

CEDRIC JONES, LEROY BATES,
DARRIELLE STEPHENS

NUMBER

607109. C

VERSUS

1ST JUDICIAL DISTRICT COURT

CITY OF SHREVEPORT; ALAN CRUMP,
INDIVIDUALLY AND IN HIS CAPACITY
AS CHIEF OF POLICE; BILL GOODIN,
INDIVIDUALLY AND IN HIS CAPACITY AS
DEPUTY CHIEF OF POLICE; GUY SMITH;
INDIVIDUALLY AND IN HIS CAPACITY
AS SHREVEPORT POLICE CAPTAIN; AND
BRIAN MONETTE, INDIVIDUALLY AND
IN HIS CAPACITY AS A SHREVEPORT
POLICE LIEUTENANT

CADDO PARISH

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PETITION FOR DAMAGES AND INJUNCTIVE RELIEF

CEDRIC JONES ("Corp. Jones"), LEROY BATES ("Corp. Bates"), AND DARRIELLE
STEPHENS ("Corp. Stephens"), adult residents of the State of Louisiana and employees of the
Shreveport Police Department ("SPD"), through undersigned counsel, respectfully represent:

1.

Made defendants are:

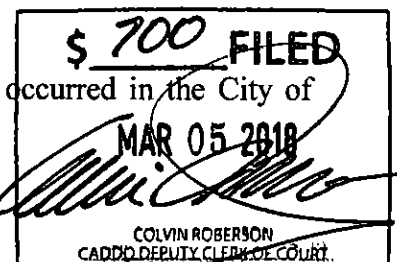
1. CITY OF SHREVEPORT("City"), a political subdivision located in Caddo Parish;
2. ALAN CRUMP, individually and in his capacity as Chief of Police ("Chief Crump");
3. BILL GOODIN, individually and in his capacity as Deputy Chief of Police ("Dep. Chief Goodin");
4. GUY SMITH, individually and in his capacity as Shreveport Police.Captain ("Capt. Smith"); and
5. BRIAN MONETTE, individually and in his capacity as a Shreveport Police Lieutenant ("Lt. Monette").

2.

Plaintiffs are employees of the SPD and the incidents at issue occurred in the City of
Shreveport such that jurisdiction and venue are proper in this court.

3.

Plaintiffs each suffer from pseudofolliculitis barbae, a chronic incurable medical condition
that medical research has shown for decades effects between 60% and 80% of all black males but
only effects 18% of while males. The only cure and/or treatment that prevents breakouts , injury,



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and scaring is to not shave facial hair. Pseudofolliculitis barbae a physical or mental impairment which substantially limits one or more of the major life activities such that it is a disability under the Louisiana Employment Discrimination Law. However, Pseudofolliculitis barbae does not interfere with plaintiffs ability to perform the functions and duties of their jobs as police officers if SPD and the City would not require them to shave. Having a beard does not interfere with the performance of the duties of a police officer.

4.

From 1994 until October, 2015, SPD General Order 302-01 provided that beard's could be work on the recommendation of a medical doctor and only required the letter from the medical expert be filed with SPD and the waiver was effective automatically. Pursuant to the chronic condition waiver forms required under SPD General Order 301.14, SPD generally required officers to update the medical letter each year.

5.

From at least 2001 until October, 2015, SPD General Order required officers to provide the medical note to his commander who would then forward it to the Human Resources Bureau for filing. The medical information was not disseminated anywhere else.

6.

For never explained reasons, SPD General Order 302-01 was amended effective October 15, 2015 in multiple ways that has a disproportionate impact on black officers as compared to white officers and that in violation of Louisiana law discriminates against plaintiffs as written and as applied. These requirements are now in section III(C)5 of SPD General Order 302-01.

7.

The 2015 amendment to the General Order requires officers to provide a medical letter to their immediate supervisors regarding their medical information. The supervisors are required to forward this medical information up through the chain of command to the chief of police for review and consideration such that medical information is no longer private.

8.

The amendment to the General Order additionally provides that the chief of police, who has no medical training or license to provide medical advice, the right to require additional documentation from the officer, contact the officer's physician to discuss the request, and send the officer for an evaluation by the City's contract physician.

9.

The amendment to the General Order further provided that *if* the waiver is approved, the officer would receive a letter from the chief of police or deputy chief . However, the amendment did not provide any time limits for the Chief or Deputy Chief to approve the requests.

