

Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

RECEIVED

- Mr.
- Mrs.
- Ms.
- Miss

Leslie Young #709094 Claimant

vs.

State of Arkansas, Respondent

AR Dept. of Correction

Do Not Write in These Spaces		
Claim No.	16-0091-CC	
Date Filed	August 3, 2015	
	(Month)	(Day) (Year)
Amount of Claim \$	7.50	
Fund	DOC	
Loss of Property		
Failure to Follow Procedure		

COMPLAINT

Leslie Young #709094 the above named Claimant, of 302 Correction Drive, Newport, AR 72112

(Name) (Street or R.F.D. & No.) (City)
County of JACKSON represented by _____
(State) (Zip Code) (Daytime Phone No.) (Legal Counsel, if any, for Claim)

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

State agency involved: Arkansas Dept. of Correction Amount sought: \$ 7.50

Month, day, year and place of incident or service: June 2, 2015, McPherson Unit

Explanation: ADC refuses to follow their own policy and reimburse me \$7.50 (\$2.50 per photo x 3) when mailroom supervisor K. Smith destroyed 3 photos (prior to the grievance procedure being complete) sent to me by my spouse in a letter who is approved to write. His letter was deemed "unauthorized documents" because it also contained a commissary receipt from his unit. I filed a grievance on the denial of this letter on 3-23-15 #387. K. Smith answered this grievance so she knew the letter was under the grievance procedure. Policy AD 13-09 E (3) clearly states "Hold property until proceedings are complete on confiscated items to be used for disciplinary, grievance, or judicial proceedings." K. Smith destroyed my letter + photos on 4-23-15. The grievance was not resolved until 5-7-15. AD 13-09 J (4) states "ADC will be liable for destroyed photos at \$2.50 per photo. Please reimburse my POS account and provide proper training to the mailroom staff."

As parts of this complaint, the claimant makes the statements, and answers the following questions, as indicated: (1) Has claim been presented to any state department or officer thereof?
NO; when? _____; to whom? _____
(Yes or No) (Month) (Day) (Year) (Department)
: and that the following action was taken thereon: _____

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

and that the nature thereof is as follows: _____
: and was acquired on _____, in the following manner: _____

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

Leslie Young (Print Claimant/Representative Name) Leslie Young (Signature of Claimant/Representative)

SWORN TO and subscribed before me at Newport AR 72112
(City) (State)



on this 27 day of July 2015
(Date) (Month) (Year)

Clara Robinson (Notary Public)

My Commission Expires: 3/24/2019
(Month) (Day) (Year)

SF1-R799

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center MCP

Name Leslie Young

ADC# 709094 Brks # 20 Job Assignment pie

FOR OFFICE USE ONLY
GRV. # MCP15-00743
Date Received: 6-24-15
GRV. Code #: 307

6-4-15 (Date) STEP ONE: Informal Resolution

6-9-15 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: When the mailroom kept my mail - it was confiscated. Please correct this mistake by your own policy.

(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm; emergency grievances are not for ordinary problems that are not of a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If an Emergency, state why:

Is this Grievance concerning Medical or Mental Health Services? NO If yes, circle one: medical or mental

BRIEFLY state your one complaint/concern and be specific as to the complaint, **date**, place, name of personnel involved and how **you** were affected. (Please Print):

On 6-2-15 I received a notice from mailroom supervisor K. Smith in which she stated she destroyed a letter from my spouse, William Young, and 3 pictures on 4-23-15. Policy AD 13-09 E (3) clearly states "Hold Property until proceedings are complete on confiscated items to be used for disciplinary, grievance, or judicial proceedings" My letter + pictures were under grievance. K. Smith was aware of this as she answered the 1st step. Final Grievance procedure was not completed until 5-7-15.

AD 13-09 J (4) states "ADC will be liable for destroyed photos at 2.50 per photo. Please reimburse my POS at \$7.50 and provide proper training to the mailroom staff."

