

Please Read Instructions on Reverse Side of Yellow copy

Arkansas Claims Commission

L8.

Please print in ink or type

JUL 08 2013

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

RECEIVED

- Mr.
- Mrs.
- Ms.
- Miss

Troy Roddy, #103051 Claimant

vs.

State of Arkansas, Respondent Dept. of Correction
Arkansas Department of Correction
ET, AL

Do Not Write in These Spaces		
Claim No.	14-0016-CC	
Date Filed	July 8, 2013	
	(Month)	(Day) (Year)
Amount of Claim \$	2,500.00	
Fund	DOC	

COMPLAINT

Property Damage, Mental Anguish
Pain & Suffering, Failure to
Follow Procedure

Troy Roddy, #103051, the above named Claimant, of POB 180, Brickeys, AR 72320
(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 _____ says:
(Street and No.) (City) (State) (Zip Code) (Phone No.) (Fax No.)

State agency involved: Arkansas Department of Correction Amount sought: \$2500.00 (hundred)

Month, day, year and place of incident or service: January 6th, 2013 Brickey Max Unit/cell 705

Explanation: I was sitting at my table in my cell working on my legal work with my earplugs in to drown out the noise. Late in the evening I took one of my earbuds out. I heard inmates trying to get my attention. That's when I noticed my cell was flooded with sewage water. My legal work was destroyed beyond legible use, contaminated with all kind of bacteria, diseases etc in that sewage water. A shift Area Supervisor Sgt. Lockhart as well as Rover Caldwell and D shift Area Supervisor Sgt. Hill failed to follow protocol in dealing with these type of situation accordingly to ADC policy and procedures. By failing to take these measures my legal work was damaged beyond legible use. I suffered extremely irreparable damage, emotional distress, as well as mental anguish that caused me a lot of psychological problems and sleep deprivation. See Attach affidavits of claimant, and witnesses affidavits, and ADC policies for (exhibits.) The Respondents are liable for failing to take specific procedures in stopping this malfunction.

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

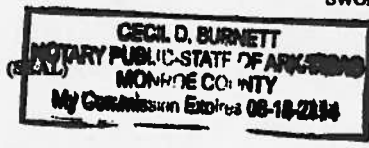
and that \$ NA was paid thereon: (2) Has any third person or corporation an interest in this claim? NA ; if so, state name and address
(Name) (Street or R.F.D. & No.) (City) (State) (Zip Code)

and that the nature thereof is as follows: NA ; and was acquired on NA 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 verify believes that they are true.

Troy Roddy 103051 Troy Roddy 103051
(Print Claimant/Representative Name) (Signature of Claimant/Representative)

SWORN TO and subscribed before me at Brickey ARK
(City) (State)



this 16 day of June 2013
(Date) (Month) (Year)

C. Burnett
(Notary Public)

SF1- R7/99

My Commission Expires: 8 18 2014
(Month) (Day) (Year)

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center Brickey max Unit #

JAN 14 2013

Name Troy Roddy

S EAST AR REGIONAL UNIT

ADC# 103051 Brks # mx 7 Job Assignment NA

FOR OFFICE USE ONLY	
GRV. #	<u>EA119-00172</u>
Date Received:	<u>1-14-13</u>
GRV. Code #:	<u>721</u>

1-6-13 (Date) STEP ONE: Informal Resolution

1-13-13 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: This issue was not resolved during Step one.

1-6-13 (Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to

a substantial risk of physical harm; emergency grievances are not for ordinary problems that are not of a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If an Emergency, state why: This is an emergency because my legal work was destroyed and cannot be used.

Is this Grievance concerning Medical or Mental Health Services? If yes, circle one: medical or mental

BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): This complaint is due to my legal work being destroyed, because AOC staff on C-shift, as well as D shift fail to resolve a emergency issue, were the toilets in cells 701, 702 was bagged up overflowing with feces, and urine, because cells on the top floor were flushing their toilets

C-shift could have solve this problem but they wanted til shift change to take the maintenance worker back. D shift wait 2 hours to call him back down to Max 7 by then a bundle of my legal work was destroyed cause I was working on my case and when I was informed of the water in my cell it was too late. Sgt. Hill took pictures of my legal work destroyed and pictures of my cell and me confirming the contaminated water in my cell along with a 005 report of this complaint, with statements from Troy Roddy 103051

1-6-13
Inmate Signature me, the rest of the inmates Date refused.

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

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on 1/7/13 (date), and determined to be Step One and/or an Emergency Grievance no (Yes or No). This form was forwarded to medical or mental health? no (Yes or No). If yes, name of the person in that department receiving this form: Joyce Mitchell Date 1/7/13

PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Date Received
Joyce Mitchell 58955 Joyce Mitchell 1/7/13

Describe action taken to resolve complaint, including dates: Inmate stated he still had possession of his paperwork and did not throw any away

J Mitchell 1/12/13 FEB 15 2013 Troy Roddy 103051 1-13-13
Staff Signature & Date Returned Inmate Signature & Date Received

This form was received on 1/10/13 (date), pursuant to Step Two. Is it an Emergency? no (Yes or No). Staff Who Received Step Two Grievance: Off. Williams Date: 1/13/13

Action Taken: Forward (Forwarded to Grievance Officer/Warden/Other) Date: 1/13/13
If forwarded, provide name of person receiving this form: Mrs. Cole Walker Date: 1/13/13

Nx75
Attachment III

IGTT410
3GS

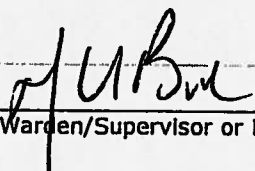
INMATE NAME: Roddy, Troy

ADC #: 103051C

GRIEVANCE #: EAM13-00172

WARDEN/CENTER SUPERVISOR'S DECISION

Inmate Roddy, you grieve some of your legal paperwork was damaged by water from an overflowing toilet. Your complaint is noted. It is your responsibility to keep your property orderly and off the cell floor. This incident resulted in your legal documents being wet, but you retained these documents in your possession. Photographs show your papers had water damage but are still legible. I find no merit in your complaint.


Signature of Warden/Supervisor or Designee

Ward
Title

2/11/13
Date

RECEIVED

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? #

1. Policy states that I'm allowed to take my legal work out my property box if I'm doing my legal work. I WAS exercising my 1st Amendment right working on my cases, and it's no way I would have left my paperwork on the floor and let toilet water with urine and feces run all over it. #2. If C shift supervisors would have

Troy Roddy

Inmate Signature

103051

ADC#

2-12-13

Date

let the inmate maintenance porter fix the problem before it got worse, the problem with my legal work being damaged wouldn't be a issue. #3. Sgt. Hill on D-shift relieved C shift, she failed to resolve the issue, she waited over a half before she called the maintenance back down. By my legal work was destroyed. A lot of urine feces contaminated

IGTT430
3GD

Attachment VI

INMATE NAME: Roddy, Troy

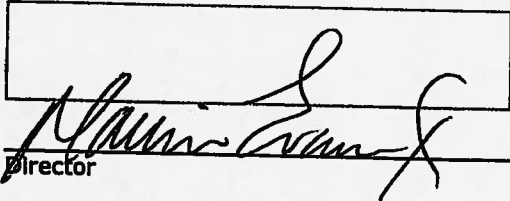
ADC #: 103051

GRIEVANCE#: EAM13-00172

Inmate Roddy, I have received your formal grievance dated 1/13/2013, in reference to your legal work being destroyed, because ADC staff failed to resolve a emergency issue were the toilets in cells 701,702 was backed up and overflowing with feces, and urine.

After reviewing your appeal, documentation and statements gathered from staff, I find Sgt. Hill states in part, " On January 6, 2013 at approximately 7:28 pm I Sgt Hill was advised that cells on the floor tier of Max CB #7 in Zone #3 were having toilets backing up and water was coming out on the floors. Upon entering Max 7 I observed that he first few cells did have water on the floors. The maintenance department was notified. At this time, Inmate T. Roddy #103051 stated that his legal work was on the floor and some of it got wet before he could retrieve it from the floor. Pictures were taken of the legal work as well as his cell. Maintenance resolved the problem. "Due to the evidence submitted in your appeal, I concur with the Warden's response in which he states in part, " It is your responsibility to keep your property orderly and off the cell floor. This incident resulted in your legal documents being wet, but you retained these documents in your possession. Photographs show your papers had water damage but are still legible. I find no merit in your complaint."

Appeal denied


Director

1/25/13
Date

STATE OF ARKANSAS)
COUNTY OF Lee)§

AFFIDAVIT

I, Troy Roddy 103051, after first being duly sworn, do hereby swear, depose and state that: I had my earbuds in my ^{ears} at time on 1-6-13 working on my legal work sitting on my bed at my table when I took one of my earbuds out and heard inmates trying to get my attention. That's when I notice my cell was flooded with sewage. I just screamed to the top of my voice all kind of obscene languages. Sgt. Hill took pictures of my legal work destroyed with contaminated sewage water. And pictures of the water in my cell. I still got the damaged legal work wrap up that's not usable, nor in any legible ^{form} to touch, due to contamination.
I further swear that the statements, matters and things contained herein are true and accurate to the best of my knowledge, information and belief.

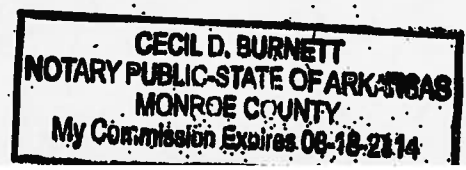
6-16-13
DATE

Troy Roddy 103051
AFFIANT
NA
SOCIAL SECURITY #

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 16 day of June, 2013.

C. Burnett
NOTARY PUBLIC

My Commission Expires: 8-18-13



Supporting Affidavit

STATE OF ARKANSAS)
COUNTY OF Lee)§

AFFIDAVIT

I, Troy Roddy 103051, after first being duly sworn, do hereby swear, depose and state that: At no time was it a Rover on the floor on 1-6-13. He was out the barrack down the hall. Sgt. Lockhart and the rover came after they was notified. The supervisor then contacted maintenance appr. 5:50 pm on 1-6-13 and examined the problem but didn't start on fixing the problem cause shift change was approaching. So they left the barrack and stated out loud we will be back shift changing. Sgt. Hill came on duty advised maintenance will be called back down but didn't actually come till after 7:45 pm.
By then the situation was worse.
I further swear that the statements, matters and things contained herein are true and accurate to the best of my knowledge, information and belief.

6-16-13
DATE

Troy Roddy 103051
AFFIANT
NA
SOCIAL SECURITY #

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 16 day of June, 20 13.

