

From: [Access to Public Records Act](#)
To: [Bill Marshall](#)
Subject: Access to Public Records Act Request (AR19-1679)
Date: Thursday, July 18, 2019 12:39:32 PM
Attachments: [Outlook-1453396218.png](#)
[1. Joy Phillips Summons and Complaint filed 11-9-15.pdf](#)
[1. Marcus Wright - Summons and Complaint 4-21-16.PDF](#)
[1. Theo Robert Summons and Complaint filed 8-21-13.pdf](#)
[1. Theo Roberts Complaint filed 4-30-15.pdf](#)
[1. Davin Hackett Complaint 4-11-17.pdf](#)
[1. Nathan Cannon Complaint 2-23-16.pdf](#)
[2. Policies.pdf](#)
[3. Training materials.pdf](#)

Mr. Marshall,

Please see the attached files in response to your Access to Public Records Act request, dated June 27, 2019.

Thank You,

City of South Bend
Department of Law
Public Records Requests
227 W. Jefferson Blvd.
1200 County City Building
South Bend, Indiana 46601
574-235-9241



Excellence | Accountability | Innovation | Inclusion | Empowerment

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SUMMONS

STATE OF INDIANA)
) SS:
 ST. JOSEPH COUNTY)

IN THE ST. JOSEPH ~~SUPERIOR~~ / CIRCUIT COURT

Plaintiff - Name
NATHAN CANNON

vs.

CAUSE NO. 71 CO1 1602 - CT - 000117

Defendant -- Name and Address

CHIEF OF POLICE SCOTT RUZKOWSKI
c/o SOUTH BEND POLICE DEPARTMENT
701 W. Sample Street
South Bend, Indiana 46601

- FILED -
FEB 23 2016
 St. Joseph Circuit Court Clerk

TO THE ABOVE NAMED DEFENDANT OR DEFENDANTS:

You have been sued by the person(s) named "plaintiff" in the court stated above.

The nature of the suit against you is stated in the complaint which is attached to this summons. It also states the demand which the plaintiff has made and wants from you.

You must answer the complaint in writing, by you or your attorney, within twenty (20) days commencing the day after you receive this summons, (you have twenty-three (23) days to answer if this summons was received by mail), or judgment will be entered against you for what the plaintiff has demanded.

If you have a claim for relief against the plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

CLERK'S ISSUANCE

[Signature]
 CLERK
Debra M. Kuepa
 BY _____ DEPUTY

DATE **February 23, 2016**

The following manner of service is hereby designated: ☐ Registered Mail ☐ Certified Mail
☒ By Sheriff as provided by law ☐ Other, as follows:

(If by mail, stamped addressed envelope with return receipt attached to be furnished by the attorney.)

ATTORNEY FOR PLAINTIFF

Jeffrey E. Kimmell #18734-71 **218 W. Washington, Suite 600, South Bend, IN 46601** **(574) 232-7410**
 NAME ADDRESS PHONE NUMBER

ACKNOWLEDGMENT OF SERVICE OF SUMMONS

A copy of the above summons and a copy of the complaint attached thereto were received by me at

this _____ day of _____, 2016.

 Signature of Defendant

STATE OF INDIANA)
) SS:
ST. JOSEPH COUNTY)

Circuit
IN THE ST. JOSEPH ~~SUPERIOR~~ COURT

CAUSE NO. 71C01 - 1602 - CT-000117

NATHAN CANNON
Plaintiff,

vs.

THE CITY OF SOUTH BEND, INDIANA,
THE SOUTH BEND POLICE DEPARTMENT,
RONALD TEACHMAN,
CHIEF OF POLICE SCOTT RUZKOWSKI

Defendants.

)
)
)
) COMPLAINT - EMPLOYMENT
) DISCRIMINATION BASED ON RACE
) AND RETALIATION

) JURY TRIAL REQUESTED
)
)
)

- FILED -
FEB 23 2016

St. Joseph Circuit Court Clerk

I.

NATURE OF THE ACTION

1. This action is brought by Plaintiff, SERGEANT NATHAN CANNON (hereafter SGT. CANNON), employed by THE SOUTH BEND POLICE DEPARTMENT, which is organized and operated by THE CITY OF SOUTH BEND, former South Bend Chief of Police RONALD TEACHMAN, or current Chief of Police, SCOTT RUZKOWSKI (hereafter "Defendant", "TEACHMAN", "THE CITY", "THE DEPARTMENT", or "RUZKOWSKI") for race discrimination (Black/African American), and retaliation to wit: denial of promotions, creating a hostile work environment, and benefits and retaliation in violation of the Whistleblower Protection Act, 5 U.S.C. 2301, et seq. as amended.
2. This action is brought under the Civil Rights Act of 1964, 42 U.S.C. §2000e-16 et seq. as amended by the Civil Rights Act of 1991, Pub. L. No. 102-166, 105 Stat. 1071 (1991) (Title VII) and the Civil Service Reform Act, 5 U.S.C. §2101, et seq. as amended by the Whistleblower Protection Act.

judgment and injunction to restrain defendant employer from committing prohibited personnel practices, policies, customs and usages, from discriminating and retaliating against plaintiff and other employees of the THE DEPARTMENT based upon race and/or opposition to unlawful discrimination and retaliation.

Plaintiff seeks injunctive relief requiring defendant employer to take affirmative and effective steps to remove and otherwise discipline managers who have failed to comply with Civil Rights Act of 1964, 42 U.S.C. §2000e-16 et seq. as amended by the Civil Rights Act of 1991, Pub. L. No. 102-166, 105 Stat. 1071 (1991) (Title VII). Plaintiff seeks further injunctive relief requiring the defendant employer to take specific actions designed, implemented and confirmed by qualified non-government consultants to ensure that all supervisory employees are adequately trained to identify, investigate and stop continuing violations of the Civil Rights Act of 1964, 42 U.S.C. §2000e-16 et seq. as amended by the Civil Rights Act of 1991, Pub. L. No. 102-166, 105 Stat. 1071 (1991) (Title VII). Such specific actions, include, but are not limited to:

- a. allocation of significant funding and trained staff to implement all changes within two years;
- b. discipline managers who have violated the DEPARTMENT's policies and failed to meet their legal responsibility to promptly investigate complaints and to take effective action to stop and deter prohibited personnel practices against employees;
- c. establishing and strictly measuring EEO compliance as a critical element in every manager's performance standards; and
- d. mandatory and effective training for all employees and managers on discrimination and retaliation issues, investigations and appropriate corrective actions.

II.

JURISDICTION AND VENUE

3. Jurisdiction stems from the Civil Rights Act of 1964, 42 U.S.C. §2000e-16 et seq., 28 U.S.C. §§ 1331, 1337, 1343, 1345 and 2401(a), which grant federal district courts jurisdiction over actions alleging unlawful and discriminatory employment practices by governmental agencies and provides for judicial review of cases involving race and/or retaliation. State courts have the inherent authority, and are competent, to adjudicate federal claims. Thus, the courts of the State of Indiana have concurrent jurisdiction to hear Title VII claims. *Yellow Freight Syst. v. Donnelly*, 494 U.S. 820 (1990). The unlawful practices alleged in this complaint occurred in the Saint Joseph County, which is situated in the Northern District of Indiana.

III.

PLAINTIFF

4. Plaintiff, SGT. NATHAN CANNON, is a citizen of the United States who has been employed as an officer in THE DEPARTMENT, in South Bend, Indiana for over 30 years, and employed as Detective in the South Bend Police Department's Detective Bureau for over 15 years. Plaintiff has held the rank of Sergeant for over 20 years. His performance was rated satisfactory or better, at all times material to this action.

IV.

DEFENDANTS

5. Defendant, former South Bend chief of Police, RONALD TEACHMAN, was the head of an executive agency (THE DEPARTMENT) within the meaning of the Civil Service Reform Act, 5 U.S.C. 1065 and the Civil Rights Act, as amended, 42 U.S.C. 2000e-16. RONALD

TEACHMAN was also an employee possessing the authority to take, direct others to take, recommend, or approve personnel action within THE DEPARTMENT. As such, defendant has the full responsibility for administration of all programs within the agency, including the employment policies and practices of the South Bend Police Department and was in a position to create and implement a policy to eliminate and prevent any form of discrimination and retaliation and to provide complete relief for plaintiff. Defendant is sued in his official capacity. Defendant, THE SOUTH BEND POLICE DEPARTMENT, is organized and operated by THE CITY OF SOUTH BEND, which have employed plaintiff for over 30 years. Defendant, RUZKOWSKI, is the head of an executive agency (THE DEPARTMENT) within the meaning of the Civil Service Reform Act, 5 U.S.C. 1065 and the Civil Rights Act, as amended, 42 U.S.C. 2000e-16. RUZKOWSKI is currently an employee possessing the authority to take, direct others to take, recommend, or approve personnel action within THE DEPARTMENT.

V.

EXHAUSTION OF REMEDIES

6. Plaintiff, SGT. NATHAN CANNON, filed a timely formal complaint with the South Bend Human Rights Commission, alleging racial discrimination on June 30, 2014, Case No. 24M-2014-00210, and filed an amended complaint on July 21, 2014. The Equal Employment Opportunity Commission (EEOC) investigated the complaint for greater than 180 days. The EEOC issued a "Right to Sue Letter" to plaintiff on November 25, 2015 which provided 90 days to file a civil action in district court. Plaintiff's EEOC Complaint has been pending for approximately two years.

VI.

STATEMENT OF FACTS

7. Plaintiff, SGT. CANNON, is a member of a protected group based on his race (Black/African-American).
8. Plaintiff has fully exhausted his administrative remedies.
9. Plaintiff has been employed as an officer in THE DEPARTMENT, in South Bend, Indiana for over 30 years, and employed as Detective in the South Bend Police Department's Detective Bureau for over 15 years. Plaintiff has held the rank of Sergeant for over 20 years.
10. At all times material to this action, Plaintiff has received performance ratings of satisfactory or better.

DENIAL OF PROMOTION AND EMPLOYMENT OPPORTUNITIES

11. Defendants TEACHMAN, THE CITY, AND THE DEPARTMENT through his/its agents, discriminated against Plaintiff in terms and conditions of employment and promotions.
12. While TEACHMAN served as Chief of Police, similarly situated, and lesser qualified employees, not in Plaintiff's protected group were promoted from the rank of Sergeant to the rank of Lieutenant instead of Plaintiff or other minority officers holding the rank of Sergeant within the department.
13. THE CITY and THE DEPARTMENT have a long history of denying promotions for higher graded positions to qualified African-American officers.
14. THE CITY and THE DEPARTMENT also have a long history of disparate treatment towards Black officers in terms of denying promotions to qualified African-American officers.
15. Defendants routinely placed, and continue to place, white employees in unfilled positions

on a temporary basis without opening the positions to a competitive application process. The white employees gain the necessary knowledge and skills needed to enter the position and then allowed to hold the position due to the unfair advantage bestowed upon them over Plaintiff and other African-American employees forced to apply for open positions that defendants have already unofficially filled with white employees.

16. Defendants violated, their own policies and procedures for posting and selection of candidates for job vacancies for the purpose of preventing African-American employees the opportunity to seek promotion and advancement within the DEPARTMENT.

17. During the tenure of defendant Chief of Police, RONALD TEACHMAN, four non-minority officers were promoted to the rank of Sergeant to Lieutenant within the Detective Bureau. Plaintiff possessed greater seniority and superior qualifications to each of the non-minority employees promoted to Lieutenant.

18. On February 7, 2014, defendants issued a notice to all Sergeants and Lieutenants in the South Bend Police Department seeking applicants for promotion or lateral transfer to the position of day-shift Lieutenant within the Detective Bureau. This opening was created by the retirement of Lt. Sherry Taylor (an African-American).

19. Plaintiff did not apply for the opening created by the retirement of Sherry Taylor because he knew that Lieutenant Marcus Wright, an African-American and a Lieutenant within the Detective Bureau, had applied for transfer from the afternoon-shift to fill the new opening for day-shift Lieutenant. Additionally, the DEPARTMENT only notified applicants of a single opening as day-shift Lieutenant. If Defendant had known that the DEPARTMENT intended on promoting three people to the rank of Lieutenant, he would have applied for one of the positions.

20. It has been the long standing policy, custom and practice of THE DEPARTMENT to grant lateral transfers when requested before promoting from below. The ordinary custom and practice would have been for THE DEPARTMENT to grant Lt. Wright's request for transfer and then invite Sergeants seeking promotion to apply for his old position as afternoon-shift Lieutenant.

21. Plaintiff intended to apply for Lt. Wright's position as afternoon-shift Lieutenant following Lt. Wright's transfer to day-shift. This position, however, never became available because instead of granting Lt. Wright's request for transfer, RONALD TEACHMAN promoted three non-minority Sergeants to positions of day-shift Lieutenant in the Detective Bureau. These promotions occurred following RONALD TEACHMAN'S recommendation for promotion on or about May 21, 2014. Both Lt. Wright and Plaintiff SGT. CANNON had more experience and seniority than the non-minorities who were promoted.

22. By promoting three non-minorities to fill one opening created by the retirement of an African-American employee, defendants eliminated future opportunities for minority candidates to competitively seek promotion to Lieutenant.

23. Had Plaintiff known that the department was seeking applicants for three positions as Lieutenant, or that the DEPARTMENT would not follow the long standing custom, policy and practice of granting lateral transfers before promoting, he would have applied for promotion to day-shift Lieutenant.

24. Defendant TEACHMAN selected the following three Caucasian-white, officers for promotion to Lieutenant to the fill position which plaintiff contends should have been filled by the transfer of Lt. Wright: Anthony Bontrager, Dominic Zultanski and Amy Bennett.

25. Dominic Zultanski was also appointed to a newly created position, the leader of the "Gang Violence Intervention Unit."

26. Plaintiff had more seniority than Dominic Zultanski and vastly superior experience in Gang Violence Intervention.

27. Defendants never announced or opened the position leader of the "Gang Violence Intervention Unit."

28. By hiring a Caucasian-white officer to lead efforts to curtail area gang violence, defendants denied Plaintiff and other minorities the opportunity to competitively seek the position as leader of the "Gang Violence Intervention Unit."

29. Openings for positions as day-shift Lieutenants within the Detective Beareau are rare, and are not likely occur again during Plaintiff's career.

30. The promotion of three non-minorities to fill the spot of one Lieutenant also unfairly cut off the opportunity for minorities to advance to the rank of Captain after serving on the police force as a Lieutenant.

VII.

FIRST CLAIM

(UNLAWFUL DISCRIMINATION BASED ON RACE/NATIONAL ORIGIN)

31. Paragraphs 1 through 30 above are hereby incorporated by reference as though fully set forth in this claim.

32. Defendants have unlawfully discriminated, and continue to discriminate, against plaintiff SGT. CANNON based on his race (African-American) in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-16 et seq. as amended.

33. Plaintiff is a member of a protected group based on his race.

34. Defendants have treated, and continue to treat, Plaintiff less favorably than similarly situated employees who are not African-American.

35. Defendants have discriminated, and continue to discriminate, against plaintiff in the terms and conditions of his employment on the basis of his protected group status (African-American), in violation of Title VII.

36. Defendants have engaged in a pattern and practice of using and or violating the policies and procedures governing promotions within the DEPARTMENT to deny African-American employees promotions and other employment opportunities on the basis of their race, in violation of Title VII.

37. Plaintiff is now suffering and will continue to suffer injury and monetary damages as a result of defendant's discriminatory practices unless and until the Court grants relief.

VIII

SECOND CLAIM

(RETALIATION - WHISTLEBLOWER PROTECTION ACT)

38. Paragraphs 1 through 37 above are hereby incorporated by reference as though fully set forth in this claim.

39. Defendants, through their agents have retaliated against Plaintiff, inter alia, by denying him opportunities for employment on the basis of his having opposed unlawful practices and by filing a complaint alleging prohibited personnel practices as well as violations of laws, rules and regulations were being committed by managers in the DEPARTMENT, in violation of the Whistleblower Protection Act, 5 U.S.C. 2301, et seq. as amended.

40. Defendants, through their agents, were aware of Plaintiff's opposition to illegal practices.

41. Defendants, took adverse employment actions against Plaintiff, including failing to make promotions available to him.

42. Defendants have a pattern and practice of using departmental procedures to deny employees who engage in protected activities assignments, promotions, benefits and other employment opportunities in reprisal, in violation of Whistleblower Protection Act, 5 U.S.C. §2301, et seq. as amended.

43. Plaintiff is now suffering and will continue to suffer injury and monetary damages as a result of defendants retaliatory practices unless and until the Court grants relief.

IX

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, SGT. NATHAN CANNON, respectfully prays that this Honorable Court grant the following relief:

1. Issue a permanent injunction:
 - a. Requiring defendants to abolish discrimination and reprisal;
 - b. Requiring allocation of significant funding and trained staff to implement all changes within two years;
 - c. Requiring removal or demotion of all managers who have violated the agency's policies and failed to meet their legal responsibility to promptly investigate complaints or to take effective action to stop and deter prohibited personnel practices against employees;
 - d. Establishing and strictly measuring EEO compliance as a critical element in every manager's performance standards;

e. Requiring mandatory and effective training for all employees and managers on discrimination and retaliation issues, investigations and appropriate corrective actions; and,

2. Issue an order requiring Defendant to retroactively restore Plaintiff to the rank of Lieutenant to which he was entitled by virtue of his seniority, experience, work history and qualifications.

3. For damages, including back pay, front pay and benefits, overtime compensation as plaintiff is entitled to under Title VII of the Civil Rights Act and the Rehabilitation Act;

4. For other and further damages, including compensatory damages for plaintiff emotional distress, as may be proven at trial;

5. For an order commanding defendants and each of them to cease and desist from any employment practice which discriminates against plaintiff or others on the basis of race, national origin, disability or in retaliation against the person because he complained about such discrimination;


6. For an award of costs of suit including reasonable attorney's fees, including fees under 29 U.S.C. § 216(b); and

7. For such other and further relief as the Court may consider just and proper.

Respectfully submitted,

Law Office of Jeffrey E. Kimmell

DATED: February 22, 2016 By:
23


Jeffrey E. Kimmell, Atty. #18734-71
218 W. Washington St., Suite 600
South Bend, IN 46601
Attorney for Plaintiff

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a jury trial for each claim herein for which she has a right to a jury.


Jeffrey E. Kimmell

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

JOY PHILLIPS,

Plaintiff,

v.

CITY OF SOUTH BEND, acting by and
through its Police Department, and
RONALD TEACHMAN, Individually and
in his official capacity as Chief of Police,

Defendant.