Leslie Young
Inmate Signature

6-4-15
Date

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

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on 6/6/15 (date), and determined to be **Step One** and/or an Emergency Grievance YES (Yes or No). This form was forwarded to medical or mental health? NO (Yes or No). If yes, name of the person in that department receiving this form: _____ Date _____

James Hooper 62392 [Signature] 6/6/15
PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Date Received

Describe action taken to resolve complaint, including dates: Mailroom states that this item was not a confiscated item. Inmates have 30 days on a return mail notice or the property is destroyed.

[Signature] 6/10/15
Staff Signature & Date Returned

Leslie Young 6-10-15
Inmate Signature & Date Received

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

Staff Who Received Step Two Grievance: _____ Date: _____

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

If forwarded, provide name of person receiving this form: _____ Date: _____

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JUN 8 2015

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

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

ACKNOWLEDGMENT OR REJECTION OF UNIT LEVEL GRIEVANCE

TO: Inmate Young, Leslie
FROM: Dunavion, Lavonda K
DATE: 06/24/2015

ADC #: 709094A
TITLE: ADC Inmate Grievance Coord
GRIEVANCE #: MCP15-00743

Please be advised, I have received your Grievance dated 06/04/2015 on 06/24/2015 .
Your grievance was rejected as either non-grievable, untimely, duplicative, frivolous, or vexatious.

L. Dunavion
Signature of ADC Inmate Grievance Coord

CHECK ONE OF THE FOLLOWING

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

INMATE'S APPEAL

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

Because I know Policy I held the Return mail notice + I'm check until the final grievance step was completed which was on 5-17-15, I received it in mail on 5-14-15, I sent the check + return notice to the mailroom on 5-17-15. This is timely, had it been picked up from staff, no one checks our grievance box I had to drop a request to Dunavion telling her box was full. She picked it up on 6-24-15

Inmate Signature

ADC #

Date

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JUN 30 2015

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

INMATE NAME: Young, Leslie

ADC #: 709094

GRIEVANCE#: MCP15-00743

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

On 6/4/15, you wrote the following complaint: "On 6-2-15 I received a notice from mailroom supervisor K. Smith in which she stated she destroyed a letter from my spouse-William Young and 3 pictures on 4-23-15. Policy AD 13-09 E (3) clearly states "hold property until proceedings are complete on confiscated items to be used for disciplinary, grievance or judicial proceedings" My letter & pictures were under grievance. K. Smith was aware of this as she answered the 1st step. Final grievance procedure was not completed until 5-7-15. AD 13-09 J. (8) states "ADC will be liable for destroyed photos at 2.50 per photo. Please reimburse my pos at \$7.50 and provide training to the mailroom staff."

The Unit rejected your grievance on 6/24/15 as being untimely.

Your appeal was received on 6/30/15. After review of your appeal and supporting documentation, I find that I concur with the unit's decision to reject your grievance as untimely. Therefore, I will not address the merit of your appeal which is denied.


Director

Date 7-1-15

This grievance is not untimely

Grievance Policy AD 14-16

Section E: step 1 must be filed w/in 15 days of occurrence

- notice of destruction received on 6-2-15
- 1st written on 6-4-15 (within 2 days of notice of occurrence)

Section E (ii): step 2 must be filed w/in 6 working days of answer from step 1

step 2 filed on 6-9-15 (should have been 6-10-15, my mistake) step 1 answer received 6-10-15.

(step 2 filed on same day) - dropped in grievance

box. Section F(1) states "Grievance officer must pick up grievances daily".

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:

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.

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.

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.

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.

STANDARDS:

American Correctional Association - Standards for Adult Correctional Institutions

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

I. 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

AD

7

AUG 13 2015

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CLAIMANT

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LESLIE YOUNG (ADC 709094)

V. NO. 16-0091-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 13 day of August, 2015, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Leslie Young (ADC 709094)
McPherson Unit
302 Corrections Drive
New Port, AR 72112


 LISA MILLS WILKINS Ark. Bar #87190

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LESLIE YOUNG (ADC #709094)

Arkansas
State Claims Commis
OCT 08 2015
CLAIMANT
RECEIVED

V.

