



PC-DE-001-007

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

RANDOLPH DICKERSON,
CLINTON JACKSON, SHIERLD LUFT,
ROBERT SAUNDERS, AND
SIDDIQ ABDUL-ALEEM, individually
and on behalf of all other persons
similarly situated,

Plaintiffs,

v.

MICHAEL N. CASTLE, Governor
of the State of Delaware,
ROBERT WATSON, Commissioner of the
Department of Corrections,
HENRY RISLEY, Chief of the Bureau
of Adult Corrections, and
WALTER REDMAN, Superintendent of
the Delaware Correctional Center,

Defendants.

Civil Action No. 10256

AMENDED COMPLAINT

On behalf of themselves and the class they represent, plaintiffs state the following for their amended complaint against defendants:

I. PRELIMINARY STATEMENT

1. This is a class action brought by plaintiffs on behalf of all persons who, as of September 30, 1988, were incarcerated or detained at the Delaware Correctional Center (DCC), the Multi-Purpose Criminal Justice Facility (Gander Hill), the Sussex Correctional Institution (SCI), and the Women's Correctional Institution (WCI). Plaintiffs contend that the totality of conditions at these institutions has fallen beneath standards of human decency, has inflicted needless suffering on prisoners, and

has created an environment that has threatened prisoners' mental and physical well-being and has resulted in the unnecessary deterioration of prisoners confined there. Plaintiffs further contend that their access to the courts has been denied or impeded by the actions and non-actions of the defendants. Plaintiffs further contend that the conditions at the above institutions have violated the rights of prisoners under the First, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution and under Article I, § 11 of the Delaware Constitution.

II. JURISDICTION

2. This Court has jurisdiction of the plaintiffs' cause of action pursuant to 42 U.S.C. § 1983 and 10 Del. C. § 341.

III. PARTIES

3. Plaintiffs RANDOLPH DICKERSON, CLINTON JACKSON, SHIERLD LUFT, ROBERT SAUNDERS, and SIDDIQ ABDUL-ALEEM are residents of Delaware who are serving or have served a term of imprisonment at DCC, WCI, Gander Hill, or SCI. They have been certified as the class representatives in this case.

4. Defendant MICHAEL N. CASTLE is and was at all times relevant hereto the Governor of the State of Delaware. As head of the executive branch of the government, he is charged with the overall administration of the Department of Correction (DOC) and the correctional facilities it operates.

5. Defendant ROBERT WATSON is and was at all times relevant hereto the Commissioner of Corrections of the State of Delaware. Pursuant to 11 Del. C. § 6517 and 29 Del. C. §§ 8903 and 8904, he

is responsible for the operation of the DOC and all institutions operated by it.

6. Defendant HENRY RISLEY is and was at all times relevant hereto the Chief of the Bureau of Adult Corrections of the DOC. Pursuant to 29 Del. C. § 8903(2)a, he has been delegated responsibility for the operation of the correctional facilities for adult offenders in this state. The Bureau of Adult Corrections operates the four facilities whose conditions are the subject of this complaint.

7. Defendant WALTER REDMAN was at all times relevant hereto the Superintendent of DCC. He was charged with the day-to-day administration of DCC. Since defendant Redman's retirement in May, 1991, the Superintendent's position has been filled in an acting capacity by Stan Taylor.

8. All defendants are sued in their official capacities.

IV. CLASS ACTION ALLEGATIONS

9. This is a class action under Chancery Court Rules 23(a) and 23(b)1 and (2).

10. Plaintiffs have been previously certified as representative parties on behalf of a class of persons who, as of September 30, 1988, were incarcerated or detained at one of the four facilities at issue in this litigation.

11. Plaintiffs are members of the class and their claims are typical of all class members. Plaintiffs are represented by competent counsel and will fairly and adequately protect the interest of the class.

12. The class is so numerous that joinder of all members is impractical. Current members of the class number in the thousands.

13. This lawsuit challenges the totality of conditions of confinement and access to the courts at the four facilities. There are questions of law and fact common to the class.

14. The defendants have acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive and declarative relief with respect to the class as a whole.

V. FACTUAL ALLEGATIONS

15. As a result of serious deficiencies in the totality of conditions at the four facilities amounting to deliberate indifference and of deficiencies in access to the courts at the four facilities, the parties signed a Settlement Agreement, which was entered as an order of the Court on November 22, 1988.

16. The Settlement Agreement was designed to cure the constitutional violations and deprivations described below.

A. Overcrowding

17. Prisoners at Gander Hill have been confined in areas not designed for housing. Some prisoners have been routinely denied beds, but instead have been forced to sleep on mattresses on the floor. Prisoners in protective custody have been double celled.