SUMMONS IN A CIVIL ACTION

TO RESPONDENT: (Name) South Bend Police Department
(Address) 701 W. Sample Street
South Bend, IN 46601

A lawsuit has been filed against you.

Within 21 days after service of this Summons on you (not counting the day you received it) -- or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) -- you must serve on the Plaintiff an Answer to the attached Complaint or Motion under Rule 12 of the Federal Rules of Civil Procedure. The Answer or Motion must be served on the Plaintiff or Plaintiff's attorney, whose name and address are:

Jeffrey S. McQuary, #16791-49
BROWN TOMPKINS LORY & MASTRIAN
608 E. Market Street
Indianapolis, IN 46202

If you fail to respond, judgment by default will be entered against you for the relief demanded in the Complaint. You also must file your Answer or Motion with the court.

Date: 11/9/15



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

JOY PHILLIPS,)
)
Plaintiff,)
)
v.)
)
CITY OF SOUTH BEND, acting by and)
through its Police Department, and)
RONALD TEACHMAN, Individually and)
in his official capacity as Chief of Police,)
)
Defendant.)

COMPLAINT

Plaintiff Joy Phillips, by counsel, respectfully makes her Complaint for
Damages.

Nature of Case

1. Plaintiff seeks to vindicate her rights Under the Civil Rights Act of 1964 and
under the Equal Protection Clause of the Fourteenth Amendment due to
discrimination based on her sex.

Jurisdiction

2. This Court has original subject matter jurisdiction of the federal questions
presented pursuant to 28 U.S.C. § 1333 and § 1343. Plaintiff's causes of action
arise under Title VII of the Civil Rights Act of 1964.

3. Plaintiff timely filed charges of discrimination with the Equal Employment Opportunity Commission on October 23, 2014 and on December 10, 2014. She received her Right to Sue letter on August 11, 2015.
4. Venue is proper in the South Bend Division because the Defendant resides in this division and the events complained of occurred in this division.

Parties

5. Joy Phillips (female) is an adult citizen of the United States who resides in South Bend, Indiana.
6. The City of South Bend is a government unit located in St. Joseph County, Indiana. It operates the South Bend Police Department.
7. Ronald Teachman (male), is an adult citizen of the United States who resides in South Bend, Indiana. He is sued individually and in his capacity as Chief of the South Bend Police Department.

Facts

8. Joy Phillips ("Phillips") has been employed by the South Bend Police Department ("SBPD") as a sworn police officer since April 19, 1999.
9. During this time Phillips performed exemplary police work, receiving numerous commendations.
10. On three instances Phillips sought promotion from the rank of Patrolman to Sergeant.

11. Most recently, Phillips sought promotion to the rank of Sergeant when the SBPD announced openings for three Sergeant positions.
12. Phillips was the only female who applied.
13. Instead of Phillips, Chief of Police Ronald Teachman promoted three male applicants to the rank of Sergeant who had less experience than Phillips and had who had histories of serious disciplinary violations.
14. Phillips has been subjected to a continuous barrage of demeaning remarks, sexual innuendo, and unwanted sexual advances by fellow officers and superiors.
15. The demeaning remarks and sexual innuendo persisted even after Phillips alerted superior officers to the problem.
16. Phillips filed a Charge of Discrimination on October 23, 2014. Shortly thereafter, Teachman replaced Phillips as Commander of the Interim Hostage Negotiation Team and replaced her with a less qualified male.
17. When Phillips complained that she was subjected to unwanted sexual advances by a fellow officer the officer was not punished and Phillips was subjected to an Internal Affairs investigation for defaming a fellow officer.
18. At all times Teachman acted in the scope of his employment by the City of South Bend and under color of Indiana law.

Legal Claims

19. Teachman's failure to promote Phillips in favor of less qualified males constitutes discrimination on the basis of her sex in violation of the Equal Protection Clause of the Fourteenth Amendment.

20. Teachman's failure to correct the barrage of demeaning remarks and behaviors directed by fellow police officers at Phillips due to her sex constitutes sex discrimination in violation of the Equal Protection Clause of the Fourteenth Amendment.
21. The demeaning remarks and behaviors directed at Phillips because of her sex created a hostile work environment within the meaning of Title VII of the Civil Rights Act of 1964.
22. Phillips' replacement as Commander of the Hostage Negotiation Team, along with other unjustified discipline and investigations, constitutes retaliation for protected activity under Title VII of the Civil Rights Act of 1964.

Relief

23. Plaintiff seeks all relief allowable by law, including back pay, front pay, reinstatement, and compensatory and punitive damages, and attorneys fees.

WHEREFORE, Plaintiff prays that the Court will enter judgment against Defendants and in favor of Plaintiff, and grant Plaintiff all just and proper relief.

Respectfully submitted,

/s/ Jeffrey S. McQuary, 16791-49
BROWN TOMPKINS LORY
608 E. Market Street
Indianapolis, IN 46202
317/631-6866

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

DAVIN HACKETT,)	
)	
Plaintiff,)	
)	
v.)	
)	
CITY OF SOUTH BEND, acting by and)	
through its Police Department, and)	Cause No. 3:17-cv-278
RONALD TEACHMAN, Individually and)	
in his official capacity as Chief of Police,)	
and SCOTT RUSZKOWSKI, Individually)	
and in his official capacity as Chief of)	
Police,)	
)	
Defendants.)	

COMPLAINT

Plaintiff Davin Hackett, by counsel, respectfully makes his Complaint for Damages.

Nature of Case

1. Plaintiff seeks to vindicate his rights under Uniformed Services Employment and Reemployment Act and the Equal Protection Clause of the Fourteenth Amendment due to discrimination based on his race.

Jurisdiction

2. This Court has original subject matter jurisdiction of the federal questions presented pursuant to 28 U.S.C. § 1331 and § 1343. Plaintiff's causes of action arise under the Equal Protection Clause of the Fourteenth Amendment and the

Uniformed Services Employment and Reemployment Act, 38 U.S.C. §§ 4301–4335.

3. Venue is proper in the South Bend Division because all parties reside in this division and the events complained of occurred in this division.
4. Hackett received a Right to Sue letter regarding the failure to promote him on March 28, 2017.

Parties

5. Davin Hackett (African-American male) is an adult citizen of the United States who resides in South Bend, Indiana.
6. The City of South Bend is a government unit located in St. Joseph County, Indiana. It operates the South Bend Police Department.
7. Ronald Teachman (Caucasian male), is an adult citizen of the United States who resides in South Bend, Indiana. He is sued individually and in his capacity as Chief of the South Bend Police Department.
8. Scott Ruskowski (Caucasian male) is an adult citizen of the United States who resides in South Bend, Indiana. He is sued individually and in his capacity as Chief of the South Bend Police Department.

Facts

9. Davin Hackett (“Hackett”) has been employed by the South Bend Police Department (“SBPD”) as a sworn police officer since November 6, 2006.
10. Hackett performed exemplary police work, receiving numerous commendations.

11. Prior to becoming a police officer, Hackett was enlisted in the U.S. Navy from July 29, 1997 to July 30, 2001, in the U.S. Army from August 1, 2001 to January 2003, and Navy Reserve from January 2003 to June 2005, and the U.S. Air Force from July 2005 to the present.
12. Hackett's job duties in the military consisted of work as an ordnance technician, in which he would load and unload bombs, missiles, and artillery shells onto airplanes and other vehicles. His duties included storing, testing, and maintaining bombs and other munitions.
13. In each case his separation from military service was an honorable discharge.
14. Once he left the military and was employed at SBPD, Hackett applied to in June 2014 be assigned to SBPD's bomb squad.
15. Hackett's application to the bomb squad was denied.
16. The reasons given for the denial was that his military status might cause him to be absent for necessary training and callouts.
17. In August 2015 he filed a Charge of Discrimination with the U.S. Equal Employment Opportunity Commission ("EEOC") regarding the denial.
18. Hackett lodged a similar complaint about discrimination on the basis of race and military status with the U.S. Department of Labor.
19. On November 6, 2016 Hackett was informed by the Department of Labor that SBPD had agreed to assign him to the bomb squad.
20. Since then, however, has never been trained with the bomb, squad, called out on a bomb squad assignment, participated in any bomb squad activities, or received additional pay for performance of bomb squad duties.

21. In 2015 SBPD posted openings for three positions of patrol Sergeant and Hackett applied.
22. Chief of Police Ronald Teachman passed over Hackett for promotion in favor of three less qualified white officers.
23. Hackett filed a Charge of Discrimination with the EEOC on October 20, 2015 due to Teachman's failure to promote him.
24. In August 2016 Hackett applied for the position of logistics Sergeant. The logistics Sergeant works with SBPD's armaments and other equipment, a position for which Hackett's military training made him particularly well qualified.
25. Chief of Police Scott Ruskowski passed over Hackett on September 19, 2016 in favor of a less qualified white candidate.
26. Since filing his complaints about discrimination on the basis of his race and military status, Chiefs Teachman and Ruskowski retaliated against Hackett by subjecting him to a battery of unjustified investigations and discipline.
27. At all times Teachman acted in the scope of his employment by the City of South Bend and under color of Indiana law.
28. At all times Ruskowski acted in the scope of his employment by the City of South Bend and under color of Indiana law.

Legal Claims

29. Teachman and Ruskowski's failure to assign Hackett to the bomb squad and permit him to perform his duties there constitute discrimination on the basis of his military status in violation of 38 U.S.C. §§ 4301–4335.

30. Teachman and Ruskowski's failure to promote Hackett to Sergeant on two separate occasions in favor of less qualified Caucasian males constitutes discrimination on the basis of his race in violation of the Equal Protection Clause of the Fourteenth Amendment and Title VII of the Civil Rights Act of 1964.
31. The unjustified discipline imposed on Hackett following his several charges of constitutes retaliation for protected activity under Title VII of the Civil Rights Act of 1964.

Relief

32. Plaintiff seeks all relief allowable by law, including back pay, front pay, reinstatement, and compensatory and punitive damages, and attorneys fees.

WHEREFORE, Plaintiff prays that the Court will enter judgment against Defendants and in favor of Plaintiff, and grant Plaintiff all just and proper relief.

Respectfully submitted,

/s/ Jeffrey S. McQuary, 16791-49
BROWN TOMPKINS LORY
608 E. Market Street
Indianapolis, IN 46202
317/631-6866

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

THEODORE ROBERT)	
)	
Plaintiff)	
)	
V.)	CASE NO.
)	
)	
CITY OF SOUTH BEND INDIANA)	
Pete Buttigieg, Mayor, City of South Bend)	
Indiana, Ronald Teachman, Keith Schweizer,)	
James Wolff, Janet Cadotte, Individually)	JURY DEMAND
)	
Defendants)	

COMPLAINT

I. JURISDICTIONAL STATEMENT

Jurisdiction of this court invoked pursuant to Sections 1331 and 1343.

Venue in this action is proper in the Northern District of Indiana under 28 U.S.C. Sec. 1391 (b).

This action brought by Plaintiff Theodore Robert, under the provisions of 42 U.S.C. §§ 1983, 1988, Title VII of the Civil Rights Act of 1964, 1991 and 42 USC Section 2000e, et seq. to redress the deprivation of rights, privileges and immunities secured by the constitution and laws of the United States, including but not limited to the First (speech) and Fourteenth (due process) Amendments to the United States Constitution under the color of state law.

Plaintiff filed complaints with the Equal Employment Opportunity Commission (EEOC) on August 30 2012 and October 30 2012, alleging discrimination based on race and retaliation, including workplace harassment. The U.S. Department of Justice issued Notices of Right to Sue on May 7 2013 informing complainant that he had the right to institute a civil action under Title

VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the South Bend Police Department, et al., No. 24M201300022 and No. 24M201300292. Copies of the Notices sent to Indianapolis District Office, EEOC and South Bend Police Department. (Ex. 1 and 2)

The Department of Justice mailed notice of suit rights on May 8 2013. Notice of certified mail return receipt requested, left by USPS on May 11 2013. The right to commence civil action notices retrieved from USPS on May 13 2013. Plaintiff filed Complaint on August 8 2013 within 90 days of receipt of the notice of suit rights.

Suit filed based on above stated EEOC notice of suit rights on August 8 2013, Case No. 2:13-CV-274, is pending in the United States District Court, Hammond Division.

Common Allegations

1. The Plaintiff, Theodore Robert (Robert), African-American male and at all times relevant to this Complaint a resident of St. Joseph County, IN. and employed as a police officer by the City of South Bend ("COSB") since November 2006.
2. The City of South Bend Indiana, a municipal corporation, is a political subdivision of the State of Indiana but neither a state agency nor an instrumentality or arm of the State of Indiana.
3. COSB at all times relevant to this Complaint had more than 15 employees.
4. Pete Buttigieg ("Mayor Buttigieg"), white male, at all times relevant Mayor of the City of South Bend and acting under color of state law held final policymaking authority for the City of South Bend including the South Bend Police Department.

5. Ronald Teachman (Teachman) white male, Chief of Police, appointed by the Mayor of the COSB and acting under color of state law held final policymaking authority for the City of South Bend Police Department.

6. Keith Schweizer (Schweizer), white male at all time's material hereto acting under color of state law served in capacity as Captain and Internal Affairs Investigator for the COSB Police Department. Schweizer authorized by COSB to take tangible employment action against Robert.

7. James Wolff (Wolff), white male at all times relevant to this Complaint acting under color of state law served in capacity as Sergeant on the South Bend Police Department and authorized by COSB to take tangible employment action against Robert.

8. Janet Cadotte, (Cadotte) white female at all times material hereto acting under color of state law served as Director of COSB Department of Human Resources and empowered to take tangible action to prevent race discrimination, creation of hostile work environment and unfair working conditions in the COSB government.

COUNT I

9. Plaintiff hereby incorporates by reference the same as if fully set forth in full the allegations contained in paragraphs 1-8 inclusive, of this Complaint.

10. Plaintiff filed complaints with the Equal Employment Opportunity Commission (EEOC) on July 14 2014 (EEOC Charge No. 24M-2014-00223), July 31 2014(EEOC Charge No. 24M-2014-00241), October 14 2014(EEOC Charge No. 24M-2015-00008), and November 13 2014 (EEOC Charge No. 24M-2015-00032) alleging discrimination based on race, retaliation, including workplace harassment. EEOC closed its file on each charge on ground "Pending litigation in Federal Court." EEOC issued Notice of Suit

Rights on all charges on January 30 2015. (Ex. 1, 2, 3, 4) Plaintiff filed Complaint on April 30 2015 within 90 days of receipt of Notice of Suit Rights.

11. On May 5 2014, Robert submitted letter to the City of South Bend Board of Public Safety (BOPS), COSB Human Resources Department and the office of the Mayor alleging employment discrimination based on race and unfair treatment against black COSB police officers, perpetrated by Chief Teachman. The letter requested that an immediate investigation.

12. Robert received no response from the parties to whom the letter directed.

13. On May 21 2014, Robert submitted a similar letter to the same entities requesting an investigation.

14. On June 6 2014, Robert and several other COSB black police officers presented a formal complaint of misconduct against Chief Teachman and Mayor Buttigieg to the Citizens of South Bend and the COSB City Council members during a formal city council meeting.

15. On June 10 2014, Robert and other COSB black police officers presented four (4) separate complaints to Mayor Buttigieg, Cadotte, and the COSB City Council members. The complaints requested an investigation by the Legal Department, or an outside agency into the allegations of racial discrimination by Buttigieg and Teachman. The letter also requested that Teachman be placed on administrative leave until the investigation completed.

16. Robert and the other black police officers did not receive a response to the June 10 2014 complaints.

17. On June 17 2014, Robert and other black police officers presented four (4) separate complaints to the BOPS during its monthly meeting requesting that the Legal Department or an outside agency investigate the alleged racial discrimination.

18. Weekly during the spring, summer and fall months, Robert picks up litter in the streets and sidewalks throughout his neighborhood.

19. On one occasion while off duty Robert called the COSB Code Enforcement Department (CED) to file an ordinance violation complaint against his neighbor due to large accumulation of trash on his neighbor's lawn, and lying in the public right of way in front of Robert's neighbor's home. Robert reported the violation to CED several times.

20. On July 4 2014, Robert while picking up litter in his neighborhood observed a large amount of trash in the street, tree lawn and sidewalk area located at the address of 2529 Fredrickson, South Bend, Indiana. Robert also collected a portion of the trash from the front of his neighbor's home and placed it inside a trash bag.

21. Later on July 4 2014, Robert drove past his neighbor's home and stopped his assigned patrol vehicle near the curb of the neighbor's residence. He exited his vehicle, removed the remaining large bulky litter items from the street, tree lawn area, and placed them on the front lawn of his neighbor's residence.

22. Several hours later on July 4 2014, Robert informed by Wolff that his neighbor, who lives at 2529 Fredrickson, filed a complaint against him.

23. On July 4 2014, Wolff completed a criminal report that listed Robert as criminal suspect for vandalism.

24. Later that day (July 4 2014), Robert questioned by Wolff inside the Police Department while on duty in relation to his criminal investigation. Other officers were present and witnessed the interview.

25. Robert believed that the interview conducted by Wolff was in no way voluntary. Due to the nature and environment created by the Teachman administration where intimidation, retaliation, harassment, racial discrimination and violation of written policy and procedures occur against police personnel, Robert believed that he was compelled to comply and answer question asked by Wolff during the interview regarding what Wolff identified as a criminal act. Robert was reluctant to make any formal statements to Sgt Wolff but did so for fear of additional retaliation.

26. Robert questioned Wolff during the interview about his right against self-incrimination under the Fifth Amendment to the United States Constitution.

27. The interview was part of a formal investigation involving a criminal matter and Robert not given his Garrity Rights notification by Wolff before he began questioning Robert.

28. Prior to this occurrence Robert had filed four pending EEOC complaints against the COSB and the COSB Police Department and a lawsuit that was pending at the time.

29. Prior to the "vandalism," charge Robert had spoken recently against racial discrimination in the department.

30. The actions taken by Wolff were in retaliation for Robert engaging in statutorily protected activity.

WHEREFORE, Robert prays that the Court:

- A. award Robert compensatory damages to be determined at trial, jointly and severally against Defendants for matters alleged in this Complaint.
- B. award Plaintiff punitive damages in an amount to be determined at trial against all Defendants except City of South Bend, Indiana.
- C. award Plaintiff reasonable costs and attorney's fees.
- D. grant such other and further relief, including injunctive relief enjoining the COSB from retaliating against Robert for engaging in statutorily protected activity of filing EEOC Charges against the COSB complaining of discrimination based on race; hostile work environment; engaging in the free exercise of his Speech rights under the First Amendment to the United States Constitution.

