

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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DARRICK U. HALL,

Plaintiff,

v.

JOHN E. WETZEL, Secretary,  
Pennsylvania Department of Corrections;  
SHIRLEY MOORE-SMEAL, Executive  
Deputy Secretary of the DOC;  
MICHAEL WENEROWICZ, Regional  
Deputy Secretary of the DOC; CYNTHIA  
LINK, Superintendent SCI Graterford;  
LAURA BANTA, Deputy  
Superintendent, SCI Graterford, JAMES  
MEINTEL, Deputy Superintendent SCI  
Graterford,

Defendants.

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Case No.

ELECTRONICALLY FILED

JURY TRIAL DEMANDED

**COMPLAINT**

**INTRODUCTION**

1. Darrick Hall, has been held in solitary confinement for over 23 years without any rational justification and without being afforded any meaningful process to address his confinement or to rectify the damage it has inflicted on him. His idle confinement in small cells in excess of 21 hours per day for nearly 24 years has harmed his mental and physical health, resulting in permanent damage to him.

2. The extreme, unusual and cruel conditions of his confinement violate 42 U.S.C. § 1983, as well as the Eighth and Fourteenth Amendments to the United States Constitution.

3. Mr. Hall seeks injunctive, declaratory, and monetary relief to address these violations of his constitutional rights.

#### **JURISDICTION AND VENUE**

4. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3).

5. This Court is the appropriate venue pursuant to 28 U.S.C. § 1391(b)(2), because the events and omissions giving rise to the claims occurred in the Eastern District of Pennsylvania.

#### **PARTIES**

6. Plaintiff Darrick Hall is and was at all times relevant to this action a prisoner in the custody of the Pennsylvania Department of Corrections (“DOC”). He is currently incarcerated in solitary confinement at the State Correctional Institute (“SCI”) Graterford.

7. Defendant John Wetzel is the Secretary of the DOC. His employment and mailing address is 1920 Technology Parkway, Mechanicsburg, PA 17050-8507. Defendant Wetzel is sued in his individual and official capacity.

8. Defendant Shirley Moore Smeal is the Executive Deputy Secretary of the DOC. Her employment and mailing address is 1920 Technology Parkway, Mechanicsburg, PA 17050-8507. Defendant Moore Smeal is sued in her individual and official capacity.

9. Defendant Michael Wenerowicz is the Deputy Secretary of the Eastern Region of the DOC. His employment and mailing address is 1920 Technology Parkway, Mechanicsburg, PA 17050-8507. Defendant Wenerowicz is sued in his individual and official capacity.

10. Defendant Cynthia Link is the Superintendent of SCI Graterford. Her employment address is 4533 W. Skippack Pike, Schwenksville, PA 19473, and mailing address is P.O. Box 246, Graterford, PA 19426-0246. She is sued in her individual and official capacity.

11. Defendant Laura Banta is the Deputy Superintendent for Centralized Services at SCI Graterford. Her employment address is 4533 W. Skippack Pike, Schwenksville, PA 19473, and mailing address is P.O. Box 246, Graterford, PA 19426-0246. She is sued in her individual and official capacity.

12. James Meintel is the Deputy Superintendent for Facilities Management at SCI Graterford. His employment address is 4533 W. Skippack Pike, Schwenksville, PA 19473, and mailing address is P.O. Box 246, Graterford, PA 19426-0246. He is sued in his individual and official capacity.

#### STATEMENT OF FACTS

##### **A. Mr. Hall's Conditions in Solitary Confinement**

13. All other allegations and facts contained in this complaint and its attachments are incorporated as if fully set forth herein.

14. Mr. Hall was sentenced to death on October 29, 1994. At that time, he was just 23 years old.

15. On November 16, 1994, the SCI Graterford Assessment Unit directed Mr. Hall's transfer into Maximum Administrative Custody - the Restricted Housing Unit ("RHU").

16. The DOC has held Mr. Hall in solitary confinement since 1994, more than half of his life.

17. Half of the RHU is comprised of non-capital prisoners confined in Administrative or Disciplinary Custody ("DC") isolation for protective custody, disciplinary and/or mental health reasons. Prisoners in DC, stripped of all possessions other than the clothes they wear and a bar of soap, use what's at their disposal—excrement—to throw at other inmates, officers, into the hallways, and often into the air ducts. The acrid smell of human excrement is constant and unbearable.

