

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

FEPA

EEOC: EEOC

Inquiry No.

541-2022-01748

Colorado Civil Rights Division

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Ms. Carla Havard

Home Phone (Incl. Area Code)
720.380.4408

Email address:
jenipherj@dolawllc.com

Year of Birth

1969

Street Address

O'Connor Jones: A People's Law Office (Counsel for Complainant Ms. Carla Havard)
Jenipher R. Jones, Esq.
110 16th Street
Suite 1400
No. 1001
Denver, CO 80202
Tel. 720.459.9333 | Fax: 720.796.9308
jenipherj@dolawllc.com

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

Denver Police Department

No. Employees, Members

50+

Phone No. (Include Area Code)

720-913-8099
303-246-1241

Street Address

City, State and ZIP Code

Denver City Attorney's Office (Counsel for Respondent)
Attn: Kristin George, Esq.
Denver City Attorney's Office
201 W Colfax Ave
Denver, CO 80202
Kristin.George@denvergov.org

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

- RACE
 COLOR
 SEX
 RELIGION
 NATIONAL ORIGIN
 RETALIATION
 AGE
 DISABILITY
 GENETIC INFORMATION
 OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE
Earliest Latest

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

Particulars regarding Ms. Havard's charge(s) are attached hereto.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

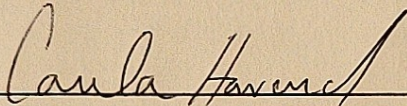
NOTARY – *When necessary for State and Local Agency Requirements*

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

August 25, 2022



Date

Charging Party Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

EEOC Form 5 (11/09)

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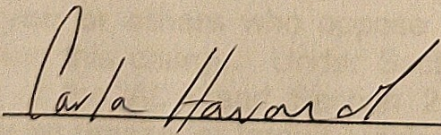
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SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.

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September 1, 2022

U.S. Equal Opportunity Employment Commission *Sent via Electronic Mail and EEOC Portal*

Denver Field Office

Attn: Investigator Carlos Palafox

950 17th Street

Suite 300

Denver, CO 80202

CARLOS.PALAFIX@EEOC.GOV

Re: Havard, Carla: Second Amended Charge of Discrimination EEOC Inquiry No. 541-2022-01748

Dear, EEOC Denver Field Office,

Greetings, Sergeant Carla Havard (hereinafter "Ms. Havard") by and through undersigned counsel hereby submits the instant Second Amended Charge of Discrimination against Respondent Denver Police Department an agency of the City of Denver. The charge is amended to correct a reference to DPD Officer Ron Thomas as present during a September 27, 2021 Women's Collective Meeting, as he was **not** present at the meeting, but rather Ms. Harvard's supervisor Glenn West was present. The particulars are set forth below and Respondents' contact information, including counsel of record, are indicated on the attached Form 5. Please contact me should you have questions, comments. or concerns.

Respectfully,

/s/ Jenipher R. Jones, Esq.

PARTICULARS & CHARGE OF DISCRIMINATION

I. INTRODUCTION

Pursuant to 42 U.S.C. §§ 2000e–2000e-8, and all relevant laws, Sergeant Carla Havard (hereinafter “Ms. Havard”) submits this complaint to vindicate her rights under Title VII of the Civil Rights Act of 1964 alleging race and gender discrimination, disability discrimination, and retaliation. Civil Rights Act of 1964, § 704(a), 42 U.S.C.A. § 2000 et seq; 42 U.S.C.A. § 12101; Amendments Act of 2008, PL 110–325, September 25, 2008, 122 Stat 3553.

Moreover, Ms. Havard respectfully requests, given the facts as stated herein, that the Equal Employment Opportunity Commission fully assess the DPD more broadly for systemic patterns and practices of discrimination. 42 U.S.C. § 2000e-6.

II. STATEMENT OF FACTS

An unspoken maxim of law enforcement culture often dictates that officers do not publicly raise concerns about internal wrong doing. Sergeant Carla Havard (Ms. Havard), a DPD officer, for nearly quarter of a century, did not abide by this maxim and, as set forth more fully below, is now punished and retaliated against for raising concerns regarding gender and race discrimination within the ranks of the DPD. Ms. Havard, as a sergeant, is one of the few black female officers who holds supervisory authority at the DPD. In fact, Ms. Havard is one of a few black female officer employees at the DPD- at all. Indeed, upon information and belief, approximately 23 out of 1,435 police officers at the DPD identify as black women and about 100 out of 1,435 police officers identify black males. It is within this culture that Sgt. Havard, a loyal public servant, stands at the intersection of both race and gender.

In terms of performance, Ms. Havard has consistently received positive performance reviews. Ms. Havard, also President of the Black Police Officers Organization, has received extensive commendation for her law enforcement work from both the DPD and a broad spectrum of civilian community members. As such, having been featured in the media from CNN to local media outlets, Ms. Havard holds a strong community reputation concerning community advocacy and skill to bridge gaps between law enforcement and affected communities.

A. The Citywide Impact Team

Currently, Ms. Havard is responsible for the supervision of the Citywide Impact Team of the DPD. Currently and during the relevant period of discrimination, Commander Glenn West (hereinafter “Glenn West”), is responsible for the direct oversight of Ms. Havard’s work with the

Citywide Impact Team. In sum, the Citywide Impact Team, based on a community policing model, holds dual primary purposes: (1) immediate public safety in the form of patrol efforts and (2) long-term community engagement. Community Engagement includes interactions with community stakeholders regarding community concerns, recruitment of officers who are historically underrepresented in policing, and a broad array of matters related to diversity, equity, and inclusion (hereinafter “DEI”). The Team consists of one sergeant (Ms. Havard), six officers, and a licensed professional counselor and/or licensed addiction counselor.

