

ARKANSAS STATE CLAIMS COMMISSION

OCT 12 2012

RECEIVED

Please Read Instructions on Reverse Side of Yellow copy

Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION Of the State of Arkansas

Arkansas Claims Commission

OCT 12, 2012

RECEIVED

- Mr. Mrs. Ms. Miss

Billy Aaron, #110649, Claimant

vs.

State of Arkansas, Respondent Dept. of Correction

Do Not Write in These Spaces Claim No. 13-0306-CC Date Filed October 12, 2012 Amount of Claim \$ 9,998.00 Fund DOC

Failure to Follow Procedure

COMPLAINT

Billy Aaron, #110649, the above named Claimant, of PO Box 1630, Malvern, AR 72104 (Name) (Street or R.F.D. & No.) (City) (State) (Zip Code) (Daytime Phone No.) County of represented by (Legal Counsel, if any, for Claim)

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

State agency involved: Arkansas Department of Correction Amount sought: 9,998.00

Month, day, year and place of incident or service: January 18, 2012 at Yarnes Unit

Explanation: On January 18, 2012 I was denied reintegration into General Population by Yarnes Supermax Administration at Classification For Males on probation, Robert Lane, and Assault. None of this has been substantiated or proven after Internal Affairs Division investigation. My very confinement to Administrative Segregation was in total and unprovoked as outlined in the report by Ronald Kitcher, Internal Affairs Division on September 16, 2005. The Internal Affairs report states in no uncertain terms myself, Billy Aaron did not perform, participate or have involvement in any sexual acts or sexual abuse with Joel Walker, which was the basis for initial P.F.A. Segregation. Principle witnesses on my behalf inmate Joel Walker (the alleged victim) who after numerous interviews by Yarnes Staff and Internal Affairs Division investigators stated and swore myself Billy Aaron did not perform or participate any sexual acts on his person. This should have warranted my release. So in fact my assignment to Administrative Segregation under P.F.A. guidelines or standards and is against Arkansas Department of Correction own policies, I asked to be immediately released and released to general population by Arkansas

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

(Yes or No) when? (Month) (Day) (Year) to whom? (Department) and that the following action was taken thereon:

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

and that the nature thereof is as follows: (Name) (Street or R.F.D. & No.) (City) (State) (Zip Code)

and was acquired on in the following manner:

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

Billy Charles Aaron Billy Charles Aaron

Department of Correction Director Ray Hobbs and
for P.R.A. to be removed.

January 09, 2012 at approx 9:30 am There are other
individuals jackets (Institutional Files) are worse than
mines and they are on Ad-Seg and P.R.A. Asst. Director
Larry May, Warden Banks, Deputy Warden Meinger and
Classification Committee released them to population.
These individuals had cell phones, tobacco, knives,
weed, cocaine, Assault on Staff, Officers, and ect.
These individuals are a threat not me. I never had
these things mentioned in his grievances. Check my
jacket (Institutional Files). They are violating Ar 83a
Discrimination and Racial Issues I. Policy states to
prohibit discrimination with regard to inmate
disciplinary action, transfers, institutional program
assignments and other such matters on the basis of
race, creed, color, or national origin.

September 17, 2012 I am now being housed at
Ouchite River Correctional Facility in Malvern Arkansas
in a one man cell labeled as a serious sexual
predator that like to rape inmates and cant be
housed with other inmates concerning the lies that
was given by a confidential Informant
Billy Joe Hanson # 77911 because he wanted to get
shined to another Unit.

See Memorandum from Ronald Kilches Internal
Affairs which was addressed to Ray Hobbs which was
Chief Deputy Director at the time of this incident.
Then was passed down through the Arkansas Department 2

of Correction Wardens, Deputy Wardens, Chief Deputy,
Deputy, Assistant Director, Majors, Lieutenants, Sergeants
and Classification Committee.

So this information was withheld from the claimant.

Claimant is now showing that violated Administrative
Regulations, Administrative Directives and act. AD 11-63
Prison Rape Elimination Act (PREA) page 5 and 6 of 11
VIII. Reporting and Investigating Sexual Abuse; 3. The
inmate victim will be taken to the infirmary for medical
assessment and the collection of evidence. Medical evidence
shall be obtained by the appropriate personnel at the
infirmary or at a local hospital, if necessary, together
with appropriate chain of custody documentation.

D. Internal Affairs investigators shall be specially
trained in sexual abuse investigations.

1. Internal Affairs investigators shall collect and
preserve evidence, video monitorings, 005's and witness statements,
as well as review prior reports of sexual abuse involving the
alleged perpetrator.

The Confidential Informant made to different
statements according to the Memorandum. The letter
from Billy Joe Henson # 77911 to Chief Deputy
Director Ray Hobbs at the time. Inmate Henson
states that he witnessed a guard allowing the beatings
or rape of one prisoner by another. Now inmate Henson
was interviewed again and he stated that he ~~did not~~
did not actually see any rape. So there were grounds for
PREA to be removed.

By them violating Administrative Regulations, Administrative Directives, Claimant is entitled to 9,998.00 dollars concerning these actions. Information was withheld in order for claimant to be free of these false allegations that was provided by the Confidential Informant Bill Joe Hanson #97911 in order for him to set things.

Claimant is requesting

1. The amount of 9,998.00 dollars for violating Administrative Regulations and Administrative Directives and for withholding important information in order to prove his innocence.
2. For PSEA to be removed from claimant.
3. For respondent to pay for the money he owes for legal copies liens and legal postage liens.
4. For a letter of apology to claimant for them violating Administrative Regulations and Administrative Directives. Also to apologize for these actions.

