



STATE OF ARKANSAS
BUREAU OF
LEGISLATIVE RESEARCH

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

Style of Case: Courtney Smith v. Arkansas Division of Correction

Docket Number: Claim No. 230928

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

As indicated by my signature below:

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

Signature

Arkansas State Claims Commission, Attorney Specialist
Title and Agency

Mika Tucker
Name

January 31, 2025
Date

From: [ASCC New Claims](#)
To: [Thomas Burns \(DOC\)](#); [Leslie Browning \(DOC\)](#)
Cc: [Kathryn Irby](#)
Subject: CLAIM: Courtney Smith v. ADC, Claim No. 230928
Date: Friday, February 17, 2023 10:10:00 AM
Attachments: [Courtney Smith ADC agency ltr -.pdf](#)
[Courtney Smith Claim form and supporting docs - includes MTE.pdf](#)
[Courtney Smith Order re motion to exceed page limitations.pdf](#)
[Courtney Smith MTE received by mail.pdf](#)

Please see attached. Contact Kathryn Irby with any questions.

Thank you,
Caitlin

Caitlin McDaniel

Administrative Specialist II

Arkansas State Claims Commission

101 East Capitol Avenue, Suite 410

Little Rock, Arkansas 72201

(501) 682-1619

February 17, 2023

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

(via email)

RE: ***Courtney Smith v. Arkansas Division of Correction***
Claim No. 230928

Dear Mr. Burns,

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

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

Sincerely,

Kathryn Irby

ES: cmcdaniel

cc: Courtney Smith (ADC [REDACTED]), *Claimant* (w/ encl.)

Please print in ink or type

JAN 20 2023

BEFORE THE STATE CLAIMS COMMISSION Of the State of Arkansas

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Mr. Courtney Smith ([redacted]), Claimant

Do Not Write in These Spaces
Claim No.
Date Filed (Month) (Day) (Year)
Amount of Claim \$
Fund

vs. State of Arkansas, Respondent

COMPLAINT

Courtney Smith (ADC [redacted]), the above named Claimant, of [redacted] (City) [redacted] (State) [redacted] (Zip Code) [redacted] (Daytime Phone No.) represented by Pro Se (Legal Counsel, if any, for Claim)

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

State agency involved: Arkansas Division of Corrections Amount sought: \$15,000

Month, day, year and place of incident or service:

Explanation: This claim is of a great concern of Retaliation, malice intent, discrimination, unprofessionalism and the falsifying of documents leaving me to fear for my life, liberty and Freedom. Being at this [redacted] Unit under the supervision of Warden Michelle Gray. On 10-1-22, I wrote a grievance on Warden Michelle Gray for knowingly violating the A.D.C. policy via the [redacted] Unit policy 2.12.0 because she denied me my right to purchase religious reading material, self help reading material, educational studies and pleasures. (See exhibit A for supporting documentation) Warden Gray used [redacted] policy 2.12.0 section VI, Procedure, A. Fund restriction (#4) as a smoke screen to "Retaliate" against me for using the grievance procedure and previously filing a claim against the A.D.C. with this commission for the A.D.C. employees destroying my property on 7-13-22 (claim number 230688). [redacted] policy 2.12.0 section VI, A, #1, #2 and #3 does not state that my trust fund account is restricted for being on Commissary restriction just me going to the pen store to buy snacks or food items. After the destruction of my personal property I tried to replace the destroyed items myself using a personal withdrawal from but Warden Gray became aware of my claim from me utilizing the law library for legal work and copies Warden Gray retaliated and denied my request using [redacted] policy 2.12.0 section VI, A, #4 but after further investigation I found [redacted] policy 2.12.0 section VI, A, #4 was not a real policy and does not exist. This procedure #4 was made up, a lie, an act to deceive me to cover up for RETALIATION for using the grievance procedure and filing a claim previously with this commission against the A.D.C. (See Attached Explanation to continue...)

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

and that \$ was paid thereon: (2) Has any third person or corporation an interest in this claim? NO; 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.

Courtney Smith (Print Claimant/Representative Name)

Courtney Smith (Signature of Claimant/Representative)

SWORN TO and subscribed before me at Calico Rock AR (City) (State)

on this January 13th day of January, 2023 (Date) (Month) (Year)

[Signature] (Notary Public)

My Commission Expires: 4 8 2031 (Month) (Day) (Year)





Before the Arkansas State Claims Commission

Courtney Smith (A.D.C. [redacted])

Claimant

Arkansas State Claims Commission

v.

JAN 20 2023

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Arkansas Division of Correction

Respondent

Motion to allow the claimant, Courtney Smith [redacted], for leave to exceed the page limitations set in Ark. Code Ann. § 19-10-208(F)(1)

Now before the Arkansas State Claims Commission (the "Claims Commission") is a motion for leave to exceed the page limitations set in Ark. Code Ann. § 19-10-208(F)(1)

The claimant is an inmate in the Arkansas Division of Corrections and is respectfully showing this court, how this division of corrections being the [redacted] under the supervision of Warden Michelle Gray and Asst. Warden Steven Ricketts is retaliating on him for using the grievance procedure and filing a previous claim with this "Claims Commission" claim no. 230688.

The claimant feels he is in a great deal of trouble being housed in the same unit he has a claim

against. The claimant just want to be heard and ~~need~~ relieved from such malice intent with the chance to prove A.D.C policy violation, Retaliation and countless of human rights and religious violations.

Please grant this motion and hear me out with an open, fair and just mind. The claimant has a claim he feels is sufficiently complex and needs the additional pages to fully explain his claim or action.

Thank you,
Mr. Cowdrey Smith # [REDACTED]

[REDACTED]
1-13-23

Attached Explanation pages 1 of 4

On 10-10-22 (see document in support of exhibit B) Warden Grays response to the grievance written on 10-1-22 she stated that [REDACTED] policy was not violated and on pg. 2 Section VI, A, (#4) states inmates on commissary restriction will not be allowed to submit a personal withdrawal form except in a verifiable emergency. "I knew this was not true because I been on restriction since 2-1-21 and been purchasing books and magazines while being on restriction for 2 years using individual checks or personal withdrawal forms (see document to support exhibit C)

So I got this [REDACTED] policy 2.12.0 from the law library and reviewed section VI, A, (#4), pg. 2 as she stated but could not find the (#4). Do you know why i couldn't find the (#4?) because there was NO (#4!) the section she stated "section VI, A" only has 3 procedures.

The 3 procedures listed does not say what she stated that "inmates on commissary restriction will not be allowed to submit a personal withdrawal form except in a verifiable emergency" (see document to support exhibit D) The 4th or #4 does not exist, it was made up, just a figment of her imagination.

This exhibit D shows that she lied just to hurt me (malice intent) by denying me my rights, this exhibit D shows the abuse of authority, this exhibit D shows "Retaliation", this exhibit D shows that exhibit B is a false statement therefore deeming the document false (falsified document)

Warden Michelle Gray knew exactly what she was doing and was well aware of the consequences of her actions. She knew

2 of 4

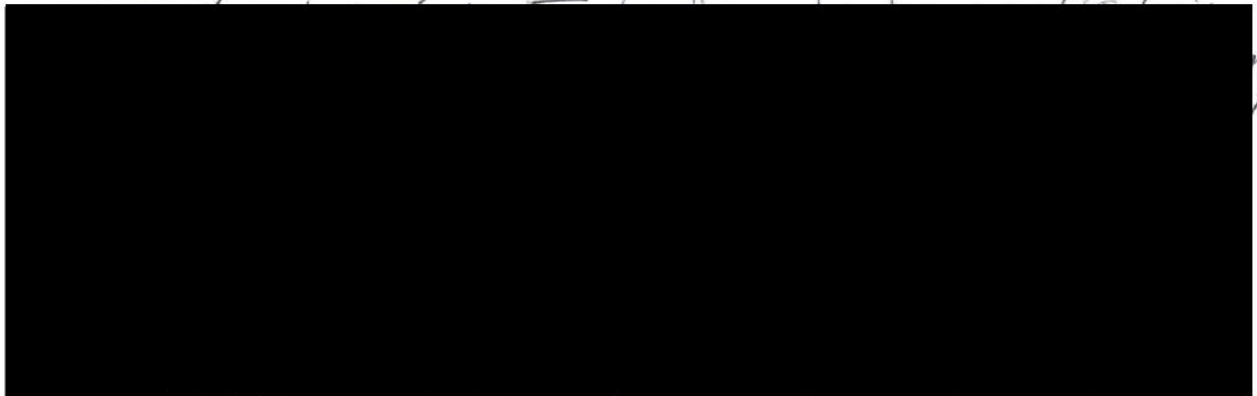
[REDACTED] self help reading material, educational studies were all destroyed on 7-13-22 under her watch and orders. She knew I wanted to replace my personal property through the personal withdrawal form and her denial of this right shows malice intent, shows disrespect to me and all my brothers and sisters who practice this [REDACTED], this also shows ~~my~~ disregard, carelessness and most important it shows retaliation for using the grievance procedure and filing a previous claim before the state claims Commission # 230688 once before. She also knew that denying me the right to replace my own personal property on my own behalf that she had destroyed would destroy me and cause emotional and mental anguish and distress.

On 10-19-22 I further appealed to the chief deputy/ deputy/ Assistant director Mr. William Straughn, who again showed total disregard and carelessness when he stated "After review of your appeal and supporting documentation, I concur with the wardens decision." How could the deputy director be so rude, heartless and non-chalant to my needs and plea for help to concur with the wardens lie and then he lies and say after review of the supporting document he agrees/concur. I even sent him a copy of this N.C.U policy 2.12.0 section VI, A, #4 that shows no number 4 and he sent it back saying or stamped "Additional Documents & Duplicates will not be considered as part of your appeal" totally ignoring the truth, the factual supporting document. (see supporting document of exhibit E) This is clearly a failure to take corrective action

3 of 4

Warden Gray is also denying me the right to practice my [REDACTED] and discriminating against me for being [REDACTED] and believing in what I believe in. While serving my time in prison I want to better myself by educating myself and that has also been denied by Warden Michelle Gray.

I am, I mean, I was a student of the



Warden Gray with her discriminatory and racist ways on several occasions denied me the right to further educate myself by denying me my textbook to study, courses to complete, quizzes, exams, etc. This denial stopped me in my tracks on the straight path to achieve certificates and hopefully one day a Diploma.

Her reason for denying me my education, Her reason for denying me the practice of my religion, Her reason

[REDACTED]
is that it "incites racism" (see document to support exhibit F)

This is clearly a violation of the A.D.C policy, the employee conduct standard section 225 #13 states: employees will refrain from any discriminating conduct referring to race, color, sex, religion, national origin, age, disability, etc.

Arkansas
State Claims Commission 1 of 4
JAN 20 2023

Section (b) Discrimination. (The A.D. RECEIVED not allow me access to this policy)

How can the Warden of this [redacted] be so racist and discriminatory towards a group of people or [redacted] in all shape, sizes and colors [redacted]

A person that's racist and shows discrimination should never be a warden over a prison.

The Arkansas Division of Corrections is Liable for violating their own policy, Liable for any and all Emotional and Mental anguish therefore caused by racism, discrimination, Falsifying document, showing malice intent, Hate crime and retaliation all done by the Arkansas Division of Corrections

The claimant, Courtney Smith [redacted] is requesting a hearing with the demand for monetary damages.

x Courtney Smith # [redacted]
x Courtney Smith # [redacted]

1-13-23

Document in Support of Exhibit A

- Grievance # [REDACTED]-22-00453 wrote on 10-1-22
- Date grievance was filed 10-6-22

- Claimant states that Warden Michelle Gray is retaliating on him for filing previous grievances and claim before this Arkansas State claim Commission # 230688

- Claimant also states the Warden Gray knowingly violated [REDACTED] policy 2.12.0 by saying "inmates on commissary restriction will not be allowed to submit a personal withdrawal form, except in a verifiable emergency"

- Claimant also states he's in fear for his life, liberty and freedom while being under the supervision of Warden Michelle Gray at this [REDACTED]

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RH/colson

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center _____

Name Courtney Smith

ADC# _____ Brks # RH 26 Job Assignment _____

FOR OFFICE USE ONLY	
GRV. #	<u>22-00453</u>
Date Received:	<u>10-6-22</u>
GRV. CODE	<u>RECEIVED 305</u>

OCT 19 2022

10-1-22 (Date) STEP ONE: Informal Resolution

10-5-22 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)
If the issue was not resolved during Step One, state why: INMATE GRIEVANCES SUPERVISOR DOES NOT STATE POLICY 2.12.0 DOES NOT STATE INMATES ON COMMISSARY RESTRICTIONS CANNOT SUBMIT PERSONAL WITHDRAWAL FORMS.

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

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

BRIEFLY state your one complaint/concern and be specific as to the complaint, **date**, place, name of personnel involved and how **you** were affected. (Please Print): I'm writing this grievance on Warden Michelle Gray for knowingly violating the _____ policy 2.12.0 Inmate Fund Account by denying me my right to purchase religious reading material, self help reading material, educational studies and pleasures. She uses _____ policy 2.12.0 for the reason for denial but the _____ policy 2.12.0 Section VI. Procedure, A. Fund restrictions # 1, 2 and 3 does not state that my inmate Fund account or access to my Trust Fund account is restricted for being on Commissary restriction, just Commissary. The disciplinary office did in that send the restriction report to the commissary Supervisor with the start date and end date of my restriction period restricting my commissary phone and visits, NOT MY TRUST FUND CENTRALIZED BANKING ACCOUNT. I have been on restriction since late 2020 but if you would please check my computerized listing of funds transactions you will see I have been writing inmate checks since 2020. Warden Gray is Retaliating for me using the grievance process.

Courtney Smith
Inmate Signature

10-1-22
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 10-01-22 (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 _____

PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Date Received

Describe action taken to resolve complaint, including dates: I have addressed this issue with inmate Smith. I have not denied inmate C. Smith of his rights. Per Policy 2.12.0, inmates on Commissary restrictions will not be allowed to submit a personal withdrawal form, except in a verifiable emergency. Inmate Smith is on Comm. Restrictions until 4-25-2025. Warden M. Gray

Staff Signature & Date Returned [Signature] 10-5-22 Inmate Signature & Date Received [Signature] 10-5-22

This form was received on 10-5-22 (date), pursuant to **Step Two**. Is it an Emergency? No (Yes or No).

Staff Who Received Step Two Grievance: Sgt. Grogan Date: 10-5-22

Action Taken: (Forwarded to Grievance Officer)/Warden/Other Date: 10-5-22

If forwarded, provide name of person receiving this form: M. Berger Date: 10-5-22

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

Document in Support of Exhibit B

- Grievance # [REDACTED]-22-00453, Warden Gray's respond to grievance dated 10-1-22
- 10-10-22, Date of Warden Gray's respond
- Warden Gray states: "[REDACTED] policy 2.12.0 was not violated. On page 2 section VI., A., (#4) states inmates on commissary restriction will not be allowed to submit a personal withdrawal form, except in a verifiable emergency

12-26

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Attachment III

INMATE NAME: Smith, Courtney

ADC #: [REDACTED]

GRIEVANCE #: [REDACTED]-22-00453

WARDEN/CENTER SUPERVISOR'S DECISION

I, Warden M. Gray, have reviewed your grievance where you complained that I, Warden M. Gray, am knowingly violating [REDACTED] 2.12.0 policy by not allowing you to purchase Religious reading material, self help reading material, educational studies and pleasures. As I explained to you in your step one response, Inmates serving commissary restrictions are not allowed to submit personal withdrawal forms, only in case of verifiable emergency. [REDACTED] policy 2.12.0 was not violated. On page 2 Section VI A. (4) states Inmates on Commissary restrictions will not be allowed to submit a personal withdrawal form, except in a verifiable emergency. The Deputy/Assistant Warden of the Unit will have the discretion to approve or disapprove the request. I find no evidence to support your allegations of violations of established policy.

Therefore I find this grievance to be without merit (there is no number (4) this grievance does have merit)


Signature of Warden/Supervisor or Designee


Title RECEIVED


Date 10/10/2022

OCT 19 2022

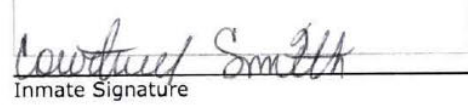
INMATE'S APPEAL

INMATE GRIEVANCES SUPERVISOR

ADMINISTRATION BUILDING

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? Warden Gray's response to this grievance is a complete false statement. She said that "page 2 section VI A. (4) states inmates on Commissary restrictions will not be allowed to submit a personal withdrawal form, except in a verifiable emergency" I have attached or enclosed the entire page 2 and there is NO section VI, A, (4)! Section VI, A, ~~2.12.0~~ only has 3 procedures and none of them say I cannot write an inmate check on Commissary restriction or Fund restriction. Warden Gray is knowingly violating the [REDACTED] 2.12.0 policy as well as my right to purchase religious reading material, self help reading material, educational studies and pleasures. Warden Gray is also violating the Employee conduct standard section 225 via Falsifying documents. I been writing inmate checks since 2020, been on restriction since 2020.

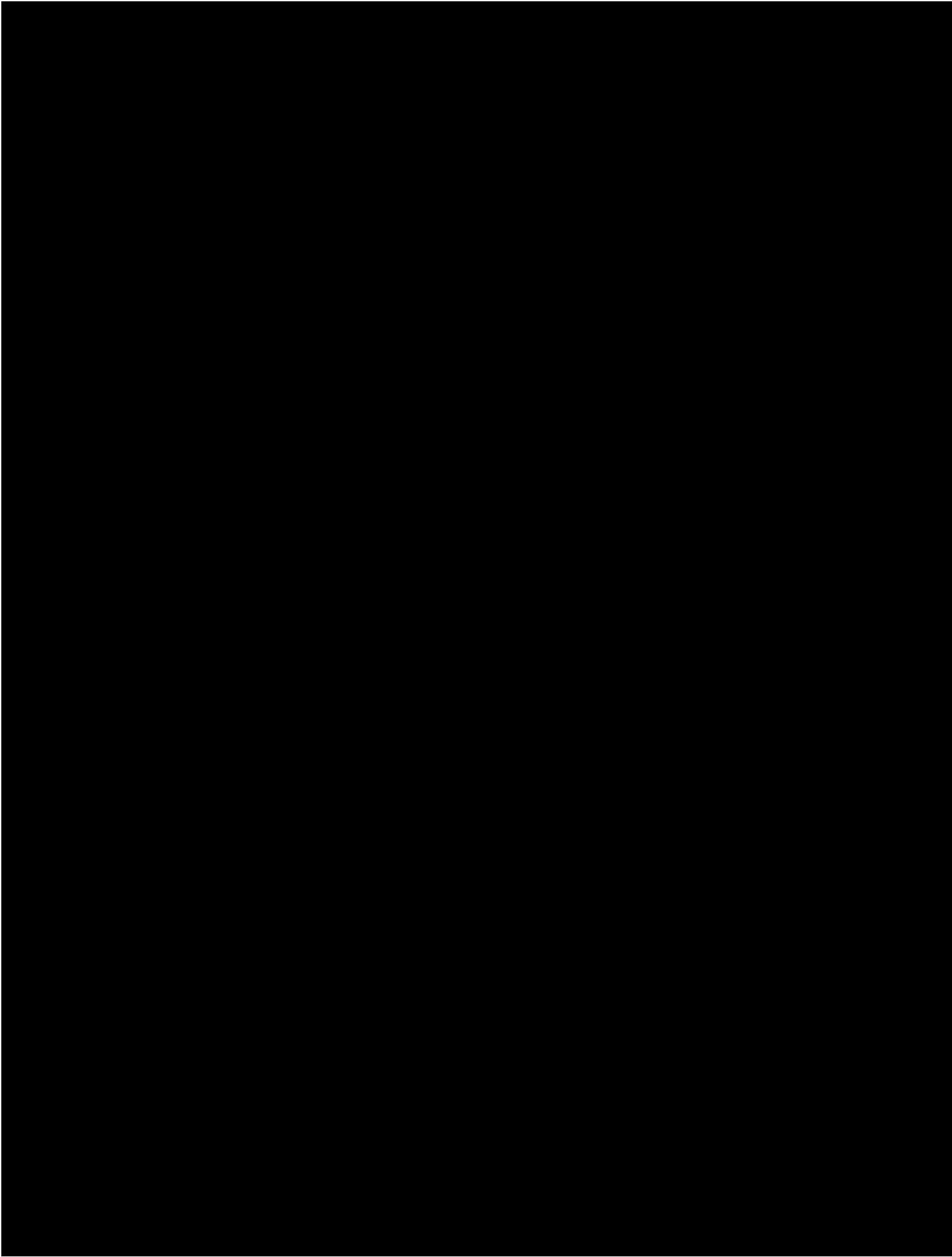

Inmate Signature

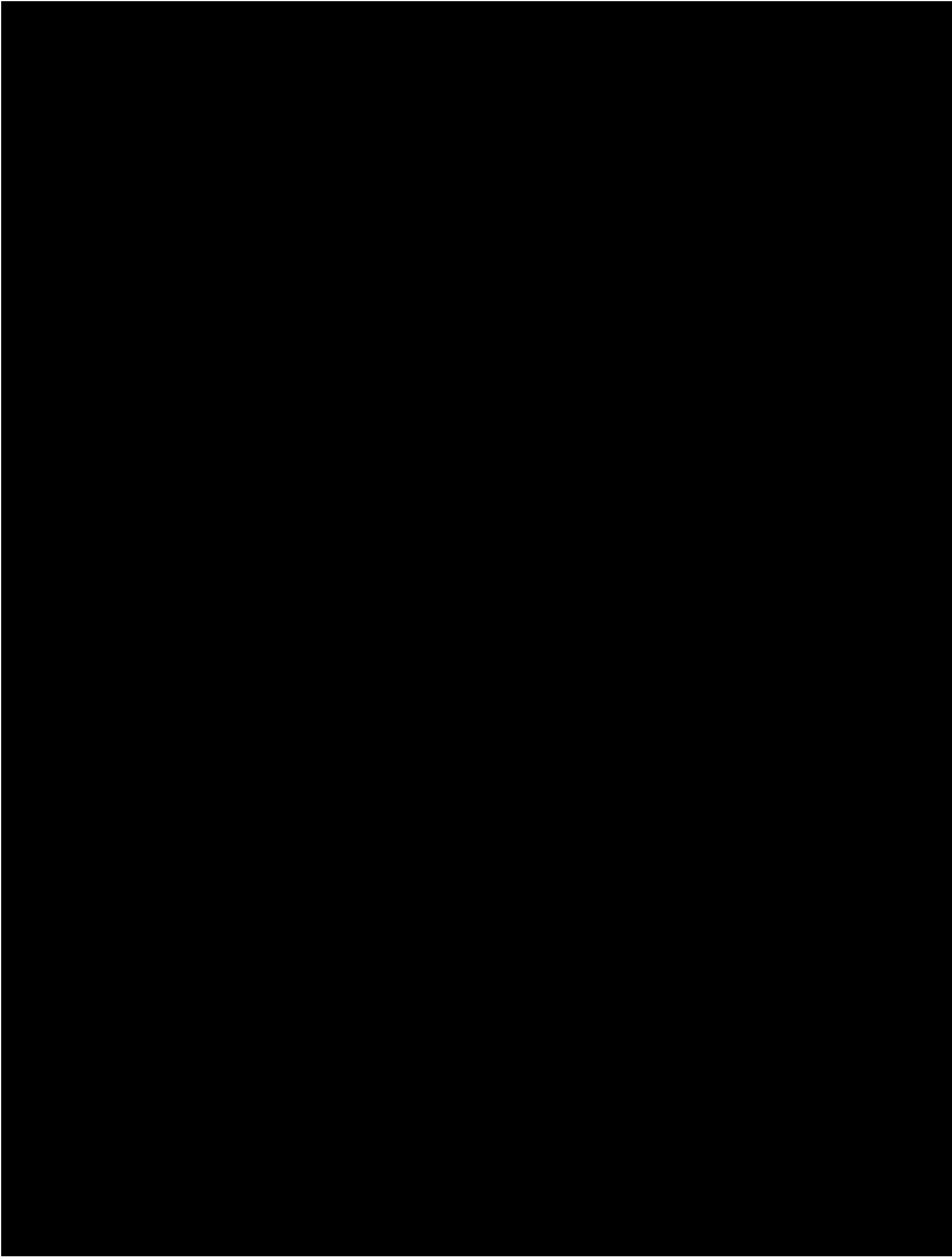
ADC#: 10-13-2022
[REDACTED] Date

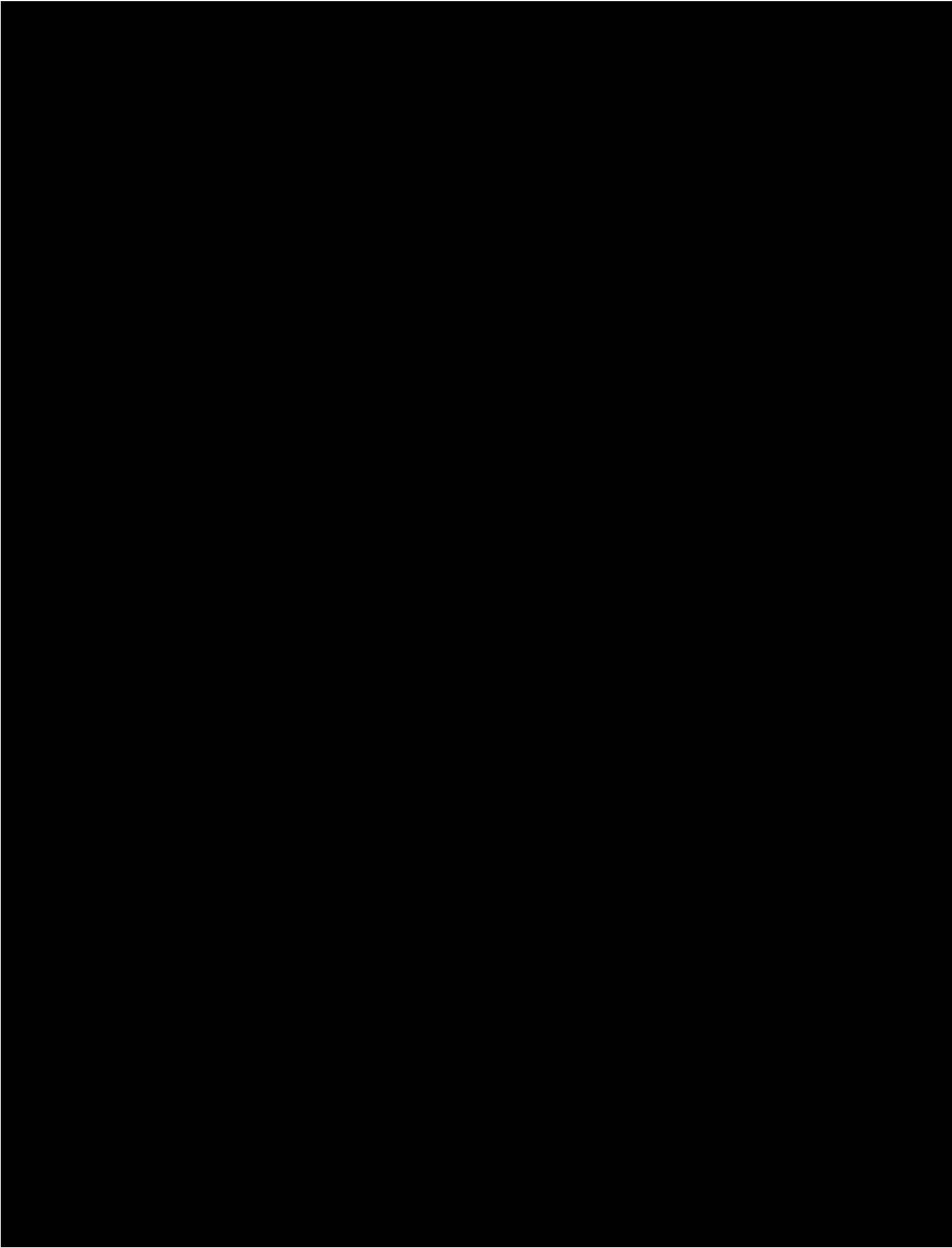
If appealing, please submit both the Unit Level Grievance Form (Attachment I) and the Warden's Decision (Attachment III)

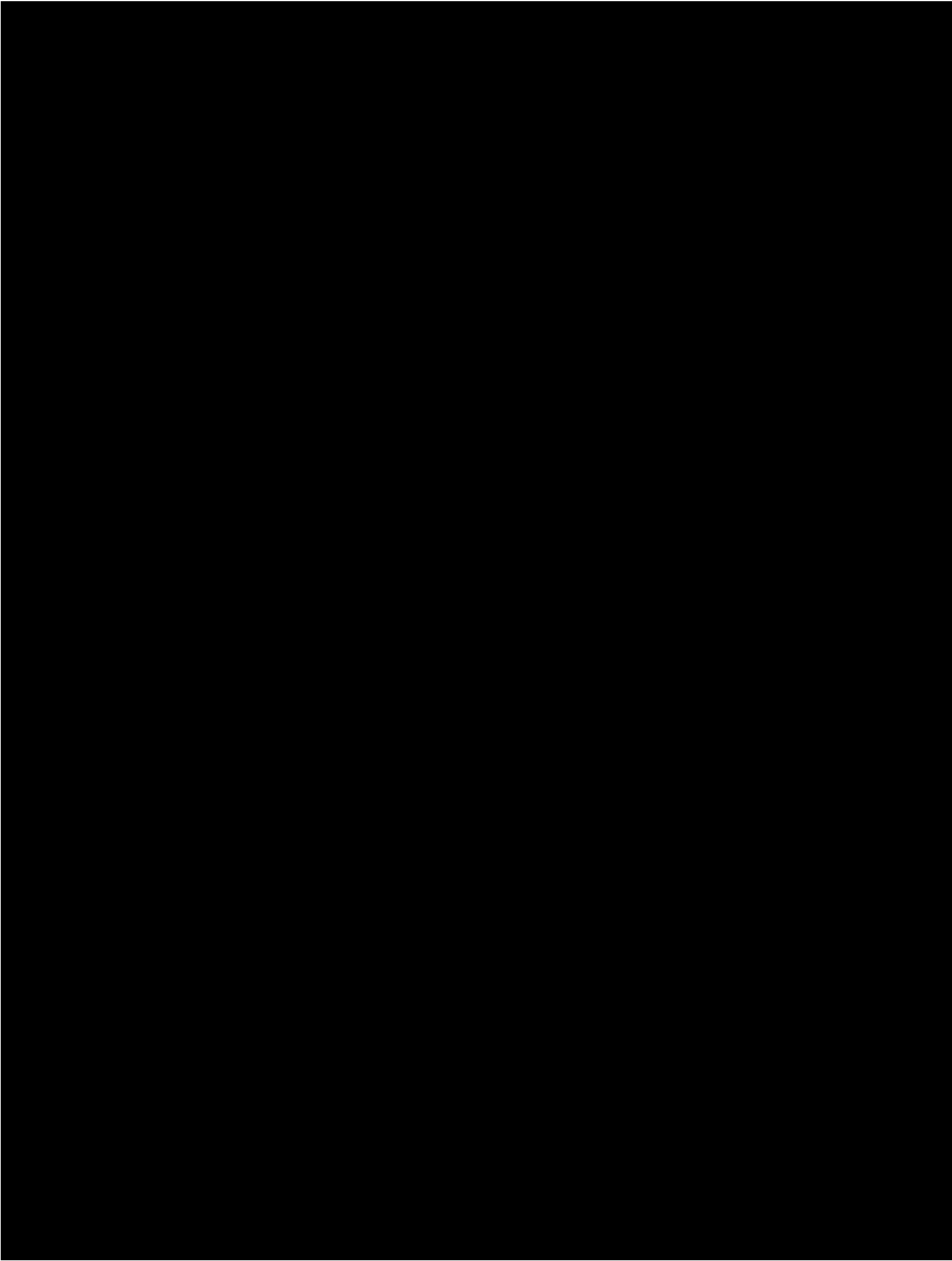
Document in Support of Exhibit C

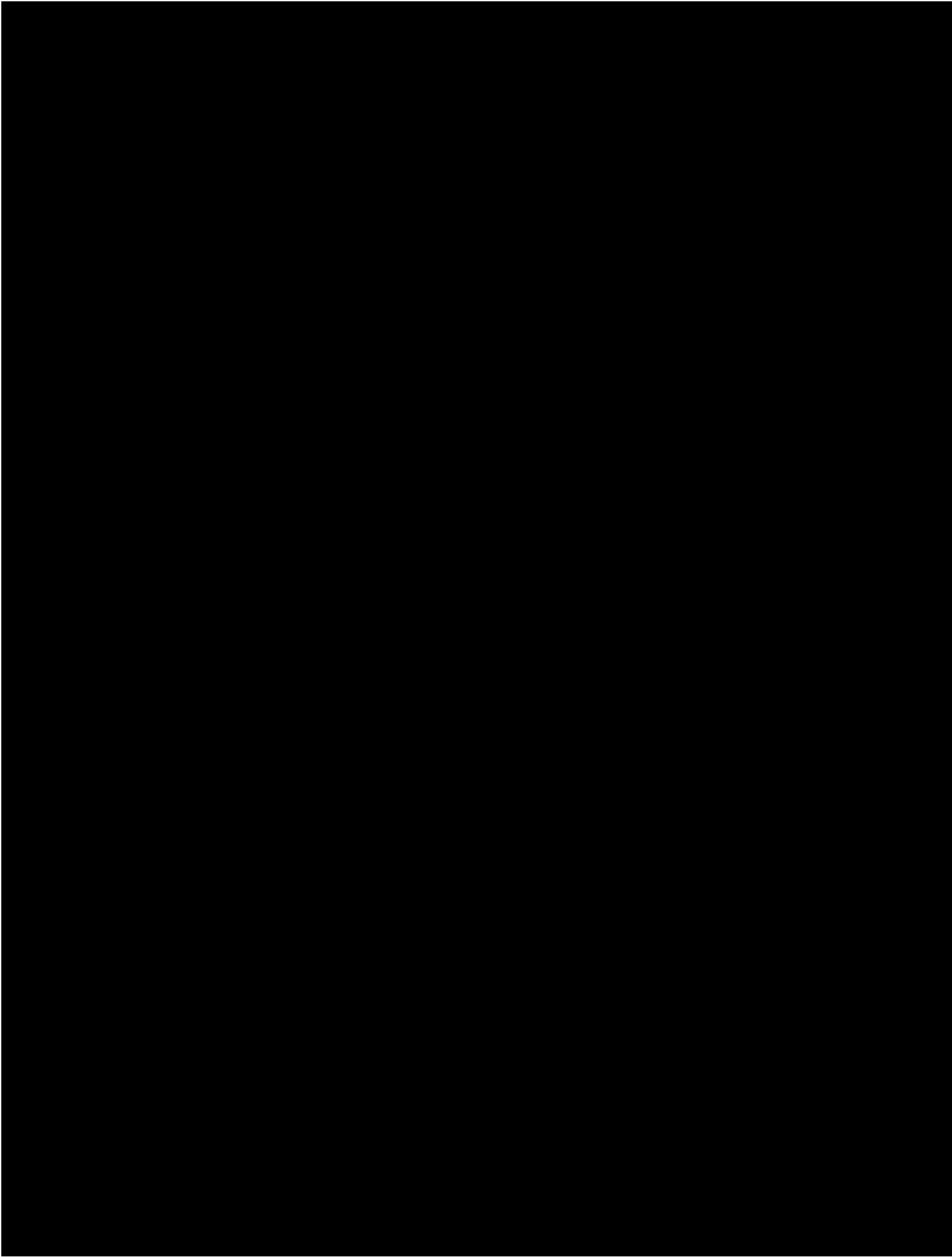
- Trust Fund Account statement
- Showing Claimant has been on restriction since 2-1-21 and has been writing individual checks using a personal withdrawal form.
- Witness statement shows claimant has been purchasing ~~and~~ religious reading material, self help reading material, educational studies and pleasures from authorized book stores.
- also shows date of purchase, Book and Magazine Company, check number and the amount. Same as Trust Fund Account statement see underline