18. Mr. Hall's cell is no larger than 7 feet by 12 feet, smaller than a typical parking space. Most of that space is consumed by a concrete bed with plastic mattress, sink, toilet, and desk, leaving very little room to walk or move around. The institution keeps the lights in front of his cell on 24 hours a day while officers shine flashlights in his face every thirty minutes during night rounds. The sound of steel doors clanging open and shut persists day and night.

19. The cells on SCI Graterford's death row manifest the height of indignity. All of Mr. Hall's movements, including personal hygiene, are on display for the guards like an animal in a zoo. Unlike an animal in a zoo, Mr. Hall's cell has no window to the outside. While his every move is on display for the guards, because the steel-barred doors face an empty corridor, he has, at best, a highly constricted view of the cell-block.

20. For almost 24 years, the DOC has forced Mr. Hall to spend more than 21 hours a day, idle and alone in this cell, with little or no human interaction or external stimulation other than that provided by guards who surveil those on the row and ensure their isolation. He eats every meal alone in his cell.

21. The echo and noise on the block is so bad that prisoners can only hear each other if they yell and that is prohibited. If they violate rules against talking with each other, they risk a misconduct charge and are punished with time in disciplinary custody.

22. On those rare occasions in which he is permitted to leave his cell, Mr. Hall is forced to undergo a humiliating mandatory strip search. Any time he is outside of his cell Mr. Hall is either cuffed and clipped to a belt around his waist or cuffed behind his back and tethered to a dog leash that is controlled by one of the two guards escorting him.

23. All visits – personal and legal – happen in a booth with Mr. Hall on one side of a glass and concrete partition and the visitor on the other side. They speak to each other on a phone.

24. Over the course of 23 years, Mr. Hall has not been allowed to hug, or even so much as shake the hand of his family and other visitors. Aside from incidental contact inside the prison, Mr. Hall has not had meaningful human contact for over twenty years. He last hugged his mother in 1993.

25. As a capital case inmate, Mr. Hall is restricted to three 15-minute phone calls per week and unlimited legal calls with counsel. At various times, officers arbitrarily invoke a rule that legal calls count against the three calls per week limit, forcing Mr. Hall to make the Hobson’s choice of speaking with his attorneys about his litigation or talking with his family.

26. Capital inmates are also restricted in their access to the law library. They must sign up for limited time in advance and access is dependent on the availability of a slot and guards to escort them to and from the library.

27. For the entire time he has been in solitary confinement, Mr. Hall has been permitted, at most, two hours, five days a week, for “exercise” in an empty, fully enclosed cage with a concrete floor that is no bigger than a dog kennel run. Access is dependent on the guards and their assessment of acceptable weather conditions.

28. Because of the humiliation of the strip searches Mr. Hall must endure to use this exercise area, he goes only about once per month.

29. Books and other materials are limited on the basis of the size of his cell and DOC policy. Over the course of more than 23 years, Mr. Hall has repeatedly requested and consistently been denied opportunities to participate in educational courses, vocational training,

organized activities, counseling programs, such as the Anxiety Treatment Group, or other programs that are readily available to people in general population. Even people housed in the RHU for disciplinary infractions are afforded the same opportunities Mr. Hall has been denied, solely because of his capital case status.

30. Mr. Hall, like all prisoners in RHU, is forced to move to a different cell every 90 days, depriving him of any sense of stability in his immediate surroundings.

31. When an inmate on DC status creates a security concern, the entire RHU (but not general population) is shut down. Mr. Hall cannot make phone calls, have visits, see a doctor, go to the yard, take a shower, or go to the law library. These lockdowns in the RHU due to DC inmate violations have occurred once per month on average since Mr. Hall first arrived in 1994.

32. In stark contrast, the DOC provides people in general population many opportunities for conversation, exercise, programs, and self-help. They have indoor recreation space, outdoor recreation multiple times a day, indoor and outdoor exercise equipment, and job opportunities with advancement to higher skill levels and higher pay. The DOC offers dozens of programs, classes and treatment services, as well as a law library with more resources. General population inmates eat together in a cafeteria, have contact visits, unlimited phone calls, and private conversations with medical and therapeutic staff. They are assigned to their cells indefinitely, move about the prison without physical restraints and are only strip searched in relation to a security threat.

33. In over 23 years, Mr. Hall has had only three minor disciplinary infractions, none of which even remotely involved violence or assaultive behavior.

34. Over the course of the close to 24 years since his commitment to solitary confinement, Mr. Hall has witnessed the toll of the conditions on other inmates.