B. Protected Opposition to Discrimination: The Women’s Collective

Consistent with CIT’s mission and purpose, Ms. Havard is often invited to internal and external meetings regarding matters related to DEI efforts at the DPD. And though the DPD is accustomed to Ms. Havard’s outspokenness, the DPD began to retaliate against Ms. Havard when she publicly called for the investigation of her fellow officers during a Women’s Collective meeting held September 27, 2021. Headed by Magen Dodge, the Women’s Collective intends to advance gender inclusion and identify barriers of such at the DPD.

September 27, 2021, the Women’s Collective convened a meeting, in which DPD officers Glenn West (Ms. Havard’s supervisor), Magen Dodge, Paul Pazen, and were present. The purpose of the meeting was to address a memorandum circulated to all the participants which outlined numerous specific instances, with quotes from DPD employees who were experiencing explicit instances of gender bias, discrimination, and sexual harassment at the DPD.

For instance, the memorandum summarizes the issues of sex discrimination and provides in relevant part:

“Sexism and misogyny, as well as other forms of degradation and discrimination, are omnipresent and rampant in the Denver Police Department; it is an extensive issue that deserves commensurate resources. The behaviors extend from the lesser acknowledged, everyday dismissiveness, including lack of recognition/credit stealing and talking over/ignoring, to the more obvious overt harassment, such as inappropriate touching. Women are often treated poorly and are meant to feel unsafe on a regular basis through harassment in the form of unwanted touching, blocking normal movement, verbal abuse, threats, and exclusion. Regardless of the form, the issues contribute to unhealthy, stressful work environments that are detrimental to the mental health of the women within DPD. It also maintains the wide gender gap that currently exists between men and women in leadership within the department.” Exhibit 1.

The memorandum also outlines specific instances of sexual harassment, assault and battery:

“My Sgt. regularly caresses and plays with my hair and rubs my back. He has also grabbed my leg multiple times when we are sitting next to each other. This often happens in the presence of my Lt. and other Detectives.

My Sgt. came up behind me and put his hands around my neck and pretended to choke me. He thought it was funny. Once he removed his hands, I placed mine next to my neck on instinct due to a trauma related reaction. He is aware of this trauma. He told me to chill out and put my hands down. It was just a joke.” Id.

Finally, the document outlines several climate concerns regarding microaggressions, derogatory language, and other inappropriate remarks:

“Comments about women's bodies are made daily. The people that make these comments do it openly without any concern that they will be disciplined by superiors.

People use the word tranny, faggot, he-she, cocksucker, retard, and other inappropriate/offense words on a daily basis.” Id.

As the discussion went forward, not surprisingly and reasonably, Ms. Havard, made an exuberant public call for investigation of all the matters detailed in the memorandum and identified the alleged conduct as both policy and law violations - to which she received resounding applause from the attendees.

C. Retaliation and Performance Improvement Plan (PIP)

1. Performance Improvement Plan

At the outset, Ms. Havard, has repeatedly proffered protected opposition to discrimination, from December 2021 to a recent opposition on August 3, 2022.

However, following the Women’s Collective meeting, Ms. Havard began to notice that her duties as supervisor of the Citywide Impact Team were shifting to more patrol related work and *less* community engagement/DEI work by her direct supervisor Glenn West. Rather those duties appeared to be reassigned to a lower ranked black male officer by the name of Tyrone Campbell. Ms. Havard continued to advocate for best practices and made inquiries regarding the sudden shift in her work assignments to which she received no clear answer and again began to raise race and gender bias issues.

Ms. Havard’s persistence in raising opposition to discrimination culminated in a March 17, 2022, “non-disciplinary” Performance Improvement Plan (hereinafter “PIP”), which is absolutely replete with false and unsubstantiated allegations. Exhibit 3. Therein without any objective

substantiation, Ms. Havard is essentially characterized and cast as the stereotype of an angry black woman; violent in violation of departmental policy and mayoral orders, stating “Department of Safety personnel have described your behavior as...confrontational, alarming, aggressive, abusive, dismissive, demeaning, and threatening.” Exhibit 3. The PIP states that personnel were reluctant to come forward regarding their concerns about Ms. Havard’s behavior because of a “perception of your close connections with the inner administration of the Denver Police Department, and your political connections externally. Personnel have also stated that they are reluctant to speak out or come forward because they *fear being accused of harboring a racial or gender-based bias.*” Id.

Set to expire June 17, 2022, the PIP required twice weekly meetings with Glenn West. Yet noticeably absent were any follow up substantiation regarding the behavioral complaints nor any other recommendations typically assigned to law enforcement officers with respect to conduct/behavioral issues. Ms. Havard concedes that a PIP in and of itself does not constitute retaliation nor an adverse employment. However, notably though the PIP states Ms. Havard is aggressive with other law enforcement personnel, conspicuously absent are required *or optional* resources for anger management, mental health, or counseling. What is more, despite expressing a concern for her behavior, the letter fails to mention the safety of the civilian public or any additional training to mitigate incidents with civilians- particularly since Ms. Havard’s patrol duties had been increased. Equally, concerning the PIP states that Ms. Havard’s race, gender, and associations¹ were a motivating factor in *how* the concerns therein presented a concerning admission by any employer, no less a government law enforcement agency charged with public safety and upholding the constitutional rights for all - including the right of association, protected by the First Amendment.

