

Please Read Instructions on Reverse Side of Yellow copy

Please print in ink or type

ARKANSAS STATE
CLAIMS COMMISSION

JAN 17 2013

L1.

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

RECEIVED

☒ Mr.
☐ Mrs.
☐ Ms.
☐ Miss

Berry Morrow, #143825, Claimant

vs.

State of Arkansas, Respondent
Dept. of Correction

Do Not Write in These Spaces

Claim No. 13-0531-CC

Date Filed January 17, 2013
(Month) (Day) (Year)

Amount of Claim \$ 480.00

Fund DOC

COMPLAINT Failure to Follow Procedure

Berry Morrow, #143825, the above named Claimant, of POB 500, Grady, AR 71644
(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 _____ any:
(Street and No.) (City) (State) (Zip Code) (Phone No.) (Fax No.)

State agency involved: Dept of Correction (ADC) Amount sought: \$ 480.00

Month, day, year and place of incident or service: 6-19-12 to 7-17-12 at North Central Unit (NCA)

Explanation: AD 10-20 (M.C.I.) states inmates serving punitive isolation sentences will receive 48-hour relief at the end of each 30-day sentence. Inmate privileges as previously outlined in this policy will be restored during the 48-hour relief period and will be restricted again at the beginning of the next punitive sentence. Correctional Authorities routinely fail or refuse to restore "A" privileges. Attached as evidence are Grievance #NCA-0277; and NCA-0278; NCA-00344; AD 10-20; and two communications with the mailroom. Also attached are Request for Admissions.

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

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

Berry Morrow
(Print Claimant/Representative Name)

By Morrow
(Signature of Claimant/Representative)

SWORN TO and subscribed before me at Grady Arkansas

(SEAL)



on this 13th day of December, 2012
(Date) (Month) (Year)

Ricky Boyd
(Notary Public)

SF1- R7/99

My Commission Expires: 08 09 2016
(Month) (Day) (Year)

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center NC

Received

JUL 05 2012

Name Beirson Morrison Grievance Office

ADC# 143825 Brks # C-11 Job Assignment

FOR OFFICE USE ONLY	
GRV. #	<u>NC-12-00277</u>
Date Received:	<u>7/5/12</u>
GRV. Code #:	<u>212</u>

6-30-12 (Date) STEP ONE: Informal Resolution

7-2-12 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: Did not receive any relief

(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): I have not received appropriate relief from punitive conditions in over 30 days as required by policy and law. I seek adequate compensation for this intentional violation.

RECEIVED

JUL 16 2012

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

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 7/23/12 (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) Sgt B. Smith ID Number 66165 Staff Signature [Signature] Date Received 7/23/12

Describe action taken to resolve complaint, including dates: This inmate received a 48 hour relief on 6/21/12

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

2

INMATE NAME: Morrow, Barry I.

ADC #: 143825A

GRIEVANCE #: NC-12-00277

WARDEN/CENTER SUPERVISOR'S DECISION

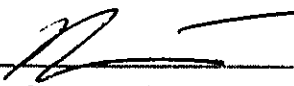
Complaint:

I have not received appropriate relief from punitive conditions in over 30 days as required by policy and law. I seek adequate compensation for this intentional violation.

Response:

According to EOMIS you were afforded 48-hour relief on 6/20/12 and 6/21/12. You wrote this grievance on 6/30/12, therefore you have not went over 30 days without 48-hour relief.
Your grievance is without merit.

RECEIVED



Signature of Warden/Supervisor or
Designee

JUL 16 2012

Title
INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

7-11-12

Date

INMATE'S APPEAL

*Received 7-11-12 unstpled (ie open)
Sights / Kern's work*

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 did not receive my relief on 6-20-12 or 6-21-12. Evidence can be seen by reviewing the camera which will show I was not allowed to keep my mattress, and Grievance NC 12-00278 will show Commissary Supervisor Barbara Tate stated she did not fill my request for hygiene item on 6-21-12 because I was not on 48-hour relief.



Inmate Signature

143825

ADC#

7-11-12

Date

INMATE NAME: Morrow, Barry I.

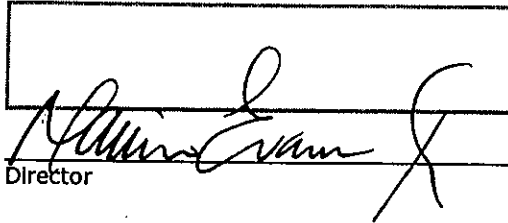
ADC #: 143825

GRIEVANCE#: NC-12-00277

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

Inmate Morrow, in my review of this matter, I find that I concur with the unit's response. Also, records show that you are no longer assigned to the North Central Unit. You are currently assigned to the Cummins Unit.

Appeal denied


Director

Date 8/16/12

Received

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center

NC

JUL 05 2012

Name

Berry Morrow

Grievance

Office

ADC#

143525

Brks #

E 11

Job Assignment

FOR OFFICE USE ONLY

GRV. # NC-12-00278

Date Received: 7/5/12

GRV. Code #: 502

7-1-12 (Date) STEP ONE: Informal Resolution

7-3-12 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)
If the issue was not resolved during Step One, state why: received no relief

(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): On 6-19 and 21-2012 Commissary personnel deny me necessary items to maintain personal health and hygiene, which are authorized for me to have pursuant to AD 10-20 (III.A.9.).

RECEIVED

AUG 1 8 2012

INMATE GRIEVANCE SUPERVISOR

ADMINISTRATION BUILDING

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 7/2/12 (date), and determined to be Step One and/or an Emergency Grievance
No (Yes or No). This form was forwarded to medical or mental health? No (Yes or No). If yes, name of the person in that department receiving this form: Date

PRINT STAFF NAME (PROBLEM SOLVER)

ID Number

Staff Signature

Date Received

Describe action taken to resolve complaint, including dates: ON 7/3/12, I, Sgt Brooks, talked with Commissary concerning this issue. The AD states that that inmates may have these items and purchase them while on their 48 hour relief.

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

5

250

INMATE NAME: Morrow, Barry I.

ADC #: 143825A

GRIEVANCE #: NC-12-00278

WARDEN/CENTER SUPERVISOR'S DECISION

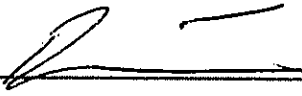
Complaint:

On 6-19 and 21-2012 Commissary personnel deny me necessary items to maintain personal health and hygiene, which are authorized for me to have pursuant to AD 10-20 (III.A.9)

Response:

An interview with Ms. Barbara Tate indicates that the AD states that the inmates on Punitive Restriction may have these items but can only purchase them while on their 48-hour relief.

Your grievance is therefore without merit.



Signature of Warden/Supervisor or
Designee

Title

7-30-12

Date

RECEIVED

AUG 13 2012

INMATE'S APPEAL

Received 7-31-12

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?

There is no policy that dictates hygiene items can only be purchased during 48-hour relief and it does not matter because I was on 48-hour relief on 6-21-12



Inmate Signature

143825

ADC#

8-1-12

Date

INMATE NAME: Morrow, Barry I.

ADC #: 143825

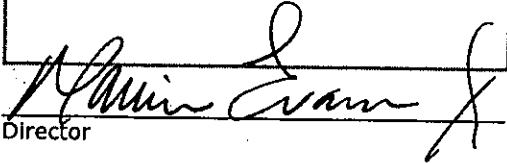
GRIEVANCE#: NC-12-00278

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

You state that on 6-19 and 21 2012 Commissary personnel denied you necessary items to maintain personal health and hygiene which are authorized for you to have.

Inmate Morrow, in my review of this matter, I find that I concur with the unit's response. Also, you are no longer assigned to the NCU. You are currently assigned to the Cummins Unit.