COUNT II

Plaintiff hereby incorporates by reference the same as if fully set forth in full the allegations contained in paragraphs 1-30 inclusive, of this Complaint.

- 31. Plaintiff repeats and re-alleges the Common Allegations and Count I of this Complaint as if fully set forth herein.
- 32. On July 7 2014, Robert filed a formal complaint of misconduct against Sgt. Wolff for violating his Constitutional rights under the Fifth Amendment to the United States Constitution by compelling Robert to answer questions and his responses used in the formulation of the criminal complaint.
- 33. Robert submitted a copy of the formal complaint to members of his chain of command, the Human Resources Director, the COSB Legal Department, and the Chief of Police.

34. On July 14 2014, Robert filed a complaint with EEOC charging the City of South Bend with retaliation for engaging in statutorily protected activity of filing EEOC complaints in 2012, 2013.

35. On July 23 2014, Robert received a Notice of Internal Affairs Investigation from Schweizer of the Internal Affairs (I.A.) department regarding a citizen's complaint filed against him on July 4 2014. The I.A. investigation accused Robert of committing a crime, violating rules of conduct, violating his oath of Office, violating City Code Ordinance, and violating a general order.

36. On July 26 2014, Robert submitted an e-mail to the Uniform Division Chief, the Chief of Police and Internal Affairs as to the basis for the charges. He did not receive a response from his superiors.

37. The SBPD initiated two separate investigations against Roberts. The first investigation began on July 4 2014 and a second investigation beginning on July 23 2014.

38. The first investigation charged Robert with a criminal offense.

39. The second investigation conducted by I.A. resulted in the filing of a civil infraction and multiple violations of rules and procedures against charges against Robert.

40. The investigations are in retaliation for Robert having engaged in statutorily protected activity, including but not limited to the filing of EEOC charges against the COSB for discrimination based on race and retaliation for having done so.

41. The investigations opened in retaliation for Robert having exercised his First Amendment speech rights by speaking out on matters of public concern.

42. On July 31 2014 Robert filed EEOC Charge No. 24M201400241 against the COSB and the SBPD.

WHEREFORE, Robert prays that the Court:

- A. award Robert compensatory damages to be determined at trial, jointly and severally against Defendants for matters alleged in this Complaint.
- B. award Plaintiff punitive damages in an amount to be determined at trial against all Defendants except City of South Bend, Indiana.
- C. award Plaintiff reasonable costs and attorney's fees.
- D. grant such other and further relief, including injunctive relief enjoining the COSB from retaliating against Robert for engaging in statutorily protected activity of filing EEOC Charges against the COSB complaining of discrimination based on race; hostile work environment; engaging in the free exercise of his Speech rights under the First Amendment to the United States Constitution.

COUNT III

Plaintiff hereby incorporates by reference the same as if fully set forth in full the allegations contained in paragraphs 1-42 inclusive, of this Complaint.

43. On August 18 2014, Robert filed formal complaint of misconduct against Captain Phil Trent (Trent) of the SBPD for misconduct. The complaint accused Trent of releasing confidential information regarding an Internal Affairs investigation to a member of the media. A copy of the complaint sent to members of Robert's chain of command, the Human Resources Director, the COSB Legal Department, the Uniform Division Chief and the Chief of Police.

44. On August 19 2014, Robert sent an e-mail to the Human Resources Director; the COSB Legal Department regarding his concern about formal complaints of misconduct filed against white police officers not investigated. Robert requested a meeting with

Cadotte to discuss his concerns. Robert received no response to his request for a meeting to discuss the matter.

45. On August 19 2014, Robert received an e-mail from Cadotte stating that she believed that his formal complaint against Captain Trent was an investigative matter for the Police Department and not HR. Cadotte sent a copy of her e-mail to the Uniform Division Chief, the COSB Legal Department and the Chief of Police. Robert received no response from the individual to whom Cadotte sent copies of her e-mail.

46. On August 20 2014, Robert made a presentation to the BOPS regarding what he believed to be a racial divide occurring within the SBPD. During the presentation, Robert spoke about how state and federal laws prohibiting discrimination based on race and other types of discrimination not enforced by the SBPD by denying promotional opportunities for black officers.

Robert informed the BOPS that he had filed formal complaints of misconduct against police officers and that the Chief of Police and Internal Affairs had ignored his complaints. Robert asked the BOPS who responsible for investigating misconduct within I.A. Department. Robert also questioned the duties of the COSB Law Department and that it seemed that the department allowed injustice in the police department to go unchecked. In addition, during the public meeting Roberts spoke out about discrimination and unfairness, which he believed allowed to continue under the Chief of Police and the Internal Affairs Department. Robert asked the BOPS investigate.

47. Robert has received no response from the BOPS.



48. On August 24 2014, Robert sent e-mail to I.A., Teachman and Cadotte inquiring about the status of his formal complaints of misconduct he filed against Captain Phil Trent and Sergeant Wolff. Robert received no response.

49. On August 27 2014, the COSB received a letter from the EEOC informing it of Robert's charge of employment discrimination for the EEOC Charge filed by Robert on July 14 2014.

50. On September 4 2014, the COSB received letter from EEOC informing it of Robert's charge of employment discrimination for the complaint filed on July 31 2014.

51. On September 8 2014, Robert sent e-mail to Cadotte regarding what he believed was ongoing harassment against him by Schweizer, and ongoing violation of the Duty Manual by Teachman. Robert submitted a copy of the letter to Schweizer and Teachman. Robert received no response from either.

52. On September 9 2014, Robert filed formal complaint of misconduct against Officer Christopher Houser, white male, for racial harassment and intimidation. Houser sent through the department e-mail a personal letter attacking Robert, which included a statement telling Robert to leave the SBPD and find another job. Robert filed a formal complaint of racial misconduct several years ago against Officer Houser. Robert sent a copy of the formal complaint to his chain of command, Schweizer, the Uniform Division Chief and Chief Teachman. Robert did not receive a response.

53. On September 23 2014, Robert received a Notice of Internal Affairs Investigation from Schweizer regarding a citizen's complaint filed against Robert on September 21 2014. The complaint accused Robert of violating the SBPD evidence collection and storage procedures.

54. On September 23 2014, Robert submitted an e-mail to Schweizer seeking information about the status of his formal complaints against Officer Christopher Houser and Captain Phil Trent. Robert received no response.

55. On September 25 2014, Robert personally served written request to the COSB Legal Department for access to public records. Robert's request was to obtain a copy or to inspect copies of the actual Notice of Internal Affairs Investigation e-mail documents that the Internal Affairs investigator should have submitted to Officer Houser, Sgt. Wolff and Captain Trent, informing each officer that a complaint filed against them and that they were under investigation. Written rules of the department require that all complaints against police officers be investigated immediately. Robert did not receive the requested documents and not permitted to inspect the documents.

56. On September 30 2014, Robert submitted a letter to Schweizer, Teachman, and the COSB Legal Department regarding Schweizer's arbitrary and capricious interpretation of rules and written procedures. In addition, that he used his interpretation of the rules to abuse his authority.

57. On September 30 2014, Schweizer responded to Robert with an e-mail arbitrarily interpreting rules regarding Robert's outside employment.

58. On October 1 2014, Robert submitted his first formal complaint of misconduct against Schweizer for making false statements to witnesses and to his outside employer during an official investigation, and for fostering a hostile working environment for Robert regarding his paid outside employment and his employment as a police officer. Robert submitted a copy of the complaint Police Chief Teachman and the COSB Legal Department. Robert received no response to his complaint.

59. On October 1 2014, Robert Submitted an e-mail to Chief Teachman, the COSB Law Department and his chain of command informing each of them that he had concerns about the new policy and therefore would hold off on signing the new policy. In addition, that he had concerns of fairness and possible abuse of authority the new policy would give the Chief of Police. Robert received no response.

60. On October 2 2014, Robert submitted a second complaint of misconduct against Schweizer for conducting an unethical investigation against Robert with the intent of interfering with Robert's ability to maintain a civil and peaceful relationship with his neighbors. In addition, the complaint was submitted due to Schweizer filing undeserved charges against Robert because of his investigation of a citizen's complaint against Robert. Robert sent copy of the complaint to Teachman and the COSB Legal Department. Robert received no response to his complaint.

61. On October 6 2014, Robert submitted an e-mail to Mayor Buttigieg informing him that he filed formal complaints of misconduct against Captain Schweizer, Captain Phil Trent, and Chief of Police Teachman. Robert received no response.

62. On October 6 2014, Robert Submitted a letter to the Mayor Buttigieg and the BOPS requesting that Schweizer be removed as an investigator from all investigations which involved Robert due to Schweitzer's discriminatory and retaliatory treatment of Robert about which Robert had filed formal complaints. Robert received no response to his request.

WHEREFORE, Robert prays that the Court:

A. award Robert compensatory damages to be determined at trial, jointly and severally against Defendants for matters alleged in this Complaint.

- B. award Plaintiff punitive damages in an amount to be determined at trial against all Defendants except City of South Bend, Indiana.
- C. award Plaintiff reasonable costs and attorney's fees.
- D. grant such other and further relief, including injunctive relief enjoining the COSB from retaliating against Robert for engaging in statutorily protected activity of filing EEOC Charges against the COSB complaining of discrimination based on race; hostile work environment; engaging in the free exercise of his Speech rights under the First Amendment to the United States Constitution.

Respectfully submitted

By: s/ Douglas M. Grimes
Attorney for Plaintiff

Douglas M. Grimes, #7304-45
DOUGLAS M. GRIMES PC
6941 IRONWOOD AVENUE
GARY, INDIANA 46403
(219) 939-9511

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of April 2015 the foregoing case was opened through the Courts electronic civil case opening filing system.

/s/ Douglas M. Grimes

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Indiana

RECEIVED

AUG 21 2013

Human Resources
City of South Bend

Theodore Robert

Plaintiff(s)

v.

Civil Action No.

2 13 CV 274

City of South Bend Indiana, Pete Buttigieg, Mayor
South Bend Indiana, Charles Hurley, Jeffrey Walters,
Lee Ross, Andrea Beachkofsky, Robert Yearly,
Catherine Toppel and Janice Hall, Individually

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Janice Hall, Director
South Bend Department of Human Resources
County-City Building
227 W. Jefferson Boulevard
South Bend, IN 46601-1830

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Douglas M. Grimes, 6941 Ironwood Avenue, Gary, IN 46403

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

8/8/13

Signature of Clerk or Deputy Clerk

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

13 AUG -8 AM 9:44

THEODORE ROBERT
Plaintiff

V.

CITY OF SOUTH BEND INDIANA
Pete Buttigieg, Mayor, City of South Bend
Indiana, Charles Hurley, Jeffrey Walters,
Lee Ross, Andrea Beachkovsky, Robert
Yearly, Catherine Toppel and Janice Hall,
Individually
Defendants

CASE NO.

JURY DEMAND

U.S. DISTRICT COURT
FOR THE NORTHERN DISTRICT
OF INDIANA

12 13 CV 274

I. JURISDICTIONAL STATEMENT

Jurisdiction of this court invoked pursuant to Sections 1331 and 1343.

Venue in this action is proper in the Northern District of Indiana under 28 U.S.C. Sec.
1391 (b).

This action brought by Plaintiff Theodore Robert, under the provisions of 42 U.S.C. §§
1983, 1988. And Title VII of the Civil Rights Act of 1964, 1991 and 42 USC Section 2000e, et
seq. to redress the deprivation of rights, privileges and immunities secured by the constitution
and laws of the United States, including but not limited to the First (speech) and Fourteenth (due
process) Amendments to the United States Constitution under the color of state law.

Plaintiff filed complaints with the Equal Employment Opportunity Commission (EEOC)
on August 30 2012 and October 30 2012, alleging discrimination based on race and retaliation,
including workplace harassment. The U.S. Department of Justice issued Notices of Right to Sue
on May 7 2013 informing complainant that he had the right to institute a civil action under Title

VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the South Bend Police Department, et al., No. 24M201300022 and No. 24M201300292. Copies of the Notices sent to Indianapolis District Office, EEOC and South Bend Police Department. (Ex. 1 and 2)

The notices not taken to mean that the Department of Justice has made a judgment as to whether or not the claims were meritorious. The Department of Justice mailed notice of suit rights on May 8 2013. Plaintiff filed Complaint on August 7 2013 within 90 days of receipt of the notice of suit rights.

II. PLAINTIFF

Theodore Robert (Robert), African-American male and at all times relevant to this Complaint a resident of St. Joseph County, IN. and employed as a police officer by the City of South Bend (“COSB”).

III. DEFENDANTS

1. The City of South Bend Indiana, a municipal corporation, is a political subdivision of the State of Indiana but neither a state agency nor an instrumentality or arm of the State of Indiana.

2. COSB at all times relevant to this Complaint had more than 15 employees.

3. Pete Buttigieg (“Mayor Buttigieg”), Caucasian male, at all times relevant Mayor of the City of South Bend and held final policymaking authority for the City of South Bend and the South Bend Police Department.

4. Jeffrey Walters (Walters), Caucasian male at all times relevant to this Complaint Chief of the Patrol Division of the South Bend Police Department (“SBPD”). As Chief of the

Patrol Division, Walters empowered by COSB to take tangible employment actions against Robert.

5. Charles Hurley ("Hurley"), Caucasian male at all times relevant to this Complaint Acting Interim Police Chief of the COSB Police Department. As Chief of Police of the South Bend Police Department, Hurley empowered by COSB to take tangible employment action against Robert.

6. Lee Ross ("Ross"), African-American male at all times relevant to this Complaint Lieutenant and Head of Internal Affairs for the SBPD. As SBPD Lieutenant, Ross empowered by COSB to take tangible action against Robert.

7. Catherine Toppel, Director City of South Bend Code Enforcement Department.

8. Andrea Beachkofsky (Beachkofsky), Caucasian female at all times relevant to this Complaint, Assistant City Attorney for the COSB and liaison to the SBPD. As Assistant City Beachkofsky empowered by the COSB to take tangible action against Robert by recommending that Robert be terminated.

9. Robert Yearly, Caucasian male, Manager of the COSB Risk Management Department, empowered by COSB to take tangible action effecting Robert's employment with the COSB.

10. Janice Hall, Director of COSB Department of Human Resources, authorized to take tangible action to prevent the harassment, discrimination and infringement on Robert's rights under the First and Fourteenth Amendments to the United States Constitution.

IV. OPERATIVE FACTS

11. Plaintiff repeats, reiterates and realleges paragraphs 1-10 of this Complaint as if the same had been set forth in its entirety.

12. Roberts employed by COSB as South Bend Police in November 2006.
13. In May 2010 during an arrest, suspect fought with Robert. The fight continued until backup arrived. Robert eventually placed handcuffs on the suspect at the scene of the arrest. Robert ordered by supervisor to transport suspect to the County jail. At the jail, another altercation occurred between Robert and the suspect while the suspect was handcuffed. During the altercation, Robert in fending off the suspect struck the suspect. Robert suspended for 30 days without pay. Robert did not contest the suspension.
14. Robert in March 2010 received Officer of the Month Award.
15. In November 2010, Robert received Officer of the Month Award.
16. In November 2010, Robert received Captain's Accommodation Award.
17. Prior to joining the South Bend Police Department, Robert received Certification as School Resource Officer (SRO) and served as SRO Officer while a member of the Benton Harbor Michigan Police Department.
18. In January 2010, Robert applied for an open SRO position with the SBPD.
19. To apply for the position a South Bend Police officer required to file Officer's Report stating qualifications, prior experience and reasons for wanting to be appointed to the position. No test required.
20. In addition to Robert, a White male officer and a Hispanic female officer applied for the open position.
21. Neither the White male officer nor Hispanic female officer held Certification as a SRO officer and no experience as such.
22. The White male officer appointed to the position did not hold SRO Certification at time of appointment.

23. In March 2011, Robert applied again for an open/or new SRO position with the SBPD.

24. In addition to Robert, several White males; a Hispanic male and female, and African-American male officers applied for the position. Except for Robert, none of the applicants held a Certification as SRO officer.

25. The Hispanic male appointed to the SRO position. Approximately one and one half years earlier, the Hispanic male appointed to the position had received a promotion to the Family Unit of the SBPD. The appointee did not hold a SRO Certification at time of appointment to the SRO position.

26. On August 8 2011, Robert filed Complaint with Hurley against Lt. Ross for harassing Robert by opening and subjecting him to a groundless Internal Affairs investigation. (Ex. 3)

27. The Internal Affairs investigation opened by Ross based on fact that Robert several months prior called COSB Code Enforcement Department ("CED") on one of his off days to file an ordinance violation complaint against his neighbor due to multiple motor vehicles parked on the neighbor's lawn.

28. Robert had reported the violation to CED several times and received no response.

29. Robert called the COSB Mayor's office to file a complaint against CED due to its reluctance to investigate his complaint.

30. Robert spoke to an assistant from the Mayor's office and informed her about the nature of his complaint against CED.

31. The assistant in the Mayor's office told Robert that she would contact the CED on his behalf to find a resolution.

32. Approximately one-half hour after speaking with the assistant in the Mayor's office, Robert received a telephone call from the assistant in which she stated that she was told by a representative from CED that the City no longer has an ordinance that governs vehicle parking on lawns or seeded areas.

33. The COSB had an ordinance that governed vehicles parked on seeded areas.

34. Robert asked the assistant for the name of the person CED who told her that the COSB did not have such an ordinance.

35. The assistant refused.

36. Robert eventually spoke with the Assistant Mayor who told him that he would look into the matter.

37. Several days later Robert informed by Lt. Ross that a formal complaint #11-0025 was filed against him by the Director of CED, Cathy Toppel, accusing him of harassing her and the CED staff and that she had recorded voice mail messages of his (Robert's) voice to justify her complaint.

38. The complaints filed by Toppel were determined to be unfounded after formal investigation by Lt. Ross.

39. The investigation conducted by Lt. Ross titled "Calling City Code Enforcement and the Mayor's Office harassing the employees about moving a car."

40. Ross ordered Robert to forward to him an Officer's report about calls made to Cathy Toppel and the Mayor's Office. (Ex. 3)

41. Lt. Ross admitted that there was no complainant from "Mayor's Office" and that he (Ross) was the complainant. (Ex. 3)

42. Robert requested that Ross remove the fictitious Complaint that he (Ross) created.

43. Ross responded that by saying that "I will look into your suggestion."

44. Robert filed formal complaint against Ross for opening the harassing Internal Affairs.

45. In November 2011, Robert for a third time applied for an open/or new SRO position with the SBPD.

46. In addition to Robert, several White males; and one Hispanic male and African-American male applied for the position.

