

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF CONNECTICUT

CORNELIUS RODGERS,
Plaintiff

v.

**CITY OF NEW LONDON AND
NEW LONDON POLICE DEPARTMENT**
Defendants

C.A. NO.

JANUARY 26, 2021

COMPLAINT

INTRODUCTION

1. This is an action for money damages, costs, attorney’s fees, and other relief as a result of Defendant’s retaliatory and discriminatory conduct undertaken against Plaintiff on the basis of his race and in retaliation for his opposition to discrimination in violation of federal and state law.

2. Plaintiff brings this action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.* (“Title VII”) and the Connecticut Fair Employment Practices Act, Connecticut General Statutes § 46a-60 *et seq.* (“CFEPA”).

PARTIES

3. Plaintiff Cornelius Rodgers is an African-American man who resides in New London, Connecticut. At all relevant times related to this complaint, Plaintiff was employed as a police officer working for the New London Police Department in the City of New London.

4. Defendant, New London Police Department (“NLPD”), is located at 5 Governor Winthrop Boulevard, New London, CT. At all relevant times, the NLPD was an agent of the Defendant City of New London and the joint or integrated employer of Plaintiff along with the City of New London.

5. Defendant City of New London is a municipal employer as defined by Connecticut General Statutes § 7-467 located at 181 State Street, New London, CT. Defendant City of New London is a subdivision of the State of Connecticut. Defendant City of New London is the joint or integrated employer of Plaintiff along with the NLPD.

6. Both the City of New London and the NLPD employ more than 15 full-time employees and are employers within the meaning of that term under Connecticut General Statutes § 46a-51(10) and 42 U.S.C. § 2000e(b).

JURISDICTION

7. Jurisdiction is based on the existence of a federal question pursuant to 28 U.S.C § 1331. This Court has supplemental jurisdiction over Plaintiff’s state law claims pursuant to 28 U.S.C. § 1367(a).

8. Plaintiff filed his claims against the City of New London with the Connecticut Commission on Human Rights & Opportunities (“CHRO”) No. 2040310 and the Equal Employment Opportunity Commission (“EEOC”) No. 16A-2020-00867 on or about March 23, 2020. Plaintiff received a release of jurisdiction from the CHRO on or about November 6, 2020 and from the EEOC on or about November 20, 2020.

9. Plaintiff filed his claims against the New London Police Department with the Connecticut Commission on Human Rights & Opportunities (“CHRO”) No. 2040311 and the Equal Employment Opportunity Commission (“EEOC”) No. 16A-2020-00868 on

or about March 23, 2020. Plaintiff received a release of jurisdiction from the CHRO on or about November 6, 2020 and from the EEOC on or about November 20, 2020.

FACTUAL BACKGROUND

10. Plaintiff began working for Defendants in March 2003 and was promoted to Sergeant in 2016.

11. During Plaintiff's career he has received numerous letters of recognition from past Chiefs of Police, the State of Connecticut, and the federal government for his work in multiple narcotics operations. Plaintiff was also awarded "Police Officer of the Year."

12. Throughout Plaintiff's employment with the NLPD, he has been subjected to disparate treatment and biased investigations by Plaintiff's white supervisors due to his race. Examples of Plaintiff being subjected to disparate treatment during the first decade of Plaintiff's employment, include the following:

- a. Plaintiff received a 20 day suspension without pay for using "bad tactics" in 2007 following an incident where he punched a handcuffed subject in the stomach once in an immediate response to the subject kicking the Plaintiff in the groin. The three white police officers who also used force to restrain the suspect were not disciplined. Plaintiff is the only officer on the NLPD who has been disciplined for using "bad tactics."
- b. Plaintiff was disciplined for an incident when he was accompanying white officers to a bar while off-duty. Plaintiff attempted to break up a fight when another patron attempted to strike the white officer. There were two other white officers present for this fight. None of the white officers were disciplined. In this incident, contrary to standard investigative technique,

Captain Dittman and Captain Lacey, white officers, refused to take statements from witnesses who had exculpatory information regarding my actions.

- c. Plaintiff was disciplined for an “improper pursuit” when in the past white officers have engaged in similar conduct and received praise. On this occasion, a moped ran into the police cruiser after Plaintiff pulled over to the right to allow the moped to pass by. Deputy Chief Segar, a white officer who conducted the investigation, falsely told the family of a Police Explorer who was in the vehicle with me, that Plaintiff would not be disciplined if they cooperated, but if they did not cooperate it would be difficult for Police Explorer to get a job in law enforcement. The family told me that Deputy Chief Segar appeared to be unfairly targeting me.
 - d. In 2010 Plaintiff was required to sign a Last Chance Agreement without an expiration date. In the same period of time, a white police officer was required to sign a Last Chance Agreement after Plaintiff which had a three year expiration date, which was the norm.
13. Throughout Plaintiff’s career with the NLPD, his supervisors, including Chief Reichard, have treated white police more favorably, including in the following instances:
- a. In an excessive force incident involving a white police officer Deanna Nott, Officer Todd Lynch, also a white police officer, used an unsanctioned move, described in a report on the incident as putting his foot on the head of a prisoner who was being restrained in a cell, yet he was not disciplined for a failure to follow NLPD policies.