Appeal denied


Director

9-13-12
Date

Inmate Request Form North Central Unit

This form is to be used by inmates contacting staff with requests on issues. This form is not a grievance step but should be used before filing an Informal Grievance

Inmate Name: <u>Berry Morrow</u>	ADC# <u>147865</u>	Date: <u>7-25-12</u>
Barracks: <u>I-11</u>	Assignment:	
Staff Member: <u>Keith Withite</u>	Department: <u>Mailroom</u>	

I have a request concerning the following areas (Check One)

- | | | | |
|---|--|---|---------------------------------------|
| <input type="checkbox"/> Business Manager | <input type="checkbox"/> Hobby Craft | <input type="checkbox"/> Medical / Dental | <input type="checkbox"/> School |
| <input type="checkbox"/> Chaplain | <input type="checkbox"/> Laundry / Property | <input type="checkbox"/> Mental Health | <input type="checkbox"/> Telephones |
| <input type="checkbox"/> Classification | <input type="checkbox"/> Library / Law Library | <input type="checkbox"/> Parole | <input type="checkbox"/> Visitation |
| <input type="checkbox"/> Commissary | <input checked="" type="checkbox"/> Mail Room | <input type="checkbox"/> Records | <input type="checkbox"/> Other: _____ |

Detailed reason for request: I have subscriptions to several magazines and newsletters that I have not received. I was on 48-hour relief from Sunday midnight to Tuesday midnight. My question is do I have anything waiting for me in the mailroom?

Have you talked to any staff member about this request? ☐ Yes ☐ No

Whom: _____

Inmate Signature: [Signature]

DO NOT WRITE BELOW THIS LINE

I am referring this request to: _____	
Referring Staff Member Signature: _____	Date: _____

I have reviewed your request and my findings are as follows: YOUR MAIL WILL BE GIVEN TO YOU NEXT TIME THAT YOU GO ON 48.

Staff Signature: [Signature]

I am referring this request to: _____	
Referring Staff Member Signature: _____	Date: _____

I have reviewed your request and my findings are as follows: _____

Staff Signature: _____

Inmate Request Form North Central Unit

This form is to be used by inmates contacting staff with requests on issues. This form is not a grievance step but should be used before filing an Informal Grievance

Inmate Name: <u>Berry Morrow</u>	ADC# <u>143825</u>	Date: <u>7-25-12</u>
Barracks: <u>I-11</u>	Assignment:	
Staff Member: <u>Keith White</u>	Department: <u>Mailroom</u>	

I have a request concerning the following areas (Check One)

<input type="checkbox"/> Business Manager	<input type="checkbox"/> Hobby Craft	<input type="checkbox"/> Medical / Dental	<input type="checkbox"/> School
<input type="checkbox"/> Chaplain	<input type="checkbox"/> Laundry / Property	<input type="checkbox"/> Mental Health	<input type="checkbox"/> Telephones
<input type="checkbox"/> Classification	<input type="checkbox"/> Library / Law Library	<input type="checkbox"/> Parole	<input type="checkbox"/> Visitation
<input type="checkbox"/> Commissary	<input checked="" type="checkbox"/> Mail Room	<input type="checkbox"/> Records	<input type="checkbox"/> Other: _____

Detailed reason for request: I have had 2-48 hour relief periods since I
was assigned to isolation on 5-26-12. I am trying to find out
why I have not received any of my publications and why I must wait
for my third 48-hour relief to receive what is in storage

Have you talked to any staff member about this request? ☐ Yes ☐ No

Whom: _____

Inmate Signature: [Signature]

DO NOT WRITE BELOW THIS LINE

I am referring this request to: _____

Referring Staff Member Signature: _____ Date: _____

I have reviewed your request and my findings are as follows:

THE ONLY WAY I
WOULD KNOW YOUR 48 IS FOR SOMEONE TO
LET ME KNOW.

Staff Signature: [Signature] 07-26-12

I am referring this request to: _____

Referring Staff Member Signature: _____ Date: _____

I have reviewed your request and my findings are as follows: _____

Staff Signature: _____

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Received

FOR OFFICE USE ONLY

Unit/Center NC

AUG 01 2012

GRV. # NC-12-00344Name Berry MorrowDate Received: 8/1/12ADC# 143825 Brks # E-11 Job Assignment Grievance OfficeGRV. Code #: 2127-29-12 (Date) STEP ONE: Informal Resolution7-31-12 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)
If the issue was not resolved during Step One, state why: Gave evening response

(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): North Central Unit Staff routinely fail to provide APPROPRIATE 48-hour relief from punitive conditions of confinement. AD 10-20 (III. A.) restricts Television, seconds on food, newspapers, magazines, and Library Services; but this policy also mandates that these privileges will be restored during 48-hour relief (see III. C.1. and D.4.). However, from midnight on 7-22-12 to midnight on 7-27-12 I was not afforded any of these privileges.

RECEIVED

SEP 06 2012

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDINGInmate Signature [Signature]Date 7-29-12

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 ONLYThis form was received on 7/30/12 (date), and determined to be Step One and/or an Emergency Grievance NO (Yes or No). This form was forwarded to medical or mental health? NO (Yes or No). If yes, name of the person in that department receiving this form: _____ Date _____PRINT STAFF NAME (PROBLEM SOLVER) Sgt G. Brooks ID Number [blank] Staff Signature [Signature] Date Received 7/30/12

Describe action taken to resolve complaint, including dates: _____

Appropriate relief was given to you during your 48 HR Relief. Commissary, mail, visitation and phone privileges were restored.Staff Signature & Date Returned [Signature] 7/31/12 Inmate Signature & Date Received [Signature] 7-31-12This form was received on 7-31-12 (date), pursuant to Step Two. Is it an Emergency? NO (Yes or No).Staff Who Received Step Two Grievance: Sgt C. Jones Date: 7-31-12Action Taken: _____ (Forwarded to Grievance Officer/Warden/Other) Date: 7-31-12If forwarded, provide name of person receiving this form: K. Payne Date: 7-31-12**DISTRIBUTION: YELLOW & PINK** – Inmate Receipts; **BLUE**-Grievance Officer; **ORIGINAL**-Given back to Inmate After Completion of Step One and Step Two

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INMATE NAME: Morrow, Barry I.

ADC #: 143825A

GRIEVANCE #: NC-12-00344

WARDEN/CENTER SUPERVISOR'S DECISION

Complaint:

North Central Unit Staff routinely fail to provide APPROPRIATE 48-hour relief from punitive conditions of confinement. AD 10-20 (III.A.) restricts television, seconds on food, newspapers, magazines, and Library Services; but this policy also mandates that these privileges will be restored during 48-hour relief (see III.C.1. and D.4.). However, from midnight on 7-22-12 to midnight 7-24-12 I was not afforded any of these privileges.

Response:

Appropriate relief has been given to you during your 48-hour relief. Commissary, visitation, and telephone privileges were restored.

Your grievance is therefore without merit.

Signature of Warden/Supervisor or
Designee

Title

Date

RECEIVED

SEP-08-2012

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?

~~First~~ First I want to state that this appeal is timely because Warden response was not due till 8-30-12 and the reverse side of the Unit level grievance form will reveal the response was received in the commissary mailroom on 8-27-12. I did not complain about commissary, visitation, or phone but the other privileges which ~~was~~ policy mandates will be restored. Therefore I did not receive appropriate relief.

Inmate Signature

ADC#

Date

INMATE NAME: Morrow, Barry I.

ADC #: 143825

GRIEVANCE#: NC-12-00344

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

Inmate Morrow, in my review of this matter, I find that I concur with the unit's response. Also, you are no longer assigned to the North Central Unit, you are currently assigned to the Cummins Unit.

Appeal denied



Director

Date 10/15/12



Arkansas Department of Correction

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: 10-20

SUPERSEDES: 09-14

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: Ray Hobbs, Director

EFFECTIVE DATE: 07/23/2010

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.

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 48-hour relief, inmates will be allowed to receive the two 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 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 to be done only when the attorney can justify the urgency of the legal matter prior to the release from punitive status, then only with the consistent need for good security.
4. Exercise – Inmates in punitive segregation will be offered a minimum of one hour of exercise per day outside their cells, five 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.
 - c. Exercise periods should be documented. Any imposition of constraint during the exercise period will be justified and documented.

