Richard Davis 6-13-24 Inmate Signature & Date Received

This form was received on 6-13-24 (date), pursuant to **Step Two.** Is it an Emergency? _____ (Yes or No).

Staff Who Received Step Two Grievance: Sgt. B. King Date: 6-13-24

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.

ADCF-15 www.acicatalog.com

 MAX 2/09

Attachment III
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WARDEN'S/CENTER SUPERVISOR'S DECISION

INMATE NAME: Davis, Richard **ADC #:** [redacted] **GRIEVANCE #:** [redacted]24-01335

WARDEN/CENTER SUPERVISOR'S DECISION:
Inmate Davis, you stated in your grievance that, " Under the corporal punishment statute as defined in Arkansas Administrate Code 004.03.1-830, the policy prohibits the striking, pushing, or shoving of an individual for the purpose of causing pain or discomfort directed towards the inmate, and is prohibited by an employee of the Department of Correction. This complaint alleges that on June 7, 2024, ADC Deputy Warden Richardson observed the video footage of the incident whereby ADC correctional officer Robinson (Zone 3), physically assaulted ADC inmate Richard Davis, by illegally striking Mr. Davis with four (4) metal turn-keys for the purpose causing pain and /or discomfort in violation of prohibited conduct. This complaint is to compel a Internal Affairs investigation and appropriate disciplinary action."

Deputy Warden Richardson denies your allegations stating that video footage did show Corporal Robinson strike you with keys. However, this issue has been addressed. Corrective action was taken on staff and you also received disciplinary action. Therefore, your grievance is without merit.

SIGNATURE OF WARDEN/SUPERVISOR OR DESIGNEE

Moses Jackson II

7/15/24 Supt
Date Title

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? THIS APPEAL RE-ALLEGES THAT DW RICHARDSON OBSERVED THE VIDEO FOOTAGE WHEREBY CPL. ROBINSON STRUCK ADC INMATE DAVIS WITH THE TURN-KEYS IN VIOLATION OF AR23D. THIS APPEAL HAS NOT BEEN ADDRESS, AND DOES HAVE MERIT.

RECEIVED
JUL 22 2024
INMATE GRIEVANCES SUPERVISOR
ADMINSTRATION BUILDING

INMATE SIGNATURE [redacted]

Richard Davis

17 JULY 2024
Date

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

Pg 6
8-14

Attachment VI
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DEPUTY/ASSISTANT DIRECTOR'S DECISION

INMATE NAME: Davis, Richard **ADC #:** [redacted] **GRIEVANCE#:** [redacted]24-01335

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION:
In your grievance dated 6/10/24, you stated, "Under the corporal punishment statute as defined in Arkansas Administrate Code 004.03.1-830, the policy prohibits the striking, pushing, or shoving of an individual for the purpose of causing pain or discomfort directed towards the inmate, and is prohibited by an employee of the Department of Correction. This complaint alleges that on June 7, 2024, ADC Deputy Warden Richardson observed the video footage of the incident whereby ADC correctional officer Robinson (Zone 3), physically assaulted ADC inmate Richard Davis, by illegally striking Mr. Davis with four (4) metal turn-keys for the purpose causing pain and /or discomfort in violation of prohibited conduct. This complaint is to compel a Internal Affairs investigation and appropriate disciplinary action."

On 7/15/24, the warden responded, "Deputy Warden Richardson denies your allegations stating that video footage did show Corporal Robinson strike you with keys. However, this issue has been addressed. Corrective action was taken on staff and you also received disciplinary action. Therefore, your grievance is without merit."

Your appeal was received on 7/22/24. After a review of your appeal and supporting documentation, I concur with the warden's decision. Policies and procedures were violated and handled accordingly. Therefore, I find your appeal without merit.

Appeal denied.

DIRECTOR

7-29-24

Please be advised that if you appeal this decision to the U.S. District Court, a copy of this Chief Deputy/Deputy/Assistant Director's Decision must be attached to any petition or complaint or the Court may dismiss your case without notice. You may also be subject to paying filing fees pursuant to the Prison Litigation Act of 1995.

UNIT LEVEL GRIEVANCE FORM (Attachment I)
Unit/Center [redacted]

FO[redacted] USE ONLY	
GRV. #[redacted]	24-1580
Date Received:	7-1-24
GRV. Code #:	508

Name RICHARD DAVIS

ADC[redacted] **Brks #** ISO-3 **Job Assignment** PUNITIVE

6.21.24 (Date) STEP ONE: Informal Resolution

6.28.24 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)
If the issue was not resolved during Step One, state why: SEEKING JUDICIAL REVIEW

_____, (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: _____

Is this Grievance concerning Medical or Mental Health Services? _____ *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): FROM JUNE 7, 2024 TO JUNE 14, 2024, ADC INMATE RICHARD DAVIS WAS HOUSED IN THE ISO-3 DAYROOM IN VIOLATION OF ESTABLISHED ADC POLICY. AD #16-20 STATES THAT: EACH PUNITIVE CELL SHALL HAVE A BUNK. THIS COMPLAINT ALLEGES THAT DEPUTY WARDEN RICHARDSON AND MAJOR TAYLOR ARE IN VIOLATION OF AD #16-20, WHEREBY MR. DAVIS WAS FORCED TO SLEEP ON THE FLOOR IN ISO-3 DAYROOM WITHOUT A BUNK FOR SEVEN (7) WHOLE DAYS. THE MAXIMUM SECURITY UNIT FAILED TO PROVIDE SAFE HOUSING TO MR. DAVIS. THIS COMPLAINT IS TO COMPEL A UNIT LEVEL INVESTIGATION TO DETERMINE HOW LONG THIS ILLEGAL PRACTICE HAS BEEN ON GOING.

Mr. Richard Davis — JUNE 21, 2024
Inmate Signature — Date

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 6-24-24 (date), and determined to be **Step One** and/or an Emergency Grievance _____ (Yes or No). This form was forwarded to medical or mental health? _____ (Yes or No). If yes, name of the person in that department receiving this form: _____ Date

Debra Mills — [redacted] — Debra Mills — 6/24/24
PRINT STAFF NAME (PROBLEM SOLVER) — ID Number — Staff Signature — Date Received

Describe action taken to resolve complaint, including **dates:** You were given a sheet to sleep on per policy

RECEIVED
AUG 07 2024
INMATE GRIEVANCE SUPERVISOR
ADC

Debra Mills 2/28/24 — Richard Davis 6.28.24
Staff Signature & Date Returned — Inmate Signature & Date Received

This form was received on _____ (date), pursuant to **Step Two**. Is it an Emergency? _____ (Yes or No).
Staff Who Received Step Two Grievance: _____ Date: _____
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.

ADCF-15 www.aclicatalog.com

Attachment III
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WARDEN'S/CENTER SUPERVISOR'S DECISION

INMATE NAME: Davis, Richard **ADC #:** [redacted] **GRIEVANCE #:** [redacted]4-01580

WARDEN/CENTER SUPERVISOR'S DECISION:
Inmate Davis, you stated in your grievance that, "From June 7,2024 to June 14, 2024, ADC Inmate Richard Davis was housed in the ISO-3 dayroom in violation of established ADC Policy, AD #16-20 states that: Each punitive cell shall have a bunk. This complaint alleges that Deputy Warden Richardson and Major Taylor are in violation of AD#16-20, whereby Mr. Davis was forced to sleep on the floor in ISO-3 dayroom without a bunk for seven (7) whole days. The Maximum Security Unit failed to provide safe housing to Mr. Davis, this complaint is to compel a Unit Level Investigation to determine how long this illegal practice has been on going."

Both Deputy Warden Richardson and Major Taylor stated you were place in the Isolation Dayroom due to limited cell availability. You were given a sleeping bag and afforded the same accommodations as others. You are now housed in Max 2 cell 9. Therefore, your grievance is found with merit but resolved.

SIGNATURE OF WARDEN/SUPERVISOR OR DESIGNEE

B lR

7/30/24 Deputy Warden
Date Title

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? FROM JUNE 7, 2024 TO JUNE 14, 2024, I WAS PLACED IN ISO 3 DAYROOM AND GIVEN A SLEEPING BAG TO - WHICH I WAS FORCED TO SLEEP ON THE FLOOR. THIS APPEAL ALLEGES THAT I WAS NOT AFFORDED THE SAME ACCOMMODATIONS AS OTHERS, AS I WAS DEPRIVED OF A BUNK. LIMITED CELL AVAILABILITY IS NOT A VALID REASON FOR FORCING ANY ADL INMATE TO SLEEP ON THE FLOOR WITHOUT A BUNK.

INMATE SIGNATURE [redacted]

Richard Davis

AUG. 2, 2024
Date

RECEIVED
AUG 07 2024
INMATE GRIEVANCES SUPERVISOR
ADMINSTRATION BUILDING

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

Attachment VI
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DEPUTY/ASSISTANT DIRECTOR'S DECISION

INMATE NAME: Davis, Richard **ADC #:** [redacted] **GRIEVANCE#:** [redacted]24-01580

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION:
On 6/21/2024, you stated the following complaint: From June 7, 2024 to June 14, 2024, ADC Inmate Richard Davis was housed in the ISO-3 dayroom in violation of established ADC Policy, AD #16-20 states that: Each punitive cell shall have a bunk. This complaint alleges that Deputy Warden Richardson and Major Taylor are in violation of AD#16-20, whereby Mr. Davis was forced to sleep on the floor in ISO-3 dayroom without a bunk for seven (7) whole days. The Maximum Security Unit failed to provide safe housing to Mr. Davis, this complaint is to compel a Unit Level Investigation to determine how long this illegal practice has been on going.

The Warden responded to your grievance on 7/30/2024, by stating the following: Both Deputy Warden Richardson and Major Taylor stated you were place in the Isolation Dayroom due to limited cell availability. You were given a sleeping bag and afforded the same accommodations as others. You are now housed in Max 2 cell 9. Therefore, your grievance is found with merit but resolved.

Your appeal was received on 8/7/2024, after reviewing your appeal and supporting documentation, I concur with the Warden's response.

Appeal denied

DIRECTOR

8-19-24

Please be advised that if you appeal this decision to the U.S. District Court, a copy of this Chief Deputy/Deputy/Assistant Director's Decision must be attached to any petition or complaint or the Court may dismiss your case without notice. You may also be subject to paying filing fees pursuant to the Prison Litigation Act of 1995.

BEFORE ARKANSAS STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS

Richard Davis **CLAIMANT**
(ADC#[redacted])

v. **Claim No. _____**

State of Arkansas **RESPONDENT**
Division of Correction

COMPLAINT

Preliminary statement:

This is a complaint filed by ADC inmate Richard Davis, a state prisoner before the State Claims Commission for damages, alleging the use of corporal punishment by an employee of the Department of Correction in violation of Ark. Admin. Code 004.03.1-830; and for conditions at the prison whereby state prisoners are confined in the isolation dayroom area without a bunk, in violation of Administrative Directive #16-20

CLAIMANT

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

RESPONDENT

2. Respondent Tamia S. Robinson is a Correctional Officer employed by the Division of Correction who, at all times mentioned in this complaint was assigned to the [redacted]

3. Respondent Scott A. Taylor is the major in charge of the maximum security unit employed by the Division of Correction who, at all times mentioned in this complaint was assigned to the [redacted]

4. Respondent Michael Richardson is the Deputy Warden employed by the Division of Correction who, at all times mentioned in this complaint was assigned to the [redacted]

5. Each respondent is sued individually. At all times mentioned in this complaint, each respondent acted under color of State Law.

CLAIM ONE

VIOLATION OF CORPORAL PUNISHMENT POLICY

6. The Arkansas Division of Correction has a policy that absolutely prohibits an employee of the Department of Correction from the use of corporal punishment. Under Ark. Admin. Code 004.03.1-830, Corporal Punishment is defined as the striking, pushing or shoving of an individual for the purpose of causing pain or discomfort. See: Exhibit A.

7. On June 7, 2024, claimant Davis returned to barracks 15 from chow call, while standing next to the barracks door, Davis stated: Come on Robinson let me in. Respondent Robinson opened the barracks door to let Davis in. Robinson asked, what's wrong with you Davis, and used the metal turn-keys to strike Davis in the shoulder, causing pain.

8. Claimant Davis used the inmate grievance procedure available at the East Arkansas Regional Unit - Maximum Security to try and solve the problem. On June 14, 2024, claimant presented the facts relating to this complaint. On July 15, 2024, Warden Moses Jackson III responded by stating that video footage shows Corporal Robinson strike you with keys. On July 29, 2024 the director denied the appeal. See: Grievance #[redacted]M-24-01335.

9. On July 25, 2024, the inmate grievance appeal coordinator, Tarlesia Davis, sent an email to Debra Mills, requesting that Ms. Mills send her a copy of the video about the incident on June 7, 2024

CLAIM TWO

VIOLATION OF PUNITIVE SEGREGATION POLICY

10. Pursuant to Administrative Directive #16-20, it shall be the policy of the Department of Correction to provide safe, secure housing for inmates. The policy further requires that each cell shall have a bunk. See Exhibit B.

11. On June 7, 2024 Claimant Davis was transferred from general population to the maximum security unit.

12. Shortly thereafter, Davis was escorted by Captain Stephen Lane, Sr., to isolation #3 dayroom where he was provided a sleeping bag and forced to sleep on rodent infected floor without a bunk.

13. On June 14, 2024, Davis was removed from isolation dayroom and placed in isolation #3-77 with a bunk.

14. Claimant Davis used the inmate grievance procedure available at the [redacted] to try and solve the problem. On July 1, 2024 Claimant presented the facts relating to this complaint. On July 30, 2024, the Deputy Warden Responded by stating that I was placed in the isolation dayroom due to the limited cell availability; and that the grievance is found without merit but resolved. On August 19, 2024, the Director denied the appeal. See: Grievance #[redacted]2401580.

LEGAL CLAIM

15. Respondent Robinson use of corporal punishment against Claimant Davis by striking him in the shoulder with the metal turnkeys when Davis was not violating prison rules and was not acting disruptively. Respondent Robinson's use of corporal punishment is contrary to humane standards of care and professional correctional practices and as such is absolutely prohibited by an employee of the Department of Correction and violated Davis' rights under Ark. Admin. Code 004.03.1-830.

16. Respondents Taylor and Richardson actions of failure to provide a safe and secure housing for Claimant Davis violated the Department of Correction policy, whereby Davis was required to sleep in isolation #3 dayroom without a bunk for seven (7) days in violation of the Arkansas Department of Correction Administrative Directive #16-20.

Prayer for Relief

Wherefore, Claimant respectfully pray that the claims commission enter judgement:

A. Punitive damages in the amount of $1,000.00 against Respondent Robinson, Taylor, and Richardson.

B. Any additional relief the claims commission deems just and proper.

Oct. 2, 2024
DATE

Respectfully Submitted,

/s/ Richard Davis
Richard Davis [redacted]

STATE OF ARKANSAS)
)§
COUNTY OF St. Francis)

Subscribed and sworn to before me, A Notary Public, on the 2 day of Oct, 20 24.

Franklin L Graham
NOTARY PUBLIC

My Commission Expires: 4-21-2027

FRANKLIN L. GRAHAM
No. 12704972
SAINT FRANCIS COUNTY
Commission Expires 4-21-2027
NOTARY PUBLIC ARKANSAS

CERTIFICATE OF SERVICE

I, Richard Davis, hereby certify that an exact copy of the foregoing complaint was mailed to Arkansas State Claims Commission, Director, 101 E. Capital Ave. Suite 410, Little Rock, Arkansas 72201, by U.S. Mail, postage prepaid on this 8TH. day of OCTOBER, 2024.

/s/ Richard Davis
Richard Davis, pro se

WESTLAW

004.03.1-830. Corporal Punishment
ARADC 004.03.1-830 Arkansas Administrative Code *(Approx. 3 pages)*

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

Ark. Admin. Code 004.03.1-**830**
Formerly cited as ARADC 004.00.2-830

004.03.1-**830**. Corporal Punishment

Currentness

I. POLICY OF DEPARTMENT:

The use of corporal punishment is contrary to humane standards of care and professional correctional practices and as such is absolutely prohibited by an employee of the Department of Correction.

II. EXPLANATION:

A. Corporal punishment is defined as the striking, pushing or shoving of an individual for the purpose of causing pain or discomfort; the improper use of chemicals in any form; violence of any nature; the use of profane or abusive language or racial slurs directed toward the inmate; or any measure which may be injurious to an individual.

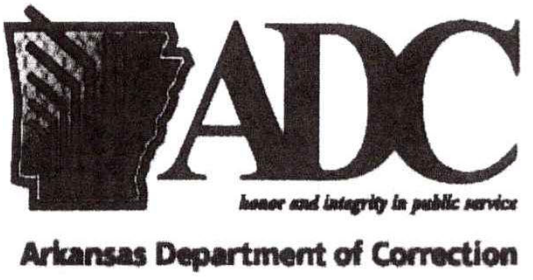
B. This rule in no way prohibits a staff member from using that force necessary to carry out lawful orders; to protect himself from injury; to prevent injury to other employees or inmates; or to prevent property damage or escape.

Credits
Adopted Nov. 30, 1979. Amended Aug. 1, 2008.

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

Ark. Admin. Code 004.03.1-**830**, AR ADC 004.03.1-**830**

End of Document



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

ADMINISTRATIVE DIRECTIVE

SUBJECT: **Punitive Segregation/Restriction**

NUMBER: **16-20** **SUPERSEDES:** **16-04**

APPLICABILITY: **To All Employees, Especially Those Involved in the Operation of Punitive Segregation and Inmates**

REFERENCE: **AR 839 – Punitive Segregation** **PAGE: 1 of 9**

APPROVED: **Original Signed by Wendy Kelley** **EFFECTIVE DATE: 6/10/2016**

I. POLICY:

It shall be the policy of the Department of Correction to provide safe, secure housing for inmates who require a higher degree of physical control because they have been found guilty of committing serious rule violations. Additionally, to provide for a consistent method of applying punitive restrictions to inmates who are removed from punitive segregation areas prior to the completion of the punitive segregation time imposed by the Disciplinary Hearing Officer. This policy applies only to the punitive segregation portion of a disciplinary sentence and is not meant to add to or negate any restrictions imposed by the Disciplinary Hearing Officer; nor does it negate required review by healthcare, classification, and other staff.

II. EXPLANATION:

Any inmate who has been found guilty of violating departmental rules and regulations may be placed in punitive segregation after an impartial due process hearing pursuant to procedures in the Disciplinary Manual and shall be subject to the following restrictions and/or conditions of confinement while in punitive segregation. Punitive measures may include punitive segregation or punitive restriction.

III. PROCEDURES:

A. Restrictions and/or Conditions of Confinement

Any exception or deviation from this policy must be authorized by the Director.

1. Mail – Inmates in punitive segregation will be allowed to send and receive letters on the same basis as inmates in the general population. This will include both general and privileged correspondence.

2. Newspapers/Magazines – Inmates will not be able to receive newspapers or magazines in punitive segregation. During their forty-eight (48) hour relief, inmates will be allowed to receive the two (2) most current newspapers and magazines on a one-for-one exchange basis.

3. Visitation – Inmates in punitive segregation have opportunities for visitation unless there are substantial reasons for withholding such privileges. Visits will be conducted for two (2) hours, once a month (calendar) and scheduled at least twenty-four (24) hours in advance. The Warden or designee must approve all such visits. Approval will be contingent upon but not limited to:

   a. Nature of rule violation.

   b. No further rule violations while housed in punitive.

   c. Satisfactory cell inspection reports.

   A legal visit may be approved in advance by the Warden/Center Supervisor. This is only to be done when the attorney can justify the urgency of the legal matter prior to the release from punitive status, with the consistent need for good security.

4. Exercise – Inmates in punitive segregation will be offered a minimum of one (1) hour of exercise per day outside of their cells, five (5) days per week, unless security or safety considerations dictate otherwise.

   a. The exercise periods are to be conducted outside, security and weather permitting. During inclement weather, coats and raincoats are available.

   b. During these exercise periods, the inmate will not be afforded any recreational equipment, television, or radio.

The Punitive Area Supervisor will be responsible for assuring that:

1. Each punitive cell has lights, toilet, and lavatory in good working condition. Each punitive cell shall have a bunk.

2. All inmates working in the punitive area shall be under constant staff supervision.

3. Shake-downs are conducted in accordance with the appropriate policy addressing searches. All segregation cells on punitive are searched on a non-regular basis at least three times a week and documented.

4. A log is maintained on all movement of inmates on punitive status.

5. Each cell in punitive segregation shall be checked by an officer at irregular intervals no less than every thirty (30) minutes.

   Officers will note if the inmate is complying with the Department's cleanliness and/or grooming standards. Likewise, each cell will be checked to make certain the cell is clean and sanitary. If the condition of the inmate or the cell is not in compliance with Department standards, the Chief of Security, or designee, will be notified immediately and will take necessary steps to correct the problem.

   "Special Note:" For those inmates assigned to punitive segregation and under "Treatment Precaution," (i.e., Restriction Status or Restraint Status), the punitive area supervisor will ensure staff initial in the Treatment Precaution Log indicating that the inmate and his/her cell have been checked and the inmate is in a satisfactory condition and the cell is in compliance with the Department's cleanliness and sanitation standards.

6. No administrative segregation inmates are housed in the same cells as punitive inmates. Administrative segregation inmates can be housed on the punitive wing with the written approval of the Chief of Security, but cannot be housed in the same cells as punitive inmates. In the absence of the Chief of Security, the shift supervisor may authorize such housing provided that written approval is obtained from the Chief of Security as soon as possible.

C. Periods of Confinement

1. Inmates may be confined to punitive segregation for a period up to thirty (30) days.

Inmates serving consecutive punitive isolation sentences will receive a forty-eight (48) hour relief at the end of each thirty (30) day sentence. Inmate privileges as previously outlined in this policy will be restored during the forty-eight (48) hour relief period and will be restricted again at the beginning of the next punitive sentence. An inmate's telephone privilege will not be restored during the forty-eight (48) hour relief if the privilege was suspended due to a conviction of disciplinary rule violation 02-5, 09-13 or 17-3. Commissary purchases may be made by an inmate only if the inmate's forty-eight (48) hour relief falls on their regularly scheduled commissary day, and will be limited to a quantity that can reasonably be consumed in forty-eight (48) hours. Inmate personal property privileges as previously outlined in paragraph A (9) of this policy will remain in effect.

2. Inmates may be released from punitive segregation prior to the completion of sentence only with the authorization of the Warden or designee. This will not relieve the inmate from punitive restrictions unless specifically ordered by the Warden or designee.

D. Punitive Restriction

1. When an inmate is found guilty of a major infraction of institutional rules and punitive segregation time is imposed, the inmate may be placed in punitive segregation and be subject to the restrictions of that assignment or be placed on punitive restrictions.

2. Should an inmate placed in punitive segregation be removed from punitive segregation prior to the completion of the punitive segregation time imposed by the Disciplinary Hearing Officer, the inmate will be placed in housing commensurate with job assignment and will be placed on punitive restrictions until completion of the punitive sentence. (Punitive restrictions can only be imposed for the duration of the punitive segregation time imposed. Any other restrictions would have to be imposed by the Disciplinary Hearing Officer.)

3. Inmates on punitive restriction will have a work assignment and will be required to work on their assigned job. Inmates on punitive restrictions may have their privileges restored prior to the completion of their punitive sentence only with the authorization of the Warden or his designee.

4. Inmates serving consecutive punitive restrictions will receive a forty-eight (48) hour relief at the end of each thirty (30) day sentence. Inmate privileges as previously outlined in this policy will be restored

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

October 30, 2024

Richard Davis (ADC [redacted]

RE: **Claim No. 250581 – deficient filing**

Dear Mr. Davis,

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

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

Sincerely,

Mika Tucker

ES: cmcdaniel

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

Ark. Code Ann. § 19-10-208(f)

(1) A claimant who is an inmate in the Department of Correction or the Department of Community Correction at the time the claim or action is filed is limited to no more than:
- (A) Five (5) pages of written factual allegations and legal argument in his or her complaint; and
- (B) Five (5) additional pages of exhibits to accompany his or her complaint.

