

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

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LOUIS H. HOPSON, JR.; LESLIE EDWARDS;
ERICA FOOTE; ANTOINE TRAVERS;
CHARLES CARTER; KAREN ALSTON;
JACQUES BONAPARTE; CARLOS PERRY;
SHIRLEY ONYANGO; EDWARD TINDEL;
TONY ELLISON; EXDOL WILLIAMS;
MELVIN RUSSELL; ZEINAB RABOLD;
LYNELLE GREEN; and MAURICE PRICE,
individually and on behalf of a class of all others similarly situated,

Plaintiffs,

-against-

THE MAYOR AND CITY COUNCIL OF BALTIMORE, A
MUNICIPAL CORPORATION OF THE STATE OF
MARYLAND, AND THE BALTIMORE CITY POLICE
DEPARTMENT,

Defendants.
-----X

**CIVIL ACTION No:
1:04-CV-03842
(AMD)**

**SECOND
AMENDED
CLASS-ACTION
COMPLAINT FOR
DECLARATORY
AND INJUNCTIVE
RELIEF AND
DAMAGES**

**DEMAND FOR
JURY TRIAL**

NATURE OF THE ACTION

1. This is an action brought to remedy employment discrimination on the basis of color and race in violation of Title VII of the Civil Rights Act of 1964 (“Title VII”), as amended, 42 U.S.C. §§ 2000e, et seq.; 42 U.S.C. § 1981; and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, pursuant to 42 U.S.C. § 1983. This action seeks declaratory and injunctive relief and compensatory damages to secure future protection and to

redress the past deprivation of rights guaranteed Plaintiffs Louis H. Hopson, Jr., Leslie Edwards, Erica Foote, Antoine Travers, Charles Carter, Karen Alston, Jacques Bonaparte, Carlos Perry, Shirley Onyango, Edward Tindel, Tony Ellison, Exdol Williams, Zeinab Rabold, Lynell Green, and Maurice Price (collectively, the “Named Plaintiffs”) and members of the class (together, Named Plaintiffs and members of the class are referred to hereafter as “Plaintiffs”) and Plaintiff Melvin Russell under federal laws. Plaintiff Russell brings claims individually.

2. Defendants Mayor and City Council of Baltimore, a municipal corporation of the State of Maryland (the “City” or “Baltimore”), and the Baltimore City Police Department (the “BPD”) (collectively, “Defendants”) have engaged in or perpetuated a long-standing pattern and practice of discrimination against African-American members of the BPD on the basis of color and/or race by, inter alia:

(a) terminating African-American officers during the probationary period of their employment for offenses or alleged offenses for which Caucasian officers are not terminated or, in some cases, not even disciplined;

(b) maintaining policies and procedures for the administration of the disciplinary system that have a disparate impact on African-Americans by facilitating the imposition of unfounded and unwarranted charges and unfounded, unwarranted, overly severe and disparate penalties upon African-American officers for offenses or alleged offenses for which Caucasian officers are not similarly or comparably charged or disciplined. Penalties include but are not limited to: (i) the loss of vacation time; (ii) suspension from the force and/or of police powers; (iii) loss of pensions; and (iv) termination; and

(c) intentionally discriminating against African-American officers through disparate treatment of African-American officers within the disciplinary system and through discriminatory denial of promotion opportunities.

JURISDICTION AND VENUE

3. The jurisdiction of this Court is invoked pursuant to 42 U.S.C. § 2000e-5(f)(3) and 28 U.S.C. §§ 1331.

4. Venue is properly placed in the District of Maryland under 28 U.S.C. § 1391(b) and 42 U.S.C. § 2000e-5(f)(3) because the central offices of Defendants are within this district, a substantial part of the events giving rise to this claim arose in this district, and records relevant to the practices complained of herein are located in this district.

CLASS ACTION ALLEGATIONS

Class Defined

5. Named Plaintiffs seek to represent the following class, and/or such sub-classes as deemed appropriate by the Court: all African-American sworn members who have been employed by the BPD since January 1992 (the “Class Period”), and who have been subjected to discrimination on the basis of color and/or race in the form of centralized policies and practices governing the disciplinary system that, though neutral on their face, have a disparate impact on African-American BPD employees.

Numerosity

6. The class is too numerous to be joined in one action. Upon information and belief, there are more than 1,285 African-American past or present members of the BPD who have been affected by the discrimination complained of herein.

Commonality of Claims

7. The class members share a number of questions of law and fact in common, including but not limited to: (i) whether members of the class have been deprived by Defendants of the right to be free of discrimination in employment on the basis of color and/or race and whether such discrimination constitutes a deprivation of the rights guaranteed to class members by federal and state laws; (ii) whether, through the use of the policies and procedures of the disciplinary system of the BPD, Defendants have created a centralized disciplinary mechanism

that leads to excessively subjective decision-making and has a disparate impact on African-American officers; and (iii) whether Defendants utilize the disciplinary system to charge African-American officers of the BPD with alleged infractions for which Caucasians are not charged and/or to impose more severe punishment on African-American officers than on similarly situated Caucasians officers who commit similar or more egregious offenses.

Typicality of Claims

8. Named Plaintiffs' claims are typical of those of the class in that they, like the other members of the class, have suffered from the various forms of discriminatory policies, pattern, practices and/or customs because of their color and/or race. Collectively, Named Plaintiffs represent the full range of discriminatory practices alleged by the class, and their claims all arise out of the BPD's systematic, centralized and continuing practice of discriminating against African-American officers through excessively subjective policies and procedures governing the disciplinary process.

Adequacy of Representation

9. Named Plaintiffs will fairly and adequately protect the interests of the class. Named Plaintiffs desire to represent the class and have retained counsel experienced in litigating class action, discrimination claims. Counsel for Named Plaintiffs have the resources, expertise, and experience to prosecute this action. There are no known conflicts among members of the class or between the attorneys and members of the class.

Class Action Maintainable Under Rule 23(b)(2)

10. This action is properly maintainable as a class action because the BPD in its policies and practices for disciplinary decisions has acted or refused to act in a manner generally applicable to the class, thereby making final injunctive relief appropriate with respect to the class

as a whole. Plaintiffs' claim for damages does not predominate over their claim for injunctive relief.

Class Action Maintainable Under Rule 23(b)(3)

11. This action is properly maintainable as a class action also because questions of law and fact common to the members of the class predominate over questions affecting only the individual members. A class action is superior to other available methods for a fair and efficient adjudication of this controversy because (i) individual actions would necessarily focus primarily on the BPD's discriminatory policies directed at class members as a whole and thus would be unnecessarily duplicative; (ii) individual actions would be an inefficient use of judicial resources given the significant numerosity of the class and the correspondingly high number of individual actions this court would have to adjudicate on substantially the same issues of law and fact; and (iii) some members of the class may not file individual actions for fear of retaliation by Defendants, as observed by the Equal Employment Opportunity Commission ("EEOC") in its determination letters, whereas a class action ensures relief for all members of the class. The EEOC determination letters, attached to the Original Complaint as Exhibit A, are incorporated herein by reference.