C. Burnett
NOTARY PUBLIC

My Commission Expires: 8-18-14

CECIL D. BURNETT
NOTARY PUBLIC-STATE OF ARKANSAS
MONROE COUNTY
My Commission Expires 08-18-2014

STATE OF ARKANSAS)
COUNTY OF Lee)§

AFFIDAVIT

I, Kendrix Heard, after first being duly sworn, do hereby swear, depose and state that: I was housed in cell 130 at the time when I heard and saw all the sewage backed up on January 6th 2013 coming out of cell 701, 702 spreading all over the floor. It wasn't no rover on the floor at the time. Inmates was calling trying to get the control booth officer to call the area supervisor and the rover to come to Max T. Inmates on the second tier was flushing their toilets making the situation worsen Timothy Davis was calling inmate T. Paddy name trying to get him to get his stuff off the floor. I then heard T. Paddy cursing, saying damn-you son of a b—, all my legal work is wet with sewage.

I further swear that the statements, matters and things contained herein are true and accurate to the best of my knowledge, information and belief.

6-14-13
DATE

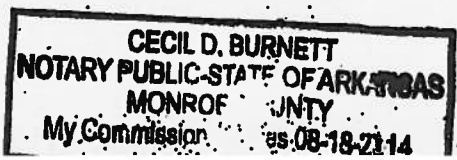
Kendrix Heard # 104326
AFFIANT

SOCIAL SECURITY # _____

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 16 day of June, 20 13.

C. Burnett
NOTARY PUBLIC

My Commission Expires: 8-18-14



STATE OF ARKANSAS)
COUNTY OF Lee)§

AFFIDAVIT

I, Timothy Davis 133384, after first being duly sworn, do hereby swear, depose and state that: ON 1-6-13 I WAS Housed in room 737
when i heard cell 701, 702 hammering trying to get
the control booth officer to notify the wren supervisor
Sgt Lockhart that the toilets backing up with sewage.
Max 7 wren was not on the floor at all that evening
Sgt Lockhart came and advise them maintenance on
the way. ONCE maintenance arrived to see the problem
it was getting close to spilt sewage. Sgt maintenance
walking out the door at approx 5:58 pm with the wren
supervisor and the rover. Sgt Hill came

I further swear that the statements, matters and things contained herein are true and accurate to the best of my knowledge, information and belief.

6/14/13
DATE

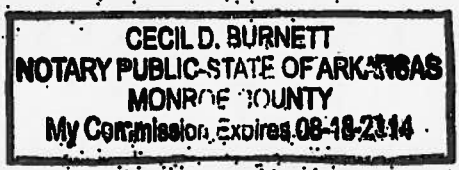
Timothy Davis 133384
AFFIANT

N/A
SOCIAL SECURITY #

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 16 day of June, 2013.

C. Burnett
NOTARY PUBLIC

My Commission Expires: 8-18-14

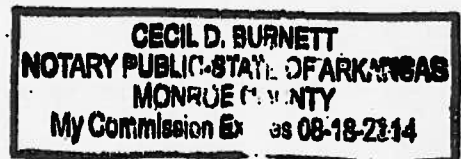


At shift change and advise these inmates we was informed of the situation. And stated they was going to call maintenance. I heard cell 701 702 hollering cause the cells on the second cell tier was still flushing their toilets making the problem worse. I ~~to~~ then thought inmate T. Boddy be having plugs in his ear drowning out the cellblock noise I told cell 704 3' 706 to knock on his wall to get his stuff off the floor. SINCE they got his Attention I heard him screamed to the top of his lungs. I knew his stuff got messed up. Sgt Hill didnt get the maintenance down
t./ 8:00pm

Respectfully Submitted,
Timothy Davis 133384

subscribe and sworn to before me on this
16 day of June, 2013

my Commission Expires: C. Burnett
Notary Public



STATE OF ARKANSAS)
COUNTY OF LEE)§

AFFIDAVIT

I, JEFF GOLDEN # 104290 after first being duly sworn, do hereby swear, depose

and state that: ON 1-6-13 WHEN I WAS HOUSED IN MAX 7 BARRACKS, CELL 12, WHEN CELLS 701 AND 702 APPEARED TO BE FILLING WITH SEWAGE WATER WHICH WAS OVERFLOWING FROM THE 2ND TIER CELLS FLUSHING THEIR TOILETS. THERE WAS NO OFFICER ON THE FLOOR TO CUT OFF THE TOILETS. EVEN AFTER THE CONTROL BOOTH OFFICER CALLED SGT. LOCKHART, THE TOILETS STILL WERE NOT CUT OFF, WHICH WOULD HAVE PREVENTED THE PROBLEM FROM GETTING WORSE. EVEN AFTER SHIFT CHANGE, SGT. HILL ALLOWED THE PROBLEM TO CONTINUE UNTIL ALMOST 8:00 PM. BY WHICH TIME SEWAGE WAS EVERYWHERE.

I further swear that the statements, matters and things contained herein are true and accurate to the best of my knowledge, information and belief.

6-16-13
DATE

Jeff Golden # 104290
AFFIANT
N/A
SOCIAL SECURITY #

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 16 day of June, 2013.

C. Burnett
NOTARY PUBLIC

My Commission Expires: 8-18-14

CECIL BURNETT
NOTARY PUBLIC
STATE OF ARKANSAS
MOBILE COUNTY
My Commis: EXT 08-18-14

(Exhibit A)

MX 1-5

GRIEVANCE/RECEIVED

FEB 13 2013

EAST AR REGIONAL UNIT

Inmate Request Form

This form is to be used by inmates to contact staff with request on issues they may have. You should allow five working days to receive a response to your request. This is the East Arkansas Regional Unit in house form.

Name: Troy Roddy ADC Number: 10305 Barracks: MX 705 Date: 2-12-13

Staff Directed to: Mrs. C. Cole Office: Grievance

My request is directed to the following area: (check one)

- | | | | | | | | |
|---------------|--------------------------|----------------|--------------------------|-------------|--------------------------|--------------------------|--------------------------|
| Chaplain | <input type="checkbox"/> | Classification | <input type="checkbox"/> | Commissary | <input type="checkbox"/> | Assistant/ Deputy Warden | <input type="checkbox"/> |
| Issuance | <input type="checkbox"/> | Food Service | <input type="checkbox"/> | Hobby Craft | <input type="checkbox"/> | General Library | <input type="checkbox"/> |
| Law Library | <input type="checkbox"/> | Laundry | <input type="checkbox"/> | Mail Room | <input type="checkbox"/> | Medical | <input type="checkbox"/> |
| Mental Health | <input type="checkbox"/> | Parole | <input type="checkbox"/> | Property | <input type="checkbox"/> | Records | <input type="checkbox"/> |
| Security | <input type="checkbox"/> | Visitation | <input type="checkbox"/> | Warden | <input type="checkbox"/> | Other: _____ | <input type="checkbox"/> |

Give a detailed reason for your request:

I'm wondering how is it possible that you all doing a investigation on my legal work being destroyed and noone came to look at it, to see the damage that was done to it, but Capt. McNary, why haven't noone from your office come and saw it.

Have you talked to any staff about your request? Yes No

If yes, to whom did you speak with and when? Capt. McNary

Troy Roddy 103051
Inmate Signature/ Date

Staff Responding: C. Cole Wallace Date: 2/15/13


Response: We have investigated your grievance and the information we gathered was used to generate the unit level response. Captain McNary provided information. E.O.S.

I am referring this to: _____

Cc: _____

Candace Cole Wallace
Staff Signature Date 2/15/13

(Exhibit)

	ARKANSAS DEPARTMENT OF CORRECTION	NUMBER:	12.01.0	PAGE NUMBER	1 of 4
	EAST ARKANSAS REGIONAL UNIT	SUPERSEDES:		ISSUING EMPLOYEE:	A
	POLICY AND PROCEDURES	DATE:	04-28-95	WARDEN	
CHAPTER:	Sanitation and Hygiene	SUBJECT:	Housekeeping and Inspection of Sanitation Practices		
Revised on These Dates					
Annual Review on These Dates	05-18-09	4-29-10	06-08-11	06-11-12	

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 ensure effective housekeeping practices through the conduct of regular inspections.

III. APPLICABILITY: To all employees who manage or inspect operations or programs relating to Unit sanitation and/or housekeeping.

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

A. Environmental Health - All conditions, circumstances and surrounding influences which affect the health of persons or groups required to be in the area.

V. POLICY: This policy provides a method for the regular monitoring of environmental health programs especially related to housekeeping practices, water supply and sanitary practices. To accomplish these goals, the following practices shall be requires:

A. Weekly inspections shall be conducted of all Unit areas by designated employees in conjunction with their weekly safety inspections, see Unit Policy 8.3.0, Monitoring Fire and Emergency Procedures.

B. Monthly comprehensive and thorough inspections by Agency Health/ Safety/ Sanitation Specialist shall be conducted with appropriate reports to the Warden. In addition, the following inspections are required in accordance with the appropriate Administrative Regulations:

1. The Unit Fire, Safety and Sanitation Officer shall personally inspect all areas of the Unit on a non- scheduled, rotating basis at least once a month and report his/her findings, including suggestions for safety and sanitation policy changes or equipment requirements, to the Warden.

POLICY AND PROCEDURES	POLICY NO.: 12.01.0	PAGE NUMBER: 2 of 4
SUBJECT: Housekeeping and Inspection of Sanitation Practices	SUPERSEDES:	EFFECTIVE DATE: 04-28-95

2. A member of the medical staff will inspect the sanitation of living quarters, segregation units, isolation and floor surface areas once a month and file a report of his/her findings with the Fire, Safety and Sanitation Officer.
 3. Quarterly sanitation inspections will be made by the State Health Department. Weekly inspections will be made by the Food Service Administrator, Food Service Manager II and/or medical personnel.
- C. Annual inspections shall be conducted by outside auditors; i.e., State Department of Labor, Fire Marshall, etc., to ensure and document compliance with all applicable laws and regulations related to sanitation and health.
- D. The institution water supply shall be certified by an independent auditor to be in compliance with local laws and regulations.
- E. A written housekeeping plan shall be available for all areas.

