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NEWS

'36-year-old men don't die of pneumonia.' Akron man sues prison after brother's death

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An Akron man incarcerated in a private prison in Youngstown in May 2019 had such severe chest pain that he was having trouble breathing or moving.

James McCann, 36, saw a prison nurse, who scheduled him a doctor's appointment.

McCann – for unknown reasons – didn't make this appointment but asked a few days later to return to the medical pod. A guard denied his request.

The next day, McCann was found dead in his cell, with an autopsy finding he suffered from "acute pneumonia."

These are the details of McCann's death included in a federal lawsuit filed Friday by Don McCann III, James' brother, against Northeast Ohio Correctional Center (NEOCC) where James was housed.

Don McCann, 41, of Akron, said he had no idea his brother had fallen ill while in prison and thinks his death could have been prevented with proper medical care. He hopes the lawsuit will call attention to problems at the prison and protect other inmates.

"It's been almost two years and I still don't believe it," McCann said. "It's been a terrible loss for everybody."

Peter Pattakos, the Fairlawn attorney representing McCann, described James McCann as a "a stud."

"Thirty-six-year-old men don't die of pneumonia," he said.

The lawsuit was filed in U.S. District Court for the Southern District against CoreCivic Inc., the prison operator that runs NEOCC; the head of the state prison system; and several prison

employees and guards.

CoreCivic, one of the country's largest private, for-profit corrections companies, is no stranger to controversy. NEOCC inmates held a protest in August 2014 to call attention to problems that included a lack of proper medical care. Inmates over a prolonged period have complained to state officials about subpar conditions, including inadequate medical care, according to the lawsuit.

James McCann, a father of two young girls who did construction work, ended up in NEOCC because of an opioid addiction that landed him on the wrong side of the law, Pattakos said.

“He was caught up in a bad cycle,” the attorney said.

James McCann was sentenced to 4 ½ years in prison in 2018 for charges that included attempted robbery, possession of drugs and burglary. His prison term would have expired in September 2021, though he could have been paroled by November 2020 or sooner, Pattakos said.

McCann sought medical attention from NEOCC staff on May 6, 2019, because of chest pain. A nurse made an appointment for him to see a doctor May 10.

McCann didn't see the doctor but, on May 11, was still ill and asked to be sent back to the medical pod. A guard denied his request. The next morning, he was found dead in his cell, according to the lawsuit.

The Mahoning County Coroner's Office's autopsy found McCann died of “acute pneumonia,” with hypertensive cardiovascular disease as a “contributing condition,” according to court documents.

John Auman, an inmate at the prison, wrote a letter to McCann's family that said McCann complained about chest pains in the week leading up to his death. Auman said he talked McCann into seeking medical help but a guard wouldn't let him, according to court documents.

Auman claimed he regularly saw NEOCC guards deny inmates' requests for medical assistance.

Amanda Gilchrist, a spokesperson for CoreCivic, said Friday that the company can't comment on the litigation or its claims.

“While we can't speak to the specifics of active litigation and privacy laws prevent us from disclosing information about medical treatment, CoreCivic is committed to providing high-quality healthcare to those entrusted to our care,” she said.

JoEllen Smith, a spokesperson for the Ohio Department of Rehabilitation and Correction, said the agency doesn't discuss pending litigation.

Pattakos said he hopes the lawsuit, which seeks more than \$75,000 in costs, attorney fees and other relief for McCann's estate, will bring about positive changes.

"Public officials and inmate advocates have been sounding the alarm for years about this corporation and the dubious notion of housing state inmates in facilities run by private for-profit companies," he said. "Thanks to the foreseeable consequences of putting the safety of Ohio's inmates into the hands of corporations whose primary duty is to their shareholders, Jimmy's 10- and 11-year-old daughters have lost their father."

Don McCann said his brother is missed by many people. He said he was a hard worker and a great father.

“It's a shame he had to suffer and go the way he did,” McCann said.

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Other CoreCivic controversies:

In 2016, Immigration Customs and Enforcement entered into a contract with CoreCivic to house immigrant detainees at the Northeast Ohio Correctional Center. Immigration advocates soon sounded alarms about conditions inside the prison, from overcrowding and subpar food to prisoners' reports that authorities denied them religious freedoms. In February 2020, shortly before ICE's contract with CoreCivic was scheduled to end, a 34-year-old Mexican immigrant died at the prison. In a statement, ICE said the man died of suicide. After the COVID-19 crisis entered the facility, a California doctor filed a motion in April stating that the prison had not taken sufficient measures to control the spread of the disease among staff and inmates and recommended measures including reducing the inmate population. A month later, U.S. District Judge Solomon Oliver ruled that the prison's efforts were sufficient, citing zero positive cases among inmates (12 staff did have the virus), which drew criticisms from defense attorneys and advocates who said that insufficient testing accounted for the zero positive count.

Last summer, a former prison guard who faced charges of bribery and having sex with an inmate while employed at Northeast Ohio Correctional Center was sentenced to probation.

Earlier this week, CoreCivic lost its contract with the U.S. Marshal's Service, which had been housing prisoners awaiting trials or sentencing in federal courts in Akron, Cleveland and Youngstown at Northeast Ohio Correctional Center. This was a response to President Joe Biden's January order that the U.S. Justice Department stop renewing contracts with private correctional facilities. CoreCivic, though, received a three-month extension to provide time for alternatives to be considered, Cleveland.com reported.