

MINUTES

JOINT COMMITTEE ON SPECIAL CLAIMS AGAINST THE STATE

January 8, 2021
Room 582-N—Statehouse

Members Present

Senator Dan Kerschen, Vice-chairperson
Senator David Haley
Senator Dennis Pyle
Representative Mark Samsel
Representative Kellie Warren

Members Absent

Representative Bradley Ralph, Chairperson
Representative Jim Ward

Staff Present

Murl Riedel, Kansas Legislative Research Department (KLRD)
Natalie Nelson, KLRD
Mike Heim, Office of Revisor of Statutes
Melissa Lowrey, Committee Assistant

Conferees

Darren Root, Senior Counsel, Kansas Department for Aging and Disability Services
Libby Snider, Staff Attorney, Kansas Department of Corrections
Laura Graham, General Counsel, Kansas Bureau of Investigation Terri Agnew, Kansas
Department of Revenue
Tom Day, Director, Legislative Administrative Services

Others Attending

Robert Jacobs, Kansas Bureau of Investigation
Representative Ken Collins

ALL DAY SESSION

Welcome

Vice-chairperson Kerschen called the meeting to order at 8:30 a.m.

Claim No. 7056, Claimant: Scott Staggs #47151 CARRY OVER
v. Hutchinson Correctional Facility (HCF)
due to property loss in the amount of \$2,153.50

Claimant stated all of his property was lost when he was transferred from HCF to El Dorado Correctional Facility (EDCF). Property items included pictures, an MP3 player with 200 songs, boots, shoes, a fan, a hot pot, a surge protector, headphones, a watch, batteries and a battery charger, clothing, a cooler, a lamp, an electric typewriter, glasses, and a necklace.

Respondent, HCF
represented by Libby Snider, Staff Attorney, Kansas Department of Corrections (KDOC
or Department)

Respondent stated Mr. Staggs alleges that on an unspecified date, HCF staff lost his property when he was transferred from HCF to EDCF. He claims HCF staff advised EDCF staff that his property would be replaced and sent to EDCF. Mr. Staggs states that HCF staff did not complete the property paperwork correctly. Facility staff noted Mr. Staggs frequently requests property in lieu of monetary compensation when filing facility claims because money would be applied to fines and fees owed by the claimant. There is no documentation to support the claimed value of the property and KDOC policy states that inmates own property at their own risk. The Department recommends the claim be denied.

Following discussion, the Committee recommended Claim No. 7056 be denied.

Claim No. 7059, Claimant: Scott Staggs #47151 CARRY OVER
v. Hutchinson Correctional Facility (HCF)
due to property loss in the amount of \$760.00

Claimant stated he was put on crisis level and staff left his cell door open, and when he returned, all of his property was lost or stolen. Property items included two headphones, a surge protector, a desk lamp, a watch, a reading light, a radio, a canteen, a fan, a hot pot, glasses, shoes, boots, clothing, and a cross and chain.

Respondent, HCF
represented by Libby Snider, Staff Attorney, KDOC

Respondent stated Mr. Staggs alleges that on an unspecified date he was put on crisis level and his cell door was left open. When he came back from crisis level, he had no property. Mr. Staggs has filed three claims for property loss, with many of the items overlapping each claim. He has written "This is not the same one, this is property they replaced from the two times they lost my property." This value of the property in question is unsubstantiated and there is no documentation to determine whether any such loss occurred. The Department recommends denial of the claim.

Following discussion, the Committee recommended Claim No. 7059 be denied.

Claim No. 7116, Claimant: Scott Staggs #47151 CARRY OVER
v. Hutchinson Correctional Facility (HCF)
due to property loss in the amount of \$3,235.50

Claimant stated he was put on mental health crisis level and when he subsequently received his property, a box of items was missing. These missing items included headphones, a watch, an alarm clock, a fan, shoes, boots, clothing, a ball cap, a power strip, and legal transcripts.

Respondent, HCF
represented by Libby Snider, Staff Attorney, KDOC

Respondent stated Mr. Staggs alleges that on an unspecified date he was put on mental health crisis level and his property was placed in storage. When he returned from crisis level and received his property, he discovered a box was missing. He argues he was only given page two of a two-page inventory sheet. Mr. Staggs has filed three claims for property loss. The claims are vague and repetitive. Because of the confusing property claims and nonspecific and unsubstantiated information documented, the Department recommends denial of the claim.

Following discussion, the Committee recommended Claim No. 7116 be denied.

Claim No. 7123, Claimant: Sammy Cox #76359
v. Hutchinson Correctional Facility (HCF)
due to property loss in the amount of \$30.35

Claimant stated HCF staff was negligent with his property (Timex watch) while he was being transferred and his watch is now missing.

