

Inmate Class Members Win \$1,000 Each in Records Privacy Case (1)

By Tyrone Richardson and Perry Cooper Posted May 29, 2019, 4:55 PM Updated May 29, 2019, 5:51 PM

- Inmate lookup tool violated Pennsylvania law, suit alleged
- Over 66,000 former inmates may be class members

A Southeastern Pennsylvania county faces about \$66 million in punitive damages payments to a class of former jail inmates after posting their arrest information online.

Daryoush Taha sued the Bucks County Correctional Facility in 2012 over its Inmate Lookup Tool. It made information about his 1998 arrest publicly accessible even though his record was expunged, he alleged.

A federal jury May 28 agreed with Taha that Bucks County and its corrections department “willfully” violated Pennsylvania’s Criminal History Record Information Act, also known as CHRIA, by disseminating the criminal record histories of more than 66,500 people booked at the facility between 1938 and 2013. The county said it intends to appeal.

After a five-day trial, the jury found that the county willfully violated the act, which provides for damages of between \$1,000 and \$10,000 for such violations. The jury awarded \$1,000 in punitive damages to each person in the class action. The exact number of those eligible for the payout will be decided at a later date, lawyers for the class said.

‘Dropped the Ball’

“The evidence at trial overwhelmingly proved that they dropped the ball in a reckless manner and the jury’s verdict sent a clear message to Bucks that this conduct will not be tolerated,” said Jonathan Shub of Kohn, Swift & Graf, P.C., a co-lead counsel for the class.

County officials called the jury’s decision “extremely disappointing” in a May 29 statement, adding that the county intends “to take all appropriate actions through the legal process to challenge the verdict in this case.”

Tara filed suit after discovering in 2011 that his record was publicly available online despite the expungement.

“We have always believed—and continue to believe—that the County’s inmate lookup tool did not violate the Pennsylvania Criminal History Record Information Act (“CHRIA”), much less that the County willfully violated that Act,” the county said in its statement. “Thus, we vigorously dispute that Taha or the class members he represents are entitled to any punitive damages at all.”

Zarwin, Baum, DeVito, Kaplan, Schaer, Toddy P.C.; Kohn Swift & Graf P.C.; and Abramson & Denenberg represented the class. Ballard Spahr Andrews & Ingersoll LLP and Montgomery McCracken Walker & Rhoads LLP represented Bucks County.

The case is Taha v. Bucks Cty., E.D. Pa., No. 12-6867, verdict form docketed 5/29/19.

(Updated with additional reporting.)

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