

JS 44 (Rev. 06/17)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**  
 Frazier, Debra; Vann, Laverne; Burton, Anthony; and Bryant, Shama;  
 Guardian Civic League, Phila Chapter of the Nat'l Ass'n of Black Law  
 Enforcement Officers

**(b) County of Residence of First Listed Plaintiff Philadelphia**  
 (EXCEPT IN U.S. PLAINTIFF CASES)

**(c) Attorneys (Firm Name, Address, and Telephone Number)**  
 Please see attached

**DEFENDANTS**  
 City of Philadelphia d/b/a Philadelphia Police Dept.; Boyle, Anthony;  
 Evers, Raymond; Doe, John 1-100

**County of Residence of First Listed Defendant Philadelphia**  
 (IN U.S. PLAINTIFF CASES ONLY)

**NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.**

Attorneys (If Known)

**II. BASIS OF JURISDICTION (Place an "X" in One Box Only)**

1 U.S. Government Plaintiff

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)**

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT (Place an "X" in One Box Only)**

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157
			<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
			<b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
				<b>FEDERAL TAX SUITS</b>

**V. ORIGIN (Place an "X" in One Box Only)**

1 Original Proceeding     2 Removed from State Court     3 Remanded from Appellate Court     4 Reinstated or Reopened     5 Transferred from Another District (specify)     6 Multidistrict Litigation - Transfer     8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
 42 USC Sec 1983 and 1981, Title VII

Brief description of cause:  
 Racial discrimination and Retaliation

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.    DEMAND \$ \_\_\_\_\_    CHECK YES only if demanded in complaint:  
 JURY DEMAND:  Yes     No

**VIII. RELATED CASE(S) IF ANY** (See instructions): \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE: 12/01/2017    SIGNATURE OF ATTORNEY OF RECORD: /s/Gary Schafkopf *Gary Schafkopf*

FOR OFFICE USE ONLY: RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**MILDENBERG LAW FIRM**  
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 610-664-5200 Ext 104  
 Fax: 888-238-1334  
 Attorney for Plaintiffs

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

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**STAFF INSPECTOR DEBRA FRAZIER,**  
**et. al.**

**Plaintiffs,**

**v.**

**CITY OF PHILADELPHIA**  
**d/b/a PHILADELPHIA POLICE**  
**DEPARTMENT, et. al.**

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 : **No.**  
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Attorneys of Record for Plaintiffs

**MILDENBERG LAW FIRM**  
 Brian R. Mildenberg, Esq.  
 Attorney ID No. 84861  
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 Bala Cynwyd, PA 19004  
 610-664-5200 Ext 104  
 Fax: 888-238-1334  
 Attorney for Plaintiffs

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: c/o Weisberg Law 7 South Morton Ave. Morton, PA 19070

Address of Defendant: 1515 Arch St, 16th FL Philadelphia, PA 19102

Place of Accident, Incident or Transaction: Narcotics Bureau of the Philadelphia Police Department (Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock? (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes [ ] No [X]

Does this case involve multidistrict litigation possibilities? Yes [ ] No [X]

RELATED CASE, IF ANY: Case Number: Judge Date Terminated:

Civil cases are deemed related when yes is answered to any of the following questions:

- 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes [ ] No [X]
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes [ ] No [X]
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes [ ] No [X]
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes [ ] No [X]

CIVIL: (Place [X] in ONE CATEGORY ONLY)

A. Federal Question Cases:

- 1. [ ] Indemnity Contract, Marine Contract, and All Other Contracts
2. [ ] FEELA
3. [ ] Jones Act-Personal Injury
4. [ ] Antitrust
5. [ ] Patent
6. [ ] Labor-Management Relations
7. [X] Civil Rights
8. [ ] Habeas Corpus
9. [ ] Securities Act(s) Cases
10. [ ] Social Security Review Cases
11. [ ] All other Federal Question Cases (Please specify)

B. Diversity Jurisdiction Cases:

- 1. [ ] Insurance Contract and Other Contracts
2. [ ] Airplane Personal Injury
3. [ ] Assault, Defamation
4. [ ] Marine Personal Injury
5. [ ] Motor Vehicle Personal Injury
6. [ ] Other Personal Injury (Please specify)
7. [ ] Products Liability
8. [ ] Products Liability — Asbestos
9. [ ] All other Diversity Cases (Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Gary Schafkopf, counsel of record do hereby certify:
[ ] Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
[X] Relief other than monetary damages is sought.