5. Commissary – Inmates serving consecutive punitive isolation sentences will receive 48-hour relief at the end of each 30-day sentence. Inmate privileges as previously outlined in this policy will be restored during the 48-hour relief period and will be restricted again at the beginning of the next punitive sentence. Commissary purchases may be made by an inmate only if the inmate's 48-hour relief falls on his/her regularly scheduled commissary day, and will be limited to a quantity that can reasonably be consumed in 48 hours.
6. Mattresses – Inmates in punitive segregation will not be allowed to have mattresses in the cells between the hours of approximately 7:00 a.m. and 7:00 p.m. daily.
7. Showers – Inmates in punitive segregation will be afforded the opportunity to shave and shower a minimum of three times per week. Female inmates will be afforded the opportunity to shave once a week. Exceptions are permitted when found necessary by the senior officer on duty. All exceptions will be recorded in the log and justified in writing.
8. Law Library – After having been in punitive segregation for twenty days, inmates may order legal materials from the law library if just cause or adequate need arises for legal material to be delivered once per week.

EXCEPTION: Legal materials will be made readily accessible to those inmates who need to meet statutory or court imposed deadlines.

9. Personal Property – Inmates sentenced to punitive segregation are not allowed personal property; thereby, personal property will be inventoried in accordance with appropriate policy addressing inmate property control. While in punitive segregation, the inmate will be allowed to have the following items only, contingent upon good security.
 - a. Legal materials/Religious text– only that amount of legal material which can be kept neat and orderly and does not clutter the cell, plus one religious text (i.e., Bible, Koran, etc.)
 - b. Soap
 - c. Dental hygiene items
 - d. Wash cloth
 - e. Self-improvement reading materials provided by Treatment Services (one)

- f. Comb (no pick)
- g. Deodorant
- h. Sanitary napkins (females)
- i. Paper
- j. Flex pen
- k. Stamped envelopes/Legal envelopes
- l. Shampoo (female inmates only)
- m. Conditioner (female inmates only)
- n. Consumable items (during 48-hour relief only)
- o. Medications as authorized in paragraph #18

Toilet paper will be issued in increments by the punitive area supervisor on an as-needed basis.

- 10. Telephones – Inmates will not be afforded telephone privileges. Inmates may make attorney calls when a need can be verified that will not wait until the conclusion of punitive confinement.
- 11. Religious Services – Inmates in punitive segregation will not be allowed to participate in group religious activities. A religious leader approved by the Department will be available upon request for one-on-one visits, at the inmate's cell, subject to approval by the Warden. A departmental chaplain must make rounds in punitive at least once per week.

Provisions will be made for Muslim inmates to participate in the Ramadan fast.
- 12. Meritorious Good Time – Inmates in punitive segregation will not earn good time.
- 13. Work Assignment – Inmates in punitive segregation will not have work assignments.
- 14. Library – Inmates in punitive segregation will not have regular library privileges.
- 15. Program Activities – Inmates in punitive segregation will not be allowed to participate in any group program activities (i.e., Inmate Council, SATP, education, movies, etc.).

16. Clothing – Inmates in punitive segregation will be provided one jump suit and appropriate undergarments at shower time. The only footwear permitted will be state issued canvas or approved medical footwear.
17. Paper and Pen – Inmates in punitive segregation will be allowed to purchase flex pens and/or paper through the commissary at least once monthly or more often if a need is documented and validated. The Segregation Supervisor or Chief Security Officer will review all such requests.
18. Medical – All inmates who are segregated from the general population will be evaluated by qualified health personnel prior to placement in segregation and daily while in segregation to determine the individual's status. The pre-placement health evaluation is to ensure the inmate does not have any medical conditions contradictory to such placement, and to screen for mental health referrals. Any referrals to mental health shall be made to the mental health supervisor and/or the on-call mental health staff. The pre-placement will be documented in the inmate's health record.

Sick call will be held at least five times per week. Pill call will be held as often as is required by the medical staff. Medical services on weekends will be for emergencies only. Only medications authorized by Medical Services will be kept in a punitive cell.

19. Food – Food will be served in accordance with the appropriate policy addressing food services. Disposable utensils may be utilized. Meals will be served in the cells. Inmates on punitive will not be served seconds.

Alternative meal service may be provided to an inmate in segregation who uses food or food service equipment in a manner that is hazardous to self, staff, or other inmates. Alternative meal service is on an individual basis, is based on health and/or safety considerations only, meets basic nutritional requirements, and occurs with the written approval of the Warden and responsible health authority. The substitution period shall not exceed seven days, but may be resumed, as warranted, following one regular tray, absent a special treatment plan.

20. Consecutive Sentences – Inmates on 48-hour relief may possess only those items from the commissary which could reasonably be consumed in 48 hours.
21. Mental Health Counseling – Mental health counseling may be coordinated between mental health personnel and the Warden. A

departmental mental health counselor must make rounds in punitive no less than three times per week, on Monday, Wednesday, and Friday, and will ensure that all inmates reassigned from population to a lock-down status since the last round are seen. Additionally, mental health staff will see an inmate assigned to administrative segregation/punitive isolation during normal working hours before leaving the unit and assess the inmate utilizing the Segregation Review Form (MHS-1139.00) when notified of concerns by unit staff or medical staff. After normal working hours and on holidays or weekends, on-call mental health staff shall assess each inmate on whom notification has been received from unit staff or medical staff to determine if the inmate needs to be placed on treatment precaution status per MHS Policy 1136.00, with documentation in the electronic health record and the inmate's mental health file.

22. Cleanliness/Grooming - Inmates assigned to punitive segregation are expected to comply with the Department's policy concerning personal cleanliness and grooming for inmates. If an inmate's personal cleanliness and/or grooming falls below the Department's standard, the Chief of Security may order that necessary steps be taken to enforce compliance. Failure to abide by grooming standards is grounds for disciplinary action.

III

B. Staff Responsibilities

The Warden, Deputy/Assistant Warden, or Chief of Security Officer will visit punitive segregation at least once per week. In addition, the Duty Warden will visit punitive segregation each weekend. He/She will pay special attention to those inmates assigned to mental health "Treatment Precaution," i.e., Restriction Status or Restraint Status, and will follow those instructions outlined below under #5, "Special Note."

The punitive area supervisor will be responsible for assuring that:

1. Each punitive cell has lights, toilet, and lavatory in working condition. Each punitive cell shall have a bunk.
2. All inmates working in the punitive area shall be under constant staff supervision.
3. Shakedowns 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 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.

III

C. Periods of Confinement

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

Inmates serving consecutive punitive isolation sentences will receive 48-hour relief at the end of each 30-day sentence. Inmate privileges as previously outlined in this policy will be restored during the 48-hour relief period and will be restricted again at the beginning of the next punitive sentence. Commissary purchases may be made by an inmate only if the inmate's 48-hour relief falls on their regularly scheduled commissary day, and will be limited to a quantity that can reasonably be consumed in 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.

III

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 48-hour relief at the end of each 30-day sentence. Inmate privileges as previously outlined in this policy will be restored during the 48-hour relief period and will be restricted again at the beginning of the next punitive restriction sentence.
5. Inmates on 48-hour relief will be allowed to purchase commissary items, authorized personal hygiene items and legal supplies listed in the Personal Property Section of this policy a minimum of once every 30 days. Purchase limit will be the same as indigent inmates. Legal supplies may be purchased more often if the inmate can document a valid need. Inmates violating any restrictions will be subject to additional disciplinary action.
6. Inmates working on their assignments without additional disciplinaries will receive credit toward reclassification (promotion in class) as other inmates working on their assignments. Inmates will not receive a class upgrade while on punitive restriction status.
7. An inmate on punitive restriction who is found guilty of a major infraction of institutional rules by the Disciplinary Hearing Officer will be placed in punitive segregation for the time period required by

the sanction. This time imposed is consecutive to any previously imposed punitive sentence unless otherwise ordered by the Warden, or designee.

10-20

10July22

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BERRY MORROW (ADC 143825)

CLAIMANT

V.

NO. 13-0531-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

**ARKANSAS STATE
CLAIMS COMMISSION**

JAN 30 2013

RECEIVED

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 28 day of January, 2012, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Berry Morrow (ADC 143825)

North Central Unit

10 Prison Circle

Calico Rock, AR 72519

Lisa Mills Wilkins

LISA MILLS WILKINS Ark. Bar #87190

✓

No

Ark Dept of Correction

Respondent

Request for Admissions.