PARTIES

12. Plaintiff Louis H. Hopson, Jr., is an African-American male and has been employed by the BPD since November 23, 1981.

13. Plaintiff Leslie Edwards is an African-American male and was employed by the BPD from December 17, 1979 until his termination on or about April 20, 1994.

14. Plaintiff Erica Foote is an African-American female and was employed by the BPD from November 1992 until her termination in 1999.

15. Plaintiff Antoine Travers is an African-American male and was employed by the BPD from 1986 until his termination in 1995.

16. Plaintiff Charles Carter is an African-American male and was employed by the BPD from November 1981 until his termination in November 1989. He was reinstated in February 1991 and terminated again in April 2005.

17. Plaintiff Karen Alston is an African-American female and has been employed by the BPD from August 21, 1981 until she was forced to resign in April 1998.

18. Plaintiff Jacques Bonaparte is an African-American male and has been employed by the BPD since May 6, 1992.

19. Plaintiff Carlos Perry is an African-American male and was employed by the BPD from May 2003 until his termination on or about November 9, 2004.

20. Plaintiff Shirley Onyango is an African-American female and has been employed by the BPD since 1979.

21. Plaintiff Edward Tindel is an African-American male and was employed by the BPD from 1988 until his termination on or about April 2003.

22. Plaintiff Tony Ellison is an African-American male and has been employed by the BPD since September 1992.

23. Plaintiff Exdol Williams is an African-American male and has been employed by the BPD since June 2000.

24. Plaintiff Melvin Russell is an African-American male and has been employed by the BPD since October 8, 1979.

25. Plaintiff Zeinab Rabold is an African-American female and was employed by the BPD from 1982 until she was forced to resign on or about November 10, 2004.

26. Plaintiff Lynell Green is an African-American male and has been employed by the BPD since 2001.

27. Plaintiff Maurice Price is an African-American male and was employed by the BPD from 1983 until his termination in April 1998.

28. Defendant Baltimore is a municipal corporation duly organized and existing under the laws of the State of Maryland and is an “employer” as defined by Title VII. Defendant Baltimore is a “person” for purposes of enforcement of the rights guaranteed under 42 U.S.C. §§ 1981 and 1983, and the Fourteenth Amendment to the U.S. Constitution.

29. Defendant BPD is a department, agency, bureau and/or subdivision of the City, and is or was the employer of all the members of the class. Defendant BPD is an “employer” as defined by Title VII. Defendant BPD is a “person” for purposes of enforcement of the rights guaranteed under 42 U.S.C. §§ 1981 and 1983, and the Fourteenth Amendment to the U.S. Constitution.

ALLEGATIONS OF FACT

I. Disparate Discipline Imposed upon African-American Officers in the BPD

30. Defendants have engaged in a pattern and practice of disparate discipline with respect to African-American police officers. The disciplinary process of the BPD, although purportedly neutral on its face, is administered through centralized, excessively subjective policies and procedures that have a disparate impact on African-American officers. Although the disciplinary process has been modified over time, none of the changes has materially altered the disparate impact that the disciplinary process has on African-American officers.

31. The excessive subjectivity in the disciplinary process has resulted in both unintentional and/or intentional discrimination against African-American officers on the basis of

their race and/or color in the form of disparate discipline. Defendants have intentionally discriminated against African-American officers on the basis of their race and/or color through a pattern and practice of disparate treatment of African-American officers within the disciplinary system.

32. Investigations and reports have confirmed the disparate discipline imposed upon African-American officers by Defendant BPD. For example, in November 1996, the Baltimore Community Relations Committee (“CRC”) issued a report (the “CRC Report”) detailing the disparate discipline imposed upon African-American members of the BPD.

33. The CRC issued its report in response to a study performed by Donald Reid (the “Reid Report”), a former officer with the BPD. The Reid Report also found disparity in the number of African-American members terminated from the BPD compared with that of Caucasian members.

34. Upon information and belief, racial disparities in the disciplinary system have been documented and raised by members of the BPD at weekly BPD Crime Statistics Meetings. Despite knowledge of clear disparities in punishment of African-American officers charged with disciplinary violations as compared with similarly situated Caucasian officers charged with similar violations, Defendants have failed to take effective measures to address the disparate impact on and disparate treatment of African-American officers through the disciplinary system of the BPD.

35. Public officials have also acknowledged the disparate discipline imposed upon African-American officers in the BPD. For example, Mayor Martin O’Malley, as Chairman of the Legislative Services Committee for the City Council of Baltimore, prepared a report in 1998

noting racial discrimination in the BPD (the “O’Malley Report”). The O’Malley Report found widespread problems of disparate discipline of African-American officers within the BPD.

36. According to a report commissioned and endorsed by Defendant Baltimore in April 2000, 80 percent of BPD officers surveyed believe that discipline of BPD members is unfair and not uniform.

37. According to a report published on Defendant Baltimore’s own website, Defendant Baltimore admitted as recently as January 11, 2001, to “historical patterns of racial disparity within the BPD” and, more specifically, “a disparity between termination rates of black officers versus that of Caucasian officers” as a result of the disparate discipline imposed upon African-American officers in the BPD.

38. In particular, the policy known as the Disciplinary Matrix (“Matrix”) (BPD General Order C-10), which establishes the penalties for violations of disciplinary rules and regulations, and the policies known as BPD General Orders C-1 through C-8, which collectively establish the disciplinary system within the BPD, are overly subjective and vague, thereby fostering a disciplinary process that in practice has a disparate impact on and enables disparate treatment of African-American members of the BPD. The Matrix, attached to the First Amended Complaint as Exhibit F, is incorporated herein by reference.

39. Upon information and belief, the Internal Affairs Division (“IAD”), which oversees the administration of the disciplinary system, operates in a manner that has a disparate impact on and enables disparate treatment of African-American officers within the BPD. The lack of training and guidance of IAD staff was specifically documented as a cause for concern in the 2000 report commissioned by the City. Upon information and belief, the lack of clear standards continues and results in African-American officers more frequently having charges

brought and sustained against them than similarly situated Caucasian officers charged with comparable or even more serious offenses.

40. Upon information and belief, the Legal Affairs Division (“Legal”), which historically was a part of the disciplinary system, lacks clear guidelines for its operations and operates in a manner that has a disparate impact on and enables disparate treatment of African-American officers.

