

JUL 20 2015

E7.

Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

RECEIVED

☒ Mr.
☐ Mrs.
☐ Ms.
☐ Miss

Dwight Ford #079929 Claimant

vs.

State of Arkansas, Respondent
AR Dept. of Corrections

Do Not Write in These Spaces	
Claim No.	16-0049-CC
Date Filed	July 20, 2015
(Month)	(Day) (Year)
Amount of Claim \$	5,000.00
Fund	DOC
Failure to Follow Procedure	

COMPLAINT

Dwight Ford #079929 (Name), the above named Claimant, of P.O. Box 970, Marianna, AR 72360 (Street or R.F.D. & No.) (City)
(State) (Zip Code) (Daytime Phone No.) County of LEE represented by PRO. ST. (Legal Counsel, if any, for Claimant)
of (Street and No.) (City) (State) (Zip Code) (Phone No.) (Fax No.)

State agency involved: Arkansas Department of Correction Amount sought: \$5,000
Month, day, year and place of incident or service: JANUARY 8, 2015, EAST AR. REG. UNIT, (ADC)
Explanation: ON JANUARY 8, 2015, I WENT TO MAJOR DISCIPLINARY COURT to be TRIED ON (3) THREE DISCIPLINARY CHARGES FROM A INCIDENT OCCURRING DECEMBER 30, 2014. SUBSEQUENTLY, I WAS FOUND GUILTY ON ALL (3) DISCIPLINARIES AND RECEIVED A TOTAL PUNITIVE SENTENCE OF 70 DAYS PUNITIVE ISOLATION, ALL PERSONAL PROPERTY TAKEN, ALL PRIVILEGE TAKEN. I WAS SCRIPT SEARCHED THEN PLACED IN THE HALL. ON FEBRUARY 8, 2015, I WAS GIVEN A 48 HR RELIEF. ON FEBRUARY 10, 2015 I WAS TAKEN OFF 48 HR RELIEF. ON MARCH 10, 2015 I WAS ON MY 2ND 48 HR. MARCH 12, 2015 I CAME OFF 48 HRS. MARCH 20, 2015 ALL MY PUNITIVE TIME COMPLETED. I WAS NOT RELEASED. I WAS TOLD BY CAPT FORD. HE DID NOT HAVE A COT SLIP ON ME. I EXPLAIN TO HIM I ONLY HAD 70 DAYS AND TODAY WAS MY (70) DAY. HE ASK TO SEE MY DISCIPLINARY ACTION SHEETS TO VERIFY I ONLY RECEIVED 70 DAYS. I TOLD HIM CAPT. SPARKMAN ISSUED ME MY DISCIPLINARY RESULTS SHEETS CAPT FORD SAID HE WOULD CHECK. ON APRIL 10, 2015 I WAS TAKEN ON A 3RD 48 HR RELIEF. 90 DAYS IVE BEEN IN ISOLATION. I FILED TWO GRIEVANCE ON MY 3RD 48 HR RELIEF. CAPT. SMITH SIGNED MY GRIEVANCE. I CONSULTED WITH CAPT. SMITH AND TOLD HIM IM NOT SUPPOSE TO BE IN THE HALL, HE LEFT. ABOUT 20 MINUTES CAME BACK TOLD ME HE IN LT. DURANT CHECKED AND I HAD TO GO BACK TO ISOLATION. MY OUT DATE 4-21-15

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; when? (Yes or No) (Month) (Day) (Year) to whom? Filed Resolution Form. Grievance
See Attach EARL and that the following action was taken thereon: EARL Administration, said my GRIEVANCE had merit. And my punitive days were put in the system twice
and that \$ was paid thereon: (2) Has any third person or corporation an interest in this claim? YES; so, state name and address
Wendy Kuhn, Director, P.O. Box 9707 Pine Bluff, ARK, 71601-8707
and that the nature thereof is as follows: Concur with Warden and Response. Grievance had merit
and was required on 5/21/2015 in the following manner:
Grievance Appealed Final Step to Director.

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.

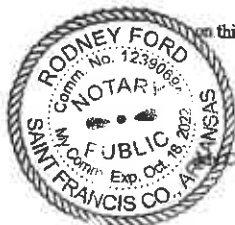
(Print Claimant/Representative Name)

(Signature of Claimant/Representative)

SWORN TO and subscribed before me at

Buckeyes Arkansas
(City) (State)

(SEAL)

on this 15 day of July 2015
(Date) (Month) (Year)

SF1-R7/99

Notary Public) (Signature)
commission Expires: Oct. 18 2022
(Month) (Day) (Year)

INMATE NAME: Ford, Dwight L.

ADC #: 079929A


GRIEVANCE #: EAM15-01114

WARDEN/CENTER SUPERVISOR'S DECISION

Inmate Ford, you grieve on 4/10/15 your punitive time was not enter correctly. Your complaint is noted. According to documentation you received three disciplinary violation actions for the years of 2014. December 30 you received two, and December 31 you received one. However, for your disciplinary dated 12/30/2014 Terrie Banister, Disciplinary Hearing Officer entered your punitive time twice. You should have completed punitive on 3/20/15. Due to this error you will be eligible for class after 02/07/16 per AD 115-02. Therefore, your grievance is with merit and correction action will be taken.



Signature of Warden/Supervisor or Designee


Title

5-20-15
Date

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INMATE'S APPEAL

JUN 03 2015

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?

had Cpl. Sparkman Issued me my Disciplinary Results. As Policy 88. States I could of shown Security my Exact Days. the Day I went to court 1-8-15. The VIDEO SPEAKER, was coming on Ant out, I did not hear the updates. I was Relying on my Disciplinary Results. To Base my Appeal. But Cpl. Sparkman Did not Issue me my Results. This Issue should of Never OCCURED AFTER I WAS NOT RELEASE AFTER 90 days. I knew A mistake had been made. Because they told me I was going on A 48hrs. Instead of getting out. I told Sgt. IVORY And Sgt Smith I should not still be on Punitive. Sgt. Smith
Dwight L. Ford 79929 5/21/15

Asked me to show him my Disciplinary Results. I told him Cpl Sparkman Never Issued me my Results, Sgt. Smith said he Advised. Lt. Burnett. And The Both of Them. checked. And. Came in told me. I DO NOT Finish. Punitive until 4-21-15, As A Result of This ERROR. made By Terrie Banister I had to do 35 extra. days. 15. Punitive Isolation. Threaten with Chemical Agent. IF I Refused to go Back to the Hole. told I was coming out. MX 7-18 cell one way OR Another. I suffered Behind This ERROR And I should NOT HAVE.

