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

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U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST DIV. COLUMBUS

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 CITY OF STEUBENVILLE,)
 STEUBENVILLE POLICE DEPARTMENT,)
 STEUBENVILLE CITY MANAGER, in)
 his capacity as Director of)
 Public Safety, and STEUBENVILLE)
 CIVIL SERVICE COMMISSION.)
)
 Defendants.)
 _____)

CIVIL NO. _____

C2 97-966

JUDGE SMITH

MAGISTRATE JUDGE KING

COMPLAINT

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 Steubenville Police Department that deprives persons of rights, privileges, and immunities secured and protected by the Constitution or laws of the United States. The City of Steubenville, the Steubenville Police Department, and the Steubenville City Manager (in his capacity as Director of Public Safety) have engaged in a pattern or practice of subjecting individuals to excessive force; false arrests, charges, and reports; improper stops, searches, and seizures. These defendants have caused and condoned this conduct through their inadequate use-of-force policies; inappropriate off-duty-conduct policies; and failure to supervise, train, discipline, monitor, and investigate police officers and alleged misconduct.

U.S. v. City of Steubenville



PN-OH-002-002

The United States of America alleges:

DEFENDANTS

1. The City of Steubenville ("City") is a municipality in the State of Ohio.

2. The Steubenville Police Department ("SPD") is a law enforcement agency operated by the City.

3. The City Manager is an employee of the City who serves as the Director of Public Safety, and in that capacity, oversees the SPD and other agencies operated for the safety of persons in Steubenville.

4. The Steubenville Civil Service Commission is an agency of the City with authority for hiring and disciplining SPD officers. The Civil Service Commission is an appropriate party in this action because in its absence, complete relief cannot be accorded.

JURISDICTION AND VENUE

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

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

7. Venue is proper in the Southern District of Ohio pursuant to 28 U.S.C. § 1391, as the defendants reside in and the claim arose in the Southern District of Ohio.

FACTUAL ALLEGATIONS

8. From at least 1990 to the present, SPD officers have engaged and continue to engage in a pattern or practice of using

excessive force against persons in Steubenville. 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;

b. use of excessive force against individuals in police custody (including persons handcuffed or otherwise physically restrained); and,

c. use of excessive force against individuals by police officers who are off-duty and involved in private disputes but acting under color of law.

9. From at least 1990 to the present, SPD officers have engaged and continue to engage in a pattern or practice of falsely arresting and charging persons in Steubenville. These false arrests and charges include, but are not limited to:

a. false arrests or charges against persons who witness incidents of police misconduct, who are known critics of the SPD, or who are disliked by individual SPD officers;

b. false arrests or charges against persons who are believed likely to complain of police misconduct; and

c. false arrests or charges against persons who behave disrespectfully but noncriminally to police officers.

10. From at least 1990 to the present, SPD officers have engaged in other misbehavior, including, but not limited to:

a. falsifying official reports;

b. tampering with official police recorders so that police misconduct is not recorded;

c. improperly searching dwellings or places of business without lawful authority; and

d. improperly seizing property of persons arrested or stopped by SPD officers without lawful authority for such seizures.

11. The acts or omissions of SPD officers, described in paragraphs 8-10, above, constitute a pattern or practice of conduct by law enforcement officers that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.

12. From at least 1990 to the present, the City of Steubenville, the SPD, and the City Manager (collectively, "the City defendants") have caused and condoned the acts of individual officers, described in paragraphs 8-10, above, through their acts or omissions. These acts or omissions include, but are not limited to the following:

13. The City defendants have failed to implement policies on use of force and off-duty behavior that appropriately guide the actions of individual officers.

14. The City defendants have failed to train SPD officers adequately to prevent the occurrence of misconduct.

15. The City defendants have failed to supervise SPD officers adequately to prevent the occurrence of misconduct.

16. The City defendants have failed to monitor adequately SPD officers who engage in or who are likely to engage in misconduct.

17. The City defendants have failed to investigate adequately civilian complaints and other allegations of police misconduct.

18. The City defendants have failed to discipline adequately SPD officers who engage in misconduct.

19. The City defendants have condoned or encouraged retaliation against individuals who complain of misconduct by SPD officers or by the SPD as a whole.

CAUSE OF ACTION

20. Through the actions described in paragraphs 8-19 above, the City defendants have engaged in and continue to engage in a pattern or practice of conduct by SPD officers that deprives persons in Steubenville of rights, privileges, or immunities secured and 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

21. 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 the City defendants have engaged in a pattern or practice by SPD 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 8-19, above;

b. order the City defendants to refrain from engaging in any of the predicate acts forming the basis of the pattern or practice of conduct as described in paragraphs 8-19, above;

c. order the City defendants to adopt and implement policies and procedures to remedy the pattern or practice of conduct described in paragraphs 8-19, 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

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

Respectfully submitted,

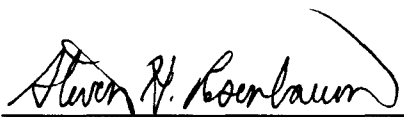
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