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

UNITED STATES OF AMERICA, Plaintiff, v. CITY OF DETROIT, MICHIGAN and the DETROIT POLICE DEPARTMENT, Defendants.	)	Case No. 03-72258 HON. Julian Abele Cook

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 Detroit Police Department that deprives persons of rights, privileges, and immunities secured or protected by the Constitution or laws of the United States. The defendants, through their acts and omissions, are engaging in a pattern or practice of conduct by Detroit Police Department officers of subjecting individuals to uses of excessive force, false arrests, illegal detentions, and unconstitutional conditions of confinement. The defendants have failed to adequately train, supervise, and monitor police officers; to investigate, review and evaluate use of force incidents; to investigate alleged misconduct, and discipline officers who are guilty of misconduct; to review and evaluate the basis of

seizures and warrantless arrests and secure timely judicial review of such arrests; to protect detainees from undue risks of harm; and to implement effective systems to ensure that management controls adopted by the Detroit Police Department are properly carried out. Accordingly, the United States seeks a judgment granting injunctive and declaratory relief for the defendants' violations of law.

The United States of America alleges:

DEFENDANTS

1. The Defendant City of Detroit ("City") is a chartered municipal corporation in the State of Michigan.

2. The Defendant Detroit Police Department ("DPD") 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.

5. Venue is proper in the Eastern District of Michigan pursuant to 28 U.S.C. § 1391, as the defendants reside in and the claims arose in the Eastern District of Michigan.

FACTUAL ALLEGATIONS

6. The defendants, through their acts or omissions, have

engaged in and continue to engage in a pattern or practice of conduct by DPD officers of using excessive force against persons in Detroit.

7. The defendants, through their acts or omissions, have engaged in and continue to engage in a pattern or practice of conduct by DPD officers of falsely arresting persons and improperly seizing persons in Detroit.

8. The defendants, through their acts or omissions, have engaged in and continue to engage in a pattern or practice of conduct by DPD officers of failing to secure timely judicial review of warrantless arrests of persons in Detroit.

9. The defendants, through their acts or omissions, have engaged in and continue to engage in a pattern or practice of conduct by DPD officers of failing to protect detainees in DPD holding cells from undue risks of harm by, inter alia, failing to ensure fire safety, failing to provide adequate medical and mental health care, failing to provide adequate supervision, and failing to ensure adequate environmental health and safety conditions.

10. The defendants are, through their acts or omissions, engaging in a pattern or practice of systemic deficiencies that has resulted in the pattern or practice by DPD officers that deprives persons of rights, privileges, and immunities secured or

protected by the Constitution or laws of the United States described in paragraphs 6-9 above. These systemic deficiencies include, but are not limited to:

a. failing to implement policies, procedures, and practices regarding use of force that appropriately guide and monitor the actions of individual DPD officers;

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

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

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

e. failing to implement policies and procedures whereby complaints and other allegations of DPD officer misconduct are adequately received and investigated;

f. failing to investigate adequately incidents in which a DPD officer uses force;

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

h. failing to discipline adequately DPD officers who engage in misconduct;

i. failing to review adequately the basis for arrests and seizures by DPD officers;

j. failing to develop a mechanism to ensure timely judicial review of warrantless arrests;

k. failing to develop an adequate fire safety program for DPD holding cells;

l. failing to conduct adequate medical and mental health screening and failing to provide adequate care for serious medical needs of detainees in DPD holding cells;

m. failing to ensure DPD officers adequately supervise detainees in DPD holding cells; and

n. failing to maintain DPD holding cells in a sanitary manner.

CAUSE OF ACTION

11. Through the actions described in paragraphs 6-10 above, the defendants have engaged in and continue to engage in a pattern or practice of conduct by DPD officers that deprives persons 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

12. 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 defendants have engaged in a pattern or practice of conduct by DPD officers that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, as described in paragraphs 6-10 above;

b. order the defendants, their officers, agents, and employees to refrain from engaging in any of the predicate acts forming the basis of the pattern or practice of conduct as described in paragraphs 6-10 above;

c. order the defendants, their officers, agents, and employees to adopt and implement policies and procedures to remedy the pattern or practice of conduct described in paragraphs 6-10 above, and to prevent DPD 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,

JOHN ASHCROFT
Attorney General

JEFFREY G. COLLINS
MI Bar # P37260
United States Attorney
Eastern District of Michigan

RALPH F. BOYD, JR.
Assistant Attorney General
Civil Rights Division

PAMELA J. THOMPSON
MI Bar # P26056
Executive Assistant United States Attorney
Eastern District of Michigan

SHANETTA Y. BROWN CUTLAR
Acting Chief
Special Litigation Section
Civil Rights Division

JUDITH E. LEVY
MI Bar # P55882
Assistant United States Attorney
Eastern District of Michigan
211 West Fort Street
Suite 2001
Detroit, MI 48226
Telephone: (313) 226-9501
Facsimile: (313) 226-4609

MAURA K. LEE
JOHN A. HENDERSON
Trial Attorneys
Special Litigation Section
Civil Rights Division
U.S. Department of Justice
Patrick Henry Building
950 Pennsylvania Avenue NW
Washington, DC 20530
Telephone: (202) 514-6255
Facsimile: (202) 514-4883

Filed: June 12, 2003