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Settlement Announced in Youngstown Private Prison Case

United States District Judge Dan A. Polster (Akron, OH) has granted preliminary approval to a proposed class action settlement in the lawsuit brought by the inmates at the Northeast Ohio Correctional Center, Ohio's first and only private prison. The court has ordered that a notice of the proposed settlement be sent to all of the inmates (attached). The proposed agreement settles the inmate claims and the claims brought by the City of Youngstown against the prison operator, the Corrections Corporation of America (CCA) and the District of Columbia, the government that sent the inmates to the prison. The agreement includes detailed terms regarding the conditions of confinement at the prison as well as a monetary settlement.

Terms of Settlement

The proposed settlement requires CCA to follow tough, detailed security, classification and medical standards at the prison. Under the agreement, an independent monitor employed by the City of Youngstown will be assigned full time to the facility. The terms include provisions describing the inmate classification system and the employee staffing

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pattern to be followed at the facility. The inmates will also share in a \$1,650,000.00 settlement fund that will be completely dedicated to inmate claims. Inmates who have been murdered or died at the facility will be permitted to pursue their own separate damage actions.

Background

NOCC is privately owned and operated. The prison is located in Youngstown, Ohio and houses inmates from Washington, D.C. The facility opened in May, 1997. The lawsuit was filed in August, 1997. The inmates claimed that they were the victims of excessive force by staff and that they were improperly classified making weaker inmates subject to attack from violent inmates. The inmates also claimed that medical care was inadequate. The City of Youngstown joined the case in March, 1998, after many inmates had been stabbed and two inmates murdered. The federal court ordered the entire prison population reclassified at that time. Six inmates escaped from the facility in July, 1998. Comprehensive government reports calling for reforms at the facility have been issued by The Ohio Corrections Institution Inspection Committee (August, 1998) and The Washington D.C. Corrections Trustee, ("Report to the Attorney General" 11/25/98).

Counsel Reaction

Class Counsel Al Gerhardstein states that,

This is the first class action settlement in the nation involving a private prison company. The terms are tough and enforceable. We are very excited to join with the City of Youngstown to insure that this facility is safe, secure and responsive to inmate medical problems. Another first in this settlement is the plan to share the money among all of the inmates who have had to experience unsafe conditions, inadequate medical care, or injuries due to violence.

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Co-counsel Marie-Ann Sennett of the D.C. Prisoner's Legal Services Project, Inc., says that,

We have been fighting for the rights of D.C. inmates for many years. This agreement is a real win for the men. They will get a safe place to live and damages for the abuse they have suffered.

Further Proceedings

The City of Youngstown will host a public hearing to allow citizens to comment on the settlement and the new contract required by state law between the city and CCA. The court has scheduled a hearing to review the settlement on April 20, 1999. The settlement will not be effective unless it is approved by the court.

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