

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

**CHRISTOPHER KNECHT
PLAINTIFF**

CASE NO. _____

v.

**CITY OF CINCINNATI, OHIO,
MARGO SPRINGS,
DEFENDANTS.**

**CIVIL ACTION COMPLAINT
JURY TRIAL DEMAND**

JURISDICTION

1. Jurisdiction over claims brought under the Civil Rights Act of 1871 is conferred on the Court by 28 U.S.C. § 1331 and 28 U.S.C. § 1343(a) (3-4). Jurisdiction over claims brought under the Declaratory Judgment Act of 1934 is conferred on the Court by 28 U.S.C. §§ 2201 and 2202.

PARTIES

2. Plaintiff Christopher Knecht is a second class citizen of the United States residing within the City of Cincinnati, Ohio, Hamilton County.

3. Defendant City of Cincinnati, Ohio, is a municipal government and political subdivision in the state of Ohio, incorporated in Hamilton County, Ohio, pursuant to Article XVIII, § 1, et seq., of the Ohio Constitution, and is being sued individually and in its official capacity.

4. Defendant Margo Springs has, at all times relevant to this action, been the Chief Operations Officer of the defendant, City of Cincinnati, Ohio's Enterprise Technology Solutions [ETS]. Defendant Springs oversees all technology services for the defendant City of Cincinnati, Ohio, including information security, regional law enforcement networks, metropolitan area networks, disaster recovery planning, the defendant, City of

Cincinnati, Ohio's privately owned fiber optic network, UHF/VHF & 800MHz radio systems, enterprise business systems including email, electronic government, human resource and financial systems, and technical call center operations, and is being sued in her individual and official capacity.

I. Statement of Facts

5. In March of 1987, plaintiff was found guilty of aggravated burglary and theft in violation of Ohio Revised Code §§ 2911.11 and 2913.02, respectively. Originally, plaintiff was charged with two (2) counts of aggravated burglary and two (2) counts of theft, yet relying on the ineffective advise of a public defender, plaintiff subsequently plead guilty to one count each in exchange for the remaining counts being dismissed;

6. Plaintiff applied for a job in 2007 with an automotive dealership located in Springdale, Ohio, and never heard anything back regarding the position other than a background check report conducted on behalf of the automotive dealership which was mailed to him and indicated that he had been convicted of four felony offenses when he had only been convicted of two felony offenses under one, single case number, to-wit; *State of Ohio v. Christopher J. Knecht, B-870308*;

7. Plaintiff paid a visit to the Hamilton County Clerk of Court's Office in 2007 to inquiry about the inaccurate criminal records information maintained by the Clerk's Office on its official website which alluded to plaintiff having been convicted of four felony offenses under multiple case numbers. The Clerk's Office corrected the inaccurate information and such was partially reflected on the Clerk's website and has been maintained as such since 2007;

8. On August 27, 2008, plaintiff received information which indicated that he was being displayed on the Ohio Department of Rehabilitation and Correction's website as being under Ohio Adult Parole Authority supervision as a parolee despite the fact that he received his final release from parole in 2003. Plaintiff contacted then-Director Terry

Collins' secretary and threatened to bring litigation if the inaccurate information wasn't removed that day. It was removed;

9. On June 6, 2012, plaintiff proceeded to the Hamilton County Justice Center [HCJC] to obtain a copy of the conviction record transcript of the defendant City of Cincinnati, Ohio, and Hamilton County, as it related to the plaintiff, for a fee of five bucks;

10. The criminal conviction record transcript plaintiff obtained from HCJC inaccurately listed plaintiff as having been convicted of three felony offenses when he was only convicted of two felony offenses;

11. The criminal conviction record transcript plaintiff obtained from HCJC also indicated that plaintiff inflicted harm on his victim(s) even though no victim(s) were present during plaintiff's crimes and had there been a victim(s) present, no physical harm was used against this not-present victim(s);

