

Arkansas
State Claims Commission
MAY 06 2015

Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

RECEIVED

☒ Mr.
☐ Mrs.
☐ Ms.
☐ Miss

Joseph Smith #127880 Claimant

vs.

State of Arkansas, Respondent
Dept. of Corrections

Do Not Write in These Spaces			
Claim No.	15-0838-CC		
Date Filed	May 6, 2015	(Month)	(Day)
Amount of Claim \$	14,400.00		
Fund	DOC		

COMPLAINT

Failure to Follow Procedure

Joseph Smith #127880, the above named Claimant, of P.O. Box 970, Marianna, AR 72360
(Name) (Street or R.F.D. & No.) (City)
(State) (Zip Code) (Daytime Phone No.) County of LEE represented by Pro-SE
(Legal Counsel, if any, for Claim)

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

State agency involved:

Amount sought: \$14,400.00

Month, day, year and place of incident or service: Jan 29, 2015 at [redacted] Jail Isolation 3 Pod of East AR Max Unit
(Stemming from an Improper and Unclear Work Record filed by OTC, Georgette N. Broadway on 1/22/2015 at 6:21 AM) while at a Disciplinary Court Proceedings

Explanation: On 1/22/2015 at 6:21 AM, OTC, Georgette N. Broadway submitted Work Record (Incident Report) in which she, herself, didn't follow the Procedures of AB1233 "Employee Conduct Standards & Discipline" Policy, failing to give [redacted] Clear, Complete and Accurate Information in describing the specific location of an incident she allegedly [redacted] witnessed. In the same Work Record, OTC, G.N. Broadway accuses me of violating the Unit ADC policy. After a Court proceedings on 1-29-2015 at 11:04 AM, I was found guilty of the alleged rule violations by OTC, G.N. Broadway and sentenced to (30) Thirty days of punitive isolation. IN ACCORDANCE TO: AB1233 "Employee Conduct Standards & DISCIPLINE" Policy at Sec. IV, E.18 states "Employees MUST give CLEAR, COMPLETE and ACCURATE INFORMATION in Completing WORK RECORDS (Incident Report)". OTC, G.N. Broadway knowingly and deliberately misrepresented ADC Regulations. In the Record, OTC, G.N. Broadway alleges to have witnessed an incident on 1/22/2015 at 6:21 AM, though NEVER at anytime states precisely WHERE "SPECIFIC BARRACKS" the exact location was of the alleged incident. It, with complete knowledge of the record being inaccurately wrong, Broadway having no respect submitted. And, therefore, OTC, G.N. Broadway failed to obey the Procedures of AB1233 "Employee Conduct Standards & Discipline" Policy. Also, supporting Policy AD15-01 "Inmate Disciplinary Manual" of the ADC Regulations, Sec. VII

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

; when? (Year or No) (Month) (Day) (Year) ; to whom? (Department)

; and that the following action was taken thereon:

and that \$ [redacted] was paid thereon: (2) Has any third person or corporation an interest in this claim? No ; 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:

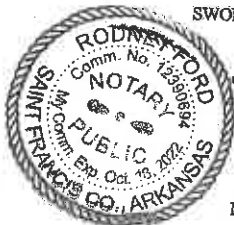
THE UNDERSIGNED states on oath that he or she is familiar with the matters and things set forth in the above complaint, and that he or she verily believes that they are true.

Joseph Smith
(Print Claimant/Representative Name)

Joseph Smith
(Signature of Claimant/Representative)

SWORN TO and subscribed before me at

(SEAL)



on this day of

(Date)

(City)

(State)

(Month)

(Year)

(Notary Public)

My Commission Expires:

(Month)

(Day)

(Year)

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Joseph Smith #127880

CLAIMANT

v

AR Dept of Corrections

RESPONDENT

STATEMENT OF CLAIM IN WHICH RELIEF CAN BE GRANTED

Comes now the Claimant, Joseph Smith, presenting his STATEMENT OF CLAIM, for which relief can be granted:

As a result of Respondent failing to obey its own regulated procedures of Policy, Claimant was reduced in and also completely loss privileges afforded to him being free of restraints, remaining in General Population. Instead, Claimant was taken out of the General Population Environment and assigned to a Maximum security Housing "single-man" cell (on the Presumption of Guilt).

Privileges reduced and/or completely loss are as follows:

1. Showers; in General Population everyday reduced to only (3) Three time Per week in Maximum Security
2. Recreation; in General Population "Lawn or Green-Grass Yard" Cell reduced to a concrete fenced-in square cage. Unable to use the equipment for exercising.
3. Contact Visits in General Population, now are non-contact glass-windowed separate from family members visits

4. Voluntary Walks to the Law Regular Library, now having to depend upon others for law supplies, copies etc., to bring me from the law regular library

5. Forfeited enrollment in Unit Rehabilitation Program Course, "Domestic Violence," also place on the waiting list of Parenting, Thinking Errors and Anger Management Program Courses. See Exhibit 1: 2 and 3

The Maximum Security Unit of East AR, does not offer any Rehabilitation Program Courses. See Exhibit 4

6. Unable to eat my meals in the Inmate Dining Hall of General Population.

7. Unable to Attend Any Religious activities of any kind in Administrative Segregation

Claimant was also the subject of a Class Reduction from IC to IV on January 29, 2015, and an Administrative Segregation status housing assignment on February 27, 2015.

(*25.⁰⁰) Twenty-five dollars per day, for the Improper Confinement in Administrative Segregation starting Jan 22 through 29; ~~Feb 20~~ through ~~current date~~

(*100.⁰⁰) One Hundred dollars per day for ~~(30)~~ Thirty days of Punitive Isolation, actually served (22) Twenty-two days

(*850.⁰⁰) Eight Hundred and fifty dollars for each of the Numbered Privileges, reduced or completed loss

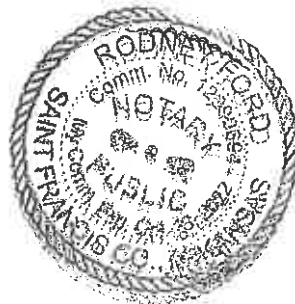
Wherefore, Claimant now concludes his STATEMENT of Claim.

Sincere Respect,
Joseph Smith #127880
Joseph Smith #127880

Sworn To and subscribed before me at Brickens AR
(CITY) (State)
on this 01 day of Apr, 2015.

Oct. 18, 2022
MY Commissioner Expires

[Signature]
Notary Public Signature



ARKANSAS DEPARTMENT OF CORRECTION
MENTAL HEALTH SERVICES

RESPONSE FORM

To: Smith, Joseph J.
From: , Mental Health Services
Date:

ADC#: 127880

Bks.#: BK14/008L

Your Request for Interview Form was received on: 12/17/2014

☒ Your name has been Placed on the Waiting List for the appropriate Group Parenting class. You will be notified when a place becomes available.

☒ You will be scheduled to review your mental health file.

☒ Mental Health Services in regard to your request is not indicated.

You are to contact the following in regard to your request.

☒ Medical☒ Records☒ Other☐ Classification☐ Security**NOTES**

Please be advised that we have received your written request in the mental health office for the Parenting class and your name has been placed on the waiting list. To participate in group, an inmate must be in general population 60 days before you can participate in any groups, and you must maintain a class III or better in order to participate in group. Inmates who are parole board stipulated and those who are closest to their TE Dates are given priority status.

Due to the large amount of inmate on the waiting list it is unknown when you will be allowed to participate in the parenting class. It is not necessary to send duplicate requests. You will be contacted when a placement becomes available for you. No further contact is necessary.

CC: MENTAL HEALTH FILE

ARKANSAS DEPARTMENT OF CORRECTION
MENTAL HEALTH SERVICES

RESPONSE FORM

To: Smith, Joseph J.

ADC#: 127880

Bks.#: 14/08L

From: McKinney, Albert T, Mental Health Services

Date: 01/05/2015

Your Request for Interview Form was received on:

☒ Your name has been Placed on the Waiting List for the appropriate Group Thinking Errors. You will be notified when a place becomes available.☐ You will be scheduled to review your mental health file.☐ Mental Health Services in regard to your request is not indicated.

You are to contact the following in regard to your request.

☐ Medical☐ Classification☐ Records☐ Security☐ Other

NOTES

Your name has been added to the Thinking Errors waiting list. You will be contacted when a place becomes available for you. Please do not submit duplicate requests. You must maintain Class III or better and in general population at least 60 days.

CC: MENTAL HEALTH FILE

ARKANSAS DEPARTMENT OF CORRECTION
MENTAL HEALTH SERVICES**RESPONSE FORM**

To: Smith, Joseph J.

ADC#: 127880

Bks.#: ISOL/MX16

From: McKinney, Albert T, Mental Health ServicesDate: 02/11/2015

Your Request for Interview Form was received on:

☒ Your name has been Placed on the Waiting List for the appropriate Group Anger Management. You will be notified when a place becomes available.☐ You will be scheduled to review your mental health file.☐ Mental Health Services in regard to your request is not indicated.

You are to contact the following in regard to your request.

☐ Medical☐ Classification☐ Records☐ Security☐ Other**NOTES**

Your name has been added to the Anger Management waiting list. You will be contacted when a place becomes available for you. Please do not submit duplicate requests. You must maintain Class III or better and in general population at least 60 days.