41. Upon information and belief, Caucasian officers in the BPD often receive no discipline or only “unofficial” discipline – i.e., minor discipline is administered by the commanding officer (“CO”) but no charges are filed and nothing is recorded, nor is anything referred to IAD or Legal – for the same offenses for which African-American officers in the BPD receive formal discipline.

42. Upon information and belief, statistical evidence will show that during the Class Period African-American officers in the BPD have been and are being terminated or subjected to harsher discipline at a significantly higher rate than Caucasian members of the BPD.

43. Upon information and belief, the BPD disciplinary system is a centralized mechanism through which discrimination based on color and/or race is perpetuated through excessively subjective decision-making, rather than being exposed and eradicated through fair, balanced, and objective procedures.

DISCRIMINATION AGAINST NAMED PLAINTIFFS

LOUIS H. HOPSON, JR.

44. Plaintiff Louis H. Hopson, Jr., has been subjected to discrimination on the basis of his race and/or color in the form of disparate discipline, retaliation, non-promotion and a hostile work environment.

45. Beginning in 1992, Plaintiff Hopson suffered discrimination on the basis of his race and/or color that was sufficiently pervasive or severe to alter the conditions of his employment and to create a hostile work environment. He has been subjected frequently to racially derogatory epithets and racially-motivated threatening actions by Caucasian supervisors and co-workers.

46. Plaintiff Hopson was subjected to retaliation for filing internal complaints of racial discrimination when he was transferred to the Communications Division in January 1995 and placed on the least desirable shift for five years, which resulted in significantly diminished responsibilities, less opportunity for promotion, and damage to Plaintiff Hopson's workplace reputation.

47. Upon information and belief, in or about 1996, Plaintiff Hopson was subjected to disparate discipline when he was charged with making a less than truthful statement and with misconduct for alleged interference with a Caucasian officer. Upon information and belief, similarly situated Caucasian officers have not been and are not similarly disciplined or even charged for similar alleged offenses. Upon information and belief, Plaintiff Hopson was discriminatorily denied promotion while less qualified Caucasian officers were promoted over him.

48. On October 25, 1996, Plaintiff Hopson filed a timely charge of discrimination with the EEOC, citing discrimination based on the severe and hostile work environment to which he had been subject since January 1, 1992, the retaliatory actions by his Caucasian supervisors, discriminatory non-promotion, and disparate discipline.

49. On May 29, 1998, Plaintiff Hopson cross-filed another timely charge of discrimination with the EEOC and the CRC. In this charge, Plaintiff Hopson cited the BPD's attempt to terminate him by charging him with a domestic violence incident, which purportedly occurred 18 years earlier, in retaliation for speaking before the Legislative Black Caucus on racial discrimination. Upon information and belief, Caucasian officers have not been and are not similarly disciplined or even charged for similar alleged offenses.

50. Upon information and belief, in 1998, Plaintiff Hopson was denied promotion to the rank of Lieutenant based on his race and/or color and in retaliation for his EEOC charges and internal complaints of discrimination. Upon information and belief, less qualified Caucasian officers were promoted over him.

51. Upon information and belief, Plaintiff Hopson was subjected to disparate discipline and retaliation for engaging in protected activity when he was terminated in August 1998 for allegedly making a false statement. Upon information and belief, Caucasian officers have not been and are not similarly disciplined or even charged for similar alleged offenses. Plaintiff Hopson appealed his termination to the Baltimore City Circuit Court, which ordered that he be reinstated.

52. In or about August 1998, Plaintiff Hopson timely filed a third charge of discrimination with the EEOC. This EEOC charge cited race discrimination and retaliation with regard to his August 1998 termination.

53. On February 10, 1999, Plaintiff Hopson received a determination letter from the EEOC in which the EEOC found evidence of class-wide discrimination against African-Americans officers in the BPD. (Ex. A)

54. In or about July 2001, Plaintiff Hopson timely filed a fourth charge of discrimination with the EEOC. In this EEOC charge, Plaintiff Hopson cited a continuing hostile work environment, retaliation and discriminatory non-promotion.

55. Plaintiff Hopson received a Right to Sue notice on September 7, 2004, a copy of which is attached hereto as Exhibit B. Plaintiff Hopson timely filed this action.

LESLIE EDWARDS

56. Plaintiff Leslie Edwards has been subjected to discrimination on the basis of his race and/or color in the form of disparate discipline.

57. On or about April 20, 1994, Plaintiff Edwards suffered disparate discipline when he was terminated on charges of misconduct, false reporting and making a false statement.

58. Upon information and belief, Caucasian officers have not been and are not similarly disciplined or even charged for similar alleged offenses.

59. Plaintiff Edwards timely filed a charge of discrimination with the EEOC. In his EEOC charge, Plaintiff Edwards cited race discrimination with regard to his termination.

60. Plaintiff Edwards appealed his termination to the Baltimore City Circuit Court, which vacated his termination and remanded Plaintiff Edwards' case to the BPD for further review. The BPD terminated him again, and Plaintiff Edwards appealed to the Circuit Court a second time, which again vacated his termination and remanded the case to the BPD for further review. The BPD terminated him a third time on or about October 24, 2000, and Plaintiff Edwards did not appeal due to his lack of resources.

61. On or about, September 26, 2000, Plaintiff Edwards received a determination letter from the EEOC finding evidence of disparate discipline imposed upon African-American officers as a class. (Ex. A)

62. Plaintiff Edwards received a Right to Sue notice on or about September 7, 2004, a copy of which is attached hereto as Exhibit B. Plaintiff Edwards timely filed this action.

ERICA FOOTE

63. Plaintiff Erica Foote has been subjected to discrimination on the basis of her race and/or color in the form of disparate discipline.

64. In or about September 1997, Plaintiff Foote was subjected to disparate discipline when she was charged with destruction of property, disorderly conduct and assault. All but the assault charge were sustained and she was terminated on or about May 1999. Upon information and belief, similarly situated Caucasian officers have not been charged or terminated for similar or more egregious offenses.

65. On or about June 17, 1999, Plaintiff Foote timely filed a charge of discrimination with the EEOC. In her EEOC charge, Plaintiff Foote cited discrimination based on her race and/or color and her sex with regard to her termination.

66. On or about September 13, 2000, the EEOC issued a determination letter in which it found evidence of disparate discipline imposed upon African American officers as a class. (Ex. A)

67. On September 29, 2004, Plaintiff Foote received a Right to Sue notice, a copy of which is attached hereto as Exhibit B. Plaintiff Foote timely filed this action.

ANTOINE TRAVERS

68. Plaintiff Antoine Travers has been subjected to discrimination based upon his race and/or color in the form of disparate discipline and retaliation.