Respondent, HCF
represented by Libby Snider, Staff Attorney, KDOC

Respondent stated Mr. Cox was transferred out of HCF for a court appearance and his watch was placed in the out-to-court box and stored. When Mr. Cox returned from court, his property was sent to segregation to be issued back to him. The watch was not allowed to Mr. Cox while he was in segregation, and it was sent to the Admission and Discharge office for storage. Once the claimant was released from segregation and received his property back, the watch was discovered to be missing. It appears the watch had been lost while the allowable and non-allowable property was being sorted. The Department recommends the claim be approved.

Following discussion, the Committee recommended Claim No. 7123 be allowed in the amount of \$30.35.

Claim No. 7127, Claimant: Craig Pittman #71340
v. Hutchinson Correctional Facility (HCF)
due to personal injury in the amount of \$4,000.00

Claimant stated he woke his cellmate from sleep, at which time his cellmate struck him on the head and all over his body, causing injuries to his head and right eye.

Respondent, HCF
represented by Libby Snider, Staff Attorney, KDOC

Respondent stated Mr. Pittman was involved in two altercations with the cellmate, who struck Mr. Pittman when he was awakened. The cellmate was removed and charged with a disciplinary violation. Mr. Pittman went to the clinic and was examined by medical staff. There were no visible marks of an altercation, nor any permanent physical damage. Mr. Pittman alleges no wrongdoing by HCF staff and he offers no information or documentation to substantiate the claimed value. The Department recommends the claim be denied.

Following discussion, the Committee recommended Claim No. 7127 be denied.

Claim No. 7143, Claimant: Deronta Byrd Sr. #92268
v. Hutchinson Correctional Facility (HCF)
due to property loss in the amount of \$268.08

Claimant stated he was accused of possessing contraband and was subsequently found not guilty. He stated his items were not returned to him after the hearing. The items consisted of an MP4 player, shorts, headphones, a battery charger, earbuds, a desk fan, a power strip, a television remote, and a sweatshirt.

Respondent, HCF
represented by Libby Snider, Staff Attorney, KDOC

Respondent stated Mr. Byrd has no record of having purchased a power strip, headphones, a battery charger, a sweatshirt, or earbuds. The items claimed were not on the inventory sheet Mr. Byrd signed when acknowledging receipt of his property. The contraband item Mr. Byrd was charged with possessing was rolled up paper, and officers were instructed to destroy the item. The Department recommends denial of the claim.

Following discussion, the Committee recommended Claim No. 7143 be denied.

Claim No. 7144, Claimant: Deronta Byrd Sr. #92268
v. Lansing Correctional Facility (LCF)
due to property loss in the amount of \$72.07

Claimant stated his property was packed out by staff when he was moved to segregation. After being released from segregation and retrieving his property, he noticed his lamp, a light bulb, hygiene items, and the support platform for his television were missing.

**Respondent, LCF
represented by Libby Snider, Staff Attorney, KDOC**

Respondent stated the claimant filed a facility claim seeking reimbursement for the above mentioned items. His claim was returned with no action taken, citing KAR 44-16-102 (property claims shall be filed within 15 working days from the discovery of the loss). Mr. Byrd signed the property inventory sheets with no indication of discrepancies. Seeing no damage or loss as a direct result of staff negligence, the Department recommends the claim be denied.

Following discussion, the Committee recommended Claim No. 7144 be denied.

**Claim No. 7149, Claimant: K-Torri Dunlap #98659
v. Hutchinson Correctional Facility (HCF)
due to property loss in the amount of \$534.34**

Claimant stated his food and property were taken, lost, or stolen when he was moved from one unit to another.

**Respondent, HCF
represented by Libby Snider, Staff Attorney, KDOC**

Respondent stated Mr. Dunlap's claim indicates several items of his property were missing, including a wedding ring, food items, a hot pot, a cooler, a lamp, batteries, cable cords, cologne, and thermal underwear trousers. The claimant provides no evidence to substantiate the purchase of these items, with the exception of a cooler. A replacement cooler was given to Mr. Dunlap to resolve that portion of his claim. The Department recommends denial of this claim.

Following discussion, the Committee recommended Claim No. 7149 be denied.

**Claim No. 7153, Claimant: Maurice Griffin #108155
v. Hutchinson Correctional Facility (HCF)
due to personal injury in the amount of \$5,000.00**

Claimant stated he was injured when hurrying through a facility gate that was closing.

