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Community News

‘He was supposed to be safe there’: Akron man sues private prison, state authorities over death of his brother

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By [John Caniglia, cleveland.com](https://www.cleveland.com)

CLEVELAND, Ohio — An Akron man accused prison officials Friday of failing to provide basic medical care for his brother, who died of pneumonia in his cell a day after seeking treatment.

Don McCann filed the wrongful-death lawsuit in U.S. District Court in Columbus that alleged officials prevented his brother, James, from getting help in the last hours of his life. James McCann was serving a 4½-year sentence out of Summit County when he died May 12, 2019.

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“He was supposed to be safe there,” Don McCann, the administrator of his brother’s estate, said in an interview. “He struggled with opioid addiction, and we knew he would be off the streets, getting help. They didn’t do their jobs.”

His attorney, Peter Pattakos, agreed: “It is beyond failing to do a job. It is supposed to be a rehabilitation system, a correctional system.”

James McCann had been serving his sentence at the Northeast Ohio Correctional Center in Youngstown. Tennessee-based CoreCivic, one of the largest owners of private prisons in the country, has a contract with the Ohio Department of Rehabilitation and Correction to run the Youngstown facility.

McCann, 37, was admitted to the state prison system in June 2018 and later transferred to the Youngstown prison. He had been convicted of drug possession, attempted robbery, receiving stolen property, forgery and burglary.

The lawsuit says that on May 6, 2019, McCann suffered from chest pain so severe that he struggled to breathe or move. The document says a nurse practitioner at the facility scheduled an appointment for him four days later.

There is no record of McCann ever attending that appointment, according to the lawsuit, and it is unclear why he did not. On May 11, he asked a corrections officer whether he could return to the medical unit, but the officer refused, the document says.

McCann was found dead in his cell the next day. The Mahoning County coroner's office ruled he died from acute pneumonia. The lawsuit says that other correctional officers knew of McCann's medical needs.

"McCann's pneumonia would not have been fatal had he received basic medical attention, including if prison staff allowed him to visit the medical pod on May 10, as was scheduled by [the prison's] medical staff, or on May 11, as McCann requested," the lawsuit says.

An inmate, John Auman, wrote a letter to McCann's family weeks after his death. He said in the letter McCann had been complaining to him of chest pains, and "he got to the point where he was in so much pain he could hardly move," the lawsuit says.

He said McCann tried to return for medical help but was denied, according to the allegations.

"Well, the next day is when we found him," the lawsuit quotes Auman. "He was stiff as a board and purple."

McCann had two daughters, ages 10 and 11.

"The courts sentenced Mr. McCann to 4½-years in prison, but CoreCivic and the officials there turned it into a death sentence," Pattakos said.

A spokeswoman for CoreCivic said: "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."

A spokeswoman for the state prison system said it does not comment on pending litigation.

The Northeast Ohio Correctional Center houses about 850 state inmates. It also has had a contract with the U.S. Marshals Service to house pretrial federal detainees since the early 2000s.

That contract expired earlier this week, but authorities received a three-month reprieve. The contract is not expected to be renewed after the extension, according to interviews. The prison has nearly 800 federal detainees.

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