

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

MARYLAND STATE CONFERENCE) Civil Action No. CCB-98-1098
OF NAACP BRANCHES, on behalf of)
itself and its members)
c/o Herbert H. Lindsey, President)
35 Beyda Court)
Baltimore, MD 21236)
)
GARY D. RODWELL,)
1208 Sheridan Avenue)
Baltimore, MD 21239)
)
JOHNSTON E. WILLIAMS,)
118 Ashby Road)
Upper Darby, PA 19082)
)
JAMES E. ALSTON, JR.,)
15137 Glade Terrace)
Greencastle, PA 17225)
)
YANCEY AND ALESHIA TAYLOR,)
on behalf of themselves and their)
minor child, Yancey Taylor, Jr.)
70 Overland Avenue)
Amityville, NY 11701)
)
GEORGE W. TAYLOR, JR.,)
29 Allegany Lane)
Bordontown, NJ 08505)
)
ERIC ANTHONY¹)
500 Northside Circle, NW)
Apartment GG3)
Atlanta, GA 30309)
)
NELSON D. WALKER,)
6721 Vanessa Drive)
Lanham, MD 20706)
)

¹ Plaintiff Eric Anthony previously was named in this lawsuit as Eric A. Cook. His name has since been legally changed to Eric Anthony.

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Pikesville, MD 21208)
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Maryland. Plaintiffs are a non-profit civil rights organization and innocent minority motorists who — due to defendants’ custom and practice of discrimination — unlawfully and unreasonably have been detained and/or searched, ostensibly for drugs or weapons.³

Claims are brought pursuant to the Fourth and Fourteenth Amendments to the Constitution of the United States, 42 U.S.C. § 1983, Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., and Articles 24 and 26 of the Maryland Declaration of Rights.

II. Jurisdiction and Venue

2. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343, and 1367.

3. Venue is proper in the Northern Division of the District of Maryland, as the conduct out of which this action arose occurred in this district. 28 U.S.C. §1391(b).

III. Parties

A. Plaintiffs

4. Plaintiff Maryland State Conference of NAACP Branches (hereafter, “the NAACP”) is a non-profit membership organization dedicated to eradication of race-based discrimination throughout Maryland and to securing equal protection of the laws for all persons. Individual members of the Maryland NAACP and its branches, including plaintiffs Gary D. Rodwell and James E. Alston, Jr., regularly travel Interstate 95 and other Maryland roadways, and at various times have been stopped and detained by Maryland State Police troopers. The NAACP brings this action as organizational representative for its members.

³ Demands for injunctive and other equitable relief previously were resolved by entry of a Consent Decree in this case on May 23, 2003.

5. Individual named plaintiffs Gary D. Rodwell, Johnston E. Williams, James E. Alston, Jr., Yancey and Aleshia Taylor, George W. Taylor, Jr., Eric Anthony, Nelson D. Walker, Ras Ra I, John S. Means, Kenneth R. Jeffries, Diana Desmoines, William M. Berry, and Verna Bailey are minority motorists who periodically travel Interstate 95 through Maryland. Each of these plaintiffs has been stopped along Interstate 95, detained based upon race and/or national origin rather than legal justification, and/or searched by Maryland State Police troopers. Furthermore, each was found to be carrying no contraband. That is, despite lengthy detentions and extensive searches, each of the individual named plaintiffs was found to be innocent of carrying illegal drugs or weapons.

6. Plaintiff Gary D. Rodwell is a 48-year-old African-American male, currently residing in Baltimore, Maryland. A graduate of Howard University, Dr. Rodwell earned a doctorate in education from the University of Southern California. Until very recently, he lived in Philadelphia and was employed as the Director of Public Affairs for Camden Community College in New Jersey. A native of Baltimore, Dr. Rodwell still has family and many friends living in Baltimore, and a grandmother residing in a nursing facility in Baltimore. Accordingly, Dr. Rodwell has regularly traveled Interstate 95 between Philadelphia and Baltimore during the course of this lawsuit.

7. Plaintiff Johnston E. Williams is a 40-year-old U.S. citizen and Liberian immigrant living in Upper Darby, Pennsylvania. A graduate of Colgate University with a bachelor's degree in public administration, Mr. Williams recently has earned a master's degree in Human Services Administration from Springfield College in Wilmington, Delaware. He is employed as a social worker with the Early Head Start program in Philadelphia, Pennsylvania. Because he has friends and family in the Washington, D.C. area, Mr. Williams often travels

Interstate 95 between Philadelphia and Washington.

8. Plaintiff James E. Alston, Jr. is a 44-year-old African-American male, residing in Greencastle, Pennsylvania. Mr. Alston is a graduate of the University of Maryland in College Park, and currently works in Baltimore as a Social Insurance Specialist for the Social Security Administration. Mr. Alston regularly travels Interstate 95 through Maryland.

9. Plaintiffs Yancey and Aleshia Taylor are an African-American married couple in their mid-40s, residing in Amityville, New York. They bring this action on their own behalf and on behalf of their minor son, Yancey Taylor, Jr.

10. Plaintiff George W. Taylor, Jr. is an African American male who resides in Bordontown, New Jersey. Mr. Taylor, who is 30, works as a Mechanical Installer for Besam Automated Entrance Systems, Inc., a company that installs automated doors. Because Mr. Taylor resides near Trenton but has family and friends in Baltimore and in Norfolk, Virginia, he regularly travels through Maryland on Interstate 95.

11. Plaintiff Eric Anthony is a 31-year old African-American male who resides in Atlanta, Georgia. Mr. Anthony works as an Operations Supervisor for Service Express, Inc., a retail logistics company in Atlanta. Because Mr. Anthony resides in Georgia but has family and friends in New Jersey, he sometimes travels through Maryland on Interstate 95.

12. Plaintiff Nelson D. Walker is a 30-year-old Liberian male and permanent U.S. resident who lives in Lanham, Maryland. Because Mr. Walker resides in Maryland but has family in Philadelphia, he periodically travels through Maryland on Interstate 95.

13. Plaintiff Ras Ra I -- a Nigerian male who grew up in Jamaica, and a permanent U.S. resident -- now lives in Charlotte, North Carolina. Mr. I frequently travels Interstate 95 through Maryland, to go to New Jersey for recording sessions of his band and to New York to

visit friends and family living there.

14. Plaintiff John S. Means is a 39-year-old African-American man who resides in Washington, D.C. A graduate of Tuskegee University, Mr. Means is employed as a Systems Engineer at the National Geospatial-Intelligence Agency (NGA), a federal agency in Reston, Virginia. Because he resides in Washington, D.C., but has friends and family in Maryland and the northeast, Mr. Means sometimes travels Interstate 95 through Maryland.

15. Plaintiff Kenneth Jeffries is a 39-year-old African-American man residing in Bowie, Maryland. Mr. Jeffries is employed as a biologist at the National Institutes of Health, in Bethesda. Mr. Jeffries often travels Interstate 95 between Washington and Baltimore.

16. Plaintiff Diana Desmoines is an African-American woman, residing in Alexandria, Virginia. Ms. Desmoines works as a consultant for a travel agency in Washington, D.C., and is required to travel frequently for her job. She regularly travels on Interstate 95 in Maryland, to and from the Baltimore-Washington International Airport in connection with her work and for other legitimate purposes.

17. Plaintiff William M. Berry is a 34-year-old African-American male who resides in Merry Hill, North Carolina. Mr. Berry is self-employed with Berry Trucking Co. and is a member of the North Carolina National Guard. He is a 2004 graduate of Shaw University, with a degree in Business Management. Mr. Berry periodically travels on I-95 through Maryland to visit family in Maryland, New York, and New Jersey.

18. Plaintiff Verna A. Bailey is a 47-year-old African-American female who resides in Brigantine, New Jersey. Ms. Bailey is a graduate of Widener University, and works for the Atlantic City Board of Education. Because she lives in New Jersey, but has a sister who lives in Cockeysville, Maryland, and friends in Virginia Beach, Ms. Bailey periodically travels through

Maryland on I-95.