- b. Officer Nott was found to have used excessive force and was arrested for doing so. This was her second arrest, but only the first that was job-related for excessive force. She received a 7 day suspension. In Officer Nott's first excessive force, the NLPD excused Officer Nott's conduct because she claimed that she perceived imminent harm and had to strike first.
- c. Officer Adkins, a white police officer, was accused of assaulting a female outside a bar in New London. After the woman called the NLPD to complain, Officer Adkins was not disciplined.
- d. Sergeant Charles Flynn, a white police officer, and MPO Baker, a white officer, were found to have stolen money from the City of New London by falsifying private duty time they did not work. Neither were disciplined for this crime.
- e. Lieutenant Pickett, a white officer, was found to have been derelict in his duties when a prisoner hung himself inside his cell in the NLPD. Lt. Pickett was not disciplined for the incident and no supervisor's complaint was issued by the department. By comparison, in 2018, when Sgt. Baskett, a black Sergeant, failed to supervise the handling of the scene by assuring that photos of the scene were taken where an untimely death occurred that the family claimed was a homicide, Sgt. Baskett was issued a supervisor's complaint.
- f. MPO Suarez, a white officer, was involved in fifteen motor vehicle accidents, including running over a person walking in the parking lot of

Lawrence & Memorial Hospital and received a 10 day suspension. He is not allowed to drive a police cruiser if he has worked a double shift on his regular day shift.

- g. In 2014, Deputy Chief Reichard, Captain Bergeson and Sgt. Pickett conducted an investigation into the activities of Lieutenant Potts, a white police officer, who had obtained a Mossburg shotgun from a neighbor who was a convicted felon. In frank violation of the law and NLPD policy, Lieutenant Potts kept the gun for weeks before ascertaining the gun was stolen by using the police databases, COLLECT and NCIC. Using the police databases for personal use violates NLPD policy as does the failure to immediately report that a felon had a gun in his possession. Although officers who abuse NCIC are punished by limiting access to the database and Lieutenant Potts was derelict in his duty, he was not punished in any significant way for these transgressions.
 - h. On November 4, 2019, an officer filed a complaint with Captain Keating alleging that Sgt. Flynn had threatened him in the hallway. Captain Keating forwarded the complaint to Chief Reichard who declined to investigate the complaint because it involved a white officer.
14. After being promoted to Sergeant in 2016, Plaintiff experienced more frequent incidents of disparate treatment, micro-aggressions and outright racism.
15. On March 26, 2016, while attempting to conduct a traffic stop of a person who Plaintiff believed had two felony warrants, the driver of a moped ran into the wheel well of Plaintiff's police cruiser. The microphone on Plaintiff recorded the driver, who was

issued traffic citations, stating he was unable to stop because he had no breaks on the moped.

16. Sgt. Pickett conducted an investigation of this incident of the moped incident and Captain Keating cleared Plaintiff of any responsibility for the accident. However, Chief Reichard later assigned Captain Bergeson, a white police officer, to review of Captain Keating's findings because then Sgt. Pickett and petitioned Chief Reichard to have Captain Bergeson review the case. In conducting a review, Captain Bergeson accused Plaintiff of conducting an illegal road block, despite stating he did not have proof of this accusation.

17. On June 18, 2016, Plaintiff responded to the scene where a child had been inadvertently allowed access to prescription medication. The child was transported to the hospital and Plaintiff travelled there to continue the investigation. Sgt. Pickett also responded to the hospital. When Plaintiff asked Sgt. Pickett for assistance with this investigation, he spoke to Plaintiff in a harsh and demeaning fashion in front of two New London Fire Department ("NLFD") members stating Plaintiff should "get my head out of my ass" before he responded to my inquiry regarding the investigation. Plaintiff was shocked by this behavior and a couple of days later one of the NLFD members who was present commented on this disrespectful treatment. Sgt. Pickett does not treat white police sergeants in this disrespectful manner.

18. In December 2016 Plaintiff was transferred to the detective bureau. During his time as Detective Sergeant Plaintiff supervised five homicide cases, a federal wiretap, a serial rapist case, a shooting in a church and a case that involved enticing a minor over the internet, all of which resulted in convictions. Upon being transferred, Plaintiff

also made changes to the reporting system and established a dress down code for Fridays.

19. During Plaintiff's first month as Detective Sergeant, Captain Wright, who is also African American, informed Plaintiff that Chief Reichard requested that he not wear tan Timberland Work Boots at work, even in inclement weather. Captain Wright could not explain why Chief Reichard was limiting Plaintiff's use of work boots when other white detectives were allowed to wear boots. Captain Keating, who is also white, wears the same type of tan work boots and was not similarly instructed by Chief Reichard.