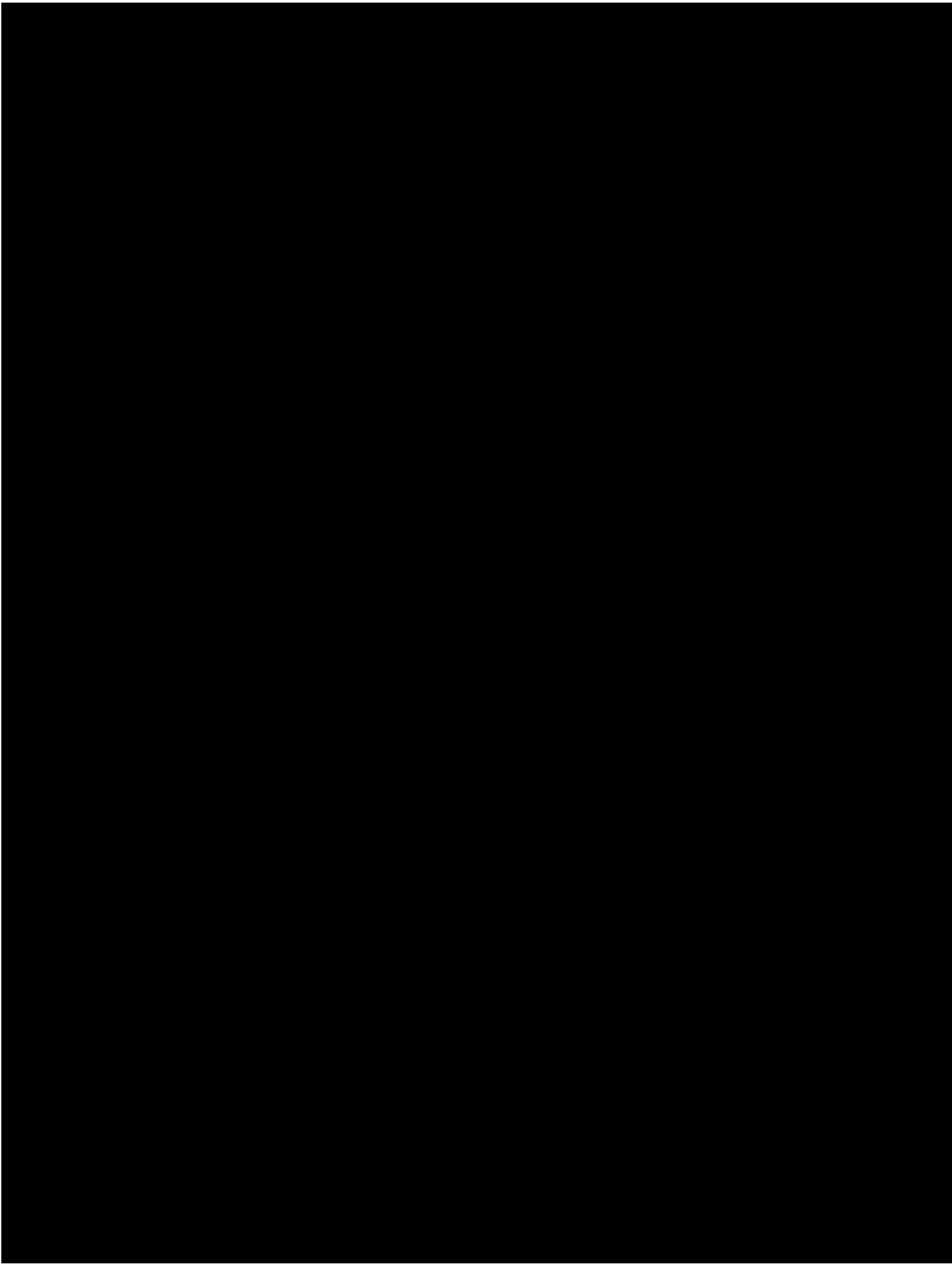


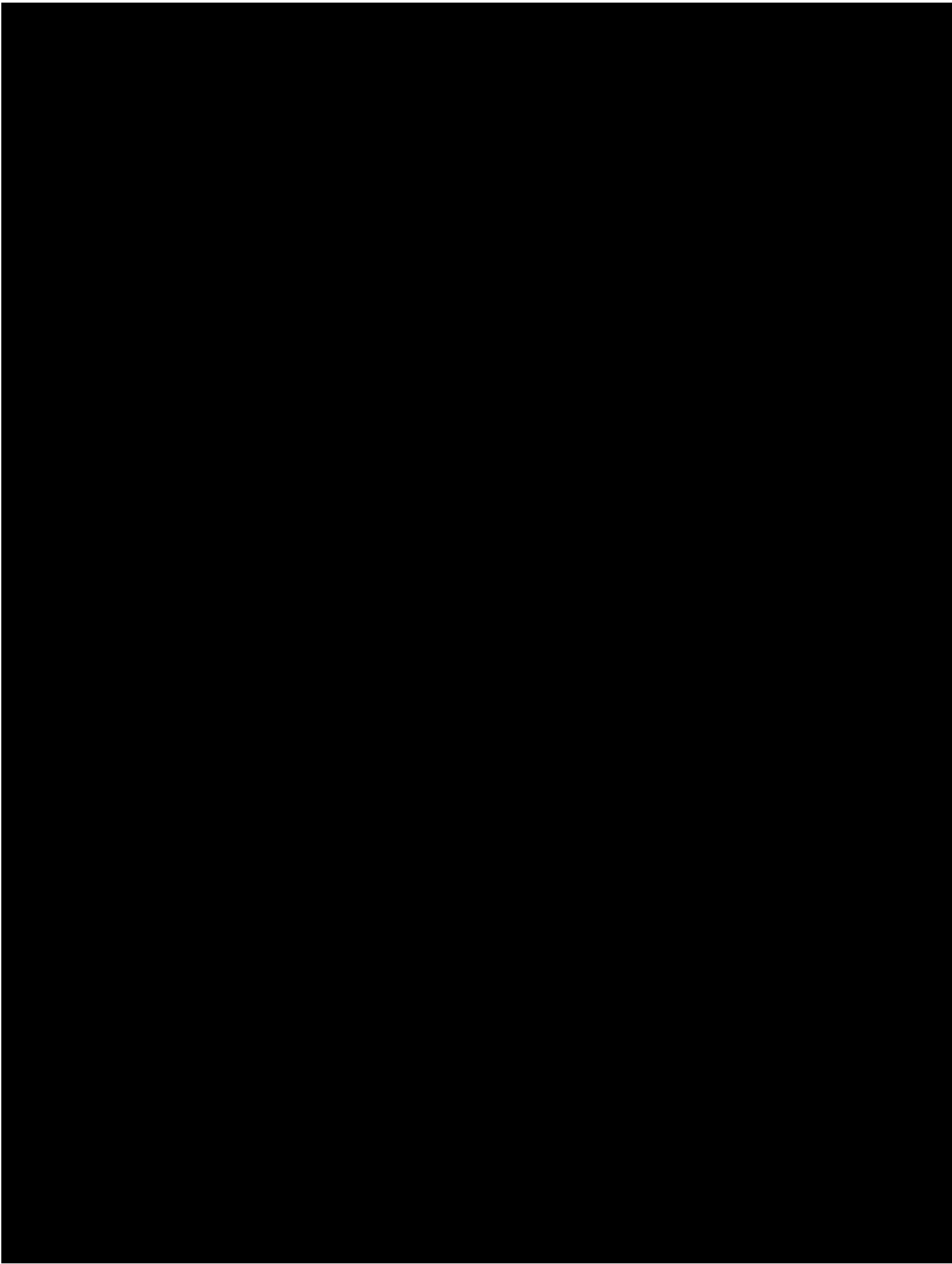


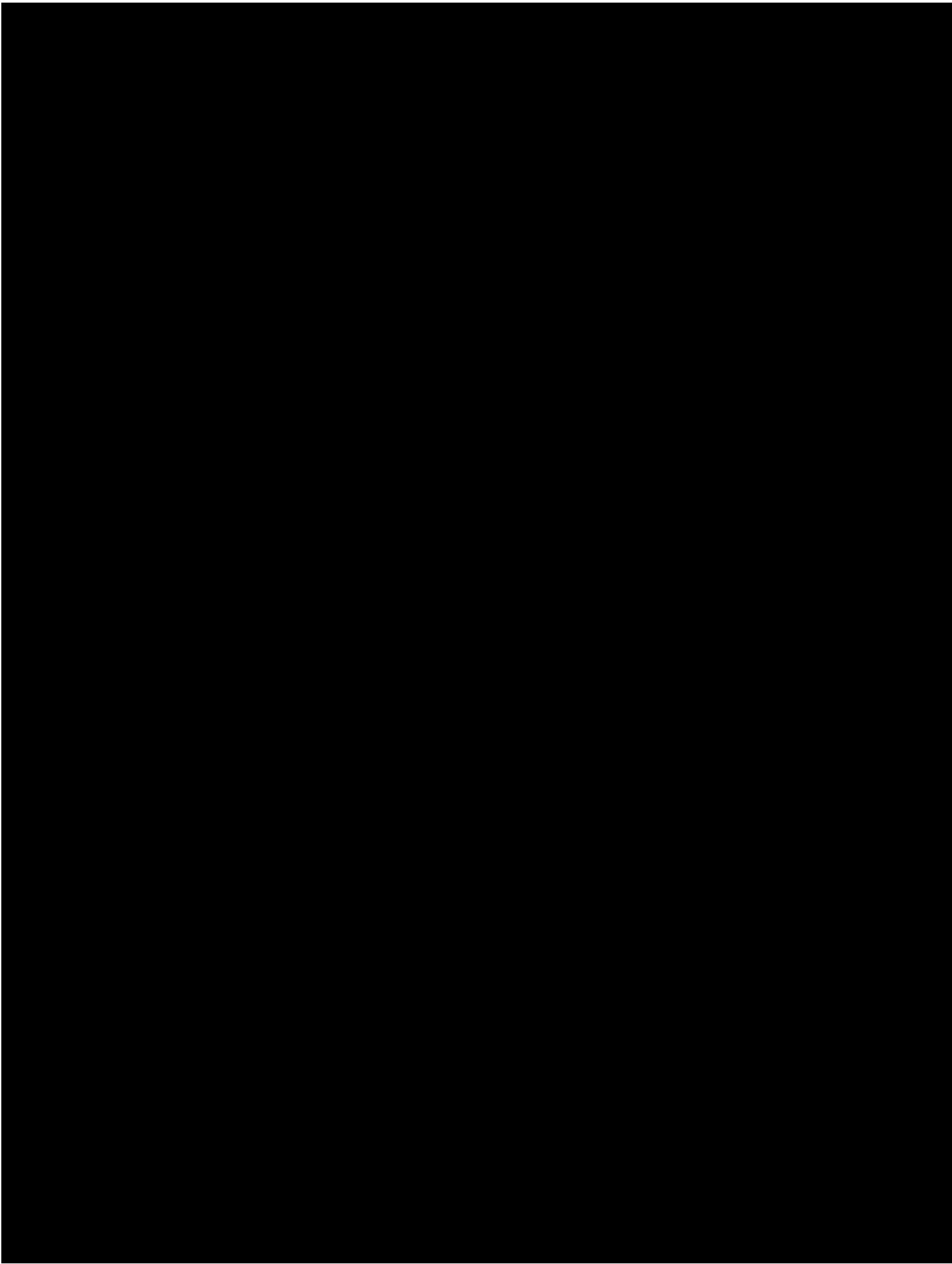


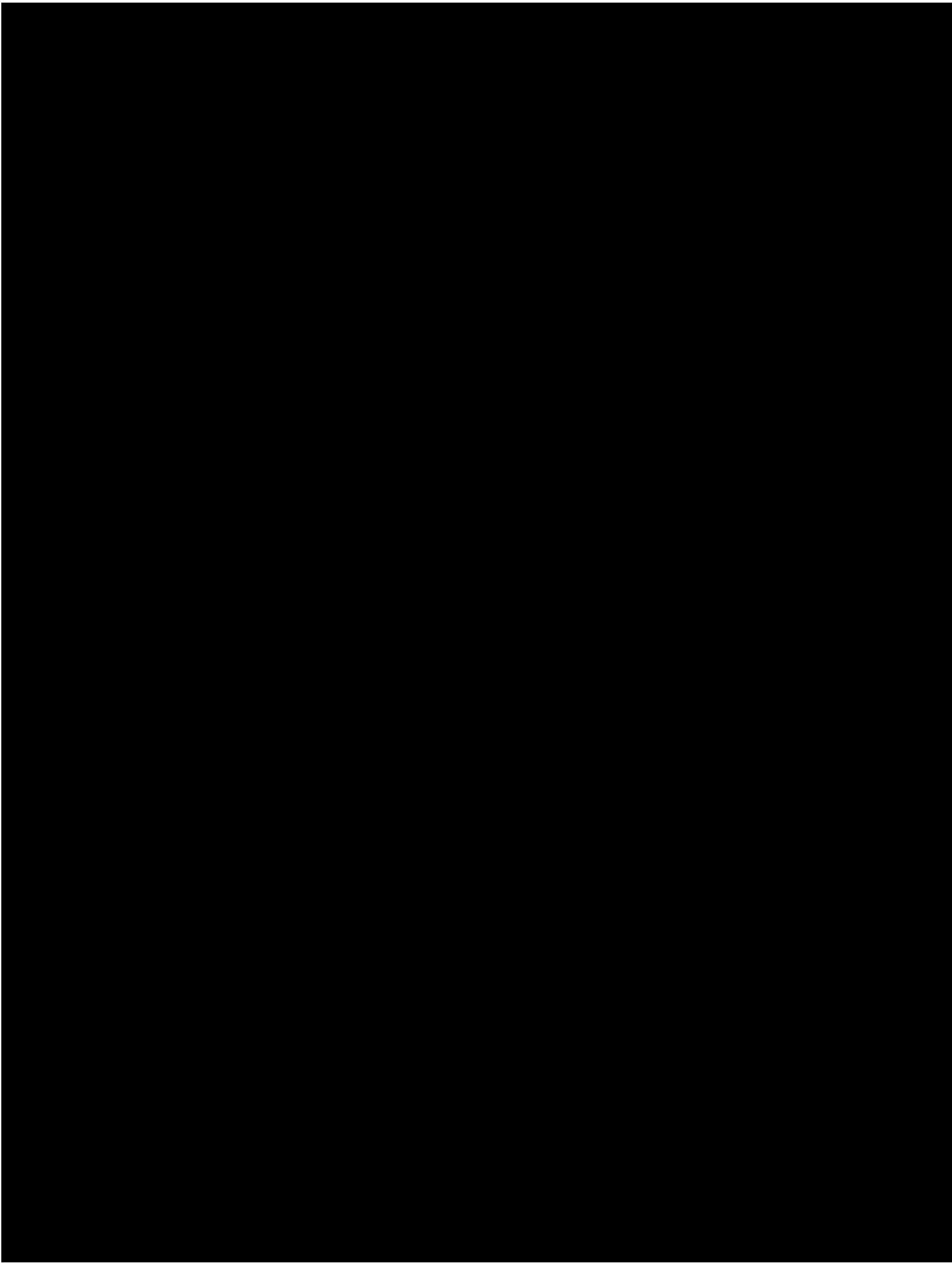


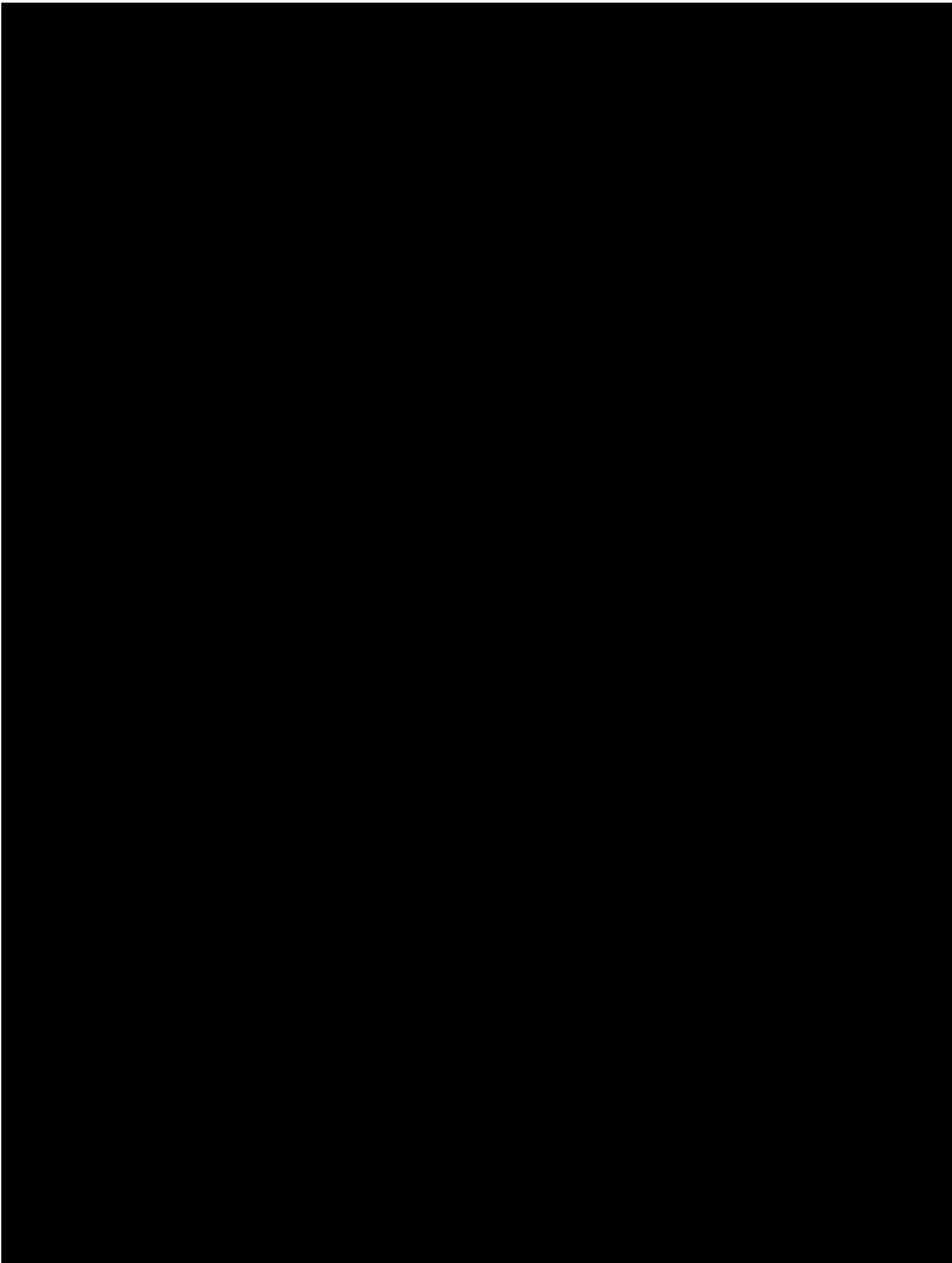


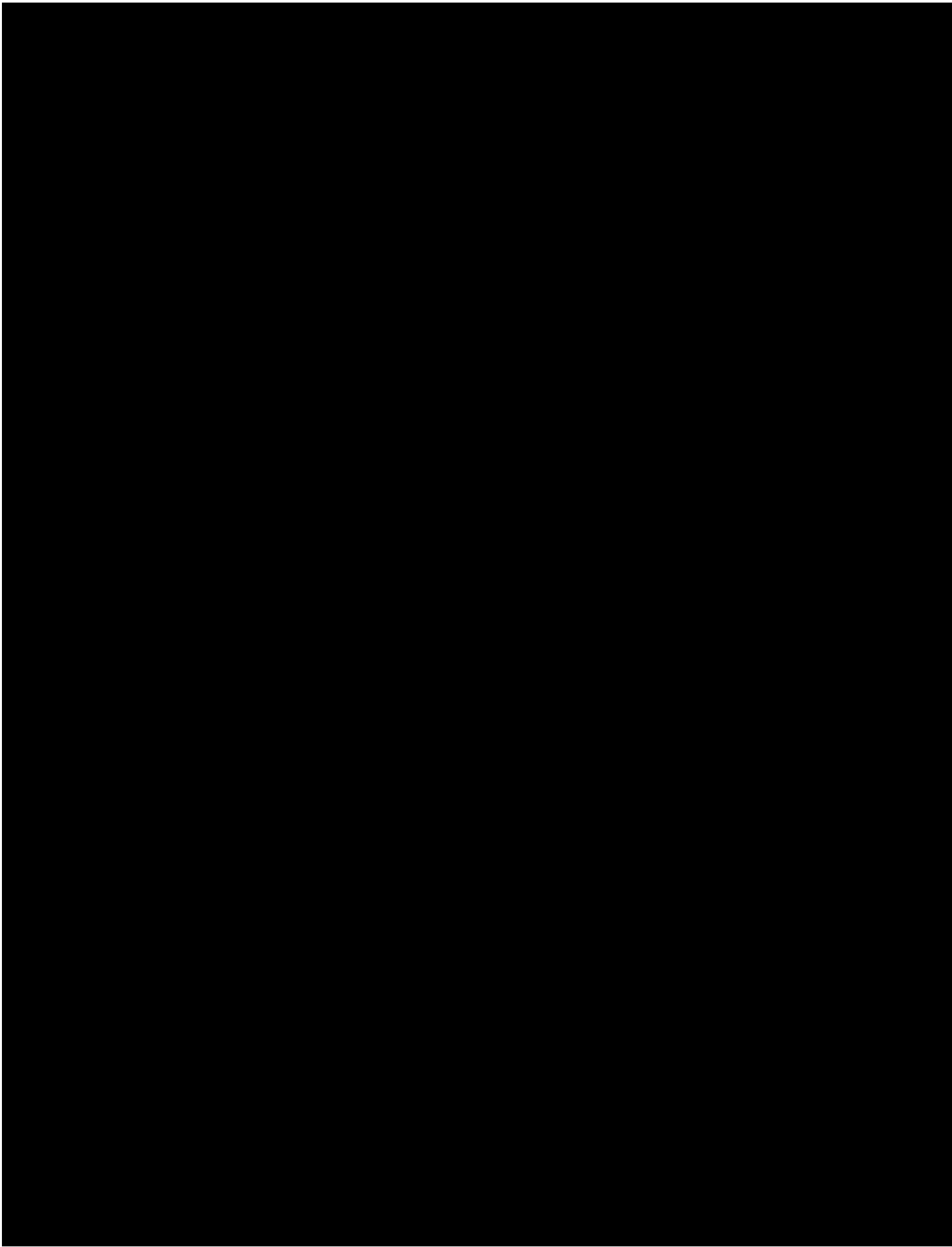


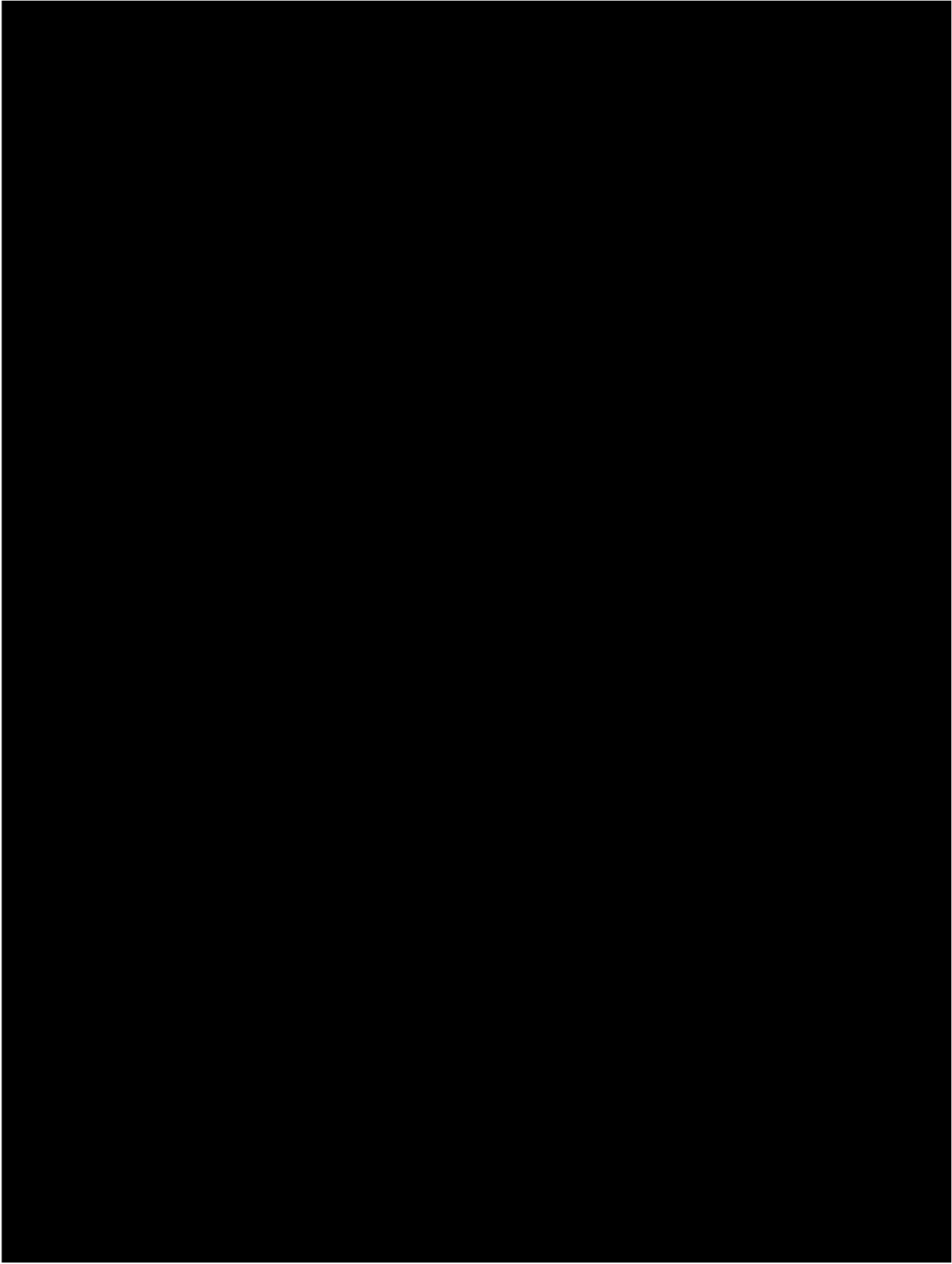


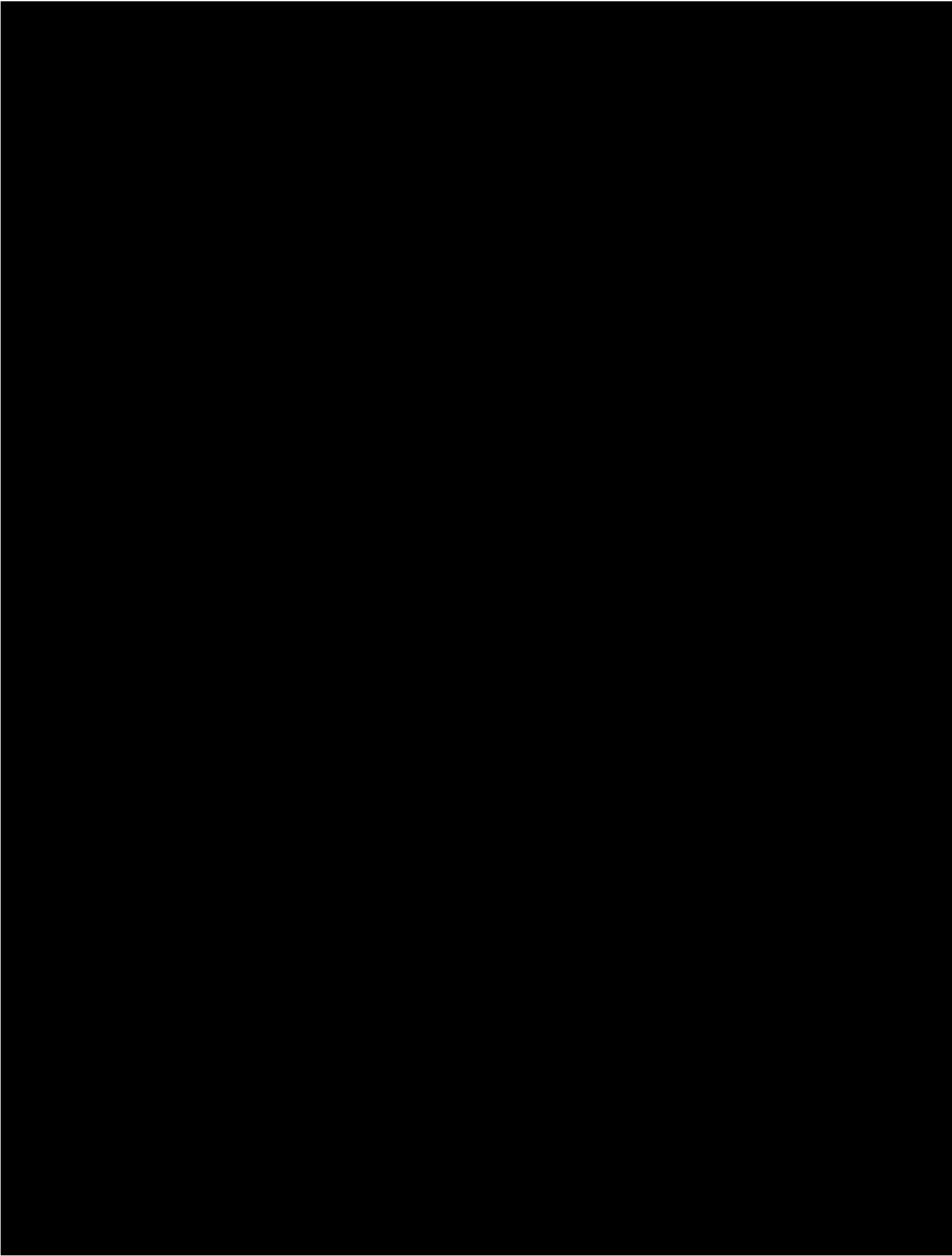


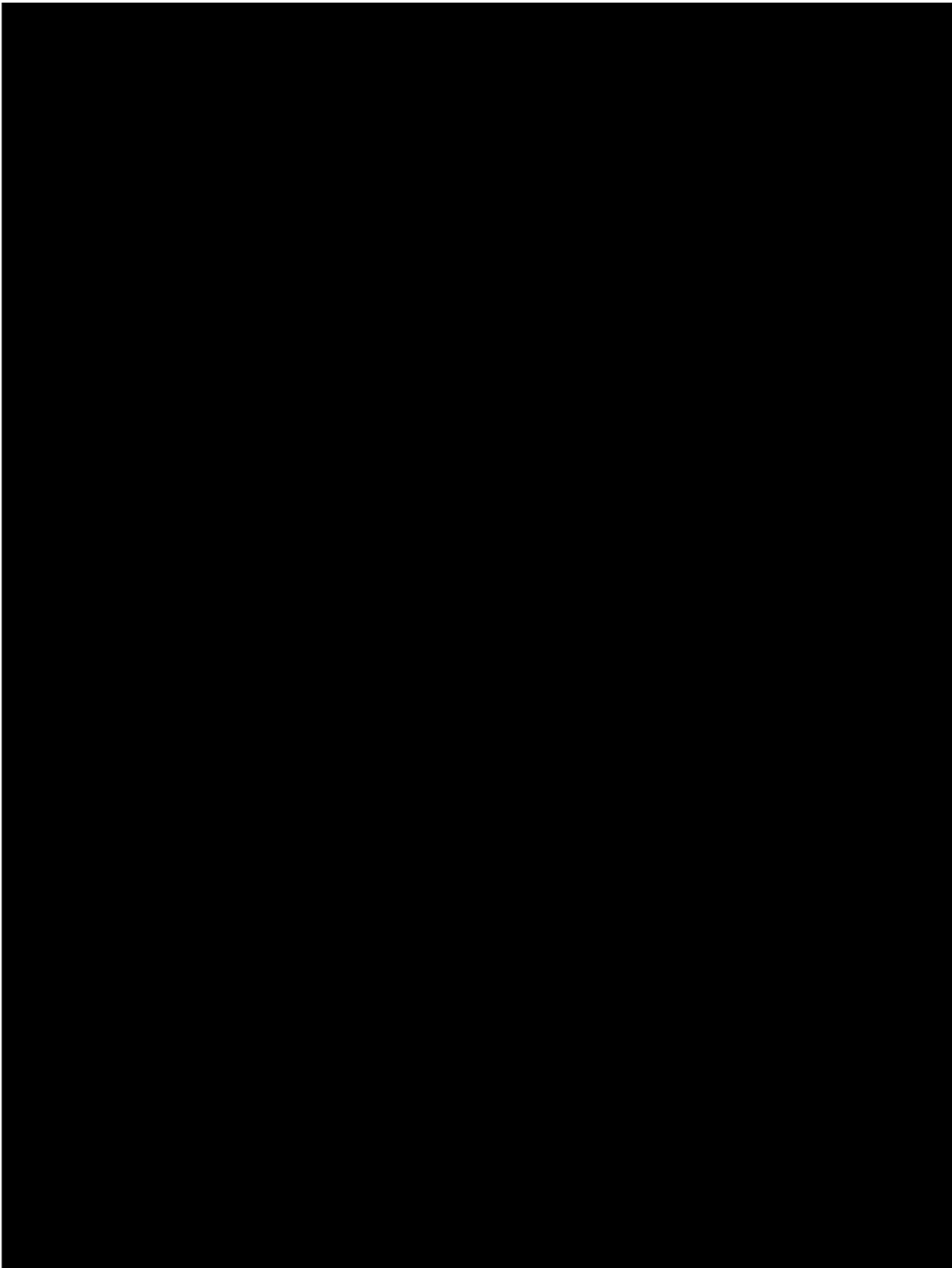


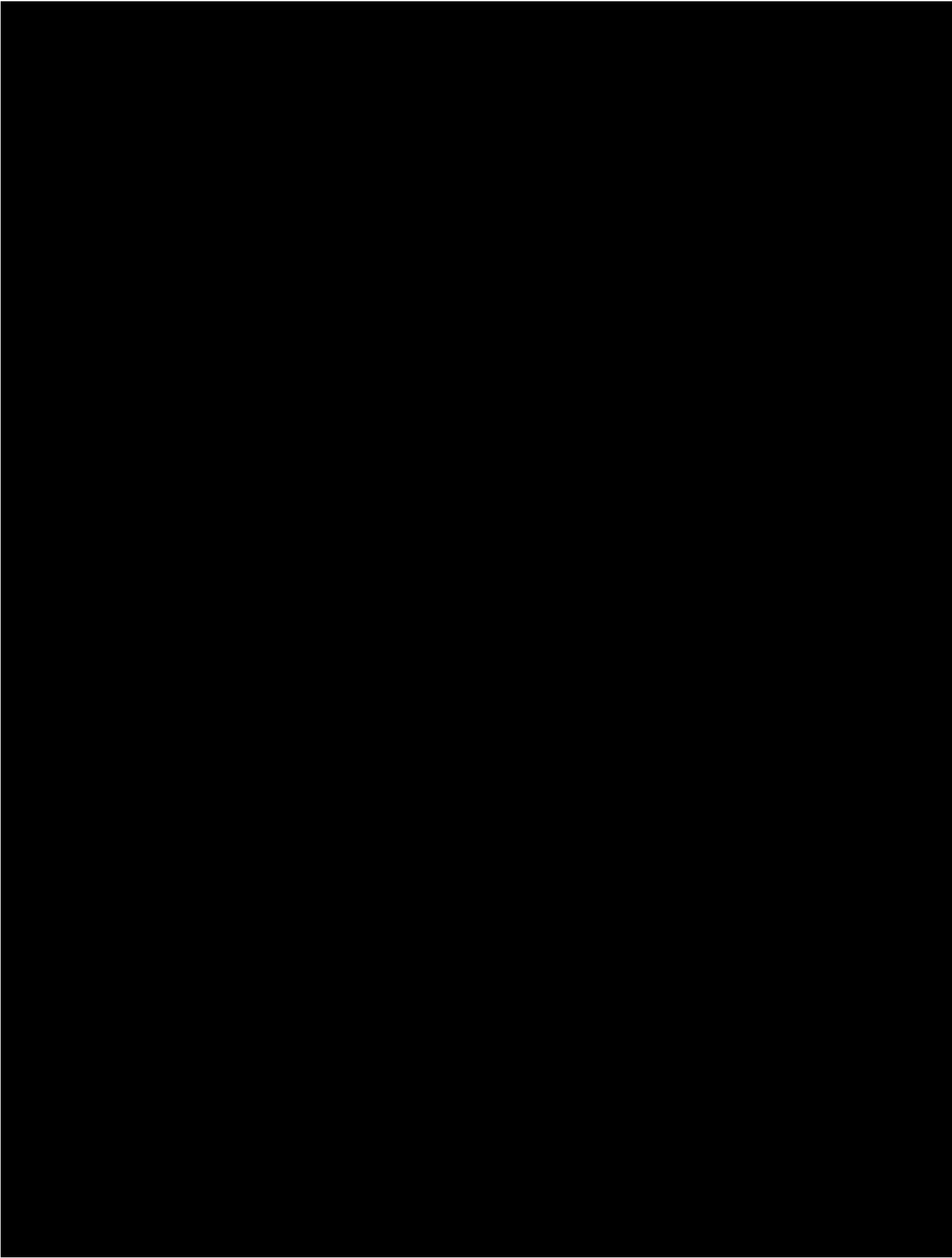


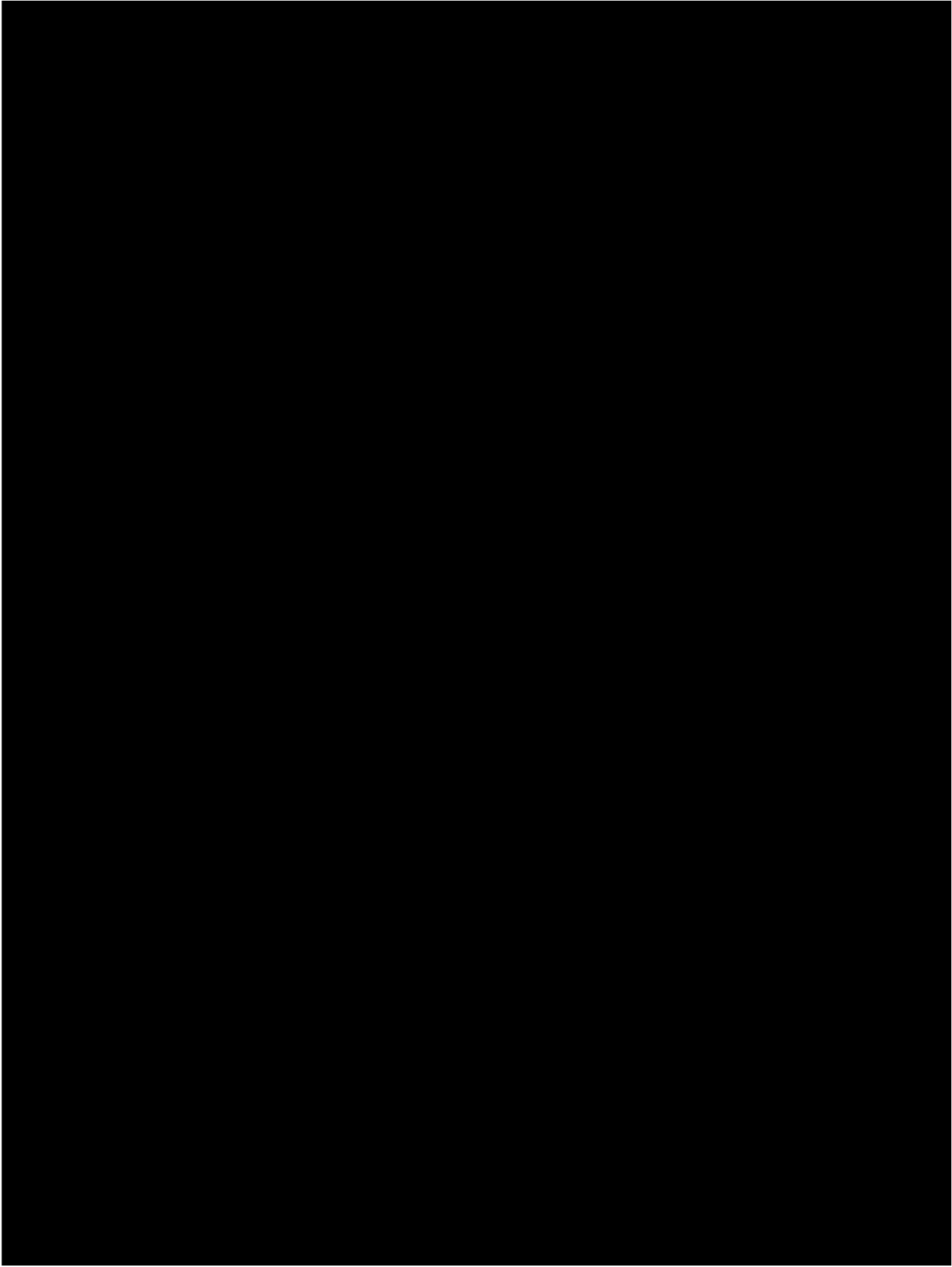


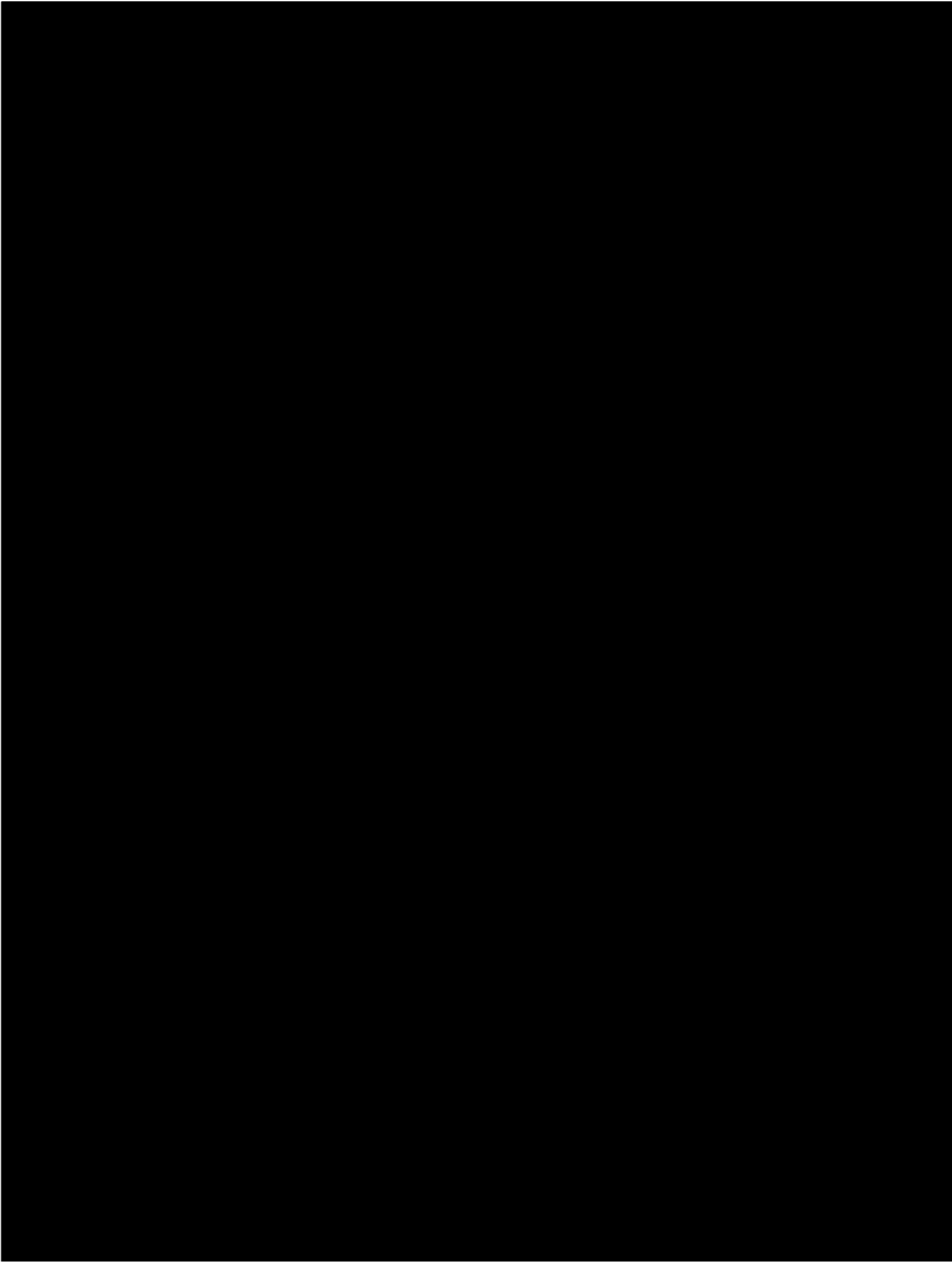


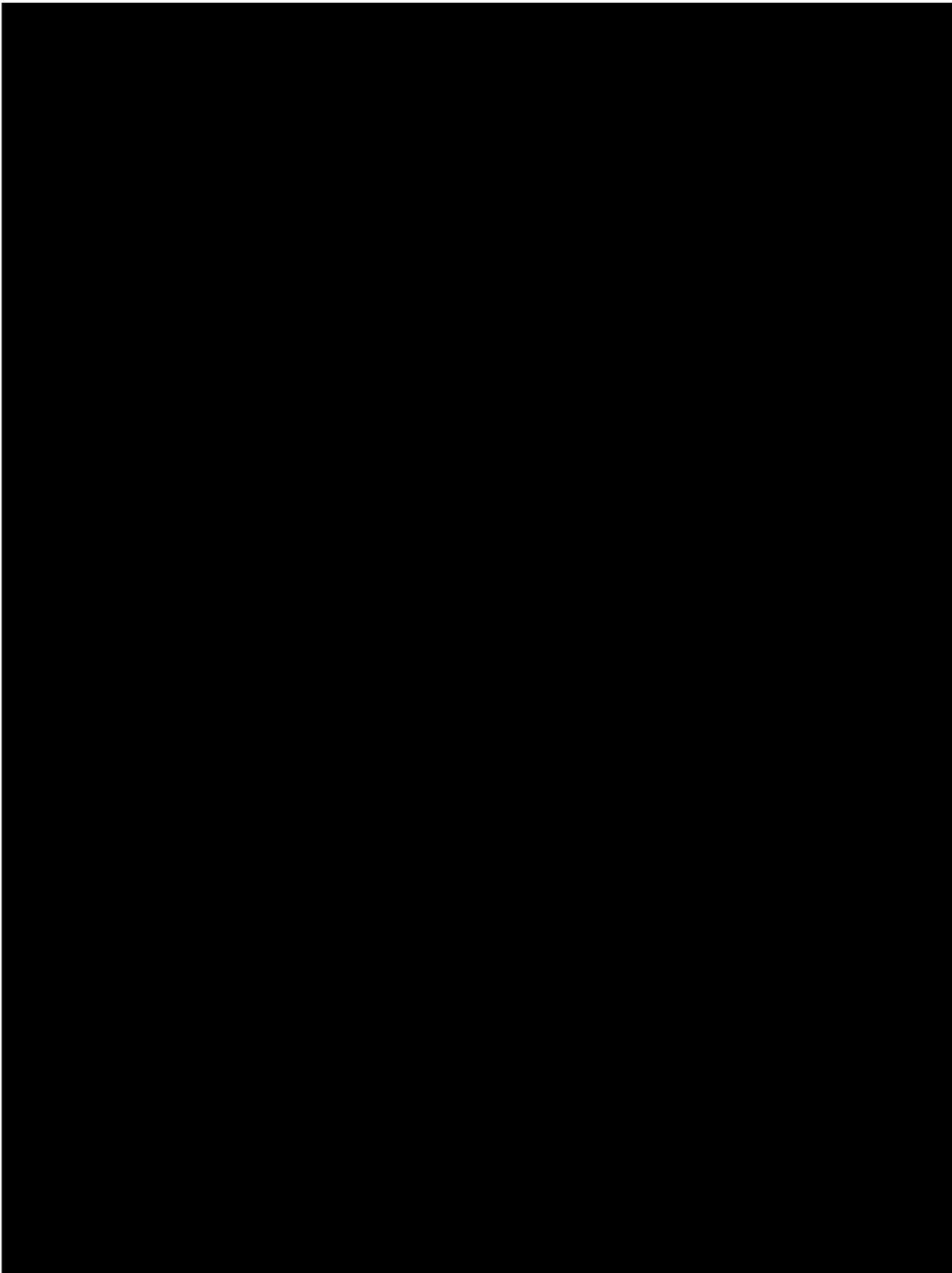


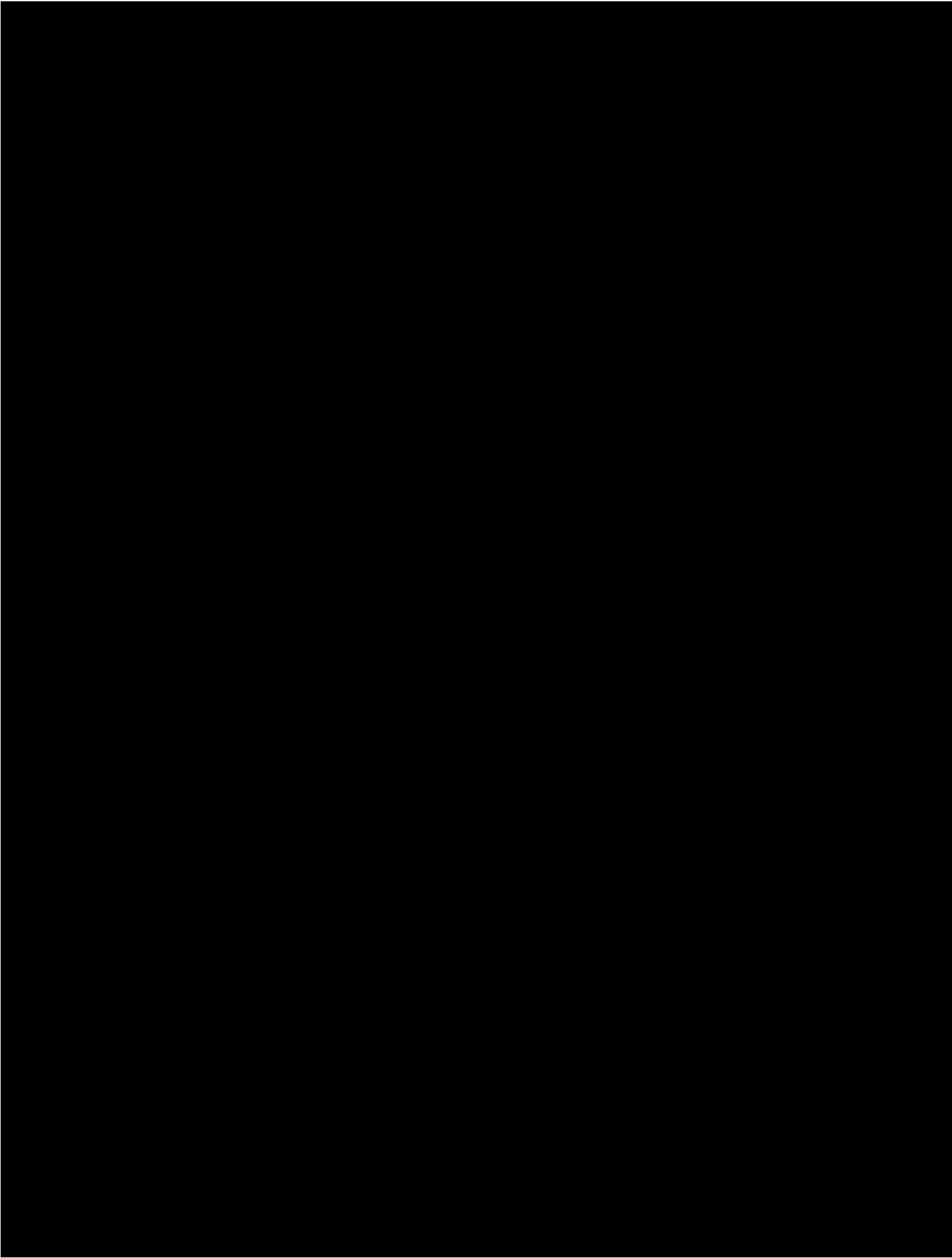


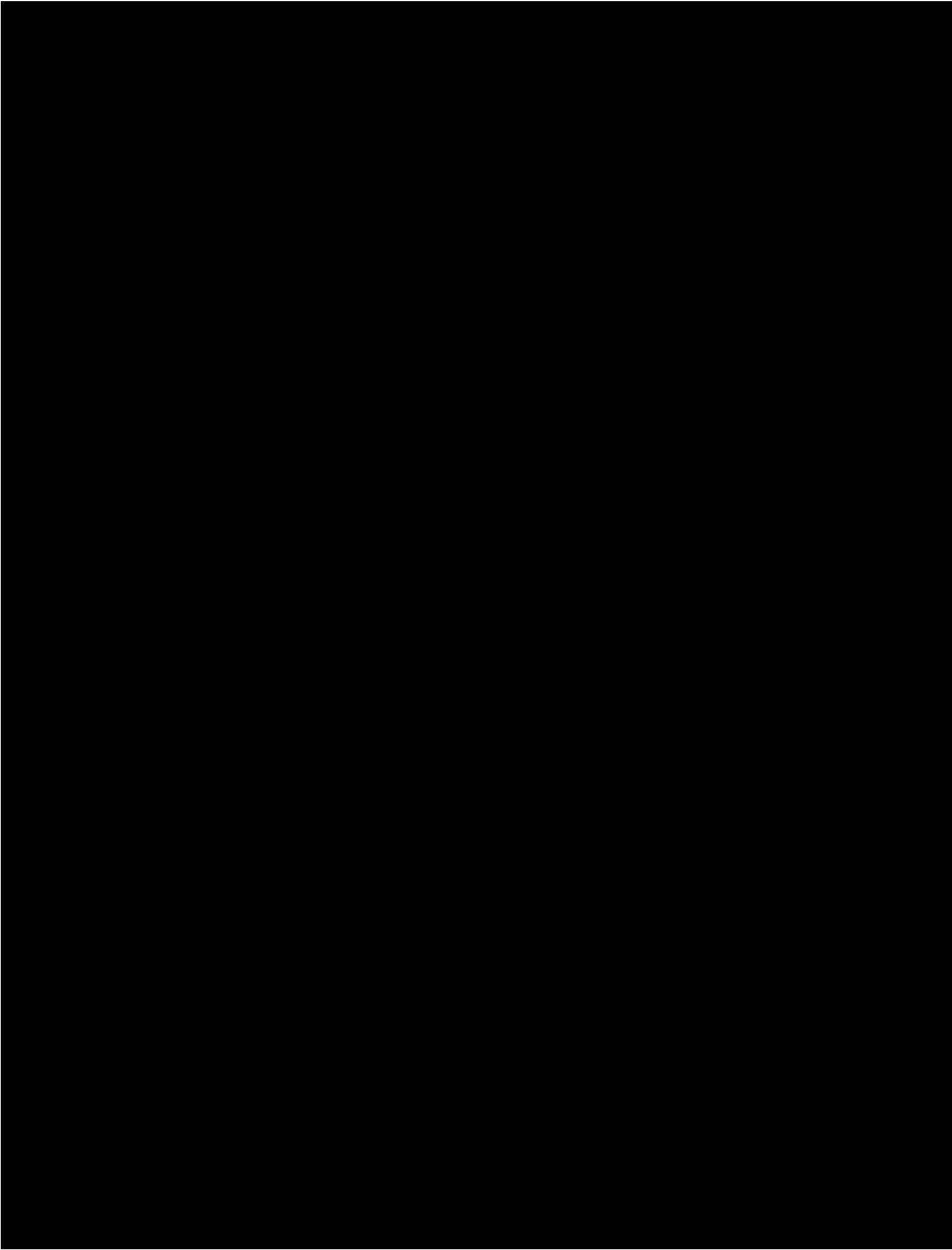


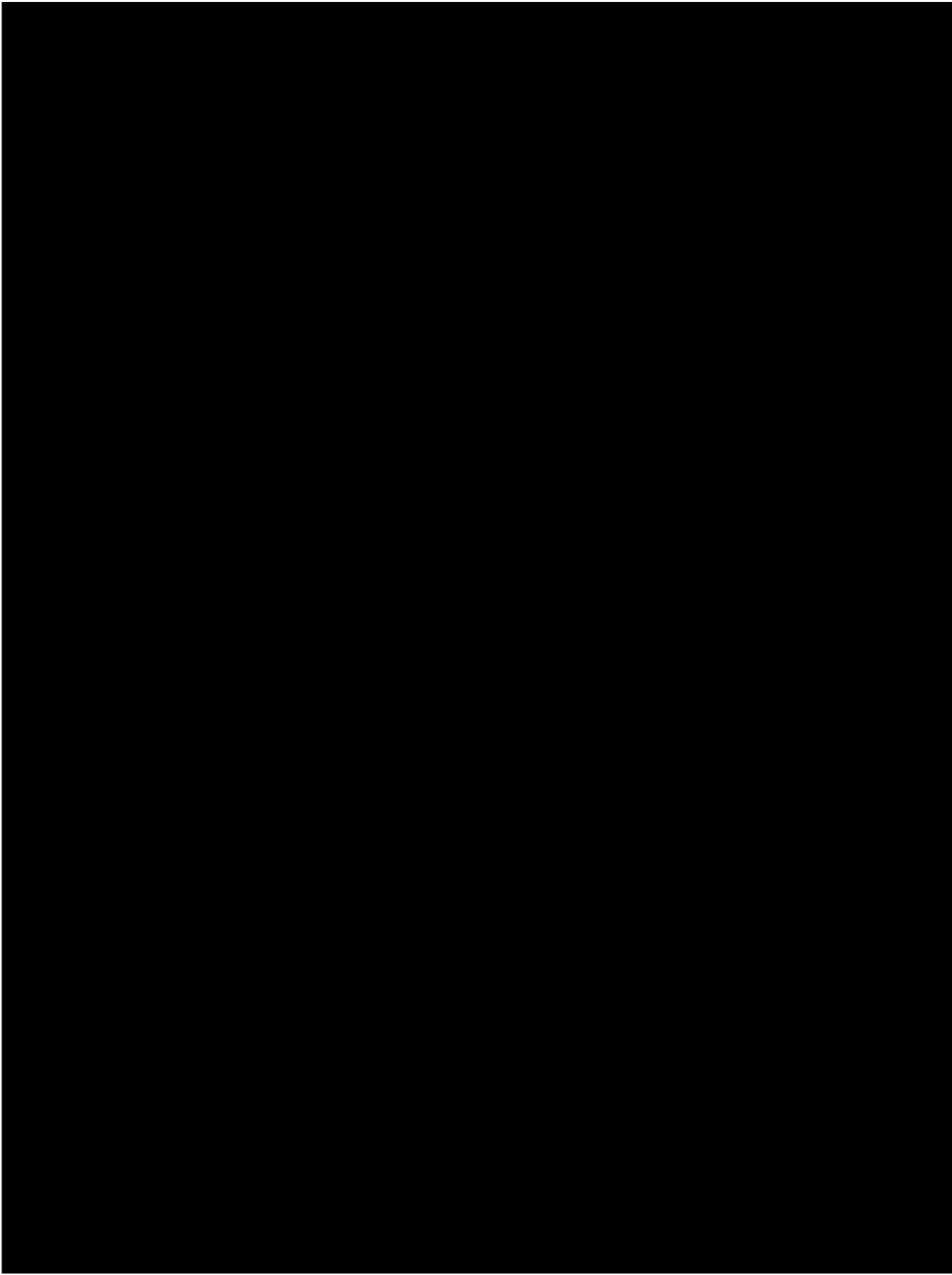


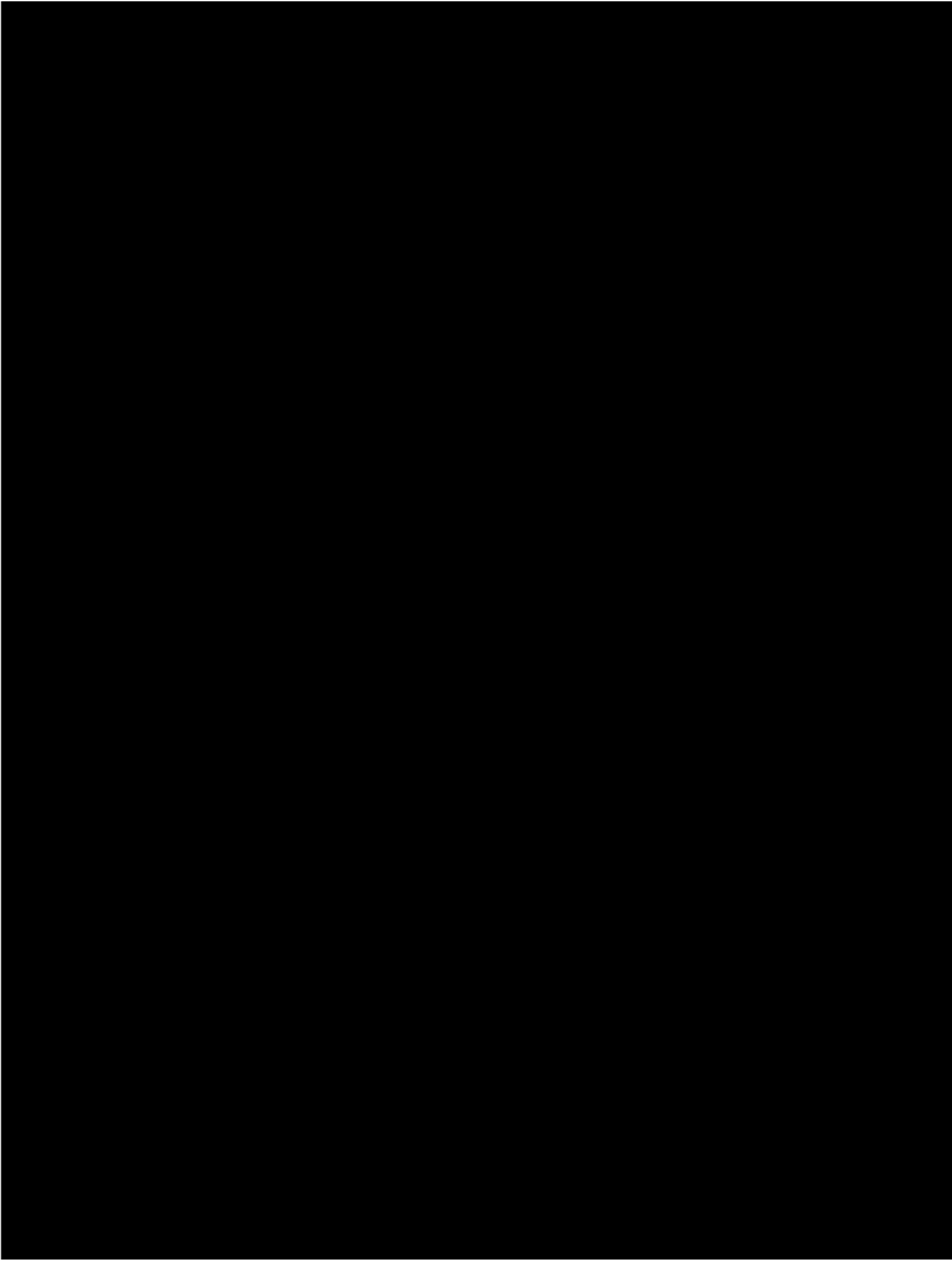


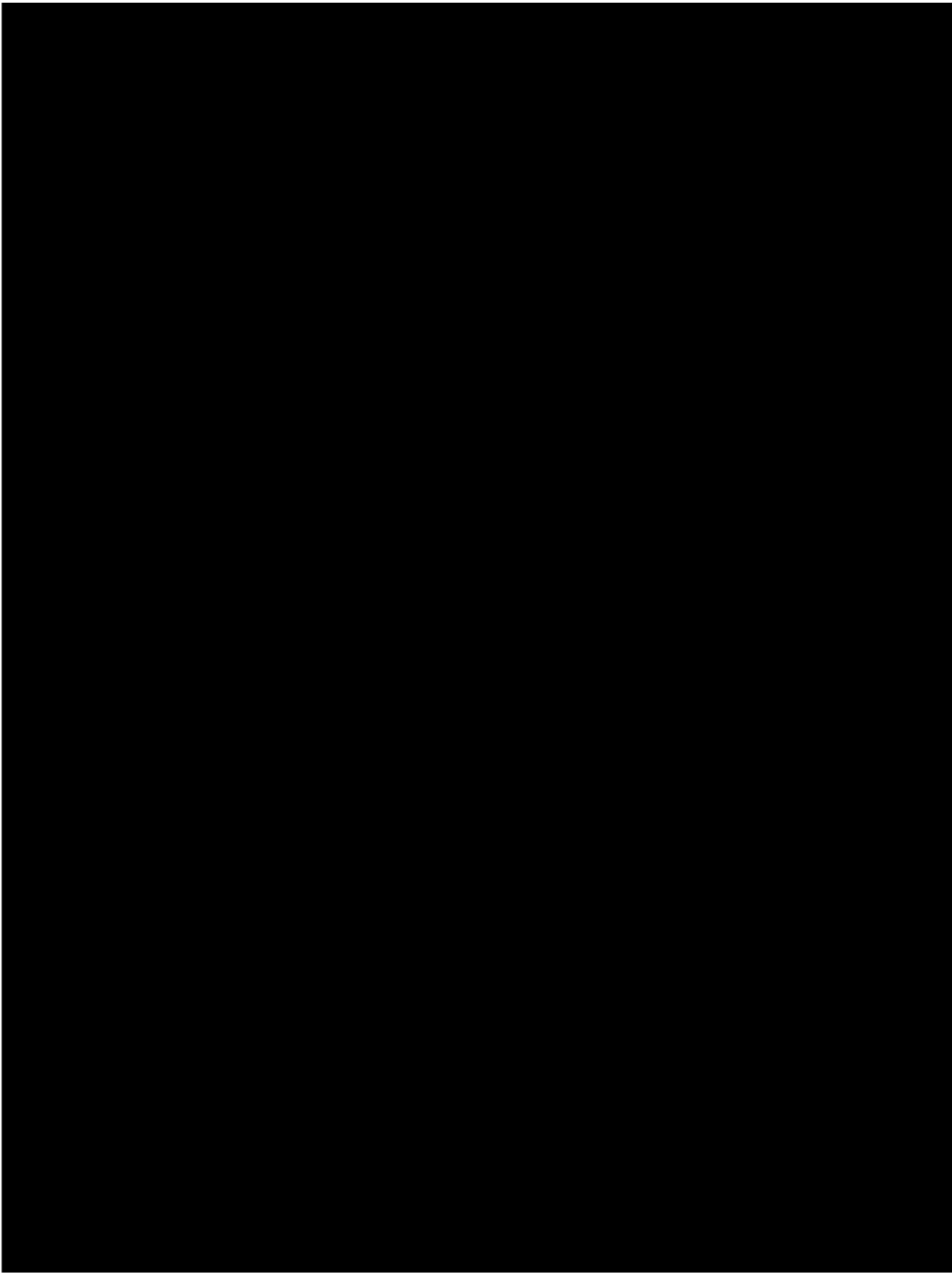


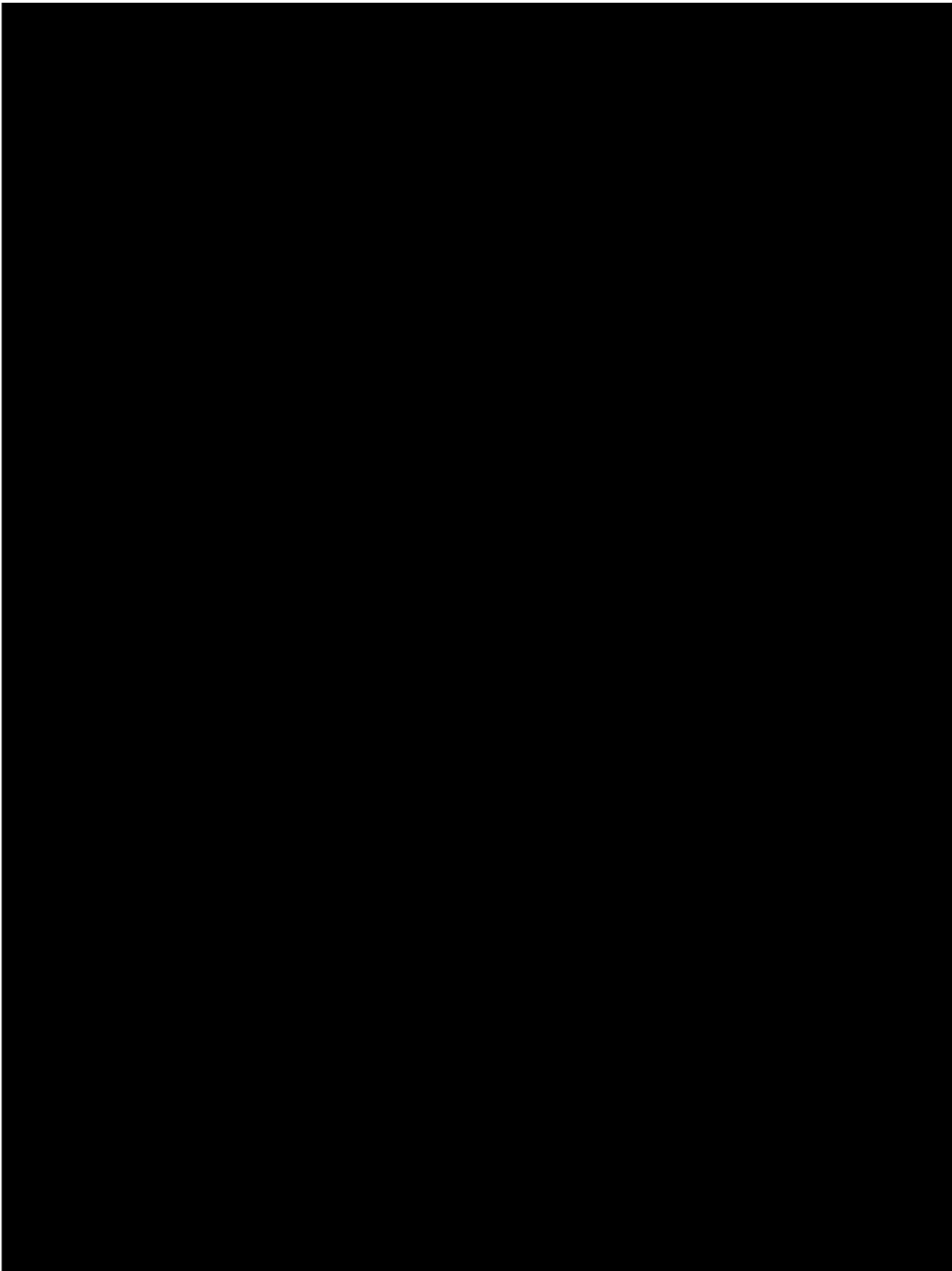


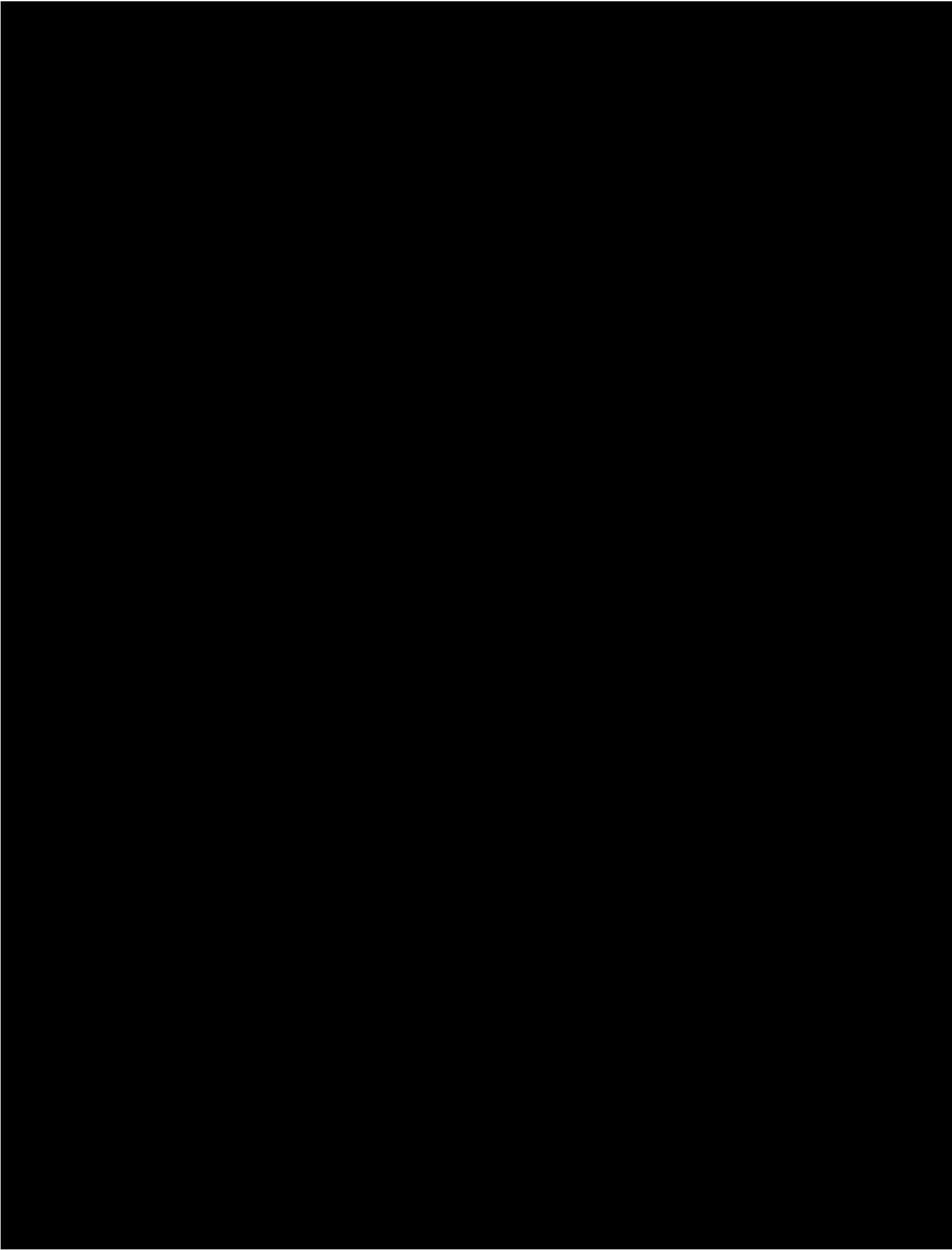


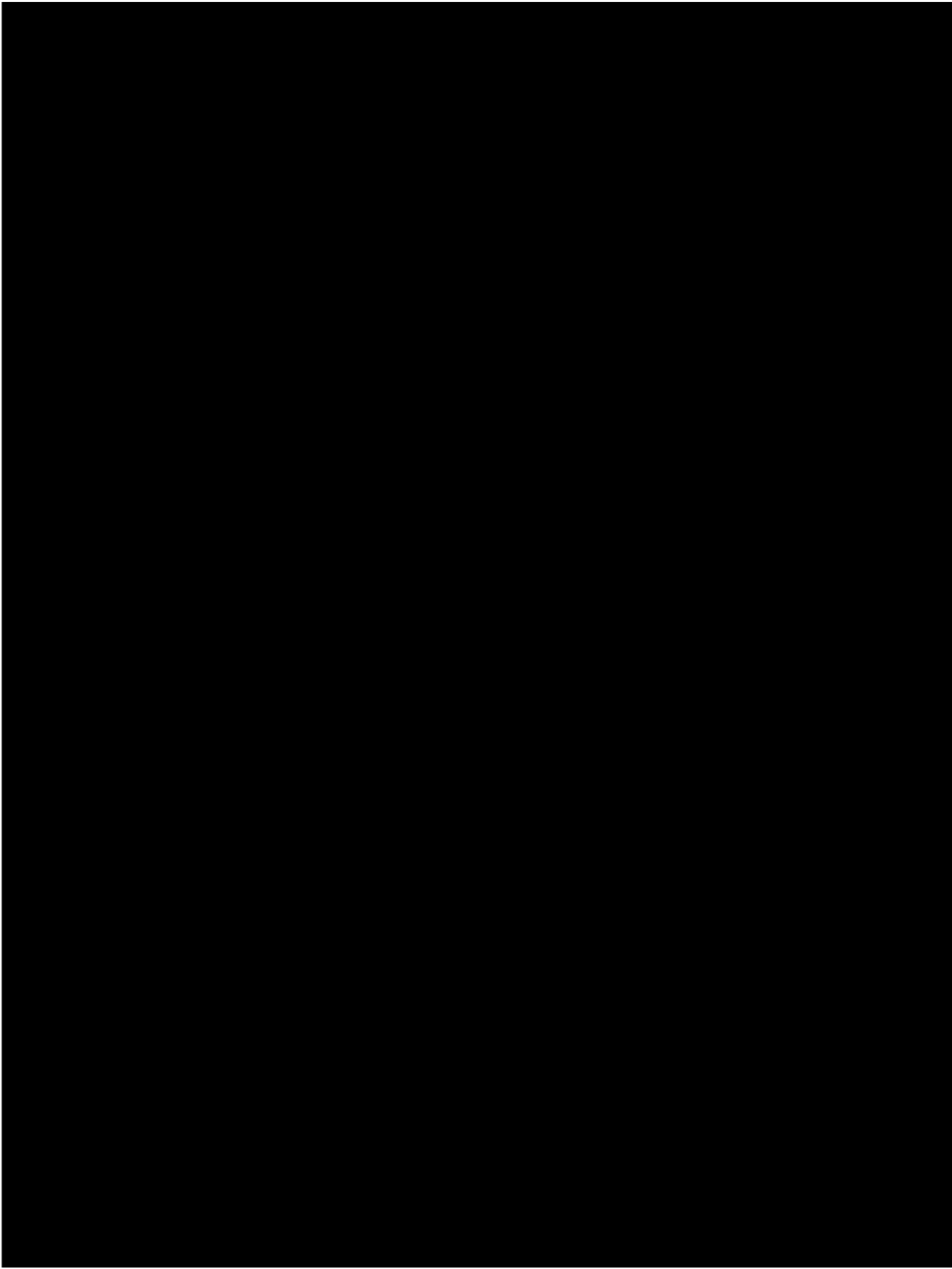


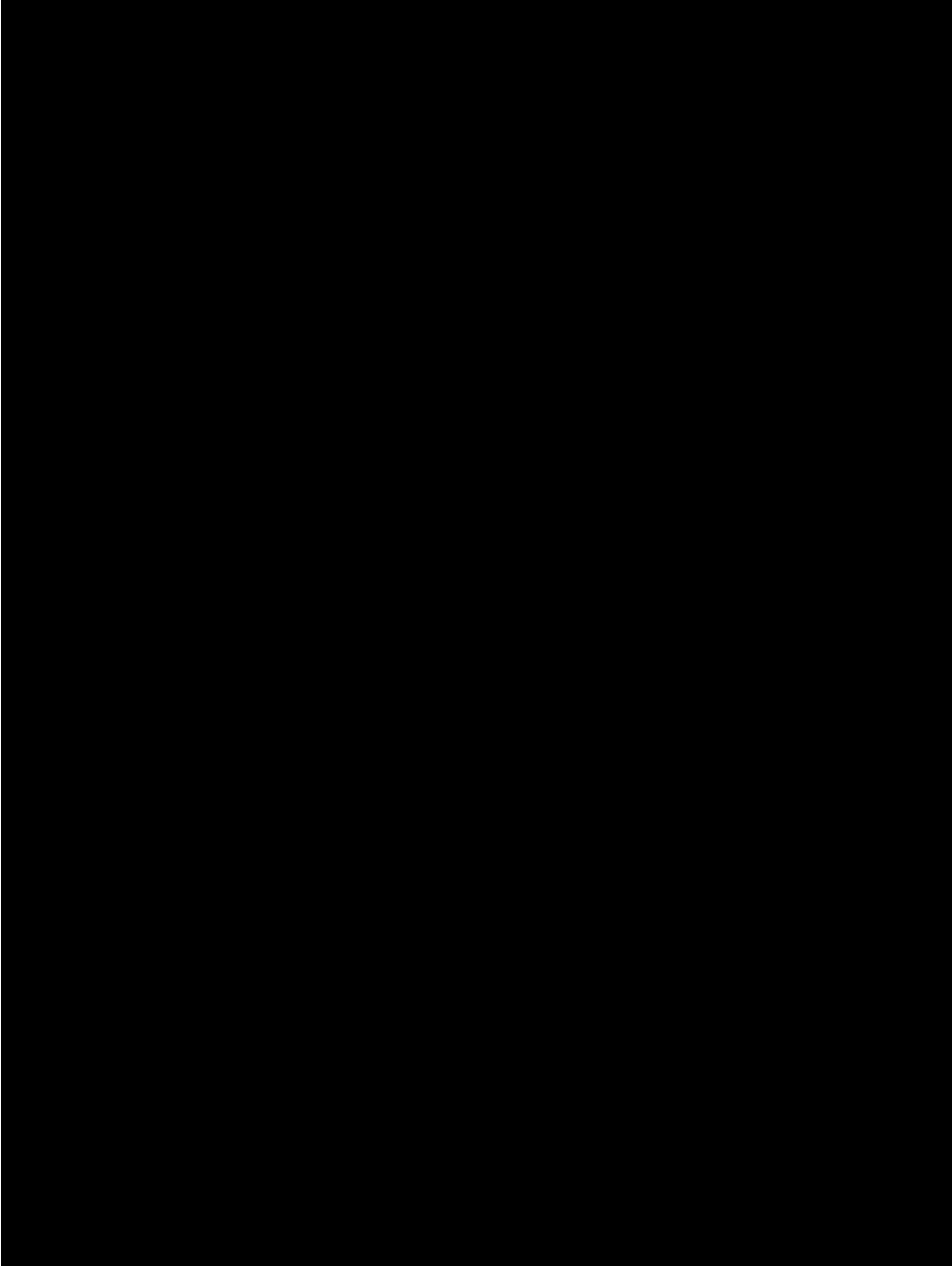


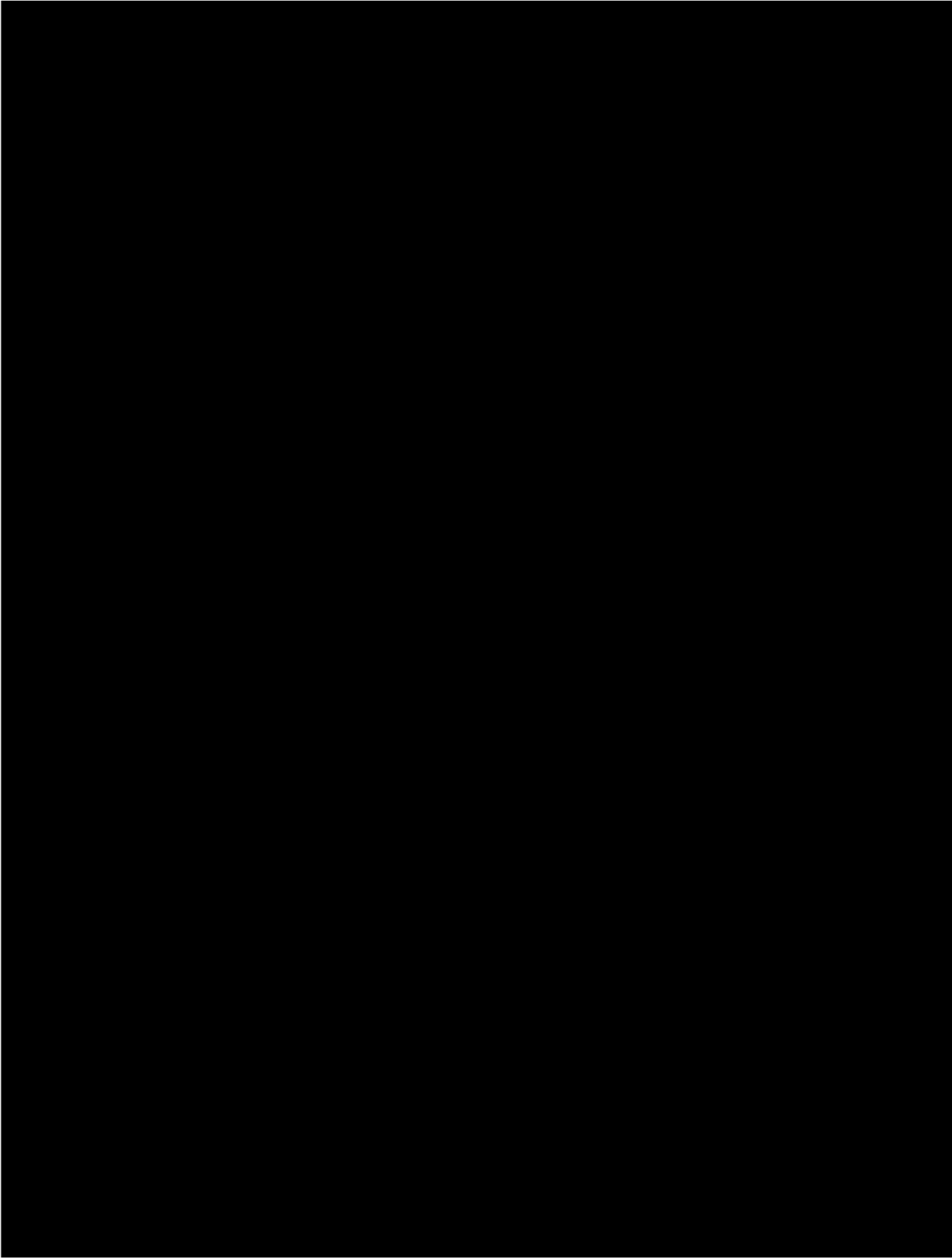












Document in Support of Exhibit D

- [REDACTED] policy 2.12.0

- Section VI. Procedure, A. Fund Restriction #1, #2+#3 does not state inmates Trust Fund Account will be restricted because of Commissary restriction

- Section VI. Procedure, A. Fund Restriction #4 is nowhere to be found, does not exist, False ~~document~~ statement by Warden Gray

- Claimant states section VI., A., (#4) was made up to deceive him, was a lie told by Warden Gray to deny him his rights to replace what was previously destroyed on 7-13-22, was made up to Retaliate, was made up to show malice intent, was made up to abuse Warden Grays authority, was made up to deny the claimant his right to purchase religious, reading material, self help reading material, educational studies and pleasure.

POLICY AND PROCEDURE	Policy Number: [REDACTED] 2.12.0	Page Number: 2 of 11
Subject: Inmate Fund Account	Supersedes: 03/07/13	Effective Date: 03/06/07

VI. PROCEDURE

A. Fund Restrictions

1. When an inmate is placed on restriction by the disciplinary court the inmate commissary privileges are restricted except during their 48- hour relief period, every thirty days.
2. The disciplinary office will send the restriction report to the Commissary Supervisor with the start date and end date of the restriction period.
3. The Commissary Supervisor will place a restriction on the inmates account reflecting the restriction period.

(NO # 4) →

B. Receipt of Funds to Inmates: Money Order, Cashier's Checks, Government Checks, and other Authorized checks:

1. Money orders and authorized checks are the only forms of money accepted at the Trust Fund Centralized Banking for posting to an inmate's account. All others will be returned to sender.
2. Money orders and authorized checks for deposit to an inmates account are to be mailed to Trust Fund Centralized Banking, Post Office Box 8908, Pine Bluff, AR 71611
3. Money orders and authorized checks are to be submitted with a Money Order Deposit Slip form.
4. Money orders and authorized checks received by the Trust Fund Centralized Banking or Unit with other items enclosed will be returned to sender with postage paid at state expense.
5. Money orders and authorized checks received by Trust Fund Centralized Banking or any unit location without required deposit slip will be returned to sender with postage paid at state expense and a deposit slip attached.
6. Money orders and authorized checks will be entered to the inmates account by Trust Fund Centralized Banking. Money orders and authorized checks will be entered in batch mode. Entry of money orders and checks in a batch mode will not be available for inmates use until all entries have been reconciled to total daily receipts. At completion of daily reconciliation process, batch entries will be posted and money will be available for inmates use.

Arkansas Department of Correction [REDACTED] T POLICY AND PROCEDURES		NUMBER: NCU 2.12.0		PAGE NUMBER 1 OF 11		
		SUPERCEDES: 03/07/13				
		DATE: 03/06/07		ISSUING EMPLOYEE: <i>Stephen D. Williams</i> WARDEN		
CHAPTER: FISCAL RESPONSIBILITY			SUBJECT: Inmate Fund Account			
REVISED ON THESE DATES:	03/26/09	03/04/10	03/17/11	03/07/13	04/28/18	