- 1) On March 30, 2012 Claimant transfer to North Central Unit (NCU) as a General Population (Gen-pop) inmate
- 2) ~~AD09-07~~ Inmate Property Control is governed by AD09-07
- 3) AD09-07 Attachment #1 list pillow as minimum state issue requirement
- 4) AD09-07 III. B. States "Inmate Personal Property: All items of approved property belonging to an inmate. (Attachment #1 and Attachment #2)."
- 5) AR 864 is a current regulation that defines "Publications" as "Books, magazines, catalogs, advertising brochures, religious tracts, newspapers, or the like."
- 6) AD09-07 I. A.C.1. States "Publications can only be received from authorized vendors"
- 7) AD09-07 II. A. 4. C. States "Personal property subsequently received are subject to department limitations"
- 8) AD09-07 II. A.C.3. States "All property additions must be listed on Form 841-3"

ARKANSAS STATE
CLAIMS COMMISSION

JAN 25 2013

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(1)

23

- 9) ADO9-07 Attachment #2 list newspapers, magazines, and books as personal property items authorized for inmate possession
- 10) May 26, 2012 Claimant was assigned to segregation as a Gen-pop inmate on Disciplinary Court Review (DCR)
- 11) June 7, 2012 Claimant was convicted of Disciplinary infraction and placed on punitive status
- 12) From June 7, 2012 to June 19, 2012 Claimant was classified as a Gen-pop inmate on punitive status
- 13) Punitive Segregation/Restrictions are governed by AD 10-20 during the time period of this complaint
- 14) NCU Commissary days for segregation are Tuesday and Thursday of each week
- 15) AD 10-20 III. C. 1. states "Inmates may be confined to punitive Segregation (pun-seg) for a period of 30 days. Inmates serving consecutive punitive Isolation sentence will receive 48-hour relief at the end of each 30-day sentence. Inmate privileges as previously outlined in this policy will be restored during the 48-hour relief period and will be restricted again at the beginning of the next punitive sentence. Commissary purchases may be made by the inmate only if the inmates 48-hour relief falls on their regularly scheduled commissary day"

- 16) AD 10-20 III. A. 2. States "Inmates will not be ~~able~~ to receive newspapers or magazines in punitive Segregation. During their 48-hour relief, inmates will be allowed to receive the two most current newspapers and magazines"
- 17) AD 10-20 III. A. 6. States "Inmates in pun-seg will not be allowed to have mattresses in the cells between the hours of approximately 7:AM and 7:PM daily"
- 18) AD 10-20 III. A. 7. States "Inmates in pun-seg will be afforded the opportunity to shave and shower a minimum of 3-times per week"
- 19) AD 10-20 III. A. 9. ~~dictates~~ dictates pun-seg inmates are allowed to have Soap, dental hygiene items, Comb, and deodorant
- 20) AD 10-20 III. A. 11. States "Inmates in pun-seg will not be allowed to participate in group ~~activities~~ religious activities"
- 21) AD 10-20 III. A. 14. States "Inmates in pun-seg will not have regular library privileges"
- 22) AD 10-20 III. A. 15. States "Inmates in pun-seg will not be allowed to participate in any group program activities (ie inmate Council, SATP, education, movies, ect.)"
- 23) AD 10-20 III. A. 19. ~~dictates~~ dictates inmates in pun-seg will not be Served Seconds on Food

- 24) Points 16 thru 23 above are the privileges restricted by AD 10-20 when an inmate is placed in punitive segregation
- 25) Inmates in pun-seg are not allowed a pillow
- 26) Inmates in pun-seg are not allowed to receive books
- 27) Television privileges are considered a "group program activity" and not allowed in pun-seg
- 28) Eating in the dining hall is considered a "group program activity" and not allowed in pun-seg
- 29) Points 25 thru 28 above are privileges restricted by AD 10-20 when a Gen-pop inmate is placed in pun-seg
- 30) Gen-pop inmates are allow to possess a pillow privilege
- 31) Gen-pop inmates are allow dining hall privilege
- 32) Gen-pop inmates are allow television privilege
- 33) Gen-pop inmates are afforded the opportunity to shower every day of the week.
- 34) According to EOMES Claimant was afforded 48-hour relief on June 20 or 21, 2012

35) June 20 and 21, 2012 Claimant:

- a. was not afforded two most current newspapers ~~and~~ ^{or} magazines
- b. was not allowed to detain his mattress from 7:AM to 7:PM
- c. was not afforded opportunity to shower each day
- d. was not allow to participate in group religious activity
- e. was not allow to purchase desired commissary items
- f. was not allow library ~~privileges~~ ^{privileges}
- g. was not allow to watch television
- h. was not provided Seconds on Food
- i. was not allow to possess a pillow
- j. was not allow to receive ~~withheld~~ books
- k. was not allow to eat in dining hall

36) July 22 thru 24, 2012 Claimant was not:

- a. afforded two most current newspapers or magazines
- b. allowed to watch television
- c. allowed Seconds on Food
- d. allowed Library Services
- ~~e. allowed to possess a pillow~~
- e. allowed to possess a pillow
- f. allowed to receive withheld books

37) July 25, 2012 Claimant submit a request form to Keith ~~White~~ withite in the mailroom that stated "I have subscriptions to several magazines and newsletters that I have not received. I was on 72-hour relief from Sunday midnight to Tuesday midnight. My question is do I have anything waiting for me in the mailroom?"

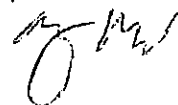
38) July 25, 2012 at evening mail delivery I received my request form back ~~back~~ with a signature of a person I do not know and a statement that said "Your mail will be given to you next time that you go on YS"

39) July 25, 2012 I submit another inmate request form that said "I have had 2-48 hour relief periods since I was assigned to isolation on 5-26-12. I am trying to find out why I have not received any of my publications and why I must wait for my third 48-hour relief to receive what is in storage"

40) July 26, 2012 Keith Withite responded to my request "The only way I would know your YS is for someone to let me know"

41) Claimant filed and exhausted Administrative Remedies ~~with~~ on ~~the~~ the issues within this case with Conference numbers ~~to~~ NC12-(#s)-00277; 00278; and 00344

Respectfully Submitted,



Berry Morrow
C.U. # 143825
POB 500
Grady AR 71644



Arkansas Department of Correction

3 copies
8707
R 71611-8707
0-267-6200
/0-267-6244
ate.ar.us/doc

ADMINISTRATIVE DIRECTIVE

SUBJECT: Inmate Property Control

NUMBER: 09-07

SUPERSEDES: 07-30

APPLICABILITY: To all employees and inmates

REFERENCE: AR 841 - Inmate Property Control

Page 1 of 22

APPROVED: Original signed by Larry Norris

EFFECTIVE DATE: 03/06/2009

I. POLICY:

This policy is to establish uniform standards for possession of personal and state property by inmates within the Department of Correction.

II. AUTHORITY:

Responsibility for administration of this procedure is assigned to the Unit Warden/Center Supervisor (hereafter referred to as Warden) of each Unit/Center (hereafter referred to as Unit).

III. DEFINITIONS:

- A. Legal Materials: Pleadings and resource documents such as case law, court rules, statutes, transcripts, notes or legal forms.
- B. Inmate Personal Property: All items of approved property belonging to an inmate. (Attachment #1 and Attachment #2).

loose medication must be destroyed, the destruction will be witnessed by another staff member and documented.

- (2) The use or issuance of medical devices/equipment shall be processed in accordance with the appropriate policy or advice of medical authority.

V.A.

4. Excessive Property

- a. The items listed on Attachment #1 and 2 are considered to be the total possible number of personal property items appropriate for retention by an inmate. While an inmate may possess property exceeding an aggregate total of One Hundred Dollars and no/cents (\$100.00), to include work craft tools and materials, the department will only reimburse up to the sum of One Hundred Dollars (\$100.00), if judged responsible for the loss of the inmate's property.
- b. If it is determined by staff that an inmate has accumulated an excessive amount of personal property, the inmate will be advised that he or she must dispose of items as noted herein.
 - (1) Confiscated items which are excessive and are to be used for disciplinary, judicial or Claims Commission proceedings will be secured until such proceedings are completed.
 - (2) All excess property, whether or not a disciplinary is written, shall be disposed of in accordance with V(A)(1)(a) of this policy.
 - (3) If an inmate does not dispose of excess property within **THIRTY (30) DAYS** from the date of confiscation or the conclusion of the disciplinary process, said property shall be destroyed.