20. On June 14, 2017, Plaintiff was involved in an incident where a Norwich Police Department officer intended to conduct an illegal search over Plaintiff's objections involving a confidential informant. During this incident, Plaintiff's objections were overruled and the Norwich Police Officer pushed Plaintiff before the illegal search was conducted.

21. Following this incident on June 14, 2017, Plaintiff complained to Lieutenant Kalolo that the Norwich Police Officer had pushed him. Nothing was done about Plaintiff's complaint, instead he was the subject of an investigation conducted by Captain Wright. While Captain Wright's review recommended that no further action be taken against Plaintiff, Chief Reichard ignored this recommendation and removed ten of Plaintiff's vacation days claiming Plaintiff violated a City of New London policy against workplace violence. When Plaintiff inquired about the act of violence, Chief Reichard claimed that Officer Lee, who was present during the illegal search, stated Plaintiff had pushed him aside. When Plaintiff asked if Officer Lee filed a complaint, Chief Reichard responded by threatening Plaintiff with termination based upon the Last

Chance Agreement that was signed in 2010. Later, Officer Lee told Plaintiff that he was ordered to submit a report, but never claimed or complained that Plaintiff engaged in workplace violence. Further, if this had been a legitimate workplace violence complaint, NLPD did not follow applicable procedures in responding to such a complaint.

22. A short time after this incident, the NLPD announced a promotional examination for Lieutenant. In the event Plaintiff's score on such a test was within the limits for promotion, the falsely alleged "workplace violence" incident could be used to justify skipping over his name on the list. At this same time, Sgt. Flynn, a white officer, was accused of stealing from the City of New London by falsification of time records for work not performed. In addition, Lt. Pickett was the target of an investigation where a prisoner hung himself at the NLPD. Neither of these white police officers were disciplined.

23. Following Plaintiff's two-year term as Detective Sergeant, in October 2018, Plaintiff met with Chief Reichard, as is customary, to discuss the assignment. During this conversation, Plaintiff informed Chief Reichard that an assignment reporting directly to Lt. Pickett would cause problems because of his history of disrespectful behavior towards Plaintiff since 2016.

24. Even though allowances have been made in the past for white police officers seeking changes to assignments under similar circumstances, Chief Reichard refused Plaintiff's request. Thus, starting in November 2018, Plaintiff was assigned to a shift reporting directly to Lt. Pickett.

25. Under Lt. Pickett's supervision, Plaintiff continued to be hyperscrutinized and treated differently than white police officers. On March 6, 2019, Lt. Pickett sent out an email entitled "Weapon Seizure" following the review of footage wherein Officer Delgrosso, a white officer, was involved in a traffic stop. Plaintiff was criticized in this email for providing advice to Officer Delgrosso.

26. On March 6, 2019, Lt. Pickett interrogated Officer Delgrosso regarding the session he had with Plaintiff and Sgts. Flynn and Bertsch, another white officer, following the traffic stop where the sergeants had discussed technique to be used in the seizure of weapons. Lt. Pickett informed Officer Delgrosso that he should not listen to Plaintiff because he was not a firearms instructor. Officer Delgrosso also stated that Lt. Pickett was not critical of the white Sergeants who were present with Plaintiff during this instruction, further commenting Lt. Pickett was more focused on criticizing Plaintiff.

27. On March 13, 2019, Plaintiff complained to Chief Reichard that Lt. Pickett was acting in ways to undermine his authority as a Sergeant. Chief Reichard agreed that it was part of Plaintiff's job duties to instruct officers on proper technique, but then took no action to counsel or discipline Lt. Pickett for his inappropriate email.

28. On March 14, 2019, Plaintiff was then admonished by Captain Bergeson for not following the chain of command with his complaint to Chief Reichard. When Plaintiff explained the situation and Lt. Pickett's claim that Plaintiff could not give advice on weapons seizure because he was not a firearms instructor, Captain Bergeson advised Plaintiff he had not done anything inappropriate and did not support Lt. Pickett.

29. On March 17, 2019, before a shift, Plaintiff was alone in the locker room getting changed. Lt. Pickett walked into the room and in a stern voice ordered Plaintiff to talk

to him after Plaintiff advised Lt. Pickett that he was off the clock. Lt. Pickett then proceeded to admonish Plaintiff, telling Plaintiff that he was wrong to advise Officer Delgrosso as he did regarding seizure of the weapon. When Plaintiff asked Lt. Pickett why he had a problem with Plaintiff, Lt. Pickett stated, "You try to make me look bad and you don't know your place."

30. Plaintiff was shocked by this statement and asked Lt. Pickett to explain what he meant by his statement. Lt. Pickett refused Plaintiff's request to explain his comment. Lt. Pickett does not tell white police sergeants that they do not know their place.