VI. PROCEDURES:

- A. **Purpose of Inspection:** The Fire, Safety and Sanitation Officer shall serve as coordinator of the sanitation inspection program designed to ensure the following:
1. All areas are clean and orderly.
 2. Lighting, ventilation and heating equipment function properly.
 3. No fire, safety or health hazards exist.
 4. All equipment, tools and security devices perform properly.
 5. All plumbing equipment including toilet, bathing, washing and laundry facilities operate properly.
 6. A review of previous reports of deficiency is conducted.
- B. **Housekeeping Plans:** Housekeeping plans shall be prepared for each housing unit and each department. These areas require the following:
1. A cleaning schedule for the area.
 2. Specific assignment for porters assigned to the area.
 3. Specific instructions for the cleaning of:
 - a. Floors and doors

POLICY AND PROCEDURES	POLICY NO.: 12.01.0	PAGE NUMBER: 3 of 4
SUBJECT: Housekeeping and Inspection of Sanitation Practices	SUPERSEDES:	EFFECTIVE DATE: 04-28-95

- b. Living Quarter
 - c. Walls and windows
 - d. Toilet and shower facilities
 - e. Equipment
 - f. Storage areas.
 - g. Dayrooms
4. Waste disposal procedures which provide for proper collection, storage and disposal of waste accumulation.
 5. Instructions for the acquisition, utilization and storage of cleaning supplies and equipment.
- C. Plan Approval:** Housekeeping plans for all areas shall be forwarded to the Fire, Safety and Sanitation Officer for review and approval. Copies of all approved plans shall be distributed and maintained in the following areas:
1. Office of the department head responsible for the area.
 2. Office of the area supervisor (if different).
 3. Office of the Fire, Safety and Sanitation Officer.
- D. Inspection Visits:** Weekly inspections shall be conducted in each department in conjunction with the required weekly safety inspections required by Unit Policy Number 8.3.0, Monitoring Fire and Emergency Procedures. The inspection personnel shall be scheduled on a rotating basis by the Warden or his designee with inspection reports submitted to the Fire, Safety and Sanitation Officer.
- E. Training of Inspection Teams:** The Unit Training Officer shall establish training sessions for inspection personnel in conjunction with assistance from the department health/safety/fire/sanitation specialist.
- F. Annual Independent Audits:** Institutional sanitary practices shall be reviewed by the Arkansas Department of Health on an annual basis. This is in addition to the required regularly scheduled Food Service inspections as required by AR 600. This independent audit shall be conducted for the following reasons:
1. To examine applicable laws and regulations and monitor compliance of them.
 2. To identify any deficiencies existing and provide the facility administration with information on conditions requiring corrective action.

POLICY AND PROCEDURES	POLICY NO.: 12.01.0	PAGE NUMBER: 4 of 4
SUBJECT: Housekeeping and Inspection of Sanitation Practices	SUPERSEDES:	EFFECTIVE DATE: 04-28-95

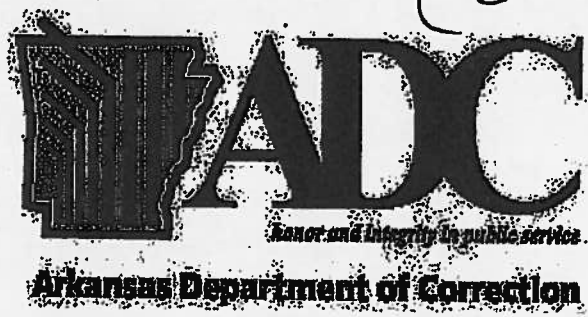
3. To identify any problem areas prior to their becoming major problems.

4. To include an evaluation of water covering the following:

- a. Water supply testing to ensure compliance with jurisdictional laws and regulations.
- b. Solid waste disposal practices.
- c. Sewage disposal.
- d. Pest control practices.

REFERENCES: ACA Standards 4-4329; 4-4330 and 4-4333
ADC AR 407 and AR 600

(Exhibit)



PO Box 8707
Pine Bluff, AR 71611-8707
Phone: 870-267-6999
Fax: 870-267-6258
www.state.ar.us/doc

ADMINISTRATIVE DIRECTIVE

SUBJECT: Sanitation Inspections, Water Supply Testing, Waste Disposal and Housekeeping

NUMBER: 05-21

SUPERSEDES:

APPLICABILITY: Institutional Staff

REFERENCE: JAR 407 – Safety and Sanitation

PAGE 1 of 1

APPROVED: Original signed by Larry Norris

EFFECTIVE DATE: 9-7-05

I. POLICY:

It is the policy of the Arkansas Department of Correction to provide a means to regularly monitor the environment health programs especially related to sanitation inspections, water supply testing, waste disposal, and housekeeping.

II. PROCEDURES:

Each facility will be responsible for the following:

1. An employee who serves as coordinator of the sanitation inspection program.
2. A written housekeeping plan for each housing unit and department.
3. Annual inspections by outside auditors.
4. An evaluation of the water supply to ensure compliance with jurisdictional laws and regulations. This evaluation should cover solid waste disposal practices and sewage disposal.

05-21
05Sept7



(Exhibit)

ADMINISTRATIVE REGULATIONS

STATE OF ARKANSAS

BOARD OF CORRECTIONS

Section Number:
DOC 407
DCP 4.8

Page Number:
1 of 2

Board Approval Date:

5/19/88

Supersedes:
DOC 407
DCP 4.8 Emerg

Dated:
6/21/88
1/19/94

Reference:

Effective Date:
3/10/94

SUBJECT: Safety and Sanitation

I. AUTHORITY:

The Board of Correction and Community Punishment is vested with the authority to promulgate Administrative Regulations by Act 50 of 1968, Extraordinary Session, as amended; Acts 548 and 549 of 1993, Regular Session (Ark. Code Ann. Ss 16-93-1203 and 12-27-105 of 1993).

II. PURPOSE:

To provide the Department with a procedure for safety and sanitation.

III. APPLICABILITY:

To all employees and offenders responsible for maintaining safety and sanitation procedures at the facility.

IV. POLICY:

To ensure that safety and sanitation programs are well planned, aggressively pursued and continually supervised.

V. PROCEDURES:

Promoting facility safety and sanitation is the responsibility of every offender and employee.

A. The Assistant Warden/Assistant Center Supervisor or equivalent assigned designee in charge of Operations at each facility will be designated as the Safety and Sanitation Officer. He/She is responsible for the planning, implementing and supervising specific safety and sanitation policies and procedures. Safety and Sanitation officer will:

1. Develop specific safety and sanitation plans for each area of the facility. Specific procedures will be developed for each area of the facility, with recommendations made by supervisors and department heads of the work areas within the facility.

2. Ensure that post orders and job descriptions for area and line supervisors include their responsibility for compliance with safety and sanitation policies developed for their duty area.
 3. Develop formal inspection reports for area and line supervisors to submit to the Safety and Sanitation Officer on their area's compliance with safety and sanitation policies and procedures.
 4. Inspect all areas of the facility, on a non-scheduled, rotating basis at least monthly. Written reports on his/her findings, including suggestions for safety and sanitation policy changes or equipment requirements will be submitted to the Unit Warden/Center Supervisor.
 5. Provide training and guidance to area supervisors and individuals in implementation of safety and sanitation policies and procedures, inspections and use of safety equipment.
 6. Ensure that adequate heat and ventilation suitable to the season are provided.
 7. Provide a program using departmental and/or outside sources for pest and rodent control.
- B. Administrative staff will inspect the sanitation of living quarters, segregation units, isolation and food service areas weekly. Administrative staff will submit a report of his/her findings to the Safety and Sanitation Officer.
- C. An area supervisor's failure to ensure that safety and sanitation policies and procedures are implemented and enforced in his/her area of responsibility is grounds for disciplinary action.

VI. A.C.A. STANDARDS:

3-4310; 3-4313; 3-4314

AR 407

Print of (Exhibit)



ADMINISTRATIVE REGULATIONS

STATE OF ARKANSAS

**BOARD OF CORRECTION AND
COMMUNITY PUNISHMENT**

Section Number:
DCP 4.8
DOC 407

Page Number:
1 of 3

Board Approval Date:

2/17/94

Supersedes:
DCP 4.8 EMERG.
DOC 407

Dated:
1/19/94
6/21/88

Reference:
D 92:10

Effective Date:
3/10/94

RECEIVED

SUBJECT: Safety and Sanitation

MAR 22 1994

**WARDEN
Varner Unit**

I. AUTHORITY:

The Board of Correction and Community Punishment is vested with the authority to promulgate Administrative Regulations by Act 50 of 1968, Extraordinary Session, as amended; Acts 548 and 549 of 1993, Regular Session (Ark. Code Ann. ss 16-93-1203 and 12-27-105 of 1993).

II. PURPOSE:

To provide the Department with a procedure for safety and sanitation.

III. APPLICABILITY:

To all employees and offenders responsible for maintaining safety and sanitation procedures at the facility.

IV. POLICY:

To ensure that safety and sanitation programs are well planned, aggressively pursued and continually supervised.

V. PROCEDURES:

Promoting facility safety and sanitation is the responsibility of every offender and employee.

A. The Assistant Warden/Assistant Center Supervisor or equivalent assigned designee in charge of Operations at each facility will be designated as the Safety and Sanitation Officer. He/She is responsible for the planning, implementing and supervising specific safety and sanitation policies and procedures. Safety and Sanitation Officer will:

1. Develop specific safety and sanitation plans for each area of the facility. Specific procedures will be developed for each area of the facility, with recommendations made by supervisors and



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department heads of the work areas within the facility.

- *2. Ensure that post orders and job descriptions for area and line supervisors include their responsibility for compliance with safety and sanitation policies developed for their duty area.
 - *3. Develop formal inspection reports for area and line supervisors to submit to the Safety and Sanitation Officer on their area's compliance with safety and sanitation policies and procedures.
 4. Inspect all areas of the facility, on a non-scheduled, rotating basis at least monthly. written reports on his/her findings, including suggestions for safety and sanitation policy changes or equipment requirements will be submitted to the Unit Warden/Center Supervisor.
 5. Provide training and guidance to area supervisors and individuals in implementation of safety and sanitation policies and procedures, inspections and use of safety equipment.
 - *6. Ensure that adequate heat and ventilation suitable to the season are provided.
 - *7. Provide a program using departmental and/or outside sources for pest and rodent control.
- * B. Administrative staff will inspect the sanitation of living quarters, segregation units, isolation and food service areas weekly. Administrative staff will submit a report of his/her findings to the Safety and Sanitation Officer.
- * C. An area supervisor's failure to ensure that safety and sanitation policies and procedures are implemented and



ADMINISTRATIVE REGULATIONS

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SUBJECT: ~~Safety and Sanitation~~

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for disciplinary action.

VI. A.C.A. STANDARDS:

3-4310; 3-4313; 3-4314

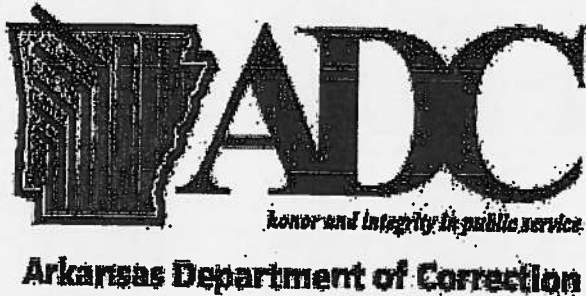
LEGAL FORM INDEX

Pet. to Correct an Illegal Sentence	800-12	Circuit Court Pleadings
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NOTE: DO NOT USE THIS SHEET AS AN ORDER FORM – IT WILL NOT BE PROCESSED.

