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GUARDS IN PRISON RIOT TO GET CASH

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The state has agreed to pay \$1,775,000 to 13 prison guards taken hostage or injured during the 1993 riot at the Southern Ohio Correctional Facility.

Coupled with a previous \$850,000 settlement with the family of slain guard Robert Vallandingham, the state will pay a total of \$2.6 million to resolve employees' lawsuits arising from the riot at the prison near Lucasville.

"This (the decision to settle) was very, very emotional for these hostages," said *Keith Karr*, attorney for the guards. "It was a very difficult decision for them to make."

Karr said his clients reluctantly decided to settle their lawsuit because they couldn't have a jury trial.

Ohio law mandates that lawsuits against the state that do not involve constitutional issues must be handled in the Ohio Court of Claims, where cases are tried before a judge only.

"When you're going up against the state, you're really hit with tort reform," Karr said. "I felt we had a really strong case, and my clients would have preferred a jury trial."

By accepting the settlement, the guards were allowed to keep payments they received from prison guards' hostage insurance and workers' compensation, Karr said.

The guards still have a lawsuit pending against the prison's general contractor, who they claim failed to use steel reinforced bars in cellblock walls, Karr said. During the riot, some guards hiding in stairwells were taken hostage when prisoners broke through the unreinforced walls.

Prison officials would not comment on the settlement.

The settlement amounts are based in part on the length of time a guard was held hostage, the physical and mental abuse he suffered and the lingering effects of that abuse, Karr said.

As in a previous riot settlement with prisoners, a chunk of the guards' money will go for legal fees.

In January, the state agreed to pay \$4.1 million to settle legal claims filed by 3,000 Lucasville prisoners - none of them rioters - as a class-action lawsuit in federal court in Cincinnati.

Prisons Director Reginald A. Wilkinson said in January the state agreed to the prisoner settlement because the costs of a lengthy trial and appeals would far exceed the cost of the settlement.

Nearly half of the prisoners' money is earmarked for legal fees, but some will compensate inmates directly or the families of the nine inmates killed during the 11-day siege.

Of the 13 guards involved in the lawsuit, only Michael Hensley and Darrold Clark Jr. have returned to work at Lucasville.

Nine others accepted jobs in other state agencies after a year or so of physical and mental recuperation. One became a Portsmouth city police officer. Only John Kemper has been unable to return to work since the riots, which began on Easter 1993.

Kemper, who was held hostage for seven hours, was beaten so severely that he lost sight in his left eye and has since suffered several strokes.

Clark reluctantly returned to Lucasville in 1994 to protect medical insurance coverage for his daughter who has cerebral palsy. In the aftermath of the riot, Clark - just 24 at the time - underwent two heart surgeries caused by the stress of being a hostage for five days.

Hensley, Jeffrey Ratcliff, Kenneth Daniels, Richard Buffington and Larry Dotson were captive throughout the 11-day siege. All have said they bear physical and mental scars.

Rodney Pennington, Michael Stump and Brad Wedebrook were injured in the early minutes of the riot but were able to escape.

Harold Fraley Jr., Conrad Nagel and Robert Schroeder were held captive only on Easter but were severely beaten.

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