(2) (A) An inmate filing a claim or action may file a motion to allow him or her to file additional pages of factual allegations, argument, or exhibits in excess of the limitations under subdivision (f)(1) of this section.
- (B) A motion filed under this subdivision (f)(2) may be granted only if the commissioners of the Arkansas State Claims Commission find that the inmate needs the additional pages to fully explain his or her claim or action or if the claim or action is sufficiently complex to warrant additional pages.

(3) (A) If an inmate files a claim or action that exceeds the page limitations under this subsection, the commission shall:
  - (i) Assign the inmate's claim a docket number; and
  - (ii) Consider the inmate's claim filed, but mail the inmate's complaint and any attached exhibits back to him or her and give the inmate forty-five (45) days to:
    - (a) Resubmit his or her complaint and any attached exhibits in compliance with this subsection; or
    - (b) File a motion requesting permission to file a complaint and accompanying exhibits that exceed the page limitations under this subsection.

  (B) The forty-five-day time period under this subsection is excludable time in calculating the statute of limitations for the inmate's claim or action.

  (C) The commission may dismiss an inmate's complaint without prejudice if the inmate fails to:
  - (i) Resubmit a complaint and attached exhibits that meet the page limitation requirements of this subsection; or
  - (ii) File a motion requesting permission to file a complaint and attached exhibits that exceed the page limitation requirements of this subsection.

  (D) (i) If the commission grants a motion for a complaint and accompanying exhibits that exceed the page limitation requirements of this subsection, the commission shall set out in the order granting the motion the revised timeline for the inmate to file his or her complaint and accompanying exhibits.
  - (ii) The commission may set a revised limit on the number of pages an inmate's complaint and accompanying exhibits may be.

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

Arkansas
State Claims Commission
NOV 08 2024
RECEIVED

BEFORE THE STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS

RICHARD DAVIS # [redacted] CLAIMANT

VS. CLAIM NO. 250581

STATE OF ARKANSAS,
DIVISION OF CORRECTION RESPONDENT

MOTION TO FILE ADDITIONAL PAGES OF EXHIBITS TO ACCOMPANY HIS COMPLAINT

COMES NOW THE CLAIMANT RICHARD DAVIS, PRO SE, AND FOR HIS MOTION TO FILE ADDITIONAL PAGES OF LEGAL ARGUMENT AND EXHIBITS PURSUANT TO ARK. CODE ANN. § 19-10-208(F), STATES:

1. THAT CLAIMANT BE ALLOWED TO FILE ADDITIONAL PAGES OF UNIT LEVEL GRIEVANCE FORMS TO HIS CLAIM FORM.

2. THAT CLAIMANT BE ALLOWED TO FILE ADDITIONAL PAGES OF STATE REGULATIONS TO HIS COMPLAINT.

3. THAT CLAIMANT'S CLAIMS INVOLVES MULTIPLE VIOLATIONS OF STATE REGULATIONS AND HIS CLAIM WARRANT ADDITIONAL PAGES.

4. THAT CLAIMANT'S REQUEST FOR THESE ADDITIONAL PAGES ARE RELEVANT TO EXPLAIN HIS CLAIM(S) OF CORPORAL PUNISHMENT, AND HIS HOUSING IN PUNITIVE ISOLATION WITHOUT A BLINK.

WHEREFORE, THE CLAIMANT REQUESTS THAT THE COMMISSION GRANT THIS MOTION FOR A COMPLAINT AND ACCOMPANYING EXHIBITS THAT EXCEED THE PAGE LIMITATION REQUIREMENTS.

NOV. 5, 2024
DATE

RESPECTFULLY SUBMITTED,

/S/ _____

RICHARD DAVIS, PRO SE

[redacted]

CERTIFICATE OF SERVICE

I, RICHARD DAVIS, HEREBY CERTIFY THAT AN EXACT COPY OF THE FOREGOING MOTION WAS MAILED TO THE ARKANSAS STATE CLAIMS COMMISSION, DIRECTOR, 101 E. CAPITAL AVE., SUITE 410, LITTLE ROCK, ARKANSAS 72201, BY U.S. MAIL, POSTAGE PREPAID ON THIS 5TH. DAY OF NOV., 2024

Richard Davis, PRO SE
RICHARD DAVIS #[redacted]

RICHARD DAVIS
ADC #[redacted]
[redacted]

STATE CLAIMS COMMISSION
101 E. CAPITOL AVE. ST. 410
LITTLE ROCK, AR 72201-3823

RE: CLAIM NO. 250581
DATE: NOV. 26, 2024

DEAR DIRECTOR,

ON OCT. 30, 2024, THE ABOVE REFERENCE CLAIM NUMBER WAS RETURNED BECAUSE THE CLAIM EXCEEDED THE PAGE LIMITATIONS SET OUT IN ARK. CODE ANN. §19-10-208(F).

PURSUANT TO §19-10-208(F)(3)(A)(ii)(a), THE CLAIMANT IS RESUBMITTING HIS COMPLAINT AND EXHIBITS IN COMPLIANCE WITH THIS SUBSECTION.

PLEASE FIND ENCLOSED FOUR (4) COPIES OF THE CLAIM FORM.

I REMAIN,
Richard Davis

ARKANSAS CLAIMS COMMISSION

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

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

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

Arkansas
State Claims Commission
NOV 30 2024
RECEIVED

CLAIM FORM

1. **Claimant Information.**

Mr. Davis Richard [redacted]
(title) (last name) (first name) (ADC Number)

[redacted]
(a

(city) (state) (zip)

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

(title) (last name) (first name) (email)

(address) (AR bar number)

(city) (state) (zip) (primary phone)

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

4. **Date of Incident** JUNE 7, 2024

5. **Location of Incident** [redacted]

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

ON JUNE 7, 2024, THE CLAIMANT DAVIS WAS RETURNING TO HIS BARRACK AT THE [redacted] THE RESPONDENT ROBINSON OPEN THE DOOR TO J5 BARRACK, AND AS DAVIS WAS ENTERING THE BARRACK, ROBINSON USED THE METAL TURN-KEYS TO VICIOUSLY STRIKE DAVIS WITH A WEAPON IN HIS SHOULDER AREA. UNDER ARKANSAS LAW, THE POLICY PROHIBITS AN EMPLOYEE OF THE DEPARTMENT OF CORRECTION FROM THE USE OF CORPORAL PUNISHMENT UPON AN INDIVIDUAL FOR THE PURPOSE OF CAUSING PAIN OR DISCOMFORT. AS SUCH, THE DIVISION OF CORRECTION IS LIABLE FOR ACTIONS COMMITTED BY ITS EMPLOYEES, AND SHALL BE HELD RESPONSIBLE FOR DAMAGES UNDER ARKANSAS LAW. CONTINUE.

7. **Amount of Damages, if known:** $3,000.00

IMPORTANT!

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

CONTINUE

ON JUNE 7, 2024, THE CLAIMANT DAVIS WAS ESCORTED TO THE MAXIMUM SECURITY UNIT, WHERE HE WAS PLACED ON BEHAVIOR CONTROL BY RESPONDENTS TAYLOR AND RICHARDSON. HERE, DAVIS WAS FORCED TO SLEEP ON THE FLOOR IN ISOLATION #3 DAYROOM WITH ONLY A SLEEPING BAG FOR SEVEN DAYS IN DEPLORABLE LIVING CONDITIONS CONTRARY TO HUMANE STANDARDS OF SAFETY AND PROFESSIONAL CORRECTIONAL PRACTICES WHICH MANDATES PURSUANT TO STATE REGULATION THAT EACH CELL IN PUNITIVE SHALL HAVE A BUNK. RESPONDENT TAYLOR AND RICHARDSON ARE RESPONSIBLE FOR THE LIVING CONDITIONS OF INMATES HOUSED IN THE MAXIMUM SECURITY UNIT, AND THE DEPRIVATION OF A BUNK VIOLATES ARKANSAS LAW, AND TAYLOR AND RICHARDSON SHALL BE HELD LIABLE FOR DAMAGES.

STOP HERE!

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

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

Signature Page for Claim Filed by an Individual Claimant

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

Richard Davis
Claimant Signature

ACKNOWLEDGEMENT

State of ARKANSAS
County of ST. FRANCIS

On this the 2 day of Oct, 2024, before me, the undersigned notary, personally appeared RICHARD DAVIS known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument and acknowledged that he/she executed the same for the purposes therein contained.

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

Franklin L Graham
Signature of Notary Public

[seal of office]

My Commission Expires: 4-21-2027

NOTARY PUBLIC ARKANSAS
FRANKLIN L. GRAHAM
No. 12704972
SAINT FRANCIS COUNTY
Commission Expires 4-21-2027

Ark. Code Ann. § 19-10-208(f)

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

Attachment VI
00

DEPUTY/ASSISTANT DIRECTOR'S DECISION

INMATE NAME: Davis, Richard **ADC #:** [redacted] **GRIEVANCE#:** [redacted]24-01335

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION:
In your grievance dated 6/10/24, you stated, "Under the corporal punishment statute as defined in Arkansas Administrate Code 004.03.1-830, the policy prohibits the striking, pushing, or shoving of an individual for the purpose of causing pain or discomfort directed towards the inmate, and is prohibited by an employee of the Department of Correction. This complaint alleges that on June 7, 2024, ADC Deputy Warden Richardson observed the video footage of the incident whereby ADC correctional officer Robinson (Zone 3), physically assaulted ADC inmate Richard Davis, by illegally striking Mr. Davis with four (4) metal turn-keys for the purpose causing pain and /or discomfort in violation of prohibited conduct. This complaint is to compel a Internal Affairs investigation and appropriate disciplinary action."

On 7/15/24, the warden responded, "Deputy Warden Richardson denies your allegations stating that video footage did show Corporal Robinson strike you with keys. However, this issue has been addressed. Corrective action was taken on staff and you also received disciplinary action. Therefore, your grievance is without merit."

Your appeal was received on 7/22/24. After a review of your appeal and supporting documentation, I concur with the warden's decision. Policies and procedures were violated and handled accordingly. Therefore, I find your appeal without merit.

Appeal denied.

DIRECTOR

7-29-24

Please be advised that if you appeal this decision to the U.S. District Court, a copy of this Chief Deputy/Deputy/Assistant Director's Decision must be attached to any petition or complaint or the Court may dismiss your case without notice. You may also be subject to paying filing fees pursuant to the Prison Litigation Act of 1995.

Attachment VI
00

DEPUTY/ASSISTANT DIRECTOR'S DECISION

INMATE NAME: Davis, Richard **ADC #:** [redacted] **GRIEVANCE#:** [redacted]M24-01580

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION:
On 6/21/2024, you stated the following complaint: From June 7, 2024 to June 14, 2024, ADC Inmate Richard Davis was housed in the ISO-3 dayroom in violation of established ADC Policy, AD #16-20 states that: Each punitive cell shall have a bunk. This complaint alleges that Deputy Warden Richardson and Major Taylor are in violation of AD#16-20, whereby Mr. Davis was forced to sleep on the floor in ISO-3 dayroom without a bunk for seven (7) whole days. The Maximum Security Unit failed to provide safe housing to Mr. Davis, this complaint is to compel a Unit Level Investigation to determine how long this illegal practice has been on going.

The Warden responded to your grievance on 7/30/2024, by stating the following: Both Deputy Warden Richardson and Major Taylor stated you were place in the Isolation Dayroom due to limited cell availability. You were given a sleeping bag and afforded the same accommodations as others. You are now housed in Max 2 cell 9. Therefore, your grievance is found with merit but resolved.

Your appeal was received on 8/7/2024, after reviewing your appeal and supporting documentation, I concur with the Warden's response.

Appeal denied

DIRECTOR

8-19-24

Please be advised that if you appeal this decision to the U.S. District Court, a copy of this Chief Deputy/Deputy/Assistant Director's Decision must be attached to any petition or complaint or the Court may dismiss your case without notice. You may also be subject to paying filing fees pursuant to the Prison Litigation Act of 1995.

WESTLAW

004.03.1-830. Corporal Punishment
ARADC 004.03.1-830 Arkansas Administrative Code *(Approx. 3 pages)*

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

Ark. Admin. Code 004.03.1-**830**
Formerly cited as ARADC 004.00.2-830

004.03.1-**830**. Corporal Punishment

Currentness

I. POLICY OF DEPARTMENT:

The use of corporal punishment is contrary to humane standards of care and professional correctional practices and as such is absolutely prohibited by an employee of the Department of Correction.

II. EXPLANATION:

A. Corporal punishment is defined as the striking, pushing or shoving of an individual for the purpose of causing pain or discomfort; the improper use of chemicals in any form; violence of any nature; the use of profane or abusive language or racial slurs directed toward the inmate; or any measure which may be injurious to an individual.

B. This rule in no way prohibits a staff member from using that force necessary to carry out lawful orders; to protect himself from injury; to prevent injury to other employees or inmates; or to prevent property damage or escape.

Credits
Adopted Nov. 30, 1979. Amended Aug. 1, 2008.

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

Ark. Admin. Code 004.03.1-**830**, AR ADC 004.03.1-**830**

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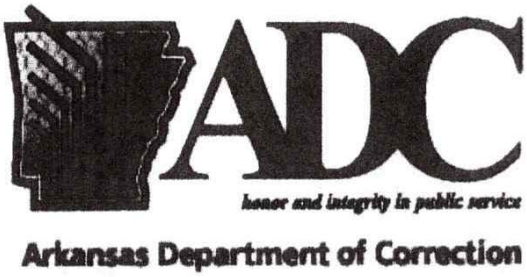

PO Box 8707
Pine Bluff, AR 71611-8707
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ADMINISTRATIVE DIRECTIVE

SUBJECT: **Punitive Segregation/Restriction**

NUMBER: **16-20** **SUPERSEDES:** **16-04**

APPLICABILITY: **To All Employees, Especially Those Involved in the Operation of Punitive Segregation and Inmates**

REFERENCE: **AR 839 – Punitive Segregation** **PAGE: 1 of 9**

APPROVED: **Original Signed by Wendy Kelley** **EFFECTIVE DATE: 6/10/2016**

I. POLICY:

It shall be the policy of the Department of Correction to provide safe, secure housing for inmates who require a higher degree of physical control because they have been found guilty of committing serious rule violations. Additionally, to provide for a consistent method of applying punitive restrictions to inmates who are removed from punitive segregation areas prior to the completion of the punitive segregation time imposed by the Disciplinary Hearing Officer. This policy applies only to the punitive segregation portion of a disciplinary sentence and is not meant to add to or negate any restrictions imposed by the Disciplinary Hearing Officer; nor does it negate required review by healthcare, classification, and other staff.

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   a. The exercise periods are to be conducted outside, security and weather permitting. During inclement weather, coats and raincoats are available.

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The Punitive Area Supervisor will be responsible for assuring that:

1. Each punitive cell has lights, toilet, and lavatory in good working condition. Each punitive cell shall have a bunk.

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5. Each cell in punitive segregation shall be checked by an officer at irregular intervals no less than every thirty (30) minutes.

   Officers will note if the inmate is complying with the Department's cleanliness and/or grooming standards. Likewise, each cell will be checked to make certain the cell is clean and sanitary. If the condition of the inmate or the cell is not in compliance with Department standards, the Chief of Security, or designee, will be notified immediately and will take necessary steps to correct the problem.

   "Special Note:" For those inmates assigned to punitive segregation and under "Treatment Precaution," (i.e., Restriction Status or Restraint Status), the punitive area supervisor will ensure staff initial in the Treatment Precaution Log indicating that the inmate and his/her cell have been checked and the inmate is in a satisfactory condition and the cell is in compliance with the Department's cleanliness and sanitation standards.

6. No administrative segregation inmates are housed in the same cells as punitive inmates. Administrative segregation inmates can be housed on the punitive wing with the written approval of the Chief of Security, but cannot be housed in the same cells as punitive inmates. In the absence of the Chief of Security, the shift supervisor may authorize such housing provided that written approval is obtained from the Chief of Security as soon as possible.

C. Periods of Confinement

1. Inmates may be confined to punitive segregation for a period up to thirty (30) days.

Inmates serving consecutive punitive isolation sentences will receive a forty-eight (48) hour relief at the end of each thirty (30) day sentence. Inmate privileges as previously outlined in this policy will be restored during the forty-eight (48) hour relief period and will be restricted again at the beginning of the next punitive sentence. An inmate's telephone privilege will not be restored during the forty-eight (48) hour relief if the privilege was suspended due to a conviction of disciplinary rule violation 02-5, 09-13 or 17-3. Commissary purchases may be made by an inmate only if the inmate's forty-eight (48) hour relief falls on their regularly scheduled commissary day, and will be limited to a quantity that can reasonably be consumed in forty-eight (48) hours. Inmate personal property privileges as previously outlined in paragraph A (9) of this policy will remain in effect.

2. Inmates may be released from punitive segregation prior to the completion of sentence only with the authorization of the Warden or designee. This will not relieve the inmate from punitive restrictions unless specifically ordered by the Warden or designee.

D. Punitive Restriction

1. When an inmate is found guilty of a major infraction of institutional rules and punitive segregation time is imposed, the inmate may be placed in punitive segregation and be subject to the restrictions of that assignment or be placed on punitive restrictions.

2. Should an inmate placed in punitive segregation be removed from punitive segregation prior to the completion of the punitive segregation time imposed by the Disciplinary Hearing Officer, the inmate will be placed in housing commensurate with job assignment and will be placed on punitive restrictions until completion of the punitive sentence. (Punitive restrictions can only be imposed for the duration of the punitive segregation time imposed. Any other restrictions would have to be imposed by the Disciplinary Hearing Officer.)

3. Inmates on punitive restriction will have a work assignment and will be required to work on their assigned job. Inmates on punitive restrictions may have their privileges restored prior to the completion of their punitive sentence only with the authorization of the Warden or his designee.

4. Inmates serving consecutive punitive restrictions will receive a forty-eight (48) hour relief at the end of each thirty (30) day sentence. Inmate privileges as previously outlined in this policy will be restored

TO: DIRECTOR KATHRYN IRBY
FROM: RICHARD DAVIS, [redacted]
RE: CLAIM NO. 250581
DATE: MARCH 12, 2025

DEAR DIRECTOR,
I AM WRITTING TO KNOW THE STATUS OF THE ENCLOSED CLAIM THAT WAS FILED ON OCT. 11, 2024, OR FOUR MONTHS AGO.

I REMAIN,
Richard Davis

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

October 30, 2024

Richard Davis (ADC [redacted]

RE: **Claim No. 250581 – deficient filing**

Dear Mr. Davis,

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

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

Sincerely,

Mika Tucker

ES: cmcdaniel

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

ARKANSAS CLAIMS COMMISSION

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

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

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

Arkansas
State Claims Commission
OCT 11 2024
RECEIVED

CLAIM FORM

1. **Claimant Information.**

Mr. Davis Richard [redacted]
(title) ([redacted]e) ([redacted]ne) ([redacted])
[redacted]
[redacted]a [redacted]R [redacted]
(city) (state) (zip)

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

(title) (last name) (first name) (email)

(address) (AR bar number)

(city) (state) (zip) (primary phone)

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

4. **Date of Incident** JUNE 7, 2024

5. **Location of Incide**[redacted]

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

ON JUNE 7, 2024, THE CLAIMANT DAVIS WAS RETURNING TO HIS BARRACK AT THE [redacted] THE RESPONDENT ROBINSON OPEN THE DOOR TO J5 BARRACK, AND AS DAVIS WAS ENTERING THE BARRACK, ROBINSON USED THE METAL TURN-KEYS TO VICIOUSLY STRIKE DAVIS WITH A WEAPON IN HIS SHOULDER AREA. UNDER ARKANSAS LAW, THE POLICY PROHIBITS AN EMPLOYEE OF THE DEPARTMENT OF CORRECTION FROM THE USE OF CORPORAL PUNISHMENT UPON AN INDIVIDUAL FOR THE PURPOSE OF CAUSING PAIN OR DISCOMFORT. AS SUCH, THE DIVISION OF CORRECTION IS LIABLE FOR ACTIONS COMMITTED BY ITS EMPLOYEES, AND SHALL BE HELD RESPONSIBLE FOR DAMAGES UNDER ARKANSAS LAW. CONTINUE.

7. **Amount of Damages, if known:** $3,000.00

IMPORTANT!

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

CONTINUE

ON JUNE 7, 2024, THE CLAIMANT DAVIS WAS ESCORTED TO THE MAXIMUM SECURITY UNIT, WHERE HE WAS PLACED ON BEHAVIOR CONTROL BY RESPONDENTS TAYLOR AND RICHARDSON. HERE, DAVIS WAS FORCED TO SLEEP ON THE FLOOR IN ISOLATION #3 DAYROOM WITH ONLY A SLEEPING BAG FOR SEVEN DAYS IN DEPLORABLE LIVING CONDITIONS CONTRARY TO HUMANE STANDARDS OF SAFETY AND PROFESSIONAL CORRECTIONAL PRACTICES WHICH MANDATES PURSUANT TO STATE REGULATION THAT EACH CELL IN PUNITIVE SHALL HAVE A BUNK. RESPONDENT TAYLOR AND RICHARDSON ARE RESPONSIBLE FOR THE LIVING CONDITIONS OF INMATES HOUSED IN THE MAXIMUM SECURITY UNIT, AND THE DEPRIVATION OF A BUNK VIOLATES ARKANSAS LAW, AND TAYLOR AND RICHARDSON SHALL BE HELD LIABLE FOR DAMAGES.

STOP HERE!

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

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

Signature Page for Claim Filed by an Individual Claimant

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

Richard Davis
Claimant Signature

ACKNOWLEDGEMENT

State of ARKANSAS
County of ST. FRANCIS

On this the 2 day of Oct, 2024, before me, the undersigned notary, personally appeared RICHARD DAVIS known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument and acknowledged that he/she executed the same for the purposes therein contained.

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

Franklin L. Graham
Signature of Notary Public

[seal of office]

My Commission Expires: 4-21-2027

NOTARY PUBLIC ARKANSAS
FRANKLIN L. GRAHAM
No. 12704972
SAINT FRANCIS COUNTY
Commission Expires 4-21-2027

Ark. Code Ann. § 19-10-208(f)

(1) A claimant who is an inmate in the Division of Correction or the Division of Community Correction at the time the claim or action is filed is limited to no more than:
- (A) Five (5) pages of written factual allegations and legal argument in his or her complaint; and
- (B) Five (5) additional pages of exhibits to accompany his or her complaint.

(2) (A) An inmate filing a claim or action may file a motion to allow him or her to file additional pages of factual allegations, argument, or exhibits in excess of the limitations under subdivision (f)(1) of this section.
- (B) A motion filed under this subdivision (f)(2) may be granted only if the commissioners of the Arkansas State Claims Commission find that the inmate needs the additional pages to fully explain his or her claim or action or if the claim or action is sufficiently complex to warrant additional pages.

(3) (A) If an inmate files a claim or action that exceeds the page limitations under this subsection, the commission shall:
  - (i) Assign the inmate's claim a docket number; and
  - (ii) Consider the inmate's claim filed, but mail the inmate's complaint and any attached exhibits back to him or her and give the inmate forty-five (45) days to:
    - (a) Resubmit his or her complaint and any attached exhibits in compliance with this subsection; or
    - (b) File a motion requesting permission to file a complaint and accompanying exhibits that exceed the page limitations under this subsection.

- (B) The forty-five-day time period under this subsection is excludable time in calculating the statute of limitations for the inmate's claim or action.

- (C) The commission may dismiss an inmate's complaint without prejudice if the inmate fails to:
  - (i) Resubmit a complaint and attached exhibits that meet the page limitation requirements of this subsection; or
  - (ii) File a motion requesting permission to file a complaint and attached exhibits that exceed the page limitation requirements of this subsection.

