

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

DEBRA O'MARA

Plaintiff

v.

POLICE OFFICER  
THOMAS LICARDELLO (BADGE No. 4383)  
Individually and as a Police Officer  
for the City of Philadelphia;

POLICE OFFICER  
JOHN SPEISER (BADGE No. 7169)  
Individually and as a Police Officer  
for the City of Philadelphia;

POLICE OFFICER  
BRIAN REYNOLDS (BADGE No. 4268)  
Individually and as a Police Officer  
for the City of Philadelphia;

SERGEANT  
JOSEPH McCLOSKEY (BADGE No. 331)  
Individually and as a Police Officer  
for the City of Philadelphia;

POLICE OFFICER  
PERRY BETTS (BADGE No. 6761)  
Individually and as a Police Officer  
for the City of Philadelphia;

POLICE OFFICER  
LESLIE SIMMONS (BADGE No. 4561)  
Individually and as a Police Officer  
for the City of Philadelphia

POLICE OFFICER  
NATHAN LONDON (BADGE No. 6760)  
Individually and as a Police Officer  
for the City of Philadelphia

CIVIL ACTION  
No. #13-

JURY TRIAL DEMANDED

	:
<b>POLICE OFFICER</b>	:
<b>RICKMAN WILLIAMS-JACKSON</b>	:
<b>(BADGE No. 2612)</b>	:
<b>Individually and as a Police Officer</b>	:
<b>for the City of Philadelphia</b>	:
	:
<b>POLICE OFFICER</b>	:
<b>GREGORY BARBER (BADGE No. 2559)</b>	:
<b>Individually and as a Police Officer</b>	:
<b>for the City of Philadelphia</b>	:
	:
<b>POLICE OFFICER</b>	:
<b>JAMES O'NEILL (BADGE No. 5786)</b>	:
<b>Individually and as a Police Officer</b>	:
<b>for the City of Philadelphia</b>	:
	:
<b>POLICE OFFICER</b>	:
<b>KEVIN GORMAN (BADGE No. 3778)</b>	:
<b>Individually and as a Police Officer</b>	:
<b>for the City of Philadelphia</b>	:
	:
<b>POLICE OFFICER JOHN DOES 1-25</b>	:
<b>(BADGE Nos. Presently Unknown)</b>	:
<b>Individually and as Police Officers</b>	:
<b>for the City of Philadelphia;</b>	:
	:
<b>POLICE OFFICER JANE DOES 1-25</b>	:
<b>(BADGE Nos. Presently Unknown)</b>	:
<b>Individually and as Police Officers</b>	:
<b>for the City of Philadelphia;</b>	:
	:
<b>and</b>	:
	:
<b>CITY OF PHILADELPHIA</b>	:
	:
<b>Defendants</b>	:

**COMPLAINT**

**JURISDICTION**

1. Plaintiff brings this action pursuant to 42 United States Code Section 1983.

Jurisdiction is based upon 28 United States Code Sections 1331 and 1343 (a) (1),

(3), and (4). Plaintiff further invokes supplemental jurisdiction under 28 United States Code Section 1367 (a) to hear and decide claims under state law.

### PARTIES

2. Plaintiff Debra O'Mara is an adult female who was at all relevant times a resident of Philadelphia, Pennsylvania.
3. Defendant City of Philadelphia is a Municipality of the Commonwealth of Pennsylvania that owns, operates, manages, directs, and controls the City of Philadelphia Police Department, which employed Defendant Police Officers at all times relevant to this action.
4. Those Defendant Police Officers who are named in the instant complaint were at all times relevant to this action Officers of the City of Philadelphia Police Department. Most, if not all, of these Defendants were members of the Narcotics Strike Force or other units purportedly dealing with the investigation of illegal narcotics. Each is being sued in his/her individual capacity and as a Police Officer for the City of Philadelphia. During the course of the incidents described herein, these Defendant Officers were acting under color of state law.
5. Upon information and belief, Defendant Police Officers John Doe 1-25 and Jane Doe 1-25 were at all times relevant to this action Officers of the City of Philadelphia Police Department, most of whom were members of the Narcotics Strike Force or other units dealing with the purported investigation of illegal narcotics and whose identities are presently unknown but are expected to be determined with reasonable certainty during discovery. Each is being sued in

his/her individual capacity and as a Police Officer for the City of Philadelphia. During the course of the incidents described herein, these Defendant Officers were acting under color of state law.