WHAT TO DO, Claimant prays the State Claims Commission enter an order to set a hearing on the complaint herein, and for all relief which may be just and proper.

October 02, 2012
Date

Respectfully Submitted
Mr. Billy Charles Aaron
ADC # 110649
Ouachita River Correctional Unit
P.O. Box 1630
Malvern AR 72104

To Arkansas State Claims Commission
101 E. Capitol Ave
Suite 410
Little Rock Arkansas 72201-3823

To Dustin McDaniel
Attorney General
Suite 200
323 Center Street
Little Rock Arkansas 72201



ADMINISTRATIVE REGULATIONS

STATE OF ARKANSAS

BOARD OF CORRECTIONS

Section Number:

832

Page Number:

1 of 1

Board Approval Date:

11/29/79

Supersedes:

31:73

Dated:

8/23/73

Reference:

Effective Date:

2/1/80

SUBJECT: Discrimination and Racial Issues

I. POLICY:

To prohibit discrimination with regard to inmate disciplinary action, transfers, institutional program assignments and other such matters on the basis of race, creed, color or national origin.

II. EXPLANATION:

- A. All pre-service training, in-service training and staff development shall include extensive programs in human relations. All employees shall be informed of their obligation to treat all inmates with equal dignity and courtesy. As a significant number of inmates in our institutions and facilities have cultural or linguistic behavioral patterns differing from those of many of the staff, all personnel should be familiar with these patterns. As any inability to communicate between staff and inmates may lead to institutional tension or friction, training shall be aimed at removing communication barriers.
- B. There shall be fair and objective classification of all inmates with respect to all aspects of institutional life. So far as possible, institutional programs shall reflect the ethnic distribution of the inmate population.
- C. Where security requirements permit, efforts shall be made to involve citizen groups from all communities with inmate groups – including minority self-help groups and other administration-sponsored activities. Whenever feasible, minority employees shall be encouraged to work with such groups as advisors and counselors. As with all inmate group activities, staff supervision is essential.
- D. All administrators and supervisors shall be open to complaints from any inmate concerning discrimination and shall be active in investigating any such complaint and in taking remedial action.

AR832

POLICY AND PROCEDURES	POLICY NO.: 10.01.0	PAGE NUMBER: 3 of 8
SUBJECT: Administrative Segregation And Investigation Status	SUPERSEDES:	EFFECTIVE DATE: 05-19-95


- C. **Pre-Segregation Medical Examination:** To assure inmates do not have medical conditions that would require special needs while segregated, and to document the physical condition of an inmate prior to segregation, inmates shall be given a physical evaluation by health care personnel prior to being placed into segregation.
- D. **Documentation:** Except for temporary and/or emergency assignment the inmate will be given twenty-four (24) hours advance notice of his pending assignment to Administrative Segregation. The inmate shall be advised of the reason for his assignment to Administrative Segregation. If such assignment is made, the reasons will be reduced to writing and maintained in the inmates file.
- E. **Release from the Segregation Area:** Release from Administrative Segregation may be authorized by the Classification Committee when one or more of the following exists:
 - 1. The condition which required placement of the inmate in Administrative Segregation no longer exists.
 - 2. Information and/or evidence developed during the period of confinement indicates conditions have change and the inmate no longer presents danger to himself or others.
- F. **Reviews:** The Classification Committee or authorized staff must review the status of every inmate assigned to administrative segregation every seven (7) days for the first two months and every thirty (30) days thereafter to determine if the reason(s) for placement continue to exist. All reviews will be documented utilizing the appropriate segregation form.
- G. **General Condition of Confinement:** The basic level of conditions described below applies to Administrative Segregation.
 - 1. Inmates assigned to Administrative Segregation will be clothed in jumpsuits with the letters A/S (Administrative Segregation) printed on them. Inmates housed in cellblocks who are assigned to Max. population may wear two piece clothing consisting of pants and shirt.
 - 2. A cell with no less than eighty (80) square feet of floor space and thirty-five (35) square feet of unencumbered space furnished with a toilet, washbasin with hot/cold water, desk, stool, and bunk with fire retardant sanitizable mattress. Living quarters will be well ventilated, adequately lighted, with temperatures appropriate to summer and winter control zones. (4-4131, 4-4134, 4-4136, 4-4137, 4-4133, 4-4141)
 - 3. An opportunity to have clothing, linen, and bedding laundered a minimum of once each week. (4-4263, 4-4338, 4-4340)
 - 4. Access to barbering and hair care service on a scheduled basis. (4-4263,4-4343)
 - 5. Daily access to janitorial supplies for individual cell cleaning. (4-4333)

8. Whether the inmate has previously experienced sexual victimization;
9. The inmate's own perception of vulnerability;
10. Whether the inmate has prior history of institutional violence or sexual abuse;
11. Gang affiliation; and,
12. Aggressive attitude at intake.

→ **VIII. REPORTING AND INVESTIGATING SEXUAL ABUSE:**

- A. All inmates who are limited English proficient, deaf or persons with a disability shall be able to report sexual abuse to staff directly or through the PREA Hotline without use of inmate interpreter unless there are exigent circumstances.
- B. All allegations of sexual abuse shall be investigated by the Warden or designee using the following protocol:
 1. The victim and the perpetrator shall be immediately separated from one another, and the scene of the incident will be secured if it is believed that a crime has occurred.
 2. The PREA checklist (Attachment 1) will be initiated immediately by the first responder, which requires that the following staff be notified:
 - a. Internal Affairs Administrator
 - b. Medical Personnel
 - c. Mental Health personnel
 - d. Warden or designee
 - e. HIV Coordinator
 - f. Chaplain
 - g. Classification
 3. The inmate victim will be taken to the infirmary for medical assessment and the collection of evidence. Medical evidence shall be obtained by the appropriate personnel at the infirmary or at a local hospital, if necessary,

together with appropriate chain of custody documentation. Prompt exams are needed both to identify medical and mental health services needed and to minimize the loss of evidence.