DATE: 12-1-2017 /s/ Gary Schafkopf Attorney-at-Law 83362 Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 12-1-17 /s/ Gary Schafkopf Attorney-at-Law 83362 Attorney I.D.#

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


**CASE MANAGEMENT TRACK DESIGNATION FORM**

Frazier, et. al.	:	CIVIL ACTION
	:	
v.	:	
	:	
City of Philadelphia d/b/a	:	
Philadelphia Police Dept., et. al.	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) (X)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

<u>12-1-17</u>	 <u>Is/Gary Schafkopf</u>	<u>Plaintiffs</u>
<b>Date</b>	<b>Attorney-at-law</b>	<b>Attorney for</b>
<u>(610) 664 5200 Ext. 104</u>	<u>(888) 283 1334</u>	<u>Gary@SchafLaw.com</u>
<b>Telephone</b>	<b>FAX Number</b>	<b>E-Mail Address</b>



---

**CHIEF INSPECTOR ANTHONY BOYLE** :  
 Individually, and in his official capacity as a :  
 Chief Inspector for the :  
 PHILADELPHIA POLICE DEPARTMENT :  
 1515 Arch St, 16<sup>th</sup> FL :  
 Philadelphia, PA 19102 :  
 :  
 and :  
 :  
**INSPECTOR RAYMOND EVERS** :  
 Individually, and in his official capacity as an :  
 Inspector for the :  
 PHILADELPHIA POLICE DEPARTMENT :  
 1515 Arch St, 16<sup>th</sup> FL :  
 Philadelphia, PA 19102 :  
 :  
 and :  
 :  
**JOHN DOES ##1-100,** :  
**Defendants.** :

---

**CIVIL ACTION**

Plaintiffs, Staff Inspector Debra Frazier, Captain Laverne Vann, Lieutenant Anthony Burton, Police Officer Shamal Bryant, and the Guardian Civic League of Philadelphia (collectively, “Plaintiffs”) bring this action against their employer, the City of Philadelphia d/b/a the Philadelphia Police Department (“PPD”), and their commanding officers, Chief Inspector Anthony Boyle and Inspector Raymond Evers (collectively, Boyle and Evers are referred to herein as “Commanding Officers”) (collectively, the City and the Commanding Officers are referred to herein as “Defendants”). Defendants have intentionally discriminated against Plaintiffs and have created a racially hostile work environment in violation of the civil rights of Plaintiffs under federal and state law. Defendants have also retaliated against Plaintiffs because of Plaintiffs’ refusal to follow, or opposition to, illegal policies, practices, customs and orders that were created, implemented, and ratified by Defendants.

**JURISDICTION AND VENUE**

1. This Court has jurisdiction and venue is appropriate in this judicial district because the facts complained of herein occurred in this judicial district, and this Complaint arises under the laws of the United States and seeks redress for violations of federal laws.

**PARTIES**

2. Plaintiff, Debra Frazier is a female African American adult individual who is a Staff Inspector assigned to the Narcotics Bureau of the PPD and resides in the Commonwealth of Pennsylvania. Plaintiff can be served care of her attorneys at the above-captioned address.

3. Plaintiff, Laverne Vann is a female African American adult individual who is a Captain assigned to the Narcotics Bureau of the PPD and resides in the Commonwealth of Pennsylvania. Plaintiff can be served care of her attorneys at the above-captioned address.

4. Plaintiff, Anthony Burton is a male African American adult individual who is a Lieutenant assigned to the Narcotics Bureau of the PPD and resides in the Commonwealth of Pennsylvania. Plaintiff can be served care of her attorneys at the above-captioned address.

