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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

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CLERK US DISTRICT COURT  
NORFOLK, VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF CHESAPEAKE, VIRGINIA,

Defendant.

Civil Action No.

*J: 06 cv 415*

**COMPLAINT**

Plaintiff, United States of America, alleges:

1. This action is brought on behalf of the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq., as amended ("Title VII").
2. This court has jurisdiction of this action under 42 U.S.C. § 2000e-6(b), 28 U.S.C. § 1343(a)(3) and 28 U.S.C. § 1345.
3. Defendant, City of Chesapeake, Virginia, is a municipal government and/or political subdivision created pursuant to the laws of the Commonwealth of Virginia.
4. Defendant City of Chesapeake is a person within the meaning of 42 U.S.C. § 2000e(a) and an employer within the meaning of 42 U.S.C. § 2000e(b).
5. Defendant City of Chesapeake employs police officers who, among other things, are responsible for protecting individuals and property in the City of Chesapeake and apprehending persons violating any laws within the City of Chesapeake.

6. Defendant City of Chesapeake is responsible for the recruitment and hiring of entry-level police officers.

7. Defendant City of Chesapeake is responsible for establishing the terms, conditions, and other practices which bear upon the employment of all of the City's police officers, including entry level police officers.

8. Upon information and belief, since at least March 2001, defendant City of Chesapeake has administered and used a written examination, the National Police Officer Selection Test ("POST"), in the screening and selection of applicants for hire into the position of entry-level police officer in the City of Chesapeake Police Department.

9. Upon information and belief, the versions of the POST used by defendant City of Chesapeake have included three or four components, including a test intended to measure certain mathematics skills ("the mathematics test").

10. Upon information and belief, between March 2001 and January 2006, defendant City of Chesapeake has allowed an applicant to continue in the City's screening and selection process for the entry-level police officer position only if the applicant passed (i.e., obtained a score of at least 70% on) each of the POST's component tests, including the mathematics test.

11. Upon information and belief, between March 2001, and December 2004, approximately 45.41% of the African-American applicants to whom Chesapeake administered the POST failed the mathematics test.

12. Upon information and belief, between March 2001, and December 2004, approximately 35.90% of the Hispanic applicants to whom the defendant City of Chesapeake administered the POST failed the mathematics test.

13. Upon information and belief, between March 2001, and December 2004, approximately 11.09% of the white applicants to whom the defendant City of Chesapeake administered the POST failed the mathematics test.

14. Defendant City of Chesapeake's use of the mathematics test in the manner described in paragraphs 8 through 13, above, has an adverse impact on African-American and Hispanic applicants for the position of entry-level police officer in the Chesapeake Police Department, and is not job related for the position in question and consistent with business necessity.

15. Defendant City of Chesapeake's use of the mathematics test in the manner described in paragraphs 8 through 13, above, constitutes a pattern or practice of resistance to the full enjoyment by African-Americans and Hispanics of their right to equal employment opportunities without discrimination based on race and national origin. The pattern or practice is of such a nature that it denied African-Americans and Hispanics the full exercise of the rights secured by Title VII of the Civil Rights Act of 1964, as amended.

16. In accordance with Section 707 of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-6, the United States, through the Department of Justice, has investigated the employment practices of defendant City of Chesapeake, has notified defendant of the investigation and the policies and practices described in paragraphs 8 through 13, above, and has unsuccessfully attempted to resolve this matter through negotiation.

17. All conditions precedent to filing suit have been performed or have occurred.

Wherefore, plaintiff United States prays that the Court order defendant City of Chesapeake, its officers, agents, employees, successors and all persons in active concert or

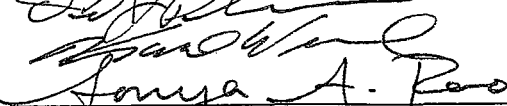
participation with them to:

- a. refrain from using a written examination for the entry-level police officer position with the defendant City of Chesapeake of a type or in a manner that disproportionately excludes African-Americans and Hispanics from employment, but have not been shown to be job-related and consistent with business necessity as required by federal law;
- b. provide remedial relief sufficient to make whole all persons who have suffered individual loss as a result of the discrimination alleged in this Complaint; and
- c. adopt other appropriate nondiscriminatory measures to overcome the effects of their discriminatory practices.

Plaintiff United States prays for such additional relief as justice may require, together with its costs and disbursements in this action.

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DAVID J. PALMER (VA Bar No. 27802)  
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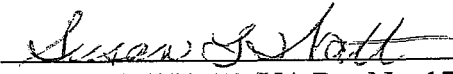
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