47. The Hispanic female appointed to the SRO position. The appointee did not hold a SRO Certification at time appointed.

48. As time passed, Robert's work environment within the SBPD (Department) continued to worsen and he began experiencing constant harassment, unfair treatment, racial discrimination and disrespect primarily by Patrol Division Chief Walters.

49. In February 2012 immediately after roll call Walters called Robert into his office and had Lt. Newton accompany him.

50. Robert had no idea why called into Walters' office.

51. In the office, Walters asked Robert if he remembered a conversation he had recently with the Assistant City Attorney defendant Beachkofsky.

52. Robert told him yes.

53. Beachkofsky was new to her position as liaison for the police department.

54. Robert told Walters that Beachkofsky had represented the COSB in a civil trial in which he was a witness and that afterwards they had a brief conversation/discussion in the City/County Building.

55. The conversation with Beachkofsky was about how frustrated South Bend police officers had become with the County prosecutor's office pleading down serious criminal charges and the fact that the City Attorney's office did not back the police officers.

56. Sometime after the conversation with Beachkofsky, Robert learned that Beachkofsky approached former Chief Boykin and advocated that Robert be fired.

57. Thereafter, Walters called Robert into his office; Robert had not mentioned the Beachkofsky conversation to Walters.

58. During the meeting, Walters did not ask Robert what the conversation with Beachkofsky was about and Robert did not tell him.

59. After acknowledging that a conversation had taken place between himself and Beachkofsky, Walters told Robert, a Private First Class Patrolman, that he was being relieved of duty and taken off street patrol (ROD #1) and placed on desk duties. (Ex.4)

60. Robert asked Walters why. Walters did not respond to the question or state a reason for taking Robert off the street and placing him on desk duty.

61. Robert then asked Walters why he being reassigned. Walters did not respond or tell Robert why had been reassigned.

62. Robert then asked Walters why he was being disciplined. Walters did not respond or tell Robert why he was relieved of duty (ROD) and disciplined.

63. It is the policy and practice of the SBPD that when an officer is disciplined by a supervisor by being removed from street duty to provide the officer with an immediate explanation.

64. Robert ordered to cease his part-time employment, which resulted in the loss of income. (Ex. 4)

65. Roberts subsequently made aware that he removed from street duty due in part to allegations made by one of the new City Attorneys. (Ex. 5)

66. Robert sat in a closed office at the SBPD for two weeks without knowing why Walters had disciplined him by removing him from street duty.

67. Several weeks later Robert received a visit from Robert Yearly, COSB Manager of the Risk Management Department.

68. During the conversation, Yearly told Robert that the COSB had set up an appointment with a doctor and that Robert ordered to undergo a psychological evaluation.

69. Robert asked Yearly why. Yearly did not tell him why he was to undergo psychological evaluation.

70. Yearly did not tell Robert who ordered him to undergo a psychological evaluation.

71. During the reassignment, Robert sent Walters several e-mails requesting an explanation as to what was going on and why he removed from street duty. (Ex. 4, 5, 6) Robert received no response from Walters.

72. During the following months Robert ordered by COSB to complete psychological evaluations.

73. The COSB attempted to place the financial obligation for the costs of the evaluation on Robert on grounds that the stress from which he suffered was personal, according to Yearly.

74. Robert asked the doctor conducting the evaluation about the source of the stress. The doctor told him that his stress was work related.

75. Yearly intentionally discriminated against Robert by misleading and misrepresenting the Psychologist's determination of the source of Robert's stress in order to justify the COSB order that Robert be evaluated for purpose of determining whether he was fit for duty as a South Bend police officer and maintain his employment with the COSB police department.

76. Approximately three months after Walters removed Robert from street duty, Yearly told him that he removed because the department questioned his fitness for duty.

77. Robert followed all orders of the department related to the psychological evaluation for fear of retaliation and loss of his job as a police officer with the COSB.

78. Robert at no time found to be medically or psychologically unfit for duty as a South Bend police officer.

79. After completing the evaluation sessions, the Psychologist wrote the COSB a letter stating that Robert cleared to return to work.

80. After receiving the information from the Psychologist designated by the COSB to evaluate Robert, recommending that Robert return to work, the COSB resisted returning Robert to duty.

81. Defendant Beachkofsky of the COSB City Attorney's office resisted and delayed Robert's return to duty.

82. After defendant Hurley became Acting Interim Chief of Police, Robert presented letter from Psychologist clearing Robert to return to work.

83. Robert returned to street duty in May 2012.

84. On August 3 2012, Robert received call from Captain Ruszkowski informing him that Chief Walters had again removed him from street duty (ROD#2). (Ex. 7)

85. When Robert asked Ruskowski why he had been removed from duty, Ruskowski told him he had not been given a reason a reason why.

86. Robert not allowed to work his part-time job after reassignment and sustained economic loss.

87. Robert wrote defendant Hurley requesting an explanation as to why he removed from regular duties.

88. Robert received no communication or response from defendant Hurley.

89. Robert received information that defendant Hurley wanted to relieve Robert of his police duties ("ROD").

90. Robert wrote Chief Walters a letter requesting explanation for placement on desk duty and requested a copy of the written rules and procedures that allow any Chief or supervisor to discipline a subordinate officer without a formal explanation. (Ex. 7)

91. Robert did not receive any response, verbal or written from Walters or his designee.

92. While on desk duty, Robert ordered by Hurley through defendant Ross of Internal affairs to submit to a polygraph test without explanation.

93. Robert later learned that the polygraph order resulted from an alleged citizen complaint stating that Robert had harassed him.

94. Robert is the only SBPD officer to be removed from street duty without explanation and ordered to submit to a polygraph examination on a citizen complaint.

95. The ROD orders removing Robert from street duty without explanation constituted harassment, discriminatory treatment, denial of due process, and retaliation for

Robert's exercise of his speech rights under the First Amendment to the United States Constitution by COSB, Walters, Beachkofsky, Hurley and Ross.

96. After ROD#2, Robert submitted formal complaints to the Director of Human Resources against defendants Walters, Beachkofsky, Hurley and Ross for racial discrimination, harassment, and unfair treatment.

97. Robert received no response to complaints of racial discrimination, harassment and unfair treatment from the COSB.

98. On August 30 2012, Robert filed Complaint with EEOC, Charge No. 24M-2012-00292 alleging discrimination based on race. (Ex. 1)

99. On October 12 2012 at approximately 1:20 PM defendant Ross and several other officers arrived at Robert's home. Ross stated that they were acting under the authority of Chief Hurley to relieve Robert of his police duties (ROD#3) effective immediately.

100. When Robert inquired of Ross as to why he being relieved of police duties, Ross stated it was because Robert had interfered with an internal affairs investigation.

101. When Robert asked what investigation he had interfered with Ross stated because Robert went to a Seven-11 convenience store that day.

102. Robert asked Ross how he could interfere with an investigation that he knew nothing about. Ross gave no reply.

103. Under SBPD, rules and regulations only the Internal Affairs investigator (Ross), the Chief of Police (Hurley) and other officers assigned by the Chief and the officer directly involved with an investigation are the only persons who have knowledge of confidential internal investigations.

104. Robert at no time had knowledge of any ongoing internal investigation into any subject including internal investigation relating to a 7-11 store.

105. Ross and the other officers collected Robert's badge, gun, police vehicle and other police credentials.

106. After Ross left his home, Robert called defendant Hurley's office and requested a meeting with Hurley and a union representative to discuss the situation.

107. Robert informed by Hurley's Secretary that the "Chief does not want to speak to me or my union representative at all."

108. Robert then called his shift Captain and informed him that he had been relieved of duty. The Shift Captain told Robert that he ordered by Hurley not to talk to Robert about the situation.

109. On November 15 2012, Robert filed Complaint against defendant Interim Chief Hurley with the Mayor of the City of South Bend for having wrongfully accused him of interfering with an Internal Investigation.

110. The Mayor's office on November 19 2012 forwarded the complaint to Janice Hall, Director of Human Services for the City of South Bend for review.

111. Janice Hall never responded to Robert's complaint.

112. On October 17 2012, Robert met with Ross because he was now under investigation.

113. Ross informed Robert that he (Robert) accused of interfering with a criminal investigation and an internal affairs investigation.

114. Robert denied the allegations.

115. During the meeting with Ross, Robert asked Ross to either tell him or provide him with any factual evidence that he or the police department had to justify the accusations (charges).

116. Ross stated that there was no factual evidence.

117. Roberts asked Ross if the punishment of relieving him of his police duties followed the policies and procedures of the collective bargaining agreement between the Police and the City.

118. Ross responded by telling Robert that he was not being punished.

119. On October 30 2012, Robert filed EEOC Charge No. 24M-2013-00022 alleging discrimination based on retaliation. (Ex. 2)

120. On January 2 2013, Robert sent letter to Janice Hall, Director, Human Resources as follow up to the Mayor Office forwarding Robert's complaint to her for review.

121. Hall did not respond to Robert's letter or the letter from the Mayor's office requesting that she follow up on Robert's complaint.

122. On January 16 2013, Hurley filed written charges with the Board of Public Safety of the City of South Bend, Indiana recommending that Robert be terminated from his position as a South Bend Police Officer. For conducting an unauthorized investigation into an Internal Affairs, case already under investigation by Ross.

123. Hurley being personally involved acted out of retaliatory motive based on Robert's exercise of his First Amendment speech rights in filing the charges recommended Robert's termination from the SBPD.

124. The hearing on the charges by the Board of Public Safety concluded on July 30 2013.

125. The case before the Board of Public Safety prosecuted by Beachkofsky over Robert's objection that she had conflict of interest.

126. Hurley over Robert's objection allowed to sit at table with Beachkofsky throughout hearing after separation of witness order entered.

127. Ross and Hurley listed and called as witnesses in the hearing by Robert.

128. Hurley permitted to listen to Ross testimony prior to being called as witness by Robert.

129. At time instant Complaint filed the Board of Public Safety had not issued its findings.

FIRST CAUSE OF ACTION-FEDERAL LAW CLAIMS

Plaintiff for his first cause of action against defendants says:

130. Plaintiff hereby incorporates by reference the same as if fully set forth in full the fact allegations contained in Parts I-IV, paragraphs 1-129 inclusive, of this complaint.

131. The above-described conduct of Mayor Buttigieg, COSB, Walters, Hurley, Beachkofsky, Ross, Yearly, Toppel and Hall unlawfully deprived Robert of his constitutional and civil rights to procedural due process and equal protection under the Fourteenth Amendment to the United States Constitution. (Ex. 8-1, 8-2, 8-3, 8-4, 8-5, 8-6, 8-7, 8-9, 8-10)

132. Defendants Mayor Buttigieg, COSB, Walters, Hurley, Beachkofsky, Ross, Yearly, Toppel and Hall acted with reckless indifference to Robert's constitutional and civil rights and was the proximate cause of the deprivation of Robert's constitutional and civil rights.

133. At all times relevant to this complaint, defendant Mayor Buttigieg, COSB, Walters, Hurley, Beachkofsky, Ross, Yearly, Toppel and Hall acted under color of state law.

134. The constitutional injury to Robert caused by Mayor Buttigieg who held final policymaking authority for the COSB and the SBPD.

WHEREFORE, because of foregoing, Robert demands judgment against the defendants, jointly and severally as follows:

- a. An injunction enjoining the COSB to provide full explanation to any SBPO who is relieved of duty as to why said action taken and provide a due process mechanism that protects the officer due process rights under the Fourteenth Amendment to the United States Constitution.
- b. Award Robert compensatory damages against defendants;
- c. Award Robert an allowance for costs and disbursements incurred in the prosecution of this action, including reasonable attorney's fees;
- d. Award Robert punitive damages against the individual defendants.

SECOND CAUSE OF ACTION-FEDERAL LAW CLAIMS

Plaintiff for his Second cause of action against defendants says:

Plaintiff hereby incorporates by reference the same as if fully set forth in full the fact allegations contained in Parts I-IV, paragraphs 1-134, inclusive, of this complaint.

135. Defendants Mayor Buttigieg, COSB, Walters, Hurley, Beachkofsky, Ross, Yearly, Toppel and Hall's retaliatory conduct toward Robert described above deprived Robert of his constitutionally protected interest in freedom of expression under the First Amendment to the United States Constitution. (Ex. 8-1, 8-2, 8-3, 8-4, 8-5, 8-6, 8-7, 8-9, 8-10)

136. Defendants Mayor Buttigieg, COSB, Walters, Hurley, Beachkofsky, Ross, Yearly, Toppel and Hall acted with reckless indifference to Robert's constitutional and civil rights and was the proximate cause of the deprivation of Robert's constitutional and civil rights.

137. At all times relevant to this complaint, defendants Mayor Buttigieg, COSB, Walters, Hurley, Beachkofsky, Ross, Yearly, Toppel and Hall acted under color of state law.

138. The constitutional injury to Robert caused by Mayor Buttigieg who held final policymaking authority for the COSB and the SBPD.

WHEREFORE, because of foregoing, Robert demands judgment against the defendants, jointly and severally as follows:

a. An injunction enjoining the COSB to provide full explanation to any SBPO who is relieved of duty as to why said action taken and provide a due process mechanism that protects the officer's First Amendment speech rights under the due process clause of the Fourteenth Amendment to the United States Constitution.

b. Award Robert compensatory damages against defendants;

c. Award Robert an allowance for costs and disbursements incurred in the prosecution of this action, including reasonable attorney's fees;

d. Award Robert punitive damages against the individual defendants.

THIRD CAUSE OF ACTION-FEDERAL CLAIM

Plaintiff for his Third cause of action against defendants says:

Plaintiff hereby incorporates by reference the same as if fully set forth in full the fact allegations contained in Parts I-IV, paragraphs 1-138, inclusive, of this complaint.

139. Defendants, Mayor Buttigieg, COSB, Walters, Hurley, Beachkofsky, Ross, Yearly, Toppel and Hall created and perpetuated a hostile, harassing, racially discriminatory work environment for Robert in retaliation for him exercising his right of freedom of expression under the First Amendment to the United States Constitution by complaining about discriminatory and unfair treatment. (Ex. 8-1, 8-2, 8-3, 8-4, 8-5, 8-6, 8-7, 8-9, 8-10)

140. Defendants Mayor Buttigieg, COSB, Walters, Hurley, Beachkofsky, Ross, Yearly, Toppel and Hall acted with reckless indifference to Robert's constitutional and civil rights and was the proximate cause of the deprivation of Robert's constitutional and civil rights.

141. At all times relevant defendant Mayor Buttigieg, COSB, Walters, Hurley, Beachkofsky, Ross, Yearly, Toppel and Hall acted under color of state law.

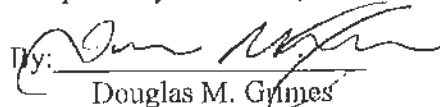
142. At all times relevant to the Complaint the City of South Bend was negligent in that it knew or reasonably should have known about the harassment and discriminatory treatment of Robert but failed to take remedial action.

143. The constitutional injury to Robert caused by Mayor Buttigieg who held final policymaking authority for the COSB and the SBPD.

WHEREFORE, because of foregoing, Robert demands judgment against the defendants, jointly and severally as follows:

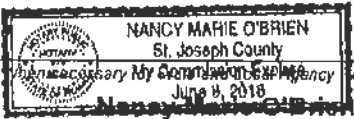
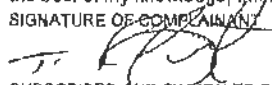
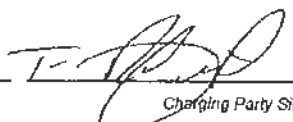
- a. Award Robert compensatory damages against defendants;
- b. Award Robert an allowance for costs and disbursements incurred in the prosecution of this action, including reasonable attorney's fees;
- c. Award Robert punitive damages against the individual defendants.

Respectfully submitted,

By: 
Douglas M. Grimes
Attorney for Plaintiff

Douglas M. Grimes, #7304-45
DOUGLAS M. GRIMES PC
6941 IRONWOOD AVENUE
GARY, INDIANA 46403
(219) 939-9511

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <input checked="" type="checkbox"/> FEPA 24M-2012-00292 <input checked="" type="checkbox"/> EEOC 24M-2012-00292	
South Bend Human Rights Commission and EEOC <i>State or local Agency, if any</i>			
Name (indicate Mr., Ms., Mrs.) Theodore R. Robert		Home Phone (incl. Area Code) 269-599-0666	Date of Birth
Street Address City, State and ZIP Code 2617 Frederickson Street, South Bend, Indiana, 46628			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name South Bend Police Department		No. Employees, Members 250	Phone No. (include Area Code) 574-235-9201
Street Address City, State and ZIP Code 701 W. Sample, South Bend, Indiana 46601		No. Employees, Members 30	
Name		Phone No. (include Area Code)	
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> Sex <input type="checkbox"/> OTHER (Specify below.)		Earliest 01-01-10 Latest 08-15-12 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): I am a Black male employed by City of South Bend Police Department since November of 2006, as a Police Officer. During my employment, the only discipline I received was when I was suspended for punching a person I had arrested. I have also been denied promotions during the last few years, even for a position I applied for at least three times. I had experience, qualifications and was certified for the position of School Resource Officer; however, I was never hired, even though the other applicants did not have the experience I had. These other applicants were White and Hispanic. In the beginning of February 2012, I was removed from street duty after the Assistant City Attorney, Andrea Beachkofsky, came to the Chief of Police, Darryl Boykins, and the Chief, Jeffrey Walters, to have me fired. I have numerous times asked them why; however, they will not tell me why. Also, they told me that I could not work my other jobs, and I was forced to under go stress management. At first, they paid for these sessions but later told me I had to start paying for these because they interpreted the doctor's analysis as being a personal issue. Even after the doctor cleared me to go back to street duty, they said "no" because the doctor's professional opinion was not good enough or clear enough. I feel that I have been harassed and intimidated, because high ranking officials were lying to me about my doctor's analysis. After a few weeks, I went to the new Chief of Police, Chief Hurley, White, and asked him to			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY -  Nancy Marie O'Brien	
I declare under penalty of perjury that the above is true and correct		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) 08/15/12 Nancy Marie O'Brien	
Date 8-15-2012 Charging Party Signature 			

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):



FEPA

24M-2012-00292



EEOC

24M-2012-00292

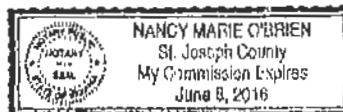
South Bend Human Rights Commission

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (if additional paper is needed, attach extra sheet(s)):

read my doctor's letter, and he told me that, based on the release from the doctor, it looked like I could go back to street duty the beginning of May, 2012. This all occurred during a three month period of time. A new situation occurred the middle of July, 2012 that a person came into the police station complaining about me. He said that I was driving down the street in front of his house harassing him. I answered the complaint and said that none of it happened because I was elsewhere, and gave a time line of my whereabouts for the entire day. On August 7, 2012, Lt. Lee Ross told me that I was scheduled to take a polygraph in Warsaw. I filed a complaint against Lt. Lee Ross on August 8, 2012 due to his bias toward me and his lack of investigating the complaint fairly. After the polygraph test, Lt. Steve Adany told me that I had failed. I told him that when I was under stress, my breathing becomes evaluated and then I try to control it. He asked me if I had seen a doctor; and I replied that I had. When I returned from the test, on August 9, 2012, Captain Ruszkowski called me and told me that that Div. Chief Walters had removed from the street again. I was not told why. I feel that I have been discriminated against because of my race, Black, which is in violation of Title VII of the Civil Rights Act of 1964, as amended.