5. Plaintiff, Shamal Bryant is a female African American adult individual who is a Police Officer assigned to the Narcotics Bureau of the PPD and resides in the Commonwealth of Pennsylvania. Plaintiff can be served care of her attorneys at the above-captioned address.

6. Plaintiff, Guardian Civic League, Philadelphia Chapter of the National Association of Black Law Enforcement Officers (“Civic League”) is an organization in the Commonwealth of Pennsylvania that was formed for the benefit of African American police officers and supports Plaintiffs in their effort to address the inequities endured by Plaintiffs and African American police officers.

7. Defendant, City of Philadelphia, doing business as the Philadelphia Police Department (“PPD”), is a municipality, duly organized and existing under the laws of the Commonwealth of Pennsylvania, with an address for service at the above captioned address.

8. Defendant, Anthony Boyle, is a white male adult individual who, at all times material herein, was employed as a Chief Inspector for the Narcotics Bureau of the PPD. Defendant is sued both individually and in his official capacity.

9. Defendant, Raymond Evers, is a white male adult individual who, at all times material herein, was employed as an Inspector for the Narcotics Bureau of the PPD. Defendant is sued both individually and in his official capacity.

10. Defendants, John Does 1-10, is a moniker/fictitious name for individuals and entities currently unknown but will be substituted when known, as affiliated, associated or liable hereunder for the reasons set forth below or inferred therefrom. Each of these parties are incorporated as Defendants in each and every count and averment listed above and below.

#### **FACTUAL BACKGROUND**

11. At all times relevant hereto, Plaintiffs and Defendants Commanding Officers Boyle and Evers were assigned to the Narcotics Bureau of the PPD.

12. At all times relevant, Defendants Boyle and Evers were and are the Commanding Officers of the Narcotics Bureau whose responsibilities consist of overseeing the operations and conduct of PPD personnel assigned to the Narcotics Bureau.

13. Plaintiffs are all members of a protected class, to wit: African American.

14. PPD meets the definition of employer as defined under Federal and Commonwealth laws.



15. At all times relevant, Plaintiff, Staff Inspector Frazier is and was the only African American assigned to the Narcotics Bureau who holds the rank of Staff Inspector. Plaintiff Staff Inspector Frazier is also the designated Integrity Officer of the Narcotics Bureau. Plaintiff Staff Inspector Frazier is the highest ranking African American police official in the Narcotics Bureau.

16. At all times relevant, Plaintiff, Officer Bryant, is and was assigned and employed as Staff Inspector Frazier's aide. Officer Bryant is the only black aide for the only black Inspector in the Narcotics Unit.

17. At all times relevant, Plaintiff, Captain Vann, is and was the only African American assigned to the Narcotics Bureau who holds the rank of Captain.

18. At all times relevant Plaintiff, Lieutenant Burton, is an African American assigned to the Narcotics Bureau.

19. At all times relevant, each of the Plaintiffs performed their duties of employment in a satisfactory manner.

20. In or around March 2017, Defendants Boyle and Evers became the Commanding Officers of the Narcotics Unit.

21. Upon information and belief, since becoming Commanding Officers, said Defendants have systemically and intentionally discriminated against Plaintiffs based on their race, creating a hostile work environment.

22. Additionally, Defendants implemented illegal policies, practices, customs and orders and subsequently retaliated against Plaintiffs as a direct result of their refusal to follow and/or opposition to same.

**DEFENDANTS' ILLEGAL ORDERS  
TO FALSIFY NARCOTICS PROPERTY RECEIPTS**

23. In March 2017, the Commanding Officers conducted a Narcotics Bureau-wide meeting at which Plaintiffs were present.

24. At said meeting, Defendants directed Plaintiffs and all officers of the Narcotics Bureau to gather information by “flipping” arrestees, which policies included illegal commands and procedures to make “make the drugs go away” by falsification of property receipts that are used in court prosecutions to identify narcotics and chain of custody of evidence.

