

MCLS Success Highlighted in Globe Story

State pays man behind bars too long \$100,000 apologizes, updates calculation process

By Maddie Hanna, *Boston Globe*
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The state Department of Correction has apologized and paid a \$100,000 settlement to a mentally ill man whom it mistakenly imprisoned four years too long - an error that prompted the department to update its system of sentence calculation.

The former inmate, Rommel Jones, said yesterday that he has accepted the department's apology and hopes the prison's newly revised sentence calculation process ensures no other inmates remain locked up beyond their legal sentences.

"The main thing wasn't the money," Jones said. "The main thing was to get the date computation system changed so they could work out a program so people get out when they're supposed to get out. . . . As a result of this, when it's time for an inmate to go home, hopefully he doesn't have to sit in his room and wait for them to open the door."

Jones was formally notified of the department's error only after the Globe's Spotlight Team began making inquiries about it. Prison officials later said 13 other inmates had been imprisoned beyond their legal release dates.

Jones, imprisoned on assault and drug charges, filed a suit against the state last November. He said yesterday that he received his settlement about two weeks ago.

James R. Pingeon, director of litigation for Massachusetts Correctional Legal Services, said the mistakes stemmed from a widespread misunderstanding among prison employees.

During the periods Jones was paroled, his sentences should have run concurrently, instead of consecutively, said Pingeon, who represented Jones in the lawsuit.

"The problem here wasn't how they did the mathematics, but that they missed the principle," Pingeon said.

Cara Savelli, spokeswoman for the Department of Correction, said yesterday that the \$100,000 settlement was reached after a "long-negotiated process."

She said she did not know whether any of the other inmates who had been imprisoned beyond their release dates had lawsuits pending.

Massachusetts caps its liability for negligence committed by state employees at \$100,000, Pingeon said.

To charge prison officials with deliberate negligence, Pingeon said yesterday, is "a more difficult claim to prove."

"Whether their knowledge of how badly flawed the system was great enough to support that kind of a claim - it would have been something that would have taken probably years of litigation and would have been fought hard by the department, and Rommel didn't want to engage in that kind of a battle," he said.

Jones said he would have found testifying difficult.

"I didn't want to have to sit on the witness stand," he said. "Those people, believe it or not, they took care of me for 10 years. I didn't want to sit on the witness stand and be pointing fingers at them saying that they did something to me."

Jones said the apology, made by Assistant Deputy Commissioner Kenneth Nelson, was satisfying.

"I regret that the circumstances that led to your late release were not uncovered earlier, and I am sorry that you

remained in the custody of the department any longer than your sentence required,” read the May 27 letter.

“I know Kenneth Nelson personally and the apology was genuine and I accepted it,” Jones said.

In the four years he was mistakenly imprisoned, Jones missed his mother’s wake, lost contact with his teenage daughter, and alternated between a cell and the psychiatric wards of Bridgewater State Hospital.

Jones, who has been diagnosed with schizoaffective disorder, now lives in a group home in Mattapan. He said he plans to use the settlement to help provide for his daughter.

“That was important,” he said, “because for 10 years of her life, I wasn’t there.”

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