-  C. An inmate alleging sexual abuse shall be monitored as necessary to ensure there is no retaliation for making such report.
- D. Internal Affairs investigators shall be specially trained in sexual abuse investigations.
1. Internal Affairs investigators shall collect and preserve evidence, video monitoring, 005s and witness statements, as well as review prior reports of sexual abuse involving the alleged perpetrator.
 2. When the evidence gathered supports criminal investigation, Internal Affairs will conduct interviews of witnesses only after consulting with the Arkansas State Police or prosecutors. Even if the sexual abuse is referred to the Arkansas State Police, copies of all investigative records shall be retained by the Department for as long as the alleged abuser is incarcerated or employed by the Department, plus 5 years.
 3. Credibility assessments shall be determined on an individual basis.
 4. A Department investigation shall continue to completion in spite of staff resignation or termination.
 5. Preponderance of the evidence shall be the standard used in determining whether sexual abuse has occurred.
 6. All information regarding sexual victimization or abusiveness occurring within the Department shall be strictly limited to medical and mental health practitioners and other staff necessary to develop treatment plans and management decisions including housing, bed, work, education and program assignments.

IX. MEDICAL/MENTAL HEALTH EVALUATION AND TREATMENT:

- A. Victims will be offered access to immediate and appropriate qualified medical and mental health practitioners inside the facility who can provide support to the victim.
- B. Treatment services shall be provided to the victim without payment of a medical co-pay and regardless of whether the victim names the abuser. The Unit shall offer ongoing medical and mental health services to victims to include necessary follow-up services and treatment.

Warden Banks

Yellow

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center VSM
Name Billy Adams Cell 816C 557
ADC# 110649 Brks # _____ Job Assignment _____

FOR OFFICE USE ONLY
GRV. # VSM-12-00248
Date Received 01/25/12
GRV. Code #: 203

1/09/2012 (Date) STEP ONE: Informal Resolution

1/23/2012 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: Warden Banks, May, Meines and Classification Committee is Violating AZ 832 Discrimination and Social Justice

_____ (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 a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If 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): January 09, 2012 at approx 9:30 am

These other individuals' assets (institutional files) are Warden Banks' files and they were on Abs-See and Pres. Larry May, Warden Banks, Meines and Classification Committee released them to population. These individuals had cell phones, tobacco, knives, weed, cocaine, assault on staff and officers and staff. These individuals are a threat not me. I never had any of these things mentioned in this grievance. Check my institutional files (assets). They are violating AZ 832 Discrimination and Social Justice. Policy states to prohibit discrimination with regard to inmate disciplinary action, transfers, institutional program assignments and other such matters on the basis of race, creed, color or national origin. Larry May, Warden Banks, Meines and Classification Committee violated AZ 832.

Billy Adams Inmate Signature 1/09/2012 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 _____ (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 _____

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

Describe action taken to resolve complaint, including dates: _____

Staff Signature & Date Returned _____ Inmate Signature & Date Received Billy Adams 1/23/2012

This form was received on 01/24/12 (date), pursuant to Step Two. Is it an Emergency? No (Yes or No). Staff Who Received Step Two Grievance: Adams RECEIVED Date: 01/24/12

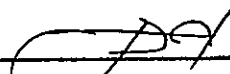

Action Taken: _____ (Forwarded to Grievance Officer/Warden/Other) Date: _____
If forwarded, provide name of person receiving this form: FER 29 2012 Date: _____

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

INMATE NAME: Aaron, Billy C. ADC #: 110649A GRIEVANCE #: VSM12-00248

WARDEN/CENTER SUPERVISOR'S DECISION

In response to your grievance: As previously stated in Grievances VSM12-00056 and 58. Per AR: 413 I. POLICY: It is the policy of the Arkansas Department of Correction that zero tolerance exists regarding the rape or sexual abuse of inmates, by staff or other inmates. Per AD 2011-63... in the case of yearly reviews, the Director or appropriate Deputy/Assistant Director in making a determination of whether an inmates status should be changed. Specific written findings for the determination will be made after due consideration of all relevant statements and evidence. You appeared before the Classification Committee for Director Review/PREA/60 Day Review of which the decision was for you to remain AD-Seg due to remain PREA. Therefore, I find this issue without merit.

 _____ Signature of Warden/Supervisor or Designee	 _____ Title	<u>2/16/2012</u> _____ Date
--	---	-----------------------------------

RECEIVED

FEB 29 2012

INMATE'S APPEAL

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

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

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE?

I requested computerized Voice Stress Analysis (VSA) Lie Detector Test to prove there was never any Rape Sexual Assault, battery, and act. In order to prove my innocence according to AD 11-63 Prison Rape Elimination Act (PREA) Prea checklist (Rape Allegation/sexual Misconduct) B. In the event of an inmate rape allegation / sexual misconduct, the Unit will take immediate the inmate immediately to the infirmary for physical assessment. A rape kit will be administered. I requested Rape kit Test that was conducted on inmate Joel Walker and Deoxyribonucleic Acid (DNA) Testing. In Timmy's Report and act in order to clear my name. All evidence was not reviewed period.