CC: MENTAL HEALTH FILE

**ARKANSAS DEPARTMENT OF CORRECTION
MENTAL HEALTH SERVICES****RESPONSE FORM**

To: Smith, Joseph J.

ADC#: 127880

Bks.#: Max 5-10

From: Smith, Pakita R , Mental Health ServicesDate: 09/23/2014

Your Request for Interview Form was received on:

☐ Your name has been Placed on the Waiting List for the appropriate Group. This facility has no Program Assignments - please enter program name . You will be notified when a place becomes available.☐ You will be scheduled to review your mental health file.☐ Mental Health Services in regard to your request is not indicated.

You are to contact the following in regard to your request.

☐ Medical☐ Classification☐ Records☐ Security☐ Other**NOTES**

You can not take any Mental Health classes while being housed in the Max. You will need to keep your class and go to population to take any classes.

CC: MENTAL HEALTH FILE

8

UNIT LEVEL GRIEVANCE FORM (Attachment D)

Unit/Center EAR

Name Joseph Smith

ADC# 127880

Brks # 1501-16

Job Assignment EASTAR REGIONAL UNIT

GRIEVANCE/RECEIVED

FEB 24 2015

FOR OFFICE USE ONLY

GRV. #

2AM15-00497

Date Received:

2/24/15

GRV. Code #:

803

yellow

Feb 13, 2015 (Date) STEP ONE: Informal Resolution

2-19-2015 (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 a response from Problem-Solver - Issue not Resolved

(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): This complaint arises due to the potential

actual Failure to Follow Procedures of Policy AD 12-33 "Employee Conduct Standards & Discipline" At Sec. IV. E. 19 states "Employees must give clear, complete and accurate information in completing Applications, Work Records (Incident Reports), Investigations And Claims for Reimbursement."

In accordance to the AD 12-33; at the cited section: When and/or if staff writes a WORK record (incident report), failing to include the particular barracks (#) that an incident occurs in, on the record.

Following the Procedures of Policy AD 12-33, that record submitted by staff is procedurally barred &

Joseph Smith #127880

Inmate Signature

Feb 13, 2015

Date

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

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

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

L. E. C. 2014
PRINT STAFF NAME (PROBLEM SOLVER)

ID Number

Staff Signature

Date Received

Describe action taken to resolve complaint, including dates:

RECEIVED

MAR 09 2015

Staff Signature & Date Returned

INMATE GRIEVANCE SUPERVISOR

Joseph Smith #127880 2-19-2015

Inmate Signature & Date Received

This form was received on 2-23-15 (date) pursuant to **Step Two**. Is it an Emergency? (Yes or No).

Staff Who Received Step Two Grievance: M. Smith

Date: 2-23-15

Action Taken: (Forwarded to Grievance Officer/Warden/Other) Date:

If forwarded, provide name of person receiving this form:

Date:

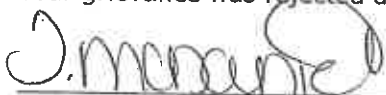
DISTRIBUTION: YELLOW & PINK – Inmate Receipts; **BLUE**-Grievance Officer; **ORIGINAL**-Given back to Inmate After Completion of Step One and Step Two.

ACKNOWLEDGMENT OR REJECTION OF UNIT LEVEL GRIEVANCE

TO: Inmate Smith, Joseph J.
FROM: McDaniel, Takelia Y
DATE: 02/24/2015

ADC #: 127880A
TITLE: ADC Inmate Grievance Coord
GRIEVANCE #: EAM15-00497

Please be advised, I have received your Grievance dated 02/13/2015 on 02/24/2015.
Your grievance was rejected as either non-grievable, untimely, duplicative, frivolous, or vexatious.



Signature of ADC Inmate Grievance Coord

CHECK ONE OF THE FOLLOWING

- ☐ This Grievance will be addressed by the Warden/Center Supervisor or designee.
 - ☐ This Grievance is of a medical nature and has been forwarded to the Health Services Administrator who will respond.
 - ☐ This Grievance involves a mental health issue and has been forwarded to the Mental Health Supervisor who will respond.
 - ☒ This Grievance has been determined to be an emergency situation, as you so indicated.
- ☐ This Grievance has been determined to not be an emergency situation because you would not be subject to a substantial risk of personal injury or other serious irreparable harm. Your Grievance will be processed as a Non-Emergency.
- ☒ This Grievance was REJECTED because it was either non-grievable (), untimely, was a duplicate of , or was frivolous or vexatious.

INMATE'S APPEAL

If you disagree with a rejection, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director. Keep in mind that you are appealing the decision to reject the original complaint. Address only the rejection; do not list additional issues, which were not a part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

How can my grievance be labeled as frivolous, when I'm inquiring about the procedures of the Employees are supposed to adhere to the ADC Regulations, what I need to do if I AM being mistreated according to Policy, by the employees.

Joseph Smith
Inmate Signature

127880
ADC #

Feb. 25, 2015
Date

Again, Is the record in err, due to ADC Regulations, when its unclear, incomplete?

I have no way of knowing because, inmates don't see such policy.

RECEIVED

MAR 09 2015

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

ACKNOWLEDGEMENT OF GRIEVANCE APPEAL or REJECTION OF APPEAL

TO: Inmate Smith, Joseph J.

ADC #: 127880A

FROM: Harris, Grant E

TITLE: Deputy Director

RE: Receipt of Grievance EAM15-00497

DATE: 03/09/2015

FAILURE TO FOLLOW
POLICY HAS RESULTED IN

A REJECTION FOR THIS

APPEAL AND MARKS THE END
OF THE APPEAL PROCESS

Please be advised, the appeal of your grievance dated
02/13/2015
was received in my office on this date 03/09/2015

Your grievance appeal is being returned pursuant to the Administrative Directive on Inmate Grievances due to one of the following:

- ☐ The time allowed for appeal has expired
- ☐ The matter is non-grievable and does not involve retaliation:
 - ☐ (a) Parole and/or Release matter
 - ☐ (b) Transfer
 - ☐ (c) Job Assignment unrelated to medical restriction
 - ☐ (d) Disciplinary matter
 - ☐ (e) Matter beyond the Department's control and/or matter of State/Federal law
 - ☐ (f) Involves an anticipated event
- ☐ You did not send all the proper Attachments:
 - ☐ (a) Unit Level Grievance Form (Attachment 1)
 - ☐ (b) Warden's/Center Supervisor's Decision (Attachment III); or Health Services Response Attached (Attachment IV for Health Issues Only)
 - ☐ (c) Did not give reason for disagreement in space provided for appeal
 - ☐ (d) Did not complete Attachment III or IV with your name, ADC#, and/or date
 - ☐ (e) Unsanitary form(s) or documents received
 - ☒ (f) This Appeal was REJECTED because it was a duplicate of , or was frivolous or vexatious

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center EAM

GRIEVANCE/RECEIVED

11 kx1/CB17

FOR OFFICE USE ONLY

Name Joseph Smith

MAR 16 2015

ADC# 127880Brks # AX 1-17Job Assignment EAST AR REGIONAL UNIT2-9-15 (Date) STEP ONE: Informal Resolution3-13-15(Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)
If the issue was not resolved during Step One, state why: Issue Not Resolved

(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 mentalBRIEFLY 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 Feb. 13, 2015, I grieved (an incident that occurred on Jan. 22, 2015 at 6:21 AM) regarding an officer (Georgette N Broadway) failure to obey ADC Regulations/Procedures of AR 225 "Employee Conduct Standards & Discipline Manual" citing Sec IV E. 18 states "Employees MUST give clear, complete and accurate information in completing Applications, Work Records (incident reports), Investigations and Claims for Reimbursements. In accordance to the cited section of the AR 225 Policy, Ofc G. N. Broadway ~~was~~ fail to MEET the Standards by alleging to have witnessed an incident occur in a "particular barracks" ~~but~~ but ~~does~~ does not state AT ANY POINT on the Record, the exact barracks Number, directly.This complaint was rejected as Trivialous At unit level (NO DIRECT & PRECISE INFORMATION) on 2-24-2015 and forwarded to Central Office. On 2-25-2015, as of 3-7-2015, I have yet to receive an Acknowledgment Form.