USE THE ATTACHED LEGAL MATERIAL & ASSISTANCE FORM.

(Exhibit)



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Administrative Segregation

NUMBER: 11-42

SUPERSEDES: 10-26

APPLICABILITY: Director, Deputy/Assistant Directors, Warden/Center Supervisors, employees involved in segregation, and inmates

REFERENCE: AR836 - Segregation

PAGE 1 of 4

APPROVED: Original signed by Ray Hobbs, Director **EFFECTIVE DATE:** 6/10/2011

I. POLICY:

It is the policy of the Department of Correction to provide secure, safe housing to inmates who require a higher degree of physical control or who staff otherwise find necessary to remove from the general population of the facility.

II. EXPLANATION:

The Institutional Classification Committee or, in an emergency, the Warden/Center Supervisor or designee may place an inmate in administrative segregation if his/her continued presence in the general population poses a serious threat to life, property, self, staff, or other inmates. Also, inmates who threaten the security or orderly running of the institution may be segregated.

III. PROCEDURES:

A. Institutional Classification Committee Procedures

1. The inmate will be given a hearing before the Classification Committee.

2. The inmate will receive written notification of the hearing not less than twenty-four (24) hours prior to the hearing.
3. The inmate will be allowed to appear before the committee, to make any statement desired, and to present documentary evidence including witness statements.
4. The determination as to whether an inmate will be placed in administrative segregation will be made by a majority vote of the committee.
5. The inmate will be advised of the reasons of his/her administrative segregation in writing and a copy of the reasons will be maintained in the inmate's institutional file. All decisions may be subject to review and approval or disapproval by the Warden or his/her designee.
6. Any inmate who is potentially dangerous to himself/herself or others shall immediately be placed in administrative segregation and evaluated by the Mental Health Staff. Any inmate who exhibits chronic recalcitrant 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 administrative segregation status of the inmate.

B. Emergency Procedures

1. In an emergency situation, the Warden/Center Supervisor or highest ranking security officer on duty (shift supervisor) may transfer an inmate to administrative segregation.
2. Any inmate so transferred shall, within seventy-two (72) hours, have his/her status reviewed by the Assistant Warden/Chief Security Officer and a third party designated by the Warden or Assistant Warden. The reviewing body shall, after interviewing the inmate, either release him/her from the segregation area or retain him/her in the segregation area and refer the inmate to the next regularly scheduled meeting of the Classification Committee. The committee will then determine the segregation status of the inmate in accordance with the Classification Committee procedures listed above.

C. Controls and Privileges while in Administrative Segregation

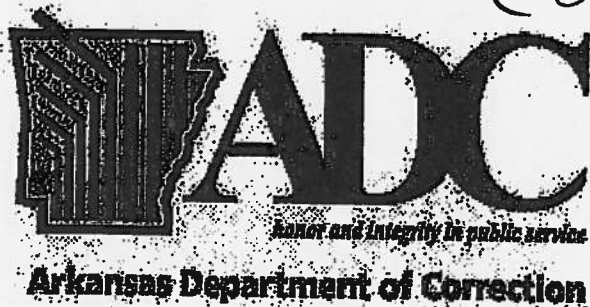
1. Housing in a separate area of the institution determined by the Warden.
2. Work duties within the limits of the inmate's medical classification.

3. Regularly scheduled meals - may be served in cells.
4. Television and/or radio privileges may be denied following minor disciplinary procedures.
5. Institutional activities as approved by the Warden.
6. Regular mail privileges.
7. Chaplains will visit the administrative segregation area regularly and upon request.
8. Visits may be in a separate visiting room and will be conducted in the presence of an officer.
9. The opportunity to shave and shower a minimum of three times per week. Barbering and hair care services should be available on the same basis as general population. Exceptions are permitted when found necessary by the senior officer on duty. All exceptions will be recorded in the log and justified in writing.
10. Male inmates will have the opportunity to shave three (3) times per week. Female inmates will have the opportunity to shave one (1) time per week. Shaving may be denied and barber clippers used as determined necessary by the Warden or designee.
11. Referrals to medical, dental or mental health services through sick call or for medical emergencies.
12. Opportunity for exercise, a minimum of one hour of exercise per day five (5) days per week, unless security or safety dictates otherwise. Opportunities to exercise outdoors, weather permitting. Reasons for the imposition of any constraints should be documented. Inmates who have out-of-cell work assignments are not required to receive the one-hour exercise period.
13. Permitted commissary orders - which will be delivered to the segregation unit.
14. Appropriate clothing is to be issued.
15. A reasonable amount of reading material and educational material approved by the Educational Department.

16. Bedding is to be changed weekly and weekly laundry services are to be provided.
17. Access to law materials upon request and in accordance with unit policy.
18. Access to attorney of record via legal mail and telephone.
19. Inmates leaving or entering the segregation unit must be thoroughly searched. They shall be escorted by two officers and under normal circumstances will be in restraints to and from their destination.

D. Review of Administrative Segregation Status

1. The Classification Committee or authorized staff must review the status of every inmate assigned to administrative segregation classification 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. At every other, of these 30-day reviews, the inmate will be personally interviewed by the Classification Committee or authorized staff. All reviews will be documented utilizing the appropriate segregation form.
2. The Mental Health Staff must review the status of every inmate assigned to the segregation classification for more than thirty (30) days utilizing the Segregation Review form, which will be reviewed by the unit psychologist. If confinement continues for an extended period, the Segregation Review form from mental health will be completed and reviewed by the unit psychologist at least every three (3) months.
3. No inmate shall remain in a segregation classification for more than one year unless he has been personally interviewed by the Warden at the end of one year and such action is approved by him. At the end of the second and each additional year that an inmate remains in a segregation classification, he must be personally interviewed by both the Warden and the Deputy/Assistant Director, who will then determine whether or not continuation in that status is necessary and/or appropriate.
4. The calculation and scheduling of an inmate's administrative segregation hearing will not change if that inmate transfers to another unit and remains on administrative segregation status.
5. If the inmate refuses to appear before any of the above-scheduled hearings, documentation will be maintained stipulating his refusal to appear.



(Exhibit)

AD-13-09 #8

Director's Office
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Pine Bluff, AR 71611-8707
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Fax: 870-267-6258
www.state.ar.us/doc

ADMINISTRATIVE DIRECTIVE

SUBJECT: Inmate Property Control

NUMBER: 13-09

SUPERSEDES: 09-07

APPLICABILITY: To all employees and inmates

REFERENCE: AR 841 - Inmate Property Control

Page 1 of 16

APPROVED: Original signed by Ray Hobbs

EFFECTIVE DATE: 05/19/2013

I. POLICY:

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

II. AUTHORITY:

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

III. DEFINITIONS:

- A. **Legal Materials:** Pleadings and resource documents such as case law, court rules, statutes, transcripts, notes or legal forms.
- B. **Inmate Personal Property:** All items of approved property belonging to an inmate. (Attachment #1 and Attachment #2).
- C. **Unit Property Control Officer:** A staff member, assigned by the Warden, who is responsible for the inventory and storage of inmate personal property.
- D. **Receiving Unit:** Initial intake unit or unit receiving an inmate upon transfer.
- E. **Transferring Unit:** Unit that is transferring an inmate to another unit.

- F. **Property Box:** A storage box provided by the department for inmate property.
- G. **Excessive Property:** Property possessed by an inmate over and above that permitted by this policy.
- H. **Unauthorized Property:** Property possessed by an inmate that is not permitted in any amount or constitutes a nuisance as defined in AR 841, and will be treated as contraband.
- I. **Contraband:** 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 items which are illegal, authorized property that has been altered, unauthorized property, property in excess of established unit/center limits, property in an inmate's possession in an unauthorized area, spoiled food items, property accumulated for the purpose of barter or trade, property obtained through trafficking and trading or for which no reasonable explanation is given for its origin, or banned by policies.
- J. **Issued property:** State owned property issued to an inmate upon entry or transfer to a unit or facility of the ADC.

IV. PROCEDURES

A. UNIT PROPERTY CONTROL OFFICERS DUTIES (UPCO):

1. Be responsible for the retention and issuance of approved items to inmates upon arrival at a unit.
2. Ensure all inmate property is free of contraband during each inventory.
3. Inscribe each inmate's personal property with the inmate's ADC number to the extent possible. Ensure all footwear is notched.
4. Determine and list all personal items taken from the inmate and provide for excess or unauthorized items to be disposed of as provided herein (see form F-841-5).
5. Ensure all books stored and/or transferred are not property of the unit library. Any books in the possession of an inmate at the time of transfer/release belonging to any unit within the ADC shall be returned to the unit library or the Agency Librarian.
6. Ensure all records identifying and pertaining to storage of inmate personal property are appropriately filed and maintained in the inmate's institutional file and the Inmate Personal Property Record (Form 841-1) is completed accurately and legibly.
7. Provide a system for identification and accounting of items issued by the unit to the inmate.
8. Be responsible for the secure storage of sealed inmate property storage container.
9. ~~Shall not permit inmates to inventory, document or store any other inmate's personal property.~~

10. Delegate responsibility to subordinates on a limited basis to ensure ordinary and prudent operations. However, delegation of responsibility will be made only to qualified personnel and then only with the agreement of the Warden.
11. Complete an inventory of all stored items in the event the UPCO is replaced. This will ensure the former UPCO is relieved of responsibility for the property and signifies the new UPCO's acceptance of responsibility.
12. Maintain up-to-date Form 841-1 forms for distribution as follows: White (Original) - Institutional File and Pink-Inmate copy
13. Retain confiscated property at the sending unit where it was confiscated.
14. Ensure that all completed property forms are scanned into eOMIS promptly upon completion. This shall serve as the UPCO's documentation for reference.

B. INTAKE INVENTORY OF INITIAL COMMITMENTS

1. Inventory of Personal Property, Issuance of State Property & Medication and Medical Devices
 - a. Upon commitment to the Department of Correction, each inmate must have all funds, if applicable, and personal property inventoried by the appropriate intake officer or the UPCO using Form 841-1. During this inventory, the UPCO or designee will determine what items are authorized for retention.
 - b. Each Unit receiving a newly assigned inmate must provide the inmate with the minimum clothing, bedding, and personal hygiene items required (Attachment #1).
 - c. New commitments will not be allowed to keep driver's license, social security card, other identification cards, valuable documents, or money on their person. Each of these items will be scanned and the originals kept in the institutional file. At the request of the unit, a birth certificate, driver's license, social security card, or similar item mailed to the unit for an inmate's institutional file shall be scanned and the originals kept in the institutional file. Any money possessed by a new commitment will be placed into the inmate's account.
 - d. A receipt will be prepared for any funds, which may include money orders, veterans, social security, dividend, and certified checks. The original of the receipt will accompany the money to the unit business office. Both the UPCO and the inmate will retain a copy of the receipt. The Unit Business Manager will transfer funds to the centralized banking system. Said funds are available regardless of unit assignment.
 - e. All Medications will be inventoried and delivered to the medical staff who will determine whether to continue the medications. Receipt of medications will be signed for by the officer and a medical staff member. If determined that the medication must be destroyed, the destruction will be conducted by the appropriate medical staff and performed in accordance with pharmaceutical and state health regulations.