<u>Billy C. Aaron</u> _____ Signature of Inmate	<u>110649</u> _____ ADC #	<u>all7aola</u> _____ Date
---	---------------------------------	----------------------------------

Inmate Signature

ADC#

Date

INMATE NAME: Aaron, Billy C.

ADC #: 110649

GRIEVANCE#:VSM12-00248

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

Your complaint is that you want out of Ad-Seg.

Based on the Warden's response in which he states in part, "In response to your grievance: As previously stated in Grievances VSM12-00056 and 58.

Per AR: 413 I. POLICY: It is the policy of the Arkansas Department of Correction that zero tolerance exists regarding the rape or sexual abuse of inmates, by staff or other inmates. Per AD 2011-63... in the case of yearly reviews, the Director or appropriate Deputy/Assistant Director in making a determination of whether an inmates status should be changed. Specific written findings for the determination will be made after due consideration of all relevant statements and evidence. You appeared before the Classification Committee for Director Review/PREA/60 Day Review of which the decision was for you to remain AD-Seg due to remain PREA. Therefore, I find this issue without merit."

I find that I concur with the unit's response.

Appeal denied

lmm

4.5.12

Director

Date

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center Yom
Name Billy Aaron call/box 557
ADC# 110649 Brks # _____ Job Assignment _____

RECEIVED
JAN 31 2012

FOR OFFICE USE ONLY
GRV. # USM-12-00417
Date Received: 02/08/12
GRV. Code #: 203

1/18/12 (Date) STEP ONE: Informal Resolution

2/13/2012 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: Threat to the security and good order of the institution.

_____ (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 a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If an Emergency, state why: _____

RECEIVED
FEB 08 2012
VARNER ARO / GRIEVANCE

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): This is an appeal of Unit classification action

on 1-18-12 I was denied reintegration into General Population by Y.S.M. Administration at classification for and none of this has been substantiated or proven after F.A.O. investigation. My last confinement to Admin-Segregation was unfounded and unproven as outlined in the report by Mr. Ronald Kitcher, F.A.O. on 9-16-05. The internal affairs report states in no uncertain terms myself, Billy Aaron did not perform participate or have involvement in any sexual acts or sexual abuse with Joel Walker. Which was the basis for initial P.R.E.A. Assignment. Principle Witness on my behalf inmate Joel Walker (The Alleged Victim) who after numerous interviews of Varner staff and F.A.O. investigators, stated and swore, myself, Billy Aaron did not perform or participate in any sexual acts on his person. This should have prevented my release. So in fact my assignment to Admin-Seg under P.R.E.A. does not meet P.R.E.A. guidelines of standards and is against A.O.C. own policies. It and to be immediately declassified and released to general population by Mr. Director Ray Hobbs or Mr. Hobbs to state in writing why after review of Mr. Kitcher F.A.O. investigation report. F. Warrant placement in Ad-Seg with no P.R.E.A. charges ever substantiated? Again this is a classification appeal action. 1-18-12/2012
Billy Aaron

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 _____ (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 _____

Principal Staff Name (Problem Solver) Piggee ID Number 39936 Staff Signature [Signature] Date Received 01-31-12

Describe action taken to resolve complaint, including dates: According to Ms. Washington, you can't be released to population at this time due to your current P.R.E.A. Status. You will remain on ad seg.

Staff Signature & Date Returned [Signature] 02-03-12 Inmate Signature & Date Received [Signature] 2/08/2012

This form was received on 02-07-12 (date), pursuant to Step Two. Is it an Emergency? N (Yes or No). Staff Who Received Step Two Grievance: [Signature] Date: 02-07-12

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
INMATE GRIEVANCE SUPERVISOR

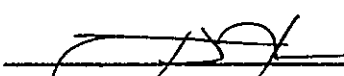
IGTF410
3GS

Attachment III

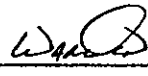
INMATE NAME: Aaron, Billy C. ADC #: 110649A GRIEVANCE #: VSM12-00417

WARDEN/CENTER SUPERVISOR'S DECISION

In response to your grievance: As previously stated in Grievances #VSM12-00056, 58, and 248 Per AR: 413 I. POLICY: It is the policy of the Arkansas Department of Correction that zero tolerance exists regarding the rape or sexual abuse of inmates, by staff or other inmates. Per AD 2011-63... in the case of yearly reviews, the Director or appropriate Deputy/Assistant Director in making a determination of whether an inmates status should be changed. Specific written findings for the determination will be made after due consideration of all relevant statements and evidence. You appeared before the Classification Committee for Director Review/PREA/60 Day Review of which the decision was for you to remain AD-Seg due to remain PREA. Therefore, I find this issue without merit.



Signature of Warden/Supervisor or Designee



Title



Date

RECEIVED

FEB 29 2012

INMATE'S APPEAL

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

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

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE?

I requested computerized voice stress analysis (CVSA) lie detector test to prove there was never any rape, sexual assault, battery and ect. In order to prove my innocence according to AD 11-63 prison rape elimination act (Prea) Area checklist (Rape Allegation/sexual misconduct) in the event of an inmate rape allegation/sexual misconduct the Unit will take the inmate immediately to the infirmary for physical assessment. A rape kit will be administered. I requested rape kit test that was conducted on inmate Joel Walker and Deoxyribonucleic Acid (DNA) testing. In former report, and ect in order to clear my name. All evidence was not properly reviewed by Warden Banks and Classification Committee.