REVIEWED ON THESE DATES:	03/07/13	03/20/14	03/05/15	04/27/15	03/03/16	03/02/17

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 describe the requirements for management and control of the personal funds of inmates.

III. APPLICABILITY

To all employees and inmates, and especially to those employees involved in the management or control of inmates' personal funds.

IV. DEFINITIONS

Trust Fund Account - An electronically maintained, official computerized listing of the funds transactions for an individual inmate. This is established upon the inmate's arrival and maintained throughout his stay in the unit.

V. POLICY

All inmate fund accounts held by the unit shall be controlled in accordance with the following:

- A. All funds shall be controlled and monitored by a system of accepted accounting procedures.
- B. Inmates are permitted to deposit personal funds in interest bearing accounts and the interest shall accrue to the inmate's Personal Fund account.
- C. All transactions of funds between inmate accounts shall require a written approval from the Deputy/Assistant Warden or Warden or Designee.

Document to Support Exhibit E

- The chief deputy / Deputy / Assistant Director Decision, Mr. William Straughn
- Date of Deputy Director Decision 11-9-22
 received 10-19-22
- This Exhibit E shows a Failure to take corrective action
- Shows the Deputy Director totally disregarded grievance appeal
- Shows Carelessness, Rudeness, heartless
- Deputy Director stated "After review of Appeal and Supporting documentation, I concur with the Wardens decision."

How??? when the Wardens use of N.C.U policy ~~section~~ 2.12.0 section VI, A., (#4) is a figment of her imagination, A lie, made up to deny and hurt the claimant



IGTT430
3GD

Attachment VI

INMATE NAME: Smith, Courtney

ADC #: [REDACTED]

GRIEVANCE# [REDACTED]-22-00453

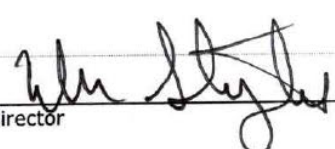
CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

In your grievance dated 10/1/2022, you stated, "I am writing this grievance on Warden Michelle Gray for knowingly violating the [REDACTED] policy 2.12.0 Inmate fund account by denying me the right to purchase religious reading material. Educational studies and pleasure. She uses [REDACTED] 2.12.0 for the reason for denial but the [REDACTED] policy 2.12.0 section VI Procedure, A. Fund restrictions #1, 2 and 3 does not state that my inmate fund account or access to my trust fund account is restricted for being on commissary restriction, just commissary. The disciplinary office did in fact send the restriction report to the commissary supervisor with the start date and end date of my restriction period restricting my commissary, phone and visitations, not my trust fund centralized banking account!! I been on restriction since late 2020 but if you would please check my computerized listing of funds transactions you will see I been writing inmate checks since 2020. Warden Gray is retaliating for me using the grievance procedure."

On 10/10/2022, the warden responded, "I, Warden M. Gray, have reviewed your grievance where you complained that I, Warden M. Gray, am knowingly violating [REDACTED] 2.12.0 policy by not allowing you to purchase Religious reading material, self help reading material, educational studies and pleasures. As I explained to you in your step one response, Inmates serving commissary restrictions are not allowed to submit personal withdrawal forms, only in case of verifiable emergency. [REDACTED] policy 2.12.0 was not violated. On page 2 Section VI A. (4) states Inmates on Commissary restrictions will not be allowed to submit a personal withdrawal form, except in a verifiable emergency. The Deputy/Assistant Warden of the Unit will have the discretion to approve or disapprove the request. I find no evidence to support your allegations of violations of established policy. Therefore I find this grievance to be without merit."

Your appeal was received on 10/19/2022. After a review of your appeal and supporting documentation, I concur with the Warden's decision, I find no violation of policy and procedure regarding this matter. Therefore, I find no merit in your appeal.

