



STATE OF ARKANSAS  
BUREAU OF  
LEGISLATIVE RESEARCH

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for Fiscal Services  
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**Claims Review/Litigation Reports Oversight Subcommittee  
of the Arkansas Legislative Council  
Claims Subcommittee of the Joint Budget Committee  
Statement of Redaction of Confidential Information**

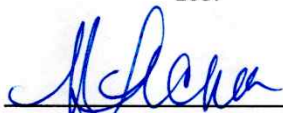
Style of Case: Darrell Williams v. Arkansas Division of Correction

Docket Number: Claim No. 220838

Type of Matter (please circle one): Claims Review      Litigation Reports Oversight

As indicated by my signature below:

- I acknowledge that documents submitted to the Subcommittee may be published or disseminated by the Subcommittee for purposes of its consideration and those documents that are published or disseminated by the Subcommittee will be considered subject to disclosure under the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq.
- I further acknowledge that it is my responsibility to review each document submitted to the Subcommittee and make any necessary redactions.
- I certify that I have reviewed each document submitted herein and have redacted all confidential information excluded from public access by Arkansas Supreme Court Administrative Order No. 19, § VII, and the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq., including without limitation an individual’s home address, personal email address, personal phone number, date of birth, social security number, information identifying a minor child, medical records, and financial account numbers.
- If a redacted document has been submitted, I have also included a non-redacted copy of the same document that may be considered exempt from disclosure under Arkansas Code § 25-19-105.

  
\_\_\_\_\_  
Signature

Mika Tucker  
\_\_\_\_\_  
Name

Arkansas State Claims Commission, Attorney Specialist  
\_\_\_\_\_  
Title and Agency

February 29, 2024  
\_\_\_\_\_  
Date

DEC 29 2021

RECEIVED

Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION Of the State of Arkansas

- Mr. Mrs. Ms. Miss

Darrell K. Williams, Claimant

vs.

State of Arkansas, Respondent

Do Not Write in These Spaces. Claim No., Date Filed, Amount of Claim \$, Fund.

COMPLAINT

Darrell K. Williams

the above named Claimant, of

(Name)

(Street or R.F.D. & No.)

(City)

County of

represented by

(State) (Zip Code) (Daytime Phone No.)

(Legal Counsel, if any, for Claim)

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

State agency involved: Arkansas Department of Corrections (ADC) Amount sought: \$25,000.00

Month, day, year and place of incident or service: October 23, 19 thru January 30, 20

Explanation: 1. On 10/23/19 to 10/24/19, at approx. 12:15 AM, the Claimant, Mr. Darrell K. Williams, was being escorted from shower call in a different cellblock, Max 5 cellblock, back to his assigned cellblock of Max 7, Cell 11, by Cpl. C. Jones and COI T. Hollowell. 2. This is a violation of several Administrative Directives such as AR 225, AD14-07, AD17-16, AD17-31 and AD17-35. Plus this violates ADC Inmate Rules of Conduct #03-5 Out of Place of Assignment, by escorting the Claimant out of the barracks he was assigned of Max 7, (a common practice of sneaking inmates off camera footage) through the rear crossover emergency exit into a separate barracks (Max 5) to shower. (See Exhibits A, B, C, D, E). 3. At this time Inmate Carl Jackson, ADC # Unknown, exited #2 shower stall in Max 7, due to it being one of the shower stalls with a defective locking mechanism, wearing his Tennis Shoes and brandishing a homemade knife as he ran up to the Claimant and began stabbing Mr. Williams in the back while Mr. Williams was in full restraints, (handcuffs that are attached to leg irons). 4. Inmate Jackson stabbed Mr. Williams six (6) times in his back while Mr. Williams stood in front of his assigned cell Max 711, awaiting Cpl. Jones and COI Hollowell to place him back inside his cell and remove the restraints.

Continued on additional pages that follow...

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?

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

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

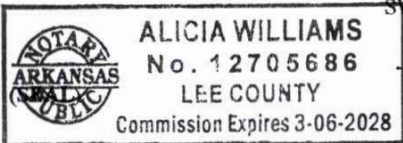
(Name) (Street or R.F.D. & No.) (City) (State) (Zip Code) and that the nature thereof is as follows: and was acquired on, in the following manner:

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

Mr. Darrell K. Williams (Print Claimant/Representative Name)

X Darrell Williams (Signature of Claimant/Representative)

SWORN TO and subscribed before me at Marianna Arkansas



on this 24th day of December, 2021 (Date) (Month) (Year)

Alicia Williams (Notary Public)

My Commission Expires: 3 06 2028 (Month) (Day) (Year)

SF1- R7/99

5. [REDACTED]  
tre [REDACTED]
6. Administrative Directive 18-49 Searches of Inmates, on page 3 of 5, Section IV Procedure, Subsection B, 2c, states; "All inmates who will be restrained will be strip searched prior to being removed from their cell." (See Exhibit F).
7. The clear violation of Administrative Directives and Policy and Procedures by both Cpl. Jones and COI Hollowell, by not properly searching Inmate Jackson before he left his cell for shower call for the Knife, allowing Inmate Jackson to take his Tennis Shoes to the shower and not properly securing #2 shower stall in Max 7 resulted in the Claimant being physically attacked and physically harmed.
8. On 10/27/19, the claimant used the prisoner grievance procedure available at EARU to resolve this issue. Grievance [REDACTED] 19-02685, signed by Sgt. Beale [REDACTED] on 10/28/19, (See Exhibit G).
9. On 11/4/19, the Claimant received an Acknowledgment form from Ms. C. Woods acknowledging she received Mr. Williams' Formal Grievance dated 10/27/19 on 11/4/19 and assigned the grievance number "EAM 19-02685" (See Exhibit I)
10. On 1/4/20, the Claimant received the Warden/Center Supervisor's Decision which as can be seen (See Exhibit H), it claims to be responding to grievance [REDACTED] 19-02685, but the body of the grievance on the Warden's Decision has nothing to do with the Claimant's actual grievance (See Exhibit G).
11. On 1/4/20, the Claimant appealed the Warden's Decision on the grounds of the mistake. This Court can clearly see where Mr. Williams attempted to explain that a mistake had been made and that the grievance Warden G. Lay answered had absolutely nothing to do with him or the issue grieved on 10/27/19 (See Exhibit H).
12. On 1/30/20, the Claimant received the Chief Deputy/Deputy/Assistant Director's Decision, which again Assistant Director W. Straughn, on 1/23/20 made a false statement by stating he had reviewed the Claimant's Appeal and all supporting documentation and concurred with the Warden's response. (See Exhibit [REDACTED] J)

13. If Assistant Director Straughn had reviewed the appeal and supporting documentation as he claimed, he would have easily seen Mr. Williams began his appeal by informing there was a mistake made with the grievance. Per AD 19-34 Inmate Grievance Procedure states that the unit level copy of the grievance must accompany the Warden's Decision and Appeal. And therefore first Assistant Director Straughn not only would have clearly seen that the copy of the unit level grievance did not match the body on the Warden's Decision, but second he would have questioned why Warden G. Lay answered a completely wrong grievance altogether since the Warden had the very same copy of the unit level grievance that was sent with the appeal to the Assistant Director, and last being to ask where was the response to the correct grievance at. Therefore, the statement made by Assistant Director Straughn, that he had in fact reviewed either documentation is completely false. (See Exhibits G, H and J).

14. Sgt. Beale violated AD 19-34 Inmate Grievance Procedure, which is an all to common practice by all Sergeants and above that sign any Informal Grievance Step 1 by throwing away the top two (2) copies, (the white and blue copies) that is to be returned to the inmate with a response to Step 1 so the inmate has the option to immediately go to Step 2, but instead they throw them away as soon as they leave that barracks or the inmates eyesight.

15. The behavior reflected by Warden G. Lay and Assistant Director W. Straughn is also an all to common practice to coverup such wrongs and wrongdoings, violation of Administrative Directives and Policy and Procedures by officers like Cpl. C. Jones and COIT. Hollowell.

16. The Claimant has no plain, adequate or complete remedy at law to redress the wrongs and wrongdoings described herein. Claimant Williams has been and will continue to be irreparably injured and scarred by the conduct of the Respondent unless this Commission grants the Declaratory and Relief which the Claimant seeks.

**WHEREFORE**, the Claimant Williams respectfully prays that this Court enter judgment granting the Claimant;

17. A declaration that the acts and omissions described herein violated the ADC Policy and Procedure under the Administrative Directives.
18. Compensatory Damages in the amount of \$12,500.<sup>00</sup> against the Respondent.
19. Punitive Damages in the amount of \$12,500.<sup>00</sup> against the Respondent.
20. Claimant Williams also seeks a hearing on all issues outlined and stated throughout this claim.
21. Claimant Williams also seeks recovery of any court costs that may ensue in this claim, and
22. Any and all additional relief this court deems just, proper, and equitable to which the Claimant may be entitled.

x Dated: 12/29/20

Respectfully Submitted,

Mr. Darrell K. Williams (ADC [REDACTED])

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true, I certify under penalty of perjury that the foregoing is true and correct.

x Executed at Marianna, Arkansas on 12/29/20

x Darrell Williams

Mr. Darrell K. Williams

(ADC # [REDACTED])

"E x F"

Searches of inmates are conducted as often as necessary to control contraband, but never for purposes of punishment or harassment.

All searches will be conducted in a professional manner with training in cross-gender pat searches, as well as searches of transgender and intersex inmates in the least intrusive manner possible consistent with security needs. Procedures for inmate searches shall include but are not limited to the following:

1. Facility wide searches carried out in accordance with established Procedures including prior to all holidays;
2. Searches in other common areas, including but not limited to inmate and program work areas such as the kitchen, visitation room, school, day rooms, activity areas, outside recreation and work areas.

a. Pat Searches of Inmates (clothed body search)

Pat searches may be conducted by an employee of either gender and may be performed at any time in any area of the facility; however, in recognition of the Prison Rape Elimination Act standards acknowledging the increased likelihood that female inmates may have a history of trauma, if a female officer is present and available (not otherwise occupied), the female officer will conduct the pat search of a female inmate<sup>1</sup>. Pat searches ordinarily do not require an inmate to remove clothing other than hats, gloves, coats and shoes.

b. Strip Search of Inmates (unclothed body search)

Strip searches shall be conducted by staff of the same gender as the inmate except in cases of emergency (i.e., escape, riot, etc.)<sup>2</sup>. Strip searches of inmates do not require reasonable suspicion that the individual is concealing contraband.

c. All inmates who will be restrained will be strip searched prior to being removed from their cell.

3. Use of body cavity will be searches in accordance with established procedures.

C. Unit Contraband Searches

1. All areas of the units shall be searched thoroughly for contraband on a routine basis.

<sup>1</sup> Should a female officer be present and available, but a male officer conduct the pat search of a female inmate, documentation will be completed as to why that officer conducted the search.

<sup>2</sup> Should an officer of the opposite gender of the inmate conduct a strip search, documentation will be completed describing the emergency.

509

"Ex G"

UNIT LEVEL GRIEVANCE FORM (Attachment D)

Unit/Center [REDACTED]

Name Williams, Darrell

ADC# [REDACTED] Brks # MX711 Job Assignment [REDACTED]

RECEIVED GRIEVANCE OFFICE

NOV 04 2019

FOR OFFICE USE ONLY	
GRV. #	[REDACTED] 19-02685
Date Received:	11/4/2019
RV. Code #:	803

10-27-19 (Date) STEP ONE: Informal Resolution

11-1-19 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: SGT BEALE ID# 118692

will not return to work until I receive a response from the grievance process

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

Is this Grievance concerning Medical or Mental Health Services? If yes, circle one: medical or mental BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print):

on 10-23-19 to 10-24-19 at approx 12:15 AM I WAS BEING ESCORTED FROM MAX 5 SHOWER CALL TO MY ASSIGNED CELL MAX 711 BY CP [REDACTED] & COI T. Hollowell, when I was CAPT JACKSON ADC# [REDACTED] MAX 711 SHOWER # 3, a [REDACTED] SHOWER WITH A DEFENSIVE LOCKING MECHANISM [REDACTED] TO ME AND STOPPED ME TWICE 6-TIMES AS I STOOD IN FRONT OF MY ASSIGNED CELL MAX 711, resulting in a HOSPITAL DISC 13 STITCHES TO MY BACK. CP [REDACTED] & COI T. Hollowell Failure To Follow MAX, ADC, Restrictive Housing AD-599 Policy WAS DIRECTLY RESPONSIBLE FOR THIS TO ME STABBING ME AS FOLLOWS [REDACTED] DEFENSIVE HOUSING AD-599 POLICY SPECIFICS THAT BEFORE [REDACTED] TO ME TO [REDACTED] THIS CELL FOR SHOWER CALL, IT IS TO BE STRIP SEARCHED, HIS [REDACTED] SHOES ARE TO BE SEARCHED, FOR SHOWER CALL, AND ANYTIME HE EXITS THE CELL [REDACTED] THIS ADC RESTRICTIVE HOUSING POLICY MAX AD-599 POLICY AND [REDACTED] COI T. Hollowell Failure To Follow This Policy, DIRECTLY RESULTED TO ME BEING STABBED. [REDACTED] WAS WEARING TENSOR SHOES AND HAD A KNIFE WHICH WAS RECOVERED AT THIS SCENE, WHEN HE SAID HE SAID THE DEFENSIVE MAX 7 SHOWER #2 TO STAB ME.

Darrell Williams

10-27-19

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

SGT Beale [REDACTED] Staff Signature [REDACTED] Date Received 10-28-19

Describe action taken to resolve complaint, including dates: [REDACTED]

JAN 08 2020

Staff Signature & Date Returned [REDACTED] INMATE GRIEVANCES SUPERVISOR [REDACTED] Inmate Signature & Date Received [REDACTED] 11-1-19

This form was received on 11/4/19 (date), pursuant to Step Two. Is it an Emergency? [REDACTED] (Yes or No).

Staff Who Received Step Two Grievance: [REDACTED] Date: 11/1/19

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

If forwarded, provide name of person receiving this form: [REDACTED] Date: [REDACTED]

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

JAN 08 2020

"Ex H"

IGTT410  
3GS

X211

INMATE GRIEVANCES SUPERVISOR  
ADMINISTRATION BUILDING

Attachment III

INMATE NAME: Williams, Darrell K.

ADC #: [REDACTED]

GRIEVANCE #: [REDACTED] 119-02685

WARDEN/CENTER SUPERVISOR'S DECISION

On 10-14-19 @ 12:30 I was escorted out of Max5 cell 22 into Isolation1 for behavior control. While leaving my cell I told Lt. Graham and Sgt. Sykes to let me watch my property and bring it with me. I was told not to worry about that shit. My property was left in the cell and I was taken out. I never got inventoried or seen my property which is against ADC policy. I never signed or received a inventory sheet that they got it or it was return which also is against ADC policy. When I got off behavior control I was given a blanket, 2 sheet, and a towel I was told I would get all my stuff when let out of isolation and this all that was allowed right now, On 11-11-19 I was let out of isolation but due to it being a holiday property was off on the 12, 13, and 15. I had Sgt. Beale, Sgt. Granville and Lt. Munn an attempt to get my property. First Ms. Jenkins who over property said she brought it to Max 5 which is invalid then said she had find it and bring it. I then spoke with Ms. Jenkins myself on 11-15-19 she stated she was going to get it. When she came back she said she could not find it. She then checked the computer and told me its not on her. All of this is a violation of ADC and unit policy. The last time I saw my whole property 10-14-19 no inventory was conducted no inventory sheet was filed to say who or where my property is. I never seen my property moved or stored. All of this is a direct violation of ADC and unit policy. My property has been last misplaced or stolen due to these violations. I ask that my property be found or replaced and this issue fixed please and thank you.

Please be advised that this incident has been forwarded to Internal Affairs for further investigation. You will be notified when it is completed. This should address your concern.

[Handwritten signature]

Signature of Warden/Supervisor or Designee

Title

1-3-2020  
Date

**INMATE'S APPEAL**

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? SIR, ADMIN HAS MADE A MISTAKE, ONCE AGAIN AS THE ATTACHED GRIEVANCE WILL AHEB. EAM19-02685 PERTAINS TO FOLLOW POLICY AND PROCEDURE WHICH ON MULTIPLE FAILURE TO FOLLOW POLICY VIOLATIONS, WHICH DIRECTLY RESULTING AND INMATE BREAKING OUT OF THE SHOWER AND CHARGING AT ME AS I STOOD AT MY CELL DOOR HANDCUFFS HE STABBED ME IN MY BACK 6-TIMES. THATS WHAT MY ANSWER TO YOUR INITIAL QUESTION. IVE BEEN HINDERED SO MANY TIMES ON THIS FAILURE TO FOLLOW POLCY AND PROCEDURE BY NOT STRIP SEARCHING ALL TIMES PRIOR TO THEM EXITING THEIR CELL TO PREVENT JUST SUCH AS THIS FROM OCCURRING. I DONT KNOWS WHOSE RESPONDS THIS IS AT THE HEAD OF THIS PAGE, I DIDNT WRITE THAT. UNITHREVEL HAS FAILED TO PROVIDE A TIMELY SPECIFIC RESPONSE TO EAM19-02685 PERTAINING TO FAILURE TO FOLLOW POLICY & PROCEDURE. I RECEIVED THIS ON 1-4-2020.

IGTT410

7 of 9

Page 1 of 2

" Ex I "

MAX 1/11

IGTT400  
3GR

Attachment II

### ACKNOWLEDGMENT OR REJECTION OF UNIT LEVEL GRIEVANCE

TO: Inmate Williams, Darrell K.  
FROM: Woods, Candace L  
DATE: 11/04/2019

ADC #: [REDACTED]  
TITLE: Administrative Specialist I  
GRIEVANCE #: [REDACTED] 19-02685

Please be advised, I have received your Grievance dated 10/27/2019 on 11/04/2019 .  
You should receive communication regarding the Grievance by 12/05/2019

C. Wood  
Signature of Administrative Specialist I

### 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.

[Empty box for Inmate's Appeal statement]

\_\_\_\_\_  
Inmate Signature

ADC#: [REDACTED]

\_\_\_\_\_  
Date

80f9

"Ex J"

IGTT430  
3GD

Attachment VI

INMATE NAME: Williams, Darrell K.

ADC #: [REDACTED]

GRIEVANCE#: [REDACTED] 19-02685

**CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION**

You allege," On 10-14-19 @ 12:30 I was escorted out of Max5 cell 22 into Isolation1 for behavior control. While leaving my cell I told Lt. Graham and Sgt. Sykes to let me watch my property and bring it with me. I was told not to worry about that shit. My property was left in the cell and I was taken out. I never got inventoried or seen my property which is against ADC policy. I never signed or received a inventory sheet that they got it or it was return which also is against ADC policy. When I got off behavior control I was given a blanket, 2 sheet, and a towel I was told I would get all my stuff when let out of isolation and this all that was allowed right now, On 11-11-19 I was let out of isolation but due to it being a holiday property was off on the 12, 13, and 15. I had Sgt. Beale, Sgt. Granville and Lt. Munn an attempt to get my property. First Ms. Jenkins who over property said she brought it to Max 5 which is invalid then said she had find it and bring it. I then spoke with Ms. Jenkins myself on 11-15-19 she stated she was going to get it. When she came back she said she could not find it. She then checked the computer and told me its not on her. All of this is a violation of ADC and unit policy. The last time I saw my whole property 10-14-19 no inventory was conducted no inventory sheet was filed to say who or where my property is. I never seen my property moved or stored. All of this is a direct violation of ADC and unit policy. My property has been last misplaced or stolen due to these violations. I ask that my property be found or replaced and this issue fixed please and thank you.

Please be advised that this incident has been forwarded to Internal Affairs for further investigation. You will be notified when it is completed. This should address your concern.

Your appeal was received on 1/6/2020. After reviewing your appeal and all supporting documentation, I concur with the Warden's response.

Appeal denied

[REDACTED]

*John Sykes*  
Director

*1-23-20*  
Date

*Received from APT Director's Office 1-30-20*

9 of 9

**From:** [ASCC New Claims](#)  
**To:** [Thomas Burns \(DOC\)](#); [Roni Gean \(DOC\)](#)  
**Cc:** [Kathryn Irby](#)  
**Subject:** CLAIM: Darrell K. Williams v. ADC, Claim No. 220838  
**Date:** Friday, January 28, 2022 11:43:00 AM  
**Attachments:** [Darrell K. Williams v. ADC Agency Itr.pdf](#)  
[Darrell K. Williams v. ADC Claim.pdf](#)

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Please see attached. Contact Kathryn Irby with any questions.

Thank you,  
Caitlin

**Caitlin McDaniel**

*Administrative Specialist II*

**Arkansas State Claims Commission**

101 East Capitol Avenue, Suite 410

Little Rock, Arkansas 72201

(501) 682-1619

[Caitlin.McDaniel@arkansas.gov](mailto:Caitlin.McDaniel@arkansas.gov)

# ARKANSAS STATE CLAIMS COMMISSION

(501)682-1619  
FAX (501)682-2823



KATHRYN IRBY  
DIRECTOR

101 EAST CAPITOL AVENUE  
SUITE 410  
LITTLE ROCK, AR 72201-3823

January 28, 2022

Mr. Thomas Burns  
Arkansas Division of Correction  
6814 Princeton Pike  
Pine Bluff, Arkansas 71602

*(via email)*

RE: ***Darrell K. Williams v. Arkansas Division of Correction***  
**Claim No. 220838**

---

Dear Mr. Burns,

Enclosed please find a copy of the above-styled claim filed against the Arkansas Division of Correction. Pursuant to the Arkansas Rules of Civil Procedure, as well as Claims Commission Rule 2.2, you have **thirty days from the date of service** in which to file a responsive pleading.

Your responsive pleading should include your agency number, fund code, appropriation code, and activity/section/unit/element that this claim should be charged against, if liability is admitted, or if the Claims Commission approves this claim for payment. This information is necessary even if your agency denies liability.

Sincerely,

Kathryn Irby

ES: cmcdaniel

cc: Darrell K. Williams (ADC [REDACTED]), *Claimant* (w/ encl.)

**Note to Claimant or Claimant's counsel:** The Claims Commission copied you on this correspondence to provide you with confirmation that your claim has been processed and served upon the respondent agency.

**From:** [Roni Gean \(DOC\)](#)  
**To:** [ASCC Pleadings](#)  
**Cc:** [Thomas Burns \(DOC\)](#)  
**Subject:** Darrell Williams 092508 - Claim 220838 - Answer 01-28-22.pdf  
**Date:** Friday, January 28, 2022 1:55:02 PM  
**Attachments:** [Darrell Williams 092508 - Claim 220838 - Answer 01-28-22.pdf](#)

---

Good afternoon,

Please see attached our Answer in this matter. Thank you.

*Roni Gean*

Administrative Specialist III  
DOC Division of Correction  
Internal Affairs Division (870) 267-6218  
Legal Division (870) 267-6844  
6814 Princeton Pike, Pine Bluff, AR 71602  
[roni.gean@arkansas.gov](mailto:roni.gean@arkansas.gov)

Confidentiality Notice: This e-mail message and any attachment is the property of the State of Arkansas and may be protected by state and federal law governing disclosure of private information. It is for the intended recipient only. If an addressing or transmission error has misdirected this e-mail, please notify the author by replying to it. If you are not the intended recipient you may not use, disclose, distribute, copy, print or reply to this e-mail.

**BEFORE THE ARKANSAS STATE CLAIMS COMMISSION**

**DARRELL K. WILLIAMS (ADC# [REDACTED])**

**CLAIMANT**

**v.**

**NO. 220838**

**ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION**

**RESPONDENT**

**ANSWER TO COMPLAINT**

COMES NOW the Respondent, Arkansas Department of Corrections, 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,  
Arkansas Department of Corrections  
Office of Chief Counsel



---

Thomas Burns (02006)  
ADC Legal Division  
6814 Princeton Pike, Pine Bluff, AR 71602-9411  
(870) 267-6845 Office/ (870) 267-6373 Facsimile  
thomas.burns@arkansas.gov

**CERTIFICATE OF SERVICE**

I certify that a copy of this pleading has been served this 28<sup>th</sup> day of January 2022 on the Claimant by placing a copy of the same in the U. S. Mail, regular postage, to:

Darrell K. Williams (ADC# [REDACTED])  
[REDACTED]



---

Thomas Burns  
General Counsel

**From:** [Thomas Burns \(DOC\)](#)  
**To:** [ASCC Pleadings](#)  
**Cc:** [Roni Gean \(DOC\)](#)  
**Subject:** Darrell Williams v ADC 220838  
**Date:** Tuesday, February 22, 2022 12:21:04 PM  
**Attachments:** [0021-1-1.pdf](#)

---

MTD

Thomas Burns  
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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DARRELL WILLIAMS (ADC [REDACTED])

CLAIMANT

v

NO. 220838

ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION

RESPONDENT

RESPONDENT'S MOTION TO DISMISS

Comes Now the Respondent, Arkansas Department of Corrections (ADC), for its Motion to Dismiss, states:

1. The inmate's claim should be dismissed pursuant to the Arkansas Rules of Civil Procedure (ARCP) 12(b)(6) as it fails to state facts upon which relief can be granted.
2. On a motion to dismiss pursuant to Rule 12(b)(6) of the Arkansas Rules of Civil Procedure the courts treat the facts alleged in complaints as true and view them in the light most favorable to the plaintiff. *Dockery v Morgan, 2011 Ark. 94*. "However, [Arkansas's] rules require fact pleading, and a complaint must state facts, not mere conclusions, in order to entitle the pleader to relief." *Id.* The Court should "treat only the facts alleged in the complaint as true but not the plaintiff's theories, speculation, or statutory interpretation." *Id.*
3. An "important mechanism for weeding out meritless claims [is a] motion to dismiss for failure to state a claim." *Fifth Third Bancorp v. Dudenhoeffer, 573 U.S. 409, 425 (2014)*. Legal conclusions, unsupported conclusions, and unwarranted inferences must be ignored and fail to withstand a Rule 12(b)(6) motion. *See Farm Credit Svcs. v American State bank, 339 F.3d 764 (8<sup>th</sup> Cir. 2003)*. A pleading must contain a "short and plain statement of the claim showing that the pleader is entitled to relief. *Ashcraft v Iqbal 556 U.S. 662 (2009)*. Although detailed factual allegations are not required, more than "unadorned, the-defendant-unlawfully-harmed-me-

accusations” are required. *Id.* To survive a motion to dismiss, a complaint must contain sufficient factual matter that, when accepted as true, state a claim to relief that is plausible on its face. *Id.* A claim is facially plausible “when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.*

4. When a trial court is presented with extraneous materials outside of the pleadings and does not exclude those materials, a motion to dismiss for failure to state facts upon which relief can be granted shall be treated as one for summary judgment. *Norris v Davis, 2014 Ark. App. 632 (2014)*

5. The inmate seeks the sum of \$25000.00 for alleged failure to protect (42 USC 1983 claim) Although inmate seeks an award of damages (\$25000.00), he fails to plead any basis for an award of damages, and he fails to give the Arkansas Claims Commission any rational basis beyond mere speculation of the damages. Damages are an essential element of a tort claim and there must an allegation of sufficient facts to satisfy the damages element or the case is subject to a motion to dismiss. *Wallis v. Ford Motor Company, 362 Ark. 317, 208 S.W. 3d 153 (2008)*. The inmate’s claim, even if true, does not support a claim for monetary relief.

6. Even if the inmate were to plead with more specificity, he would still not be able to prevail. The party claiming damages has the burden of proving those damages beyond speculation. *Minerva Enterprises v. Howlett, 308 Ark. 291, 824 S.W. 2d 377 (1992)*. Even taking the inmate’s allegations true as pleading, and giving him the benefit of every possible inference, his mere inconvenience of alleged wrongdoing can never render a claim that is anything but speculation.

7. Pro Se parties are not given special treatment and are held to the same standard as a licensed attorney. *Pressler v. Ark. Publ. Serv. Comm’n, 2011 Ark. App. 512, at 9, 385 S.W.3d 349, 355 (citing Elder v. Mark Ford & Assocs., 103 Ark. App. 302, 288 S.W.3d 702 (2008))*. The

Claims Commission notes that under Arkansas law, a claimant choosing to represent himself is held to the same standard as an attorney. *Michael Pickens v ADC claim 190793 (ASCC 2019)*.

8. Whether a plaintiff is represented by counsel or is appearing pro se, his complaint must allege specific facts sufficient to state a claim. *See Martin v Sargent, 780 F.2d 1334, 1337 (8<sup>th</sup> Cir. 1985)*.

9. A complaint must state facts, not mere conclusions, in order to satisfy the requirements of Rule 8 of the Arkansas Rules of Civil Procedure. *Doe v Weiss, 2010 Ark. 150*.

10. In reviewing whether a complaint is subject to dismissal, the Court must accept as true all factual allegations in the complaint, but is “not bound to accept as true a legal conclusion couched as a factual allegation.” *Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (quoting Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007))*. “Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” *Id.* “Nor does a complaint suffice if it “tenders ‘naked assertion[s]’ devoid of ‘further factual enhancement.’” *Id.* (*quoting Twombly, 550 U.S. at 557*). Rather, a complaint must plead “enough facts to state a claim to relief that is plausible on its face.” *Twombly, 550 U.S. at 570*. “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal, 556 U.S. at 678*. “The plausibility standard is not akin to a ‘probability requirement,’ but it asks for more than a sheer possibility that a defendant has acted unlawfully.” *Id.* (*quoting Twombly, 550 U.S. at 556*). A well pleaded complaint may proceed even if it appears that actual proof of those facts is improbable and that recovery is very remote and unlikely. *Twombly, 550 U.S. at 556*. A complaint cannot, however, simply leave open the possibility that a plaintiff might later establish some set of undisclosed facts to support recovery. *Id. at 561*. Rather, the facts set forth in the complaint must be sufficient to nudge the claims across the line from conceivable to plausible.

*Id.* at 570. “[W]here the well-pleaded facts do not permit the court to infer more than the mere possibility of misconduct, the complaint has alleged –but it has not ‘show[n]’ – ‘that the pleader is entitled to relief.’” *Iqbal*, 556 U.S. at 679 (quoting *Fed.R.Civ.P. 8(a)(2)*).

11. The Plausibility standard is not akin to a “probability requirement” but it asks for more than a sheer possibility that a defendant has acted unlawfully. Where a complaint pleads facts that are “merely consistent with” a defendant’s liability, it” stops short of the line between possibility a plausibility of entitlement to relief” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)

12. The inmate is currently housed at the [REDACTED]. He is serving a 35-year sentence on a conviction of murder and other crimes.

13. The inmate claims that ADC Officers failed to protect him from being assaulted by another Inmate. This is a deliberate Indifference claims under 42 USC 1983.

14. The Inmate alleges that ADC committed the state tort of battery when they allowed him to be attacked by Jackson on October 23, 2019. *See 28 U.S.C. § 1367* (granting federal courts supplemental jurisdiction to hear pendent state law claims).

15. Arkansas law defines battery as “a wrongful or offensive physical contact with another through the intentional conduct by the tortfeasor and without the consent of the victim.” *Costner v. Adams*, 121 S.W.3d 164, 170 (Ark.App.2003). The Inmate does *not* allege that *any* of the Defendants wrongfully or offensively touched him during his October 23, 2019 altercation with Jackson. Instead, he contends that ADC failed to prevent the attack, which is a claim he can properly pursue under § 1983. Thus, Inmate's pendent state battery claim should be dismissed, without prejudice.

16. The Inmate is asking for declaratory relief, this Commission has no jurisdiction to grant that type of relief.

17. The Commission does not have jurisdiction over Constitutional and Federal claims. The Inmate does not allege the ADC did anything in either his complaint or grievance, only the individuals he listed. *See Inmate complaint.*

18. Pursuant to the Prison Litigation Reform Act (PLRA), “no actions shall be brought with respect to prison conditions under Section 1983 of this title or any other Federal law, by a prisoner confined in any jail, or other correctional facility until such administrative remedies as are available are exhausted.” 42 U.S.C § 1997e. In 1997, the Arkansas legislature adopted the PLRA’s exhaustion requirement by enacting Ark. Code Ann. §16-106-202. That statute follows the PLRA by adopting a grievance exhaustion requirement for state actions:

- (a) A civil action **or claim** initiated against...Department of Correction...by an inmate in a penal institution or incarcerated person appearing pro se may be:
  - (1) Dismissed without prejudice by the court on its own motion or on a motion of the defendant, if all administrative remedies available to the inmate have not been exhausted.

19. The inmate grieved this matter, but as to Individuals and not the ADC. *See attached Ex A.* “A basic rule of administrative procedure requires that an agency be given the opportunity to address a question before a complainant resorts to the courts. Where a party has failed to exhaust his or her administrative remedies, the trial court lacks jurisdiction over the suit” *Ark. HHS v Smith, 370 Ark. 490.* One must exhaust their administrative remedies before they may proceed in Court. *See Johnson v Johnson, 385 F.3d 503 (2004).*

20. The matter was forwarded to the State Police and the Prosecutor who declined to prosecute. *Id.*

21. The incident report shows that the Officers reacted and followed the guidance in policy. *See attached Ex. B.*

22. The Inmate did not have any enemy alerts, and in fact this may have stemmed from this Inmates own precautions. *See attached Ex C.*

23. Inmate Jackson was moved to the [REDACTED] so both Inmates are apart for one another.

24. The Inmates wounds were not life threatening. *See attached Ex D.* The Inmate was treated for lacerations (cuts) to his back, not puncture wounds. *See attached Ex E.*

25. The inmate has filed a complaint that he knows is in bad faith and not supported by the facts. The Commission should award the ADC fees and costs for having to respond to this baseless complaint.

26. This same claim, if presented to a court of general jurisdiction would, as a matter of law, be dismissed.

27. “The commission shall make no award for any claim which, as a matter of law, should be dismissed from a court of law or equity for reasons other than sovereign immunity.” Ark. Code Ann. § 19-10-204(3)(A) (West Supp. 2015). “Specifically, if the facts of a given claim would cause the claim to be dismissed as a matter of law from a court of general jurisdiction, then the commission shall make no award on the claim.” Ark. Code Ann. § 19-10-204(3)(B) (West Supp. 2015). The claimant has not been damaged and only makes mere assertions that he has been damages. Without damages a Court would dismiss the claim in its entirety.

WHEREFORE, the Respondent prays that the motion be granted and the complaint dismissed; for their attorney’s fees and costs; and all other just and proper relief to which they may be entitled.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I certify that a copy of the above pleading has been served this 22<sup>nd</sup> day of February 2022, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Darrell Williams [REDACTED]  
[REDACTED]



Thomas Burns

Name: Williams, Darrell K.

ADC #: [Redacted]

# Inmate Grievance

Tuesday February 22, 2022 08:41:38 AM

Received Date*	11/04/2019	Received Time*	02:42:55 PM
Grievance #:	[Redacted] 9-02685	Incident Date:	10/24/2019
Original Date Prepared by Inmate*:	10/27/2019		
Facility*:	[Redacted]		
Zone*:	Zone 3		
Location*:	Cellblock 7		
Shift:			
Grievance Officer*:	Perry, Brenda F		
Grievance Category*:	Complaints against Staff(800)		
Grievance Type*:	803-Other Complaints Against Staff		
Significance*:	Non-Emergency	Referred To Group*:	Warden
Has Merit:	Yes	Due Date:	12/05/2019
Appeal Has Merit:	No		

## Geocode Grievance

(y/c) On 10-23-19 to 10-24-19 at approx. 12:15am I was being escorted from Max 5 shower call to my assigned cell Max 711 by Cpl. C. Jones and COI. T. Hollowell, when Inmate Carl Jackson ADC# unknown exited Max 7 showers#2 a shower with a defective locking mechanism ran up to me and stabbed me in my back 6-times as I stood in front of my assigned cell Max 711, resulting in a hospital visit and 13 stitches in my back. Cpl. C Jones and COI T. Hollowell failure to follow Max, ADC Restrictive Housing AD-SEG policy was directly responsible for this inmate stabbing me as follows [Redacted] security restrictive housing AD-Seg policy specifies that before \*\*\*\* to an inmate leaving his cell for shower call, he is to be strip searched, his well soap dish, shower shoes are to be searched for shower call and anytime he exits his cell period. This ADC Restrictive housing policy Max AD-Seg. policy and Cpl. C Jones and C.OII Hollowell failure to follow this policy, directly resulted in me being stabbed. Inmate C. Jackson was wearing tennis shoes and had a knife, which was recovered at the scene, when he exited the defective Max 7-shower #2 to stab me.

### Staff Named (1 - 2 of 2)

Staff Name	Facility Name	Job Title	Involvement
Jones, Cleveland	[Redacted]	Corporal	Neglect of inmate's needs
[Redacted]	[Redacted]	Corporal	Neglect of inmate's needs

### Scanned Documents

Type	Date Scanned	Title	Source	Privacy Level
Inmate Grievance	11/04/2019	[Redacted]	Investigator	Sensitive Information
Inmate Grievance	11/04/2019	[Redacted]	Investigator	Sensitive Information

### Actions Taken (1 - 10 of 10)

Date	Time	Action Type	Staff	Comments
<u>01/23/2020</u>	04:28 PM	Appeal Denied	Straughn, William F	
<u>01/22/2020</u>	03:37 PM	Appeal Forwarded To	Straughn, William F	
<u>01/08/2020</u>	12:57 PM	Acknowledge Grievance Appeal	Straughn, William F	

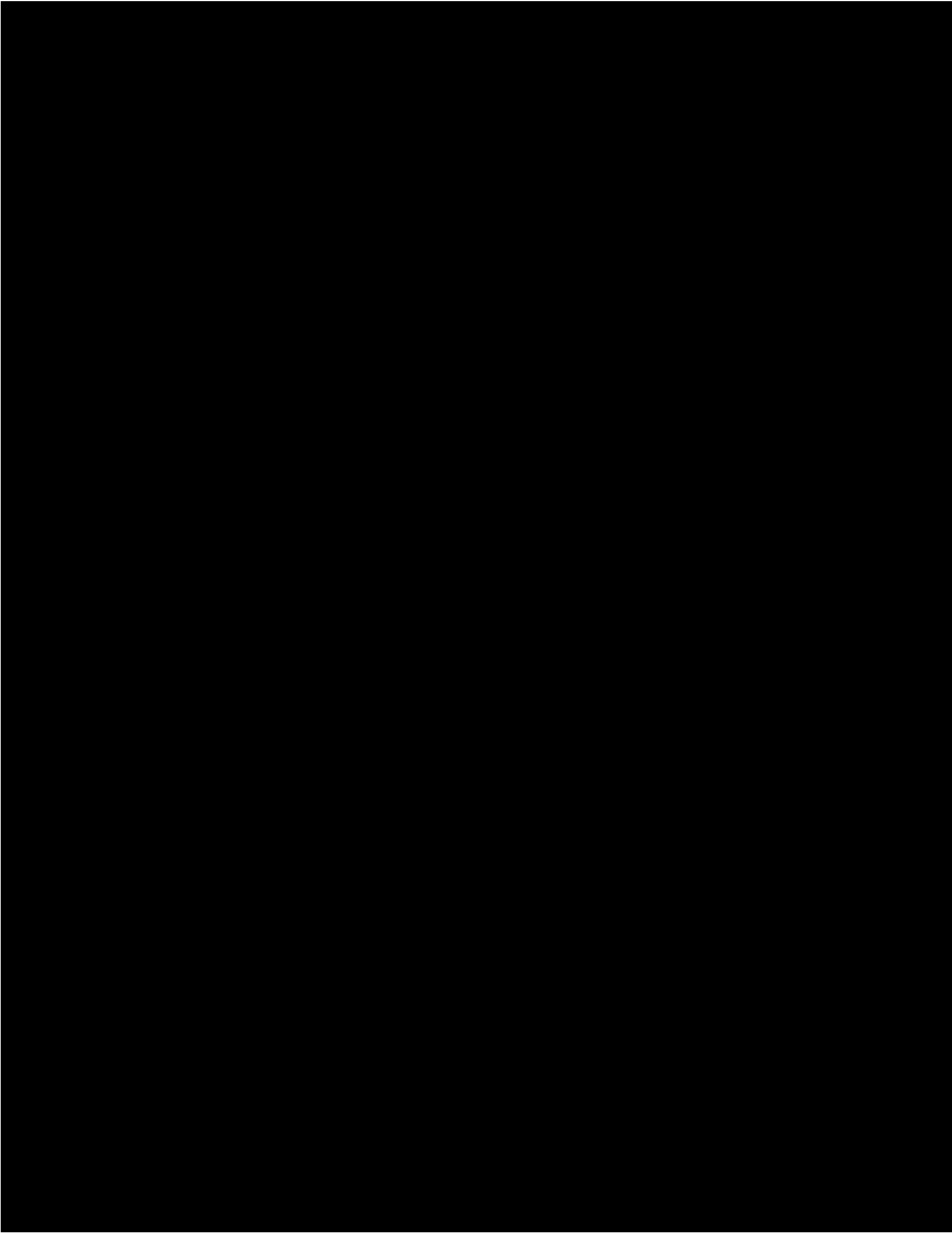
<a href="#">01/03/2020</a>	12:57 PM	Appealed by Inmate	Jones, Mary S	
<a href="#">01/03/2020</a>	11:43 AM	Warden Responded	Lay, Rex G	Date: 01/3/20 --- Time: 11:44:11 AM --- User: B. Perry (PB-4)
<a href="#">01/02/2020</a>	04:30 PM	Forwarded to Warden for Signa.	Lay, Rex G	
<a href="#">12/04/2019</a>	10:10 AM	Extension Form Sent	Lay, Rex G	
<a href="#">11/04/2019</a>	03:34 PM	Investigation Assigned	[REDACTED]	
<a href="#">11/04/2019</a>	03:34 PM	Investigation Assigned	Jones, Cleveland	
<a href="#">11/04/2019</a>	03:32 PM	Acknowledged Grievance	[REDACTED]	Same issue as [REDACTED]-02636 Refer to Incident # 2019.10-323

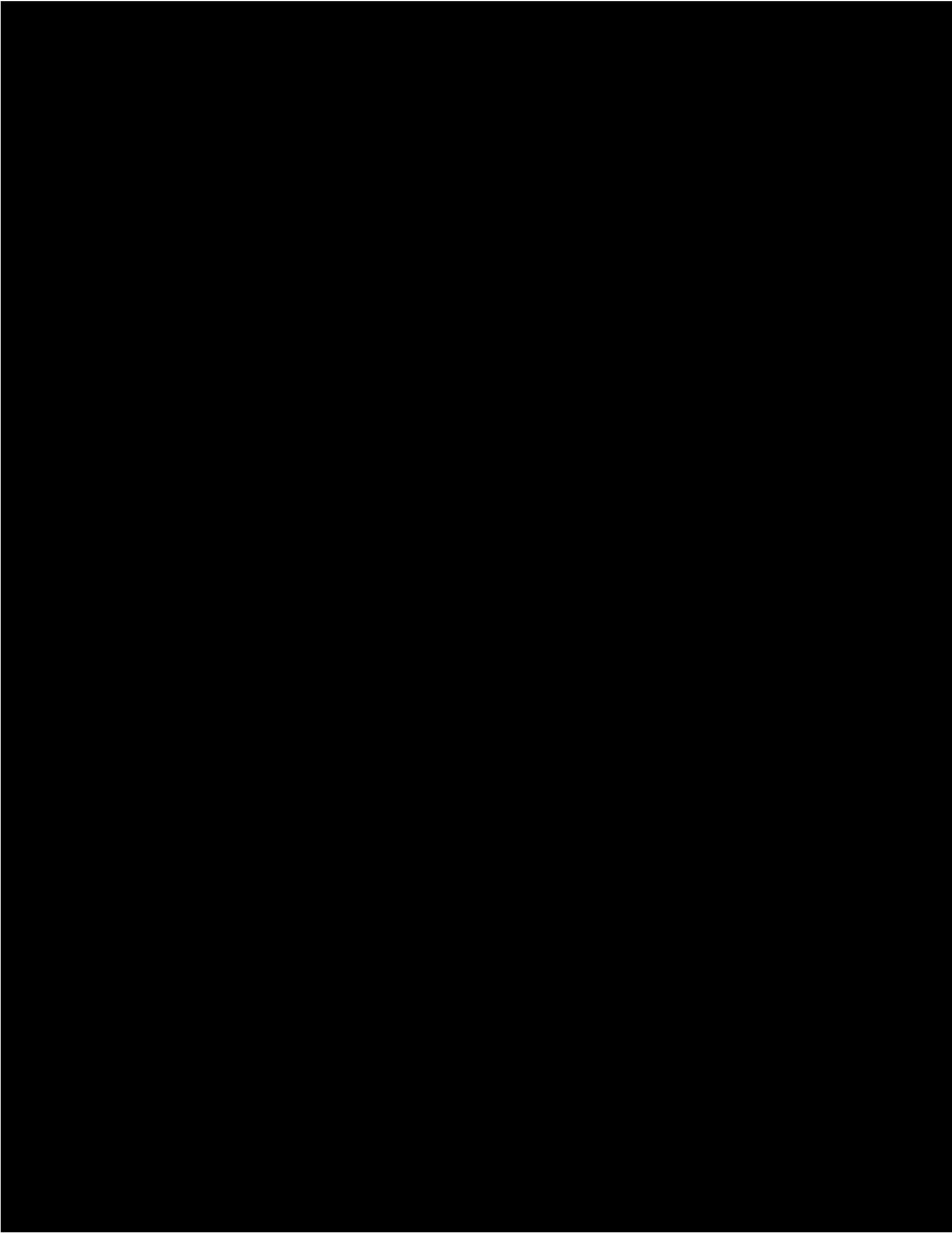
<b>Status</b>		
Status*: Appeal Denied	As of Date*: 01/23/2020	<a href="#">Status History</a>

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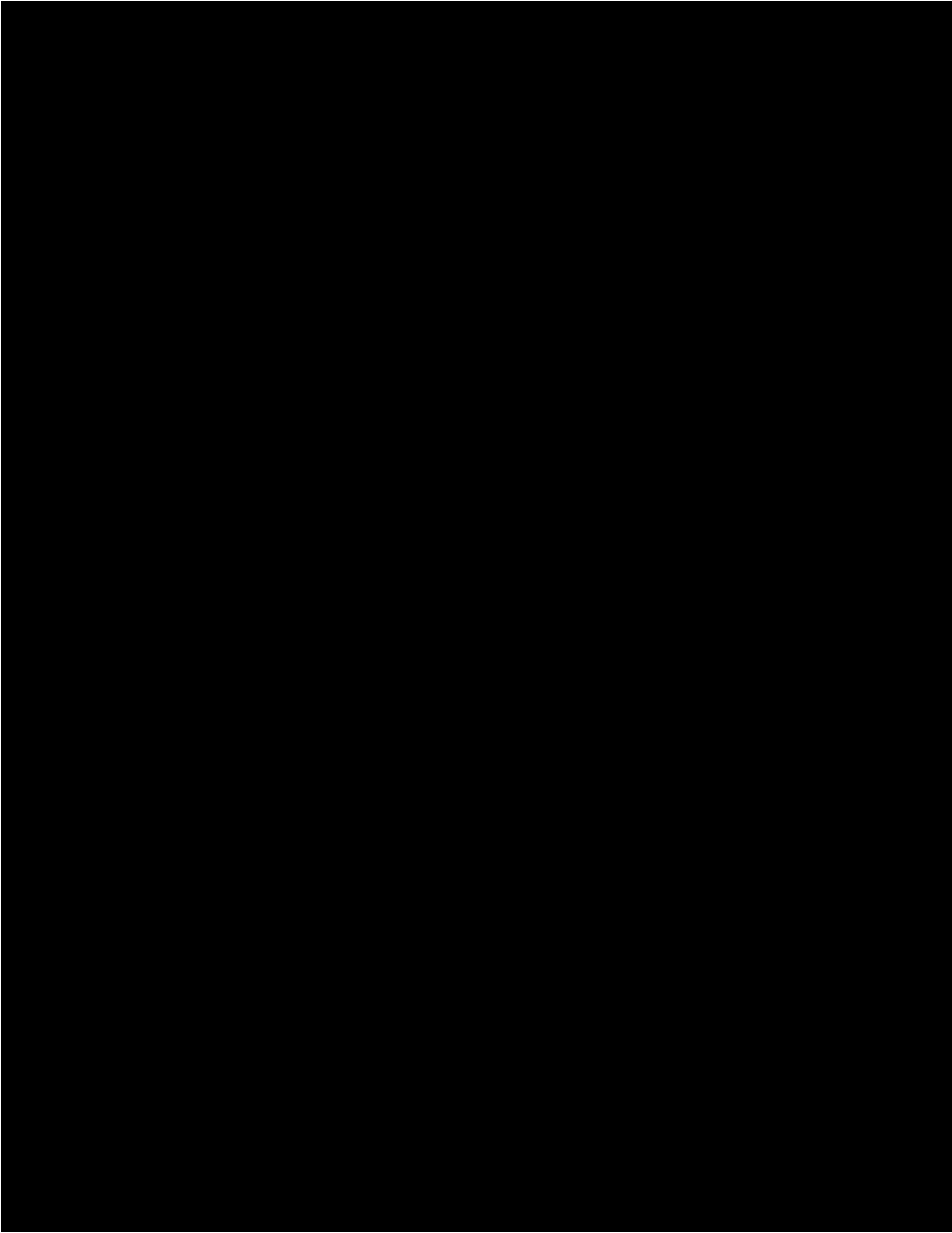