B. Defendants

19. Defendant Department of Maryland State Police (MSP), headquartered in Pikesville, Maryland, is charged with patrolling Maryland state highways, including Interstate 95, to conduct traffic control and drug interdiction activities. MSP receives federal funds through federal grants from the United States Department of Justice, including a 1995 grant of \$1.7 million under the Crime Control and Safe Streets Act of 1994. MSP receives further, ongoing, federal assistance through its use of the National Crime Information Center. As such, MSP is a recipient of federal financial assistance required to conduct its activities in a racially non-discriminatory manner, pursuant to Title VI of the Civil Rights Act of 1964. MSP is named as a defendant herein only as to plaintiffs' claims under Title VI.

20. Defendants David B. Mitchell, Jesse Graybill, George H. Hall, Vernon Betkey, and Keven L. Gray (collectively, the "supervisory defendants") hold or held supervisory positions within the MSP, directly or indirectly supervising the trooper defendants. They have established, implemented, and/or enforced illegal and unconstitutional policies and practices that have caused the injuries of the named plaintiffs, and, in doing so, the supervisory defendants evinced deliberate indifference to plaintiffs' legal rights. Among other things, the supervisory defendants have knowingly allowed MSP troopers, including the trooper defendants, to target motorists for stops and searches on the basis of race. In addition, the supervisory defendants have implemented an unconstitutional policy allowing MSP troopers to detain and search motorists and vehicles by use of dogs, based only on the troopers' subjective desire to search. The actions of the supervisory defendants of which the plaintiffs complain all were taken under color of state law.

21. Defendant David B. Mitchell, at times relevant hereto, was Secretary of the Department of Maryland State Police, holding the rank of Colonel. In this capacity, defendant Mitchell was responsible for supervision of all operations and all functions of the Maryland State Police. He was the commanding officer of all Maryland troopers, including those troopers named as individual defendants herein. He was responsible for the training and supervision of all troopers, and for setting and enforcing policy for the Maryland State Police agency. Defendant Mitchell is named as a defendant in his individual capacity.

22. At relevant times, defendant Jesse Graybill held the rank of Lieutenant Colonel and was Commander of MSP's Field Operations Bureau. In this capacity, defendant Graybill oversaw and supervised MSP's 23 barracks and all uniformed troopers and generally was responsible for the patrol function of the Maryland State Police. Defendant Graybill is named as a defendant in his individual capacity.

23. Defendant George Hall was, at relevant times, a Major with the MSP, serving as Commander of the Northern Region of MSP's Field Operations Bureau. In this capacity, defendant Hall oversaw operations of all MSP barracks in the state's northern region, including the J.F.K. Barrack, North East Barrack, Bel Air Barrack, and Golden Ring Barrack. Additionally, Major Hall was responsible for creation of a computer database used by MSP to track interactions between I-95 motorists and troopers working from the J.F.K. Barrack, and he monitored MSP compliance with the Settlement Agreement entered between MSP and minority motorists in the federal lawsuit captioned *Wilkins v. Maryland State Police*, Civil Action No. CCB-93-468. Defendant Hall is named as a defendant in his individual capacity.

24. Defendant Vernon Betkey, a Lieutenant with the MSP, was at times pertinent to this action employed as the Barrack Commander for MSP's J.F.K. and Bel Air Barracks. As

Barrack Commander, Lt. Betkey was responsible for day-to-day operation of these barracks, including supervision of all troopers working from the barracks, and implementation of the *Wilkins* Settlement Agreement and the anti-discrimination policies promulgated thereunder. Defendant Betkey is named as a defendant in his individual capacity.

25. At times pertinent to this action, defendant Keven L. Gray held the rank of Lieutenant and was employed as the Barrack Commander for MSP's J.F.K. Barrack. As Barrack Commander, Lt. Gray was responsible for day-to-day operation of the barrack, including supervision of all troopers working from the barrack, implementation of the *Wilkins* Settlement Agreement and the anti-discrimination policies required thereunder. Defendant Gray is named as a defendant in his individual capacity.

26. Defendants John E. Appleby, George P. Brantly, Bernard Donovan, Steven W. Dulski, Melvin Fialkewicz, John R. Greene, Eric Harbold, Steven L. Hohner, Clifford T. Hughes, David B. Hughes, Michael T. Hughes, Steven O. Jones, James E. Nolan, Paul J. Quill, Mark A. Rhinehart, Christopher Tideberg, Ernest S. Tullis, Michael D. Wann, Billy White, and John Wilhelm (collectively, the "trooper defendants"), are, or were at times pertinent to this action, Maryland State Troopers. The actions of the trooper defendants of which the plaintiffs complain all were taken under color of state law. The trooper defendants have conducted traffic control and drug interdiction activities along Maryland roads and highways, including Interstate 95, at times pertinent to this action. By unjustly and illegally using race, ethnicity, and/or national origin as a basis for carrying out these activities, each of the trooper defendants has furthered MSP's overall pattern and practice of racially discriminatory law enforcement, and thereby injured the plaintiffs, as set forth below. In addition, the trooper defendants have detained and searched plaintiffs unreasonable, and without sufficient cause. Also, certain of the

trooper defendants have acted pursuant to the unconstitutional MSP policy and practice allowing troopers to detain and search motorists and vehicles by dogs, based only on a trooper's subjective desire to search. Each of the trooper defendants has acted under the supervision of one or more of the supervisory defendants. Each trooper defendant is named as a defendant in his or her individual capacity.

IV. Facts Giving Rise to This Action

A. Discrimination by defendants toward all plaintiffs

(1) The onset and continuing nature of MSP discrimination against minority motorists in highway drug interdiction

27. The Maryland State Police have relied upon race in conducting highway drug interdiction activities and, in so doing, have engaged in an unabated, continuing pattern and practice of discrimination, since at least 1988. For example, testimony of an MSP trooper, recounted in a published decision of the Maryland Court of Appeals,⁴ shows that as of 1988, MSP policy allowed and encouraged troopers to detain and search motorists based on matches with a race-based "drug courier profile" that explicitly targeted "1) young, black males wearing expensive jewelry; 2) driving expensive cars, usually sports cars; 3) carrying beepers; and 4) in possession of telephone numbers."

28. On information and belief, this "profile" continued in use by the MSP until at least 1992, when the Maryland Court of Appeals in the published decision referred to in the preceding paragraph ruled that MSP reliance on a match with the profile to stop and search a motorist was unconstitutional.

29. Also in 1992, MSP's Criminal Intelligence Division issued a "Confidential Criminal Intelligence Report," on which Maryland law enforcement personnel, including MSP

troopers, relied to make race-based stops and searches. This report, dated April 27, 1992, encouraged police operating in Allegany County to target African-Americans, on the alleged grounds that the county “is currently experiencing a serious problem with the incoming flow of crack cocaine,” and that “[t]he dealers and couriers (traffickers) are predominantly black males and black females.” MSP troopers in Allegany County relied on this report to conduct an illegal, race-based detention and search of Robert L. Wilkins and his family on May 8, 1992. The abusive treatment of the Wilkins family gave rise to the *Wilkins v. Maryland State Police* litigation, which was filed in February 1993.

30. Nevertheless, MSP troopers continued to use race as a basis for stopping, detaining, and searching motorists. For example, in July 1993, MSP trooper Michael Lewis⁵ testified in the criminal case of State of Maryland v. Ware, that he decided to search Mr. Ware for drugs in significant part because Mr. Ware was a young, African-American male. Incredibly, Trooper Lewis testified that he considered race on a daily basis in his drug interdiction work. Even after he gave such testimony, the MSP assigned Trooper Lewis to train other law enforcement officers on the Eastern Shore in his methods of conducting highway drug interdiction.

31. On July 12, 1994, a year after Lewis’s testimony in the Ware case and while the *Wilkins v. Maryland State Police* litigation was pending, Charles and Etta Carter, an elderly African-American couple, were stopped on Interstate 95, detained for more than two hours, and subjected to extensive dog and hand searches by MSP troopers Paul J. Quill, Steven L. Hohner, and John E. Appleby. The Carters filed suit against MSP and its officials in 1996, claiming that

⁴ *Derricott v. State*, 327 Md. 582, 585, 611 A.2d 592, 594 (Md. 1992).

⁵ At the time of this testimony and continuing thereafter, Trooper Lewis was assigned to drug interdiction in Wicomico County. He has, at times pertinent to this action, been detailed to a

their detention and search were based upon race. In 1997, just before the scheduled trial of the case, the defendants settled the suit by payment of a substantial monetary sum to Mr. and Mrs. Carter.