Joseph Smith #127880

Inmate Signature

March 9, 2015

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 3/9/15 (date), and determined to be Step One and/or an Emergency Grievance (Yes or No). This form was forwarded to medical or mental health? no (Yes or No). If yes, name of the person in that department receiving this form: Date

L. Montague

ID Number 47985Staff Signature L. MontagueDate Received 3/9/15Describe action taken to resolve complaint, including dates: Unable to resolve at this timeattached is your Acknowledgment, 3/13/15L. Montague 3/13/15

Staff Signature & Date Returned

J. Smith #1278803-13-15

Inmate Signature & Date Received

This form was received on 3-13-15 (date), pursuant to Step Two. Is it an Emergency? no (Yes or No).Staff Who Received Step Two Grievance: L. MontagueDate: 3-13-15Action Taken: Forwarded(Forwarded to Grievance Officer/Warden/Other) Date: 3-13-15If forwarded, provide name of person receiving this form: GrievanceDate: 3-13-15

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

**ACKNOWLEDGEMENT OF GRIEVANCE APPEAL
or REJECTION OF APPEAL**

TO: Inmate Smith, Joseph J. ADC #: 127880A
FROM: Harris, Grant E TITLE: Deputy Director
RE: Receipt of Grievance EAM15-00497 DATE: 03/09/2015

Please be advised, the appeal of your grievance dated
02/13/2015
was received in my office on this date 03/09/2015

Your grievance appeal is being returned pursuant to the Administrative Directive on Inmate Grievances due to one of the following:

- ☐ The time allowed for appeal has expired
- ☐ The matter is non-grievable and does not involve retaliation:
 - ☐ (a) Parole and/or Release matter
 - ☐ (b) Transfer
 - ☐ (c) Job Assignment unrelated to medical restriction
 - ☐ (d) Disciplinary matter
 - ☐ (e) Matter beyond the Department's control and/or matter of State/Federal law
 - ☐ (f) Involves an anticipated event
- ☐ You did not send all the proper Attachments:
 - ☐ (a) Unit Level Grievance Form (Attachment 1)
 - ☐ (b) Warden's/Center Supervisor's Decision (Attachment III); or Health Services Response Attached (Attachment IV for Health Issues Only)
 - ☐ (c) Did not give reason for disagreement in space provided for appeal
 - ☐ (d) Did not complete Attachment III or IV with your name, ADC#, and/or date
 - ☐ (e) Unsanitary form(s) or documents received
 - ☒ (f) This Appeal was REJECTED because it was a duplicate of , or was frivolous or vexatious

ISSR100

Arkansas Department of Corrections
East AR Region. Unit Unit
MAJOR DISCIPLINARY

If the C.S.O. determines that the violation(s) described on this document are felonious; he/she must hand carry this document to the Unit Warden who must immediately notify the Director.

Inmate: Smith, Joseph Jamaine

ADC#: 127880A

Assignment: AM/PM:Discpl Court Review

Class: I-C is being charged by Broadway, Georgette N
with code violation(s):

Title: Correctional Officer

10-3 Indecent Exposure

12-1 Failure to obey verbal and/OR written orders of staff

Date & Time: 01/22/2015 6:21 AM

Notice of Charges:

Incident Report Unit: East AR Region. Unit

Incident Report Date/Time: 01/22/2015/06:21:00 AM

Incident Report Number: 2015-01-187

Incident Report Comments By: Georgette N Broadway

On Thursday 22 Jan 2015 at approximately 6:21am I, OFC G. Broadway assigned to 14-16 control on C shift zone 3, while doing my count sheets I, OFC Broadway observed Inmate Smith ADC #127880 leaning on he bathroom sink with his penis exposed stroking it back and forth with his right hand looking directly at me. I gave inmate Smith a direct order to cease his action and he did. I/M J. Smith has had 13 10-3 charges since May 2007 law. Inmate Smith knows that his actions are against ADC Policy and Unit Policy. Therefore, I OFC Broadway is charging Inmate Smith ADC#127880 who has been identified by bed roster with rule violations 12-1 and 10-3.

(I affirm that the information in this report is true to the best of my knowledge)

Signature of Charging Officer

NOTIFICATION:

Officer

Date & Time Notified

Witness Statements:

No ☒

If yes, list:

Inmate's Signature

C.S.O. Review: Outcome: Refer to Hearing Officer/Comm.

By: Cobbs, Mary G

Date 01/23/2015

Extension:

No

☒

Yes

Has extension form been completed?

Presentation by Counsel - Substitute is required when it is determined that the inmate is illiterate or incompetent or that the issues are extraordinarily complex.

Counsel-Substitute: Assigned (Name)

Not Assigned

DISCIPLINARY HEARING ACTION

Inmate: Smith, Joseph Jamaine

ADC#: 127880A

Unit: East AR Region. Unit

Code Violation(s):

10-3 Indecent Exposure

12-1 Failure to obey verbal and/OR written orders of staff

Date/Time of Alleged Offense(s): 01/22/2015 6:21 AM

Hearing Date: 01/29/2015

Time: Start 10:57 AM

End 11:04 AM

Recorder: Banister, Terrie L

Tape#:

Side:

Meter: From

To

Plea: Not Guilty, Not Guilty

Attendance Waived: No

Has waiver form been completed? _____

Inmate's Statement:

I WAS GETTING READY FOR THE PAROLE BOARD. SHE DOES NOT STATE WHAT BARRACKS I WAS IN OR NOTHING.

Signature of Inmate

Court Questions:

Do you have a statement?

Sentencing Conditions:

Verdict: Guilty, Guilty

Restriction Days to Serve

Commissary:	30	Days Suspended:	0
Phone:	30	Days Suspended:	0
Visitation:	30	Days Suspended:	0
Punitive Isolation Days to Serve:	30	Days Suspended:	0
GT Class Reduced to:	IV	Class Suspended:	

1-29-15
1215p (CW)

Disciplinary Hearing Action

01/29/2015 11:43 AM

Page 2

Inmate: Smith, Joseph Jamaine

ADC#: 127880A

Unit: East AR Region. Unit

Additional Sanctions/General Comments:

Factual Basis for Decision (This is a short synopsis of the facts as the Hearing Officer perceives them after reviewing all of the evidence.):

STAFF OBSERVED INMATE SMITH LEANING ON THE BATHROOM SINK WITH HIS PENIS EXPOSED STROKING IT BACK AND FORTH WITH HIS RIGHT HAND LOOKING DIRECTLY AT STAFF.

Evidence Relied Upon:

F1 REPORT STATES STAFF OBSERVED INMATE SMITH LEANING ON THE BATHROOM SINK WITH HIS PENIS EXPOSED STROKING IT BACK AND FORTH WITH HIS RIGHT HAND LOOKING DIRECTLY AT STAFF.

005 from staff supporting F-1 report.

F-1 statement from charging officer.

PLACEMENT FORM

INFIRMARY REPORT

Reasons Why Information Purporting to Exonerate Inmate was Discounted:

Staff report is accepted.

Reasons for Assessment of Punishment:

INMATE SMITH IS A CLASS IC INMATE WHO MUST LEARN THAT REFUSING TO OBEY STAFF ORDERS AND INDECENT EXPOSURE IS AGAINST ADC RULES AND REGULATIONS AND WILL NOT BE TOLERATED FOR SECURITY PURPOSES.

I have read this report and understand that I may appeal to the Warden about any decision made in this matter within fifteen (15) working days by completing the "Disciplinary Appeal" form.

Inmate's Signature _____

Counsel-Substitute _____

I affirm that the information is true to the best of my knowledge.

Hearing Officer

100000 *Daiste*

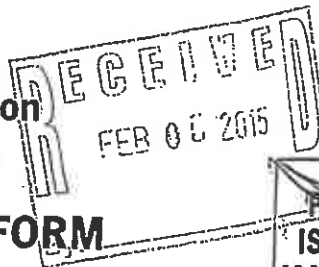
Date _____

Arkansas Department of Correction

EAR

Unit

MAJOR DISCIPLINARY APPEAL FORM



~~PUNITIVE
ISOLATION
MARK AN "X"~~

Inmate Joseph SmithADC # 127880 Date Feb 4-2015Concerning Disciplinary Given on (date) 1-22-2015 by (officer) Off George N. Broadway

APPEAL TO WARDEN: (to be completed by inmate)

State reasons why conviction or punishment should be reversed or modified:

The Inmate Discipline Manual states: "The charging officer must be precise when submitting an incident report as to WHO, WHAT, WHEN, WHERE and HOW the incident occurred."

The charging officer states I, Off George N. Broadway assigned to H and N Control on C-Shift Zone 3, doing my count sheets. I, Off Broadway observed this inmate leaning on the bathroom sink. Off. George N. Broadway, the charging officer, never once states "WHAT" Barracks does the incident occur in, at anytime, in her report.

The Bathroom sink is not a precise location, due to there being bathroom sinks in every barracks wing every 12 barracks, together, the assigned officer can look in both barracks' bathroom at all times, simultaneously.

Inmate Disc. Manual also states when an officer gives an inmate a verbal direct order and inmate complies with the order of that officer, then there SHOULD NOT BE an incident report against the inmate.

Inmate's Signature: Joseph Smith #127880

(continue on back)

RESPONSE FROM WARDEN: (due within ten (10) calendar days of receipt of appeal if punitive)

Affirm: X Reverse: _____ Modify: _____

Reasons Action Taken:

Your disciplinary Appeal for the Major Disciplinary you received on 1/22/15 was thoroughly reviewed. Staff observed you standing at the bathroom sink masturbating. This type of behavior will not be tolerated. There was a no procedural error found to alter the decision of the disciplinary. Therefore I am affirming the decision of the hearing officer. If you disagree with my decision you may appeal to the Disciplinary Hearing Administrator Mr. Raymond Naylor.

Signature: [Signature] Date: 2-10-15

NOTICE TO INMATE: If you do not agree with the warden's response, you may appeal it to the Hearing Officer Administrator. If you do not agree with the Hearing Officer Administrator's response, then you may appeal it to the Director. If you decide to appeal, then write a letter repeating your reasons why your conviction or punishment should be reversed or modified.

[B] Otc. Georgette N. Broadway, the charging officer alleges that ~~she did give a verbal direct order that was complied too.~~ ^{page 22}

(1) Yet, Otc. Broadway alleges that the verbal direct order was not obeyed, when ~~she~~ she included Rule Violation 12-1 "Failure to a direct order" in her alleged incident report.