10.

Although the amended General Order states that members seeking temporary or permanent relief to the grooming policy must obtain a letter from licensed physician, the General Order does not actually provide a procedure or standards to obtain a permanent waiver. Instead, the amended General Order states that any waiver granted "will stay active for a maximum of 90 days from the date of approval" and requires the officer to obtain a new letter from their physician requesting an extension after the 90 day period. Thus, the policy as drafted would require officers to let the current waiver expire prior to requesting an extension.

11.

Thus, the amended General Order as written requires black police officers who have a noncurable disease to expend funds at least 4 times per year to tell SPD that they still have a medical condition that is not curable. The requirement of 4 annual physician examinations is waste of public funds as the City is self insured for health insurance such that City must pay the insurer portion of all physician visits. This misuse of City funds is not accounted for by SPD as health insurance claims are processed by a third party and are not classified by department such that Chief Crump and Dep. Chief Goodin can mandate the misuse of funds without any checks and balances by the standard accounting procedures of the City.

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12.

By letter dated November 4, 2016, Chief Crump and Dep. Chief Goodin were personally notified in writing of the disproportionate impact that the amended General Order had on black officers and of the discriminatory impact the policy had on officers suffering from pseudofolliculitis barbae after SPD placed an officer on Administrative Leave because he had a beard – despite his having had beard waivers on file.

13.

This written notice advised that the failure to recognize the chronic nature of pseudofolliculitis barbae and penalizing officers by requiring them to get physician letters every 90 days is harassment due solely to this medical condition and detailed the unnecessary burden it was placing on black officers. The City attorney was copied with this written notice that if the SPD General Order was not revised and this harassment not stopped within 30 days, suit may be filed in state court under Louisiana law.

14.

No one on behalf of the City ever provided a response to the letter but the officer at issue was allowed to return to work after turning in another physician's note. After the local news did a story on this policy and the unreasonable enforcement of the waiver issues, SPD temporarily eased up on its application of the Amended General Order. However, in January, 2018, SPD supervisors began an unreasonable campaign of harassment of black officers who have the incurable medical condition pseudofolliculitis barbae. Chief Crump and Dep. Chief Goodin were personally advised of this problem but have taken no steps to stop it.

15.

On January 23, 2018, Corp. Stephens was instructed by an SPD lieutenant to go home and shave and after shaving report to the lieutenant so the lieutenant could view his face to confirm he shaved. Corp. Stephens advised the lieutenant that he had a doctor's note regarding his medical condition and the Lieutenant told him that until Chief Crump approves the waiver, he was required to shave. Corp. Stephens had turned his physician note in months earlier but no response had been

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received from either Chief Crump or Dep. Chief Goodin. The lieutenant then gave Corp. Stephens a direct order to go home and shave.

16.

Corp. Stephens called counsel on his way home to shave who contacted the City Attorney's office to address same. As William Bradford was not in the office, Assistant City Attorney Miles spoke with counsel, contacted ACP Dowell who agreed to let Corp. Stephens return to work without shaving waiver being received back and advised he would contact Dep. Chief Goodin to resolve the matter.

17.

On January 29, 2018, Chief Crump issued a letter that stated that he was in receipt of his request for a permanent waiver, the department does not grant permanent waivers, and to please continue to comply with SPD 302.01, III, C, 5 (the procedure for seeking a waiver). Corp. Stephens interpreted the language of this letter to mean that a 90 day waiver was granted since Chief Crump referred him to the policy language.

18.

Corp. Jones was told he would have to shave and reminded SPD that he has had a beard waiver on file with SPD for years. Initially, SPD advised that it could not find any waivers and Corp. Jones had to remind them that medical waivers would be in his medical file and not his personnel file. Corp. Jones was then told that his existing letters were not sufficient as they did not contain all the medical information desired by SPD and that medical letters were required every 90 days. Corp. Jones went to his physician and got another letter and turned it in through his chain of command. Thus, the City is fully aware of his medical condition.

19.

On or about January 24, 2018, Corp. Cedric Jones was advised by his supervisor that if he reported to work without shaving that he would be sent home to shave. Corp. Jones told his supervisor that had turned in a new letter from his doctor but was told that until Chief Crump grants the waiver, he will be required to shave. Corp. Jones was advised to notify ACP Dowell of the issue.