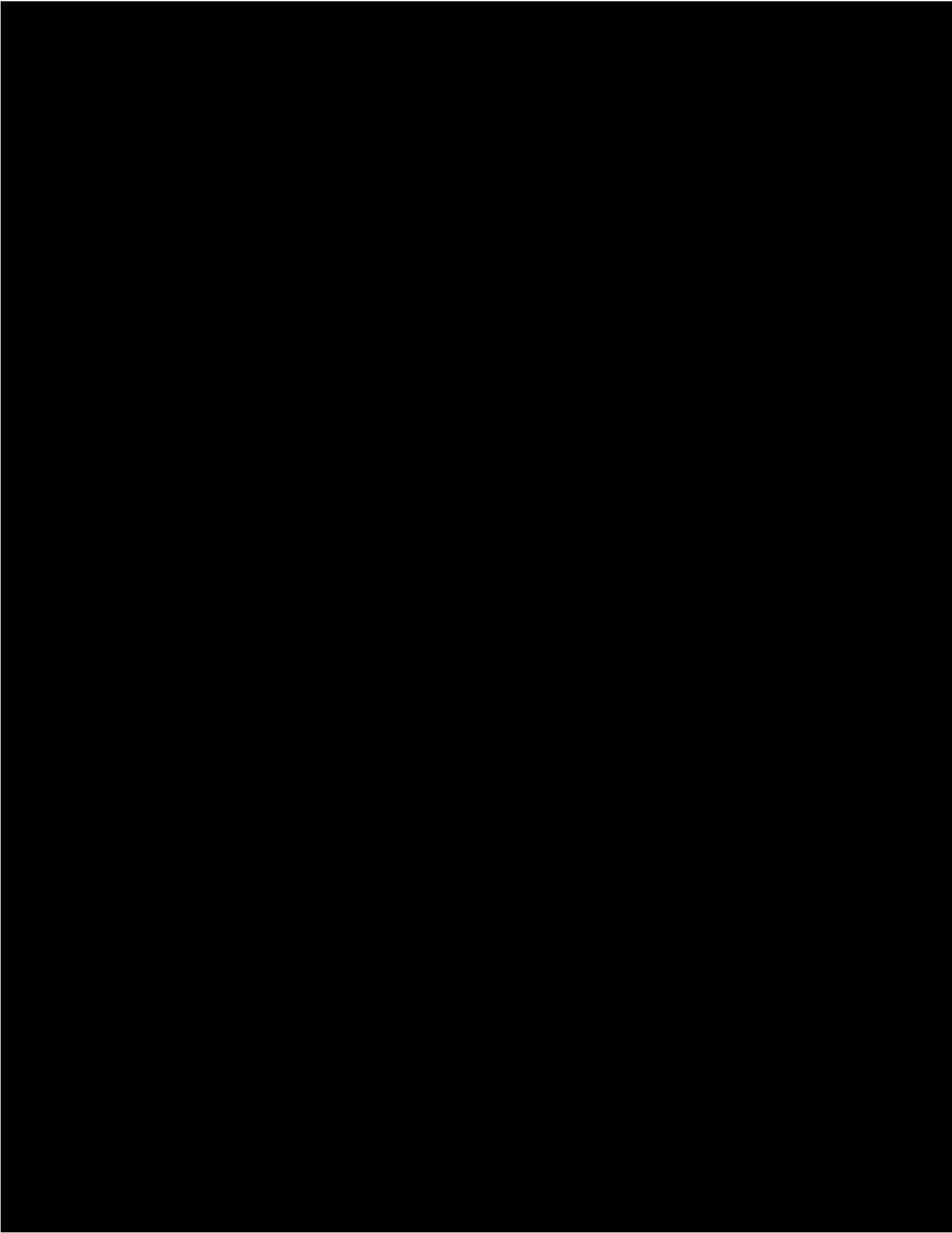


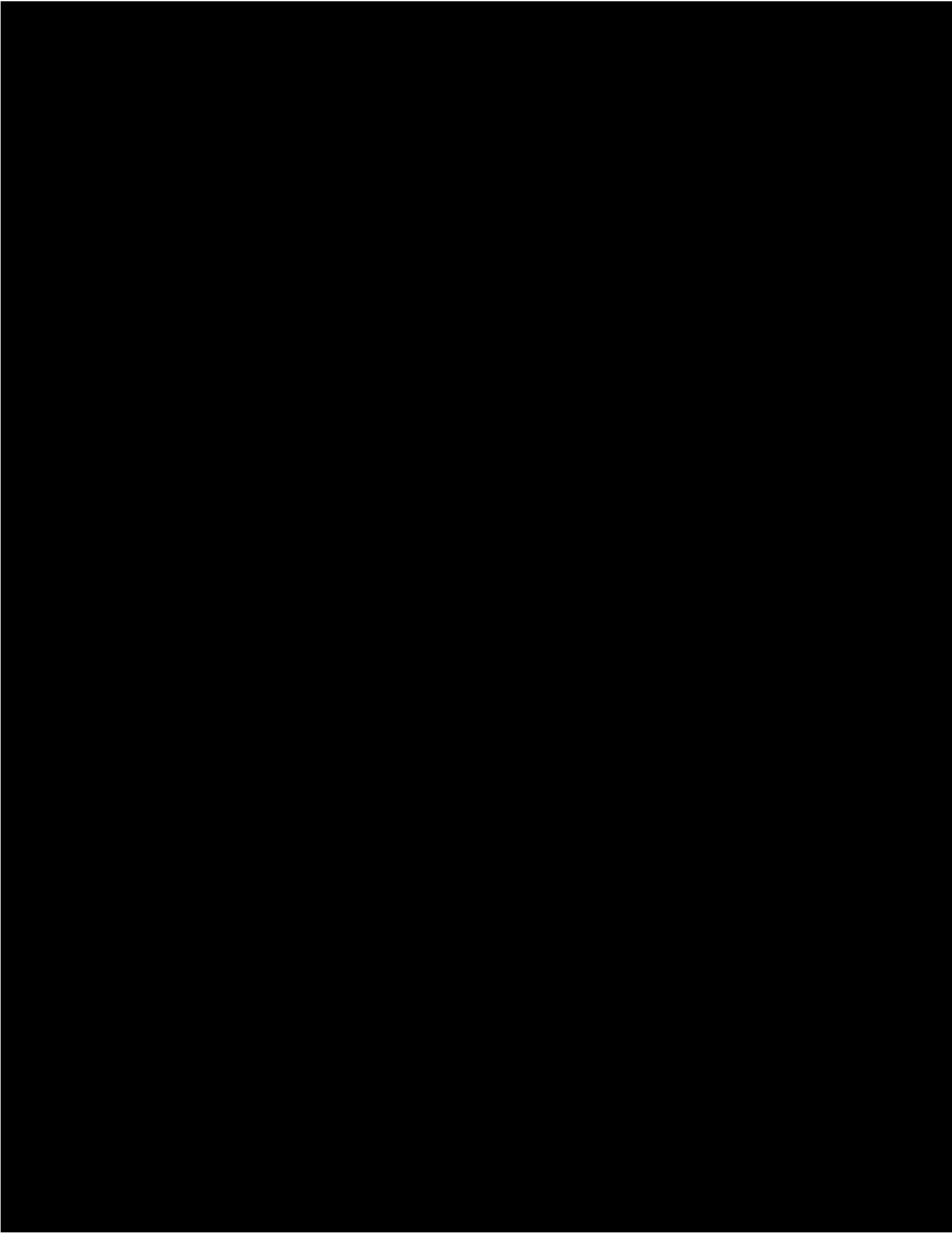


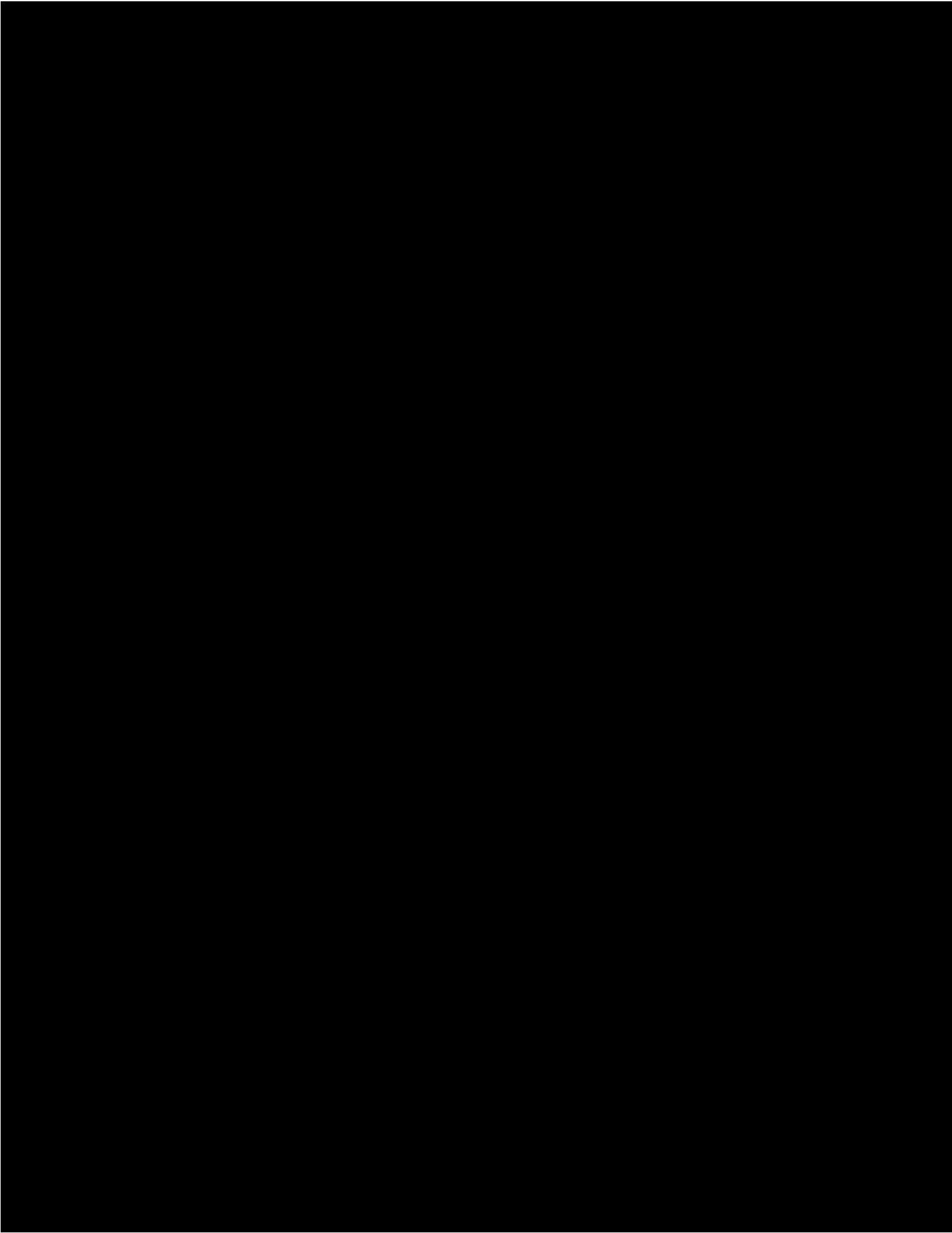




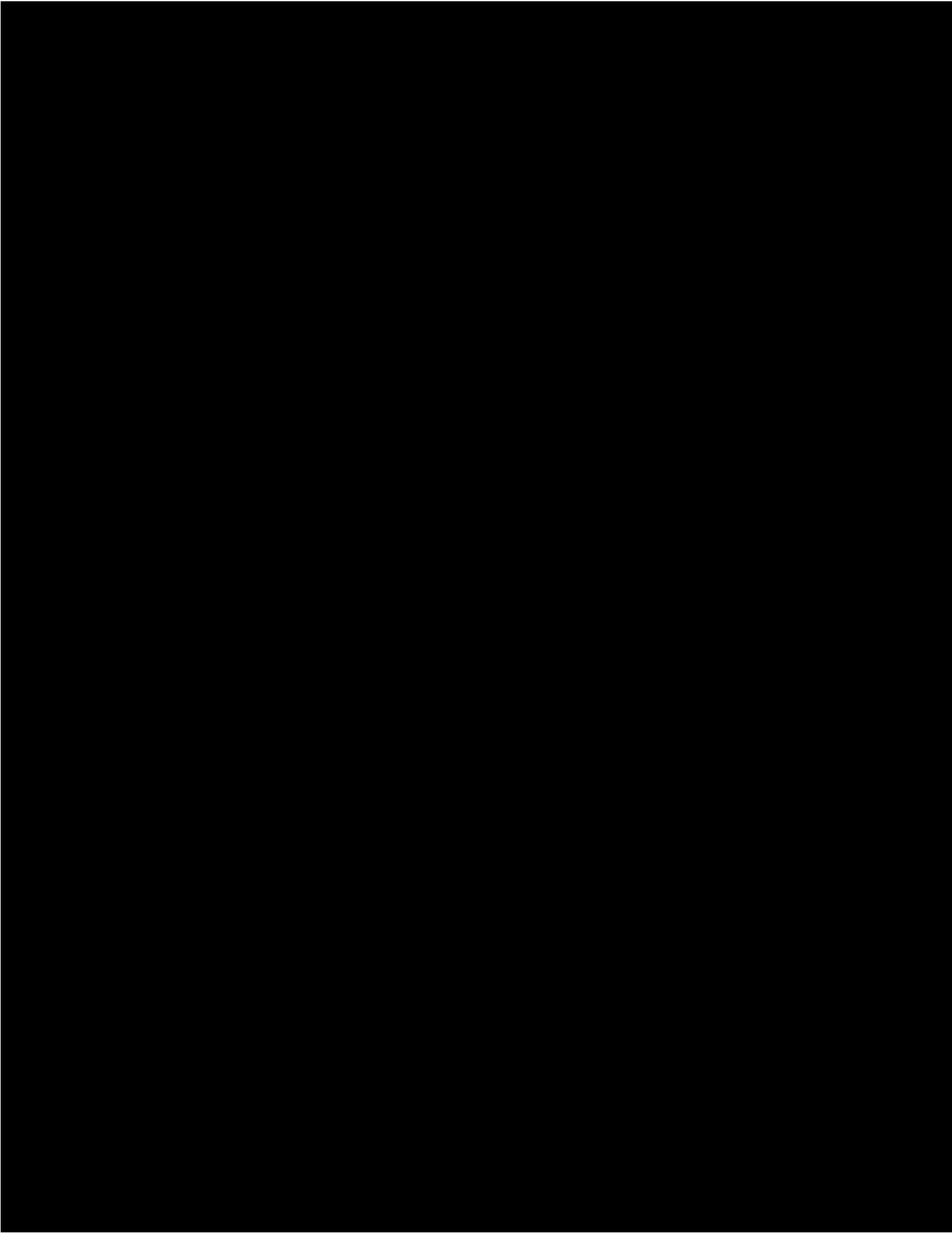


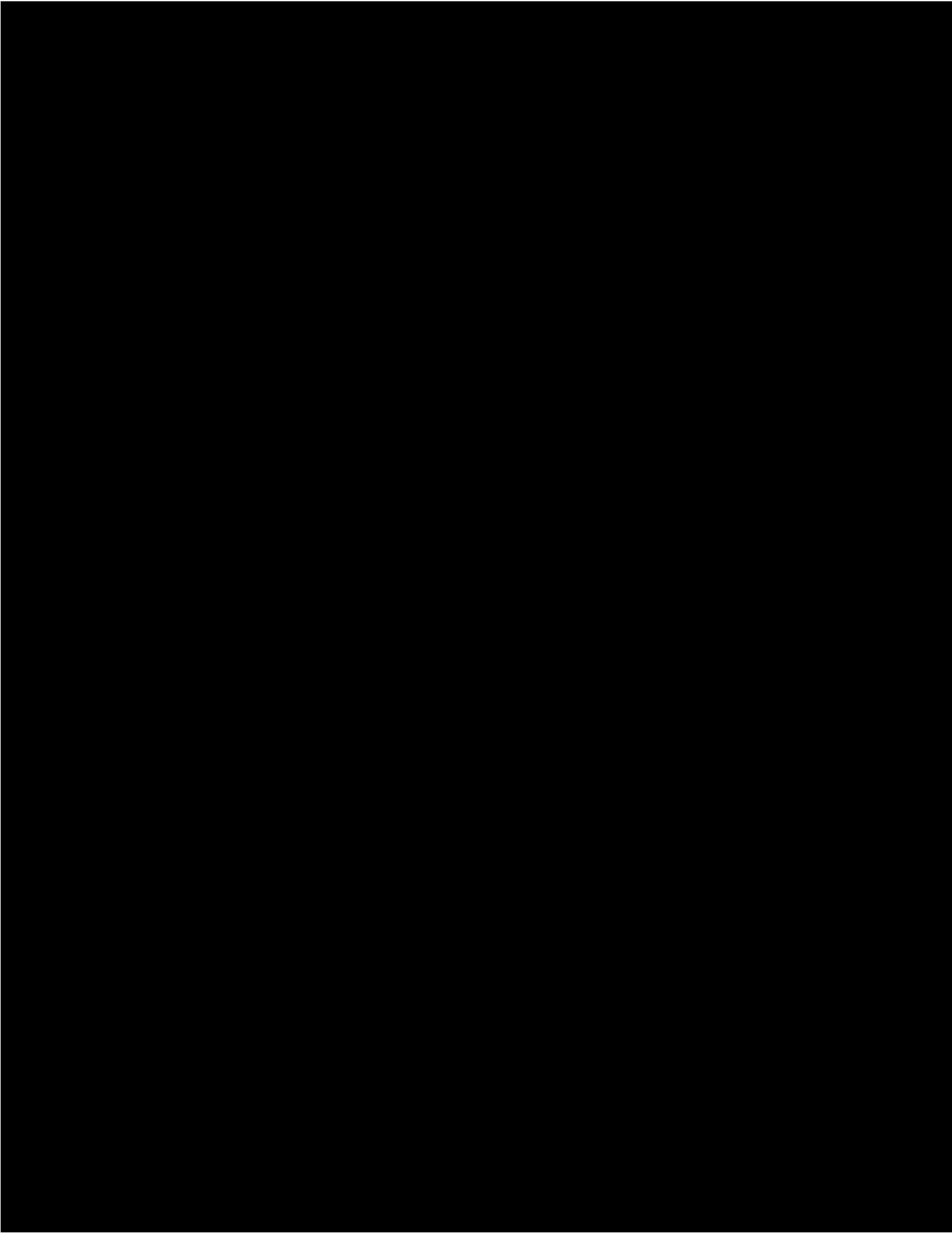


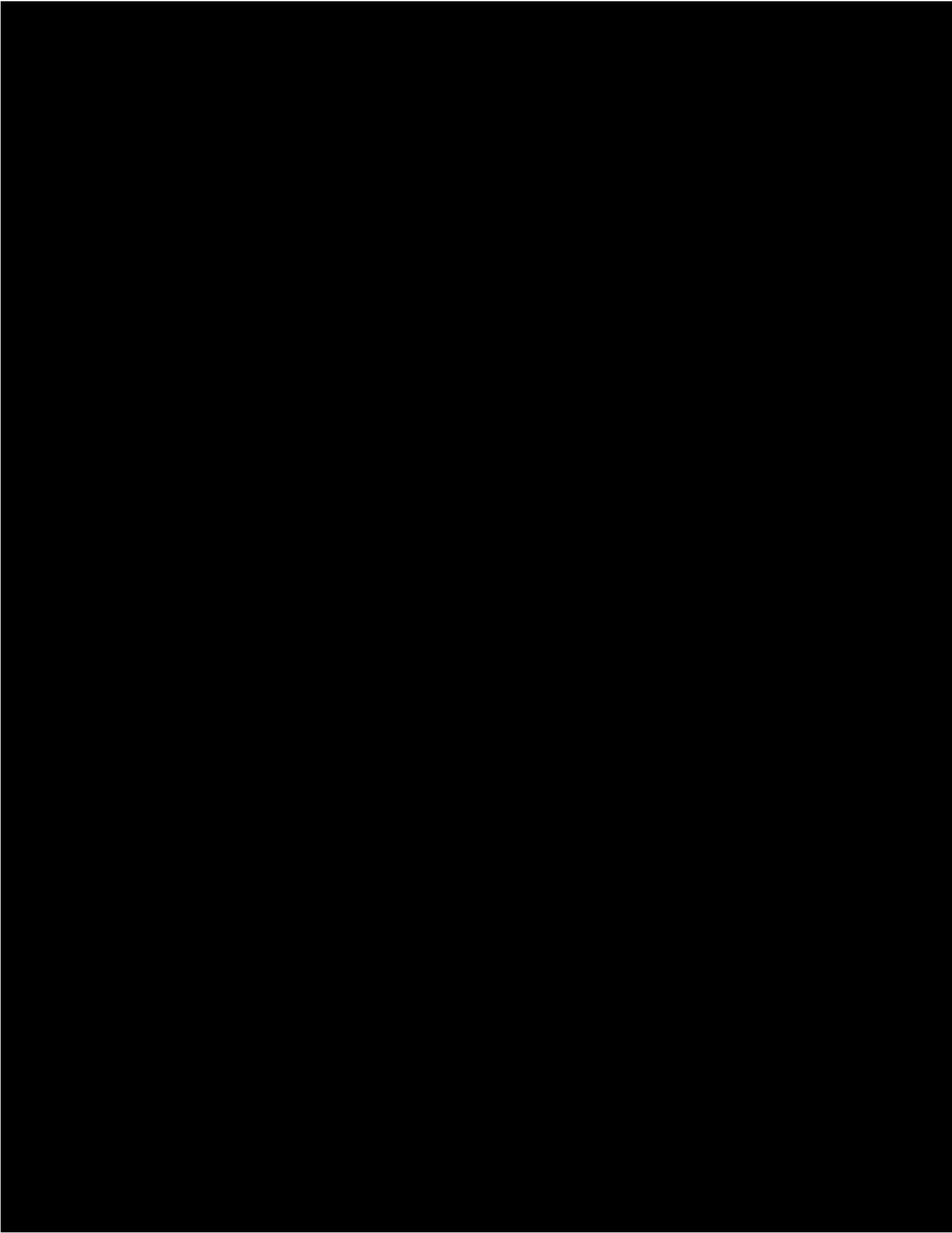






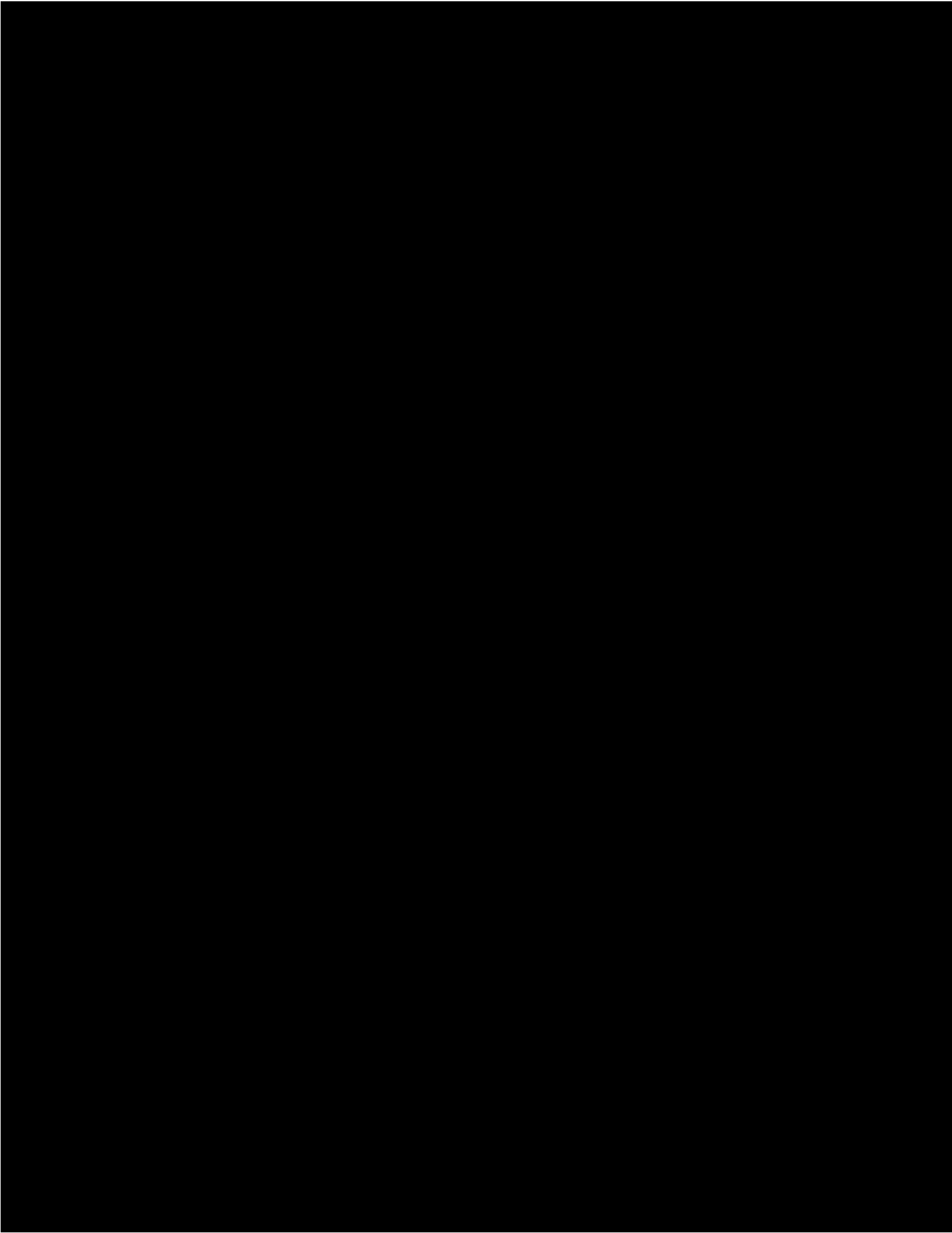


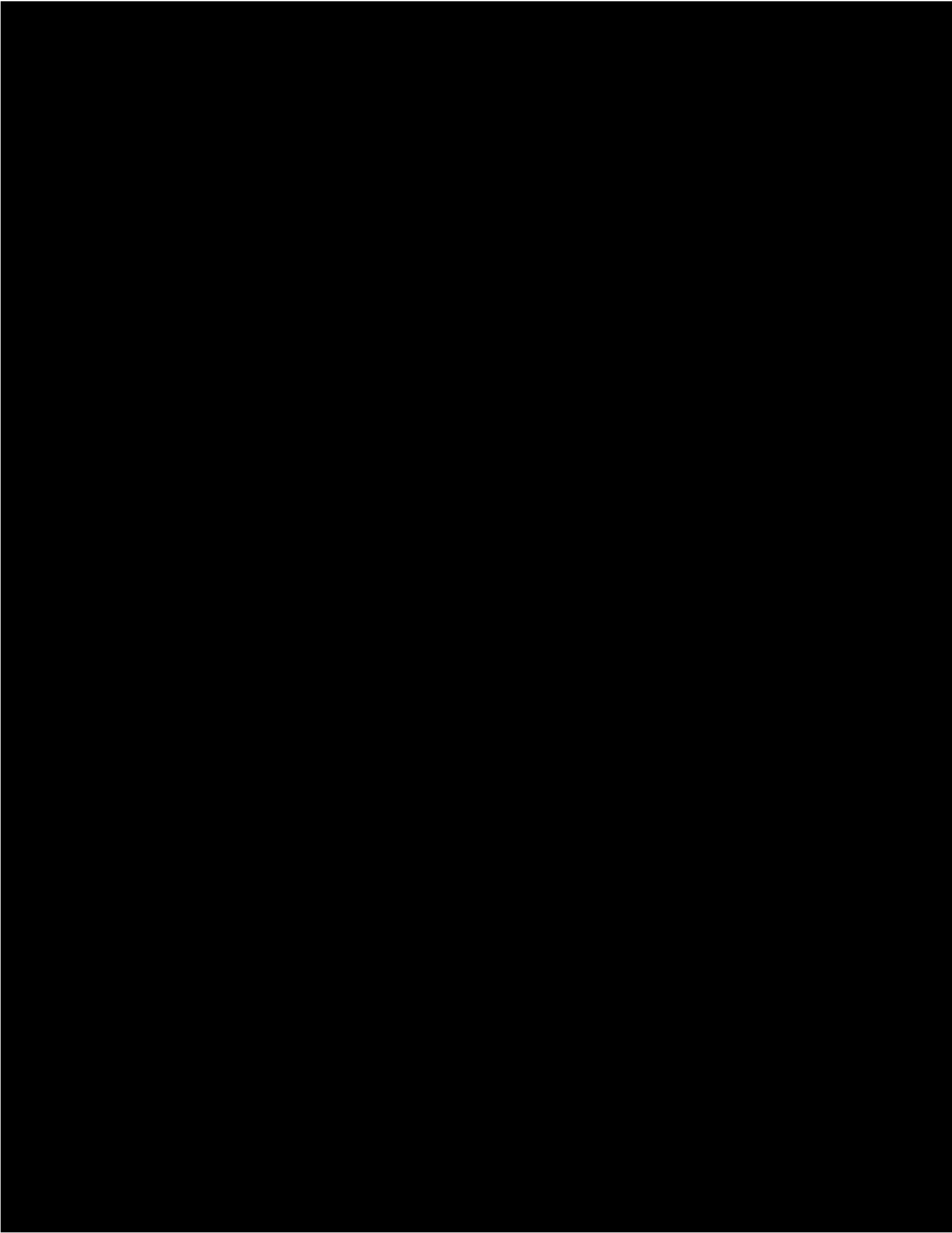


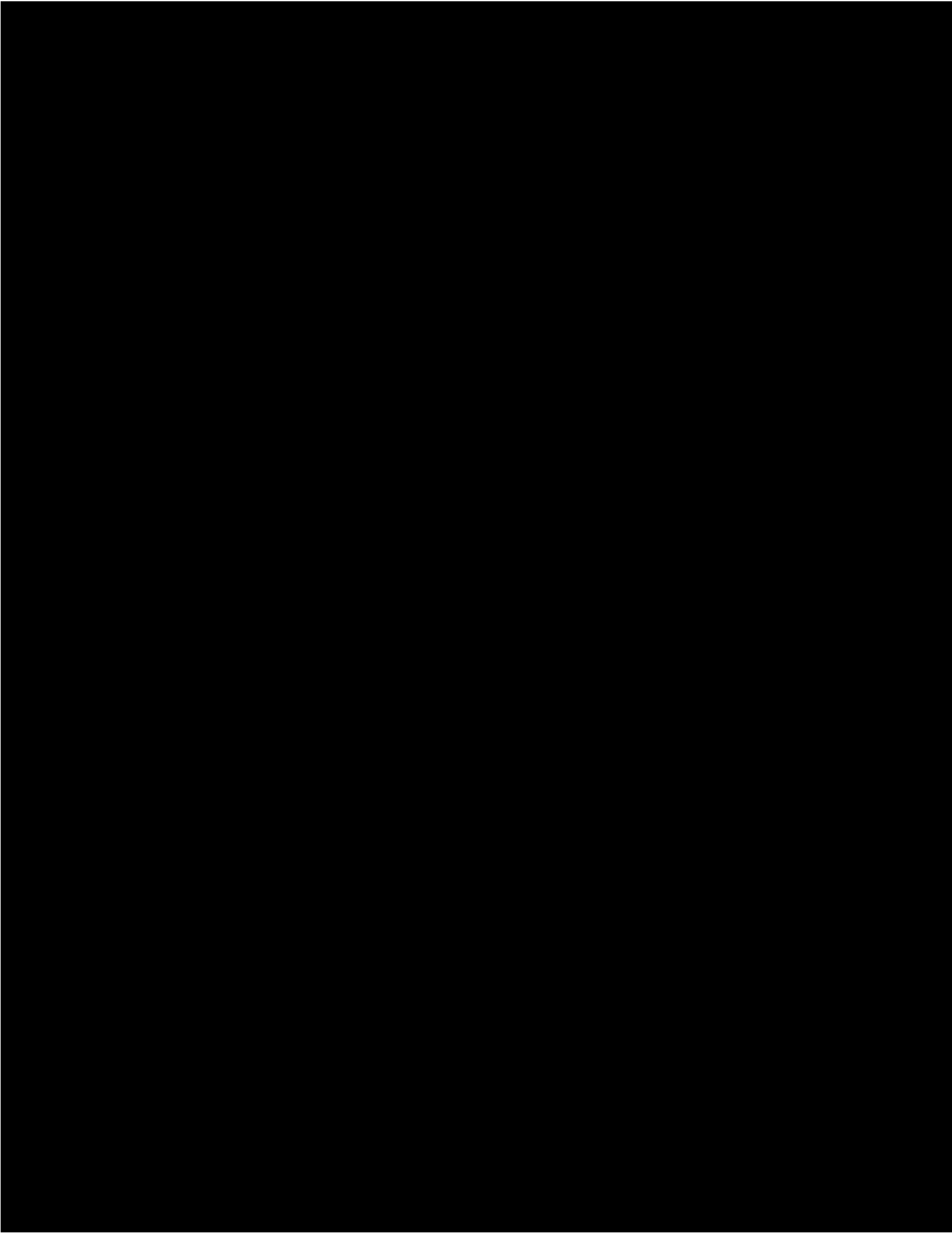


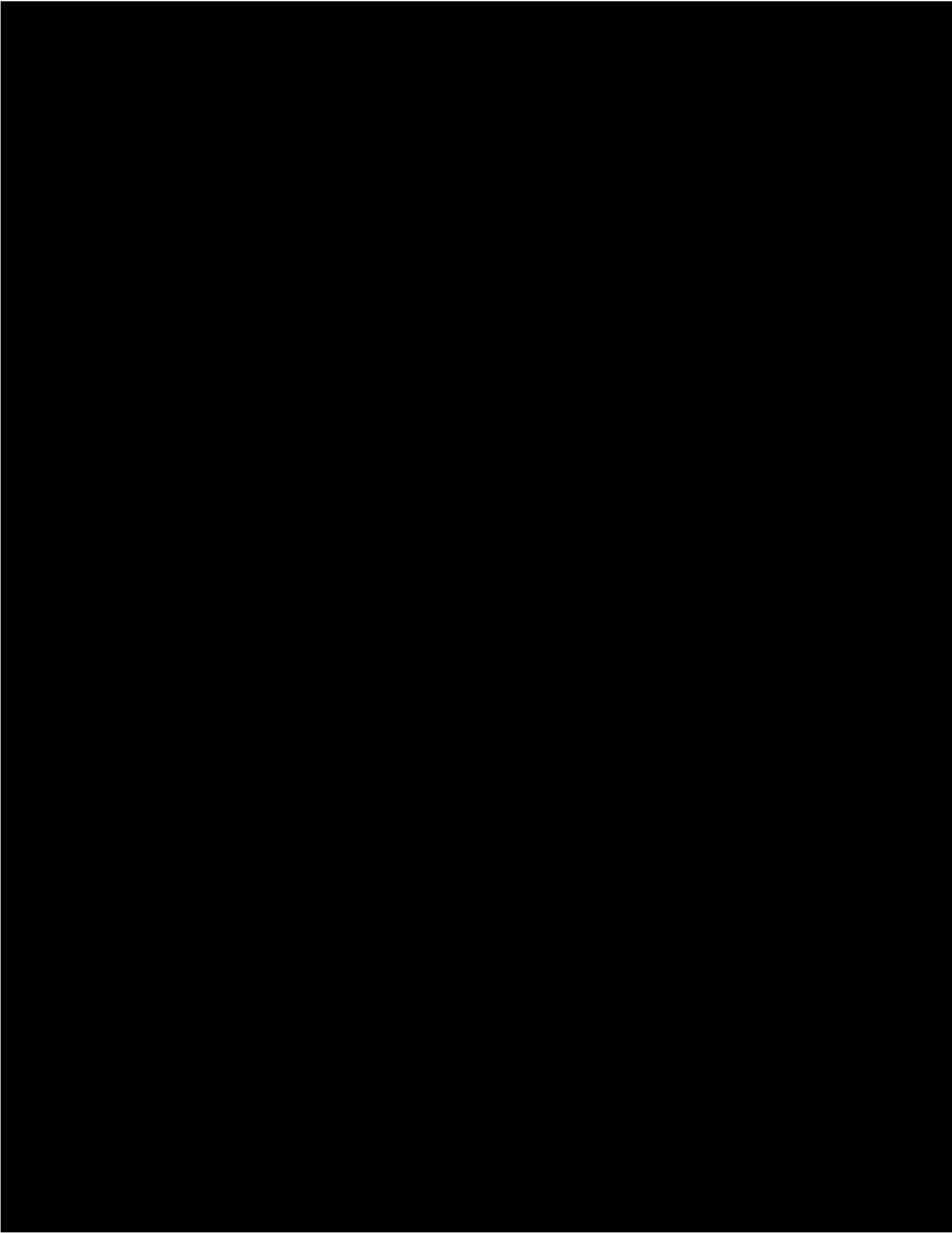


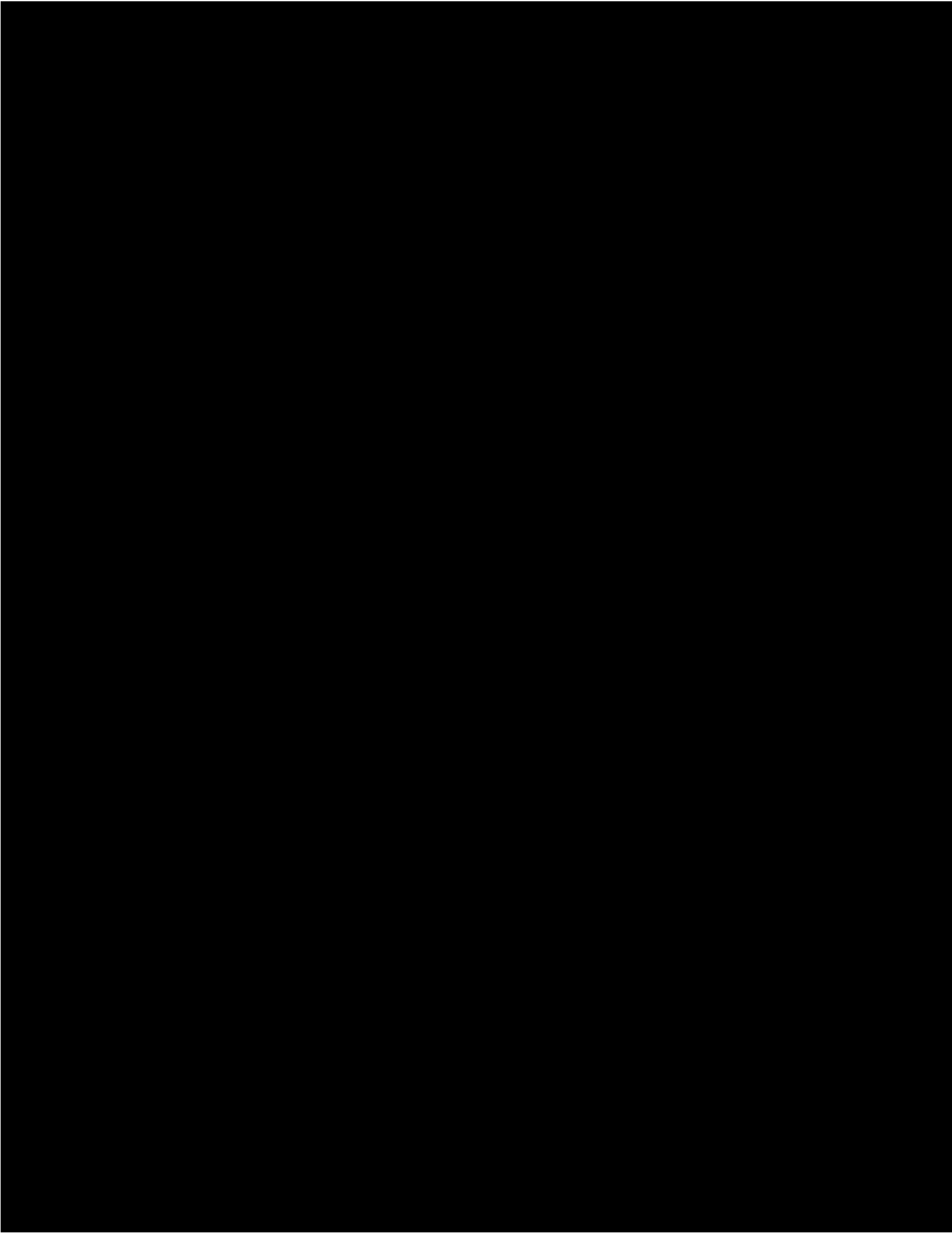












**From:** [Thomas Burns \(DOC\)](#)  
**To:** [ASCC Pleadings](#)  
**Cc:** [Roni Gean \(DOC\)](#)  
**Subject:** FW: Darrell Williams v ADC 220838  
**Date:** Tuesday, February 22, 2022 12:23:29 PM  
**Attachments:** [002111.pdf](#)  
[002111.pdf](#)

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Part of Ex A, In camera

-TB

Legal Division  
Arkansas Department of Corrections  
Division of Correction

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**Sent:** Tuesday, February 22, 2022 12:21 PM  
**To:** ASCC Pleadings <[ASCCPleadings@arkansas.gov](mailto:ASCCPleadings@arkansas.gov)>  
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- (a) A civil action **or claim** initiated against...Department of Correction...by an inmate in a penal institution or incarcerated person appearing pro se may be:
  - (1) Dismissed without prejudice by the court on its own motion or on a motion of the defendant, if all administrative remedies available to the inmate have not been exhausted.

19. The inmate grieved this matter, but as to Individuals and not the ADC. *See attached Ex A.* “A basic rule of administrative procedure requires that an agency be given the opportunity to address a question before a complainant resorts to the courts. Where a party has failed to exhaust his or her administrative remedies, the trial court lacks jurisdiction over the suit” *Ark. HHS v Smith, 370 Ark. 490.* One must exhaust their administrative remedies before they may proceed in Court. *See Johnson v Johnson, 385 F.3d 503 (2004).*

20. The matter was forwarded to the State Police and the Prosecutor who declined to prosecute. *Id.*

21. The incident report shows that the Officers reacted and followed the guidance in policy. *See attached Ex. B.*

22. The Inmate did not have any enemy alerts, and in fact this may have stemmed from this Inmates own precautions. *See attached Ex C.*

23. Inmate Jackson was moved to the [REDACTED] so both Inmates are apart for one another.

24. The Inmates wounds were not life threatening. *See attached Ex D.* The Inmate was treated for lacerations (cuts) to his back, not puncture wounds. *See attached Ex E.*

25. The inmate has filed a complaint that he knows is in bad faith and not supported by the facts. The Commission should award the ADC fees and costs for having to respond to this baseless complaint.

26. This same claim, if presented to a court of general jurisdiction would, as a matter of law, be dismissed.

27. “The commission shall make no award for any claim which, as a matter of law, should be dismissed from a court of law or equity for reasons other than sovereign immunity.” Ark. Code Ann. § 19-10-204(3)(A) (West Supp. 2015). “Specifically, if the facts of a given claim would cause the claim to be dismissed as a matter of law from a court of general jurisdiction, then the commission shall make no award on the claim.” Ark. Code Ann. § 19-10-204(3)(B) (West Supp. 2015). The claimant has not been damaged and only makes mere assertions that he has been damages. Without damages a Court would dismiss the claim in its entirety.

WHEREFORE, the Respondent prays that the motion be granted and the complaint dismissed; for their attorney’s fees and costs; and all other just and proper relief to which they may be entitled.

Respectfully submitted,



Thomas Burns (02006)  
Legal Department  
Division of Correction  
6814 Princeton Pike  
Pine Bluff, AR 71602  
(870) 267-6845 Office  
(870) 267-6373 Facsimile  
thomas.burns@arkansas.gov

**CERTIFICATE OF SERVICE**

I certify that a copy of the above pleading has been served this 22<sup>nd</sup> day of February 2022, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Darrell Williams [REDACTED]  
[REDACTED]



Thomas Burns

Name: Williams, Darrell K.

ADC #: [Redacted]

# Inmate Grievance

Tuesday February 22, 2022 08:41:38 AM

Received Date*	11/04/2019	Received Time*	02:42:55 PM
Grievance #:	[Redacted]-02685	Incident Date:	10/24/2019
Original Date Prepared by Inmate*:	10/27/2019		
Facility*:	[Redacted]		
Zone*:	Zone 3		
Location*:	Cellblock 7		
Shift:			
Grievance Officer*:	Perry, Brenda F		
Grievance Category*:	Complaints against Staff(800)		
Grievance Type*:	803-Other Complaints Against Staff		
Significance*:	Non-Emergency	Referred To Group*:	Warden
Has Merit:	Yes	Due Date:	12/05/2019
Appeal Has Merit:	No		

## Geocode Grievance

(y/c) On 10-23-19 to 10-24-19 at approx. 12:15am I was being escorted from Max 5 shower call to my assigned cell Max 711 by Cpl. C. Jones and COI. T. Hollowell, when Inmate Carl Jackson ADC# unknown exited Max 7 showers#2 a shower with a defective locking mechanism ran up to me and stabbed me in my back 6-times as I stood in front of my assigned cell Max 711, resulting in a hospital visit and 13 stitches in my back. Cpl. C Jones and COI T. Hollowell failure to follow Max, ADC Restrictive Housing AD-SEG policy was directly responsible for this inmate stabbing me as follows [Redacted] security restrictive housing AD-Seg policy specifies that before \*\*\*\* to an inmate leaving his cell for shower call, he is to be strip searched, his well soap dish, shower shoes are to be searched for shower call and anytime he exits his cell period. This ADC Restrictive housing policy Max AD-Seg. policy and Cpl. C Jones and C.OII Hollowell failure to follow this policy, directly resulted in me being stabbed. Inmate C. Jackson was wearing tennis shoes and had a knife, which was recovered at the scene, when he exited the defective Max 7-shower #2 to stab me.

### Staff Named (1 - 2 of 2)

Staff Name	Facility Name	Job Title	Involvement
Jones, Cleveland	[Redacted]	Corporal	Neglect of inmate's needs
[Redacted]	[Redacted]	Corporal	Neglect of inmate's needs

### Scanned Documents

Type	Date Scanned	Title	Source	Privacy Level
Inmate Grievance	11/04/2019	[Redacted]	Investigator	Sensitive Information
Inmate Grievance	11/04/2019	[Redacted]	Investigator	Sensitive Information

### Actions Taken (1 - 10 of 10)

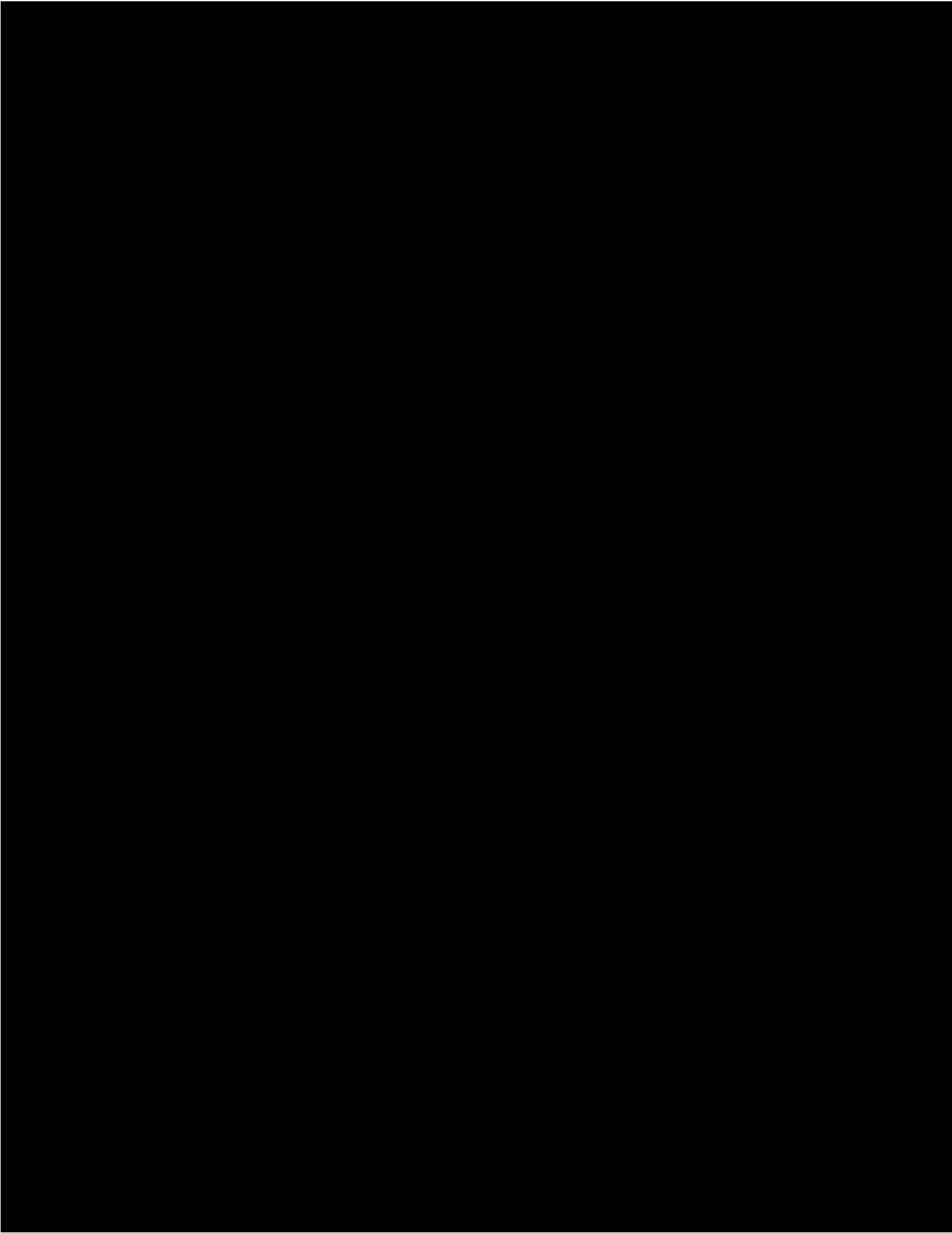
Date	Time	Action Type	Staff	Comments
<u>01/23/2020</u>	04:28 PM	Appeal Denied	Straughn, William F	
<u>01/22/2020</u>	03:37 PM	Appeal Forwarded To	Straughn, William F	
<u>01/08/2020</u>	12:57 PM	Acknowledge Grievance Appeal	Straughn, William F	

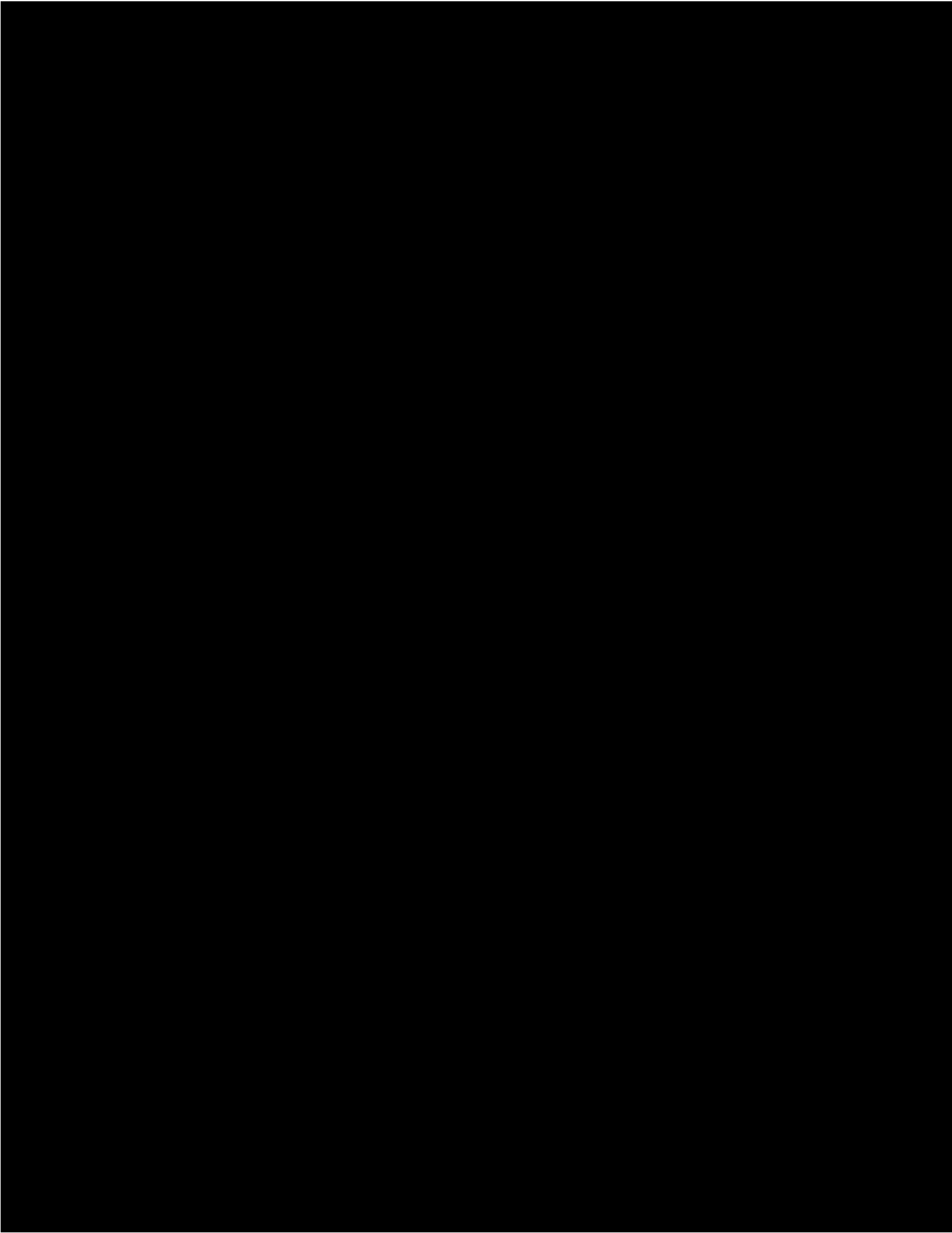
<a href="#">01/03/2020</a>	12:57 PM	Appealed by Inmate	Jones, Mary S	
<a href="#">01/03/2020</a>	11:43 AM	Warden Responded	Lay, Rex G	Date: 01/3/20 --- Time: 11:44:11 AM --- User: B. Perry (PB-4)
<a href="#">01/02/2020</a>	04:30 PM	Forwarded to Warden for Signa.	Lay, Rex G	
<a href="#">12/04/2019</a>	10:10 AM	Extension Form Sent	Lay, Rex G	
<a href="#">11/04/2019</a>	03:34 PM	Investigation Assigned	[REDACTED]	
<a href="#">11/04/2019</a>	03:34 PM	Investigation Assigned	Jones, Cleveland	
<a href="#">11/04/2019</a>	03:32 PM	Acknowledged Grievance	[REDACTED]	Same issue as [REDACTED]-02636 Refer to Incident # 2019.10-323

<b>Status</b>		
Status*: Appeal Denied	As of Date*: 01/23/2020	<a href="#">Status History</a>

[Prior Page](#)

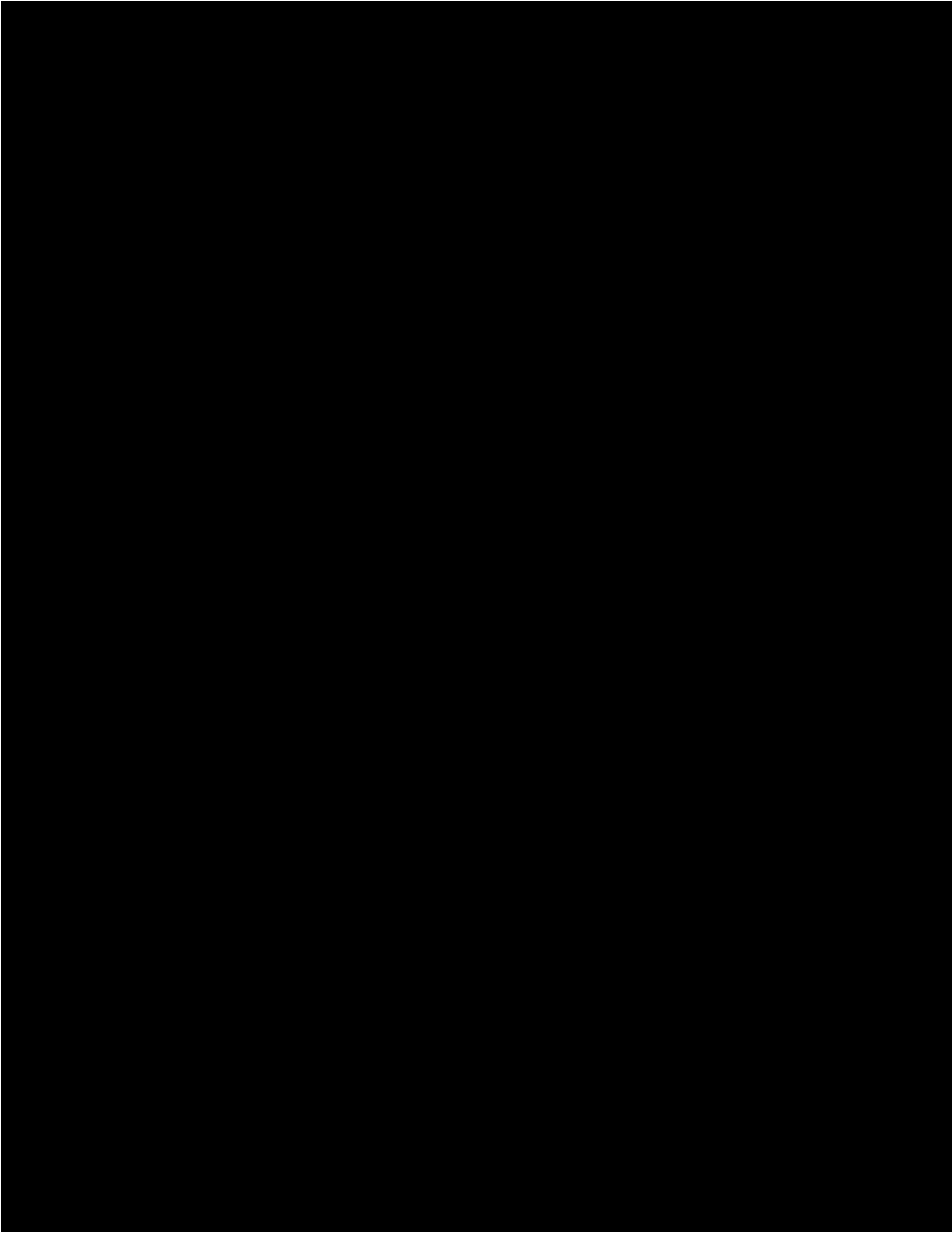
[Show Last Updated Information](#)