### FACTS

6. At approximately 5 p.m. on Wednesday, September 26, 2012, Plaintiff Debra O'Mara was in her home located at 1236 Latona St, Philadelphia, PA.
7. While at home, Ms. O'Mara received a phone call from a neighbor alerting her to the presence of two white males at her front door. Ms. O'Mara later learned that these males were plainclothes Philadelphia Police Officers.
8. These Defendant Officers came into the home. Ms. Myers did not give permission for them to enter, and they had no warrant at the time of their entry.
9. Upon the illegal entry of the Defendant Officers, Ms. Myers did try to hide one small bag of methamphetamine.
10. After the illegal entry, the Defendant Officers cuffed Ms. O'Mara and her friend, Vincent Pezzano. They then began to search the home, without a warrant and claimed that they were "looking for guns."
11. These Defendant Officers found no additional drugs or weapons.
12. Shortly after the first Defendant Officers arrived, a uniformed Defendant Officer arrived on scene and then three more plainclothes Defendant Officers arrived. These Defendant Officers were casing the home and asked Ms. O'Mara, an accomplished musician, for the prices of guitars hanging on the wall. They were particularly interested in knowing which guitars were the most expensive.

13. Some and/or all of the Defendant Officers then began to ransack Ms. O'Mara's house without a warrant or other lawful justification. While they were ransacking the house, two internal affairs officers in blue shirts arrived on scene. Along with these officers, a high-ranking official from the Philadelphia Police Department arrived on scene. The identity of these defendant officers is presently unknown.
14. All five plainclothes Defendant Officers who had illegally entered the home were removed from the home one at a time, separated, and questioned by other officers. They were led out of the home with their hands behind their backs and placed in different cars than those in which they arrived. While inside the cars, they were questioned.
15. The two internal affairs officers interviewed Ms. O'Mara on scene.
16. Several weeks after this incident, Ms. O'Mara discovered that Defendant Officers had stuffed money into the couch in an attempt to evade detection by internal affairs. There were also several items of jewelry and other stashes of money left at the home that did not belong to Ms. O'Mara. All of this was left behind in an attempt to conceal evidence of thefts by these Defendant Officers.
17. Defendant Officers who subsequently arrived at the scene did arrest Ms. O'Mara and submitted documentation that was filled with false information regarding the circumstances of the entry into the home and the search. This police paperwork entirely failed to mention the involvement of internal affairs, resulting in the withholding of vital *Brady* material from the Plaintiff.
18. Ms. O'Mara was arrested and transported to the 3<sup>rd</sup> Philadelphia Police District where she was arraigned on the following false charges:

- a. Manufacture, Delivery, or Possession With Intent to Deliver A Controlled Substance pursuant to 35 P.S. § 780-113(a)(30);
  - b. Intentional Possession of a Controlled Substance pursuant to 35 P.S. § 780-113(a)(16);
  - c. Use or Possession of Drug Paraphernalia 35 P.S. § 780-113(a)(32).
19. The Defendant Officers seized \$10,587 that belongs to Ms. O'Mara, claiming that it was the result of unlawful drug sales. The money was, however, obtained by lawful means.
20. The Defendant Officers and other officers all gave false statements concerning the incident described in this complaint.
21. The Defendant Officers and other officers prepared and caused to be prepared police paperwork misrepresenting the events that led to the arrest of the Plaintiff for the incident described in this complaint. Those misrepresentations included, but were not limited to:
- a. that Ms. O'Mara voluntarily admitted the officers to the residence;
  - b. that they recovered 3.5 grams of methamphetamine from the second floor front bedroom on the powder table;
  - c. that they recovered, from the same room, one red case, one leather case containing a digital scale, and one small note book with numbers, claiming that this was a "Tally book;" and
  - d. that the Defendant Officers found, in the same room, new and unused plastic baggies.
22. The Defendant Officers lied about the times of their activities; the times indicated

in their reports were earlier than the events actually occurred; this was done to conceal their illegal and warrantless searches, and theft of Ms. O'Mara's money.

