

EXHIBIT 1

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

KATHERINE S. DE LOS SANTOS,	:	
as Administratrix of the Estate of PETER	:	
DE LOS SANTOS; PAOLA L. OCHOA, as	:	
Parent and Guardian of PD and PD, Minors;	:	
and MAYRA E. FERRERAS, Individually	:	
<i>Plaintiffs</i>	:	
	:	
vs.	:	C.A. No.: 1:24-cv-00266-JJM-LDA
	:	
WAYNE T. SALISBURY, JR.;	:	<u>Jury Trial Demanded</u>
CAROLE DWYER; RUI DINIZ;	:	
BARRY WEINER; THE STATE OF RHODE	:	
ISLAND; JOHN DOE nos. 1-5, alias;	:	
JANE DOE nos. 1-5, alias; CITY OF	:	
PAWTUCKET, by and through its Treasurer,	:	
IRINA GORMAN; TINA GONCALVES;	:	
JOHN SMITH nos. 1-5, alias; and	:	
JANE SMITH nos. 1-5, alias.	:	
<i>Defendants</i>	:	

THIRD AMENDED COMPLAINT

Jurisdiction

1. This Court has original subject matter jurisdiction over the claims in this complaint that allege violations of 42 U.S.C. § 1983 pursuant to 28 U.S.C. §§ 1331 and 1333.
2. This Court has supplemental jurisdiction of the claims in this complaint that arise under state law pursuant to 28 U.S.C. § 1337.
3. This Court has the authority to apply the common law and statutory remedies available under the laws of the State of Rhode Island, including R.I. Gen. Laws

§ 10-7-1 *et seq.*, pursuant to 42 U.S.C. § 1988.

4. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because the acts and omissions complained of occurred in the District of Rhode Island.

Parties

5. Plaintiff Katherine S. De Los Santos is a resident of Cranston, Rhode Island. She is the natural sister of Peter De Los Santos and brings this action in her capacity as Administratrix of the Estate of Peter De Los Santos, pursuant to R.I. Gen. Laws § 10-7-2. Plaintiff Katherine S. De Los Santos was appointed Administratrix of the Estate of Peter De Los Santos on April 24, 2024 in the Probate Court of the City of Providence, Rhode Island.

6. Plaintiff Paola L. Ochoa is a resident of Central Falls, Rhode Island. She is the natural mother and guardian of PD and PD, the natural minor children of decedent Peter De Los Santos, and brings this action pursuant to R.I. Gen. Laws § 10-7-1.2 on the minors' behalf.

7. Plaintiff Mayra E. Ferreras is a resident of Providence, Rhode Island. She is the natural mother of decedent Peter De Los Santos and brings this action individually and as a wrongful death beneficiary, pursuant to R.I. Gen. Laws §§ 10-7-1.2 and 10-7-2.

8. Defendant Wayne T. Salisbury, Jr. is the Director of the Rhode Island Department of Corrections (RIDOC), and at all relevant times acted within the scope of his employment and under color of state law. As Director, Mr. Salisbury has the authority to establish correctional facilities and enforce correctional standards and policies; appoint department employees; manage, direct, and supervise RIDOC operations; establish,

maintain, and administer programs for sentenced and detained prisoners; and establish and oversee the RIDOC classification system. Defendant Wayne T. Salisbury, Jr. is sued in his individual capacity.

9. Defendant Carole Dwyer is the Warden at the Anthony P. Travisano Intake Service Center (ISC) at the Adult Correctional Institutions (ACI), and at all relevant times acted within the scope of her employment and under color of state law. As Warden of the ISC, which is a maximum security facility, Ms. Dwyer was responsible for planning, organizing, and directing custodial and correctional services in the ISC; ensuring compliance with facility policies; and maintaining humane levels of inmate care. Defendant Carole Dwyer is sued in her individual capacity.

10. Defendant Rui Diniz is the Assistant Director of Institutions and Operations at the ACI, and at all relevant times acted within the scope of his employment and under color of state law. As Assistant Director of Institutions and Operations, Mr. Diniz was responsible for overseeing, among other areas, the ISC and the crisis intervention team. Defendant Rui Diniz is sued in his individual capacity.

11. Defendant Barry Weiner is the Assistant Director of Rehabilitative Services at the ACI, and at all relevant times acted within the scope of his employment and under color of state law. As Assistant Director of Rehabilitative Services, Mr. Weiner was responsible for overseeing, among other areas, health services, mental health services, and substance abuse counseling. Defendant Barry Weiner is sued in his individual capacity.

12. Defendant State of Rhode Island is a body politic representing the sovereign government of the State of Rhode Island. (This defendant will hereafter be referred to as "Defendant State" or "the State".)

13. Defendant John Doe nos. 1-5, alias, are the fictitious names of unknown RIDOC correctional officers and/or other RIDOC staff, who at all times acted within the scope of their employment and under color of state law. Defendant John Doe nos. 1-5, alias, are sued in their individual capacity.

14. Defendant Jane Doe nos. 1-5, alias, are the fictitious names of unknown RIDOC correctional officers and/or other RIDOC staff with supervisory responsibilities, who at all times acted within the scope of their employment and under color of state law. Defendant Jane Doe nos. 1-5, alias, are sued in their individual capacity.

15. Defendant City of Pawtucket ("Pawtucket" or "City") is a duly organized municipality pursuant to the laws of the State of Rhode Island and is sued by and through its Treasurer, Irina Gorman, the official designated by Rhode Island General Laws, § 45-15-5, to be named in a suit for relief against the City.