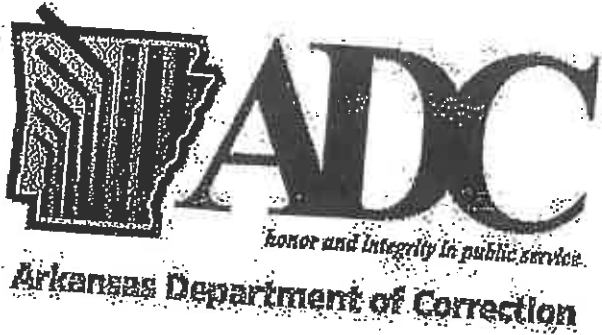
~~the inmate~~ Otc. Georgette N. Broadway failed to precisely state "HOW" was the inmate was identified.

[C] Otc. Broadway alleges the inmate was identified the bed roster.

(1) The bed roster "is not precise nor clear-cut enough to say the ACTUAL ~~Barracks~~ Barracks Housing Assignment.

As stated, in its entirety, are just reasons to ~~dismiss~~ and dispose of, the Alleged incident report by Otc. Georgette N. Broadway on January 22, 2015.

Sincere Respect,
Joseph Smith #12788i



mx1-312

East Arkansas Regional Maximum Security Unit
P.O. Box 180
Brickeys, Arkansas 72320-0108
Phone: (870) 295-4700 Fax: (870) 295-6564

TO: Smith, J # 127080
FROM: Mrs. Davis/Ms. Westbrook, EARU Classification Officer
Date: 2/25/2015
RE:

ADMINISTRATIVE SEGREGATION CLASSIFICATION RESULTS

You were given a hearing by the Unit Classification Committee on 2/27/2015 at 10:20 AM/PM regarding assignment to Administrative Segregation. You presented the following statement, documents, and/or witness statements in your behalf: (Documents and/or witness statements are attached to state file copy)

was the decision of the committee to ☒ Assign () Not to Assign you to Administrative Segregation for the following reason(s):

- () Seriousness of offense resulting in your placement in Maximum Security status.
- () Threat to security and good order of the Institution.
- () Requires maximum protection from themselves or others require maximum protection from them.
- () Chronic inability to comply with agency rules and regulations and is a threat to agency mission.

✓ Other Inmate assigned due to disciplinary history.

Classification Review: Classification Review on Administrative Segregation are reviewed every sixty (60) days. Inmates may request a classification review after they have been assigned to Administrative Segregation for thirty (30) days.

Signature: David Hill



Arkansas Department of Correction

Internal
Affairs
Division

P.O. Box 8707
Pine Bluff, Arkansas 71611-8707
Phone: (870) 267-6218
Fax: (870) 267-6226

MEMORANDUM

TO: Inmate Joseph Smith ADC# 127880
East Arkansas Regional Max Unit
R. Naylor
FROM: Raymond Naylor, Disciplinary Hearing Administrator
RE: Major Disciplinary Appeal
DATE: March 25, 2015

Please be advised I am in receipt of your disciplinary appeal dated February 18, 2015 regarding the major disciplinary you received on January 22, 2015, 6:21pm by Officer Georgette Broadway.

After a thorough review of all the documents pertaining to this matter, I find that I must affirm the decision of the major disciplinary hearing officer.

If you so desire, you may appeal further to the Director of the Department of Correction.

RN1

Cc: Warden Lay / Inmate File
File

20

0 AM
2015



Arkansas Department of Correction

Director's Office
P.O. Box 8707
Pine Bluff, Arkansas 71611-8707
Phone: (870) 267-6200
Fax: (870) 267-6244
www.arkansas.gov/doc

MEMORANDUM

TO: Inmate J. Smith, ADC #127880
East Arkansas Regional Maximum Unit

From: Wendy Kelley, *W Kelley*
Director

Date: April 23, 2015

RE: Disciplinary Appeal

I am in receipt of your disciplinary appeal regarding a major disciplinary you received on 01/22/2015, at 6:21 a.m., by CO I G. Broadway.

After reviewing your appeal, I find no due process violations that would warrant modification or reversal of the disciplinary hearing officer's decision. You exposed yourself to staff; therefore, your appeal is denied.

WK/cv

cc: Inmate File
Hearing Officer Administrator
File

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JOSEPH SMITH (ADC 127880)

CLAIMANT

V.

NO. 15-0838-CC

Arkansas Claims Commission

MAY 28 2015

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

RECEIVED


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: HCA 0100
 - 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 Ark. Bar #87190
Attorney Supervisor
Post Office Box 8707
Pine Bluff, AR 71611
(870)267-6844 Office
(870)267-6373 Facsimile

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 27 day of May, 2015, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Joseph Smith (ADC 127880)
East Arkansas Max Unit
PO Box 970
Marianna, AR 72360-0970


LISA MILLS WILKINS Ark. Bar #87190

Before The Arkansas State Claims Commission

Joseph Smith #127880

CLAIMANT

V.

No: 15-0838-CC

Arkansas Claims Commission
Arkansas Claims Commission

JUN 4 2 2015

RECEIVED

ARKANSAS DEPARTMENT OF Corrections

RESPONDENTS

CLAIMANT'S RESPONSE TO RESPONDENTS' ANSWER

Comes now the Claimant, Joseph Smith #127880, responding to the RESPONDENTS' Answer as followed:

1.) Claimant has submitted supporting documents, Policies that were set forth to govern the acts and actions of its employees and itself by Respondent.

2.) Claimant will further show merits of his claim, with the Employee AD 12:33 "Employee Conduct Standards and Discipline" Policy's Acknowledgment of Receipt for the Policy Form. [REDACTED] Saying, it knew that [REDACTED] the proper procedures were not being followed yet still allowed the process [REDACTED] to continue.

3.) In addition to, the [REDACTED] AD 12:33, AD 15:01 "Inmate Disciplinary Manual" Policy states "Will include [specific] details that I shall include how, who, what, when, where and why the charge is brought."

Wherefore, for the reasons stated, Claimant prays this claim be bound over for a scheduled hearing.

Sincere Respects,
Joseph Smith #127880
Joseph Smith #127880
East AR Max Unit
P.O. Box 970
Marianna, AR 72360

Before The Arkansas State Claims Commission

Joseph Smith #127880

Arkansas Claims Commission
JUN 12 2015

Claimant

CASE No: 15-0838-CC RECEIVED

Arkansas Department of Corrections

Respondent

Motion For Production of Documents

Comes now the Claimant, Joseph Smith #127880, with his Motion for Production of Documents to have copied the following documents, in support of the above-styled claim.

- 1.) Otc. Georgette N. Broadway's signed Acknowledgment of Receipt for AD Policy 12:33 "Employee Conduct Standards and Discipline Manual"
- 2.) ODS Staff Witness Statement supporting the 7-831-1 (Incident report) form written by Otc. G.N. Broadway on January 22, 2015 at 6:21 am against the Claimant.
- 3.) Infirmary Report showing Claimant did receive a Pre-Lock Up Assessment for the allegations alleged by Otc. Georgette N. Broadway against Claimant on January 22, 2015
- 4.) Max Security Housing Placement Form from the Max Command Center on January 22, 2015, confirming Claimant's removal from General Population as a result of Otc. Broadway's Allegations against Claimant.
- 5.) Claimant's Disciplinary Court Proceedings Transcript on January 29, 2015 from 10:57 am to 11:04 am for allegations brought by Otc. Broadway.
- 6.) Claimant's Housing Assignment Log the dates December 10, 2014 through January 22, 2015

7.) Enrollment Assignment / ATTENDANCE LOG for the Domestic Violence Class that began on January 7, 2015 through January 21, 2015.

8.) Claimant's General Population Visitation Log from December 10, 2015 through January 21, 2015.

9.) Religious Programs, including Jumah Prayer, Attendance Log for H Barracks from December 10, 2014 through January 22, 2015, during the time Claimant was in General Population assigned to H Barracks - Rack 8.

10.) Recreation (Gym and/or "Grass" Yard Ball) Attendance Log for H Barracks from December 10, 2014 through January 22, 2015.

With the requested records, Claimant will show how he suffered, as a result of Respondent's Failure to Obey its Own Presulated Standard Procedures.

Wherefore, Claimant prays that his Motion be granted as requested.

Sincere Respects,
Joseph Smith #127880
Joseph Smith
P.O. Box 970
Marianna, AR 72360

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JOSEPH SMITH (ADC #127880)

Arkansas Claims Com
AUG 11 2015
CLAIMANT
RECEIVED

V.