32. Beginning in 1990 and continuing until June 1996, MSP operated a specialized highway drug interdiction team, called the “Special Traffic Interdiction Force” or “STIF,” along Interstate 95 in northeastern Maryland. Plaintiffs aver, on information and belief, that the STIF was made up of six Caucasian troopers working out of MSP’s JFK Barrack, including defendants John E. Appleby, Bernard Donovan, Steven L. Hohner, James E. Nolan, Paul J. Quill, and John L. Wilhelm. In late May of 1996, a nationally-circulated *Associated Press* investigative analysis reported that STIF members searched African-American motorists four times as often as they did whites. A month later, MSP disbanded the STIF.

(2) Discriminatory stops and searches conducted by MSP since 1995

33. At the start of January 1995, the defendants and the plaintiffs reached a settlement in the *Wilkins* litigation. Among other remedies, including a substantial monetary payment to Mr. Wilkins and his family, the settlement required Maryland State Police to maintain and produce to the Court and the American Civil Liberties Union detailed information concerning all motorist stops on Maryland roadways in which consent to search was requested or a search was performed by a drug-detecting dog.

34. The vast majority of motorists traveling Interstate 95, some 93%, violate traffic laws by exceeding the posted speed limit, thus making themselves eligible for traffic stops by police.

drug interdiction team operating on the Lower Eastern Shore.

35. During times relevant to this action, white motorists accounted for about 75% of the traffic and of the traffic exceeding the posted speed limit along Interstate 95 through northeastern Maryland. Black motorists constituted about 17%, and other minorities about 5% of both categories.

36. However, MSP's *Wilkins* data show that between January 1, 1995 and December 31, 1997, about 70% of the people that MSP troopers stopped and searched on Interstate 95 were black, and about 77% were minority. Only about 23% were white.

37. According to the MSP data, the vast majority of innocent travelers who were stopped and searched (i.e., those who were found not to be carrying any contraband) on I-95 in this period were blacks and other minorities — about 67% and 76%, respectively.

38. Racial disparities in searches conducted by the MSP's STIF were even more glaring. Between January 1, 1995 and June 30, 1996 (when the force was officially disbanded), 70% of the people searched by STIF members were African-Americans, and about 80% were minorities. Only 20% were white.

39. The MSP's *Wilkins* data also reveal a racially discriminatory pattern and practice in motorist stops that MSP troopers conducted on Interstate 95.

(3) Discrimination by individual trooper defendants since 1995

40. The MSP's *Wilkins* records also show glaring racial disparities in searches conducted by the trooper defendants herein. These records show the following pattern for Interstate 95 searches between January 1, 1995 and December 31, 1997 (except as is otherwise indicated):

<u>Defendant</u>	<u>Percentage of Searches That Were of Minorities</u>	<u>Percentage of Searches That Were of Blacks</u>
John E. Appleby ⁶	85.3%	75%
George P. Brantly	78.6%	71.4%
Bernard Donovan	100%	100%
Steven W. Dulski	78.6%	78.6%
Melvin Fialkewicz ⁷	100%	100%
John R. Greene	88.2%	76.5%
Eric Harbold	70%	70%
Steven L. Hohner	81.8%	79.2%
Clifford T. Hughes ⁸	90%	60%
David B. Hughes	86.8%	82.8%
Michael T. Hughes ⁹	85.5%	82.6%
Steven O. Jones	78.9%	62%
James E. Nolan	80.5%	77.9%
Paul J. Quill	74.4%	59%
Mark A. Rhinehart ¹⁰	83.4%	66.7%
Christopher Tideberg	73.8%	71.4%
Ernest S. Tullis	97.8%	97.8%
Michael D. Wann	83.3%	83.3%
Billy White ¹¹	59.1%	54.5%
John L. Wilhelm	56.5%	32.6%

⁶ These numbers reflect defendant Appleby's searches between January 1, 1995, and September 30, 1996. He was suspended in September 1996, following his arrest for stealing money from motorists on I-95 that he had stopped and searched. He subsequently pled guilty to criminal charges, and the MSP terminated him.

⁷ For reasons unknown to plaintiffs, defendant Fialkewicz's employment by the MSP ended sometime before 1997. The MSP's *Wilkins* reports reflect no searches by him after the second quarter of 1995.

⁸ MSP *Wilkins* records reflect searches by Clifford T. Hughes only from June, 1996. Accordingly, these percentages reflect searches between then and December 31, 1997.

⁹ In August 1996, defendant Michael T. Hughes went on injury-related leave. MSP *Wilkins* records reflect no search by him since August 20, 1996.

¹⁰ MSP records show Interstate 95 searches reported by Trooper Rhinehart only during the period from January through June, 1995.

¹¹ In the *Wilkins* litigation, the MSP admitted that during one week in March 1997, defendant White conducted an additional 10 fruitless searches of African-American motorists that are missing from the *Wilkins* records.

41. Statistical analysis shows an egregiously discriminatory impact on minority motorists traveling Interstate 95, when benchmark population and traffic violator numbers are compared with overall *Wilkins* data, data for the Special Traffic Interdiction Force, or data for individual trooper defendants.

42. The *Wilkins* data exhibit similar discriminatory patterns for additional troopers assigned to the I-95 corridor who are not named defendants.

(4) Indifference of the MSP and the supervisory defendants

43. In June 1995, after about five months of data collection under the *Wilkins* agreement, then-MSP Deputy Superintendent James E. Harvey circulated a memorandum to all MSP Regional and Division Commanders analyzing the data. The memorandum recognized — and informed the supervisory defendants, including defendant Mitchell, who received a copy — that “the numbers reveal that Troopers are continuing to target non-white subjects.” Plaintiffs aver, on information and belief, that the supervisory defendants took no meaningful or effective action in response to Col. Harvey's memorandum, so as to prevent continuation of the race-based targeting identified by Harvey. As a direct and proximate result of this supervisory inaction, the trooper defendants continued unlawfully to target minority motorists, including plaintiffs, traveling Interstate 95.

44. On or about June 28, 1995, Cecil County Circuit Court Judge Dexter Thompson ruled that a February 28, 1995 detention and search of minority motorist Marc A. Pittman and his two passengers, conducted along Interstate 95 in Cecil County by defendants David B. Hughes and Steven W. Dulski, was unconstitutional, as not supported by reasonable suspicion or probable cause. Plaintiffs aver, on information and belief, that Hughes and Dulski detained Mr. Pittman and his passengers and undertook this unlawful search based upon the motorists'

African-American race, consistent with defendants' pattern and practice of discrimination in drug interdiction activities carried out along Interstate 95. The search was conducted using a canine, after Mr. Pittman refused Hughes' request that he consent to a search.¹⁰ All evidence of crime seized by Hughes and Dulski during their illegal detention and search of Pittman was suppressed by Judge Thompson. Thereafter, the State dismissed all charges against Pittman and his two passengers. On information and belief, plaintiffs aver that MSP supervisors took no meaningful action to investigate or discipline defendants Hughes and Dulski for their unconstitutional search and seizure of Pittman and his passengers.¹²

45. On October 9, 1995, plaintiffs John S. Means and Kenneth R. Jeffries registered a complaint with an individual who identified himself as MSP's then-Chief of Field Operations, Ernest J. Leatherbury, who is now deceased, about another incident of race-based profiling by defendant David B. Hughes. Although the Hughes incident complained of by Means and Jeffries followed on the heels of Col. Harvey's finding that troopers were continuing to target motorists based on race and the state court's ruling that Trooper Hughes had acted unconstitutionally in his search and seizure of Marc Pittman, the individual identified as Col. Leatherbury treated plaintiffs' complaint dismissively. This person informed Means and Jeffries that troopers under his command did not act unlawfully, and made clear that he was not interested in pursuing plaintiffs' complaint. Means and Jeffries nevertheless persisted in providing this individual with the details of their complaint, specifically informing him they believed they had been stopped, detained, and searched by Hughes based upon their African-American race. Although this individual told plaintiffs they could consider their complaint registered, and plaintiffs provided the individual with their contact information, they never heard anything further from him or from

¹² In violation of the *Wilkins* Settlement Agreement and MSP policy, the MSP failed to

the MSP about their complaint. Plaintiffs aver, on information and belief, that -- again -- no meaningful or effective action was taken by MSP supervisors to address or investigate the complaint against Trooper Hughes lodged by John Means and Kenneth Jeffries. As a result of this supervisory indifference and inaction, Trooper Hughes continued his pattern of harassment toward minority motorists, and within months engaged in similar mistreatment toward named plaintiffs Yancey and Aleshia Taylor and their son, Verna Bailey and Gary D. Rodwell.