69. On or about December 1995, Plaintiff Travers was subjected to disparate discipline and retaliation when he was terminated on charges of assault and disobeying an "order." Upon information and belief, similarly situated Caucasian officers have not been charged or terminated for similar or even worse offenses. Upon information and belief, Plaintiff Travers was subjected to retaliation for complaining of instances of racial discrimination within the BPD.

70. Plaintiff Travers appealed his termination to the Baltimore Circuit Court which upheld the Trial Board's decision to terminate him in or about 1996. Plaintiff Travers further appealed to the Maryland Court of Special Appeals which remanded to the Trial Board. The Trial Board terminated Plaintiff Travers again on or about August 1998.

71. Plaintiff Travers timely filed a charge of discrimination with the EEOC in or about June 1999. In his EEOC charge, Plaintiff Travers cited race discrimination with regard to his termination.

72. In or about September 2000, the EEOC issued a determination letter to Plaintiff Travers, attached hereto as Exhibit I, in which it found evidence of class-wide discrimination against African-Americans officers in the BPD.

73. Plaintiff Travers received a Right to Sue notice on September 7, 2004, a copy of which is attached hereto as Exhibit J. Plaintiff Travers timely filed this action.

CHARLES H. CARTER

74. Plaintiff Charles H. Carter has been subjected to discrimination based on his race and/or color in the forms of disparate discipline, retaliation, and a hostile work environment.

75. Beginning in or about October 1996, Plaintiff Carter was subjected to disparate discipline and retaliation when he was targeted for criminal prosecution – on charges later dropped by the Baltimore City State’s Attorneys Office for lack of credible evidence – after filing an internal written allegation of race discrimination against his Caucasian supervisor. Plaintiff Carter remained incarcerated on the charges for six months because the BPD petitioned to revoke his bail. Upon information and belief, similarly situated Caucasian officers have committed similar or more egregious violations and have not been incarcerated for six months on charges or subject to disciplinary proceedings. Upon information and belief, the BPD has never petitioned to have a police officer’s bail revoked.

76. Upon information and belief, Plaintiff Carter has suffered discrimination on the basis of his race and/or color that was sufficiently pervasive or severe to alter the conditions of his employment and to create a hostile work environment and has been subjected to repeated acts of retaliation for engaging in protected activities. His police powers have been repeatedly suspended after filing internal written allegations of racial discrimination within the BPD and otherwise opposing racial discrimination within the BPD.

77. On or about July 1, 1997 and December 28, 1998, Plaintiff Carter timely filed charges of discrimination with the CRC and the EEOC. In his charges, Plaintiff Carter cited disparate discipline and retaliatory suspension of his police powers.

78. Plaintiff Carter received an EEOC determination letter on September 13, 2000, finding “patterns and practices of harsher discipline of African-American officers than the discipline of similarly situated Caucasian officers and retaliation for complaining of disparate treatment.” (Ex. A)

79. On or about March 2002, Plaintiff Carter was subjected to disparate discipline and retaliation when he was charged for a November 15, 2001 incident. The charge alleged that Plaintiff Carter was involved in an altercation and that his blood alcohol level exceeded the legal limit. On or about April 2004, a memo was placed Plaintiff Carter's his personnel jacket stating that on or about November 15, 2001, he conducted himself in a manner unbecoming to a member or the BPD by having a blood alcohol level in excess of the state standard for driving – even though Plaintiff Carter was not driving – and while wearing his service weapon. Upon information and belief, this charge was filed against Plaintiff Carter for opposing racial discrimination in the BPD. Upon information and belief, similarly situated Caucasian officers have not been charged for similar or more egregious offenses.

80. In or about April 2004, Plaintiff Carter was charged with two counts of disobeying a direct order and one count of depriving the rightful owner. Upon information and belief, similarly situated Caucasian officers are not charged for engaging in similar or more egregious conduct. Plaintiff Carter was offered a severe letter of reprimand as punishment for this offense, but refused to take the punishment because he was not guilty of any violation of BPD policy. In response, Plaintiff Carter's police powers were suspended pending a disciplinary hearing.

81. Plaintiff Carter received a Right to Sue notice on or about September 7, 2004, a copy of which is attached hereto as Exhibit B. Plaintiff Carter timely filed this action.

KAREN ALSTON

82. Plaintiff Karen Alston has been subjected to discrimination on the basis of her race and/or color in the form of disparate discipline, retaliation, and a hostile work environment.

83. Upon information and belief, on or about December 6, 1995, Plaintiff Alston suffered discriminatory treatment on the basis of her race and/or color that was sufficiently pervasive or severe to alter the conditions of employment and to create a hostile work environment when her Caucasian sergeant reassigned a call to a Caucasian officer and when her Caucasian sergeant demanded that she write an administrative report for misinforming his fiancé that he was out on an assignment when his fiancé called.

84. Upon information and belief, in or about January 1996, Plaintiff Alston was subjected to retaliation when she received an “unsatisfactory” performance review after filing an internal charge of race discrimination against her Caucasian sergeant on or about December 12, 1995.

85. On or about March 19, 1996 and April 25, 1996, Plaintiff Alston was subjected to disparate discipline when she was charged with insubordination, false statements and failure to notify the BPD of her departure from her home while on medical leave. In or about March 1998, a trial board sustained only minor charges related to insubordination and medical leave, and Plaintiff Alston received a ten-day, unpaid suspension, a sever letter of reprimand, and written counseling. Upon information and belief, similarly situated Caucasian officers have not been charged or terminated for similar or even worse offenses.

86. In or about April 1998, Plaintiff Alston was denied extended disability leave and forced to retire. Upon information and belief, similarly situated Caucasian officers on extended disability leave were not forced to retire.

87. Upon information and belief, on or about April 8, 1999, Plaintiff Alston filed a timely charge of discrimination with the EEOC. In her EEOC charge, Plaintiff Alston cited race discrimination with regard to her termination.

88. On or about September 13, 2000, the EEOC issued a determination letter finding “patterns and practices of harsher discipline of African-American officers than the discipline of similarly situated Caucasian officers and retaliation for complaining of disparate discipline.” (Ex. A).

89. Plaintiff Alston received a Right to Sue notice on September 7, 2004, a copy of which is attached hereto as Exhibit B. Plaintiff Alston timely filed this action.

JACQUES BONAPARTE

90. Plaintiff Jacques Bonaparte has been subjected to discrimination on the basis of his race and/or color in the form of disparate discipline and retaliation.

91. On or about January 2002, Plaintiff Bonaparte was subjected to disparate discipline and retaliation when he was charged with insubordination after complaining about discriminatory patrol assignments. He received twelve days suspension without pay and a letter of reprimand. Upon information and belief, Caucasian officers have not been and are not similarly disciplined or even charged for similar alleged offenses.