INMATE NAME: Ford, Dwight L.

ADC #: 079929

GRIEVANCE#:EAM15-01114

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

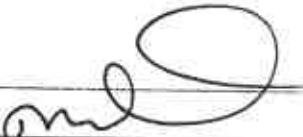
On 4/17/2015; you allege," On 4-10-15 App ox 5:45 pm Sgt. Ivory advised me to pack my property I was goin on a 48 hr relief I explained to him I was suppose to be out the hole. I was moved from Iso 1-25 to Mx 7-18 on 48 hrs on 4-12-15 Cpl Henderson & Cpl Jones came to Mx 7-18 advising me my 48 hrs was up to pack up I was going back to Isolation I advised them I need two grievance signed and I should not be in the hole Sgt Smith signed my grievance and told me the Eomis ahd me getting otu of Isolation 4/21/15 Thats not right I suppose to been out!"

On 5/20/2015; Warden Lay responded," Inmate Ford, you grieve on 4/10/15 your punitive time was not enter correctly. Your complaint is noted. According to documentation you received three disciplinary violation actions for the years of 2014. December 30 you received two, and December 31 you received one. However, for your disciplinary dated 12/30/2014 Terrie Banister, Disciplinary Hearing Officer entered your punitive time twice. You should have completed punitive on 3/20/15. Due to this error you will be eligible for class after 02/07/16 per AD 115-02. Therefore, your grievance is with merit and correction action will be taken."

After reviewing your appeal and all supporting documentation, I concur with the Warden's response.

Appeal denied

By way of this response, I will instruct the unit Warden to forward a copy of Corrective actions taken to my office.



Director

7-8-15

Date

RETURN
This
copy

standards, the Chief of Security, or designee, will be notified immediately and will take necessary steps to correct the problem.

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

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



C. Periods of Confinement

1. Inmates may be confined to punitive segregation for a period up to 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. An inmate's telephone privilege will not be restored during 48-hour relief if the privilege was suspended due to a conviction of disciplinary rule violation 02-5, 09-13 or 17-3.

Commissary purchases may be made by an inmate only if the inmate's 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.

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

JUL 31 2015

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CLAIMANT

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DWIGHT FORD (ADC 079929)

V.

NO. 16-0049-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

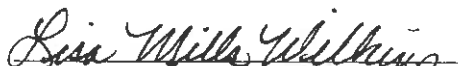
ANSWER

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: 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 30 day of July, 2014, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Dwight Ford (ADC 079929)
East Arkansas Max Unit
PO Box 970
Marianna, AR 72360-0970


LISA MILLS WILKINS Ark. Bar #87190

BEFORE THE ARKANSAS STATE CLAIM COMMISSION

Arkansas
State Claims Commission
CLAIMING AUG 6 2015

Dwight Ford (ADC NO. C79929)

v.

Claim NO. 16-0049-CC

ARKANSAS DEPARTMENT OF CORRECTION

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Respondent

CLAIMANT RESPONSE TO RESPONDENT ANSWER

Comes now Claimant by and through ~~Pro. SE~~ And with his Response to Respondent Answer States

III

The Above Style Claim Should not be Dismissed the ADC, ARKANSAS DEPARTMENT OF CORRECTION, WARDEN. At the East, ARKANSAS, Regional, unit. has Admitted Claimant Claim had merit that Claimant Punitive Days were Entered into the System EOMIS "Twice" by the Disciplinary Hearing JUDGE. JANUARY 8, 2015 Subsequently Cause Claimant to be ILLEGALLY Held in Punitive Isolation 31 EXTRA more days Claimant was initially supposed to be Released From Punitive Isolation March 20, 2015 the completion of his 70 day Punitive Sentence. Instead the EOMIS showed Claimant Release Date. WASN'T until APRIL 21, 2015 And the [EOMIS showed date] is what Security went By Despite Claimant Advising A mistake has been made

WHEREFORE for reason stated above Claimant Pray his claim be Allowed to make FORWARDED.

CERTIFICATE OF Service

I certify that A True Copy of Same has been Served on Respondent Attorney LISA WILKINS ARK. BAR # 87190 P.O. Box 8707 Pine Bluff, AR. 71601 this 3rd day of August 2015 by placing copy of Same in the U.S. Mail Service Box.

by Dwight Ford #1079929
East, ARK. Regional unit
P.O. Box 970
Marianna, AR. 72360-970

BEFORE THE ARKANSAS STATE CLAIM COMMISSION

DWIGHT FORD. (ADC NO. 079929)

CLAIMANT

Claim No. 16-0049-CC

Arkansas
State Claims Comm

↓
ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT
SEP 16 2015

CLAIMANT INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS

RECEIVED

Pursuant to Rule 33 and 34 Fed. R. Civ. P. the Claimant Submits the following Interrogatories and Request for documents to the Respondents. You are directed to Answer each of the Interrogatories in writing under oath and produce each of the Requested documents for inspection and copying within 30 days of Service.