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After speaking with Mr. Myles, ACP Dowell advised that Corp. Jones could return to work without shaving while the waiver request was being reviewed. On January 29, 2018, Chief Crump approved the waiver. However, under the amended General Order, Corp. Jones will be required to spend money every 90 days to advise the City that he still has the same incurable medical condition.

20.

Corp. Bates provided SPD with a letter from his doctor on November 20, 2017 advising SPD of his pseudofolliculitis barbae and recommendation that he not shave. In January, 2018, Lt. Monnette asked Corp. Bates if he had turned the request into Chief Crump and Corp. Bates reminded him that the General Order required him to turn it in to his supervisor who was required to send it up the chain of command.

21.

On January 30, 2018, Chief Crump issued a letter that stated that he was in receipt of his request for a permanent waiver, the department does not grant permanent waivers, and to please continue to comply with SPD 302.01, III, C, 5 (the procedure for seeking a waiver). Corp. Bates interpreted the language of this letter to believe that a 90 day waiver was granted since Chief Crump referred him to the policy language.

22.

However, on February 8, 2018, Capt. Guy advised the unit that officers needed to shave if they did not have a waiver form. Corp. Bates spoke to Capt. Guy and told him that he had turned in a physician note for a waiver and Chief Crump just denied the permanent waiver. Capt. Guy said in his opinion the entire waiver request had been denied. Capt. Guy then informed Corp. Bates that physicians do not run SPD and until Chief Crump grants a waiver he was required to go home and shave. Corp. Bates then contacted counsel who contacted Mr. Myles who contacted ACP Dowell. ACP Dowell advised that Corp. Bates could stay at work without shaving while the waiver request was being reviewed.

21.

On his lunch break on February 8, 2018, Corp. Bates went to the SPD gym to work out. Lt.

Monnette came up to Corp. Bates and asked "didn't the captain give you a direct order to go shave." Corp. Bates advised Lt. Monnette that ACP Dowell said it could wait until the matter was reviewed. Lt. Monnette continued to badger and talk very aggressively towards Corp. Bates and put his hand on his arm in an effort to pull him out of the gym and force him to go shave. Corp. Bates advised Lt. Monnette that he was not going to discuss this matter with him. When Corp. Bates returned to duty after working out, Lt. Monnette approached him by his unit and grabbed him again. Corp. Bates had to tell Lt. Monnette multiple times that he was not going to discuss the issue with him.

22.

On February 9, 2018, Lt. Monnette changed the duty sheet for February 8, 2018 to state that "Corp. Bates went home sick due to his shaving waiver was invalid and refused to follow direct order to shave by Captain Smith."

23.

Corp. Bates went to a physician and obtained a letter dated February 9, 2018 which itemized all issues as set forth in the Amended General Order and turned same into SPD. As Corp. Bates had not received a response from SPD, he went to SPD to speak to Capt. Smith on February 13, 2018 which was the last day of his normal days off. He told Capt. Smith the history of his medical condition, his having turned in the first letter in November, receiving the initial response, Lt. Monnette's actions on February 8th, and his need to not shave. Capt. Smith told him that doctors do not give you shaving profiles, only Chief Crump can do so. Capt. Smith again told him he had to shave despite what his medical doctors said.

24.

Corp. Bates believed that Capt. Smith and/or Lt. Monette would file a complaint against him to have him disciplined and possibly fired if he did not shave. Therefore, on February 14, 2018, Corp. Bates shaved in violation of his doctor's medical advice because of the orders from Capt. Smith and Lt. Monette. Shaving on February 14th resulted in Corp. Bates having a bad episode of breakouts due to his pseudofolliculitis barbae, which caused him pain and embarrassment.

25.

On February 21, 2018, SPD advised Corp. Bates that it would not accept his physician's letter he turned in on February 9th because the physician had stated he would reevaluate Corp. Bates in 6 months. The late rejection of the letter by SPD was another form of harassment. If SPD is going to enforce its unjustifiable 90 day limit on an incurable disease, it could have granted the waiver for 90 days as stated in the Amended General Order. Instead, SPD required Corp. Bates to return to the physician to get a third letter.

26.