16. Defendant Tina Goncalves is and was, at all relevant times, the Chief of Police of the Defendant City of Pawtucket, and at all relevant times acted within the scope of her employment and under color of state law. As Pawtucket Police Chief, Ms. Goncalves ("Chief Goncalves") was responsible for overseeing the training and supervision of Pawtucket Police Officers, including Defendants John Smith nos. 1-5 and Jane Smith nos. 1-5. Chief Goncalves is sued in her individual capacity.

17. Defendant John Smith nos. 1-5, alias, are the fictitious names of unknown members of the Pawtucket Police Department, who at all times acted within the scope of their employment and under color of state law. Defendant John Smith nos. 1-5, alias, are sued in their individual capacity.

18. Defendant Jane Smith nos. 1-5, alias, are the fictitious names of unknown members of the Pawtucket Police Department, who at all times acted within the scope of their employment and under color of state law. Defendant Jane Smith nos. 1-5, alias, are sued in their individual capacity.

Factual Allegations

19. On August 13, 2023, at approximately 1 p.m., decedent Peter De Los Santos, 35 years old, was arrested on misdemeanor domestic violence charges in Pawtucket, Rhode Island.

20. On August 13, 2023, at approximately 6 p.m., while in the main station cell block of the Pawtucket Police Department, decedent Peter De Los Santos stated that he swallowed a small bag of fentanyl prior to being arrested. Mr. De Los Santos was transported to Roger Williams Medical Center where abdominal X-ray studies were taken and no fentanyl bag was identified. Mr. De Los Santos was discharged to police custody.

21. On August 14, 2023, while Mr. De Los Santos was in his cell at the Pawtucket Police station, a police sergeant observed Mr. De Los Santos wrapping strips he had ripped from his shirt around his neck. His clothes were then taken from him and

he was provided a Tyvek suit, which is made of durable material that cannot be ripped into strips for use as a ligature.

22. On August 14, 2023, Mr. De Los Santos was transported to the Intake Service Center at the ACI. At the time of his transfer, Mr. De Los Santos had a history of substance use disorders, which was known to the RIDOC due to Mr. De Los Santos's history of incarceration.

23. On information and belief, Mr. De Los Santos was wearing the Tyvek suit when he was released to the ACI and the Pawtucket Police reported to RIDOC staff that Mr. De Los Santos had earlier that day been observed wrapping strips from his shirt around his neck, and that the day before he reported swallowing a bag of fentanyl.

24. Pleading in the alternative, on information and belief, when Defendant John Smith nos. 1-5, and/or Defendant Jane Smith nos. 1-5, transferred Mr. De Los Santos from the custody of the City of Pawtucket to the custody of the ACI, Defendant John Smith nos. 1-5 and/or Defendant Jane Smith nos. 1-5, failed to inform prison officials at the ACI that Mr. De Los Santos had demonstrated suicidal behavior and self-injurious behavior earlier that same day as aforesaid in ¶ 20.

25. Between August 14, 2023 and August 16, 2023, Mr. De Los Santos was being held in the Intake Service Center at the ACI, while he awaited trial.

26. On information and belief, while suffering withdrawal symptoms from substance use disorder, Mr. De Los Santos made known to defendants that he presently intended to commit suicide. Once it became known that Mr. De Los Santos intended to

commit suicide, under the RIDOC's standard operating procedures, RIDOC staff were required to, among other things, maintain constant visual supervision of him.

27. Despite his suicidal behavior at the Pawtucket Police Station, arriving at the ACI in a Tyvek suit, and him making his intention to commit suicide known while at the ACI, defendants took no action to abate the known risk that Mr. De Los Santos would commit suicide.

28. On information and belief, RIDOC staff provided Mr. De Los Santos with underwear, socks, and two T-shirts.

29. On information and belief, RIDOC staff either provided Mr. De Los Santos with shoelaces or did not remove his shoelaces.

30. On August 16, 2023, while alone and unwatched in his cell, Mr. De Los Santos wrapped his shoelaces around his neck, affixed the laces to something in his cell, and used them as a ligature to hang himself.

31. On August 16, 2023 at approximately 3:30 a.m., RIDOC staff called for rescue reporting that Mr. De Los Santos was found hanging in his cell.

32. EMS from Cranston Fire Department arrived at the patient at approximately 3:35 a.m. and found Mr. De Los Santos pulseless, and found his body cool to the touch. RIDOC staff reported to EMS that Mr. De Los Santos was last seen well approximately one hour earlier.

33. EMS attempted CPR but found no signs of life throughout treatment and transported Mr. De Los Santos's body to Rhode Island Hospital where he was officially pronounced dead.

34. Postmortem toxicology found that Mr. De Los Santos had fentanyl and Xylazine in his blood. The Medical Examiner determined that the cause of death was hanging.

COUNT I

**VIOLATION OF THE EIGHTH AND FOURTEENTH AMENDMENTS
TO THE U.S. CONSTITUTION**
(DELIBERATE INDIFFERENCE)

John Doe nos. 1-5, alias, and Jane Doe nos. 1-5, alias

35. All previous paragraphs are hereby incorporated by reference.
36. Peter De Los Santos had a clearly established right to necessary medical care and treatment and not to have his serious medical needs treated with deliberate indifference.
37. Defendants John Doe nos. 1-5, alias, and Jane Doe nos. 1-5, alias, knew that without necessary medical care and treatment, there was a strong likelihood that Peter De Los Santos would commit suicide.
38. Rather than provide Mr. De Los Santos with the medical care and treatment he desperately needed, on or about August 16, 2023, Defendants John Doe nos. 1-5, alias, and Jane Doe nos. 1-5, alias, deliberately disregarded Mr. De Los Santos's condition, causing him to suffer and become afflicted with grave and severe personal injuries, extreme pain and suffering and his death.