NO. 16-0091-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

RESPONDENT'S MOTION TO DISMISS

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

1. Claimant alleges a loss of property and failure to follow policy in the loss of photographs. She seeks \$7.50. Claimant has failed to state a claim upon which relief can be granted herein under ARCP Rule 12(b)(6).
3. Claimant states that her husband mailed contraband (a commissary receipt) with three photos to her. She argues the photos were destroyed before the grievance process was concluded and she was not allowed to send them home.
5. Claimant cannot send home contraband. When the photos were included with the receipt, they became contraband. The grievance decision upholding her finding of 'no merit to the claim was rendered on July 1, 2015 and the photos would have been destroyed at that date.
6. Claimant should never have been allowed to return the photos home. However, the grievance notes indicate and the testimony of grievance officer Dunavion would show that she did have notice they were going to be mailed and were destroyed: "I/M states she was not notified about her property being destroyed until 6-2-15. This is not true. The I/M was notified on 3-18-15 that a letter to her was going to be sent back to sender and it would cost .70 to send it back. I/M did not authorize money to be taken out of her I/M account therefore property was destroyed on 4-23-15 and I/M was notified on that date. The I/M took that notification and signed and dated it 5-8-15 so this proves the I/M knew about the property being destroyed on 4-23-15 and 5-8-15 which makes this grievance untimely because the I/M wrote this grievance and dated it 6-4-15."
7. A motion to dismiss is proper when there are no facts upon which relief can be granted. ARCP 12(B)(6). Claimant has shown no facts upon which he is entitled to relief and therefore this claim should be dismissed.

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

Respectfully submitted,

Department of Correction
Office of Counsel



LISA MILLS WILKINS Ark. Bar #87190
Attorney Supervisor

Post Office Box 8707
Pine Bluff, AR 71611
(870)267-6844 Office
(870)267-6373 Facsimile

CERTIFICATE OF SERVICE

I certify that a copy of the MOTION TO DISMISS has been served this 7 day of October, 2015, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

LESLIE YOUNG (ADC #709094)
McPherson Unit
302 Corrections Drive
Newport, AR 72112

Lisa Mills Wilkins
LISA MILLS WILKINS Ark. Bar #87190

OCT 21 2015

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LESLIE YOUNG (ADC # 709094)

CLAIMANT

V

No. 16-0091-CC

ARKANSAS DEPARTMENT OF CORRECTIONS

RESPONDENT

OBJECTIONS TO RESPONDENTS MOTION TO DISMISS

Comes now the claimant, Leslie Young, ADC# 709094 and for her Objections to Respondents Motion to Dismiss, states the following:

(1.) Claimant states a claim in her complaint that ADC failed to follow their own policy (policy AD 13-09 E (3)) and has failed to properly train mail room employees.

(2.) Respondent's Motion to Dismiss does not have a paragraph #2.

(3.) Claimant agrees to paragraph #3, except that a commissary receipt from the ADC has never been listed as contraband before.

(4.) Respondent's Motion to Dismiss does not have a paragraph #4.

(5.) Claimant denies paragraph #5. Pursuant to ADC Administrative Directive policy number 14-03 section E 4(a) under Excessive Property and Contraband, states "Unauthorized property shall be disposed of as follows: (a) Mail items at inmates expense to a party of choosing. Also, NPC policy 16.2.0 VI Procedures A(5) Inspection of Mail (5) states "Mail containing contraband will be returned to sender and the inmate to who the correspondence was addressed and/or who was to receive the contraband, will be required to pay for the postage or agree to the destruction of mail and contraband.

Claimant agrees with Respondent that the grievance decision upholding the finding of "no merit" was rendered July 1, 2015 and her photos would have been destroyed at that date. However, claimant has a memo from mail room supervisor stating the pictures we destroyed on 4-23-15.