31. On April 9, 2019, Plaintiff was involved in a use of force incident. In the use of force incident, Plaintiff struck a suspect at the Waterford Police Department who refused to show his hands. Plaintiff used force because the suspect had a hand free and Plaintiff believed that the individual was hiding a pocket knife. Nevertheless, Plaintiff was eventually suspended for twenty days without pay, in February of 2020, despite his perception that the suspect had the capacity to cause harm to Plaintiff, to himself and to the other officer who was present.

32. In contrast, Officer Deana Nott, a white female officer, who had two use of force incidents described above in this complaint, was never disciplined after the first use of force incident because Chief Reichard found, in a memo to former Chief Margaret Ackley, a white officer, that federal court precedent allowed an officer to use force and to strike first if they believed harm was imminent.

33. Lt. Pickett investigated the April 2019 use of force incident. In doing so, he conducted a biased investigation using non-standard investigative techniques that are have not been previously used in the normal course of NLPD business or in use of

force investigations involving white police officers. For example, on April 25, 2019, Lts. Pickett and Kalolo took the unorthodox step of going to Corrigan-Radgowski Correctional Center to conduct a covert interview with the suspect and subject of the use of force investigation. It is highly uncommon for two Lieutenants to travel to a prison to take a statement from a suspect that is the subject of a use of force investigation. In Plaintiff's 16 years on the NLPD he had never seen this done.

34. Furthermore, Lt. Pickett disguised his purpose in going to the prison by telling dispatch that he and Lt. Kalolo were on "VSC training."

35. In addition, it was not until August 2019 that Plaintiff was provided a copy of the statement obtained by Lt. Pickett and told it was a "Civilian Complaint." Lt. Pickett has never solicited a "Civilian Complaint" in a use of force investigation involving a white police officer. The "Civilian Complaint" was provided to Captain Keating to investigate. Once he determined the complaint was solicited, Chief Reichard took the "Civilian Complaint" from Captain Keating and, inexplicably, the "Civilian Complaint" does not appear to have been properly investigated and it does not appear in the case file.

36. On May 17, 2019, Plaintiff called out from work by informing Lt. Kalolo, who did not inquire which code should be assigned to this call and hung up on Plaintiff before he explained why he was calling out from work. Instead Lt. Kalolo miscoded Plaintiff as being sick when he was calling out of work for a different reason due to a family issue. This miscoding was then used as a basis for Chief Reichard to subsequently launch a sick leave abuse investigation against Plaintiff.

37. The next day, on May 18, 2019, Plaintiff encountered the Chief Reichard at Mohegan Sun with Alison Burdick. At that time, Plaintiff informed the Chief that he had family issues and was out of work.

38. On May 23, 2019, Chief Reichard instituted a sick leave abuse investigation against Plaintiff. Captain Keating conducted the investigation and concluded that Lt. Kalolo did not assign the proper code, exonerating Plaintiff from any wrongdoing. Despite this conclusion Chief Reichard subsequently used this incident as the basis for a supervisor complaint that could interfere with Plaintiff's promotional opportunities. Chief Reichard has not initiated sick leave abuse investigations against white police officers even though it is well known in the NLPD that Sgt. Flynn, a white officer, routinely (37 times) books off sick for hours at a time during the middle of midnight, overtime shifts leaving the shift with only one supervisor. He would then book back on at 7 .a.m.

39. On June 22, 2019, Plaintiff was dispatched with three patrol officers to a residence with domestic abuse issues that had been ongoing that day. After arrival, Plaintiff determined that a consultation with Lt. Pickett was required with respect to the one of the residents involved who was not legally required to leave the residence. Plaintiff called Lt. Pickett using the Street Sgt. cell phone at about 7 p.m. There was no response at the shift commander phone and so Plaintiff radioed Lt. Pickett requesting assistance. When Lt. Pickett replied, Plaintiff was instructed to call his cell phone. Plaintiff called Lt. Pickett and put the phone on speaker. In the presence of the officers accompanying Plaintiff, Plaintiff informed Lt. Pickett of the situation. In response, Lt. Pickett asked why Plaintiff was calling him, seemed preoccupied and then hung up

after stating Plaintiff should find his own solution. Lt. Pickett does not treat white sergeants in this disrespectful manner.

40. On June 23, 2019, during roll call, Plaintiff instructed officers on the priority of serving failure to appear arrest warrants. Afterwards, Lt. Pickett admonished Plaintiff in a stern voice, stating that Plaintiff needed to check with him before determining priority of service. Later that day, Officer Delgrosso, Officer Kelly and Officer Kondash, all white police officers, served a warrant on a person who was subsequently transported to L&M Hospital. Officer Delgrosso was instructed to accompany the person to the hospital, which was unusual because there were other officers who would normally have done this. When the shift was near the end, Officer Delgrosso asked if we going to be relieved on time, suggesting he was being punished by Lt. Pickett. When Plaintiff attempted to determine whether Officer Delgrosso would be relieved by calling Lt. Pickett, he did not answer. Plaintiff then travelled to the NLPD and observed Lt. Pickett watching television in the shift commander's office with his feet up on the desk. Plaintiff told Lt. Pickett that he had called twice. Without taking his eyes off the television, Lt. Pickett said he knew that Plaintiff had called but he didn't want to answer the phone. Lt. Pickett does not treat white sergeants in this disrespectful manner.