All items confiscated and all actions relative to these items will be documented on a Form F-401

- c. Personal property/valuables subsequently received or purchased are subject to department limitations.
 - (1) Publications, religious and work craft items can only be received from authorized vendors.

- (2) As previously stated in this document, the only means an inmate can acquire personal property/expendable items is by one of the following: purchases from a unit commissary, approved religious articles, and medical items issued by health service administrators.
- (3) All property additions must be listed on form 841-3.

V A

5. Unauthorized Property

- a. Confiscated items that are unauthorized and are to be used for disciplinary purposes will be secured until such proceedings are completed.
- b. Upon completion of the disciplinary process the unauthorized property shall be destroyed.
- c. Unauthorized property for which no disciplinary is written or which is dismissed on a technicality shall be destroyed.
- d. Authorized property obtained through unauthorized means, e.g., gambling, theft, trafficking and trading, shall be treated as unauthorized property and shall be destroyed upon completion of the disciplinary process.
- e. Items that have been altered in any way such as radio packs, altered ADC numbers and the like, are considered unauthorized and shall be destroyed upon completion of the disciplinary process.
- f. Weapons and drugs confiscated and not used as evidence in disciplinary or judicial proceedings will be disposed of pursuant to Internal Affairs instructions.

All items confiscated will be photographed and attached to Form F-401, and all actions relative to these items will be documented on Form F-401.

6 Personal Jewelry and Personal Photographs

- a. Allowable personal jewelry may consist of one wristwatch, one ring, one religious medal or emblem. Personal jewelry

ATTACHMENT 2

**PERSONAL PROPERTY ITEMS AUTHORIZED FOR INMATE
POSSESSION AND NOT ISSUED BY STATE**

CLOTHING

- 1 Sweat shirt (white)
- 1 Sweat pant (white)
- 1 Pair shower shoes
- 1 Pair cloth gloves
- 2 Bathrobes (white) (female)
- 1 Pair gym shoes
- 1 Pair civilian shoes (work release)
- **5 Undershirts
- **8 Pairs Panties
- **8 Bras
- **5 Pairs Socks

PERSONAL HYGIENE ITEMS

- 1 shaving cream
- 1 Deodorant – roll/stick
- 1 shampoo
- 1 Denture adhesive
- 1 Hair dressing
- 1 Hair Brush
- 1 Depilatory preparation
- ** Feminine hygiene items
- ** Beauty aid products
- 1 Laundry Bag
- 1 Pair Nail Clippers

(as sold on Commissary)

** Includes some items issued by state

NOTE: No pressurized cans of flammable materials are allowed.

MEDICAL ITEMS

Issued as prescribed and with medical approval

- 1 Pair eyeglasses/contact lenses
- 1 Pair dentures
- Prosthetic

devices

assigned storage box provided by the unit.

LEGAL MATERIAL

Papers and documents of a legal nature may be retained by the inmate in a reasonable quantity. A reasonable quantity of legal papers and documents may be retained by an inmate with his/her Body support

MISCELLANEOUS

- 1 Radio, battery operated with earphones only
- 1 Set headphones and/or earphones
- 1 Watch (wrist/pocket) - \$50 maximum value
- 1 Ring – \$50 maximum value
- 1 Religious medal (not to exceed 1 1/2" in length or width and no thicker than 1/8")
- Religious articles (as approved)
- Personal Papers and letters
- Photographs/album
- Newspaper
- Magazines
- Books
- Work Craft Item(s)

OTHER

ATTACHMENT 1

MINIMUM STATE ISSUED REQUIREMENTS

CLOTHING AND PERSONAL HYGIENE ITEMS – Upon arrival at a receiving unit, the inmate should be issued and/or have available to him/her the following items. He/She shall be accountable thereafter for each item.

Male Clothing Provided

3 shirts
3 pants
1 pair shoes
3 under shorts
3 pair cotton socks
1 cap/toboggan (depending on seasonal requirements)
1 jacket or coat (depending on seasonal requirements)
1 thermal top and bottom (depending on seasonal and/or job requirements)

Hygiene Items Provided

bath soap (as needed)
1 toothbrush
1 tube of toothpaste
1 safety razor
bath towels (as needed)
1 pocket comb

Female Clothing Provided

3 uniform pants
3 uniform tops
1 pair shoes
3 pair panties
3 bras
1 jacket or coat (depending on seasonal requirements)
3 pair socks
1 thermal top and bottom (depending on seasonal and/or job requirements)

Hygiene Items Provided

bath soap (as needed)
1 toothbrush
1 tube toothpaste
1 safety razor
bath towels (as needed)
feminine hygiene items

Bed Clothing – Each inmate should be issued the following items upon arrival at a reception or regular unit/center:

1 mattress	1 blanket
<u>1 pillow</u>	1 laundry bag
2 sheets	



ADMINISTRATIVE REGULATIONS

STATE OF ARKANSAS

BOARD OF CORRECTIONS

Section Number:

864

Page Number:

1 of 1

Board Approval Date:
1-18-07

Supersedes:

864

Dated:

7-20-90

Reference:

Effective Date:

3-19-07

SUBJECT: Publications

I. AUTHORITY:

The Board of Corrections is vested with the authority to promulgate this Administrative Regulation pursuant to Arkansas Code Annotated Section 12-27-105.

II. APPLICABILITY:

This policy applies to employees and inmates of the Arkansas Department of Correction.

III. DEFINITIONS:

Publications: Books, magazines, catalogs, advertising brochures, religious tracts, newspapers or the like.

IV. POLICY:

The Arkansas Department of Correction shall have an Administrative Directive that will establish the process by which it determines whether or not a publication may be received by the inmate population. Inmates may receive publications from recognized commercial, religious or charitable outlets. All publications are subject to inspection and may be rejected if found to be detrimental to the security, discipline or good order of the institution, or if it is harmful to the goal of rehabilitation, or if it proposes, condones or provides information likely to facilitate criminal activity.

AR864
07Feb21

FEB 20 2013

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RECEIVED

BERRY MORROW (ADC # 143825)

CLAIMANT

V.

NO. 13-0531-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

RESPONSE TO REQUEST FOR ADMISSIONS

COMES NOW the Respondent, Arkansas Department of Correction, and for its Response to the Request for Admissions, states and responds as follows:

1. Response to Request for Admission No. 1: Deny
2. Response to Request for Admission No. 2: Admit
3. Response to Request for Admission No. 3: Admit
4. Response to Request for Admission No. 4: Admit
5. Response to Request for Admission No. 5: Admit
6. Response to Request for Admission No. 6: Lack sufficient information to admit or deny and ; therefore, deny
7. Response to Request for Admission No. 7: Admit
8. Response to Request for Admission No. 8: Lack sufficient information to admit or deny and ; therefore, deny
9. Response to Request for Admission No. 9: Admit
10. Response to Request for Admission No. 10: Admit
11. Response to Request for Admission No. 11: Admit
12. Response to Request for Admission No. 12: Deny
13. Response to Request for Admission No. 13: Admit
14. Response to Request for Admission No. 14: Admit
15. Response to Request for Admission No. 15: Admit, with additional information not cited.
16. Response to Request for Admission No. 16: Admit, with additional information not cited.
17. Response to Request for Admission No. 17: Admit
18. Response to Request for Admission No. 18: Admit
19. Response to Request for Admission No. 19: Admit, subject to good security, it is not an absolute right to have these items, it is still subject to inmate behavior.