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

C. EXCESSIVE AND UNAUTHORIZED PROPERTY AT INTAKE

1. Amounts allowed. Items listed on Attachment #1 and 2 and those approved items purchased from the commissary are considered the total possible number of personal property items appropriate for retention by an inmate.
2. An inmate may possess personal property, both non-expendable and expendable, not exceeding an aggregate total of Two Hundred Dollars and no/cents (\$200.00).
3. Any inmate found to possess unauthorized/excessive items must within fourteen (14) days beginning with the date of arrival at ADC; choose from one of the following options:
 - (a) Mail the items at the inmate's expense to a party of the inmate's choosing.
 - (b) Destruction, if authorized by the inmate completing and signing the destruction section of Form F-841-5 and destruction is witnessed by the UPCO and another staff member; or
 - (c) Pick-up by a party of the inmate's choosing from the unit where it was confiscated if the inmate has been transferred from that unit. Pick up must occur within thirty (30) days from the date the inmate chooses this option to have the item picked up. Confiscated property will not be transferred with the inmate or to another more convenient location for pick-up. Any person authorized by an inmate to receive excess personal property will sign the appropriate section of the F-841-5 form.
4. Items not disposed of as provided in (3) (a), (b), or (c) will be destroyed.

D. TRANSFERS AND SUBSEQUENT INVENTORIES

1. Whether the transfer is temporary or permanent, both sending and receiving units shall inventory all property and clothing on a Form F-841-1 at all sending and receiving institutions, 48 hour on and 48 hour off relief, and segregation. The Form F-841-1 shall be signed by the UPCO or designee with his/her name printed, signed and AASIS number thereon or a designee and by the inmate with ADC# written. If the inmate refuses to sign the inventory or is incapable of signing due to emergency or behavior, a second officer will sign in the presence of the inmate. It will be the inmate's responsibility to maintain the pink copy of the current property inventory form at all times in the process.
2. Upon completion of the form, give the inmate the pink copy and place the white original in the bag with the property. The original must be scanned into eOMIS before being placed into the property bag. The bag will be sealed with notations on the seal of the date, name, and ADC # of the inmate. Upon arrival at the new location or upon return to the inmate, as feasibly as is possible, the inmate, if he/she desires to have his copy completed, will hand the pink copy to the UPCO and inventory completed. The completed pink copy will be returned to the inmate. When the receiving/returning unit completes the inventory, the Form F-841-1 shall be signed by the UPCO with his/her name printed, signed and AASIS number thereon or a designee and by the inmate with

3. ADC# written. If the inmate refuses or is unavailable to sign the inventory, a second officer will sign in the presence of the inmate.
4. The completed white original will be forwarded to the records office to be placed in the inmate's institutional file and the inmate will keep the pink copy. Property inventory shall be immediately scanned into eOMIS.

E. EXCESSIVE PROPERTY AND CONTRABAND AFTER INTAKE

1. Any property found in the possession of an inmate, which is not listed on either Form 841-1 or 841-3 or approved for purchase from the commissary will be deemed contraband.
2. Form 401 must be completed to identify all property taken from the inmate as either excess/contraband or disciplinary/criminal evidence. After completion the form must be immediately scanned into eOMIS. The form must include at least the Inmate name, ADC Number, date of receipt, a description of the property item(s) in sufficient detail for easy identification; the reason the property was taken from the inmate; disposition of the items; and the confiscating officer and inmate will co-sign the form. If the inmate refuses to sign the form, it will be signed by a second officer in the presence of the inmate.
3. Hold property until proceedings complete. Confiscated items to be used for disciplinary, grievance or judicial proceedings will be secured until proceedings are completed. Photograph all items if necessary, attach to the Property Confiscation Form, Form F-401 and document all actions relative to these items on Form F-401.
4. Unauthorized property shall be disposed of as follows:
 - (a) Mail the items at the inmate's expense to a party of the inmate's choosing. No lien will be placed on the inmate's account for postage to mail unauthorized property.
 - (b) Destruction, if authorized by the inmate completing and signing the destruction section of Form F-841-5 and destruction is witnessed by the UPCO and another staff member; or
 - (c) Pick-up by a party of the inmate's choosing during visitation or from the unit where it was confiscated if the inmate has been transferred from that unit. Confiscated property will not be transferred with the inmate or to another more convenient location for pick-up. Any person authorized by an inmate to receive excess personal property will sign the appropriate section of the F-841-5 form.
5. A disciplinary may be written on all confiscated property as unauthorized excessive or contraband.
6. Excess property of that which is allowed in Attachments #1 and #2 is treated as contraband and shall be destroyed as provided herein. However, if an inmate voluntarily produces any excess property before the start of a pat down, shake down, transfer, inspection, or other method designed to account for inmate property, the inmate will be allowed to dispose of such property as follows:

- (a) Mail the items at the inmate's expense to a party of the inmate's choosing. The inmate's account must be sufficient to cover the cost of postage.
- (b) Destruction, if authorized by the inmate completing and signing the destruction section of Form F-841-5, which must be immediately scanned into eOMIS upon completion, and destruction is witnessed; or
- (c) Pick-up by a party of the inmate's choosing from the unit where it was confiscated. Confiscated property will not be transferred with the inmate or to another more convenient location for pick-up. Any person authorized by an inmate to receive excess personal property will sign the appropriate section of the F-841-5 form.

- 7. The inmate can be instructed to produce the Form F-841-1 form in the event of a search.
- 8. Weapons and drugs confiscated and not used as evidence in disciplinary or judicial proceedings will be disposed of pursuant to instructions from Internal Affairs.
- 9. Wireless telephone devices that are confiscated may be donated to a non-profit or other outside agency in lieu of destruction at the discretion of the Director. No mobile or wireless telephone device will be donated without first obtaining written approval from Internal Affairs to insure the preservation of evidence to any charges pending.
- 10. Medical devices, including, but not limited to eyeglasses, prostheses, canes, knee or other braces, which are confiscated upon no proof of medical script or medical necessity shall be returned to the medical department of the unit from which it was confiscated.

F. ADDITIONS AND CHANGES TO PERSONAL PROPERTY INVENTORY

- 1. The only means by which an inmate can acquire personal property/expendable items is by one of the following:
 - a. purchases from a unit commissary,
 - b. medical items issued by health service administrators, and
 - c. authorized vendors of publications, religious, and work craft items.
- 2. Issuing staff must complete a Property Addition Form 841-3, which must be scanned into eOMIS upon completion immediately.
- 3. Any property found in the possession of an inmate, which is not listed on either Form F-841-1 or Form F-841-3 will be considered contraband and dealt with accordingly.
- 4. The deletion of an item(s) from an inmate's personal property form must be made by the UPCO or designee.
- 5. The distribution of F-841-1 forms associated with this document will be as follows: White (Original) -Institutional File and Pink-Inmate copy.

~~G. SPECIAL ITEMS OF PERSONAL PROPERTY~~

1. ADC is not responsible for sentimental value of any item.
2. **Watch, Ring, & Religious Medal:** An inmate may have one watch, one ring, and one religious medal or emblem. These items shall not have a value over \$50 each and liability for loss of said item is limited to that amount. (an exception may be made for the wedding band with a signed waiver of liability by the inmate, F-841-4 which must be scanned into eOMIS after completion) any jewelry, which is deemed unauthorized during initial commitment will be disposed of as outlined in V.B.(3) .
3. **Religious medal or emblem:** must suspended from the ID card chain and worn inside the uniform shirt and is not to be any larger than 1 and 1/2 inches in length or width and no thicker than 1/8 of an inch. A committee consisting of the UPCO, a ranking Correctional Officer and the Unit Chaplain must approve any questionable medal or emblem. Any religious medal or emblem will be mailed directly from a commercial source with a copy of the invoice included. Any religious medal or emblem, which is deemed unauthorized during initial commitment, will be disposed of as outlined in V.B. (3).
4. **Personal photographs:** Inmates are limited to five (5) personal photographs. A personal photograph is defined as a photograph intended for individual viewing, as opposed to a commercially produced photograph that is published and sold to the public. Photographs can be no larger than 8 ½" x 11" in size. Such photographs may contain either single or multiple digital images/pictures on one (1) side of the page only. When digital images/pictures are cut from an 8 ½" x 11" sheet, it they will no longer be considered as one. Each digital image/picture cut from that sheet will be counted as one of the five authorized photographs. Digital images and photocopies are considered the same. Prohibited photos are photos which contain (1) Nude or sexually suggestive photographs, or (2) contain subject matter that is disruptive in nature or would threaten security or the good order of the institution. Liability for loss of a photograph is limited to \$2.50 per photograph or per 8 ½" x 11" size pages regardless of number of photos contained on any one page. Inmates are advised not to retain sole copies of important or sentimental family photographs due to the possibility of damage or loss.
5. **Legal Materials – for example, mail, transcripts, research, pleadings:** An inmate may retain legal materials, which provided the quantity of those materials can be stored in his/her assigned property box.
 - (a) The inmate is responsible for the disposal of those materials as outlined in V.B. (3). Inmates may access stored legal materials by utilizing the inmate request system.
 - (b) At the time of transfer, the inmate must notify the UPCO that he or she has legal materials belonging to another inmate and turn those materials or work over to the UPCO. Any inmate transferring with legal materials or work belonging to another inmate is subject to disciplinary action.
 - (c) The inmate is responsible for notifying the UPCO if they possess a trial transcript, or if one is received by the inmate by mail or delivery for addition to his/her personal inventory. The only information required is the date of the deposition, case number, and the name of the person deposed.
6. **Work Craft Materials – work craft or hobby craft materials** are governed by the appropriate administrative directive and all inmates participating in the work craft program must meet the criteria for the unit to which they are assigned. Materials will be transferred with the inmate to

the new unit. If the inmate does not qualify for work craft or hobby craft or the new unit does not have a work craft or hobby craft program, the materials will be disposed of as per the work craft or hobby craft policy. Liability for tools and materials is limited to a cumulative of \$200.00 including all other items of personal property.