INTERROGATORY 1). Sgt. M. Smith. ID No. 72302, the night of April 12, 2015. You had told CPL Jones and CPL Henderson, to go get Inmate D. Ford #79929, MX 7-18 off 48 hour Relief. CPL Jones contacted you by radio advising, [Inmate Ford Refused, to Pack up And Be taken back to Isolation], upon your arrival to MX 7, you asked Inmate Ford, what was the problem. Ford advised you, "He was not suppose to be in Isolation" that he had, Been, in Isolation (3) months, he only had three disciplinarys, And could only get up to 30 days per disciplinary. You ask Ford, to see his (disciplinary Results sheets.) Ford explained when he went to disciplinary court 1-8-2015 CPL SPARKMAN, disciplinary issuing officer, never came to issue him his results "You then stated, you would go check" when you returned you gave Ford a order to Pack up. That you And Lt. Burnett. Pulled my name up on the EOMIS. And the EOMIS showed my Punitive time would not be complete until April 30, 2015. I advised you that was incorrect. You told Ford, That's all you all had to go on. You had a cut slip on him to be placed back in Isolation. And, Again advised Ford, He had to come out that cell. Sgt. Smith. At Any time After wards, did you And Lt. Burnett, think to, Or. Attempted to look beyond what the EOMIS showed, to verify Ford's correct amount of days given him on Punitive

INTERROGATORY 2. Sgt. M. Smith on April 12, 2015 AFTER YOU gave FORD your final ORDER TO "PACK UP." he had to be removed FROM that cell MX 7-18 "one way or Another" you had to Place him back in Isolation, FORD Complied And ASK you to Sign Two UNIT Level Grievance Forms both Grievance were written. April 10, 2015 Immediately AFTER FORD WAS ADVISED, HE WAS NOT being Released FROM Isolation. "Instead going on Another 48hr Relief" you Signed both Grievance, what was your ACTION taken, taken, to resolve complaints including DATES.

INTERROGATORY 3. Lt. Burnett. on April 12, 2015. FORD WAS in Handcuffs And ANKLE Restraints, being ESCORTED to Isolation 1, by CPL Jones & CPL Henderson. Coming off his 48hr Relief, you were standing in front of MASTER CONTROL FORD STOPPED, And ADVISED you. he WAS NOT SUPPOSE to be in Isolation. you ADVISED FORD. ADVISED FORD you would check on his Punitive days, when you come back to work. Wednesday, April 15, 2015. Did you ever check on FORD Punitive time upon returning to work, if so what was the Results. Please Detail your Findings.

INTERROGATORY 4. Captain R. FORD you Hold the Position of CAPTAIN in the MAX AT BRICKYS. Inmate FORD STOPPED you on several OCCASIONS. ADVISING you his Punitive days were wrong. you wrote down FORD Name in ADE Number. And ADVISED you would check upon you doing your Security check through Isolation 1. A few days AFTERWARD, you ADVISED FORD would not be Released FROM Isolation until April 21, 2015. According to the EOMIS FORD ADVISED, THAT'S A ERROR. made, you told FORD there's Nothing you can do. But you would check with Classification, what were you told upon checking with Classification and, by whom. in April, 2015. Concerning FORD Punitive Days.

INTERROGATORY 5. MAJOR Conner. you came through doing your Security Check, FORD STOPPED you. And explained to you. He had, went on, 48hr. April 10, 2015. And WAS FORCED, BACK to Isolation, by Sgt. M. Smith. April 12, 2015. FORD EXPLAINED to you, He Should not be in Isolation 1 that he had, (3) Disciplinarys - And All he could OF Received, is Punishment, was, up to 30 days. Per Disciplinary that he had, Been on, (3) 48hrs. Relief. Already you told FORD, April 16, 2015, that AFTER Classification you would check on his Punitive - what did you Fine out.

INTERROGATORY 6 WARDEN EARL. I SAW YOU APRIL 16, 2015
YOU WALKED THROUGH ISOLATION 1). I WAS HOUSED IN
ISOLATION. CELL 28. AND I ASK TO SPEAK TO YOU. "YOU ASK
WAS I GOING TO CLASSIFICATION I SAID NO." BUT, I HAD A
PROBLEM. YOU ASKED ME. "WHAT COULD YOU HELP ME WITH" I
EXPLAINED TO YOU I WAS NOT SUPPOSE TO BE IN ISOLATION
SOMEHOW MY DAYS ARE WRONG. I ONLY HAD (3) DISCIPLINARIES
AND I COULD NOT GET OUT. NO MORE THAN 30 DAYS PER
DISCIPLINARY. — YOU AGREED. — YOU ASK ME WAS I ON
PUNITIVE RESTRICTION PRIOR TO CATCHING THE MENTION (3)
DISCIPLINARIES. "I TOLD YOU NO" I EXPLAINED I HAD JUST
CAME OFF MY 48 HRS. 4-12-2015. THAT HAD BEEN MY 3RD
48 HRS. WHICH WAS A TOTAL OF (90) DAYS. [AND YOU AGREED]
YOU ASK TO SEE MY DISCIPLINARY RESULTS SHEETS. I
EXPLAINED THAT CPL SPARKMAN NEVER ISSUED THEM TO ME.
YOU ASKED ME HAD I FILED A GRIEVANCE. I TOLD YOU "YEAH"
THAT I DID NOT NO. I HAD ALL THESE DAYS. THAT I THOUGHT
I HAD (170) DAYS, BUT I WAS NOT POSITIVE. BECAUSE I WAS
NEVER ISSUED MY DISCIPLINARY RESULTS TO VERIFY IT.
YOU TOLD ME, AFTER YOU FINISH RUNNING CLASSIFICATION
YOU WOULD CHECK. DID YOU CHECK AND IF SO, WHAT
WAS THE RESULTS.

INTERROGATORY 7 MS. T. McDaniel APRIL 17, 2015. I
WROTE YOU A INMATE REQUEST AS WELL AS SUBMITTED
TWO GRIEVANCES TO YOU. GRIEVANCE EAM 15-01047 AND
EAM 15-01048. GRIEVANCE EAM 15-01047 I ALLEGED THAT
[I NEEDED TO NO WHEN I WAS COMPLETE WITH MY PUNITIVE
TIME. AND HOW MANY PUNITIVE DAYS I ORIGINALLY RECEIVED
THAT I DID NOT NO. BECAUSE I WAS NEVER ISSUED MY
MAJOR DISCIPLINARY RESULTS. THAT I ONLY HAD (3)
DISCIPLINARIES AND I HAD ALREADY DONE (90) DAYS.
YOU REJECTED MY GRIEVANCE SAYING IT WAS FRIVOLOUS]
GRIEVANCE EAM 15-01048 YOU ALSO REJECTED. I EXPLAINED
I NEEDED A COPY OF MY DISCIPLINARY ACTION SHEETS. THAT
I WAS NEVER ISSUED A COPY WHEN I CAME FROM
DISCIPLINARY COURT. 1-8-2015. ON THE (3) DISCIPLINARIES
YOU REJECTED SAYING. UNTIMELY ON THE REQUEST SENT
TO YOU. APRIL 17, 2015 I EXPLAIN MY SITUATION.
TO YOU. DID YOU. ARE ANYBODY IN YOUR OFFICE.
EVER CHECK INTO MY SITUATION. IF SO WHEN. 10
AND WHAT WAS THE RESULTS.