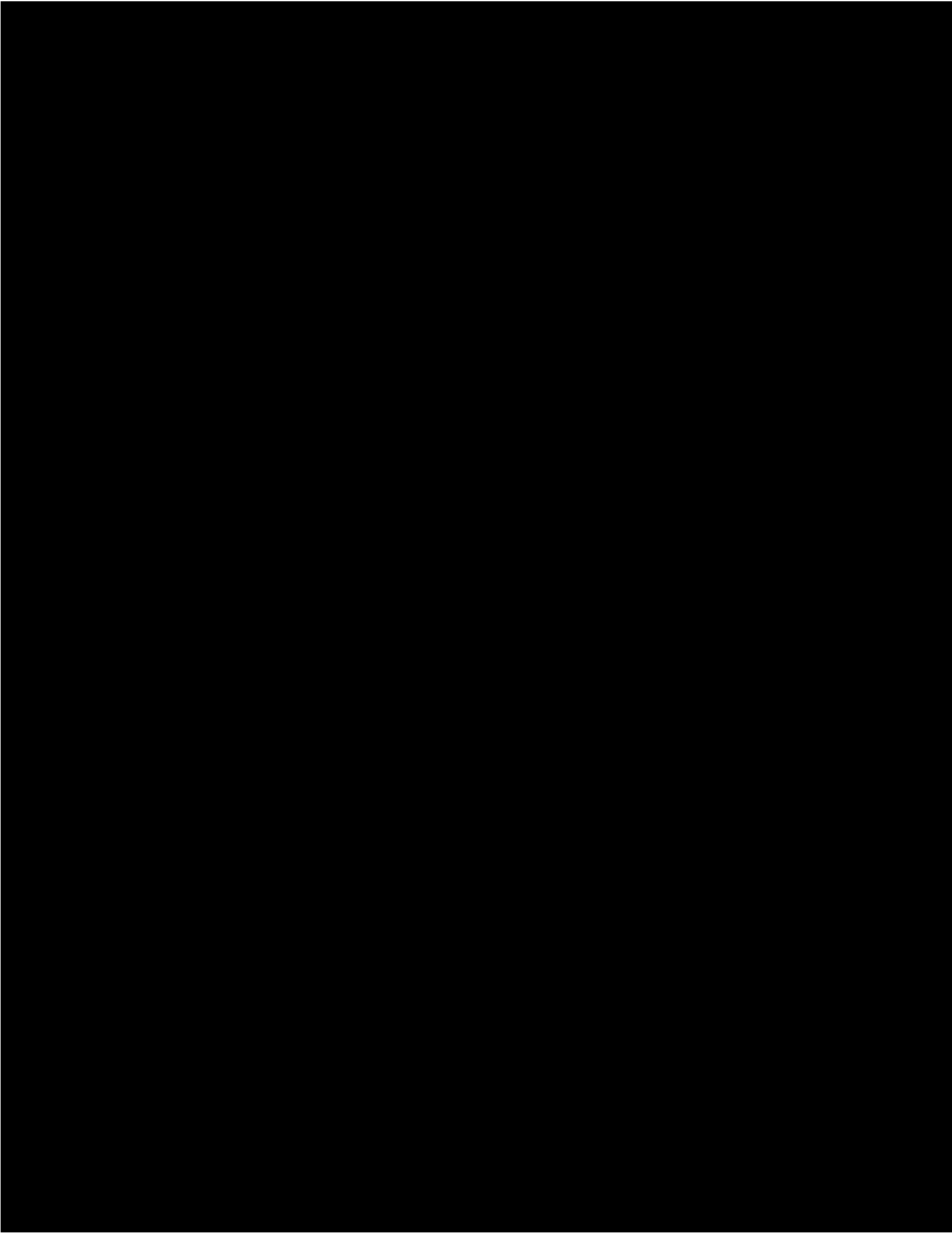


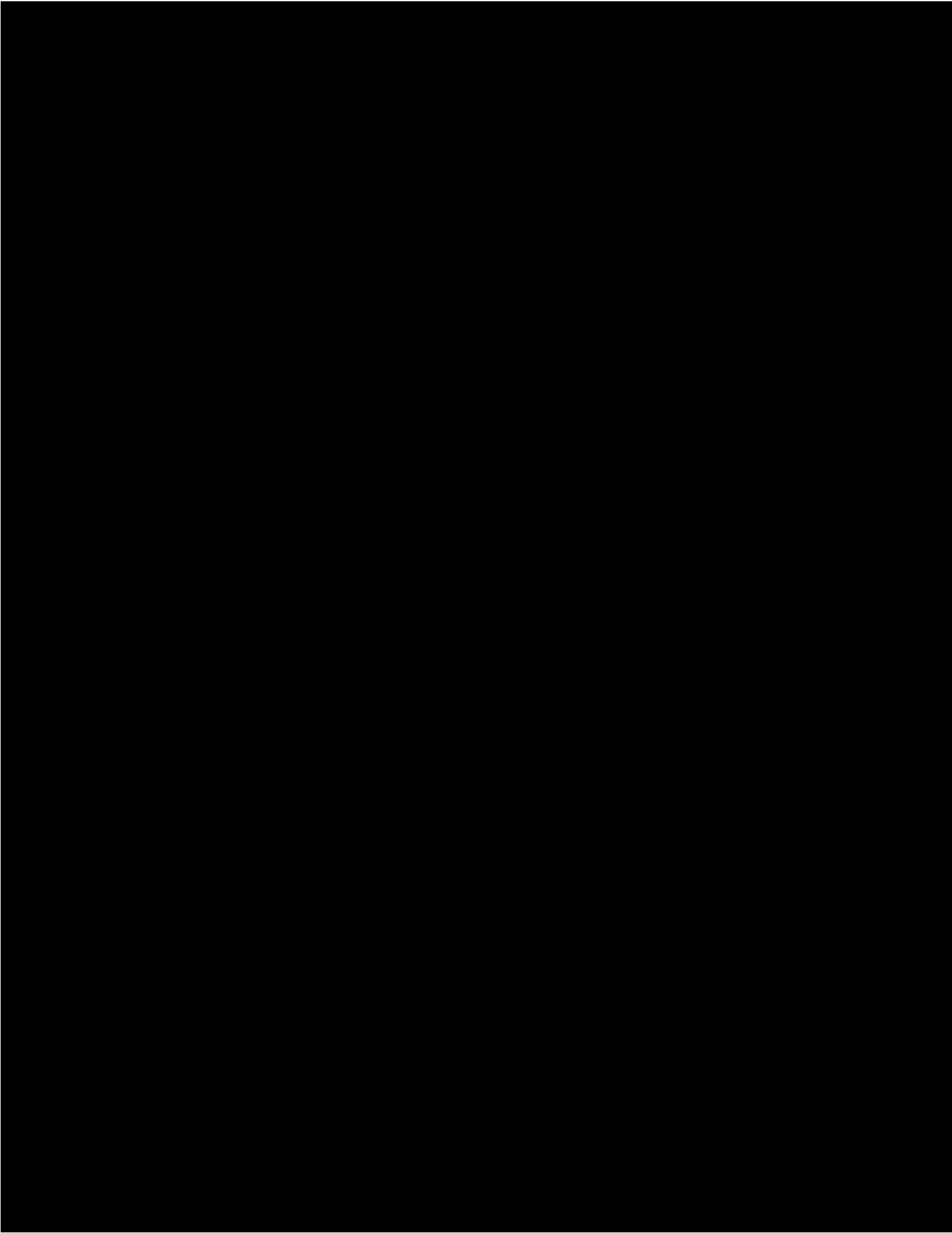


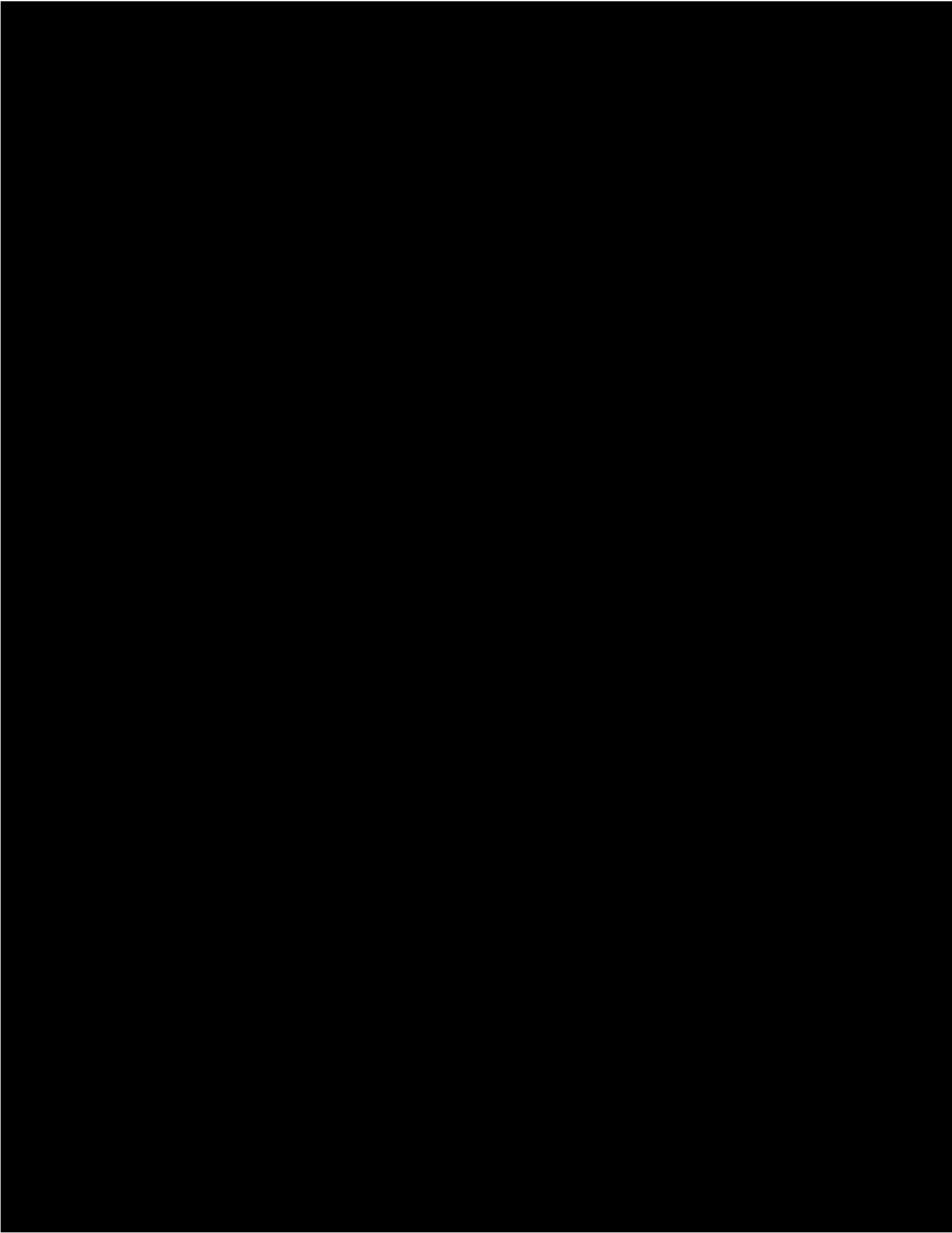


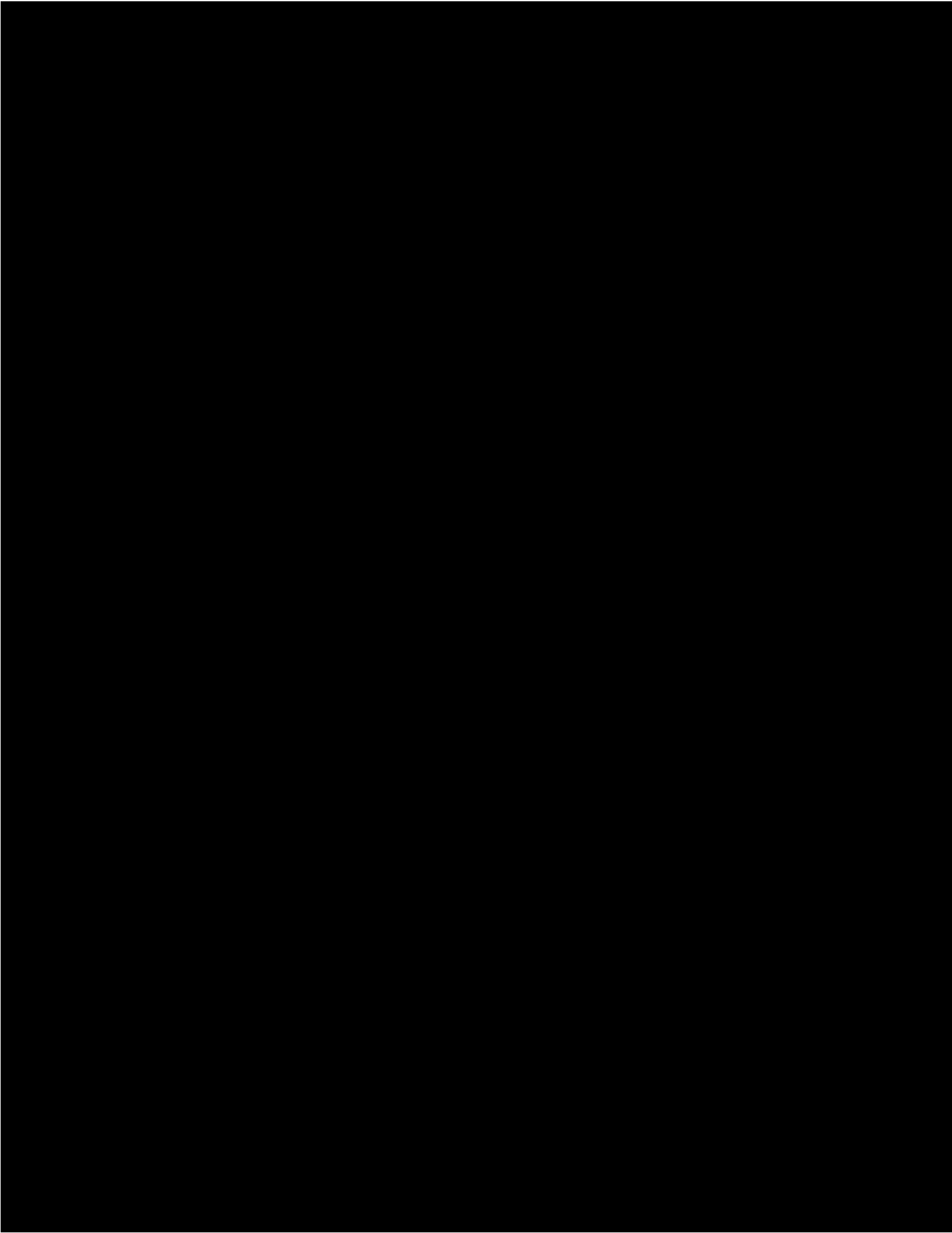


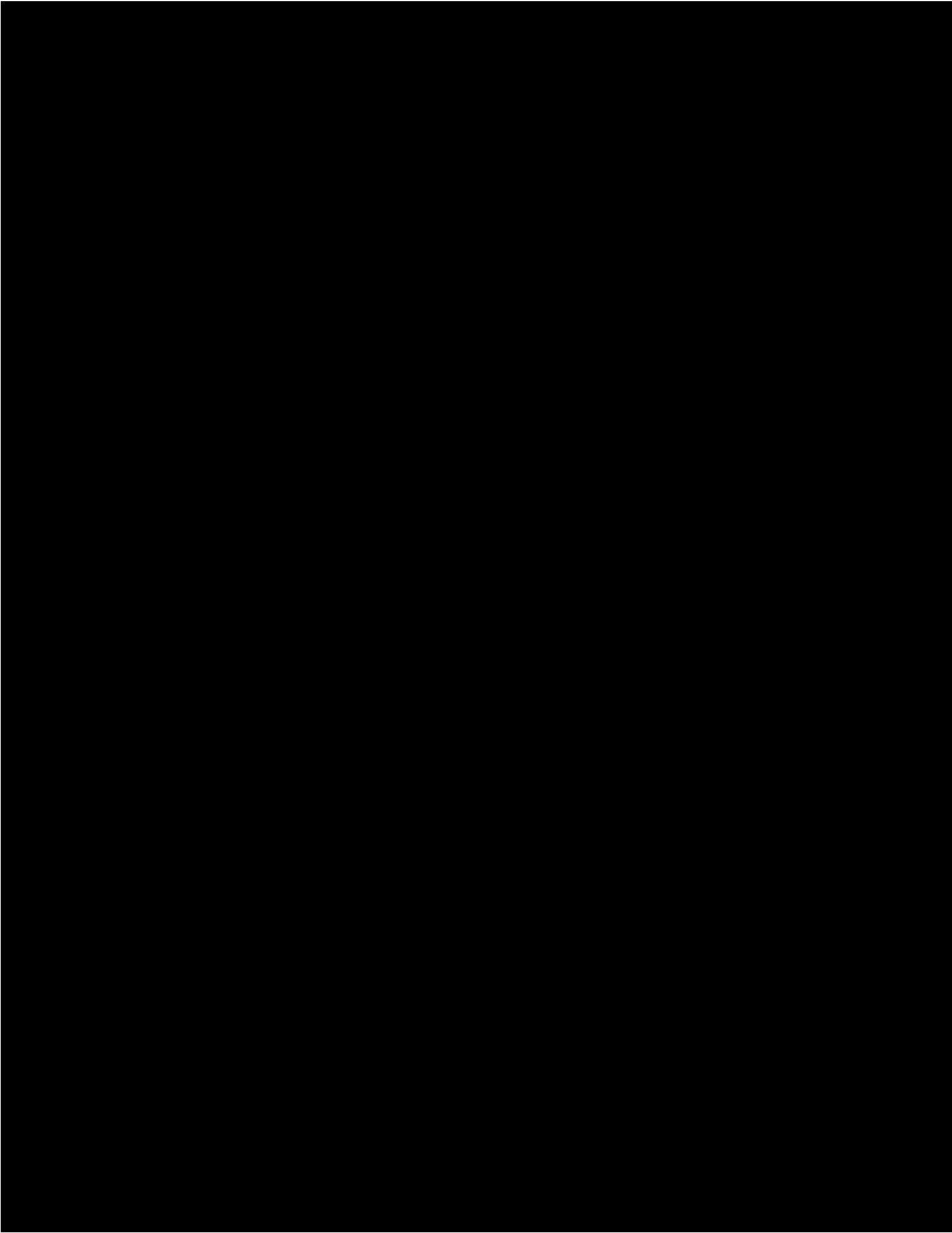


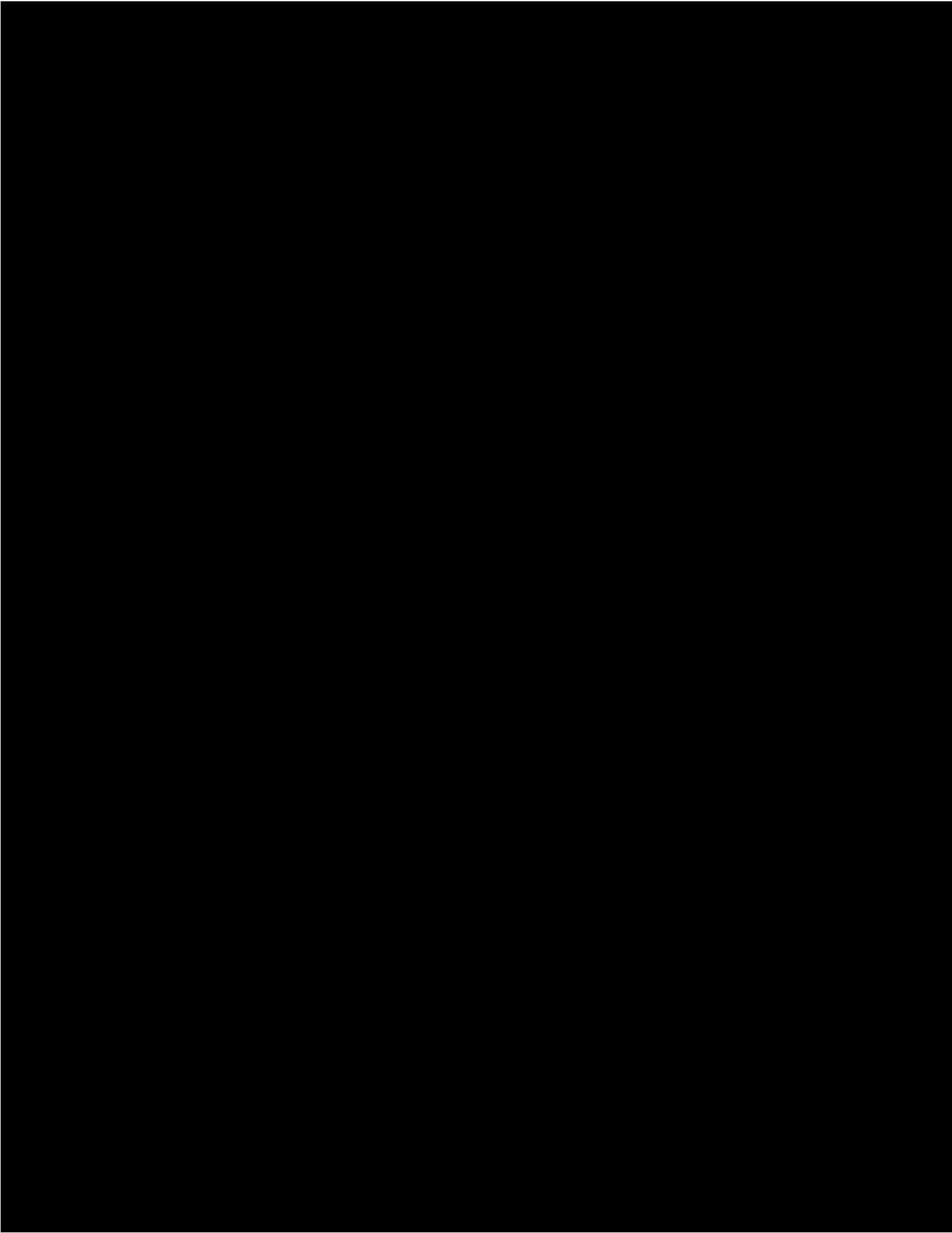


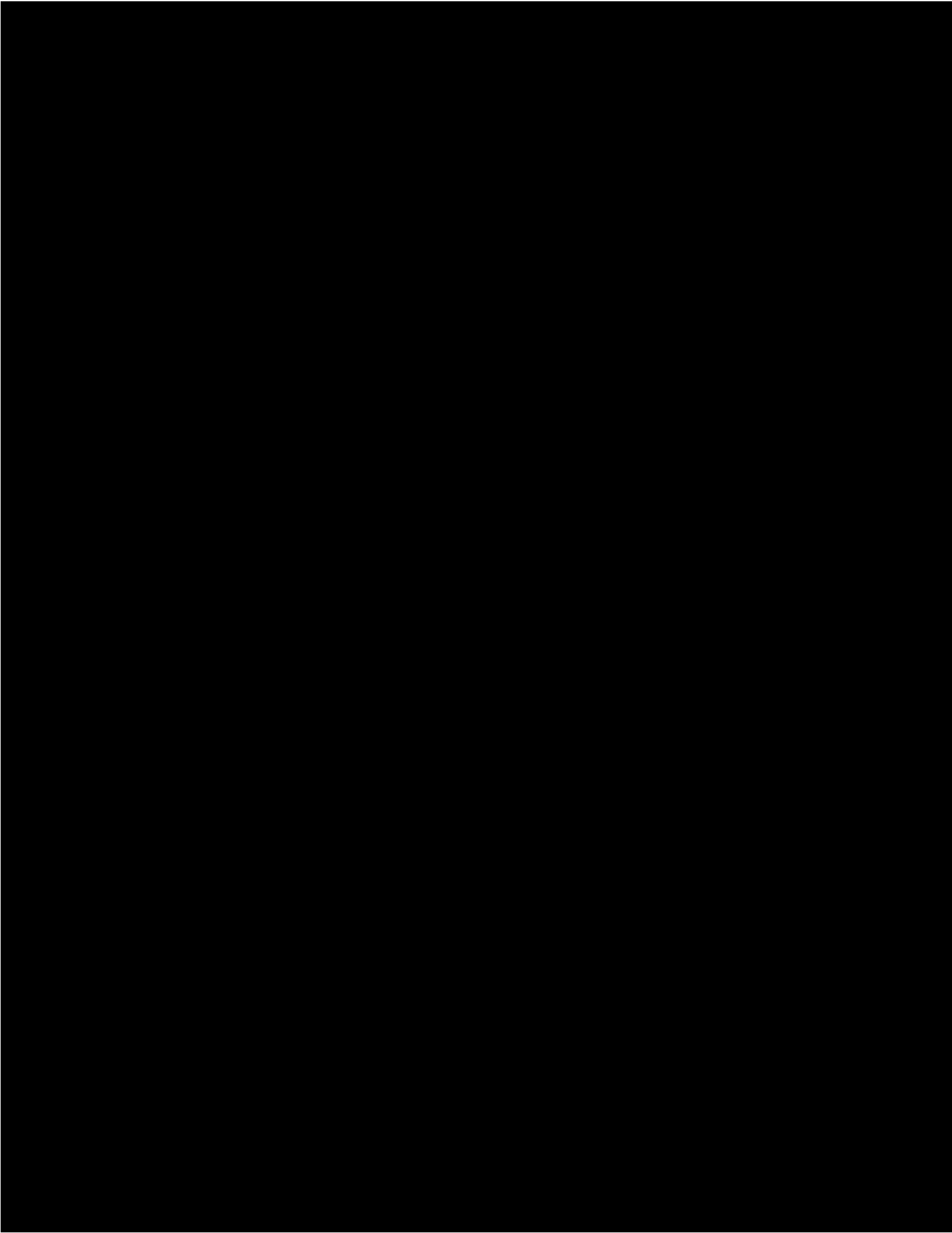


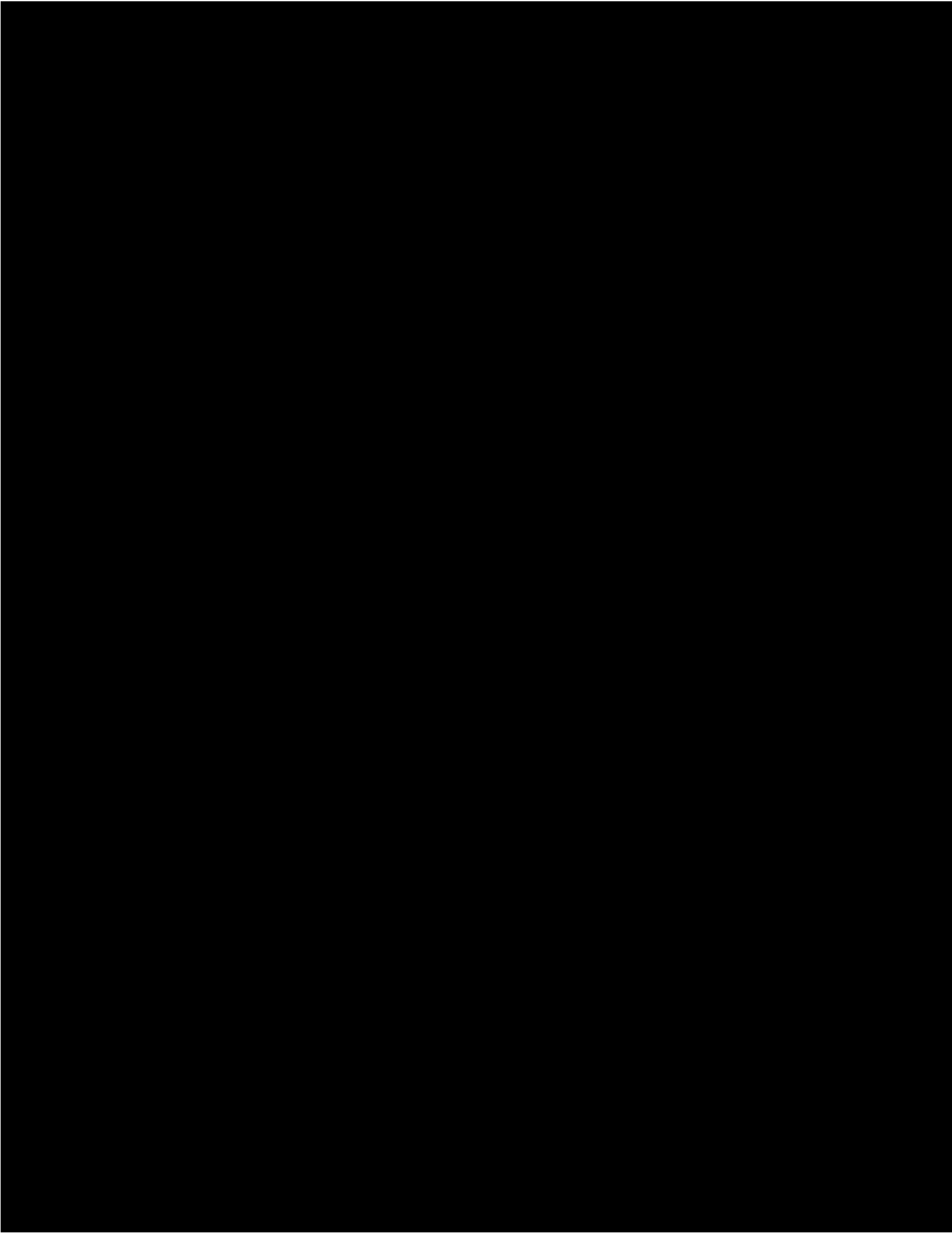


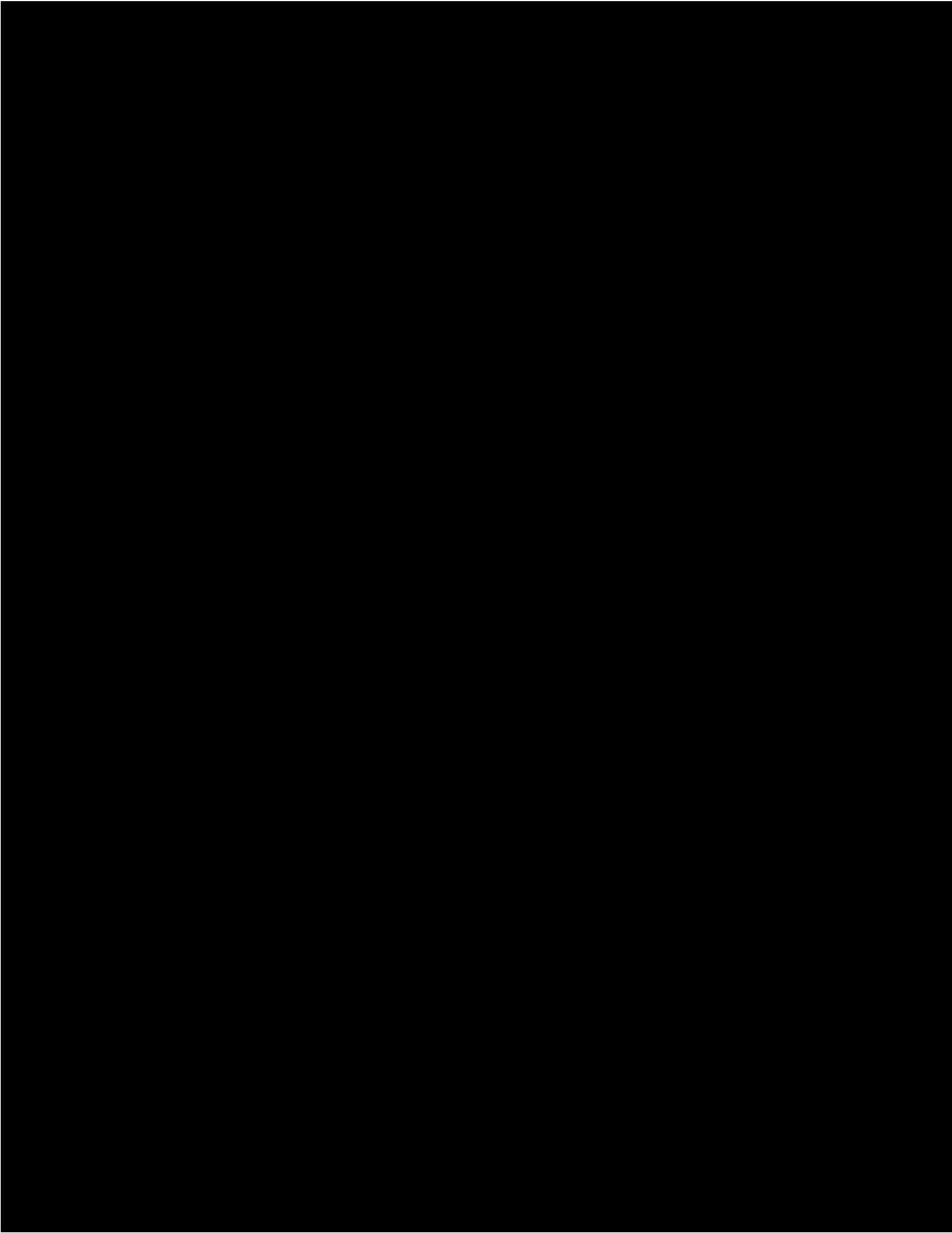




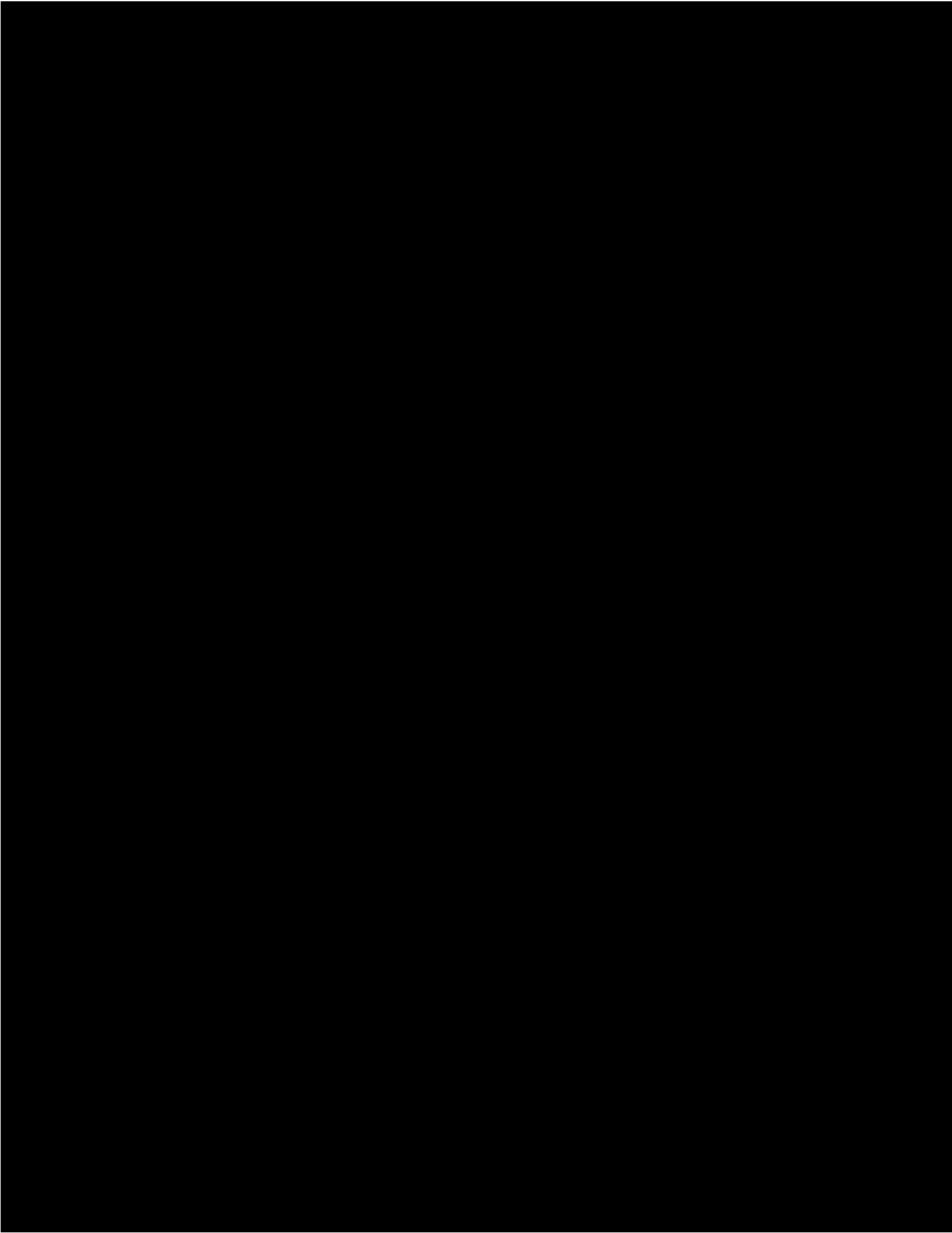


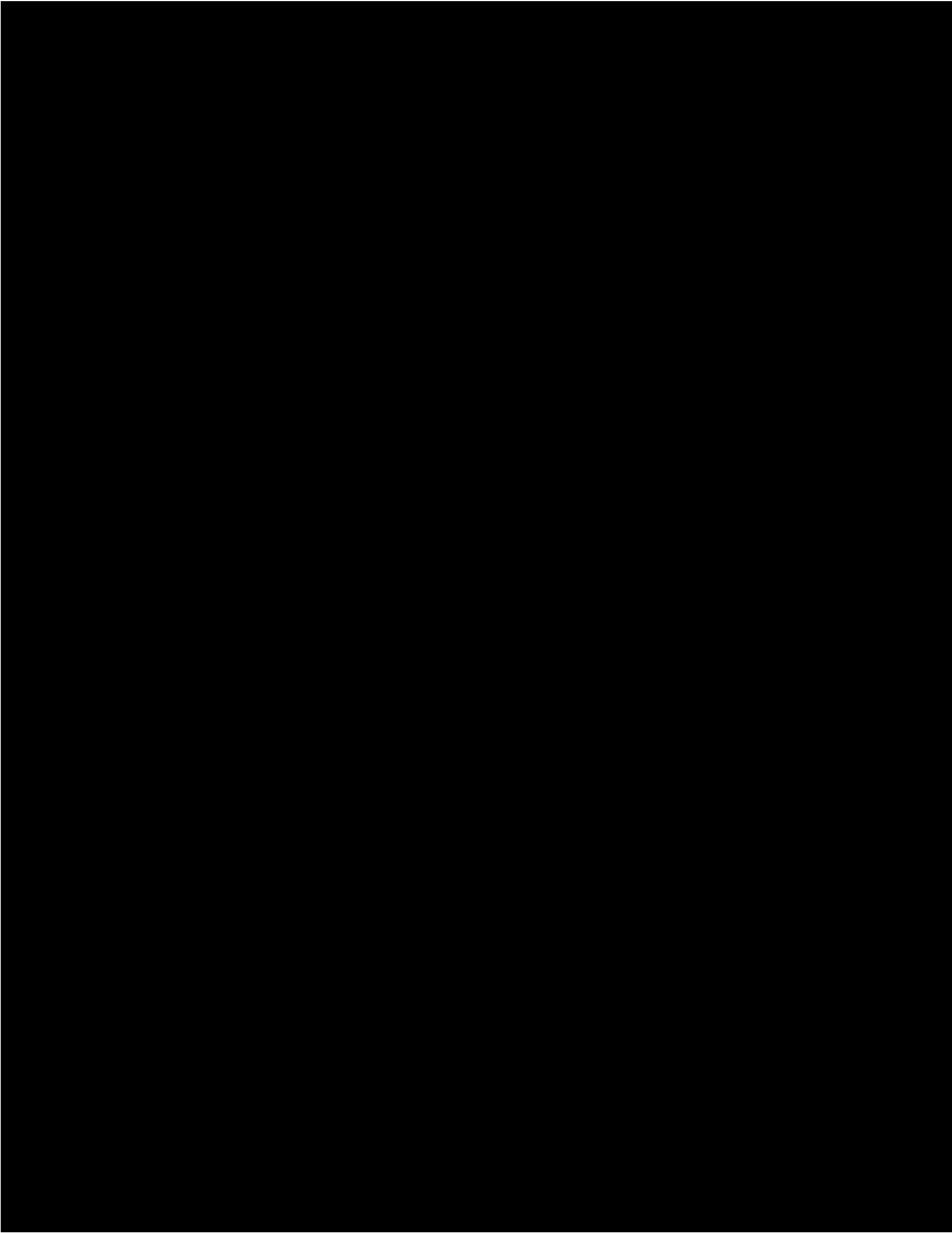


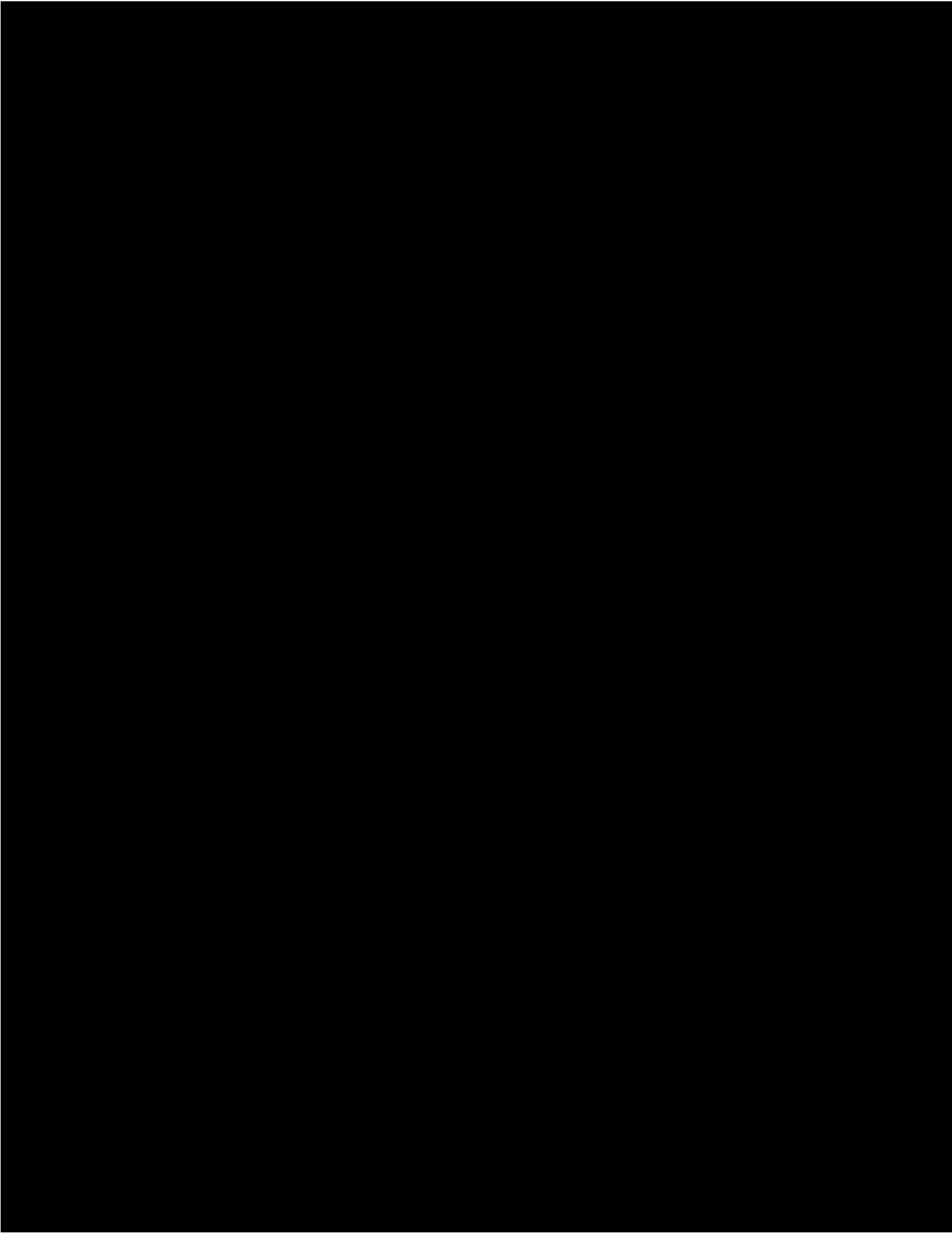


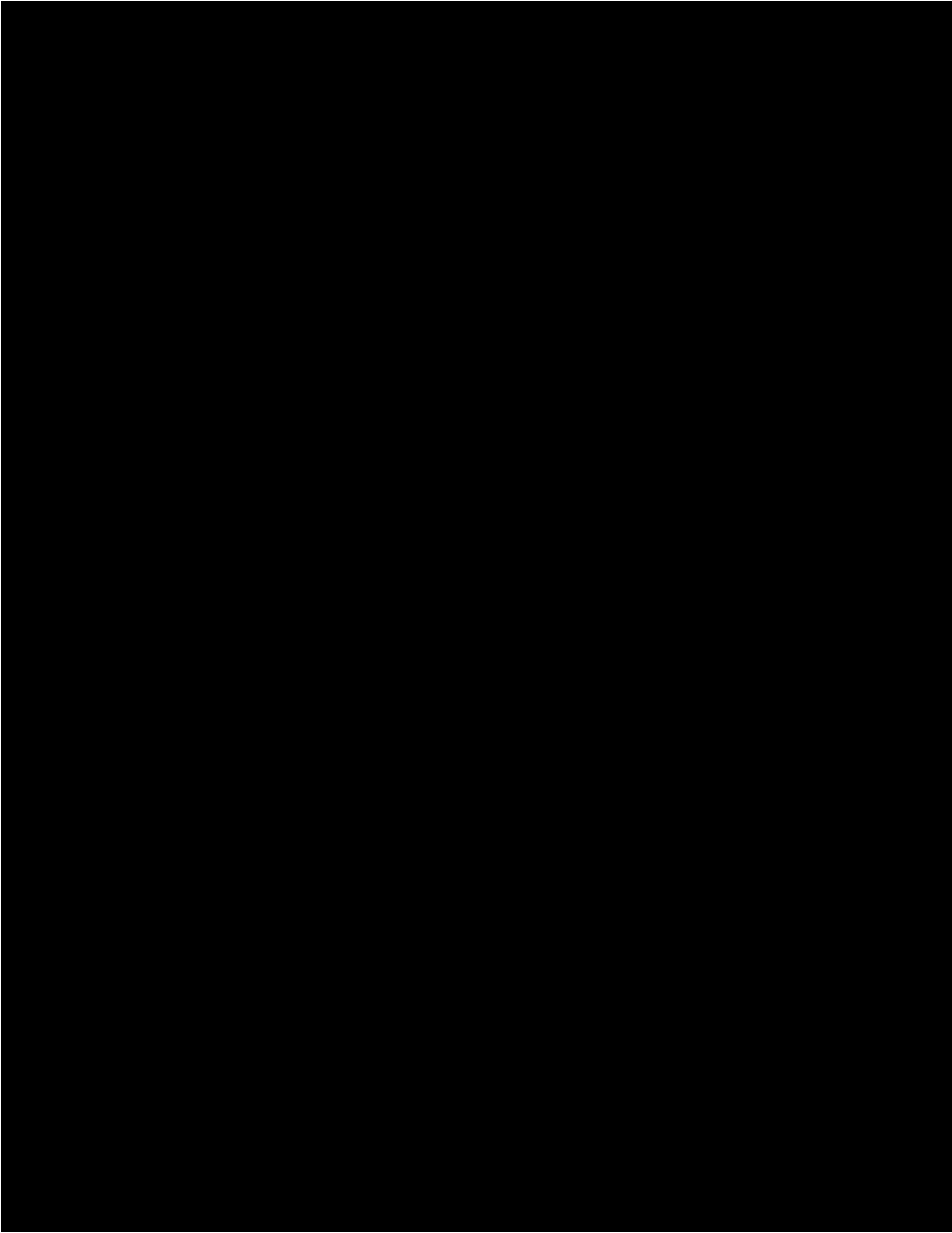


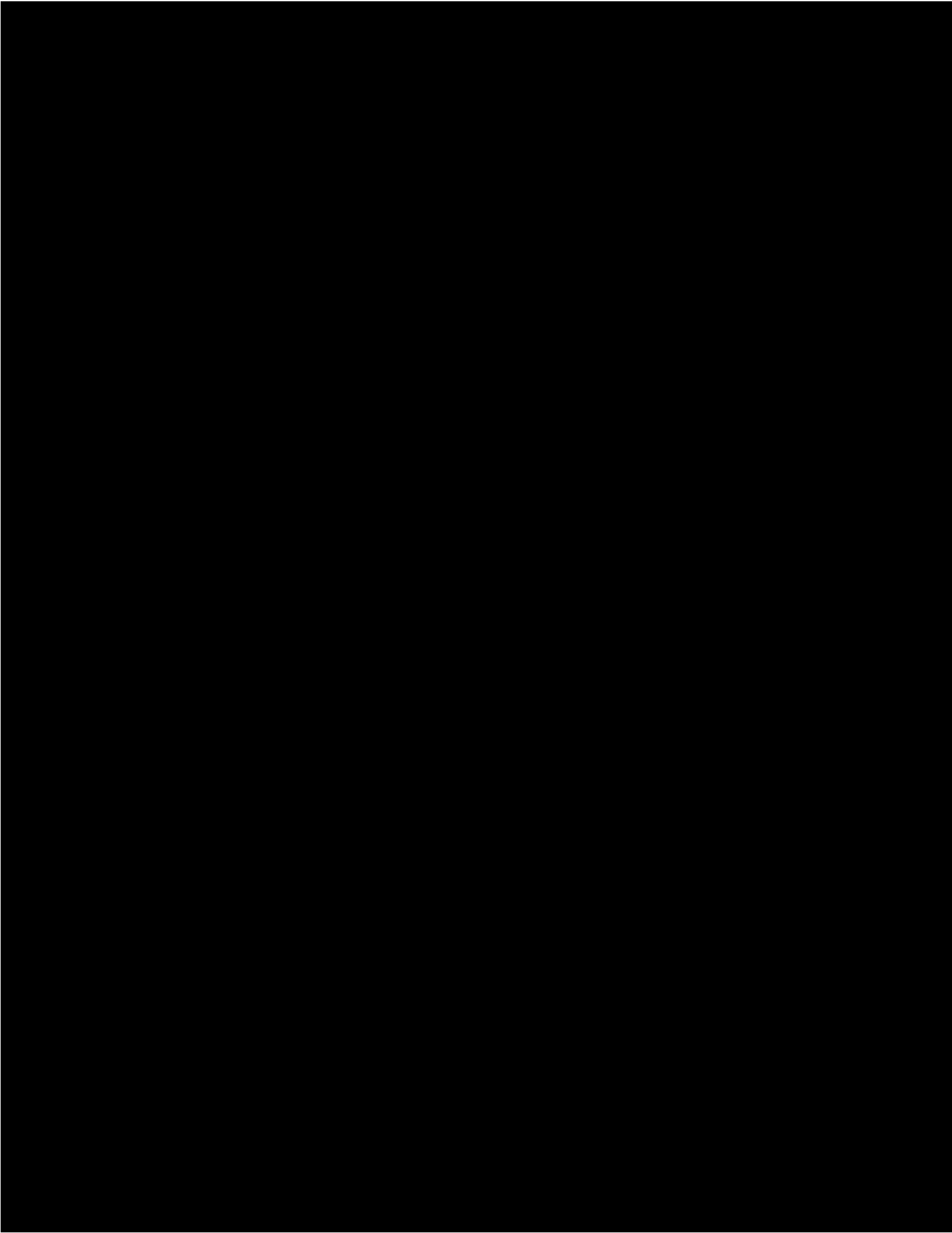


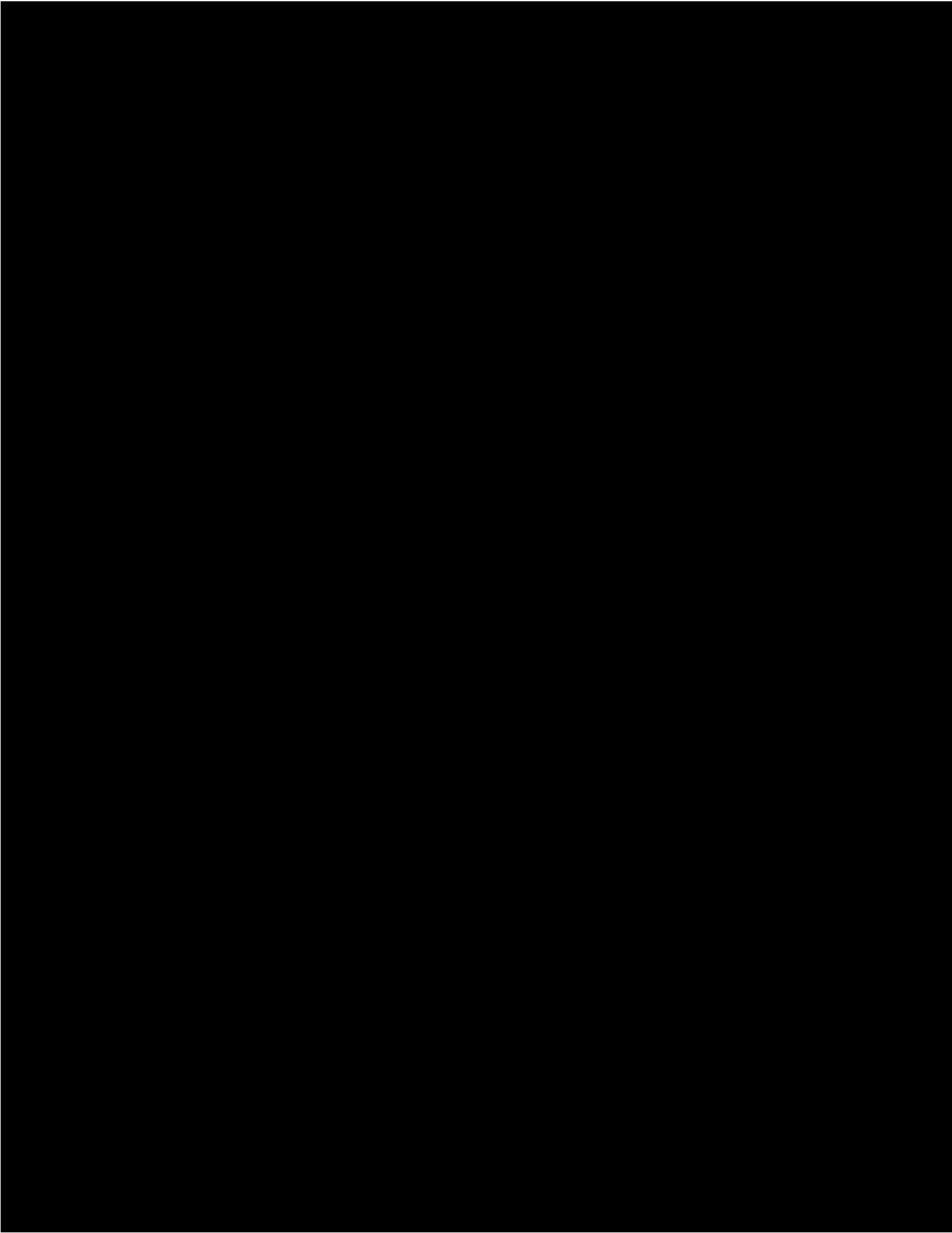


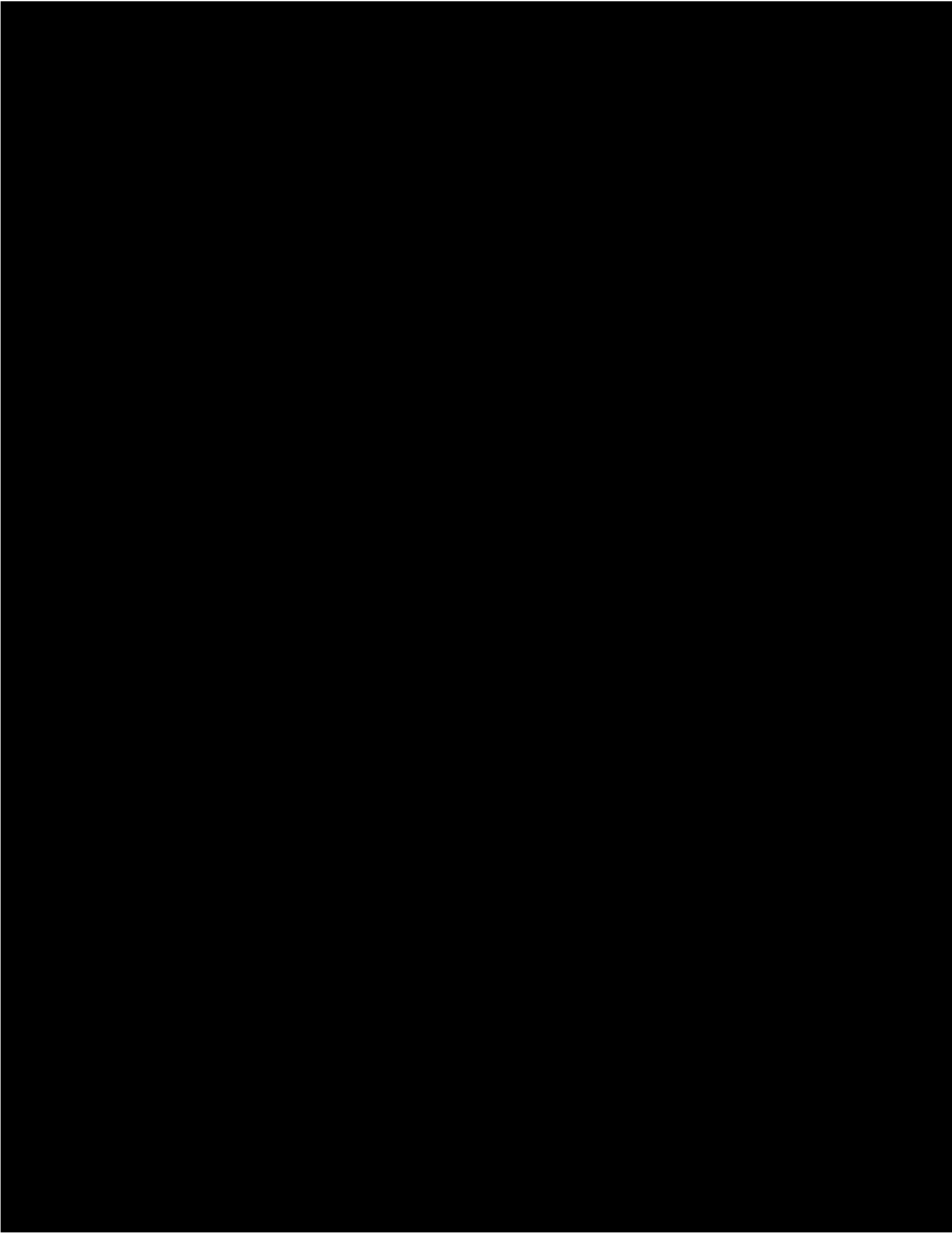


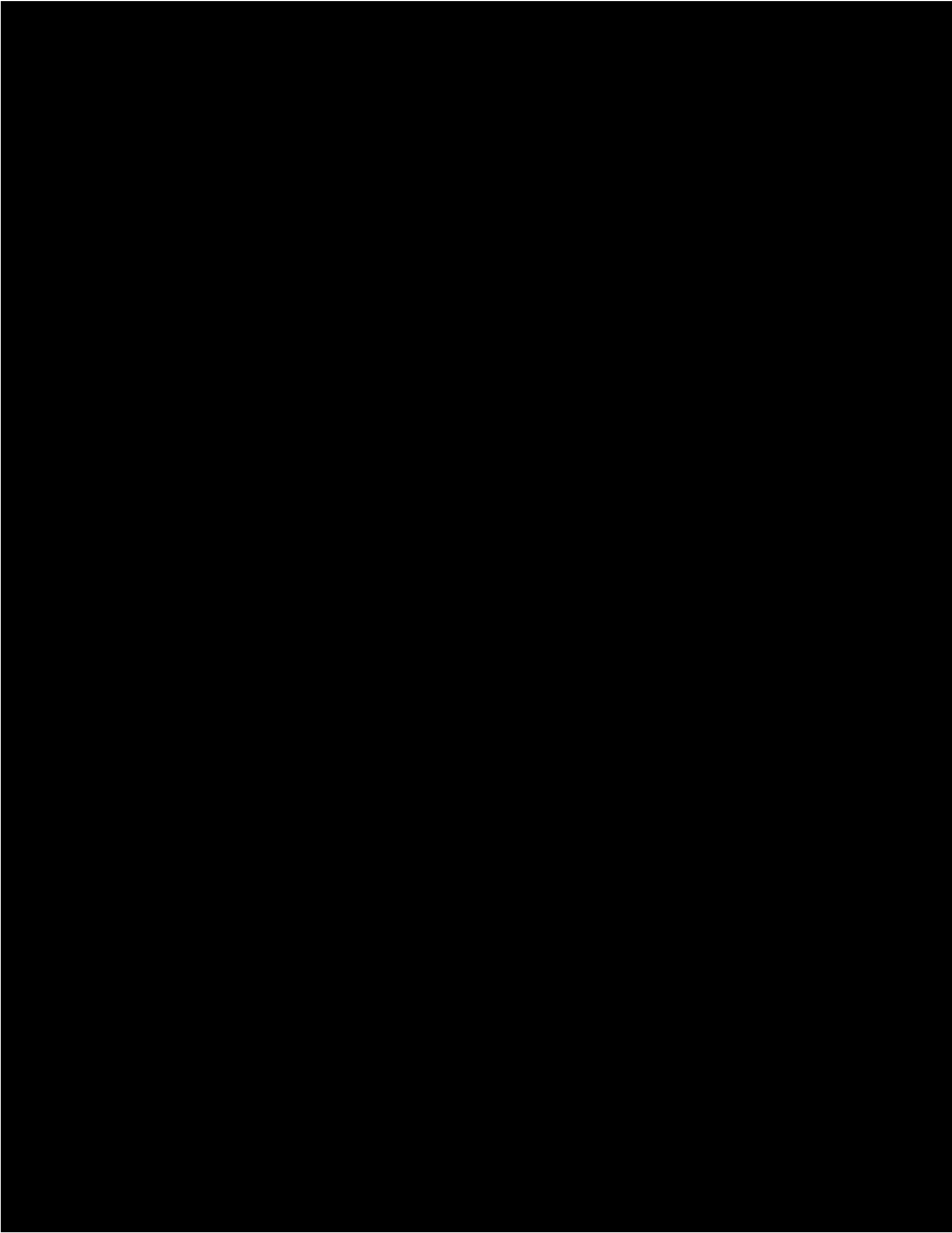


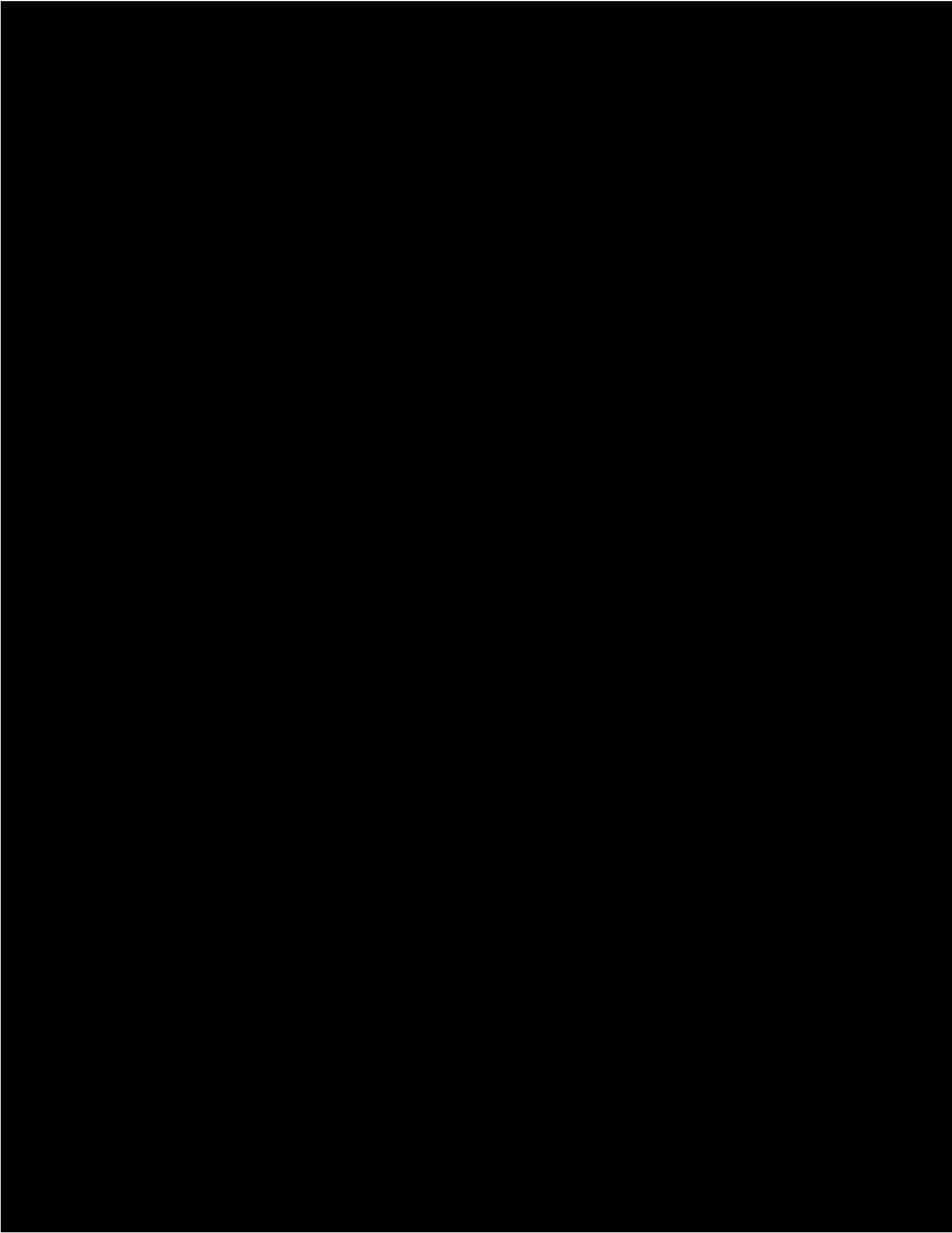


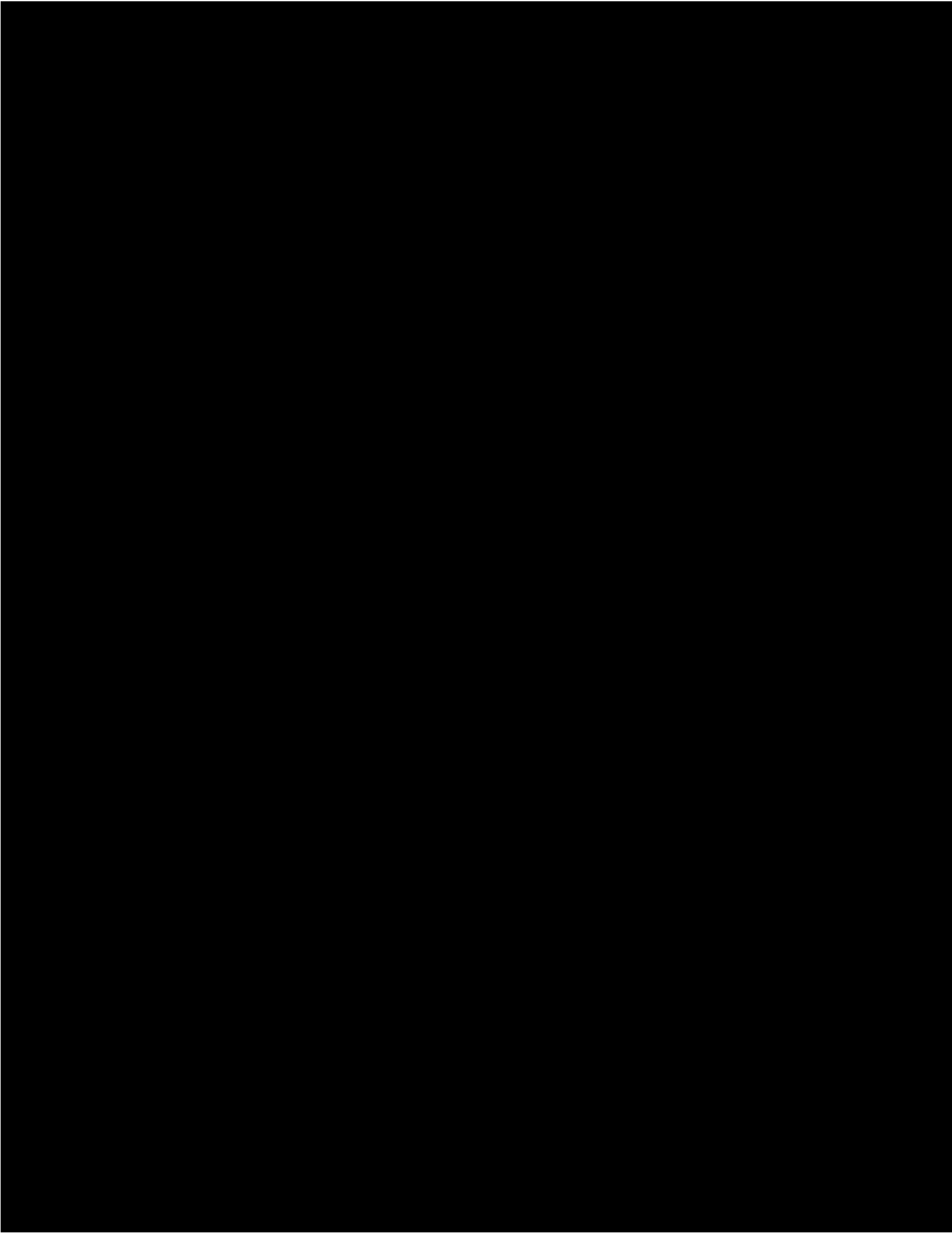


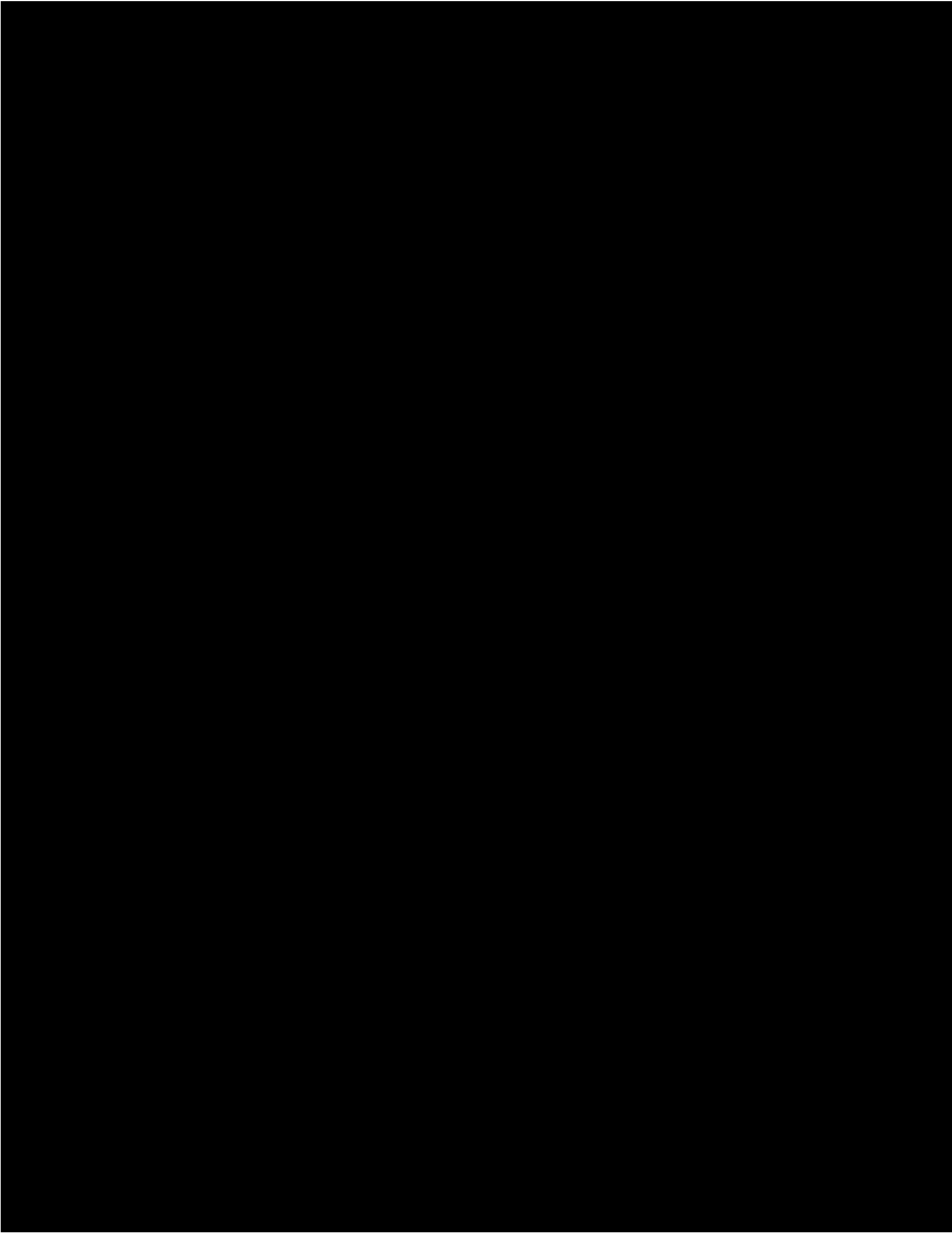


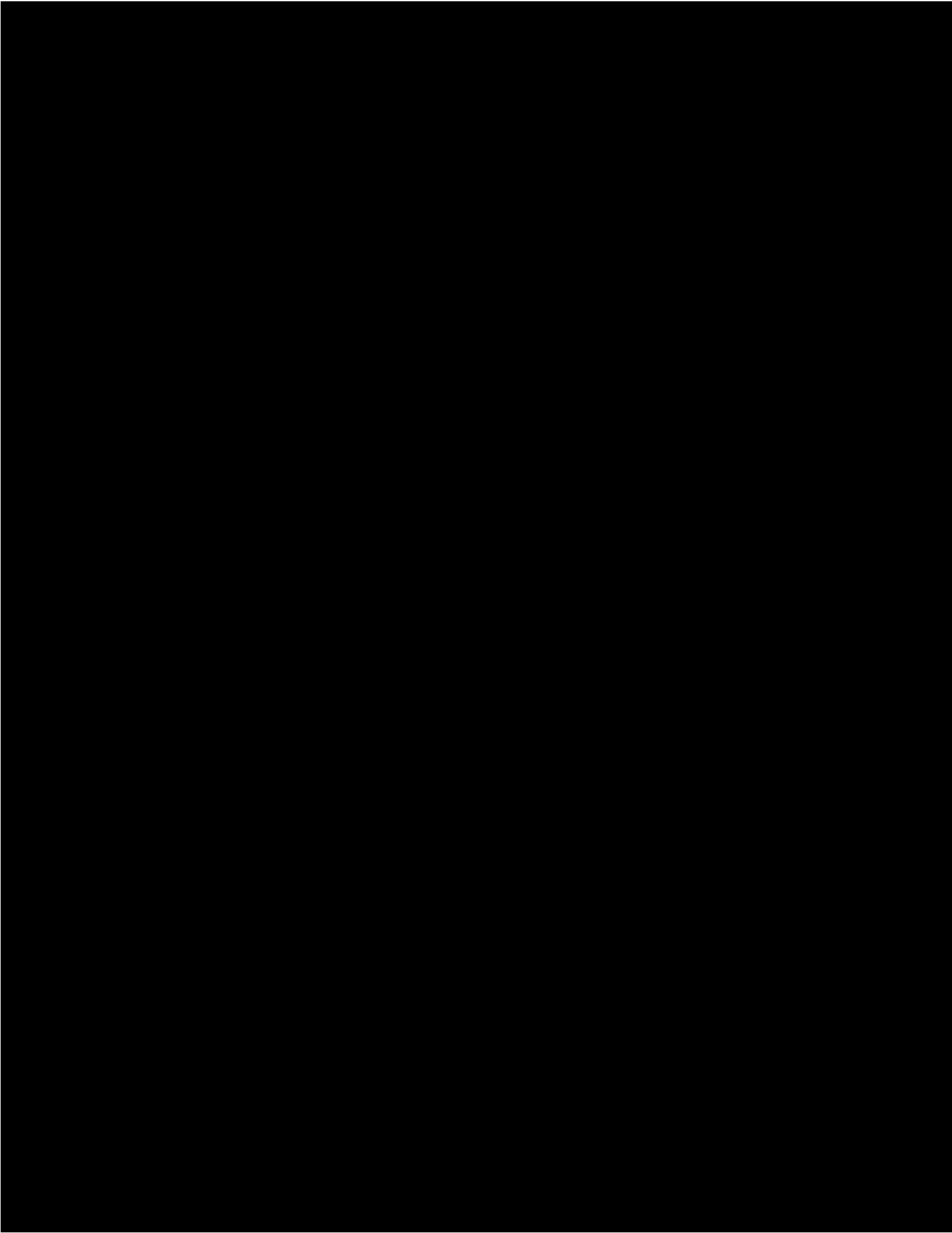


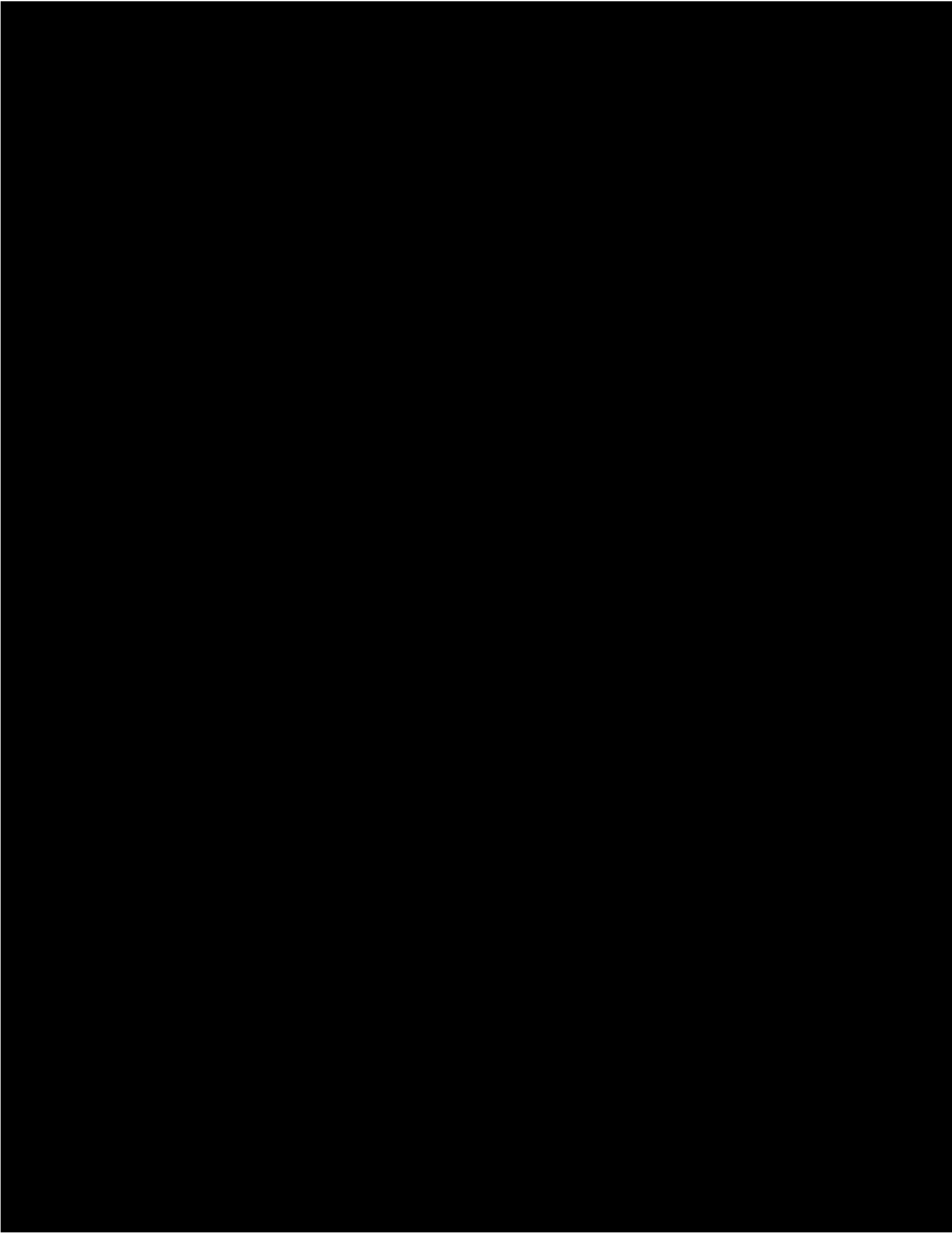


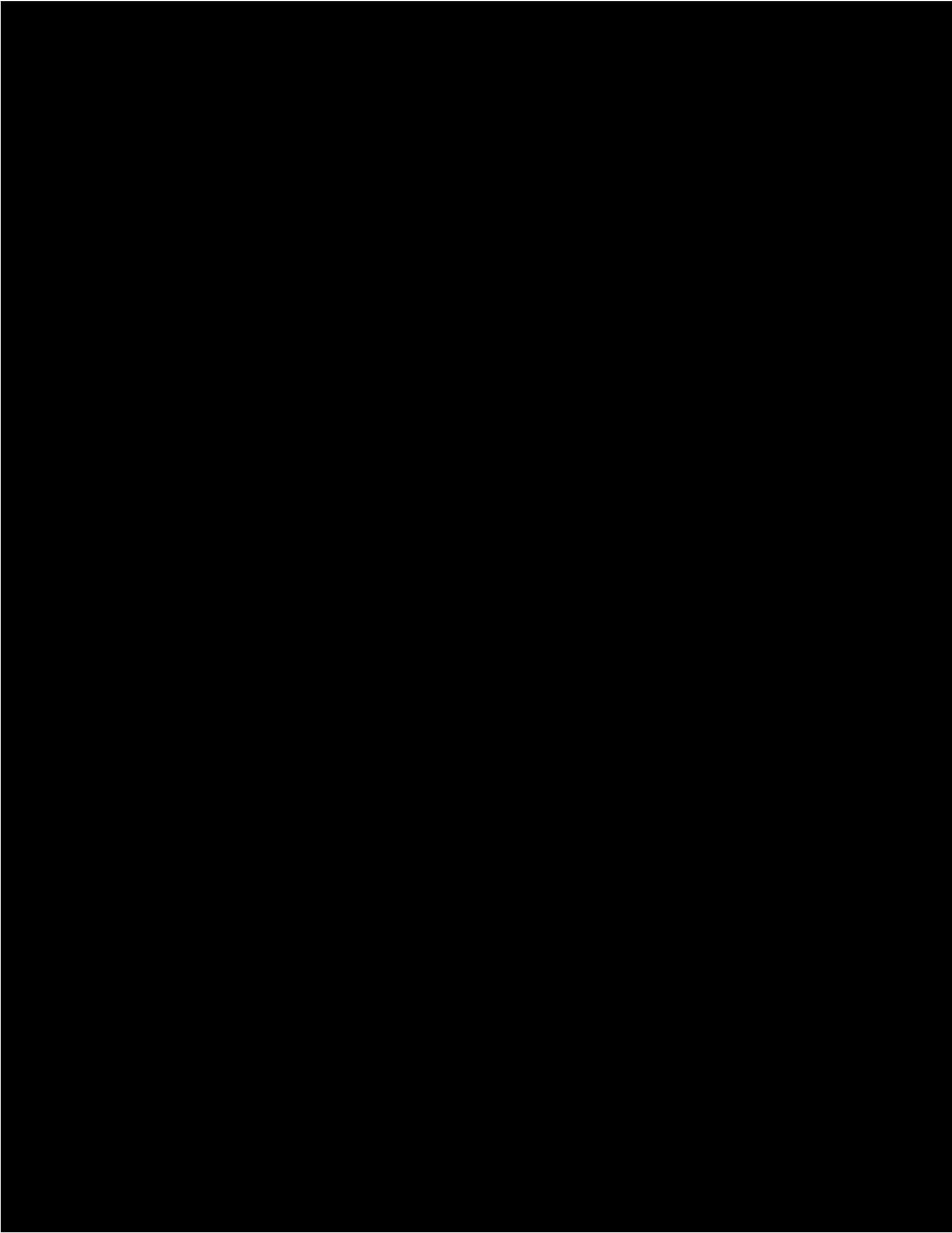


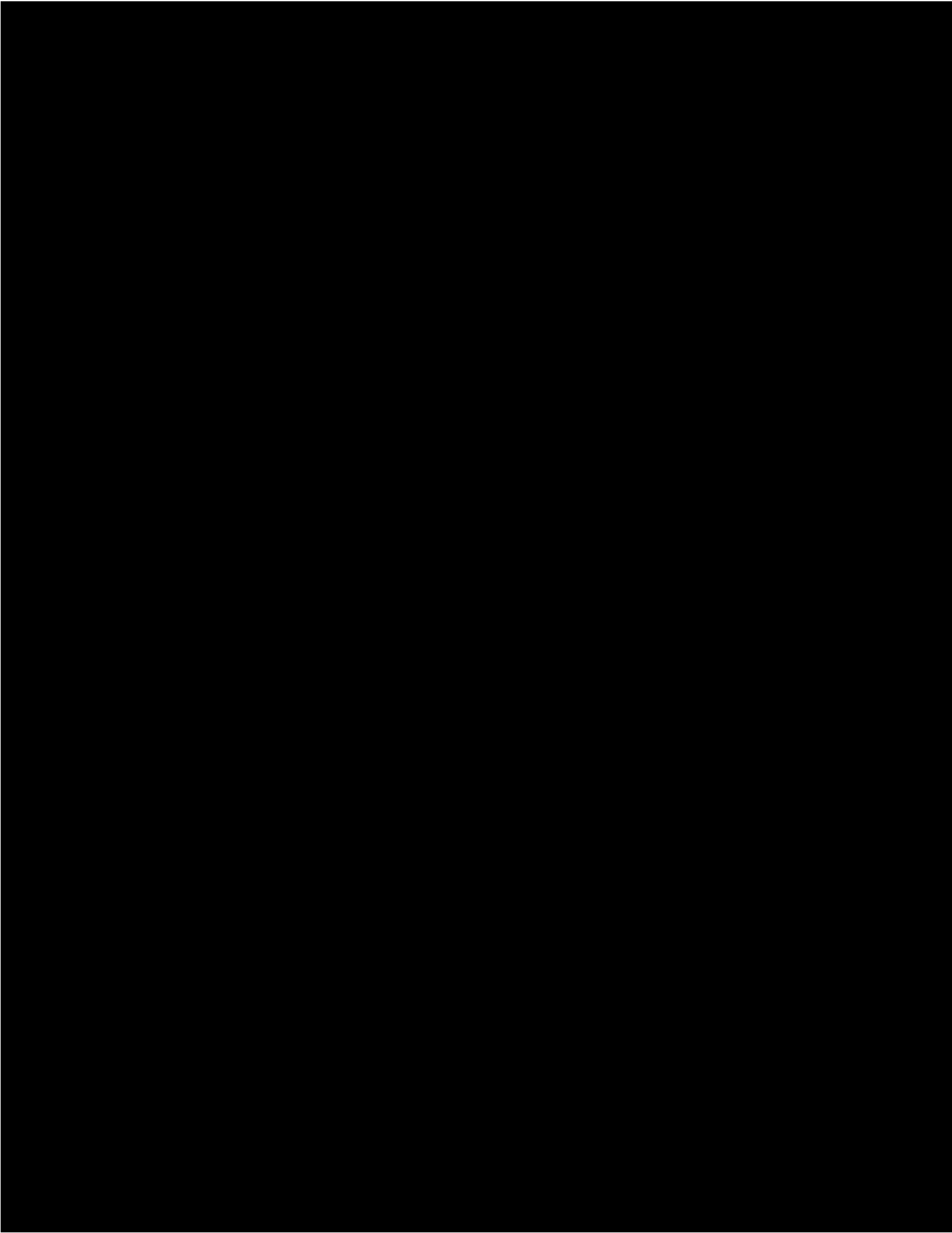


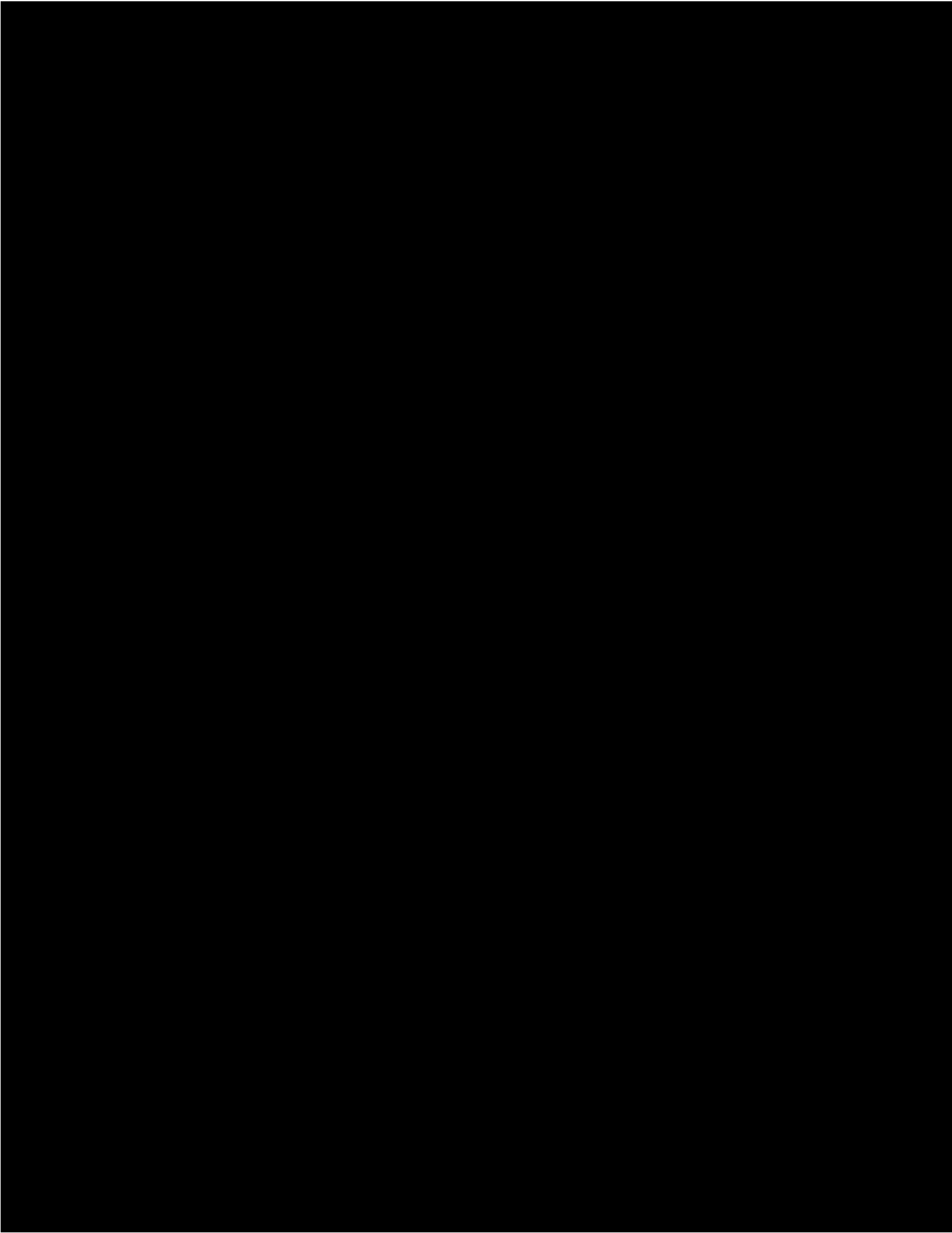


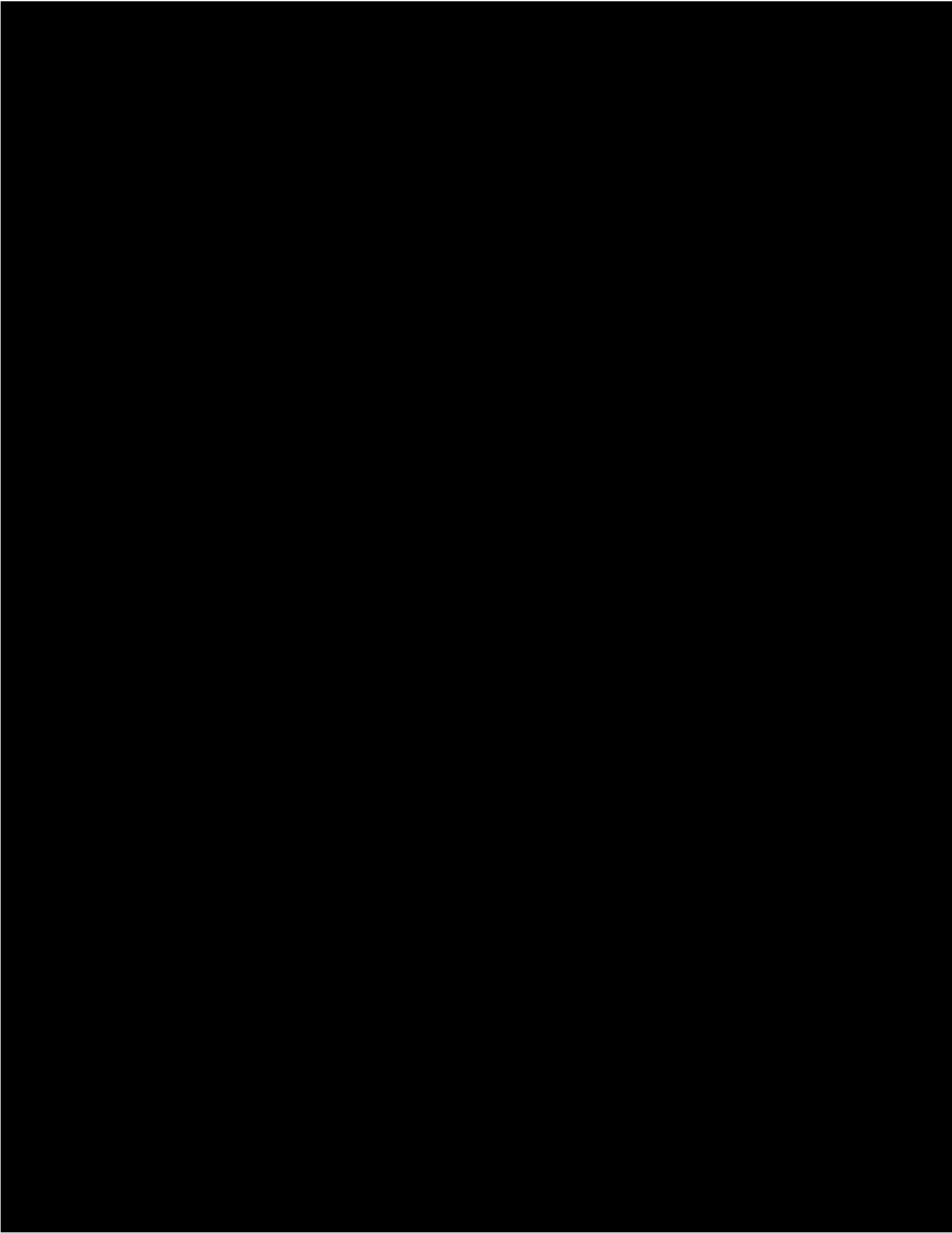








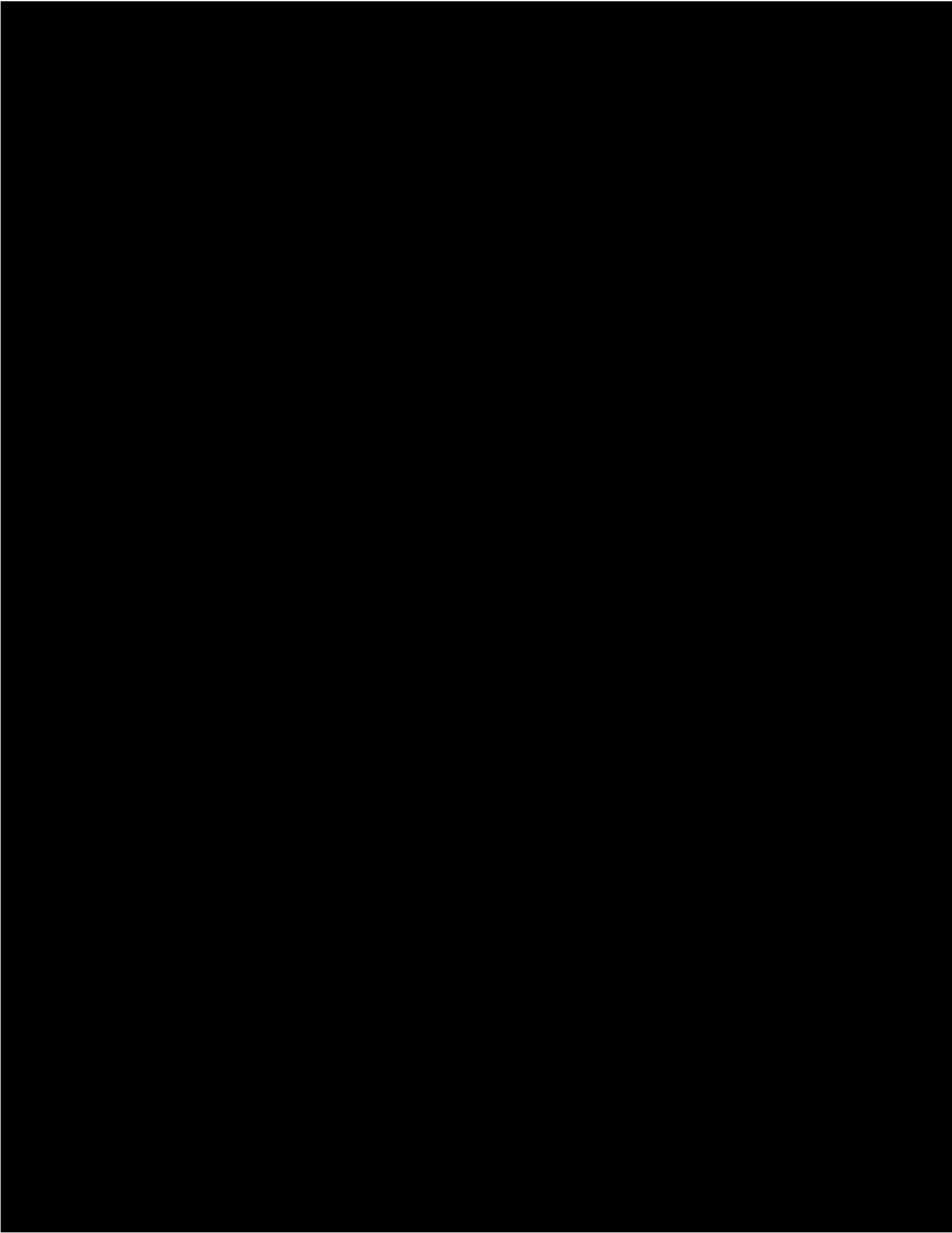


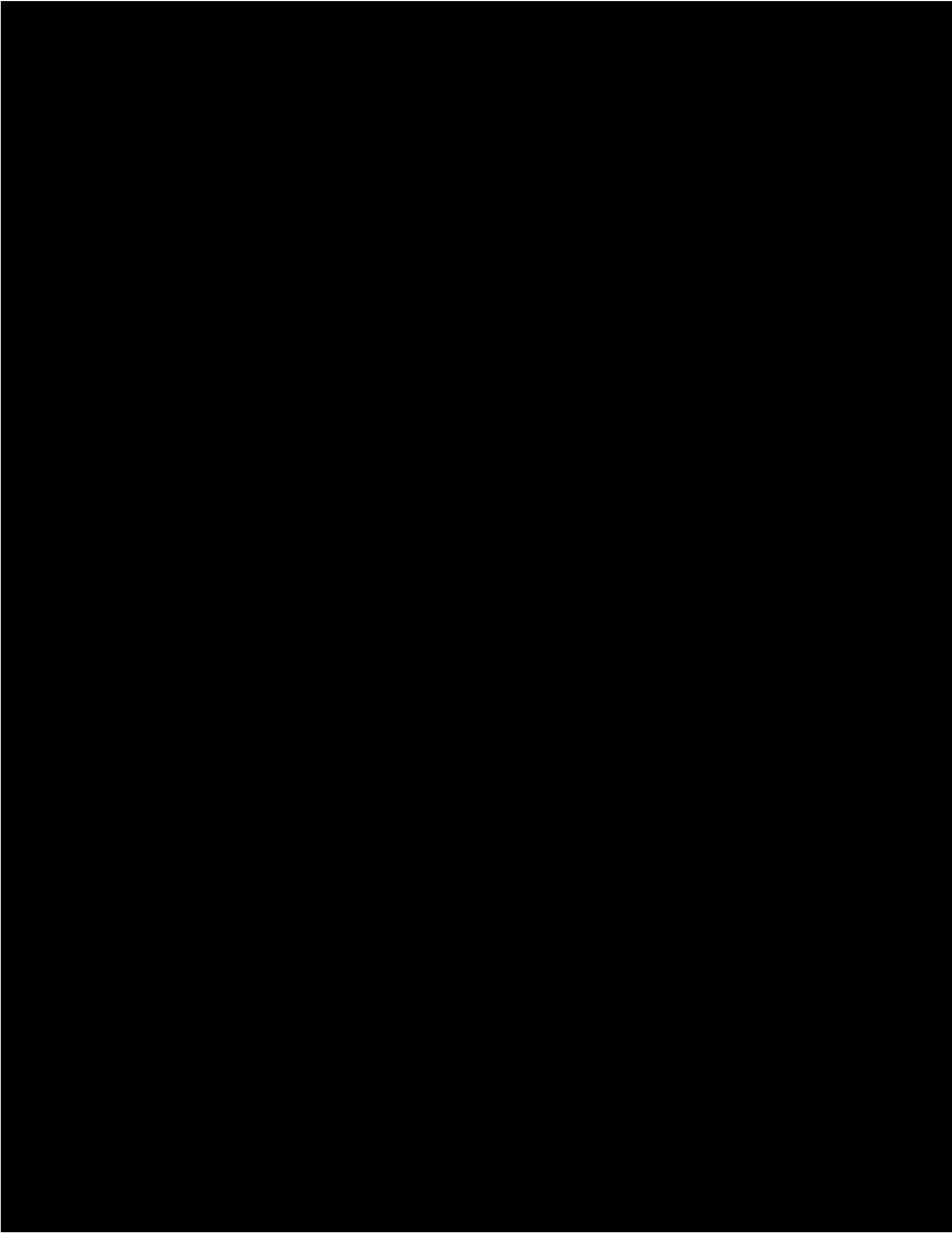


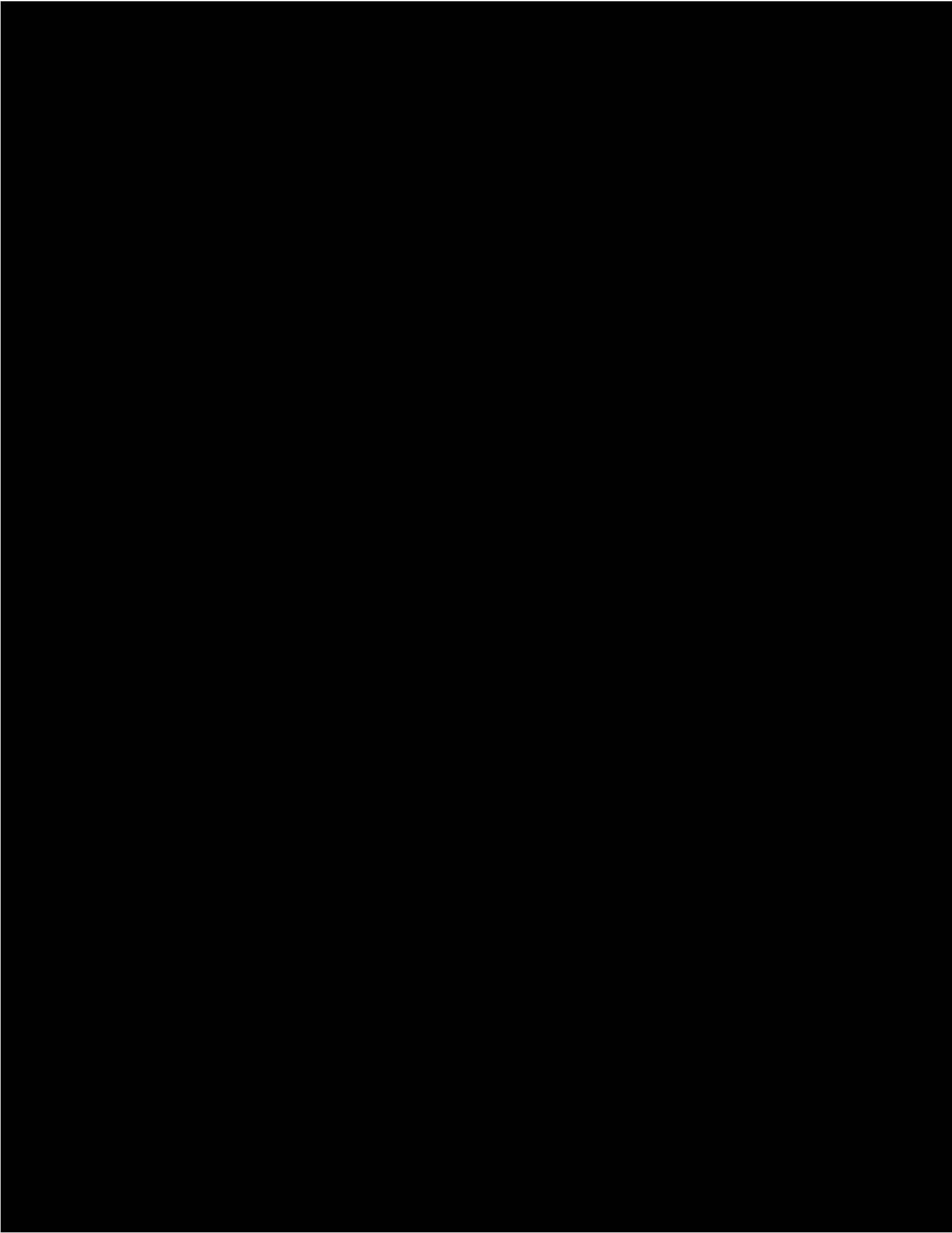


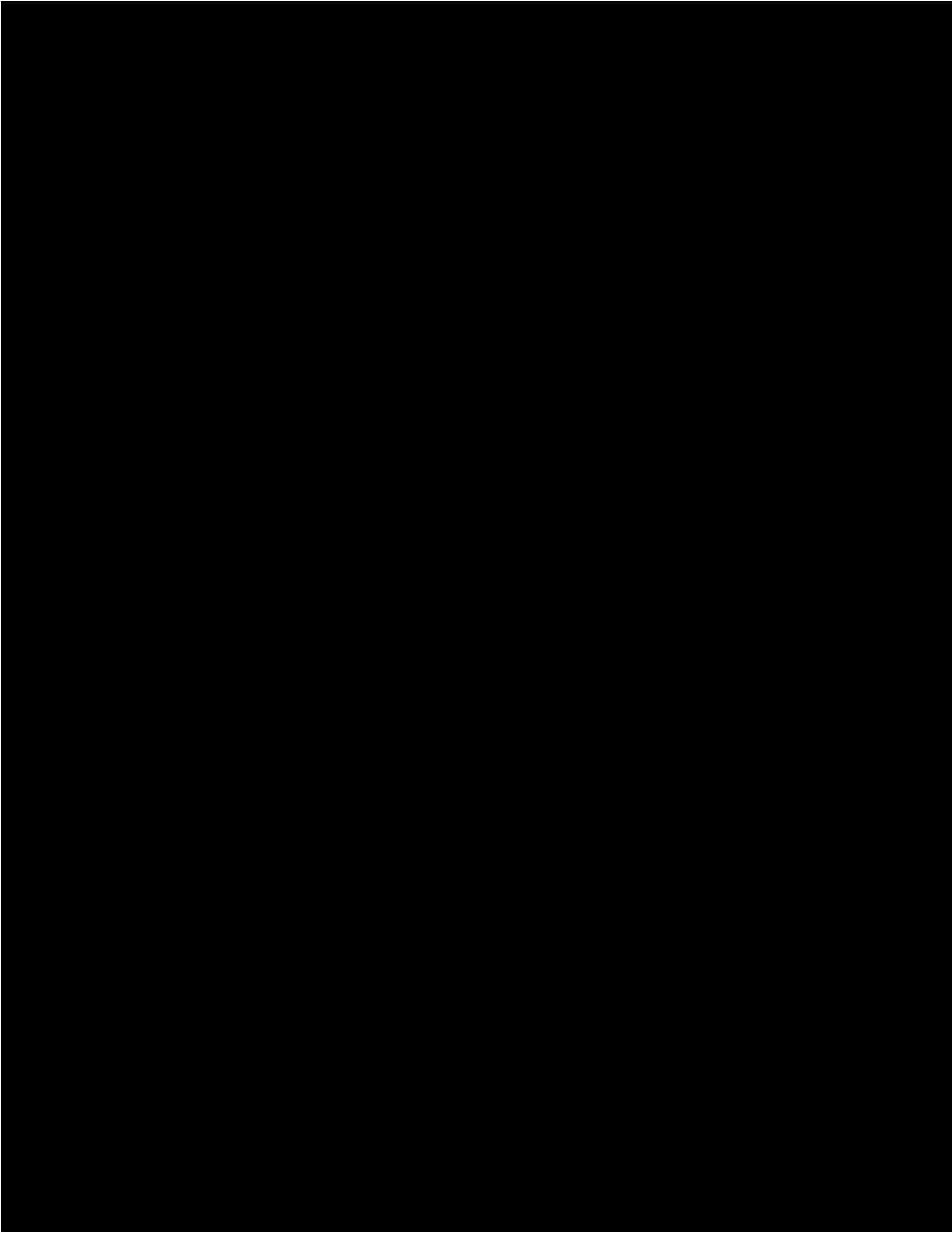


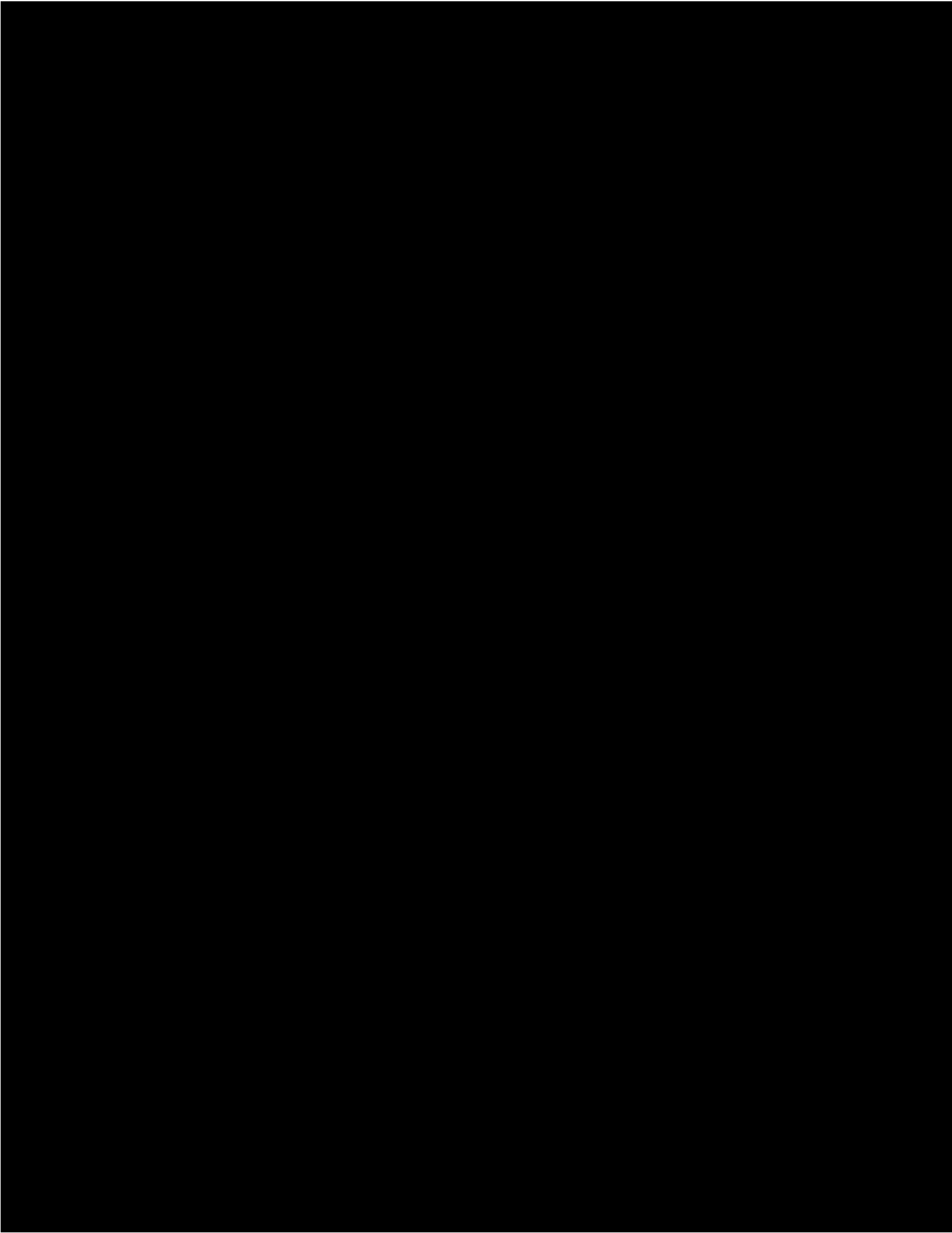


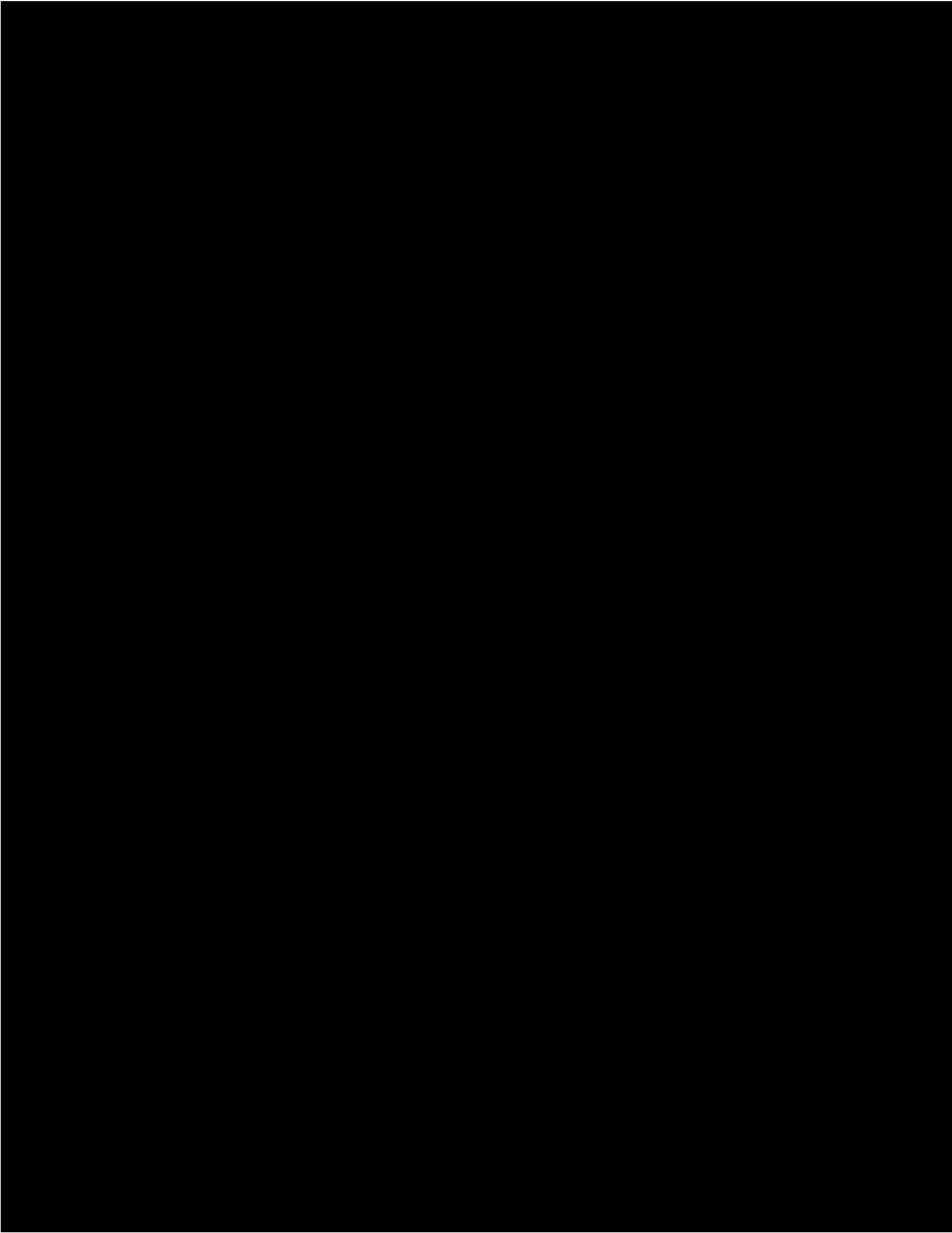


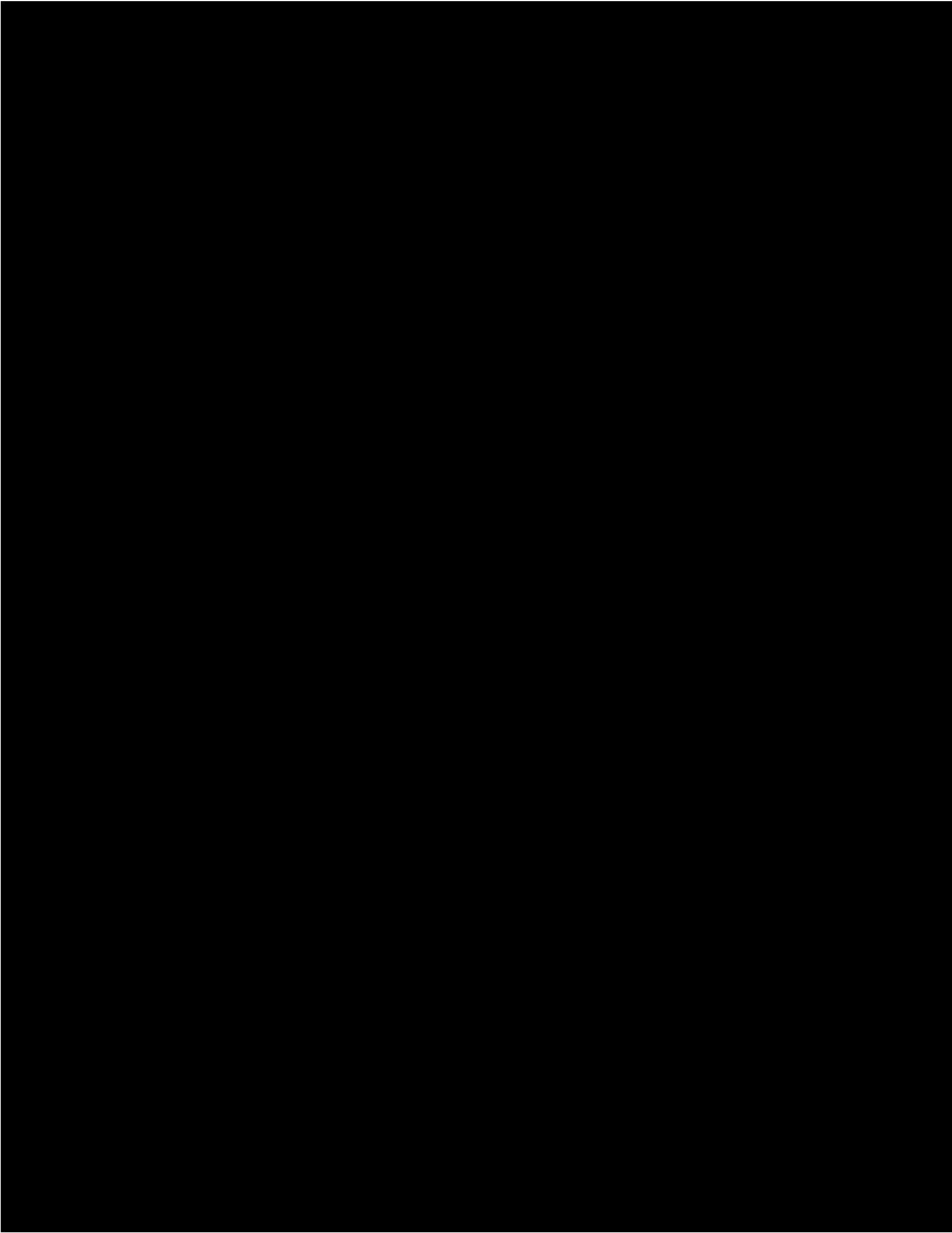


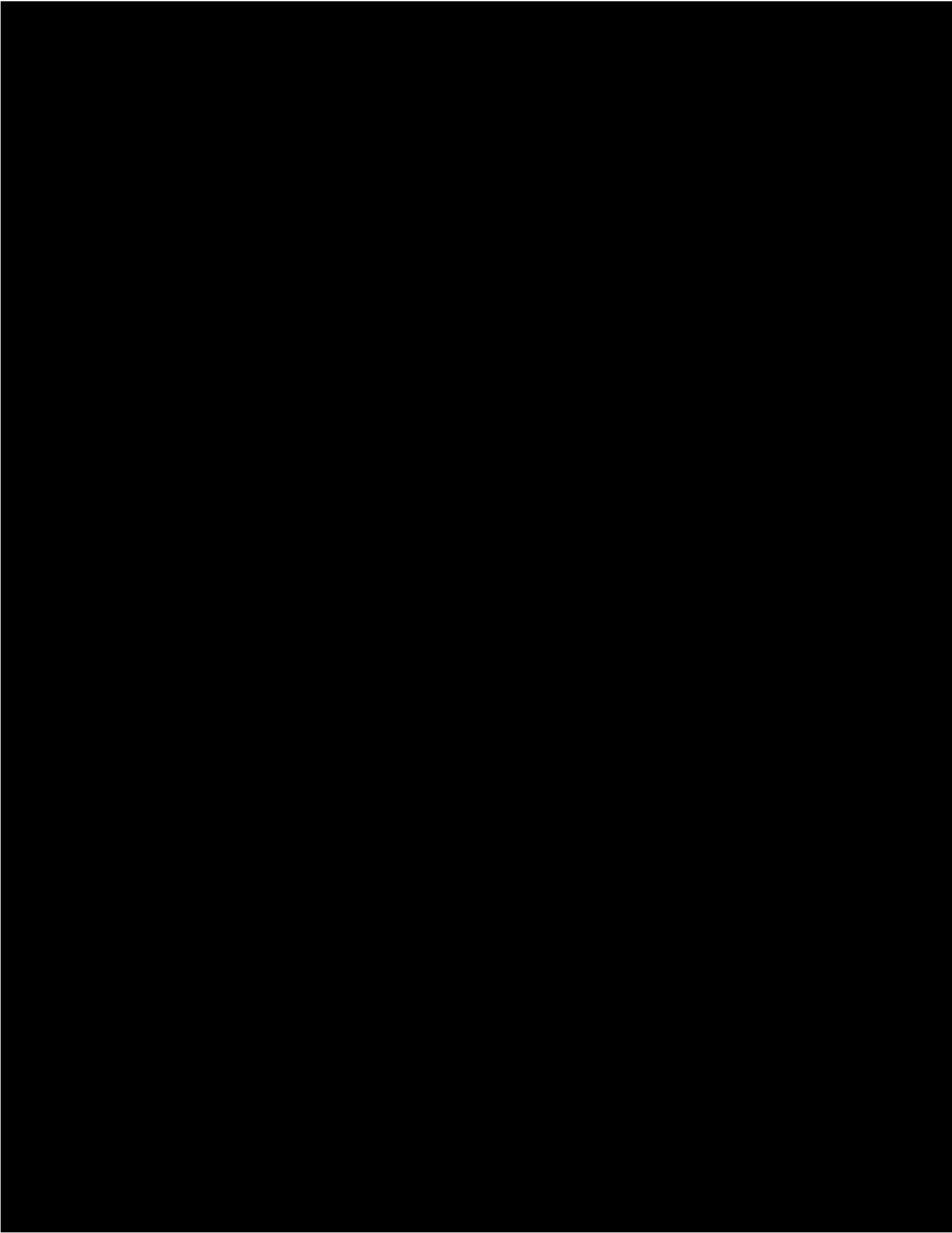


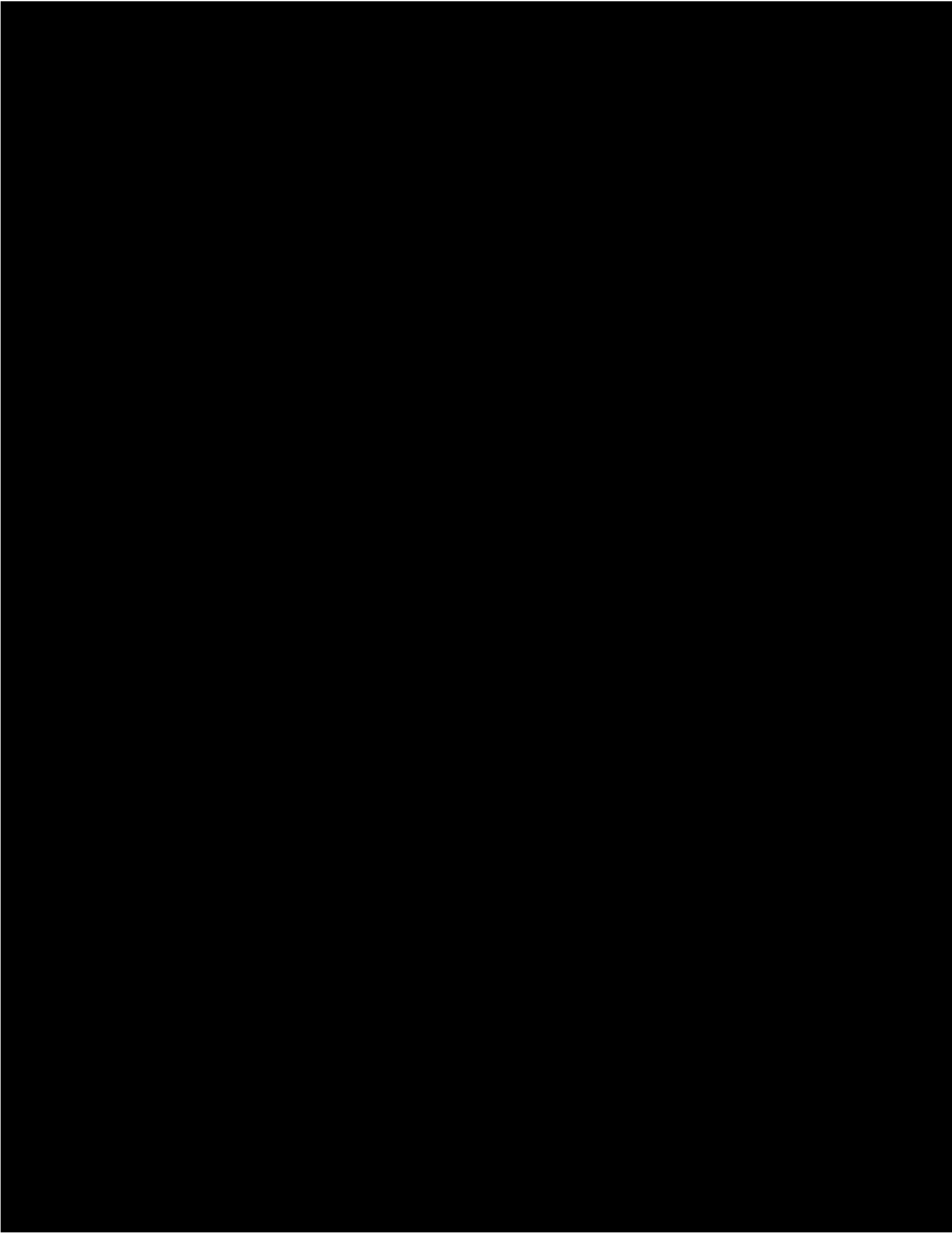




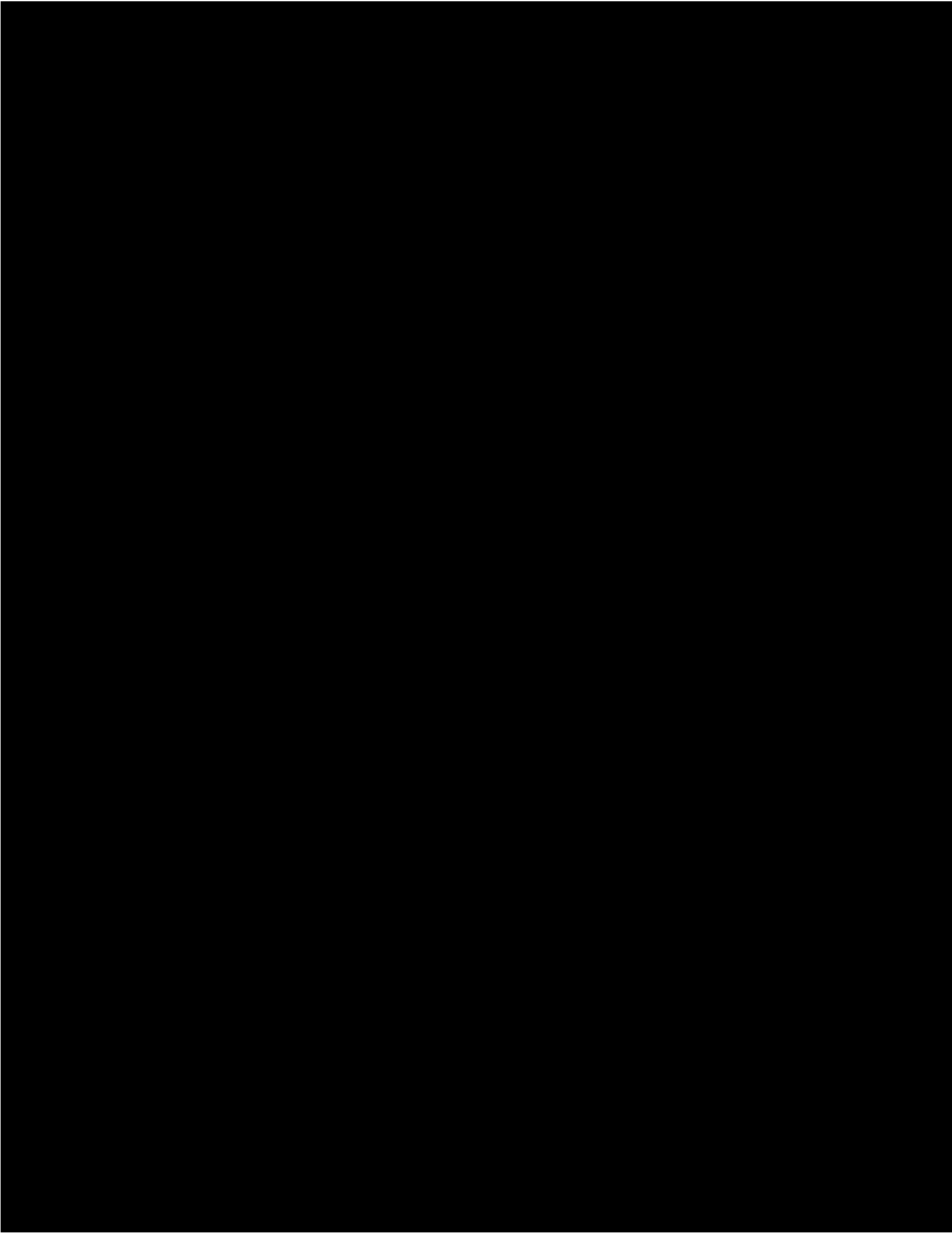




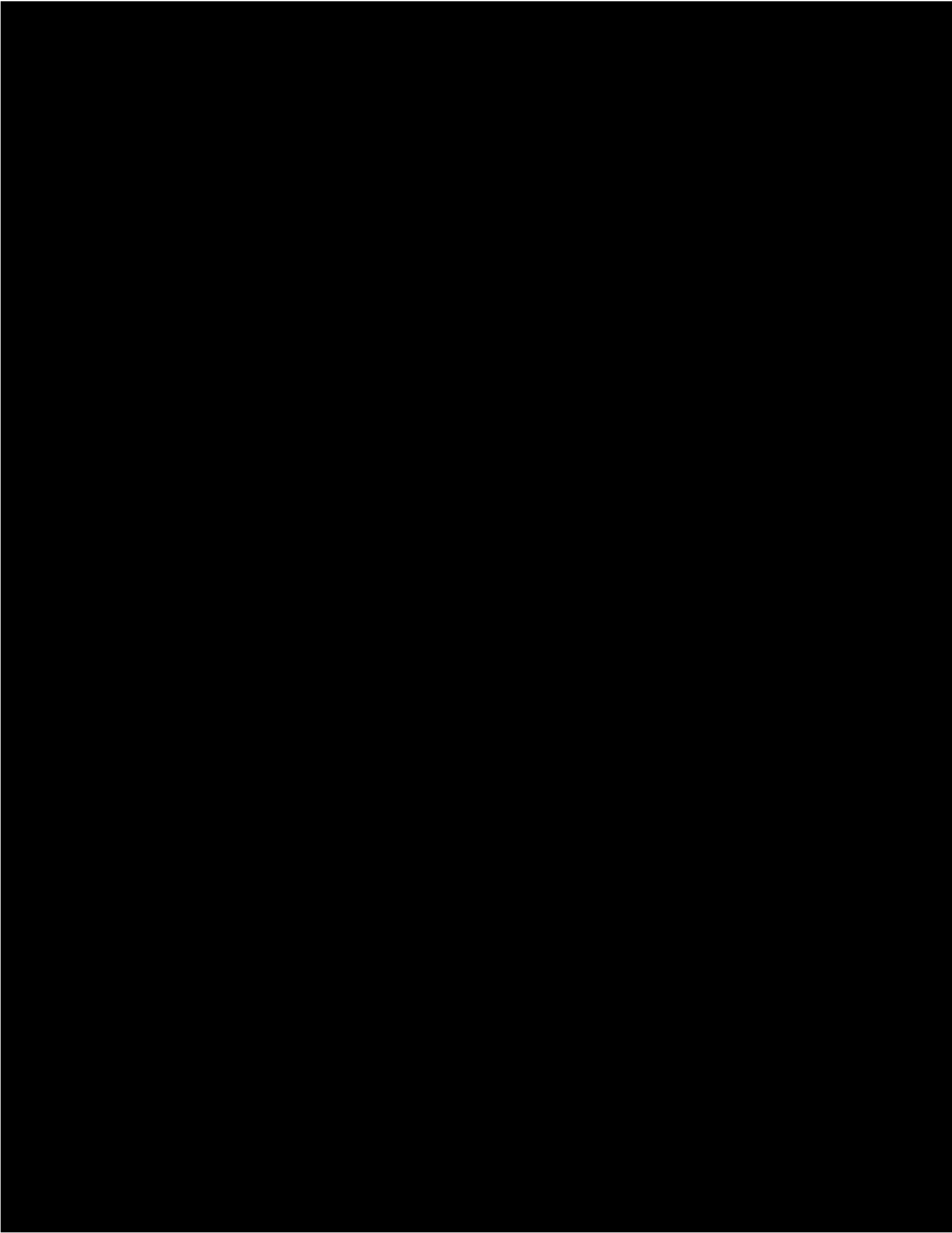
















BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DARRELL WILLIAMS (ADC [REDACTED])

CLAIMANT

v.

NO. 220838

ARKANSAS DEPARTMENT OF CORRECTIONS

RESPONDENT

CLAIMANT'S OPPOSITION

Comes Now the Claimant, Mr. Darrell Williams (ADC [REDACTED])  
for his Motion of Opposition, states:

1. The claim submitted by the Claimant, pursuant to the Arkansas Rules of Civil Procedure (ARCP) 12 (b) (6), in fact states all the facts upon which relief can be granted.

2. Nowhere in or throughout the claim are there any "mere conclusions", the entire claim is based on substantiated facts presented by the Claimant.

3. The undeniable facts are, and will always show how the Respondent violated numerous of their Administrative Directives, and Policies and Procedures which resulted in irreparable injuries and scars to the Claimant.

4. Nowhere in the claim brought forth by the Claimant has the Claimant sought any damages for accusing, alleging, or otherwise that the Respondent failed to protect.

This is a straight forward case of Failure to Follow Policy and Procedure, and Violation of Administrative Directives set in place by the Directors of the Arkansas Department of Corrections. (See Exhibits A, B, C, D and E, Note; Exhibits B-A.D.

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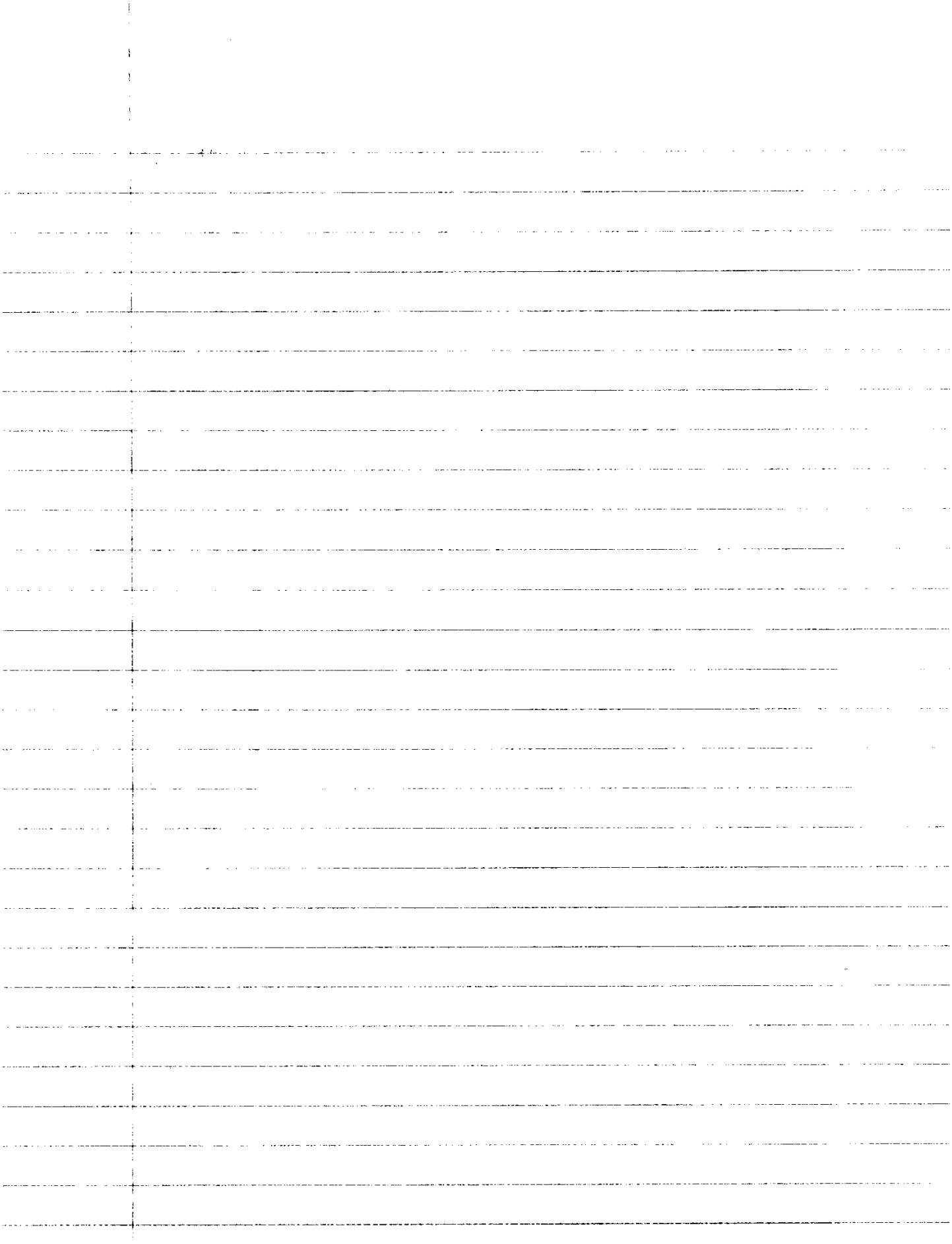
MAR 09 2022

14-07 Administrative Segregation has been Superseded by  
P.P. 10.01.0, and Exhibit D-A.D. 17-31 Restrictive Housing  
has been Superseded by A.D. 2021-15).

5. It is absurd to state that the injuries sustained by the Claimant is "speculation", especially with not only the Claimant proving the facts of the situation, the Respondent provided the exhibits of the medical reports, etc. proving and substantiating the Claimant's case.

6. The Claimant is Not seeking declaratory relief. The Claimant is seeking both Compensatory and Punitive Damages for not only the injuries sustained due to the Respondent's failure to follow Policy and Procedure, and Violation of Administrative Directives, but the Failure to Follow their Policy and Procedure, and Violations of their Administrative Directives set forth by the Directors of the Arkansas Department of Corrections, which the Commission does have full jurisdiction and authority to grant that relief to the Claimant.

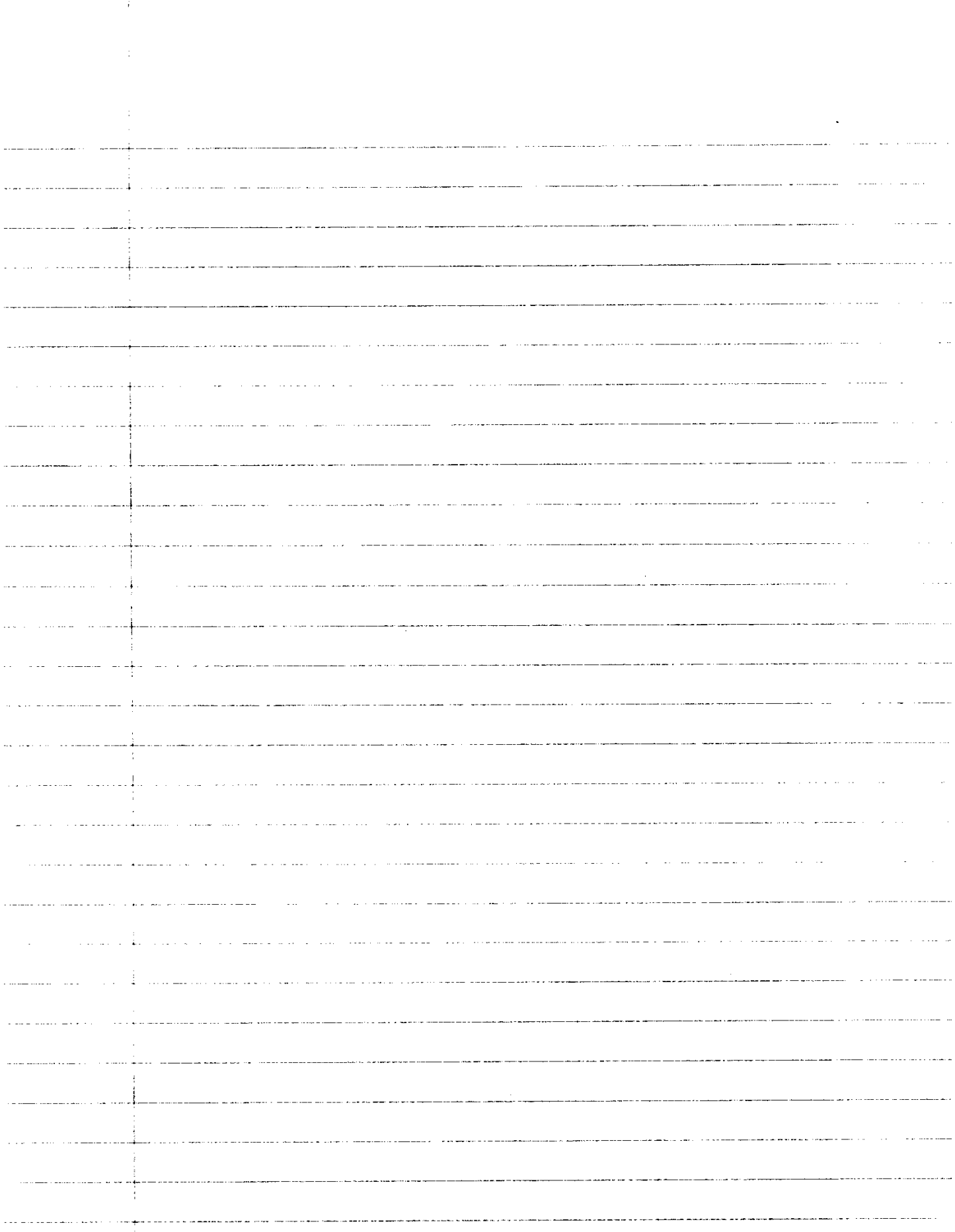
7. The Claimant did fully exhaust the inmate grievance process provided to the inmate population of the A.D.C. (see Claimant's complaint and exhibits, plus the Respondent's exhibit A.)



8. Even the Respondent provided proof that contradicted his own statements on #17, #18 and #19 of his Motion to Dismiss by his Exhibit A, which shows and states that the Claimant did grieve the violation of Administrative Directives, and Policies and Procedures. Plus that the Claimant exhausted the inmate grievance process from Step One through to the final appeal of the Director.

9. It is not the fault of the Claimant that the Warden that was to investigate and address the issues grieved on the submitted grievance, or the Director that was to re-investigate and re-address the issues on the submitted grievance all failed in their duties, by deflecting answering or addressing the actual issues submitted by the Claimant on his grievance with deliberately replying to his grievance with an answer that not only did not pertain to the issues raised on the grievance, it did not even pertain to him at all. When the Claimant attempted to mention "their" mistake and grave error, as seen on Exhibit H, (See Exhibit H of complaint) both Warden G. Lay and Director W. Straughn refused to correct "their" mistake and grave error, but instead finished and completed the inmate grievance exhaustion process, per A.D. 19-34 Inmate Grievance Process, for the Claimant (See Exhibit J of complaint).

10. Mr. Thomas Burns, and/or Respondent failed to provide a copy of Exhibits B, C, D or E, for the Claimant to view or



object to in any way due to not knowing what fabricated and/or falsified documentation he may have submitted with his Motion to Dismiss as pursuant to the Arkansas Rules of Civil Procedure, and Perjuring his Certificate of Service.

11. The statement made in # 24 of the Respondent's Motion to Dismiss is incorrect, due to the evidence provided by the State Police Report and Arkansas Department of Corrections Incident Report Photographs that clearly show the weapon used in the attack was a "Puncturing" weapon, similar to an "ice pick", not a slicing weapon with an edge that can cause lacerations. Therefore, the Claimant did in fact suffer from "puncture wounds", Not lacerations (cuts) as the Respondent would like to play the Severity down to. Plus, as clearly be seen from the photographs of the weapon, if the stabs would have been placed just slightly lower by mere inches they very well could have taken the Claimant's life due to puncturing his lungs or his heart and therefore, very life threatening to the very meaning of the term.

**WHEREFORE**, the Claimant respectfully prays that the Commission will deny the Respondent's Motion to Dismiss and grant the Claimant a hearing on his claim.

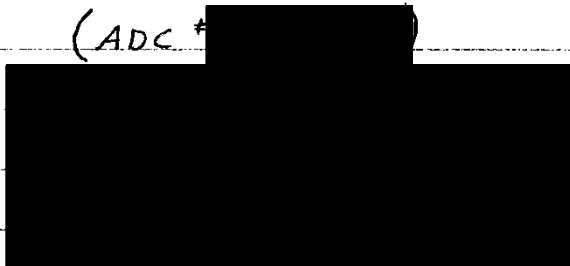
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I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Marianna, Arkansas on March 6, 2022

x Darrell Williams

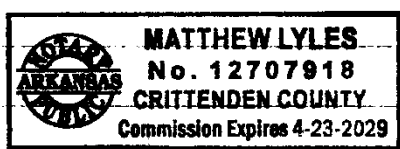
Respectfully Submitted,  
Mr. Darrell K. Williams  
(ADC # [REDACTED])



(Seal)

Sworn To and subscribed before me at  
Brickeys AR  
(city) (state)

on this 6 day of March, 2022  
(Date) (Month) (Year)



Matthew Lyles  
(Notary Public)

My Commission Expires 4 23 2029  
(Month) (Day) (Year)

MATTHEW LYLES  
No. 12707818  
CRITTENDEN COUNTY  
Commission Expires 4/23/2028




CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 6 day of March, 2022, on the below Respondent by placing a copy of the same in the U.S. Mail, regular postage to:

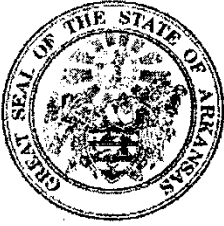
Thomas Burns (02006)  
Legal Department Division of Correction  
6814 Princeton Pike  
Pine Bluff, Arkansas  
71602

x Darrell Williams

Mr. Darrell K. Williams  
(ADC )

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"Ex. A"

 <p style="text-align: center;"> <b>ADMINISTRATIVE RULES</b>  <b>STATE OF ARKANSAS</b>  <b>BOARD OF CORRECTIONS</b> </p>	<b>Section Number:</b> <p style="text-align: center;">225</p>	<b>Page Number:</b> <p style="text-align: center;">1 of 2</p>
	<b>Board Approval Date:</b> <p style="text-align: center;">6/23/00</p>	
	<b>Supersedes:</b> <p style="text-align: center;">AR 225</p>	<b>Dated:</b> <p style="text-align: center;">9/24/96</p>
	<b>Reference:</b>	<b>Effective Date:</b> <p style="text-align: center;">7/1/2000</p>
<b>SUBJECT: Employee Conduct Standards</b>		

**I. AUTHORITY:**

The Board of Correction and Community Punishment is vested with the authority to promulgate this Administrative Rule by Ark. Code Ann. § 12-27-105.

**II. APPLICABILITY:**

This rule applies to all employees of the Arkansas Department of Correction.

**III. 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 the policies, guidelines and/or procedures associated with this or related policies limits the Director's authority to establish or revise human resource policies. The policies, guidelines and/or procedures associated with this policy are adopted to guide the internal operations of the Department and do not create any legally enforceable interest or limit the Director or his designee's authority to terminate any employee at will.

**IV. PROCEDURES:**

An Administrative Directive by the Department of Correction will set forth conduct standards and provide guidelines for discipline. Violations of the conduct standards may result in disciplinary action including termination of employment. The conduct standards cannot be all inclusive, but will identify the more common acts that constitute unacceptable conduct.

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

Progressive discipline shall not apply to employees during their initial probation.

Each employee will be provided a copy of the Administrative Directive on Employee Conduct Standards and notified of any subsequent changes or revisions.

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"Ex. A"

V. **STANDARDS:**

American Correctional Association - Standards for Administration of Correctional Agencies, 2nd edition, 2 - CO - 1C - 04.


American Correctional Association - Standards for Correctional Institutions, 3rd edition, 3 - 4067.

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8 of 41



"Ex. B"

	ARKANSAS DEPARTMENT OF CORRECTION		NUMBER:	10.01.0	PAGE NUMBER 1 of 9
	EAST ARKANSAS REGIONAL UNIT		SUPERSEDES:		ISSUING EMPLOYEE: Original Signed by <b>Warden G. Lay</b>
	POLICY AND PROCEDURES		DATE:	05-19-95	
CHAPTER:	Special Management Inmates		SUBJECT: Administrative Segregation/ Punitive Housing And Investigation Status		
Revised on These Dates	07-16-10	02-17-15	8-30-18	8-29-19	11-3-20
Annual Review on These Dates	06-17-15	06-16-16	<b>11-6-17</b>	12-9-21	

**I. AUTHORITY:** The Warden's authority to issue this document is contained in Administrative Regulation 001. This policy shall supplement all related Administrative Regulations and Departmental policies.

**II. PURPOSE:** To establish a standardized system for the operation of a special unit for inmates needing Administrative Segregation.

**III. APPLICABILITY:** To all employees involved in the management, operation or utilization of the Segregation Area and especially to those employees assigned to the Segregation Area or those required to provide services to those inmates assigned to the Segregation Area.

**IV. DEFINITIONS:** As used in this document, the following definitions shall apply:

**A. Administrative Segregation/ Punitive Housing** - A form of separation from the general population administered by the Classification Committee when the continued presence of the inmate in the general population would pose a serious threat to life, property, self, staff or other inmates, or to the security of the unit or its orderly operation. Inmates pending investigation for trial on a criminal act or pending transfer can also be included.

**B. Investigative Status** - Inmates may be placed under this status pending investigation of disciplinary action, possible placement into Administrative Segregation/ Punitive Housing or for investigation or protection of the inmate during investigation of an incident at the unit.

**C. Alternative Meals** - A loaf style form of nourishment. It is a full and complete meal, nutritionally balanced. It is designed to be consumed without the need for utensils and serves as an alternative to regular inmate meals in an inmate segregation setting. AD 13-86 defines the complete ADC Alternative Meal Program and describes the conditions under which it may be imposed.

**V. POLICY:** This unit shall provide facilities and programming for the placement of inmates in Administrative Segregation, Investigative Status or Disciplinary Court Review.

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**VI. Procedures:** Routine assignment, emergency assignment, or investigation status and review of inmates assigned to Administrative Segregation/ Punitive Housing shall be consistent with the procedure outlined in this policy, Administrative Regulation 836, and Administrative Directive 19-28. The Shift Supervisor or Shift Commander on duty may temporarily assign an inmate to Administrative Segregation. Temporary assignment must be reviewed within seventy-two (72) hours