H. DISPOSITION OF PERSONAL PROPERTY IN THE EVENT OF INMATE DEATH

1. Immediately upon the inmate's death, the UPCO will inventory the inmate's property using Form F-841-2, which must be immediately scanned into eOMIS upon completion and place property in a property storage bag. The inmate's funds will be retained in his/her inmate banking account.
2. The individual previously designated by the inmate to receive his/her personal property and/or funds will be notified, and the property given to them. (See form F-841-2).
3. In the event that personal property or funds are not designated, it may only be released to:
 - a. A person possessing a filed stamped Affidavit for Collection of Small Estate,
 - b. A person possessing Letters of Administration or Letters of Testamentary, or
 - c. The Public Administrator.
4. The individual to whom personal property or funds are released will be required to sign a detailed receipt; Form 841-2 then will be placed in the deceased inmate's file.
5. In the event that personal property is not claimed, it will be held for a period of one (1) year from the inmate's death. After such time, it will be destroyed or donated to the state. Destruction must be approved by the Warden, witnessed by the UPCO and one other employee selected by the Warden, and properly documented.
6. In the event that funds are not claimed, disposition will be in accordance with procedures issued by the Administrative Services Division.
7. Designated family members will be notified when the personal property of a deceased inmate is received from the medical examiner's office and may be picked up from the inmate's last assigned unit.

I. RELEASE FROM CUSTODY

All stored property, will be returned to the inmate at the time of release from custody. At time of release all monies on an inmate's account will be processed according to ADC Administrative Regulations. Legal materials left by an inmate up on his or her release from custody will be destroyed.

J. LIABILITY FOR LOST, DAMAGED, OR DESTROYED PERSONAL PROPERTY

1. Items of personal property, including watch, ring, religious medal or emblem, legal materials, photographs, and work craft tools and materials, for which liability is found against the ADC for lost or damaged property or the ADC determines before litigation that it is liable for such loss to an inmate will be replaced with the same type or similar item up to \$200.00 total.
2. Money shall not be placed on the books of an inmate if it is possible to replace a lost or damaged item with the same type or similar type of item.

3. Inmates who fail to produce a commissary receipt for 'food items' will not be entitled to a replacement or reimbursement. Food items will be replaced (if satisfactorily proven) with a like item or as reasonable a replacement as possible.
4. In the event that personal photographs are lost, damaged, or destroyed, the ADC will be responsible for only five (5) photographs. Liability is limited to \$2.50 each or a maximum of \$12.50.
5. An inmate assumes the risk of loss of food items placed in storage and subsequently destroyed as a result of vermin. It is impossible for the ADC to protect against unforeseeable risk and therefore, ADC assumes no liability for losses of this type.

V. **STANDARDS:**

American Correctional Association - Standards for Adult Correctional Institutions

VI. **ATTACHMENTS:**

F-841-1 Inmate Personal Property Inventory Record
F-841-3 Property Addition Form
F-841-4 Waiver of Liability
F-841-5 Disposition of Inmate Property
F-401 Confiscation Form

Attachment # 1 Minimum State Issued Requirements

Attachment # 2 Non-State Issued Property Authorized for Inmate Possession

VII. **REFERENCES:**

AR 841 Inmate Property Control
AR 005 Reporting of Incidents
AR 109 Funds of Offenders
AD Punitive Segregation/Restriction AD Release Process
AD 11-60 Inmate Correspondence
AD 08-06 Searches of Staff and Control of Contraband
AD 11-39 Work Craft Program

SCAN INTO EOMIS UPON COMPLETION

F-401

STATE OF ARKANSAS - DEPARTMENT OF CORRECTION

CONFISCATED FORM - AREA OR PERSON

Check One) _____ Inmate _____ Visitor _____ Staff _____ Area

Jnit: _____ Building or Area: _____ Barracks _____ Cell _____

Date and Time of Search: _____ / _____ / _____ : pm: am

Officer(s) Conducting Search: (Print) _____

Officer(s) Conducting Search: (Signature) _____

Inmate Name: _____ ADC #: _____

Articles Seized (description and number of items):

Number	Description

Reason Seized: _____ Voluntarily Produced Excess Property _____ Contraband _____ Disciplinary/Criminal Evidence

Other _____

Inmate Signature: _____ () Refused to Sign

Area/Shift/Supervisor: (Signature) _____

Disposition of Contraband: _____

Copy Delivered to Inmate: Date: _____ Time: _____

Delivered By: (Signature) _____

Disciplinary Written: () No () Yes By: _____

Voluntarily Produced Excess articles only may be mailed to: _____

Inmate authorizes deduction of postage from pen store account for voluntarily produced excess property only: () No () Yes Inmate Signature: _____

To be completed by UPCO

Destruction Date: _____ / _____ / _____

UPCO: (Signature) _____ Witnessing Staff: (Signature) _____

SCAN INTO EOMIS UPON COMPLETION

F-841-3

ARKANSAS DEPARTMENT OF CORRECTION
PROPERTY ADDITION FORM

Date: _____ Unit: _____

Inmate's Name: _____ Printed _____ ADC#: _____

Issuing Department: _____ Date Issued: _____

Please indicate below the appropriate item to be added to an inmate's personal property file. It is important to submit a detailed description of any item(s) that are added, i.e., number of items, brand, color, size, etc.

- | | | |
|---------------|---------------------------|-------------------|
| _____ Radio | _____ Watch | _____ Ring |
| _____ Earbuds | _____ Combination Lock | _____ Sweat Shirt |
| _____ Shoes | _____ Religious Medallion | _____ Sweat Pants |

Other: _____

Detail description of item: _____

Name & Signature of issuing staff: _____ AASIS#: _____

Signature of Inmate: _____ Date: _____ ADC#: _____

This form is to be completed in the event of an addition to an inmate's personal property.

Original - Institutional file Pink Copy - Inmate Scanned copy - UPCO

SCAN INTO EOMIS UPON COMPLETION

WAIVER OF LIABILITY

F-841-4

I, Inmate _____, ADC # _____,
(Print Name)

acknowledge that there is a \$50 limit per item and a \$200 limit on the total value of personal property I am permitted to possess, to include work craft tools and materials. I further acknowledge that the value of my ring or other item may exceed the \$50 limit; however, in exchange for maintaining possession of my ring or other item over \$50, I relieve the ADC of any liability regarding claims exceeding the \$50 value limitation or \$200.00 limitation for the total value of the personal property inmates are permitted to possess.

Inmate's Signature

Date

Witnessed by (Employee)

Date

Original - Institutional file Pink Copy - Inmate Scanned copy - UPCO

F-841-4

Revised

SCAN INTO EOMIS UPON COMPLETION

F-841-5

Arkansas Department of Correction
PROPERTY DISPOSAL FORM

Unit/Center _____ Date _____

This is to advise you the following item(s) will not be allowed to be in your possession or stored while at this unit/center. (Give complete description and quantity of items).

_____ Check here if additional space is needed. Each additional sheet must be signed and dated.

I am aware of the disposition options for my stored property. If after 30 days, I have not exercised one of these options my property will be destroyed in accordance with policy. By CIRCLING OPTION 1, 2, OR 3 & COMPLETING THE INFORMATION, I, Inmate _____, ADC# _____, authorize the disposition of my excess, unauthorized property confiscated at intake or my voluntarily produced excess property in the following manner:

#1: BY MAIL

Name _____ Street Address _____ City _____ State _____ Zip _____
Check if you are requesting: _____ First Class Mail _____ Parcel Post Mail _____ Insured Mail

I authorize the deduction of the cost of postage from my inmate account to cover the expense of mailing. I must have sufficient money on my account to use this option.

Item(s) Mailed By _____ On _____
Signature of Staff _____ Date _____

#2: BY PICK UP AT VISITATION

Name _____ Street Address _____ City _____ State _____

It is my responsibility to inform this person of the need to pick up this property within fourteen (14) days of the item. If the items are not picked up in 14 days, the item(s) will be disposed of by destruction.

#3: BY DESTRUCTION

Item(s) destroyed by _____ on _____
Print Staff Name _____ Date _____

by _____
Signature of Destruction Official & Date _____ Signature of Staff Witness & Date _____

ALTERNATE DISPOSAL

The method of disposition listed above was not accomplished within the specified time frame, or the items confiscated are unauthorized, excessive or altered and the item(s) were destroyed.

Signature of UPCO & Date _____ Signature Staff Witness & Date _____

MINIMUM STATE ISSUED REQUIREMENTS

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

Male Clothing Provided

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

Hygiene Items Provided

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

Female Clothing Provided

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

Hygiene Items Provided

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

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

- | | |
|------------|---------------|
| 1 mattress | 1 blanket |
| 1 pillow | 1 laundry bag |
| 2 sheets | |

Revised

ATTACHMENT 2

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

CLOTHING

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

PERSONAL HYGIENE ITEMS

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

** Includes some items issued by state

NOTE: No pressurized cans of flammable materials are allowed.

MEDICAL ITEMS

Issued as prescribed and with medical approval:

- 1 Pair eyeglasses/contact lenses
- 1 Pair dentures
- Prosthetic
- Body support devices

LEGAL MATERIAL

Papers and documents of a legal nature may be retained by the inmate in a reasonable quantity. A reasonable quantity of legal papers and documents may be retained by an inmate with his/her assigned storage box provided by the unit.


MISCELLANEOUS

- 1 Radio, battery operated
- 1 Set headphones and/or earphones
- 1 Watch (wrist/pocket) - \$50 maximum value
- 1 Ring - \$50 maximum value
- 1 Religious medal (not to exceed 1 1/2" in length or width and no thicker than 1/8")
- Religious articles (as approved)
- Personal Papers and letters
- 10 Envelopes
- 4 Batteries (AA or AAA only)
- 5 Photographs
- Any 3 newspapers in Inmate's name
- Any 3 issues of each magazine subscription in Inmate's name
- 10 Books (includes religious, textbooks & pleasure), subject to weight and size restrictions
- Work Craft Item(s)

OTHER

(Exhibit)

#7

 <p>ARKANSAS DEPARTMENT OF CORRECTION EAST ARKANSAS REGIONAL UNIT</p> <p>POLICY AND PROCEDURE</p>	NUMBER: 1.14.0		PAGE NUMBER: 1 OF 4		
	SUPERCEDES		ISSUING EMPLOYEE: WARDEN		
	DATE: 03-01-04				
CHAPTER: Administration, Organization, and Management		SUBJECT: UNIT MANAGEMENT OVERVIEW AND OBJECTIVES			
Revised on These Dates					
Reviewed on These Dates	9/30/05	3/16/06			

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 the procedures, guidelines, and organizational responsibilities for a system of Unit Management:

III. APPLICABILITY

To all employees and especially those involved in the direct operation of a designated Unit.

IV. DEFINITIONS

As used in this document, the following definitions apply:

A. Unit A Unit is a self-contained living area, generally housing not more than 300 inmates that include both housing for inmates and office space for unit staff. Institutional compliance and design issues will guide construction and renovation activity intended to facilitate the unit management concept in accordance with Administrative Directive 94-24 entitled "Unit Management."