PRODUCTION REQUEST 1) PLEASE PRODUCE A COPY OF THE INMATE RESPONSE TO REQUEST FROM MR. MEDANIEL APRIL 20, 2015.

PRODUCTION REQUEST 2) PLEASE PRODUCE THE ACKNOWLEDGMENT OR REJECTION OF UNIT LEVEL GRIEVANCE. GRIEVANCE'S # EAM 15-01047. # EAM 15-01048. TO INCLUDE THE ACTUAL GRIEVANCE'S, INMATE APPEAL TO DIRECTOR

PRODUCTION REQUEST 3) PLEASE PRODUCE THE ACKNOWLEDGMENT OR REJECTION OF UNIT LEVEL GRIEVANCE GRIEVANCE # EAM 15-00223 TO INCLUDE ACTUAL GRIEVANCE AND INMATE APPEAL TO DIRECTOR,

PRODUCTION REQUEST 4) PLEASE PRODUCE ISOLATION # (3) THREE IN AND OUT SECURITY LOG BEGINNING THURSDAY, JANUARY 8, 2015, JANUARY 9, 2015 JANUARY 12TH - 13TH 2015 AM SHIFTS ONLY

PRODUCTION REQUEST 5) PLEASE PRODUCE THE MAJOR DISCIPLINARY COURT LAY IN LIST FOR JANUARY 8, 2015

PRODUCTION REQUEST 6) PLEASE PRODUCE GRIEVANCE EAM 15-01114 WARDEN LAY RESPONSE, ON 6/2/2015

NOTE PRODUCTION REQUEST (3). GRIEVANCE EAM 15-00223 IS REQUESTED

PRODUCTION REQUEST (4) THE IN AND OUT AM. SHIFT LOG. THIS REQUEST IS NOT A SECURITY THREAT BY NO MEANS. THIS LOG ONLY SHOWS WHO ALL ENTERED ISOLATION (3) DURING AM SHIFT WHO ALL WENT OUT DURING AM SHIFT.

15/ Wright Ford

CERTIFICATE OF SERVICE

I CERTIFY THAT A TRUE COPY HAS BEEN SERVED ON RESPONDENT ATTORNEY LISA WILKINSON STAFF ATTORNEY P.O. BOX 8707, PINE BLUFF, AR. 71601 THIS 3 DAY OF SEPTEMBER, 2015 BY PLACING COPY OF SAME IN THE U.S. POSTAL MAIL SERVICE

15/ Wright Ford

ADC # 079929
P.O. Box 970
MARIANNA AR 7236

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DWIGHT FORD (ADC #079929)

Arkansas Claims Commission
NOV 05 2015
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CLAIMANT

V.

NO. 16-0049-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

**RESPONSE TO CLAIMANT'S INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS**

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

1. Response to Interrogatory #1-7: Objection. Sgt. M. Smith, Lt. Burnett, Major Connor, Warden Earl, and Ms. McDaniel and Captain R. Ford are not a party to the action. Interrogatories are proper only to parties to the action. The only party who is named and has been served is the Arkansas Department of Correction.
2. Response to Request for Production No. 1: See attached RFP #1.
3. Response to Request for Production No. 2: Objection. Claimant is required to keep a copy of his grievances. Any duplication here is a waste of resources.
4. Response to Request for Production No. 3: Objection. Claimant is required to keep a copy of his grievances. Any duplication here is a waste of resources. Furthermore, this number is not listed in your grievance records.
5. Response to Request for Production No. 4: Objection. Release of the security logs is a breach of the safety and security of the institution. Furthermore, Claimant has failed to show how such can produce any relevant evidence into the confiscation of a cellphone from his possession.
6. Response to Request for Production No. 5: Objection as to relevance. Claimant stated in the complaint that he went to disciplinary court; therefore there is no issue that he did not attend. The master lay in list is not relevant. This complaint is based on his release time from punitive isolation.
7. Response to Request for Production No. 6: Objection. You have attached this response to the complaint. Any duplication is a waste of resources.

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 3 day of November, 2015, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

DWIGHT FORD (ADC #079929)
EAMU
P. O. Box 970
MARIANNA, AR 72360-0970


LISA MILLS WILKINS Ark. Bar #87190



Arkansas Department of Correction

Ms. T. McDaniel
EARU Inmate Grievance Supervisor

Inmate Response to Request

Date: 4/20/15

Inmate Name: Ford, Dwight

ADC: 079929

Housing Area: Iso1-28

Your grievance was rejected as frivolous because you did not write a complaint but a request, which should be done on an inmate request form. You stated that you wanted to know how long you have on punitive. According to documentation you have until April 21, 2015. This should answer your request.

Grievance Officer Signature:

File

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DWIGHT FORD (ADC #079929)

V.

