

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, Plaintiff

v.

CITY OF PITTSBURGH, PITTSBURGH BUREAU OF POLICE, and DEPARTMENT OF PUBLIC
SAFETY, Defendants.

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 Pittsburgh Bureau of Police that deprives persons of rights, privileges, and immunities secured and protected by the Constitution and laws of the United States. The City of Pittsburgh, the Pittsburgh Bureau of Police, and the Department of Public Safety have engaged in a pattern or practice of subjecting individuals to uses of excessive force, false arrests, and improper searches and seizures. The defendants have tolerated this conduct through their failure to supervise, train, investigate, and discipline police officers adequately.

The United States of America alleges:

DEFENDANTS

1. The City of Pittsburgh ("City") is a municipality in the Commonwealth of Pennsylvania.
2. The Pittsburgh Bureau of Police ("Bureau" or "PBP") is a law enforcement agency operated by the City.
3. The Department of Public Safety ("DPS") is a government agency operated by the City, which oversees the Bureau and other agencies operated for the safety of persons in Pittsburgh.

JURISDICTION AND VENUE

4. This Court has jurisdiction of this action under 28 U.S.C. §§§§ 1331 and 1345.
5. The United States is authorized to initiate this action pursuant to 42 U.S.C. §§ 14141.
6. Venue is proper in the Western District of Pennsylvania pursuant to 28 U.S.C. §§ 1391, as the defendants reside in and the claim arose in the Western District of Pennsylvania.

FACTUAL ALLEGATIONS

7. From at least 1990 to the present, PBP officers have engaged and continue to engage in a pattern or practice of using excessive force against persons in Pittsburgh. 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);
 - c. use of excessive force in otherwise routine encounters with citizens; and
 - d. use of force after unnecessarily escalating ordinary encounters with citizens into violent confrontations.
8. From at least 1990 to the present, PBP officers have engaged and continue to engage in a pattern or practice of falsely arresting persons in Pittsburgh. These false arrests include, but are not limited to:
 - a. falsely arresting persons who witness incidents of violent police misconduct, who threaten to report incidents of police misconduct, or who seek to collect evidence of police misconduct;
 - b. falsely arresting persons who try to prevent incidents of police misconduct from occurring;
 - c. falsely arresting persons who challenge the authority of PBP officers; and
 - d. falsely arresting persons for summary offenses without warrants where such arrests are not authorized

by either City ordinance or state statute.

9. From at least 1990 to the present, PBP officers have engaged and continue to engage in a pattern or practice of improperly stopping, searching, and seizing persons in Pittsburgh. These actions include, but are not limited to:

- a. improperly stopping and detaining persons without lawful authority;
- b. improperly searching cars incident to a traffic stop without lawful authority;
- c. improperly searching dwellings or places of business without lawful authority; and
- d. improperly seizing property of persons arrested by PBP officers without lawful authority for such seizures.

10. The acts or omissions of PBP officers, described in paragraphs 7-9, above, constitute a pattern or practice of such conduct by law enforcement officers.

11. The municipal defendants have tolerated the acts of individual officers, described in paragraphs 7-9, above, through its acts or omissions. These acts or omissions include, but are not limited to:

- a. failing to train adequately PBP officers to prevent the occurrence of misconduct;
- b. failing to supervise adequately PBP officers to prevent the occurrence of misconduct;
- c. failing to monitor adequately PBP officers who engage in or who are likely to engage in misconduct;
- d. failing to investigate adequately citizen complaints of police misconduct; and
- e. failing to discipline adequately PBP officers who engage in misconduct.

CAUSE OF ACTION

12. Through the actions described in paragraphs 7-11 above, the municipal defendants have engaged in and continue to engage in a pattern or practice of conduct by PBP officers that deprives persons in Pittsburgh 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

13. 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 municipal defendants have engaged in a pattern or practice by PBP 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 7-11, above;
- b. order the municipal 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 7-11, above;
- c. order the municipal defendants to adopt and implement policies and procedures to prevent PBP 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,

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