Respondent, HCF
represented by Libby Snider, Staff Attorney, KDOC

Respondent stated the claimant filed a facility claim for injuries he alleges were received when passing through a gate that was closing. The claimant asserts the officer closing the gate did so maliciously. Mr. Griffin was examined by the clinic staff and given ibuprofen for his pain. Mr. Griffin does not provide a basis for the amount of his claim. Investigators determined Mr. Griffin came in contact with the gate because he had hurried to get past the gate as he saw it was closing, rather than wait for it to open back up. The claimant's injuries were not a direct result of staff negligence, but rather resulted from his own conduct. The Department recommends the claim be denied.

Following discussion, the Committee recommended Claim No. 7153 be denied.

Claim No. 7159, Claimant: Adam Roberson #104710
v. KDOC
due to property loss in the amount of \$293.69

Claimant requested \$293.69 for missing property, including a television, headphones, a hot pot, a remote, and a cable cord. Mr. Roberson stated he noticed these items were missing when he received his property after being released from segregation.

Respondent, KDOC
represented by Libby Snider, Staff Attorney, KDOC

Respondent stated Mr. Roberson's property inventory did not list any of the claimed lost items. Facility staff investigating the claim noted multiple residents had reported Mr. Roberson sold his television to another inmate. It is reasonable to infer he disposed of his hot pot in a similar manner. The Department recommends this claim be denied.

Following discussion, the Committee recommended Claim No. 7159 be denied.

Claim No. 7063, Claimant: Eliezer Panecatl #101496 CARRYOVER
v. Lansing Correctional Facility (LCF)
due to property loss in the amount of \$83.84

Claimant stated his boots were disposed of without his authorization when he was sent to the infirmary. He alleged staff disposed of the boots because they were contaminated with urine and stated he possessed a signed witness statement that attests to this.

Respondent, LCF
represented by Libby Snider, Staff Attorney, KDOC

Respondent stated Mr. Panecatl was escorted to the infirmary and his property was packed out by staff. Mr. Panecatl alleges his boots went missing during the pack-out and claims staff disposed of the boots because they were urinated on. Ms. Snider noted the claimant

offered no details or property inventories on his claim, simply asserting his boots were lost when he went to the infirmary. IMPP 01-118 states inmates own personal property at their own risk. Mr. Panecat's allegations are unsubstantiated and the Department recommends this claim be denied.

Following discussion, the Committee recommended Claim No. 7063 be denied.

Claim No. 7103, Claimant: Joseph Broyles
v. Kansas Bureau of Investigation (KBI)
due to property damage in the amount of \$46,507.58

Claimant stated his home and items of personal property were destroyed or damaged as a result of a nine-hour police standoff involving two fugitives taking refuge in his home.

Respondent, KBI
represented by Laura Graham, General Counsel, KBI

Respondent stated the criminal case associated with this claim is still pending. As a result, the KBI is not in a position to submit a substantive response or make a recommendation on the claim.

Following discussion, the Committee recommended Claim No. 7103 be dismissed without prejudice.

Claim No. 7129, Claimant: Wade Dickerman
v. KDOC
due to personal injury in the amount of \$2.0 million

Claimant stated that while he was an inmate at Larned Correctional Mental Health Facility, he was repeatedly sexually assaulted by a KDOC employee. Claimant further stated this employee was subsequently criminally charged.

Respondent, KDOC
represented by Libby Snider, Staff Attorney, KDOC

Respondent stated Mr. Dickerman had filed a case relating to these allegations in the Pawnee County District Court. On January 4, 2020, the clerk of the court reported that while some defendants had been dismissed, including KDOC, the case was ongoing. Rule 2 of the Joint Committee provides that a claimant should first exhaust any administrative or judicial remedies that may be available. The Department recommends this claim be dismissed without prejudice.

Following discussion, the Committee recommended Claim No. 7129 be dismissed without prejudice.

Claim No. 7131, Claimant: Michael Malloy, dba Lettuce Feed You
v. Kansas State Legislature
due to refused bill or voucher not presented in the proper fiscal year in the amount of \$1,080.00

Claimant stated 216 statehouse meal vouchers were redeemed by students serving in the Legislature's Page Program in fiscal year (FY) 2020. However, the claimant was unable to request payment of these vouchers in FY 2020 due to the vendor's closure from the COVID-19 public health emergency.