To be clear, a performance improvement plan does not solely constitute retaliation. However, though supposedly non-disciplinary in nature, Glenn West, Ms. Havard’s direct supervisor, implemented the PIP in a retaliatory, discriminatory, and harassing manner. The retaliatory conduct usually took place during the required twice weekly meetings as mandated by the PIP. From approximately March 2022 to May 2022, Glenn West, pilloried Ms. Havard with seemingly small “insubordination” infractions to which other similarly situated DPD officer employees, were not *in practice* subject to. The insubordination infractions cited by Glenn West include but are not limited to, punctuality citations for being two minutes late to a meeting, the length and position of her shirt sleeves when moving heavy boxes, and applying her initials rather than her full name to informational documents. During a tense March 29, 2022 meeting, upon information and belief, Glenn West even shared with Ms. Havard the following: “nobody likes you.” In fact, upon information and belief, concerning the position of Ms. Havard’s shirt sleeves, in a quintessential statement of retaliation, Glenn West told Ms. Havard: **“If you’re going to complain on others, they will complain on you.”**

Eventually, by April 19, 2022, Glenn West required Ms. Havard, a 24 year veteran of the DPD, to document and enumerate her *every* action, stating on a supervisory meeting report,

¹ Upon information and belief, these associations referred to by the DPD in the PIP also bear a racial component.

“instructed to provide me a daily list of activities/ events that you are involved in for each working shift. Do this by email and by 1000hrs during your shift, and include the start and end times for each event. In cases where you are notified of an event by short notice, send an additional email notifying me of the change in your schedule. I explained that this is how I will check to see how you are managing your time to ensure the Citywide Impact officers are getting supervisory coverage on Class 2s out in the field. As explained before, this documentation of supervisory coverage in the EOW report for sergeants is a request of Chief Pazen's.”

Because of the nature of Ms. Havard’s work, including the fluidity and long term community engagement, an order to document every minute or moment is nearly impossible for Ms. Havard to have successfully completed. Upon information and belief most of Ms. Havard’s work duties relating to community engagement and diversity, equity, and inclusion were in their substance reassigned to Tyrone Campbell, a lower ranking male employee. Also upon information and belief, electronic correspondence regarding those community engagement and DEI assignments on its face still include Ms. Havard’s DPD email address, yet in their execution and practice, exclude Ms. Havard and evade her authority as the Citywide Impact Team supervisor.

2. Internal Affairs Bureau Interview with Officer Laura Franklin

April 13, 2022 an Internal Affairs Bureau (hereinafter “IAB”) interview was held regarding an email exchange between Department of Safety employee Emily Lauck (hereinafter “Lauck”) and Ms. Havard. Ms. Havard indicated to Ms. Lauck that she did not feel comfortable participating on the hiring panel and declined to participate, citing disparate standards as to race and gender.

Officer Laura Franklin (hereinafter “Officer Franklin”) facilitated the interview. During the interview, Ms. Havard, supposedly a witness of the investigation was treated more like a subject of the investigation. Ms. Havard explained to Officer Franklin her comments to Lauck, particularly in light of her PIP: “That is just a stereotypical point of black women in the workplace. That always comes up with black women. And to slander someone who is essentially doing their job. If a white male runs a tight team, he’s a leader and black women are called an angry black women or aggressive, this common rhetoric and people talk to me all the time and I think ‘Well, who's afraid?’ I talk to janitors and records ladies. This is common rhetoric used to slander someone.” April 13, 2022, *Havard LAB Interview with DPD Internal Affairs Bureau*, on file with attorney.

Pressing Ms. Havard, the interview ended with the final disturbing exchange:

“Carla Havard: Do you feel like this PIP is targeting?”

Officer Franklin: Because you are an angry Black woman with behavioral issues?” Id.

This interview highlights the discriminatory and retaliatory treatment Ms. Havard endures at the DPD.

3. Office of the Independent Police Monitor

Following this exchange, similar to the women cited in the Women's Collective document, Ms. Havard believed she had no other choice but to request the intervention of the City of Denver Office of the Independent Monitor (hereinafter "OIM"). Candidly, because of the way her improvement plan was being executed, the nature of her interview with Officer Franklin, and a quarter century of experience with the internal culture of the DPD—Ms. Havard actually became concerned for her physical safety. Accordingly, reasonably dissuaded, on April 23, 2022, at the direction of Ms. Havard, by and through her Counsel, submitted a formal complaint to the OIM, a third party law enforcement oversight agency. Exhibit 2.

Subsequently, on May 6, 2022, yet another IAB interview was held, this time with Commander Magen Dodge (hereinafter "Dodge"). Of note, Dodge is one of the DPD personnel in part charged with leading the Women's Collective and upon information and belief, was present at the September 27, 2021 meeting during which Ms. Havard made a public call for investigation sexual harassment in the DPD. Upon learning that a part of Ms. Havard's complaint concerned the Women's Collective, Dodge continued to facilitate the interview herself despite the apparent conflict of interest arguably present in doing so.

In fact, strangely, Dodge, began to conduct and direct the questions seemingly as a witness/subject, highlighted in the following exchange during the May 6, 2022 interview:

"Carla Havard: The women's collective. They expressed all serious violations in my opinion..."

Magen Dodge: It is under investigation.

Carla Havard: I stood up publicly in front of everyone and felt we were talking about violations of law. So I stood up and I said, hey, you have women here who are crying and said these things are being investigated. But let's also say there is an official path.

Magen Dodge: It was handled that day.

Carla Havard: I think bc I have proclaimed that I have been retaliated against. I recommended trauma classes for everyone.

Magen Dodge: Why do you think you were retaliated against?