Appeal Denied.

[Signature Box]

 Director

Date 11/9/22

Please be advised that if you appeal this decision to the U.S. District Court, a copy of this Chief Deputy/Deputy/Assistant Director's Decision must be attached to any petition or complaint or the Court may dismiss your case without notice. You may also be subject to paying filing fees pursuant to the Prison Litigation Act of 1995.

Document in Support of Exhibit E pg. 2

- [REDACTED] policy 2.12.0
- Shows no number (4)
- Shows the only number (4) has nothing to do with what the Warden stated in Exhibit B
- Shows claimant tried to mail this [REDACTED] policy 2.12.0 to the Deputy Director as evidence to prove Warden Gray's False statement and or False document but was denied and sent back to claimant as "Additional documents & Duplicates will not be considered as part of your appeal"

POLICY AND PROCEDURE	Policy Number: ██████ 2.12.0	Page Number: 2 of 11
Subject: Inmate Fund Account	Supersedes: 03/07/13	Effective Date: 03/06/07

Section → VI. PROCEDURE

→ A. Fund Restrictions

1. When an inmate is placed on restriction by the disciplinary court the inmate commissary privileges are restricted except during their 48- hour relief period, every thirty days.
2. The disciplinary office will send the restriction report to the Commissary Supervisor with the start date and end date of the restriction period.

There is NO #4, Warden Gray red in her response neverfore falsifying documents

3. The Commissary Supervisor will place a restriction on the inmates account reflecting the restriction period.

4. ←→ NO #4

B. Receipt of Funds to Inmates: Money Order, Cashier's Checks, Government Checks, and other Authorized checks:

ADDITIONAL DOCUMENTS & DUPLICATES WILL NOT BE CONSIDERED AS PART OF YOUR APPEAL

1. Money orders and authorized checks are the only forms of money accepted at the Trust Fund Centralized Banking for posting to an inmate's account. All others will be returned to sender.
2. Money orders and authorized checks for deposit to an inmates account are to be mailed to Trust Fund Centralized Banking, Post Office Box 8908, Pine Bluff, AR 71611
3. Money orders and authorized checks are to be submitted with a Money Order Deposit Slip form.
4. Money orders and authorized checks received by the Trust Fund Centralized Banking or Unit with other items enclosed will be returned to sender with postage paid at state expense.
5. Money orders and authorized checks received by Trust Fund Centralized Banking or any unit location without required deposit slip will be returned to sender with postage paid at state expense and a deposit slip attached.
6. Money orders and authorized checks will be entered to the inmates account by Trust Fund Centralized Banking. Money orders and authorized checks will be entered in batch mode. Entry of money orders and checks in a batch mode will not be available for inmates use until all entries have been reconciled to total daily receipts. At completion of daily reconciliation process, batch entries will be posted and money will be available for inmates use.

Arkansas Department of Correction POLICY AND PROCEDURES		NUMBER [REDACTED] 2.12.0				PAGE NUMBER 1 OF 11	
		SUPERCEDES: 03/07/13				ISSUING EMPLOYEE: <i>Stephen D. William</i> WARDEN	
		DATE: 03/06/07					
CHAPTER: FISCAL RESPONSIBILITY				SUBJECT: Inmate Fund Account			
REVISED ON THESE DATES:	03/26/09	03/04/10	03/17/11	03/07/13	04/28/18		
REVIEWED ON THESE DATES:	03/07/13	03/20/14	03/05/15	04/27/15	03/03/16	03/02/17	

I. AUTHORITY

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To all employees and inmates, and especially to those employees involved in the management or control of inmates' personal funds.

IV. DEFINITIONS

Trust Fund Account - An electronically maintained, official computerized listing of the funds transactions for an individual inmate. This is established upon the inmate's arrival and maintained throughout his stay in the unit.

V. POLICY

All inmate fund accounts held by the unit shall be controlled in accordance with the following:

- A. All funds shall be controlled and monitored by a system of accepted accounting procedures.
- B. Inmates are permitted to deposit personal funds in interest bearing accounts and the interest shall accrue to the inmate's Personal Fund account.
- C. All transactions of funds between inmate accounts shall require a written approval from the Deputy/Assistant Warden or Warden or Designee.

Document in Support of Exhibit F

- Documents to show Warden Gray is denying the claimant of his right to practice his religion
- Denying the claimant his right to educate himself and better himself while in prison
- Warden Gray is violating A.C.C policy of the employee conduct standard section 225 # 13 where it states: Employees will refrain from any discriminating conduct referring to race, color, sex, religion, national origin,

- Documents also shows he was a student

USA Diploma Prison Initiative



ARKANSAS DEPARTMENT OF CORRECTION
[REDACTED]
PUBLICATION REVIEW NOTIFICATION

TO: INMATE: Courtney Smith ADC# [REDACTED] BK: ISO (Pun)
FROM: R. Thompson TITLE: Mailroom Serv Coord

RE: NOTIFICATION OF PUBLICATION RECEIVED

DATE: 12-3-2022
incentive ← [REDACTED]

PUBLICATION TITLE: [REDACTED]

DATE RECEIVED: 12-3-22

VOLUME: _____ ISSUE/YEAR: _____

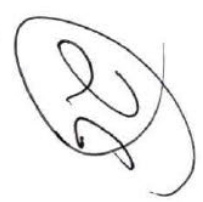
This is to notify you that the above Publication addressed to you meets the criteria for review. Your Publication, with a copy of this Notice, has been forwarded to the Unit Publication Review Committee.

Publications recommended for rejection will be referred to the Warden for a final decision. The Warden must approve or reject the publication within 30 days of receipt.

If the publication is rejected, the Assistant Warden's Secretary will notify the inmate, in writing, of the decision to reject and the basis for the rejection. The inmate will also be notified of the appeal procedures and options for disposing of the publication.

Your publication will be secured until either the appeal process is completed or the ten(10) day period for filing an appeal has expired.

Cc: Unit Publication Review Committee Chair
Mailroom File



To: Courtney Smith [Redacted] ESO (pun) 26
Inmate Name, Number and Barracks #

From: Warden Michelle Gray
Warden Michelle Gray

Publication: [Redacted]
Name of publication, date of identifying information

Date: 12-12-22

The Unit Publication Review Committee has denied your publication for the reason(s) listed below:

(List Applicable Policy Numbers) *Michelle Gray 12-7-2022*

→ inmates receive **Other (explain)** *[Signature] 12-7-22*

<u>Michelle Gray</u>	<u>12-7-22</u>	<u>[Signature]</u>	<u>12-7-22</u>
Committee Member/Title	Date	Committee Member/Title	Date
<u>Maik C</u>	<u>12-7-22</u>	<u>[Signature]</u>	<u>12/7/22</u>
Committee Member/Title	Date	Committee Member/Title	Date

This decision is consistent with AR 864/Publications (AD). You will have up to TEN (10) days upon receipt of this notification to appeal. Send your appeal to the Unit Mailroom and the mailroom will present it to the Central Office Publication Review Committee in Pine Bluff.

If you choose not to appeal the decision you will have FIFTEEN (15) days to exercise options 2, 3, 4 or 5 (if applicable) before the publication will be destroyed.

1. Appeal
2. Destruction
3. Return the publication to sender at your own expense (MUST PROVIDE INMATE CHECK FOR 3 & 4)
4. Mail the publication to a third party at your own expense
Name & Address: _____
5. Give to 3rd party at Visitation

*OPTION: _____

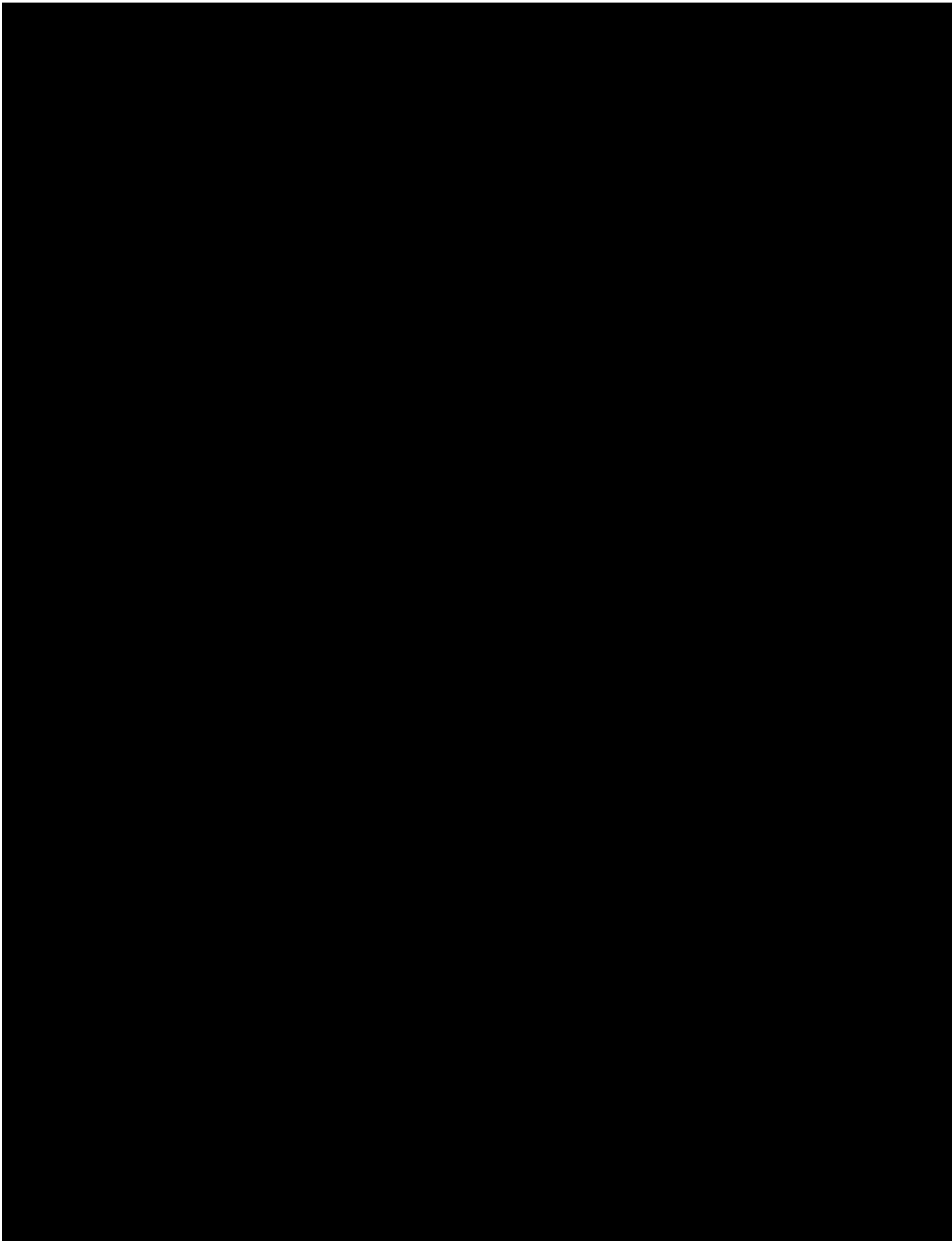
***Failure to exercise an option will be considered authorization for destruction.

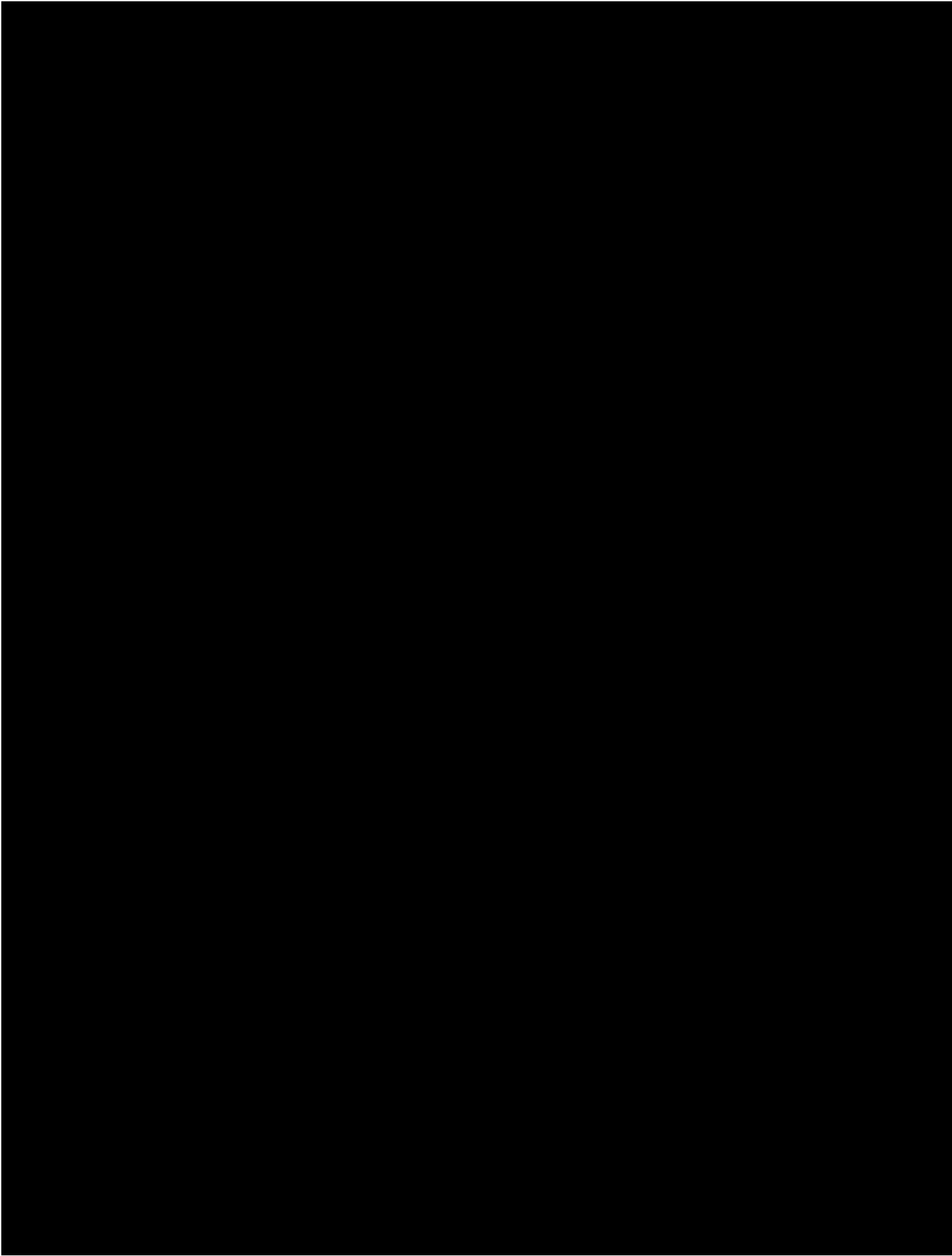
Inmate Signature Date

Refused to sign

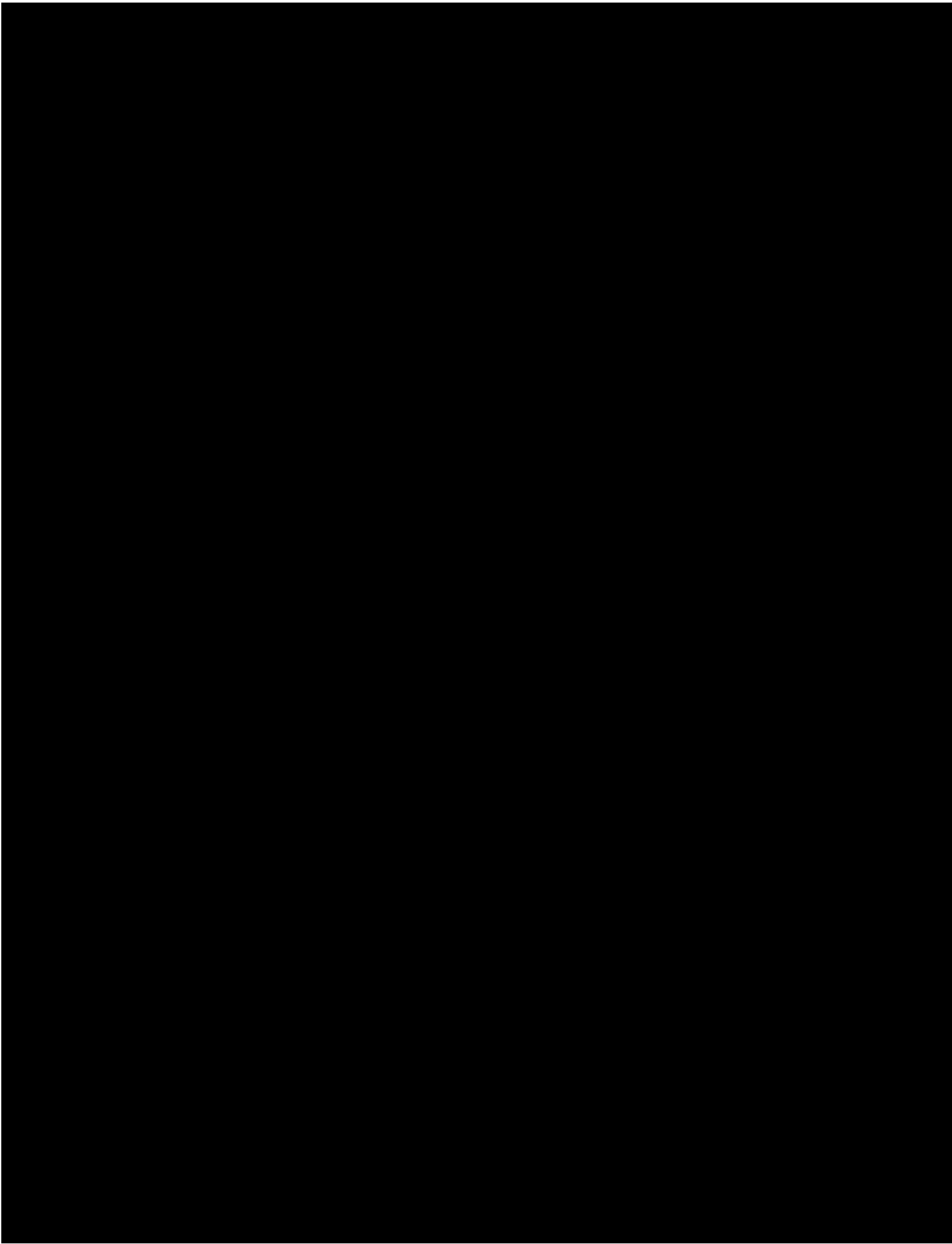
Witness Date

Publication File
Inmate file
Warden
Inmate







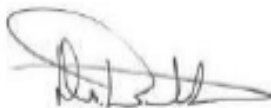





BEFORE THE ARKANSAS STATE CLAIMS COMMISSION**COURTNEY SMITH (ADC [REDACTED])****CLAIMANT****V.****CLAIM NO. 230928****ARKANSAS DIVISION OF
CORRECTION****RESPONDENT****ORDER**

Now before the Arkansas State Claims Commission (the “Claims Commission”) is a motion of Courtney Smith (the “Claimant”) for leave to exceed the page limitations set in Ark. Code Ann. § 19-10-208(f)(1). Upon review of the complaint and supporting documentation, the Claims Commission hereby GRANTS Claimant’s motion for leave and will accept the complaint and supporting documentation previously received. However, this order does not constitute any determination as to the validity of Claimant’s claim.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Dexter Booth



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Chair

DATE: February 9, 2023

Notice(s) which may apply to your claim

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

Arkansas
State Claims Commission

FEB 13 2023

Arkansas State Claims Commission

RECEIVED

Courtney Smith ([REDACTED]) claimant

v.

Arkansas Division of Corrections respondent

Motion to allow the claimant, Courtney Smith ([REDACTED]) to file additional pages of factual allegations, arguments, or exhibits in excess of the limitations under subdivision (f)(1) of A.C.A § 19-10-208(f)

Here comes the claimant, Courtney Smith ([REDACTED]), an inmate in the Arkansas Division of Corrections with his motion to file additional pages of factual allegations and or exhibits in excess of the limitation under subdivision (f)(1) of A.C.A § 19-10-208(f)

The claimant with all due respect for this commission want to first apologize for forgetting to add this motion to his new claim with the certificate of service dated 1-17-23. The claimant does not know the claim number because it has not been giving yet.

The claimant is asking to please be forgiving and please allow him to add this motion to file additional pages of factual allegations and or exhibits in excess of the limitation under subdivision (f)(1) of A.C.A § 19-10-208(f) to the claim dated 1-17-23 by the certificate of service

Thank you,
Courtney Smith (redacted)

(redacted)

2-8-23

From: [Leslie Browning \(DOC\)](#)
To: [ASCC Pleadings](#)
Cc: [Thomas Burns \(DOC\)](#)
Subject: Courtney Smith 230928
Date: Tuesday, February 21, 2023 10:02:39 AM
Attachments: [Answer.pdf](#)

ADC Answer

Leslie Browning

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

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

COURTNEY SMITH ([REDACTED]

CLAIMANT

v.

CLAIM NO. 230928

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

RESPONDENT

ANSWER TO COMPLAINT

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

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

2. The applicable account information required by the Commission is:

- | | |
|---------------------------|--------------------------|
| a. Agency number: 0480 | b. Cost Center: HCA 0100 |
| c. Internal Order: 340301 | d. Fund Center: 509 |

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

Respectfully submitted,

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

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 21st day of February, 2023 on the Claimant by placing a copy of the same in the U. S. Mail, regular postage, to:

Courtney Smith (██████████)

██████████



Thomas Burns

From: [Leslie Browning \(DOC\)](#)
To: [ASCC Pleadings](#)
Cc: [Thomas Burns \(DOC\)](#)
Subject: Courtney Smith 230928
Date: Monday, March 6, 2023 3:11:48 PM
Attachments: [ADC Answer Amended Complaint.pdf](#)

ADC Answer Amended Complaint

Leslie Browning

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

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

COURTNEY SMITH [REDACTED]

CLAIMANT

v.

CLAIM NO. 230928

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

RESPONDENT

ANSWER TO AMENDED COMPLAINT

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

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

2. The applicable account information required by the Commission is:

- | | |
|---------------------------|--------------------------|
| a. Agency number: 0480 | b. Cost Center: HCA 0100 |
| c. Internal Order: 340301 | d. Fund Center: 509 |

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

Respectfully submitted,

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

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 6th day of March, 2023 on the Claimant by placing a copy of the same in the U. S. Mail, regular postage, to:

Courtney Smith ([REDACTED]
[REDACTED]



Thomas Burns

From: [Thomas Burns \(DOC\)](#)
To: [ASCC Pleadings](#)
Cc: [Leslie Browning \(DOC\)](#)
Subject: Courtney Smith v ADC 230928
Date: Tuesday, March 7, 2023 9:08:55 AM
Attachments: [3072_001.pdf](#)

MTD

Thomas Burns
General Counsel
Arkansas Department of Corrections
Division of Correction
6814 Princeton Pike
Pine Bluff Arkansas 71602
Phone: (870) 267-6845
Fax: (870) 267-6373
Cell: (870) 515-0918
thomas.burns@arkansas.gov

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

COURTNEY SMITH (ADC [REDACTED])

CLAIMANT

v

NO. 230928

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

RESPONDENT

RESPONDENT'S MOTION TO DISMISS

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

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

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

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

5. The inmate seeks the sum of \$15000.00, for alleged Federal Law violations (RLUIPA and RFRA). Although inmate seeks an award of damages (\$15000.00), he fails to plead any basis for an award of damages, and he fails to give the Arkansas Claims Commission any rational basis beyond mere speculation of the damages. Damages are an essential element of a tort claim and there must an allegation of sufficient facts to satisfy the damages element or the case is subject to a motion to dismiss. *Wallis v. Ford Motor Company, 362 Ark. 317, 208 S.W. 3d 153 (2008)*. The inmate’s claim, even if true, does not support a claim for monetary relief.

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

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

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

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

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

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

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

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

12. The inmate is currently housed at the [REDACTED] unit of the ADC. He is serving a 36-year sentence on a conviction of battery and other crimes.

13. The inmate claims that the ADC has violated his First Amendment protections: the Religious Freedom Restoration Act (RFRA); and the Religious Land Use and Institutionalized Person Act (RLUIPA).

14. The inmate filed grievance NC-22-00453 which states the inmate has been on restriction and he violated policy N.C.U 2.12.0 page 2 Section VI(A)(4). He attached that page from the 2007 policy. *The true policy is attached as Exhibit A.*

15. The inmate has attached the publications policy, that he has also violated.

16. The inmate is making a Constitutional claims and pursuant to the law the Commission is barred from hearing such claims. These claims may be made in a Court of general jurisdiction.

17. The inmate is making RFRA and RLUIPA claims which are outside the Commissions purview.

18. The Claims Commission does not have the jurisdiction to hear this claim.

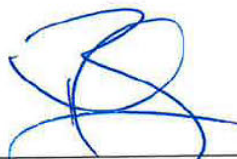
19. The inmate has filed a complaint that he knows is in bad faith and not supported by the facts. The Commission should award the ADC fees and costs for having to respond to this baseless complaint.

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

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

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

Respectfully submitted,





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

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 7th day of March 2023, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Courtney Smith ([REDACTED])
[REDACTED]


Thomas Burns

<div style="text-align: center;">  <p>Division of Correction</p> <p>Policy and Procedures</p> </div>		NUMBER: █████ 2.12.0		PAGE NUMBER 1 OF 11		
		SUPERCEDES: 2/22/22				
		DATE: 1/11/23		ISSUING EMPLOYEE: Original signed by Michelle Gray WARDEN		
CHAPTER: FISCAL MANAGEMENT				SUBJECT: Inmate Fund Account		
REVISED ON THESE DATES:	3/7/19	7/10/19	1/22/20	2/11/21	2/22/22	1/11/23
REVIEWED ON THESE DATES:	03/05/15	04/27/15	03/03/16	03/02/17		

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 describe the requirements for management and control of the personal funds of inmates.

III. APPLICABILITY

To all employees and inmates, and especially to those employees involved in the management or control of inmates’ personal funds.

IV. DEFINITIONS

Trust Fund Account – An electronically maintained, official computerized listing of the funds transactions for an individual inmate. This is established upon the inmate’s arrival and maintained throughout his stay in the Unit.

V. POLICY

All inmate fund accounts held by the Unit shall be controlled in accordance with the following:

- A. All funds shall be controlled and monitored by a system of accepted accounting procedures.
- B. Inmates are permitted to deposit personal funds in interest bearing accounts and the interest shall accrue to the inmate’s Personal Fund account.
- C. All transactions of funds between inmate accounts shall require a written approval from the Deputy/Assistant Warden or Warden or Designee.

Ex A

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VI. PROCEDURES

A. Fund Restrictions

1. When an inmate is placed on restriction by the disciplinary court the inmate commissary privileges are restricted except during their 48-hour relief period, every thirty days.
2. The disciplinary office will send the restriction report to the classification office/or designee, with the start date and end date of the restriction period.
3. The restriction will be entered in the inmate's account reflecting the restriction period.
4. Inmates on Commissary restrictions will not be allowed to submit a personal withdrawal form, except in a verifiable emergency. The Deputy/Assistant Warden of the Unit will have the discretion to approve or disapprove the request.

B. Receipt of Funds to Inmates: Money Order, Cashier's Checks, Government Checks, and other Authorized Checks:

1. Money orders and authorized checks are the only forms of money accepted at the Trust Fund Centralized Banking for posting to an inmate's account. All others will be returned to sender.
2. Money orders and authorized checks for deposit to an inmate's account are to be mailed to Trust Fund Centralized Banking, Post Office Box 8908, Pine Bluff, AR 71611.
3. Money orders and authorized checks are to be submitted with a Money Order Deposit Slip form.
4. Money orders and authorized checks received by Trust Fund Centralized Banking or any Unit location without required deposit slip will be returned to sender with postage paid at state expense and a deposit slip attached.
5. Money orders and authorized checks will be entered to the inmates account by trust Fund Centralized Banking. Money orders and authorized checks will be entered in batch mode. Entry of money orders and checks in a batch mode will not be available for inmates use until all entries have been reconciled to total daily receipts. At completion of daily reconciliation process, batch entries will be posted, and money will be available for inmates use.
6. Money orders and authorized checks will be deposited to the Trust Fund Centralized Banking consolidated bank account.

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7. The Business Operation Specialist will be notified daily, via email, upon completion of Trust Fund Centralized Banking division's daily reconciliation of amount received on account. Receipts will be issued, and header information will include inmate name and ADC number, Unit assignment, barracks and bed location to enhance distribution process to inmates.
8. All return to sender State Postage Expenses are to be logged by the Mailroom Supervisor and a Monthly report submitted to the Business Operation Specialist's office.

C. Receipts of Funds to Inmates: Cash

1. Upon approval of the Warden, cash will be accepted and received under specific and extreme circumstances, such as inmates returning from 309 release, court, etc.
2. Receipt of monies will be receipted in accordance with Receipt Control Procedure of the Administrative Services Procedures Manual. The Unit will be responsible for the accountability of any funds received/accepted before submission of funds for deposit to the Unit clearing account.
3. Receipt number will be recorded on an Inmate Funds Clearing Account Transmittal Form.
4. Upon the Unit's reconciliation of monies received, receipts will be issued, and amount recorded in the transmittal form, funds will be deposited to the Unit clearing account.
5. The Business Operation Specialist will send the transmittal form to the Trust Fund Centralized Banking through an email attachment.
6. The Business Operation Specialist will email a copy of validated deposit ticket to the Trust Fund Centralized Banking.
7. Upon receipt of transmittal form and copy of validated deposit ticket, the Trust Fund Centralized Banking will process transfer from the Unit clearing account to the centralized consolidated bank account and post entries to the inmate's account.
8. Money will not be posted to the inmate's account until transmittal form and validated deposit slip is received by the Trust Fund Centralized Banking.

D. Receipt of Funds to Inmates: Inmate Holiday Activities

1. Following completion of holiday activities, the Recreation Supervisor will prepare a list of inmate winners and submit it to the Business Operation

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Specialist. The list must include date of activity, type of activity, inmate name and ADC number, and amount each winner is to be paid.

2. The Business Operation Specialist may email a copy of the completed Inmate Holiday Activities form to the Trust Fund Centralized Banking. The Business Manager may email completed form where approval is implied through email transmission.
 3. Holiday awards will be entered to the inmate's account by the Trust Fund Centralized Banking upon receipt of the Inmate Holiday Activities form. The Trust Fund Centralized Banking will request reimbursement to the trust fund account from the appropriate Division of Correction fund.
 4. The Business Operation Specialist will be notified daily, via email, upon completion of the Trust Fund Centralized Banking division's daily reconciliation of accounts. The Business Manager will print individual receipts for distribution to inmates. Receipt information will include inmate name, ADC number, Unit assignment, barracks, and bed location to enhance distribution process to inmates.
- E. Inmate Account Transfers from one inmate to another inmate:
- Refer to Disbursement of Inmate Funds
- F. Disbursement of Inmate Funds:
1. Inmates must complete a Personal Withdrawal Request form to disburse funds that are not otherwise addressed in this procedure. Examples of disbursements to be requested by use of this form are as follows:
 - a. Personal request from an inmate. Inmates may send personal funds to the following:
 - (1) Immediate family members only that are listed in eOMIS.
 - (2) Work Craft vendors licensed to do business in Arkansas.
 - (3) Approved inmate organizations.
 - (4) Financial association where inmate has an interest bearing Account.
 - (5) Publishers for approved magazine subscriptions.
 - (6) Any other approved by the Warden.
 - b. ID Card Replacement with Request Payable to Inmate Welfare Fund.
 - c. Jaycees and Inmate Council Donations/Dues with Request Payable to ADC (Name of Unit) Jaycees or ADC (Name of Unit) Inmate Council.
 - d. Chapel Donations with Request Payable to ADC (Name of Unit) Chaplin or ADC (Name of Unit) Chapel Facilities.
 - e. Restitution with Request Payable to Department of Correction.

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2. Any documentation that is to be mailed to a requested payee must be attached or enclosed with Withdrawal Request form and an addressed stamped envelope. An order form to a vendor is an example of documentation. General correspondence, e.g., letter to inmate's family will not be acceptable documentation with withdrawal request.
3. Inmates are not permitted to order items to be billed later.
4. Unit approval process for disbursement of inmate funds must be in compliance with Departmental and Unit policy.
5. The Business Operation Specialist will be responsible to verify signature of Unit employees that are required on the Personal Withdrawal Request form. The Unit Business Operation Specialist will maintain a signature list of all Unit employees who are authorized to sign the form.
6. Trust Fund Centralized Banking will be responsible to verify signature of the Unit Business Operation Specialist. The Trust Fund Centralized Banking will maintain a signature list of all Unit Business Operation Specialists and alternate employees for authorization in the absence of the Business Manager.
7. The Business Operation Specialist will submit Personal Withdrawal Requests to Trust Fund Centralized Banking through U.S. Mail. Any withdrawal request that does not contain requested information will be returned to the Unit Business Operation Specialist through U.S. Mail.
8. Any withdrawal request that cannot be processed due to insufficient funds will be returned to the Unit Business Manager through U.S. Mail for return to the inmate.
9. Trust Fund Centralized Banking will process withdrawal request and mail checks as defined on the Personal Withdrawal Request form.
10. Any check returned to the Trust Fund Centralized Banking due to incorrect information provided on the Personal Withdrawal Request form will be voided and credited to the inmate's account. Any documentation that was submitted to payee will be returned to Unit Business Operation Specialist for return to the inmate. The Unit Business Operation Specialist will be advised by Trust Fund Centralized Banking through email message of any check that was voided.
11. The Unit Business Operation Specialist will be notified daily, through email, upon completion of Trust Fund Centralized Banking division's daily reconciliation accounts. The Business Operation Specialist will print individual receipts for distribution to inmates. Receipts will include inmate

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name and ADC number, Unit of assignment, barracks and bed location to enhance distribution process to inmates.

G. Request to Stop Payment on Check:

1. Stop payment on a check should not be requested until 30 days after date check is issued.
2. Approval of an inmate's request to stop payment on a check prior to 30 days after date of check issue will be at the discretion of the Unit Business Operation Specialist.
3. Request to Trust Fund Centralized Banking to stop payment on any check will be submitted by the Unit Business Operation Specialist through email message.
4. Trust Fund Centralized Banking will issue stop payment request to the bank.
5. Trust Fund Centralized Banking will void checks and credit the amount to the inmate's account.
6. Trust Fund Centralized Banking will advise the Unit Business Operation Specialist through email when the amount has been credited to the inmate's account.
7. The Unit Business Operation Specialist will be notified daily, through email, upon completion of Trust Fund Centralized Banking division's daily reconciliation of accounts. The Business Operation Specialist will print individual receipts for distribution to inmates. Receipts will include inmate name and ADC number, Unit of assignment, barracks and bed location to enhance distribution process to inmates.

H. Disbursement of Inmate Funds:

1. Inmates must complete an Inmate Transfer Request form to disburse funds to another inmate.
2. Unit approval process for transfer of inmate funds to another inmate must be in compliance with Department and Unit Policy.
3. The Business Operation Specialist will be responsible to verify signature of Unit employees that are required on the Inmate Transfer Request form. The Unit Business Operation Specialist will maintain a signature list of all Unit employees who are authorized to sign the form.
4. The Trust Fund Centralized Banking will be responsible to verify the signature of the Unit Business Operation Specialist. The Trust Fund

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Centralized Banking will maintain a signature list of all Unit Business Operation Specialists.

5. Business Operation Specialist will submit Inmate Transfer Request to the ADC Director via the U.S. Mail.
 6. The Unit Business Operation Specialist or other appropriate Unit personnel will maintain file of any documentation to support the inmate transfer request. Do not send any documentation, e.g., hobby craft contract, etc., with transfer request to Trust Fund Centralized Banking.
 7. Any transfer request that cannot be processed due to insufficient funds will be returned to the Unit Business Operation Specialist through U.S. Mail.
 8. The Unit Business Operation Specialist will be notified daily, through email, upon completion of Trust Fund Centralized Banking division's daily reconciliation of account. The Business Operation Specialist will print individual receipts for distribution to inmates. Receipts will include inmate name and ADC number, Unit of assignment, barracks and bed location to enhance distribution process to inmates.
- I. Federal and State Filing Fees:
1. The Unit Business Operation Specialist will complete required forms submitted by an inmate as related to filing suit.
 2. Request for disbursement to county clerks in payment of initial partial filing fee payment, as directed by guidelines for State Filing Fees, will be submitted by use of a Personal Withdrawal Request form and sent to the Trust Fund Centralized Banking through U.S. Mail.
 3. The Trust Fund Centralized Banking will process the above requested payment and send a check to the Unit Business Operation Specialist, through U.S. Mail, to be submitted to appropriate county with inmate's legal documents related to the suit.
 4. The Trust Fund Centralized Banking will process lien transactions upon receipt of court order.
 5. The Unit Business Operation Specialist will be notified daily, through email, upon completion of Trust Fund Centralized Banking division's daily reconciliation of accounts. The Business Operation Specialist will print individual receipts for distribution to inmates. Receipts will include inmate name and ADC number, Unit of assignment, barracks and bed location to enhance distribution process to inmates.
- J. ADC Postage Meter Usage and Copier Expense:

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Cost for Inmate's use of Unit Copier and/or postage meter will be processed as a purchase in the Unit Commissary.

K. Postage-Regular Mail and Packages:

1. Inmate will complete a Personal Withdrawal Request form for expense of mail and/or packages for which the inmate is requesting use of Unit's postage meter.
2. The Personal Withdrawal Request form will be sent with the mail and/or package to the Unit mailroom for determination of amount if required postage.
3. The Unit Mailroom Clerk will record amount of required postage on the Personal Withdrawal Request form.
4. The Unit Mailroom Clerk will process the sales transaction and attach sales receipt to the Personal Withdrawal Request form.
5. The Mailroom Clerk will affix postage on mail and/or package, send sales receipt to the inmate and will file the Personal Withdrawal Request.

L. Postage – Legal Mail:

1. Inmate will complete a Personal Withdrawal Request form for expense of mail and/or packages for which the inmate is requesting use of Unit's postage meter.
2. The Personal Withdrawal Request form will be sent with the mail and/or package to the Unit mailroom for determination of amount of required postage.
3. The Unit Mailroom Clerk will record amount of required postage on the Personal Withdrawal Request form to the commissary for entry to the inmate's account.
4. The Mailroom Clerk will process sales transaction.
 - a. If funds are not available for requested transaction, the Unit Mailroom Clerk will submit a request to the Business Operation Specialist to determine if the inmate is indigent.
 - b. If the inmate does not have available funds and determined to be indigent, the Mailroom will generate the paperwork to put a lien on the inmate's account for the amount of the postage for first class mail in accordance with AD 06-17 (Inmate Lien).

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M. Copier Expense:

Inmate will complete a Personal Withdrawal Request form for expense of copies for which the inmate is requesting use of Unit's copier.

1. The Personal Withdrawal Request form will be sent to the Law Library Supervisor for determination of cost for requested copies defined by departmental policy. Copies are .05 cents per page. Double sided copies are considered two pages.
2. The Law Library Supervisor will record cost of requested copies on the form and send the form to the Commissary Supervisor.

N. Disbursement of Inmate Account Balance:

1. An account balance of up to five-thousand dollars will be loaded to the debit card and made available to the inmate upon release.
2. If the inmate is being released to a detainer, he will complete a Personal Withdrawal Request form on the date of release. The amount is not required on the form, but all other information on the form must be completed.
3. The Unit Business Operation Specialist will be responsible to verify signature of Unit employees that are required on the Personal Withdrawal Request form.
4. The Trust Fund Centralized Banking will be responsible to verify the signature of the Unit Business Operation Specialist.
5. The Unit Business Operation Specialist will email a copy of the Personal Withdrawal Request to Trust Fund Centralized Banking.
6. Any withdrawal request that does not contain requested information will be requested to the Unit Business Operation Specialist through U.S. Mail.
7. The Trust Fund Centralized Banking will process release payment upon receipt of approved request and mail check to address as recorded on the Personal Withdrawal Request. Inmate will not be charged for postage to mail release check.
8. Inmates should be encouraged to spend balance of account in the Unit Commissary before their release.
9. Inmates may request to spend balance of their account in the Unit Commissary or donate to the Unit Chaplain Fund before their release. Inmate must complete a Personal Withdrawal Request form to donate balance of their account to the Unit Chaplain Fund.

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O. Debit Cards:

1. The Records Supervisor will issue debit cards to eligible inmates from the Unit clearing account.
2. The Records Supervisor will report debit cards issued from the Unit clearing account as requested by the Trust Fund Centralized Banking.
3. The Trust Fund Centralized Banking will replenish the Unit clearing account from the Inmate Welfare Fund as required.
4. Paroling Inmates will receive a \$50.00 debit card and a bus ticket upon release and then an additional \$75.00 debit card after their first meeting with their parole officer.
5. Discharging inmates will receive a \$50.00 debit card upon release and then an additional \$75.00 debit card after thirty days if the inmate has had not law enforcement contact.

P. Receipt of Non-Inmates Funds:

1. Receipt of monies will be processed in accordance with Receipt Control Procedures of the Administrative Services Procedures Manual.
2. Receipt of funds from various inmates fundraising activities e.g., Unit Jaycees, Inmate Council, Chaplain fund, Mental Health, etc., and employee reimbursement payments will be deposited to the Units clearing account.
3. The Unit Business Operation Specialist will record deposit transaction on a Non-Inmate Transmittal Form.
4. Upon completion of reconciling monies received, receipts issued, and amount recorded on the transmittal form, funds will be deposited to the Unit clearing account.
5. The Unit Business Operation Specialist will send the transmittal form to the Trust Fund Centralized Banking through email attachment.
6. The Unit Business Operation Specialist will scan and email a copy of validated deposit ticket to the Trust Fund Centralized Banking.
7. Upon receipt of transmittal form and copy of validated deposit ticket, Trust Fund Centralized Banking will transfer funds from the Unit clearing account to the Department of Correction Cash Account through wire transfer.

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8. Funds will not be transferred to the Division of Correction Cash Account until transmittal form and validated deposit slip is received by the Trust Fund Centralized Banking.

Q. Bank Deposits

1. Deposits will be made at least weekly, and more often if needed, to the designated local bank.

VII. This policy will be reviewed annually and updated as necessary.

REFERENCES: Administrative Directive 13-87
ACA Standards: 5-ACI-1B-20
5-ACI-5B-21
5-ACI-1B-22
5-ACI-1B-23
5-ACI-6B-08

Before the Arkansas State Claims Commission

Courtney Smith ([REDACTED]) claimant

Arkansas
State Claims Commission

v. claim no. 230928

MAR 07 2023

RECEIVED

Arkansas Division of Corrections et al. respondent

Motion to Amend to the Complaint
pursuant to Rule 15(a), Fed. R. Civ. P
"as a matter of course"

Now comes the claimant, Courtney Smith [REDACTED] with his motion to amend pursuant to 15(a), Fed. R. Civ. P "as a matter of course", with respect to the "claims commission." The claimant is in fact lay to this kind of law but will try his hardest to keep up. The claimant would like to amend "Jurisdiction", "Parties", "Exhaustion of remedies", "Facts", "Cause of action", "relief", "Verification of complaint", and "AD 2022-22 publications." Please allow the claimant to amend to complaint.