46. On April 11, 1996, defendant George Hall sent a memorandum to Lt. Col. Leatherbury, with copies to defendants Mitchell and Graybill, concerning the Wilkins data collected as of that date. Defendant Hall recognized that “in a concentrated area, there exists a remarkable deviation in these figures with African-Americans being stopped and searched to a significantly higher degree than all other persuasions combined.” The area he mentioned included a large part of I-95 patrolled by troopers from the MSP’s JFK Barrack, including the segment of highway where plaintiffs John Means, Kenneth Jeffries, Gary Rodwell, Johnston Williams, Yancey and Aleshia Taylor, George W. Taylor, Jr., Eric Anthony, Nelson D. Walker, Ras Ra I, William M. Berry, and Verna Bailey, as well as minority motorist Marc A. Pittman, were illegally stopped, detained, and searched. Plaintiffs aver, on information and belief, that the supervisory defendants again took no meaningful or effective action in response to defendant Hall's memorandum, and thus failed to prevent the continuation of the race-based targeting identified by Hall.

47. Prior to their filing of a lawsuit against the Maryland State Police in 1996, Charles and Etta Carter filed an administrative complaint with MSP's Internal Affairs Unit complaining about the abusive treatment, including race-based profiling, they were subjected to in July 1994

report the unconstitutional search of Pittman and his passengers to the Court.

by defendants Paul Quill, Steven Hohner, and John Appleby. MSP investigators subsequently informed Mr. and Mrs. Carter that they had investigated their complaint, but that they found the charges to be unsubstantiated. When the Carters later pursued legal claims in court against the troopers and the MSP agency, however, defendants paid the Carters a substantial monetary sum to settle the claims just prior to trial. Plaintiffs aver, on information and belief, that despite MSP's payment of significant damages to settle Mr. and Mrs. Carter's claims against Quill, Hohner, and Appleby in early 1997, no disciplinary action was imposed upon these troopers as a result of their involvement in the Carter incident.

48. Based upon analysis of the Wilkins records for the years 1995 and 1996, and upon consideration of the internal memoranda issued and circulated within MSP by Deputy Superintendent Harvey and defendant Hall, the *Wilkins* Court on April 22, 1997 found that the “plaintiffs clearly have made a reasonable showing that there was a pattern and practice of stops by the Maryland State Police based upon race[.]” Accordingly, the Court extended and expanded the MSP’s monitoring obligations. Plaintiffs aver, on information and belief, that MSP supervisors again took no meaningful or effective action in response to this Court's ruling, so as to prevent continuation of the trooper defendants' pattern and practice of discrimination in highway stops conducted along Interstate 95.

49. On August 27, 1997, the Maryland Court of Special Appeals ruled that the September 12, 1994 detention and search of minority motorist Cedrick Whitehead conducted along Interstate 95 in Harford County by defendant Bernard M. Donovan was unconstitutional, in that it was not supported by reasonable suspicion or probable cause. On information and belief, plaintiffs aver that in undertaking this unlawful detention and search, defendant Donovan relied upon Mr. Whitehead's African-American race, consistent with defendants' pattern and

practice of discrimination in drug interdiction activities conducted along Interstate 95. As with the illegal search of motorist Marc Pittman referenced in paragraph 44, the search of Whitehead had been conducted using a canine, after Mr. Whitehead refused Donovan's request that he consent to a search. The Court rejected Donovan's contention that the search was justified because of Whitehead's nervousness and conflicting stories among Whitehead and his passengers. Whitehead's criminal conviction was overturned, and all evidence of crime seized by Donovan during his illegal detention and search of Whitehead was suppressed pursuant to the Court's ruling. Plaintiffs aver, on information and belief, that consistent with their pattern of deliberate indifference to constitutional violations committed by the trooper defendants, MSP supervisors took no meaningful action to investigate or discipline Trooper Donovan for his unconstitutional search and seizure of Mr. Whitehead.

50. In September, 1997, plaintiff Johnston E. Williams filed an administrative complaint with MSP's Internal Affairs Unit, complaining about the racially discriminatory and offensive treatment he and four African passengers were subjected to by defendant Billy White. Although an investigation of this complaint was undertaken by MSP, and Mr. Williams submitted to an interview by an MSP investigator, plaintiffs aver, on information and belief, that no disciplinary action has been taken against Trooper White as a result of Mr. Williams' complaint.

51. On August 8, 1998, minority motorist Barry Flack attempted -- without success -- to register a complaint with MSP supervisors about racially offensive treatment he experienced during an Interstate 95 stop conducted by defendant Michael D. Wann. Flack had just pulled onto the highway, heading south, from Route 24 in Harford County. As Flack attempted to merge and accelerate to the speed of the traffic, Wann signaled for him to pull over, allegedly for

speeding. Wann was belligerent in his dealings with Flack. He repeatedly referred to Flack by the pejorative "boy" (as in "if you have a freaking problem you can dispute it in court, boy"), and at one point uttered the first syllable "nig" before swallowing the rest of that epithet. Flack was ticketed for an alleged speeding violation, and was detained for about 25 minutes. The trooper's behavior was so offensive to Mr. Flack that he wanted to register a complaint, so he stopped at the Golden Ring Barrack off Interstate 95, and attempted to do so. The officer at the front desk was uncooperative and unwilling to accept a complaint. He told Flack he would have to go to the JFK Barrack if he wanted to make a complaint against Wann. When Flack said he didn't know how to get to the JFK Barrack, the officer wrote a telephone number on the back of the ticket Flack was holding. Flack then went to a pay telephone and tried to call the barrack at the number given him. The number turned out to be wrong, however; it was for a private home, not for the JFK Barrack. After twice calling this wrong number, Flack obtained the number for MSP headquarters from information and called there. His call to headquarters was forwarded to the JFK barrack, where it was answered by Sgt. Barry Janey. Flack told Janey he wished to lodge a complaint against Trooper Michael Wann. As Flack tried to detail his complaint, he was repeatedly interrupted by Janey. Janey put Flack on hold two or three times, and then interjected comments indicating that he might have been discussing the incident with Wann while Flack was on hold. Janey said he did not believe Wann had said the words Flack claimed. Flack became frustrated, and said "I guess you're one of those people who thinks racism doesn't exist" (or words to that effect.) Janey then angrily informed Flack that the Maryland State Police department is one of the best police agencies in the country, that there are no problems with racism at MSP, and that this would be the first time anyone had ever made a complaint about race discrimination against the Maryland State Police. At that point, Flack said it did not appear

Janey was going to help him file a complaint or alert a supervisor about the problem. Flack said if no one there would help him, maybe he should just go to the NAACP or the ACLU. Janey responded by saying "Why don't you go to the NAACP or the ACLU? File a complaint with them." And, at that, Sgt. Janey hung up on Flack. As such, conduct of MSP officials, beyond displaying indifference, actually discouraged and prevented Mr. Flack from registering a complaint with MSP against defendant Michael Wann.

52. On September 22, 1998, the Maryland Court of Special Appeals ruled that the March 29, 1996 detention and search of African-American motorist William Lytle conducted along Interstate 95 in Cecil County by defendant Steven O. Jones was unconstitutional, in that it was not supported by reasonable suspicion or probable cause. On information and belief, plaintiffs aver that in undertaking this unlawful detention and search, defendant Jones relied upon Mr. Lytle's African-American race, consistent with defendants' pattern and practice of discrimination in drug interdiction activities conducted along Interstate 95. The Court rejected Jones' contention that the detention and search were justified because of Lytle's nervousness, because he complained of illness when Jones began questioning him, and due to inconsistent stories between Lytle and his passenger. Lytle's criminal conviction was overturned, and all evidence of crime seized by Jones during his illegal detention and search of Lytle was suppressed pursuant to the Court's ruling. Plaintiffs aver, on information and belief, that consistent with their pattern of deliberate indifference to constitutional violations committed by the trooper defendants, MSP supervisors took no action to investigate or discipline Trooper Jones for his unconstitutional search and seizure of Mr. Lytle.