NO. 15-0838-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

RESPONDENT'S MOTION TO DISMISS

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

1. Claimant seeks \$14,400.00 for failure to follow procedure. Claimant has failed to state a claim upon which relief can be granted herein under ARCP Rule 12(b)(6) for the reasons herein.
2. On January 22, 2015, received a disciplinary and was found guilty on January 29, 2015. The disciplinary was upheld on all levels of appeal. Claimant alleges that the disciplinary should be reversed because the officer did not state which barracks he was assigned to. Officer Broadway, assigned to 14-16 barracks, observed claimant masturbating in the bathroom while leaning against the sink. Claimant never disputed what he was doing or that it was not him. The disciplinary was upheld on all levels of appeal.
3. Claimant cannot bring an action for damages for a properly assessed and upheld disciplinary. "A prisoner cannot pursue the damages claim until the conviction or sentence is reversed, expunged, or called into question by a state tribunal or federal court." *Brown v. Sanders* 2013 WL 5522435 (E.D. Ark.), citing *Heck v. Humphrey*, 512 U. S. 477, 489 (1994). In *Edwards v. Baliso*, 520, U. S. 641 (1997), the Supreme Court extended its holding in *Heck* so as to apply to disciplinary proceedings that resulted in a loss of good time credits.
3. Claimant's disciplinary conviction for the above has not been reversed, expunged or challenged by a court; therefore, his claim should be dismissed.
4. ADC properly upheld the disciplinary based upon the officer's Notice of Charges. Furthermore, this is an internal administrative matter that is beyond the jurisdiction of the claims commission. Claimant could have submitted witness statements at the disciplinary hearing for consideration, but did not obtain those.
5. Claimant further alleges that this is a violation of the Employee Conduct standards. Such standards are an internal performance evaluation for employees and are not applicable to inmates.

WHEREFORE, for the reasons stated above and the evidence submitted, the Claim filed should be dismissed.

Respectfully submitted,
Department of Correction Office of Counsel



LISA MILLS WILKINS Ark. Bar #87190

Attorney Supervisor

Post Office Box 8707

Pine Bluff, AR 71611

(870)267-6844 Office

(870)267-6373 Facsimile

CERTIFICATE OF SERVICE

I certify that a copy of the MOTION TO DISMISS has been served this 10 day of August, 2015, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

JOSEPH SMITH (ADC #127880)

EAMU

P. O. BOX 970

MARIANNA, AR 72360-0970

Lisa Mills Wilkins
LISA MILLS WILKINS Ark. Bar #87190

AUG 11 2015

RECEIVED
CLAIMANT

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JOSEPH SMITH (ADC #127880)

V.

NO. 15-0838-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

RESPONSE TO MOTION FOR PRODUCTION OF DOCUMENTS

COMES NOW the Respondent, Arkansas Department of Correction, and for its Response to the Motion for Production of Documents, and responds as follows:

1. Production No. 1: Objection as to relevance. Furthermore, inmates are not allowed access to information in an employee's file. The employee conduct standards are a performance evaluation standards for employees.
2. Production No. 2: See attached RFP #1.
3. Production No. 3: Objection inmates are not entitled to have their medical records. Claimant is well aware of this and can make an appointment to review such medical information with the medical provider.
4. Production No. 4: Release of such documents may be a breach of security, but Respondent will stipulate that Claimant was removed from general population on January 22, 2015 and placed in the maximum security on DCR status for Indecent Exposure, Failure to Obey a Direct Order, Insolence to Staff Member, and Making an Obscene Gesture to Staff.
5. Production No. 5: Unavailable at this time. If requested by the commission, it will be furnished at a later date.
6. Production No. 6: Objection as to relevance. This matter relates to a complaint due to the barracks not being listed on his disciplinary form. The housing logs are irrelevant.
7. Production No. 7: Objection as to relevance. This matter relates to a complaint due to the barracks not being listed on his disciplinary form. The attendance for domestic violence classes are irrelevant.
8. Production No. 8: Objection as to relevance. This matter relates to a complaint due to the barracks not being listed on his disciplinary form. The visitations are irrelevant.
9. Production No. 9: Objection as to relevance. This matter relates to a complaint due to the barracks not being listed on his disciplinary form. The religious programs are irrelevant.
10. Production No. 10: Objection as to relevance. This matter relates to a complaint due to the barracks not being listed on his disciplinary form. The recreation attendance logs are irrelevant.

Respectfully submitted,
Department of Correction
Office of Counsel

Lisa Mills Wilkins

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

CERTIFICATE OF SERVICE

I certify that a copy of the DISCOVERY RESPONSE has been served this 10 day of August, 2015, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

JOSEPH SMITH (ADC #127880)
EAMU
P. O. Box 970
MARIANNA, AR 72360-0970


LISA MILLS WILKINS Ark. Bar #87190

 <p>INVESTIGATIVE REGISTRATION STATE OF ARKANSAS DEPARTMENT OF CORRECTIONS</p>	Name (Print) [Redacted]	Date of Birth [Redacted]
	Social Security Number [Redacted]	Date of Admission [Redacted]
	Signature [Redacted]	Date [Redacted]
	Name (Print) [Redacted]	Date of Birth [Redacted]

EXPIRY DATE: [Redacted]

<input checked="" type="checkbox"/>	Incident Report
<input type="checkbox"/>	Legal Form

REPORTING OFFICER: B. Barclay

REPORT NO: 101

DATE: 1/22/15

NAME OF INMATE: Joseph Smith AOC # 127586

REPORTING OFFICER: E.C. Barclay

REASON FOR REPORT: Same as previous

REASON FOR REPORT: Same as previous

REASON FOR REPORT: DIA

REASON FOR REPORT: See medical report

REASON FOR REPORT: See medical report

REASON FOR REPORT: Do not apply

REASON FOR REPORT: Do not apply

8-5-1



RFP
1

STATEMENT OF FACTS (If force used, state type and explain): On Thursday 22 Jan 2015, at approx 6:21am T, ofc [redacted] Broadway was assigned to 14-16 Control on C Shift zone III. While doing my count sheets I, Ofc [redacted] Broadway observed Inmate J. Smith, A/c # 127880 leaning on the bathroom sink with his penis exposed, stroking it back and forth with his right hand, looking directly at me. I gave inmate J. Smith a direct order to cease his action and he did. I/M J. Smith has had 13 10-3 charges since May 2007 L.A.W. Inmate J. Smith knows his action is against C.A.U. and A/c Policy. Therefore, I immediately notified my area supervisor Sgt L. Allen and inmate J. Smith A/c # 127880 was placed in restraints and escorted to the main infirmary for pre-lock up. End of statement

Ofc [redacted] Broadway
Signature of Reporting Employee

1/22/15
Date

Sgt L. Allen
Signature of Supervisor

01/22/15
Date

Reviewed by (Signature) Warden/Center
Supervisor/Administrator

Date

RECOMMENDATION:

Reviewed by (Signature) Assistant Director

Date

RECOMMENDATION:

Reviewed by (Signature) Director

Date

DISTRIBUTION OF COPIES:

Original to Assistant Director, then to Director, and then to Inmate Institutional File.
Assistant Director
Warden/Center Supervisor/Administrator

INCRPTdb

Revised



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
DEPARTMENT OF CORRECTION

Section Number:

005/409

Page Number

005—3 of 3
409—9 of 9

Board of Correction Approval Date:

9/23/87

Supersedes:

005/409 Form

Dated:

12/19/85

Attorney General

Review Date:

6/11/87

Date Filed

Secy. of State

10/02/87

005



Incident
Report
and

409



Use of
Force

SUBJECT: Reporting of Incidents — 005; Use of Force — 409

EARU

UNIT/DIVISION

REPORTING EMPLOYEE:

ANDERSON

LAST

FIRST

LEE

MIDDLE

RANK:

SGT

SHIFT ASSIGNMENT:

"C" population

DATE:

01/22/2015

TIME:

6:25 AM

LOCATION:

Zone III 14 BK

INMATE(S) INVOLVED:

INMATE S Smith # 12780

(Names and ADC Numbers)

EMPLOYEE(S) INVOLVED:

SGT ANDERSON & SGT GOLETT AND OF

(Names, Titles, Rank)

INMATE(S) PRESENT:

Same as Above

(Names and ADC Numbers)

EMPLOYEE(S) PRESENT:

Same as Above

(Names, Titles, Rank)

OTHERS PRESENT/INVOLVED: (Specify)

NOT APPLICABLE

(Names & Addresses)

EXTENT OF INJURY TO INMATE(S):

See Informing Report

TREATMENT AFFORDED INMATE(S):

See Informing Report

EXTENT OF INJURY TO OFFICER(S):

Does not apply

TREATMENT AFFORDED OFFICER(S):

NOT APPLICABLE

STATEMENT OF FACTS (if force used, state type and explain): ON THURSDAY 22 JAN 2015 I
SGT [REDACTED] AREA SUPERVISOR ZONE III "C" SHIFT RECEIVED RADIO
TRAFFIC C APPROXIMATELY 6:25 AM THAT I WAS NEEDED @ 146K WHEN
I ARRIVED @ 14/16 CONTROL I WAS INFORMED BY OFC [REDACTED] BROADWAY 14/16
CONTROL OPERATOR THAT INMATE [REDACTED] SMITH #122880 WAS MASTURBATING
IN HER PRESENT. I ASSISTED BY SGT COLETT PLACED INMATE SMITH
IN RESTRAINTS AND ESCORTED HIM TO THE MAIN INFIRMARY FOR A
PRE-LOCK-UP AND LATER TO E-MAX FOR HOLDING PENDING DISCIPLINARY
COURT REVIEW. END OF STATEMENT

SGT [REDACTED] AMW
Signature of Reporting Employee

01/22/2015
Date

[REDACTED]
Signature of Supervisor

1-22-15
Date

Reviewed by (Signature) Warden/Center
Supervisor/Administrator

Date

RECOMMENDATION:

Reviewed by (Signature) Assistant Director

Date

RECOMMENDATION:

Reviewed by (Signature) Director

Date

DISTRIBUTION OF COPIES:

Original to Assistant Director, then to Director, and then to inmate Institutional
Assistant Director
Warden/Center Supervisor/Administrator

INCRPTdb

(Revised

Joseph Smith #127880

CLAIMANT

No 15-0838-CC

Arkansas Claims Commission
AUG 20 2015

Arkansas Department of Corrections

RECEIVED

RESPONDENT

Claimant's Response to Respondent's
MOTION FOR DISMISS

Comes now the Claimant, Joseph Smith #127880, responsive to the Respondent's Motion For Dismiss as follows:

1.) Respondent via Mr. L.N. Broadway alleges to have witnessed the occurrence of an incident, that she further alleges that involved the Claimant.