41. On June 30, 2019, during roll call, Plaintiff instructed officers to focus on one particular item of law enforcement as a point of emphasis for the day. Lt. Pickett and Sgt. Flynn were in the room. Following roll call, two patrol officers told Plaintiff that when he emphasized traffic enforcement in the roll call, Lt. Pickett turned to Sgt. Flynn and rolled his eyes at the comment. Lt. Pickett does not treat white sergeants in this disrespectful manner.

42. On July 14, 2019, Plaintiff was involved in a use of force incident at Ocean Beach Park where he had to use his OC spray (pepper spray) to protect himself and another officer from an unruly crowd that had been hurling objects at them. Unlike the manner by which Lt. Pickett conducted the April 9, 2019 use of force investigation involving Plaintiff, Sgt. Flynn immediately obtained statements from witnesses. From the information Plaintiff possessed it appeared that the witnesses supported the use of force. Plaintiff was never informed of the results of this investigation.

43. On August 29, 2019, Plaintiff was dispatched to the scene where a person had collapsed from an apparent overdoses and was transported to the hospital. The person later died. While Plaintiff was at the hospital he requested Lt. Pickett's assistance in conducting a body survey, which was a procedure he was not familiar with. During this time Plaintiff had to call the NLPD several times to get in touch with Lt. Pickett. Lt. Pickett stated he did not have time to help and hung up the phone on Plaintiff.

44. Later that same evening Lt. Pickett had Plaintiff call back repeatedly to tell him that various officers would perform the body survey, including Sgt. Bergeson and Detective Kramer. Later in the shift Plaintiff drove to the NLPD and was informed by a patrol officer, who had observed the repeated orders for Plaintiff to call Lt. Pickett, that it appeared that Lt. Pickett and Sgt. Flynn were having Plaintiff continuously call in as a form of harassment as he saw them laughing at Plaintiff while having Plaintiff call in repeatedly.

45. After learning that Lt. Pickett and Sgt. Flynn were engaging in this harassing tactic, Plaintiff entered the shift commander's office and asked if they "were done

messing with” Plaintiff. Lt. Pickett ignored Plaintiff’s question, which was repeated several times, and continued to type, eventually telling Plaintiff he was dismissed, something Plaintiff had never heard Lt. Pickett say to a white sergeant. As Plaintiff left the office after being dismissed, Plaintiff asked Lt. Pickett when he intended to retire. Plaintiff was later accused of a “lack of mutual respect” for this incident in a supervisor’s complaint.

46. During September 2019 Plaintiff took numerous days off to avoid being in the presence of Lt. Pickett as he felt Lt. Pickett was provoking Plaintiff so that he would become the target of another investigation.

47. On October 2, 2019, Plaintiff was in the locker room getting ready for a road job, when Lt. Pickett walked in along with Sgt. Cavanaugh, a white police officer. Lt. Pickett announced that he was going to have surgery on his shoulder and this was his last day before medical leave. Lt. Pickett then asked Plaintiff if he was happy about that. Plaintiff replied, “Yes” and told Lt. Pickett that he hoped Lt. Pickett’s surgery went good. Plaintiff was later accused of a lack of mutual respect by Lt. Pickett who claimed that Plaintiff commented it was good that he was having surgery, not that Plaintiff had said he wished for a good outcome.

48. On October 3, 2019, Captain Bergeson sent Plaintiff an email accusing him of lack of mutual respect based on complaints from Lt. Pickett regarding the events of August 29, 2019 and October 2, 2019.

49. Even though Plaintiff had previously discussed the August 29, 2019 event with Captain Bergeson, Plaintiff responded to these accusations in a detailed email on October 8, 2019. In the email Plaintiff informed Captain Bergeson that a police officer

told him on August 29, 2019 that every time Plaintiff called into the station Lt. Pickett and Sgt. Flynn were laughing at Plaintiff and that the officer viewed this behavior as harassing. Plaintiff also informed Captain Bergeson that he took several days off in September in order to avoid being provoked by Lt. Pickett or having to suffer from his confrontational behavior. Plaintiff reminded Captain Bergeson that Plaintiff previously complained to him and Chief Reichard on four separate occasions about mistreatment by Lt. Pickett. Lastly, Plaintiff informed Captain Bergeson that officers on the afternoon shift have made it known to him that Lt. Pickett treats Plaintiff different than other sergeants. Plaintiff concluded the email by requesting a meeting with Captain Bergeson and Chief Reichard to discuss Lt. Pickett's treatment.