Billy Adams 110649 2/17/2012

Inmate Signature

ADC#

Date

INMATE NAME: Aaron, Billy C.

ADC #: 110649

GRIEVANCE#:VSM12-00417

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

Your complaint is that you want back in Ad-Seg.

Based on the Warden's response in which he states in part, "In response to your grievance: As previously stated in Grievances #VSM12-00056, 58, and 248 Per AR: 413 I. POLICY: It is the policy of the Arkansas Department of Correction that zero tolerance exists regarding the rape or sexual abuse of inmates, by staff or other inmates. Per AD 2011-63... in the case of yearly reviews, the Director or appropriate Deputy/Assistant Director in making a determination of whether an inmates status should be changed. Specific written findings for the determination will be made after due consideration of all relevant statements and evidence. You appeared before the Classification Committee for Director Review/PREA/60 Day Review of which the decision was for you to remain AD-Seg due to remain PREA. Therefore, I find this issue without merit."

I find that I concur with the unit's response.

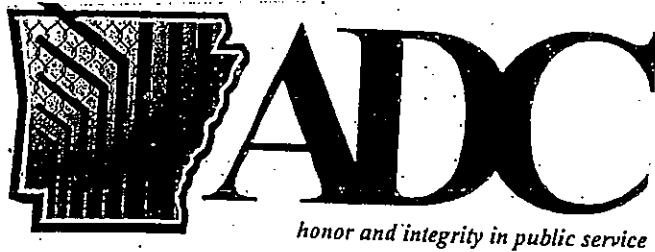
Appeal denied

17M7

4.5.12

Director

Date



Arkansas Department of Correction

RECEIVED
VARNER UNIT
OCT 7 2005
INTERNAL
ASST. WARDEN SECURITY AFFAIRS
WARDENS OFFICE
OCT 18 2005
Division
P.O. Box 8707
Pine Bluff, Arkansas 71611-8707
Phone: (870) 267-6218
Fax: (870) 267-6226

MEMORANDUM

TO: RAY HOBBS, CHIEF DEPUTY DIRECTOR.

FR: *R. Vilches*
RONALD VILCHES, INTERNAL AFFAIRS.

REF: INMATE CORRECSPODENCE/BILLY JOE HENSON #7791Y

DATE: SEPTEMBER 16, 2005.

RECEIVED
SEP 27 2005
Chief Deputy Director
Institutions
Arkansas Department of Corrections

On August 5, 2005, you received a letter from the above named inmate. In part Inmate Henson states that he witnessed a guard allowing the beating or rape of one prisoner by another.

Inmate Billy Joe Henson was interviewed at the Varner Unit on August 23, 2005 in the Captains office. Inmate Henson stated that the incident occurred in 8 barracks about three months ago. Henson stated that there were several inmates that had been beating this inmate up and making him do sit-ups and push-ups. Henson said there were about three inmates involved but he only could name one that being Billy Aaron the barracks porter. Henson stated that he did not actually see any rape but that a big old white mental health dude named Walker had told him that he was made to go into the barracks closet and suck a guys thing.

Inmate Henson was returned to his barracks and the population roster was observed and it was discovered that there were only three inmates named Walker and two of these were black identifying Joel Walker as the probable victim.

Inmate Joel Walker was brought to the Captains office and interviewed concerning the information provided by Inmate Henson. Inmate Walker stated that he did have an altercation in 8 barracks with some inmates but that he did not go into any closet with any other inmate and did not have any kind of homosexual activity. Walker did say that Inmate Billy Aaron and Robert Sivils did make him do sit-ups and pushups but that is all. Walker did go on to say that Inmate Aaron and Carter were taking his commissary. Inmate Walker stated that he did not tell anyone about what was going on and it was then pointed out to him that the administration could not help nor prevent these types of things if inmates did not report problems.

Inmate Joel Walker was again interviewed on August 25, 2005 and he still maintained that there was never any homosexual activity.

*Agg 9/16/05
1a*

Authorization was requested to have Inmate Billy Aaron transported to Central Office to be interviewed and administered a CVSA. Inmate Aaron was escorted to Central Office on September 6, 2005 and interviewed. He denied the allegations and when confronted with taking the CVSA he stated that he did not have a problem with that but wanted to talk to an attorney therefore the interview was terminated.

Inmate Robert Sivils was interviewed at the Varner Unit on September 7, 2005 pertaining to his knowledge or any involvement with the intimidation of Inmate Walker, making him exercise, taking of his commissary or making Walker perform or participate in any homosexual activity. Inmate Sivils was shown a photo of Inmate Walker and asked if he knew the inmate. Sivils stated that he knew the inmate but only knew him by the name Buddy. Sivils stated that he was made to do some things but not by him but Inmate Billy Aaron. Sivils said that Joel Walker was made to do push-ups and sit-ups as punishment. Sivils also stated that Walker was made to give Inmate Aaron and Carter his commissary. Inmate Sivils stated that Walker was not made to provide any sexual favors for other inmates that that was bull. Inmate Sivils did say Inmate Aaron called Inmate Walker all kind of dicksuckers. Inmate Sivils also stated that he saw Inmate Carter slap Inmate Walker. He stated that this took place on the third tier but that he did know anything about any sexual activity and that he had never seen any of that. Sivils stated that he had heard that Walker had been tricked into a sexual thing while he was in 6 barracks but that he did not know for sure. Inmate Sivils was asked if he had seen Walker ever go into the closet in 8 barracks with anyone and he said no but he did say that one time that Walker was told that someone was waiting in the closet for him but that was told just to see if he would go into the closet. Inmate Sivils said that Walker did go in the closet but there was no one in there it was just a joke.

