

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. FERRARAS, Individually :
Plaintiffs :

vs. :

WAYNE T. SALISBURY, JR.; :
CAROLE DWYER; RUI DINIZ; :
BARRY WEINER; JOHN DOE nos. 1-5, alias; :
and JANE DOE nos. 1-5, alias :
Defendants :

C.A. No.:

Jury Trial Demanded

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 1343.

2. This Court has supplemental jurisdiction of the claims in this complaint that arise under state law pursuant to 28 U.S.C. § 1367.

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 Acting 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 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.

13. 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.

Factual Allegations

14. On or about August 13, 2023, decedent Peter De Los Santos, 35 years old, was arrested in Pawtucket, Rhode Island. At the time of his arrest, Mr. De Los Santos had a history of substance use disorders, which was known to the RIDOC due to Mr. De Los Santos' history of incarceration.

15. Between on or about August 15, 2023 and August 16, 2023, Mr. De Los Santos was being held in the Intake Service Center at the ACI, while he awaited trial.

16. 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.

17. Despite making his intention to commit suicide known, defendants took no action to abate the known risk that Mr. De Los Santos would commit suicide.

18. On or about August 16, 2023, Mr. De Los Santos hanged himself with shoelaces. After being found unresponsive, he was taken to Rhode Island Hospital where he was pronounced dead.

COUNT I

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

All Defendants

19. All previous paragraphs are hereby incorporated by reference.

20. 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.

21. Defendants knew and should have known that without necessary medical care and treatment, there was a strong likelihood that Peter De Los Santos would commit suicide.

22. Rather than provide Mr. De Los Santos with the medical care and treatment he desperately needed, defendants deliberately disregarded Mr. De Los Santos' condition, causing him to suffer and become afflicted with grave and severe personal injuries, extreme pain and suffering and his death on August 16, 2023.

23. 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' rights under the Eighth and Fourteenth Amendments to the U.S. Constitution.

24. 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.

25. 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).

26. 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).

27. 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.

28. 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, 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**

29. All previous paragraphs are hereby incorporated by reference.

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

31. At all relevant times, Defendants Wayne T. Salisbury, Jr., and 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.

32. 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.

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

33. 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.

34. 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.

35. 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.

36. At all relevant times, despite these defendants' 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, responsible for failing to respond to an inmate or detainee's threat of imminent suicide.

37. 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.

38. 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' rights under the Eighth and Fourteenth Amendments to the U.S. Constitution.

39. 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.

40. 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).

41. 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).

42. 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.

43. 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

All Defendants

44. All previous paragraphs are hereby incorporated by reference.

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

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

47. 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' 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.

48. 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.

49. 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).

50. 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).

51. 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.

52. 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**

53. All previous paragraphs are hereby incorporated by reference.

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

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

56. Nevertheless, and at all relevant times, defendants breached their duty owed to detainees such as Mr. De Los Santos, by failing to adequately train and supervise 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.

57. 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.

58. 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).

59. 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).

60. 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.

61. 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.

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. FERRARAS, 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

Dated: June 3, 2024

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