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COMMONWEALTH OF MASSACHUSETTS
SUPERIOR COURT DEPARTMENT

ESSEX, SS

CIV. ACTION NO. 2417CV00423C

_____)
CHARLES DEJESUS,)
)
Plaintiff)
)
v.)
)
CITY OF METHUEN,)
)
Defendant)
_____)

COMPLAINT AND JURY DEMAND

INTRODUCTION

“Sp-c.”

“N-gger.”

“Animals.”

“Be grateful you’re not called worse.”

“Black lives don’t matter.”

“We’re going to have an ethnic cleansing in the police department.”

“We should arrest them just for being Spanish.”

“We should just shoot them.”

“I’d wait to administer the Narcan.”

“Burn Lawrence down from the inside out.”

These are comments that have come out of the mouths of police officers and command staff of the Methuen Police Department (“MPD” or the “Department”). This is the environment that Plaintiff Charles DeJesus (“Det. DeJesus”), a Dominican American who has lived in the City

of Methuen (“Methuen” or the “City”) since high school, has endured in the course of his work as a police officer for the MPD. And this is the hostility about which Det. DeJesus has dared to raise concerns, after which he found himself the target of escalating derision and punitive ire. He has been accused of “playing the race card,” shunned, mocked and marginalized. He has been subjected to disparate scrutiny. Caught between trying to make a difference and remain safe in a job where trust among officers is critical to personal safety, Det. DeJesus thought long and hard before taking this step and filing this case. But he has little choice.

He comes before this Court with claims of discrimination and retaliation against the City of Methuen, seeking redress for harms done and damages that will deter the City’s misconduct not only towards him but towards others on the force – and more importantly – towards the community the Methuen Police Department is bound to serve.

THE PARTIES

1. Charles DeJesus (“Det. DeJesus” or “Plaintiff”) is a Dominican-American resident of the City of Methuen, Essex County, Massachusetts and an officer with the Methuen Police Department.

2. Defendant City of Methuen (the “City,” “Methuen” or “Defendant”) is a municipality located in Essex County, Massachusetts. The Methuen Police Department (“MPD”) is a paramilitary organization under the jurisdiction and control of the City.

JURISDICTION

3. This court has jurisdiction over this matter pursuant to G.L. c. 212 § 3.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

4. On or about January 24, 2022, Det. DeJesus filed a Charge of Discrimination with the Massachusetts Commission Against Discrimination (“MCAD”) (MCAD Docket No. 22BEM00225).

5. All administrative prerequisites under G.L. c. 151B to bringing this action in court have been met.

FACTS

6. Charlie DeJesus was born in Lawrence, Massachusetts. When he was in high school, his family moved to Methuen. He graduated from Methuen High School and has lived in the City ever since. He settled his family and is raising two children there. His siblings live in Methuen and the surrounding towns. He feels a deep sense of responsibility to the Methuen community.

7. After graduating from high school, Mr. DeJesus sought out a career in law enforcement and, in 1998, he took and passed the civil service examination.

8. At the time, there were no active Hispanic or Latino officers on the MPD and only a single Black officer: Mr. DeJesus’ father-in-law, Lt. Kevin Waithe.

9. The composition of the Department has not changed significantly since then. In 2021, the Department’s uniformed police force was over ninety percent (90%) white.

10. According to data from the United States Census from that same year, nearly thirty percent (30%) of the City’s population identifies as Hispanic or Latino and around forty percent (40%) of the population identifies as non-white.

11. It was that disparity that drove Mr. DeJesus's desire to join the force, where he hoped his background and ability to speak Spanish would be an asset to a force that served a city as diverse as Methuen.

12. But even though his civil service examination score qualified him for the role, Mr. DeJesus was passed over for a position as a police officer. He was not given an official reason – but he heard at the time that officers considering his application had joked about whether he could even speak English.

13. When Mr. DeJesus learned what officials had said about him, he reached out to the Massachusetts Commission Against Discrimination (“MCAD”).

14. He spoke to a representative at the MCAD who gave him blunt – and troubling – advice: filing a claim, he was warned, would put a target on his back, and he would likely never get hired. The representative then advised him that the better course would be to take any position he could get within the MPD and move up the ranks from the inside.

15. Mr. DeJesus understood what the representative was trying to tell him: if he were to speak up, he would pay a price.

16. This lesson – which Mr. DeJesus would learn again and again over the years – stayed with him as he considered how to confront the bias he would experience at the MPD.

17. Although he was passed over for selection as a sworn officer at this time, Mr. DeJesus was eventually offered a civilian position as a dispatcher. Mindful of what he had been told, he took it, hoping to work his way up within the Department.

18. On the job, he was often referred to derisively as “the Black dispatcher.” And while this and other comments and conduct made him uncomfortable, he tried to brush his

concerns to one side, keep his head down and prove himself, hoping that he could advance and, from a better position, effect change.

19. In 2001, he was made an officer.

20. But with greater status did not come relief from the racially charged chatter around and aimed at him. Instead, the comments intensified.

21. In his first months on the force, Off. DeJesus encountered a white officer who, on more than one occasion, called him as a “sp-c.” Other racially charged epithets were also used in the workplace, both directed at Off. DeJesus and generally.