JURISDICTION OF COMMISSION

Arkansas Code Annotated § 19-10-201 et seq. govern the existence, composition, powers, duties and jurisdiction of the Commission. The Commission has exclusive jurisdiction only of claims against the "State" and its agencies, boards, commissions or institutions, such as the State Highway and Transportation Department, Department of Corrections, etc.

All types of claims may be considered by the commission with the exception of claims arising under the Workers' Compensation Act, Employment Security Act or Teacher Retirement Act or under laws providing for old age assistance grants, child welfare grants, blind pensions or any laws of a similar nature or other specific exclusion.

Political subdivisions of the state, such as cities, counties, municipalities and school districts, are not included in the definition of "State" and therefore do not fall under the purview of the claims Commission's jurisdiction.

Because the commission has maintained from its inception that its primary function is to serve as a fact-finding body for the General Assembly, of which it is an arm, the commission's jurisdiction is under the scrutiny of the General Assembly as an administrative quasi-judicial agency. Its findings and legal renderings are not subject to judicial review of any type.

The commission's jurisdiction does not encompass issues involving the constitutionality or validity of any agency or state government's business activities nor cases where specific relief is sought against a state official, such as an injunction or mandamus to compel performance of a purely ministerial act.

In some instance, the commission has ruled to award monetary damages when a deficiency is found with a state agency's operations, methods, or procedures that can be attributable to the exclusive control of the agency.

~~Parties~~Partiesclaimant: Courtney Smith ([REDACTED])
[REDACTED]

Arkansas Division of Corrections

Respondent: Arkansas Division of Correction et. al
6814 Princeton pike
Pine bluff, AR
71602Exhaustion of administrative remedies

The claimant has exhausted all available remedies.

FACTS / Cause of Action

The ADC officials has knowingly violated the claimants rights to free speech., Retaliation of speech threaten to inhibit exercise of the protected right and such retaliation also violates the ADC policy of the employee conduct standard section 225. The Deprivation of the established policy shows neglect and intentional infliction because the ADC officials knew or should have known established policy and procedure

Negligence and depriving the claimant of his right to purchase property that the ADC unreasonably destroyed on 7-13-22 shows discrimination and the lack of ordinary care because the destruction was done out of spite or hate and was done intentionally and it is no defense that officials were only negligent in denying the claimant due to the deprivation of established procedures.

Also the false statements made by ADC official, Warden Michelle Gray, who is held to a higher standard, intentionally inflicted emotional or mental distress because she knew that there was "no" [REDACTED] policy 2.12.0, section VI, A, #4 but she used this fake policy to deny and deprive the claimant of his personal protected right to purchase religious material, religious reading material, educational studies, self help reading material, pleasures and etc. shows the tort of intentionally infliction of emotional or mental distress

The claimant has the right to read and purchase religious publication. This is protected like the right to read anything else. Reading and purchasing publication of religion can also be treated as part of the free exercise of religion.

This violation of the free exercise of religion is a violation of the claimant's "Religious Freedom Restoration Act (RFRA)" and Religious Land Use and Institutionalized Person Act (RLUIPA)" see *Thornburgh v. Abbott*, 490 U.S. ~~401~~ 401, 407-08, 109 S. Ct. 1874 (1989).

Warden Michelle Gray's actions violates the ADC Employee Conduct Standard section 225 #13 (Discrimination) is also a violation of ADC policy 2022-22 Publications along with Censoring publication of my religious views and education and restricting my religious mail.

The Censorship of books, magazines and newspaper is governed by the *Turner v. Safley* "reasonableness" standards that governs

Censorship of incoming letters and most other prison restrictions on Constitutional rights. Applying that standard, the Supreme Court in *Thornburgh v. Abbott* upheld a regulation permitting censorship of any publication "determined detrimental to the security, good order, or discipline of the institution or if it might facilitate criminal activity," But barring censorship "solely because (the publication) content is religious, philosophical, political, social, or sexual, or because its content is unpopular or repugnant." The ADE officials to deny me the right to read religious material or educate myself in my religion attending the Islamic Online University sponsored by the Director of operations/USA prison Initiative is a violation of the "RFRA" and "RLUIPA" and saying that the religion of Islam "Incites Racism" is clearly Discriminatory and affends the Constitution because it is protected by the First Amendment. The claimant is entitled to relief and has stated which of his legal rights were violated and how...

This claimant ask the courts that if they would, please allow him to merge the "Facts" and "Cause of Action" because he has shown factual allegations that his legal rights have been violated and how the ADC is connected to these legal violation, showing that the claimant is entitled to monetary damages or relief. He has also shown or stated which of his legal rights were violated and how.

- The Courts have generally held pro se complaints to less stringent standards than formal pleadings drafted by lawyers. *Erickson v. Pardus*, 551 U.S. 89, 94, 127 S. Ct. 2197 (2007)

The claimant reminds the Court that the Supreme Court has recently said that the federal rules do not require "heightened pleadings" except where the rules spell out such a requirement and the courts are not free to impose such requirements on their own. *Swierkiewicz v. Sorema*, 534 U.S. 506, 512-13, 122 S. Ct. 992 (2002); *Swierkiewicz v. Sorema*, 543 U.S. at 512-13.

Relief

The claimant is entitled to monetary damages and or relief because the ADC officials acting within the scope of their employment has knowingly and willingly violated the claimants rights via retaliation by him using the grievance procedure and filing previous state claim, claim number 230688

The claimant is entitled to relief for the torts of intentional infliction of emotional and mental distress, negligence, deprivation of established policy and or procedure, RLUIPA, RFRA, discrimination And the ADC violating their own policy

The claimant prays for just relief and any and all justifiable relief with the demand of \$15,000. The claimant is also requesting a hearing to be held with the "claim commission" on this matter

Courtney Smitch ([REDACTED]

[REDACTED]
claim number 230928

VERIFICATION OF COMPLAINT

I DECLARE UNDER PENALTY OF PERJURY THAT THE CONTENTS IN THIS ENTIRE COMPLAINT ARE TRUE AND CORRECT. 28 U.S.C. 1746

Courtney Smith ([REDACTED])
February 25, 2023
CLAIM NO. 230928

Documents in Support of exhibit G

- Documents to show that publications may only be received from recognized commercial, religious, or charitable outlets.
- Material that incites, encourages, advocates, or promotes racism or any other illegal act of discrimination, or that is likely to be disruptive, produce violence, or cause a threat to the offender population or staff. (How can the I.O.U college course get rejected when its religious and educational? This does not cause a threat to the offender population or staff (Diploma Prison Initiative))
- The warden has the authority to waive these conditions on legal, educational, and religious publications if the book measures more than 9" x 11", Hardback books thicker than two (2) inches., Softback books thicker than four (4) inches., and any book heavier than three (3) pounds.



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

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

EXECUTIVE SUMMARY

SUBJECT: Publications

NUMBER: 2022-22

SUPERSEDES: 2020-04

APPLICABILITY: Staff and Inmates

REFERENCE: AR 864 Publications, AD Inmate Correspondence, AD Inmate Property Control,
 AD Inmate Grievance Procedure

APPROVED: Original signed by Dexter Payne **EFFECTIVE DATE:** 10/12/2022

EXPLANATION OF CHANGES:

1. Warden was defined to include Wardens and Work Release Center Supervisors.
2. The following language was added about publications:
 Publications cannot be altered from the original state, such as but not limited to:
 - a. Writing in book;
 - b. Foreign objects are placed in book; or
 - c. Stains from liquid
3. The following option for disposing of an unacceptable publication was added: Picked up by a person on the inmate’s approved visitation list during visitation.
4. The following language was removed: For any publication rejected solely because it contains a product insert, if the product insert(s) can be removed, the publication is acceptable.
5. Notice of Rejection of Publication Form was updated. The references to AR 864 and AD Publications were removed due to being listed as references on the first page of the policy.



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

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

ADMINISTRATIVE DIRECTIVE

SUBJECT: Publications

NUMBER: 2022-22

SUPERSEDES: 2020-04

APPLICABILITY: Staff and Inmates

PAGE: 1 of 4

REFERENCE: AR 864 Publications, AD Inmate Correspondence, AD Inmate Property Control, AD Inmate Grievance Procedure

APPROVED: Original signed by Dexter Payne **EFFECTIVE DATE:** 10/12/2022

I. POLICY:

It is the policy of the Arkansas Division of Correction (ADC) that the inmate population may only receive certain publications, as established by guidance stated herein. Publications may only be received from recognized commercial, religious, or charitable outlets. All publications are subject to inspection and may be rejected when the publication presents a danger to the security, discipline, or good order of the institution, or is inconsistent with rehabilitative goals.

II. DEFINITIONS:

- A. Charitable Outlet. A religious group or an incorporated non-profit organization established to promote literacy or to provide literature for inmates.
- B. Commercial Outlet. A publisher, bookstore, educational or vocational institute, or other entity whose primary business is the sale and distribution of printed materials.
- C. Nudity. A depiction in which genitalia, buttock(s) or female breasts are fully exposed.
- D. Publication. A book, magazine, catalog, advertising brochure, religious tract, newspaper, periodical, newsletter, or any type of image or text (does not include a personal letter).
- E. Sexually Explicit. A depiction or description of actual or simulated sexual acts including sexual intercourse, anal or oral sex, masturbation, sadism, sado-masochism, bondage, bestiality, or excretory functions which the average adult, taking the material as a whole and applying statewide contemporary community standards, would find appeals to the prurient interest, and which material, taken as a whole, lacks serious literary, scientific, political, or artistic value.

- F. Security Terrorist Threat Group (STTG). Any group of inmates that the ADC reasonably believes poses a threat to the security of the institution or the physical safety of other inmates or staff by virtue of the group's nature, purpose, or activities.
- G. Warden. Includes Wardens and Work Release Center Supervisors.

III. PROCEDURES:

- A. The Warden shall designate staff to review incoming publications.
- B. A publication will be rejected if it contains contraband or if the material presents a danger to the security, discipline, or good order of the institution, or is inconsistent with rehabilitative goals. A publication containing pictorial or textual material meeting one (1) or more of the following categories may be rejected:
 - 1. Material that incites, advocates, aids or abets a riot, work stoppage, or any other behavior that may be detrimental to the safe, secure, and orderly operation of the institution;
 - 2. Material that advocates or assists criminal activity, which is an act or omission prohibited and punished by law, including but not limited to:
 - a. Material advocating, describing, or assisting methods of escape or eluding capture or which contain blueprints, drawings, or depictions of ADC facilities;
 - b. Maps or drawings depicting a geographical region that could reasonably be construed to assist methods of escape or eluding capture, or otherwise be a threat to security;
 - c. Material advocating or providing instructions on identity theft; or
 - d. Material that incites, encourages, advocates, or promotes an act of violence such as but not limited to sexual assaults and physical assaults.
 - 3. Depictions, descriptions, or instructions regarding the introduction, manufacture, concealment, or use of guns, knives, or any other weaponry, including realistic pictures of such weapons suitable to aid in the manufacture of such weapons, or facsimiles of such weapons;
 - 4. Depictions, descriptions, or instructions regarding the operation of security devices such as locks, cameras, or alarms;
 - 5. STTG materials including, but not limited to codes, signs, symbols, photographs, drawings, training materials, and catalogs;
 - 6. Depictions, descriptions, or instructions on the use of hands, feet, or the head as weapons, or of other fighting techniques;
 - 7. Depictions, descriptions, or instructions on the manufacture, cultivation, or introduction of drugs, alcohol, tobacco, or poisons;
 - 8. Instructions or patterns for tattoos, or other skin modification techniques or equipment;

9. Material that incites, encourages, advocates, or promotes racism or any other illegal act of discrimination, or that is likely to be disruptive, produce violence, or cause a threat to the offender population or staff;
10. Material that depicts nudity; however, material that includes the depiction of nudity as illustrative of and as part of broader medical, educational, anthropological, or artistic content will not be rejected solely on the basis that the material includes nudity;
11. Sexually explicit material, whether pictorial or textual, which could reasonably pose a threat to the safety, security, discipline, or good order of the institution, or is inconsistent with rehabilitative goals;
12. Posters measuring more than two hundred (200) square inches;
13. Publications containing a product insert which, by itself, would be deemed contraband; and
14. Publications which meet two (2) of the following conditions:
 - a. Books that measure more than 9" x 11".
 - b. Hardback books thicker than two (2) inches.
 - c. Softback books thicker than four (4) inches.
 - d. Any book heavier than three (3) pounds.

The Warden has the authority to waive these conditions on legal, educational, and religious publications.

15. Publications altered from the original state, such as, but not limited to:
 - a. Writing in book;
 - b. Foreign objects found inside book; or
 - c. Stains from liquid.
16. Photobooks are not considered an allowable publication and will not be permitted.
17. Inmates are only allowed five (5) individual photos. This does not include digital photos (refer to AD on Inmate Correspondence).
- C. Publications recommended for rejection will be referred to the Warden for final decision. With respect to any publication, the decisions must be made on the contents of an individual publication, not previous issues of the same publication.
- D. Items within the package cannot be separated; otherwise, the package is rejected in its entirety.
- E. The Warden must approve or reject the publication within thirty (30) days of receipt. If the publication is rejected, the inmate must be notified, in writing, of any decision to reject and the basis for rejection of the publication. The inmate is also notified of appeal procedures and options for disposing of the publication. The inmate must sign that the notice of rejection has been received. Should the inmate refuse to sign, an employee will attest to the fact that the inmate was duly notified.

- F. The decision to reject a publication may be appealed to the Central Office Publication Review Committee. The Committee members are to be assigned by the Director or his/her designee. The appeal must be initiated within ten (10) days of the receipt of written notification of the Warden's decision to reject the publication. Rejection of a Publication is not grievable.
- G. Any rejected publication will be held safe by the Warden or his/her designee until the appeal process has been completed, or until the ten (10) day period for filing an appeal has expired.
- H. Options for disposing of an unacceptable publication are:
1. Destruction;
 2. Return of the publication to the sender at the expense of the inmate unless return postage is guaranteed;
 3. Mailing the publication to a third party at the expense of the inmate; or
 4. Picked up by a person on the inmate's approved visitation list during Visitation.

IV. ATTACHMENT

Notice of Rejection of Publication Form

MAR 07 2023

RECEIVED

Certificate of Service

I certify that a copy of all enclosed pleadings has been served this 25 day of February, 2023, on the respondent below by placing a copy of the same in the U.S mail, using the prison ^{Legal!} mail system to:

Thomas Burns (02006)
 legal Department
 Divison of Corrections
 6814 Princeton pike
 Pine bluff, AR

71602

I am turning my legal mail over to prison official
 the above stated date for mailing to the court.
 "I declare, under penalty of perjury that
 the following is true and correct." 28 U.S.C. §

Arkansas State Claims Commission's Clerk.

My Name is Courtney Smith [REDACTED] I am the claimant to claim numbers 230688 and 230928. I'm writing because this prison im in is leaving me to suffer a great deal of retaliation for filing said claim and is not giving me all my mail from this claims commission or from the ADC attorney Mr. Thomas Burns.

On 3-7-23 I was placed on behavior control for acting inappropriately or violating the rules. Im currently in restrictive housing for the next 60 days but when I was on behavior control I was not allowed to receive personal mail, legal mail or institutional mail for 7 days.

Im afraid that I might have had some legal mail coming from this claims Commission or the ADC attorney that has not been giving to me. Today is 3-13-23 and im off behavior control and is now allowed to receive mail. Is there anyway you could check and see if I had any mail sent to me at #10 prison Circle, Calico rock, Ar 72519 during the month of march from this commission or the ADC attorney because I don't want my claim to be dismissed because I failed to answer to the commission or the respondents in a timely manner when I never knew I had to answer because of me not receiving my mail.

Please check claim numbers 230688 and 230928 to see if any mail has been mailed to me in the beginning of the month of March 2023, if it has please resend to me so I can have a chance to answer. My last time hearing from the commission is when I filed a "motion to respond to the respondents motion to dismiss" on claim number 230688
Amended complaint

MAR 18 2023

RECEIVED

P.S

I just recieved tonight the answer to my
complaint and a motion to dismiss both are
from claim number 230928.

I have not heard or recieved anything
concerning claim number 230688.

So claim number 230688 is my only
concern. what is the status of claim number 230688
Again, I haven't heard nothing since I filed the "Motion to
respond to the respondents ~~motion~~ Amended motion to dismiss.

Courtney Smith ([redacted])

[redacted]
3-15-23

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September 5, 2023

Mr. Courtney Smith (ADC [REDACTED])
10 Prison Circle
Calico Rock, Arkansas 72519

RE: ***Courtney Smith v. Arkansas Division of Correction***
Claim Nos. 230688 and 230928

Dear Mr. Smith,

Our office is in receipt of your letter dated March 15, 2023, in which you ask if there have been any mailings in the above-referenced claims since the beginning of March 2023, other than the answer and motion to dismiss filed in Claim No. 230928, and in which you ask the status of Claim No. 230688. Our office has no record of other mailings to you since March 2023 in either matter. The ADC's motion to dismiss and your motion to amend are still pending in Claim No. 230688. When the Claims Commission enters an order on the motions, you will receive a copy via US Mail. The Claims Commission will rule on the motions as quickly as it can.

Sincerely,

Mika Tucker

ES: msscott

From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [Thomas Burns \(DOC\)](#)
Cc: [ASCC Pleadings](#); [Mika Tucker](#)
Subject: ORDER: Courtney Smith v. ADC, Claim No. 230928
Date: Monday, September 25, 2023 11:01:47 AM
Attachments: [Courtney Smith v. ADC .pdf](#)
[Courtney Smith-order.pdf](#)

Thomas:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

Misty

Misty Scott
Arkansas State Claims Commission

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

September 25, 2023

Mr. Courtney Smith (ADC [REDACTED])
[REDACTED]

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

(via email)

Re: *Courtney Smith v. Arkansas Division of Correction*
Claim No. 230928

Dear Mr. Smith and Mr. Burns:

Enclosed please find an Order entered on September 22, 2023, by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

COURTNEY SMITH (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 230928

ARKANSAS DIVISION OF
CORRECTION

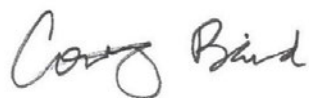
RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Commission”) is a motion filed by Courtney Smith (the “Claimant”) on March 7, 2023, to amend his complaint. The Arkansas Rules of Civil Procedure do not require Claimant to seek leave of the Commission before amending his complaint at this stage of the proceedings. As such, the Commission will accept Claimant’s motion as the amended complaint.

The Commission notes that the Arkansas Division of Correction (the “Respondent”) has already filed an answer denying liability. The Commission finds that Respondent’s March 7, 2023, motion to dismiss was mooted by the filing of the amended complaint.

IT IS SO ORDERED.



 ARKANSAS STATE CLAIMS COMMISSION
 Courtney Baird



 ARKANSAS STATE CLAIMS COMMISSION
 Paul Morris, Chair



 ARKANSAS STATE CLAIMS COMMISSION
 Sylvester Smith

DATE: September 22, 2023

Notice(s) which may apply to your claim

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

From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [Thomas Burns \(DOC\)](#)
Cc: [ASCC Pleadings](#); [Mika Tucker](#)
Subject: CORR: Courtney Smith v. ADC, Claim No. 230928
Date: Monday, October 9, 2023 1:36:36 PM
Attachments: [Courtney Smith v. ADC.pdf](#)

Thomas:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

Misty

Misty Scott
Arkansas State Claims Commission

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

October 9, 2023

Mr. Courtney Smith (ADC [REDACTED])
[REDACTED]

RE: *Courtney Smith v. Arkansas Division of Correction*
Claim No. 230928

Dear Mr. Smith,

Please be advised that the Arkansas Division of Correction (the "Respondent") in the above-styled claim filed an Answer disputing liability. When liability is contested by the Respondent, you have two options:

- 1) You may request a hearing before the Arkansas State Claims Commission (the "Claims Commission") in writing within fifteen (15) calendar days from the date of this correspondence.
- 2) You may do nothing. If this office does not receive any communication from you within fifteen (15) calendar days from the date of this correspondence, your claim will be dismissed by the Claims Commission for failure to respond.

Please note that even if you request a hearing on your claim, the filing of a dispositive motion (such as a Motion to Dismiss or a Motion for Summary Judgment) by the Respondent could result in dismissal of your claim before hearing. The failure of a party to file a timely response is sufficient basis for the granting of a motion by the Claims Commission.

It is your responsibility to know when responses are due to any motions or other pleadings filed in your claim. It is also your responsibility to notify both the Claims Commission and the Respondent if you have a change in mailing address.

Sincerely,

Mika Tucker

ES: msscott

cc: Thomas Burns, *counsel for Respondent* (via email)

From: [Thomas Burns \(DOC\)](#)
To: [ASCC Pleadings](#)
Subject: Courtney Smith v ADC 230928
Date: Thursday, October 26, 2023 3:08:49 PM
Attachments: [1527_001.pdf](#)
[image001.png](#)

MSJ

Thank you,
-TB



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

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

COURTNEY SMITH (ADC [REDACTED]) CLAIMANT

v NO. 230928

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION RESPONDENTMOTION FOR SUMMARY JUDGMENT

Come now the respondent, Arkansas Department of Corrections (ADC), by and through their attorney, Thomas Burns, and for their Motion for Summary Judgment pursuant to Ark. R. Civ. P. 56, states:

1. The pleadings filed herein reveal that the facts in this case are undisputed or are settled.
2. As a result thereof, the ADC is entitled to summary judgment.
3. When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of their pleadings, but their response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing there is a genuine issue for trial.
4. The inmate has not cited any legal authority that the summary judgment is inappropriate because the inmate is making 1st Amendment claims, Federal Law violations (RLUIPA and RFRA), and failed to respond to the Commission.
5. The Inmate in his complaint states, "The ADC officials have knowingly violated the claimants' rights to free speech" Furthermore he states his claims are based on the Religious Freedom Restoration Act and the Religious Land Use and Institutionalized Person Act. *See attached Ex A.*

6. The Arkansas State Claims Commission does not have jurisdiction when the claim is Constitutionally based and under Federal Law. “The commission shall make no award for any claim which, as a matter of law, should be dismissed from a court of law or equity for reasons other than sovereign immunity.” Ark. Code Ann. § 19-10-204(3)(A) (West Supp. 2015).

7. The inmate grieved this matter and was told that ADC followed Unit policy 2-12.0, because the ADC followed policy the grievance was found without merit after two levels of review. *See attached Ex B.*

8. At the time of the inmates complaint the policy stated part VI(4) on page 2: “Inmates on Commissary restrictions will not be allowed to submit a personal withdrawal form, except in a verifiable emergency. The Deputy/Assistant Warden of the Unit will have the discretion to approve or disapprove the request.” *Aee attached Ex C*

9. The ADC followed the policy and the inmate is just mistaken that part VI(4) on page 2 does not exist. Clearly it does.

10. The inmate failed to respond to the letter the Claims Commission sent him on October 9, 2023. In that letter it states: “If this office does not receive any communication from you within fifteen (15) calendar days from the date of this correspondence, your claim will be dismissed by the Claims Commission for failure to respond.” *See attached Ex D*

11. This letter does not say might or may dismiss, it says WILL dismiss. The inmate has failed to respond and the complaint, by direction of the Commission, should be dismissed accordingly.

12. In *Turner v. Baptist Medical Center*, 275 Ark. 424, 427, 631 S.W.2d 275, 277-278, (1982), it states . . . “that opposing affidavits that consist merely of general denials, without any statement of specific facts, are insufficient to defeat a summary judgment motion.”

13. The inmate has failed to demonstrate the existence of a genuine issue of any fact material to ADC’s alleged culpability of failure to follow procedure and has failed to rebut the ADC’s prima facie evidence of its entitlement to judgment as a matter of law.

14. Once the moving party makes a prima facie showing of entitlement to summary judgment, the responding party must meet proof with proof in order to demonstrate that there is remaining a genuine issue of material fact. The response and supporting material must set forth specific facts showing that there is a genuine issue for trial. See Ark. R. Civ. P. 56(e) *Hampton v. Taylor*, 318 Ark. 771, 776-777, 887 S.W.2d 535, 538-539 (1994). The inmate has failed to identify any genuine issues of material fact that would preclude a summary judgment in favor of the ADC. Therefore, this Commission should grant the Motion for Summary Judgment.

15. The ADC has attached all the documentation and has demonstrated a prima facie entitlement to Summary Judgment. To overcome this, the inmate must meet proof with proof and demonstrate the existence of a material issue of fact. *Gonzales v. City of DeWitt*, 357 Ark. 10. 14-15, 159 S.W.3d 298 301 (*emphasis added*).

16. The ADC, is entitled to judgment as a matter of law for the following reasons:

- (a) First, the inmate is basing his claim on Constitutional violations and violations of Federal Law
- (b) Second, the ADC followed policy.
- (c) Third, the inmate failed to respond to the direction of the Claims Commission,
- (d) Forth, the inmate fails to cite any legal authority for his contention that summary judgment is inappropriate.

17. The ADC should be awarded fees and costs for this action.

WHEREFORE, The ADC, prays that their Motion for Summary Judgment be granted; for their attorney's fees and costs; and for all other just and proper relief to which they may be entitled.

Respectfully submitted,



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

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 26th day of October 2023, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Courtney Smith [REDACTED]
 [REDACTED]


 Thomas Burns

FACTS / Cause of Action

The ADC officials has knowingly violated the claimants rights to free speech., Retaliation of speech threaten to inhibit exercise of the protected right and such retaliation also violates the ADC policy of the employee conduct standard section 225. The Deprivation of the established policy shows neglect and intentional infliction because the ADC officials knew or should have known established policy and procedure

Negligence and depriving the claimant of his right to purchase property that the ADC unreasonably destroyed on 7-13-22 shows discrimination and the lack of ordinary care because the destruction was done out of spite or hate and was done intentionally and it is no defense that officials were only negligent in denying the claimant due to the deprivation of established procedures.

Also the false statements made by ADC official, Warden Michelle Gray, who is held to a higher standard, intentionally inflicted emotional or mental distress because she knew that there was "no" [REDACTED] policy 2.12.0, section VI, A. #4 but she used this fake policy to deny and deprive the claimant of his personal protected right to purchase religious material, religious reading material, educational studies, self help reading material, pleasures and etc. shows the tort of intentionally infliction of emotional or mental distress

Ex. A

The claimant has the right to read and purchase religious publication. This is protected like the right to read anything else. Reading and purchasing publication of religion can also be treated as part of the free exercise of religion.

This violation of the free exercise of religion is a violation of the claimant's "Religious Freedom Restoration Act (RFRA)" and "Religious Land Use and Institutionalized Person Act (RLUIPA)" see *Thornburgh v. Abbott*, 490 U.S. 401, 407-08, 109 S. Ct. 1874 (1989).

Warden Michelle Gray's actions violates the ADC Employee Conduct Standard section 225 #13 (Discrimination) is also a violation of ADC policy 2022-22 Publications along with censoring publication of my religious views and education and restricting my religious mail.

The censorship of books, magazines and newspaper is governed by the *Turner v. Safley* "reasonableness" standards that governs

Relief

The claimant is entitled to monetary damages and or relief because the ADE officials acting within the scope of their employment has knowingly and willingly violated the claimants rights via retaliation by him using the grievance procedure and filing previous state claim, claim number 230688

The claimant is entitled to relief for the torts of intentional infliction of emotional and mental distress, negligence, deprivation of established policy and or procedure, RLUIPA, RFRA, discrimination and the ADE violating their own policy

The claimant prays for just relief and any and all justifiable relief with the demand of \$15,000. The claimant is also requesting a hearing to be held with the "claim commission" on this matter

Courtney Smith ([REDACTED])
[REDACTED]

Claim number 230928

Censorship of incoming letters and most other prison restrictions on Constitutional rights. Applying that standard, the Supreme Court in Thornburgh v. Abbott upheld a regulation permitting censorship of any publication "determined detrimental to the security, good order, or discipline of the institution or if it might facilitate criminal activity," But barring censorship "solely because (the publications) content is religious, philosophical, political, social, or sexual, or because its content is unpopular or repugnant. The ADC officials to deny me the right to read religious material or educate myself in my religion attending [redacted] sponsored by the Director of operations/USA prison Initiative is a violation of the "PERM - 10011104"

First Amendment. The claimant is entitled to relief and has stated which of his legal rights were violated and how...

This claimant ask the courts that if they would, please allow him to merge the "Facts" and "Cause of Action" because he has shown factual allegations that his legal rights have been violated and how the ADC is connected to these legal violations, showing that the claimant is entitled to monetary damages or relief. He has also shown or stated which of his legal rights were violated and how.

- The Courts have generally held pro se complaints to less stringent standards than formal pleadings drafted by lawyers. Erickson v. Pardus, 551 U.S. 89, 94, 127 S. Ct. 2197 (2007)

The claimant reminds the Court that the Supreme Court has recently said that the federal rules do not require "heightened pleadings" except where the rules spell out such a requirement and the courts are not free to impose such requirements on their own. Swierkiewicz v. Sorema, 534 U.S. 506, 512-13, 122 S. Ct. 992 (2002), Swierkiewicz v. Sorema, 543 U.S. at 512-13.

26-26

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IGTT410
3GS

Attachment III

INMATE NAME: Smith, Courtney

ADC # [REDACTED]

GRIEVANCE #: [REDACTED] 22-00453

WARDEN/CENTER SUPERVISOR'S DECISION

I, Warden M. Gray, have reviewed your grievance where you complained that I, Warden M. Gray, am knowingly violating [REDACTED] 2.12.0 policy by not allowing you to purchase Religious reading material, self help reading material, educational studies and pleasures. As I explained to you in your step one response, Inmates serving commissary restrictions are not allowed to submit personal withdrawal forms, only in case of verifiable emergency. [REDACTED] policy 2.12.0 was not violated. On page 2 Section VI A. (4) states Inmates on Commissary restrictions will not be allowed to submit a personal withdrawal form, except in a verifiable emergency. The Deputy/Assistant Warden of the Unit will have the discretion to approve or disapprove the request. I find no evidence to support your allegations of violations of established policy.

Therefore I find this grievance to be without merit (there is no number (4) this grievance does have merit)

M. Gray
Signature of Warden/Supervisor of Designee

Warden
TITLE RECEIVED

10/10/2022
Date

OCT 19 2022

INMATE'S APPEAL

INMATE GRIEVANCES SUPERVISOR

ADMINISTRATION BUILDING

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? Warden Gray's response to this grievance is a complete false statement. She said that "page 2 section VI A. (4) states inmates on Commissary restrictions will not be allowed to submit a personal withdrawal form, except in a verifiable emergency." I have attached or enclosed the entire page 2 and there is NO section VI, A, (4)! Section VI, A, ~~2.12.0~~ only has 3 procedures and none of them say I cannot write an inmate check on Commissary restriction or Fund restriction. Warden Gray is knowingly violating the N.C.U 2.12.0 policy as well as my right to purchase religious reading material, self help reading material, educational studies and pleasures. Warden Gray is also violating the Employee conduct standard section 225 via Falsifying documents. I been writing inmate checks since 2020, been on restriction since 2020.

Courtney Smith
Inmate Signature

ADC#: 10-13-2022
[REDACTED] Date

If appealing, please submit both the Unit Level Grievance Form (Attachment I) and the Warden's Decision (Attachment III)

G.B

IGTT430
3GD

Attachment VI

INMATE NAME: Smith, Courtney

ADC #: [REDACTED]

GRIEVANCE# [REDACTED]-22-00453

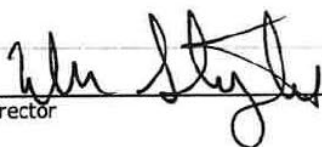
CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

In your grievance dated 10/1/2022, you stated, "I am writing this grievance on Warden Michelle Gray for knowingly violating the [REDACTED] policy 2.12.0 Inmate fund account by denying me the right to purchase religious reading material. Educational studies and pleasure. She uses [REDACTED] 2.12.0 for the reason for denial but the [REDACTED] policy 2.12.0 section VI Procedure, A. Fund restrictions #1, 2 and 3 does not state that my inmate fund account or access to my trust fund account is restricted for being on commissary restriction, just commissary. The disciplinary office did in fact send the restriction report to the commissary supervisor with the start date and end date of my restriction period restricting my commissary, phone and visitations, not my trust fund centralized banking account!! I been on restriction since late 2020 but if you would please check my computerized listing of funds transactions you will see I been writing inmate checks since 2020. Warden Gray is retaliating for me using the grievance procedure."

On 10/10/2022, the warden responded, "I, Warden M. Gray, have reviewed your grievance where you complained that I, Warden M. Gray, am knowingly violating [REDACTED] 2.12.0 policy by not allowing you to purchase Religious reading material, self help reading material, educational studies and pleasures. As I explained to you in your step one response, Inmates serving commissary restrictions are not allowed to submit personal withdrawal forms, only in case of verifiable emergency. [REDACTED] policy 2.12.0 was not violated. On page 2 Section VI A. (4) states Inmates on Commissary restrictions will not be allowed to submit a personal withdrawal form, except in a verifiable emergency. The Deputy/Assistant Warden of the Unit will have the discretion to approve or disapprove the request. I find no evidence to support your allegations of violations of established policy. Therefore I find this grievance to be without merit."

Your appeal was received on 10/19/2022. After a review of your appeal and supporting documentation, I concur with the Warden's decision, I find no violation of policy and procedure regarding this matter. Therefore, I find no merit in your appeal.

Appeal Denied.




Director

11/9/22

Date

Please be advised that if you appeal this decision to the U.S. District Court, a copy of this Chief Deputy/Deputy/Assistant Director's Decision must be attached to any petition or complaint or the Court may dismiss your case without notice. You may also be subject to paying filing fees pursuant to the Prison Litigation Act of 1995.

<div style="text-align: center;">  <p>Division of Correction</p> <p>North Central Unit</p> <p>Policy and Procedures</p> </div>		NUMBER: [REDACTED] 2.12.0		PAGE NUMBER 1 OF 11		
		SUPERCEDES: 2/11/21				ISSUING EMPLOYEE: WARDEN
		DATE: 2/22/22				
CHAPTER: FISCAL MANAGEMENT			SUBJECT: Inmate Fund Account			
REVISED ON THESE DATES:	2/28/19	3/7/19	7/10/19	1/22/20	2/11/21	2/22/22
REVIEWED ON THESE DATES:	03/05/15	04/27/15	03/03/16	03/02/17		

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 describe the requirements for management and control of the personal funds of inmates.

III. APPLICABILITY

To all employees and inmates, and especially to those employees involved in the management or control of inmates’ personal funds.

IV. DEFINITIONS

Trust Fund Account – An electronically maintained, official computerized listing of the funds transactions for an individual inmate. This is established upon the inmate’s arrival and maintained throughout his stay in the Unit.

V. POLICY

All inmate fund accounts held by the Unit shall be controlled in accordance with the following:

- A. All funds shall be controlled and monitored by a system of accepted accounting procedures.
- B. Inmates are permitted to deposit personal funds in interest bearing accounts and the interest shall accrue to the inmate’s Personal Fund account.
- C. All transactions of funds between inmate accounts shall require a written approval from the Deputy/Assistant Warden or Warden or Designee.

Ev, C

POLICY AND PROCEDURE	Policy Number: ██████ 2.12.0	Page Number: 2 of 11
Subject: Inmate Fund Account	Supersedes: 2/11/21	Effective Date: 2/22/22

VI. PROCEDURES

A. Fund Restrictions

1. When an inmate is placed on restriction by the disciplinary court the inmate commissary privileges are restricted except during their 48-hour relief period, every thirty days.
2. The disciplinary office will send the restriction report to the classification office/or designee, with the start date and end date of the restriction period.
3. The restriction will be entered in the inmate's account reflecting the restriction period.
4. Inmates on Commissary restrictions will not be allowed to submit a personal withdrawal form, except in a verifiable emergency. The Deputy/Assistant Warden of the Unit will have the discretion to approve or disapprove the request.

B. Receipt of Funds to Inmates: Money Order, Cashier's Checks, Government Checks, and other Authorized Checks:

1. Money orders and authorized checks are the only forms of money accepted at the Trust Fund Centralized Banking for posting to an inmate's account. All others will be returned to sender.
2. Money orders and authorized checks for deposit to an inmate's account are to be mailed to Trust Fund Centralized Banking, Post Office Box 8908, Pine Bluff, AR 71611.
3. Money orders and authorized checks are to be submitted with a Money Order Deposit Slip form.
4. Money orders and authorized checks received by Trust Fund Centralized Banking or any Unit location without required deposit slip will be returned to sender with postage paid at state expense and a deposit slip attached.
5. Money orders and authorized checks received by the Trust Fund Centralized Banking or Unit location without required deposit slip will be returned to sender with postage paid at state expense and a deposit slip attached.
6. Money orders and authorized checks will be entered to the inmates account by trust Fund Centralized Banking. Money orders and authorized checks will be entered in batch mode. Entry of money orders and checks in a batch mode will not be available for inmates use until all entries have been reconciled to total daily receipts. At completion of daily reconciliation process, batch entries will be posted, and money will be available for inmates' use.

POLICY AND PROCEDURE	Policy Number: ██████ 2.12.0	Page Number: 3 of 11
Subject: Inmate Fund Account	Supersedes: 2/11/21	Effective Date: 2/22/22

7. Money orders and authorized checks will be deposited to the Trust Fund Centralized Banking consolidated bank account.
8. The Business Operation Specialist will be notified daily, via email, upon completion of Trust Fund Centralized Banking division's daily reconciliation of amount received on account. Receipts will be issued, and header information will include inmate name and ADC number, Unit assignment, barracks and bed location to enhance distribution process to inmates.
9. All return to sender State Postage Expenses are to be logged by the Mailroom Supervisor and a Monthly report submitted to the Business Operation Specialist's office.

C. Receipts of Funds to Inmates: Cash

1. Upon approval of the Warden, cash will be accepted and received under specific and extreme circumstances, such as inmates returning from 309 release, court, etc.
2. Receipt of monies will be receipted in accordance with Receipt Control Procedure of the Administrative Services Procedures Manual. The Unit will be responsible for the accountability of any funds received/accepted before submission of funds for deposit to the Unit clearing account.
3. Receipt number will be recorded on an Inmate Funds Clearing Account Transmittal Form.
4. Upon the Unit's reconciliation of monies received, receipts will be issued, and amount recorded in the transmittal form, funds will be deposited to the Unit clearing account.
5. The Business Operation Specialist will send the transmittal form to the Trust Fund Centralized Banking through an email attachment.
6. The Business Operation Specialist will email a copy of validated deposit ticket to the Trust Fund Centralized Banking.
7. Upon receipt of transmittal form and copy of validated deposit ticket, the Trust Fund Centralized Banking will process transfer from the Unit clearing account to the centralized consolidated bank account and post entries to the inmate's account.
8. Money will not be posted to the inmate's account until transmittal form and validated deposit slip is received by the Trust Fund Centralized Banking.

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D. Receipt of Funds to Inmates: Inmate Holiday Activities

1. Following completion of holiday activities, the Recreation Supervisor will prepare a list of inmate winners and submit it to the Business Operation Specialist. The list must include date of activity, type of activity, inmate name and ADC number, and amount each winner is to be paid.
2. The Business Operation Specialist may email a copy of the completed Inmate Holiday Activities form to the Trust Fund Centralized Banking. The Business Manager may email completed form where approval is implied through email transmission.
3. Holiday awards will be entered to the inmate's account by the Trust Fund Centralized Banking upon receipt of the Inmate Holiday Activities form. The Trust Fund Centralized Banking will request reimbursement to the trust fund account from the appropriate Department of Correction fund.
4. The Business Operation Specialist will be notified daily, via email, upon completion of the Trust Fund Centralized Banking division's daily reconciliation of accounts. The Business Manager will print individual receipts for distribution to inmates. Receipt information will include inmate name, ADC number, Unit assignment, barracks, and bed location to enhance distribution process to inmates.

E. Inmate Account Transfers from one inmate to another inmate:

Refer to Disbursement of Inmate Funds

F. Disbursement of Inmate Funds:

1. Inmates must complete a Personal Withdrawal Request form to disburse funds that are not otherwise addressed in this procedure. Examples of disbursements to be requested by use of this form are as follows:
 - a. Personal request from an inmate. Inmates may send personal funds to the following:
 - (1) Immediate family members only that are listed in eOMIS.
 - (2) Work Craft vendors licensed to do business in Arkansas.
 - (3) Approved inmate organizations.
 - (4) Financial association where inmate has an interest bearing Account.
 - (5) Publishers for approved magazine subscriptions.
 - (6) Any other approved by the Warden.
 - b. ID Card Replacement with Request Payable to Inmate Welfare Fund.

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- c. Jaycees and Inmate Council Donations/Dues with Request Payable to ADC (Name of Unit) Jaycees or ADC (Name of Unit) Inmate Council.
 - d. Chapel Donations with Request Payable to ADC (Name of Unit) Chaplin or ADC (Name of Unit) Chapel Facilities.
 - e. Restitution with Request Payable to Department of Correction.
2. Any documentation that is to be mailed to a requested payee must be attached or enclosed with Withdrawal Request form and an addressed stamped envelope. An order form to a vendor is an example of documentation. General correspondence, e.g., letter to inmate's family will not be acceptable documentation with withdrawal request.
 3. Inmates are not permitted to order items to be billed later.
 4. Unit approval process for disbursement of inmate funds must be in compliance with Departmental and Unit policy.
 5. The Business Operation Specialist will be responsible to verify signature of Unit employees that are required on the Personal Withdrawal Request form. The Unit Business Operation Specialist will maintain a signature list of all Unit employees who are authorized to sign the form.
 6. Trust Fund Centralized Banking will be responsible to verify signature of the Unit Business Operation Specialist. The Trust Fund Centralized Banking will maintain a signature list of all Unit Business Operation Specialists and alternate employees for authorization in the absence of the Business Manager.
 7. The Business Operation Specialist will submit Personal Withdrawal Requests to Trust Fund Centralized Banking through U.S. Mail. Any withdrawal request that does not contain requested information will be returned to the Unit Business Operation Specialist through U.S. Mail.
 8. Any withdrawal request that cannot be processed due to insufficient funds will be returned to the Unit Business Manager through U.S. Mail for return to the inmate.
 9. Trust Fund Centralized Banking will process withdrawal request and mail checks as defined on the Personal Withdrawal Request form.
 10. Any check returned to the Trust Fund Centralized Banking due to incorrect information provided on the Personal Withdrawal Request form will be voided and credited to the inmate's account. Any documentation that was submitted to payee will be returned to Unit Business Operation Specialist for return to the inmate. The Unit Business Operation Specialist will be advised by Trust Fund Centralized Banking through email message of any check that was voided.