I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

Nancy Marie O'Brien

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

8-23-12

Date

T. Ross

Charging Party Signature

(08/15/12) Nancy Marie O'Brien



U.S. Department of Justice
Civil Rights Division
NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

CERTIFIED MAIL
2011 6726

950 Pennsylvania Avenue, N.W.
Karen Ferguson, EMP, PHR, Room 4239
Washington, DC 20530

May 7, 2013



Mr. Theodore R. Robert
c/o Douglas M. Grimes, Esquire
Law Office of Douglas M. Grimes
6941 Ironwood Ave.
Gary, IN 46403

Re: EEOC Charge Against South Bend Police Department, et al.
No. 24M201300022

Dear Mr. Robert:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.


If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice.

The investigative file pertaining to your case is located in the EEOC Indianapolis District Office, Indianapolis, IN.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

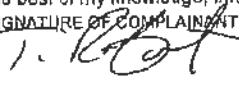

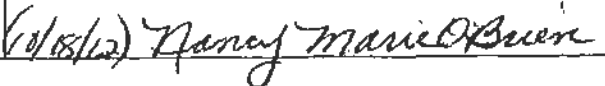
Sincerely,

Thomas E. Perez
Assistant Attorney General
Civil Rights Division

by 
Karen L. Ferguson
Supervisory Civil Rights Analyst
Employment Litigation Section

cc: Indianapolis District Office, EEOC
South Bend Police Department, et al.

EEOC Form 5 (5/01)

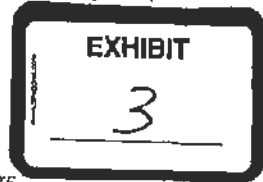
CHARGE OF DISCRIMINATION <small>This form is effected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: Agency(ies) Charge No(s): <input checked="" type="checkbox"/> FEPA 24M-2013-00022 <input checked="" type="checkbox"/> EEOC 24M-2013-00022	
South Bend Human Rights Commission <small>State or local Agency, if any</small>			And EEOC
Name (Indicate Mr., Ms., Mrs.) Theodore R. Robert		Home Phone (Incl. Area Code) 574-210-6862	Date of Birth
Street Address City, State and ZIP Code 2617 Frederickson Street, South Bend, Indiana 46628			
Name South Bend Police Department		No. Employees, Members 400+	Phone No. (Include Area Code) 574-335-9201
Street Address City, State and ZIP Code 701 West Sample Street, South Bend, Indiana 46601			
Name		No. Employees, Members	Phone No. (Include Area Code)
DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 10-11-12 10-18-12 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I am a, Black male, employed by the South Bend Police Department since October, 2000, as a Police Officer. On August 15, 2012, I filed a race discrimination charge with the Equal Employment Opportunity Commission, Charge Number 24M-2012-00292. On October 11, 2012, I was retaliated against by Police Chief Hurley for the EEOC Complaint against him and the police department and the City of South Bend. I was relieved of my police powers based on his false and fictitious allegation that I interfered with an Internal Affairs investigation, which I knew nothing about. Chief Hurley did not go through the proper policies and procedures regarding discipline of our Union Collective Bargaining Agreement. The Union has done nothing for my case and the City Attorney's office has failed to return my calls. There has been no action at all from the Human Resource Department. I feel that I have been retaliated against for filing the above charge, which is in violation of Title VII of the Civil Rights Act of 1964, as amended.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and local Agency Requirements <div style="border: 1px solid black; padding: 5px; text-align: center;"> NANCY MARIE O'BHLEN St. Joseph County My Commission Expires </div>	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT 	
Date Charging Party Signature 10-18-12 		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) 10/18/12 	

OFFICER'S REPORT

8/8/2012
(Date)

Pfc T. Robert 2144
(Name/Rank / PN#)

Pg 1 of 2



Attention: Chief Hurley
Division Chief Walters
Capt Ruszkowski
Lt. Forizs / Lt Newton
Sgt Stokes / Sgt Diggins

Initials/Date _____	Note _____
Initials/Date _____	Note _____
Initials/Date _____	Note _____
Initials/Date _____	Note _____
Initials/Date _____	Note _____
Initials/Date _____	Note _____

Reference: Unethical Conduct from the Office of Professional Standards

On 8/26/2011 I was subjected unethical internal affairs investigation by Lt Ross of the Office of Professional Standards. The basis for the internal affairs investigation I am about to describe was biased, unjust, unfair, unprofessional and unethical. I am requesting a full investigation into this matter as this officers report will serve as my formal complaint against Lt Ross and the Office of Professional Standards.

Several months ago I called the Code Enforcement Dept (while off duty and on my days off) to file an ordinance violation complaint against my neighbor due to multiple vehicle that were parked on the lawn. I reported this violation to the Code Enforcement Department several times and I received no response from that department. I then called the Mayors office to file a formal complaint against the Code Enforcement Department due to their reluctance to investigate my complaint. While speaking to the assistant from the Mayor's office I informed her about the nature of my complaint against the Code Enforcement department. During this conversation, the assistant in the Mayor's office stated that she would contacted the Code Enforcement Dept (on my behalf) as she stated to me to find a resolution. About 1/2 hour later I received a phone call from her stating that she was told by a representative from the Code Enforcement Dept that the City no longer has an ordinance that governs vehicle parking on lawn or seeded areas. I then asked her to give me the name of the person who told her this because it was an outright lie. The City does have an ordinance that governs vehicles parked on seeded areas. She refused to give me the name of the person whom she talked to from the Code Enforcement Dept. I then contacted the Assistant City Mayor to seek help with this matter as it was clear that I was being lied to and ignored by the representatives form the Code Enforcement Dept. I eventually spoke with the assistant City Mayor who told me that he would look into my complaint.

A few days later I was advised by Lt Ross that a formal complaint 11-0025 was filed against me by the Code Enforcement Director. I was informed that her formal complaint accused me of harassing her and the code enforcement staff and that she had recorded voice mail messages of my voice to justify her complaint. As a result, a formal internal affairs investigation was conducted by Lt Ross. The investigation was titled "Calling City Code Enforcement and the Mayor's Office harassing the employees about moving a car."

I was then ordered to forward him an Officer's report about (as he stated) calls made to Cathy Toppell and the Mayor's office,

Date: 8/8/2012

Time: 1800

Submitting Officer's Signature/PN #

**CER'S REPORT
PLEMENTAL**8/8/2012
(Date)Pfc T. Robert 2144
(Name/Rank / PN#)Pg 2 of 2

This complaint stated that I was accused of also harassing the staff from the Mayors office. I first asked Lt Ross (through internal e-mail) to inform me who was the actual complainant from the Mayors office to file a formal complaint against accusing me of harassing the staff. Lt. Ross stated that there was no complainant from the Mayors office. I then asked Lt Ross to explain to me how a formal internal affairs investigation was created that listed the Mayor's office in the complaint title if there was no actual complainant from this office. Lt Ross stated to me that he was the complainant. I asked Lt Ross to explain to me how was it that he could become a complainant for a matter that didn't involve him. I immediately requested from Lt Ross that this fictitious complaint that he produced himself against me without just cause to be removed immediately. I asked Lt Ross to remove this fictitious complaint that he created. Lt Ross responded by saying "I will look into your suggestion" I then responded to Lt Ross by asking him why he needed to "look into" removing a fictitious complaint which he produced? Till this day I received no answer to this inquiry. I am unsure why Lt Ross would act unethical toward me by creating a fictitious complaint and stating that it was initially prompted by the Mayors office. This investigation was bias and unfair to say the least. This particular investigation shows his bias toward me and undermines the credibility of Lt Ross as a fair, unbiased and neutral investigator. I ask that all past and present internal investigations completed by Lt Ross involving myself receive a full review for an objective and unbiased probe into all circumstances to determine fairness.

Date: 8/8/2012Time: 2000

Submitting Officer's Signature/PN #

EXHIBIT

4

Theodore Robert - Information request

From: Theodore Robert
To: Walters, Jeffery
Date: 2/3/2012 9:51 PM
Subject: Information request

Hello Chief

I was informed this evening by Sgt. Szweda that I am not allowed to work my part time job. I am a bit confused about this decision. If my police powers have not been removed, I am not understanding the justification by the department to take away my outside employment. I am just seeking a little clarification.

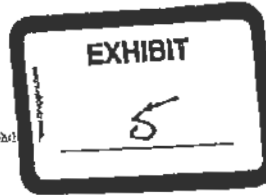
This current situation to remove me from the street was a shock to me and I still have not been told the time line as to when this evaluation and other processes would begin and end.

I have no idea what to tell my outside employer as to when I will be able to return to work. With my part-time work, I am scheduled to work this entire month, so I am respectfully asking for a tentative date to when this incident will end. This is for my personal knowledge as well as for my other employer.

Secondly, a few day ago I submitted to you a formal complaint against Catherine Toppel. I have not received a response from anyone regarding that complaint. Will this department follow up with an investigation based on my complaint or would that be an issue that I have to initiate through Human Resources?

Thank you.

Pfc Robert 2144



Theodore Robert - Hello Chief,

From: Theodore Robert
To: Walters, Jeffery
Date: 2/29/2012 10:01 PM
Subject: Hello Chief,

Hello Chief,

I am writing to find out if there has been any status on this situation regarding my removal from street patrol duties. It has been a month now and I have not been advised of the status as to when I will return to the street and also if I will have a chance to respond to any of the allegations from the city attorney which had a part in me being removed from the street. Because of this situation, I have lost an entire months salary from my other job and yet I have not heard anything.

Not only am I not aware of what is totally going on, I still have nothing to inform my other employer as to when I will return to work.

I am still seeking some sort of clarification to this entire situation.

Thank you.

16

Theodore Robert - Request written explanation for removal from patrol duties

From: Theodore Robert
To: Walters, Jeffery
Date: 8/28/2012 6:27 PM
Subject: Request written explanation for removal from patrol duties
CC: Robert, Theodore



Hello Chief.

on 8/3/2012 I received a phone call from Capt. Ruskowski stating that I was being removed from my patrol duties and placed on desk duties at the front desk. I was informed that this decision came from you. When I asked him why I was being removed from the street and placed on desk duty, he stated that he was not given a reason by you. Nor I have not been given a reason. It has been almost a month now and I have still not been informed why I am being disciplined or why I have been removed from the street. I have not received a verbal explanation, I have not received a formal written explanation. I am now requesting a formal written explanation as to why I am being disciplined and placed on desk duty.

I would also like to know if it is part of the SBPD SOP or other written policy for a supervisor to not inform an officer why he/she has been disciplined and/or removed from their normal assigned duties and placed on desk duties or other assigned duties. If there is such a policy that allows such treatment, I am requesting a copy of that written policy. If there is no such policy, please provide to me a written explanation as to why I have been subjected to a disciplinary action that does not follow the SBPD SOP or other written policy.

Pfc T. Robert 2144

Pete Buttigieg, Mayor
227 W Jefferson Blvd
South Bend, IN 46601

Theodoro Robert
2617 Fredrickson St
South Bend, IN 46628

EXHIBIT

8-1

1/14/2012

RECEIVED
CITY OF SOUTH BEND

Dear Mayor Buttigieg,

On 11/12/2012 I submitted to you a letter regarding my formal complaint against (then) Chief Hurley for his abuse of authority and how he used his authority to discriminate against me racially, to treat me unfairly, humiliate, intimidate, threaten and create a hostile working environment.

On 11/19/2012 I received a response through your executive assistant Matthew Sikora stating that your office had received the complaint and that it was been forwarded to Ms. Janice Hall for review. It was also mentioned in the response from your office that all further inquiries regarding this matter should be made in writing and directed to Ms. Hall.

First, I appreciate the response I received from your office. Secondly, I had reservations about communicating with Ms. Hall because in the recent past, I submitted letters to Ms. Hall begging and pleading with her to investigate the racial discrimination, harassment, unfair treatment and intimidation I am experiencing at the police department. Sir, Ms. Hall did absolutely nothing. There was absolutely no communication or follow-up with me on her part. Nevertheless, I followed the written request from your office and submitted to Ms. Hall a written letter on 1/2/2013. About a week had passed and once again, there was absolutely no form of communication from Ms. Hall, not even a phone call regarding my written requests to her outlined in my letter. On 1/8/2013 at 10:30 AM, I called to speak to Ms. Hall just to get a status or any bit of information from her regarding my written request. I left a voice message with my name and number requesting a call pertaining to the status of my requests.

Mr Mayor, this is why I had reservations with Ms. Hall. This unjust, unlawful treatment that I am experiencing at the police department is very serious and Ms. Hall just ignored it, and continues to ignore my pleas for help. It is now 1/14/2013 and I still have yet to hear anything from Ms. Hall. Based on her current reluctance to address this matter now and in the past, I can successfully say that Ms. Hall does not take my complaint of racial discrimination seriously. The question remains, as an administrative agent for the City, does her unwillingness to address this issue also speak for the City?

Mr, Mayor, per the SBPD Duty Manual, I should have received a letter months ago from the police department regarding the conclusion of their investigation. Yet, it appears that the Chief's office will punish subordinate police officers when they feel rules are broken, yet they themselves will not follow the rules outlined in the Duty Manual.

The Human Resource director is an advocates for both the City and the people who work in the City. Consequently, it leaves me confused and somewhat frustrated that Ms. Hall has ignored my pleas for help now and in the past for an investigation, intervention and simple answers to questions regarding the racial discrimination which I am experiencing from the police department.

Sir, I have cooperated with the police department and attempted to work with the Human Resources Dept. But it appears that neither department has taken my complain of racial discrimination, unfair treatment, threats, intimidation, employee humiliation, and hostile working environments seriously. Mr. Mayor, I am submitting this second letter to you because it has now been three months since I have been wrongfully accused by Chief Hurley and nothing has been done. All letters submitted to Ms. Hall have been ignored as I have received no communication from her.

I look forward to your reply and a resolution to these issues.

EXHIBIT

8-2

F

April 30, 2012

Janice Hall
Human Resource
City Of South Bend, IN

I am writing this letter to inform you about the harassment I am being subjected to, by the Assistant City Attorney Andrea Beachkofsky.

It came to my knowledge earlier this year that the City Attorney Andrea Beachkofsky approached [then] Chief Boykins and petitioned that he terminate my employment with the City. It came to my knowledge that the actual phrase "fire him" was used by Andrea Beachkofsky during her petition. As a result of her petition and other subsequent matters, on 2/1/2012, I was removed from my original patrol duties by Division Chief Walters and placed on desk duties. Two weeks later I was ordered to undergo psychological evaluations by the City, and ordered to discontinue any part-time employment. All these actions were placed upon me without any due process by the City. Although I was not in agreement with these orders, nevertheless, I followed them all for fear of retaliation by the new City Administration.

On 4/11/2012 Andrea Beachkofsky approached me during a training session held at the SBPD attempting to converse with me. I respectfully declined to engage in any conversation with her at this time. I perceived this invitation for conversation as a form of ridicule towards me on her part. Later in the evening on this date, City Attorney Andrea Beachkofsky approached me again while I was working at the front desk and again attempted to converse with me. At this time I informed Andrea Beachkofsky that I did not want her to speak to me, much less anyone who will petition that I become terminated from my employment. I then advised Andrea Beachkofsky to leave me alone and that I was not partial to her at this time. Andrea Beachkofsky then responded by saying "I get that a lot around this police department". Andrea Beachkofsky then continued to inquire about my reluctance to speak with her. I simply said to her that it was based on her recent actions toward me regarding her petition to have my employment with the City terminated. Andrea Beachkofsky then looked at me and said "I don't know what you are talking about."

I felt as though Andrea Beachkofsky was attempting to provoke me to become frustrated or upset with her. I don't understand why she would approach me with various forms of pleasantries knowing that she recently petitioned for my termination. I felt that Andrea Beachkofsky is attempting to create an intimidating, hostile working environment for me by her repeated attempts to engage in uninvited conversation.

In all the six years that I have been employed with the City of South Bend, this is the first time I have ever had to encounter such problems where I feel as though I am being provoked and harassed by a high ranking city official (City Attorney).

I request you to kindly look into the matter at the earliest and take suitable action. Please respond informing me of all actions taken regarding this complaint.

Thank You,

Theodore Robert
trobert@southbendIN.gov



4-30-12

RECEIVED

APR 30 2012

Human Resources
City of South Bend

RECEIVED

SEP 04 2012

EXHIBIT

8-3

September 4, 2012

Janice Hall

Human Resources Director

City of South Bend, IN

Human Resources
City of South Bend

I am an African American male, and have been an employee of the City of South Bend Police Department for the past six years. I feel that I have been discriminated against on the basis of my race not only by the City Attorneys office but also by the Police Department, Safety & Risk Management and the Code Enforcement Department.