22. Off. DeJesus reported the comments to then-Captain Joseph Solomon. His captain just shrugged it off, telling Off. DeJesus that, before taking further action to complain, he should consider how it might impact the offending officer’s future if Off. DeJesus were to file a report. Off. DeJesus did not press further.

23. The problems with this officer did not stop, though. In another incident, the officer mocked Det. DeJesus for the way he had attended to a particular duty, telling him “that’s what we get for hiring fucking ESL officers.”

24. That was not an isolated incident. Indeed, on information and belief, this *same* officer continued to mock not only Det. DeJesus but also other Latino officers of the course of years.

25. Instead of being called to task for his behavior, the officer was eventually promoted to the rank of sergeant.

26. In 2003, Capt. Solomon became the Chief of Police.

27. Around 2003, Off. DeJesus joined the Detectives Division.

28. Upon his promotion, some of Det. DeJesus' officers shared what they thought of him: They told him he was only moved to Detectives to "fill a quota."

29. Det. DeJesus tried to ignore the comments and focus on how he might be able to help his community, including the many Spanish-speaking citizens who would benefit from having a detective who could communicate with them more readily and whose experiences were closer to the realities they faced.

30. Moving into Detectives, however, did not improve things, as he faced ongoing taunts for having raised concerns about discrimination and ongoing racial hostility.

31. For instance, in or around 2006, Det. DeJesus came in on a day off with his family to attend what had been styled as a mandatory meeting. After another officer noted that he had left his family waiting, the sergeant in charge barked that, if Det. DeJesus had a problem, he could "get the fuck out of Detectives." When Det. DeJesus protested the unfairness, the sergeant, apparently referencing Det. DeJesus' complaints about the work environment, told him to "go cry about it." Det. DeJesus had not witnessed this sergeant treat white officers in this way.

32. After this incident, Det. DeJesus spoke to the Deputy Chief about his concerns. The Deputy Chief told Det. DeJesus that he should be grateful he was not treated worse and called a "n-gger" like his father-in-law, the first Black officer on the force, had been.

33. Just after this meeting, Det. DeJesus was transferred out of the Detectives Division and returned to Patrol.

34. When Off. DeJesus expressed frustration about what had occurred, he was advised that if he did not make waves, he might eventually be let back into Detectives.

35. While on Patrol, he continued to assist the Detectives Division in cases where they needed a Spanish-speaking officer, as he was one of a few Spanish-speaking officers on the MPD at that time.

36. Off. DeJesus repeatedly requested a transfer back to the Detectives Division and repeatedly, over the course of years, his request was denied.

37. During this time, Off. DeJesus became involved with the Massachusetts Hispanic Law Enforcement Association (“MHLEA”). He hoped that joining together with others both regionally and within the MPD he might be more effective in creating the change that was needed.

38. In 2007, MPD officers who were also members of MHLEA met with the Mayor to discuss concerns about the lack of diversity within the Department, as a start.

39. In response, some white officers – including both the white officer who would go on to become Det. DeJesus’ partner and the same white officer who had repeatedly taunted Det. DeJesus – accused the group of going against the union and perhaps violating union bylaws.

40. Around the same time, a class action lawsuit was filed challenging the civil service examination that Methuen and other cities used. The complaint alleged that the examination had a disparate impact on minority test-takers.

41. Although he was fearful to go against the MPD, Off. DeJesus felt he had to stand with his fellow Latino MPD officers and joined the suit.

42. After the case was filed, Off. DeJesus was accused of trying to “fuck over” white officers through his participation in the litigation. He was told he was lazy. He was mocked for working with MHLEA. Plastic animals in the shape of rats were placed at his desk.

43. At times, this conduct took place in front of MPD command staff – who reacted with indifference. Off. DeJesus was left to tolerate it.

44. And so were others: on information and belief, another Latino MPD officer involved in the litigation also was the target of racially charged and angry comments.

45. In fact, in 2008, that officer reported to his supervisors, in writing, a litany of racially offensive incidents, including humiliating disparate treatment, public dressing-downs and being derisively told to “stay to the right like we do in America” during a training exercise.

46. The culprit? The same white officer who had called Det. DeJesus a “sp-c” and mocked him repeatedly – whom then-Capt. Solomon had permitted to continue in his position without consequence.

47. Even with the written report and the history of misconduct, the MPD did little. On information and belief, the officer was only sent to counseling and not formally disciplined, easing his path to promotion to sergeant.

48. Eventually, on information and belief, the officer who reported the white officer’s conduct at this time grew so frustrated with the racially hostile work environment that he felt compelled to leave the MPD.

49. Off. DeJesus was aware of this officer’s experience – and the Department’s failure to do anything about it, even in the face of a formal report.

50. In or around 2012, Off. DeJesus was finally transferred back to the Detectives Division. With a community as diverse as the one he served, he played a critical role in solving cases, including several that were covered in the press.

51. Despite his important work, his contributions were diminished. Command staff often credited his white partner with work that he had done.

52. Det. DeJesus raised concerns about his treatment and the diminishing of his contributions, including the crediting of white colleagues for his work. The captain shrugged off the concerns, offering what the superior officer apparently viewed as an unflattering comparison: as minority officers, he suggested, Det. DeJesus and his father-in-law simply over-reacted, thinking that everyone was “out to get them.”