35

20. Response to Request for Admission No. 20: Admit, with additional information not cited.
21. Response to Request for Admission No. 21: Admit
22. Response to Request for Admission No. 22: Admit
23. Response to Request for Admission No. 23: Admit
24. No response is required to this statement.
25. Response to Request for Admission No. 25: Admit
26. Response to Request for Admission No. 26: Deny
27. Response to Request for Admission No. 27: Admit
28. Response to Request for Admission No. 28: Admit
29. No response is required to this statement
30. Response to Request for Admission No. 30: Admit
31. Response to Request for Admission No. 31: Admit
32. Response to Request for Admission No. 32: Admit
33. Response to Request for Admission No. 33: Admit
34. Response to Request for Admission No. 34: Admit
35. Response to Request for Admission No. 35: Deny
36. Response to Request for Admission No. 36: Deny
37. Response to Request for Admission No. 37: Admit
38. Response to Request for Admission No. 38: Admit
39. Response to Request for Admission No. 39: Admit
40. Response to Request for Admission No. 40: Admit
41. Response to Request for Admission No. 41: Admit

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 Response to Request for Admissions has been served this 20th day of February, 2013, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Berry Morrow (ADC 143825)
Maximum Security Unit
2501 State Farm Road
Tucker, AR 72168-8713

Lisa Mills Wilkins
LISA MILLS WILKINS Ark. Bar #87190

MAR 5 2013

RECEIVED

Claim # 13-0531-CC

Berry Morrow

v.

Ark Dept. of Corrections

Interrogatories and 1st Request for Production
of Documents

- 1) Identify the existence of any liability insurance and describe the contents of the agreement for damages for acts or omissions
- 2) Why does Respondent deny liability
- 3) Identify the existence of any and all books, documents, or other tangible things relevant to the issues in the pending action
- 4) Identify the existence of any and all persons that have knowledge of any discoverable matter or who may or will be called at the trial in this action
- 5) Identify each person the Respondent expects to call as an expert witness at trial, state the subject matter on which they are expected to testify, and state the substance of the facts or opinions to which they are expected to testify and a summary of the grounds for each opinion.
- 6) Identify the facts known or opinions held by each expert who has been retained or specially employed in anticipation of litigation or preparation for trial and who is not expected to be called as a witness

(1)

- 7) State the Names, titles, and duties of each person responsible for implementation and deactivation of privileges for the 48-hour relief period. If those duties are set forth in any Job description, produce the document(s).
- 8) State the procedures used to implement and deactivate 48-hour relief. If those procedures are set forth in any document(s), produce them.
- 9) State the reason for the necessity of a 48-hour relief period. If those reasons are set forth in writing, produce the document(s).
- 10) Identify each type of record maintain by the ADC and NCU (ie Regulations, Directives, Memoranda, Standard Operating Procedures (SOP), Post Rules, Disciplinary Reports, Assignments, ect.) and describe the length each record is maintain. (Consider #11 below with this request).
- 11) Identify each form and logs used by ADC and NCU (ie Commissary, Sick call, OOS, showers, meals, weather, recreation, movement, ect.) see #10 above while considering this request. If these forms are listed in an index or other document, produce the document
- 12) Identify each inmate Classification level, status, and procedure. If those levels, status, or procedures are set forth in any document, produce them.
- 13) State the date ~~or~~ for each time claimant's Classification level or status change and describe what it changed from and to. If this information is contain in any record or document, produce them

- 14) State the Names, Titles, and duties of those responsible for responding to, investigating, or deciding inmate grievances. IF those duties are set forth in any Job description or other document, produce the document(s).
- 15) Produce any and all grievances, complaints, or other documents received by prison staff regarding 48-hour relief
- 16) Produce any and all grievances, complaints, or other documents received by prison staff regarding violation of, or lack of, Policy and Procedure
- 17) Produce Clients "Inmate Record Summary"
- 18) Describe the type of behavior that will prohibit an inmate in isolation from receiving or retaining Soap, dental hygiene items, Comb, or deodorant. IF those descriptions are set forth in any record or document, produce them.
- 19) Identify the security level of the NCU. IF that security level is contain in any record or document, produce them
- 20) State the reason why all isolation inmates at NCU are prohibit from possessing a pillow regardless of whether they are on Ad-Seg, punitive Seg, or protective Custody. IF those reasons are set forth in any record or document, produce them
- 21) State the reason, and date, of clients transfer to NCU. IF the reason or date is contain in any record or document, produce them.
- 22) Produce a Master index for all administrative Regulations, Directives, Memoranda and Unit Policy and procedures.

Administrative Directive (AD) 08-11 dictates that "inmates affected by procedures are provided access to the policies for reference". I am currently housed in punitive segregation and do not have adequate (or even reasonable) access to the law library. At any rate the NCU policies and procedures would not be contained in the Maximum Security Unit law library where I am currently confined. Furthermore the information I seek is not "approved" for the law library. Therefore I ask that you provide all requested material even if it would be located in the Unit Law Library.

Respectfully Submitted,

gvr 2-24-13

Berry Morrow
MSU #143525
2501 State Farm Rd
Tucker AR
72168

APR 03 2013

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RECEIVED

BERRY MORROW (ADC # 143825)

CLAIMANT

V.

NO. 13-0531-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

**RESPONSE TO INTERROGATORIES AND
1st REQUEST FOR PRODUCTION OF DOCUMENTS**

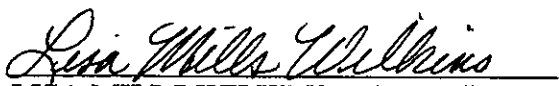
COMES NOW the Respondent, Arkansas Department of Correction, and for its Response Interrogatories and 1st Request for Production of Documents, states and responds as follows:

1. Response to No. 1: None
2. Response to No. 2: Claimant was provided the 48 hour relief. Claimant's magazines were not lost or delayed by the mailroom, but were denied by publication committee.
3. Response to No. 3: In the possession of ADC.
4. Response to No. 4: This information has not been determined yet.
5. Response to No. 5: None.
6. Response to No. 6: None
7. Response to No. 7: Objection. This request is overly broad and cumbersome and not likely to lead to any relevant information. Job descriptions of employees will not be furnished to Claimants as a breach of the good order and security of the institution.
8. Response to No. 8: This information is generated in eOMIS. The officer then alerts security who releases the inmate and documents it in eOMIS which triggers the reentry.
9. Response to No. 9: It allows the inmate a relief from isolation.
10. Response to No. 10: No response is required to this statement.
11. Response to No. 11: Objection. This request is overly broad and vague. The ADC uses hundreds of forms for multiple reasons. Respondent cannot be asked to produce each and every one of those and will not produce an index for Claimant.
12. Response to No. 12: Claimant has been classified as either medium or maximum custody level since February 11, 2009. He is currently a C-3 medium at the Maximum Security Unit. The Class Status directive, AD 08-30, is in the law library.
13. Response to No. 13: See attached. RFP #13.
14. Response to No. 14: Objection. This is overly broad and vague. The grievances filed by the Claimant which were responded to are signed by the party the name is clearly visible. It

irrelevant who the other grievance officers are for the Respondent. The job descriptions is to review and investigate the grievances and issue a response. Claimant will not be provided a copy as the individual is not being sued.

15. Response to No. 15: Objection. Claimant has produced those and attached to his complaint. Any production here would be a waste of resources.
16. Response to No. 16: Objection. This request is overly broad and cumbersome and not likely to lead to any relevant information. Respondent denies that any policy or procedure has been violated.
17. Response to No. 17: Objection. This request is irrelevant to the claim filed for not receiving two 48-hour reliefs between June and July of 2012 and is overly broad and cumbersome and not likely to lead to any relevant information..
18. Response to No. 18: Claimant may refer to the violations of the Disciplinary handbook for types of behavior which may restrict his access to personal items.
19. Response to No. 19: Objection. This information is irrelevant and not likely to lead to any relevant information relating to Claimant's alleged denial of 48 hour relief on two weekends in 2012.
20. Response to No. 20: Objection. This information is irrelevant and not likely to lead to any relevant information relating to Claimant's alleged denial of 48 hour relief on two weekends in 2012.
21. Response to No. 21: Objection. This information is irrelevant and not likely to lead to any relevant information relating to Claimant's alleged denial of 48 hour relief on two weekends in 2012.
22. Response to No. 22: Objection. This information is irrelevant and not likely to lead to any relevant information relating to Claimant's alleged denial of 48 hour relief on two weekends in 2012.