Carla Havard: Because I am seen as the person not on the program and I was talking about accountability and other people are talking about cupcakes. And every one is making good strides, and perhaps we are, and I am being seen as the person who is trying to throw an

monkey wrench in that and I am not.” May 6, 2022, *Havard LAB Interview with DPD Internal Affairs Bureau*, on file with attorney.

During this interview Ms. Havard continued to raise her concerns regarding discrimination, retaliation, and bias.

Amidst all of the retaliation and internal investigations, Ms. Havard was attempting to study for the Lieutenant’s Exam, an examination which provides a path to promotion in terms of rank, only offered about once every three years. Effective July 9, 2022, the results were released by the DPD and Ms. Havard’s test yielded a score of approximately 70%, making her promotion unlikely. Upon information and belief, the stringent mandates of the PIP were intended to distract Ms. Havard from studying for the exam, thus mitigating her ascendance in terms of rank within the DPD

4. PIP Follow up

On August 10, 2022 at 1:00pm, Glenn West, Ms. Havard’s direct supervisor held a PIP follow up meeting with Ms. Havard. The document outlines areas of performance that have improved. In doing so, it also highlights the unreasonable standards to which Ms. Havard was held, including being two and five minutes late and not setting up a meeting within forty-eight hours of having been asked to do so, when to his own admission Glenn West never gave her a deadline to do so. After reprimanding Ms. Havard, Glenn West eventually began assigning due dates, something which may indicate a lack of managerial skills, instead of a shortcoming on the part of Ms. Havard.

The PIP follow up document also cites performance reviews in which it is noted that Ms. Havard should work on behavior management, reflection, and attitude. However, the document fails to note that in many of those performance reviews, Ms. Havard also raises issues as to disparate treatment, specifically her treatment as a Black woman. Indeed it would appear, particularly given the Women’s Collective document, a screed which addresses DPD conduct, some of which is criminal in nature and far dwarfs the allegations against Ms. Havard, that male DPD personnel are held to a different standard of conduct. DPD’s citation of its own policies and alleged subsequent violations by Ms. Havard does not mean they are equally applied to all of its employees. In fact, the facts of the instant case suggest otherwise.

Upon information and belief Glenn West stated that he waited to present the August 2022 PIP follow up because he did not want to disrupt Ms. Havard’s study for the lieutenant's exam. In this reasoning, therein lies a logical fallacy as the explanation proffered highlights an unredeeming conflict and conundrum, which may indicate pretext. Ideally, consistent with its own purported practices, the DPD should have wanted Ms. Havard to receive additional feedback and commence counseling to more affirmatively support her journey to promotion and cultivate healthy interactions amongst her peers. Yet the reasoning proffered most encapsulates a logical dichotomy and demonstrates the fatal flaw to the course of action taken by the DPD: Either the DPD permits

officers that they know have behavioral problems to engage with the public and its employees for months on end without meaningful intervention, as they waited **five** months to recommend counseling to Ms. Havard **or** in reality Ms. Havard, one of the few Black women officers with supervisory authority, truly does not have behavioral problems, is held to a different standard due to her race and gender, and is being targeted by Glenn West. Upon information and belief, the policies of the DPD are asymmetrically enforced, adversely falling upon the parameters of race and gender.

5. August 18, 2022 Write Up

August 18, 2022, Ms. Havard was notified by Glenn West that she would receive a Journal Entry write up due to an August 10, 2022 email she sent an email declining to participate in a *Women In Command* course training. Ms. Havard is not required to take the training. Though the declination positively written with sincere compliments to her colleagues, Ms. Havard was still reprimanded, the basis for which is unclear. The August 18, 2022 write up appears to be pretextual in nature and likely due to an August 3, 2022 email exchange between Glenn West and Ms. Havard regarding “soft” uniforms and traditional uniforms. Upon information and belief, consistent with a long standing practices in his supervision of Ms. Havard, Glenn West informed other subordinates regarding uniform type but refused to inform Ms. Havard in a timely manner, then publicly correcting and reprimanding her for failing to comply or ask follow up questions regarding something to which she was unaware to begin with to even ask questions. Again, during the unfortunate exchange of what should have been celebratory, Ms. Havard, raised an opposition to discrimination.

D. The Physical and Mental Toll to Ms. Havard’s Health

Crushed by the inescapable weight of retaliation, by May 14, 2022, Ms. Havard’s physician ordered a medical leave under the Family and Medical Leave Act (FMLA) due to her inability to perform her work duties due to a work-related anxiety and stress disorder, particularly while having anxiety “flare ups.” In fact, throughout May and June 2022, Ms. Havard was often admitted to the hospital due to conditions related to her anxiety and stress disorder. In one instance, upon information and belief, even after Ms. Havard was admitted to the hospital for an emergency related to her work stress, Glenn West cited Ms. Havard for not utilizing the proper protocols to utilize sick and vacation time benefits, which is cited in her August 10, 2022 PIP follow up. To this day, Ms. Havard suffers from anxiety and stress related injuries due to the defamatory remarks made by DPD employee(s) and the retaliatory environment at the DPD. To be clear, similarly situated DPD male employees, namely Tyrone Campbell (who is of a lower rank than Ms. Havard), Jason Simmons, and Jason Burton were not subject to the treatment as outlined above.

E. REQUEST FOR RELIEF

Ms. Havard continues to suffer harm to her physical, psychological, emotional health, and reputational standing and thus respectfully requests that the Commission investigate this matter,

issue findings of discrimination, and a right to sue letter. Finally, Ms. Havard respectfully requests, given the facts as stated herein, that the Equal Employment Opportunity Commission fully assess the DPD more broadly for systemic pattern and practice of discrimination. 42 U.S.C. § 2000e-6.

