

Wiley Rein, Washington Lawyers' Committee, and ACLU of Maryland Jointly File Federal Lawsuit Challenging Pattern of Race Discrimination and Retaliation Against African American Police Officers on the Eastern Shore of Maryland

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Yesterday, Wiley Rein LLP, the Washington Lawyers' Committee for Civil Rights and Urban Affairs (WLC), and the ACLU of Maryland jointly filed suit in the U.S. District Court for the District of Maryland challenging a conspiracy of race discrimination and retaliation among Worcester County and Pocomoke City's white officials targeted at three African American police officers, including Pocomoke City's first black police chief. Ever since July 2015, Pocomoke City officials have been rocked by allegations of racial bias following the firing of former Chief of Police Kelvin Sewell, who remains enormously popular among residents; he is widely credited with dramatically reducing the Pocomoke City's crime rate and instituting forms of community policing that improved relations between the police and the black community.

Named as defendants in the lawsuit are Pocomoke City and its mayor, City Council, and city manager; the Worcester County Sheriff's Department; the Maryland State Police and two Maryland State police officers; Worcester County State's Attorney Beau Oglesby; and numerous other individual police officers and government officials. These individuals and entities either participated in racial discrimination, participated in retaliation against the black officers when they complained to the U.S. Equal Employment Opportunity

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Commission (EEOC) about racial discrimination, or condoned and did nothing to stop the discrimination or punish the offenders. The plaintiffs are former Pocomoke City detective Franklin Savage; Chief Sewell; and Pocomoke City police officer Lynell Green, who remains on the force. The suit also alleges that Chief Sewell and Officer Savage were unlawfully dismissed from the Pocomoke City Police Department. The racial discrimination in the case includes repeated use of racial slurs by police officers and prosecutors, circulation of a food stamp with a picture of President Obama superimposed upon it, and discussion of lynchings and the Ku Klux Klan in the presence of black officers during work hours.

As the complaint states in its introduction: "This is one of the saddest and most shocking cases this court is likely to address. Three African American police officers, working for Pocomoke City, Maryland, experienced racial discrimination in employment and retaliation for the exercise of their federal civil rights in a manner that most Americans would have believed unthinkable in the second decade of the 21st Century."

"In 30 years of practice as a prosecutor and private litigator, this is simply the worst case of racial discrimination and harassment I have ever seen," said Andrew G. McBride, chair of Wiley Rein's Communications Appellate & Litigation Practice, and lead counsel for the plaintiffs.

The complaint alleges that Chief Sewell's dismissal on July 1, 2015, was motivated by his refusal to terminate Officer Savage and Officer Green, who had previously filed discrimination complaints with the EEOC. Officer Savage was fired following Chief Sewell's dismissal. In what a July 18 *Washington Post* story headlined "Racial turmoil in Md.'s 'Friendliest Town'," the city's actions have attracted widespread opposition from the community's residents and extensive local and national media coverage. Members of the local community questioned the transparency and legality of Chief Sewell's termination, and held several rallies to defend his position.

"The cavalier attitude of so many people in power toward our plaintiffs' Constitutional and statutory rights demonstrates that much work still needs to be done to address the widespread racial injustice that still exists in America, a half a century after race discrimination was outlawed in employment," said Dennis A. Corkery, senior staff attorney with the WLC and plaintiffs' co-counsel.

The lawsuit alleges numerous causes of action on behalf of the plaintiffs due to the race-based discrimination and retaliation they endured, which are "clearly prohibited by federal and state laws as well as [the] Constitution." The asserted causes of action include those involving the First and Fourteenth Amendments, as well as the federal Fair Labor Standards Act.

"Sadly, the struggle for racial justice in Worcester County has been a long one, with repeated attempts to deny the rights of black residents in a way so extreme that it seems a throwback to earlier, segregationist times. By standing up to the conspiracy of racial discrimination and retaliation that has played out in Pocomoke City over the last two years, we hope this lawsuit helps ensure that Worcester County's white officials are called to account for the injustices they have perpetrated," said Deborah A. Jeon, legal director of the ACLU of Maryland and plaintiffs' co-counsel.

Representing the plaintiffs on a pro bono basis, Mr. McBride serves as lead counsel. Mr. Corkery and Director of Litigation Matthew Handley of the WLC, and Ms. Jeon of the ACLU of Maryland, serve as co-counsel. The Wiley Rein team also includes associates Christen B'anca Glenn, Dwayne D. Sam, Brian Walsh, Craig Smith, and Craig G. Fansler. For biographies of the lead attorneys, please [click here](#).

To view the complaint, please [click here](#).