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 Response to Request for Admissions has been served this
3 day of April, 2013, on the below Claimant by placing a copy of the
same in the U. S. Mail, regular postage to:

BERRY MORROW (ADC # 143825)
NCU
#10 Prison Circle
Calico Rock, AR 72519

Lisa Mills Wilkins
LISA MILLS WILKINS Ark. Bar #87190

Claim #13-0531-CC

Benny Morrow

v

Ark. Dep. of Corrections

Request for Admissions

- 1) On 3-29-12 Claimant was reassigned from punitive segregation (Isolation 3) to Administrative Segregation (Cellblock 6)
- 2) On 3-30-12 Claimant transfer to North Central Unit
- 3) Upon inventory of Claimant's property, intake staff found material they consider contraband, and immediately escort claimant to segregation, or Isolation, for investigation
- 4) It is common practice to put inmates in Isolation when assigned to D.C.R. or investigation status
- 5) On 4-2-12 Claimant was released from Isolation into General Population
- 6) ADO9-07 (V. A. C. 3.) states "All property additions must be listed on Form 841-3"
- 7) Claimant's mattress was removed from his cell during "Mat pull" on 6-20-12 and 6-21-12
- 8) On 6-20 and 21-2012 Claimant was unable to watch television, eat in the dining hall, or participate in group religious activity

- 9) On 6-20 and 21-2012 Claimant did not receive each of the commissary items he requested
- 10) Claimant did not receive a shower on both 6-20 and 21-2012
- 11) Pillows are prohibited in isolation at NCU
- 12) On 6-20 and 21-2012 Claimant did not receive Leisure Library services
- 13) On 6-20 and 21-2012 Claimant did not receive 2 most current newspapers or magazines
- 14) On 6-20 and 21-2012 Claimant did not receive "seconds" on food for any meal
- 15) On 6-20 and 21-2012 Claimant did not receive any of his personal books that had been withheld due to his punitive status
- 16) From 7-22 to 24-2012 Claimant did not receive "seconds" on food for any meal, Leisure Library services, withheld books, nor 2 most current newspapers or magazines and was not able to watch television

Respectfully Submitted,

For 2-24-13

Berry Morrow
MSA #143325
2501 State Farm Rd
Tucker AR
72168

Certificate of Service

I certify that the original copy of "Interrogatories and 1st Request For Production of Documents" and "Request for Admissions" has been served this 3rd day of March 2013 on the Respondent by placing the pleadings in the Prison legal mail system for indigent inmates address to :

State Claims Commission
101 E. Capitol Ave Suite 410
Little Rock, AR
72201-3823

APR 03 2013

RECEIVED

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BERRY MORROW (ADC # 143825)

CLAIMANT

V.

NO. 13-0531-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

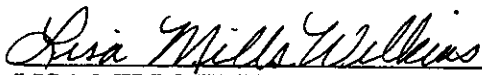
RESPONSE TO REQUEST FOR ADMISSIONS FILE MARKED MARCH 5, 2013

COMES NOW the Respondent, Arkansas Department of Correction, and for its Response to the Request for Admissions File Marked March 5, 2013, states and responds as follows:

1. Response to Request for Admission No. 1: Objection. The admission sought occurred three months prior to the time the claim was filed and is irrelevant.
2. Response to Request for Admission No. 2: Objection. The admission sought occurred three months prior to the time the claim was filed and is irrelevant.
3. Response to Request for Admission No. 3: Objection. The admission sought occurred three months prior to the time the claim was filed and is irrelevant.
4. Response to Request for Admission No. 4: Lack sufficient information to admit or deny and; therefore deny.
5. Response to Request for Admission No. 5: Objection. The admission sought occurred three months prior to the time the claim was filed and is irrelevant.
6. Response to Request for Admission No. 6: Lack sufficient information to admit or deny and; therefore, deny.
7. Response to Request for Admission No. 7: Admit
8. Response to Request for Admission No. 8: Admit, Claimant was on punitive status.
9. Response to Request for Admission No. 9: Admit, Claimant was on punitive status on these dates and only entitled to the 8 envelopes which he received.
10. Response to Request for Admission No. 10: Admit, Claimant was on punitive status.
11. Response to Request for Admission No. 11: Admit
12. Response to Request for Admission No. 12: Admit, Claimant was on punitive status.
13. Response to Request for Admission No. 13: Admit, Claimant was on punitive status.
14. Response to Request for Admission No. 14: Admit, Claimant was on punitive status and seconds are never permitted.

15. Response to Request for Admission No. 15: Denied. Claimant **refused** his property for 48 hour relief. He is books were included in said property bag.
16. Response to Request for Admission No. 16: Admit. Seconds are never permitted.

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 Response to Request for Admissions has been served this 3 day of April, 2013, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

BERRY MORROW (ADC # 143825)
NCU
#10 Prison Circle
Calico Rock, AR 72519


LISA MILLS WILKINS Ark. Bar #87190

Berry Morrow

✓

13-0531

ADC

ARKANSAS STATE
CLAIMS COMMISSION

APR 25 2013

RECEIVED

Clarkmont

Respondent

Request for Admissions

- 1) Inmates on ~~disciplinary status~~ ^{punitive status} are prohibited from possessing a mattress in their cell from 7:AM to 7:PM
- 2) Inmates on 48-hour relief are permitted to retain their mattress from 7:AM to 7:PM
- 3) ~~Punitive~~ Punitive Conditions of Confinement include restrictions on Magazines/Newspapers (AD 10-20 III.A.2.), Exercise (AD 10-20 III.A.4.), Mattresses (AD 10-20 III.A.6.), Showers (AD 10-20 III.A.7.), Law Library (AD 10-20 III.A.8.), Personal Property (AD 10-20 III.A.9.), Religious Services (AD 10-20 III.A.11.), Library (AD 10-20 III.A.14.), Program Activities (AD 10-20 III.A.15.), Food (AD 10-20 III.A.19.)
- 4) AD 10-20 III.C.1. Specifically states: Inmate privileges as previously outlined in this policy will be restored during the 48-hour relief period and will be restricted again at the beginning of the next punitive sentence.
- 5) Restrictions on privileged ~~status~~ ^{outlined} in point #3 above clearly come before mandates described in point #4 above and should be restored during the 48-hour relief period.

Respectfully Submitted,

UW 4-23-13

Berry Morrow
MSU #143825
2501 State Farm Rd
Tucker AR
72168

Certificate of Service

I certify the above style pleading has been served this
23 day April 2013 by placing it in the prison legal
mail system for indigent inmates address to:

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

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BERRY MORROW (ADC # 143825)

CLAIMANT

V.

NO. 13-0531-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

RESPONSE TO REQUEST FOR ADMISSIONS FILED APRIL 25, 2013

COMES NOW the Respondent, Arkansas Department of Correction, and for its Response to the Request for Admissions Filed April 25, 2013, states and responds as follows:

1. Response to Request for Admission No. 1: Admit
2. Response to Request for Admission No. 2: Admit
3. Response to Request for Admission No. 3: Admit
4. Response to Request for Admission No. 4: Admit
5. Response to Request for Admission No. 5: Lack sufficient information to admit or deny; and therefore, deny

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

**ARKANSAS STATE
CLAIMS COMMISSION**

MAY 22 2013

RECEIVED

CERTIFICATE OF SERVICE

I certify that a copy of the Response to Request for Admissions has been served this 21 day of May, 2013, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

BERRY MORROW (ADC # 143825)

MSU

2501 State Farm Road

Tucker, AR 72168


LISA MILLS WILKINS Ark. Bar #87190

Berry Morrow
ADC

13-0531-CC

Clément
Respondent

Interrogatories

1
3
1

ARKANSAS STATE
CLAIMS COMMISSION

APR 25 2013

RECEIVED

2nd Request for Production

- 1) Identify any books, documents, or other records used in the implementation and deactivation of 48-hour relief (examples include: 005 Reports, Movement logs, Administrative Regulations/Directives/Memoranda, Unit policy, Instructions to Staff, ect.)
- 2) Produce a copy of any material identify in point #1 above
- 3) Identify the existence and contents of any insurance agreement under which Respondent may be liable to satisfy ~~any~~ part or all of a judgement which may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgement.
- 4) Produce a copy of ~~any~~ agreement identify in point #3 above
- 5) Identify any person that has any part in the implementation or deactivation ^{of 48-hour relief} for the time period of this action.
- 6) Describe the part of ~~each~~ person identify in point #5 above.