92. On or about February 13, 2002, Plaintiff Bonaparte timely filed a charge of discrimination with the CRC, alleging disparate discipline and retaliation based on the allegations in Paragraph 91.

93. Plaintiff Bonaparte received a Right to Sue notice on March 22, 2005, a copy of which is attached hereto as Exhibit J. Plaintiff Bonaparte timely filed this action.

CARLOS PERRY

94. Plaintiff Carlos Perry has been subjected to discrimination on the basis of his race and/or color in the form of disparate discipline and a hostile work environment.

95. Beginning on or about November 3, 2003, Plaintiff Perry suffered discrimination on the basis of his race and/or color that was sufficiently pervasive or severe to alter the conditions of his employment and to create a hostile work environment. Plaintiff Perry was harassed by seven Caucasian officers, denied an assignment to a patrol post and placed on administrative suspension without ever being informed of the basis for his suspension, despite repeated requests.

96. On or about November 9, 2004, Plaintiff Perry was subjected to disparate discipline when he was terminated on misconduct charges relating to the November 3, 2003 incident. Upon information and belief, Caucasian officers have not been and are not similarly disciplined or even charged for similar alleged “offenses.”

97. On or about November 9, 2004, Plaintiff Perry timely filed a timely charge of discrimination with the CRC. In his CRC charge, Plaintiff Perry cited race discrimination with regard to his termination.

98. Plaintiff Perry received a Right to Sue notice on or about March 23, 2005, a copy of which is attached hereto as Exhibit J. Plaintiff Perry timely filed this action.

SHIRLEY ONYANGO

99. Plaintiff Shirley Onyango has been subjected to discrimination on the basis of her race and/or color in the form of disparate discipline, retaliation, non-promotion and a hostile work environment.

100. In October 10, 2000, Plaintiff Onyango was subjected to non-promotion when she was informed that she had met all qualifications for promotion to sergeant but learned that she would not be promoted because of a knee injury, which purportedly limited her ability to perform certain tasks. Upon information and belief, Caucasian officers with more severe physical limitations than Plaintiff Onyango have been promoted to sergeant.

101. On or about October 20, 2000, Plaintiff Onyango cross-filed a timely charge of discrimination with the EEOC and CRC. In this charge, Plaintiff Onyango cited non-promotion on the basis of her race.

102. Beginning in March 2001, Plaintiff Onyango suffered discrimination on the basis of her race and/or color that was sufficiently pervasive or severe to alter the conditions of her employment and to create a hostile work environment when she was subjected to discriminatory treatment by her Caucasian supervisor, who withdrew her authority to order subordinates to write call reports, required her to sign out for break, required her to handle calls on the terminal when she was the officer in charge, and engaged in extensive review of her files.

103. Also beginning in March 2001, Plaintiff Onyango was subjected to retaliation for opposing racism within the BPD. Upon information and belief, Plaintiff Onyango's Caucasian superior repeatedly questioned Plaintiff Onyango regarding her use of leave to attend Joint Committee meetings with the NAACP and cancelled departmentally-approved, scheduled vacation and/or leave periods related to Plaintiff Onyango's attendance at NAACP meetings and conventions.

104. As a result of the severe and pervasive hostile work environment and retaliation to which she had been subjected, Plaintiff Onyango was forced to take stress leave for five months beginning on or about October 2001.

105. On or about December 12, 2001, Plaintiff Onyango filed a charge of discrimination with the CRC. In her CRC charge, Plaintiff Onyango cited retaliation and the hostile work environment she suffered beginning in March 2001.

106. In or about March 2002, Plaintiff Onyango returned to work and was subjected to continuing harassment by her Caucasian supervisor, who refused to restore her police powers.

On or about June 14, 2002, Plaintiff Onyango filed an amendment to her December 12, 2001 CRC charge, citing the BPD's failure to restore her police powers and the adverse effect this had on her job performance.

107. Thereafter, on or about September 2002, upon information and belief, Plaintiff Onyango was subjected to disparate discipline and retaliation for filing an amendment to her EEOC charge when she was subjected to unfounded disciplinary charges by her Caucasian supervisor, who charged her with insubordination and mishandling her firearm. Upon information and belief, the charge for mishandling a firearm has been made part of her personnel jacket even though IAD did not sustain the charges and a trial board was never convened. Upon information and belief, similarly situated Caucasian officers are not similarly charged or disciplined for similar or more egregious offenses.

108. Again, on or about October 2002, Plaintiff Onyango was subjected to disparate discipline when she was charged with filing a fraudulent overtime form. Upon information and belief, similarly situated Caucasian officers are not similarly charged or disciplined for similar or worse offenses.

109. Plaintiff Onyango received a Right to Sue notice on or about March 23, 2005, a copy of which is attached hereto as Exhibit J. Plaintiff Onyango timely filed this action.

EDWARD TINDEL

110. Plaintiff Edward Tindel has been subjected to discrimination on the basis of his race and/or color in the form of disparate discipline, retaliation and a hostile work environment.

111. Upon information and belief, beginning on or about 2001, Plaintiff Tindel suffered discrimination on the basis of his race and/or color that was sufficiently pervasive or severe to alter the conditions of employment and to create a hostile work environment when

Caucasian officers and supervisors subjected him to racist slurs and race-based assumptions and singled him out for reprimands, to which similarly situated Caucasian officers were not subjected.

112. Upon information and belief, on or about 2001, Plaintiff Tindel became the target of retaliation for filing an internal EEO complaint about his Caucasian lieutenant's racially discriminatory conduct.

113. Upon information and belief, in June 2001, Plaintiff Tindel was subjected to disparate discipline when he was charged with insubordination, reckless driving, neglect of duty, not securing juveniles properly, and failure to write a custody report in a timely fashion. He received seven days suspension and a severe letter of reprimand as a result of these charges. Upon information and belief, Caucasian officers have not been and are not similarly disciplined or even charged for similar alleged offenses.

114. In or about July 2002, Plaintiff Tindel was subjected to disparate discipline when he was charged with multiple alleged violations related to his role in responding to a July 2001 altercation. On or about April 1, 2003, a trial board recommended a 70-day suspension, a severe letter of reprimand and counseling, but specifically refused to recommend termination. Plaintiff Tindel was ultimately terminated by the Police Commissioner in April 2003. Upon information and belief, Caucasian officers have not been and are not similarly disciplined or even charged for similar alleged offenses.

TONY ELLISON

115. Plaintiff Tony Ellison has been subjected to discrimination on the basis of his race and/or color in the form of disparate discipline, retaliation and a hostile work environment.