53. For these and other reasons, it is apparent the MSP and the supervisory defendants were aware, or should have been aware, that MSP troopers were engaged in racial targeting,

harassment, and illegal searches of minority motorists traveling I-95. Repeatedly, the supervisory defendants had cause to investigate reports of wrongdoing by the trooper defendants, yet they failed and refused to do so, thereby exhibiting deliberate indifference to the rights of minority motorists, including the plaintiffs. The supervisory defendants took no meaningful or effective action to address these problems or to prevent continuation of the trooper defendants' egregious pattern of discrimination. This inaction and indifference on the part of the supervisory defendants has actually and/or proximately caused plaintiffs to suffer violations of their fundamental rights to equal protection of the laws, to be free from unreasonable government searches and seizures, and to travel interstate.

B. Suspicionless searches by MSP troopers with drug-detecting dogs

54. Maryland State Police policy permits troopers, at their individual discretion, to detain a motorist during any traffic stop for the purpose of conducting a search by a drug-detecting dog, regardless of whether the trooper has reasonable, articulable suspicion to believe the motorist is carrying drugs. The MSP and the supervisory defendants are responsible for the continuation and enforcement of this policy. Pursuant to this policy, MSP troopers, including the trooper defendants, routinely detain motorists for the purpose of subjecting them to dog searches, even though the troopers are unable to articulate any reasonable suspicion that the motorists are carrying illegal drugs.

55. On February 2, 1998, the Maryland Court of Special Appeals ruled that MSP Troopers Jeffrey L. Kissner and Charles Stanford, who worked in Western Maryland as a two-man drug interdiction team, acted unconstitutionally by detaining motorist Kelly Graham for 20 minutes while awaiting a drug-detecting dog to search Graham's vehicle, along Interstate 81. *Graham v. State of Maryland*, 119 Md.App. 444 (1998). The car in which Graham was a

passenger had been stopped by Kissner for speeding. When Kissner checked the driver's license, he found his license had been suspended. Rather than simply ticketing the driver for the offenses of speeding and driving without a license, however, Kissner detained the motorists to conduct a dog search for drugs. The court held this extended detention was unconstitutional, and thus suppressed all contraband discovered during the subsequent searches. Plaintiffs aver, on information and belief, that in undertaking the detention and search of Kelly Graham, the troopers were following MSP's official policy authorizing suspicionless dog searches, and that the constitutional violations committed against Graham flowed directly from this policy. Plaintiffs further aver, on information and belief, that following the Court of Special Appeals ruling, MSP supervisors took no action to reevaluate their suspicionless dog-search policy, nor to investigate or discipline troopers Kissner and Stanford for their unconstitutional treatment of Mr. Graham.

56. MSP dog searches involve intrusion, humiliation, embarrassment, and great inconvenience to the motorists. These searches routinely involve detaining motorists for 20 minutes or longer to await a canine unit. The dog search itself takes 15 minutes or longer. As a matter of practice and policy, police release their dogs to roam at will inside vehicles that are stopped for that purpose. MSP practice also allows troopers, in their discretion, to remove all luggage and containers from the car for the dog to search on the roadside. MSP dog searches often result in dirt, filth, unpleasant smells, and insect infestation of motorists' cars.

57. The defendants' policy authorizing suspicionless dog searches is unconstitutional on its face and as applied, in that it causes MSP to detain and search motorists without constitutionally necessary justification.

58. As a direct and proximate result of the MSP policy permitting troopers to conduct discretionary dog searches without reasonable, articulable suspicion, plaintiffs Gary D. Rodwell, James E. Alston, Jr., George W. Taylor, Jr., Eric A. Cook, Diana Desmoines, and Verna Bailey were detained and searched by defendants without reasonable cause, in violation of the guarantees against unreasonable searches and seizures established in the Fourth Amendment to the U.S. Constitution and Article 26 of the Maryland Declaration of Rights.

C. Incidents involving the individual named plaintiffs

59. Twice in the five years preceding filing of this lawsuit, plaintiff Nelson D. Walker was stopped and detained by the Maryland State Police while traveling along Interstate 95. First, in February 1994, he was stopped and detained for 20 minutes. The trooper questioned plaintiff extensively about where he was going and how he obtained the car he was driving, a 1990 Infiniti M30, which the trooper insinuated was too nice a car for plaintiff to own legitimately. No ticket was issued, and no reason was given to Mr. Walker to justify the stop. Plaintiffs aver, on information and belief, that there was no valid basis for this stop. Rather, plaintiffs believe, the stop was conducted based upon Mr. Walker's black race and Liberian national origin, consistent with defendants' pattern and practice of discrimination in drug interdiction activities carried out along Interstate 95.

60. The second MSP stop experienced by plaintiff Walker occurred on or about April 15, 1995. On that occasion, Mr. Walker and two black passengers, including plaintiff Ras Ra I, were stopped, detained for one-and-a-half to two hours, and searched, and their car was partially dismantled, along Interstate 95 by two MSP troopers whose identities are unknown to the plaintiffs. The trooper made plaintiffs Walker and I and the other passenger leave the car and stand on the roadside in the rain. The police took these actions for the stated reasons that Mr.

Walker was not wearing a seat belt, and that MSP was conducting drug interdiction along I-95. The troopers were insulting and verbally abusive. When Mr. I told a trooper that he needed to get out of the rain because he twice had contracted pneumonia, the trooper threatened him with jail. They searched Mr. Walker's and Mr. I's persons, removing articles from their pockets. The troopers told Mr. Walker that if he did not permit them to search, they would detain him and obtain a search warrant. They then searched the car and plaintiffs' belongings, including luggage of both Mr. Walker and Mr. I. Finding nothing, the troopers then began dismantling the car, by removing part of a door panel, a seat panel, and part of the car's sunroof. Again, no contraband was found. Following these fruitless searches, the troopers left with the car still partially dismantled. As they walked away, one of the troopers handed Mr. Walker a screwdriver and told him "you're going to need this." On information and belief, Mr. Walker and Mr. I were targeted by police based upon their black race and national origin, consistent with the defendants' pattern and practice of discrimination in drug interdiction activities carried out along Interstate 95. In violation of the Wilkins Settlement Agreement and MSP policy, the MSP failed to report the fruitless search of Mr. Walker and Mr. I to the Court.

61. Plaintiffs George W. Taylor and Eric Anthony have been stopped and detained by Maryland State Police troopers on Maryland roadways on three occasions in the four years preceding their initial filing of this lawsuit in 1998-- twice on Interstate 95. First, in mid-October, 1994, plaintiffs were traveling Interstate 95 with several African-American friends in a caravan of three cars, from New Jersey to Baltimore. After paying a toll, the cars accelerated to the speed limit, and a Maryland trooper in a marked cruiser pulled alongside the cars, looking into each car. He then signaled for the three cars to pull over, and all three of the cars stopped. The trooper then detained the plaintiffs, without explanation, and required everyone, including

the passengers in each of the cars, to produce identification. He then took the motorists' identification and returned to his cruiser, where he said he ran checks for outstanding warrants. Plaintiffs were detained for approximately 40 minutes during this process, then they were released with a verbal warning about alleged speeding. Plaintiffs aver, on information and belief, that this stop was conducted based upon plaintiffs' African-American race, consistent with defendants' pattern and practice of discrimination in drug interdiction activities carried out along Interstate 95.

62. The second incident involving Mr. Taylor and Mr. Anthony occurred on or about September 1, 1995, when plaintiffs were stopped and detained for at least 90 minutes along Interstate 95 in Harford County by four Maryland State Police troopers whose identities are unknown to the plaintiffs. At the time of the stop, Mr. Taylor was driving and Mr. Anthony was a passenger in Mr. Taylor's car. Based upon an alleged violation of a Maryland law regulating car air fresheners, and because the troopers said I-95 is a drug trafficking route, plaintiffs Taylor and Cook were subjected to two searches — first a thorough hand search of the car, their suitcases, and their personal belongings, and then a search by a drug-detecting dog. On information and belief, plaintiffs Taylor and Anthony were targeted by police based upon their African-American race, consistent with the defendants' pattern and practice of discrimination in drug interdiction activities carried out along Interstate 95. The two comprehensive searches turned up no contraband of any kind. A verbal warning that the car air freshener allegedly created an obstruction of view violation, but no ticket, was issued. After two searches and more than an hour-and-a-half of detention, the lead trooper told Mr. Taylor and Mr. Anthony to “have a nice day” and permitted them to go on their way. In violation of the Wilkins Settlement

Agreement and MSP policy, the MSP failed to report the fruitless hand and dog searches of Mr. Taylor and Mr. Anthony to the Court.