53. Det. DeJesus continued to confront racially charged comments.

54. For instance, in 2013, Det. DeJesus was at a local park in Methuen with his family – including his children – when a woman who was at the park, intoxicated, began yelling at them to “get the fuck out of this park, it’s for white people only.” Det. DeJesus intervened, called for backup, and the woman was arrested.

55. But when Det. DeJesus’ lieutenant learned of the woman’s racist outburst in front of Det. DeJesus’ family, instead of condemning it or expressing concern, he made a joke of it, telling Det. DeJesus: “You know that *is* a white-only park, don’t you?”

56. Det. DeJesus was also marginalized for having raised concerns about bias within the Department.

57. For example, in 2014, a MPD captain walked by two other superior officers speaking with Det. DeJesus, joking that they always seemed to be yelling at him and suggesting that they should be concerned that he might go to the MCAD. One of the superior officers snapped back that if Det. DeJesus ever did that, he would put him put him through so much “hell” that the way he had been treated up to that point would seem like “child’s play.”

58. In the fall of 2014, as Det. DeJesus and others were preparing to take the sergeant’s promotional examination, a white lieutenant taunted Det. DeJesus in truly shocking

terms, telling him, “You don’t have to worry about preparing for that test because we’re going to have an ethnic cleansing up here soon.”

59. On information and belief, the following year, when a white officer had been working with Det. DeJesus as they studied for the promotional exam, officers in the Chief’s office questioned why this officer was working with Det. DeJesus at all, saying, “that will be the day a Spanish person gets promoted over you,” or words to that effect.

60. Such comments were commonplace.

61. For example, around 2015, as Det. DeJesus and his partner studied for the promotional exam, his partner, who is white, mocked an exam hypothetical involving Latino/Hispanic subjects, suggesting that the police should “just arrest them for being Spanish.”

62. In December of 2015, as officers were discussing recent Black Lives Matter protests, Det. DeJesus’ partner, who is white, went so far as to remark that Black people should “stop complaining” because white people – through *slavery* – had given Black people a “free ride” to America – a comment he repeatedly made over time.

63. At times, Det. DeJesus pushed back, encouraging his partner to watch his language. But he was hesitant to make a formal report.

64. Although his partner’s racially charged language was no secret and, on information and belief, members of the command staff were aware of his discriminatory comments and conduct, this posed no barrier to his advancement. He was made the Sergeant of the Detectives Division and became Det. DeJesus’ supervisor.

65. As sergeant, he increasingly indulged in racially charged comments and conduct. For instance, on more than one occasion, he referred to Det. DeJesus and others as “sp-cs.”

66. Other members of the command staff expressed similar attitudes.

67. For example, around December of 2016, a white lieutenant suggested that the Department should participate in the City's Festival of Trees – by hanging Black GI Joes with bullet holes and signs reading “Black Lives Don’t Matter” on a tree.

68. Det. DeJesus told an MPD captain about the white lieutenant's comments, but the captain expressed that he felt unable to do anything to help.

69. In the late fall of 2016, when Secretary Hillary Clinton was running for President, one white officer joked about killing Black citizens of Methuen, commenting that he had seen so many Black people who were “obviously” voting for Secretary Clinton that “we should shoot them.”

70. In January 2017, another officer – in the middle of roll call – motioned to the news playing on TV, exclaiming that the female reporter was “about to get robbed” by a Black man who simply walked behind her, joking that he was so dark he thought he was wearing a ski mask.

71. In response, one of the other white officers quipped that if Det. DeJesus' father-in-law had heard the comment, he would be crying on the floor in the fetal position. He laughed, seemingly relishing how painful the comments were for minorities.

72. A month later, that white officer – the same officer who had called Off. DeJesus a “sp-c” in his first months on the force and who had been the subject of repeated complaints to command staff – was promoted to sergeant.

73. Around the same time, *another* lieutenant suggested that if he were called to the scene where a Latino citizen of Methuen had overdosed, he would gladly wait to administer the life-saving drug Narcan – evidently in hopes that he or she would die.

74. Det. DeJesus spoke of his concerns again to one MPD's captains, but the captain felt that his hands were tied, and nothing was done.

75. He thought that, perhaps, if he were to become the Department's Civil Rights Officer ("CRO"), he could make a difference.

76. As CRO, Det. DeJesus tried to speak up about the need for the command staff to better reflect the diversity of the Methuen community, and he tried to draw attention to the experience of minority officers on the force.

77. But Det. DeJesus came to understand that his hopes for the role of CRO were misplaced. The role was not provided any real authority within the Department. When he tried to raise concerns about the conduct he witnessed, he was shut down.

78. Others were too.

79. In 2018, yet *another* Latino/Hispanic officer was obliged to raise concerns about the *same* white sergeant who been promoted despite multiple reports of bias over the years since his time as an officer.