(6.) Claimant has insufficient knowledge to neither admit nor deny allegations in Respondent's paragraph #6. Respondent failed to produce copies of evidence listed therein.

(7.) Claimant has shown that the ADC has failed to follow its own written policy and properly train the mail room employees. Claimant also has shown her photos were destroyed prior to the end of the grievance procedure and she is entitled to \$2.50 per destroyed photo for a total of \$7.50.

WHEREFORE, for the reasons stated above and the evidence submitted, the claim should be set for a hearing or granted de novo and claimant should receive entitled relief.

Respectfully Submitted,
Leslie Young
Leslie Young #709094

STATE OF ARKANSAS)
)SS
COUNTY OF Jackson)

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 19 day
of October, 20 15.

Clara Robinson
NOTARY PUBLIC

My Commission Expires: 3/24/2019

CERTIFICATE OF SERVICE

On Oct 19, 20 15, a copy of the foregoing Objections
was mailed postage paid, to ADC Lisa Wilkins at P.O. Box 8707,
One Bluff Ar 71411.

Leslie Young
Defendant, pro se
ADC# 709094
McPherson Unit
302 Corrections Drive
Newport, AR 72112

CLARA ROBINSON
NOTARY PUBLIC-STATE OF ARKANSAS
JACKSON COUNTY
My Commission Expires 03-24-2019
Commission # 12370549

Policy and Procedures	NPC 16.2.0	Page 2 of 5
Subject: Inspection of Mail	Supersedes: NEW	Effective Date: 7/1/01

- C. ~~Incoming privileged mail will only be opened in the presence of the inmate, to inspect for contraband. Mail opened and inspected under these circumstances will not be read or censored, but may be rejected in its entirety if it is found to contain contraband.~~
- D. All Outgoing privileged mail will be checked for contraband by two staff members, i.e. a Sergeant and Shift Captain or Lieutenant, and sealed in the presence of the inmate. Both the Sergeant and the Captain or Lieutenant will then sign and date the envelope across the seal and the mail will then be deposited in the "Privileged Mail" box in the mailroom. If the paperwork needs to be notarized it may be notarized at this time. For inmates in AD SEG or Punitive, this will take place at their cells.
- E. Outgoing privileged correspondence shall have the words "Privileged Correspondence" or "Legal Mail" marked on the envelope, or it will be treated as general correspondence.

VI. PROCEDURES

A. Inspection of Mail

1. Inmate mail, both incoming and outgoing, will be opened and inspected for contraband. Mail is read or scanned and rejected based on legitimate institutional interests of order and security. Inmates are notified when incoming or outgoing letters are withheld (ACA 4-4491).
2. All letters and packages will be inspected to intercept cash, checks, and money orders (ACA 4-4493). Any cash, personal checks, or money orders mailed to an inmate are returned to the sender. Business checks are forwarded to the Unit Business Manager, who will forward them to Centralized Banking for deposit into the inmate's account.
3. Handmade items such as Christmas cards containing glitter, cloth, etc., cards with any addition, i.e., batteries, springs, etc., maps, newspaper articles, etc. will be considered contraband. Mail containing contraband will be rejected in its entirety and the inmate will be notified of the rejected mail.
4. The Postal Service has changed its policy and will no longer accept mail which has been opened for return to the sender, without additional postage. The amount of mail being received containing green money, nude pictures, and other contraband is significant and the cost of postage to return the mail continues to rise.
5. Mail containing contraband will be returned to the sender and the inmate to whom the correspondence was addressed, and/or who was to receive the contraband, will be required to pay for the postage or agree to the destruction of the mail and contraband.

B. Privileged Correspondence

Inmates are permitted to send sealed letters to a specified class of persons and organizations, including but not limited to the following: courts; counsel; officials of the confining authority; state and local chief executive officers; administrators of grievance systems; and members of the paroling authority. Staff, in the presence of the inmate, will

Leslie Young #709094

20/119

6/01/2015

Policy states that we only hold contraband for 30 days before it is destroyed if you do not choose an option on your return mail notice. The item was destroyed on 4/23/2015.

