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## RACIAL QUARRELS *WITHIN* POLICING (PART I)

*In Maryland, Black and Hispanic cops complain that color does count*



*For Police Issues by Julius (Jay) Wachtel.* Tucked against the District of Columbia, Prince George's County, Maryland ([est. 2019 pop., 900,327](#)) is one of the more affluent majority-Black counties in the U.S. With a population that's 64.4 percent Black, 19.5 percent Hispanic and 12.3 percent White, its median household income of \$84,920 is more than a third higher than the nation's \$62,843, while its poverty rate of 8.7 percent is substantially lower than the nation's 10.5 percent. These economic blessings are reflected in the county's relatively modest crime rates. [According to the UCR](#), in 2019 (the most current year) Prince George's violent crime and homicide rates (220.3 and 5.6) were substantially lower than [Maryland's](#) (454.1 and 9.0) and compared favorably with the [U.S. overall](#) (379.4 and 5.0.)

UNITED STATES DISTRICT COURT DISTRICT OF MARYLAND	
HISPANIC NATIONAL LAW ENFORCEMENT ASSOCIATION NCR P.O. Box 766 Cheltenham, MD 20623	
UNITED BLACK POLICE OFFICERS ASSOCIATION P.O. Box 766 Cheltenham, MD 20623	CIVIL ACTION NO.: 18-cv-03821
MICHAEL ANS 7600 Barlowe Rd Landover, MD 20785	COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND DAMAGES
MICHAEL BROWN P.O. Box 1434 Bowie, MD 20717	
THOMAS BOONE 601 Crum Hwy. Upper Marlboro, MD 20774	DEMAND FOR JURY TRIAL
DANITA INGRAM 7600 Barlowe Rd Landover, MD 20785	
PAUL MACK 7600 Barlowe Rd Landover, MD 20785	
JOSEPH PEREZ 7600 Barlowe Rd Landover, MD 20785	
TASHIA GATIS PO Box 8532 Oxbridge, MD 21075	

Would that Prince George's relative tranquility extend to its cops! On December 12, 2018 the Black and Hispanic police officer associations and twelve officers, each Black or Hispanic, filed [a Federal lawsuit](#) accusing the County, the police chief, two deputy chiefs and the commander of the police department's internal affairs unit of fostering a climate of discrimination against non-White officers and retaliating against those who dare object. White officers, who form the majority of the agency, were also accused of using improper and excessive force against citizens and of stealing department funds and property with impunity.

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According to the highly detailed, sixty-five page complaint, White officers habitually engage in “vicious racist acts” and use racial slurs and racist imagery to create a “hostile work environment” for Blacks and Hispanics. But whenever victimized officers of color dare raise an objection, their complaints are either ignored or lead to undeserved discipline, undesirable assignments or lost promotional opportunities. For example:

- **Captain Joseph Perez**, who leads the Hispanic officers association and “has been an outspoken critic of discrimination and retaliation within the PGCPD” complains that “bogus charges” have kept him from advancing in rank to Major. Meanwhile, “less qualified White Captains” have been promoted.
- **Lieutenant Thomas Boone**, who leads the Black officers association alleges that he was involuntarily transferred from a specialized assignment to patrol as “retaliation for his involvement in filing the complaint.”
- **Sergeant Paul Mack**, vice-president of the Black officers association, asserts that he was involuntarily transferred when he complained of being cursed at by a White Lieutenant. His promotion to Lieutenant was also denied although he was just as qualified as White applicants who successfully advanced in rank.

Police chief Hank Stawinski, a veteran White officer who served his entire law enforcement career at Prince George’s County [resigned in June 2020](#). His departure coincided with the plaintiffs’ announcement that they would soon release specific, detailed accounts of actual instances of discrimination. These weren’t long in coming. Retired Los Angeles County Assistant Sheriff Michael E. Graham, a plaintiffs’ expert witness, soon filed [a 100-page-plus report](#). Taking PGCPD to task for investigating fewer than fifteen percent of complaints, he furnished numerous examples of racial harassment, names and all. Here are three (we edited them for brevity and left out officer names):

- “A complaint was filed against officers Police Officer---, Sergeant--- and Sergeant--- for exchanging racist text messages and saying things like “we should bring back public hangings,” and making misogynistic comments about female Black officers. There is no indication...that this matter was investigated...”
- “Corporal--- made a series of negative comments about Black people, including that ‘at least slaves had food and a place to live’ and referring to President Obama as a ‘coon.’ Cpl--- also defended the Ku Klux Klan and equated the Black Lives Matter Movement with the KKK...there is no indication...that this matter was

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investigated...”

- “In response to a communication to the Department announcing the establishment of the United Black Police Officers Association in August 2016, numerous senior white officers sent derogatory responses, including Lt.--- and Major---. There is no indication...that any of these officers were ever investigated.”

According to Mr. Graham, even when inquiries take place they're half-hearted. Hampered by a lack of confidentiality or other protections, complainants are routinely exposed to retaliatory transfers, denials of promotion and baseless counter-charges. For example:

- “In 2015, Cpl.--- [a Black male] filed several complaints against his [White] supervisor, Lt.---. One such complaint alleged that Lt.--- had called a civilian a ‘project n\*\*\*\*’. In October 2016, Cpl.--- was suspended with pay and transferred...without any explanation. His request for a hearing was denied. Cpl.--- subsequently learned that his transfer was a result of Lt.--- filing an IAD [Internal Affairs] complaint against him for allegedly interfering with an [unrelated] investigation...IAD does not appear to have investigated Lt.--- for retaliation, and there is no evidence Defendants opened an investigation into Cpl.---’s complaints about Lt.---’s racist conduct.”