39. As a direct and proximate result of defendants' deliberate indifference, defendants are liable under 42 U.S.C. § 1983 for violations of Mr. De Los Santos's rights under the Eighth and Fourteenth Amendments to the U.S. Constitution.

40. As a direct and proximate result of the deliberate indifference of Defendants John Doe nos. 1-5, alias, and Jane Doe nos. 1-5, alias, the decedent, Peter De Los Santos, suffered grave and severe personal injuries, causing him to suffer great pain of body, mind, nerves and nervous system, extreme conscious pain and suffering, was rendered disabled, and suffered a loss of enjoyment of life. Peter De Los Santos was otherwise permanently injured and ultimately died on August 16, 2023. The Administratrix of the Estate of Peter De Los Santos claims "survival" damages pursuant to R.I. Gen. Laws § 9-1-6 and § 9-1-7.

41. As a direct and proximate result of the deliberate indifference of Defendants John Doe nos. 1-5, alias, and Jane Doe nos. 1-5, alias, PD and PD, the natural minor children of decedent Peter De Los Santos, have suffered and will in the future suffer the loss of society and companionship due to the death of their father, Peter De Los Santos, pursuant to R.I. Gen. Laws § 10-7-1.2(b).

42. As a direct and proximate result of the deliberate indifference of Defendants John Doe nos. 1-5, alias, and Jane Doe nos. 1-5, alias, Plaintiff Mayra E. Ferreras has suffered and will in the future suffer the loss of society and companionship due to the death of her son, Peter De Los Santos, pursuant to R.I. Gen. Laws § 10-7-1.2(c).

43. As a direct and proximate result of the deliberate indifference of Defendants John Doe nos. 1-5, alias, and Jane Doe nos. 1-5, alias, and the resulting injuries and death

of Peter De Los Santos, his legal beneficiaries have suffered pecuniary damages recoverable pursuant to R.I. Gen. Laws § 10-7-1, et seq.

44. As a direct and proximate result of the deliberate indifference of Defendants John Doe nos. 1-5, alias, and Jane Doe nos. 1-5, alias, the decedent, Peter De Los Santos, was caused to endure severe pain and suffering prior to his death. The Estate of Peter De Los Santos seeks recovery therefore pursuant to R.I.G.L. § 10-7-1 et seq., including § 10-7-1.1, 2, 5, 6, 7, and 7.1.

WHEREFORE, Plaintiffs Katherine S. De Los Santos, as the Administratrix of the Estate of Peter De Los Santos; Paola L. Ochoa, as the parent and guardian of PD and PD; and Mayra E. Ferreras, individually, demand judgment against Defendants John Doe nos. 1-5, alias, and Jane Doe nos. 1-5, alias, for compensatory damages, punitive damages, plus attorney fees, interest, and costs.

COUNT II

VIOLATION OF THE EIGHTH AND FOURTEENTH AMENDMENTS TO THE U.S. CONSTITUTION

(SUPERVISORY LIABILITY - DELIBERATE INDIFFERENCE)

**Defendants Wayne T. Salisbury, Jr., Carole Dwyer, Rui Diniz, Barry Weiner,
and Jane Doe nos. 1-5, alias**

45. All previous paragraphs are hereby incorporated by reference.

46. According to the U.S. Department of Justice, between 2001 and 2019, twenty-seven (27) inmates committed suicide in Rhode Island state and federal prisons.¹

¹ <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/sljsfp0019st.pdf> (page 19)

The number of suicide attempts is believed to be much higher, and only the defendants have access to this information.

47. At all relevant times, Defendants Wayne T. Salisbury, Jr., Carole Dwyer, Rui Diniz, Barry Weiner, and Jane Doe nos. 1-5, alias, were aware of the recurring history of inmate suicides in Rhode Island in general, and especially at the ACI.

48. Despite these defendants' awareness of the recurring history of inmates and pretrial detainees attempting and committing suicide at the ACI, defendants failed to train correctional officers, including Defendant John Doe nos. 1-5, to respond to an inmate or detainee's threat of imminent suicide.

49. The failure of Defendants Wayne T. Salisbury, Jr., Carole Dwyer, Rui Diniz, Barry Weiner, and Jane Doe nos. 1-5, alias, to train as aforesaid amounted to deliberate indifference to the serious risk of inmates and detainees committing suicide at the ACI.

50. At all relevant times, despite these defendants' awareness of the recurring history of inmate or detainee suicide at the ACI, defendants failed to implement a policy, instructing correctional officers, including Defendant John Doe nos. 1-5, to respond to an inmate or detainee's threat of imminent suicide, even though a suicide prevention standard operating procedure *existed on paper*.

51. The failure of Defendants Wayne T. Salisbury, Jr., Carole Dwyer, Rui Diniz, Barry Weiner, and Jane Doe nos. 1-5, alias, to implement a policy as aforesaid amounted to deliberate indifference to the serious risk of inmates and detainees committing suicide at the ACI.

52. At all relevant times, despite Defendants Wayne T. Salisbury, Jr., Carole Dwyer, Rui Diniz, and Barry Weiner's awareness of the recurring history of inmate or detainee suicide at the ACI, defendants failed to hold correctional officers, including Defendant John Doe nos. 1-5 and Jane Doe nos. 1-5, responsible for failing to respond to an inmate or detainee's threat of imminent suicide.