Respondent, Kansas State Legislature
represented by Tom Day, Director, Legislative Administrative Services

Respondent stated 2020 was not a normal legislative session. Due to the COVID-19 pandemic, Mr. Malloy's business, Lettuce Feed You, temporarily closed. It was believed all of the 2020 page meal vouchers had been submitted by the close of FY 2020 on June 30, 2020. However, additional unredeemed vouchers were subsequently discovered. Mr. Malloy submitted these additional 216 vouchers on September 21, 2020. Legislative Administrative Services had not encumbered money to reimburse Mr. Malloy for these additional vouchers because they were submitted after the close of FY 2020.

Following discussion, the Committee recommended Claim No. 7131 be allowed in the amount of \$1,080.00.

Claim No. 7150, Claimant: Dale Christopher #36401
v. KDOC
due to property loss in the amount of \$57.45

Claimant stated he packed his own property when being transferred due to illness. When he returned, he discovered his fan, extension cable with mini stereo plug, earbuds, and television remote were missing.

Respondent, KDOC
represented by Libby Snider, Staff Attorney, KDOC

Respondent stated there was a shortage of boxes for inmates to pack their belongings. Inmates were issued a double-bagged large trash bag marked with the inmate's name and number. Mr. Christopher stated he was unable to pack all of his property in the box that was provided and stated he packed the missing items in a laundry bag. Mr. Christopher's property may have been packed in a bag, but he offers no report of missing a bag, and his alleged loss cannot be substantiated. The Department recommends this claim be denied.

Following discussion, the Committee recommended Claim No. 7150 be denied.

Claim No. 7154, Claimant: Keaton Moller
v. KDOC
due to property loss in the amount of \$62.43

Claimant stated he turned in two laundry bags to be cleaned and they were not returned to him. He states facility staff, rather than contracted staff, were managing laundry operations due to the COVID-19 pandemic. He requested compensation of \$62.43 for lost shorts, thermal underwear trousers, and sweatpants.

Respondent, KDOC
represented by Libby Snider, Staff Attorney, KDOC

Respondent stated the claimant filed a facility claim alleging his items were not returned from laundry operations. Facility staff responding to the claim stated inmate laundry was received in a bag, washed in that bag, and dried in that bag. There is no reason for the bag to be opened until the laundry is returned to the inmate. During the investigation of the claim, Mr. Moller's cell was searched, and the shorts and sweatpants were located in the claimant's possession. The Department recommends the claim be denied, as there is no established proof that the claimant's loss is due to staff negligence.

Following discussion, the Committee recommended Claim No. 7154 be denied.

Claim No. 7138, Claimant: Jonathan Kugler
v. Kansas Department for Aging and Disability Services (KDADS)
due to property loss in the amount of \$75.00

Claimant stated his jacket came back from the laundry damaged. He requested \$75.00 for the damaged property.

Respondent, KDADS
represented by Darren Root, Senior Counsel, KDADS

Respondent stated KDADS is not contesting Mr. Kugler's claim and will settle the facility claim for \$75.00.

Following discussion, the Committee recommended Claim No. 7138 be dismissed without prejudice.

Claim No. 7152, Claimant: Bryan Harris
v. KDOC
due to personal injury in the amount of \$160,000.00

Claimant stated he was wrongly convicted and falsely imprisoned, causing him mental distress.

Respondent, KDOC
represented by Libby Snider, Staff Attorney, KDOC

Respondent confirmed Mr. Harris' conviction was reversed and remanded by the Kansas Supreme Court and then dismissed without prejudice by the county attorney. The claimant does not allege or present any finding of wrongdoing by KDOC. There is no basis for awarding Mr. Harris compensation on a claim against KDOC, and the Department requests the claim be denied.

Following discussion, the Committee recommended Claim No. 7152 be denied.

Claim No. 7145, Claimant: Joshua McDermed #112824
v. KDOC
due to property loss in the amount of \$36.43

Claimant stated he sent a fan to the tool room for cleaning, and it was returned with a different motor that worked for only four days. He requested \$36.43 for replacement of the fan.

Respondent, KDOC
represented by Libby Snider, Staff Attorney, KDOC

Respondent stated Mr. McDermed purchased a fan on April 27, 2016, for \$36.43. On June 15, 2020, he sent the fan to the tool room to be cleaned and oiled. When the fan was returned, the claimant alleges it had a different motor in it, and the fan would not work four days later. Facility staff responded that tool room workers are limited to only cleaning and oiling personal fans. Replacement of fan motors is not allowed. It was also noted Mr. McDermed's fan would have been over four years old at the time of service. There is no showing the claimant's loss is a direct result from staff negligence. The Department requests this claim be denied.

Following discussion, the Committee recommended Claim No. 7145 be denied.