- (D) (i) If the commission grants a motion for a complaint and accompanying exhibits that exceed the page limitation requirements of this subsection, the commission shall set out in the order granting the motion the revised timeline for the inmate to file his or her complaint and accompanying exhibits.
  - (ii) The commission may set a revised limit on the number of pages an inmate's complaint and accompanying exhibits may be.

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

Mika Tucker

From: ASCC New Claims
Sent: Tuesday, April 15, 2025 10:42 AM
To: Tawnie Rowell (DOC)
Cc: Trent Rigdon (DOC); Miles S. Morgan; Yolanda Charles (DOC); Kathryn Irby; Mika Tucker
Subject: CLAIM: Richard Davis v. ADC, Claim No. 250581
Attachments: Richard Davis v. ADC agency ltr.pdf; Richard Davis Claim form, supporting docs, def ltr, MTE, claim update and Order (combined) - 250581.pdf

Dear Ms. Rowell,

Please confirm receipt of the attached claim file. The agency may file its response to this claim electronically by sending it to asccpleadings@arkansas.gov, with a copy to the claimant pursuant to the Arkansas Rules of Civil Procedure.

Please 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

April 15, 2025

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

RE: ***Richard Davis v. Arkansas Division of Correction***
Claim No. 250581

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

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, cost center, and activity/section/unit/element that this claim should be charged against, if liability is admitted, or if the Claims Commission approves this claim for payment. This information is necessary even if your agency denies liability.

Sincerely,

Mika Tucker

ES: cmcdaniel

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

Arkansas
State Claims Commission
OCT 11 2024
RECEIVED

OCT. 8, 2024

RICHARD A. DAVIS
ADC # [redacted]
[redacted]

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

DEAR DIRECTOR:

PLEASE FIND ENCLOSED THE ORIGINAL AND FOUR COPIES OF THE CLAIMANTS' CLAIM FORM, AND RELEVANT DOCUMENTS. THE CLAIMANT REQUESTS A FILED MARKED COPY.

THANKING YOU IN ADVANCE.

I REMAIN,
Richard Davis

ARKANSAS CLAIMS COMMISSION

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

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

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

Arkansas State Claims Commission
OCT 11 2024
RECEIVED

CLAIM FORM

1. **Claimant Information.**

Mr. Davis Richard [redacted]
(title) (last name) (first name) (ADC Number)

(add[redacted]

(city[redacted]

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

(title) (last name) (first name) (email)

(address) (AR bar number)

(city) (state) (zip) (primary phone)

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4. **Date of Incident** JUNE 7, 2024

5. **Location of Incident** [redacted]

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

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

Signature Page for Claim Filed by an Individual Claimant

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

Richard Davis
Claimant Signature

ACKNOWLEDGEMENT

State of ARKANSAS
County of ST. FRANCIS

On this the 2 day of Oct, 2024, before me, the undersigned notary, personally appeared RICHARD DAVIS known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument and acknowledged that he/she executed the same for the purposes therein contained.

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

Franklin L Graham
Signature of Notary Public

[seal of office]

My Commission Expires: 4-21-2027

NOTARY PUBLIC ARKANSAS
FRANKLIN L. GRAHAM
No. 12704972
SAINT FRANCIS COUNTY
Commission Expires 4-21-2027

Ark. Code Ann. § 19-10-208(f)

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

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center [redacted]

Name RICHARD A. DAVIS

ADC [redacted] Brks # 150-3 Job Assignment U/A

[redacted] USE ONLY
GRV [redacted] 24-01335
Date Received: 6-14-24
GRV. Code #: 305

6.10.24 (Date) STEP ONE: Informal Resolution

6.13.24 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)
If the issue was not resolved during Step One, state why: _____

_____, (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: _____

Is this Grievance concerning Medical or Mental Health Services? _____ *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): UNDER THE CORPORAL PUNISHMENT STATUTE AS DEFINED IN ARKANSAS ADMINISTRATE CODE 004.03.1-830, THE POLICY PROHIBITS THE STRIKING, PUSHING OR SHOVING OF AN INDIVIDUAL FOR THE PURPOSE OF CAUSING PAIN OR DISCOMFORT DIRECTED TOWARDS THE INMATE, AND IS PROHIBITED BY AN EMPLOYEE OF THE DEPARTENT OF CORRECTION. THIS COMPLAINT ALLEGES THAT ON JUNE 7, 2024, ADC DEPUTY WARDEN RICHARDSON OBSERVED THE VIDEO FOOTAGE OF THE INCIDENT WHEREBY ADC CORRECTIONAL OFFICER ROBINSON (ZONE 3), PHYSICALLY ASSAULTED ADC INMATE RICHARD DAVIS, BY ILLEGALLY STRIKING MR. DAVIS WITH FOUR (4) METAL TURN-KEYS FOR THE PURPOSE CAUSING PAIN AND/OR DISCOMFORT IN VIOLATION OF PROHIBITED CONDUCT. THIS COMPLAINT IS TO COMPEL A INTERNAL AFFAIRS INVESTIGATION AND APPROPRIATE DISCIPLINARY ACTION.

Mr. Richard Davis — JUNE 10, 2024
Inmate Signature — Date

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 6-10-24 (date), and determined to be **Step One** and/or an Emergency Grievance _____ (Yes or No). This form was forwarded to medical or mental health? _____ (Yes or No). If yes, name of the person in that department receiving this form: _____ Date _____

Sgt. B. King — [redacted] — Sgt. B. King — 6-10-24
PRINT STAFF NAME (PROBLEM SOLVER) — ID Number — Staff Signature — Date Received

Describe action taken to resolve complaint, including **dates:** This matter is being investigated and the appropriate actions will take place - EAS

RECEIVED JUL 22 2024 INMATE GRIEVANCE SUPERVISOR ADMIN. BUILDING

Staff Signature & Date Returned Sgt. B. King 6-13-24 — Richard Davis 6-13-24 Inmate Signature & Date Received

This form was received on 6-13-24 (date), pursuant to **Step Two.** Is it an Emergency? _____ (Yes or No).

Staff Who Received Step Two Grievance: Sgt. B. King Date: 6-13-24

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.

ADCF-15 www.acicatalog.com

 MAX 2/09

Attachment III
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WARDEN'S/CENTER SUPERVISOR'S DECISION

INMATE NAME: Davis, Richard **ADC #:** [redacted] **GRIEVANCE #:** [redacted]24-01335

WARDEN/CENTER SUPERVISOR'S DECISION:
Inmate Davis, you stated in your grievance that, " Under the corporal punishment statute as defined in Arkansas Administrate Code 004.03.1-830, the policy prohibits the striking, pushing, or shoving of an individual for the purpose of causing pain or discomfort directed towards the inmate, and is prohibited by an employee of the Department of Correction. This complaint alleges that on June 7, 2024, ADC Deputy Warden Richardson observed the video footage of the incident whereby ADC correctional officer Robinson (Zone 3), physically assaulted ADC inmate Richard Davis, by illegally striking Mr. Davis with four (4) metal turn-keys for the purpose causing pain and /or discomfort in violation of prohibited conduct. This complaint is to compel a Internal Affairs investigation and appropriate disciplinary action."

Deputy Warden Richardson denies your allegations stating that video footage did show Corporal Robinson strike you with keys. However, this issue has been addressed. Corrective action was taken on staff and you also received disciplinary action. Therefore, your grievance is without merit.

SIGNATURE OF WARDEN/SUPERVISOR OR DESIGNEE

Moses Jackson II

7/15/24 Supt
Date Title

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? THIS APPEAL RE-ALLEGES THAT DW RICHARDSON OBSERVED THE VIDEO FOOTAGE WHEREBY CPL. ROBINSON STRUCK ADC INMATE DAVIS WITH THE TURN-KEYS IN VIOLATION OF AR23D. THIS APPEAL HAS NOT BEEN ADDRESS, AND DOES HAVE MERIT.

RECEIVED
JUL 22 2024
INMATE GRIEVANCES SUPERVISOR
ADMINSTRATION BUILDING

INMATE SIGNATURE [redacted]

Richard Davis

17 JULY 2024
Date

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

8-14

Attachment VI
00

DEPUTY/ASSISTANT DIRECTOR'S DECISION

INMATE NAME: Davis, Richard **ADC #:** [redacted] **GRIEVANCE#:** [redacted]24-01335

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION:
In your grievance dated 6/10/24, you stated, "Under the corporal punishment statute as defined in Arkansas Administrate Code 004.03.1-830, the policy prohibits the striking, pushing, or shoving of an individual for the purpose of causing pain or discomfort directed towards the inmate, and is prohibited by an employee of the Department of Correction. This complaint alleges that on June 7, 2024, ADC Deputy Warden Richardson observed the video footage of the incident whereby ADC correctional officer Robinson (Zone 3), physically assaulted ADC inmate Richard Davis, by illegally striking Mr. Davis with four (4) metal turn-keys for the purpose causing pain and /or discomfort in violation of prohibited conduct. This complaint is to compel a Internal Affairs investigation and appropriate disciplinary action."

On 7/15/24, the warden responded, "Deputy Warden Richardson denies your allegations stating that video footage did show Corporal Robinson strike you with keys. However, this issue has been addressed. Corrective action was taken on staff and you also received disciplinary action. Therefore, your grievance is without merit."

Your appeal was received on 7/22/24. After a review of your appeal and supporting documentation, I concur with the warden's decision. Policies and procedures were violated and handled accordingly. Therefore, I find your appeal without merit.

Appeal denied.

DIRECTOR

7-29-24

Please be advised that if you appeal this decision to the U.S. District Court, a copy of this Chief Deputy/Deputy/Assistant Director's Decision must be attached to any petition or complaint or the Court may dismiss your case without notice. You may also be subject to paying filing fees pursuant to the Prison Litigation Act of 1995.

UNIT LEVEL GRIEVANCE FORM (Attachment I)
Unit/Center [redacted]

FO[redacted] USE ONLY	
GRV. #[redacted]	24-1580
Date Received:	7-1-24
GRV. Code #:	508

Name RICHARD DAVIS

ADC# [redacted] **Brks #** ISO-3 **Job Assignment** PUNITIVE

6.21.24 (Date) STEP ONE: Informal Resolution

6.28.24 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)
If the issue was not resolved during Step One, state why: SEEKING JUDICIAL REVIEW

_____, (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: _____

Is this Grievance concerning Medical or Mental Health Services? _____ *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): FROM JUNE 7, 2024 TO JUNE 14, 2024, ADC INMATE RICHARD DAVIS WAS HOUSED IN THE ISO-3 DAYROOM IN VIOLATION OF ESTABLISHED ADC POLICY. AD #16-20 STATES THAT: EACH PUNITIVE CELL SHALL HAVE A BUNK. THIS COMPLAINT ALLEGES THAT DEPUTY WARDEN RICHARDSON AND MAJOR TAYLOR ARE IN VIOLATION OF AD #16-20, WHEREBY MR. DAVIS WAS FORCED TO SLEEP ON THE FLOOR IN ISO-3 DAYROOM WITHOUT A BUNK FOR SEVEN (7) WHOLE DAYS. THE MAXIMUM SECURITY UNIT FAILED TO PROVIDE SAFE HOUSING TO MR. DAVIS. THIS COMPLAINT IS TO COMPEL A UNIT LEVEL INVESTIGATION TO DETERMINE HOW LONG THIS ILLEGAL PRACTICE HAS BEEN ON GOING.

Mr. Richard Davis — JUNE 21, 2024
Inmate Signature — Date

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 6-24-24 (date), and determined to be **Step One** and/or an Emergency Grievance _____ (Yes or No). This form was forwarded to medical or mental health? _____ (Yes or No). If yes, name of the person in that department receiving this form: _____ Date

Debra Mills — [redacted] — Debra Mills — 6/24/24
PRINT STAFF NAME (PROBLEM SOLVER) — ID Number — Staff Signature — Date Received

Describe action taken to resolve complaint, including **dates:** You were given a sheet's bag per policy

RECEIVED
AUG 07 2024
INMATE GRIEVANCES SUPERVISOR
ADC

Debra Mills 2/28/24 — Richard Davis 6.28.24
Staff Signature & Date Returned — Inmate Signature & Date Received

This form was received on _____ (date), pursuant to **Step Two**. Is it an Emergency? _____ (Yes or No).
Staff Who Received Step Two Grievance: _____ Date: _____
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.

ADCF-15 www.acicatalog.com

Attachment III
00

WARDEN'S/CENTER SUPERVISOR'S DECISION

INMATE NAME: Davis, Richard **ADC #:** [redacted] **GRIEVANCE #:** [redacted]24-01580

WARDEN/CENTER SUPERVISOR'S DECISION:
Inmate Davis, you stated in your grievance that, "From June 7,2024 to June 14, 2024, ADC Inmate Richard Davis was housed in the ISO-3 dayroom in violation of established ADC Policy, AD #16-20 states that: Each punitive cell shall have a bunk. This complaint alleges that Deputy Warden Richardson and Major Taylor are in violation of AD#16-20, whereby Mr. Davis was forced to sleep on the floor in ISO-3 dayroom without a bunk for seven (7) whole days. The Maximum Security Unit failed to provide safe housing to Mr. Davis, this complaint is to compel a Unit Level Investigation to determine how long this illegal practice has been on going."

Both Deputy Warden Richardson and Major Taylor stated you were place in the Isolation Dayroom due to limited cell availability. You were given a sleeping bag and afforded the same accommodations as others. You are now housed in Max 2 cell 9. Therefore, your grievance is found with merit but resolved.

SIGNATURE OF WARDEN/SUPERVISOR OR DESIGNEE

B lR

7/30/24 Deputy Warden
Date Title

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? FROM JUNE 7, 2024 TO JUNE 14, 2024, I WAS PLACED IN ISO 3 DAYROOM AND GIVEN A SLEEPING BAG TO - WHICH I WAS FORCED TO SLEEP ON THE FLOOR. THIS APPEAL ALLEGES THAT I WAS NOT AFFORDED THE SAME ACCOMMODATIONS AS OTHERS, AS I WAS DEPRIVED OF A BUNK. LIMITED CELL AVAILABILITY IS NOT A VALID REASON FOR FORCING ANY ADL INMATE TO SLEEP ON THE FLOOR WITHOUT A BUNK.

INMATE SIGNATURE [redacted]

Richard Davis

Aug. 2, 2024
Date

RECEIVED
AUG 07 2024
INMATE GRIEVANCES SUPERVISOR
ADMINSTRATION BUILDING

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

Attachment VI
00

DEPUTY/ASSISTANT DIRECTOR'S DECISION

INMATE NAME: Davis, Richard **ADC #:** [redacted] **GRIEVANCE#:** [redacted]24-01580

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION:
On 6/21/2024, you stated the following complaint: From June 7, 2024 to June 14, 2024, ADC Inmate Richard Davis was housed in the ISO-3 dayroom in violation of established ADC Policy, AD #16-20 states that: Each punitive cell shall have a bunk. This complaint alleges that Deputy Warden Richardson and Major Taylor are in violation of AD#16-20, whereby Mr. Davis was forced to sleep on the floor in ISO-3 dayroom without a bunk for seven (7) whole days. The Maximum Security Unit failed to provide safe housing to Mr. Davis, this complaint is to compel a Unit Level Investigation to determine how long this illegal practice has been on going.

The Warden responded to your grievance on 7/30/2024, by stating the following: Both Deputy Warden Richardson and Major Taylor stated you were place in the Isolation Dayroom due to limited cell availability. You were given a sleeping bag and afforded the same accommodations as others. You are now housed in Max 2 cell 9. Therefore, your grievance is found with merit but resolved.

Your appeal was received on 8/7/2024, after reviewing your appeal and supporting documentation, I concur with the Warden's response.

Appeal denied

DIRECTOR

8-19-24

Please be advised that if you appeal this decision to the U.S. District Court, a copy of this Chief Deputy/Deputy/Assistant Director's Decision must be attached to any petition or complaint or the Court may dismiss your case without notice. You may also be subject to paying filing fees pursuant to the Prison Litigation Act of 1995.

BEFORE ARKANSAS STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS

Richard Davis **CLAIMANT**
(ADC#[redacted])

v. **Claim No. _____**

State of Arkansas **RESPONDENT**
Division of Correction

COMPLAINT

Preliminary statement:

This is a complaint filed by ADC inmate Richard Davis, a state prisoner before the State Claims Commission for damages, alleging the use of corporal punishment by an employee of the Department of Correction in violation of Ark. Admin. Code 004.03.1-830; and for conditions at the prison whereby state prisoners are confined in the isolation dayroom area without a bunk, in violation of Administrative Directive #16-20

CLAIMANT

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

RESPONDENT

2. Respondent Tamia S. Robinson is a Correctional Officer employed by the Division of Correction who, at all times mentioned in this complaint was assigned to the [redacted]

3. Respondent Scott A. Taylor is the major in charge of the maximum security unit employed by the Division of Correction who, at all times mentioned in this complaint was assigned to the [redacted]

4. Respondent Michael Richardson is the Deputy Warden employed by the Division of Correction who, at all times mentioned in this complaint was assigned to the [redacted]

5. Each respondent is sued individually. At all times mentioned in this complaint, each respondent acted under color of State Law.

CLAIM ONE

VIOLATION OF CORPORAL PUNISHMENT POLICY

6. The Arkansas Division of Correction has a policy that absolutely prohibits an employee of the Department of Correction from the use of corporal punishment. Under Ark. Admin. Code 004.03.1-830, Corporal Punishment is defined as the striking, pushing or shoving of an individual for the purpose of causing pain or discomfort. See: Exhibit A.

7. On June 7, 2024, claimant Davis returned to barracks 15 from chow call, while standing next to the barracks door, Davis stated: Come on Robinson let me in. Respondent Robinson opened the barracks door to let Davis in. Robinson asked, what's wrong with you Davis, and used the metal turn-keys to strike Davis in the shoulder, causing pain.

8. Claimant Davis used the inmate grievance procedure available at the [redacted] Unit - Maximum Security to try and solve the problem. On June 14, 2024, claimant presented the facts relating to this complaint. On July 15, 2024, Warden Moses Jackson III responded by stating that video footage shows Corporal Robinson strike you with keys. On July 29, 2024 the director denied the appeal. See: Grievance #[redacted]M-24-01335.

9. On July 25, 2024, the inmate grievance appeal coordinator, Tarlesia Davis, sent an email to Debra Mills, requesting that Ms. Mills send her a copy of the video about the incident on June 7, 2024

CLAIM TWO

VIOLATION OF PUNITIVE SEGREGATION POLICY

10. Pursuant to Administrative Directive #16-20, it shall be the policy of the Department of Correction to provide safe, secure housing for inmates. The policy further requires that each cell shall have a bunk. See Exhibit B.

11. On June 7, 2024 Claimant Davis was transferred from general population to the maximum security unit.

12. Shortly thereafter, Davis was escorted by Captain Stephen Lane, Sr., to isolation #3 dayroom where he was provided a sleeping bag and forced to sleep on rodent infected floor without a bunk.

13. On June 14, 2024, Davis was removed from isolation dayroom and placed in isolation #3-77 with a bunk.

14. Claimant Davis used the inmate grievance procedure available at the [redacted] to try and solve the problem. On July 1, 2024 Claimant presented the facts relating to this complaint. On July 30, 2024, the Deputy Warden Responded by stating that I was placed in the isolation dayroom due to the limited cell availability; and that the grievance is found without merit but resolved. On August 19, 2024, the Director denied the appeal. See: Grievance #[redacted]2401580.

LEGAL CLAIM

15. Respondent Robinson use of corporal punishment against Claimant Davis by striking him in the shoulder with the metal turnkeys when Davis was not violating prison rules and was not acting disruptively. Respondent Robinson's use of corporal punishment is contrary to humane standards of care and professional correctional practices and as such is absolutely prohibited by an employee of the Department of Correction and violated Davis' rights under Ark. Admin. Code 004.03.1-830.

16. Respondents Taylor and Richardson actions of failure to provide a safe and secure housing for Claimant Davis violated the Department of Correction policy, whereby Davis was required to sleep in isolation #3 dayroom without a bunk for seven (7) days in violation of the Arkansas Department of Correction Administrative Directive #16-20.

Prayer for Relief

Wherefore, Claimant respectfully pray that the claims commission enter judgement:

A. Punitive damages in the amount of $1,000.00 against Respondent Robinson, Taylor, and Richardson.

B. Any additional relief the claims commission deems just and proper.

Oct. 2, 2024
DATE

Respectfully Submitted,

/s/ Richard Davis
Richard Davis [redacted]

STATE OF ARKANSAS)
)§
COUNTY OF St. Francis)

Subscribed and sworn to before me, A Notary Public, on the 2 day of Oct, 20 24.

My Commission Expires: 4-21-2027

NOTARY PUBLIC

FRANKLIN L. GRAHAM
No. 12704972
SAINT FRANCIS COUNTY
Commission Expires 4-21-2027

CERTIFICATE OF SERVICE

I, Richard Davis, hereby certify that an exact copy of the foregoing complaint was mailed to Arkansas State Claims Commission, Director, 101 E. Capital Ave. Suite 410, Little Rock, Arkansas 72201, by U.S. Mail, postage prepaid on this 8 TH. day of OCTOBER, 2024.

/s/ Richard Davis
Richard Davis, pro se

WESTLAW

004.03.1-830. Corporal Punishment
ARADC 004.03.1-830 Arkansas Administrative Code *(Approx. 3 pages)*

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

Ark. Admin. Code 004.03.1-**830**
Formerly cited as ARADC 004.00.2-830

004.03.1-**830**. Corporal Punishment

Currentness

I. POLICY OF DEPARTMENT:

The use of corporal punishment is contrary to humane standards of care and professional correctional practices and as such is absolutely prohibited by an employee of the Department of Correction.

II. EXPLANATION:

A. Corporal punishment is defined as the striking, pushing or shoving of an individual for the purpose of causing pain or discomfort; the improper use of chemicals in any form; violence of any nature; the use of profane or abusive language or racial slurs directed toward the inmate; or any measure which may be injurious to an individual.

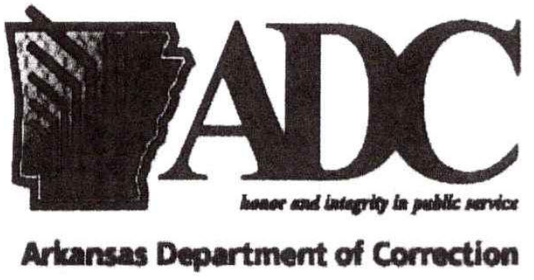
B. This rule in no way prohibits a staff member from using that force necessary to carry out lawful orders; to protect himself from injury; to prevent injury to other employees or inmates; or to prevent property damage or escape.

Credits
Adopted Nov. 30, 1979. Amended Aug. 1, 2008.

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

Ark. Admin. Code 004.03.1-**830**, AR ADC 004.03.1-**830**

End of Document



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

ADMINISTRATIVE DIRECTIVE

SUBJECT: **Punitive Segregation/Restriction**

NUMBER: **16-20** **SUPERSEDES:** **16-04**

APPLICABILITY: **To All Employees, Especially Those Involved in the Operation of Punitive Segregation and Inmates**

REFERENCE: **AR 839 – Punitive Segregation** **PAGE: 1 of 9**

APPROVED: **Original Signed by Wendy Kelley** **EFFECTIVE DATE: 6/10/2016**

I. POLICY:

It shall be the policy of the Department of Correction to provide safe, secure housing for inmates who require a higher degree of physical control because they have been found guilty of committing serious rule violations. Additionally, to provide for a consistent method of applying punitive restrictions to inmates who are removed from punitive segregation areas prior to the completion of the punitive segregation time imposed by the Disciplinary Hearing Officer. This policy applies only to the punitive segregation portion of a disciplinary sentence and is not meant to add to or negate any restrictions imposed by the Disciplinary Hearing Officer; nor does it negate required review by healthcare, classification, and other staff.