53. At all relevant times, despite the awareness of Defendants Jane Doe nos. 1-5 of the recurring history of inmate or detainee suicide at the ACI, Defendants Jane Doe nos. 1-5 failed to hold correctional officers, including Defendant John Doe nos. 1-5, responsible for failing to respond to an inmate or detainee's threat of imminent suicide.

54. The failure of Defendants Wayne T. Salisbury, Jr., Carole Dwyer, Rui Diniz, Barry Weiner, and Jane Doe nos. 1-5, alias, to hold correctional officers responsible as aforesaid amounted to deliberate indifference to the serious risk of inmates and detainees committing suicide at the ACI.

55. As a direct and proximate result of defendants' deliberate indifference, defendants are liable under 42 U.S.C. § 1983 for violations of Mr. De Los Santos's rights under the Eighth and Fourteenth Amendments to the U.S. Constitution.

56. As a direct and proximate result of defendants' deliberate indifference, the decedent, Peter De Los Santos, suffered grave and severe personal injuries, causing him to suffer great pain of body, mind, nerves and nervous system, extreme conscious pain and suffering, was rendered disabled, and suffered a loss of enjoyment of life. Peter De Los Santos was otherwise permanently injured and ultimately died on August 16,

2023. The Administratrix of the Estate of Peter De Los Santos claims "survival" damages pursuant to R.I. Gen. Laws § 9-1-6 and § 9-1-7.

57. As a direct and proximate result of defendants' deliberate indifference, PD and PD, the natural minor children of decedent Peter De Los Santos, have suffered and will in the future suffer the loss of society and companionship due to the death of their father, Peter De Los Santos, pursuant to R.I. Gen. Laws § 10-7-1.2(b).

58. As a direct and proximate result of defendants' deliberate indifference, Plaintiff Mayra E. Ferreras has suffered and will in the future suffer the loss of society and companionship due to the death of her son, Peter De Los Santos, pursuant to R.I. Gen. Laws § 10-7-1.2(c).

59. As a direct and proximate result of defendants' deliberate indifference, and the resulting injuries and death of Peter De Los Santos, his legal beneficiaries have suffered pecuniary damages recoverable pursuant to R.I. Gen. Laws § 10-7-1, et seq.

60. As a direct and proximate result of defendants' deliberate indifference, the decedent, Peter De Los Santos, was caused to endure severe pain and suffering prior to his death. The Estate of Peter De Los Santos seeks recovery therefore pursuant to R.I.G.L. § 10-7-1 et seq., including § 10-7-1.1, 2, 5, 6, 7, and 7.1.

WHEREFORE, Plaintiffs Katherine S. De Los Santos, as the Administratrix of the Estate of Peter De Los Santos; Paola L. Ochoa, as the parent and guardian of PD and PD; and Mayra E. Ferreras, individually, demand judgment against Defendants Wayne T. Salisbury, Jr., Carole Dwyer, Rui Diniz, Barry Weiner, and Jane Doe nos. 1-5, alias, for compensatory damages, punitive damages, plus attorney fees, interest, and costs.

COUNT III

NEGLIGENCE

**Defendants Wayne T. Salisbury, Jr., Carole Dwyer, Rui Diniz, Barry Weiner,
John Doe nos. 1-5, and Jane Doe nos. 1-5**

61. All previous paragraphs are hereby incorporated by reference.

62. Defendants knew and should have known that the decedent, Peter De Los Santos, was an imminent danger to himself.

63. Defendants owed the decedent, Peter De Los Santos, a duty of reasonable care.

64. Nevertheless, on or about August 16, 2023, and at all relevant times mentioned herein, defendants breached their duty owed to Mr. De Los Santos, including but not limited to when, after Mr. De Los Santos had made known his intent to kill himself, defendants nevertheless failed to place him in a suicide resistant cell, failed to provide minimum health care or behavioral health services, failed to visually observe his behavior, failed to remove the shoe laces from his cell, failed to intervene in Mr. De Los Santos's crisis, failed to prevent and/or stop his self-injurious behavior, and were otherwise negligent, reckless, and indifferent with respect to their duty owed to Mr. De Los Santos.

65. As a direct and proximate result of defendants' negligence, the decedent, Peter De Los Santos, suffered grave and severe personal injuries, causing him to suffer great pain of body, mind, nerves and nervous system, extreme conscious pain and suffering, was rendered disabled, and suffered a loss of enjoyment of life. Peter De Los

Santos was otherwise permanently injured and ultimately died on August 16, 2023. The Administratrix of the Estate of Peter De Los Santos claims “survival” damages pursuant to R.I. Gen. Laws § 9-1-6 and § 9-1-7.

66. As a direct and proximate result of defendants’ negligence, PD and PD, the natural minor children of decedent Peter De Los Santos, have suffered and will in the future suffer the loss of society and companionship due to the death of their father, Peter De Los Santos, pursuant to R.I. Gen. Laws § 10-7-1.2(b).

67. As a direct and proximate result of defendants’ negligence, Plaintiff Mayra E. Ferreras has suffered and will in the future suffer the loss of society and companionship due to the death of her son, Peter De Los Santos, pursuant to R.I. Gen. Laws § 10-7-1.2(c).

68. As a direct and proximate result of defendants’ negligence, and the resulting injuries and death of Peter De Los Santos, his legal beneficiaries have suffered pecuniary damages recoverable pursuant to R.I. Gen. Laws § 10-7-1, et seq.

69. As a direct and proximate result of defendants’ negligence, the decedent, Peter De Los Santos, was caused to endure severe pain and suffering prior to his death. The Estate of Peter De Los Santos seeks recovery therefore pursuant to R.I.G.L. § 10-7-1 et seq., including § 10-7-1.1, 2, 5, 6, 7, and 7.1.