Respectfully Submitted,
/s/ Jenipher R. Jones, Esq.

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EXHIBIT 1

HAVARD

EEOC INQUIRY

NO. 541-2022-01748

Women's Collective: Behaviors Group (9/27/21)

Problem:

Sexism and misogyny, as well as other forms of degradation and discrimination, are omnipresent and rampant in the Denver Police Department; it is an extensive issue that deserves commensurate resources. The behaviors extend from the lesser acknowledged, everyday dismissiveness, including lack of recognition/credit stealing and talking over/ignoring, to the more obvious overt harassment, such as inappropriate touching. Women are often treated poorly and are meant to feel unsafe on a regular basis through harassment in the form of unwanted touching, blocking normal movement, verbal abuse, threats, and exclusion. Regardless of the form, the issues contribute to unhealthy, stressful work environments that are detrimental to the mental health of the women within DPD. It also maintains the wide gender gap that currently exists between men and women in leadership within the department.

Behaviors Examples:

Everyday Behaviors: These are behaviors that women of DPD deal with on a regular basis, that may not seem overtly sexist. Dealing with these behaviors over time, however, creates a hostile, unsafe environment.

- A (former) Lt. used to call me late at night; he always seemed intoxicated.
- When I first started at my location, I had two sergeants in Investigations who treated me like part of the team. I was included on e-mails, meetings, discussions that may or may not come up under my purview. A new sergeant, who made it no secret that he did not respect a civilian in the position I was in and that "we tend to think we have too much power," I began to notice I was left off of the same e-mails, not included in the meetings, or discussions. When I brought this up to him, I was told that he didn't include me on his distribution because they sent things out that wouldn't pertain to me (like making sure days off were in Telestaff) and that he "forgot" to include me in this. It continued after I brought it up to him numerous times. One of the detectives was kind enough to forward me the information he sent out.
- My ideas and project pitches were often denied but the same projects were given to male colleagues.
- Comments about women's bodies are made daily. The people that make these comments do it openly without any concern that they will be disciplined by superiors.
- People use the word tranny, faggot, he-she, cocksucker, retard, and other inappropriate/offense words on a daily basis
- Political topics are often brought up in the office in order to make me agitated. It is primarily everyone in the office with one view versus me with another view, even though I attempt to not engage in these topics
- My supervisor would wave his finger at me to signal for me to stop talking during meetings.
- A male colleague would continually harass me about not having children, asking what was wrong with me and why this was the case. This went on for close to a year.
- Several sworn have made comments such as "I would comment on your outfit or how good you look today but you can't say anything anymore." This has also been said about hair cuts/dyes.

- There were comments from management about their dislike of hiring younger women because of the chance they would decide to get pregnant and be gone for a long period of time.
- I often heard comments from the sergeant level questioning why my supervisor (civilian) was leading our Command Strategy Briefings, and things like “who does she think she is to make these decisions?”
- A male coworker asks me on a consistent basis questions about my sexuality. When I talked to my supervisor about discussing this issue with him, she told me to talk to him about stopping the comments instead.

Significant Occurrences: Specific issues that have occurred, not on a daily basis, and not to the extent of sexual harassment: these behaviors do not occur on a regular basis, however, they impact our work environment in a significant way. These behaviors do not rise to the level of sexual harassment but still contribute to a hostile work environment and would not have been said to a male or sworn counterpart

- Was called into Lt’s office to discuss my “behavioral” problems. Lt and Sgt stated that civilians are there to bring sworn’s mood up and that I need to be happier at work. Lt then made a comment that I made too much money and my initial offer letter was a mistake. This was approximately 6 months into working at DPD. I then contacted my civilian supervisor who set up a mediation between her, myself, and the Commander. My Lt and Sgt were never brought into the meeting and I never received an apology or acknowledgement that anything happened.
- Officers made suggestions that another female officer’s legal troubles were because she had sex with someone she shouldn’t have
- A male colleague told me to focus more on the administrative tasks while he and another male colleague will focus on big picture projects.
- A commander was standing at my desk having a conversation and my supervisor stopped and asked him why he was slumming below his level.
- A male, sworn colleague told me I could be useful by setting out plates and napkins, etc. for an event that I wasn’t involved in
- I provided stats on cases assigned to our unit. I was questioned multiple times to the accuracy of the stats and the stats were even re-done by sworn, incorrectly. I was made to feel like I did not know how to do my job, even though I had been at DPD for nearly 4 years
- My supervisor would not allow me to work on any major projects or shadow areas where I could grow professionally (e.g. budgeting). He would then regularly tell me that I don’t understand the big picture or “how the sausage was made” and just accept where I fell in the org chart.
- I was at a specialized unit meeting and, as it was wrapping up, several sworn started gathering for another meeting where civilians weren’t allowed. A male, sworn colleague stated “get out” very loudly and everyone started laughing
- When a female officer was being brought into our unit, several officers were discussing her sex life, dating life, etc which I found to be extremely inappropriate. That should never be a factor in someone’s work performance
- I attempted to address interpersonal issues between myself and two sergeants directly with them on numerous occasions and finally had to discuss it with their lieutenant after no movement. Instead of having a meeting between all of us and moderating the conversation, he spoke with each of us separately and communicated for them to me. This included explaining to me how to identify a

pattern, after I had been doing the job for 4 years at this point (“there needs to be at least 3 incidents,” “it can’t only be that the location type, time, and general description is the same”, etc.).