NO. 16-0049-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

Arkansas Claims Commission
NOV 05 2015
CLAIMANT RECEIVED

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 \$5,000.00 for allegedly being held in punitive isolation after his time had expired. 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 December 30, 2014, he received two disciplinaries due to possession of a cell phone, Bic razors, cigarette lighter, black electrical tape, wire, free world ink pens, highlighters, adaptor wire, altered radios, altered gloves, broken headphones, nine state razors, 67 pictures, pornographic photo, free world T-shirt, altered sweat pants, 5 Phenobarbital, 2 pair extra tennis shoes, a hollowed out stack of paperwork, homemade tobaggan, an MP3 player belonging to another inmate, 1 marker. On December 31, 2014, he was afforded the opportunity to select 5 photos to keep and refused to return the extra photos. He received a disciplinary for refusal to obey staff orders. He was found guilty of all three on January 8, 2015.
3. Claimant filed a grievance on 1-26-15, stating that he did not get a copy of the disciplinary decision which was rendered on 1-8-15. It was rejected on May 15, 2015, as untimely and related to a disciplinary. Claimant never attempted to refile it again or grieve the lack of a disciplinary or simply to request a copy of the disciplinary decision during the entire time he was in isolation.
4. Hearing Officer Banister mistakenly entered the December 31, 2014, conviction twice and he remained on punitive an extra 30 days, he should have completed punitive on March 20, 2015 instead of April 20, 2015. The mistake was discovered on April 20, 2015 and he was released on April 21, 2015.
5. His classification time was corrected and he will be eligible for class change on February 7, 2016, visitation and commissary privileges were restored. His phone privileges have been removed for one year due to his violation being a cell phone violation. Claimant has had no visitors since January 20, 2012; therefore, he missed none during this 30 period of time. The error has not caused him any harm. Since this incident, Claimant has enrolled in and successfully passed Anger Management, Thinking Errors Group, and Stress Management. Claimant is currently assigned to administrative segregation due to his maximum C-4 custody classification. Claimant continued to purchase goods at the commissary during the additional time in punitive isolation:

04/10/2015	East AR Region. Unit Main Canteen	Debit Sale	0.90
04/03/2015	East AR Region. Unit Main Canteen	Debit Sale	0.21
04/03/2015	East AR Region. Unit Main Canteen	Debit Sale	0.21
03/30/2015	East AR Region. Unit Main Canteen	Debit Sale	2.77

WHEREFORE, for the reasons stated above and the evidence submitted, the Claim 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 3 day of November 2015, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

DWIGHT FORD (ADC #079929)
EAMU
P. O. BOX 970
MARIANNA, AR 72360-0970


LISA MILLS WILKINS Ark. Bar #87190

BEFORE THE ARKANSAS STATE CLAIM COMMISSION

DWIGHT FORD ADC #079929

CLAIMANT

v.

Claim No. 16-0049-CC

Arkansas Department of Correction

RESPONDENT
Arkansas State Claims Commission

CLAIMANT RESPONSE TO RESPONDENT
MOTION TO DISMISS

NOV 16 2015

RECEIVED

Comes now Claimant and with his Response to Respondent's motion to dismiss, states the following

- (1) Claimant filed this claim for the RESPONDENT'S Failure to Follow Procedure/Mental Anguish.
- (2) Claimant was forced to wrongfully serve Punitive Isolation Days, ~~(31)~~ days.
- (3) Claimant went to Major Disciplinary Court January 8th, 2015. Claimant received ~~(3)~~ Three Major Disciplinarys he was found guilty on each one. And was sentenced to a total of (70) days in Punitive Isolation 1/8/2015
- (4) On March 20, 2015, Claimant had completed his (70) days Punitive Isolation Sentence he received 1/8/2015. However, Security would NOT RELEASE him. Claimant was told he would not be released that he was "NOT" FINISH with his Punitive Isolation Sentence
- (5) ADC Policy states. Once a Inmate has completed his Punitive Isolation Sentence he would be released. And All Privileges Restored. AR 831. Punitive Isolation Policy
- (6) Claimant had completed his Punitive Isolation Sentence. March 20 2015. But Claimant was NOT Released he WAS HELD IN Punitive Isolation and was NOT RELEASED FROM Punitive Isolation. Until APRIL 21 2015. Claimant WAS wrongfully held in Punitive Isolation. A Additional (31) thirty one days at NO FAULT OF HIS.

7). CLAIMANT. REPEATEDLY COMPLAINED TO SECURITY AND ATTEMPTED TO EXPLAIN. HE HAD COMPLETED HIS PUNITIVE TIME. HE SHOULD NOT BE HELD AGAINST HIS WILL TO CONTINUE TO ENDURE THE "HARSH BARBARIC UNHUMAN CONDITIONS ONE SUFFER IN PUNITIVE ISOLATION". SECURITY REFUSED TO ACKNOWLEDGE CLAIMANT CONCERNS.

8). CLAIMANT WAS TOLD BY SECURITY HE WOULD NOT BE RELEASED UNTIL APRIL 21, 2015. WHEN ASK WHY HE WAS TOLD "THE SYSTEM" THE EOMIS, COMPUTER SHOWS. CLAIMANT PUNITIVE ISOLATION SENTENCE WILL NOT BE COMPLETE UNTIL APRIL 21, 2015. CLAIMANT TOLD SECURITY THERE'S OBVIOUSLY BEEN A MISTAKE, "ALB WAY," CLAIMANT WROTE GRIEVANCE, PERSONALLY SPOKE TO SGT IVORY, SGT SMITH, LT. BURNETT, CAPTAIN FORD, WARDEN EARL, (MS. T. MCDANIEL, GRIEVANCE SUPERVISOR) ALL OF WHICH TOLD ME I WOULD NOT BE RELEASE FROM PUNITIVE ISOLATION, UNTIL APRIL 21, 2015.

