

**EXHIBIT C**

**MINUTES**

**SENATE INTERIM COMMITTEE ON JUDICIARY**

**October 12, 2018**

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The Senate Interim Committee on Judiciary met at 1:00 p.m., on Friday, October 12, 2018, in Room B MAC Building, Little Rock, Arkansas.

**Committee members present:** Senators Linda Collins-Smith, Chair; Terry Rice, Vice-Chair; and Gary Stubblefield.

**Other legislators present:** Senators John Cooper and Alan Clark. Representatives Sarah Capp and Kim Hammer.

Senator Collins-Smith called the meeting to order.

**Consideration to Approve Minutes [EXHIBIT B]**

**Senator Rice made a motion to approve the October 1, 2018, meeting minutes. The motion was seconded by Senator Stubblefield, and without objection, the motion carried.**

**Public Testimony**

**Senator Collins-Smith** informed the presenters they would be sworn in before presenting their testimonies. Senator Collins-Smith asked all those providing testimony to be sworn-in. She read the oath and everyone answered affirmatively.

**Mr. Adam Finley, Citizen** and **Mr. Mark Rees, Attorney Mark Rees Law Firm**, were recognized. A video was shown of Mr. Finley's traffic stop by Walnut Ridge police officers. Mr. Finley gave a detailed account of his experience that occurred during the traffic stop. After filing a complaint against the officer, Mr. Finley received two citations to appear in court. Mr. Rees elaborated on specific areas of the video, noting a civil lawsuit was filed 1 year later. The case is pending in federal court.

Senator Collins-Smith informed committee members that a second video was available for them to review. She noted that Mr. Bob McMahon was not available to attend today's meeting due to hosting the Annual Fall Conference for the Attorney's Association. Thereafter, she read a letter submitted by Mr. McMahon, Prosecutor Coordinator, Office of Prosecutor Coordinator, which elaborated on the citations that were issued to Mr. Finley. Senator Clark requested a copy of the investigation results from Mr. Finley's complaint that was filed against the police officer. After a lengthy discussion, Senator Collins-Smith concluded by stating the Committee will be following this case.

**Discussion on Foster Child Relative Placement**

**Ms. Melodie Stodgill, Citizen**, and **Mr. Paul Love, Attorney**, were recognized and submitted **Handouts 1-3** for review. Ms. Stodgill discussed specific information regarding a foster child case involving her biological niece. According to Ms. Stodgill, the Department of Human Services/Division of Children and

Family Services-Garland County (DCFS) did not perform a home study of her home as a foster parent. Senator Clark noted that Ms. Stodgill is a constituent in his district.

Mr. Love clarified statements regarding the renewal of Ms. Stodgill's foster care approval. The home study was approved, however, Ms. Stodgill received a denial letter from DCFS notifying her of the decision that was made to close her foster home service. **Mr. Brian Welch, Director, Parent Counsel Commission (PCC)**, was recognized and gave a brief overview of the PCC. The PCC attorneys represent the parents or guardians whom custody was removed.

#### **Discussion on Child Maltreatment Issues**

**Ms. Patty Hansen, Citizen,** and **Ms. Cindy Tatum,** were recognized and gave a brief explanation of a custody situation involving their biological relative. Ms. Hansen provided a timeline of events that occurred when her nephew was removed from her care while he was visiting his father, which resulted in him being removed from her custody. Ms. Hansen expressed she has done everything in her power to get her nephew back, noting DCFS has repeatedly denied her requests.

Senator Clark requested a copy of today's meeting CD and that a copy be mailed to Ms. Mischa Martin, Director, DCFS.

With no further business, the meeting adjourned at 3:32 p.m.

**MINUTES**

**SENATE INTERIM COMMITTEES ON JUDICIARY**

**October 15, 2018**

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The Senate Interim Committee on Judiciary met at 11:00 a.m., on Monday, October 15, 2018, in Room 149, State Capitol in Little Rock, Arkansas.

**Committee members present:** Senators Linda Collins-Smith, Chair; Terry Rice, Vice Chair; Breanne Davis and Gary Stubblefield.

**Other legislators present:** Senators Alan Clark and Scott Flippo

Senator Linda Collins-Smith called the meeting to order.

She recognized the following personnel: Ms. Wendy Kelley, Director and Mr. Solomon Graves, Public Information Officer, Arkansas Department of Corrections (ADC). She also recognized Mr. Benny Magness, Chair, Board of Corrections and Mr. Kevin Murphy, Chief Deputy Director, Arkansas Community Corrections (ACC).

Senator Collins-Smith asked Ms. Kelley to provide an overview of the agency. Ms. Kelley provided the following statistics: employment levels (2018) – 8.6%, average number of inmates caught under the influence of K2 (2018) – average 67 incidents per month; compared to average 95 incidents per month in 2017. She stated four correctional units will receive full body scanners to confiscate contraband. Mr. Graves added there have been no major acts of violence such as hostage or kidnapping situations this year. He stated it was direct result of “contraband interdiction efforts.” Mr. Magness stated there is an issue with stopping the use of “black market money” among the inmates.