A. **Assignment to Administrative Segregation/ Punitive Housing:** Inmates being considered for assignment and/or release must appear before the Classification Committee. The inmate may be assigned to Administrative Segregation/ Punitive Housing by a majority vote of the Classification Committee. Inmate will be given the opportunity to address the committee in their own behalf. An inmate may be assigned for reasons, which may include, but not limited to:

1. Indicates a chronic inability to adjust in the general population.
2. Inmate pending transfer or hold over status awaiting permanent housing assignment as determined by the Classification Committee.
3. An inmate having been found guilty of taking over a part of the physical plant, battery, aggravated battery, rape, forced sexual assault, taking a hostage, or any acts defined as felonies or misdemeanor by the State of Arkansas.
4. Any behavior or circumstances, that pose a serious threat to the security, good order, or quality of life for staff or inmates of the institution, will warrant consideration for Assignment to Administrative Segregation
5. The inmate is likely to be exploited or victimized by others, sexual predators, and others who have needs for single housing.

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6. The inmate is potentially dangerous to himself or others.
7. The inmate poses a serious escape risk.
8. The inmate requests protection or is deemed by staff to require protection.
9. The inmate requires immediate mental health evaluation and cannot be in contact with general population inmates.
10. The inmate requires medical isolation and medical housing that is not otherwise available.
11. Inmates may be admitted to segregation for protection only when documented and no reasonable alternative is available.

**B. Assignment to Investigative Status:** The Warden, Deputy Assistant Warden, Chief Security Officer, or Shift Supervisor can order immediate segregation when it is necessary to protect the inmate or others. The

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action is to be reviewed within 72 hours by the classification committee, Disciplinary Hearing Officer, or appropriate authority.

1. This action is to be reviewed within five (5) working days by the Classification Committee, or appropriate authority depending on the type of segregation ordered. **AD 19-28 Restrictive Housing.**
  2. An inmate on investigative status must receive a written explanation of the charges against him within seventy-two (72) hours of the time he is placed on investigative status
- C. **Pre-Segregation Medical Examination:** To assure inmates do not have medical conditions that would require special needs while segregated, and to document the physical condition of an inmate prior to segregation, inmates shall be given a physical evaluation by health care personnel prior to being placed into segregation.
- D. **Documentation:** Except for temporary and/or emergency assignment the inmate will be given twenty-four (24) hours advance notice of his pending assignment to Administrative Segregation. The inmate shall be advised of the reason for his assignment to Administrative Segregation. If such assignment is made, the reasons will be reduced to writing and maintained in the inmates' file.
- E. **Release from the Segregation Area:** Release from Administrative Segregation/ Punitive Housing may be authorized by the Classification Committee when one or more of the following exists:
1. The condition which required placement of the inmate in Administrative Segregation/ Punitive Housing no longer exists.
  2. Information and/or evidence developed during the period of confinement indicate conditions have change and the inmate no longer presents danger to himself or others.
- F. **Reviews:** The Classification Committee or authorized staff must review the status of every inmate assigned to Administrative Segregation/ Punitive Housing every seven (7) days for the first two months and every thirty (30) days thereafter to determine if the reason(s) for placement continue to exist. All reviews will be documented utilizing the appropriate segregation form.
- G. **General Condition of Confinement:** The basic level of conditions described below applies to Administrative Segregation.
1. Inmates assigned to Maximum Security Area ie. Administrative Segregation, Protective Custody, Punitive and Disciplinary Court Review, will be clothed in jumpsuits.
  2. A cell with no less than eighty (80) square feet of floor space and thirty-five (35) square feet of unencumbered space furnished with a toilet, washbasin with hot/cold water, desk, stool, and bunk with fire retardant sanitizable mattress. Living quarters will be well ventilated, adequately lighted, with temperatures appropriate to summer and winter control zones.  
(5-2C-4134, 5-2C-4136, 4-4137, 5-2C-4133)

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3. An opportunity to have clothing, linen, and bedding laundered a minimum of once each week. (5-4A-4263, 5-5D-4338, 5-5D-4340)
4. Access to barbering and hair care service on a scheduled basis. (5-4A-4263, 5-5D-4343)
5. Daily access to janitorial supplies for individual cell cleaning. (5-5D-4333)
6. An opportunity to shave and shower a minimum of three times per week. (5-4A-4262)
7. Three nutritious meals per day as prescribed by the ADC master menu. Food provided to inmates in Administrative Segregation/ Punitive Housing will be substantially the same quality as that provided to general population inmates. (5-5C-4313, 5-5C-4317)
  8. Opportunities for non-contact visiting unless there are documented substantial reasons for withholding such privileges. (5-4A-4267)
  9. Indigent inmates will be provided necessary hygiene items (soap, toothbrush, toothpaste, comb/brush, toilet paper, and shaving implements.) (5-5C-4324)
  10. Incoming and outgoing mail will be processed Monday through Saturday, excluding holidays. (5-4A-4266)
  11. Inmates will have access to legal materials. No restrictions will be placed on access to Courts and legal Counsel. (5-4A-4268)
    - a. Law Library: Each inmate will be allowed two (2) days per week to order legal books and reference materials.
    - b. Attorney visits: Non-contact visits between inmates and their Attorney of record will be permitted during regular business hour by prior arrangement of twenty-four (24) hour advance notice.
    - c. Legal Calls: Legal calls will be made during business hours, Monday through Friday.
  12. Inmates will have access to reading material provided by staff on a regularly scheduled basis. The inmates are authorized to possess four (4) books, two (2) magazines, and two (2) newspapers.
  13. Inmates are allowed two (2) religious texts only.
  14. Excess personal publications seized and confiscated during searches will be considered contraband and disposed of per policy.
  15. Voluntary compliance during the exchange process of personal publications will allow the inmate to donate, have destroyed, or mail to family or friends at the inmates expense the excess publications.

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16. Writing instruments and writing paper will be provided to indigent inmates through the indigent program. When special needs exist and are validated, these items will be issued as needed.
  
17. Programs and services shall be provided to the inmates. These include, but are not limited to academic education, religious guidance, commissary, library, mental health counseling, medical services, case management, and recreational programs. (5-4A-4261)
  
18. Inmates are allowed personal property based on program limitations unless special controls are implemented related to behavior control. (5-4A-4261) To maintain good security, safety, and pest control, personal property will be limited to that which will fit into the inmate's property box.
  
19. Inmates will be allowed a minimum of one (1) hour of recreation per day outside their cells a minimum of five (5) days per week unless security or safety considerations dictate otherwise.
  
20. Inmates will be allowed telephone privileges unless suspended. Inmates may make personal calls as outlined in Unit Policy 16.3.0.
  - a. Personal Calls: Inmates will be allowed access to the phones during the hours of 7:00 A.M. to 10:30 P.M. Sunday through Saturday in accordance with the activity schedule.
  - b. Legal Calls: Inmates will be allowed to make legal calls during normal business hours Monday through Friday.
  - c. Call limits: Inmates will be limited to two (2) personal phone calls per week which will be managed by the activity schedule.

The telephone will not be left at the inmate's cell. After the call or attempted call is made, the phone will be removed from the inmate's possession. Any inmate found guilty of abuse of telephone equipment or violation of telephone policy, may have telephone privileges suspended or revoked.
  
21. A designee Infirmery Staff Member will make rounds in cellblocks one (1) through eight (8) between the hours of 6:00 A.M. and 10:00 A.M. daily to pick-up medical and dental services requests only. Upon receipt of such request the infirmery staff member will record the inmate's name, ADC number, and general information regarding the complaint, then forward the information to the infirmery supervisor. Prescribed medications will be administered by medical staff on scheduled rounds or as necessary.
  
22. An inmate may be placed on an alternative meal service if observed engaging in any of the following behavior:
  - a. Misuse of food, serving tray, eating utensil, or any items used in preparation, serving, or packaging of meals.
  - b. Destroying a serving tray or throwing a tray, or any items received with a meal.

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- c. Using containers to hold or throw any other substance including bodily fluids.
  - d. Otherwise deliberately impeding the process of feeding or food service operations by institutional staff assigned to serve food to inmates. Refer to Administrative Directive 04-17 for procedures on alternative meal service.
23. The Chaplain will make routine rounds in the Administrative Segregation/ Punitive Housing Area and be available upon request.
- a. No group religious services will be conducted.
  - b. Approved Certified Religious assistants (C.R.A.) may be allowed into the Administrative Segregation/ Punitive Housing Area to counsel with inmates on a one-to-one basis at the cell. C.R.A.'s will not be allowed to enter the segregation area without a security escort.
24. Inmates in Administrative Segregation/ Punitive Housing will receive services of a counselor upon request. Mental Health Staff must review the status of every inmate assigned to the segregation area for more than thirty (30) days. If confinement continues for an extended period, a psychological assessment is made at least every three (3) months.
25. Inmates will be subjected to the same disciplinary policies and procedures as general population inmates.
26. Inmates in Administrative Segregation/ Punitive Housing may earn class the same as inmates in general population.
27. In cases where an inmate is suspected of a mental disorder/defect, his supervisor will refer the inmate immediately to mental health. The inmate will be kept under constant supervision until contact is made with Mental Health Staff.
28. Inmates in Administrative Segregation/ Punitive Housing may order items from the commissary. To maintain security, safety, and pest control commissary purchases may be limited.
29. Where television is available, viewing times are as follows: Monday-Friday 5:00 p.m. to 10:30 P.M. Saturday, Sunday a State Holiday 12:00 noon to 10:30 P.M.
30. Visitation: Class 1 inmates will receive four (4) two (2) hour visits per month. Class 2 and below inmates will receive two (2) two (2) hour visits per month.

