

NEWS RELEASE

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COLORADO APPEALS COURT REVIVES LAWSUITS BY ABUSED PRISONERS

In a decision that will give scores of brutalized prisoners a shot at justice, the Colorado Court of Appeals ruled that the prisoners may proceed with their lawsuits against Corrections Corporation of America (CCA), the private prison operator, as Public Justice had argued in the appeal.

The ruling overturns the dismissal of two lawsuits – one filed in July 2005 on behalf of 85 prisoners and the other filed in March 2006 on behalf of 149 prisoners at the Crowley County Correctional Facility – charging CCA with prompting and mishandling a riot at the prison in July 2004. The suits also charge that CCA abused prisoners during the melee and that, for up to a month after the riot ended, CCA employees used excessive force and torture on the prisoners, even those who tried to help control the outbreak by forming bucket brigades to put out fires. Indeed, all 234 prisoner-plaintiffs have been cleared by a state investigation of any involvement in the riot.

In its appeal, argued on May 5, Public Justice said the trial court had erred in ruling that the prisoners should have exhausted administrative remedies before filing the lawsuits. Public Justice attorneys pointed out that Colorado's exhaustion requirement applies only to statutory and constitutional claims, not common-law tort claims, which come from court decisions. The prisoners' claims include negligence, assault and battery, outrageous conduct, and civil conspiracy, all common-law tort claims.

"CCA mishandled matters at every turn and almost got away with it," said Public Justice attorney Adele Kimmel, who briefed the appeal. "The Court of Appeals' decision gives the abused prisoners the opportunity to voice their stories in a court of law and hold CCA accountable for its egregious misconduct."

None of the 234 inmates who originally filed the lawsuits was involved in the riot at Crowley. Some were mere bystanders; others joined bucket brigades to douse fires. Yet, all suffered heinous abuse at the hands of CCA guards. Some were tightly bound together and forced to urinate and defecate in their clothing. Others were dragged from their cells, handcuffed and face down through water filled with glass shards, blood and raw sewage. Still others were denied drinking water, medications, shower privileges and clean clothes for more than a week; or forced to strip naked and parade before female guards who snapped pictures and videotaped the inmates as they showered in the open.

An October 2004 report by the Colorado Department of Corrections concluded that CCA should have foreseen and could have prevented the riot that erupted at Crowley on July 20, 2004. The report found that CCA ignored repeated warnings about widely disparate inmate wages that were

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based on an inmate's home state rather than on his work assignment. CCA also ignored inmates' grievances and maintained poor conditions at the facility. The Corrections Department also blamed CCA for understaffing, poor training and lapses in emergency preparedness.

"This lawsuit is the only way to hold a profit-driven prison operator accountable for these heinous acts," said Public Justice Cooperating Counsel William A. Trine in Boulder, Colorado, who argued the appeal. "The shocking treatment of obedient prisoners was the result of CCA's desire to make a buck."

In addition to Kimmel and Trine, the legal team in *Adams v. Corrections Corporation of America* includes Deborah A. Taussig and Cheryl Trine of Boulder.

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Public Justice is America's public interest law firm, supported by - and calling on -- a nationwide network of more than 3,000 of the nation's top lawyers to pursue precedent-setting and socially significant litigation. It has a wide-ranging litigation docket in the areas of consumer rights, worker safety, civil rights and liberties, toxic torts, environmental protection, and access to the courts. Public Justice is the principal project of the Public Justice Foundation, a not-for-profit membership organization headquartered in Washington, DC, with a West Coast office in Oakland, California. The Public Justice web site address is www.publicjustice.net.