35. Since Mr. Hall has been at SCI Graterford, six men have died in their cell; one committed suicide and two died in solitary after their sentences were vacated. More recently, in April 2017, a non-capital inmate in solitary confinement committed suicide after the Program Review Committee (“PRC”) denied his request to return to general population.

**B. The Absence of any Meaningful Review of Mr. Hall’s Solitary Confinement Conditions.**

36. All other allegations and facts contained in this complaint and its attachments are incorporated as if fully set forth herein.

37. On November 22, 1982, the DOC Commissioner issued an order removing all capital case prisoners from general population and locking them in the RHU to be held in permanent solitary confinement.

38. RHU prisoners are not permitted to re-enter the general population without the express authorization of the Secretary of the DOC.

39. The DOC provides no meaningful review of Mr. Hall’s conditions of confinement. Instead, every 90 days, members of the Program Review Committee (“PRC”) hold perfunctory hearings to “review” his conditions of confinement. To attend, Mr. Hall must undergo a strip search, walk restrained on the dog leash down the hallway to a small room where he remains cuffed and leashed behind his back throughout the proceeding.

40. The review involves nothing more than the committee members asking Mr. Hall what he wants them to know and ticking boxes on a check-list. The inquiry is designed solely to address administrative issues that Mr. Hall may be having in solitary confinement, not the appropriateness or justification for his continued solitary confinement despite his model prison behavior.

41. Mr. Hall's repeated requests to the PRC for services and self-improvement programs have consistently been met with the same rote response "Remain CAC per DOC Capital Case Policy" and/or simply "Remain CAP/AC."

42. Defendants do not afford Mr. Hall, or any other qualified person or medical professional, any meaningful opportunity to evaluate the appropriateness of his perpetual solitary confinement or his desire and ability to re-enter the general population.

43. As noted, Mr. Hall has had three minor rule infractions in almost 23 years and none of them involved disruptive behavior.

44. DOC policy does not provide a capital case prisoner any opportunity to challenge his solitary confinement by providing information or input to the decision-maker. The 90-day PRC "review" is the only opportunity that Mr. Hall is afforded to speak regarding his solitary confinement. Mr. Hall has consistently requested removal from solitary confinement after the District Court vacated his conviction and sentence in 2014.

45. Upon information and belief, nothing that Mr. Hall has said at PRC hearings is transmitted to the sole decision-maker on his solitary confinement status, Defendant Wetzel.

46. Since November 1994, Mr. Hall has not been provided with any written or other substantive explanation of the basis for the decision to keep him in solitary confinement, other than his sentence.

47. Although prison officials at SCI Graterford have told Mr. Hall that he will remain in solitary confinement until his DC-16E Sentence Status Summary is updated to show his vacated death sentence, the sole decision-maker in the matter, Defendant Wetzel, has never communicated any reason to Mr. Hall as to why he remains in solitary confinement.

48. On February 9, 2017, the Third Circuit issued its opinion in *Williams v. Secretary, PA Department of Corrections, et al.*, 848 F.3d 549 (3d Cir. 2017), holding that due process limits the DOC's ability to house inmates on death row without meaningful review of placement once they have been granted relief.

49. On February 15, 2017, Mr. Hall made a Request to Staff to SCI Graterford Superintendent Cynthia Link to be moved to general population based on his vacated sentence and the Third Circuit's holding in *Williams v. PA Department of Corrections, et al.* 848 F.3d 549 (3d Cir. 2017). On March 4, 2017 he received a cursory response that the matter was being reviewed.

50. On February 24, 2017, Mr. Hall filed a grievance challenging his continued confinement in solitary confinement on death row and received a response on March 20, 2017 that the DOC had no court order to vacate his sentence and that he would remain on death row.

51. Mr. Hall wrote to the DOC Headquarters on February 27, 2017 for relief from solitary confinement, citing *Williams v. PA Department of Corrections* and explaining its application to his case. As of this writing, he has not received a response to his letter.

52. Mr. Hall has made repeated requests for his DC-16E Sentence Status Summary to be changed following his vacated sentence but it still lists his Controlling Minimum and Maximum Dates as "Execution".

**C. The Impact of Long-Term Solitary Confinement Depriving Mr. Hall of Basic Human Needs.**

53. All other allegations and facts contained in this complaint and its attachments are incorporated as if fully set forth herein.

54. For almost 23 years, Mr. Hall has been deprived of basic and fundamental human needs, including but not limited to: mental health and environmental stimulation; social interaction; sleep; a reasonable opportunity to exercise; and dignity.