23. Defendant Police Officers were aware of exculpatory information about the Plaintiff.
24. The Defendant Officers failed to provide exculpatory information known to them to Plaintiff or her criminal counsel via police paperwork or any other means after their arrest.
25. The exculpatory information known to police that was not provided to the Plaintiff included the real facts and circumstances of the incident.
26. The Defendant Officers, in anticipation of the charging of Plaintiff, misrepresented the events that led to the arrest of the Plaintiff. These misrepresentations were intentional, malicious, in bad faith, recklessly indifferent and deliberately indifferent to Plaintiff's rights.
27. Plaintiff obtained criminal counsel to represent her.
28. On March 13, 2013, the Philadelphia District Attorney's Office withdrew prosecution against Ms. O'Mara without explanation. The unstated rationale was the illegal conduct and fabricated version of the events that led to Plaintiff's arrest.
29. The District Attorney of Philadelphia now refuses to prosecute or charge cases or approve any search or arrest warrants in which the following officers are or were involved:
  - a. Police Officer Thomas Liciardello;
  - b. Police Officer Brian Reynolds;

- c. Police Officer John Speiser;
- d. Police Officer Michael Spicer;
- e. Police Officer Perry Betts; and
- f. Lieutenant Robert Otto.

30. This decision rested on knowledge that some and/or all of the Defendant Officers in this matter had engaged in conduct raising questions about their integrity and law-abidingness while on duty.
31. At the time of this incident, and for some years before, law enforcement at the highest levels knew of integrity, corruption, and civil rights violation issues involving some and/or all of the Defendant Officers. Federal agents and federal prosecutors knew. The current Philadelphia Police Commissioner, his predecessors, and some of his subordinates knew. Former District Attorney Lynn Abraham and some of her subordinates, as well as her successor in office knew. The basis of this knowledge was information from multiple sources including, but not limited to, federal investigations, internal investigations, questions raised by state and federal prosecutors, and other sources.
32. As a direct and proximate result of the defendants' actions, Plaintiff Debra O'Mara was deprived of rights, privileges and immunities under the Fourth and Fourteenth Amendments to the United States Constitution and, in particular, the right to be free from excessive force, the right to be free from unlawful arrest, the right to be free from unjustified searches, the right to be free from malicious prosecution, and the right to due process of law. Plaintiff was similarly deprived of the right not to be the victim of conspiracies of state actors to violate the



aforementioned clearly established rights.

33. The actions and/or inactions of the Defendants violated the clearly established federal constitutional rights of the Plaintiffs to freedom from use of excessive, unreasonable, and unjustified force against her person, the right to be free from malicious prosecution, and the right to due process of law.
34. The actions taken by the Defendants in this matter were taken under color of state law. Those actions are not limited to the aforementioned conduct.
35. As a direct and proximate result of the actions and/or inactions of the Defendants in this matter, Plaintiff suffered physical pain, loss of liberty, anxiety, fear, mental harm, and other financial loss.

#### COUNT I

#### **42 U.S.C. § 1983 against Defendants Officers *Excessive Force***

36. Paragraphs 1 through 35 are incorporated herein by reference as though fully set forth.
37. Plaintiff were damaged and injured as set forth above under 42 U.S.C. Section 1983 by Defendant Officers in that they, as described in detail in preceding paragraphs, violated Plaintiff's constitutional rights while acting under color of law. More specifically, Defendant Officers intentionally acted to cause a harmful and/or offensive contact with Plaintiff's persons and such actions were the actual and proximate cause of Plaintiff's harm.