80. This officer spoke to his captain. He told him that the sergeant had repeatedly disrespected him over the course of years. He told the captain about the bias he had observed from this sergeant towards Latino citizens of Methuen. He reported an incident where he and the sergeant had responded to noise complaints in a predominantly Latino neighborhood of Methuen. He told the captain how the sergeant had immediately cited the Latino residents while doing nothing about the same complaints lodged against white residents.

81. Despite yet another report about this same sergeant's behavior, the captain, on information and belief, neither investigated nor disciplined him. Once again, this sergeant evaded any consequences for his behavior.

82. This sergeant was not alone in his approach to Latino members of the Methuen community.

83. Indeed, in 2019, an officer responded to a call for help from a Dominican citizen who reported that several men had threatened to kill him. The officer ignored his concerns and left the scene. Minutes later, the citizen's fears were realized: His associate was shot and killed in an incident that could have been prevented had the MPD officer done his job and listened to the citizen he dismissed.

84. Frustrated with the state of the Department, Det. DeJesus decided to run for vice president of the union. No one else ran, so he was elected to the position.

85. When the union president was suspended, Det. DeJesus had to step up and take on a more vocal role advocating for his fellow officers as the acting president.

86. His focus remained on remedying the work environment in the Department.

87. On behalf of the union, he repeatedly raised concerns to one of Methuen's city councilors about the problems on the force.

88. But this councilor minimized Det. DeJesus' concerns, conditioning his help on Det. DeJesus' willingness to actively undermine the Chief.

89. Additionally, when the first Black MPD officer since Det. DeJesus' father-in-law was slated for layoff due to budget cuts, Det. DeJesus advocated on behalf of this officer, speaking to the councilor and directly to the Mayor.

90. His concerns went unaddressed, and eventually, on information and belief, the Black officer decided not to fight the layoff because he felt doing so would make him the "token Black guy" in the MPD.

91. In early 2020, based on serious concerns about the overall management of the MPD, the City hired the CNA Center for Justice Research and Innovation to conduct a performance audit of the Department.

92. During their investigation, and in the wake of the murder of George Floyd and the increased attention it brought to the conduct and attitudes of police departments across the country, the CNA team became aware of concerns about the workplace culture within the MPD.

93. Although these issues had not been within the original scope of CNA's review, the City authorized their exploration.

94. In December 2020, as CNA's work was being finalized, news broke on another front: the Massachusetts Office of the Inspector General ("MA-IG") found that Chief Solomon had years earlier helped to draft contracts that were to his personal benefit and to the benefit of his political allies, setting him up with a \$300,000 annual salary – higher than the Chiefs of Police of many major American cities.

95. After the MA-IG report issued, Chief Solomon was placed on leave and, in January 2021, he resigned, triggering a shuffle at the top of the MPD, as Kristopher McCarthy was named Acting Chief of Police in January 2021, to be replaced in that role in April 2021 by Thomas McEnaney.

96. Then, in January of 2021, CNA's report was published ("the Report").

97. The Report's findings with respect to the work environment were sobering – at least, they should have been. They confirmed the experience of Det. DeJesus and other officers of color over time.

98. Among other things, the Report recommended that:

i. the MPD “assess whether issues of stereotyping, overt or cover prejudices, or hostility exist within the department that could negatively affect members of underrepresented groups. MPD should consider utilizing a self-assessment survey or hiring an independent diversity expert to ensure that retention of new officers does not become an issue once the department is able to increase diversity;”

ii. the MPD “identify any practices that may prevent officers from underrepresented backgrounds from feeling comfortable in the department;” and,

iii. the Department actively “recruit members from Spanish-speaking communities.”

99. When Det. DeJesus learned about the Report, he hoped that the City would take it seriously and that change would finally occur.

100. But in the months following the release of the Report, the MPD did not undertake any of the recommendations.

101. Instead, after the Report’s release, fellow officers and the command staff intensified their attacks on Det. DeJesus, engaging in a biased and punitive campaign against him, fueled in part by their belief that he had prompted the Report.

102. In the meantime, as the Report was being finalized and then issued, Det. DeJesus continued to experience damaging, shocking comments that corroded the work environment.

103. For instance, on January 6, 2021, as rioters attacked the U.S. Capitol Building and MPD officers watched the footage on television, a sergeant commented that he saw nothing wrong with the riot. He said that these were just white people protesting peacefully, “not like those animals,” apparently referring to the Black Lives Matter protests the previous summer, and

an officer joined him, calling the BLM protesters “n-ggers.” The sergeant lamented the fact that the outgoing President had been forced to go on television and call off the rioters.

104. Det. DeJesus was shocked; he asked his fellow officers to be more respectful in their language. But a sergeant told Det. DeJesus that these officers – including the officer using the word “n-gger” – were just exercising their “freedom of speech.”

105. The racist comments continued.

106. In the spring of 2021, a white sergeant – Det. DeJesus’ former partner – looked at him and said, “I hate Hispanics and you can write that in your fucking book,” a reference to notes that Det. DeJesus sometimes took when he encountered troubling conduct.

107. That same sergeant, in or around May 10, 2021, went so far as to suggest that Lawrence, another city with a significant minority population, should be “burned down from the inside out,” but that if it were, then all the “Spanish” “hooligans” who lived there would just move to Methuen to buy all the “run-down houses” owned by Italians in the City.

