

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

DANENE McLAREN, as Administratrix :  
of the Estate of DANA T. LEYLAND, :  
and DARLENE F. LEYLAND, 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 Danene McLaren is a resident of Pawtucket, Rhode Island. She is the natural sister of Dana T. Leyland and brings this action in her capacity as Administratrix of the Estate of Dana T. Leyland, pursuant to R.I. Gen. Laws § 10-7-2. Plaintiff Danene McLaren was appointed Administratrix of the Estate of Dana T. Leyland on January 3, 2024, in the Probate Court of the City of Pawtucket, Rhode Island.

6. Plaintiff Darlene F. Leyland is a resident of Pawtucket, Rhode Island. She is the natural mother of the decedent, Dana T. Leyland, 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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**

13. On or about April 16, 2023, decedent Dana T. Leyland, 39 years old, was arrested in Kennedy Plaza in Providence on an outstanding warrant for a drug offense. At the time of his arrest, Mr. Leyland had a history of substance use disorders, which was known to the RIDOC due to Mr. Leyland's history of incarceration.

14. Sometime between April 16, 2023 and April 19, 2023, while being held in the Intake Service Center at the ACI, defendants placed Mr. Leyland into solitary confinement (also known as "segregation," "isolation," or "restrictive housing"). He was being held at the Intake Service Center while he awaited trial.

15. On information and belief, while suffering withdrawal symptoms from substance use disorder, Mr. Leyland stated to defendants that he presently intended to commit suicide.

16. Despite making his intention to commit suicide known, defendants took no action to abate the known risk that Mr. Leyland would commit suicide.

17. On or about April 19, 2023, Mr. Leyland hanged himself in segregation with a bed sheet. 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**

18. All previous paragraphs are hereby incorporated by reference.

19. Dana T. Leyland had a clearly established right to necessary medical care and treatment and not to have his serious medical needs treated with deliberate indifference.

20. Defendants knew and should have known that without necessary medical care and treatment, there was a strong likelihood that Dana T. Leyland would commit suicide.

21. Rather than provide Mr. Leyland the medical care and treatment he desperately needed, defendants deliberately disregarded Mr. Leyland's condition, causing him to suffer and become afflicted with grave and severe personal injuries, extreme pain and suffering and his death on April 19, 2023.

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

23. As a direct and proximate result of defendants' deliberate indifference, the decedent, Dana T. Leyland, 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. Dana T. Leyland was otherwise permanently injured and ultimately died on April 19, 2023. The Administratrix of the Estate of Dana T. Leyland claims “survival” damages pursuant to R.I. Gen. Laws § 9-1-6 and § 9-1-7.

24. As a direct and proximate result of defendants’ deliberate indifference, and the resulting injuries and death of Dana T. Leyland, his legal beneficiaries have suffered pecuniary damages recoverable pursuant to R.I. Gen. Laws § 10-7-1, et seq.

25. As a direct and proximate result of defendants’ deliberate indifference, Plaintiff Darlene F. Leyland has suffered and will in the future suffer the loss of society and companionship due to the death of her son, Dana T. Leyland, pursuant to R.I. Gen. Laws § 10-7-1.2(c).

26. As a direct and proximate result of defendants’ deliberate indifference, the decedent, Dana T. Leyland, was caused to endure severe pain and suffering prior to his death. The Estate of Dana T. Leyland 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 Danene McLaren, as the Administratrix of the Estate of Dana T. Leyland, and Darlene F. Leyland, 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**

27. All previous paragraphs are hereby incorporated by reference.

28. 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.<sup>1</sup> The number of suicide attempts is believed to be much higher, and only the defendants have access to this information.

29. 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.

30. 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.

31. 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.

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

32. 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.

33. The failure of Defendants Wayne T. Salisbury, Jr., Carole Dwyer, Rui Diniz, Barry Weiner, and Jane Doe nos. 1-5 to implement a policy 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 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.

35. 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.

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

37. As a direct and proximate result of defendants' deliberate indifference, the decedent, Dana T. Leyland, 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. Dana T. Leyland was otherwise permanently injured and ultimately died on April 19, 2023. The Administratrix of the Estate of Dana T. Leyland claims “survival” damages pursuant to R.I. Gen. Laws § 9-1-6 and § 9-1-7.

38. As a direct and proximate result of defendants’ deliberate indifference, and the resulting injuries and death of Dana T. Leyland, his legal beneficiaries have suffered pecuniary damages recoverable pursuant to R.I. Gen. Laws § 10-7-1, et seq.