Inmate William Lopez was interviewed concerning the allegation that Inmate Walker preformed oral sex on him. Inmate Lopez was shown a picture of Inmate Joel Walker and he stated that he knew him. Inmate Lopez was informed of the allegation and he became very irate and stated that the allegation was not true that he has not been in the closet with anyone.

Inmate Antione Carter was made aware of the allegations and he stated that he had not seen Walker go into the closet with anyone and that when he came to 8 barracks that Walker and Inmate Aaron were already doing sit-ups and push-ups but that he did not think that Aaron was making him exercise. Carter stated that he did not see or hear Aaron threaten Inmate Walker. Inmate Carter stated that he did slap Inmate Walker one time for calling him bitches and whores. Carter stated that he heard that Walker was involved sexually with someone in 6 barracks but that

Walker would not tell him the inmate's name. Inmate Carter said that Inmate Billy Aaron had told him about the incident that happened to Walker in 6 barracks. According to Inmate Carter Inmate Billy Aaron said that Inmate Walker had sex for a cigarette. Inmate Carter stated that he thought the inmates name was Allen a B/M. Inmate Carter denied that he was taking Inmate Walker's commissary. Inmate Carter stated that he was taking Walker's commissary but was just getting what was owed to him. Inmate Carter explained that he ran a store and that you had to pay back two for one for what ever you purchased. Carter stated that he was selling tobacco, coffee and food to Walker and that the commissary that he got was just payment for what Walker had already received.

Inmate Billy Aaron and Billy Lopez have been housed in a segregated status. Warden Harris is awaiting a copy of this memo to initiate disciplinary action and possible placement into Admin-Seg under P.R.E.A.

Inmate Robert Sivils is already serving punitive time for another rule violation.

Inmate Antoine Carter has been released from segregated status pending possible disciplinary action for trafficking and trading.

The information provided to you by Inmate Billy Joe Henson is true and he has been transferred to the Maximum Security Unit.

Inmate Joel Walker has been transferred to the Tucker Unit where it is a safer environment for an inmate with his mental capacity.

If after reviewing this memorandum you see the need to pursue this matter further please contact James Gibson.

ARKANSAS STATE
CLAIMS COMMISSION

OCT 12 2012

RECEIVED

OCT 25 2012

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RECEIVED

BILLY AARON (ADC 110649)

CLAIMANT

V.

NO. 13-0306-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

ANSWER

COMES NOW the Respondent, Arkansas Department of Correction, 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 the investigation by internal affairs 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: HCA0100
c. Internal Order: 340301	d. Fund Center: 509

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 the investigation by internal affairs.

Respectfully submitted,
Department of Correction Office of Counsel

Lisa Mills Wilkins
 LISA MILLS WILKINS Ark. Bar #87190
 Attorney Supervisor
 Post Office Box 8707
 Pine Bluff, AR 71611
 (870)267-6844 Office
 (870)267-6373 Facsimile

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 22 day of October, 2012, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Billy Aaron (ADC 110649)
Ouachita River Unit
PO Box 1630
Malvern, AR 72104-1630

Lisa Mills Wilkins
 LISA MILLS WILKINS Ark. Bar #87190

OCT 25 2012

RECEIVED

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BILLY AARON (ADC #110649)

CLAIMANT

V.

NO. 13-0306-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

RESPONDENT'S MOTION TO DISMISS

COMES NOW the Respondent, Arkansas Department of Correction, and for its MOTION TO DISMISS, states and responds as follows:

1. Claimant alleges that on January 9, 2012, ADC failed to follow policy and return him to general population. He seeks reclassification, a letter of apology, Prison Rape Elimination Act ("PREA") designation removed from this institutional file, costs, and \$9,998.00.
2. The Arkansas State Claims Commission does not have jurisdiction over the validity of the agency's business practices of classifying the inmates, nor does it have authority to reverse the PREA finding, remove inmate from classification and return him to general population, and require a letter of apology to be issued. See the Rules and Regulations of the Arkansas State Claims Commission, "Jurisdiction of Commission".
3. Furthermore, PREA is a federal law and relief from it is proper only in federal court. The ADC has implemented policy and procedure to carry out the provisions of PREA only. Claimant has filed this matter in the wrong court.
4. Respondent requests that this matter be dismissed.

WHEREFORE, for the reasons stated above and the evidence submitted, the Claims filed must be dismissed.

Respectfully submitted,
Department of Correction
Office of Counsel



LISA MILLS WILKINS Ark. Bar #87190
Attorney Supervisor
Post Office Box 8707
Pine Bluff, AR 71611
(870)267-6844 Office
(870)267-6373 Facsimile

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 23 day of October, 2012, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

BILLY AARON (ADC #110649)
ORU
P. O. Box 1630
Malvern, AR 72104


LISA MILLS WILKINS Ark. Bar #87190

Arkansas Claims Commission

OCT 25 2012

RECEIVED

STATE CLAIMS COMMISSION DECISION
OPINION

Amount of Claim \$ 9,998.00

Claim No. 13-0306-CC

<u>Billy Aaron, #110649</u>	Claimant	<u>Pro se</u>	Claimant
vs.			
<u>Department of Correction</u>	Respondent	<u>Lisa Wilkins, Attorney</u>	Respondent
<u>State of Arkansas</u>			
Date Filed <u>October 12, 2012</u>		Type of Claim <u>Failure to Follow Procedure</u>	

FINDING OF FACTS

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss," solely for Claimant's failure to respond. Therefore, this claim is hereby unanimously denied and dismissed.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss," solely for Claimant's failure to respond. Therefore, this claim is hereby unanimously denied and dismissed.