108. Det. DeJesus’ patience was wearing out and his hope for change was dimming.

109. Although Det. DeJesus – having been warned early in his career about the danger of making waves in the Department – had tried over time to redirect racially charged conversation and encourage people to be “careful” about their words and conduct, he had to confront the reality that his efforts had not changed the work environment.

110. On or about June 2, 2021, he spoke to his captain, raising concerns about discrimination within the Department and about the lack of minority officers on the force.

111. But the captain – the same captain to whom a different Latino officer had reported concerns of racial bias in 2018 – deflected the report, claiming that there was no discrimination in the MPD since Chief Solomon had left.

112. On information and belief, in the days following Det. DeJesus' report, his captain suggested that he should be removed from the Detectives Division.

113. In early July 2021, a white sergeant publicly demeaned Det. DeJesus, calling him a "fucking idiot" and a "fucking moron" and instructing him to "get the fuck out of my face." There was no reason for the sergeant's hostility, and Det. DeJesus had not witnessed him treat white detectives in such a manner.

114. Det. DeJesus felt obliged to take further action.

115. On July 12, 2021, Det. DeJesus reported concerns about the racially hostile work environment to a lieutenant, informing his superior that he had first gone to his captain, who had not offered to do anything.

116. The lieutenant spoke with Det. DeJesus again two days later. He told him that he felt obliged to bring Det. DeJesus' concerns to the Chief.

117. Det. DeJesus shared his fear that making such a report would bring a backlash against him.

118. On July 16, 2021, Det. DeJesus spoke with the lieutenant again: He was ready to go to the Chief.

119. On July 21, 2021, the lieutenant met with the Chief about Det. DeJesus' concerns, and an investigation was initiated.

120. Interviews were conducted, and the lieutenant reviewed notes that Det. DeJesus had made over time about the conduct he had experienced.

121. But the focus of the investigation was predictably narrow, despite the broad concerns Det. DeJesus had brought forward.

122. There was no effort at a searching review of the work environment as a whole. There was no investigation into the use of racist slurs like “sp-c” and “n-gger” by officers and command staff, or into their unapologetic expressions of disdain for and violence towards residents who were Latino and/or Black. There was no examination of the retaliation Det. DeJesus reported – even when a sergeant *in his investigation interview* confessed that he hoped to be able to remove Det. DeJesus from the Detectives Division.

123. The lieutenant who performed the investigation issued his report on September 8, 2021.

124. He confirmed the use of racial slurs and other offensive language by two members of the command staff and one officer.

125. He recommended internal disciplinary charges against all three officers for violation of Department rules.

126. Notwithstanding this recommendation, the three officers against whom disciplinary charges had been recommended, as well as another officer whose conduct was cited in the report, were only sent “precautionary Education Letters.”

127. Then, on the *same day* the report was finalized, the Interim Chief closed the investigation without issuing *any* discipline at all.

128. Writing to Det. DeJesus, the Interim Chief explained that he had closed the investigation “for the betterment of members of the organization, including yourself, and the department as [a] whole.”

129. In the aftermath, a handful of workplace trainings were scheduled. That was it.

130. Then, just *two days* after the close of an investigation that saw him issued nothing more than an “Education Letter,” the white sergeant about whom so many had raised concerns

over time walked into roll call and, in front of the officers present, made a show of taking out his cell phone and pretending to take notes on it, mimicking what Det. DeJesus had been obliged to do over the years. Other officers laughed.

131. Over time, other officers joined in, repeatedly mocking Det. DeJesus for having made notes of the outrageous conduct he endured and joking that they would have to grab their notebooks, call or text their wives or make a recording.

132. The retaliation was punishing.

133. In the fall of 2021, a new Chief was appointed to helm the MPD.

134. He has made some needed changes. But while Det. DeJesus hoped that the new Chief would create a work environment free of the discrimination and retaliation that was so pervasive, that did not occur.

135. Although he had held out hope for years that the work environment would improve in time, Det. DeJesus could no longer harbor any such hope.

136. He had to confront the cold reality: the pervasively hostile work environment he had endured and tried to change was unlikely to improve.

137. In January 2022, Det. DeJesus filed a Charge of Discrimination.

138. But since that time, the work environment has remained racially hostile, and Det. DeJesus has faced further marginalization and punishment.

139. In 2022, the Chief resisted multiple calls from Det. DeJesus and others to address the behavior of the white sergeant about whom Det. DeJesus and at least two other Latino officers had raised concerns, including about the sergeant's bias, use of racial slurs and disparately harsh treatment of minority residents.

140. Also in 2022, Det. DeJesus and others were obliged to raise concerns to the Chief about the need for a supervisor in the Civil Rights Division.

141. Although the Chief finally appointed a sergeant to that role in the summer of 2022, he appointed a white man who does not speak Spanish and expressed that Black people need to “get over the whole slavery thing.”

142. Later in 2022, the Chief created a liaison role to the Latino community. He appointed Det. DeJesus – and another Latino officer who had filed an action for discrimination against the City.

143. With little done, the environment has deteriorated.

144. For instance, in 2022, MPD officers and command staff openly mocked minority members of the Methuen community.

145. And in February 2023, after a specialized unit of the Memphis Police Department named “the Scorpion Unit” was revealed to have beaten and killed a young Black man, several MPD officers joked that they were the “Scorpion Unit” for the City of Methuen.

