

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CIVIL NO. C2-99-1097
)	
CITY OF COLUMBUS, OHIO, et al.)	Judge Holschuh
)	
Defendants.)	Magistrate Judge King
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AMENDED COMPLAINT

The United States of America alleges:

1. The United States brings this action under 42 U.S.C. § 14141, the Omnibus Crime Control and Safe Streets Act, as amended, 42 U.S.C. § 3789d(c), and other, related federal funding statutes, 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, including the Fourth and Fourteenth Amendments, 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). Defendant City of Columbus has subjected individuals to a pattern or practice of excessive force, false arrests and charges, and improper searches and seizures, and has engaged in a pattern or practice of racially discriminatory conduct. The City has tolerated this conduct through its failure to adequately train, supervise, and monitor police officers, and its failure to adequately accept

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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. The Columbus Division of Police ("CDP") is a law enforcement agency operated by the City.

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, 42 U.S.C. § 3789d(c)(3), the Department of Justice Appropriations Act, 1999 (112 Stat. 2681, 2681-62), and the Department of Justice Appropriations Act, 2000 (113 Stat. 1501, 1501A-14).

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

10. CDP is a program or activity of the City funded, in part, by funds made available under the Omnibus Crime Control and Safe Streets Act, 42 U.S.C. § 3701, et seq., and the Department of Justice Appropriations Acts of 1999 and 2000.

11. CDP officers have engaged in and continue to engage in a pattern or practice of performing motor vehicle, bicycle, and pedestrian stops of, and conducting post-stop enforcement actions and procedures against, African Americans that:

a. has 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.

12. The City, through its acts or omissions, has tolerated racially discriminatory law enforcement by the CDP, described in paragraph 11 above. These acts or omissions include, but are not limited to:

a. failing to implement and enforce policies related to motor vehicle, bicycle, and pedestrian stops that appropriately guide and limit the discretion of individual CDP officers;

b. failing to train, supervise, and monitor CDP officers adequately to prevent racially discriminatory conduct related to motor vehicle, bicycle, and pedestrian stops; and

c. failing to establish and implement procedures whereby all civilian complaints are documented, and are investigated and adjudicated adequately.

CAUSES OF ACTION

13. Through the actions described in paragraphs 6-9 above, the City 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.

14. Through the actions described in paragraphs 11-12 above, the City has engaged in and continues to engage in a pattern or practice of conduct that subjects persons in Columbus,

Ohio, to discrimination on the basis of race in violation of 42 U.S.C. § 14141, the Omnibus Crime Control and Safe Streets Act, as amended, 42 U.S.C. 3789d(c), and the Department of Justice Appropriations Acts of 1999 and 2000.

PRAYER FOR RELIEF

15. 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, including the Fourth and Fourteenth Amendments.

16. The Attorney General is authorized under 42 U.S.C. § 14141, 42 U.S.C. § 3789d(c)(3), and the Department of Justice Appropriations Acts of 1999 and 2000 to seek declaratory and equitable relief to eliminate a pattern or practice of discriminatory 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 Omnibus Crime Control and Safe Streets Act, as amended, 42 U.S.C. § 3789d(c).

WHEREFORE, the United States prays that the Court:

a. declare that the City 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, in violation of 42 U.S.C. § 14141, the Omnibus Crime Control and Safe Streets Act, as amended, 42 U.S.C. § 3789d(c), and the Department of Justice Appropriations Acts of 1999 and 2000, as described in paragraphs 6-9 and 11-12 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 and 11-12 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 and 11-12 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, 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);

d. order such additional permanent relief under 42 U.S.C. § 14141, 42 U.S.C. § 3789d(c)(3), and the Department of Justice Appropriations Acts of 1999 and 2000 as necessary or appropriate, including the suspension, termination, or repayment of funds made available to the CDP pursuant to these statutes; and

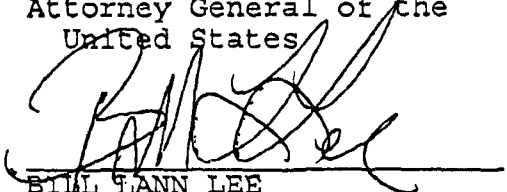
e. order such other appropriate relief as the interests of justice may require.

Respectfully submitted,

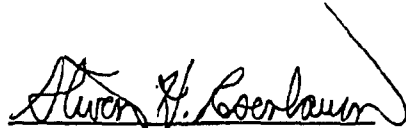
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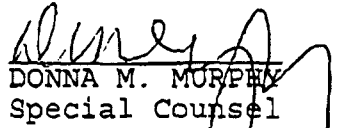
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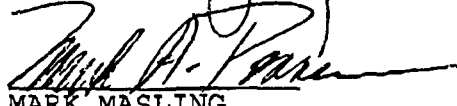
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