116. Beginning on or about December 2003, Plaintiff Ellison suffered discrimination on the basis of his race and/or color that was sufficiently pervasive or severe to alter the conditions of employment and to create a hostile work environment when he was involuntarily transferred out of the prestigious drug unit to which he was assigned and replaced by less qualified Caucasian officers, and when his Caucasian lieutenant targeted him throughout 2004 for unwarranted criticism and punitive assignments to which similarly situated Caucasian officers were not assigned.

117. On or about December 15, 2004, Plaintiff Ellison timely filed a charge of discrimination with the CRC. In his CRC charge, Plaintiff Ellison cited race discrimination by the BPD related to treatment by his Caucasian lieutenant. Plaintiff Ellison received a Right to Sue notice on or about March 23, 2005, a copy of which is attached hereto as Exhibit J. Plaintiff Ellison timely commenced this action.

118. On or about May 2005, Plaintiff Ellison was subjected to disparate discipline and retaliation when he was belatedly charged with failure to wear his hat in June 2004 by the Caucasian lieutenant who was the subject of Plaintiff Ellison's December 2004 CRC charge. IAD's investigation into the allegation was pending at the time of filing this complaint. Upon information and belief, the discipline charges filed against Plaintiff Ellison were filed in retaliation for Plaintiff Ellison filing his December 2004 CRC charge. Upon information and belief, similarly situated Caucasian officers are not charged with failure to wear a hat.

EXDOL WILLIAMS

119. Plaintiff Exdol Williams has been subjected to discrimination on the basis of his race and/or color in the form of disparate discipline, retaliation and a hostile work environment.

120. On or about May 2003, Plaintiff Williams was subjected to disparate discipline when he was charged with and fined for failure to appear in court. Upon information and belief, similarly situated Caucasian officers are not fined as frequently or severely as African-American officers for failure to appear in court.

121. Plaintiff Williams also suffered disparate discipline on or about April 28, 2004 when a Caucasian lieutenant charged him with insubordination for failure to call the Assistant U.S. Attorney as directed, and IAD sustained those charges. Upon information and belief, IAD sustained the allegation in or about May 2004 but never formally notified Plaintiff Williams of its finding, as required by BPD policy. Upon information and belief, similarly situated Caucasian officers are not investigated or disciplined for comparable or more egregious conduct.

122. Beginning in or about December 2003, Plaintiff Williams suffered discrimination on the basis of his race and/or color that was sufficiently pervasive or severe to alter the conditions of his employment and to create a hostile work environment when he was involuntarily transferred out of the prestigious drug unit to which he was assigned and replaced by less qualified Caucasian officers, and when his Caucasian lieutenant targeted him throughout 2004 for unwarranted criticism and punitive assignments to which similarly situated Caucasian officers were not assigned.

123. On or about December 15, 2004, Plaintiff Williams timely filed a charge of discrimination with the CRC. In his CRC charge, Plaintiff Williams cited race discrimination by the BPD related to his treatment by his Caucasian lieutenant.

124. Plaintiff Williams received a Right to Sue notice on or about March 23, 2005, a copy of which is attached hereto as Exhibit J. Plaintiff Williams timely commenced this action.

MELVIN RUSSELL

125. Plaintiff Melvin Russell has been subjected to discriminatory treatment on the basis of his race and/or color in the form of retaliation and a hostile work environment.

126. Plaintiff Russell suffered discriminatory treatment on the basis of his race and/or color that was sufficiently pervasive or severe to alter the conditions of employment and to create a hostile work environment. Beginning late 1995, Plaintiff Russell was denied overtime opportunities, passed over for better assignments, denied opportunities for advancement, denied equipment requests and subject to more intense scrutiny related to his job performance because of his race and/or color.

127. Upon information and belief, in or about January 2004, after complaining to his supervisors about what he perceived as racism in the BPD, Plaintiff Russell was involuntarily transferred to a less prestigious task force and replaced with a less qualified Caucasian sergeant.

128. On or about February 27, 2004, Plaintiff Russell timely filed a charge of discrimination with the CRC. In his CRC charge, Plaintiff Russell alleged that he has suffered discrimination on the basis of race up to and including his retaliatory transfer.

129. Plaintiff Russell received a Right to Sue notice on or about October 7, 2004, a copy of which has been attached hereto as Exhibit B. Plaintiff Russell timely filed this action.

ZEINAB RABOLD

130. Plaintiff Zeinab Rabold has been subjected to discrimination on the basis of her race and/or color in the form of disparate discipline, retaliation, and a hostile work environment.

131. Throughout her 22-year career, Plaintiff Rabold suffered discrimination on the basis of her race and/or color that was sufficiently pervasive or severe to alter the conditions of her employment and to create a hostile work environment. She has been subjected to racially

derogatory epithets and racially-motivated, threatening actions by her Caucasian supervisors and co-workers.

132. As Chief of IAD, Plaintiff Rabold was subject to retaliation and disparate discipline in the form of termination after uncovering racially discriminatory practices and attempting to discipline officers who furthered such practices.

133. On or about June 10, 2005, Plaintiff Rabold cross-filed a timely charge of discrimination with the EEOC and the CRC, asserting disparate discipline and retaliation based on her termination and hostile work environment throughout her employment with the BPD up to and including her termination.

LYNELL GREEN

134. Plaintiff Lynell Green has been subjected to discrimination on the basis of his race and/or color in the form of disparate discipline, retaliation and a hostile work environment.

135. Plaintiff Green suffered discrimination on the basis of his race and/or color that was sufficiently pervasive or severe to alter the conditions of his employment and to create a hostile work environment when his Caucasian sergeant subjected him to heightened scrutiny, racist slurs and race-based assumptions, and other forms of less favorable treatment than Caucasian officers received.

136. In or about December 2003, Plaintiff Green participated in an EEO investigation of his sergeant and lieutenant in which he opposed racial discrimination by them, and was thereafter subjected to retaliation for having participated in the EEO investigation.

137. In or about October 2004, Plaintiff Green was subjected to disparate discipline when he was charged with making a “false statement” in a report. Upon information and belief,

similarly situated Caucasian officers have not been and are not charged for similar alleged offenses.

138. Upon information and belief, Plaintiff Green was subjected to retaliation by his Caucasian sergeant after the filing of this class action lawsuit when Plaintiff Green's Caucasian sergeant stated that he would give a bad evaluation to those individuals who had complained about him.

MAURICE PRICE

139. Plaintiff Maurice Price has been subjected to discrimination on the basis of his race and/or color in the form of disparate discipline.

140. In or about 1994 and again in or about 1997, Plaintiff Price was subjected to disparate discipline when charges were brought against Plaintiff Price related to an alleged domestic incident. In or about 1998, a trial board sentenced Plaintiff Price to 45 days suspension without pay. Approximately two months later, the Police Commissioner terminated Plaintiff Price. Upon information and belief, similarly situated Caucasian officers have not been charged or terminated for similar or more serious offenses.