55. Subjecting even a perfectly healthy person to solitary confinement, without environmental or social stimulation causes significant psychological harm. Grassian, *Psychiatric Effects of Solitary Confinement*, 22 Wash. U.J.L. & Pol’y 325 (2006). Sensory deprivation causes individuals to experience a cluster of organic features, including: “hyperresponsivity to external stimuli;” “perceptual distortions, illusions and hallucinations;” “difficulties with thinking, concentration, and memory;” “intrusive obsessional thoughts;” “overt paranoia;” and “problems with impulse control.” *Id.* at 336.

56. According to DOC Policy 13.8.1, Section 1 (E)(4)(b), referring to Policy 6.5.1, the DOC requires that a correctional officer who has worked in a SL5 Unit (like the RHU) longer than 12 months must be evaluated by a licensed psychologist to determine if he or she is still able to continue working in that unit. If the conditions are so severe that the DOC has mandated yearly psychological evaluations for the guards, who can go home at night and escape the onerous conditions of perpetual solitary confinement, it is on-notice of the adverse impact on those, like Mr. Hall, who are not able to leave.

57. For the past 23 years, Mr. Hall has battled to maintain relationships with his mother, two children, their mothers, and his three siblings while in custody. More than two decades in perpetual solitary confinement, however, have taken a severe toll on these connections. No matter how motivated, the family’s waning energy to sustain lasting bonds through inch-thick glass during occasional visits continues to diminish Mr. Hall’s relationships and has significantly eroded his mental and emotional stability.

58. Mr. Hall speaks to his mother on the phone weekly and receives two to three visits per year from his family.

59. Mr. Hall discourages his family from making the trip to see him behind glass, without any physical contact, and without access to food for the length of the visit.

60. Despite having two visiting rooms for people on death row, staff at SCI Graterford frequently open only one visiting room. If one prisoner on death row is on a legal visit, other visits for people on death row must wait until that visit is over, even if that visit would also be a legal visit.

61. There are approximately fifteen Jewish people incarcerated at SCI Graterford, including Mr. Hall. Mr. Hall cannot attend Jewish religious services because of he is on death row. A rabbi comes to his cell on a weekly basis to ask about his religious needs but Mr. Hall has no community with other Jewish people and cannot practice speaking Hebrew.

62. Telephone calls are placed via a rolling phone brought to the bars of his cell, limited to three per week, no longer than fifteen minutes each. Personal visits for RHU inmates are limited to one per week, although after 23 years of non-contact visits, Mr. Hall's visitors have dwindled to two or three per year.

63. With each passing year, Mr. Hall's isolated confinement has exacerbated his feelings of anxiety, frustration, difficulty concentrating, memory loss, and depression.

64. Mr. Hall's anxiety has worsened over the course of his time in solitary confinement. Since around 2012, Mr. Hall began experiencing panic attacks. He experiences about two to three panic attacks per year.

65. When the anxiety proved unbearable, Mr. Hall sought treatment. On numerous occasions, he requested that the Program Review Committee provide him with access to the

Anxiety Treatment Group. [Cite to and exhibit with Darrick's copies of his PRC Review Forms]. These requests were ignored.

66. Mr. Hall has concentration and memory problems. At times, his ability concentrate is severely limited. When he reads he is able to focus in no more than half-hour intervals.

67. Over the years, his memory has progressively worsened. Due to his limited memory, he is constantly misplacing items in his cell.

68. Mr. Hall experiences ongoing and ever-increasing depression each day he remains in solitary confinement. His depression makes it difficult for him to get up and out of bed on some days.

69. The depression Mr. Hall experiences makes it challenging for him to perform basic tasks such as concentrating, sleeping, exercising, getting out of bed, reading, and writing.

70. Mr. Hall's sleep patterns are sporadic. He gets approximately four hours of sleep per night, but has difficulty falling asleep and remaining asleep. His concrete bed and slim mattress also make it difficult to sleep and contribute to Mr. Hall's back pain.

71. As a result of his extended isolation, Mr. Hall has increased difficulty concentrating; he has difficulty sustaining thought or focusing on a subject for more than a few minutes. He easily loses his train of thought and struggles to recall the topic at hand. This problem has gotten worse each year as his perpetual solitary confinement has continued.

72. Mr. Hall has suffered damage to his short-term memory capacity. He struggles to recall acts performed minutes or hours before.