**Visitation Scheduled:**

- a. Cellblock 1 (Max Population)

Class I

Every Sunday 12pm (noon)-2:00pm

Class II-IV

Last name A-L visit 1<sup>st</sup> & 3<sup>rd</sup> Saturday of each month 12pm (noon)-2:00pm

Last name M-Z visit 2<sup>nd</sup> & 4<sup>th</sup> Saturday of each month 12pm (noon)-2:00pm

- b. Cellblock 2,3,4,5 & 7 (Administrative Segregation)

Class I

Every Friday in two (2)-hour increments (8-10A.M., 10-12P.M., 12-2P.M., or 2-4 P.M.)

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Class II-IV

Last name A-L visit 1<sup>st</sup> & 3<sup>rd</sup> Tuesday of each month.

Last name M-Z visit 2<sup>nd</sup> & 4<sup>th</sup> Tuesday of each month.

c. Cellblocks 6 & 8 (Solid Doors)

Class I

Every Wednesday, two (2)-hour increments (8-10A.M., 10-12P.M., or 2-4P.M.)

Class II-IV

Last name A-L visit 1<sup>st</sup> & 3<sup>rd</sup> Monday of each month.

Last name M-Z visit 2<sup>nd</sup> & 4<sup>th</sup> Monday of each month.

Two (2) hour increments (8-10A.M., 10-12P.M., or 2-4P.M.)

H. **Staff Assignment:** Staff assignments to the Segregation Area shall take into consideration the nature of the inmates assigned to the Segregation Area, the personality traits, training and performance records of the staff members being assigned, and that the Segregation Area is a designated high stress area.

J. **Review of Administrative Segregation/ Punitive Housing Status**

1. It is the responsibility of staff assigned to the Administrative Segregation/ Punitive Housing area as well as Mental Health and Medical Staff when making regular/scheduled rounds in the Administrative Segregation/ Punitive Housing area to be alert to inmates with Mental Health or Medical Issues.
2. Notable changes or unusual behavior observed by staff while making rounds shall include but not be limited to:
  - A. Weight Loss
  - B. Unusual Behavior
  - C. Mood and Affect
  - D. Signs/evidence of abuse and/or trauma
3. Inmates identified will be referred to appropriate Medical and Mental Health staff, and then the inmate will be assessed, and treatments started if deemed necessary.
4. The Deputy/Assistant Warden, Chief of Security and /or Captain, Mental Health, and Medical Staff will conduct a weekly meeting on inmates housed in the Administrative Segregation/ Punitive Housing area to present and discuss any issues staff have observed and provide that information to Classification Committee. This meeting may be held in conjunction with the Administrative Segregation/ Punitive Housing Classification Hearings.
5. The Rehab Program Manager or Mental Health Staff will document meetings and forward information to the Duty Warden. The original meeting minutes will be kept on file by the Mental Health Department.

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- K. The Classification Committee or other authorized staff group are to review the status of every inmate assigned to Administrative Segregation/ Punitive Housing every seven (7) days for the first two (2) months and at least every thirty (30) days thereafter.
- L. A correctional officer shall personally observe all segregated inmates at least every thirty (30) minutes on an irregular schedule. Inmates who are violent or mentally disordered or who demonstrate unusual or bizarre behavior will be referred to Mental Health. If deemed these inmates are suicidal, they will be placed under 72-hour observation status pending review by Mental Health staff.
- I. **Supervision and Monitoring:** Inspection and visits will be conducted on a regular basis. Such visits will be conducted as indicated below:
  - 1. Correctional Shift Supervisor- At least once per shift.
  - 2. Health Care Staff- Daily and as often as necessary.
  - 3. Mental Health Counselors, Psychologist, or Psychiatrist- as required.
  - 4. Religious Representative- At least weekly and or required.
  - 5. Segregation Commander, Chief Security Officer- At least every three (3) days.
  - 6. Warden, Deputy/Assistant Warden- At least once per week.
- J. **Training:**
  - 1. The Unit Training Officer shall provide a special orientation and training session to the Security Staff at least yearly concerning the rules governing the Segregation Area and the needs and problems typical of inmates assigned to the Segregation Area.
  - 2. Procedures shall be established by the Chief Security Officer for evaluating the on-the-job performance of all staff assigned to the Segregation Area. And that the procedures detail the process to be used for prompt removal of ineffective staff.
- K. **Records and Logs:** Due to the extreme importance of proper documentation of daily activities of inmates in Administrative Segregation, all records, forms, and logs relating to that area will be reviewed by the Shift Supervisor Segregation Commander, and Chief Security Officer to ensure they are complete and accurate. These records will be received daily by the Shift Supervisor daily and at least weekly by the Segregation Commander and Chief Security Officer. The daily security logs will indicate the following activities.
  - 1. Meals
  - 2. Showers
  - 3. Haircuts
  - 4. Exercise
  - 5. Medical visits
  - 6. Official visits
  - 7. Unusual behavior
  - 8. Out of cell Movement
  - 9. Hunger Strikes or Refusal to Eat or Drink
  - 10. Security checks every 30 minutes at regular intervals

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- 11. Cell Clean-up
- 12. Issuance

Upon initial assignment to the Segregation area, the inmate will be accompanied by a Segregation order or Placement order signed by the Shift Supervisor or higher authority.

**L. Suspected Mentally Disordered Inmates:** If an inmate creates a disciplinary problem and is suspected of mental disorder he may be placed in Administrative Segregation, as necessary, where he can be under constant supervision. The inmate will be referred immediately for psychological and/or psychiatric evaluation.

If it is determined that an inmate currently has or by history may have, a recurring serious mental health illness

That my diminish responsibility for behavior, or if behavior is elevated by placing the inmate in punitive isolation or administrative segregation, their record is flagged in eOMIS by mental health staff.

**M. Movement:** Prior to any movement out of the cell, the inmate will be strip searched in the cell, instructed to step to the middle of the cell and turn around to view the back and buttocks area to ensure that no weapon or contraband are present. The inmate will pass his clothing through the trap door to the officer for search. The inmate will then be given his boxers and instructed to dress, again in full view of the officers. The inmate will then be ordered to back to the door and placed in restraints. He will then be ordered to step back to the rear of the cell and get on his knees on the bunk and cross his legs, facing the back of the cell. The door will then be opened, and leg restraints will be placed on the inmate. The inmate will be moved with two (2) officers for everyone (1) inmate. The cell will then be thoroughly searched and inspected. Upon return, the process will be repeated in reverse.

Only inmates who are authorized to perform specific tasks will be allowed to enter Administrative Segregation/ Punitive Housing. Inmates entering the Segregation/ Punitive Housing Area will be thoroughly searched before entering and will always be escorted by security personnel while in the cellblocks.

**REFERENCE:** Administrative Directive: 18-16, AD 19-27 Restrictive Housing  
ACA Standards 5-ACI-4A-04, 5-ACI-4A-05, 5-ACI-4A-07, 5-ACI-4A-08, 5-ACI-4A-12, 5-ACI-4A-13,  
5-ACI-4A-14, 5-ACI-4A-16, 5-ACI-4A-17, 5-ACI-4A-18, 5-ACI-4A-19, 5-ACI-4A-20, 5-ACI-4A-21,  
5-ACI-4A-22, 5-ACI-4A-23, 5-ACI-4A-24, 5-ACI-4A-25, and 5-ACI-4A-27

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## ADMINISTRATIVE DIRECTIVE

**SUBJECT:** Internal Investigations and Computerized Voice Stress Analysis Examinations

**NUMBER:** 17-16

**SUPERSEDES:** 11-35

**APPLICABILITY:** All Employees, Contract Employees, Volunteers and Inmates

**REFERENCE:** AR-014 – Internal Affairs and Investigations **PAGE:** 1 of 10

**APPROVED:** Original Signed by Wendy Kelley **EFFECTIVE DATE:** 05/26/17

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**I. POLICY:**

To ensure that incidents are investigated in a timely, efficient and procedurally correct manner and computerized voice stress analysis examinations are used only under limited circumstances when thorough investigation reveals their usefulness to an inquiry.

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**II. EXPLANATION:**

Evidence gathering, labeling and protection of evidence, questioning and taking statements from witnesses, use of photographs, computerized voice stress analysis examinations, and report writing must be professionally accomplished to be useful to the requesting authority.

- A. All incidents as defined in Administrative Regulation 005 should be investigated by Internal Affairs. Suspicion of criminal acts (trafficking, staff sexual misconduct, theft, etc.), serious violation of an inmate's personal rights, or of rules, regulations or procedures, and complaints or

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information supplied which may have a serious bearing on facility or institutional operations should also be matters for investigation.

1. All suspicions of criminal acts or institutional rule violations will be reported to the Warden and the Chief Deputy Director, Deputy Director, Assistant Director or Internal Affairs Administrator who will advise the Director. In cases where warranted, the Internal Affairs Administrator, after consulting with the Director or Chief Deputy Director, will advise the Prosecuting Attorney and local law enforcement including State Police or Sheriffs of the jurisdiction where the incident occurs.
  2. Requests for departmental staff participation in an investigation must be initially processed through the chain of command before a request for this service is made to the Chief Deputy Director, Deputy Director, Assistant Director or Internal Affairs Administrator by the Warden.
  3. The agency shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.
- B. The guidelines below will provide the salient procedures and techniques used in forming investigations. Attention to detail and thoroughness in approach are required in any investigation. If these guidelines are followed, it will provide for a complete, thorough and timely investigation.
- C. Investigatory Procedures and Techniques:
1. Evidence Gathering: Evidence uncovered relating to a matter under investigation must be properly handled, protected and labeled. After an incident occurs, it may be wise to "seal off" an area to protect the integrity of the investigation and the evidence.

- a. Evidence which may reveal information through Crime Lab analysis (fingerprints, substance, etc.) should be handled with extreme care. In no case should a person's position or simple curiosity be a reason to unnecessarily handle evidence. Destroying latent fingerprints which might provide ownership/responsibility/involvement can seriously jeopardize the investigator's fact-gathering process.
- b. Evidence which will be sent to a Crime Lab, such as rape kits, should, immediately after discovery, if size or type permits, be placed in a sealed container, labeled and taken

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to the Arkansas Crime Lab. Whether evidence is or is not sent to a Crime Lab does not change the necessity for its protection in a sealed container.

- c. Evidence labeling must include:
  - (1) Exact location where found.
  - (2) Date and time found.
  - (3) The name(s) of person(s) discovering the evidence (name must be printed and evidence label signed).
  - (4) Location where evidence will be stored (until taken to Crime Lab, as needed).
  - (5) Date taken and returned from analysis (as needed).
  - (6) Where evidence is transferred and date. Receipt for evidence transferred away from institution control must be obtained including: complete description of evidence, printed and signed name of recipient, job title, agency and date transferred.
  - (7) Chain of custody form to include signatures, time and date of any persons handling the evidence.

2. Use of Photographs: Photographic evidence is useful and can be invaluable in subsequent investigation and/or prosecution. Each facility should have a digital camera. Photographs shall be taken immediately at the scene and of the victim as soon as possible - in cases of physical assault. Photographs of property damage or the scene of a theft are likewise important. Photographs should be handled with the same care as other evidence and labeled.

3. Statements: Statements are a most important part of any investigation but it is absolutely imperative that the rights of individuals who may be charged with an offense in court are not violated. If a reasonable belief exists that a felony has occurred, the information should be forwarded to the Arkansas State Police or proper jurisdictional law enforcement officials, at which time the law enforcement officials will conduct the interview and advise the suspects of their appropriate rights.

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It is advisable that a witness be present when possible. All statements will be recorded, and recorded statements will be transcribed when necessary.

- 4. Reports: Reports prepared during an investigation are to be totally comprehensive. All employees who participate or observe significant events or situations shall prepare incident reports pursuant to Administrative Regulation 005. Investigation reports shall be prepared to evaluate the relevant facts.
- 5. Computerized Voice Stress Analysis Examinations: These investigative tools shall be employed only with prior written or verbal approval of the Director, Chief Deputy Director, Deputy Director, Assistant Director or Internal Affairs Administrator on the basis that there is no reasonable alternative to the determination or resolution of disputed issues of fact.
  - a. An employee who refuses to take a computerized voice stress analysis examination can be disciplined solely for refusing to do so, as outlined in the Administrative Directive on Employee Conduct. If an employee consents to take a computerized voice stress analysis examination, he/she shall sign the Computerized Voice Stress Analysis Authorization and Consent form - Attachment A.
  - b. The Director may order that an employee submit to a computerized voice stress analysis examination for violations of policy that would warrant discharge, suspension or criminal sanctions. The following procedural safeguards will be utilized if this policy is invoked.

- (1) Where an employee is accused and the investigating officer believes it to be important, the accuser will be tested on the computerized voice stress analysis first and must substantially tell the truth prior to any order given for an employee to take a computerized voice stress analysis test.

Absent an accusation against a particular employee, where a preliminary investigation reveals that there is credible evidence that the employee was involved or has direct knowledge of the incident, a computerized voice stress analysis test may be ordered.

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- (2) The investigating officer must present reasons to the Director as to why a particular employee should complete a computerized voice stress analysis. If the Director agrees, the employee will then be ordered to take the test.
  - (3) If after taking the test, the employee objects to the results of the test, that employee may make a written request to the Director to have a second reading of the original computerized voice stress analysis charts made by another independent examiner. A copy of the letter of analysis completed by the second examiner will be given to the employee.
  - (4) The requesting authority will not sustain a complaint against an employee solely on the basis of computerized voice stress analysis results. There must be at least one additional item of corroborating evidence in the written report completed by the investigating officer in order for the requesting authority to sustain the complaint. (A witness statement is corroboration.)
- c. An inmate who refuses to take a computerized voice stress analysis examination after appropriate safeguards of his/her constitutional rights may receive disciplinary action for such refusal.
- d. Preliminary Procedural Limitations: Widespread or indiscriminate use of the computerized voice stress analysis is unnecessary and costly but, when required, accurate and reliable computerized voice stress analysis results can be obtained by observing high standards of professionalism in ~~administration and confidentiality with respect to the~~ results. Therefore, the following preliminary procedural safeguards must be observed:
- (1) Thorough preliminary investigation of the incident reveals that there are believable allegations that a serious incident has taken place in which the Administrative Regulations of the agency, the rules or conduct guidelines of the Department, or the law have been violated. A "serious" incident is one which could be grounds for suspension or discharge of an employee or for discipline of an inmate.



- (2) Thorough preliminary investigation of the incident undertaken reveals that there is a credible allegation that the prospective subject of the computerized voice stress analysis examination was involved in or had direct knowledge of the incident.
  - (3) The computerized voice stress analysis examiner must be apprised of the relevant findings and results of the preliminary investigation and use such as a basis for the formulation of examination questions.
  - (4) An employee or inmate requested or directed to take a computerized voice stress analysis examination must be advised of the constitutional privilege against self-incrimination and not be required to waive it.
- e. Requirements which apply during the computerized voice stress analysis examination and following its administration are:
- (1) The employee or inmate shall be advised that the test is being administered as part of an official investigation, shall be informed of the nature of the incident and his/her alleged involvement in or knowledge of it, and of the right to refuse to answer questions which would tend to incriminate.
  - (2) The scope of the examination shall be limited to the incident under investigation, and the questions asked shall relate specifically and directly to the performance of the employee's duties in the course of participating in, witnessing the incident, or having knowledge of the incident, or to the inmate's ~~participation in, witnessing of the incident.~~ A list of all questions asked must be incorporated in the report of the examiner.
  - (3) The examination must be conducted by qualified computerized voice stress analysis examiners.
  - (4) The Department shall furnish the employee with exactly the same report that it received regarding the results of the examination.



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- f. The Department has a responsibility to have examinations administered with impartiality. In an accuser-accused relationship, the accuser will be examined first, if he/she will cooperate, to test the validity of the accusations.

In rare instances, the accused may take the computerized voice stress analysis examination at his/her request and with permission from the Director, Chief Deputy Director, Deputy Director, Assistant Director, or the Internal Affairs Administrator.

- D. Unit or Departmental Investigations: After the initial reporting of an incident in accordance with AR 005, an investigation shall be conducted into the matter. All incident reports, statements, disciplinary and medical reports shall be compiled within seven (7) days of the date of the discovery of the incident. The Warden or Administrator shall prepare a memorandum in which he/she summarizes this information and makes his/her recommendation for the continuation or termination of the investigation. This memorandum shall be referred in the electronic Offender Management System (eOMIS) or forwarded by paper copy under certain instances, with copies of all attached reports, within ten (10) days of the date of the discovery of the incident to the Chief Deputy Director, Deputy Director, Assistant Director, and the Internal Affairs Administrator; unless requested prior to the ten (10) day timeframe.
- E. Internal Affairs Investigations: The Director, Chief Deputy Director, Deputy Director, or Assistant Director may order an Internal Affairs investigation by the Internal Affairs Division of an incident at any time. All unit or division investigation material shall be forwarded to the Internal Affairs Administrator. The investigation shall be directed by the Internal Affairs Division, and the Warden will cooperate with requests and provide assistance required to complete the investigation. The Internal Affairs Division will have unlimited access to all areas and files relevant to any ongoing investigations. The Internal Affairs Division will complete its investigation within twenty (20) days of the date the incident was referred and forward its reports and recommendations to the requesting authority. Any extension of the twenty (20) day limit must be requested, in writing, from the Internal Affairs investigator to the Internal Affairs Administrator for prior approval before the completion of the twenty (20) day deadline. The requesting authority must be advised by the Internal Affairs Administrator of an extension of the twenty (20) day deadline.
- F. Confidentiality: All notes, reports, tape recordings, and any other materials which are part of an investigation are considered confidential. No one shall have free access to these records other than the investigative personnel, the Warden/Administrator, Chief Deputy Director, Deputy

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Director, Assistant Director or the Director, unless specific permission is granted by the Director or the Internal Affairs Administrator.

Dissemination of investigative information under the provision of the Freedom of Information Act shall be handled by the office of the Director.

**III. ATTACHMENTS:**

Attachment A – Computerized Voice Stress Analysis Examination

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Attachment A

**AUTHORIZATION AND CONSENT FORM FOR COMPUTER VOICE STRESS ANALYSIS (CVSA)**

The undersigned CVSA Examiner on \_\_\_\_\_ (Date) and \_\_\_\_\_ (Time) obtained

Written or Oral authorization from \_\_\_\_\_ to conduct a

CVSA on: \_\_\_\_\_ (ADC Number \_\_\_\_\_)

\_\_\_\_\_ (Employee Number \_\_\_\_\_)

**Purpose of Investigation:**

**FOR ADC EMPLOYEE:** I understand I have the right to a Second Reading of the CVSA Examiner's original charts by another licensed independent CVSA examiner should I disagree with the results. To exercise my right to a Second Reading, I must make a written request to the Director of the Department of Correction within five (5) business days. I fully understand all expenses associated with a requested Second Reading will be paid by me. I will receive a copy of the Analysis of the Second Reading.

\_\_\_\_ I accept and agree to take the CVSA.

\_\_\_\_ I decline and refuse the CVSA.

\_\_\_\_\_  
Name/Title

\_\_\_\_\_  
Date/Time

The above signature was witnessed by: \_\_\_\_\_  
Name/Title Date

Authorization Verified by:

\_\_\_\_\_  
Name/Title Date

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**Arkansas Department of Correction  
Internal Affairs Division**

**ADMINISTRATIVE WARNING**

Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Employee: \_\_\_\_\_ Rank: \_\_\_\_\_  
Unit: \_\_\_\_\_ Position: \_\_\_\_\_ Employee No: \_\_\_\_\_

This is an official administrative inquiry regarding \_\_\_\_\_ an incident, \_\_\_\_\_ misconduct or \_\_\_\_\_ improper performance of official duties, which is under administrative investigation. This inquiry pertains to \_\_\_\_\_.

The purpose of this interview is to obtain information which will assist in the determination of whether administrative action is warranted. In an administrative investigation you are **required** to truthfully answer all questions directed to you, both orally and when requested in writing.

You are going to be asked a number of specific questions regarding the performance of your official duties. These questions are specifically, directly and narrowly related to the performance of your duty. You are not being questioned for the purpose of instituting criminal proceedings against you.

During the course of this questioning even if you do disclose information which indicates you may be guilty of criminal conduct in this matter, neither your self-incrimination statements, nor the fruit thereof, will be used against you in any criminal proceeding.

If you refuse to answer questions directed to you, you will be given a direct order by a superior officer and/or IAD investigator to answer the question directed towards you in this matter. If you refuse to answer the questions, you will be advised such refusal constitutes a violation of the Arkansas Department of Correction Employee Conduct Standards and may serve as a basis for more serious disciplinary action up to and including, **discharge**.

During this investigation you are directed to not discuss or make known any information concerning this matter with anyone other than your direct Chain of Command, your attorney/representative or members of the Internal Affairs Division.

If you have any questions regarding this warning, or any questions regarding the procedures to be followed, you may direct those questions to the Administrator of Internal Affairs Division, or his designated representative.

I, \_\_\_\_\_, hereby acknowledge the receipt of the above warning; that I have been given an opportunity to read it, or have it read to me; and I fully understand my rights as outlined above.

Witnessed by: \_\_\_\_\_ Date: \_\_\_\_\_

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**ARKANSAS DEPARTMENT OF CORRECTIONS**  
**Division of Correction – Director’s Office**

6814 Princeton Pike  
Pine Bluff, Arkansas 71602  
Phone: (870) 267-6200 | Fax: (870) 267-6244

**ADMINISTRATIVE DIRECTIVE**

**SUBJECT:** Restrictive Housing

**NUMBER:** 2021-15

**SUPERSEDES:** 19-28

**APPLICABILITY:** Director, Deputy/Assistant Directors,  
Warden/Center Supervisors, Employees  
involved in Segregation, and Inmates

**REFERENCE:** AR 836 Segregation;  
AD Disciplinary Court Review;  
AD Punitive Segregation-Restriction;  
AD Step-Down Program; and  
SD Prison Rape Elimination Act

**PAGE:** 1 of 6

**APPROVED:** Original Signed by Dexter Payne

**EFFECTIVE DATE:** 8/5/2021

**I. POLICY**

It is the policy of the Arkansas Division of Correction (ADC) to provide safe and secure housing to inmates who require a higher degree of physical control, or who staff find necessary to remove from the general population of the facility. The policy is to limit the use of Restrictive Housing to the shortest period of time possible while maintaining a safe environment within the institutions.

The use of “segregation” or administrative segregation” in existing policies also applies to inmates in “Restrictive Housing” or “Extended Restrictive Housing” unless such use poses a conflict with this policy. The Institutional Classification Committee or, in an emergency, the Warden/Center Supervisor or designee may place an inmate in Restrictive Housing if his/her continued presence in the general population poses a direct threat to the safety of other inmates and staff or is a clear threat to the safe and secure operations of the facility.

**II. DEFINITIONS**

1. **Administrative Status.** Separation from the general population by the classification committee or shift supervisor when the continued presence of the inmate in the general population poses a direct threat to the safety of persons or a clear threat to the safe and secure operations of the facility. Inmates pending investigation by the unit or law enforcement, pending trial on a criminal act, pending disciplinary court review, or pending transfer. While this status may be in restrictive housing, it is a temporary status, and a Release Plan is not required while in this status.
2. **Restrictive Housing (RH).** Placement that requires an inmate to be confined to a cell at least twenty-two (22) hours per day.
3. **Extended Restrictive Housing.** Placement in housing that separates the inmate from contact with general population while restricting an inmate to his/her cell for twenty-two (22) hours per day for thirty (30) days or longer for the safe and secure operation of the facility. A 48-hour relief does not end Extended RH because the inmate is not returned to general population during this time.

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4. Restrictive Recreation. A status Assignment allowing the Classification Committee or Warden/Center Supervisor to assign an inmate to be kept in full restraints during the inmate's scheduled recreation period if his/her actions pose a direct threat to the safety of persons or a clear threat to the safe and secure operations of the facility. These actions include but are not limited to tampering with, or blocking, any lock or locking device; tampering or manipulating any recreation enclosure or RH recreation area; running from, avoiding, or otherwise resisting apprehension; aggravated battery to include attempted battery or battery on staff or inmates; and attempts to remove or manipulate restraints.
5. Serious Mental Illness. Psychotic, Bipolar, and Major Depressive Disorders and any other diagnosed mental disorder (excluding substance use disorders) associated with serious behavioral impairment as evidenced by examples of acute decompensation, self-injurious behaviors, and mental health emergencies that require an individualized treatment plan by a qualified mental health professional.
6. Step-Down Program. A system of review that establishes criteria to prepare an inmate for transition from RH to general population or the community. A classification committee made up of a multidisciplinary team (medical, mental health, security, and others determined by the Warden) will determine which individual inmates enter the program.
7. Protective Custody. Form of separation from the general population for inmates requesting or requiring protection from other inmates for reasons of health or safety. The classification committee reviews the inmate's status periodically. Inmates assigned to Protective Custody are not assigned to RH due to this status alone.
8. Disciplinary Court Review (DCR). The confinement of an inmate in RH until a disciplinary hearing is completed due to an alleged disciplinary infraction.
9. Placement. Removal of an inmate from general population to a RH Assignment.
10. Assignment. A decision by the Institutional Classification Committee that RH is appropriate.
11. Release Plan. The steps the inmate needs to take to be released to general population which may include one or more of the following: a certain number of disciplinary free days, completion of disciplinary sanctions, completion of anger management, thinking errors, and/or a Step-Down Program.
12. Reentry Plan. A pre-release assessment and plan that includes at a minimum a review of parole stipulations and program referrals, transportation to the inmate's closest commercial pick-up point, information on community services available in the area, and information on how to reinstate voting rights upon discharge of their sentence.
13. Youthful Inmate. Any inmate under the age of eighteen (18). Note: Refer to the Youthful Inmate Administrative Directive for procedures pertaining to the housing of Youthful Inmates.

**III. PROCEDURES**

**A. Initial Placement**

1. Upon the determination that the inmate poses a direct threat to the safety of persons or a clear threat to the safe and secure operations of the facility, the Chief Security Officer on duty (shift supervisor) may place the inmate in RH.
2. Inmates placed in RH must be transferred out of RH within three (3) business days when Placement is due to Protective Custody status alone absent approval by the appropriate Deputy Director.
3. When a PREA incident (sexual abuse/assault) has occurred or is alleged to have occurred, victims shall be separated from the accused as soon as possible. If the victim is placed in RH, the placement should not exceed 24 hours, unless necessary to protect the victim from further harm or other security concerns. For further guidance in post-allegation housing of victims of sexual abuse/assault, refer to Secretarial Directive Prison Rape Elimination Act (PREA).
4. Any inmate Placement in RH will be approved, denied, or modified within twenty-four (24) hours by an appropriate and higher authority who was not involved in the initial Placement. The higher authority shall, after reviewing the inmate's status, either release him/her from the RH area or retain him/her in the

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RH area and refer the inmate to the next regularly scheduled meeting of the Classification Committee. The inmate will receive written notification of the hearing not less than twenty-four (24) hours prior to the hearing.

**B. Institutional Classification Committee Procedures for Assignment to RH**

1. The Classification Committee will hold the hearing to determine Assignment within seven (7) days of Placement and after the inmate has received written notice.
2. The inmate will be allowed to appear before the committee to make any relevant statement, and to present related documentary evidence.
3. Assignment to RH will be made by a majority vote of the committee.
4. The inmate will be advised of the reasons for his/her Assignment to RH and the steps he/she needs to take to be released to general population which may include a Step-Down Program. Both the reason for Assignment and the method to earn release will be provided to the inmate in writing and a copy of the reasons will be maintained in the inmate's electronic file. All decisions may be subject to review and approval or disapproval by the Warden or his/her designee.
5. Any inmate who is potentially dangerous to his or her own person shall immediately be placed in RH and evaluated by Mental Health Staff the same business day or within four (4) hours.
6. Any inmate who exhibits chronic unruly behavior shall be evaluated by the Mental Health Staff upon request by the Warden or his/her designee. The results of the evaluation shall be considered by the Classification Committee in determining the RH status of the inmate.
8. Confinement of pregnant inmates or inmates who are Seriously Mentally Ill (SMI) in Extended RH is prohibited.
9. An inmate will not be placed in RH based on Gender Identity alone.

**C. Administrative Status.** An inmate that poses a direct threat to the safety of persons or a clear threat to the safe and secure operations of the facility, can be placed in RH on Administrative Status due to one of the following:

1. Pending trial on a criminal act; Placement is not to exceed three (3) business days following a court decision;
2. Pending DCR; Placement is not to exceed fourteen (14) days. If the disciplinary action is dismissed prior to a disciplinary hearing, the inmate must be released from DCR status and appropriately reassigned;
3. Pending transfer to another unit; Placement is not to exceed three (3) business days absent approval from the appropriate Deputy Director; or
4. Pending investigation by unit staff, Internal Affairs, or Arkansas State Police not to exceed three (3) business days which may be extended by the Warden or designee. The extension approved by the Warden or Deputy/Assistant Warden may not exceed five (5) working days per extension. If there are more than four (4) extensions, they must have the approval of the Director. Extensions can only be made for one of the following reasons:
  - a. An inmate who is suspected of having information which would aid in the resolution of the investigation is unavailable for interview by appropriate authorities;
  - b. Awaiting information, documents and/or decisions which would aid in the resolution of the investigation, from appropriate authorities; or
  - c. The case requires more extensive investigation.
5. For inmates on Administrative Status, these procedures will be followed except that this status is temporary, and a Release Plan is not necessary while in this status.



"Ex. D"

**D. Control Precautions and Privileges while in Restrictive Housing**

Controls and privileges do not govern inmates serving punitive restriction, participating, or assigned to Step-Down Units, Death Row, and other special housing areas including Residential Programming Unit (RPU), VSM Program, infirmaries, and the hospital.

**1. Control Precautions**

- a. The inmate will be housed in a separate area of the institution determined by the Warden.
- b. Inmates will receive regular mail privileges as inmates housed in population.
- c. Visits may be in a separate visiting room and will be conducted in the presence of an officer.
- d. Inmates will have opportunity for exercise, a minimum of one (1) hour of exercise per day, five (5) days per week, unless security or safety dictates otherwise. Opportunities may be available to exercise outdoors, weather permitting. Reasons for the imposition of any constraints should be documented in the log and justified in writing. Inmates who have out-of-cell work Assignments are not required to receive the one-hour exercise period.
- e. If assigned work duties, the job will be within the limits of the inmate's medical classification/restrictions.
- f. Regularly scheduled meals may be served in cells instead of the chow hall.
- g. Chaplains will visit the RH area at least weekly and upon request.
- h. Although no razors will be allowed, inmates will have the opportunity to groom facial hair and shower a minimum of three (3) times per week. Barbering and hair care services should be available on the same basis as general population except that no razors will be allowed. Exceptions to the schedule are permitted when found necessary by the shift supervisor on duty. All exceptions will be recorded in the log and justified in writing.
- i. Requests for medical, dental, or mental health services are the same as general population. The requests can be through sick call/health services request or by staff for medical emergencies. Inmates in RH are provided medication as prescribed.
- j. Commissary purchases will be limited to \$10 weekly due to security requirements on inmates in RH. Items not allowed include ice cream, razors, any sharp objects, canned items, and others as designated in writing by unit policies.
- k. Appropriate clothing will be issued. Jumpsuits may replace pants/tops due to strings necessary for pants and other security concerns.
- l. A reasonable amount of reading material and educational material approved by the Educational Department.
- m. Bedding is to be changed weekly and weekly laundry services are to be provided.
- n. Access to legal materials upon request and in accordance with unit policy.
- o. Access to attorney of record via legal mail and telephone.
- p. Inmates leaving or entering the RH unit must be thoroughly searched. Those on RH status shall be escorted by two (2) officers and will be in restraints to and from their destination.
- q. RH inmates are personally observed by a correctional officer twice per hour, but no more than forty (40) minutes apart, on an irregular schedule. Inmates who are mentally disordered or who demonstrate unusual, bizarre, or self-injurious behavior receive more frequent observation as determined by a qualified mental health professional (minimal to constant); suicidal inmates are under continuous observation (directly or by monitored camera) while on treatment precautions. Observation shall be documented in a log.

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**2. Privileges**

- a. Inmates in RH will attend Institutional activities only with prior written approval from the Warden.
- b. Television, radio, MP4, and/or tablet privileges may be denied only upon documentation of the reason(s) in each inmate's record. Separate documentation is not required when class status required for the privilege does not exist, or a disciplinary restriction is in the inmate's record.

**E. Review of RH Status**

- 1. The Classification Committee or authorized staff must review the status of every inmate assigned to RH classification every seven (7) days for the first sixty (60) days, and every thirty (30) days thereafter to determine if the reason(s) for Assignment continues to exist. At every other thirty (30) day review, the inmate will be personally interviewed by the Classification Committee or authorized staff. All reviews will be documented utilizing the appropriate segregation form, and all refusals by inmates will be signed by the inmate and at least one member of the classification committee who confirmed the refusal by speaking with the inmate. Any inmate who advises the classification member that he/she did not refuse will be assigned to the next regularly scheduled classification meeting.
- 2. A mental health practitioner/provider completes a mental health appraisal and prepares a written report on all inmates placed in RH within seven (7) days of Placement. If confinement continues beyond thirty (30) days, a behavioral health assessment by a mental health practitioner/provider is completed at least every thirty (30) days for inmates with a diagnosed behavioral health disorder and more frequently if clinically indicated. For inmates without a diagnosed behavioral health disorder, an assessment is completed every ninety (90) days and more frequently if clinically indicated. The evaluation will be conducted in a confidential area.
- 3. The Warden/Center Supervisor or designee will review all committee recommendations for possible transfer to general population within five (5) days.
- 4. No inmate shall remain in RH for more than one (1) year unless the Warden has personally interviewed him/her at the end of the year and approves the Assignment. At the end of the second and each additional year that an inmate remains in RH, the Warden and the Deputy Director shall personally interview the inmate and determine whether the Assignment is necessary and appropriate.
- 5. The calculation and scheduling of an inmate's RH hearing will not change if that inmate transfers to another unit and remains in RH.
- 6. Inmates assigned to RH have the opportunity to participate in the Step-Down Program to assist with reintegration of the inmate into general population in accordance with his/her Release Plan or to the community in accordance with his/her Reentry Plan.
- 7. ~~The ADC will attempt to ensure that inmates are not released directly into the community from RH or Extended RH.~~ In the event that the release of an inmate directly from RH into the community is imminent, the Unit Warden or designee will document the justification and receive approval from the appropriate Deputy Director. Additionally: The following must be met:
  - a. Classification shall verify that a Reentry Plan is in the Division's electronic Offender Management Information System (eOMIS) at least one-hundred twenty (120) days prior to release. The Reentry Plan will be tailored to specific needs of the inmate. This does not apply to court orders for immediate release.
  - b. Notice is required of release to local law enforcement where the inmate intends to reside, and/or local law enforcement where the ADC releases the inmate from custody.
  - c. Notify releasing inmate of applicable community resources as part of the Reentry Plan.
  - d. Victim Information and Notification Everyday (VINE) is made to those victims who have current information in VINE or eOMIS.



"Ex. D"

**F. Restrictive Recreation****A. Initial Placement:**

1. Upon determination that the inmate poses a direct threat to the safety of persons or a clear threat to the safe and secure operations of the facility, the shift supervisor will notify the Warden, Deputy Warden, or Chief of Security to recommend an inmate's Placement on Restrictive Recreation Status. The recommendation shall include all pertinent information regarding the request and be forwarded to the Warden for review and approval, unless the Warden approved the initial Placement.
2. Once the Warden initially approves the use of Restrictive Recreation for an inmate, the Warden will contact the appropriate Deputy Director or the Duty Director, requesting final authorization. The request for authorization will be made within twenty-four (24) hours of the initial Placement of an inmate on Restrictive Recreation Status and documented.
3. Any inmate placed on Restrictive Recreation Status will be scheduled to appear before the next regularly scheduled meeting of the unit's Classification Committee for review.

**B. Institutional Classification Committee Procedures for Continued Placement on Restrictive Recreation Status**

1. The inmate will be allowed to appear before the Classification Committee to make any relevant statements, and to present related documentary evidence. An inmate's refusal to appear before the committee will be documented in writing.
2. Continued Placement will be made by majority vote of the committee.
3. The inmate will be advised in writing of the reasons for continued Placement and the steps the inmate must take to be removed from Restrictive Recreation Status.
4. The inmate will be on staff restricted movement of a Lieutenant or above for the duration of the Placement. The Lieutenant or above restriction will begin with the initial Placement.
5. The Restrictive Recreation Status will be documented in the Case Notes Section of the inmate's electronic record and a Restrictive Recreation Precaution will also be entered. A handout on in-cell exercise shall be provided to the inmate upon request.
6. All decisions of the Classification Committee will be subject to review and approval or disapproval by the Warden or his/her designee.

**C. Review of Restricted Recreation Status.**

1. The Classification Committee or authorized staff, at the rank of Major or above, must review the status of each inmate placed on Restrictive Recreation every sixty (60) days following the initial Classification Committee Review. The status review will be documented in the Classification Committee Action Section of the inmate's electronic record.
2. The Warden or his/her designee will review all recommendations for possible release from Restrictive Recreation status.
3. Upon release from RH an inmate will automatically be released from Restrictive Recreation status.

**IV. ATTACHMENTS:**

- I. Restrictive Housing Placement
- II. Restrictive Recreation Placement
- III. Restrictive Housing Status Review Record of Release Consideration
- IV. Restrictive Housing Release Plan
- V. Restrictive Housing Classification Committee Waiver

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"Ex. D"

**ARKANSAS DEPARTMENT OF CORRECTIONS**  
**Division of Correction – Director's Office**

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Pine Bluff, Arkansas 71602  
Phone: (870) 267-6200 | Fax: (870) 267-6244

**RESTRICTIVE HOUSING PLACEMENT**

**Attachment I**

Any Placement requires a finding that this inmate's continued presence in the general population poses a serious threat to life, property, self, staff, other inmates, or to the security of the Unit.

TO: \_\_\_\_\_

FROM: \_\_\_\_\_

DATE: \_\_\_\_\_

Inmate \_\_\_\_\_ ADC # \_\_\_\_\_ is/was placed in RH on  
\_\_\_\_\_ at \_\_\_\_\_ for the following reason(s):

**Administrative Status (Temporary):**

- pending trial for a criminal act
- pending disciplinary court review
- pending transfer to another unit
- pending investigation (Note: PREA victims cannot be placed in RH for more than twenty-four hours (24) unless necessary to protect the victim from further harm or other security concerns)

---

**Review required within twenty-four (24) Hours of Placement**

- I was not involved in the initial Placement and have reviewed the reasons for the Placement. I find the Placement appropriate.
- I find the inmate should be moved to \_\_\_\_\_ rather than remain in RH.

---

SIGNATURE

---

DATE

**Note: If the inmate's Placement in RH is approved, he/she shall appear before the Classification Committee for possible Assignment within seven (7) days.**

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**ARKANSAS DEPARTMENT OF CORRECTIONS  
Division of Correction – Director's Office**

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**RESTRICTIVE RECREATION PLACEMENT**

**Attachment II**

Any Placement requires a finding that this inmate's continued actions pose a direct threat to the safety of persons or a clear threat to the safe and secure operations of the facility. These actions include but are not limited to: tampering with or blocking any lock or locking device; tampering or manipulating any recreation enclosure or Restricted Housing recreation area; running from, avoiding or otherwise resisting apprehension; aggravated battery to include attempted battery/battery on staff or inmate(s); and attempts to remove or manipulate restraints.

TO: \_\_\_\_\_

FROM: \_\_\_\_\_

DATE: \_\_\_\_\_

Inmate \_\_\_\_\_ ADC# \_\_\_\_\_ is/was placed on Restrictive  
Recreation on \_\_\_\_\_ at \_\_\_\_\_ for the following reason(s):

- Tampering with, or blocking, any lock or locking device.
- Tampering or manipulating any recreation enclosure.
- Running from, avoiding, or otherwise resisting apprehension.
- Aggravated battery to include attempted battery on staff or inmate(s).
- Attempts to remove and/or manipulate restraints.
- Other: \_\_\_\_\_

**Review required within twenty-four (24) hours of Placement**

I have reviewed the reasons for the Placement and find that the inmate  should  should not remain on Restrictive Recreation status.

\_\_\_\_\_  
Warden Signature

\_\_\_\_\_  
Date

I have reviewed the reasons for the Placement and find that the inmate  should  should not remain on Restrictive Recreation status.

\_\_\_\_\_  
Deputy/Duty Director

\_\_\_\_\_  
Date

Note: If the inmate's Placement on Restrictive Recreation status is approved, he/she shall appear before the next Classification Committee for review and every sixty (60) days thereafter.

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ARKANSAS DEPARTMENT OF CORRECTIONS  
Division of Correction – Director's Office

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RESTRICTIVE HOUSING STATUS REVIEW  
RECORD OF RELEASE CONSIDERATION

Attachment III

Facility: \_\_\_\_\_  
Inmate: \_\_\_\_\_  
ADC #: \_\_\_\_\_

- 7 Day Review     Warden's Review
- 30 Day Review     Director's Review
- 60 Day Review     Special Consideration

Date of Review \_\_\_\_\_ Date of Initial Assignment \_\_\_\_\_

REASON FOR INITIAL ASSIGNMENT

- Poses a direct threat to the safety of themselves or other
- Poses a direct threat to the safe and secure operations of the facility
- Administrative Status due to: \_\_\_\_\_

COMMITTEE MEMBERS	VOTE	
	REMAIN ( )	RELEASE ( )
	REMAIN ( )	RELEASE ( )
	REMAIN ( )	RELEASE ( )
	REMAIN ( )	RELEASE ( )
	REMAIN ( )	RELEASE ( )
	REMAIN ( )	RELEASE ( )
	REMAIN ( )	RELEASE ( )
	REMAIN ( )	RELEASE ( )
	REMAIN ( )	RELEASE ( )

INMATE'S STATEMENT CONCERNING RELEASE OR CONTINUED SEGREGATION

ACTION/REASON

- Continue RH (Describe how the inmate continues to pose a direct threat to safety of persons or a clear threat to the safe and secure operations of the facility):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- Inmate is not a threat to the security of persons or a clear threat to the safe and secure operations of the facility, and should be released from RH
- Release pending completion of RH Restrictive Release Plan

MENTAL HEALTH APPRAISAL REPORT: Completed     Yes     No

WARDEN'S REVIEW

- I have reviewed the above and agree with the Committee's decision.
- I have reviewed the above and am referring this back to the Committee.

WARDEN OR DESIGNEE SIGNATURE

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DATE





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**Division of Correction – Director’s Office**

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**RESTRICTIVE HOUSING RELEASE PLAN**

**Attachment IV**

Facility Name: \_\_\_\_\_ Date: \_\_\_\_\_

Inmate Name: \_\_\_\_\_ ADC Number: \_\_\_\_\_

- Upon completion of the following steps, the above-referenced inmate may be returned to general population from a RH Assignment:
- Upon completion of the following steps, the above-referenced inmate may be removed from a Restrictive Recreation Placement:
  - Achieve Class II status or better
  - Complete the sanction(s) imposed by the Disciplinary Court
  - Complete a Step-Down Program
  - Complete a/an \_\_\_\_\_ program
  - Other (must be specific):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Classification Committee Member Signature Date

**INMATE ACKNOWLEDGEMENT**

I have read, or have had read to me, this Release Plan. I understand that I may remain in RH or on Restrictive Recreation until this plan is completed.

\_\_\_\_\_  
Inmate's Signature Date

**WARDEN'S REVIEW**

- I have reviewed the above and agree with the proposed Release Plan.
- I have reviewed the above and am referring this proposed Release Plan back to the Classification Committee.

\_\_\_\_\_  
Warden or Designee's Signature Date

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Phone: (870) 267-6200 | Fax: (870) 267-6244

**RESTRICTIVE HOUSING CLASSIFICATION COMMITTEE WAIVER**

**Attachment V**

Date of Review: \_\_\_\_\_

I, Inmate \_\_\_\_\_, ADC# \_\_\_\_\_  
Hereby waive or refuse to appear before the RH Classification Committee (RHCC).

My waiver or refusal to appear before the RHCC is done freely and voluntarily without threat or coercion from any person(s). I understand that my refusal to appear before the RHCC will result in the review of my RH or Restrictive Recreation Status in my absence and a decision without any comments or statements from me.

Inmate Name (Please print): \_\_\_\_\_

Inmate Signature: \_\_\_\_\_

Date: \_\_\_\_\_

RHCC Member Name (Please print): \_\_\_\_\_

RHCC Member Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Witness Name (Please print): \_\_\_\_\_

Witness Signature: \_\_\_\_\_

Date: \_\_\_\_\_

38 of 41



"Ex. E"



PO Box 8707  
Pine Bluff, AR 71611-8707  
Phone: 870-267-6999  
Fax: 870-267-6345  
www.adc.arkansas.gov

## ADMINISTRATIVE DIRECTIVE

**SUBJECT:** Initial Unit of Assignment

**NUMBER:** 17-35

**SUPERSEDES:** 12-15

**APPLICABILITY:** To all staff, especially those involved in the classification/assignment of inmates; and inmates

**REFERENCE:** AR 802-Classification of Inmates

**PAGE 1 of 3**

**APPROVED:** Original signed by Wendy Kelley

**EFFECTIVE DATE:** 12/29/17

---

**I. POLICY:**

It shall be the policy of the Department of Correction to establish criteria for initial unit assignments for male/female inmates.

**II. PURPOSE:**

Upon reception by the Department of Correction, inmates are initially assigned to designated units in a way that assures public safety, while providing a safe and humane environment for inmates, while strengthening their work ethic through the teaching of good habits, and providing opportunities for them to improve spiritually, mentally, and physically. This directive applies to initial assignments only and does not preclude a transfer to another unit.

39 of 41



**III. PROCEDURE:**

**A. Initial Units of Assignment**

1. Assignment of inmates to parent units will be made commensurate with the custody level of the facility. Varner, East Arkansas Regional, Cummins, Grimes, Ouachita River, North Central, Delta Regional, Wrightsville, Randall L. Williams and Tucker Units are designated units at which male inmates may do their initial assignments. Females may do their initial assignment at either McPherson or Hawkins Units.
2. Male inmates who are serving sentences of Death, Life without Parole, or Life shall only be assigned to the following units for their initial and permanent assignment: Cummins, Varner, East Arkansas Regional, or Maximum Security. Any exception to the housing of these designated inmates at a different facility must be approved by the Warden and the appropriate Deputy Director or Assistant Director and documented on the Custody Classification Screen in eOMIS consistent with the administrative directive on Custody Classification. Female inmates who are serving sentences of Death, Life without Parole, or Life shall only be assigned to the McPherson Unit for their initial and permanent assignment.

**B. Exceptions**

Routine exceptions to address medical or mental health needs, and assignments to Death Row do not require the Director's approval.

1. Inmates who require protective custody (PC) may be assigned to any facility with single-cell housing if they cannot be housed in the designated open barracks for PC inmates.
2. Inmates who are at risk of sexual victimization, but not to the extent of requiring protective custody, should be sent to a unit that best suits the inmate's individual needs, and staff should consider Delta, North Central, Wrightsville, Ouachita River, Tucker, or Ester.

Factors that could indicate an inmate might be at risk of victimization include the following factors as set forth in the PREA policy:



"Ex. E"

- a. Whether the inmate has a mental, physical, or developmental disability;
  - b. The age of the inmate, including whether the inmate is a juvenile (Note: any inmate under 21 years of age with a history of special education who has not obtained a high school diploma or a GED shall be assigned to Varner, Grimes, or McPherson unless the Correctional School District approves a different assignment);
  - c. The physical build of the inmate/small stature;
  - d. Whether the inmate has previously been incarcerated;
  - e. Whether the inmate is homosexual, bisexual, transgender, or intersex;
  - f. Whether the inmate has previously experienced sexual victimization; and
  - g. The inmate's own perception of vulnerability.
3. Inmates who have a propensity to be sexually abusive toward other inmates should be considered for facilities with single cell housing. Factors that could indicate an inmate may have a propensity for sexual abuse include the following factors as set forth in the PREA policy:
- a. Inmate's violent criminal history;
  - b. Inmate's convictions for sex offenses;
  - c. Inmate's prior history of institutional violence or sexual abuse;
  - d. Inmate's gang affiliation; and
  - e. Inmate's aggressive attitude at intake.
4. All other exceptions except stated herein must be approved by the Director/Designee. (For example, assignment of inmates to interstate compact, assignment of former employees, former law enforcement officers, etc.)

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Arkansas  
State Claims Commission

MAY 16 2022

To: Ms. Kathryn Irby, Director

Date: May 12, 2022

RECEIVED

From: Mr. Darrell K. Williams

ADC: [REDACTED]

Re: Claim No. 220838

Dear Ms. Irby,

With all full respect towards you and the Commission,

I am writing due to my ever rising concern over my claim.

All the inmates at the unit I am currently being housed ([REDACTED]), are having a severe ongoing problem with the unprofessionalism of the mailroom personnel.

As of lately an enormous amount of both personal and legal mail has been mysteriously lost or misdelivered to the wrong addressee, including mail that has had tracking numbers assigned to the articles of mail, by the personnel of our mailroom.

So please understand first and foremost I am not attempting to rush you in any way, I am only inquiring out of fear and concern that I have not heard from your office concerning the ruling on my last Motion.

I just do not wish for my claim to fail due to an error made by issues out of my control, such as the personnel of our mailroom misplacing and/or losing my mail.

If the Commission has not made a ruling yet or you have not contacted me and it is not too much to ask, could you please contact me and let me know so that I am aware my mail from your office has not fallen victim to the unprofessionalism of our mailroom personnel.

Thank you for your time in this matter.

Executed at Marianna, Arkansas on May 12, 2022.

Respectfully Submitted  
Darrell K. Williams

Mr. Darrell K. Williams  
[REDACTED]

**From:** [Misty Scott](#) on behalf of [ASCC Pleadings](#)  
**To:** [Thomas Burns \(DOC\)](#)  
**Cc:** [Roni Gean \(DOC\)](#); [ASCC Pleadings](#); [Mika Tucker](#)  
**Subject:** ORDER: Darrell K. Williams v. ADC, Claim No. 220838  
**Date:** Monday, June 27, 2022 10:49:00 AM  
**Attachments:** [Darrell K. Williams v. ADC MT.pdf](#)  
[Darrell K. Williams v. ADC.pdf](#)

---

Thomas:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

*Misty*

**Misty Scott**  
**Arkansas State Claims Commission**

# ARKANSAS STATE CLAIMS COMMISSION

(501) 682-1619  
FAX (501) 682-2823



KATHRYN IRBY  
DIRECTOR

101 EAST CAPITOL AVENUE  
SUITE 410  
LITTLE ROCK, ARKANSAS  
72201-3823

June 27, 2022

Mr. Darrell K. Williams (ADC [REDACTED])  
[REDACTED]  
[REDACTED]

Mr. Thomas Burns  
Arkansas Division of Correction  
6814 Princeton Pike  
Pine Bluff, Arkansas 71602-9411

(via email)

Re: ***Darrell K. Williams v. Arkansas Division of Correction***  
Claim No. 220838

---

Dear Mr. Williams and Mr. Burns:

Enclosed please find an Order entered on June 24, 2022, by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DARRELL WILLIAMS (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 220838

ARKANSAS DIVISION OF  
CORRECTION

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Claims Commission”) is a motion filed by the Arkansas Division of Correction (the “Respondent”) to dismiss the claim of Darrell Williams (the “Claimant”). Based upon a review of the motion, the arguments made therein, and the law of Arkansas, the Claims Commission hereby finds as follows:

1. Claimant filed his claim on December 29, 2021, seeking \$25,000.00 in damages related to Respondent’s violation of policies that led to another inmate harming Claimant.

2. Respondent filed a motion to dismiss pursuant to Ark. R. Civ. Proc. 12(b)(6), arguing, *inter alia*, that Claimant did not exhaust his administrative remedies because his related grievance only listed individuals, not Respondent.

3. Claimant responded, disagreeing that dismissal was proper.

4. In reviewing Respondent’s motion to dismiss, the Claims Commission must treat the facts alleged in the complaint as true and view them in a light most favorable to the Claimant. *See Hodges v. Lamora*, 337 Ark. 470, 989 S.W.2d 530 (1999). All reasonable inferences must be resolved in favor of the Claimant, and the complaint must be liberally construed. *See id.* However, the Claimant must allege facts, not mere conclusions. *Dockery v. Morgan*, 2011 Ark. 94 at \*6, 380 S.W.3d 377, 382 (2011). The facts alleged in the complaint will be treated as true, but not “a plaintiff’s theories, speculation, or statutory interpretation.” *See id.* (citing *Hodges*, 337 Ark. 470, 989 S.W.2d 530 (1999)).

5. The Claims Commission elects to exclude the evidence attached to Respondent's motion for purposes of considering this motion to dismiss. *See* Ark. R. Civ. P. 12(b). This exclusion relates only to this motion to dismiss. Respondent is free to use these documents as permitted by all applicable rules of practice and procedure and to file a motion for summary judgment once discovery is completed.

6. The Claims Commission is not persuaded by Respondent's argument that Claimant did not exhaust his administrative remedies because his related grievance only listed individuals, not the Respondent. In his grievance related to his claim, Claimant named the specific employees of the Respondent he alleged violated policy.

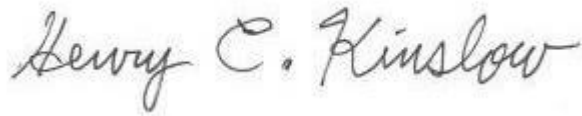
7. The Claims Commission finds that dismissal of Claimant's claim is premature.

8. Respondent's motion to dismiss is DENIED, and the parties are instructed to conduct discovery.

9. The Claims Commission further notes that Claimant has requested a hearing. The Claims Commission advises the parties to notify the Claims Commission when discovery is nearing completion so that this matter may be added to the hearing schedule.

10. Any other pending motions are denied.

IT IS SO ORDERED.



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ARKANSAS STATE CLAIMS COMMISSION

Courtney Baird  
Dexter Booth  
Henry Kinslow, Co-Chair  
Paul Morris, Co-Chair  
Sylvester Smith

DATE: June 24, 2022

**Notice(s) which may apply to your claim**

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

**From:** [Mika Tucker](#)  
**To:** [Thomas Burns \(DOC\); ASCC Pleadings](#)  
**Cc:** [Roni Gean \(DOC\)](#)  
**Subject:** RE: ORDER: Darrell K. Williams v. ADC, Claim No. 220838  
**Date:** Monday, June 27, 2022 1:01:00 PM  
**Attachments:** [Williams vs. position.pdf](#)

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Please see attached. Thank you.

**Mika Tucker**  
**Arkansas State Claims Commission**  
101 East Capitol Avenue, Suite 410  
Little Rock, Arkansas 72201  
(501) 682-2818

---

**From:** Thomas Burns (DOC) <[Thomas.Burns@arkansas.gov](mailto:Thomas.Burns@arkansas.gov)>  
**Sent:** Monday, June 27, 2022 12:47 PM  
**To:** ASCC Pleadings <[ASCCPleadings@arkansas.gov](mailto:ASCCPleadings@arkansas.gov)>  
**Cc:** Roni Gean (DOC) <[Roni.Gean@arkansas.gov](mailto:Roni.Gean@arkansas.gov)>; Mika Tucker <[Mika.Tucker@arkansas.gov](mailto:Mika.Tucker@arkansas.gov)>  
**Subject:** RE: ORDER: Darrell K. Williams v. ADC, Claim No. 220838

May we please get a copy of the inmates response to our motion for summary judgement. We do not and did not receive one.

Thank you

-TB  
Legal Division  
Arkansas Department of Corrections  
Division of Correction

---

**From:** Misty Scott <[Misty.Scott@arkansas.gov](mailto:Misty.Scott@arkansas.gov)> **On Behalf Of** ASCC Pleadings  
**Sent:** Monday, June 27, 2022 10:50 AM  
**To:** Thomas Burns (DOC) <[Thomas.Burns@arkansas.gov](mailto:Thomas.Burns@arkansas.gov)>  
**Cc:** Roni Gean (DOC) <[Roni.Gean@arkansas.gov](mailto:Roni.Gean@arkansas.gov)>; ASCC Pleadings <[ASCCPleadings@arkansas.gov](mailto:ASCCPleadings@arkansas.gov)>;  
Mika Tucker <[Mika.Tucker@arkansas.gov](mailto:Mika.Tucker@arkansas.gov)>  
**Subject:** ORDER: Darrell K. Williams v. ADC, Claim No. 220838

Thomas:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

*Misty*

**Misty Scott**  
**Arkansas State Claims Commission**

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas  
State Claims Commission

JUL 14 2022

RECEIVED

DARRELL K. WILLIAMS (ADC [REDACTED])

CLAIMANT

No. 220838

ARKANSAS DEPARTMENT OF CORRECTIONS

RESPONDENT

FIRST SET OF REQUESTS FOR ADMISSIONS  
TO ARKANSAS DEPARTMENT OF CORRECTIONS

Comes Now, the Claimant, Mr. Darrell K. Williams, for his First set of Requests for Admissions to the Arkansas Department of Corrections, (ADC), to be answered in accordance with the Arkansas Rules of Civil Procedure, states;

1. Admit that ADC Staff Members, (named in Claim No. 220838) violated both Administrative Directives, and Policy and Procedures.
2. Admit that Claim No. 220838 has full merit.
3. Admit that Claim No. 220838, is clearly about ADC Staff failure to follow all Policy and Procedures, Administrative Directives, and Rules designed to prevent incidences such as this from occurring.
4. Admit that the Security Video Surveillance Footage of the incidents, dates occurring (Claim No. 220838) in fact verifys that everything Mr. Williams states in his claim is True, correct and accurate.

5. Admit that Cpl. C. Jones and C.O. I T. Hollowell, violated ADC Policy and Procedures, Administrative Directives, and Rules by taking Claimant Darrell K. Williams, during shower call from the Claimant's assigned cell, E. ██████████ Max Cellblock #711, through an Emergency Crossover Corridor, (seperating each barracks) to an Entirely Different Unassigned Barracks, Max Cellblock 5. to shower.

6. Admit that Cpl. C. Jones and C.O. I T. Hollowell, violated ADC Policy and Procedures, Administrative Directives, and Rules by allowing Inmate C. Jackson to skip his turn at shower call multiple times when asked by both officers on the dates of the incident, (10-23-19 to 10-24-19) then both officers returned to Inmate C. Jackson, (back tracking) for shower call after the entire barracks had been showered, in Inmate C. Jackson's scheme to get into the E. A. R. U. Max Cellblock 7, shower stall #2, with its defective locking mechanism.

7. Admit that Cpl. C. Jones and C.O. I T. Hollowell violated ADC Policy and Procedures, Administrative Directives, and Rules by Not Strip Searching Inmate C. Jackson, prior to Inmate C. Jackson leaving his assigned cell as per Administrative Directive 18-49, Searches of Inmates, Unit Searches and Control of Contraband. (See Exhibit F)

Executed at Marianna, Arkansas on July 10, 2022.

Darrell Williams

Mr. Darrell K. Williams

(ADC # [REDACTED])

---

### CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 10<sup>th</sup> day of July, 2022, on the Respondent, by placing a copy of the same in the U.S. Mail, regular postage to;

Thomas Burns (02006)

Department of Corrections

6814 Princeton Pike

Pine Bluff, Ar. 71602

"Exhibit F"



PO Box 8707  
Pine Bluff, AR 71611-8707  
Phone: 870-267-6999  
Fax: 870-267-6244  
www.adc.arkansas.gov

## ADMINISTRATIVE DIRECTIVE

---

**SUBJECT:** Searches of Inmates, Unit Searches and Control of Contraband

**NUMBER:** 18-49

**SUPERSEDES:** 18-15

**APPLICABILITY:** All employees and inmates

**REFERENCE:** AR 401 Searches for and Control of Contraband

AD - Inmate Property Control,

AD - Body Cavity Searches for

Contraband; AD - Inmate

Correspondence Containing Contraband

PAGE 1 of 5

**APPROVED:** Original signed by Wendy Kelley

**EFFECTIVE DATE:** 12/15/18

---

### **I. POLICY:**

It shall be the policy of the Arkansas Department of Correction (ADC) to have procedures in place to detect and deter the introduction, manufacture, possession and/or conveyance of contraband.

### **II. PURPOSE:**

The control of contraband within a correctional environment is necessary to provide a safe, secure environment for inmates, employees and visitors. The following will provide Arkansas Department of Correction (ADC) staff with information and guidelines regarding approved procedures for the suppression of contraband and to specify approved search methods.

### **III. DEFINITIONS:**

- A. "Contraband" means any item or items determined by the Board of Corrections or ADC to jeopardize the safety, security, or good order of its institutions, including but not limited to the following:

1. Nuisance Contraband - Any item or article which may be or may have been authorized for possession, but which is now prohibited because excessive quantities present health or fire hazards or have become a housekeeping problem.
2. Articles in excess of established facility limits, articles that have been altered or used for unauthorized purposes, and/or articles in an inmate's possession in an unauthorized area.
3. Unauthorized articles seized during a search of living quarters, place of assignment, vehicle or personal search.
4. Items which are illegal or banned by policies.

- 
- B. "Inmates" mean persons incarcerated by the Department of Correction.
  - C. "Staff" means all ADC employees, volunteers, contract medical and mental health employees, Arkansas Correctional School employees and employees of Riverside Vo-Tech.
  - D. "Strip Search" means an unclothed body search, which requires the person to remove his or her clothing in conformance with approved procedures and professional practices.
  - E. "Pat Search" means a clothed body search consisting of an individual's garments and personal effects ready at hand and the surface of the individual's body and the area within the individual's immediate control.

#### IV. PROCEDURE:

##### A. Searches in General

Searches may include but are not limited to the following elements:

1. Searches of inmates on or off ADC property, including search of persons, clothing, and other personal items; or
2. Searches of all vehicles transporting inmates; or
3. Inspection of packages and other nonvehicular items entering and leaving the facility to include inspection by electronic means; or
4. Use of hand-held and walk-through detectors to detect and deter the movement of contraband; or
5. Use of ion scanning devices, drug dogs, and other electronic or advanced technological detection devices.

##### B. Inmate Searches

Searches of inmates are conducted as often as necessary to control contraband, but never for purposes of punishment or harassment.

All searches will be conducted in a professional manner with training in cross-gender pat searches, as well as searches of transgender and intersex inmates in the least intrusive manner possible consistent with security needs. Procedures for inmate searches shall include but are not limited to the following:

1. Facility wide searches carried out in accordance with established Procedures including prior to all holidays;
2. Searches in other common areas, including but not limited to inmate and program work areas such as the kitchen, visitation room, school, day rooms, activity areas, outside recreation and work areas.

a. Pat Searches of Inmates (clothed body search)

Pat searches may be conducted by an employee of either gender and may be performed at any time in any area of the facility; however, in recognition of the Prison Rape Elimination Act standards acknowledging the increased likelihood that female inmates may have a history of trauma, if a female officer is present and available (not otherwise occupied), the female officer will conduct the pat search of a female inmate<sup>1</sup>. Pat searches ordinarily do not require an inmate to remove clothing other than hats, gloves, coats and shoes.

b. Strip Search of Inmates (unclothed body search)

Strip searches shall be conducted by staff of the same gender as the inmate except in cases of emergency (i.e., escape, riot, etc.)<sup>2</sup>. Strip searches of inmates do not require reasonable suspicion that the individual is concealing contraband.

c. All inmates who will be restrained will be strip searched prior to being removed from their cell.

3. Use of body cavity will be searches in accordance with established procedures.

C. Unit Contraband Searches

1. All areas of the units shall be searched thoroughly for contraband on a routine basis.

<sup>1</sup> Should a female officer be present and available, but a male officer conduct the pat search of a female inmate, documentation will be completed as to why that officer conducted the search.

<sup>2</sup> Should an officer of the opposite gender of the inmate conduct a strip search, documentation will be completed describing the emergency.

- a. The search may be limited to a specific building or area of the unit.
- b. All routine unit contraband searches shall be randomly scheduled and conducted in accordance with existing procedures.

D. Institutional Lockdown Searches

1. The warden shall consult with the appropriate Deputy or Assistant Director regarding the necessity of a complete search for contraband with an associated institutional lockdown.
2. The appropriate Deputy or Assistant Director shall inform the Director of the lockdown and search, including the specific reasons for the request and the proposed dates.
3. All contraband searches accomplished in association with an institutional lockdown shall be conducted in accordance with established procedures.
4. The warden may request additional resources and support to assist the unit during the institutional lockdown and search.
4. The institutional lockdown and search is to be followed up with written documentation following established incident notification procedures.

In addition, the warden shall prepare a written report to the appropriate Assistant or Deputy Director within 48 hours after completion of the lockdown and search. The report shall include, but is not limited to the following information: (1) what was confiscated, (2) number of major disciplinaries prepared, and (3) summary of significant events.

E. Personal Property

1. Any item, whether contraband or personal property, taken from an inmate shall be documented on the appropriate ADC confiscation form (for example: Form 401).
2. Although it is essential that all searches are thorough and systematic, it is equally important that no damage, loss or abuse occurs to any personal property. Any such loss or damage that is determined to be through neglect may result in disciplinary action against the negligent employee(s) and officer(s), and they may be liable for the replacement cost of such items.

F. Disposition of Contraband

All contraband except as noted herein shall be dealt with in accordance with the policy regarding inmate property control or other applicable policies.

1. Any instrument of criminality such as drugs or firearms shall be secured in a safe or other appropriate location within the unit. Notification shall be given to Internal

Affairs. Proper chain of custody shall be maintained in accordance with established procedure. No drugs/weapons are to be destroyed without first obtaining written approval from Internal Affairs to ensure the preservation of evidence relative to any criminal proceedings.

2. U.S. currency and money orders recovered from inmates shall be properly receipted, documented, and deposited in the Inmate Welfare Fund. Excess currency may be held and secured as evidence for criminal or administrative proceedings.
3. Weapons, other than those in item 1, should be destroyed at the unit.
4. Unauthorized mobile/wireless telephone devices that are confiscated will be taken ~~to the central office Radio Shop or East Arkansas Regional Unit for processing as~~ soon as possible. These devices may be donated to a non-profit or other outside agency in lieu of destruction, at the discretion of the Director.

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DARRELL K. WILLIAMS (ADC [REDACTED]) CLAIMANT

No. 220839

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDER

CLAIMANT'S FIRST REQUEST FOR THE  
PRODUCTION OF DOCUMENTS

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, the Claimant requests that the Respondent, on and through, Mr. Thomas Burns, Chief Legal Counsel for the Arkansas Department of Corrections, (ADC) produce for inspection and copying the following documents, etc.;

1. The complete unaltered security video surveillance footage of both E [REDACTED] x cellblocks 5 and 7, of the dates October 23, 2019 to October 24, 2019 reflecting the incident of the recorded stabbing of the Claimant. (Digital copy for the court and a print out for the Claimant.)
2. A copy of Cpl. C. Jones' official ADC 005 incident report of the incidents that occurred on October 23, 2019 to October 24, 2019, concerning the Claimant and Inmate C. Jackson.
3. A copy of C.O. I T. Hollowell's official ADC 005 incident report of the incidents that occurred on October 23, 2019 to October 24, 2019, concerning the Claimant and Inmate C. Jackson.

4. The complete incident report including all OOS incident reports, written documents, photographs, etc. of the weapon recovered that Inmate C. Jackson used to assault the Claimant.
5. The complete [REDACTED] Infirmary Report including photographs of the Claimant's wounds and injuries suffered from Inmate C. Jackson's assault on October 23, 2019 to October 24, 2019.
6. The complete Hospital Report of the Claimant's injuries and treatment afforded.
7. All OOS incident reports, requests, maintenance requests, and maintenance reports both physical documentation and all eOMIS reports of the Broken Locking Mechanism of Max Cellblock 7 Shower, (Especially Stall #2) from January 1, 2019, until October 23, 2021, and exactly the date and time the Broken Locking Mechanism of Max Cellblock 7 shower stall #2 was removed and replaced by maintenance.
8. The Barracks Security Log entries for Barracks Max Cellblock Control Booth 5 and 7 for the dates of October 23, 2019 and October 24, 2019.