II. EXPLANATION:

Any inmate who has been found guilty of violating departmental rules and regulations may be placed in punitive segregation after an impartial due process hearing pursuant to procedures in the Disciplinary Manual and shall be subject to the following restrictions and/or conditions of confinement while in punitive segregation. Punitive measures may include punitive segregation or punitive restriction.

III. PROCEDURES:

A. Restrictions and/or Conditions of Confinement

Any exception or deviation from this policy must be authorized by the Director.

1. Mail – Inmates in punitive segregation will be allowed to send and receive letters on the same basis as inmates in the general population. This will include both general and privileged correspondence.

2. Newspapers/Magazines – Inmates will not be able to receive newspapers or magazines in punitive segregation. During their forty-eight (48) hour relief, inmates will be allowed to receive the two (2) most current newspapers and magazines on a one-for-one exchange basis.

3. Visitation – Inmates in punitive segregation have opportunities for visitation unless there are substantial reasons for withholding such privileges. Visits will be conducted for two (2) hours, once a month (calendar) and scheduled at least twenty-four (24) hours in advance. The Warden or designee must approve all such visits. Approval will be contingent upon but not limited to:

   a. Nature of rule violation.

   b. No further rule violations while housed in punitive.

   c. Satisfactory cell inspection reports.

   A legal visit may be approved in advance by the Warden/Center Supervisor. This is only to be done when the attorney can justify the urgency of the legal matter prior to the release from punitive status, with the consistent need for good security.

4. Exercise – Inmates in punitive segregation will be offered a minimum of one (1) hour of exercise per day outside of their cells, five (5) days per week, unless security or safety considerations dictate otherwise.

   a. The exercise periods are to be conducted outside, security and weather permitting. During inclement weather, coats and raincoats are available.

   b. During these exercise periods, the inmate will not be afforded any recreational equipment, television, or radio.

The Punitive Area Supervisor will be responsible for assuring that:

1. Each punitive cell has lights, toilet, and lavatory in good working condition. Each punitive cell shall have a bunk.

2. All inmates working in the punitive area shall be under constant staff supervision.

3. Shake-downs are conducted in accordance with the appropriate policy addressing searches. All segregation cells on punitive are searched on a non-regular basis at least three times a week and documented.

4. A log is maintained on all movement of inmates on punitive status.

5. Each cell in punitive segregation shall be checked by an officer at irregular intervals no less than every thirty (30) minutes.

   Officers will note if the inmate is complying with the Department's cleanliness and/or grooming standards. Likewise, each cell will be checked to make certain the cell is clean and sanitary. If the condition of the inmate or the cell is not in compliance with Department standards, the Chief of Security, or designee, will be notified immediately and will take necessary steps to correct the problem.

   "Special Note:" For those inmates assigned to punitive segregation and under "Treatment Precaution," (i.e., Restriction Status or Restraint Status), the punitive area supervisor will ensure staff initial in the Treatment Precaution Log indicating that the inmate and his/her cell have been checked and the inmate is in a satisfactory condition and the cell is in compliance with the Department's cleanliness and sanitation standards.

6. No administrative segregation inmates are housed in the same cells as punitive inmates. Administrative segregation inmates can be housed on the punitive wing with the written approval of the Chief of Security, but cannot be housed in the same cells as punitive inmates. In the absence of the Chief of Security, the shift supervisor may authorize such housing provided that written approval is obtained from the Chief of Security as soon as possible.

C. Periods of Confinement

1. Inmates may be confined to punitive segregation for a period up to thirty (30) days.

Inmates serving consecutive punitive isolation sentences will receive a forty-eight (48) hour relief at the end of each thirty (30) day sentence. Inmate privileges as previously outlined in this policy will be restored during the forty-eight (48) hour relief period and will be restricted again at the beginning of the next punitive sentence. An inmate's telephone privilege will not be restored during the forty-eight (48) hour relief if the privilege was suspended due to a conviction of disciplinary rule violation 02-5, 09-13 or 17-3. Commissary purchases may be made by an inmate only if the inmate's forty-eight (48) hour relief falls on their regularly scheduled commissary day, and will be limited to a quantity that can reasonably be consumed in forty-eight (48) hours. Inmate personal property privileges as previously outlined in paragraph A (9) of this policy will remain in effect.

2. Inmates may be released from punitive segregation prior to the completion of sentence only with the authorization of the Warden or designee. This will not relieve the inmate from punitive restrictions unless specifically ordered by the Warden or designee.

D. Punitive Restriction

1. When an inmate is found guilty of a major infraction of institutional rules and punitive segregation time is imposed, the inmate may be placed in punitive segregation and be subject to the restrictions of that assignment or be placed on punitive restrictions.

2. Should an inmate placed in punitive segregation be removed from punitive segregation prior to the completion of the punitive segregation time imposed by the Disciplinary Hearing Officer, the inmate will be placed in housing commensurate with job assignment and will be placed on punitive restrictions until completion of the punitive sentence. (Punitive restrictions can only be imposed for the duration of the punitive segregation time imposed. Any other restrictions would have to be imposed by the Disciplinary Hearing Officer.)

3. Inmates on punitive restriction will have a work assignment and will be required to work on their assigned job. Inmates on punitive restrictions may have their privileges restored prior to the completion of their punitive sentence only with the authorization of the Warden or his designee.

4. Inmates serving consecutive punitive restrictions will receive a forty-eight (48) hour relief at the end of each thirty (30) day sentence. Inmate privileges as previously outlined in this policy will be restored

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

October 30, 2024

Richard Davis (ADC[redacted]

RE: **Claim No. 250581 – deficient filing**

Dear Mr. Davis,

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

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

Sincerely,

Mika Tucker

ES: cmcdaniel

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

Ark. Code Ann. § 19-10-208(f)

(1) A claimant who is an inmate in the Department of Correction or the Department of Community Correction at the time the claim or action is filed is limited to no more than:
- (A) Five (5) pages of written factual allegations and legal argument in his or her complaint; and
- (B) Five (5) additional pages of exhibits to accompany his or her complaint.

(2) (A) An inmate filing a claim or action may file a motion to allow him or her to file additional pages of factual allegations, argument, or exhibits in excess of the limitations under subdivision (f)(1) of this section.
- (B) A motion filed under this subdivision (f)(2) may be granted only if the commissioners of the Arkansas State Claims Commission find that the inmate needs the additional pages to fully explain his or her claim or action or if the claim or action is sufficiently complex to warrant additional pages.

(3) (A) If an inmate files a claim or action that exceeds the page limitations under this subsection, the commission shall:
  - (i) Assign the inmate's claim a docket number; and
  - (ii) Consider the inmate's claim filed, but mail the inmate's complaint and any attached exhibits back to him or her and give the inmate forty-five (45) days to:
    - (a) Resubmit his or her complaint and any attached exhibits in compliance with this subsection; or
    - (b) File a motion requesting permission to file a complaint and accompanying exhibits that exceed the page limitations under this subsection.

  (B) The forty-five-day time period under this subsection is excludable time in calculating the statute of limitations for the inmate's claim or action.

  (C) The commission may dismiss an inmate's complaint without prejudice if the inmate fails to:
  - (i) Resubmit a complaint and attached exhibits that meet the page limitation requirements of this subsection; or
  - (ii) File a motion requesting permission to file a complaint and attached exhibits that exceed the page limitation requirements of this subsection.

  (D) (i) If the commission grants a motion for a complaint and accompanying exhibits that exceed the page limitation requirements of this subsection, the commission shall set out in the order granting the motion the revised timeline for the inmate to file his or her complaint and accompanying exhibits.
  - (ii) The commission may set a revised limit on the number of pages an inmate's complaint and accompanying exhibits may be.

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

Arkansas
State Claims Commission
OCT 11 2024
RECEIVED

OCT. 8, 2024

RICHARD A. DAVIS
ADC # [redacted]
[redacted]

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

DEAR DIRECTOR:

PLEASE FIND ENCLOSED THE ORIGINAL AND FOUR COPIES OF THE CLAIMANTS' CLAIM FORM, AND RELEVANT DOCUMENTS. THE CLAIMANT REQUESTS A FILED MARKED COPY.

THANKING YOU IN ADVANCE.

I REMAIN,
Richard Davis

ARKANSAS CLAIMS COMMISSION

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

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

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

CLAIM FORM

1. **Claimant Information.**

Mr. Davis Richard [redacted]
(title) (last name) (first name) (ADC Number)

(add [redacted]

(city [redacted]

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

(title) (last name) (first name) (email)

(address) (AR bar number)

(city) (state) (zip) (primary phone)

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

4. **Date of Incident** JUNE 7, 2024

5. **Location of Incident** [redacted]

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

ON JUNE 7, 2024, THE CLAIMANT DAVIS WAS RETURNING TO HIS BARRACK AT TH[redacted] THE RESPONDENT ROBINSON OPEN THE DOOR TO J5 BARRACK, AND AS DAVIS WAS ENTERING THE BARRACK, ROBINSON USED THE METAL TURN-KEYS TO VICIOUSLY STRIKE DAVIS WITH A WEAPON IN HIS SHOULDER AREA. UNDER ARKANSAS LAW, THE POLICY PROHIBITS AN EMPLOYEE OF THE DEPARTMENT OF CORRECTION FROM THE USE OF CORPORAL PUNISHMENT UPON AN INDIVIDUAL FOR THE PURPOSE OF CAUSING PAIN OR DISCOMFORT. AS SUCH, THE DIVISION OF CORRECTION IS LIABLE FOR ACTIONS COMMITTED BY ITS EMPLOYEES, AND SHALL BE HELD RESPONSIBLE FOR DAMAGES UNDER ARKANSAS LAW. CONTINUE.

7. **Amount of Damages, if known:** $3,000.00

IMPORTANT!

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

CONTINUE

ON JUNE 7, 2024, THE CLAIMANT DAVIS WAS ESCORTED TO THE MAXIMUM SECURITY UNIT, WHERE HE WAS PLACED ON BEHAVIOR CONTROL BY RESPONDENTS TAYLOR AND RICHARDSON. HERE, DAVIS WAS FORCED TO SLEEP ON THE FLOOR IN ISOLATION #3 DAYROOM WITH ONLY A SLEEPING BAG FOR SEVEN DAYS IN DEPLORABLE LIVING CONDITIONS CONTRARY TO HUMANE STANDARDS OF SAFETY AND PROFESSIONAL CORRECTIONAL PRACTICES WHICH MANDATES PURSUANT TO STATE REGULATION THAT EACH CELL IN PUNITIVE SHALL HAVE A BUNK. RESPONDENT TAYLOR AND RICHARDSON ARE RESPONSIBLE FOR THE LIVING CONDITIONS OF INMATES HOUSED IN THE MAXIMUM SECURITY UNIT, AND THE DEPRIVATION OF A BUNK VIOLATES ARKANSAS LAW, AND TAYLOR AND RICHARDSON SHALL BE HELD LIABLE FOR DAMAGES.

STOP HERE!

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

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

Signature Page for Claim Filed by an Individual Claimant

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

Richard Davis
Claimant Signature

ACKNOWLEDGEMENT

State of ARKANSAS
County of ST. FRANCIS

On this the 2 day of Oct, 2024, before me, the undersigned notary, personally appeared RICHARD DAVIS known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument and acknowledged that he/she executed the same for the purposes therein contained.

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

Franklin L Graham
Signature of Notary Public

[seal of office]

My Commission Expires: 4-21-2027

NOTARY PUBLIC ARKANSAS
FRANKLIN L. GRAHAM
No. 12704972
SAINT FRANCIS COUNTY
Commission Expires 4-21-2027

Ark. Code Ann. § 19-10-208(f)

(1) A claimant who is an inmate in the Division of Correction or the Division of Community Correction at the time the claim or action is filed is limited to no more than:
- (A) Five (5) pages of written factual allegations and legal argument in his or her complaint; and
- (B) Five (5) additional pages of exhibits to accompany his or her complaint.

(2) (A) An inmate filing a claim or action may file a motion to allow him or her to file additional pages of factual allegations, argument, or exhibits in excess of the limitations under subdivision (f)(1) of this section.
- (B) A motion filed under this subdivision (f)(2) may be granted only if the commissioners of the Arkansas State Claims Commission find that the inmate needs the additional pages to fully explain his or her claim or action or if the claim or action is sufficiently complex to warrant additional pages.

(3) (A) If an inmate files a claim or action that exceeds the page limitations under this subsection, the commission shall:
- (i) Assign the inmate's claim a docket number; and
- (ii) Consider the inmate's claim filed, but mail the inmate's complaint and any attached exhibits back to him or her and give the inmate forty-five (45) days to:
  - (a) Resubmit his or her complaint and any attached exhibits in compliance with this subsection; or
  - (b) File a motion requesting permission to file a complaint and accompanying exhibits that exceed the page limitations under this subsection.

- (B) The forty-five-day time period under this subsection is excludable time in calculating the statute of limitations for the inmate's claim or action.

- (C) The commission may dismiss an inmate's complaint without prejudice if the inmate fails to:
  - (i) Resubmit a complaint and attached exhibits that meet the page limitation requirements of this subsection; or
  - (ii) File a motion requesting permission to file a complaint and attached exhibits that exceed the page limitation requirements of this subsection.

- (D) (i) If the commission grants a motion for a complaint and accompanying exhibits that exceed the page limitation requirements of this subsection, the commission shall set out in the order granting the motion the revised timeline for the inmate to file his or her complaint and accompanying exhibits.
  - (ii) The commission may set a revised limit on the number of pages an inmate's complaint and accompanying exhibits may be.

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

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center [redacted]

Name RICHARD A. DAVIS

ADC [redacted] **Brks #** 150-3 **Job Assignment** U/A

F[redacted]USE ONLY
GRV[redacted] 24-01335
Date Received: 6-14-24
GRV. Code #: 305

6.10.24 (Date) STEP ONE: Informal Resolution

6.13.24 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)
If the issue was not resolved during Step One, state why: _____

_____, (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: _____

Is this Grievance concerning Medical or Mental Health Services? _____ *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): UNDER THE CORPORAL PUNISHMENT STATUTE AS DEFINED IN ARKANSAS ADMINISTRATE CODE 004.03.1-830, THE POLICY PROHIBITS THE STRIKING, PUSHING OR SHOVING OF AN INDIVIDUAL FOR THE PURPOSE OF CAUSING PAIN OR DISCOMFORT DIRECTED TOWARDS THE INMATE, AND IS PROHIBITED BY AN EMPLOYEE OF THE DEPARTENT OF CORRECTION. THIS COMPLAINT ALLEGES THAT ON JUNE 7, 2024, ADC DEPUTY WARDEN RICHARDSON OBSERVED THE VIDEO FOOTAGE OF THE INCIDENT WHEREBY ADC CORRECTIONAL OFFICER ROBINSON (ZONE 3), PHYSICALLY ASSAULTED ADC INMATE RICHARD DAVIS, BY ILLEGALLY STRIKING MR. DAVIS WITH FOUR (4) METAL TURN-KEYS FOR THE PURPOSE CAUSING PAIN AND/OR DISCOMFORT IN VIOLATION OF PROHIBITED CONDUCT. THIS COMPLAINT IS TO COMPEL A INTERNAL AFFAIRS INVESTIGATION AND APPROPRIATE DISCIPLINARY ACTION.

Mr. Richard Davis — JUNE 10, 2024
Inmate Signature — Date

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 6-10-24 (date), and determined to be **Step One** and/or an Emergency Grievance _____ (Yes or No). This form was forwarded to medical or mental health? _____ (Yes or No). If yes, name of the person in that department receiving this form: _____ Date _____

Sgt. B. King	[redacted]	Sgt. B. King	6-10-24
PRINT STAFF NAME (PROBLEM SOLVER)	ID Number	Staff Signature	Date Received

Describe action taken to resolve complaint, including **dates:** This matter is being investigated and the appropriate actions will take place - EGS

RECEIVED JUL 22 2024 ADC GRIEVANCE SUPERVISOR ADMIN. BUILDING

Staff Signature & Date Returned Sgt. B. King 6-13-24 — Richard Davis 6-13-24 Inmate Signature & Date Received

This form was received on 6-13-24 (date), pursuant to **Step Two.** Is it an Emergency? _____ (Yes or No).
Staff Who Received Step Two Grievance: Sgt. B. King Date: 6-13-24
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.

ADCF-15 www.acicatalog.com

 MAX 2/09

Attachment III
00

WARDEN'S/CENTER SUPERVISOR'S DECISION

INMATE NAME: Davis, Richard **ADC #:** [redacted] **GRIEVANCE #:** [redacted]24-01335

WARDEN/CENTER SUPERVISOR'S DECISION:
Inmate Davis, you stated in your grievance that, " Under the corporal punishment statute as defined in Arkansas Administrate Code 004.03.1-830, the policy prohibits the striking, pushing, or shoving of an individual for the purpose of causing pain or discomfort directed towards the inmate, and is prohibited by an employee of the Department of Correction. This complaint alleges that on June 7, 2024, ADC Deputy Warden Richardson observed the video footage of the incident whereby ADC correctional officer Robinson (Zone 3), physically assaulted ADC inmate Richard Davis, by illegally striking Mr. Davis with four (4) metal turn-keys for the purpose causing pain and /or discomfort in violation of prohibited conduct. This complaint is to compel a Internal Affairs investigation and appropriate disciplinary action."

Deputy Warden Richardson denies your allegations stating that video footage did show Corporal Robinson strike you with keys. However, this issue has been addressed. Corrective action was taken on staff and you also received disciplinary action. Therefore, your grievance is without merit.

SIGNATURE OF WARDEN/SUPERVISOR OR DESIGNEE

Moses Jackson II

7/15/24 Supt
Date Title

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? THIS APPEAL RE-ALLEGES THAT DW RICHARDSON OBSERVED THE VIDEO FOOTAGE WHEREBY CPL. ROBINSON STRUCK ADC INMATE DAVIS WITH THE TURN-KEYS IN VIOLATION OF AR23D. THIS APPEAL HAS NOT BEEN ADDRESS, AND DOES HAVE MERIT.

RECEIVED
JUL 22 2024
INMATE GRIEVANCES SUPERVISOR
ADMINSTRATION BUILDING

INMATE SIGNATURE [redacted]

Richard Davis

17 JULY 2024
Date

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

8-14

Attachment VI
00

DEPUTY/ASSISTANT DIRECTOR'S DECISION

INMATE NAME: Davis, Richard **ADC #:** [redacted] **GRIEVANCE#:** [redacted]24-01335

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION:
In your grievance dated 6/10/24, you stated, "Under the corporal punishment statute as defined in Arkansas Administrate Code 004.03.1-830, the policy prohibits the striking, pushing, or shoving of an individual for the purpose of causing pain or discomfort directed towards the inmate, and is prohibited by an employee of the Department of Correction. This complaint alleges that on June 7, 2024, ADC Deputy Warden Richardson observed the video footage of the incident whereby ADC correctional officer Robinson (Zone 3), physically assaulted ADC inmate Richard Davis, by illegally striking Mr. Davis with four (4) metal turn-keys for the purpose causing pain and /or discomfort in violation of prohibited conduct. This complaint is to compel a Internal Affairs investigation and appropriate disciplinary action."

On 7/15/24, the warden responded, "Deputy Warden Richardson denies your allegations stating that video footage did show Corporal Robinson strike you with keys. However, this issue has been addressed. Corrective action was taken on staff and you also received disciplinary action. Therefore, your grievance is without merit."

Your appeal was received on 7/22/24. After a review of your appeal and supporting documentation, I concur with the warden's decision. Policies and procedures were violated and handled accordingly. Therefore, I find your appeal without merit.

Appeal denied.

DIRECTOR

7-29-24

Please be advised that if you appeal this decision to the U.S. District Court, a copy of this Chief Deputy/Deputy/Assistant Director's Decision must be attached to any petition or complaint or the Court may dismiss your case without notice. You may also be subject to paying filing fees pursuant to the Prison Litigation Act of 1995.

UNIT LEVEL GRIEVANCE FORM (Attachment I)

FO[redacted] USE ONLY
GRV. #[redacted]24-1580
Date Received: 7-1-24
GRV. Code #: 508

Unit/Center [redacted]

Name RICHARD DAVIS

ADC[redacted] **Brks #** ISO-3 **Job Assignment** PUNITIVE

6.21.24 (Date) STEP ONE: Informal Resolution

6.28.24 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: SEEKING JUDICIAL REVIEW

_____, (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: _____

Is this Grievance concerning Medical or Mental Health Services? _____ *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): FROM JUNE 7, 2024 TO JUNE 14, 2024, ADC INMATE RICHARD DAVIS WAS HOUSED IN THE ISO-3 DAYROOM IN VIOLATION OF ESTABLISHED ADC POLICY. AD #16-20 STATES THAT: EACH PUNITIVE CELL SHALL HAVE A BUNK. THIS COMPLAINT ALLEGES THAT DEPUTY WARDEN RICHARDSON AND MAJOR TAYLOR ARE IN VIOLATION OF AD #16-20, WHEREBY MR. DAVIS WAS FORCED TO SLEEP ON THE FLOOR IN ISO-3 DAYROOM WITHOUT A BUNK FOR SEVEN (7) WHOLE DAYS. THE MAXIMUM SECURITY UNIT FAILED TO PROVIDE SAFE HOUSING TO MR. DAVIS. THIS COMPLAINT IS TO COMPEL A UNIT LEVEL INVESTIGATION TO DETERMINE HOW LONG THIS ILLEGAL PRACTICE HAS BEEN ON GOING.

Mr. Richard Davis — JUNE 21, 2024

Inmate Signature — Date

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 6-24-24 (date), and determined to be **Step One** and/or an Emergency Grievance _____ (Yes or No). This form was forwarded to medical or mental health? _____ (Yes or No). If yes, name of the person in that department receiving this form: _____ Date

Debra Mills — [redacted] — Debra Mills — 6/24/24

PRINT STAFF NAME (PROBLEM SOLVER) — ID Number — Staff Signature — Date Received

Describe action taken to resolve complaint, including **dates:** You were given a sheepis bag per policy

RECEIVED AUG 07 2024 INMATE GRIEVANCES SUPERVISOR

Debra Mills 2/28/24 — Richard Davis 6.28.24

Staff Signature & Date Returned — Inmate Signature & Date Received

This form was received on _____ (date), pursuant to **Step Two**. Is it an Emergency? _____ (Yes or No).

Staff Who Received Step Two Grievance: _____ Date: _____

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.

ADCF-15 www.acicatalog.com

Attachment III
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WARDEN'S/CENTER SUPERVISOR'S DECISION

INMATE NAME: Davis, Richard **ADC #:** [redacted] **GRIEVANCE #:** [redacted]24-01580

WARDEN/CENTER SUPERVISOR'S DECISION:
Inmate Davis, you stated in your grievance that, "From June 7,2024 to June 14, 2024, ADC Inmate Richard Davis was housed in the ISO-3 dayroom in violation of established ADC Policy, AD #16-20 states that: Each punitive cell shall have a bunk. This complaint alleges that Deputy Warden Richardson and Major Taylor are in violation of AD#16-20, whereby Mr. Davis was forced to sleep on the floor in ISO-3 dayroom without a bunk for seven (7) whole days. The Maximum Security Unit failed to provide safe housing to Mr. Davis, this complaint is to compel a Unit Level Investigation to determine how long this illegal practice has been on going."

Both Deputy Warden Richardson and Major Taylor stated you were place in the Isolation Dayroom due to limited cell availability. You were given a sleeping bag and afforded the same accommodations as others. You are now housed in Max 2 cell 9. Therefore, your grievance is found with merit but resolved.

