

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,  
Plaintiff,

v.

SUFFOLK COUNTY, a municipal  
corporation organized pur-  
suant to the laws of the  
State of New York; SUFFOLK  
COUNTY POLICE DEPARTMENT;  
DONALD J. DILWORTH, Commis-  
sioner, Suffolk County  
Police Department; SUFFOLK  
COUNTY CIVIL SERVICE COM-  
MISSION; SUFFOLK COUNTY  
PATROLMAN'S BENEVOLENT  
ASSOCIATION, INC.; and  
SUFFOLK COUNTY SUPERIOR  
OFFICERS ASSOCIATION, INC.,  
Defendants.

CIVIL ACTION NO.

CV 83 2737

ALTIMARI, J.

COMPLAINT

Plaintiff United States of America alleges:

1. This action is brought by the Attorney General on behalf of the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, 42 U.S.C. §2000e, et seq.; the provisions of the State and Local Fiscal Assistance Act of 1972, 31 U.S.C. §1221, et seq.; and the provisions of the

Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. §3789d.

2. This Court has jurisdiction of this action under 42 U.S.C. §2000e-6(b); 31 U.S.C. §1242(c); 42 U.S.C. §3789d; and 28 U.S.C. §1345.

3. Defendant Suffolk County is a municipal corporation organized pursuant to the laws of the State of New York, and is a political subdivision of that state.

4. Defendant Suffolk County is an employer within the meaning of 42 U.S.C. §2000e(b), as amended, and is a unit of local government within the meaning of 31 U.S.C. §1242(c) and 42 U.S.C. §3789d.

5. Defendant Suffolk County Police Department (the "SCPD"), an agency maintained and operated by Suffolk County, is responsible for the preservation of the public peace, the protection of life and property and the enforcement of State laws and local ordinances within the County.

6. Defendant Donald J. Dilworth is the Commissioner of the SCPD. In that capacity, he is responsible for the administration and operation of the SCPD, including filling all positions and promoting and assigning within the Department.

7. Defendant Suffolk County Civil Service Commission (the "SCCSC"), an agency maintained and operated by Suffolk County, is responsible for the establishment of qualification

standards for the ranks of police officer, sergeant, lieutenant and captain and various non-sworn jobs within the SCPD, as well as the initial screening of applicants for hire into or promotion to such ranks and jobs.

8. Defendant Suffolk County Patrolman's Benevolent Association, Inc. (the "SCPBA") is an incorporated association of persons engaged in law enforcement and employed by the SCPD as police officers or detectives. The SCPBA has negotiated and entered into collective bargaining agreements with Suffolk County governing the terms and conditions of employment of police officers and detectives in the SCPD.

9. Defendant SCPBA is a labor organization within the meaning of 42 U.S.C. §2000e(d), and is engaged in an industry affecting commerce within the meaning of 42 U.S.C. §2000e(e). Defendant SCPBA is named as a defendant in this action pursuant to Rules 19 and 20, Fed. R. Civ. P.

10. Defendant Suffolk County Superior Officers Association, Inc., (the "SCSOA") is an incorporated association of persons engaged in law enforcement and employed by the SCPD as sergeants, lieutenants, captains, deputy inspectors, inspectors, deputy chiefs and detectives in any of the foregoing ranks. The SCSOA has negotiated and entered into collective bargaining agreements with Suffolk County covering the terms and conditions of employment of sergeants, lieutenants, cap-

tains, deputy inspectors, inspectors and detectives in any of the foregoing ranks in the SCPD.

11. Defendant SCSOA is a labor organization within the meaning of 42 U.S.C. §2000e(d), and is engaged in an industry affecting commerce within the meaning of 42 U.S.C. §2000e(e). Defendant SCSOA is named as a defendant in this action pursuant to Rules 19 and 20, Fed. R. Civ. P.

12. Defendant Suffolk County has received revenue sharing funds from the United States Treasury pursuant to the State and Local Fiscal Assistance Act of 1972, as amended, and has funded the activities of the SCPD in part with such funds.

13. Defendant Suffolk County has received funds pursuant to the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and has funded the activities of the SCPD in part with such funds.

14. Defendant SCPD employs a total of approximately 3,400 persons, of whom approximately 2,580 are sworn officers of various ranks and approximately 890 are non-sworn (or civilian) employees. Of the approximately 2,580 sworn officers in the SCPD, approximately 25 (or 0.9%) are women and 59 (or 2.3%) are black or Hispanic. Approximately 479 of the 890 persons employed in non-sworn (or civilian) jobs in the SCPD are full-time employees, 318 (or 66.4%) of whom are women, 41 (or 8.6%) of whom are black and 31 (or 6.5%) of whom are Hispanic.

15. Defendants Suffolk County and its officials have pursued and continue to pursue policies and practices that discriminate against women, blacks and Hispanics with respect to employment opportunities within the SCPD. Defendants Suffolk County and its officials have implemented these policies and practices, among other ways, by:

- a. Failing or refusing to recruit, hire, assign and promote women, blacks and Hispanics on an equal basis with white Anglo males.
- b. Utilizing qualifications, tests and other selection standards in its hiring and promotion for positions in the SCPD which have a disproportionately adverse impact on women, blacks and Hispanics, as compared to white Anglo males, despite the fact that these qualifications, tests and selection standards have not been shown to be required by business necessity or properly validated as being predictive of successful job performance.
- c. Failing or refusing to establish valid qualifications or other selection standards which are sufficiently objective to prevent continuing discrimination in hiring and promotion.

d. Failing or refusing to take appropriate action to correct the present effects of past discriminatory policies and practices.