I have been subjected to unfair treatment, racial discrimination, and continuous disrespect primarily by Division Chief Walters. I have been removed from my original duties twice while working as a patrol officer. The first time was in February of 2012. I spent three months on desk duties without being formally told why I was placed on desk duties, I was ordered to cease part-time employment resulting in the loss of thousands of dollars during this time. During this time while I was reassigned without explanation, I received very minimal communication from Chief Walters. And now for the second time within three months, I have been removed from my normal duties by Chief Walters. I was again placed on desk duties on Aug 3, 201. And for the second time within three months I have not received a verbal or formal written notice as to why I have been removed and subjected to this unjust discipline. I have spoken to Chief Hurley about this unfair treatment and discrimination I am receiving primarily from Chief Walters but there have been no response. I have written Chief Walters a formal letter requesting an explanation why I have been removed from my original duties but I have yet to receive any response. Even a hardened criminal, immediately upon arrest has the right to know why he is being arrested and what he is being charged with. But here at the SBPD as an African American I am not given an ounce of respect by Chief Walters. In addition, it came to my knowledge that Chief Hurley wanted to (ROD) relieve me of my police duties for doing nothing wrong. I am the only black police officer (that is not a supervisor) that is assigned to the patrol detail for the afternoon shift. I have done absolutely nothing wrong, which is why I am sure that this unfair treatment is racially motivated. Having suffered for a long time, I am standing up for myself.

Also, I filed a formal complaint through my chain of command against Lt Lee Ross of the Internal Affairs Office regarding his unprofessional and unethical treatment toward me. I have yet to receive a response back from Chief Walters regarding my complaint. Even though I filed a complaint against Lt Ross, he is still assigned to investigate complaints against me. I have proven through my formal complaint that Lt. Ross is bias towards me, yet with a conflict of interest he is still assigned to investigate complaints against me.

I have also been a target of racial discrimination by Catherine Toppel, director of the Department of Code Enforcement. During 2011, the Director of Code Enforcement filed two unjust, unethical complaints against me with the Internal Affairs Office. I received a notice of the complaint 11-0025 from Lt Ross. As a result each complaint was formally investigated by Lt Ross. Each complaint was merit less and full of lies. Each complaint

I

was ruled unfounded. Although Lt Ross informed me that Toppel had stated to him that she had factual evidence that I was harassing her and her staff via recorded phone messages. When the formal investigation was initiated, Toppel could not produce any recorded messages of me harassing her and her staff. As a matter of fact, Toppel could not produce any evidence to validate any of her lies. I feel that this unjust and unfair and unethical treatment by Catherine Toppel was due primarily because of my race as an African American,

Earlier this year, I submitted to you a formal complaint against the assistant City Attorney Andrea Beachkofsky for harassment and intimidation against me. I have received no response from you or any representative from the Human Resource department regarding that complaint of intimidation and harassment. Also earlier this year I spoke with you regarding the lies and harassment I was subjected to by Robert Yearry of the Safety & Risk Management dept, and also I have received no response regarding that particular complaint. With the history of injustices I have endured here, it is a fact that if I (a large African American man) was accused of harassing and intimidating a white woman especially a small stature white woman who works directly for the Mayor, I would have been fighting to keep my job or would have been fired. Yet all of my filed complaints seem to have fallen on deaf ears.

As you can see this unfair, racially motivated treatment I have received over the years have come from high ranking administrators within the Police Department, Internal Affairs, a City Department Head, a City Attorney and the top manager from Safety and Risk Management.

I am writing this letter to you as a last resort, as the previous complaints registered with the Human Resources Department and the Police Department has fallen on deaf ears.

My tenure here with the city has not been pleasant. In addition to the racial discrimination, I have been denied promotions even when I was the most qualified person for a position. This discrimination has left a bad taste in my mouth. It is really frustrating to not be appreciated by the City for whom I have worked so hard for and swore to protect, even with my life.

I am so tired of the discrimination I have received from the City. This racial discrimination, unfair treatment and outright disrespect continuously cause me great stress, sour stomachs and headaches.

When I was hired by the City, I was assured of equal opportunity for success and fair treatment and equal, but so far, these assurances have not been fulfilled. I have invested a good six years of my life in this City, and I will fight for my reputation and I will fight for justice, respect and equal treatment. If this problem persists, I will be forced to hire a lawyer and initiate other measures for justice. I am sure the City does not want to continue with this ongoing reputation of racial discrimination and unfair treatment that currently plagues the City and the police department.

5

Discrimination in the workplace regarding race is a serious offense. Disrespect and unfair treatment of employees by supervisors and high ranking City officials should also be a great concern but it is ignored and ongoing especially in the police department. I hope this matter is solved immediately, to the satisfaction of both parties.

Director Hall, as I stated earlier I am requesting immediate action regarding this racial discrimination, unfair treatment and disrespect I am subjected to by those mentioned in this complaint. I will no longer tolerate these injustices. I would like to hear from you regarding this formal complaint within five business days from today's date (9/4/2012). Should I not hear from you by 9/11/2012, I will assume that you have again disregarded my complaint and I will take other measures to secure justice for myself.

I have presented you with just a synopsis of the racial discrimination, disrespect and unfair treatment I have endured with the City. Should you want to speak to me further to get an in depth account of all the incidents please contact me at (269) 599-0666 or trobert@SouthBendIN.gov.

Sincerely,

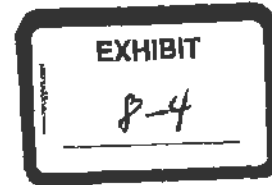


9-4-12

Theodore Robert

17
Theodore Robert - Investigation past due?

From: Theodore Robert
To: Ross, Lee
Date: 9/4/2012 9:50 PM
Subject: Investigation past due?
CC: Robert, Theodore



Regarding Citizens complaint 12-0013, per out duty manual, which states that if OPS directly investigated the complaint, then the investigation must be completed within 30 days of notification. This investigation was initiated on 7/20/12 at 0954 hrs. It is now 9/4/2012 at 2150 hrs. Is it standard procedure to investigate a citizens complaint over the 30 day requirement? I have not located anywhere in the duty manual where it says that an investigation may go over 30 day.

20

Theodore Robert - investigation status

From: Theodore Robert
To: Ross, Lee
Date: 9/5/2012 7:54 PM
Subject: investigation status
CC: Hurley, Chuck



Hi Lt.

Regarding my previous inquiry regarding the policy which states that citizen complaints investigated by the OPS must be completed in 30 days. You responded by stating that the investigation is not complete because you are busy with other tasks due to your obligations with several other agencies.

First, I have done nothing wrong, yet I am being punished. I have been removed from the street without being told why, I consider this treatment unfair and disrespectful. With all due respect Lt, per our duty manual this investigation should have been completed after a month, and more than a month has passed. I can not just sit idle and continue to be punished for doing absolutely nothing wrong. Considering that this investigation is still ongoing, it is clearly in violation of the written policy. Per the duty manual, this investigation should have been completed with a conclusion of **facts and evidence** which shows this investigation either sustained, not sustained, unfounded, exonerated, or withdrawn.

The duty manual spells out the rights of the complaining citizen as well as the rights of the employee being investigated. In addition, it spells out the responsibilities of the investigating employee. It appears that my rights as an employee are not being respected.

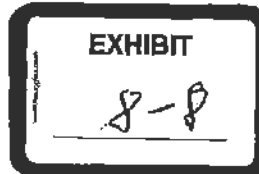
RECEIVED

Pete Buttigieg, Mayor
227 West Jefferson Blvd
South Bend, Indiana 46601

NOV 15 2012

Theodore Robert
2617 Fredrickson St.
South Bend, IN 46628

11/12/2012



Dear Mayor Buttigieg,

On October 12, 2012 I was relieved of my police duties by Chief Hurley. On this date at approximately 1:20 PM, the Chief sent three high ranking supervisors to my home (none which were my immediate supervisors) to take away my patrol vehicle, badge, my duty firearm and other credentials. Those officers were Captain Young, Lt Ross from the Internal Affairs office and Lt Galea. Sending three high ranking officers to my home just to pick up a hand full of items was excessive and a form of intimidation.

During this time I asked why I was being (ROD). I was told by Lt Ross that it was because I interfered with an internal investigation. I immediately asked for clarification and requested to be told what specific internal affairs investigation I was being accused of interfering with, I was told that it was because I went to the 7-11 store. This vague comment by Lt Ross did not provide any clarity as to why I was being ROD.

Approximately five days after I was (ROD) I was ordered by Lt Ross that I was to report to the police department for questioning regarding the what he titled as Interfering with an I.A. Case Investigation. At this time I am ordered not to discuss my investigation until it is completed. I am providing the above statements as brief background for my complaint.

I am submitting this letter as my formal complaint against Chief Hurley of the South Bend Police Department. My complaint against Chief Hurley is for abuse of his authority and his unfair use of his power to interfere with my work and performance in the form of humiliation, discrimination, intimidation, threat and creation of a hostile work environment.

I cannot submit this letter to the South Bend Police Department Internal Affairs Office because of a conflict of interest with Lt Ross. I currently have an open complaint against Lt Ross and the Office of Professional Standards. Several months ago I filed a complaint against Lt Ross through my chain of command to Chief Hurley outlining his bias and unethical conduct toward me. Yet, he was an officer the Chief sent to my home to relieve me of my duties.

To be humiliated, harassed, and accused of doing something wrong by the Chief of police with no factual evidence or other proof is a blatant abuse of authority. In addition, as a member of a collective bargaining unit, I believe that Chief Hurley did not follow the proper procedures for his unjust (ROD) command.

I look forward to your reply and a resolution to my problem. Please contact me at the above address or by phone at 574-210-6862 should you have any further questions.

Sincerely,

Theodore Robert

A handwritten signature in black ink, appearing to read "T. Robert", written over the printed name "Theodore Robert".



Janice Hall
Director of Human Resources

January 2, 2013

On October 12, 2012, I was wrongfully accused by Chief Hurley for "Interfering with an I.A. Case Investigation at the 7-11 Store on Miami St. I was subsequently stripped of my police powers by Chief Hurley. Five days later I was questioned by Lt Ross as part of an official Internal Affairs Investigation. About a month later I submitted an official letter to Mayor Buttigieg regarding this matter. Several days later I received a written letter from the Mayor's office stating that this matter had been forwarded to you and that all further inquiries regarding this matter should be made in writing and directed to you.

As I stated earlier, this false accusation occurred on 10/12/2012, and the formal Internal Affairs investigation against me began on 10/17/2012. My first inquiry to you is to determine if my ROD was justified by Chief Hurley. Per the South Bend Police Duty Manual, administrative leave can be placed on the employee under the following circumstances:

1. Employee's physical and/or psychological fitness for duty is under question.
2. Necessary for the safety and welfare of the community.
3. Preserve the good order and discipline of the department
4. Necessary to keep the community's confidence in the department.

I would like to have a written explanation that describes which circumstance that is identified in the Duty Manual that Chief Hurley used to justify his removal of my police powers. And a clear explanation as to why it was chosen. It should be noted that the Duty Manual also states that a detailed reason for ROD and all actions taken should have been completed on 10/12/2012.

Secondly, the I.A investigation against me began on 10/17/2012. The Duty Manual states that employee will cooperate during any internal investigation. I have successfully cooperated with the internal investigation. The Duty Manual clearly states that once an employee is investigated by the Office of Professional Standards, the investigation must be completed within 30 days. On 11/12/2012, I contacted Lt. Ross who then informed me that he had already concluded his investigation several days prior. Per the Duty Manual, once the investigation is completed, a conclusion of facts by the investigator should be one of the following: Sustained, Not Sustained, Unfounded, Exonerated, or Withdrawn and should be submitted to the Chief of Police. The Duty Manual states that the Chief of Police submits his conclusion of facts to the OPS, and then the investigator will send a written notice to the employee as to the facts.

It has been more than a month, and I have not heard anything from anyone either verbally or in written form from the police department, your office or any representative from the City. I am now requesting a written letter that is made specific in this regard from the Duty Manual.

In addition, I strongly contended that the disciplinary actions against me by Chief Hurley were unjust and unfair because I did absolutely nothing wrong. How can I interfere with an internal investigation when I have no idea that an investigation was taking place? More importantly, it is stated within the OPS guidelines that the only persons who are ever aware of an internal investigation and who are actually allowed to discuss the internal investigation are the Chief of Police, the I.A investigator himself and the officer involved in an internal investigation.

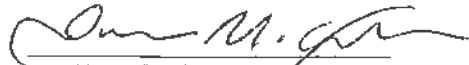
Theodore Robert
574-210-6862, 2617 Fredrickson St, South Bend, IN 46628

Rec'd 1/13
[Signature]

T. Robert *1-2-13*

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of August 2013, a true copy of the foregoing filed manually with the Clerk of the United States District Court, Northern District of Indiana. Copy of the foregoing along with Summons sent all named defendants by Certified Mail Return Receipt Requested, properly addressed, postage prepaid.


Douglas M. Grimes

Bias Crimes

319.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

319.1.1 DEFINITIONS

Definitions related to this policy include:

Bias crime - A crime motivated by prejudice based on the actual or perceived color, creed, disability, national origin, race, religion, or sexual orientation of the victim (I.C. § 10-13-3-1).

319.2 POLICY

The South Bend Police Department recognizes and places a high priority on all person's rights which are guaranteed under the state and federal constitution and incorporated in state and federal law.

319.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, our department is committed to taking a proactive approach to preventing and preparing for likely bias crimes by:

- (a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of bias crimes, and forming networks that address prevention and response.
- (b) Providing victim guidance and community follow-up or identifying available resources.
- (c) Educating community and civic groups about bias crime laws.

319.4 INVESTIGATIONS

Whenever any member of this department receives a report of a suspected bias crime or other activity that reasonably appears to involve a potential bias crime, the following should occur:

- (a) Assigned officers should promptly contact the victim, witness or reporting party to investigate the matter further, as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practicable.
- (c) Once the in-progress aspect of any such situation has been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned officers should take reasonable steps to preserve all evidence.
- (d) Depending on the situation, the assigned officers or supervisor may request assistance from investigators or other resources.

Bias Crimes

- (e) The assigned officers should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a bias crime.
- (f) The assigned officers should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.
- (g) The assigned officers should include all available evidence indicating the likelihood of a bias crime in the relevant reports. All related reports should be clearly marked "bias Crime" to enable identification for federal hate crime reporting.
- (h) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid that may be available (e.g., a Petition for a Temporary Protective Order) through the courts.

319.4.1 INVESTIGATIVE BUREAU RESPONSIBILITIES

If a bias crime case is assigned to the Investigative Bureau, the assigned investigator will be responsible for:

- (a) Coordinating further investigation with other appropriate law enforcement agencies.
- (b) Maintaining contact with the victim and other involved individuals, as needed.
- (c) Maintaining statistical data and tracking of suspected bias crimes, as indicated or required by state law.

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the South Bend Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

401.2 POLICY

The South Bend Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes to establish reasonable suspicion or probable cause.

401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any bias-based actions by another member.

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

Bias-Based Policing

To the extent that written documentation would otherwise be completed (e.g., arrest report, preliminary report (Code 2)), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, portable audio/video recordings, Mobile Data Terminal (MDT) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 ADMINISTRATION

The Patrol Division Chief should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report should not contain any identifying information about any specific complaint, member of the public or officer. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review department information and the annual report and discuss the results with those they are assigned to supervise.

Training Opportunity

Hate Crimes 101

Hosted by the South Bend Police Department

Presented by Miriam Zeidman, Midwest Civil Rights Counsel for the ADL Office in Chicago

Date: January 11, 2017

Time: 2:00 p.m.-4:00 p.m.

Cost: Free

Location: South Bend Police Department Training Auditorium
701 West Sample Street
South Bend, Indiana 46601


Hate Crimes 101

This 2 hour interactive program will address the unique nature of hate crimes, the elements of relevant hate crime laws, the constitutionality of such laws, and the difference between hate crimes and bias incidents. Program elements include:

- State and federal hate crime statutes
- Criteria for determining whether a hate crime occurred
- Distinction between hate crimes and bias incidents
- Constitutional framework in which hate crime statutes operate
- Hate crime reporting issues under the federal Hate Crimes Statistics Act

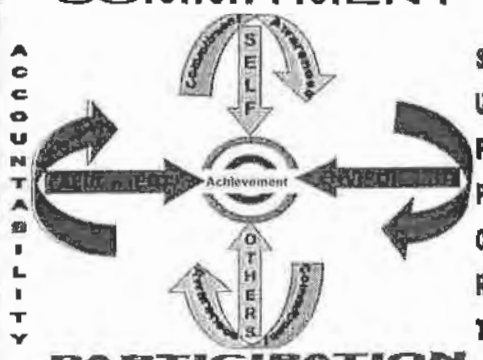
If you are interested in attending please send an email to ebeserra@southbendin.gov .

**DIVERSITY,
CONFLICT
&
COMMUNICATION**
"Oh What Tangled Webs..."
**Bridging Relationships &
Strengthening Community
Through
Inclusion**



PCA
1-800-749-7677
InspireServeLead.com

**Bridging Relationships &
Building Leadership**
Through Awareness and
COMMITMENT



PARTICIPATION

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IPSELg/1016

Goals of this Session

- To help you gain a greater sense of understanding and appreciation for the talents, skills, and value that individuals from different backgrounds bring to a multicultural workplace.
- To broaden your perceptions of paradigms and inclusion.
- To provide you with introductory tools, skills, and techniques that when utilized will promote a more harmonious multicultural working environment
- Discuss the curves or the crossroads we face today and in the future
- Identify the value of communication and key variables between the guardian mentality and warrior mentality and their impact on communication outcomes and other interactions
- Bridging gaps between our real or imagined ideas and/or thoughts related to implicit bias and cultural competencies within our agencies and communities

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Why are we even conducting this session on diversity?

- Your workforce, like American society in general, is multifaceted and multicultural.
- Provide an opportunity to **better understand yourself and others** and the different perspectives and often hidden richness that is brought to various aspects of your jobs and lives through diversity.
- **Your Environment Is Changing, and These Changes Will Impact How We Do Our Jobs and How We Work Together, with Increasing Emphasis on Collaboration and Inclusion.**
- **Appreciation for Building a Better, More Cohesive Environment.**

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Personal Goals & Objectives

What Do You Want From This Session?

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The Future of Policing:

Guardian / Warrior?

Some "Hard Truths"

The Present Police-Community Relations

- Police-Community Relations today are more challenging than we have seen in the collective years of service in this room
- IACP Summit(2015)
 - “We can do better” improving:
 - Communication
 - Understanding
 - Education
 - Transparency

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Recommendations Police-Community Relations

- **Redefine Policing**
 - Common definitions of roles, responsibilities & priorities
 - Commit to building relationships internally and externally
 - Reevaluate what's working and what's not and how we measure
 - Engage all stakeholders (Inclusion)
 - Incorporate community policing principles at all levels
 - Take the lead in demonstrating how to objectively have these difficult conversations
 - Prioritize De-escalation training for officers

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**Understanding the Past –
Focusing on The Future**



**True Crossroads?
Or
Just another CURVE?**

3 Major Questions:

1. Are we at a true **Crossroads**, or just another **Curve** in the road?
2. Should **Law Enforcement** take the **lead** in shifting paradigms from **Negative Perceptions** about Police to at least **Objective Expectations** when interacting with them?
1. Are **Education & Training** the keys to a successful journey?

