

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA, Plaintiff

v.

STATE OF NEW JERSEY, and
DIVISION OF STATE POLICE OF THE
NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY, Defendants.

CIVIL NO. 99-5970 (MLC)

COMPLAINT

The United States brings this action under 42 U.S.C. § 14141, and the Omnibus Crime Control and Safe Streets Act, as amended, 42 U.S.C. § 3789d(c)(3), to remedy a pattern or practice of racially discriminatory conduct by law enforcement officers of the Division of State Police, New Jersey Department of Public Safety, that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, including the Fourteenth Amendment and rights protected by the anti-discrimination provisions and implementing regulations of the Omnibus Crime Control and Safe Streets Act, as amended, 42 U.S.C. § 3789d(c).

The United States of America alleges:

DEFENDANTS

1. Defendant State of New Jersey is legally responsible for the operation of the Division of State Police, New Jersey Department of Public Safety, and for the activities of the troopers, employees, and agents of the Division of State Police.
2. Defendant Division of State Police, New Jersey Department of Law and Public Safety ("New Jersey State Police"), is responsible for highway enforcement of motor vehicle and criminal laws of the State of New Jersey, for providing police coverage in various areas of the State, and for providing other law enforcement services throughout the State.

JURISDICTION AND VENUE

3. This Court has jurisdiction of this action under 28 U.S.C. §§ 1331 and 1345.
4. The United States is authorized to initiate this action pursuant to 42 U.S.C. § 14141 and 42 U.S.C. § 3789d(c)(3).
5. Venue is proper in the District of New Jersey pursuant to 28 U.S.C. § 1391 because the claims set forth in this Complaint all arose in this District and defendants reside in this District.

FACTUAL ALLEGATIONS

6. The New Jersey State Police is a program or activity of the State of New Jersey funded, in part, by funds made available under the Omnibus Crime Control and Safe Streets Act, as amended ("Safe Streets

Act").

7. Defendants have engaged in and continue to engage in a pattern or practice of performing vehicle stops and post-stop enforcement actions and procedures, including searches, of African American motorists traveling on New Jersey roadways, including the New Jersey Turnpike, that:

- a. have the intent of discriminating on the basis of race; and
- b. use criteria or methods of administration that have the effect of discriminating on the basis of race.

8. Defendants, through their acts or omissions, have tolerated and continue to tolerate racially discriminatory law enforcement by New Jersey State troopers, described in ¶ 7 above. These acts or omissions include, but are not limited to:

- a. failing to implement and enforce policies related to vehicle stops that appropriately guide and limit the discretion of individual troopers;
- b. failing to train troopers adequately to prevent racially discriminatory conduct related to vehicle stops;
- c. failing to supervise troopers adequately to prevent racially discriminatory conduct related to vehicle stops;
- d. failing to monitor troopers adequately who engage in or may be likely to engage in racially discriminatory conduct related to vehicle stops;
- e. failing to establish a procedure whereby all civilian complaints are documented, and are investigated and adjudicated adequately; and
- f. failing to discipline adequately troopers who engage in racially discriminatory conduct related to vehicle stops.

9. The pattern or practice, described in ¶¶ 7-8 above, constitutes intentional racial discrimination by defendants in performing vehicle stops and post-stop enforcement actions and procedures, including searches, of African American motorists traveling on New Jersey highways, including the New Jersey Turnpike.

CAUSES OF ACTION

10. Through the actions described in ¶¶ 7-9 above, defendants have engaged in and continue to engage in a pattern or practice of conduct by law enforcement officers that deprives persons traveling in New Jersey of rights, privileges, or immunities secured or protected by the Constitution or the laws of the United States, in violation of 42 U.S.C. § 14141.

11. Through the actions described in ¶¶ 7-9 above, defendants have engaged in and continue to engage in a pattern or practice of conduct that subjects persons traveling in New Jersey to discrimination on the basis of race in violation of the anti-discrimination provisions and implementing regulations of the Omnibus Crime Control and Safe Streets Act, as amended, 42 U.S.C. § 3789d(c).

PRAYER FOR RELIEF

12. The Attorney General is authorized under 42 U.S.C. § 14141 and 42 U.S.C. § 3789d(c)(3) to seek declaratory and equitable relief to eliminate a pattern or practice of law enforcement conduct that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, including the Fourteenth Amendment, and rights protected by the anti-discrimination provisions and implementing regulations of the Safe Streets Act.

WHEREFORE, the United States prays that the Court:

a. declare that defendants have engaged in a pattern or practice by New Jersey State troopers of depriving persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, in violation of 42 U.S.C. § 14141 and the anti-discrimination provisions and implementing regulations of the Omnibus Crime Control and Safe Streets Act, as amended, 42 U.S.C. § 3789d(c), as described in ¶¶ 7-9 above;

b. order defendants to refrain from engaging in any of the predicate acts forming the basis of the pattern or practice of conduct as described in ¶¶ 7-9 above;

c. order defendants to adopt and implement policies and procedures to remedy the pattern or practice of conduct described in ¶¶ 7-9 above, and to prevent troopers of the New Jersey State Police from depriving persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, including rights protected by the anti-discrimination provisions and implementing regulations of the Omnibus Crime Control and Safe Streets Act, as amended, 42 U.S.C. § 3789d(c); and

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

Respectfully submitted,

JANET RENO
Attorney General of the United States

ROBERT J. CLEARY
United States Attorney
District of New Jersey

BILL LANN LEE
Acting Assistant Attorney General
Civil Rights Division

SUSAN C. CASSELL
Deputy Chief
Civil Division
United States Attorney
970 Broad St., 7th Floor
Federal Building
Newark, NJ 07102
(973) 645-2700

STEVEN H. ROSENBAUM

Chief
MARK A. POSNER
KELLI M. EVANS
Attorneys
Special Litigation Section
Civil Rights Division
U.S. Department of Justice
P.O. Box 66400
Washington, D.C. 20035-6400
(202) 307-1388