Respondent has a Standard Set of Procedures that "MUST" be followed, after making allegations against an inmate and/or fellow staff members. Mr. L.N. Broadway knowing the Conduct Standards, deliberately disregarded ~~the~~ following the STANDARD Procedures set forth in the Policies of AD 12:33 and 15:01.

2.) Respondent's AD Policy 12:33 states Section IV. A. "The employee is responsible for reviewing and becoming familiar with the conduct Policy, after signing an Acknowledgment of Receipt for the Policy"

The Policy further states at B.1. ~~the~~ "Employee" (C). To ~~not~~ abide by ALL conduct Standards.

E. states "All employees shall be expected to abide by the following standards, which are established as Guidelines to give a measure of consistency within the Department."

Conduct Standard #18 states "EMPLOYEES MUST give clear, complete and ~~accurate~~ information in completing work records (incident reports)."

3.) Respondent's AD Policy 15:01 at Sec. VII. D.1 states "Reports against an inmate "WILL" include specific details of the rule infraction alleged against the inmate. Details "SHALL" include specifically, who, what, when, "WHERE", "HOW" and why the allegations are being brought. (See page 15 of 44 "Inmate Disciplinary Manual")

Also at Sec. VII. D.2 states "The 7-831-1 Form [Incident Report] MUST be signed by the charging person, affirming that the information in the report is true and correct." (See 15 of 44 "Inmate Disciplinary Manual")

Broadway knowingly ignored following the above PROCEDURAL STANDARDS, while mindfully dismissing the integrity of her Employer, the Respondent, when she intentionally failed to obey and abide by the procedures set forth to establish a measure of consistency within the Department of Corrections.

4.) Exhibit 5, an Incident report written by the Respondent (Ofc. Georgette N. Broadway) against Inmate C.R. Spears, an indisputable-material fact that Broadway has the Actual Knowledge and Know-How to clearly, completely and accurately submit a work record. (See Exhibit 5: Attachment) Claimant challenges only the process of Procedure.

5.) Claimant does ~~not~~ state how he suffered from Respondent Failure To follow its Policy/Procedures. [See Original Complaint's STATEMENT of Claim for Which Relief Could be Granted]

6. Respondent refused to adhere to its own "Policy Statement"

that says "To ensure that institutional rules and regulations are enforced through an unbiased and careful process." (See AD 15:01 Inmate Disciplinary Manual Page 1) Also says, The purpose of the ADC Employee Conduct Standards policy is to establish consistent employee conduct standard (See AD 12:33 Employee Conduct Standards and Discipline at Sec II Explanation Page 1)

Further, Major Disciplinary Reports against an inmate MUST be specific, precise or exactly WHERE/WHICH BARRACKS

7) Respondent's (1st) #3 - Claimant is not challenging⁽¹⁾ his original judgment commitment ordered sentence, the loss of Any good time credit or⁽²⁾ Expungement of report from his prison record. These are the same grounds why Mohammad v Close 124 S.Ct 1305 (2004) overruled Heck v. Humphrey.

8) Respondent's (2nd) #3 - Again Claimant is not challenging⁽¹⁾ Judgment Commitment ordered sentence, ⁽²⁾ Loss of Good-Time Credits or⁽³⁾ Sought to expunge report from his prison record.

9.) Claimant's claim is challenging ~~why~~ Respondent willfully turned a blind eye to allow its employees to deliberately violate the Standard Procedures of submitting a work record. Then the Respondent, itself, coming to the aid of its employee's Actions.

10.) Respondent acknowledges to the Claimant is correct, stating that

The Employee Conduct Standards and Discipline was violated, that he should not have known it.

Wherefore, Claimant prays the grounds stated opposing Respondent's Motion To Dismiss be granted and a hearing ~~is~~ scheduled.

Respectful Regards

Joseph Smith #127800

Joseph Smith
EAM

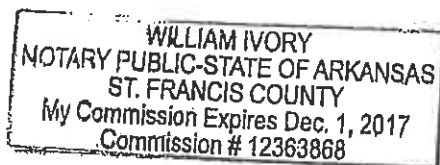
P.O. Box 970

Marion, AR 72360

Subscribed and Sworn Before ~~me~~ ME on this
13 day of August, 2015.

William Ivory
Notary Public Signature.

Dec. 1, 2017
My Commission Expires



8/12/15

4024

38

MAJOR DISCIPLINARY

If the C.S.O. determines that the violation(s) described on this document are felonious, he/she must hand carry this document to the Unit Warden who must immediately notify the Director.

Inmate: Spears, Christopher Ray

ADC#: 510301D

Assignment: AM/PM:Discpl Court Review

Class: II is being charged by Broadway, Georgette N
with code violation(s):

Title: Correctional Officer

- 02-1 Aiding OR abetting IN the commission of any rule violation
04-8 Battery--Use of physical force on the person(s) of another inmate.
05-3 Assault any willful attempt OR threats(s) to inflict injury upon the person of another
05-5 Provoking Or Agitating A Fight
12-1 Failure to obey verbal and/OR written orders of staff

Date & Time: 02/04/2015 5:17 PM

Notice of Charges:

On 2/4/2015 at approx 5:17pm, while working 14/16 control Zone 3, I (Ofc. G. Broadway) observed inmate T. Napoleon #135908 and Inmate C. Spears #510301 in the dayroom of 16 barracks, striking each other in the facial area with closed fists (fighting). I gave a direct order for both inmates to stop but to no avail, neither inmate complied with my order. I called for assistance via radio and when assistance arrived both inmates were placed in restraints and removed from 16 barracks without further incident. Inmate C. Spears action violates A.D.C. and Unit policies. Therefore I'm charging this inmate, Christopher Spears #510301, with the following rule violations: 2-1, 4-8, 5-3, 5-5 and 12-1 pending D.C.R.

(I affirm that the information in this report is true to the best of my knowledge)

Signature of Charging Officer

NOTIFICATION:

Officer

Date & Time Notified

Witness Statements:

No ☒

If yes, list:

Inmate's Signature

C.S.O. Review:

Outcome:

Refer to Hearing Officer/Comm.

By:

Cobbs, Mary G

Date 02/06/2015

Extension:

No ☒

Yes

Has extension form been completed?

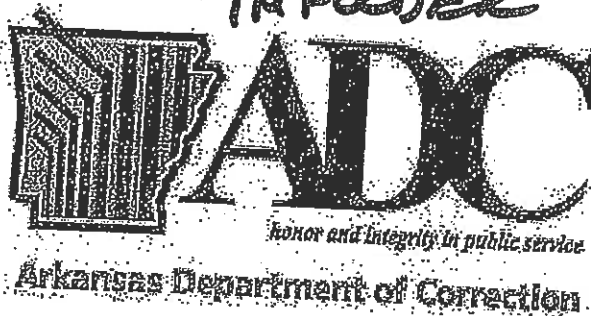
Presentation by Counsel - Substitute is required when it is determined that the inmate is illiterate or incompetent or that the issues are extraordinarily complex.

Counsel-Substitute: Assigned (Name):

Not Assigned

RETURN
IN FOLDER

AD-15-01 1217



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

ADMINISTRATIVE DIRECTIVE

SUBJECT: Inmate Disciplinary Manual

NUMBER: 15-01

SUPERSEDES: 13-10

APPLICABILITY: Inmates and Staff

REFERENCE: AR 831 – Disciplinary Rules and Regulations

PAGE 1 of 44

APPROVED:

EFFECTIVE DATE: 01/12/2015

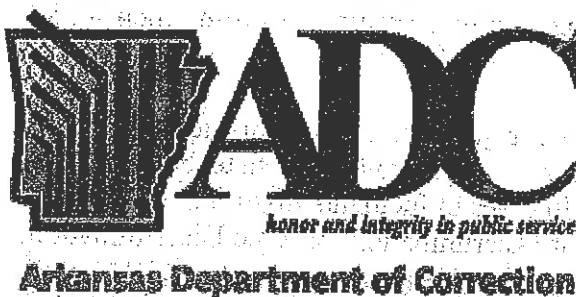
I. POLICY:

To ensure that institutional rules and regulations are enforced through an unbiased and prudent fact finder and provide appropriate due process throughout the disciplinary process. The behavior of offenders committed to the custody of the department shall be controlled in an impartial and consistent manner.