18. Prisoners at SCI have been housed on mattresses on the floor in the Receiving area in non-housing areas without adequate plumbing facilities in squalid conditions.

19. Prisoners in WCI have been housed in non-housing areas.

Rooms designed for housing one prisoner have been forced to hold up to four prisoners.

20. Prisoners at DCC have been triple celled in cells designed to hold one prisoner.

21. The continued housing of prisoners in non-cell areas and in severely overcrowded cells has posed a threat to the health and security of all prisoners where such overcrowding has occurred. The overcrowding has produced severe strains on the physical plants, with the result that the facilities have suffered deterioration. The overcrowding in non-cell areas has been particularly dangerous. The practice of housing prisoners by throwing mattresses on the floor has posed a serious threat of the spread of infectious diseases. The double celling of protective custody prisoners has violated sound correctional policy and has posed a particularly grave safety threat to such prisoners.

B. Medical Care

22. Staffing for medical care and mental health care has been severely deficient within the system. The defendants have employed an insufficient number of clinical psychologists, physicians, registered nurses, dentists, and mental health workers, among other positions. In addition, technical support services such as X-ray and dietary services have been inadequate.

23. As a result of these staff shortages, prisoners have been delayed in access to necessary medical services. The medical staff has been unable to assure that prisoners will receive physicals within two weeks of entrance. There have been serious delays in

access to necessary medical care, including x-rays, mental health care, and dental work.

24. The absence of a full-time psychiatric director has interfered with the coordination and delivery of mental health care.

25. The facilities have lacked appropriate housing units for prisoners with mental health needs and other specialized housing needs.

26. As a result of the combined deficiencies in medical and mental health care, the medical and mental health care has been so deficient as to constitute deliberate indifference to serious medical needs.

C. Physical Plant

27. There have been critical deficiencies in the physical plant of all four facilities. These deficiencies, combined with the severe overcrowding and inadequate medical care, have resulted in a totality of conditions at the four facilities that has caused severe stress and suffering to the class of plaintiffs. These conditions have resulted from defendants' deliberate indifference.

28. Ventilation, lighting, fire safety, vermin infestation, water temperature control, and the roof have been deficient at Gander Hill.

29. Ventilation, lighting, plumbing, water temperature control, and back siphonage protection have been deficient at SCI.

30. Ventilation, plumbing, and fire safety have been deficient at WCI.

D. Access to Courts

31. The law library book collections and hours of operation at the facilities have been inadequate to provide meaningful access to the courts.

32. The defendants have failed to provide meaningful access to the courts to illiterate prisoners and to prisoners without direct access to a law library.

E. Compliance

33. The defendants failed to reach timely compliance with a number of critical provisions of the Settlement Agreement, including provisions related to overcrowding at Gander Hill and WCI, and ventilation at all four facilities.

34. As a result of the defendants' failure to comply with the Settlement Agreement, the plaintiffs have been forced to file a motion for order to show cause and for further relief with this Court.

VI. FIRST CLAIM FOR RELIEF

35. The totality of conditions at the four facilities, including the condition of the physical plant, the level of medical care and mental health services, and the overcrowding, has subjected inmates at the four facilities to cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments to the United States Constitution as a result of defendants' deliberate indifference.

VII. SECOND CLAIM FOR RELIEF

36. The totality of conditions at the four facilities, including the condition of the physical plant, the lack of adequate medical and mental health services, and the overcrowding, has subjected inmates at the four facilities to a violation of their right to be free from the infliction of cruel punishment and their right to incarceration with due regard to their health, as protected by Article I, § 11 of the Delaware Constitution.

VIII. THIRD CLAIM FOR RELIEF

37. The denial of meaningful access to the courts to inmates for the purpose of challenging their convictions or challenging their conditions of confinement has denied such inmates the right to meaningful access to the courts, pursuant to the First, Sixth, and Fourteenth Amendments to the United States Constitution and the Delaware Constitution.

IX. PRAYER FOR RELIEF

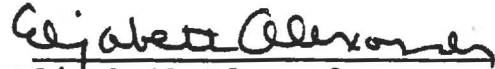
38. Wherefore, plaintiffs pray for the following relief:

- a. That the Court enforce the Settlement Agreement entered as an order by this Court on November 22, 1988;
- b. That the Court grant the motion for order to show cause and for further relief filed by the plaintiffs;
- c. That the defendants pay the costs, expenses, and attorneys' fees for this action, as authorized by the Civil Rights Act of 1976, 42 U.S.C. § 1988 and under the inherent power of the Court; and

d. That the Court grant such other and further relief as the Court deems fit and proper.

Respectfully submitted,

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