25. Through “flipping,” Commanding Officers expect and require officers to obscure the source of recovered narcotics if an arrestee is willing to provide information by falsifying the property receipt required pursuant to the arrest, which circumvents the approved Confidential Informant Directive that is currently in place in the Department.

26. Property Receipts are official police records that are required to be completed truthfully upon the recovery or seizure of narcotics or other property by police.

27. Each time items are recovered incident to an arrest, e.g., drugs, money, or other evidence, officers are required to include the recovered property in Property Receipt that identifies the purported owner (the arrestee) of said property as well as the specific location and description of the recovered property.

28. However, through the illegal “flipping” policies, Boyle and Evers have instructed the Narcotics Unit officers not to truthfully state the source of the recovered narcotics.

29. “Making the drugs go away” is achieved by falsifying the Property Receipt that lists the recovered items.

30. Commanding Officers explicitly instruct officers to omit the arrestees’ name, and/or the specific location of the recovered item as well as by listing recovered items on the

property receipt as “investigative objects” and/or as “recovered on the highway,” without identifying the arrestee from whom the narcotics were taken.

31. Property receipts are a primary item of evidence in any drug prosecution because such receipts establish the source of the alleged illegal narcotics or property, and documenting the chain of custody of same.

32. Property Receipts are signed by police officers and approved by supervisors.

33. The practice of falsification of property receipts brings into question the integrity of evidence, validity of prosecutions, and credibility of those narcotics officers who sign false receipts, and further puts arrestees' constitutional rights at serious risk.

#### **PLAINTIFFS' REFUSAL TO ENGAGE IN ILLEGAL PRACTICES**

34. At all times relevant hereto, each of the Plaintiffs have refused to engage in the illegal flipping practices and have taken actions to oppose the said practices.

35. Subsequent to said opposition, Defendants have retaliated against each of the Plaintiffs by subjecting them to adverse actions, including but not limited to the following:

- a. Commanding officers have threatened to change the locks to Plaintiff Staff Inspector Frazier's office with no explanation or cause; have harassed her aide, Plaintiff Officer Bryant; have nitpicked her weekly reports in an effort to create a paper trail to indicate she is not doing her job properly; have required her to discipline her aide, Officer Bryant, for false reasons; have intentionally shunned and excluded her from proper participation in the leadership of the Narcotics Unit; and, have accused her of not working when she was in fact working.

- b. Plaintiff Captain Vann was ordered to undergo “bike training” which is task for “bike cops” that a Captain has never been required to perform in the Narcotics Unit. As a result of this unprecedented directive, Captain Vann, who informed Commanding Officers that she never learned how to ride a bicycle, and that she would not be able to complete the “training,” fell off of the bicycle and sustained serious injuries that left her hospitalized for several days and forced her to go out on medical leave. Commanding Officers have also made it known to Captain Vann that they intend to involuntarily transfer her to keep her quiet and punish her for her opposition to the illegal practices.
- c. Commanding Officers have falsely accused Plaintiff Lieutenant Anthony Burton of misusing his assigned squad vehicle, and took that vehicle away from him so it could be assigned to more junior officer. Additionally, Lieutenant Burton has been subjected to false discipline and accusations for non-existent policy violations; has been secretly recorded in his office; has had his transfer requests intentionally delayed by inclusion of a disparaging and false memorandum in his transfer file, in an attempt to thwart his opportunity to transfer; and, has been falsely accused of submitting incorrect paperwork.
- d. Commanding Officers intentionally delayed or ignored Plaintiff Police Officer Shamal Bryant’s overtime requests; have denied her opportunities for overtime without cause and despite there being shifts available; have harassed her with false accusations of disciplinary violations, and have directed her to

cease inquiries concerning the overtime and assignments to which she is entitled.

### **INTENTIONAL RACIAL DISCRIMINATION**

36. Additionally and/or in the alternative, Commanding Officers have and continue to foster a racially hostile work environment by intentionally targeting and discriminating against African American police officers to such a severe degree that there is a crisis of racial discrimination in the Narcotics Bureau that is currently coming increasingly hostile by the day.

