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2 IN THE UNITED STATES DISTRICT COURT  
3 FOR THE DISTRICT OF MARYLAND

4 UNITED STATES OF AMERICA, )  
5 950 Pennsylvania Avenue, N.W. )  
6 Washington, DC 20530, )

7 Plaintiff, )

8 v. )

C.A. No.

9 PRINCE GEORGE'S COUNTY, )  
10 MARYLAND, 14741 Governor Oden )  
11 Bowie Drive, Suite 5121, )  
12 Upper Marlboro, MD 20772, )  
and the PRINCE GEORGE'S )  
COUNTY POLICE DEPARTMENT, )  
7600 Barlowe Road, )  
Palmer Park, MD 20785 )  
Defendants. )

**COMPLAINT**

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14  
15 INTRODUCTION

16 1. The United States brings this action under 42 U.S.C.  
17 § 14141 to remedy a pattern or practice of conduct by law enforcement  
18 officers of the Canine Section of the Prince George's County Police  
19 Department (PGPD Canine Section) that deprives persons of rights,  
20 privileges, and immunities secured or protected by the Constitution or  
21 laws of the United States. The Defendants, through their acts and  
22 omissions, are engaging in a pattern or practice of conduct by PGPD  
23 Canine Section officers of subjecting individuals to uses of excessive  
24 force. The Defendants have failed to adequately train, supervise, and  
25 monitor officers; to investigate, review and evaluate use of force  
26 incidents; to investigate alleged misconduct, and discipline officers  
27 who are guilty of misconduct; and to implement effective systems to  
28 ensure that management controls adopted by the Prince George's County

1 Police Department are properly carried out. Accordingly, the United  
2 States seeks a judgment granting injunctive and declaratory relief for  
3 the Defendants' violations of law.

4 The United States of America alleges:

5 DEFENDANTS

6 2. The Defendant Prince George's County ("County") is a  
7 chartered governmental corporation in the State of Maryland.

8 3. The Defendant Prince George's County Police Department  
9 ("PGPD") is a law enforcement agency operated by the County.

10 JURISDICTION AND VENUE

11 4. This Court has jurisdiction of this action under 28 U.S.C.  
12 §§ 1331 and 1345.

13 5. The United States is authorized to initiate this action  
14 pursuant to 42 U.S.C. § 14141.

15 6. Venue is proper in the District of Maryland pursuant to  
16 28 U.S.C. § 1391, as the Defendants reside in and the claims arose in  
17 the District of Maryland.

18 FACTUAL ALLEGATIONS

19 7. The Defendants, through their acts or omissions, have  
20 engaged in and continue to engage in a pattern or practice of conduct  
21 by PGPD Canine Section officers of using excessive force against  
22 persons in Prince George's County.

23 8. The Defendants are, through their acts or omissions,  
24 engaging in a pattern or practice of systemic deficiencies that has  
25 resulted in a pattern or practice of conduct by PGPD Canine Section  
26 officers that deprives persons of rights, privileges, and immunities  
27

1 secured or protected by the U.S. Constitution or the laws of the  
2 United States as described in paragraph 7 above. These systemic  
3 deficiencies include, but are not limited to:

- 4 a. failing to implement policies, procedures, and  
5 practices regarding use of force that appropriately  
6 guide and monitor the actions of individual PGPD Canine  
7 Section officers;
- 8 b. failing to train PGPD Canine Section officers  
9 adequately to prevent the occurrence of misconduct;
- 10 c. failing to supervise PGPD Canine Section officers  
11 adequately to prevent the occurrence of misconduct;
- 12 d. failing to monitor adequately PGPD Canine Section  
13 officers who engage in or may be likely to engage in  
14 misconduct;
- 15 e. failing to implement policies and procedures whereby  
16 complaints and other allegations of PGPD Canine Section  
17 officer misconduct are adequately received and  
18 investigated;
- 19 f. failing to investigate adequately incidents in which a  
20 PGPD Canine Section officer uses force;
- 21 g. failing to adjudicate or review citizen complaints, and  
22 incidents in which a PGPD Canine Section officer uses  
23 force, fairly and adequately; and
- 24 h. failing to discipline adequately PGPD Canine Section  
25 officers who engage in misconduct.

1 CAUSE OF ACTION

2 9. Through the actions described in paragraphs 7-8 above, the  
3 Defendants have engaged in and continue to engage in a pattern or  
4 practice of conduct by PGPD Canine Section officers that deprives  
5 persons of rights, privileges, or immunities secured or protected by  
6 the Constitution (including the Fourth and Fourteenth Amendments) or  
7 the laws of the United States, in violation of 42 U.S.C. § 14141.

8 PRAYER FOR RELIEF

9 10. The Attorney General is authorized under 42 U.S.C. § 14141  
10 to seek declaratory and equitable relief to eliminate a pattern or  
11 practice of law enforcement officer conduct that deprives persons of  
12 rights, privileges, or immunities secured or protected by the  
13 Constitution or laws of the United States.

14 WHEREFORE, the United States prays that the Court:

15 a. declare that Defendants have engaged in a pattern or practice  
16 of conduct by PGPD Canine Section officers that deprives persons of  
17 rights, privileges, or immunities secured or protected by the  
18 Constitution or laws of the United States, as described in paragraphs  
19 7-8 above;

20 b. order the Defendants, their officers, agents, and employees  
21 to refrain from engaging in any of the predicate acts forming the  
22 basis of the pattern or practice of conduct as described in paragraphs  
23 7-8 above;

24 c. order the Defendants, their officers, agents, and employees  
25 to adopt and implement policies and procedures to remedy the pattern  
26 or practice of conduct described in paragraphs 7-8 above, and to  
27

1 prevent PGPD Canine Section officers from depriving persons of rights,  
2 privileges, or immunities secured or protected by the Constitution or  
3 laws of the United States; and

4           d. order such other appropriate relief as the interests of  
5 justice may require.

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Respectfully submitted,

JOHN ASHCROFT  
Attorney General

THOMAS M. DIBIAGIO  
United States Attorney  
604 U.S. Courthouse  
101 W. Lombard Street  
Baltimore, Md. 21201  
(410) 209-4800 (telephone)  
(410) 962-2310 (facsimile)  
Bar Number:

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R. ALEXANDER ACOSTA  
Assistant Attorney General  
Civil Rights Division

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BRADLEY J. SCHLOZMAN  
Deputy Assistant  
Attorney General  
Civil Rights Division

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SHANETTA Y. CUTLAR  
Chief  
Special Litigation Section  
Civil Rights Division

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SANDHYA L. SUBRAMANIAN  
Special Counsel  
Special Litigation Section  
Civil Rights Division

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GREGORY GONZALEZ  
Trial Attorney  
Special Litigation Section  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530  
(202) 305-2941 (telephone)  
(202) 514-0212 (facsimile)

DATE:

CERTIFICATE OF SERVICE

I certify that a copy of the United States' Complaint was served by facsimile and regular mail on January 22, 2004, on the following:

David S. Whitacre  
County Attorney  
County Administration Building, Room 5121  
14741 Governor Oden Bowie Drive  
Upper Marlboro, MD 20772-3050  
301-952-4190

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GREGORY GONZALEZ