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Crossroads or Curve?

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Crossroads or Curve?

Actions:

- Awareness of where we are & how we come to this point. And the value of different approaches.
- Commitment to moving in the mutually best direction of **RESPECT**.
- Engagement of skills, talents, resources & influences for common success.
- Support for like minded travelers.
- Accountability for self & others.

Actions:

- Slight at best deviations from the **Status Quo**.
- Little to No **Acknowledgement** of the roles we play in the current bumps in the road.
- Adhering to some **Traditions** that truly need to go away.
- Blindly following the "uncomfortable" but loyal path.
- Ignoring collateral damage until its too great to be ignored.

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**Training & Education:
The Keys to a Successful Future**

<p>EDUCATION: Increased Knowledge & Objective Interaction w/other groups = More Collaborative Outcomes</p> <ul style="list-style-type: none">• Our Perception is Our Reality.• Learning & sharing Perceptions elevates Understanding.• Knowing that our perceptions drive our Behaviors is the seed bed for collaborative Change.	<p>TRAINING: 95% of L.E. Training Budgets spent on Tactical Skill Sets</p> <ul style="list-style-type: none">• #1 Skill set contributing to officer safety, Effective Communication. Less than 1% of L.E. Curriculum• Situational De-Escalation Training – just a blip on the radar but a vital practice set for day-to-day Policing.• As important as muscle memory is tactically; should be De-Escalation Communication Skills.
--	--

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The Future of Policing:

- **Belief, Trust, Confidence:**
- **Important ingredients for the future!**
- **Belief** requires proof, a pinch of faith, and shared vision.
- **Trust** is given and maintained when beliefs are consistently confirmed.
- **Confidence** is in, and given to those who confirm our beliefs, who warrant our trust, who fortify our perceptions with inclusion.

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The Future of Policing

- **Belief, Trust, Confidence:**
- People will **passionately support** those in whom they have confidence if their **Vision is Clear**, contains mutual best interest, and proven to be genuine.
- People will **passionately reject** those who's actions betray their beliefs.

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The Future of Policing

- **Belief, Trust, Confidence:**
- **The Vision of Law Enforcement for the Future** must be to **take the lead** to enhance, fortify and increase Belief, Trust and Confidence in a profession who's universal mission is to serve & protect the communities of which they are a part.
- **Not just some**, but all of the communities who live under the constitution they have sworn to uphold.

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The Future of Policing

Belief, Trust, Confidence:

**What do you think about
BLM?**

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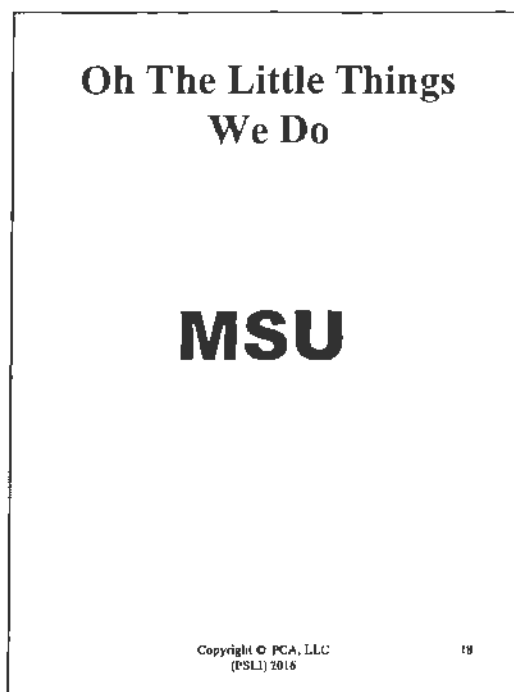
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The Future of Policing

- **Belief, Trust, Confidence:**
- **Black lives do indeed matter, but no more, and certainly no less than the lives of every community within law enforcement's jurisdictions. The perceptual proof of that belief is unquestionably not universally present today because such a Vision is not yet universally shared by law enforcement.**

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What's Your Philosophy?

About Dealing With
People...

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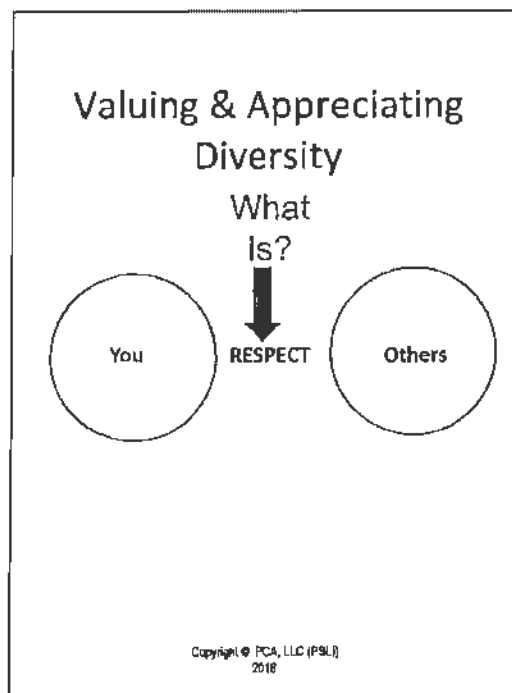
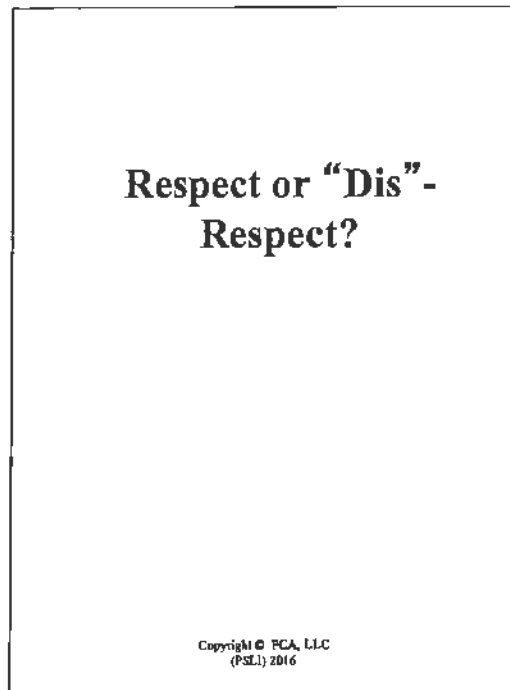
Respect For The Individual

**"Respect for the
individual comes from
the fundamental belief
in the uniqueness of the
Human Being."**

[Mr. Honda]

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Respect...

Think about someone that you highly respect.

- **When you go to see them, what is the first thing they do?**
- **When you talk to them, what are they doing?**
- **When they talk to you, what is their communication like?**
- **When you leave them, regardless of the conversation, they always show us that they still...**

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Respect...

1. _____
2. _____
3. _____
4. _____

It's really no more complicated than that!

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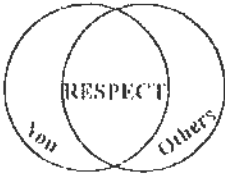
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RESPECT

**All people deserve
respect and we
should give it freely;
But keeping that
respect intact must
be earned.**

Anonymous
Author

**Valuing &
Appreciating Diversity**



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Cultural Introductions

- Geographic
- Urban/Rural
- Racial/Ethnic
- Background
 - Family
 - Education
 - Age
 - Hobbies
 - Occupation
 - Religion
 - Sports
- Something Special
 - Fun Activity

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What's Your Opinion?

Key Terms & Definitions

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Key Terms & Definitions

- **AGEISM:** An attitude, action, or practice which "puts down", minimizes opportunities or "sets" an individual or group of people because of their age, or perceived level of experience/responsibility based primarily on their age.
- **ASSUMPTIONS:** Taking something for granted, Presuming something is true without proof.
- **BIAS:** A highly personal and often unreasoned distortion of judgment. To give a settled and often prejudged viewpoint.
- **COLOR BLIND:** The denial of another's race as a factor which contributes to how one responds to the world around him or her. It is a philosophy which promotes treating people the "same" way despite cultural differences.
- **CONFIRMATION BIAS:** Resisting new information about others and trying to "fit" new information into old categories.
- **CULTURE:** A way of life. It is developed and communicated by a group of people, consciously or unconsciously to next generations. It consists of ideas, habits, values, belief systems, food, dress, music (taste, traditions & customs, language, protocol of interacting and general styles of behaving.
- **CULTURAL AWARENESS:** The recognition that culture affects perception and that culture influences values, attitudes, and behaviors.
- **CULTURAL DIVERSITY:** A set of shared ideas about the way we live and behave toward others; an agreed upon set of rules about style, tradition, behavior, etiquette, etc., combined with — the unique set of qualities that separates us as individuals, especially where age, gender, religion, physical abilities, and sexual orientation are concerned.
- **DEAF:** Lacking or diminished in the sense of hearing.
- **DEAF and dumb:** An inappropriate and offensive term implying that if an individual lacks the sense of hearing, they are therefore intellectually deficient.
- **DISCRIMINATION:** Actions and/or institutional practices which subordinate a person or group of people because of their membership to a particular group.
- **DOMINANT CULTURE:** Refers to the value system that characterizes a particular group of people that predominates over the value system of other groups or cultures.
- **EMPOWERMENT:** The ability to feel capable and motivated in the pursuit of individual and/or group goals. Having the self-assurance needed to carry out and fulfill various endeavors.
- **ETHNICITY:** Belonging to a group with unique language, ancestral, religious and physical characteristics.

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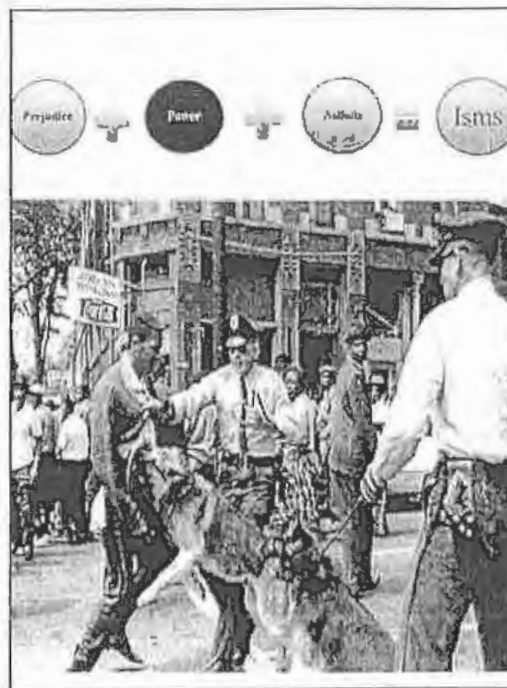
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Key Terms & Definitions

- **ETHNIC GROUP:** A group of people who see themselves as being alike because of their common ancestry, language and/or physical characteristics.
- **ETHNOCENTRISM:** The belief that the behavior of others can be interpreted according to the rules and values of one's own culture. Believing "Our Way Is The Only Way" of thinking and/or doing things.
- **HEARING-IMPAIRED:** An inappropriate term commonly used by hearing individuals when referring to those who are Deaf. Considered offensive; implying that their hearing is broken, and needs to be fixed.
- **HOMOPHOBIA:** Fear of, and avoidance of gay/lesbian/bisexual people based upon unfounded stereotypes; discomfort with and intolerance, often resulting in prejudice, discrimination, and harassment.
- **INTERCULTURAL:** An interaction that takes place between two or more individuals who are ethnically, racially, culturally different. Age, gender, religion are also included under inter-cultural interactions.
- **PEOPLE OF COLOR:** The term "people of color" is used to describe individuals who are ethnically and/or racially different. People of color is the acceptable term in place of the term minority.
- **PEOPLE WITH DISABILITIES:** The term "people with disabilities" is the acceptable term for individuals with physical and/or mental disabilities.
- **PERCEPTION:** It is an interpretation of an event or situation based on information from our senses.
- **PREJUDICE:** A set of attitudes, opinions, and feelings formed without adequate prior knowledge, thoughts, or reason; prejudgment.
- **RACISM/COLORISM:** An attitude, action, or practice backed by political power which "puts down" an individual or group of people because of their race or the color of their skin.
- **SEXISM:** An attitude, action, or practice backed by political power which subordinates individuals, (women or men) because of their gender.
- **STEREOTYPES:** Fixed and distorted generalizations made about members of a particular group; prejudgment.

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The "Ism" Trail

- What we put in determines what we take out...
 - Racism
 - Sexism
 - Ageism
 - Languageism
 - Materialism
 - Classism
 - Colorism
 - Sizeism
 -
 -



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CULTURAL COMPETENCE

- **The CPI's theory (Cumulative Perceptual Index[®])**

The CPI theory posits that our behaviors and biases today may well be rooted in our individual measurable CPI rating. Its base assertion is that we all have been exposed to bigotry and biases at various stages of our lives. When and with what levels of intensity those exposures took place is an important variable in our past, current and future interpersonal interactions.

One thing that the CPI theory holds certain is that none of us were born with prejudices and biases. It also posits that all of us have had some prejudice or bias get dispelled in some way over time and it is that factor that can facilitate measurable adjustments in our CPI ratings.

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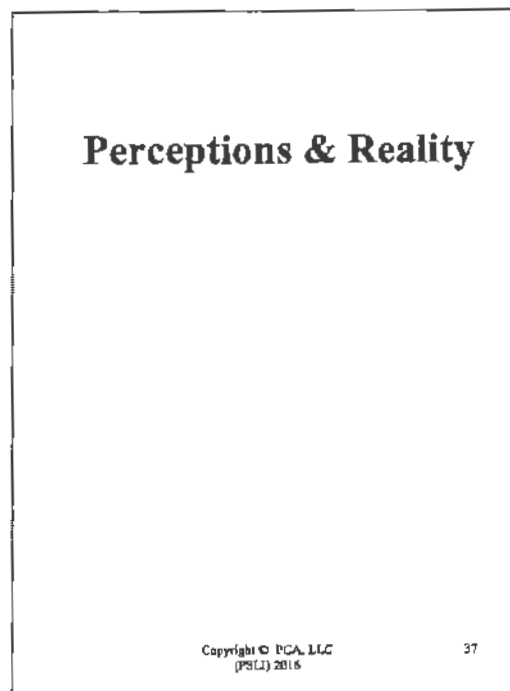
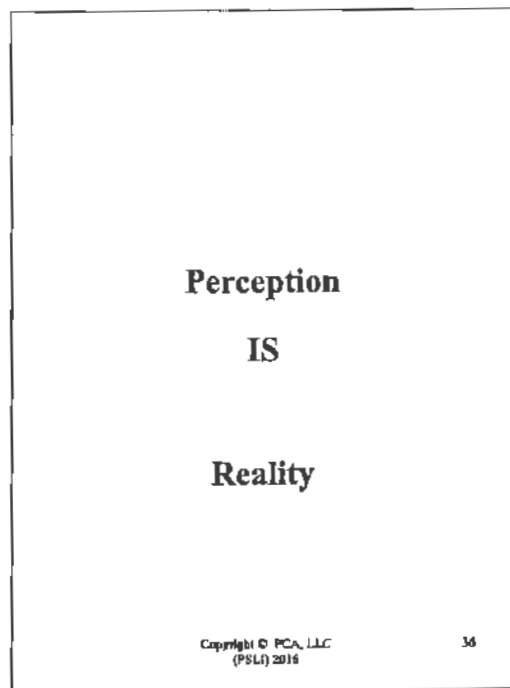
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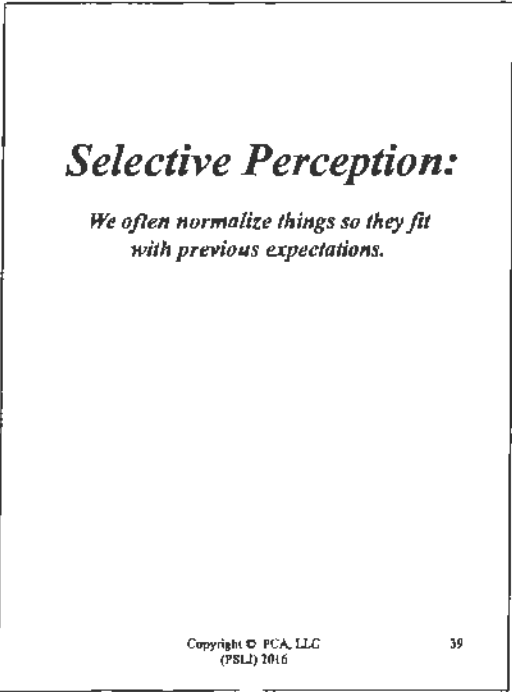
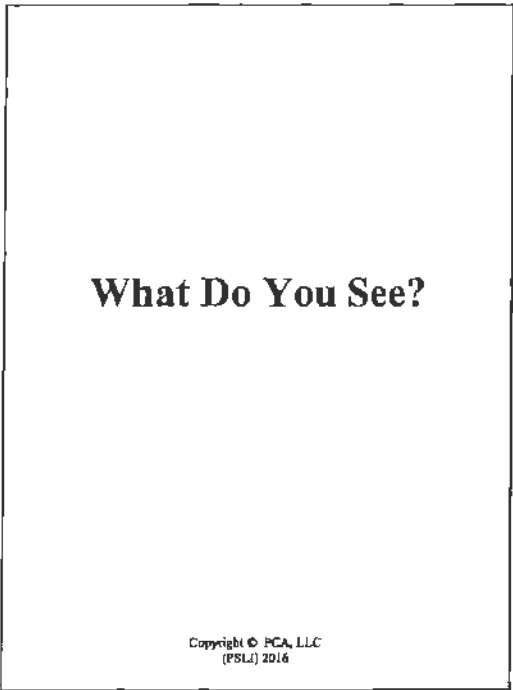
IMPLICIT BIAS & CULTURAL COMPETENCE

- Many of us had parents or other older influences in our lives openly express negative or demeaning comments about other races, ethnicities, religious groups, gender roles, professions etc.
- At what age did we first hear them?
- To what degree did it/does it impact our interactions with others?

