



UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHAMBERS OF
JEROME B. SIMANDLE
CHIEF JUDGE

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

UNITED STATES COURTHOUSE
ONE JOHN F. GERRY PLAZA
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December 1, 2016

Approximately 1,800 persons who were confined at various times over the years in the Camden County Jail have filed complaints in the last ten weeks in the United States District Court in Camden. This cluster of filings about one subject is about eight times greater than the usual 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 in Camden County prisoners, and that they want the court to issue them a check. The rumor that such a compensation 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.

Each complaint is individually processed and considered. Over four hundred such complaints have been addressed already and have been dismissed for one or more of these reasons:

1. A complaint of a constitutional violation must generally be filed within two years of when the violation occurred. 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 sworn, 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 claims of Camden County Jail inmates or detainees. 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 any fund of money to be paid to class members. The attorneys in the Dittimus-Bey case have indicated that they expect to submit a proposed final consent decree for the Court's consideration on or before December 19, 2016. A hearing would be scheduled thereafter for the Court to consider the fairness, reasonableness, and adequacy of any proposed final consent decree in the Dittimus-Bey case.

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 U. S. District Judge