73. Depression, anxiety, asocial feelings, cognitive impairment, memory loss, and concentration difficulties are well-established adverse reactions to prolonged solitary

confinement. Neuroscience has also established that prolonged isolation damages brain function and physically diminishes parts of the brain.

74. By continuing to hold Mr. Hall in solitary confinement, Defendants are substantially increasing the actual harm to Mr. Hall with each passing day. The psychologically devastating conditions imposed on Mr. Hall will continue to exacerbate the rapid deterioration of his mental health. Even if Mr. Hall is released from solitary confinement, he will likely struggle with depression for the rest of his life.

75. The DOC policy imposing mandatory solitary confinement on inmates sentenced to death has existed since 1982, and Mr. Hall has formed the belief that he will die without ever leaving the RHU isolation. Witnessing others die in solitary confinement as recently as April, 2017, has only increased his belief that this will also be his fate. He also suffers from the belief that he will be accidentally executed<sup>1</sup> on death row.

76. Despite the obvious and thoroughly documented risks and harms that result from long-term solitary confinement, mental health staff at SCI Graterford have never clinically examined Mr. Hall, or even questioned him, regarding the psychological, emotional, or cognitive impact that his long-term solitary confinement has had and continues to have on him.

77. Solitary confinement of such a prolonged duration also places Mr. Hall at risk of substantial harm to his already compromised physical health due to the extraordinary restrictions on his mobility and ability to exercise, the effect that his solitary-induced depression has on his

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<sup>1</sup> When someone is to be executed, they are moved to SCI Rockview to prepare for that process. Since Mr. Hall has been incarcerated, two people have been moved to SCI Rockview to prepare for this process despite not having an active death warrant. One was moved as a part of a drill and the other was moved by accident and stayed at SCI Rockview for about a week before the error was corrected and he was moved back to SCI Graterford.

motivation and ability to sleep, and the extreme stress placed on him by his conditions of confinement.

78. The gravity of his loss of focus and deteriorating emotional capacity is exacerbated by the need to provide effective assistance to counsel during his appeals and anticipated trial preparation.

79. When Mr. Hall's sentence was vacated, the writ of habeas corpus was stayed for 180 days to permit the Commonwealth to grant Mr. Hall a new sentencing hearing. Imposing solitary confinement while Mr. Hall waits to be sentenced, while the Commonwealth is able to prepare their own case, deprives defendants like Mr. Hall the same meaningful opportunity to prepare and present an adequate defense.

80. Mr. Hall's emotional deterioration is also exacerbated by the DOC's recent on-again, off-again responses to Mr. Hall's requests to be moved off of death row since his conviction and sentence were vacated.

81. Over the course of the past seven months since *Williams* was decided, the DOC subjected Mr. Hall to a situation much like Lucy holding the football for Charlie Brown. Each time the DOC told Mr. Hall he was "on the list" to be moved in light of *Williams*, he began to have hope that he would finally, after 23 years, be able to touch and hug his family, to shake the hand of his counsel. While seemingly minor, those hopes were emotionally overwhelming for Mr. Hall. When he was told – after weeks of being assured of the opposite – that he would not be moved because of an arbitrary determination by the DOC, the emotional crash was almost unbearable.

**D. Background of the Criminal Litigation**

82. All other allegations and facts contained in this petition and its attachments are incorporated as if fully set forth herein.

83. On October 29, 1994, Mr. Hall was sentenced to death after trial and conviction in the 1993 death of Donald Johnson. *See Commonwealth v. Hall*, 701 A.2d 190 (Pa. 1997) (affirming judgment).

84. On October 22, 2014, the District Court (the Honorable James Knoll Gardner) granted Mr. Hall's petition for habeas corpus relief in part, vacated the death sentence, and directed that he be resentenced with the order stayed for 180 days to allow for a new sentencing hearing. *Hall v. Beard*, CA No. 28-2254 (E.D. Pa.), Doc. 32. Mr. Hall appealed and the Commonwealth cross-appealed.

85. In its notice of cross appeal, the Commonwealth expressed no position regarding where the DOC should house Mr. Hall during the pendency of the appeal. *Id.* Doc. 37.

86. On February 9, 2017, the Third Circuit issued its opinion in *Williams v. Secretary, PA Department of Corrections, et al.*, 848 F.3d 549 (3d Cir. 2017), holding that due process limits the DOC's ability to house inmates on death row without meaningful review of placement once they have been granted relief.