146. In addition, since he raised concerns, Det. DeJesus has been isolated, mocked and subjected to disparate scrutiny.

147. He has been told he cannot be trusted; that he was only playing the race card; and that he should have kept quiet.

148. Officers have lamented that, because of him, they now had to “edit” their comments, and they have repeatedly joked about getting “offended” by all kinds of ordinary conduct, trivializing Det. DeJesus’ real concerns.

149. The lieutenant who investigated his complaint even told him to “get over it.”

150. Det. DeJesus – and, on information and belief, others – have reported the retaliation he suffered to the new Chief more than once, but he has shrugged off the responsibility for remedying it, saying it was before his time.

151. And while things have gotten worse for Det. DeJesus, those involved in the conduct he endured have been left unscathed – and in some instances, have advanced: one was permitted to transfer to another division with no consequences; two were featured on the Department’s social media; another is still taking detail shifts; another has – incredibly – been made the Community Policing Officer; and several officers involved have been promoted.

152. Having to endure this work environment has been – and continues to be – damaging for Det. DeJesus both emotionally and economically.

153. He has been forced out of remunerative overtime work, as he cannot trust working with officers whose racially charged and punitive conduct has been the subject of his reports.

154. And as the hostility of the work environment has persisted and intensified, particularly in the wake of his reports about the discrimination he observed and faced directly, Det. DeJesus has experienced deep emotional distress, anxiety and pain.

155. Det. DeJesus comes to this Court seeking redress.

CAUSES OF ACTION

COUNT I

Discrimination in Violation of G.L. c. 151B

156. The preceding Paragraphs of this Complaint are incorporated herein by reference.

157. The City, and the MPD, through, *inter alia*, the acts and omissions described above, have discriminated against Det. DeJesus because of his race and/or national origin, and subjected him to a racially hostile work environment, in violation of G.L. c. 151B, § 4(1).

158. The City, and the MPD, through, *inter alia*, the acts and omissions described above, have aided, abetted, incited, compelled and/or coerced others into creating a racially hostile work environment and otherwise discriminating unlawfully against Det. DeJesus because of his race and/or national origin, in violation of G.L. c. 151B, § 4(5), and have interfered with Det. DeJesus' right to work free from harassment and discrimination, in violation of G.L. c. 151B, §4(4A).

159. The conduct alleged is outrageous, egregious, and requires condemnation, such that the imposition of punitive damages is warranted.

160. As a result of the City's, and the MPD's, discriminatory conduct, Det. DeJesus has endured a hostile work environment over the course of years which he came to believe, after the investigation in 2021, was pervasively hostile and unlikely to improve. The discriminatory conduct, and the racial hostility in his work environment, continues to this day.

161. Det. DeJesus has suffered and continues to suffer damages including, but not limited to, loss of compensation and professional opportunities, other financial losses, loss of personal and professional reputation, pain and suffering, and emotional distress.

COUNT II
Retaliation in Violation of G.L. c. 151B

162. The preceding Paragraphs of this Complaint are incorporated herein by reference.

163. The City, and the MPD, through, *inter alia*, the acts and omissions described above, have retaliated against Det. DeJesus for having opposed practices forbidden by G.L. c. 151B, in violation of G.L. c. 151B §§ 4(4) and 4(4A) and 4(5).

164. The conduct alleged is outrageous, egregious, and requires condemnation, such that the imposition of punitive damages is warranted.

165. As a result of the City and the MPD's, retaliatory conduct, Det. DeJesus has endured a retaliatory work environment, including mocking, punitive professional isolation and degradation, which he came to believe, after the investigation in 2021, was pervasively hostile and unlikely to improve. The retaliatory work environment continues to this day.

166. Det. DeJesus has suffered and continues to suffer damages including, but not limited to, loss of compensation and professional opportunities, other financial losses, loss of personal and professional reputation, pain and suffering, and emotional distress.

WHEREFORE, Plaintiff Det. Charles DeJesus respectfully prays that this Court:

- a) Enter a judgment in his favor on all counts of this Complaint;
- b) Award him all damages he proves at trial to have suffered, including, *inter alia*, compensatory and consequential damages, for back pay and loss of future earnings and other benefits, harm to reputation, and damages for emotional distress, physical and mental suffering, and medical bills;
- c) Award him attorneys' fees, costs and interest;
- d) Award him appropriate equitable relief;
- e) Award him punitive damages; and,
- f) Award him such other relief as the Court deems just and proper.

PLAINTIFF REQUESTS A TRIAL BY JURY ON ALL MATTERS SO TRIABLE.