Executed at Marianna, Arkansas on July 10, 2022.

Darrell Williams

Mr. Darrell K. Williams

(ADC # [REDACTED])

---

### CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 10<sup>th</sup> day of July, 2022, on the Respondent, by placing a copy of the same in the U.S. Mail, regular postage to;

Thomas Burns (02006)

Department of Corrections

6814 Princeton Pike

Pine Bluff, Ar. 71602

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DARRELL K. WILLIAMS (ADC [REDACTED])

CLAIMANT

No. 220838

ARKANSAS DEPARTMENT OF CORRECTIONS

RESPONDEE

CLAIMANT'S FIRST SET OF INTERROGATORIES TO  
THE RESPONDENTS

In accordance with Rule 33 of the Federal Rules of Civil Procedure, Claimant requests that Respondent Corporal C. Jones, answer the following interrogatories under oath, and that the answers be signed by the person making them and served on Claimant within 30 days of service of these interrogatories.

If you cannot answer the following interrogatories in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

These interrogatories shall be deemed continuing, so as to require supplemental answers as new and different information materializes.

1. How long have you been employed by the Arkansas Department of Corrections?
2. How many times have you been reprimanded and/or disciplined during your employment with the ADC and what was they over/for?

3. To your best recollection, on the date of the incident October 23, 2019 to October 24, 2019, why did you take the claimant Darrell K. Williams, from his assigned Max Cellblock 7, cell #11, through the emergency crossover separating the two cellblocks (Max Cellblock 5 and Max Cellblock 7) to an unassigned cellblock, Max Cellblock 5 for the Claimant's shower call?

4. What training, education, and time have you dedicated to learning and being aware of Administrative Directives and Policy and Procedures of the ADC and the E.A.R.U.?

5. To the best of your knowledge, is it within ADC Policy and Procedure or Administrative Directives to secretly escort inmates through the emergency crossovers separating Max cellblocks to shower in unassigned cellblocks?

6. Is it common practice for ADC officers to escort inmates in this manner while conducting shower call?

7. To your best recollection, on the date of the incident October 23, 2019 to October 24, 2019, when you approached Inmate C. Jackson's cell for shower call and asked him was he going to shower call, what was Inmate C. Jackson's response?

8. To your best recollection, on the date of the incident October 23, 2019 to October 24, 2019, how many times did you approach Inmate

C. Jackson and ask him if he was going to shower call?

9. Why did you Not, in your capacity as Corporal in the ADC, Not Forfeit Inmate C. Jackson's shower call, after he continued to state that he was not ready for shower call?

10. What is your proper ADC training and proper ADC protocol for when conducting shower call, you approach an inmates cell and inform them it is their time/turn for shower call, and the inmate declines multiple times stating he is not ready at that time?

11. Did you follow Administrative Directive 18-49, Searches of inmates, unit searches and control of contraband, strip search Inmate C. Jackson prior to him exiting his assigned cell for shower call?

12. Upon escorting Inmate D. Williams back through the emergency crossover separating the cellblocks from Inmate D. Williams' unassigned Max Cellblock 5 shower, to Inmate D. Williams' assigned Max Cellblock 7, cell #11, stopped in front of his assigned cell, and you seen Inmate C. Jackson running out of Max Cellblock Shower Stall #2, yelling for you to "get out of the way Jones", why did you step back leaving Inmate D. Williams completely vulnerable, being handcuffed behind his back, allowing Inmate C. Jackson to grab and stab Inmate D. Williams in his back six (6) times before you acted?

3 of 5

13. To your best recollection, on the date of the incident October 23, 2019 to October 24, 2019, when you escorted Inmate C. Jackson from his assigned cell to the shower, prior to his attack upon Inmate D. Williams, did Inmate C. Jackson have on or in his possession his shower shoes as per A.D and Policy and Procedure or Tennis Shoes?

14. To your best recollection, on the date of the incident October 23, 2019 to October 24, 2019, what was Inmate C. Jackson wearing on his feet during and after his attack on Inmate D. Williams?

15. Did you see/witness Inmate C. Jackson when he threw the knife down after he stabbed Inmate D. Williams, (The knife Inmate C. Jackson used to stab Inmate D. Williams, that was recovered at the scene of the incident afterwards) and heard other officers responding to the "All Rovers to Max 7 bks call by the control booth officer or C.O. I T. Hollowell?

16. In your own opinion as a trained ADC officer, believe that this assault/incident could have been prevented had ADC Policy and Procedures, Administrative Directives, and Rules been followed and adhered to?

17. In your experience, is it common practice for ADC Policy and Procedure, Administrative Directives, and Rules to be ignored and/or violated at the [REDACTED], or the ADC as a whole if it is deemed more expeditious and convenient for  
H n P C

ADC staff or officers to do so?

Executed at Marianna, Arkansas on July 10, 2022.

Darrell Williams

Mr. Darrell K. Williams  
(ADC [REDACTED])

### CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this  
10<sup>th</sup> day of July, 2022, on the Respondent, by placing a copy  
of the same in the U.S. Mail, regular postage to;

Thomas Burns (02006)  
Department of Corrections  
6814 Princeton Pike  
Pine Bluff, Ar. 71602

5 of 5

**From:** [Leslie Browning \(DOC\)](#)  
**To:** [ASCC Pleadings](#)  
**Cc:** [Thomas Burns \(DOC\)](#)  
**Subject:** Darrell Williams (092508) Claim 220838  
**Date:** Monday, August 1, 2022 9:41:33 AM  
**Attachments:** [ADC Letter to Claimant.pdf](#)  
[ADC Responses to RFA.pdf](#)  
[ADC Responses to RFPD.pdf](#)

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Letter to Claimant, ADC Responses to RFPD, and ADC Responses to RFA

*Leslie Browning*

**Arkansas Division of Correction**  
Central Office/Legal Division  
6814 Princeton Pike  
Pine Bluff, AR 71602  
Legal Support Specialist  
Phone: 870-267-6844  
Email: [leslie.browning@arkansas.gov](mailto:leslie.browning@arkansas.gov)



## LEGAL DIVISION

6814 Princeton Pike  
Pine Bluff, Arkansas 71602  
Phone: (870) 267-6844 | Fax: (870) 267-6373  
DOC.ARKANSAS.GOV

August 1, 2022

Darrell K. Williams ( [REDACTED] )  
[REDACTED]

Re: Darrell K. Williams v ADC  
Claim Number 22838

Dear Mr. Williams:

I am in receipt of your discovery requests, Claimant's First Set of Interrogatories to the Respondents. These are not correctly formatted, nor correctly stated, in accordance with Rules 26, 33, 36, and 37 of the Arkansas Rules of Civil Procedure. Arkansas law makes it clear that Pro Se parties are held to the same standards as attorney and are presumed to know the law. I am pointing you to the correct rules so that you may correct deficiencies and be in compliance with the rules.

At this time, we are seeking these corrections without the intervention of the Claims Commission. We will hold off of this for ten (10) days to allow for you to have time to correct.

Very truly yours,

  
Thomas Burns  
Arkansas Department of Correction

TB/ldb  
cc: File  
ASCC

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DARRELL K. WILLIAMS (ADC [REDACTED])

CLAIMANT

v

NO. 220838

ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION

RESPONDENT

**ADC RESPONSE TO FIRST SET OF REQUESTS FOR ADMISSIONS TO ARKANSAS  
DEPARTMENT OF CORRECTIONS**

Comes now, the Plaintiff, Arkansas Department of Correction, (ADC), by and through their attorney, Thomas Burns, and for their Response to Requests for Admissions of Darrell K. Williams, in accordance with the Arkansas Rule of Civil Procedure, states:

REQUEST FOR ADMISSION NO. 1: Admit that ADC staff members, (named in claim no. 220838) violated both Administrative Directives, and Policy and Procedures.

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 2: Admit that claim no. 220838 has full merit.

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 3: Admit that claim no. 220838, is clearly about ADC staff failure to follow all Policy and Procedures, Administrative Directives, and Rules designed to prevent incidences such as this from occurring.

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 4: Admit that security video surveillance footage of the incidents, dates occurring (claim no. 220838) in fact verifies that everything Mr. Williams states in his claim is true correct and accurate.

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 5: Admit that Cpl. C. Jones and C.O.I.T. Hollowell, violated ADC Policy and Procedures, Administrative Directives, and Rules by taking Claimant Darrell K. Williams, during shower call from the Claimants assigned cell, [REDACTED] max cellblock #711, through an emergency crossover corridor, (separating each barracks) to an entirely different unassigned barracks, max cellblock 5 to shower.

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 6: Admit that Cpl. C. Jones and C.O.I.T. Hollowell, violated ADC policy and procedures, Administrative Directives, and rules by allowing Inmate C. Jackson to skip his turn at shower call multiple times when asked by both officers on the dates of the incident (10-23-19 to 10-24-19) then both officers returned to Inmate C. Jackson (back tracking) for shower call after the entire barracks had been showered in Inmate C. Jackson's scheme to get into the [REDACTED] cellblock 7, shower stall #2, with its defective locking mechanism.

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 7: Admit that Cpl. C. Jones and C.O.I.T. Hollowell violated ADC policy and procedures, administrative directives and rules by not strip searching Inmate C. Jackson, prior to Inmate C. Jackson leaving his assigned cell as per Administrative Directive 18-49, searches of Inmates, unit searches, and control of contraband. (Dee exhibit F)

RESPONSE: Deny

Filed \_\_\_\_ July 2022.

Respectfully submitted,



---

Thomas Burns (02006)  
Department of Correction  
6814 Princeton Pike  
Pine Bluff, AR 71602  
(870)267-6845 Office  
(870)267-6373 Facsimile  
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this \_\_\_\_ day of July 2022, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Darrell Williams [REDACTED]  
[REDACTED]



---

Thomas Burns

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DARRELL K. WILLIAMS (ADC [REDACTED])

CLAIMANT

V.

NO. 220838

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

**ADC RESPONSES TO FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS**

COMES NOW, The Arkansas Department of Correction (ADC), by and through their attorney, Thomas Burns, and for their responses, state:

**1:** The complete unaltered security video surveillance footage of both [REDACTED] cellblocks 5 and 7, of the dates October 23, 2019 to October 24, 2019 reflecting the incident of the recorded stabbing of the Claimant. (Digital copy for the Court and a printout for the Claimant).

**RESPONSE:** ADC objects to this Request for Production of Documents as the requested discovery will place staff and other inmates in harm's way, will hinder the safety and security of the unit, and will not lead to anything discoverable.

**2:** A copy of Cpl. C. Jones' official ADC 005 incident report of the incidents that occurred on October 23, 2019 to October 24, 2019, concerning the Claimant and Inmate C. Jackson.

**RESPONSE:** See attached.

**3:** A copy of C.O.I.T. Hollowell's official ADC 005 incident report of the incidents that occurred on October 23, 2019 to October 24, 2019, concerning the Claimant and Inmate C. Jackson.

**RESPONSE:** See attached.

**4:** The complete incident report including all 005 incident reports, written documents, photographs, etc. of the weapon recovered that Inmate C. Jackson used to assault the Claimant.

**RESPONSE:** See attached.

**5:** The complete [REDACTED] including photographs of the Claimant's wounds and injuries suffered from Inmate C. Jackson's assault on October 23, 2019 to October 24, 2019.

**RESPONSE:** See attached with the exception of photographs as ADC does not have photographs.

**6:** The complete hospital report of the Claimant's injuries and treatment afforded.

**RESPONSE:** Object as ADC does not have Claimant's hospital report.

**7:** All 05 incident reports, requests, maintenance requests, and maintenance reports both physical documentation and all eOMIS reports of the broken locking mechanism of Max cellblock 7 shower (especially stall #2) from January 1, 2019, until October 23, 2019, and exactly the date and time the broken locking mechanism of Max cellblock 7 shower stall #2 was removed and replaced by maintenance.

**RESPONSE:** See attached 05 incident reports. ADC does not have possession of the remaining requested documents.

**8:** The barracks security log entries for barracks Max cellblock control booth 5 and 7 for the dates of October 23, 2019 and October 24, 2019.

**RESPONSE:** Object as ADC does not have the log entries and will not lead to anything discoverable.

DATED: August 1, 2022

Respectfully submitted,



---

Thomas Burns (02006)  
Legal Department  
Division of Correction  
6814 Princeton Pike  
Pine Bluff, AR 71602  
(870) 267-6845 Office  
thomas.burns@arkansas.gov

#### CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this \_\_\_\_\_ day of August 2022, on the Claimant via email, to:

Darrell K. Williams   




---

Thomas Burns

2019-10-302



ADMINISTRATIVE REGULATIONS  
STATE OF ARKANSAS  
DEPARTMENT OF CORRECTION

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005  Incident Report and

409  Use of Force

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

REPORTING EMPLOYEE: Maiden Devine  
LAST FIRST MIDDLE

RANK: Lt. SHIFT ASSIGNMENT: D-Max

DATE: 10/21/2019 TIME: Approximately 12:16 am LOCATION: Max 7 Dayroom (zone 3)

INMATE(S) INVOLVED: Williams, Darrell [Redacted] Jackson, Carl ADC# [Redacted]  
(Name) (Name) (ADC#)

EMPLOYEE(S) INVOLVED: Lt. Maiden, Sgt. Baxter, Cpl. Jones, Cpl. Hollowell, Cpl. Speed  
(Names, Titles, Rank)

INMATE(S) PRESENT: Same as involved  
(Names and ADC Numbers)

EMPLOYEE(S) PRESENT: Same as involved  
(Names, Titles, Rank)

OTHERS PRESENT/INVOLVED: (Specify) N/A  
(Names & Addresses)

EXTENT OF INJURY TO INMATE(S): See Medical Report

TREATMENT AFFORDED INMATE(S): See Medical Report

EXTENT OF INJURY TO OFFICER(S): Company Nurse incident # [Redacted]

TREATMENT AFFORDED OFFICER(S): Company Nurse incident # [Redacted]



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005  Incident Report and  
409  Use of Force

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

EARU  
UNIT/DIVISION

REPORTING EMPLOYEE: Jones LAST Cleveland FIRST MIDDLE

RANK: Cpl. SHIFT ASSIGNMENT: D-Max

DATE: 10-24-19 TIME: 12:16pm LOCATION: Max 7 (Zone 3)

INMATE(S) INVOLVED: Williams, Darrell CAD# [redacted] Jackson  
(Names and ADC Numbers)

EMPLOYEE(S) INVOLVED: Lt. Maiden, Sgt. Baxter, Cpl. Jones, Cpl. Hollawell  
(Names, Titles, Rank)

INMATE(S) PRESENT: See max 7 roster  
(Names and ADC Numbers)

EMPLOYEE(S) PRESENT: Same as above  
(Names, Titles, Rank)

OTHERS PRESENT/INVOLVED: (Specify) n/a  
(Names & Addresses)

EXTENT OF INJURY TO INMATE(S): see medical report

TREATMENT AFFORDED INMATE(S): See medical report

EXTENT OF INJURY TO OFFICER(S): Company nurse incident # [redacted]

TREATMENT AFFORDED OFFICER(S): Company nurse incident # [redacted]



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005  Incident Report and  
409  Use of Force



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

 DIVISION

REPORTING EMPLOYEE: Hollowell Tyler R  
LAST FIRST MIDDLE

RANK: Cpl SHIFT ASSIGNMENT: D-max

DATE: 10-24-19 TIME: 12:16 am LOCATION: max 7 (zone 3)

INMATE(S) INVOLVED: Williams, Darnell ADC #   
Jackson, C, ADC #  (ADC Numbers)

EMPLOYEE(S) INVOLVED: Lt Maiden, Sgt Baxter, Cpl Hollowell, Cpl Jones  
(Names, Titles, Rank)

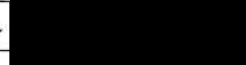
INMATE(S) PRESENT: See max 7 roster  
(Names and ADC Numbers)

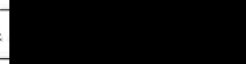
EMPLOYEE(S) PRESENT: same as above  
(Names, Titles, Rank)

OTHERS PRESENT/INVOLVED: (Specify) N/A  
(Names & Addresses)

EXTENT OF INJURY TO INMATE(S): see medical report

TREATMENT AFFORDED INMATE(S): see medical report

EXTENT OF INJURY TO OFFICER(S): Company nurse incident # 

TREATMENT AFFORDED OFFICER(S): Company nurse incident # 



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005  Incident Report and  
409  Use of Force

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

REPORTING EMPLOYEE: Hollowell Tyer R  
LAST FIRST MIDDLE

RANK: Cpl. D-max SHIFT ASSIGNMENT: D-max

DATE: 10-24-19 TIME: 12:16 am LOCATION: max 7 (zone 3)

INMATE(S) INVOLVED: LT Maiden, Sgt Baxter, Cpl Hollowell,  
Cpl Jones (Names and ADC Numbers)

Williams, Darnell ADC # [redacted], Jackson, C ADC # [redacted]

EMPLOYEE(S) INVOLVED: LT Maiden, Sgt Baxter, Cpl Hollowell, Cpl Jones  
(Names, Titles, Rank)

INMATE(S) PRESENT: See max 7 roster  
(Names and ADC Numbers)

EMPLOYEE(S) PRESENT: Same as above  
(Names, Titles, Rank)

OTHERS PRESENT/INVOLVED: (Specify) N/A  
(Names & Addresses)

EXTENT OF INJURY TO INMATE(S): See medical report

TREATMENT AFFORDED INMATE(S): See medical report

EXTENT OF INJURY TO OFFICER(S): Company nurse incident # [redacted]

TREATMENT AFFORDED OFFICER(S): Company nurse incident # [redacted]



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005  Incident Report and  
409  Use of Force  
[Redacted] UNIT/DIVISION

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

REPORTING EMPLOYEE: Steel Shanique J  
LAST FIRST MIDDLE

RANK: (P) SHIFT ASSIGNMENT: D-NOX

DATE: 10/21/2019 TIME: 12:12:58 AM LOCATION: NOX 7

INMATE(S) INVOLVED: JACKSON, C ADRIAN [Redacted] WILLIAMS, D ADRIAN [Redacted]  
(Names and ADC Numbers)

EMPLOYEE(S) INVOLVED: (P) JONES (P) HARRISON  
(Names, Titles, Rank)

INMATE(S) PRESENT: NOX 7  
(Names and ADC Numbers)

EMPLOYEE(S) PRESENT: (P) Steel  
(Names, Titles, Rank)

OTHERS PRESENT/INVOLVED: (Specify) none  
(Names & Addresses)

EXTENT OF INJURY TO INMATE(S): see medical

TREATMENT AFFORDED INMATE(S): see medical

EXTENT OF INJURY TO OFFICER(S): see medical

TREATMENT AFFORDED OFFICER(S): see medical



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

005  Incident Report and  
409  Use of Force

**EARU-Max**  
UNIT/DIVISION

REPORTING EMPLOYEE: Sgt. Bayer LAST K FIRST D-Shift Max MIDDLE

RANK: 10-24-19 TIME: Approx. 2:16 am SHIFT ASSIGNMENT: Max 7/ zone 3

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ LOCATION: \_\_\_\_\_

INMATE(S) INVOLVED: Darrell K. Williams ADC [redacted] and Carl D. Jackson ADC [redacted]  
(Names and ADC Numbers)

Lt. Maiden, Sgt. K. Baxter, Cpl. C. Jones, and Cpl. T.

EMPLOYEE(S) INVOLVED: Hollwell  
(Names, Titles, Rank) Same as above

INMATE(S) PRESENT: \_\_\_\_\_  
(Names and ADC Numbers) Same as above

EMPLOYEE(S) PRESENT: \_\_\_\_\_  
(Names, Titles, Rank) None

OTHERS PRESENT/INVOLVED: (Specify) \_\_\_\_\_  
(Names & Addresses) See Medical Report

\_\_\_\_\_ See Medical Report

EXTENT OF INJURY TO INMATE(S): \_\_\_\_\_  
Company nurse was call

TREATMENT AFFORDED INMATE(S): \_\_\_\_\_  
Company nurse was call

EXTENT OF INJURY TO OFFICER(S): \_\_\_\_\_

TREATMENT AFFORDED OFFICER(S): \_\_\_\_\_



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005  Incident Report and  
409  Use of Force  
[Redacted] UNIT/DIVISION

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

REPORTING EMPLOYEE: Williams Alvia A  
LAST FIRST MIDDLE

RANK: Sgt SHIFT ASSIGNMENT: Dmax

DATE: 10/24/19 TIME: 12:15pm LOCATION: Zone 3 Max 7 Showin Area

INMATE(S) INVOLVED: Carl Jocks on # [Redacted] Darrell Williams # [Redacted]  
(Names and ADC Numbers)

EMPLOYEE(S) INVOLVED: Same as above  
(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) Same as above  
(Names & Addresses)

EXTENT OF INJURY TO INMATE(S): N/A

TREATMENT AFFORDED INMATE(S): N/A

EXTENT OF INJURY TO OFFICER(S): N/A

TREATMENT AFFORDED OFFICER(S): N/A



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005  Incident Report and  
409  Use of Force

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

[REDACTED]  
UNIT/DIVISION

REPORTING EMPLOYEE: Farr Andrae C  
LAST FIRST MIDDLE

RANK: Cpl SHIFT ASSIGNMENT: D-Shift Max

DATE: 10-24-19 TIME: 12:15am LOCATION: Max 7 Cell block

INMATE(S) INVOLVED: Inmate C. Jackson, Inmate D. Williams  
(Names and ADC Numbers)

EMPLOYEE(S) INVOLVED: Cpl Farr, Cpl Jones, Cpl Hollowell, Sgt. Baxter, Sgt. Williams, Lt. Meider  
(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) None  
(Names & Addresses)

EXTENT OF INJURY TO INMATE(S): None See medical report

TREATMENT AFFORDED INMATE(S): None See medical report

EXTENT OF INJURY TO OFFICER(S): None

TREATMENT AFFORDED OFFICER(S): None



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005  Incident Report and  
409  Use of Force

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

REPORTING EMPLOYEE: Larry S  
LAST FIRST MIDDLE

RANK: Sgt. SHIFT ASSIGNMENT: max 1

DATE: 10-24-89 TIME: approx 10:15 hr LOCATION: max 1

INMATE(S) INVOLVED: C. Jackson D. Williams  
(Names and ADC Numbers)

EMPLOYEE(S) INVOLVED: Cpt. Foss, Cpt. Jones, Cpt. Hollowell, Sgt. Baxter, Sgt. Williams, Sgt. Lt. Maiden  
(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) None  
(Names & Addresses)

EXTENT OF INJURY TO INMATE(S): See medical

TREATMENT AFFORDED INMATE(S): See medical

EXTENT OF INJURY TO OFFICER(S): N/A

TREATMENT AFFORDED OFFICER(S): N/A



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005  Incident Report and  
409  Use of Force

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

REPORTING EMPLOYEE: Maple Reine  
LAST FIRST MIDDLE

RANK: Cpl SHIFT ASSIGNMENT: S. map

DATE: 10/24/19 TIME: 12:15A LOCATION: Zone B Max 7 Bks

INMATE(S) INVOLVED: Caril Jackson Darrell Williams  
(Names and ADC Numbers)

EMPLOYEE(S) INVOLVED: Cpl C. Jones, Cpl Hellewell  
(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)  
(Names & Addresses)

EXTENT OF INJURY TO INMATE(S): see infirmary report

TREATMENT AFFORDED INMATE(S): see infirmary report

EXTENT OF INJURY TO OFFICER(S): see infirmary report

TREATMENT AFFORDED OFFICER(S): see infirmary report

2019-10-28

F-831-1

Arkansas Department of Correction

Unit [redacted] 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 Jackson, Carl ADC # [redacted] Assignment EXT. R. H./ D.C.R.
Class IV Is being charged by C. Jones Title Cpl.
with rule violation(s) 12-3, 4-18, 4-8, 4-4, 2-21, 9-1 Time & Date 12:20 AM 10/24, 20 19

NOTICE OF CHARGES

On October 24, 2019 while Cpl. Jones and Cpl. Hollowell were escorting inmate Williams, D. ADC# [redacted] from the shower to his cell inmate Carl Jackson ADC# [redacted] kicked shower door open and charged toward inmate Williams with an inmate manufactured weapon stabbing inmate Williams multiple times in his back while stating to Cpl. Jones and Cpl. Hollowell "you better get out of the way". Cpl. Jones used physical force to gain control of inmate Jackson by grabbing him from behind attempting to take inmate Jackson to the ground. Inmate Jackson continued to resist apprehension by Cpl. Jones and begin to gouge Cpl. Jones eyes at which point Cpl. Hollowell used physical force pulling inmate Jackson away as Cpl. Jones placed inmate Jackson in mechanical restraints. Inmate Jackson knows his actions are against ADC and unit policy therefore I Cpl. C. Jones is charging inmate Jackson with the following rules violations: 12-3, 4-18, 4-8, 4-4, 2-21, 9-1 Cul of statement

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

[Handwritten signature of Charles Jones]

NOTIFICATION: Officer \_\_\_\_\_ Date & Time Notified \_\_\_\_\_

Witness Statements: No \_\_\_\_\_ If Yes, List \_\_\_\_\_

\_\_\_\_\_  
Inmate's Signature

C.S.O. REVIEW: Reduce \_\_\_\_\_ Dismiss \_\_\_\_\_ To Disc. Court \_\_\_\_\_ Initial \_\_\_\_\_ Date \_\_\_\_\_

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

ORIGINAL - File Copy
COPY - Inmate

Color - Goldenrod
ACI-5455





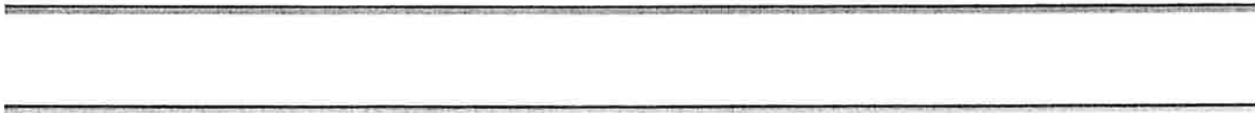
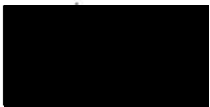












M

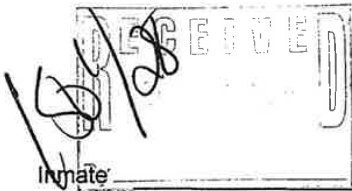
2019-20-5-25

F-831-1

Arkansas Department of Correction

[Redacted] 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 Jackson, Carl ADC# [Redacted] Assignment EXT. R. H./ D.C.R.

Class IV Is being charged by C. Jones Title Cpl.

with rule violation(s) 10-3, 4-18, 4-2, 4-4, 2-21, 4-1 Time & Date 12:20 AM 10/24, 20 19

NOTICE OF CHARGES

On October 24, 2019 while Cpl. Jones and Cpl. Hollowell were escorting inmate Williams, D. ADC# [Redacted] from the shower to his cell inmate Carl Jackson ADC# [Redacted] kicked shower door open and charged toward inmate Williams with an inmate manufactured weapon stabbing inmate Williams multiple times in his back while stating to Cpl. Jones and Cpl. Hollowell "you better get out of the way". Cpl. Jones used physical force to gain control of inmate Jackson by grabbing him from behind attempting to take inmate Jackson to the ground. Inmate Jackson continued to resist apprehension by Cpl. Jones and begin to gouge Cpl. Jones eyes at which point Cpl. Hollowell used physical force pulling inmate Jackson away as Cpl. Jones placed inmate Jackson in mechanical restraints. Inmate Jackson knows his actions are against ADC and unit policy therefore I Cpl. C. Jones is charging inmate Jackson with the following rules violations: 10-3, 4-18, 4-2, 4-4, 2-21, 4-1 Cpl. of statement

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

Carla Jones

NOTIFICATION: Office Cpl Robinson 11/29/19 Date & Time Notified 3:45 pm

Witness Statements: No [X] If Yes, List

Refuse  
Inmate's Signature

C.S.O. REVIEW: Reduce Dismiss To Disc. Court [X] Initial KR Date 10-25-19

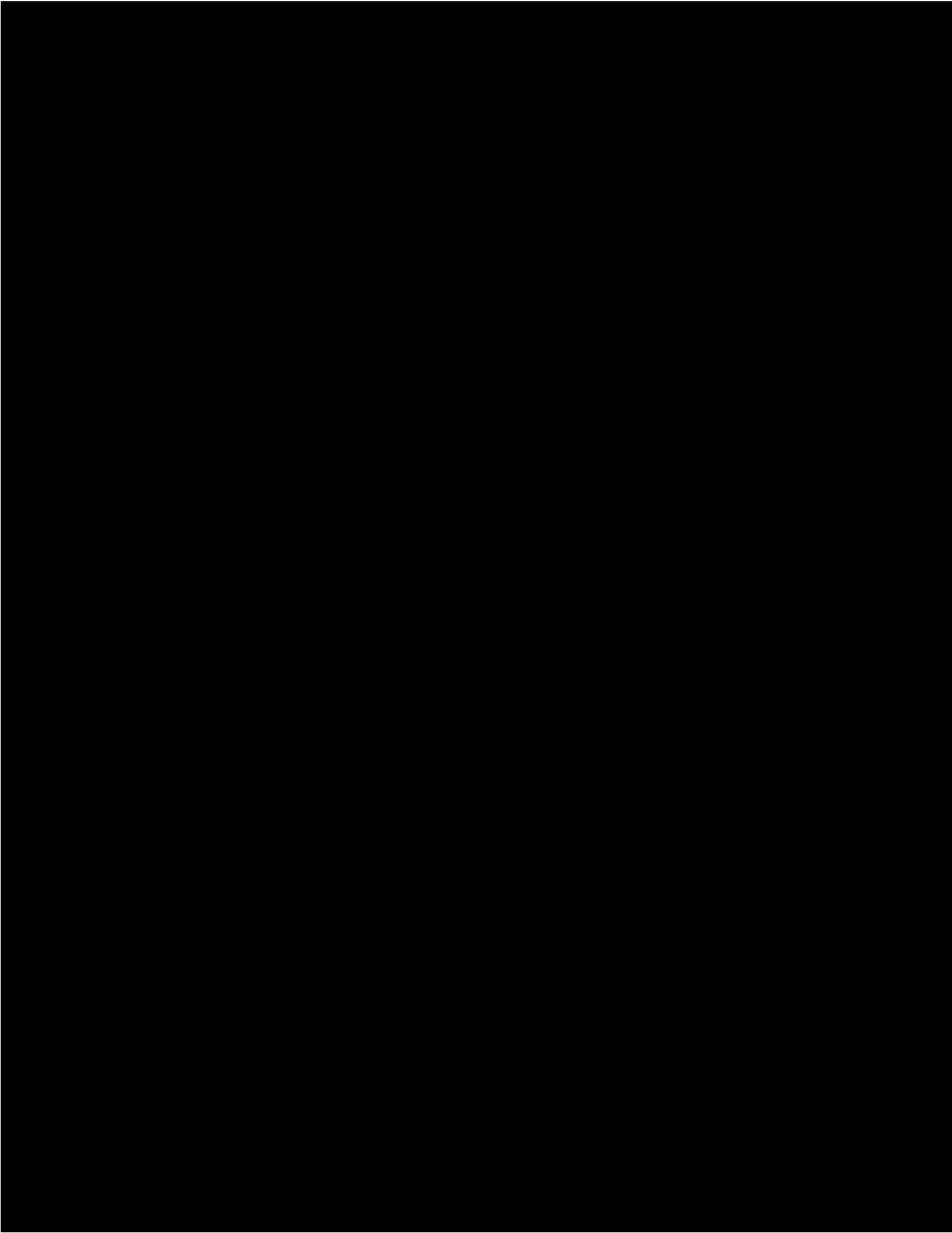
EXTENSION: No Yes Has extension form been completed?

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

ORIGINAL - File Copy  
COPY - Inmate

Color - Goldenrod  
ACI-6455











ISSR100

Arkansas Department of Corrections  
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: Jackson, Carl Daniel

ADC#: [REDACTED]

Assignment: AM:Ext Restrictive Housing  
PM:Discpl Court Review

Class: IV is being charged by Jones, Cleveland  
with code violation(s):

Title: Corporal

- 12-3 Failure to obey verbal and/or written order(s) of staff.
- 04-18 Aggravated Battery upon inmate--Use of weapon in a battery upon another inmate. Rule violation may result in the loss of all good time.
- 04-8 Battery--Use of physical force upon an inmate.
- 04-4 Battery--Use of physical force upon staff.
- 02-21 Running, avoiding, or otherwise resisting apprehension.
- 09-1 Possession/introduction of any firearm,ammunition,weapon,fireworks,explosive,unauthorized combustible substance, OR unauthorized tool. Rule violation may result in loss of all good time.

Date & Time: 10/24/2019 12:16 AM

Notice of Charges:

Incident Report Unit: East AR Region. Unit  
 Incident Report Date/Time: 10/24/2019/12:16:00 AM  
 Incident Report Number: 2019-10-323

On October 24, 2019 at approximately 12:16am while Cpl. Jones and Cpl. Hollowell were escorting inmate Williams, D. ADC# [REDACTED] from the shower to his cell, inmate Carl Jackson ADC# [REDACTED] kicked shower door open and charged toward inmate Williams with an inmate manufactured weapon stabbing inmate Williams multiple times in his back while stating to Cpl. Jones and Cpl. Hollowell "you better get out of the way". Cpl. Jones used physical force to gain control of inmate Jackson by grabbing him from behind attempting to take inmate Jackson to the ground. Inmate Jackson continued to resist apprehension by Cpl. Jones and begin to gouge Cpl. Jones eyes at which point Cpl. Hollowell used physical force pulling inmate Jackson away as Cpl. Jones placed inmate Jackson in mechanical restraints. Inmate Jackson knows his actions are against ADC and unit policy therefore I Cpl. C. Jones is charging inmate Jackson with the following rules violations: 12-3, 4-18, 4-8, 4-4, 2-21, and 9-1. End of Statement

(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: <u>Refer to Hearing Officer/Comm.</u>
By:	<u>Randle, Kenyon V</u> Date <u>10/25/2019</u>

Extension:	No <input checked="" type="checkbox"/> 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 _____
---------------------	-----------------------	--------------------

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DARRELL K. WILLIAMS (ADC [REDACTED])

CLAIMANT

V.

NO. 220838

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

**ADC RESPONSES TO FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS**

COMES NOW, The Arkansas Department of Correction (ADC), by and through their attorney, Thomas Burns, and for their responses, state:

**1:** The complete unaltered security video surveillance footage of both [REDACTED] cellblocks 5 and 7, of the dates October 23, 2019 to October 24, 2019 reflecting the incident of the recorded stabbing of the Claimant. (Digital copy for the Court and a printout for the Claimant).

**RESPONSE:** ADC objects to this Request for Production of Documents as the requested discovery will place staff and other inmates in harm's way, will hinder the safety and security of the unit, and will not lead to anything discoverable.

**2:** A copy of Cpl. C. Jones' official ADC 005 incident report of the incidents that occurred on October 23, 2019 to October 24, 2019, concerning the Claimant and Inmate C. Jackson.

**RESPONSE:** See attached.

**3:** A copy of C.O.I.T. Hollowell's official ADC 005 incident report of the incidents that occurred on October 23, 2019 to October 24, 2019, concerning the Claimant and Inmate C. Jackson.

**RESPONSE:** See attached.



**4:** The complete incident report including all 005 incident reports, written documents, photographs, etc. of the weapon recovered that Inmate C. Jackson used to assault the Claimant.

**RESPONSE:** See attached.

**5:** The complete [REDACTED] including photographs of the Claimant's wounds and injuries suffered from Inmate C. Jackson's assault on October 23, 2019 to October 24, 2019.

**RESPONSE:** See attached with the exception of photographs as ADC does not have photographs.

**6:** The complete hospital report of the Claimant's injuries and treatment afforded.

**RESPONSE:** Object as ADC does not have Claimant's hospital report.

**7:** All 05 incident reports, requests, maintenance requests, and maintenance reports both physical documentation and all eOMIS reports of the broken locking mechanism of Max cellblock 7 shower (especially stall #2) from January 1, 2019, until October 23, 2019, and exactly the date and time the broken locking mechanism of Max cellblock 7 shower stall #2 was removed and replaced by maintenance.

**RESPONSE:** See attached 05 incident reports. ADC does not have possession of the remaining requested documents.

**8:** The barracks security log entries for barracks Max cellblock control booth 5 and 7 for the dates of October 23, 2019 and October 24, 2019.

**RESPONSE:** Object as ADC does not have the log entries and will not lead to anything discoverable.



DATED: August 1, 2022

Respectfully submitted,



---

Thomas Burns (02006)  
Legal Department  
Division of Correction  
6814 Princeton Pike  
Pine Bluff, AR 71602  
(870) 267-6845 Office  
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this \_\_\_\_\_ day of August 2022, on the Claimant via email, to:

Darrell K. Williams   




---

Thomas Burns



2019-10-302



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

REPORTING EMPLOYEE: Maiden Dewine  
LAST FIRST MIDDLE

RANK: Lt. SHIFT ASSIGNMENT: D-Max

DATE: 10/21/2019 TIME: Approximately 12:16 am LOCATION: Max 7 Dayroom (zone 3)

INMATE(S) INVOLVED: Williams, Darrell, ADC  
(Names and ADC Numbers)

EMPLOYEE(S) INVOLVED: Lt. Maiden, Sgt. Baxter, Cpl. Jones, Cpl. Hollowell, Cpl. Speed  
(Names, Titles, Rank)

INMATE(S) PRESENT: Same as involved  
(Names and ADC Numbers)

EMPLOYEE(S) PRESENT: Same as involved  
(Names, Titles, Rank)

OTHERS PRESENT/INVOLVED: (Specify) N/A  
(Names & Addresses)

EXTENT OF INJURY TO INMATE(S): See Medical Report

TREATMENT AFFORDED INMATE(S): See Medical Report

EXTENT OF INJURY TO OFFICER(S): Company Nurse incident #

TREATMENT AFFORDED OFFICER(S): Company Nurse incident

STATEMENT OF FACTS (If force used, state type and explain):

On October 24, 2019 at approximately 12:16 Lt. Lt. Maiden responded to an all rover call in Max 7. Upon arrival Cpl. C. Jones and Cpl. [redacted] and inmate Jackson, Carl AD [redacted] restrained and attempting to escort him outside the barracks. Inmate Williams, Darrell ADC [redacted] was observed standing in the [redacted] [redacted] bleeding from his back. Inmate Jackson was escorted to the hall cages and inmate Williams was escorted to infirmary for medical treatment. Lt. Lt. Maiden was later informed that while Cpl. Jones and Cpl. Hollowell were escorting inmate Williams from the shower to his cell inmate Carl Jackson kicked shower door open and charged toward inmate Williams with an inmate manufactured weapon stabbing inmate Williams multiple times in his back while stating to Cpl. Jones and Cpl. Hollowell "you better get out of the way". Cpl. Jones used physical force to gain control of inmate Jackson by grabbing him from behind attempting to take inmate Jackson to the ground. Inmate Jackson continued to resist apprehension by Cpl. Jones and begin to gouge Cpl. Jones eyes at which point Cpl. Hollowell used physical force pulling inmate Jackson away as Cpl. Jones placed inmate Jackson in mechanical restraints. Lt. Maiden questioned Cpl. Jones and Cpl. Hollowell on whether the shower was double locked, both staff members affirmed that the shower door had in fact been double locked prior to mechanical restraints being removed when placing inmate Jackson in the shower. It was later determined that the shower door inmate Jackson escaped from had been repaired previously for the locking mechanism failing to double lock. Once in the Main infirmary it was determined by Medical staff that inmate Williams ADC# 092508 needed to be transported to [redacted] by ambulance for stab wounds to the back. Escorted by Sgt. Larry and Cpl. Granville. Inmate Williams is a 47 year old black male, bald head, brown eyes, height 5'8, and weights 152lbs. Inmate Williams is from Flint Michigan, he's serving a 35 year sentence ( convicted in 1995 ) out of Jefferson County for 1st degree murder with prior charges for Aggravated Assault, Theft By Receiving and 2nd degree battery. Inmate Williams has no escape history, a TE date is 05/29/2028 and his discharge date is 11/28/2038. Photos were taken, Cpl. Jones and Cpl. Hollowell were drug tested and Company nurse called, Duty Warden Major J. Deen was notified, and inmate Jackson received a disciplinary for his actions. End of Statement

Update: inmate Williams returned from [redacted] escorted by Sgt. Larry and Cpl. Granville on October 24, 2019 at approximately 6:00 am

Lt. Maiden Signature of Reporting Employee      10/24/19 Date      \_\_\_\_\_ Signature of Supervisor      \_\_\_\_\_ Date

\_\_\_\_\_  
Reviewed by (Signature) Warden/Center Supervisor/Administrator      \_\_\_\_\_ Date

RECOMMENDATION: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Reviewed by (Signature) Assistant Director      \_\_\_\_\_ Date

RECOMMENDATION: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Reviewed by (Signature) Director      \_\_\_\_\_ Date

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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



UNIT/DIVISION

REPORTING EMPLOYEE: Jones Cleveland  
LAST FIRST MIDDLE

RANK: Cpl. SHIFT ASSIGNMENT: D-Max

DATE: 10-24-19 TIME: 12:16pm LOCATION: M 7 (Zone 3)

INMATE(S) INVOLVED: Williams, Darrell ADC Jackson  
(Names and ADC Numbers)

EMPLOYEE(S) INVOLVED: G. Maiden, Sgt. Baxter, Cpl. Jones, Cpl. Hollowell  
(Names, Titles, Rank)

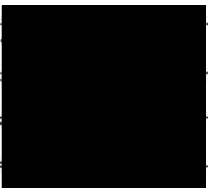
INMATE(S) PRESENT: See max 7 roster  
(Names and ADC Numbers)

EMPLOYEE(S) PRESENT: Same as above  
(Names, Titles, Rank)

OTHERS PRESENT/INVOLVED: (Specify) n/a  
(Names & Addresses)

EXTENT OF INJURY TO INMATE(S): see medical report

TREATMENT AFFORDED INMATE(S): See medical report

EXTENT OF INJURY TO OFFICER(S): Company nurse incident # 

TREATMENT AFFORDED OFFICER(S): Company nurse incident #1

STATEMENT OF FACTS (If force used, state type and explain): On 10/24/19 at approx 12:00am Cpl. Hollowell and I, Cpl. C. Jones, removed inmate C. Jackson (ADC# [redacted]) from his cell (7-07) after strip searching him and escorting him to the second from the last showers. Cpl. Hollowell then ~~removed~~<sup>C.S.</sup> double locked the shower door and I removed the hand restraints. At approx. 12:15am Cpl. Hollowell and I escorted inmate D. Williams (ADC# 05952525) back to his cell (7-10) when I observed inmate Jackson kick open the shower door and begin to charge towards inmate D. Williams with a shank in his hand. As he approached inmate Williams he stated towards me "You better get out of the way" as he began to stab inmate Williams in the back. I then began to apply physical force to gain control over inmate Jackson. As I was attempting to restrain inmate Jackson, inmate Jackson began gouging at my eyes. At this time Cpl. Hollowell pulled inmate Jackson away and called for all rewers. Shortly after rewers arrived I placed inmate Jackson in hand restraint and he was then escorted to the hall cages with no further incident. - End of statement

  
Signature of Reporting Employee

10-24-19  
Date

  
Signature of Supervisor

10/24/19  
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:

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- Assistant Director
- Warden/Center Supervisor/Administrator



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 Use of Force  
409

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

REPORTING EMPLOYEE: Hollowell Tyler R  
LAST FIRST MIDDLE  
RANK: Cpl SHIFT ASSIGNMENT: D-max  
DATE: 10-24-19 TIME: 12:16 AM LOCATION: max 7 (zone 3)  
INMATE(S) INVOLVED: Williams, Darnell ADC Jackson, C, ADC  
ADC Numbers

EMPLOYEE(S) INVOLVED: Lt Maiden, Sgt Baxter, Cpl Hollowell, Cpl Jones  
(Names, Titles, Rank)

INMATE(S) PRESENT: see max 7 roster  
(Names and ADC Numbers)

EMPLOYEE(S) PRESENT: same as above  
(Names, Titles, Rank)

OTHERS PRESENT/INVOLVED: (Specify) N/A  
(Names & Addresses)

EXTENT OF INJURY TO INMATE(S): see medical report

TREATMENT AFFORDED INMATE(S): see medical report

EXTENT OF INJURY TO OFFICER(S): Company nurse incident #

TREATMENT AFFORDED OFFICER(S): Company nurse incident #

STATEMENT OF FACTS (If force used, state type and explain): On 10/24/19 at approx 12:00  
am, I Cpl Hollowell, and my partner Cpl Jones remove inmate  
C. Jackson from his cell (ADC # [REDACTED] (cell 7-07) after strip  
searching him and escorting him to the second to last shower. I then  
double locked the ~~door~~<sup>TT</sup> shower door. Cpl Jones then removes the  
restraints. At approx 12:16 am, I Cpl Hollowell and Cpl Jones escort  
inmate D. Williams (ADC # [REDACTED] back to his cell (7-10). I then  
noticed Inmate Jackson running towards inmate Williams, shank in  
hand. As he approached, he stated towards Cpl Jones "you better  
get out of my way," as he began stabbing inmate Williams in the  
back. Cpl Jones then began to use physical force to gain control  
of inmate Jackson. Inmate Jackson began to attempt to gouge  
Cpl Jones's eyes. I then pulled inmate Jackson off, called  
for all rovers & then had control of inmate Jackson. Shortly

Tyeon Mc...  
 Signature of Reporting Employee

10/24/19  
 Date

G. M...  
 Signature of Supervisor

10/24/19  
 Date

Reviewed by (Signature) Warden/Center  
 Supervisor/Administrator

Date

RECOMMENDATION:

Reviewed by (Signature) Assistant Director

Date

RECOMMENDATION:

Reviewed by (Signature) Director

Date

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 Warden/Center Supervisor/Administrator



ADMINISTRATIVE REGULATIONS  
STATE OF ARKANSAS  
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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

REPORTING EMPLOYEE: Hollowell Tyer R  
LAST FIRST MIDDLE

RANK: Cpl. D-max  
SHIFT ASSIGNMENT: D-max

DATE: 10-24-19 TIME: 12:16 am LOCATION: max 7 (Zone 3)

INMATE(S) INVOLVED: Lt. Maiden, Sgt Baxter, Cpl Hollowell, Cpt Jones  
(Names and ADC Numbers)

EMPLOYEE(S) INVOLVED: Williams, Darnell ADC # [redacted], Jackson, C ADC # [redacted]  
(Names, Titles, Rank)

INMATE(S) PRESENT: See max 7 roster  
(Names and ADC Numbers)

EMPLOYEE(S) PRESENT: Same as above  
(Names, Titles, Rank)

OTHERS PRESENT/INVOLVED: (Specify) N/A  
(Names & Addresses)

EXTENT OF INJURY TO INMATE(S): See medical report

TREATMENT AFFORDED INMATE(S): See medical report

EXTENT OF INJURY TO OFFICER(S): Company nurse incident # [redacted]

TREATMENT AFFORDED OFFICER(S): Company nurse incident [redacted]

STATEMENT OF FACTS (If force used, state type and explain): after rovers arrived.  
Cpl Jones then put 2<sup>T.H</sup> inmate Jackson in hand restraints, Cpl Jones  
and I then escorted him to the hall cage with no further  
incidents. End of report

T. Jones 10/14/19  
Signature of Reporting Employee Date

L. Maiden 7/21/19  
Signature of Supervisor Date

\_\_\_\_\_  
Reviewed by (Signature) Warden/Center  
Supervisor/Administrator Date

RECOMMENDATION: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Reviewed by (Signature) Assistant Director Date

RECOMMENDATION: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Reviewed by (Signature) Director Date

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ADMINISTRATIVE REGULATIONS  
STATE OF ARKANSAS  
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Section Number: 005/409  
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409-9 of 9

Board of Correction Approval Date: 9/23/87

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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

REPORTING EMPLOYEE: Speed Sheniqua J  
LAST FIRST MIDDLE

RANK: (P) SHIFT ASSIGNMENT: D-NOX

DATE: 10/21/2019 TIME: 12:50 PM LOCATION: NOX 7

INMATE(S) INVOLVED: JACKSON, C. AD# [REDACTED] WILLIAMS, D. AD# [REDACTED]  
(Names and A

EMPLOYEE(S) INVOLVED: (P) Jones (P) Hollowell  
(Names, Titles, Rank)

INMATE(S) PRESENT: NOX 7  
(Names and ADC Numbers)

EMPLOYEE(S) PRESENT: (P) Speed  
(Names, Titles, Rank)

OTHERS PRESENT/INVOLVED: (Specify) none  
(Names & Addresses)

EXTENT OF INJURY TO INMATE(S): see medical

TREATMENT AFFORDED INMATE(S): see medical

EXTENT OF INJURY TO OFFICER(S): see medical

TREATMENT AFFORDED OFFICER(S): see medical

STATEMENT OF FACTS (If force used, state type and explain): At approximately 12:15 AM 10/24/16 Cpl Jones and Cpl Hollowell were conducting searches in Lox 7. They were reporting inmate Williams, D.A. [redacted] back to his cell. Cpl Jones/Cpl Hollowell/inmate Williams were going to the cell, inmate Jackson, A.D.# [redacted] ran out of the second shower in Lox 7 towards inmate Williams. I Cpl Jones called for all rounds to Lox 7. Cpl Jones got in between them to stop inmate Jackson. Inmate Jackson grabbed inmate Williams while Cpl Jones was trying to regain control of the situation. Cpl Jones took down inmate Jackson with Cpl Hollowell help. All rounds responded to the call. Inmate Jackson was put in handcuffs and escorted out of the barracks. Inmate Williams was escorted to Lox infirmary. End Of Statement

*[Signature]*  
Signature of Reporting Employee

10/24/2016  
Date

*[Signature]*  
Signature of Supervisor

10/24/16  
Date

Reviewed by (Signature) Warden/Center  
Supervisor/Administrator

Date

RECOMMENDATION: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reviewed by (Signature) Assistant Director

Date

RECOMMENDATION: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reviewed by (Signature) Director

Date

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ADMINISTRATIVE REGULATIONS  
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005  Incident Report and  
409  Use of Force

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

**[REDACTED]**  
UNIT/DIVISION

REPORTING EMPLOYEE: Sgt. Bayler LAST K FIRST D-Shift Max MIDDLE

RANK: 10-24-19 DATE: Approx. 2:16 am TIME: Max LOCATION: 7/ zone 3

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ LOCATION: \_\_\_\_\_

INMATE(S) INVOLVED: Darrell K. Williams ADC# [REDACTED] and Carl D. Jackson ADC# [REDACTED]  
(Names and ADC Numbers)

Lt. Maiden, Sgt. K. Baxter, Cpl. C. Jones, and Cpl. T. Hollwell

EMPLOYEE(S) INVOLVED: Hollwell  
(Names, Titles, Rank) Same as above

INMATE(S) PRESENT: \_\_\_\_\_  
(Names and ADC Numbers) Same as above

EMPLOYEE(S) PRESENT: \_\_\_\_\_  
(Names, Titles, Rank) None

OTHERS PRESENT/INVOLVED: (Specify) \_\_\_\_\_  
(Names & Addresses) See Medical Report

EXTENT OF INJURY TO INMATE(S): \_\_\_\_\_  
See Medical Report

TREATMENT AFFORDED INMATE(S): \_\_\_\_\_  
Company nurse was call

EXTENT OF INJURY TO OFFICER(S): \_\_\_\_\_  
Company nurse was call

TREATMENT AFFORDED OFFICER(S): \_\_\_\_\_

STATEMENT OF FACTS (If force used, state type and explain):

On October 24, 2019 at approximately 2:16 am I (Sgt. K. Baxter) responded to an all rover call to Max 7. When I made it in Max 7 Cpl. C. Jones and Cpl. T. Hollwell had inmate Carl Jackson ADC# [redacted] restrained and escorting him out to the hall cage. Inmate Darrell Williams ADC# [redacted] was restrained but was bleeding. Inmate Williams was escorted to the [redacted]

End Of Statement

Sgt. Baxter  
Signature of Reporting Employee

10-24-19  
Date

L. Maide  
Signature of Supervisor

10/24/19  
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

REPORTING EMPLOYEE: Williams Alvia A  
LAST FIRST MIDDLE

RANK: Sgt SHIFT ASSIGNMENT: Dmax

DATE: 10/24/89 TIME: 12:15am LOCATION: Zone 3 Map 7 Shower Area

INMATE(S) INVOLVED: Carl Jackson # [redacted] Darrell Williams # [redacted]  
(Names and ADC Numbers)

EMPLOYEE(S) INVOLVED: Same as above  
(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) Same as above  
(Names & Addresses)

EXTENT OF INJURY TO INMATE(S): N/A

TREATMENT AFFORDED INMATE(S): N/A

EXTENT OF INJURY TO OFFICER(S): N/A

TREATMENT AFFORDED OFFICER(S): N/A

STATEMENT OF FACTS (If force used, state type and explain): On October 24, 2019 at approximately  
12:15am an all tower call was called for Zone 3 Max 7 Shower Area  
When Tr. Sgt Williams responded to the call inmate Williams #092508  
and inmate Jackson # [REDACTED] were being escorted out of the barracks  
to the hall cage. End of Statement

Sgt A Williams  
Signature of Reporting Employee

10/24/19  
Date

Dr. Maide  
Signature of Supervisor

10/24/19  
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

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(Revised)



ADMINISTRATIVE REGULATIONS  
STATE OF ARKANSAS  
DEPARTMENT OF CORRECTION

Section Number: 005/409  
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409-9 of 9

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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



SION

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

REPORTING EMPLOYEE: Farr Andrae C  
LAST FIRST MIDDLE

RANK: Cpl SHIFT ASSIGNMENT: D-Shift Max

DATE: 10-24-19 TIME: 12:15am LOCATION: Max 7 Cell block

INMATE(S) INVOLVED: Inmate C. Jackson, Inmate D. Williams  
(Names and ADC Numbers)

EMPLOYEE(S) INVOLVED: Cpl Farr, Cpl Jones, Cpl Hollowell, Sgt. Barber, Sgt. Williams, Lt. Meider  
(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) None  
(Names & Addresses)

EXTENT OF INJURY TO INMATE(S): None See medical report

TREATMENT AFFORDED INMATE(S): None See medical report

EXTENT OF INJURY TO OFFICER(S): None

TREATMENT AFFORDED OFFICER(S): None

STATEMENT OF FACTS (If force used, state type and explain): On 10-24-19 at approximately 12:15am,  
I, Cpl Farr, responded to an all rovers call in Max 7 Cellblock. When I  
arrived on the scene, the incident had already taken place and my Shift Supervisors  
Lt. Maiden, Sgt. Baxter, Sgt. Williams were assessing the incident, and we were getting  
ready to escort Inmate Williams to Ser. medical and Inmate Jackson to the  
Max Hall Pcp. End of Statement.

Cpl. Andrew J.

Signature of Reporting Employee

10-24-19

Date

Lt. Maiden

Signature of Supervisor

10/24/19

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

REPORTING EMPLOYEE: Larry LAST S FIRST MIDDLE

RANK: Sgt. SHIFT ASSIGNMENT: max 1

DATE: 10-24-89 TIME: approx 10:15 hr LOCATION: max 1

INMATE(S) INVOLVED: C. Jackson D. Williams  
(Names and ADC Numbers)

EMPLOYEE(S) INVOLVED: Cpl. Foss, Cpl. Jones, Cpl. Hollowell, Sgt. Boyke, Sgt. Williams, <sup>Sgt.</sup> Lt. Maiden  
(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) None  
(Names & Addresses)

EXTENT OF INJURY TO INMATE(S): See medical

TREATMENT AFFORDED INMATE(S): See medical

EXTENT OF INJURY TO OFFICER(S): N/A

TREATMENT AFFORDED OFFICER(S): N/A


STATEMENT OF FACTS (If force used, state type and explain):

on 10-24-19 at approx 12:15 Am  
I, Sgt. Lopez responded to an all call concerning I/m  
C. JACKSON & I/m D. Williams. The incident happened  
in Mex 9 on the playroom inside of box 3 of FALU Max. - End of Statement -

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
\_\_\_\_\_  
Signature of Reporting Employee

10-24-19  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Supervisor

\_\_\_\_\_  
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:

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- Assistant Director
- Warden/Center Supervisor/Administrator



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  
[Redacted] UNIT/DIVISION

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

REPORTING EMPLOYEE: Morris LAST Reine FIRST S. MIDDLE

RANK: Cpl SHIFT ASSIGNMENT: S. map

DATE: 10/24/19 TIME: 19:15h LOCATION: Zone B Max 7 Bks

INMATE(S) INVOLVED: Carit Jackson [Redacted] Danijil Williams [Redacted]  
(Numbers)

EMPLOYEE(S) INVOLVED: Cpl C. Jones, Cpl Hollenbeck  
(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)  
(Names & Addresses)

EXTENT OF INJURY TO INMATE(S): see infirmary report

TREATMENT AFFORDED INMATE(S): see infirmary report

EXTENT OF INJURY TO OFFICER(S): see infirmary report

TREATMENT AFFORDED OFFICER(S): see infirmary report

STATEMENT OF FACTS (If force used, state type and explain): On 10-24-16 at 12:15pm There was  
an all night call to Map 7 Bus and approached Map 7B in Zone 3 The incident  
was within control and each of the inmates were being escorted out of the Bus  
End of Statement.

Cpt Pina Mayo                      10/24/16                      A. Meid                      10/24/16  
Signature of Reporting Employee                      Date                      Signature of Supervisor                      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

2019-10-30

F-831-1

Arkansas Department of Correction

Unit [redacted] 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 Jackson, Carl ADC# [redacted] Assignment EXT. R. H./ D.C.R.
Class IV Is being charged by C. Jones Title Cpl.
with rule violation(s) 10-3, 4-18, 4-8, 4-4, 2-21, 9-1 Time & Date 12:20 AM 10/24, 20 19

NOTICE OF CHARGES

On October 24, 2019 while Cpl. Jones and Cpl. Hollowell were escorting inmate Williams, D. ADC# [redacted] from the shower to his cell inmate Carl Jackson ADC# [redacted] kicked shower door open and charged toward inmate Williams with an inmate manufactured weapon stabbing inmate Williams multiple times in his back while stating to Cpl. Jones and Cpl. Hollowell "you better get out of the way". Cpl. Jones used physical force to gain control of inmate Jackson by grabbing him from behind attempting to take inmate Jackson to the ground. Inmate Jackson continued to resist apprehension by Cpl. Jones and begin to gouge Cpl. Jones eyes at which point Cpl. Hollowell used physical force pulling inmate Jackson away as Cpl. Jones placed inmate Jackson in mechanical restraints. Inmate Jackson knows his actions are against ADC and unit policy therefore I Cpl. C. Jones is charging inmate Jackson with the following rules violations: 10-3, 4-18, 4-8, 4-4, 2-21, 9-1 Cpl. of Statement

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

[Signature of C. Jones]

NOTIFICATION: Officer \_\_\_\_\_ Date & Time Notified \_\_\_\_\_

Witness Statements: No \_\_\_\_\_ If Yes, List \_\_\_\_\_

\_\_\_\_\_  
Inmate's Signature

C.S.O. REVIEW: Reduce \_\_\_\_\_ Dismiss \_\_\_\_\_ To Disc. Court \_\_\_\_\_ Initial \_\_\_\_\_ Date \_\_\_\_\_

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.

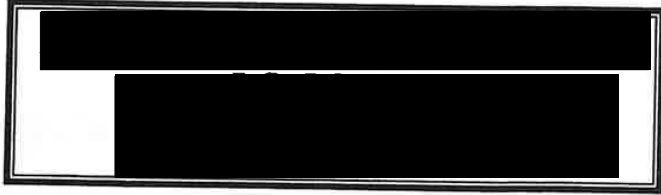
COUNSEL-SUBSTITUTE Assigned (Name) \_\_\_\_\_ Not Assigned

ORIGINAL - File Copy
COPY - Inmate

Color - Goldenrod
ACI-6455







Chain of Custody		
Date:	Time:	DOC Employee
10/24/19	6:16am	D. Maiden
Description of item(s) found.		
1 inmate manufactured weapon		
Location where item(s) were found.		
Max 7 Dayroom		
Victims Name and ADC Number	Suspects Name and ADC Number	
D. Williams [redacted]	C. Jackson [redacted]	

**Post Orders**

The officer designated as the evidence custodian will be responsible for the handling, marking, packing and securing of all evidence. Any employee that seizes evidence involving a crime will complete a 401 Form describing the property and involved personnel. The original chain of custody form will be attached to the physical evidence and a copy will be attached to the Incident Report (005). The person seizing the evidence will normally maintain custody of that evidence until it is placed in the evidence locker. If it is necessary for more than one person to assume custody of the item seized, then each of them will make a notation on the chain of custody record. **EVERY PERSON WHO ASSUMES CUSTODY OF ANY EVIDENCE MUST FILL OUT a (005) INCIDENT REPORT.**

Evidence that may be fingerprinted **SHALL NOT** be placed into a plastic bag or other airtight container. Damp or biological evidence **SHALL NOT** be placed in a plastic bag. Paper folds will be suitable for small amounts of suspected narcotic substances, hair, fibers, etc. The paper folds will then be placed into another container such as a paper bag. The evidence container will be sealed with some type of evidence fracture tape that will indicate any type of tampering.

\* My signature indicates that I have fully understood the Chain-Of-Custody Post Orders.

Signature of Releasing Officer	Signature of Receiving Officer	Date	Time
D. Maiden			









Safety Officer's Accident Investigation Report

Unit: [redacted]
Location: [redacted]

Nature of Accident (please mark with check)
Employee Injury [checked] First-Aid Only [ ]
Vehicle Accident [ ] Third-Party Injury [ ]
Property Damage [ ]

1. Name of Employee: Jones, Cleveland
2. Occupation: Cr
3. Date of Accident: 10/24/14
4. Place of Accident: Mail 7 System
5. Witnesses:

6. Employee Treated by Physician? Y [ ] N [checked]
Name and Address of Physician:
7. Date & Time Injured Left Work? Date & Time Returned to Work?

8. Describe Injuries/Damage: Tamate gauge stuff eye.

9. Describe Accident:
Inmate came at Jones and attached other inmate and stuff.

10. Accident Causes:(check all that apply)

- Physical Causes:
Defective/Improper tools or equipment
Poor housekeeping(trash, slippery floor, etc.)
Improperly Maintained equipment
Unguarded/Improperly guarded equipment
Congested area
Unstable/Improper piling or storage
Improper light
Poor ventilation
Extreme temperature
Inmate (Dashing, assault, etc.)
Description of cause:

- Personal Causes:
Not properly trained/instructed
Failure to use Personal Protective Equipment
Failure to follow rules or instructions
Using improper/defective tools
Horseplay
Improper apparel
Using improper methods/procedures
Operating without authority
Distracted/Breakdown in awareness
Description of cause:

11. Was accident: Preventable [ ] Non-Preventable [checked]

12. Date & Time Accident Reported to Company Nurse: 10/24/14 1:20 am If none why?

13. Date & Time Drug Testing performed: 10/24/14 2:30 am If none why?

14. Disciplinary action taken? Y [ ] N [checked]
If so, what type? [ ] Verbal warning [ ] Suspension
[ ] Written warning [ ] Termination

15. What should be done, and, by whom, to prevent recurrence? What is the expected completion date?
stuff should make sure doors are double locked

Signatures: Prepared by: [Signature] 10/24/14
(Reporting Supervisor) (Date)
Reviewed by:
(Safety Officer) (Date)
Reviewed by:
(Warden) (Date)



Safety Officer's Accident Investigation Report

Unit: [Redacted]
Location: [Redacted]

Nature of Accident (please mark with check)
Employee Injury [X] First-Aid Only [ ]
Vehicle Accident [ ] Third-Party Injury [ ]
Property Damage [ ]

1. Name of Employee: Hollowell, Tyler Age: [Redacted]
2. Occupation: C.L. Dept.: [Redacted]
3. Date of Accident: 10/24/19 Time:
4. Place of Accident: MSA 7
5. Witnesses: Cpt. Jones

6. Employee Treated by Physician? Y [ ] N [X]
Name and Address of Physician:

7. Date & Time Injured Left Work? Date & Time Returned to Work?

8. Describe Injuries/Damage: Staff unavailable by inmate while working

9. Describe Accident: Inmate came out of room and started off and other inmates

10. Accident Causes:(check all that apply)

Physical Causes:

- Defective/Improper tools or equipment
Poor housekeeping(trash, slippery floor, etc.)
Improperly Maintained equipment
Unguarded/Improperly guarded equipment
Congested area
Unstable/Improper piling or storage
Improper light
Poor ventilation
Extreme temperature
Inmate (Dashing, assault, etc.)
Description of cause:

Personal Causes:

- Not properly trained/instructed
Failure to use Personal Protective Equipment
Failure to follow rules or instructions
Using improper/defective tools
Horseplay
Improper apparel
Using improper methods/procedures
Operating without authority
Distracted/Breakdown in awareness
Description of cause:

11. Was accident: Preventable [ ] Non-Preventable [X]

12. Date & Time Accident Reported to Company Nurse: 10/24/19 1:20pm If none why?

13. Date & Time Drug Testing performed: 10/24/19 2:30pm If none why?

14. Disciplinary action taken? Y [ ] N [X]
If so, what type? Verbal warning [ ] Suspension [ ]
Written warning [ ] Termination [ ]

15. What should be done, and by whom, to prevent recurrence? What is the expected completion date?

Signatures: Prepared by: [Signature] (Reporting Supervisor) 10/24/19 (Date)
Reviewed by: (Safety Officer) (Date)
Reviewed by: (Warden) (Date)

STATE OF ARKANSAS - DEPARTMENT OF CORRECTION  
CONFISCATED FORM - AREA OR PERSON

F-401

(Check One)  Inmate  Visitor  Staff  Area  
Unit: [REDACTED] Building or Area: Max Barracks 7 Cell 8  
Date and Time of Search: 10/24/19 : 12/6 : pm : am  
Officer(s) Conducting Search: (Print) Maiden  
Officer(s) Conducting Search: (Signature) [Signature]  
Inmate Name: Jackson Carl ADC # [REDACTED]

Articles Seized (description and number of items):

Number	Description
<u>1</u>	<u>Handmade manufactured weapon</u>

Reason Seized:  Excess/Unauthorized Property  Disciplinary/Criminal Evidence  
Other: \_\_\_\_\_

Inmate Signature: CARL JACKSON ( ) Refused to Sign

Area/Shift/Supervisor: (Signature) [Signature]

Disposition of Contraband: Evidence Box

Copy Delivered to Inmate: Date: 10/24/19 Time: 11:30 pm

Delivered By: (Signature) [Signature]

Disciplinary Written: ( ) No  Yes By: Cpl. Stone

Articles may be mailed to: \_\_\_\_\_

Inmate authorizes deduction of postage from pen store account:  
( ) No ( ) Yes Inmate Signature: \_\_\_\_\_

To be completed by UPCO

Destruction Date: \_\_\_\_\_

UPCO: (Signature) \_\_\_\_\_ Witnessing Staff: (Signature) \_\_\_\_\_

Distribution: White-Remains with Contraband; Yellow-Institutional File; Pink-Inmate Copy  
(To Be Printed On NCR Paper)

F-401

Revised 8/28/2006

















2019-20-5-25

F-831-1

### Arkansas Department of Correction

## 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.



Jackson, Carl ADC # [redacted] Assignment EXT. R. H./ D.C.R.