After the overview, Senator Collins-Smith asked all of those providing testimony to be sworn-in and she read the oath and everyone answered affirmatively. She asked about the condition of a corrections officer severely injured in the line of duty; and Ms. Kelley provided a brief update on his condition. Senator Collins-Smith requested **[Handouts 1 and 2]** be provided to committee members and ADC, ACC, and Board of Corrections personnel. The data presented was from regarding assaults on staff and other violence **[Handout 2]** and bed space FY 2018 **[Handout 1]**. Senator Clark was recognized and referenced **[Handout 2]**, he asked about the “jump” in battery on staff. Ms. Kelley responded that there are two reasons for the increase – 1) improved incident reporting and 2) some inmates have no respect for authority. She added that the ADC is providing more training to correctional officers in the areas of de-escalation, survival skills, and resiliency. Mr. Magness added that the overall negative feelings toward law enforcement and attitude toward authority may also contribute to rise in assaults on staff.

Senator Collins-Smith asked if the relaxation of policy also contributed to more attacks on staff. Ms. Kelley stated there was no change in the punishment for violence and threats of violence

towards staff. She added the policy change in 2017 was done jointly by staff and administration to adjust the lengths of time inmates spent in restrictive housing and punitive isolation. She also explained that punitive isolation is considered solitary confinement and restrictive housing means inmates spend about 22-23 hours in a cell for various infractions. She reiterated violence and threats against staff is not tolerated and is punished.

Mr. Tim Loggins was recognized and sworn-in by Senator Collins-Smith. He clarified his testimony would be “purely anecdotal”, as he is not currently employed by ADC. He retired in March 2015. Mr. Loggins stated he has received calls from active employees who are worried about their safety, use of force issues, and other concerns, noting he doesn’t have “hard facts. In response to Senator Clark’s comment about employees complaining, Mr. Loggins replied it’s a serious issue among employees who feel there is a disconnect between them and management. He added employees tell him there are no consequences for inmates who commit “smaller infractions” such as not wearing badge, standing behind yellow line, cursing, or not making their beds and this can lead to bigger issues that are harder to deal with later. He agreed with Mr. Magness who said earlier the attitude of inmates is different from previous years.

Senator Collins-Smith asked about training for the new policy implemented in 2017. Ms. Kelley clarified the restrictive housing and punitive isolation policies were distributed by administration to all officers and staff. Mr. Graves added the policy was provided about one month before the policy went into effect in February 2017. Ms. Kelley stated the Newport Correctional Unit was the only facility that seemed unfamiliar with the new policy, and they were informed of the changes.

Senator Collins-Smith asked about cost of accreditation and clarification on its purpose. Ms. Kelley said the accreditation costs about \$2,000, and its purpose is to help the state’s prisons operate in accord with national and federal standards. Senator Collins-Smith indicated she received information that the cost is higher. Ms. Kelley clarified that the amount set aside in their annual budget is approximately \$150,000 and out of that amount about \$2,000 is used for accreditation fees. Senator Collins-Smith asked what happens to left over money. Ms. Kelley stated that the money is used for maintenance projects or other facility needs and \$8,000 is for audits done every three years at prison facilities.

Senator Clark was recognized and asked Mr. Graves if staff at the facilities are included in the policy change process. Mr. Graves replied ADC has formed a committee comprised of facility employees and administrators to provide input and feedback on new policies. Senator Clark also asked about input and feedback from lower level employees. Mr. Graves added that there are policies in place to notify them and make sure they’re aware of policies.

Mr. Loggins continued his discussion by stating that the relaxation of some policies has led to the ease of gang formation in the state’s prisons, and he advised that policies must be tailored to each facility. He added many employees feel there is a break in the connection between them and management, and they need better tools and training to do their jobs effectively. Mr. Loggins noted employees are getting written up for using the wrong terminology. Ms. Kelley stated she doesn’t know of any instances for employees get written up for using different/old terminology.

Senator Rice was recognized and asked about employees being written up for using wrong terminology. Mr. Magness replied by saying he didn't think it was true, because he said many of those in upper management have used outdated terms. Senator Rice said it is important not to nitpick employees for things.

Senator Collins-Smith asked Ms. Kelley about issues concerning the inmate grooming policy and tattooing. Ms. Kelley stated the current grooming policy is in place, because the United States Supreme Court said the previous inmate grooming policy was unconstitutional. She explained that the tattooing policy has not been relaxed, and it is still punishable by restrictive housing and gang tattoos are punished by punitive isolation.

Senator Collins-Smith asked about what happens if an employee is assaulted with bodily fluids from an inmate. She provided brief details about an employee who was assaulted in that way and upper management asked them not report the incident due to the fact that the employee was "in their [referring to the inmate] space." According to Ms. Kelley, employees are notified via administration and posters that assaults with bodily fluids are punishable. She added that inmates who do those kinds of assaults can be prosecuted in the district courts and be punished within the prison system. Mr. Magness added that some incidents in committed by inmates can be prosecuted and this has helped some with discipline issues.

Senator Collins-Smith announced the next Senate Judiciary meeting will be Monday, October 22<sup>nd</sup> and the topic will be 2<sup>nd</sup> Amendment rights and other gun legislation.

The meeting adjourned at 12:50 p.m.