WHEREFORE, Plaintiffs Katherine S. De Los Santos, as the Administratrix of the Estate of Peter De Los Santos; Paola L. Ochoa, as the parent and guardian of PD and PD; and Mayra E. Ferreras, individually, demand judgment against Defendants Wayne T.

Salisbury, Jr., Carole Dwyer, Rui Diniz, Barry Weiner, John Doe nos. 1-5, alias, and Jane Doe nos. 1-5, alias, for compensatory damages, punitive damages, plus interest and costs.

COUNT IV

NEGLIGENT SUPERVISION AND TRAINING

**Defendants Wayne T. Salisbury, Jr., Carole Dwyer, Rui Diniz,
Barry Weiner, and Jane Doe nos. 1-5, alias**

70. All previous paragraphs are hereby incorporated by reference.

71. Defendants knew or should have known that suicidal detainees, including Peter De Los Santos, may be an imminent danger to themselves.

72. Defendants owed detainees, including Peter De Los Santos, a duty of reasonable care.

73. Nevertheless, and at all relevant times, defendants breached their duty owed to detainees such as Mr. De Los Santos, by failing to adequately train, supervise, and discipline their subordinates relating to suicide prevention, including Defendant John Doe nos. 1-5, and by failing to hold their subordinates, including Defendant John Doe nos. 1-5, accountable for following Rhode Island Department of Corrections operating procedures, including procedures relating to suicide prevention.

74. As a direct and proximate result of defendants' negligence, the decedent, Peter De Los Santos, suffered grave and severe personal injuries, causing him to suffer great pain of body, mind, nerves and nervous system, extreme conscious pain and suffering, was rendered disabled, and suffered a loss of enjoyment of life. Peter De Los Santos was otherwise permanently injured and ultimately died on August 16, 2023. The

Administratrix of the Estate of Peter De Los Santos claims "survival" damages pursuant to R.I. Gen. Laws § 9-1-6 and § 9-1-7.

75. As a direct and proximate result of defendants' negligence, PD and PD, the natural minor children of decedent Peter De Los Santos, have suffered and will in the future suffer the loss of society and companionship due to the death of their father, Peter De Los Santos, pursuant to R.I. Gen. Laws § 10-7-1.2(b).

76. As a direct and proximate result of defendants' negligence, Plaintiff Mayra E. Ferreras has suffered and will in the future suffer the loss of society and companionship due to the death of her son, Peter De Los Santos, pursuant to R.I. Gen. Laws § 10-7-1.2(c).

77. As a direct and proximate result of defendants' negligence, and the resulting injuries and death of Peter De Los Santos, his legal beneficiaries have suffered pecuniary damages recoverable pursuant to R.I. Gen. Laws § 10-7-1, et seq.

78. As a direct and proximate result of defendants' negligence, the decedent, Peter De Los Santos, was caused to endure severe pain and suffering prior to his death. The Estate of Peter De Los Santos seeks recovery therefore pursuant to R.I.G.L. § 10-7-1 et seq., including § 10-7-1.1, 2, 5, 6, 7, and 7.1.

WHEREFORE, Plaintiffs Katherine S. De Los Santos, as the Administratrix of the Estate of Peter De Los Santos; Paola L. Ochoa, as the parent and guardian of PD and PD; and Mayra E. Ferreras, individually, demand judgment against Defendants Wayne T. Salisbury, Jr., Carole Dwyer, Rui Diniz, Barry Weiner, and Jane Doe nos. 1-5, alias, for compensatory damages, punitive damages, plus interest and costs.

COUNT V

RESPONDEAT SUPERIOR - FOR PLAINTIFFS' NEGLIGENCE CLAIMS ONLY

Defendant State of Rhode Island

79. All previous paragraphs are hereby incorporated by reference.

80. At all relevant times herein mentioned, Defendants Wayne T. Salisbury, Jr., Carole Dwyer, Rui Diniz, Barry Weiner, John Doe nos. 1-5, alias, and Jane Doe nos. 1-5, alias, were agents and/or employees of Defendant State of Rhode Island and at all times relevant to the claims made in this Complaint, their conduct occurred within the scope of their employment and/or agency relationship with the Defendant State.

81. As a direct and proximate result of the negligence of Defendants Wayne T. Salisbury, Jr., Carole Dwyer, Rui Diniz, Barry Weiner, John Doe nos. 1-5, alias, and Jane Doe nos. 1-5, alias, the decedent, Peter De Los Santos, suffered grave and severe personal injuries, causing him to suffer great pain of body, mind, nerves and nervous system, extreme conscious pain and suffering, was rendered disabled, and suffered a loss of enjoyment of life. Peter De Los Santos was otherwise permanently injured and ultimately died on August 16, 2023. The Administratrix of the Estate of Peter De Los Santos claims "survival" damages pursuant to R.I. Gen. Laws § 9-1-6 and § 9-1-7.

82. As a direct and proximate result of the negligence of Defendants Wayne T. Salisbury, Jr., Carole Dwyer, Rui Diniz, Barry Weiner, John Doe nos. 1-5, alias, and Jane Doe nos. 1-5, alias, PD and PD, the natural minor children of decedent Peter De Los Santos have suffered and will in the future suffer the loss of society and companionship

due to the death of their father, Peter De Los Santos, pursuant to R.I. Gen. Laws § 10-7-1.2(b).

