



CHAMBERS OF  
JEROME B. SIMANDLE  
CHIEF JUDGE

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

NOTICE REGARDING FILINGS OF  
CAMDEN COUNTY CORRECTIONAL FACILITY  
INDIVIDUAL CASES FOR MONEY DAMAGES

UNITED STATES COURTHOUSE  
ONE JOHN F. GERRY PLAZA  
P.O. BOX 2797  
CAMDEN, NJ 08101  
(856) 757-5167

October 31, 2016

Over 1,200 individuals who were confined at various times over the years in the Camden County Jail have filed complaints in the last six weeks in the U.S. District Court in Camden. This cluster of filings about one subject is about five times greater than the total number of civil cases filed in Camden's federal court on all subjects in an average month. The individual complaints typically allege that the jail conditions were unconstitutional due to overcrowding, and the plaintiffs seek money damages. Many persons who come to the courthouse to obtain or file complaint forms state that they were told there is a fund in the court to pay such claims of Camden County prisoners, and that they want the court to issue them a check. The rumor that such a fund exists is false, and it has wasted much time and effort of these plaintiffs and of court personnel in processing this extraordinary group of filings.

Several hundred such complaints have been addressed already and have been dismissed for one or more of these reasons:

1. The constitutional violation must have occurred within the past two years of the date when the claim accrues, and a complaint alleging conduct that occurred more than two years ago will be untimely and must be dismissed.

2. A complaint alleging pretrial detention in conditions that violate the constitutional right of due process must allege facts about treatment of detainees that shock the conscience. For a convicted prisoner, a complaint must demonstrate the inflicting of cruel and unusual punishment amounting to a serious deprivation of life's necessities accompanied by deliberate indifference on the part of jail officials. For both groups, the Supreme Court has determined that being temporarily confined in a crowded cell in excess of its design capacity, as unpleasant and undesirable as that may be, does not rise to the level of a constitutional violation. Complaints that do not allege grounds that meet the standard for unconstitutional conduct must be dismissed.

3. A complaint alleging deprivation of constitutional rights under color of state law must name as defendant(s) the person (or persons) who have acted to deprive the plaintiff of his or her rights. Complaints that name the Camden County Correctional Facility or the Camden County Jail as a defendant do not name such a "person" and therefore must be dismissed.

4. A plaintiff must submit either the \$400 fee (\$350 filing plus \$50 administrative) or a truthful, completed, signed application to proceed without prepayment of fees; otherwise the case must be terminated until the plaintiff meets this filing requirement.

As stated above, this court has no fund from which to pay such claims. Each person who files such a complaint has the burden of proving his or her individual claim against a responsible defendant through the normal court processes, including trial by jury. Cases that have been filed are being processed in due course.

Some persons have inquired about a class action case involving the Camden County Correctional Facility which is pending in this court, namely, Dittimus-Bey v. Taylor, Civil No. 05-cv-0063 (JBS). In that case, injunctive relief (but not money damages) has been sought on behalf of a class of all persons confined at the Camden County Jail. A series of consent decrees have been entered addressing issues including reducing jail population and improving sanitation, ventilation, food services, and attorney-client conference rooms, among other concerns. That case does **not** include any claims for money on behalf of the class or any individual members of the class, as each notice had made clear. Thus, the Dittimus-Bey case has not sought or created some fund of money to be paid to class members.

With this information, all persons who believe they have a legitimate and timely cause of action remain free to seek relief by filing a proper complaint. The court cannot and does not give legal advice, and this notice is meant to give accurate information about the processing of such cases addressing an extraordinary situation. Persons seeking legal advice should consult with an attorney.

The Clerk of Court may post this notice in a prominent place and distribute it as the Clerk sees fit.

JEROME B. SIMANDLE, Chief Judge