50. On October 11, 2019, Plaintiff received an email from Captain Bergeson ordering him to reveal the identity of the officer who observed Lt. Pickett and Sgt. Flynn laughing at him on August 29, 2019. After speaking to the officer in question, Officer Lewis, Plaintiff told him that Plaintiff was required to reveal his identity. Officer Lewis, a black police officer, expressed concern about retaliation by Lt. Pickett and Sgt. Flynn which Plaintiff communicated to Captain Bergeson.

51. On October 12, 2019, Plaintiff wrote to Captain Bergeson again stating that he was being mistreated by Lt. Pickett and requesting a meeting to discuss these concerns. Plaintiff emailed Captain Bergeson the following day to state that Lt. Pickett was making baseless complaints to harass Plaintiff. Captain Bergeson replied to this email stating that they would meet on October 15, 2019.

52. On October 15, 2019, when Plaintiff appeared for the meeting Captain Bergeson made him wait 45 minutes in the waiting area. At the meeting Captain Bergeson,

Plaintiff provided specific examples of disparate treatment compared to other officers and sergeants. Captain Bergeson discouraged Plaintiff from making a complaint stating that there was little he could do since Lt. Pickett had the right to bid the afternoon shift.

53. At the October 15, 2019, Plaintiff told Captain Bergeson that he felt that Lt. Pickett was treating him differently as a Black man because of the color of his skin.

54. During the October 15, 2019 meeting, Captain Bergeson claimed to write down the examples of disparate treatment that Plaintiff provided in a manila folder. Captain Bergeson said that he would give to the information to the personnel department for the City of New London, but that the most likely course of action was that nothing would be done and the City of New London's personnel department would send the complaint back to the NLPD.

55. During the meeting with Captain Bergeson on October 15, 2019, Captain Bergeson tried to dismiss Plaintiff's complaints as merely sour grapes because Lt. Pickett's use of force investigation found against Plaintiff. In response, Plaintiff explained to Captain Bergeson that he was not complaining about the decision, however wrong it may have been, but the process employed by Lt. Pickett to single him out and treat him differently. Captain Bergeson was not interested in hearing Plaintiff's complaint of disparate treatment.

56. After Plaintiff's meeting with Captain Bergeson, Plaintiff was never contacted by the personnel department of the City of New London or any of Defendants' employees regarding an investigation into his complaints of race discrimination.

57. On October 22, 2019, Plaintiff travelled to the Holiday Inn in New London for a union meeting. After Plaintiff arrived he was on a cell phone call and then noticed that Lt. Pickett had arrived and was standing outside the window of his car glaring at Plaintiff, and then he walked away

58. Following Plaintiff's meeting with Captain Bergeson, on November 10, 2019, Officer Lewis informed Plaintiff that he had not been interviewed. Neither Captain Bergeson, nor any of Defendants' employees, contacted Officer Lewis, a witness to the harassment Plaintiff endured from Lt. Pickett and Sgt. Flynn on August 29, 2019, to investigate Plaintiff's allegations of discrimination and harassment.

59. On January 22, 2020, Captain Bergeson issued a negative and retaliatory report regarding the August 29, 2019 and October 2, 2019 incidents that accused Plaintiff of a lack of mutual respect. While Captain Bergeson's report mentions statements from witnesses concerning the August 29, 2019 incident, the report does not mention what Officer Lewis observed as related to Plaintiff, nor does the report not mention whether Captain Bergeson made any attempt to interview Officer Lewis.

60. In addition, although Sergeant Bergeson was also present for the entire August 29, 2019 incident, he was not interviewed and neither his report nor his name is mentioned in the report. Sergeant Bergeson would have provided information favorable to Plaintiff.

61. In the course of this investigation, Lt. Pickett claimed that on August 29, 2019 Plaintiff was on the verge of becoming violent, however no other witness supported this contention.

62. On January 29, 2020, a representative of the National Association for the Advancement of Colored People (“NAACP”), Tammy Lanier, State Representative Anthony Nolan and the Plaintiff met with representatives of the City of New London to raise concerns regarding racial discrimination as set forth in this complaint.

63. Within days of the January 29, 2020, Chief Reichard directed Captain Bergeson to issue three supervisor complaints for the April 9, 2019 (use of force), May 13, 2019 (abuse of sick time), August 29, 2019 (lack of mutual respect), and October 2, 2019 (lack of mutual respect) incidents. Supervisor complaints are form of discipline that remains in the personnel file and can be used to deny promotion at a later date, including promotions that were expected to occur in 2020 and 2021.

64. Despite Plaintiff’s continued complaints of racial discrimination and harassment, Defendants allowed incidents of race discrimination against Plaintiff to continue.