**COUNT II**

**Supplemental State Law Claim Against Defendant Officers**  
***Battery***

38. Paragraphs 1 through 37 are incorporated herein by reference as though fully set forth.

39. Plaintiff was damaged and injured as set forth above by Defendant Officers in that they intentionally acted to cause a harmful and/or offensive contact with Plaintiff's person and such actions were the actual and proximate cause of Plaintiff's harm.

**COUNT III**

**42 U.S.C. § 1983 against Defendants Officers**  
***Assault***

40. Paragraphs 1 through 39 are incorporated herein by reference as though fully set forth.

41. Plaintiff was damaged and injured as set forth above under 42 U.S.C. Section 1983 by Defendant Officers in that they, as described in detail in preceding paragraphs, violated Plaintiff's constitutional rights while acting under color of law. More specifically, Defendant Officers intentionally placed Plaintiff in reasonable apprehension of imminent harmful and/or offensive bodily contact, and Defendants' actions were the actual and proximate cause of Plaintiff's harm.

**COUNT IV**

**Supplemental State Law Claim Against Defendant Officers**  
***Assault***

42. Paragraphs 1 through 41 are incorporated herein by reference as though fully set forth.

43. Plaintiff was damaged and injured as set forth above by Defendant Officers in that they intentionally placed Plaintiff in reasonable apprehension of imminent harmful and/or offensive bodily contact, and Defendants' actions were the actual and proximate cause of Plaintiff's harm.

**COUNT V**

**42 U.S.C. § 1983 against Defendants Officers**  
***Unlawful Arrest***

44. Paragraphs 1 through 43 are incorporated herein by reference as though fully set forth.

45. Plaintiff was damaged and injured as set forth above under 42 U.S.C. Section 1983 by Defendant Officers in that they, as described in detail in preceding paragraphs, violated Plaintiff's constitutional rights while acting under color of law. More specifically, Defendant Officers acted with the intent to arrest Plaintiff unlawfully, without probable cause, and against Plaintiff's will, and such actions were the actual and proximate cause of Plaintiff's confinement.

**COUNT VI**

**Supplemental State Law Claim Against Defendant Officers**  
***False Imprisonment***

46. Paragraphs 1 through 45 are incorporated herein by reference as though fully set forth.

47. Plaintiff was damaged and injured as set forth above by Defendant Officers in that they acted with the intent to confine Plaintiff unlawfully and against Plaintiff's will, and such actions were the actual and proximate cause of Plaintiff's confinement.

**COUNT VII**

**42 U.S.C. § 1983 against Defendants Officers**  
***Unjustified Search***

48. Paragraphs 1 through 47 are incorporated herein by reference as though fully set forth.

49. Plaintiff was damaged and injured as set forth above under 42 U.S.C. Section 1983 by Defendant Officers in that they, as described in detail in preceding paragraphs, violated Plaintiff's constitutional rights while acting under color of law. More specifically, Defendant Officers entered and searched the home in which Plaintiff had a reasonable expectation of privacy without probable cause or a warrant issued at the proper time, or without an exception to the warrant requirement, seized Plaintiff's lawful possessions, and such action was the direct

and proximate cause of Plaintiff's harm.

**COUNT VIII**

**42 U.S.C. § 1983 against Defendants Officers**  
***Malicious Prosecution***

50. Paragraphs 1 through 49 are incorporated herein by reference as though fully set forth.

51. Plaintiff was damaged and injured as set forth above under 42 U.S.C. Section 1983 by Defendant Officers in that they, as described in detail in preceding paragraphs, violated Plaintiff's constitutional rights while acting under color of law. More specifically, Defendant Officers seized and arrested Plaintiff, and instituted criminal proceedings against Plaintiff without probable cause and with malice. These proceedings terminated in favor of the Plaintiff. Defendants' conduct was the direct and proximate cause of Plaintiff's harm.

