



MEDIA RELEASE

Pocomoke City Commits to Consent Decree, Damages to Black Officers in Partial Settlement of Federal Lawsuit

Fight for Justice Will Continue for Lead Plaintiff Who Endured Rampant Racial Harassment and Retaliation by Pocomoke, Worcester County and State Officials

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Pocomoke City, MD—In an important step aimed at preventing race discrimination and retaliation in the Pocomoke City Police Department (PCPD), two Black police officers have accepted offers to resolve their part of a long-running federal lawsuit challenging unlawful discriminatory conduct by officials in Pocomoke City, on Maryland's Eastern Shore. Pursuant to the offers, the Court will enter judgment against Pocomoke City on claims of race discrimination and retaliation that were brought by former PCPD Chief Kelvin Sewell and former Lieutenant Lynell Green. The parties will ask the Court to approve and enforce a Consent Decree mandating reform of race discrimination policies and procedures in the PCPD, as well as training for officers and leadership in the department. Sewell and Green will also recover significant financial relief for the mistreatment they endured, totaling \$650,000 in damages.

Equally significant, however, the case remains unresolved with respect to claims by PCPD Detective Franklin Savage, the case's lead plaintiff, and the United States Department of Justice,

which intervened in the case to independently challenge race discrimination and retaliation in the PCPD and Pocomoke City, as well as more broadly in Worcester County.

The three officers endured racial discrimination that included repeated use of racial slurs by law enforcement officers and Pocomoke City officials, circulation of a food stamp with President Obama superimposed on it, and work-day discussion of lynchings and the Ku Klux Klan's presence in the community. Chief Sewell was fired in July 2015 after he refused to terminate Detective Savage, who along with Lieutenant Green had filed discrimination complaints with the Equal Employment Opportunity Commission. Ultimately, both Detective Savage and Chief Sewell were unlawfully fired by local leadership.

All three officers and their legal team will continue to fight for justice for Detective Savage, who experienced egregious racial harassment and lost his job for defending himself and speaking out against the abuse.

"I loved my career in law enforcement, but it was taken away from me because I stood up for what was right," said Detective Franklin Savage. "Ultimately, it's the job of law enforcement to do the right thing and that's what I always try to do. We put our lives on the line every day. Now, I'm in a fight for justice, and I am determined to hold those who have done wrong to me and my coworkers accountable for their actions."

"It is our hope that by putting new policies and practices in place, others will be protected. No one should have to go through what we went through," said former PCPD Lieutenant Green. "This has been very hard. I'd never experienced anything like the discrimination in Pocomoke in my life. It ruined my career, and now I have to pick up the pieces and continue with my life."

Following Chief Sewell's firing in 2015, allegations of racial bias fixed attention on Pocomoke City, with widespread opposition from the community's residents and extensive local and national media coverage. Community members questioned the transparency and legality of Chief Sewell's termination, and held several rallies demanding his reinstatement. To this day, Chief Sewell remains popular among residents, who credit him with reducing Pocomoke City's crime rate and starting community-policing efforts that improved relations between the police and the Black community.

"I was proud of what I accomplished with foot patrols, getting officers to know all the residents, and having no homicides in five years. I didn't care about politics. I just wanted to keep everyone safe – Black and white," said former PCPD Chief Kelvin Sewell. "While the scars from this experience will never fade completely, I am hopeful that this Consent Decree will help protect both officers and the community in the future. Now I hope to move on with my own life, while also continuing to supporting Detective Savage in his ongoing fight."

In 2016, the Washington Lawyers' Committee for Civil Rights and Urban Affairs (WLC), the ACLU of Maryland, and Wiley Rein LLP, jointly filed suit on behalf of Savage, Sewell, and Green. The Consent Decree to be entered into will provide for important reforms of the PCPD's complaint

process for and investigation of racial discrimination, including discipline for officers engaged in harassment. The decree also requires thorough training for police and local government employees and officials, and will be enforceable by the federal judge overseeing the case.

“Today’s court filing marks an important step toward vindicating the rights of these three courageous men, who throughout this ordeal have showed themselves to be exactly the kind of police officers we all want to see in America, by standing up to racism and retaliation infecting law enforcement, despite steep personal costs,” said Deborah Jeon, Legal Director of the ACLU of Maryland. “Now, we look forward to turning the full force of our collective efforts to right the wrongs done to Detective Savage, who has had his life literally turned upside down by the defendants’ race discrimination and retaliation.”

“The extreme racial harassment and retaliation that these three officers experienced was unacceptable and unambiguously illegal,” said Dennis A. Corkery, Counsel at the Washington Lawyers’ Committee for Civil Rights and Urban Affairs. “This judgment reflects the seriousness of their claims. We are confident that Detective Savage will obtain similar justice as the case continues.”

“We are proud to be part of the team representing Detective Savage, Chief Sewell, and Lieutenant Green, whose tireless pursuit of justice over the past three years has been a source of inspiration throughout their local community and beyond,” said Theodore A. Howard, Wiley Rein’s full-time Pro Bono Partner. “Our efforts will continue, in partnership with the ACLU of Maryland and the WLC, as we seek additional remedies in this very important civil rights case.”

The plaintiffs are represented by Theodore Howard, Charles Lemley, Brian Walsh, Craig Smith, Kendra Norwood, Madeline Cohen, and Moshe Broder of Wiley Rein LLP; Dennis Corkery of the Washington Lawyers’ Committee; and Deborah Jeon and Sonia Kumar of the ACLU of Maryland.

Go to the ACLU of Maryland website to learn more about the case: <https://www.aclu-md.org/en/cases/savage-v-pocomoke-city>

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The ACLU of Maryland works to ensure that all people in the state of Maryland are free to think and speak as they choose and can lead their lives free from discrimination and unwarranted government intrusion. The organization is guided in its work by the United States Bill of Rights and the Maryland Declaration of Rights. The Maryland ACLU acts without partisanship to achieve these goals.

Founded in 1968, The Washington Lawyers’ Committee for Civil Rights and Urban Affairs works to create legal, economic and social equity through litigation, client and public education and public policy advocacy. While we fight discrimination against all people, we recognize the central role that current and historic race discrimination plays in sustaining inequity and

recognize the critical importance of identifying, exposing, combatting and dismantling the systems that sustain racial oppression. For more information, please visit www.washlaw.org or call 202.319.1000. Follow us on Twitter at @WashLaw4CR.

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