83. As a direct and proximate result of the negligence of Defendants Wayne T. Salisbury, Jr., Carole Dwyer, Rui Diniz, Barry Weiner, John Doe nos. 1-5, alias, and Jane Doe nos. 1-5, alias, Plaintiff Mayra E. Ferreras has suffered and will in the future suffer the loss of society and companionship due to the death of her son, Peter De Los Santos, pursuant to R.I. Gen. Laws § 10-7-1.2(c).

84. As a direct and proximate result of the negligence of Defendants Wayne T. Salisbury, Jr., Carole Dwyer, Rui Diniz, Barry Weiner, John Doe nos. 1-5, alias, and Jane Doe nos. 1-5, alias, and the resulting injuries and death of Peter De Los Santos, his legal beneficiaries have suffered pecuniary damages recoverable pursuant to R.I. Gen. Laws § 10-7-1, et seq.

85. As a direct and proximate result of the negligence of Defendants Wayne T. Salisbury, Jr., Carole Dwyer, Rui Diniz, Barry Weiner, John Doe nos. 1-5, alias, and Jane Doe nos. 1-5, alias, the decedent, Peter De Los Santos, was caused to endure severe pain and suffering prior to his death. The Estate of Peter De Los Santos seeks recovery therefore pursuant to R.I.G.L. § 10-7-1 et seq., including § 10-7-1.1, 2, 5, 6, 7, and 7.1.

WHEREFORE, Plaintiffs Katherine S. De Los Santos, as the Administratrix of the Estate of Peter De Los Santos; Paola L. Ochoa, as the parent and guardian of PD and PD; and Mayra E. Ferreras, individually, demand judgment against Defendant State of Rhode Island for all damages available under law, plus interest and costs.

COUNT VI

**VIOLATION OF THE EIGHTH AND FOURTEENTH AMENDMENTS
TO THE U.S. CONSTITUTION**

(DELIBERATE INDIFFERENCE)

John Smith nos. 1-5, alias, and Jane Smith nos. 1-5, alias

86. All previous paragraphs are hereby incorporated by reference.

87. While in the custody of the City of Pawtucket and at the time of his transfer from the City to the ACI, Peter De Los Santos had a clearly established right to necessary medical care and treatment and not to have his serious medical needs treated with deliberate indifference.

88. Defendants John Smith nos. 1-5, alias, and Jane Smith nos. 1-5, alias, knew that without necessary medical care and treatment, there was a strong likelihood that Peter De Los Santos would commit suicide at the ACI.

89. Rather than inform prison officials at the ACI that earlier in the day on August 14, 2023, while in the custody of the City of Pawtucket, Mr. De Los Santos had been witnessed to engage in suicidal behavior and self-injurious behavior, Defendants John Smith nos. 1-5, alias, and Jane Smith nos. 1-5, alias, failed to so inform prison officials at the ACI, in deliberate disregard to Mr. De Los Santos's condition, causing him to suffer and become afflicted with grave and severe personal injuries, extreme pain and suffering and his death.

90. As a direct and proximate result of defendants' deliberate indifference, defendants are liable under 42 U.S.C. § 1983 for violations of Mr. De Los Santos's rights under the Eighth and Fourteenth Amendments to the U.S. Constitution.

91. As a direct and proximate result of the deliberate indifference of Defendants John Smith nos. 1-5, alias, and Jane Smith nos. 1-5, alias, the decedent, Peter De Los Santos, suffered grave and severe personal injuries, causing him to suffer great pain of body, mind, nerves and nervous system, extreme conscious pain and suffering, was rendered disabled, and suffered a loss of enjoyment of life. Peter De Los Santos was otherwise permanently injured and ultimately died on August 16, 2023. The Administratrix of the Estate of Peter De Los Santos claims "survival" damages pursuant to R.I. Gen. Laws § 9-1-6 and § 9-1-7.

92. As a direct and proximate result of the deliberate indifference of Defendants John Smith nos. 1-5, alias, and Jane Smith nos. 1-5, alias, PD and PD, the natural minor children of decedent Peter De Los Santos, have suffered and will in the future suffer the loss of society and companionship due to the death of their father, Peter De Los Santos, pursuant to R.I. Gen. Laws § 10-7-1.2(b).

93. As a direct and proximate result of the deliberate indifference of Defendants John Smith nos. 1-5, alias, and Jane Smith nos. 1-5, alias, Plaintiff Mayra E. Ferreras has suffered and will in the future suffer the loss of society and companionship due to the death of her son, Peter De Los Santos, pursuant to R.I. Gen. Laws § 10-7-1.2(c).

94. As a direct and proximate result of the deliberate indifference of Defendants John Smith nos. 1-5, alias, and Jane Smith nos. 1-5, alias, and the resulting injuries and

death of Peter De Los Santos, his legal beneficiaries have suffered pecuniary damages recoverable pursuant to R.I. Gen. Laws § 10-7-1, et seq.

95. As a direct and proximate result of the deliberate indifference of Defendants John Smith nos. 1-5, alias, and Jane Smith nos. 1-5, alias, the decedent, Peter De Los Santos, was caused to endure severe pain and suffering prior to his death. The Estate of Peter De Los Santos seeks recovery therefore pursuant to R.I.G.L. § 10-7-1 et seq., including § 10-7-1.1, 2, 5, 6, 7, and 7.1.

WHEREFORE, Plaintiffs Katherine S. De Los Santos, as the Administratrix of the Estate of Peter De Los Santos; Paola L. Ochoa, as the parent and guardian of PD and PD; and Mayra E. Ferreras, individually, demand judgment against Defendants John Smith nos. 1-5, alias, and Jane Smith nos. 1-5, alias, for compensatory damages, punitive damages, plus attorney fees, interest, and costs.