Class IV Is being charged by C. Jones Title Cpl.

with rule violation(s) 10-3, 4-18, 4-2, 4-4, 2-21, 9-1 Time & Date 12:20 AM 10/24, 20 19

#### NOTICE OF CHARGES

On October 24, 2019 while Cpl. Jones and Cpl. Hollowell were escorting inmate Williams, D. ADC# [redacted] from the shower to his cell inmate Carl Jackson ADC# [redacted] kicked shower door open and charged toward inmate Williams with an inmate manufactured weapon stabbing inmate Williams multiple times in his back while stating to Cpl. Jones and Cpl. Hollowell "you better get out of the way". Cpl. Jones used physical force to gain control of inmate Jackson by grabbing him from behind attempting to take inmate Jackson to the ground. Inmate Jackson continued to resist apprehension by Cpl. Jones and begin to gouge Cpl. Jones eyes at which point Cpl. Hollowell used physical force pulling inmate Jackson away as Cpl. Jones placed inmate Jackson in mechanical restraints. Inmate Jackson knows his actions are against ADC and unit policy therefore I Cpl. C. Jones is charging inmate Jackson with the following rules violations: 10-3, 4-18, 4-2, 4-4, 2-21, 9-1 End of statement

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

Charles Jones

NOTIFICATION: Office Cpl Robinson 11/29/19 Date & Time Notified 3:45 pm

Witness Statements: No X If Yes, List \_\_\_\_\_

Refuse  
Inmate's Signature

C.S.O. REVIEW: Reduce \_\_\_\_\_ Dismiss \_\_\_\_\_ To Disc. Court ✓ Initial KR Date 10-25-19

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

ORIGINAL – File Copy  
COPY – Inmate

Color - Goldenrod  
ACI-6455







Chain of Custody		
Date:	Time:	DOC Employee
10/24/19	6:16am	D. Maiden
Description of item(s) found.		
1 serrated manual weapon		
Location where item(s) were found.		
Max 7 Dayroom		
Victims Name and ADC Number		Suspects Name and ADC Number
D. Williams [Redacted]		C. Jackson [Redacted]

**Post Orders**

The officer designated as the evidence custodian will be responsible for the handling, marking, packing and securing of all evidence. Any employee that seizes evidence involving a crime will complete a 401 Form describing the property and involved personnel. The original chain of custody form will be attached to the physical evidence and a copy will be attached to the Incident Report (005). The person seizing the evidence will normally maintain custody of that evidence until it is placed in the evidence locker. If it is necessary for more than one person to assume custody of the item seized, then each of them will make a notation on the chain of custody record. **EVERY PERSON WHO ASSUMES CUSTODY OF ANY EVIDENCE MUST FILL OUT a (005) INCIDENT REPORT.**

Evidence that may be fingerprinted **SHALL NOT** be placed into a plastic bag or other airtight container. Damp or biological evidence **SHALL NOT** be placed in a plastic bag. Paper folds will be suitable for small amounts of suspected narcotic substances, hair, fibers, etc. The paper folds will then be placed into another container such as a paper bag. The evidence container will be sealed with some type of evidence fracture tape that will indicate any type of tampering.

\* My signature indicates that I have fully understood the Chain-Of-Custody Post Orders.

Signature of Releasing Officer	Signature of Receiving Officer	Date	Time
D. Maiden			







STATE OF ARKANSAS - DEPARTMENT OF CORRECTION  
CONFISCATED FORM - AREA OR PERSON

F-401

(Check One)  Inmate  Visitor  Staff  Area  
Unit: [Redacted] Building or Area: Max Barracks 7 Cell 8  
Date and Time of Search: 10/24/19 12/6 : pm (am)  
Officer(s) Conducting Search: (Print) Maiden  
Officer(s) Conducting Search: (Signature) [Signature]  
Inmate Name: Jackson Carl ADC # [Redacted]

Articles Seized (description and number of items):

Number	Description
<u>1</u>	<u>Inmate manufactured weapon</u>

Reason Seized:  Excess/Unauthorized Property  Disciplinary/Criminal Evidence

Other: \_\_\_\_\_

Inmate Signature: CARL JACKSON ( ) Refused to Sign

Area/Shift/Supervisor: (Signature) [Signature]

Disposition of Contraband: Evidence Box

Copy Delivered to Inmate: Date: 10/24/19 Time: 11:30 pm

Delivered By: (Signature) [Signature]

Disciplinary Written: ( ) No  Yes By: Col Stone

Articles may be mailed to: \_\_\_\_\_

Inmate authorizes deduction of postage from pen store account:  
( ) No ( ) Yes Inmate Signature: \_\_\_\_\_

To be completed by UPCO

Destruction Date:   /  /  

UPCO: (Signature) \_\_\_\_\_ Witnessing Staff: (Signature) \_\_\_\_\_

Distribution - White-Remains with Contraband; Yellow- Institutional File; Pink-Inmate Copy  
(To Be Printed On NCR Paper)

F-401

Revised 8/28/2006





### Safety Officer's Accident Investigation Report

Unit: [REDACTED]  
Location: [REDACTED]

Nature of Accident (please mark with check)  
Employee Injury  First-Aid Only   
Vehicle Accident  Third-Party Injury   
Property Damage

1. Name of Employee: Jones, Cleveland Age: [REDACTED]  
2. Occupation: CP Dept.: [REDACTED]  
3. Date of Accident: 10/24/15 Time: 12:14pm  
4. Place of Accident: Mail 7 Receiving

5. Witnesses: \_\_\_\_\_  
6. Employee Treated by Physician?  Y  N   
Name and Address of Physician: \_\_\_\_\_

7. Date & Time Injured Left Work? \_\_\_\_\_ Date & Time Returned to Work? \_\_\_\_\_

8. Describe Injuries/Damage: Inmate gouge stuff eye.

9. Describe Accident: Inmate came out shower and attacked other inmate and staff.

10. Accident Causes: (check all that apply)
- |  |   |
|--|---|
| <p><b>Physical Causes:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Defective/Improper tools or equipment</li> <li><input type="checkbox"/> Poor housekeeping (trash, slippery floor, etc.)</li> <li><input type="checkbox"/> Improperly Maintained equipment</li> <li><input type="checkbox"/> Unguarded/Improperly guarded equipment</li> <li><input type="checkbox"/> Congested area</li> <li><input type="checkbox"/> Unstable/Improper piling or storage</li> <li><input type="checkbox"/> Improper light</li> <li><input type="checkbox"/> Poor ventilation</li> <li><input type="checkbox"/> Extreme temperature</li> <li><input checked="" type="checkbox"/> Inmate (Dashing, assault, etc.)</li> <li><input type="checkbox"/> Description of cause: _____</li> </ul> | <p><b>Personal Causes:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Not properly trained/instructed</li> <li><input type="checkbox"/> Failure to use Personal Protective Equipment</li> <li><input type="checkbox"/> Failure to follow rules or instructions</li> <li><input type="checkbox"/> Using improper/defective tools</li> <li><input type="checkbox"/> Horseplay</li> <li><input type="checkbox"/> Improper apparel</li> <li><input type="checkbox"/> Using improper methods/procedures</li> <li><input type="checkbox"/> Operating without authority</li> <li><input checked="" type="checkbox"/> Distracted/Breakdown in awareness</li> <li><input type="checkbox"/> Description of cause: _____</li> </ul> |
|--|---|

11. Was accident: **Preventable**  **Non-Preventable**

12. Date & Time Accident Reported to Company Nurse: 10/24/15 1:20 am If none why? \_\_\_\_\_

13. Date & Time Drug Testing performed: 10/24/15 2:10 am If none why? \_\_\_\_\_

14. Disciplinary action taken?  Y  N   
If so, what type?  Verbal warning  Suspension  
 Written warning  Termination

15. What should be done, and by whom, to prevent recurrence? What is the expected completion date?  
Staff should make sure down an double check

**Signatures:**  
Prepared by: [Signature] 10/24/15  
(Reporting Supervisor) (Date)  
Reviewed by: \_\_\_\_\_ (Date)  
(Safety Officer)  
Reviewed by: \_\_\_\_\_ (Date)  
(Warden)



### Safety Officer's Accident Investigation Report

Unit: [REDACTED]  
Location: [REDACTED]

Nature of Accident (please mark with check)  
Employee Injury  First-Aid Only   
Vehicle Accident  Third-Party Injury   
Property Damage

1. Name of Employee: Hollowell, Tyler Age: [REDACTED]  
2. Occupation: CP Dept.: [REDACTED]  
3. Date of Accident: 10/24/19 Time: \_\_\_\_\_  
4. Place of Accident: Misc 7  
5. Witnesses: Cpt. Jones

6. Employee Treated by Physician? Y  N   
Name and Address of Physician: \_\_\_\_\_

7. Date & Time Injured Left Work? \_\_\_\_\_ Date & Time Returned to Work? \_\_\_\_\_

8. Describe Injuries/Damage: Staff assaulted by inmate while working

9. Describe Accident: Inmate came out of cell and attacked staff and other inmates

10. Accident Causes: (check all that apply)

- Physical Causes:**
- Defective/Improper tools or equipment
  - Poor housekeeping (trash, slippery floor, etc.)
  - Improperly Maintained equipment
  - Unguarded/Improperly guarded equipment
  - Congested area
  - Unstable/Improper piling or storage
  - Improper light
  - Poor ventilation
  - Extreme temperature
  - Inmate (Dashing, assault, etc.)
  - Description of cause: \_\_\_\_\_

- Personal Causes:**
- Not properly trained/instructed
  - Failure to use Personal Protective Equipment
  - Failure to follow rules or instructions
  - Using improper/defective tools
  - Horseplay
  - Improper apparel
  - Using improper methods/procedures
  - Operating without authority
  - Distracted/Breakdown in awareness
  - Description of cause: \_\_\_\_\_

11. Was accident: **Preventable**  **Non-Preventable**

12. Date & Time Accident Reported to Company Nurse: 10/24/19 1:30am If none why? \_\_\_\_\_

13. Date & Time Drug Testing performed: 10/24/19 2:20am If none why? \_\_\_\_\_

14. Disciplinary action taken? Y  N   
If so, what type?  Verbal warning  Suspension  
 Written warning  Termination

15. What should be done, and by whom, to prevent recurrence? What is the expected completion date?

**Signatures:** Prepared by: [Signature] (Reporting Supervisor) 10/24/19 (Date)

Reviewed by: \_\_\_\_\_ (Safety Officer) (Date)

Reviewed by: \_\_\_\_\_ (Warden) (Date)



ISSR100

Arkansas Department of Corrections  
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: Jackson, Carl Daniel

ADC#: [REDACTED]

Assignment: AM:Ext Restrictive Housing  
PM:Discipl Court Review

Class: IV is being charged by Jones, Cleveland  
with code violation(s):

Title: Corporal

- 12-3 Failure to obey verbal and/or written order(s) of staff.
- 04-18 Aggravated Battery upon inmate--Use of weapon in a battery upon another inmate. Rule violation may result in the loss of all good time.
- 04-8 Battery--Use of physical force upon an inmate.
- 04-4 Battery--Use of physical force upon staff.
- 02-21 Running, avoiding, or otherwise resisting apprehension.
- 09-1 Possession/introduction of any firearm,ammunition,weapon,fireworks,explosive,unauthorized combustibile substance, OR unauthorized tool. Rule violation may result in loss of all good time.

Date & Time: 10/24/2019 12:16 AM

Notice of Charges:

Incident Report Unit [REDACTED]  
 Incident Report Date/Time: 10/24/2019/12:16:00 AM  
 Incident Report Number: 2019-10-323

On October 24, 2019 at approximately 12:16am while Cpl. Jones and Cpl. Hollowell were escorting inmate Williams, D. ADC# [REDACTED] from the shower to his cell, inmate Carl Jackson ADC# [REDACTED] kicked shower door open and charged toward inmate Williams with an inmate manufactured weapon stabbing inmate Williams multiple times in his back while stating to Cpl. Jones and Cpl. Hollowell "you better get out of the way". Cpl. Jones used physical force to gain control of inmate Jackson by grabbing him from behind attempting to take inmate Jackson to the ground. Inmate Jackson continued to resist apprehension by Cpl. Jones and begin to gouge Cpl. Jones eyes at which point Cpl. Hollowell used physical force pulling inmate Jackson away as Cpl. Jones placed inmate Jackson in mechanical restraints. Inmate Jackson knows his actions are against ADC and unit policy therefore I Cpl. C. Jones is charging inmate Jackson with the following rules violations: 12-3, 4-18, 4-8, 4-4, 2-21, and 9-1. End of Statement

(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 X If yes, list:

\_\_\_\_\_  
 Inmate's Signature

C.S.O. Review:	Outcome: Refer to Hearing Officer/Comm.
By:	Randle, Kenyon V
Date	10/25/2019

Extension:	No <u>X</u> 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 \_\_\_\_\_



## Mika Tucker

---

**From:** Leslie Browning (DOC)  
**Sent:** Friday, August 5, 2022 11:26 AM  
**To:** ASCC Pleadings  
**Cc:** Thomas Burns (DOC)  
**Subject:** Darrell Williams (██████████) Claim 220838  
**Attachments:** Interr to Inmate.pdf; RFA to Inmate.pdf

RFA and Interr to Claimant

*Leslie Browning*

**Arkansas Division of Correction**  
Central Office/Legal Division  
6814 Princeton Pike  
Pine Bluff, AR 71602  
Legal Support Specialist  
Phone: 870-267-6844  
Email: [leslie.browning@arkansas.gov](mailto:leslie.browning@arkansas.gov)

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DARRELL WILLIAMS ( [REDACTED]

CLAIMANT

v

CLAIM NO. 220838

ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION

RESPONDENT

**FIRST SET OF INTERROGATORIES AND REQUESTS  
FOR PRODUCTION PROPOUNDED TO CLAIMANT**

In accordance with Rules 33 and 34 of the Arkansas Rules of Civil Procedure, Defendant hereby requests the answers and responses to the following Interrogatories and Requests for Production. You are required to serve your answers and responses at the expiration of thirty (30) days from the date upon which you receive a copy of these Interrogatories and Requests for Production.

**INTERROGATORY NO. 1:** Please list all witness you may call in relation to this matter and a synopsis of their expected testimony.

**INTERROGATORY NO. 2:** Please state whether or not, regarding the incident herein, you were provided medical treatment and care.

**INTERROGATORY NO. 3:** Please state if you knew that all shower stalls were double locked.

**INTERROGATORY NO. 4:** Please state who “Allowed” the Inmate, Carl Jackson, to have a “shank”

**INTERROGATORY NO. 5:** Please state how officers failed to protect you.

**INTERROGATORY NO. 6:** Please state whether or not the officers were injured during the incident herein.

**INTERROGATORY NO. 7:** Is this claim against the Officers individually.

**INTERROGATORY NO. 8:** Please state why you should receive money.

**INTERROGATORY NO. 9:** Please state what “beef” you had with Inmate Jackson.

**INTERROGATORY NO. 10:** Please state how you came up with \$25,000.00 in damages

**INTERROGATORY NO. 11:** Please state what your measure of damages is.

**REQUESTS FOR PRODUCTION OF DOCUMENTS**

**REQUEST FOR PRODUCTION NO. 1:** Please attach a copy of any documents you plan to introduce in any hearing of this matter

Respectfully submitted,



---

Thomas Burns (02006)  
Division of Correction  
Legal Department  
6814 Princeton Pike  
Pine Bluff, AR 71602  
(870) 267-6845 Office  
(870) 267-6373 Facsimile  
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 5th day of August 2022,  
on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Darrell Williams [REDACTED]  
[REDACTED]



---

Thomas Burns

**BEFORE THE ARKANSAS STATE CLAIMS COMMISSION**

**DARRELL WILLIAMS (0 [REDACTED])**

**CLAIMANT**

**v**

**CLAIM NO. 220838**

**ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION**

**RESPONDENT**

**FIRST SET OF REQUESTS FOR ADMISSIONS  
TO CLAIMANT**

Comes now, the Plaintiff, Arkansas Department of Corrections, (ADC), by and through their attorney, Thomas Burns, and for their First Set of Requests for Admissions to Claimant, to be answered in accordance with the Arkansas Rule of Civil Procedure, states:

REQUEST FOR ADMISSION NO. 1: Admit that you do not have any damages related to this matter Claim 220838.

REQUEST FOR ADMISSION NO. 2: Admit that the officers were injured during the incident herein.

REQUEST FOR ADMISSION NO. 3: Admit that you did not pay for medical care for the incident herein.

REQUEST FOR ADMISSION NO. 5: Admit that you had provoked Inmate Jackson.

REQUEST FOR ADMISSION NO. 6: Admit that ADC acted pursuant to policy.

REQUEST FOR ADMISSION NO. 7: Admit that you do not have any monetary loss.

Filed 5th August 2022.

Respectfully submitted,



---

Thomas Burns (02006)  
Department of Correction  
6814 Princeton Pike  
Pine Bluff, AR 71602  
(870) 267-6845 Office  
(870) 267-6373 Facsimile  
thomas.burns@arkansas.gov

#### CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 5<sup>th</sup> day of August 2022, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Darrell Williams ( [REDACTED] )  
[REDACTED]



---

Thomas Burns

AUG 10 2022

RECEIVED

TO: MS. KATHRYN IRBY, DIRECTOR

DATE: 8/7/2022; AUGUST 7, 2022

FROM: MR. DARRELL K. WILLIAMS

ADC:

RE: CLAIM NO: 220838

DEAR MS. IRBY PLEASE FIND ENCLOSED 2 FULL COPIES OF MY  
MOTION FOR AN EXTENSION OF TIME TO RESPOND TO ADC  
RESPONDENTS ATTORNEY THOMAS BURNS DISCOVERY REQUESTS.  
PLEASE RETURN A FILE MARKED COPY OF THIS MOTION FOR AN  
EXTENSION OF TIME TO ME AS SOON AS POSSIBLE.  
THANK YOU FOR YOUR TIME IN THIS MATTER.

EXECUTED AT MARTINA, ARKANSAS ON AUGUST 7, 2022  
(DATE)

CERTIFICATE OF SERVICE

I CERTIFY THAT A COPY OF THIS MOTION HAS BEEN SERVED  
THIS SEVENTH (7<sup>TH</sup>) DAY OF AUGUST, 2022 ON THE  
(DATE)  
RESPONDENT BY PLACING A COPY OF THE SAME IN THE U.S. MAIL  
REGULAR POSTAGE TO:

THOMAS BURNS (02006)

DEPARTMENT OF CORRECTIONS

6814 PRINCETON PIKE

PENNS BLUFF, ARKANSAS 71602

Respectfully Submitted

MR. DARRELL K. WILLIAMS

THE ARKANSAS STATE CLAIMS COMMISSION

DARRELL K. WILLIAMS / ADC # [REDACTED]

CLAIMANT

V.

NO. 220838

ARKANSAS DEPARTMENT OF CORRECTIONS

RESPONDENT

DIVISION OF CORRECTIONS

MOTION FOR AN EXTENSION OF TIME

I DARRELL K. WILLIAMS ADC # [REDACTED] CLAIMANT REQUESTS FOR AN EXTENSION OF TIME AS I RESEARCH AND RECEIVE LEGAL ASSISTANCE FROM THE EAST ARKANSAS REGIONAL UNIT LAW LIBRARY, WHICH IS SHORT STAFFED AND IS NOT CONSISTANT IN CONDUCTING LAW LIBRARY EACH, OR IN BRINGING THE REQUESTED LEGAL MATERIALS CONSISTANTLY. DUE TO THE FACT I HAVE TO WAIT ON THE UNIT LAW LIBRARY ONCE (1) PER WEEK TO BRING ME ANY LEGAL MATERIALS REQUESTED, I CANNOT MEET THE TEN (10) DAYS GRANTED BY THE ADC RESPONDENTS ATTORNEY, MR. THOMAS BURNS. I ASK THAT THE ARKANSAS STATE CLAIM COMMISSION GRANT MY REQUEST OF THIS MOTION FOR AN EXTENSION OF TIME.

DATE: 8/7/22! AUGUST 7, 2022

RESPECTFULLY SUBMITTED

NAME: DARRELL K. WILLIAMS # [REDACTED]

ADDRESS: [REDACTED]



## LEGAL DIVISION

6814 Princeton Pike

Pine Bluff, Arkansas 71602

Phone: (870) 267-6844 | Fax: (870) 267-6373

DOC.ARKANSAS.GOV

August 1, 2022

Darrell K. Williams [REDACTED]

Re: Darrell K. Williams v ADC  
Claim Number 22838

Dear Mr. Williams:

I am in receipt of your discovery requests, Claimant's First Set of Interrogatories to the Respondents. These are not correctly formatted, nor correctly stated, in accordance with Rules 26, 33, 36, and 37 of the Arkansas Rules of Civil Procedure. Arkansas law makes it clear that Pro Se parties are held to the same standards as attorney and are presumed to know the law. I am pointing you to the correct rules so that you may correct deficiencies and be in compliance with the rules.

At this time, we are seeking these corrections without the intervention of the Claims Commission. We will hold off of this for ten (10) days to allow for you to have time to correct.

Very truly yours,

  
Thomas Burns  
Arkansas Department of Correction

TB/ldb

cc: File  
ASCC

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DARRELL K. WILLIAMS (ADC# [REDACTED])

CLAIMANT

No. 220838

ARKANSAS DEPARTMENT OF CORRECTIONS

RESPONDENT

CLAIMANT'S RESPONSE TO RESPONDENT'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION PROPOUNDED TO CLAIMANT

1. Interrogatory No. 1: Please list all witness you may call in relation to this matter and a synopsis of their expected testimony.

Objection The Respondent is aware that the Claimant does not have this information. Without waiving said Objection, this information may be available at a later time within these proceedings.

2. Interrogatory No. 2: Please state whether or not, regarding the incident herein, you were provided medical treatment and care.

Objection The Respondent already has access to this information which is located in the Claimant's inmate file.

3. Interrogatory No. 3: Please state if you knew that all showers stalls were double locked.

Objection Of course the Claimant did not know this, it is not the Claimant's duty to know this, it is the staff's job and duty to make sure this is done according to policy.

4. Interrogatory No. 4: Please state who "Allowed" the inmate Carl Jackson, to have a "shank",

**Objection** Respondent and its agents.

5. Interrogatory No. 5: Please state how officers failed to protect you.

**Objection** Respondent is fully aware this is not a failure to protect claim, this claim is about violation of policy by staff, staff did not strip search inmate Jackson before leaving his cell, staff allowed inmate Jackson to take unauthorized items to the shower with him, staff failed to double lock the shower, and staff created an environment where two prisoners who should have never had contact with each other were allowed said contact with disastrous results.

6. Interrogatory No. 6: Please state whether or not the officers were injured during the incident herein.

**Objection** Claimant is unaware of any injuries staff may have suffered, claimant can only contest that he himself was stabbed six (6) times during the incident herein.

7. Interrogatory No. 7: Is this claim against the officers individually.

**Objection** The Respondent is well aware that claims against individuals can not be brought before the Arkansas State Claims Commission, without waiving said objection, the answer is No this claim is against the Arkansas Department of

Corrections who is responsible for the actions of its agents who act on its behalf.

8. Interrogatory No. 8: Please state why you should receive money.

Because the actions of the Respondent which violated policy resulted in the Claimant suffering obvious physical injury.

9. Interrogatory No. 9: Please state what "beef" you had with Inmate Jackson.

**Objection** This is irrelevant, which without waiving said Objection Claimant did not have a "beef" with any one.

10. Interrogatory No. 10: Please state how you came up with \$25,000.00 in damages.

\$4,000.00 per each stab wound suffered and \$1,000.00 mental and psychological anguish.

11. Interrogatory No. 11: Please state what your measure of damages is.

**Objection** This has already been addressed, without waiving said Objection the Claimant's measure of damages is \$25,000.00 in monetary relief.

12. Request For Production No. 1: Please attach a copy of any documents you plan to introduce in any hearing of this matter.

**Objection** The Respondent already has access to this information which is located in Claimant's complaint and Exhibits Claim No. 220838.

Executed at Marianna, Arkansas on August 13<sup>th</sup> 2022.  
(Day)

Respectfully Submitted,  
Darrell Williams

Mr. Darrell K. Williams  
(Address redacted)

Certificate of Service

I certify that a copy of this pleading has been served this 13<sup>th</sup> (Day) day of August, 2022, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to:

Thomas Burns (02006)  
Department of Corrections  
6814 Princeton Pike  
Pine Bluff, Ar. 71602

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DARRELL K. WILLIAMS (ADC [REDACTED])

CLAIMANT

No. 220838

ARKANSAS DEPARTMENT OF CORRECTIONS

RESPONDENT

CLAIMANT'S RESPONSE TO RESPONDENT'S REQUEST FOR ADMISSION:

1. Request For Admission No. 1: Admit that you do not have any damages related to this matter Claim 220838.  
 Deny I suffered several damages including but not limited to lacerations and puncture wounds to my upper torso due to staff not following policy, and I suffered extreme pain.
2. Request For Admission No. 2: Admit that the officers were injured during the incident herein.  
 Deny Claimant is unaware of any injuries suffered by staff.
3. Request For Admission No. 3: Admit that you did not pay for medical care for the incident herein.  
 Admit This is due to medical treatment automatically given due to the emergency situation, but sick calls are paid for by inmates through the medical co-pay system.
4. Request For Admission No. 4: Number 4 not requested.
5. Request For Admission No. 5: Admit that you had provoked Inmate Jackson.  
 Deny Claimant did nothing to provoke this attack.

6. Request For Admission No. 6: Admit that ADC acted pursuant to policy.

Deny Policy states clearly that all inmates who will be restrained will be strip searched prior to being removed from their cell. Policy also states clearly that inmates are not allowed to take items such as their Tennis shoes with them to the shower.

7. Request For Admission No. 7: Admit that you do not have any monetary loss.

Admit Claimant did not suffer any monetary loss, Claimant just experienced significant physical injury from being stabbed in his back six (6) times due to staff violating policy.

Executed at Marianna, Arkansas on August 13<sup>th</sup> (Day), 2022.

Respectfully Submitted,  
Darrell Williams

Mr. Darrell K. Williams

(AD [REDACTED])

### Certificate of Service

I certify that a copy of this pleading has been served this 13<sup>th</sup> (Day) day of August, 2022, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to:

Thomas Burns (02006)

Department of Corrections

6814 Princeton Pike

Pine Bluff, Ar, 71602

2 of 2

"Exhibit F"

Arkansas  
State Claims Commission

SEP 01 2022



RECEIVED  
PO Box 8707  
Pine Bluff, AR 71611-8707  
Phone: 870-267-6999  
Fax: 870-267-6244  
www.adc.arkansas.gov

## ADMINISTRATIVE DIRECTIVE

**SUBJECT:** Searches of Inmates, Unit Searches and Control of Contraband

**NUMBER:** 18-49

**SUPERSEDES:** 18-15

**APPLICABILITY:** All employees and inmates

**REFERENCE:** AR 401 Searches for and Control of Contraband

AD - Inmate Property Control,

AD - Body Cavity Searches for

Contraband; AD - Inmate

Correspondence Containing Contraband

PAGE 1 of 5

**APPROVED:** Original signed by Wendy Kelley

**EFFECTIVE DATE:** 12/15/18

### **I. POLICY:**

It shall be the policy of the Arkansas Department of Correction (ADC) to have procedures in place to detect and deter the introduction, manufacture, possession and/or conveyance of contraband.

### **II. PURPOSE:**

The control of contraband within a correctional environment is necessary to provide a safe, secure environment for inmates, employees and visitors. The following will provide Arkansas Department of Correction (ADC) staff with information and guidelines regarding approved procedures for the suppression of contraband and to specify approved search methods.

### **III. DEFINITIONS:**

- A. "Contraband" means any item or items determined by the Board of Corrections or ADC to jeopardize the safety, security, or good order of its institutions, including but not limited to the following:

1. Nuisance Contraband - Any item or article which may be or may have been authorized for possession, but which is now prohibited because excessive quantities present health or fire hazards or have become a housekeeping problem.
2. Articles in excess of established facility limits, articles that have been altered or used for unauthorized purposes, and/or articles in an inmate's possession in an unauthorized area.
3. Unauthorized articles seized during a search of living quarters, place of assignment, vehicle or personal search.
4. Items which are illegal or banned by policies.

- 
- B. "Inmates" mean persons incarcerated by the Department of Correction.
  - C. "Staff" means all ADC employees, volunteers, contract medical and mental health employees, Arkansas Correctional School employees and employees of Riverside Vo-Tech.
  - D. "Strip Search" means an unclothed body search, which requires the person to remove his or her clothing in conformance with approved procedures and professional practices.
  - E. "Pat Search" means a clothed body search consisting of an individual's garments and personal effects ready at hand and the surface of the individual's body and the area within the individual's immediate control.

#### IV. PROCEDURE:

##### A. Searches in General

Searches may include but are not limited to the following elements:

1. Searches of inmates on or off ADC property, including search of persons, clothing, and other personal items; or
2. Searches of all vehicles transporting inmates; or
3. Inspection of packages and other nonvehicular items entering and leaving the facility to include inspection by electronic means; or
4. Use of hand-held and walk-through detectors to detect and deter the movement of contraband; or
5. Use of ion scanning devices, drug dogs, and other electronic or advanced technological detection devices.

##### B. Inmate Searches

Searches of inmates are conducted as often as necessary to control contraband, but never for purposes of punishment or harassment.

All searches will be conducted in a professional manner with training in cross-gender pat searches, as well as searches of transgender and intersex inmates in the least intrusive manner possible consistent with security needs. Procedures for inmate searches shall include but are not limited to the following:

1. Facility wide searches carried out in accordance with established Procedures including prior to all holidays;
2. Searches in other common areas, including but not limited to inmate and program work areas such as the kitchen, visitation room, school, day rooms, activity areas, outside recreation and work areas.

a. Pat Searches of Inmates (clothed body search)

Pat searches may be conducted by an employee of either gender and may be performed at any time in any area of the facility; however, in recognition of the Prison Rape Elimination Act standards acknowledging the increased likelihood that female inmates may have a history of trauma, if a female officer is present and available (not otherwise occupied), the female officer will conduct the pat search of a female inmate<sup>1</sup>. Pat searches ordinarily do not require an inmate to remove clothing other than hats, gloves, coats and shoes.

b. Strip Search of Inmates (unclothed body search)

Strip searches shall be conducted by staff of the same gender as the inmate except in cases of emergency (i.e., escape, riot, etc.)<sup>2</sup>. Strip searches of inmates do not require reasonable suspicion that the individual is concealing contraband.

c. All inmates who will be restrained will be strip searched prior to being removed from their cell.

3. Use of body cavity will be searches in accordance with established procedures.

C. Unit Contraband Searches

1. All areas of the units shall be searched thoroughly for contraband on a routine basis.

<sup>1</sup> Should a female officer be present and available, but a male officer conduct the pat search of a female inmate, documentation will be completed as to why that officer conducted the search.

<sup>2</sup> Should an officer of the opposite gender of the inmate conduct a strip search, documentation will be completed describing the emergency.

- a. The search may be limited to a specific building or area of the unit.
- b. All routine unit contraband searches shall be randomly scheduled and conducted in accordance with existing procedures.

D. Institutional Lockdown Searches

1. The warden shall consult with the appropriate Deputy or Assistant Director regarding the necessity of a complete search for contraband with an associated institutional lockdown.
2. The appropriate Deputy or Assistant Director shall inform the Director of the lockdown and search, ~~including the specific reasons for the request and the~~ proposed dates.
3. All contraband searches accomplished in association with an institutional lockdown shall be conducted in accordance with established procedures.
4. The warden may request additional resources and support to assist the unit during the institutional lockdown and search.
4. The institutional lockdown and search is to be followed up with written documentation following established incident notification procedures.

In addition, the warden shall prepare a written report to the appropriate Assistant or Deputy Director within 48 hours after completion of the lockdown and search. The report shall include, but is not limited to the following information: (1) what was confiscated, (2) number of major disciplinaries prepared, and (3) summary of significant events.

E. Personal Property

1. Any item, whether contraband or personal property, taken from an inmate shall be documented on the appropriate ADC confiscation form (for example: Form 401).
2. Although it is essential that all searches are thorough and systematic, it is equally important that no damage, loss or abuse occurs to any personal property. Any such loss or damage that is determined to be through neglect may result in disciplinary action against the negligent employee(s) and officer(s), and they may be liable for the replacement cost of such items.

F. Disposition of Contraband

All contraband except as noted herein shall be dealt with in accordance with the policy regarding inmate property control or other applicable policies.

1. Any instrument of criminality such as drugs or firearms shall be secured in a safe or other appropriate location within the unit. Notification shall be given to Internal

Affairs. Proper chain of custody shall be maintained in accordance with established procedure. No drugs/weapons are to be destroyed without first obtaining written approval from Internal Affairs to ensure the preservation of evidence relative to any criminal proceedings.

2. U.S. currency and money orders recovered from inmates shall be properly receipted, documented, and deposited in the Inmate Welfare Fund. Excess currency may be held and secured as evidence for criminal or administrative proceedings.
3. Weapons, other than those in item 1, should be destroyed at the unit.
4. Unauthorized mobile/wireless telephone devices that are confiscated will be taken ~~to the central office Radio Shop or East Arkansas Regional Unit for processing as~~ soon as possible. These devices may be donated to a non-profit or other outside agency in lieu of destruction, at the discretion of the Director.

r clip.

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION  
Arkansas  
State Claims Commission

OCT 14 2022

DARRELL K. WILLIAMS [REDACTED]

RECEIVED

CLAIMANT

CLAIM NO. 220838

ARKANSAS DIVISION OF CORRECTIONS

RESPONDENT

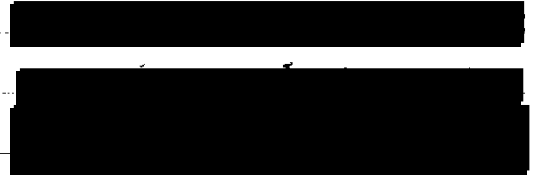
CLAIMANT'S MOTION TO COMPLETE DISCOVERY AND MOVE  
TO A SCHEDULED HEARING

COMES NOW THE CLAIMANT, DARRELL K. WILLIAMS [REDACTED] WITH HIS MOTION TO COMPLETE DISCOVERY AND MOVE THIS MATTER TO A SCHEDULED HEARING. THE CLAIMANT STATES THE FOLLOWING.

1. ON JUNE 24, 2022 THE CLAIMS COMMISSION ADVISED THE PARTIES TO NOTIFY THE CLAIMS COMMISSION WHEN DISCOVERY WAS NEARLY COMPLETED SO THAT THIS MATTER COULD BE ADDED TO THE HEARING SCHEDULE. WELL, THE CLAIMANT HAS ANSWERED MULTIPLE SETS OF INTERROGATORIES, ADMISSIONS THAT WERE SUBMITTED BY THE RESPONDENT, AND ON THE OTHER SIDE, THE RESPONDENT IS NOT BEING VERY FORTHCOMING WITH THE CLAIMANT'S DISCOVERY REQUESTS THEREFORE UNLESS THE RESPONDENT OBJECTS, THE CLAIMANT REQUESTS THROUGH THIS MOTION THAT DISCOVERY BE COMPLETED UPON THE FILING OF THIS MOTION AND THAT THIS MATTER BE SCHEDULED FOR A HEARING BEFORE THE CLAIMS COMMISSION SO THAT THE CLAIMANT MAY PLEAD HIS CASE BEFORE AN UNBIASED FACT FINDING BODY.

WHEREFORE THE CLAIMANT, DARRELL K. WILLIAMS (ADC 092508) PRAYS THAT THIS HONOURABLE COMMISSION GRANTS THE CLAIMANT'S MOTION AND END DISCOVERY AND SCHEDULE AN IN PERSON HEARING SO THAT THE FACTS OF THIS MATTER CAN BE LITIGATED ALONG WITH ALL OTHER SUBSTANTIAL RELIEF THE CLAIMANT IS ENTITLED TO.

Respectfully  
X Daniel K. Williams



CERTIFICATE OF SERVICE

I CERTIFY THAT A COPY OF THIS PLEADING HAS BEEN  
SERVED THIS DAY 11<sup>TH</sup> OF OCTOBER 2022,  
ON THE BELOW RESPONDENT BY PLACING A COPY OF  
SAME IN THE U.S. MAIL REGULAR POSTAGE TO:

THOMAS BUENS  
LEGAL DEPARTMENT  
DIVISION OF CORRECTION  
DINE BLUFF, AR 71602

**Mika Tucker**

---

**From:** Kathryn Irby  
**Sent:** Monday, November 21, 2022 2:55 PM  
**To:** Thomas Burns (DOC); Leslie Browning (DOC)  
**Subject:** HEARING SCHEDULED: Williams v. ADC, Claim No. 220838  
**Attachments:** Darrell K. Williams v. ADC (002).pdf

Thomas, please see attached.

Thanks,  
Kathryn

**Kathryn Irby**  
**Arkansas State Claims Commission**  
101 East Capitol Avenue, Suite 410  
Little Rock, Arkansas 72201  
(501) 682-2822

# ARKANSAS STATE CLAIMS COMMISSION

(501) 682-1619  
FAX (501) 682-2823



KATHRYN IRBY  
DIRECTOR

101 EAST CAPITOL AVENUE  
SUITE 410  
LITTLE ROCK, ARKANSAS  
72201-3823

November 21, 2022

Mr. Darrell K. Williams (ADC [REDACTED])  
[REDACTED]  
[REDACTED]

Mr. Thomas Burns  
Arkansas Division of Correction  
6814 Princeton Pike  
Pine Bluff, Arkansas 71602-9411

(via email)

RE: *Darrell K. Williams v. Arkansas Division of Correction*  
Claim No. 220838

---

Dear Mr. Williams and Mr. Burns,

The Claims Commission has rescheduled this claim for hearing on **Thursday, May 18, 2023**, beginning at 9:00 a.m. All parties will attend via Zoom. The Zoom invitation is enclosed.

Each party's witness lists, exhibit lists, and exhibits are due by Thursday, April 6, 2023. If the parties would like for the Claims Commission to review prehearing briefs, the briefs are due at the same time.

If Claimant would like to call other inmates or ADC employees as witnesses, Claimant will need to submit subpoena requests by April 6, 2023. The subpoena requests must include the witnesses' names and addresses. If ADC objects to issuance of any subpoena, ADC will have until April 11, 2023, to file detailed objections to the witness's proposed testimony.

If Claimant would like to call a witness outside of ADC, Claimant will need to arrange for that witness's virtual attendance at the hearing. Claimant can direct the witness to contact the Claims Commission for the Zoom invitation. If a subpoena will be necessary to compel a witness's

testimony, Claimant will need to submit a subpoena request by April 6, 2023. The subpoena request must include the witness's name and address. Once the Claims Commission issues the subpoena, Claimant will need to have the subpoena served upon the witness pursuant to Rule 45 of the Arkansas Rules of Civil Procedure.

If Respondent will require subpoenas in order to compel the testimony of any of its witnesses, those subpoena requests are also due on April 6, 2023.

Absent good cause shown, any subpoena requests received after April 6, 2023, will be denied.

To the extent that either party intends to file a motion of any kind, absent a showing of good cause, the motion must be submitted in sufficient time to allow the motion to be fully briefed by April 6, 2023.

Please note that a copy of any subpoena requests, witness lists, exhibit lists, and exhibits must be served upon the opposing party via U.S. Mail in accordance with the Arkansas Rules of Civil Procedure.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

Kathryn Irby

ES: kmirby

The Claims Commission is inviting you to a scheduled Zoom meeting.

Topic: Claims Commission -- hearings

Time: May 18, 2023 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/85883857910?pwd=M2R4YnRMN2xoMFC3NG5LK0VEV3djQT09>

Meeting ID: 858 8385 7910

Passcode: LBAQM3

One tap mobile

+16469313860,,85883857910#,,,,\*454554# US

+19294362866,,85883857910#,,,,\*454554# US (New York)

Dial by your location

+1 646 931 3860 US

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 689 278 1000 US

+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

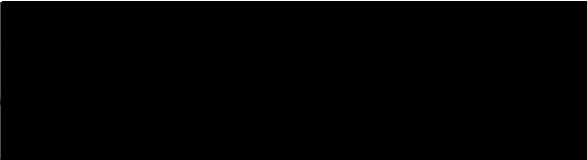
Meeting ID: 858 8385 7910

Passcode: 454554

Find your local number: <https://us06web.zoom.us/j/85883857910?pwd=M2R4YnRMN2xoMFC3NG5LK0VEV3djQT09>

MAR 22 2023

RECEIVED


To: Ms. Kathryn Irby, Director  
Date: MARCH 20th, 2023  
From: Mr. Darrell K. Williams  
ADC: 

Re: Claim No. 220838

Dear Ms. Irby,

Please find enclosed two (2) full copies of my Witness and Exhibit Lists.

Please return one copy file-marked to me as soon as possible, Thank you for your time in this matter.

Respectfully Submitted,  
x Darrell K. Williams  
Mr. Darrell K. Williams  
AD 

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

State Claims Commission

DARRELL K. WILLIAMS (AD [REDACTED])

MAR 22 2023

CLAIMANT

v. NO. 220838

RECEIVED

ARKANSAS DEPARTMENT OF CORRECTIONS

RESPONDENT

CLAIMANT'S WITNESS and EXHIBIT LISTS

Comes Now, the Claimant, Mr. Darrell K. Williams, for his Motion, states;

Witness List

1. Claimant.
2. Any Witnesses of the Respondent.
3. Cpl. Tyler Hollowell.
4. Cpl. Cleveland Jones.
5. Inmate Carl Daniel Jackson (ADC 098003C).

Exhibit List

6. State Claim No. 220838, with all submitted Exhibits.
7. Administrative Directive 18-49 Searches of Inmates, ...
8. Health Encounter SOAPE Notes.

10. 005 Incident Reports.
11. Affidavit's from I/M Price A. Brown (ADC [REDACTED])  
I/M Mitchell Davis (ADC [REDACTED])
12. Unaltered Security Video Surveillance Footage of both  
EARU Max Cellblocks 5 and 7, of the date of incident.
13. Grievance [REDACTED] 9-02685.
14. Warden/Center Supervisor's Decision of Grievance  
EAM19-02685.
15. Chief Deputy/Deputy/Assistant Director's Decision of  
Grievance [REDACTED] 19-02685.

### CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this  
20<sup>th</sup> day of MARCH 2023, on the below Respondent by placing  
(day) (Month)  
a copy of the same in the U.S. Mail, regular postage to:

Thomas Burns (02006)  
Division of Corrections  
6814 Princeton Pike  
Pine Bluff, Ar. 71602

Respectfully Submitted,  
X Darrell K. Williams  
(Signature of Claimant)  
Mr. Darrell K. Williams  
[REDACTED]

## ARKANSAS STATE CLAIMS COMMISSION

(501) 682-1619  
FAX (501) 682-2823



KATHRYN IRBY  
DIRECTOR

101 EAST CAPITOL AVENUE  
SUITE 410  
LITTLE ROCK, ARKANSAS  
72201-3823

April 4, 2023

Mr. Darrell K. Williams (ADC [REDACTED])  
[REDACTED]  
[REDACTED]

RE: *Darrell K. Williams v. Arkansas Division of Correction*  
Claim No. 220838

---

Dear Mr. Williams,

Enclosed please find a file-marked copy of your witness and exhibit list filed in the above-referenced claim. If you have any questions, please do not hesitate to contact my office.


Sincerely,

Mika Tucker

ES: msscott

MAR 22 2023

RECEIVED


To: Ms. Kathryn Irby, Director  
Date: MARCH 20TH, 2023  
From: Mr. Darrell K. Williams  
ADC: 

Re: Claim No. 220838

Dear Ms. Irby,

Please find enclosed two (2) full copies of my Witness and Exhibit Lists.

Please return one copy file-marked to me as soon as possible, Thank you for your time in this matter.

Respectfully Submitted,  
X. Darrell K. Williams  
Mr. Darrell K. Williams  
ADC 

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas  
State Claims Commission

MAR 22 2023

RECEIVED

DARRELL K. WILLIAMS (ADC [REDACTED])

CLAIMANT

v.

No. 220838

ARKANSAS DEPARTMENT OF CORRECTIONS

RESPONDENT

CLAIMANT'S WITNESS and EXHIBIT LISTS

Comes Now, the Claimant, Mr. Darrell K. Williams, for his Motion, states;

Witness List

1. Claimant.
2. Any Witnesses of the Respondent.
3. Cpl. Tyler Hollowell.
4. Cpl. Cleveland Jones.
5. Inmate Carl Daniel Jackson (ADC 098003C).

Exhibit List

6. State Claim No. 220838, with all submitted Exhibits.
7. Administrative Directive 18-49 Searches of Inmates, ...
8. Health Encounter SOAP Notes.

1 of 2

9. Forrest City Medical Center Report.
10. 005 Incident Reports.
11. Affidavit's from I/M Price A. Brown [REDACTED]  
I/M Mitchell Davis [REDACTED]
12. Unaltered Security Video Surveillance Footage of both  
EARU Max Cellblocks 5 and 7, of the date of incident.
13. Grievance [REDACTED]-02685.
14. Warden/Center Supervisor's Decision of Grievance  
[REDACTED]-02685.
15. Chief Deputy/Deputy/Assistant Director's Decision of  
Grievance [REDACTED] 19-02685.

### CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this  
20<sup>th</sup> day of MARCH 2023, on the below Respondent by placing  
(day) (month)  
a copy of the same in the U.S. Mail, regular postage to:

Thomas Burns (02006)  
Division of Corrections  
6814 Princeton Pike  
Pine Bluff, Ar. 71602

Respectfully Submitted,  
X Darrell K. Williams  
(Signature of Claimant)  
Mr. Darrell K. Williams  
[REDACTED]

## Mika Tucker

---

**From:** Thomas Burns (DOC)  
**Sent:** Monday, April 10, 2023 12:16 PM  
**To:** ASCC Pleadings  
**Cc:** Leslie Browning (DOC)  
**Subject:** Darrell William v ADC 220838  
**Attachments:** 3835\_001.pdf

Pre Trial Brief Witness list

Thomas Burns  
General Counsel  
Arkansas Department of Corrections  
Division of Correction  
6814 Princeton Pike  
Pine Bluff Arkansas 71602  
Phone: (870) 267-6845  
Fax: (870) 267-6373  
Cell: (870) 515-0918  
[thomas.burns@arkansas.gov](mailto:thomas.burns@arkansas.gov)

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DARRELL WILLIAMS (██████████)

CLAIMANT

V.

NO. 220838

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

PRE-HEARING BRIEF

Come now the respondent, Arkansas Department of Correction (ADC), by and through their attorney, Thomas Burns, and for their Pre-Hearing Brief, states:

1. This matter concerns the alleged assault by another inmate on the claimant.
2. The Inmate is making deliberate indifference claims by stating that officers failed to protect him from harm. *42 U.S.C. 1983*
3. Arkansas law defines battery as “a wrongful or offensive physical contact with another through the intentional conduct by the tortfeasor and without the consent of the victim.” *Costner v. Adams, 121 S.W.3d 164, 170 (Ark.App.2003)*. Claimant does *not* allege that *any* of the Officers wrongfully or offensively touched him during his October 23, 2019 altercation with Jackson. Instead, he contends that Officers failed to prevent the attack, which is a claim he can properly pursue under § 1983.
4. Law enforcement officials, including supervising probation officers and, consequently, state and local governments, generally may not be held liable for failure to protect individual citizens from harm caused by criminal conduct. *Bartunek v. State, 266 Neb. 454, 666 N.W.2d 435 (2003)*. There are situations that provide exceptions to the no-duty rule: (1) where individuals who have aided law enforcement as informers or witnesses are to be protected or (2) where the police have expressly promised to protect

specific individuals from precise harm. *Brandon v. County of Richardson*, 252 Neb. 839, 566 N.W.2d 776 (1997). There is no duty to control the conduct of a third person so as to prevent him from causing physical harm to another unless (1) a special relation exists between the actor and the third person which imposes a duty upon the actor to control the third person's conduct \*\*625 or (2) a special relation exists between the actor and the other which gives to the other a right to protection. *Bartunek, supra*. One who takes charge of a third person whom he knows or should know to be likely to cause bodily harm to others if not controlled is under a duty to \*828 exercise reasonable care to control the third person to prevent him from doing such harm. *Id. Wilken v. City of Lexington* 16 Neb. App. 817, 754 N.W.2d 616 Neb.App.,2008.

5. The Inmate claims that ADC failed to “strip search” Jackson, the only problem is there is no proof he was not strip searched.

6. The ADC is not responsible for the acts of a third party.

7. Given the inmate’s own inability to anticipate a surprise attack by another prisoner which injured him, and his claim that Officers failed to protect him from a specific threat posed by the other prisoner failed. Even assuming that the inmate satisfied the objective component of his failure-to-protect claim, the facts are devoid of evidence suggesting that any of Officers were subjectively aware of a substantial risk of harm to inmate safety.

8. In fact, this inmate is a known sexual predator within the ADC and could have stemmed from his own behavior.

9. The Officers immediately stopped the attack and in fact one was injured protecting the inmate.


10. The ADC is no liable for the acts of third parties. The ADC did not have an enemy alert, therefore they would not know of a threat. This case should be dismissed in its entirety.

WHEREFORE, The ADC, prays that the matter be dismissed; for their attorney's fees and costs; and for all other just and proper relief to which they may be entitled.

**WITNESS and EXHIBIT LIST**

1. The claimant
2. Any witnesses of the claimant
3. Cleveland Jones
4. any documents of the inmate
5. All documents attached to ADC pleadings

Respectfully submitted,



Thomas Burns (02006)  
Legal Department  
Division of Correction  
6814 Princeton Pike  
Pine Bluff, AR 71602  
(870)267-6845 Office  
(870)267-6373 Facsimile  
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 10<sup>th</sup> day of April 2023, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Darrell Williams [REDACTED]

  
Thomas Burns

Name: Williams, Darrell K.

ADC #: [REDACTED]

# Inmate Grievance

Tuesday February 22, 2022 08:41:38 AM

Received Date\* 11/04/2019 Received Time\*: 02:42:55 PM  
 Grievance #: [REDACTED]-9-02685 Incident Date: 10/24/2019  
 Original Date Prepared by Inmate\*: 10/27/2019  
 Facility\*: [REDACTED]  
 Zone\*: Zone 3  
 Location\*: Cellblock 7  
 Shift:  
 Grievance Officer\*: Perry, Brenda F  
 Grievance Category\*: Complaints against Staff(800)  
 Grievance Type\*: 803-Other Complaints Against Staff  
 Significance\*: Non-Emergency Referred To Group\*: Warden  
 Has Merit: Yes Due Date: 12/05/2019  
 Appeal Has Merit: No

## Geocode Grievance

(y/c) On 10-23-19 to 10-24-19 at approx. 12:15am I was being escorted from Max 5 shower call to my assigned cell Max 711 by Cpl. C. Jones and COI. T. Hollowell, when Inmate Carl Jackson ADC# unknown exited Max 7 showers#2 a shower with a defective locking mechanism ran up to me and stabbed me in my back 6-times as I stood in front of my assigned cell Max 711, resulting in a hospital visit and 13 stitches in my back. Cpl. C Jones and COI T. Hollowell failure to follow Max, ADC Restrictive Housing AD-SEG policy was directly responsible for this inmate stabbing me as follows ADC Maximum security restrictive housing AD-Seg policy specifies that before \*\*\*\* to an inmate leaving his cell for shower call, he is to be strip searched, his well soap dish, shower shoes are to be searched for shower call and anytime he exits his cell period. This ADC Restrictive housing policy Max AD-Seg. policy and Cpl. C Jones and C.OII Hollowell failure to follow this policy, directly resulted in me being stabbed. Inmate C. Jackson was wearing tennis shoes and had a knife, which was recovered at the scene, when he exited the defective Max 7-shower #2 to stab me.

Staff Name	Facility Name	Job Title	Involvement
Jones, Cleveland 4503046	[REDACTED]	Corporal	Neglect of inmate's needs
		Corporal	Neglect of inmate's needs

Type	Date Scanned	Title	Source	Privacy Level
Inmate Grievance	11/04/2019	[REDACTED]-02685	Investigator	Sensitive Information
Inmate Grievance	11/04/2019	[REDACTED]-02685	Investigator	Sensitive Information

Date	Time	Action Type	Staff	Comments
01/23/2020	04:28 PM	Appeal Denied	Straughn, William F	
01/22/2020	03:37 PM	Appeal Forwarded To	Straughn, William F	
01/08/2020	12:57 PM	Acknowledge Grievance Appeal	Straughn, William F	

Ex. A<sup>1/2</sup>

<a href="#">01/03/2020</a>	12:57 PM	Appealed by Inmate	Jones, Mary S	
<a href="#">01/03/2020</a>	11:43 AM	Warden Responded	Lay, Rex G	Date: 01/3/20 --- Time: 11:44:11 AM --- User: B. Perry (PB-4)
<a href="#">01/02/2020</a>	04:30 PM	Forwarded to Warden for Signa.	Lay, Rex G	
<a href="#">12/04/2019</a>	10:10 AM	Extension Form Sent	Lay, Rex G	
<a href="#">11/04/2019</a>	03:34 PM	Investigation Assigned	4503046	
<a href="#">11/04/2019</a>	03:34 PM	Investigation Assigned	Jones, Cleveland	
<a href="#">11/04/2019</a>	03:32 PM	Acknowledged Grievance	[REDACTED]	Same issue as [REDACTED] 19-02636 Refer to Incident# 2019.10-323

**Status**

Status\*: Appeal Denied

As of Date\*: 01/23/2020

[Status History](#)

**Prior Page**

[Show Last Updated Information](#)



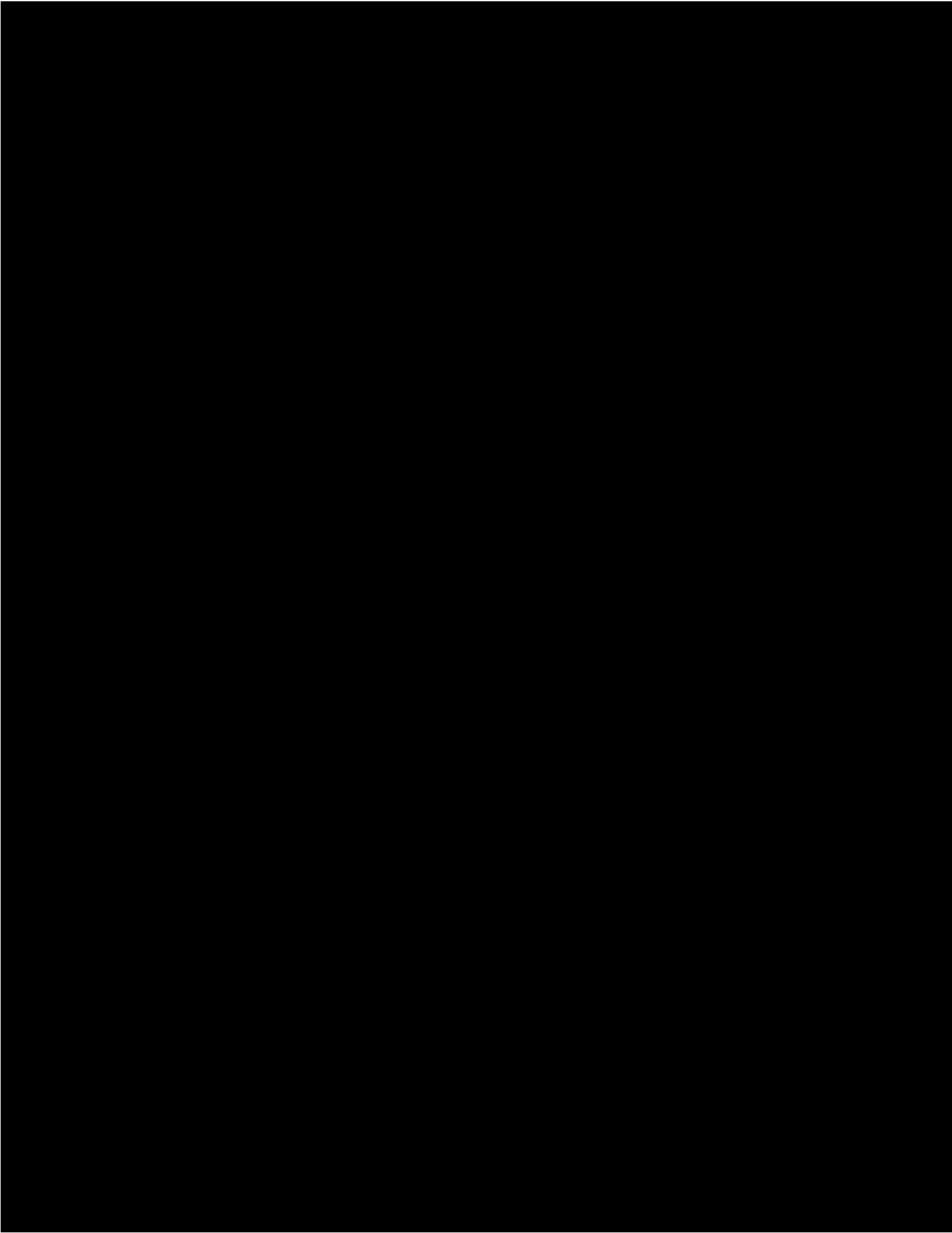






































BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DARRELL K, WILLIAMS (ADC [REDACTED])  
v.  
ARKANSAS DEPARTMENT OF CORRECTIONS

Arkansas  
State Claims Commission

CLAIMANT

No. 220838

MAY 10 2023

RESPONDENT

RECEIVED

CLAIMANT'S REBUTTAL TO  
RESPONDENT'S PRE-HEARING BRIEF

Comes now, the Claimant, Mr. Darrell K. Williams, with his Rebuttal to the Respondent's Pre-Hearing Brief, states;

1. This claim that covers and concerns the matter is wholly about the Failure to Follow ADC Policy and Procedures which lead to and resulted in the Claimant being stabbed repeatedly six (6) times in his back.
2. The Claimant is Not claiming deliberate indifference now or at any time throughout this claim, he has stressed the clear fact that ADC personnel Failed to Follow set guidelines in and throughout ADC Policy and Procedures and Administrative Directives.
3. At no time has the Claimant attempted to claim that either officer committed the act of Battery upon him, the entire claim is, has and will always be about the Failure to Follow ADC Policy and Procedure which resulted in the physical injury of the Claimant.

4. Mr. Burns has attempted to falsely claim that there is no proof that Inmate Jackson was not "strip searched" and that there is no proof ADC personnel failed to "strip search" Inmate Jackson. However, the clear undisputable proof is written in the ADC officers OOS incident reports in which they all state Inmate Jackson had in his possession and on his person his Tennis Shoes along with the weapon he used. If ADC Policy and Procedure had been followed and Inmate Jackson was "strip searched" he would not have been allowed to leave his cell with his tennis shoes or especially a weapon for shower call.

5. The ADC is responsible for its personnel to adhere to and follow all ADC Administrative Directives and Policies and Procedures.

6. Mr. Burns, which was not only present at the time of the attack or even going by the facts stated on the incident reports, is attempting to claim that the officers "immediately" stopped the attack, when in fact this is not true. As stated, when Inmate Jackson exited the Defective shower, wearing his tennis shoes and ran towards the Claimant, he stated to Cpl. Jones and Hollowell, "Get out of the way Jones." Cpl. Jones and T. Hollowell both moved out of Inmate Jackson's way and did not respond until after Inmate Jackson had stabbed the Claimant six (6) times in his back. They did not stop the attack immediately.

## CLAIMANT'S WITNESS and EXHIBIT LISTS

Comes now the claimant, Mr. Darrell K. Williams for his motion states;

### WITNESS LIST

1. CLAIMANT
2. any witness of Respondent
3. Cph Tyler Hollowell
4. Cph Cleveland Jones
5. INMATE CARL DANIEL JACKSON

### EXHIBIT LIST

6. STATE CLAIM NO! 220838 with all submitted exhibits
7. ADMINISTRATIVE DIRECTIVE 18-49 SEARCHES OF INMATES
8. HEALTH ENCOUNTER SCOPE NOTES
9. FOREST CITY MEDICAL CENTER REPORT,
10. OOS INCIDENT REPORTS,

11. Affidavits from I/m Price, A. Brown (ADC # ~~090004~~ 090004)  
I/m Mitchell Davis (ADC # [REDACTED])

12. Unaltered video surveillance footage of both E.A. 210 MAX  
cell blocks 5 and 7 of the date of incident,

13. Grievance [REDACTED] 19-02685

14. Warden/Center Supervisor Decision of Grievance [REDACTED] 19-026  
and Chief Deputy/Asst Director's Decision of Grievance [REDACTED] 19-026

### CERTIFICATE OF SERVICE

I CERTIFY THAT A COPY OF THE ABOVE PLEADING HAS BEEN  
SERVED THIS 2ND DAY OF MAY 2023 ON THE BELOW  
RESPONDENTS BY PLACING A COPY OF THE SAME IN THE US  
MAIL REGULAR POSTAGE TOOL;

THOMAS BUENS (02000)  
Division of Corrections  
LEGAL DIVISION  
6814 PRINCETON PIKE  
PINE BLUFF ARKANSAS  
71602

Respectfully Submitted  
DARRELL K. WILLIAMS  
Signature of Claimant

M. D. Williams  
(A [REDACTED])

Witness and Exhibit List

Arkansas  
State Claims Commission

MAY 10 2023

RECEIVED

WHEREFORE, The Claimant prays this honorable  
Claims Commission denies the Respondent's Pre-Hearing brief and  
proceeds with the hearing.

Certificate of Service

I certify that a copy of the above pleading has been served this  
2<sup>ND</sup> day of MAY 2023, on the Respondent by placing a copy of the same  
in the U.S. Mail, regular postage to:

Mr. Thomas Burns (02006)

Division of Correction

6814 Princeton Pike

Pine Bluff, Ar., 71602

Respectfully Submitted

Darrell Williams

Mr. Darrell K. Williams

ADD 

## **Mika Tucker**

---

**From:** Misty Scott on behalf of ASCC Pleadings  
**Sent:** Monday, June 19, 2023 12:29 PM  
**To:** Thomas Burns (DOC)  
**Cc:** Leslie Browning (DOC); Bilenda Harris-Ritter; ASCC Pleadings; Mika Tucker  
**Subject:** ORDER: Darrell K. Williams v. ADC, Claim No. 220838  
**Attachments:** Darrell K. Williams v. ADC .pdf; Darrell K. Williams-order.pdf

Thomas:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

*Misty*

**Misty Scott**  
**Arkansas State Claims Commission**

# ARKANSAS STATE CLAIMS COMMISSION

(501) 682-1619  
FAX (501) 682-2823



KATHRYN IRBY  
DIRECTOR

101 EAST CAPITOL AVENUE  
SUITE 410  
LITTLE ROCK, ARKANSAS  
72201-3823

June 19, 2023

Mr. Darrell K. Williams (ADC [REDACTED])  
[REDACTED]  
[REDACTED]

Mr. Thomas Burns  
Arkansas Division of Correction  
6814 Princeton Pike  
Pine Bluff, Arkansas 71602-9411

(via email)

Re: ***Darrell K. Williams v. Arkansas Division of Correction***  
Claim No. 220838

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Dear Mr. Williams and Mr. Burns:

Enclosed please find an Order entered on June 16, 2023, by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DARRELL WILLIAMS (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 220838

ARKANSAS DIVISION OF  
CORRECTION

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Claims Commission”) is the claim filed by Darrell Williams (the “Claimant”) against the Arkansas Division of Correction (the “Respondent”). At the hearing on May 18, 2023, Claimant proceeded *pro se*, and Thomas Burns appeared on behalf of Respondent. Based upon a review of the testimony and evidence presented, as well as the arguments of the parties and the law of the State of Arkansas, the Claims Commission hereby finds as follows:

1. Claimant filed his claim on December 29, 2021, seeking \$12,500.00 in compensatory damages and \$12,500.00 in punitive damages related to Respondent’s violation of policies that led to another inmate harming Claimant.

2. Respondent denied liability.

3. Respondent filed a motion to dismiss, which was denied by the Claims Commission on June 24, 2022.

4. At the hearing, Claimant testified that on the day of October 23 or 24, 2019, he was approached by Cpl. Jones and Cpl. Hollowell to go to shower call in a different cell block. Claimant testified that another inmate, Carl Jackson, kicked the shower door open and ran toward him as he stood in front of his cell handcuffed and shackled with Cpl. Jones and Cpl. Hollowell. Mr. Jackson had on tennis shoes and had a knife, and he stabbed Claimant in the back six times. When Mr. Jackson ran toward Claimant, he said to Cpl. Jones, “Get out of the way, Jones.” Claimant testified that Cpl. Jones and Cpl. Hollowell did get out of the way and did not attempt to restrain Mr.

Jackson until Mr. Jackson had stabbed Claimant six times. Mr. Jackson wrestled with Cpl. Jones and Cpl. Hollowell until they restrained him. Claimant was taken out of the barracks to the infirmary and then [REDACTED]. Claimant testified that he received [REDACTED]. Claimant argued that, according to Administrative Directive 18-49, an inmate who will be restrained should be strip-searched prior to leaving his cell. When Mr. Jackson kicked the shower door open, he had on tennis shoes and had a knife. Claimant stated inmates could only leave their cells for a shower with a soap dish, washcloth, underwear, and a large towel. Claimant argued both officers failed to follow policy and procedure as a result of expediting shower call. Claimant testified that he was taken from his assigned barracks, Max 711, for an emergency cross-over to another barracks for shower call in direct violation of policy of A.D. 03-1, which directly put him in the way of harm. Claimant argued that if the two officers would have followed the policies, the attack would never had happened. Claimant testified that two similar events have happened since this attack. Claimant testified that Mr. Jackson tried to gouge Corp Jones's eyes out right after attacking Claimant. Claimant testified that he is still suffering nightmares, pain from the stabbings and muscle twitches. Claimant has sought psychiatric help since the stabbing. Claimant argued that this was not a constitutional issue, but an issue of Respondent violating policy and procedure.

5. On cross-examination, Claimant testified that he had enemy alerts at the time of the attack. Claimant testified that prisoners always have enemy alerts due to verbal and physical altercations because they do not have any power. He did not have an enemy alert with Mr. Jackson. Claimant stated that his claim was not about foresight but, instead, about violation of policy. Claimant testified that, according to A.D. "18-49 Section C," an inmate who will be restrained is to be strip-searched prior to leaving his cell. Claimant stated that if the officers had done this, there would have been no way Mr. Jackson could have left his cell with a pair of tennis shoes on and a

with a knife. Claimant stated that Mr. Jackson did not have a towel, soap dish or underwear when he ran up and attacked him. Nothing was recovered from the scene except Mr. Jackson's knife and his tennis shoes that he used to kick open the 400-pound door. Claimant testified that this means that Respondent allowed Mr. Jackson to leave his cell with tennis shoes and a knife. Claimant stated that Respondent is liable to him because the officers failed to follow policy and procedures. Claimant testified that they were in a maximum-security prison and that inmates should not have had access to each other. Claimant testified that the officers did not "jump in and protect [him] right away." Cpl. Jones stated that Mr. Jackson ran up on him with a knife when Claimant was handcuffed. Claimant testified that he was not strip-searched before he was taken to the shower that night. Claimant stated that Respondent is liable to him even though the officers did not know Mr. Jackson would do this because they failed to follow policy and procedure in a maximum-security prison where inmates are not allowed to have access to each other. Claimant testified that the officers skipped Mr. Jackson's cell five times and asked Mr. Jackson if he was ready for shower call five times. Mr. Jackson continued to act as if he was not ready while having a sheet up over his door. Claimant testified that Mr. Jackson was a very violent inmate. Cpl. Jones was a veteran corrections officer and should have been suspicious of this inmate because he had prior knowledge of Mr. Jackson's history of spitting, attacking officers and hitting officers. Claimant testified that he got stabbed six times and one stabbing was on his spinal cord. Claimant stated that he could show his scars. Claimant stated that he is not asserting that officers failed to protect him and that he filed the claim based on Respondent's failure to follow policy and procedure. Claimant agreed that the incident was investigated by Internal Affairs and the Arkansas State Police. Mr. Jackson was charged with attempted murder.

6. Upon a question from a commissioner, Claimant testified that Mr. Jackson kicked the shower door open and that Claimant was 60 feet from the door. Upon a question from a

commissioner, Claimant testified that he did not see the knife until Mr. Jackson stabbed him and did not see it when Mr. Jackson was running toward him. Upon a question from a commissioner, Claimant testified that if another inmate was running toward him, Respondent's officers should have stopped the inmate. Upon a question from a commissioner, Claimant argued that he thought he could not file a failure to protect claim with the Claims Commission. He stated that if Respondent had followed policy, Mr. Jackson would not have had the knife. Upon a question from a commissioner, Claimant showed his scars from the stabbing on his back.