Date of Hearing November 14, 2012

ARKANSAS GENERAL ASSEMBLY

Billy Aaron
ADC# 110649

Claimant

v. NO. 13-0306-CC

ARKANSAS STATE
CLAIMS COMMISSION

DEC 20 2012

Arkansas Department of Correction RECEIVED

MOTION FOR RECONSIDERATION

Comes now the Claimant, Billy Aaron, and
for its MOTION FOR RECONSIDERATION
states as follows:

1. Claimant did not receive Respondent's
Motion to Dismiss and Answer in the mail
until October 25, 2012.

a. According to Rule 2.2 responsive
pleadings. The Claimant has within
twenty (20) days from the date Respondent
responded to ~~admission~~ the claim, and upon from the date
Claimant has received the Respondent Motion
or answer through the mail.

b. Claimant states Saturday, Sunday, or
Holidays do not count because Arkansas State
Claims Commission is only opened from

Monday thru Friday.

4. The only days are counted is Monday thru Friday. Veterans Day is observed as a Federal Holiday on November 12, 2012.

5. Claimant was denied the right to respond to Respondent's Motion to Dismiss. Claimant was not given 30 days to respond which violates Rule 2.2.

6. The Claims Commission made its decision before Claimant could file his Motion or objection to Respondent's response in a timely manner.

7. Claimant is entitled to have his claim heard and response filed in order to prove that Respondent violated Administrative Regulations and Administrative Directives.

8. Claimant never knew a Hearing was ever set for November 14, 2012 because he was not present for hearing.

9. Claimant states 30 days would of ended on November 22, 2012 but the decision was already made November 14, 2012.

10. On these grounds Claimant have the right to file Objection to Motion to Dismiss.

11. See Exhibit A Copy of Letter addressed to claimant from Sergeant Lisa Mills Wilkins dated October 24, 2015.

12. See Exhibit B State Claims Commission Docket Opinion, Findings of Facts, and Conclusion.

13. See Exhibit C Claimant's Objection to Motion to Dismiss.

14. See Exhibit D Claimant's Motion for Hearings.

15. See Exhibit E Sergeant's Motion to Dismiss and Answer.

WHEREFORE for the reason cited above the Claimant prays that the reasons stated and evidence submitted that the reasons stated Motion for Recross, Objection shall be granted, and Hearings set for above entitled case.

Respectfully Submitted
~~Billie~~ Chuck Jones
Mr. Billy Charles Rocco
RDC # 110649
Dixie River Corr. Facility
P.O. Box 1630
Madison Ar 72104

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 10th day of December 2012, by placing a copy of the same in the U.S. mail, regular postage to:

General Assembly
Ron Cornwell
Secretary of the Senate
320 State Capitol
500 Westline
Little Rock Ar 72201

Arkansas State Claims Commission
101 East Capitol Ave
Suite 410
Little Rock Ar 72201-3823

Lisa Mills Wilkins, Attorney Supervisor
P.O. Box 8707, Pine Bluff Ar 71611
4.

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BILLY AARON (ADC #110649)

CLAIMANT

V.

NO. 13-0306-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

RESPONSE TO MOTION FOR RECONSIDERATION

COMES NOW the Respondent, Arkansas Department of Correction, and for its RESPONSE TO MOTION FOR RECONSIDERATION, responds as follows:

1. Claimant argues that the time for responding had not expired by November 14, 2012 by arguing that Saturday, Sunday, or Holidays do not count in calculating the twenty (20) days to respond because the commission is not open those days.
2. Claimant is mistaken as to the time to respond. ARCP Rule 6 (C) provides for the correct time to respond to a motion, wherein it states, "Any party opposing a motion shall serve a response within 10 days after service of the motion." Claimant has mistakenly referenced the prior rules with respect to answering a complaint.
3. Furthermore, if the commission were to give the Claimant the benefit of the doubt of a mistake as to law, he is still in error as to calculation of the time to respond. ARCP Rule 6 (a) provides for the computation of time as follows, "In computing any period of time prescribed or allowed by these rules, by order of the Court or by any applicable statute, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, legal holiday, or other day when the clerk's office is closed, in which event the period runs until the end of the next day that the clerk's office is open. When the period of time prescribed or allowed is less than fourteen (14) days, intermediate Saturdays, Sundays, or legal holidays shall be excluded in the computation. As used in this rule and Rule 77(c), "legal holiday" means those days designated as a holiday by the President or Congress of the United States or designated by the laws of this State." The 20th day expired on November 14, 2012.
4. The Arkansas Rules of Civil Procedure are available to inmates at each law library and Claimant should not be afforded the opportunity to profit from his failure to utilize those resources that were available to him by having the opinion set aside and a new trial granted.
5. Respondent prays that the Motion for Reconsideration be denied.

ARKANSAS STATE
CLAIMS COMMISSION

DEC 17 2012

RECEIVED

29

WHEREFORE, for the reasons stated above and the evidence submitted, the Motion for Reconsideration should be denied.