COUNT VII

NEGLIGENCE

Defendants John Smith nos. 1-5 and Jane Smith nos. 1-5

96. All previous paragraphs are hereby incorporated by reference.

97. Defendants John Smith nos. 1-5 and Jane Smith nos. 1-5 knew and should have known that the decedent, Peter De Los Santos, was an imminent danger to himself.

98. Defendants owed the decedent, Peter De Los Santos, a duty of reasonable care.

99. Nevertheless, on or about August 14, 2023, Defendants John Smith nos. 1-5 and Jane Smith nos. 1-5 breached their duty owed to Mr. De Los Santos, including but not limited to when they transferred custody of Mr. De Los Santos to prison officials at the ACI without notifying ACI officials of Mr. De Los Santos's suicidal behavior and self-injurious behavior earlier that same day while in the custody of the Pawtucket Police Department.

100. As a direct and proximate result of the negligence of Defendants John Smith nos. 1-5 and Jane Smith nos. 1-5, the decedent, Peter De Los Santos, suffered grave and severe personal injuries, causing him to suffer great pain of body, mind, nerves and nervous system, extreme conscious pain and suffering, was rendered disabled, and suffered a loss of enjoyment of life. Peter De Los Santos was otherwise permanently injured and ultimately died on August 16, 2023. The Administratrix of the Estate of Peter De Los Santos claims "survival" damages pursuant to R.I. Gen. Laws § 9-1-6 and § 9-1-7.

101. As a direct and proximate result of the negligence of Defendants John Smith nos. 1-5 and Jane Smith nos. 1-5, PD and PD, the natural minor children of decedent Peter De Los Santos, have suffered and will in the future suffer the loss of society and companionship due to the death of their father, Peter De Los Santos, pursuant to R.I. Gen. Laws § 10-7-1.2(b).

102. As a direct and proximate result of the negligence of Defendants John Smith nos. 1-5 and Jane Smith nos. 1-5, Plaintiff Mayra E. Ferreras has suffered and will in the future suffer the loss of society and companionship due to the death of her son, Peter De Los Santos, pursuant to R.I. Gen. Laws § 10-7-1.2(c).

103. As a direct and proximate result of the negligence of Defendants John Smith nos. 1-5 and Jane Smith nos. 1-5, and the resulting injuries and death of Peter De Los Santos, his legal beneficiaries have suffered pecuniary damages recoverable pursuant to R.I. Gen. Laws § 10-7-1, et seq.

104. As a direct and proximate result of the negligence of Defendants John Smith nos. 1-5 and Jane Smith nos. 1-5, the decedent, Peter De Los Santos, was caused to endure severe pain and suffering prior to his death. The Estate of Peter De Los Santos seeks recovery therefore pursuant to R.I.G.L. § 10-7-1 et seq., including § 10-7-1.1, 2, 5, 6, 7, and 7.1.

WHEREFORE, Plaintiffs Katherine S. De Los Santos, as the Administratrix of the Estate of Peter De Los Santos; Paola L. Ochoa, as the parent and guardian of PD and PD; and Mayra E. Ferreras, individually, demand judgment against Defendants John Smith nos. 1-5 and Jane Smith nos. 1-5, for compensatory damages, punitive damages, plus interest and costs.

COUNT VIII

NEGLIGENT SUPERVISION AND TRAINING

Defendant City of Pawtucket Police Chief Tina Goncalves

105. All previous paragraphs are hereby incorporated by reference.

106. Defendant Police Chief Tina Goncalves knew or should have known that suicidal detainees, including Peter De Los Santos, may be an imminent danger to themselves.

107. Defendant Chief Goncalves owed detainees, including Peter De Los Santos, a duty of reasonable care.

108. Nevertheless, and at all relevant times, Chief Goncalves breached her duty owed to detainees such as Mr. De Los Santos, by failing to adequately train, supervise, and discipline her subordinates, including Defendants John Smith nos. 1-5 and Jane Smith nos. 1-5, relating to suicide prevention, including the necessity of her subordinates informing ACI officials of the known suicidal behaviors and self-injurious behaviors of detainees being transferred from the custody of the City of Pawtucket Police Department to the custody of prison officials at the ACI.

109. As a direct and proximate result of Chief Goncalves's negligence, the decedent, Peter De Los Santos, suffered grave and severe personal injuries, causing him to suffer great pain of body, mind, nerves and nervous system, extreme conscious pain and suffering, was rendered disabled, and suffered a loss of enjoyment of life. Peter De Los Santos was otherwise permanently injured and ultimately died on August 16, 2023. The Administratrix of the Estate of Peter De Los Santos claims "survival" damages pursuant to R.I. Gen. Laws § 9-1-6 and § 9-1-7.

110. As a direct and proximate result of Chief Goncalves's negligence, PD and PD, the natural minor children of decedent Peter De Los Santos, have suffered and will in the future suffer the loss of society and companionship due to the death of their father, Peter De Los Santos, pursuant to R.I. Gen. Laws § 10-7-1.2(b).

111. As a direct and proximate result of Chief Goncalves's negligence, Plaintiff Mayra E. Ferreras has suffered and will in the future suffer the loss of society and

companionship due to the death of her son, Peter De Los Santos, pursuant to R.I. Gen. Laws § 10-7-1.2(c).

112. As a direct and proximate result of Chief Goncalves's negligence, and the resulting injuries and death of Peter De Los Santos, his legal beneficiaries have suffered pecuniary damages recoverable pursuant to R.I. Gen. Laws § 10-7-1, et seq.