II. EXPLANATION:

The Department shall establish and designate Major and Minor Disciplinary Hearing Officers who shall hear and adjudicate all reports of infractions of institutional rules and regulations that are referred to them. These authorities shall be designated as the Major or Minor Disciplinary Hearing Officers, respectively. When inmate behavior requires discipline, procedures shall be followed to ensure that no unnecessary disciplinarys are written and that:

- A. there is no bias in favor of the charging officer;
- B. there is no presumption of guilt;



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

ADMINISTRATIVE DIRECTIVE

SUBJECT: Employee Conduct Standards and Discipline

NUMBER: 12-33

SUPERSEDES: 10-19

APPLICABILITY: All employees of the Department of Correction

REFERENCE: AR 225 - Employee Conduct Standards

PAGE: 1 of 8

APPROVED: Original signed by Ray Hobbs

EFFECTIVE DATE: 11/09/2012

I. POLICY:

It is the policy of the Department of Correction to ensure that all employee discipline be administered in a consistent, objective and good faith manner.

Nothing in these guidelines and procedures limits the Director's authority to establish or revise human resource policies. These guidelines and procedures are adopted to guide the internal operations of the Department and do not create any legally enforceable interest or limit the Director's or his designee's authority to terminate any employee at will.

II. EXPLANATION:

The purpose of the ADC Employee Conduct Standards policy is to establish consistent employee conduct standards and discipline. Nothing herein is intended to imply that the standards are all inclusive. The conduct standards are intended to identify common problems associated with employee conduct. Discipline should be through positive progressive actions, where appropriate.

In those situations where an employee's actions adversely affect the security and good order of departmental operations, progressive disciplinary actions are not

Before the Arkansas State Claims Commission

Joseph Smith #127880

Claimant

v

No: 15-0838-CC

Arkansas Department of Correction

Arkansas Claims Commission

Respondent

AUG 20 2015
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Claimant's Reply to Respondent's Response for Motion
Practice Documents

Comes now, Claimant with his Reply to Respondent's Response for Motion To Dismiss as stated:

1) Claimant requests for the Signed Acknowledgement of Receipt for AD 12:33 "Employee Conduct Standards and Discipline" Policy to verify that the charging office had knowledge or should have had the knowledge to CLEARLY, CORRECTLY and COMPLETELY submit a WORK RECORD.

2) Requested Document was received.

3) Medical Record of Pre-Lookup for in Prisoner's Institutional Records also and Respondent should have released the requested document.

4) This can not be breach of security, this is a matter has

to do with the claim, as verified by Respondent, Claimant was removed from general population, for the accusations of Indecent Exposure (10-3) and Failure to Obey a Direct Order. (12-1)

5.) The request for the transcript of the hearing, to **FIRMLY** establish that the Recording supports the Claimant's Complaint, and should be released as requested.

6.) Housing logs are relevant to show that the housing Assignment was known to Otc. Broadway prior to her accusations, should be released as requested

7.) Request for Attendance in Domestic Violence is to verify that Claimant was active in the general population setting, prior to Broadway's accusations and should be release to show damages entitlement.

8.) Request for Visitation Records to show Complaint loss of Contact Visitation is caused by Broadway's accusations and should be released to confirm that he was receiving visits while in general population.

9.) Request for Religious Program Attendance Records is to show Complaint was striving towards a positive state of mind prior to the alleged accusations against him and should be released, ~~Receipts~~ Acknowledging damages entitlement.

10.) Recreation Records were to show that Claimant was trying to exercise to get healthy prior to alleged accusations against him and should be released as requested.

All the requested documents are to confirm how Complaint is suffering, from Respondent's malicious, spiteful attempt ~~to~~ to undermine its own rules and regulations for Standard Procedures, and sought damages amount entitlement.

WILLIAM IVORY
NOTARY PUBLIC-STATE OF ARKANSAS
ST. FRANCIS COUNTY
My Commission Expires Dec. 1, 2017
Commission # 12363868

Respectful Regards,
Joseph Smith #127880
Joseph Smith
EAM
P.O. Box 970
Marianna, AR 72360

Subscribed and Sworn Before ME, on this 13 day
of August, 2015.

Dec. 1, 2017
My Commission Expires

William Ivory
Notary Public Signature

WILLIAM IVORY
NOTARY PUBLIC-STATE OF ARKANSAS
ST. FRANCIS COUNTY
My Commission Expires Dec. 1, 2017
Commission # 12363868

8/12/15

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 14,400.00

Claim No. 15-0838-CC

Attorneys

Joseph Smith, #127880

Claimant

Pro se

Claimant

vs.

Department of Corrections

Respondent

Lisa Wilkins, Attorney

Respondent

State of Arkansas

Date Filed May 6, 2015

Type of Claim Failure to Follow Procedure

FINDING OF FACTS

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss" for reasons set forth in paragraphs 2-5 contained in the motion. Therefore, this claim is hereby unanimously denied and dismissed.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss" for reasons set forth in paragraphs 2-5 contained in the motion. Therefore, this claim is hereby unanimously denied and dismissed.

Date of Hearing September 10, 2015

Date of Disposition September 10, 2015

Robert L. May

Chairman

Thomas

Commissioner

John D. Smith

Commissioner

Before THE STATE Claims Commission

Arkansas Claims Commission

OCT 07 2015

RECEIVED

Joseph Smith #127880

Claimant

V

#15-0838

Arkansas Dept of Corrections

PLAINTIFF

MOTION FOR RECONSIDERATION

Comes now the Claimant, Joseph Smith #127880, with his Motion For Reconsideration of the Claims Commission denial and dismissal of his Claim (#15-0838), for the reasons set forth as followed:

Ark. STATUTE Sec. 12-27-109 "Oaths" states, "The Director of the Department of the Corrections and each of the Superintendents of the Institutions within the Department of Correction [SHALL], " before entering upon their respective duties, "TAKE and subscribe to And file in the office of the Secretary of STATE, [AN OATH] that he or she will support the Constitution of the United States And the State of Arkansas Constitution, And [FAITHFULLY] perform

the Duties, upon which he or she is about to enter."

Reason

(1) ~~Long~~ Claimant ~~Submitted~~ to the Director, two (2) opportunities "Disciplinary Appeal Process and Administrative Grievance Process" to faithfully perform her assigned duties, to correct her staff's failure to comply with the Arkansas Statutes, ~~Arkan~~ Board of Corrections Administrative Regulations Policy 831 "Inmate Disciplinary Rules" and Director Kelley's Administrative Directive 15-01 "Inmate Disciplinary Manual".

The AD 15-01 Sec. VII "Major Disciplinary Court" Subsection D "General Considerations" (1) states "The Major Disciplinary Form (7-831-1) will be completed for major disciplinary reports against an inmate and will include specific details of the rule infraction alleged against the inmate. At ~~the~~ a minimum, the details "shall" include "WHO", what, when, "WHERE" "HOW", and why the charge is brought."

D-2 states "The Major Disciplinary Form (7-831-1) must be signed by the Charging person, affirming that the information in the report is TRUE and CORRECT."

The alleged incident was included in the original complaint to the Commission.

Claimant's Disciplinary Appeal to the Director reads as followed:

The Disciplinary Manual states, "The charging officer must be precise when submitting an Incident Report as to WHO, WHAT, WHY WHEN, WHERE, HOW ~~the~~ the incident occurred. [A] The charging officer states, I, Otc. Georgette N. Broadway assigned to 14 and 16 Control on C-Shift Zone 3 while doing my count sheets, I, Otc. Broadway observed ~~Inmate Smith~~ ADC # 127880 leaning on the bathroom sink.

(1) Otc. Georgette N. Broadway, the charging officer, never states "WHAT" barracks does the alleged incident occurred in, at anytime, in her report.

(2) The Bathroom Sink " is not a precise location, due to there being bathrooms sinks in every barracks connecting every (2) two barracks, together, the assigned officer can look in both barracks' bathroom at all the sinks, simultaneously.

(3) Inmate Disc. Manual also states When an officer gives an inmate, a verbal order and Inmate complies with the order of the officer. Then, there should ~~not~~ be an incident report written against the inmate.

[4] Otc. Georgette N. Broadway, the charging officer alleges that she did a give a verbal direct order that was complied ~~with~~ with.

(1) Yet, Otc. Broadway alleges that the verbal direct order was

~~Not obeyed~~ When she included Rule Violation 12-1 "Failure obey
a direct order" in her alleged incident report.

Otc. Georgette N. Broadway failed to precisely state "HOW" the inmate was identified.

[C] Otc. Broadway alleges the inmate was identified ^{by} the bed roster.

(1) The bed roster is not precise nor clear-cut enough to say the Actual Barracks Housing Assignment.

As stated, in its entirety, are just reasons to dismiss and dispose of, the Alleged incident report by Otc. Georgette N. Broadway on January 22, 2015."

Sincere Respects,
Joseph Smith #121880

[A] Staff submitted an unclear and incomplete report against an inmate (the Claimant) when she failed to include specifically "WHERE" and what as far as where Claimant was And WHAT barracks, Claimant was in; Due to Officer making it known, that she was supervising two barracks, simultaneously, IN WHICH, did this incident occur.

[B] Staff is only clear about her assigned post, which says staff is implying that the alleged incident had to have occurred "In the bathroom area" of the control booth. This staff violated the Policy and Procedures, by implying that the 14 and 16 Control Booth is "WHERE" the alleged incident occurred. Due to the fact, 14 and 16 Control booth is the ONLY location specified by charging officer, NOT verifying "WHAT" Barracks, Claimant committed the alleged violation.