9). ALL OF THE ABOVE SECURITY OFFICERS COULD HAVE CHECKED ACCESSED THE INFORMATION AND DETERMINE THE ERROR OCCURRED, WHEN THE RECORDS WERE FINALLY CHECKED DUE TO THE INVESTIGATION OF CLAIMANT [GRIEVANCE # EAM15-0114, THIS MENTION GRIEVANCE, THIS COMMISSION HAS IN THERE POSSESSION. CLAIMANT EXHIBIT A] THE WARDEN ADMITTED AND STATED THAT ON JANUARY 8, 2015 THE HEARING OFFICER MS. BANISTER MISTAKENLY ENTERED THE DECEMBER 31, 2014, CONVICTION TWICE AND CLAIMANT REMAINED ON PUNITIVE ISOLATION. AN EXTRA (31) DAYS CLAIMANT PUNITIVE ISOLATION DAYS SHOULD HAVE BEEN COMPLETED MARCH 20, 2015, INSTEAD OF APRIL 21, 2015. THE MISTAKE WAS ONLY DISCOVERED ONLY AFTER AN INVESTIGATION WAS CONDUCTED. DUE TO THE ABOVE GRIEVANCE FILED, THE ABOVE MISTAKE CAUSED CLAIMANT TO SPEND "BE" HELD IN PUNITIVE ISOLATION (31) EXTRA DAYS AND CLAIMANT SEEK COMPENSATION FOR BEING FORCED TO WRONGLY SERVE (31) DAYS IN PUNITIVE ISOLATION. AND THE AMOUNT OF \$5,000.00

10) Respondent has filed motion to Dismiss Claiming in line (3) Alleging [Claimant filed grievance 1-26-15 stating he did not get a copy of the disciplinary decisions which was rendered 1-8-15. it was rejected due to disciplinary matter. "they claim". Claimant never attempted to refile it again or grieve the lack of a disciplinary or simple to request a copy of the disciplinary decision during the entire time he was in isolation].

(1) - THIS IS UNTRUE - See Claimant Exhibit (B). Grievance he filed 1-20-15. And Appeal Filed 1-30-15 the grievance was rejected due to disciplinary matter. "Policy states inmates cannot use grievances in disciplinary matters". Grievance # EAM 15-00223

(2) See Claimant Exhibit "C" Grievance # EAM 15-01256 Claimant made verifiable requests, written requests then, grievance trying to get a copy of his major disciplinary Result Action Sheet and was not given them until 5-5-2015. AR 831. major disciplinary Policy states inmates must receive the major disciplinary Action Sheet in 24 hrs Claimant did not receive his until 5-5-2015, which is a violation of disciplinary Policy. "Had I been issued my Action disciplinary Result Sheet I could of showed security I only received a total Punitive Isolation Sentence of (70) days. And my Punitive Isolation Sentence Completed March 20, 2015. See Exhibit "D" AD 08-87

11) In Answering Claimant Grievance # EAM 15-01256 the warden, Mr. Lay, referred to the initial grievance and his response. Grievance EAM 15-0114. Admitting and informing me, Ms. Banister Hearing Officer mistakenly entering Claimant name in the COMIS on the December 31, 2014 conviction twice. And that mistake caused Claimant to be held in Punitive Isolation (31) Extra days.

12) the Respondent has Admitted And Pointed out the liability. Claimant had to do (31) days in Punitive Isolation due to HEARING OFFICER MS. BANISTER entering Claimant name twice into the COMIS on his December 31, 2014 conviction.

13). Respondent Claim. Despite of ms. Bamister entering Claimant December 31, 2014 Disciplinary Conviction into the [EOMIS] twice which ultimately cause Claimant to be forced "Held Against his will, (31) Extra days Punitive Isolation, And his Reason for Filing this Claim. That the ERROR has not caused him Any Harm.

14). The Additional EXTRA (31) days, Claimant was in a Concrete Cell. All Personal Property Taken, it was very cold, had to endure standing and sitting on concrete for 14 hours out of a day because Punitive Isolation inmates are not allowed a mattress between 7AM — 7PM, NO Commissary Sales. Except you can only buy Ink Pens, Hygiene Items, Stamp envelopes, PAPER, RATS, ROACHES, Bugs, Constant Flooding of Cells, Spiders Crawling, dirty Showers, Foul Smells, Howling and Screaming! By inmates mostly mental ill inmates, cold Food Breakfast Lunch And Dinner, having to occasionally drink water out the sink with your hands "NO CUPS" Allowed in Punitive Isolation Confinement 24 hrs load, nois, Beating, Screaming, Foul Smell

15). Punitive Isolation is a "Hell Hole" Simple Put Claimant had to suffer, endure all the above for A Additional (31) days. Cause By Respondents Claimant told them, Sgt. Ivarez, MARCH 20th, when he WAS not Release "it's been a mistake" Claimant informed. Sgt. Smith, Lt. Burnett, Capt Ford, Major Conner, Warden EARL, Ms. Medaniel, grievance SUPERVISOR. He was not suppose to be in Isolation on 4-12-15. Sgt. Smith And Lt. Burnett threaten to spray me with mace. If I did not catch the hand cuffs to go BACK to Isolation, told me I went on to 48 hr Relief. 4-10-15 — 4-12-15. my 48 hrs. was over. Sgt. Smith Lt. Burnett said the EOMIS had me getting out of Punitive 4-21-15 they had a cat slip on me. That Either way I was coming out of. max 7-18. If I did not. Pack

my Property. And, Submit to Restraints. They would use force on me.

16). The Respondents could. of corrected this error. March 20, 2015. Instead they. Ignored, it. And wrongfully "held" Claimant in. Punitive Isolation Confinement. for (31) extra days. Claimant was supposed to be Released from Punitive Isolation. March 20, 2015. — But. Respondent did not Release him until. April 21, 2015. Claimant Claim. has merit. Warden. Law. Admitted. Claimant Grievance had merit. That. A mistake. WAS made. That. Ultimate Cause Claimant to. Spend (31) more. Additional days in Punitive Isolation. See Grievance - ERM #15-01114.

WHEREFORE. for. facts. Stated. Above Claimant Claimant. Request. Respondent motion to Dismiss BE. Rejected And. Claimant Claim Allowed to BE HEARD. AT ORAL HEARING SO. TESTIMONY And. FACTS. CAN BE HEARD BEFORE this Commission. it is PRAYED.

/s/ Wright Ford
Claimant.

Certificate of Service

I Certify THAT A TRUE COPY of. Same. has been mailed to the. Respondent. Lisa Mills Wilkins. Attorney. Post Box. 8707. Pine Bluff. Arkansas 71611 This 10th. day of November, 2015 by U.S. mail Service Postage Paid.