Even in the rare instances when violators are held to account, the penalties are laughable. For example:

- “...an African-American training instructor showed a slide depicting a white police officer pointing his gun at a Black man while a citizen recorded the incident. When the instructor asked the officers what the slide depicted, Cpl.--- responded...‘that’s that Black Lives Matter crap.’ Plaintiff [a lieutenant] took offense to this comment [and] was ordered to leave the classroom, and he complied. Following this, Cpl. contacted her superior officers with false statements about the incident and filed a charge alleging that [the plaintiff] charged towards her...The Department notably did not require Cpl. to complete any racial sensitivity training, nor did the Department charge her with using discriminatory language or repeating the same false statement to other [officers].”

Mr. Graham also reported that Black officers are more severely disciplined. Although they comprise 42.8 percent of the force, they account for 54 percent of punishments and 71.4 percent of terminations or resignations. For example:

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- “While on duty [a Black female officer] returned to her vehicle and found that her firearm had been stolen. She was suspended pending investigation, fined \$500 and received a written reprimand...The discipline records produced by PGCPD contain several instances in which white male officers reported their firearms lost under similar or worse circumstances—none of them were disciplined as severely [or] suspended pending investigation.”

[Lieutenant Boone’s declaration](#) uses data collected by the county’s [Police Reform Working Group](#). It noted that while there are about the same number of Black cops (661) as White (653), the latter are vastly over-represented in the upper ranks. In 2020 there were fifty-six White lieutenants versus twenty-five Black; twenty-five White captains vs. six Black; and thirteen White majors vs. only nine Black. (Deputy Chiefs were evenly split at two each, and the interim police chief was Hispanic.) Lt. Boone feels that this lopsided distribution creates “a self-perpetuating cycle where white officers have become entrenched in more powerful, more prestigious, and higher paying jobs.” White cops, he notes, are far more likely to be assigned to specialized units where they gain valuable “skills, training and experience” that helps them advance in rank. These assignments also give them “far more time to study for promotional exams” than working patrol, which is where most Black cops wind up.



Perhaps predictably, the defense’s four main experts vigorously endorse PGCPD’s selection and promotion practices:

- **Retired police chief J. Thomas Manger and Dr. Janet R. Thornton** strongly challenge assertions of bias in discipline and promotion. [Here’s an extract](#) from Mr. Manger’s rebuttal of plaintiff Perez’s assertion that the charges against him were “bogus”:

“Plaintiff Perez filed a request with the Circuit Court for Prince George's County requesting a ‘Show Cause’ hearing to determine whether Prince George's County Police Department's actions in the investigation were retaliatory...Prince George's County Maryland upheld the AHB's findings, stating that...‘any reasoning mind can find [Plaintiff Perez's conduct] to be intimidating.’ The court further found that Plaintiff Perez ‘use[d] the prestige of [his] office to gain access and ultimately to gain personal benefit....’ As a result of his actions, Plaintiff Perez received a

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demotion from Captain to Lieutenant, and was removed from the promotion cycle for one year.”

- **Dr. John J. Boland** [strongly disputes](#) that transfers and failures to promote caused actionable economic damage. He dismissed claims by Lt. Thomas Boone, who was promoted but transferred from specialized duties to patrol, and by Sgt. Paul Mack, who was on a promotion list that expired, that they were thus deprived of the opportunity to earn substantial amounts of overtime pay. Dr. Boland argued that being compensated for overtime “is not guaranteed, is subject to many factors, and is in no sense an entitlement. Any calculation of lost overtime pay is necessarily speculative.”
- PGCPD’s promotional process includes multiple-choice exams and skills assessment centers. **Dr. Toni S. Locklear** [fully supports their validity](#). She blasted the plaintiffs’ experts as lacking the background to evaluate the agency’s promotion and selection process and called their analyses of the PGPD’s “racial makeup” and “Corporal Exam Passing Rates” deeply flawed. Dr. Locklear also criticized her rivals’ failure to acknowledge a “voluminous case record” that, in her view, confirms the integrity of PGCPD’s methods.

Clearly, the final chapter is still being written. But PGCPD’s undeniable racial disparities within its upper ranks are tough to defend. To prevent continued injury to Black and Hispanic officers, this April the Court issued [a preliminary injunction](#) ordering that the agency appoint “an independent expert” to analyze the promotional process and recommend changes. Promotion lists generated under the old system cannot be used after August. (For its reasoning, which relies in great part on the disproportionate number of Whites in supervisory and management positions, click [here](#).)

Well, that’s (more than) enough for now. Next time we’ll switch shores to that notoriously liberal bastion of San Francisco. That’s where White cops have stood this story on its head. Yup, they’ve also sued, and for much the same reason as their Black counterparts in Maryland. We’ll then close out with a few words about the consequences of such quarrels on those who pay for – and presumably rely on – all that good police work. We mean, of course, the *public*.