63. Just three days later, on September 4, 1995, plaintiffs George Taylor and Eric Anthony were stopped once again by MSP troopers, as they returned to New Jersey from their Labor Day weekend visit to Norfolk. Due to their bad experience on I-95 earlier that weekend, plaintiffs decided to return from Norfolk via the Eastern Shore. This time, police had laser guns set up on an overpass and two MSP troopers were standing by the roadside pulling cars over. One of them signaled for Taylor and Anthony to pull over, and subsequently ticketed them for alleged speeding.

64. On October 9, 1995, plaintiffs John S. Means and Kenneth R. Jeffries were stopped, detained for approximately two hours, and searched along Interstate 95 in Harford County, by MSP troopers David B. Hughes (lead) and Paul Quill (back-up) . These actions were taken by Hughes for the stated reason that Means, who was driving the car, was following too closely to another car. After Hughes checked Mr. Means' license and registration and found everything to be in order, he separated and questioned Means and Jeffries about their reasons for being on the highway and their opinions about drug trafficking. After about 40 minutes had passed since the stop began, Trooper Quill arrived at the scene and Hughes asked Means to consent to a car search. When Means hesitated, Hughes told him that if he refused to consent to the search, police would detain him for a prolonged period while they obtained a court order for the search. So advised, Mr. Means gave his "consent" to the search. Hughes then searched the car and the plaintiffs' belongings completely, while Trooper Quill stood watching on the side of the road. No contraband of any kind was found. When he was finished, Trooper Hughes -- obviously annoyed at the fruitlessness of his search -- told Mr. Means that just because the

search had come up empty, it did not mean Means and Jeffries were clean. Hughes said Means was lucky police did not impound the car, which he suggested they could have done had they wanted to do a thorough search. Mr. Means was given a written warning for the alleged offense of "following too close." After about two hours of detention, plaintiffs were released. On information and belief, plaintiffs aver that Mr. Jeffries and Mr. Means were detained and searched based upon their African-American race, consistent with the defendants' pattern and practice of discrimination in drug interdiction activities carried out along Interstate 95.

65. A few minutes after resuming their trip, plaintiffs saw an African-American Maryland trooper patrolling the road. They motioned to the trooper that they would like him to stop so they could talk to him, and both cars pulled to a stop at the side of the highway. Mr. Means and Mr. Jeffries related what had happened to them to the black trooper, and informed him that they felt strongly they had been detained and searched merely because they were young African-American men. The trooper was polite and seemingly helpful. He acted sympathetic to the plaintiffs' complaint, and told them if they wished to make a complaint they should telephone Lt. Col. Ernest Leatherbury, who he said was the commander. He provided them with a telephone number that he said was Col. Leatherbury's, and told them to be sure to talk to Leatherbury directly.

66. Plaintiffs stopped at the next highway exit to telephone Col. Leatherbury. When an individual who identified himself as Col. Leatherbury came on the line, Mr. Means told him he and his friend wished to make a complaint about a traffic stop involving David Hughes. He said they believed they had been the victims of race-based profiling by Trooper Hughes-- that they had been stopped, detained and searched merely because they were young, African-American males. Unlike the black trooper they had spoken with, this individual was entirely

unreceptive to this complaint. The individual told Means that if Hughes had detained and searched him, Hughes undoubtedly had a good reason for doing so. The individual said he “stands behind his troopers” and could not accept that they would be engaged in any kind of race discrimination or wrongdoing. After a conversation that lasted about ten minutes, the individual who identified himself as Col. Leatherbury tersely told Mr. Means he could consider the complaint registered. Means felt that the complaint was not taken seriously at all, and believed no action would be taken in response to the complaint. Although he had provided the individual with his name and contact information, he never heard anything further about the matter, either from Leatherbury or from anyone affiliated with the Maryland State Police.

67. On or about October 26, 1995, plaintiffs Yancey and Aleshia Taylor and their minor son, Yancey Taylor, Jr., were stopped and detained for approximately one hour and 20 minutes along Interstate 95 by defendants David Hughes (lead) and Steven Dulski (back-up). Mr. Taylor was driving the car, Mrs. Taylor was in the front passenger seat, and their son was in the back seat. At the time of the stop, Mr. Taylor, who is disabled, was exiting the highway into a rest area because he was experiencing physical discomfort and needed a break from driving. However, the troopers accused Mr. Taylor of fleeing from police to the service area — and attempted to justify their conduct on that basis. The troopers separated Mr. and Mrs. Taylor, requiring Mr. Taylor to sit in a police cruiser and answer questions, while Mrs. Taylor was questioned in plaintiffs’ car. The lead trooper repeatedly told Mrs. Taylor that he wished to search the car, and he proceeded to look through the interior of the car with a flashlight. Upon seeing a bottle of cough medicine, the trooper questioned Mrs. Taylor about the cough medicine. The trooper with Mr. Taylor told plaintiff he was checking records in four states to look for outstanding warrants. Mr. Taylor told him he had no warrants. The trooper told Mr. Taylor he

must have a warrant somewhere. When Mr. Taylor assured the trooper he was not a criminal, the trooper told Mr. Taylor he did not know who or what he was, offensively insinuating that plaintiff might very well be a criminal. These actions were taken by police as a result of an alleged speeding violation. On information and belief, the Taylors were targeted by police based upon their African-American race, consistent with the defendants' pattern and practice of discrimination in drug interdiction activities carried out along Interstate 95. The MSP troopers found no contraband of any kind. A warning, rather than a ticket, was issued to Mr. Taylor for an alleged speeding violation. In violation of the Wilkins Settlement Agreement and MSP policy, the MSP failed to report this incident to the Court.

68. On November 9, 1995, plaintiff Verna Bailey and her five-year-old daughter were chased, stopped, detained for approximately one hour and 15 minutes and searched twice -- first by a drug-detecting dog and then by hand -- by defendant David B. Hughes and two other troopers, near the junction of Interstate 95 and 695. At the time of the stop, plaintiff was driving along the roadway with her cruise control set at 65 m.p.h. Her daughter was asleep in the back seat. Trooper Hughes began following closely behind Ms. Bailey, with his high-beams on, blocking her vision. Plaintiff changed lanes to avoid Hughes' bright lights, but he continued to ride on her bumper. Ms. Bailey became alarmed, and sped up to try to escape the car. But Hughes continued to tailgate, and plaintiff became frantic with worry. Finally, Hughes turned on the car's flashing police lights, and plaintiff realized the driver chasing her was a police officer. She pulled to the side of the road.

69. When Hughes approached Ms. Bailey's car, he accused her of speeding. Plaintiff tried to explain that she had not known he was a police officer, and that she had sped up to get away, but defendant dismissed this explanation and reprimanded plaintiff for speeding. After

checking Ms. Bailey's license, Hughes began to question her about whether she was carrying illegal drugs or weapons. Ms. Bailey assured him she was not, but Hughes said he did not believe her. He told plaintiff he wanted to search her car, and gave her a consent form to sign. Plaintiff repeatedly declined to sign the form. After browbeating Ms. Bailey for some time and failing to obtain her consent, Hughes called in a drug dog to conduct a search. In so doing, defendant had no reasonable, articulable suspicion that Ms. Bailey had committed any crime. Two more troopers arrived on the scene with a dog, and Hughes directed plaintiff to take her daughter and sit in a police car. The dog then searched the car. Following the dog search, the second trooper ordered plaintiff to give him her keys. Hughes and the second trooper then completely searched plaintiff's car and her belongings. The third trooper sat with plaintiff and her daughter in the police cruiser. As Ms. Bailey sat with her daughter on her lap, watching the car search, the third trooper searched plaintiff's pocketbook by hand. No contraband of any kind was found. Apparently angered at the fruitlessness of his efforts, Hughes then demanded that Ms. Bailey take a breathalyzer test. Plaintiff did so, and passed. Hughes wrote plaintiff one ticket for speeding and one for allowing her daughter to sleep in the back seat without a seatbelt. In all, plaintiff and her daughter were detained for approximately one hour and 15 minutes. Ms. Bailey suffered extreme fear and anguish as a result of Hughes' mistreatment. Plaintiffs aver, on information and belief, that plaintiff and her daughter were stopped, detained, and searched based upon their African-American race, consistent with defendants' pattern and practice of discrimination in drug interdiction activities carried out along Interstate 95.