65. Shortly after Plaintiff’s meeting with representatives of the City of New London, Plaintiff was directed to appear for a pre-disciplinary hearing on February 5, 2020. In retaliation for Plaintiff’s repeated complaints of discrimination, on February 13, 2020, Plaintiff was suspended without pay for twenty days because of Lt. Pickett’s investigation and Captain Bergeson’s findings that Plaintiff had violated NLPD policy regarding use of force. The reports created by Lt. Pickett and Captain Bergeson did not include available exculpatory information in the nature of statements from the Waterford Police Department witnesses, including a prisoner who heard what was going on at the time.

66. In contrast, Officer Nott, a white police officer, was not disciplined for her first use of force incident because she was allowed a presumption that she acted on the threat

of imminent harm, a presumption that was denied to Plaintiff. After her second use of force incident, where she was arrested and convicted, Officer Nott only received a seven day suspension without pay.

67. Both the City of New London and the NLPD would later use this suspension to deny Plaintiff favorable placement in the standings for promotion to Lieutenant following examination in the later part of 2020, which required Plaintiff to file an additional complaint with the Commission on Human Rights & Opportunities on November 25, 2020.

68. During 2020, Plaintiff continued to endure systemic racism, retaliation, and blatant disparate treatment based on his race, including the following incidents

- a. On April 15, 2020, Plaintiff was Shift Commander at the NLPD, when Investigator Todd Lynch, a white police officer, engaged in a use of force incident at the NLPD. According to the report filed by Investigator Lynch, he punched a suspect who was in custody at the NLPD in the face twice. At the time Todd Lynch punched the suspect, the suspect was in the custody of NLPD and was being restrained by NLPD officers. Todd Lynch, a white police officer, was cleared of any wrong-doing by Sergeant Flynn, a white police officer, whose use of force investigation did not refer to the fact that Todd Lynch punched the suspect in the face twice, despite Todd Lynch's statement to the effect in his report.
- b. As Shift Commander on April 15, 2020, Plaintiff was responsible to review arrest reports. Despite the fact that Investigator Lynch was required to present his police report of the incident to Plaintiff for review, Investigator

Lynch arranged to have another Sergeant, a white police officer, review the report.

- c. Plaintiff was again Shift Commander at the NLPD on June 3, 2020, when Investigator Lynch once again refused to submit his arrest report to Plaintiff for review. Rather, Investigator Lynch obtained permission from Chief Reichard to allow another white police sergeant to review Investigator Lynch's report. In seeking permission to have a white police officer review his report, Investigator Lynch also by-passed Captain Wright, a black police officer, who was in the chain of command and to whom Investigator Lynch should have made the request.

69. On June 5, 2020, Plaintiff's attorney corresponded with the Mayor of the City of New London and the Chief of Police by letter regarding the disparate treatment suffered by the Plaintiff due to his race as represented by the events of April 15, 2020 described herein.

70. The next day, on June 6, 2020, The Day, a newspaper in New London, published information from the June 5, 2020 letter. The allegations of institutional racism described in the letter were juxtaposed to the events of May 2020 whereby protests over police misconduct have been occurring across the nation and in the City of New London following the murder of George Floyd in Minneapolis, Minnesota by a police officer. During these protests police have been filmed using tear gas and pepper spray against protesters.

71. In retaliation for Plaintiff's opposition to institutional racial discrimination, on June 6, 2020, pepper spray was applied to the air ducts and vents in Plaintiff's car, which did

not have any markings indicating it belonged to a police officer. When Plaintiff left the NLPD at approximately 11:00 p.m., after working a double shift, and began driving his car, he turned on the air conditioning and was immediately overcome by the pepper spray. The pepper spray caused Plaintiff's eyes to tear up. His reaction to the pepper spray was so severe he had to stop the vehicle and experienced dry-heaving. Given the close proximity to the NLPD and the access that police officers have to pepper spray, Plaintiff immediately reported this incident to Sergeant Bergeson as an act of retaliation. The City of New London and the NLPD took no action in response to this blatant act of retaliation based on race and complaining of race discrimination.

72. This violent assault, along with the retaliatory and discriminatory investigations and discipline have and will prevent Plaintiff from getting promoted, including any future promotions that would occur because of NLPD reorganization.

COUNT ONE: DISCRIMINATION IN VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED, 42 U.S.C. § 2000e *et seq.*

73. Based on the foregoing, Defendants have engaged in a pattern and practice of discriminating against Plaintiff on the basis of his race, in the terms and conditions of his employment, in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et. seq.*

74. Defendants' pattern and practice of discrimination against Plaintiff has resulted in a hostile work environment based on race, and adverse employment actions based on race, including but not limited to discipline, unpaid suspension and failure to promote.

75. As a result of said violations, the Plaintiff has and will continue to suffer economic and non-economic damages in the form of lost wages and benefits, loss of enjoyment of life's activities, harm to reputation, and emotional distress.

76. Defendants' actions were intentional in that they were willful, wanton, and taken with reckless disregard of Plaintiff's rights.