87. More recently, DOC counsel indicated both to counsel and Mr. Hall that, because Mr. Hall's case was on appeal, he would not be moved.

**E. Roles of the Defendants in Continuing Mr. Hall's Perpetual Solitary Confinement**

88. All other allegations and facts contained in this complaint and its attachments are incorporated as if fully set forth herein.

89. Defendants are aware of the harms and risks caused by long-term solitary confinement.

90. More than 23 years of being forced to live in a very small concrete and steel area in conditions of extreme isolation, results in physical and psychological harm that are obvious to any person, including the Defendants.

91. Defendants are aware that Mr. Hall is being deprived of his basic human needs for mental and physical health, environmental stimulation, social interaction, exercise, sleep, and dignity on account of his long-term solitary confinement.

92. Defendants have articulated no valid basis for Mr. Hall's solitary confinement.

93. Defendants are aware that there is no valid basis for Mr. Hall's solitary confinement.

94. Even if the reasons for which the DOC assigned Mr. Hall to solitary confinement in 1994 were valid, (they were not), those reasons ceased to exist on October 22, 2014, when the District Court vacated Mr. Hall's sentence. The reasoning that Mr. Hall poses "an unusual escape risk" ended when he received habeas relief vacating his sentence. He has everything to gain by continuing his decades-long record of model behavior, as opposed to being an extraordinary safety threat who may "repeat his behavior while incarcerated."

95. Defendant Wetzel is the Secretary of the DOC, its highest-ranking DOC official. As such he is the only official with the authority to remove Mr. Hall from the RHU and authorize his release into the general prison population.

96. Defendant Wetzel has made numerous decisions to retain Mr. Hall in solitary confinement.

97. Defendant Wetzel is aware of the risks and harms associated with long-term solitary confinement. These risks and harms are known and understood by prison officials.

98. Defendant Wetzel has not taken any measures to release Mr. Hall from solitary confinement.

99. Defendant Wetzel has not informed Mr. Hall as to the basis for his continuing solitary confinement.

100. Defendant Wetzel has not informed Mr. Hall what he must do in order to be released from solitary confinement.

101. Defendant Wetzel has made no effort to seek input from Mr. Hall, qualified medical professionals, or any other party regarding his solitary confinement.

102. Defendant Moore Smeal is the Executive Deputy Secretary of the DOC. She makes a recommendation as to whether Mr. Hall should be released to the general population or remain in solitary confinement.

103. Defendant Moore Smeal is aware of the risks and harms associated with long-term solitary confinement. These risks and harms are known and understood by prison officials.

104. According to the DOC website, in November 2016, Defendant Moore Smeal co-  
led a training session for the National Institute of Corrections' conference, "Restrictive Housing:  
Roadmap to Reform." *See*  
<http://www.cor.pa.gov/General%20Information/Pages/Administrative-Segregation-and-Violence-Reduction-Initiative.aspx#.WUq6mufD-70>. The news release states that DOC has developed different units "to address inmates with diverse needs," including "those transitioning from restrictive housing to the general population." *Id.* Defendant Moore Smeal specifically claims the DOC is "humanizing the system . . . We need to look at each person as an individual and what is best for that individual." *Id.*

105. Defendant Moore Smeal has not taken any measures to release Mr. Hall from solitary confinement, or to recommend his release to the general population.

106. Defendant Moore Smeal has not informed Mr. Hall as to the basis for his continuing solitary confinement, nor of the basis for her own recommendations.

107. Defendant Moore Smeal has not informed Mr. Hall what he must do in order to be released from solitary confinement.

108. Defendant Moore Smeal has made no effort to seek input from Mr. Hall, qualified medical professionals, or any other qualified person regarding his solitary confinement.

109. Defendant Wenerowicz is the Regional Deputy Secretary of the DOC for the Eastern Region. He makes a recommendation as to whether Mr. Hall should be released to the general population or remain in solitary confinement.

110. Defendant Wenerowicz is aware of the risks and harms associated with long-term solitary confinement. These risks and harms are known and understood by prison officials.

111. Defendant Wenerowicz has not taken any measures to release Mr. Hall from solitary confinement, or to recommend his release to general population.

112. Defendant Wenerowicz has not informed Mr. Hall as to the basis for his continuing solitary confinement, nor of the basis for his own recommendations.

113. Defendant Wenerowicz has not informed Mr. Hall what he must do in order to be released from solitary confinement.

114. Defendant Wenerowicz has made no effort to seek input from Mr. Hall, qualified medical professionals, or any other qualified person regarding his solitary confinement.

