



PN-OH-001-004

FILED  
KENNETH J. MURPHY  
CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

99 OCT 21 PM 1:09  
U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
EAST. DIV. COLUMBUS

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 CITY OF COLUMBUS, OHIO, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

CIVIL NO. C2-99 1097

JUDGE [illegible]

MANUALLY FILED BY JUDGE KING

COMPLAINT

The United States of America alleges:

1. The United States brings this action under 42 U.S.C. § 14141 to remedy a pattern or practice of conduct by law enforcement officers of the Columbus, Ohio Division of Police that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States. Defendant City of Columbus has engaged in a pattern or practice of subjecting individuals to excessive force, false arrests and charges, and improper searches and seizures. The City has tolerated this conduct through its failure to adequately train, supervise, and monitor police officers, and its failure to adequately accept citizen complaints of misconduct, investigate alleged misconduct, and discipline officers who are guilty of misconduct.

DEFENDANT

2. The City of Columbus ("City") is a municipality in the State of Ohio, and operates the Columbus Division of Police ("CDP"), a law enforcement agency.

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.

5. Venue is proper in the Southern District of Ohio pursuant to 28 U.S.C. § 1391, as the defendant resides in and the claim arose in the Southern District of Ohio.

FACTUAL ALLEGATIONS

6. CDP officers have engaged and continue to engage in a pattern or practice of using excessive force against persons in Columbus. This use of excessive force includes, but is not limited to:

- a. use of excessive force in effecting arrests or detaining persons suspected of engaging in criminal activity; and
- b. use of excessive force against persons who are carrying out a routine activity and either have not committed any crime or infraction or have committed a minor infraction.

7. CDP officers have engaged and continue to engage in a pattern or practice of falsely arresting and charging persons in Columbus. These false arrests and charges include, but are not limited to:

a. falsely arresting or charging persons who witness incidents of police misconduct or who otherwise are observing police conduct;

b. falsely arresting or charging persons who are believed likely to complain of police misconduct; and

c. falsely arresting or charging persons who behave or speak in a manner that is perceived by a CDP officer to be disrespectful but which does not constitute criminal behavior.

8. CDP officers have engaged in and continue to engage in other misbehavior, including, but not limited to:

a. falsifying official reports; and

b. conducting searches without lawful authority or in an improper manner.

9. The City of Columbus has tolerated the misconduct of individual officers, described in paragraphs 6-8 above, through its acts or omissions. These acts or omissions include, but are not limited to:

a. failing to implement a policy on use of force that appropriately guides the actions of individual officers;

b. failing to train CDP officers adequately to prevent the occurrence of misconduct;

c. failing to supervise CDP officers adequately to prevent the occurrence of misconduct;

d. failing to monitor CDP officers adequately who engage in or who may be likely to engage in misconduct;

e. failing to establish a procedure whereby citizen complaints are adequately investigated;

f. failing to investigate adequately incidents in which a police officer uses lethal or non-lethal force;

g. failing to fairly and adequately adjudicate or review citizen complaints, and incidents in which a police officer uses lethal or non-lethal force; and

h. failing to discipline adequately CDP officers who engage in misconduct.

#### CAUSE OF ACTION

10. Through the actions described in paragraphs 6-9 above, the City of Columbus has engaged in and continues to engage in a pattern or practice of conduct by CDP officers that deprives persons in Columbus of rights, privileges, or immunities secured or protected by the Constitution (including the Fourth and Fourteenth Amendments) or the laws of the United States, in violation of 42 U.S.C. § 14141.

#### PRAYER FOR RELIEF

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

WHEREFORE, the United States prays that the Court:

a. declare that defendant City of Columbus has engaged in a pattern or practice by CDP officers of depriving persons of

rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, as described in paragraphs 6-9 above;

b. order the City to refrain from engaging in any of the predicate acts forming the basis of the pattern or practice of conduct as described in paragraphs 6-9 above;

c. order the City to adopt and implement policies, practices, and procedures to remedy the pattern or practice of conduct described in paragraphs 6-9 above, and to prevent officers from depriving persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States; and

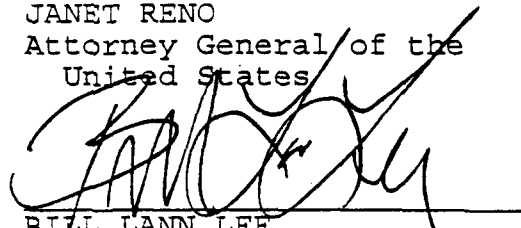
d. order such other appropriate relief as the interests of justice may require.

Respectfully submitted,

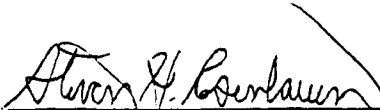
JANET RENO  
Attorney General of the  
United States



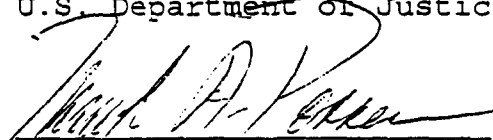
SHARON J. ZEALEY  
United States Attorney  
Southern District of Ohio  
Two Nationwide Plaza  
4th Floor  
280 North High Street  
Columbus, Ohio 43215  
(614) 469-5715



BILL LANN LEE  
Acting Assistant Attorney  
General  
Civil Rights Division  
U.S. Department of Justice



STEVEN H. ROSENBAUM  
Chief  
Special Litigation Section  
Civil Rights Division  
U.S. Department of Justice



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