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11. The Unit Business Operation Specialist will be notified daily, through email, upon completion of Trust Fund Centralized Banking division's daily reconciliation accounts. The Business Operation Specialist will print individual receipts for distribution to inmates. Receipts will include inmate name and ADC number, Unit of assignment, barracks and bed location to enhance distribution process to inmates.

G. Request to Stop Payment on Check:

1. Stop payment on a check should not be requested until 30 days after date check is issued.
2. Approval of an inmate's request to stop payment on a check prior to 30 days after date of check issue will be at the discretion of the Unit Business Operation Specialist.
3. Request to Trust Fund Centralized Banking to stop payment on any check will be submitted by the Unit Business Operation Specialist through email message.
4. Trust Fund Centralized Banking will issue stop payment request to the bank.
5. Trust Fund Centralized Banking will void checks and credit the amount to the inmate's account.
6. Trust Fund Centralized Banking will advise the Unit Business Operation Specialist through email when the amount has been credited to the inmate's account.
7. The Unit Business Operation Specialist will be notified daily, through email, upon completion of Trust Fund Centralized Banking division's daily reconciliation of accounts. The Business Operation Specialist will print individual receipts for distribution to inmates. Receipts will include inmate name and ADC number, Unit of assignment, barracks, and bed location to enhance distribution process to inmates.

H. Disbursement of Inmate Funds:

1. Inmates must complete an Inmate Transfer Request form to disburse funds to another inmate.
2. Unit approval process for transfer of inmate funds to another inmate must be in compliance with Department and Unit Policy.
3. The Business Operation Specialist will be responsible to verify signature of Unit employees that are required on the Inmate Transfer Request form. The

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Unit Business Operation Specialist will maintain a signature list of all Unit employees who are authorized to sign the form.

4. The Trust Fund Centralized Banking will be responsible to verify the signature of the Unit Business Operation Specialist. The Trust Fund Centralized Banking will maintain a signature list of all Unit Business Operation Specialists.
 5. Business Operation Specialist will submit Inmate Transfer Request to the ADC Director via the U.S. Mail.
 6. The Unit Business Operation Specialist or other appropriate Unit personnel will maintain file of any documentation to support the inmate transfer request. Do not send any documentation, e.g., hobby craft contract, etc., with transfer request to Trust Fund Centralized Banking.
 7. Any transfer request that cannot be processed due to insufficient funds will be returned to the Unit Business Operation Specialist through U.S. Mail.
 8. Any transfer request that cannot be processed due to insufficient funds will be returned to the Unit Business Operation Specialist through U.S. Mail for return to the inmate.
 9. The Unit Business Operation Specialist will be notified daily, through email, upon completion of Trust Fund Centralized Banking division's daily reconciliation of account. The Business Operation Specialist will print individual receipts for distribution to inmates. Receipts will include inmate name and ADC number, Unit of assignment, barracks and bed location to enhance distribution process to inmates.
- I. Federal and State Filing Fees:
1. The Unit Business Operation Specialist will complete required forms submitted by an inmate as related to filing suit.
 2. Request for disbursement to county clerks in payment of initial partial filing fee payment, as directed by guidelines for State Filing Fees, will be submitted by use of a Personal Withdrawal Request form and sent to the Trust Fund Centralized Banking through U.S. Mail.
 3. The Trust Fund Centralized Banking will process the above requested payment and send a check to the Unit Business Operation Specialist, through U.S. Mail, to be submitted to appropriate county with inmate's legal documents related to the suit.
 4. The Trust Fund Centralized Banking will process lien transactions upon receipt of court order.

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5. The Unit Business Operation Specialist will be notified daily, through email, upon completion of Trust Fund Centralized Banking division's daily reconciliation of accounts. The Business Operation Specialist will print individual receipts for distribution to inmates. Receipts will include inmate name and ADC number, Unit of assignment, barracks and bed location to enhance distribution process to inmates.
- J. ADC Postage Meter Usage and Copier Expense:
- Cost for Inmate's use of Unit Copier and/or postage meter will be processed as a purchase in the Unit Commissary.
- K. Postage-Regular Mail and Packages:
1. Inmate will complete a Personal Withdrawal Request form for expense of mail and/or packages for which the inmate is requesting use of Unit's postage meter.
 2. The Personal Withdrawal Request form will be sent with the mail and/or package to the Unit mailroom for determination of amount if required postage.
 3. The Unit Mailroom Clerk will record amount of required postage on the Personal Withdrawal Request form.
 4. The Unit Mailroom Clerk will process the sales transaction and attach sales receipt to the Personal Withdrawal Request form.
 5. The Mailroom Clerk will affix postage on mail and/or package, send sales receipt to the inmate and will file the Personal Withdrawal Request.
- L. Postage – Legal Mail:
1. Inmate will complete a Personal Withdrawal Request form for expense of mail and/or packages for which the inmate is requesting use of Unit's postage meter.
 2. The Personal Withdrawal Request form will be sent with the mail and/or package to the Unit mailroom for determination of amount of required postage.
 3. The Unit Mailroom Clerk will record amount of required postage on the Personal Withdrawal Request form to the commissary for entry to the inmate's account.
 4. The Mailroom Clerk will process sales transaction.

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- a. If funds are not available for requested transaction, the Unit Mailroom Clerk will submit a request to the Business Operation Specialist to determine if the inmate is indigent.
- b. If the inmate does not have available funds and determined to be indigent, the Mailroom will generate the paperwork to put a lien on the inmate's account for the amount of the postage for first class mail in accordance with AD 06-17 (Inmate Lien).

M. Copier Expense:

Inmate will complete a Personal Withdrawal Request form for expense of copies for which the inmate is requesting use of Unit's copier.

1. The Personal Withdrawal Request form will be sent to the Law Library Supervisor for determination of cost for requested copies defined by departmental policy. Copies are .05 cents per page. Double sided copies are considered two pages.
2. The Law Library Supervisor will record cost of requested copies on the form and send the form to the Commissary Supervisor.
3. The Commissary Supervisor will process sales transactions and attach sales receipt to the Personal Withdrawal Request form and mention in file.
4. The law Library Supervisor will forward the Personal Withdrawal Request and a copy of the sales receipt to the Business Operation Specialist to maintain a file.

N. Disbursement of Inmate Account Balance:

1. An account balance of up to five-thousand dollars will be loaded to the debit card and made available to the inmate upon release.
2. If the inmate is being released to a detainer, he will complete a Personal Withdrawal Request form on the date of release. The amount is not required on the form, but all other information on the form must be completed.
3. The Unit Business Operation Specialist will be responsible to verify signature of Unit employees that are required on the Personal Withdrawal Request form.
4. The Trust Fund Centralized Banking will be responsible to verify the signature of the Unit Business Operation Specialist.
5. The Unit Business Operation Specialist will fax a copy of the Personal Withdrawal Request to Trust Fund Centralized Banking.

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6. Any withdrawal request that does not contain requested information will be requested to the Unit Business Operation Specialist through U.S. Mail.
7. The Trust Fund Centralized Banking will process release payment upon receipt of approved request and mail check to address as recorded on the Personal Withdrawal Request. Inmate will not be charged for postage to mail release check.
8. Inmates should be encouraged to spend balance of account in the Unit Commissary before their release.
9. Inmates may request to spend balance of their account in the Unit Commissary or donate to the Unit Chaplain Fund before their release. Inmate must complete a Personal Withdrawal Request form to donate balance of their account to the Unit Chaplain Fund.

O. Debit Cards:

1. The Records Supervisor will issue debit cards to eligible inmates from the Unit clearing account.
2. The Records Supervisor will report debit cards issued from the Unit clearing account as requested by the Trust Fund Centralized Banking.
3. The Trust Fund Centralized Banking will replenish the Unit clearing account from the Inmate Welfare Fund as required.
4. Paroling Inmates will receive a \$50.00 debit card and a bus ticket upon release and then an additional \$75.00 debit card after their first meeting with their parole officer.
5. Discharging inmates will receive a \$50.00 debit card upon release and then an additional \$75.00 debit card after thirty days if the inmate has had not law enforcement contact.

P. Receipt of Non-Inmates Funds:

1. Receipt of monies will be processed in accordance with Receipt Control Procedures of the Administrative Services Procedures Manual.
2. Receipt of funds from various inmates fundraising activities e.g., Unit Jaycees, Inmate Council, Chaplain fund, Mental Health, etc., and employee reimbursement payments will be deposited to the Units clearing account.
3. The Uni Business Operation Specialist will record deposit transaction on a Non-Inmate Transmittal Form.

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4. Upon completion of reconciling monies received, receipts issued, and amount recorded on the transmittal form, funds will be deposited to the Unit clearing account.
5. The Unit Business Operation Specialist will send the transmittal form to the Trust Fund Centralized Banking through email attachment.
6. The Unit Business Operation Specialist will scan and email a copy of validated deposit ticket to the Trust Fund Centralized Banking.
7. Upon receipt of transmittal form and copy of validated deposit ticket, Trust Fund Centralized Banking will transfer funds from the Unit clearing account to the Department of Correction Cash Account through wire transfer.
8. Funds will not be transferred to the Department of Correction Cash Account until transmittal form and validated deposit slip is received by the Trust Fund Centralized Banking.

Q. Bank Deposits

1. Deposits will be made at least weekly, and more often if needed, to the designated local bank.

VII. This policy will be reviewed annually and updated as necessary.

REFERENCES: Administrative Directive 13-87
ACA Standards: 5-ACI-1B-20
5-ACI-5B-21
5-ACI-1B-22
5-ACI-1B-23
5-ACI-6B-08

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

October 9, 2023

Mr. Courtney Smith (ADC [REDACTED])
[REDACTED]

RE: ***Courtney Smith v. Arkansas Division of Correction***
Claim No. 230928

Dear Mr. Smith,

Please be advised that the Arkansas Division of Correction (the "Respondent") in the above-styled claim filed an Answer disputing liability. When liability is contested by the Respondent, you have two options:

- 1) You may request a hearing before the Arkansas State Claims Commission (the "Claims Commission") in writing within fifteen (15) calendar days from the date of this correspondence.
- 2) You may do nothing. If this office does not receive any communication from you within fifteen (15) calendar days from the date of this correspondence, your claim will be dismissed by the Claims Commission for failure to respond.

Please note that even if you request a hearing on your claim, the filing of a dispositive motion (such as a Motion to Dismiss or a Motion for Summary Judgment) by the Respondent could result in dismissal of your claim before hearing. The failure of a party to file a timely response is sufficient basis for the granting of a motion by the Claims Commission.

It is your responsibility to know when responses are due to any motions or other pleadings filed in your claim. It is also your responsibility to notify both the Claims Commission and the Respondent if you have a change in mailing address.

Sincerely,

Mika Tucker

ES: msscott

cc: Thomas Burns, *counsel for Respondent* (via email)

(x 1)

Arkansas
State Claims Commission

OCT 28 2023

RECEIVED

Before the Arkansas State Claims Commission

Courtney Smith ([redacted]) claimant

v. claim no. 230928

Arkansas Division of Correction Respondent

Request for hearing and to
notify both "The claims commission"
and "Respondent" of change of
address, again.

Now comes the claimant, Courtney Smith ([redacted])
with his motion to the Arkansas State Claims Commission
and the Respondent "Mr. Thomas Burns" that the
claimant is no longer at the address of the [redacted]

The claimant is now at the [redacted]

The claimant with respect to the claims commission
is in fact requesting a hearing be held on the merits
of claim number 230928.

x Courtney Smith ([redacted])
10-22-23

Certificate of Service

I certify that a copy of all enclosed pleading has been served this 23rd day of October 2023, on the respondent below by placing a copy of the same in the U.S. mail, using the prison legal mail system to:

The Arkansas State Claims Commission
101 East Capitol Avenue, suite 410
Little Rock, Arkansas 72201-3823

I am turning my legal mail over to prison officials on the above stated date for mailing to the claims Commission.

From: [Thomas Burns \(DOC\)](#)
To: [ASCC Pleadings](#)
Subject: Courtney Smith v ADC 230928
Date: Tuesday, November 7, 2023 10:39:59 AM
Attachments: [1672_001.pdf](#)
[image001.png](#)

ADC response to request hearing

Thank you,
-TB



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

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

COURTNEY SMITH ([REDACTED]

CLAIMANT

v

NO. 230928

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

RESPONDENT

ADC RESPONSE TO REQUEST FOR HEARING

Respondent, Arkansas Department of Correction (ADC), for its reply, states:

1. The ADC denies each and every allegation contained in the Inmate's motion unless specifically admitted herein.
2. The inmate has violated *Rule 10(b) Paragraphs; Separate Statements*. All averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances; and a paragraph may be referred to by number in all succeeding pleadings. Each claim founded upon a separate transaction or occurrence and each defense other than denials shall be stated in a separate count or defense.
3. Currently there is a motion for summary judgment pending. Any setting of a hearing would be premature pending the outcome on the motion.
4. The inmate wantonly and willfully fails to follow the rules of the Claims Commission. Hea failed to respond within the time frame given him by the Commission.
5. The ADC asks that this inmates complaint be dismissed for his continued abuse of the process.
6. The Inmate is held to the same standard as an attorney if he elects to proceed Pro Se. The Inmate continues to abuse the process and his claim should be dismissed with prejudice.

WHEREFORE, Respondent prays that this Motion for Default be denied; that his claim be dismissed with prejudice; for their attorney's fees and costs; and all other just and proper relief to which they may be entitled.

Respectfully submitted,



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

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 7th day of November 2023, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Courtney Smith ([REDACTED])
[REDACTED]


Thomas Burns

Before the Arkansas State Claims CommissionArkansas
State Claims CommissionCourtney Smith [REDACTED]

NOV 09 2023

claimant

RECEIVED

v.

case # 230928

Arkansas Division of CorrectionRespondentMotion requesting more time to answer or respond to the respondent's "Motion for Summary Judgement," with leave

Now comes the claimant, Courtney Smith [REDACTED], with his motion requesting that the claims commission please give him more time to answer or respond to the respondent's Motion for summary Judgement because the motion for Summary Judgement from the respondents was just received or Forwarded from the [REDACTED] on November 4, 2023 but the motion is dated for October 26, 2023 to this prison where the claimant, Courtney Smith [REDACTED], is now being held at the Tucker Maximum Security Unit. The claimant has just received this legal mail / summary Judgement on November 6th, 2023. That makes this Motion from the respondents 11 (eleven) calendar days in from the date of the certificate of service on October 26, 2023. Enclosed you should a copy of the envelope marked received on November 4, 2023 as stated.

The claimant has already for the second time informed The claims Commission of the Address change via the motion already ~~sent~~^{mailed} on October 23, 2023 addressing the request for a hearing date. The first time was through a letter addressed to "MIKA TUCKER" The clerk to the claims Commission. Please grant this motion for leave giving the claimant a fair and enough time to respond.

Thank you,
Courtney Smith

Claim # 230928



ARKANSAS DEPARTMENT OF CORRECTIONS
 DIVISION OF CORRECTION
 LEGAL DIVISION
 6814 Princeton Pike
 Pine Bluff, AR 71602

Handwritten initials

Courney Smith
 [Redacted]
 [Redacted]

Handwritten initials

Legal Mail

US POSTAGE
 quadrant
 FIRST-CLASS MAIL
 IMI
\$001.11
 10/26/2023 ZIP 71602
 043M3055412



Before the Arkansas State Claims Commission

Courtney Smith, [REDACTED]

claimant

Arkansas

State Claims Commission

v.

case # 230928

NOV 22 2023

RECEIVED

Arkansas Division of Correction

respondent

CLAIMANT'S STATEMENT OF
DISPUTED FACTUAL ISSUES

Now comes the claimant, Courtney Smith, # [REDACTED] with his motion in opposition to the respondent's Summary Judgment motion arguing that there are genuine issues of material fact that requires the denial of respondent's motion.

1. The list or pleading filed herein reveal that the allegations in the respondent's summary judgment motion are not correct, not authentic and does not meet the requirements of Rule 56(e)). Documents that would be inadmissible at trial cannot be considered on summary judgement. Wells v. Boston Ave. Realty, 125 F.3d 1335, 1340 (10th Cir. 1997)

2. As a result thereof, the claimant's claim does in fact "set out specific facts showing a genuine issue for a hearing".

3. The respondent's motion for Summary Judgment is without an adequate evidentiary basis for it. The respondent has failed to establish the necessary facts in the manner required by this rule, and the claimant is asking the Claims Commission to deny their motion on that ground.

The claimant's "Material fact is one that might affect the outcome of the claim under the governing law". A "genuine" issue exists "if evidence is such that a reasonable jury could return a verdict for the nonmoving party."

4. The respondents rebuttal of the claimant's claim is inappropriate, now the claimant is citing legal authority that the respondents summary judgement is inappropriate because ~~that~~ the claimant is stating a valid claim upon which relief can and should be granted. (Please)

~~and also please do not state my position of the rights that are granted from Article 20 of the Declaration of Rights and the protection of religion. I am not making a claim. (Declaration of Rights) THE STATE IS NOT A PARTY!~~

~~THE STATE IS A PARTY!~~
~~THE STATE IS A PARTY!~~

Arkansas
State Claims Commission

NOV 22 2023

And also please let me clarify my position RECEIVED
on the mentioning of constitutions and a formal
product of a legislative body or statute. I AM
NOT on one accord or basing my claim
on the constitutionality or validity of any
agency or state government's business activities
or seeking specific relief sought against a state
official.

~~for~~ My claim is based on the deficiency
found within a state agency's operations,
methods, or procedures that can be attributable
to the exclusive control of the agency... PERIOD.

I AM NOT, surrounding or encircling
my claim "completely" involving the constitution
or validity of any agency or state government's
business activities.

My claim as a whole is based on "Retaliation,
malice intent, discrimination, unprofessionalism,
falsifying documentation, lying, denying me my
education and denying me to practice my
religious belief." Nearly all of these are
A.D.C Policy violation via the Employee Conduct
Standard section 225 or A.R 225. These
violation of A.R.225 employee conduct standard
shows a deficiency found ~~with~~ within the
A.D.C or state agency's operations, methods
or procedures.

The image shows a large table with a grid of blue horizontal lines and two vertical lines (one red on the left, one grey on the right). The table is mostly empty, with some faint, illegible text visible in the top-left corner. The text appears to be a header or title, but it is too blurry to read accurately. It seems to contain the words "Glossary" and "List" in reverse order, possibly indicating the table's content.

576 " has the same answer as # 4 "

7. The claimant did in fact exhaust his state and administrative remedies.

8. The document the respondent calls a "Policy" is not an authentic A.D.C. policy signed and approved by the director of the A.D.C. There is no signature to show the name of the "Issuing employee" for all that we know the food service lady or the gym coach could have issued this document. We don't know if this document has ever been issued. This document is simple "hearsay" being without fact and hearsay cannot be considered on Summary Judgment.

Documents "must" be authenticated to be considered, which technically means that "a sworn or certified copy" must be attached to or served with the affidavit" Rule 56(e)(1), Fed. R. Civ. P. This is the reason the respondents didn't attach an affidavit or declaration to this "so called policy" because it's not an official statement or document of the A.D.C. authorized by the Director, approved by the Board of Corrections and General Assembly and filed with the Secretary of the state. as stated in the Administrative Regulation 001.

On September 22, 2023 the "Claims Commission" entered an Order to "Moot" the respondent's motion to dismiss on March 7, 2023 and inside this mooted motion to dismiss was this same document. The respondent's attorney Mr. Thomas Burn is using this same "Mooted" document from the order on September 22, 2023 in this here now Summary Judgment motion Ex. C. If this Ex. C didn't have no practical significance then it shouldn't have no significance now.

9. " Same as number 8 "

10. The claimant did respond and requested hearing 10-23-23

11. " Same as number 10 "

12. I don't know why the respondent is citing Turner v. Baptist Medical Center concerning a statement ~~without~~ ~~any~~ of specific facts without an affidavit when he didn't have an affidavit or declaration to state his specific facts, this will not win a summary judgement per Ark. R. Civ. P. 56(e)

13. The claimant has not failed to demonstrate the existence of a genuine issue of any fact material. The fact material is all throughout his claim # 230928 with declarations that ~~is~~ consist of genuine issues of material fact showing Retaliation, torts of intentional infliction of emotional and mental distress, negligence, deprivation of established policy and or procedure, violation of declaration of rights Article 2 § 6 and Article 2 § 24 and 25, discrimination and the violation of their own policy.

14. The respondent's Summary Judgement motion will and must not be granted pursuant to the Fed. R. Civ. P. 56(e) and because the claimant is now meeting the respondent's allegations with proof to demonstrate that there is remaining a genuine issue of material fact setting forth specific facts showing that there is a genuine issue for a hearing to be held.

15. The respondent did in fact include documents but they were not attached to an affidavit or declaration for the record that justifies summary judgement.

16. The respondent are not entitled to judgement as a matter of law for the following reasons

a) The respondents summary judgement is based solely on speculation and not personal knowledge. No facts that are set out that would be admissible in evidence and does not show that the respondent or affiant is competent to testify on the matters stated Fed. R. Civ. P. 56(e)(1)

b) The A.D.C did in fact retaliate on the claimant and violated their own policy

c) The A.D.C violated their own policy via discriminating against me for being [redacted] and believing in what i believe in and trying to further my education of my deen (religion)

17. The claimant should be awarded in the sum of 15,000 for intentionally violating policy as well as the claimants rights to not be retaliated on for filing a grievance and having a claim against them with this commission, claim # 230688

wherefore, the respondents summary judgement motion should be denied and a hearing should be set.

x Courtney Smith # [redacted]

A series of horizontal lines for writing, with a vertical margin line on the right side. The lines are evenly spaced and extend across most of the page width.

DECLARATION

The claimant, Courtney Smith [REDACTED], is incarcerated

[REDACTED]

The claimant declares under penalty of perjury that the enclosed facts are true!

x Courtney Smith [REDACTED]

[REDACTED]

Before the Arkansas State Claims Commission

Courtney Smith # [REDACTED] claimant

v case # 230928

Arkansas Division of Correction respondent

Claimant's Declaration in Opposition
to respondent's motion for Summary
Judgement

Now comes the claimant, Courtney Smith [REDACTED], with his motion in opposition to the respondent's motion for Summary Judgement disputing the material facts alleged in the respondent's motion. The "Claims Commission" should not grant the respondent's summary Judgement.

- 1) On March 7, 2023 The claimant, Courtney Smith # [REDACTED] filed a motion to amend the Verification of Complaint "as a matter of course." On September 22, 2023 the "Claims Commission" entered an order accepting this motion. The complaint presents specific facts based on personal knowledge and the verified complaint should be considered as an affidavit in opposition to summary judgement and will withstand the summary judgement motion from the respondents with respect to every factual issue raised by the respondents therein. (see ex. 1.1, 1.2 and 1.3)
- 2) In Ex. 1.3, see that the "claims commission" did in fact moot the respondents' "motion to dismiss" because of the filing of the amended complaint. The respondents attorney Mr. Thomas Burns is using the same mooted document from the order on September 22, 2023 in the motion to dismiss in this here now motion for summary judgement. If the mooted document (respondents EX.C) didn't have no practical significance then it shouldn't have no practical significance now.
- 3) The claimants Ex. 2.1 of material fact is the Administrative Regulation 001. It is to establish the process by which the A.D.C formulates, amends and repeals Administrative rules, Directive and memoranda and it is to show or explain the rules dealing with details of procedures to provide for the lawful, safe, orderly and responsible

operation of the A.D.C

Ex. 2.2 of material is to show the Administrative Directive also known as A.D Index

Ex. 2.3 of material fact is to show the Administrative Rules also known as A.R Index. The Administrative Directive (A.D) and Administrative Rules (A.R) are A.D.C policy, signed and approved by the Director,,, **ALL OF THEM!!** nothing supersedes an A.D or **4)** an A.R, "nothing but itself." Please examine EX. 2.1, in the supersedes box or section see how it reads... 001?, this is 001! I Told you, "nothing but itself!!"

4) Now this document that the respondents call a policy is not an A.R or A.D (see ex. C) because it has not been signed by the director and looking at the issuing employee box or section this hasn't been signed by the warden either, but mine has! please check my Document in Support of exhibit D. Its not an A.R or A.D either but it has been signed by the warden ~~to~~ ~~to~~ to issue it to the inmate population. This document, the respondents Ex. C is an imitation. Made just for this claim, the purpose of adding section VI. A. #4, Falsey!!

done by the [REDACTED] or their attorney Mr. Thomas Burns, not central office. This is not Authentic! It has not been signed nor does it accompany an affidavit or declaration.

Please examine ex.2.1 and read section 4) I. Policy, and see it clearly states that the warden's job is to only place the Administrative Directive (A.D's) and Administrative Rules (A.R's) and memoranda that are applicable to the inmate population in areas where inmates will have access to them. In other words her job is to put them in the law library or on a bulletin board. ~~But~~ But she has to issue a memoranda 30 days prior to the adoption of the changes and with that being said

5) Please review the claimant's Ex.3.1, the grievance procedure A.D 19-34. The grievance procedure A.D 19-34 goes hand and hand with all other policies because if the A.R or A.D is violated by staff the inmate can write a grievance to resolve any issues or this A.D 19-34 that's signed and approved by the director must be exhausted at all levels before bringing suit or claim against A.D.C

6) Ex. 4.1, Inmate withdrawal request, A.D 20-05

Now this is A.D.C policy concerning the inmate withdrawal request that Warden Michelle Gray spoke of in the complaint the claimant filed in the Document in Support of Exhibit A. Nowhere in this A.D 20-05 states:

Inmate on commissary restriction will not be allowed to submit a personal withdrawal form except in a verifiable emergency,

NOWHERE !! This is an official statement authorized by the Director, approved by the Board of Corrections and the General Assembly and filed with the secretary of state as stated in A.R 001 in Ex. 2.1

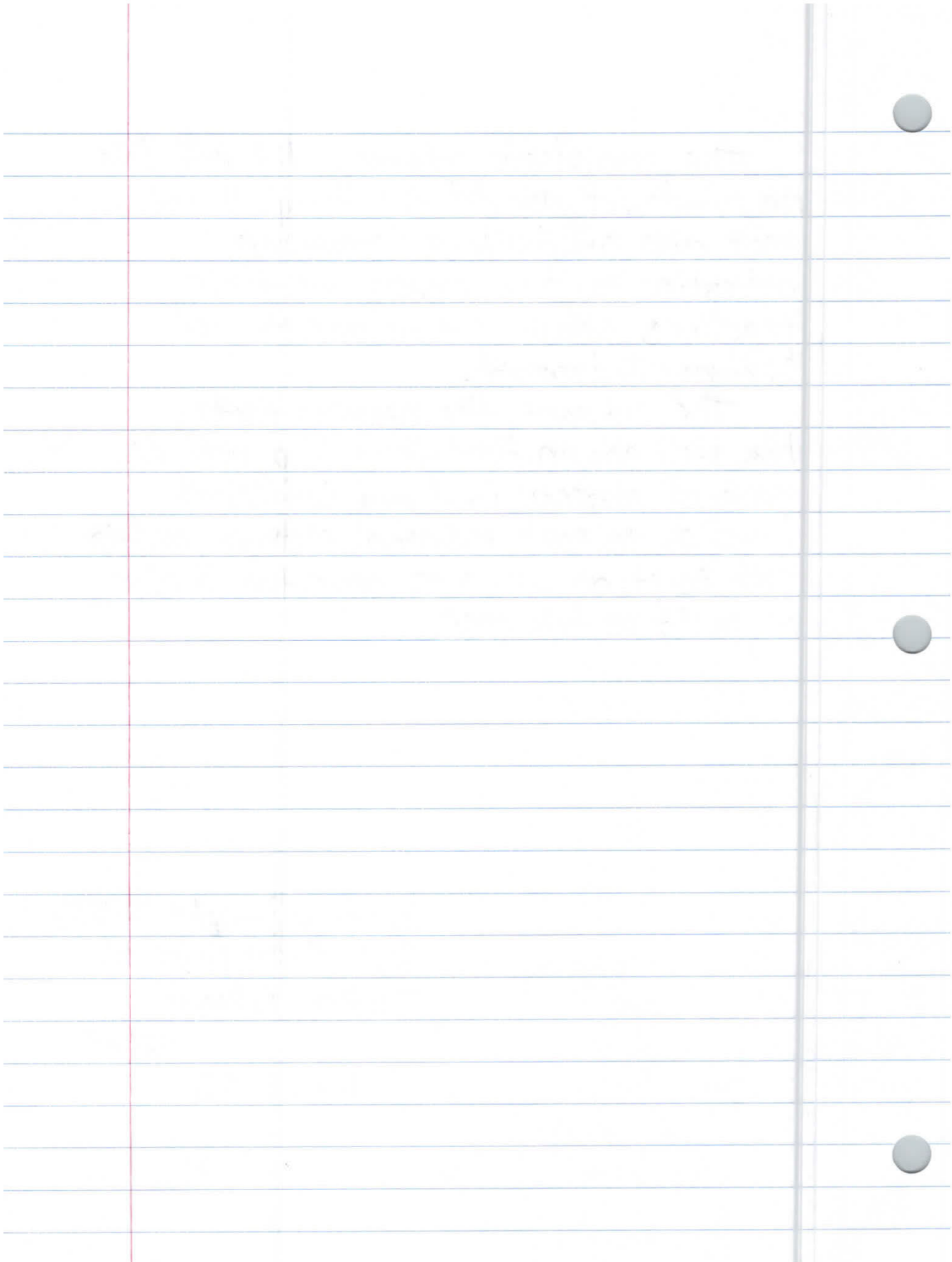
The A.D.C through their attorney Mr. Thomas Burns, has the respondents, has moved for Summary Judgment without submitting an adequate evidentiary basis for it. They fail to establish the necessary facts in the manner required by the rules, and I the claimant, ask that the "Claim Commission" to deny their motion on that ground? The respondents argue that a prison rule or practice should be upheld as reasonably related to legitimate penological objective must submit evidence to that effect, and not just argument

The respondents attorney did not file an affidavit nor did the A.D.C. Submit their own affidavits or declarations attesting to the reasons for their practices should not be able to get Summary Judgement.

The claimant, the opposing party, has still shown that there is a genuine issue of material fact and sufficient facts as to each essential element and to each point on which I bear the burden of proof in this case

(Inmate of Sonjah # [REDACTED])

11-16-23



As I sit and think about what does a signature mean and or represent to me and what comes to mind is the words; Verification, approval, acknowledgement, permission, authorization, agreement. A signature is what seals a deal or binds a contract. A signature is Authentic and proves Authentication. It's genuine, it vouches, it certifies, it somewhat proves your identity. You cannot cash your payroll check without signing it. I wouldn't be able to file this claim without my signature and you can't get nothing notarized without a signature this is what brings up my last and final exhibit, Exhibit 5

7) Exhibit 5 is to show that the warden J. Byers signed this document as the issuing employee and if you look or examine the claimant document in support of Exhibit E pg. 1 you will see that this document is signed by the warden S. Williams, both of these documents are authentic and shows authorization so why doesn't the respondents EX.C show a signature that this document is authentic or shows authenticity or authorization? because I believe this document has been forged and ~~not~~ scanned on a computer and made up just for this claim to add a #4 that was never there. I remember when I was free I use to watch the Judge Mathis show and he use to ~~to~~ tell the courtroom when he thinks games are being played he use to always call it "Crackhead games" now I think its a perfect time for me to use these famous words. The respondents with the forging and the falsifying of their EX.C they are trying to play "CRACKHEAD" games with the "Claims Commission"

Every claim filed with the Arkansas State Claims Commission shall be accompanied by a sworn affidavit on the claim form provided by the commission and signed by the claimant. This is the "claims commission rule of claim exclusion"

The RULE 56(e) states you must "set out specific facts showing a genuine issue for trial. When disputing the facts you must file an affidavit or declaration. This is enforced strictly by the court of law. see, e.g., Reese v. Anderson, 936 F.2d 494, 499 (5th Cir. 1991) so it should be strictly enforced here.

So how can this document EX.C of the respondents be admissible in the court of law without a signature, IT CAN'T! and if it can't be allowed in the court of law then it shouldn't be allowed in the "claims commission"

This document EX.C of the respondents should be "MOOTED", again and dismissed with prejudice (L.O.L) along with the respondents denial of liability. If you would review this claim as a whole you will see the A.D.C has NOTHING for their defense and after this opposition to their motion for Summary Judgment they don't have no material facts to survive a hearing. The claimant, Courtney Smith #149926, has been wronged, injured and damaged by the State of Arkansas and that's why the claimant is demanding monetary damages through the request of a hearing with the "Conscience of the State of Arkansas"

Courtney Smith

Ex. 1.1

Before the Arkansas State Claims Commission

Courtney Smith

claimant

v.

claim no. 230928

Arkansas Division of Corrections et al.

respondent

Motion to Amend to the Complaint
pursuant to Rule 15(a), Fed. R. Civ. P
"as a matter of course"

Now comes the claimant, Courtney Smith ([REDACTED]) with his motion to amend pursuant to 15(a), Fed. R. Civ. P "as a matter of course", with respect to the "claims commission." The claimant is in fact lay to this kind of law but will try his hardest to keep up. The claimant would like to amend "Jurisdiction", "Parties", "Exhaustion of remedies", "Facts", "Cause of action", "relief", "Verification of complaint", and "AD 2022-22 publications." Please allow the claimant to amend to complaint.

1. The first step in the process of...

2. The second step is to...

3. The third step is to...

4. The fourth step is to...

5. The fifth step is to...

6. The sixth step is to...

7. The seventh step is to...

8. The eighth step is to...

9. The ninth step is to...

10. The tenth step is to...

11. The eleventh step is to...

12. The twelfth step is to...

13. The thirteenth step is to...

14. The fourteenth step is to...

Ex. 1.2 " Verified Complaint "

800-4

STATE OF ARKANSAS)
COUNTY OF IZARD) § CLAIM NUMBER 230928

AFFIDAVIT

i. Courtney Smith [redacted] ter first being duly sworn, do
and state that: The claimant is incarcerated at [redacted].

Arkansas Division of Correction. The claimant, Courtney Smith [redacted] is now verifying his complaint swearing or declaring under penalty of perjury that the facts alleged in his complaint are true.

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

DATE

AFFIANT

SOCIAL SECURITY #

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this ____ day of _____, 20____.

NOTARY PUBLIC

My Commission Expires: _____

Ex. 1.3

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

September 25, 2023

Mr. Courtney Smith (ADC [REDACTED])
[REDACTED]
[REDACTED]

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

(via email)

Re: ***Courtney Smith v. Arkansas Division of Correction***
Claim No. 230928

Dear Mr. Smith and Mr. Burns:

Enclosed please find an Order entered on September 22, 2023, by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

COURTNEY SMITH (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 230928

ARKANSAS DIVISION OF
CORRECTION

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the "Commission") is a motion filed by Courtney Smith (the "Claimant") on March 7, 2023, to amend his complaint. The Arkansas Rules of Civil Procedure do not require Claimant to seek leave of the Commission before amending his complaint at this stage of the proceedings. As such, the Commission will accept Claimant's motion as the amended complaint.

The Commission notes that the Arkansas Division of Correction (the "Respondent") has already filed an answer denying liability. The Commission finds that Respondent's March 7, 2023, motion to dismiss was mooted by the filing of the amended complaint.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Courtney Baird



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Chair




ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: September 22, 2023

Notice(s) which may apply to your claim

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

EX. 2.1

 <p style="text-align: center;">ADMINISTRATIVE RULES</p> <p style="text-align: center;">STATE OF ARKANSAS</p> <p style="text-align: center;">BOARD OF CORRECTIONS</p>	Section Number:	Page Number:
	001	1 of 2
	Board Approval Date: 5/11/2018	
	Supersedes:	Dated:
	001	5/11/2018
	Reference:	Effective Date:
	N/A	5/21/2018
SUBJECT: Administrative Rules, Directives and Memoranda		

I. POLICY:

The Board of Corrections is vested with the authority to promulgate Administrative Rules by Act 50 of 1968 as amended by the Administrative Procedures Act (Act 434 of 1967 as amended). It shall be the policy of the Department to formulate such Administrative Rules, Directives and Memoranda to provide for the lawful, safe, orderly, and responsible operation of the Department. Applicable staff shall be notified of, provided access to, trained if necessary and held responsible for abiding by these policies. The Warden/Center Supervisor is responsible for placement of Rules, Directives and Memoranda that are applicable to the inmate population in areas where inmates will have access to them. It is the responsibility of the Warden/Center Supervisor to make sure the inmate population is aware of the guidelines applicable to them.

II. EXPLANATION:

Administrative Regulation 001 establishes the process by which the Arkansas Department of Correction formulates, amends and repeals Administrative Rules, Directives, and Memoranda. This Administrative Regulation also applies to the Board of Corrections, the Director, and such staff as the Director may charge with the responsibility of formulating, amending, and/or reviewing departmental rules and policies.

III. DEFINITIONS:

- A. Administrative Rules: Official statements approved by the Board of Corrections and the General Assembly that are filed with the Secretary of State. They are also the general policies which guide the operation of the Arkansas Department of Correction. Prior to their submission to any committee of the General Assembly, staff will ensure that all proposed new Administrative Rules and proposed amendments to existing Administrative Rules are submitted to the Governor, as appropriate, for their review or approval.
- B. Administrative Directives: Official statements, authorized by the Director, which explain Administrative Rules, laws, policies, and establish specific procedures for their implementation throughout the Department.

- C. Administrative Memoranda: Official statements specifying procedures for applying an Administrative Rules or Directive, a law or policy to a particular area of operation. An Administrative Memorandum may also be issued to establish day-to-day operational procedures not specifically covered by Administrative Rules, law or policy. The Deputy Director, Assistant Director, Administrator, or Warden/Center Supervisor responsible for operation of that area must approve or authorize the Administrative Memorandum.

IV. **PROCEDURES:**

- A. The procedures for formulating, amending or deleting an Administrative Rules, Directive, or Memorandum will be specified in an Administrative Directive.
- B. Those staff authorized to do so, shall issue Administrative Directives and Memoranda, as necessary to guide staff in implementation of Administrative Rules and to regulate day-to-day operation in specific areas.
- C. Pre-Service and In-Service training shall be conducted to familiarize staff with all Administrative Rules, Directives, and Memoranda. The issuing authority shall ensure that affected staff are notified of, provided access to, trained if necessary and held responsible for abiding by these policies.
- D. All Administrative Rules, Directives and Memoranda should be reviewed, at least annually.
- E. All Administrative Rules, Administrative Directives and Administrative Memoranda shall be preserved and maintained by the Department of Correction in electronic format with availability and distribution determined by current law and policies.