B. Unit Team A unit Team" made up of the employees who work in the unit and is directly responsible for the inmates living in that unit. Other representatives of various institutional programs and services may sit as ad hoc team members. Unit staff offices are located in the unit where feasible, to facilitate staff and inmate accessibility to one another. Unit staff in the institution ordinarily includes:

1. Unit Manager
2. Case Managers
3. Unit Counselors
4. Unit Secretary

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5. Unit Correctional Officers as assigned by the Shift Roster

POLICY AND PROCEDURES	POLICY NO: 1.14.0	PAGE NUMBER: 2 OF 4
SUBJECT: UNIT MANAGEMENT OVERVIEW AND OBJECTIVES	SUPERCEDES:	EFFECTIVE DATE:

V. POLICY

It is the policy of the East Arkansas Regional Unit to use a functional Unit Management system in its institution, which decentralizes authority to the greatest practical extent. Thereby, more effectively delivering programs and staff services to inmates, and overseeing more effectively the operation of the housing areas of the institution. To the extent that resources permit, the East Arkansas Regional is organized under a system of unit management that facilitates staff/inmate contacts to the greatest degree practical.

VI. PROCEDURES

A. Team Responsibilities



Inmates are assigned to a specific unit team when they receive their housing assignment. Team members are available to assist in many areas, including program planning, classification questions, parole matters, release planning, personal and family problems, and counseling. Unit team members will schedule their working hours so that one of them will be available at times when inmates are not working or in programs. Ordinarily, unit team coverage will be provided weekdays during normal business hours, in the evening, and on weekends and holidays, as unit or facility needs dictate.

1. Unit Manager

The unit manager is in charge of the unit and oversees all unit programs and activities is a member of the senior facility staff and maintains a close working relationship with other departments; chairs the unit team meetings/classification and reviews all team decisions, ensures quality assurance of inmate records, classification, and inmate transfer eligibility; in addition oversees sanitation, maintenance of the unit, reviews offender eligibility roster, and other on-unit programs. Unit managers will conduct audits as outlined in Section V. of this procedure.

* 2. Case Manager

The case manager is responsible for all casework and many social services functions, prepares classification actions, and ensures consistent reviews of inmates as their security and/or level assignment changes. In accordance with Administrative Directive 94-24 entitled "Unit Management" and Administrative Regulation 1301, Transfer Eligibility to Community Punishment," the case manager develops a list of inmate eligibility and programs, assists inmates with release plans, and processes inmate related correspondence and other materials relating to the inmate's commitment. The case manager serves as the primary contact point between the inmate, the administration, and the community.

POLICY AND PROCEDURES	POLICY NO: 1.14.0	PAGE NUMBER: 3 OF 4
SUBJECT: UNIT MANAGEMENT OVERVIEW AND OBJECTIVES	SUPERCEDES:	EFFECTIVE DATE:

✱ 3. Unit Counselor

Unit counselors provide social services such as counseling and guidance for the inmates assigned to the unit in areas of institutional conduct, personal difficulties, social skill development, personal hygiene, sanitation, interpersonal communications, and planning for the future. Counselors will visit inmates in their work and program assignments regularly and are the first resource for inmates in resolving daily problems, as well as for crisis counseling. Counselors may be responsible for sanitation of the unit, assist with classification, security, and other duties in the unit as directed by the unit manager.

4. Unit Secretary

The unit secretary performs clerical and administrative duties. The unit secretary also assists other unit staff in the operations of the unit.

5. Unit Officers

Housing unit officers have direct responsibility for the day-to-day supervision of inmates and the enforcement of rules and regulations. They have safety, security, and sanitation responsibilities in the unit. Unit officers are in regular contact, visual and auditory, with inmates in the units and are encouraged to establish professional relationships with them, as long as the interaction does not interfere with their primary security duties. The unit manager or the shift supervisor, in accordance with the master roster, normally supervises officers, and the unit manager or shift supervisor will authorize any assignments away from the unit.

B. Communications

The primary means of communication in the unit management system is personal contacts between staff and inmates. Unit staff will maintain bulletin boards or Inmate Information Notebooks with written information of interest to inmates. Information on bulletin boards or the Inmate Information Notebook will include, but will not be limited to disciplinary procedures, unit rules, property matrix, grievance procedures, correspondence mail procedures, inmate rights and responsibilities, and fire evacuation plans. Unit managers may utilize town hall, staff, and other group and individual meetings at their discretion to improve communications in the unit. Reports may also be prepared on a regular basis for the Warden or others, which summarizes unit operations. A unit plan may be developed to define the mission and goals of the unit, describe programs available, define responsibilities for staff and inmates, and provide for a method of evaluating the operations of the unit. Annual evaluations

will include a review of inmate needs to ensure that programs and services are available to address such needs.

POLICY AND PROCEDURES	POLICY NO: 1.14.0	PAGE NUMBER: 4 OF 4
SUBJECT: UNIT MANAGEMENT OVERVIEW AND OBJECTIVES	SUPERCEDES:	EFFECTIVE DATE:

C. Team Reviews

The team for initial classification of inmates will normally hold reviews of inmates' cases after all orientation and testing is complete. Reviews will be held to adjust level assignments in accordance with work, programs, housing assignments, transfers and custody reduction requests. The unit manager or designee will post a list of prospective scheduled inmate initial classification and adjustment reviews at least 48 hours prior to the review. Inmates will be provided with a written advisement of each team action.

D. Facility/Unit Audits

1. Audit Responsibilities

Unit managers/case managers will audit 10 files monthly, divided equitably between their case manager's caseload utilizing the "Classification/Case Management Audit Form" (Attachment A). The audit will include at a minimum, an accurate and timely custody assessment, offender eligibility for lower security, program participation, level assignment, chronological entries, and other case management requirements. The unit manager/case manager will randomly select case files. The case manager will audit 1% of the facility's inmate population. Files audited will not be the same as those audited by the unit managers.

2. Completions and Distribution

A. Unit managers/case managers will complete audits of the case manager's caseload utilizing Attachment A.

B. Completed audit forms will then be sent to the Assistant Warden by the 25th of the month.

***E. APPEALS**

An inmate may appeal a decision of the Unit Team to the appropriate Warden in accordance with the "Offender Grievance Process."

REFERENCES: AR 001
 A D 94-24
 ACA Standards (4-4015,4-4106, 4- 4-4123, 4-4125, 4-4126, 4-4127, 4-4177, 4-4180, 4-4434, 4-4435)

JUL 18 2013

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RECEIVED

TROY RODDY (ADC #103051)

CLAIMANT

V.

NO. 14-0016-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

ANSWER


COMES NOW the Respondent, Arkansas Department of Correction, and for its Answer, states and alleges as follows:

1. Respondent denies liability in this claim and asserts it will hold the Claimant to strict proof on each allegation unless admitted by Respondent. Respondent reserves the right to plead further upon completion of the investigation by internal affairs and requests the matter be held in abeyance until the investigation is complete.
2. The applicable account information required by the Commission is:

a. Agency number: 0480	b. Cost Center: HCA0100
c. Internal Order: 340301	d. Fund Center: 509

WHEREFORE, for the reasons cited above the Respondent prays that the claim be dismissed with prejudice and that Claimant take nothing, or in the alternative that the matter be held in abeyance until completion of the investigation by internal affairs.

Respectfully submitted,
Department of Correction Office of Counsel


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

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 16 day of July, 2013, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

TROY RODDY (ADC #103051)
EAMU
P. O. BOX 180
BRICKEYS, AR 72320-0180


 LISA MILLS WILKINS Ark. Bar #87190

AUG 09 2013

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RECEIVED

TROY RODDY (ADC #103051)

CLAIMANT

V.

NO. 14-0016-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

MOTION TO DISMISS

1. Claimant has filed an action seeking \$2,500.00 alleging that on Sunday, January 6, 2013, his legal papers were destroyed by water flooding his cell. Claimant has failed to state a cause of action for this claim under ARCP Rule 12(b)(6).
2. Claimant admits that the flooding was caused by inmates on the upper tiers continuously flushing their toilets causing the toilets to back up and overflow into about 3 of the cells on the first floor. It was not due to the negligence of the Respondent.
3. Claimant admits that his legal papers were on the floor and that he was wearing earplugs and did not hear other inmates yelling for him to get them off the floor until it was too late. Claimant is provided a property box to store his materials and if not there, he could have utilized his bed or his desk, but instead he chose to place them on the floor where he took the risk that they could be damaged by water.
4. Claimant served at least 4 months in punitive isolation in 2012 and at least 6 months in punitive isolation in 2010 at EAMU and is aware that inmates flushing the cells can cause the toilets to back up and often do.
5. Claimant alleges that maintenance did not respond until 8:18 p.m. Claimant is incorrect. The barracks security check log will show that the Inmate Maintenance plumbers arrived at 7:28 p.m. to unstop the plumbing and left at 8:14 p.m. after having successfully completed the job. Freeworld plumbers were not working on the weekend and were not called out according to the maintenance records as it was repaired by the inmate plumbers.
6. The barracks porter arrived at 8:15 p.m. to begin the cleanup and was still cleaning up at the next security log entry at 9:34 p.m. He left later and returned at 4:28 a.m. to continue cleanup in Max 7.
7. Claimant's papers were photographed as evidenced by the Exhibit "A." He is still in possession of these papers and is using them.
8. Respondent did nothing to cause the toilets to overflow and quickly repaired the plumbing and facilitated the cleanup.
9. Respondent moves that the commission dismiss this claim. A motion to dismiss is proper when there are no facts upon which relief can be granted. ARCP 12(B)(6). Claimant can show no facts upon which he is entitled to relief and therefore this claim should be dismissed.