SIGNATURE OF WARDEN/SUPERVISOR OR DESIGNEE

B lR

7/30/24
Date

Deputy Warden
Title

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? FROM JUNE 7, 2024 TO JUNE 14, 2024, I WAS PLACED IN ISO 3 DAYROOM AND GIVEN A SLEEPING BAG TO - WHICH I WAS FORCED TO SLEEP ON THE FLOOR. THIS APPEAL ALLEGES THAT I WAS NOT AFFORDED THE SAME ACCOMMODATIONS AS OTHERS, AS I WAS DEPRIVED OF A BUNK. LIMITED CELL AVAILABILITY IS NOT A VALID REASON FOR FORCING ANY ADL INMATE TO SLEEP ON THE FLOOR WITHOUT A BUNK.

INMATE SIGNATURE [redacted]

Richard Davis

Aug. 2, 2024
Date

RECEIVED
AUG 07 2024
INMATE GRIEVANCES SUPERVISOR
ADMINSTRATION BUILDING

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

Attachment VI
00

DEPUTY/ASSISTANT DIRECTOR'S DECISION

INMATE NAME: Davis, Richard **ADC #:** [redacted] **GRIEVANCE#:** [redacted]24-01580

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION:
On 6/21/2024, you stated the following complaint: From June 7, 2024 to June 14, 2024, ADC Inmate Richard Davis was housed in the ISO-3 dayroom in violation of established ADC Policy, AD #16-20 states that: Each punitive cell shall have a bunk. This complaint alleges that Deputy Warden Richardson and Major Taylor are in violation of AD#16-20, whereby Mr. Davis was forced to sleep on the floor in ISO-3 dayroom without a bunk for seven (7) whole days. The Maximum Security Unit failed to provide safe housing to Mr. Davis, this complaint is to compel a Unit Level Investigation to determine how long this illegal practice has been on going.

The Warden responded to your grievance on 7/30/2024, by stating the following: Both Deputy Warden Richardson and Major Taylor stated you were place in the Isolation Dayroom due to limited cell availability. You were given a sleeping bag and afforded the same accommodations as others. You are now housed in Max 2 cell 9. Therefore, your grievance is found with merit but resolved.

Your appeal was received on 8/7/2024, after reviewing your appeal and supporting documentation, I concur with the Warden's response.

Appeal denied

DIRECTOR

8-19-24

Please be advised that if you appeal this decision to the U.S. District Court, a copy of this Chief Deputy/Deputy/Assistant Director's Decision must be attached to any petition or complaint or the Court may dismiss your case without notice. You may also be subject to paying filing fees pursuant to the Prison Litigation Act of 1995.

BEFORE ARKANSAS STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS

Richard Davis **CLAIMANT**
(ADC#[redacted])

v. **Claim No. _____**

State of Arkansas **RESPONDENT**
Division of Correction

COMPLAINT

Preliminary statement:

This is a complaint filed by ADC inmate Richard Davis, a state prisoner before the State Claims Commission for damages, alleging the use of corporal punishment by an employee of the Department of Correction in violation of Ark. Admin. Code 004.03.1-830; and for conditions at the prison whereby state prisoners are confined in the isolation dayroom area without a bunk, in violation of Administrative Directive #16-20

CLAIMANT

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

RESPONDENT

2. Respondent Tamia S. Robinson is a Correctional Officer employed by the Division of Correction who, at all times mentioned in this complaint was assigned to the [redacted]

3. Respondent Scott A. Taylor is the major in charge of the maximum security unit employed by the Division of Correction who, at all times mentioned in this complaint was assigned to the [redacted]

4. Respondent Michael Richardson is the Deputy Warden employed by the Division of Correction who, at all times mentioned in this complaint was assigned to the [redacted]

5. Each respondent is sued individually. At all times mentioned in this complaint, each respondent acted under color of State Law.

CLAIM ONE

VIOLATION OF CORPORAL PUNISHMENT POLICY

6. The Arkansas Division of Correction has a policy that absolutely prohibits an employee of the Department of Correction from the use of corporal punishment. Under Ark. Admin. Code 004.03.1-830, Corporal Punishment is defined as the striking, pushing or shoving of an individual for the purpose of causing pain or discomfort. See: Exhibit A.

7. On June 7, 2024, claimant Davis returned to barracks 15 from chow call, while standing next to the barracks door, Davis stated: Come on Robinson let me in. Respondent Robinson opened the barracks door to let Davis in. Robinson asked, what's wrong with you Davis, and used the metal turn-keys to strike Davis in the shoulder, causing pain.

8. Claimant Davis used the inmate grievance procedure available at the [redacted] Unit - Maximum Security to try and solve the problem. On June 14, 2024, claimant presented the facts relating to this complaint. On July 15, 2024, Warden Moses Jackson III responded by stating that video footage shows Corporal Robinson strike you with keys. On July 29, 2024 the director denied the appeal. See: Grievance #[redacted]M-24-01335.

9. On July 25, 2024, the inmate grievance appeal coordinator, Tarlesia Davis, sent an email to Debra Mills, requesting that Ms. Mills send her a copy of the video about the incident on June 7, 2024

CLAIM TWO

VIOLATION OF PUNITIVE SEGREGATION POLICY

10. Pursuant to Administrative Directive #16-20, it shall be the policy of the Department of Correction to provide safe, secure housing for inmates. The policy further requires that each cell shall have a bunk. See Exhibit B.

11. On June 7, 2024 Claimant Davis was transferred from general population to the maximum security unit.

12. Shortly thereafter, Davis was escorted by Captain Stephen Lane, Sr., to isolation #3 dayroom where he was provided a sleeping bag and forced to sleep on rodent infected floor without a bunk.

13. On June 14, 2024, Davis was removed from isolation dayroom and placed in isolation #3-77 with a bunk.

14. Claimant Davis used the inmate grievance procedure available at the [redacted] to try and solve the problem. On July 1, 2024 Claimant presented the facts relating to this complaint. On July 30, 2024, the Deputy Warden Responded by stating that I was placed in the isolation dayroom due to the limited cell availability; and that the grievance is found without merit but resolved. On August 19, 2024, the Director denied the appeal. See: Grievance #[redacted]2401580.

LEGAL CLAIM

15. Respondent Robinson use of corporal punishment against Claimant Davis by striking him in the shoulder with the metal turnkeys when Davis was not violating prison rules and was not acting disruptively. Respondent Robinson's use of corporal punishment is contrary to humane standards of care and professional correctional practices and as such is absolutely prohibited by an employee of the Department of Correction and violated Davis' rights under Ark. Admin. Code 004.03.1-830.

16. Respondents Taylor and Richardson actions of failure to provide a safe and secure housing for Claimant Davis violated the Department of Correction policy, whereby Davis was required to sleep in isolation #3 dayroom without a bunk for seven (7) days in violation of the Arkansas Department of Correction Administrative Directive #16-20.

Prayer for Relief

Wherefore, Claimant respectfully pray that the claims commission enter judgement:

A. Punitive damages in the amount of $1,000.00 against Respondent Robinson, Taylor, and Richardson.

B. Any additional relief the claims commission deems just and proper.

Oct. 2, 2024
DATE

Respectfully Submitted,

/s/ Richard Davis
Richard Davis [redacted]

STATE OF ARKANSAS)
)§
COUNTY OF St. Francis)

Subscribed and sworn to before me, A Notary Public, on the 2 day of Oct, 20 24.

Franklin L Graham
NOTARY PUBLIC

My Commission Expires: 4-21-2027

FRANKLIN L. GRAHAM
No. 12704972
SAINT FRANCIS COUNTY
Commission Expires 4-21-2027
NOTARY PUBLIC ARKANSAS

CERTIFICATE OF SERVICE

I, Richard Davis, hereby certify that an exact copy of the foregoing complaint was mailed to Arkansas State Claims Commission, Director, 101 E. Capital Ave. Suite 410, Little Rock, Arkansas 72201, by U.S. Mail, postage prepaid on this 8 TH. day of OCTOBER, 2024.

/s/ Richard Davis
Richard Davis, pro se

WESTLAW

004.03.1-830. Corporal Punishment
ARADC 004.03.1-830 Arkansas Administrative Code *(Approx. 3 pages)*

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

Ark. Admin. Code 004.03.1-**830**
Formerly cited as ARADC 004.00.2-830

004.03.1-**830**. Corporal Punishment

Currentness

I. POLICY OF DEPARTMENT:

The use of corporal punishment is contrary to humane standards of care and professional correctional practices and as such is absolutely prohibited by an employee of the Department of Correction.

II. EXPLANATION:

A. Corporal punishment is defined as the striking, pushing or shoving of an individual for the purpose of causing pain or discomfort; the improper use of chemicals in any form; violence of any nature; the use of profane or abusive language or racial slurs directed toward the inmate; or any measure which may be injurious to an individual.

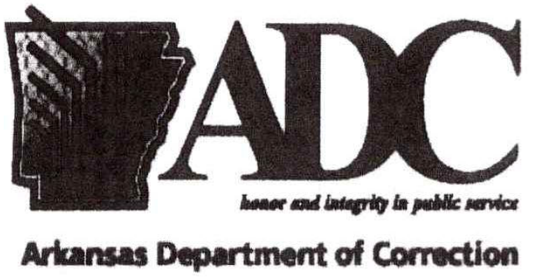
B. This rule in no way prohibits a staff member from using that force necessary to carry out lawful orders; to protect himself from injury; to prevent injury to other employees or inmates; or to prevent property damage or escape.

Credits
Adopted Nov. 30, 1979. Amended Aug. 1, 2008.

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

Ark. Admin. Code 004.03.1-**830**, AR ADC 004.03.1-**830**

End of Document



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

ADMINISTRATIVE DIRECTIVE

SUBJECT: **Punitive Segregation/Restriction**

NUMBER: **16-20** **SUPERSEDES:** **16-04**

APPLICABILITY: **To All Employees, Especially Those Involved in the Operation of Punitive Segregation and Inmates**

REFERENCE: **AR 839 – Punitive Segregation** **PAGE: 1 of 9**

APPROVED: **Original Signed by Wendy Kelley** **EFFECTIVE DATE: 6/10/2016**

I. POLICY:

It shall be the policy of the Department of Correction to provide safe, secure housing for inmates who require a higher degree of physical control because they have been found guilty of committing serious rule violations. Additionally, to provide for a consistent method of applying punitive restrictions to inmates who are removed from punitive segregation areas prior to the completion of the punitive segregation time imposed by the Disciplinary Hearing Officer. This policy applies only to the punitive segregation portion of a disciplinary sentence and is not meant to add to or negate any restrictions imposed by the Disciplinary Hearing Officer; nor does it negate required review by healthcare, classification, and other staff.

II. EXPLANATION:

Any inmate who has been found guilty of violating departmental rules and regulations may be placed in punitive segregation after an impartial due process hearing pursuant to procedures in the Disciplinary Manual and shall be subject to the following restrictions and/or conditions of confinement while in punitive segregation. Punitive measures may include punitive segregation or punitive restriction.

III. PROCEDURES:

A. Restrictions and/or Conditions of Confinement

Any exception or deviation from this policy must be authorized by the Director.

1. Mail – Inmates in punitive segregation will be allowed to send and receive letters on the same basis as inmates in the general population. This will include both general and privileged correspondence.

2. Newspapers/Magazines – Inmates will not be able to receive newspapers or magazines in punitive segregation. During their forty-eight (48) hour relief, inmates will be allowed to receive the two (2) most current newspapers and magazines on a one-for-one exchange basis.

3. Visitation – Inmates in punitive segregation have opportunities for visitation unless there are substantial reasons for withholding such privileges. Visits will be conducted for two (2) hours, once a month (calendar) and scheduled at least twenty-four (24) hours in advance. The Warden or designee must approve all such visits. Approval will be contingent upon but not limited to:

   a. Nature of rule violation.

   b. No further rule violations while housed in punitive.

   c. Satisfactory cell inspection reports.

   A legal visit may be approved in advance by the Warden/Center Supervisor. This is only to be done when the attorney can justify the urgency of the legal matter prior to the release from punitive status, with the consistent need for good security.

4. Exercise – Inmates in punitive segregation will be offered a minimum of one (1) hour of exercise per day outside of their cells, five (5) days per week, unless security or safety considerations dictate otherwise.

   a. The exercise periods are to be conducted outside, security and weather permitting. During inclement weather, coats and raincoats are available.

   b. During these exercise periods, the inmate will not be afforded any recreational equipment, television, or radio.

The Punitive Area Supervisor will be responsible for assuring that:

1. Each punitive cell has lights, toilet, and lavatory in good working condition. Each punitive cell shall have a bunk.

2. All inmates working in the punitive area shall be under constant staff supervision.

3. Shake-downs are conducted in accordance with the appropriate policy addressing searches. All segregation cells on punitive are searched on a non-regular basis at least three times a week and documented.

4. A log is maintained on all movement of inmates on punitive status.

5. Each cell in punitive segregation shall be checked by an officer at irregular intervals no less than every thirty (30) minutes.

   Officers will note if the inmate is complying with the Department's cleanliness and/or grooming standards. Likewise, each cell will be checked to make certain the cell is clean and sanitary. If the condition of the inmate or the cell is not in compliance with Department standards, the Chief of Security, or designee, will be notified immediately and will take necessary steps to correct the problem.

   "Special Note:" For those inmates assigned to punitive segregation and under "Treatment Precaution," (i.e., Restriction Status or Restraint Status), the punitive area supervisor will ensure staff initial in the Treatment Precaution Log indicating that the inmate and his/her cell have been checked and the inmate is in a satisfactory condition and the cell is in compliance with the Department's cleanliness and sanitation standards.

6. No administrative segregation inmates are housed in the same cells as punitive inmates. Administrative segregation inmates can be housed on the punitive wing with the written approval of the Chief of Security, but cannot be housed in the same cells as punitive inmates. In the absence of the Chief of Security, the shift supervisor may authorize such housing provided that written approval is obtained from the Chief of Security as soon as possible.

C. Periods of Confinement

1. Inmates may be confined to punitive segregation for a period up to thirty (30) days.

Inmates serving consecutive punitive isolation sentences will receive a forty-eight (48) hour relief at the end of each thirty (30) day sentence. Inmate privileges as previously outlined in this policy will be restored during the forty-eight (48) hour relief period and will be restricted again at the beginning of the next punitive sentence. An inmate's telephone privilege will not be restored during the forty-eight (48) hour relief if the privilege was suspended due to a conviction of disciplinary rule violation 02-5, 09-13 or 17-3. Commissary purchases may be made by an inmate only if the inmate's forty-eight (48) hour relief falls on their regularly scheduled commissary day, and will be limited to a quantity that can reasonably be consumed in forty-eight (48) hours. Inmate personal property privileges as previously outlined in paragraph A (9) of this policy will remain in effect.

2. Inmates may be released from punitive segregation prior to the completion of sentence only with the authorization of the Warden or designee. This will not relieve the inmate from punitive restrictions unless specifically ordered by the Warden or designee.

D. Punitive Restriction

1. When an inmate is found guilty of a major infraction of institutional rules and punitive segregation time is imposed, the inmate may be placed in punitive segregation and be subject to the restrictions of that assignment or be placed on punitive restrictions.

2. Should an inmate placed in punitive segregation be removed from punitive segregation prior to the completion of the punitive segregation time imposed by the Disciplinary Hearing Officer, the inmate will be placed in housing commensurate with job assignment and will be placed on punitive restrictions until completion of the punitive sentence. (Punitive restrictions can only be imposed for the duration of the punitive segregation time imposed. Any other restrictions would have to be imposed by the Disciplinary Hearing Officer.)

3. Inmates on punitive restriction will have a work assignment and will be required to work on their assigned job. Inmates on punitive restrictions may have their privileges restored prior to the completion of their punitive sentence only with the authorization of the Warden or his designee.

4. Inmates serving consecutive punitive restrictions will receive a forty-eight (48) hour relief at the end of each thirty (30) day sentence. Inmate privileges as previously outlined in this policy will be restored

Arkansas
State Claims Commission
NOV 08 2024
RECEIVED

BEFORE THE STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS

RICHARD DAVIS #[redacted] CLAIMANT

VS. CLAIM NO. 250581

STATE OF ARKANSAS,
DIVISION OF CORRECTION RESPONDENT

MOTION TO FILE ADDITIONAL PAGES OF EXHIBITS TO ACCOMPANY HIS COMPLAINT

COMES NOW THE CLAIMANT RICHARD DAVIS, PRO SE, AND FOR HIS MOTION TO FILE ADDITIONAL PAGES OF LEGAL ARGUMENT AND EXHIBITS PURSUANT TO ARK. CODE ANN. § 19-10-208(F), STATES:

1. THAT CLAIMANT BE ALLOWED TO FILE ADDITIONAL PAGES OF UNIT LEVEL GRIEVANCE FORMS TO HIS CLAIM FORM.

2. THAT CLAIMANT BE ALLOWED TO FILE ADDITIONAL PAGES OF STATE REGULATIONS TO HIS COMPLAINT.

3. THAT CLAIMANT'S CLAIMS INVOLVES MULTIPLE VIOLATIONS OF STATE REGULATIONS AND HIS CLAIM WARRANT ADDITIONAL PAGES.

4. THAT CLAIMANT'S REQUEST FOR THESE ADDITIONAL PAGES ARE RELEVANT TO EXPLAIN HIS CLAIM(S) OF CORPORAL PUNISHMENT, AND HIS HOUSING IN PUNITIVE ISOLATION WITHOUT A BLINK.

WHEREFORE, THE CLAIMANT REQUESTS THAT THE COMMISSION GRANT THIS MOTION FOR A COMPLAINT AND ACCOMPANYING EXHIBITS THAT EXCEED THE PAGE LIMITATION REQUIREMENTS.

NOV. 5, 2024
DATE

RESPECTFULLY SUBMITTED,

/S/ _____

RICHARD DAVIS, PRO SE

[redacted]

CERTIFICATE OF SERVICE

I, RICHARD DAVIS, HEREBY CERTIFY THAT AN EXACT COPY OF THE FOREGOING MOTION WAS MAILED TO THE ARKANSAS STATE CLAIMS COMMISSION, DIRECTOR, 101 E. CAPITAL AVE., SUITE 410, LITTLE ROCK, ARKANSAS 72201, BY U.S. MAIL, POSTAGE PREPAID ON THIS 5TH. DAY OF NOV., 2024

Richard Davis, PRO SE
RICHARD DAVIS #[redacted]

RICHARD DAVIS
ADC #[redacted]
[redacted]

STATE CLAIMS COMMISSION
101 E. CAPITOL AVE. ST. 410
LITTLE ROCK, AR 72201-3823

RE: CLAIM NO. 250581
DATE: NOV. 26, 2024

DEAR DIRECTOR,

ON OCT. 30, 2024, THE ABOVE REFERENCE CLAIM NUMBER WAS RETURNED BECAUSE THE CLAIM EXCEEDED THE PAGE LIMITATIONS SET OUT IN ARK. CODE ANN. §19-10-208(F).

PURSUANT TO §19-10-208(F)(3)(A)(ii)(a), THE CLAIMANT IS RESUBMITTING HIS COMPLAINT AND EXHIBITS IN COMPLIANCE WITH THIS SUBSECTION.

PLEASE FIND ENCLOSED FOUR (4) COPIES OF THE CLAIM FORM.

I REMAIN,
Richard Davis

ARKANSAS CLAIMS COMMISSION

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

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

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

Arkansas
State Claims Commission
NOV 30 2024
RECEIVED

CLAIM FORM

1. **Claimant Information.**

Mr. Davis Richard [redacted]
(title) (last name) (first name) (ADC Number)

[redacted]
(a
(city) (state) (zip)

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

(title) (last name) (first name) (email)

(address) (AR bar number)

(city) (state) (zip) (primary phone)

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

4. **Date of Incident** JUNE 7, 2024

5. **Location of Incident** [redacted]

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

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7. **Amount of Damages, if known:** $3,000.00

IMPORTANT!

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

CONTINUE

ON JUNE 7, 2024, THE CLAIMANT DAVIS WAS ESCORTED TO THE MAXIMUM SECURITY UNIT, WHERE HE WAS PLACED ON BEHAVIOR CONTROL BY RESPONDENTS TAYLOR AND RICHARDSON. HERE, DAVIS WAS FORCED TO SLEEP ON THE FLOOR IN ISOLATION #3 DAYROOM WITH ONLY A SLEEPING BAG FOR SEVEN DAYS IN DEPLORABLE LIVING CONDITIONS CONTRARY TO HUMANE STANDARDS OF SAFETY AND PROFESSIONAL CORRECTIONAL PRACTICES WHICH MANDATES PURSUANT TO STATE REGULATION THAT EACH CELL IN PUNITIVE SHALL HAVE A BUNK. RESPONDENT TAYLOR AND RICHARDSON ARE RESPONSIBLE FOR THE LIVING CONDITIONS OF INMATES HOUSED IN THE MAXIMUM SECURITY UNIT, AND THE DEPRIVATION OF A BUNK VIOLATES ARKANSAS LAW, AND TAYLOR AND RICHARDSON SHALL BE HELD LIABLE FOR DAMAGES.

STOP HERE!

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

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

Signature Page for Claim Filed by an Individual Claimant

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

Richard Davis
Claimant Signature

ACKNOWLEDGEMENT

State of ARKANSAS
County of ST. FRANCIS

On this the 2 day of Oct, 2024, before me, the undersigned notary, personally appeared RICHARD DAVIS known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument and acknowledged that he/she executed the same for the purposes therein contained.

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

Franklin L Graham
Signature of Notary Public

[seal of office]

My Commission Expires: 4-21-2027

NOTARY PUBLIC ARKANSAS
FRANKLIN L. GRAHAM
No. 12704972
SAINT FRANCIS COUNTY
Commission Expires 4-21-2027

Ark. Code Ann. § 19-10-208(f)

(1) A claimant who is an inmate in the Division of Correction or the Division of Community Correction at the time the claim or action is filed is limited to no more than:
- (A) Five (5) pages of written factual allegations and legal argument in his or her complaint; and
- (B) Five (5) additional pages of exhibits to accompany his or her complaint.

(2) (A) An inmate filing a claim or action may file a motion to allow him or her to file additional pages of factual allegations, argument, or exhibits in excess of the limitations under subdivision (f)(1) of this section.
- (B) A motion filed under this subdivision (f)(2) may be granted only if the commissioners of the Arkansas State Claims Commission find that the inmate needs the additional pages to fully explain his or her claim or action or if the claim or action is sufficiently complex to warrant additional pages.

(3) (A) If an inmate files a claim or action that exceeds the page limitations under this subsection, the commission shall:
- (i) Assign the inmate's claim a docket number; and
- (ii) Consider the inmate's claim filed, but mail the inmate's complaint and any attached exhibits back to him or her and give the inmate forty-five (45) days to:
  - (a) Resubmit his or her complaint and any attached exhibits in compliance with this subsection; or
  - (b) File a motion requesting permission to file a complaint and accompanying exhibits that exceed the page limitations under this subsection.

(B) The forty-five-day time period under this subsection is excludable time in calculating the statute of limitations for the inmate's claim or action.

(C) The commission may dismiss an inmate's complaint without prejudice if the inmate fails to:
- (i) Resubmit a complaint and attached exhibits that meet the page limitation requirements of this subsection; or
- (ii) File a motion requesting permission to file a complaint and attached exhibits that exceed the page limitation requirements of this subsection.

(D) (i) If the commission grants a motion for a complaint and accompanying exhibits that exceed the page limitation requirements of this subsection, the commission shall set out in the order granting the motion the revised timeline for the inmate to file his or her complaint and accompanying exhibits.
- (ii) The commission may set a revised limit on the number of pages an inmate's complaint and accompanying exhibits may be.

