

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

\$120.00

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NAACP, Philadelphia Branch and
POLICE-BARRIO RELATIONS
PROJECT, on behalf of themselves and
their members,

Plaintiffs,

v.

CITY OF PHILADELPHIA,

Defendant.

CIVIL ACTION NO. 96-CV-6045

FILED

SEP 4 1996

By MICHAEL E. KUNZ, Clerk
Dep. Clerk

COMPLAINT

Jurisdiction

1. Plaintiffs seek to vindicate rights protected by the Fourth and Fourteenth Amendments of the United States Constitution and by 42 U.S.C. §§1983 and 2000d. This Court has jurisdiction of this civil action pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3) and (4). Pursuant to 28 U.S.C. §§ 2201 and 2202, this Court has jurisdiction to declare the rights of the parties and to grant all further relief found necessary and proper. This Court has supplemental jurisdiction to adjudicate state claims pursuant to 28 U.S.C. § 1367(a).

Parties

2. Plaintiff, Philadelphia Branch of the National Association For the Advancement of Colored People (NAACP), is a membership based, non-profit association affiliated with and chartered as a branch of the National Association for the Advancement of Colored People, a non-profit corporation organized under the laws of the State of New York and registered to do business in the Commonwealth of Pennsylvania. As the oldest and largest civil rights organization in the United

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States, the purpose of the NAACP is to advance the civil and constitutional rights of African-Americans. The Philadelphia Branch has always been very active in matters of police-community relations. One of its most important areas of concern has always been the treatment of African-Americans by police authorities. For more than twenty years the Philadelphia Branch through public hearings and processing of complaints from members and other residents has challenged the government of the City of Philadelphia to adopt and carry out procedures to redress the grievances of African-Americans whose rights have been violated by abusive police misconduct. The members of the NAACP have been and will be subjected to the actions complained of herein unless appropriate relief is granted.

3. Plaintiff Police-Barrio Project (PBRP) is a community based non-profit organization that seeks to improve relations between the Latino community and the Police Department of Philadelphia. The PBRP educates the Latino community with respect to their civil rights, assists victims of police misconduct, seeks institutional changes where necessary, and works towards increasing the cultural awareness and sensitivity of the Police Department towards the Latino community. The PBRP has several hundred members, several of whom have been and others who will be subject to the conduct complained of herein unless appropriate relief is granted. The PBRP expends considerable time and resources to the investigation, redress and prevention of police misconduct of the type complained of herein.

4. Defendant CITY OF PHILADELPHIA is a local governmental unit under Pennsylvania law and is a recipient of federal funds. The City therefore is subject to the provisions of 42 U.S.C. §2000d.

5. At all relevant times, Defendant and its officials were acting under color of state law.

Factual Allegations

6. Plaintiffs allege that the defendant City of Philadelphia has for many years subjected plaintiffs and their members to unlawful and unconstitutional police practices.

7. Plaintiffs allege that the unconstitutional policies, practices and customs set forth in this Complaint have been caused by the failure of defendant City of Philadelphia to properly train, supervise and discipline individual police officers in the Philadelphia Police Department.

8. Plaintiffs allege that the Internal Affairs Division (IAD) has failed to properly investigate and adjudicate civilian complaints of police misconduct. IAD has regularly failed to sustain valid complaints of police misconduct.

9. Plaintiffs allege that in the 39th Police District, during the period 1987-1992, officers repeatedly violated the rights of civilians. Many of these officers were charged in multiple civilian complaints of abuse of citizens' rights, but IAD and the officials in the police department responsible for investigating those complaints and imposing discipline failed to properly do so and thereby ratified and encouraged the pattern of constitutional abuses. One such officer, John Baird, accumulated over 20 such civilian complaints in the period 1988-1990, yet was not disciplined, re-trained or otherwise supervised in his police activities.

10. Plaintiffs allege that the City of Philadelphia has failed to institute record keeping or computer measures that are well established in professional police organizations and which are essential to the detection and control of patterns of police misconduct.

11. Plaintiffs allege that the City of Philadelphia and its officials in the police department have failed to take sufficient measures to counter the longstanding and pervasive "code of silence"

among police officers. The "code of silence" operates to discourage police officers from truthfully reporting illegal and unconstitutional actions by their fellow officers.

12. Plaintiffs allege that the City of Philadelphia and its policy making officials in the Philadelphia Police Department have failed to properly supervise and discipline officers who are engaged in narcotics investigations, thereby permitting and encouraging these officers, including the named individual defendant officers, to engage in illegal and unconstitutional practices.

Cause of Action

13. The allegations of paragraphs 1-12 are incorporated by reference. The actions and conduct of the defendant have violated Due Process as well as the right to Equal Protection of the law of the named plaintiffs and their members and their right to be free from unconstitutional searches, seizures, detentions, arrests, all of which are protected by the United States Constitution and 42 U.S.C. §§1983 and 2000d.

Relief

WHEREFORE, Plaintiffs and members of the class they seek to represent respectfully pray that the Court will:

- a. Issue a declaratory judgment that the actions, policies and practices described above cause the deprivation of rights guaranteed to the plaintiffs and their members by the Fourth and Fourteenth Amendments to the United States Constitution, 42 U.S.C. §§1983, 2000d, and by the Constitution and laws of the Commonwealth of Pennsylvania;

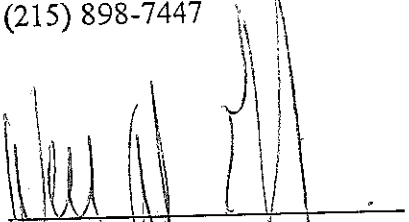
- b. Permanently enjoin defendant from the unconstitutional actions described above;
- c. Enjoin and require the defendant to establish effective policies and programs with respect to the training, supervision and discipline of police officers within the Philadelphia Police Department;
- d. Award reasonable costs and attorneys' fees pursuant to 42 U.S.C. §1988;
- e. Order such other relief as the Court deems necessary.



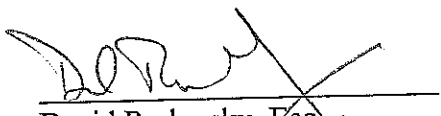
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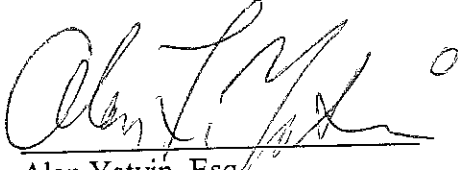
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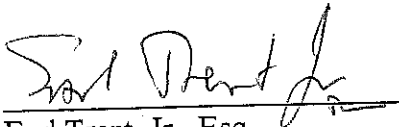
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UNITED STATES DISTRICT COURT

PHILADELPHIA, PA

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