37. Examples of discrimination are as follows:

- a. Commanding Officers allowed a confederate flag, a symbol of racism, white supremacy, and slavery, to be displayed on a Corporal's vehicle while parked at the workplace in full view of fellow law enforcement officers as well as persons in minority communities;
- b. Commanding Officers have referred to persons in minority communities by offensive names including "scum," and refer to the killing of persons in minority communities as "thinning the herd;"
- c. Commanding Officers have assigned African American officers to more dangerous locations and less favorable assignments and while assigning the more beneficial shifts and safer locations to similarly situated white officers; and
- d. Commanding Officers have subjected African American supervising officers to terms and conditions of employment different from those of similarly situated white supervising officers.

38. Defendants' conduct compromises the integrity of the narcotics unit, the PPD and justice system whose protections are guaranteed by the Constitutions of the United States as well as the Commonwealth of Pennsylvania.

39. As such, there is an unjustifiable risk that cases and testimony against minority arrestees have been and will continue to be tainted by racial bias and intentional discrimination and it is imperative that prosecutions and convictions be reviewed due to both discriminatory intention as well as falsification of property receipts and other evidence, as stated.

**COUNT I – CIVIL RIGHTS VIOLATION**  
**42 U.S.C. § 1983**  
**RETALIATION FOR OPPOSITION TO ILLEGAL POLICIES, HOSTILE WORK**  
**ENVIRONMENT, AND DISCRIMINATION ON THE BASIS OF RACE**

40. Plaintiffs incorporate by reference all prior paragraphs as if fully set forth at length herein.

41. Defendants took the aforementioned adverse actions against Plaintiffs in retaliation their participation in the protected activity of opposing illegal flipping practices, which includes falsifying documents and evidence related to the recovery of drugs in arrests and operations.

42. As a result of Defendants' actions as aforesaid, Defendants have denied Plaintiffs the right to the same terms, conditions, privileges and benefits of their employment agreement with the City of Philadelphia Police Department, in violation of 42 U.S.C. § 1981.

43. Such violation of 42 U.S.C. § 1981 is actionable against the City of Philadelphia, a municipal entity, pursuant to 42 U.S.C. § 1983.

44. Plaintiffs have been discriminated against on the basis of their race, made to suffer humiliation and embarrassment, emotional distress, and have sustained damages for which

recovery of compensatory damages may be had pursuant to 42 U.S.C. § 1983. Said retaliation and discrimination against Plaintiffs were pervasive and regular.

45. Said retaliation and discrimination against have affected Plaintiffs to their detriment.

46. Said retaliation and discrimination would detrimentally affect a reasonable person under similar circumstances.

47. Said racial discrimination has caused a hostile work environment.

48. Said retaliation exacerbated the already hostile work environment to the point of a crisis.

49. Said violations were done intentionally and/or knowingly with malice or reckless indifference, and warrant the imposition of punitive damages.

50. As a direct and proximate result of Defendants' violation of 42 U.S.C. § 1983 Plaintiffs have suffered the damages and losses set forth herein and have incurred attorneys' fees and costs.

51. Plaintiffs are suffering and will continue to suffer irreparable injury and monetary damages as a result of Defendants' discriminatory and retaliatory acts unless and until this Court grants the relief requested herein.

52. The wrongful acts and conduct of Defendants were done with deliberate indifference to the statutory and constitutional rights of Plaintiffs.

53. As such, Plaintiffs have and continue to suffer damages as set forth herein.

**COUNT II - TITLE VII VIOLATION**  
**RACIAL DISCRIMINATION, HOSTILE WORK ENVIRONMENT**  
**AND RETALIATION**

54. Plaintiffs incorporate by reference all prior paragraphs as if fully set forth at length herein.

55. Defendants have intentionally discriminated against Plaintiffs based on their race.

56. Defendants have subjected Plaintiffs to the aforementioned adverse actions in retaliation of Plaintiffs engaging in the protected activity of refusing to follow illegal directives.