70. On January 17, 1996, plaintiff Gary D. Rodwell was stopped, detained for approximately three hours, and searched twice — first by a drug-detecting dog and then by hand — along Interstate 95 in Harford County by defendants David B. Hughes (lead), John Appleby

(back-up) and Bernard Donovan (back-up). These actions were taken by defendant Hughes for the stated reason that Mr. Rodwell looked like a drug dealer. Because Mr. Rodwell would not consent to an unjustified search of his car and belongings, defendant Hughes pressured and argued with plaintiff for approximately 40 minutes, then called in a canine unit and had a dog search the vehicle for drugs. In calling for a dog search, defendant Hughes had no reasonable, articulable suspicion that Mr. Rodwell had committed any crime. And although it was apparent that the dog did not alert during this search, defendant Hughes, with the help of Troopers Appleby and Donovan, proceeded to search the car and Mr. Rodwell's personal belongings by hand. No contraband of any kind was turned up during this extensive search.

71. Apparently angered by the fruitlessness of his efforts, defendant Hughes told Mr. Rodwell he was going to lock him up anyway, causing Mr. Rodwell substantial distress. Some time later, however, a tow truck arrived at the scene, and defendant Hughes told Mr. Rodwell the tow truck driver was taking his car to the station. After consultation with the tow truck driver, defendant Hughes left the scene. Plaintiff joined the driver in the tow truck, and the driver asked him if he had any money. Mr. Rodwell said he did not have much money with him, but that he could obtain some from a bank machine. The driver then took plaintiff to an ATM machine, where he withdrew \$80 to pay the driver an alleged towing fee. Only upon his payment of this fee was Mr. Rodwell given back his car and allowed to go on his way. On information and belief, defendant Hughes targeted Mr. Rodwell for detention and search based upon his African-American race, consistent with the defendants' pattern and practice of discrimination in drug interdiction activities carried out along Interstate 95. In violation of the Wilkins Settlement Agreement and MSP policy, the MSP failed to report the fruitless hand and dog searches of Mr. Rodwell to the Court.

72. On or about March 10, 1996 plaintiff James E. Alston, Jr. was stopped, detained for approximately 45 minutes, and searched along Interstate 95 by two Maryland State Police troopers whose identities are unknown to the plaintiffs. One trooper kept his hand on his revolver as he spoke to plaintiff, causing Mr. Alston great anxiety and fear for his safety throughout the encounter. These actions were taken for the stated reason that Mr. Alston had failed to use his turn signal when changing lanes. On information and belief, the troopers targeted Mr. Alston based upon his African-American race, consistent with the defendants' pattern and practice of discrimination in drug interdiction activities carried out along Interstate 95. Without legal justification, and pursuant to MSP policy authorizing suspicionless dog searches, the troopers conducted a canine search of Mr. Alston's car. They then proceeded to search plaintiff's car by hand, removing personal belongings from the car and strewing them along the roadside. Neither of these searches turned up any contraband of any kind. Following these fruitless searches, with Alston's belongings still unpacked along the road, the troopers told Alston to "have a good day," and left him to repack his car. No ticket or citation was issued, and no charges were lodged against Mr. Alston. In violation of the Wilkins Settlement Agreement and MSP policy, the MSP failed to report the fruitless hand and dog searches of Mr. Alston to the Court.

73. On May 2, 1996, plaintiff William M. Berry was stopped as he traveled south along Interstate 95 in Cecil County, detained for approximately one hour, threatened with a baseless arrest for "obstruction of justice" and searched, by defendant Michael T. Hughes (lead) and Trooper John Appleby (back-up). Mr. Berry was never told why he had been stopped. However Hughes asserted that he was entitled to detain and search Mr. Berry because plaintiff could not locate his registration upon being stopped. Hughes ordered plaintiff to get out of his

car and asked him if he was carrying drugs or a weapon. Mr. Berry assured Hughes he was not. Hughes then asked plaintiff if he had been drinking. Again, plaintiff answered no. Hughes took plaintiff's license to his police cruiser and, about 10 minutes later, a second trooper arrived on the scene. Hughes asked Mr. Berry if he would consent to a search of his car. Plaintiff hesitated, then asked what would happen if he did not consent. Defendant Hughes answered that if Berry did not consent to the search, he would immediately be arrested. Plaintiff asked what he would be arrested for. Hughes answered "obstruction of justice."

74. Under this threat, plaintiff gave his "consent" to the search. Hughes then searched plaintiff's car and belongings completely -- tossing Mr. Berry's things about, and leaving them upended and in disarray. Trooper Appleby merely stood to the side, keeping watch over Mr. Berry. As the search was taking place, plaintiff asked Hughes the grounds on which his car was being searched. Defendant Hughes ignored Mr. Berry, however, and did not respond. Hughes appeared increasingly irritated as the search proceeded and turned up nothing. Although plaintiff was upset about the manner in which the search was being conducted, he decided he should say nothing further, so as to avoid an altercation with police. No contraband of any kind was found. When the search was finished, Hughes angrily wrote plaintiff out a ticket for failing to produce his registration card. After about an hour of detention, plaintiff was allowed to go on his way. In violation of the Wilkins Settlement Agreement and MSP policy, the MSP failed to report the fruitless search of Mr. Berry to the Court. On information and belief, plaintiffs aver that Mr. Berry was stopped, detained, searched, and threatened based upon his African-American race, consistent with the defendants' pattern and practice of discrimination in drug interdiction activities carried out along Interstate 95.

75. On August 13 and 14, 1997, plaintiff Johnston E. Williams and four African passengers twice were stopped along Interstate 95 by MSP troopers. First, late on the evening of August 13, plaintiff Williams and his passengers were stopped and ticketed for an alleged speeding violation as they traveled south on I-95 from Philadelphia to the Washington suburbs. Several hours later, during the early morning hours of August 14, plaintiff and his passengers were stopped a second time as they returned to Philadelphia on the highway. Although this second stop again concerned an alleged speeding violation, it was much different -- and more troubling -- than the first. In this instance, Mr. Williams and his passengers were stopped, detained for over 45 minutes, and searched along Interstate 95 in Cecil County by defendant Billy White (lead) and Trooper George Brantley (back-up). These actions were taken by defendant White for the stated reasons that Mr. Williams, a Liberian native, appeared to be Jamaican, and that, according to defendant White, Jamaicans are known drug runners. Upon hearing Mr. William's foreign accent, Trooper White became extremely agitated and profane, using coarse and insulting language. Additionally, defendant White ordered plaintiff Williams to produce his immigration paperwork. By his words and actions, defendant White targeted Williams explicitly based upon his black race and Liberian national origin, consistent with defendants' pattern and practice of discrimination in drug interdiction activities carried out along Interstate 95. The search conducted of Mr. Williams's vehicle turned up no contraband of any kind. In violation of the Wilkins Settlement Agreement and MSP policy, the MSP failed to report the fruitless search of Mr. Williams and his passengers to the Court.

76. On February 12, 1998, plaintiff Diana Desmoines was stopped, detained for approximately one hour, and searched along Interstate 95 in Baltimore County by two MSP troopers whose identities are unknown to the plaintiffs. Ms. Desmoines had flown into the

Baltimore-Washington International Airport from the Bahamas, where she had gone on a work-related trip. She was traveling at about 55-60 miles per hour, south on Interstate 95. Her car was a hatchback, and her luggage was visible through the rear window. She then observed a police cruiser behind her with its lights flashing. Once she realized the police were after her, plaintiff pulled to the side of the road. When she inquired if anything was wrong, the lead trooper told Ms. Desmoines that the reason for the stop was not that she had committed any traffic offense, but rather, that the Maryland State Police were conducting "routine stops." After taking plaintiff's license and registration, the lead trooper inquired whether Ms. Desmoines had been traveling. When plaintiff informed the trooper she had just returned from a trip to the Bahamas, he asked her questions about the frequency of her visits to the Bahamas and the length of her visits. The trooper then directed Ms. Desmoines to get out of the car, which made her uncomfortable. He asked if he could look in the back of her car. Because plaintiff was afraid to be standing along the side of the road with darkness falling and she wanted the incident to be over with, she went along with this request.