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

Attachment VI
00

DEPUTY/ASSISTANT DIRECTOR'S DECISION

INMATE NAME: Davis, Richard **ADC #:** [redacted] **GRIEVANCE#:** [redacted]24-01335

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION:
In your grievance dated 6/10/24, you stated, "Under the corporal punishment statute as defined in Arkansas Administrate Code 004.03.1-830, the policy prohibits the striking, pushing, or shoving of an individual for the purpose of causing pain or discomfort directed towards the inmate, and is prohibited by an employee of the Department of Correction. This complaint alleges that on June 7, 2024, ADC Deputy Warden Richardson observed the video footage of the incident whereby ADC correctional officer Robinson (Zone 3), physically assaulted ADC inmate Richard Davis, by illegally striking Mr. Davis with four (4) metal turn-keys for the purpose causing pain and /or discomfort in violation of prohibited conduct. This complaint is to compel a Internal Affairs investigation and appropriate disciplinary action."

On 7/15/24, the warden responded, "Deputy Warden Richardson denies your allegations stating that video footage did show Corporal Robinson strike you with keys. However, this issue has been addressed. Corrective action was taken on staff and you also received disciplinary action. Therefore, your grievance is without merit."

Your appeal was received on 7/22/24. After a review of your appeal and supporting documentation, I concur with the warden's decision. Policies and procedures were violated and handled accordingly. Therefore, I find your appeal without merit.

Appeal denied.

DIRECTOR

7-29-24

Please be advised that if you appeal this decision to the U.S. District Court, a copy of this Chief Deputy/Deputy/Assistant Director's Decision must be attached to any petition or complaint or the Court may dismiss your case without notice. You may also be subject to paying filing fees pursuant to the Prison Litigation Act of 1995.

Attachment VI
00

DEPUTY/ASSISTANT DIRECTOR'S DECISION

INMATE NAME: Davis, Richard **ADC #:** [redacted] **GRIEVANCE#:** [redacted]M24-01580

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION:
On 6/21/2024, you stated the following complaint: From June 7, 2024 to June 14, 2024, ADC Inmate Richard Davis was housed in the ISO-3 dayroom in violation of established ADC Policy, AD #16-20 states that: Each punitive cell shall have a bunk. This complaint alleges that Deputy Warden Richardson and Major Taylor are in violation of AD#16-20, whereby Mr. Davis was forced to sleep on the floor in ISO-3 dayroom without a bunk for seven (7) whole days. The Maximum Security Unit failed to provide safe housing to Mr. Davis, this complaint is to compel a Unit Level Investigation to determine how long this illegal practice has been on going.

The Warden responded to your grievance on 7/30/2024, by stating the following: Both Deputy Warden Richardson and Major Taylor stated you were place in the Isolation Dayroom due to limited cell availability. You were given a sleeping bag and afforded the same accommodations as others. You are now housed in Max 2 cell 9. Therefore, your grievance is found with merit but resolved.

Your appeal was received on 8/7/2024, after reviewing your appeal and supporting documentation, I concur with the Warden's response.

Appeal denied

DIRECTOR

8-19-24

Please be advised that if you appeal this decision to the U.S. District Court, a copy of this Chief Deputy/Deputy/Assistant Director's Decision must be attached to any petition or complaint or the Court may dismiss your case without notice. You may also be subject to paying filing fees pursuant to the Prison Litigation Act of 1995.

WESTLAW

004.03.1-830. Corporal Punishment
ARADC 004.03.1-830 Arkansas Administrative Code *(Approx. 3 pages)*

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

Ark. Admin. Code 004.03.1-**830**
Formerly cited as ARADC 004.00.2-830

004.03.1-**830**. Corporal Punishment

Currentness

I. POLICY OF DEPARTMENT:

The use of corporal punishment is contrary to humane standards of care and professional correctional practices and as such is absolutely prohibited by an employee of the Department of Correction.

II. EXPLANATION:

A. Corporal punishment is defined as the striking, pushing or shoving of an individual for the purpose of causing pain or discomfort; the improper use of chemicals in any form; violence of any nature; the use of profane or abusive language or racial slurs directed toward the inmate; or any measure which may be injurious to an individual.

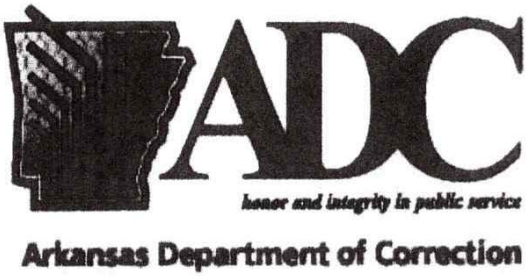
B. This rule in no way prohibits a staff member from using that force necessary to carry out lawful orders; to protect himself from injury; to prevent injury to other employees or inmates; or to prevent property damage or escape.

Credits
Adopted Nov. 30, 1979. Amended Aug. 1, 2008.

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

Ark. Admin. Code 004.03.1-**830**, AR ADC 004.03.1-**830**

End of Document



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

ADMINISTRATIVE DIRECTIVE

SUBJECT: **Punitive Segregation/Restriction**

NUMBER: **16-20** **SUPERSEDES:** **16-04**

APPLICABILITY: **To All Employees, Especially Those Involved in the Operation of Punitive Segregation and Inmates**

REFERENCE: **AR 839 – Punitive Segregation** **PAGE: 1 of 9**

APPROVED: **Original Signed by Wendy Kelley** **EFFECTIVE DATE: 6/10/2016**

I. POLICY:

It shall be the policy of the Department of Correction to provide safe, secure housing for inmates who require a higher degree of physical control because they have been found guilty of committing serious rule violations. Additionally, to provide for a consistent method of applying punitive restrictions to inmates who are removed from punitive segregation areas prior to the completion of the punitive segregation time imposed by the Disciplinary Hearing Officer. This policy applies only to the punitive segregation portion of a disciplinary sentence and is not meant to add to or negate any restrictions imposed by the Disciplinary Hearing Officer; nor does it negate required review by healthcare, classification, and other staff.

II. EXPLANATION:

Any inmate who has been found guilty of violating departmental rules and regulations may be placed in punitive segregation after an impartial due process hearing pursuant to procedures in the Disciplinary Manual and shall be subject to the following restrictions and/or conditions of confinement while in punitive segregation. Punitive measures may include punitive segregation or punitive restriction.

III. PROCEDURES:

A. Restrictions and/or Conditions of Confinement

Any exception or deviation from this policy must be authorized by the Director.

1. Mail – Inmates in punitive segregation will be allowed to send and receive letters on the same basis as inmates in the general population. This will include both general and privileged correspondence.

2. Newspapers/Magazines – Inmates will not be able to receive newspapers or magazines in punitive segregation. During their forty-eight (48) hour relief, inmates will be allowed to receive the two (2) most current newspapers and magazines on a one-for-one exchange basis.

3. Visitation – Inmates in punitive segregation have opportunities for visitation unless there are substantial reasons for withholding such privileges. Visits will be conducted for two (2) hours, once a month (calendar) and scheduled at least twenty-four (24) hours in advance. The Warden or designee must approve all such visits. Approval will be contingent upon but not limited to:

   a. Nature of rule violation.

   b. No further rule violations while housed in punitive.

   c. Satisfactory cell inspection reports.

   A legal visit may be approved in advance by the Warden/Center Supervisor. This is only to be done when the attorney can justify the urgency of the legal matter prior to the release from punitive status, with the consistent need for good security.

4. Exercise – Inmates in punitive segregation will be offered a minimum of one (1) hour of exercise per day outside of their cells, five (5) days per week, unless security or safety considerations dictate otherwise.

   a. The exercise periods are to be conducted outside, security and weather permitting. During inclement weather, coats and raincoats are available.

   b. During these exercise periods, the inmate will not be afforded any recreational equipment, television, or radio.

The Punitive Area Supervisor will be responsible for assuring that:

1. Each punitive cell has lights, toilet, and lavatory in good working condition. Each punitive cell shall have a bunk.

2. All inmates working in the punitive area shall be under constant staff supervision.

3. Shake-downs are conducted in accordance with the appropriate policy addressing searches. All segregation cells on punitive are searched on a non-regular basis at least three times a week and documented.

4. A log is maintained on all movement of inmates on punitive status.

5. Each cell in punitive segregation shall be checked by an officer at irregular intervals no less than every thirty (30) minutes.

   Officers will note if the inmate is complying with the Department's cleanliness and/or grooming standards. Likewise, each cell will be checked to make certain the cell is clean and sanitary. If the condition of the inmate or the cell is not in compliance with Department standards, the Chief of Security, or designee, will be notified immediately and will take necessary steps to correct the problem.

   "Special Note:" For those inmates assigned to punitive segregation and under "Treatment Precaution," (i.e., Restriction Status or Restraint Status), the punitive area supervisor will ensure staff initial in the Treatment Precaution Log indicating that the inmate and his/her cell have been checked and the inmate is in a satisfactory condition and the cell is in compliance with the Department's cleanliness and sanitation standards.

6. No administrative segregation inmates are housed in the same cells as punitive inmates. Administrative segregation inmates can be housed on the punitive wing with the written approval of the Chief of Security, but cannot be housed in the same cells as punitive inmates. In the absence of the Chief of Security, the shift supervisor may authorize such housing provided that written approval is obtained from the Chief of Security as soon as possible.

C. Periods of Confinement

1. Inmates may be confined to punitive segregation for a period up to thirty (30) days.

Inmates serving consecutive punitive isolation sentences will receive a forty-eight (48) hour relief at the end of each thirty (30) day sentence. Inmate privileges as previously outlined in this policy will be restored during the forty-eight (48) hour relief period and will be restricted again at the beginning of the next punitive sentence. An inmate's telephone privilege will not be restored during the forty-eight (48) hour relief if the privilege was suspended due to a conviction of disciplinary rule violation 02-5, 09-13 or 17-3. Commissary purchases may be made by an inmate only if the inmate's forty-eight (48) hour relief falls on their regularly scheduled commissary day, and will be limited to a quantity that can reasonably be consumed in forty-eight (48) hours. Inmate personal property privileges as previously outlined in paragraph A (9) of this policy will remain in effect.

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TO: DIRECTOR KATHRYN IRBY
FROM: RICHARD DAVIS, [redacted]
RE: CLAIM NO. 250581
DATE: MARCH 12, 2025

DEAR DIRECTOR,
I AM WRITTING TO KNOW THE STATUS OF THE ENCLOSED CLAIM THAT WAS FILED ON OCT. 11, 2024, OR FOUR MONTHS AGO.

I REMAIN,
Richard Davis

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

October 30, 2024

Richard Davis (ADC [redacted]

RE: **Claim No. 250581 – deficient filing**

Dear Mr. Davis,

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

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

Sincerely,

Mika Tucker

ES: cmcdaniel

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

ARKANSAS CLAIMS COMMISSION

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

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

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

Arkansas
State Claims Commission
OCT 11 2024
RECEIVED

CLAIM FORM

1. **Claimant Information.**

Mr. Davis Richard [redacted]
(title) [redacted] (first name) [redacted] (AR bar number) [redacted]

[redacted]
[redacted] a [redacted] R [redacted]
(city) (state) (zip)

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

(title) (last name) (first name) (email)

(address) (AR bar number)

(city) (state) (zip) (primary phone)

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

4. **Date of Incident** JUNE 7, 2024

5. **Location of Incide** [redacted]

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

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Signature Page for Claim Filed by an Individual Claimant

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

Richard Davis
Claimant Signature

ACKNOWLEDGEMENT

State of ARKANSAS
County of ST. FRANCIS

On this the 2 day of Oct, 2024, before me, the undersigned notary, personally appeared RICHARD DAVIS known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument and acknowledged that he/she executed the same for the purposes therein contained.

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

Franklin L Graham
Signature of Notary Public

[seal of office]

My Commission Expires: 4-21-2027

NOTARY PUBLIC ARKANSAS
FRANKLIN L. GRAHAM
No. 12704972
SAINT FRANCIS COUNTY
Commission Expires 4-21-2027

Ark. Code Ann. § 19-10-208(f)

(1) A claimant who is an inmate in the Division of Correction or the Division of Community Correction at the time the claim or action is filed is limited to no more than:
- (A) Five (5) pages of written factual allegations and legal argument in his or her complaint; and
- (B) Five (5) additional pages of exhibits to accompany his or her complaint.

(2) (A) An inmate filing a claim or action may file a motion to allow him or her to file additional pages of factual allegations, argument, or exhibits in excess of the limitations under subdivision (f)(1) of this section.
- (B) A motion filed under this subdivision (f)(2) may be granted only if the commissioners of the Arkansas State Claims Commission find that the inmate needs the additional pages to fully explain his or her claim or action or if the claim or action is sufficiently complex to warrant additional pages.

(3) (A) If an inmate files a claim or action that exceeds the page limitations under this subsection, the commission shall:
  - (i) Assign the inmate's claim a docket number; and
  - (ii) Consider the inmate's claim filed, but mail the inmate's complaint and any attached exhibits back to him or her and give the inmate forty-five (45) days to:
    - (a) Resubmit his or her complaint and any attached exhibits in compliance with this subsection; or
    - (b) File a motion requesting permission to file a complaint and accompanying exhibits that exceed the page limitations under this subsection.

  - (B) The forty-five-day time period under this subsection is excludable time in calculating the statute of limitations for the inmate's claim or action.

  - (C) The commission may dismiss an inmate's complaint without prejudice if the inmate fails to:
    - (i) Resubmit a complaint and attached exhibits that meet the page limitation requirements of this subsection; or
    - (ii) File a motion requesting permission to file a complaint and attached exhibits that exceed the page limitation requirements of this subsection.

  - (D) (i) If the commission grants a motion for a complaint and accompanying exhibits that exceed the page limitation requirements of this subsection, the commission shall set out in the order granting the motion the revised timeline for the inmate to file his or her complaint and accompanying exhibits.
    - (ii) The commission may set a revised limit on the number of pages an inmate's complaint and accompanying exhibits may be.

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

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RICHARD DAVIS (ADC [redacted] **CLAIMANT**

V. **CLAIM NO. 250581**

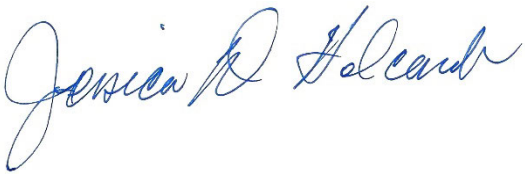
ARKANSAS DIVISION OF CORRECTION **RESPONDENT**

ORDER

Now before the Arkansas State Claims Commission (the "Commission") is the motion of Richard Davis (the "Claimant") for leave to exceed the page limitations set in Ark. Code Ann. § 19-10-208(f)(1). Upon review of the complaint and supporting documentation,[1] the Commission hereby GRANTS Claimant's motion for leave and will accept the complaint and supporting documentation. However, this order does not constitute any determination as to the validity of Claimant's claim.

[1] The Commission notes that Claimant filed his motion for leave to exceed on November 8, 2024, and filed his claim and supporting documentation on November 30, 2024.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Dee Holcomb

ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Chair

ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: April 3, 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).

Mika Tucker

From: Yolanda Charles (DOC)
Sent: Tuesday, April 15, 2025 1:49 PM
To: ASCC New Claims; Tawnie Rowell (DOC)
Cc: Trent Rigdon (DOC); Miles S. Morgan; Kathryn Irby; Mika Tucker
Subject: RE: CLAIM: Richard Davis v. ADC, Claim No. 250581

Received thank you

Yolanda Charles
Administrative Specialist III
Arkansas Department of Corrections
Division of Community Correction
Legal Division
1302 Pike Avenue, Suite B
North Little Rock, Arkansas 72114
501-682-6054
Yolanda.charles@doc.arkansas.gov

From: ASCC New Claims <ASCC.New.Claims@arkansas.gov>
Sent: Tuesday, April 15, 2025 10:42 AM
To: Tawnie Rowell (DOC) <Tawnie.Rowell@doc.arkansas.gov>
Cc: Trent Rigdon (DOC) <Trent.Rigdon@doc.arkansas.gov>; Miles S. Morgan <Miles.S.Morgan@doc.arkansas.gov>; Yolanda Charles (DOC) <Yolanda.Charles@doc.arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>; Mika Tucker <Mika.Tucker@arkansas.gov>
Subject: CLAIM: Richard Davis v. ADC, Claim No. 250581

Dear Ms. Rowell,

Please confirm receipt of the attached claim file. The agency may file its response to this claim electronically by sending it to asccpleadings@arkansas.gov, with a copy to the claimant pursuant to the Arkansas Rules of Civil Procedure.

Please 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

Mika Tucker

From: Miles S. Morgan
Sent: Thursday, May 1, 2025 11:54 AM
To: ASCC Pleadings
Cc: Yolanda Charles (DOC)
Subject: Richard Davis v. ADC 250581
Attachments: Answer-Davis.pdf

Answer.

Thanks,

MILES S. MORGAN
DEPUTY GENERAL COUNSEL
OFFICE OF THE SECRETARY
1302 Pike Avenue, Suite C
North Little Rock, Arkansas 72114
Phone: (501) 682-9540 (Office)
Miles.S.Morgan@doc.arkansas.gov

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RICHARD DAVIS (ADC [redacted] **CLAIMANT**

v. **NO. 250581**

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/ Miles S. Morgan
Miles S. Morgan Ark. Bar No. 2017049
Arkansas Department of Corrections
1302 Pike Avenue, Suite C
North Little Rock, AR 72114
Miles.S.Morgan@doc.arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 1st day of May 2025, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Richard Davis (ADC [redacted]

/s/ Miles S. Morgan
Miles S. Morgan

Mika Tucker

From:	Miles S. Morgan
Sent:	Monday, May 12, 2025 11:31 AM
To:	ASCC Pleadings
Cc:	Yolanda Charles (DOC)
Subject:	Richard Davis v. ADC 250581
Attachments:	ADC Resp RFA-Davis.pdf; ADC Resp RFP-Davis.pdf; MTD-Davis.pdf

ADC motion to dismiss and discovery responses.

Thanks,

MILES S. MORGAN
DEPUTY GENERAL COUNSEL
OFFICE OF THE SECRETARY
1302 Pike Avenue, Suite C
North Little Rock, Arkansas 72114
Phone: (501) 682-9540 (Office)
Miles.S.Morgan@doc.arkansas.gov

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RICHARD DAVIS (0[redacted] **CLAIMANT**

v **NO. 250581**

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

ADC RESPONSES TO REQUEST FOR ADMISSIONS

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

REQUEST FOR ADMISSIONS NO. 1: Admit or deny that video footage of the incident on June 7, 2024, shows respondent Robinson striking the claimant Davis in the shoulder area with the metal turn-keys used to unlock the barracks doors.

RESPONSE: Deny.

REQUEST FOR ADMISSIONS NO. 2: Admit or deny that respondent Robinson received a written warning for conduct standards violation for the June 7, 2024, incident that was placed in her employee's personnel file.

RESPONSE: Respondent is without information to admit or deny, therefore denies same.

REQUEST FOR ADMISSIONS NO. 3: Admit or deny that on June 7, 2024, that the claimant Davis was transferred from general population to isolation #3 and placed on behavior control in isolation #3 dayroom.

RESPONSE: Respondent is without information to admit or deny, therefore denies same.

REQUEST FOR ADMISSIONS NO. 4: Admit or deny that grievance #[redacted]24-01335, provided with claim #250581 are genuine document of the Division of Correction.

RESPONSE: Respondent is not sure what Claimant means by "genuine document" and therefore denies same.

REQUEST FOR ADMISSIONS NO. 5: Admit or deny that grievance [redacted] M24-01580, provided with claim #250581 are genuine documents of the Division of Correction.

RESPONSE: Respondent is not sure what Claimant means by "genuine document" and therefore denies same.

REQUEST FOR ADMISSIONS NO. 6: Admit or deny that the Arkansas Administrative Code 004.03.1-830 corporal punishment provided with claim #250581 are genuine documents of the Division of Correction.

RESPONSE: Respondent is not sure what Claimant means by "genuine document" and therefore denies same.

REQUEST FOR ADMISSIONS NO. 7: Admit or deny that the Administrative Directive #16-20 punitive segregation/restriction provided with claim #250581 are genuine documents of the Division of Correction.

RESPONSE: Respondent is not sure what Claimant means by "genuine document" and therefore denies same.

REQUEST FOR ADMISSIONS NO. 8: Admit or deny that the video footage of the June 7, 2024, incident shows respondent Robinson striking the claimant Davis with the metal turn keys.

RESPONSE: Deny.

REQUEST FOR ADMISSIONS NO. 9: Admit or deny that respondent Robinson received disciplinary action for the incident that occurred on June 7, 2024.

RESPONSE: Respondent is without information to admit or deny, therefore denies same.

REQUEST FOR ADMISSIONS NO. 10: Admit or deny that the claimant Daivs was housed in isolation #3 dayroom without a bunk from June 7, 2024, to June 14, 2024, and required to sleep on the floor.

RESPONSE: Deny.

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 12th day of May 2025 on the below Claimant by placing a copy of the same in the U.S. Mail, regular postage to:

Richard Davis (0[redacted]

/s/ Miles S. Morgan
Miles S. Morgan

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Richard Davis (**CLAIMANT**

v **NO. 250581**

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

ADC RESPONSES TO REQUEST FOR PRODUCTION

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

REQUEST FOR PRODUCTION NO. 1: Any and all written notification of a disciplinary violation of the incident that occurred on June 7, 2024, of the written warning that was placed in respondent Tamia Robinson's employee's personnel file.

RESPONSE: Respondent objects to this request to the extent it seeks information that is confidential and personal.

REQUEST FOR PRODUCTION NO. 2: Any and all video footage of the incident from June 7, 2024, of the (North Hall) monitoring barracks 13-16 (2 one 3) at approx. 10:45 am til 11:15 am, and/or that respondents preserve all such recordings that are relevant to claimants claim in this lawsuit.

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

REQUEST FOR PRODUCTION NO. 3: Any and all document of the Major disciplinary written on June 7, 2024, by respondent Robinson to included incident report #2024-06-053, photos, witness statements, and 005 from staff.

RESPONSE: Respondent objects to this request to the extent it seeks information that is confidential and personal.

REQUEST FOR PRODUCTION NO. 4: Any and all Major Disciplinary Court Transcript of the video conference recorded on June 18, 2024, by respondent Blake of disciplinary actions that's maintained in accordance with department records retention policies.

RESPONSE: Respondent objects to this request to the extent it seeks information that is confidential and personal.

REQUEST FOR PRODUCTION NO. 5: Any and all administrative rules, secretarial directives, administrative directives, and unit operating procedures of the Arkansas Division of Correction about corporal punishment.

RESPONSE: Respondent objects to this request as irrelevant and not likely to result in the discovery of admissible information.

REQUEST FOR PRODUCTION NO. 6: Any and all administrative rules, secretarial directives, administrative directives, and unit operating procedures of the Arkansas Division of Corrections about punitive housing/restriction, and segregation.

RESPONSE: Respondent objects to this request as duplicative. Claimant received the requested documents from Respondent's discovery responses filed with the Commission on February 28, 2025 by former ADC Counsel, Kris Alan Higdon, in Claim No. 250749 which has since been dismissed.

REQUEST FOR PRODUCTION NO. 7: Any and all administrative rules, secretarial directives, administrative directives, and unit operating procedures of the Arkansas Division of Corrections about employee conduct standards.

RESPONSE: Respondent objects to this request as duplicative. Claimant received the requested documents from Respondent's discovery responses filed with the Commission on

February 28, 2025 by former ADC Counsel, Kris Alan Higdon, in Claim No. 250749 which has since been dismissed.

REQUEST FOR PRODUCTION NO. 8: Any and all documents of the classification committee about the claimant Daivs assignment to restrictive housing of Davis review of his status that are documented utilizing the appropriate segregation forms.

RESPONSE: Respondent objects to this request as irrelevant and not likely to result in the discovery of admissible information.

REQUEST FOR PRODUCTION NO. 9: Any and all administrative rules, secretarial directives, administrative directives, and unit operating procedures of the Arkansas Division of Corrections about the step-down program.

RESPONSE: Respondent objects to this request as irrelevant and not likely to result in the discovery of admissible information.