77. As a further result of Defendants' discriminatory conduct, Plaintiff has incurred, and will continue to incur, attorney's fees and costs.

**COUNT TWO: DISCRIMINATION IN VIOLATION OF THE CONNECTICUT FAIR
EMPLOYMENT PRACTICES ACT, CONN. GEN. STAT. § 46a-60
et. seq.**

1-72. Paragraphs 1 through 72 of Count One are hereby incorporated into this Count Two as if fully set forth herein.

73. Based on the foregoing, Defendants have engaged in a pattern and practice of discriminating against Plaintiff on the basis of his race, in the terms and conditions of his employment, in violation of the Connecticut Fair Employment Practices Act, Conn. Gen. Stat. §§ 46a-60(b)(1).

74. Defendants' pattern and practice of discrimination against Plaintiff has resulted in a hostile work environment based on race, and adverse employment actions based on race, including but not limited to discipline, unpaid suspension and failure to promote.

75. As a result of Defendants' conduct Plaintiff has and will continue to suffer economic and non-economic damages in the form of lost wages and benefits, loss of enjoyment of life's activities, harm to reputation, and emotional distress.

76. Defendants' actions were intentional in that they were willful, wanton, and taken with reckless disregard of Plaintiff's rights.

77. As a further result of Defendants' discriminatory conduct, Plaintiff has incurred, and will continue to incur, attorney's fees and costs.

COUNT THREE: RETALIATION IN VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED, 42 U.S.C. § 2000e et seq.

1-72. Paragraphs 1 through 72 of Count One are hereby incorporated into this Count Three as if fully set forth herein.

73. Based on the foregoing, Defendants retaliated against Plaintiff because of his opposition to racism in the New London Police Department and the disclosure of harassment and disparate treatment in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et. seq.

74. Defendants' retaliation against Plaintiff has resulted in a hostile work environment based on race, and adverse employment actions based on race, including but not limited to discipline, unpaid suspension and failure to promote.

75. Defendants' actions were intentional in that they were willful, wanton, and taken with reckless disregard of Plaintiff's rights.

76. As a result of Defendants' retaliatory actions, Plaintiff has suffered damages, including, but not limited to, economic and non-economic damages in the form of loss of wages and benefits, emotional distress, loss of enjoyment of life's activities, and harm to reputation.

77. As a further result of Defendants' retaliatory conduct, Plaintiff has incurred, and will continue to incur, attorney's fees and costs.

COUNT FOUR: RETALIATION IN VIOLATION OF THE CONNECTICUT FAIR EMPLOYMENT PRACTICES ACT, CONN. GEN. STAT. § 46a-60 et. seq.

1-72 Paragraphs 1 through 72 of Count One are hereby incorporated into this Count Four as if fully set forth herein.

73. Based on the foregoing, Defendants retaliated against Plaintiff because of his opposition to racism in the New London Police Department and the disclosure of harassment and disparate treatment in violation of the Connecticut Fair Employment Practices Act, Conn. Gen. Stat. § 46a-60(b)(4).

74. Defendants' retaliation against Plaintiff has resulted in a hostile work environment based on race, and adverse employment actions based on race, including but not limited to discipline, unpaid suspension and failure to promote.

75. Defendants' actions were intentional in that they were willful, wanton, and taken with reckless disregard of Plaintiff's rights.

76. As a result of Defendants' retaliatory actions, Plaintiff has suffered damages, including, but not limited to, economic and non-economic damages in the form of loss of wages and benefits, emotional distress, loss of enjoyment of life's activities, and harm to reputation.

77. As a further result of Defendants' retaliatory conduct, Plaintiff has incurred, and will continue to incur, attorney's fees and costs.

DEMAND FOR RELIEF

WHEREFORE, the Plaintiff demands judgment against Defendants jointly and severally as follows:

1. Economic and Non-Economic damages including but not limited to, past and future lost wages and benefits, emotional distress, loss of enjoyment of life's activities and harm to reputation;

2. Punitive damages pursuant to 42 U.S.C. § 1981a and Connecticut General Statutes § 46a-104;

3. Attorneys' fees and costs of this action, including litigation costs and expert fees, pursuant to 42 U.S.C. § 2000e-5, and Connecticut General Statutes § 46a-104;

4. Preliminary and permanent injunctive relief requiring the City of New London and the NLPD to purge Plaintiff's file of disciplinary actions, to promote Plaintiff to Lieutenant, and to institute racial sensitivity training and to monitor compliance with the requirements of Title VII and CFEPa with the goal of eliminating institutional racism in the NLPD;

5. Interest and costs;

6. Such other relief as in law or equity that may pertain.

DEMAND FOR JURY

Plaintiff hereby demands a trial by jury on all issue of fact and law triable to a jury.

PLAINTIFF
CORNELIUS RODGERS

By: /s/Jacques J. Parenteau

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