7. Claimant then called Cpl. Tyler Hollowell as a witness. Hollowell testified that on October 23rd or 24th, while he and Cpl. Jones were escorting Claimant back to his cell, he heard the other inmate break out of his shower and run toward Claimant. Hollowell testified that he "kind of fr[o]ze" because he did not see a knife and did not know what was going on. Hollowell testified that he was two weeks out of the academy at that time. Hollowell testified that the other inmate jumped on Claimant and, at that point, Cpl. Jones jumped on the other inmate, trying to separate the two inmates. Hollowell called "all rovers" to the barrack and then helped Cpl. Jones. Hollowell testified that he saw the other inmate stab Claimant a couple of times and that they were wrestling with the inmate trying to get him off Claimant as quickly as possible. He believed that the other inmate tried to gouge Cpl. Jones's eyes out and that was the best he could remember. At that point, all of the rovers had arrived, and things had settled down. Hollowell testified that he could not say that he remembered coming to Claimant's cell and getting him for shower call. Hollowell testified, as far as he knew, he did not recall a strip-search policy or rule before showers, but that it "might be" that there was that rule or policy. Hollowell testified that strip-searching is not something the officers would do and that if they had to strip-search everybody, it would "take forever" and showers would never get done. Hollowell stated that he did not think he and the other officers ever strip-searched anyone during his "entire time there." Hollowell testified that he thought Claimant

was assigned to 711 and he took Claimant to showers over by the control booth that night. Hollowell testified that sometimes the officers circumvented policies in order to expedite showers. Hollowell testified that he thought the other inmate was wearing tennis shoes that night, but that as far as he knew, taking tennis shoes to the shower was not against the rules. Hollowell testified that he stated in an incident report that he double-locked Mr. Jackson's shower door and he had no idea how Mr. Jackson kicked the shower door open. Hollowell testified that he would say he followed policy and procedure that night. Hollowell testified he did everything he knew how to do and thought he was supposed to do.

8. Respondent then questioned Cpl. Hollowell. Hollowell testified that he escorted Mr. Jackson to showers that day and that he pat-searched him before the shower. Hollowell then asked the meaning of the phrase "strip-searched." Hollowell testified that he followed policy and procedure to the best of his knowledge when he took Claimant to the shower. Hollowell testified that he did everything he could to prevent Claimant from being attacked and that he had no idea that Claimant would be attacked. Hollowell testified that he had no idea that Claimant had anyone on his enemy list and there was no way he could have foreseen that Claimant would be attacked.

9. Upon a question from a commissioner, Hollowell testified that Mr. Jackson would have been restrained prior to being taken to the shower area where the attack occurred. Hollowell testified that restraints were removed after inmates have been escorted, when they are placed in the shower and doors are locked. The chair commissioner presented A.D. 18-49, which was attached to Claimant's claim and provides that "[a]ll inmates who will be restrained will be strip searched prior to being removed from their cell[.]" Upon a question from a commissioner, Hollowell indicated that, if Mr. Jackson was restrained prior to being taken to the shower, he should have been strip-searched according to the policy. Hollowell said they did a pat-search but he was only two weeks out of the academy at that time and had no idea they were supposed to

fully strip inmates down to search them, but that he sees what it says in the policy. Upon a question from Respondent, Hollowell testified that he did not know whether A.D. 18-49 was for cell searches for contraband. The chair commissioner pointed out that the policy had a separate section on unit contraband searches.

10. Claimant argued that he wished he had not gone through the pain or mental anguish this event caused. As a result, he is still dealing with it and will continue to deal with it for the rest of his life.

11. Respondent argued that this is a failure to protect claim and that it needs to be in the federal court. Respondent argued that reasonable cause was necessary to do a strip-search and that A.D. 18-49 addresses times when contraband is thought to be somewhere in the cell. Respondent argued that, if strip-searches had to be done before shower calls, showers would never be done. Respondent argued that there was “no known enemy alert,” that Claimant admitted the officers could not foresee the attack, and that the officers did everything in their power to stop Claimant from being injured further. Respondent argued that the claim should be dismissed and that Claimant can bring the claim in federal court as a failure to protect claim or a Section 1983 claim.

12. The Claims Commission is not persuaded by Respondent’s argument that this claim should be filed in federal court. The Claims Commission finds that it has jurisdiction over this claim involving negligence related to a single event.

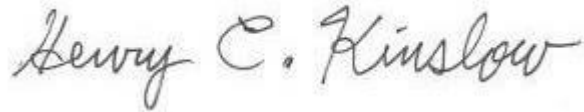
13. The Claims Commission finds that Claimant’s testimony was credible and unrefuted. The Claims Commission finds that Claimant testified that A.D. 18-49 was applicable to the events at issue and that the plain language of this policy indicates that it is applicable to the events at issue. The Claims Commission also finds that Respondent did not introduce any testimony or other evidence that A.D. 18-49 was not applicable to the events at issue and, instead,

relied only on the argument of counsel. The Claims Commission finds it persuasive that that Cpl. Hollowell testified that sometimes the officers circumvented policies in order to expedite showers, that he was not aware of A.D. 18-49, and that he was not aware of any strip-search done during his time at the unit. The Claims Commission also finds it persuasive that Cpl. Hollowell testified that he froze while Mr. Jackson charged at Claimant. The Claims Commission is further persuaded by the undisputed testimony that Mr. Jackson ran about 60 feet before reaching Claimant, who was handcuffed and unable to defend himself, and that officers did not intervene until after Claimant was stabbed six times.

14. To establish a claim for negligence, the evidence must show “(1) the existence of a duty on the part of the [respondent] to conform to a specific standard of conduct to protect the [claimant]; (2) breach of that duty by the [respondent]; (3) injury to the [claimant] actually and proximately caused by the [respondent]’s breach; and (4) resulting damages to [claimant]...” *Peregrine Trading, LLC v. Rowe*, 2018 Ark. App. 176, 17, 546 S.W.3d 518, 529 (2018). For the reasons set forth above, the Claims Commission finds that Respondent was negligent. Claimant seeks compensatory and punitive damages. However, the Claims Commission notes that negligence alone does not justify an award for punitive damages. *See Missouri Pac. R. Co. v. Mackey*, 297 Ark. 137, 145, 760 S.W.2d 59, 63 (1988). As such, the Claims Commission AWARDs Claimant \$12,500.00 in compensatory damages and directs the Claims Commission clerk to issue a voucher in payment thereof.

15. The Claims Commission encourages Respondent to clarify the language in A.D. 18-49 if this policy is not intended to apply to shower calls.

IT IS SO ORDERED.



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ARKANSAS STATE CLAIMS COMMISSION  
Henry Kinslow



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ARKANSAS STATE CLAIMS COMMISSION  
Paul Morris, Chair



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ARKANSAS STATE CLAIMS COMMISSION  
Sylvester Smith

DATE: June 16, 2023

**Notice(s) which may apply to your claim**

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

## Mika Tucker

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**From:** Thomas Burns (DOC)  
**Sent:** Tuesday, July 11, 2023 11:17 AM  
**To:** ASCC Pleadings  
**Cc:** Leslie Browning (DOC)  
**Subject:** Darrell Williams v ADC 220838  
**Attachments:** 0021\_001.pdf

Motion for Reconsideration



**THOMAS BURNS**  
GENERAL COUNSEL | DIVISION OF CORRECTION  
Arkansas Department of Corrections  
6814 Princeton Pike  
Pine Bluff, Arkansas 71602  
Phone: (870) 267-6845 (Office) | (870) 267-6373 (Fax)  
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Thomas.Burns@arkansas.gov

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DARRELL WILLIAMS (ADC [REDACTED])

CLAIMANT

v

NO. 220838

ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION

RESPONDENT

MOTION FOR RECONSIDERATION

Comes Now the Respondent, Arkansas Department of Corrections (ADC), by Thomas Burns, and for their Motion for Reconsideration, states:

1. The Commission issued an Order June 16, 2023, awarding the inmate \$12,500.00 in damages.
2. The inmate put on absolutely zero (0) evidence, not even a scintilla of damages.
3. The Commission could not have looked at the evidence, the inmate in his response to Requests for Admissions, admits he does not have any damages, nor does he pay for medical care. *See attached Ex A.*
4. The party claiming damages has the burden of proving those damages beyond speculation. *Minerva Enterprises v. Howlett, 308 Ark. 291, 824 S.W. 2d 377 (1992)*. Regarding proof of damages, the burden of proof is on the party claiming damages, and such proof must consist of facts, not speculation. *Marine Servs. Unlimited, Inc. v. Rakes, 323 Ark. 757, 918 S.W.2d 132 (1996)*.
5. The amount of damages a plaintiff is entitled to is a question of fact. *Quality Truck Equipment Co. v. Layman, 51 Ark. App. 195, 912 S.W.2d 18 (1995)*. The burden of proof regarding damages is on the party claiming them. *Grand State Mktg. v. Eastern Poultry Distrib., Inc., 63 Ark. App. 123, 975 S.W.2d 439 (1998)*. Exactness

of proof of damages is not required and if it is reasonably certain that some loss occurred, it is enough that damages can be stated only approximately. *Morton v. Park View Apartments*, 315 Ark. 400, 868 S.W.2d 448 (1993); *Employers Ins. of Wausau v. Didion Mid-South Corp.*, 65 Ark. App. 201, 987 S.W.2d 745 (1999). However, a plaintiff's proof of damages must be certain enough to allow findings from established facts, not from speculation or conjecture. *Riffle v. United Gen. Title Ins. Co.*, *supra*.

6. The inmate's complaint only asks for declaratory relief, compensatory damages (\$12,500.00), and punitive damages (\$12,500.00) *See attached Ex B*. The inmate offers no proof of this amount and offered no proof of this amount during the hearing.

7. The inmate testified that neither officer did anything to stop the attack, that is simply not true. Cpl. Cleveland Jones (who is no longer employed by the ADC and was unavailable for the hearing) immediately began to apply physical force to stop the attack, in fact he was injured in the attack protecting the inmate. *See attached Ex C*. Furthermore, Cpl. Jones states he did strip search inmate Jackson and this inmate before their cell movement. HE further states that Jackson was not wearing tennis shoes. *See attached Ex D*

8. Cpl. Hollowell, in his report even states that Cpl. Jones immediately began to use physical force to gain control of inmate Jackson. *See attached Ex E*.

9. The inmate was taken to the infirmary where he was assessed for puncture wounds. He was stabilized and noted no numbness or tingling. *See attached Ex F*.

10. The inmate was taken [REDACTED]

re [REDACTED]

G. [REDACTED]

[REDACTED]

[REDACTED]

*attached Ex I.*

[REDACTED]

14. This inmate received only minor wounds and the testimony bore that out.

The inmate did not and does not pay for [REDACTED] The inmate admits this in attached exhibit A.

[REDACTED]

*See attached Ex K.*

[REDACTED]

17. The ADC policy for mental health would require the inmate to ask for

[REDACTED]

18. The inmate claimed, and the Commission believed, the ADC violated AD 2003-01 for emergency crossovers. Although the inmate made no proof of this AD. In fact, AD 2003-01 is in reference to the Act 309 Program and has nothing to do with issues inside a Unit. *See attached Ex M.*

19. The inmate admitted that the Officers did not have prior knowledge that Jackson would attack him.

20. Given an inmate's own inability to anticipate a surprise attack by another prisoner which injured him, and his decision not to report his altercation with that prisoner the previous afternoon, his claim that prison employees failed to protect him from a specific threat posed by the other prisoner failed. Even assuming that the plaintiff satisfied the objective component of his failure-to-protect claim, the record was devoid of evidence suggesting that any of defendants were subjectively aware of, or deliberately indifferent to, a substantial risk of harm to inmate safety. *Patterson v. Kelley, #16-3891, 2018 U.S. App. Lexis 25131 (8th Cir.).*

21. The inmate admitted in the hearing that he did not have an enemy alert with Jackson. The ADC has a specific policy in place for enemy alerts. That is AD 2013-49. *See attached Ex. N* There is no way officers could have know of any "beef" between these inmates.

22. The inmate claims that Cpl. Jones was a veteran officer and should have know he would be attacked. While Jones was a veteran, that is not the standard.

23. Arkansas law defines battery as "a wrongful or offensive physical contact with another through the intentional conduct by the tortfeasor and without the consent of the victim." *Costner v. Adams, 121 S.W.3d 164, 170 (Ark.App.2003).* Plaintiff does *not*

allege that *any* of the Defendants wrongfully or offensively touched him during his July 22, 2010 altercation with Souther. Instead, he contends that Defendants failed to prevent the attack, which is a claim he can properly pursue under § 1983. *Campbell v. ADC 2011 WL 1238934 (E.D.Ark.)*

24. The inmate stated in his complaint and the hearing that no one from the ADC wrongfully or offensively touched him during his October 2019 altercation with Jackson. Instead, he contends the ADC failed to prevent this attack, that therefore, should be a claim he can pursue under Section 1983.

25. Arkansas State Claims Commission Rule 7.1 Motions for Reconsideration “will only be entertained if they set forth new or additional evidence which was not previously available.”

26. This motion puts forth new and additional evidence the was not available at the hearing.

27. The Commission should reverse the ruling, dismiss the complaint, or in the alternative award nominal damages of \$1.00

WHEREFORE, the Respondent prays that the Commission reconsider the order of June 16, 2023; that this Commission set aside the award of damages for lack of evidence; for their attorney fees and costs; and for all other just and proper relief to which they may be entitled.

Respectfully submitted,

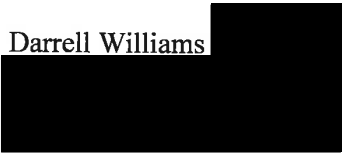


Thomas Burns (02006)  
Legal Department  
Division of Correction  
6814 Princeton Pike  
Pine Bluff, AR 71602  
(870) 267-6845 Office  
(870) 267-6373 Facsimile  
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 11<sup>th</sup> day of July 2023, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Darrell Williams



Thomas Burns

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DARRELL K. WILLIAMS (AD [REDACTED])

CLAIMANT

No. 220838

ARKANSAS DEPARTMENT OF CORRECTIONS

RESPONDENT

CLAIMANT'S RESPONSE TO RESPONDENT'S REQUEST FOR ADMISSION

1. Request For Admission No. 1: Admit that you do not have any damages related to this matter Claim 220838.

Deny I suffered several damages including but not limited to lacerations and puncture wounds to my upper torso due to staff not following policy, and I suffered extreme pain.

2. Request For Admission No. 2: Admit that the officers were injured during the incident herein.

Deny Claimant is unaware of any injuries suffered by staff.

3. Request For Admission No. 3: Admit that you did not pay for medical care for the incident herein.

Admit This is due to medical treatment automatically given due to the emergency situation, but sick calls are paid for by inmates through the medical co-pay system.

4. Request For Admission No. 4: Number 4 not requested.

5. Request For Admission No. 5: Admit that you had provoked Inmate Jackson.

Deny Claimant did nothing to provoke this att

6. Request For Admission No. 6: Admit that ADC acted pursuant to policy.

Deny Policy states clearly that all inmates who will be restrained will be strip searched prior to being removed from their cell. Policy also states clearly that inmates are not allowed to take items such as their Tennis shoes with them to the shower.

7. Request For Admission No. 7: Admit that you do not have any monetary loss.

Admit Claimant did not suffer any monetary loss. Claimant just experienced significant physical injury from being stabbed in his back six (6) times due to staff violating policy.

Executed at Marianna, Arkansas on August 13<sup>th</sup> (Day), 2022.

Respectfully Submitted,

Paul H. Thomas

Mr. Darrell K. Williams

### Certificate of Service

I certify that a copy of this pleading has been served this 13<sup>th</sup> (Day) day of August, 2022, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to:

Thomas Burns (02006)

Department of Corrections

6814 Princeton Pike

Pine Bluff, Ar, 71602 2 of 2

DEC 29 2021

RECEIVED

Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION Of the State of Arkansas

- Mr. Mrs. Ms. Miss

Darrell K. William Claimant

vs.

State of Arkansas, Respondent

Do Not Write in These Spaces Claim No. Date Filed Amount of Claim \$ Fund

COMPLAINT

Darrell K. Williams the above named Claimant, of County of represented by

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

State agency involved: Arkansas Department of Corrections (ADC) Amount sought: \$ 25,000.00 Month, day, year and place of incident or service: October 23, 19 thru January 30, 20

Explanation: 1. On 10/23/19 to 10/24/19, at approx. 12:15 AM, the claimant, Mr. Darrell K. Williams, was being escorted from shower call in a different cellblock, Max 5 cellblock, back to his assigned cellblock of Max 7, Cell 11, by Cpl. C. Jones and COI T. Hollowell. 2. This is a violation of several Administrative Directives such as AR 225, AD 14-07, AD 17-16, AD 17-31 and AD 17-35. Plus this violates ADC Inmate Rules of Conduct #03-5 Out of Place of Assignment, by escorting the Claimant out of the barracks he was assigned to Max 7, (a common practice of sneaking inmates off camera footage) through the rear crossover emergency exit into a separate barracks (Max 5) to shower. (see Exhibits A, B, C, D, E). 3. At this time Inmate Carl Jackson, ADC # Unknown, exited #2 shower stall in Max 7, due to it being one of the shower stalls with a defective locking mechanism, wearing his Tennis Shoes and brandishing a homemade knife as he ran up to the Claimant and began stabbing Mr. Williams in the back while Mr. Williams was in full restraints, (handcuffs that are attached to leg irons). 4. Inmate Jackson stabbed Mr. Williams six (6) times in his back while Mr. Williams stood in front of his assigned cell Max 711, awaiting Cpl. Jones and COI Hollowell to place him back inside his cell and remove the restraints.

Continued on additional pages that follow...

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? No when to whom? (Department) and that the following action was taken thereon:

and that \$ was paid thereon: (2) Has any third person or corporation an interest in this claim? if so, state name and address and that the nature thereof is as follows: and was acquired on



- [REDACTED]
6. Administrative Directive 18-49 Searches of Inmates, on page 3 of 5, Section IV Procedure, Subsection B, 2c, states; "All inmates who will be restrained will be strip searched prior to being removed from their cell." (See Exhibit F).
  7. The clear violation of Administrative Directives and Policy and Procedures by both Cpl. Jones and COI Hollowell, by not properly searching Inmate Jackson before he left his cell for shower call for the Knife, allowing Inmate Jackson to take his Tennis Shoes to the shower and not properly securing #2 shower stall in Max 7 resulted in the Claimant being physically attacked and physically harmed.
  8. On 10/27/19, the claimant used the prisoner grievance procedure available at EARU to resolve this issue. Grievance EAM19-02685, signed by Sgt. Beale #118692 on 10/28/19, (See Exhibit G).
  9. On 11/4/19, the Claimant received an Acknowledgment form from Ms. C. Woods acknowledging she received Mr. Williams' Formal Grievance dated 10/27/19 on 11/4/19 and assigned the grievance number "[REDACTED] 9-02685." (See Exhibit I)
  10. On 1/4/20, the Claimant received the Warden/Center Supervisor's Decision which as can be seen (See Exhibit H), it claims to be responding to grievance EAM19-02685, but the body of the grievance on the Warden's Decision has nothing to do with the Claimant's actual grievance (See Exhibit G).
  11. On 1/4/20, the Claimant appealed the Warden's Decision on the grounds of the mistake. This Court can clearly see where Mr. Williams attempted to explain that a mistake had been made and that the grievance Warden G. Lay answered had absolutely nothing to do with him or the issue grieved on 10/27/19 (See Exhibit H).
  12. On 1/30/20, the Claimant received the Chief Deputy/Deputy/Assistant Director's Decision, which again Assistant Director W. Straughn, on 1/23/20 made a false statement by stating he had reviewed the Claimant's Appeal and all supporting documentation and concurred with the Warden's response. (See Exhibit **I** **J**)

13. If Assistant Director Straughn had reviewed the appeal and supporting documentation as he claimed, he would have easily seen Mr. Williams began his appeal by informing there was a mistake made with the grievance. Per AD19-34 Inmate Grievance Procedure states that the unit level copy of the grievance Must accompany the Warden's Decision and Appeal. And therefore first Assistant Director Straughn not only would have clearly seen that the copy of the unit level grievance did not match the body on the Warden's Decision, but second he would have questioned why Warden G. Lay answered a completely wrong grievance altogether since the Warden had the very same copy of the unit level grievance that was sent with the appeal to the Assistant Director, and last being to ask where was the response to the correct grievance at. Therefore, the statement made by Assistant Director Straughn, that he had in fact reviewed either documentation is completely false. (see Exhibits G, H and J).

14. Sgt. Beale violated AD19-34 Inmate Grievance Procedure, which is an all to common practice by all Sergeants and above that sign any Informal Grievance Step1 by throwing away the top two (2) copies, (the white and blue copies) that is to be returned to the inmate with a response to Step1 so the inmate has the option to immediately go to Step2, but instead they throw them away as soon as they leave that barracks or the inmates eyesight.

15. The behavior reflected by Warden G. Lay and Assistant Director W. Straughn is also an all to common practice to coverup such wrongs and wrongdoings, violation of Administrative Directives and Policy and Procedures by officers like Cpl. C. Jones and COIT. Hallowell.

16. The Claimant has no plain, adequate or complete remedy at law to redress the wrongs and wrongdoings described herein. Claimant Williams has been and will continue to be irreparably injured and scarred by the conduct of the Respondent unless this Commission grants the Declaratory and Relief which the Claimant seeks.

**WHEREFORE**, the Claimant Williams respectfully prays that this Court enter judgment granting the Claimant;

17. A declaration that the acts and omissions described herein violated the ADC Policy and Procedure under the Administrative Directives.
18. Compensatory Damages in the amount of \$12,500.00 against the Respondent.
19. Punitive Damages in the amount of \$12,500.00 against the Respondent.
20. Claimant Williams also seeks a hearing on all issues outlined and stated throughout this claim.
21. Claimant Williams also seeks recovery of any court costs that may ensue in this claim, and
22. Any and all additional relief this court deems just, proper, and equitable to which the Claimant may be entitled.

x Dated: 12/29/20

Respectfully Submitted,

Mr. Darrell K. Williams (AD [REDACTED])

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

x Executed at Marianna, Arkansas on 12/29/20

x Darrell Williams

Mr. Darrell K. Williams

(ADC [REDACTED])



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

REPORTING EMPLOYEE: Jones Cleveland  
LAST FIRST MIDDLE

RANK: Cpl. SHIFT ASSIGNMENT: D-Max

DATE: 10-24-19 TIME: 12:16pm LOCATION: M-7 (Zone 3)

INMATE(S) INVOLVED: Williams, Darrell C. ADC [redacted] Jackson  
(Names and ADC)

EMPLOYEE(S) INVOLVED: Ct. Maiden, Sgt. Baxter, Cpl. Jones, Cpl. Hollowell  
(Names, Titles, Rank)

INMATE(S) PRESENT: See max 7 roster  
(Names and ADC Numbers)

EMPLOYEE(S) PRESENT: Same as above  
(Names, Titles, Rank)

OTHERS PRESENT/INVOLVED: (Specify) n/a  
(Names & Addresses)

EXTENT OF INJURY TO INMATE(S): see medical report


TREATMENT AFFORDED INMATE(S): see medical report

EXTENT OF INJURY TO OFFICER(S): Company nurse incident # [redacted]

TREATMENT AFFORDED OFFICER(S): Company nurse incident # [redacted]

STATEMENT OF FACTS (If force used, state type and explain):

On 10/24/19 at approx. 12:00am Cpl. Hollowell and I, Cpl. C. Jones, removed inmate C. Jackson (AD# [redacted]) from his cell (7-07) after strip searching him and escorting him to the second from the last shower. Cpl. Hollowell then ~~removed~~<sup>C.S.</sup> double locked the shower door and I removed the hand restraints. At approx. 12:15am Cpl. Hollowell and I escorted inmate D. Williams (AD# [redacted]) back to his cell (7-10) when I observed inmate Jackson kick open the shower door and begin to charge towards inmate D. Williams with a shank in his hand. As he approached inmate Williams he stated towards me "You better get out of the way" as he began to stab inmate Williams in the back. I then began to apply physical force to gain control over inmate Jackson. As I was attempting to restrain inmate Jackson, inmate Jackson began gouging at my eyes. At this time Cpl. Hollowell pulled inmate Jackson away and called for all rovers. Shortly after rovers arrived I placed inmate Jackson in hand restraint and he was then escorted to the hall cages with no further incident. - End of statement -

  
Signature of Reporting Employee

10-24-19  
Date

  
Signature of Supervisor

10/24/19  
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

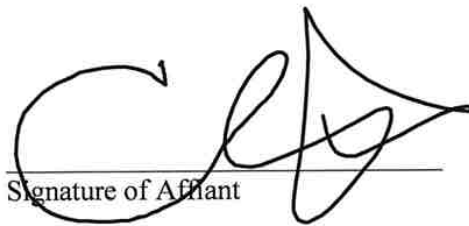
**AFFIDAVIT OF CLEVELAND JONES**

BEFORE ME, the undersigned authority, on this day personally appeared Cebria Williams, who being of sound mind and legal age, and after being duly sworn, deposes and states as follows:

1. I have personal knowledge and belief of the fact set out herein.
2. On October 24, 2019, I was escorting Inmate Darrell Williams ADC [REDACTED] to the showers.
3. Inmate Carl Jackson AD [REDACTED] attacked Williams in which I was also injured in the assault.
4. Both inmates were stripped searched before they were taken to the showers.
5. Inmate Jackson did not have on tennis shoes.
6. ADC policy and procedure was followed on that night as neither myself nor Cpl. Holloway disciplined for any failure to follow policy.

FURTHER AFFIANT SAYETH NAUGHT.

Dated this 10<sup>th</sup> day of July 2023.



Signature of Affiant

Cleveland Jones  
Printed Name of Affiant











**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  
[Redacted] UNIT/DIVISION

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

REPORTING EMPLOYEE: Hollowell Tyler R  
LAST FIRST MIDDLE

RANK: Cpl SHIFT ASSIGNMENT: D-max

DATE: 10-24-19 TIME: 12:16 am LOCATION: max 7 (zone 3)

INMATE(S) INVOLVED: Williams, Darnell ADC [Redacted]  
Jackson, C, ADC # [Redacted]  
(Names and ADC Numbers)

EMPLOYEE(S) INVOLVED: Lt Maiden, Sgt Baxter, Cpl Hollowell, Cpl Jones  
(Names, Titles, Rank)

INMATE(S) PRESENT: See max 7 roster  
(Names and ADC Numbers)

EMPLOYEE(S) PRESENT: Same as above  
(Names, Titles, Rank)

OTHERS PRESENT/INVOLVED: (Specify) N/A  
(Names & Addresses)

EXTENT OF INJURY TO INMATE(S): see medical report

TREATMENT AFFORDED INMATE(S): see medical report

EXTENT OF INJURY TO OFFICER(S): Company nurse incident # [Redacted]

TREATMENT AFFORDED OFFICER(S): Company nurse incident # [Redacted]

STATEMENT OF FACTS (If force used, state type and explain):

On 10/24/19 at approx 12:00 am, I Cpl Hollowell, and my partner Cpl Jones remove inmate C. Jackson from his cell (ADC # [redacted] (cell 7-07) after strip searching him and escorting him to the second to last shower. I then double locked the door shower door. Cpl Jones then removes the restraints. At approx 12:16 am, I Cpl Hollowell and Cpl Jones escort inmate D. Williams (ADC # [redacted] back to his cell (7-10). I then noticed Inmate Jackson running towards inmate Williams, shank in hand. As he approached, he stated towards Cpl Jones "you better get out of my way." as he begun stabbing inmate Williams in the back. Cpl Jones then begun to use physical force to gain control of inmate Jackson. Inmate Jackson began to attempt to gouge Cpl Jones's eyes. I then pulled inmate Jackson off, called for all rovers, then had control of inmate Jackson. Shortly

*Tyler Mc...*  
Signature of Reporting Employee

10/24/19  
Date

*G. Marde*  
Signature of Supervisor

10/24/19  
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











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Arkansas Department of Correction

P.O. Box 8707  
Pine Bluff, Arkansas 71611-8707  
Phone: (870) 267-6999  
Fax: (870) 267-6258  
www.state.ar.us/doc

*Change on  
Page 2 of 9*

**ADMINISTRATIVE DIRECTIVE**

**SUBJECT:** Act 309 Program

**NUMBER:** 03-01

**SUPERSEDES:** 01-08

**APPLICABILITY:** Wardens/ Center Supervisors, Institutions Division Staff,  
County Sheriffs, Mayors, Chiefs of Police and Inmates

**REFERENCE:** AR 1212 Inmates Housed In  
County Jails and City Jails

**PAGE** 1 of 9

**APPROVED:**

**EFFECTIVE DATE:** January 3, 2003

**I. POLICY:**

It is the policy of the Department of Correction to allow the Director and the county sheriffs, mayor and chiefs of police to enter into contracts/agreements for state inmates to be assigned to county or city jail facilities.

**II. EXPLANATION:**

The Department of Correction, pursuant to Act 309 of 1983, as amended, will contract with county officials (sheriffs), mayor, and city officials (chief of police) to house inmates in county or city jails to relieve overcrowding in Department of Correction facilities.

**III. ELIGIBILITY:**

The following procedures have been established for the selection of eligible inmates to be assigned to the program.

A. Non-Eligibility for the Act 309 Program



Exhibit

M

1. Persons convicted for capital murder, murder 1, any sexual offense, escape or attempted escape, or criminal attempt to commit any of the above offenses, or serving a life sentence or who are under sentence to be executed are ineligible to participate in the program.

*INSERT from ATTACHED sheet*

IV. PROCEDURE:

Pursuant to an agreement between certain counties and cities and the State of Arkansas, Department of Correction inmates may be assigned to be housed in the county or city jails.

A. Responsibilities of County or City and Departmental Officials

1. It shall be the responsibility of the county or city to ensure that assigned inmate(s) are not used to provide personal services for private benefit, to act in a law enforcement capacity, supervise other inmates, nor used to replace city, county, state or federal employees. Such inmates are to work at jobs that directly benefit state, county, municipal facilities, or other projects that are supported by public funds.
2. Inmates transferred to a county or city jail for housing under Act 309-In Jail must remain at the jail facilities at all times. Act 309-In Jail inmates must remain within the secure confines of the jail and cannot be used outside the facility for any reason. The county or city will be reimbursed for housing these inmates.
3. Act 309-Work transfers are inmates who are housed in county or city jails. These inmates may be used in certain public works projects outside the jail facilities under supervision of the sheriffs, chiefs of police or other authorized designee of the department. The county or city will be reimbursed for housing these inmates.
4. Act 309-Work inmates, if under the direct supervision of authorized personnel, may enter business establishments to purchase personal hygiene items or to procure materials, parts, etc., needed to complete a specific job assignment. (Example: A work 309 inmate assigned to maintain vehicles could enter into a parts supply house to identify and procure needed parts if under the direct supervision of authorized personnel.)

NOTE: Act 309-Work inmates will only be allowed outside a jail facility to perform assigned job duties as explained above in #'s 3 and 4, or to participate in approved furloughs.

5. The Deputy/Assistant Director or designee shall maintain contact with the various county sheriffs, mayor and chiefs of police to ascertain and to

promote the sheriff's, mayor's or chief's of police interest in the program. He will see that the appropriate contract is provided to all interested participants. All inquiries concerning the Act 309 program shall be forwarded to the Deputy/Assistant Director or designee who will see that contract information is provided to all interested participants.

6. Sheriffs, chiefs of police or other authorized law enforcement officer may not request the assignment of a specific inmate to their facility. Likewise, the sheriff, chief of police or other authorized law enforcement officer may refuse the assignment of any inmate participating in the Act 309 program to their facility.
7. Upon the request for a "skilled" inmate(s) from a sheriff or chief of police, the Deputy/Assistant Director or designee may provide the sheriff or chief with a list of inmates possessing the desired work skills from which to select.

B. Selection of Inmate

1. The Deputy/Assistant Director or designee shall contact the Warden/Center Supervisor or designee to determine the suitability of any inmate selected for the program and whether the inmate qualifies for Act 309-In Jail or Act 309-Work.
  - a. If Act 309-Work is requested and the inmate is eligible, the request will be forwarded to the Director for approval/disapproval. The request will include the approval sheet (Attachment #1), the sheriff's or chief's of police letter of request, and the inmate's institutional file.)
  - b. Transportation to and from the county or city jail will be arranged with the sheriff or chief of police.
2. Upon selection, the following shall apply:
  - a. A travel file (pen pack), along with the inmate's funds and personal property shall accompany the inmate upon transfer.
  - b. An Inmate Transfer Form 33 (yellow slip) will be completed at the inmate's unit of assignment prior to his transfer to the county or city jail.
  - c. A custody receipt shall be obtained from the transporting agency when the inmate(s) are released into their custody.

- d. Upon transfer of the inmate, the institutional file will be updated and transferred to the Diagnostic Unit where it will be maintained until the inmate discharges or returns to a facility of the Department of Correction.
- e. Inmates on Act 309 will be accounted for by the Deputy/Assistant Director or designee. A daily count will be maintained and reported to Information Systems. *Individual designated for purposes of the duty*
- f. Diagnostic Records will forward discharge orders to the sheriff's or chief's of police office. Parole orders will be sent to the parole officer for the county or city where the inmate is housed. The parole officer will serve the parole orders and notify the appropriate Deputy/Assistant Director's office when the inmate is released from custody.
- g. The county, city and/or Department of Correction may request the transfer of inmates back to the Department of Correction if an inmate is found to be unsuitable for housing in the county or city, or if disciplinary action is needed for inmates under Act 309-In Jail or Act 309-Work.
- h. The Cooperative Agreement is to be used to contract with county sheriffs or city chiefs of police and shall be completed before any inmate is transferred to a county or city facility.
- i. Should questions arise concerning an inmate's medical or mental health condition or needs, the Act 309 Coordinator will ensure that the appropriate Medical or Mental Health Administrator is contacted. He or she will evaluate the situation to determine the type treatment or services to render to the inmate. Some cases may require transferring the inmate back to the department.
- j. Inmates assigned to the Act 309 program will be allowed to continue in current assignment regardless of conviction. Inmates returned to the Department for program needs or medical will be allowed to return to the county/city of assignment if requested by the losing agency.
- k. Act 309 Jail and Work inmates may be allowed hobbycraft privileges limited to Leather Craft, Wood Craft, Washing Cars, and Shoeshine with the approval of the sheriff or chief of police. Hobbycraft activities will only be extended to law enforcement officials and civil service employees. Additional hobbycraft activities must be approved by the Deputy/Assistant Director.

C. Approval Criteria

An inmate being considered for participation in the Act 309 programs needs to be approved by the unit warden/center supervisor and must meet the following criteria:

1. Has served a minimum of 6 months since admission to a parent unit with the Arkansas Department of Correction and be Class I or eligible for Class I and disciplinary free for 90 days;
2. Is capable of abiding by the rules and regulations of the program as indicated by their institutional record;
3. Does not have an undisposed felony detainer filed against him or her unless approved for transfer by the agency filing the detainer.
4. Prior to release of an inmate on Act 309, notification will be made to the sheriff of the county from which he/she was tried and convicted, and the prosecuting attorney's office who convicted the inmate. Victim or victim's family notification will be done in accordance with Department policies.
5. Must be within 30 months of his parole or transfer eligibility date. If the inmate has more than 30 months, prior approval must be obtained from all counties with an active sentence. If the inmate is transferring to a county other than the county in which he was tried and convicted, the sheriff of any county from which he was tried and convicted on an active sentence shall be notified. Unless the sheriff(s) responds within fifteen (15) days of notification that he disapproves of the transfer, the inmate may be transferred.
6. Any inmate convicted of kidnapping, a second or a subsequent offense of aggravated robbery, or criminal attempt to commit these offenses, will not be eligible for Act 309 Work classification. These inmates will be classified as Act 309 Jail only inmates.
7. Inmates with more than 10 years to their PE/TE date will not be eligible for the Act 309 Work.
8. Any eligible inmate must exhibit a current medical classification commensurate with expected work assignment. This classification will be reviewed by the transferring unit/center medical authority.

D. Classification Status of Act 309 Inmates

The classification of Act 309 inmates may be changed by the action of the Central Office Classification Committee. Such committee may consist of the Classification Administrator, a Deputy Director, the Act 309 Coordinator or a suitable designee.

1. Act 309-In Jail

Any inmate who participates in the Act 309-Jail program must be Class I or eligible at the time of transfer.

2. Act 309-Work

Any eligible inmate currently assigned as an Act 309-In Jail inmate may be considered for reclassification and assignment as an Act 309-Work inmate. A letter from the sheriff or chief of police requesting the inmate be permitted to participate in the Act 309-Work program is sufficient cause to initiate the process.

- a. Receive written request from sheriff or Chief of Police.
- b. Receive inmate state file.
- c. Review by Central Office Classification Committee.
- d. Review by the Director for Act 309-Work.
- e. Classification slip completed by the Central Office Classification Committee.
- f. Upon completion of the 309-Work vote sheet, a letter is mailed to the requesting sheriff or chief of police stating the approval/disapproval of the inmate for 309-Work.
- g. The classification slip and a copy of the letter to the sheriff or chief of police ("P" above) are sent to the Diagnostic Unit records office for entering changes into the record and notifying the inmate (time card).

E. Temporary Release/Meritorious Furloughs

Furloughs, Class I-B Act 309 inmates can request meritorious furloughs utilizing procedures outlined below and per Administrative Regulation 812.

1. Act 309 furloughs will begin on the first day of furlough at 5:00 p.m. and end on the last day of furlough at 5:00 p.m. (48 hours). If approved for Act 309 furlough, the inmate will be eligible to have a weekend furlough twice in a six month period. No furlough will be granted during a holiday weekend.
2. Each request for furlough will be forwarded to the Act 309 Coordinator for processing by the Classification/Furlough Committee at the Diagnostic Unit.
3. Inmate request for furlough must be accompanied by a letter of recommendation signed by the sheriff or chief of police.
4. The sponsor must be an immediate family member or someone listed on his/her approved ADC visitation list. Sponsors have the responsibility for transporting the inmate for furlough.

F. Act 309 Oversight Committee

An Oversight Committee will be established to act as a vehicle to address training requirements, problem areas and rule changes.

1. The Oversight Committee will consist of the Arkansas Department of Correction Chief Deputy Director, Assistant Director of Operations, Arkansas Sheriff's Association Administrator, two Wardens and three Sheriffs. Also serving as ex-officio members will be a member of the Board of Correction and Community Punishment and the Act 309 Coordinator.
2. The Oversight Committee will meet quarterly to review policy and recommendations submitted by the Department of Correction or Sheriffs.

G. Any allegation of abuse will be investigated by the Department. Any sheriff's agency or police department found in violation may be subject to sanctions ranging from verbal warning to termination of the agreement based on the severity of the violation. If an agreement has been terminated, a review may be conducted by the Department at a future date, and if the sheriff or chief of police presents a plan of action that will prevent reoccurrence of said violation, and approved by the Oversight Committee, the Department and the sheriff or chief of police may enter into an agreement to house state inmates on a probationary basis upon approval of the Board of Correction and Community Punishment.

**V. REFERENCE:**

Arkansas Code Annotated 12-30-401-408  
Act 309 of 1983, (As amended by Act 1112 of 1991, Act 532 of 1993 and Act 1188 of  
1995, Act 115 and Act 936 of 1997).  
AR 812 - Temporary Release/Meritorious Furloughs  
AR1200A - Furloughs for Work/Study Release Inmates  
State of Arkansas Jail Standards

03-01  
010303

Act 309 Work Program  
Approval Sheet

Inmate Name: \_\_\_\_\_ ADC # \_\_\_\_\_  
\_\_\_\_\_

ACTION

\_\_\_\_\_ Approve transfer under Act 309 Work Program.

\_\_\_\_\_ Direct sheriff to resubmit for reconsideration in \_\_\_\_\_.

\_\_\_\_\_ Deny transfer under Act 309 Work Program.

Reason: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Director

03-01  
010303

\_\_\_\_\_  
Date













BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas  
State Claims Commission

DARRELL K. WILLIAMS (ADC [REDACTED])

CLAIMANT

JUL 24 2023

v.

No. 220838

ARKANSAS DEPARTMENT OF CORRECTIONS

RECEIVED

RESPONDENT

OPPOSITION TO RESPONDENT'S  
MOTION FOR RECONSIDERATION


Comes Now, the Claimant, Mr. Darrell K. Williams (ADC [REDACTED]),  
for his Motion of Opposition to the Respondent's Motion for Reconsideration,  
states;

1. The Commission issued an Order June 16, 2023, ruling in favor of the Claimant due to the Undisputed Testimony and Unrefuted Evidence the Claimant Presented in this claim no. 220838.
2. Mr. Thomas Burns is only attempting to waste this court more time and costs by arguing incorrect facts, present new evidence Not even associated or relevant to this claim, and go as far as prove his witnesses for the defense perjured themselves during their testimony.
3. Mr. Burns states in his reconsideration #2, #3, #4, #5 and #6 that the Claimant did not present the burden of proof of damages to the Claimant. However, the Commission on #14, ruled that the Claimant, had in fact presented unrefuted evidence to prove the facts of this claim. *Peregrine Trading, LLC v. Rowe*, 2018 Ark. App. 1717, 546 S. W. 3d 518, 529 (2018).
4. In #7 Mr. Burns attempts again to falsely state that Cpl. Jones

immediately began to stop the attack, that inmate C. Jackson was strip searched before leaving his cell for shower by Cpl. Jones, and that inmate C. Jackson was not wearing tennis shoes.

However, as the Respondent's witness Cpl. T. Hollowell testified, under oath in #7 through #9, stated that when inmate C. Jackson broke out of the shower and ran toward the Claimant with the knife, yelling to get out of the way, he "Kind of Froze", that is much different than immediately, and Cpl. Hollowell stated inmate Jackson stabbed the Claimant several times before Cpl. Jones began pulling them apart as "quickly as possible". That Cpl. Hollowell, he did not recall ever "strip-searching" Anyone during his "entire time there". Cpl. Hollowell stated that inmate Jackson "should" have been strip-searched per policy. Cpl. Hollowell also stated that not only did inmate Jackson have his tennis shoes, but other inmates had their tennis shoes also during shower call.

5. Documentation presented by the Claimant in claim 220838 proved inmate C. Jackson did in fact have his tennis shoes on at the time of the attack.

6. #10. At no time was the Claimant taken to Ft. Smith Medical Center as stated. Mr. B... is only the...  


7. The deduction of the medical co-pay has no bearing on the facts of this claim solely being over ADC personnel violating ADC Policy and Procedure, which was proven beyond a shadow of a doubt,

8. The Claimant never stated AD2003-01 Act 309 Program as Mr. Burns falsely accused, the Claimant stated Rule Violation 3-1 Out of place of assignment, governed by AD 2022-12, which now Supersedes AD 18-34 Inmate Disciplinary Manual, Plus 3-5 Out of place of assignment Superseded 3-1.

Using the Emergency Exit Barrack Crossover as a "short cut" to "circumvent" policies in order to expedite showers, as Cpl. Hollowell testified to under oath that officers do as a common practice, is in fact a violation of ADC Policy and Procedure.

9. Again #23 and #24 are more clear proof that Mr. Burns is only attempting to waste the court time and cost with false facts. No where is the Claimant claiming Battery by ADC personnel, plus Mr. Burns cannot even keep the correct names in the claim.

He states "Souther" is whom the altercation July 22, 2010 was with, when the physical attack was on October 23, 2019 with Inmate Carl Jackson. Therefore, no Battery claims are filed against any ADC personnel involving this claim. This claim is Not concerning Failure to Protect by ADC personnel, it was concerning ADC personnel violating ADC Policy and Procedure, which the Claimant proved undisputedly by the Commission.

10. One last point that would like to be pointed out is the fact that Cpl. Jones was unavailable for the hearing, but Mr. Burns is now presenting an Affidavit from Mr. C. Jones. However, as it is stated at the top of the Affidavit, it is Not Mr. Jones that is giving the statement, it is being given by a one; "Cebrina Williams" and is Not signed by Mr. Jones as can be verified by comparing signatures from the Affidavit and Mr. Jones' 005 incident report "Exhibit C", And therefore is not a valid document to be entered as evidence in this claim.

WHEREFORE, the Claimant prays that the Commission Denies the respondent's Motion for Reconsideration and uphold the ruling order passed June 16, 2023 for the Claimant awarding the Claimant \$12,500.00 in damages, fees and costs; and all other just and proper relief to which he may be entitled.

### Certificate of Service

I certify that a copy of the above pleading has been served this 18<sup>th</sup> day of July, 2023, on the below Respondent by placing a copy of the same in the U.S. Mail, regular postage to;

Thomas Burns (02006)  
Division of Corrections  
6814 Princeton Pike  
Pine Bluff, Ar. 71602

Respectfully Submitted,  
Darrell Williams  
Mr. Darrell K. Williams  
(██████████)

# THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas  
State Claims Commission

AUG 25 2023

TO: MS. KATHRYN IRBY / DIRECTOR  
DATE: AUGUST 15<sup>TH</sup> 2023  
FROM: DARRELL K. WILLIAMS ADC# [REDACTED]  
ADDRESS: [REDACTED]  
RE: CLAIM NO: 220838

RECEIVED

DEAR MS IRBY, AN ORDER WAS ENTERED ON JUNE 16<sup>TH</sup> 2023 BY THE ARKANSAS STATE CLAIMS COMMISSION IN THE AMOUNT OF \$12,500 FOR ME, THE CLAIMANT DARRELL K. WILLIAMS ADC# [REDACTED]. ADC ATTORNEY THOMAS BUEBES FILED A MOTION FOR RECONSIDERATION, DESPITE PRESENTING NO NEW EVIDENCE, ON 7/11/23. I, CLAIMANT RESPONDED BY FILING AN OPPOSITION TO RESPONDENT'S MOTION FOR RECONSIDERATION ON JULY 20<sup>TH</sup> 2023. MAAM, YOU STATED IN YOUR ARKANSAS STATE CLAIMS ORDER OF JUNE 16<sup>TH</sup> 2023 THAT YOU ORDERED THE ARKANSAS STATE CLAIMS CLERK TO ISSUE A \$12,500 VOUCHER TO ME IN ~~RECORD~~ PAYMENT THEREOF. MAAM, I'VE YET TO RECEIVE SAID, \$12,500 CHECK PURSUANT TO YOUR ORDER. I, CLAIMANT, AM WONDERING WHY I'VE NOT RECEIVED THIS \$12,500 DAMAGES AWARD PURSUANT TO THE STATE RULES OF CIVIL PROCEDURE, NOTICE # 2; IF A CLAIMANT IS AWARDED LESS THAN \$15,000.00 BY THE CLAIMS COMMISSION AT HEARING, THAT CLAIM IS HELD (40) FORTY DAYS FROM THE DATE OF DISPOSITION BEFORE PAYMENT WILL BE PROCESSED, ARK. CODE ANN. § 19-10-211(a) ~~WAS~~ THIS DOES NOT APPLY TO AGENCY ADMISSIONS OF LIABILITY AND NEGOTIATED SETTLEMENT AGREEMENTS. MAAM, I'M RESPECTFULLY REQUESTING THIS INFORMATION, AS A RESULT OF (ADC) E. WILSON CONFRONT FOR THE RULE OF STATE LAW, NAMELY, THAT ARK HAS A HISTORY [REDACTED] (SPECIFICALLY) OF HOLDING, HOLDINGS

Misplacing, discarding checks, how work ect. IVE NOT  
RECEIVED THIS CHECK, THEREFOR IM DEEPLY CONCERNED  
THAT ADC HAS ~~NOT~~ DONE JUST AS I ITERATED ABOVE  
OR ENTERED SAID DAMAGES AWARD INTO ITS HOLDING  
ACCOUNT SO AS TO DRAW INTEREST WITHOUT ADVISING  
ME AS TO RECEIPT OF SAID CHECK, WOULD YOU PLEASE  
ADVISE ME OF THE STATUS OF SAID CHECK SO THAT I  
MAY BE ASSURED WHEN, SAID CHECK WAS, IS  
SENT, DUE TO [REDACTED] CONTEMPT FOR STATE RULE OF  
LAW MAAN.

THANK YOU MAAN FOR YOUR TIME IN THIS MATTER.

EXECUTED AT MARIANNA, ARKANSAS ON AUGUST 15<sup>TH</sup> 2023  
(DAY)

SIGNATURE: Darrell K. Williams

NAME: DARRELL KETH WILLIAMS

ADL# [REDACTED]

# ARKANSAS STATE CLAIMS COMMISSION

(501) 682-1619  
FAX (501) 682-2823



KATHRYN IRBY  
DIRECTOR

101 EAST CAPITOL AVENUE  
SUITE 410  
LITTLE ROCK, ARKANSAS  
72201-3823

August 30, 2023

Mr. Darrell K. Williams (ADC ( [REDACTED] )  
[REDACTED]  
[REDACTED]

RE: ***Darrell K. Williams v. Arkansas Division of Correction***  
Claim No. 220838

---

Dear Mr. Williams,

This office received your correspondence on August 25, 2023. The motion for reconsideration is still pending. When the Claims Commission enters an order on the motion, you will receive a copy via US Mail. The Claims Commission will rule on the motion as quickly as it can.

Sincerely,

Mika Tucker

ES: msscott

**Mika Tucker**

---

**From:** Thomas Burns (DOC)  
**Sent:** Monday, September 18, 2023 7:33 AM  
**To:** ASCC Pleadings  
**Subject:** Darrell Williams v ADC 220838  
**Attachments:** 0823\_001.pdf

Affidavit of Cleveland Jones

Thank you,  
-TB



**THOMAS BURNS**  
FIFTH DISTRICT ATTORNEY, EAST-PHOTOGRAPHY  
Arkansas Department of Corrections  
2044 Princeton Pike  
Fayetteville, Arkansas 72703  
Phone: 479-247-5100 ext. 2000 (479-247-5100)  
Fax: 479-247-5100  
Email: Burns-Thomas@adoc.gov

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DARRELL WILLIAMS (ADC [REDACTED])

CLAIMANT

v

NO. 220838

ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION

RESPONDENT

**CORRECTED AFFIDAVIT TO MOTION FOR RECONSIDERATION**

Comes Now the Respondent, Arkansas Department of Corrections (ADC), by Thomas Burns, and for their Motion for Reconsideration, states:

1. The affidavit of Cleveland Jones contained a scrivener's error.
2. Attached is the corrected affidavit of Cleveland Jones.

WHEREFORE, the Respondent prays that the Commission attached the affidavit to the Motion for Reconsideration; for their attorney fees and costs; and for all other just and proper relief to which they may be entitled.

Respectfully submitted,



Thomas Burns (02006)  
Legal Services Unit  
Division of Correction  
6814 Princeton Pike  
Pine Bluff, AR 71602  
(870) 267-6845 Office  
(870) 267-6373 Facsimile  
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 18<sup>th</sup> day of September 2023, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Darrell Williams ( [REDACTED]  
[REDACTED]

  
\_\_\_\_\_  
Thomas Burns

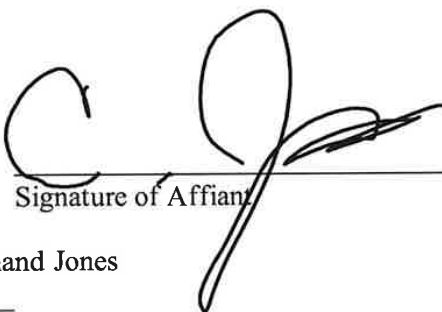
**AFFIDAVIT OF CLEVELAND JONES**

BEFORE ME, the undersigned authority, on this day personally appeared Cleveland Jones, who being of sound mind and legal age, and after being duly sworn, deposes and states as follows:

1. I have personal knowledge and belief of the fact set out herein.
2. On October 24, 2019, I was escorting Inmate Darrell Williams ADC [REDACTED] to the showers.
3. Inmate Carl Jackson ADC# [REDACTED] attacked Williams in which I was also injured in the assault.
4. Both inmates were stripped searched before they were taken to the showers.
5. Inmate Jackson did not have on tennis shoes.
6. ADC policy and procedure was followed on that night as neither myself nor Cpl. Holloway disciplined for any failure to follow policy.

FURTHER AFFIANT SAYETH NAUGHT.

Dated this 6<sup>th</sup> day of September 2023.

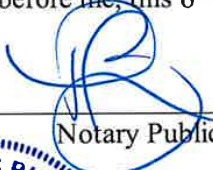
  
\_\_\_\_\_  
Signature of Affiant

Cleveland Jones

\_\_\_\_\_  
Printed Name of Affiant

State of Arkansas }  
                                  } SS  
County of Jackson

Subscribed and sworn to before me, this 6<sup>th</sup> day of September, 2023.

  
\_\_\_\_\_  
Notary Public

My Commission Expires

09/21/2032



## **Mika Tucker**

---

**From:** Mika Tucker  
**Sent:** Friday, December 15, 2023 3:57 PM  
**To:** Thomas Burns (DOC)  
**Subject:** RE: HEARING SCHEDULED: Darrell Williams v. ADC, Claim No. 220838  
**Attachments:** Williams v. ADC, 220838 hearing letter (motions) CORRECTED DATE.pdf

The attached letter has the correct date.

Thanks,  
Mika

---

**From:** Mika Tucker  
**Sent:** Friday, December 15, 2023 3:38 PM  
**To:** Thomas Burns (DOC) <Thomas.Burns@arkansas.gov>  
**Subject:** HEARING SCHEDULED: Darrell Williams v. ADC, Claim No. 220838

Hi, Thomas.

Please see the attached correspondence.

Thank you,  
Mika

**Mika Tucker**  
**Arkansas State Claims Commission**  
101 East Capitol Avenue, Suite 410  
Little Rock, Arkansas 72201  
(501) 682-2818

# ARKANSAS STATE CLAIMS COMMISSION

(501) 682-1619  
FAX (501) 682-2823



KATHRYN IRBY  
DIRECTOR

101 EAST CAPITOL AVENUE  
SUITE 410  
LITTLE ROCK, ARKANSAS  
72201-3823

December 15, 2023

Mr. Darrell Williams (ADC [REDACTED])  
[REDACTED]

Mr. Thomas Burns  
Arkansas Division of Correction  
6814 Princeton Pike  
Pine Bluff, Arkansas 71602-9411

(via email)

RE: *Darrell Williams v. Arkansas Division of Correction*  
Claim No. 220838

---

Dear Mr. Williams and Mr. Burns,

The Claims Commission has scheduled a hearing on any pending motions for **Thursday, January 18, 2024**, beginning at 8:45 a.m. All parties will attend via Zoom. The Zoom invitation is enclosed.

As this is a status conference and motions hearing, no prehearing materials are requested.

Sincerely,

Mika Tucker

ES: mtucker

Kathryn Irby -- Claims Commission is inviting you to a scheduled Zoom meeting.

Topic: Claims Commission -- hearings

Time: Jan 18, 2024 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/87348644534?pwd=UnAvWmlBVVA4VnNuMVB6WFpuclRodz09>

Meeting ID: 873 4864 4534

Passcode: BZ1fnd

One tap mobile

+16469313860,,87348644534#,,,,\*299333# US

+19294362866,,87348644534#,,,,\*299333# US (New York)

Dial by your location

- +1 646 931 3860 US
- +1 929 436 2866 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 689 278 1000 US
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)

Meeting ID: 873 4864 4534

Passcode: 299333

Find your local number: <https://us06web.zoom.us/u/kdJNKs5RvA>

## **Mika Tucker**

---

**From:** Mika Tucker  
**Sent:** Tuesday, January 16, 2024 9:49 AM  
**To:** Thomas Burns (DOC)  
**Cc:** Kathryn Irby  
**Subject:** HEARING REMOVED: Williams v. ADC, Claim No. 220838  
**Attachments:** CORR Williams v. ADC -- 220838.pdf

Hi, Thomas. Please see the attached correspondence. Thank you.

-Mika

**Mika Tucker**  
**Arkansas State Claims Commission**  
101 East Capitol Avenue, Suite 410  
Little Rock, Arkansas 72201  
(501) 682-2818

# ARKANSAS STATE CLAIMS COMMISSION

(501) 682-1619  
FAX (501) 682-2823



KATHRYN IRBY  
DIRECTOR

101 EAST CAPITOL AVENUE  
SUITE 410  
LITTLE ROCK, ARKANSAS  
72201-3823

January 16, 2024

Mr. Darrell Williams (ADC [REDACTED])  
[REDACTED]

Mr. Thomas Burns  
Arkansas Division of Correction  
6814 Princeton Pike  
Pine Bluff, Arkansas 71602-9411

*(via email)*

Re: ***Darrell Williams v. Arkansas Division of Correction***  
Claim No. 230838

---

Dear Mr. Williams and Mr. Burns,

The Claims Commission has removed the motion hearing in above-referenced claim from the docket. The Claims Commission will review the pending motion and enter an order soon.

Our office asks the ADC to please hand-deliver a copy of this letter to Mr. Williams as soon as possible so that he will be aware of the removal of the hearing prior to January 18, 2024.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: mtucker

## **Mika Tucker**

---

**From:** Misty Scott on behalf of ASCC Pleadings  
**Sent:** Monday, January 22, 2024 3:32 PM  
**To:** Thomas Burns (DOC)  
**Cc:** ASCC Pleadings; Mika Tucker  
**Subject:** ORDER: Darrell Williams v. ADC, Claim No. 220838  
**Attachments:** Darrell K. Williams v. ADC2 .pdf; Darrell Williams-order2.pdf

Thomas:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

*Misty*

**Misty Scott**  
**Arkansas State Claims Commission**

# ARKANSAS STATE CLAIMS COMMISSION

(501) 682-1619  
FAX (501) 682-2823



KATHRYN IRBY  
DIRECTOR

101 EAST CAPITOL AVENUE  
SUITE 410  
LITTLE ROCK, ARKANSAS  
72201-3823

January 22, 2024

Mr. Darrell K. Williams (ADC [REDACTED])  
[REDACTED]  
[REDACTED]

Re: ***Darrell K. Williams v. Arkansas Division of Correction***  
Claim No. 220838

---

Dear Mr. Williams:

Enclosed please find an Order entered on January 18, 2024, by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

**BEFORE THE ARKANSAS STATE CLAIMS COMMISSION**

**DARRELL WILLIAMS (ADC 0 [REDACTED])**

**CLAIMANT**

**V.**

**CLAIM NO. 220838**

**ARKANSAS DIVISION OF  
CORRECTION**

**RESPONDENT**

**ORDER ON RESPONDENT'S  
MOTION FOR RECONSIDERATION**

Now before the Arkansas State Claims Commission (the “Commission”) is a motion filed by the Arkansas Division of Correction (the “Respondent”) for reconsideration of the Commission’s June 16, 2023, order awarding Darrell Williams (the “Claimant”) \$12,500 in compensatory damages. Based upon a review of the claim file, including Respondent’s motion, and the law of the State of Arkansas, the Commission hereby finds as follows:

1. Claimant filed his claim on December 29, 2021, seeking \$25,000 in damages related to Respondent’s violation of policies that allowed another inmate to harm Claimant.
2. Respondent denied liability. Respondent also filed a motion to dismiss, which was denied by the Commission on June 24, 2022.
3. Following a May 18, 2023, hearing, the Commission entered an order awarding Claimant \$12,500 in damages.
4. Respondent subsequently filed the instant motion for reconsideration, arguing that it was submitting new and additional evidence not available at the hearing.
5. Claimant responded in opposition to Respondent’s motion.
6. In analyzing a motion for reconsideration, Rule 7.1 of the Commission Rules and Regulations states that motions for reconsideration “will only be entertained if they set forth new or additional evidence which was not [previously] available . . . .”

7. The Commission finds that Respondent's motion does not set forth new or additional evidence not previously available. The Commission specifically notes the following:

- a. As to Respondent's arguments that Claimant presented no evidence of damages or "proof" of the amount of damages, the Commission finds this argument to be entirely incorrect in light of Claimant's testimony, which the Commission found to be both credible and unrefuted and which was the basis for the determination that \$12,500 was an appropriate compensatory award. *See* Order at ¶¶ 13 & 14.
- b. As to Respondent's argument that Claimant admitted "he does not have any damages," the Commission finds this argument to be incorrect in light of Claimant's response to the first request for admission:

Request for Admission No. 1: Admit that you do not have any damages related to this matter, Claim 220838.

[Response]: Deny. I suffered several damages including but not limited to lacerations and puncture wounds to my upper torso due to staff not following policy, and I suffered extreme pain.

*See* Respondent's Motion for Reconsideration at Exhibit A.

- c. As to Respondent's argument that Cpl. Jones was "unavailable" for the hearing, the Commission finds this argument to be unpersuasive. The parties were notified of the May 18, 2023, claim hearing on November 21, 2022. In that hearing letter, the parties were instructed to file their witness lists by April 6, 2023. Respondent filed an untimely witness list on April 10, 2023, listing Cpl. Jones as its only witness other than Claimant and Claimant's witnesses. Respondent did not depose Cpl. Jones prior to hearing (to introduce his deposition testimony in lieu of live testimony) or request that the hearing be

continued until Cpl. Jones was located and able to attend. As such, Cpl. Jones' affidavit, which was dated nearly one month after the June 16, 2023, order was transmitted to the parties, is not new or additional evidence not previously available. *See* Respondent's Motion for Reconsideration at Exhibit D. Instead, it is merely evidence that could have but was not presented by Respondent at hearing. Given that the Commission will not consider evidence that Respondent could have but did not present at the hearing, the Commission need not address the obvious and concerning contradictions between Cpl. Jones' affidavit and Cpl. Hollowell's hearing testimony.

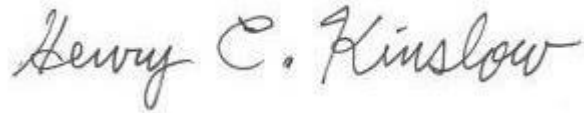
- d. As to Respondent's argument regarding the "superficial" nature of Claimant's wounds, the Commission finds this argument to be wholly unpersuasive. The Commission reviewed the claim file and the evidence presented, including Claimant's hearing testimony, and determined that Claimant was entitled to \$12,500 in damages as a result of Respondent's negligence in adhering to its policy.
- e. As to Respondent's argument regarding the lack of an enemy alert between Claimant and Claimant's attacker, the Commission finds this argument to be unpersuasive. Respondent can still be found liable for negligence in the absence of an enemy alert. Moreover, the Commission is confident that Respondent's employees are expected to be alert at all times, even in the absence of notification of a conflict between two inmates.

f. As to Respondent's argument regarding § 1983, the Commission finds this argument unpersuasive, as it was already addressed in the Commission's order.

*See Order at ¶ 12.*

8. As such, Respondent's motion for reconsideration is DENIED, and the June 16, 2023, Commission order remains in effect.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION  
Henry Kinslow



ARKANSAS STATE CLAIMS COMMISSION  
Paul Morris, Chair



ARKANSAS STATE CLAIMS COMMISSION  
Sylvester Smith

DATE: January 18, 2024

**Notice(s) which may apply to your claim**

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

**Mika Tucker**

---

**From:** Thomas Burns (DOC)  
**Sent:** Monday, February 5, 2024 12:10 PM  
**To:** ASCC Pleadings  
**Subject:** Darrell Williams v ADC 220838  
**Attachments:** 2716\_001.pdf

Notice of Appeal

Thank you,  
-TB



**THOMAS BURNS**  
FIFTH DISTRICT ATTORNEY  
Arkansas Department of Corrections  
2044 Princeton Pike  
Fayetteville, Arkansas 72703  
Phone: 479.243.4100 ext. 2000  
Fax: 479.243.4100  
Email: Burns.Thomas@adoc.gov

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**BEFORE THE ARKANSAS STATE CLAIMS COMMISSION**

**DARRELL WILLIAMS ( [REDACTED]**

**CLAIMANT**

**v.**

**NO. 220838**

**ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION**

**RESPONDENT**

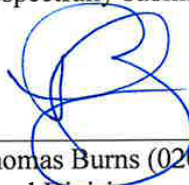
**NOTICE OF APPEAL**

Comes now the Respondent, Division of Correction (ADC) by and through counsel, Thomas Burns, and for notice, states:

1. That notice is hereby given that the ADC appeals from the Order of the Arkansas State Claims Commission (ASCC) made on the 18<sup>th</sup> day of January 2024.

2. This appeal is taken to the Claims Subcommittee of the Joint Budget Committee, and the ADC hereby requests and directs that the ASCC file all documents pertaining to this case with the Claims Subcommittee.

Respectfully submitted,

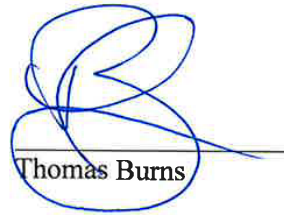


Thomas Burns (02006)  
Legal Division  
Division of Correction  
6814 Princeton Pike  
Pine Bluff, AR 71602  
(870) 267-6845 Office  
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 5<sup>th</sup> day of February 2024, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Darrell Williams [REDACTED]  
[REDACTED]



Thomas Burns

FROM: MR: DARRELL K. WILLIAMS [REDACTED] CLAIM NO: 22083

ADDRESS: [REDACTED]

DATE: FEBRUARY 20TH 2024

Arkansas  
State Claims Commission

TO: ARKANSAS STATE CLAIMS COMMISSION

FEB 26 2024

RECEIVED

DEAR MRS MIKA TUCKER, you advised me to contact your office on January 18th 2024 in the letter to me pertaining to the ARKANSAS STATE CLAIMS COMMISSION affirming the 12,500 JUDGEMENT in my favor per the ARKANSAS STATE CLAIMS ORDER DATED JANUARY 16th 2023.

MAAM, I D LIKE TO KNOW, SINCE NO NOTICE OF APPEAL OR REQUEST FOR RECONSIDERATION HAS BEEN FILED BY ADC RESPONDENT WITH THE GENERAL ASSEMBLY PER THE 20 DAYS CIVIL PROCEDURE ARK CODE ANN. § 19-10-21(a)(3) TIME LIMIT, WHEN CAN I EXPECT PAYMENT THEREOF OF THE 12,500 ORDER? ITS BEEN (3) THREE PLUS LONG YEARS and ID LIKE TO CONCLUDE THIS PROCESS and MOVE ON WITH ALL DUE RESPECT MAAM, NOW THAT NO ADDITIONAL DUE PROCESS IS PENDING MAAM. WOULD YOU PLEASE ADVISE ME ACCORDINGLY AT YOUR EARLIEST CONVENIENCE MAAM?

Thank you for your TIME & PROFESSIONALISM IN THIS MATTER MAAM?

Respectfully Submitted, MR. DARRELL K. WILLIAMS [REDACTED]

Claim NO: 220838. [REDACTED]

**From:** [Mika Tucker](#)  
**To:** [Thomas Burns \(DOC\)](#)  
**Subject:** CORR: Darrell Williams v. ADC, Claim No. 220838  
**Date:** Thursday, February 29, 2024 10:15:00 AM  
**Attachments:** [CORR Williams v. ADC.pdf](#)

---

Hi, Thomas.

Please see the attached correspondence.

Thanks, Mika

**Mika Tucker**  
**Arkansas State Claims Commission**  
101 East Capitol Avenue, Suite 410  
Little Rock, Arkansas 72201  
(501) 682-2818

# ARKANSAS STATE CLAIMS COMMISSION

(501) 682-1619  
FAX (501) 682-2823



KATHRYN IRBY  
DIRECTOR

101 EAST CAPITOL AVENUE  
SUITE 410  
LITTLE ROCK, ARKANSAS  
72201-3823

February 29, 2024

Mr. Darrell Williams (ADC [REDACTED])  
[REDACTED]

(via U.S. Mail)

Re: ***Darrell Williams v. Arkansas Department of Correction***  
Claim No. 220838

---

Dear Mr. Williams,

This office received correspondence from you requesting the status of the above-referenced claim. Respondent filed a notice of appeal on February 5, 2024. Therefore, your claim is being transmitted to the Arkansas General Assembly. You should receive notification from the Bureau of Legislative Research when the Claims Review Subcommittee of the Arkansas General Assembly schedules a meeting to discuss the appeal.

Sincerely,

Mika Tucker

ES: mtucker

cc: Thomas Burns, counsel for Respondent (via email)