

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE STATE OF DELAWARE; THE
DELAWARE DEPARTMENT OF PUBLIC
SAFETY; and THE DELAWARE
DIVISION OF STATE POLICE,

Defendants.

Civil Action No.

COMPLAINT

Plaintiff, United States of America, alleges:

1. This action is brought on behalf of the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.*
2. This Court has jurisdiction over this action under 42 U.S.C. §§ 2000e-6, 1331, 1343(a) and 1345.
3. Defendant State of Delaware is a state of the United States of America.
4. Defendant Delaware Department of Public Safety is a body corporate created under the laws of the State of Delaware. *See* 29 Del. Code § 8201.
5. Defendant Division of State Police (DSP) is a division of the Delaware Department of Public Safety and is responsible for, among other things, maintaining safety throughout Delaware by enforcing state laws. *See* 29 Del. Code § 8206.
6. Each of the Defendants is a person within the meaning of 42 U.S.C. § 2000e(a) and an employer or an agent of an employer within the meaning of 42 U.S.C. § 2000e(b).
7. Defendant DSP employs individuals throughout Delaware in the trooper position. The Defendants have jurisdiction over the certification for employment of troopers in the Division of State Police.
8. Defendant DSP is primarily responsible for the recruitment and hiring of individuals into the trooper position, which is an entry-level law enforcement position.
9. Upon current information and belief, Defendant DSP hired approximately 327 new troopers for nine recruit classes (classes 59-69) from July 1989 through February 1998. Of the troopers hired during this period, approximately 26, or 8%, were African Americans, even though African Americans constituted approximately 16% of all applicants for entry into these recruit classes who satisfied Defendant DSP's minimal qualifications for the trooper position.

10. Defendants have used written examinations for the entry-level DSP trooper position that have disproportionately excluded African Americans from employment but that have not been shown to be job-related and consistent with business necessity as required by federal law.

11. Defendants' use of these written examinations, as described in Paragraph 10, constitutes a pattern or practice of resistance to the full enjoyment by African Americans of their right to equal employment opportunities without discrimination based on race. The pattern or practice is of such a nature that it is intended to deny the full exercise of the rights secured by Title VII of the Civil Rights Act of 1964, as amended.

12. In accordance with Section 707 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-6, the United States, through the Department of Justice:

(a) has investigated the employment practices of Defendants; and

(b) has notified Defendants of the result of this investigation and the practices described above and of their effects.

13. All conditions precedent to filing suit have been performed or have occurred.

Wherefore, Plaintiff United States prays for an order enjoining Defendants, their officers, agents, employees, successors, and all persons in active concert or participation with them to:

(a) refrain from using written examinations for the entry-level position of trooper that disproportionately exclude African Americans from employment but have not been shown to be job-related and consistent with business necessity as required by federal law;

(b) provide remedial relief sufficient to make whole all persons who have suffered individual loss or will suffer individual loss as a result of the discrimination alleged in this Complaint; and

(c) adopt other appropriate nondiscriminatory measures to overcome the effects of their discriminatory practices.

Plaintiff United States prays for such additional relief as justice may require.

Date of filing: _____, 2001

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