- During a presentation to another unit, the director screamed and berated me in front of his staff and then told me to stop taking it personally. His staff kept coming over to me and putting their arms around my shoulders stating “that’s just how he is”.
- A commander took me off of an email chain regarding a project I was managing and attempted to work with only male/sworn personnel.
- A male coworker made several inappropriate comments about my breastfeeding. It made me and others uncomfortable. When I brought it up to my supervisor, she told me to talk to him about the comments and stated she couldn’t do anything about it unless I made a formal complaint.
- I once asked officers to drop me off at the train station due to it being close to where we worked and me needing to go to the airport. None of the officers would take me due to them thinking the A-line was too dangerous for me to go on and would only drive me to the airport. I insisted that I had ridden the A-line many times with no issues, but no one would take me to the A-line station. I instead received a ride to the airport which took an hour longer than it would’ve on the train, simply because people were deciding what was best for me instead of making my own decision.
- A male, sworn colleague stated “at least you are nicer than other females I’ve dealt with”
- A male, sworn colleague told me I’m the first civilian he’s had to deal with.
- My performance review was all about my personality vs. any constructive feedback on my work product. My supervisor also referred to me as pushy.
- Sent my Commander an email a day before a meeting with what I was planning on saying during the meeting, essentially word for word. When the meeting occurred, I said what I wrote in the email. Right after, I received an email from my Commander saying we need to be on the same page for meetings and for me to not speak out of turn
- During a meeting where I was outlining the project scope for a project I was leading, a male colleague raised his voice and told me this was going to fail and I didn’t know what I was doing. His examples of what I was missing were in fact listed on the project scope. My supervisor did not intervene and didn’t point out my colleague’s misinterpretation of the project scope.
- I was in a meeting where I was the only female. At one point, the Commander in the meeting asked me if I was taking notes not once, but twice, as I was clearly writing things down. He asked it in front of everyone and it made me feel very stupid and embarrassed
- I had to cover a meeting for a male sworn colleague because he and our supervisor were going to lunch.
- A sworn member was attending a leadership conference and I expressed interest in attending as well but I had been denied. He suggested that I instead come for the weekend to “show him around town”
- When a female civilian was going to move to a new position, people within the unit wanted her to have her own office instead of a cubicle so she wouldn’t hear the comments and they didn’t have to watch what they say. The position had been occupied by males previously and it had never been discussed moving them to an office.

Overt Sexual Harassment: Behaviors that would be considered sexual harassment under City and County of Denver Code of Conduct

- My Sgt. regularly caresses and plays with my hair and rubs my back. He has also grabbed my leg multiple times when we are sitting next to each other. This often happens in the presence of my Lt. and other Detectives.
- My Sgt. came up behind me and put his hands around me neck and pretended to choke me. He thought it was funny. Once he removed his hands, I placed mine next to my neck on instinct due to a trauma related reaction. He is aware of this trauma. He told me to chill out and put my hands down. It was just a joke.
- After presenting to a large group of outside individuals, my manager pulled me aside into his office. I expected to hear I did well but instead was told that my top was too revealing per one of the attendees (the top was no different than many of my other coworkers). There were plenty of other people, to include my supervisor, who the manager could have asked to tell me this. When I asked several of my other coworkers and supervisor about the state of my dress, they were shocked this was brought up.
- My Sgt. cornered me in my office and screamed at me for roughly 30 minutes because he didn't like that I wasn't boycotting something. He berated me and told me that I was disrespecting the men who put their lives on the line. I asked him to leave my office. He refused and blocked the door, then he refused to allow me to leave and continued yelling in front of my Lt. And several Detectives.
- When discussing the inappropriate behavior of one of the managers and overt sexual harassment, I was told that it would show disloyalty to report this information to HR. I felt intimidated enough not to report it as I did fear retaliation.

Recommendations:

1. Intervene and STOP inappropriate behavior.
 - a. Monitor the corrections to be sure the correction is followed.
 - b. Normalize accountability both in the moment and when conflict arises.
 - c. Supervisors who do not maintain an EEO compliant environment must be held accountable.
2. We should not be expected to adjust to poor behavior. Poor behavior should be corrected. Stop telling us to manage up. Supervisors must stop putting the burden of finding a solution to this problem on the people least empowered to solve it. The role of a supervisor should be to help in find solutions.
 - a. Keep records and provide path for civilian complaints so that issues are addressed.
 - b. Add training for all supervisors at the Academy on addressing systemic issues and how to maintain an appropriate work environment.
 - c. Consider an independent committee of female civilians to help review these types of complaints and be present in meetings and conversations that are about them.
 - d. Sworn vs civilian punishment needs to be more consistent. Punishment for sworn should also start reflecting the aggravating factor of an armed, sworn officer harassing an unarmed civilian.
 - e. Provide information for filing complaints when hired and make it easier to find and complete.
 - f. Assign representative to civilians when an IA or HR complaint is being investigated to help support, guide, and protect the complainant.
3. Address gender and civilian status based exclusion.
 - a. Edit 117.05 to include "civilian" as a protected group in regards to discrimination by sworn personnel.
 - b. Add a path for recourse regarding exclusion when women and civilians are intentionally left out of discussions regarding the projects and initiatives they are managing, or directly involved in.
4. Consider a new survey that specifically analyzes experiences of women based on location/rank/etc. in order to aide in reform and determine areas of concern.
5. Consider an additional meeting to discuss the extent of the problem within the department.