FIRST CLAIM FOR RELIEF **(CLASS-WIDE VIOLATIONS OF TITLE VII)**

141. Plaintiffs incorporate by reference Paragraphs 1 through 140.

142. This claim is brought on behalf of Named Plaintiffs Hopson, Edwards, Foote, Travers, Carter, Alston, Bonaparte, Perry, Onyango, Ellison, Williams, Rabold, Green, and Price and the class they represent.

143. Defendants have maintained and continue to maintain a system of administering discipline in the BPD that is excessively subjective and has had and will continue to have a disparate impact on African-American members of the BPD. This has resulted in the creation

and maintenance of a systematic, centralized and continuing practice of discrimination in the disciplinary process. Furthermore, Defendants have intentionally discriminated against African-American officers on the basis of race and/or color through a pattern and practice of disparate treatment of African-American officers within the disciplinary system.

144. Defendants' discriminatory practices described above have resulted in the loss of past and future wages and other job benefits for class members.

145. The foregoing conduct violates Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000(e), *et seq.*

SECOND CLAIM FOR RELIEF
(INDIVIDUAL VIOLATIONS OF TITLE VII)

146. Plaintiffs incorporate by reference Paragraphs 1 through 145.

147. This claim is brought individually as a non-class claim on behalf of Plaintiffs Hopson, Travers, Carter, Alston, Bonaparte, Perry, Onyango, Ellison, Williams, Russell, Rabold, and Green.

148. Defendants discriminated against Plaintiffs Hopson, Travers, Carter, Alston, Bonaparte, Perry, Onyango, Ellison, Williams, Russell, Rabold, and Green on the basis of their race and/or color by retaliating against them for engaging in protected activities, and by subjecting them to a hostile work environment that was so severe and hostile as to alter the terms and conditions of their employment, and by denying them job promotions afforded to similarly situated Caucasian employees.

149. Defendants' discriminatory and retaliatory practices have resulted in the loss of past and future wages and other job benefits, and have caused Plaintiffs Hopson, Travers, Carter, Alston, Bonaparte, Perry, Onyango, Ellison, Williams, Russell, Rabold, and Green to suffer humiliation, embarrassment and emotional distress.

150. The foregoing conduct violates Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000(e), et.seq.

THIRD CLAIM FOR RELIEF
(CLASS-WIDE VIOLATIONS OF 42 U.S.C. § 1981)

151. Plaintiffs incorporate by reference Paragraphs 1 through 150.

152. This claim is brought on behalf of Named Plaintiffs Carter, Bonaparte, Perry, Onayngo, Tindel, Ellison, Williams, and Rabold, and Green and the class they represent.

153. Section 1981 provides in pertinent part that “all persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by Caucasian citizens.”

154. Defendants have acted under color of law to discriminate on the basis of race and/or color against Named Plaintiffs Carter, Bonaparte, Perry, Onayngo, Tindel, Ellison, Williams, and Rabold, and Green and the class by imposing unfounded, unwarranted and overly severe and disparate penalties upon African-American officers for offenses or alleged offenses for which Caucasian officers are not similarly or comparably disciplined or not disciplined at all.

155. At all times herein mentioned, Defendants maintained a series of customs, policies and practices that proximately caused and continue to cause and that were likely to lead and continue to lead to the violation of the civil and constitutional rights of Named Plaintiffs Carter, Bonaparte, Perry, Onayngo, Tindel, Ellison, Williams, and Rabold, and Green and class members.

156. The discrimination against Named Plaintiffs and class members in the form of disparate discipline was willful and wanton and constitutes a continuing violation of 42 U.S.C. § 1981.

157. The foregoing conduct violates 42 U.S.C. § 1981.

FOURTH CLAIM FOR RELIEF
(INDIVIDUAL VIOLATIONS OF 42 U.S.C. § 1981)

158. Plaintiffs incorporate by reference Paragraphs 1 through 157.

159. This claim is brought individually as a non-class claim on behalf of Plaintiffs Carter, Bonaparte, Perry, Onyango, Tindel, Ellison, Williams, Russell, Rabold, and Green.

160. Defendants have acted under color of law to intentionally discriminate against Plaintiffs Carter, Bonaparte, Perry, Onyango, Tindel, Ellison, Williams, Russell, Rabold, and Green on the basis of their race and/or color by retaliating against them for engaging in protected activities and by subjecting them to a hostile work environment that was so severe and hostile as to alter the terms and conditions of their employment.

161. Defendants' discriminatory and retaliatory practices have resulted in the loss of past and future wages and other job benefits, and have caused Plaintiffs Carter, Bonaparte, Perry, Onyango, Tindel, Ellison, Williams, Russell, Rabold, and Green to suffer humiliation, embarrassment and emotional distress.

162. At all times herein mentioned, Defendants maintained a series of customs, policies and practices that proximately caused and continue to cause and that were likely to lead and continue to lead to the violation of the civil and constitutional rights of Plaintiffs Carter, Bonaparte, Perry, Onyango, Tindel, Ellison, Williams, Russell, Rabold, and Green.

163. Defendants' discrimination against Plaintiffs Carter, Bonaparte, Perry, Onyango, Tindel, Ellison, Williams, Russell, Rabold, and Green by Defendants in the forms of a severe and pervasive hostile work environment and retaliation for participating in protected activities was willful and wanton and constitutes a continuing violation of 42 U.S.C. § 1981.

164. The foregoing conduct violates 42 U.S.C. § 1981.

FIFTH CLAIM FOR RELIEF
(CLASS-WIDE VIOLATIONS OF THE EQUAL PROTECTION CLAUSE
PURSUANT TO 42 U.S.C. § 1983)

165. Plaintiffs incorporate by reference Paragraphs 1 through 164.

166. This claim is brought on behalf of Named Plaintiffs Carter, Bonaparte, Perry, Onyango, Tindel, Ellison, Williams, Rabold, and Green and the class they represent.

167. The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution provides that “[n]o State shall . . . deny to any person within its jurisdiction the equal protection of the laws.” U.S. Const. amend. XIV, § 1. Such violations are actionable pursuant to 42 U.S.C. § 1983.

168. Defendants have acted under color of law to intentionally discriminate against Named Plaintiffs Carter, Bonaparte, Perry, Onyango, Tindel, Ellison, Williams, Rabold, and Green on the basis of their race and/or color by retaliating against them for engaging in protected activities and by subjecting them to a hostile work environment that was so severe and pervasive as to alter the terms and conditions of their employment.

169. At all times herein mentioned, Defendants maintained a series of customs, policies and practices that proximately caused and continue to cause and that were likely to lead and continue to lead to the violation of the constitutional and civil rights of Named Plaintiffs and Carter, Bonaparte, Perry, Onyango, Tindel, Ellison, Williams, Rabold, and Green and class members.