REQUEST FOR PRODUCTION NO. 10: Any and all inmate grievance investigation worksheet (attachment VIII), of the Arkansas Department of Correction filed by the claimant Davis, in reference to grievance(s) #[redacted]24-01424; #[redacted]24-02189; #[redacted]24-01335; #[redacted]24-01419; #[redacted]24-01435; and #[redacted]24-01580.

RESPONSE: Respondent objects to this request as irrelevant and not likely to result in the discovery of admissible information.

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 12th day of May 2025 on the below Claimant by placing a copy of the same in the U.S. Mail, regular postage to:

Richard Davis ([redacted]

/s/ Miles S. Morgan
Miles S. Morgan

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RICHARD DAVIS ([redacted] **CLAIMANT**

v **NO. 250581**

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

RULE 12(b)(6) MOTION TO DISMISS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17. Claimant brings this claim as a result of the exact same incident on June 7, 2024 which formed the basis for Claim No. 250749 which has since been dismissed by the Commission.

18. Claimant was found guilty of a major disciplinary from the June 7, 2024 incident and is attempting to have the Commission be the appellate arm of the Respondent's disciplinary process.

19. As Claimant alleged in Claim No. 250749, he does not specifically raise constitutional claims, but the law is clear that in order to seek relief from the disciplinary matter he complains of would be to raise such a claim.

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

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

Respectfully submitted,

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 12th day of May 2025 on the below Claimant by placing a copy of the same in the U.S. Mail, regular postage to:

Richard Davis [redacted]

/s/ Miles S. Morgan
Miles S. Morgan

Arkansas
State Claims Commission
MAY 17 2025
RECEIVED

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RICHARD DAVIS [redacted] CLAIMANT

VS. CLAIM # 250581

ARKANSAS DIVISION
OF CORRECTION, RESPONDENT

REPLY TO RESPONDENT'S ANSWER

COMES NOW THE CLAIMANT'S REPLY TO THE RESPONDENT'S ANSWER STATES:

1. PURSUANT TO THE CLAIMS COMMISSION RULE 2.2, THE RESPONDENT HAVE FILED AN ANSWER TO THE CLAIMANTS COMPLAINT ON MAY 1, 2025.

2. THAT RESPONDENTS DENIES LIABILITY AND ASSERTS THAT IT WILL HOLD THE CLAIMANT TO STRICK PROOF OF EACH ALLEGATION UNLESS ADMITTED BY RESPONDENT.

3. THAT CLAIMANT REQUESTS THAT THE CLAIM BE HELD IN ABEYANCE UNIL DISCOVERY IS COMPLETED.

4. QUALIFIED IMMUNITY SHIELDS OFFICIALS FROM LIABILITY "UNLESS THEIR CONDUCT VIOLATES A CLEARLY ESTABLISHED STATUTORY OR CONSTITUTIONAL RIGHT TO WHICH A REASONABLE PERSON WOULD HAVE KNOWN." CITING BUCKLEY V. RAY, 848 F. 3d AT 862-863 (8TH. CIR. 2017).

5. ON JUNE 7, 2024, IT WAS CLEARLY ESTABLISHED STATUTORY POLICY THAT THE USE OF CORPORAL PUNISHMENT WAS ABSOLUTELY PROHIBITED BY AN EMPLOYEE OF THE DEPARTMENT OF CORRECTION. CORPORAL PUNISHMENT IS DEFINED AS THE STRIKING, PUSHING, OR SHOVING OF AN INDIVIDUAL FOR THE PURPOSE OF CAUSING PAIN OR DISCOMFORT. SEE: ARK. ADMIN. CODE 004.03.1.830 (CORPORAL PUNISHMENT).

6. IN RESPONSE TO GRIEVANCE # EAM24-01335, THE DEPUTY WARDEN'S DECISION IS PROOF THAT THE RESPONDENT ROBINSON DID STRIKE CLAIMANT WITH KEYS. THE VIDEO FOOTAGE SUPPORTS THE ALLEGATIONS SUBMITTED IN THE ATTACHED COMPLAINT.

7. THAT CLAIMANT DAVIS FILED A CLAIM WITH THE ARKANSAS STATE CLAIMS COMMISSION, ALLEGING THE USE OF CORPORAL PUNISHMENT BY AN EMPLOYEE OF THE DEPARTMENT OF CORRECTION; AND THAT HE WAS CONFINED IN A DAYROOM WITHOUT A BUNK IN VIOLATION OF HIS STATUTORY RIGHTS.

8. THAT THE ARKANSAS GENERAL ASSEMBLY CREATED THE CLAIMS COMMISSION. SEE: ARK. CODE ANN. §19-10-201. THE CLAIMS COMMISSION HAS "EXCLUSIVE JURISDICTION OVER ALL CLAIMS AGAINST THE STATE OF ARKANSAS AND ITS SEVERAL AGENCIES, DEPARTMENTS, AND INSTITUTIONS..." SEE: ARK. CODE ANN. §19-10-204 (A). ANY PARTY PURSUING SUCH A CLAIM MUST FILE A COMPLAINT WITH THE COMMISSION, THE STATE OF ARKANSAS IS DESIGNATED AS THE RESPONDENT. SEE: ARK. CODE ANN. §19-10-208 (A); AND BUCKLEY V. RAY, 848 F.3d 860.

9. THAT RESPONDENT ARGUMENT IN THEIR ANSWER THAT THE ARKANSAS STATE CLAIMS COMMISSION DOES NOT HAVE JURISDICTION TO HEAR THIS MATTER MUST FAIL AS STATED HEREIN.

WHEREFORE, THE CLAIMANT REQUEST THAT THE COMMISSION HOLD HIS CLAIM IN ABEYANCE UNTIL DISCOVERY IS COMPLETED; AND FOR ANY OTHER RELIEF DEEMED PROPER AND JUST.

MAY 15, 2025
DATE

RESPECTFULLY SUBMITTED,
/S/ Richard Davis
RICHARD DAVIS, PRO SE

[redacted]

CERTIFICATE OF SERVICE

I, RICHARD DAVIS, HEREBY CERTIFY THAT AN EXACT COPY OF THE FOREGOING REPLY TO RESPONDENT'S ANSWER WAS MAILED TO THE DIRECTOR, ARKANSAS STATE CLAIMS COMMISSION, 101 E. CAPITAL AVE., SUITE 410, LITTLE ROCK, ARKANSAS 72201, BY U.S. MAIL, POSTAGE PREPAID ON THIS 15TH DAY OF MAY, 2025.

/S/ Richard Davis
RICHARD DAVIS

CC: FILE

BEFORE ARKANSAS STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS

Richard Davis **CLAIMANT**
(ADC# [redacted]

v. **Claim No.** 250581

State of Arkansas **RESPONDENT**
Division of Correction

COMPLAINT

Preliminary statement:

This is a complaint filed by ADC inmate Richard Davis, a state prisoner before the State Claims Commission for damages, alleging the use of corporal punishment by an employee of the Department of Correction in violation of Ark. Admin. Code 004.03.1-830; and for conditions at the prison whereby state prisoners are confined in the isolation dayroom area without a bunk, in violation of Administrative Directive #16-20

CLAIMANT

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

RESPONDENT

2. Respondent Tamia S. Robinson is a Correctional Officer employed by the Division of Correction who, at all times mentioned in this complaint was assigned to the [redacted]

3. Respondent Scott A. Taylor is the major in charge of the maximum security unit employed by the Division of Correction who, at all times mentioned in this complaint was assigned to [redacted]

4. Respondent Michael Richardson is the Deputy Warden employed by the Division of Correction who, at all times mentioned in this complaint was assigned to the [redacted]

5. Each respondent is sued individually. At all times mentioned in this complaint, each respondent acted under color of State Law.

CLAIM ONE

VIOLATION OF CORPORAL PUNISHMENT POLICY

6. The Arkansas Division of Correction has a policy that absolutely prohibits an employee of the Department of Correction from the use of corporal punishment. Under Ark. Admin. Code 004.03.1-830, Corporal Punishment is defined as the striking, pushing or shoving of an individual for the purpose of causing pain or discomfort. See: Exhibit A.

7. On June 7, 2024, claimant Davis returned to barracks 15 from chow call, while standing next to the barracks door, Davis stated: Come on Robinson let me in. Respondent Robinson opened the barracks door to let Davis in. Robinson asked, what's wrong with you Davis, and used the metal turn-keys to strike Davis in the shoulder, causing pain.

8. Claimant Davis used the inmate grievance procedure available at th[redacted] Unit - Maximum Security to try and solve the problem. On June 14, 2024, claimant presented the facts relating to this complaint. On July 15, 2024, Warden Moses Jackson III responded by stating that video footage shows Corporal Robinson strike you with keys. On July 29, 2024 the director denied the appeal. See: Grievance #EAM-24-01335.

9. On July 25, 2024, the inmate grievance appeal coordinator, Tarlesia Davis, sent an email to Debra Mills, requesting that Ms. Mills send her a copy of the video about the incident on June 7, 2024

CLAIM TWO

VIOLATION OF PUNITIVE SEGREGATION POLICY

10. Pursuant to Administrative Directive #16-20, it shall be the policy of the Department of Correction to provide safe, secure housing for inmates. The policy further requires that each cell shall have a bunk. See Exhibit B.

11. On June 7, 2024 Claimant Davis was transferred from general population to the maximum security unit.

12. Shortly thereafter, Davis was escorted by Captain Stephen Lane, Sr., to isolation #3 dayroom where he was provided a sleeping bag and forced to sleep on rodent infected floor without a bunk.

13. On June 14, 2024, Davis was removed from isolation dayroom and placed in isolation #3-77 with a bunk.

14. Claimant Davis used the inmate grievance procedure available at the [redacted] to try and solve the problem. On July 1, 2024 Claimant presented the facts relating to this complaint. On July 30, 2024, the Deputy Warden Responded by stating that I was placed in the isolation dayroom due to the limited cell availability; and that the grievance is found without merit but resolved. On August 19, 2024, the Director denied the appeal. See: Grievance #EAM2401580.

LEGAL CLAIM

15. Respondent Robinson use of corporal punishment against Claimant Davis by striking him in the shoulder with the metal turnkeys when Davis was not violating prison rules and was not acting disruptively. Respondent Robinson's use of corporal punishment is contrary to humane standards of care and professional correctional practices and as such is absolutely prohibited by an employee of the Department of Correction and violated Davis' rights under Ark. Admin. Code 004.03.1-830.

16. Respondents Taylor and Richardson actions of failure to provide a safe and secure housing for Claimant Davis violated the Department of Correction policy, whereby Davis was required to sleep in isolation #3 dayroom without a bunk for seven (7) days in violation of the Arkansas Department of Correction Administrative Directive #16-20.

Prayer for Relief

Wherefore, Claimant respectfully pray that the claims commission enter judgement:

A. Punitive damages in the amount of $1,000.00 against Respondent Robinson, Taylor, and Richardson.

B. Any additional relief the claims commission deems just and proper.

Oct. 2, 2024
DATE

Respectfully Submitted,

/s/ Richard Davis
Richard Davis, [redacted]

STATE OF ARKANSAS)
)§
COUNTY OF St. Francis)

Subscribed and sworn to before me, A Notary Public, on the 2 day of Oct, 20 24.

Franklin L Graham
NOTARY PUBLIC

My Commission Expires: 4-21-2027

NOTARY PUBLIC ARKANSAS
FRANKLIN L. GRAHAM
No. 12704972
SAINT FRANCIS COUNTY
Commission Expires 4-21-2027

CERTIFICATE OF SERVICE

I, Richard Davis, hereby certify that an exact copy of the foregoing complaint was mailed to Arkansas State Claims Commission, Director, 101 E. Capital Ave. Suite 410, Little Rock, Arkansas 72201, by U.S. Mail, postage prepaid on this 8TH. day of OCTOBER, 2024.

/s/ Richard Davis
Richard Davis, pro se

Mika Tucker

From: Miles S. Morgan
Sent: Monday, June 2, 2025 10:50 AM
To: ASCC Pleadings
Cc: Yolanda Charles (DOC)
Subject: Richard David v. ADC 250581
Attachments: ADC Resp Roggs-Davis.pdf

ADC Responses to Interrogatories.

Thanks,

MILES S. MORGAN
DEPUTY GENERAL COUNSEL
OFFICE OF THE SECRETARY
1302 Pike Avenue, Suite C
North Little Rock, Arkansas 72114
Phone: (501) 682-9540 (Office)
Miles.S.Morgan@doc.arkansas.gov

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RICHARD DAVIS (▇▇▇▇) CLAIMANT

v NO. 250581

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION RESPONDENT

ADC RESPONSES TO INTERROGATORIES

COMES NOW, Respondent and for its responses to interrogatories, states:

INTERROGATORY NO. 1: The claimant Davis requests respondents Robinson to state what provoked her to strike Davis with the metal turn-keys in the incident that occurred on June 7, 2024.

RESPONSE: Respondent objects to this interrogatory as it is improperly directed to an individual that is not a party to this action.

INTERROGATORY NO. 2: That claimant Davis requests respondent Robinson to list the employer disciplinary action taken against her as a result of the June 7, 2024, incident.

RESPONSE: Respondent objects to this interrogatory as it is improperly directed to an individual that is not a party to this action.

INTERROGATORY NO. 3: That claimant Daivs requests respondent Robinson to state weather Davis was escorted to legal mail call while Robinson was assigned to cellblock 2-4 barracks control booth on March 7, 2024.

RESPONSE: Respondent objects to this interrogatory as it is improperly directed to an individual that is not a party to this action.

INTERROGATORY NO. 4: That claimant Davis requests respondent Robinson to explain why she was knocking on the window in cellblock 2-4 barracks control booth on March 7, 2025.

RESPONSE: Respondent objects to this interrogatory as it is improperly directed to an individual that is not a party to this action.

INTERROGATORY NO. 5: That claimant Daivs requests respondent Robinson to explain why she was knocking on the window in cellblock 2-4 barracks control booth as CO Evan and Davis were returning from legal mail call on March 7, 2025.

RESPONSE: Respondent objects to this interrogatory as it is improperly directed to an individual that is not a party to this action.

INTERROGATORY NO. 6: That claimant Daivs requests respondent Richardson to state his duties and job description as the Deputy Warden on June 7, 2024.

RESPONSE: Respondent objects to this interrogatory as it is improperly directed to an individual that is not a party to this action.

INTERROGATORY NO. 7: That claimant Davis requests respondent Richardson to state what actions the video footage shows of June 7, 2024, incident involving the claimant and respondent Robinson.

RESPONSE: Respondent objects to this interrogatory as it is improperly directed to an individual that is not a party to this action.

INTERROGATORY NO. 8: That claimant Davis request respondent Taylor to state his duties and job description as the Major on June 7, 2024.

RESPONSE: Respondent objects to this interrogatory as it is improperly directed to an individual that is not a party to this action.

INTERROGATORY NO. 9: That claimant Davis requests respondent Taylor to state whether add policy requires that all cells in punitive must have a bunk.

RESPONSE: Respondent objects to this interrogatory as it is improperly directed to an individual that is not a party to this action.

INTERROGATORY NO. 10: That claimant Daivs requests respondent Taylor to state why Davis was assigned to isolation 3 dayroom from June 7, 2024, to June 14, 2024, without a bunk.

RESPONSE: Respondent objects to this interrogatory as it is improperly directed to an individual that is not a party to this action.

Respectfully submitted,

/s/ Miles S. Morgan

Miles S. Morgan Ark. Bar No. 2017049
Arkansas Department of Corrections
1302 Pike Avenue, Suite C
North Little Rock, AR 72114
Miles.S.Morgan@doc.arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 2nd day of June 2025, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Richard Davis [redacted]

/s/ Miles S. Morgan
Miles S. Morgan

TO: ARKANSAS STATE CLAIMS COMMISSION
FROM: RICHARD DAVIS, [redacted]
RE: CLAIM NO. 250581
DATE: MAY 29, 2025

DEAR DIRECTOR;

PLEASE FIND ENCLOSED THE ORIGINAL AND THREE (3) COPIES OF THE CLAIMANTS REPLY TO MOTION TO DISMISS.

THE CLAIMANT REQUESTS A FILDED MARKED COPY OF THE REPLY TO MOTION TO DISMISS.

THANKING YOU IN ADVANCE.

I REMAIN,
Richard Davis

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RICHARD DAVIS, # [redacted] CLAIMANT

VS. CLAIM # 250581

ARKANSAS DIVISION
OF CORRECTION, RESPONDENT

CLAIMANT'S REPLY TO MOTION TO DISMISS

COMES NOW THE CLAIMANT RICHARD DAVIS, PRO SE, AND FOR HIS REPLY TO THE RESPONDENT MOTION TO DISMISS, STATES:

1. THAT RESPONDENT HAS FILED WITH THE CLAIMS COMMISSION A MOTION TO DISMISS DAVIS' CLAIM PURSUANT TO ARK. R. CIV. P. RULE 12(b)(6), ALLEGING THAT THE CLAIM FAILS TO STATE FACTS UPON RELIEF CAN BE GRANTED.

2. IN REVIEWING A TRIAL COURT'S DECISION ON A MOTION TO DISMISS UNDER ARK. R. CIV. P. 12(b)(6), WE TREAT THE FACTS ALLEGED IN THE COMPLAINT AS TRUE AND VIEW THEM IN THE LIGHT MOST

FAVORABLE TO THE PARTY WHO FILED THE COMPLAINT. NEAL V. WILSON, 316 ARK. 588, 873 S.W. 2d 552 (1994).

3. FURTHER, WE NOTE THAT A TRIAL JUDGE MUST LOOK ONLY TO THE ALLEGATIONS IN THE COMPLAINT TO DECIDE A MOTION TO DISMISS. NEAL, 316 ARK. AT 596, 873 S.W. 2d 552 (CITING WISEMAN V. BATCHELOR, 315 ARK. 85, 864 S.W. 2d 248 (1993); DEITSCH V. TILLERY, 309 ARK. 401, 833 S.W. 2d 760 (1992)).

4. ARKANSAS HAS ADOPTED A CLEAR STANDARD TO REQUIRE FACT PLEADING: "A PLEADING WHICH SET FORTH A CLAIM OF RELIEF... SHALL CONTAIN (1) A STATEMENT IN ORDINARY AND CONCISE LANGUAGE OF FACTS SHOWING THAT THE PLEADER IS ENTITLED TO RELIEF..." ARCP RULE 8(A)(1), RULE 12(b)(6) PROVIDES FOR DISMISSAL OF A COMPLAINT FOR "FAILURE TO STATE FACTS UPON WHICH RELIEF CAN BE GRANTED."

5. ACCORDING TO DAVIS' COMPLAINT FILED ON OCT. 11, 2024, DAVIS SOUGHT DAMAGES, ALLEGING THE USE OF CORPORAL PUNISHMENT BY AN EMPLOYEE OF THE DEPARTMENT OF CORRECTION. PURSUANT TO ARK.

ADMIN. CODE 004.03.1-830 CORPORAL PUNISHMENT IS DEFINED AS THE STRIKING, PUSHING OR SHOVING OF AN INDIVIDUAL FOR THE PURPOSE OF CAUSING PAIN OR DISCOMFORT. SEE: ATTACHED EXHIBIT A.

6. ON JUNE 7, 2024, CLAIMANT DAVIS RETURNED TO BARRACKS 15 FROM CHOW CALL., ROBINSON ASKED, WHATS WRONG WITH YOU DAVIS, AND USED THE METAL TURN-KEYS TO STRIKE DAVIS IN THE SHOULDER CAUSING PAIN. SEE: ATTACHED EXHIBIT B.

7. TO SURVIVE DISMISSAL UNDER ARK. R. CIV. P. 12 (b)(6) FOR FAILURE TO STATE A CLAIM, THE "COMPLAINT MUST CONTAIN SUFFICIENT FACTUAL MATTER, ACCEPTED AS TRUE, TO STATE A CLAIM TO RELIEF THAT IS PLAUSIBLE ON ITS FACE." ASHCROFT V. IQBAL, 556 U.S. 662, 678 (2009). "A CLAIM HAS FACIAL PLAUSIBILITY WHEN THE PLAINTIFF PLEADS FACTUAL CONTENT THAT ALLOWS THE COURT TO DRAW THE REASONABLE INFERENCE THAT THE DEFENDANT IS LIABLE FOR THE MISCONDUCT ALLEGED." GLICK V. POWER SPORTS, INC., 944 F.3d 714, 717 (8TH. CIR. 2019). IN RULING, THE COURT MUST "ACCEPT AS TRUE ALL FACTS PLEADED BY THE

NON-MOVING PARTY AND GRANT ALL REASONABLE INFERENCES FROM THE PLEADINGS IN FAVOR OF THE NONMOVING PARTY." GALLAGHER V. CITY OF CLAYTON, 699 F. 3d 1013, 1016 (8TH. CIR. 2012).

8. ALL FACTS ALLEGED IN THE COMPLAINT ARE TAKEN AS TRUE AND CONSTRUED IN THE LIGHT MOST FAVORABLE TO THE PLAINTIFF. KOTTSCHADE V. CITY OF ROCHESTER, 319 F. 3d 1038, 1040 (8TH. CIR. 2003).

9. PRO SE CLAMANTS RECEIVE NO SPECIAL CONSIDERATION FOR THEIR ARGUMENT AND ARE HELD TO THE SAME STANDARDS AS LICENSED ATTORNEY. ELDER V. MARK FORD + ASSOC., 288 S.W. 3d 702, 704 (2008). KEEPING THIS STANDARD IN MIND, PLEASE ADDRESS ONLY THOSE POINTS THAT ARE CLEAR AND SUPPORTED BY AUTHORITY AND CONVICING ARGUMENTS. DAVIS ARGUES THAT (1) AN EMPLOYEE OF THE DEPARTMENT OF CORRECTION USED CORPORAL PUNISHMENT AGAINST DAVIS IN VIOLATION OF ADMIN. REGULATION 830; AND (2) THAT DAVIS WAS CONFINED IN ISOLATION 3 DAYROOM WITHOUT A BUNK IN VIOLATION OF ADMIN. DIRECTIVE 16-20.

10. THE RESPONDENTS MOTION TO DISMISS ERRONEOUSLY STATES THAT "THE CLAIMANT BRINGS THIS CLAIM AS A RESULT OF THE EXACT SAME INCIDENT ON JUNE 7, 2024 WHICH FORMED THE BASIS FOR CLAIM NO. 250749 WHICH HAS SINCE BEEN DISMISSED BY THE COMMISSION."

11. CLAIM NO. 250581 IS NOT ATTEMPTING TO HAVE THE COMMISSION BE THE APPELLATE ARM FOR THE RESPONDENTS' DISCIPLINARY PROCESS. BY NO MEANS DOES CLAIM NO. 250581 RAISE A CONSTITUTIONAL CLAIM AS FALSELY ALLEGED BY THE RESPONDENT.

12. THAT THE COMMISSION DOES HAVE JURISDICTION TO HEAR CLAIMS OF VIOLATION OF STATE REGULATIONS, AND THE RESPONDENTS' MOTION MUST BE DISMISSED.

WHEREFORE, CLAIMANT PRAYS THAT THE RESPONDENT RULE 12 (b)(6) MOTION BE DISMISSED, AND ALL OTHER JUST AND PROPER RELIEF TO WHICH HE IS ENTITLED.