77. The trooper then thoroughly searched the car, removing and opening plaintiff's suitcase and rifling through its contents. No contraband was found. Nevertheless, the trooper summoned a drug-detecting dog. In so doing, the trooper acted without legal justification and pursuant to MSP policy authorizing suspicionless dog searches. Ms. Desmoines was forced to wait about 45 minutes for the dog to arrive. When the canine unit finally arrived, the trooper unpacked plaintiff's suitcase and presented items, one by one, for the dog to sniff. Even Ms. Desmoines' toiletry bag was opened and sniffed through by the dog. As this was done, various items spilled from the bag and fell into a ditch, where they were left by the troopers. No

contraband of any kind was found. Ms. Desmoines' belongings were then returned haphazardly to her suitcase.

78. After more than an hour of detention, plaintiff was released. No citation or warning was issued, and no apology was given to plaintiff. Rather, the trooper told Ms. Desmoines to "have a nice day," and left her to collect the items from her toiletry bag that remained scattered on the ground. On information and belief, plaintiffs aver that Ms. Desmoines was stopped, detained, and subjected to hand and dog searches based upon her African-American race, consistent with the defendants' pattern and practice of discrimination in drug interdiction activities carried out along Interstate 95. In violation of the Wilkins Settlement Agreement and MSP policy, the MSP failed to report the fruitless hand and dog searches of Ms. Desmoines to the Court.

79. Following his filing of this lawsuit, on July 25, 1998, plaintiff James E. Alston, Jr. was stopped again by MSP troopers as he traveled Interstate 95. On this occasion, plaintiff was traveling with his four-year-old son in the back seat. Mr. Alston was driving within the posted speed limit, with his cruise control on, and had committed no traffic violation. Nevertheless, a trooper signaled for him to pull to the side of the road, which he did. In confronting Mr. Alston, the trooper alleged plaintiff had been stopped for weaving. Plaintiff politely stated that he did not think that was the case. Mr. Alston produced his identification, and shortly thereafter the trooper released him without explanation. No ticket or warning was issued. Plaintiffs aver, on information and belief, that the troopers had no valid basis for having stopped Mr. Alston; rather, plaintiffs aver that Alston and his son were targeted by police based on their African-American race, consistent with defendants' pattern and practice of discrimination in drug interdiction activities carried out along Interstate 95.

V. Causes of Action

Count I

Race Discrimination in Federally Funded Programs
(Title VI of the Civil Rights Act of 1964)
(Defendant Department of Maryland State Police)

80. Plaintiffs repeat and reallege the preceding paragraphs, as if set forth fully herein.

81. Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, provides:

[N]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

82. Defendant Maryland State Police receives federal financial assistance from the United States Department of Justice, and thus is bound to abide by the terms of Title VI.

83. Eleventh Amendment immunity of the State of Maryland and the Department of Maryland State Police was abrogated by Congress in its enactment of Title VI. 42 U.S.C. § 2000d-7.

84. Drug interdiction methods employed by the Maryland State Police discriminate, in purpose and effect, against African-American and other minority motorists traveling through Maryland. Federal financial assistance earmarked for law enforcement by defendant Maryland State Police therefore is being misused in the unlawful detention, search, and seizure of minority motorists as a result of MSP's pattern and practice of discrimination.

85. Defendant Maryland State Police's violation of 42 U.S.C. § 2000d has caused and will continue to cause the named plaintiffs to suffer tremendous harm and public humiliation in that they have been and will continue to be subjected to MSP's pattern and practice of race-based discrimination.

Count II
Equal Protection
(Fourteenth Amendment, 42 U.S.C. § 1983, and Art. 24, Md. Decl. of Rights)
(All Defendants Except Department of Maryland State Police)

86. Plaintiffs repeat and reallege the preceding paragraphs, as if set forth fully herein.

87. Defendants, acting under color of law and in concert with one another, have engaged in a continuing pattern and practice of intentional race discrimination in drug interdiction efforts carried out in Maryland along Interstate 95. In so doing, defendants have caused the plaintiffs to suffer deprivation of their fundamental rights to liberty and to be free from unlawful searches, detentions, and seizures, on account of their minority race and/or national origin. These actions violated plaintiffs' rights to equal protection of the laws, in contravention of the Fourteenth Amendment to the Constitution of the United States, 42 U.S.C. § 1983, and Article 24 of the Maryland Declaration of Rights.

88. Defendants David B. Mitchell, Jesse Graybill, George Hall, Vernon Betkey and Keven L. Gray, acting under color of law, institute, authorize, tolerate, ratify, permit and acquiesce in policies, practices and customs of detention, searches and seizures which involve intentional race discrimination in the provision of law enforcement services. By their deliberate indifference and inaction when confronted with the pattern of unlawful conduct committed by the trooper defendants, the supervisory defendants directly and proximately caused the plaintiffs to be denied equal protection of the laws, in further violation of the Fourteenth Amendment to the Constitution of the United States, 42 U.S.C. §1983, and Article 24 of the Maryland Declaration of Rights.

89. The defendants' acts were done in knowing violation of plaintiffs' legal and constitutional rights, and have directly and proximately caused plaintiffs humiliation, mental pain, and suffering.

Count III
Unreasonable Search and Seizure
(Fourth and Fourteenth Amendments, 42 U.S.C. § 1983, and Art. 26, Md. Decl. of Rights)
(All Defendants Except Department of Maryland State Police)

89. Plaintiffs repeat and reallege the preceding paragraphs, as if set forth fully herein.

90. Defendants, acting under color of law and in concert with one another, have subjected plaintiffs to lengthy detentions and searches without probable cause or reasonable suspicion to believe that any crime had been committed or that plaintiffs were carrying drugs of any kind, in violation of the Fourth Amendment guarantee against unreasonable searches and seizures, and giving rise to plaintiffs claims pursuant to the Fourteenth Amendment, 42 U.S.C. § 1983, and Article 26 of the Maryland Declaration of Rights.

91. Additionally, defendants maintain and enforce an official policy authorizing Maryland State Police troopers, at their individual discretion and without reasonable or articulable suspicion of crime, to detain motorists for the purpose of conducting a search by a drug-detecting dog, in further violation of the Fourth Amendment guarantee against unreasonable searches and seizures and Article 26 of the Maryland Declaration of Rights.

92. Defendants David B. Mitchell, Jesse Graybill, George Hall, Vernon Betkey and Keven L. Gray, acting under color of law, institute, authorize, tolerate, ratify, permit and acquiesce in policies, practices and customs of detention, searches and seizures without probable cause or reasonable, articulable suspicion of crime, in their provision of law enforcement services. By maintaining an unconstitutional dog-search policy and by their deliberate

indifference and inaction when confronted with the pattern of unlawful conduct committed by the trooper defendants, the supervisory defendants directly and proximately caused the plaintiffs to suffer unlawful searches and seizures, in further violation of the Fourth Amendment to the Constitution of the United States, 42 U.S.C. §1983, and Article 26 of the Maryland Declaration of Rights.

93. The defendants' acts were done in knowing violation of plaintiffs' legal and constitutional rights, and have directly and proximately caused plaintiffs humiliation, mental pain, and suffering.

VI. Prayer for Relief

WHEREFORE, plaintiffs request that this Court:

(a) Award plaintiffs compensatory and consequential damages pursuant to Count I, in an amount to be determined at trial, against defendant Department of Maryland State Police;

(b) Award plaintiffs compensatory and consequential damages pursuant to Counts II, and III, in an amount to be determined at trial, against the individual defendants, jointly and severally, in their individual capacities only;

(c) Award plaintiffs punitive damages pursuant to Counts II and III, in an amount to be determined at trial, against the individual defendants, jointly and severally, in their individual capacities only;

(d) Award plaintiffs their attorneys' fees and costs incurred in pursuing this action, as provided in 42 U.S.C. § 1988;

(e) Grant such other and further relief as the Court may deem just and proper.

VIII. Jury Demand

Plaintiffs hereby demand a trial by jury.

Respectfully submitted,

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