EXHIBIT 2

HAVARD

EEOC INQUIRY

NO. 541-2022-01748

OIM - Complaint and Commendation Form



Submission date: **23 April 2022, 12:04PM**

Receipt number: **843**

Related form version: **8**

Are you submitting a complaint or commendation? **Complaint**

How were you referred to this form? **Office of Independent Monitor website**

Personal Information

First name **Carla**

Middle name **D**

Last name **Havard**

Email **havard.carla@yahoo.com**

Phone type **Mobile**

Phone number **7208384657**

Phone type **Mobile**

Phone number

Street address **4446 Telluride Court**

Street address line 2

City **Denver**

State **Colorado**

Zip Code **80249**

Date of birth

Gender (optional) **Female**

Race (optional) **Black**

Language, if other than English **English**

Are you filing on behalf of another person? **Yes**

Incident Information

Date of incident 03/17/2022

Time of event (AM/PM) Approximately 3:30pm - 4:40pm

Location of incident 1331 Cherokee Street Denver, CO

Case or citation number

Were there any injuries? No

Name and/or badge number of officers(s) or physical description if identification is unknown. Commander Glenn West (202275)

Summarize your experience (Please describe the incident in as best detail as possible - Max. of 3000 characters)

Denver Police Department (DPD) officer Sgt. Carla D. Havard, a 24 year veteran of the DPD and President of the Denver Black Officer Police Officers Association (BOP), respectfully requests that the Office of the Independent Monitor (OIM) take note and investigate internal retaliation against herself and other officers who with a reasonable belief raise concerns regarding internal unlawful activity within the DPD. Sgt. Havard of the Citywide Impact Team, has repeatedly been commended by the community for her community service. However, since around 2019 and culminating in 2021, Sgt. Havard alleges that she has been pilloried with retaliatory actions by the DPD, including but not limited to, Commander Glenn West (202275) her direct supervisor. According to Sgt. Havard, the retaliation occurs at least once or twice a week. As Sgt. Havard considers herself a whistleblower, she intends to inform the OIM of this ongoing pattern and will speak with the OIM regarding both the alleged unlawful activity, including sexual harassment, excessive force, racial discrimination and the alleged retaliatory conduct. As Sgt. Havard is still on active duty with the DPS, she respectfully requests that her allegations are addressed in the most confidential manner possible.

Do you have any photos or videos? Please attach them here: (If your file size is larger than 5MB, please email the file to oim@denvergov.org)

Are you interested in mediating your complaint if it is eligible? Yes

If you are seeking an outcome, what kind of outcome are you seeking? (Max. of 3000 characters)

Witness first name

Witness middle name

Witness last name

Witness email

Witness phone type

Mobile

Witness phone number

EXHIBIT 3

HAVARD

EEOC INQUIRY

NO. 541-2022-01748



INTER-DEPARTMENT CORRESPONDENCE

TO: Sgt. Carla Havard 98025
FROM: Commander Glenn West 96022
DATE: February 15th, 2022
SUBJECT: Performance Improvement Plan

Issue

As you have been made aware from prior performance reviews and conversations over the years and recently, several concerns have been expressed about the manner of communication you frequently utilize with sworn and professional staff. Department of Safety personnel have described your behavior in interactions with them as being:

- Confrontational
- Alarming
- Aggressive
- Abusive
- Dismissive
- Demeaning
- Threatening

In speaking with three of the most recent personnel you have impacted in this way, and a number of others willing to share their experiences from past years, a noticeable pattern of leaving personnel with feelings of trepidation or anger has emerged. Most often, these persons have expressed feeling victimized through abusive verbal or written correspondence after making minor mistakes or oversights and feel as though they have no way of appeal, redemption, or recourse.

The most common reason personnel are citing for feeling they cannot come forward with concerns about your conduct is the perception of your close connections with the inner administration of the Denver Police Department, and your political connections externally. Personnel have also stated that they are reluctant to speak out or come forward because they fear being accused of harboring a racial or gender-based bias.

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Findings

Considering the aforementioned items of concern, I have come to the following conclusions:

1. You have demonstrated a pattern of being impatient and highly critical of peers, subordinates and professional staff within the Denver Police Department and the Department of Safety.
2. Your written and verbal communication with others has been interpreted as aggressive, intimidating, threatening, unprofessional and unconstrained.
3. Your written and verbal communication with others has openly portrayed the Denver Police Department, the Department of Safety, and its managers in a negative light.
4. The Impact of your written and verbal communication has caused strain on working relationships between yourself, individual employees, and different organizations under the umbrella of the Department of Safety.
5. Your behavior has fostered fear of retaliation for reporting in the Department of Safety.

The following DPD policies, Executive Orders and guidelines encompass why the aforementioned points are cause for concern in your behavior, but is not presented as an exhaustive list:

1. Denver Police Department Operations Manual Rule and Regulation 122.1 – Respect for Fellow Officers: Officers shall treat other members of the Department with the respect due to them as fellow officers.
2. Denver Police Department Operations Manual Rule and Regulation 122.2 – Abuse of Fellow Officers: Officers shall not be abusive toward a fellow officer, regardless of rank.
3. Denver Police Department Operations Manual Rule and Regulation 105 – Conduct Prejudicial
Officers shall not engage in conduct prejudicial to the good order and police discipline of the Department, or conduct unbecoming of an officer which:
 - a) May or may not specifically be set forth in Department rules and regulations or the Operations Manual.
 - b) Causes harm greater than would reasonably be expected to result, regardless of whether the misconduct is specifically set forth in Department rules and regulations or the Operations Manual.
4. Mayoral Executive Order #112 – Violence in the Workplace
Establishes policy and procedures to be followed by all employees of the City and County of Denver regarding reducing the risk of all forms of violence that impact the

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Mayoral Executive Order 112 prohibits (either off-duty incidents or incidents that occur in the employee's workplace):

- Physical violence, threatening behavior and verbal abuse including: workplace violence, domestic violence, and family violence.