**COUNT IX**

**Supplemental State Law Claim Against Defendant Officers**  
***Malicious Prosecution***

52. Paragraphs 1 through 51 are incorporated herein by reference as though fully set forth.

53. Plaintiff was damaged and injured as set forth above by the Defendant Officers in that they instituted criminal proceedings against Plaintiff without probable cause and with malice and where such proceedings were terminated in favor of the Plaintiff.

**COUNT X**

**42 U.S.C. § 1983 against Defendants Officers  
*Conspiracy***

54. Paragraphs 1 through 53 are incorporated herein by reference as though fully set forth.

55. Plaintiff was damaged and injured as set forth above under 42 U.S.C. Section 1983 by Defendant Officers in that they, as described in detail in preceding paragraphs, violated Plaintiff's constitutional rights while acting under color of law. More specifically, Defendant Officers, acting in concert and conspiracy, committed acts in violation of the Plaintiff's Constitutional Rights and against the laws of Pennsylvania. The Defendant Officers acted in conspiracy to violate the Plaintiff's Constitutional Rights as stated in the above paragraphs, and made statements among themselves and others in order to conceal their unlawful and unconstitutional conduct. Such actions were the direct and proximate cause of Plaintiff's harm.

**COUNT XI**

**Supplemental State Law Claim Against Defendant Officers  
*Conspiracy***

56. Paragraphs 1 through 55 are incorporated herein by reference as though fully set forth.

57. Defendant Officers acting in concert and conspiracy, committed acts in violation of the Plaintiff's Constitutional Rights and against the laws of Pennsylvania. The Defendant Officers made statements among themselves and others in order to conceal their unlawful and unconstitutional conduct.

**COUNT XII**

**Supplemental Claim of Intentional Infliction of  
Emotional Distress against All Defendant Officers**

58. Paragraphs 1 through 57 are incorporated herein by reference as though fully set forth.

59. Plaintiff was damaged and injured as set forth above by Defendant Officers in that they intentionally and/or recklessly caused Plaintiff severe emotional distress by their extreme and outrageous conduct.

**COUNT XIII**

**Supplemental Claim of Negligent Infliction of  
Emotional Distress against All Defendant Officers**

60. Paragraphs 1 through 59 are incorporated herein by reference as though fully set forth.

61. Plaintiff was damaged and injured as set forth above by Defendant Officers in that they negligently caused Plaintiff severe emotional distress by their extreme and outrageous conduct and where Plaintiff's emotional distress resulted in the manifestation of physical symptoms.

#### COUNT XIV

##### **42 U.S.C. Section 1983 against Defendant City of Philadelphia**

62. Paragraphs 1 through 61 are incorporated herein by reference as though fully set forth.

63. Plaintiff was damaged and injured as set forth above under 42 U.S.C. Section 1983 by Defendant Officers in that they, as described in detail in preceding paragraphs, violated Plaintiff's constitutional rights while acting under color of law. Prior to September 26, 2012, the City of Philadelphia developed and maintained policies and/or customs exhibiting deliberate indifference to the constitutional rights of persons in the City of Philadelphia, which caused the violation of Plaintiffs' rights.

64. It was the policy and/or custom of the City of Philadelphia to cover-up and avoid detection of improper and illegal police activity, including excessive force, unlawful detention, failure to intervene against other Officers' illegal conduct, false imprisonment, assault and battery, and infliction of emotional distress.

65. It was the policy and/or custom of the City of Philadelphia to fail to sufficiently supervise against, train and/or re-train against, and discipline against illegal police activity, including but not limited to excessive force, unlawful detention, failure to



intervene against other Officers' illegal conduct, assault and battery, false imprisonment, and infliction of emotional distress.

