

IN THE COURT OF CLAIMS OF OHIO

JEROME JACKSON, #A298-605 :
P.O. Box 7010 :
Chillicothe, Ohio 45601-0710 : Case No. 2001-10522-AD

Plaintiff : MEMORANDUM DECISION

v. :

SOUTHERN OHIO CORRECTIONAL :
FACILITY :

Defendant :

: : : : : : : : : : : : : : : :

For Defendant: Gregory C. Trout, Chief Counsel
Department of Rehabilitation and
Correction
1050 Freeway North
Columbus, Ohio 43229

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FINDINGS OF FACT

{¶1} 1) On January 18, 2000, plaintiff, Jerome Jackson, an inmate incarcerated at defendant, Southern Ohio Correctional Facility (SOCF), was issued a conduct report for destroying a state issued blanket and two t-shirts. Pursuant to the findings of a hearing officer plaintiff was assessed a fine of \$13.23, the value of the destroyed property, and his state pay was reduced by 50% until the time the assessed fine was paid in full. Plaintiff did not appeal this decision.

{¶2} 2) On March 23, 2000, plaintiff was charged with the

loss or destruction of state issue clothing and bedding items. Again, pursuant to the findings of a hearing officer plaintiff was assessed a fine of \$35.80, the value of the state issue property, and his state pay was reduced 50% until the time the fine was paid in full. Plaintiff did not appeal this decision.

{¶3} 3) Plaintiff has asserted he was wrongfully assessed a reduction in his state pay and fines. Plaintiff filed this complaint seeking to recover \$60.00, the amount he claimed he was charged for the destroyed state issue property.

{¶4} 4) Defendant has denied liability stating this court has no jurisdiction to review dispositions of institutional disciplinary entities. Defendant has urged the court to dismiss plaintiff's claim regarding any assessment fine or reduction in state pay decided by defendant's hearing officer.

{¶5} 5) Plaintiff filed a response. The information contained in the response seemingly indicates plaintiff is attempting to appeal a finding of defendant's hearing officer.

{¶6} 6) In a totally unrelated matter, plaintiff has alleged SOCF personnel confiscated his personal property on August 17, 2001. Plaintiff related his book manuscript, personal papers, family address book, seven cassette tapes, two towels, photo album, and Islamic garment were confiscated. Plaintiff seeks \$440.00 for the confiscated items.

{¶7} 7) Defendant denied any liability for the confiscated items. Defendant suggested the items were confiscated as

contraband. Defendant explained disciplinary action was taken against plaintiff in regard to the confiscated items, although defendant did not provide any documentation regarding the disciplinary action taken. Defendant argued the confiscated property was declared contraband and plaintiff consequently cannot recover for contraband articles. Defendant presented some evidence plaintiff received a conduct report associated with possession of the confiscated property. The disposition of the confiscated items was not made known to the court.

{¶8} 8) Plaintiff submitted copies of his conduct report and disposition of defendant's Rules Infraction Board relating to the confiscation of his property on August 17, 2001. Plaintiff's actions appear to be an attempt to appeal a decision of the Rules Infraction Board. Plaintiff's evidence does not relate to the disposition of the confiscated property.

CONCLUSIONS OF LAW

{¶9} 1) This court has previously held it does not have jurisdiction over decisions of the RIB of the Department of Rehabilitation and Corrections. *Chatman v. Dept. of Rehabilitation and Correction* (1985), 84-06323-AD; *Ryan v. Chillicothe Institution* (1981), 81-05181-AD; *Rierson v. Department of Rehabilitation* (1981), 80-00860-AD. The exception to this general rule was stated in *Cassano v. Lucasville Prison* (1985), 84-09411-AD: "Once a decision has been made, the prison authorities must carry out the regulation with the proper care."

{¶10} 2) An inmate plaintiff may not recover lost state pay due to decisions by defendant to reduce or deny that pay. *Cotten v. Department of Rehabilitation and Correction* (1993), 92-0213-AD, jud.

{¶11} 3) Plaintiff has no right to pursue a claim for destroyed property in which he cannot prove any right of ownership. *DeLong v. Department of Rehabilitation and Correction* (1988), 88-06000-AD. Defendant cannot be held liable for contraband property that plaintiff has no right to possess. *Beaverson v. Department of Rehabilitation and Correction* (1988), 87-02540-AD; *Radford v. Department of Rehabilitation and Correction* (1985), 84-09071.

{¶12} 4) An inmate plaintiff may recover the value of confiscated property destroyed by agents of defendant when those agents acted without authority or right to carry out the property destruction. *Berg v. Belmont Correctional Institution* (1998), 97-09261-AD. Plaintiff has failed to establish his confiscated property was destroyed by defendant without proper authorization.

{¶13} Having considered all the evidence in the claim file and adopting the memorandum decision concurrently herewith;

{¶14} IT IS ORDERED THAT:

{¶15} 1) Plaintiff's claim is DENIED and judgment is rendered in favor of defendant;

{¶16} 2) Court costs are assessed against plaintiff.

DANIEL R. BORCHERT
Deputy Clerk

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7/25
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