Claim No. 7148, Claimant: Sherman Galloway #34138
v. KDOC
due to personal injury in the amount of \$60.0 million

Claimant stated he suffered a personal injury in the amount of \$60.0 million when he was denied his constitutional rights during trial proceedings and was wrongly convicted and falsely imprisoned by KDOC.

Respondent, KDOC
represented by Libby Snider, Staff Attorney, KDOC

Respondent stated Mr. Galloway asserts KDOC restrained his liberty unlawfully and unconstitutionally for a fraudulent conviction. Mr. Galloway presents no finding by a judicial entity that KDOC acted negligently in recognizing the conviction or in executing the sentence imposed. The Department recommends the claim be denied.

Following discussion, the Committee recommended Claim No. 7148 be denied.

Claim No. 7104, Claimant: Stacy Wright #123065
v. Norton Correctional Facility (NCF)
due to property loss in the amount of \$25.00

Claimant was unable to be contacted at the time of the hearing. Kansas Legislative Research Department (KLRD) staff spoke on the record on his claim. Mr. Wright requested \$25.00 for food and hygiene items he alleges were missing from his property upon release from restrictive housing. Mr. Wright stated the property inventory procedure was not thoroughly explained to him.

Respondent, NCF
represented by Libby Snider, Staff Attorney, KDOC

Respondent stated Mr. Wright was moved to restrictive housing and his property was packed out and inventoried. When Mr. Wright retrieved his property, he signed the inventory certifying it was correct without noting any discrepancies. The claimant stated the procedure was not explained to him. The signature line on the inventory form clearly states, "I certify the above is a correct inventory of my property." Finding no evidence of staff neglect, the Department recommends this claim be denied.

Following discussion, the Committee recommended Claim No. 7104 be denied.

Claim No. 7126, Claimant: Abram Roth #69740
v. Norton Correctional Facility (NCF)
due to property loss in the amount of \$500.00

Claimant stated he was transferred for a court appearance, and he gave his eyeglasses to a correctional officer. He claims the eyeglasses were never returned to him.

Respondent, NCF
represented by Libby Snider, Staff Attorney, KDOC

Respondent stated Mr. Roth filed a facility claim regarding lost eyeglasses, citing the date of loss as January 2, 2020. Mr. Roth's medical file indicated no eyeglasses had been provided to him and there was no documentation in his property file of his arriving at the KDOC facility with eyeglasses. KAR 44-12-201 provides, "It shall be the responsibility of each inmate to make certain that any items of personal property are properly registered." Finding no evidence of staff neglect, the Department recommends the claim be denied.

Following discussion, the Committee recommended Claim No. 7126 be denied.

Claim No. 7158, Claimant: Christine Desmuke-Wolfe
v. KDOC
due to property loss in the amount of \$203.00

Claimant stated on January 5, 2020, she made a 350-mile trip to visit her spouse, Mr. Wolfe, who is an inmate at the Hutchinson Correctional Facility. After arriving from Topeka, the claimant was denied visitation because the inmate was involved in an altercation the night before the visit. The claimant alleges that facility staff could not locate her spouse on the day of the visit, and she further stated that staff admitted to being misinformed when confirming the availability of her spouse in a phone call the day prior.

Respondent, KDOC
represented by Libby Snider, Staff Attorney, KDOC

Respondent stated Mr. Wolfe was moved during weekend hours in response to an emergency situation. That information was not available to the staff person with whom Ms. Desmuke-Wolfe addressed her planned visit. Ms. Snider stated that Ms. Desmuke-Wolfe did not attempt to first exhaust administrative remedies that may be available. There is no indication a claim was first filed with the facility regarding these allegations. The Department recommends this claim be denied.

Following discussion, the Committee recommended Claim No. 7158 be denied.

Lunch

Vice-chairperson Kerschen recessed the meeting for lunch at 12:08 p.m., and the meeting resumed at 1:20 p.m.

Review of Motor Fuel Tax Refunds

Motor fuel tax refunds for calendar year (CY) 2020 totaling \$24,743.41 were presented by Teri Agnew, Kansas Department of Revenue.

Senator Pyle moved to approve the motor fuel tax refunds for CY 2020; Representative Samsel seconded the motion. The motion carried.

Claim No. 7125, Claimant: Johnny Hogue #63960
v. Lansing Correctional Facility (LCF)
due to property loss in the amount of \$2,645.00

Due to the inability to contact the claimant, KLRD staff went on the record for the claimant. Claimant requests \$2,645.00 for property loss after being transferred to the Hutchinson Correctional Facility (HCF) from LCF. His non-allowed property was retained at LCF and he was told to complete forms when he arrived at HCF to have the non-allowed property mailed out. After submitting forms at HCF, he was told his property had been destroyed.