115. Defendant Link is the Superintendent of SCI Graterford. She makes a recommendation as to whether Mr. Hall should be released to the general population or remain in solitary confinement. She is also responsible for the operation of SCI Graterford.

116. Defendant Link is aware of the risks and harms associated with long-term solitary confinement. These risks and harms are known and understood by prison officials.

117. Defendant Link has not taken any measures to release Mr. Hall from solitary confinement, or to recommend his release to general population.

118. Defendant Link has not informed Mr. Hall as to the basis for his continuing solitary confinement, nor of the basis for her own recommendations.

119. Defendant Link has not informed Mr. Hall what he must do in order to be released from solitary confinement.

120. Defendant Link has made no effort to seek input from Mr. Hall, qualified medical professionals, or any other qualified person regarding his solitary confinement.

121. On those occasions in which Defendant Link has spoken with Mr. Hall, she has been dismissive of his requests to be released from solitary confinement, refusing to consider or discuss the matter.

122. Defendant Meintel is the Deputy Superintendent for Facilities Management at SCI Graterford. He makes a recommendation as to whether Mr. Hall should be released to the general population or remain in solitary confinement.

123. Defendant Meintel was also a member of the Program Review Committee.

124. Defendant Meintel was aware of the risks and harms associated with long-term solitary confinement. These risks and harms are known and understood by prison officials.

125. Defendant Meintel did not taken any measures to release Mr. Hall from solitary confinement, or to recommend his release to general population.

126. Defendant Meintel did not inform Mr. Hall as to the basis for his continuing solitary confinement, nor of the basis for his own recommendations.

127. Defendant Meintel did not inform Mr. Hall what he must do in order to be released from solitary confinement.

128. Defendant Meintel made no effort to seek input from Mr. Hall, qualified medical professionals, or any other qualified person regarding his solitary confinement.

129. On those occasions in which Defendant Meintel did speak with Mr. Hall, he was dismissive of his requests to be released from solitary confinement, refusing to consider or discuss the matter.

130. Defendant Banta is the Deputy Superintendent for Centralized Services at SCI Graterford. She makes a recommendation as to whether Mr. Hall should be released to the general population or remain in solitary confinement.

131. Defendant Banta is also a member of the Program Review Committee.

132. Defendant Banta is aware of the risks and harms associated with long-term solitary confinement. These risks and harms are known and understood by prison officials.

133. Defendant Banta has not taken any measures to release Mr. Hall from solitary confinement, or to recommend his release to general population.

134. Defendant Banta has not informed Mr. Hall as to the basis for his continuing solitary confinement, nor of the basis for her own recommendations.

135. Defendant Banta has not informed Mr. Hall what he must do in order to be released from solitary confinement.

136. Defendant Banta has made no effort to seek input from Mr. Hall, qualified medical professionals, or any other qualified person regarding his solitary confinement.

137. On those occasions in which Defendant Banta has spoken with Mr. Hall, she has been dismissive of his requests to be released from solitary confinement, refusing to consider or discuss the matter.

**F. Exhaustion of Administrative Remedies**

138. All other allegations and facts contained in this complaint and its attachments are incorporated as if fully set forth herein.

139. Under the DOC's Administrative Custody policy DC-802, "[a]ll issues concerning an inmate's placement in AC custody or the duration, conditions or other circumstances of his/her AC custody must be addressed through the procedures set forth in this directive and may not be addressed through the procedures set forth in Department policy DC-ADM 801, 'Inmate Discipline' or DC-ADM 804, 'Inmate Grievance System.'" The DC-802 further provides that all issues must be addressed at PRC hearings, and that appeals regarding these issues must be filed to the Superintendent within two days after the hearing. Once the Superintendent replies, a prisoner must appeal to Central Office if he or she is dissatisfied with the response.

140. Capital case prisoners are held pursuant to the DC-802 Administrative Custody policy and are considered Administrative Custody RHU prisoners.

141. Because PRC reviews are only scheduled every 90 days for capital case inmates, Mr. Hall submitted an "Inmate's Request to Staff Member," form, requesting he be moved to general population in light of *Williams*. He filed requests on February 15, 2017. Each time, DOC staff members informed Mr. Hall that DOC is reviewing the situation or they are waiting for direction from Central Office.