Thank you,

K. Smith

K. Smith
Mailroom Supervisor

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 7.50

Claim No. 16-0091-CC

<u>Leslie Young, #709094</u> Claimant	<u>Pro se</u> Claimant
vs.	
<u>Department of Corrections</u> Respondent	<u>Lisa Wilkins, Attorney</u> Respondent
<u>State of Arkansas</u>	
Date Filed <u>August 3, 2015</u>	Type of Claim <u>Loss of Property, Failure to Follow Procedure</u>

FINDING OF FACTS

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss" for reasons set forth in paragraphs 2-7 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 2-7 contained in the motion. Therefore, this claim is hereby unanimously denied and dismissed.

Date of Hearing November 12, 2015

Date of Disposition November 12, 2015

Richard J. May Chairman
Michael Strother Commissioner
John E. [Signature] Commissioner

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

Before the Arkansas States Claim Commission

Arkansas Claims Commission

NOV 30 2015

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LESLIE YOUNG

CLAIMANT

V

NO. 16-0091-CC

ARKANSAS DEPARTMENT OF CORRECTIONS

RESPONDENT

Motion for Reconsideration

Claimant, Leslie Young, ADC#709094 and for her Motion for Reconsideration states the following:

(1) Claimant filed claim against the Arkansas Department of Corrections for loss of property, failure to follow policy, and failure to properly train mailroom employees, seeking monetary damages of \$7.50, on August 3, 2015. Claim #16-0091-CC.

(2) Claims Commission granted Respondents Motion to Dismiss November 12, 2015 citing paragraphs 2-7 on Motion to Dismiss.

(3) Pursuant to A.C.A. § 19-10-211 (B) (2) claimant now brings this Motion for Reconsideration on November 20, 2015, in a timely manner and request the commission to reconsider her claim for reasons submitted herein.

(A) Paragraphs #2 and #4 are nonexistent on Respondents Motion to Dismiss therefore the commissions denial of is unclear.

(B) Claimant has provided current written ADC policies governed by the Arkansas Board of Corrections that clearly substantiate her claim, as follows:

Administrative Directive 13-09, Inmate Property Control:

Section E (3) states "Hold property until proceedings are complete on confiscated items to be used for disciplinary grievance or judicial review."

Administrative Directive 13-09, Inmate Property Control:

Section J (4) states "Arkansas Department of Corrections will be liable for destroyed photos at \$2.50 per photo."

Administrative Directive 14-03, Excessive Property and Contraband:

section E 4 (a) states "Unauthorized property shall be disposed of as follows - (a) Mail items at inmates expense to a party of choosing."

Newport Complex Policy 16-2-0, Inspection of Mail:

Section VI Procedures, A(5) Inspection of mail states, "Mail containing contraband will be returned to sender and the inmate to who the correspondence was addressed and/or who was to receive the contraband, will be required to pay for the postage or agree to the destruction of mail or contraband."

(C) On 3-18-15 I was notified that I had received "unauthorized documents" by the mailroom "commissary receipt" enclosed. Suddenly a commissary receipt from his unit, though an Arkansas Department of Correction Unit, was considered "contraband."

At this time claimant did not know the 3 photos, regarding claim #16-0091-CC, were enclosed in this specific letter. Claimant filed grievance, grievance #MCP 15-00388, contesting a commissary receipt being contraband within the same state correction facilities. That grievance was closed on 5-14-15 in favor for A.D.C.. Claimant sent the mailroom the return mail notice and a postage slip that day 5-14-15.

Claimant was notified by spouse that he had not received the letter with commissary receipt and 3 photos. Claimant send request dated 6-1-15 to mailroom requesting why the letter was not returned and mailroom. Supervisor Kristi Smith sent claimant a memo stating the letter and contents were destroyed on 4-23-15.