Respondent, LCF
represented by Libby Snider, Staff Attorney, KDOC

Respondent stated Mr. Hogue had requested to have his property mailed out, but he had a negative balance on his inmate account. He was given seven days to make disposition arrangements for his property, but he still had a negative balance. Three days after the extended deadline, his property was destroyed. The value of the claim is unsubstantiated. The respondent stated the values of many of the items listed were estimated at above-market value. It has not been shown his loss was the direct result of staff negligence. The Department recommends the claim be denied. If the claim is not denied, Mr. Hogue should be required to provide evidence to substantiate the claimed values.

Following discussion, the Committee recommended Claim No. 7125 be denied.

Claim No. 7130, Claimant: Alan White #6011666
v. KDOC
due to property loss in the amount of \$20.99

Claimant stated his lamp with bulb was not returned upon completion of moving to a new building.

Respondent, KDOC
represented by Libby Snider, Staff Attorney, KDOC

Respondent stated Mr. White requests \$20.99 for the loss of a lamp and a light bulb, which are alleged to have gone missing when he was transferred to a new building unit. Inmates were escorted to retrieve their property and, upon unpacking, Mr. White stated the lamp was missing. Mr. White had an excessive quantity of property and was directed to downsize the amount to an acceptable level. Mr. White had done this in the presence of the claim investigator, and all items were cataloged. Nothing belonging to Mr. White was withheld. The Department recommends this claim be denied.

Following discussion, the Committee recommended Claim No. 7130 be denied.

Claim No. 7133, Claimant: Steven Louis #106652
v. Lansing Correctional Facility (LCF)
due to property loss in the amount of \$92.84

Claimant stated two fans, a surge protector, and a pocket edition of Black's Law Dictionary were misplaced by staff during his transfer from an old housing unit to a recently reconstructed housing unit at LCF.

**Respondent, LCF
represented by Libby Snider, Staff Attorney, KDOC**

Respondent stated Mr. Louis was set to move to a new building and was told to place his packed property in the property area. During the moving process, all items were removed and cataloged. Mr. Louis claimed the items in question were not on the catalog. Mr. Louis noted nothing missing during the retrieval of property, and his claim cannot be substantiated. The Department recommends this claim be denied.

Following discussion, the Committee recommended Claim No. 7133 be denied.

**Claim No. 7134, Claimant: Ricky Davis #74588
v. Lansing Correctional Facility (LCF)
due to property loss in the amount of \$350.00**

Claimant stated several items of his property were not returned following their seizure for an investigation related to a mass disturbance.

**Respondent, LCF
represented by Libby Snider, Staff Attorney, KDOC**

Respondent stated the claimant packed his property and it was seized for investigation following a disturbance at the facility. When the property was returned, he claims a fan, a radio, boots, a combination lock, and three T-shirts were missing, and his typewriter was damaged. All items were cataloged, and identifiable property was returned to that particular inmate. A disposition document detailing the removal of altered batteries, a radio, and a crafted leather item was sent to Mr. Davis. There is no showing of staff negligence; therefore, the Department recommends the claim be denied.

Following discussion, the Committee recommended Claim No. 7134 be denied.

**Claim No. 7137, Claimant: Raul Batista #46123
v. KDOC
due to property loss in the amount of \$40.00**

Claimant alleged the facility lost \$40.00 worth of his canteen items and his television remote.

Respondent, KDOC
represented by Libby Snider, Staff Attorney, KDOC

Respondent stated Mr. Batista was placed in restrictive housing, and his property was inventoried and stored. Upon release and retrieval of his property, he claims he was missing a television remote and canteen items. Mr. Batista's purchase history reflected he had never purchased a television, so there was no reason for him to have a remote. Mr. Batista signed the property inventory form noting no discrepancies. His claimed losses are unsubstantiated and the Department recommends this claim be denied.

Following discussion, the Committee recommended Claim No. 7137 be denied.

Claim No. 7139, Claimant: Tyron James #77522
v. Lansing Correctional Facility (LCF)
due to property loss in the amount of \$97.21

Claimant stated a correctional officer intentionally destroyed his photographs when he was in segregation. He further claimed several other items were missing upon returning from segregation.

Respondent, LCF
represented by Libby Snider, Staff Attorney, KDOC

Respondent stated Mr. James alleges an officer cut up all of his photographs and calendar while the claimant was in segregation. When released from segregation and upon retrieving his property, he noticed his pictures, cologne, and six sausages were missing. His facility claim was denied for failure to file a claim within the required 15 working days. Mr. James also signed the inventory form and made no mention of discrepancies. The Department recommends this claim be denied due to untimely filing of his claim. If it is not denied, the Department recommends it be dismissed pursuant to Rule 2.