AR001

ADC Administrative Directive Law Library Index (Updated August 7, 2023)

10-13	Confiscated Money Procedures	11/7/2022
11-10	Obtaining Medical Attention for Inmates	11/28/2022
11-50	Inmate Identification Cards	11/22/2022
12-05	Equine Program	11/2/2022
12-09	Americans W/Disabilities Amendments Act-Inmates	11/22/2022
12-23	Typing Services in the Law Library	11/22/2022
12-30	Inmate Clothing, Bedding, and Linen Supplies	11/2/2022
13-08	Employee Gymnasium Utilization	11/2/2022
13-034	Release to Transitional Housing Program	11/22/2022
13-040	Family Involvement in Activities	11/9/2022
13-042	Medical Restrictions	11/28/2022
13-045	General Educational Development	11/22/2022
13-050	Ion Scanner	11/2/2022
13-061	Mandatory Education	11/22/2022
13-064	Special Education Services	11/22/2022
13-067	Sanitation Inspection	11/9/2022
13-083	Religious Diets	11/9/2022
13-105	Inmate Holiday Activities-Prize Money	11/28/2022
13-121	Television Viewing	11/2/2022
13-122	Victim Notification	11/28/2022
13-129	Arkansas Concurrent Sentence	10/21/2022
13-132	Jail Backlog and Fast Track for Short Term Inmates	10/1/2022
13-139	Vocational Education Eligibility	11/30/2022
13-140	Sex and Child Offender Registration Act	11/16/2022
13-141	Arkansas Concurrent Sentence	10/21/2022
13-142	Band Engagements	11/22/2022
13-144	Choir Engagements	11/9/2022
13-148	Inmate Communion	11/11/9/2022
13-149	Inmate Labor on Federally Funded Projects	11/28/2022
13-151	Jail Inmate Classification & Attachment	11/28/2022
13-152	Parole Board Hearings	11/28/2022
13-156	Parolees Receiving Disciplinary Action Prior to Release	10/21/2022
13-173	SATP-TC Completion Certificate and Re-Issue	11/29/2022
13-177	Chickenpox-Varicella	11/28/2022
13-182	Library Services	11/15/2022
14-05	Meritorious Furloughs	11/7/2022
14-17	Electronic Control Devices	11/1/2022
14-19	Gender Dysphoria and Intersex Inmates	11/29/2022
14-32	Emergency Powers Act One Year Screening(EPA)	11/15/2022
14-35	Paws in Prison	11/10/28/2022

14-49	Inmate Income Tax Returns	11/28/2022
15-07	Parole Board Hearings-Inmate Participation	11/28-2022
15-15	Meritorious Good Time	11/28/2022
15-23	Pre-Release Program	11/18/2022
16-01	Personal Cleanliness and Grooming for Inmates	11/7/2022
16-10	Care an Management of Spinal Cord Injured Inmates	11/28/2022
16-44	Inmate Licens	11/14/2022
17-06	Use of Force	11/2/2022
18-01	Class Status and Promotion Eligibility	11/28/2022
18-06	Evaluations for Disciplinary Court Proceedings for Seriously Mentally Ill and Mentally Deficient Inmates	11/29/2022
18-07	Assignment to Programs	11/29/2022
18-30	Inmate Access to Telephones	11/2/2022
18-31	Inmate Visitation	11/2/2022
18-43	Unit Recreational Programs	11/2/2022
19-19	Work Study Release Program	11/30/2022
19-34	Inmate Grievance Procedure	12/8/2022
19-39	Custody Classification	11/22/2022
20-05	Inmate Withdrawal Request	11/28/2022
20-08	Inmate Property Control	11/2/2022
20-10	Notary Service Requirements	11/17/2022
21-01	Inmate Correspondence	11/29/2022
21-02	Inmate Assistance Program	11/28/2022
21-09	Juma'ahPrayer during Daylight Savings Time	11/9/2022
21-10	Marriage of Inmates	11/9/2022
21-17	Testing of Inmates	11/28/2022
22-01	Funds and Transportation for Released Inmates	11/28/2022
22-03	Inmate Panels	11/14/2022
22-08	Disciplinary Court Review	8-7-2023
22-11	Religious Activities	11/9/2022
22-13	Offender Separation	11/2/2022
22-15	Health Care Co-Pay	11/28/2022
22-16	Inmate Name Change	11/7/2022
22-17	Inmate Work Craft Program	11/7/2022
22-22	Publications	10/24/2022

EX.2.2



Administrative Rule Index(As of 3/29/2022)

2	Administrative Regulations, Directives and Memoranda	12/1/2021
2	Authority of Unit Wardens, Center Supervisors, Administrators and Designee	12/2/2021
4	Staff Meetings	2/25/2022
5	Reporting of Incidents	9/10/2021
6	Document and Report Procedure	2/16/2022
7	Legislation-Liaison and/or Inquiries	12/1/2021
11	News Media, Interviews and Correspondence	11/5/2021
14	Internal Affairs & Investigation	9/10/2021
20	Emergency Preparedness	12/2/2021
100	Fiscal And Accounting Operations	2/16/2022
102-A	Industry Program Procedures, Sales or Acquisitions Between Public Procurement Units	11/29/2021
103	Inmate Commissaries	2/16/2022
105	Audits	2/16/2022
108	Travel Regulations	2/16/2022
109	Funds of Offenders	2/16/2022
112	Farming and Livestock Activities	12/2/2021
114	Arkansas Correctional Industries	11/9/2021
115	Private Industry Employment of Inmates Within Correctional Facilities	11/29/2021
118	Procurement and Disposition Activities	2/16/2022
201	Informed Personnel	2/16/2022
202	Drug-Free Workplace	12/1/2021
206	Trading or Trafficking with and Aiding or Abetting Unauthorized Actions By Inmates Parolees	2/25/2022
209	Part-Time Employment	2/16/2022
210	Relationships and Transactions W/Inmates	2/16/2022
211	Physical Attacks on State Employees	2/16/2022
213	Hunting & Fishing	12/3/2021

224	Tobacco	9/10/2021
225	Employee Conduct Standards	2/16/2022
226	Sexual Harassment	12/3/2021
228	Equal Employment Opportunity	12/3/2021
229	Employee Grievance Procedure	12/1/2021
400	Security	2/25/2022
401	Searches For and Control of Contraband	2/25/2022
402	Storage of Weapons	12/2/2021
403	Use of Restraints	2/25/2022
404	Transporting/escorting Offenders	2/25/2022
407	Safety & Sanitation	2/25/2022
409	Use of Force	2/25/2022
410	Use of Chemical Agents and Other Non-Lethal Weapons	2/25/2022
412	Use of Canine Teams in Aggression and Protection Roles	2/25/2022
413	Prison Rape Elimination Act(PREA)	12/1/2021
500	Educational Services	2/16/2022
802	Classification of Offenders	2/25/2022
803	Sentence Computation and Tracking	12/1/2021
810	Inmate Emergency Medical Expenses Incurred While in County Jails	2/17/2022
812	Temporary Release/Meritorious and Emergency Furloughs	12/1/2021
825	Inmate Name Changes for Religious Purposes	2/17/2022
829	Prenatal Care/Pregnant Inmates/Residents	11/9/2020
830	Corporal Punishment	12/6/2021
831	Disciplinary Rules and Regulations	12/3/2021
832	Discrimination and Racial Issues	12/1/2021
833	Health Services	2/17/2022
834	Procedure for Handling Disciplinary Infractions of Mentally Disordered Inmates	12/30/2021

835	Grievance Procedures for Offender	12/1/2021
836	Segregation	2/25/2022
837	Protective Custody	2/25/2025
839	Punitive Segregation	2/25/2022
841	Inmate Property Control	2/25/2022
850	Terminal Illness or Permanently Incapacitated Inmates	2/16/2022
851	Continuity of Care	2/17/2022
854	Research and Experimentation	12/1/2021
855	Transportation of Deceased Inmates	2/17/2022
860	Inmate Correspondence	2/25/2022
864	Publications	12/1/2020
881	Volunteer Services	11/29/2021
888	Boot Camp Program	1/30/2020
890	Arkansas Department of Correction Jail Facilities	12/1/2021
891	Inmate DNA Testing	12/1/2021
893	Medical Co-Pay	2/16/2022
894	Third Party Agreements to House ADC Inmates	1/30/2019
1200	Work Study Release Program	9/30/2021
1201	Inmate Labor by Contractual Agreement and Volunteer Services	6/11/2016
1210	Pre-release Program	11/29/2021
1212	Inmates Housed in County Jails & City Jails(AC T 309)	2/25/2022
1301	Transfer Eligibility to Community Punishment	12/1/2021
1305	Executive Clemency, Pardons, and Commutations of Sentences	12/1/2021
1315	Emergency Powers Act	12/3/2021
1316	Emergency Powers Act-County Jail Backlog	12/3/2021
1317	Electronic Monitoring	2/17/2016

EX.2.3



EX. 3.1



**DIVISION OF
CORRECTION**

6814 Princeton Pike
Pine Bluff, AR 71611
Phone: 870-267-6999 • Fax: 870-267-6244
www.adc.arkansas.gov

ADMINISTRATIVE DIRECTIVE

SUBJECT: Inmate Grievance Procedure

NUMBER: 19-34

SUPERSEDES: 19-20

APPLICABILITY: All employees and inmates

PAGE 1 of 31

REFERENCE: AR 835 - Grievance Procedure for Offenders

APPROVED: Original signed by Dexter Payne

EFFECTIVE DATE: 12/2/2019

I. POLICY:

It is the policy of the Arkansas Division of Correction to provide inmates in its custody an administrative process for the resolution of complaints, problems and other issues.

II. EXPLANATION:

The grievance procedure is an administrative process for the submission and resolution of inmate problems and complaints. The process is designed to solve the problem at the lowest level, as promptly as feasible, and in a manner that is fair, reasonable, and consistent with the Division of Correction's mission.

The administrative process for the resolution of complaints and identification of problem areas is intended to supplement but not replace daily and routine communication between staff and inmates.

III. DEFINITIONS:

- A. Informal Resolution – the first step consisting of a written complaint (Unit Level Grievance Form, Attachment I) by an inmate that is intended to allow staff the

Ex. 3.2

inmate must first seek a resolution of the complaint informally by taking Step One under this policy.

One form (Attachment I) will be used for both Step One (informal resolution) and Step Two (formal grievance). This same form will be used to submit all inmate grievance issues, including emergencies.

A. Proposed Changes to the Procedure



When the Division proposes to adopt changes to any policy which affects the inmate grievance process, the proposed changes shall be posted in prominent locations **(to include employee and inmate bulletin boards and including electronic distribution) throughout the institution at least 30 days prior to the adoption of the changes.** All comments shall be considered prior to adoption of the change and shall be kept as part of the appropriate policy file documentation. **Inmates in Restrictive Housing will be provided a copy of the proposed change by the Grievance Officer at least 30 days prior to the adoption of the change.**

B. Communication of Procedure

1. Written notification of the Inmate Grievance Procedure, and any changes there to, will be distributed to both inmates and employees. In addition, arriving inmates and new employees will have an opportunity to ask questions about the procedure and have them answered verbally.
2. If an inmate has a disability affecting communication or is not fluent in the English language, interpretive or explanatory services will be made available.
3. All employees at the facility level shall receive training by designated staff in the skills necessary to assist or participate in the inmate grievance procedure.
4. A summary of the Inmate Grievance Procedure will be included in the Inmate Handbook. However, the Inmate Grievance procedure is governed by this Administrative Directive and not any summary in the Inmate Handbook. All inmates shall be provided access to this Administrative Directive.

C. Accessibility

Each inmate shall be entitled to utilize the Inmate Grievance Procedure regardless of his or her security status, custody level, job classification, disciplinary status, or any administrative/ judicial decisions affecting the inmate.

EX. 4.1



**DIVISION OF
CORRECTION**

6814 Princeton Pike
Pine Bluff, AR 71602
Phone: 870-267-6999
Fax: 870-267-6244
www.adc.arkansas.gov

ADMINISTRATIVE DIRECTIVE

SUBJECT: Inmate Withdrawal Requests

NUMBER: 20-05

SUPERSEDE: 19-18

APPLICABILITY: All Division of Correction Inmates

**REFERENCE: AR 109 – Funds of Offenders
ACA Standards**

PAGE 1 of 7

APPROVED: Original Signed by Dexter Payne

EFFECTIVE DATE: 4/20/2020

I. POLICY:

It shall be the policy of the Division of Correction (DOC) to provide for the control and accountability of inmates' personal funds, and a mechanism to ensure inmate requests for withdrawal of personal funds are monitored to prevent fraud, money laundering and criminal activity while incarcerated.

II. PROCEDURES:

A. Unit Responsibility

1. Inmates must complete a Personal Withdrawal Request Form to disburse funds from their account. Inmates must provide, with the form, documentation verifying the authenticity of the withdrawal.

Examples of disbursements to be requested by use of this form are as follows:

- a. Personal request from an inmate (pay bills, hobby craft materials, tools, etc.) - Make request payable to appropriate recipient/vendor.
- b. ID Card Replacement – Make request payable to Inmate Welfare Fund.
- c. Inmate Council Donations/Purchases – Make request payable to DOC (Name of Unit) Inmate Council.
- d. Chapel Donations – Make request payable to DOC (Name of Unit) Chaplain or DOC (Name of Unit) Chapel Construction Fund.
- e. Restitution – Make request payable to DOC.
- f. Child Support - Make payable to Office of Child Support Enforcement or as required by court order.
- g. Other Dependent Support – Must be on inmate's Relatives and Associates list in the Electronic Offender Management Information System (eOMIS).

Examples of documentation to be provided with the Personal Withdrawal Request Form are as follows:

- a. Actual bill – Utility bill, hobby craft order, etc.
 - b. ID Card Replacement - Approval of Classification Officer.
 - c. Restitution - Copy of Disciplinary and Court Results
 - d. Child Support - Court Case number.
2. Inmate must complete an Inmate Transfers of Funds Request Form to disburse funds to an incarcerated family member within the DOC. The relationship must be verified by the inmate's Relatives and Associates list in eOMIS.
 3. All inmate withdrawal requests must be approved by the Warden or Deputy Warden.

4. Wardens, Deputy Warden, or Business Managers shall investigate large, and/or suspicious requests before submission to Inmate Banking for processing. eOMIS can be used to verify relatives and associates, addresses, previous inmate banking activity, etc. All suspicious requests shall be reported immediately to the Internal Affairs Division or Internal Audit for approval.
 5. Unit Business Managers shall maintain a verified list of signatures of unit personnel who are authorized to sign as witnesses on inmate withdrawal request forms. The signatures of all authorized staff, including the Warden, will be verified by the Business Manager to deter fraudulent activity.
 6. Unit Business Managers shall submit inmate withdrawal request forms to Inmate Banking via U.S. Mail, along with any necessary self-addressed stamped envelope and documentation that is to be mailed to the requested payee.
 7. Unit Mailroom Clerks shall print individual receipts for distribution to inmates. Receipts will include the inmate's name and ADC#, unit of assignment, barracks and bed location to enhance distribution to the inmates.
 8. If an inmate was terminated from a work release unit and returned to a parent unit, he or she can only spend no more than 10% of the money earned while in work release. The balance remaining will be given to the inmate upon release on parole or discharge. The inmate can only transfer \$50 every 60 days from their saving account to their ADC account and must be a class I or class II inmate, who is not assigned to restrictive housing. If the transfer is needed in order to send money home, documentation must be provided, and all transfers must be approved by the Warden/Center Supervisor. The forms must then be forwarded to the Director's Office for final approval.
- B. Inmate Banking Responsibility
1. Inmate Banking shall maintain a signature list of authorized Wardens, Deputy Wardens and Business Managers and shall verify such signature on the form.
 2. If inmate's account balance is insufficient, or forms are not signed by the Unit Warden or Deputy Warden and Business Manager forms will be returned to the unit via U.S. Mail for return to the inmate.

3. Inmate Banking shall process the withdrawal request and mail checks as defined on the request. Checks returned to Inmate Banking due to incorrect mailing address will be voided and credited to the inmate's account. Any documentation that was submitted to payee will be returned to the Unit Business Manager for return to the inmate.

C. Freezing of Inmate Funds

1. An inmate's account is subject to being frozen upon reasonable suspicion of illegal or fraudulent activity or violation of department policy involving inmate funds. Upon the freezing of an inmate's account, the inmate may no longer withdraw or spend the funds held in the account. Any liens, filing fees, work release upkeep, legal postage, court or department mandated child support, etc., will continue to be withdrawn from the account unless otherwise noted.
2. Reasonable suspicion means the funds in the inmate's account are more likely than not the product of illegal or fraudulent activity or acquired in violation of department policy. An inmate may invoke the inmate grievance procedure to challenge the freezing of his/her account.
3. The Director, Chief Deputy Director, or their designee, shall determine if an inmate's account should be frozen based upon a finding of reasonable suspicion. An "Approval to Freeze Inmate Bank Account" form shall be completed and signed by the Director, Chief Deputy Director, or their designee. The signed form shall then be forwarded to Inmate Banking authorizing the account to be frozen. Inmate Banking shall immediately freeze the account as directed and notify the appropriate Unit Business Manager. The Unit Business Manager shall immediately notify the inmate, in writing, of this action.
4. Upon completion of the investigation pertaining to the frozen inmate account, Inmate Banking and the inmate involved shall be notified by the Director, Chief Deputy Director, or designee with instructions as to the disposition or release of the funds.

APPROVAL TO FREEZE INMATE BANKING ACCOUNT

Inmate Name

ADC Number

Unit


Date

As per the Division's policy on Inmate Withdrawal Requests, the above inmate's funds shall be suspended, as of the above date, pending investigation of suspected illegal or fraudulent activity in violation of department policy involving inmate funds.

Signature

Title

EX. 5

	DIVISION OF CORRECTION MAXIMUM SECURITY UNIT POLICY AND PROCEDURES			POLICY NUMBER: MS.2.12.0	PAGE NUMBER 1 OF 2
				ISSUING EMPLOYEE: Original Signed by Warden J. Byers	
CHAPTER: FISCAL MANAGEMENT				SUBJECT: INMATE FUNDS ACCOUNTS	
Revised on These Dates:	02-15-2006	03-30-2007	03-17-2008	02-24-2009	04-05-2010
03-29-2011	01-25-2012	01-11-2013	01-15-2014	01-20-2015	03-17-2016
11-21-2016	04-19-2017	05-02-2018	11-04-2019	12-03-2020	

- 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 describe the requirements for management and control of the personal funds of inmates.
- III. **APPLICABILITY:** To all inmates and employees, especially those employees involved in the management or control of inmates' personal funds.
- IV. **DEFINITIONS:** As used in this document, the following definition applies:
 - A. **TCB:** Trust fund Centralized Banking
- V. **POLICY:** All inmate funds are accounted for and procedures are adhered to within a timely manner.
- VI. **PROCEDURE:**
 - A. All money will be receipted, upon an inmate entering the system, in accordance with Receipt Control Procedures of the Administration Services Procedures Manual.
 - B. Disbursement of inmate funds, i.e., (sending money to the outside, Chapel donations and restitution) will be accomplished by the inmate completing a Personal Withdrawal Request Form.
 - a. Inmate checks must be signed by the inmate in the presence of a supervisor, who will initial it, to verify the inmate's signature.
 - b. The Warden or his designee and the Business Manager will sign each withdrawal request.
 - c. The Business Manager will submit request to TCB via U.S. Mail.

POLICY AND PROCEDURES	POLICY NUMBER MS 2.12.0	PAGE NUMBER 2 of 2
SUBJECT: INMATE FUNDS ACCOUNTS	SUPERCEDES:	EFFECTIVE DATE:

- C. Inmate Transfer Request: Inmate must fill out an Inmate Transfer Request Form to disburse funds to another inmate. All transactions of funds between inmate accounts requires a written approval from the Deputy Warden or Warden.
 - 1. The Business Manager will verify signatures and send request to TCB via U.S. Mail.
- D. Disbursement of inmate account balances upon release:
 - 1. General population inmate balances:
 - a. All funds in the inmate’s account will be transferred to a debit card, which will be issued to the inmate upon his release from the facility.

REFERENCES: ADC AR 105, 109, and 841
 ADC Administrative Services Division Procedures Manual
 ACA Standards 5-1B-4045, 5-1B-4046 and 5-1B-4047

 Original Signed by Chief of Security

 Original Signed by Deputy Warden

Document in support of exhibit E pg. 1

Arkansas Department of Correction POLICY AND PROCEDURES		NUMBER: NCU 2.12.0		PAGE NUMBER 1 OF 11		
[REDACTED]		SUPERCEDES: 03/07/13		ISSUING EMPLOYEE: <i>Stephen S. William</i> WARDEN		
CHAPTER: FISCAL RESPONSIBILITY		DATE: 03/06/07		SUBJECT: Inmate Fund Account		
REVISED ON THESE DATES:	03/26/09	03/04/10	03/17/11	03/07/13	04/28/18	
REVIEWED ON THESE DATES:	03/07/13	03/20/14	03/05/15	04/27/15	03/03/16	03/02/17

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 describe the requirements for management and control of the personal funds of inmates.

III. APPLICABILITY

To all employees and inmates, and especially to those employees involved in the management or control of inmates' personal funds.

IV. DEFINITIONS

Trust Fund Account - An electronically maintained, official computerized listing of the funds transactions for an individual inmate. This is established upon the inmate's arrival and maintained throughout his stay in the unit.

V. POLICY

All inmate fund accounts held by the unit shall be controlled in accordance with the following:

- A. All funds shall be controlled and monitored by a system of accepted accounting procedures.
- B. Inmates are permitted to deposit personal funds in interest bearing accounts and the interest shall accrue to the inmate's Personal Fund account.
- C. All transactions of funds between inmate accounts shall require a written approval from the Deputy/Assistant Warden or Warden or Designee.

Certificate of Service

I certify that a copy of all enclosed pleading has been served this 16th day of November 2023, on the respondents below by placing a copy of the same in the U.S. mail, using the prison legal mail system to:

Arkansas State Claim Commission
 101 East Capitol Ave., Suite 410
 Little Rock, Arkansas 72201

~~Order~~

I am turning my legal mail over to prison officials on the above stated date for mailing to the court. "I declare under penalty of perjury that the following is true and correct." 28 U.S.C. § 1746

From: [Thomas Burns \(DOC\)](#)
To: [ASCC Pleadings](#)
Subject: Courtney Smith v ADC 230928
Date: Monday, December 4, 2023 10:53:19 AM
Attachments: [1956_001.pdf](#)
[image001.png](#)

ADC response to Disputed Facts

Thank you,
-TB



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

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION**COURTNEY SMITH** [REDACTED]**CLAIMANT****V.****NO. 230928****ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION****RESPONDENT****ADC RESPONSE TO CLAIMANTS STATEMENT OF DISPUTED FACTUAL ISSUES**

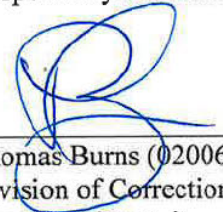
Respondent, Arkansas Department of Correction (ADC), for its reply, states:

1. The ADC denies each and every allegation contained in the Inmate's statement unless specifically admitted herein.
2. The ADC denies paragraph 1.
3. The ADC denies paragraph 2.
4. The ADC denies paragraph 3.
5. The ADC denies paragraph 4.
6. The ADC denies paragraph 5.
7. The ADC denies paragraph 6.
8. The ADC admits paragraph 7, the grievance was found without merit after two levels of review.
9. The ADC denies paragraph 8.
10. The ADC denies paragraph 9.
11. The ADC denies paragraph 10. The inmate may have requested a hearing but only after the ADC and Commission pointed out it was time barred.
12. The ADC denies paragraph 11.

13. The ADC denies paragraph 12, the inmate must meet proof with proof, not just bare naked assertions.
14. The ADC denies paragraph 13.
15. The ADC denies paragraph 14.
16. The ADC admits the proper documents were attached, denies the remainder of paragraph 15.
17. The ADC denies paragraph 16. The inmate has not met proof with proof, just bare allegations which are inappropriate to survive Summary Judgment.
18. The ADC denies paragraph 17.
19. The inmate continually abuses this process by filing baseless and incoherent motions that are intended to abuse and harass the ADC.
20. Despite being ordered to do so the inmate wantonly and willfully fails to follow the rules of civil procedure by failing to include his contact information on the signature.
21. The ADC asks that this inmates complaint be dismissed for his continued abuse of the process.
22. The Inmate is held to the same standard as an attorney if he elects to proceed Pro Se. The Inmate continues to abuse the process and his claim should be dismissed with prejudice.

WHEREFORE, Respondent prays that this Motion for Default be denied; that his claim be dismissed with prejudice; for their attorney's fees and costs; and all other just and proper relief to which they may be entitled.

Respectfully submitted,

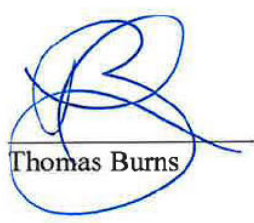


Thomas Burns (02006)
Division of Correction
Legal Services Unit
6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6845 Office
(870) 267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 4th day of December 2023, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Courtney Smith (██████████)
██████████



Thomas Burns

From: [Mika Tucker](#)
To: [Tawnie Rowell \(DOC\)](#)
Subject: HEARING SCHEDULED: Courtney Smith v. ADC, Claim No. 230928
Date: Wednesday, June 19, 2024 1:17:00 PM
Attachments: [Smith v. ADC, 230928 hearing letter \(motion\).pdf](#)

Hi, Tawnie.

Please see the attached correspondence.

Thanks,

Mika

Mika Tucker

Arkansas State Claims Commission

101 East Capitol Avenue, Suite 410

Little Rock, Arkansas 72201

(501) 682-2818

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

June 19, 2024

Mr. Courtney Smith (ADC [REDACTED])
[REDACTED]

Ms. Tawnie Rowell
Arkansas Division of Correction
1302 Pike Avenue, Suite C
North Little Rock, Arkansas 72114

(via email)

RE: *Courtney Smith v. Arkansas Division of Correction*
Claim No. 230928

Dear Mr. Smith and Ms. Rowell,

The Claims Commission has scheduled a hearing on any pending motions in this claim for **Friday, July 19, 2024**, beginning at 8:45 a.m. All parties will attend via Zoom. The Zoom invitation is enclosed. The Claims Commission requests that Ms. Rowell transmit the Zoom invitation and hearing details to Claimant's unit.

As this is a motions hearing, no prehearing materials are requested.

Sincerely,

Mika Tucker

ES: mtucker

Kathryn Irby -- Claims Commission is inviting you to a scheduled Zoom meeting.

Topic: Claims Commission Hearings

Time: Jul 19, 2024 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/85963255691?pwd=GD3WsobkbnAnIpoJEJ40zbGO6vOylX.1>

Meeting ID: 859 6325 5691

Passcode: 7u4n7U

One tap mobile

+13052241968,,85963255691#,,,,*836651# US

+13092053325,,85963255691#,,,,*836651# US

Dial by your location

- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 646 931 3860 US
- +1 929 436 2866 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 689 278 1000 US
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US

Meeting ID: 859 6325 5691

Passcode: 836651

Find your local number: <https://us06web.zoom.us/u/kcxJ2sEqRh>

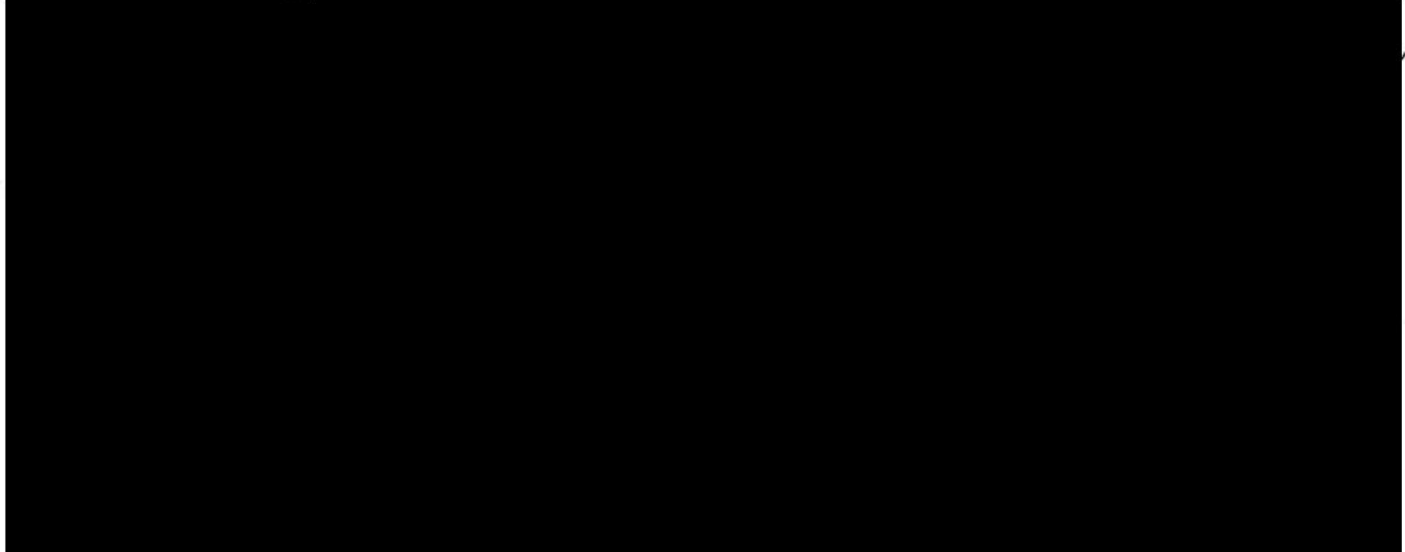
DECLARATION

Arkansas
State Claims Commission

JUL 06 2024

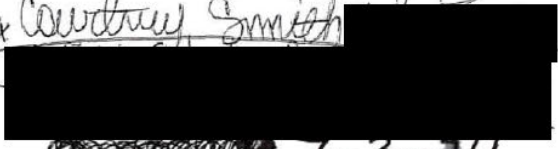
RECEIVED

The claimant, Courtney
Smith [REDACTED] is incarcerated



The claimant declares
under penalty of perjury
That the enclosed facts
Are True!

x Courtney Smith [REDACTED]



~~07/06/24~~ 7-3-24

Arkansas State Claims Commission

Courtney L. Smith



claimant

v.

claim # 230928

Arkansas State Claims Commission

JUL 06 2024

RECEIVED

Arkansas Division of Correction

respondents

Motion to produce substantial Evidence pursuant to Pleading Specification Rule 2.3, Filing a motion.

Here come the claimant, Courtney L. Smith, with his motion to produce substantial evidence after hearing date is set of July 19, 2024.

The claimant would like to prove "Retaliation" also "Discrimination", further, by the showing of receipts ~~are~~ from using "Inmate Withdrawal Forms" while still being on Commissary Restriction.

And to also show that once I got transferred to this Maximum Security Unit I wrote to college

course ~~case~~, explained about me being discriminated against and retaliated on at the other unit. The claim allowed me to continue, sent me all my books, quizzes, and exams and I received my very first Certificate on Feb. 27, 2024 completing one of many courses. I DID IT!! I'm so proud of myself.

"But for" retaliation I would have earned this and many more certificates by now. The ~~action~~^{timing} of this adverse action is in fact suspicious that soon as I filed my claim with this state claims commission my books, quizzes and exams were rejected for "imitating a ~~person~~ or racism." The return of me back to [REDACTED]

(Ex.F) shows injury or damage, shows the falsification of document, shows discrimination, racism, retaliation and other ADC employee conduct standard violations in Ex. M #13(b) and (c)

And it also shows a deficiency has been found within the ADC's operation, methods, or procedures that can be attributable to the exclusive control of the ADC.

[REDACTED] certificate dated Feb. 27, 2024 in Ex. N and see receipts from using personal withdrawal form while on commissary restriction in Ex. O)

A retaliation claim essentially entails three elements: (1) the claimant engaged in protected conduct, The claimant engaged in the protected conduct of filing grievances, filing claim number #230688. (2) An adverse action was taken against

the claimant that would deter a person of ordinary firmness from continuing to engage in that conduct: stopping me from receiving my Educational studies of books, quizzes and exams had stopped me in my tracks of all these

religious educational studies "incites Racism" is absurd

If this was a real policy of ADC then why my educational studies are not being rejected as "Inciting Racism" at this Maximum Security Unit?, like they were at the [redacted] under Michelle Gray's ^{authority} ~~authority~~ of being the Warden. Both units are ADC and follows the same policy?

And (3) there is a causal connection between elements one and two - that is, the ^{adverse} ~~adverse~~ action was motivated at least in part by the ^{claimant's} ~~claimant's~~ protected conduct; See Ex.C, the Trust Fund Account, to see that the claimant has been on restriction since 2-1-21 and has been writing personal withdrawal forms to purchase religious reading material, self help reading material, educational studies and pleasures from authorized book stores before coming to the [redacted]

All my books were destroyed violating ADC policy. I filed claim # 230688. After ADC knew I filed my claim they began to discriminate and retaliate denying me the right to educate myself and to purchase more reading material. I got transferred from that unit now im back to my education

of my religion, back to purchasing books and have received my first certificate on Feb. 27, 2024.

This is at a minimum a chronology of events from which retaliation may plausibly be inferred that must "shock the conscience." Please accept my evidence proving further "Retaliation and Discrimination" and other ADC policy violations.

The claimant is entitled the relief of \$15,000 to ~~reprimand~~ ^{reprimand} ADC for "Retaliation and Discriminating on inmates religious belief" and other deficiency found within the ADC's operation, methods, or procedures.

Courtney Smith ([redacted])

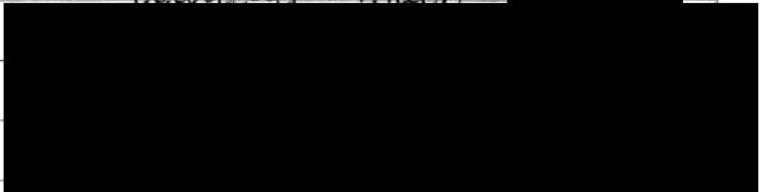


Exhibit M



PO Box 8707
 Pine Bluff, AR 71611-8707
 Phone: 870-267-6200
 Fax: 870-267-6244
 www.adc.arkansas.gov

ADMINISTRATIVE DIRECTIVE

SUBJECT: Employee Conduct Standards and Discipline

NUMBER: 10-19

SUPERSEDES: AD 00-10

APPLICABILITY: All employees of the Department of Correction

REFERENCE: AR 225 - Employee Conduct Standards **PAGE:** 1 of 8

APPROVED: Original signed by Ray Hobbs,
 Interim Director

EFFECTIVE DATE: 06/11/2010

I. POLICY:

It is the policy of the Department of Correction to ensure that all employee discipline be administered in a consistent, objective and good-faith manner.

Nothing in these guidelines and procedures limits the Director's authority to establish or revise human resource policies. These guidelines and procedures are adopted to guide the internal operations of the Department and do not create any legally enforceable interest or limit the Director's or his designee's authority to terminate any employee at will.

II. EXPLANATION:

The purpose of the ADC Employee Conduct Standards policy is to establish consistent employee conduct standards and discipline. Nothing herein is intended to imply that the standards are all inclusive. The conduct standards are intended to identify common problems associated with employee conduct. Discipline should be through positive progressive actions, where appropriate.

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

7. Personnel File: The documents maintained by the Human Resource Office and Unit Human Resources Offices will serve as the official record of employment.
8. Supervisor: Any individual who has the authority, acting in the interest of his employer, to take personnel actions including, but not limited to hire, transfer, suspend, promote, demote, discharge, reward, discipline, etc., either by taking the action himself or by effectively recommending it.
9. Unit: Any facility operated by the Arkansas Department of Correction.

X IV.

PROCEDURES:

A. Notice

The Human Resource Office and/or Unit Human Resources Offices will issue the appropriate Administrative Regulation and this Administrative Directive to all personnel. New employees/re-hired employees will be given a copy of this policy. Policy dissemination will be documented by the employee by signing an acknowledgment of receipt for the policy. The receipt will be placed in the employee's personnel file. The employee is responsible for reviewing and becoming familiar with the conduct policy. Employees needing further explanation of this policy should seek the assistance of their immediate supervisor or Human Resources Manager. All employees shall be notified and receive subsequent notice of changes.

X B.

B. Responsibilities

1. Employee
 - a. To be familiar with conduct standards.
 - b. To seek clarification if they do not understand the conduct standards.
 - c. To abide by all conduct standards.
 - d. To participate in good faith with administrative investigations into violations of standards.
2. Management
 - a. To give proper notices to the employees of any changes in this policy.

C. Penalties

Penalties for violation of standards shall be administered by supervisors in a consistent, objective, good-faith and non-discriminatory manner. Supervisors are expected to use good judgment in determining the seriousness of violations and the disciplinary penalties. Supervisors should attempt to document facts in each case and make sure the penalty is appropriate. All circumstances must be considered before taking final action.

1. **Oral Warning:** A verbal notice to inform the employee that he or she has violated a conduct standard. An oral warning may be used as the basis for disciplinary action later. A more severe disciplinary action may be taken if an equal or more substantial violation occurs within a six-month period from the date of the oral warning.

Documentation of the oral warning will be placed in the supervisor's employee file. A copy of the documentation should not be placed in the Unit Personnel File or the Human Resource File. The employee shall not be placed on probation as a result of an oral warning. Upon the employee's request and the supervisor's approval, documentation of an oral warning may be removed from the supervisor's file after one year from the date of the warning, providing that no other incidents have occurred. When an employee is reassigned to a different supervisor, the supervisor's file will be forwarded to the new supervisor.

2. **Written Warning:** The written notification must inform the employee that a violation of a standard has occurred. A more severe disciplinary action should be taken if an equal or more substantial violation occurs within six months from the date of the disciplinary action. The six-month period will be considered an automatic probationary period. A copy of the written warning will be placed in the employee's Human Resource File and the Unit Personnel File.
3. **Suspension:** An action to be used for major violations of standards, repeated violations of standards or when management determines that the violation and/or its impact on the job atmosphere or circumstances warrants the immediate removal of the employee for a specified period of time. A more severe disciplinary action should be taken if an equal or more substantial violation occurs within 12 months of the date of disciplinary action. The 12-month period will be considered an automatic

6. Multiple Violations: Two or more violations that are active at the same time as a result of separate incidents should be considered factors in determining the level of discipline.
7. Documented information regarding disciplinary action shall not be used as a consideration for further progressive disciplinary actions or other personnel actions after the probationary period has expired except in the instances listed below. However, the information will remain in the personnel files, unless ordered removed as a result of a grievance process or as a result of an internal investigation concluding that the violation never occurred.

The following are violations that should be considered for progressive disciplinary action during an employee's career with the Department of Correction:

- a. Sexual Harassment
 - b. Misdemeanor convictions, including DWI/DUI offenses
 - c. Possession of Contraband
 - d. Garnishments
 - e. Development of unauthorized relationships with inmates, releasees or their families
 - f. Mishandling of Department funds.
8. Employees shall not be eligible for promotions during a disciplinary probation, except when approved by the Director.

***D. Documentation**

* Supervisors are responsible for documenting each disciplinary action taken and forwarding supporting documentation to the appropriate personnel files.

* Documentation should be specific and detailed in clear factual statements and includes but is not limited to the following information:

1. Identify standards which have been violated.
2. Disciplinary action taken.
3. Assistance and/or advice given to the employee to bring conduct into acceptable standards.

ORAL WRITTEN SUSPENSION/
DEMOTION DISCHARGE

	ORAL	WRITTEN	SUSPENSION/ DEMOTION	DISCHARGE
Employees are expected to conduct themselves in a professional manner.				
a. Loitering, visiting, excessive personal use of the telephone.	X	X	X	X
b. Disruptive horseplay and/or practical jokes - No injury and/or property damage.	X	X	X	X
*c. Disruptive horseplay and/or practical jokes - Resulting in injury and/or property damage. <u>Notice:</u> Employee may be required to reimburse the Department for injuries and/or property damage.		X	X	X
d. Unnecessary or excessive Use of Force against a member of the public or another employee.			X	X
e. Possession of Contraband in any amount. *Progression of discipline will depend upon the effects of the contraband on the impact of the safety and security of the institution. Some instances may be grounds for discharge.		X*	X	X
f. Possession of cell phone within a secured perimeter or a security post of a facility. *Suspension may only be utilized where it is proven that the individual did not possess the phone for purposes of illicit behavior.			X*	X
g. Bribery				X
h. Failure to report an offer of a bribe or gratuity from inmates, releasees, or anyone acting on behalf of that person.			X	X
i. Careless or unsafe handling of vehicular equipment. <u>Notice:</u> Employee may be required to reimburse the Department for injuries and/or property damage.		X	X	X
j. Careless or unsafe handling of firearms. <u>Notice:</u> Employee may be required to reimburse the Department for injuries and/or property damage.		X	X	X
k. Sexual conduct with staff or the public while on duty, within the secured perimeter of a facility or in public office buildings or state vehicles.			X	X
l. Refusal to submit to a polygraph/voice stress analysis when the Department's written policy requires it.				X

ORAL WRITTEN SUSPENSION/
DEMOTION DISCHARGE

	ORAL	WRITTEN	SUSPENSION/ DEMOTION	DISCHARGE
b. No employee will participate in hiring or promotional decisions involving any applicant or employee with whom there exists an intimate relationship.			X	X
c. Any business enterprises, partnerships and/or joint ventures between a supervisor and a subordinate.			X*	X
d. Engaging in any activity with another employee which compromises professional relationships. * or demotion and/or reassignment which may result in pay and grade.			X*	X*
4 Employees are expected to report immediately to their supervisor when unable to be at work or training. Time away from duty station must have prior approval. Working hours and lunch periods will be strictly observed. Each action will be considered an independent violation. A physician's statement to verify illness may be required at any time by a supervisor.				
a. Unauthorized absence from work, training or physical assessment.		X	X	X
b. Verified misuse of sick leave.		X	X	X
c. Failure to adhere to work hours.	X	X	X	X
d. Failure to provide a physician's statement when requested.		X	X	X
e. Employee fails to call or report to supervisor for 3 working days.				X
f. Failure to log or clock in or out.	X	X	X	X
g. Clocking in or out for another employee.				X
*h. Abandonment of post/job.				X
5 Employees should be responsible for their debts.				
a. Garnishment of wages - each step of progression is for a different indebtedness.	X	X	X	X

ORAL WRITTEN SUSPENSION/
DEMOTION DISCHARGE

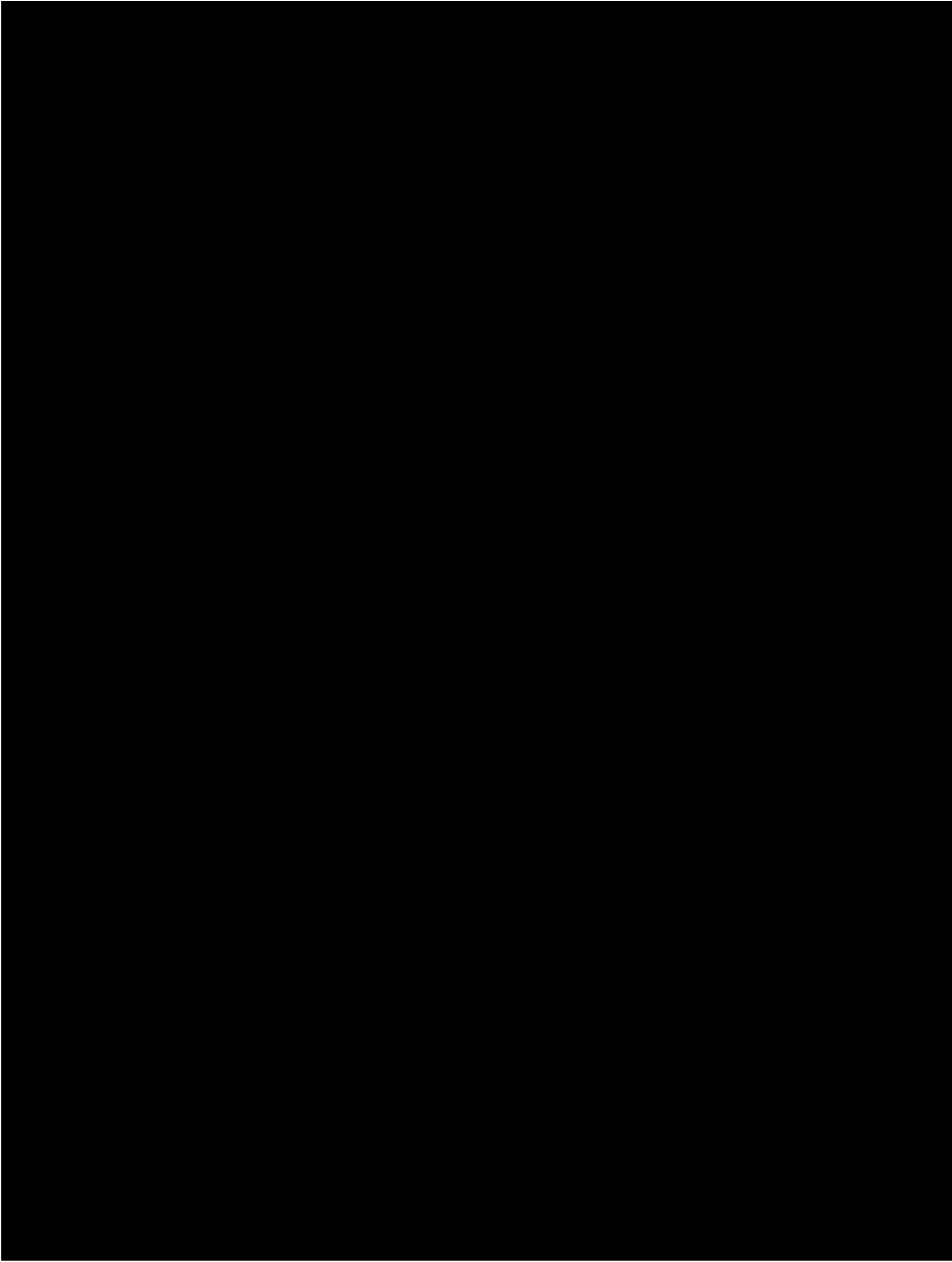
<p>Employees shall abide by the Department's Drug Free Workplace Policy. Employees shall not consume intoxicating beverages while on duty, in or out of uniform. Employees shall not appear for duty or be on duty while under the influence of intoxicants. Employees shall not purchase alcoholic beverages while in uniform.</p>				
<p>a. Purchase, use, sale or distribution of alcoholic beverages while in uniform or on duty.</p>				X
<p>b. Reporting to or on duty with an alcohol level at or above 0.2% but less than .04 %. * and shall be referred to the Employee Assistance Program.</p>			X*	X
<p>c. Reporting to or on duty with an alcohol level at or above 0.4%</p>				X
<p>d. Possession (in any amount), use, sale or distribution of illicit drugs or paraphernalia.</p>				X
<p>e. Refusing to provide a specimen when required or providing/ attempting to provide an adulterated specimen or another person's urine.</p>				X
<p>f. A positive result in a specimen provided by the employee used to identify illegal drug use or prescription drug abuse as determined by the Department's toxicologist.</p>				X
<p>Employees are to be law abiding citizens.</p>				
<p>a. A conviction, plea of guilty or nolo contendere to a felony.</p>				X
<p>b. A conviction, plea of guilty or nolo contendere to a Class A misdemeanor to include any violations under the Omnibus DWI Act, but does not include minor traffic violations in personal vehicles.</p>			X*	X*
<p>c. A conviction, plea of guilty or nolo contendere to a Class B or below misdemeanor.</p>		X*	X*	X*
<p>d. Failure to report incidents of arrest, filing of felony information warrants or indictment in accordance with the Administrative Directive on Employee Arrest.</p>		X*	X*	X*
<p>e. Failure to report moving traffic violations in a state vehicle.</p>		X*	X*	X*