By upholding staff's report as a CLEAR, COMPLETE and CORRECT standardized document, the Director is knowingly conscious and aware that "her SWORN OATH" to FAITHFULLY perform the respective duties as Director are not being complied with AR Statute 12-27-109

AR STATUTE 12-27-107

States, "Director" (D.) Subject to rules, regulations, policies

and procedures prescribed by The Board of Corrections, the Director shall:

(#3) Institute programs for the Training and Development of personnel within The Department of Correction and ~~have~~ the Authority to suspend, Discharge or otherwise discipline personnel in accordance with policies prescribed by The Board of Corrections: "

^{Reason}
(2) The staff under the LEADERSHIP of the Director shall be trained and developed as a comprehensive personnel, understanding All policies and the correct procedures associated with the Policy, through instituted programs:

(A) It is the duty of staff to report any incident(s) that do not comply with Arkansas Department of Correction Rules and Regulations, in a PROPER PROCEDURAL manner.

(B) It is the RESPONSIBILITY of the Director to ensure that all personnel of the Department of Correction receives the correct training and development as an employee, within the Department, to PROPERLY submit a report against an inmate.

^{Reason}
(3) Director shall discipline personnel in accordance with policies prescribed by the Board of Correction

(A) Staff knowingly submitted a procedurally defective

report.

(b.) The defective report was not corrected by the Director
After two opportunities to do so.

AR § 12-27-106

states, "It shall be the duty of the Board of Corrections to publish in pamphlet form And to post in conspicuous places About the Department of Corrections) Farms And All other penal institutions" All rules, laws and regulations "promulgated by the Board with references to the conduct of the Prisoner Confined therein." Acts of 1933, Act 30 § 11
also

12-29-103 "Maintenance of Discipline["of Inmates"] (A.)

states, "The Director of the Department of Correction shall prescribe with the approval of the Board of Corrections, rules and regulations for the Maintenance of Good Order and Discipline in the facilities and institutions of the Department of Corrections, including provisions for dealing with violations:

Once these pamphlets are posted, then if Department of Corrections personnel Alleges an inmate is not displaying a conduct in accordance with the Board of Corrections' rules, laws and regulations.

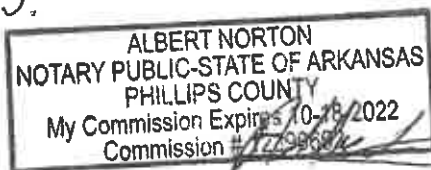
The Board of Corrections has a Guideline of Procedural Discipline Standards in place, for maintaining the Good Order and Discipline in the facilities and institutions of the Department of Corrections, including provisions for dealing with violations of these rules, laws and regulations by prisoners.

The Director needs to acknowledge that neither she or ~~anyone~~ in her Administration is Above, the Board of Corrections And/or Arkansas Statutory Laws.

~~For~~ reasons that have been set forth, Claimant prays the Claims Commission will grant his Motion For Reconsideration.

Sincere Respects,
Joseph Smith # 127880
P.O. Box 970 - EAM
Marianna, AR 72360

Subscribed and Sworn to me, a Notary Public, on this 1 day of 027, 2015.



10-18-2022
MY COMMISSION EXPIRES

Albert Norton
Notary Public's Signature

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 14,400.00

Claim No. 15-0838-CC

Joseph Smith, #127880 Claimant vs. Pro se Claimant
Department of Corrections Respondent Lisa Wilkins, Attorney Respondent
State of Arkansas
Date Filed May 6, 2015 Type of Claim Failure to Follow Procedure

FINDING OF FACTS

The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration" for the Claimant's failure to offer evidence that would change the prior decision of the Claims Commission. Therefore, the Commission's September 10, 2015, order remains in effect.

IT IS SO ORDERED.


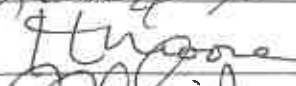

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration" for the Claimant's failure to offer evidence that would change the prior decision of the Claims Commission. Therefore, the Commission's September 10, 2015, order remains in effect.

Date of Hearing October 14, 2015

Date of Disposition October 14, 2015


Chairman

Commissioner

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.

BEFORE THE STATE GENERAL ASSEMBLY

Arkansas Claims Commission

OCT 29 2015

RECEIVED

Joseph Smith #127880

Claimant

V

*15-0838-CC

Arkansas Department of Corrections

Plaintiff

MOTION FOR APPEAL

COMES NOW the Claimant, Joseph Smith #127880, with ~~has~~ Motion for Appeal of the Claims Commission's Docket Opinion to deny the Claimant's Claim #15-0838-CC on SEPTEMBER 10, 2015, for the reasons set forth as followed.

(1) AR 831 "Disciplinary Rules and Regulations" Sec. II "Guidelines" D states: "Procedures are established for notification of all alleged infraction and for fair and impartial determination" and E states "ALL steps in the procedures are to be carried out as specified in the Inmate Discipline Manual." [See AR 831 Sec II (D) and (E) Page 1]

(2) Sec. II "Guidelines" H states "An appeal process, as specified in the Inmate Discipline Manual, will allow the inmate to seek to correct errors in procedure or in findings of fact. [See Sec II (H) Page 2]

Claimant utilized the Appeal to correct the Procedural ERRORS as specified by the Inmate Discipline Manual.

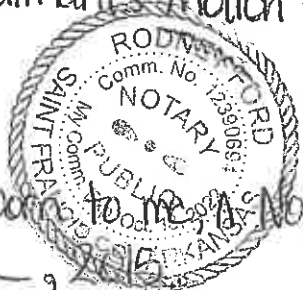
3) Respondents cited Edwards v Balisok (1997) Supreme Court's ruling that "A prisoner cannot pursue the damages claim until the conviction or sentence is reversed, expunged or called into question by a state tribunal or federal court." But the Supreme Court also stated,

"Requirements for prison disciplinary hearings are not so lax as to let stand the decision of a biased hearing officer who dishonestly suppresses evidence of innocence."

If the hearing officer would have applied the proper procedures of the Inmate Disciplinary Manual for Specific Detailing, which, in itself, is the exculpatory evidence of innocence. [The record shows the bias favor of officer by the hearing officer, which allows the claimant to pursue the damages claim without a reversal, expungement or questioning by a state tribunal or federal court.] Claimant would have had the disciplinary dismissed by the hearing officer.

4.) In Mohammad v Close, 540 U.S. 749 (2004), the Supreme Court clarified its ruling ~~stating~~ "Challenging the validity of a disciplinary sanction that doesn't affect the overall length of the prisoner's confinement may be brought [regardless] of whether the disciplinary sanction was overturned." Both decisions allow the pursue of damages claim, when exculpatory evidence is withheld.

For the reasons that have been set forth, Claimant prays the State General Assembly will grant Claimant's Motion for Appeal.



Sincere Respect,
Joseph Smith

SUBSCRIBED And Sworn to me, a Notary Public, on this 20 day of Oct.

Oct. 18, 2022
My Commission Expires

[Signature]
Notary Signature

✓ CHECK OUT ONLY #10



ADMINISTRATIVE REGULATIONS

STATE OF ARKANSAS

BOARD OF CORRECTIONS

12 F-02

Section Number:	Page Number:
831	1 of 2
Board Approval Date:	
01-24-2002	
Supersedes:	Dated:
831	5/17/90
Reference:	Effective Date:
	04-30-2002

SUBJECT: Disciplinary Rules and Regulations

I. POLICY:

To ensure the orderly functioning of institutions and the safety of inmates and staff through the establishment and enforcement of rules governing inmate conduct.

II. GUIDELINES:

- Rules are established and approved by the Director of the Arkansas Department of Correction subject to review by the Board of Corrections.
- Rules and procedures are published to all staff and inmates through an *Inmate Discipline Manual* located in the law library, or otherwise available, in each facility. Rules are also made available to each inmate and staff member through the *Inmate Handbook*.
- Every member of staff; employees of the Arkansas Department of Correction School District and Riverside Vo-Tech; and authorized agents of the Arkansas Department of Correction, such as staff of the medical services contractor, contract mental health and substance abuse staff, are vested with the authority and responsibility to see that the rules are followed.
- Procedures are established in the *Inmate Discipline Manual* for notification of an alleged infraction and for fair and impartial determination as to fact and responsibility in a venue in which the charged inmate has the opportunity to present evidence, including witness statements. Should there be a demonstrable need, a counsel substitute and/or interpreter may be provided to ensure that the inmate fully understands the procedures.
- All steps in the procedures are to be carried out in a timely fashion as specified in the *Inmate Discipline Manual*.
- Ranges of penalties associated with findings of guilt, and interventions such as referral for treatment, are stated in association with each rule in the *Inmate Discipline Manual*. Generally, the severity of the penalty is correlated with the seriousness of the conduct and the frequency of repetition of rule infractions.

- G. All steps in the disciplinary process are to be properly documented. Hearings will be audiotaped, and paper and electronic records of disciplinary actions will be maintained in accordance with the Department's records retention schedule.
- H. An appeal process, as specified in the *Inmate Discipline Manual*, will allow the inmate to seek to correct errors in procedure or in findings of fact.
- I. The Administrator of Disciplinary Hearings is charged with the responsibility of training Disciplinary Hearing Officers and with monitoring adherence to procedure.

III. STANDARDS:

American Correctional Association; Standards for Adult Correctional Institutions,
Third Edition, 3.3.1

AR831.doc
020107