Following discussion, the Committee recommended Claim No. 7139 be dismissed without prejudice.

Claim No. 7140, Claimant: Brad Gillespie #117695
v. Ellsworth Correctional Facility (ECF)
due to property loss in the amount of \$121.60

Claimant stated a number of food items were missing from his property after his cell was searched by staff on January 29, 2020.

Respondent, ECF
represented by Libby Snider, Staff Attorney, KDOC

Respondent requested this claim be carried over to allow additional time to investigate.

Following discussion, the Committee recommended Claim No. 7140 be carried over to the next meeting.

Claim No. 7141, Claimant: Brad Gillespie #117695
v. Ellsworth Correctional Facility (ECF)
due to property loss in the amount of \$85.57

Claimant stated a number of food items were missing from his property after his cell was searched by staff on March 1, 2020.

Respondent, ECF
represented by Libby Snider, Staff Attorney, KDOC

Respondent requested this claim be carried over to allow additional time to investigate.

Following discussion, the Committee recommended Claim No. 7141 be carried over to the next meeting.

Claim No. 7142, Claimant: John Turley #42807
v. KDOC
due to property loss in the amount of \$476.44

Claimant stated he was moved to a new prison and claimed the staff was negligent due to a six-day delay in receiving some of his items, at which time he discovered items were missing. Claimant stated missing items included damaged headphones, a damaged sculpted snake, two magnetic clasps, two jumbo Sharpie markers, and a washcloth. Claimant also stated his facility claims were improperly denied in two instances.

Respondent, KDOC
represented by Libby Snider, Staff Attorney, KDOC

Respondent stated Mr. Turley filed a claim on June 15, 2020, for items he noticed were missing from his property when he was moved to a new unit. Mr. Turley states he did not receive his property until April 30, 2020, when he discovered the items missing. This facility claim was denied because it was filed outside the 15-day limit. On October 3, 2016, Mr. Turley submitted a facility claim citing a date of loss of June 3, 2015, through June 1, 2016. He claimed court fees were wrongfully being withheld from his wages. This claim was denied because it was filed outside the 15-day limit. Rule 2 provides that a claimant should first exhaust any administrative or judicial remedies. Mr. Turley failed to file his claims within the time limit set forth in the regulation. The Department recommends the claim be dismissed pursuant to Rule 2.

Following discussion, the Committee recommended Claim No. 7142 be dismissed without prejudice.

Claim No. 7146, Claimant: David Meggers #66215
v. Lansing Correctional Facility (LCF)
due to property loss in the amount of \$250.00

Claimant stated he was placed in segregation on June 23, 2019, and requested his allowable property. On August 27, 2019, he was told all of his property was missing. He stated the total cost of the items in question was \$712.00. However, due to the age of the items, the claimant requested only \$250.00.

Respondent, LCF
represented by Libby Snider, Staff Attorney, KDOC

Respondent stated Mr. Meggers filed a facility claim regarding these allegations on September 13, 2019, citing the date of loss as “August 27, 0019, through June 23, 0019.” Mr. Meggers discovered his property was missing on August 27, 2019, but his claim was not filed until September 13, 2019, beyond the time limit set forth in the regulation. By failing to file the claim in a timely manner, Mr. Meggers failed to exhaust his administrative remedies. The Department recommends the claim be denied. If it is not denied, the Department recommends it be dismissed pursuant to Rule 2.

Following discussion, the Committee recommended Claim No. 7146 be dismissed without prejudice. Representative Samsel voted against the recommendation.

Claim No. 7147, Claimant: Grant Nixon #95875
v. KDOC
due to property loss in the amount of \$409.00

Claimant stated his cell was invaded by two inmates who threatened him, and he was forced to surrender a television, a watch, a fan, and other items.

Respondent, KDOC
represented by Libby Snider, Staff Attorney, KDOC

Respondent stated Mr. Nixon filed a facility claim regarding these allegations. The claim was returned to him with no action taken because the claim failed to explain how correctional staff were at fault. His claimed loss is unsubstantiated and there is no showing that any such loss was the direct result of staff negligence. The Department recommends the claim be denied.

Following discussion, the Committee recommended Claim No. 7147 be denied.

Claim No. 7151, Claimant :Stanley Wooley #96814
v. Lansing Correctional Facility (LCF)
due to property loss in the amount of \$33.64

Claimant stated he was moved from one facility to another. Mr. Wooley requested \$33.69 due to property loss on April 23, 2020. Missing items include eight batteries, two battery chargers, and an additional MP4 charger.