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Read What You See

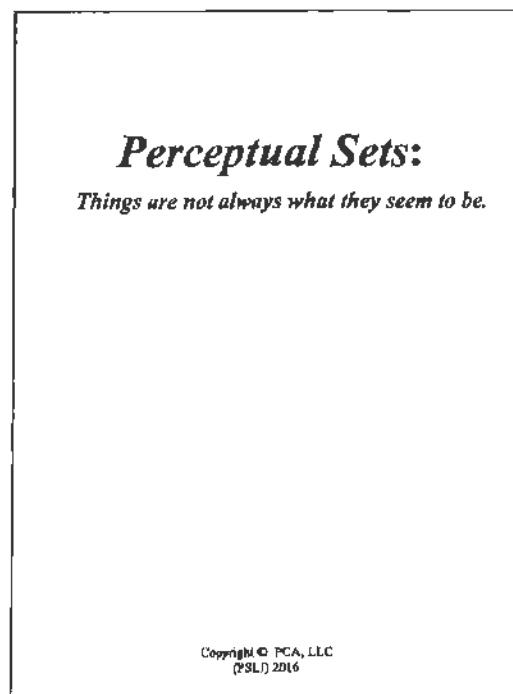
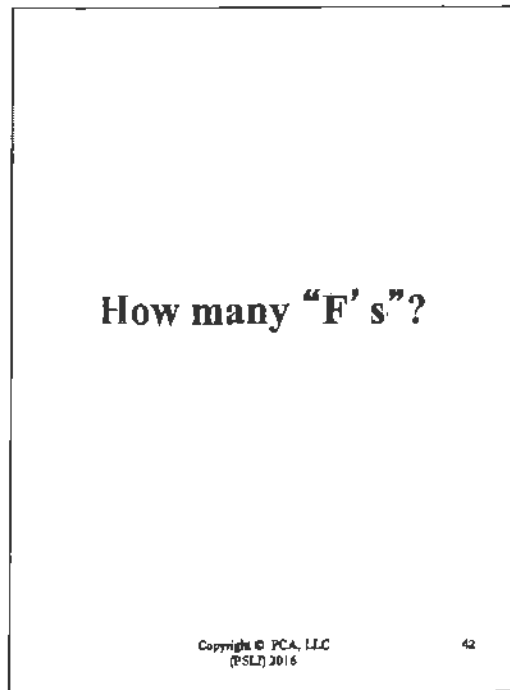
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Perceptual Sets:

We often see what we expect to see.

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How Many People Do You See?

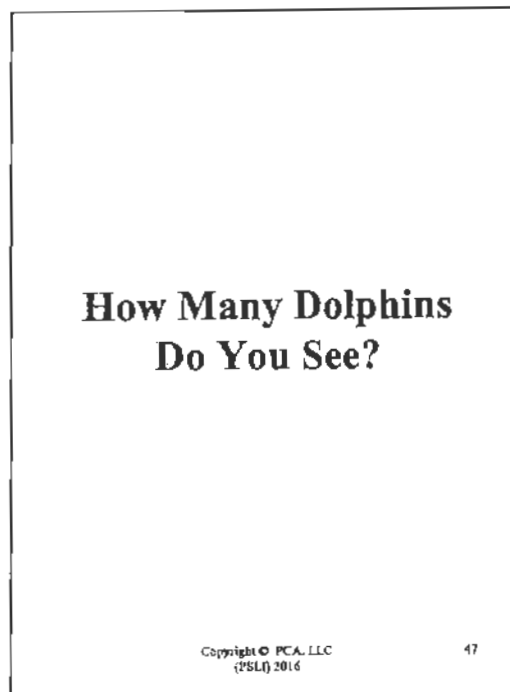
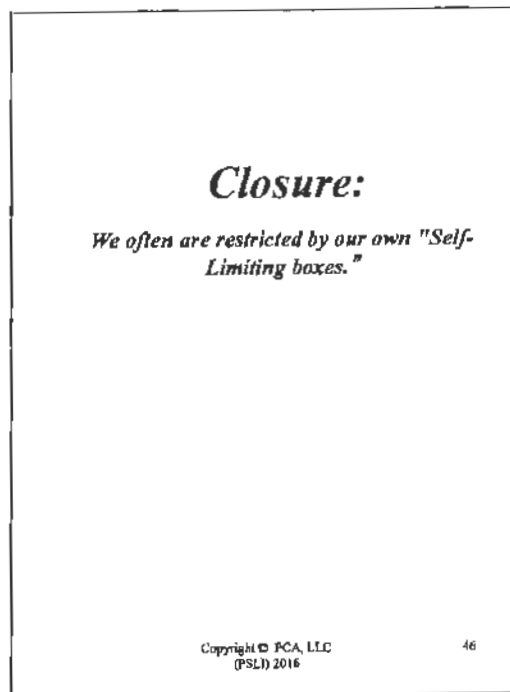
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What Kind of People?

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**Continue to look for
those subtleties**
Perceptions & Behaviors

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**Perceptions
&
Behaviors**

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The Police Officer

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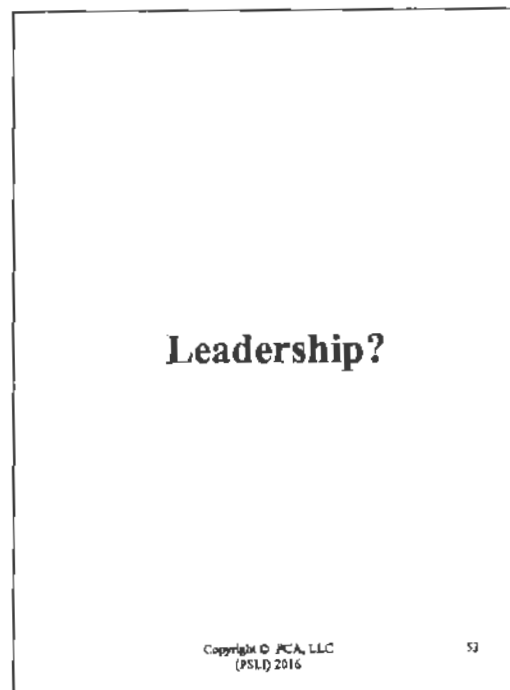
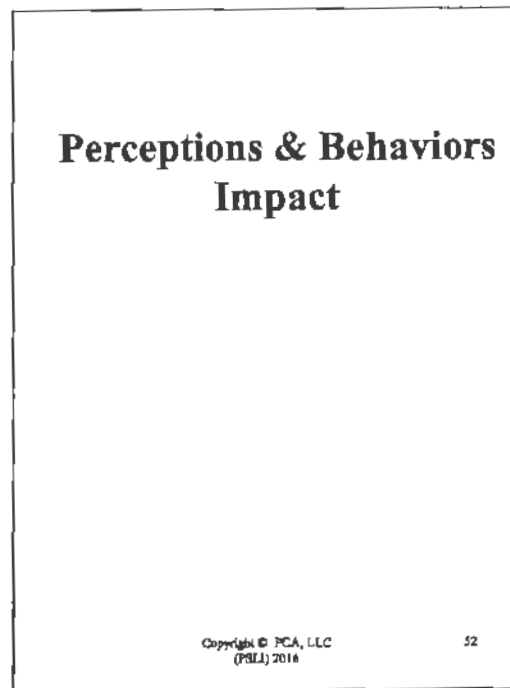
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ARE POLICE CONSIDERED COMMUNITY PARTNERS?

- Community perceptions about police:
 - Where do they come from & why do they persist?
- What is done daily to counteract negative perceptions?
 - Can more be done?

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Is Leadership... Dealing With Behaviors?

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Group Norms & Consequences

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**Knowing that your
actions convey many
potential messages is
important, especially
when engaging in
intercultural
communication.**

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UNDERSTANDING MORE

**About Diversity
&
Culture**

Perceptual Defenses:

*We often choose familiar over unfamiliar
experiences and/or **information.***

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**Diversity has
many
dimensions**

**STABLE &
UNCHANGING**

**UNSTABLE &
CHANGING**

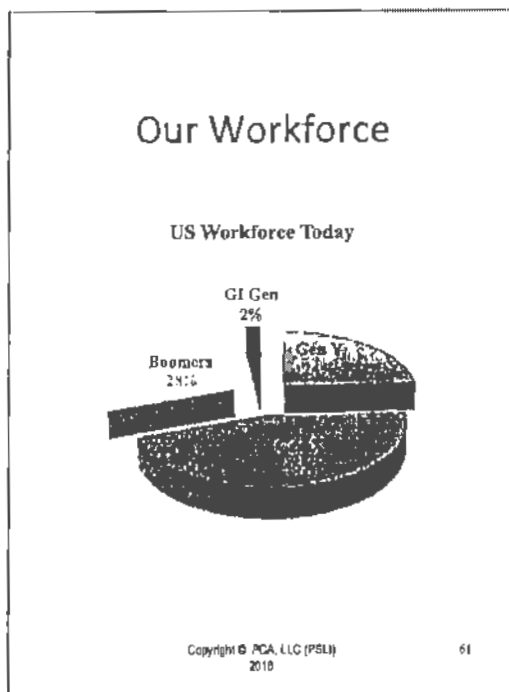
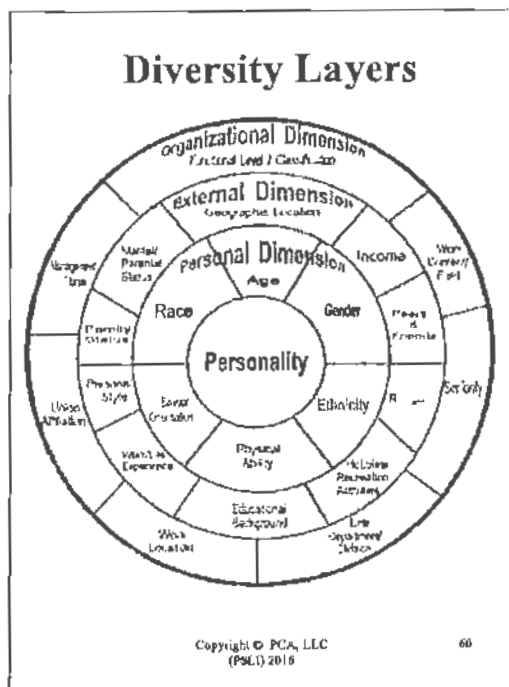
- Cultural awareness and diversity...

Is More Than
Black & White
Issues
and

More Than
Male & Female
Issues

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The Power of Four Generations

*More In Common Than Different ... all
Generations ...*

1. Have similar values – family, integrity, achievement, self-respect	6. Want work that is valued by employers and customers
2. Trust matters	7. Wants to learn
3. Wants respect	8. Want a clear sense of purpose from employers
4. Want to be treated fairly	9. Want to be recognized
5. Want work that provides personal satisfaction	10. Want to be consulted and connected

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Palindrome example...

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Cultural Awareness

"Cultural awareness is the recognition that culture affects perception and that culture influences values, attitudes, and behavior."
Jan Gaston (CJ-2)

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OUR GLOBAL VILLAGE

If the world was a village of 1,000 people...

In the village would be:		They would speak:			
590	Asian	158	Mandarin	31	Portuguese
123	African	80	English	26	Malay/Indonesian
95	European	61	Hindi	22	Japanese
84	Latin Americans	61	Spanish	22	French
51	Former Soviet Union Members	53	Russian	11	German
53	North Americans	35	Arabic	198	Other Languages
		33	Bengali		

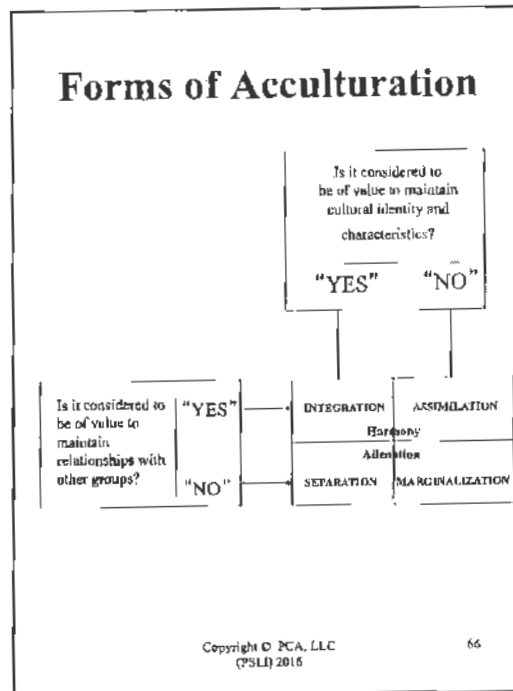
There would be:

729	Christian (187 Catholic, 57 Protestant, 75 Others)
178	Muslim
172	Hindu
50	Buddhist
104	Non-Religious, Atheists, or Others

(Adapted from *Illustrations From Around the World Almanac & Book of Facts*)

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- **INTEGRATION:** Individual or Group retains its original cultural identity but also seeks harmonious relationships with other cultures.
 - **ASSIMILATION:** Individual or Group takes on new culture's beliefs, values, and norms.
 - **SEPERATION:** If forced by the more economically and politically powerful = *Segregation*; If chosen by non-dominant group = *Seclusion*.
 - **MARGINALIZATION:** Individuals or Groups neither retain their cultural heritage nor seek positive contacts with other groups.
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ICEBERG Theory

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Understanding Culture What Is Culture?

• Key Points About Culture:

- ☐ Culture is learned, not inherited.
- ☐ Culture comes from one's social environment; while it is not in the genes, it can be passed down from one generation to the next.
- ☐ Culture rules are usually informally agreed upon, but these rules have an amazing ability to determine what one thinks and how one behaves.
- ☐ Culture is determined by where we live, who we interact with, and what we are exposed to — these influences determine one's etiquette, personal styles and values.
- ☐ Culture "colors" our interpretation of the behavior of others.
- ☐ EVERYTHING about one's culture is learned?

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Know Your Place!

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A Cultural Awareness Model

- ***Stage 1:**
Recognition*
- ***Stage 2:**
Acceptance/
Rejection*
- ***Stage 3:**
Integration/
Ethnocentrism*
- ***Stage 4:**
Transcendence*

Intercultural Skills

- ***Stage 1:**
Non-Judgmental
Observation*
- ***Stage 2:**
Coping With
Uncertainty
(The Unknown)*
- ***Stage 3:**
Ability To
Empathize*
- ***Stage 4:**
Transcendence
(To rise above or move
beyond the limits)*

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R.E.A.C.H. Back

Respect

Respect the individual and his or her cultural diversity.

Educate

Educate yourself more about other cultures.

Assess

Assess your own biases and assumptions, and assess the situation without judgement.

Caution

Cautiously approach others as you begin to open the channels of communication.

Honor

Honor the other person's culture by doing all the things described above.

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Values & Cultural Group Norms:

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Values & Cultural Group Norms

1. RELATION WITH PEOPLE

- The preferred way of relating to others — Acquired, loosely, formally, etc.
 - How are sex roles defined — Similar, overlapping, sex equality, etc.?
 - How do people judge others; what is the meaning of friendship — Short commitment, friends shared, etc.?
 - How do people regard friendly confrontation in social interactions?

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Impact of Stereotyping

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Values & Cultural Group Norms

3. COMMUNICATION STYLE

- The preferred way of expressing oneself verbally and non-verbally, and in activity and behavior.
 - How do people use space when communicating with each other?
 - How is physical contact used during communication exchange?
 - Is communication formal or informal?
 - What form will nonverbal messages take and what circumstances call for the expression and amount of emotion?

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Values & Cultural Group Norms

4. RELATION TO AUTHORITY

- Preferred way of communicating and interacting with leaders and people in perceived positions of leadership and/or power.
 - How do people relate to others whose status is different —
Minimize differences, challenge, obey, respect, defer, etc.?

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Values & Cultural Group Norms

5. APPROACH ACTIVITY

- The preferred way of doing or not doing things.
 - How do people approach activity — Fast, slow, driving, progress, people or task focused, etc.?

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**Continue to look for
those subtleties**

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Values & Cultural Group Norms

6. PERCEPTION OF SELF & THE INDIVIDUAL

- The preferred way of acknowledging one's self-worth or one's importance and values.

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Beyond Stereotypes & Assumptions

Stereotypes are preconditioned ways of thinking which support group superiority-inferiority views.

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Impact of Stereotyping

By negating people's individuality and their values, stereotypes often have a destructive and negative impact. In most situations they . . .

- *Minimize* the talents, potential, and accomplishments of others.
- *Inhibit* the development of authentic relationships among diverse people.
- *Ignore or Discount* the full range of an individual's behavior

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Stereotyping & Self-Fulfilling Prophecy

In addition to the personal anguish and interpersonal conflict caused by stereotyping, is the damaging, long-term impact. Left unchecked, stereotyping can play a major role in lowering creativity, productivity, and employee morale of a team. It can often become a negative predictor of behavior.

When it comes to stereotyping the behavior of others:

*"What we choose
to 'see'
is often what we
end up seeing."*

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Take a S.T.A.N.D.

A Model for Addressing Intercultural Conflict

State the situation you want to discuss (as objectively as possible).

Talk about your reactions to the situation. Focus on behavior and/or the situation. Separate the person from the problem. Don't react to emotional outbursts.

Acknowledge the other person's point of view. Discuss each other's perceptions. Explore cultural differences by examining values, assumptions, and expectations.

Negotiate with the other person. Discuss what you're interested in having happen as you begin to work towards change. Find a common ground to talk about.

Discuss the possible options — behavior or changes — that each associate can do to improve the situation in the future. Agree on the steps each will take to work towards the desired result.

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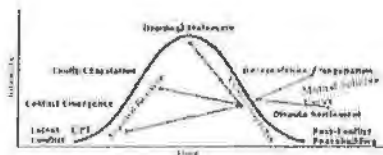
Beyond Stereotypes & Assumptions

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Inclusive Communication

DCINTC®--Diversity Crisis Intervention-Negotiation Teams--respond as a community, public safety & public health concern collaboratively



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**YOU MAKE
THE
DIFFERENCE**



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P2

Unintentional & Unconscious: Examining Bias in the Workplace

DATE: October 12, 2017

TIME: 1:00pm (Training is approximately 2 hours)

PLACE: South Bend Police Department /Training Auditorium
701 West Sample Street
South Bend, Indiana 46601

DESCRIPTION: In a variety of professional fields there is a concerted effort to examine the role of bias (whether implicit or explicit) and the impact on behavior and relationships. In professional work settings, bias emerges in a variety of ways and shapes the working environment. When an individual makes a claim about bias, there is a great burden on them to generate some evidence about their claim, and when the bias is implicit, it is difficult to substantiate the accusation. This workshop examines a behavior called unconscious bias and will identify habits and personal practice regarding bias in the work environment.

Redgina Hill will be instructing the class. Ms. Hill is the Director of Diversity and Inclusion at Bethel College.

*****Cost is free to all South Bend Police Department Academy Members. To register please call 574-235-9224. ******