Date: April 30, 2024

Respectfully submitted,
Charles DeJesus,
By his attorneys,

/s/ Ellen J. Zucker

Ellen J. Zucker (BBO No. 568051)

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DOCKET NUMBER

Massachusetts Trial Court
 Superior Court



CIVIL ACTION COVER SHEET

24170V00423 C

COUNTY Essex

Plaintiff Charles DeJesus	Defendant: City of Methuen
ADDRESS: c/o Burns & Levinson, LLP 125 High Street Boston, MA 02110	ADDRESS: 41 Pleasant Street Methuen, MA 01844
Plaintiff Attorney: Ellen J. Zucker / Chris Wurster	Defendant Attorney:
ADDRESS: Burns & Levinson, LLP 125 High Street Boston, MA 02110	ADDRESS:
BBO: 568051 (Zucker) / 679835 (Wurster)	BBO:

TYPE OF ACTION AND TRACK DESIGNATION (see instructions section on next page)

CODE NO. B 22	TYPE OF ACTION (specify) Employment Discrimination, Retaliation	TRACK F	HAS A JURY CLAIM BEEN MADE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
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*If "Other" please describe:

Is there a claim under G.L. c. 93A?

YES NO

Is there a class action under Mass. R. Civ. P. 23?

YES NO

STATEMENT OF DAMAGES REQUIRED BY G.L. c. 212, § 3A

The following is a full, itemized and detailed statement of the facts on which the undersigned plaintiff or plaintiff's counsel relies to determine money damages. (Note to plaintiff: for this form, do not state double or treble damages; indicate single damages only.)

TORT CLAIMS

A. Documented medical expenses to date

1. Total hospital expenses _____
2. Total doctor expenses _____
3. Total chiropractic expenses _____
4. Total physical therapy expenses _____
5. Total other expenses (describe below) _____

Subtotal (1-5): \$0.00

B. Documented lost wages and compensation to date _____

C. Documented property damages to date _____

D. Reasonably anticipated future medical and hospital expenses _____

E. Reasonably anticipated lost wages _____

F. Other documented items of damages (describe below) _____

TOTAL (A-F): Far in excess of jurisdictional requirement

G. Briefly describe plaintiff's injury, including the nature and extent of the injury:

Plaintiff suffered workplace harassment, discrimination and retaliation, causing loss of income, emotional distress and consequential damages.

CONTRACT CLAIMS

This action includes a claim involving collection of a debt incurred pursuant to a revolving credit agreement. Mass. R. Civ. P. 8.1(a).

Item #	Detailed Description of Each Claim	Amount
1.		
Total		

Signature of Attorney/Self-Represented Plaintiff: X /s/ Ellen J. Zucker

Date: April 30, 2024

RELATED ACTIONS: Please provide the case number, case name, and county of any related actions pending in the Superior Court.

CERTIFICATION UNDER S.J.C. RULE 1:18(5)

I hereby certify that I have complied with requirements of Rule 5 of Supreme Judicial Court Rule 1:18: Uniform Rules on Dispute Resolution, requiring that I inform my clients about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods of dispute resolution.

Signature of Attorney: X /s/ Ellen J. Zucker

Date: April 30, 2024

CIVIL ACTION COVER SHEET INSTRUCTIONS — SELECT A CATEGORY THAT BEST DESCRIBES YOUR CASE*

AC Actions Involving the State/Municipality†*

- AA1 Contract Action involving Commonwealth, Municipality, MBTA, etc. (A)
- AB1 Tortious Action involving Commonwealth, Municipality, MBTA, etc. (A)
- AC1 Real Property Action involving Commonwealth, Municipality, MBTA etc. (A)
- AD1 Equity Action involving Commonwealth, Municipality, MBTA, etc. (A)
- AE1 Administrative Action involving Commonwealth, Municipality, MBTA, etc. (A)

CN Contract/Business Cases

- A01 Services, Labor, and Materials (F)
- A02 Goods Sold and Delivered (F)
- A03 Commercial Paper (F)
- A04 Employment Contract (F)
- A05 Consumer Revolving Credit - M.R.C.P. & S.1 (F)
- A06 Insurance Contract (F)
- A08 Sale or Lease of Real Estate (F)
- A12 Construction Dispute (A)
- A14 Interpleader (F)
- BA1 Governance, Conduct, Internal Affairs of Entities (A)
- BA3 Liability of Shareholders, Directors, Officers, Partners, etc. (A)
- BB1 Shareholder Derivative (A)
- BB2 Securities Transactions (A)
- BC1 Mergers, Consolidations, Sales of Assets, Issuance of Debt, Equity, etc. (A)
- BD1 Intellectual Property (A)
- BD2 Proprietary Information or Trade Secrets (A)
- BG1 Financial Institutions/Funds (A)
- BH1 Violation of Antitrust or Trade Regulation Laws (A)
- A99 Other Contract/Business Action - Specify (F)

* See Superior Court Standing Order 1-88 for an explanation of the tracking deadlines for each track designation: F, A, and X. On this page, the track designation for each case type is noted in parentheses.

†* Choose this case type if ANY party is the Commonwealth, a municipality, the MBTA, or any other governmental entity UNLESS your case is a case type listed under Administrative Civil Actions (AA).

‡ Choose this case type if ANY party is an incarcerated party, UNLESS your case is a case type listed under Administrative Civil Actions (AA) or is a Prisoner Habeas Corpus case (E97).