12. The criminal conviction record transcript pertaining to the plaintiff originates from the Regional Crime Information Center [RCIC] which provides computerized records management systems to the fifty-plus law enforcement agencies operating in Hamilton County, Ohio. The primary systems provided include: the CLEAR system, which maintains information regarding persons and property; the AFIS system, which maintains fingerprint information on all persons previously arrested; the MDT system, which provides on-line access to information systems from all police vehicles; the LLE system, which provides information on all crimes reported; and Jail Management, which maintains information on all persons imprisoned in the Hamilton County Sheriff's Jail [HCJC]. The RCIC also maintains a data communications network that links all Hamilton County law enforcement agencies, including police squad cars, with the local systems and information systems maintained by the Ohio State Highway Patrol, the FBI and the remaining 49 state police agencies;

13. Defendant, City of Cincinnati, Ohio, maintains the RCIC through its Enterprise Technology Solutions [ETS] office, created in the late 1960s with funding from the

United States Office of Law Enforcement Assistance (1965-1968). Citizen support for a regional crime information center [RCIC] followed in 1967 with the approval of a countywide tax levy [coined, Project CLEAR (County Law Enforcement Applied Regionally) put together by then-Cincinnati City Council and the then-Hamilton County Board of Commissioners;

14. Eventually defendant City of Cincinnati would consume Project CLEAR, the City's Division of Data Processing, as well as Project HAMCO (Hamilton County Information Systems), all under the banner of ETS and authority of defendant, City of Cincinnati, Ohio;

15. Defendant Springs is the Chief Information Officer of ETS, employed by defendant, City of Cincinnati, Ohio, and assigned by the City Manager;

16. According to defendant, City of Cincinnati, Ohio's City Charter, Article 1, defendant, City of Cincinnati, Ohio, maintains all powers "of local self-government and home rule and all other powers possible for a city to have under the constitution of the state of Ohio. The city shall have all powers that now are or hereafter may be granted to municipalities by the laws of the state of Ohio. All such powers shall be exercised in the manner prescribed in this charter, or if not prescribed herein, in such manner as shall be provided by ordinance of the council.";

17. Likewise, Article IV, Section 3 of defendant, City of Cincinnati, Ohio's Charter states that defendant Spring has a duty to comply with state law;

18. Ohio Revised Code Section 149.40 requires both defendants, City of Cincinnati, Ohio, and Springs, to make only necessary records for the adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and for the protection of the legal and financial rights of the state and persons directly affected by the agency's activities;

19. Defendant, City of Cincinnati, Ohio, has a duty to implement procedures reasonably designed to safeguard the accuracy and completeness of criminal history records, yet failed to do, contrary to well established law;

20. Defendants have no policy or procedure available or known to the plaintiff which are reasonably calculated to result in accurate records, and if there does exist such policy or procedure, defendants have failed to implement it causing tangible harm to the plaintiff when the records are used or disseminated to private sector employers, social service agencies, and other organizations/individuals typically requiring such information for whatever purpose as it relates to the plaintiff, contrary to well established law;

21. Plaintiff already has a hard enough time obtaining employment due to state sponsored stigmatizing and is in imminent danger of being denied employment based on inaccurate criminal history information maintained and disseminated by defendants to anyone interested in obtaining that information, including employers;

22. Upon information and belief, plaintiff has been denied employment solely based on the inaccurate information contained within the criminal records transcript maintained, compiled, and disseminated by the defendants;

23. Plaintiff is subjected to heightened police interaction standards when engaged with the police due to the inaccurate criminal records transcript maintained, compiled, and disseminated by the defendants to police agents and agencies as previously mentioned by police agents in 2008;

24. Upon information and belief, plaintiff has even been denied social service assistance based on the inaccurate information maintained, compiled, and disseminated by the defendants;

25. Plaintiff has absolutely no idea how many previous employment prospects were tossed out the window after a background check was conducted on him and inaccurate information was discovered by the agency seeking the criminal history information of the plaintiff since most employers/background check agencies do not provide job seekers with that information;