Corp. Bates obtained another letter dated February 21, 2018 which included all the same information as the February 9th letter but agreed to reevaluate Corp. Bates in 90 days. While at his physician's office to obtain a third letter for SPD, Corp. Bates was advised that Lt. Silva had called the doctor's office attempting to ask additional questions regarding his medical condition. Lt. Silva serves as a lieutenant in SPD's Human Resources Bureau and has no medical training. Thus, despite the letter having listed all the information set forth in the General Orders, SPD representatives attempted to delve further into his medical history. Chief Crump finally approved Corp. Bates for a 90 day waiver on February 22, 2018 but SPD did not notify Corp. Bates that the waiver was approved until February 28, 2018.

27.

On March 1, 2018, Lt. Monette gave Corp. Bates an Interoffice Memorandum from Chief Crump dated February 12, 2018 which notified him that SPD was investigating him for alleged violation of a direct verbal order from his supervisor to shave his beard. SPD assigned Lt. Monette, who would be a witness and possibly the complaining witness, as the investigator instead of sending it to IAB to have it investigated by independent and uninvolved individual(s).

28.

Upon information and belief, the complaint was filed directly by Lt. Monette and/or Capt. Smith or was the result of Lt. Monette and/or Capt. Smith sending incomplete information up the chain of command for someone else to file the complaint. The complaint filed against Corp. Bates

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is another form of harassment due to his medical condition and his race. As a result, Corp. Bates has had to retain counsel to represent him in the internal investigation

29.

Lt. Monette, Capt Smith, Deputy Chief Goodin, and Chief Crump were all aware that Corp. Bates had pseudofolliculitis barbae and that if he was required to shave it would result in injury to his face. In accordance with the Amended General Order, Corp. Bates provided the November 20, 2017 letter to his supervisor Lt. Monette who then sent it up the chain of command. All four defendants had to have seen the medical letter on or before January 29, 2018 when Chief Crump denied the permanent shaving waiver and advised him to continue to comply with SPD 302.01, III, C, 5. Capt. Guy was specifically told by Corp. Bates about his medical condition and the problems shaving would cause him.

30.

Chief Crump and Dep. Chief Goodin were both advised in writing in November, 2016 and again on January 24, 2018 that “pseudofolliculitis barbae is a physical condition which effects a major life activity of caring for themselves and performing the manual task of shaving such that it violates Louisiana’s Discrimination Act set forth in La. R.S. 23:323.” The January 24, 2018 letter advised Chief Crump and Dep. Chief Goodin and the City Attorneys’ office of a similar letter sent to their predecessors in office in 2013 when Chief Shaw threatened to eliminate the beard waiver. Therefore, Chief Crump, Dep. Chief Goodin, and the City knew that this disease was problematic for officers like plaintiffs.

31.

On January 24, 2016, Chief Crump and Dep. Chief Goodin were both advised in writing that SPD supervisors were giving subordinates direct orders to violate the prescription and orders of the officer's actual medical doctors. Yet, neither individual did anything to stop Capt. Smith or Lt. Monette from giving direct orders that overruled medical advice to officers such as Corp. Bates.

32.

Therefore, Lt. Monette, Capt Smith, Deputy Chief Goodin, and Chief Crump desired to cause

Corp. Bates an outbreak from the pseudofolliculitis barbae and the physical pain and embarrassment of same and/or believed an outbreak and physical pain and embarrassment were substantially certain to follow from the direct order to ignore medical advice or suffer punishment from SPD. Lt. Monette's physically grabbing Corp. Bates several times in his effort to force Corp. Bates to leave and go shave was further intentional actions intending to harm Corp. Bates. As such, all individual defendants are guilty of intentional torts, including but not limited to intentional infliction of emotional distress, negligent infliction of emotional distress, and battery due to the grabbing of Corp. Bates and/or the forced shaving and the resulting break out of pseudofolliculitis barbae bumps and potential scarring an.

33.

The actions taken by Lt. Monette, Capt Smith, Deputy Chief Goodin, and Chief Crump were primarily rooted in employment, incidental to the performance of their job duties, and occurred at SPD during working hours such that the City is vicariously liable for the damages caused by the tortuous actions. Corp. Bates is entitled to all damages reasonable under the circumstances against all defendants.

34.

SPD and the City's failure to recognize the chronic nature of pseudofolliculitis barbae, penalizing officers by requiring them to get physician letters every 90 days, and giving direct orders to violate the prescription and orders of the officer's actual medical doctors are acts of pure harassment and discrimination due solely to this medical condition which adversely impacts black men. The City was placed on notice of this harassment and discrimination due to disability and race on January 24, 2018 in writing directed to Chief Crump, Dep. Chief Gooden, the City Attorney, and an Assistant City Attorney.