66. There has been a longstanding history, which has been extensively documented since the 1980s, of Philadelphia Police Officers engaging in rampant illegal conduct in narcotics investigations. A non-exhaustive list of such conduct includes:

- a. In the early 1980s, in the "One Squad Scandal," a group of Philadelphia narcotics officers were convicted of selling drugs that they had stolen from dealers.
- b. During the decade between 1980-1989, a lieutenant and three officers from another drug unit, the "Five Squad," engaged in conduct including the theft of drugs and over \$280,000.00 that resulted in federal convictions for, *inter alia*, racketeering.
- c. In or around February 1995, Philadelphia Police Officer John Baird and five other members of the 39<sup>th</sup> Police District were federally prosecuted and ultimately sentenced for violating the rights of, and stealing money from, over 40 Philadelphians. These Officers planted drugs on innocent individuals, conducted unreported raids, and stole from suspects.
- d. In 1997, federal drug convictions were overturned as a result of a 1998 internal affairs finding that narcotics officer John Boucher was a potentially corrupt police officer.
- e. In the last five years, numerous narcotics officers -- including, as described *supra*, some and/or all of the Defendant Officers in this matter -- have

engaged in conduct causing them to have been removed from the narcotics assignments. In the last five years, as the result of a series of articles by Philadelphia Daily News reporters known as “Tainted Justice,” Philadelphia Police Officers Jeffrey Cujdik, Richard Cujdik, Robert McDonnell, Thomas Tolstoy, Joseph Bologna, and Thomas Deabler have all been assigned to either desk duty or non-narcotics related assignments. Those officers engaged in raids of small convenience shops in Philadelphia in which they disabled surveillance systems to hide their conduct, which included theft of cash and groceries. Jeffrey Cujdik routinely alleged criminal behavior in search warrants involving a confidential informant who subsequently denied having provided information or services on many of the cases in which Cujdik affirmed he had.

- f. In May of 2013, Philadelphia Police Officer Jeffrey Walker was arrested and charged in the United States District Court for the Eastern District of Pennsylvania for acts including, *inter alia*, “by means of actual or threatened force or violence or fear of injury, immediate and future to the victim’s person, and by use of a firearm; and by use of his position as a Philadelphia Police Officer, did obtain personal property, cash and marijuana unlawfully...” The criminal complaint against Defendant Walker described the flagrant manner in which he unwittingly disclosed to an FBI informant his practiced schemes to rob drug dealers of both drugs and money. He described the manner in which he would confiscate a large portion of a drug dealer’s drugs for himself and report only a small portion of what he actually found in

the police report. In addition, he described a scam to plant drugs in a drug dealer's car so that he could arrest the drug dealer, take the drug dealer's keys, and then use the dealer's keys to enter the drug dealer's apartment and steal money.

67. It was the policy and/or custom of The City of Philadelphia to inadequately supervise and train its Police Officers, including the Defendant Officers, against a code of silence or "blue code" of Officers refusing to intervene against or provide truthful information against constitutional violations and other unlawful misconduct committed by their fellow Officers.

68. As a result of the above-described policies and customs and/or the lack thereof, Police Officers of the City of Philadelphia, including the Defendant Officers, believed that their actions would not be properly monitored by supervisory Officers and that misconduct would not be investigated or sanctioned, but would be tolerated.

#### **COUNT XV**

##### **Supplemental Claim of Negligent Hiring, Retention, and Supervision against Defendant City of Philadelphia**

69. Paragraphs 1 through 68 are incorporated herein by reference as though fully set forth.


70. Defendant City of Philadelphia failed to exercise reasonable care in the hiring, retention, and supervision of the Defendant Police Officers with such failure being the direct and proximate cause of Plaintiffs' injuries.

**DAMAGES**

71. Paragraphs 1 through 70 are incorporated herein by reference as though fully set forth.

72. As a result of the above actions and claims, the Plaintiff demands judgment against all defendants in the amount of all damages, including:

- a. compensatory damages;
- b. punitive damages;
- c. interest;
- d. injunctive relief;
- e. such other relief as appears reasonable and just; and
- f. reasonable attorney fees and costs under 42 U.S.C. § 1988.

  
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**Lloyd Long III, Esq.**

  
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**Lawrence S. Krasner, Esq.**

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**Date:** October 1, 2013