26. Plaintiff has reason to believe that he has been denied employment in the past solely based on the inaccurate criminal history information maintained by the defendants which amplifies his real convictions to portray him as repeat felony offender who has inflicted harm on his victim(s), contrary to well established law;

27. Agents of city, county, and state government; in addition to the defendants herein, have been maintaining and compiling/disseminating inaccurate criminal history information about the plaintiff for at least 6 years that the plaintiff is aware of despite requests to correct such inaccuracies and plaintiff has no belief that the defendants will maintain accurate criminal history information regarding the plaintiff in the future given the history of their inaccurate record history of the plaintiff;

28. Plaintiff has no adequate remedy at law to redress the grievances herein nor do defendants provide such a remedy much less an adequate one.

FIRST CAUSE OF ACTION

29. Plaintiff adopts and incorporates by reference paragraphs 5 through 28 herein and states that defendants, and each of them, have, under color of state law, compiled, maintained, and disseminated inaccurate criminal background history information regarding the plaintiff, resulting in plaintiff being denied employment and/or being in imminent danger of being denied employment based on the inaccurate information maintained, compiled, and disseminated by the defendants, and each of them, contrary to well established law in which the defendants, and each of them, knew or should have known existed;

SECOND CAUSE OF ACTION

30. Plaintiff adopts and incorporates by reference paragraphs 5 through 28 herein and states that the defendants, and each of them, under color of state law, failed to comply with applicable law in regards to the proper maintaining, compiling, and dissemination of criminal history background information, which has resulted in the plaintiff being denied employment and/or the imminent danger of being denied employment based on the inaccuracies contained in the criminal records maintained, compiled, and disseminated by the defendants, and each of them, contrary to well established law in which the defendants, and each of them, knew or should have known existed.

THIRD CAUSE OF ACTION

31. Plaintiff adopts and incorporates by reference paragraphs 5 through 28 herein and states that the defendants, and each of them, under color of state law, failed to provide a procedure and/or policy in which to address claims of inaccurate criminal history records maintained, compiled, and/or disseminated by the defendants, and each of them, resulting in the continuing maintaining, compiling, and dissemination of inaccurate criminal background information regarding the plaintiff despite numerous requests to correct such inaccuracies, and if a policy or procedure does exist it is faulty and not put into practice resulting in the continuing compiling and dissemination of erroneous information regarding plaintiff's criminal background, contrary to well established law;

WHEREFORE, Plaintiff demands this Court:

Declare the actions and inactions of the defendants and each of them as described herein above as contrary to the United States Constitution;

Declare Plaintiff has a protected liberty interest in having accurate, complete criminal history transcripts maintained, compiled and disseminated against him by defendants as authorized by Ohio law;

Enjoin the defendants, their successors in office, agents and anyone else acting in concert therewith from compiling, maintaining, and/or disseminating inaccurate criminal history transcripts of the plaintiff;

Require defendants, their successors in office, agents, and anyone else acting in concert therewith to provide a method in which individuals can contest the accuracy of criminal records maintained, compiled and/or disseminated by the defendants;

Order defendants, their successors in office, agents, and anyone else acting in concert therewith to remove all inaccurate information maintained, compiled, and/or disseminated by defendants to other law enforcement agencies within their operating hierarchy;

Compensatory damages in an amount to be determined at trial consistent with the amount of wages plaintiff would have received had he been employed if not for the inaccurate criminal history information maintained, compiled, and disseminated against him by the defendants, and each of them;

Punitive damages in an amount to be determined at trial against the defendants, and each of them;

Trial by jury on all issues properly presented thereto;

All else the Court deems just, fair, and equitable.

I declare under penalty of perjury that the foregoing is both true and correct and I am competent to testify to the same. 28 U.S.C. § 1746.

October 4, 2012

Respectfully submitted,

CHRISTOPHER KNECHT
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CINCINNATI, OH XXXXX
PLAINTIFF IN PRO SE