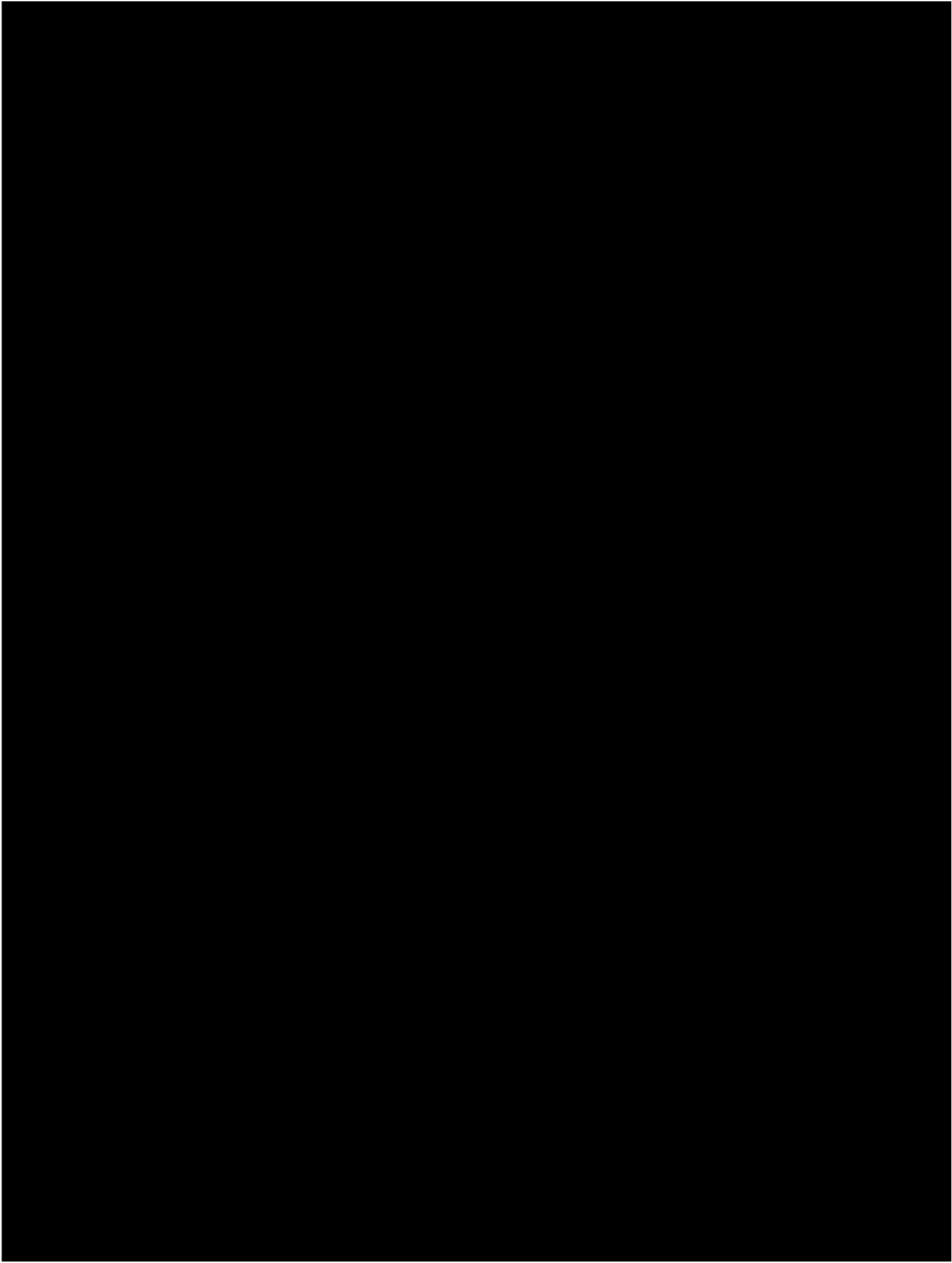
ORAL WRITTEN SUSPENSION/ DEMOTION DISCHARGE

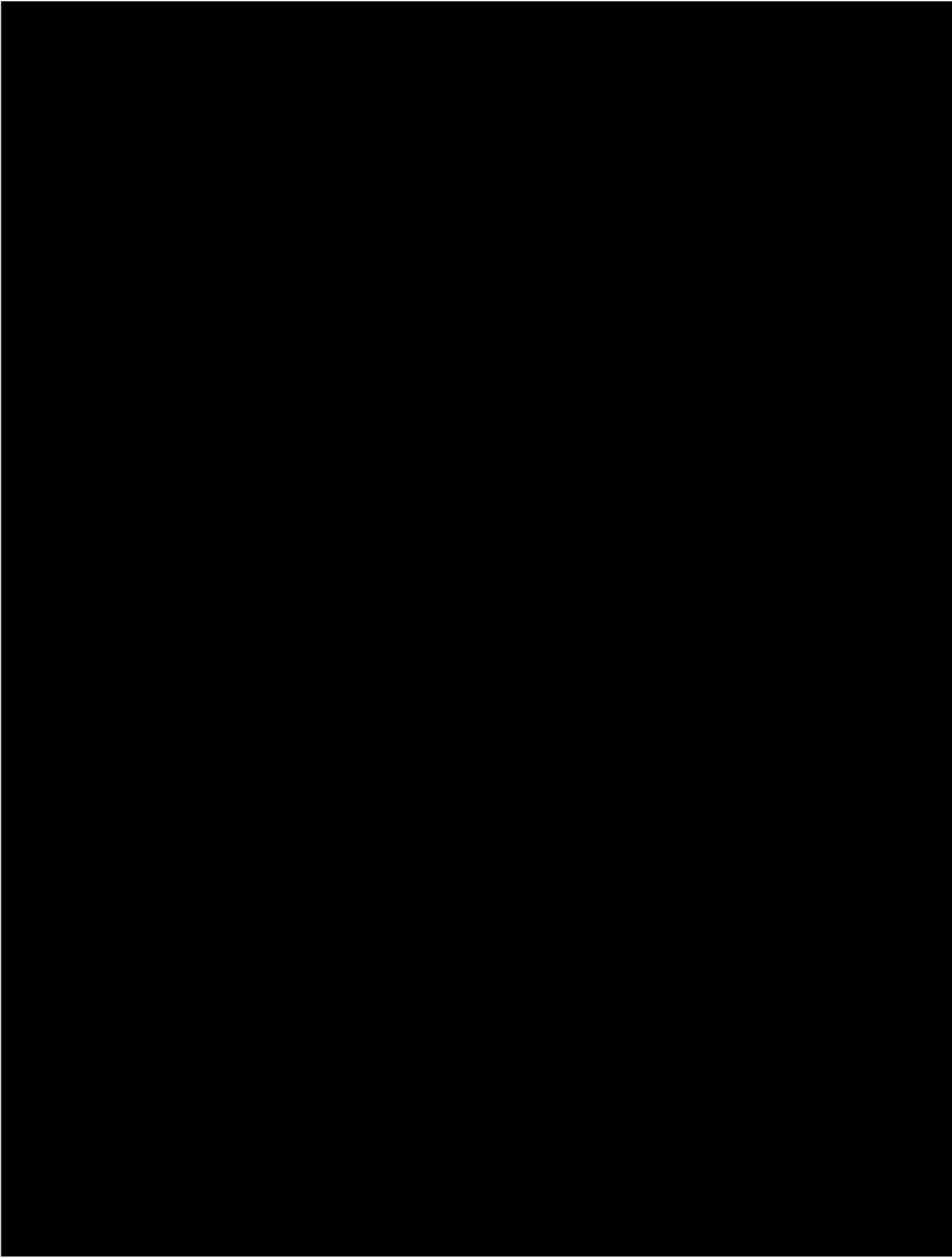
<p>5 Employees shall exercise reasonable and responsible care of Department equipment, materials, property and facilities. Employees must have proper approval from the appropriate supervisor for possession of Department property.</p> <p>a. Unauthorized possession, misuse or abuse of equipment, vehicles, materials, property or facilities.</p> <p>b. Unauthorized entry into State property, including unauthorized entry outside of assigned work hours.</p> <p>c. Unauthorized entry into restricted areas. * Employees may be required to reimburse the Department for damage and/or loss.</p>		<p>X*</p> <p>X</p>	<p>X*</p> <p>X</p> <p>X</p>	<p>X*</p> <p>X</p> <p>X</p>
<p>15 Employees are responsible for reporting any injuries of employees or inmates according to established policies.</p> <p>a. Failure or delay in reporting injuries of employees or injuries or illness of inmates.</p> <p>b. Failure to report a known PREA incident.</p>		<p>X</p>	<p>X</p> <p>X</p>	<p>X</p> <p>X</p>
<p>7 Employees are expected to perform work assignments within the scope of their descriptions and follow reasonable work requests and instructions by supervisors.</p> <p>a. Failure to perform or carry out work related instructions, when such instructions are reasonable and within the employee's ability to perform and would not pose a safety or welfare hazard to the employee.</p> <p>b. Deliberate refusal to carry out reasonable work requests and/or instructions will be construed as insubordination.</p> <p>c. Insolence to supervisor or persons of higher rank. Presumptuous and insulting manner of speech, rude and disrespectful.</p>	<p>X</p>	<p>X</p>	<p>X</p> <p>X</p>	<p>X</p> <p>X</p>
<p>* 18 Employees must give clear, complete and accurate information in completing applications, work records, written statements/ verbal information, inmate records, investigations and claims for reimbursement.</p> <p>* a. Falsification of work records, employment applications and supporting documentation, other forms or applications.</p>				<p>X</p>

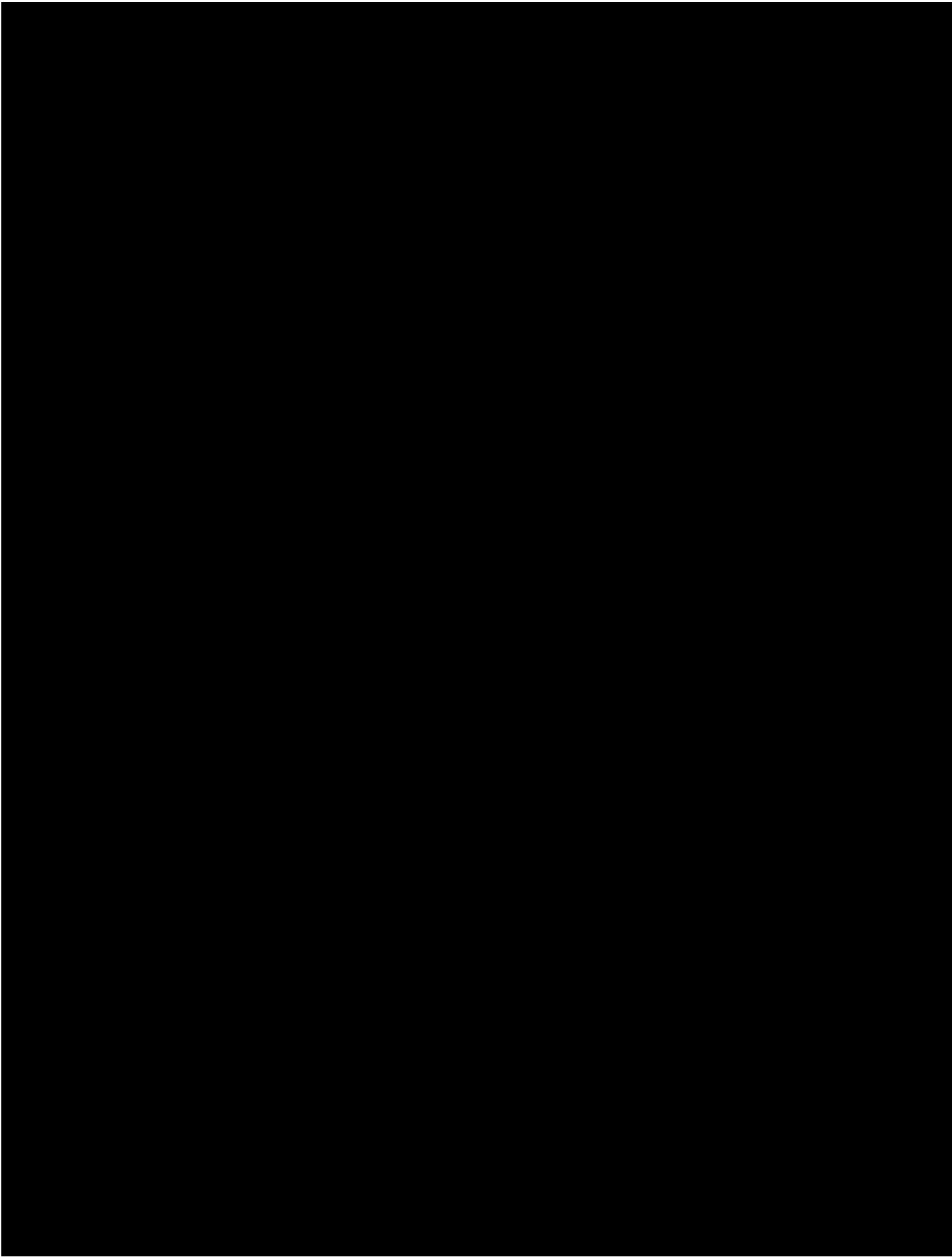
15

	ORAL	WRITTEN	SUSPENSION/ DEMOTION	DISCHARGE
b. Bribery.				X
c. Verbal abuse.	X	X	X	X
d. Unnecessary or excessive force.		X	X	X
* e. Physical abuse used to punish or harass.				X
f. Engaging in sexual contact of any type to include, but not limited to kissing, sexual intercourse, etc.				X
g. Development of non-professional relationships with inmates, releasees and/or their families (including but not limited to personal letters, phone calls and visiting).			X	X
h. Failure to report the incarceration of an immediate family member after initial employment.			X	X
i. Failure to report the incarceration of a friend/acquaintance or distant family member after initial employment.		X	X	X
j. Trafficking and/or unauthorized trading.				X
* With regards to inmate or releasee families - unavoidable relationships due to marriage, family relationships, etc. should be reported to the supervisor immediately.				









Certificate of Service

I certify that a copy of this pleading has been served this 13rd day of July 2024 on the respondent by placing a copy of the same in the U.S mail, regular postage to:

Arkansas state claims Commission
101 E. Capitol Ave., Suite 410
Little Rock, Arkansas

Thomas Burns
Arkansas Division of Cor
Legal Division
6814 Princeton Pike
Pine bluff, AR
71602

72201-3823

~~_____~~
~~_____~~
~~_____~~
~~_____~~

Ms. Tawnie Rowell
Arkansas Division of Correction
1302 Pike avenue, suite C
North little Rock, Arkansas

72114

From: [Kris Higdon \(DOC\)](#)
To: [ASCC Pleadings](#)
Cc: [Miles S. Morgan](#); [Tawnie Rowell \(DOC\)](#)
Subject: Courtney Smith v. ADC, 230928
Date: Monday, July 8, 2024 8:39:36 AM
Attachments: [Letter to claimant-149926.pdf](#)

Please see attached letter to claimant.

Kris Alan Higdon
Attorney at Law
Office of the Secretary
1302 Pike Ave., Suite C
North Little Rock, AR 72114
Phone: 501-862-9593
Kris.a.higdon@doc.arkansas.gov



SARAH HUCKABEE SANDERS
GOVERNOR

ARKANSAS DEPARTMENT OF CORRECTIONS

1302 Pike Avenue, Suite C
North Little Rock, AR 72114



OFFICE OF THE
SECRETARY

July 8, 2024

Courtney Smith [REDACTED]
[REDACTED]

Re: Future correspondence

Dear Mr. Smith:

Please address all future correspondence, discovery, and pleadings in cases before the Arkansas Claims Commission to:

Legal Department
Arkansas Department of Corrections
1302 Pike Ave., Suite C
North Little Rock, AR 72114

Thank you for your cooperation on this matter.

Warm regards,

Kris Alan Higdon
Attorney at Law

From: [Tawnie Rowell \(DOC\)](#)
To: [James Shipman \(DOC\)](#); [Maurice Culclager \(DOC\)](#)
Cc: [Yolanda Charles \(DOC\)](#); [Mika Tucker](#)
Subject: Claims Commission Cases July 19, 2024
Date: Saturday, July 13, 2024 8:28:00 PM
Attachments: [Smith v. ADC, 230928 hearing letter \(motion\).pdf](#)
[image001.png](#)

Good evening! Courtney Smith ([REDACTED]) a claims commission hearing on Friday July 19 via zoom. Please have him ready to go at 8:15 am. Zoom information is included in the attached hearing letter.

Best,



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

From: [Mika Tucker](#)
To: [Tawnie Rowell \(DOC\)](#)
Cc: [Kathryn Irby](#)
Subject: HEARING TO BE RESCHEDULED: Courtney Smith v. ADC, Claim No. 230928
Date: Monday, July 15, 2024 5:11:00 PM
Attachments: [Smith v. ADC, 230928 rescheduling hearing.pdf](#)

Hi, Tawnie.

Please see the attached correspondence.

Thanks,
Mika

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

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

July 15, 2024

Mr. Courtney Smith (ADC [REDACTED])
[REDACTED]

Ms. Tawnie Rowell
Arkansas Division of Correction
1302 Pike Avenue, Suite C
North Little Rock, Arkansas 72114

(via email)

RE: *Courtney Smith v. Arkansas Division of Correction*
Claim No. 230928

Dear Mr. Smith and Ms. Rowell,

Due to a quorum issue, the Claims Commission has removed the July 19, 2024, motion hearing in above-referenced claim from the docket. The motion hearing will be rescheduled as soon as practicable.

Our office asks the ADC to please hand-deliver a copy of this letter to Mr. Smith as soon as possible so that he will be aware of the removal of the hearing prior to July 19, 2024.

Sincerely,

Mika Tucker

ES: mtucker

From: [Mika Tucker](#)
To: [Tawnie Rowell \(DOC\)](#)
Subject: HEARING: Smith v. ADC, Claim No. 230928
Date: Tuesday, September 3, 2024 9:32:00 AM
Attachments: [Smith v. ADC, 230928 hearing letter \(motion\) 10-4.pdf](#)

Hi, Tawnie.

Please see the attached correspondence.

Thanks,
Mika

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

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

September 3, 2024

Mr. Courtney Smith (ADC [REDACTED])
[REDACTED]

Ms. Tawnie Rowell
Arkansas Division of Correction
1302 Pike Avenue, Suite C
North Little Rock, Arkansas 72114

(via email)

RE: *Courtney Smith v. Arkansas Division of Correction*
Claim No. 230928

Dear Mr. Smith and Ms. Rowell,

The Claims Commission has scheduled a hearing on any pending motions in this claim for **Friday, October 4, 2024**, beginning at 8:45 a.m. All parties will attend via Zoom. The Zoom invitation is enclosed. The Claims Commission requests that Ms. Rowell transmit the Zoom invitation and hearing details to Claimant's unit.

As this is a motions hearing, no prehearing materials are requested.

Sincerely,

Mika Tucker

ES: mtucker

Kathryn Irby -- Claims Commission is inviting you to a scheduled Zoom meeting.

Topic: Claims Commission Hearings

Time: Oct 4, 2024 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/83932390089?pwd=1rmoYgy4mwigkyPyyf74LrSuL1SM2oC.1>

Meeting ID: 839 3239 0089

Passcode: VL6ePS

One tap mobile

+13126266799,,83932390089#,,,,*250742# US (Chicago)

+16469313860,,83932390089#,,,,*250742# US

Dial by your location

- +1 312 626 6799 US (Chicago)
- +1 646 931 3860 US
- +1 929 436 2866 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 689 278 1000 US
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)

Meeting ID: 839 3239 0089

Passcode: 250742

Find your local number: <https://us06web.zoom.us/j/khY64rvs7>

Mika Tucker

From: Misty Scott on behalf of ASCC Pleadings
Sent: Monday, November 18, 2024 11:50 AM
To: Kris Higdon (DOC)
Cc: Yolanda Charles (DOC); ASCC Pleadings; Mika Tucker
Subject: ORDER: Courtney Smith v. ADC, Claim No. 230928
Attachments: Courtney Smith v. ADC2.pdf; Courtney Smith-Order5.pdf

Mr. Higdon:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

Misty

Misty Scott
Arkansas State Claims Commission

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

November 18, 2024

Mr. Courtney Smith (ADC [REDACTED])
[REDACTED]

Mr. Kris Higdon
Arkansas Division of Correction
1302 Pike Avenue, Suite C
North Little Rock, Arkansas 72114

(via email)

Re: *Courtney Smith v. Arkansas Division of Correction*
Claim No. 230928

Dear Mr. Smith and Mr. Higdon:

Enclosed please find an Order entered on November 15, 2024, by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

COURTNEY SMITH (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 230928

ARKANSAS DIVISION OF
CORRECTION

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Commission”) is the motion for summary judgment filed by the Arkansas Division of Correction (the “Respondent”) as to the claim of Courtney Smith (the “Claimant”). At the motion hearing on October 4, 2024, Claimant proceeded *pro se*, and Kris Higdon appeared on behalf of Respondent. Based upon a review of the motion and filings, as well as the argument of the parties and the law of the State of Arkansas, the Commission hereby finds as follows:

1. Claimant filed his original claim on January 20, 2023, seeking \$15,000.00 in damages related to his allegations that he was denied reading materials and retaliated against for filing a separate claim.
2. After Respondent filed a motion to dismiss, Claimant filed a motion to amend his claim, which included an amended claim.
3. The Commission entered an order accepting Claimant’s amended claim on September 22, 2023.
4. Respondent then filed the instant motion for summary judgment, arguing, *inter alia*, that Claimant is making federal law and First Amendment claims, and that the Commission does not have jurisdiction over this matter.

5. Claimant filed a response to the motion for summary judgment¹ and statement of disputed facts.

6. Respondent filed a response to the statement of disputed facts.

7. Claimant then filed a “motion to produce substantial evidence...” Respondent did not respond.

8. During the hearing, Respondent argued that summary judgment was proper because Claimant alleges constitutional and federal law violations and, therefore, the Commission does not have jurisdiction.

9. Claimant argued that his claim alleges policy violations, not federal law violations.

10. Upon a question from a commissioner, Claimant argued that he was damaged by Respondent mentally and spiritually. Claimant argued that he enrolled in [REDACTED], but Respondent said he could not participate in the course because it promoted racism. Upon a question from a commissioner, Claimant stated that his claim had to do with his religious practice and the Respondent’s related policies.

11. The Commission agrees with Respondent that Claimant’s claim is premised upon alleged constitutional violations and the Commission does not have jurisdiction to hear them. As such, pursuant to Ark. Code Ann. § 19-10-204 and Ark. R. Civ. P. 12(h)(3), the Commission DISMISSES Claimant’s claim.

12. If Claimant has constitutional claims, those claims may be brought in a court of general jurisdiction.

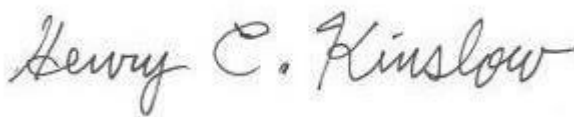
13. Any other pending motions are denied as moot.

¹ Before filing this response, Claimant filed a motion to extend the time to respond to the motion for summary judgment.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Dee Holcomb



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow, Chair



ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: November 15, 2024

Notice(s) which may apply to your claim

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

Arkansas State Claims Commission

Courtney Smith

claimant

Arkansas
State Claims Commission

v.

case # 230928

JAN 04 2025

Arkansas Dept. of Correction

RECEIVED
respondent

Appeal to the Claims Commission's order to dismiss claimant's claim, claim number 230928. Add new evidence for appeal purposes

On November 15, 2024, the claims commission dismissed my claim because the respondent's attorney Mr. Kris Higdon said so. Using the universal fabricated phrase of "or statement of saying" the claimant's claim premised upon alleged constitutional violation and the commission does not have jurisdiction to hear them.

I agree 100% with this statement but this does not apply to my claim number 230928 or 230688.

The 230928 claim is not based on Constitutional violations. This claim is NOT surrounded by Constitutional violation and Constitutional violations is not the basis of

my arguement. The basics of my arguement is retaliation for filing claim number 230688 and it seems that I can't say this enough or im saying this to a commission who is using my claim to make trades with the respondents, unprofessionally ignoring the truth.

This claim commission has NEVER read claim number 230928 cause if they did they will not be agreeing with the trade with the respondents.

On October 4, 2024, The commissioner, Mr. Smith, Ask me a question concerning my claim that made me futher more know my claim was never read by him. The Commissioner, Mr. Smith, knows or reasonable should have known that I don't know court procedures or rules. I told him that the respondents denied me the right to practice my religion through educating myself using the [REDACTED]

This is NOT telling him or them that the federal Constitution has been violated. NOWHERE in my claim states this but he (Mr. Smith) took this and ran with it and dismissed my claim teaming up with the respondent attorney Mr. Kris Higdon again like he does every other weekend being partners, teaming up against me!

Now im not the dumbest rock in the box but I now do know what the word "ENCOMPASS" mean. This is a word that is used in the "Arkansas State Claims Commission's" policy and procedure. So let me use your own word against you to prove a flaw is found in this decision and this Commission

ENCOMPASS means - To ENCIRCLE or to enclose or enfold completely with or as if with a covering. More of SURROUND. Now, even "IF" I did say or mention the word Religious Practice or practice my religion the words of Federal Constitutional Violation were never wrote in my claim nor came out my mouth. My claim 230928 is NOT ENCOMPASSED OR SURROUNDED by any constitutional violations. And this claims commission would know that if my claim 230928 and 230688 were read

AGAIN, this claim 230928 is Surrounded, Encircled, ENCLOSED completely around RETALIATION which is ~~the~~ ~~premise~~ what my claim is premised upon

AGAIN, Mentioning that they (respondents) denied me the right to practice my religion through educating myself is not what my claim 230928 is premised upon

AGAIN, My Entire claim is not encompassed with constitutional and Federal law violations and this claims commission CANNOT and Must not make my claim encompass constitutional and Federal

law violation when it clearly does not on its face, this claims commission is trying to force my case to fit this constitutional violation puzzle when the puzzle piece (my claim) does not fit this puzzle so stop forcing it!

When this appeal get to the general assembly it will be reviewed by a different group of professional people and justice will be served.

This claims commission primary ~~and~~ function is to serve as a fact-finding body for the General Assembly, of which it is an arm, the commission's jurisdiction is under the scrutiny of the General Assembly as an administrative quasi-judicial agency.

The commission's jurisdiction does not encompass (that's that word again) issues involving the constitutionality or validity of any agency or state government's business activities nor cases where specific relief is sought against a state official.

So this means in layman terms that this commission does not hear cases totally surrounded, encircled, enclosed or enfold completely around Constitutional and Federal law violations. This Arkansas Code Annotated § 19-10-201 et seq does not say that if you mention a constitutional or Federal law violation your case will be dismissed or not heard. I think a deficiency is found within this claims commission decision to dismiss my claim when their own jurisdiction says that it does has exclusive jurisdiction ~~over~~ ~~claims~~ over claims not surrounded

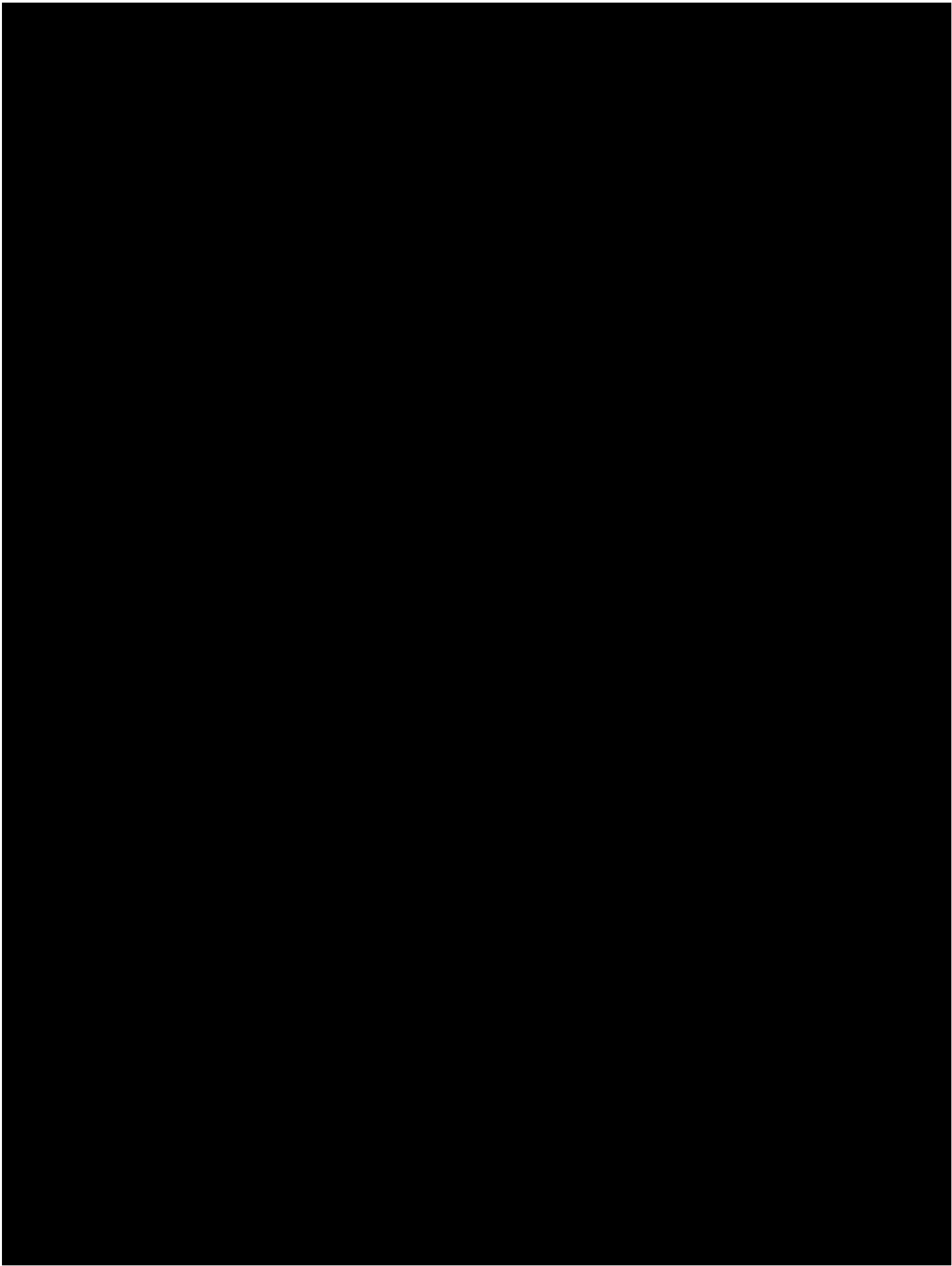
~~right~~ completely or encompassed with mentioning or saying the words "They denied me the right to practice my religion through educating myself." Please follow your own jurisdiction policy and procedure

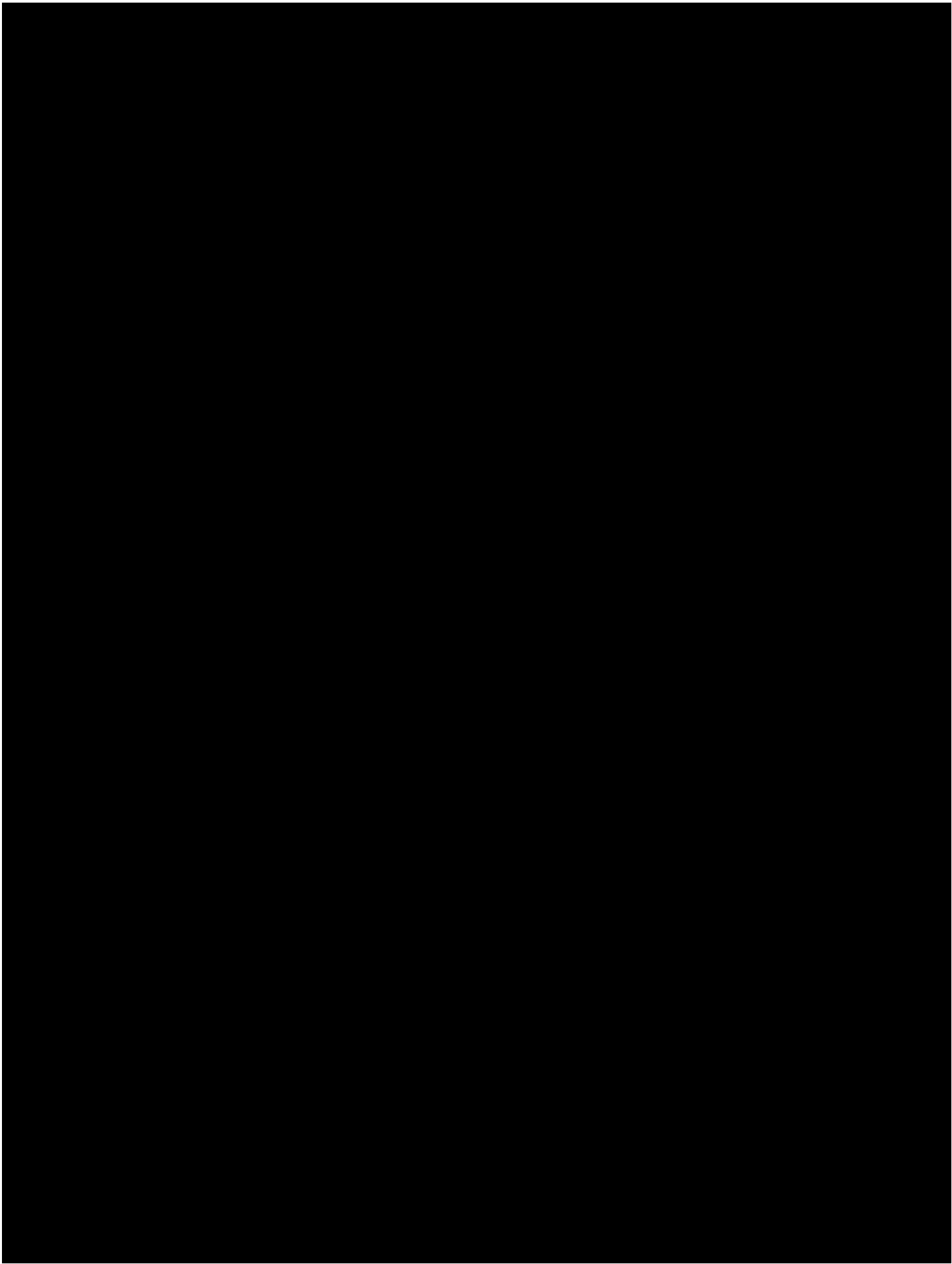
Thank you,
Mr. Courtland Smeltz #

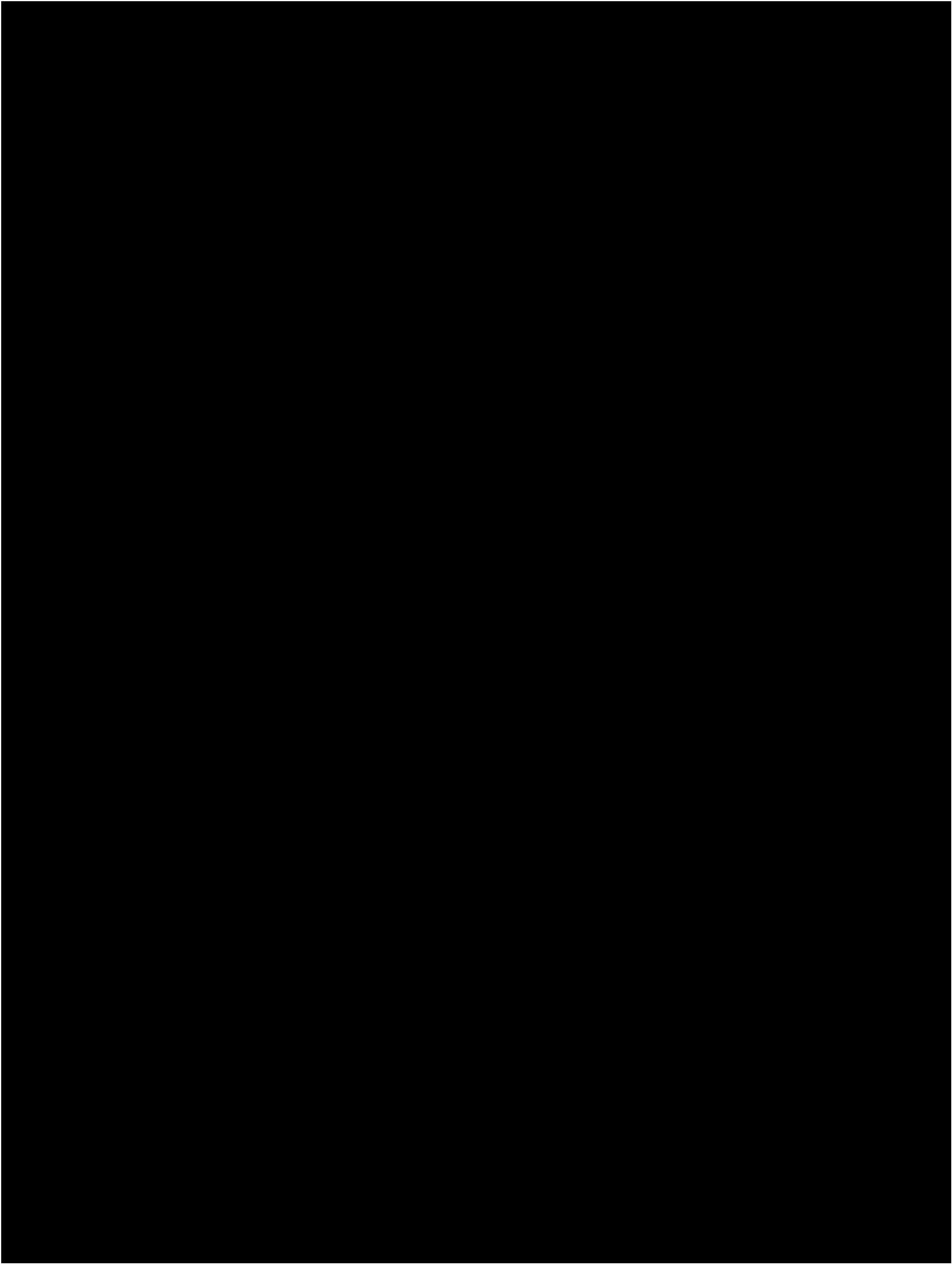
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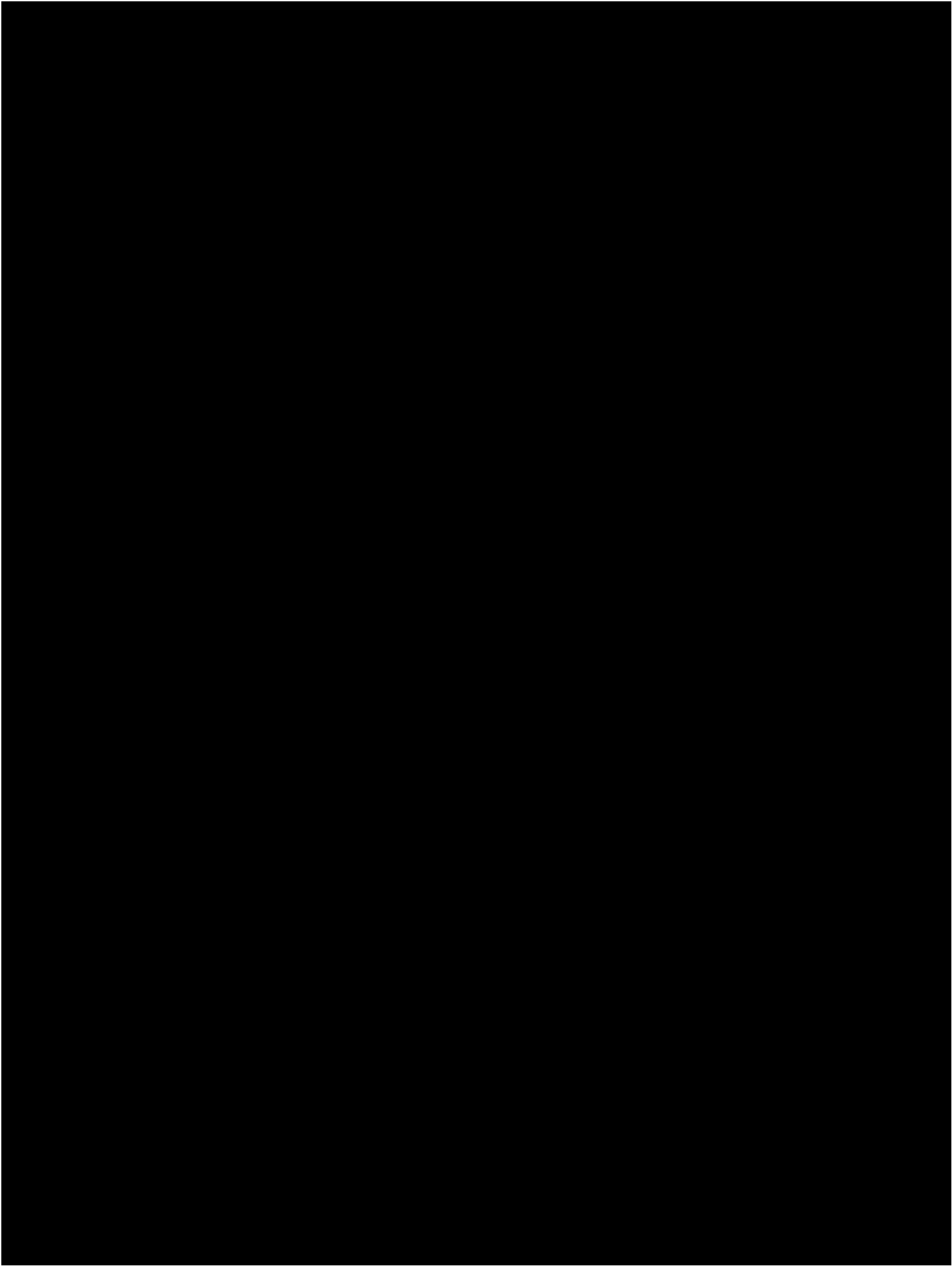
Added Evidence

The added evidence therein is to show once the respondents denied me my education of my religion I was later transferred to the Tucker Max Unit, I contacted the [redacted] program and was allowed to continue my education of my religion [redacted] since I explained my situation of being retaliated against, I have now achieved 4 certificates of completion with the same [redacted]









~~●~~ Certificate of
Service

I certify that on this

20th day of December

The claimant did mail this
by U.S. ^{Mail} Postage to the:

Arkansas State claims Commission

101 E. Capitol Ave., Ste 410

Little Rock, Arkansas

72201

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Service

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20th day of December

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