39. As a direct and proximate result of defendants’ deliberate indifference, Plaintiff Darlene F. Leyland has suffered and will in the future suffer the loss of society and companionship due to the death of her son, Dana T. Leyland, pursuant to R.I. Gen. Laws § 10-7-1.2(c).

40. As a direct and proximate result of defendants’ deliberate indifference, the decedent, Dana T. Leyland, was caused to endure severe pain and suffering prior to his death. The Estate of Dana T. Leyland 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 Danene McLaren, as the Administratrix of the Estate of Dana T. Leyland, and Darlene F. Leyland, 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**

41. All previous paragraphs are hereby incorporated by reference.

42. Defendants knew or should have known that the decedent, Dana T. Leyland, was an imminent danger to himself.

43. Defendants owed the decedent, Dana T. Leyland, a duty of reasonable care.

44. Nevertheless, on or about April 19, 2023, and at all relevant times mentioned herein, defendants breached their duty owed to Mr. Leyland, including but not limited to when, after Mr. Leyland had made known his intent to kill himself, defendants nevertheless held him in solitary confinement, 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 bed sheet from his cell, failed to intervene in Mr. Leyland'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. Leyland.

45. As a direct and proximate result of defendants' negligence, the decedent, Dana T. Leyland, 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. Dana T. Leyland was otherwise permanently injured and ultimately died on April 19, 2023. The Administratrix

of the Estate of Dana T. Leyland claims “survival” damages pursuant to R.I. Gen. Laws § 9-1-6 and § 9-1-7.

46. As a direct and proximate result of defendants’ negligence, and the resulting injuries and death of Dana T. Leyland, his legal beneficiaries have suffered pecuniary damages recoverable pursuant to R.I. Gen. Laws § 10-7-1, et seq.

47. As a direct and proximate result of defendants’ negligence, Plaintiff Darlene F. Leyland has suffered and will in the future suffer the loss of society and companionship due to the death of her son, Dana T. Leyland, pursuant to R.I. Gen. Laws § 10-7-1.2(c).

48. As a direct and proximate result of defendants’ negligence, the decedent, Dana T. Leyland, was caused to endure severe pain and suffering prior to his death. The Estate of Dana T. Leyland seeks recovery therefore pursuant R.I.G.L. § 10-7-1 et seq., including § 10-7-1.1, 2, 5, 6, 7, and 7.1.

WHEREFORE, Plaintiffs Danene McLaren, as the Administratrix of the Estate of Dana T. Leyland, and Darlene F. Leyland, 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**

49. All previous paragraphs are hereby incorporated by reference.

50. Defendants knew or should have known that suicidal detainees, including Dana T. Leyland, may be an imminent danger to themselves.

51. Defendants owed detainees, including Dana T. Leyland, a duty of reasonable care.

52. Nevertheless, and at all relevant times, defendants breached their duty owed to detainees such as Mr. Leyland, 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.

53. As a direct and proximate result of defendants' negligence, the decedent, Dana T. Leyland, 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. Dana T. Leyland was otherwise permanently injured and ultimately died on April 19, 2023. The Administratrix of the Estate of Dana T. Leyland claims "survival" damages pursuant to R.I. Gen. Laws § 9-1-6 and § 9-1-7.

54. As a direct and proximate result of defendants' negligence, and the resulting injuries and death of Dana T. Leyland, his legal beneficiaries have suffered pecuniary damages recoverable pursuant to R.I. Gen. Laws § 10-7-1, et seq.

55. As a direct and proximate result of defendants' negligence, Plaintiff Darlene F. Leyland has suffered and will in the future suffer the loss of society and companionship due to the death of her son, Dana T. Leyland, pursuant to R.I. Gen. Laws § 10-7-1.2(c).

56. As a direct and proximate result of defendants' negligence, the decedent, Dana T. Leyland, was caused to endure severe pain and suffering prior to his death. The Estate of Dana T. Leyland seeks recovery therefore pursuant R.I.G.L. § 10-7-1 et seq., including § 10-7-1.1, 2, 5, 6, 7, and 7.1.

WHEREFORE, Plaintiffs Danene McLaren, as the Administratrix of the Estate of Dana T. Leyland, and Darlene F. Leyland, 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 Danene McLaren, as the Administratrix of the Estate of Dana T. Leyland, and Darlene F. Leyland, individually, hereby demand a trial by jury.

Plaintiffs,

DANENE McLAREN, as Administratrix  
of the Estate of Dana T. Leyland, and  
DARLENE F. LEYLAND, Individually,

By their Attorneys,

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Dated: June 3, 2024

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