Respondent, LCF
represented by Libby Snider, Staff Attorney, KDOC

Respondent requested this claim be carried over to allow additional time to investigate.

Following discussion, the Committee recommended Claim No. 7151 be carried over to the next meeting.

Claim No. 7155 Jeffrey Collier #47548
v. El Dorado Correctional Facility (EDCF)
due to property loss in the amount of \$91.46

Claimant stated that when he was moved to restrictive housing he packed his property out. His property was discovered missing when he returned.

Respondent, EDCF
represented by Libby Snider, Staff Attorney, KDOC

Respondent stated the claimant was moved from one general population cell house to another. He was allowed to personally pack his belongings and his property was moved with him. Because he was on restriction, he could not have his electronic devices. Those items were inventoried and placed in property storage. Mr. Collier signed the inventory form with no indications of discrepancy. His claimed losses are unsubstantiated and show no loss as a direct result of staff negligence. The Department recommends the claim be denied.

Following discussion, the Committee recommended Claim No. 7155 be denied.

Claim No. 7156, Claimant: Clinton McKinney #106648
v. Lansing Correctional Facility (LCF)
due to property loss in the amount of \$250.59

Claimant stated the audio on his television stopped working after an officer moved it and dropped it on the floor.

Respondent, LCF
represented by Libby Snider, Staff Attorney, KDOC

Respondent requested this claim be carried over to allow additional time to investigate.

Following discussion, the Committee recommended Claim No. 7156 be carried over to the next meeting.

Claim No. 7157, Claimant: Andre' Free Sr. #112280
v. Lansing Correctional Facility (LCF)
due to property loss in the amount of \$71.00

Claimant stated his property was held for investigative purposes and upon its return, several items were missing, and other items were damaged.

Respondent, LCF
represented by Libby Snider, Staff Attorney, KDOC

Respondent requested this claim be carried over to allow additional time to investigate.

Following discussion, the Committee recommended Claim No. 7157 be carried over to the next meeting.

Claim No. 7117, Claimant: Garry Byrd #59068
v. KDOC
due to property loss in the amount of \$247.67

Claimant stated his TV, surge protector, and headphones were missing from his property after he returned to his cell from a period of time in administrative confinement.

Respondent, KDOC
represented by Libby Snider, Staff Attorney, KDOC

Respondent requested this claim be carried over to allow additional time to investigate.

Following discussion, the Committee recommended Claim No. 7117 be carried over to the next meeting.

Claim No. 7135, Claimant: Wyatt Brown #99151
v. El Dorado Correctional Facility (EDCF)
due to property loss in the amount of \$101.91

Claimant stated an MP4 player, earbuds, and batteries were missing from his property upon release from segregation. He further stated staff utilized an outdated property inventory when conducting their investigation.

Respondent, EDCF
represented by Libby Snider, Staff Attorney, KDOC

Respondent requested this claim be carried over to allow additional time to investigate.

Following discussion, the Committee recommended Claim No. 7135 be carried over to the next meeting.

Claim No. 7136, Claimant: Wyatt Brown #99151
v. El Dorado Correctional Facility (EDCF)
due to property loss in the amount of \$93.45

Claimant stated his religious book was destroyed by staff. The book was loaned to another inmate when the claimant was taken to segregation and, upon his return, the claimant stated he discovered the book was recycled by staff.

Respondent, EDCF
represented by Libby Snider, Staff Attorney, KDOC

Respondent requested this claim be carried over to allow additional time to investigate.

Following discussion, the Committee recommended Claim No. 7136 be carried over to the next meeting.

Claim No. 7132, Claimant: Brian Manis #67511
v. El Dorado Correctional Facility (EDCF)
due to property loss in the amount of \$92.80

Claimant stated his model car and art pens were seized by staff and not returned following a search of the craft room at EDCF.

Respondent, EDCF
represented by Libby Snider, Staff Attorney, KDOC

Respondent requested this claim be carried over to allow additional time to investigate.

Following discussion, the Committee recommended Claim No. 7132 be carried over to the next meeting.

Committee Comments and Recommendations

There was general discussion about incentivizing good behavior among inmates. The Committee discussed methods with a KDOC representative to remedy the repeated claims that are denied at the correctional facility level due to untimely filing. Murl Riedel, KLRD, announced the minutes from the November 13, 2020, meeting would be emailed to members for approval.

Adjourn

The meeting adjourned at 4:15 p.m.

Prepared by Melissa Lowrey

Edited by Murl Riedel

Approved by the Committee on:

July 22, 2021

(Date)