170. The foregoing conduct violates the Equal Protection Clause, pursuant to 42 U.S.C. § 1983.

SIXTH CLAIM FOR RELIEF
(INDIVIDUAL VIOLATIONS OF THE EQUAL PROTECTION CLAUSE
PURSUANT TO 42 U.S.C. § 1983)

171. Plaintiffs incorporate by reference Paragraphs 1 through 170.

172. This claim is brought individually as a non-class claim on behalf of Plaintiffs Carter, Bonaparte, Perry, Onyango, Tindel, Ellison, Williams, Russell, Rabold, and Green.

173. Defendants have acted under color of law to intentionally discriminate against Plaintiffs Carter, Bonaparte, Perry, Onyango, Tindel, Ellison, Williams, Russell, Rabold, and Green on the basis of their race and/or color by retaliating against them for engaging in protected activities and by subjecting them to a hostile work environment that was so severe and pervasive as to alter the terms and conditions of their employment.

174. At all times herein mentioned, Defendants maintained a series of customs, policies and practices that proximately caused and continue to cause and that were likely to lead and continue to lead to the violation of the constitutional and civil rights of Plaintiffs Carter, Bonaparte, Perry, Onyango, Tindel, Ellison, Williams, Russell, Rabold, and Green.

175. The foregoing conduct violates the Equal Protection Clause, pursuant to 42 U.S.C. § 1983.

RELIEF ALLEGATIONS

176. Named Plaintiffs and the class they represent have no plain, adequate or complete remedy at law to redress the on-going wrongs alleged herein, and the injunctive relief sought in this action is the only means of securing complete and adequate relief from these on-going wrongs. Named Plaintiffs and the class they represent are now suffering and will continue to suffer irreparable injury from Defendants' discriminatory acts and omissions.

177. The actions on the part of Defendants have caused and continue to cause Named Plaintiffs and all class members substantial losses in earnings, promotional opportunities and other employment benefits, in an amount to be determined according to proof.

PRAYER FOR RELIEF FOR THE CLASS

WHEREFORE, Named Plaintiffs respectfully request that the Court:

- a. Issue an order certifying this action as a class action pursuant to Rule 23(a) and (b)(2) and/or (b)(3) of the Federal Rules of Civil Procedure in the manner described above herein, with Named Plaintiffs as the class representatives and their counsel of record as class counsel;
- b. Enter a class-wide judgment declaring that the acts and practices of Defendants are in violation of the laws of the United States;
- c. Issue a permanent injunction:
 - (i) Requiring Defendants to abolish discrimination on the basis of race within and among the BPD;
 - (ii) Requiring Defendants to treat African-American officers the same as Caucasian officers in regard to the terms and conditions of employment, the investigation of alleged infractions, the discipline process related to such infractions, and the penalties associated with such infractions;
 - (iv) Appointing an independent monitor to ensure fairness and compliance with the orders of this Court;

(v) Requiring Defendants to immediately rescind and expunge any and all unfair discipline issued to Named Plaintiffs and members of their class from any and all files and records of the BPD;

(vi) Requiring Defendants to provide fair and non-discriminatory references to Named Plaintiffs and members of their class for future employment, consistent with the expunged disciplinary records; and

(vii) Requiring Defendants, upon request by Named Plaintiffs or members of their class to immediately reinstate any and all Named Plaintiffs and members of their class who were wrongfully terminated from employment due to the discriminatory acts complained of herein.

e. Order that Defendants immediately reimburse, and make whole any and all Named Plaintiffs and members of their class for any and all the benefits they would have received had it not been for Defendants' illegal actions including, but not limited to restoring benefits and seniority to the Named Plaintiffs from the time of Defendants' illegal actions taken against the Named Plaintiffs.

f. Award compensatory damages for the pain, suffering, emotional distress, loss of dignity, humiliation, and damages to reputation and livelihood endured by Named Plaintiffs and members of the class in amounts that are fair, just and reasonable, to be determined at trial;

g. Award Named Plaintiffs and members of their class all costs of this action and reasonable attorneys' fees, as provided for in 42 U.S.C. § 1988 and 42 U.S.C. § 2000e-5(k); and

h. Grant Named Plaintiffs and members of their class such other and further relief as the Court deems just and proper, including injunctive and declaratory relief as may be required in the interest of justice.

PRAYER FOR RELIEF FOR INDIVIDUAL PLAINTIFFS

WHEREFORE, Plaintiffs respectfully request that the Court:

a. Grant such equitable relief as is proper and just, including but not limited to, requiring Defendants to immediately enter into a plan to eliminate the hostile work environment at the BPD, including: (i) requiring the training of all police officers on the force in human relations and racial sensitivity; (ii) requiring Defendants to enter into a plan to move the processing of administrative charges outside the control of the BPD to a separate city office administered by a body monitored by the EEOC; (iii) requiring the City to take appropriate disciplinary action against Defendants for their discriminatory actions; and (iv) order that Defendants provide Individual Plaintiffs with backpay with interest;

b. Award compensatory damages for the pain, suffering, emotional distress, loss of dignity, humiliation, and damages to reputation and livelihood endured by Individual Plaintiffs in amounts that are fair, just and reasonable, to be determined at trial;

c. Award Individual Plaintiffs and members of their class all costs of this action and reasonable attorneys' fees, as provided for in 42 USC § 1988 and 42 USC § 2000e-5(k); and

d. Grant Individual Plaintiffs and members of their class such other and further relief as the Court deems just and proper, including injunctive and declaratory relief as may be required in the interest of justice.

JURY TRIAL DEMAND

Plaintiffs hereby demand a trial by jury of all issues in this action that are so triable.

Dated: June 13, 2005

By: _____/s/_____

Susan E. Huhta (MD Bar No. 14547)
WASHINGTON LAWYERS COMMITTEE FOR
CIVIL RIGHTS AND URBAN AFFAIRS

11 Dupont Circle, NW, Suite 400
Washington, D.C. 20036
Tel: (202) 319-1000
Fax: (202) 319-1010

Peter D. Isakoff (MD Bar No. 03939)
Kristin King Brown
David D. Cross
Lisa R. Fine
WEIL, GOTSHAL & MANGES LLP
1501 K Street, NW, Suite 100
Washington, D.C. 20005
Tel: (202) 682-7000
Fax: (202) 682-7281

Robert L. Smith, Jr. (MD Bar No. 024468)
Law Offices of Robert L. Smith, Jr., LLC
10 North Calvert Street, Suite 204
Baltimore, MD 21202
Tel: (410) 244-1222
Fax: (410) 244-1333