MAY 29, 2025
DATE

RESPECTFULLY SUBMITTED,
/S/ Richard Davis
RICHARD DAVIS, PRO SE
[redacted]

CERTIFICATE OF SERVICE

I, RICHARD DAVIS, HEREBY CERTIFY THAT A COPY OF THE ABOVE HAS BEEN SERVED THIS 29TH DAY OF MAY, 2025, ON THE BELOW RESPONDENT BY PLACING A COPY OF THE SAME IN THE U.S. MAIL, POSTAGE PREPAID TO:

/S/ Richard Davis
RICHARD DAVIS #[redacted]

MILES S. MORGAN # 2017049
DEPUTY GENERAL COUNSEL
ARKANSAS DEPARTMENT OF CORRECTION
1302 PIKE AVENUE, SUITE C
NORTH LITTLE ROCK, AR 72114

BEFORE ARKANSAS STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS

Richard Davis **CLAIMANT**
(ADC# [redacted]

v. **Claim No.** 250581

State of Arkansas **RESPONDENT**
Division of Correction

COMPLAINT

Preliminary statement:

This is a complaint filed by ADC inmate Richard Davis, a state prisoner before the State Claims Commission for damages, alleging the use of corporal punishment by an employee of the Department of Correction in violation of Ark. Admin. Code 004.03.1-830; and for conditions at the prison whereby state prisoners are confined in the isolation dayroom area without a bunk, in violation of Administrative Directive #16-20

CLAIMANT

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

RESPONDENT

2. Respondent Tamia S. Robinson is a Correctional Officer employed by the Division of Correction who, at all times mentioned in this complaint was assigned to the [redacted]

3. Respondent Scott A. Taylor is the major in charge of the maximum security unit employed by the Division of Correction who, at all times mentioned in this complaint was assigned to the [redacted]

EXHIBIT A

4. Respondent Michael Richardson is the Deputy Warden employed by the Division of Correction who, at all times mentioned in this complaint was assigned to the [redacted]

5. Each respondent is sued individually. At all times mentioned in this complaint, each respondent acted under color of State Law.

CLAIM ONE

VIOLATION OF CORPORAL PUNISHMENT POLICY

6. The Arkansas Division of Correction has a policy that absolutely prohibits an employee of the Department of Correction from the use of corporal punishment. Under Ark. Admin. Code 004.03.1-830, Corporal Punishment is defined as the striking, pushing or shoving of an individual for the purpose of causing pain or discomfort. See: Exhibit A.

7. On June 7, 2024, claimant Davis returned to barracks 15 from chow call, while standing next to the barracks door, Davis stated: Come on Robinson let me in. Respondent Robinson opened the barracks door to let Davis in. Robinson asked, what's wrong with you Davis, and used the metal turn-keys to strike Davis in the shoulder, causing pain.

8. Claimant Davis used the inmate grievance procedure available at the [redacted] to try and solve the problem. On June 14, 2024, claimant presented the facts relating to this complaint. On July 15, 2024, Warden Moses Jackson III responded by stating that video footage shows Corporal Robinson strike you with keys. On July 29, 2024 the director denied the appeal. See: Grievance #EAM-24-01335.

9. On July 25, 2024, the inmate grievance appeal coordinator, Tarlesia Davis, sent an email to Debra Mills, requesting that Ms. Mills send her a copy of the video about the incident on June 7, 2024

CLAIM TWO

VIOLATION OF PUNITIVE SEGREGATION POLICY

10. Pursuant to Administrative Directive #16-20, it shall be the policy of the Department of Correction to provide safe, secure housing for inmates. The policy further requires that each cell shall have a bunk. See Exhibit B.

11. On June 7, 2024 Claimant Davis was transferred from general population to the maximum security unit.

12. Shortly thereafter, Davis was escorted by Captain Stephen Lane, Sr., to isolation #3 dayroom where he was provided a sleeping bag and forced to sleep on rodent infected floor without a bunk.

13. On June 14, 2024, Davis was removed from isolation dayroom and placed in isolation #3-77 with a bunk.

14. Claimant Davis used the inmate grievance procedure available at the [redacted] to try and solve the problem. On July 1, 2024 Claimant presented the facts relating to this complaint. On July 30, 2024, the Deputy Warden Responded by stating that I was placed in the isolation dayroom due to the limited cell availability; and that the grievance is found without merit but resolved. On August 19, 2024, the Director denied the appeal. See: Grievance #[redacted]12401580.

LEGAL CLAIM

15. Respondent Robinson use of corporal punishment against Claimant Davis by striking him in the shoulder with the metal turnkeys when Davis was not violating prison rules and was not acting disruptively. Respondent Robinson's use of corporal punishment is contrary to humane standards of care and professional correctional practices and as such is absolutely prohibited by an employee of the Department of Correction and violated Davis' rights under Ark. Admin. Code 004.03.1-830.

16. Respondents Taylor and Richardson actions of failure to provide a safe and secure housing for Claimant Davis violated the Department of Correction policy, whereby Davis was required to sleep in isolation #3 dayroom without a bunk for seven (7) days in violation of the Arkansas Department of Correction Administrative Directive #16-20.

Prayer for Relief

Wherefore, Claimant respectfully pray that the claims commission enter judgement:

A. Punitive damages in the amount of $1,000.00 against Respondent Robinson, Taylor, and Richardson.

B. Any additional relief the claims commission deems just and proper.

Oct. 2, 2024
DATE

Respectfully Submitted,

/s/ Richard Davis
Richard Davis, [redacted]

STATE OF ARKANSAS)
)§
COUNTY OF St. Francis)

Subscribed and sworn to before me, A Notary Public, on the 2 day of Oct, 20 24.

Franklin L Graham
NOTARY PUBLIC

My Commission Expires: 4-21-2027

FRANKLIN L. GRAHAM
No. 12704972
SAINT FRANCIS COUNTY
Commission Expires 4-21-2027
NOTARY PUBLIC ARKANSAS

CERTIFICATE OF SERVICE

I, Richard Davis, hereby certify that an exact copy of the foregoing complaint was mailed to Arkansas State Claims Commission, Director, 101 E. Capital Ave. Suite 410, Little Rock, Arkansas 72201, by U.S. Mail, postage prepaid on this 8 TH. day of OCTOBER, 2024.

/s/ Richard Davis
Richard Davis, pro se

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

MEMORANDUM

TO: **Inmate Richard Davis, ADC** [redacted]

FROM: **Dexter Payne, Director** [redacted]

RE: **Major Disciplinary Appeal**

DATE: **September 9, 2024**

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

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

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

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

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

DP:ls
cc: Warden / Inmate File / File

EXHIBIT B

ARKANSAS STATE CLAIMS COMMISSION

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

KATHRYN IRBY
DIRECTOR

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

June 19, 2025

Mr. Richard Davis (AD[redacted]

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

Dear Mr. Davis,

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

Sincerely,

Mika Tucker

ES: msscott

Arkansas
State Claims Commission
JUN 28 2025
RECEIVED

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RICHARD DAVIS [redacted] CLAIMANT

V. CLAIM # 250581

ARKANSAS DIVISION
OF CORRECTION RESPONDENT

MOTION FOR AN ORDER COMPELLING DISCOVERY

COMES NOW THE CLAIMANT FOR HIS MOTION TO COMPELL FOR AN ORDER PURSUANT TO ARK. R. CIV. P. RULE 37, STATES:

1. CLAIMANT RESPECTFULLY MOVES THIS COMMISSION FOR AN ORDER COMPELLING MILES S. MORGAN TO FULLY RESPOND TO ALL INTERROGATORIES DIRECTED TO ADC RESPONDENTS TANIA ROBINSON, MICHAEL RICHARDSON, AND SCOTT TAYLOR, WHO ARE INDIVIDUALS TO THIS ACTION. A COPY OF THE ADC RESPONSES TO INTERROGATORIES IS ATTACHED TO MOTION.

2. CLAIMANT RESPECTFULLY MOVES THIS COMMISSION FOR AN ORDER COMPELLING MILES S. MORGAN TO

FULLY RESPOND TO ALL REQUEST FOR PRODUCTION SEEKING DOCUMENTS RELEVANT TO HIS CLAIM. A COPY OF THE ADC RESPONSES TO REQUEST FOR ADMISSION IS ATTACHED TO MOTION.

3. CLAIMANT RESPECTFULLY MOVES THIS COMMISSION FOR AN ORDER COMPELLING MILES S. MORGAN TO FULLY RESPOND TO ALL REQUEST FOR ADMISSIONS INVOLVING THE JUNE 7, 2024 INCIDENT. A COPY OF THE ADC RESPONSES TO REQUEST FOR ADMISSION IS ATTACHED TO MOTION.

4. CLAIMANT SUBMITTED THESE INTERROGATORIES PURSUANT TO ARK. R. CIV. P. RULE 33, AND THEY WERE NOT ANSWERED.

5. CLAIMANT SUBMITTED THESE REQUEST FOR PRODUCTION PURSUANT TO ARK. R. CIV. P. RULE 34, AND THEY WERE NOT PRODUCED.

6. CLAIMANT SUBMITTED THESE REQUEST FOR ADMISSION PURSUANT TO ARK. R. CIV. P. RULE 36, AND THEY WERE NOT ANSWERED.

WHEREFORE, CLAIMANT RESPECTFULLY PRAYS THE COMMISSION GRANT THIS MOTION AND ANY AND ALL OTHER JUST AND PROPER RELIEF TO WHICH THE CLAIMANT MAY BE ENTITLED.

RESPECTFULLY SUBMITTED,

Richard Davis

RICHARD DAVIS, PRO SE

ADC #[redacted]

CERTIFICATE OF SERVICE

I, RICHARD DAVIS, CERTIFY THAT COPIES OF THIS PLEADING HAS BEEN SERVED THIS 24TH DAY OF JUNE, 2025, TO THE ARKANSAS STATE CLAIMS COMM., 101 E. CAPITOL AVE., SUITE 410 LITTLE ROCK, AR 72201, BY PLACING A COPY OF SAME IN THE U.S. MAIL, POSTAGE PREPAID, FIRST CLASS MAIL.

Richard Davis

RICHARD DAVIS, PRO SE

CC: FILE

Filing 2.20.

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RICHARD DAVIS (0[redacted]) **CLAIMANT**

v **NO. 250581**

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

ADC RESPONSES TO INTERROGATORIES

COMES NOW, Respondent and for its responses to interrogatories, states:

INTERROGATORY NO. 1: The claimant Davis requests respondents Robinson to state what provoked her to strike Davis with the metal turn-keys in the incident that occurred on June 7, 2024.

RESPONSE: Respondent objects to this interrogatory as it is improperly directed to an individual that is not a party to this action.

INTERROGATORY NO. 2: That claimant Davis requests respondent Robinson to list the employer disciplinary action taken against her as a result of the June 7, 2024, incident.

RESPONSE: Respondent objects to this interrogatory as it is improperly directed to an individual that is not a party to this action.

INTERROGATORY NO. 3: That claimant Daivs requests respondent Robinson to state weather Davis was escorted to legal mail call while Robinson was assigned to cellblock 2-4 barracks control booth on March 7, 2024.

RESPONSE: Respondent objects to this interrogatory as it is improperly directed to an individual that is not a party to this action.

INTERROGATORY NO. 4: That claimant Davis requests respondent Robinson to explain why she was knocking on the window in cellblock 2-4 barracks control booth on March 7, 2025.

RESPONSE: Respondent objects to this interrogatory as it is improperly directed to an individual that is not a party to this action.

INTERROGATORY NO. 10: That claimant Daivs requests respondent Taylor to state why Davis was assigned to isolation 3 dayroom from June 7, 2024, to June 14, 2024, without a bunk.

RESPONSE: Respondent objects to this interrogatory as it is improperly directed to an individual that is not a party to this action.

Respectfully submitted,

/s/ Miles S. Morgan
Miles S. Morgan Ark. Bar No. 2017049
Arkansas Department of Corrections
1302 Pike Avenue, Suite C
North Little Rock, AR 72114
Miles.S.Morgan@doc.arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 2nd day of June 2025, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Richard Davis [redacted]

/s/ Miles S. Morgan
Miles S. Morgan

MAY 12, 25

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Richard Davis [redacted] **CLAIMANT**

v **NO. 250581**

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

ADC RESPONSES TO REQUEST FOR PRODUCTION

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

REQUEST FOR PRODUCTION NO. 1: Any and all written notification of a disciplinary violation of the incident that occurred on June 7, 2024, of the written warning that was placed in respondent Tamia Robinson's employee's personnel file.

RESPONSE: Respondent objects to this request to the extent it seeks information that is confidential and personal.

REQUEST FOR PRODUCTION NO. 2: Any and all video footage of the incident from June 7, 2024, of the East Arkansas Regional Unit (North Hall) monitoring barracks 13-16 (2 one 3) at approx. 10:45 am til 11:15 am, and/or that respondents preserve all such recordings that are relevant to claimants claim in this lawsuit.

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

REQUEST FOR PRODUCTION NO. 3: Any and all document of the Major disciplinary written on June 7, 2024, by respondent Robinson to included incident report #2024-06-053, photos, witness statements, and 005 from staff.

RESPONSE: Respondent objects to this request to the extent it seeks information that is confidential and personal.

REQUEST FOR PRODUCTION NO. 4: Any and all Major Disciplinary Court Transcript of the video conference recorded on June 18, 2024, by respondent Blake of disciplinary actions that's maintained in accordance with department records retention policies.

RESPONSE: Respondent objects to this request to the extent it seeks information that is confidential and personal.

REQUEST FOR PRODUCTION NO. 5: Any and all administrative rules, secretarial directives, administrative directives, and unit operating procedures of the Arkansas Division of Correction about corporal punishment.

RESPONSE: Respondent objects to this request as irrelevant and not likely to result in the discovery of admissible information.

REQUEST FOR PRODUCTION NO. 6: Any and all administrative rules, secretarial directives, administrative directives, and unit operating procedures of the Arkansas Division of Corrections about punitive housing/restriction, and segregation.

RESPONSE: Respondent objects to this request as duplicative. Claimant received the requested documents from Respondent's discovery responses filed with the Commission on February 28, 2025 by former ADC Counsel, Kris Alan Higdon, in Claim No. 250749 which has since been dismissed.

REQUEST FOR PRODUCTION NO. 7: Any and all administrative rules, secretarial directives, administrative directives, and unit operating procedures of the Arkansas Division of Corrections about employee conduct standards.

RESPONSE: Respondent objects to this request as duplicative. Claimant received the requested documents from Respondent's discovery responses filed with the Commission on

February 28, 2025 by former ADC Counsel, Kris Alan Higdon, in Claim No. 250749 which has since been dismissed.

REQUEST FOR PRODUCTION NO. 8: Any and all documents of the classification committee about the claimant Daivs assignment to restrictive housing of Davis review of his status that are documented utilizing the appropriate segregation forms.

RESPONSE: Respondent objects to this request as irrelevant and not likely to result in the discovery of admissible information.

REQUEST FOR PRODUCTION NO. 9: Any and all administrative rules, secretarial directives, administrative directives, and unit operating procedures of the Arkansas Division of Corrections about the step-down program.

RESPONSE: Respondent objects to this request as irrelevant and not likely to result in the discovery of admissible information.

REQUEST FOR PRODUCTION NO. 10: Any and all inmate grievance investigation worksheet (attachment VIII), of the Arkansas Department of Correction filed by the claimant Davis, in reference to grievance(s) [redacted]24-01424; [redacted]24-02189; [redacted]24-01335; [redacted]24-01419; [redacted]24-01435; and [redacted]24-01580.

RESPONSE: Respondent objects to this request as irrelevant and not likely to result in the discovery of admissible information.

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 12th day of May 2025 on the below Claimant by placing a copy of the same in the U.S. Mail, regular postage to:

Richard Davis [redacted]

/s/ Miles S. Morgan
Miles S. Morgan

MAY 12, 25

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RICHARD DAVIS ([redacted] CLAIMANT

v NO. 250581

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION RESPONDENT

ADC RESPONSES TO REQUEST FOR ADMISSIONS

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

REQUEST FOR ADMISSIONS NO. 1: Admit or deny that video footage of the incident on June 7, 2024, shows respondent Robinson striking the claimant Davis in the shoulder area with the metal turn-keys used to unlock the barracks doors.

RESPONSE: Deny.

REQUEST FOR ADMISSIONS NO. 2: Admit or deny that respondent Robinson received a written warning for conduct standards violation for the June 7, 2024, incident that was placed in her employee's personnel file.

RESPONSE: Respondent is without information to admit or deny, therefore denies same.

REQUEST FOR ADMISSIONS NO. 3: Admit or deny that on June 7, 2024, that the claimant Davis was transferred from general population to isolation #3 and placed on behavior control in isolation #3 dayroom.

RESPONSE: Respondent is without information to admit or deny, therefore denies same.

REQUEST FOR ADMISSIONS NO. 4: Admit or deny that grievance [redacted]24-01335, provided with claim #250581 are genuine document of the Division of Correction.

RESPONSE: Respondent is not sure what Claimant means by "genuine document" and therefore denies same.

REQUEST FOR ADMISSIONS NO. 5: Admit or deny that grievance [redacted]24-01580, provided with claim #250581 are genuine documents of the Division of Correction.

RESPONSE: Respondent is not sure what Claimant means by "genuine document" and therefore denies same.

REQUEST FOR ADMISSIONS NO. 6: Admit or deny that the Arkansas Administrative Code 004.03.1-830 corporal punishment provided with claim #250581 are genuine documents of the Division of Correction.

RESPONSE: Respondent is not sure what Claimant means by "genuine document" and therefore denies same.

REQUEST FOR ADMISSIONS NO. 7: Admit or deny that the Administrative Directive #16-20 punitive segregation/restriction provided with claim #250581 are genuine documents of the Division of Correction.

RESPONSE: Respondent is not sure what Claimant means by "genuine document" and therefore denies same.

REQUEST FOR ADMISSIONS NO. 8: Admit or deny that the video footage of the June 7, 2024, incident shows respondent Robinson striking the claimant Davis with the metal turn keys.

RESPONSE: Deny.

REQUEST FOR ADMISSIONS NO. 9: Admit or deny that respondent Robinson received disciplinary action for the incident that occurred on June 7, 2024.

RESPONSE: Respondent is without information to admit or deny, therefore denies same.

REQUEST FOR ADMISSIONS NO. 10: Admit or deny that the claimant Daivs was housed in isolation #3 dayroom without a bunk from June 7, 2024, to June 14, 2024, and required to sleep on the floor.

RESPONSE: Deny.

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 12th day of May 2025 on the below Claimant by placing a copy of the same in the U.S. Mail, regular postage to:

Richard Davis [redacted]

/s/ Miles S. Morgan
Miles S. Morgan

Mika Tucker

From: Misty Scott on behalf of ASCC Pleadings
Sent: Thursday, September 11, 2025 9:51 AM
To: Tawnie Hughes (DOC); Miles Morgan (DOC); Trent Rigdon (DOC); Taylor Reavis (DOC)
Cc: ASCC Pleadings; Yolanda Charles (DOC); Mika Tucker
Subject: ORDER: Richard Davis v. ADC, Claim No. 250581
Attachments: Richard Davis v. ADC2.pdf; Richard Davis-order3.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

September 11, 2025

Mr. Richard Davis (ADC [redacted]

Ms. Tawnie Hughes *(via email)*
Mr. Miles Morgan
Mr. Trent Rigdon
Ms. Taylor Reavis
Arkansas Division of Correction
1302 Pike Avenue, Suite C
North Little Rock, Arkansas 72114

Re: ***Richard Davis v. Arkansas Division of Correction***
Claim No. 250581

Dear Mr. Davis, Ms. Hughes, Mr. Morgan, Mr. Rigdon, and Ms. Reavis:

Enclosed please find an Order entered on September 5, 2025, by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RICHARD DAVIS (ADC [redacted] **CLAIMANT**

V. **CLAIM NO. 250581**

ARKANSAS DIVISION OF CORRECTION **RESPONDENT**

ORDER

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

1. Claimant filed his claim on October 11, 2024, seeking $3,000.00 in damages related to his allegations about corporal punishment.

2. Respondent filed a motion to dismiss pursuant to Ark. R. Civ. P. 12(b)(6), arguing, *inter alia*, that the matter involves a disciplinary and, therefore, the Commission does not have jurisdiction over the claim. Respondent also argued that the Commission has no jurisdiction over 42 U.S.C. § 1983 claims.[1]

3. Claimant filed a response to the motion to dismiss, arguing that dismissal was not proper.

4. The Commission agrees with Respondent that dismissal of this claim is proper as Claimant's claim is premised upon alleged violations of federal law by Respondent's employee. If Claimant believes he has federal law claims against individual employees of Respondent or

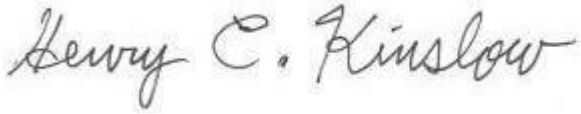
[1] Respondent also argued that Claimant "brings this claim as a result of the exact same incident on June 7, 2024, which formed the basis for Claim No. 250749[,] which has since been dismissed[.]" The Commission notes that the instant claim appears to be slightly different than the similar Claim No. 250749.

believes he was deprived of due process in the disciplinary process, 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. § 25-44-204.

5. As such, pursuant to Ark. Code Ann. § 25-44-204 and Ark. R. Civ. P. 12(b), the Commission hereby GRANTS the Respondent's motion to dismiss, and Claimant's claim is DISMISSED.

6. Any pending motions are denied as moot.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow

ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Chair

ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: September 5, 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. § 25-44-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from transmission of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 25-44-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 25-44-211(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. § 25-44-211(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. § 25-44-215(b).

Arkansas
State Claims Commission
OCT 0 2 2025
RECEIVED

TO: DIRECTOR KATHRYN IRBY
FROM: RICHARD DAVIS, [redacted]
RE: CLAIM # 250581
DATE: SEPT. 29, 2025

DEAR DIRECTOR;

PLEASE FIND ENCLOSED FOUR (4) COPIES OF THE CLAIMANT'S NOTICE OF APPEAL IN THE ABOVE REFERENCE CLAIM.

THE CLAIMANT REQUESTS A FILED-MARKED COPY FOR HIS RECORD. THANKS.

I REMAIN,
Richard Davis

BEFORE THE ARKANSAS STATE CLAIMS COMMISION

RICHARD DAVIS (ADC [redacted] **CLAIMANT**

VS. **CLAIM #250581**

ARKANSAS DIVISION

OF CORRECTION, **RESPONDENT**

NOTICE OF APPEAL

Notice is hereby given that Richard Davis, appeals to the General Assembly of Arkansas from the final order of the Arkansas State Claims Comission, entered September 5, 2025.

APPEALATE JURISDICTION

The appealant jurisdiction of the Arkansas State Claims Commission is invoked pursuant to Ark. Code Ann. 19-10-211 (2024).

DESIGNATION OF RECORD

Claimant hereby designates the entire record, and all proceedings, exhibits, evidence, and documents introduced in evidence to be contained in the record on appeal.

SEPT. 24, 2025

DATE

Respectfully Submitted,

Richard Davis

Richard Davis, Pro Se

[redacted]

CERTIFICATE OF SERVICE

I, Richard Davis, hereby certify that a true copy of the foregoing has been served upon person set out below, via first class mail, on this 26 TH. day of SEPTEMBER 2025.

Director Kathryn Irby

101 East Capitol Avenu, Suite 410

Little Rock, Arkansas 72201-3823

Richard Davis

Claimant, Pro Se

STATE OF ARKANSAS)

)

COUNTY OF LEE)

SUBSCRIBED and SWORN to before me, a NOTARY PUBLIC, on this 26 day of Sept, 2025.

NOTARY PUBLIC ARKANSAS
COWANDA T. GRAHAM
No 12700532
ST FRANCIS COUNTY
Commission Expires 12-28-2026

Notary Public

VERICATION

I, Richard Davis, the claimant herein, and in support of my Notice of Appeal, after first being duly sworn, do hereby swear that the statements, matters, and things contained in my Notice of Appeal are true and accurate account to the best of my knowledge, information, and belief and for the purpose herein stated, set forth, and contained.

Richard Davis

Claimant, Pro Se

A[redacted]

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

October 21, 2025

Mr. Richard Davis (ADC [redacted]

RE: ***Richard Davis v. Arkansas Division of Correction***
Claim No. 250581

Dear Mr. Davis,

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

Sincerely,

Mika Tucker

ES: msscott