Respectfully submitted,
Department of Correction
Office of Counsel

Lisa Mills Wilkins

LISA MILLS WILKINS Ark. Bar #87190

Attorney Supervisor

Post Office Box 8707

Pine Bluff, AR 71611

(870)267-6844 Office

(870)267-6373 Facsimile

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 13 day of December, 2012, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

BILLY AARON (ADC #110649)

ORU

P. O. Box 1630

Malvern, AR 72104

Lisa Mills Wilkins

LISA MILLS WILKINS Ark. Bar #87190

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 9,998.00

Claim No. 13-0306-CC

<u>Billy Aaron, #110649</u>	Claimant	<u>Pro se</u>	Claimant
vs.			
<u>Department of Correction</u>	Respondent	<u>Lisa Wilkins, Attorney</u>	Respondent
<u>State of Arkansas</u>			
Date Filed <u>October 12, 2012</u>		Type of Claim <u>Failure to Follow Procedure</u>	

FINDING OF FACTS

The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration" for the Claimant's failure to offer evidence that was not previously available. The Commission further finds that the Respondent is correct as to the calculation of time. Therefore, the Commission's November 14, 2012, order remains in effect.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration" for the Claimant's failure to offer evidence that was not previously available. The Commission further finds that the Respondent is correct as to the calculation of time. Therefore, the Commission's November 14, 2012, order remains in effect.

Date of Hearing January 10, 2013

BEFORE THE ARKANSAS STATE CLAIMS COMM.

Billy Aaron
AD# 110649

Arkansas Claims Commission

JAN 24 2013

Claimant

RECEIVED

v. Case NO. 13-0306-CC

Arkansas Department of Correction Respondent

Mr. Norman L. Hodges Jr.
Director

My name is Billy Charles Aaron. I appealed the final claims commission decision to General Assembly Ann Cornwell, Secretary of the Senate, 320 State Capitol, 500 Woodlawn, Little Rock AR 72201. Which was dated December 10th 2012. Along with motion for hearing. I haven't heard anything concerning my appeal. Was it filed to the right at the right address? It never was given the address

through the state claims courts.

The law library at Ouachita River Correctional Unit gave me the address. They stated I can file my appeal to anybody at the Senate because its all the General Assembly.

Mr. Norman L. Hodges Jr. you can contact me at the address below.

January 17th 2013
date

Best regards
Mr. Billy Charles Aaron
AOC # 110649
Kearns Supermax Unit
P.O. Box 600
Cady Ar 71614

Arkansas Claims Commission

JAN 24 2013

RECEIVED

Mr. Norman L. Hodges Jr. Director
Arkansas State Claims Commission
101 East Capitol Ave
Suite 410
Little Rock Ar 72201-3823

Lisa Mills Wilkins
Attorney Supervisor
P.O. Box 8707
Pine Bluff, Ar 71611

General Assembly
Ann Cornwall
Secretary of the Senate
320 State Capitol
500 Woodlawn
Little Rock Ar 72201

Arkansas Claims Commission

JAN 24 2013

RECEIVED

JAN 24 2013

RECEIVED

To Lisa Mills Wilkins
Attorney Supervisor
P.O. Box 8707
Yonkers NY 10711

From Billy Charles Aaron #110649

Re Concerning Case No. 13-0306-CC

Date January 17, 2013

Lisa Mills Wilkins
Attorney Supervisor

My name is Billy Charles Aaron, I
would like to solve this problem

concerning case no. 13-0306-CC.

I would like for you to set up a
appointment between you, me, and
Mr. Ray Hobbs concerning this case.

You can contact me at the address on
the next page. I am now based at
Yonkers Supreme Court.

January 17th 2013
DPC

Bill Kindest regards
Mr. Billy Charles Aaron
AOC # 110649
Korner Supermax Unit
P.O. Box 600
Greedy Ar 71644

Lisa Mills Wilkins
Attorney Supervisor
P.O. Box 8707
Pine Bluff Ar 71611

Mr. Norman L. Hobbes Jr. Director
Arkansas State Claims Commission
101 East Capitol Ave.
Suite 410
Little Rock Ar 72201-3828

JAN 24 2013

RECEIVED

To General Assembly
Ann Cornwall
Secretary of the Senate
320 State Capitol
500 Woodlawn
Little Rock Arkansas 72201

From Billy Charles Accon #110619
James Sugermex Unit
Cody P.O. Box 600
Cody Arkansas 71644

Re Appeal filed on case no. 13-0306-CC
Date January 17, 2013

Ann Cornwall
Secretary of the Senate

My name is Billy Charles Accon, I
have filed my Appeal (Motion for Reconsideration)
and Motion for Hearing to get in the above
entitled case. They both were date December 10th 2012.
I was told by the Law Library at
Ozarkite State Correctional Unit that this

was the correct address. So is this the correct address? I have ~~not~~ probably notified Mr. Norman L. Hodges Jr. the Director for the Arkansas State Claims Commission. You can contact me at the address on the first page. I need to know something concerning my Motion for Reconsideration and Motion for Hearing.

Thank you for understanding Clement's situation. Shall you have any questions, I would say call me but I don't have a phone. So write me at the address below

January 17th 2013
Date

By kindest regards
Mr. Billy Chuck Dean
ADC # 110649
Vance Street Unit
P.O. Box 600
Crosby Arkansas 71644

Mr. Norman L. Hodges Jr. Director
Arkansas State Claims Commission
101 East Capitol Ave
Suite 410
Little Rock AR 72201-3823

Lise Mills Wilkins
Attorney Services
P.O. Box 8707
Pine Bluff AR 71611

General Assembly
Ann Corawell
Secretary of the Senate
320 State Capitol
500 Woodlane
Little Rock Arkansas 72201

Arkansas Claims Commission

JAN 24 2013

RECEIVED