142. Simultaneous with his requests for a PRC hearing, Mr. Hall also filed grievances in an attempt to reach anyone with authority to review his concerns. He filed an “Official Inmate Grievance” on February 24, 2017, reminding DOC that he requested to be moved from RHU several times and now made such request under authority of *Williams*. The DOC denied his request and denied his grievance appeal on April 24, 2017.

143. Mr. Hall requested his updated DC-16E Sentence Status Summary on June 11, 2015 and was told that “the information on the 16E is still accurate”. He made a similar request on March 21, 2017 and was told “there has been no changes to your case” and was given the same Sentence Status Summary that listed his minimum and maximum as “Execution”.

144. Mr. Hall made an “Inmate Request to Staff” to the PRC on March 29, 2017 asking when he would be moved to general population and was told “We are still waiting”.

145. As of the date of this Complaint, Mr. Hall remains in solitary confinement in the RHU, having been informed that he will not be moved to general population because the District Court issued a stay pending the Commonwealth’s appeal of habeas relief.

146. For the foregoing reasons, Mr. Hall has satisfied the requirement that he exhaust all available administrative remedies.

### CAUSES OF ACTION

**COUNT I. ALL DEFENDANTS: THE FAILURE TO REMOVE MR. HALL FROM PERPETUAL SOLITARY CONFINEMENT VIOLATES THE EIGHTH AMENDMENT.**

147. All other allegations and facts contained in this complaint and its attachments are incorporated as if fully set forth herein.

148. Each Defendant, individually and collectively, has violated Mr. Hall’s rights under the Eighth and Fourteenth Amendments to the U.S. Constitution to be free from cruel and unusual punishment by acts and omissions manifesting a deliberate indifference to the deprivation of Mr.

Hall's basic human needs for physical health, mental health, environmental stimulation, social interaction, exercise, sleep, and basic human dignity.

149. All Defendants have violated Mr. Hall's rights under the Eighth and Fourteenth Amendments to the U.S. Constitution to be free from cruel and unusual punishment by keeping Mr. Hall in conditions of solitary confinement that cause severe pain without penological purpose, and which are grossly disproportionate to any purported governmental interest.

150. All Defendants have violated Mr. Hall's rights under the Eighth and Fourteenth Amendments to the U.S. Constitution to be free from cruel and unusual punishment by keeping Mr. Hall in solitary confinement for an extended and unlimited period, and such confinement has caused, and continues to cause, substantial physical and psychological harm to him.

**COUNT II. ALL DEFENDANTS: SUBJECTING MR. HALL TO PERPETUAL SOLITARY CONFINEMENT VIOLATES THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT.**

151. All other allegations and facts contained in this complaint and its attachments are incorporated as if fully set forth herein.

152. All Defendants have violated Mr. Hall's rights under the due process clause of the Fourteenth Amendment to the U.S. Constitution including, without limitation, by engaging in the following conduct: failing to provide Mr. Hall with a meaningful opportunity to challenge his solitary confinement, including providing him information regarding the basis for any decisions regarding the continuation of his solitary confinement; failing to provide Mr. Hall a meaningful opportunity to be heard in order to challenge his continuing solitary confinement; denying Mr. Hall any opportunity to provide information to and/or to influence the ultimate decision-maker regarding his continuing solitary confinement; and informing Mr. Hall what is required of him in order for him to be released from solitary confinement.

**COUNT III. ALL DEFENDANTS: SUBSTANTIVE DUE PROCESS VIOLATION**

153. All other allegations and facts contained in this petition and its attachments are incorporated as if fully set forth herein.

154. All Defendants have violated Mr. Hall's right to substantive due process under the Fourteenth Amendment to the United States Constitution by continuing to hold him in solitary confinement for nearly 24 years without a valid penological or other justification. Defendants' conduct shocks the conscience and does not have a rational basis.

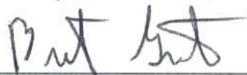
**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff requests that the Court grant the following relief:

- (1) Declare Defendants' conduct unlawful;
- (2) Enjoin and restrain Defendants from incarcerating Mr. Hall in solitary confinement or other similar conditions and order Mr. Hall's placement in the general population;
- (3) Mandate that Defendants provide Mr. Hall with proper psychological and mental health services made necessary due to his prolonged solitary confinement;
- (4) Award compensatory and punitive damages;
- (5) Grant attorneys' fees and costs; and
- (6) Such other relief as the Court deems just and proper.

Dated: October 23, 2017

Respectfully submitted,



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*\*Pro Hac Vice Admission Pending*