ER Equitable Remedies

- D01 Specific Performance of a Contract (A)
- D02 Reach and Apply (F)
- D03 Injunction (F)
- D04 Reform/ Cancel Instrument (F)
- D05 Equitable Replevin (F)
- D06 Contribution or Indemnification (F)
- D07 Imposition of a Trust (A)
- D08 Minority Shareholder's Suit (A)
- D09 Interference in Contractual Relationship (F)
- D10 Accounting (A)
- D11 Enforcement of Restrictive Covenant (F)
- D12 Dissolution of a Partnership (F)
- D13 Declaratory Judgment, G.L. c. 231A (A)
- D14 Dissolution of a Corporation (F)
- D99 Other Equity Action (F)

PA Civil Actions Involving Incarcerated Party ‡

- PA1 Contract Action involving an Incarcerated Party (A)
- PB1 Tortious Action involving an Incarcerated Party (A)
- PC1 Real Property Action involving an Incarcerated Party (F)
- PD1 Equity Action involving an Incarcerated Party (F)
- PE1 Administrative Action involving an Incarcerated Party (F)

TR Torts

- B03 Motor Vehicle Negligence - Personal Injury/Property Damage (F)
- B04 Other Negligence - Personal Injury/Property Damage (F)
- B05 Products Liability (A)
- B06 Malpractice - Medical (A)
- B07 Malpractice - Other (A)
- B08 Wrongful Death - Non-medical (A)
- B15 Defamation (A)
- B19 Asbestos (A)
- B20 Personal Injury - Slip & Fall (F)
- B21 Environmental (F)
- B22 Employment Discrimination (F)
- BE1 Fraud, Business Torts, etc. (A)
- B99 Other Tortious Action (F)

RP Summary Process (Real Property)

- S01 Summary Process - Residential (X)
- S02 Summary Process - Commercial/ Non-residential (F)

RP Real Property

- C01 Land Taking (F)
- C02 Zoning Appeal, G.L. c. 40A (F)
- C03 Dispute Concerning Title (F)
- C04 Foreclosure of a Mortgage (X)
- C05 Condominium Lien & Charges (X)
- C99 Other Real Property Action (F)

MC Miscellaneous Civil Actions

- E18 Foreign Discovery Proceeding (X)
- E97 Prisoner Habeas Corpus (X)
- E22 Lottery Assignment, G.L. c. 10, § 28 (X)

AB Abuse/Harassment Prevention

- E15 Abuse Prevention Petition, G.L. c. 209A (X)
- E21 Protection from Harassment, G.L. c. 258E(X)

AA Administrative Civil Actions

- E02 Appeal from Administrative Agency, G.L. c. 30A (X)
- E03 Certiorari Action, G.L. c. 249, § 4 (X)
- E05 Confirmation of Arbitration Awards (X)
- E06 Mass Antitrust Act, G.L. c. 93, § 9 (A)
- E07 Mass Antitrust Act, G.L. c. 93, § 8 (X)
- E08 Appointment of a Receiver (X)
- E09 Construction Surety Bond, G.L. c. 149, § 29, 29A (A)
- E10 Summary Process Appeal (X)
- E11 Worker's Compensation (X)
- E16 Auto Surcharge Appeal (X)
- E17 Civil Rights Act, G.L. c.12, § 11H (A)
- E24 Appeal from District Court Commitment, G.L. c.123, § 9(b) (X)
- E94 Forfeiture, G.L. c. 265, § 56 (X)
- E95 Forfeiture, G.L. c. 94C, § 47 (F)
- E99 Other Administrative Action (X)
- Z01 Medical Malpractice - Tribunal only, G.L. c. 231, § 60B (F)
- Z02 Appeal Bond Denial (X)

SO Sex Offender Review

- E12 SDP Commitment, G.L. c. 123A, § 12 (X)
- E14 SDP Petition, G.L. c. 123A, § 9(b) (X)

RC Restricted Civil Actions

- E19 Sex Offender Registry, G.L. c. 6, § 178M (X)
- E27 Minor Seeking Consent, G.L. c.112, § 12S(X)

TRANSFER YOUR SELECTION TO THE FACE SHEET

EXAMPLE:

CODE NO.	TYPE OF ACTION (specify)	TRACK	HAS A JURY CLAIM BEEN MADE?
B03	Motor Vehicle Negligence-Personal Injury	<u> F </u>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

STATEMENT OF DAMAGES REQUIRED BY G.L. c. 212, § 3A

DUTY OF THE PLAINTIFF — On the face of the Civil Action Cover Sheet (or on attached additional sheets, if necessary), the plaintiff shall state the facts on which the plaintiff relies to determine money damages. A copy of the completed Civil Action Cover Sheet, including the statement concerning damages, shall be served with the complaint. **A clerk-magistrate shall not accept for filing a complaint, except as otherwise provided by law, unless it is accompanied by such a statement signed by the attorney or self-represented litigant.**

DUTY OF THE DEFENDANT — If the defendant believes that the statement of damages filed by the plaintiff is inadequate, the defendant may file with the defendant's answer a statement specifying the potential damages which may result if the plaintiff prevails.

**A CIVIL ACTION COVER SHEET MUST BE FILED WITH EACH COMPLAINT.
 IF THIS COVER SHEET IS NOT FILLED OUT THOROUGHLY AND
 ACCURATELY, THE CASE MAY BE DISMISSED.**