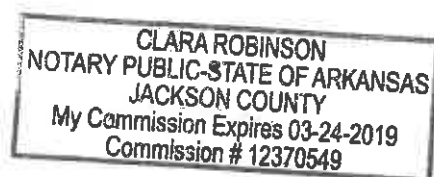
It is clear that 4-23-15 is prior to 5-14-15 when grievance was finalized by the deputy director, and the letter and photos were destroyed prior to the end of the grievance procedure which violates Administrative Directive 13-09. (Supra)

On 6-4-15 claimant submitted a new grievance (grievance McP 315-00743) requesting reimbursement for the destroyed photos. Therefore, the commission should find in favor of claimant and order reimbursement of \$7.50 to her account.

Respectfully Submitted

Leslie Young

LESLIE YOUNG #709094



STATE OF ARKANSAS)
COUNTY OF Jackson) SS

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 23 day
of November, 2015.

Clara Robinson
NOTARY PUBLIC

My Commission Expires: 3/24/2019

November
On Oct 24, 2015, a copy of the foregoing Motion to Reconsider
was mailed, postage paid, to ADDC - Lisa Wilkins at P.O. BOX 8707,
Five Bluff Ar 71611.

Ark. Claims Comm.
101 E Capitol Ave STE 410
Little Rock, Ar. 72201-3823

Leslie Young
Defendant, pro se
ADC# 709094
McPherson Unit
302 Corrections Dr.
Newport, AR 72112

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 7.50

Claim No. 16-0091-CC

Leslie Young, #709094 Claimant
vs.

Attorneys
Prm sc Claimant

AR Dept. of Correction Respondent
State of Arkansas

Lisa Wilkins, Attorney Respondent

Date Filed August 3, 2015

Type of Claim Failure to Follow Procedure, Loss of Property

FINDING OF FACTS

The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration" for the Claimant's failure to offer evidence that would change the prior decision of the Claims Commission. Therefore, the Commission's November 12, 2015, order remains in effect.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration" for the Claimant's failure to offer evidence that would change the prior decision of the Claims Commission. Therefore, the Commission's November 12, 2015, order remains in effect.

Date of Hearing December 10, 2015

Date of Disposition December 10, 2015

Chairman

Commissioner

Commissioner

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

Arkansas Claims Commission

JAN 04 2016

RECEIVED

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LESLIE YOUNG

CLAIMAINT

V

NO. 16-0091-CC

ARKANSAS DEPARTMENT OF CORRECTIONS

RESPONDENT

NOTICE OF APPEAL

Comes now, the claimant, Leslie Young, A.D.C.#709094 and for her notice of appeal states:

- 1.) On August 3, 2015 claimant filed a claim against the Arkansas Department of Corrections with the Arkansas State Claims Commission.
- 2.) On November 12, 2015 the claims Commission granted Respondents Motion of Dismiss.
- 3.) On November 30, 2015 claimant filed a Motion for Reconsideration with the Arkansas State Claims Commission; which was denied on.

Wherefore, Claimant hereby places the Arkansas State Claims Commission on notice that she wishes to appeal their decision in NO. 16-0091-CC to the General Assembly pursuant to ACA.19-10 211.

Respectfully Yours,

CLARA ROBINSON
 NOTARY PUBLIC-STATE OF ARKANSAS
 JACKSON COUNTY
 My Commission Expires 03-24-2019
 Commission # 12370549

Leslie Young
 Leslie Young 709094

STATE OF ARKANSAS)
COUNTY OF Jackson) SS

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 28 day
of December, 20 15.

Clara Robinson
NOTARY PUBLIC

My Commission Expires: 3/31/2019

CERTIFICATE OF SERVICE

On Dec. 28, 20 15, a copy of the foregoing Notice of Appeal
was mailed, postage paid, to Lisa Wilkins at P.O. Box 8707,
Pine Bluff, Ar. 71611.

Leslie Young
Defendant, pro se
ADC# 709094
McPherson Unit
302 Corrections Dr.
Newport, AR 72112