Examples of Prohibited conduct include:

- Comments or jokes that are perceived to be a threat of harm.
- Intimidating or threatening behavior, or encouraging others to threaten, intimidate or harm.
- Physical assault or vandalism
- Retaliation against a person who initiates a complaint about prohibited behavior.
- Any act of Family or Domestic Violence Resulting

Under Mayoral Executive Order #112, Violence is defined as, but not limited to:

- a) The actual or attempted: physical assault, beating, improper touching, striking, shoving, kicking, grabbing, stabbing, shooting, punching, pushing, rape, use of a deadly weapon; or
- b) The actual or attempted: threatening behavior, verbal abuse, intimidation, harassment, obscene telephone calls or communications through a computer system, swearing at or shouting or stalking.

5. Denver Police Department Operations Manual, Section 503, Performance
(4) Complaint and Intake Procedures –

2. Allegations by Officers: Any officer who has observed or otherwise learned of possible misconduct committed by another officer will report the same directly to a supervisor in the reporting officer's chain of command or to the IAB. Any officer who initiates an allegation will prepare an Inter Department Correspondence (DPD 200), outlining the allegations and/ or other reports as directed by a supervisor. The reporting officer will not communicate his or her allegation to any other agency, officer or individual without proper authorization in compliance with all OMS governing the same.

6. The Denver Police Department Strategic Plan
Taking Care of the People Who Take Care of the People

7. Denver Police Operations Manual, Section 117.05 (2):

Individuals who believe they are being subjected to prohibited discrimination, harassment, hostile work environment and/or retaliation, if comfortable, are encouraged to tell the offending employee that such behavior is offensive and should be

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If the individual does not feel comfortable and/or the offensive conduct continues, the individual should report this behavior to one of the individuals identified in A-D of this paragraph, below, immediately. All Department of Safety employees are required to promptly report potential violations of this policy so that appropriate actions may be taken.

Potential violations should be reported to any of the following: a. Any supervisor in the reporting employee's or offending employee's agency or work unit, inside or outside the chain of command; b. The Internal Affairs Bureau for the reporting employee's or offending employee's agency (available twenty-four hours per day, seven days per week); c. The Safety Employee Relations Specialist; and/or d. The Department of Safety, Human Resources Division.

It appears that you perceive some communications (or miscommunications), oversights, and mistakes to be a sign of disrespect, exclusion, discrimination, or lack of professionalism. We understand that when that occurs, the original Intent of your interactions with others has been to deliver clear and direct expression of your discontent with perceived disrespect, exclusion, discrimination and lack of professionalism. However, the Impact of your directly written and verbal communication to those affected has been upwardly confrontational to the point of being perceived as hostile and abusive in nature. To prevent any further perceptions or accusations of unprofessionalism, fear, intimidation, threats, verbal abuse, aggressive or hostile behavior, or the erosion of professional working relationships, I am issuing the following Performance Development Plan on your part:

Plan

It is important you demonstrate the ability to recognize and abide by the organizational guidelines put in place to prevent fostering an environment in which employees take matters into their own hands by admonishing, disciplining, or retaliating against others for any real or perceived mistake, oversight, misconduct or unprofessionalism. Thus, the goal of this plan is to lessen the likelihood that communications between yourself and other employees will result in accusations of any of the aforementioned behaviors.

In future interactions where either you witness, or become aware of by any manner, a real or perceived miscommunication, oversight, mistake, act of disrespect, exclusion, lack of professionalism or misconduct directed towards you or that affects you, you are directed to report the incident directly to an immediate supervisor at a lieutenant's rank or above in the officer's chain of command, or your direct chain of command, or to the IAB. If the person in question is a professional staff employee i.e. civilian, you may also report the incident to a professional staff manager in that person's chain of command.

If you believe that the offensive conduct in question constitutes discrimination, harassment, hostile work environment and/or retaliation, you are directed to follow the procedures set forth in

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When you are directed to tell the offending party that their behavior is offensive, you are directed to do so in a calm, professional, non-confrontational manner.

Further, you are required to check in with your immediate supervisor at least twice per week in-person, or as further directed for a continuous period of four months, or until instructed otherwise.

Projected Outcome

The purpose of this plan and the weekly meetings will be:

- To lessen the possibility of any disciplinary or legal actions that might stem from miscommunications.
- To offer you the opportunity to report any unprofessionalism, acts of exclusion, miscommunications, mistakes, oversights, misconduct, or discrimination you feel you are subjected to.
- To give your chain of command the opportunity to properly address any situation you feel is unfair, mistreatment or misconduct.
- To offer you resources, guidance, and assistance in any situation where you might feel impatient, or angry about a situation or interaction.
- To ensure a safe, respectful, and professional work environment for everyone.
- To foster a forgiving, cooperative, stress-free, and healthy work environment for everyone.
- To seek your input on how I can better suit your needs as your supervisor.
- To monitor the progress of this plan and adjust the plan as needed.

This plan is scheduled to be in effect from **March 17th**, 2022 to **June 17th**, 2022. It is intended to be non-disciplinary in nature and will be administered with the expectation that it will provide opportunities for growth toward better communication and professionalism on all sides. If it is determined that more time, resources, or training would benefit the outcome of this plan, you will be notified of any additional adjustments. Your feedback and input are greatly appreciated and necessary to ensure the success of this plan, and that individual and agency goals are met.

Respectfully,

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Commander Glenn West 96022

Glenn West | Commander

Shared Leadership for Institutional Diversity and Equity

Denver Police Department | City and County of Denver

1331 Cherokee St, Denver CO 80204

glenn.west@denvergov.org

720.913.6535 Phone



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