57. Said retaliation and discrimination against Plaintiffs was pervasive and regular.

58. Said retaliation and discrimination against has affected Plaintiffs to their detriment.

59. Said retaliation and discrimination would detrimentally affect a reasonable person under similar circumstances.

60. Said racial discrimination has caused this hostile work environment.

61. Said retaliation exacerbated the already hostile work environment to the point of a crisis.

62. Due to Defendants' violations, Plaintiffs have suffered and will continue to suffer irreparable injuries and monetary damages unless and until this Court grants the relief requested herein.

**COUNT III - PHRA VIOLATION**

63. Plaintiffs incorporate by reference all prior paragraphs as if fully set forth at length herein.



64. Defendants discriminated against Plaintiffs based on their race and retaliated against Plaintiffs for their refusal to follow illegal directives in violation of the PHRA.

65. Said violations were intentional and willful.

66. As a direct and proximate result of Defendants' violation of the PHRA, Plaintiffs have sustained the injuries, damages, and losses set forth herein and have incurred attorneys' fees and costs.

67. Plaintiffs suffer and will continue to suffer irreparable injuries and monetary damages as a result of Defendants' acts unless and until the Court grants the relief requested herein.

#### **COUNT IV - PFPO VIOLATION**

68. Plaintiffs incorporate by reference all prior paragraphs as if fully set forth at length herein.

69. Plaintiffs are Defendants, by the above improper and retaliatory acts, have violated the PFPO.

70. Said violations were intentional and willful.

71. As a direct and proximate result of Defendants' conduct, Plaintiffs have sustained the injuries, damages, and losses set forth herein and have incurred attorneys' fees and costs.

72. Plaintiffs suffer and will continue to suffer irreparable injuries and monetary damages as a result of Defendants' acts unless and until the Court grants the relief requested herein.

**RELIEF**

WHEREFORE, Plaintiffs seek damages and legal and equitable relief in connection with Defendants' improper conduct and specifically prays that this Court grant the following relief to Plaintiffs:

- a) declaring the acts and practices complained of herein to be in violation of Sections 1981 and 1983;
- b) declaring the acts and practices complained of herein to be in violation of Title VII;
- c) declaring the acts and practices complained of herein to be in violation of the PHRA;
- d) declaring the acts and practices complained of herein to be in violation of the PFPO;
- e) enjoining and permanently restraining the violations alleged herein;
- f) entering judgment against the Defendants and in favor of Plaintiffs in an amount to be determined;
- g) awarding compensatory damages to make Plaintiffs whole for all lost earnings, earning capacity and benefits, past and future, which Plaintiffs have suffered or may suffer as a result of Defendants' improper conduct;
- h) awarding compensatory damages for Plaintiffs for past and future pain and suffering, emotional upset, mental anguish, humiliation, and loss of life's pleasures, which Plaintiffs have and continue to suffer as a result of Defendants' improper conduct
- i) awarding punitive damages to Plaintiffs;
- j) awarding Plaintiffs such other damages as are appropriate under Sections 1981 and 1983, Title VII, the PHRA, and the PFPO;
- k) awarding Plaintiffs the costs of suit, attorneys' fees; and expert fees and other; and
- l) granting such other and further relief as this Court may deem just, proper, or

equitable including other equitable and injunctive relief providing restitution for past violations and preventing future violations.

Respectfully Submitted,

WEISBERG LAW

BY: /s/ Matthew Weisberg  
MATTHEW B. WEISBERG, ESQ

DATED: 12-1-2017

MILDENBERG LAW FIRM

BY: /s/ Brian R. Mildenberg  
BRIAN R. MILDENBERG, ESQ

DATED: 12-1-2017

SCHAFKOPF LAW, LLC

BY: *Gary Schafkopf*  
GARY SCHAFKOPF, ESQ.

DATED: 12-1-2017

Of counsel on the Complaint:  
Deanna E. Watson, Esq.