113. As a direct and proximate result of Chief Goncalves's negligence, the decedent, Peter De Los Santos, was caused to endure severe pain and suffering prior to his death. The Estate of Peter De Los Santos seeks recovery therefore pursuant to R.I.G.L. § 10-7-1 et seq., including § 10-7-1.1, 2, 5, 6, 7, and 7.1.

WHEREFORE, Plaintiffs Katherine S. De Los Santos, as the Administratrix of the Estate of Peter De Los Santos; Paola L. Ochoa, as the parent and guardian of PD and PD; and Mayra E. Ferreras, individually, demand judgment against Defendant Tina Goncalves, for compensatory damages, punitive damages, plus interest and costs.

COUNT IX

RESPONDEAT SUPERIOR - FOR PLAINTIFFS' NEGLIGENCE CLAIMS AGAINST PAWTUCKET POLICE DEFENDANTS ONLY

Defendant City of Pawtucket

114. All previous paragraphs are hereby incorporated by reference.

115. At all relevant times herein mentioned, Defendants Tina Goncalves, John Smith nos. 1-5, alias, and Jane Smith nos. 1-5, alias, were agents and/or employees of Defendant City of Pawtucket and at all times relevant to the claims made in this

Complaint, their conduct occurred within the scope of their employment and/or agency relationship with the Defendant State.

116. As a direct and proximate result of the negligence of Defendants Tina Goncalves, John Smith nos. 1-5, alias, and Jane Smith nos. 1-5, alias, the decedent, Peter De Los Santos, suffered grave and severe personal injuries, causing him to suffer great pain of body, mind, nerves and nervous system, extreme conscious pain and suffering, was rendered disabled, and suffered a loss of enjoyment of life. Peter De Los Santos was otherwise permanently injured and ultimately died on August 16, 2023. The Administratrix of the Estate of Peter De Los Santos claims "survival" damages pursuant to R.I. Gen. Laws § 9-1-6 and § 9-1-7.

117. As a direct and proximate result of the negligence of Defendants Tina Goncalves, John Smith nos. 1-5, alias, and Jane Smith nos. 1-5, alias, PD and PD, the natural minor children of decedent Peter De Los Santos have suffered and will in the future suffer the loss of society and companionship due to the death of their father, Peter De Los Santos, pursuant to R.I. Gen. Laws § 10-7-1.2(b).

118. As a direct and proximate result of the negligence of Defendants Tina Goncalves, John Smith nos. 1-5, alias, and Jane Smith nos. 1-5, alias, Plaintiff Mayra E. Ferreras has suffered and will in the future suffer the loss of society and companionship due to the death of her son, Peter De Los Santos, pursuant to R.I. Gen. Laws § 10-7-1.2(c).

119. As a direct and proximate result of the negligence of Defendants Tina Goncalves, John Smith nos. 1-5, alias, and Jane Smith nos. 1-5, alias, and the resulting

injuries and death of Peter De Los Santos, his legal beneficiaries have suffered pecuniary damages recoverable pursuant to R.I. Gen. Laws § 10-7-1, et seq.

120. As a direct and proximate result of the negligence of Defendants Tina Goncalves, John Smith nos. 1-5, alias, and Jane Smith nos. 1-5, alias, the decedent, Peter De Los Santos, was caused to endure severe pain and suffering prior to his death. The Estate of Peter De Los Santos seeks recovery therefore pursuant to R.I.G.L. § 10-7-1 et seq., including § 10-7-1.1, 2, 5, 6, 7, and 7.1.

WHEREFORE, Plaintiffs Katherine S. De Los Santos, as the Administratrix of the Estate of Peter De Los Santos; Paola L. Ochoa, as the parent and guardian of PD and PD; and Mayra E. Ferreras, individually, demand judgment against Defendant City of Pawtucket for all damages available under law, plus interest and costs.

DEMAND FOR JURY TRIAL

Plaintiffs Katherine S. De Los Santos, as the Administratrix of the Estate of Peter De Los Santos; Paola L. Ochoa, as the parent and guardian of PD and PD; and Mayra E. Ferreras, individually, hereby demand a trial by jury.

Plaintiffs,

KATHERINE S. DE LOS SANTOS, as
Administratrix of the Estate of PETER
DE LOS SANTOS; PAOLA L. OCHOA, as
Parent and Guardian of PD and PD, Minors;
and MAYRA E. FERRERAS, Individually,

By their Attorneys,

Decof, Mega & Quinn, P.C.
One Smith Hill
Providence, RI 02903
Telephone: (401) 272-1110
Facsimile: (401) 351-6641
Emails: mbd@decof.com; jam@decof.com;
smm@decof.com

/s/ Mark B. Decof, Esq.
Mark B. Decof, Esq. R.I. Bar No. 2357

/s/ Jeffrey A. Mega, Esq.
Jeffrey A. Mega, Esq. R.I. Bar No. 6441

/s/ Shad M. Miller, Esq.
Shad M. Miller, Esq. R.I. Bar No. 8594

Cooperating counsel,
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF RHODE ISLAND

Of Counsel:

Lynette Labinger, Esq., R.I. Bar No. 1645
128 Dorrance Street, Box 710
Providence, RI 02903
Telephone: (401) 465-9565
Email: LL@labingerlaw.com

Cooperating counsel,
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF RHODE ISLAND

CERTIFICATION

I, the undersigned, hereby certify that I have filed the within Document via the ECF System and that it is electronically served and available for viewing and downloading on this _____ day of _____, 2025. A copy has also been sent via the ECF filing system to counsel of record.

/s/ Shad M. Miller, Esq.

Shad M. Miller, Esq.

R.I. Bar No. 8594

Ferreras P