- 7) Describe the Conditions of Confinement for inmates on Punitive Status
- 8) Describe the Conditions of Confinement for inmates on 48-hour relief
- 9) State the Specific reasons why inmates need 48-hours relief from punitive conditions in isolation
- 10) Identify any other inmates who had a 48-hour relief period between 5-26-12 and 8-8-12
- 11) Identify ~~any documents~~ ^{any Documents} that states "Seconds are never permitted".
- 12) Produce a Copy of any document identify in point #11 above
- 13) Identify the person who decided the necessity of the 48-hour relief period
- 14) Identify the date and location of the first 48-hour relief ever implemented within the ADC
- 15) Describe the Conditions of Confinement for inmates in General Population.
- 16) Produce a Comparison ~~of~~ Describing the differences in Conditions of Confinement between General Population, Punitive Status, and 48-hour relief.

17) Describe the information stored in eDMIS that is relevant to any issue regarding this action. (i.e housing location, status, 48, Classification, ect.).

18) State the precise time that each 48-hour relief period begin and end

Respectfully Submitted,

gww 4-23-13

Berry Morrow
MSU #143825
2501 State Farm Rd
Tucker AR
72168

Certificate of Service

I certify that I serve this Meeting this 23 day of April 2013 by placing it in the prison legal mail system for indigent inmates address to:

State (King) Commission
101 E. Capitol Ave Suite 411
Little Rock AR
72201-3823

MAY 22 2013

RECEIVED
CLAIMANT

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BERRY MORROW (ADC # 143825)

V.

NO. 13-0531-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

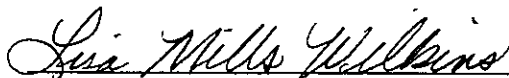
RESPONSE TO INTERROGATORIES AND 2nd REQUEST FOR PRODUCTION

COMES NOW the Respondent, Arkansas Department of Correction, and for its Response to Interrogatories and 2nd Request Production, responds as follows:

1. Response to Interrogatory No. 1: eOmis records and security logs
2. Response to Interrogatory No. 2: See attached Exhibit "A", the security logs for Claimant's individual cell showing Claimant refused his property for 48 hour relief on June 21, 2012 and on July 22, 2012, claimant began his 48 hour relief. Furthermore, the eOmis records indicate that Claimant was afforded his 48 hours relief during the two times to which he alleges in his Complaint.
3. Response to Interrogatory No. 3: None
4. Response to Interrogatory No. 4: None
5. Response to Interrogatory No. 5: A designated ranking officer working the shift at the time of the 48 hour relief is the person responsible for 48 hour relief.
6. Response to Interrogatory No. 6: The post orders specify the actions of the officer.
7. Response to Interrogatory No. 7: Respondent is unsure what is requested. However, inmate privileges are restricted while on punitive status.
8. Response to Interrogatory No. 7: Respondent is unsure what is requested. Some of the inmate privileges are lifted while on 48 hour relief
9. Response to Interrogatory No. 7: The reasons are subjective and individualized. The policy is implemented and carried out according to the policy.
10. Response to Interrogatory No. 7: Objection. Claimant is not entitled to information regarding other inmates on punitive status. Furthermore, this information is not likely to lead to any relevant information.
11. Response to Interrogatory No. 7: There are no documents that state that; however, that has been a practice of the institution and the policy is being updated to reflect it. If seconds re provided there is the potential that food can run out, so the practice has been discontinued.

12. Response to Interrogatory No. 7: None
13. Response to Interrogatory No. 7: Objection. This information is not likely to lead to any relevant information.
14. Response to Interrogatory No. 7: Objection. This information is not likely to lead to any relevant information.
15. Response to Interrogatory No. 7: Objection. This matter involves conditions in isolation and therefore conditions in general population are irrelevant to this claim.
16. Response to Interrogatory No. 7: Objection. This matter involves conditions in isolation and therefore conditions in general population are irrelevant to this claim.
17. Response to Interrogatory No. 7: See response to #1.
18. Response to Interrogatory No. 7: In this case, Claimant's time began at 11:30 pm and ended 48 hours thereafter.

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 21 day of May, 2013, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

BERRY MORROW (ADC # 143825)
MSU
2501 State Farm Road
Tucker, AR 72168


LISA MILLS WILKINS Ark. Bar #87190

Run
Status

CS Form #14

NEU

Inmate Name:	Inmate #	Moved To;
---------------------	-----------------	------------------

Time Check Started	Time Check Ended
--------------------------	------------------------

1205A
6759A

2-11A

1/25/84

71-1



1542

Exhibit

A

7/6/2017

Officer's Signature: _____

Sgt Deming

J. Carver

A-1 58

ATTACHMENT #1

	Breakfast		Lunch		Dinner	
	Cup	Tray	Cup	Tray	Cup	Tray
	In	Out	In	Out	In	Out
Time	4:30 ^A	4:58 ^A	10:29 ^A	11:05 ^A	3:00	2:33 ^P
#Tray	1	1	1	1	1	1
#Cups	1	1	1	1	1	1
#I/M's	1		1	1	1	

PUN
Status

Department of Correction
Security Check Log/Isolation

CS Form #14

Date 7-22-12

[illegible]

7/6/2011

6/2011 *[Signature]*

Officer Signature: _____

CPL. Elbert Harris
Elbert Harris

DRINKAM

A-2

59

06/07/2012	North Central Unit [G01]	Punitive	001	12:01 AM	Re- Assigned	07/18/2012
06/21/2012	North Central Unit [G01]	48-Hour Relief	001	11:30 PM	Completed	06/21/2012
06/27/2012	North Central Unit [G01]	Administrative Review Isolation Review	011	08:00 AM	Completed	06/27/2012
07/11/2012	North Central Unit [G01]	Administrative Review Isolation Review	011	08:00 AM	Completed	07/11/2012
07/18/2012	North Central Unit [G01]	Administrative Review Ad Seg Hearing	003	03:00 AM	Completed	07/18/2012
07/19/2012	North Central Unit [G01]	Punitive	001	12:01 AM	Transferred	08/09/2012
07/22/2012	North Central Unit [G01]	48-Hour Relief	001	11:30 PM	Transferred	08/09/2012

A3

60

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 480.00

Claim No. 13-0531-CC

Berry Morrow #143825 Claimant

Attorneys
Pro se Claimant

vs.

AR Department of Corrections
Respondent

Lisa Wilkins, Attorney
Respondent

State of Arkansas

Date Filed January 17, 2013

Type of Claim Failure to follow procedure

FINDING OF FACTS

This claim was filed for failure to follow procedure in the amount of \$480.00 against Arkansas Department of Corrections.

Present at a hearing October 11, 2013, was the Claimant, pro se, and the Respondent, represented by Lisa Wilkins, Attorney.

The Claims Commission hereby unanimously denies and dismisses this claim for Claimant's failure to prove by a preponderance of the evidence any liability on the part of the Respondent.

Therefore, this claim is hereby unanimously dismissed.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

Upon consideration of all the facts, as stated above, the Claims Commission unanimously denied and dismissed this claim for Claimant's failure to prove by a preponderance of the evidence any liability on the part of the Respondent.

Date of Hearing October 11, 2013

Date of Disposition October 11, 2013

[Signature] Chairman
[Signature] Commissioner
[Signature] Commissioner

**Appeal of any final Claims Commission decision is only to the Arkansas General Assembly as provided by Act #33 of 1997 and as found in Arkansas Code Annotated §19-10-211.

Berry Morrow

Claimant

✓

13-0531-CC

ADC

Respondent

Notice of Appeal

- 1) Let this serve as notice that I wish to appeal the decision on this case

By MW 10-22-13

Berry Morrow
MSN 173825
2501 State Farm Rd
Tucker AR 72168

Certificate of Service

I certify this pleading has been served this 22nd day of October 2013 by placing it in the Prison legal mail system for indigent inmates address to:

State Claims Commission
101 E Capitol Ave Ste 411
Little Rock AR
72201-3823

Arkansas
State Claims Commission

OCT 24 2013

RECEIVED