16. The acts and practices of the defendants described in paragraph 15, supra, constitute a pattern or practice of resistance to the rights of women, blacks, and Hispanics to equal employment opportunities in the SCPD. This pattern or practice is of such a nature and is intended to deny the full exercise of rights secured by Title VII of the Civil Rights Act of 1964, as amended, by Section 122(a) of the State and Local Fiscal Assistance Act of 1972, as amended, 31 U.S.C. §1242, and by Section 518(c)(1) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. §3789d.

17. Defendants Suffolk County and its officials have failed and refused to change the practices described above and to take reasonable steps to eliminate the effects of their past discriminatory policies and practices. Unless restrained by order of this Court, defendants Suffolk County and its officials will continue to pursue policies and practices the same as or similar to those alleged in this Complaint.

WHEREFORE, plaintiff United States prays that defendant Suffolk County, its officials, agents, employees, and all persons and organizations in active concert or participation

with them or any of them, be preliminarily enjoined from engaging in any discriminatory employment practice which operates to continue the effects of past discriminatory employment practices based upon race, national origin or sex in hiring, assignment and promotion for the SCPD and, further, that they be preliminarily and permanently enjoined from:

- a. Failing or refusing to recruit, hire, assign and promote blacks, women and Hispanics for the SCPD on an equal basis with white Anglo males.
- b. Failing or refusing to eliminate qualifications, tests and other selection standards which have not been shown to be job related and which disproportionately exclude women, blacks and Hispanics from jobs in the SCPD.
- c. Failing or refusing to establish valid qualifications, tests or other selection standards which are sufficiently objective to prevent continuing discrimination in hiring and promotion for the SCPD.
- d. Failing or refusing to take appropriate measures to correct the present effects of past discriminatory practices, including the following affirmative steps:

- (1) Providing, to any woman, black or Hispanic who has been unlawfully denied employment or promotion in the SCPD, remedial relief, including but not limited to offers of employment, retroactive seniority and monetary compensation for the loss suffered as a result of such unlawful denial;
- (2) Conducting a recruitment program designed to inform women, blacks, and Hispanics of employment opportunities available in the SPCD and to encourage qualified women, blacks and Hispanics to apply for positions in accordance with their current availability in the relevant labor market;
- (3) Establishing fair and nondiscriminatory procedures for hiring, promotion and assignment in the SCPD; and
- (4) Taking such other reasonable action as is necessary to correct past discriminatory actions and practices.



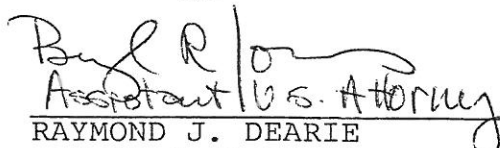
Plaintiff United States further prays for such additional relief as the interest of justice may require and for its costs and disbursements herein.

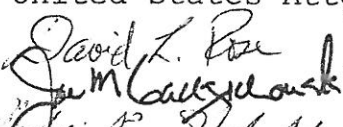
WILLIAM FRENCH SMITH  
Attorney General

By:

  
WM. BRADFORD REYNOLDS  
Assistant Attorney General

Bg:

  
RAYMOND J. DEARIE  
United States Attorney

  
DAVID L. ROSE  
JOHN M. GADZICHOWSKI  
MELISSA P. MARSHALL  
Attorneys  
Department of Justice  
Civil Rights Division  
Washington, D.C. 20530  
(202) 633-2188

SIR:

PLEASE TAKE NOTICE that the within will be presented for settlement and signature to the Clerk of the United States District Court in his office at the U.S. Courthouse, 225 Cadman Plaza East, Brooklyn, New York, on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at 10:30 o'clock in the forenoon.

Dated: Brooklyn New York,

\_\_\_\_\_, 19\_\_\_\_

United States Attorney,  
Attorney for \_\_\_\_\_

To:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attorney for \_\_\_\_\_

=====

SIR:

PLEASE TAKE NOTICE that the within is a true copy of \_\_\_\_\_ duly entered herein on the \_\_\_\_ day of \_\_\_\_\_, in the office of the Clerk of the Eastern District of New York,

Dated: Brooklyn, New York

\_\_\_\_\_, 19\_\_\_\_

United States Attorney,  
Attorney for \_\_\_\_\_

To:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attorney for \_\_\_\_\_

Civil Action No. \_\_\_\_\_

UNITED STATES DISTRICT COURT  
Eastern District of New York

UNITED STATES OF AMERICA,

Plaintiff,

-Against-

SUFFOLK COUNTY, a municipal corporation organized pursuant to the laws of the State of New York, et al.,

~~Defendants.~~

COMPLAINT

RAYMOND J. DEARIE

United States Attorney,  
Attorney for Plaintiff  
Office and Post Office Address,  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, New York 11201

Due service of a copy of the within \_\_\_\_\_  
\_\_\_\_\_ is hereby admitted.

Dated: \_\_\_\_\_, 19\_\_\_\_

Attorney for \_\_\_\_\_