Respectfully submitted,
Department of Correction Office of Counsel

Lisa Mills Wilkins

LISA MILLS WILKINS Ark. Bar #87190

Attorney Supervisor

Post Office Box 8707

Pine Bluff, AR 71611

(870)267-6844 Office

(870)267-6373 Facsimile

CERTIFICATE OF SERVICE

I certify that a copy of MOTION TO DISMISS has been served this 8 day of August, 2013, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

TROY RODDY (ADC #103051)

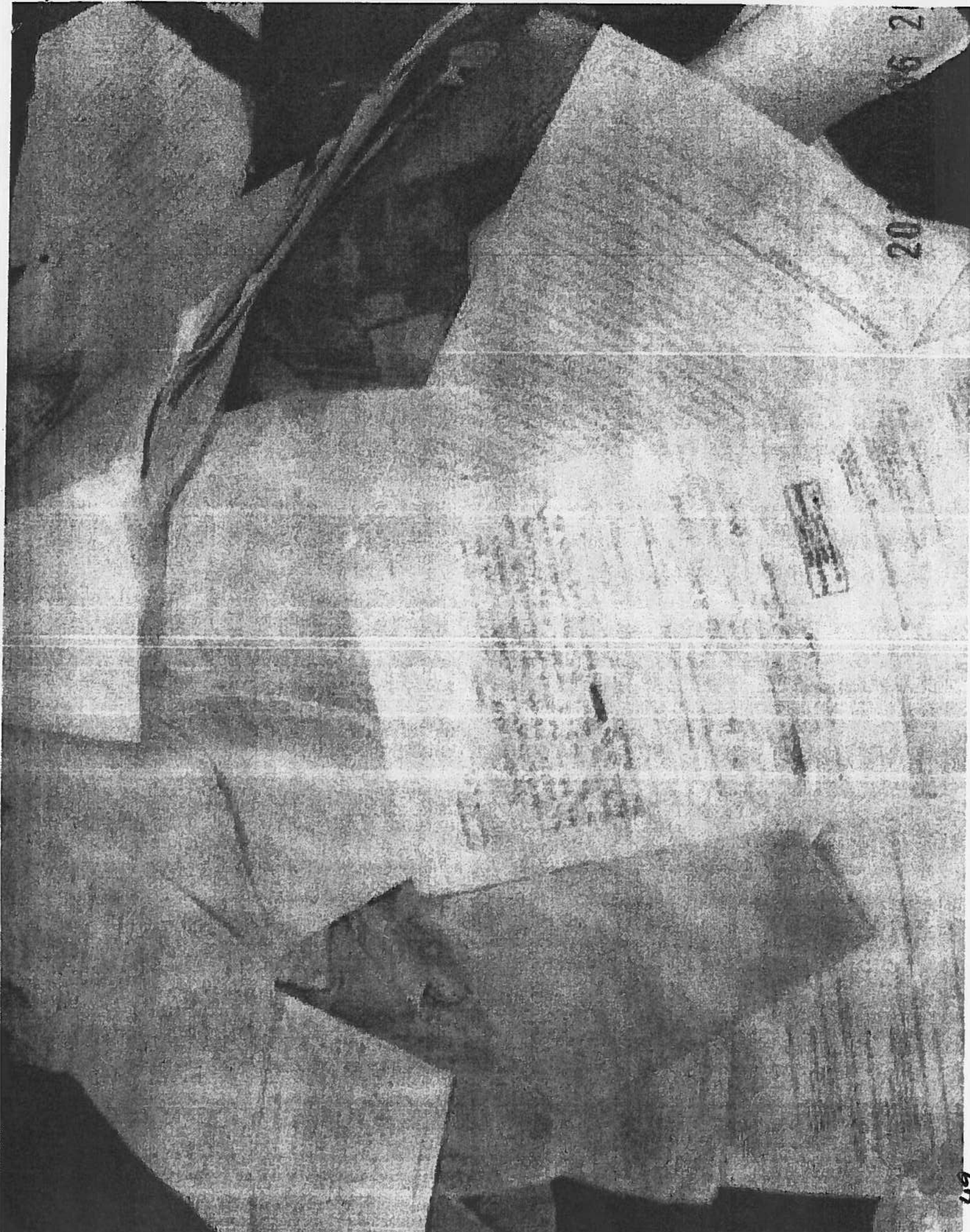
EAMU

P. O. BOX 180

BRICKEYS, AR 72320-0180

Lisa Mills Wilkins

LISA MILLS WILKINS Ark. Bar #87190



2016.21

COUNTY, ARKANSAS

IN THE CIRCUIT COURT OF

DIVISION

Troy Ruddy # 13057

vs. [illegible]

01/06 2

Before The ARKANSAS STATE claims Commission

Troy Roddy #103051
vs.

CASE NO. 14-0016-CC

CLAIMANT

ARKANSAS Department of Correction

RESPONDENTS

CLAIMANT Response To Respondents
Motion To Dismiss

Comes now the claimant prose with his Response to Respondents Motion To Dismiss States AS follows:

1. Respondents filed an Answer on July 16th, 2013 contested liability to claimant claim. And further stated that Respondents 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. Claimant filed his Response to Respondents Answer on or about July 21st, 2013 asking this Claims Commission for a hearing and to be allowed to produce evidence to support claimant claim. And hold Respondents in liability for violating their policy and procedures. By failing to take specific measures to prevent this problem from getting worse. And hold Respondent Accountable for their actions.

Arkansas
State Claims Commission

AUG 19 2013

RECEIVED

(1.)

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3. On August 8th, 2013 Respondents filed their motion To Dismiss Claimant Claim without Supported Documentation from internal Affairs Investigation on Claimant claim to support their Dismiss, or any factual evidence for that matter. In fact Respondents clearly showed why this claim Commission should schedule a hearing and order Respondents to turn over Supported Documents Claimant Requested for Evidence, over to the Claims Commission for this claim hearing.

4. For the Record Respondents Allegation Claimant was in Punitive Isolation At the time of this property damage is clearly untrue and shows desperation on Respondents behalf. Claimant was Assigned to Ad. Seg MAX 705 Not the hole.

5. Respondents Allege false Allegation to Claimant words is misleading and undermining to this claim hearing in Attempt to shield away from the factual Evidence. Claimant Allege in his claim that this mal - function occurred in his request for Production of Documents At Appr. 5:40 pm on January 6th, 2013 til 8:15 pm.

6. Respondents Admitt to their failed Actions on Number (6.) Stating it took til 8:15 pm for them to Start fixing the problem. From 5:40 pm to 8:15 pm is nearly 3 hours and clearly shows their liability by failing to take steps to stop this problem. 52

7. Claimant legal Documents, medical Documents, was a photograph by Sgt. Hill and was damaged beyond legible use with sewage water and these documents are wrapped up contaminated with mold and claimant cannot read them at all. Copies cannot be ran off on this unsanitized paperwork. Nor is anyone going to touch it without clothes on. Nor has claimant been using these documents like Respondents alleges with their misleading undermining words.

8. Respondents alleges they didn't do anything wrong to cause the toilets to overflow and quickly repaired the plumbing and facilitated the cleanup. #1. Respondents failed actions to take necessary steps to resolve this kind of malfunction when the problem existed show they didn't have respect for the policy and procedures nor anyone effective by it. #2 Respondents continue to try and mislead this claim commission alleging that Respondents quickly repaired the plumbing and facilitated the cleanup. #1. If this claims commission consider 5:40 pm til 8:15 pm is quickly repaired by letting the problem get worse and policy states in case of this kind of situations it's specific measures should be taken to prevent further problems. Respondents didn't do not one of them. Video footage from 5:40 pm til 8:15 pm January 6th, 2013 on C shift and D shift. As well as documents Respondents refuse to produce. Security logs from both shifts.

9. Claimant Respectfully ASK that this Claims Commission give claimant his right to a hearing and to Dismiss Respondent motion to Dismiss BECAUSE it is misleading And undermine the integrity of this Commission.

Respectfully Submitted,
Troy Roddy 103051

Subscribed and Sworn to before me this 11
day of Aug, 2013



My commission EXPIRES: Dec 31, 2014

Certificate of Service

I certify that on August 11th, 2013 I put thru ADC via track mail and ADC via legal mail A copy of my Response and Affidavit to Respondents Motion to Dismiss to their Attorney and Arkansas Claims Commission.

STATE OF ARKANSAS)
COUNTY OF Lee)§

AFFIDAVIT

I, Troy Roddy 103051, after first being duly sworn, do hereby swear, depose and state that: Claimant Response to Respondent's motion to Dismiss is factual and supported by ADC policy and procedures. As well as the security tape on January 16th, 2013 At approx. 5:40 pm til 8:15 pm and security log documentation from this day will show that Claimant Claim has merits and Respondent is in liability for not following policy and procedures.

I further swear that the statements, matters and things contained herein are true and accurate to the best of my knowledge, information and belief.

8-11-13
DATE

Troy Roddy 103051
AFFIANT

NA
SOCIAL SECURITY #

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on Aug, 2013.

Seccu
NOTARY PUBLIC



STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 2,500.00

Claim No. 14-0016-CC

Troy Roddy, #103051 Claimant

Attorneys Pro se Claimant

vs. Department of Correction Respondent

Lisa Wilkins, Attorney Respondent

State of Arkansas Date Filed July 8, 2013

Type of Claim Property Damage, Mental Anguish, Pain & Suffering & Failure to Follow Procedure

FINDING OF FACTS

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss" for reasons set forth in paragraphs 2-8 contained in the motion. Therefore, this claim is hereby unanimously denied and dismissed.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss" for reasons set forth in paragraphs 2-8 contained in the motion. Therefore, this claim is hereby unanimously denied and dismissed.

Date of Hearing September 12, 2013

Date of Disposition September 12, 2013

Robert May Chairman
Harvone Commissioner
Bill Lambert Commissioner

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

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Arkansas STATE claims Commission

Troy Roddy # 103051

Claimant

VS.

Department OF Correction

CASE NO. 14-0016-CC

Arkansas
State Claims Commission Respondent

SEP 23 2013

Notice OF Appeal

RECEIVED

Come Now the claimant Troy Roddy files his Notice of Appeal in a timely manner before the claims Commission States AS follows:

: Background :

On July 8th, 2013 claimant filed his claim in amount of \$25000 for property damage, mental anguish, pain & suffering due to failure to follow procedure. On or about August 8th, 2013 Respondents filed a motion to dismiss. On or about August 11th, 2013 claimant filed a response disputed Respondents claims. A hearing was never set to allow both side to produce evidence. On September 12th, 2013 the claims commission held a hearing absent the claimant and Respondents. And unanimously granted Respondents motion to dismiss without allowing claimant to establish evidence before a hearing to support his claim.

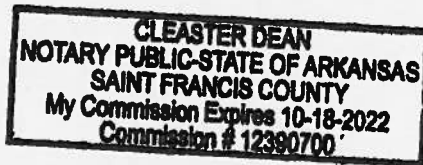
1. On Appeal claimant will show the abuse of discretion by the claims Commission.
2. Why the General Assembly should reverse the decision of the committee and remain his claim for further proceeding.
3. Why claimant should have been allowed a hearing in person and to be allowed to produce evidence to support his claim.

Respectfully Submitted,
Troy Roddy 103051

Subscribed and sworn to before me on this 17
day of September, 2013

Cleaster Dean
Notary Public

my commission expires:
10-18-2022



Certificate of Service

I certify that on 9-18-13 I put thru the
ADC prison legal mail my notice of appeal to the
Arkansas State claims Commission at 101 E. Capitol Ave,
Suite 410 Little Rock, Arkansas, 72201-3823.

Sept. 18th, 2013

Greetings Claims Commission,

Please send me a file mark copy of my
Notice of Appeal showing it was filed in a timely manner
within the 30 days requirement or 14 days. THANKS

Sincerely,
Troy Roddy 103051

Arkansas
State Claims Commission
SEP 23 2013

RECEIVED