Respectfully Submitted
Wright Ford
EAST ARK Reg Unit
P.O. Box 970
MARIAN ARK 72360

EXHIBIT (D)

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center EARL H

Name FORD Dwayne

ADC# 79929

Brks # IS 3-62

Job Assignment

GRIEVANCE/RECEIVED

JAN 26 2015

FOR OFFICE USE ONLY

GRV. # EAR 15-0023

Date Received: 1/26/15

GRV. Code #: 400

1/20/2015 (Date) STEP ONE: Informal Resolution

1/25/15 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: THE SARGENT CALL - Did not bring me a response. BACK.

(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? NO 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): THE A.D. AR 831 STATES WITH IN 24 HOURS YOU WILL BE PROVIDED. A TYPED COPY OF THE RESULTS OF THE HEARING. MAJOR DISCIPLINARY RESULTS SHEET ON 1/8/2015 I WENT TO MAJOR DISCIPLINARY COURT ON 3 DISCIPLINARIES. CONCERNING DATES 12/30/2014 BY ALLISON TYRONE. D. 12/30/2014 BY LETHALITY. MARCUS. I. 12/31/2015 BY ALLISON TYRONE. D. I WAS FOUND GUILTY ON ALL 3 DISCIPLINARIES.

HOWEVER I WAS NOT ISSUED MY TYPED COPY OF MY MAJOR DISCIPLINARY RESULTS. POLICY ONLY ALLOWS US 15 DAYS TO FILE A APPEAL. I HAVE BEEN DENIED MY RIGHT TO BE ISSUED MY MAJOR DISCIPLINARY RESULTS SO THAT I COULD SUBMIT A APPEAL IN WITHIN THE ALLOTTED TIME PERIOD. EVERY INMATE WANT TO COURT 1/8/2015 WAS NOT GIVEN THERE DISCIPLINARY RESULT SHEET

Dwayne Ford

Inmate Signature

Date

1/20/2015

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 1-21-15 (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:

PRINT STAFF NAME (PROBLEM SOLVER) FAILURE TO FOLLOW POLICY Staff Signature

Describe action taken to resolve complaint including dates: A REJECTION FOR THIS APPEAL AND MARKS THE END OF THE APPEAL PROCESS

RECEIVED

MAY 15 2015

Date Received

Staff Signature & Date Returned

Inmate Signature & Date Received

This form was received on 1/25/15 (date), pursuant to Step Two. Is it an Emergency? NO (Yes or No)

Staff Who Received Step Two Grievance: CAF. W. BROWN

Date:

Action Taken: Forwarded (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.

22

ACKNOWLEDGMENT OR REJECTION OF UNIT LEVEL GRIEVANCE

TO: Inmate Ford, Dwight L.
 FROM: Mills, Debra A
 DATE: 01/26/2015

ADC #: 079929A
 TITLE: ADC Inmate Grievance Coord
 GRIEVANCE #: EAM15-00223

Please be advised, I have received your Grievance dated 01/20/2015 on 01/26/2015.
 You should receive communication regarding the Grievance by 02/24/2015

Debra Mills

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 (Disciplinary matter), 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.

RECEIVED
 MAY 15 2015
 APPEAL AND MARKS THE END
 OF THE APPEAL PROCESS

Dwight Ford
 Inmate Signature

INMATE GRIEVANCE SUPERVISOR
 ADMINISTRATION BUILDING
 ADC # 19929 Date 5/30/15

This grievance should be allowed to go forth. This is not about quit or innocent. Not Assessment of Punishment. The ARB's major disciplinary Rules & Regulation. — clearly. Since I will be issued a copy of the Disciplinary Chairperson Assessment of Punishment. Disciplinary Action Sheet(s). I must file a Appeal on the merits of my statement. — my Appeal is hindered. Cpl. Sparkman did not issue me a copy of my Disciplinary Action Sheet(s) this appeal has merits.

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center EARL GRIEVANCE/RECEIVED

Name FORD Dwight MAY 07 2015

ADC# 79929 Brks # M603 Job Assignment Ad. Sec

FOR OFFICE USE ONLY

GRV. # EAM15-01256

Date Received: 5/7/15

GRV. Code #: 40020

5/5/15 (Date) STEP ONE: Informal Resolution

5/6/15 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: I only had 70 days

Punitive Time As of 1-8-15 they kept me on punitive until

(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: 4-21-15.

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): Today, After Requesting by

Interview Requests. Verbal Request, The Dean Trying to

Get A Copy of My Major Disciplinary Results. Disciplinary

Action Sheets. Since January 8, 2015. — O/C. Cpl. Spivey

Never Issued me A Copy when I Came From Disciplinary

Court 1-8-2015. I Finally got Copies Today! These Copies Clearly

Show I was Found guilty on All 3. Disciplinary's.

And on Disciplinary O/C. Lt. Eberly 12/30/14 2:33pm.

I was given 30 days Punitive Isolation. Disciplinary

I was also given 30 days Punitive Isolation. Disciplinary

O/C. Sgt. Allison 12/31/14. 12:30 pm I was given 10 days

Punitive. — I was placed in Isolation 1-8-15. — I was not

Released From Isolation until 4-21-15. I only had Today.

I was forced to stay in punitive Iso. until 4-21-15. Why?

Dwight L. Ford

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 5/6/15 (date), and determined to be Step One and/or an Emergency Grievance

(Yes or No) This form was forwarded to medical or mental health? (Yes or No) If yes, name

of the person in that department receiving this form: Sgt Lanes

Date

PRINT STAFF NAME (PROBLEM SOLVER)

ID Number

Staff Signature

Date Received

Describe action taken to resolve complaint, including dates:

your punitive time ended on 4/21/15. You were moved

on 4/21/15

Sgt Lanes 5/6/15

JUN 05 2015

Dwight L. Ford 5-6-15

Staff Signature & Date Returned

Inmate Signature & Date Received

This form was received on 5-6-15 (date), pursuant to Step Two. Is it an Emergency? (Yes or No).