35.

The City was notified that the January 24, 2018 letter served as the required 30 day notice under La. R.S. 23:303(C) for Corp. Stephens, Corp. Jones, and all other officers suffering from this condition and their attempt to resolve this matter prior to filing suit under Louisiana Law. As

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required by Louisiana law, the City was advised that if the SPD General Order is not revised within 30 days to eliminate the every day 90 day requirement, eliminate the requirement to send this medical information up the entire chain of command, eliminate the requirement of the Chief's approval, and reinstate the prior policy, then suit will be filed in state court for injunctive relief to stop enforcement of this policy, damages, and attorneys' fees.

36.

Twenty-nine days after faxing the letter to Chief Crump, Dep. Chief Goodin, and the City Attorney's Office, plaintiffs' attorney received a letter from a private attorney on behalf of the City. This letter merely offered to have the amended general order "reviewed as soon as possible" and to approve waiver requests on only a temporary basis after "required documentation is provided." The letter by the City was not made in good faith as the City waited for almost 30 days to say it will look at the policy. The letter offered no indication that the City would actually change the policy particularly as it was placed on notice in September, 2013 and then amended the General Order two years later and was notified in November 2016 and again in January, 2018 of the problems caused by the amendment.

37.

The City acting through SPD supervisors have continued to harass and discriminate against plaintiffs and other officers due to their medical condition which adversely effects black officers in violation of Louisiana law. Requiring officers to incur physician expenses to tell SPD that they still have an incurable disease that in no way impacts their ability to perform their jobs is discrimination and harassment due to disability prohibited by Louisiana Revised Statute 23:323 and due to race as prohibited by Louisiana Revised Statute 23:332.

38.

Plaintiffs are qualified to perform the duties of their job but need an accommodation of not having to shave. Plaintiffs are willing to maintain a short trim beard and have done so. However, their condition is not curable and the insistence of defendants that plaintiffs spend money every three months to tell them they still have the disease is causing monetary losses. Plaintiffs are being

harassed about their medical condition and Corp. Bates was forced to shave against his doctor's advice under threat of discipline – which the City is still pursuing despite him capitulating.

39.

Plaintiffs are entitled to damages caused by the harassment and discrimination in violation of Louisiana law, including but not limited to reimbursement of unnecessary medical expenses and general damages for the stress and anxiety caused by the harassment and discrimination

40.

Plaintiffs desire and entitled to injunctive relief prohibiting the City from enforcing SPD General Order 302.01 as written; prohibiting the City from requiring repetitive physician notes at the cost of plaintiffs and other officers to tell the City that plaintiffs and/or other officers still have an incurable disease; prohibiting SPD supervisors from ordering plaintiffs and other officers from shaving contrary to physicians' medical advice; prohibiting the City from disciplining and/or terminating plaintiffs or other officers for needing to maintain a beard for medical purposes; and prohibiting all other discriminatory against plaintiffs due to their disability and race.

41.

Plaintiffs are also entitled to all attorneys fees and costs for filing this petition as provided for in Louisiana R.S. 23:303.

WHEREFORE, CEDRIC JONES, LEROY BATES, AND DARRIELLE STEPHENS PLAINTIFFS PRAY that the Defendants be served with citation and a copy of this petition and that after all due process is had that judgment be rendered granted in their favor against all defendants for all compensatory damages reasonable under the premises,

PLAINTIFFS PRAY that after all reasonable process that there be a preliminary injunction and a permanent injunction against the City prohibiting the City from requiring repetitive physician notes at plaintiffs' and other officers' cost to tell the City that plaintiffs and/or other officers still have an incurable disease; prohibiting SPD supervisors from ordering plaintiffs and other officers from shaving contrary to physicians' medical advice; prohibiting the City from disciplining and/or terminating plaintiffs or other officers for needing to maintain a beard for medical purposes; and

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prohibiting all other discriminatory actions against plaintiffs due to their disability and race.

PLAINTIFFS FURTHER PRAY for all general and equitable relief which is reasonable under the premises.

Respectfully submitted,

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BATES, AND DARRIELLE STEPHENS

PLEASE SERVE:

1. CITY OF SHREVEPORT
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Shreveport, LA 71101

PLEASE SERVE:

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 3. BILL GOODIN
 4. GUY SMITH and ✓
 5. BRIAN MONETTE ✓
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