Staff Who Received Step Two Grievance: William Ivory

Date: 5-6-15

Action Taken: For Ward (Forwarded to Grievance Officer/Warden/Other) Date: 5-6-15

If forwarded, provide name of person receiving this form: Mrs. McDaniel Date: 5-6-15

DISTRIBUTION: YELLOW & PINK – Inmate Receipts; BLUE-Grievance Officer; ORIGINAL-Given back to Inmate After Completion of Step One and Step Two. 24

max603

IGTT410
3GS

Attachment III

INMATE NAME: Ford, Dwight L.ADC #: 079929AGRIEVANCE #: EAM15-01256

WARDEN/CENTER SUPERVISOR'S DECISION

Inmate Ford, you grieved an issue that has already been addressed. Please refer to grievance EAM15-01114.



Signature of Warden/Supervisor or Designee

Title

6-1-15

Date

RECEIVED

INMATE'S APPEAL

JUN 05 2015

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

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE? *This issue has not been addressed policy states AR 831. A Inmate will Receive a copy of his Disciplinary Result sheet within 24 hrs., Cpl. Sparkman never issued me my Disciplinary Results. Had he issue me my Results I would of known exactly how many days I had to do in punitive isolation. I had been trying for 6 months to get my Results. Finally on 5/5/15 Cpl. Issue me the Results, yes grievance # EAM15-01256. Advised me a error was made in the system that caused me to do 35 extra days in punitive isolation. I understand that but it*

Dwight Ford0799296-2-15

Inmate Signature

ADC#

Date

Cpl. Sparkman would of did his job and issued me my Results 4-9-15. — I would of had my Results and I could of showed security my exact days I would not of had to do a extra 35 days punitive security ASIC me. For my Results 4-12-15. Sgt Smith did. And I could not produce them. Sgt. Smith and Lt. Burnett. Told me. The EDMS had me getting out 4-21-15. And either way it go. I was coming out of cell 7-18 and going back to the hole. They threaten me with

IGTT410

Page 1 of 1

mace, to speak me.

25

INMATE NAME: Ford, Dwight L.

ADC #: 079929

GRIEVANCE#: EAM15-01256

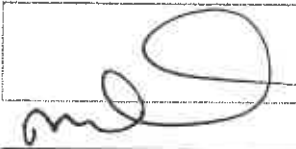
CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

On 5/5/2015; you allege, " Today, after requesting by interview requests. Verable request. I've been trying to get a copy of my major disciplinary results. Disciplinary action sheets sence January 8, 2015. - B/c Cpl Sparkman never issued me a copy when I came from disciplinary court 1-8-2015. I finally got copies today! These copies clearly show I was found guilty on All 3 disciplinarys And on Disciplinary (1) By Lt. Ehterly 12/30/14 2:33 PM I was given 30 days punitive isolation, Disciplinary (2) I was also given 30 days punitive isolation, Disciplinary (3) By Sgt. Allison 12/31/14. 12:30 pm I was given 10 days punitive. - I was placed on Isolation. 1-8-15 - I was not released from Isolation. until 4-21-15. I only had 70 days I was forced to stay in punitive Iso until 4-21-15. Why?"

On 6/2/2015; Warden Lay responded, " Inmate Ford, you grieved an issue that has already been addressed. Please refer to grievance EAM15-01114."

After reviewing your appeal and all supporting documentation, I concur with the Warden's response.

Appeal denied



Director

7-14-15

Date

17. In the event that the inmate is found guilty, punishment must be imposed within the guidelines established by this policy.
18. The tape recorder will then be turned on again giving the time of day and the inmate returned to the hearing room. The inmate must then be informed as to the finding of guilt or innocence on each particular rule violation and must be informed of the punishment, if any, imposed.
19. The inmate must be informed of his right to appeal and to obtain staff assistance in the fashioning of an appeal if needed.
20. The inmate will receive an oral statement detailing the reason for the finding of guilt or innocence at the time the hearing officer informs the inmate of the verdict. The hearing officer will reduce these reasons to writing prior to the conclusion of that business day and provide a typed copy to the inmate within twenty-four (24) hours. The inmate is not required to sign the typed copy. It is sufficient to indicate that the inmate signed (or refused to sign) the original copy.
21. When the Disciplinary Hearing Officer has completed his/her work for the day, the Disciplinary Hearing Officer shall complete and sign the disciplinary court report form provided. The original signed form shall be forwarded to the Disciplinary Hearing Administrator with copies to the Warden/Center Supervisor and records office. All disciplinary hearings shall be recorded in their entirety and the recordings shall be preserved by the Disciplinary Hearing Administrator for a period of seven (7) years. In addition, the administrator may (if deemed desirable) cause transcripts of the hearing to be made.
22. Once the Disciplinary Hearing Officer's report has been signed, the disciplinary action shall not be altered in any way except as provided herein.

F. Disciplinary Actions

1. The Major Disciplinary Hearing Officer, upon determining that an inmate is guilty of violation of institutional rules, may apply any or all of the sanctions from the penalty class of the most serious rule violated. Additional sanctions may be applied from the penalty class corresponding to the additional rule(s) violated. However, sanctions defined in terms of days (i.e., good time, punitive segregation, loss of privileges, and extra duty) may not be applied more than once per disciplinary action.
2. Any or all sanctions may be suspended for up to six (6) months.

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 5,000.00

Claim No. 16-0049-CC

Attorneys

Dwight Ford, #079929 Claimant
vs.

Pro se Claimant

Department of Corrections Respondent
State of Arkansas

Lisa Wilkins, Attorney Respondent

Date Filed July 20, 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 December 10, 2015

Date of Disposition December 10, 2015

Richard May Chairman
Bill Fournier Commissioner
Paul Smith Commissioner

BEFORE THE ARKANSAS STATE CLAIM COMMISSION

Dwight FORD
v.

Claimant.

Claim No. 16-0049-CC.
Arkansas Dept. of Correction.

Respondent.

Notice of Appeal

Come Now Claimant. And with his
Notice of Appeal & Dates.

Arkansas Claims Commission

DEC 28 2015

RECEIVED

(1). Claimant wishes to Appeal to the
Arkansas General Assembly. the Above
State Claim. that was Dismiss by this
Commission. December. 10, 2015
Notice given on this 18th day of
December 2015

Dwight FORD
#79929
EAST AR. Reg. UNIT
P.O. Box 970
MARIANNE AR
72360